

**US Army Corps
of Engineers**
Philadelphia District

Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.	Date
CENAP-OP-R-2018-1029-96	March 13, 2019

Application No.	File No.
CENAP-OP-R-2018-1029-96	

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Delmarva Power and Light Company
Attn: Mr. Timothy Potts
401 Eagle Run Road
Newark, Delaware 19702

AGENT: Ten Bears Environmental Associates Co.
Attn: Dave Bailey
1080 S. Chapel Street, Suite 200
Newark, DE 19702

WATERWAY: Unnamed Tributary (UNT) to the Christina River

LOCATION: 401 Eagle Run Road, Newark, Delaware 19702
[39.546868° North; -74.256278° West]

ACTIVITY: The applicant proposes to enclose/pipe approximately 330 feet of an unnamed tributary to the Christina River in order to create a parking lot. Delmarva Power & Light is in the process of redeveloping and realigning their operations at the 401 Eagle Run Road site. This includes moving the existing employee parking lot on the west side of Eagle Run Road to the main site on the east side of Eagle Run Road. Currently, employees must park on the opposite side of Eagle Run Road from the office building and walk across the road to access the office building. Due to nearby redevelopment by others and recent improvements to Eagle Run Road making it a connector road to Christiana Mall, it is anticipated that increased traffic associated with these improvements will make it unsafe for pedestrians to cross the road. Therefore, the purpose of this project is to construct a 350-space parking lot within the central portion of the site by enclosing/piping the existing unnamed tributary on the site.

PURPOSE: The applicants stated purpose is to move the existing employee parking lot to the main property so that employees will no longer need to cross Eagle Run Road by foot.

AVOIDANCE/MINIMIZATION/COMPENSATION STATEMENT: On April 10, 2008, the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency published a *Final Rule on Compensatory Mitigation for the Losses of Aquatic Resources* (33 CFR 325 and 332 and 40 CFR 230). The rule took effect on June 9, 2008. In accordance with 33 CFR Part 325.1(d)(7) of the rule, the applicant has stated that the proposed project has been designed to avoid and minimize adverse effects to the aquatic environment to the maximum extent practicable. No additional compensatory mitigation for unavoidable impacts has been proposed at this time.

A preliminary review of this application indicates that the proposed work will not affect (NO EFFECT) NMFS listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination and consultation will be concluded prior to rendering a final decision. On March 4, 2019 the USFWS has stated that the project as proposed, is “not likely to adversely affect” USFWS listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify these determinations and consultation will be concluded prior to rendering a final decision.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the NOAA Fisheries on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary review of this application indicates that the project as proposed will result in no adverse effects to EFH because no EFH has been designated within the project area. The Philadelphia District will evaluate the potential effects of the proposed actions on EFH and will consult with NOAA Fisheries as appropriate. Consultation with NOAA Fisheries may also be required if the proposed action results in adverse impacts to other NOAA-trust resources, such as anadromous fish, shellfish, crustaceans, or their habitats as part of the Fish and Wildlife Coordination Act. Consultation will be concluded prior to the final decision on this permit application.

In accordance to the Philadelphia district's internal procedures to address any potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places, all permit actions will be forwarded through the Districts' Cultural Resource Specialist and Tribal Liaison prior to issuing a decision. A preliminary review of this application indicates that the project will have no potential to cause effects and coordination with the SHPO or the tribes will not be required. The permit area has been so extensively modified that little likelihood exists for the proposed project to impact a historic property.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production,

mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

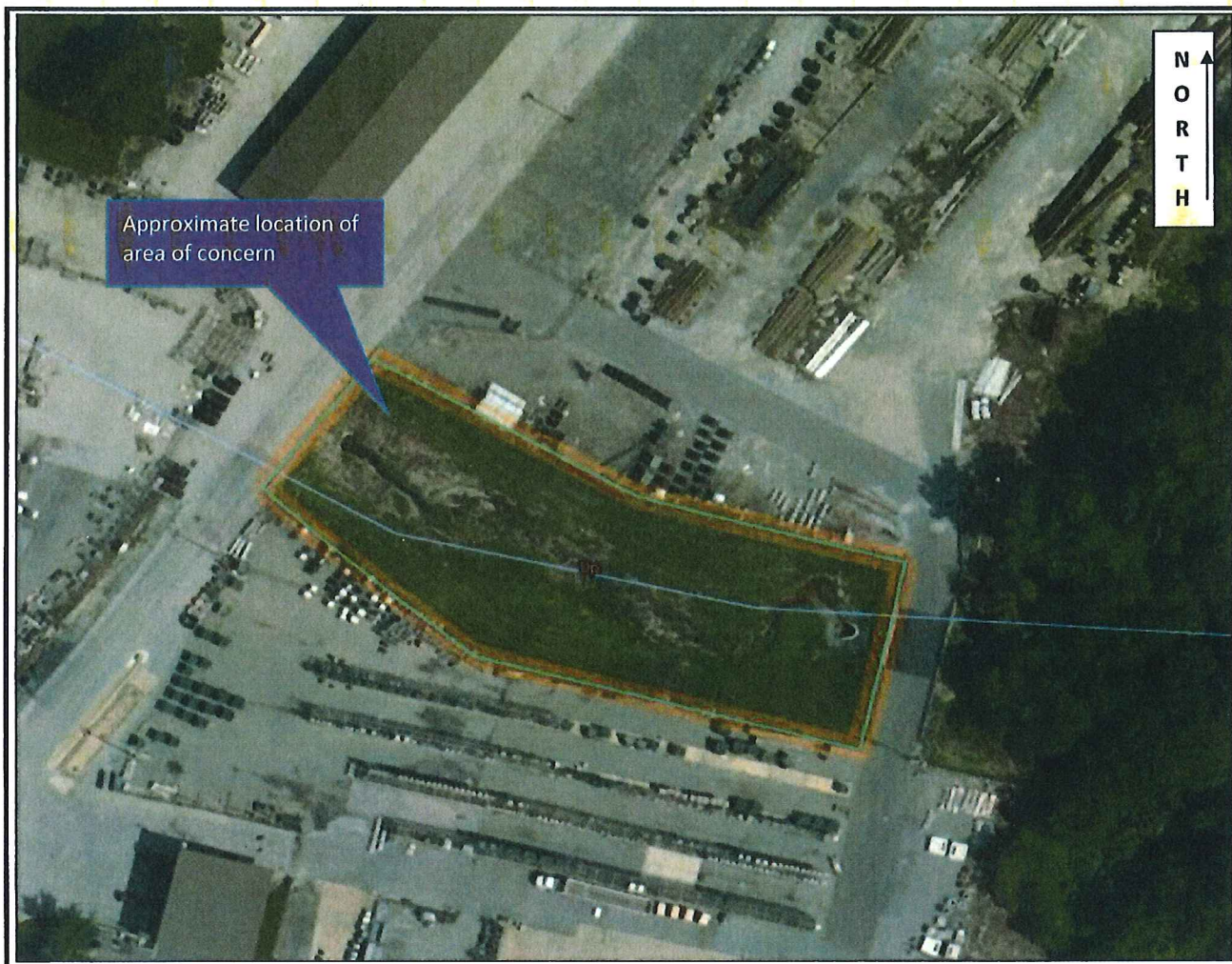
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Comments on the proposed work should be submitted, in writing, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Nikolas Tranchik at 215-656-5859, via email at nikolas.p.tranchik@usace.army.mil, or writing this office at the above address.

Edward Bonner
Chief, Regulatory Branch



This location sketch was adapted from the United States Department of Agriculture,
Natural Resource Conservation Service, Online Web Soil Survey (2016)



**Ten Bears
Environmental**

Ten Bears Environmental Assoc. Co.
1080 S. Chapel St., Suite 200
Newark, Delaware 19711
Phone: (302) 731-8633

FIGURE 2 - SOIL SURVEY MAP DP&L EAGLE RUN ROAD PROPERTY

401 EAGLE RUN ROAD
NEWARK, NEW CASTLE COUNTY, DELAWARE

DATE: 5/2/2018	JOB NUMBER: 18-1353.B
DRAWN BY: DPB	SCALE: Not to Scale
CHECKED BY:	FIGURE NO: 2
FILE NO: 18-1353.B-Fig	SHEET 1 OF 1



This location sketch was adapted from the United States Geological Survey,
Newark - East, Delaware Quadrangle (2014)



**Ten Bears
Environmental**

Ten Bears Environmental Assoc. Co.
1080 S. Chapel St., Suite 200
Newark, Delaware 19702
Phone: (302) 731-8633

Topographic Mapping DP&L EAGLE RUN ROAD PROPERTY

401 EAGLE RUN ROAD
Newark, New Castle County, Delaware

DATE: 5/2/2018	JOB NUMBER: 18-1353.B
DRAWN BY: DPB	SCALE: Not to Scale
CHECKED BY:	FIGURE NO: 3
FILE NO: 18-1353.B-Fig	SHEET 1 OF 1



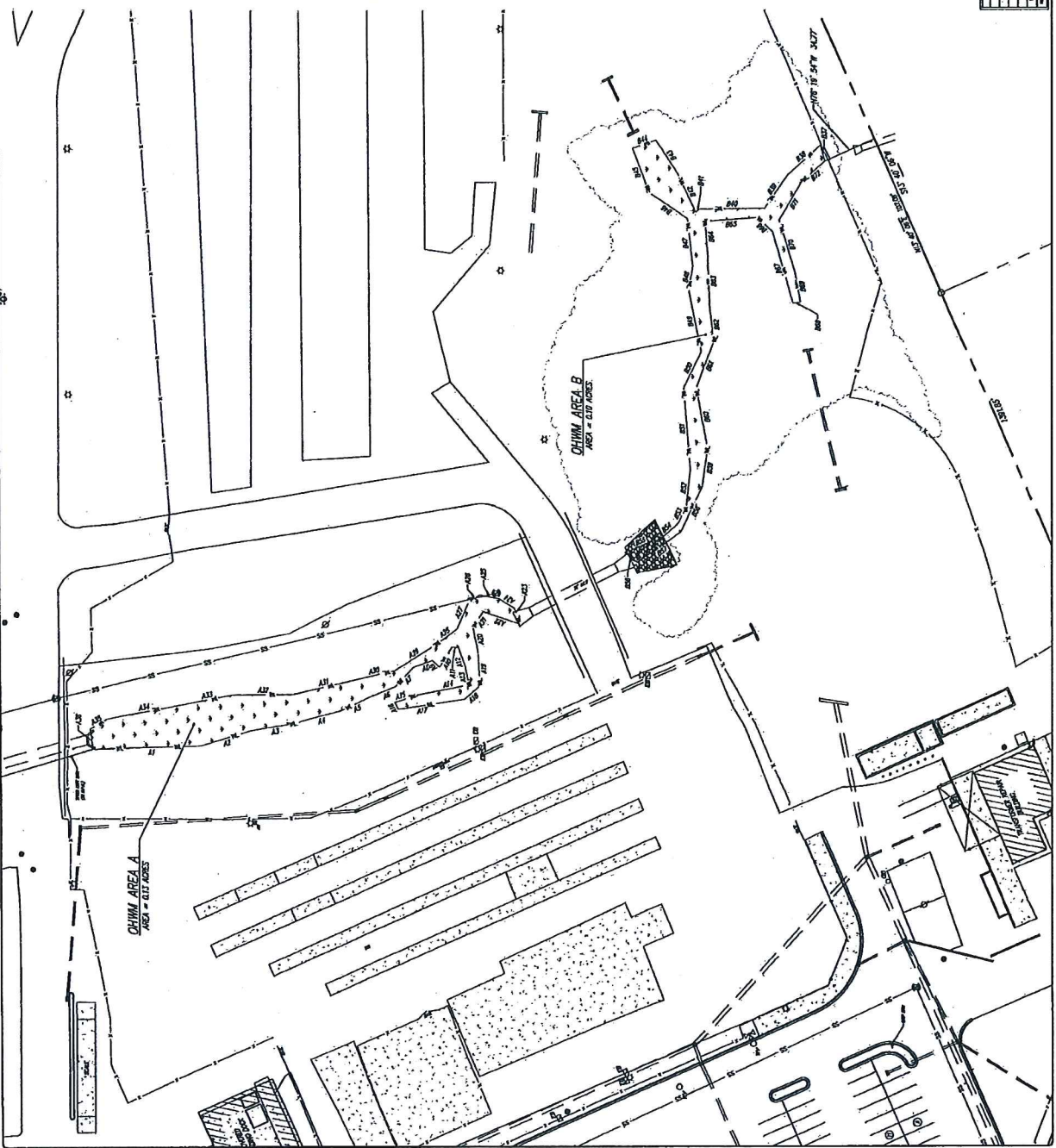


OHWM AREA A		
Line #	Length	Direction
A1	12.08	N85°19'50"E
A2	25.48	S52°25'20"E
A3	10.77	N17°40'53"E
A4	11.88	N62°27'47"W
A5	12.42	N41°30'28"W
A6	7.21	N77°15'48"W
A7	20.37	S61°20'28"W
A8	13.30	N65°13'40"W
A9	23.89	N64°20'53"W
A10	24.89	N62°24'53"W
A11	29.64	N52°53'40"W
A12	32.45	N42°28'40"W
A13	31.08	N42°41'02"W
A14	12.21	N62°20'17"W
A15	12.81	S59°30'40"W

OHWM AREA B		
Line #	Length	Direction
B1	33.03	S67°24'14"E
B2	31.87	N63°04'01"E
B3	24.75	N45°00'35"E
B4	26.42	S27°10'38"E
B5	32.08	S37°44'00"E
B6	20.88	S37°14'10"E
B7	33.33	N23°10'18"E
B8	24.45	N22°30'30"E
B9	13.79	S08°20'23"E
B10	42.53	S21°20'37"E
B11	5.01	S59°24'10"E
B12	15.21	N45°48'43"E
B13	34.08	N07°12'45"E
B14	27.48	N08°31'47"E
B15	21.14	N04°33'19"E

OHWM AREA A		
Line #	Length	Direction
A1	10.88	S52°55'30"E
A2	34.88	S52°02'54"E
A3	24.52	S61°37'02"E
A4	32.63	S57°01'31"E
A5	20.77	S77°12'10"E
A6	18.28	S74°10'14"E
A7	18.08	N02°30'17"E
A8	12.64	S71°44'10"E
A9	6.44	S11°17'30"E
A10	14.89	N08°25'46"E
A11	1.54	S48°50'02"E
A12	12.32	S17°41'01"W
A13	14.53	S25°15'21"W
A14	23.72	N07°08'05"W
A15	16.10	N07°14'30"W
A16	4.68	S9°54'20"W
A17	43.55	S57°50'08"E
A18	13.03	N07°37'58"E
A19	21.13	N27°53'34"E
A20	15.84	N07°30'53"E

OHWM AREA B		
Line #	Length	Direction
B1	10.47	N07°50'24"E
B2	24.81	S06°25'37"W
B3	25.53	S77°32'10"W
B4	42.25	N37°07'10"W
B5	3.01	S37°41'52"W
B6	25.84	N11°58'50"E
B7	26.83	N4°14'05"E
B8	13.86	N07°48'27"W
B9	30.72	S37°09'05"W
B10	28.03	S18°24'27"E
B11	30.84	S30°51'00"W
B12	14.28	S40°37'00"W
B13	41.42	S28°08'37"W
B14	28.27	N63°27'16"W
B15	23.37	S37°30'05"W
B16	24.14	S44°11'33"W
B17	11.88	S44°22'00"W
B18	14.88	S37°18'30"W
B19	24.58	N17°45'00"W
B20	10.27	S15°56'54"E

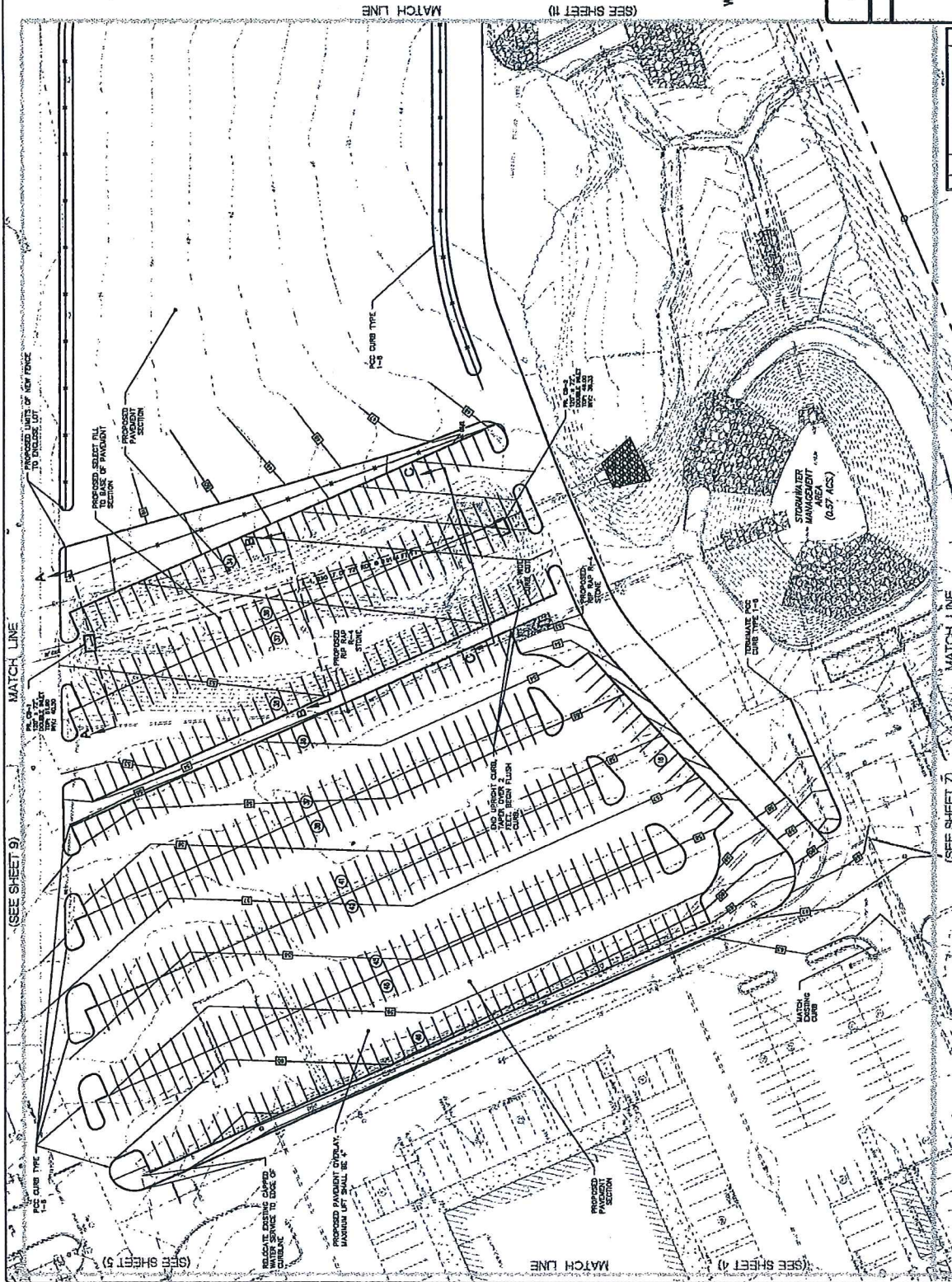


WETLANDS PLAN
DELMARVA POWER & LIGHT
EAGLE RUN ROAD
WHITE CLAY CREEK HUNTERS - NEW CASTLE COUNTY - DELAWARE

APEX ENGINEERING INCORPORATED
10172016WETLANDS02

DATE: 5/11/2018
SCALE: 1" = 30'
PROJECT NO: 2
SHEET NO: 3
OF: 3
DRAWN BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

DATE	BY	REVISION



(SEE SHEET 9)

(SEE SHEET 5)

(SEE SHEET 4)

(SEE SHEET 1)

WETLANDS AND SUBSEQUENT LANDS EXHIBIT
GRADING
DELMARVA POWER &
LIGHT COMPANY

EAGLE RUN ROAD
WHITE CLAY CREEK HUNTERS - NEW CASTLE COUNTY - DELAWARE

APEX
ENGINEERING
INCORPORATED
10172016F.LOT-CD-STREAM

PROJECT NO.	10172016
DATE	10/26/2016
DESIGNED BY	JLS/7/4
CHECKED BY	7/4
DATE	10/26/2016
PROJECT NO.	10172016
DATE	10/26/2016

[illegible][illegible]

- CONSTRUCTION NOTES:**
1. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO THAT SET OUT

2. ALL CONTRACTS MUST BE DRAFTED, NEGOTIATED AND SIGNED BY THE CONTRACTOR'S ATTORNEY OR A PERSON AUTHORIZED BY THE CONTRACTOR'S ATTORNEY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAFTING OF THE CONTRACT AND SHALL BE HELD LIABLE FOR THE SAME.

[illegible]

- NOCC SEDIMENT AND STORMWATER GENERAL

1. RESEARCH INDICATES THAT THE USE OF THE NEW TECHNOLOGY IS NOT AS WIDELY ADOPTED AS EXPECTED.
2. THE REASON FOR THIS IS THAT THE NEW TECHNOLOGY IS NOT AS WIDELY ADOPTED AS EXPECTED.
3. THE REASON FOR THIS IS THAT THE NEW TECHNOLOGY IS NOT AS WIDELY ADOPTED AS EXPECTED.
4. THE REASON FOR THIS IS THAT THE NEW TECHNOLOGY IS NOT AS WIDELY ADOPTED AS EXPECTED.
5. THE REASON FOR THIS IS THAT THE NEW TECHNOLOGY IS NOT AS WIDELY ADOPTED AS EXPECTED.
6. THE REASON FOR THIS IS THAT THE NEW TECHNOLOGY IS NOT AS WIDELY ADOPTED AS EXPECTED.
7. THE REASON FOR THIS IS THAT THE NEW TECHNOLOGY IS NOT AS WIDELY ADOPTED AS EXPECTED.
8. THE REASON FOR THIS IS THAT THE NEW TECHNOLOGY IS NOT AS WIDELY ADOPTED AS EXPECTED.
9. THE REASON FOR THIS IS THAT THE NEW TECHNOLOGY IS NOT AS WIDELY ADOPTED AS EXPECTED.
10. THE REASON FOR THIS IS THAT THE NEW TECHNOLOGY IS NOT AS WIDELY ADOPTED AS EXPECTED.

NOTE: 2000



APEX ENGINEERING
INCORPORATED

[illegible]