



**US Army Corps  
of Engineers**  
Philadelphia District  
100 South Independence Mall West  
Philadelphia, PA 19106  
Attn: CENAP-OPR

# Public Notice

**Comment Period Begins:** February 2, 2023  
**Comment Period Ends:** February 17, 2023  
**File Number:** NAP-2019-00194-85  
**File Name:** Ruddertowne Dewey Beach SX  
**Contact:** Michael D. Yost  
**Email:** michael.d.yost@usace.army.mil

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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:** M. William Lower, Dewey Beach Enterprises

**AGENT:** Dr. Evelyn M. Maurmeyer, Coastal & Estuarine Research, Incorporated

**LOCATION:** The activity is located in Rehoboth Bay, at the Dewey Beach bayside public beach at Lighthouse cove in Dewey Beach, Sussex County, Delaware (38.68933/-75.07616).

**PURPOSE:** Maintain a public recreational beach.

## **PROJECT DESCRIPTION:**

The activity includes the placement of approximately 1,300 cubic yards of sand along 0.53 acre of the shoreline. The sand will be sourced from an upland borrow site that is compatible with the beach and brought in via truck. The sand will be spread via front-end loader to meet the design template. Beach nourishment activities at this site has previously occurred in 2013, 2015, 2019 and 2022.

For additional project details, see the attached plans identified as: SAND RENOURISHMENT EXHIBIT PREPARED FOR RUDDERTOWNE REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE, dated December 9, 2022, prepared by McBride & Ziegler, Incorporated, 2 sheets. Additional figures are included.

## **MITIGATION**

The applicant has stated that the proposed project has been designed to avoid and minimize adverse effects on the aquatic environment to the maximum extent practicable. Information provided in the application and on the plans indicates that compensatory mitigation is neither practicable nor feasible for the amount of dredged or fill material to be discharged into waters of the United States.

## **CORPS EVALUATION FACTORS**

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 these factors 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.

The evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency if the project includes a discharge of dredge or fill material pursuant to Section 404 of the Clean Water Act.

## **ENDANGERED SPECIES**

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act (ESA). As a result, consultation with the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) pursuant to Section 7 of the ESA is not necessary. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

## **CULTURAL RESOURCES AND TRIBAL TRUST**

The District's Cultural Resource Specialist and Tribal Liaison is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places and for potential issues concerning the Tribes. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties as necessary.

## **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) for 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 EFH is present within the project area. This office will evaluate the potential effects of the proposed actions on EFH and will consult with NMFS, as appropriate. Consultation would be concluded prior to the final decision on this permit application.

## **WATER QUALITY CERTIFICATE**

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate (WQC) is required 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.

## **COASTAL ZONE MANAGEMENT ACT**

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 (CZM) 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 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 on the State's coastal zone should be sent to this office with a copy to the State's CZM office.

## **SUBMISSION OF COMMENTS AND PUBLIC HEARING REQUEST**

Any comments received will be considered by this office to determine whether to issue, modify, condition, or deny a permit for this proposed project. To make this decision, comments are used to assess the probable impact on the public interest. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work must be submitted, in writing, within the comment period indicated in the header above. Any person may request, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing must be in writing and state the reasons for holding a public hearing.

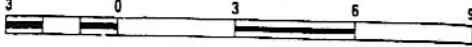
Please provide any comments, request for a public hearing, or requests for additional information to the Regulatory Project Manager indicated above. All Public Notices are posted on our website at:

<https://www.nap.usace.army.mil/Missions/Regulatory/Public-Notices/>

FOR: Todd A. Schaible  
Chief, Regulatory Branch

# SUSSEX COUNTY, DE

SCALE IN MILES



EXIT NO. [ ] EXIT [ ]

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## PROPOSED 1,300 C.Y. BEACH RENOURISHMENT

AT: Dewey Bayside Public Beach at Lighthouse Cove  
Adjacent to Rehoboth Bay between Dickinson St. & Van Dyke Ave.  
Dewey Beach, Sussex County, DE 19971  
(Tax Map Parcel #3-34-23.06-1.00)

APPLICANT: Dewey Beach Enterprises, Inc.

DATE: December 27, 2022

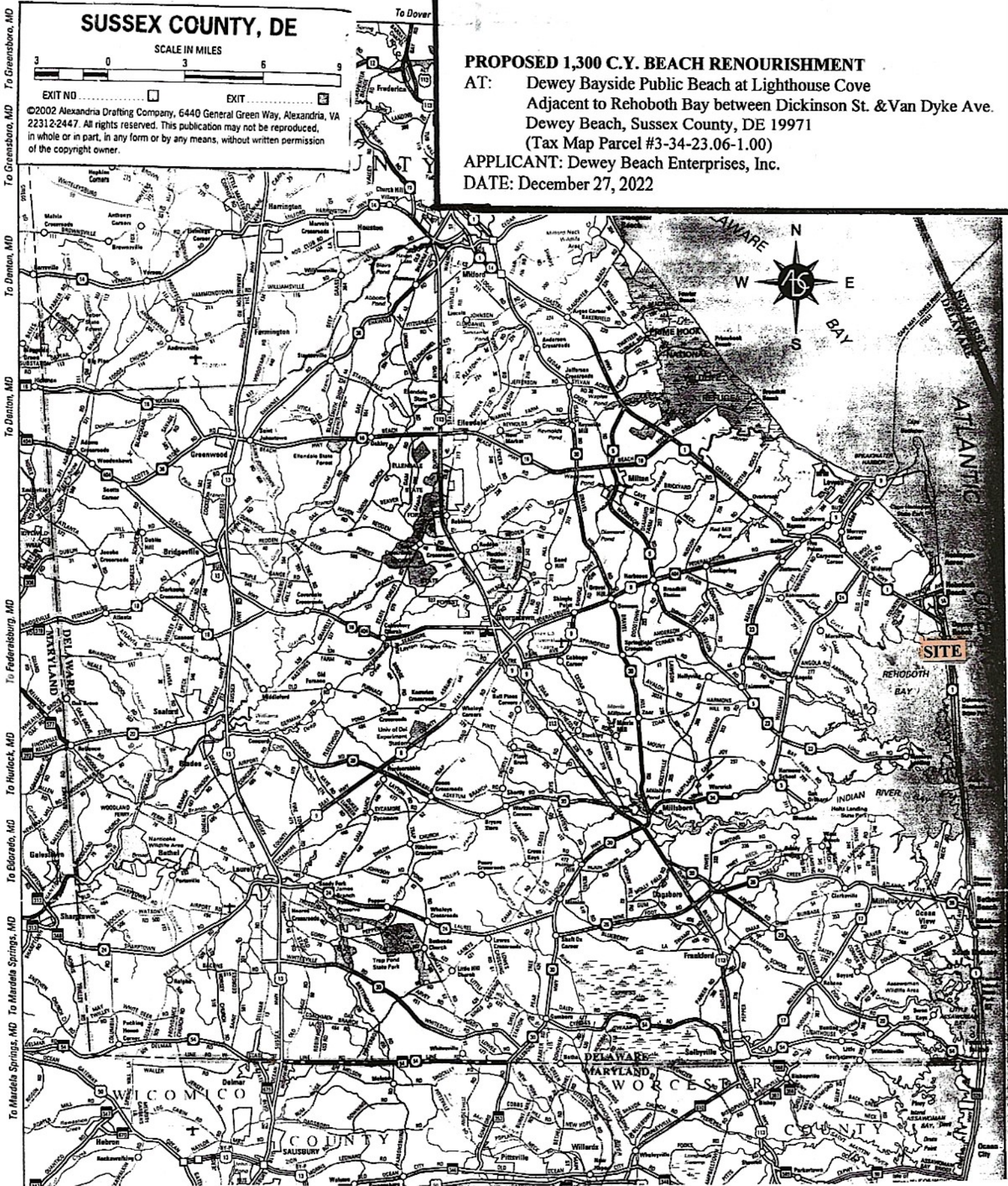


Figure 1. Map of Sussex County, Delaware showing site location, Dewey Beach.

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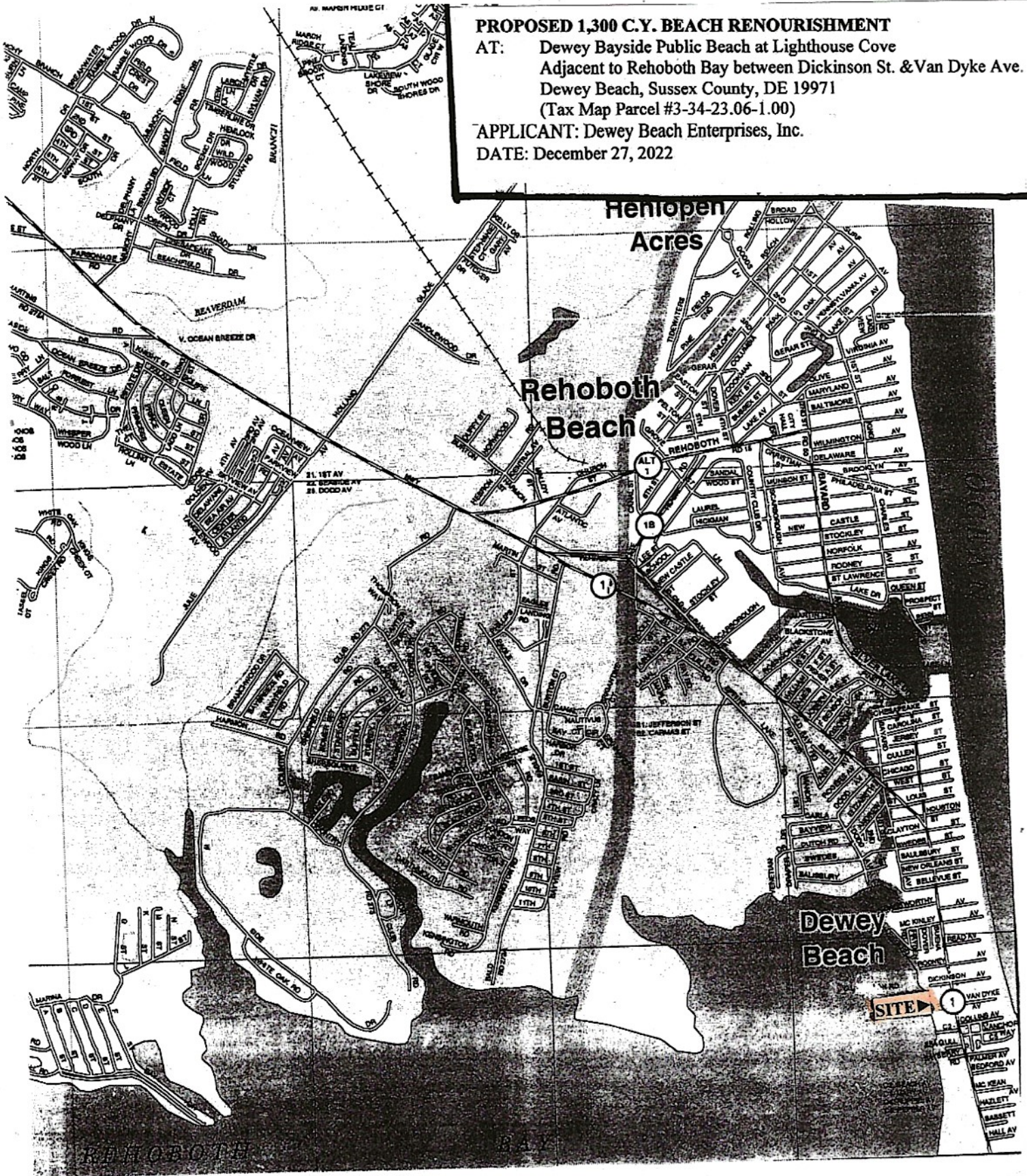


Figure 2. Map of Dewey Beach, Sussex County, showing site location, Dewey Bayside Public Beach at Lighthouse Cove, Rehoboth Bay shoreline between Dickinson Avenue and Van Dyke Avenue.

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Sussex County Mapping

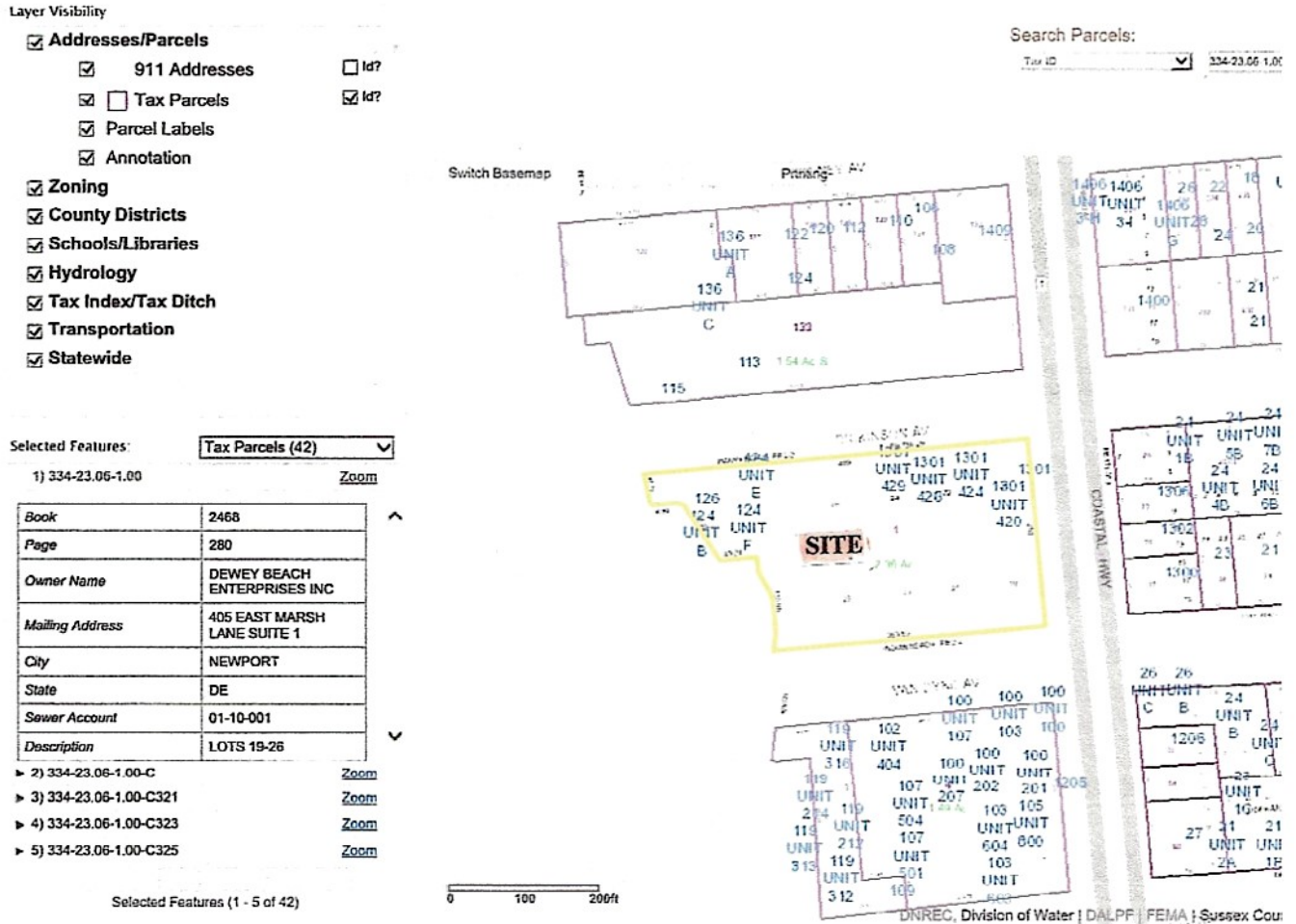


Figure 3. Site location, Tax Map Parcel #3-34-23.06-1.00 (Dewey Beach Enterprises, owner).

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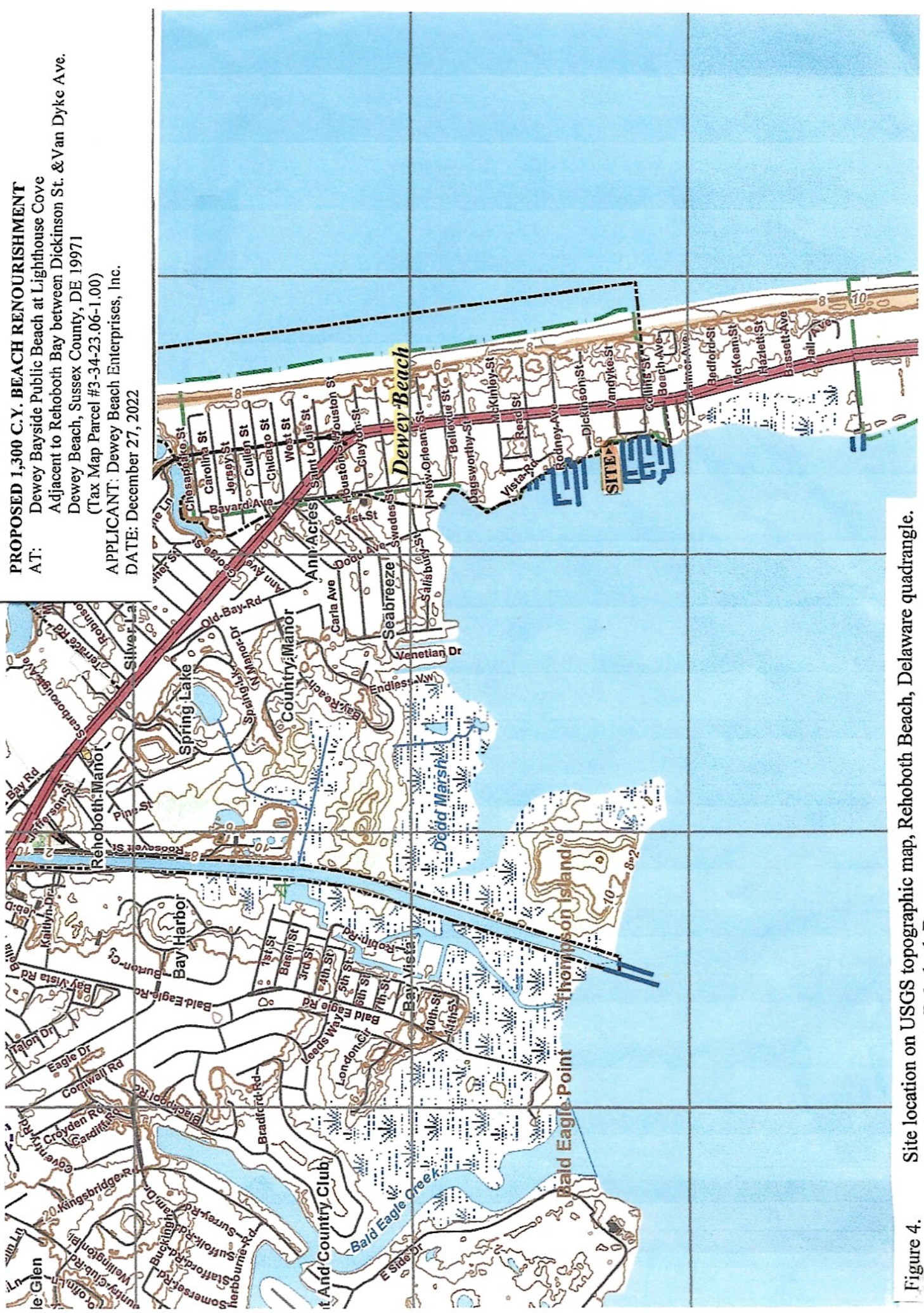


Figure 4. Site location on USGS topographic map, Rehoboth Beach, Delaware quadrangle. Site is adjacent to Rehoboth Bay.

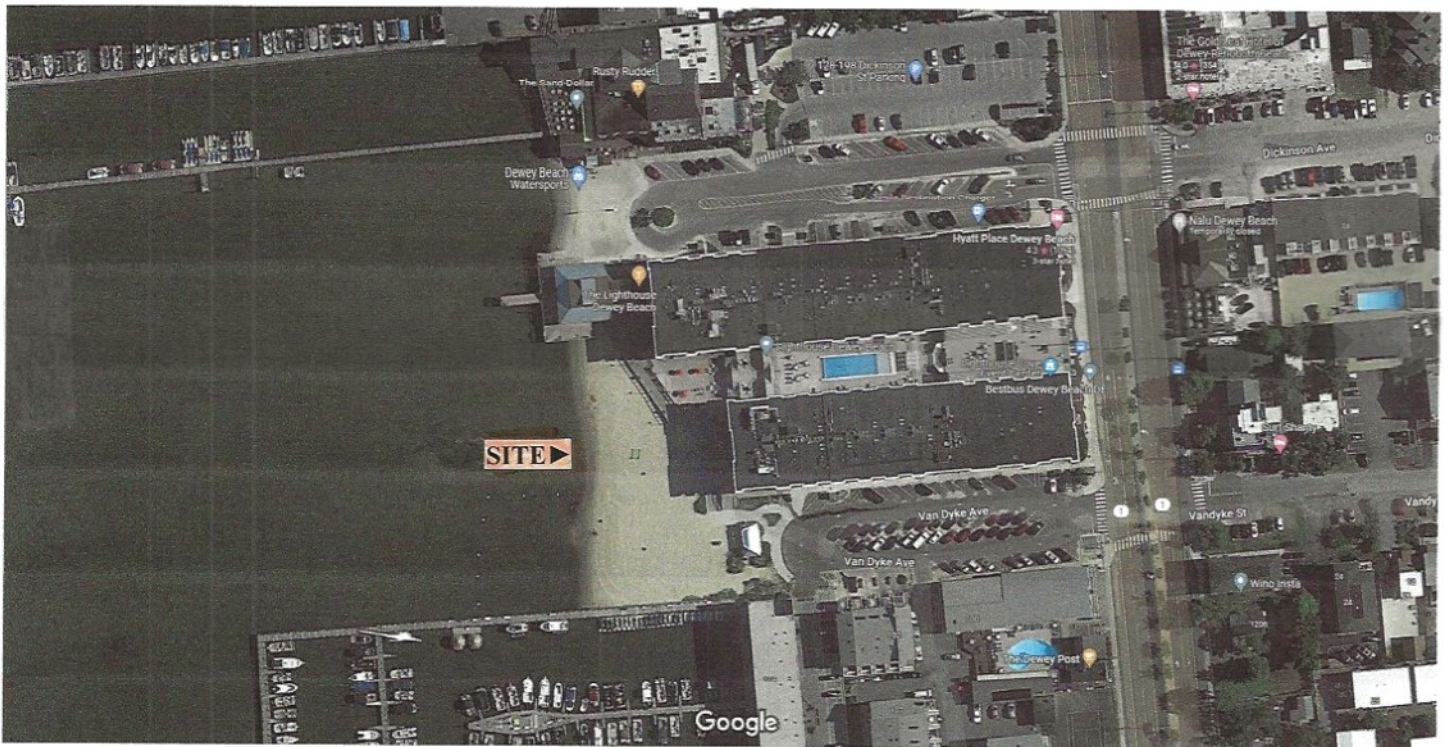
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Google Maps



Imagery ©2022 CNES / Airbus, Maxar Technologies, U.S. Geological Survey, Map data ©2022 Google 50 ft

Figure 5. Aerial photograph of site, Dewey Bayside Public Beach at Lighthouse Cove, Rehoboth Bay shoreline between Dickinson Avenue and Van Dyke Avenue, Dewey Beach, Sussex County, Delaware. Scale: 1" = 2,000'



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Figure 6. Ground-level photograph of site, Dewey Bayside Public Beach at Lighthouse Cove (2022). View toward north.

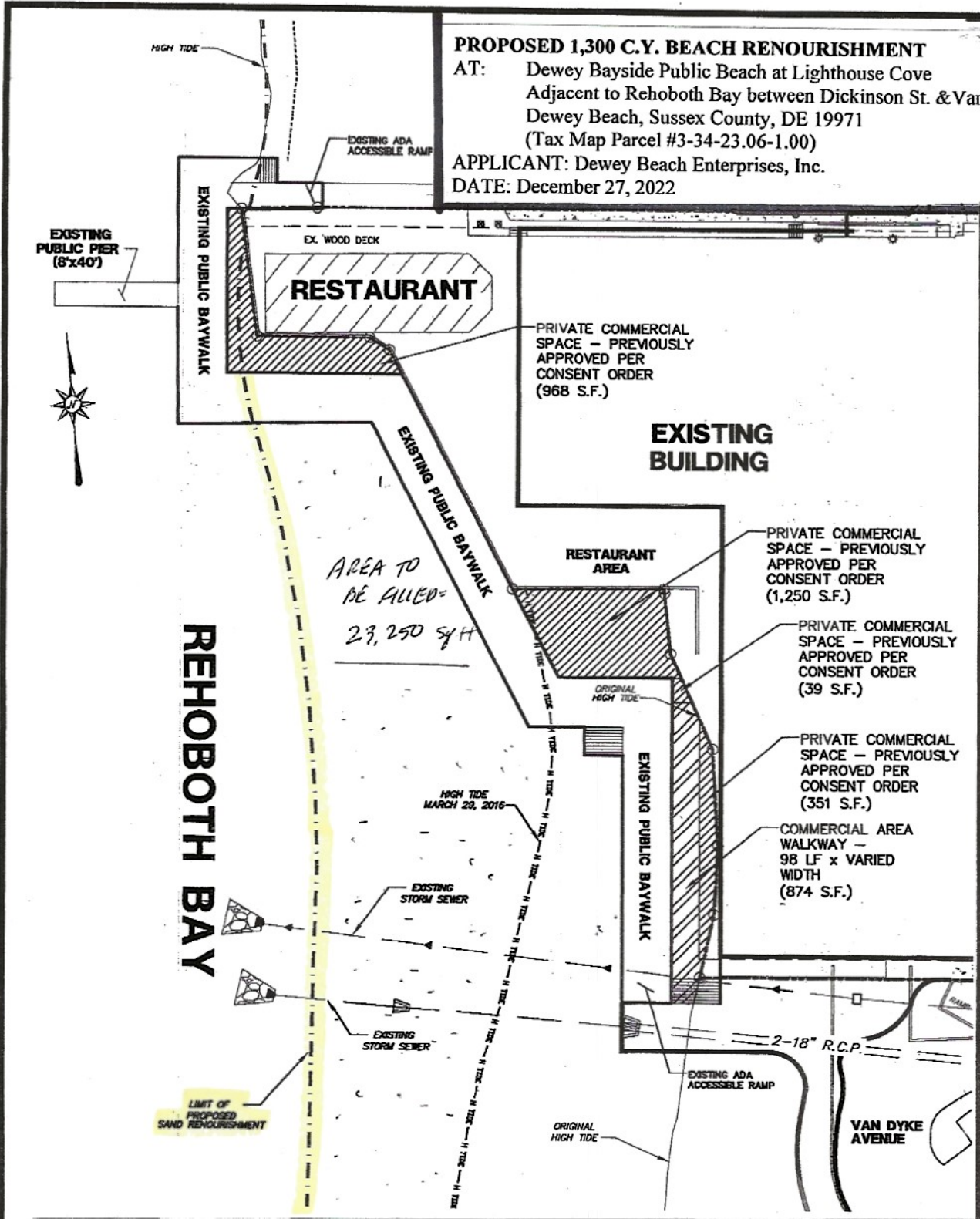


Figure 7. Plan view of proposed project (prepared by McBride & Ziegler, Inc.).

**SAND RENOURISHMENT EXHIBIT**  
 PREPARED FOR  
**RUDDERTOWNE**  
 REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

<b>M &amp; Z</b>	<b>McBRIDE &amp; ZIEGLER, INC.</b>	
	LAND SURVEYORS PLANNERS ENGINEERS	
	2007 EASTBURN CENTER, NEWARK, DELAWARE 19711	
	PHONE (302) 737-9135 FAX (302) 737-2610	
	SURVEY BY: . . . . .	
DESIGN BY: . . . . .	CHECKED BY: M.Z.	SCALE: 1"=30'
DRAWN BY: CRC	DATE: DECEMBER 9, 2022	
DWG. NO.: 20074313 -	SHEET 1 OF 2	

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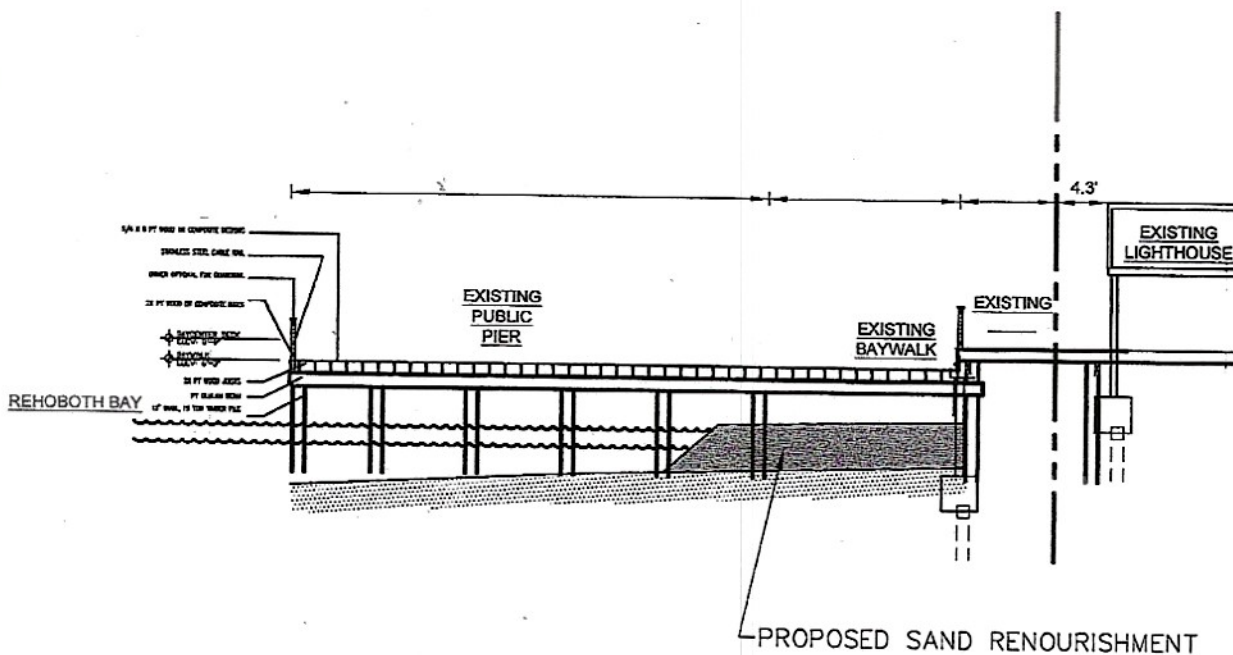


Figure 8. Cross-section of proposed project (prepared by McBride & Ziegler, Inc.).

SAND RENOURISHMENT EXHIBIT  
 PREPARED FOR

**RUDDERTOWNE**

REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

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	PHONE (302) 737-9130 FAX (302) 737-2610	
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DESIGN BY: . . . . . SCALE: N.T.S.		
DRAWN BY: CRC . . . . . DATE: DECEMBER 9, 2022		
DWG. NO. : 20074313 - . . . . . SHEET 2 OF 2		