



**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. CENAP-OPR-2020-617	Date 09 September 2020
Application No. CENAP-OPR-2020-617	File No. CENAP-OPR-2020-617-85
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: Charles Shelton

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

WATERWAY: Lewes and Rehoboth Canal

LOCATION: Northeast of Pilottown Road and New Road intersection Lewes, Sussex County, Delaware
Tax Map Parcel 3-35-4.18-85.05
(Lat. 38.780989°N/Long. 75.151163°W).

ACTIVITY: The applicant, has applied for a 10-year maintenance dredging permit. The applicant proposes to conduct hydraulic dredging of approximately 200 cubic yards of accumulated sediment to a depth of -5' MLW at a private boat dock within the Lewes and Rehoboth Canal northeast of the intersection of Pilottown Road and New Road in Lewes, Sussex County, Delaware. The dredged material will be hydraulically pumped to an existing confined upland disposal site located at the western end of Anglers Road. The dredge area and disposal site are indicated on the attached plans identified as E-1 through E-5.

PURPOSE: The purpose of the project is to restore navigable depths for applicant's vessels.

A preliminary review of this application indicates that species listed under the Endangered Species Act or their critical habitat pursuant to Section 7 of the ESA as amended, may be present in the action area. The Philadelphia District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with the NOAA Fisheries and/or the US Fish and Wildlife Service as appropriate. ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

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 EFH is present 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 will be concluded prior to the final decision on this permit application.

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.

Comments on the proposed work should be submitted within 15 days via email to PhiladelphiaDistrictRegulatory@usace.army.mil, or to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

The USACE Cultural Resource Specialist has determined that the proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impact a historic property.

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.

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 Michael Yost at (267) 240-5278, by email at michael.d.yost@usace.army.mil, or by writing this office at the above address.

Todd A. Schaible
Chief, Regulatory Branch

PROPOSED 200 C.Y. NEW HYDRAULIC DREDGING TO -5' MLW

IN: Lewes and Rehoboth Canal
 AT: Pilottown Road at New Road
 Lewes, Sussex County, DE 19958
 Map Parcel #3-35-4.18-85.05

APPLICANT: Charles A. Shelton
 DATE: August 14, 2020

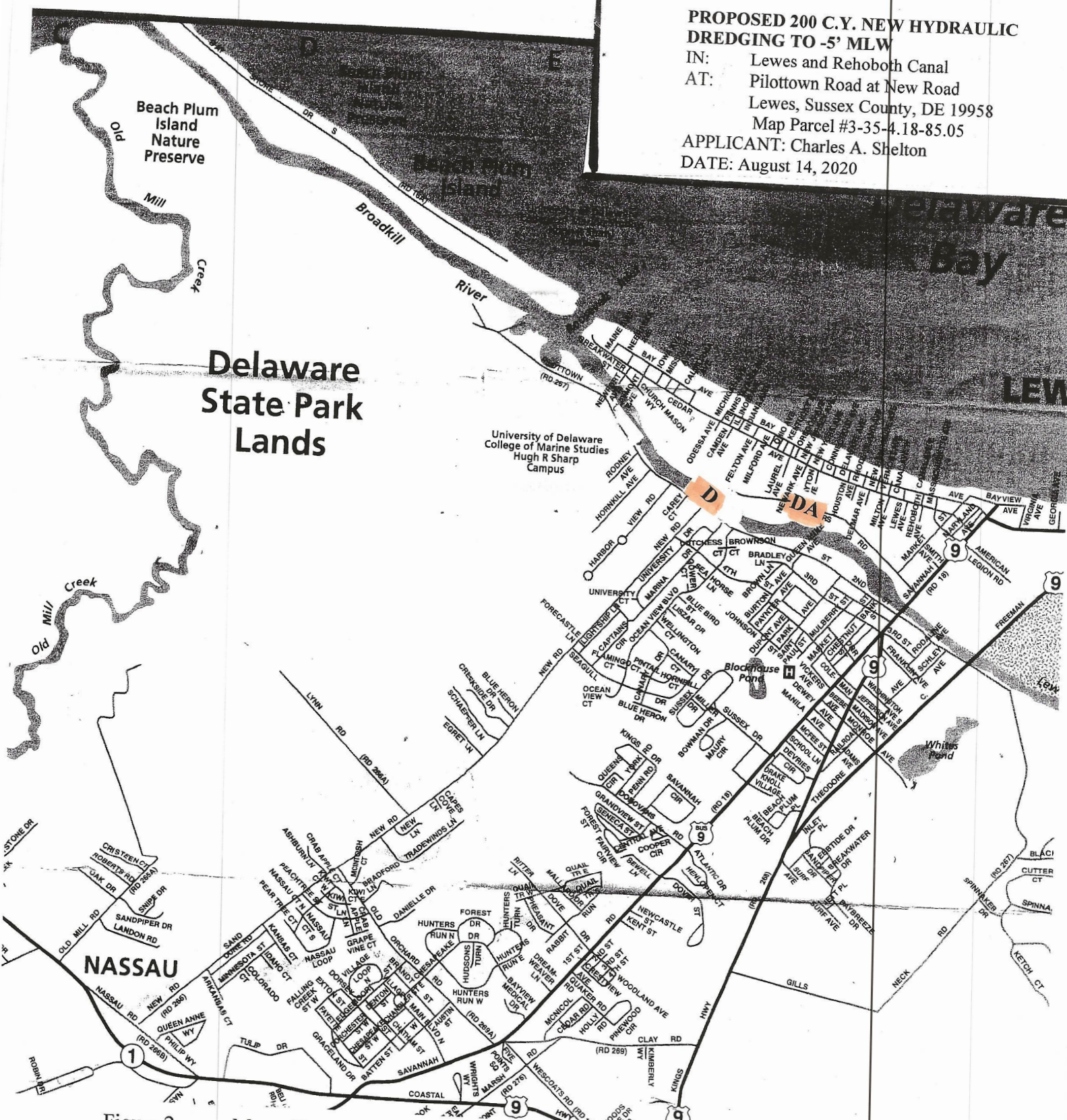


Figure 2.

Map of Lewes, Sussex County, Delaware, showing location of dredging site (D), **Pilottown Road at New Road**. Directions (from Dover, Delaware): SR 1 southbound toward Lewes; stay in left lane at Nassau and make a left turn (crossing northbound lanes), then a right onto Nassau Road; left onto New Road to end at Pilottown Road. Site is on corner of New Road and Pilottown Road, vacant parcel with pier present, adjacent to Lewes and Rehoboth Canal. (Also see Figure 3). Directions to disposal area (DA): Continue eastbound on Pilottown Road; left at traffic light onto Savannah Road; cross Lewes and Rehoboth Canal drawbridge; left onto Cedar Street; left onto Newark Avenue to end. Disposal site is across wooded berm at end of street

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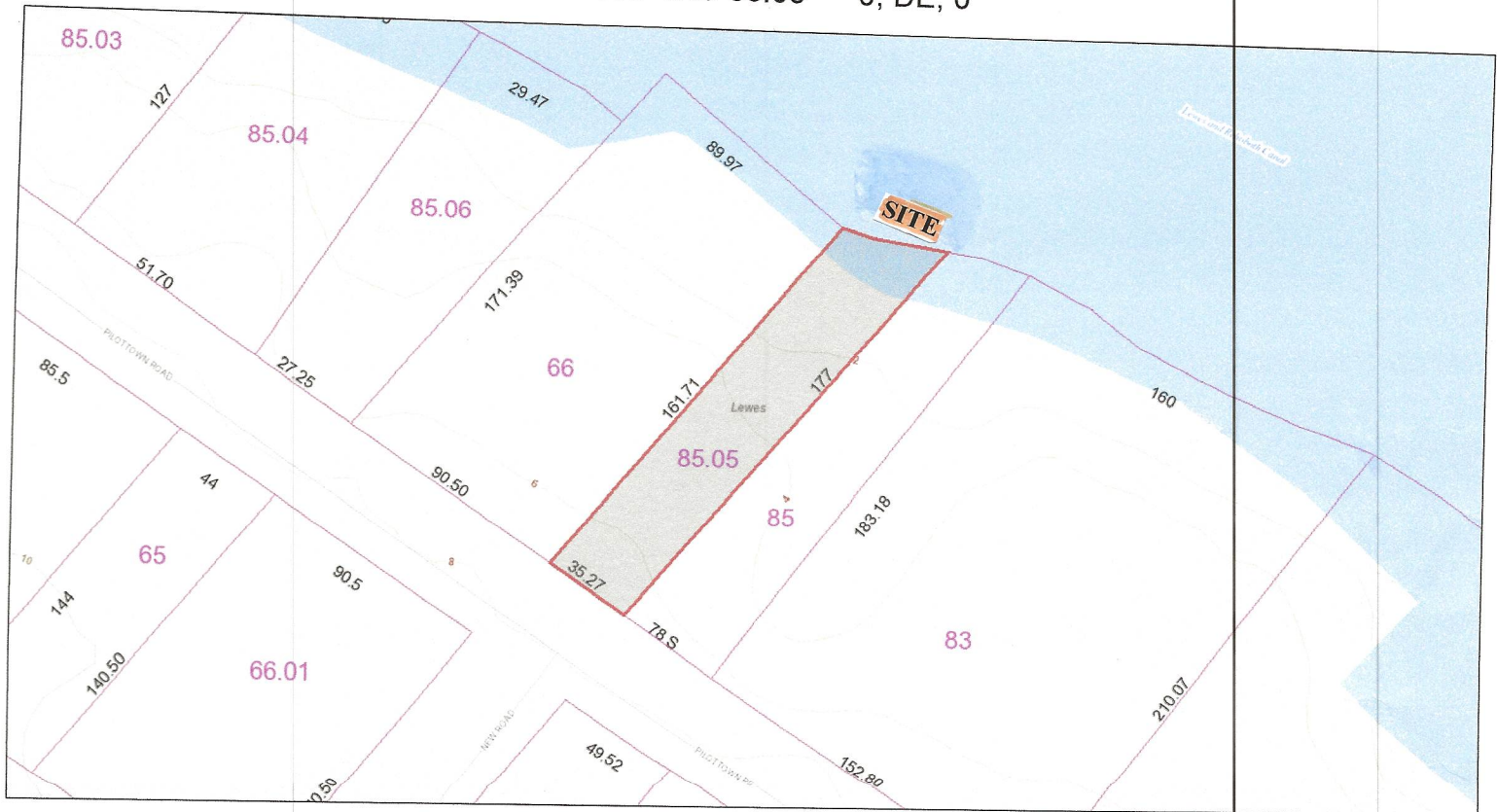
Lewes, Sussex County, DE 19958

Tax Map Parcel #3-35-4.18-85.05

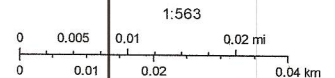
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335-4.18-85.05 0, DE, 0



August 8, 2019



Sussex County Government
FirstMap

Property Tax Information - Sussex County DE

Figure 3. Site location, Tax Map Parcel #3-35-4.18-85.05 (Pilottown Road at New Road, Lewes, Sussex County, Delaware).

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Google Maps

Google Maps



Figure 6. Aerial photograph of dredging site (D), Tax Map Parcel #3-35-4.18-85.05, Pilottown Road at New Road, pipeline crossing (PC); and disposal area (DA), all adjacent to the Lewes and Rehoboth Canal, Lewes, Sussex County, Delaware.

E-5

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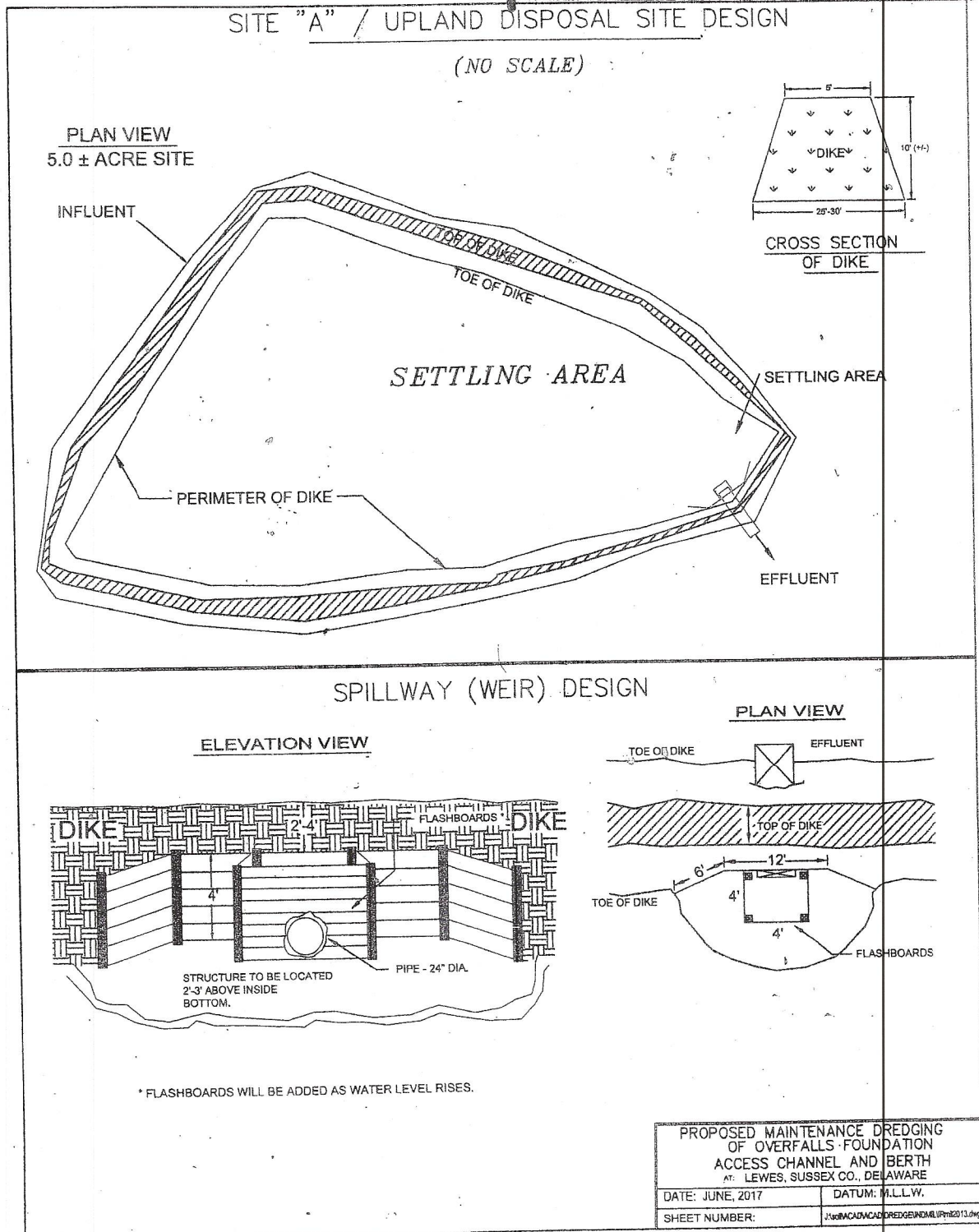


Figure 12. Confined upland disposal site plan and cross-section (provided by Chuck Williams, Shoreline and Waterway Management Section, DNREC).