



**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. NAP-2022-00773-85	Date September 12, 2022
Application No. NAP-2022-00773-85	File No. NAP-2022-00773-85

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: South Shore Moorings, LLC

AGENT: Edward M. Launay, Environmental Resources, Incorporated

WATERWAY: Indian River Bay

LOCATION: 45 Marina View Court, Bethany Beach, Sussex County, Delaware
Tax Map Parcel 134-2.00-3.00
(Lat. 38.604882°N/Long. 75.078014°W).

ACTIVITY: The applicant has applied for a Department of the Army permit to relocate the South Shore Marina vessel access. In its current configuration, maintenance dredging is required annually in order to maintain safe, navigable marina access throughout all stages of the tide. Relocating the entrance to the southwest of the existing rock jetty will provide a more sustainable access point. The activity consists of constructing a pile supported timber wave screen opposite of the new entrance in order to protect the entrance from waves coming from a westerly direction. The new entrance will be created by removing approximately 60 feet of the existing rock jetty on the southwest side of the marina. The existing marina access will be closed off with an approximately 155 feet long section of rock, matching the existing rock jetty. The proposal also includes removing an approximately 40 feet portion of the rock jetty from the north side, near the existing entrance to offset any benthic habitat impacts. The dimensions of the structures are indicated on the attached plans.

PURPOSE: The purpose of the project is to provide safe, navigable marina access while extending the maintenance dredging intervals.

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 as amended. As a result, consultation with NOAA Fisheries and/or the United States Fish and Wildlife Service 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.

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 USACE Cultural Resource Specialist is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties.

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.

The comment period is open for 15 days from the date of this announcement. Comments on the proposed work should be submitted via email to the District Engineer, USACE, Philadelphia District at PhiladelphiaDistrictRegulatory@usace.army.mil. If it is necessary to provide a paper copy, comments should be submitted via traditional mail

to the U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390, Attn: CENAP-OPR.

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 to PhiladelphiaDistrictRegulatory@usace.army.mil, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Michael D. Yost at (267) 240-5278, by email at michael.d.yost@usace.army.mil, or by writing this office at the above address.

For Todd A. Schaible,
Chief, Regulatory Branch

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LOCATION AERIAL MAP

FILE No. S-2104
 CONTRACT No. 21-155
 DATE April 29, 2022
 SHEET No. 1 of 8

NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION. THIS DRAWING IS FOR PERMITTING PURPOSES ONLY.

S.T. HUDSON ENGINEERS, INC.

PROFESSIONAL ENGINEERS & CONSULTANTS



900 Dudley Avenue
 Cherry Hill, New Jersey
 Phone 856-342-6600
 Fax No. 856-342-8323

PROPOSED:	MARINA IMPROVEMENTS - RELOCATION OF ENTRANCE CHANNEL
AT:	SOUTH SHORE MARINA - BALTMORE HUNDRED
COUNTY OF:	SUSSEX
APPLICATION BY:	SOUTH SHORE MOORINGS LLC.

PROJECT SUMMARY

PURPOSE:

RELOCATION OF EXISTING MARINA ENTRANCE CHANNEL IS REQUIRED DUE TO HISTORY OF RAPID SHOALING DESPITE FREQUENT MAINTENANCE DREDGING. SHOALING PREVENTS SAFE AND EFFICIENT USE OF LONG STANDING MARINA FACILITY. SHOALING RESULTS IN POOR TIDAL FLUSHING OF MARINA BASIN. PROJECT PURPOSE IS TO ELIMINATE OF REDUCE THE NEED FOR DREDGING BY PROVIDING ACCESS TO EXISTING DEEP WATER BY RELOCATING NEW 60 FOOT WIDE ENTRANCE CHANNEL ALONG WESTERN FACE OF EXISTING RIP-RAP JETTY. A SAFE AND EFFICIENT MARINA ENTRANCE WHICH ALLOWS FOR PASSAGE OF VESSEL AND ENHANCE MARINA BASIN FLUSHING WILL BE RESULT. IN ORDER TO PROTECT VESSELS AND FLOATING DOCKS A 150 FOOT LONG PILE SUPPORTED TIMBER WAVE SCREEN IS PROPOSED 66 FEET OFF SHORE OF THE NEW MARINA ENTRANCE. FORMER ENTRANCE WILL BE CLOSED WITH NEW RIP RAP JETTY TO PREVENT LITTORAL DRIFT OF SAND AND SEDIMENT INTO MARINA BASIN.

QUANTITIES

LINEAR FEET OF EXISTING 46-FT. WIDE RIP RAP JETTY TO BE REMOVED
MEASURED AT MEAN HIGH WATER LINE = 155 LINEAR FEET

LINEAR FEET OF NEW 46-FT. WIDE RIP RAP JETTY TO BE CONSTRUCTED AT
MEAN HIGH WATER LINE = 155 LINEAR FEET

SQUARE FOOTAGE OF EXISTING RIP RAP JETTY TO BE REMOVED AS
MEASURED AT MUDLINE = ± 7,130 SQ. FT. PRIVATE SUBAQUEOUS LANDS

SQUARE FOOTAGE OF NEW RIP RAP JETTY TO BE CONSTRUCTED AS
MEASURED AT MUDLINE = ± 7130 SQ. FT. PRIVATE SUBAQUEOUS LANDS

AREA OF PUBLIC SUBAQUEOUS LAND OCCUPIED BY PILE SUPPORTED WAVE
SCREEN (150' x 16'-6") = 2,325 SQ. FT.

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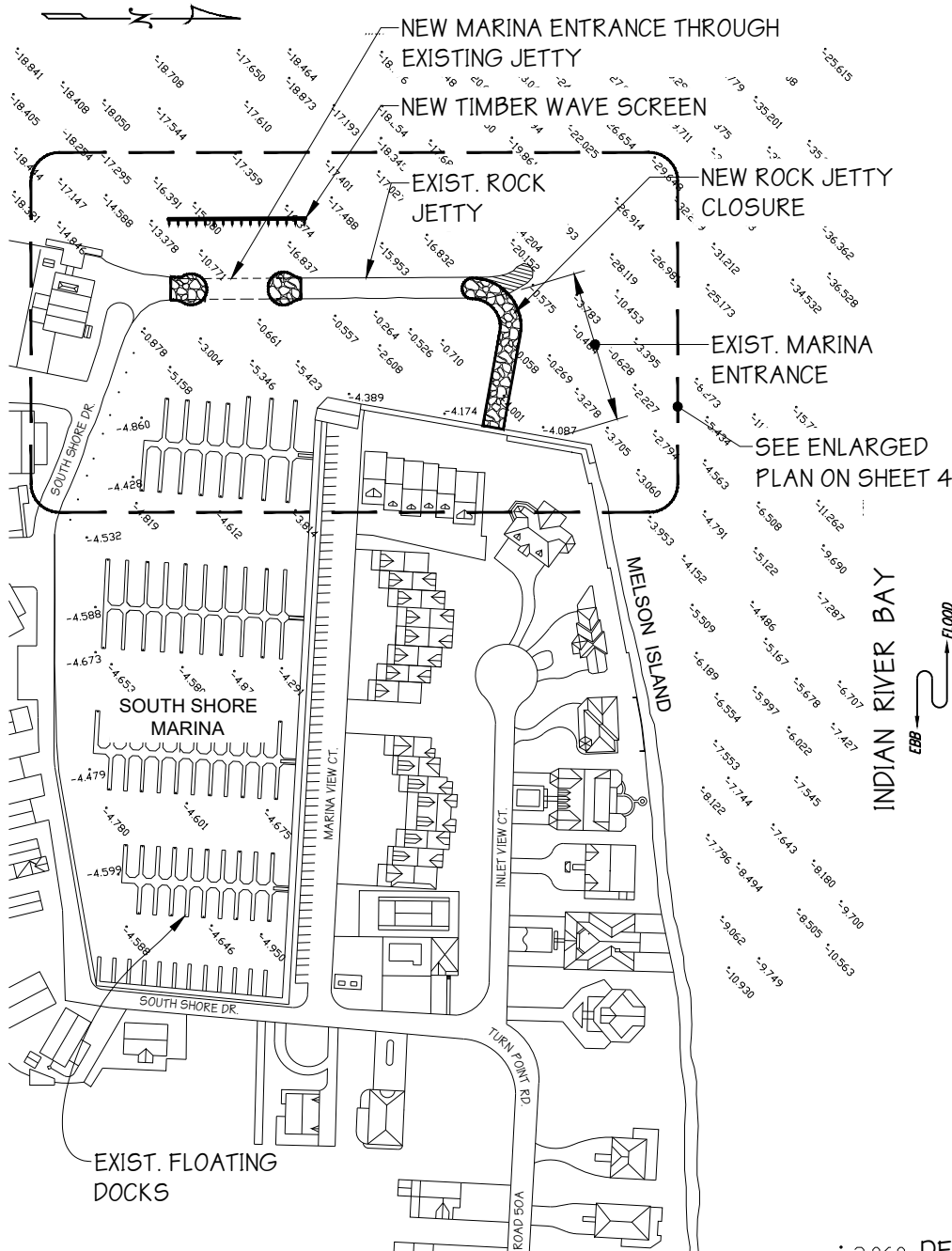
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APPLICATION BY:	SOUTH SHORE MOORINGS LLC.

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SITE PLAN

SCALE 1" = 200'
 200' 100' 0 200'

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PURPOSE:

MARINA IMPROVEMENTS -
 RELOCATION OF ENTRANCE
 CHANNEL

DATUM:

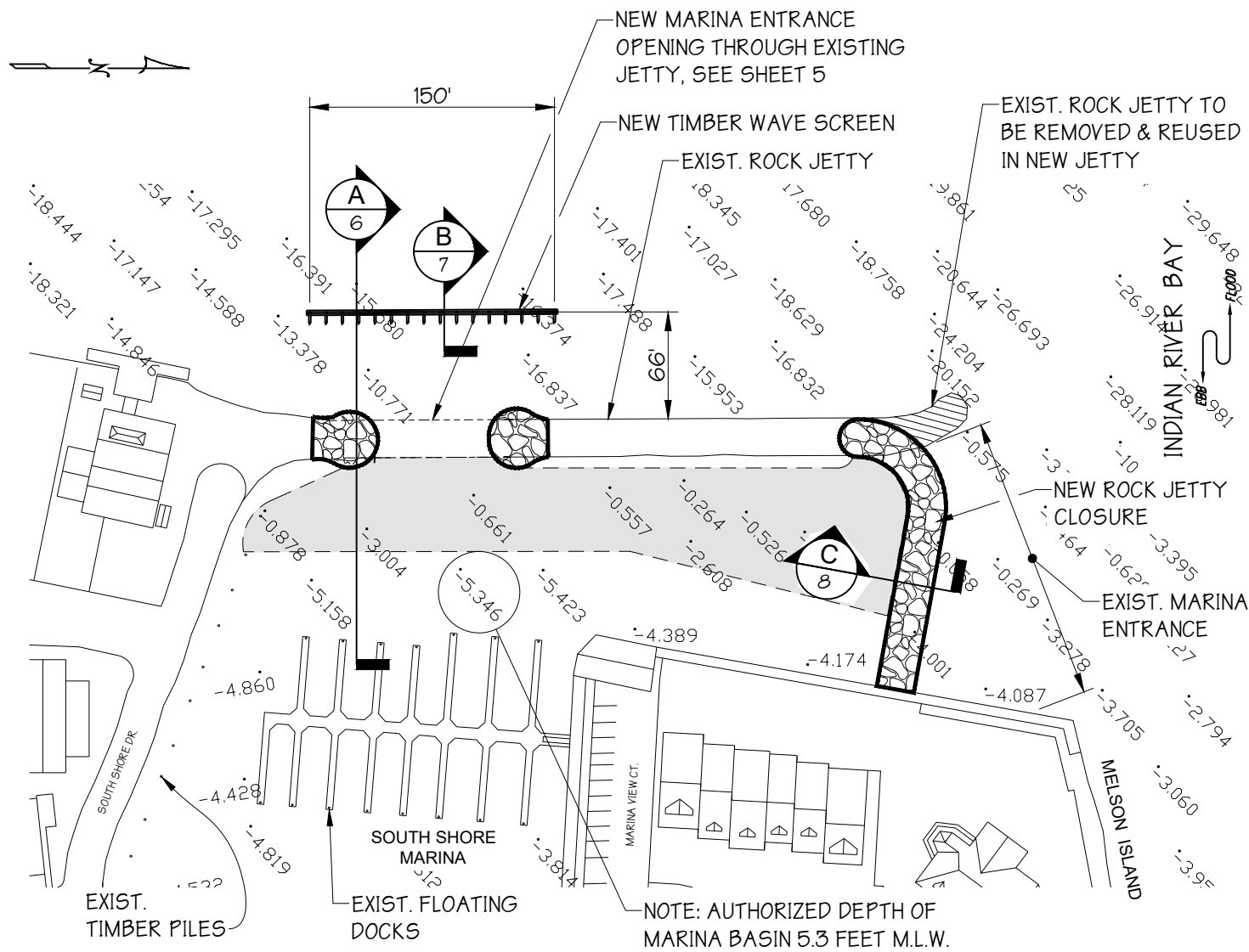
HIGH TIDE LINE +2.79
 MEAN HIGH WATER +2.52
 MEAN LOW WATER 0.00

-3.060 DENOTES WATER DEPTH REFERENCED
 TO MEAN LOW WATER

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PROPOSED:	MARINA IMPROVEMENTS - RELOCATION OF ENTRANCE CHANNEL
AT:	SOUTH SHORE MARINA - BALTMORE HUNDRED
COUNTY OF:	SUSSEX
APPLICATION BY:	SOUTH SHORE MOORINGS LLC.

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ENLARGED PLAN

SCALE 1" = 100'



□ AREA OF MAINTENANCE DREDGING TO BE PERFORMED UNDER DNREC PERMIT SP-322/21 PRIOR TO CHANNEL ENTRANCE RELOCATION (±2,000 CU. YDS., ± 0.5 ACRE)

-3.060 DENOTES WATER DEPTH REFERENCED TO MEAN LOW WATER

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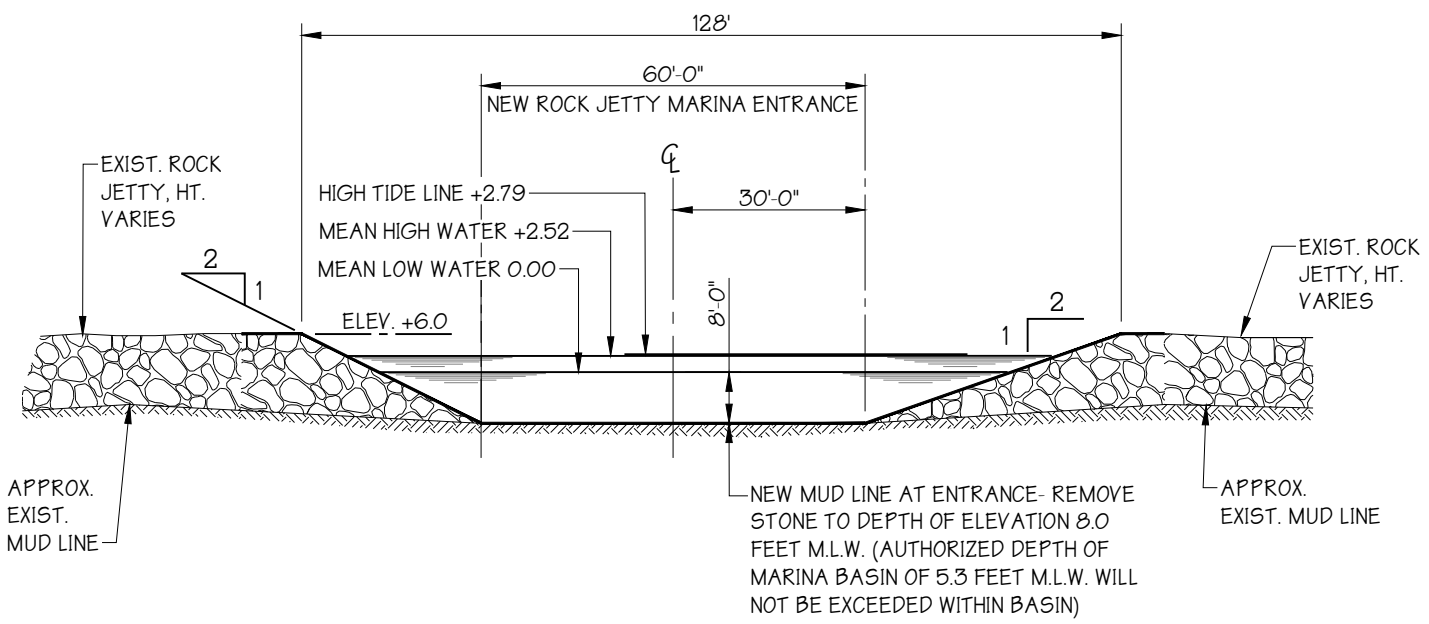
PROPOSED: MARINA IMPROVEMENTS - RELOCATION OF ENTRANCE CHANNEL

AT: SOUTH SHORE MARINA - BALTMORE HUNDRED

COUNTY OF: SUSSEX

APPLICATION BY: SOUTH SHORE MOORINGS LLC.

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NEW CONSTRUCTED JETTY ENTRANCE

SCALE 1" = 30'

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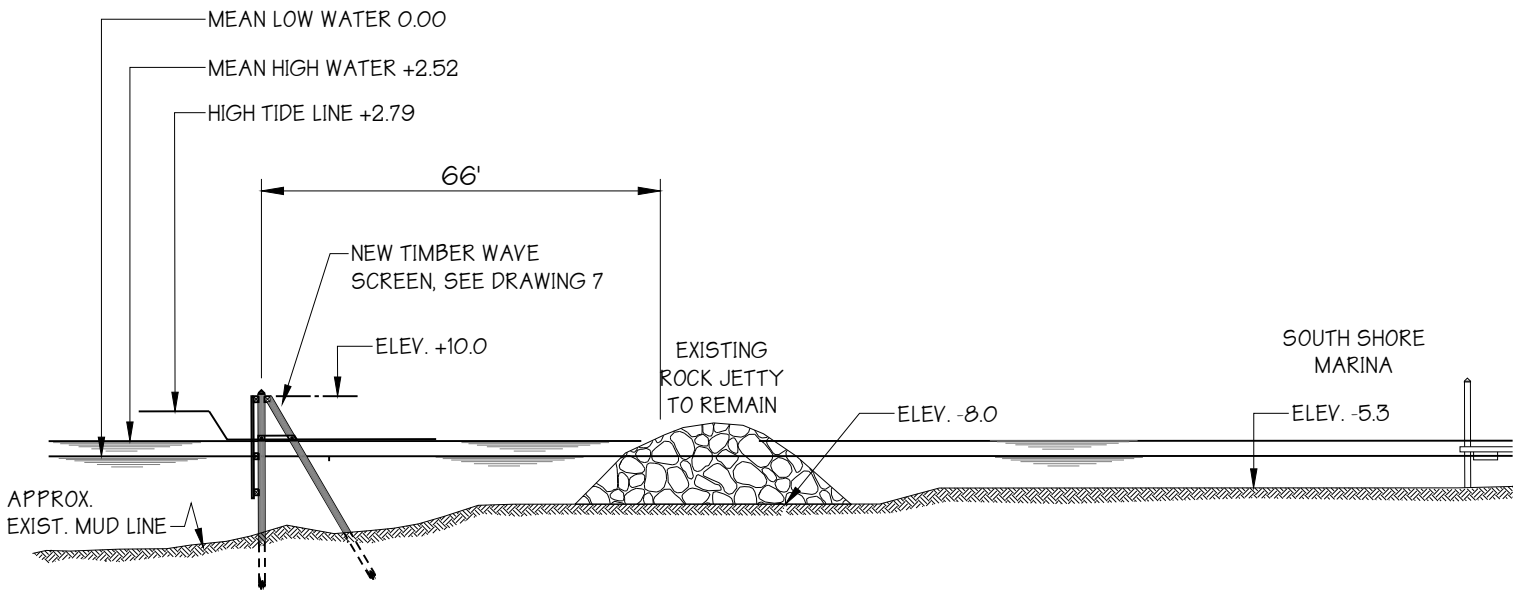
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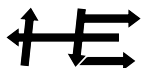
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SECTION A
 SCALE 1/32" = 1'-0" 4

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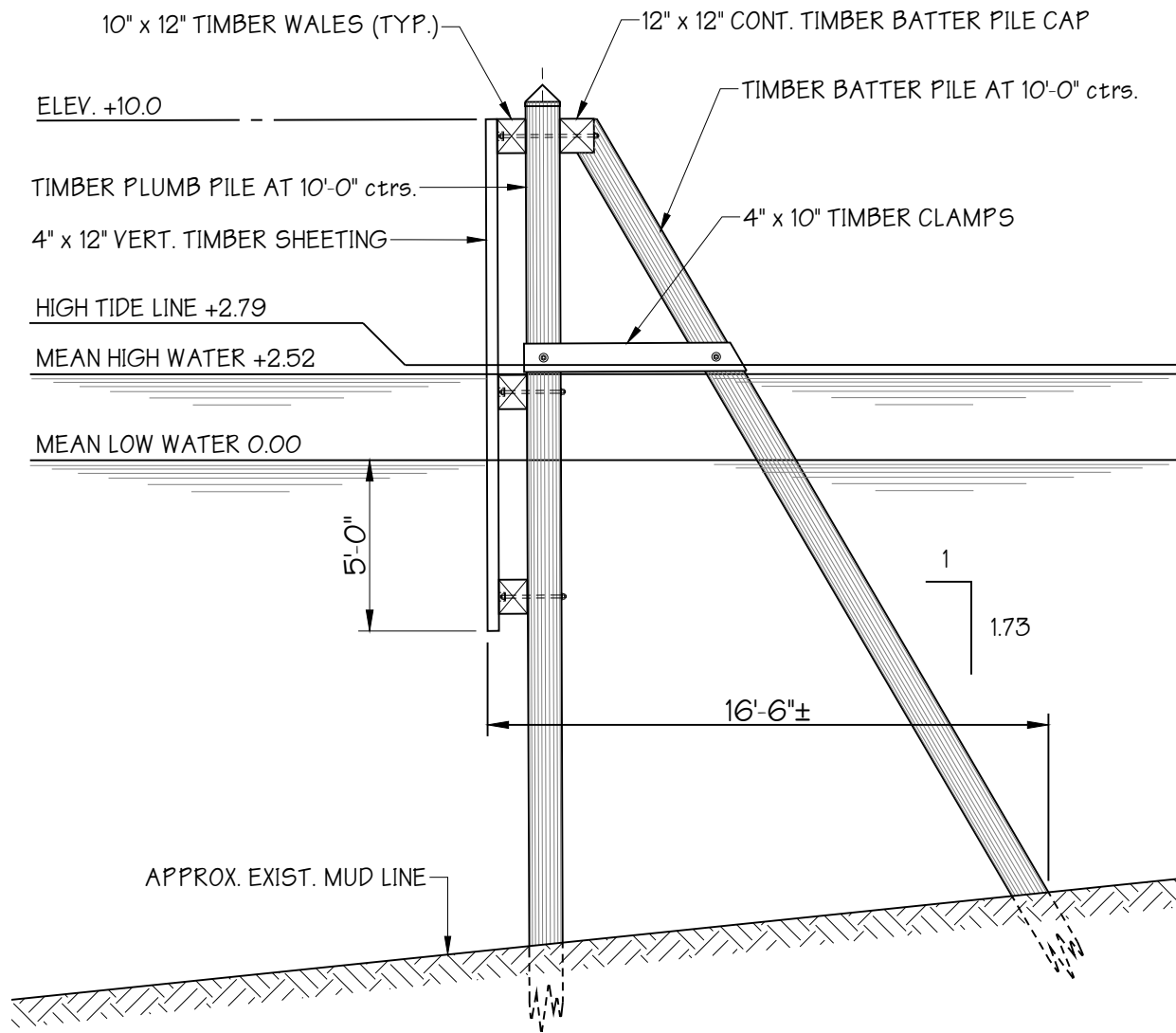


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NEW WAVE SCREEN SECTION

SCALE 3/16" = 1'-0"

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FILE No. S-2104
 CONTRACT No. 21-155
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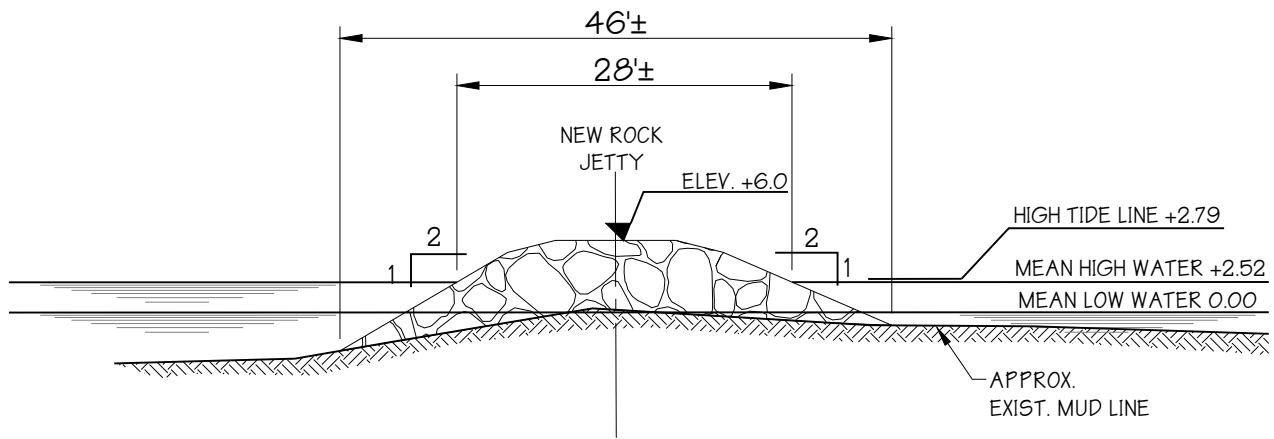
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NEW ROCK JETTY

SECTION

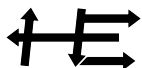
SCALE 1/32" = 1'-0"

C

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