



**US Army Corps  
of Engineers**  
Philadelphia District  
1650 Arch Street  
Philadelphia, PA 19103-2004  
Attn: CENAP-OPR

# Public Notice

**Comment Period Begins:** November 29, 2023  
**Comment Period Ends:** December 29, 2023  
**File Number:** NAP-2022-01018-45  
**File Name:** Ivy Castle Partners, LLC., 800 New Castle Avenue  
**Contact:** Bryan P. Bellacima (215) 656-6732  
**Email:** bryan.p.bellacima@usace.army.mil

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This District has received an application for a Department of the Army permit pursuant to 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:** Mr. Anthony DiTommaso  
Ivy Castle, LLC.  
102 Chestnut Ridge Road, Suite 204  
Montvale, New Jersey 07645

**AGENT:** Mr. Will Twupack, PWS  
Watershed Eco, LLC.  
100 Biddle Avenue, Suite 120  
Newark, Delaware 19702

**LOCATION:** The project is located adjacent to the Christina River, located at 800 New Castle Avenue, known as tax parcel number 26-058.00-012, in the City of Wilmington, New Castle County, Delaware. Center coordinates: 39.725924°, -75.542557°

**PURPOSE:** The purpose of the project is to replace the existing warehouse and other storage facilities with two (2) new warehouses totaling 477,000 square feet, associated with the redevelopment of the property to provide modern infrastructure to meet current market demands/conditions for storage and transportation.

## **PROJECT DESCRIPTION:**

Historically, the main existing warehouse facility and overall development of property occurred prior to 1926. Currently, the existing 239,000 square foot warehouse and the other storage facilities on the property are dilapidated and do not present the opportunity for their continued use or renovation. The applicant proposes to redevelop the property in two phases. The first phase (1) would involve the construction of a 97,000± square foot warehouse building, new accessways, pedestrian parking, and appropriate loading space to allow the existing tenant to maintain and/or conduct operations on the site while the main warehouse and other secondary facilities are

demolished. Upon completion of the phase 1 building and appurtenances, the owner will construct phase 2 improvements to include demolition and redevelopment of the existing warehouse with a new 350,000-375,000 square foot warehouse. The new building will remove all secondary warehouse buildings while potentially maintaining an existing 25,000± square foot storage building constructed in 2018.

The project would impact and/or fill approximately 50,000 square feet (**1.15 acres**) of palustrine emergent wetlands during phase 1.

For additional project details, see the attached plans identified as: "Grading and Utilities Plan 800 New Castle Avenue..." Sheet 1 of 1, dated March 1, 2023, last revised June 1, 2023; and "Exhibit B Wetland Areas 800 New Castle Avenue..." Sheet 1 of 1, dated December 15, 2022, no revisions. All plans prepared by APEX Engineering Incorporated.

## **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. For unavoidable impacts to aquatic resources, the applicant has proposed compensatory mitigation.

As part of the original individual permit application, the applicant proposed the construction of **1.2 acres of palustrine emergent wetlands** in the northwestern corner of the subject property as compensatory mitigation. Based on the review of the conceptual compensation proposal, the on-site location does not seem to comply with 33 CFR, Part 332, "the Mitigation Rule", due to poor soil quality and existence of invasive vegetation, the lack of hydrology, the location and connectivity of the compensation site to the Christina River and the Delaware River watersheds, and the existence of contaminated soils and/or disturbed areas within the subject property. At this time, the applicant and Watershed Eco, LLC. have searched for potential off-site opportunities. During a recent meeting with Civil Engineering Associates (CEA), LLC., Watershed Eco, LLC. learned that CEA will be constructing a large-scale floodplain restoration project on the Cedar Grove property located southeast of the intersection of Bear Corbitt Road (State Route 7) and Red Lion Road (State Route 71) in the New Castle area. This project proposes the restoration of 100-year floodplain adjacent to Pigeon Run, a perennial stream tributary to Red Lion Creek. The off-site property is located approximately 10.5 miles southwest of the Ivy Castle Property and within the Red Lion Creek and Delaware River drainage basin. The objective of this plan is to provide off-site compensatory mitigation associated with this project by the creation of **1.25 acres** of off-site palustrine emergent wetlands. The proposed off-site compensation site would be protected in perpetuity by a conservation easement (see attached Public Notice plans).

## **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 species and/or their critical habitat pursuant to Section 7 of the Endangered Species Act (ESA) may be present in the action area. This office will forward this Public Notice to the U.S. Fish and Wildlife Service (USFWS) with a request for technical assistance on whether any ESA-listed species or their critical habitat may be present in the area which would be affected by the proposed activity. This office will evaluate the potential effects of the proposed actions on ESA-listed species or their critical habitat and will consult with the USFWS as appropriate. ESA Section 7 consultation would be concluded prior to the final decision on this permit application.

## **CULTURAL RESOURCES AND TRIBAL TRUST**

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 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 not present within the project area. Therefore, consultation with NMFS pursuant to EFH provisions

of the MSA is not necessary. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

## **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





Figure 3: USGS Mapping.



Figure 4: NHD Map.





## CITY OF WILMINGTON      NEW CASTLE COUNTY      DELAWARE

1	8/1/2023	Updated Legend Per USACE Request	SCW
REV.	DATE:	COMMENT	CHECKED



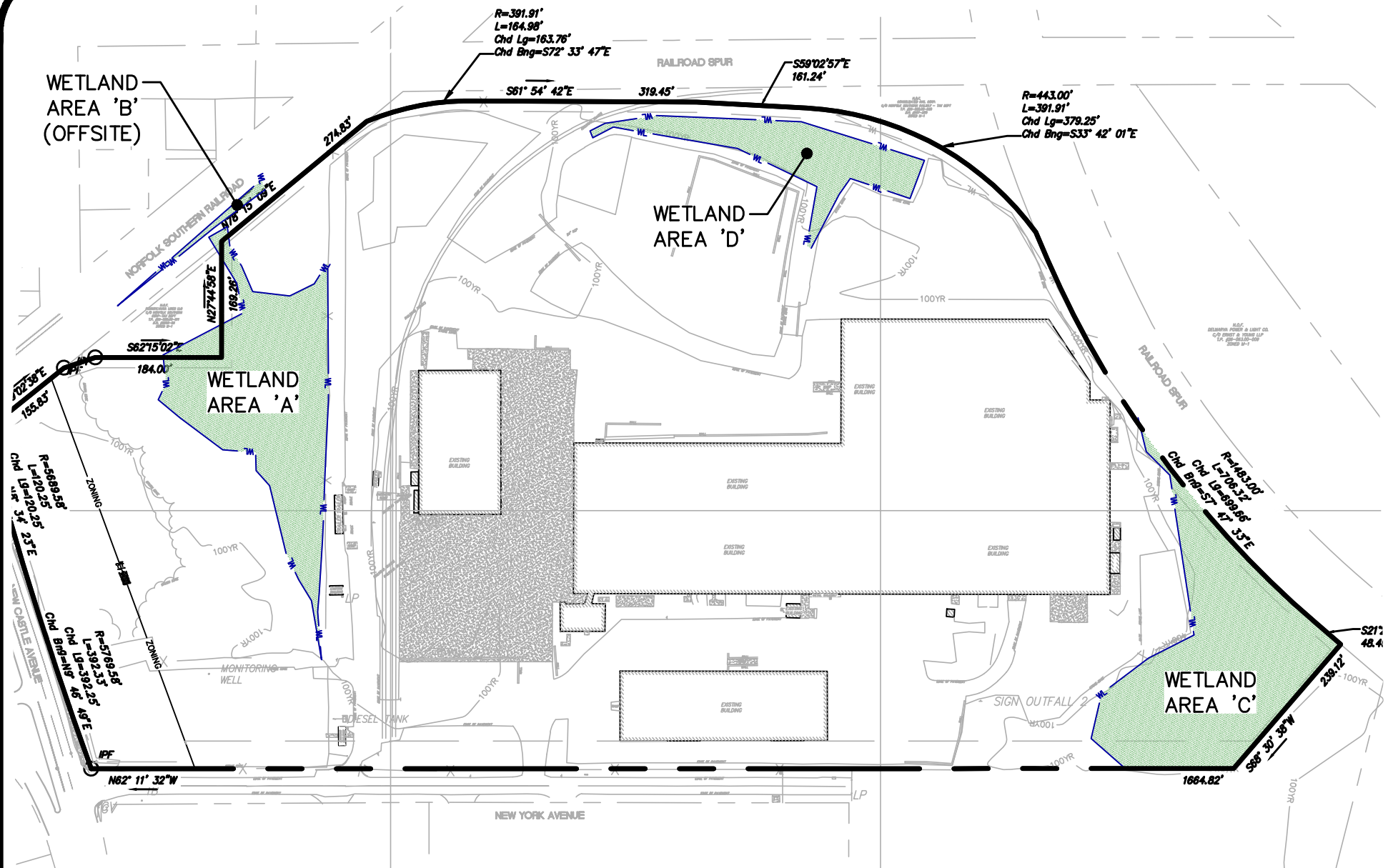


EXHIBIT B  
WETLAND AREAS  
800 NEW CASTLE AVENUE

CITY OF WILMINGTON      NEW CASTLE COUNTY      DELAWARE

SCALE: 1"=200'	DATE: 12/15/2022	SHEET NO. 1
SURVEYED BY: JS/KP	DRAWN BY: SCW	OF 1
	CHECKED BY: SCW	
PROJECT / FILE NUMBER 21180000/PBASE-WETLANDS		REVISION

for construction of the proposed warehouse and parking.

## SITE SELECTION/ BASELINE INFORMATION

The proposed off-site mitigation area is located 10.5 miles southwest of the Ivy Castle Partners property (Figure 1) at 39.69402N, -75.655903W. The off-site mitigation property is further identified as New Castle County Tax Parcel Nos.10-053.00-030 and 10-049.00-128 totaling 77.3 acres. The off-site mitigation was selected based on its proximity to existing palustrine emergent wetlands and a perennial stream course identified as Pigeon Run. Additional hydrology will be provided by storm events since the wetland will be constructed within the 100-year floodplain of Pigeon Run. Furthermore, this area will be part of a larger floodplain restoration project with additional wetland mitigation and tree plantings. The location of the proposed mitigation area is depicted in Figure 2. The proposed mitigation area currently consists of scrub-shrub vegetation bordering an overhead power line transect to the east.

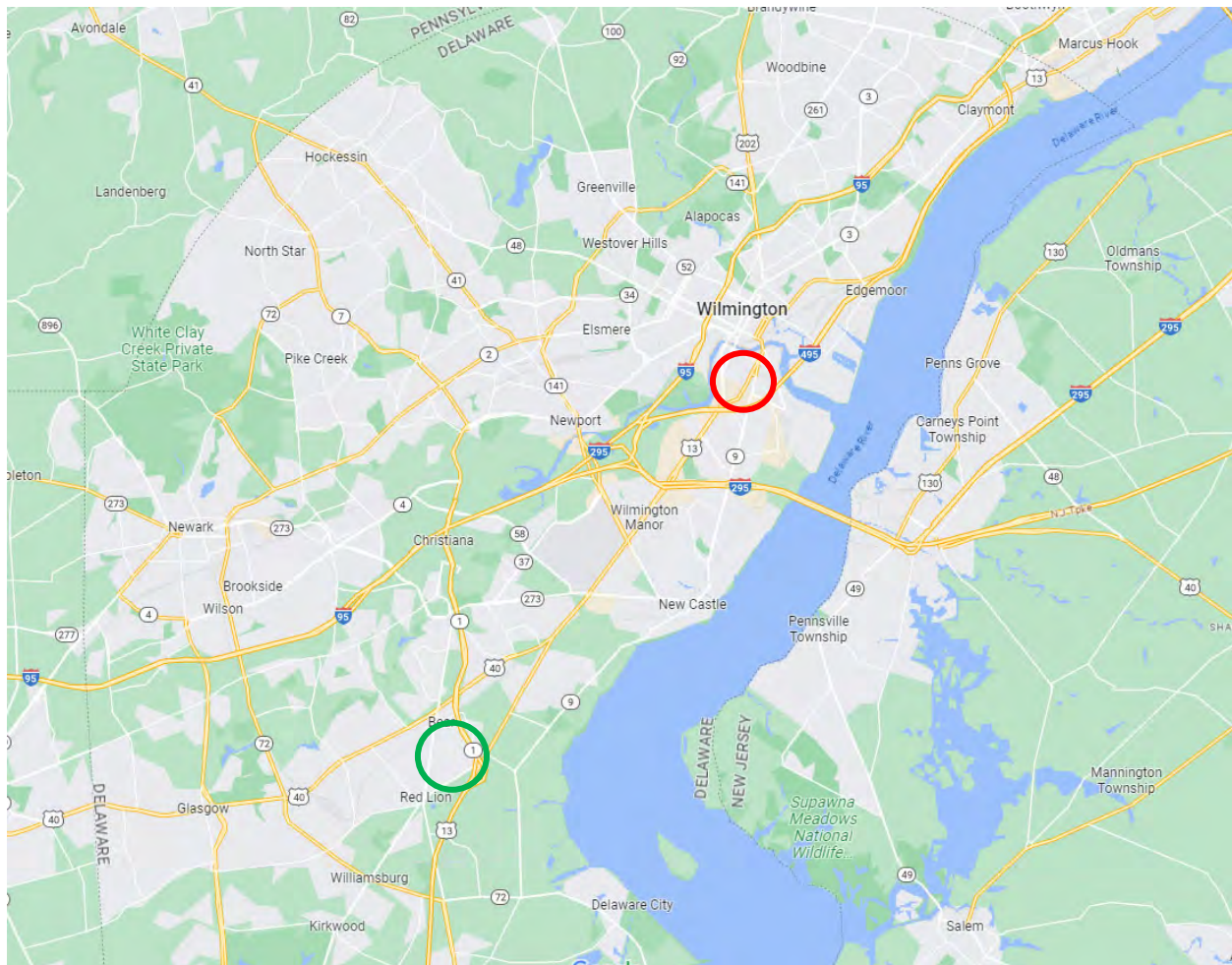


Figure 1. Location Map of Ivy Castle Property (Red) Proposed Off-Site Mitigation Area (Green)





Figure 2. 2023 Aerial of Proposed Mitigation Area overlaid on National Wetland Inventory Map

Watershed Eco LLC has prepared numerous environmental studies within the off-site mitigation property including a wetland delineation in 2021, and Phase I Bog Turtle investigations in 2019. Representative photographs of the existing wetlands adjacent to the proposed mitigation area are in the Appendices of this document.

According to the USDA Web Soil Survey the proposed mitigation area is underlain with Udorthents (UzC) and Longmarsh and Indiantown soils (Lo). The Longmarsh and Indiantown series consists of poorly drained soils with a seasonal high groundwater table typically within 10 inches of the soil soil surface. The Udorthent series consists of well drained soils on uplands with a seasonal high groundwater table of 40 to 72 inches.



Figure 2. USDA Soil Survey Map

## Historical Land Use

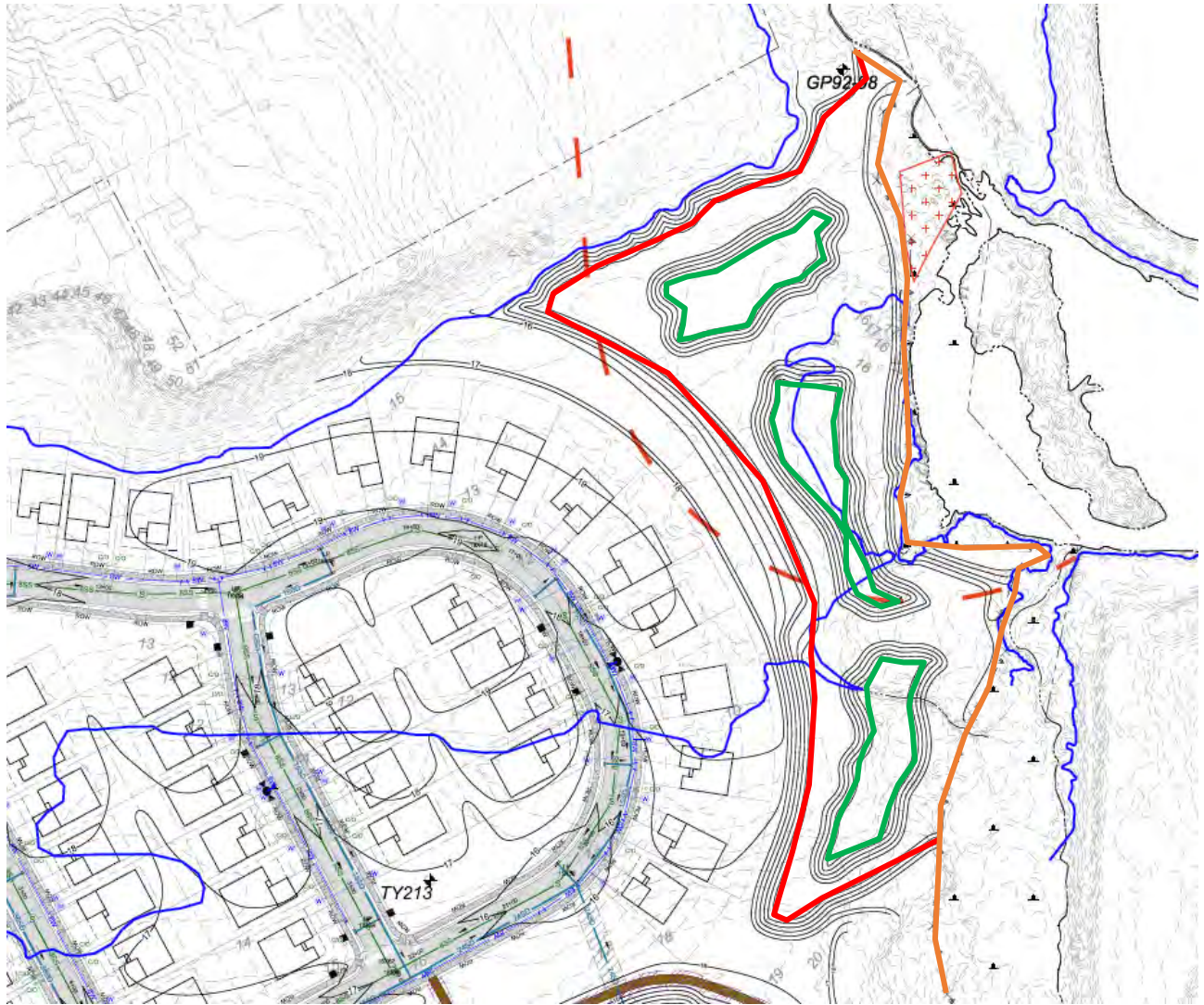
The off-site mitigation area was in agricultural use prior to 1937 until 1961. The 1968 imagery depicts the off-site mitigation area and surrounding land being utilized as a borrow area until approximately 1982 when the property was left fallow. The borrow material was utilized for construction of the New Castle County Tybouts Corner landfill on the adjacent property to the east which is apparent in the 1968 imagery. From 2002 to 2023, the mitigation area and surrounding land have been left fallow. Aerial photographs of the proposed mitigation site are in the Appendices of this document.

The adjacent Tybouts Corner Landfill was determined to be contaminated in 1976 when contaminants were found in two wells on the site. The site was added to the Superfund programs National Priority List in 1983.

## SITE PROTECTION INSTRUMENT

A conservation easement will be established within the mitigation area and surrounding floodplain restoration area to provide protection in perpetuity. Draft language has not been prepared at this time.





Conceptual Floodplain Restoration (Red), Potential Wetland Mitigation Areas (Green), Existing Wetlands (Orange)