



**US Army Corps
of Engineers®**
Philadelphia District

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

Public Notice

Public Notice No.
NAP-2022-00178

Date

Application No.
NAP-2022-00178

File No.
NAP-2022-00178-85

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: Kathleen Horsey of Osprey Point Preserve, LLC

AGENT: Edward M. Launay of Environmental Resources, Incorporated

WATERWAY: Arnell Creek

LOCATION: The former Old Landing Golf Course on Old Landing Road at the corner of the proposed Paul Revere Drive and Ethan Allen Drive, Rehoboth Beach, Sussex County, Delaware Tax Map Parcel 334-18.00-83.17 (Lat. 38.691468°N/Long. 75.132799°W).

ACTIVITY: The applicant has applied for a Department of the Army permit to construct a marina supporting 25 boat slips and a kayak launch at the former Old Landing Golf Course on Arnell Creek in Rehoboth Beach, Sussex County, Delaware. Twin marina piers will be accessed from the shore by a single 86 feet long pile supported pier. The pier will connect with the center of a 120 feet long by 4 feet wide pier section which provides access to the twin piers. Each docking pier will be 88 feet long by 4 feet wide and terminate at 54 feet long by 6 feet wide docks. There will be a total of 10 finger piers between slips, each being 12 feet long by 3 feet wide. A total of 37 freestanding, 10 inch mooring piles will be placed at the slips for vessel mooring. The marina docks will include water and electric access, as well as fire department hydrant connections. The kayak launch will be located at the north side of the marina. The kayak launch will consist of a 64 feet long fixed pier, connected to a 20 feet by 4 feet wide aluminum ramp and terminating at a 8 feet wide by 24 feet long floating dock with a 4 feet wide by 5 feet long kayak launch cradle. Additionally, a stormwater outfall is proposed to be placed between the marina and the kayak launch. The stormwater outfall requires the placement of riprap into 0.008 acre of waters of the United States to provide scour protection from the stormwater pond. Land based facilities supporting the marina include a small harbormasters office located near the marina access pier and shared

parking with a proposed restaurant. The dimensions of the structures are indicated on the attached plans.

PURPOSE: The purpose of the project is to provide docking facilities and canoe/kayak launching capabilities to the general public, as well as provide a stabilized outfall for stormwater.

A preliminary review of this application indicates that species listed under the Endangered Species Act (ESA) or their critical habitat pursuant to Section 7 of the ESA as amended, may be present in the action area. The U.S. Army Corps of Engineers (USACE) will forward this PN to the US Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) 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. 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 USFWS and/or NMFS 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 NMFS 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 the NMFS 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 in accordance with Section 106 of the National Historic Preservation Act. 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.

Comments on the proposed work should be submitted, by email, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District at PhiladelphiaDistrictRegulatory@usace.army.mil. If it is necessary to provide a paper copy of your comments, they should be submitted by traditional mail within 30 days to District Engineer, attn CENAP-OPR, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Because the discharge of fill material into waters of the United States is minor (0.008 acre) and will not result in cumulative adverse environmental effects, compensatory mitigation is neither proposed nor warranted.

In accordance with Section 307(c) of the Coastal Zone Management (CZM) 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 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 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, by email, to the District Engineer at PhiladelphiaDistrictRegulatory@usace.army.mil, 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, with particularity, the reasons for holding a public hearing. If it is necessary to provide a written request by traditional mail, such request shall be submitted within the comment period specified in this notice to the District Engineer, attn

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

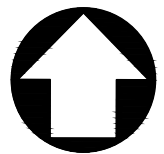
Additional information concerning this permit application may be obtained by calling Michael D. Yost at (267) 240-5278, or by email at michael.d.yost@usace.army.mil.

for: Todd A. Schaible
Chief, Regulatory Branch



VICINITY MAP

0' 500' 1000'



DRAWN BY: CRH

CK. BY: VAL

JOB NO.: 200109

SCALE: 1" = 1,000'

DATE: JAN 2022

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MARINA PLAN
OSPREY POINT
SCR 274 -
OLD LANDING
ROAD

1 of 7

PROPOSED MARINA FACILITY OVER PUBLIC SUBAQUEOUS
LAND & STATE / ACOE REGULATED WETLANDS

DESCRIPTION	AREA (SF)
PROPOSED LEASE AREA WITHIN PUBLIC STATE-OWNED SUBAQUEOUS LANDS OF ARNELL CREEK CHANNELWARD OF MEAN LOW WATER	1,944
MARINA ACCESS PIER (3 FEET WIDE X 42 FEET LONG) OVER STATE & ACOE REGULATED WETLANDS	126

PROPOSED KAYAK LAUNCH OVER PUBLIC SUBAQUEOUS
LAND & STATE/ACOE REGULATED WATERS

DESCRIPTION	AREA (SF)
PROPOSED LEASE AREA WITHIN PUBLIC STATE-OWNED SUBAQUEOUS LANDS OF ARNELL CREEK CHANNELWARD OF MEAN LOW WATER	496

ADDITIONAL IMPACTS TO ACOE SECTION 404 WETLANDS

PROPOSED STORMWATER OUTFALL

DESCRIPTION	AREA (SF)
IMPACT TO FEDERALLY REGULATED SECTION 404 WETLANDS	368
MARINA & KAYAK LAUNCH DOCK ACCESS PIERS	
IMPACT TO FEDERALLY REGULATED SECTION 404 WETLANDS	63

MARINA SITE PLAN

OSPREY POINT
SUSSEX COUNTY, DELAWARE

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SCALE: NTS

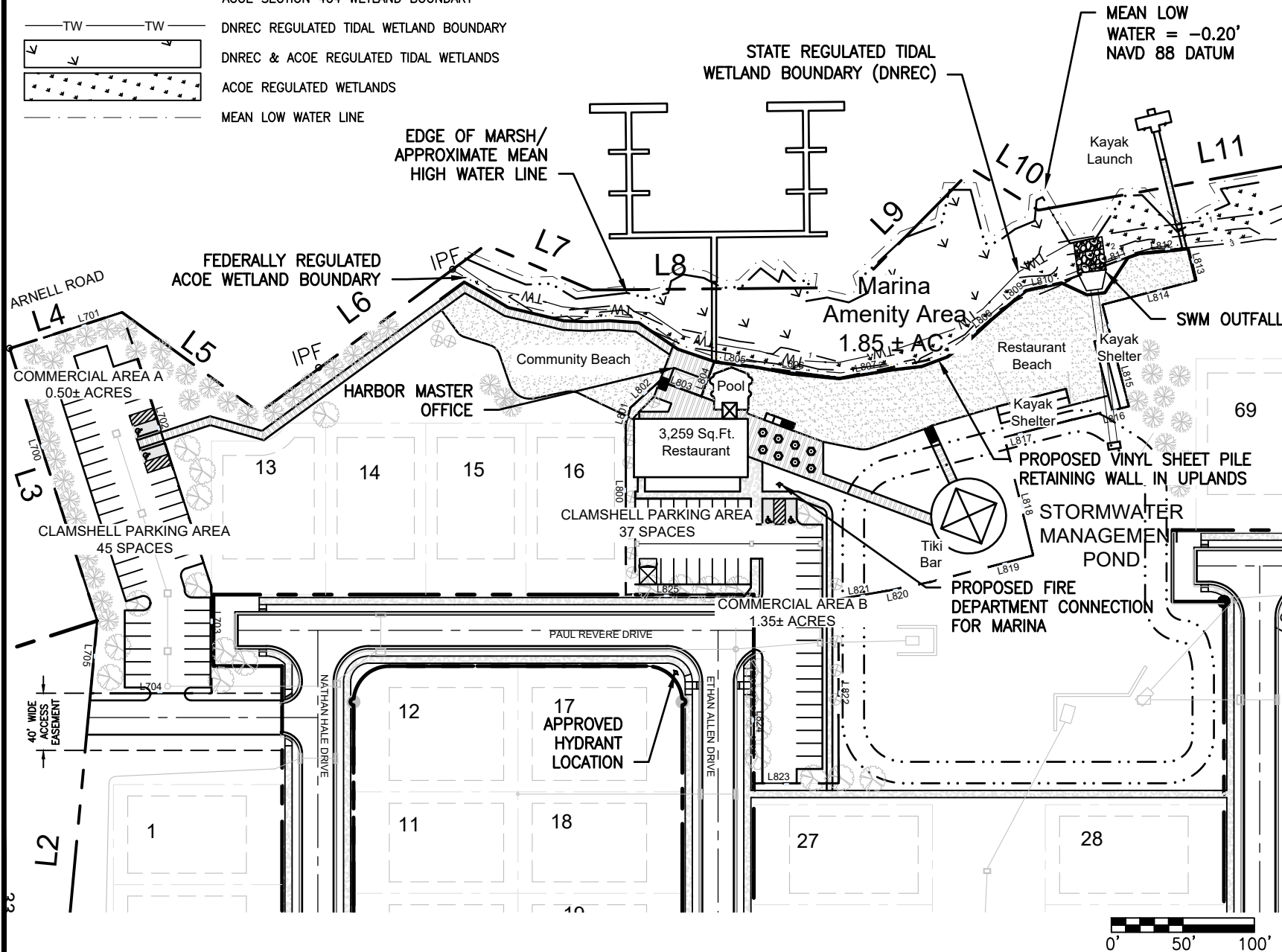
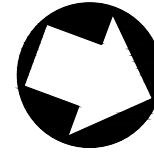
DATE: JAN. 2022

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DRAWING NO.

LEGEND

- 3- — EXISTING ELEVATION MINOR CONTOUR
- ··· — EDGE OF MARSH/APPROXIMATE MEAN HIGH WATER LINE
- — — PROPERTY LINE & TIE LINES
- - - - - ACOE SECTION 404 WETLAND BOUNDARY
- TW—TW— DNREC REGULATED TIDAL WETLAND BOUNDARY
- DNREC & ACOE REGULATED TIDAL WETLANDS
- ACOE REGULATED WETLANDS
- — — MEAN LOW WATER LINE



MARINA SITE PLAN

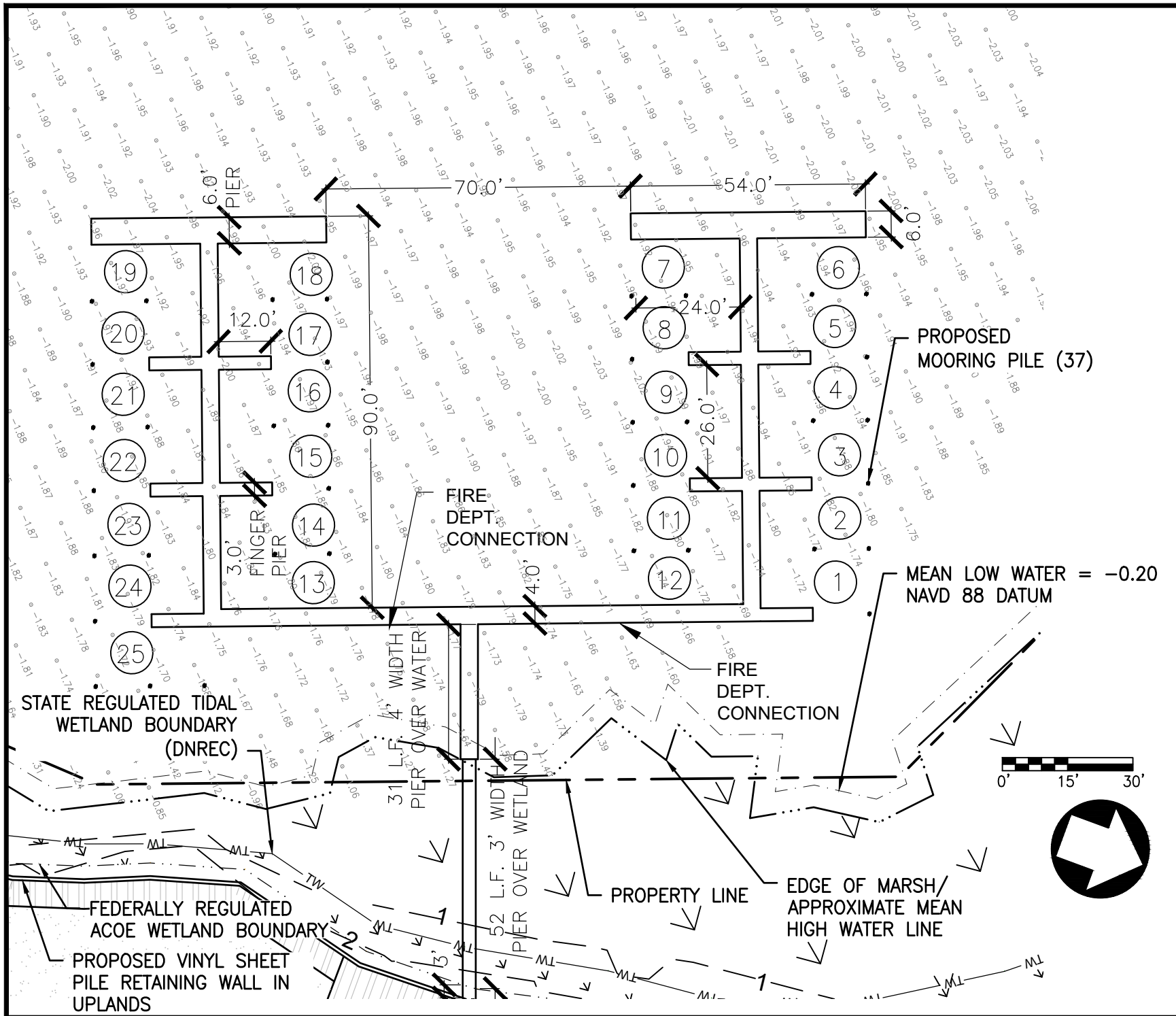
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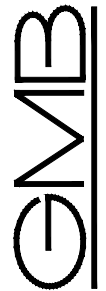
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MARINA SITE PLAN DETAIL

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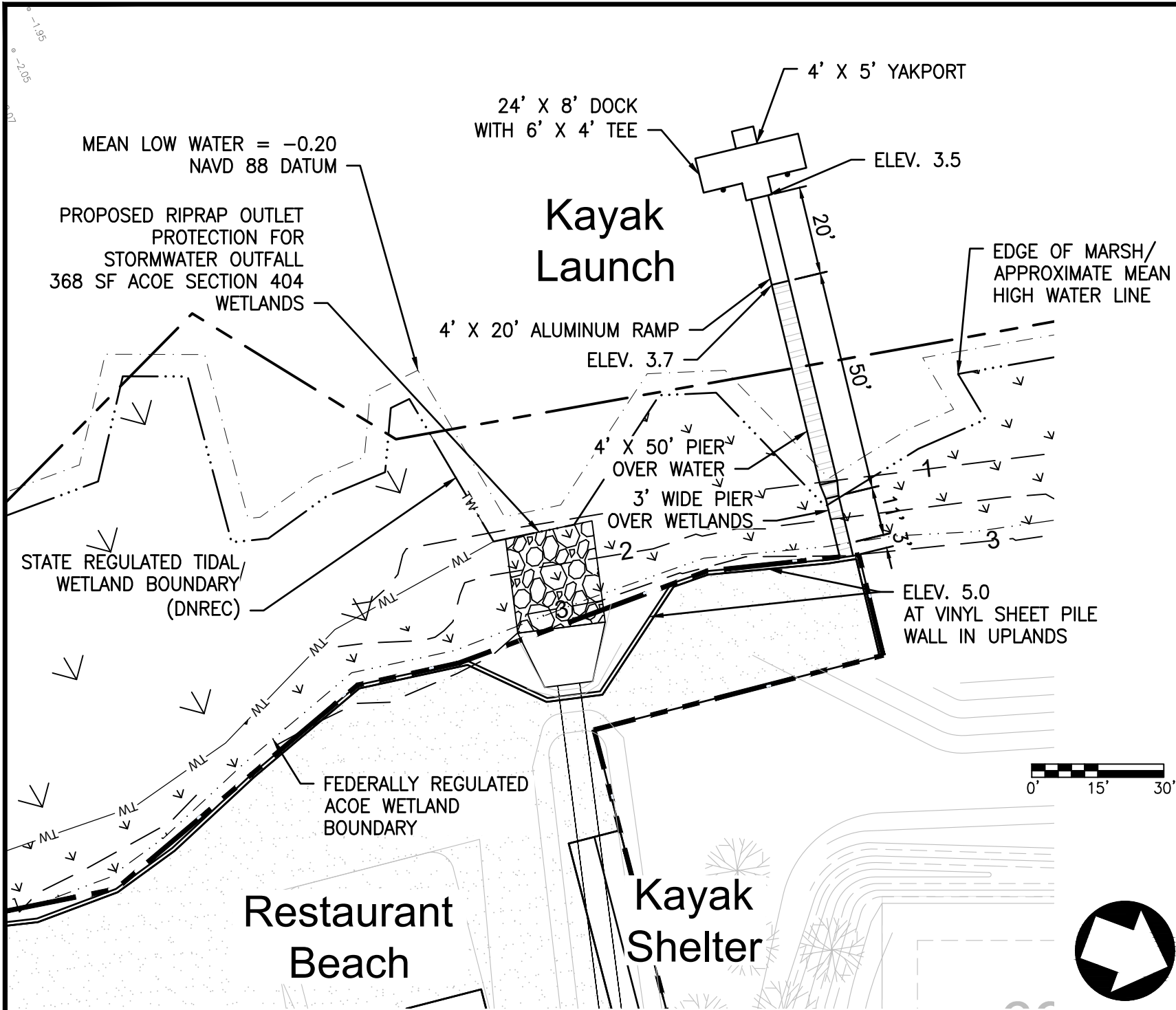
JOB NO.: 200109

SCALE: 1" = 30'

DATE: JAN. 2022

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DRAWING NO.



MARINA SITE PLAN
KAYAK LAUNCH & OUTFALL DETAIL
OSPREY POINT
SUSSEX COUNTY, DELAWARE

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MARINA SITE PLAN
CROSS SECTION AND DETAILS
OSPREY POINT
SUSSEX COUNTY, DELAWARE

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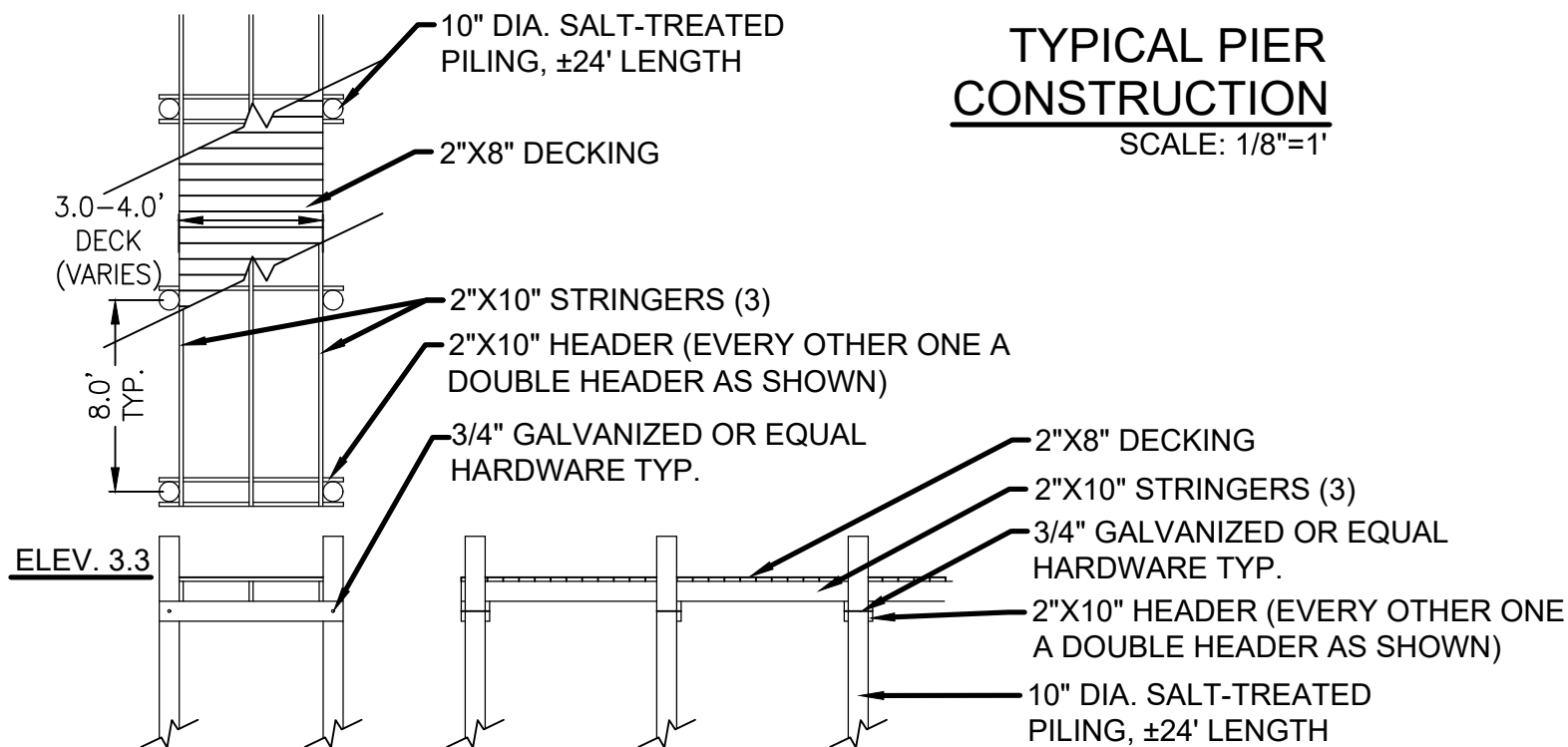
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DATE: JAN. 2022

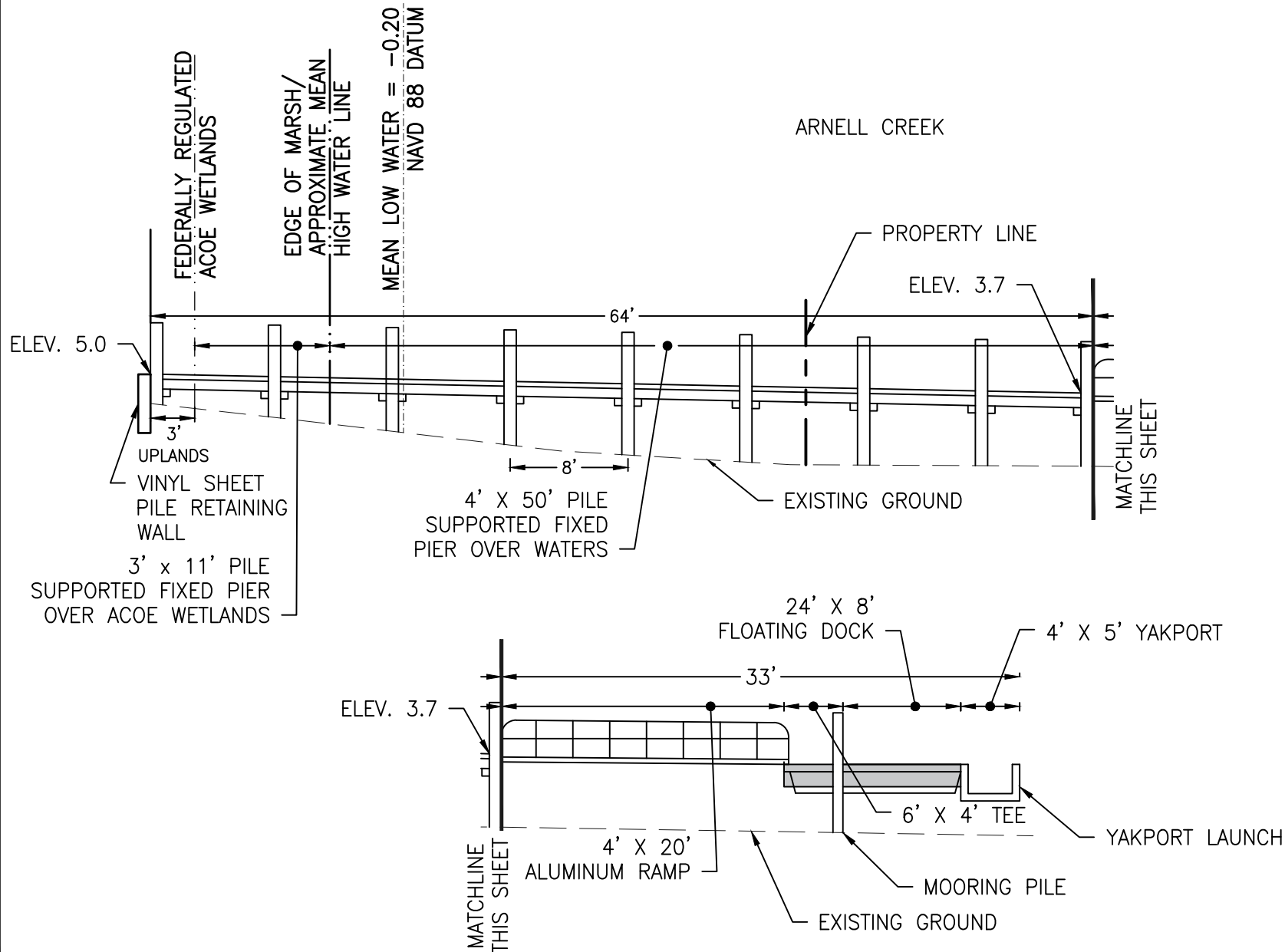
6 of 7

DRAWING NO.

TYPICAL PIER CONSTRUCTION

SCALE: 1/8"=1'





MARINA SITE PLAN
KAYAK LAUNCH DOCK
CROSS SECTION
OSPREY POINT
SUSSEX COUNTY, DELAWARE

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