



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

# Public Notice

**Comment Period Begins:** August 8, 2023  
**Comment Period Ends:** August 23, 2023  
**File Number:** NAP-2023-00647-85  
**File Name:** DDNREC Lewes Beach Nourishment 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:** Terry Deputy of the Delaware Department of Natural Resources and Environmental Control (DDNREC), Division of Watershed Stewardship.

**AGENT:** Kathleen Bergin of the DDNREC, Division of Watershed Stewardship.

**LOCATION:** The activity is occurring within the Delaware Bay along the Lewes Beach Shoreline from approximately Missouri Avenue to New York Avenue. Center coordinates (38.786258°N, 75.148242°W)

**PURPOSE:** The activity is designed to provide erosion and storm damage protection to public streets, utilities and private and commercial structures landward of the coastline while maintaining beach recreation.

## PROJECT DESCRIPTION:

The applicant proposes to pump sand via hydraulic dredge from a borrow area located 600 feet to 1,600 feet offshore of Lewes beach onto Lewes Beach. The nourishment template provides for the placement of approximately 75,000 cubic yards of sand over 13.3 acres along the shoreline. The pumped sand will be shaped according to the design template via bulldozers. The activity would be an extension of the abutting United States Army Corps of Engineers beach nourishment project expected to occur during the fall/winter of 2023/2024. The purpose of the project is to provide erosion and storm protection to infrastructure and maintain public beach recreation. The project is expected to take approximately 1 to 2 months to complete.

The activity was previously authorized in 2012, utilizing truck fill following damage incurred as a result of Hurricane Sandy.

For additional project details, see the attached plans identified as: LEWES BEACH NOURISHMENT PERMIT PLANS SUSSEX COUNTY, LEWES, DELAWARE, prepared by the Division of Watershed Stewardship Shoreline and Waterway Section, dated April 1, 2023, 5 sheets and plans identified as BEACH NOURISHMENT DELAWARE BAY COASTLINE REOOOSEVELT INLET-LEWES BEACH DELAWARE, prepared by the U.S Army Corps of Engineers Philadelphia District, dated March 13, 2023, Sheet Number C-101 and Sheet Number C-401.

## **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.

Evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, (40 CFR part 230) or of the criteria established under authority of section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972.

## **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) and/or 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. 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 and/or NMFS, as appropriate. ESA Section 7 consultation would be concluded prior to the final decision on this permit application.

## **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.

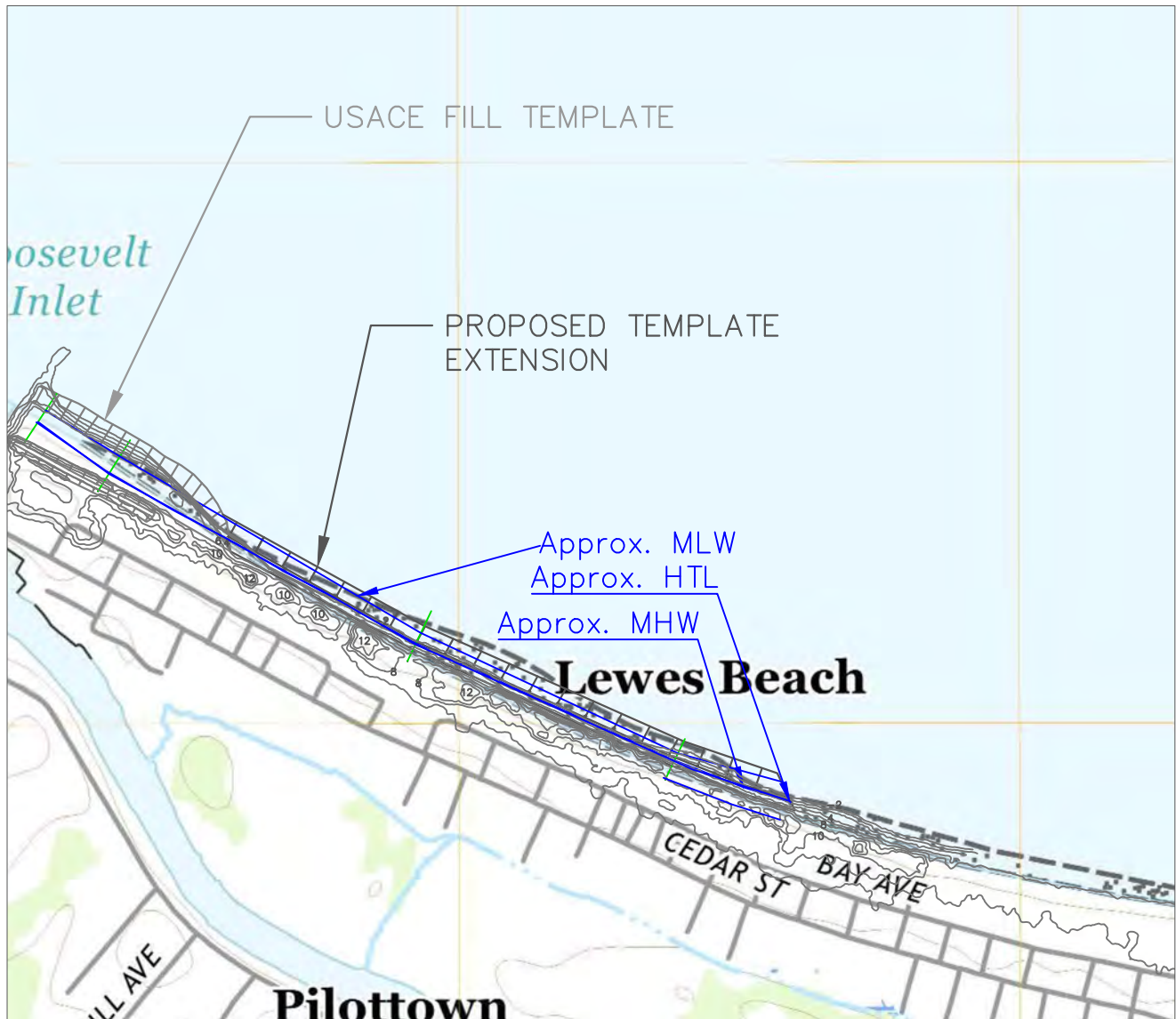
Comments on the proposed work must be submitted, in writing, within the comment period indicated in the header above. Any person may request, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing must be in writing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





Scale: 1" = 1000' Date: 04/01/23

Designed by: J. Faries, P.E.

Drawn by: J. Faries, P.E.

Checked by: K. Bergin

Sheet No. 2 of 5

## Lewes Beach Nourishment Permit Plans

SUSSEX COUNTY, LEWES, DELAWARE



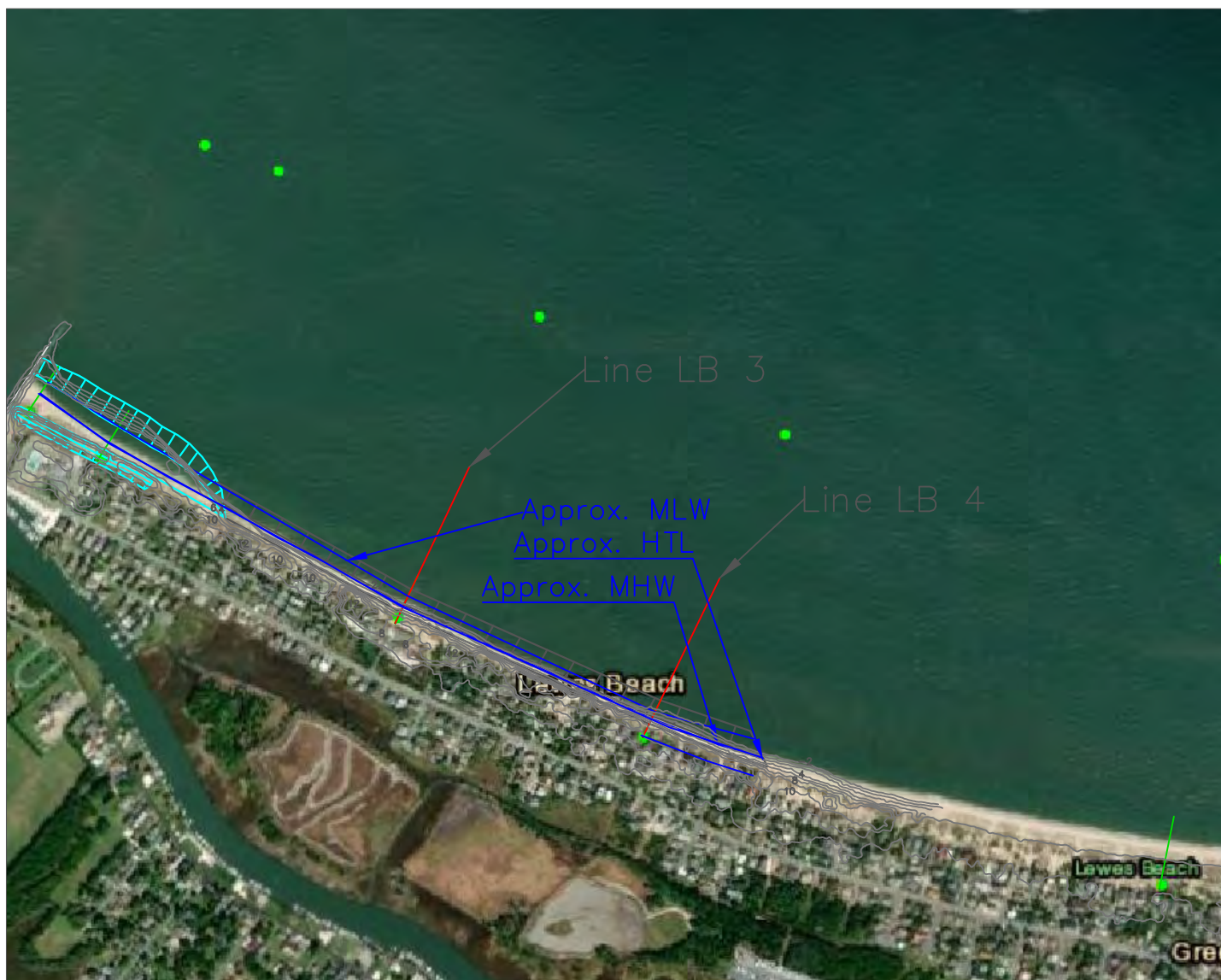
DELAWARE DEPARTMENT OF  
NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL

Division of Watershed Stewardship  
Shoreline and Waterway Section

Dover Office  
285 Beiser Blvd.  
Dover DE, 19904  
Phone: (302) 739 - 9921

Lewes Office  
901 Pilottown Rd  
Lewes DE, 19958  
Phone: (302) 855 - 7290





Scale: 1" = 1000' Date: 04/01/23

Designed by: J. Faries, P.E.

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Sheet No. 3 of 5

## Lewes Beach Nourishment Permit Plans

SUSSEX COUNTY, LEWES, DELAWARE

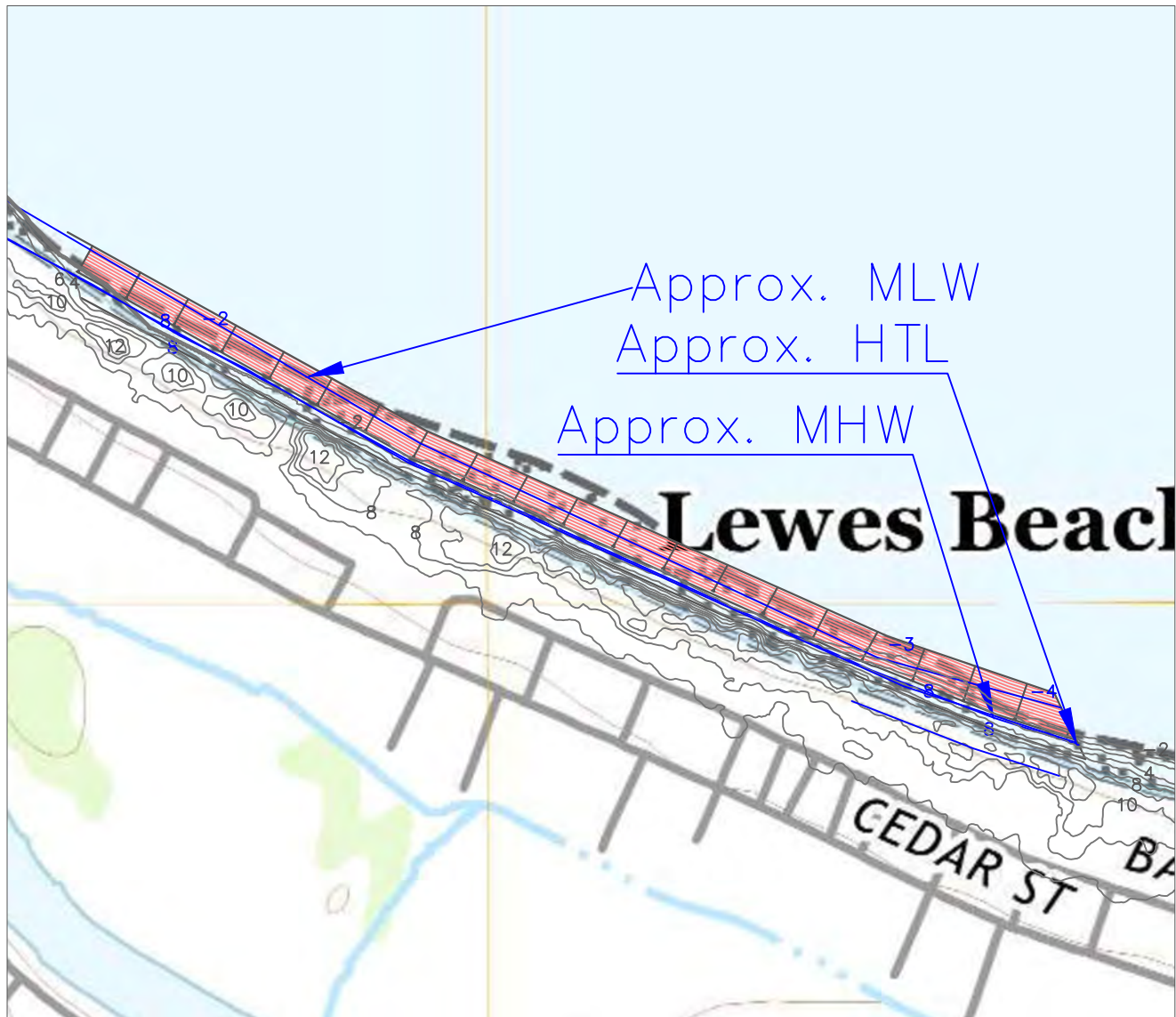


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Proposed (Blue labels, red lines vs  
Existing LiDAR Contours (Black Labels, Grey Lines)

Scale: 1" = 800' Date: 04/01/23

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Sheet No. 4 of 5

## Lewes Beach Nourishment Permit Plans

SUSSEX COUNTY, LEWES, DELAWARE



DELAWARE DEPARTMENT OF  
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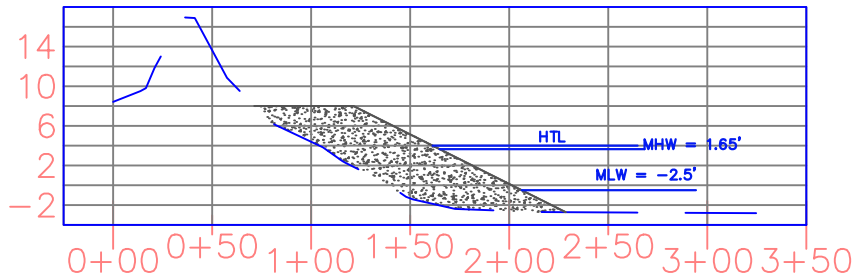
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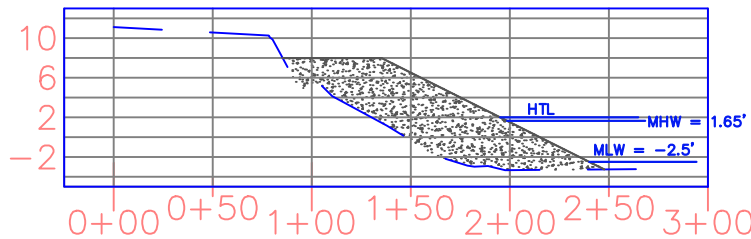
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LB3



LB4



Scale H: 1" = 80'

V: 1" = 16'

All Elevations are in NAVD88

MHW, MLW, HTL locations are subject to change on a daily basis. Water levels to be flagged during construction.

Scale: 1" = 1200' Date: 04/01/23

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Sheet No. 5 of 5

## Lewes Beach Nourishment Permit Plans

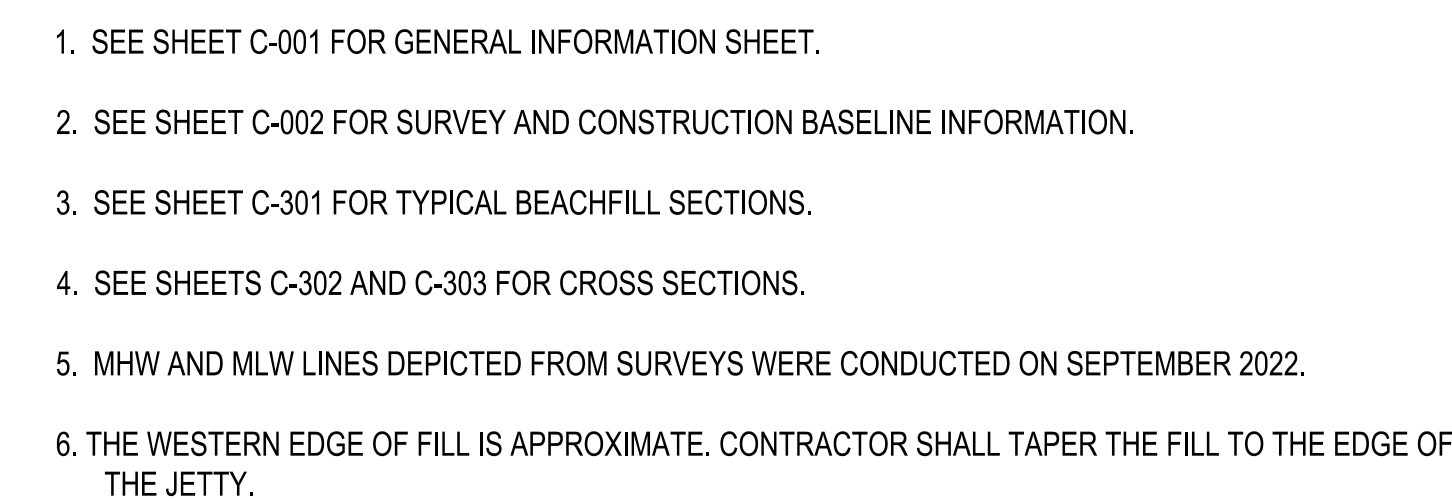
SUSSEX COUNTY, LEWES, DELAWARE

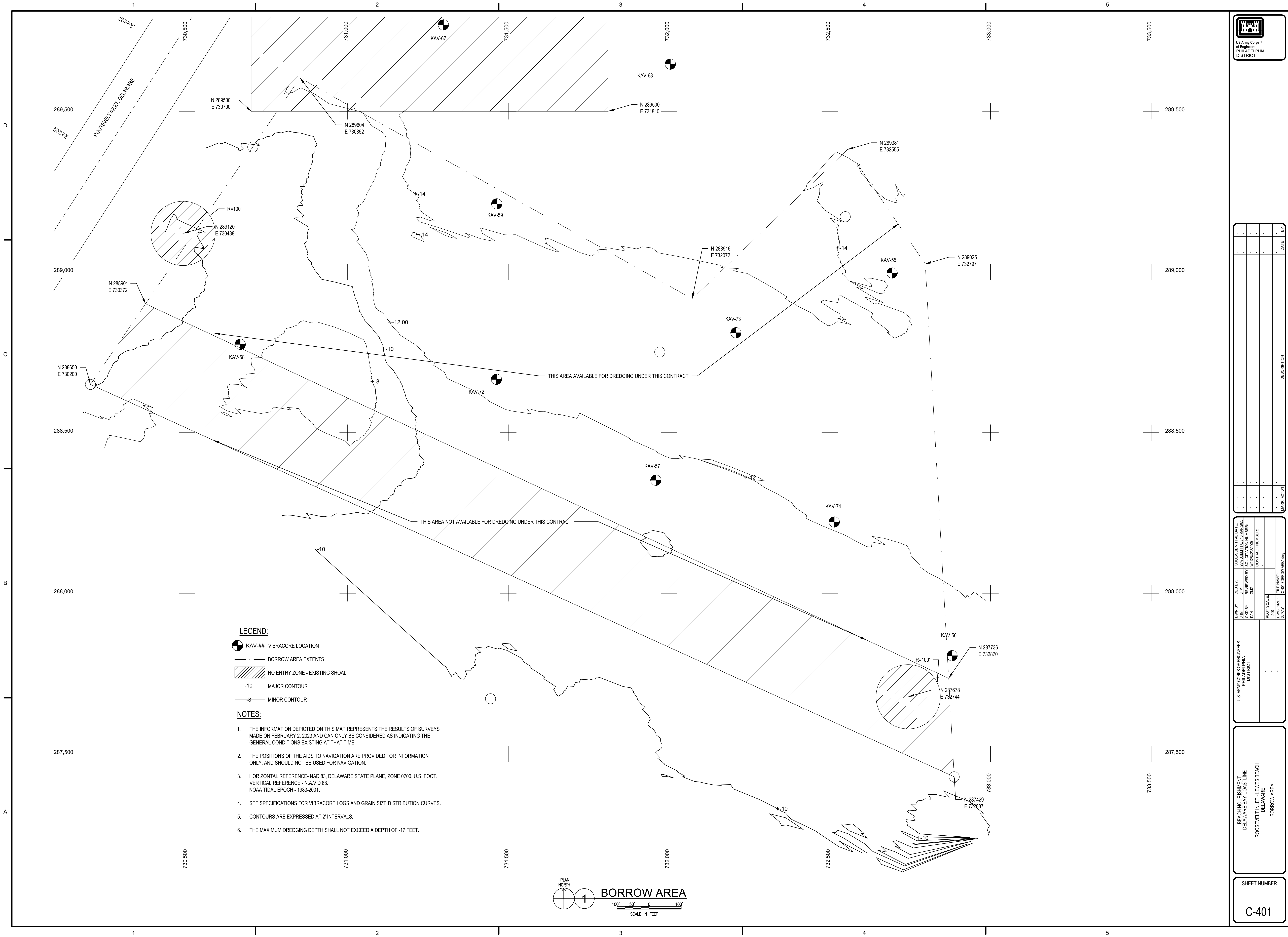


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US Army Corps of Engineers  
PHILADELPHIA DISTRICT

ISSUED BY:	DESIGNED BY:	DATE:
DRN	DES	13 MAR 2023
JUN	DES	
DAN	DES	

CONTRACT NUMBER:	FILE NAME:
WP1902280003	C-401 BORROW AREA.dwg

PILOT SCALE:	DWG. SIZE:
1"=100'	11x17"

U.S. ARMY CORPS OF ENGINEERS  
PHILADELPHIA DISTRICT

BEACH NOURISHMENT  
DELAWARE BAY COASTLINE  
ROOSEVELT INLET - LEWES BEACH  
DELAWARE  
BORROW AREA

SHEET NUMBER

C-401