



**US Army Corps  
of Engineers**  
Philadelphia District

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

# Public Notice

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Public Notice No. Date

**CENAP-OP-R-2010-0374-1**

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Application No. File No.

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In Reply Refer to:

**Regulatory Branch**

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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. Stanley J. Walcek  
P.O. Box 557  
Bethany Beach, Delaware 19930

**AGENT:** Mr. Charles C. Miller  
Environmental Consulting Services, Inc.  
100 South Cass Street  
Middletown, Delaware 19709

**WATERWAY:** Bethany Beach Loop Canal

**LOCATION:** The project site is located at 430 Garfield Parkway (Route 26) in the Town of Bethany Beach, Sussex County, Delaware. The total project site measures 12.32 acres and encompasses tax parcels 134-13.19-62.00, 134-13.92-63.00, 134-13.92-64.00 and 134-13.92-65.00. The property is bounded by Route 26 along the southern property boundary and the Bethany Beach Loop Canal along the northern property boundary. Except for a small area of upland along the Route 26 right-of-way measuring 0.03 acres the entire property is wetland with the northern portion of the property closest to the Bethany Beach Loop Canal consisting of tidal marsh complex that transitions to a non-tidal forested wetland habitat on the southern portion of the property. The coordinates for the center of the property are Latitude 38.540282<sup>0</sup> N and Longitude 75.063678<sup>0</sup> W. A location map for the site is attached to this public notice.

**ACTIVITY:** Within the overall property, the plans have identified an area labeled as The Limits of Planned Residential Development (PRD) totaling 3.47 acres. Within this PRD the applicant is proposing to fill and disturb a total area measuring 1.95 acres of land area to accommodate the construction of a six unit multi-family residential development. This total acreage of 1.95 acres would include the filling of 1.92 acres of non-tidal forested wetlands and 0.03 acres of existing upland along Route 26. The proposed project would include fill areas to accommodate roadway and parking areas, utilities, building pads and storm water management. The applicant has stated that the remaining undisturbed land area within the PRD measuring 1.52

acres would be protected through a deed restriction for future protection and conveyed to the home owners association. Ownership of the remaining portion of the overall property measuring 8.85 acres would be retained by the applicant. Plans of the proposed work are attached.

**PURPOSE:** The purpose of the proposed project is to facilitate the construction of a residential housing development.

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 the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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, in writing, within 30 days** to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A review of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, specifically page 90

indicates that the Delaware Inland Bays and their associated tidal wetlands support essential fish habitat for a number of managed fish species. However, the proposed project does not include any work in tidal wetlands or waters. As such, the proposed fill in the non-tidal forested wetlands at the project site would not affect any essential fish habitat.

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 applied to the Delaware Department of Natural Resources and Environmental Control for concurrence that the proposed project is consistent with the approved Delaware 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 activity on the State's coastal zone should be sent to the Delaware Coastal Zone Program with a copy to this office.

Compensatory mitigation: The applicant has proposed to compensate for the loss of 1.92 acres of forested wetlands at the project site through the development of approximately 4.0 acres of forested wetlands within an existing agricultural field located on a property identified as the Pierce Hardy property. The proposed wetland mitigation site is located on the south side of Route 26 approximately 4 miles west of the project site near Clarksville, Delaware. The coordinates for wetland mitigation site are: Latitude 38.546162<sup>0</sup> N and Longitude 75.139945<sup>0</sup> W. The proposed wetland mitigation work would include excavation, grading and planting of selected plant materials within the boundaries of the mitigation. The location and plans for the proposed wetland mitigation work are shown on the attached plans.

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. The applicant has applied to the Delaware Department of Natural Resources and Environmental Control, Wetlands and Subaqueous Lands Section for the required Water Quality Certificate (WQC). Any comments concerning the work described above which relate to Water Quality considerations should be sent to the Delaware Department of Natural Resources and Environmental Control with a copy to this office.

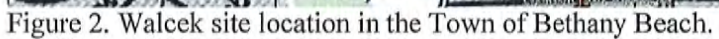
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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 Edward Bonner at 215-656-5932 , via email at [edward.e.bonner@usace.army.mil](mailto:edward.e.bonner@usace.army.mil), or writing this office at the above address.

Samuel L. Reynolds

Completely locate the project site with respect to cove, creek, property owner, plot number, etc.



Parcel ID:	134-13.19-62.00	6.03 acres
	134-13.19-63.00	1.94 acres
	134-13.19-64.00	2.38 acres
	<u>134-13.19-65.00</u>	<u>1.97 acres</u>
		<b>12.32 acres</b>



**SITE DATA**

**Owner**

MEWS OF BETHANY, LLC  
1000 N. 10TH STREET, SUITE 100  
BETHANY, DE 19312  
TEL: 302-325-1234

**Engineer/Designer**

VISTA DESIGN, INC.  
11104 WILSON ROAD, SUITE 100  
BETHANY, DE 19312  
TEL: 302-325-1234

**Tax Map**

TAX MAP 1, 15TH STREET, DE, 15TH & 16TH  
TAX MAP 1, 15TH STREET, DE, 15TH & 16TH  
TAX MAP 1, 15TH STREET, DE, 15TH & 16TH

**Site Area**

TOTAL AREA = 12.50 AC  
TOTAL AREA = 12.50 AC  
TOTAL AREA = 12.50 AC

**Flood Zone**

FLOOD ZONE = 15TH STREET, DE, 15TH & 16TH  
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FLOOD ZONE = 15TH STREET, DE, 15TH & 16TH

**Design Information**

DESIGN INFORMATION = 15TH STREET, DE, 15TH & 16TH  
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**Proposed Development**

PROPOSED DEVELOPMENT = 15TH STREET, DE, 15TH & 16TH  
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PROPOSED DEVELOPMENT = 15TH STREET, DE, 15TH & 16TH

**Proposed Schedule**

PROPOSED SCHEDULE = 15TH STREET, DE, 15TH & 16TH  
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**Score Provider**

SCORE PROVIDER = 15TH STREET, DE, 15TH & 16TH  
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SCORE PROVIDER = 15TH STREET, DE, 15TH & 16TH

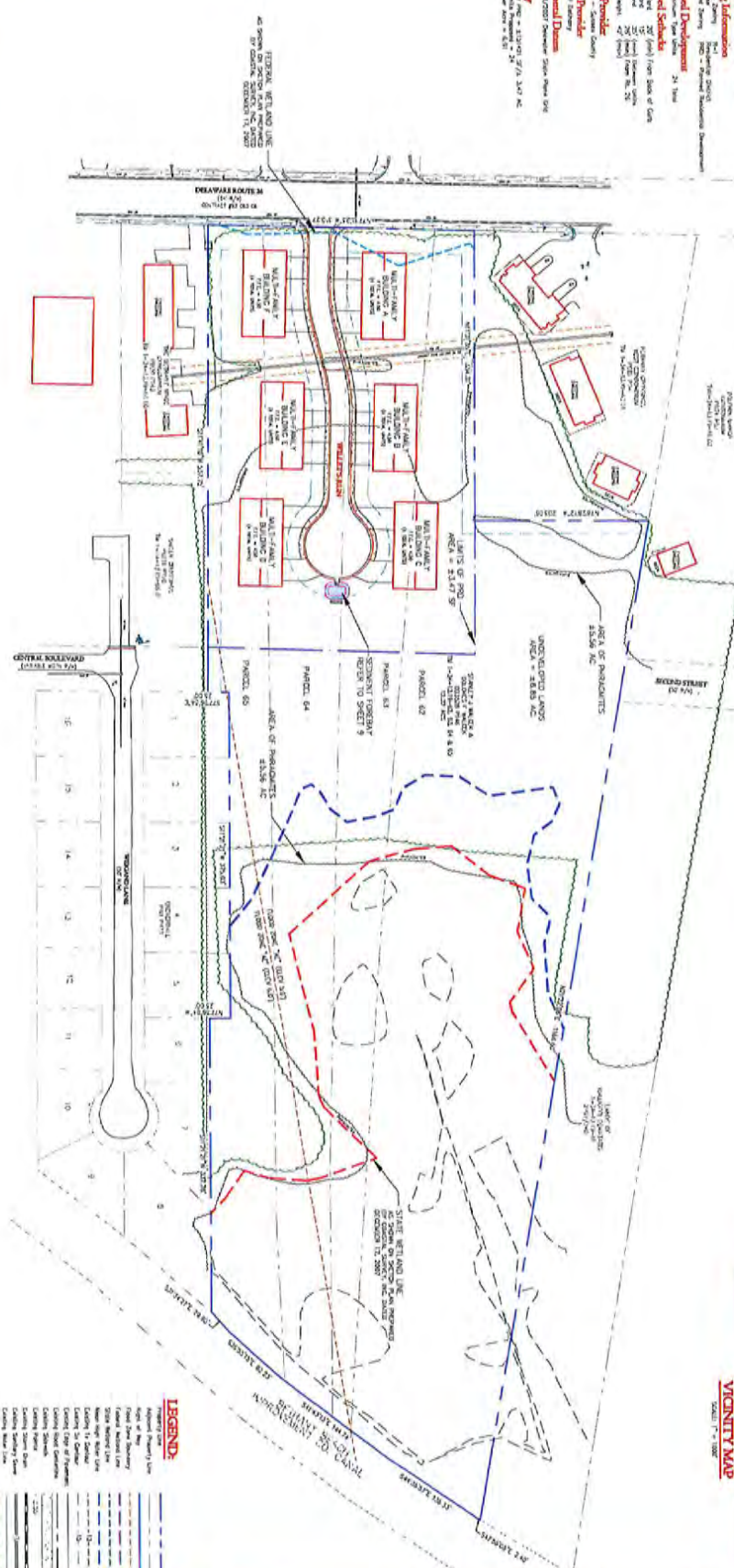
**Historical Data**

HISTORICAL DATA = 15TH STREET, DE, 15TH & 16TH  
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**Density**

DENSITY = 15TH STREET, DE, 15TH & 16TH  
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DENSITY = 15TH STREET, DE, 15TH & 16TH

**MEWS of BETHANY**  
TOWN OF BETHANY BEACH  
SUSSEX COUNTY, DELAWARE

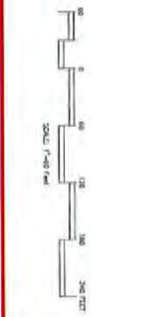


**OWNERS CERTIFICATION**

I, the undersigned, being the owner of the above described property, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_



**LEGEND**

Legend symbols for various site features, including building footprints, parking areas, and site boundaries. The legend includes a key for the symbols used in the site plan.







# Proposed Wetland Mitigation Site

Rd 348

Diane Rd

Mitigation site

Foxtail Ln

- Legend**
- Approximate Boundaries
  - Clarksville
  - Mitigation site

Google earth

© 2016 Google

2000 ft





**Owner:** *Donna L. Leland, Leland Properties, 404  
10000 Highway 101, Suite 200, Dallas, TX  
75243-4400; 972/343-1100; Fax: 972/343-1100*

**Salesperson:** *Donna L. Leland, Leland Properties, 404  
10000 Highway 101, Suite 200, Dallas, TX  
75243-4400; 972/343-1100; Fax: 972/343-1100*

**Tax Map:** *Tract 10000, Block 10000, Lot 10000*

**Site Area:** *10000 sq. ft. (228' x 435')*

**Flood Zone:** *Zone 1, Flooded Area 10000 sq. ft.*

**Zoning Information:** *Zone 1, Flooded Area 10000 sq. ft.*

**Exemptions:** *None*

**Tax Districts:** *None*

**Additional Data:** *None*

**Vertical Datum:** *None*

**Unit:** *None*



### LINE CHART

[illegible]

	2006-603
	SURVEASE
I-OF-4	1-OF-4





[illegible]LINE CHART[illegible]

	Project No. 2006-603
Title SURVEASES	Date Recd. 3-OF-4

[illegible]

Tag	Distance	SELOC
E1	158.178°	584° 25' 50.43" W
E2	16.420°	115° 45' 30.07" E
E3	42.494°	514° 14' 04.93" E
E4	16.401°	315° 45' 51.07" W

[illegible]

<div>ENVIRONMENTAL CONSULTING SERVICES, INC. 1100 South Cass Street Middletown, DE 19709 302-378-8891</div>		<div>MEWES OF BETHANY WETLANDS MITIGATION PLAN PLANTING PLAN</div>																																																																											
<div>PROJECT DATA</div> <table><thead><tr><th>Task</th><th>On Site</th><th>Start</th><th>Stop</th></tr></thead><tbody><tr><td>DESIGN CHANGES</td><td></td><td></td><td></td></tr><tr><td>PERMITTING</td><td></td><td></td><td></td></tr><tr><td>ENVIRONMENTAL INVESTIGATION</td><td></td><td></td><td></td></tr><tr><td>DESIGN</td><td></td><td></td><td></td></tr><tr><td>CONSTRUCTION</td><td></td><td></td><td></td></tr><tr><td>PLANTING</td><td></td><td></td><td></td></tr><tr><td>MONITORING</td><td></td><td></td><td></td></tr><tr><td>REPAIRING</td><td></td><td></td><td></td></tr></tbody></table>				Task	On Site	Start	Stop	DESIGN CHANGES				PERMITTING				ENVIRONMENTAL INVESTIGATION				DESIGN				CONSTRUCTION				PLANTING				MONITORING				REPAIRING				<div>REVISIONS</div> <table><thead><tr><th>Task</th><th>On Site</th><th>Start</th><th>Stop</th></tr></thead><tbody><tr><td>DESIGN CHANGES</td><td></td><td></td><td></td></tr><tr><td>PERMITTING</td><td></td><td></td><td></td></tr><tr><td>ENVIRONMENTAL INVESTIGATION</td><td></td><td></td><td></td></tr><tr><td>DESIGN</td><td></td><td></td><td></td></tr><tr><td>CONSTRUCTION</td><td></td><td></td><td></td></tr><tr><td>PLANTING</td><td></td><td></td><td></td></tr><tr><td>MONITORING</td><td></td><td></td><td></td></tr><tr><td>REPAIRING</td><td></td><td></td><td></td></tr></tbody></table>		Task	On Site	Start	Stop	DESIGN CHANGES				PERMITTING				ENVIRONMENTAL INVESTIGATION				DESIGN				CONSTRUCTION				PLANTING				MONITORING				REPAIRING			
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