



**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.
CENAP-OP-R-2016-0108

Date

Application No.
CENAP-OP-R-2016-0108

File No.

CENAP-OP-R-2016-0108-64

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: DDNREC Division of Parks and Recreation
89 Kings Highway
Dover, DE 19901

AGENT: Environmental Resources, Inc.
38173 DuPont Boulevard
Selbyville, DE 19975

WATERWAY: Existing marina basin on the north side of Chesapeake and Delaware Canal

LOCATION: Latitude and Longitude: 39.545894° N -75.709153° W. Summit Marina
North, 3000 Harbour Place, Bear, New Castle County, Delaware, 19701

ACTIVITY: Dredge the tidal waters within the 22.5 acres Summit Marina North, and associated entrance channel, with a provision for 10 years of maintenance dredging. The marina has been active since the early to mid-1980s following authorization for construction with allowance for 10 years of maintenance dredging until 1992 (DA permit number CENAP-OP-R-1980-00784, issued October 27, 1982). Subsequent DA permits have been issued for expansion and continued maintenance dredging including CENAP-OP-R-200401412-15, issued 2005. The current application is to hydraulically dredge 178,852 cubic yards of material as part of on-going maintenance to previously authorized depths (maximum of 12 feet below mean low water (MLW), however, depth of dredging will vary from six (6) feet to 12 feet below local MLW. The entrance channel and main navigation channels within the marina along with approximately 50 percent of the mooring areas will be dredged to the previously authorized depth of 12 feet below MLW. The remaining mooring areas will be dredged on a gradient to depths between six (6) to 12 feet MLW where smaller vessels will be moored. In order to promote flushing of the marina basin, shallower depths are proposed within the northern and eastern portions of the basin. Currently, a 1.5 acre portion of the marina basin is of adequate depth and requires no maintenance dredging at this time.

Material to be dredged is 100 per cent silt. Dredge material will be disposed, utilizing best practices, in the Penn Central West Disposal site as currently authorized by Department of the Army License # DACW-31 -3-13-420 that expires July 16, 2018. There will be no wetlands or waters filled; this is an existing spoil site in active operation.

Plans which accompany this public notice provide additional details with regard to the maintenance dredging and disposal location.

This project is also permitted through DNREC, Division of Water Subaqueous Lands Permit #SP- 183/15 and Water Quality Certification: WQ-397/15 and associated supplemental approval which expires September 22, 2018.

PURPOSE: The purpose of the project is to provide for adequate water depth for navigational purposes for a 10 year period so that the safety and operational needs of the facility are met.

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.

On April 10, 2008, the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency published a *Final Rule on Compensatory Mitigation for the Losses of Aquatic Resources* (33 CFR 325 and 332 and 40 CFR 230). The rule took effect on June 9, 2008. In accordance with 33 CFR Part 325.1(d)(7) of the rule, 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. Dredge spoil will be pumped into a 20 acre portion of the 40 acre U.S. Army Corps of Engineers (ACOE) Penn Central West Disposal Area under existing license DACW-31-13-420. During dredging operations, the contractor will perform daily inspections of the spoil disposal area and monitor effluent discharged to ensure effluent does not exceed turbidity of 8 parts per thousand (ppt). Compensatory mitigation has not being proposed and the requirement for compensatory mitigation is not anticipated.

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

The Corps has determined the permit area has been so extensively modified that little likelihood exists for the proposed project to impact a historic property.

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). The project site is in waters that are approximately 2.3 miles west of an area designated as Essential Fish Habitat as identified in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, sheet 31. The proposed work would occur in an existing large, active, man-made marina, with no SAVs and no adjacent wetlands; the marina has been active and maintenance dredged for more than 20 years. Any permit that may be issued by this office will include a time of year (TOY) restriction that will disallow dredging during the period of March 1 to June 30 of any year. The National Marine Fisheries Service Habitat Conservation Division (NMFS-HCD) has concurred that, with the above noted TOY, the adverse effect on EFH would not be substantial.

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.

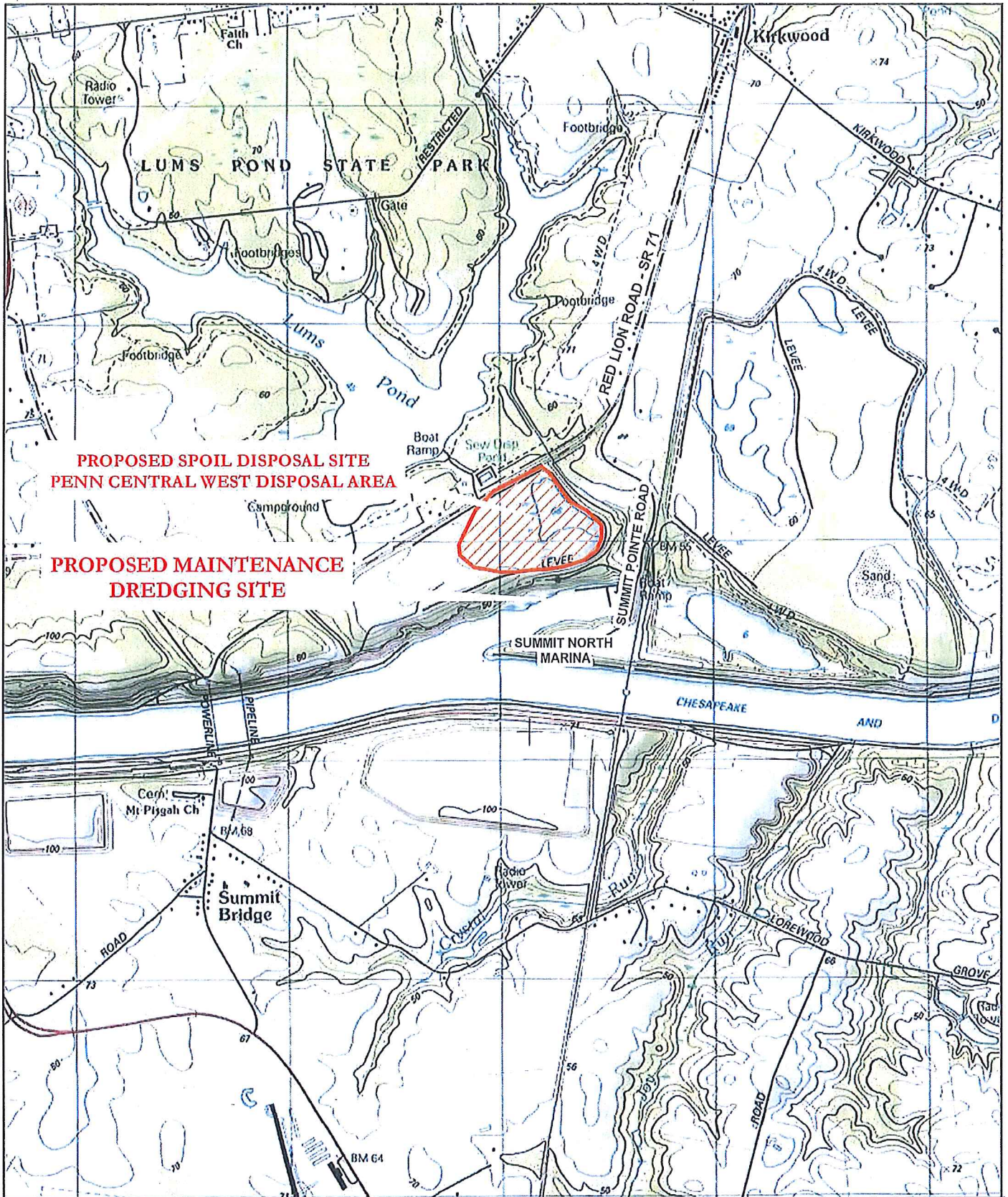
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Michael Green at 215-656-6836 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.

Edward E. Bonner
Chief, Regulatory Branch



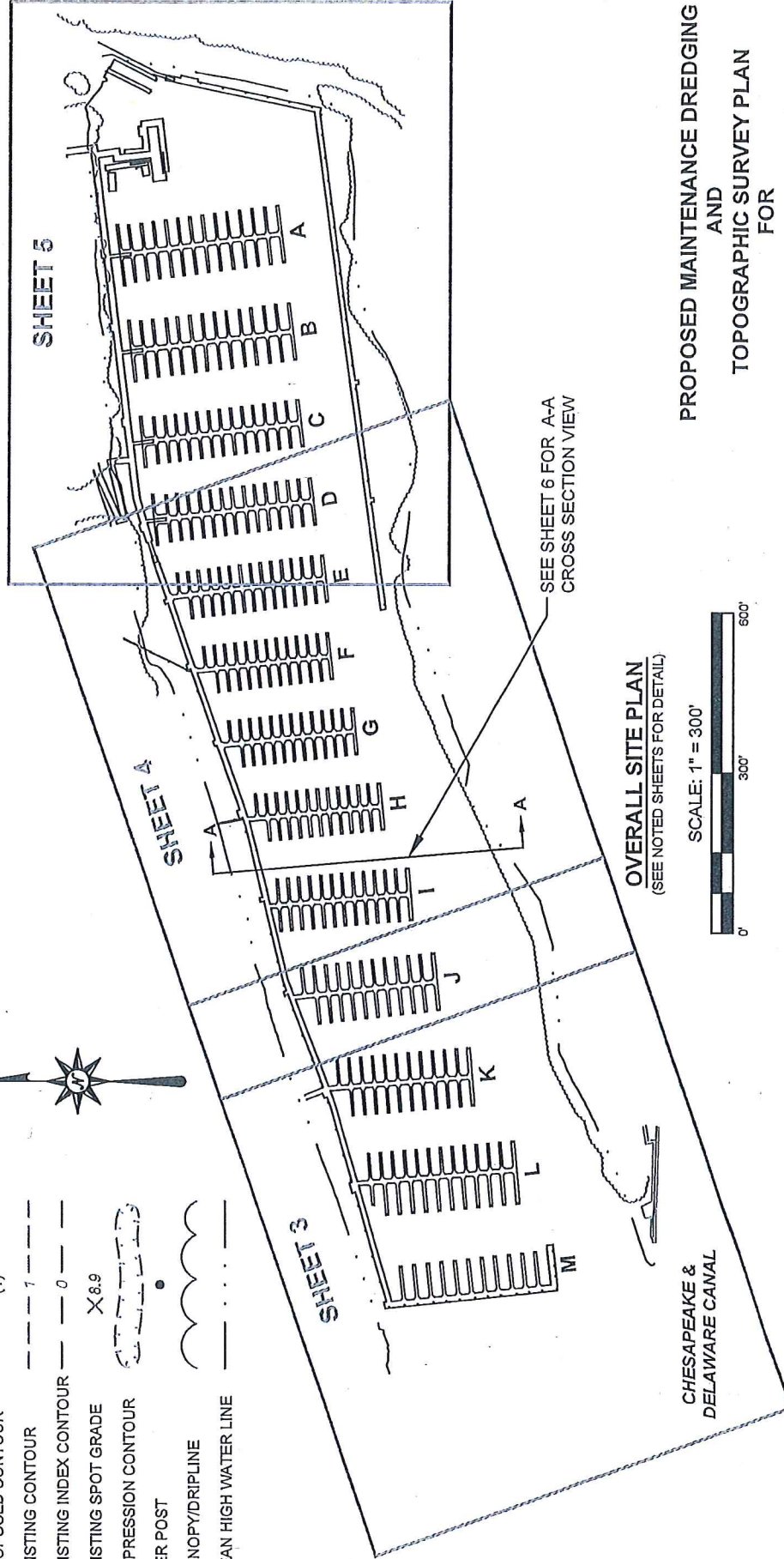
1 inch = 2,000 feet
 0 500 1,000 2,000 Feet

PROJECT LOCATION - TOPOGRAPHIC MAP
 ST. GEORGES QUADRANGLE
 SUMMIT NORTH MARINA

RED LION AND ST. GEORGES HUNDREDS
 BEAR - UNINCORPORATED
 NEW CASTLE COUNTY, DELAWARE

LEGEND

- PROPOSED CONTOUR ——— (1)
 EXISTING CONTOUR - - - - 1
 EXISTING INDEX CONTOUR - - - - 0
 EXISTING SPOT GRADE X 8.9
 DEPRESSION CONTOUR - - - -
 PIER POST ●
 CANOPY/DRIPLINE ~~~~~
 MEAN HIGH WATER LINE - - - -



OVERALL SITE PLAN
(SEE NOTED SHEETS FOR DETAIL)

SCALE: 1" = 300'



PLAN DATA

HORIZONTAL DATUM: DELAWARE STATE PLANE COORDINATE SYSTEM (NAD83)

VERTICAL DATUM: LOCAL MEAN LOW WATER LEVEL AS INTERPOLATED FROM NEAREST TIDAL BENCHMARK STATIONS. PLAN DATUM VALUES ARE 1.9' HIGHER THAN NAVD88 VALUES.

RANGE OF LOCAL TIDES:

ELEVATION PER	
PLAN	NAVD88
MEAN HIGH WATER	2.5
MEAN LOW WATER	0.0
	-1.9

SITE BENCHMARKS: NGS TIDAL BENCHMARK CONTROL STATIONS

AJ6316 - ELEVATION = 5.34 NAVD88

JJ1833 - ELEVATION = 5.66 NAVD88

DREDGE CALCULATIONS

TOTAL AREA OF DREDGING: 980,835 SQUARE FEET
(AREA DOES NOT INCLUDE 84,289 S.F. OF THE MARINA BASIN WHICH ALREADY EXCEEDS PROPOSED DEPTH OF DREDGING.)

TOTAL VOLUME TO BE DREDGED: 178,852 CUBIC YARDS
(NO SHRINK/SWELL FACTORS USED FOR ADJUSTMENT)

PROPOSED MAINTENANCE DREDGING AND TOPOGRAPHIC SURVEY PLAN FOR

SUMMIT NORTH MARINA

SITUATE IN: RED LION HUNDRED, NEW CASTLE COUNTY, DELAWARE

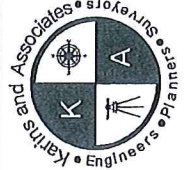
Karins and Associates

ENGINEERS • PLANNERS • SURVEYORS
NEWARK, DE & GEORGETOWN, DE
www.karinsengineering.com

17 POLLY DRUMMOND CENTER • SUITE 201

NEWARK, DELAWARE 19711

PHONE: (302) 369-2900 FAX: (302) 369-2975



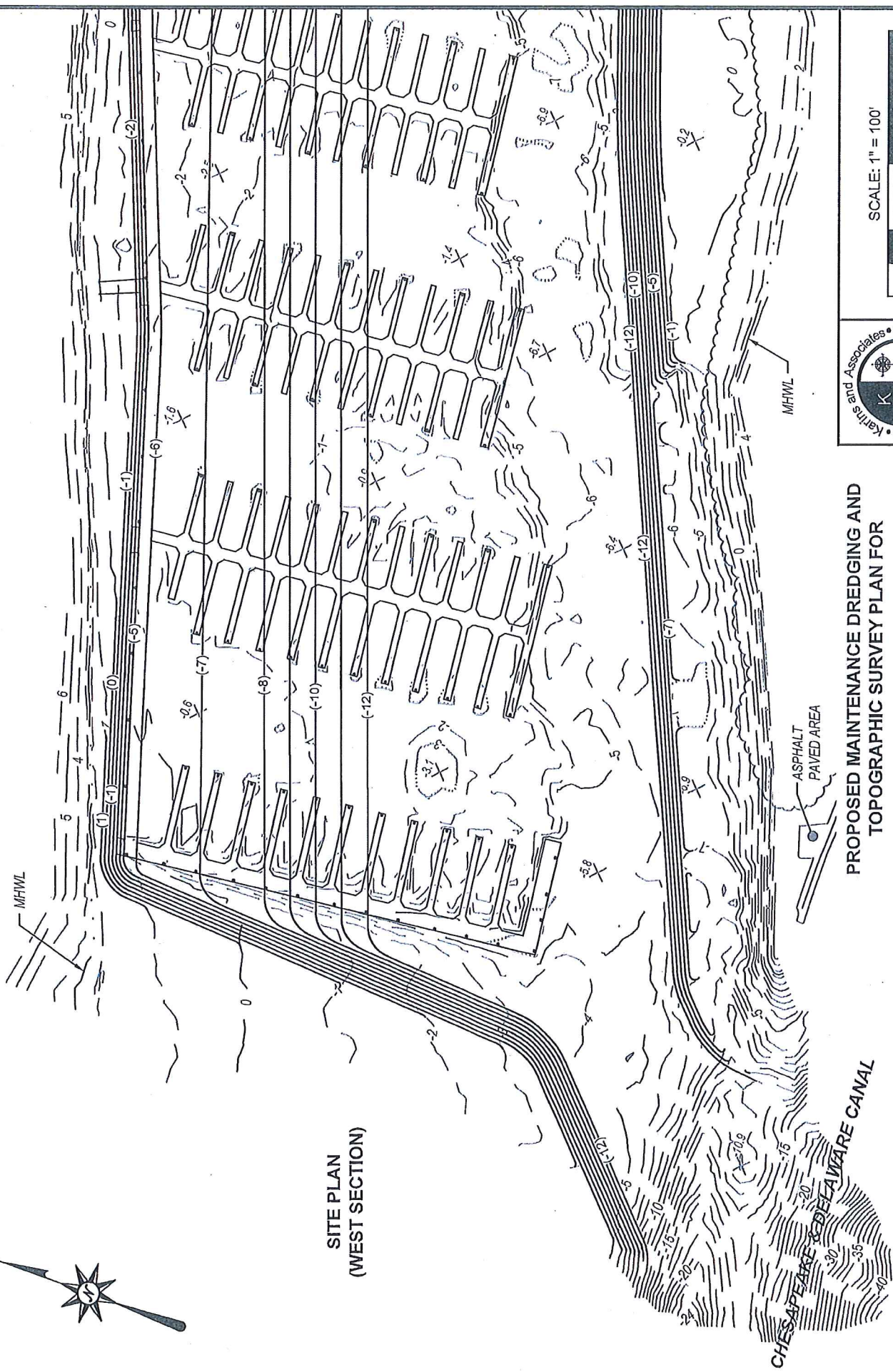
PREPARED FOR: DNREC
 89 KINGS HIGHWAY
 DOVER, DE 19901
 PH: 302 739-9947
 FAX: 302 739-7764

SURVEY BY: R.A.D. / C.A.B.

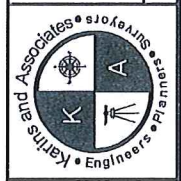
DRAWN BY: E.L.G.

CHECKED BY: J.J.J.

DATE: 08-09-16 SHEET: 2 OF 9



SITE PLAN
(WEST SECTION)



SCALE: 1" = 100'

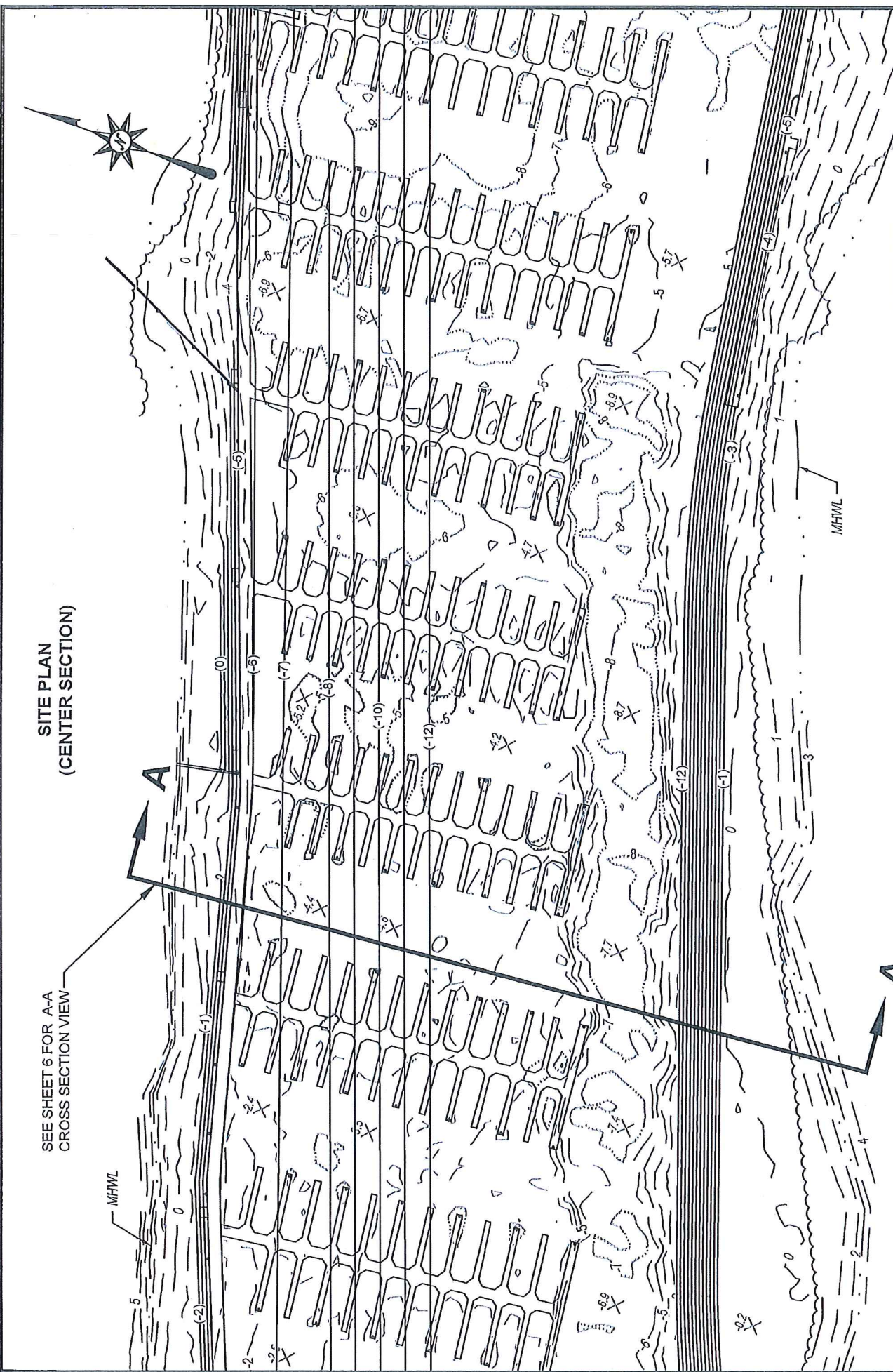


DATE: 08-09-16 SHEET: 3 OF 9

PROPOSED MAINTENANCE DREDGING AND
TOPOGRAPHIC SURVEY PLAN FOR

SUMMIT NORTH MARINA

SITUATE IN: RED LION HUNDRED, NEW CASTLE COUNTY, DELAWARE



SITE PLAN
(CENTER SECTION)

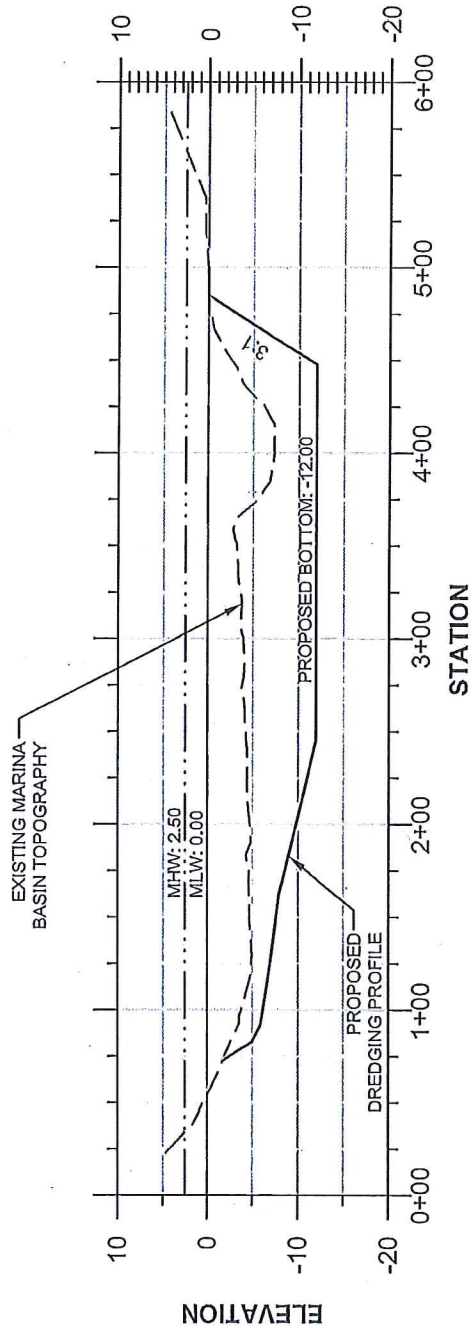
SEE SHEET 6 FOR A-A
CROSS SECTION VIEW

MHWL

MHWL

PROPOSED MAINTENANCE DREDGING AND
TOPOGRAPHIC SURVEY PLAN FOR
SUMMIT NORTH MARINA
SITUATE IN: RED LION HUNDRED, NEW CASTLE COUNTY, DELAWARE



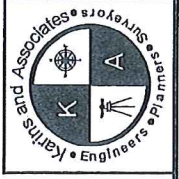


MARINA CROSS SECTION VIEW A-A

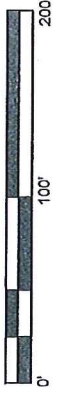
SCALE - H: 1" = 100' - V: 1" = 20'

(SEE SHEET 4 FOR PLAN VIEW)

PROPOSED MAINTENANCE DREDGING AND
TOPOGRAPHIC SURVEY PLAN FOR
SUMMIT NORTH MARINA
SITUATE IN: RED LION HUNDRED, NEW CASTLE COUNTY, DELAWARE



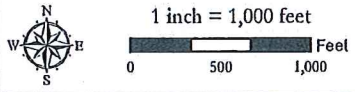

SCALE: 1" = 100'



DATE: 08-09-16

SHEET: 6 OF 9



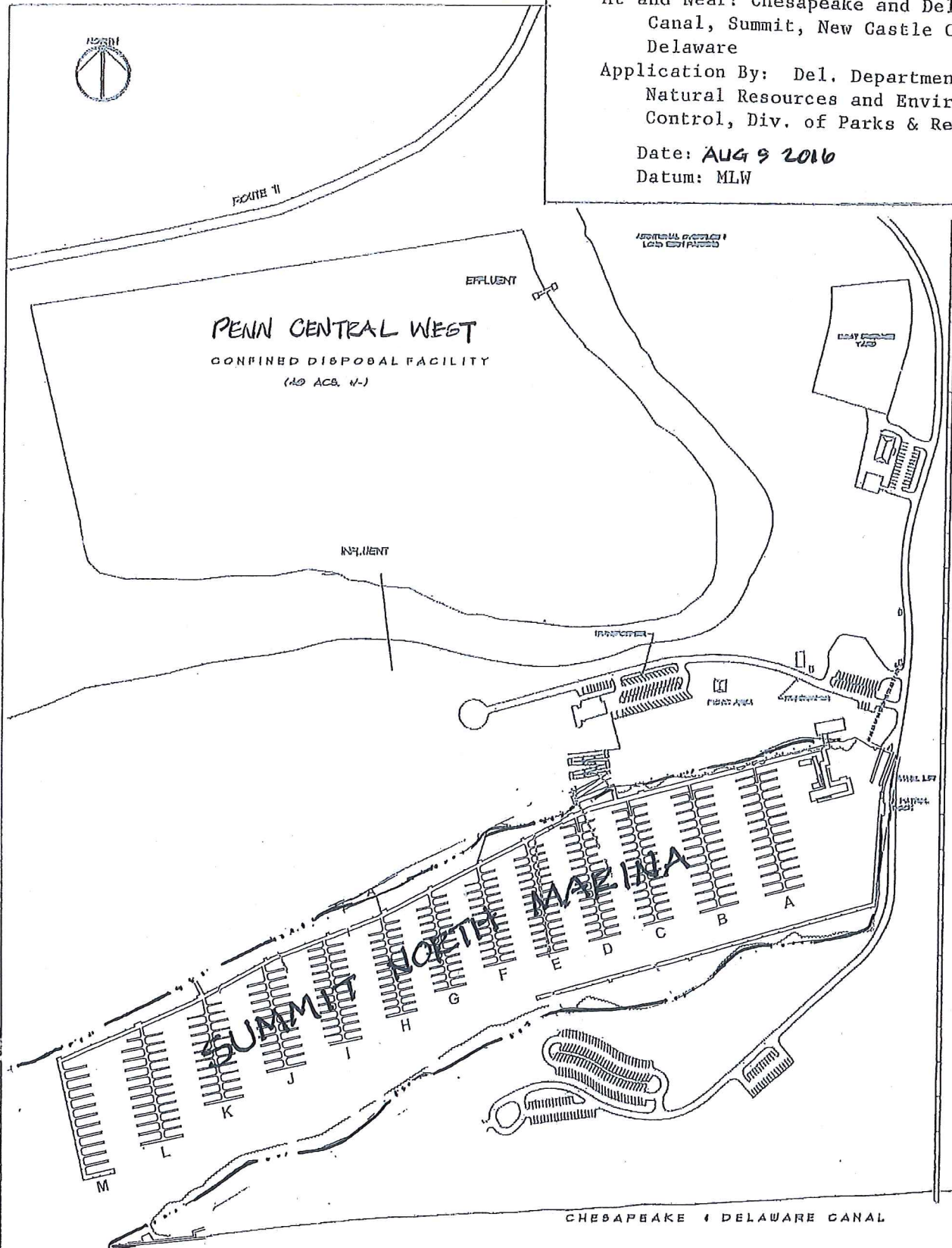
 <p>1 inch = 1,000 feet</p>	<p>DREDGE SPOIL SITE LOCATION 2012 AERIAL SUMMIT NORTH MARINA</p>		<p>RED LION AND ST. GEORGES HUNDREDS BEAR - UNINCORPORATED NEW CASTLE COUNTY, DELAWARE</p>	
	<p>Date: 08/09/2016</p>	<p>Dwn.By: JLW</p>	<p>SHEET: 7 OF 9</p>	
	<p>Revisions:</p>	<p>Proj.No.: 0771#0620</p>		

SUMMIT NORTH MARINA
MAINTENANCE DREDGING PROJECT
At and Near: Chesapeake and Delaware
Canal, Summit, New Castle County,
Delaware

Application By: Del. Department of
Natural Resources and Environ.
Control, Div. of Parks & Rec.

Date: AUG 9 2016

Datum: MLW



PROPOSED DREDGE SPOIL SITE
LOCATION PLAN

SCALE: 1" = 400'

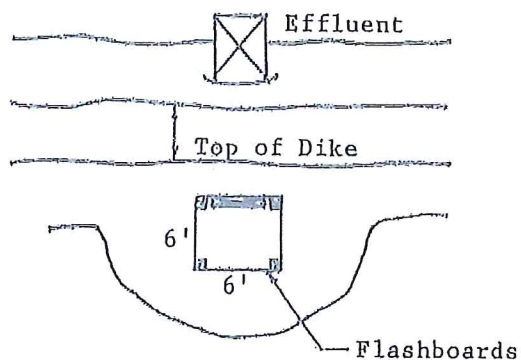
SHEET 8 OF 9

SUMMIT NORTH MARINA
 MAINTENANCE DREDGING PROJECT
 south of Rte. 71 (Red Lion Road),
 Lums Pond State Park,
 New Castle County, Delaware
 Application By: Delaware DNREC
 Division of Parks and Recreation
 Date: AUG 2, 2016
 Datum: MLW

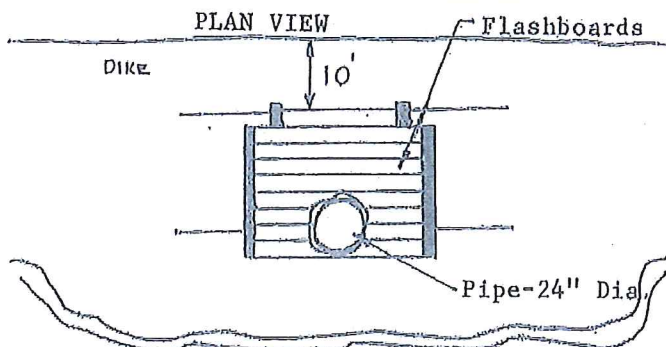
SHEET 9 OF 9

PENN CENTRAL WEST CDF DISPOSAL AREA DETAILS

TOP VIEW



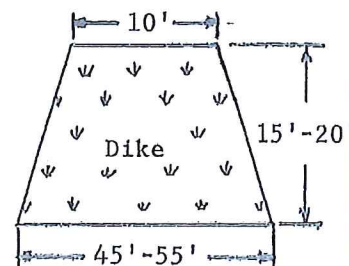
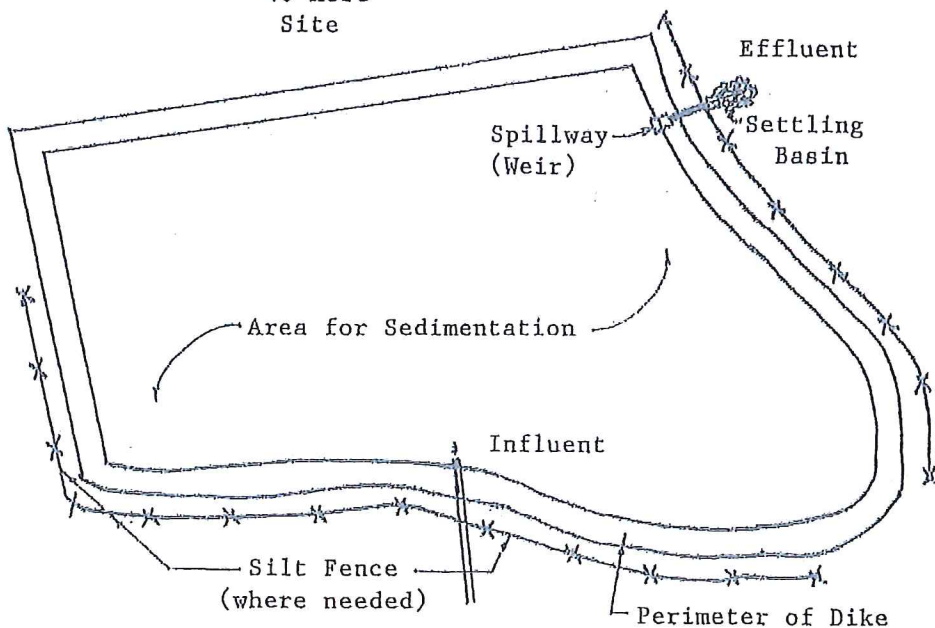
SPILLWAY (WEIR) DESIGN



Flashboards will be added as water level rises.

TYPICAL CONFINED DISPOSAL FACILITY DESIGN
 (Not To Scale)

Plan View
 40 Acre
 Site



CROSS-SECTION OF
 DIKE

Notes:

Erosion and Sediment Control measures (i.e. silt fence, seeding of dike walls) will be implemented in compliance with the Delaware Sediment and Stormwater Regulations,