



**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-2018-122

Date
May 9, 2018

Application No.
CENAP-OP-R-2018-122

File No.
CENAP-OP-R-2018-122-85

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: Pilots Association for the Bay and Delaware River

AGENT: Urban Engineers, Incorporated

WATERWAY: Delaware Bay

LOCATION: 41 Cape Henlopen Drive Lewes, Sussex County, Delaware
Tax Map Parcels 3-35-5.00-15.00
(Lat. 38.782986°N/Long.-75.120208°W).

ACTIVITY: The applicant has applied for a 10-year maintenance dredging permit. The applicant proposes to conduct maintenance dredging to a depth of -9' MLW, measuring approximately 1.37 acres at the Pilots Association dock at 41 Cape Henlopen Drive in Lewes, Sussex County, Delaware. The dredging method is to be determined by the selected contractor. The dredged material will be disposed of at an existing confined upland disposal site located at the western end of Anglers Road. The project plans are attached.

PURPOSE: The purpose of the project is to maintain navigable depths for safe access to/from the dock.

AVOIDANCE/MINIMIZATION/COMPENSATION STATEMENT:

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, and has further documented that compensatory mitigation is not

necessary. The following aspects and features of the project demonstrate the applicant's efforts in this regard.

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The project cannot be avoided entirely because it is, by its nature, a water-dependent activity. The proposed maintenance dredging will provide safe and adequate access to/from the dock to allow the Pilots Association to transport pilots to/from shipping vessels in the Delaware Bay. The dredged material will be transported to an existing confined upland disposal site located at the western end of Anglers Road. Because no wetlands or other special aquatic sites would be impacted by the project, the applicant is not proposing to conduct any compensatory mitigation for the work.

A preliminary review of this application indicates that species listed under the Endangered Species Act or their critical habitat pursuant to Section 7 of the ESA as amended, may be present in the action area. 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 National Marine Fisheries Service and the United States Fish and Wildlife Service 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 NOAA Fisheries 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 NOAA Fisheries as appropriate. Consultation will be concluded prior to the final decision on this permit application.

Review of the National Register of Historic Places indicates that the project is located within the National Harbor of Refuge and Delaware Breakwater Harbor Historic District. The Philadelphia District will evaluate the potential effects of the proposed actions on the historic district and will consult with the Delaware Division of Historical and Cultural Affairs as appropriate. Consultation will be concluded prior to the final decision on this permit application.

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

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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.

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.

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.

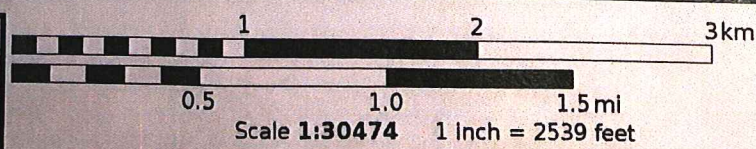
Additional information concerning this permit application may be obtained by calling Michael D. Yost at (267) 240-5278, by email at michael.d.yost@usace.army.mil, or by writing this office at the above address.

Edward E. Bonner
Chief, Regulatory Branch



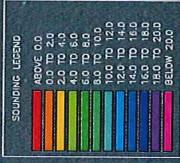
Project Location

Attachment 2: Vicinity Map
Pilots Association for the Bay & Delaware River
Pilots Dock
Sussex County, Lewes, Delaware



ATTACHMENT 1: DREDGE PLAN/BATHYMETRIC SURVEY

Dredge Quantities
 Grade, -8 ft: 4,500 cubic yards
 Overdredge, (additional -1 ft): 1,500 cubic yards
Total: 6,000 cubic yards
Dredge Area
 35,000 sq ft within toes
 25,000 sq ft within slopes



Dredge area
(top of slopes)

Dredge area

PILOTS DOCK
 BATHYMETRIC SURVEY
 LEWES, DELAWARE

Drawing Date	NOV 8, 2017
Drawn By	E. BANGOLD
Checked By	M. JOTCE
Drawing Name	171010_LEWES_PILOTS_DOCK
Drawing Scale	1" = 50'
Sheet Number	1 OF 1

Survey Date	OCT 10, 2017
Horizontal Projection	DELAWARE STATE PLANE NAD83
Zone	17N
Vertical Reference	MEAN LOWER WATER
Survey Unit	U.S. Survey Feet

NOTE: THE INFORMATION REPORTED ON THIS MAP REPRESENTS THE RESULT OF A SURVEY CONDUCTED BY GBA ENGINEERS & SURVEYORS, INC. (GBA) ON OCTOBER 10, 2017. THE INFORMATION REPORTED ON THIS MAP IS BASED ON THE FOLLOWING ASSUMPTIONS:

1. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE DELAWARE SURVEYING ACT.
2. THE SURVEY WAS CONDUCTED USING A REAL TIME KINEMATIC (RTK) GPS SYSTEM.
3. THE SURVEY WAS CONDUCTED USING A REAL TIME KINEMATIC (RTK) GPS SYSTEM.
4. THE SURVEY WAS CONDUCTED USING A REAL TIME KINEMATIC (RTK) GPS SYSTEM.
5. THE SURVEY WAS CONDUCTED USING A REAL TIME KINEMATIC (RTK) GPS SYSTEM.
6. THE SURVEY WAS CONDUCTED USING A REAL TIME KINEMATIC (RTK) GPS SYSTEM.
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9. THE SURVEY WAS CONDUCTED USING A REAL TIME KINEMATIC (RTK) GPS SYSTEM.
10. THE SURVEY WAS CONDUCTED USING A REAL TIME KINEMATIC (RTK) GPS SYSTEM.

