

PUBLIC NOTICE

REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

TITLE: Fort DuPont Redevelopment & Preservation Corporation – Proposed Placement of Rip-Rap Bank Stabilization along a portion of the South Bank of the Delaware City Branch Canal Section of the Intracoastal Waterway, Delaware River to Chesapeake Bay, DE & MD (C&D Canal) Federal Civil Works Navigation Project, New Castle County, Delaware.

PUBLIC NOTICE IDENTIFICATION NUMBER: NAP-2017-00678-85

PUBLIC NOTICE COMMENT PERIOD:

Begins: **01 April 2021**

Expires: **03 May 2021**

Interested parties are hereby notified that an application has been received for a Department of the Army Section 408 permission for certain work at or near a federal project of the United States, as described below and shown on attached figures. Written comments are being solicited from anyone having an interest in the requested alteration. Comments will become part of the U.S. Army Corps of Engineers' (USACE's) administrative record and will be considered in determining whether to approve the request. Comments supporting, opposing, or identifying concerns that should be considered by the USACE in its decision process are all welcome.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply USACE endorsement of the project as described.

- 1. REQUESTER:** In compliance with 33 USC 408 (Section 14 of the Rivers and Harbors Act of 1899; hereinafter Section 408), the Fort DuPont Redevelopment & Preservation Corporation has requested permission to place rip-rap bank stabilization along a portion of the South Bank of the Delaware City Branch Canal Section of the Intracoastal Waterway, Delaware River to Chesapeake Bay, DE & MD (C&D Canal) Federal Civil Works Navigation Project.
- 2. LOCATION:** The proposed project is located along the South Bank of the Delaware City Branch Canal Section of the C&D Canal at Fort DuPont, just north of the Route 9/5th Street Bridge in Delaware City, New Castle County, Delaware; approximate center coordinates: Latitude: 39.570820°N, Longitude: -75.590059°W.
- 3. LOCATION MAP(S)/DRAWING(S):** See attached Drawings: Sheets 1 through 8.

4. REQUESTER'S PROPOSED ACTION: Proposed placement of approximately 5,267.0-cubic yards of rip-rap stone revetment along 2,000.0-linear feet (1.96-acres) of the Delaware City Branch Canal's South Bank. The rip-rap will extend 0.5-feet channelward of the Mean High Water Line and 0.25-feet channelward of the Mean Low Water Line, totaling 0.82-acres of Waters of the U.S. The stated purpose of the project is to provide erosion protection to prevent failure of the canal bank slope.

5. REGULATORY AUTHORITY: This request will be reviewed according to the provisions of Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408). A requestor has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344) and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). Any Section 10/404/103 permit decision associated with the proposed alteration is separate from and will not be included in the Section 408 permission decision. An approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

6. ENVIRONMENTAL COMPLIANCE: A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While ensuring compliance is the responsibility of USACE, the requester is providing all information that the Philadelphia District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances. Based on information provided by the applicant to date, current Corps regulations governing NEPA implementation, and/or the contents of existing NEPA documentation if available, it is likely that the proposed action will be determined to be categorically excluded from the need to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS). This determination will be finalized following completion of agency coordination and prior to issuance of the Section 408 Permission Decision.

7. EVALUATION: As part of its evaluation, USACE will first make a determination that the submittal from the requestor is complete. The Philadelphia District is working closely with the requestor to ensure that all required technical plans, maps, drawings, and specifications are provided and are complete. Once the package is complete, a District-led review will be conducted to determine, in accordance with Engineering Circular (EC) 1165-2-216, whether the proposed alteration will impair the usefulness of the USACE Project or be injurious to the public interest, as follows:

- A. *Impair the Usefulness of the Project Determination.* The Philadelphia District's Section 408 review team will determine if the proposed alteration will limit the ability of the federally authorized project to function as authorized, or will compromise or change any authorized project conditions, purposes or outputs.
- B. *Injurious to the Public Interest Determination.* Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to

the USACE project may have on the public interest requires a careful weighing of all those factors that are relevant in each particular case. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

8. SOLICITATION OF COMMENTS: The USACE 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 the proposed activity. Any comments received will be considered by USACE to determine whether to issue, modify, condition, or deny a permission for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are considered in making a final determination whether the proposed action will be categorically excluded from the need to prepare further NEPA documentation. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

- A. It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to the Philadelphia District Corps of Engineers, Office of Counsel to obtain copies of said materials under the FOIA.
- B. It is presumed that all parties viewing this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

9. COMMENT SUBMISSION AND ADDITIONAL INFORMATION: Written comments on the described work should reference the USACE Public Notice Identification Number found on the first page of this notice. Comments must reach this office no later than the stated expiration date of the Public Notice to become part of the record and be considered in the decision. Comments or requests for additional information should be emailed or mailed to the following address:

Email: JuanCarlos.Corona@usace.army.mil

Mailing Address:

U.S. Army Corps of Engineers

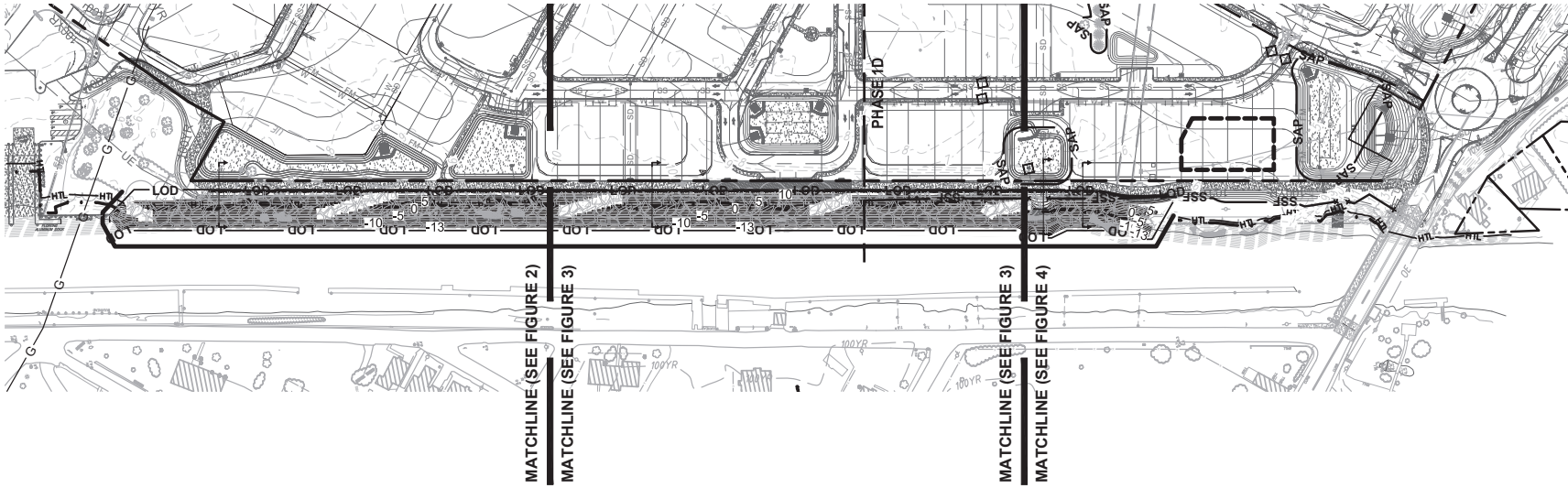
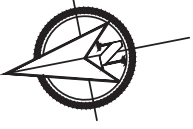
Philadelphia District

ATTN: Juan Carlos Corona

7th Floor

100 Penn Square East

Philadelphia, PA 19107-3390



TOTAL LIMIT OF DISTURBANCE: 1.96± AC
 WETLAND LIMIT OF DISTURBANCE: 0.82± AC
 RIPRAP FILL VOLUME: 5267± cu. yd.

WETLAND PERMIT EXHIBITS
 OVERALL SITE PLAN
FORT DUPONT
BRANCH CHANNEL REVETMENT
 DELAWARE CITY ~ NEW CASTLE COUNTY ~ DELAWARE

DATE:
28 OCTOBER 2020

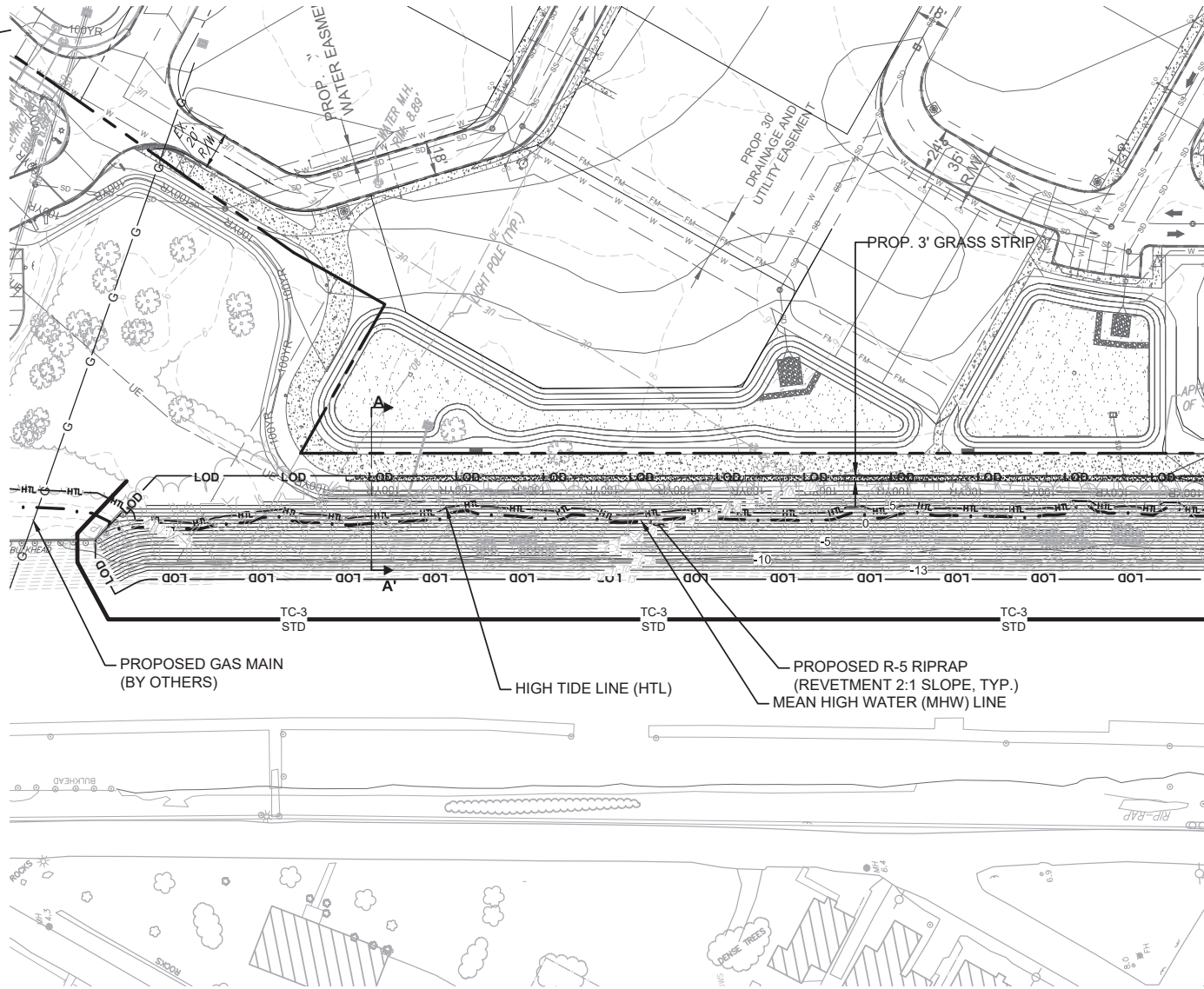
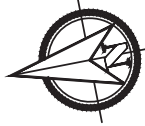
SCALE:
1" = 160'

PROJECT NO.
10801.CY

SHEET:
FIGURE 1

DESIGNED BY: JTO
 DRAWN BY: JTO
 CHECKED BY: SJG
 FILE: Exh10801CY

DUFFIELD ASSOCIATES
 Soil, Water & Air Environment
 6468 HARTSTONE ROAD
 WILMINGTON, DE 19808-1232
 PHONE: 302.239.8888
 FAX: 302.239.8885
 PENNSYLVANIA AND NEW JERSEY
 EMAIL: DUFFIELD@DUFFINET.COM



NOTE: EXISTING CONTOURS -2 TO -13 ARE AT APPROXIMATE LOCATIONS

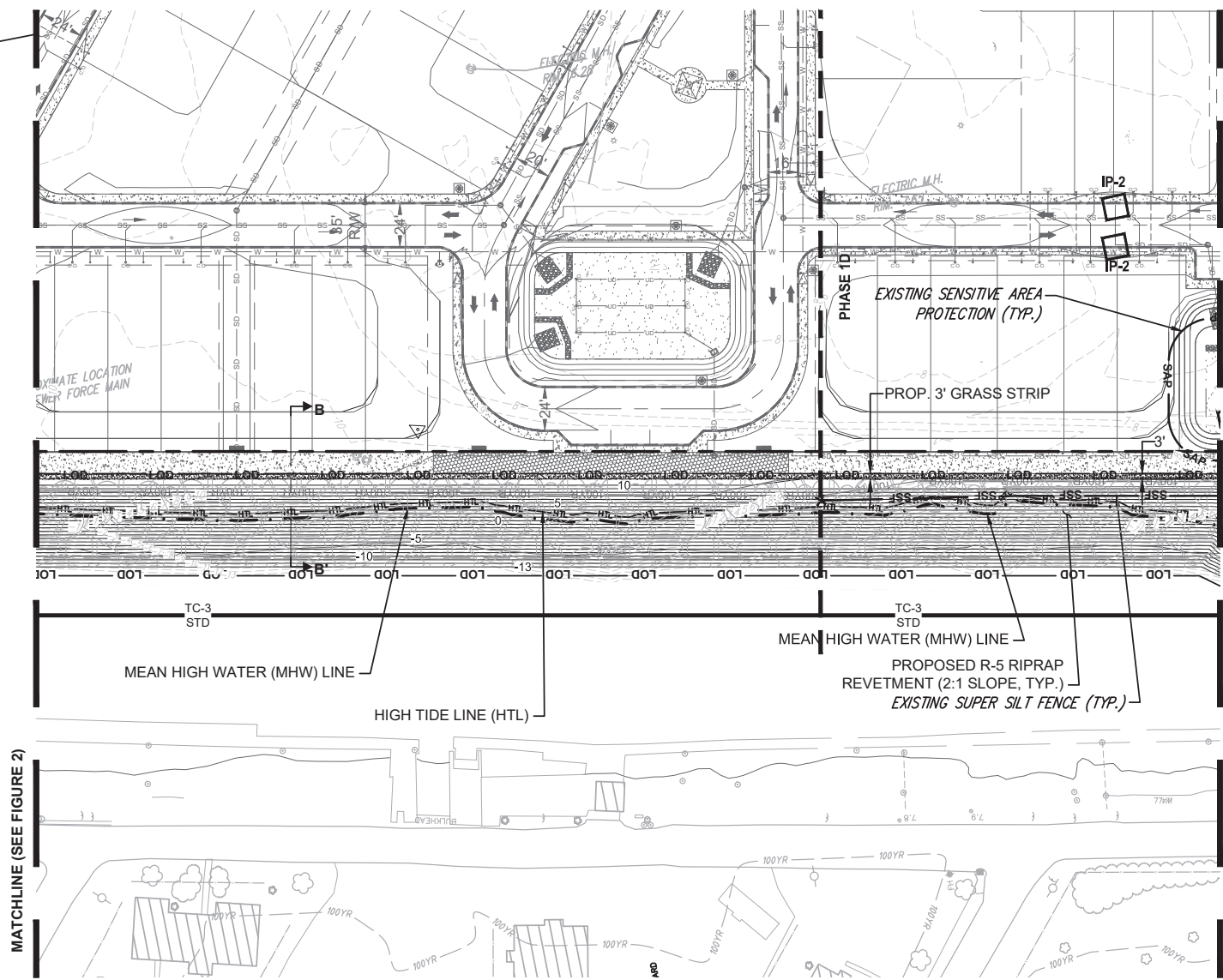
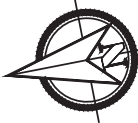
MATCHLINE (SEE FIGURE 3)

DUFFIELD ASSOCIATES
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 6460 HARTSTONE ROAD
 WILMINGTON, DE 19808-1232
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 EMAIL: DUFFIELD@DUFFIELD.COM

DESIGNED BY:	JTO
DRAWN BY:	JTO
CHECKED BY:	SJG
FILE:	Exh10801CY

**WETLAND PERMIT EXHIBITS
 SITE PLAN
 FORT DUPONT
 BRANCH CHANNEL REVETMENT
 DELAWARE CITY ~ NEW CASTLE COUNTY ~ DELAWARE**

DATE:	28 OCTOBER 2020
SCALE:	1" = 60'
PROJECT NO.	10801.CY
SHEET:	FIGURE 2



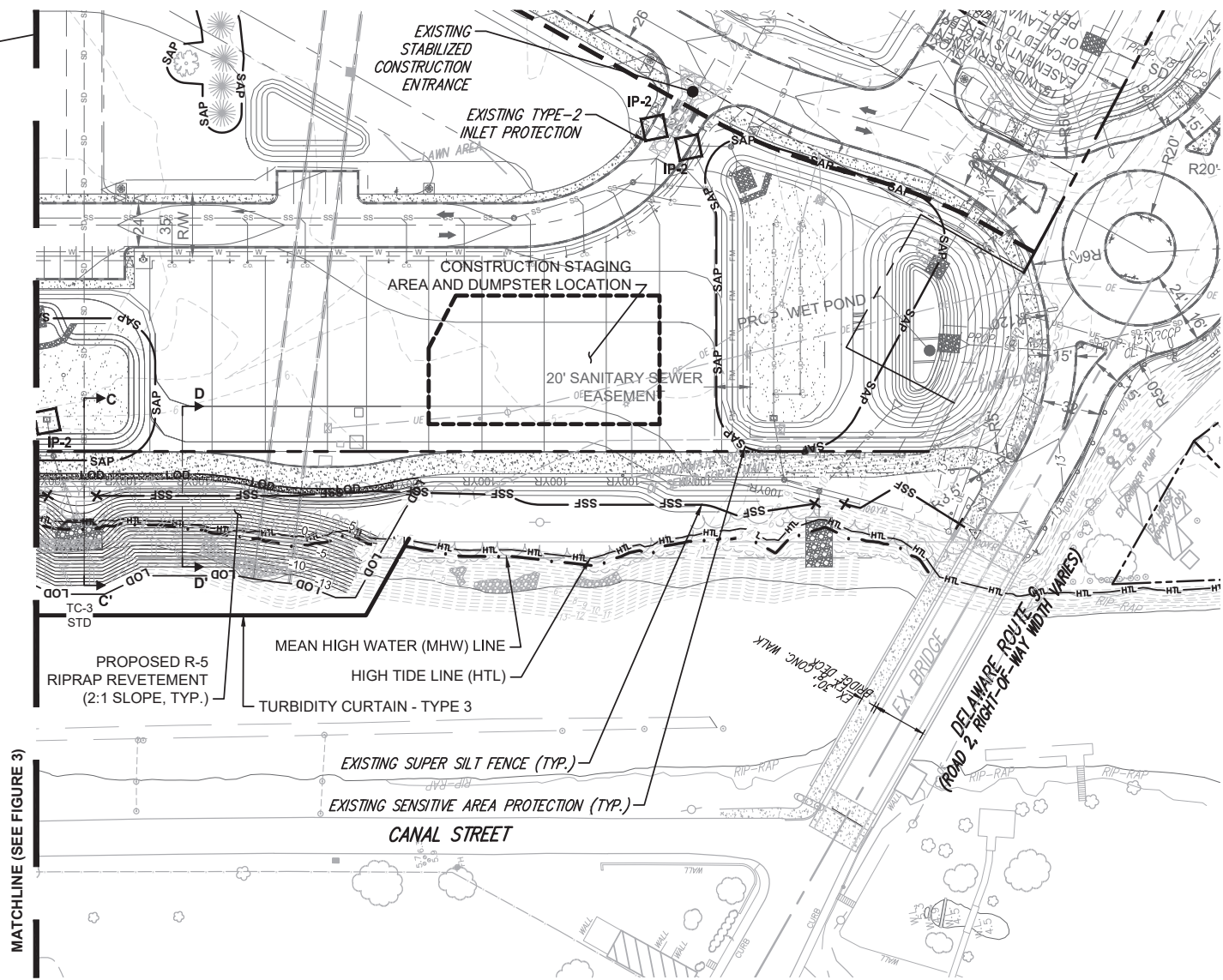
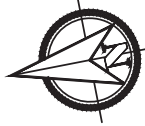
NOTE: EXISTING CONTOURS -2 TO -13 ARE AT APPROXIMATE LOCATIONS

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**WETLAND PERMIT EXHIBITS
SITE PLAN
FORT DUPONT
BRANCH CHANNEL REVETMENT
DELAWARE CITY ~ NEW CASTLE COUNTY ~ DELAWARE**

DATE:	28 OCTOBER 2020
SCALE:	1" = 60'
PROJECT NO.	10801.CY
SHEET:	FIGURE 3



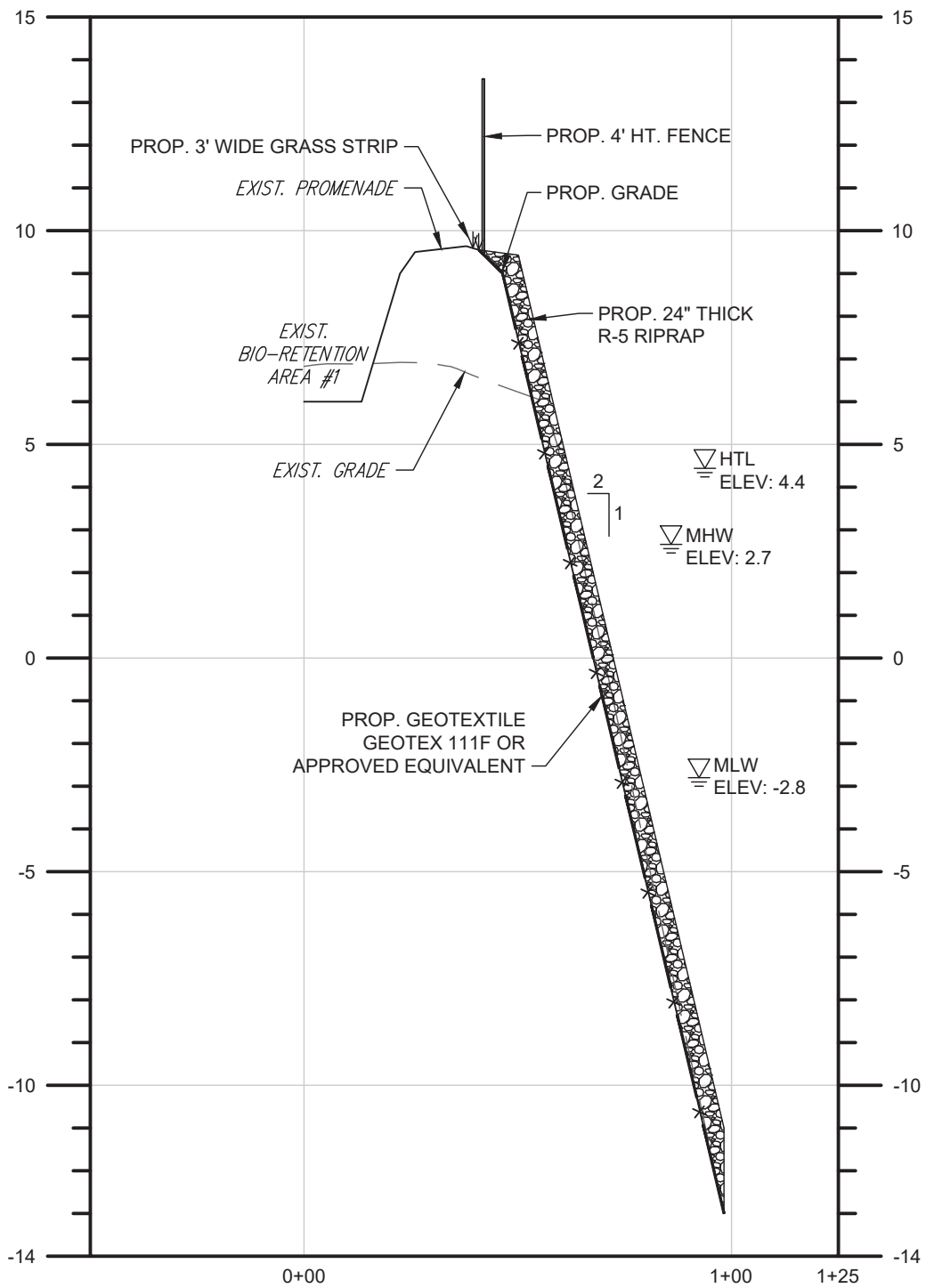
NOTE: EXISTING CONTOURS -2 TO -13 ARE AT APPROXIMATE LOCATIONS

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 EMAIL: DUFFIELD@DUFFIELD.COM

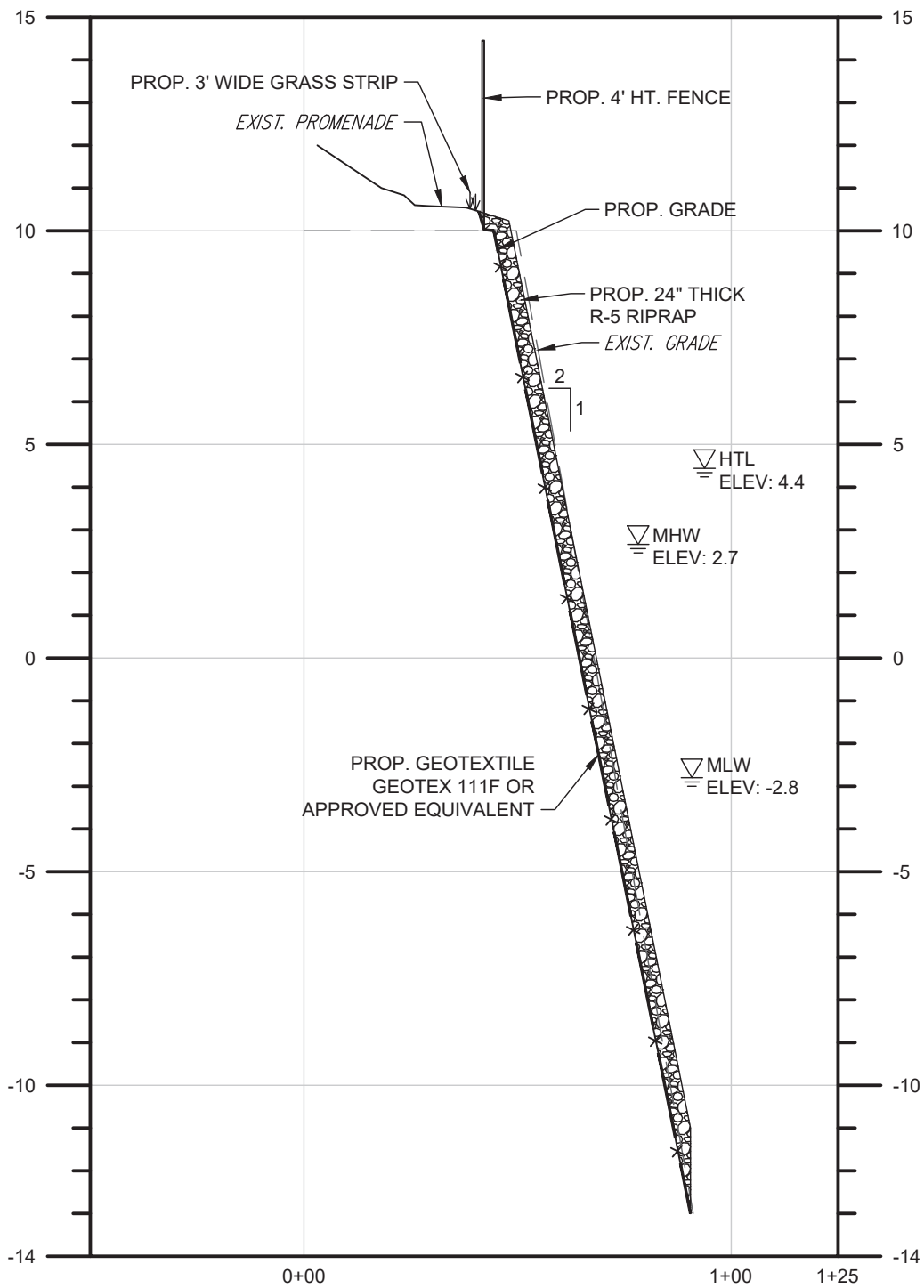
DESIGNED BY:	JTO
DRAWN BY:	JTO
CHECKED BY:	SJG
FILE:	Exh10801CY


**WETLAND PERMIT EXHIBITS
 SITE PLAN
 FORT DUPONT
 BRANCH CHANNEL REVETMENT
 DELAWARE CITY ~ NEW CASTLE COUNTY ~ DELAWARE**

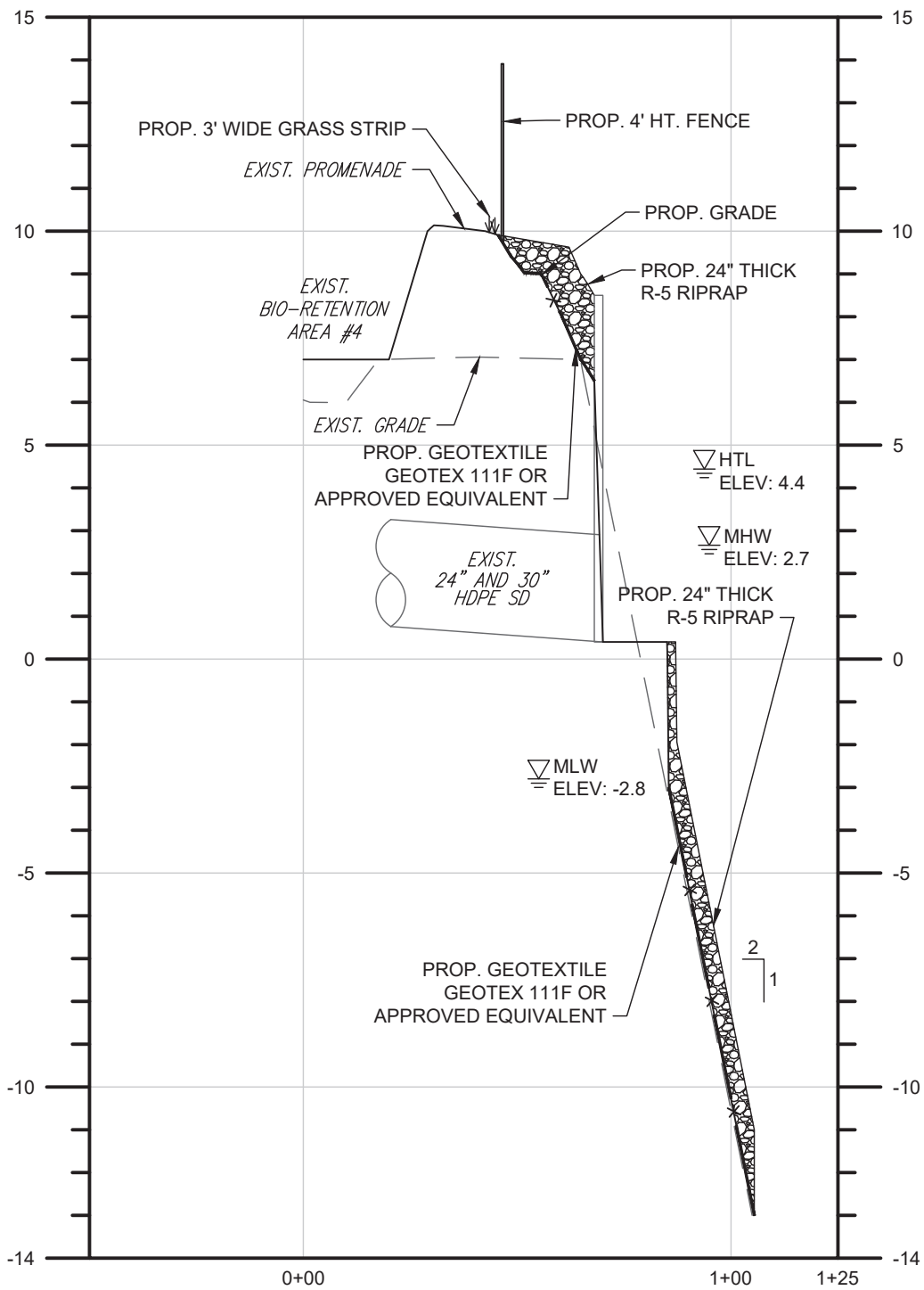
DATE:	28 OCTOBER 2020
SCALE:	1" = 60'
PROJECT NO.	10801.CY
SHEET:	FIGURE 4



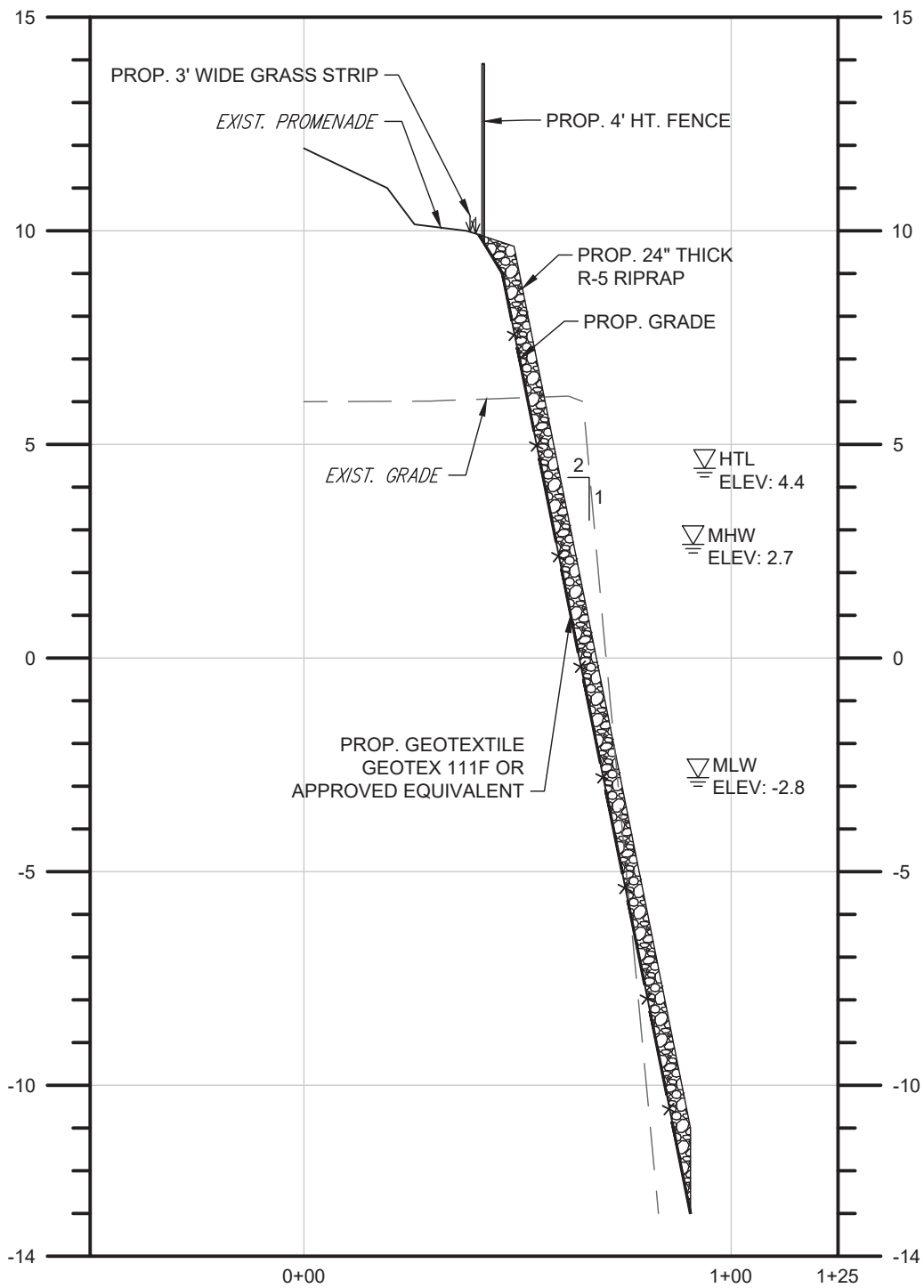
DATE: 28 OCTOBER 2020	WETLAND PERMIT EXHIBITS CROSS-SECTION A-A FORT DUPONT BRANCH CHANNEL REVETMENT DELAWARE CITY ~ NEW CASTLE COUNTY ~ DELAWARE	DESIGNED BY: JTO	 DUFFIELD ASSOCIATES <small>Soil, Water & the Environment</small> <small>5400 LIMESTONE ROAD WILMINGTON, DE 19808-1232 TEL. 302.239.6634 FAX 302.239.8485</small> <small>OFFICES IN DELAWARE, MARYLAND PENNSYLVANIA AND NEW JERSEY</small> <small>E-MAIL: DUFFIELD@DUFFNET.COM</small>
SCALE: 1" = 40'		DRAWN BY: JTO	
PROJECT. NO. 10801.CY		CHECKED BY: SJG	
SHEET: FIGURE 5		FILE: Exh10801CY	



DATE: 28 OCTOBER 2020	WETLAND PERMIT EXHIBITS CROSS-SECTION B-B FORT DUPONT BRANCH CHANNEL REVETMENT DELAWARE CITY ~ NEW CASTLE COUNTY ~ DELAWARE	DESIGNED BY: JTO	 DUFFIELD ASSOCIATES <small>Soil, Water & the Environment</small> 5400 LIMESTONE ROAD WILMINGTON, DE 19808-1232 TEL. 302.239.6634 FAX 302.239.8485 OFFICES IN DELAWARE, MARYLAND PENNSYLVANIA AND NEW JERSEY E-MAIL: DUFFIELD@DUFFNET.COM
SCALE: 1" = 40'		DRAWN BY: JTO	
PROJECT. NO. 10801.CY		CHECKED BY: SJG	
SHEET: FIGURE 6		FILE: Exh10801CY	



DATE: 28 OCTOBER 2020	WETLAND PERMIT EXHIBITS CROSS-SECTION C-C FORT DUPONT BRANCH CHANNEL REVETMENT DELAWARE CITY ~ NEW CASTLE COUNTY ~ DELAWARE	DESIGNED BY: JTO	 DUFFIELD ASSOCIATES Soil, Water & the Environment 5400 LIMESTONE ROAD WILMINGTON, DE 19808-1232 TEL. 302.239.6634 FAX 302.239.8485 OFFICES IN DELAWARE, MARYLAND PENNSYLVANIA AND NEW JERSEY E-MAIL: DUFFIELD@DUFFNET.COM
SCALE: 1" = 40'		DRAWN BY: JTO	
PROJECT. NO. 10801.CY		CHECKED BY: SJG	
SHEET: FIGURE 7		FILE: Exh10801CY	



DATE: 28 OCTOBER 2020	WETLAND PERMIT EXHIBITS CROSS-SECTION D-D FORT DUPONT BRANCH CHANNEL REVETMENT DELAWARE CITY ~ NEW CASTLE COUNTY ~ DELAWARE	DESIGNED BY: JTO	 DUFFIELD ASSOCIATES <small>Soil, Water & the Environment</small> 5400 LIMESTONE ROAD WILMINGTON, DE 19808-1232 TEL. 302.239.6634 FAX 302.239.8485 OFFICES IN DELAWARE, MARYLAND PENNSYLVANIA AND NEW JERSEY E-MAIL: DUFFIELD@DUFFNET.COM
SCALE: 1" = 40'		DRAWN BY: JTO	
PROJECT. NO. 10801.CY		CHECKED BY: SJG	
SHEET: FIGURE 8		FILE: Exh10801CY	