

PUBLIC NOTICE

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

TITLE: Middlesex Beach Association – Proposed Ten-Year Maintenance Dredging of the “Fenwick Borrow Area” and “Borrow Area E” with Placement of All Resultant Dredged Material as Beach Nourishment along the Middlesex Beach Community Shoreline sited within the Bethany Beach/South Bethany Coastal Storm Damage Reduction Federal Civil Works Project, Bethany Beach, Sussex County, Delaware.

PUBLIC NOTICE IDENTIFICATION NUMBER: NAP-2021-00092-85

PUBLIC NOTICE COMMENT PERIOD:

Begins: **26 March 2021**

Expires: **26 April 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), Middlesex Beach Association has requested permission to undertake ten-year maintenance dredging of the offshore “Fenwick Borrow Area” and “Borrow Area E” with subsequent placement of all resultant dredged material as beach nourishment along the Middlesex Beach Community shoreline, sited within the Bethany Beach/South Bethany Coastal Storm Damage Reduction Federal Civil Works Project.

2. LOCATION: The proposed project is located at Middlesex Beach Dune Road, Bethany Beach, Sussex County, Delaware; approximate center coordinates: Latitude: 38.519277°N, Longitude: -75.051609°W.

3. LOCATION MAP(S)/DRAWING(S): See attached Drawings: Sheets 1 through 6.

4. REQUESTER'S PROPOSED ACTION: Undertake ten-year maintenance dredging of the offshore "Fenwick Borrow Area" and "Borrow Area E" with subsequent placement of all resultant dredged material as beach nourishment along approximately 1,900.0-linear feet of Middlesex Beach Community shoreline, sited within the Bethany Beach/South Bethany Coastal Storm Damage Reduction Federal Civil Works Project.

In order to minimize costs and impacts, it is the intent of the applicant to conduct the nourishment activity in coordination with the surrounding Federal Project beach nourishment projects. As such, the method of sand placement will match that of the Bethany Beach/South Bethany Coastal Storm Damage Reduction Federal Civil Works Project by either cutter suction dredge with booster pumps or by a trailing suction hopper dredge equipped with a pump-out capability from the offshore "Fenwick Borrow Area" and "Borrow Area E". The nourishment area will match that of the Federal Project design template, without the dune, and is expected to require approximately 103,000.0-cubic yards of dredged material.

The stated purpose of the project is to provide increased shoreline protection benefits from storm damage, coastal erosion, and add to the recreational value of the Middlesex Beach community.

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

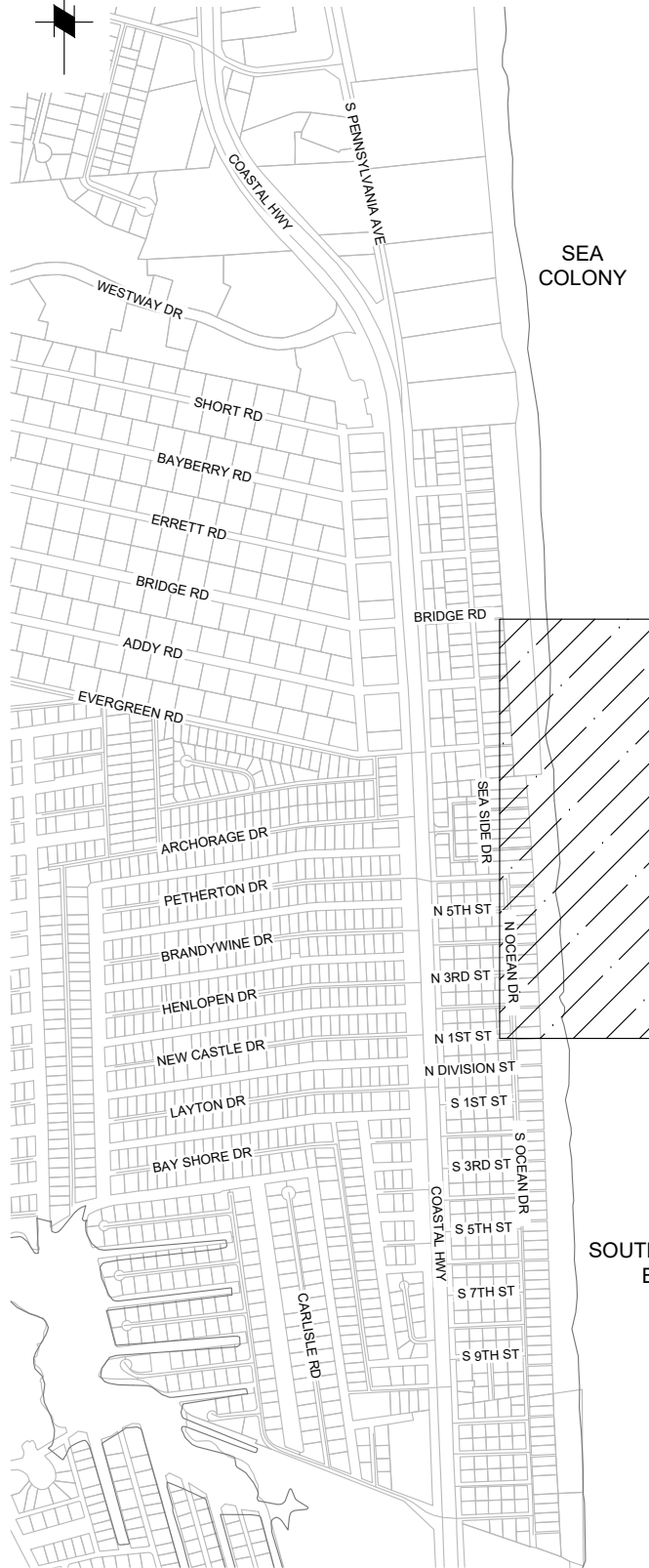
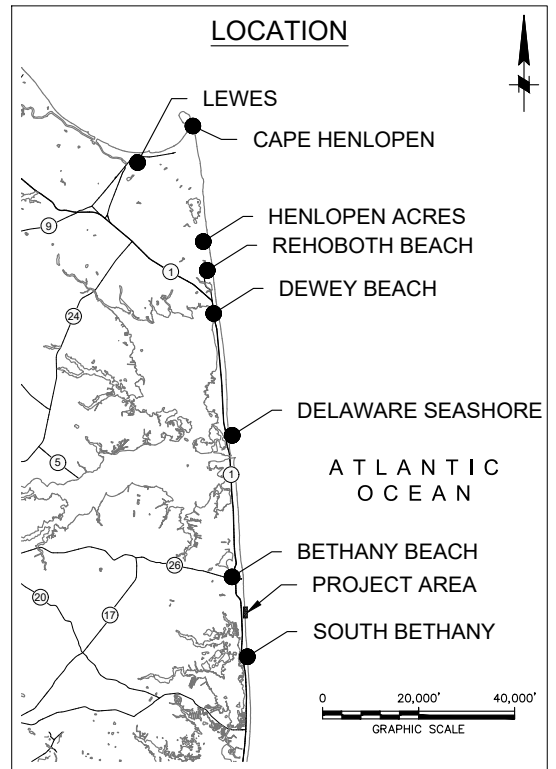
ATTN: Juan Carlos Corona

7th Floor

100 Penn Square East

Philadelphia, PA 19107-3390

MIDDLESEX BEACH BEACH REPLENISHMENT PROJECT



ATLANTIC
OCEAN

PROJECT AREA

PURPOSE:
RESTORE RECREATIONAL BEACH
AREA AND PROVIDE EROSION AND
STORM PROTECTION

NOTE:
1. PROJECT AREA LENGTH =
±1900 LF



COORDINATES		
	LATITUDE	LONGITUDE
NORTH END	38°31'54"N	76°03'16"E
SOUTH END	38°31'31"N	75°03'10"E

FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

BEACH REPLENISHMENT PROJECT IN ATLANTIC OCEAN

AT: MIDDLESEX BEACH
COUNTY OF SUSSEX, STATE OF DELAWARE

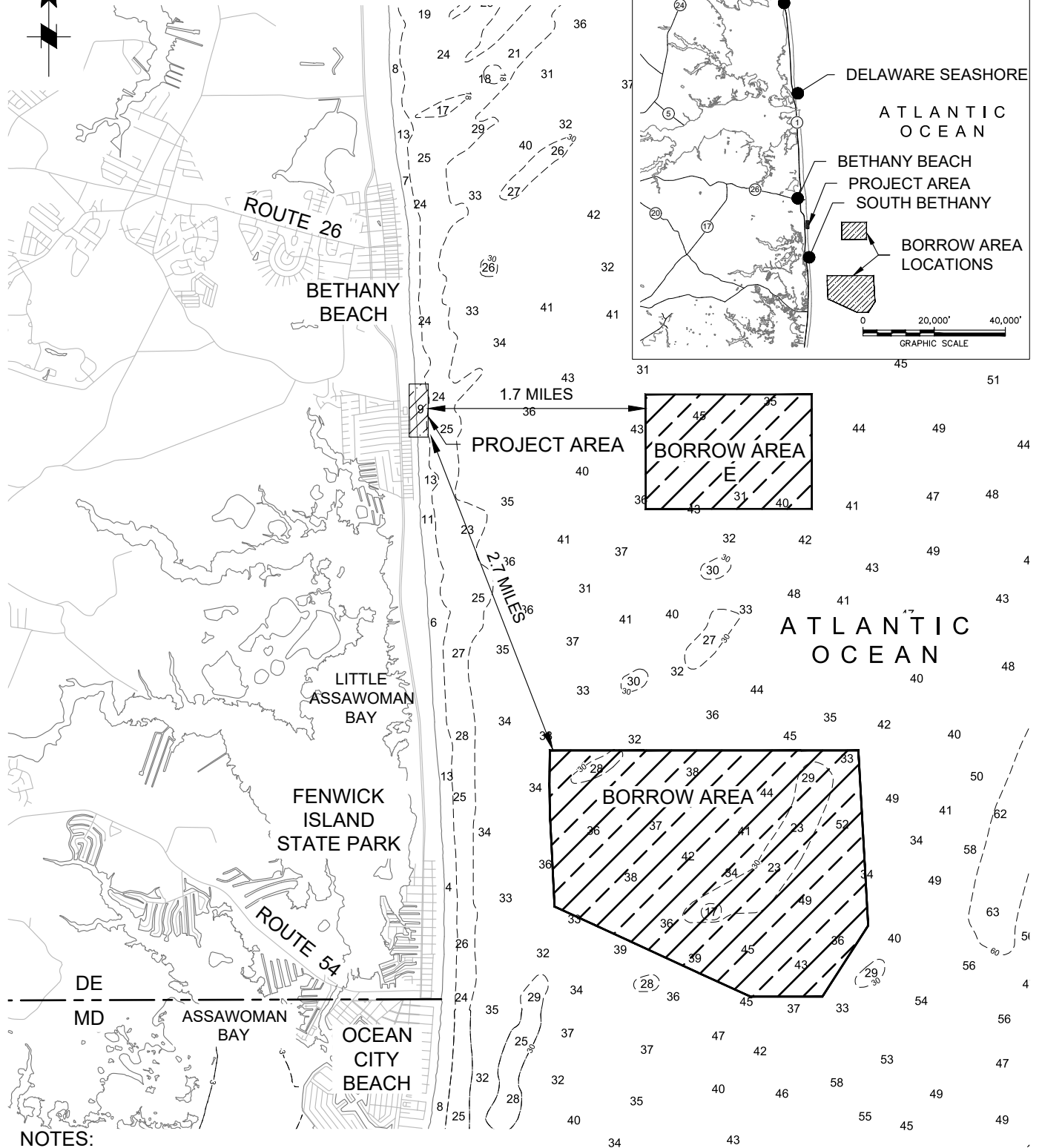
APPLICATION BY:
MIDDLESEX BEACH ASSOCIATION, INC.
8600 COASTAL HIGHWAY, SUITE 200
OCEAN CITY, MD 21842

GBA
ENGINEERS & SURVEYORS
9008 Yellow Brick Rd., Unit O
Baltimore, MD 21237
Phone (410) 682-5595

DATE: 05/20/20

SHEET 1 OF 4

PROPOSED FENWICK ISLAND & AREA E BORROW AREA LOCATIONS



NOTES:

1. REFERENCE: NOAA CHART 12214 (51ST EDITION, MAR. 2019 LAST CORRECTION: 2/5/2020) & NOAA CHART 12211 (48TH EDITION, DEC. 2018 LAST CORRECTION: 4/22/2020)
2. DEPTH SHOWN IN FEET BELOW M.L.W



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BEACH REPLENISHMENT PROJECT IN ATLANTIC OCEAN

AT: MIDDLESEX BEACH
COUNTY OF SUSSEX, STATE OF DELAWARE

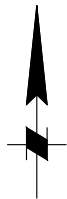
APPLICATION BY:
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Phone (410) 682-5595

DATE: 06/04/20

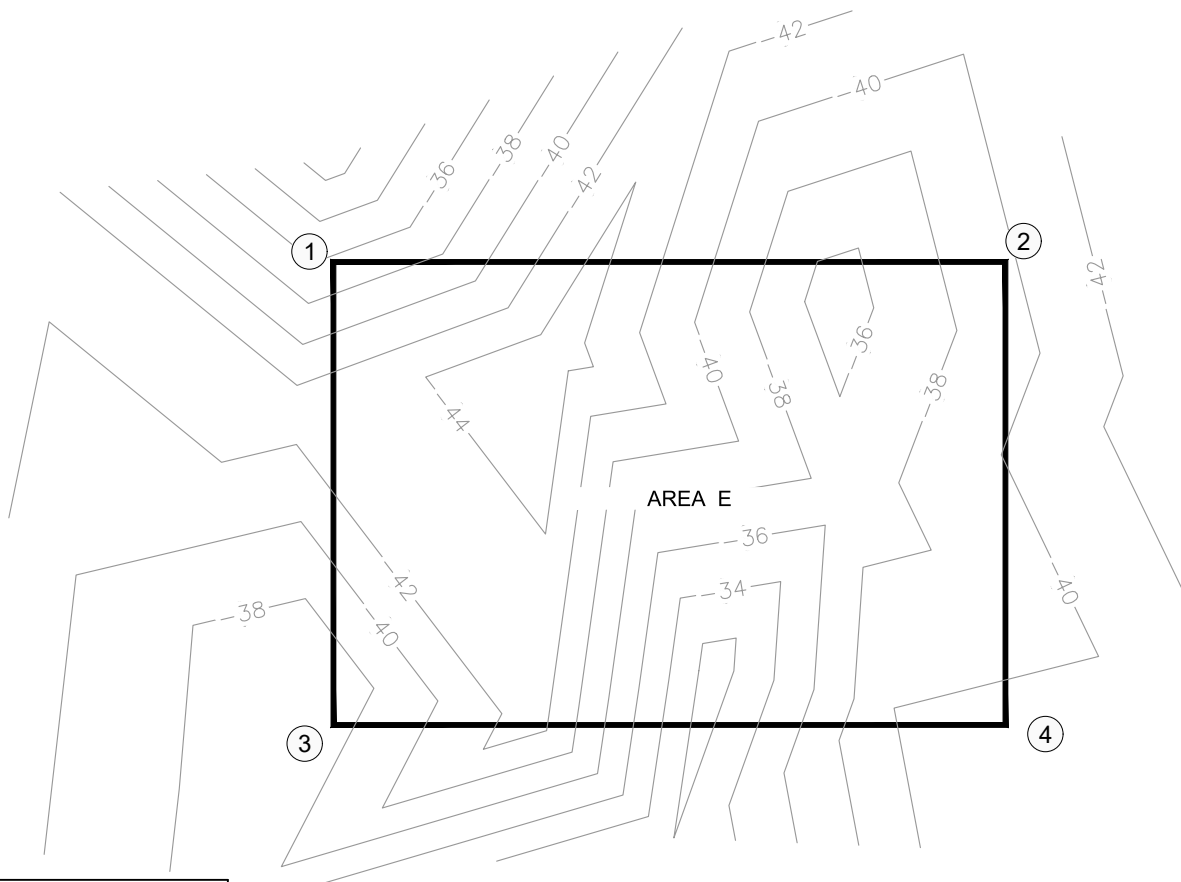
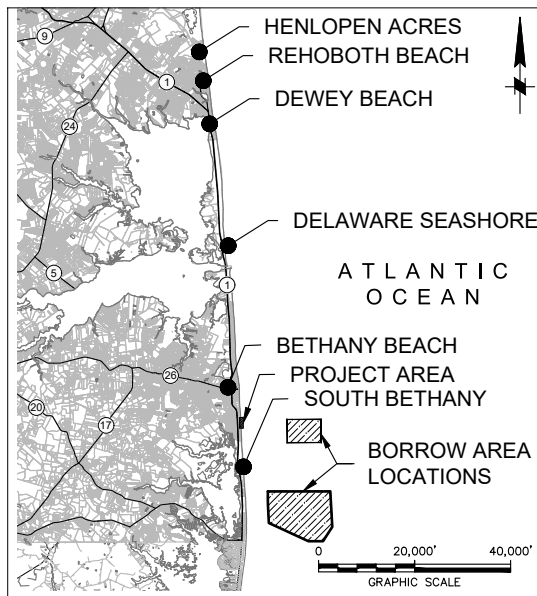
SHEET 2 OF 4

LIMITS OF BORROW AREA AREA E

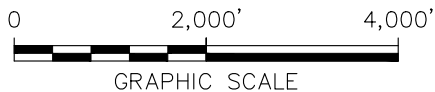


NOTES:

1. BORROW AREA SIZE = 775 ACRES
2. CONTOURS SHOWN REPRESENT EXISTING CONDITIONS AT THE TIME OF SURVEY
3. CONTOURS ARE FROM NOAA CHART #12214, AND ARE IN M.L.W.



DELAWARE STATE PLANE COORDINATE SYSTEM (NAD83)		
POINT	NORTHING	EASTING
1	190,000.0	770,000.0
2	190,000.0	777,000.0
3	185,177.0	770,000.0
4	185,177.0	777,000.0



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BEACH REPLENISHMENT PROJECT IN ATLANTIC OCEAN

AT: MIDDLESEX BEACH
COUNTY OF SUSSEX, STATE OF DELAWARE

APPLICATION BY:
MIDDLESEX BEACH ASSOCIATION, INC.
8600 COASTAL HIGHWAY, SUITE 200
OCEAN CITY, MD 21842



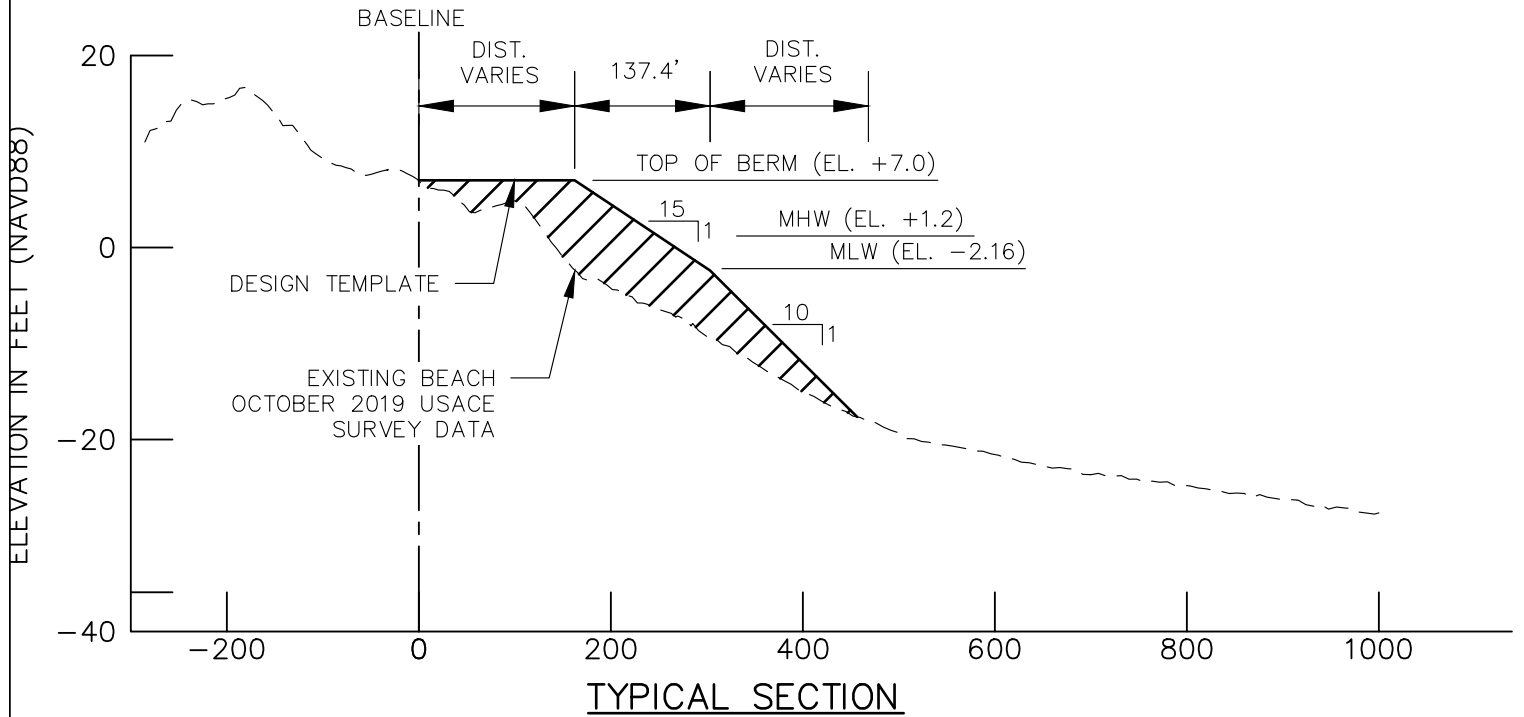
9008 Yellow Brick Rd., Unit O
Baltimore, MD 21237
Phone (410) 682-5595

DATE: 06/04/20

SHEET 3 OF 4

C:\Users\lba283\Desktop\FROM_SERVER\2019_Middlesex_Beach\299-19-MBA Permits\01_MBA Permits\DWG\LIMITS_OF_BORROW_AREA-E.dwg

MIDDLESEX BEACH DESIGN FILL SECTION



NOTE:

- TIDES WERE OBTAINED FROM NOAA TIDAL STATION 8570280, OCEAN CITY FISHING PIER.

+1.2 MHW

0.0 NAVD88

-2.16 MLW

DATUM ELEVATION (FT)
NOT TO SCALE

**BEACH REPLENISHMENT PROJECT
IN ATLANTIC OCEAN**

AT: MIDDLESEX BEACH
COUNTY OF SUSSEX, STATE OF DELAWARE

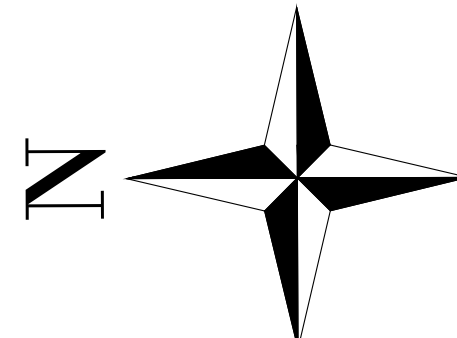
APPLICATION BY:
MIDDLESEX BEACH ASSOCIATION, INC.
8600 COASTAL HIGHWAY, SUITE 200
OCEAN CITY, MD 21842

GBA
ENGINEERS ★ SURVEYORS
9008 Yellow Brick Rd, Unit O
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Phone (410) 682-5595

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DATE: 05/20/20

SHEET 4 OF 4



ATLANTIC OCEAN

USACE SOUTH BETHANY FILL
TEMPLATE - WINTER OF 2007

SEA COLONY DESIGN TEMPLATE PER USACE
PERMIT # CENAP-OP-R-2011-00339-64 (IP)

2019 USACE SURVEY

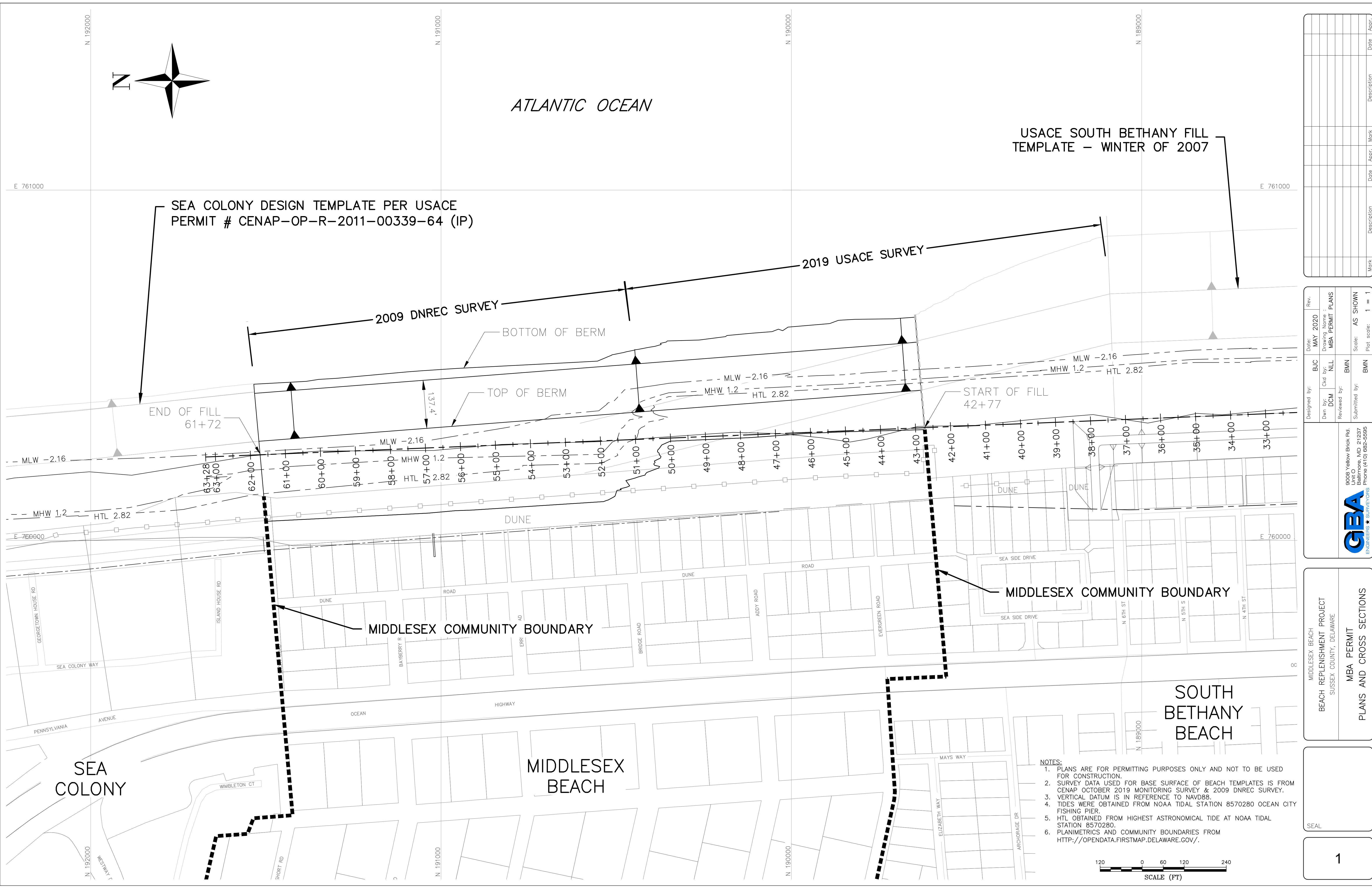
2009 DNREC SURVEY

BOTTOM OF BERM

TOP OF BERM

END OF FILL
61+72

START OF FILL
42+77



Designed by:	B/C	Date:	MAY 2020	Rev.	
Dwn by:	DCM	Drawing Name:	MBA PERMIT PLANS		
Reviewed by:	BNM	Scale:	AS SHOWN		
Submitted by:	BNM	Plot scale:	1 = 1		

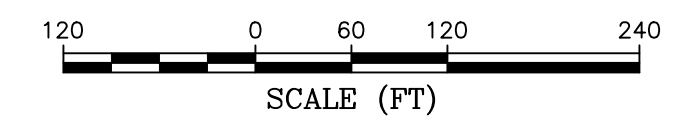
9008 Yellow Brick Rd.
Unit O
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ENGINEERS & SURVEYORS

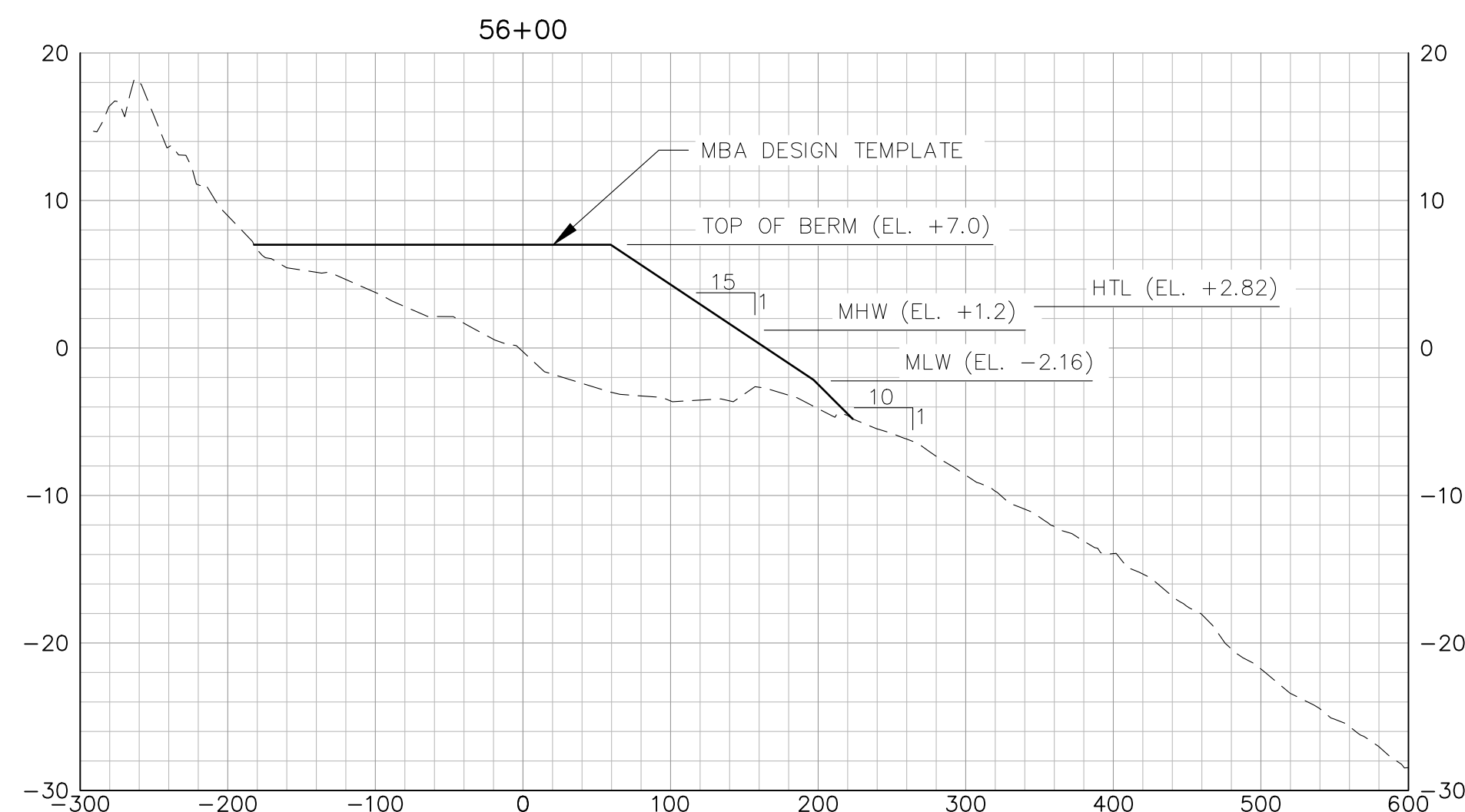
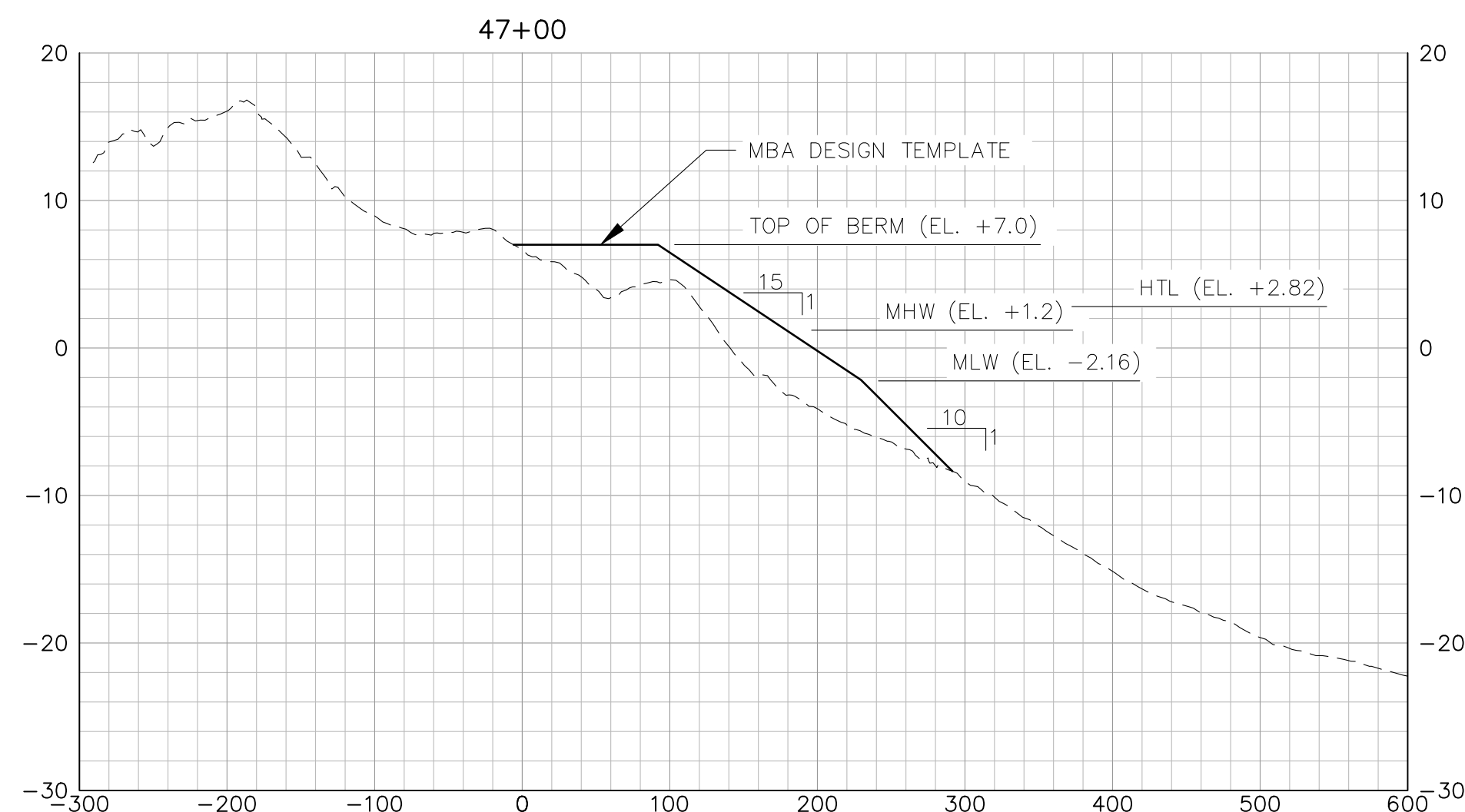
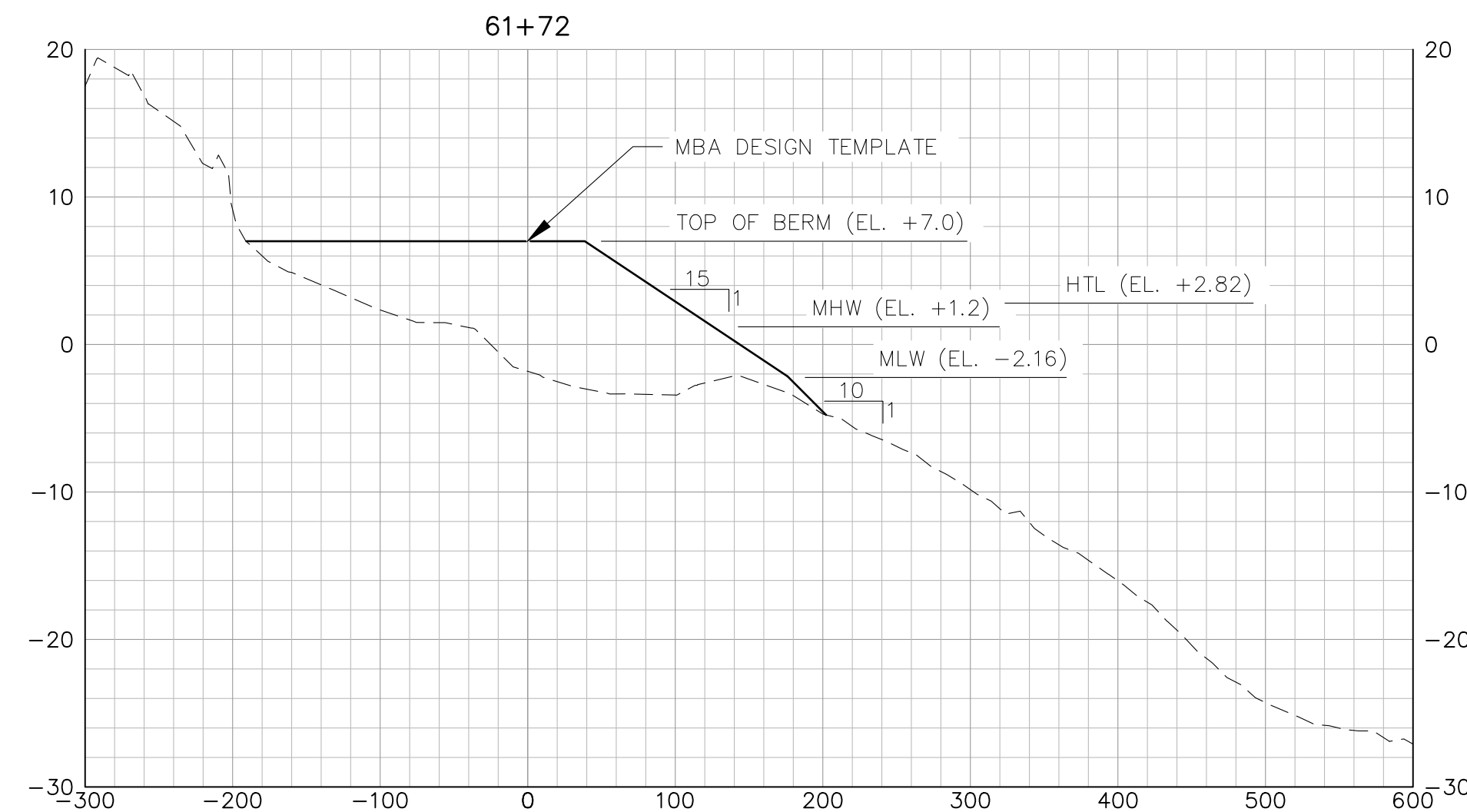
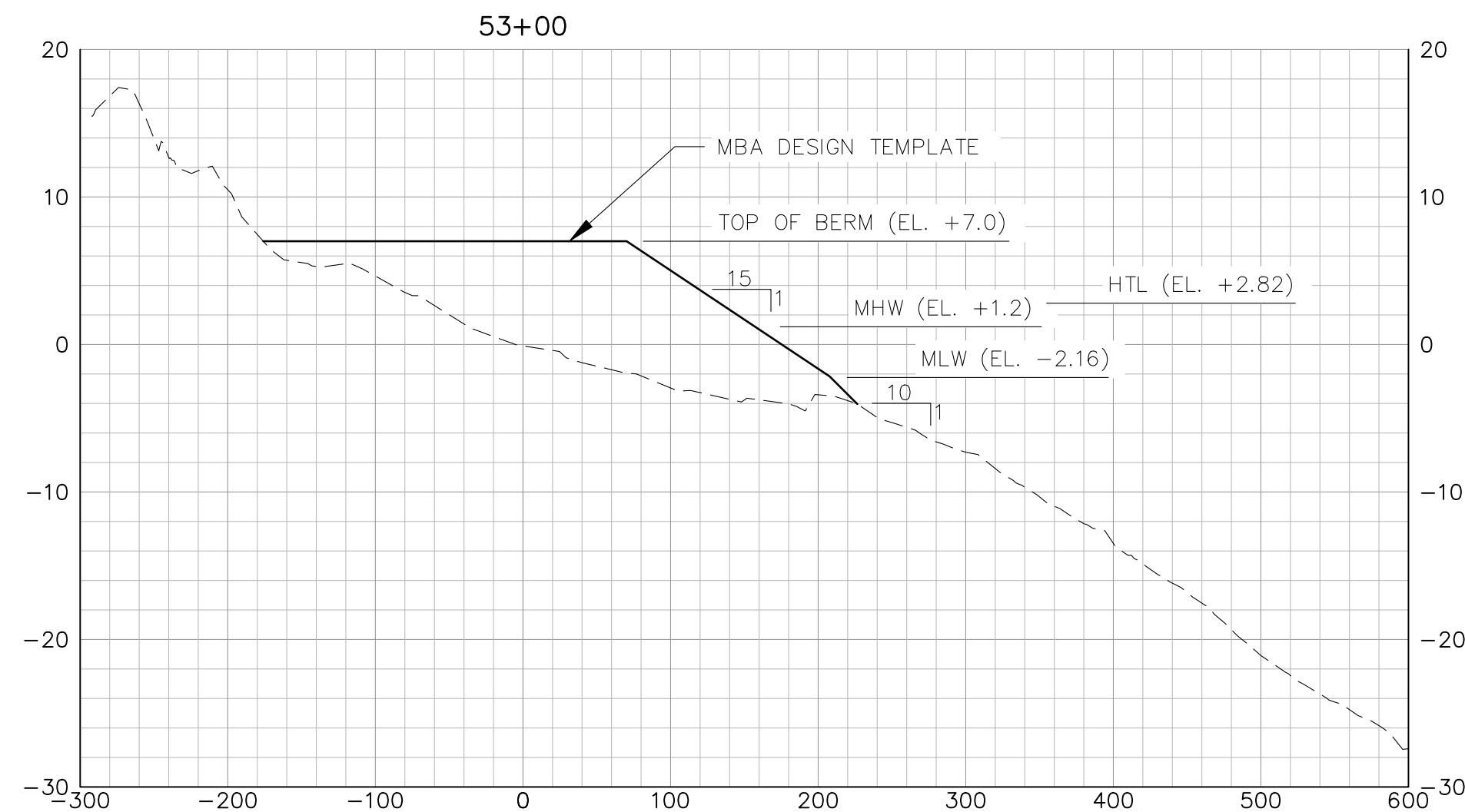
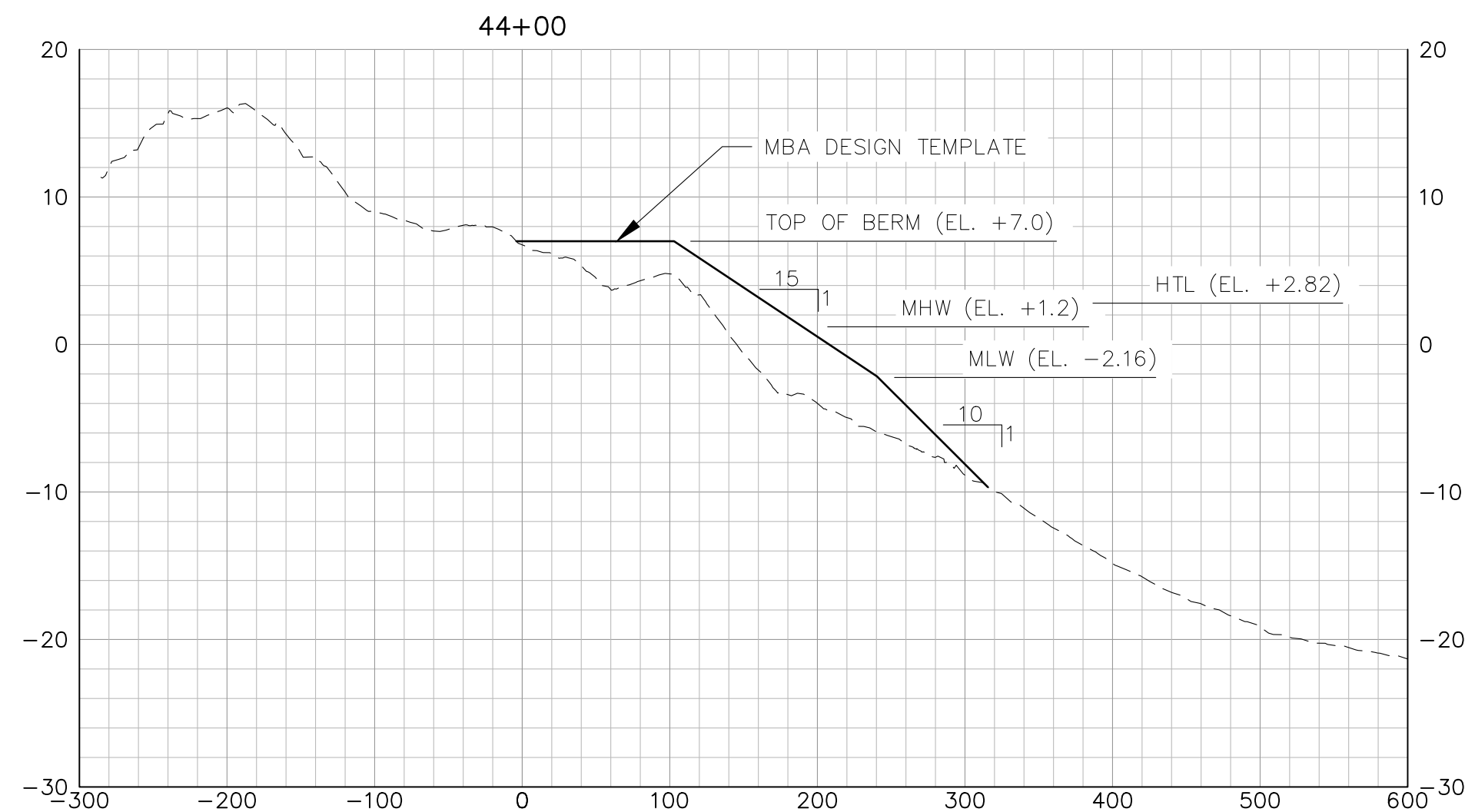
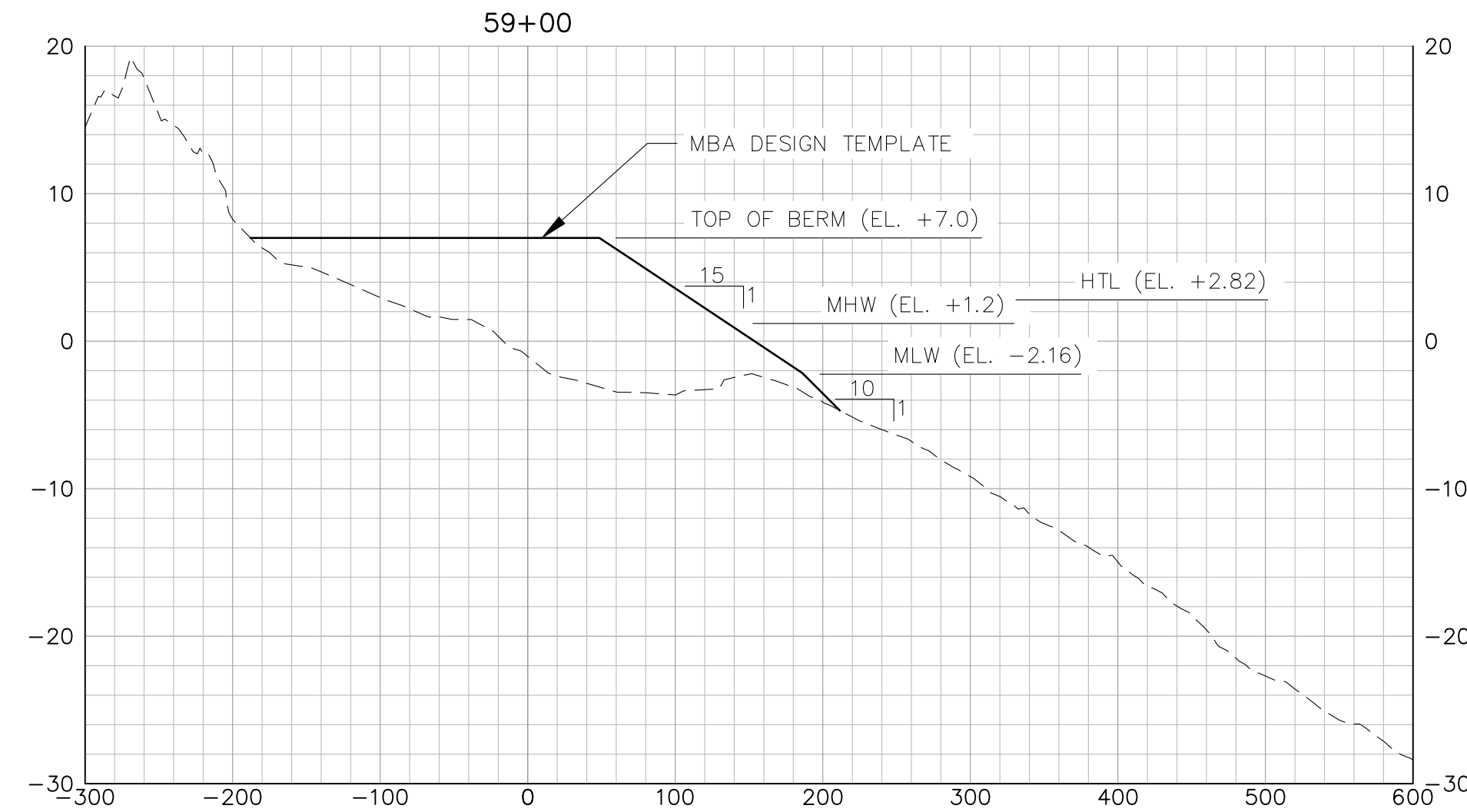
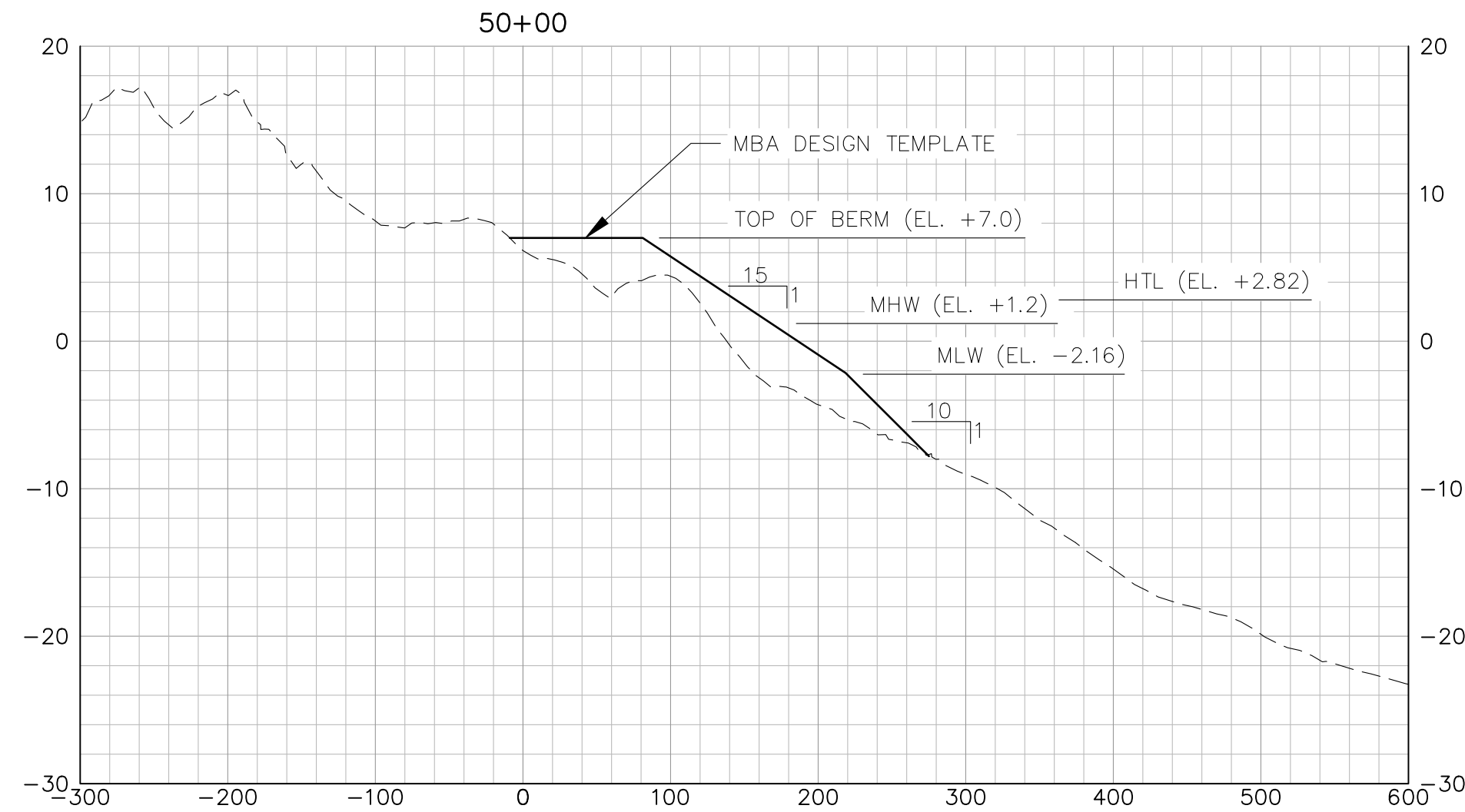
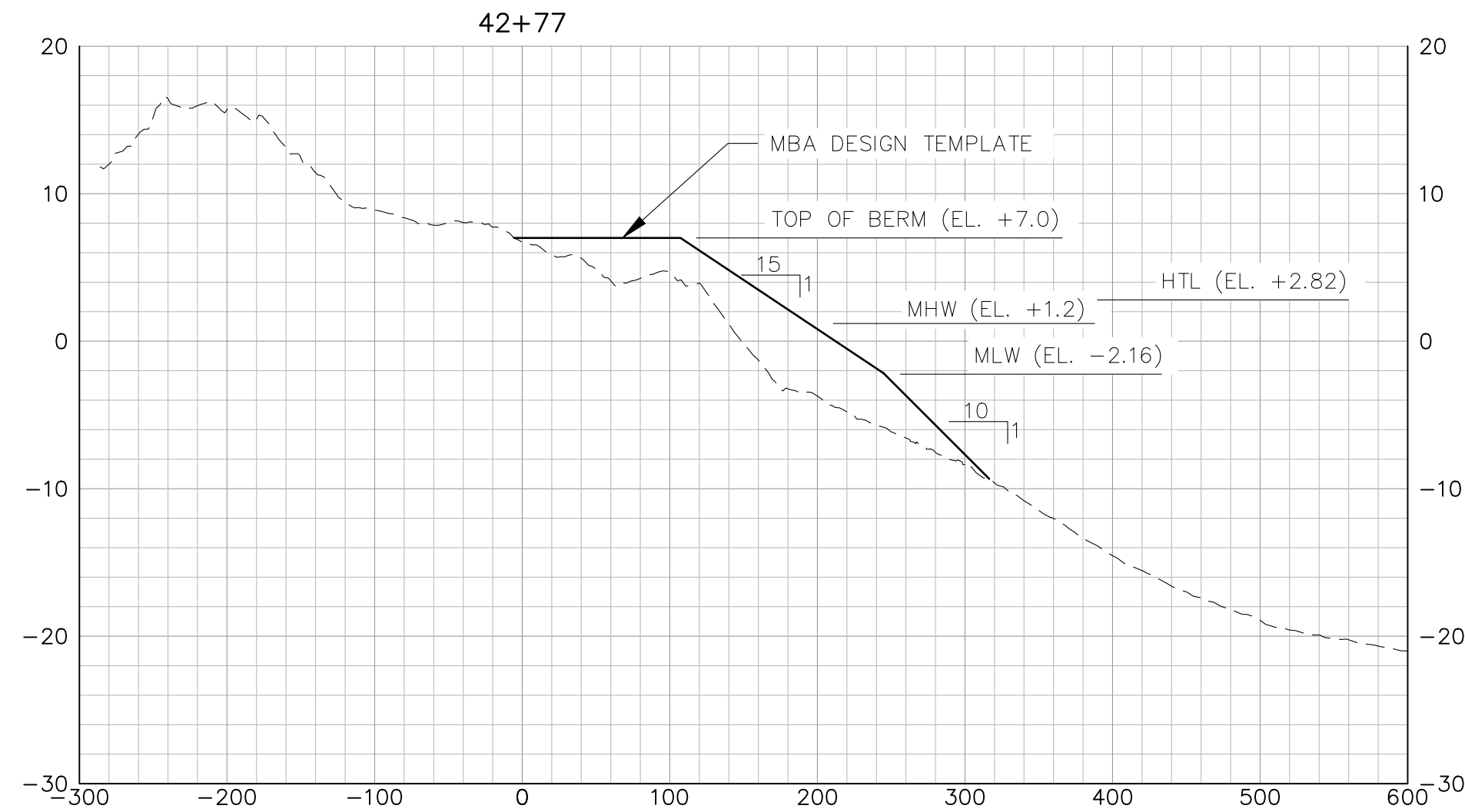
MIDDLESEX BEACH
BEACH REPLACEMENT PROJECT
SUSSEX COUNTY, DELAWARE

MBA PERMIT
PLANS AND CROSS SECTIONS

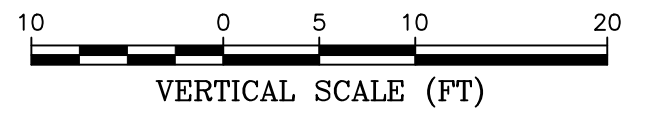
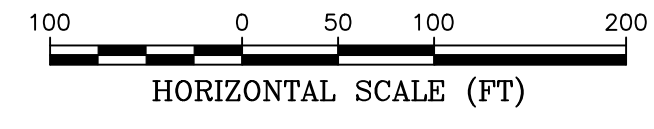
- NOTES:
1. PLANS ARE FOR PERMITTING PURPOSES ONLY AND NOT TO BE USED FOR CONSTRUCTION.
 2. SURVEY DATA USED FOR BASE SURFACE OF BEACH TEMPLATES IS FROM CENAP OCTOBER 2019 MONITORING SURVEY & 2009 DNREC SURVEY.
 3. VERTICAL DATUM IS IN REFERENCE TO NAVD88.
 4. TIDES WERE OBTAINED FROM NOAA TIDAL STATION 8570280 OCEAN CITY FISHING PIER.
 5. HTL OBTAINED FROM HIGHEST ASTRONOMICAL TIDE AT NOAA TIDAL STATION 8570280.
 6. PLANIMETRICS AND COMMUNITY BOUNDARIES FROM [HTTP://OPENDATA.FIRSTMAP.DELAWARE.GOV/](http://opendata.firstmap.delaware.gov/).



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- NOTES:**
1. SURVEY DATA USED FOR BASE SURFACE OF BEACH TEMPLATES IS FROM CENAP OCTOBER 2019 MONITORING SURVEY & 2009 DNREC SURVEY.
 2. VERTICAL DATUM IS IN REFERENCE TO NAVD88 BASED ON NOAA TIDAL STATION 8570280. ELEVATION OF MEAN HIGH WATER (MHW) AND MEAN LOW WATER (MLW) ARE +1.20' AND -2.16' RESPECTIVELY.
 3. HTL OBTAINED FROM HIGHEST ASTRONOMICAL TIDE AT NOAA TIDAL STATION 8570280.



Mark	Description	Date	Appr.	Mark	Date	Appr.

Designed by:	B/C	Date:	MAY 2020	Rev.	1
Dwn by:	DCM	Drawing Name:	MBA PERMIT PLANS	Scale:	AS SHOWN
Reviewed by:	BNM	Plot scale:	1" = 1'		
Submitted by:	BNM				

9008 Yellow Brick Rd.
Unit O
Baltimore, MD 21237
Phone (410) 882-6596

MIDDLESEX BEACH
BEACH REPLENISHMENT PROJECT
SUSSEX COUNTY, DELAWARE

CROSS SECTIONS
MIDDLESEX BEACH

SEAL