

January 8, 2024

ERI Project No: 0001#1348

Mr. Todd Schaible, Chief
Regulatory Branch, Philadelphia District
U.S. Army Corps of Engineers
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

Attn: Mr. Michael Yost

Re: Preconstruction Notification
Nationwide Permit No. 12 – *Oil or Natural Gas Pipeline Activities*
Nationwide Permit No. 14 – *Linear Transportation Project,*
Nationwide Permit No. 57 – *Electric Utility Lines & Telecommunication Activities*
Nationwide Permit No. 58 – *Utility Line Activities for Water & Other Substances*

Install 70 foot and 92 foot long driveway culverts permanently impacting unnamed drainage channel classified as “Waters of the U.S.” and temporary trenching impacts for utility installation under unnamed drainage channel
Dover, Kent County, Delaware
Applicant: Trash Gurls, LLC.

Dear Mr. Schaible,

Environmental Resource Insights (ERI) is writing you on behalf of Trash Gurls, LLC. regarding the proposed installation of sewer, water, electric, gas and telecommunications lines using trenching methods under an intermittent drainage channel classified as “Waters of the U.S.” The project also involves construction of two culverted driveway crossings. The project is necessary for the development of a storage yard for material recycling and hauling operations on a vacant parcel of land within an existing industrial park. Total impact is 0.0160 acre of waters. The address of the 10.75 acre site is 250 Garrison Oak Drive, Dover, Kent County, Delaware.

A complete set of 8 ½” x 11” project plans, project description and notifications to resource agencies are provided with this preconstruction notice. A recent determination from the U.S. Fish & Wildlife Service that no threatened or endangered species will be in the project area is already enclosed.

Thank you in advance for your attention to this matter. If you have any questions or comments regarding this project, I am available at your convenience.

Sincerely,

ENVIRONMENTAL RESOURCE INSIGHTS

Edward M. Launay

Cc: Robert Tunnell, III

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY			
13. NAME OF WATERBODY, IF KNOWN <i>(if applicable)</i> unnamed channel drains to Little Creek		14. PROPOSED ACTIVITY STREET ADDRESS <i>(if applicable)</i> 250 Garrison Oak Drive	
15. LOCATION OF PROPOSED ACTIVITY <i>(see instructions)</i> Latitude °N 38.181884 Longitude °W 75.503524		City: Dover	State: Zip: DE 19903
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN <i>(see instructions)</i> State Tax Parcel ID 4-05-06800-02-1100-00001 Municipality City of Dover			
Section	Township Kent County	Range	
17. DIRECTIONS TO THE SITE. 0.35 miles north of the intersection of White Oak Road and Garrison Oak Drive on the west side of Garrison Oak Drive			
18. IDENTIFY THE SPECIFIC NATIONWIDE PERMIT(S) YOU PROPOSE TO USE: Nationwide Permit No. 12 - Oil & Natural Pipeline Activities Nationwide Permit No. 14 - Linear Transportation Crossing Nationwide Permit No. 57 - Electric Utility Lines & Telecommunication Activities Nationwide Permit No. 58 - Utility Line Activities for Water & Other Substances			
19. DESCRIPTION OF PROPOSED NATIONWIDE PERMIT ACTIVITY <i>(see instructions)</i> Within an intermittent drainage channel classified as "Waters of the U.S." installation of a 70.09 and 91.73 foot long culverted driveway crossing permanently impacting 0.0127 acre and install a sewer, water, gas, electric and a telecommunication line under channel by trenching methods temporarily impacting 0.0043 acre of channel.			
20. DESCRIPTION OF PROPOSED MITIGATION MEASURES <i>(see instructions)</i> Project does require mitigation due to deminimus impacts. Utility installation locations will be restored to previously existing condition.			
21. PURPOSE OF NATIONWIDE PERMIT ACTIVITY <i>(Describe the reason or purpose of the project, see instructions)</i> To allow for the commercial use of a vacant parcel within an existing business park.			
22. Quantity of Wetlands, Streams, or Other Types of Waters Directly Affected by Proposed Nationwide Permit Activity <i>(see instructions)</i>			
Acres 0.016	Linear Feet 216	Cubic Yards Dredged or Discharged 12.0	
Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site.			
23. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project on any related activity <i>(see instructions)</i> None except for NWP 14 and NWP 58			
24. If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and requires pre-construction notification, explain how the compensatory mitigation requirement in paragraph (c) of general condition 23 will be satisfied, or explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required for the proposed activity. The cumulative project impact does not exceed 0.10 acre.			

25. Is Any Portion of the Nationwide Permit Activity Already Complete? Yes No If Yes, describe the completed work:

26. List the name(s) of any species listed as endangered or threatened under the Endangered Species Act that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. (see instructions)
None.

27. List any historic properties that have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic property or properties. (see instructions)
Not Applicable

28. For a proposed NWP activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, identify the Wild and Scenic River or the "study river":
Not Applicable.

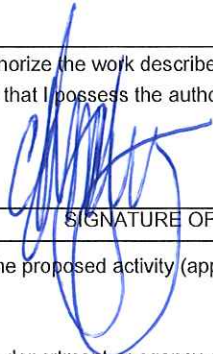
29. If the proposed NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, have you submitted a written request for section 408 permission from the Corps district having jurisdiction over that project? Yes No
If "yes", please provide the date your request was submitted to the Corps District:

30. If the terms of the NWP(s) you want to use require additional information to be included in the PCN, please include that information in this space or provide it on an additional sheet of paper marked Block 30. (see instructions)
Attached

31. Pre-construction notification is hereby made for one or more nationwide permit(s) to authorize the work described in this notification. I certify that this information in this pre-construction notification is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.


SIGNATURE OF APPLICANT

1/9/2024
DATE


SIGNATURE OF AGENT

1/9/2024
DATE

The Pre-Construction Notification must be signed by the person who desires to undertake the proposed activity (applicant) and, if the statement in block 11 has been filled out and signed, the authorized agent.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**Instructions for Preparing a
Department of the Army
Nationwide Permit (NWP) Pre-Construction Notification (PCN)**

Blocks 1 through 4. To be completed by the Corps of Engineers.

Block 5. Applicant' Name. Enter the name and the e-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the preconstruction notification, please attach a sheet of paper with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the PCN. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant Telephone Number(s). Please provide the telephone number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, consultant, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by the applicant, if an agent is to be employed.

Block 12. Proposed Nationwide Permit Activity Name or Title. Please provide a name identifying the proposed NWP activity, e.g., Windward Marina, Rolling Hills Subdivision, or Smith Commercial Center.

Block 13. Name of Waterbody. Please provide the name (if it has a name) of any stream, lake, marsh, or other waterway to be directly impacted by the NWP activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Activity Street Address. If the proposed NWP activity is located at a site having a street address (not a box number), please enter it in Block 14.

Block 15. Location of Proposed Activity. Enter the latitude and longitude of where the proposed NWP activity is located. Indicate whether the project location provided is the center of the project or whether the project location is provided as the latitude and longitude for each of the "corners" of the project area requiring evaluation. If there are multiple sites, please list the latitude and longitude of each site (center or corners) on a separate sheet of paper and mark as Block 15.

Block 16. Other Location Descriptions. If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality where the site is located.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide a description of the location of the proposed NWP activity, such as lot numbers, tract numbers, or you may choose to locate the proposed NWP activity site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed NWP activity site if known. If there are multiple locations, please indicate directions to each location on a separate sheet of paper and mark as Block 17.

Block 18. Identify the Specific Nationwide Permit(s) You Propose to Use. List the number(s) of the Nationwide Permit(s) you want to use to authorize the proposed activity (e.g., NWP 29).

Block 19. Description of the Proposed Nationwide Permit Activity. Describe the proposed NWP activity, including the direct and indirect adverse environmental effects the activity would cause. The description of the proposed activity should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal. Identify the materials to be used in construction, as well as the methods by which the work is to be done.

Provide sketches when necessary to show that the proposed NWP activity complies with the terms of the applicable NWP(s). Sketches usually clarify the activity and result in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed NWP activity (e.g., a conceptual plan), but do not need to be detailed engineering plans.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 19.

Block 20. Description of Proposed Mitigation Measures. Describe any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed NWP activity. The description of any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or additional mitigation measures.

Block 21. Purpose of Nationwide Permit Activity. Describe the purpose and need for the proposed NWP activity. What will it be used for and why? Also include a brief description of any related activities associated with the proposed project. Provide the approximate dates you plan to begin and complete all work.

Block 22. Quantity of Wetlands, Streams, or Other Types of Waters Directly Affected by the Proposed Nationwide Permit Activity. For discharges of dredged or fill material into waters of the United States, provide the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained by the proposed NWP activity. For structures or work in navigable waters of the United States subject to Section 10 of the Rivers and Harbors Act of 1899, provide the amount of navigable waters filled, dredged, occupied by one or more structures (e.g., aids to navigation, mooring buoys) by the proposed NWP activity.

For multiple NWPs, or for separate and distant crossings of waters of the United States authorized by NWPs 12 or 14, attach an extra sheet of paper marked Block 21 to provide the quantities of wetlands, streams, or other types of waters filled, flooded, excavated, or drained (or dredged or occupied by structures, if in waters subject to Section 10 of the Rivers and Harbors Act of 1899) for each NWP. For NWPs 12 and 14, include the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained for each separate and distance crossing of waters or wetlands. If more space is needed, attach an extra sheet of paper marked Block 21.

Block 23. Identify Any Other Nationwide Permit(s), Regional General Permit(s), or Individual Permit(s) Used to Authorize Any Part of Proposed Activity or Any Related Activity. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. For linear projects, list other separate and distant crossings of waters and wetlands authorized by NWPs 12 or 14 that do not require PCNs. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 24. Compensatory Mitigation Statement for Losses of Greater Than 1/10-Acre of Wetlands When Pre-Construction Notification is Required. Paragraph (c) of NWP general condition 23 requires compensatory mitigation at a minimum one-for-one replacement ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation is more environmentally appropriate or the adverse environmental effects of the proposed NWP activity are no more than minimal without compensatory mitigation, and provides an activity-specific waiver of this requirement. Describe the proposed compensatory mitigation for wetland losses greater than 1/10 acre, or provide an explanation of why the district engineer should not require wetland compensatory mitigation for the proposed NWP activity. If more space is needed, attach an extra sheet of paper marked Block 23.

Block 25. Is Any Portion of the Nationwide Permit Activity Already Complete? Describe any work that has already been completed for the NWP activity.

Block 26. List the Name(s) of Any Species Listed As Endangered or Threatened under the Endangered Species Act that Might be Affected by the Nationwide Permit Activity. If you are not a federal agency, and if any listed species or designated critical habitat might be affected or is in the vicinity of the proposed NWP activity, or if the proposed NWP activity is located in designated critical habitat, list the name(s) of those endangered or threatened species that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 7 of the Endangered Species Act.

Block 27. List Any Historic Properties that Have the Potential to be Affected by the Nationwide Permit Activity. If you are not a federal agency, and if any historic properties have the potential to be affected by the proposed NWP activity, list the name(s) of those historic properties that have the potential to be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

Block 28. List the Wild and Scenic River or Congressionally Designated Study River if the Nationwide Permit Activity Would Occur in such a River. If the proposed NWP activity will occur in a river in the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" under the Wild and Scenic Rivers Act, provide the name of the river. For a list of Wild and Scenic Rivers and study rivers, please visit <http://www.rivers.gov/>

Block 29. Nationwide Permit Activities that also Require Permission from the Corps Under 33 U.S.C. 408. If the proposed NWP activity also requires permission from the Corps under 33 U.S.C. 408 because it will temporarily or permanently alter, occupy, or use a Corps federal authorized civil works project, indicate whether you have submitted a written request for section 408 permission from the Corps district having jurisdiction over that project.

Block 30. Other Information Required For Nationwide Permit Pre-Construction Notifications. The terms of some of the Nationwide Permits include additional information requirements for preconstruction notifications:

- * NWP 3, Maintenance –information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals.
- * NWP 31, Maintenance of Existing Flood Control Facilities –a description of the maintenance baseline and the dredged material disposal site.
- * NWP 33, Temporary Construction, Access, and Dewatering –a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions.
- * NWP 44, Mining Activities –if reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the pre-construction notification.
- * NWP 45, Repair of Uplands Damaged by Discrete Events –documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration.
- * NWP 48, Commercial Shellfish Aquaculture Activities –(1) a map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area; (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; (3) whether canopy predator nets will be used; (4) whether suspended cultivation techniques will be used; and (5) general water depths in the project area (a detailed survey is not required).
- * NWP 49, Coal Remining Activities –a document describing how the overall mining plan will result in a net increase in aquatic resource functions to the district engineer and receive written authorization prior to commencing the activity.
- * NWP 50, Underground Coal Mining Activities –if reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre-construction notification.

If more space is needed, attach an extra sheet of paper marked Block 29.

Blocks 31 and 32. For bank stabilization activities, we are collecting information on the use of living shorelines in coastal waters and lakes to inform future NWP rulemaking efforts. If the PCN is for a proposed NWP 13 activity, and it is located in coastal waters or a lake, please check the appropriate box in block 31 to indicate whether you considered the use of a living shoreline to protect your property from erosion. If the PCN is for a proposed NWP 13 activity, and it is located in coastal waters or a lake, please check the appropriate box in block 32 to indicate whether there are contractors in your area that construct living shorelines.

Block 33. Signature of Applicant or Agent. The PCN must be signed by the person proposing to undertake the NWP activity, and if applicable, the authorized party (agent) that prepared the PCN. The signature of the person proposing to undertake the NWP activity shall be an affirmation that the party submitting the PCN possesses the requisite property rights to undertake the NWP activity (including compliance with special conditions, mitigation, etc.).

DELINEATION OF WETLANDS, OTHER SPECIAL AQUATIC SITES, AND OTHER WATERS

Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current wetland delineation manual and regional supplement published by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. The 45 day PCN review period will not start until the delineation is submitted or has been completed by the Corps.

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number. For linear projects (e.g. roads, subsurface utility lines, etc.) gradient drawings should also be included. Please submit one original, or good quality copy, of all drawings on 8½x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.

ADDITIONAL INFORMATION AND REQUIREMENTS

For proposed NWP activities that involve discharges into waters of the United States, water quality certification from the State, Tribe, or EPA must be obtained or waived (see NWP general condition 25). Some States, Tribes, or EPA have issued water quality certification for one or more NWPs. Please check the appropriate Corps district web site to see if water quality certification has already been issued for the NWP(s) you wish to use. For proposed NWP activities in coastal states, state Coastal Zone Management Act consistency concurrence must be obtained, or a presumption of concurrence must occur (see NWP general condition 26). Some States have issued Coastal Zone Management Act consistency concurrences for one or more NWPs. Please check the appropriate Corps district web site to see if Coastal Zone Management Act consistency concurrence has already been issued for the NWP(s) you wish to use.

ACOE - Preconstruction Notification

Nationwide Permit No. 12 – *Oil or Natural Gas Pipeline Activities*
Nationwide Permit No. 14 – *Linear Transportation Project*,
Nationwide Permit No. 57 – *Electric Utility Lines & Telecommunication Activities*
Nationwide Permit No. 58 – *Utility Line Activities for Water & Other Substances*

Install 70 foot and 92 foot long driveway culverts permanently impacting unnamed drainage channel classified as “Waters of the U.S.” and temporary trenching impacts for utility installation under unnamed drainage channel
Dover, Kent County, Delaware
Applicant: Trash Gurls, LLC.

Applicant: Trash Gurls, LLC.
34026 Annas Way, Suite 3
Millsboro, Delaware 19966

Attn: Mr. Robert Tunnel
P: (302) 945-9300

Agent: Environmental Resource Insights
38173 Dupont Blvd.
Post Office Box 169
Selbyville, Delaware 19975
Attn: Mr. Edward M. Launay
P: (302) 436-9637
F: (302) 436-9639
elaunay@ericonsultants.com

Project Location

The project involves a water main, sewer main, gas main and electric telecommunications line installation and installation of two driveway culverts at an unnamed drainage channel classified as Waters of the U.S. The activities will be located approximately 0.35 miles north of the intersection of White Oak Road and Garrison Oak Drive on the west side of Garrison Oak Drive in Dover, Kent County, Delaware. The project location is 39.181884 N Latitude and -75.503524 W Longitude. The land is a vacant lot on an existing developed industrial park.

Project Purpose

The proposed utility services and driveway crossing are needed to develop an existing industrial park parcel for use of a material processing facility.

Project Description

The proposed project involves a 10.75 acre vacant parcel of land which is part of a developed industrial park. The land is identified as Tax Map Parcel 4-05-06800-02-1100-00001 located at 250 Garrison Oak Drive, Dover, Kent County, Delaware. The parcel will be the location of a future storage yard for recycling and hauling operations.

A trapezoidal manmade drainage channel classified as a Waters of the U.S. exists along the Garrison Oak Drive frontage. The channel drains to nearby Little Creek. Flow in the channel is intermittent.

In order to utilize the parcel it is necessary to install two culverted driveway crossings. Water, gas, sewer and electric telecommunication lines to service the facility need to be installed under the drainage channel by trenching methods. The driveway culverts will permanently impact 552.08 square feet of channel. The utility installation will temporarily impact 142.31 square feet of channel. After utility installation the channel will be restored to preexisting conditions.

Itemized activities are as follows:

Driveway A (south) – Install a 91.73 foot long 34” reinforced concrete culvert, 8 inches below channel bottom permanently impacting 0.0071 acre.

Driveway D (north) – Install a 70.09 foot long 34” reinforced concrete culvert, 8 inches below channel bottom permanently impacting 0.0056 acre.

Utility B – Install an 8 inch water main and 3 inch gas main under drainage channel by trenching methods temporarily impacting 0.0015 acre.

Utility C – Install an 8 inch sewer main and 2 inch fiberoptic telecommunication line under drainage channel by trenching methods temporarily impacting 0.0010 acre.

Utility E – Install a 2 inch electrical line under drainage channel by trenching methods temporarily impacting 0.0008 acre.

The following information addresses the Nationwide Permit general conditions in a consolidated format although other information is provided elsewhere in the application materials. The following conditions prevail:

- (1) The project involves an unnamed drainage channel discharging to Little Creek. No impacts to navigation will result from the project;
- (2) All structures within or under jurisdictional waters of the U.S. will be properly maintained to ensure the protection of water resources;
- (3) The proposed project will not adversely affect water quality. Proper methods of erosion and sedimentation control will be incorporated in accordance with the Water Quality Standards for the State of Delaware. Soil Erosion & Sediment Control measures will be implemented during construction;
- (4) There will be no significant disruption of those species of aquatic life indigenous to the project area. Driveway crossing culverts will be depressed and utility installation impacts are temporary;
- (5) No impacts to any area supporting submerged aquatic vegetation (SAV) will occur;

- (6) The proposed action is consistent with all known Corps regional and case-by-case conditions;
- (7) The project is not located in a component or a designated study river in the Wild and Scenic Rivers program;
- (8) The proposed action and the project area have no encumbrances associated with tribal rights, reserved water rights or treaty fishing/hunting rights;
- (9) State Water Quality Certification for the NWP Nos. 12, 14, 58 & 59 has been waived;
- (10) The project is in compliance with the State Coastal Zone Management (CZM) regulations for this NWP authorization. The Delaware CZM Program issued a consistency determination for NWP Nos. 14, 58 & 59. A separate Coastal Zone Consistency Determination for NWP No. 12 will be obtained prior to construction;
- (11) The project will not jeopardize any threatened or endangered species or proposed-to-be-listed species or any known critical habitats. Coordination with the respective agencies has been initiated with no foreseen issues of any conflicts;
- (12) The project will not affect any known historic properties listed, or projects eligible for listing, in the National Register of Historic Places;
- (13) Notification to state and federal resource agencies has been provided in accordance with the General Conditions;
- (14) A Compliance Certification will be supplied at the completion of the project as required;
- (15) NWP Nos. 12, 14, 58 & 59 will be used to authorize this project. The cumulative limitation of impacts (0.1 acre) to waters of the United States authorized under NWP Nos. 12, 14, 58 & 59 are not exceeded by this project;
- (16) No public water supply intakes will be affected;
- (17) No work will occur in areas of concentrated shellfish populations. No shellfish occur at the project site;
- (18) Only suitable materials will be used as part of this project as described in the application. No types of undesirable material will be used. No materials that would leach any chemicals into the adjacent waterbody will be utilized;
- (19) This project will have no impacts to aquatic or wetland resources. Impacts have been planned to avoid impact to natural resources on the site. No mitigation is required;
- (20) No spawning areas will be affected by the project since the project involves only a drainage channel with intermittent flow;

- (21) As designed, this project may receive high surface and groundwater flows during significant storm events, however the project is designed to withstand these significant events. Driveway culverts are adequately sized;
- (22) This project does not create an impoundment;
- (23) No impacts to waterfowl breeding areas will occur;
- (24) Temporary fills impacting waters are not required for this project;
- (25) To the best of ERI's knowledge, the proposed utilities and driveway culverts do not impact any Designated Critical Resource Waters;
- (26) Federal Emergency Management Agency (FEMA) regulations are addressed through state and local floodplain management requirements;
- (27) Construction equipment will only utilize upland areas adjacent to the drainage channel. The expected construction period is spring 2024 through fall 2024;
- (28) The project utilizes four NWP Nos. 12, 14, 58 & 59. The total cumulative impacts to waters of the U.S. for the project do not exceed 0.1 ± acre. Utility impact will be temporary;
- (29) The activity is part of a single and complete project;
- (30) Should the project transfer owners, proper steps to transfer all applicable documentation to the proper party will be conducted;
- (31) Utility installation impact will be temporary.

7021 2720 0002 5693 6279

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Total			\$6.18
First-Class Mail® Large Envelope	1		\$1.83
Dover, DE 19901 Weight: 0 lb 2.30 oz Estimated Delivery Date Thu 01/04/2024			
Certified Mail®			\$4.35
Tracking #: 70212720000256936279			
Total			\$6.18

Grand Total: \$12.36

Credit Card Remit \$12.36

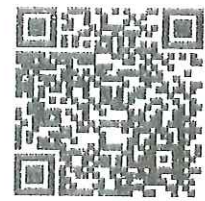
Card Name: VISA
 Account #: XXXXXXXXXXXX8100
 Approval #: 09177G
 Transaction #: 401
 ATD: A0000000031010 Chip
 AL: VISA CREDIT
 PIN: Not Required CHASE VISA

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

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or call 1-800-410-7420.

January 8, 2024

ERI Project No: 0001#1348

Species Conservation & Research Program
Division of Fish and Wildlife
Department of Natural Resources & Environmental Control
6180 Hay Point Landing Road
Smyrna, Delaware 19977

Attn: Species Conservation & Research Program (SCRCP) Biologist

Re: Preconstruction Notification
Nationwide Permit No. 12 – Oil or Natural Gas Pipeline Activities
Nationwide Permit No. 14 – Linear Transportation Project,
Nationwide Permit No. 57 – Electric Utility Lines & Telecommunication Activities
Nationwide Permit No. 58 – Utility Line Activities for Water & Other Substances

Install 70 foot and 92 foot long driveway culverts permanently impacting unnamed drainage channel classified as “Waters of the U.S.” and temporary trenching impacts for utility installation under unnamed drainage channel
Dover, Kent County, Delaware
Applicant: Trash Gurls, LLC.

Dear SCRCP Biologist,

Environmental Resource Insights (ERI) is writing you on behalf of Trash Gurls, LLC. regarding the proposed installation of sewer, water, electric, gas and telecommunications lines using trenching methods under an intermittent drainage channel classified as “Waters of the U.S.” The project also involves construction of two culverted driveway crossings. The project is necessary for the development of a storage yard for material recycling and hauling operations on a vacant parcel of land within an existing industrial park. Total impact is 0.0160 acre of waters. The address of the 10.75 acre site is 250 Garrison Oak Drive, Dover, Kent County, Delaware.

First, we would like to request that you review your records with regard to any threatened or endangered species or their critical habitat in the permit area that might be affected by the proposed project. The second purpose of this letter is to notify your office of our client’s intent to utilize NWP Nos. 12, 14, 57 & 58 to authorize the proposed work within waters and wetlands of the U.S. subject to the Corps of Engineers Regulatory Program. The construction details are fully explained in the enclosed pre-construction notification and plans.

Thank you in advance for your attention to this matter. If you have any questions or comments regarding the project, please feel free to contact me at (302) 436-9637.

Sincerely,

ENVIRONMENTAL RESOURCE INSIGHTS

Edward M. Launay

Enclosure: Pre-construction notification and plans

January 8, 2024

ERI Project No: 0001#1348

Ms. Gwentyth A. Davis
SHPO Division of Historical and Cultural Affairs
29 North State Street
Dover, Delaware 19901

Re: Preconstruction Notification
Nationwide Permit No. 12 – Oil or Natural Gas Pipeline Activities
Nationwide Permit No. 14 – Linear Transportation Project,
Nationwide Permit No. 57 – Electric Utility Lines & Telecommunication Activities
Nationwide Permit No. 58 – Utility Line Activities for Water & Other Substances

Install 70 foot and 92 foot long driveway culverts permanently impacting unnamed drainage channel classified as “Waters of the U.S.” and temporary trenching impacts for utility installation under unnamed drainage channel
Dover, Kent County, Delaware
Applicant: Trash Gurls, LLC

Dear Ms. Davis,

Environmental Resource Insights (ERI) is writing you on behalf of Trash Gurls, LLC. regarding the proposed installation of sewer, water, electric, gas and telecommunications lines using trenching methods under an intermittent drainage channel classified as “Waters of the U.S.” The project also involves construction of two culverted driveway crossings. The project is necessary for the development of a storage yard for material recycling and hauling operations on a vacant parcel of land within an existing industrial park. Total impact is 0.0160 acre of waters. The address of the 10.75 acre site is 250 Garrison Oak Drive, Dover, Kent County, Delaware.

First, we would like to request that you review your records with regard to any cultural or historic resources in the permit area that might be affected by the proposed project. The second purpose of this letter is to notify your office of our client’s intent to utilize NWP Nos. 12, 14, 57 & 58 to authorize the proposed work within waters and wetlands of the U.S. subject to the Army Corps of Engineers Regulatory Program. The construction details are fully explained in the enclosed pre-construction notification and plans.

Thank you in advance for your attention to this matter. If you have any questions or comments regarding the project, please feel free to contact me at (302) 436-9637.

Sincerely,

ENVIRONMENTAL RESOURCE INSIGHTS



Edward M. Launay

Enclosure: Pre-construction notification and plans



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127

In Reply Refer To:
Project Code: 2024-0024849
Project Name: Trash Gurls LLC. Recycling and Storage Yard

December 08, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

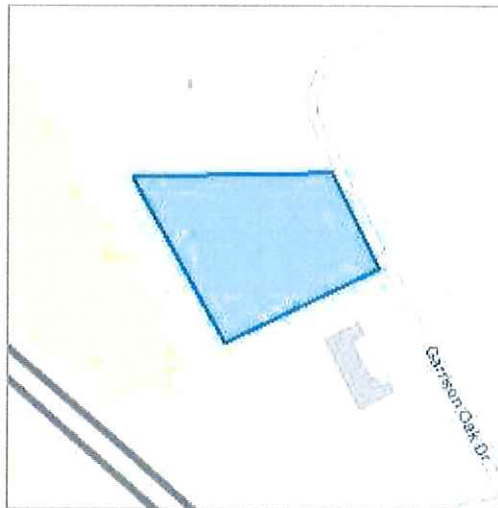
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
(410) 573-4599

PROJECT SUMMARY

Project Code: 2024-0024849
Project Name: Trash Gurls LLC. Recycling and Storage Yard
Project Type: New Constr - Above Ground
Project Description: Permanently impact 0.0127 acre of Waters of US drainage channel for two culverted driveway crossings and temporarily impact 0.0017 acre of Waters of US drainage channel for utility installation

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.1822215,-75.50481564168558,14z>



Counties: Kent County, Delaware

ENDANGERED SPECIES ACT SPECIES

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R4SBAx
-

IPAC USER CONTACT INFORMATION

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

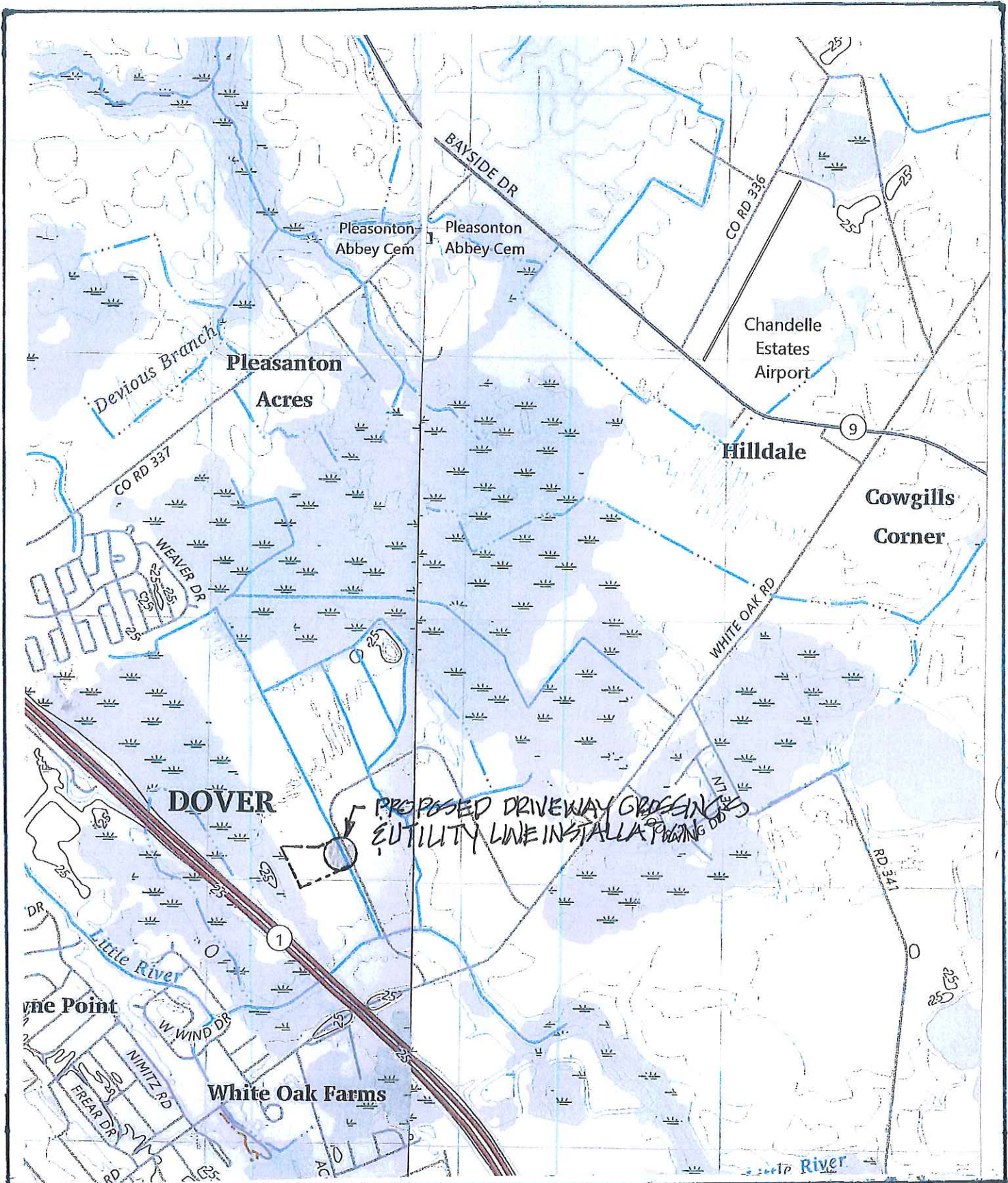
City: Selbyville

State: DE

Zip: 19975

Email elaunay@ericonsultants.com

Phone: 3024369637



PROPOSED DRIVEWAY & UTILITY LINE INSTALLATION ALONG GARRISON OAK DRIVE, DOVER DE



NATIONWIDE PERMIT 14
 NATIONWIDE PERMIT 58
 SCALE 1" = 200 FT.

LITTLE CREEK & DOVER DE
 LOCATION MAP
 USGS TOPOGRAPHIC

PROPOSED DRIVEWAY & UTILITY
 INSTALLATION, ALONG GARRISON
 OAK DRIVE, DOVER DE

ERI ENVIRONMENTAL
 RESOURCES, INC.

Date: 11/28/2003
 Revisions:

Dwn.By: JRW
 Proj.No.: 0001# 1348

SHEET:
1

SITE DATA:

OWNER: TRASH GURLS, LLC
 34026 ANNAS WAY, SUITE 3
 MILLSBORO, DE 19966

ENGINEER: SOLUTIONS IPEM, LLC
 303 NORTH BEDFORD STREET
 GEORGETOWN, DE 19947
 PHONE: 302.297.9215
 CONTACT: JIM ERIKSEN, PE

TAX MAP: 4-05-06800-02-1100-00001
 TOTAL AREA = 10.7548 AC.±

DEED REFERENCE: 12622/234

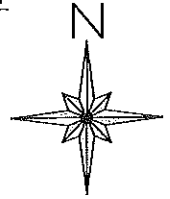
PLAT REFERENCE: 117/98

ADDRESS: 250 GARRISON OAK DRIVE

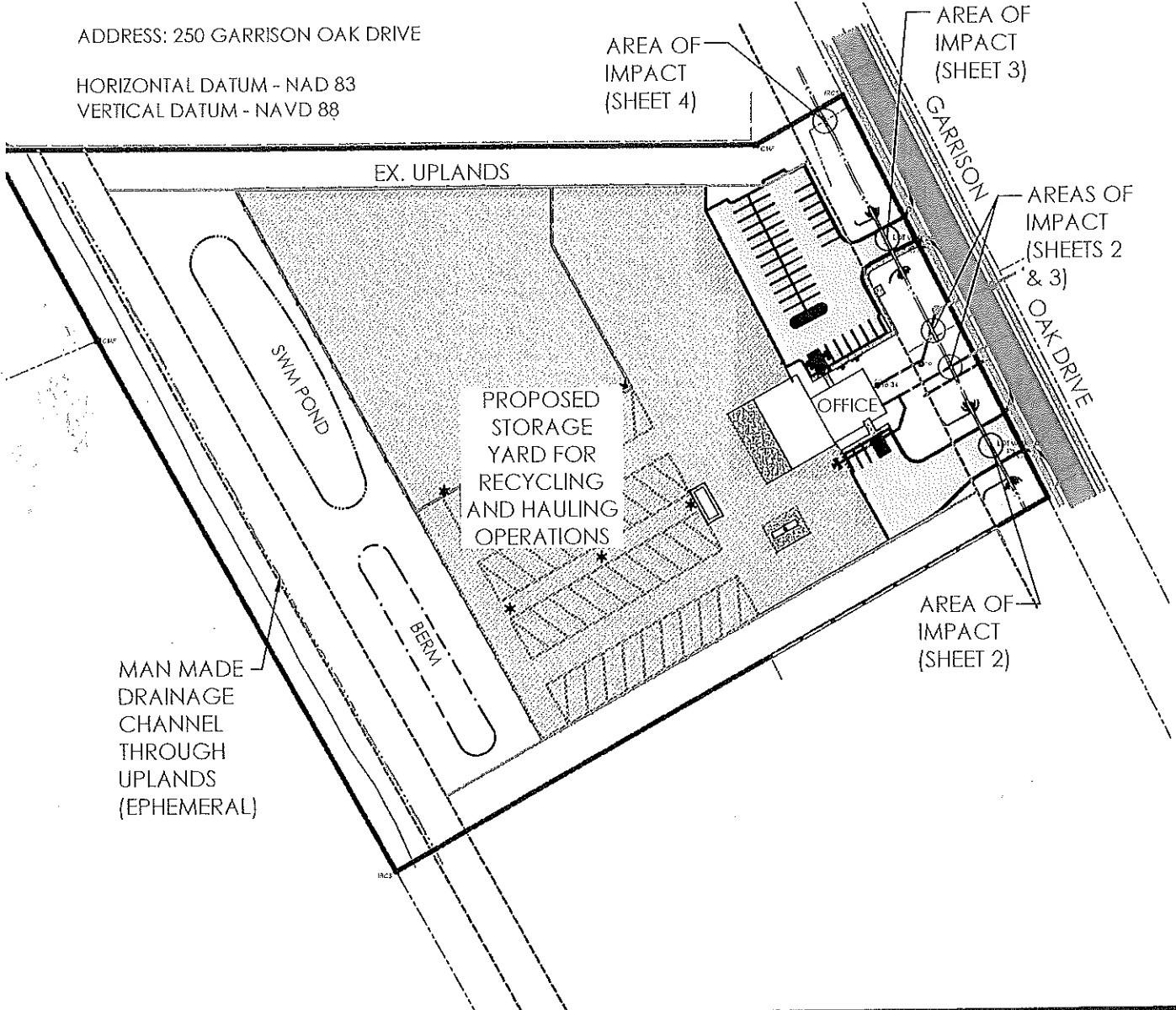
HORIZONTAL DATUM - NAD 83
VERTICAL DATUM - NAVD 88

WATERS OF THE U.S. IMPACT SUMMARY

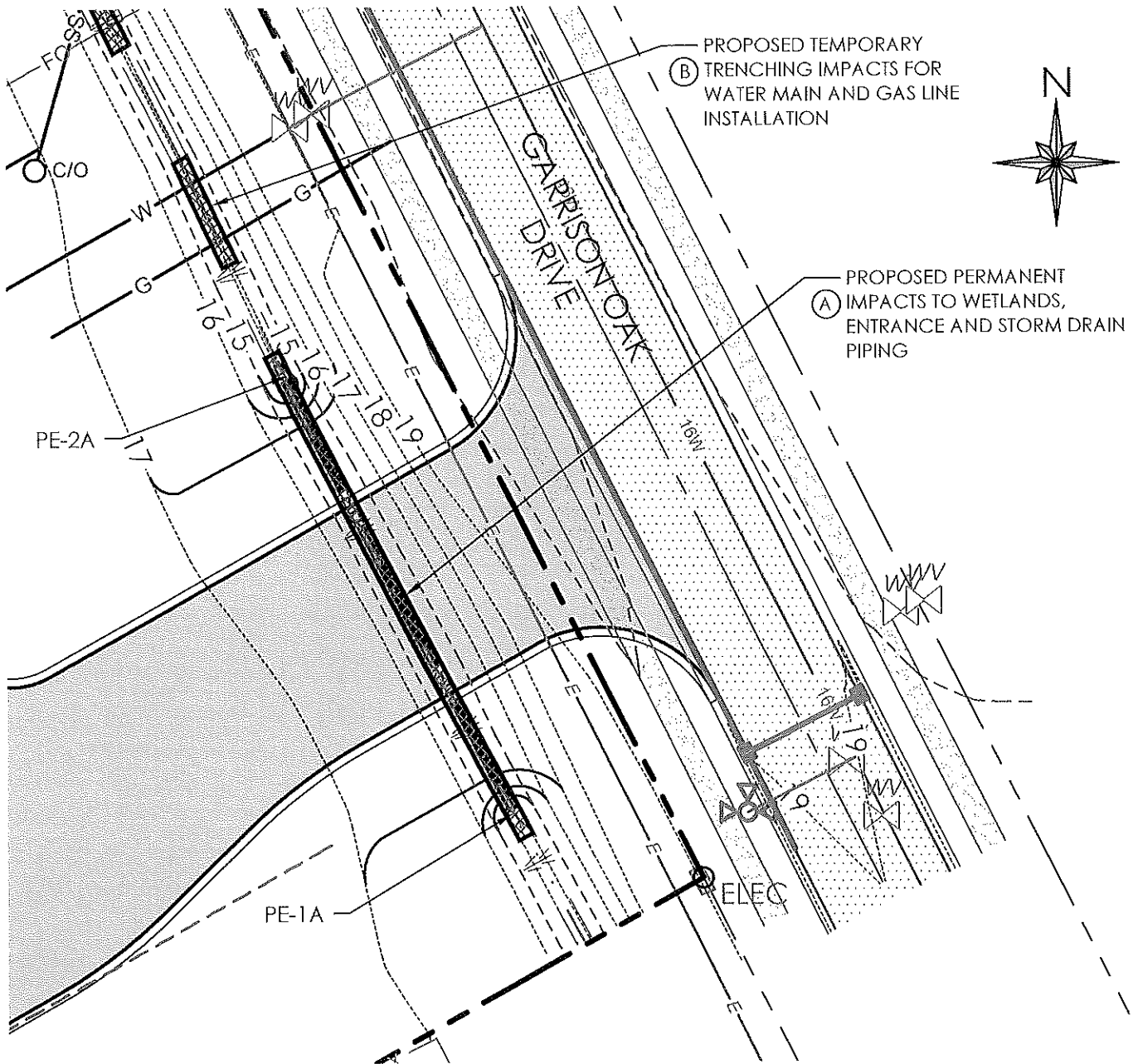
PROPOSED PERMANENT IMPACT
 ROAD CROSSINGS NWP 14
 552.08 SQ.FT. = 0.0127 AC.
 PROPOSED TEMPORARY UTILITY
 INSTALLATION IMPACTS NWP 12, 57 & 58
 142.31 SQ.FT. = 0.0033 AC.



- (A) 308.48 S.F.=0.0071 AC.± - SOUTH ROAD CROSSING
- (B) 65.51 S.F.=0.0015 AC.± - WATER MAIN & GAS LINE TEMPORARY IMPACT
- (C) 43.80 S.F.=0.0010 AC.± - SEWER MAIN & FIBER OPTIC TEMPORARY IMPACT
- (D) 243.60 S.F.=0.0056 AC.± - NORTH ROAD CROSSING
- (E) 33.0 S.F.=0.0008 AC.± - UNDERGROUND ELECTRIC TEMPORARY IMPACT




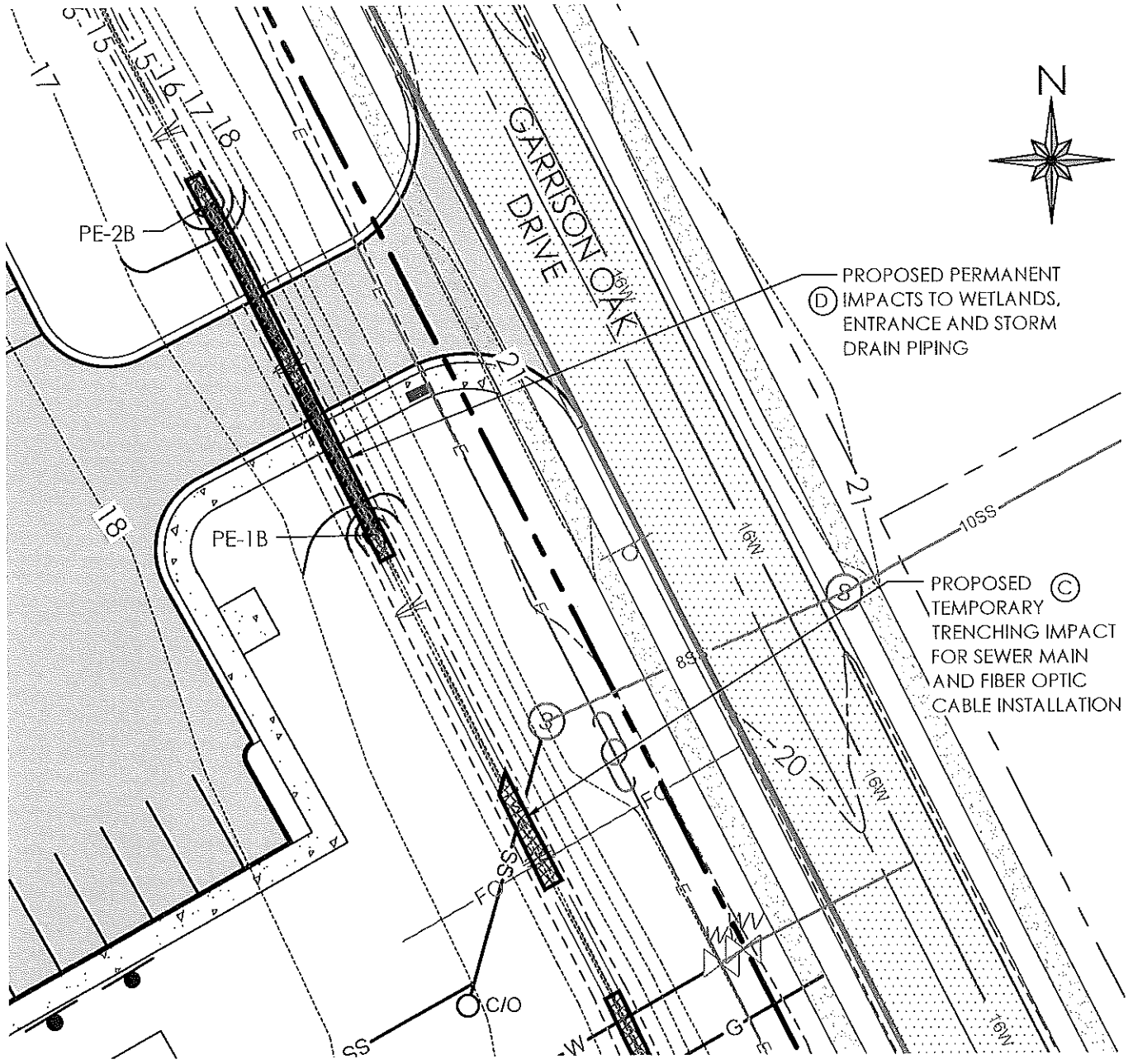
	Overall Site Plan & Water of the U.S. Impact Locations	Drawn: ML
	TAX MAP PARCEL 4-05-06800-02-1100-00001	Scale: NONE
303 N. Bedford Street Georgetown, DE 19947 T. 302.297.9215 www.solutionsipem.com	EAST DOVER HUNDRED CITY OF DOVER KENT COUNTY, DELAWARE	Date: 11/28/23
		Job No: G23043
		Sheet 2



(A) 308.48 S.F.=0.0071 AC.±


(B) 30.06 S.F.=0.0007 AC.±

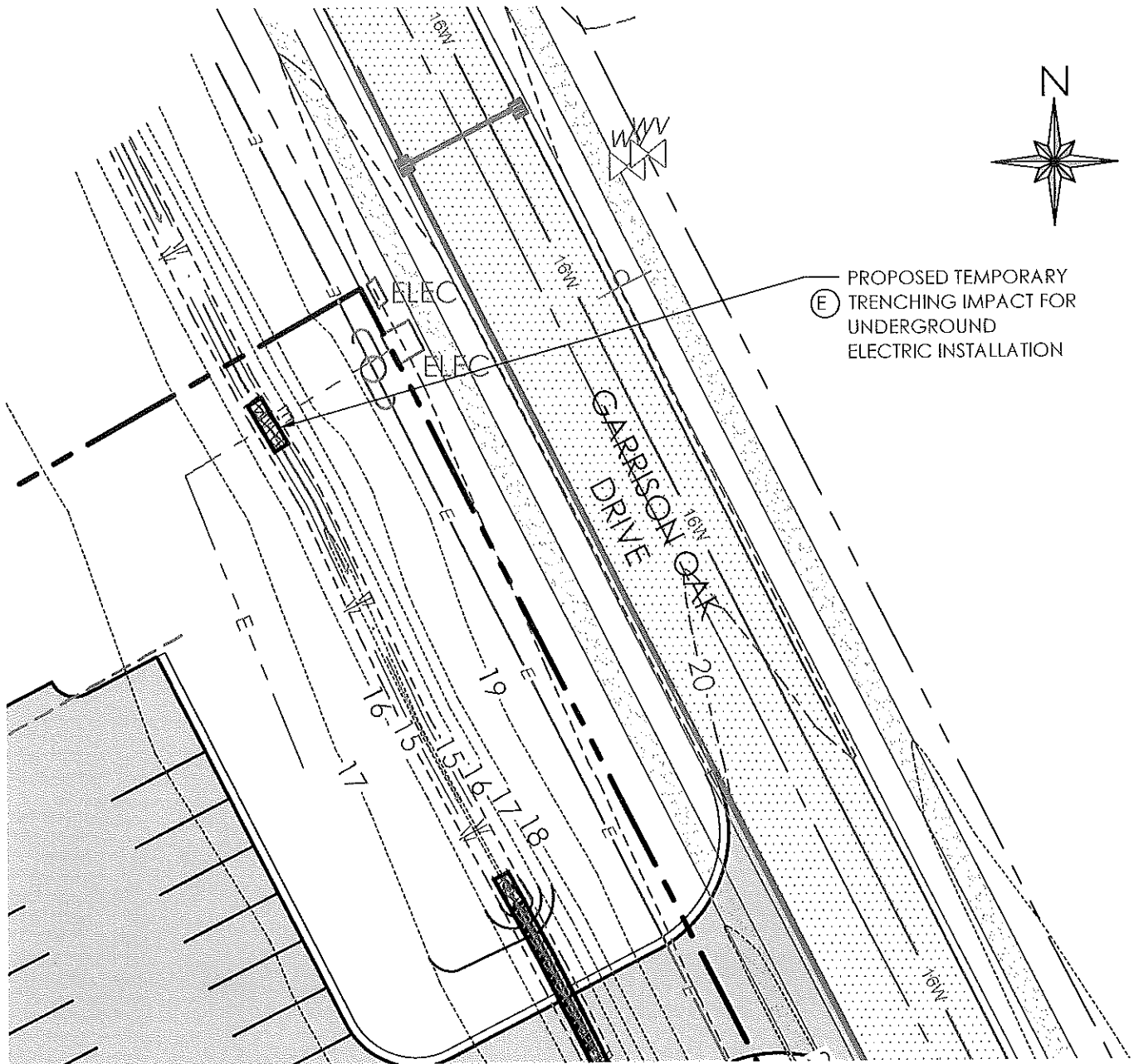
	303 N. Bedford Street Georgetown, DE 19947 T. 302.297.9215 www.solutionsipem.com	Site Plan		Drawn: ML
		TAX MAP PARCEL 4-05-06800-02-1100-00001 EAST DOVER HUNDRED CITY OF DOVER KENT COUNTY, DELAWARE		Scale: 1"=30'
				Date: 11/28/23
				Job No: G23043
			Sheet 3	



© 70.88 S.F. = 0.0016 AC.±

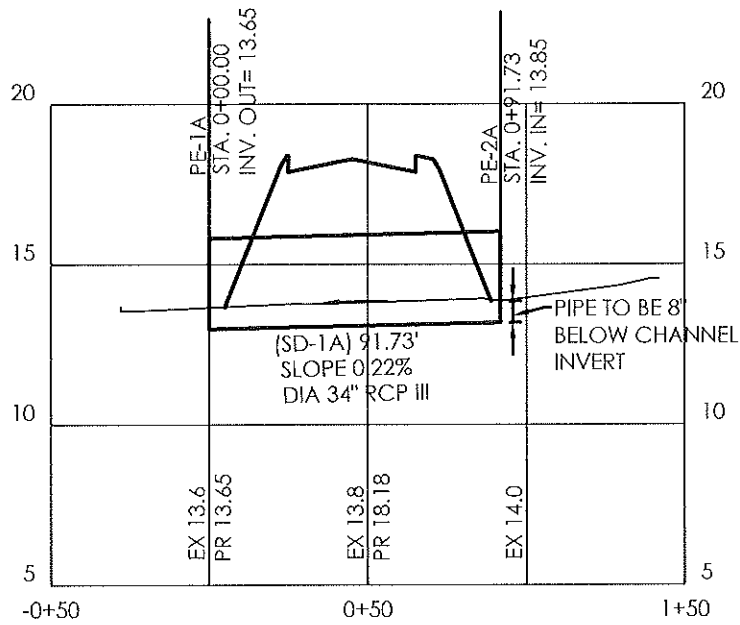
Ⓓ 243.60 S.F. = 0.0056 AC.±

 <p>303 N. Bedford Street Georgetown, DE 19947 T. 302.297.9215 www.solutionspem.com</p>	Site Plan		Drawn: ML
	TAX MAP PARCEL 4-05-06800-02-1100-00001		Scale: 1"=30'
			Date: 11/28/23
	EAST DOVER HUNDRED CITY OF DOVER KENT COUNTY, DELAWARE		Job No: G23043



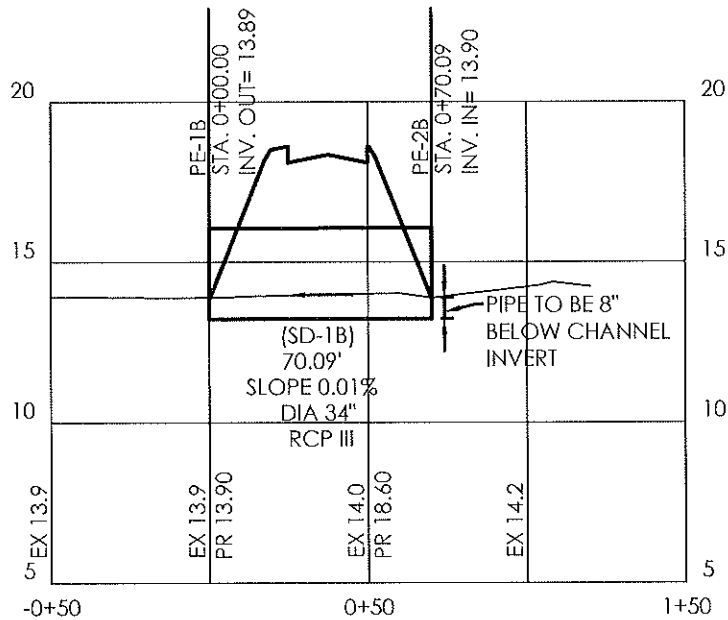
(E) 30.00 S.F. = 0.0007 AC. ±

	303 N. Bedford Street Georgetown, DE 19947 T. 302.297.9215 www.solutionsipem.com	Site Plan		Drawn: ML
		TAX MAP PARCEL 4-05-06800-02-1100-00001		Scale: 1"=30'
				Date: 11/28/23
				Job No: G23043
				Sheet 5




STORM DRAIN PROFILES - PE-1A TO PE-2A

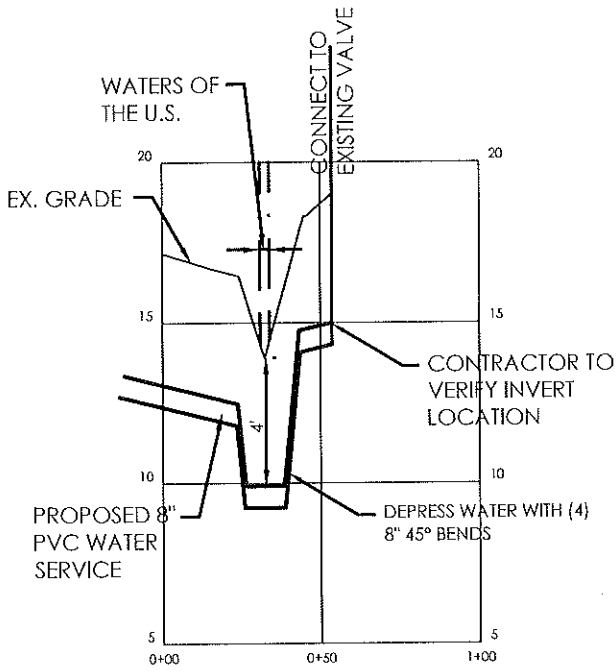
SCALE: HORIZ.: 1"=60'
VERT.: 1"=6'



STORM DRAIN PROFILES - PE-1B TO PE-2B

SCALE: HORIZ.: 1"=60'
VERT.: 1"=6'

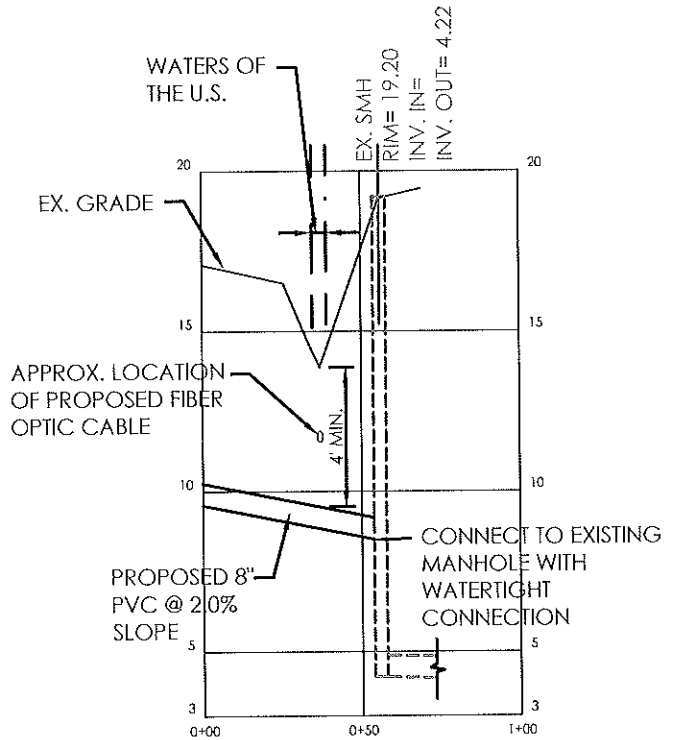
	303 N. Bedford Street Georgetown, DE 19947 T. 302.297.9215 www.solutionsipm.com	Storm Drain Profiles		Drawn: ML
		TAX MAP PARCEL 4-05-06800-02-1100-00001 EAST DOVER HUNDRED CITY OF DOVER KENT COUNTY, DELAWARE		Scale: NONE
				Date: 11/28/23
				Job No: G23043
			Sheet 6	



NOTE: UTILITIES SHALL BE BEDDED WITH STONE AND TRENCH WILL BE BACKFILLED WITH EXISTING SOIL TO PREVIOUS GRADE.


WATER LINE PROFILE

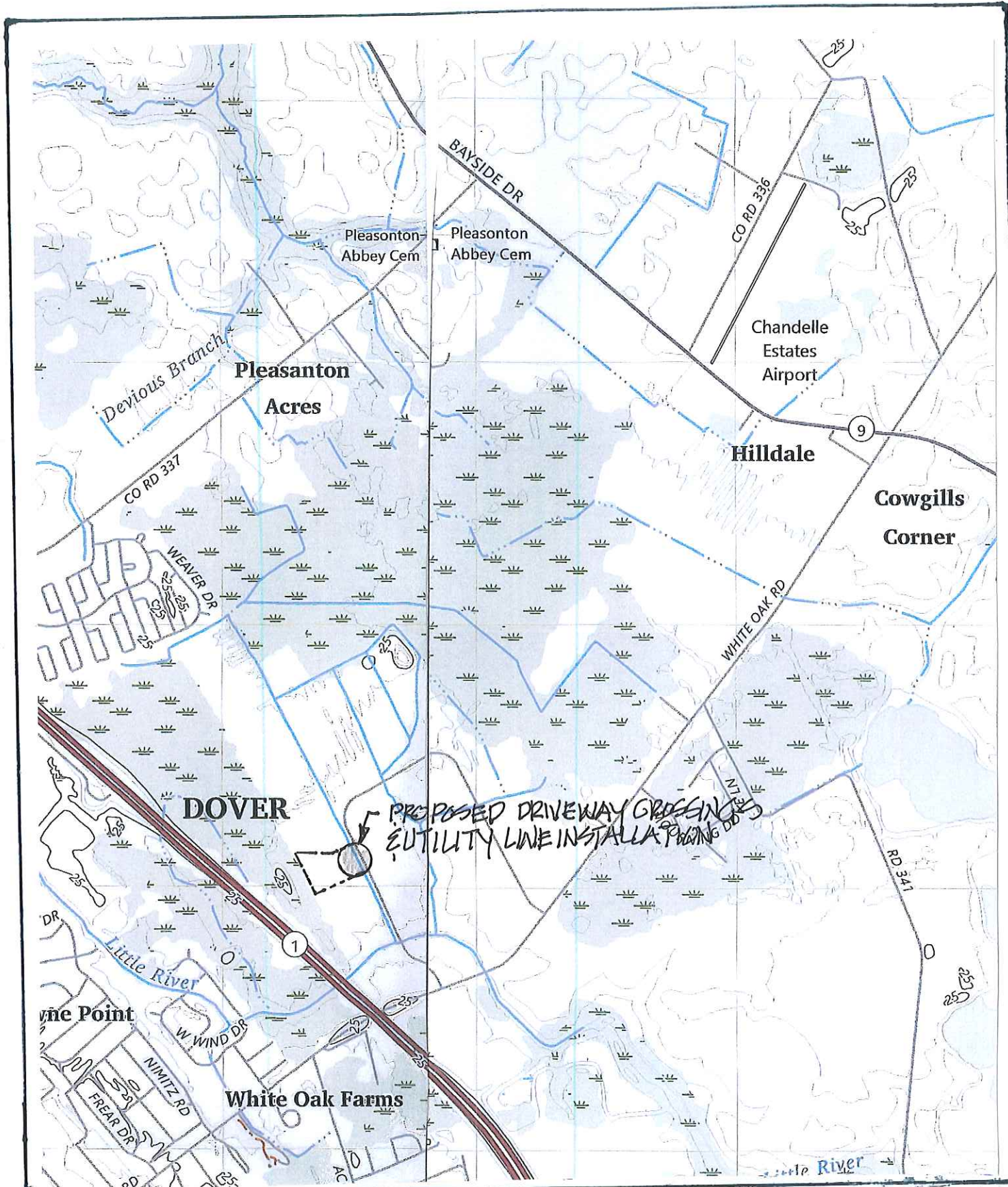
SCALE: HORIZ.: 1"=60'
VERT.: 1"=6'



SANITARY SEWER PROFILE

SCALE: HORIZ.: 1"=60'
VERT.: 1"=6'

	303 N. Bedford Street Georgetown, DE 19947 T. 302.297.9215 www.solutionsipem.com	Utility Profiles		Drawn: ML
		TAX MAP PARCEL 4-05-06800-02-1100-00001 EAST DOVER HUNDRED CITY OF DOVER KENT COUNTY, DELAWARE		Scale: NONE
				Date: 11/28/23
				Job No: G23043
				Sheet 7



PROPOSED DRIVEWAY CROSSING
 UTILITY LINE INSTALLATION
 ALONG GARRISON OAK DRIVE, DOVER DE



NATIONWIDE PERMIT 14
 NATIONWIDE PERMIT 58
 SCALE 1" = 200 FT.

LITTLE CREEK & DOVER DE
 LOCATION MAP
 USGS TOPOGRAPHIC

PROPOSED DRIVEWAY & UTILITY
 INSTALLATION, ALONG GARRISON
 OAK DRIVE, DOVER DE

ERI ENVIRONMENTAL
 RESOURCES, INC.

Date: 11/28/2003
 Revisions:

Dwn.By: JRW
 Proj.No.: 0001 # 1348

SHEET:
1