



1/14/2024

Mr. Matt Jones
Department of Natural Resources and Environmental Control
Division of Water
89 Kings Highway
Dover, DE 19901

SUBJECT: Replacement of BR 3-437 on SR 54 Lighthouse Rd
Request for DNREC Wetlands and Subaqueous Lands Permit

Dear Mr. Jones:

On behalf of our client, Delaware Department of Transportation (DelDOT), Century Engineering, LLC (Century) is pleased to inform the DNREC Wetlands and Subaqueous Lands Section about the Replacement of BR 3-437 on SR 54 Lighthouse Rd (Project) in Selbyville, DE. This application package provides the documentation supporting a request for a Wetlands and Subaqueous Lands Permit.

The Project entails complete replacement of BR 3-437 over the waterway known as "The Ditch" on SR 54. The existing structure was originally built in 1957 and was later rehabilitated in 1980. A bridge inspection completed in September of 2019 identified deterioration in voided slabs including spalled concrete and section loss in steel strands, deterioration in concrete abutments, cracking and spalls in piers and corroded pile casings, and pile jackets in poor condition. Due to the nature of the structural deficiencies, a full replacement of the bridge is required. The new structure proposes six 80-foot spans for a total structure length of 480 feet and an out-to-out width of 59'-2". The new structure will consist of two 11' travel lanes, a center lane to accommodate turn lanes on the approaches, a 6' shoulder/bicycle lane, and a 5'-9" sidewalk on each side of the structure. The proposed bridge will have an increased profile of approximately 2 feet due to the increase in span lengths from 40-foot to 80-foot, which require deeper beams to support the proposed bridge and an increase of the roadway profile to accommodate the increased structure depth. In addition, replacement of the bridge will require the removal of 4 (four) existing, privately owned structures (docks and finger piers) over public subaqueous lands. Following construction of the new bridge, DelDOT is proposing replacement of the removed structures.

Per the State Wetlands Map (DNR002), the project area contains portions of State-regulated, tidal open water and marsh wetlands. The proposed improvements will require 0.6364 acres of unavoidable impacts (permanent and temporary) to those existing State-regulated wetlands and waters. The anticipated impacts will result in a permanent loss of 0.0137 acre of open water and 0.0269 acre of wetland. The impacts include placing fill for sidewalk construction and scour protection. Construction activities will require the removal of four (4) existing, privately owned structures over public subaqueous lands. DelDOT is seeking a DNREC Letter of Authorization (LA) for authorization of the private structure replacements.

CENTURY ENGINEERING, LLC, A KLEINFELDER COMPANY
550 Bay Road, Dover, DE 19901 p | 302.734.9188

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Based on the Century wetland delineation (June 2020, November 2022, and March 2023), with follow up confirmation by United States Army Corps of Engineers (USACE) Approved Jurisdictional Determination (NAP 2023-01054-issued on January 27, 2024), the Project will impact federally regulated Waters of the United States (WOUS). Impacts to WOUS include construction access, sidewalk placement, and grading/riprap. Federal wetland impacts will consist of 0.3452 acre of temporary impacts and 0.0937 acre of permanent impacts.

DelDOT is applying for authorization under a United States Coast Guard (USCG) Bridge Permit and a USACE Nationwide Permit (NWP) 3 and NWP 23 (requiring Pre-Construction Notice) for impacts to existing wetlands and WOUS resulting from the Project. Water Quality Certification is issued under NWPs 3 and 23. A Coastal Zone Management (CZM) consistency is required for the Project by the USCG and will be submitted to Delaware Coastal Management Program concurrently with this application.

Tables 1 – 3 provide details of the impacts to and loss of State regulated wetlands. Refer to Attachments, Environmental Compliance (EC) Plan for additional information.

Table 1. PERMANENT OPEN WATER IMPACT AREA SCHEDULE (STATE-REGULATED)

EC ID	IMPACT	DESCRIPTION	RESOURCE	AREA (AC)	VOLUME (CY)	LOSS (AC)
0-6	PERMANENT	SHADING	OPEN WATER	0.5688	N/A	0.00
0-7	PERMANENT	EXISTING PIER REMOVAL (8)	OPEN WATER	0.005	18.59	0.00
0-8	PERMANENT	EXISTING PIER REMOVAL (8)	OPEN WATER	0.005	18.59	0.00
0-9	PERMANENT	EXISTING PIER REMOVAL (8)	OPEN WATER	0.005	18.59	0.00
0-10	PERMANENT	EXISTING PIER REMOVAL (8)	OPEN WATER	0.005	18.59	0.00
0-11	PERMANENT	EXISTING PIER REMOVAL (8)	OPEN WATER	0.005	18.59	0.00
0-12	PERMANENT	EXISTING PIER REMOVAL (8)	OPEN WATER	0.005	18.59	0.00
0-13	PERMANENT	EXISTING PIER REMOVAL (8)	OPEN WATER	0.005	18.59	0.00
0-14	PERMANENT	EXISTING PIER REMOVAL (8)	OPEN WATER	0.005	18.59	0.00
0-15	PERMANENT	EXISTING PIER REMOVAL (8)	OPEN WATER	0.005	18.59	0.00
0-16	PERMANENT	EXISTING PIER REMOVAL (8)	OPEN WATER	0.005	18.59	0.00
0-17	PERMANENT	SCOUR PROTECTION	OPEN WATER	0.0137	66.33	0.0137
TOTAL PERMANENT OPEN WATER IMPACT AREA				0.5748		
TOTAL PERMANENT OPEN WATER LOSS AREA				0.0137		

Table 2. TEMPORARY WETLAND IMPACT AREA SCHEDULE (STATE-REGULATED)

EC ID	IMPACT	DESCRIPTION	RESOURCE	AREA (AC)	VOLUME (CY)
WT-3	TEMPORARY	CONSTRUCTION ACCESS	MARSH	0.0498	401.67
WT-6	TEMPORARY	CONSTRUCTION ACCESS	MARSH	0.0217	175.19
TOTAL TEMPORARY WETLAND IMPACT AREA				0.0715	

Table 3. PERMANENT WETLAND IMPACT AREA SCHEDULE (STATE-REGULATED)

EC ID	IMPACT	DESCRIPTION	RESOURCE	AREA (AC)	VOLUME (CY)	LOSS (AC)
W-5	PERMANENT	GRADING	MARSH	0.0014	2.07	0.0014
W-6	PERMANENT	SIDEWALK PLACEMENT	MARSH	0.0025	37.73	0.0255
TOTAL PERMANENT WETLAND LOSS AREA				0.0269		

DNREC Division of Fish and Wildlife Species Conservation and Research Program (SCRP) was queried for their knowledge on rare, threatened, and/or endangered species in the project area September 2023 (comments attached). SCR requested work not be performed in wetlands from April 1st to July 31st to protect marsh nesting birds and their young. In addition, if work is conducted during the migratory bird breeding season (April 15th to August 1st), a survey will need to be completed prior to the start of work to see if any nests are present, with additional actions taken if necessary. SCR comments regarding fisheries identified the summer flounder (*Paralichthys dentatus*) as a primary species of concern, as it uses the Project area and vicinity as a nursery. It was recommended that no in-water work occur from March 1st to September 30th to allow time for the young of the year to grow large enough to be less vulnerable to habitat-altering activities and to migrate out of the system.

The United States Fish and Wildlife Service (USFWS) was queried for their knowledge on rare, threatened, and/or endangered species in the Project area in February 2024. The eastern black rail (*Laterallus jamaicensis* ssp. *jamaicensis*), a threatened species under the federal Endangered Species Act (ESA), and the monarch butterfly (*Danaus plexippus*), a candidate species under the federal ESA, were identified on the USFWS Species List. According to a response from USFWS received on March 28, 2024 (attached), the proposed project is not likely to adversely affect the eastern black rail. As a candidate species, there are generally no ESA Section 7 requirements for the monarch butterfly.

National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS), Greater Atlantic Regional Fisheries Office (GARFO), Protected Resources Division (PRD) concurs with the Federal Highway Administration (FHWA)/DelDOT determination that the Project action is not likely to adversely affect listed species or critical habitat per the justifications and/or special conditions provided in the verification form (included as supporting information with this application).

NOAA NMFS Habitat and Ecosystem Services Division (HESD) reviewed consultation information provided by DelDOT and recommended Essential Fish Habitat (EFH) conservation recommendations be incorporated into the Project to minimize adverse effects on EFH and federally managed species. Documentation of the recommendations and DelDOT's responses are included as supporting information with this application.

The project will adhere to all guidance provided by RTE agencies (USFWS, DNREC-SCR, NOAA National Marine Fisheries Service – Habitat Ecosystem Service and Protected Resource Divisions). All coordination documents are included as supporting information with this application. DelDOT has coordinated with DNREC Division of Fish and Wildlife (DFW) regarding potential need for a TOYR (time of year restriction)



waiver during some portions of the construction. NOAA has indicated they will support a DNREC DFW TOYR waiver if issued.

Federal funds are being utilized and DelDOT has an Approved Environmental Assessment for the Project. The Project has been coordinated with the FHWA, the Delaware State Historic Preservation Office (SHPO), and DelDOT for compliance with Section 106 of the National Historic Preservation Act of 1966. Coordination with DE SHPO determined that no historic or archaeological properties will be affected by the proposed action. There are no historic standing structures within or adjacent to the area of potential effect (APE) nor are there any recorded archaeological sites within or in the immediate vicinity of the Project. Coordination documents are included as supporting information with this application.

A DCMP Coastal Zone Management Act Federal Consistency Certification, USACE Section 404 Nationwide Permits, USCG Bridge Permit, and DNREC Letter of Authorization are pending.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

CENTURY ENGINEERING, LLC, A KLEINFELDER COMPANY

A handwritten signature in black ink, appearing to read 'Missy Kalb'.

Missy Kalb, CE
Senior Environmental Scientist

Attachments:

- WLSL Application w/ Signature Page
- Vicinity, USGS, Aerial Maps
- Environmental Compliance Plan
- Plan Sheets
- RTE Correspondence
- Historical/Archaeological Correspondence
- Photolog

cc: Van Adams, DelDOT
Jon Eberle, AECOM
Alex Schmidt, Century

WETLANDS AND SUBAQUEOUS LANDS SECTION PERMIT APPLICATION FORM

**For Subaqueous Lands, Wetlands, Marina and
401 Water Quality Certification Projects**

**State of Delaware
Department of Natural Resources and Environmental Control
Division of Water**

Wetlands and Subaqueous Lands Section



**APPLICATION FOR APPROVAL OF
SUBAQUEOUS LANDS, WETLANDS, MARINA
AND WATER QUALITY CERTIFICATION PROJECTS**

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY**Application Instructions:**

1. Complete each section of this basic application and appropriate appendices as thoroughly and accurately as possible. Incomplete or inaccurate applications will be returned.
2. All applications must be accompanied by a scaled plan view and cross-section view plans that show the location and design details for the proposed project. Full construction plans must be submitted for major projects.
3. All applications must have an original signature page and proof of ownership or permitted land use agreement.
4. Submit an original and two (2) additional copies of the application (total of 3) with the appropriate application fee and public notice fee* (prepared in separate checks) to:

**Department of Natural Resources and Environmental Control
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901**

*Application and public notice fees are non-refundable regardless of the Permit decision or application status.

5. No construction may begin at the project site before written approval has been received from this office.

Helpful Information:

1. Tax Parcel Information:

New Castle County	(302) 395-5400
Kent County	(302) 736-2010
Sussex County	(302) 855-7878
2. Recorder of Deeds:

New Castle County	(302) 571-7550
Kent County	(302) 744-2314
Sussex County	(302) 855-7785
3. A separate application and/or approval may be required through the Army Corps of Engineers. Applicants are strongly encouraged to contact the Corps for a determination of their permitting requirements. For more information, contact the Philadelphia District Regulator of the Day at (215) 656-6728 or visit their website at: <http://www.nap.usace.army.mil/Missions/Regulatory.aspx>.
4. For questions about this application or the Wetlands and Subaqueous Lands Section, contact us at (302) 739-9943 or visit our website at: <http://www.dnrec.delaware.gov/wr/Services/Pages/WetlandsAndSubaqueousLands.aspx>. Office hours are Monday through Friday 8:00 AM to 4:30 PM, except on State Holidays.

APPLICANT'S REVIEW BEFORE MAILING

DID YOU COMPLETE THE FOLLOWING?

<u>✓</u>	Yes	BASIC APPLICATION
<u>✓</u>	Yes	SIGNATURE PAGE (Page 3)
<u>N/A</u>	Yes	APPLICABLE APPENDICES
<u>✓</u>	Yes	SCALED PLAN VIEW
<u>✓</u>	Yes	SCALED CROSS-SECTION OR ELEVATION VIEW PLANS
<u>✓</u>	Yes	VICINITY MAP
<u>N/A</u>	Yes	COPY OF THE PROPERTY DEED & SURVEY
<u>N/A - Electronic submission</u>	Yes	THREE (3) COMPLETE COPIES OF THE APPLICATION PACKET
<u>N/A</u>	Yes	APPROPRIATE APPLICATION FEE & PUBLIC NOTICE FEE (Separate checks made payable to the State of Delaware)

Submit 3 complete copies of the application packet to:

**Department of Natural Resources and Environmental Control
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901**

Before signing and mailing your application packet, please read the following:

The Department requests that the contractor or party who will perform the construction of your proposed project, if other than the applicant, sign the application signature page along with the applicant in the spaces provided. When the application is signed by the contractor as well as the applicant, the Department will issue the Permit to both parties. For Leases, the contractor will receive a separate construction authorization that will make them subject to all of the terms and conditions of the Lease relating to the construction

Section 1: Applicant Identification

1. Applicant's Name: Van Adams Telephone #: (302) 760-2107
 Mailing Address: Delaware Department of Transportation Fax #: _____
P.O. Box 778 E-mail: Van.Adams@delaware.gov
Dover, DE 19903
2. Consultant's Name: Missy Kalb Company Name: Century Engineering, Inc
 Mailing Address: 550 Bay Road Telephone #: (302) 734-9188
Dover, DE 19901 Fax #: _____
 E-mail: mkalb@kleinfelder.com
3. Contractor's Name: TBD Company Name: _____
 Mailing Address: _____ Telephone #: _____
 _____ Fax #: _____
 _____ E-mail: _____

Section 2: Project Description

4. Check those that apply:
☐ New Project/addition to existing project? ☒ Repair/Replace existing structure? (If checked, must answer #16)
5. Project Purpose (attach additional sheets as necessary):
The purpose of this project is to create a safe and efficient crossing of SR 54 over Assawoman Bay. The existing Bridge 3-437 was originally built in 1957 and was later rehabilitated in 1980. An inspection in 2019 observed the bridge beams and foundation have reached the end of their useful service life, and pile jackets are in poor condition. Due to the nature of the structural deficiencies, a full replacement of the bridge will be required.
6. Check each Appendix that is enclosed with this application: N/A - DelDOT project

<input type="checkbox"/>	A. Boat Docking Facilities	<input type="checkbox"/>	G. Bulkheads	<input type="checkbox"/>	N. Preliminary Marina Checklist
<input type="checkbox"/>	B. Boat Ramps	<input type="checkbox"/>	H. Fill	<input type="checkbox"/>	O. Marinas
<input type="checkbox"/>	C. Road Crossings	<input type="checkbox"/>	I. Rip-Rap Sills and Revetments	<input type="checkbox"/>	P. Stormwater Management
<input type="checkbox"/>	D. Channel Modifications/Dams	<input type="checkbox"/>	J. Vegetative Stabilization	<input type="checkbox"/>	Q. Ponds and Impoundments
<input type="checkbox"/>	E. Utility Crossings	<input type="checkbox"/>	K. Jetties, Groins, Breakwaters	<input type="checkbox"/>	R. Maintenance Dredging
<input type="checkbox"/>	F. Intake or Outfall Structures	<input type="checkbox"/>	M. Activities in State Wetlands	<input type="checkbox"/>	S. New Dredging

Section 3: Project Location

7. Project Site Address: Lighthouse Road County: ☐ N.C. ☐ Kent ☒ Sussex
Selbyville, DE Site owner name (if different from applicant): _____
 Address of site owner: _____
8. Driving Directions: From Dover: Take US-13 South to DE-1 South, continue straight onto US-9 East to stay on DE-1 South, turn right onto DE-54 W/Lighthouse Road, bridge is 0.6 mile
 (Attach a vicinity map identifying road names and the project location)
9. Tax Parcel ID Number: _____ Subdivision Name: N/A

WSLS Use Only:		Permit #s: _____		_____		_____		_____	
Type	SP <input type="checkbox"/>	SL <input type="checkbox"/>	SU <input type="checkbox"/>	WE <input type="checkbox"/>	WQ <input type="checkbox"/>	LA <input type="checkbox"/>	SA <input type="checkbox"/>	MP <input type="checkbox"/>	WA <input type="checkbox"/>
Corps Permit: SPGP 18 <input type="checkbox"/> 20 <input type="checkbox"/>		Nationwide Permit #: _____		Individual Permit # _____					
Received Date: _____		Project Scientist: _____							
Fee Received? Yes <input type="checkbox"/> No <input type="checkbox"/>		Amt: \$ _____		Receipt #: _____					
Public Notice #: _____		Public Notice Dates: ON _____		OFF _____					

Section 3: Project Location (Continued)

10. Name of waterbody at Project Location: The Ditch waterbody is a tributary to: Assawoman Bay
11. Is the waterbody: ☒ Tidal ☐ Non-tidal Waterbody width at mean low or ordinary high water 405 feet
12. Is the project: ☒ On public subaqueous lands? ☐ On private subaqueous lands?*
- ☒ In State-regulated wetlands? ☒ In Federally-regulated wetlands?

*If the project is on private subaqueous lands, provide the name of the subaqueous lands owner:

(Written permission from the private subaqueous lands owner must be included with this application)

- Surrounding lands: General Commercial, Neighborhood Business, Medium Residential, and Marine
13. Present Zoning: ☐ Agricultural ☐ Residential ☐ Commercial ☐ Industrial ☐ Other

Section 4: Miscellaneous

14. A. List the names and complete mailing addresses of the immediately adjoining property owners on all sides of the project (attach additional sheets as necessary):

See attached excel sheet, tab "14.A"

- B. For wetlands and marina projects, list the names and complete mailing addresses of property owners within a 1,000 foot radius of the project (attach additional sheets as necessary):

See attached excel sheet, tab "14.B"

15. Provide the names of DNREC and/or Army Corps of Engineers representatives whom you have discussed the project with:

Katie Esposito (DNREC), Mike Yost (USACE), Rob Youhas (USACE)

- A. Have you had a State Jurisdictional Determination performed on the property? ☐ Yes ☒ No
- B. Has the project been reviewed in a monthly Joint Permit Processing Meeting? ☒ Yes ☐ No
- *If yes, what was the date of the meeting? multiple meetings since August 2024

16. Are there existing structures or fill at the project site in subaqueous lands? ☒ Yes ☐ No

*If yes, provide the permit and/or lease number(s):

N/A - structure built in 1957

*If no, were structures and/or fill in place prior to 1969? ☒ Yes ☐ No

17. Have you applied for or obtained a Federal permit from the Army Corps of Engineers?

☐ No ☒ Pending ☐ Issued ☐ Denied Date: _____

Type of Permit: NWP 3 and NWP 23 Federal Permit or ID #: _____

18. Have you applied for permits from other Sections within DNREC?

☐ No ☒ Pending ☐ Issued ☐ Denied Date: _____ Permit or ID #: _____

Type of permit (circle all that apply): Septic Well NPDES Storm Water

Other: DCMP Coastal Zone Management Act Federal Consistency, Letter of Authorization

Section 5: Signature Page

19. Agent Authorization:

If you choose to complete this section, all future correspondence to the Department may be signed by the duly authorized agent. In addition, the agent will become the primary point of contact for all correspondence from the Department.

I do not wish to authorize an agent to act on my behalf ☐


I wish to authorize an agent as indicated below ☒

I, Van Adams, hereby designate and authorize Missy Kalb
(Name of Applicant) (Name of Agent)
to act on my behalf in the processing of this application and to furnish any additional information requested by the Department.

Authorized Agent's Name: Missy Kalb Telephone #: 302.734.9188
Mailing Address: 550 Bay Road Fax #: _____
Dover, DE 19901 E-mail: mkalb@kleinfelder.com

20. Agent's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

 1/13/2024
Agent's Signature Date

21. Applicant's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application. I grant permission to authorized Department representatives to enter upon the premises for inspection purposes during working hours.

 1/13/2025
Applicant's Signature Date

Van Adams
Print Name

22. Contractor's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge, and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

TBD _____
Contractor's Name Date

Print Name