

#### Addendum 4

State and Federal Wetland Permits are on the following page. Contractors should review and be knowledgeable of the permit conditions. The contractor will be responsible for following the permit conditions.



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES &  
ENVIRONMENTAL CONTROL  
DIVISION OF WATER  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

WETLANDS & SUBAQUEOUS  
LANDS SECTION

TELEPHONE (302) 739-9943  
FACSIMILE (302) 739-6304

DEC - 7 2015

DNREC Division of Fish & Wildlife  
co: Jeremey Ashe  
89 Kings Highway  
Dover, DE 19901  
Re: Subaqueous and Wetlands Permit: SP-385/15, WE-386/15

Dear Mr. Ashe:

Enclosed are the Subaqueous Lands Permit and Wetlands Permit granted by the State of Delaware. Please read carefully all Special and General Permit Conditions. The Permittee is responsible to ensure that all conditions are strictly adhered to.

Please be advised that the Permittee is required to submit the Contractors Completion Report within ten (10) days from completion of construction of the above referenced permit.

If you have any questions, please feel free to contact this office at 302-739-9943.

Sincerely,

Signature on File

Tyler Brown  
Program Manager  
Wetlands & Subaqueous Lands Section

*Delaware's good nature depends on you!*





STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES &  
ENVIRONMENTAL CONTROL  
DIVISION OF WATER  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

WETLANDS AND SUBAQUEOUS PERMIT  
CONTRACTOR'S COMPLETION REPORT  
POST-CONSTRUCTION



Subaqueous Lands Lease No.: WE-386/15, SP-385/15

Scientist: Tyler Brown

Name: DNREC Division of Fish & Wildlife

**Project Description: TO REPAIR AND EXPAND APPROXIMATELY 5,000 LINEAR FEET OF EXISTING DIKES CONSISTING OF 29,000 CUBIC YARDS OF MATERIAL, TO ADD A NEW DITCH PLUG CONSISTING OF 1,000 CUBIC YARDS OF MATERIAL, TO REPAIR AND IMPROVE TWO WATER CONTROL STRUCTURES AND THE ASSOCIATED SHEET PILING AROUND THE STRUCTURES IN THE TED HARVEY SOUTH IMPOUNDMENT, WITHIN THE TED HARVEY WILDLIFE AREA, KENT COUNTY, DE**

*I hereby certify that I have constructed the project authorized by the above-referenced Permit/Lease in accordance with the approved plans for the project.*

\_\_\_\_\_  
Printed Name of Contractor

\_\_\_\_\_  
Name of Company

\_\_\_\_\_  
Contractor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Daytime Telephone Number

Upon completion of construction, this form shall be completed, signed by the contractor, and mailed to the Wetlands and Subaqueous Lands Section at:

**DNREC  
Wetlands and Subaqueous Lands Section  
89 Kings Highway  
Dover, Delaware 19901**

Or faxed to the Wetlands and Subaqueous Lands Section at: 302/739-6304

*This form must be received by the Department within **ten days** of the date that construction is completed. Once the form has been received, the Department will call the contractor's telephone number listed above to confirm receipt.*

For official use only

Compliance inspection date \_\_\_\_\_ Built in accordance with plans ☐ Yes ☐ No Scientist

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STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES &  
ENVIRONMENTAL CONTROL  
DIVISION OF WATER  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

WETLANDS & SUBAQUEOUS  
LANDS SECTION

TELEPHONE (302) 739-9943  
FACSIMILE (302) 739-6304

Subaqueous Lands Permit No.: SP-385/15  
Wetlands Permit No.: WE-386/15  
Date of Issuance: 12/7/2015  
Construction Expiration Date: 12/7/2018  
Tax Parcel #: 2-00-10600-01-2301-00001

DNREC Division of Fish and Wildlife  
c/o: Jeremy Ashe  
89 Kings Highway  
Dover, DE 19901

**SUBAQUEOUS LANDS PERMIT/WETLANDS PERMIT  
GRANTED TO DNREC DIVISION OF FISH AND WILDLIFE TO REPAIR AND  
EXPAND APPROXIMATELY 5,000 LINEAR FEET OF EXISTING DIKES  
CONSISTING OF 29,000 CUBIC YARDS OF MATERIAL, TO ADD A NEW DITCH  
PLUG CONSISTING OF 1,000 CUBIC YARDS OF MATERIAL, TO REPAIR AND  
IMPROVE TWO WATER CONTROL STRUCTURES AND THE ASSOCIATED SHEET  
PILING AROUND THE STRUCTURES IN THE TED HARVEY SOUTH  
IMPOUNDMENT, WITHIN THE TED HARVEY WILDLIFE AREA,  
KENT COUNTY, DE**

Pursuant to the provisions of 7 Del. C., §7205, and the Department's Regulations Governing the Use of Subaqueous Lands; and 7 Del. C. §6604, and the Department's Wetlands Regulations permission is hereby granted on this 7<sup>th</sup> day of December A.D. 2015 to perform the above referenced project in accordance with the approved plans for this Permit (28 Sheets), as approved on November 25, 2015; and the application dated September 15, 2015, and received by this Division on September 15, 2015.

WHEREAS, pursuant to the provisions of 7 Del. C., §7203; and 7 Del. C. §6604, the Secretary of the Department of Natural Resources and Environmental Control through his duly authorized representative finds that it is not contrary to the public interest if this project is approved subject to the terms and conditions herein set forth.

This Permit is issued subject to the following conditions:

*Delaware's good nature depends on you!*

## **SPECIAL CONDITIONS**

1. Erosion and sediment control measures shall be implemented in accordance with the specifications and criteria in the current Delaware Erosion and Sediment Control Handbook so as to minimize entry and dispersal of sediment and other contaminants in surface waters.
2. Areas disturbed during construction/restoration shall be returned to pre-disturbance elevations and stabilized to avoid impact to wetlands and waters. Erosion control matting, if used, shall not contain plastic or other non-degradable components. Only native plants and seed appropriate to the physiographic region shall be used for stabilization.
3. All equipment and machinery utilized in construction shall arrive on-site in a clean condition and shall be maintained free of fluid leaks. An emergency spill kit shall be available on-site to handle any fluid leaks or spills from machinery.
4. Access through State wetlands shall be limited to the minimum area necessary to perform the maintenance work. All access shall be by any of the following: a) by foot, b) by using low-ground-pressure vehicles suitable to work in marshes or c) using temporary matting for construction equipment.
5. All fill materials associated with the proposed project shall be clean and free from oils, grease, asphalt and other contaminants.
6. The repair and improvement of the water control structures shall be planned for periods of low waterway base flows. In the event that sediment and erosion controls are damaged or destroyed due to storm events, such controls shall be repaired and/or replaced immediately.
7. A site review, with representatives of the Wetlands and Subaqueous Lands Section, shall be completed at low tide within 60 days of the completion of the project to evaluate the site for impacts to tidal marsh and mudflat wetlands. If impacted areas are noted, the disturbed areas shall be returned to pre-construction conditions, including elevations and vegetation.
8. Disturbance of wetlands and/or aquatic vegetation adjacent to the permitted construction by burning, cutting, herbicide treatments, heavy equipment, filling or other methods is prohibited. Disturbance of wetlands and/or aquatic wetlands in the path of the construction shall be minimized.
9. To avoid impacts to Migratory Shorebirds, including Red Knots, no work shall take place from April 15<sup>th</sup> through June 7<sup>th</sup> east of WPT 17, where the dike takes a sharp turn towards the beach. If work is unavoidable during this time frame, an appropriately-qualified observer must be onsite recording Red Knot presence. If Red Knots are present and there is evidence of disturbance/flushing all work must cease.
10. There shall be no stockpiling of construction material or equipment staging in regulated wetlands or subaqueous lands.

11. The permittee shall employ measures during construction to prevent spills of fuels or lubricants. In the event of a spill, efforts shall be taken to prevent its entry into wetlands and aquatic areas. Any spills entering wetlands and aquatic areas shall be removed immediately. This office shall be notified of any spill(s) within six hours of occurrence. This office will determine the effectiveness of spill and contamination removal and specify remediation as necessary.
12. The work authorized by this Permit is subject to the terms and conditions of the Army Corps of Engineers Nationwide Permit 27.
13. This Permit is granted for the purpose wetland and impoundment restoration. Any other use without prior written approval shall constitute reason for this Permit being revoked.
14. The Contractors Completion Report shall be filled out and returned within 10 days of completion of the authorized work.
15. Please contact Bill McAvoy for the appropriate species to be used in the seed mix for the dike restoration.
16. Please contact Kate Fleming from the Wildlife Species Conservation and Research Program if the beach will be used for construction access.

#### **GENERAL CONDITIONS**

1. The permittee and contractor shall at all times comply with all applicable laws and regulations of the Department of Natural Resources and Environmental Control.
2. The activities authorized herein shall be undertaken in accordance with the permit conditions, the final stamped and approved plans, and with the information provided in the permit application.
3. A copy of this Permit and the stamped approved plans shall be available on-site during all phases of construction activity.
4. The conditions contained herein shall be incorporated into any and all construction contracts associated with the construction authorized herein. The permittee and contractor are responsible to ensure that the workers executing the activities authorized by this Permit have full knowledge of, and abide by, the terms and conditions of this Permit.
5. The permittee shall protect and hold the State of Delaware harmless from any loss, cost or damage resulting from the activities authorized herein.



6. The issuance of this Permit does not constitute approval for any activities that may be required by any other local, state or federal government agency.
7. The issuance of this Permit does not imply approval of any other part, phase, or portion of any overall project the permittee may be contemplating.
8. This Permit authorizes only the activities described herein. Modifications to the project may require a supplemental approval from this office prior to the initiation of construction. A determination of the need for a supplemental approval will be made by this office pursuant to the permittee submitting written notification and revised plans indicating project changes. Failure to contact the Department prior to executing changes to the project shall constitute reason for this Permit being revoked.
9. Representatives of the Department of Natural Resources and Environmental Control shall be allowed to access the property to inspect all work during any phase of the construction and may conduct pre and post-construction inspections, collect any samples or conduct any tests that are deemed necessary.
10. The activities authorized herein shall be conducted so as not to violate the State of Delaware's Surface Water Quality Standards, as amended October 11, 2014.
11. All construction materials, waste or debris associated with this activity shall be properly disposed of and contained at all times to prevent its entry into waters or wetlands. Construction materials shall not be stockpiled in subaqueous lands or wetlands.
12. Disturbance of subaqueous lands or wetlands adjacent to the authorized structures or activities is prohibited. Disturbance of subaqueous lands or wetlands in the path of construction activity shall be minimized. Any temporarily impacted subaqueous lands or wetlands shall be returned to pre-disturbance elevations and conditions.
13. The permittee and contractor shall employ measures during construction to prevent spills of fuels, lubricants or other hazardous substances. In the event of a spill, the permittee and contractor shall make every effort to stop the leak and contain the spill, and shall immediately contact the Hazardous Spill Response Team (HAZMAT) at 1-800-662-8802 and this office at (302) 739-9943. The permittee and contractor are responsible to comply with all directives to contain and clean up the spilled material(s) as stipulated by the HAZMAT team, and to restore the site as may be required by this office.
14. None of the activities authorized herein shall occur after the construction expiration date identified on Page 1 of this Permit. The permittee may file one construction expiration date extension request of up to one (1) year if necessary to complete the authorized work. Such requests must be received by the Department at least thirty (30) days prior to the construction expiration date.
15. The permittee shall notify the Wetlands and Subaqueous Lands Section prior to the commencement of the work authorized by this Permit.

16. Any actions, operations or installations which are found by the Department to be contrary to the public interest may constitute reason for the discontinuance and/or removal of said action, operation or installation. Removal and restoration shall be at the expense of the permittee and/or upland property owner within thirty (30) days of receipt of written notice of revocation and demand for removal.
17. The permittee shall maintain all authorized structures and activities in a good and safe condition.
18. This Permit is personal but may be transferred provided the permittee provides prior notice to the Department of the intent to transfer and the new property owner provides appropriate documentation to substantiate ownership of the adjacent upland property and/or the structures authorized herein. Failure to transfer this Permit to a new owner may result in the revocation of the Permit and the removal of all structures authorized by this Permit at the expense of the permittee.
19. Failure to comply with any of the terms or conditions of this Permit may result in enforcement action, which could include the revocation of this Permit, and subsequent restoration of the site to preconstruction conditions.

IN WITNESS WHEREOF, I, Steven M. Smailer, the duly authorized representative of David S. Small, Secretary of the Department of Natural Resources and Environmental Control, have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Signature on File

✓ By Steven M. Smailer, the duly authorized  
representative of the Secretary of the  
Department of Natural Resources and  
Environmental Control  
Signature on File

\_\_\_\_\_  
Tyler Brown, Program Manager  
Wetlands and Subaqueous Lands Section



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
PHILADELPHIA DISTRICT CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

Regulatory Branch  
Application Section I

DEC 12 2017

SUBJECT: CENAP-OP-R-2015-1051-85 (NWP27)  
Project Name: DDNREC Ted Harvey Wildlife Area Restoration Project KE  
Latitude/Longitude: 39.0728°N /-75.41046°W (NAD 83)

Jeremey Ashe  
Delaware Division of Fish and Wildlife  
89 Kings Highway  
Dover, Delaware 19901

Dear Mr. Jeremey Ashe:

This is in regard to your proposal to restore a 428 acre brackish wetland impoundment by repairing approximately 1,700 linear feet of an existing dike and repairing 1 water control structure located at the Ted Harvey Wildlife Area (Tax Map Parcel # 2-00-10600-01-2301-00001) in Dover, Kent County, Delaware. The stated purpose of the project is to restore water control within the impoundment to manage the brackish wetland environment, promoting healthy wetland vegetation for waterfowl, mud flats for shorebirds, and estuarine fish habitat.

Under current Federal regulations, a Department of the Army permit is required for work or structures in navigable waters of the United States and/or the discharge of dredged or fill material into waters of the United States including wetlands.

**Based upon our review of the information you have provided, it has been determined that the work is approved by the existing Department of the Army Nationwide Permit (NWP) described below, provided the work is conducted in compliance with the NWP general conditions, regional conditions, and the project specific special conditions.**

**NWP 27. Aquatic Habitat Restoration, Enhancement, and Establishment Activities.** *Activities in waters of the United States associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, the restoration and enhancement of non-tidal streams and other non-tidal open waters, and the rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic resource functions and services.*

*To be authorized by this NWP, the aquatic habitat restoration, enhancement, or establishment activity must be planned, designed, and implemented so that it results in aquatic habitat that resembles an ecological reference. An ecological reference may be based on the characteristics of an intact aquatic habitat or riparian area of the same type that exists in the region. An*

*ecological reference may be based on a conceptual model developed from regional ecological knowledge of the target aquatic habitat type or riparian area.*

*To the extent that a Corps permit is required, activities authorized by this NWP include, but are not limited to: the removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and berms, as well as discharges of dredged or fill material to restore appropriate stream channel configurations after small water control structures, dikes, and berms, are removed; the installation of current deflectors; the enhancement, rehabilitation, or re-establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to enhance, rehabilitate, or re-establish stream meanders; the removal of stream barriers, such as undersized culverts, fords, and grade control structures; the backfilling of artificial channels; the removal of existing drainage structures, such as drain tiles, and the filling, blocking, or reshaping of drainage ditches to restore wetland hydrology; the installation of structures or fills necessary to restore or enhance wetland or stream hydrology; the construction of small nesting islands; the construction of open water areas; the construction of oyster habitat over unvegetated bottom in tidal waters; shellfish seeding; activities needed to reestablish vegetation, including plowing or disking for seed bed preparation and the planting of appropriate wetland species; re-establishment of submerged aquatic vegetation in areas where those plant communities previously existed; re-establishment of tidal wetlands in tidal waters where those wetlands previously existed; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species should be planted at the site.*

*This NWP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic resource functions and services.*

*Except for the relocation of non-tidal waters on the project site, this NWP does not authorize the conversion of a stream or natural wetlands to another aquatic habitat type (e.g., the conversion of a stream to wetland or vice versa) or uplands. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type. This NWP does not authorize stream channelization. This NWP does not authorize the relocation of tidal waters or the conversion of tidal waters, including tidal wetlands, to other aquatic uses, such as the conversion of tidal wetlands into open water impoundments.*

*Compensatory mitigation is not required for activities authorized by this NWP since these activities must result in net increases in aquatic resource functions and services.*

**Reversion.** *For enhancement, restoration, and establishment activities conducted: (1) In accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (FWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), or their designated state cooperating agencies; (2) as voluntary wetland restoration, enhancement, and establishment actions documented by the*

*NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or (3) on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and Enforcement (OSMRE) or the applicable state agency, this NWP also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (i.e., prior to the restoration, enhancement, or establishment activities). The reversion must occur within five years after expiration of a limited term wetland restoration or establishment agreement or permit, and is authorized in these circumstances even if the discharge occurs after this NWP expires. The five-year reversion limit does not apply to agreements without time limits reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS, or an appropriate state cooperating agency. This NWP also authorizes discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies (even though the restoration, enhancement, or establishment activity did not require a section 404 permit). The prior condition will be documented in the original agreement or permit, and the determination of return to prior conditions will be made by the Federal agency or appropriate state agency executing the agreement or permit. Before conducting any reversion activity the permittee or the appropriate Federal or state agency must notify the district engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to whatever the Corps Regulatory requirements are applicable to that type of land at the time. The requirement that the activity results in a net increase in aquatic resource functions and services does not apply to reversion activities meeting the above conditions. Except for the activities described above, this NWP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion.*

**Reporting.** *For those activities that do not require pre-construction notification, the permittee must submit to the district engineer a copy of: (1) The binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement, or a project description, including project plans and location map; (2) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; or (3) the SMCRA permit issued by OSMRE or the applicable state agency. The report must also include information on baseline ecological conditions on the project site, such as a delineation of wetlands, streams, and/or other aquatic habitats. These documents must be submitted to the district engineer at least 30 days prior to commencing activities in waters of the United States authorized by this NWP.*

**A copy of the NWP General Conditions and the Philadelphia District 2017 NWP Regional Permit Conditions for Delaware for which this verification is subject to, can be found at:**

<http://www.nap.usace.army.mil/Portals/39/docs/regulatory/publicnotices/2017%20Nationwide%20Permit%20General%20Conditions.pdf>

[http://www.nap.usace.army.mil/Portals/39/docs/regulatory/publicnotices/2017\\_DE\\_Reg%20Cond\\_Final.pdf](http://www.nap.usace.army.mil/Portals/39/docs/regulatory/publicnotices/2017_DE_Reg%20Cond_Final.pdf)

#### *FWCA*

In order to protect NOAA Trust Resources, in-water work shall be avoided from River Mile Zero (RM 0) at the mouth of the Delaware Bay, extending to the Kent/New Castle County line along the Delaware Bay shoreline, and to include ALL tributary mouths within this reach, from ***April 15 to August 30***. In-water work shall also be avoided in Rehoboth Bay and Indian River Bay within this time of year restriction.

In instances where you are unable to access a digital copy of the 2017 NWP General conditions and/or the 2017 NWP Regional Permit Conditions for Delaware, a hard copy will be transmitted by registered mail to you per request. It is further noted that you may request a copy by email at any time in which the NWP General Conditions and Regional Permit Conditions will be provided to you by facsimile or other electronic means per your request.

You should carefully note that this NWP authorization is based upon your agreement to comply with the terms and conditions of this NWP including any and all project specific special conditions listed below. Initiation of any authorized work shall constitute your agreement to comply with all of the NWP's conditions. You should also note that the authorized work may be subject to periodic inspections by a representative of this office. The verification of a Nationwide Permit including all general and special conditions is not subject to appeal.

Please note that the entire State of Delaware has been designated as a Coastal Zone Management Area. Therefore, any federal activity occurring within the state may be subject to Federal Consistency review. It should be carefully noted that the Delaware Department of Natural Resources and Environmental Control (DDNREC) has denied the requisite 401 Water Quality Certification (WQC) and Coastal Zone Management (CZM) consistency for certain NWP activities in ALL waters of the United States in Delaware. For those NWPs for which the DDNREC has denied the requisite WQC and CZM, the NWP authorization is considered denied without prejudice by the Corps of Engineers until an individual, project-specific WQC and/or CZM review and approval has been obtained from the DDNREC. Furthermore, copies of the WQC and CZM approvals must be provided to the Corps of Engineers before the authorized work begins. Any project-specific conditions required by the DDNREC for the WQC and/or CZM approval will automatically become part of the NWP authorization as well. For other NWP activities, the DDNREC has denied the requisite WQC and CZM for projects located in waters of the United States which have been determined to be critical resource waters. A copy of the table that identifies those NWPs which have been denied WQC and/or CZM consistency by the DDNREC can be found at:

[http://www.nap.usace.army.mil/Portals/39/docs/regulatory/publicnotices/NWP\\_Status\\_Table\\_for\\_CZM\\_and\\_WQC.pdf](http://www.nap.usace.army.mil/Portals/39/docs/regulatory/publicnotices/NWP_Status_Table_for_CZM_and_WQC.pdf)

Additionally, some of the NWPs do not involve a discharge of dredged or fill material and, as such, do not require a 401 WQC. For those NWPs not requiring a 401 WQC, the appropriate rows and columns of the table have been identified with the term "N/A".

You are advised that this verification of NWP authorization is valid until the NWPs expire on March 18, 2022, unless the NWP authorization is modified, suspended or revoked prior to this date. In the event that the NWP authorization is modified during that time period, this expiration date will remain valid, provided the activity complies with any subsequent modification of the NWP authorization.

Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon an NWP will remain authorized provided the activity is completed within twelve months of the date of an NWP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

**PROJECT SPECIFIC SPECIAL CONDITIONS:**

1. All work performed in association with the above noted project shall be conducted in accordance with the project plans prepared by Moffatt & Nichol, dated September 2017, entitled: *TED HARVEY CONSERVATION AREA~LEVEE REHABILITATION PROJECT*, sheets G-001, G-002, G-101, C-105, C-106, C-107, C-301, C-306, C-307 and C-308. Furthermore, the water control structure replacement shall be conducted in accordance with project plan prepared by Moffatt & Nichol, dated January 2016, entitled: *TED HARVEY CONSERVATION AREA~ENHANCEMENT PROJECT~DOVER, DELAWARE*, sheet D-103 and the project plan prepared by Jeremy Ashe, DDNREC, Division of Fish and Wildlife, dated December 8, 2017, entitled: *REPLACE IN-KIND WATER STRUCTURE (SEE C-106)*, 1 sheet.
2. Any deviation in construction methodology or project design from that shown on the above noted drawings must be approved by this office, in writing, prior to performance of the work. All modifications to the above noted project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office.
3. This office shall be notified prior to the commencement of authorized work by completing and signing the enclosed Notification/ Certification of Work Commencement Form (Enclosure 1 ). This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the enclosed Notification/Certification of Work Completion/Compliance Form (Enclosure 2). All notifications required by this condition shall be in writing. The Notification of Commencement of work may be sent to this office by facsimile or other electronic means; all other notification shall be transmitted to this office by registered mail. Oral notifications are not acceptable. Similar notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.
4. To ensure compliance with Regional Condition – 4 (G-4) to protect federally listed species pursuant to Section 7 of the Endangered Species Act (ESA) under the jurisdiction of the United States Fish and Wildlife Service (USFWS) the work shall not occur between April 15 and June 7 of any year east of the eastern most water control structure. If it becomes unavoidable to be working on that section of the project during May, then the permittee must have an observer on the

beach recording red knot presence. If Red Knots are present and there is evidence they are being flushed – then the work must stop until birds are not in the immediate area and being flushed. If there are no red knots present – the work can proceed.

5. Representatives of the U.S. Army Corps of Engineers shall be permitted to inspect the project during its phase of construction, and to collect any samples, or to conduct any tests deemed necessary.

6. The permittee is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.

7. The mechanical equipment used to execute the work authorized shall be operated in such a way as to minimize turbidity that could degrade water quality and adversely affect aquatic plant and animal life.

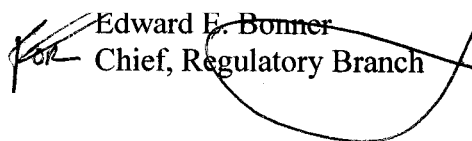
8. All material to be used as fill shall be obtained from an upland source. The fill material shall be free of oil and grease, debris, wood, general refuse, plaster, and other pollutants, and shall contain no broken asphalt.

This permit does not obviate the permittee from obtaining any State or local approvals required by law for the activity authorized.

Also enclosed is a pre-addressed postal card (Enclosure 3) soliciting your comments on the processing of your application. Any comments, positive or otherwise, on the procedures, timeliness, fairness, etc., may be made on this card. If you have any questions regarding this matter, please contact Michael D. Yost at (267) 240-5278, by email at [michael.d.yost@usace.army.mil](mailto:michael.d.yost@usace.army.mil) or write to the above address.

Sincerely,

Signature on File

 Edward E. Bonner  
Chief, Regulatory Branch

Enclosures



NOTIFICATION/CERTIFICATION OF WORK COMMENCEMENT FORM

Permit Number: CENAP-OP-R-2015-1051-85 (NWP27)  
Name of Permittee: DDNREC, Division of Fish and Wildlife  
Project Name: DDNREC Ted Harvey Wildlife Area Restoration Project KE  
Waterway: St. Jones River  
County: Kent State: Delaware  
Compensation/Mitigation Work Required: Yes ☐ No ☒

TO: U.S. Army Corps of Engineers, Philadelphia District  
Wanamaker Building - 100 Penn Square East  
Philadelphia, Pennsylvania 19107-3390  
Attention: CENAP-OP-R

I have received authorization to restore a 428 acre brackish wetland impoundment by repairing approximately 1,700 linear feet of an existing dike and repairing 1 water control structure located at the Ted Harvey Wildlife Area (Tax Map Parcel # 2-00-10600-01-2301-00001) in Dover, Kent County, Delaware.

The work will be performed by:

Name of Person or Firm \_\_\_\_\_

Address: \_\_\_\_\_

I hereby certify that I have reviewed the approved plans, have read the terms and conditions of the above referenced permit, and shall perform the authorized work in strict accordance with the permit document. The authorized work will begin on or about \_\_\_\_\_ and should be completed on or about \_\_\_\_\_.

Please note that the permitted activity is subject to compliance inspections by the Army Corps of Engineers. If you fail to return this notification form or fail to comply with the terms or conditions of the permit, you are subject to permit suspension, modification, revocation, and/or penalties.

\_\_\_\_\_  
Permittee (Signature and Date)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Contractor (Signature and Date)

\_\_\_\_\_  
Telephone Number

NOTE: This form shall be completed/signed and returned to the Philadelphia District Office a minimum of 10 days prior to commencing work.

NOTIFICATION/CERTIFICATION OF WORK COMPLETION/COMPLIANCE FORM

Permit Number: CENAP-OP-R-2017-1051-85 (NWP27)  
Name of Permittee: DDNREC, Division of Fish and Wildlife  
Name of Contractor: \_\_\_\_\_  
Project Name: DDNREC Ted Harvey Wildlife Area Restoration Project KE  
County: Kent State: Delaware  
Waterway: St. Jones River

Within 10 days of completion of the activity authorized by this permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers, Philadelphia District  
Wanamaker Building - 100 Penn Square East  
Philadelphia, Pennsylvania 19107-3390  
Attention: CENAP-OP-R

Please note that the permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to return this notification form or fail to perform work in compliance with the permit, you are subject to administrative, civil and/or criminal penalties. Further, the subject permit may be suspended or revoked.

The authorized work was commenced on \_\_\_\_\_.

The authorized work was completed on \_\_\_\_\_.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the above noted permit.

\_\_\_\_\_  
Signature of Contractor

\_\_\_\_\_  
Signature of Permittee

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

For project located in areas identified as shellfish habitat, you must include with this form a bill of lading; sales order or any other document(s) demonstrating non-polluting materials were purchased and utilized for your project. I hereby certify that I and/or my contractor have utilized non-polluting materials as defined in the above noted permit.

\_\_\_\_\_  
Signature of Contractor

\_\_\_\_\_  
Signature of Permittee