



**US Army Corps  
of Engineers.**  
Philadelphia District

Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
ATTN: CENAP-OP-R

# Public Notice

Public Notice No.  
CENAP-OP-R-200600167-1

Date

AUG 22 2006

Application No.

File No.

In Reply Refer to:  
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Joseph T. Mirabella, Jr.  
1016 South Wayne Street  
Arlington, VA 22204-4433

WATERWAY: Lewes and Rehoboth Canal

LOCATION: The project is located on a property identified as Tax parcel #3-34-8.17-68.00, and is also known as 77 Anchor Road, North Shores, Rehoboth Beach, Sussex County, Delaware.

ACTIVITY: The applicant is proposing to install a fixed timber dock for a private recreational vessel. The proposed structure would consist of a 4 foot wide fixed pier that would extend perpendicular from an existing timber bulkhead for a distance of 25 feet. At the channelward end of this pier, an additional dock section measuring 5 feet wide and 30 feet long would be installed parallel to the existing bulkhead and channel. The channelward side of the parallel dock section would be 10 feet landward of the authorized federal navigation channel.

PURPOSE: The purpose of the proposed project is to provide mooring for a private recreational vessel.

A review of this application to date indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination. This public notice also serves as our request for concurrence from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service concerning this determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

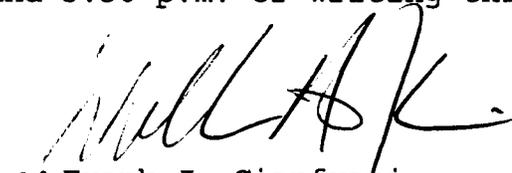
The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A review of the species listed, and not listed, in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New

Jersey and Delaware", dated March 1999, specifically page 81, indicates that the project site could provide essential fish habitat for the following managed species and life stages: winter flounder (*Pseudopleuronectes americanus*); windowpane flounder (*Scophthalmus aquosus*); bluefish (*Pomatomus saltatrix*); summer flounder (*Paralichthys dentatus*); black sea bass (*Centropristus striata*); sandbar shark (*Charcharinus plumbeus*); and clearnose skate (*Raja eglanteria*). Based upon our assessment of this project, it has been determined that the adverse effects on the EFH resources for the species listed above would be minimal provided any permit is conditioned to prohibit any in-water work for dock construction between January 1 and May 31. However, additional conservation recommendations could be required by the National Marine Fisheries Service and incorporated into the permit document as special conditions.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management. It should be further noted that the project has received a Subaqueous Lands Permit from the Delaware Department of Natural Resources and Environmental Control.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Mr. Edward Bonner at (215) 656-5932 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.

  
Frank J. Cianfrani  
Chief, Regulatory Branch

**PROPOSED 25' x 4' PIER AND 5' x 30' DOCK**  
 IN: Lewes & Rehoboth Canal  
 AT: 77 Anchor Road, North Shores  
 (Tax Map Parcel #3-34-8.17-68)  
 Rehoboth Beach, Sussex Co., DE 19971  
 APPLICANT Joseph T. Mirabella, Jr.  
 DATE: August, 2005

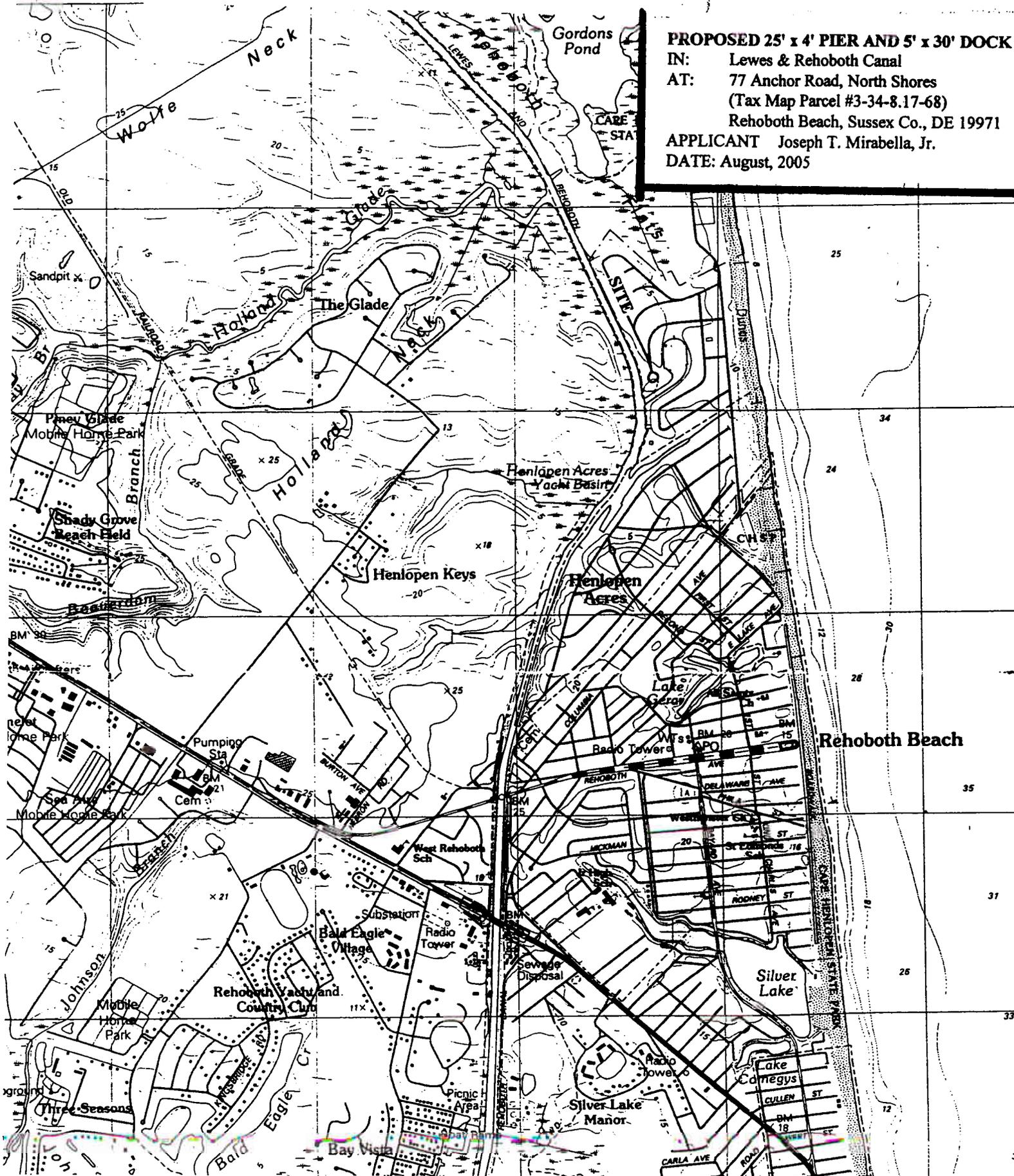
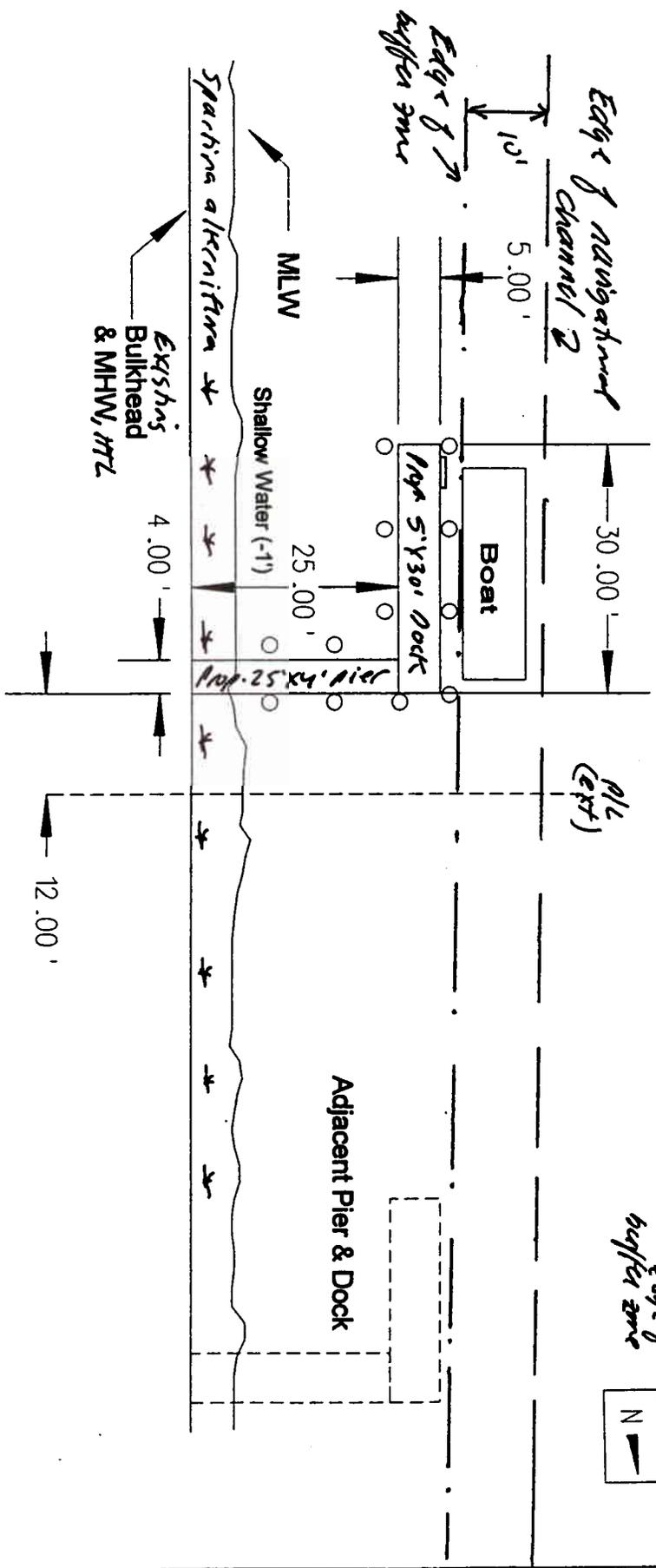


Figure 3. Site location on U.S.G.S. topographic map, Rehoboth Beach, Delaware quadrangle. Site is adjacent to Lewes & Rehoboth Canal. Scale: 1" = 2,000'.

Lewes & Rehoboth Canal  
Ebb ~ Flow

← To Rehoboth Bay To Delaware Bay →



**PROPOSED 25' x 4' PIER AND 5' x 30' DOCK**  
 IN: Lewes & Rehoboth Canal  
 AT: 77 Anchor Road, North Shores  
 (Tax Map Parcel #3-34-8, 17-68)  
 Rehoboth Beach, Sussex Co., DE 19971  
 APPLICANT: Joseph T. Mirabella, Jr.  
 DATE: August, 2005, Revised June 2006

To show edges of navigation channel, edges of buffer zone



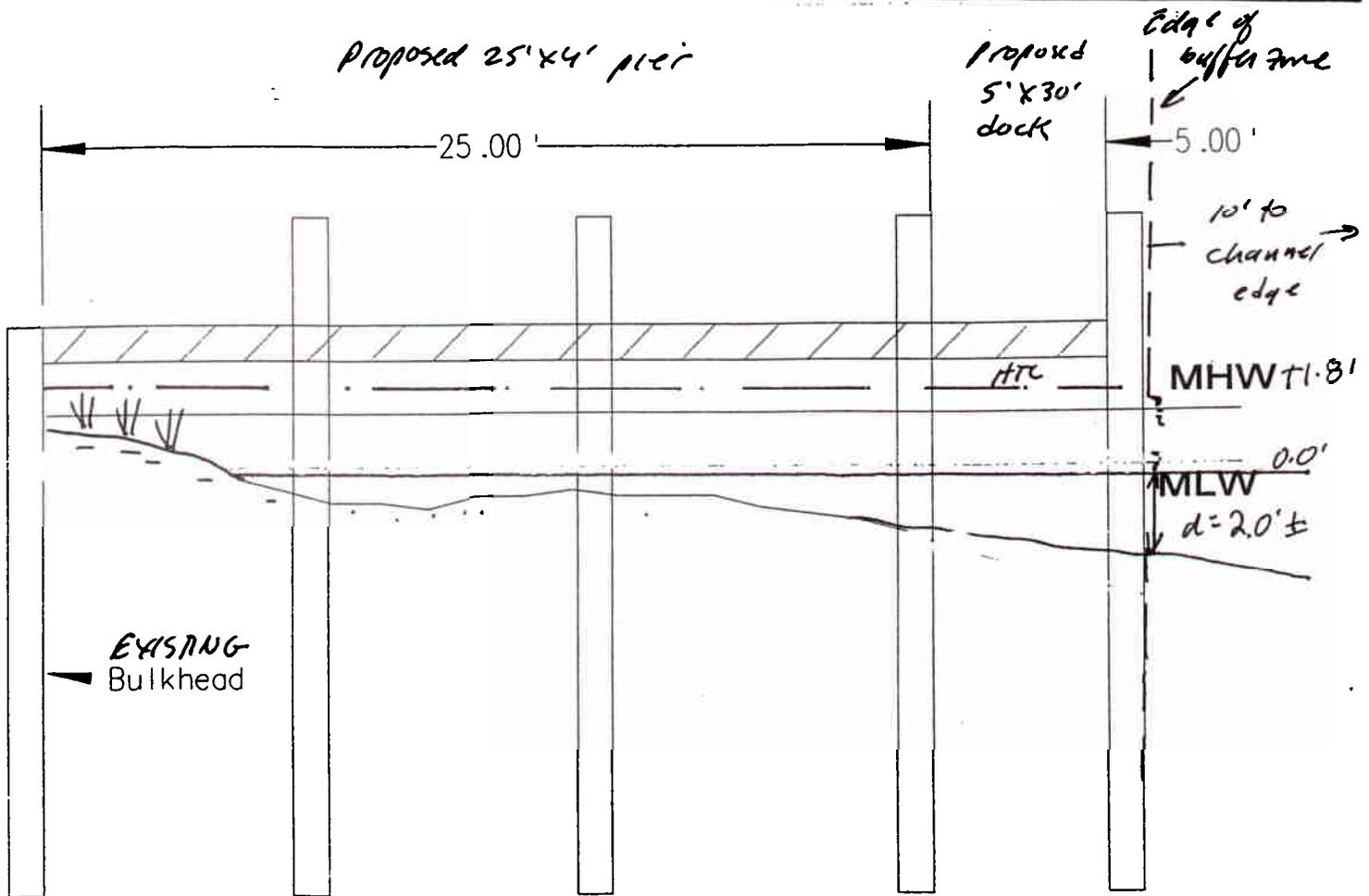
Proposed Pier & Dock  
 Joe Mirabella  
 77 Anchor Rd, North Shores  
 Rehoboth Beach, DE 19971

PRECISION MARINE CONSTRUCTION INC.  
 2 Woodbridge Hills  
 Rehoboth Beach, DE 19971  
 Scale: 1" = 20' Date: 08-09-05 Number: 080905-2

Figure 6. Plan view of proposed project (prepared by Precision Marine Construction, Inc.). Diagram for permit application purposes only.

PROJECT: 25' x 4' PIER AND 5' x 30' DOCK  
 IN: Lewes & Rehoboth Canal  
 AT: 77 Anchor Road, North Shores  
 (Tax Map Parcel #3-34-8.17-68)  
 Rehoboth Beach, Sussex Co., DE 19971  
 APPLICANT: Joseph T. Mirabella, Jr.  
 DATE: August, 2005 *revised June 2006*

LEWES & REHOBOTH CANAL



**Proposed Pier & Dock**  
 Joe Mirabella  
 77 Anchor Rd, North Shores  
 Rehoboth Beach, DE 19971

PRECISION MARINE CONSTRUCTION INC.  
 2 Woodbridge Hills  
 Rehoboth Beach, DE 19971  
 Scale: 1" = 5' Date: 08-09-05 Number: 080905-2

Figure 7. Cross-section of proposed project (prepared by Precision Marine Construction, Inc.). Diagram for permit application purposes only.