



**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-200600493-39

Date

JUL 13 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) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

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: Edward Fleming

AGENT: Evelyn Maurmeyer, Ph.D.
Coastal and Estuarine Research, Incorporated
Marine Studies Complex
PO Box 674
Lewes, DE 19958-0674

WATERWAY: Lewes and Rehoboth Canal

LOCATION: Tax Parcel Number 3-35-8.08-137, in the City of Lewes, Sussex County, Delaware.

ACTIVITY: The applicant proposes to install a "T" shaped dock, with an associated boat lift, and perform bank stabilization at the project site. A fixed pier four (4) foot wide would extend approximately twelve (12) feet from the existing shoreline. At the waterward end of this structure, a six (6) foot by fifty (50) foot fixed structure would be constructed parallel of the shoreline. Approximately thirteen (13) feet waterward of the proposed "T" structure, two (2) piles would be installed to allow for the installation of a boat lift at the site. All structures proposed at the site would be constructed using CCA treated piles and decking with galvanized hardware, and the work would be staged from both barge mounted and land based equipment. The three (3) vessels using the proposed structure would be a maximum of twenty four (24) feet in length, with a draft of three (3) feet. The waterward most pile for the boat lift would be located approximately ten (10) feet from the edge of the Federal navigation channel.

Stone rip-rap would be placed along approximately seventy seven (77) linear feet of the shoreline at the project site. Approximately two hundredth (0.02) acres of the watercourse, waterward of the high tide line. Geo-tech material would be placed along the existing shoreline prior to the placement of the stone. Work would be performed land based equipment using a dump truck and excavator. No vegetative wetlands would be impacted by the placement of the stone rip-rap. No dredging is proposed at the project site.

PURPOSE: The applicant's stated purpose is to allow for access to the waterway and to prevent shoreline erosion from passing vessels.

A preliminary review of this application 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.

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 preliminary assessment of the species 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, the proposed activity will have no effect on EFH, or the species of concern. Minimal impacts to the aquatic environment and the existing substrate will result from the proposed activities at the project site. As such, no further action, with regard to the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267) is required by this office.

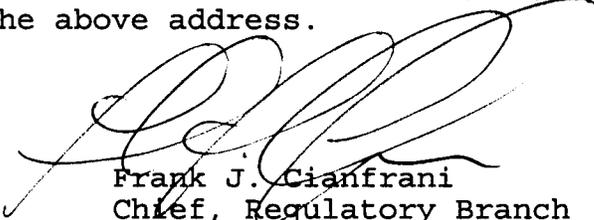
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. 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.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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 Lawrence M. Slavitter at (215) 656-6734 or writing this office at the above address.



Frank J. Cianfrani
Chief, Regulatory Branch

PROPOSED 12' X 4' PIER; 6' X 50' DOCK;
 ONE BOAT LIFT (ON 2 FREE-STANDING PILINGS);
 ONE PERSONAL WATERCRAFT (PWC) LIFT;
 AND 77' OF STONE RIP-RAP

IN: Lewes and Rehoboth Canal
 AT: Tax Map Parcel #3-35-8.08-137
 Gills Neck Road (between Rodaline Ave. and Schley Ave.)
 Lewes, Sussex County, DE 19958

APPLICANT: Edward Fleming
 DATE: February, 2006

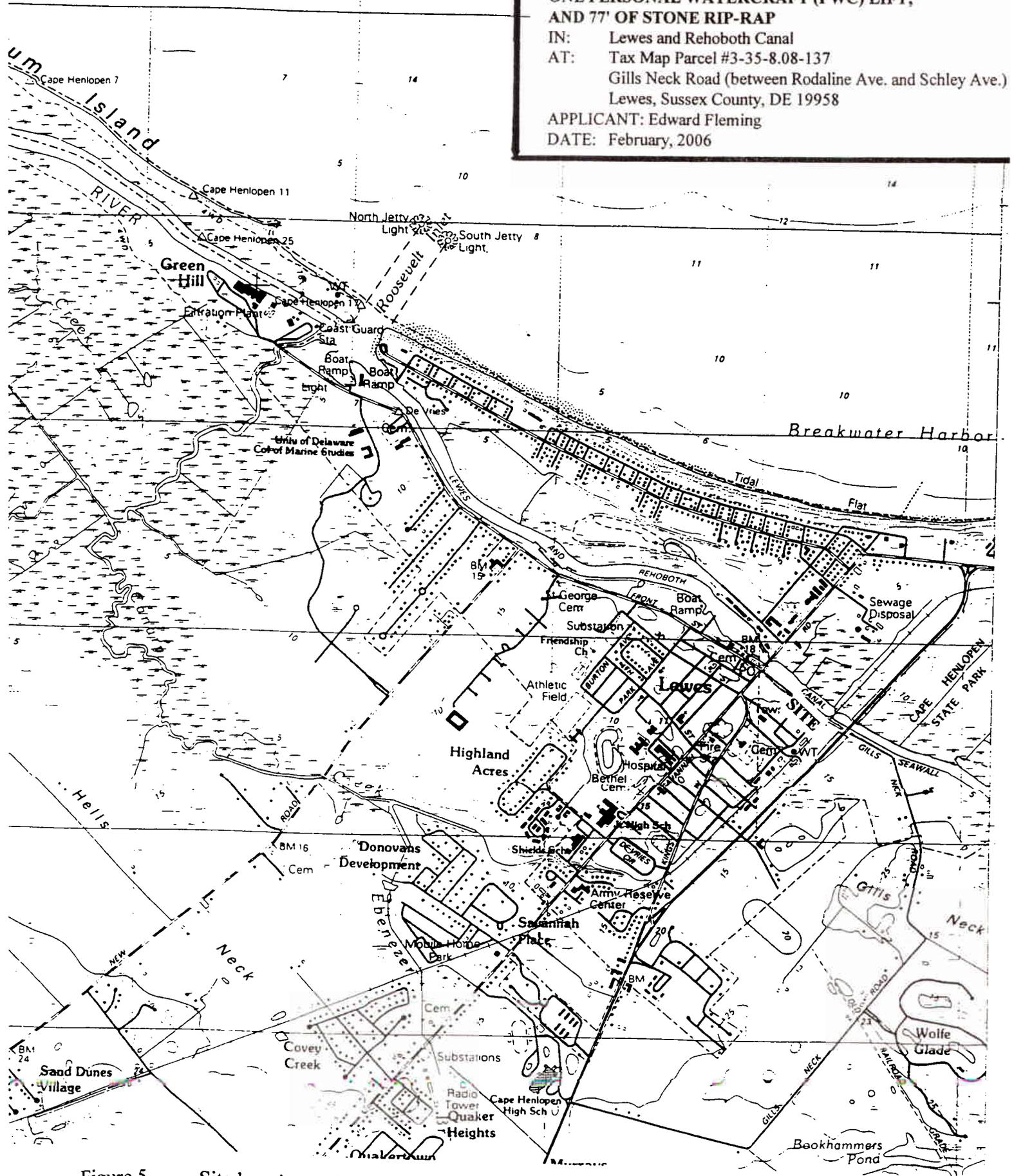
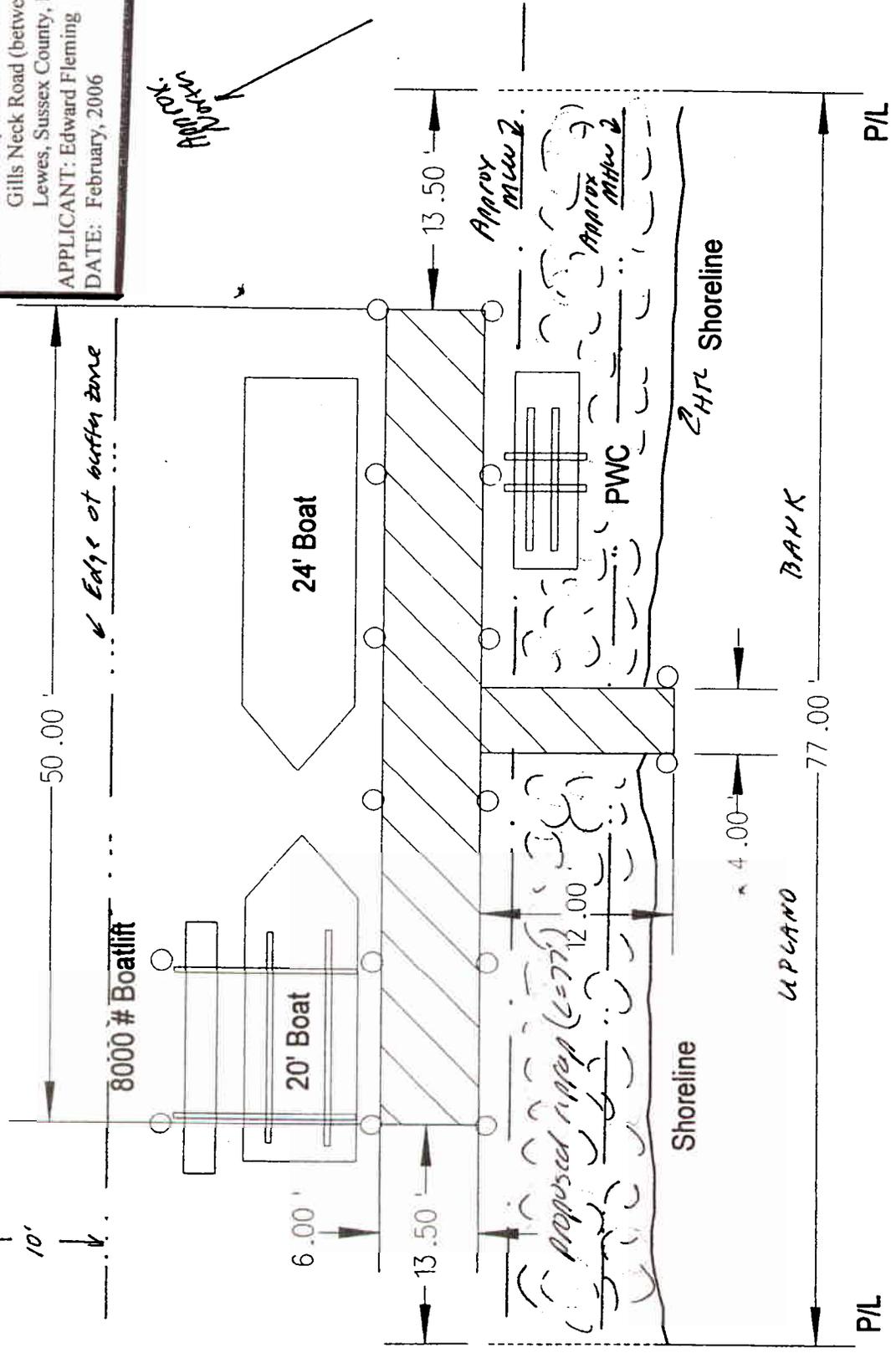


Figure 5. Site location on U.S.G.S. topographic map, Lewes, Delaware. Site is adjacent to Lewes and Rehoboth Canal, Lewes, Delaware. Scale: 1" = 2,000'.

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Ebb ← Flood
The Lewes and Rehoboth Canal
 ↳ Edge of channel
 ↳ Edge of buffer zone

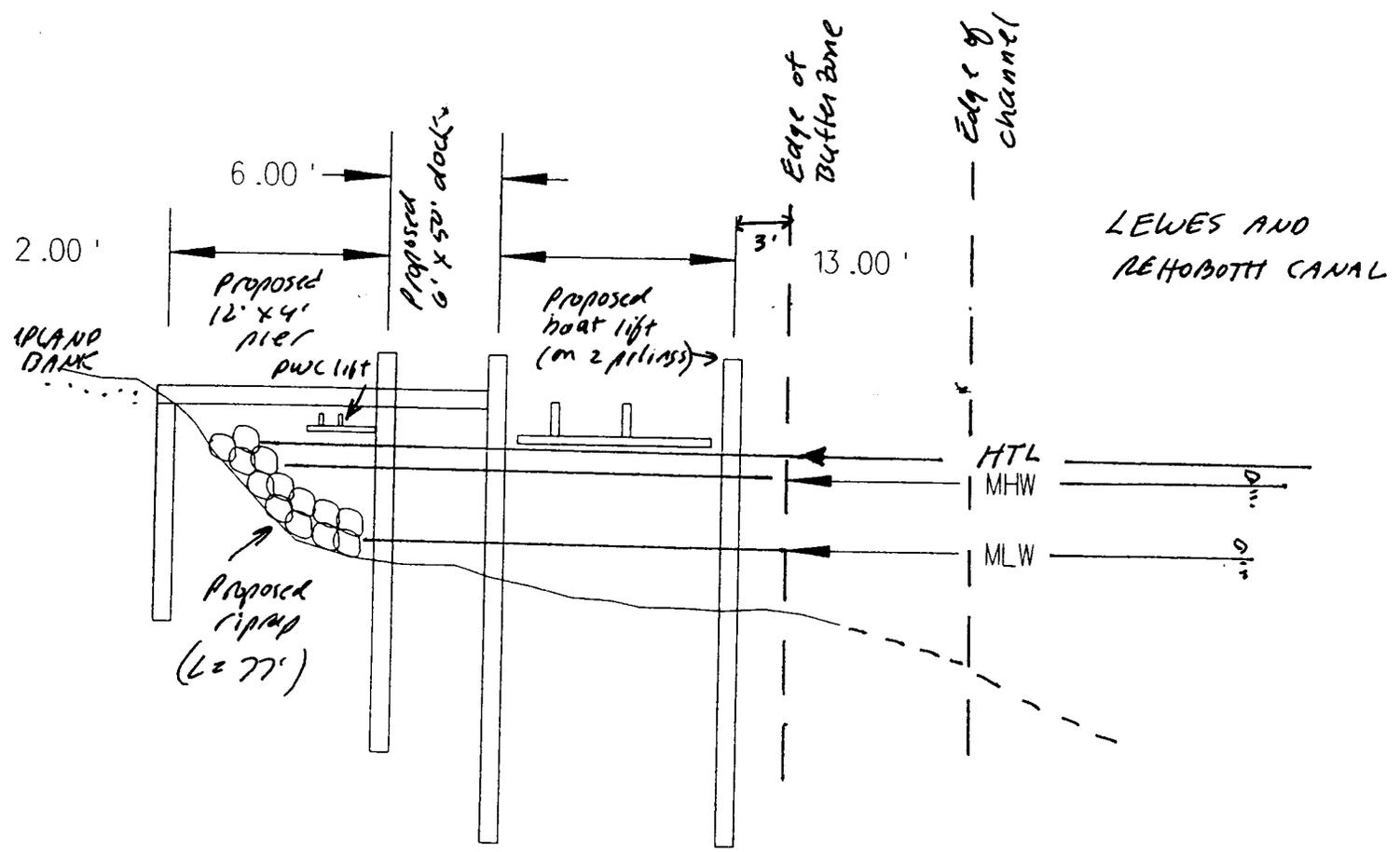


Proposed Pier, Dock, Boatlifts
 For: Edward W. Fleming
 At: Lots 5 and Part of Lot 6 Gills Neck Rd. Lewes, DE
 In: L & R Canal

PRECISION MARINE CONSTRUCTION INC.
 2 Woodbridge Hills
 Rehoboth Beach, DE 19871

Figure 8. Plan view of proposed project (prepared by Precision Marine Construction, Inc.).
 Scale: 1" = 10' Date: 02-13-06 Number: 21306-3

**PROPOSED 12' X 4' PIER; 6' X 50' DOCK;
 ONE BOAT LIFT (ON 2 FREE-STANDING PILINGS);
 ONE PERSONAL WATERCRAFT (PWC) LIFT;
 AND 77' OF STONE RIP-RAP**
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PRECISION MARINE CONSTRUCTION INC.

2 Woodbridge Hills
 Rehoboth Beach, DE 19971

Scale: 1" = 10' Date: 02-13-06 Number: 21306-4

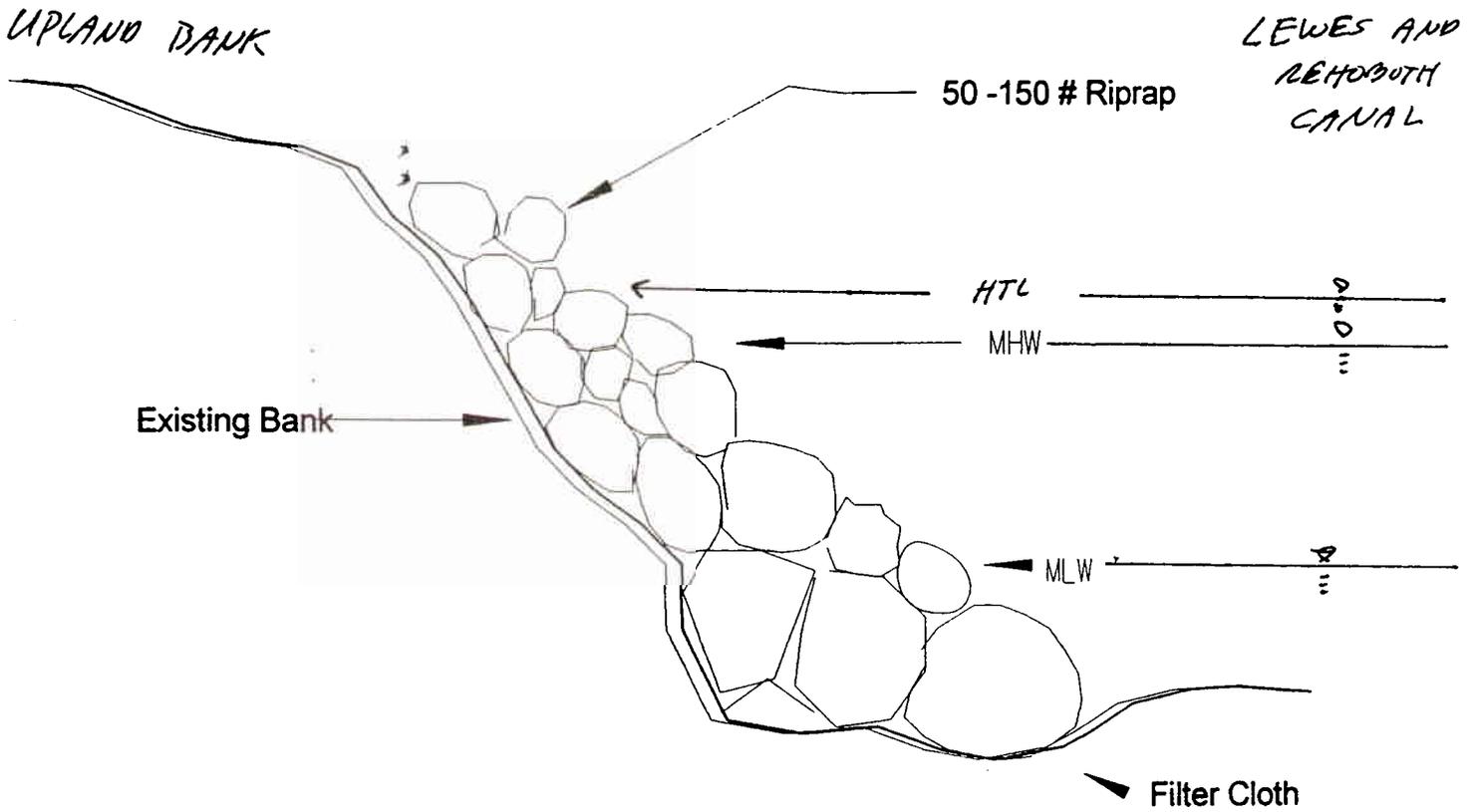
Figure 9. Cross-section of proposed project (prepared by Precision Marine Construction, Inc.).

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IN: Lewes and Rehoboth Canal
 AT: Tax Map Parcel #3-35-8.08-137
 Gills Neck Road (between Rodaline Ave. and Schley Ave.)
 Lewes, Sussex County, DE 19958

APPLICANT: Edward Fleming

DATE: February, 2006



Proposed Riprap
 Edward W. Fleming
 At: Lot 5 & Part Lot 6 Gills Neck Rd Lewes, De
 In: L & R Canal

PRECISION MARINE CONSTRUCTION INC.

2 Woodbridge Hills
 Rehoboth Beach, DE 19971

Scale: 1" = 2' Date: 2-13-06 Number: 21306-5

Figure 10. Cross-section of proposed rip-rap (prepared by Precision Marine Construction, Inc.). Rip-rap will replace existing concrete rubble.