



**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-200600793-26	Date JUL 09 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: Caldera Properties, LP

AGENT: Environmental Resources, Incorporated
1 Plaza East
106 East Main Street
Salisbury, MD 21801-4921

WATERWAY: White Creek

LOCATION: Canal Place Subdivision identified as Tax Map 1-34-13, Parcels 1175, 1175.01 & 1 175.02 (12.1 acres), located at the west side of Erie Avenue, west of the intersection of Erie Avenue and Cedar Neck Road, Baltimore Hundred, Sussex County, Delaware.

ACTIVITY: The applicant proposes to modify an existing marina by demolishing the existing structures, maintenance dredge four artificially created lagoons and the access channel to White Creek's navigable channel. The following work is proposed:

1. Remove existing piers, docks (71), and bulkheads from all four lagoons;
2. Hydraulically dredge a total of 2,756 CY of accumulated sediments from all lagoons to a depth of -3.0' MLW, N.G.V.D. 1929. Weighted turbidity curtains will be placed at the end of the lagoons to help protect suspended sediments from entering White Creek during dredging operations. Of the 2,756 CY, 2,300 CY will be mechanically placed into deep depressions (0.77 acre) located within sections of lagoons 2 & 3 in order raise the bottom elevation to -3.0 MLW'. The remaining 456 CY of dredge spoil will be transported off-site and disposed of within a commercial borrow pit;

3. Construct 185 LF of pile supported vinyl bulkhead walls at the end of three lagoons;

4. Stabilize 3,765 LF of lagoon shoreline with stone rip-rap; a total of 2,265 CY (0.61 acre) of stone will be placed below the mean high water line;

5. Construct 3,605 LF of pile supported community docks. The docks will be 4' wide, providing 87 vessel berths @ 8' x 24' each (one dock per home owner);

6. Construct a 1,000 LF (500 CY) low profile stone rip-rap groin along White Creek shore line and created tidal wetland areas;

7. Discharge 233 CY of clean loamy sand fill behind the constructed low profile groin to create a shelf for planting of a tidal marsh. A total of 0.11 acre will be filled for planting of salt marsh cord grass. The groin and planting work is to provide stabilization to an existing eroding tidal wetlands;

8. Reconstruct an existing boat ramp. Reconstruction will require the discharge of 0.006 acre (9.7 CY) of concrete fill placed below the mean high water; and

9. Construct a 5' wide pile supported community service pier and dock into White Creek. The 40' long pile supported dock will be located 52' channelward of the mean high water line of White Creek. The dock will be the location of the community's marine pumpout station.

PURPOSE: As depicted on Enclosures E-1 through E-13, the applicant proposes to reconstruct an existing marina, demolish existing docks, maintenance dredge, and stabilize an eroding shoreline in order to provide a modern, safe docking facility that will operate pursuant to a current Operation & Maintenance Plan.

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.

Essential Fish Habitat Assessment: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 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). Effects of the Project on Essential Fish Habitat (EFH): The project is located in Essential Fish Habitat identified on Sheet 90 of Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware, March 1999. The following managed species of fish have been listed in the above referenced guide as occurring in the vicinity of the project:

bluefish (Pomatomus saltatrix), summer flounder (Paralichthys dentatus), scup (Stenotomus chrysops), black sea bass (Centropristus striata), Atlantic butterfish (Peprilus triacanthus), king mackerel (Scomberomorus cavalla), Spanish mackerel (Scomberomorus maculatus), Atlantic cod (Gadus morhua), winter flounder (Pleuronectes americanus), summer flounder (Paralichthys dentatus), windowpane flounder (Scophthalmus aquosus), red hake (Urophycis chuss), Atlantic sea herring (Clupea harengus), monkfish (Lophius americanus), cobia (Rachycentron canadum); and the following shark species: tiger (Galeocerdo cuvieri), scalloped hammerhead (Sphyrna lewini), sandbar (Carcharhinus obscurus), sand tiger (Odontaspis taurus), dusky (Carcharhinus plumbeus), Atlantic sharpnose (Rhizoprionodon terraenovae), Atlantic angel (Squatina dumerili).

Analysis of the Effects:

The proposed dredging, reconstruction work within an existing artificially created canals would occur in waters and on substrates that are in a naturally turbid, erosional state, subject to constant boat traffic. Consequently, concentrations of the sessile life stages (eggs and larvae) of the listed species are not expected to be within the work area. The pelagic adults and juveniles of the listed species are highly mobile and capable of avoiding impacts associated with the work.

Corps of Engineers View: Based on the above analysis, the Corps of Engineers has determined that the proposed project would not have substantial direct, indirect, site-specific, or habitat-wide impacts on EFH, or upon the managed species and their life stages listed in the above referenced EFH guide, either individually, cumulatively, or synergistically. The proposed project would not eliminate, diminish, nor disrupt the functions of EFH.

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 30 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.

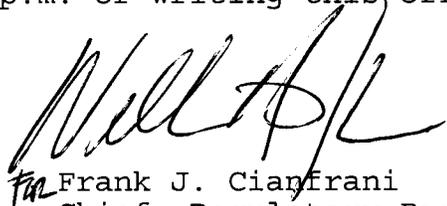
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program.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

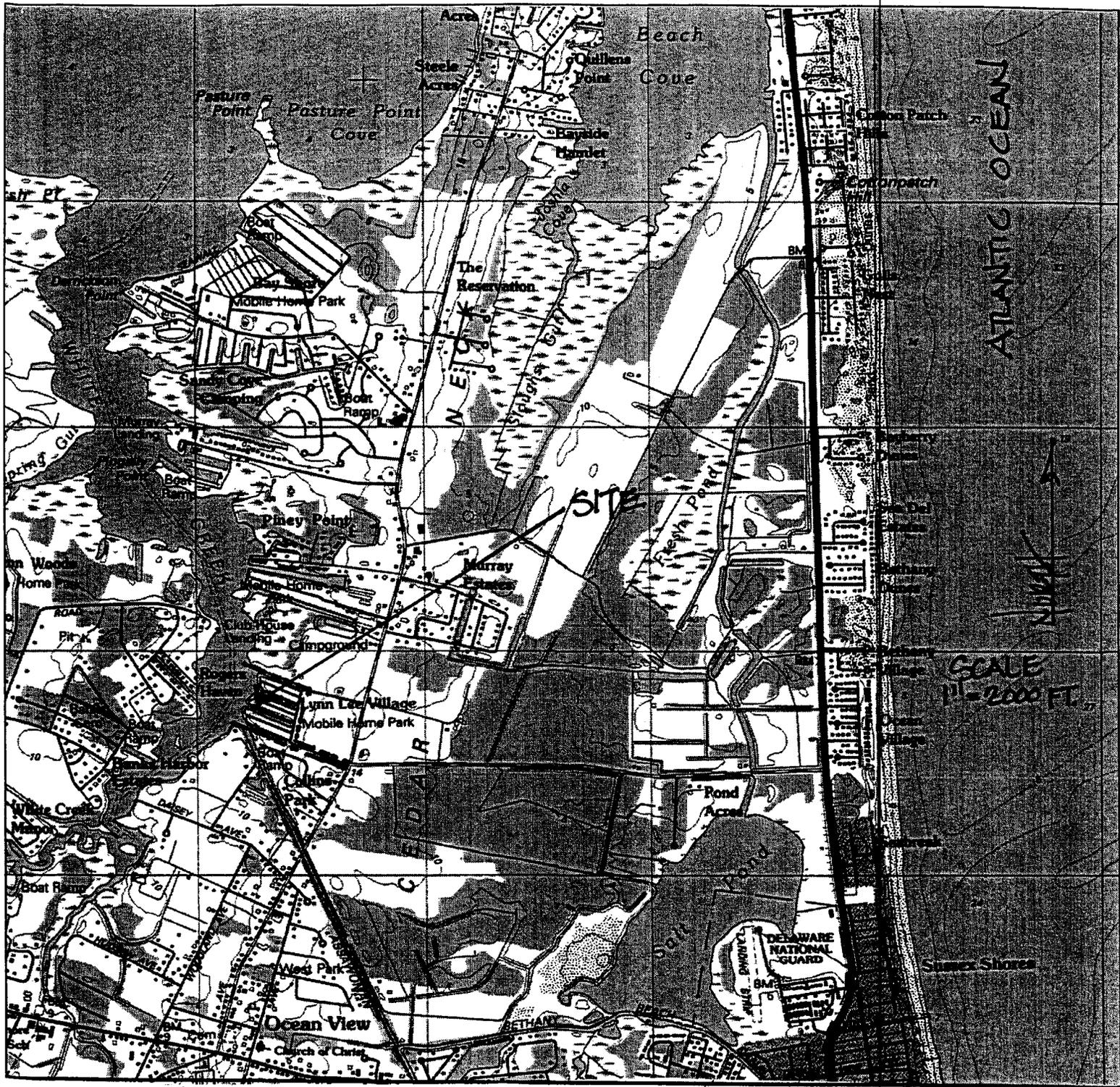
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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 Kevin E. Faust at (302) 736-9763 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.



Fa Frank J. Cianfrani
Chief, Regulatory Branch



PROPOSED REDEVELOPMENT OF LAGOONS
SITE LOCATION

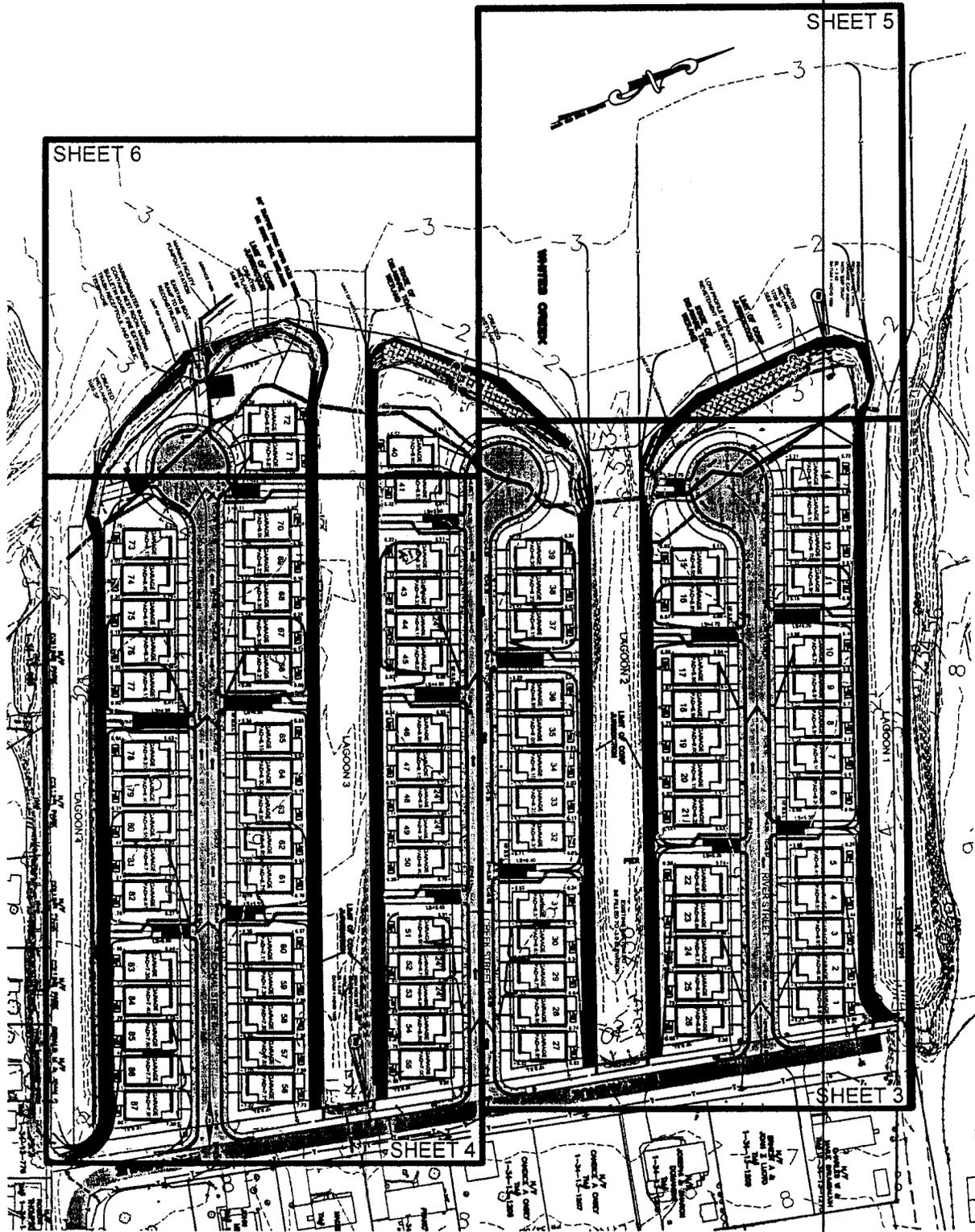
U.S.G.S. TOPOGRAPHIC QUADRANGLE
CANAL PLACE (a.k.a. LYNN LEE VILLAGE)

BALTIMORE HUNDRED
SUSSEX COUNTY DELAWARE

APPLICANT CANAL PLACE LLC

E-1
APRIL 2006
SHEET 1 OF 13

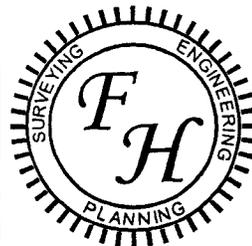
KEY MAP



CANAL PLACE

MINOR MARINA ALTERATION & MAINTENANCE DREDGING
District 1-34 Map 13.00 Parcel 1202.00

BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE



Fuller Hall
& ASSOCIATES, INC.

803 N. SALISBURY BLVD., SUITE 2300
SALISBURY, MARYLAND 21801
PHONE: 410-572-8833
FAX: 410-341-3970

JOB NUMBER:
2004-019

SCALE:
1"=150'

DRAWN BY:
J.D.R.

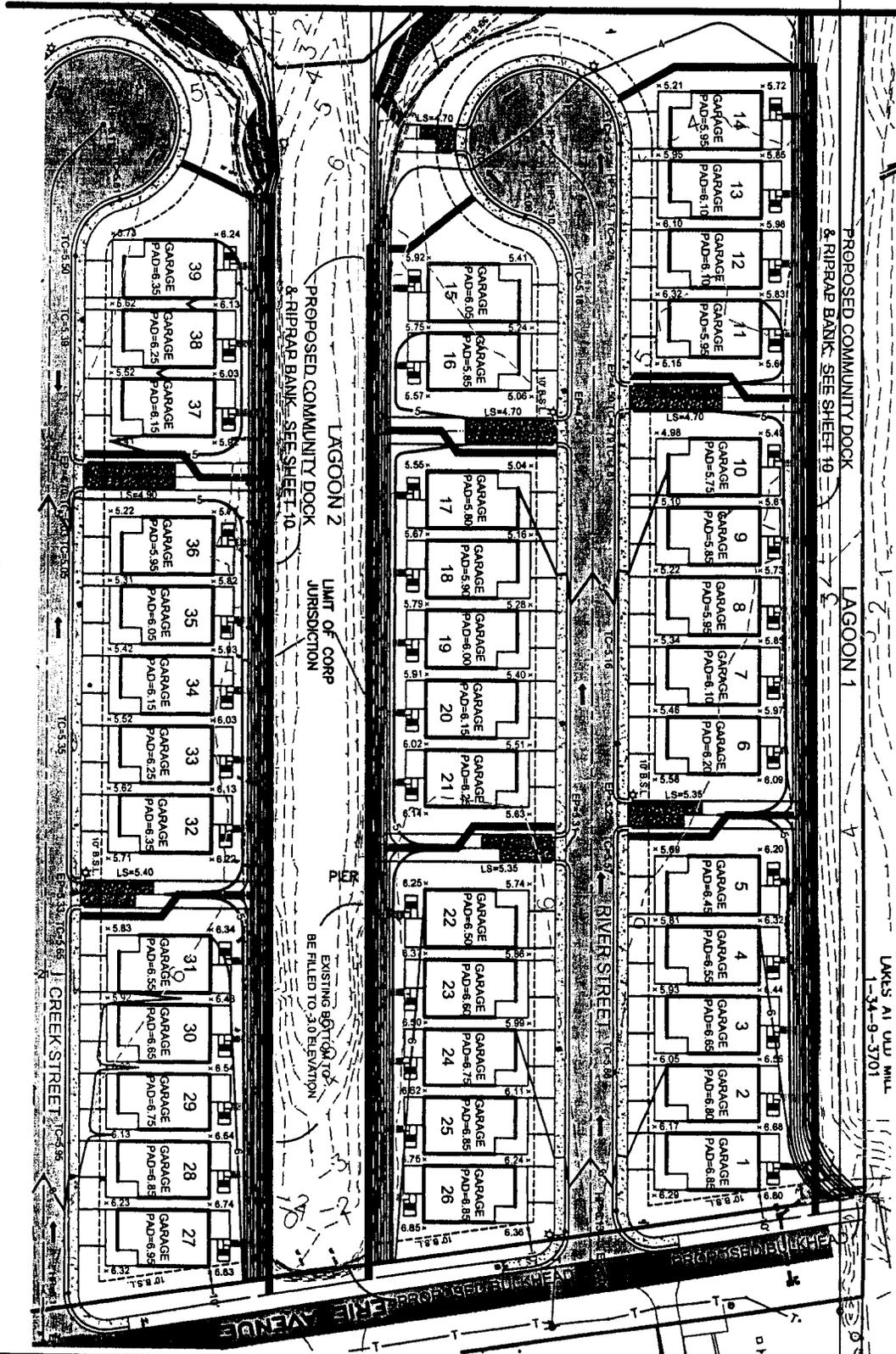
DATE:
4/2006

2 OF 13

E-2

MATCHLINE
SEE SHEET 5

SEE SHEET 4



CANAL PLACE

SITE PLAN

BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE



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803 N. SALISBURY BLVD., SUITE 2300
SALISBURY, MARYLAND 21801
PHONE: 410-572-8833
FAX: 410-341-3970

JOB NUMBER: 2004-019	SCALE: 1"=80'	DRAWN BY: J.D.R.	DATE: 4/2006	3 OF 13
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E-3

MATCHLINE
SEE SHEET 6

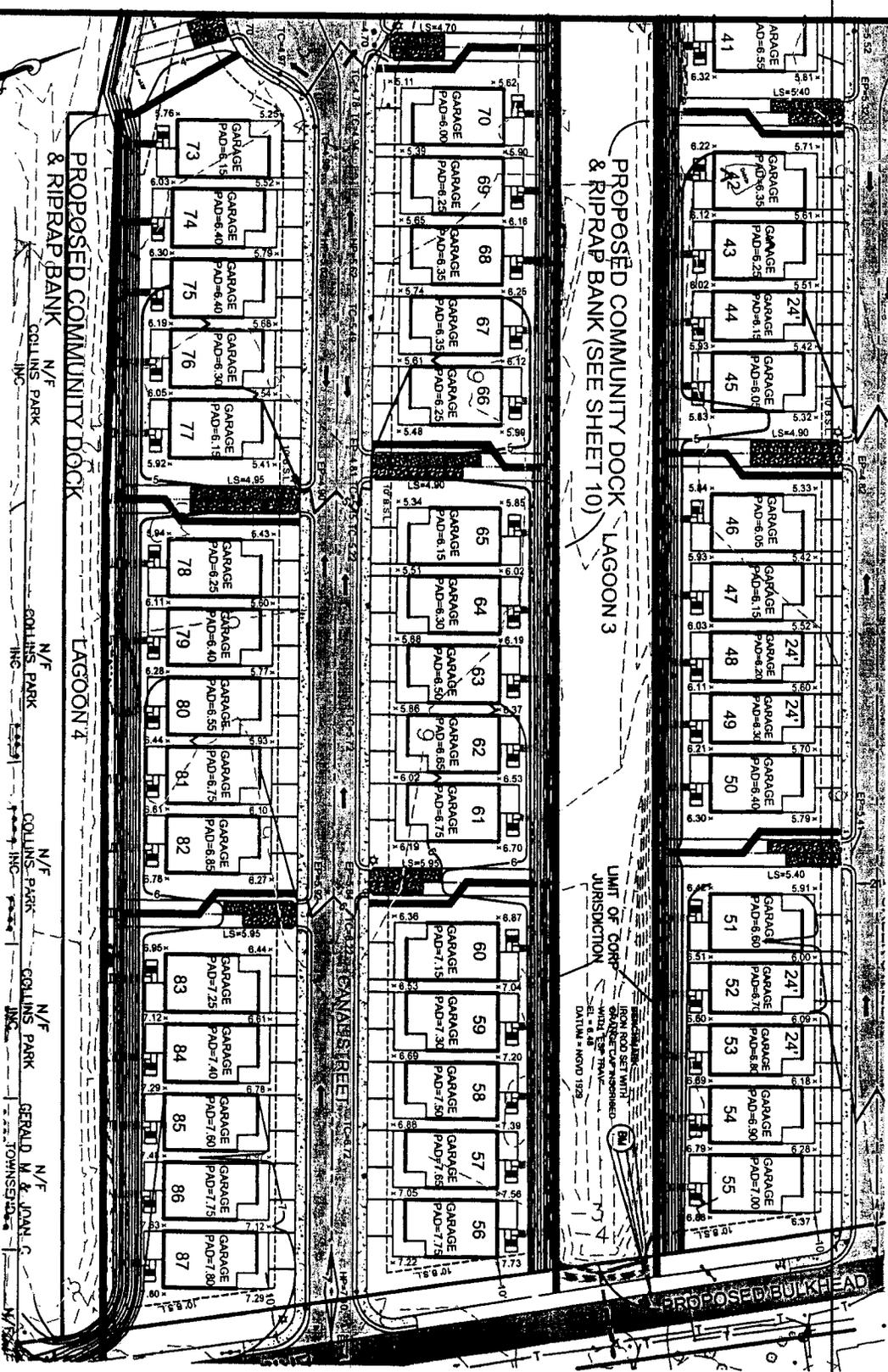
CREEK STREET

3 LEAHS EES

PROPOSED COMMUNITY DOCK
& RIPRAP BANK (SEE SHEET 10)

LIMIT OF CORP
JURISDICTION

IRON ROD SET WITH
GRINDER CUR INSCRIBED
DATE: 11/13/06
DATION: 11/13/06



PROPOSED COMMUNITY DOCK
& RIPRAP BANK
N/F COLLINS PARK INC
N/F COLLINS PARK INC
N/F COLLINS PARK INC
N/F COLLINS PARK INC
N/F GERALD M & JOAN C TOWNSEND INC

CANAL PLACE
SITE PLAN
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

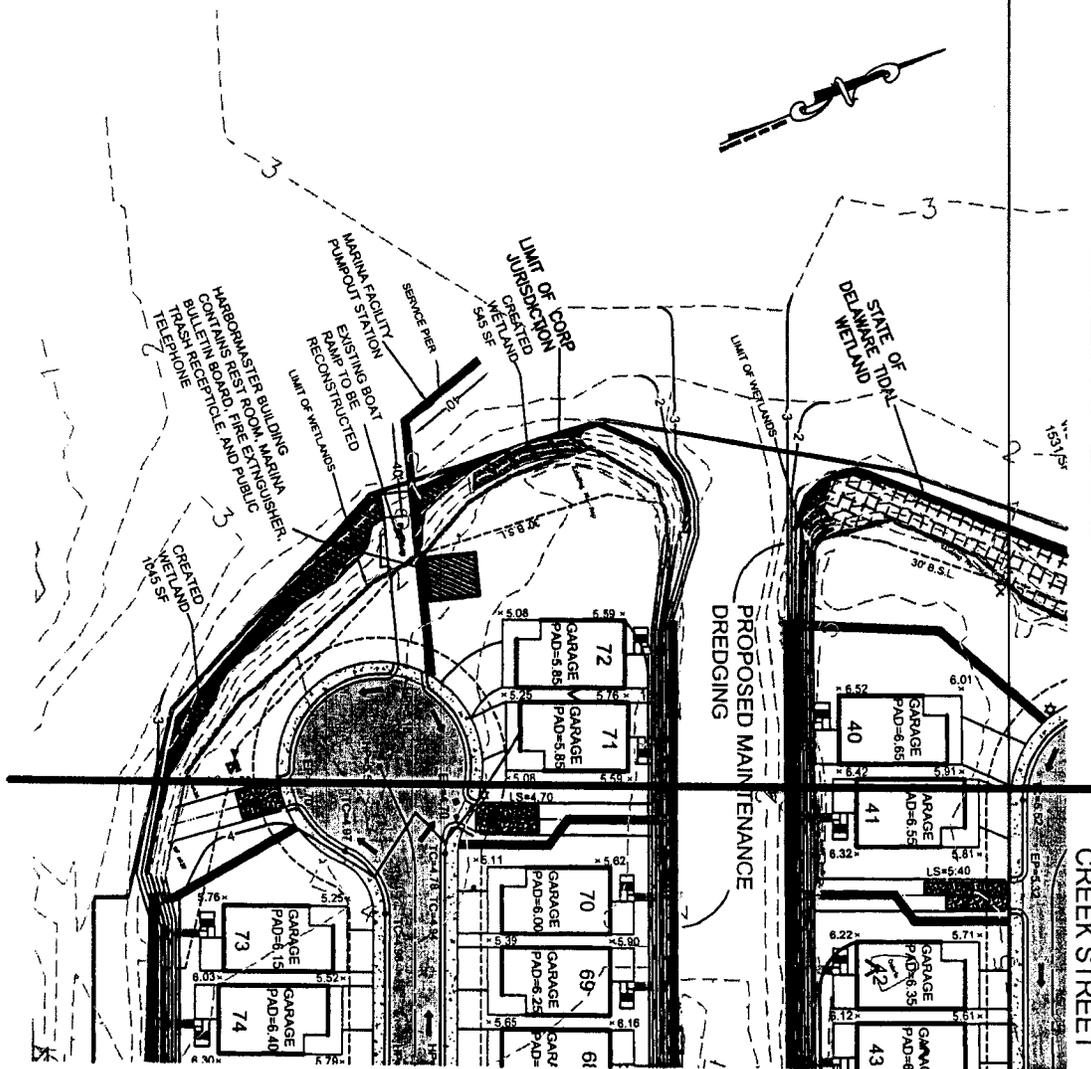


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803 N. SALISBURY BLVD., SUITE 2300
SALISBURY, MARYLAND 21801
PHONE: 410-572-8833
FAX: 410-341-3970

JOB NUMBER: 2004-019	SCALE: 1"=80'	DRAWN BY: J.D.R.	DATE: 4/2006	4 OF 13
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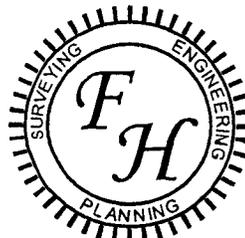
E-4



SEE SHEET 5

MATCHLINE
SEE SHEET 4

CANAL PLACE
SITE PLAN
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE



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SALISBURY, MARYLAND 21801
PHONE: 410-572-8833
FAX: 410-341-3970

JOB NUMBER: 2004-019	SCALE: 1"=80'	DRAWN BY: J.D.R.	DATE: 4/2006	6 OF 13
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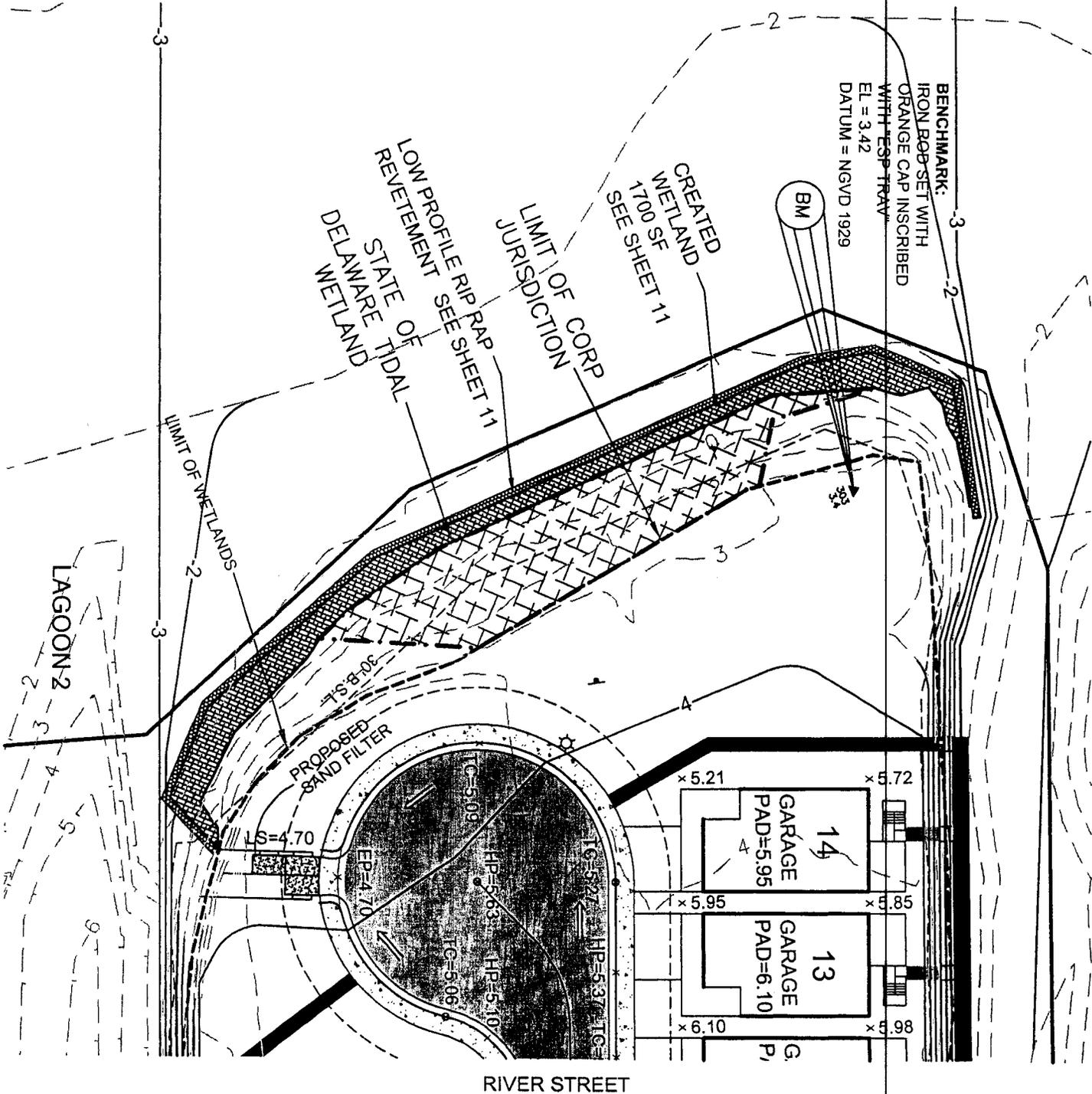
= STATE OF DELAWARE TIDAL WETLAND



= PROPOSED CREATED WETLAND

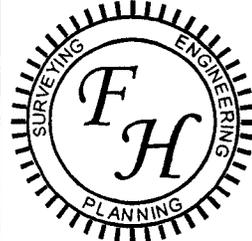


= PROPOSED LOW PROFILE RIP RAP REVETMENT



CANAL PLACE

WETLAND CREATION PLAN
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE



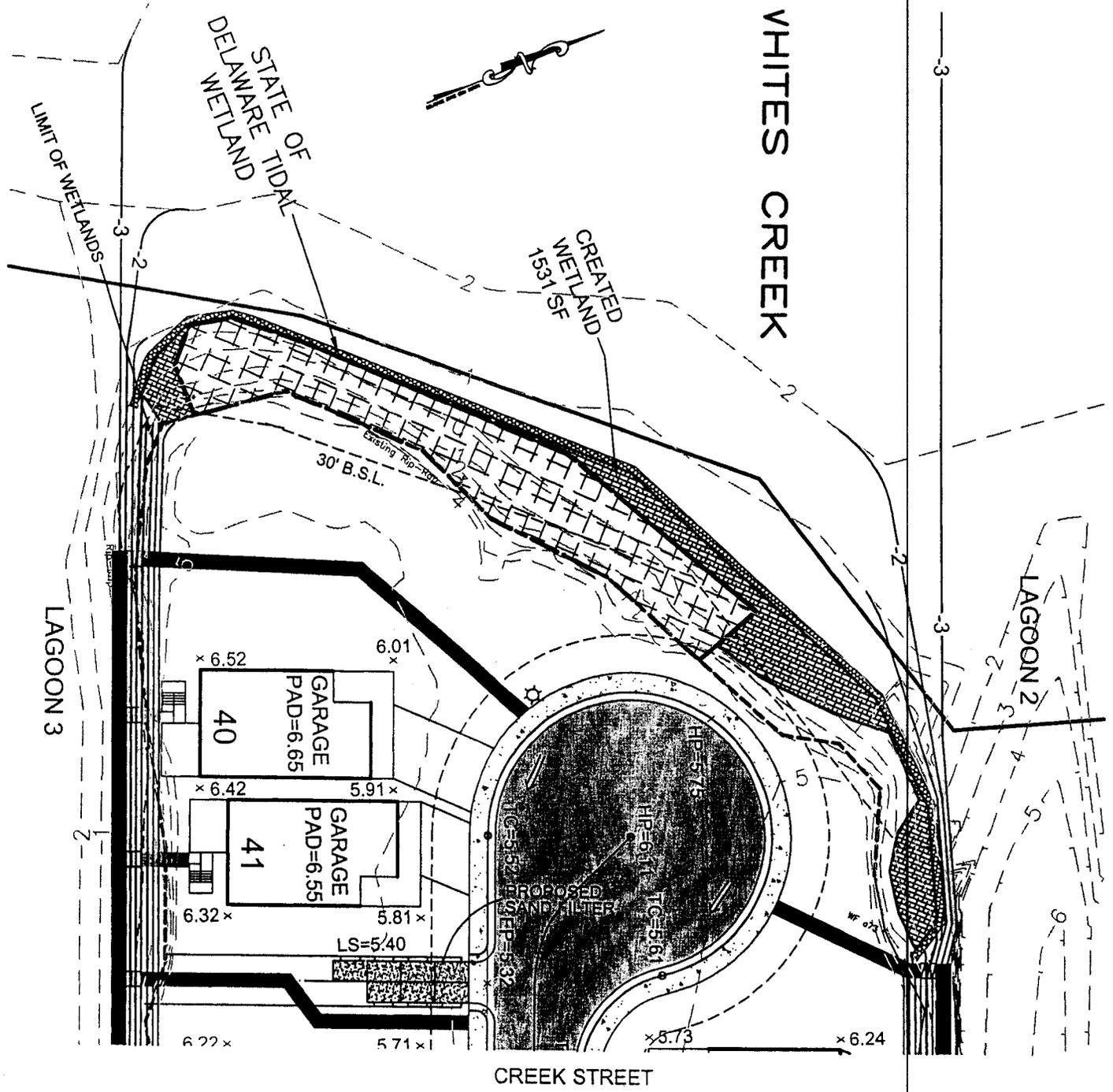
Fuller Hall
& ASSOCIATES, INC.

803 N. SALISBURY BLVD., SUITE 2300
SALISBURY, MARYLAND 21801
PHONE: 410-572-8833
FAX: 410-341-3970

JOB NUMBER: 2004-019	SCALE: 1"=40'	DRAWN BY: J.D.R.	DATE: 4/2006	7 OF 13
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E-7

-  = STATE OF DELAWARE TIDAL WETLAND
-  = PROPOSED CREATED WETLAND
-  = PROPOSED LOW PROFILE RIP RAP REVETMENT



CANAL PLACE
 WETLAND CREATION PLAN
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE

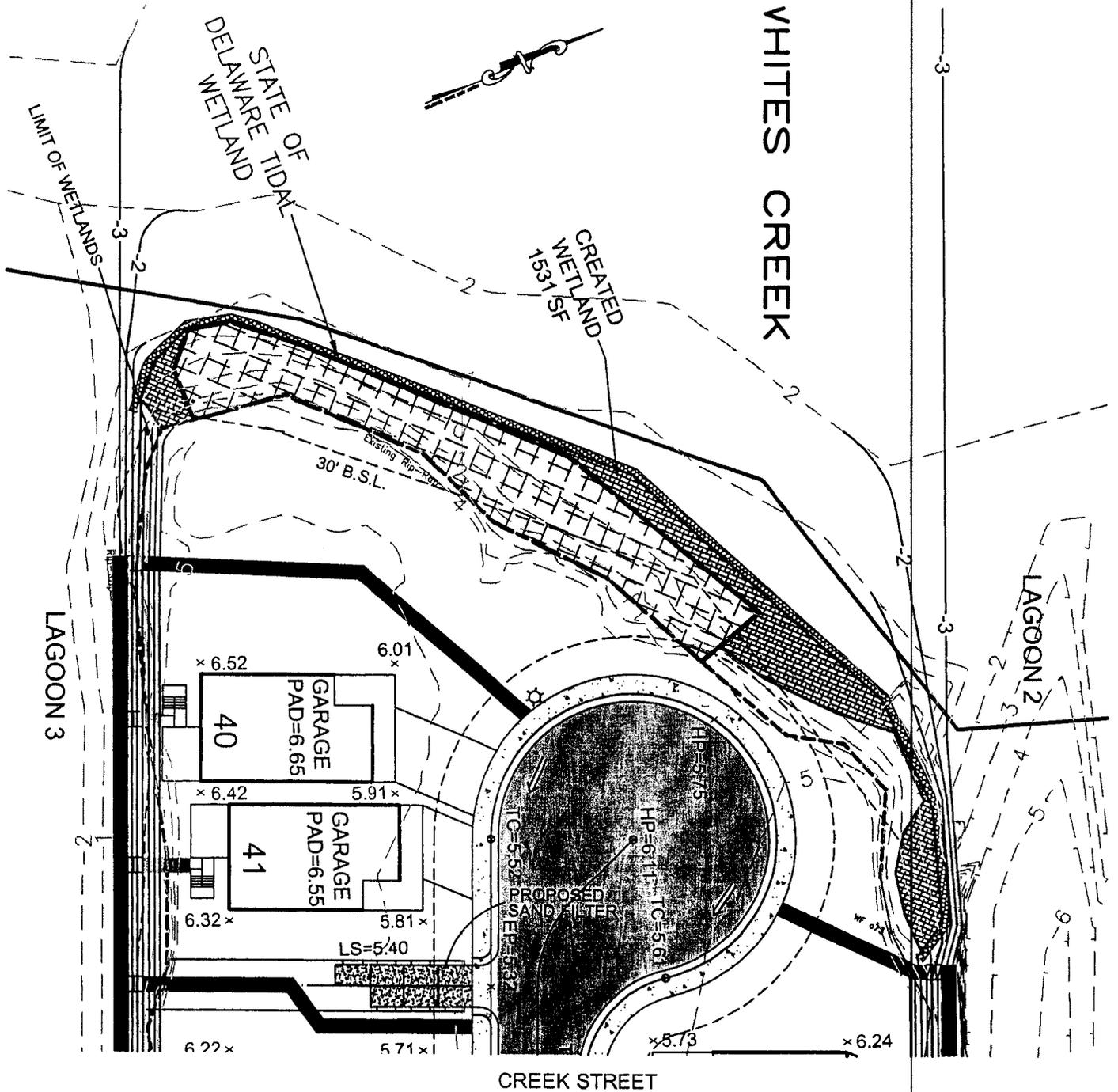


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 & ASSOCIATES, INC.

803 N. SALISBURY BLVD., SUITE 2300
 SALISBURY, MARYLAND 21801
 PHONE: 410-572-8833
 FAX: 410-341-3970

JOB NUMBER: 2004-019	SCALE: 1"=40'	DRAWN BY: J.D.R.	DATE: 4/2006	8 OF 13
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-  = STATE OF DELAWARE TIDAL WETLAND
-  = PROPOSED CREATED WETLAND
-  = PROPOSED LOW PROFILE RIP RAP REVETMENT



CANAL PLACE
 WETLAND CREATION PLAN
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE



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 & ASSOCIATES, INC.

803 N. SALISBURY BLVD., SUITE 2300
 SALISBURY, MARYLAND 21801
 PHONE: 410-572-8833
 FAX: 410-341-3970

JOB NUMBER: 2004-019	SCALE: 1"=40'	DRAWN BY: J.D.R.	DATE: 4/2006	8 OF 13
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= STATE OF DELAWARE TIDAL WETLAND



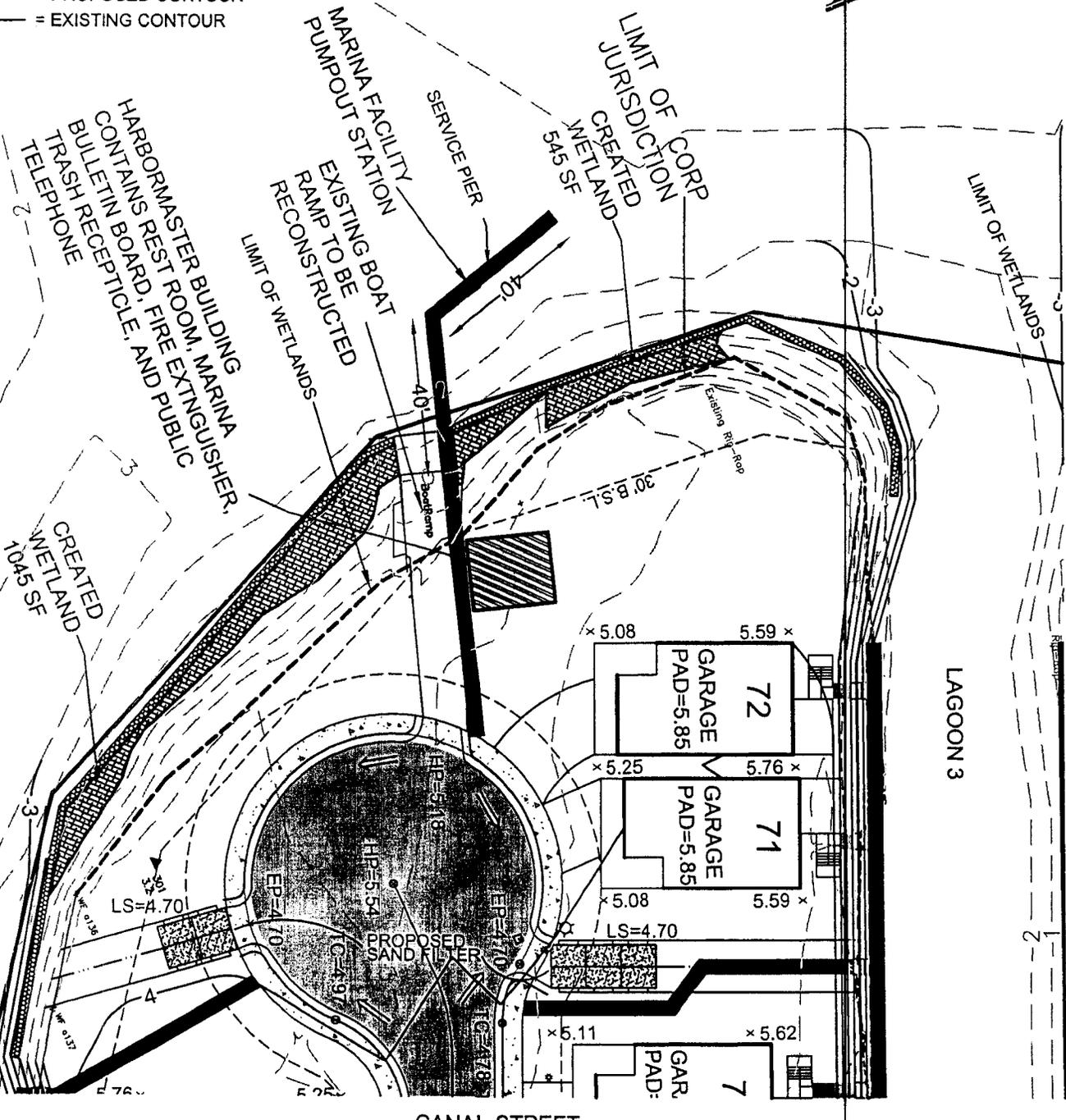
= PROPOSED CREATED WETLAND



= PROPOSED LOW PROFILE RIP RAP REVETMENT

-2- = PROPOSED CONTOUR

-3- = EXISTING CONTOUR



HARBORMASTER BUILDING
CONTAINS REST ROOM, MARINA
BULLETIN BOARD, FIRE EXTINGUISHER,
TRASH RECEPTACLE, AND PUBLIC
TELEPHONE

MARINA FACILITY
PUMPOUT STATION
SERVICE PIER
EXISTING BOAT
RAMP TO BE
RECONSTRUCTED

LIMIT OF CORP
JURISDICTION
CREATED
WETLAND
545 SF

LAGOON 3

CANAL STREET

CANAL PLACE
WETLAND CREATION PLAN
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

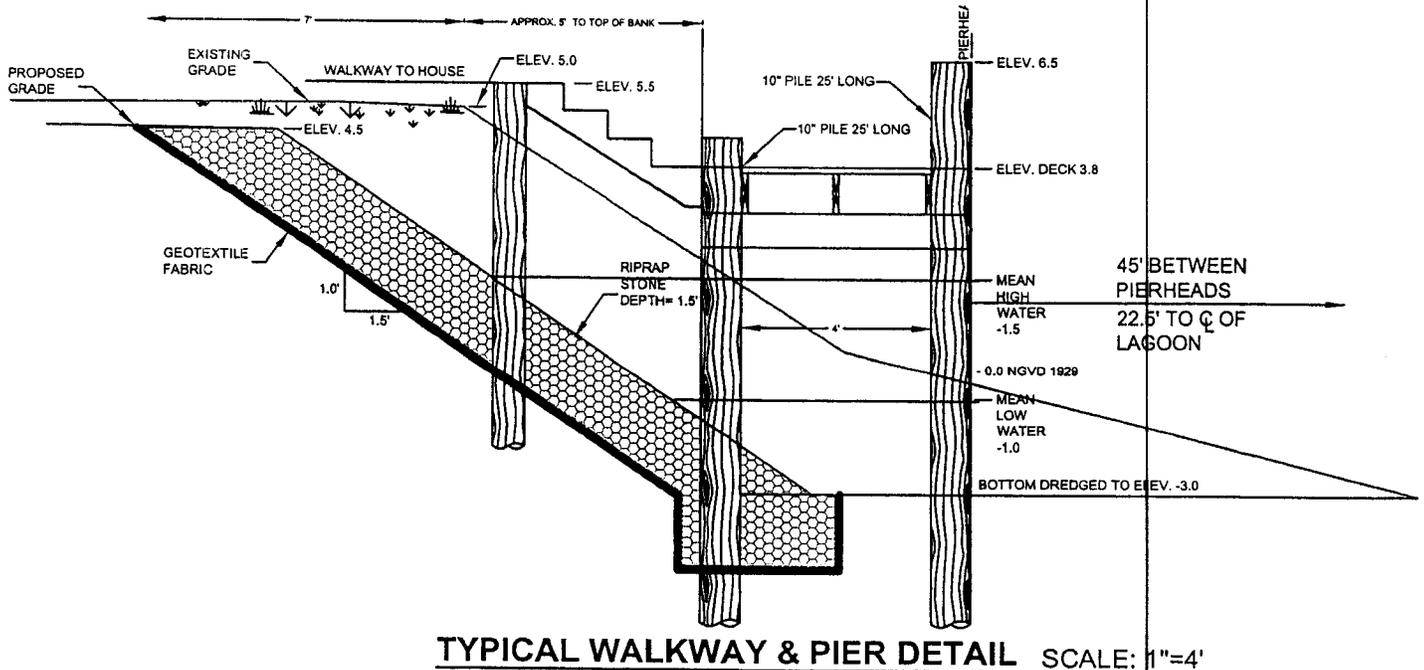
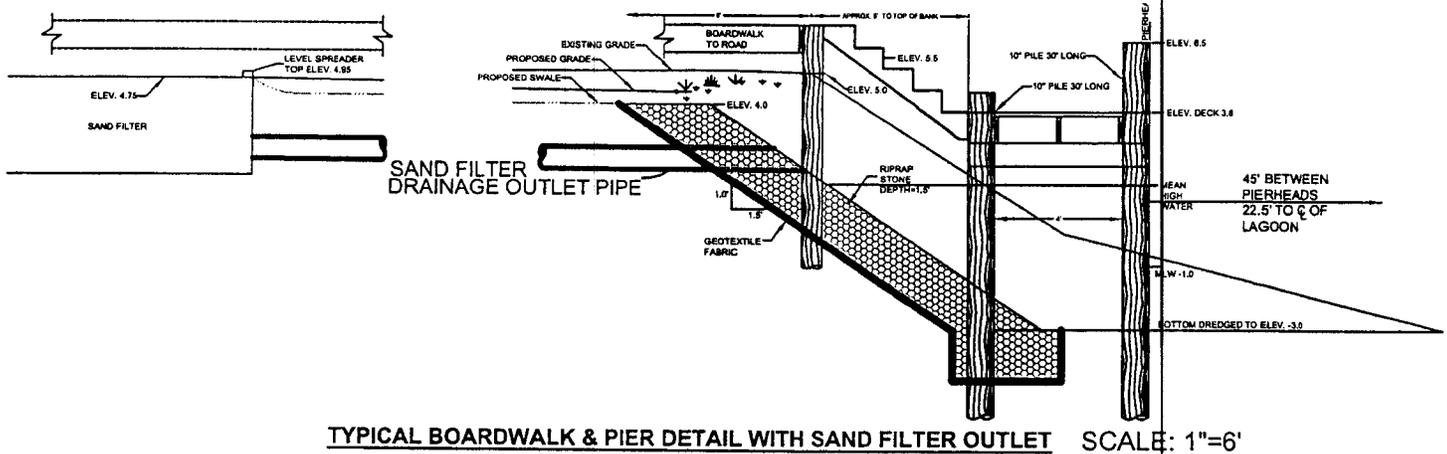
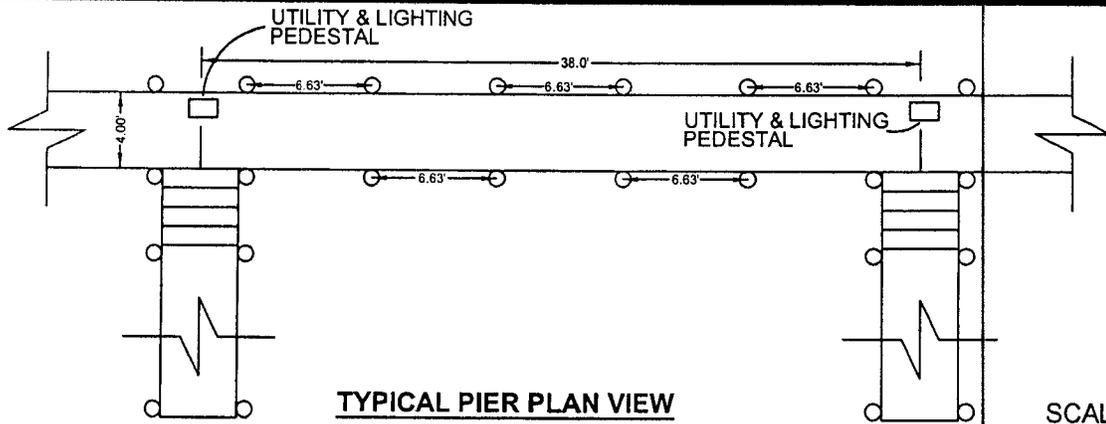


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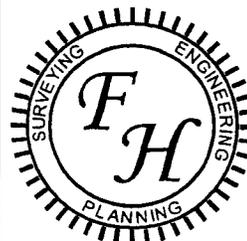
803 N. SALISBURY BLVD., SUITE 2300
SALISBURY, MARYLAND 21801
PHONE: 410-572-8833
FAX: 410-341-3970

JOB NUMBER: 2004-019	SCALE: 1"=40'	DRAWN BY: J.D.R.	DATE: 4/2006	9 OF 13
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E-10



CANAL PLACE
DETAILS
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

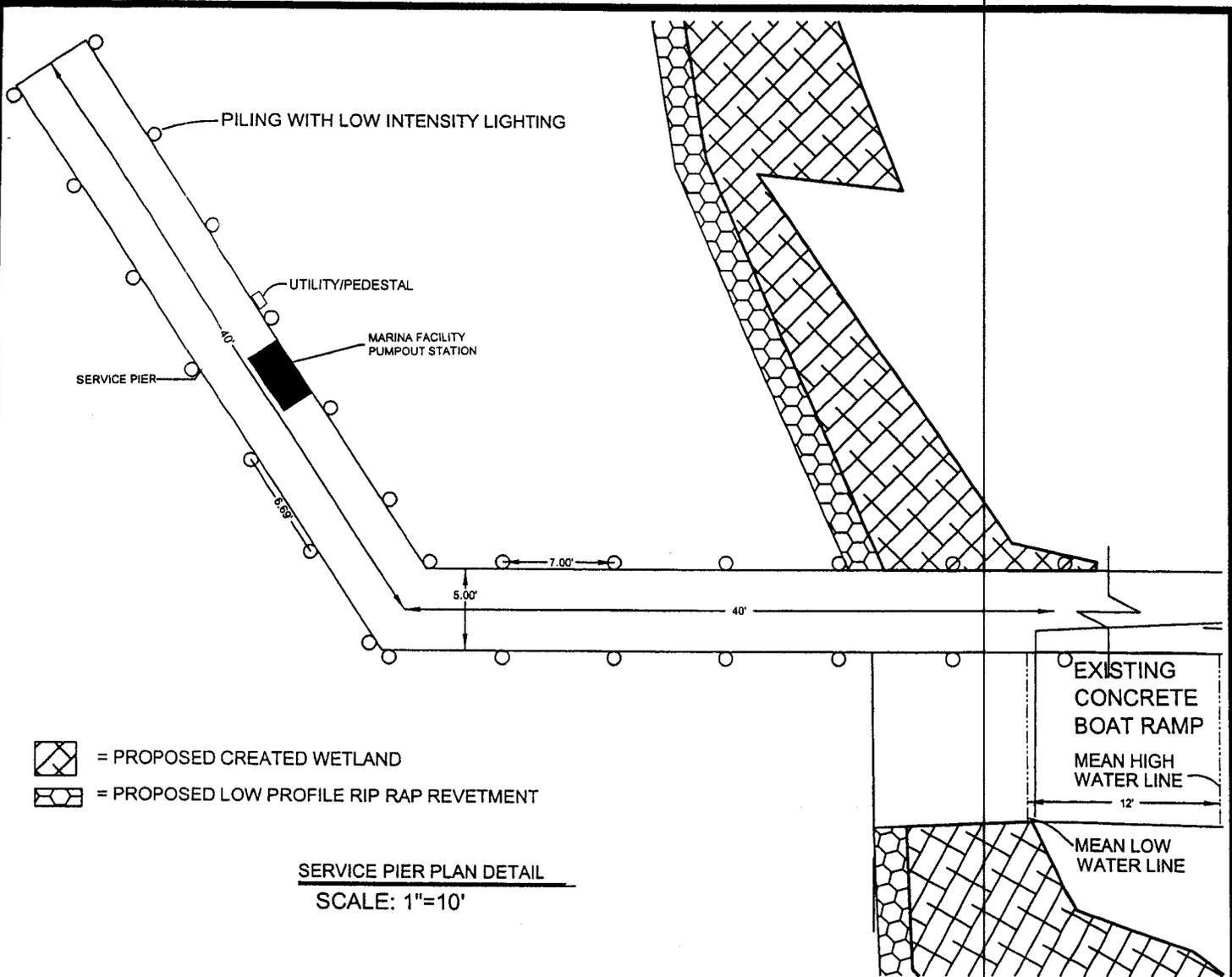


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803 N. SALISBURY BLVD., SUITE 2300
SALISBURY, MARYLAND 21801
PHONE: 410-572-8833
FAX: 410-341-3970

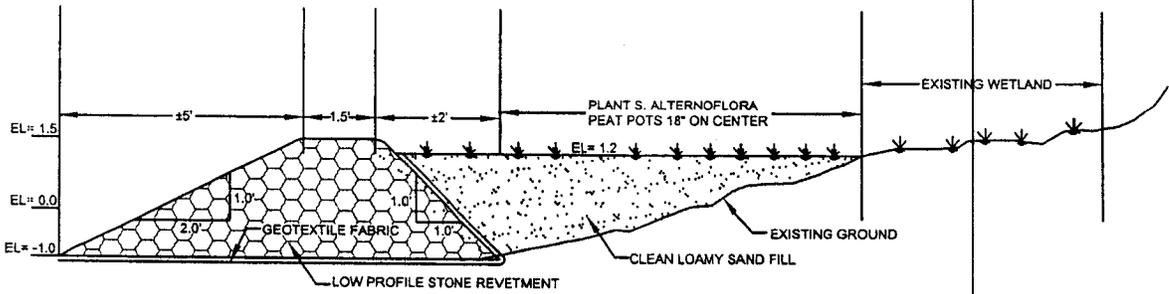
JOB NUMBER: 2004-019	SCALE: AS SHOWN	DRAWN BY: J.D.R.	DATE: 4/2006	10 OF 13
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E-11



-  = PROPOSED CREATED WETLAND
-  = PROPOSED LOW PROFILE RIP RAP REVETMENT

SERVICE PIER PLAN DETAIL
SCALE: 1"=10'



TYPICAL LOW PROFILE RIP RAP & MARSH CREATION SHORELINE STABILIZATION
SCALE: 1"=4'

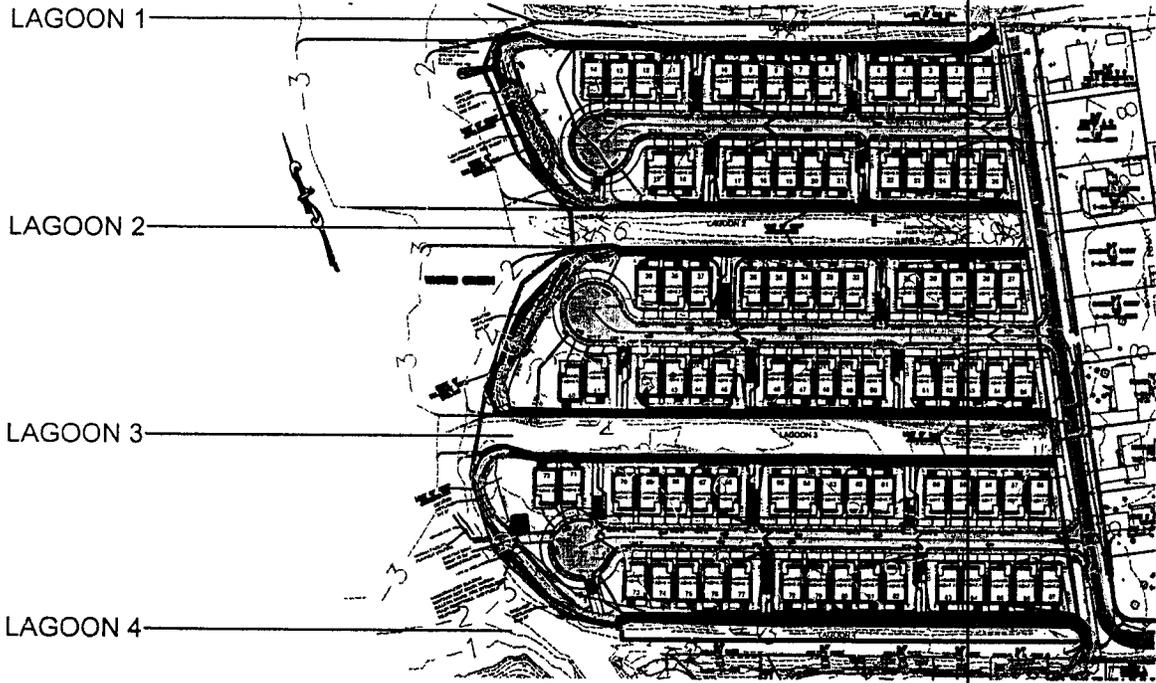
**CANAL PLACE
DETAILS
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE**



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& ASSOCIATES, INC.**

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JOB NUMBER: 2004-019	SCALE: AS SHOWN	DRAWN BY: J.D.R.	DATE: 4/2006	11 OF 13
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DREDGE AREAS&VOLUMES

SURFACE	CUT AREA	CUT VOLUME	FILL AREA	FILL VOLUME
LAGOON 1	28147 SF	952 CY	0 SF	0 CY
LAGOON 2	16651 SF	733 CY	21986 SF	1949 CY
LAGOON 3	27000 SF	708 CY	11637 SF	355 CY
LAGOON 4	8404 SF	363 CY	0 SF	0 CY
TOTAL	80202 SF (1.84 AC)	2756 CY	33623 SF (0.77 AC)	2304 CY

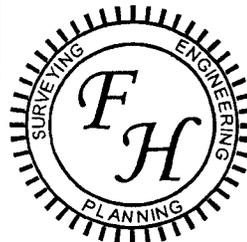
LAGOON EMBANKMENT RIP RAP TOTALS:
 ABOVE MHW (1.5) 1082 CY
 BELOW MHW (1.5) 2265 CY

CREATED WETLAND AREA&FILL TOTAL:
 BETWEEN LAGOON 1&2 1700 SF
 BETWEEN LAGOON 2&3 1531 SF
 BETWEEN LAGOON 3&4 1750 SF
 TOTAL AREA 4981 SF
 FILL VOLUME 233 CY

EXISTING BOAT DOCKS: 71 BOATS
 PROPOSED BOAT DOCKS: 87 BOATS

LOW PROFILE RIP RAP TOTAL:
 RIP RAP 500 CY

CANAL PLACE
 DREDGING AREAS&VOLUMES
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE



Fuller Hall
 & ASSOCIATES, INC.

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JOB NUMBER: 2004-019	SCALE: 1"=250'	DRAWN BY: J.D.R.	DATE: 4/2006	12 OF 13
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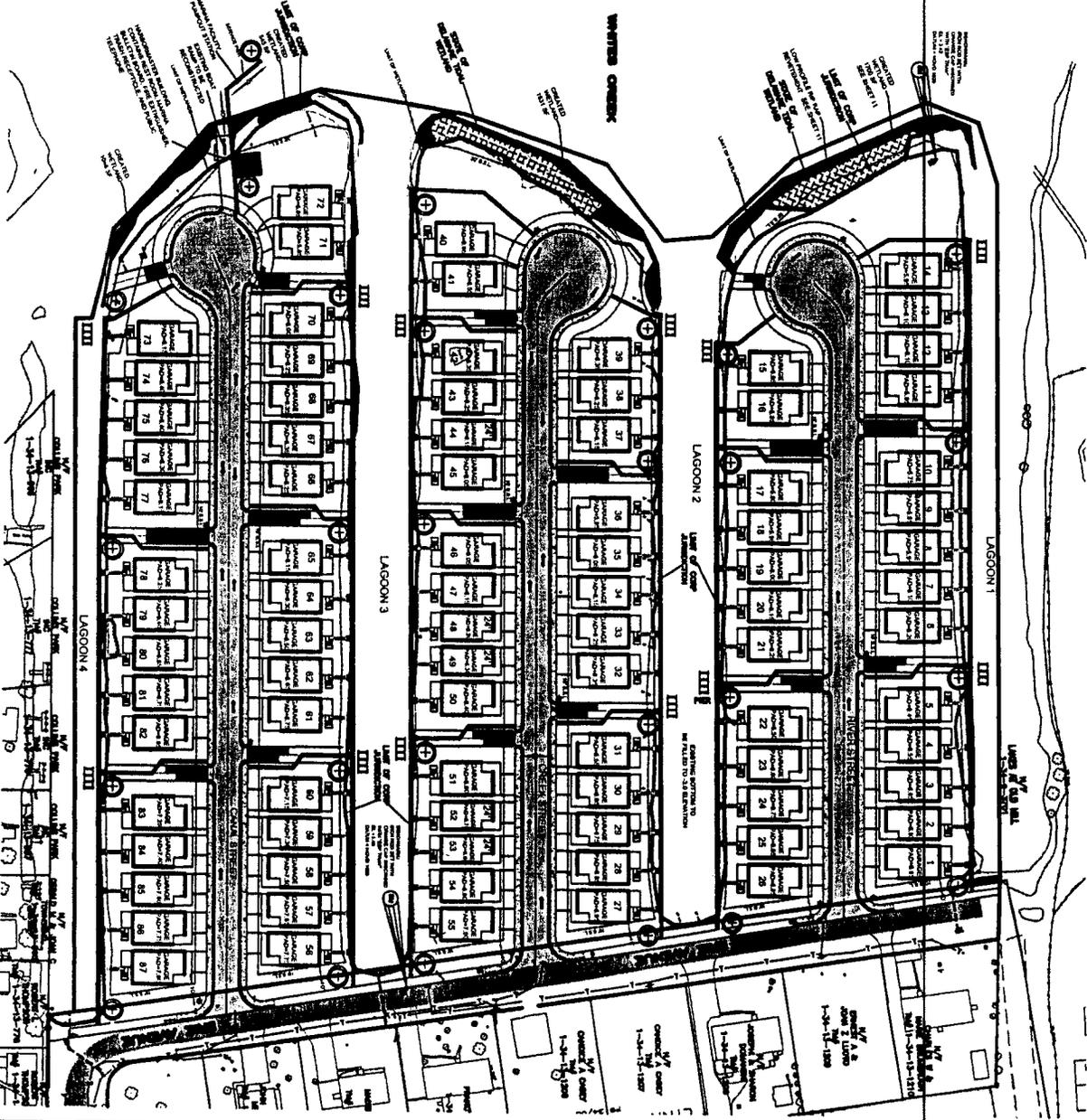
E-13

LEGEND

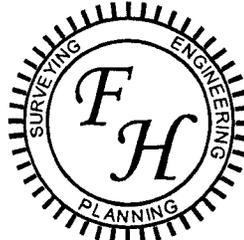
- ⊕ PROPOSED SAFETY RING
- ⌘ PROPOSED SAFETY LADDER

NOTES

TOTAL # OF SAFETY LADDERS: 12
 TOTAL # OF SAFETY RINGS: 27



CANAL PLACE
 SAFETY DEVICE PLAN
 District 1-34 Map 13.00 Parcel 1202.00
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE



Fuller Hall
 & ASSOCIATES, INC.

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 SALISBURY, MARYLAND 21801
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 FAX: 410-341-3970

JOB NUMBER: 2004-019	SCALE: 1"=150'	DRAWN BY: J.D.R.	DATE: 4/2006	13 OF 13
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E-13A