



**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-200600900-23

Date
OCT 26 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: Vines Creek Marina, LP

AGENT: Steven B. Soule
Soule and Associates
Arlington Business Center
122 Arlington Road
Salisbury, MD 21801-3345

WATERWAY: Vines Creek

LOCATION: Dagsboro, Sussex County, Delaware

ACTIVITY: The applicant proposes to stabilize an eroding shoreline and conduct mechanical maintenance dredging at the Vines Creek Marina, located on Vines Creek at Tax Parcel 1-34-6-9, Pepper Creek Road, Dagsboro, Sussex County, Delaware.

The project includes a proposal to install 180 linear feet of low profile stone revetment (rip-rap) to protect an eroding shoreline. The rip-rap would be placed against the existing bank, consisting of 40 cubic yards of material, and would tie into an existing revetment on its northwest end. The installation would be accomplished using barge-mounted equipment to place the stone. This activity was previously authorized, but not completed, under Department of the Army permit CENAP-OP-R-199401447 issued November 1, 1994.

The maintenance dredging would be accomplished by clamshell method, using a barge-mounted backhoe. The proposal calls for the removal of 261 cubic yards of silty material from the marina basin to a maximum depth of -4.0 mean low water. The dredged material would be dewatered and spread on an upland parking lot on the marina property.

The Delaware Department of Natural Resources and Environmental Control (DDNREC) issued a Coastal Zone Management Consistency Certification for this project on September 15, 2006 (FC 06.106).

PURPOSE: To stabilize an eroding shoreline and restore navigable depths within an existing marina basin.

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.

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 89 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: winter flounder (Pleuronectes americanus), windowpane flounder (Scophthalmus aquosus), red hake (Urophycis chuss), bluefish (Pomatomus saltatrix), Atlantic sea herring (Clupea harengus), long finned squid (Loligo pealei), short finned squid (Illex illecebrosus), Atlantic butterflyfish (Peprilus triacanthus), summer flounder (Paralichthys dentatus), scup (Stenotomus chrysops), black sea bass (Centropristus striata), surf clam (Spisula solidissima), ocean quahog (Artica islandica), spiny dogfish (Squalus acanthias), Atlantic mackerel (Scomber scombrus), king mackerel (Scomberomorus cavalla), Spanish mackerel (Scomberomorus maculatus), cobia (Rachycentron canadum); and the following shark species: sandbar (Carcharhinus obscurus), sand tiger (Odontaspis aurus), and dusky (Carcharhinus plumbeus).

Analysis of the Effects: The proposed work would occur in a small area of waters within an existing marina basin, subject to substantial sediment accretion and regular boating activity. For these reasons, the project site is an unlikely spawning or nursery area for the managed species. Consequently, concentrations of the sessile life stages (eggs and larvae) of the listed species are not expected to be within the work area. Stabilization of the adjacent salt marsh bank is expected to result in a benefit to fisheries habitat. The proposed mechanical dredging would be conducted from a barge using a slowly moving mechanical excavator. 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.

Proposed Mitigation: Because the impacts of the proposed work on EFH have been determined to be minor, the Corps of Engineers has determined that mitigative measures are not necessary.

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.

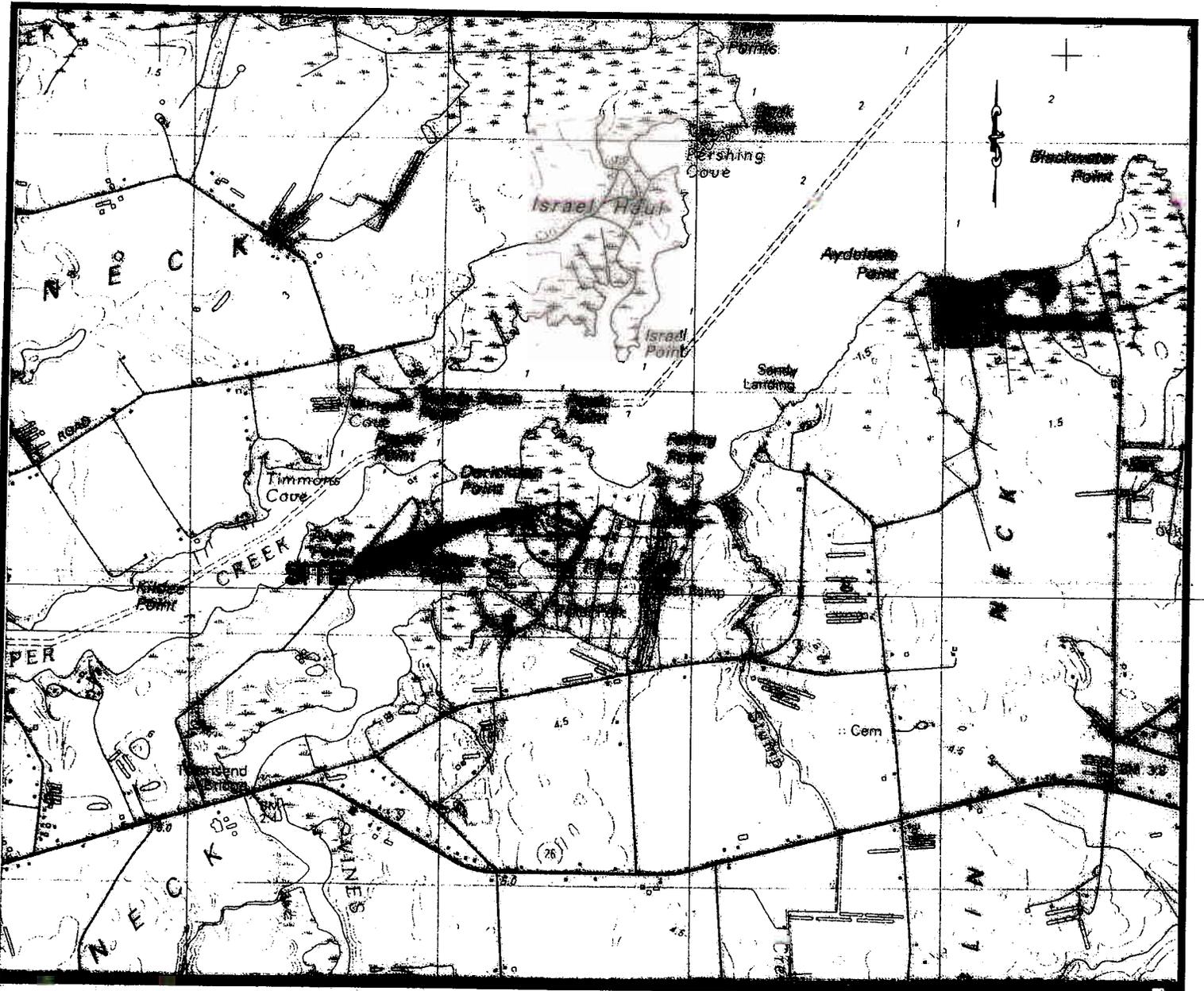
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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.

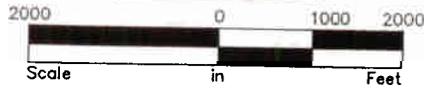
Additional information concerning this permit application may be obtained by calling John G. Brundage at (302) 736-9763 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.


Frank J. Cianfrani
Chief, Regulatory Branch



From U.S.G.S. Frankford Quadrangle
 Site Location: 75°11'49" W. Long.
 38°33'57" N. Lat.

VICINITY MAP



PROPOSED STONE REVETMENT AND MAINTENANCE DREDGING
VINES CREEK MARINA
RT. 341B AT VINES CREEK
SUSSEX COUNTY, DELAWARE

E-1

APPLICATION BY :

Vines Creek Marina Limited Partnership
 c/o Michael Jahniagen
 35322 Bayard Rd.
 Frankford, DE. 19945

for Application Purposes Only, Not For Construction

PREPARED BY :

SOULÉ
 & ASSOCIATES
 SALISBURY, MARYLAND 21801

ENGINEERING
 SURVEYING
 PLANNING

SHEET

1 OF 7

DATE

May 2006

PROPOSED STONE REVETMENT
& MAINTENANCE DREDGING

VINES CREEK MARINA
RT. 341B AT VINES CREEK
SUSSEX COUNTY, DELAWARE

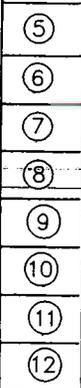
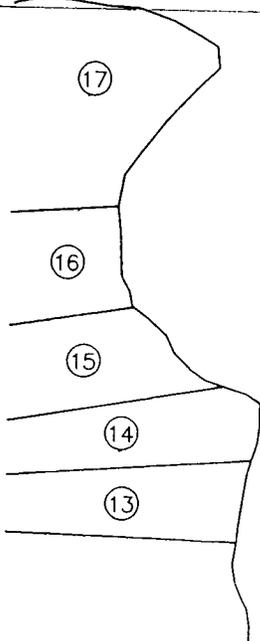
SURROUNDING PROPERTY OWNERS

①

VINES CREEK

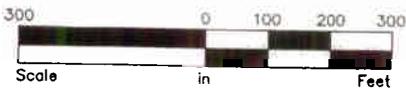
VINES CREEK MARINA

Route 341B



- | | |
|---|---|
| 1. State of Delaware
Board of Game & Fish Commissioners
Dover, DE 19901 | 10. James T. & Carol L. Curran
108 Dorothy Dr.
Bear, DE 19701 |
| 2. Donald E. & Lorie C. Stevens
12 Linn Woods Lane
Dagsboro, DE 19939 | 11. Paul & Joyce E. Valentine
30874 Peppers Creek Rd.
Dagsboro, DE 19939 |
| 3. Horatio & Dorothy L. Allison
32187 Linn Woods Lane
Dagsboro, DE 19939 | 12. Michael J. Phillips
30872 Peppers Creek Rd.
Dagsboro, DE 19939 |
| 4. Anthony F. Johnson & Denise C. Geyer
117 Church St.
Rehoboth Beach, DE 19971 | 13. Anna B. Sentman
27 Oakknoll Rd.
Wilmington, DE 19808 |
| 5. Ronald W. & Mary Ellen T. Lewandowski
2106 Grayling Court
Wilmington, DE 19804 | 14. James E. Jr. & Jean F. Daniel
3721 Riverwood Rd.
Alexandria, VA 22309 |
| 6. Layton E. Jr. & Mary T. Gray
1707 W. Newport Pike
Wilmington, DE 19804 | 15. Richard N. & Eunice S. Rollings
163 Riverview Dr.
Dagsboro, DE 19939 |
| 7. Joseph A. Jr. & Denise Spillan-Gallo
3201 Tanya Dr. Delwynn
Wilmington, DE 19803 | 16. Bonard B. Jr. & Evelyn M. Timmons
Rt. 1, Box 32
Ocean View, DE 19970 |
| 8. Nellie M. Cook & Bobbie J. Seidel
16981 Lutz Rd.
Stewartstown, PA 17363 | 17. Michael R. & Debra L. Jahnigen
RR 4, Box 217B
Frankford, DE 19945 |
| 9. William H. & Evelyn S. Clark
30880 Peppers Creek Rd.
Dagsboro, DE 19939 | |

E-2



APPLICATION BY :
Vines Creek Marina Limited Partnership
c/o Michael Jahnigen
35322 Bayard Rd.
Frankford, DE 19945
or Application Purposes Only, Not For Construction

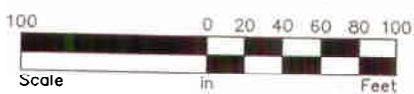
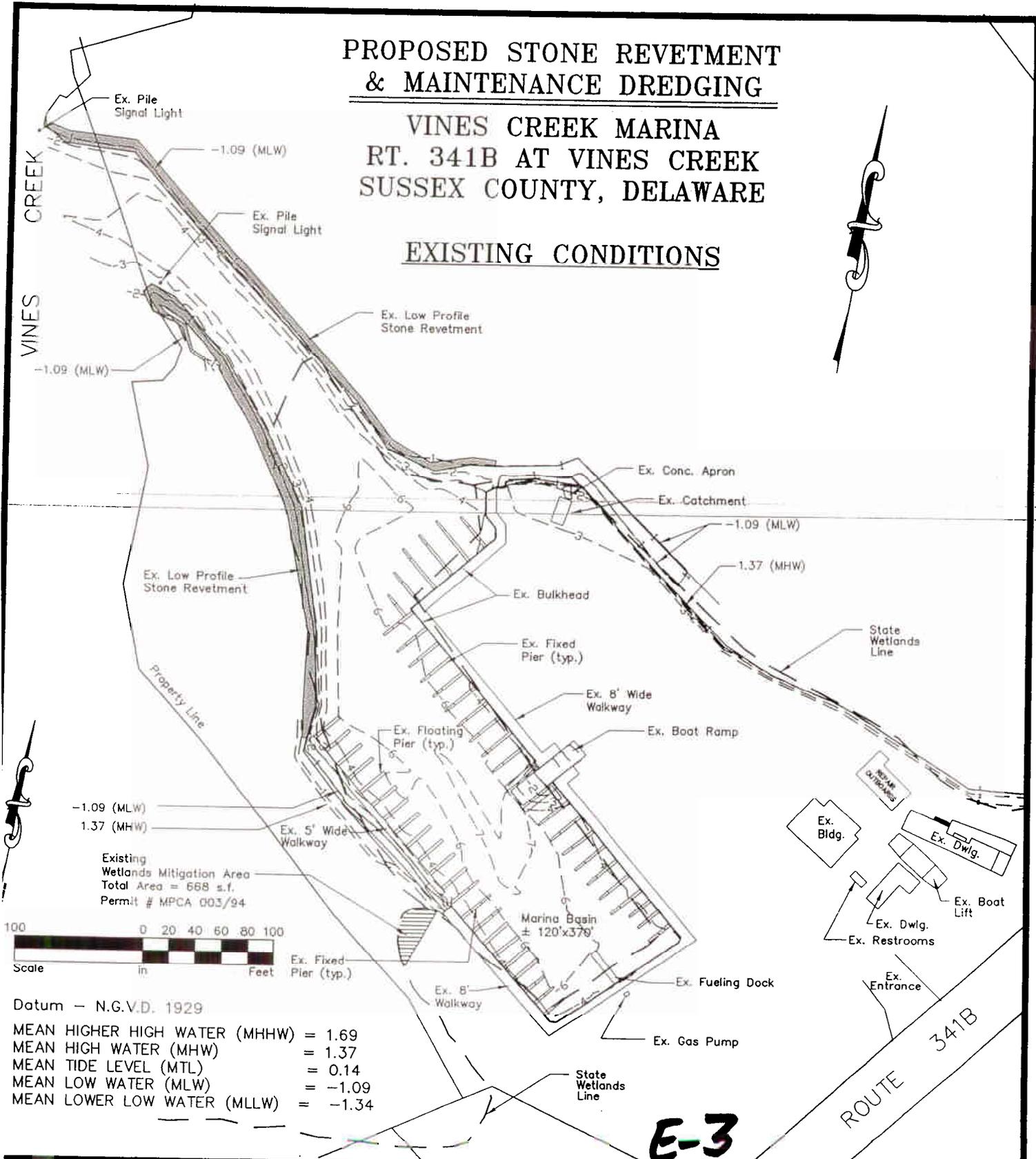
PREPARED BY :
SOULÉ
& ASSOCIATES
SALISBURY, MARYLAND 21801
ENGINEERING
SURVEYING
PLANNING

SHEET
2 OF 7
DATE
May 2006

PROPOSED STONE REVETMENT & MAINTENANCE DREDGING

VINES CREEK MARINA
RT. 341B AT VINES CREEK
SUSSEX COUNTY, DELAWARE

EXISTING CONDITIONS



Existing Wetlands Mitigation Area
Total Area = 668 s.f.
Permit # MPCA 003/94

Datum - N.G.V.D. 1929

MEAN HIGHER HIGH WATER (MHHW)	= 1.69
MEAN HIGH WATER (MHW)	= 1.37
MEAN TIDE LEVEL (MTL)	= 0.14
MEAN LOW WATER (MLW)	= -1.09
MEAN LOWER LOW WATER (MLLW)	= -1.34

E-3

APPLICATION BY :
Vines Creek Marina Limited Partnership
c/o Michael Jahnigen
35322 Bayard Rd.
Frankford, DE 19945
or Application Purposes Only, Not For Construction

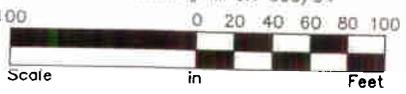
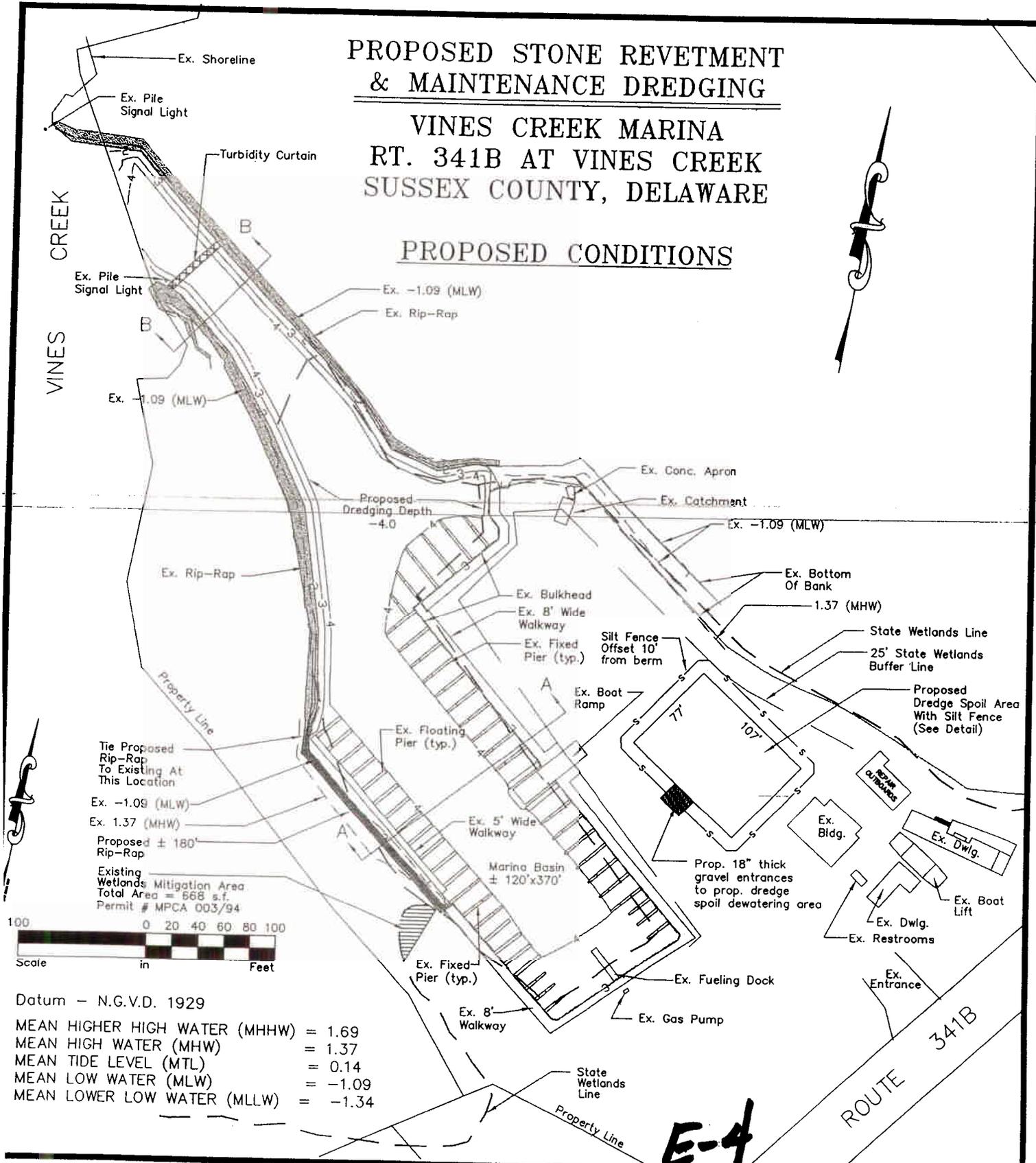
PREPARED BY :
SOULÉ & ASSOCIATES
SALISBURY, MARYLAND 21801
ENGINEERING
SURVEYING
PLANNING

SHEET
3 OF 7
DATE
May 2006

PROPOSED STONE REVETMENT & MAINTENANCE DREDGING

VINES CREEK MARINA
RT. 341B AT VINES CREEK
SUSSEX COUNTY, DELAWARE

PROPOSED CONDITIONS



Datum - N.G.V.D. 1929

MEAN HIGHER HIGH WATER (MHHW)	= 1.69
MEAN HIGH WATER (MHW)	= 1.37
MEAN TIDE LEVEL (MTL)	= 0.14
MEAN LOW WATER (MLW)	= -1.09
MEAN LOWER LOW WATER (MLLW)	= -1.34

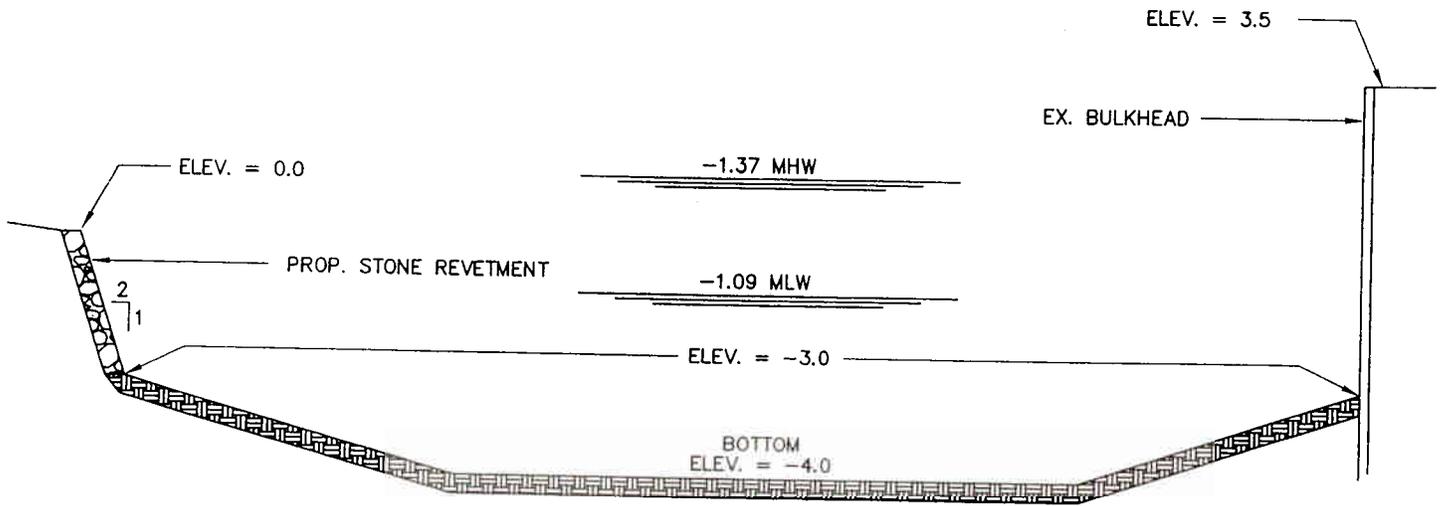
E-4

APPLICATION BY :
Vines Creek Marina Limited Partnership
c/o Michael Jahnigen
35322 Bayard Rd.
Frankford, DE 19945
or Application Purposes Only, Not For Construction

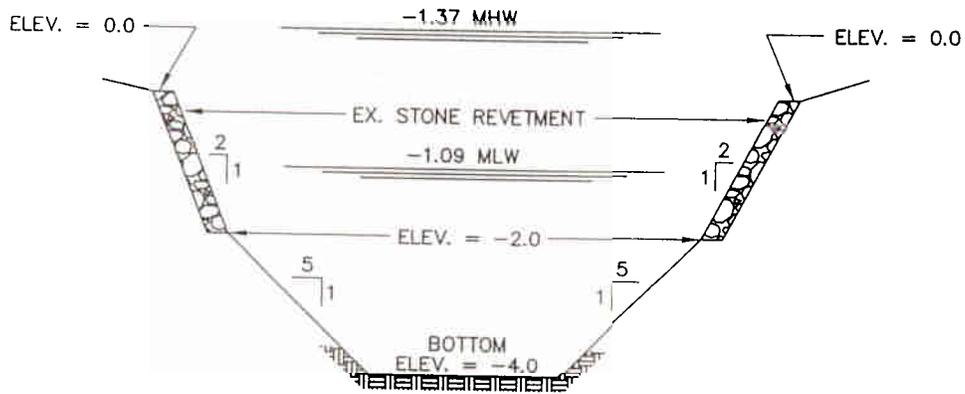
PREPARED BY :
SOULÉ & ASSOCIATES
SALISBURY, MARYLAND 21801

ENGINEERING
SURVEYING
PLANNING

SHEET
4 OF 7
DATE
May 2006



SECTION A-A *PROPOSED CONDITION*
N.T.S.



SECTION B-B *PROPOSED CONDITION*
N.T.S.

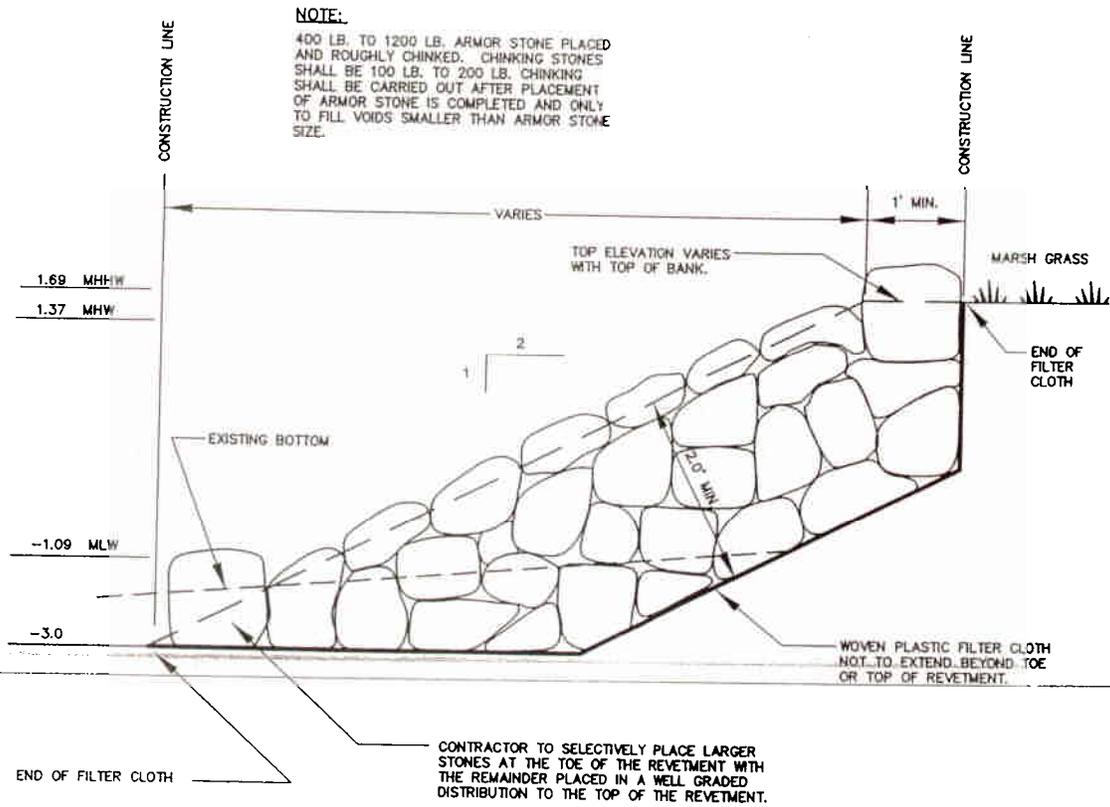
E-5

APPLICATION BY :
Vines Creek Marina Limited Partnership
c/o Michael Jahnniger
35322 Bayard Rd.
Frankford, DE 19945
For Application Purposes Only. Not For Construction

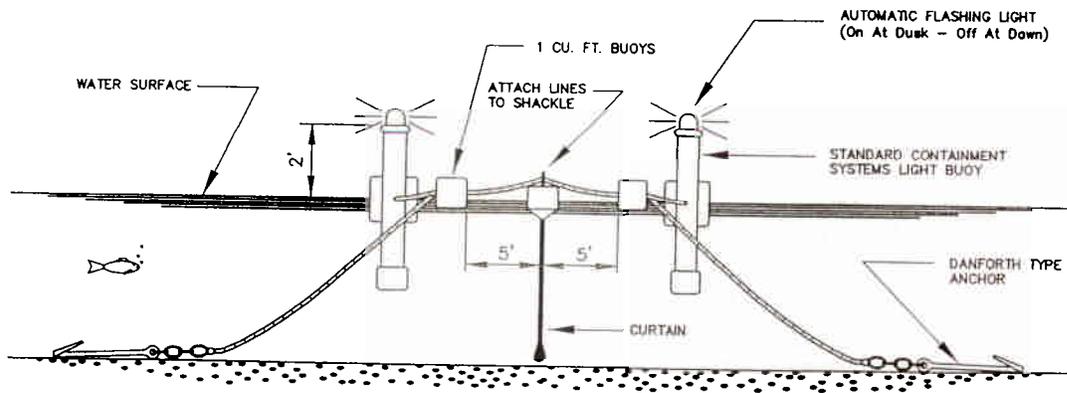
PREPARED BY :
& SOULÉ
ASSOCIATES, P.C.
SALISBURY, MARYLAND 21801

ENGINEERING
SURVEYING
PLANNING

SHEET
5 OF 7
DATE
May 2006



TYPICAL LOW PROFILE STONE REVETMENT
 N.T.S.



NOTE: ANCHORING W/ BUOYS AS SHOWN REMOVES ALL VERTICAL FORCES FROM THE CURTAIN. HENCE, THE CURTAIN WILL NOT SINK FROM WIND OR CURRENT LOADS.

TURBIDITY CURTAIN
 N.T.S.

AS MANUFACTURED BY CONTAINMENT SYSTEMS OF COCOA FLORIDA, OR APPROVED EQUAL.

E-6

APPLICATION BY :

Vines Creek Marina Limited Partnership
 c/o Michael Jahnigen
 35322 Bayard Rd.
 Frankford, DE 19945

PREPARED BY :

& SOULÉ
 ASSOCIATES, P.C.
 SALISBURY, MARYLAND 21801

ENGINEERING
 SURVEYING
 PLANNING

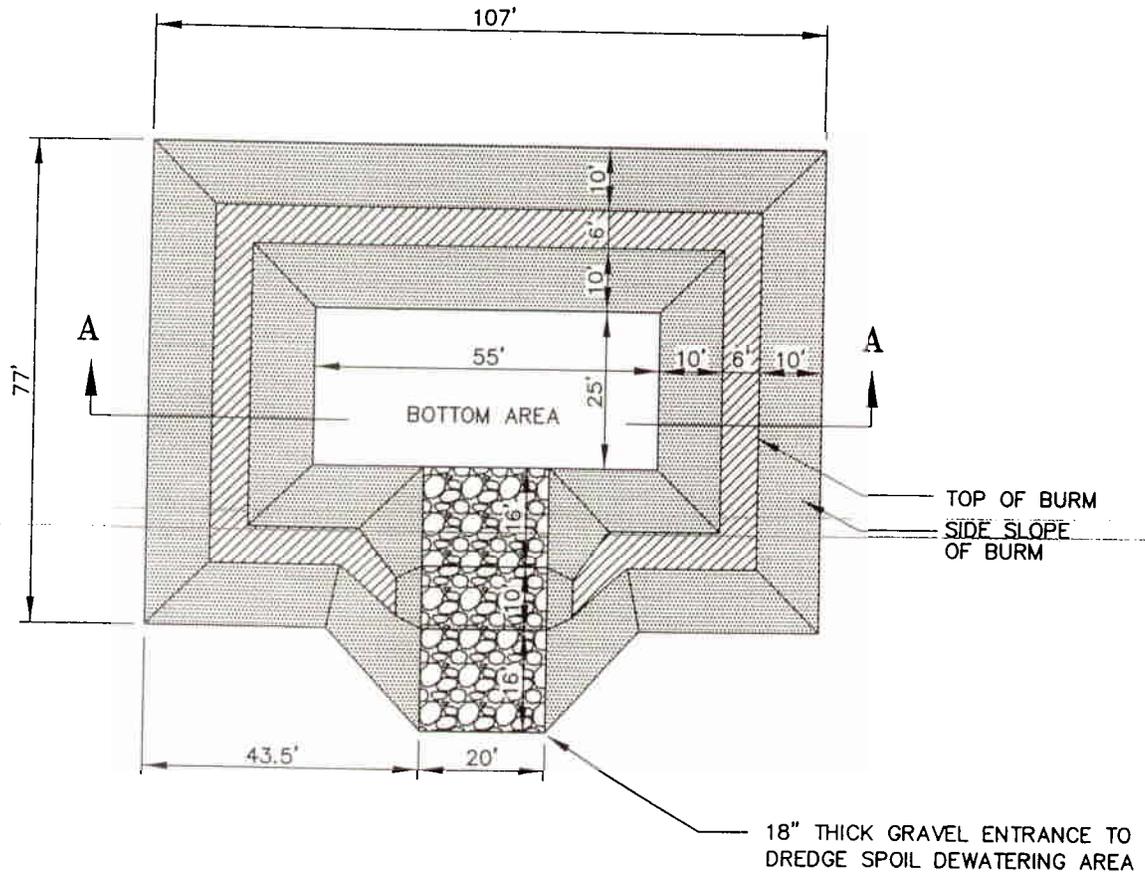
SHEET

6 OF 7

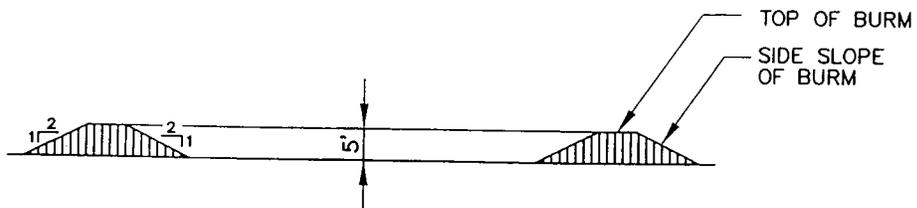
DATE

May 2006

For Application Purposes Only, Not For Construction



DREDGE SPOIL DEWATERING PLAN
N.T.S.



SECTION A-A
N.T.S.

E-7

APPLICATION BY :
Vines Creek Marina Limited Partnership
c/o Michael Jahnigen
35322 Bayard Rd.
Frankford, DE 19945

PREPARED BY :
& SOULÉ
ASSOCIATES, P.C.
SALISBURY, MARYLAND 21801

ENGINEERING
SURVEYING
PLANNING

SHEET
7 OF 7

DATE
May 2006

For Application Purposes Only, Not For Construction