



**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-200601040-23

Date
SEP 25 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: Thomas F. Sheridan and Vincent D. Walsh

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

WATERWAY: Lewes and Rehoboth Canal

LOCATION: The project site is located on the Lewes and Rehoboth Canal at 354 Pilottown Road in the City of Lewes, Sussex County, Delaware.

ACTIVITY: The applicants propose to remove an existing 25 x 8' dock, a 32 x 6' section of a pier/walkway and one mooring pile; to repair/replace the remaining pier/walkway section; to construct a 20 x 4' gangway and a 30 x 6' floating dock; and to conduct mechanical maintenance dredging in the Lewes and Rehoboth Canal at 358 Pilottown Road, Lewes, Sussex County, Delaware.

The applicants propose to mechanically remove 40 cubic yards of accumulated sediment from the canal to improve their boat slip. The dredging depth would be -5.0 mean low water. The dredged material would be disposed of at upland portion of the applicants' property just landward of the canal shoreline.

PURPOSE: The purposes of the project are to restore navigable depths and to reconfigure an existing docking facility to accommodate the applicants' new vessel (33' sailboat).

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 81 of the 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 taurus), and dusky (Carcharhinus plumbeus).

Analysis of the Effects: The proposed work would occur in a small area of waters within the Lewes and Rehoboth Canal, a navigation canal subject to substantial and regular boating activity. Much of the work involves the reconfiguration of timber structures, an activity having little effect on aquatic resources. Due to the busy nature of the canal, 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. The proposed mechanical dredging would be conducted 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 this sort of 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.

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

PROPOSED RECONFIGURATION (EXISTING DOCKING FACILITIES):
 REMOVE 32' X 6' SECTION OF EXISTING FIXED WALKWAY/PIER, 25' X 8' FIXED DOCK, AND ONE PILING; PLACE 20' X 4' ACCESS RAMP/GANGWAY; 6' X 30' FLOATING DOCK WITH 2 SUPPORT PILINGS; AND 40 C.Y. MECHANICAL MAINTENANCE DREDGING TO -5' MLW

IN: Lewes & Rehoboth Canal
 AT: 358 Pilottown Road, Lewes
 Sussex County, DE 19958
 Tax Map Parcel #3-35-4.19-84.01

APPLICANTS: Thomas F. Sheridan and Vincent D. Walsh
 DATE: July, 2005

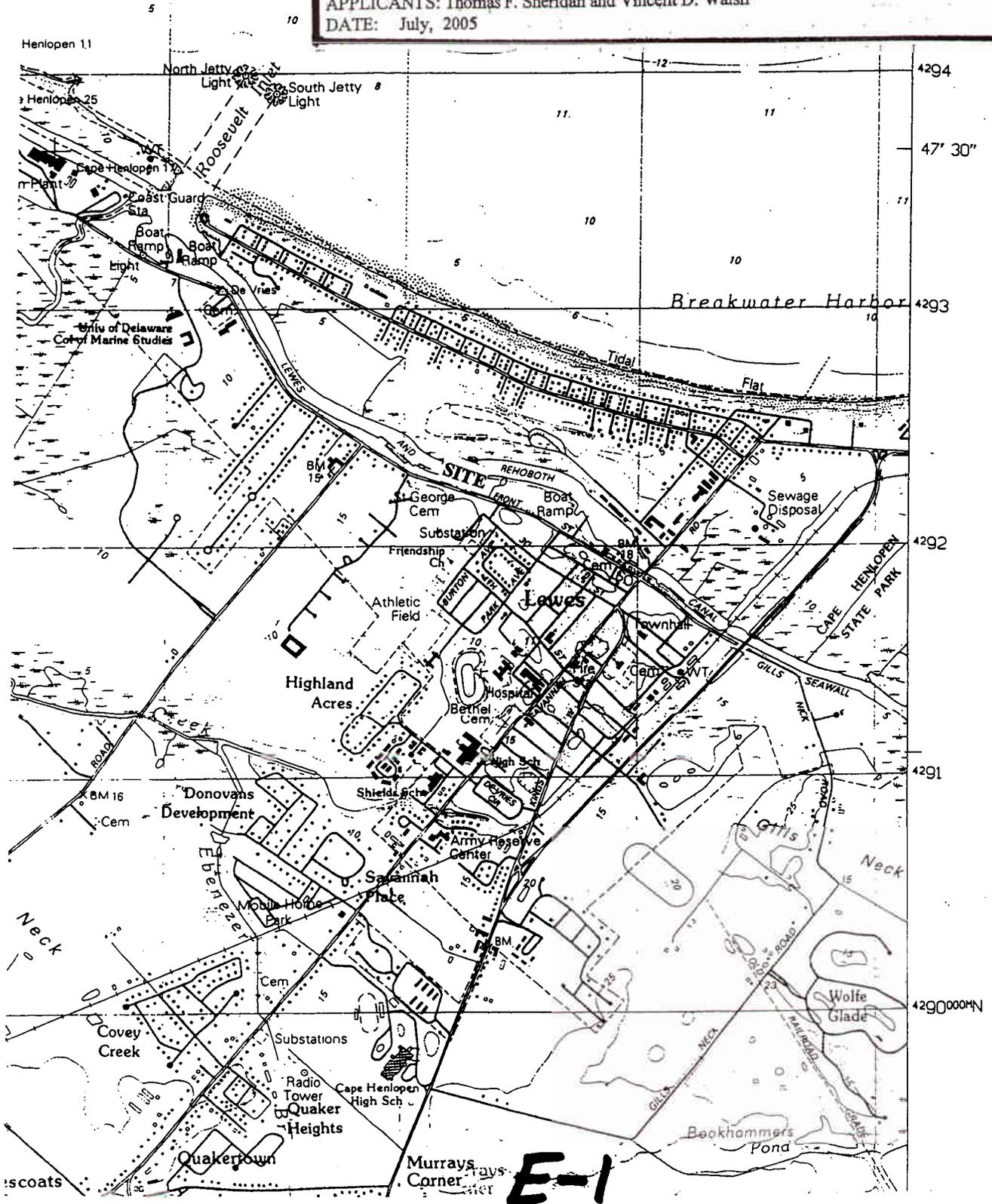
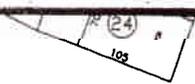


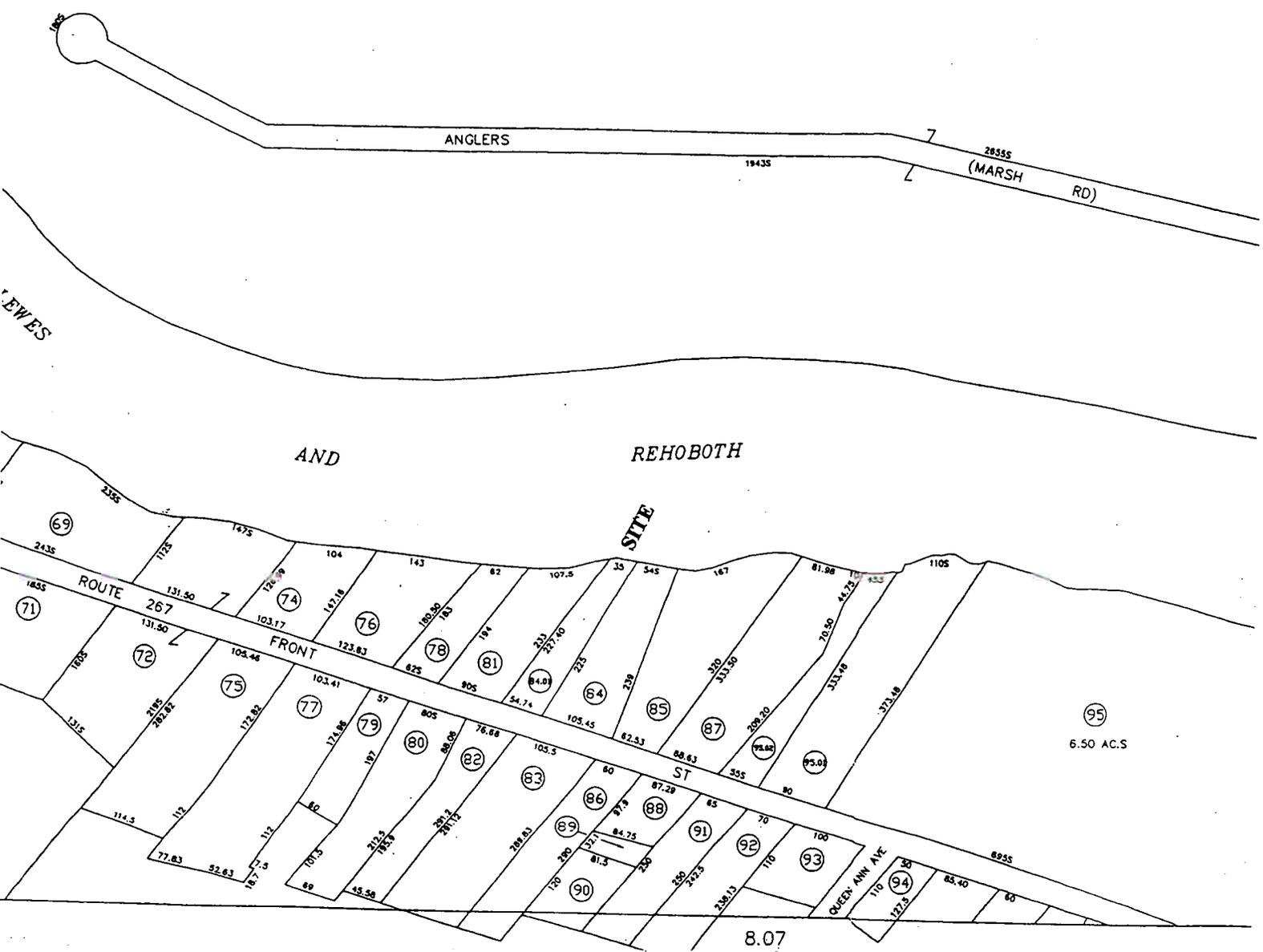
Figure 4. Site location on U.S.G.S. topographic map, Lewes, Delaware. Site is adjacent to Lewes and Rehoboth Canal, Lewes, Delaware. Scale: 1" = 2,000'.

PROPOSED RECONFIGURATION OF EXISTING DOCKING FACILITIES:
 REMOVE 32' X 6' SECTION EXISTING FIXED WALKWAY/PIER, 25' X 8' FIXED DOCK, AND ONE PILING; PLACE 20' X 4' ACCESS RAMP/GANGWAY; 6' X 30' FLOATING DOCK WITH 2 SUPPORT PILINGS; AND 40 C.Y. MECHANICAL MAINTENANCE DREDGING TO -5' MLW

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(67)
 113.85 AC.S



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Figure 3. Site location on Sussex County, Delaware Tax Map, parcel #3-35-4.19-84.01.

NOTES

$-1.5'$ = MLW depth

* = measured on site, 05
 ** = obtained from
 US Army Corps of
 Engineers Survey
 (1991 depths)

PROPOSED RECONFIGURATION OF EXISTING DOCKS FROM
 REMOVE 32' X 6' SECTION OF EXISTING FIXED WALKWAY/PIER, 25' X 8'
 FIXED DOCK, AND ONE PILING; PLACE 20' X 4' ACCESS RAMP/GANGWAY;
 6' X 30' FLOATING DOCK WITH 2 SUPPORT PILINGS; AND 40 C.Y.
 MECHANICAL MAINTENANCE DREDGING TO -5' MLW

IN: Lewes & Rehoboth Canal
 AT: 358 Pilottown Road, Lewes
 Sussex County, DE 19958
 Tax Map Parcel #3-35-4.19-84.01

APPLICANTS: Thomas F. Sheridan and Vincent D. Walsh
 DATE: July, 2005 Revised October 2005 to include depths.

Revised Aug 2006 to include other clarifications
 show channel edge; buffer zone.

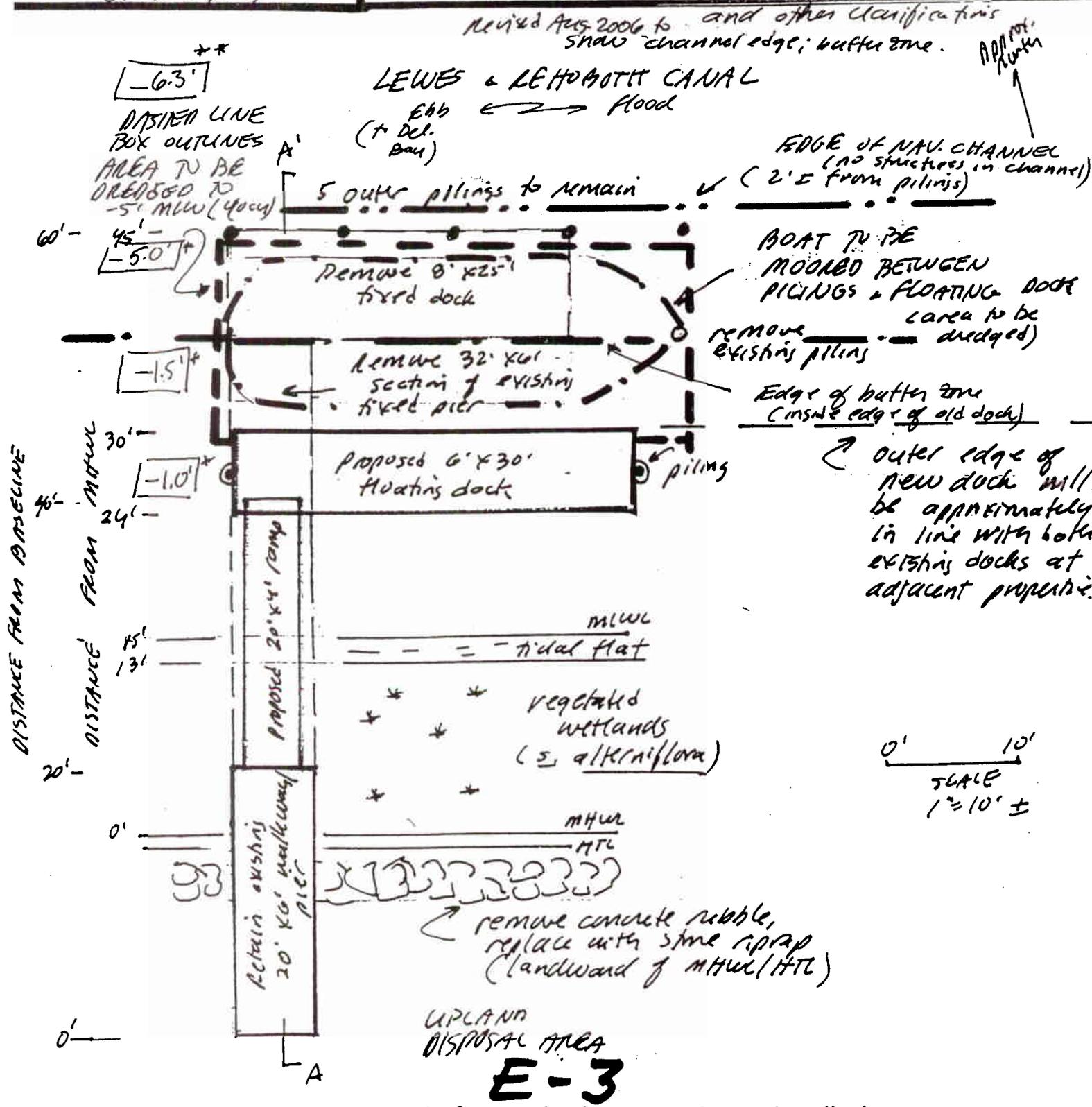


Figure 7a. Plan view sketch of proposed project. Sketch for permit application purposes only.

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PROPOSED RECONFIGURATION OF EXISTING DOCKING FACILITIES:
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 IN: Lewes & Rehoboth Canal
 AT: 358 Pilottown Road, Lewes
 Sussex County, DE 19958
 Tax Map Parcel #3-35-4-19-84.01
 APPLICANTS: Thomas F. Sheridan and Vincent D. Walsh
 DATE: July, 2005 Revised Aug. 2006 to show edge of map.
 to show edge of map.
 channel, water line

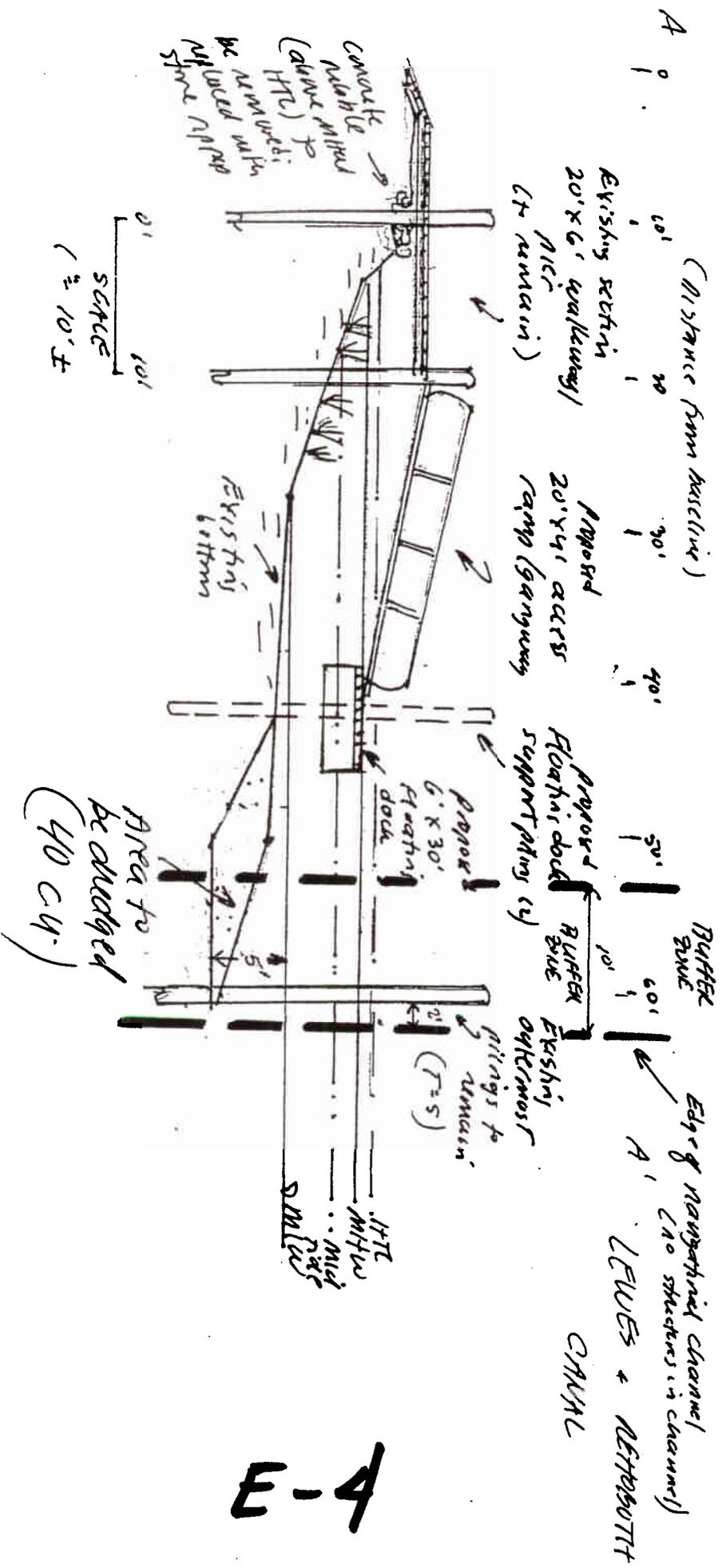


Figure 7b. Cross-section sketch of proposed project. Sketch for permit application purposes only.