



**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-200601196-23**

Date  
**NOV 27 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: Stephen D.M. Robinson

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: Tax Map Parcel 3-35-4.14-96.00, at 630 Pilottown Road, City of Lewes, Sussex County, Delaware

ACTIVITY: Mr. Stephen Robinson proposes to construct an access ramp, gangway, and floating pier and dock, and to conduct mechanical maintenance dredging within the Lewes and Rehoboth Canal at Tax Map Parcel 3-35-4.14-96.00, 630 Pilottown Road, City of Lewes, Sussex County, Delaware.

The applicant proposes to berth two private recreational vessels at the proposed docking structures. The docking structures would extend 38 feet channelward of the existing bulkhead. The channelward limit of the structures would be located 13 feet shoreward of the Lewes and Rehoboth Canal Navigation Channel Buffer Zone.

The applicant also proposes to remove 356 cubic yards of accumulated sediment from the berthing area to a depth of -6.0 mean low water. The dredged material would be removed mechanically and transported by trucks to an upland disposal site located near Millsboro, Sussex County, Delaware.

PURPOSE: To restore navigable water depths and to provide mooring facilities for private recreational 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.

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 a narrow, artificial navigation canal, an area which is subject to regular, heavy boating activity and expected to have relatively poor water quality. Such an area would be 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 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.

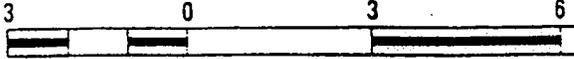
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

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

# SUSSEX COUNTY, DE

SCALE IN MILES



PROPOSED 356 C.Y. MECHANICAL MAINTENANCE DREDGING;  
 CONSTRUCTION OF ONE (1) 21' X 4' ACCESS RAMPS/GANGWAY;  
 ONE (1) 24' X 6' FLOATING PIER; ONE (1) 6' X 36' FLOATING PIER;  
 AND SEVEN (7) SUPPORT PILINGS

IN: Lewes & Rehoboth Canal  
 AT: 630 Pilottown Road, Lewes  
 Sussex County, DE 19958  
 Tax Map Parcel #3-35-4.14-96.00

APPLICANT: Stephen Robinson

DATE: Revised September, 2006

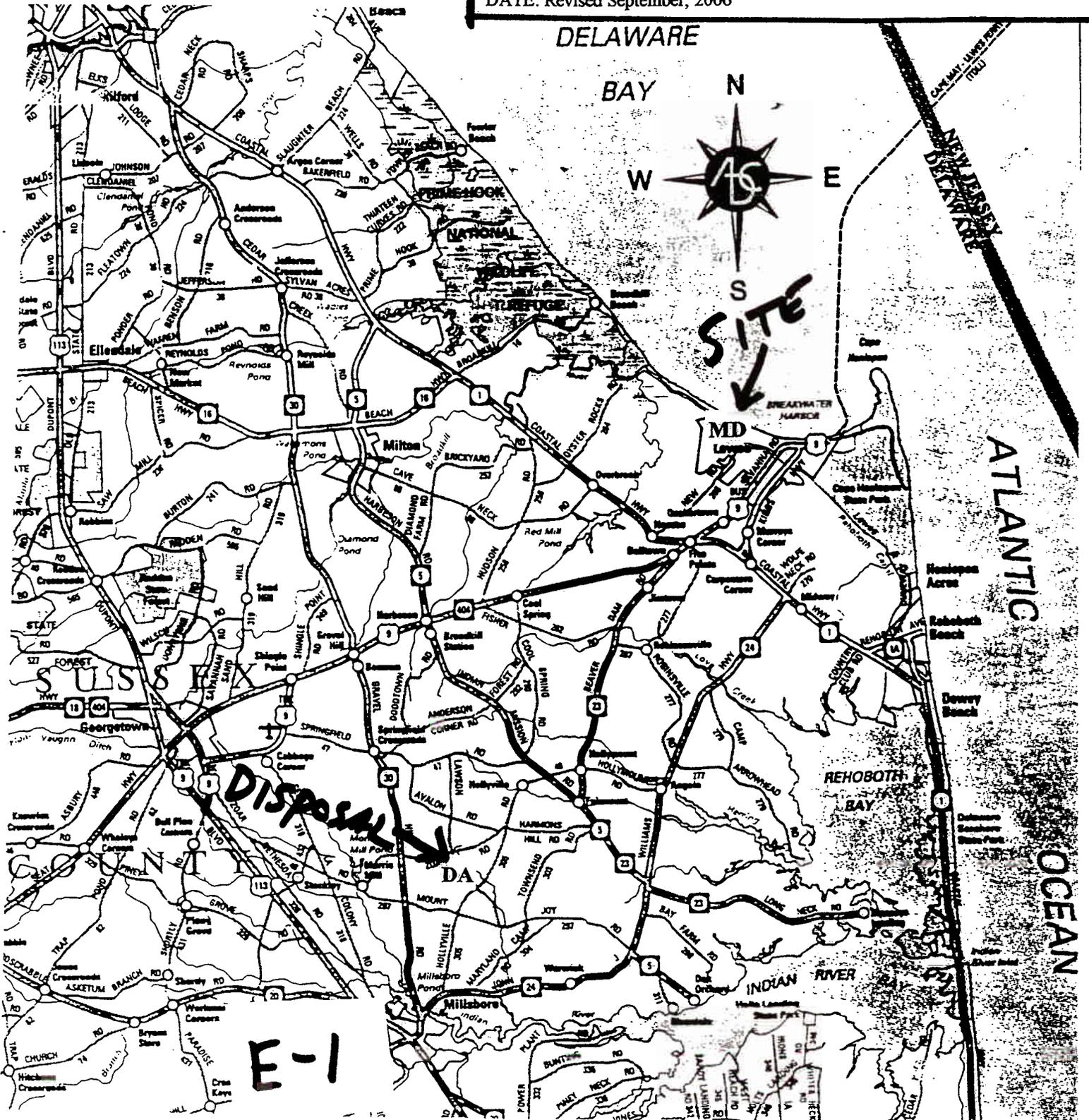


Figure 11a. Map of eastern Sussex County, Delaware, showing location of dredging site (MD) and proposed disposal area (DA)

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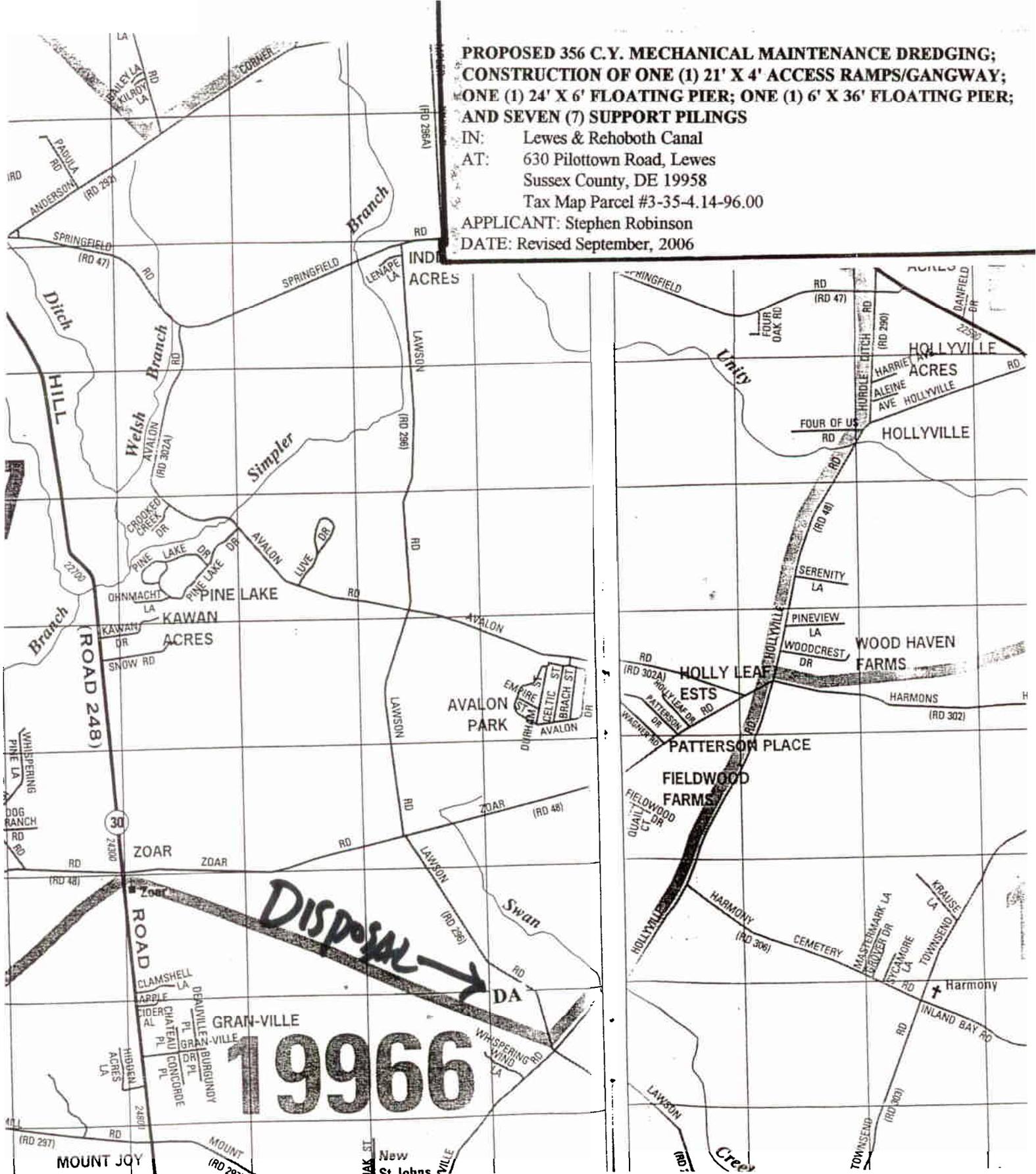
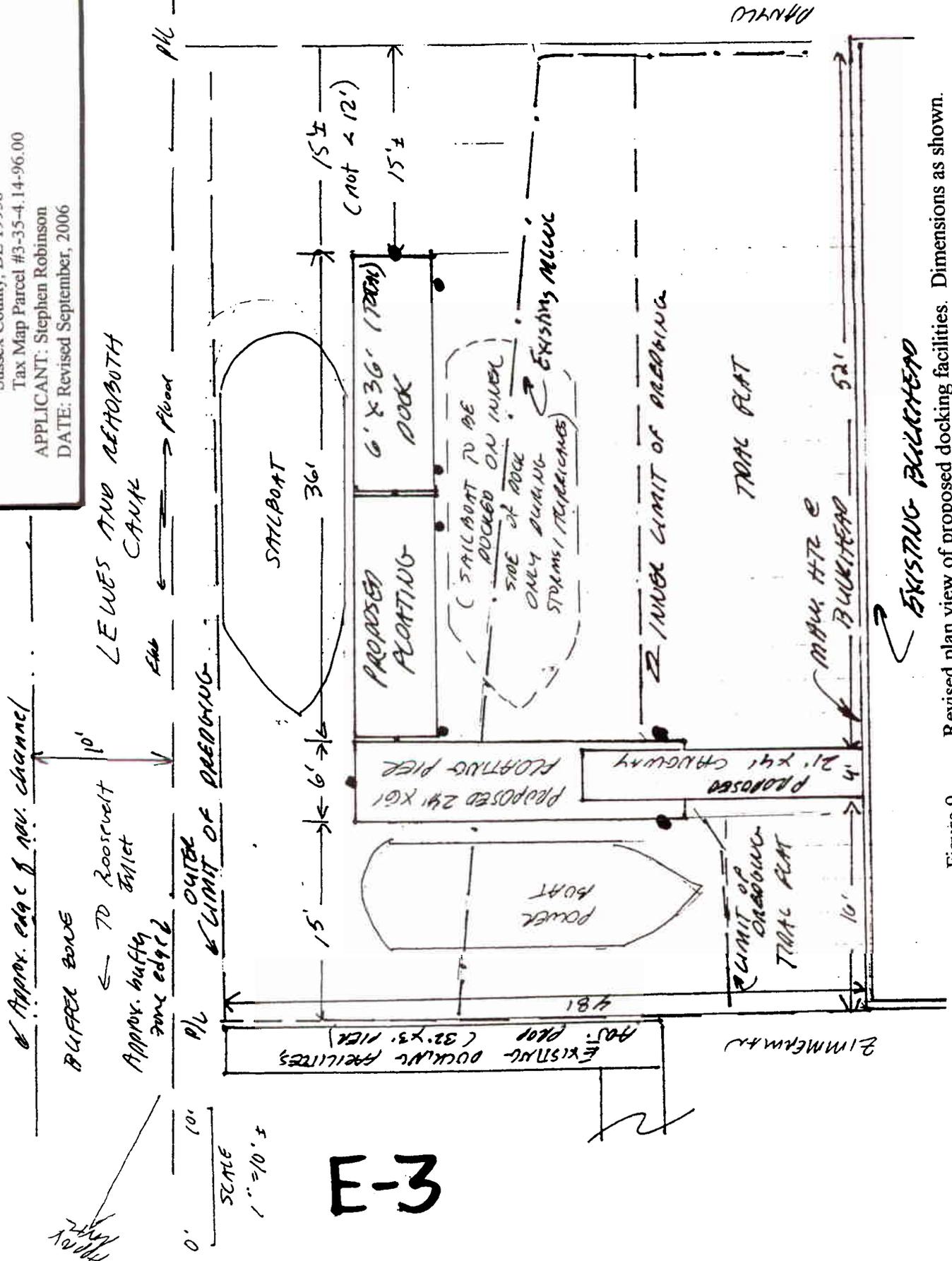


Figure 11b. Location of proposed disposal area (DA), west side of Lawson Road (Road 296), 3/4 mile north of Hollyville Road (Road 48). Scale: 1" = 2,500'.

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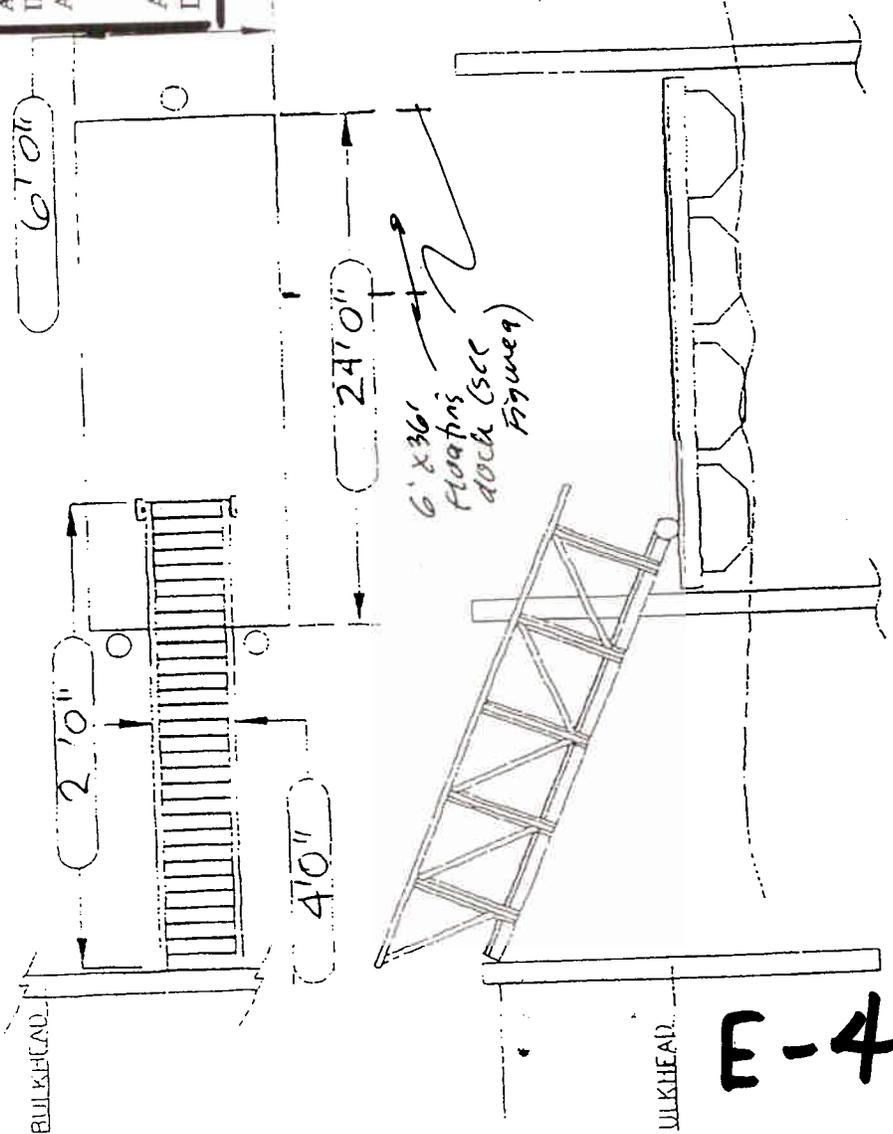
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Figure 9 Revised plan view of proposed docking facilities. Dimensions as shown.

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REV. NO.	DATE	REVISIONS
		
PROJECT:		BRISTOL INDUSTRIES OF PENNSYLVANIA INC.
TITLE:	STANDARD WALKWAY & DOCK GANGWAY	
SCALE: NTS	DRAWN BY:	B-5A
	DWG. NO.	

DISCLAIMER  
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 PENNSYLVANIA, INC.

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_  
 AS IS   
 WITH CHANGES   
 SIGN \_\_\_\_\_

- NOTES:
- BRISTOL INDUSTRIES OF PENNSYLVANIA, INC. GANGWAYS ARE FABRICATED FROM 6063-T52 EXTRUDED ALUMINUM - INDICATED BY THE ALUMINUM ASSOCIATION OF AMERICA AS THE MOST DURABLE ALLOY IN A SALT MARINE ENVIRONMENT. ALL FASTENERS ARE STAINLESS STEEL.
  - HANDRAILS ARE DESIGNED TO WITHSTAND A 200 POUND LOADING APPLIED FROM ANY DIRECTIONS AT ANY POINT ON THE HANDRAIL.
  - DESIGN LIVE LOAD EXCEEDS 50 PSF.
  - WALKWAY SURFACE HAS INTEGRAL "ROULEX" NON-SKID PLYING WITH 3/8" SPACING BETWEEN PLANKS.

Figure 10. Plan view and cross-section of proposed docking facilities

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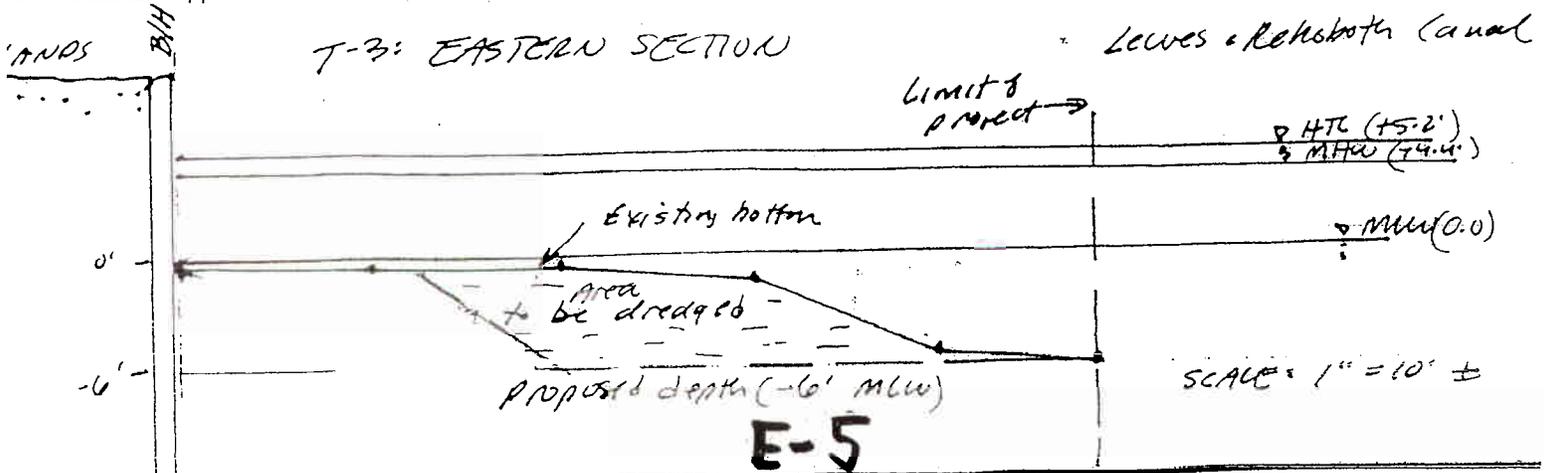
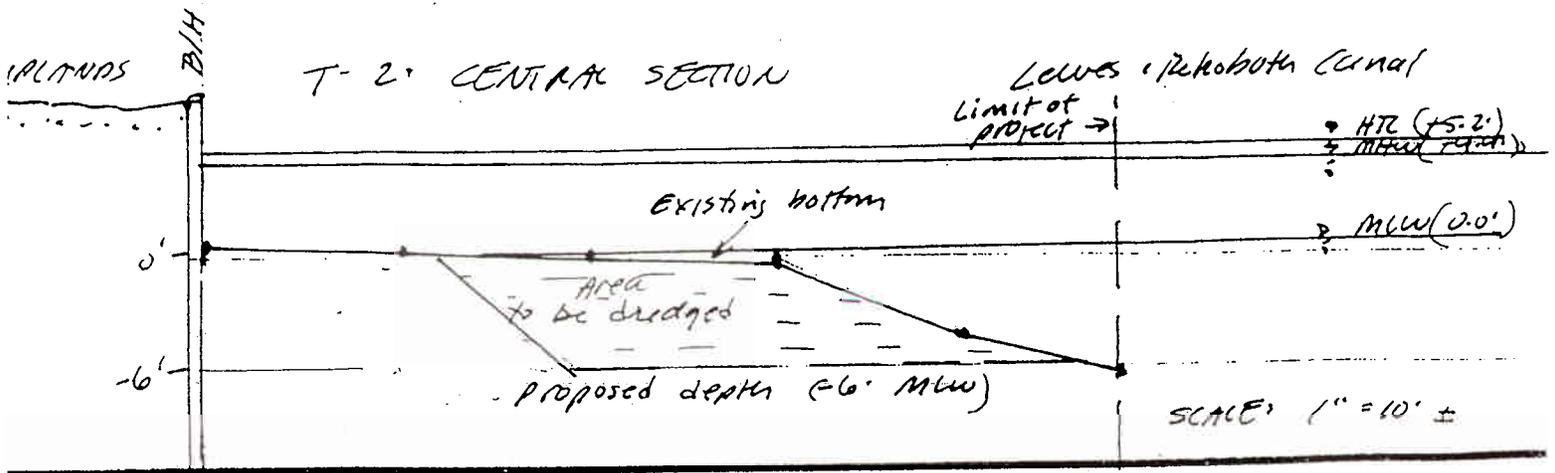
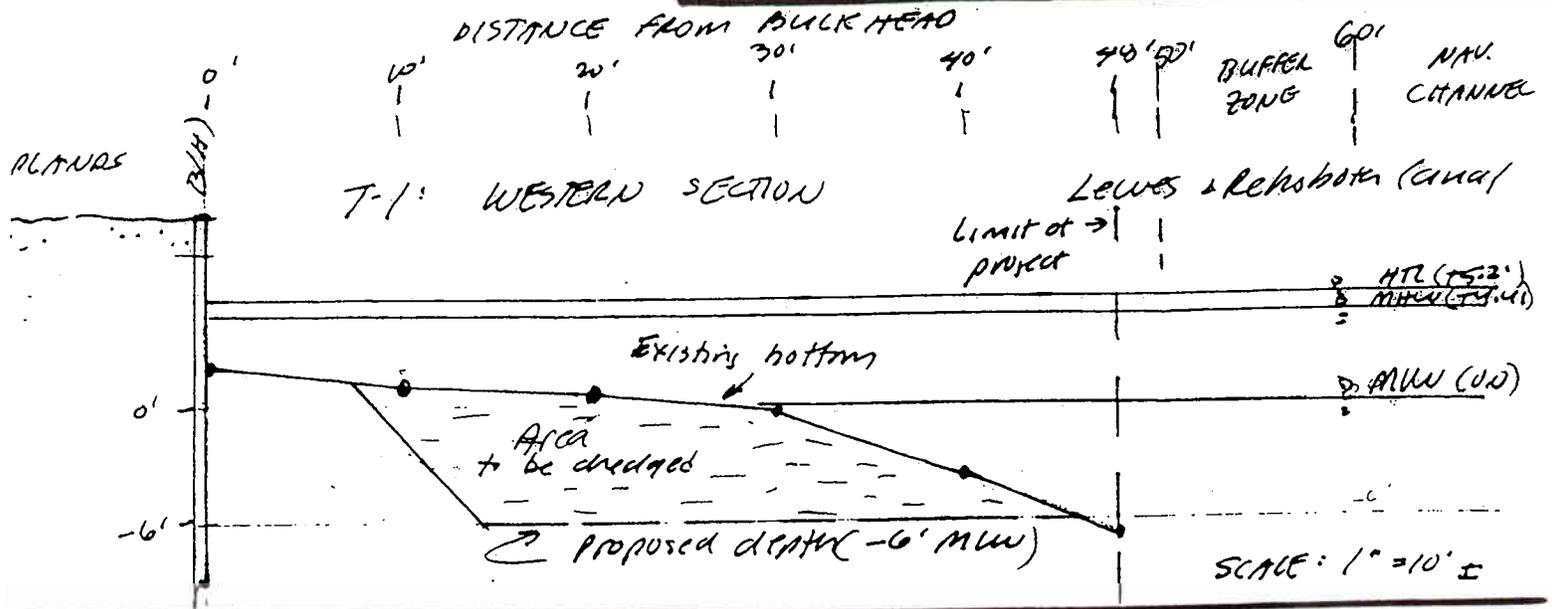


Figure 8. Revised cross-section sketches showing existing and proposed mean low water