



**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-200601251-24	Date OCT 31 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: Rehoboth Shores

ADDRESS: 26335 Goosepond Road
Millsboro, Delaware 19966

WATERWAY: Wilson Creek

LOCATION: The project site is located at a marina associated with the Rehoboth Shores residential development, Tax Parcel 2-34-24-35, to the east of Routes 5 and 24, north of Long Neck Road (Road 22), in Indian River Hundred, Sussex County, Delaware.

ACTIVITY: The applicant proposes to perform maintenance dredging, by hydraulic method, of approximately 7,300 cubic yards of silty and sandy material from Wilson Creek and adjacent boat basins, access channels and lagoons. The project is associated with the Rehoboth Shores residential development. Approximately 4.34 acres would be dredged to a depth of four (4) feet below mean low water. The dredged material would be pumped, via pipeline, to a proposed confined disposal facility (CDF) within uplands on the property. The proposed CDF would be constructed of earthen berms, 6 feet high, with a 12' wide base and 2' wide top. Return water from the CDF would be released, via a pipe with valve, to an existing non-tidal pond on the property.

The proposed project has received a Subaqueous Lands Permit and Water Quality Certificate (# 245/05) from the Delaware Department of Natural Resources and Environmental Control, issued December 1, 2005. A previous Department of the Army permit was issued on February 7, 1992, for dredging at this location (CENAP-OP-R-199100677-23).

PURPOSE: The applicant's stated purpose is to facilitate marina traffic and access to existing docks.

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 90, indicates that the proposed work would not have more than minimal adverse effect on any managed species, including winter flounder (Pseudopleuronectes americanus). This determination is based, in part, on the fact that winter flounder adults and juveniles could move away from the dredging equipment. Furthermore, a seasonal restriction on dredging from January 1 through May 31 would protect eggs and larvae of the species. The specific dates and areas to be restricted may be adjusted, and other conservation measures may be added, following coordination with the National Marine Fisheries Service. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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.

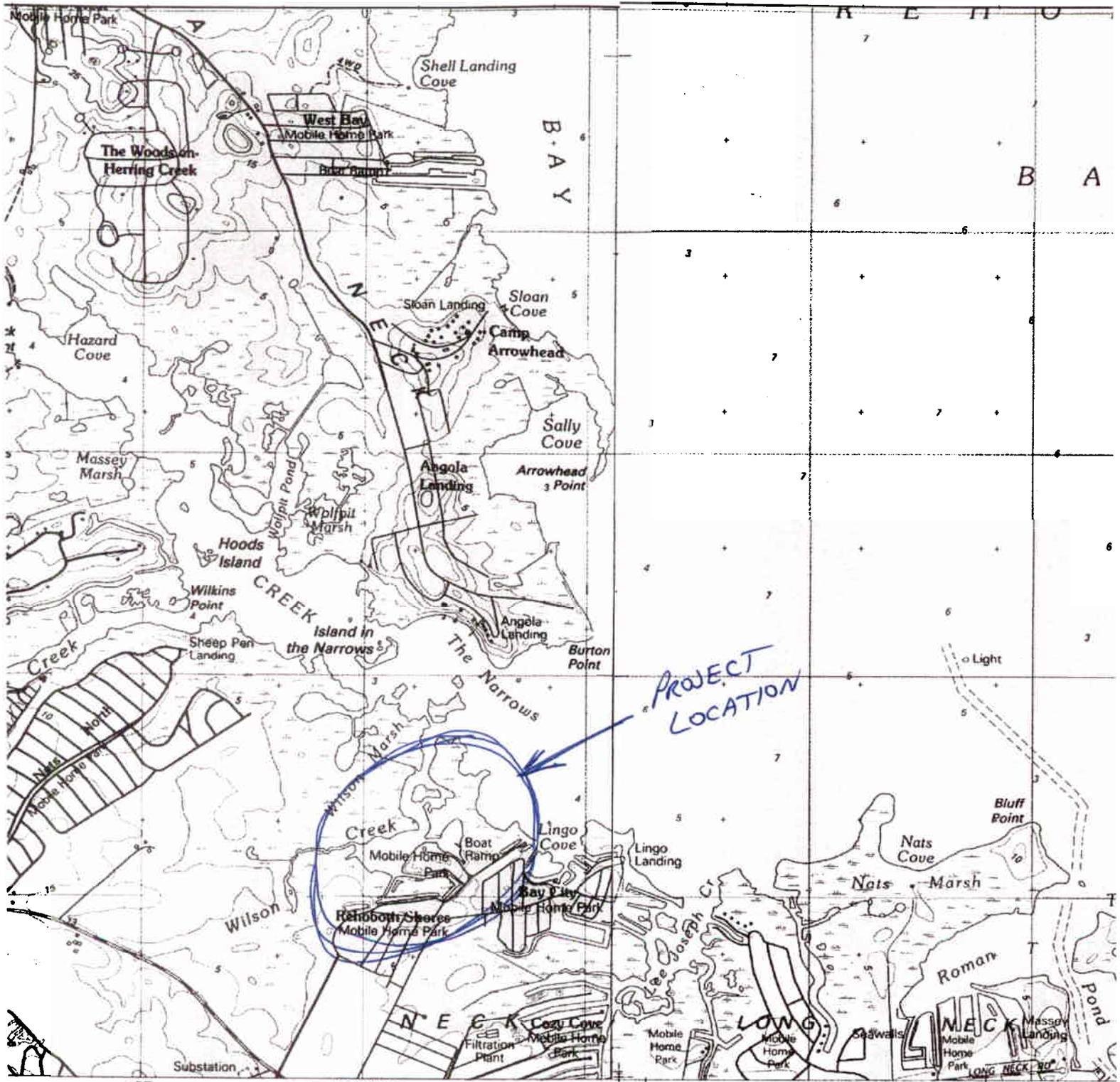
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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 James N. Boyer at (215) 656-5826 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



75°07' 30" 745 000 FEET 11 91

ROAD CLASSIFICATION

- Primary highway, hard surface
- Secondary highway, hard surface
- Light-duty road, hard or improved surface
- Unimproved road
- Interstate Route
- U. S. Route
- State Route

Produced by the United States Geological Survey

Control by USGS and NOS/NOAA

Compiled by photogrammetric methods from aerial photographs taken 1981. Field checked 1982. Map edited 1984

Selected hydrographic data compiled from NOS charts 12214 (1982) and 12216 (1981)
This information is not intended for navigational purposes

North American Datum of 1983 (NAD 83). Projection and 1000-meter grid: Universal Transverse Mercator, zone 18
10,000-foot grid ticks based on Delaware coordinate system of 1983

The difference between NAD 83 and North American Datum of 1927 (NAD 27) from 7.5-minute intersections is given in USGS Bulletin 1875. The NAD 27 is shown by dashed corner ticks

Gray tint indicates area in which only landmark buildings are shown

REBOOTH BEACH

FAIRMOUNT, DEL.

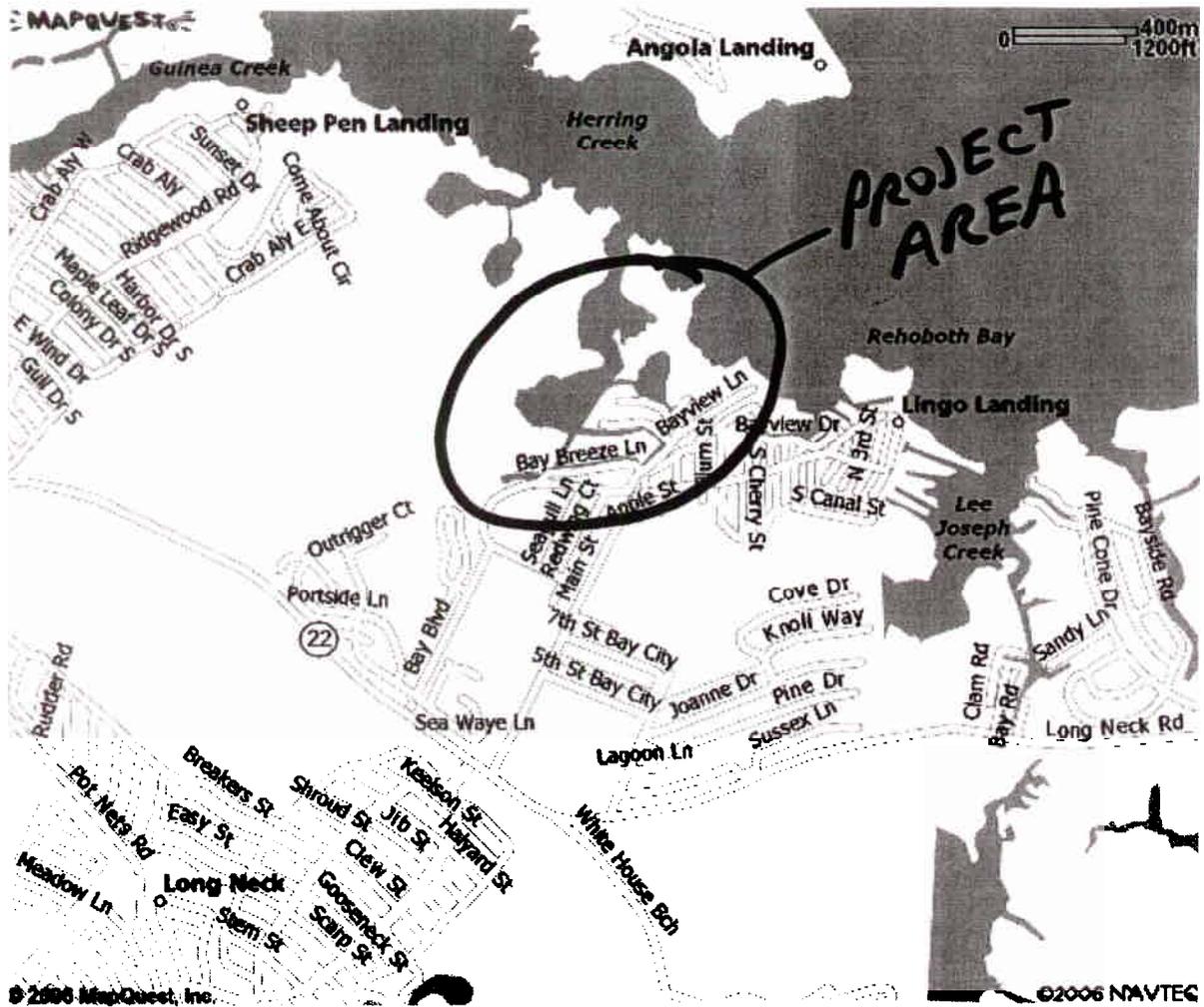
38075-F2-TF-024

1984

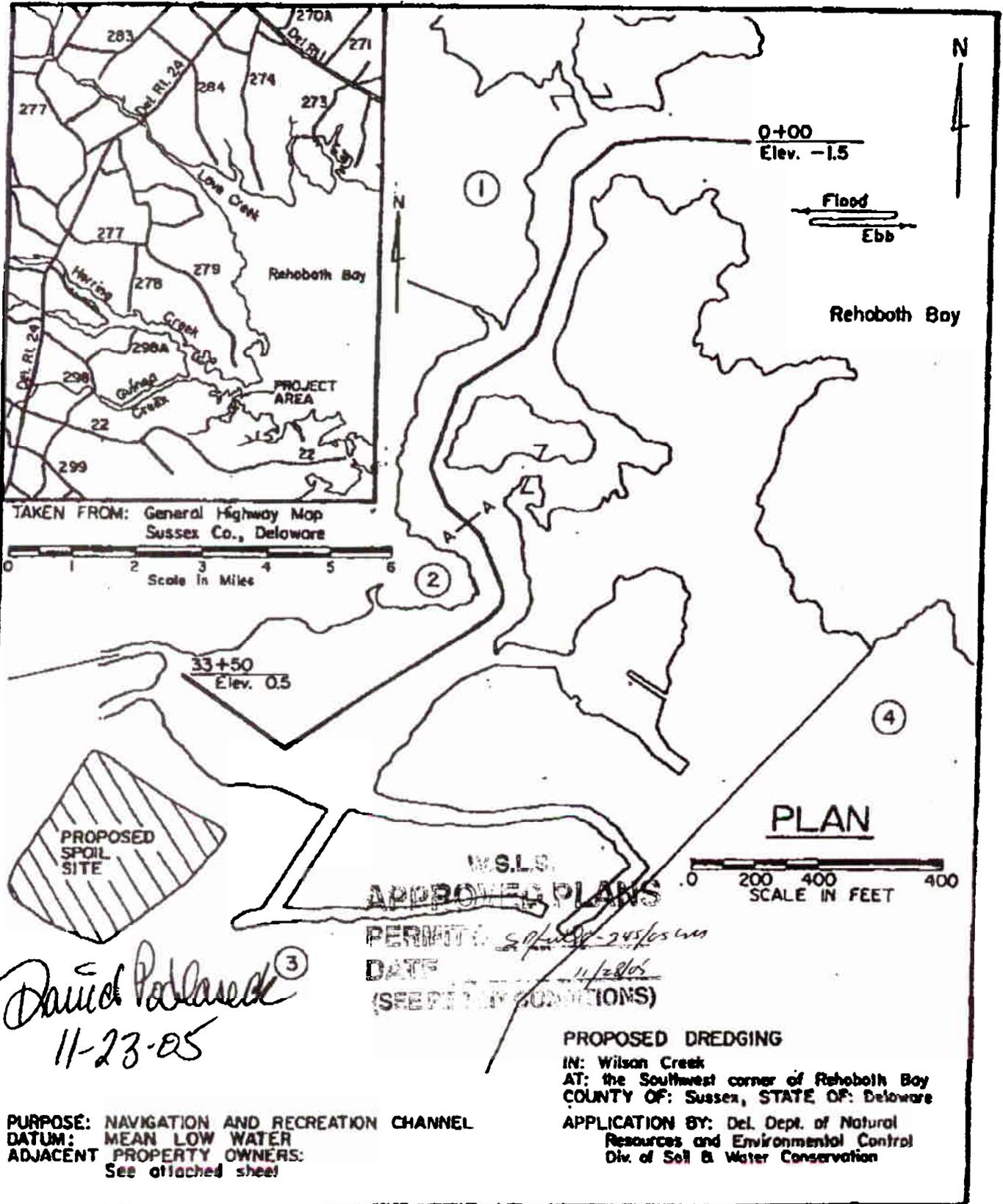
REVISED 1991

DMA 5961 II NW-SERIES V832

Information not derived from aerial and other sources



LOCATION



David Pollock (3)
11-23-05

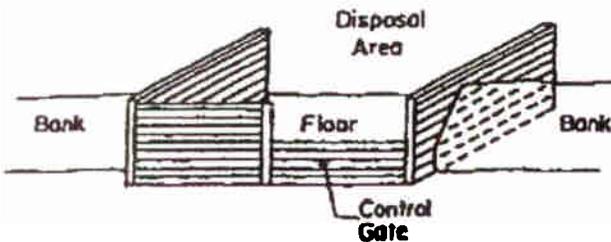
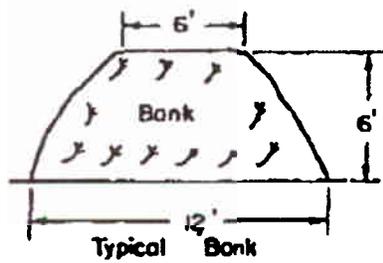
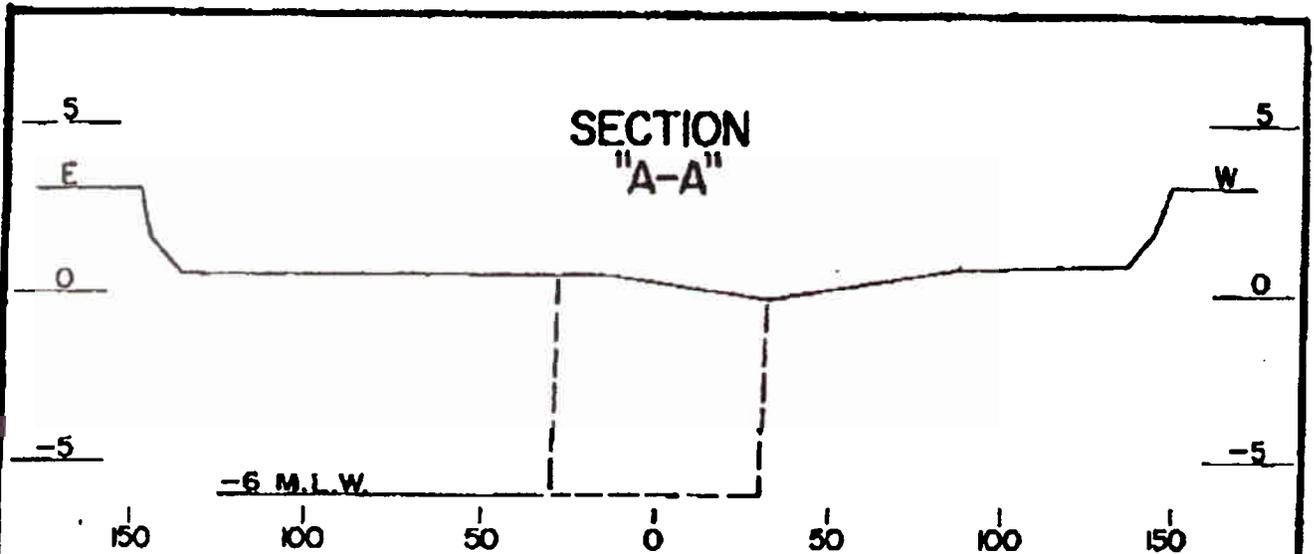
W.S.L.S.
APPROVED PLANS
PERMIT # *597438-24565 W*
DATE *11/28/05*
(SEE PERMIT CONDITIONS)

PROPOSED DREDGING
IN: Wilson Creek
AT: the Southwest corner of Rehoboth Bay
COUNTY OF: Sussex, STATE OF: Delaware
APPLICATION BY: Del. Dept. of Natural Resources and Environmental Control
Div. of Soil & Water Conservation

PURPOSE: NAVIGATION AND RECREATION CHANNEL
DATUM: MEAN LOW WATER
ADJACENT PROPERTY OWNERS: See attached sheet

(3)

82-0451-3(2)



NOT TO SCALE

David Podlaseck
 11-23-05

W.S.L.S.
APPROVED PLANS
 PERMIT SP/WOC-245/05 SM
 DATE 11/28/05
 (SEE PERMIT CONDITIONS)

PROPOSED DREDGING
 IN: Wilson Creek
 AT: the Southwest corner of Rehoboth Bay
 COUNTY OF: Sussex, STATE OF: Delaware
 APPLICATION BY: Del. Dept. of Natural
 Resources and Environmental Control
 Div. of Soil & Water Conservation

①

PROPOSED HYDRAULIC MAINTENANCE DREDGING:

7,300 C.Y., WITH JET-SPRAY® DISPOSAL

IN: East and West Lagoons; Boat Basin;
connecting canal; and shoals in Wilson Creek
(adjacent to Rehoboth Bay)

AT: Rehoboth Shores, 3 Goosepond Road
Millsboro, Sussex Co., DE 19966
Tax Map Parcel #2-34-24-35

APPLICANT: Rehoboth Shores

DATE: Revised January, 2005

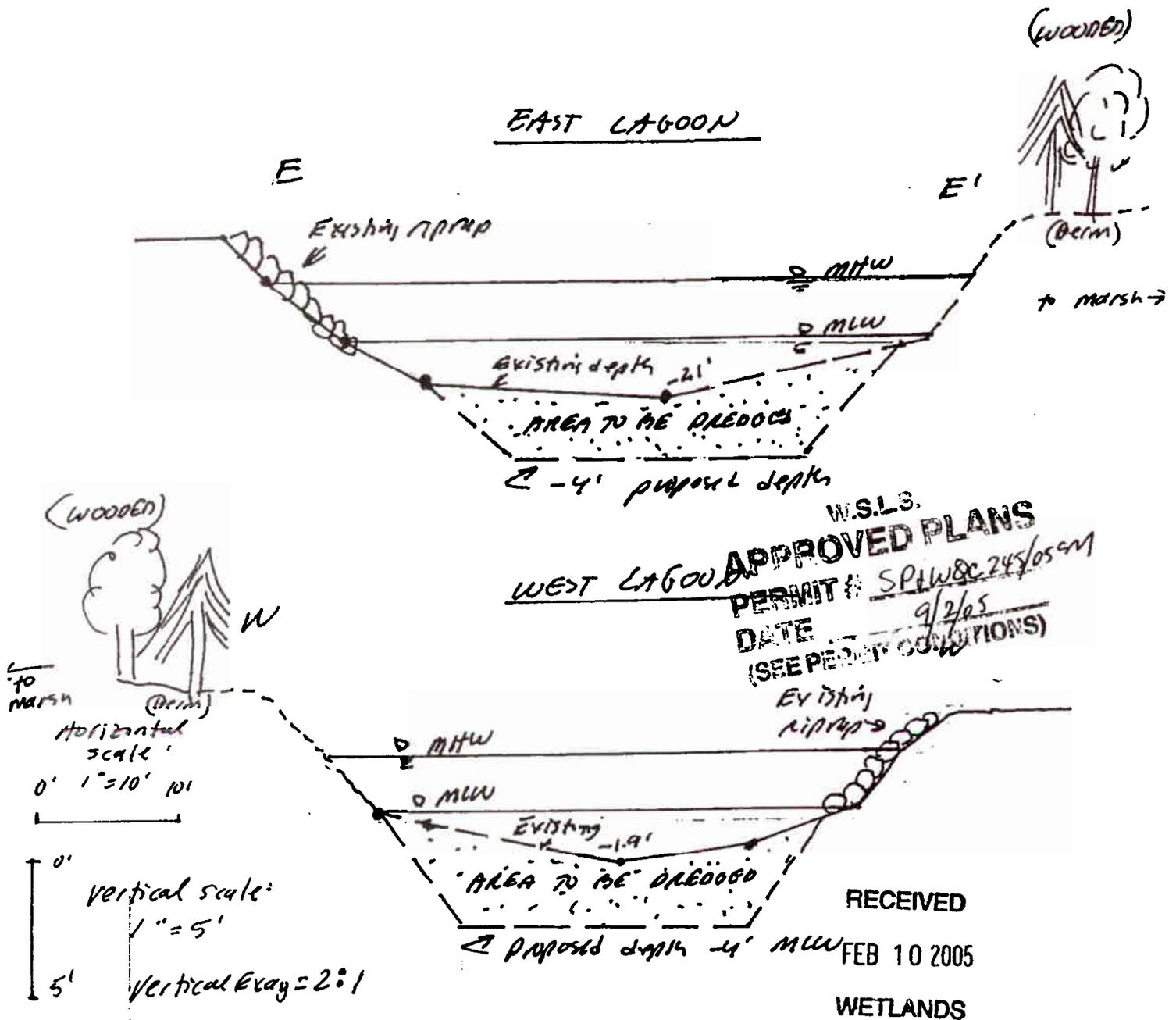


Figure 7. Representative bathymetric cross-sections showing existing and proposed MLW depths, Rehoboth Shores maintenance dredging sites. See Figure 6 for locations of transects.

PROPOSED HYDRAULIC MAINTENANCE DREDGING:
 7,300 C.Y., WITH JET-SPRAY® DISPOSAL
 IN: East and West Lagoons; Boat Basin;
 connecting canal; and shoals in Wilson Creek
 (adjacent to Rehoboth Bay)
 AT: Rehoboth Shores, 3 Goosepond Road
 Millsboro, Sussex Co., DE 19966
 Tax Map Parcel #2-34-24-35
 APPLICANT: Rehoboth Shores
 DATE: Revised January, 2005

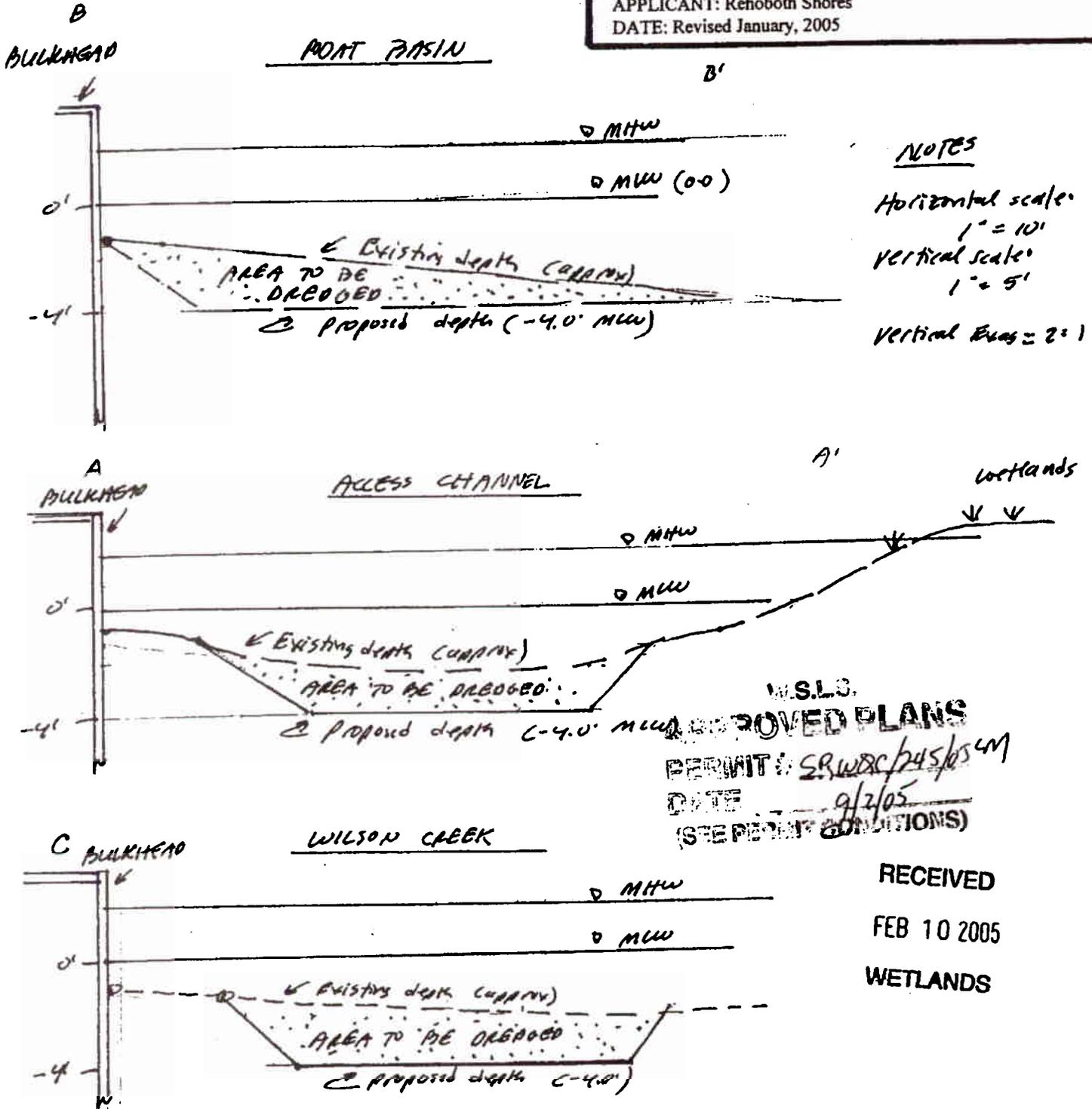
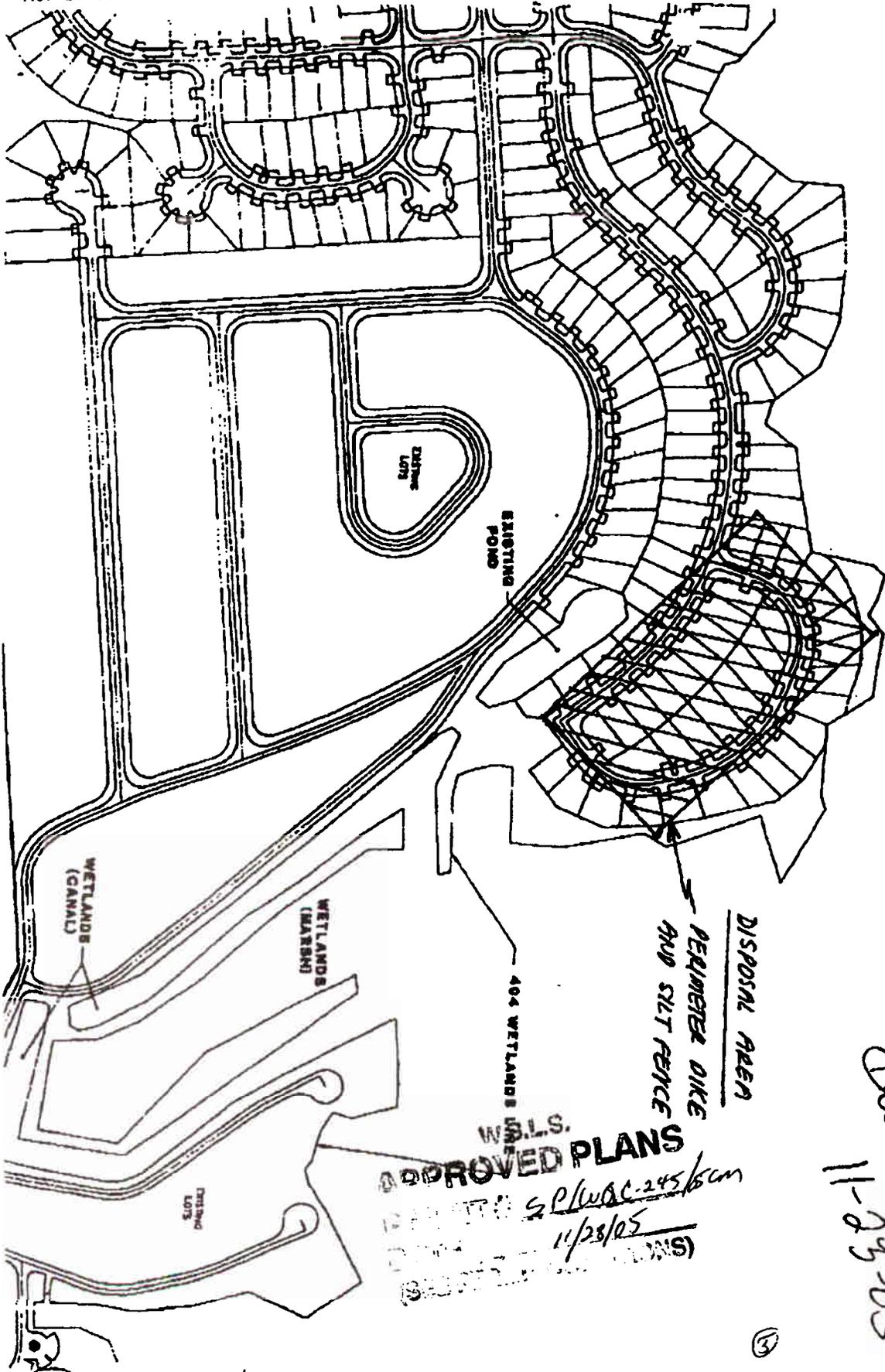
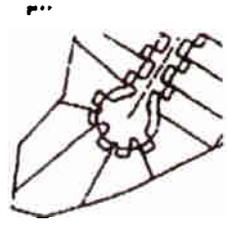


Figure 7 (contd.). Representative bathymetric cross-sections showing existing and proposed MLW depths, Rehoboth Shores maintenance dredging sites. See Figure 6 for locations of transects.



W.S.
APPROVED PLANS

SP/WD.C-245/6cm
11/28/05
(SIGNED AND SEALED)

Daniel J. Redmond
11-23-05

undeveloped Area

Inlet into pond 8" PVC

DISPOSAL POND

STATE OF WETLANE

EVB

EXIST. POND

Discharge Line
Booster Pump

EXISTI

BLUE HERON LANE

Tm

MARSH ISLAND

ING DRAINAGE DITCH

3471 37'

-50' LANDSCAPE BUFFER

OF JOHN R. HITCHENS



PROPOSED (HYDRAULIC) MAINTENANCE
 DREDGING, 9,407 CUBIC YARDS
 IN: Rehoboth Shores marina basin and channel,
 adjacent to Wilson Creek, Rehoboth Bay
 AT: Rehoboth Shores, Long Neck,
 Millsboro, Sussex County, DE
 APPLICANT: Rehoboth Shores,
 c/o Mr. Richard Berman
 DATE: August, 1994

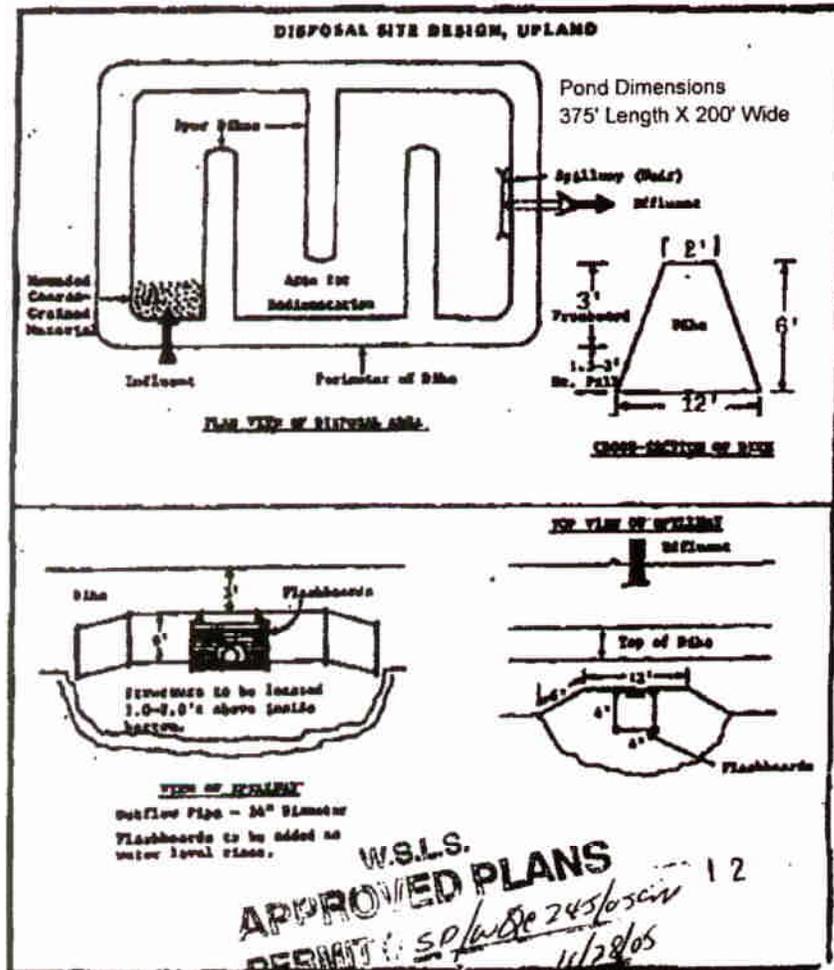


Figure 8. Plan view and cross-section of proposed dredge spoil containment area.

Ⓟ