

**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-2007-1124 (IP)**

Date

**NOV 02 2007**

Application No.

**2007-1124 (IP)**

File No.

**CENAP-OP-R-2007-1124-26**

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: FARMER, FRANK

AGENT: COASTAL & ESTUARINE RESEARCH, INC., LEWES, DELAWARE

WATERWAY: LEWES AND REHOBOTH CANAL

LOCATION: 97 TIDEWATERS, HENLOPEN ACRES, REHOBOTH BEACH, DELAWARE

ACTIVITY: CONSTRUCT A BOAT LIFT

PURPOSE: MOOR A JET BOAT

As depicted on the attached Figures 1-8, dated September 2007, the applicant proposes to construct a boat lift on two pilings along an existing bulkhead adjacent to the Lewes and Rehoboth Canal to moor a jet boat on property identified as Lot 1, Block E, Tax Map Parcel 3-34-13.16-18, and located at 97 Tidewater, Henlopen Acres, Rehoboth Beach, Sussex County, Delaware.

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, page 81. No listed threatened or endangered fish species or essential fish habitat (EFH) are known to exist in the Lewes and Rehoboth (L&R) Canal. The proposed work is temporary in nature and will consist of installing two piles to support the boat lift. No dredging is proposed with the project. The L& R Canal is in a naturally turbid erosional state, exposed to high seasonal wave energy due to heavy 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. As such, this office has determined that there will be no effect on EFH resources or the listed fish species in this area.

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 may be 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.



Frank J. Cianfrani  
Chief, Regulatory Branch

**PROPOSED BOAT LIFT (ALONG  
EXISTING BULKHEAD) AND 2 PILINGS**

IN: Lewes & Rehoboth Canal

AT: 97 Tidewaters

Henlopen Acres, Rehoboth Beach

Sussex County, Delaware 19971

(Tax Map Parcel #3-34-13.16-18)

APPLICANT: Frank P. Farmer, Jr.

DATE: September, 2007

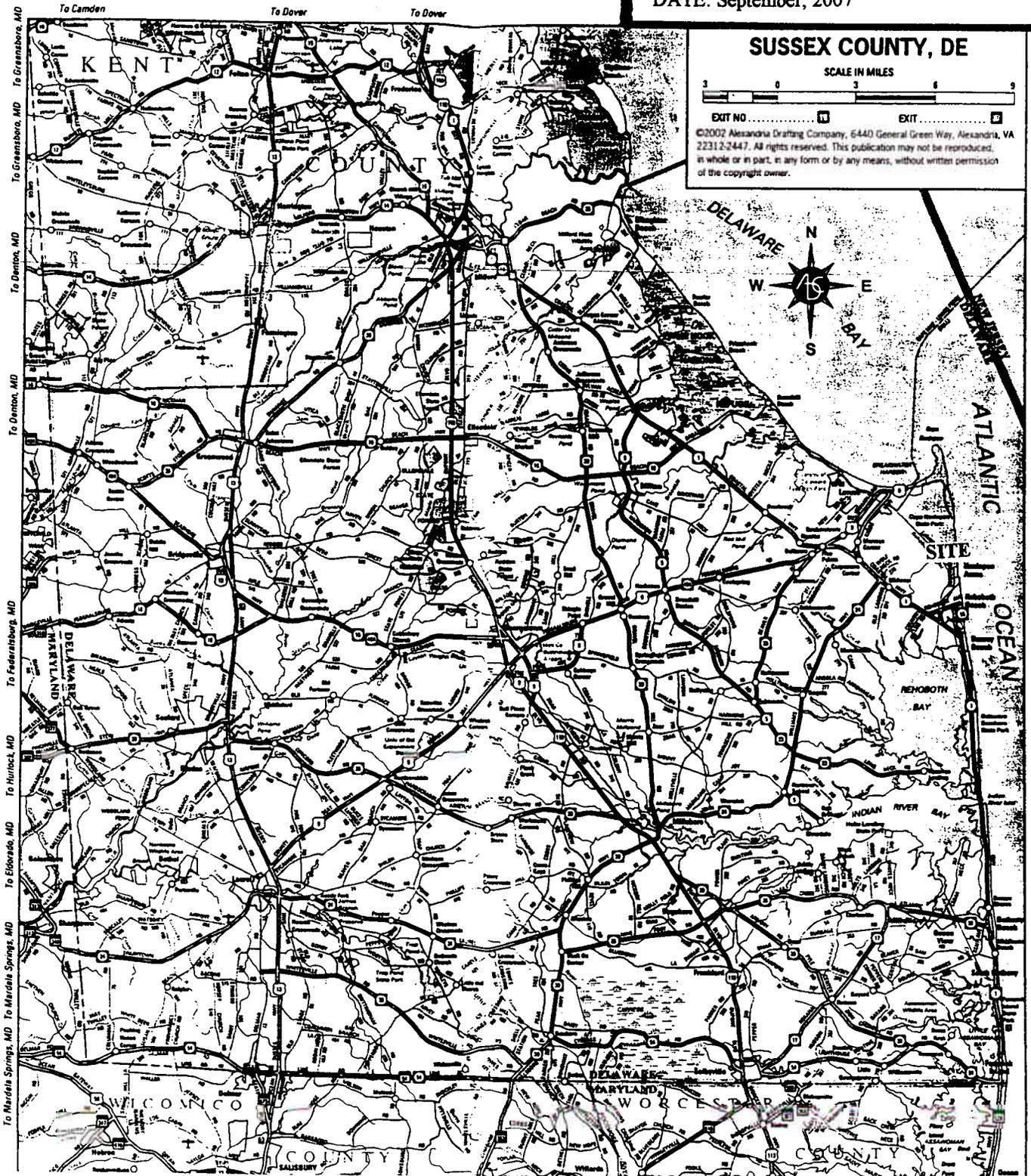


Figure 1. Map of Sussex County, Delaware showing project site, Henlopen Acres (north of Rehoboth Beach). Scale as shown.

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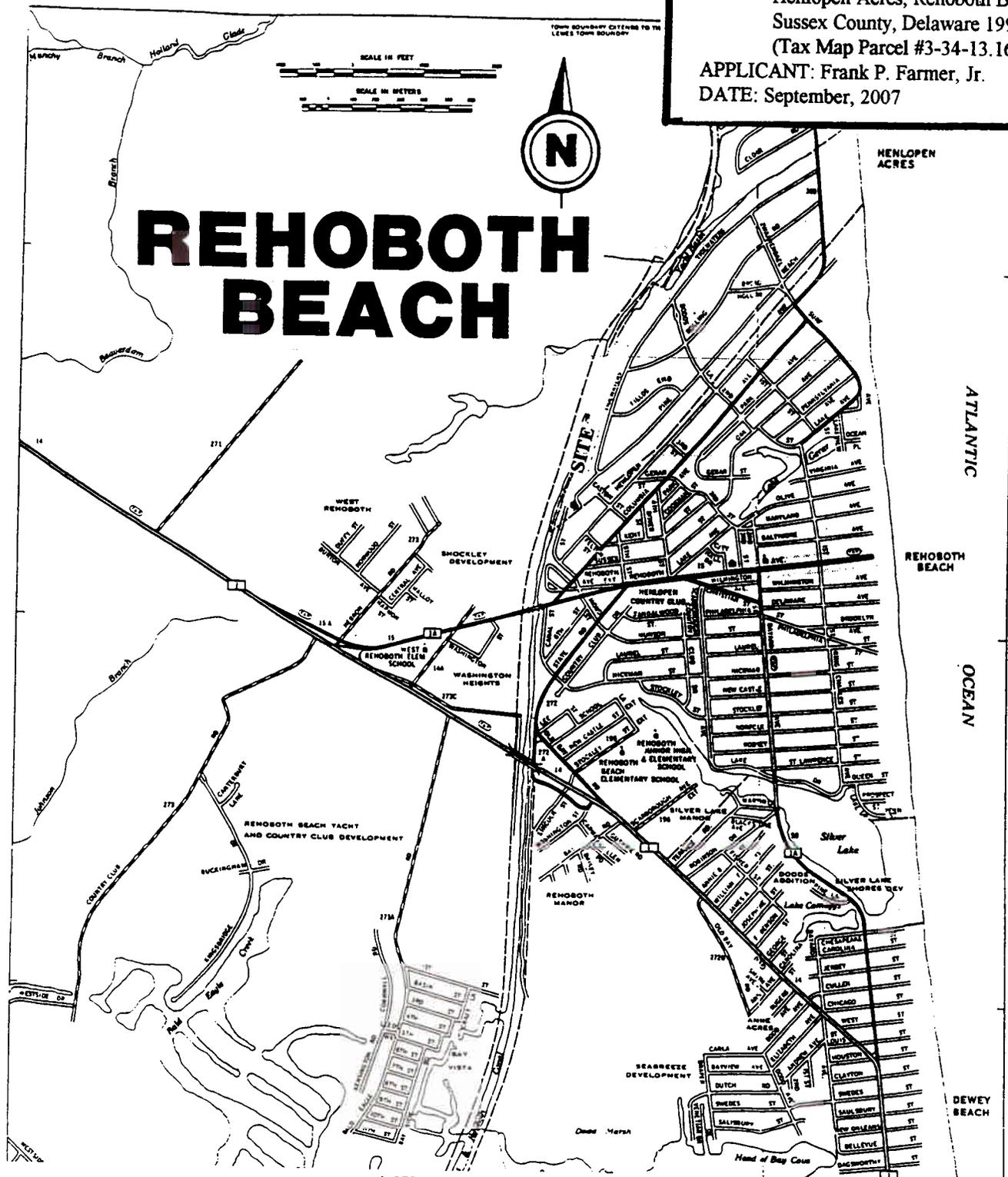


Figure 2.

Street map of Rehoboth Beach and vicinity showing site location, 97 Tidewaters, Henlopen Acres. Directions to project site (from Dover, DE): Route 113 southbound toward Milford; Route 1 southbound to Rehoboth Beach; left at traffic signal onto Route 1A (Rehoboth Avenue extended) into Rehoboth Beach; left onto Columbia Avenue; left onto 2nd Street; enter Henlopen Acres (Dodds Lane); Dodds Lane to Tidewaters; left onto Tidewaters, continue to 97 Tidewaters, on right.

**PROPOSED BOAT LIFT (ALONG  
EXISTING BULKHEAD) AND 2 PILING  
SITES**

IN: Lewes & Rehoboth Canal  
AT: 97 Tidewaters

Henlopen Acres, Rehoboth Beach  
Sussex County, Delaware 19971  
(Tax Map Parcel #3-34-13.16-18)

APPLICANT: Frank P. Farmer, Jr.  
DATE: September, 2007

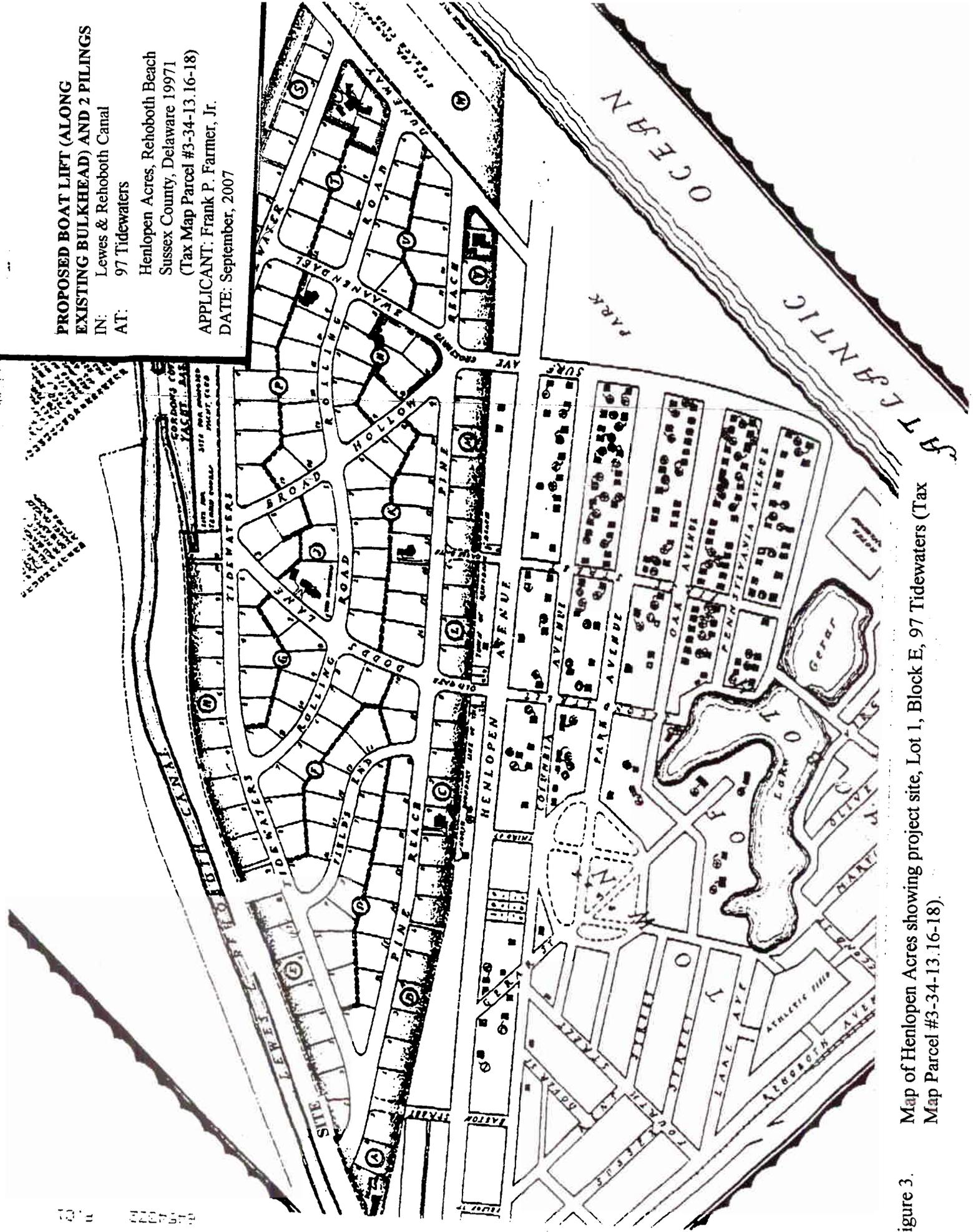
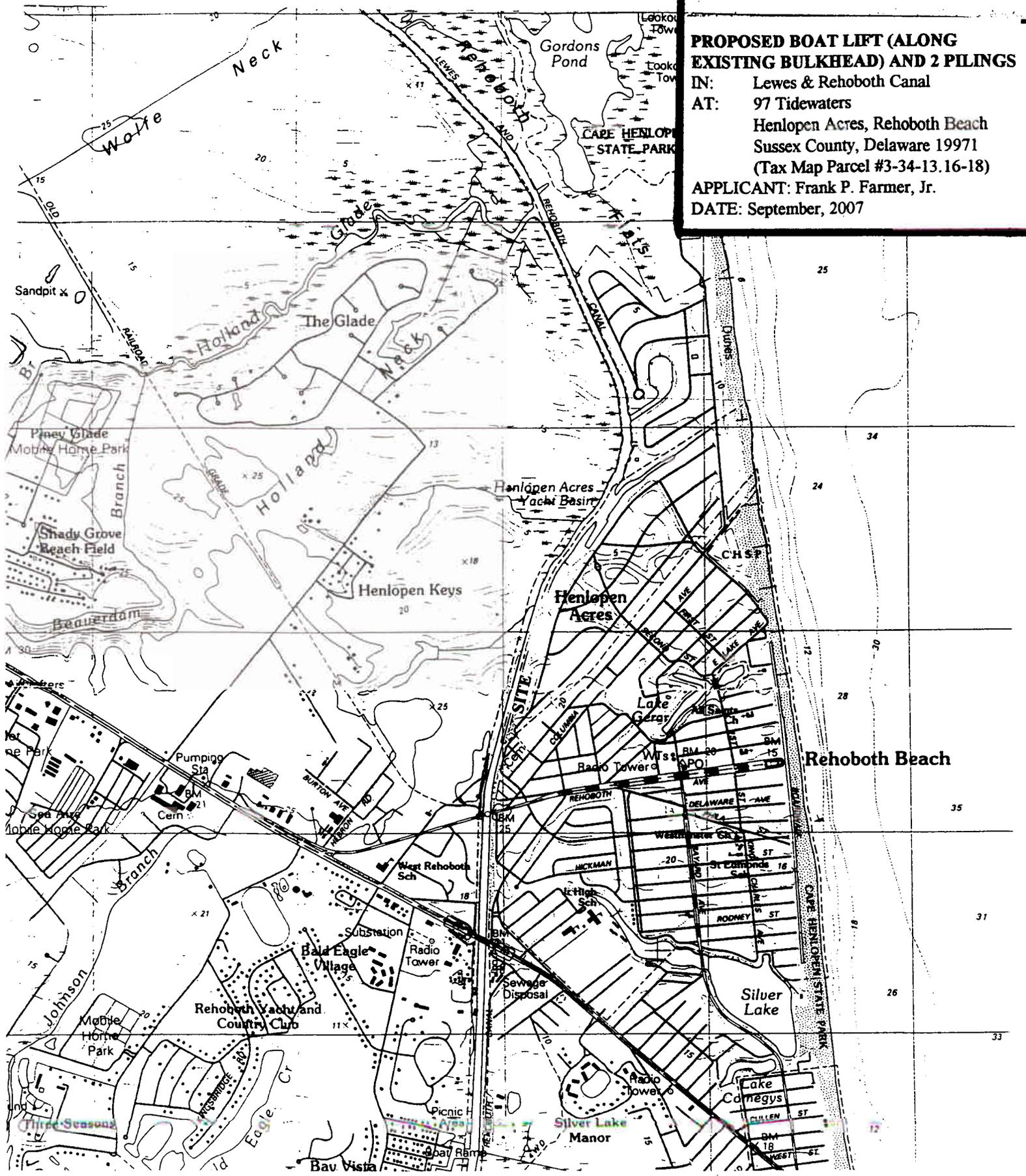


Figure 3. Map of Henlopen Acres showing project site, Lot 1, Block E, 97 Tidewaters (Tax Map Parcel #3-34-13.16-18).



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 Sussex County, Delaware 19971  
 (Tax Map Parcel #3-34-13.16-18)  
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 DATE: September, 2007

Figure 4. USGS topographic map, Rehoboth Beach, Delaware, showing project site, Lewes and Rehoboth Canal. Scale: 1" = 2,000'.

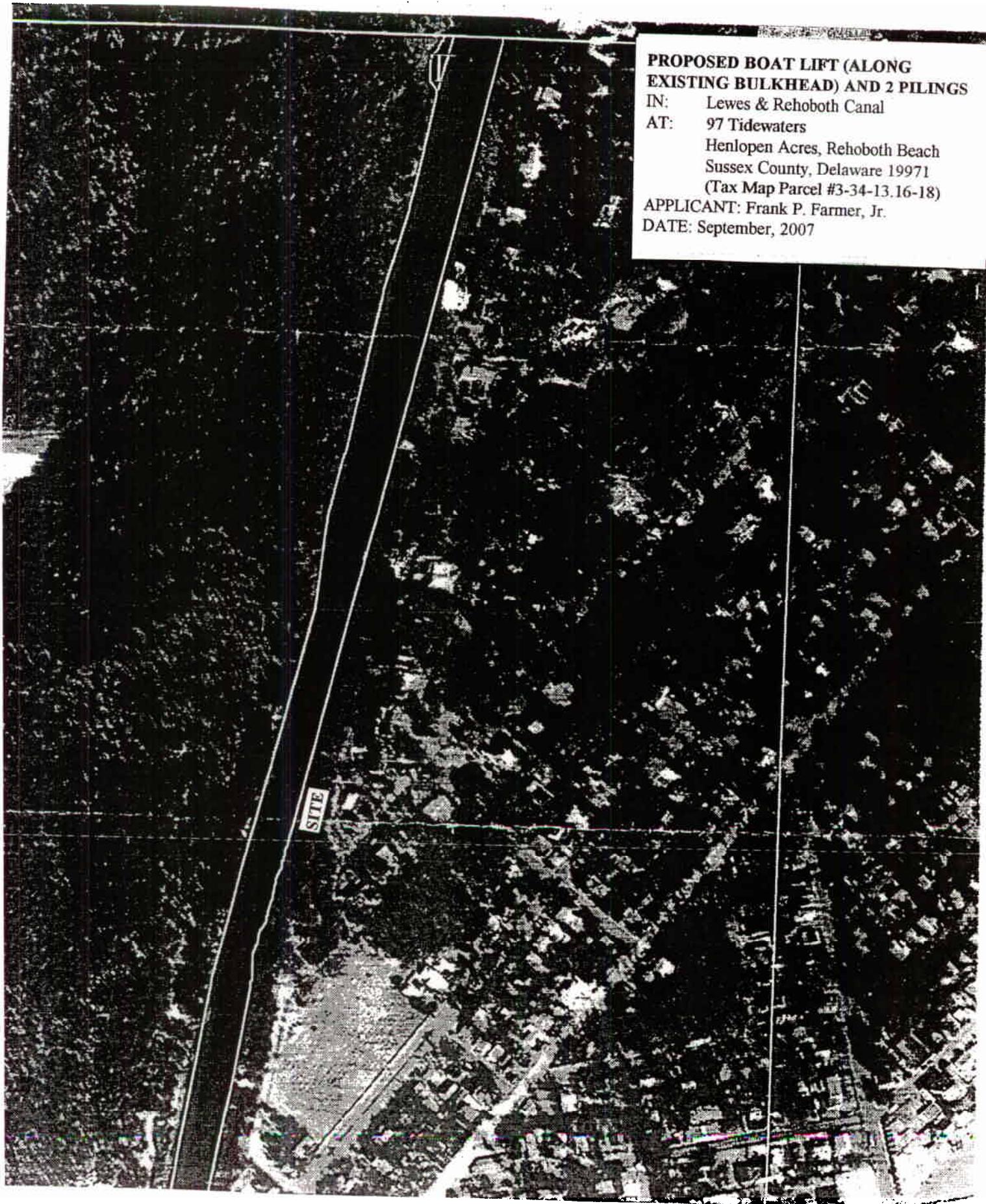


Figure 5. Site location on State of Delaware DNREC Wetland Map #034. No DNREC-regulated wetlands mapped on site. Scale: 1" = 300'.

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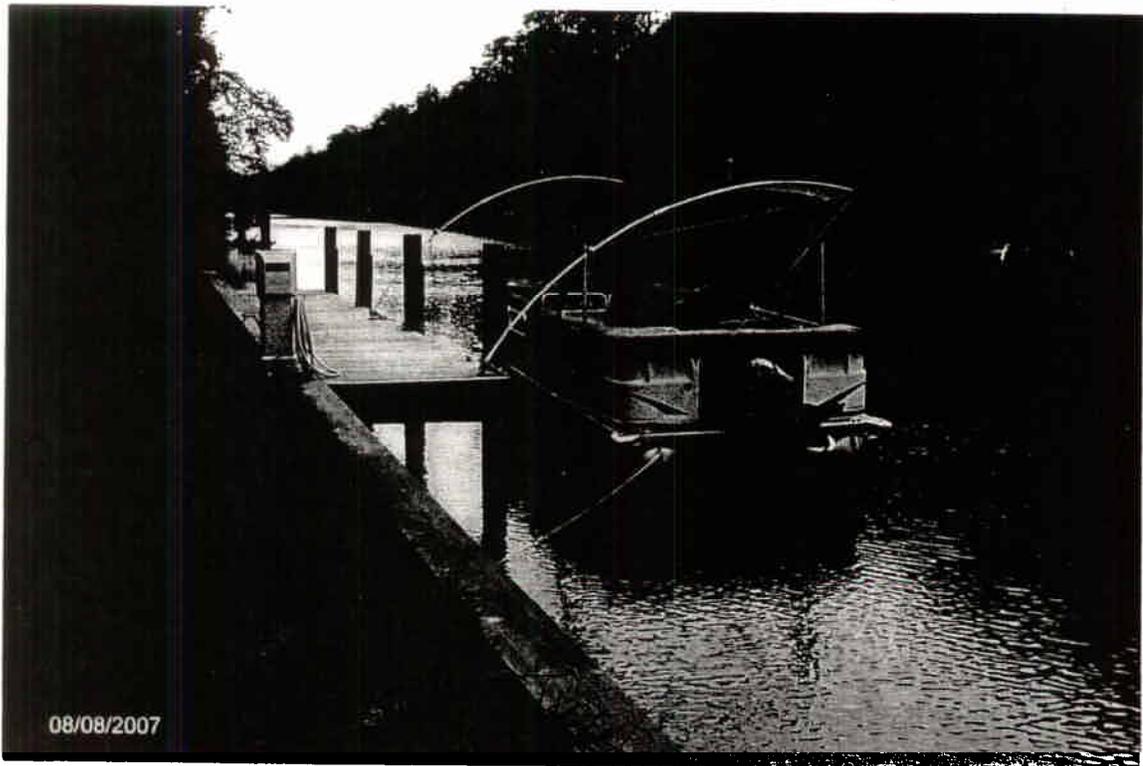


Figure 6. Photograph of project site, 97 Tidewaters, Henlopen Acres, adjacent to Lewes and Rehoboth Canal. Applicant proposes to construct a boat lift (with two support pilings) adjacent to the existing bulkhead (foreground). See Figure 7 for plan view and cross-section sketches of proposed project.

PLAN VIEW

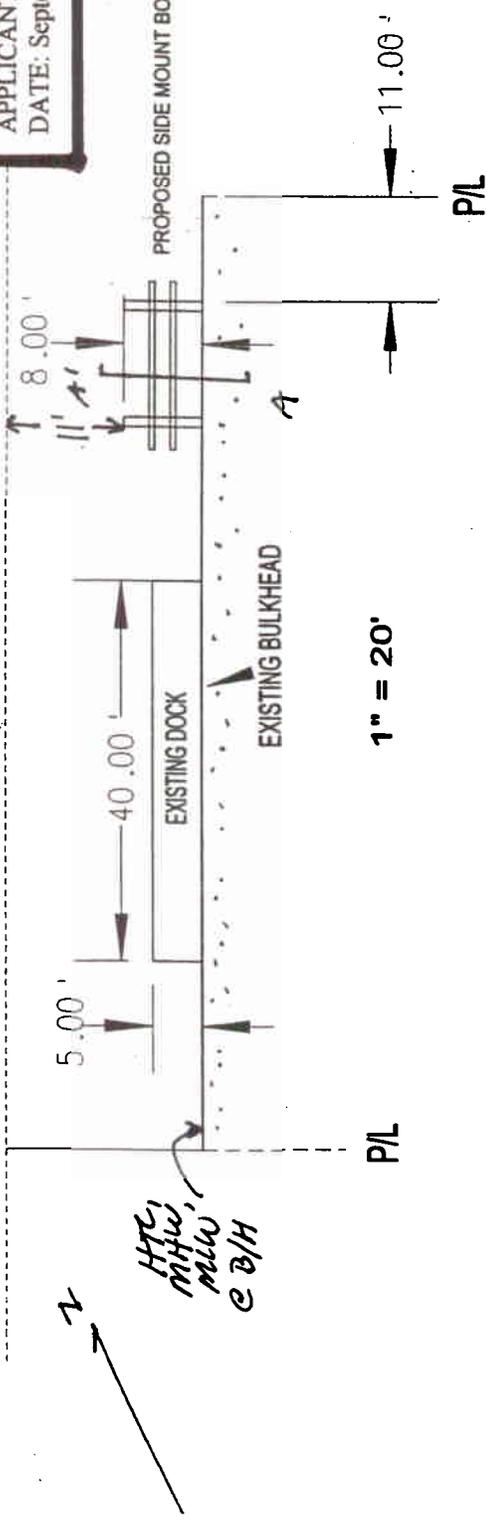
LEWES & REHOBOTH CANAL

Edge ← Flood →

USA COE NAVIGATION CHANNEL

USA COE BUFFER ZONE

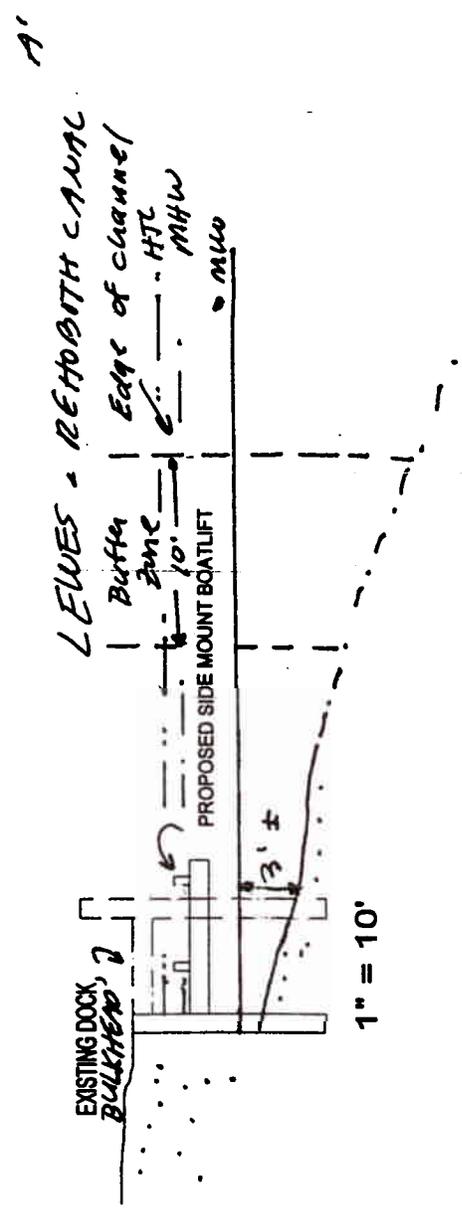
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← CROSS-SECTION VIEW

CROSS-SECTION:

A



Proposed Boatlift  
 Frank Farmer  
 97 Tidewaters  
 Rehoboth Beach, DE 19971

PRECISION MARINE CONSTRUCTION INC.  
 2 Woodbridge Hills  
 Rehoboth Beach, DE 19971

Scale: AS SHOWN Date: 08-16-07 Number 81607-3

Figure 7. Plan view and cross-section sketches of proposed project (prepared by Precision Marine Construction, Inc.). Sketches for permit application purposes only.