



**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-2008-445-26 (IP)	Date MAY 23 2008
Application No. 2008-445	File No. CENAP-OP-R-2008-445 (IP)
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: Pot-Nets Communities Northeast, LLC

AGENT: Andrews, Miller & Associates, Cambridge, Maryland

WATERWAY: Indian River Bay

LOCATION: Pot-Nets Seaside Marina, Tax Map 2-34, Map 31, Parcel 04, located at the end of Sandpiper Lane, Long Neck, Sussex County, Delaware.

ACTIVITY: As depicted on Enclosure E1-E9, Pot-Nets Seaside Marina alterations include:

1. Construct a new 56' x 15' boat ramp (38 CY of sand, gravel, concrete);
2. Construct 9 timber finger piers (12' x 3');
3. Construct a 30' x 3' pier extension;
4. Construct two boat lifts (20' x 12');
5. Install 32 mooring pilings to facilitate 13 new perpendicular slips (24' x 12') and 4 new perpendicular slips (36' x 18');
6. Remove 5 existing parallel docks (25' x 8');
7. Remove an existing single lane boat ramp (42 CY); and
8. Construct a 16' bulkhead with 42 CY of backfill behind the new bulkhead.

PURPOSE: Alterations to the existing marina is to accommodate larger vessels and for expansion of an existing bait and tackle store.

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 90 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:

Bluefish (*Pomatomus saltatrix*), summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), black sea bass (*Centropristus striata*), spiny dogfish (*Squalus acanthias*), tilefish (*Lopholatilus chamaeleonticeps*), whiting (*Merluccius bilinearis*), surf clam (*Spisula solidissima*), ocean quahog (*Artica islandica*), long finned squid (*Loligo pealei*), short finned squid (*Illex illecebrosus*), Atlantic butterflyfish (*Peprilus triacanthus*), Atlantic mackerel (*Scomber scombrus*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus*

maculatus), Atlantic cod (Gadus morhua), witch flounder (Glyptocephalus cynoglossus), American plaice (Hippoglossoides platessoides), yellowtail flounder (Pleuronectes ferrugineus), ocean pout (Macrozoarces americanus), haddock (Melanogrammus aeglefinus), silver hake (Merluccius bilinearis), pollock (Pollachius virens), winter flounder (Pleuronectes americanus), summer flounder (Paralichthys dentatus), windowpane flounder (Scophthalmus aquosus), redfish (Sebastes fasciatus), red hake (Urophycis chuss), white hake (Urophycis tenuis), Atlantic halibut (Hippoglossus hippoglossus), offshore hake (Merluccius albidus), Atlantic sea scallop (Placopecten magellanicus), Atlantic sea herring (Clupea harengus), Atlantic salmon (Salmo salar), monkfish (Lophius americanus), swordfish (Xiphias gladius), bluefin tuna (Thunnus rhynnus), bigeye tuna (Thunnus obesus), albacore (Thunnus alalunga), yellowfin tuna (Thunnus albacares), skipjack tuna (Katsuwonus pelamus), cobia (Rachycentron canadum), blue marlin (Makaira nigricans), white marlin (Tetrapturus albidus); and the following shark species: tiger (Galeocerdo cuvieri), scalloped hammerhead (Sphyrna lewini), sandbar (Carcharhinus obscurus), sand tiger (Odontaspis taurus), dusky (Carcharhinus plumbeus), basking (Cetorhinus maximus), silky (Carcharhinus falciformis), white (Carcharodon carcharias), Atlantic sharpnose (Rhizoprionodon terraenovae), Atlantic angel (Squatina dumerili), shortfin mako (Isurus oxyrinchus), longfin mako (Isurus paucus), porbeagle (Lamna nasus), thresher (Alopias vulpinus), and blue (Prionace glauca).

Analysis of the Effects:

The proposed work will occur in an established marina within a highly developed artificial man-made canal of the Indian River Bay. The canal is in a naturally turbid state, exposed to high seasonal wave energy due to heavy boat traffic. The work is temporary in nature and will consist of a reconfiguration of an existing marina facility. No dredging or wetland fills are proposed. 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. 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.

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.

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.

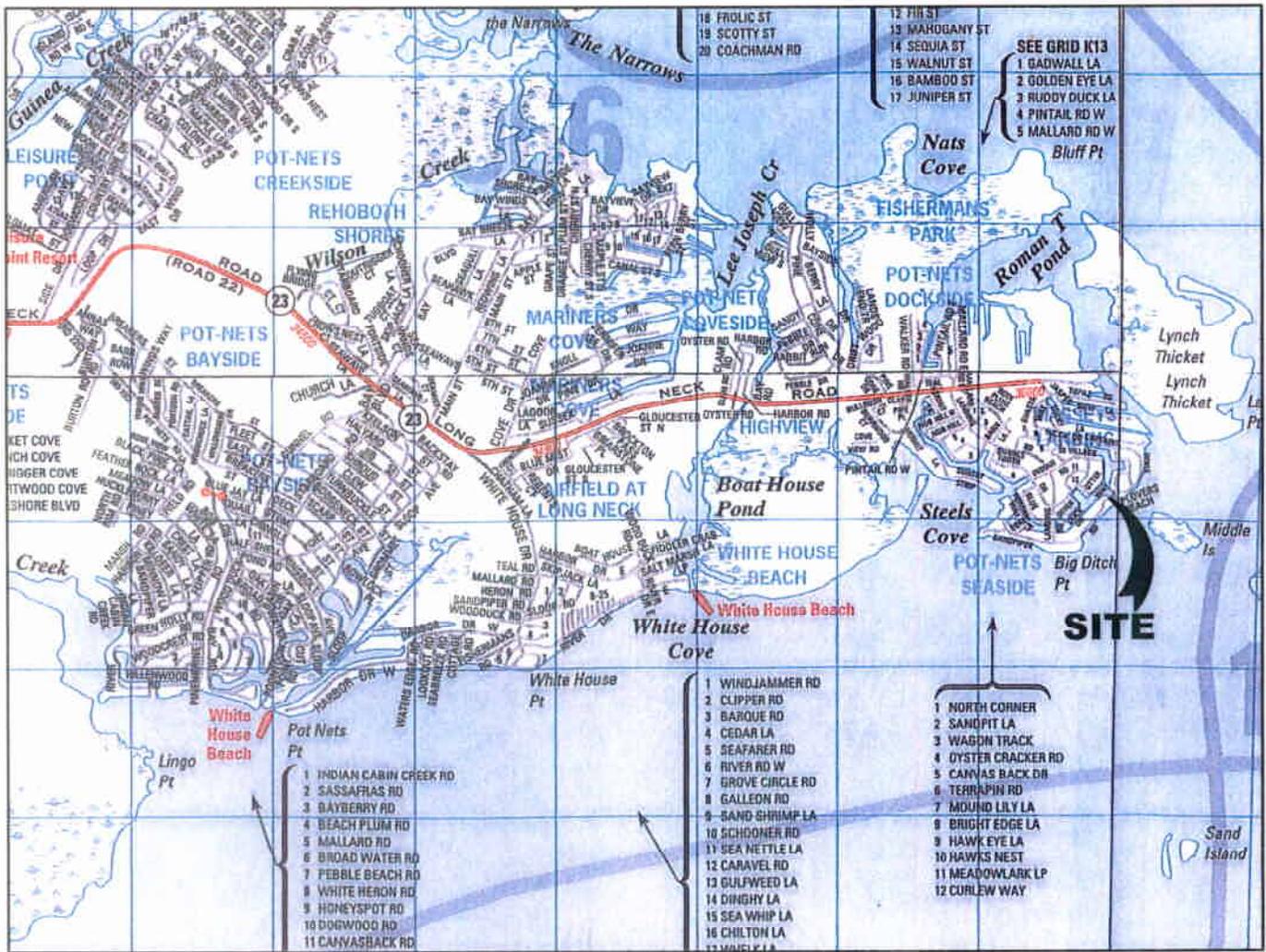
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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 Kevin E. Faust between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.


FKC Frank J. Cianfrani
Chief, Regulatory Branch



VICINITY MAP

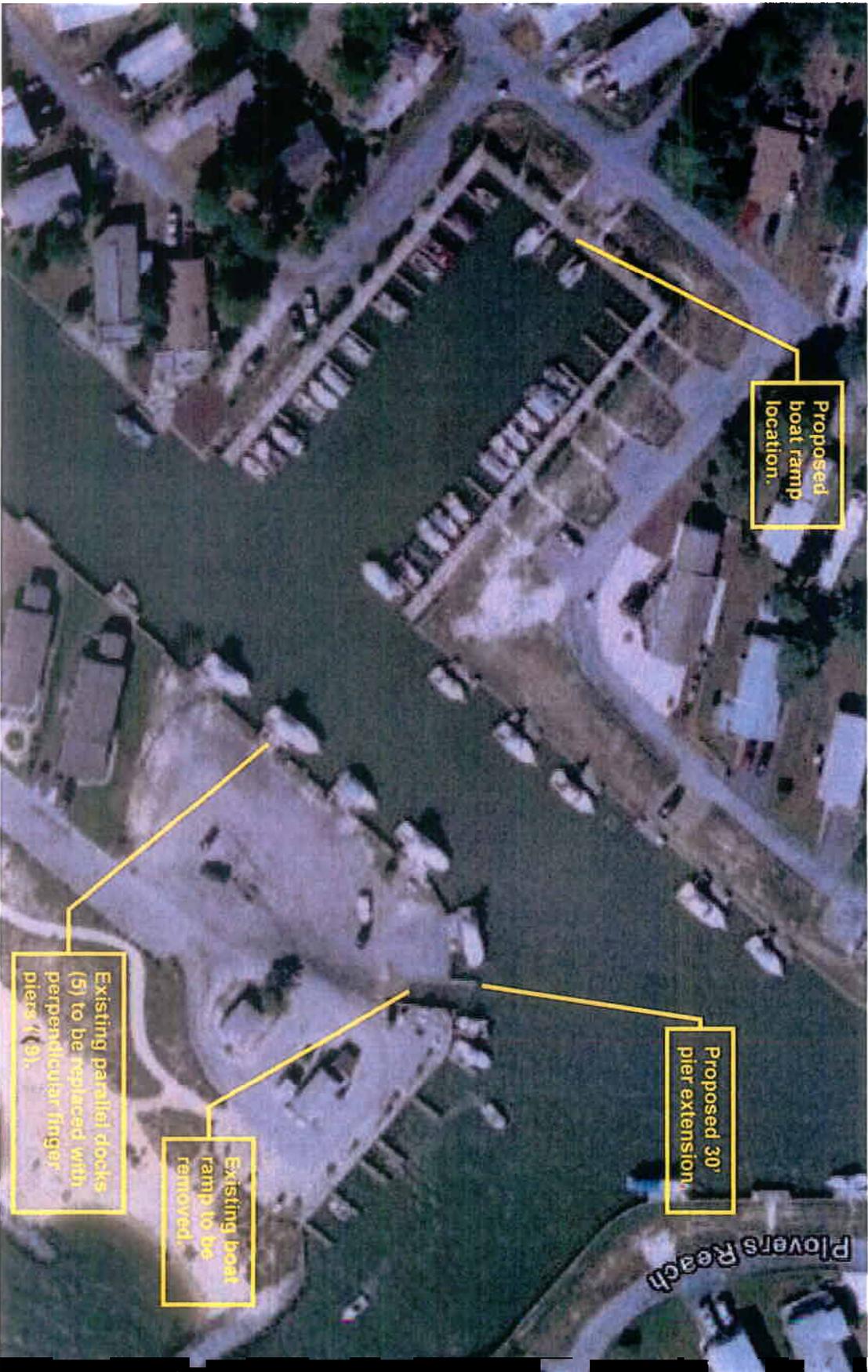
SCALE: 1" = 3000'



ADC MAP NO. 34-K1
 ADC, THE MAP PEOPLE
 PERMIT USE NO. 20710173

E-1

AERIAL PHOTOGRAPH WITH PROJECT FEATURES

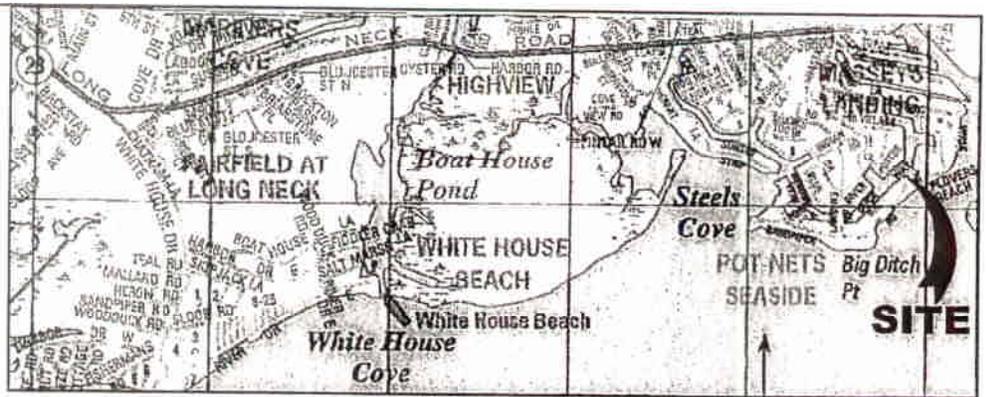


E-2

NEIGHBORING OWNERS:

±3300' NORTHWEST:
BRYCE M. LINGO
C/O JACK LINGO, INC.
246 REHOBOTH AVE.
REHOBOTH BEACH, DE. 19971
TM 2-34-31, PARCEL 3

±1700' NORTHEAST:
MASSEY'S LANDING PARK, INC.
RR 1, BOX 296
MILLSBORO, DE. 19966
TM 2-34-25, PARCEL 31A



VICINITY MAP

SCALE: 1" = 2500'

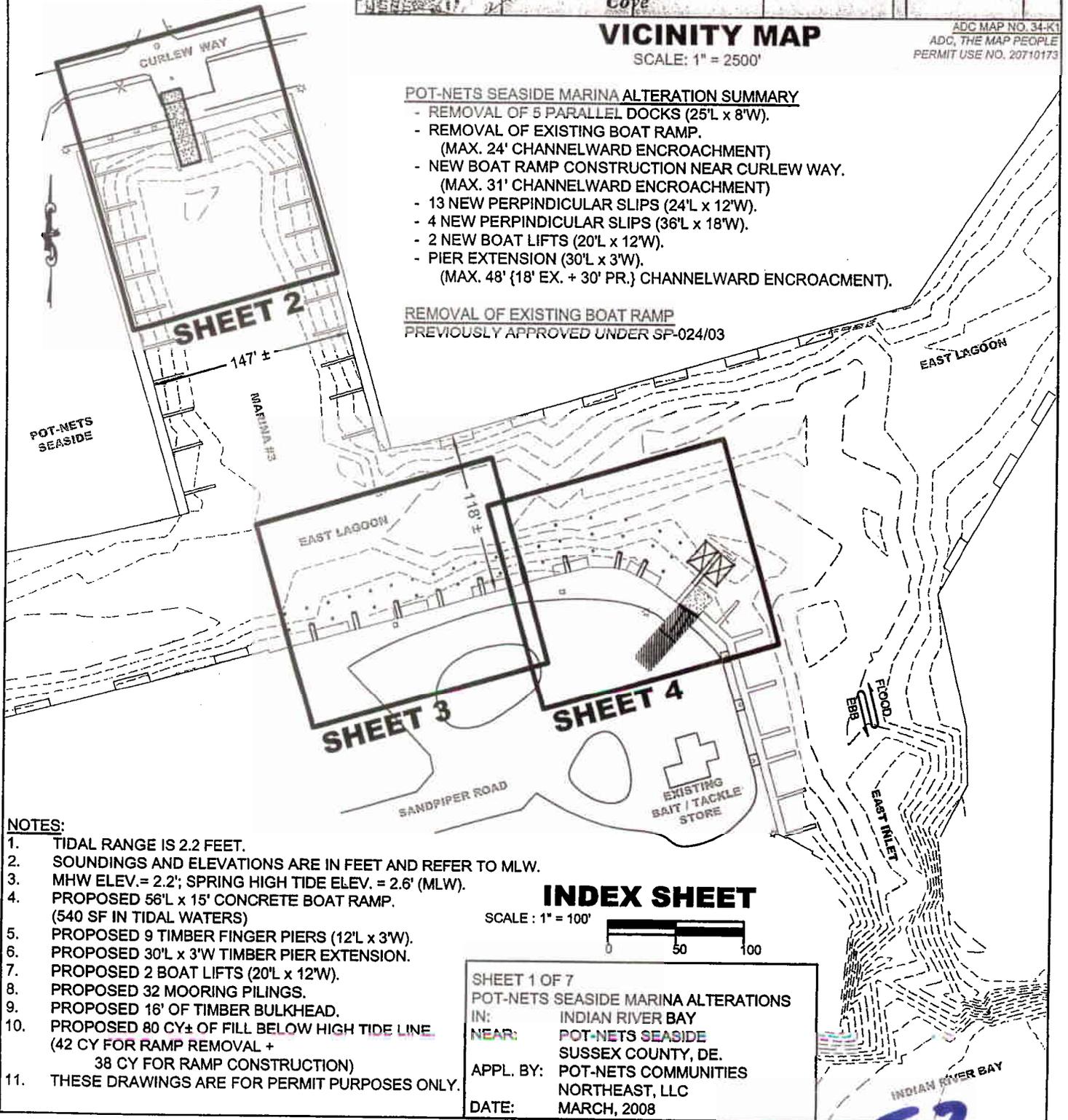
ADC MAP NO. 34-K1
ADC, THE MAP PEOPLE
PERMIT USE NO. 20710173

POT-NETS SEASIDE MARINA ALTERATION SUMMARY

- REMOVAL OF 5 PARALLEL DOCKS (25'L x 8'W).
- REMOVAL OF EXISTING BOAT RAMP.
(MAX. 24' CHANNELWARD ENCROACHMENT)
- NEW BOAT RAMP CONSTRUCTION NEAR CURLEW WAY.
(MAX. 31' CHANNELWARD ENCROACHMENT)
- 13 NEW PERPENDICULAR SLIPS (24'L x 12'W).
- 4 NEW PERPENDICULAR SLIPS (36'L x 18'W).
- 2 NEW BOAT LIFTS (20'L x 12'W).
- PIER EXTENSION (30'L x 3'W).
(MAX. 48' {18' EX. + 30' PR.} CHANNELWARD ENCROACHMENT).

REMOVAL OF EXISTING BOAT RAMP

PREVIOUSLY APPROVED UNDER SF-024/03

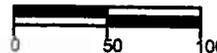


NOTES:

1. TIDAL RANGE IS 2.2 FEET.
2. SOUNDINGS AND ELEVATIONS ARE IN FEET AND REFER TO MLW.
3. MHW ELEV. = 2.2'; SPRING HIGH TIDE ELEV. = 2.6' (MLW).
4. PROPOSED 56'L x 15' CONCRETE BOAT RAMP.
(540 SF IN TIDAL WATERS)
5. PROPOSED 9 TIMBER FINGER PIERS (12'L x 3'W).
6. PROPOSED 30'L x 3'W TIMBER PIER EXTENSION.
7. PROPOSED 2 BOAT LIFTS (20'L x 12'W).
8. PROPOSED 32 MOORING PILING.
9. PROPOSED 16' OF TIMBER BULKHEAD.
10. PROPOSED 80 CY± OF FILL BELOW HIGH TIDE LINE.
(42 CY FOR RAMP REMOVAL +
38 CY FOR RAMP CONSTRUCTION)
11. THESE DRAWINGS ARE FOR PERMIT PURPOSES ONLY.

INDEX SHEET

SCALE: 1" = 100'



SHEET 1 OF 7
POT-NETS SEASIDE MARINA ALTERATIONS
IN: INDIAN RIVER BAY
NEAR: POT-NETS SEASIDE
SUSSEX COUNTY, DE.
APPL. BY: POT-NETS COMMUNITIES
NORTHEAST, LLC
DATE: MARCH, 2008

E-3

CURLEW WAY

PROPOSED 56'L x 15'
CONCRETE BOAT RAMP.
TOP ELEV. = 5.0' ±
TOE ELEV. = -3.0' MLW

EXISTING BULKHEAD

EXISTING FENCE
EXISTING BULKHEAD

EXISTING TIMBER
WALKWAY TO REMAIN.

EXISTING PIERS
TO REMAIN.

EXISTING PIERS
(TYP.)

PROPOSED BOAT RAMP

SCALE: 1" = 20'



SHEET 2 OF 7
POT-NETS SEASIDE MARINA ALTERATIO
IN: INDIAN RIVER BAY
NEAR: POT-NETS SEASIDE
SUSSEX COUNTY, DE.
APPL. BY: POT-NETS COMMUNITIES
NORTHEAST, LLC
DATE: MARCH, 2008

E-4

(S)

FLOOD
EBB

X_S 4.65

X_S 4.77

X_S 5.15

X_S 4.79

X_S 4.53

X_S 4.07

X_S 4.41

X_S 5.20 pier

X_S 5.53 pier

X_S 5.67 pier

X_S 5.52 pier

X_S 5.43 ep

X_S 5.63 ep

X_S 5.45 ep

X_S 5.44 ep

X_S 5.48 bikhd pier

X_S 5.40 pier bikhd

X_S 5.40 ep

X_S 5.40 ep

X_S 5.35 ep

X_S 5.40 ep



EAST LAGOON

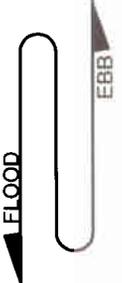
X_S 4.86

X_S 4.36

X_S 4.53

X_S 4.57

X_S 4.58



X_S 5.08

PROPOSED 13 PERPENDICULAR
24'L x 12'W SLIPS

PROPOSED TIMBER MOORING PILING, TYP.
(32 TOTAL)

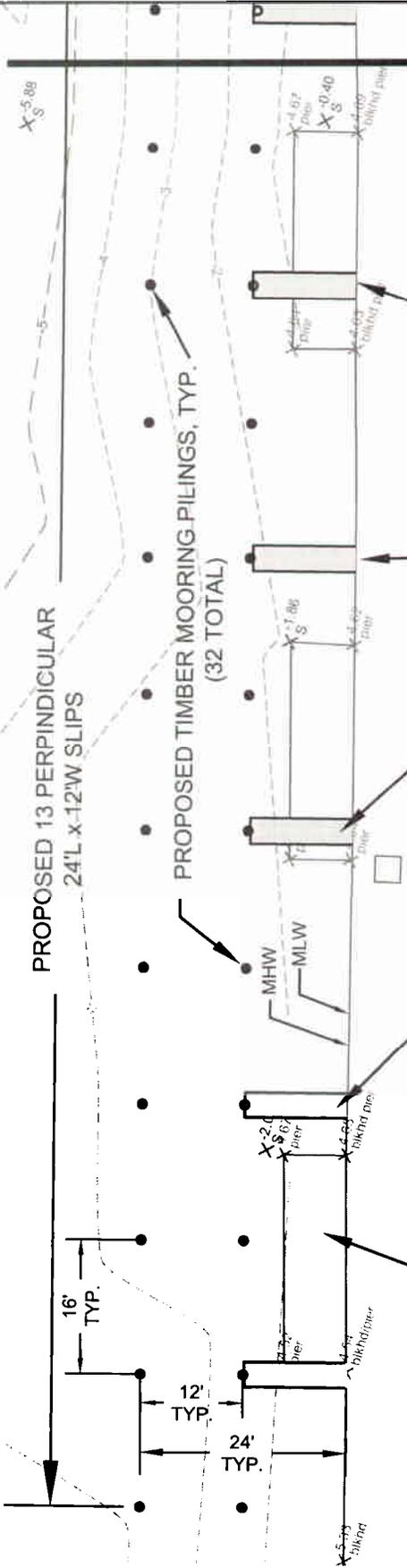
PROPOSED 12'L x 3'W TIMBER
FINGER PIERS, 9 TOTAL (TYP.)

EXISTING
GRAVEL
PARKING AREA

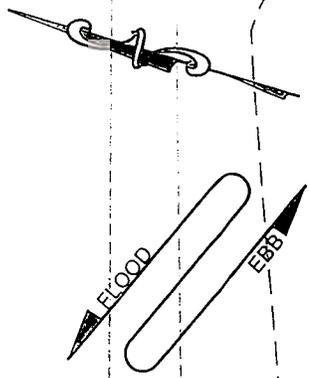
EXISTING 25'L x 8'W DOCKS TO BE
REMOVED, 5 TOTAL (TYP.)

E.5

PROPOSED BOAT SLIPS



SHEET 3 OF 7	
PROJECT:	POT-NETS SEASIDE MARINA ALTERATION
IN:	INDIAN RIVER BAY
NEAR:	POT-NETS SEASIDE
	SUSSEX COUNTY, DE.
APPL. BY:	POT-NETS COMMUNITIES
	NORTHEAST, LLC
DATE:	MARCH, 2008
REV.:	APRIL, 2008



PROPOSED
20'L x 12'W
BOAT LIFTS
(2 TOTAL)

PROPOSE
30'L x 3'W
TIMBER PILE
EXTENSIO

PROPOSED 4 PERPENDICULAR
36'L x 18'W (MIN.) SLIPPS
PROPOSED TIMBER
MOORING PILING, TYP.

PROPOSED 12'L x 3'W TIMBER
FINGER PIERS, 9 TOTAL (TYP.)

EXISTING 25'L x 8'W DOCKS TO BE
REMOVED, 5 TOTAL (TYP.)

EXISTING BOAT RAMP TO BE REMOVED.
(PREVIOUSLY APPROVED UNDER SP-024/03)
REPLACE WITH 16' OF TIMBER BULKHEAD & 94 CY OF FILL
(42 CY BELOW HIGH TIDE LINE)

EXISTING
GRAVEL
PARKING AREA

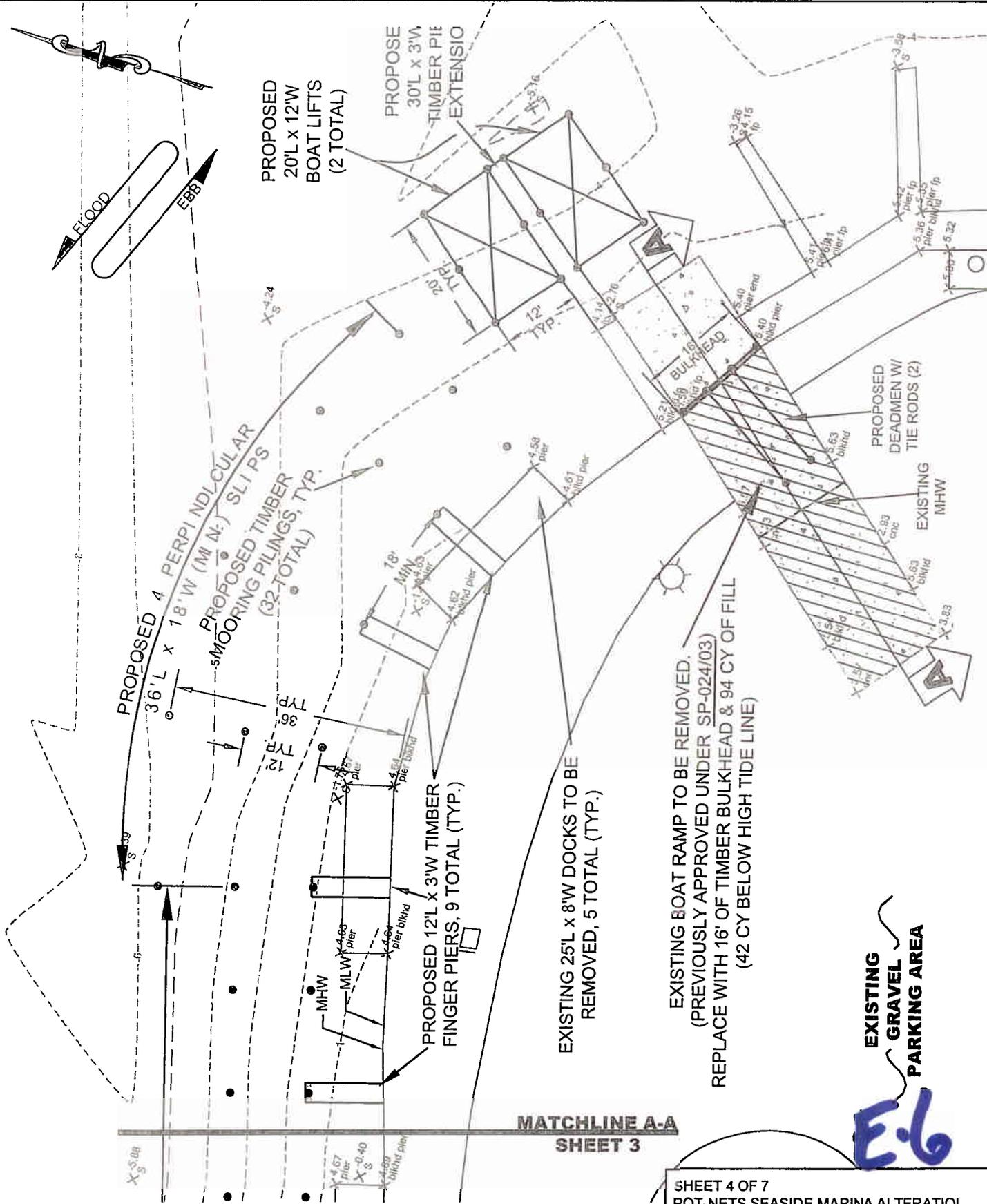
E-6

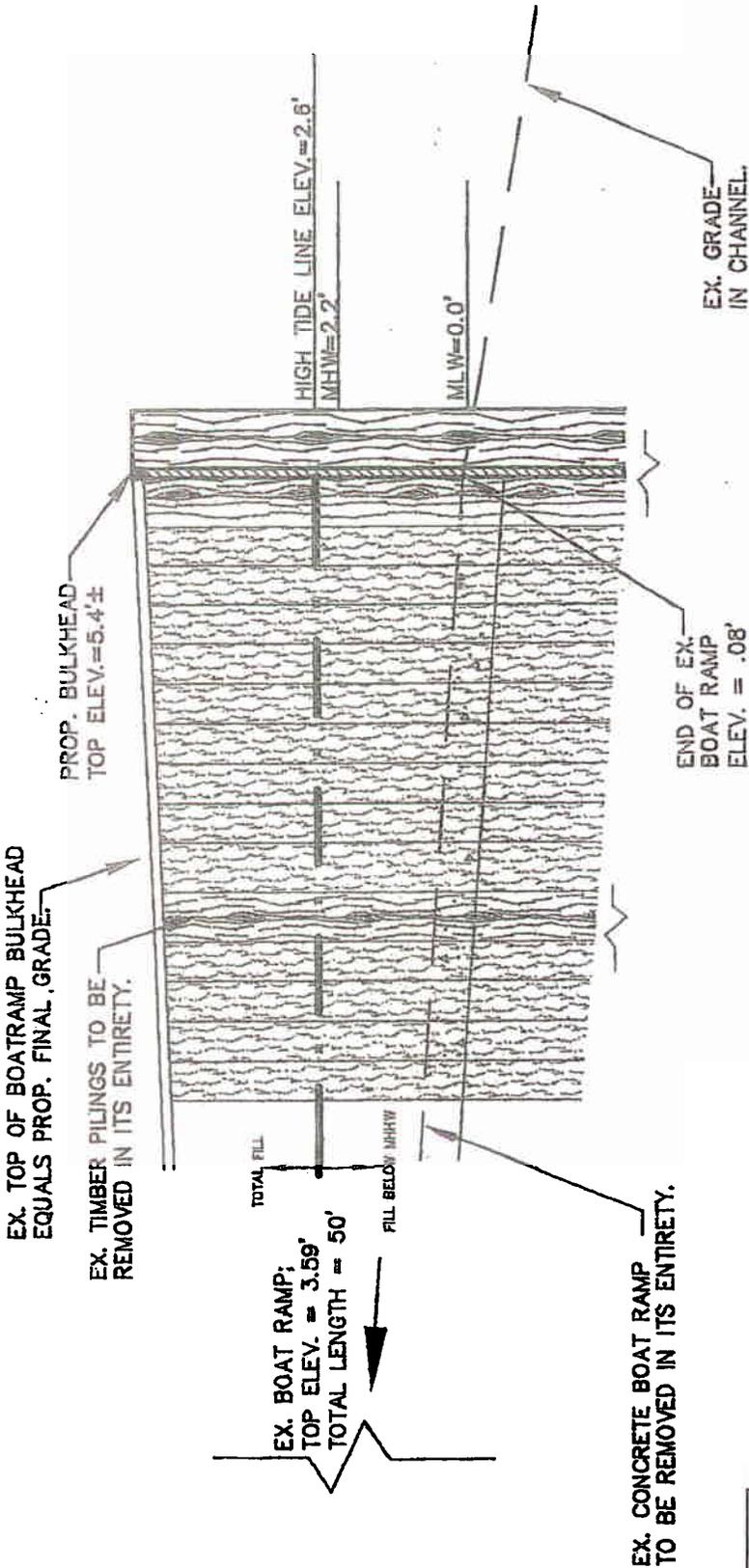
**PROPOSED BOAT SLIPS /
BOAT LIFT / TIMBER BULKHEAD**



MATCHLINE A-A
SHEET 3

SHEET 4 OF 7
POT-NETS SEASIDE MARINA ALTERATIO
IN: INDIAN RIVER BAY
NEAR: POT-NETS SEASIDE
SUSSEX COUNTY, DE.
APPL. BY: POT-NETS COMMUNITIES
NORTHEAST, LLC
DATE: MARCH, 2008





BOATRAMP REMOVAL PROFILE
(Section A-A)
 SCALE : NONE

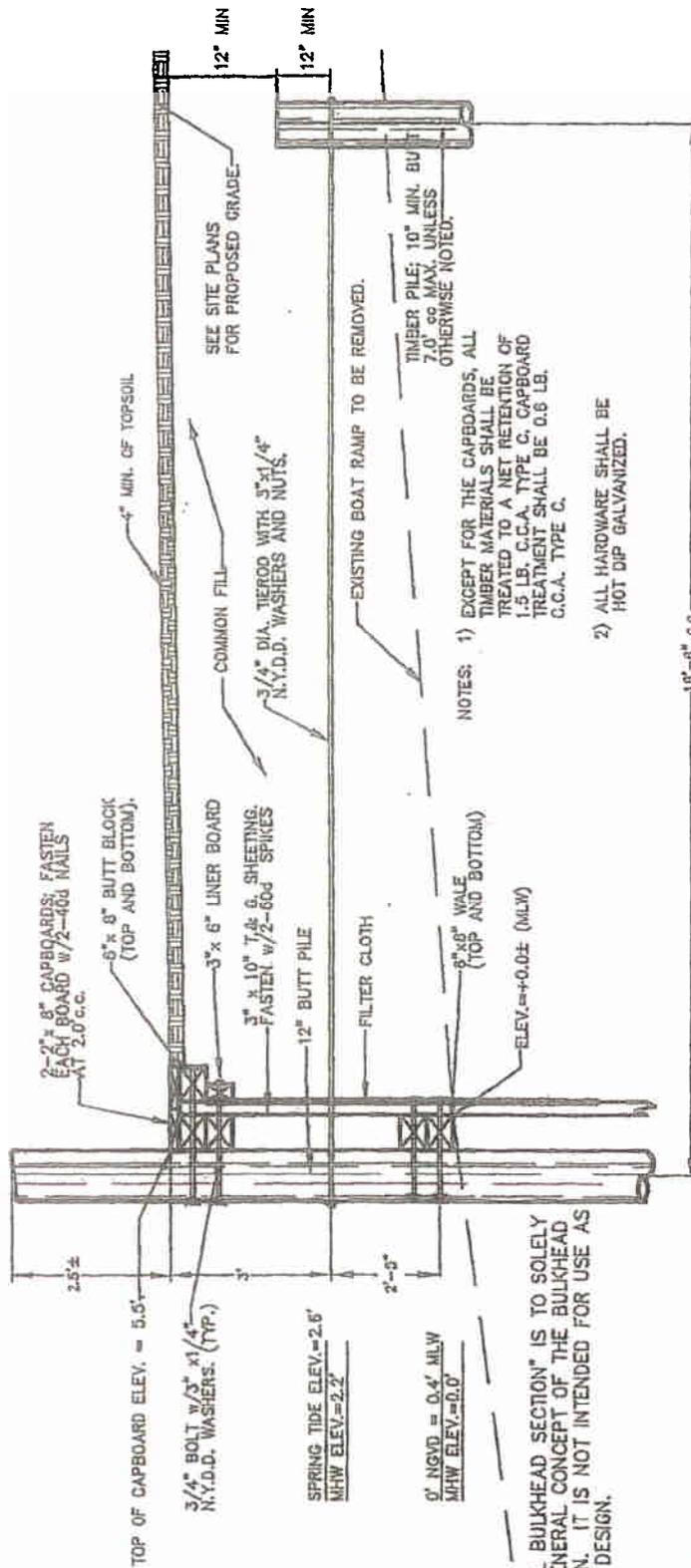
- NOTES:**
1. TOTAL FILL BELOW HIGH TIDE LINE (ELEV.=2.6') = 76.1 SF x 15' WIDTH = 42.3 CY
 2. TOTAL FILL FOR BOATRAMP = 168.5 SF x 15' WIDTH = 93.6 CY
 3. VOLUMES INCLUDE APPROXIMATE VOLUME OF REMOVED CONCRETE PAVEMENT

SHEET 5 OF 7
 POT-NETS SEASIDE MARINA ALTERATION
 IN: INDIAN RIVER BAY
 NEAR: POT-NETS SEASIDE
 SUSSEX COUNTY, DE.
 APPL. BY: POT-NETS COMMUNITIES
 NORTHEAST, LLC
 DATE: MARCH, 2008

E-7

TYPICAL TIMBER BULKHEAD SECTION

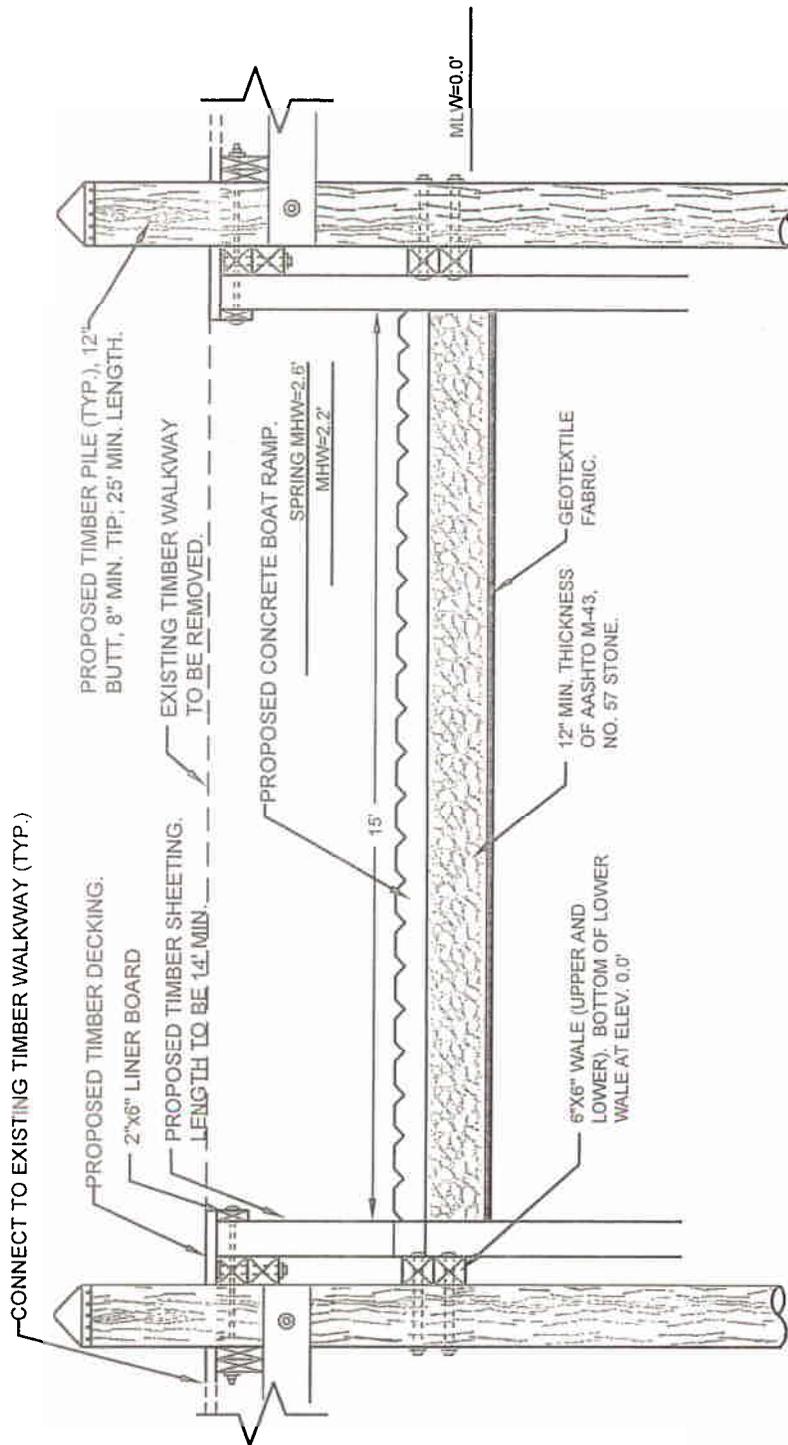
SCALE: NONE



NOTE: THIS "TYPICAL BULKHEAD SECTION" IS TO SOLELY SHOW THE GENERAL CONCEPT OF THE BULKHEAD CONSTRUCTION. IT IS NOT INTENDED FOR USE AS A BULKHEAD DESIGN.

E.8

SHEET 6 OF 7
 POT-NETS SEASIDE MARINA ALTERATION
 IN: INDIAN RIVER BAY
 NEAR: POT-NETS SEASIDE
 SUSSEX COUNTY, DE.
 APPL. BY: POT-NETS COMMUNITIES
 NORTHEAST, LLC
 DATE: MARCH, 2008



E.9

BOAT RAMP CROSS SECTION (Section B-B)

SCALE: NONE

SHEET 7 OF 7
 POT-NETS SEASIDE MARINA ALTERATION
 IN: INDIAN RIVER BAY
 NEAR: POT-NETS SEASIDE
 SUSSEX COUNTY, DE.
 APPL. BY: POT-NETS COMMUNITIES
 NORTHEAST, LLC
 DATE: MARCH, 2008