



**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-2019-801-85	Date August 22, 2019
Application No. CENAP-OP-R-2019-801-85	File No. CENAP-OP-R-2019-801-85

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: James B. Walsh, Anglers Marina, LLC and Anglers Restaurant, LLC

AGENT: Edward M. Launay, Environmental Research, Incorporated

WATERWAY: Lewes and Rehoboth Canal

LOCATION: 400 Anglers Road, Lewes, Sussex County, Delaware
Tax Map Parcel 335-4.19-67.01 and 335-4.20-99.00
(Lat.38.779414° N/Long.75.141649° W)

ACTIVITY: The applicant has requested a Department of the Army permit to update and expand Anglers Marina on the Lewes and Rehoboth Canal at 400 Anglers Road in Lewes, Sussex County, Delaware.

The Anglers Marina is a longstanding commercial marina facility originally established in 1937. The marina currently has 36 vessel slips, a boat ramp and a 75 ton travel lift to serve recreational vessels, as well as commercial and charter vessels. Of the 36 slips, 25 slips exist east of the travel lift, 10 slips exist west of the travel lift and east of the boat ramp, and 1 slip exists at the boat ramp floating pier. No changes to the 10 slips between the travel lift and the boat ramp are proposed. Elements of this application include the replacement of 382' of deteriorated timber bulkhead and boardwalk east of the travel lift, reconfiguration (enlargement) of boat slips east of the travel lift, replacement of floating docks east of the travel lift, and construction of approximately 850' of floating dock west of the existing boat ramp which will allow for the mooring of 30 vessels. As a result of the expansion, the marina will be capable of mooring approximately 61 vessels at any given time. Each element of the proposal is discussed in further detail as follows:

Bulkhead Replacement- Currently 382' of timber bulkhead (373' bulkhead face and 9' return at travel lift) exists along the portion of the marina east of the travel lift. The bulkhead is

in a deteriorated but serviceable condition. In order to replace the deteriorated bulkhead, a new bulkhead consisting of vinyl sheet piling will be driven in front of the existing timber bulkhead.

The vinyl bulkhead wall will be supported with salt treated timber whalers and pilings driven in front of the new bulkhead. Galvanized tie back rods 1" in diameter will connect with a timber pile tie back system in uplands. Once the replacement bulkhead is constructed, the existing timber deck boardwalk on the adjacent uplands will be replaced along with new utility pedestals to service the reconfigured boat slips.

Reconfiguration of Slips and Replacement of Floating Finger Piers East of Travel Lift-

Currently a total of 25 slips exists on the Anglers Marina property east of the travel lift. Due to the slip width demands of larger vessels, the need to provide larger slip space at the fuel dock and to improve the safety and stability of the floating finger piers for patrons, slips at this location will be widened and reconfigured. The existing floating piers and mooring piles will be removed during bulkhead replacement. The reconfiguration results in the loss of four slips at this location.

As indicated on the attached project plans, 21 slips are proposed ranging in width from 13' to 18.5'. A total of nine 6' x 24' floating piers will be placed between slip areas, accessed by a 3' x 16' hinged ramp attached to the bulkhead. Outboard and center mooring piles will be placed as shown by project plans providing slip lengths of approximately 48'. One 6' x 34' floating pier, accessed by a 3' x 16' hinged ramp is also proposed opposite the existing restaurant, designed to provide temporary mooring for patrons.

Proposed Dock West of Boat Ramp- Expansion of the mooring capability of Anglers Marina will be accomplished by the construction of an approximately 850' long floating dock parallel to the shoreline of the Lewes-Rehoboth Canal west of the existing boat ramp. The dock and its berth areas do not encroach upon the federal navigation channel or its 10' wide buffer. The proposed dock will be attached with a hinged plate to the existing floating dock located on the west side of the boat ramp. A 10' wide floating dock has been proposed in order to provide the necessary stability and safety necessary for the multiple types of activities that occur at the marina.

The easterly 173' of the dock, closest to the boat ramp, will be fitted with six-6' x 9' finger piers placed between slip areas designed to moor 12 small vessels. Slip areas are approximately 30' x 12'. Mooring piles will be placed in the center and at the channelward ends of the slip areas. The floating dock will continue west of the 12 slip mooring area for approximately 675'.

Typical floating dock sections will be 30' x 10' and joined by a hinge. Three mooring piles with loop attachments to the floating dock will secure each section on its landward side. This 675' long floating dock section has a maximum mooring capacity of 18 vessels along the channelward side. Mooring is not proposed on the landward side of the floating dock.

Due to the length of the dock structure and nature of the adjacent upland storage yard, a second access onto the dock is required. In order to accomplish a connection between the storage yard and the dock, a fixed 8' wide elevated pile supported timber walkway is required to cross 84' of wetlands and 10' of open water. At the end of the fixed walkway, an 8' x 30' hinged ramp will attach to the floating dock. The fixed walkway will be of typical marine construction with 10" diameter salt treated piles on typical 8' centers, 3' x 10' stringers and whalers, and 2' x 10' decking. The elevation of the walkway will be approximately 3' to 4' above the tidal wetland.

The dimensions of the structures are indicated on the attached plans, as prepared by Solutions Integrated Planning, Engineering and Management, LLC, dated July 12, 2019, entitled: *PROPOSED MARINA IMPROVEMENT AT ANGLERS MARINA*, 7 sheets.

PURPOSE: The purpose of the project is to maintain and expand upon marina operations.

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.

A historic properties investigation has been conducted within the permit area of the proposed action by the USACE Cultural Resource Specialist for potential impacts to Historic Properties

eligible for or listed on the National Register of Historic Places. As a result of the investigation, it has been determined that there are no sites eligible for or listed on the National Register of Historic Places.

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 a result, consultation with NOAA Fisheries and the US Fish and Wildlife Service pursuant to Section 7 of the ESA is not necessary. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination."

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the NOAA Fisheries on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary review of this application indicates that EFH is present within the project area. The Philadelphia District will evaluate the potential effects of the proposed actions on EFH and will consult with NOAA Fisheries as appropriate. Consultation will be concluded prior to the final decision on this permit application.

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 Michael Yost at 302-736-9763, by email at michael.d.yost@usace.army.mil or by writing this office at the above address.



Edward E. Bonner
Chief, Regulatory Branch