



**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-2020-25

Date
January 23, 2020

Application No.
CENAP-OP-R-2020-25

File No.
CENAP-OP-R-2020-25-85

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) 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: Earl Webb, III

AGENT: Dr. Evelyn M. Maurmeyer, Coastal & Estuarine Research, Inc.

WATERWAY: Lewes and Rehoboth Canal

LOCATION: 114 Gills Neck Road, Lewes, Sussex County, Delaware
Tax Map Parcels 3-35-8.08-148.00 and 150.00
(Lat. 38.775272°N/Long. 75.137123°W)

ACTIVITY: The applicant has applied for a Department of the Army permit to close and fill an existing boat basin, stabilize 108 linear feet of shoreline with riprap and construct a boat dock and boat lift along the Lewes and Rehoboth Canal at 114 Gills Neck Road in Lewes, Sussex County, Delaware. The plan includes closing off the 35' boat basin with timber bulkhead, removing the existing aluminum bulkhead to approximately 2' below existing grade and filling the basin to meet the surrounding upland grade. The proposed boat dock includes a 15' x 4' fixed pier to a 6' x 60' fixed dock with a 13' x 13' boat lift. The details of the structures and work are indicated on the attached plans identified as E-1 through E-9.

PURPOSE: The purpose of the project is to provide for private recreational vessel docking and bank stabilization.

On April 10, 2008, the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency published a *Final Rule on Compensatory Mitigation for the Losses of Aquatic Resources* (33 CFR 332.4). The rule took effect on June 9, 2008. In accordance with 33 CFR Part 325.1(d)(7) of the rule, the applicant has stated that the proposed project has been designed to avoid and minimize adverse effects on the aquatic environment to the maximum extent practicable, and has further documented that compensatory mitigation is not necessary. The following aspects and features of the project demonstrate the applicant's efforts in this regard.

The project has been designed to avoid future, short interval dredging by filling in the artificially excavated basin. The proposed bulkhead for the basin entrance has been designed to the minimum size necessary to securely close off the basin and prevent sediment from entering the channel during filling of the basin. The proposed volume and length of the riprap is the minimum necessary to maintain the integrity of the shoreline. Because the project involves the filling of a poorly flushed, artificially excavated basin resulting in the loss of less than 0.10 acre (0.024 acre) of low quality waters of the US, and the rip rap is designed to stabilize the eroding shoreline, thereby eliminating a source of sediment pollution, the applicant is not proposing to conduct any compensatory mitigation for the work.

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 the US Fish and Wildlife Service and/or NOAA Fisheries 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 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.

The USACE Cultural Resource Specialist is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties.

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.

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 Michael Yost at (267) 240-5278, by email at michael.d.yost@usace.army.mil, or by writing this office at the above address.



Edward E. Bonner
Chief, Regulatory Branch

PROPOSED 15' X 4' PIER; 0' X 60' DOCK WITH
BOAT LIFT; 35' BULKHEADING; 275 C.Y.
BACKFILL; AND 108' RIP-RAP

IN: Lewes and Rehoboth Canal

AT: 114 Gills Neck Road

Lewes, Sussex County, DE 19958

Tax Map Parcel #3-35-8.08-148.00

APPLICANT: Earl Webb, III

DATE: September 17, 2019

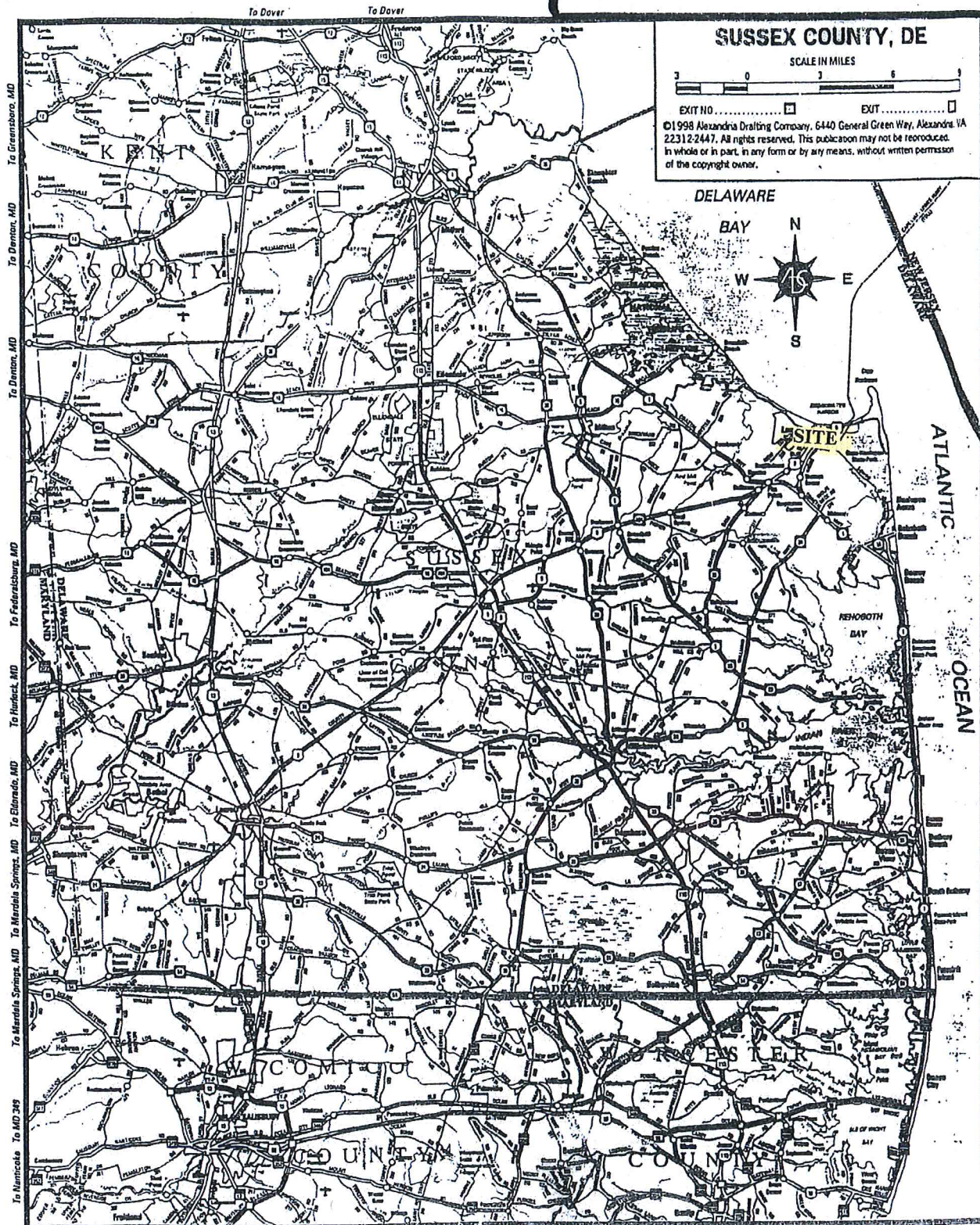
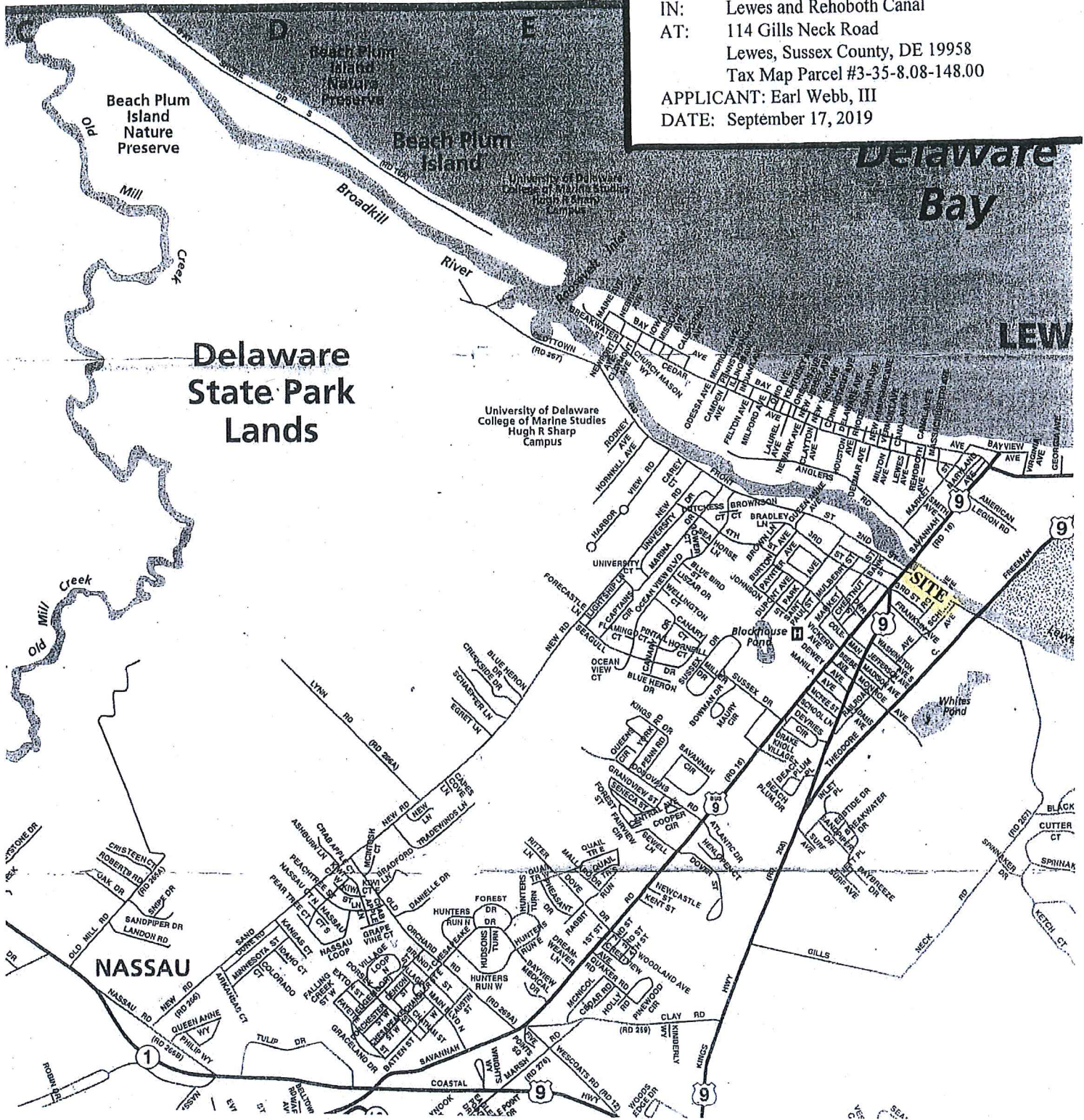


Figure 1. Map of showing location of project site, Lewes, Sussex County, Delaware.

E-2



PROPOSED 15' x 4' PIER; 6' x 60' DOCK WITH
BOAT LIFT; 35' BULKHEADING; 275 C.Y.
BACKFILL; AND 108' RIP-RAP
IN: Lewes and Rehoboth Canal
AT: 114 Gills Neck Road
Lewes, Sussex County, DE 19958
Tax Map Parcel #3-35-8.08-148.00
APPLICANT: Earl Webb, III
DATE: September 17, 2019

Figure 2. Map of Lewes, Sussex County, Delaware, showing project site, **114 Gills Neck Road**. Directions to site (from Dover, DE) SR-1 southbound toward Lewes; left onto Business Route 9 (Savannah Road) eastbound into Lewes (approximately 2.5 miles). Turn right at traffic light (at Savannah Road) onto Gills Neck Road; site is on left, across from house at 114 Gills Neck Road. Also see Figure 3.

E-3

Sussex County Mapping

**PROPOSED 15' x 4' PIER; 6' x 60' DOCK WITH
BOAT LIFT; 35' BULKHEADING; 275 C.Y.
BACKFILL; AND 108' RIP-RAP**

IN: Lewes and Rehoboth Canal

AT: 114 Gills Neck Road

Lewes, Sussex County, DE 19958

Tax Map Parcel #3-35-8.08-148.00

APPLICANT: Earl Webb, III

DATE: September 17, 2019

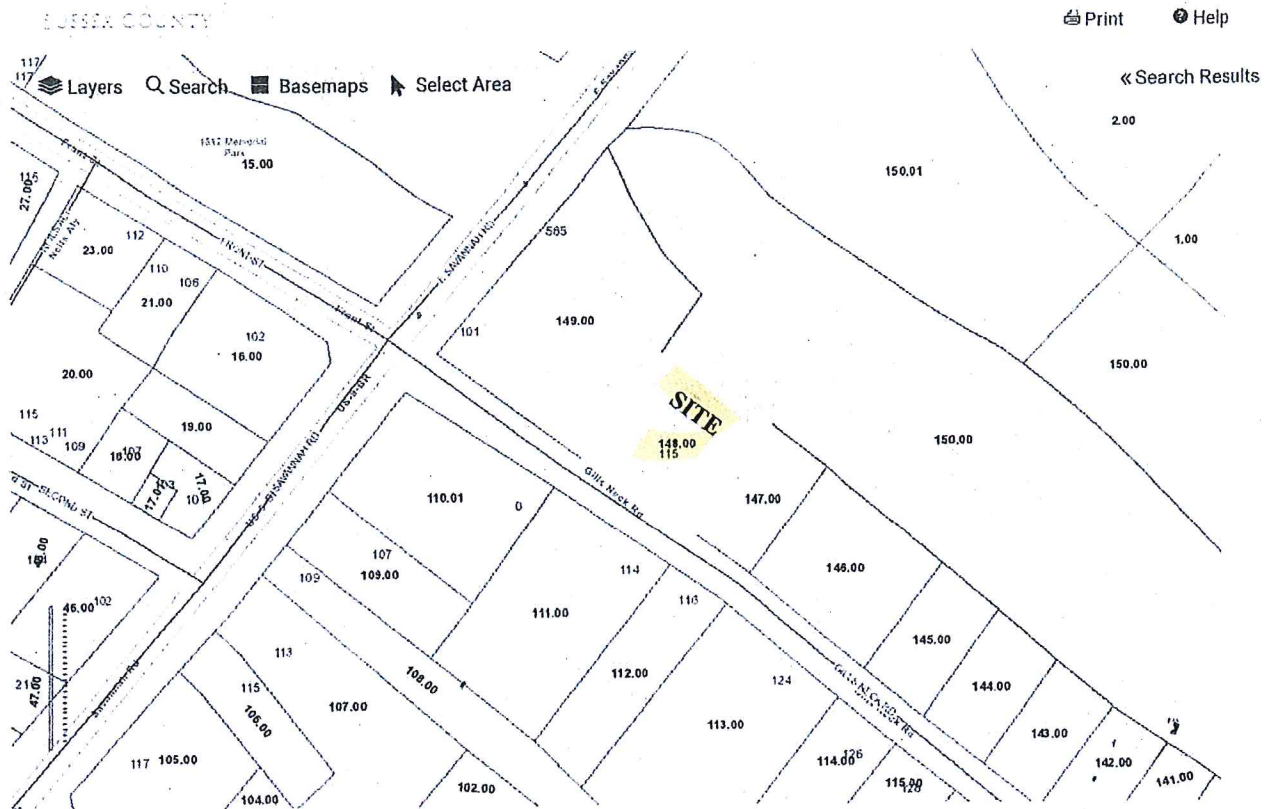


Figure 3. Site location, Sussex County, Delaware Tax Map Parcel #3-35-8.08-148.00 (114 Gills Neck Road).

Google Maps

E-4

**PROPOSED 15' x 4' PIER; 6' x 60' DOCK WITH
BOAT LIFT; 35' BULKHEADING; 275 C.Y.
BACKFILL; AND 108' RIP-RAP**

IN: Lewes and Rehoboth Canal

AT: 114 Gills Neck Road
Lewes, Sussex County, DE 19958

Tax Map Parcel #3-35-8.08-148.00

APPLICANT: Earl Webb, III

DATE: September 17, 2019

Google Maps



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, U.S. Geological Survey, Map data ©2019 20 ft

Figure 6. GoogleEarth® aerial photograph of project site, 114 Gills Neck Road, Lewes, Sussex County, Delaware (Tax Map Parcel #3-35-8.08-148.00), showing upland bank and artificially-excavated boat basin adjacent to the Lewes and Rehoboth Canal. Width of waterway = 180'±. Applicant proposes to close off the 30' x 35' boat basin by placing 35 linear feet of timber bulkheading (retaining wall) and backfilling basin with 275 c.y. of fill (obtained from Melvin Joseph, Inc.). Stone rip-rap will be placed along entire length of applicant's waterfront (108 linear feet), and a 15' x 4' fixed pier and a 6' x 60' fixed dock with a 4-piling boat lift will be constructed. See Figures 8, 9, 10, and 11 for plan view and cross-sections (prepared by Precision Marine Construction, Inc.).

E-5

**PROPOSED 15' x 4' PIER; 6' x 60' DOCK WITH
BOAT LIFT; 35' BULKHEADING; 275 C.Y.**

BACKFILL; AND 108' RIP-RAP

IN: Lewes and Rehoboth Canal

AT: 114 Gills Neck Road

Lewes, Sussex County, DE 19958

Tax Map Parcel #3-35-8.08-148.00

APPLICANT: Earl Webb, III

DATE: September 17, 2019

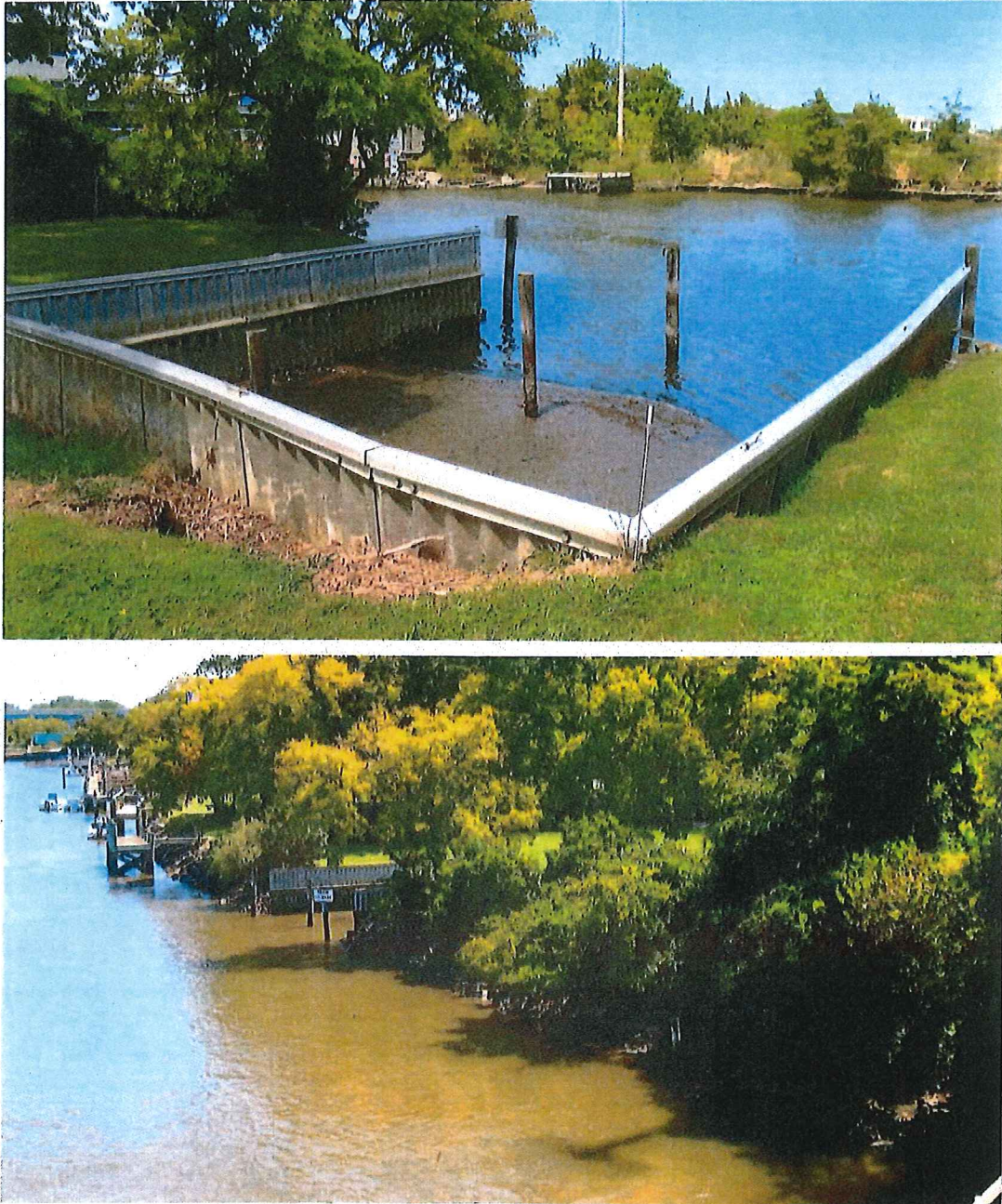


Figure 7. Photographs of project site, 114 Gills Neck Road, Lewes, Sussex County, Delaware (Tax Map Parcel #3-35-8.08-148.00), adjacent to the Lewes and Rehoboth Canal. **Top photo:** Existing 30' x 35' artificially-excavated boat basin, to be closed off by placing 35 linear feet of timber bulkheading (retaining wall) and backfilling basin with 275 c.y. of fill. **Bottom photo:** Eroding upland bank adjacent to the Lewes and Rehoboth Canal. Applicant proposes to place 108 linear feet of rip-rap, and to construct a 15' x 4' fixed pier and a 6' x 60' fixed dock with a 4-piling boat lift. See Figures 8, 9, 10, and 11 for plan view and cross-sections (prepared by Precision Marine Construction, Inc.).

PROPOSED 15' x 4' PIER; 6' x 60' DOCK WITH
BOAT LIFT; 35' BULKHEADING; 275 C.Y.
BACKFILL; AND 108' RIP-RAP

IN: Lewes and Rehoboth Canal
AT: 114 Gills Neck Road
Lewes, Sussex County, DE 19958
Tax Map Parcel #3-35-8.08-148.00

APPLICANT: Earl Webb, III
DATE: September 17, 2019

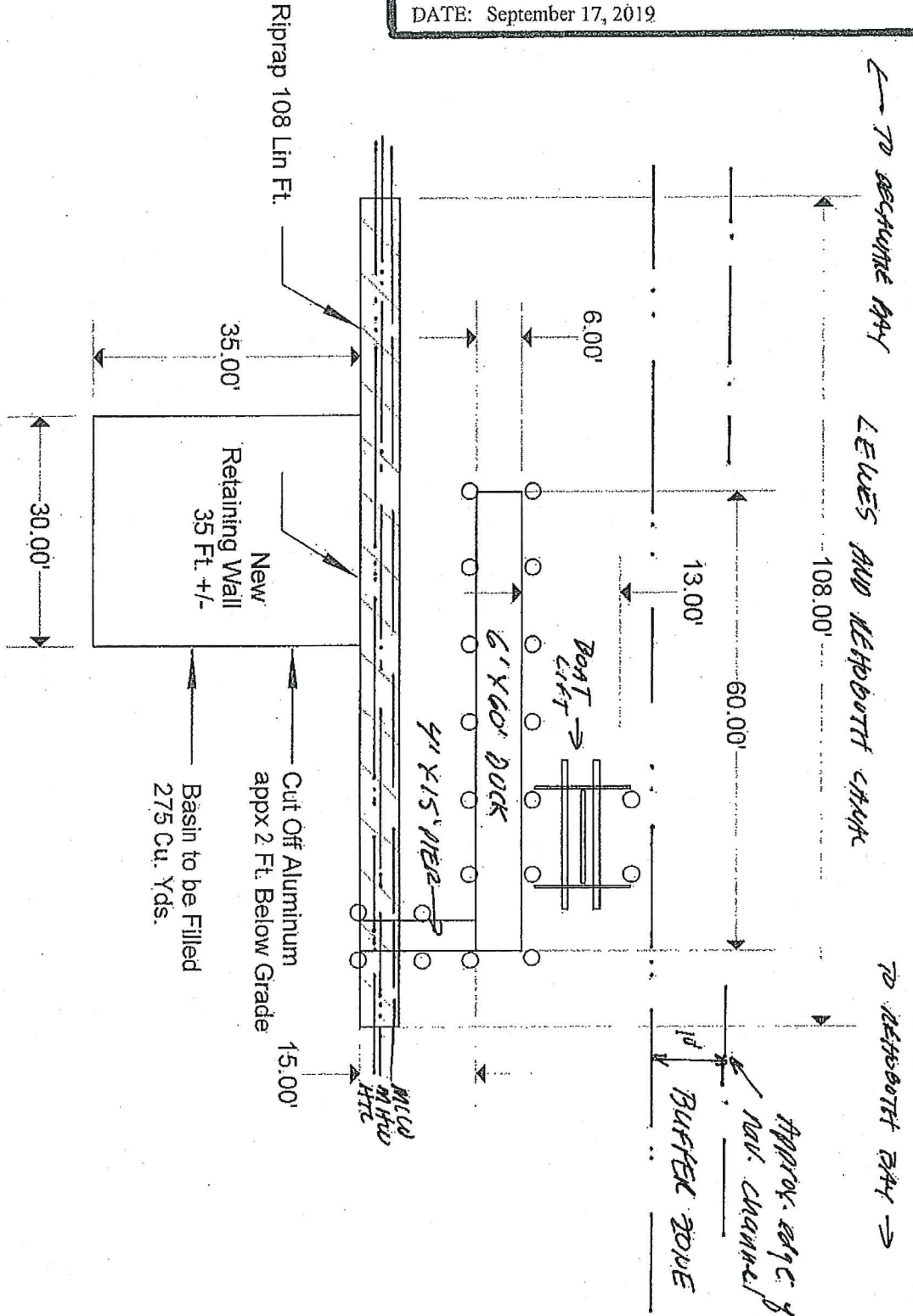


Figure 8. Plan view of proposed project (prepared by Precision Marine Construction, Inc.).

E-6

Proposed Fill, Riprap
Pier, Dock & Boat Lift
Earl Webb
14Gills Neck Rd.
Lewes, DE 19958

This drawing is the property of
Precision Marine Construction, Inc.
202 Woodbridge Hills
Rehoboth Beach, DE 19971
Do not duplicate without written permission

Precision Marine Construction, Inc.
202 Woodbridge Hills
Rehoboth Beach, DE 19971
Scale 1" = 20' August 13, 2019

E-7

**PROPOSED 15' x 4' PIER; 6' x 60' DOCK WITH
BOAT LIFT; 35' BULKHEADING; 275 C.Y.
BACKFILL; AND 108' RIP-RAP**

IN: Lewes and Rehoboth Canal

AT: 114 Gills Neck Road

Lewes, Sussex County, DE 19958

Tax Map Parcel #3-35-8.08-148.00

APPLICANT: Earl Webb, III

DATE: September 17, 2019

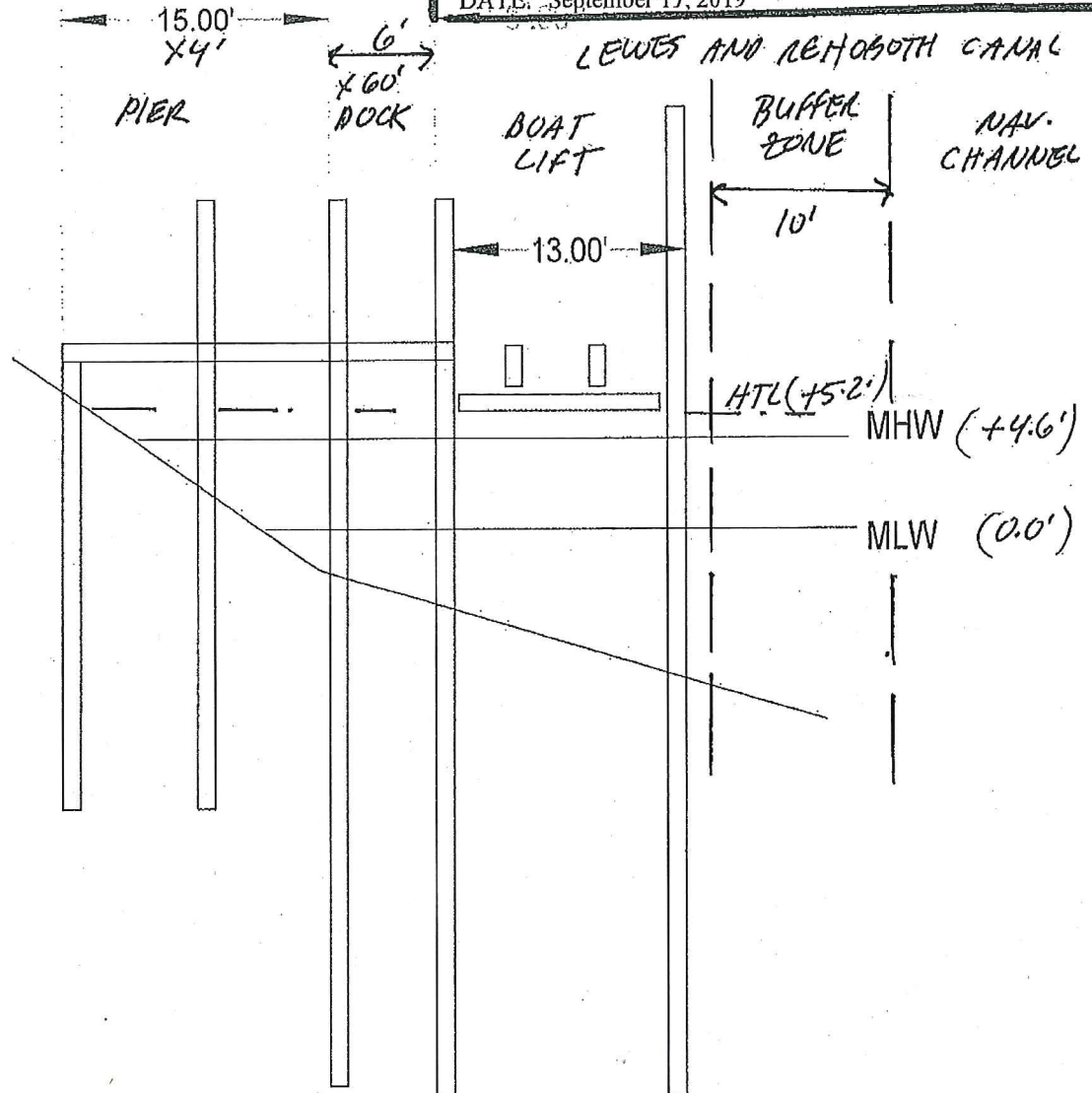


Figure 9. Cross-section of proposed pier, dock and boat lift (prepared by Precision Marine Construction, Inc.).

Proposed Pier, Dock and Boatlift
Earl Webb
14 Gills Neck Rd.
Lewes, DE 19958

PRECISION MARINE CONSTRUCTION INC.

202 Woodbridge Hills
Rehoboth Beach, DE 19971

Scale: 1" = 10' Date: 9-8-19

E-8

PROPOSED 15' x 4' PIER; 6' x 60' DOCK WITH
BOAT LIFT; 35' BULKHEADING; 275 C.Y.
BACKFILL; AND 108' RIP-RAP

IN: Lewes and Rehoboth Canal

AT: 114 Gills Neck Road

Lewes, Sussex County, DE 19958

Tax Map Parcel #3-35-8.08-148.00

APPLICANT: Earl Webb, III

DATE: September 17, 2019

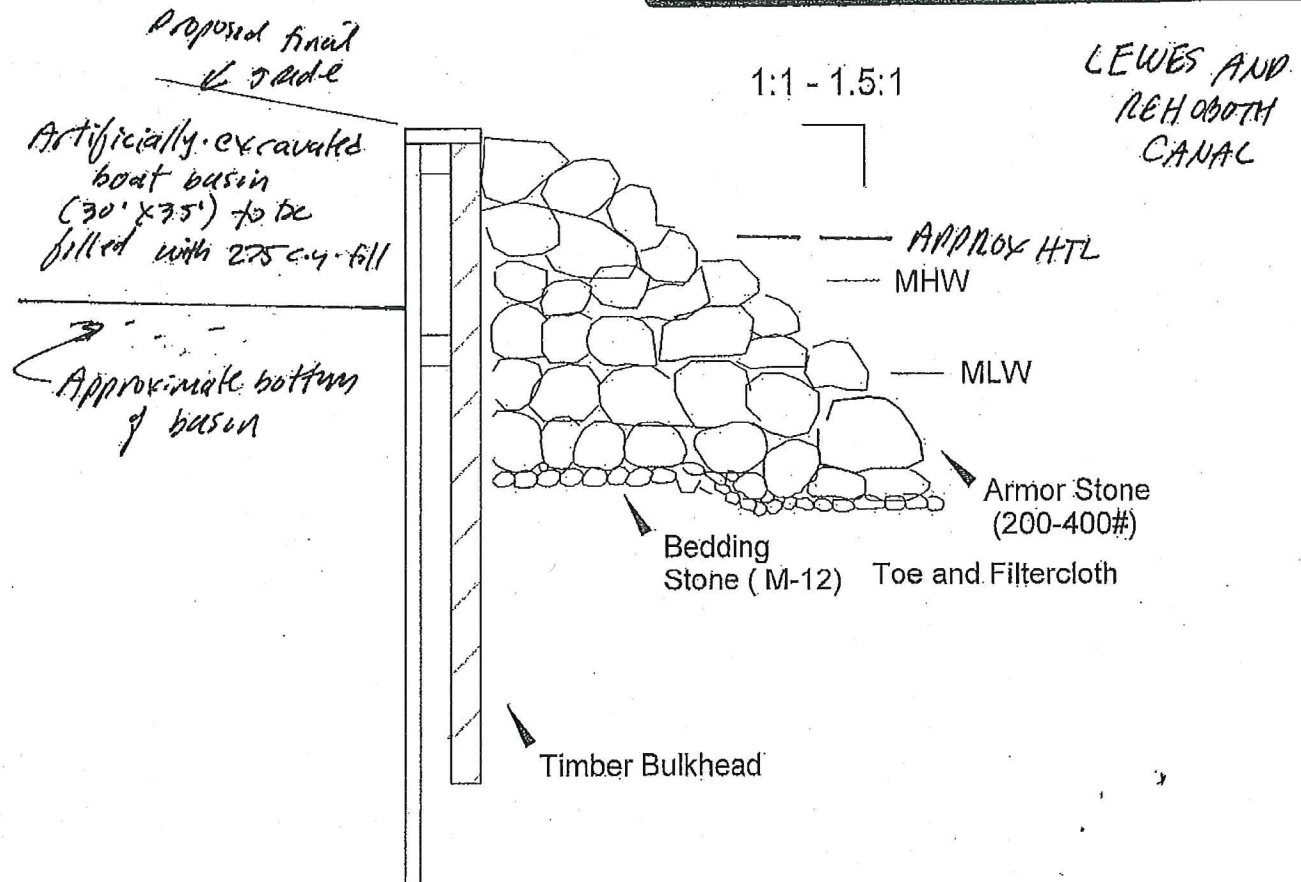


Figure 10. Cross-section of proposed timber bulkhead and rip-rap, to be placed at artificially-excavated boat basin (prepared by Precision Marine Construction, Inc.).

Proposed Timber Retaining Wall with Riprap
Earl Webb
14 Gills Neck Rd.
Lewes, DE 19958

PRECISION MARINE CONSTRUCTION, INC.

202 Woodbridge Hills
Rehoboth Beach, DE 19971
RBW
Scale: 1" = 3' Date 9-8-19

E-9

PROPOSED 15' x 4' PIER; 6' x 60' DOCK WITH
BOAT LIFT; 35' BULKHEADING; 275 C.Y.
BACKFILL; AND 108' RIP-RAP

IN: Lewes and Rehoboth Canal

AT: 114 Gills Neck Road

Lewes, Sussex County, DE 19958

Tax Map Parcel #3-35-8.08-148.00

APPLICANT: Earl Webb, III

DATE: September 17, 2019

UPLAND
BANK

LEWES AND
REHOBOTH
CANAL

1:1 - 1.5:1

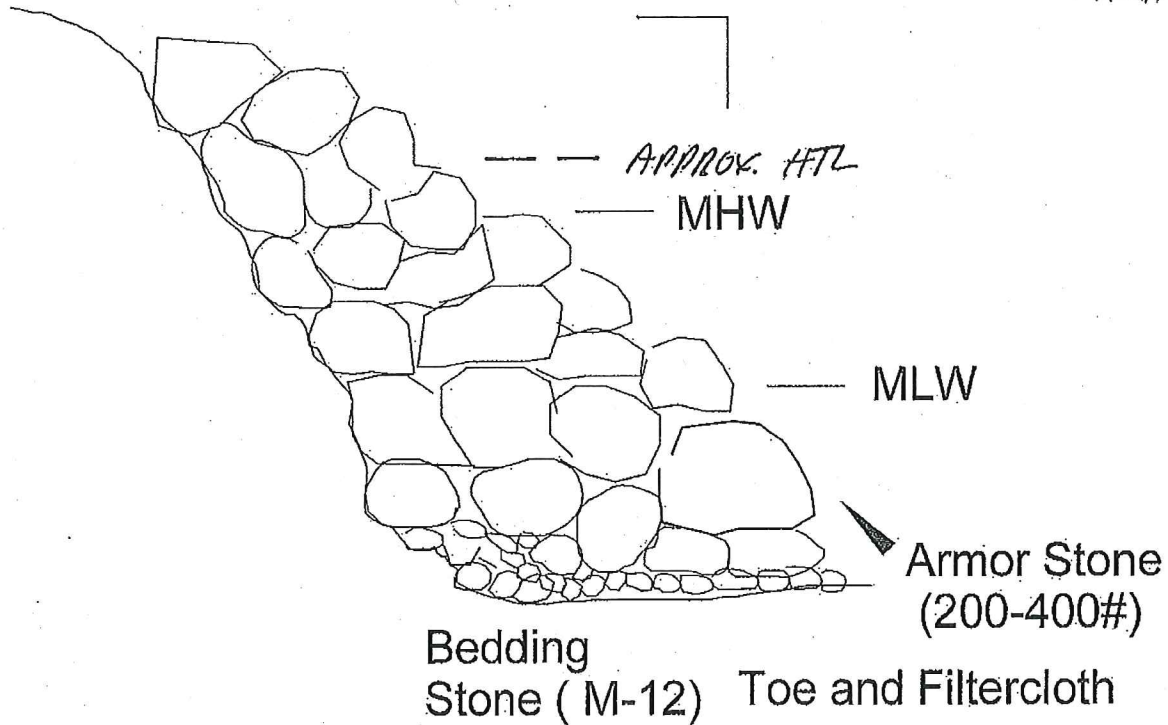


Figure 11. Cross-section of proposed rip-rap, to be placed along 108 linear feet of eroding upland bank and bulkhead (prepared by Precision Marine Construction, Inc.).

Proposed Riprap Revetment
Earl Webb
14 Gills Neck Rd.
Lewes, DE 19958

PRECISION MARINE CONSTRUCTION INC.

202 Woodbridge Hills
Rehoboth Beach, DE 19971

Scale: 1" = 2' Date: 9-8-19