



**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-2016-1001

Date

Application No.
CENAP-OP-R-2016-1001

File No.

CENAP-OP-R-2016-1001-85

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: City of Lewes

AGENT: Evelyn M. Maurmeyer, Ph.D., Coastal and Estuarine Research, Inc.

WATERWAY: Lewes and Rehoboth Canal

LOCATION: 211 Front Street, Lewes, Sussex County, Delaware
Tax Map Parcel 3-35-8.07-310.00 (Lat.38.77777° N/Long.-75.14062° W).

ACTIVITY: The applicant has requested a Department of the Army permit to install one (1) new timber piling and one (1) new 12' x 8' Safe Launch kayak dock and replace two (2) existing 50' x 6' floating piers, replace one (1) existing 60' x 6' floating dock, replace one (1) existing 16' x 6' floating dock and replace six (6) existing timber pilings at the Lewes Canalfront Park located on the Lewes and Rehoboth Canal at 211 Front Street, Tax Map Parcel #3-35-8.07-310.00 Lewes, Sussex County, Delaware. The dimensions of the structures are indicated on the attached plans identified as E-1 through E-5.

PURPOSE: The purpose of the project is to provide and maintain recreational vessel access to navigable waters for navigational purposes.

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 325 and 332 and 40 CFR 230). 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 cannot be avoided entirely because it is, by its nature, a water-dependent activity. The project is for the installation of structures only and has been designed not only to entirely

avoid dredging and discharges of dredged or fill material into waters of the United States, but also has been designed to avoid impacts to wetlands and submerged aquatic vegetation. Because no wetlands or other special aquatic sites would be impacted by the project, 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 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 Philadelphia District has determined that the proposed project is of such limited nature and scope that little likelihood exists for the proposed action to impact an historic property. The District has determined that the project will have no effect on properties eligible for or listed in the National Register of Historic Places.

Essential Fish Habitat: 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).

Effects of the Project: The project is located in Essential Fish Habitat identified on the Guide to Essential Fish Habitat Designations in the Northeastern United States. The following managed species of fish have been listed in the guide as occurring in the vicinity of the project: Atlantic cod (*Gadus morhua*), red hake (*Urophycis chuss*), winter flounder (*Pseudopleuronectes americanus*), windowpane flounder (*Scophthalmus aquosus*), Atlantic sea herring (*Clupea harengus*), monkfish (*Lophius americanus*), bluefish (*Pomatomus saltatrix*), Atlantic butterflyfish (*Peprilus triacanthus*), summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), black sea bass (*Centropristis striata*), surf clam (*Spisula solidissima*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), spiny dogfish (*Squalus acanthias*), cobia (*Rachycentron canadum*), sand tiger shark (*Carcharias taurus*), Atlantic angel shark (*Squatina dumerili*), Atlantic sharpnose shark (*Rhizopriondon terraenovae*), dusky shark (*Carcharhinus plumbeus*), sandbar shark (*Carcharhinus obscurus*), and scalloped hammerhead shark (*Sphyrna lewini*).

Analysis of the Effects: The proposed work which is the subject of this application would occur in a small area of waters within an active navigational canal (L&R Canal) subject to regular boating activity and substantial wake energy and potential erosion. For these reasons the proposed work area is an unlikely spawning or nursery area for the managed species. Consequently, concentrations of the sessile life stages (eggs and larva) of the listed species are not expected to be within the area under review. In addition, the work is limited to the replacement of existing floating docks and piers, and the addition of one floating kayak dock and one timber piling and does not involve any dredging in waters of the US, nor does the work impact wetlands or aquatic vegetation. The pelagic adults and juveniles of the listed species are highly mobile and capable of avoiding such impacts as may be associated with the work.

Corps of Engineers View: Based upon 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.

Proposed Mitigation: Because the impacts of the proposed work on EFH have been determined to be minor, the Corps of Engineers has determined that mitigative measures are not necessary.

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 D. 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

2016-1001
E-1

PROPOSED REPAIR/REPLACEMENT OF TWO 50' X 6'
FLOATING PIERS; ONE 6' X 60' FLOATING DOCK;
ONE 6' X 16' FLOATING DOCK; SIX PILING; AND
INSTALLATION OF ONE NEW PILING AND ONE NEW
12' X 8' KAYAK DOCK WITH SAFE LAUNCH®

IN: Lewes and Rehoboth Canal
AT: Lewes Canalfront Park Marina
211 Front Street, Lewes, Sussex Co. DE 19958
(Tax Map Parcel #3-35-8.07-310.00)

APPLICANT: The City of Lewes
DATE: October 11, 2016

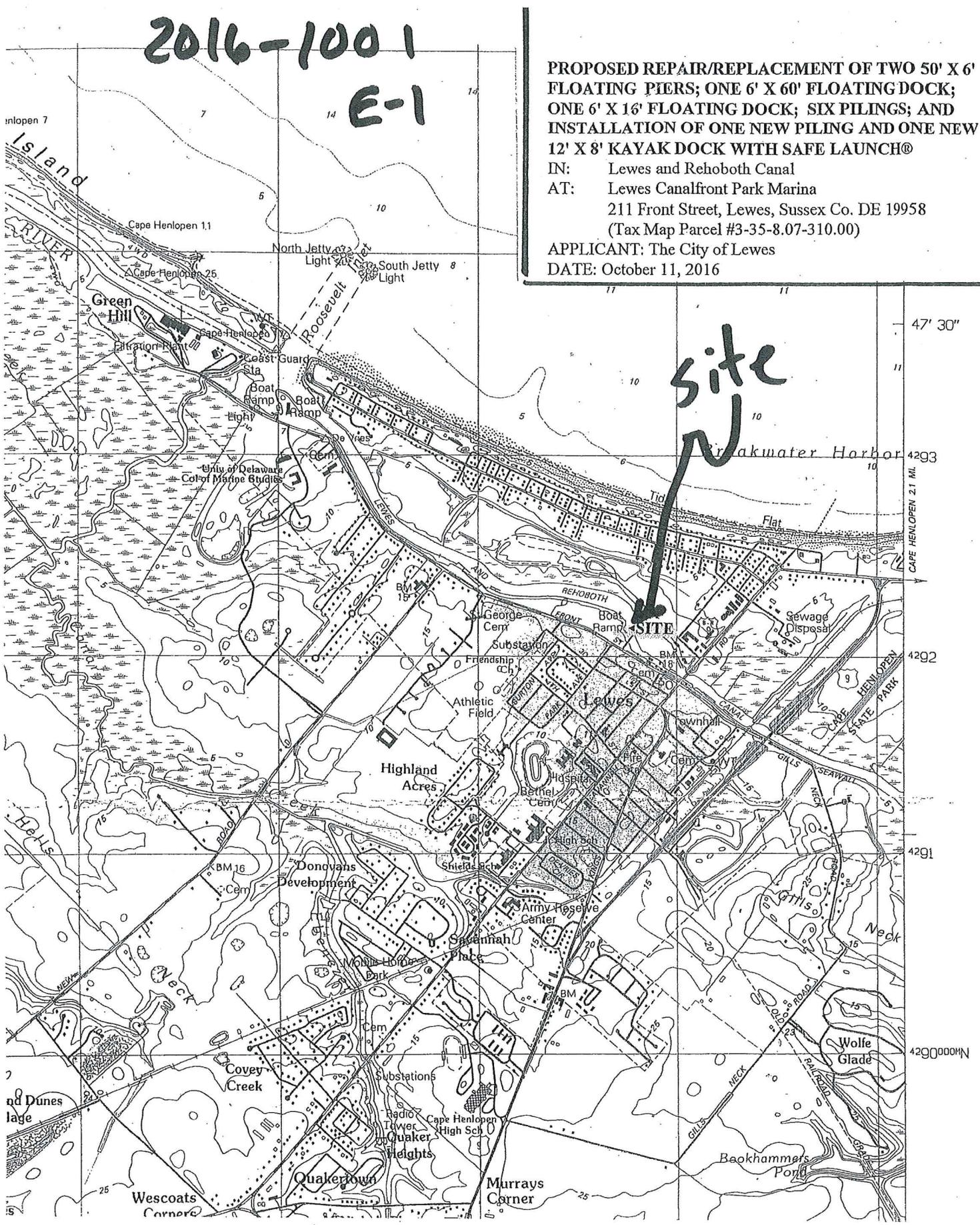


Figure 3. USGS topographic map, Lewes, Delaware, showing site location, Lewes Canalfront Park, adjacent to Lewes and Rehoboth Canal, Lewes, Delaware. Scale: 1" = 300'.

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E-2

PROPOSED REPAIR/REPLACEMENT OF TWO 50' X 6' FLOATING PIERS; ONE 6' X 60' FLOATING DOCK; ONE 6' X 16' FLOATING DOCK; SIX PILINGS; AND INSTALLATION OF ONE NEW PILING AND ONE NEW 12' X 8' KAYAK DOCK WITH SAFE LAUNCH®

IN: Lewes and Rehoboth Canal

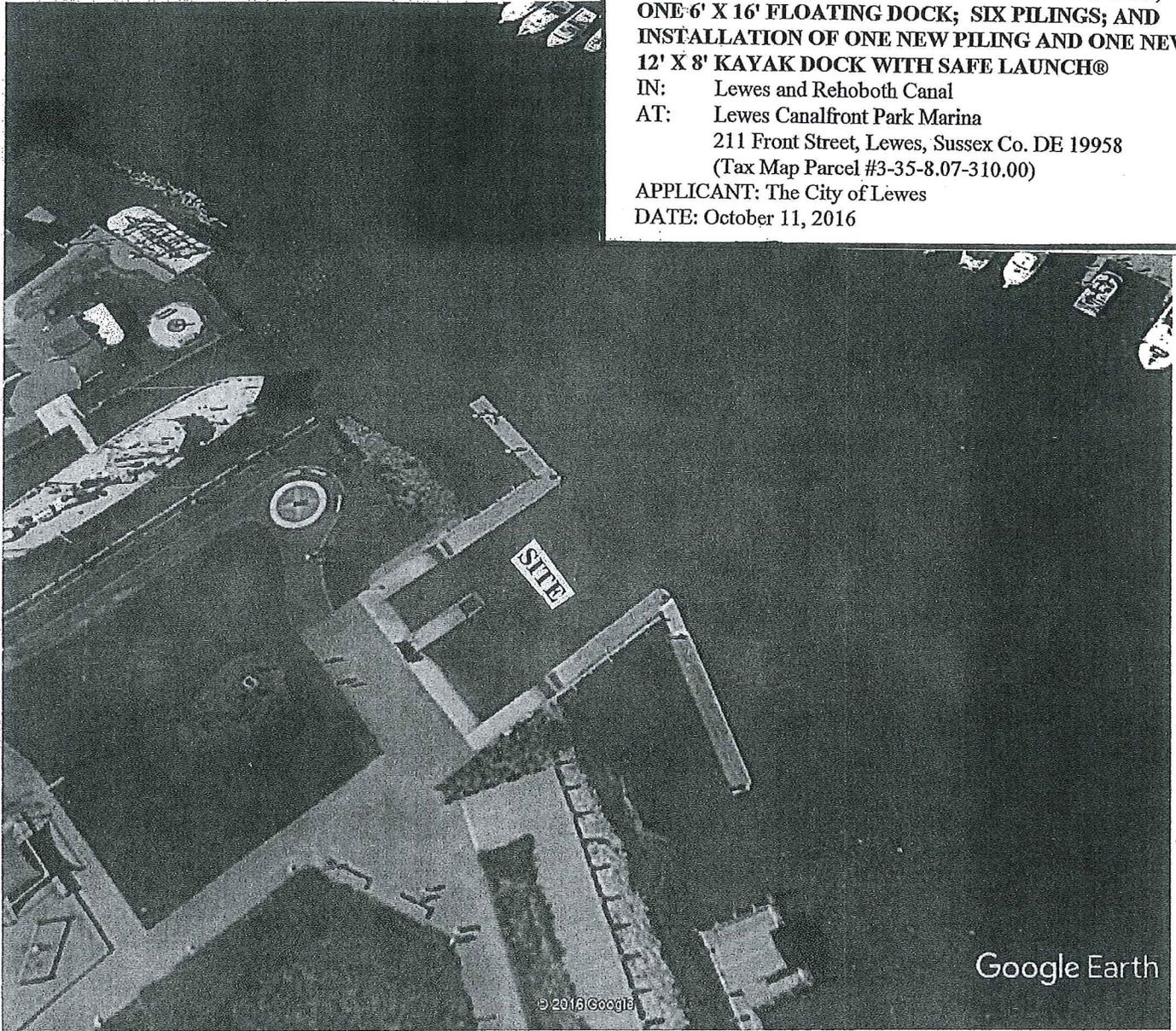
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Google Earth

feet 100
 meters 40



Figure 5. GoogleEarth 2015 aerial photograph showing site, Lewes Canalfront Park, adjacent to Lewes and Rehoboth Canal at 211 Front Street, Lewes, Sussex County, Delaware. Site was previously a DNREC Division of Fish & Wildlife public boat launch ramp, and is now a public park owned by The City of Lewes. The proposed project consists of removal of existing, deteriorating structures (two 50' x 6' floating piers; one 6' x 60' floating dock; one 6' x 16' floating dock; and six timber pilings), and replacement with two new 50' x 6' floating piers; one new 6' x 60' floating dock; one new 6' x 16' floating dock; and six timber pilings. Replacement structures will be located in same "footprint" as existing structures. (The relatively new 6' x 30' floating dock west of the 6' x 16' floating dock will remain in place). One new timber piling and one new 12' x 8' floating kayak dock with Safe Launch® will also be installed. Purpose is to provide safe launching and docking facilities at the Lewes Canalfront Park. See Figures 7 and 8 for plan view and cross-section plans, and Figure 9 for representative image of kayak dock.

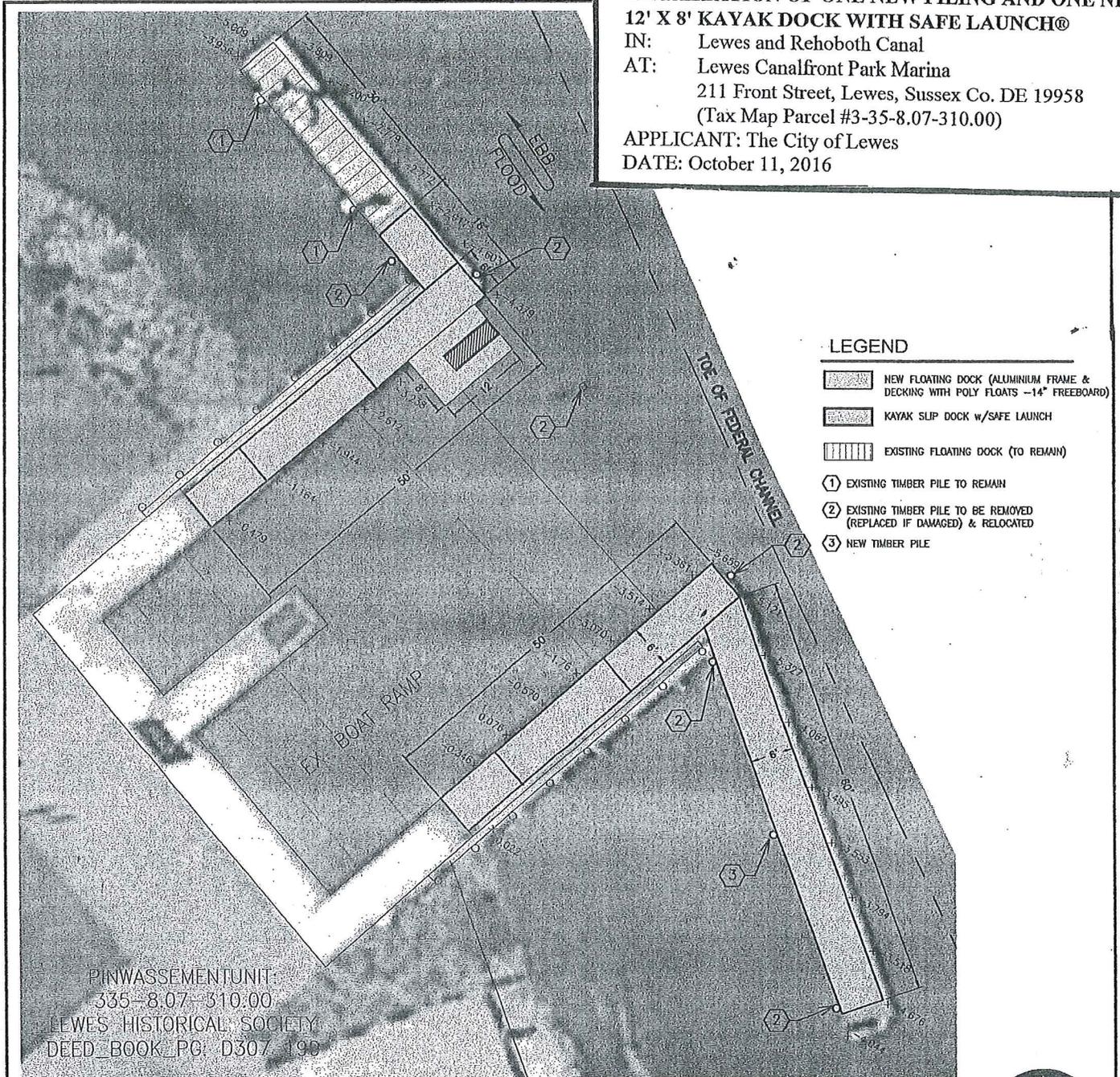
2016-1001

E-3

PROPOSED REPAIR/REPLACEMENT OF TWO 50' X 6' FLOATING PIERS; ONE 6' X 60' FLOATING DOCK; ONE 6' X 16' FLOATING DOCK; SIX PILING; AND INSTALLATION OF ONE NEW PILING AND ONE NEW 12' X 8' KAYAK DOCK WITH SAFE LAUNCH®

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BOAT KAYAK FLOATING DOCK REPLACEMENT



GMB

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
www.gmbnet.com

ADJOINING OWNERS

- ① OVERFALLS, MARITIME MUSEUM
PO BOX 413
LEWES DE, 19958
- ② CITY OF LEWES
PO BOX 227
LEWES DE, 19958

SHEET 1 OF 2

BOAT KAYAK FLOATING DOCK REPLACEMENT
ON: LEWES & REHOBOTH CANAL
LEWES, SUSSEX COUNTY, DELAWARE

APPLICATION BY: TOWN OF LEWES
DATE: SEPTEMBER 2016

Figure 7. Plan view of proposed project (prepared by George, Miles & Buhr, LLC), Architects & Engineers).

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E-4

PROPOSED REPAIR/REPLACEMENT OF TWO 50' X 6' FLOATING PIERS; ONE 6' X 60' FLOATING DOCK; ONE 6' X 16' FLOATING DOCK; SIX PILING; AND INSTALLATION OF ONE NEW PILING AND ONE NEW 12' X 8' KAYAK DOCK WITH SAFE LAUNCH®

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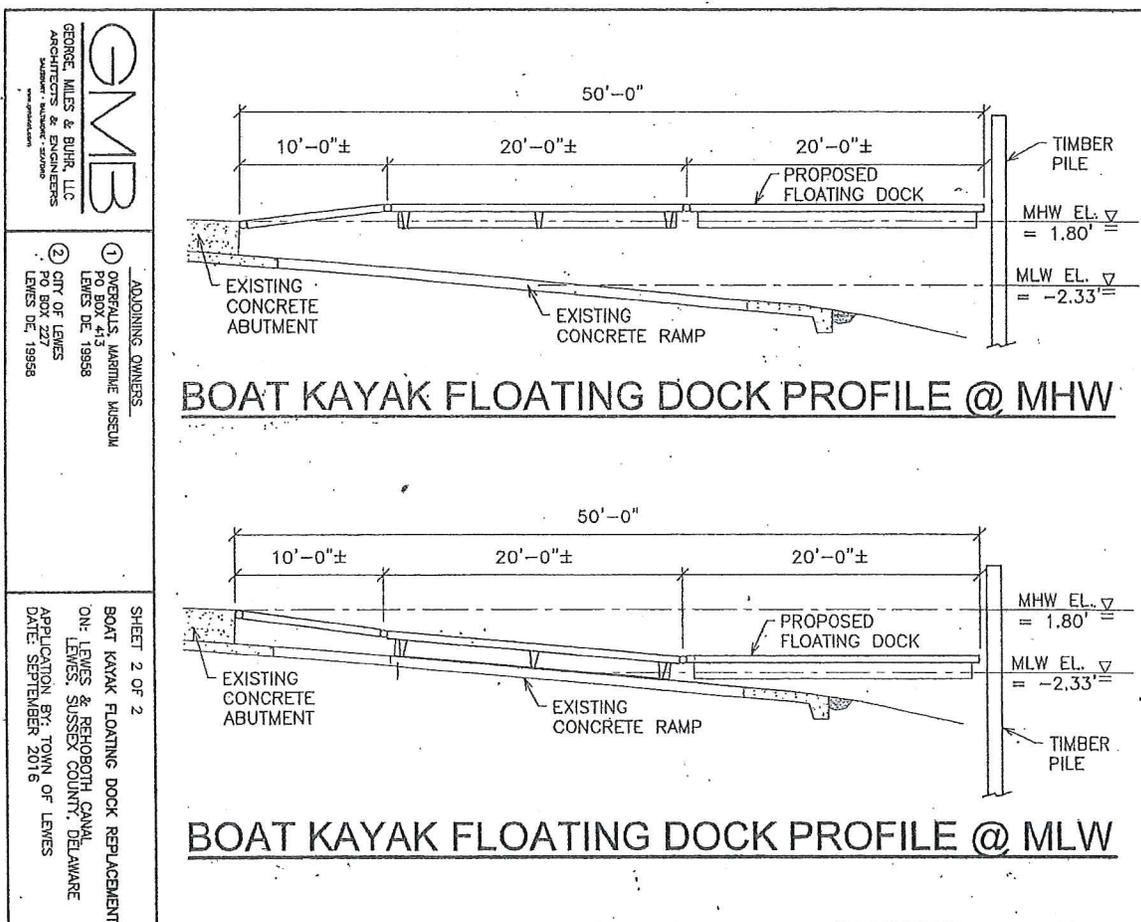


Figure 8. Cross-sections of proposed project (prepared by George, Miles & Buhr, LLC), Architects & Engineers). Dimensions as shown.

2016-1001

E-5

PROPOSED REPAIR/REPLACEMENT OF TWO 50' X 6' FLOATING PIERS; ONE 6' X 60' FLOATING DOCK; ONE 6' X 16' FLOATING DOCK; SIX PILINGS; AND INSTALLATION OF ONE NEW PILING AND ONE NEW 12' X 8' KAYAK DOCK WITH SAFE LAUNCH®

IN: Lewes and Rehoboth Canal

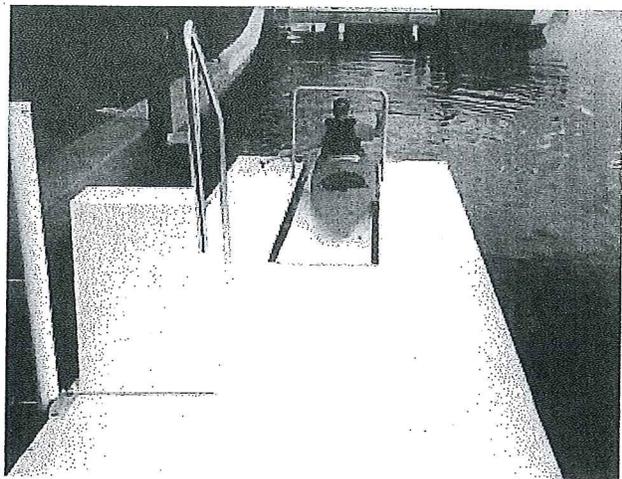
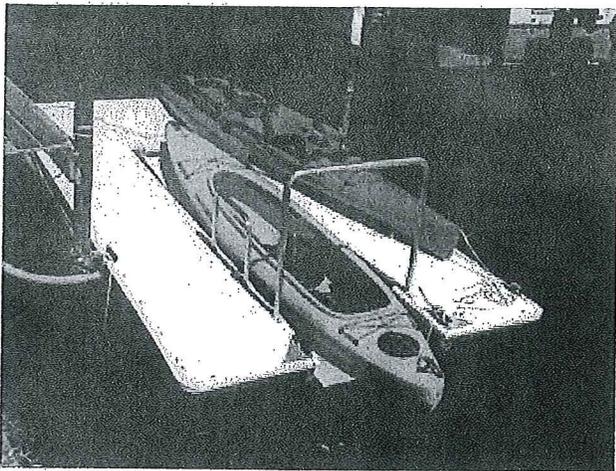
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The Accudock® Safe Launch feature provides the ultimate safety and comfort experience when launching a kayak. The ramp has an adjustable placement mount on the front side to get the proper slope required on the ramp to ensure that the ramp is completely universal no matter type of kayak or who is using it. The back end at the opening of the slip has a quick adjustable system which allows you to bring the Safe Launch out of the water when it is not being used. Many of our customers have come back to us explaining the amount of comfort and stability they now have, using the Safe Launch. The video below shows how the safe launch is correctly used.

Figure 9. Image of kayak dock with Safe Launch® feature.