



**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-2018-746	Date September 14, 2018
Application No. CENAP-OP-R-2018-746	File No. CENAP-OP-R-2018-746-85
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: Keith Delaney, OHV DE, LLC

AGENT: Edward Launay, Environmental Resources, Incorporated

WATERWAY: Lewes and Rehoboth Canal

LOCATION: Property situated approximately 700 linear feet south of the Delaware State Route One Highway Bridge on the western bank of the Lewes and Rehoboth Canal, in Rehoboth, Sussex County, Delaware.
Tax Map Parcel 334-19.00-173.00
(Lat. 38.706059° N/Long.-75.093696° W).

ACTIVITY: The proposed project involves the redevelopment of 550 linear feet of shoreline located on the western bank of the Lewes and Rehoboth Canal beginning 700 feet south of the Delaware State Route One Highway Bridge on tax map parcel 334-19.00-173.00 in Rehoboth, Sussex County Delaware. The applicant is proposing to construct a community dock, mechanically dredge the area associated with the dock and stabilize the shoreline to provide recreational access to the Lewes and Rehoboth Canal for the proposed Oyster House Village development. Currently, the Delaware Department of Natural Resources and Environmental Control (DDNREC), Waterway Management Program utilizes a portion of the property for storage of dredging supplies. As part of this project, the storage facility will be relocated to the north side of the property and enlarged.

The proposed dock is 520 feet long by 6 feet wide with 2-6 feet by 17 feet access piers landward of the dock. The dock will allow residents the ability to moor up to 20 boats to the dock seasonally. Furthermore, remnants of a deteriorated dock structure and piles that once served an oyster processing facility will be removed. The applicant and DDNREC have agreed that no mooring of resident's boats will be permitted on the north end of the pier after Labor Day and until April 15 of any year to allow for the DDNREC to moor dredging vessels.

The applicant is proposing to mechanically dredge approximately 7,275 square feet of the canal to allow for vessel mooring at the dock. The dredging is expected to result in the removal of approximately 300 cubic yards of material, which will be spread on site.

Additionally, approximately 470 linear feet of eroding shoreline is proposed to be stabilized by removing various materials used for stabilization in the past and replacing those materials with riprap. The dimensions of the structures and work are indicated on the attached plans prepared by Solutions IPEM, LLC.

The project site is managed by the U.S. Army Corps of Engineers to provide maintenance access to the Lewes and Rehoboth Canal. As such, the project will require U.S. Army Corps of Engineers Real Estate approval.

PURPOSE: The purpose of the project is provide for recreational access to the Lewes and Rehoboth Canal for the proposed community and the public and to stabilize the eroding shoreline.

AVOIDANCE/MINIMIZATION/COMPENSATION STATEMENT:

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 proposed maintenance dredging will provide safe and adequate mooring for 20 vessels at the proposed community dock. The proposed dock dimensions have been minimized to serve the needs of the community DDNREC Waterway Management Section. Because the project will not result in the loss of wetlands and stabilizing the banks will prevent additional sediment from eroding into the canal, a pollutant source to waters of the United States, the applicant is not proposing to conduct any compensatory mitigation for the work.

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 preliminarily determined that the permit area has been so extensively modified that little likelihood exists for the proposed project to impact a historic property. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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

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amended. As a result, consultation with the United States Fish and Wildlife Service and 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 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.

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

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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.

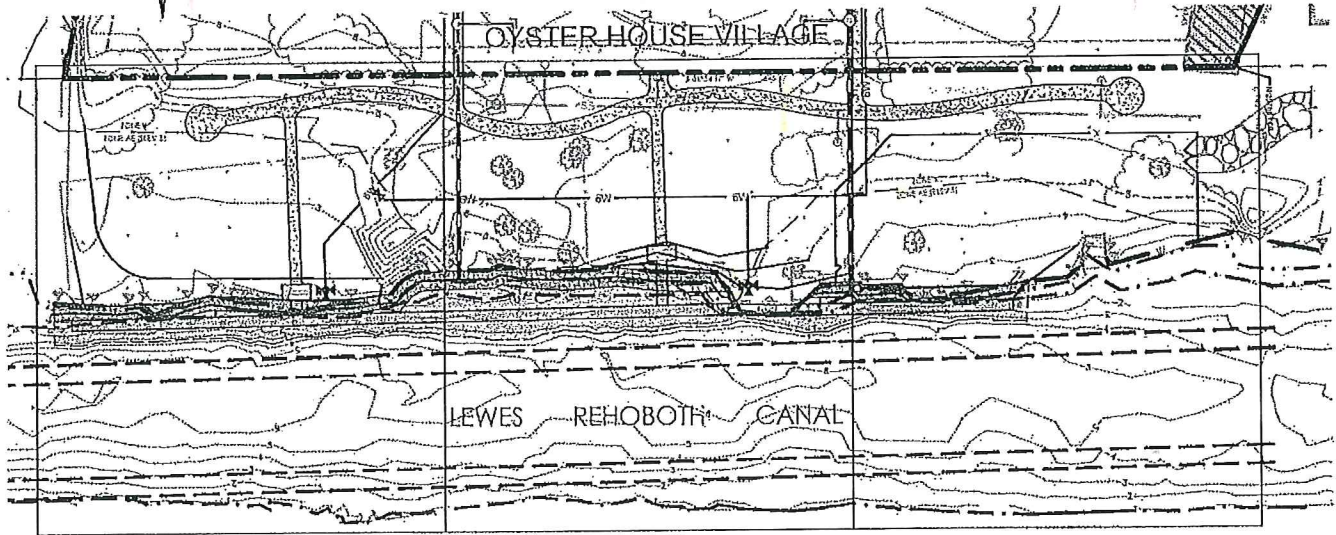
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Michael D. Yost at (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





SHEET 3

SHEET 4

SHEET 5

IMPACT TABLE

PROPOSED STRUCTURES

PROPOSED 6' WIDE DOCK	= 540 L.F.±
PROPOSED ACCESS PIERS OVER WATER	= 17 L.F.±
MAXIMUM NUMBER OF VESSELS	= 20

PROPOSED RIPRAP FILL AREAS IN WATERS OF THE U.S.

ABOVE MEAN HIGH WATER	= 2,230 S.F.±
MEAN HIGH WATER TO MEAN LOW WATER	= 1,800 S.F.±
CHANNELWARD OF MEAN LOW WATER	= 30 S.F.±

what @ H7L?

DREDGE QUANTITIES

AREA OF PROPOSED DREDGING	= 7,275 S.F.±
VOLUME OF PROPOSED DREDGING	= 300 C.Y.±

LEGEND

PROPERTY LINE	EXISTING
BOUNDARY OF WATERS OF THE U.S.	W
MEAN HIGH WATER	— · · —
MEAN LOW WATER	— · —
FEDERAL CHANNEL	— · —
SALT MARSH GRASS	— · · —
SPOT ELEVATION	* 2.72

CONTOUR	EXISTING
FENCE	— x —
TREE	— x —
DOCK / PIER	— x —
GRAVEL ACCESS DRIVE	— x —
PATH	— x —
RIPRAP BANK	— x —
LIMITS OF DREDGING	— x —
STORM DRAIN OUTFALL PIPE	— x —

PROPOSED
— 3 —
— x —
— x —
— x —
— x —
— x —
— x —
— x —
— x —

KEY MAP & IMPACT TABLE PROPOSED COMMUNITY DOCK

AT

OYSTER HOUSE VILLAGE

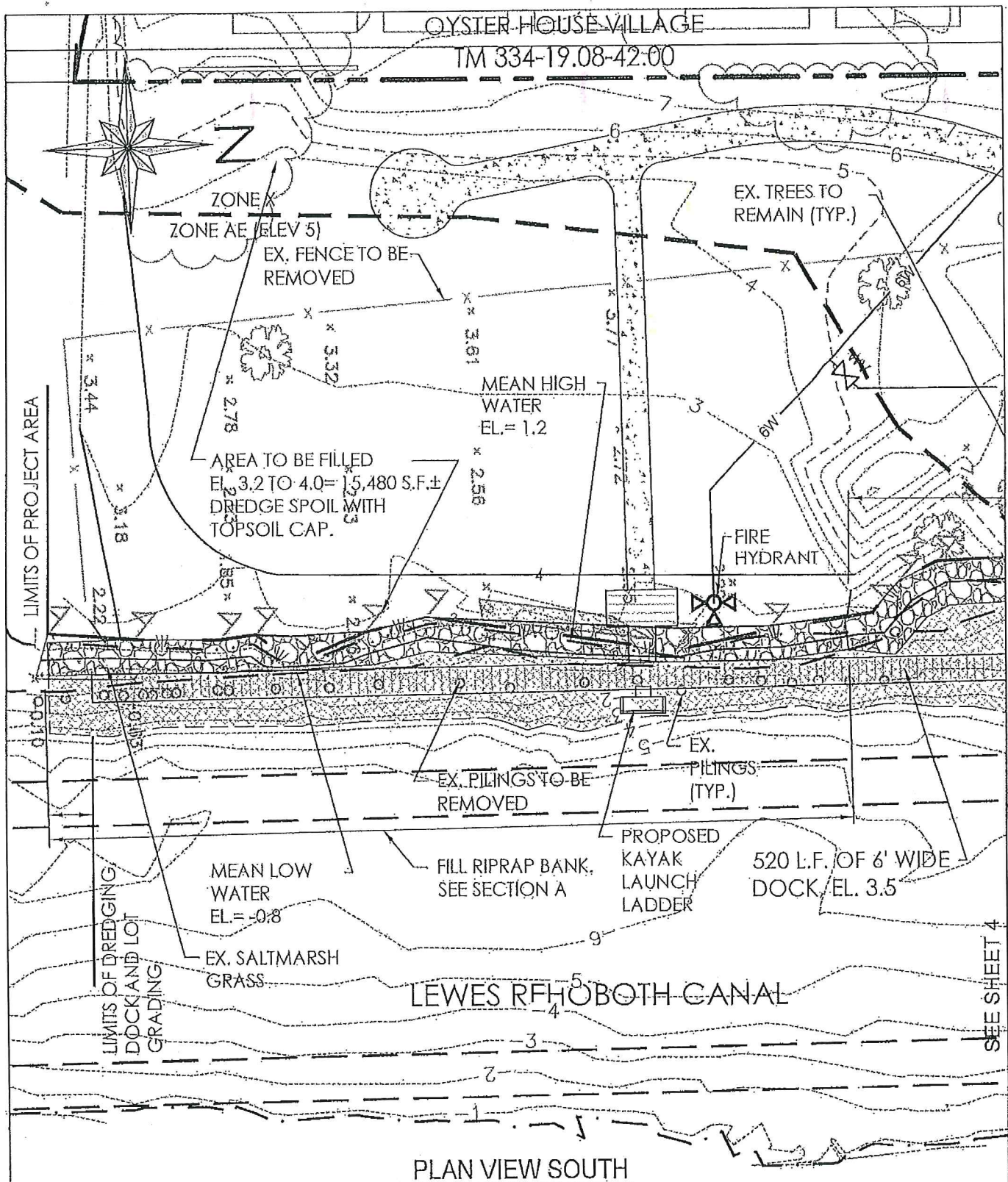
TAX MAP 334-19.00-173.00

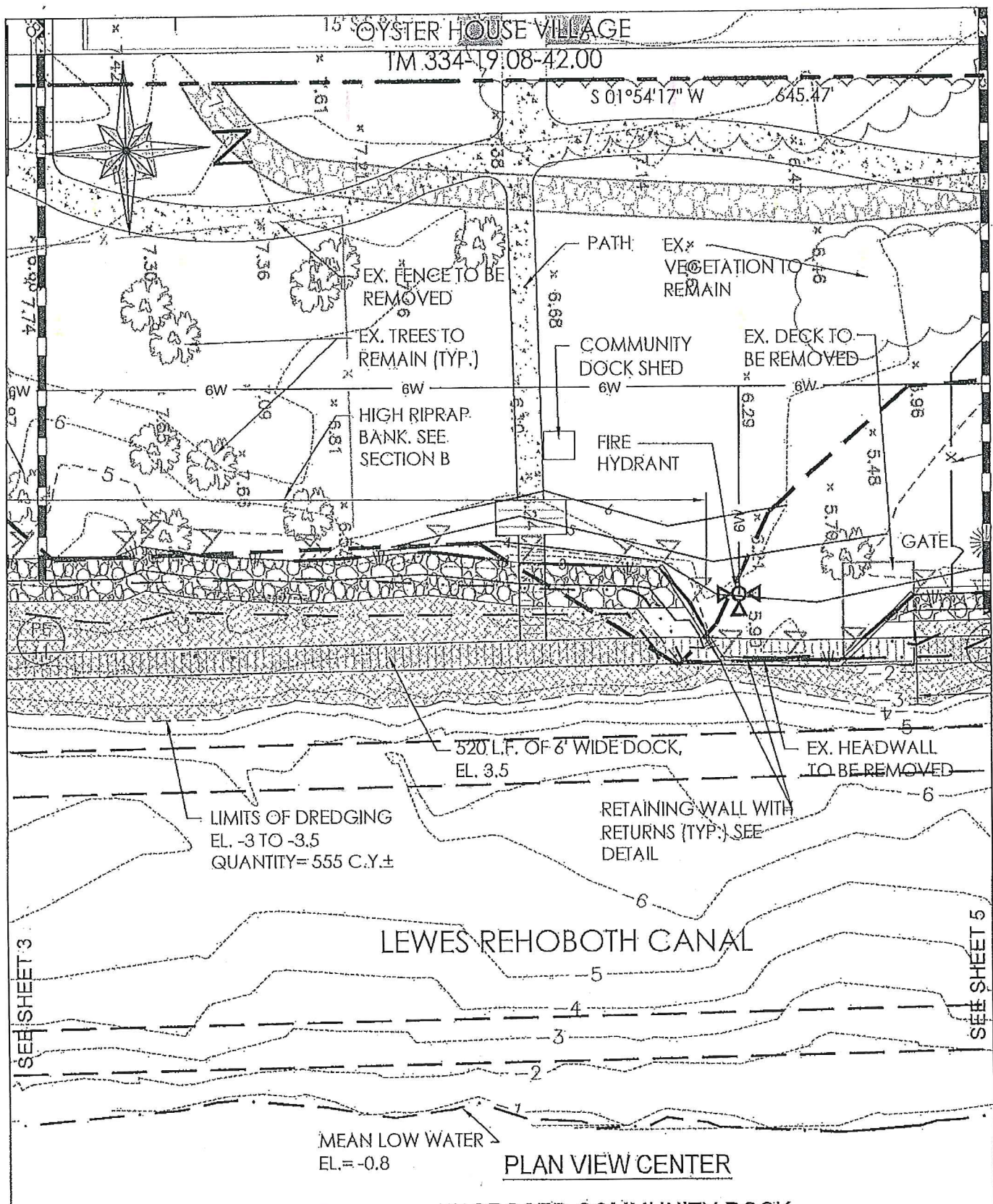
LEWES REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

FEBRUARY 14, 2018

SCALE: 1"=100'

SHEET 2 OF 7





SEE SHEET 3

SEE SHEET 5

PLAN VIEW CENTER

PROPOSED COMMUNITY DOCK
AT
OYSTER HOUSE VILLAGE

TAX MAP 334-19.00-173.00
LEWES REHOBOTH HUNDRED.
SUSSEX COUNTY, DELAWARE

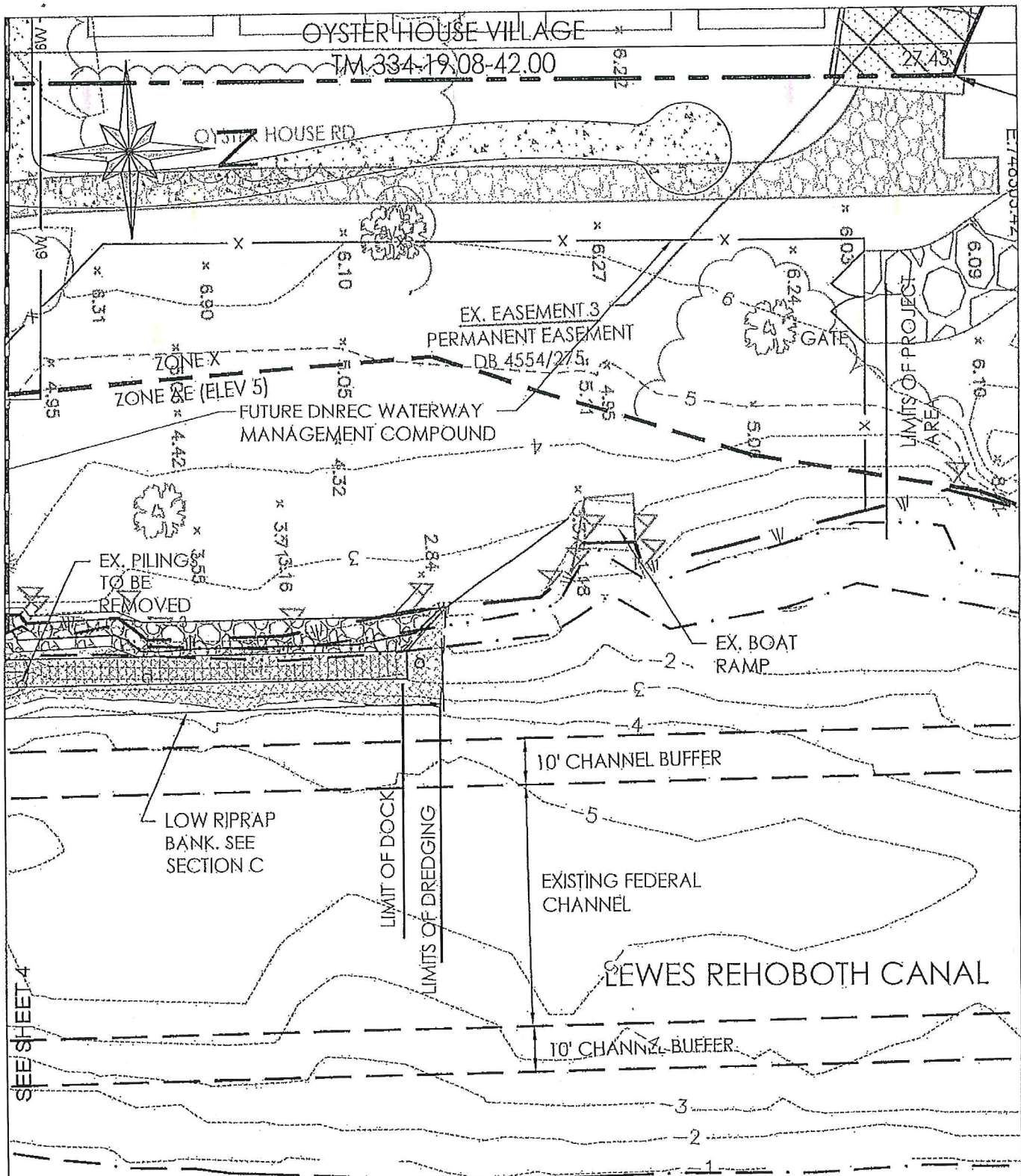
FEBRUARY 14, 2018.

SCALE: 1"=30'

SHEET 4 OF 7

solutions
Integrated Planning
Engineering & Management, LLC

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PLAN VIEW NORTH

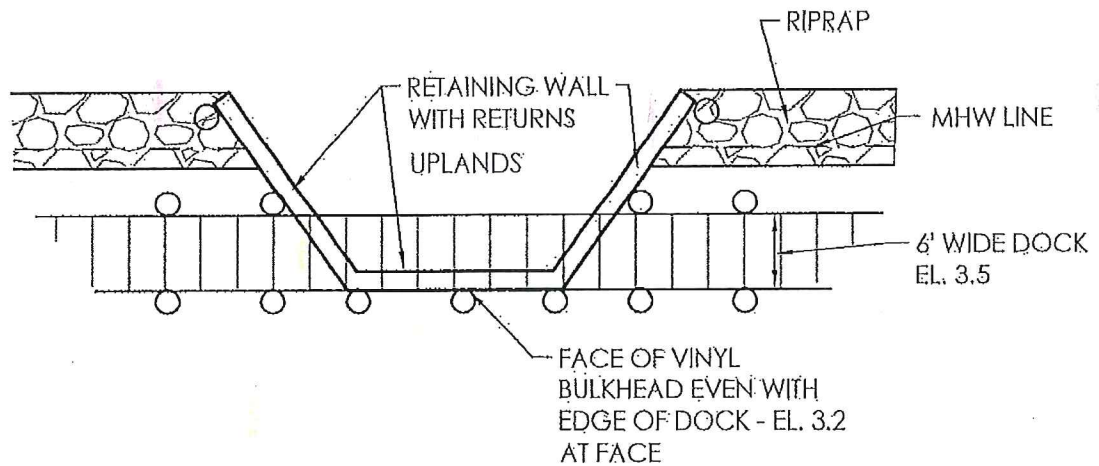
PROPOSED COMMUNITY DOCK
AT
OYSTER HOUSE VILLAGE

TAX MAP 334-19.00-173.00
LEWES REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

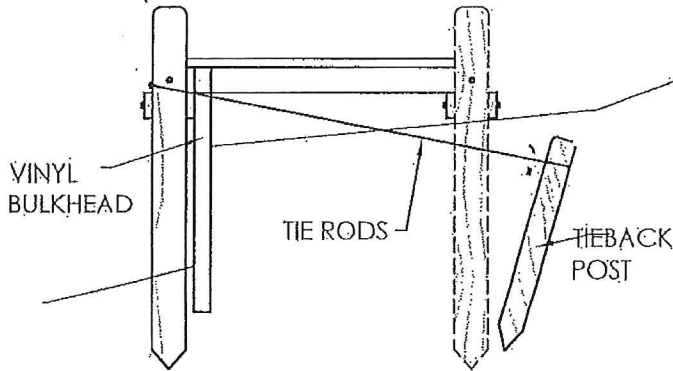
FEBRUARY 14, 2018

SCALE: 1"=30'

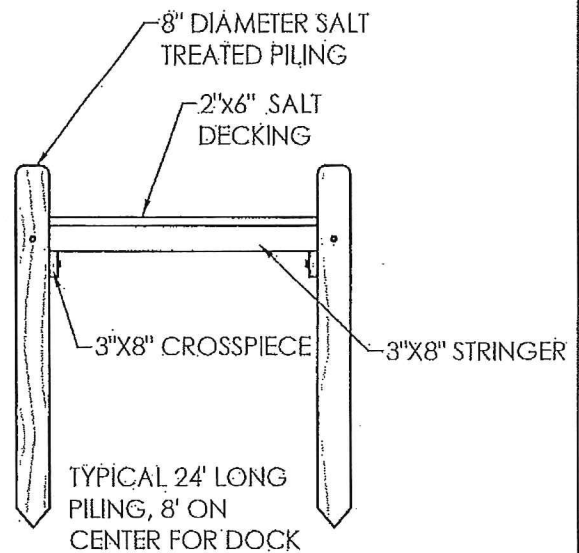
SHEET 5 OF 7



RETAINING WALL DETAIL
N.T.S.



VINYL BULKHEAD DETAIL
N.T.S.



DOCK DETAIL
N.T.S.