

MEMORANDUM

PROJECT NOTICE NO. 16

DATE: June 26, 2019

TO:

SECRETARY - DNREC
DIRECTOR - Division of Climate, Coastal, & Energy
ADMINISTRATOR - Coastal Programs
DIRECTOR - Division of Air Quality
DIRECTOR - Division of Waste and Hazardous Substances
DIRECTOR - Division of Parks & Recreation
DIRECTOR - Division of Fish & Wildlife
DIRECTOR - Division of Community Affairs
MANAGERS - Fisheries, Mosquito Control, Wildlife
DIRECTOR - Division of Watershed Stewardship
DIRECTOR - Division of Water
MANAGER - Groundwater Discharges Section
MANAGER - Surfacewater Discharges

GEORGETOWN OFFICE - Division of Water

CHIEF - Public Affairs, DNREC

CHIEF - Planning

DELAWARE GEOLOGICAL SURVEY

NEW CASTLE, SUSSEX & KENT COUNTY PLANNING OFFICES

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

GOVERNOR'S COUNCIL ON ENVIRONMENTAL CONTROL

COUNCIL ON HISTORICAL & CULTURAL AFFAIRS, ARCHAEOLOGICAL OFFICE

ENVIRONMENTAL PROTECTION AGENCY

U. S. FISH & WILDLIFE SERVICE

U. S. ARMY CORPS OF ENGINEERS

NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION

ADJACENT PROPERTY OWNER

WETLANDS MAILING LIST

FROM: WETLANDS AND SUBAQUEOUS LANDS SECTION - Telephone (302) 739-9943

SUBJECT: PENDING APPLICATIONS FOR SUBAQUEOUS AND/OR WETLANDS PROJECTS

Attached is a copy of a notice which appears in the News Journal and The Delaware State News on Wednesday June 26, 2019. If you have any comments, please return this memo to this office by July 16, 2019.

DP&L - Darkey Avenue

PROJECT NOTICE NO. 16

RETURN THIS PORTION TO: Department of Natural Resources & Environmental Control
Wetlands & Subaqueous Lands Section, 89 Kings Highway, Dover, DE 19901



Commenting on: Delmarva Power - Peaceful Lane

Signed: Gail D. Payne - Homeowner & Board member Solitude POA

Date Notice Received: 6/28/19

Div./Address: 32119 Serenity Ct Solitude on White Creek

No comments: SEE Below

Phone: 302-540-0318

My comments are as follows

What is the expected impact, timing & communication to the residents of Solitude. We just had the area sodded & wetlands planted.

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Attached is a copy of a notice which appears in the News Journal and The Delaware State News on Wednesday June 26, 2019. If you have any comments, please return this memo to this office by July 16, 2019.

DPUL Daisey Avenue

PROJECT NOTICE NO.16

RETURN THIS PORTION TO: Department of Natural Resources & Environmental Control
Wetlands & Subaqueous Lands Section, 89 Kings Highway, Dover, DE 19901

Commenting on:

Signed:

Date Notice Received:

Div./Address:

No comments:

Phone:

My comments are as follows



DPUL DAISEY AVENUE
J. McAleer

7-3-19

NEED PUBLIC HEARING TO DISCUSS IMPACT ON WHITE'S CREEK

610 220 2584

McAleer 543 Harbor Road Ocean View 19970



58 Daisey Avenue
Ocean View, Delaware 19970
June 28, 2019

Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, DE 19901

Attention: Gayle Calder

Reference: Subaqueous Lands Wetland Application: Delmarva Power and Light (1-34-12-170) Re Electric Power Distribution Line Across Whites Creek

Dear Ms. Calder:

On behalf of myself, Mr. Robert Seamans of Ocean View, the Foreside Commons Homeowner Association Inc., Ken Jones Association President, and Ms. Sue Dick of Ocean View, all impacted property owners, I request that a public hearing on the referant application be held convenient to Ocean View. A public hearing is requested because each will be materially and economically impacted by the subaqueous power line.

Material and economic impacts include restrictions on future construction on our adjacent properties, probable in-ground construction activities and installations on our properties, impacts on trees, and restrictions on use of our properties.

At this time, we do not know the details of in-ground construction, so it is not possible to understand the extent of the economic and material impacts. Delmarva Power has indicated a willingness to share such details, and that is appreciated, but we must request a hearing to protect our properties. While there are thirty years old easements, the applied for such a permit and its particulars could not be and was not contemplated at that time. Those easements were granted to the developer who controlled the Foreside Commons Homeowner Association before impacted lots were sold. The probable impacts were not and could not be expected for easements for which \$1.00 was paid for each. The economic impacts of any permitted construction could be many thousands of dollars to contiguous landowners. Peaceful use of our properties could be restricted.

The picture in the permit application, B-10, Horizontal Directional Drilling, is frightening to us because of our trees and restricted, end-of-the street location. We need to understand all ramifications. Significant and not understood impacts are likely. We

have not been informed of potential impacts, and we must be in a public forum with the opportunity to provide comments.

I may be contacted at gewood@mchsi.com or 302-448-0562. Please let me know the particulars of a scheduled hearing.

Our goal is not to impede reasonable construction but, rather, to protect our use of our properties and to make sure our concerns are reflected in Department actions. We have been aware of possible construction and location ("... that tree to this tree.") details for months. We had information re the planned location from a contractor, but confirmed, preliminary written details on location and in-ground construction were not available until very recently. The permit application does not include sufficient detail. In-ground details are not available.

We believe the Town of Ocean View and Sussex County should also request a hearing because of likely impacts to Daisey Avenue itself and existing telephone, cable, and electric power lines; sewers; and road surface construction. In-ground construction at the Whites Creek end-of-underground cables at Daisey Avenue and on to the County, sewer lift station site are not known and should be.

There are significant impacts to contiguous property owners which must be considered. A hearing is absolutely in the public's interest and absolutely necessary.

I look forward to hearing from you. I have great respect for DNREC, having served on the Environmental Appeals Board for years.

I can provide written authorization to replace the current verbal authorizations from other homeowners to make this hearing request and to appear on their behalf.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gordon E. Wood Sr.", written in dark ink.

Gordon E. Wood Sr.

cc. Ms. Sue Dick
Mr. Ken Jones, President FCHOA
Ms. Nancy Ryan, Secretary FCHOA
Mr. Robert Seamans
Ocean View Town Manager

58 Daisey Avenue
Ocean View, Delaware 19970
September 8, 2019

Ms. Lisa A. Vest, Hearing Officer
Office of the Secretary
Department of Natural Resources and Environmental Control
89 Kings Highway
Dover, Delaware 19901



Subject: Public Hearing by Delmarva Power and Light (Docker ##2019-P-W-0022 Scheduled for October 1, 2019, in Bethany Beach

Reference: Gordon Wood to Gayle Calder, June 28, 2019

Dear M. S. Vest:

The referent letter from Gordon Wood to Ms. Gayle Calder on behalf of myself; Mr. Robert Seamans of Ocean View; the Foreside Commons Homeowner Association Inc., Ken Jones President; and Ms. Sue Dick of Ocean View, all impacted property owners, requested the scheduled public hearing.

The lack of information on the exact location of the planned power line under White Creek notwithstanding repeated promises to provide that information by Delmarva Power makes it impossible for us to understand the possible and probable impacts on our properties. It makes it impossible to represent our interests in the scheduled hearing until we know the exact planned location of the power line and necessary other in-ground construction and facilities impacting our properties.

On behalf of myself, Mr. Seamans, Ms. Dick and the Foreside Commons Homeowner Association, we request the hearing be postponed to a time not less than thirty days after the time the requested and promised information is provided. A hearing is intended to review all aspects and impacts of planned construction. The exact location is a mystery to us, but not to Delmarva Power.

Very early this year, noticing surveyors in my back yard, I inquired of them what they were doing. While I knew there were plans for a line under White Creek, I knew nothing more. After conversation, the surveyors located the planned location. It was quite precise, from a specific tree on the other side of the creek to a specific tree on our side of the creek. Quite precise!

I contacted Delmarva Power and requested information. Representatives of Delmarva Power met with me in my home on June 10. We discussed our concerns and requested location information and an understanding of in-ground construction plans and possible impacts. The representatives seemed puzzled as to who the surveyors were, and made it clear the location had not been decided. I indicated concern about the accuracy of the location uncertainty. Nothing since has convinced me otherwise. In any event, Delmarva Power promised to develop a drawing showing power line location and the in-ground facility. They noted the detailed drawing they had would have to be modified to delete some detail pursuant to the need to remove some detail which was restricted might by the government as being useful to someone intending to damage or destroy items on the power grid. Since June 10 we have not received the promised drawing. This is in the face of a planned "453 feet" line under White Creek for a power line under White Creek. Very precise, months ago.

On June 18, I sent an email to Janes A. Smith noting I believed he had "promised copies of permit applications and a drawing setting forth in-ground construction on Mr. Seaman's and Foreside Commons' sites." I asked "when will you be able to provide these? Please let me know. Time seems to be of the essence. Please also let me know your understanding of when and where there will be public disclosure and discussion of Delmarva Power's plan and permit applications." I received copies of permit applications, but they do not include locations. In fact, the permit application includes a wide swath of possible locations, seemingly well over a hundred feet wide. With the applications, we still do not understand the firm location of either the line nor the in-ground construction and facility.

On June 19, I received an email from Mr. Smith thanking me for "the opportunity to sit down with you to discuss the project." Attached was "environmental permitting submitted by Delmarva Power." Exact location information was not provided. It was noted that "Exact location is still to be determined based on borings that will be taken very soon." Still no location information!

On June 19, I responded that I was surprised the permit process was completed [by Delmarva] without contact with anyone impacted.

On June 24, having received the permit applications, I responded with a long email with a "15 minute response to a very quick review of the applications." I noted, "We will expect a detailed statement of the physical and economic impact on our properties." I noted that impacts seem to be significant, especially the in-ground box and its location and impact on [large] trees. I further noted the impact on pilings needed for both future home construction and any future reconstruction of the Foreside Commons structure [dock].

On June 24, I received an email from Mr. Smith thanking me for "sharing this feedback." He noted, "I will be pulling together our project team to discuss all of these issues and then set up a time to meet." I responded promptly, "The sooner the better."

On June 28, I received an email from Mr. Smith noting that "we will work to set up a meeting with you following the holiday." That has not happened.

On August 4, I sent Mr. Smith the following email: "What has happened with the promised drawing? Please let me know. This is my 3rd or 4th email on this. Gordon"

On August 5, Mr. Smith apologized for the delay. He noted they "were in the process of scheduling a survey for the area to mark boundaries and various reference points for the project. I believe the survey has been completed very recently. A meeting with us was proposed after they survey.

On August 5, I thanked Mr. Smith for what was provided noting, "I thought the drawing you would provide would include design of [the] underground box and its location." I asked for other information.

On August 6, Mr. Smith responded, "Thanks for your patience. He noted that he asked for information from Thomas Brady on the exact location of the underground switch cabinet and cable depth. I have not received further information.

Now, without requested information, I leave on September 10 for Norway for two weeks, a trip planned and booked in January. It is impossible to prepare for the currently scheduled hearing. A delay of the hearing until a time at least 30 days after all requested information is provided is hereby requested.

I note that easements were provided from the developer over 30 years ago. I understand easements provide rights. I am sure nobody could have contemplated impacts on planted trees, maintenance of docks, and use of properties to be expected because of the planned project. A simple question: was anything like this reasonably contemplated by anyone 30 years ago? Would such easements be valid for something as large as above-ground switches; blocking of planned ingress to a building lot; destruction of large, mature trees; restriction of major maintenance on existing docks; or construction of new docks. Such a significant taking of private property could not ever have been contemplated when easements were granted.

The efficacy of the hearing is impacted if those impacted are not able to evaluate and discuss project impacts. Please give us the opportunity contemplated by a fair hearing process to present informed, competent information on our behalf. As a respected past member for many years of the Environmental Appeals Board, I can lead our group in a competent manner to review our concerns throughout a finalized permitting process and the Administrator's final decision based upon an understanding of impacts, something we can't do without understanding the meets and bounds of the project.

Very sincerely,



Gordon E. Wood Sr.

Mahaffie, Mike (DNREC)

From: mfmatassa@aol.com
Sent: Tuesday, October 01, 2019 7:39 AM
To: HearingComments, DNREC (MailBox Resources)
Subject: Delaware Power and light proposed electric line under Whites Creek, ocean View, DE

TO: DNREC, Office of the Secretary

FR: Michael F Matassa
136 Naomi Dr
Ocean View, DE 19970

RE: Proposed Electric line under White's Creek

I am unable to attend the public hearing on 10/1/2019 at South Coast Library, Bethany Beach on the above proposal. However, I would like to voice my concern as to the effect the proposed installation will have on any future efforts to dredge the White's Creek. I have heard conflicting reports as to the depth of bottom clearance required by any dredging efforts. I request that the impact upon future dredging issues be addressed in the public hearing.

Thank You

Michael F Matassa, CFS

Mahaffie, Mike (DNREC)

From: DoNotReply@delaware.gov
Sent: Monday, September 30, 2019 12:48 PM
To: HearingComments, DNREC (MailBox Resources)
Subject: Public Hearing Comments

Comments on Docket #2019-P-W-0022

Name: Charles Carr
Phone: 9089228504
Email Address: charlie040698@gmail.com
Organization:

Comments:

The current proposal calls for the cable to cross the creek at a minimum 20 feet below the mud line. I want assurances from DNREC that a major cable at that depth will be deep enough that it will not prevent future dredging. In a conversation with people at Excelon, the parent company of Delmavra Power I was told the actual target depth is deeper, approximately 45 feet but would like assurance that the minimum depth no matter it is will not block the creek being dredged in the future.

Calder, Gayle H. (DNREC)

From: Kadlubar, Kathryn (DNREC)
Sent: Monday, July 15, 2019 10:20 AM
To: Calder, Gayle H. (DNREC)
Subject: PNN 2019-06-23

Switch-MessageId: cc1eb3406c254506858f3839bed25689

Species Conservation and Research Program
Delaware Division of Fish and Wildlife
Department of Natural Resources and Environmental Control
6180 Hay Point Landing Rd
Smyrna, Delaware 19977
(302) 735-8669

Ms. Gayle Calder
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, DE 19901

Title: Wetlands and Subaqueous Lands Applications
Division of Water
Start Date: June 23, 2019
End Date: July 16, 2019

Subaqueous Lands Permit Application

Todd Moyer (134-20.11-32.00)-To install a 4 foot 10-inch x 14 foot long floating dock in Cedar Pond at 39663 Baltimore Street, Bayview Park, Bethany Beach, Sussex County, DE

The Division of Fish and Wildlife does not have fish community data for the project area. However, it is unlikely that habitat occurs in the project area that would support anadromous fish species. No time of year restrictions or other measures are requested for these species or for resident gamefish species.

Delaware Department of Transportation (adjacent to 332-1.07-164.00)-To remove the northernmost dam gate and two (2) outlet pipes and install a new cast-in-place concrete outlet structure, to remove the southernmost dam gate and abandon two (2) outlet pipes, to repair concrete in an existing culvert, and abandon a separate existing culvert, place 273 cubic yards of rip-rap for scour protection, and to construct a new concrete sidewalk/overlook by installing 150 linear feet of sheet pile wall and backfilling with 101 cubic yards of concrete in Broad Creek and Records Pond, adjacent to Willow Street in Laurel, Sussex County, DE

The Division of Fish & Wildlife reviewed this project on January 24, 2019 and submitted the comments below directly to the applicant.

Rare Mussel Species:

Northern Lance (*Elliptio fisheriana*) have been documented in Broad Creek downstream of the proposed project. Northern Lance is a freshwater mussel that is a species of conservation concern in Delaware. The Nanticoke River watershed is the most diverse in the State with regard to freshwater mussels. Because freshwater mussels are filter feeders, and have a long lifespan and complex life cycle, they often serve as excellent indicators of water quality. Impacts to this population of freshwater mussels can be minimized by using best management practices to decrease downstream sedimentation during construction activities.

State-Rare Fish:

Blackbanded Sunfish (*Enneacanthus chaetodon*) and Ironcolor shiner (*Notropis chalybaeus*), two state-rare fish species have been documented in the eastern portion of Records Pond. It appears that the majority of the work will take place downstream of Records Pond. However, if in-water work occurs within Records Pond and the site is heavily vegetated on sand or mud bottoms, or if Records Pond water levels will be lowered, then a time of year restriction of **April 1 to June 30** should be considered.

Largemouth Bass:

The cove adjacent to the spillway is a spawning area for Largemouth Bass, the most popular freshwater species in Delaware that supports heavy recreational angling pressure. The lack of suitable spawning habitat in the Nanticoke River system is one factor that limits the abundance of the population, thus protection of known spawning areas is important. In-water work can suspend sediments which can smother nests and eggs, thus a turbidity curtain could potentially mitigate for this impact. However, if the work extends downstream of the spillway direct impacts to spawning could occur. In addition, if the pond is drawn down 1-2 feet, this could impact the suitability and availability of spawning habitat for Centrarchids (which includes bass, bluegill, black crappie etc.) in the pond. So, if the pond is drawn down or the work extends downstream, a time of year restriction is requested which is in line with our Pond Policy: **April 1-July 15**.

Anadromous Species:

American shad (*Alosa sapidissima*), blueback herring (*Alosa aestivalis*), and alewife (*Alosa pseudoharengus*) collectively known as alosines, migrate upstream within Broad Creek during the spring in search of suitable spawning habitat. These species have been observed in rather large numbers within the spillway as the dam creates an impediment to further upstream migration. Given the concentration of these species in the spring within the project area, we request a time of year restriction of **March 15-June 1**. This time of year restriction should minimize impacts to spawning activities as well as direct impacts to these species which are especially sensitive to disturbance in the water column. It is important to protect these stocks because American shad populations have declined along the East Coast prompting restoration efforts on the Nanticoke River. Alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*) are listed by the National Marine Fisheries Service as a Species of Concern. These species are important to both commercial and recreational fisheries and form an important forage base for other fish and animal species.

Atlantic Sturgeon:

This past September two acoustically tagged Atlantic Sturgeon (*Acipenser oxyrinchus*) were detected 1.7 river miles below the Records Pond Dam. Therefore, Atlantic Sturgeon could be in the project area from mid-August through October. Please contact and consult Peter Johnson with the National Marine Fisheries Service at peter.b.johnsen@noaa.gov.

In addition, the applicant corresponded with the Division regarding installing a cofferdam before April 1 and leaving it in place until after November 1. This plan was approved by the Division.

Subaqueous Lands Wetland Application

Delmarva Power and Light (DPL Right-of-Way, adjacent to tax parcel 233-2.00-2.00)-To remove four (4) existing utility poles, and install (1) new utility pole with a 12-foot diameter concrete foundation, resulting in 166,117 square feet of temporary impacts for access and 115 square feet of permanent impacts to State-regulated wetlands located adjacent to the Indian River, as part of the Cool Springs to Indian River Substation 230kV transmission line rebuild project in Sussex County, DE

Without specific location information on project activities, we offer the follow comments for the entire project parcel.

Bald Eagle:

There is an active Bald Eagle (*Haliaeetus leucocephalus*) nest within Tax Parcel No. 233-2.00-2.00. Bald eagles and their nests are protected under the federal Bald and Golden Eagle Protection Act (BGEPA). The U.S. Fish and Wildlife Service (USFWS) developed *National Bald Eagle Management Guidelines*, to help landowners and others minimize impacts to eagles, including disturbance, which is prohibited by the BGEPA. The guidelines focus on minimizing disturbance through the use of suggested buffer zones (330 ft. to 660 ft. from a nest) and time-of-year restrictions for certain activities in several categories. Determinations of allowable activities within protection distances are

evaluated on a case-by-case basis by USFWS biologists. The USFWS has jurisdiction regarding Bald Eagles protection via BGEPA and works with landowners regarding all eagle disturbance issues. Please contact Tom Wittig, USFWS Permit Biologist at 413-253-8577 or Thomas.Wittig@fws.gov.

Forest and Wetland Disturbance:

Based on historical aerial imagery, there is potential for old growth forest within or adjacent to the project site. If there is any tree removal proposed for this project, we encourage the applicant to make every reasonable effort to preserve large, mature trees; removing only the minimum number of trees necessary. In addition, we recommend the applicant revegetate disturbed areas using native plant species that are indigenous to the state of Delaware and are appropriate for the site. Our staff botanist, Bill McAvoy (William.mcavoy@delaware.gov), can provide guidance in selecting plant material suitable for replanting at this site.

Delaware Department of Transportation (DelDOT Right-of-Way, adjacent to tax parcel 2101100009)-To remove approximately 100 cubic yards of accumulated material and regrade a 5 x 210 foot long drainage ditch in State-regulated wetlands, adjacent to the Broad Dyke Canal on the southeast side of Sixth Street, New Castle, New Castle County, DE

The Division of Fish & Wildlife reviewed this project on April 2, 2019 and submitted the comments below directly to the applicant.

Invasive Grasses:

Soil disturbance within the project boundaries will likely result in the establishment of the non-native invasive grass - European reed (*Phragmites australis subsp. australis*), as well as other potentially invasive, non-native plant species. We recommend that, as a condition of the permit, the applicant revegetate the area using native plant species that are indigenous to the state of Delaware and are appropriate for the site. Our staff botanist, Bill McAvoy (William.mcavoy@delaware.gov) can provide guidance in selecting plant material. In addition, we also recommend that the applicant commit to a two-year monitoring and management plan that would include the removal of non-native invasive plants and additional plantings of native species as necessary.

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site.

Subaqueous Lands Lease Application

Delmarva Power & Light (1-34-12-170)-To install by directional bore a 16-inch diameter 482 foot long electric power distribution line at a minimum depth of 20 feet below the mudline of White's Creek with the directional drill access pits located at the terminus of Daisey Avenue and adjacent to Peaceful Lane in Ocean View, Sussex County, DE

Summer Flounder

Sampling conducted by our Division's fisheries staff revealed that Whites Creek supports a large number of juvenile migratory fish and is thus considered an important nursery area in the Inland Bays. Several species of particular commercial and recreational importance utilize the creek and could be impacted by this project. A primary species of concern for this project is Summer Flounder (*Paralichthys dentatus*) which utilize the creek as a nursery area. We recommend that no in-water work occur from **March 1th to September 30th** to allow time for young of the year to grow large enough to be less vulnerable to habitat-altering activities and then migrate out of the system. This window should minimize the number of young of the year flounder impacted by project activities.

American Eel

Whites Creek is utilized by large numbers of American Eel (*Anguilla rostrata*) during migratory activities. We request that any in-stream work not take place from **March 1st to June 30th** to allow upstream passage of elvers (young eels).

Horseshoe Crabs

Intertidal zones of the Inland Bays generally support spawning Horseshoe Crabs (*Limulidae polyphemus*) and without site-specific data and appropriate monitoring, no work should occur from **April 15th to August 30th** to minimize the impact to Horseshoe Crabs

HDD

Although the use of a directional drill often has less of an impact than other methods, there is still a potential for frac-outs to occur which could impact wetlands and water bodies within the project area. Therefore, we highly recommend that a frac-out contingency plan be in place prior to the start of project activities. The contingency plan should include the following:

- 1) A provision to contain materials released,
- 2) A clean-up protocol, and
- 3) Arrangements for an experienced representative (drilling crew or consultant) to watch the site at all times so that the operation can be shut down immediately in the event a frac-out occurs.

On-site staff should have access to the DNREC 24 hour hotline phone number (1-800-662-8802) to report any environmental release or fish kill. Immediate notification of any environmental release is imperative. Please also follow-up with a contact to Edna Stetzar, DFW Environmental Scientist (302-735-8654 or Edna.Stetzar@delaware.gov)

Jason Berry (2-34-33.00-22.01) – To install two (2) boatlifts with four (4) associated pilings each, and two PWC lifts adjacent to an existing structure in the Indian River at 28530 Warwick Road, Millsboro, Sussex County, DE

Indian River is used by large numbers of American Eel (*Anguilla rostrata*). We request that in-water work not take place from March 1st to May 15th to allow upstream passage of elvers (young eels).

Barry Joseph (2-34-33.00-22.00)– To install a boatlift with five (5) associated pilings, a 4 by 14 foot long gangway, a 6 by 24 foot long floating dock, and to authorize a 6 by 12 foot long floating dock in the Indian River at 28528 Warwick Road, Millsboro, Sussex County, DE

Indian River is used by large numbers of American Eel (*Anguilla rostrata*). We request that in-water work not take place from March 1st to May 15th to allow upstream passage of elvers (young eels).

Christopher Schell (3-34-23.06-12.00)–To construct a 4 by 186 foot long pier, two (2) 6 by 32 foot long docks, two (2) boat lifts with 4 associated pilings each, and 5 mooring pilings in the Rehoboth Bay at 38730 Seagull Drive, Rehoboth Beach, Sussex County, DE

Intertidal zones of the Inland Bays generally support spawning Horseshoe Crabs (*Limulidae polyphemus*) and without site-specific data and appropriate monitoring, no work should occur from April 15th to August 30th to minimize the impact to Horseshoe Crabs

Junior Armiger and Grace Armiger, Trustee (1-32-6.00-2.01)–To maintain a 6 by 72 foot long pier an 8 by 40 foot long dock and a boatlift with 4 associated pilings in the Nanticoke River at 7429 Rivershore Drive, Nanticoke Estates in Seaford, Sussex County, DE

This project was not reviewed as there does not appear to be in-water work.

Melissa Kisla-Moleski (134-23.20-27.04)–To install a PWC lift with 2 associated pilings located southeast of Lighthouse Cove at 50 Oyster Bay Drive, Fenwick Island, Sussex County, DE

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site.

Katie Kadlubar

Environmental Review Coordinator

Delaware Division of Fish & Wildlife

Phone: (302) 735-8665

Delaware Division of Fish & Wildlife

***We Bring You Delaware's Great Outdoors
through Science and Service***



Find us on Facebook: www.facebook.com/DelawareFishWildlife