

July 11, 2024

ERI Project No. 0004#0511

Mr. Todd Schaible, Chief Regulatory Branch, Philadelphia District U.S. Army Corps of Engineers Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390

Attn: Mr. Michael Yost, Dover, Delaware Field Office, Philadelphia District

RE: Department of the Army Permit

Boat Lift – Unit 6, Fishers Cove Dock Condominium Tax Map Parcel 335-4.14-100.00, Lewes Rehoboth Canal Lewes Rehoboth Hundred, Lewes, Sussex County, Delaware

Applicant: Burke & Rutecki, LLC

Dear Mr. Schaible,

Environmental Resource Insights (ERI) is writing to you on behalf of the applicant, Burke & Rutecki, LLC (TMP335-4.14-100.00) in order to request an Individual Department of the Army Permit for the installation of a boat lift at the Fishers Cove Dock Condominium located on the southeastern bank of the Lewes Rehoboth Canal. The existing docking facility consists of six boat slips and the boat lift will be installed in Slip Unit No. 6.

I have applied for a DNREC Subaqueous Lands Permit and a Section 401 Water Quality Certification Prefiling Meeting request has been submitted to the Wetlands and Subaqueous Lands Section. I have also submitted a Coastal Zone Consistency Request to DNREC's Coastal Zone Management Program.

Upon your review of the enclosed application, please let me know if you or your staff need any additional information in support of this request. On behalf of the applicant thank you in advance for your time and attention to this request.

Sincerely,

ENVIRONMENTAL RESOURCE INSIGHTS

Edward M. Launay, Principal

Cc: Burke & Rutecki, LLC

A DIVISION OF DAVIS, BOWEN & FRIEDEL, INC.

July 8, 2024

Kimberly B. Cole, Administrator Delaware Coastal Management Program Department of Natural Resources & Environmental Control 100 W. Water Street, Suite 7B Dover, Delaware 19904

RE: Fishers Cove Dock Condominium – Unit 6 Boat Lift
Delaware Costal Zone Consistency Determination
Coastal Management Program - Department of Army Individual Permit
Tax Map Parcel 335-4.14-100.00, City of Lewes, Sussex County, Delaware
Applicant: Burke & Rutecki, LLC

Dear Ms. Cole,

Environmental Resource Insights (ERI) is writing on behalf of Burke & Rutecki, LLC to provide you with the Department of the Army Permit Application and plans for the proposed installation of four support piles and a 12,000 lbs. boat lift at the Fisher Cove Dock Condominium in Lewes, Delaware in the waters of the Lewes Rehoboth Canal. The location is Slip Unit No. 6 which is part of an existing six slip docking facility operating under a current DNREC Subaqueous Land Lease (SL-176/05). The Corps of Engineers advised me that a Coastal Zone Consistency Determination from your Program is required for this part of the project. The project description and a response to applicable Coastal Zone Management Program Policies is provided in the attached Coastal Zone Management Act Federal Consistency Form. Burke & Rutecki, LLC requests the issuance of a Coastal Zone Consistency Determination from your program. Upon your review of this information, I am available at your convenience should you have any additional questions.

Sincerely,

ENVIRONMENTAL RESOURCE INSIGHTS

Edward M. Launay

Senior Professional Wetland Scientist No. 875, Society of Wetland Scientists

Enclosures: Department of Army Application

8 ½" x 11" Project Plans

CZMA Federal Consistency Form

Cc: Burke & Rutecki, LLC Mike Yost, ACOE



A DIVISION OF DAVIS, BOWEN & FRIEDEL, INC.

July 9, 2024

ERI Project No. 0004-0511

Mr. Matthew Jones, Program Manager Delaware Department of Natural Resources and Environmental Control Division of Water Resources, Wetlands and Subaqueous Lands Section 89 Kings Highway Dover, Delaware 19901

RE:

Section 401 Water Quality Certification - Prefiling Meeting Request

**Proposed Boat Lift Installation** 

Fishers Cove Dock Condominium, Slip Unit No. 6

Tax Map Parcel 335-4.14-100.00

Lewes Rehoboth Hundred, Lewes, Sussex County, Delaware

Applicant: Burke & Rutecki, LLC

Dear Mr. Jones,

Environmental Resource Insights (ERI) recently submitted an application for a Subaqueous Lands Permit and renewal of Subaqueous Lands Lease SL-176/05 on behalf of Burke & Rutecki, LLC. ERI also recently submitted an application for a Department of the Army Permit to the Philadelphia District Corps of Engineers. An Individual Department of the Army Permit is required for the installation of a boat lift in Slip Unit No. 6 since the Lewes Rehoboth Canal is a federal channel and a Public Works project.

In accordance with the Clean Water Act Section 401 Certification Rule published in the Federal Register on July 13, 2020, I am writing the Wetlands and Subaqueous Lands Section today as a procedural requirement to request a prefiling meeting related to issuance of a Section 401 Water Quality Certification for this project. I recognize that the WSLS will be reviewing the Subaqueous Lands Permit application for the project and a pre-filing meeting for a project of this nature may not be necessary. However, Burke & Rutecki, LLC and I are available to have a prefiling request meeting for Section 401 Water Quality Certification at your convenience.

In the event the WSLS would prefer that Burke & Rutecki, LLC move forward with it's formal Section 401 Water Quality Certification request without waiting 30 days, please let me know. I will be in position to make that request promptly since all of the needed information is included in the Subaqueous Lands Permit application currently under review.

Upon your review of this Section 401 Water Quality Certification Prefiling Meeting request, please let me know if you or your staff have any questions or need any additional information.

Sincerely,

Edwar

ENVIRONMENTAL RESOURCE INSIGHTS

Cc. Burke & Rutecki, LLO

Mr. Michael Yost USACOE, Dover Field Office

Print Form

Save As

U.S. Army Corps of Engineers (USACE)

#### APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

33 CFR 325. The proponent agency is CECW-CO-R.

Form Approved -OMB No. 0710-0003 Expires: 02-28-2022

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at <a href="whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil">whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil</a>. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

#### PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <a href="http://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/S70115/a1145b-ce.aspx">http://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/S70115/a1145b-ce.aspx</a>

24.00 au o 100 m o 10					
	(ITEMS 1 THRU 4 TO BE	FILLED BY T	HE CORPS)		
1. APPLICATION NO.	2. FIELD OFFICE CODE		3. DATE RECEIVED	4. DATE APPLICATION COMPLETE	
	(ITEMS BELOW TO BE	FILLED BY AF	PLICANT)		
5. APPLICANT'S NAME		8. AUTHORIZ	ZED AGENT'S NAME AN	ND TITLE (agent is not required)	
First - R. Middle - Justin	n <sup>Last</sup> - Healy	First - Edward Middle - M. Last - Launay			
Company - Burke & Rutecki, LLC.		Company - Environmental Resource Insights			
E-mail Address - justin.healy@msir.net		E-mail Addres	ss - elaunay@ericons	sultants.com	
6. APPLICANT'S ADDRESS:		9. AGENT'S			
Address- 18949 Coastal Hwy, Suite 304		Address- P.O. Box 169 / 38173 DuPont Blvd.			
City - Rehoboth Beach State - DE	Zip -19971 Country -U.S.A.	City - Selbyville State - DE Zip - 19975 Country - U.S.A.			
7. APPLICANT'S PHONE NOs. w/AREA CODI	≣	10. AGENTS PHONE NOs. w/AREA CODE			
a. Residence b. Business 302-542-6610	c. Fax	a. Residence	b. Busines 302-436		
	STATEMENT OF	AUTHORIZAT	ION		
11. I hereby authorize, Edward M. Launay, ERI to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.					
NAME LOCATION, AND DESCRIPTION OF			DJECT OR ACTIVITY		
12. PROJECT NAME OR TITLE (see instruction Fishers Cove Dock Condominum - Bo	to fine to the contract of the				
13. NAME OF WATERBODY, IF KNOWN (if applicable)		14. PROJECT STREET ADDRESS (if applicable)			
Lewes Rehoboth Canal		Address None. Parcel is opposite 624 Pilottown Rd. Lewes, DE 19958			
15. LOCATION OF PROJECT					
Latitude: N 38.789147 Longitu	<sub>ude: ∘W</sub> 75.156330	City -	S	tate- Zip-	
16. OTHER LOCATION DESCRIPTIONS, IF K	NOWN (see instructions)	de -			
State Tax Parcel ID 335-4.14-100.00	Municipality City	of Lewes			
Section - Township -		Rang	e -		

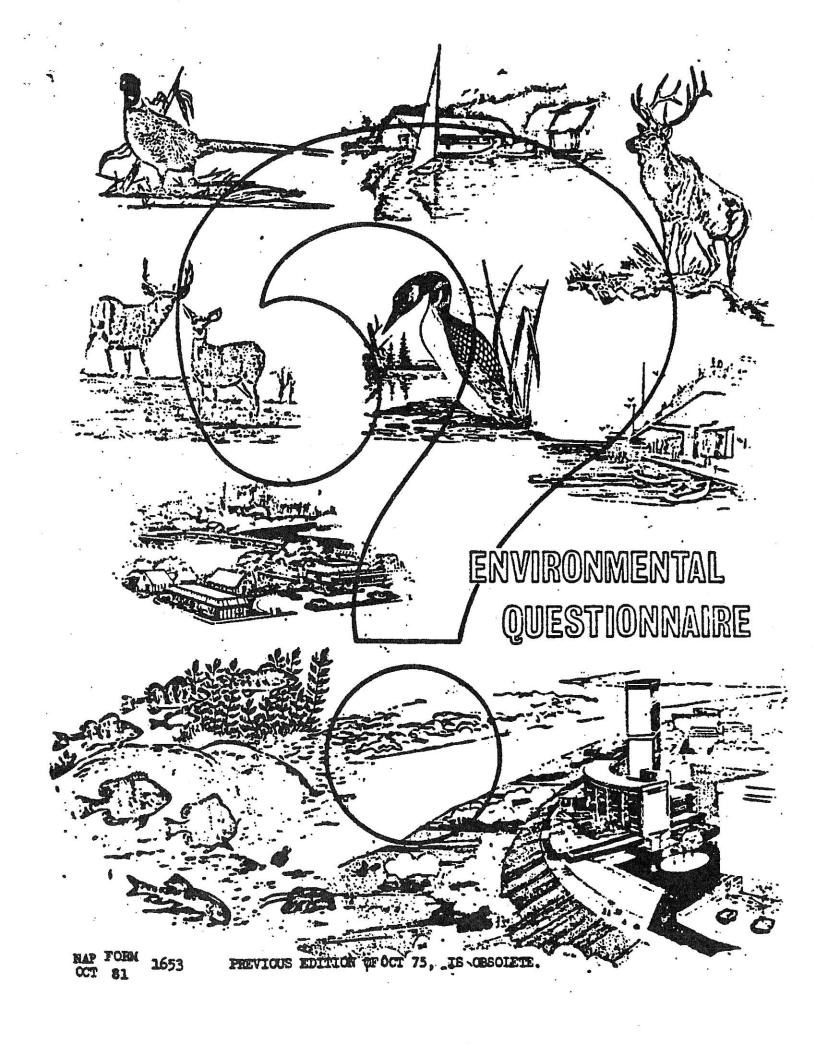
	Form	

Save As

17. DIRECTIONS TO THE SITE		
From the intersection of Rodney Ave	nue and Pillottown Road in Lewes, t	ravel northwest on Pilottown Road 0.08 miles.
	aluda all factores.	
18. Nature of Activity (Description of project, in		to a self-translated silicana (4.0k/4.0 El have) within
Installation of a "Hi-Tide", 12,000 lbs.   Slip Unit No. 6.	boat lift mounted on four 12" diamer	ter salt treated pilings (10'x12.5' box) within
	St	
19. Project Purpose (Describe the reason or pu		
Provide a boat lift for occupant of Slip	Unit No. 6.	
USE BLOC	KS 20-23 IF DREDGED AND/OR FILL MAT	ERIAL IS TO BE DISCHARGED
20. Reason(s) for Discharge		
Recreational riparian access and boa	t docking with the convenience and	safety of a lift for occupant of Slip Unit No. 6.
21. Type(s) of Material Being Discharged and I	he Amount of Each Type in Cubic Yards:	
Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards
None		
22. Surface Area in Acres of Wellands or Olhe Acres None	r Waters Filled (see instructions)	
or		
Linear Feet		
23. Description of Avoidance, Minimization, an		10 % 40 Co. Ladda Laffer Book 19 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
Project designed to avoid any encroa with footprint of existing 32 foot long p	chment into federal navigation chani jiers.	nel & its 10 foot wide buffer. Boat lift will be entirely
1		

24. Is Any Portion	of the Work Already Complete?	Yes X No IFYES,	DESCRIBE THE COMPL	ETED WORK	
25. Addresses of A	Adjoining Property Owners, Lessees,	Etc., Whose Property A	Adjoins the Waterbody (if mo	ore than can be entered here, please attac	ti a supplemental list)
a. Address- Ralp	h & Mary Scott 618 Pilottown	Road			
City- Lewes		State -	DE	Zip - 19958	
b. Address- Chris	topher Corrado P.O. Box 105	5			
City - Milford		State -	DE	Zip - 19963	
c. Address-					
City -		State -		Zip -	
d. Address-					
City -		State -		Zip -	
e. Address-					
City -		State -		Zip -	
26. List of Other Ce	ertificates or Approvals/Denials recei	ved from other Federal,	State, or Local Agencies f	for Work Described in This Appl	ication.
AGENCY	TYPE APPROVAL*	NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
DNREC	Subaqueous Land		pending		
DNREC	CZM Consistency		pending		
1					
* Would include but	is not restricted to zoning, building,	and flood plain permits		1	
27. Application is he complete and accur	eroby made for permit or permits to ale. I further certify that I possess	uthorize the work desc	ribed in this application. I	certify that this information in the	nis application is orized agent of the
applicant.	LA XI	7/10/2	/1	MMM	7/11/2024
	ATURE OF APPLICANT nust be signed by the person wh	DATE	SIGNAT	URE OF AGENT	DATE
	if the statement in block 11 has			(applicant) of it may be sign	ica by a duly

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



# ENVIRONMENTAL QUESTIONNAIRE FOR CORPS OF ENGINEERS PERMIT APPLICATIONS

Philadelphia District, Corps of Engineers Philadelphia, Pennsylvania 19107 CENAP-OP-R

## INTRODUCTION AND INSTRUCTIONS

The District Engineer is required by law to assess the initial, cumulative, and long-term effects of any proposed permit on all aspects of the environment.

To speed the analysis of the probable impact of the proposed work, each applicant is required to submit appropriate environmental data as part of a permit application. We ask that you provide a thorough description of your proposed project and answer each question as it applies to the work and the results of that work. Complete and accurate answers will prevent unnecessary delays in processing your permit application

Parts I and II will be filled out by all applicants. Part I is self-explanatory. In Part II, the Environmental Impact Checklist, you should indicate the impacts of your project on all aspects of the environment that are listed. Use the space under "Qualifying Remarks" to indicate the specific impacts that your project will have. This may include types of plants or animals affected, specific adverse, beneficial, or mitigative effects, changes to existing conditions, etc. Although space for answers has been provided, you may wish to supply additional information on attached pages. If you do not anticipate an impact on a certain item, simply place a check in the "No" column.

Part III will be filled out by all applicants applying for a permit to perform dredging.

Part IV will be filled out by all applicants applying for a permit to perform filling operations. This includes activities such as filling behind bulkheads.

Refer any questions you may have concerning this supplemental form to the Regulatory Branch at (215) 656-6728.

#### PART I

## I. PROJECT DESCRIPTION:

A. <u>General Site Location</u>: Accurately locate the project site with respect to State, county, or other subdivision, and in relation to streams and rivers.

The project is located on the southeast shore of the Lewes Rehoboth Canal, City of Lewes, Sussex County, Delaware.

B. <u>Specific Site Locations:</u> Completely locate the project site with respect to cove, creek, property owner, plot number, etc.

The project site is Slip Unit No. 6 in the Fishers Cove Dock Condominium, a six slip docking facility. The facility is located on tax map parcel 335-4.14-100.00 and the owner is Burke & Rutecki, LLC.

C. <u>Description of Proposed Action:</u> Carefully describe the action proposed, including the method of construction, equipment, and materials to be used. Details in your description are important. Attach additional sheets if necessary.

Install a Hi-Tide 12,000 lbs. boat lift in Slip Unit No. 6 supported on four 12" diameter salt treated pilings spaced 10'x12.5' entirely with existing berth. No encroachment into federal channel or buffer is proposed.

D. <u>Purpose of Proposed Action</u>: Define the purpose of the proposed structure or work. For example, the purpose of bulkheading may be to stabilize an eroding bank; whereas, the purpose for a pier may be for the mooring of a private boat, for access to a public or private facility, for a marina, or for another purpose.

Provide the occupant of Slip Unit No. 6 with a boat lift as enjoyed by many nearby berths in the area.

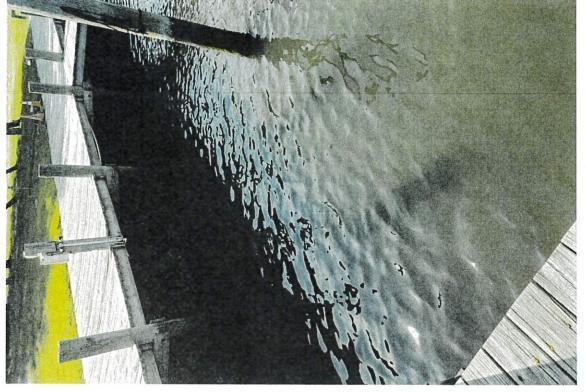
E. Submit color photographs of the site, with explanations of the views shown (prints only). Photographs help us to better understand your project. The more photographs you provide, the easier it is to understand and process your application.

Type text here





View of Fishers Cove Duck Cendeminum from Grands



View of southeast end of dexing facility



View of boardwalk over repraymed bank

PART II – ENVIRONMENTAL IMPACT CHECKLIST						
ENVIRONMENTAL IMPACT	YES	NO	QUALIFYING REMARKS			
A. Physical						
1. Topography		X	No change			
2. Geological Elements and Leaching		X				
3. Air		X				
4. Transportation		×				
5. Handling of Hazardous Materials		X				
6. Spoil Disposal		X				
7. Sewage and Solid Wastes		X				
8. Water Resources						
a. Water Quality		X	Salt treated piles to be utilized			
b. Hydrography, Circulation, Littoral Drift.		×	Boat lift is within a shoreline with multiple piers and boat lifts			
c. Ground Water		X				
B. Biological						
1. Vegetation						
a. Terrestrial		X				
b. Aquatic		X	No SAV present			
2. Fish and Wildlife						
a. Mammals		X				
b. Birds		X				
c. Amphibians		X				
d. Reptiles		×				
e. Fish		X	Boat lift is within a shoreline with multiple piers and boat lifts			
f. Shellfish		X	Area closed to shellfishing			
g. Invertebrates		X				
3. Rare or Endangered Species		X				

ENVIRONMENTAL IMPACT	YES	NO	QUALIFYING REMARKS
C. Cultural			
1. Land Use		X	Proposed improvement is within an existing docking facility
2. Population Density and Trends		X	
3. Regional Development		X	
4. Historic Places		×	Proposed improvement is within an existing docking facility
5. Archaeological Sites		×	
6. Aesthetics		X	Proposed improvement is within an existing docking facility
7. Utilities		X	Docking facility has existing utility services
8. Transportation Systems		X	
9. Recreation	×		Occupant of Slip Unit No. 6 will enjoy benefits of boat lift
10. Public Health		X	
D. Other Factors			
1. Secondary Effects		X	
2. Controversiality		×	
3. Is significant dredging involved?		X	
4. Is significant filling involved?		×	

## Part III

# **Considerations of a Dredging Proposal:**

- A. Describe characteristics and locations of the proposed dredged material disposal site. Provide photographs.
  - No dredging is proposed. Project involves a boat lift installation in an existing boat slip.
- B. Is there a comprehensive plan for disposal sites that takes into account the accumulative effect over time and the decreasing amount of suitable sites for disposal?
- C. Describe the present land use of the disposal site.
- D. Describe characteristics of the material to be disposed, including:
  - 1. Physical source of material (i.e. sand, silt, clay, etc.) Give percentages of the various fractions if available.
  - 2. Chemical composition of material: Many areas, especially marinas, highly industrialized areas, etc., have sediments with high concentrations of pollutants (chemicals, organic material, etc.). These materials may be re-suspended or reintroduced into the water and result in serious environmental damage. If your proposed dredging is in an area such as described above, a chemical analysis of the material to be dredged should be provided.
  - 3. Dewatering properties of the material to be disposed.
  - 4. Compactability of material and settling rates of material to be disposed.
  - 5. Dredging and disposal schedule to insure that operations do not degrade water quality during times of anadromous fish migration.
- E. When the project involves land disposal, discuss the following:
  - 1. Method of disposal to be utilized, i.e., pipeline discharge, barge, hopper (underway or stationary).
  - 2. Describe method of dredged material containment (i.e. embankment, behind bulkhead, etc.)

- 3. What type of leachates will be produced from the spoil material and what is planned for protection of the groundwater?
- 4. Methods to insure that spoil water does not adversely affect water quality, both during construction and after completion of the project.
- 5. Provisions for monitoring during discharge: water quality, sediment transport, and precautions to prevent "short-circuiting" dumping.
- F. Consider and discuss the following for water disposal:
  - 1. Describe methods to be used for water disposal, including volumes and site selection.
  - 2. Describe the existing water characteristics at the site, including chemical analysis for water quality.
- G. Discuss the frequency and amount of maintenance dredging which will be required; discuss the resulting impacts.

## H. Alternatives.

- 1. Discuss all alternatives to the project, including the "no action" alternative.

  "No action" alternative deprives occupant of Boat Slip Unit No. 6 from a boat lift as commonly enjoyed by other nearby slipholders.
- 2. Discuss alternative types and methods of dredging and disposal, such as pipeline discharge, barging, or hopper method.
- 3. Discuss alternatives to dredging.
- 4. Discuss alternative areas of sites for spoil disposal.
- 5. Discuss impact of port docking patterns upon the demand for dredging. Can alternative patterns reduce the amount of dredging required to support port operations?
- 6. Support alternative means of construction that would prevent or minimize water quality degradation using EPA standards for guidance.
- 7. State in detail impacts resulting in alternative locations for the proposed project.

## Part IV

## **CONSIDERATIONS OF A FILLING PROPOSAL:**

- A. Describe in detail the existing characteristics of the area proposed for filling (i.e. aquatic area, marsh, mudflat, swamp, etc.). In your description, be sure to include the types of vegetation present and the types of animals that use the area. Provide photographs.

  No filling is proposed, only placement of four support piles for boat lift.
- B. Give the following information in regard to the project size:
  - 1. Total area to be filled.
  - 2. Size of underwater area to be filled.
  - 3. Area of intertidal zone to be filled.
  - 4. Area of wetlands to be filled.
  - 5. Proposed height of fill.
  - 6. Volume of material that will be used in filling.
- C. Describe in detail the material to be used as fill including as follows:
  - 1. Type of fill to be used (sand, stone, rubble, etc.). If the material is a composite (i.e., rubble), list the types of materials it will contain.
  - 2. Give the specific location of the source of this material.
  - 3. What types of leachates will be produced from the fill material and what is planned for protection of surface and groundwater?
- D. Carefully describe the method of fill, including the following:
  - 1. Method of fill placement, including equipment used in deposition and grading.
  - 2. Method of stabilization of banks from erosion, sloughing, wave action, boat wakes, etc.
  - 3. Method of stabilization of the surface of the fill.

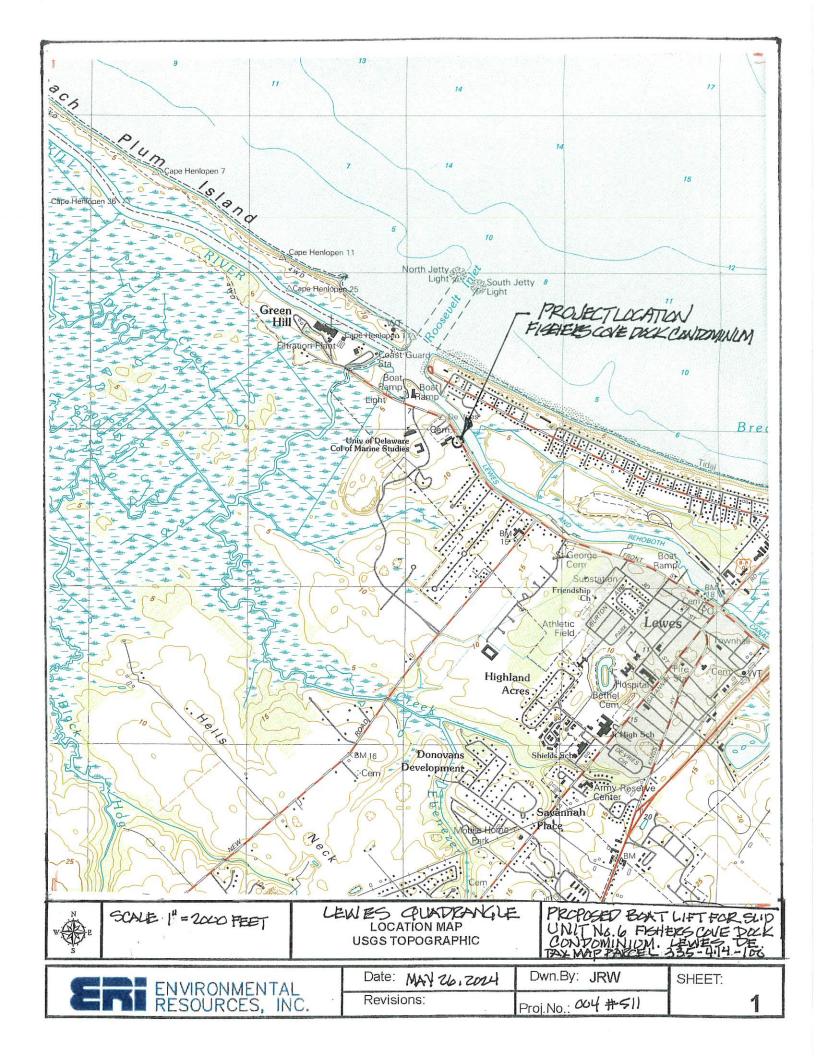
- 4. Length of time needed for completion of the project. State if filling will be continuous, intermittent, etc.
- 5. Method of controlling turbidity when filling an underwater area.

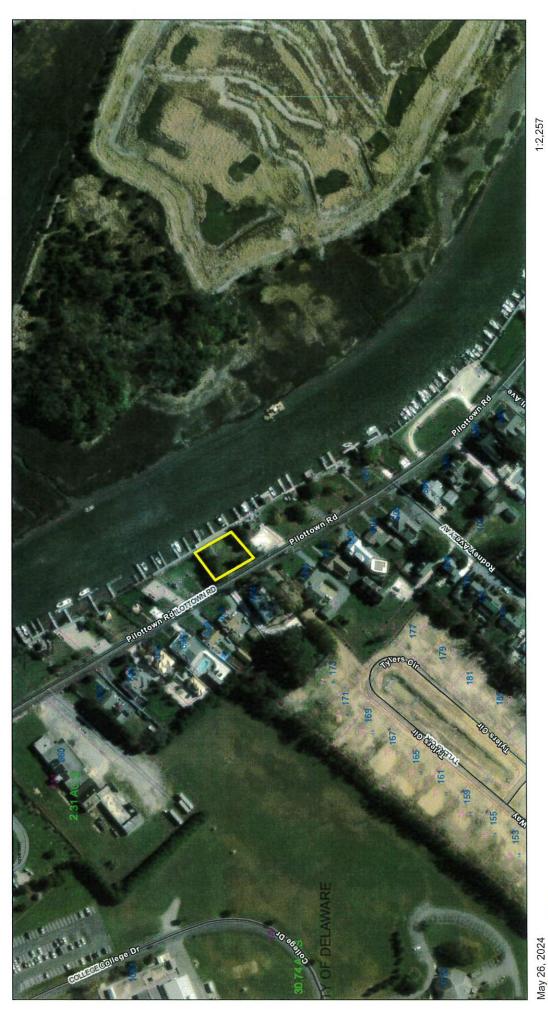
## E. Purpose of the Project:

- 1. What is the intended use of the filled area?
- 2. What structures, if any, will be constructed on the fill?
- 3. What benefits would you gain from the proposed fill?

## F. Alternatives

- 1. Discuss the "no action" alternative and how this would affect your present and future plans for the development of the area.
- "No action" alternative deprives occupant of Boat Slip Unit No. 6 from a boat lift as commonly enjoyed by other nearby slipholders.
- 2. Discuss alternative locations for the proposed fill.
- 3. Discuss the use of elevated structures (i.e. causeways, elevated platforms, etc.) in place of the proposed fill.
- 4. Discuss any other alternatives you have considered prior to formulating the presently submitted proposal.





Override 1 Override 1

Tax Parcels

- Streets

911 Address County Boundaries

SUBSCRIBE CONTRACT CONTRACTOR OF SUBSCRIPT CONTRACTOR LOCATION MAP & AEDIAL PADIO

Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency. Delaware Geological Survey, U.S. Geological Survey, Maxar, Microsoft, Delaware Public Service Commission, FEMA, DNREC, Division of Watershed Stewardship, Drainage Program,

0.14 km

0.07 0.04

0.04 0.02

0 T 0

0.08 mi

MAY 24 2024

