

Permitting for Subaqueous Land Lease, Dock/Pier & Bulkhead Modifications

Subject Property:

Filippone Property
4 Ch. Mason Way
Lewes, DE 19958

Tax Map Parcel #: 335-4.14-89.04

Prepared on behalf of:

Michael & Marciana Filippone
6 Ch. Mason Way
Lewes, DE 19958

Prepared by:

Envirotech Environmental Consulting, Inc.



17605 Nassau Commons Boulevard, Unit D

Lewes, Delaware 19958

Office (302) 684-5201

Fax (302) 684-5204

www.envirotechinc.com



January 10, 2025

Delaware Department of Natural Resources and Environmental Control (DNREC)
Wetlands and Subaqueous Lands Section
Attn: Matt Jones, Program Manager
89 Kings Highway,
Dover, Delaware 19901

REFERENCE: Permitting for Subaqueous Land Lease, Dock/Pier & Bulkhead Modifications
4 Charles Mason Way, Lewes, Sussex County Delaware 19958
Tax Map Parcel #: 335-4.14-89.04
Applicant: Mr. Michael and Mrs. Marciana Filippone

Dear Mr. Jones or DNREC Representative,

Envirotech Environmental Consulting, Inc. (EECI), is submitting the enclosed Wetlands and Subaqueous Lands Section (WSLS) Permit Application Form and Appendix A (Boating Docking Facilities), Appendix G (Bulkheads) and Letter of Authorization Request. Additional information such as: Driving Directions, Deeds and Record Plats, State and Federal Review Letters, Site Photographs, Aerial Plan Sets and Cross Section View are included in the permit package.

The proposed project is located along the Lewes-Rehoboth Canal, at 4 Charles Mason Way, Lewes, DE 19958; tax parcel # 335-4.14-89.04. The purpose of the project is to modify the existing pier, currently measures 68 feet by 5 feet wide, with six (6) associated standalone wooden pilings. The modifications include removing 48 feet of the existing fixed pier, six (6) pilings associated with the pier, and two (2) standalone pilings (most landward). A 13 ft long by 3 ft wide gangway will extend from the existing pier to a new 35 ft by 6 ft floating dock. Additionally, the project will include raising the height of the existing bulkhead (+/- 80 linear feet) and northern return wall by 12 inches. This will allow for the property owner to utilize their dock seasonally and raising the bulkhead will prevent the property from flooding during storm surges. A signed Property Encroachment Acknowledgement document is attached.

Regards,

Ld

Lyle de la Rosa
Environmental Project Manager
Envirotech Environmental Consulting, Inc.
Office Phone: 302.684.5201
Fax: 302.684.5204
email: lyle@envirotechcinc.com



WETLANDS AND SUBAQUEOUS LANDS SECTION PERMIT APPLICATION FORM

**For Subaqueous Lands, Wetlands, Marina and
401 Water Quality Certification Projects**

**State of Delaware
Department of Natural Resources and Environmental Control
Division of Water**

Wetlands and Subaqueous Lands Section



**APPLICATION FOR APPROVAL OF
SUBAQUEOUS LANDS, WETLANDS, MARINA
AND WATER QUALITY CERTIFICATION PROJECTS**

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY**Application Instructions:**

1. Complete each section of this basic application and appropriate appendices as thoroughly and accurately as possible. Incomplete or inaccurate applications will be returned.
2. All applications must be accompanied by a scaled plan view and cross-section view plans that show the location and design details for the proposed project. Full construction plans must be submitted for major projects.
3. All applications must have an original signature page and proof of ownership or permitted land use agreement.
4. Submit an original and two (2) additional copies of the application (total of 3) with the appropriate application fee and public notice fee* (prepared in separate checks) to:

**Department of Natural Resources and Environmental Control
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901**

*Application and public notice fees are non-refundable regardless of the Permit decision or application status.

5. No construction may begin at the project site before written approval has been received from this office.

Helpful Information:

1. Tax Parcel Information:

New Castle County	(302) 395-5400
Kent County	(302) 736-2010
Sussex County	(302) 855-7878
2. Recorder of Deeds:

New Castle County	(302) 571-7550
Kent County	(302) 744-2314
Sussex County	(302) 855-7785
3. A separate application and/or approval may be required through the Army Corps of Engineers. Applicants are strongly encouraged to contact the Corps for a determination of their permitting requirements. For more information, contact the Philadelphia District Regulator of the Day at (215) 656-6728 or visit their website at: <http://www.nap.usace.army.mil/Missions/Regulatory.aspx>.
4. For questions about this application or the Wetlands and Subaqueous Lands Section, contact us at (302) 739-9943 or visit our website at: <http://www.dnrec.delaware.gov/wr/Services/Pages/WetlandsAndSubaqueousLands.aspx>. Office hours are Monday through Friday 8:00 AM to 4:30 PM, except on State Holidays.

APPLICANT'S REVIEW BEFORE MAILING

DID YOU COMPLETE THE FOLLOWING?

<u> X </u>	Yes	BASIC APPLICATION
<u> X </u>	Yes	SIGNATURE PAGE (Page 3)
<u> X </u>	Yes	APPLICABLE APPENDICES
<u> X </u>	Yes	SCALED PLAN VIEW
<u> X </u>	Yes	SCALED CROSS-SECTION OR ELEVATION VIEW PLANS
<u> X </u>	Yes	VICINITY MAP
<u> X </u>	Yes	COPY OF THE PROPERTY DEED & SURVEY
<u> X </u>	Yes	THREE (3) COMPLETE COPIES OF THE APPLICATION PACKET
<u> X </u>	Yes	APPROPRIATE APPLICATION FEE & PUBLIC NOTICE FEE (Separate checks made payable to the State of Delaware)

Submit 3 complete copies of the application packet to:

**Department of Natural Resources and Environmental Control
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901**

Before signing and mailing your application packet, please read the following:

The Department requests that the contractor or party who will perform the construction of your proposed project, if other than the applicant, sign the application signature page along with the applicant in the spaces provided. When the application is signed by the contractor as well as the applicant, the Department will issue the Permit to both parties. For Leases, the contractor will receive a separate construction authorization that will make them subject to all of the terms and conditions of the Lease relating to the construction

Section 1: Applicant Identification

1. Applicant's Name: Michael and Marciana Filippone Telephone #: 302.540.0032
 Mailing Address: 6 Charles Mason Way Fax #: _____
Lewes, DE 19958 E-mail: mtfilippone@gmail.com
2. Consultant's Name: Todd Fritchman Company Name: Envirotech Environmental Consulting, Inc.
 Mailing Address: 17605 Nassau Commons Blvd, Unit D Telephone #: 302.684.5201
Lewes, DE 19958 Fax #: 302.684.5204
 E-mail: todd@envirotechcinc.com
3. Contractor's Name: _____ Company Name: _____
 Mailing Address: _____ Telephone #: _____
 _____ Fax #: _____
 _____ E-mail: _____

Section 2: Project Description

4. Check those that apply:
☐ New Project/addition to existing project? ☒ Repair/Replace existing structure? (If checked, must answer #16)

5. Project Purpose (attach additional sheets as necessary):
See Attached document

6. Check each Appendix that is enclosed with this application:

<input checked="" type="checkbox"/>	A. Boat Docking Facilities	<input checked="" type="checkbox"/>	G. Bulkheads		N. Preliminary Marina Checklist
	B. Boat Ramps		H. Fill		O. Marinas
	C. Road Crossings		I. Rip-Rap Sills and Revetments		P. Stormwater Management
	D. Channel Modifications/Dams		J. Vegetative Stabilization		Q. Ponds and Impoundments
	E. Utility Crossings		K. Jetties, Groins, Breakwaters		R. Maintenance Dredging
	F. Intake or Outfall Structures		M. Activities in State Wetlands		S. New Dredging

Section 3: Project Location

7. Project Site Address: 4 Charles Mason Way County: ☐ N.C. ☐ Kent ☒ Sussex
Lewes, DE 19958 Site owner name (if different from applicant): _____
 Address of site owner: _____
8. Driving Directions: See Attached Document
- (Attach a vicinity map identifying road names and the project location)
9. Tax Parcel ID Number: 335-4.14-89.04 Subdivision Name: _____

WSLS Use Only:		Permit #s: _____		_____		_____		_____	
Type	SP <input type="checkbox"/>	SL <input type="checkbox"/>	SU <input type="checkbox"/>	WE <input type="checkbox"/>	WQ <input type="checkbox"/>	LA <input type="checkbox"/>	SA <input type="checkbox"/>	MP <input type="checkbox"/>	WA <input type="checkbox"/>
Corps Permit: SPGP 18 <input type="checkbox"/> 20 <input type="checkbox"/>		Nationwide Permit #: _____		Individual Permit # _____					
Received Date: _____		Project Scientist: _____							
Fee Received? Yes <input type="checkbox"/> No <input type="checkbox"/>		Amt: \$ _____		Receipt #: _____					
Public Notice #: _____		Public Notice Dates: ON _____		OFF _____					

Section 3: Project Location (Continued)

10. Name of waterbody at Project Location: Lewes - Rehoboth Canal waterbody is a tributary to: Delaware Bay

11. Is the waterbody: ☒ Tidal ☐ Non-tidal Waterbody width at mean low or ordinary high water +/- 245 ft

12. Is the project: ☐ On public subaqueous lands? ☒ On private subaqueous lands?*

☒ In State-regulated wetlands? ☒ In Federally-regulated wetlands?

*If the project is on private subaqueous lands, provide the name of the subaqueous lands owner:
Michael and Marciana Filippone

(Written permission from the private subaqueous lands owner must be included with this application)

13. Present Zoning: ☐ Agricultural ☒ Residential ☐ Commercial ☐ Industrial ☐ Other

Section 4: Miscellaneous

14. A. List the names and complete mailing addresses of the immediately adjoining property owners on all sides of the project (attach additional sheets as necessary):

Scott Porter - 2 Charles Mason Way Lewes, Delaware 19958

Filippone - 6 Charles Mason Way Lewes, Delaware 19958

B. For wetlands and marina projects, list the names and complete mailing addresses of property owners within a 1,000 foot radius of the project (attach additional sheets as necessary):

See Attached Document

15. Provide the names of DNREC and/or Army Corps of Engineers representatives whom you have discussed the project with:

Julie Molina - DNREC

Mike Yost - ACOE

A. Have you had a State Jurisdictional Determination performed on the property?

☒ Yes ☐ No

B. Has the project been reviewed in a monthly Joint Permit Processing Meeting?

☐ Yes ☒ No

*If yes, what was the date of the meeting? _____

16. Are there existing structures or fill at the project site in subaqueous lands?

☒ Yes ☐ No

*If yes, provide the permit and/or lease number(s):

SP-1512/86 - William Lingo

*If no, were structures and/or fill in place prior to 1969?

☐ Yes ☐ No

17. Have you applied for or obtained a Federal permit from the Army Corps of Engineers?

☐ No

☒ Pending

☐ Issued

☐ Denied

Date: _____

Type of Permit: NWP-3

Federal Permit or ID #: _____

18. Have you applied for permits from other Sections within DNREC?

☒ No

☐ Pending

☐ Issued

☐ Denied

Date: _____ Permit or ID #: _____

Type of permit (circle all that apply): Septic Well NPDES Storm Water

Other: _____

Section 5: Signature Page

19. Agent Authorization:

If you choose to complete this section, all future correspondence to the Department may be signed by the duly authorized agent. In addition, the agent will become the primary point of contact for all correspondence from the Department.

I do not wish to authorize an agent to act on my behalf ☐

I wish to authorize an agent as indicated below ☒

I, Michael and Marciana Filippone, hereby designate and authorize Envirotech Environmental Consulting, Inc.
(Name of Applicant) (Name of Agent)
to act on my behalf in the processing of this application and to furnish any additional information requested by the Department.

Authorized Agent's Name: Todd Fritchman Telephone #: 302.684.5201
Mailing Address: 17605 Nassau Commons Blvd, Unit D Fax #: 302.684.5204
Lewes, DE 1958 E-mail: todd@envirotechinc.com

20. Agent's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Todd Fritchman
Agent's Signature

October 8, 2024
Date

21. Applicant's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application. I grant permission to authorized Department representatives to enter upon the premises for inspection purposes during working hours.

Marciana Filippone
Applicant's Signature
Michael and Marciana Filippone
Print Name

October 8, 2024
Date

22. Contractor's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge, and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Contractor's Name

Print Name

Date

BOAT DOCKING FACILITIES

Any boat docking facility for more than four (4) vessels is considered a marina facility (see definitions and explanations section) and requires the applicant to complete Appendices N and O, and make application to the U. S. Army Corps of Engineers for approval.

Please make sure answers to all of the questions in this appendix correspond with information on the application drawings.

1. Briefly describe the project. (Attach additional sheets as necessary.)

See attached documents

2. Please provide numbers and dimensions as follows:

Structure Type	Number of Support Pilings	Dimensions (Channelward of MHW or OHW)		Dimensions (Channelward of MLW- n/a for non-tidal water)		New, repair or maintain
Dock, Pier, Lift, gangway		Width ____ ft.	Length ____ ft.	Width ____ ft.	Length ____ ft.	
Pier (existing)	6	5	20			Repair
Gangway	0	3	13			New
Floating Dock	6	6	35			new
Freestanding Pilings	Number					
	6					Removing 2

Mooring Buoy: How many moorings will be installed? _____

What will be used for the anchor(s)? _____

Anchor/Mooring Block Weight _____

Anchor Line Scope (Length or Ratio) _____

Water Depth at Mooring Location _____

3. Approximately how wide is the waterway at this project site? 245 ft. (measured from MLW to MLW)
4. What will be the mean low water depth at the most channelward end of the mooring facility? 7 ft.
5. What type of material(s) will be used for construction of the mooring facility (e.g. salt treated wood, aluminum, fiberglass floats, etc.) Use of creosote-treated wood is prohibited.
Salt treated wood
6. Circle any of the following items that are proposed over subaqueous lands:
Fish Cleaning Stations/Benches/Ladders/Water Lines/ Satellite/Electric Lines/ Handrails/Other (Describe)
If any of the items are circled above, include their dimensions and location on the application drawings.

7. What will be the distance from the most channelward end of the docking facility to the edge of any natural or man-made channel? 190 ft.
8. Describe the vessels that will be berthed at the docking facility. Please draw proposed vessel locations on plans and drawings.
- | | | | | | | | |
|------------|-------------------------------|--------|----------------|-------|-------------|-------|------------|
| Make/model | <u>Grady White Canyon 271</u> | length | <u>26' 10"</u> | width | <u>9'6"</u> | draft | <u>23"</u> |
| Make/model | _____ | length | _____ | width | _____ | draft | _____ |
| Make/model | _____ | length | _____ | width | _____ | draft | _____ |
| Make/model | _____ | length | _____ | width | _____ | draft | _____ |
9. Please provide a copy of the current state registration or Coast Guard Certificate of Documentation for each motorized vessel listed above. Attached
10. Give the number and type of each Marine Sanitation Device (e.g. MSD III, Portable toilet) that will be used on vessels to be docked at the facility.
11. Is there currently a residence on the property? _____ Yes X _____ No
12. Do you plan to reach the boat docking facility from your own upland property? X Yes _____ No If "No", explain your proposed means of access and provide documentation of easement or documentation authorizing access if you intend to cross someone else's property.
13. Will any portion of the structure be located in privately owned underwater land (such as a pond or lagoon) owned by someone other than the applicant? X Yes _____ No.
If yes, written permission of the underwater land owner must be provided with this application.
Attached
14. What is the width of the waterfront property frontage adjacent to subaqueous lands? 70 ft.
Will any portion of the structure or any vessel be placed within 10 feet of your neighbor's property line?
X Yes _____ No
If yes, a letter of no objection from the adjacent property owner must be included with this application.
Attached

BULKHEADS

Please make sure answers to all of the questions in this appendix correspond to information on the application drawings.

1. Will the project be considered new construction or repair and replacement of an existing and currently serviceable bulkhead?

 New Construction

 X Repair and Replacement

If repair and replacement, attach photos of entire length of project.

1. What is the current condition of the shoreline at the site of the proposed bulkhead?

Existing concrete bulkhead, wooden dock

2. Please attach an analysis of all alternatives to bulkheading as a shoreline stabilization method for this project. Please examine options using vegetation and/or non-vertical walled structures. Include a justification of need, based on the extent of erosion and the rate of erosion. This application will not be reviewed if this answer is not completed.

3. If this is a repair or replacement,

Do you intend to step out in front of existing bulkhead? Yes X No

Is the current bulkhead creosote? Yes X No

Will the new bulkhead be placed on or off the applicant's property?

 X On Off Please indicate property lines on attached plans as well as MHW/MLW.

4. How many linear feet of shoreline are to be bulkheaded? 80 ft.

5. What will be the overall length of the bulkhead (including return walls)? 80 ft.

6. How many ends of the bulkhead will be tied into existing bulkheads which are in good repair?

 None One X Two

7. Will the return walls be protected from out flanking with rip-rap?

 Yes X No If your answer is "Yes", complete Appendix I.

8. Will the toe of your bulkhead be protected from undercutting with rip-rap?

 Yes X No If your answer is "Yes" complete Appendix I.

9. What type of material(s) will be used for construction of the bulkhead (e.g. reinforced concrete, steel sheet pilings, treated tongue-and-groove timber, etc.)?

Reinforced concrete

10. Will deadmen be utilized X Yes No If your answer is "Yes", indicate the type and location on your drawings/ If your answer is "No", explain the method to be used to anchor the bulkhead.

See Attached document

11. Will wooden materials be: X Salt Treated Other

12. Will all metal fittings, cables, or tie rods be galvanized? X Yes No

13. Will the bulkhead be backfilled? Yes X No If your answer is "Yes", complete Appendix H.

The area will be covered with a concrete foundation.

14. Will filter cloth be used? X Yes No If your answer is "No", explain the method to be used to control seepage of backfill from behind the bulkhead.

15. Have you consulted an engineer or other professional to assure that the design of your bulkhead will be adequate? Yes X No If your answer is "Yes", give the name and address of the party consulted.

Name:

Address:

Date:

LETTER OF NO OBJECTION

To whom it may concern:

We, the undersigned, have no objection to the subaqueous lands leased and wetlands permit application filed by Michael T and Marciana D Filippone. We have no objection to placing Dockage on the property line, and docking a boat within the 10 foot property line easement. This "LETTER OF NO OBJECTION" will apply to both properties sharing the common property line.

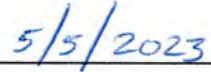
Michael T and Marciana D Filippone

6 C H Mason Way, Lewes DE 19958

Parcel ID 335-4.14-089.03



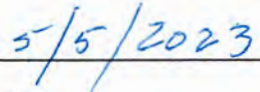
Michael T Filippone



Dated



Marciana D Filippone



Dated

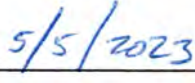
Michael T and Marciana D Filippone

4 C H Mason Way, Lewes DE 19958

Parcel ID 335-4.14-089.04



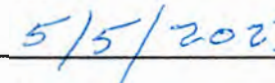
Michael T Filippone



Dated



Marciana D Filippone



Dated



ENVIRONMENTAL CONSULTING, INC.
Providing Environmental Solutions

September 21, 2023

Property Boundary Acknowledgement

There is a proposed bulkhead construction project along the shoreline of 2 Ch. Mason Way and a bulkhead repair project along the shoreline of 4 & 6 Ch. Mason Way in Lewes, DE 19958. The projects will involve the two bulkheads tying into each, therefore encroaching upon the ten-foot easement of the two property boundaries.

This document serves as acknowledgement and permission for the ten-foot encroachment by the appropriate property owners.

Subject Property: 2 Ch. Mason Way Lewes, DE 19958
Tax Map Parcel #: 335-4.14-119.00



Property Owner: Scott Porter

Signature: 

Date: _____

Subject Property: 4 & 6 Ch. Mason Way Lewes, DE 19958
Tax Map Parcel #'s: 335-4.14-89.03 & 89.04

Property Owner: MICHAEL T. & MARCIANA D. FILIPPONE

Signature: 


Date: 9/21/2023
9/21/2023

Disclaimer: This is not a legal document.

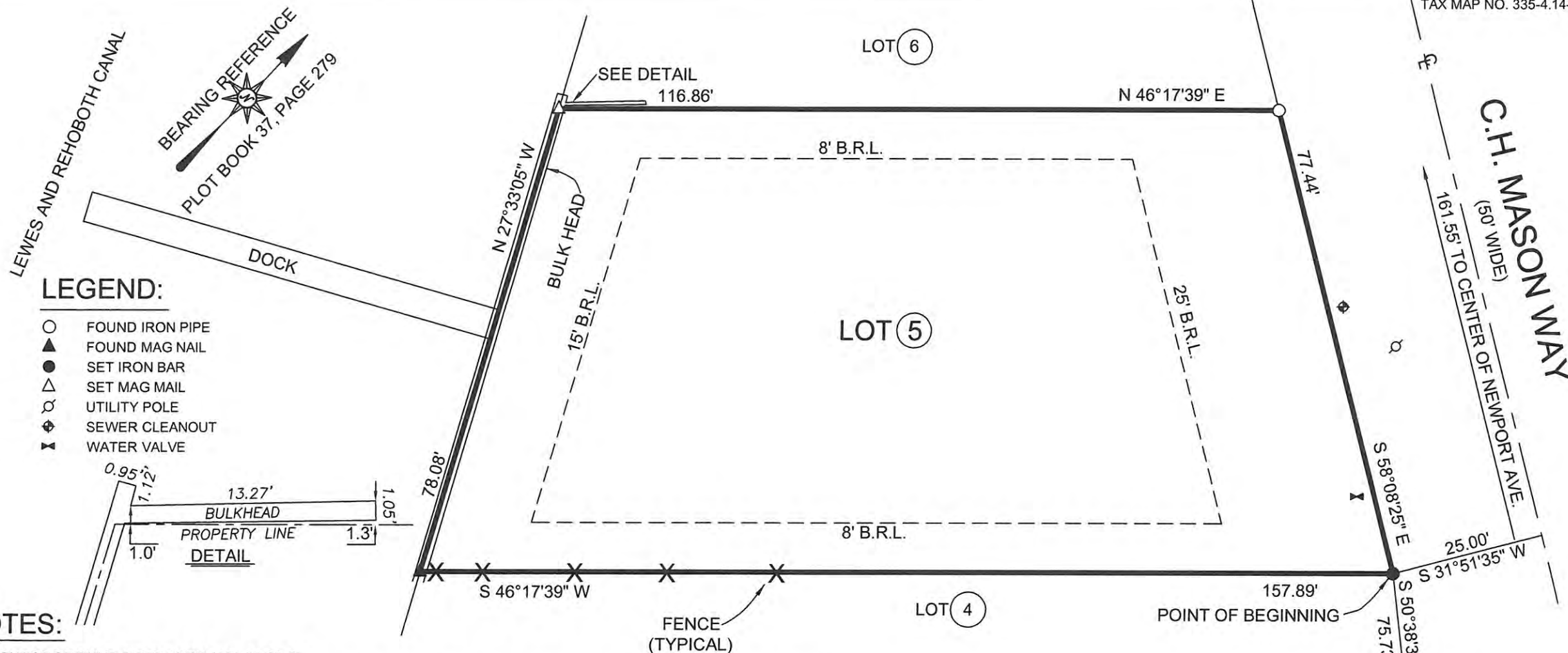
Regards,

Lyle de la Rosa

Lyle de la Rosa
Environmental Project Manager
Envirotech Environmental Consulting, Inc.
Office: 302.684.5201 ext. 3
Fax: 302.684.5401


ENVIRONMENTAL CONSULTING, INC.
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Karins and Associates

ENGINEERS • PLANNERS • SURVEYORS

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www.karinsengineering.com

17 POLLY DRUMMOND CENTER * SUITE 201
NEWARK, DELAWARE 19711
PHONE: (302) 369-2900

128 WEST MARKET STREET
GEORGETOWN, DELAWARE 19947
PHONE: (302) 856-6699

DATE: 03-22-2023

SCALE: 1" = 20'

DRAWN: MBK

I, THOMAS M. ORISICH, P.L.S. 630, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

THOMAS M. ORISICH, P.L.S. 630

BOUNDARY SURVEY PLAN PREPARED FOR

MICHAEL T. FILIPPONE
MARCIANA D. FILIPPONE
LOT 5, MASONS LANDING
PLOT BOOK 37, PAGE 279
& PLOT BOOK 43, PAGE 318
4 C.H. MASON WAY

AREA: 10,303± SQUARE FEET

SITUATE IN: CITY OF LEWES, LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, STATE OF DELAWARE

DRAWING: JOB# G 2064-A

Tax Parcel No. 335-4.14-89.04

Prepared By and Return To:
Gordon, Fournaris & Mammarella, P.A.
1925 Lovering Avenue
Wilmington, DE 19806
File No. 23-176 (TM/jm)

THIS DEED is made this 12th day of April, 2023,

BETWEEN, **Degli Obizzi Properties LLC, a Delaware limited liability company**, party of the first part,

AND

Michael T. Filippone and Marciana D. Filippone, husband and wife, parties of the second part.

WITNESSETH, That the said party of the first part for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, the receipt of which is hereby acknowledged, hereby grants and conveys unto the said parties of the second part, their heirs and assigns, as tenants by the entirety, in fee,

ALL that certain lot, piece, or parcel of land, situate, lying, and being in The City of Lewes, Sussex County, Delaware, bounded, in part, by the shoreline of the Lewes and Rehoboth Canal, being known and designated as Lot 5, Mason's Landing, as shown on a Plat of "Mason's Landing" recorded July 29, 1987, in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware, at Plat Book 37, Page 279, and with a Corrective Plat of "Mason's Landing" recorded March 8, 1990, in the Office aforesaid at Plat Book 43, Page 318, as follows, to wit:

BEGINNING at a pipe found in the Southwesterly right-of-way line of the street known as C.H. Mason Way, said pipe marking a common corner for this Lot and Lot C-1; thence running by and with the Southwesterly right-of-way line of C.H. Mason Way, South 58 degrees 08 minutes 25 seconds East 77.44 feet to a pipe found in said Southwesterly right-of-way line of C.H. Mason Way, said pipe marking a common corner for this Lot and Lot 4; thence turning and running by and with the common boundary line between this Lot and Lot 4, South 46 degrees 17 minutes 39 seconds West through a pipe found at 130.00 feet and through a P.K. nail found in a wood bulkhead at 157.28 feet, a total of 172.00 feet, more or less, to the shoreline of the Lewes and Rehoboth Canal; thence turning and running in a Northwesterly direction by and with the shoreline of the Lewes and Rehoboth Canal for a distance sufficient to reach a point, said point

being in the shoreline of the Lewes and Rehoboth Canal and marking a common corner for this Lot and Lot C-1; thence turning and running by and with the common boundary line between this Lot and Lot C-1 through a P.K. nail found in said wood bulkhead, North 46 degrees 17 minutes 39 seconds East 127.00 feet, more or less, to a pipe found in the Southwesterly right-of-way line of C.H. Mason Way, said pipe marking the point and place of Beginning. Containing 10,283.1 feet, more or less, between C.H. Mason Way and said wood bulkhead and including an undetermined area of wetlands between said wood bulkhead and the shoreline of the Lewes and Rehoboth Canal.

The part of the above property located between C.H. Mason Way and said wood bulkhead is more particularly described according to a survey prepared by Karins and Associates, dated March 22, 2023, as follows, to wit:

BEGINNING at a pipe found in the Southwesterly right-of-way line of the street known as C.H. Mason Way, said pipe marking a common corner for this Lot and Lot C-1 (identified on said survey as Lot 6); thence running by and with the Southwesterly right-of-way line of C.H. Mason Way, South 58 degrees 08 minutes 25 seconds East 77.44 feet to an iron bar set in said Southwesterly right-of-way line of C.H. Mason Way, said bar marking a common corner for this Lot and Lot 4; thence turning and running by and with the common boundary line between this Lot and Lot 4, South 46 degrees 17 minutes 39 seconds West 157.89 feet to an iron bar set in a bulkhead; thence turning and running along said bulkhead, North 27 degrees, 33 minutes, 5 seconds West 78.08 feet to a set mag nail in the bulkhead marking a common corner for this Lot and Lot C-1 (identified on said survey as Lot 6); thence turning and running by and with the common boundary line between this Lot and Lot C-1 (identified on said survey as Lot 6), North 46 degrees 17 minutes 39 seconds East 116.86 feet, more or less, to a pipe found in the Southwesterly right-of-way line of C.H. Mason Way, said pipe marking the point and place of Beginning.

SUBJECT to all easements, restrictions, reservations, agreements and covenants of record.

BEING the same lands and premises which Degli Obizzi Investments, L.P., a Delaware limited partnership, by deed dated May 8, 2018, and recorded in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 4891, Page 65, did grant and convey unto Degli Obizzi Properties LLC, a Delaware limited liability company, in fee.


[Signature page follows]

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal.

Sealed and Delivered
In The Presence Of:

Degli Obizzi Properties LLC




By:  (SEAL)
Ralph G. Degli Obizzi, Jr., Authorized Member

STATE OF DELAWARE)
) SS
COUNTY OF NEW CASTLE)

BE IT REMEMBERED, That on this 12th day of April, 2023, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Ralph G. Degl Obizzi, Jr., Authorized Member, of Degli Obizzi Properties LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such and he acknowledged this Indenture to be his act and deed and the act and deed of said limited liability company.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.



~~Notary Public~~
Name Printed: _____
My Commission Expires: _____

Grantees' Address:
6 CH Mason Way
Lewes, DE 19958

STATE OF DELAWARE

BOAT REGISTRATION CERTIFICATE

HULL ID NO	REG NO	MAKE	YEAR
NTLCY2358222	DL8441AN	GRADY WHITE	2022
LENGTH	HULL MATERIAL	PROPULSION	OPERATION
26' 10"	Fiberglass	Propeller	Pleasure
VESSEL TYPE	FUEL	ENGINE TYPE	EXPIRATION
Open Motorboat	Gasoline	Outboard	2024
OWNER	BOAT NAME		

MICHAEL THOMAS FILIPPONE Or
MARCIANA D FILIPPONE

6 CH MASON WAY
LEWES, DE 19958

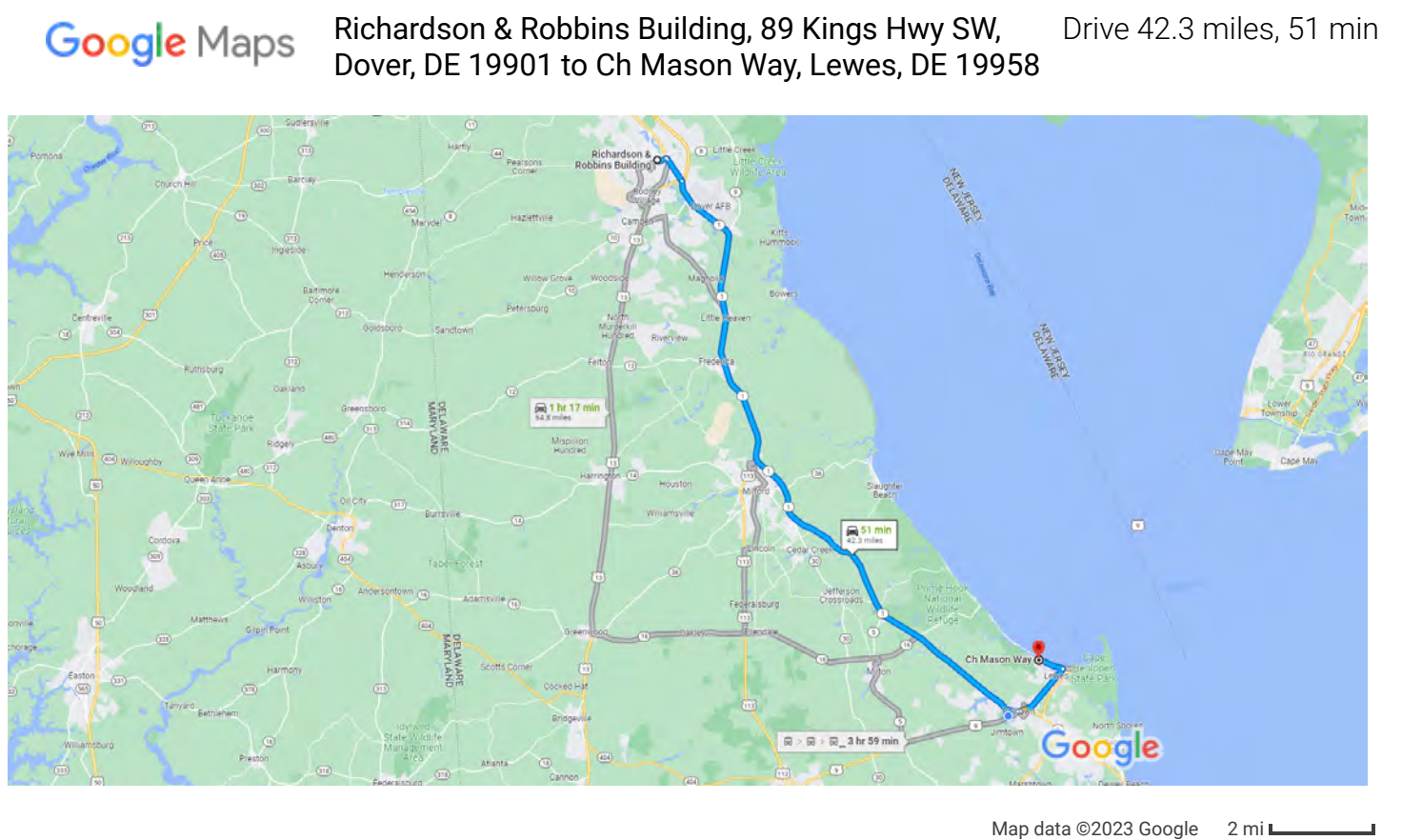
NOTICE TO OWNERS

- Always carry this certificate on vessel when in use
- The owner shall within 15 days thereof, report changes of ownership or address, or the destruction or abandonment of the vessel
- Stop and render aid or assistance if involved in boating accident
- Report every accident involving death or injury to person or property damage over \$500
- Certificate expires December 31st of designated year

Michael T Filippone

SIGN HERE

USE BALL POINT PEN



Richardson & Robbins Building
89 Kings Hwy SW, Dover, DE 19901

Take E Lookerman St to US-13 S

- 2 min (0.5 mi)

↑

1. Head east

7 ft

↘

2. Turn right at Innovation Wy

440 ft

↶

3. Turn left onto E Lookerman St

0.4 mi
- Follow DE-1 S to Sussex County
- 37 min (37.0 mi)

↘

4. Turn right onto US-13 S

0.1 mi

↶

5. Use the left 2 lanes to turn slightly left onto S Bay Rd

1.3 mi

⬆


6. Take the ramp onto DE-1 S

35.6 mi


https://www.google.com/maps/dir/Richardson+%26+Robbins+Building,+89+Kings+Hwy+SW,+Dover,+DE+19901/Ch+Mason+Way,+Lewes,+DE+19958...

1/2


Follow Savannah Rd and Cedar St to Ch Mason Way in Lewes


- 13 min (4.8 mi)
- 

7. Slight left


0.1 mi
- 

8. Continue onto US-9 BUS N/Savannah Rd


 Continue to follow Savannah Rd

3.1 mi
- 

9. Turn left onto Cedar St

1.4 mi
- 

10. Turn left onto Newport Ave

236 ft
- 

11. Newport Ave turns left and becomes Ch Mason Way

236 ft

Ch Mason Way

Parcel ID	Owner Name	Parcel Address	Last Sale	Price
335-4.00-12.00	UNIVERSITY OF DELAWARE	695 PILOTTOWN RD	N/A	
335-4.00-13.01	STATE OF DELAWARE	700 PILOTTOWN RD	07/31/2002	
335-4.00-14.00	STATE OF DELAWARE	1044 COLLEGE	07/31/2002	
335-4.00-15.02	SCOTT RALPH L JR TRUSTEE	N/A	N/A	
335-4.14-1.00	LEWES YACHT CLUB	2701 CEDAR ST	N/A	
335-4.14-10.00	QUANDEL NOBLE C JR TTEE	2108 BAY AV	05/02/2022	0
335-4.14-100.00	BURKE AND RUTECKI LLC	N/A	10/12/2018	3545000
335-4.14-103.00	WEHBERG KURT EMIL TTEE	624 PILOTTOWN RD	02/24/2022	
335-4.14-104.00	CORRADO CHRISTOPHER M	626 PILOTTOWN RD	11/30/2005	1005000
335-4.14-105.00	DANYLO MICHAEL T	628 PILOTTOWN RD	N/A	
335-4.14-107.00	ZIMMERMAN WILLIAM E & PA...	632 PILOTTOWN RD	N/A	
335-4.14-108.00	MMW INVESTMENTS LLC	640 PILOTTOWN RD	10/30/2020	2250000
335-4.14-109.00	MALINOWSKI ANDREW S TRUS...	648 PILOTTOWN RD	08/20/1992	1
335-4.14-11.00	BEERS DAVID B	2104 BAY AV	01/18/1988	435000
335-4.14-110.00	RJL ASSOCIATES INC	N/A	04/05/2021	1425000
335-4.14-111.00	ECMM AT DELAWARE LLC RJ...	660 PILOTTOWN RD	04/13/2021	2075000
335-4.14-112.00	CHURCH REC	N/A	N/A	
335-4.14-113.00	THOMPSON DONALD A TTEE	1 CHARLES MASON WAY	03/02/2022	0
335-4.14-114.00	LOBIS CYNTHIA M	3 CHARLES MASON WAY	10/19/1999	10
335-4.14-115.00	THOMPSON DONALD A TTEE	5 CHARLES MASON WAY	03/02/2022	
335-4.14-116.00	FABBRI WILLIAM P & MONIC...	7 CHARLES MASON WAY	05/06/1994	280000
335-4.14-117.00	LIPPINCOTT ROBERT M	9 CHARLES MASON WAY	03/02/2021	1320000
335-4.14-118.00	YOUNG KAREN A	11 CHARLES MASON WA...	03/20/1992	243000
335-4.14-119.00	DEGLI OBIZZI PROPERTIES ...	2 CHARLES MASON WAY	05/21/2018	
335-4.14-12.00	PAMINTUAN ELVIRA	2010 BAY AV	03/24/2000	110000
335-4.14-13.00	2006 BAY AVENUE LLC	2006 BAY AV	06/28/1984	375000
335-4.14-14.00	NUNNELEY JAMES K TRUSTEE...	2004 BAY AV	03/23/1984	175000
335-4.14-2.00	BANKS C SCOTT	2500 BAY AV	04/09/2010	0
335-4.14-25.00	LOOBY LARISA V TRUSTEE	7 CALIFORNIA AV	01/30/2012	670000
335-4.14-26.00	CHANOUX MARGARET K	9 CALIFORNIA AV	N/A	
335-4.14-27.00	MITCHELL PERRY L TTEE	11 CALIFORNIA AV	05/05/2017	550000
335-4.14-28.00	CHRISTMAN JASON SCOTT TT...	12 CALIFORNIA AV	08/20/2021	
335-4.14-29.00	WILLIAMSON DEENA	10 CALIFORNIA AV	10/05/2017	831500

335-4.14-3.00	ORR T CAROL TRUSTEE	2502 BAY AV	N/A	
335-4.14-30.00	CARPENTER RICHARD D	8 CALIFORNIA AV	03/21/2011	1545000
335-4.14-31.00	DEINER JOHN T TTEE	2009 BAY AV	01/17/2019	
335-4.14-32.00	AUSTIN DANIEL M	9 MISSOURI AV	04/19/2002	575000
335-4.14-33.00	K MATKEM COMPANY OF DE L...	11 MISSOURI AV	08/29/2008	1500000
335-4.14-34.00	GILBERT ROBERT P & ELIZA...	12 MISSOURI AV	N/A	
335-4.14-35.00	WOODS ADRIENNE L	10 MISSOURI AV	02/07/2020	1550000
335-4.14-36.00	WOOD JOSEPHINE H TRUSTEE	8 MISSOURI AV	N/A	
335-4.14-37.00	EDGEELL LYNN P TRUSTEE	7 IOWA AV	12/04/1987	1
335-4.14-38.00	BAKER TIMOTHY J TTEE	9 IOWA AV	06/20/2018	
335-4.14-39.00	FUTCHER JUNEROSE M TTEE ...	11 IOWA AV	12/26/2018	
335-4.14-4.00	RUMFORD DAVID A	2403 BAY AV	N/A	
335-4.14-40.00	KAEGI MERRILL ANN	12 IOWA AV	N/A	
335-4.14-41.00	DIDDEN ALBERT J JR & AND...	10 IOWA AV	09/25/2002	550000
335-4.14-42.00	HYNES EDWARD J PATRICIA S	8 IOWA AV	N/A	
335-4.14-43.00	HOADLEY SUSAN R	7 NEBRASKA AV	N/A	
335-4.14-44.00	BAKER H FRANKLIN III	9 NEBRASKA AV	N/A	
335-4.14-45.00	FILIPPONE MICHAEL T & MA...	11 NEBRASKA AV	10/27/2000	485000
335-4.14-46.00	NORTON PATRICIA C TRUSTEE	12 NEBRASKA AV	N/A	
335-4.14-47.00	LAWLOR WILLIAM G & CAROL...	10 NEBRASKA AV	08/22/2005	1100000
335-4.14-48.00	BAKER DAVID C	8 NEBRASKA AV	N/A	
335-4.14-49.00	MCKAY JAMES P	7 MAINE AV	11/03/2017	879000
335-4.14-49.01	WHITE DAVID A	2503 BAY AV	06/29/2018	1465766
335-4.14-5.00	RUMFORD NANCY IVES & DAV...	2401 BAY AV	N/A	
335-4.14-50.00	MAYERS JONATHAN C	11 MAINE AV	N/A	
335-4.14-50.01	2610 CEDAR STREET LLC	2610 CEDAR ST	01/26/2015	1250000
335-4.14-51.00	LEWES YACHT CLUB	N/A	N/A	
335-4.14-52.00	GUEST JEFFERY D & CONSTA...	2601 CEDAR ST	03/09/2006	950000
335-4.14-53.00	GOETZ THOMAS C	2602 CEDAR ST	11/16/1989	280000
335-4.14-54.00	LARK SUSAN TRUSTEE	2603 CEDAR ST	N/A	
335-4.14-55.00	RIVER TALK LLC	2501 CEDAR ST	N/A	
335-4.14-56.00	KAMMEIER JOHN F	2502 CEDAR ST	09/28/2015	850000
335-4.14-57.00	BYRNE PHYLLIS M TTEE	2503 CEDAR ST	12/20/2018	
335-4.14-58.00	RELCO PROPERTY OWNER'S C...	N/A	N/A	
335-4.14-59.00	COFFIN RONALD M TRUSTEE ...	11 BREAKWATER ST	N/A	
335-4.14-6.00	2400 BAY LLC	2400 BAY AV	05/02/2019	
335-4.14-60.00	NEWBERG KENNETH V TTEE	10 BREAKWATER ST	01/11/2022	
335-4.14-61.00	NEWBERG KENNETH V TTEE	9 BREAKWATER ST	01/11/2022	
335-4.14-62.00				

	THOMPSON PETER D	8 BREAKWATER ST	08/28/2015	1850000
335-4.14-63.00	H W BURRIS FAMILY LIMITE...	7 BREAKWATER ST	N/A	
335-4.14-64.00	BAHL ANAND M TTEE	2401 CEDAR ST	01/21/2021	
335-4.14-65.00	MONTEITH THOMAS J	2402 CEDAR ST	N/A	
335-4.14-66.00	QUAGLIARIELLO ANTHONY J ...	2403 CEDAR ST	N/A	
335-4.14-67.00	NEWMAN JOHN G III	2300 CEDAR ST	08/09/2017	705000
335-4.14-68.00	GUENVEUR PAUL D & PATRIC...	2302 CEDAR ST	05/13/1985	95000
335-4.14-69.00	CJL PROPERTIES LLC	2303 CEDAR ST	01/05/2022	1100000
335-4.14-7.00	FASSANO MICHAEL V	2300 BAY AV	08/13/2020	2500000
335-4.14-7.01	MARTIN BEACH HOUSE LIMIT...	2350 BAY AV	12/11/1987	10
335-4.14-70.00	SMITH GREGORY B	2201 CEDAR ST	N/A	
335-4.14-71.00	KUMAR AJITH GANGADHAR	2202 CEDAR ST	08/29/2019	655000
335-4.14-72.00	EVANS MARTHA LEE TTEE	2203 CEDAR ST	07/14/2020	
335-4.14-73.00	PIERCY L RALPH LYNN M PL...	2101 CEDAR ST	01/18/2006	975000
335-4.14-74.00	2102 CEDAR LLC	2102 CEDAR ST	07/30/2021	810000
335-4.14-75.00	MOYNIHAN KEITH J	2103 CEDAR ST	09/08/2017	605000
335-4.14-76.00	LAW KARL J	2011 CEDAR ST	10/08/2020	1570000
335-4.14-77.00	KLESS CAROL S	2009 CEDAR ST	09/19/2018	
335-4.14-8.00	E & J WYATT LIMITED PART...	2114 BAY AV	06/11/2018	
335-4.14-89.00	LINGO T WILLIAM & JANICE...	12 CHARLES MASON WA...	08/15/1986	1
335-4.14-89.01	HUNSBERGER ROBERT M TTEE	10 CHARLES MASON WA...	07/31/2018	3100000
335-4.14-89.02	MAGGS MARK A	8 CHARLES MASON WAY	06/24/2019	1850000
335-4.14-89.03	FILIPPONE MICHAEL T	6 CHARLES MASON WAY	05/02/2014	1900000
335-4.14-89.04	DEGLI OBIZZI PROPERTIES ...	4 CHARLES MASON WAY	05/22/2018	
335-4.14-9.00	BEERS JAMES A	2112 BAY AV	08/05/2020	2100000
335-4.14-90.00	LEWES TOWN OF	N/A	N/A	
335-4.14-91.00	UNIVERSITY OF DELAWARE	667 PILOTTOWN RD	N/A	
335-4.14-94.00	MMW INVESTMENTS LLC	N/A	10/30/2020	
335-4.14-95.00	ZIMMERMAN WILLIAM E & PA...	N/A	10/06/2005	1325000
335-4.14-96.00	ZACHEM DANIEL MORRIS	630 PILOTTOWN RD	10/23/2015	1907500
335-4.14-97.00	DANYLO MICHAEL T	N/A	N/A	
335-4.14-98.00	CORRADO CHRISTOPHER	N/A	01/05/2010	70000
335-4.19-67.00	LEWES COMM OF	N/A	N/A	
335-4.20-1.00	LEWES CITY OF	1904 CEDAR ST	N/A	

Permitting for Subaqueous Land Lease, Dock/Pier & Bulkhead Modifications

Subject Property:

Filippone Property
4 Ch. Mason Way
Lewes, DE 19958

Tax Map Parcel #: 335-4.14-89.04

Prepared on behalf of:

Michael & Marciana Filippone
6 Ch. Mason Way
Lewes, DE 19958

Prepared by:

Envirotech Environmental Consulting, Inc.



17605 Nassau Commons Boulevard, Unit D

Lewes, Delaware 19958

Office (302) 684-5201

Fax (302) 684-5204

www.envirotechcinc.com



January 10, 2025

Delaware Department of Natural Resources and Environmental Control (DNREC)
Wetlands and Subaqueous Lands Section
Attn: Matt Jones, Program Manager
89 Kings Highway,
Dover, Delaware 19901

REFERENCE: Permitting for Subaqueous Land Lease, Dock/Pier & Bulkhead Modifications
4 Charles Mason Way, Lewes, Sussex County Delaware 19958
Tax Map Parcel #: 335-4.14-89.04
Applicant: Mr. Michael and Mrs. Marciana Filippone

Dear Mr. Jones or DNREC Representative,

Envirotech Environmental Consulting, Inc. (EECI), is submitting the enclosed Wetlands and Subaqueous Lands Section (WSLS) Permit Application Form and Appendix A (Boating Docking Facilities), Appendix G (Bulkheads) and Letter of Authorization Request. Additional information such as: Driving Directions, Deeds and Record Plats, State and Federal Review Letters, Site Photographs, Aerial Plan Sets and Cross Section View are included in the permit package.

The proposed project is located along the Lewes-Rehoboth Canal, at 4 Charles Mason Way, Lewes, DE 19958; tax parcel # 335-4.14-89.04. The purpose of the project is to modify the existing pier, currently measures 68 feet by 5 feet wide, with six (6) associated standalone wooden pilings. The modifications include removing 48 feet of the existing fixed pier, six (6) pilings associated with the pier, and two (2) standalone pilings (most landward). A 13 ft long by 3 ft wide gangway will extend from the existing pier to a new 35 ft by 6 ft floating dock. Additionally, the project will include raising the height of the existing bulkhead (+/- 80 linear feet) and northern return wall by 12 inches. This will allow for the property owner to utilize their dock seasonally and raising the bulkhead will prevent the property from flooding during storm surges. A signed Property Encroachment Acknowledgement document is attached.

Regards,

Ld

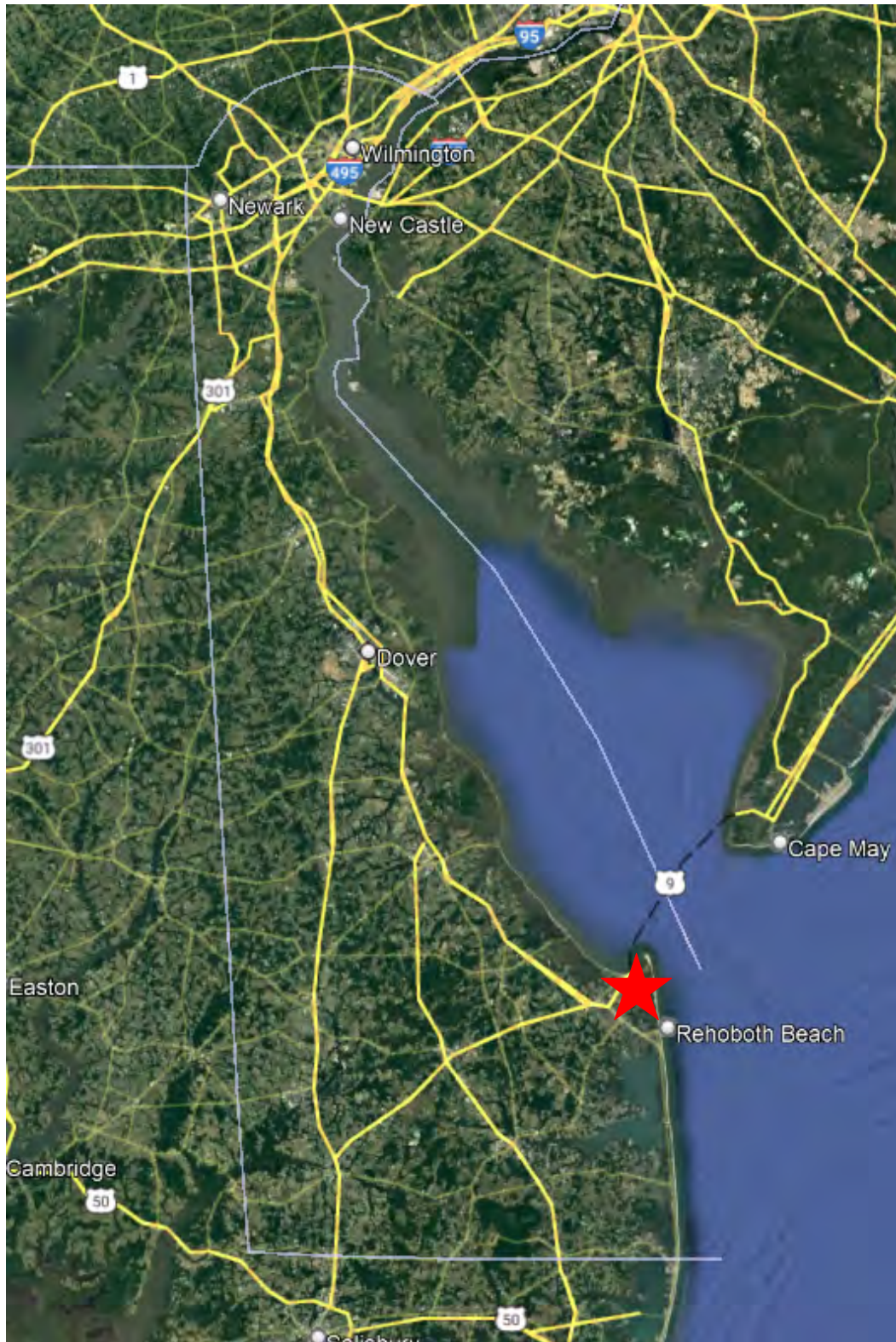
Lyle de la Rosa
Environmental Project Manager
Envirotech Environmental Consulting, Inc.
Office Phone: 302.684.5201
Fax: 302.684.5204
email: lyle@envirotechinc.com



ATTACHMENT A:

Site Maps of the Subject Property

Filippone Property
4 Charles Mason Way
Lewes, Delaware 19958



LEGEND:

★ = Subject Property: Tax Map Parcel # 335-4.14-89.04.



Filippone Property
4 Charles Mason Way
Lewes, Delaware 19958
TMP # 335-4.14-89.04



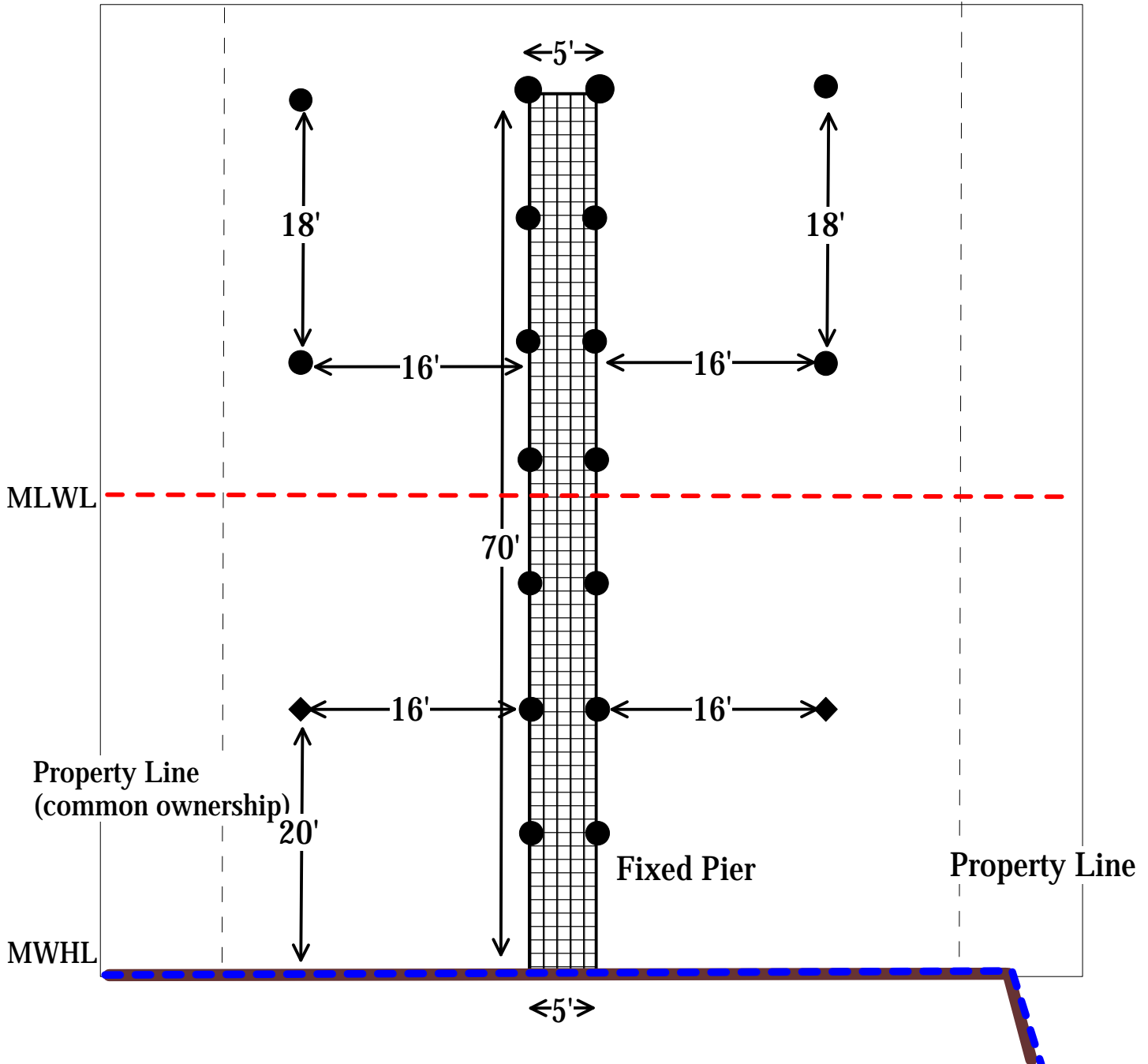
LEGEND:









= Subject Property (+/- 0.28 acres).



Filippone Property
Exisiting Dock/Pier Layout
 4 Ch. Mason Way
 Lewes, DE 19958
 TMP: 335-4.19-89.04



LEGEND:

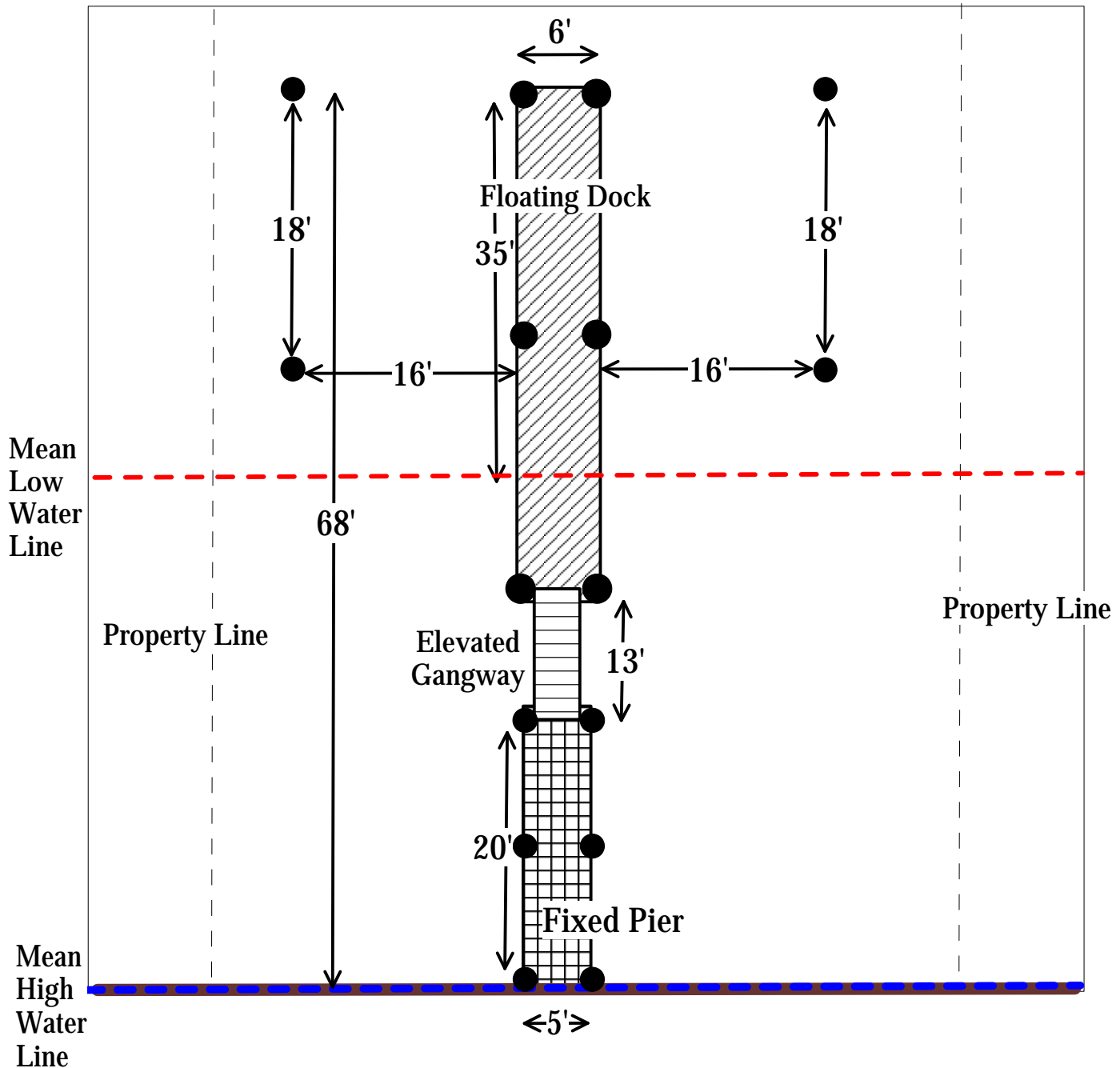
- | | |
|--|--|
|  = Existing Fixed Pier (68' x 5') |  = Existing Wooden Pilings (20) |
|  = Existing Bulkhead (+/- 80') |  = Wooden Pilings for removal (2) |
|  = Mean High Water Line (MHWL) |  = Mean Low Water Line (MLWL) |








ATTACHMENT B:

Project Plans

Proposed Plans
Dock and Bulkhead Project
 4 Ch. Mason Way
 Lewes, DE 19958
 TMP#: 335-4.14-89.04



LEGEND:

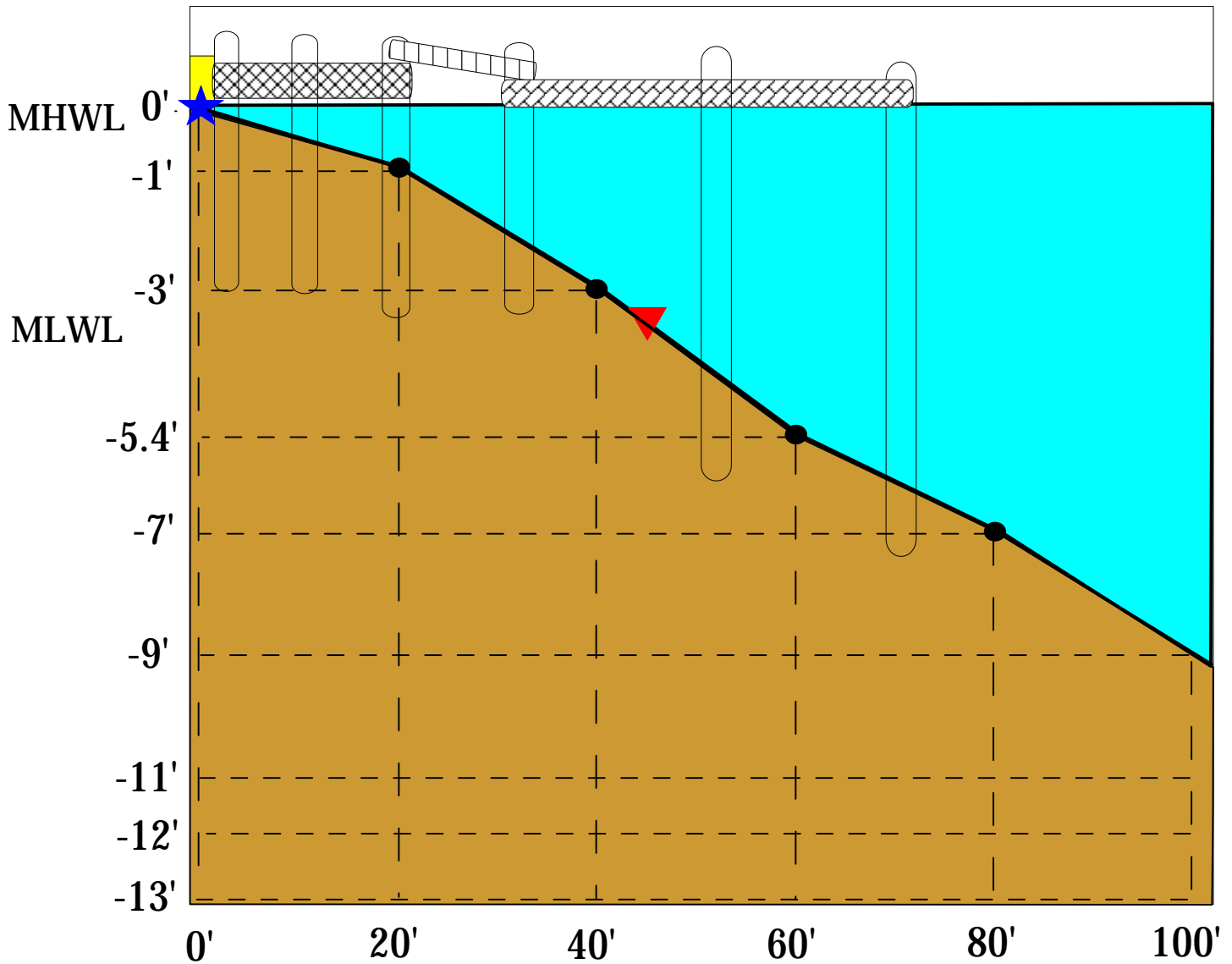
-  = Existing Fixed Pier (20' x 5')
-  = Proposed Floating Dock (35' x 6')
-  = Proposed Gangway (13' x 3')
-  = Existing Bulkhead (+/- 80')
-  = Existing Wooden Pilings





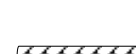
Fillipone Property


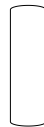


Dock and Pier Project

4 Charles Mason Way
Lewes, Delaware 19958



LEGEND:

-  = Modified Fixed Pier (20' x 5')
-  = Proposed Gangway (13' x 3')
-  = Proposed Floating Dock (35' x 6')

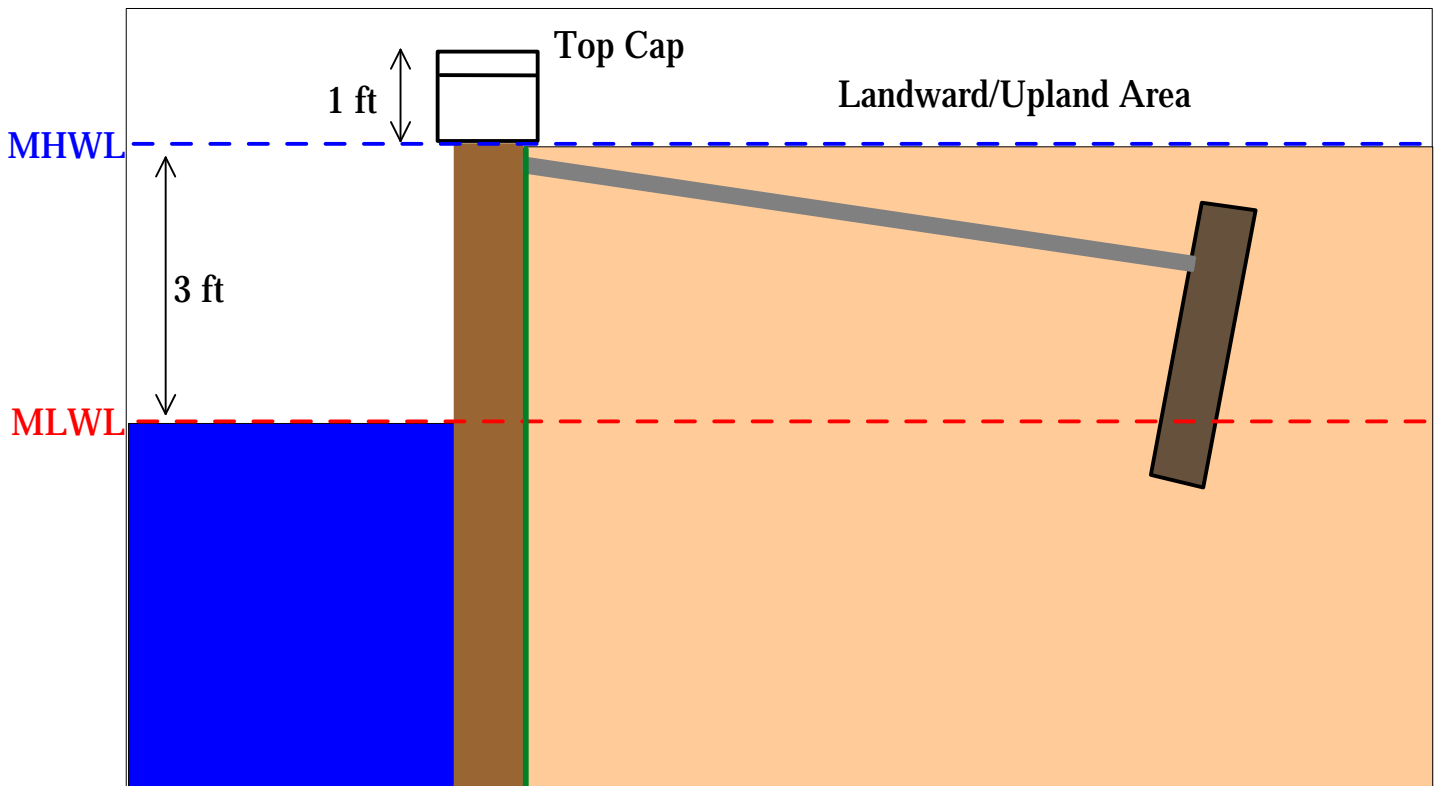
-  = Existing bulkhead
-  = Existing wooden pilings
-  = Mean Highwater Line (MHWL)
-  = Mean Low Water Line (MLWL)

Bulkhead Modification Project

4 Charles Mason Way
Lewes, Delaware 19958
TMP# 335-4.14-89.04

West

East



LEGEND:



= Existing Bulkhead (Salt treated wood)



= Bulkhead modification (Salt treated wood)



= Fabric filter cloth



= Tie Rod (+/- 12 linear ft)
galvanized steel



= Concrete Deadman



= Existing fill material

ATTACHMENT D:

State and Federal Agency Letters



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127



In Reply Refer To:

10/18/2024 18:04:59 UTC

Project code: 2025-0008141

Project Name: 6-4 Charles Mason Way Bulkhead and Dock Project

Federal Nexus: no

Federal Action Agency (if applicable):

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for '6-4 Charles Mason Way Bulkhead and Dock Project'

Dear nick wright:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on October 18, 2024, for "6-4 Charles Mason Way Bulkhead and Dock Project" (here forward, Project). This project has been assigned Project Code 2025-0008141 and all future correspondence should clearly reference this number.

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northeast Determination Key (DKey), invalidates this letter. **Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.**

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative effect(s)), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17). Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no further consultation with, or concurrence from, the Service is

required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required (except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13]).

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service's Northeast DKey, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Rufa Red Knot (<i>Calidris canutus rufa</i>)	Threatened	No effect

Conclusion If there are no updates on listed species, no further consultation/coordination for this project is required for the species identified above. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project implements any changes which are final or commits additional resources.

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

Please Note: If the Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) by the prospective permittee may be required. Please contact the Migratory Birds Permit Office, (413) 253-8643, or PermitsR5MB@fws.gov, with any questions regarding potential impacts to Eagles.

If you have any questions regarding this letter or need further assistance, please contact the Chesapeake Bay Ecological Services Field Office and reference the Project Code associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

6-4 Charles Mason Way Bulkhead and Dock Project

2. Description

The following description was provided for the project '6-4 Charles Mason Way Bulkhead and Dock Project':

The proposed project is located at 6 Charles Mason Way, along the Lewes and Rehoboth Canal, Lewes, DE 19958; tax parcel #s 335-4.14-89.03.

The purpose of the project is to construct a fixed dock, walkway and floating dock from the property's bulkheaded shoreline, over wetlands and extending into Lewes-Rehoboth Canal. This project includes the re-permitting for an existing 20 ft by 5 ft pier and installation of a 10 ft by 4 ft walkway and 40 ft 6 ft wide floating dock at 6 Ch. Mason Way. A 4 ft wide L-shaped dock will be constructed along the existing bulkhead and leading channel ward. The L-shaped dock will run approximately 38 ft along the bulkheaded shoreline and reach approximately 64 ft channel ward of the bulkhead. A boat lift and jet-ski lift will be attached to the southern side of fixed dock.

Additionally, the project will include raising the height of the existing bulkhead by 10-12 inches along both properties. This will allow for the property owner to utilize their dock seasonally and raising the bulkhead will prevent the property from flooding during storm surges.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.78661635,-75.1569499168355,14z>



QUALIFICATION INTERVIEW

1. As a representative of this project, do you agree that all items submitted represent the complete scope of the project details and you will answer questions truthfully?

Yes

2. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed species?

Note: This question could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered, or proposed species.

No

3. Is the action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

No

4. Will the proposed project involve the use of herbicide where listed species are present?

No

5. Are there any caves or anthropogenic features suitable for hibernating or roosting bats within the area expected to be impacted by the project?

No

6. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **birds** (e.g., plane-based surveys, land-based or offshore wind turbines, communication towers, high voltage transmission lines, any type of towers with or without guy wires)?

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

7. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **bats** (e.g., plane-based surveys, land-based or offshore wind turbines)?

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

8. Will the proposed project result in permanent changes to water quantity in a stream or temporary changes that would be sufficient to result in impacts to listed species?

For example, will the proposed project include any activities that would alter stream flow, such as water withdrawal, hydropower energy production, impoundments, intake structures, diversion structures, and/or turbines? Projects that include temporary and limited water reductions that will not displace listed species or appreciably change water availability for listed species (e.g. listed species will experience no changes to feeding, breeding or sheltering) can answer "No". Note: This question refers only to the amount of water present in a stream, other water quality factors, including sedimentation and turbidity, will be addressed in following questions.

No

9. Will the proposed project affect wetlands where listed species are present?

This includes, for example, project activities within wetlands, project activities within 300 feet of wetlands that may have impacts on wetlands, water withdrawals and/or discharge of contaminants (even with a NPDES).

No

10. Will the proposed project activities (including upland project activities) occur within 0.125 miles of the water's edge of a stream or tributary of a stream where listed species may be present?

Yes

11. Will the proposed project directly affect a streambed (below ordinary high water mark (OHWM)) of the stream or tributary where listed species may be present?

No

12. Will the proposed project bore underneath (directional bore or horizontal directional drill) a stream where listed species may be present?

No

13. Will the proposed project involve a new point source discharge into a stream or change an existing point source discharge (e.g., outfalls; leachate ponds) where listed species may be present?

No

14. Will the proposed project involve the removal of excess sediment or debris, dredging or in-stream gravel mining where listed species may be present?

No

15. Will the proposed project involve the creation of a new water-borne contaminant source where listed species may be present?

Note New water-borne contaminant sources occur through improper storage, usage, or creation of chemicals. For example: leachate ponds and pits containing chemicals that are not NSF/ANSI 60 compliant have contaminated waterways. Sedimentation will be addressed in a separate question.

No

16. Will the proposed project involve perennial stream loss, in a stream or tributary of a stream where listed species may be present, that would require an individual permit under 404 of the Clean Water Act?

No

17. Will the proposed project involve blasting where listed species may be present?

No

18. Will the proposed project include activities that could negatively affect fish movement temporarily or permanently (including fish stocking, harvesting, or creation of barriers to fish passage).

No

19. Will the proposed project involve earth moving that could cause erosion and sedimentation, and/or contamination along a stream or tributary of a stream where listed species may be present?

Note: Answer "Yes" to this question if erosion and sediment control measures will be used to protect the stream.

No

20. Will earth moving activities result in sediment being introduced to streams or tributaries of streams where listed species may be present through activities such as, but not limited to, valley fills, large-scale vegetation removal, and/or change in site topography?

No

21. Will the proposed project involve vegetation removal within 200 feet of a perennial stream bank where aquatic listed species may be present?

No

22. Will erosion and sedimentation control Best Management Practices (BMPs) associated with applicable state and/or Federal permits, be applied to the project? If BMPs have been provided by and/or coordinated with and approved by the appropriate Ecological Services Field Office, answer "Yes" to this question.

Yes

23. Is the project being funded, lead, or managed in whole or in part by U.S Fish and Wildlife Restoration and Recovery Program (e.g., Partners, Coastal, Fisheries, Wildlife and Sport Fish Restoration, Refuges)?

No

24. Will the proposed project result in changes to beach dynamics that may modify formation of habitat over time?

Note: Examples of projects that result in changes to beach dynamics include 1) construction of offshore breakwaters and groins; 2) mining of sand from an updrift ebb tidal delta; 3) removing or adding beach sands; and 4) projects that stabilize dunes (including placement of sand fences or planting vegetation).

No

25. [Hidden Semantic] Is the project area located within the red knot AOI?

Automatically answered

Yes

26. If you have determined that the red knot is unlikely to occur within your project's action area or that your project is unlikely to have any potential effects on the red knot, you may wish to make a "no effect" determination for the red knot. Additional guidance on how to make this decision can be found in the project review section of your local Ecological Services Field Office's website. CBFO: <https://www.fws.gov/office/chesapeake-bay-ecological-services/project-review> ; MEFO: <https://www.fws.gov/office/maine-ecological-services> ; NJFO: <https://www.fws.gov/office/new-jersey-ecological-services/new-jersey-field-office-project-review-guide> ; NEFO: <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step5> ; WVFO: <https://www.fws.gov/office/west-virginia-ecological-services/project-planning>. If you are unsure, answer "No" and continue through the key.

Would you like to make a no effect determination for the red knot?

Yes

27. [Semantic] Does the project intersect the Virginia big-eared bat critical habitat?

Automatically answered

No

28. [Semantic] Does the project intersect the Indiana bat critical habitat?

Automatically answered

No

29. [Semantic] Does the project intersect the candy darter critical habitat?

Automatically answered

No

30. [Semantic] Does the project intersect the diamond darter critical habitat?

Automatically answered

No

31. [Semantic] Does the project intersect the Big Sandy crayfish critical habitat?

Automatically answered

No

32. [Hidden Semantic] Does the project intersect the Guyandotte River crayfish critical habitat?

Automatically answered

No

33. Do you have any other documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

1. Briefly describe the habitat within the construction/disturbance limits of the project site.

Shoreline

2. Approximately how many acres of trees would the proposed project remove?

0

3. Approximately how many total acres of disturbance are within the disturbance/
construction limits of the proposed project?

0.1