

# **Permitting for Subaqueous Land Lease, Dock Modifications and Bulkhead Repairs**

## **Subject Property:**

Filippone Property  
6 Charles Mason Way  
Lewes, DE 19958

Tax Map Parcel ID #: 335-4.14-89.03

## **Prepared on behalf of:**

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

## **Prepared by:**



17605 Nassau Commons Boulevard, Unit D

Lewes, Delaware 19958

Office (302) 684-5201

Fax (302) 684-5204

[www.envirotechcinc.com](http://www.envirotechcinc.com)



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

REFERENCE: Permitting Application for Subaqueous Land Lease, Dock Modifications and Bulkhead Repairs  
*Applicant:* Mr. Michael and Mrs. Marciana Filippone  
6 Charles Mason Way Lewes, Delaware 19958  
Tax Map Parcel ID #: 335-4.14-89.03

Dear Mr. Jones or DNREC Representative,

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

The proposed project is along the Lewes-Rehoboth Canal, at 6 Charles Mason Way, Lewes, DE 19958; tax parcel # 335-4.14-89.03. The purpose of the project includes the re-permitting for the existing 20 ft by 5 ft pier, 20 ft by 3 ft elevated gangway and 35 ft 6 ft wide floating dock. The modifications include decreasing the elevated gangway to 10 ft long and extending the floating dock to 40 feet long.

Furthermore, an L-shaped fixed dock is proposed, parallel to the bulkhead and extending into Lewes-Rehoboth Canal. A 40 ft by 4 ft wide L-shaped dock will be constructed 10 ft from the existing bulkhead. The L-shaped dock will turn southwest and extend 56 ft channelward (64 ft from the bulkhead). A total of twenty (20) wooden pilings will be installed at 10-ft intervals and at connection points of the dock. A total of four (4) stand-alone wooden pilings will be removed. A boat lift and jet-ski lift will be attached to the southern side of fixed L-shaped dock. As agreed, during a previous discussion with Julie Molina of DNREC's Division of Water, the Filippone's will post signage along the L-shaped dock, stating "Vessels are not permitted to berth along this area." The adjacent property (4 Charles Mason Way, TMP#: 335-4.14-89.04) is also owned by the Filippone's and does not require property encroachment acknowledgment.

Additionally, the project will include raising the height of the existing 80 linear foot bulkhead by 12 inches. Increasing the height of the bulkhead for 4 Charles Mason Way is being proposed in a separate permit application. 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.

Please contact me with any questions.

Regards,

*Ld*

Lyle de la Rosa  
Environmental Project Manager  
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	<input checked="" type="checkbox"/>	M. Activities in State Wetlands		S. New Dredging

**Section 3: Project Location**

7. Project Site Address: 6 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: 335-4.14-89.03 Subdivision Name: \_\_\_\_\_

<b>WSLS Use Only:</b>		<b>Permit #s:</b> _____		_____		_____		_____	
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"/>
<b>Corps Permit:</b> SPGP 18 <input type="checkbox"/> 20 <input type="checkbox"/>		<b>Nationwide Permit #:</b> _____		<b>Individual Permit #</b> _____					
<b>Received Date:</b> _____		<b>Project Scientist:</b> _____							
<b>Fee Received?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>		<b>Amt: \$</b> _____		<b>Receipt #:</b> _____					
<b>Public Notice #:</b> _____		<b>Public Notice Dates:</b> 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:

(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):

Mark and Janelle Maggs: 8 Charles Mason Way - 6 Vireo Drive Wyomissing, PA 19610

4 Charles Mason Way is Owned by the Filippone's

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

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):

SL-384/14

\*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: 09/22/25

NWP-3

Type of Permit: \_\_\_\_\_ Federal Permit or ID #: NAP-2015-00088-103

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

November 6, 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

November 7, 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.	
Dock	6	5	20			Maintain
Walkway	0	4	10			New
Floating Dock	5	6	40			New
L-shaped Dock	8	4	40			New
L-shaped Dock	10	4	56			New
Freestanding Pilings	Number					
	Two (2)					New

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? 6 ft 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 pilings; aluminum gangway; poly floats; composite decking
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? 175 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>Triumph</u>              | length <u>20'</u>                  | width <u>8'2"</u>                 | draft <u>14"</u>                  |
| Make/model <u>                    </u> | length <u>                    </u> | width <u>                    </u> | draft <u>                    </u> |
| Make/model <u>                    </u> | length <u>                    </u> | width <u>                    </u> | draft <u>                    </u> |
| Make/model <u>                    </u> | length <u>                    </u> | width <u>                    </u> | draft <u>                    </u> |
9. Please provide a copy of the current state registration or Coast Guard Certificate of Documentation for each motorized vessel listed above.
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?        Yes X        No.  
If yes, written permission of the underwater land owner must be provided with this application.
14. What is the width of the waterfront property frontage adjacent to subaqueous lands? 80 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.

Adjacent property (4 Charles Mason Way) is owned by the Filippone's



**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, salt treated wood, galvanized steel

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 is already filled, during original construction

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:

**ACTIVITIES IN STATE WETLANDS**

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

1. Project description and explanation of need.

Increase bulkhead height by 1 foot and modify existing pier to utilize additional subaqueous land for boat docking.

2. What is area of impact for each activity in state wetlands?

30 square feet (3 ft x 10 ft)

Wetlands Walkways/Other Structures:

Length 10 ft ft. Width 3 ft ft.

# Piles 2 Height 3 ft ft. over marsh

3. What is volume of fill or excavated material involved in this project?

Fill 0 cubic yards

Excavation 0 cubic yards

4. Map number of state wetland map where project is located: DNR # 087

**ENVIRONMENTAL SUMMARY - PLEASE SUBMIT AN EVALUATION OF IMPACT OF THE PROPOSED ACTIVITY (ATTACH ADDITIONAL SHEETS AS NEEDED):**

5. State reasons that structures cannot feasibly be located on lands other than wetlands.

The proposed structures cannot feasibly be located on land as the floating dock and gangway must extend into the water in order to dock, store, and access personal watercraft at the subject property.

6. Detail temporary and permanent changes which would be caused by the proposed project and the impact of these changes on the project area and adjacent areas.

Temporary changes include underwater noise and water turbidity during the removal of eight (8) wood pilings and 48 ft. of the preexisting fixed pier. Furthermore, light machinery may cause temporary sediment compaction.

7. Describe alternatives to the proposed action which would reduce or avoid environmental damage.

All state and federal time of year construction restrictions outlined in the DNREC Environmental Review will be followed. Best Management Practices (BMP)s will be implemented in accordance with the Delaware Erosion and Sediment Control Handbook throughout all phases of construction.

8. Describe all measures to be taken during and after the completion of the proposed project to reduce detrimental effects.

All state and federal time of year construction restrictions outlined in the DNREC Environmental Review will be followed. Best Management Practices (BMP)s will be implemented in accordance with the Delaware Erosion and Sediment Control Handbook throughout all phases of construction to prevent the release of sediment to adjacent surface waters.

9. Describe all permanent environmental impacts which cannot be avoided.

The benthic sediment located beneath the proposed gangway and floating dock will permanently shaded as the structure will block/prevent direct sunlight from passing through easily.

10. Submit detailed evaluation of impact of the proposed project on the following:

a. Value of tidal ebb and flow

- i. Production Value: carrying organic matter to adjacent estuaries and coastal waters which serve as breeding areas for certain animal species (especially fish and shellfish).
- ii. Value as a natural protective system of absorption of storm wave energy, flood waters, and heavy rainfall, thereby decreasing flood and erosion damage.
- iii. The prevention of silting in certain harbors and inlets thereby reducing dredging.
- iv. Removal and recycling of inorganic nutrients.
- v. Effect on the estuarine waters.

Please find the attached DNREC Environmental Review. The removal of eight (8) wooden pilings may cause temporary water turbidity, but will not result in severe organic matter displacement that would negatively impact fish and shellfish breeding areas. The proposed bulkhead modifications will act as a protective system for the subject property's shoreline and absorb/reduce received wave energy, flooding, and flooding/erosion damage. Temporary impacts include water turbidity during the removal of eight (8) wood pilings but major silting within adjacent harbors/inlets is not anticipated. This project does not include the removal or recycling of inorganic nutrients.

b. Habitat Value

- i. Habitat for resident species of wildlife including furbearers, invertebrates, finfish.
- ii. Habitat for migratory wildlife species including waterfowl, wading birds, shorebirds, shorebirds, passerines, finfish, shrimp.
- iii. Rearing area, nesting area, breeding grounds for various species.
- iv. Habitat for rare or endangered plants.
- v. Presence of plants or animals known to be rare generally, or unique to the particular location.
- vi. Presence of plants or animals near the limits of their territorial range.
- vii. Presence of unique geological or wetland features.

Please find the attached DNREC Environmental Review and FWS Endangered Species Review. Rare/Endangered vegetative species habitat are not outlined within the environmental review or FWS species list. The Fourspine Sickleback is a state-rare species that is identified near the project location, however, the project area is not located within a National Estuarine Research Reserve and not listed as Designated Critical Resource Waters. The project area's wetland features are similar to surrounding wetland habitats

c. Aesthetic Effect - Consideration of the aesthetic effect may include:

- i. Presence of plants or animals of a high visual quality.
- ii. The presence of an associated water body.
- iii. Wetland type of topographic diversity.

The proposed structure will increase the subject property's aesthetic effect by allowing recreational access to the Lewes and Rehoboth Canal. The current topography and wetland vegetation within the project area will be avoided and preserved to the best extent possible throughout all phases of construction.

d. Impact of Supporting Facilities

The supporting facilities to be considered include any public or private construction, whether or not the construction occurs in the wetlands, which would be required for construction or operation of the proposed wetlands activity, such as roads, sewage disposal facilities, electric lines, water supply systems, and schools. Effects shall be separately determined for the lands neighboring such facilities.

N/A

e. Effect on Neighboring Land Uses

- i. The effects of the proposed wetland activity on neighboring land use are to be considered whether or not the neighboring lands are wetlands.
- ii. The environmental, aesthetic and economic effects of the proposed wetlands activity on land uses neighboring the lands on which supporting facilities will be located may be considered.

The proposed structures associated with this project will cause minimal to no effects to the adjacent/surrounding properties. The proposed floating dock and gangway will have similar dimensions as neighboring properties. Time of year construction restrictions will be followed to prevent negative effects to neighboring wetlands.

f. Federal, State, Regional, County and Municipal Comprehensive Plans.

Compliance of the proposed activities with the plans of the jurisdiction in which it is proposed to take place, and its impact on the plans of other affected jurisdictions.

The proposed activity will not effect any comprehensive Federal, State, or Municipal Comprehensive plans.

g. Economic Impact

Economic Impact shall include a short and long-term evaluation of the following factors to the extent the effect is directly attributable to the proposed activity:

- i. Jobs created or lost and the net income effect of jobs.
- ii. Increases in revenues to or increases in expenditure by State, County and local governments (e.g., increased taxes from an increased tax base and increased expenditure for maintaining supporting facilities).
- iii. Increases or decreases in the value attributable to the wetland as a source of nutrients to finfish, crustacea and shellfish and as habitats of such species or other flora or fauna of significant actual or potential economic value.
- iv. Increases or decreases in the value of the land as a recreational area.
- v. Increases or decreases in the cost of flood control or expected flood damage which might be caused by the effect of the activity on the natural capacity of the wetland to reduce flood damage.
- vi. Increases or decreases the costs of maintaining navigable harbors and waterways which would result from altering the capacity of the wetlands to absorb silt.
- vii. The net economic effect, both public and private, or any contemplated supporting facilities.
- viii. The net economic effect, both public and private, of the proposed activity on neighboring land uses.

The Dock/Pier/Bulkhead modifications will create a job for a local marine construction business. The subject property and dock is privately owned and will not increase local government expenditure. The wetland habitat value is expected to stay the same as all associated project impacts are temporary and permanent shading/sunlight blockage is a condition that is currently occurring due to the subject property's preexisting structure. The subject property's recreation value is expected to increase following the construction of the floating dock and walkway. The proposed bulkhead modifications will improve the subject property's resilience to flooding and reduce flood related damages. The Proposed dock will not increase or decrease the cost of maintaining the navigable waterway. The project will increase the overall property value.

# 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.

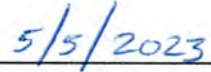
Michael T and Marciana D Filippone

6 C H Mason Way, Lewes DE 19958

Parcel ID 335-4.14-089.03



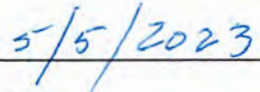
Michael T Filippone



Dated



Marciana D Filippone



Dated

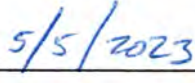
Michael T and Marciana D Filippone

4 C H Mason Way, Lewes DE 19958

Parcel ID 335-4.14-089.04



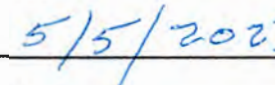
Michael T Filippone



Dated



Marciana D Filippone



Dated



**LEGEND:**

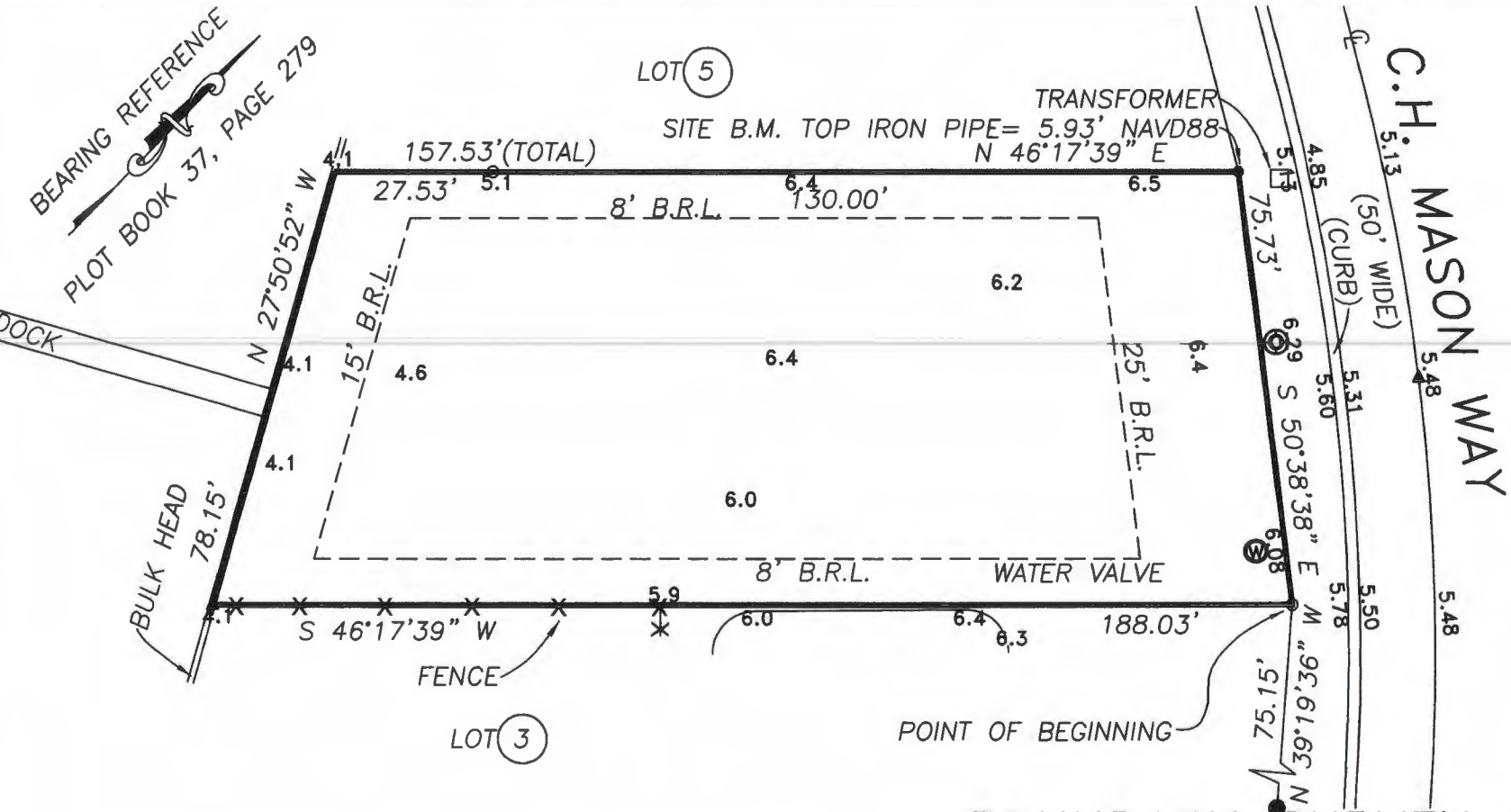
- FOUND IRON PIPE
- FOUND IRON BAR
- ▲ SET MAG NAIL
- ⊙ CLEAN OUT
- ⊕ WATER VALVE
- 4.1 SPOT GRADES

**NOTES:**

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 3826, PAGE 17
- 3) A TITLE SEARCH WAS NEITHER REQUESTED, PROVIDED OR UTILIZED FOR THIS SURVEY
- 4) BY GRAPHIC SCALING AND PLOTTING, THIS PROPERTY FALLS WITHIN THE LIMITS OF ZONE "AE9" AS PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NUMBER 10005C0195-J, EFFECTIVE DATE: JANUARY 6, 2005

Prepared By  
 ♦ ADAMS-KEMP ASSOCIATES, INC. ♦  
 PROFESSIONAL LAND SURVEYORS  
 AND PLANNERS  
 217 SOUTH RACE STREET  
 GEORGETOWN, DELAWARE 19947  
 PHONE: (302) 856-6699  
 WWW.ADAMSKEMP.COM

CHARLES E. ADAMS, JR., P.L.S. 506

**BOUNDARY SURVEY PLAN**

PREPARED FOR

**MICHAEL T. FILIPPONE**

FOR PROPERTY KNOWN AS  
 LOT 4, MASONS LANDING  
 PLOT BOOK 37, PAGE 279  
 (A.K.A. 6 C.H. MASON WAY)  
 SITUATED IN  
 THE CITY OF LEWES, LEWES & REHOBOTH HUNDRED  
 SUSSEX COUNTY, STATE OF DELAWARE  
 AREA: 12,989±SQUARE FEET  
 SCALE: 1" = 30'  
 DATE: MARCH 17, 2014

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 12<sup>th</sup> 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.

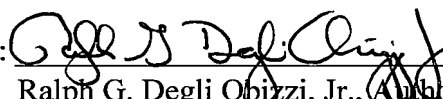
*[Signature page follows]*

**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 12<sup>th</sup> 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.

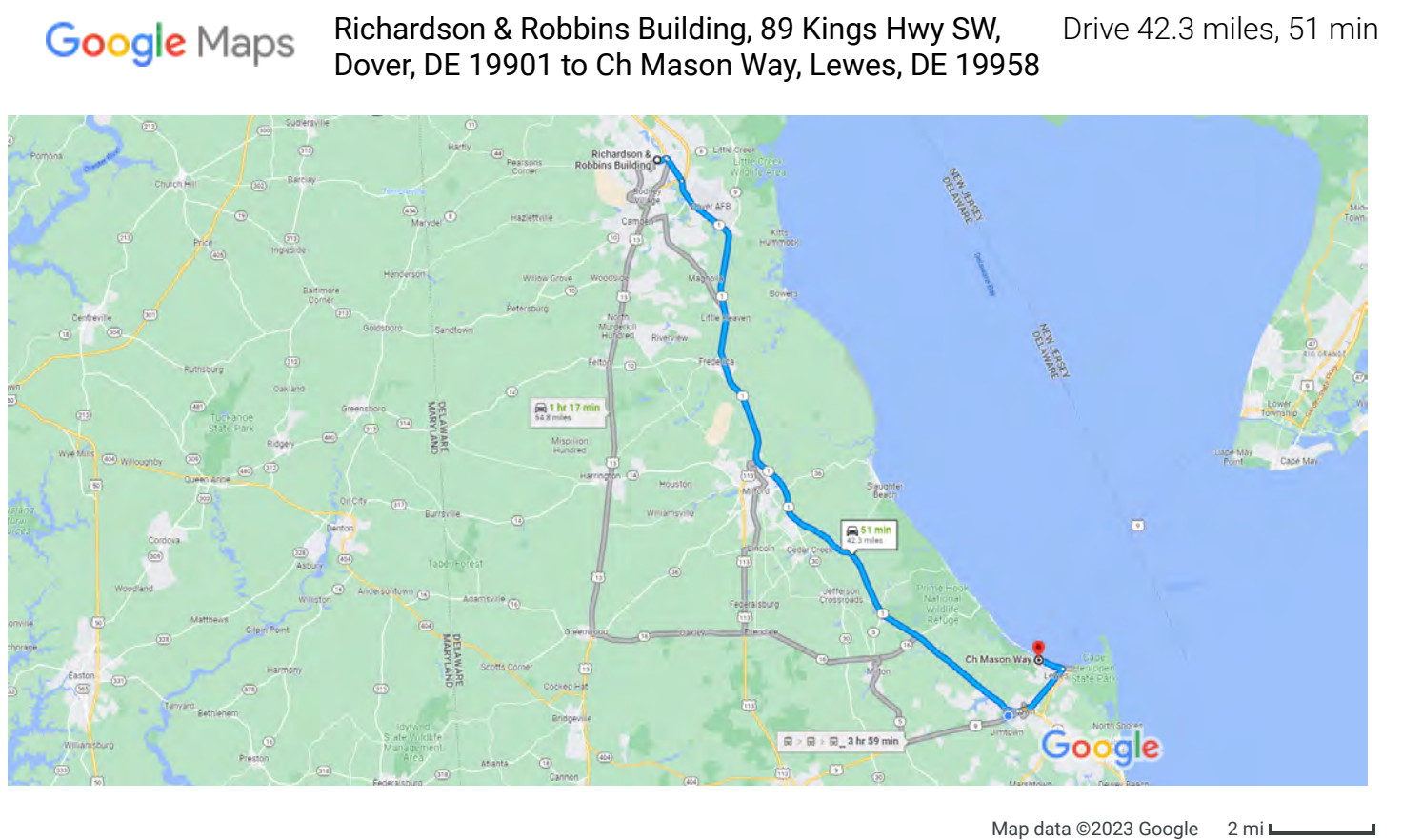
GIVEN under my Hand and Seal of Office, the day and year aforesaid.

  
\_\_\_\_\_  
~~Notary Public~~  
Name Printed: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**Grantees' Address:**

6 CH Mason Way  
Lewes, DE 19958

Thomas Mammarella, Esquire  
Delaware Attorney at Law  
Notarial Officer - 29 Del.C. § 4323



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


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 Modifications and Bulkhead Repairs**

## **Subject Property:**

Filippone Property  
6 Charles Mason Way  
Lewes, DE 19958

Tax Map Parcel ID #: 335-4.14-89.03

## **Prepared on behalf of:**

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

## **Prepared by:**



17605 Nassau Commons Boulevard, Unit D

Lewes, Delaware 19958

Office (302) 684-5201

Fax (302) 684-5204

[www.envirotechcinc.com](http://www.envirotechcinc.com)



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

REFERENCE: Permitting Application for Subaqueous Land Lease, Dock Modifications and Bulkhead Repairs  
*Applicant:* Mr. Michael and Mrs. Marciana Filippone  
6 Charles Mason Way Lewes, Delaware 19958  
Tax Map Parcel ID #: 335-4.14-89.03

Dear Mr. Jones or DNREC Representative,

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

The proposed project is along the Lewes-Rehoboth Canal, at 6 Charles Mason Way, Lewes, DE 19958; tax parcel # 335-4.14-89.03. The purpose of the project includes the re-permitting for the existing 20 ft by 5 ft pier, 20 ft by 3 ft elevated gangway and 35 ft 6 ft wide floating dock. The modifications include decreasing the elevated gangway to 10 ft long and extending the floating dock to 40 feet long.

Furthermore, an L-shaped fixed dock is proposed, parallel to the bulkhead and extending into Lewes-Rehoboth Canal. A 40 ft by 4 ft wide L-shaped dock will be constructed 10 ft from the existing bulkhead. The L-shaped dock will turn southwest and extend 64 ft channelward of the bulkhead. A total of twenty (20) wooden pilings will be installed at 10-ft intervals and at connection points of the dock. A total of four (4) stand-alone wooden pilings will be removed. A boat lift and jet-ski lift will be attached to the southern side of fixed L-shaped dock. As agreed, during a previous discussion with Julie Molina of DNREC's Division of Water, the Filippone's will post signage along the L-shaped dock, stating "Vessels are not permitted to berth along this area." The adjacent property (4 Charles Mason Way, TMP#: 335-4.14-89.04) is also owned by the Filippone's and does not require property encroachment acknowledgement.

Additionally, the project will include raising the height of the existing 80 linear foot bulkhead by 12 inches. Increasing the height of the bulkhead for 4 Charles Mason Way is being proposed in a separate permit application. 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.

Please contact me with any questions.

Regards,

*Ld*

Lyle de la Rosa  
Environmental Project Manager  
lyle@envirotechcinc.com

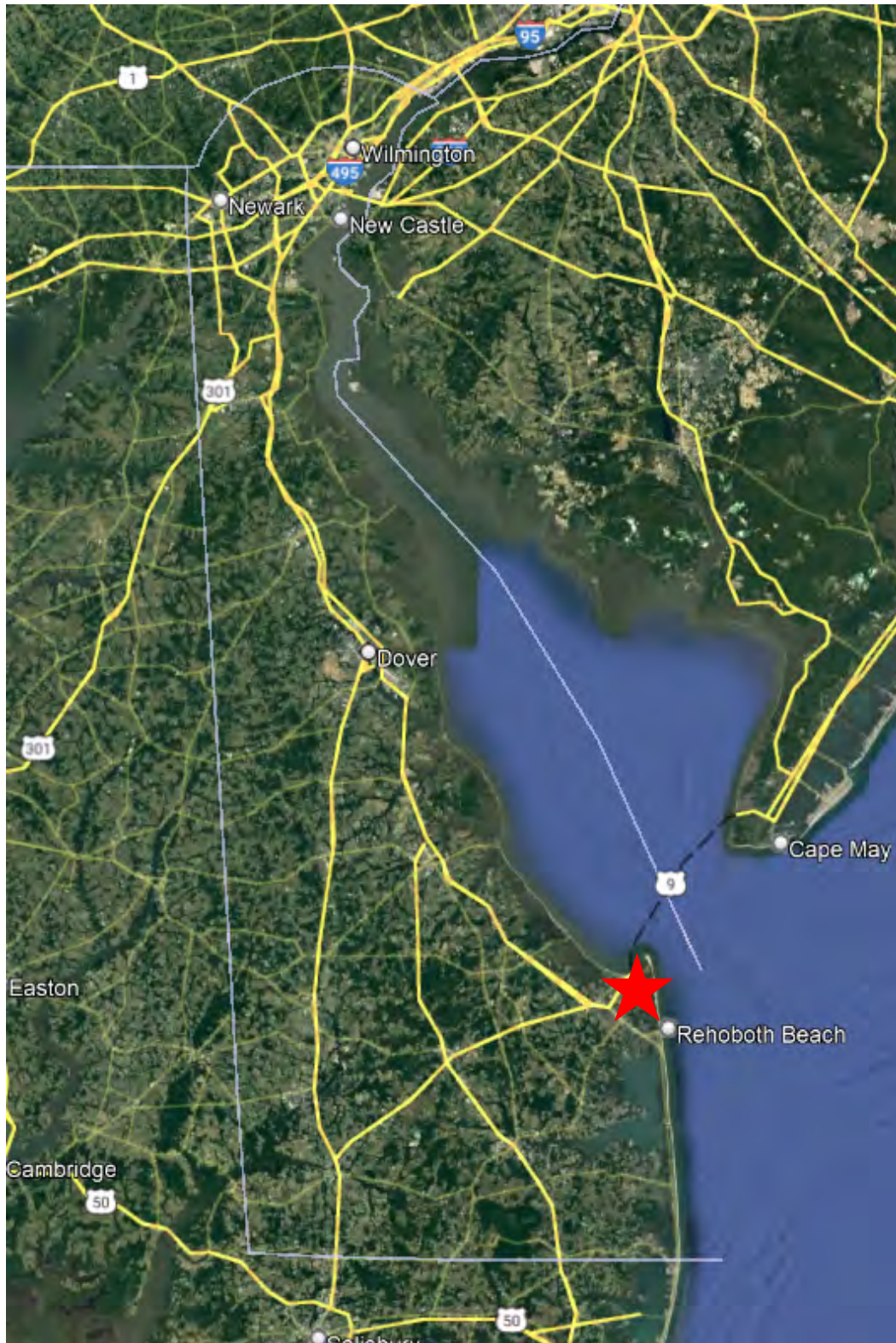


# **ATTACHMENT A:**

*Site Maps of the Subject Property*



**Filippone Property**  
6 Charles Mason Way  
Lewes, Delaware 19958



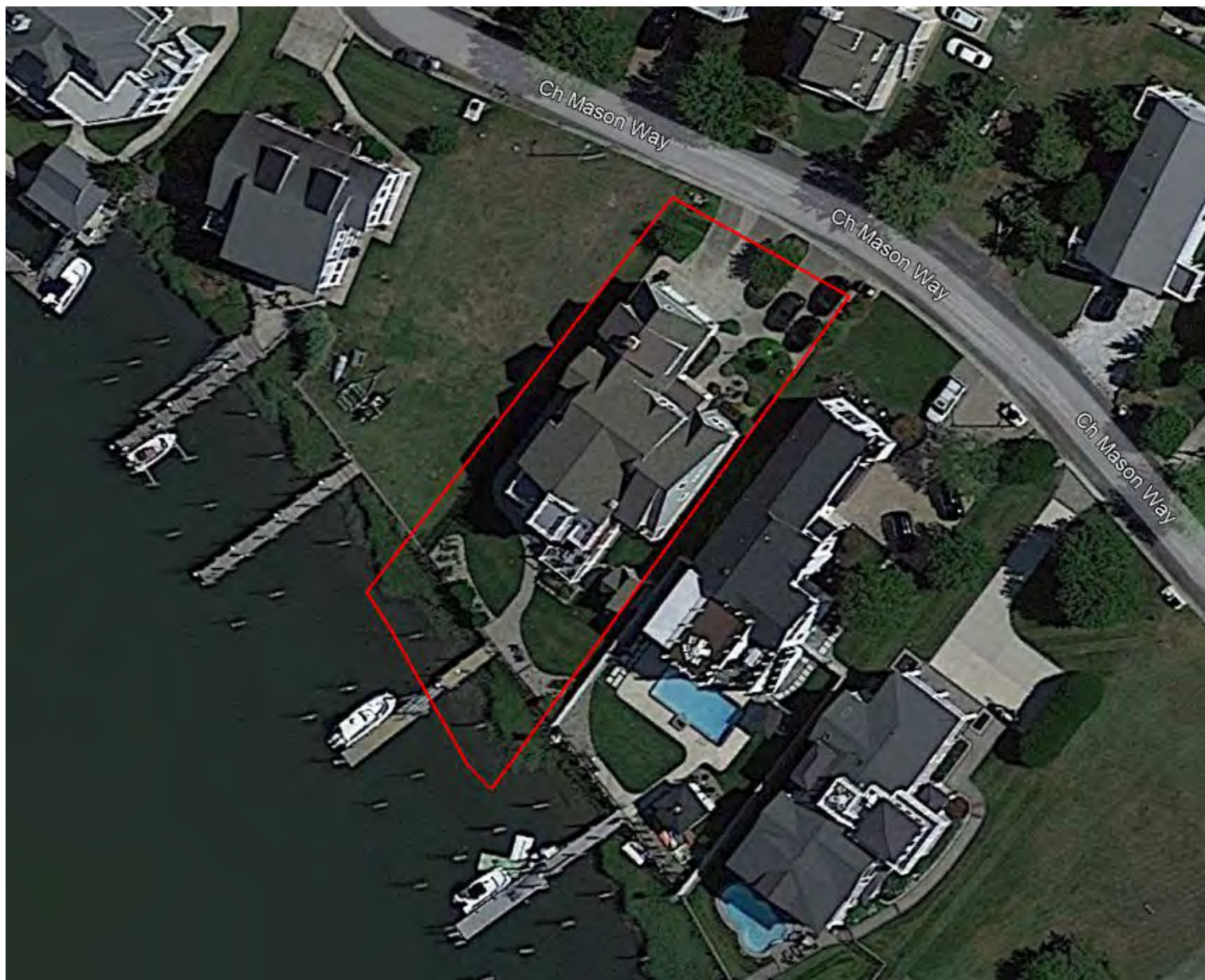
**LEGEND:**

★ = Subject Property: Tax Map Parcel # 335-4.14-89.03.





**Filippone Property**  
6 Charles Mason Way  
Lewes, Delaware 19958  
TMP#: 335-4.14-89.03



**LEGEND:**

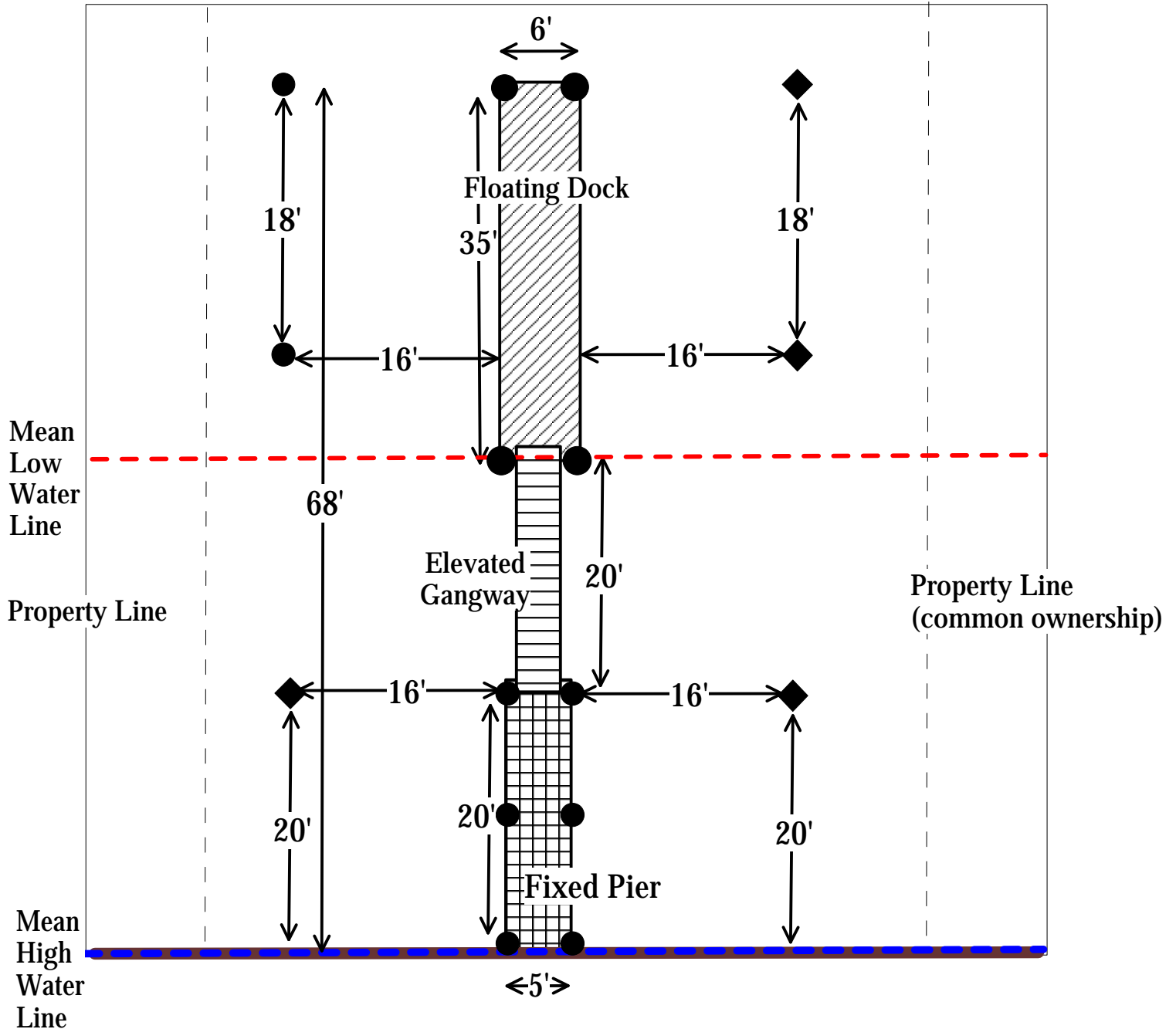


= Subject Property (+/- 0.36 acres).





**Current Conditions**  
**Dock and Bulkhead Project**  
 6 Ch. Mason Way  
 Lewes, DE 19958  
 TMP#: 335-4.14-89.03



**LEGEND:**



= Existing Fixed Pier (20' x 5')



= Existing Wooden Pilings



= Pilings for removal (4)



= Existing Gangway (20' x 3')



= Existing Floating Dock (35' x 6')



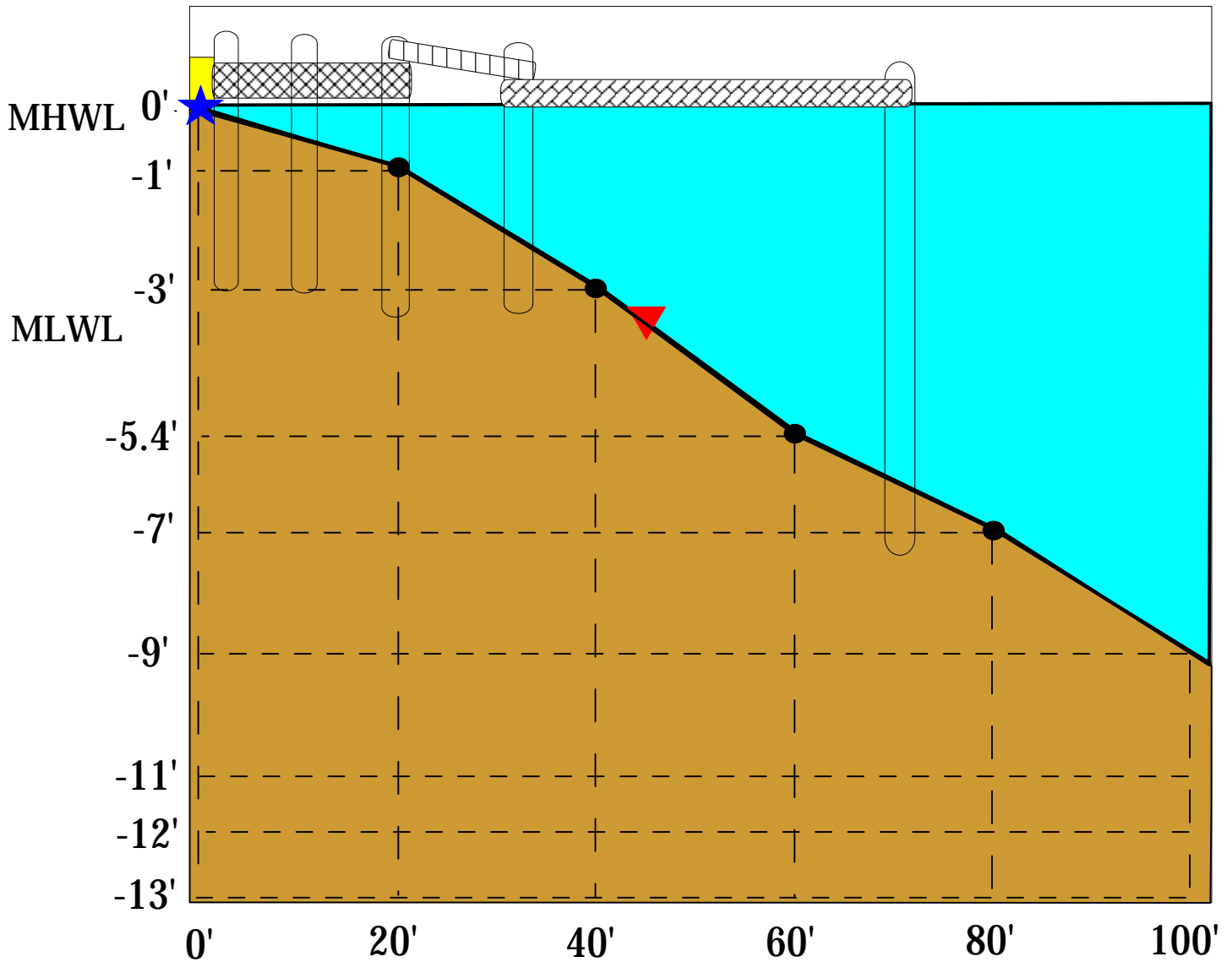
= Existing Bulkhead (+/- 80')



# Fillipone Property

## Dock and Pier Project


6 Charles Mason Way  
Lewes, Delaware 19958



### **LEGEND:**

 = Fixed Pier (20' x 5')

 = Existing bulkhead

 = Modified Gangway (10' x 4')

 = Mean Highwater Line (MHWL)

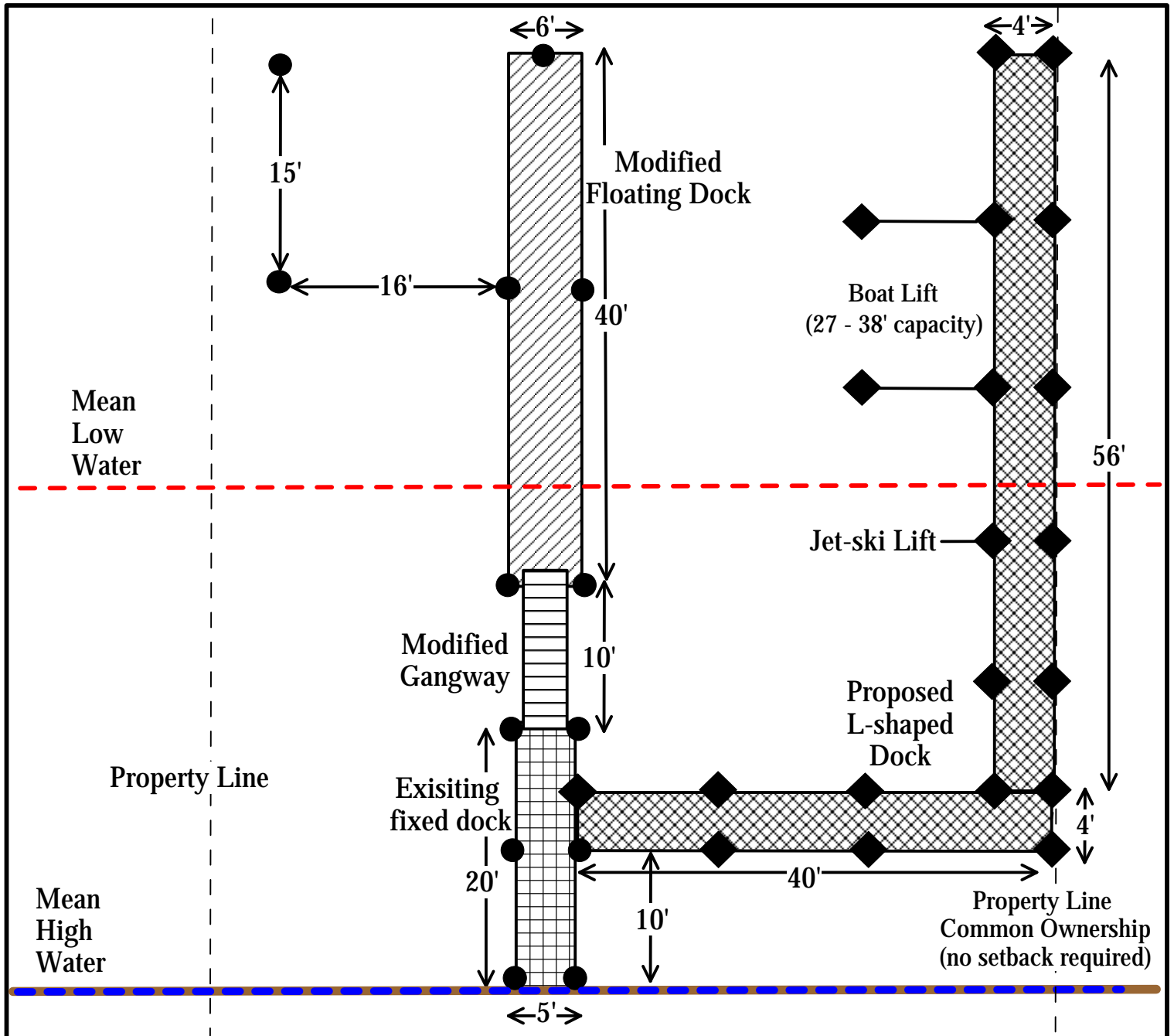
 = Modified Floating Dock (40' x 6')

 = Mean Low Water Line

# **ATTACHMENT B:**

*Project Plans*

**Filippone Property**  
**Proposed Dock and Bulkhead Construction**  
 6 Ch. Mason Way Lewes, DE 19958  
 TMP ID #: 335-4.19-89.03



**LEGEND:**



= Existing Fixed Dock



= Existing Pilings

— = Existing Bulkhead (+/- 80 ft).



= Existing Floating Dock



= Existing Walkway



= Proposed Fixed Dock

◆ = Proposed Pilings (20)

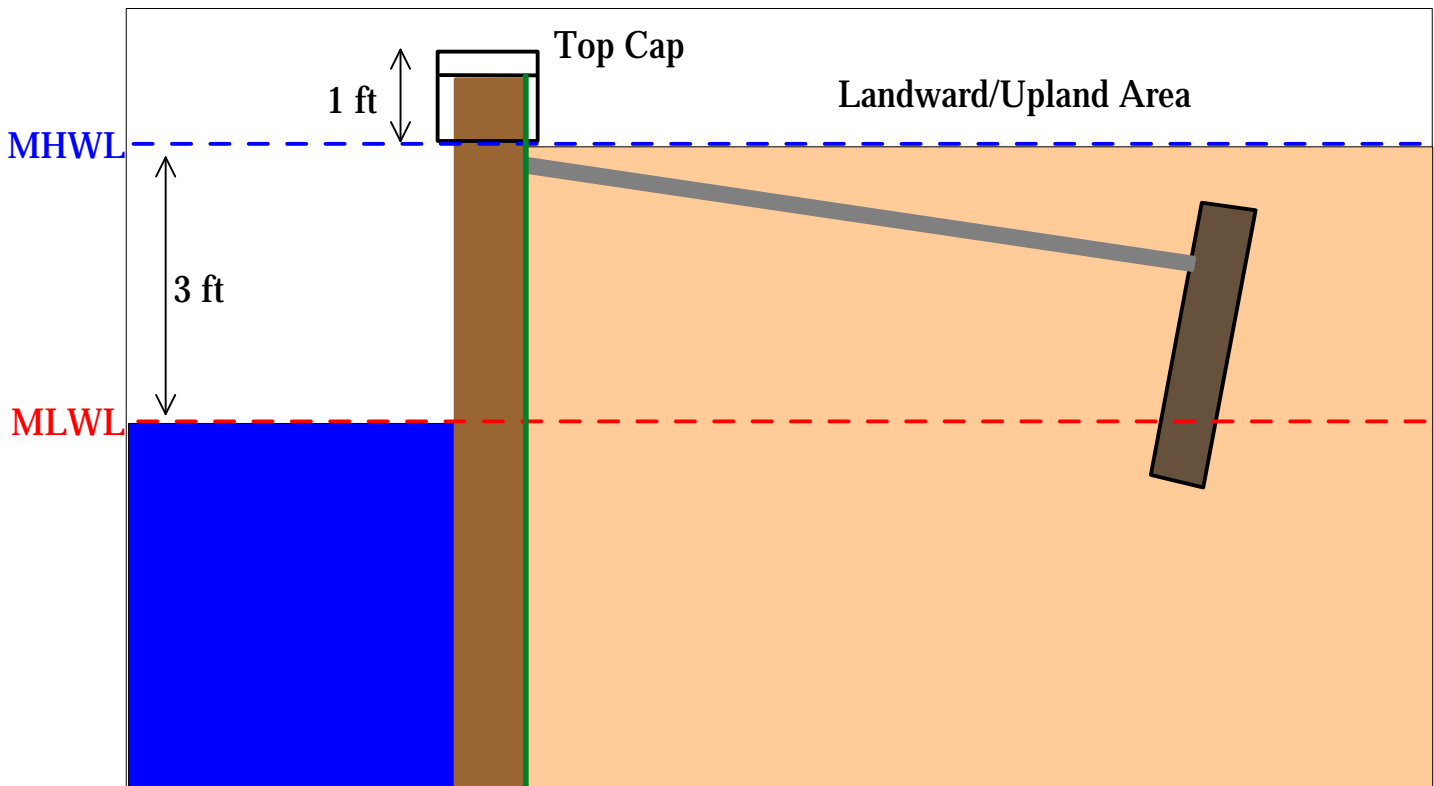


# **Bulkhead Modification Project**

6 Charles Mason Way  
Lewes, Delaware 19958  
TMP# 335-4.14-89.03

West

East



## **LEGEND:**



= Existing Bulkhead (Salt treated wood)



= Bulkhead modification with  
Cap (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](mailto: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*



# 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:  
Project Code: 2023-0124649  
Project Name: Filippone Property

10/09/2024 11:53:41 UTC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

## To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological



evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

## OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Chesapeake Bay Ecological Services Field Office**

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

## PROJECT SUMMARY

Project Code: 2023-0124649

Project Name: Filippone Property

Project Type: Boatlift/Boathouse/Dock/Pier/Piles - New Construction

Project Description: Dock and Bulkhead project

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.78669155,-75.1570157607512,14z>



Counties: Sussex County, Delaware

## ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## MAMMALS

NAME	STATUS
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

## BIRDS

NAME	STATUS
Rufa Red Knot <i>Calidris canutus rufa</i> There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

#### ESTUARINE AND MARINE DEEPWATER

- E1UBLx



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL**

DIVISION OF FISH & WILDLIFE  
RICHARDSON & ROBBINS BUILDING  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

**DIRECTOR'S  
OFFICE**

PHONE  
(302) 739-9910

September 26, 2023

Lyle de la Rosa  
Envirotech Environmental Consulting, Inc.  
17605 Nassau Commons Boulevard  
Unit D  
Lewes, DE 19958

*Re: ETECH 2023 Filippone Dock and Bulkhead, Tax Parcel # 335-4.14-89.03 & 335-4.14-89.04*

Dear Lyle:

Thank you for contacting the Species Conservation and Research Program (SCRП) about information on rare, threatened and endangered species, unique natural communities, and other significant natural resources as they relate to the above referenced project.

*State Natural Heritage Site*

A review of our database indicates that the following state-rare or federally-listed plants, animals or natural communities occur at or adjacent to the project site:

Scientific Name	Common Name	Taxon	State Rank	State Status	SGCN Tier	Federal Status
<i>Apeltes quadracus</i>	Fourspine stickleback	Fish	S2		Tier 2	

**State Rank:** **S1** – Extremely rare within the state (typically 5 or fewer occurrences); **S2** – Very rare within the state (6 to 20 occurrences); **S3** – Rare to uncommon in Delaware; **S4** – Apparently secure, at fairly low risk of extinction or extirpation due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors; **S5** – Demonstrably secure, at very low risk of extinction or extirpation due to a very extensive range, abundant populations or occurrences, or little to no concern from declines or threats; **SX** – Extirpated or presumed extirpated from the state. All historical locations and/or potential habitat have been surveyed; **SH** – Historically known, but not verified for an extended period (usually 15+ years); there are expectations that the species may be rediscovered; **SE** – Non-native in the state (introduced through human influence); not a part of the native flora or fauna; **SNR** – Not yet ranked in Delaware; **SN** – Occurrences in DE of limited conservation value, \*\*of concern due to a restricted range; **SU** – Status uncertain within the state. Usually, an uncommon species which is believed to be of conservation concern, but there is inadequate data to determine the degree of rarity; **B** – Breeding; **M** – Migratory; **N** – Nonbreeding.

**State Status:** **E** – Endangered, i.e., designated by the Delaware Division of Fish and Wildlife as seriously threatened with extinction in the state pursuant to State of Delaware Code (7 Del. §601 *et seq.*) and implementing regulation (Title 7, 3900, 16.0 Endangered Species); **NA** – Plants are not included in Title 7; **NL** – Not listed.

**SGCN Tiers:** **Tier 1** – Species of Greatest Conservation Need (SGCN) that are most in need of conservation action in order to sustain or restore their populations. They are the focus of the Delaware Wildlife Action Plan (DEWAP), which is based on analyzing threats to their populations and habitats, and on developing conservation actions to eliminate, minimize, or compensate for these threats; **Tier 2** – SGCN that are also in need of conservation action, although not with the urgency of Tier 1 species. Their distribution across the landscape will help determine where DEWAP conservation actions will be implemented on the ground; **Tier 3** – These species are for the most part still relatively common in Delaware, but are listed as SGCN for various reasons, including documented population declines, high responsibility of the Northeast region for the global population, or continued need for monitoring and/or management. This tier also includes non-breeding species that are uncommon in Delaware. **NA** – Plants are not addressed in DEWAP.

**Federal Status:** **E** – Endangered, i.e., designated by the U.S. Fish and Wildlife Service as being in danger of extinction throughout its range; **T** – Threatened, i.e., designated by USFWS as being likely to become endangered in the foreseeable future throughout all or a significant portion of its range; **C** – Candidate, i.e., taxa for which the U.S. Fish and Wildlife Service has on file enough substantial information on biological vulnerability and threat(s) to support proposals to list them as endangered or threatened species. NOAA Managed Candidate: **SC** – Species of Concern, i.e., species about which NOAA's National Marine Fisheries Service (NMFS) has some concerns regarding status and threats, but for which insufficient information is available to indicate a need to list the species under the ESA; **NL** – Not listed.

While one or more state-rare species were identified near the project location, at present, this project does not lie within a State Natural Heritage Site, nor does it lie within a Delaware National Estuarine Research Reserve, which are two criteria used to identify “Designated Critical Resource Waters” in the Army Corps of Engineers (ACOE) Nationwide Permit General Condition No. 22. A copy of this letter shall be included in any permit application or pre-construction notification submitted to the Army Corps of Engineers for activities on this property.

#### *State-rare Fish*

A population of fourspine stickleback (*Apeltes quadracus*) is found within the Lewes-Rehoboth Canal. This species is dependent on calm, shallow, heavily vegetated waters for its habitat and for spawning. Measures should be taken to avoid impacts to submerged aquatic vegetation and to decrease downstream sedimentation during construction. *If* aquatic vegetation is prevalent in the project area, in-water work should not occur from **April 1<sup>st</sup> – May 30<sup>th</sup>** to minimize impacts to spawning activities.

#### *Anadromous Fish Species*

Sampling conducted by our Division’s fisheries staff revealed that Lewes-Rehoboth Canal 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 canal as a nursery area. We request that in-water work not occur from **March 1<sup>st</sup> to September 30<sup>th</sup>** 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.

#### *Delaware Ecological Network*

Habitat on this parcel has been identified as ecologically important by the Delaware Ecological Network (DEN) and is classified as a corridor. The DEN, although non-regulatory, is a statewide conservation network developed using GIS and field collected datasets that help to identify and prioritize ecologically important areas for natural resource protection. The DEN includes



ecologically important areas such as forests, wetlands, streams, habitat that supports rare species and areas of especially high quality. The DEN includes the following key elements: 1) Core areas – which contain relatively intact natural ecosystems, and provide high-quality habitat for native plants and animals, 2) Hubs – which are slightly fragmented aggregations of core areas with contiguous natural cover and 3) Corridors – which link core areas together, allowing wildlife movement and seed and pollen transfer between them. The DEN can be accessed through First Map: [Delaware Ecological Network 2.0 | Delaware Ecological Network 2.0 | State of Delaware \(arcgis.com\)](#). We recommend that this DEN designated area be protected to the fullest extent possible.

We are continually updating our records on Delaware's rare, threatened and endangered species, unique natural communities and other significant natural resources. If the start of the project is delayed more than a year past the date of this letter, please contact us again for the latest information.

Please feel free to contact me with any questions or if you require additional information.

Sincerely,

A handwritten signature in black ink that reads "Danielle Ellis". The signature is written in a cursive, flowing style.

Danielle Ellis  
*Environmental Review Coordinator*  
Phone: (302) 223-2446  
6180 Hay Point Landing Road  
Smyrna, DE 19977

(See invoice on next page)

May 17, 2022

Kieran Burns  
Envirotech Environmental Consulting, Inc.  
17605 Nassau Commons Boulevard, Unit D  
Lewes, DE 19958

**Subject: Lewes Rehoboth Canal Dredging  
SHPO Project No. 2022.04.12.03**

Dear Mr. Burns:

We understand from your letter that the applicant, Mike Filippone, is seeking a permit from the US Army Corps of Engineers (USACOE) for dredging under existing docks along the Lewes Rehoboth Canal to allow for easier access for recreational boats. The docks are along Charles Mason Way in Lewes. Because of the need for authorization from the USACOE, the project is subject to compliance with Section 106 of the National Historic Preservation Act of 1966 (as amended).

There are no known archaeological sites or historic properties within the area of potential effect (APE). There are four recorded historic properties within a half-mile radius of the area of potential effect (APE). As these properties are not within the APE and there is no proposed construction, no significant impact to historic structures is expected. There are four known archaeological sites within a half-mile radius of the APE. Due to the distance from the APE and the limited nature of the undertaking, there is no expected impact to identified archaeological sites. The Lewes Rehoboth Canal has previously been dredged, and there is low potential for intact archaeological sites within the APE. Our Office has minimal concern regarding the APE for the proposed dredging.

At this time, information is not available regarding the disposal location for dredged spoils. Soils samples have been sent for further testing to determine a disposal location. When a disposal location has been identified, please notify this Office so we are able to provide a determination regarding the proposed undertaking.

Please feel free to contact me if you have any questions at (302) 736-7431 or [sarah.carr@delaware.gov](mailto:sarah.carr@delaware.gov).

Sincerely,



Sarah Carr  
Cultural Preservation Specialist  
cc: Gwen Davis, Deputy SHPO

# **ATTACHMENT E:**

*Topo and NWI Maps*



U.S. Fish and Wildlife Service

# National Wetlands Inventory

## Filippone Property



U.S. Fish and Wildlife Service, National Standards and Support Team,  
wetlands\_team@fws.gov

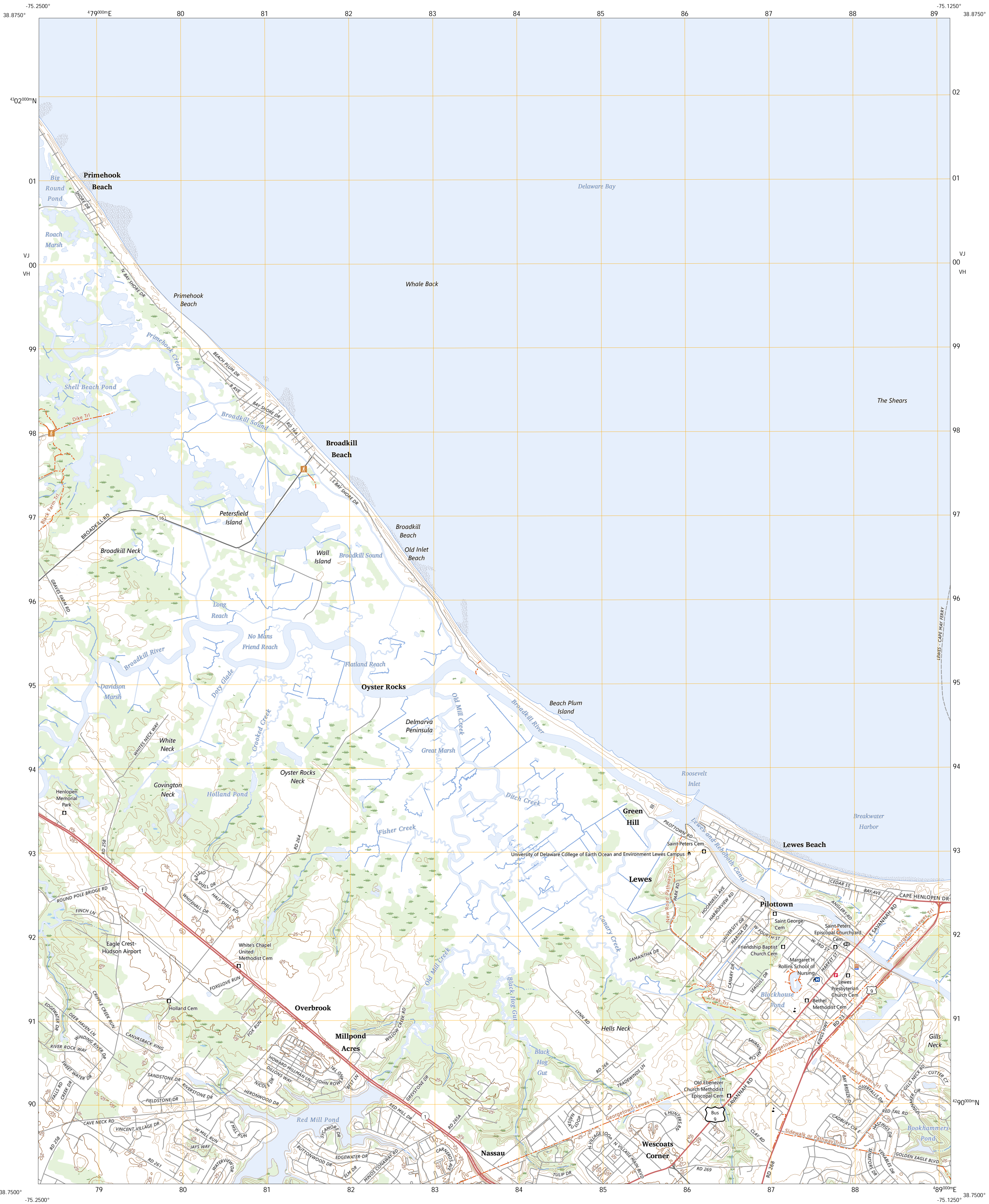
December 19, 2023

### Wetlands

	Estuarine and Marine Deepwater		Freshwater Emergent Wetland		Lake
	Estuarine and Marine Wetland		Freshwater Forested/Shrub Wetland		Other
			Freshwater Pond		Riverine

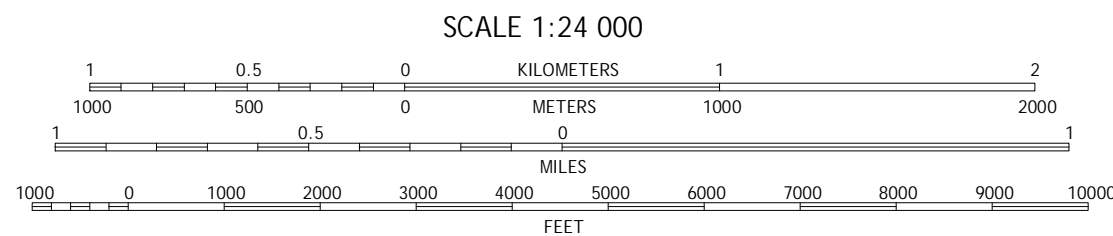
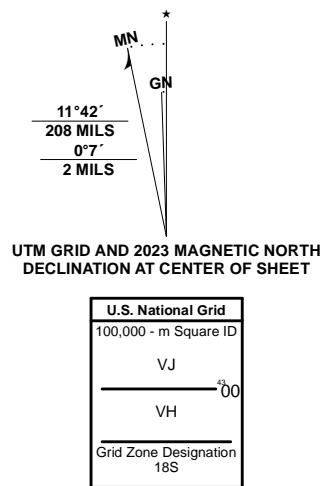
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



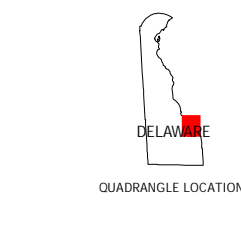


Produced by the United States Geological Survey  
North American Datum of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84) Projection and  
1 000-meter grid/Universal Transverse Mercator, Zone 18S  
This map is not a legal document. Boundaries may be  
generalized for this map scale. Private lands within government  
reservations may not be shown. Obtain permission before  
entering private lands.

Imagery.....NAIP, August 2018 - August 2018  
Roads.....U.S. Census Bureau, 2016  
Names.....GNIS, 1979 - 2023  
Hydrography.....National Hydrography Dataset, 2003 - 2023  
Contours.....National Elevation Dataset, 2016  
Boundaries.....Multiple sources: see metadata file 2020 - 2022  
Wetlands.....FWS National Wetlands Inventory 2007



CONTOUR INTERVAL 5 FEET  
NORTH AMERICAN VERTICAL DATUM OF 1988  
This map was produced to conform with the  
National Geospatial Program US Topo Product Standard.



1	2	3
4	5	6

1 Mispillion River  
2 Milton  
3 Cape Henlopen  
4 Harbeson  
5 Fairmount  
6 Rehoboth Beach

ROAD CLASSIFICATION  
Expressway  
Secondary Hwy  
Ramp  
Local Connector  
Local Road  
4WD  
US Route  
State Route

LEWES, DE  
2023





## **ATTACHMENT F:**

*Essential Fish Habitat  
Mapper Worksheet*

EFH Mapper Report

EFH Data Notice

Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional fishery management councils. In most cases mapping data can not fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert. Please refer to the following links for the appropriate regional resources.

[Greater Atlantic Regional Office](#)  
[Atlantic Highly Migratory Species Management Division](#)

Query Results

Degrees, Minutes, Seconds: Latitude = 38° 47' 13" N, Longitude = 76° 50' 32" W  
Decimal Degrees: Latitude = 38.787, Longitude = -75.158

The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.

\*\*\* WARNING \*\*\*

Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that all life stages of that species share the same map and are designated at the queried location.

EFH					
Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Atlantic Butterfish	Adult, Larvae	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Atlantic Herring	Adult, Juvenile	New England	Amendment 3 to the Atlantic Herring FMP
		Black Sea Bass	Adult, Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Bluefish	Adult, Juvenile	Mid-Atlantic	Bluefish
		Clearnose Skate	Adult, Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		Little Skate	Adult, Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		Longfin Inshore Squid	Eggs	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Monkfish	Eggs/Larvae	New England	Amendment 4 to the Monkfish FMP
		Red Hake	Adult, Eggs/Larvae/Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Scup	Adult, Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Silver Hake	Adult, Eggs/Larvae	New England	Amendment 14 to the Northeast Multispecies FMP
		Spiny Dogfish	Adult Female, Adult Male, Sub-Adult Female, Sub-Adult Male	Mid-Atlantic	Amendment 3 to the Spiny Dogfish FMP
		Summer Flounder	Adult, Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Windowpane Flounder	Adult, Eggs, Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Winter Skate	Adult, Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		Yellowtail Flounder	Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP



Pacific Salmon EFH

No Pacific Salmon Essential Fish Habitat (EFH) were identified at the report location.

Atlantic Salmon

No Atlantic Salmon were identified at the report location.

HAPCs

Link	Data Caveats	HAPC Name	Management Council
		Summer Flounder SAV	Mid-Atlantic Fishery Management Council

EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

<p>Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.</p> <p><b>**For links to all EFH text descriptions see the complete data inventory: <a href="#">open data inventory --&gt;</a></b></p> <p>All EFH species have been mapped for the Greater Atlantic region, Atlantic Highly Migratory Species EFH,</p> <p>Bigeye Sand Tiger Shark, Bigeye Sixgill Shark, Caribbean Sharpnose Shark, Galapagos Shark, Narrowtooth Shark, Sevengill Shark, Sixgill Shark, Smooth Hammerhead Shark, Smalltail Shark</p>
--

**Please read and follow all of the directions provided when filling out this form.**

## Date Submitted:

Project Name:

Project Sponsor/Applicant:

Fast-41:            Yes                          No

Action Agency Contact Name:

Contact Phone: \_\_\_\_\_ Contact Email: \_\_\_\_\_

Address, City/Town, State:

$$^2 \text{Latitude:} \qquad \qquad \qquad \text{Longitude:}$$

Body of Water (e.g., HUC 6 name):

### Project Purpose:

### Project Description:

<sup>1</sup> A federal agency may designate a non-Federal representative to conduct an EFH consultation by giving written notice of such designation to NMFS. If a non-federal representative is used, the Federal action agency remains ultimately responsible for compliance with sections 305(b)(2) and 305(b)(4)(B) of the Magnuson-Stevens Act. <sup>2</sup> Provide the decimal, or the degrees, minutes, seconds values for latitude and longitude using the World Geodetic System 1984 (WGS84) and negative degree values where applicable.



### 3. Site Description

EFH includes the biological, chemical, and physical components of the habitat. This includes the substrate and associated biological resources (e.g., benthic organisms, submerged aquatic vegetation, shellfish beds, salt marsh wetlands), the water column, and prey species.

Is the project in designated EFH<sup>3</sup>? Yes No

Is the project in designated HAPC? Yes No

Does the project contain any Special Aquatic Sites<sup>4</sup>? Yes No

Is this coordination under FWCA only? Yes No

Total area of impact to EFH (indicate sq ft or acres):

Total area of impact to HAPC (indicate sq ft or acres):

Current range of water depths at MLW Salinity range (PPT): Water temperature range (°F):

<sup>3</sup>Use the tables in Sections 5 and 6 to list species within designated EFH or the type of designated HAPC present. See the worksheet instructions to find out where EFH and HAPC designations can be found. <sup>4</sup> Special aquatic sites (SAS) are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region. They include sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle and pool complexes (40 CFR Subpart E). If the project area contains SAS (i.e. sanctuaries and refuges, wetlands, mudflats, vegetated shallows/SAV, coral reefs, and/or riffle and pool complexes, describe the SAS, species or habitat present, and area of impact.

### 4. Habitat Types

In the table below, select the location and type(s) for each habitat your project overlaps. For each habitat type selected, indicate the total area of expected impacts, then what portion of the total is expected to be temporary (less than 12 months) and what portion is expected to be permanent (habitat conversion), and if the portion of temporary impacts will be actively restored to pre- construction conditions by the project proponent or not. A project may overlap with multiple habitat types.

Habitat Location	Habitat Type	Total impacts (lf/ft <sup>2</sup> /ft <sup>3</sup> )	Temporary impacts (lf/ft <sup>2</sup> /ft <sup>3</sup> )	Permanent impacts (lf/ft <sup>2</sup> /ft <sup>3</sup> )	Restored to pre-existing conditions?*

\*Restored to pre-existing conditions means that as part of the project, the temporary impacts will be actively restored, such as restoring the project elevations to pre-existing conditions and replanting. It does not include natural restoration or compensatory mitigation.

**Submerged Aquatic Vegetation (SAV) Present?:**

Yes:

No:

If the project area contains SAV, or has historically contained SAV, list SAV species and provide survey results including plans showing its location, years present and densities if available. Refer to Section 12 below to determine if local SAV mapping resources are available for your project area.

**Sediment Characteristics:**

The level of detail required is dependent on your project – e.g., a grain size analysis may be necessary for dredging. In addition, if the project area contains rocky/hard bottom habitat <sup>6</sup>(pebble, cobble, boulder, bedrock outcrop/ledge) identified as Rocky (coral/rock), Substrate (cobble/gravel), or Substrate (rock) above, describe the composition of the habitat using the following table.

Substrate Type* (grain size)	Present at Site? (Y/N)	Approximate Percentage of Total Substrate on Site
Silt/Mud (<0.063mm)		
Sand (0.063-2mm)		
Rocky: Pebble/Gravel /Cobble(2-256mm)**		
Rocky: Boulder (256-4096mm)**		
Rocky: Coral		
Bedrock**		

<sup>6</sup>The type(s) of rocky habitat will help you determine if the area is cod HAPC.

\* Grain sizes are based on Wentworth grain size classification scale for granules, pebbles, cobbles, and boulders.

\*\* Sediment samples with a content of 10% or more of pebble-gravel-cobble and/or boulder in the top layer (6-12 inches) should be delineated and material with epifauna/macroalgae should be differentiated from bare pebble-gravel-cobble and boulder.

If no grain size analysis has been conducted, please provide a general description of the composition of the sediment. If available please attach images of the substrate.

**Diadromous Fish (migratory or spawning habitat- identify species under Section 10 below):**

Yes:

No:

## 5. EFH and HAPC Designations

Within the Greater Atlantic Region, EFH has been designated by the New England, Mid-Atlantic, and South Atlantic Fisheries Management Councils and NOAA Fisheries. Use the [EFH mapper](#) to determine if EFH may be present in the project area and enter all species and life stages that have designated EFH. Optionally, you may review the EFH text descriptions linked to each species in the EFH mapper and use them to determine if the described habitat is present at your project site. If the habitat characteristics described in the text descriptions do not exist at your site, you may be able to exclude some species or life stages from additional consideration. For example, the water depths at your site are shallower than those described in the text description for a particular species or life stage. We recommend this for larger projects to help you determine what your impacts are.

Species Present	EFH is designated/mapped for:				What is the source of the EFH information included?
	EFH: eggs	EFH: larvae	EFH: juvenile	EFH: adults/spawning adults	

## 6. Habitat Areas of Particular Concern (HAPCs)

HAPCs are subsets of EFH that are important for long-term productivity of federally managed species. HAPCs merit special consideration based their ecological function (current or historic), sensitivity to human-induced degradation, stresses from development, and/or rarity of the habitat. While many HAPC designations have geographic boundaries, there are also habitat specific HAPC designations for certain species, see note below. Use the [EFH mapper](#) to identify HAPCs within your project area. Select all that apply.

Summer flounder: SAV <sup>7</sup>	Alvin & Atlantis Canyons
Sandbar shark	Baltimore Canyon
Sand Tiger Shark (Delaware Bay)	Bear Seamount
Sand Tiger Shark (Plymouth-Duxbury-Kingston Bay)	Heezen Canyon
Inshore 20m Juvenile Cod <sup>8</sup>	Hudson Canyon
Great South Channel Juvenile Cod	Hydrographer Canyon
Northern Edge Juvenile Cod	Jeffreys & Stellwagen
Lydonia Canyon	Lydonia, Gilbert & Oceanographer Canyons
Norfolk Canyon (Mid-Atlantic)	Norfolk Canyon (New England)
Oceanographer Canyon	Retriever Seamount
Veatch Canyon (Mid-Atlantic)	Toms, Middle Toms & Hendrickson Canyons
Veatch Canyon (New England)	Washington Canyon
Cashes Ledge	Wilmington Canyon
Atlantic Salmon	

<sup>7</sup> Summer flounder HAPC is defined as all native species of macroalgae, seagrasses, and freshwater and tidal macrophytes in any size bed, as well as loose aggregations, within adult and juvenile summer flounder EFH. In locations where native species have been eliminated from an area, then exotic species are included. Use local information to determine the locations of HAPC.

<sup>8</sup> The purpose of this HAPC is to recognize the importance of inshore areas to juvenile Atlantic cod. The coastal areas of the Gulf of Maine and Southern New England contain structurally complex rocky-bottom habitat that supports a wide variety of emergent epifauna and benthic invertebrates. Although this habitat type is not rare in the coastal Gulf of Maine, it provides two key ecological functions for juvenile cod: protection from predation, and readily available prey. See [EFH mapper](#) for links to text descriptions for HAPCs.

## 7. Activity Details

Select all that apply	Project Type/Category
	Agriculture
	Aquaculture - <u>List species here:</u>
	Bank/shoreline stabilization (e.g., living shoreline, groin, breakwater, bulkhead)
	Beach renourishment
	Dredging/excavation
	Energy development/use e.g., hydropower, oil and gas, pipeline, transmission line, tidal or wave power, wind
	Fill
	Forestry
	Infrastructure/transportation (e.g., culvert construction, bridge repair, highway, port, railroad)
	Intake/outfall
	Military (e.g., acoustic testing, training exercises)
	Mining (e.g., sand, gravel)
	Overboard dredged material placement
	Piers, ramps, floats, and other structures
	Restoration or fish/wildlife enhancement (e.g., fish passage, wetlands, mitigation bank/ILF creation)
	Survey (e.g., geotechnical, geophysical, habitat, fisheries)
	Water quality (e.g., storm water drainage, NPDES, TMDL, wastewater, sediment remediation)
	Other:

## 8. Effects Evaluation

Select all that apply	Potential Stressors Caused by the Activity
	Underwater noise
	Water quality/turbidity/contaminant release
	Vessel traffic/barge grounding
	Impingement/entrainment
	Prevent fish passage/spawning
	Benthic community disturbance
	Impacts to prey species

Select all that apply and if temporary <sup>9</sup> or permanent		Habitat alterations caused by the activity
Temp	Perm	
		Water depth change
		Tidal flow change
		Fill
		Habitat type conversion
		Other:
		Other:

<sup>9</sup> Temporary in this instance means during construction. <sup>10</sup> Entrainment is the voluntary or involuntary movement of aquatic organisms from a water body into a surface diversion or through, under, or around screens and results in the loss of the organisms from the population. Impingement is the involuntary contact and entrapment of aquatic organisms on the surface of intake screens caused when the approach velocity exceeds the swimming capability of the organism.

### Details - project impacts and mitigation

Briefly describe how the project would impact each of the habitat types selected above and the amount (i.e., acreage or sf) of each habitat impacted. Include temporary and permanent impact descriptions and direct and indirect impacts. For example, dredging has a direct impact on bottom sediments and associated benthic communities. The turbidity generated can result in a temporary impact to water quality which may have an indirect effect on some species and habitats such as winter flounder eggs, SAV or rocky habitats. The level of detail that you provide should be commensurate with the magnitude of impacts associated with the proposed project. Attach supplemental information if necessary.

What specific measures will be used to avoid and minimize impacts, including project design, turbidity controls, acoustic controls, and time of year restrictions? If impacts cannot be avoided or minimized, why not?

Is compensatory mitigation proposed?      Yes                      No

If compensatory mitigation is not proposed, why not? If yes, describe plans for compensatory mitigation (e.g. permittee responsible, mitigation bank, in-lieu fee) and how this will offset impacts to EFH and other aquatic resources. Include a proposed compensatory mitigation and monitoring plan as applicable.

## 9. Effects of Climate Change

Effects of climate change should be included in the EFH assessment if the effects of climate change may amplify or exacerbate the adverse effects of the proposed action on EFH. Use the [Intergovernmental Panel on Climate Change \(IPCC\) Representative Concentration Pathways \(RCP\) 8.5/high greenhouse gas emission scenario \(IPCC 2014\)](#), at a minimum, to evaluate the future effects of climate change on the proposed projections. For sea level rise effects, use the intermediate-high and extreme scenario projections as defined in [Sweet et al. \(2017\)](#). For more information on climate change effects to species and habitats relative to NMFS trust resources, see [Guidance for Integrating Climate Change Information in Greater Atlantic Region Habitat Conservation Division Consultation Processes](#).

1. Could species or habitats be adversely affected by the proposed action due to projected changes in the climate? If yes, please describe how:
  
2. Is the expected lifespan of the action greater than 10 years? If yes, please describe project lifespan:
  
3. Is climate change currently affecting vulnerable species or habitats, and would the effects of a proposed action be amplified by climate change? If yes, please describe how:
  
4. Do the results of the assessment indicate the effects of the action on habitats and species will be amplified by climate change? If yes, please describe how:
  
5. Can adaptive management strategies (AMS) be integrated into the action to avoid or minimize adverse effects of the proposed action as a result of climate? If yes, please describe how:

## 10. Federal Agency Determination

Federal Action Agency's EFH determination (select one)	
<input type="checkbox"/>	There is no adverse effect <sup>7</sup> on EFH or EFH is not designated at the project site.  EFH Consultation is not required. This is a FWCA only request.
<input type="checkbox"/>	The adverse effect <sup>7</sup> on EFH is not substantial. This means that the adverse effects are no more than minimal, temporary, or can be alleviated with minor project modifications or conservation recommendations.  This is a request for an abbreviated EFH consultation.
<input type="checkbox"/>	The adverse effect <sup>7</sup> on EFH is substantial.  This is a request for an expanded EFH consultation. We will provide more detailed information, including an alternatives analysis and NEPA documents, if applicable.

<sup>7</sup> An adverse effect is any impact that reduces the quality and/or quantity of EFH. Adverse effects may include direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat, and other ecosystem components. Adverse effects to EFH may result from actions occurring within EFH or outside of EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

## 11. Fish and Wildlife Coordination Act

Under the FWCA, federal agencies are required to consult with us if actions that the authorize, fund, or undertake will result in modifications to a natural stream or body of water. Federal agencies are required to consider the effects these modifications may have on fish and wildlife resources, as well as provide for the improvement of those resources. Under this authority, we consider the effects of actions on NOAA-trust resources, such as anadromous fish, shellfish, crustaceans, or their habitats, that are not managed under a federal fisheries management plan. Some examples of other NOAA-trust resources are listed below. Some of these species, including diadromous fishes, serve as prey for a number of federally-managed species and are therefore considered a component of EFH pursuant to the MSA. We will be considering the effects of your project on these species and their habitats as part of the EFH/FWCA consultation process and may make recommendations to avoid, minimize or offset and adverse effects concurrently with our EFH conservation recommendations.

Please contact our Greater Atlantic Regional Fisheries Office, [Protected Resources Division](#) regarding potential impacts to marine mammals or species listed under the Endangered Species Act and the appropriate consultation procedures.