ENVIRONMENTAL CONSULTING, INC.
Providing Environmental Solutions

Sunset Harbour –Dredging Permitting Information

Sunset Harbour Home Owners Association
Tax Map Parcel# 134-136.00-1175.00
38342 Canal Street
Ocean View, DE 19970

This proposed maintenance dredging project will include the permitting for four (4) lagoons located within the Sunset Harbour Community in Ocean View Delaware. The total area for the proposed dredging will cover approximately 95,000 ft^2.

Three (3) dewatering chambers will be constructed to Delaware Erosion & Sediment Control specifications using geotextile and straw bales or silt fence (based on availability) (DE E&S Handbook 3.2.4-1). One (1) Caterpillar® 320 Excavator will be utilized to remove the spoils from the four (4) lagoons for the Sunset Harbour community (+/-95,000 ft^2). The excavator will operate from land and place the removed material into a Dump Truck for proper transport to the designated dewatering chambers. The designated dewatering chamber areas are located in the fields along the lagoon entrance areas. Following the dewatering process, the dredged material will be transported via Dump Truck to the predesignated disposal area on the Hocker Property. Travel east along Erie Ave, left onto Cedar Neck Road and a right turn onto 38489 Hickman Road Ocean View, DE 19970.

Envirotech Environmental Consulting, Inc. (EECI) conducted an on-site bathymetry survey of the Subject Area in February 2024 in order to estimate amount of dredged spoils. The following figures were calculated for the amount of dredged spoils to be removed from the Subject Property:

1. Lagoon 1 (North of River Street): 266.8 cubic yards
2. Lagoon 2 (North of Creek Street): 390.8 cubic yards
3. Lagoon 3 (North of Canal Street): 467.7 cubic yards
4. Lagoon 4 (South of Canal Street): 318.7 cubic yards

Total Estimated Spoils: **1,444 Cubic Yards**

Subject Property Map and diagrams attached.

Please let me know if you any questions.
Best Regards,

Ld

Lyle de la Rosa
Environmental Project Manager
Envirotech Environmental Consulting, Inc.
lyle@envirotechecinc.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

Last Revised on: March 28, 2017

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?

X	Yes	BASIC APPLICATION
X	Yes	SIGNATURE PAGE (Page 3)
X	Yes	APPLICABLE APPENDICES
X	Yes	SCALED PLAN VIEW
X	Yes	SCALED CROSS-SECTION OR ELEVATION VIEW PLANS
X	Yes	VICINITY MAP
X	Yes	COPY OF THE PROPERTY DEED & SURVEY
X	Yes	THREE (3) COMPLETE COPIES OF THE APPLICATION PACKET
X	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: Sunset Habour HOA
   Mailing Address: 38334 Canal Street
   Ocean View, DE 19970
   Telephone #: 302.581.9800
   Fax #:
   E-mail: john.gibb@jll.com

2. Consultant's Name: Todd Fritchman
   Mailing Address: 17605 Nassau Commons Boulevard
   Unit D Lewes, De 19958
   Company Name: Envirotech Environmental Consulting, Inc.
   Telephone #: 302.684.5201
   Fax #: 302.684.5204
   E-mail: lyle@envirotechecinc.com

3. Contractor's Name:
   Mailing Address:
   Company Name:
   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):

Project description and details attached

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

	A. Boat Docking Facilities		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	X	R. Maintenance Dredging
	F. Intake or Outfall Structures		M. Activities in State Wetlands		S. New Dredging

Section 3: Project Location

7. Project Site Address: Canal Street
   Ocean View, Delaware 19970
   County: ☐ N.C. ☐ Kent X Sussex
   Site owner name (if different from applicant):
   Address of site owner:

8. Driving Directions: Driving directions attached

(Attach a vicinity map identifying road names and the project location)

9. Tax Parcel ID Number: 134-13.00-1175.00 Subdivision Name: Sunset Harbour HOA

WSLS Use Only: **Permit #s:** _____ _____ _____ _____

Type **SP** ☐ **SL** ☐ **SU** ☐ **WE** ☐ **WQ** ☐ **LA** ☐ **SA** ☐ **MP** ☐ **WA** ☐

Corps Permit: SPGP 18 ☐ **20** ☐ **Nationwide Permit #:** _____ **Individual Permit #**_____
Received Date: _____ **Project Scientist:** _____
Fee Received? Yes ☐ **No** ☐ **Amt: $**_____ **Receipt #:** _____
Public Notice #: _____ **Public Notice Dates: ON** _____ **OFF**_____

Section 3: Project Location (Continued)

10. Name of waterbody at Project Location: White Creek waterbody is a tributary to: Indian River Bay

11. Is the waterbody: X Tidal ☐ Non-tidal Waterbody width at mean low or ordinary high water _____

12. Is the project: ☐ On public subaqueous lands? XOn private subaqueous lands?*
X 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 X 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):

Bayside at Bethany Lakes - Hockessin Chase LP: 38335 Old Mill Way Ocean View, DE 19970
INSIGHT AT SUNSET HARBOUR LLC: 16255 Sussex Highway Bridgeville, DE
State of Delaware- Division of Fish and Wildlife: 89 Kings Highway Dover, DE

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 list

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

Mike Yost

A. Have you had a State Jurisdictional Determination performed on the property? ☐ Yes X No
B. Has the project been reviewed in a monthly Joint Permit Processing Meeting? ☐ Yes X No
*If yes, what was the date of the meeting? _____

16. Are there existing structures or fill at the project site in subaqueous lands? X Yes ☐ No
*If yes, provide the permit and/or lease number(s):

SP-344/13

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

17. Have you applied for or obtained a Federal permit from the Army Corps of Engineers?
☐ No X Pending ☐ Issued ☐ Denied Date: _____

Type of Permit: NWP 35 Federal Permit or ID #: _____

18. Have you applied for permits from other Sections within DNREC?
X 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, John Gibb - Sunset Harbour HOA, 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
Mailing Address: 17605 Nassau Commons Boulevard, Unit D
Lewes, DE 19958
Telephone #: 302.684.5201
Fax #: 302.684.5204
E-mail: todd@envirotechecinc.com

20. Agent's Signature:

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

Todd Fritchman
Agent's Signature

October 30, 2023
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.

John W. Gibb
Applicant's Signature

October 30, 2023
Date

John Gibb - Sunset Harbor HOA
Print Name

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

Date

Print Name

ENVIRONMENTAL CONSULTING, INC.
Providing Environmental Solutions

December 20, 2024

Authorized Representative for Sunset Harbour Dredging Project

Subject Property: Sunset Harbour Community – 38342 Canal Street Ocean View, DE 19970
Tax Map Parcel #: 134-13.00-1175

The Subject Property is owned by Insight at Sunset Harbour, LLC of 16255 Sussex Highway Bridgeville, DE 19933.

Mr. John Gibb, of 38334 Canal Street Ocean View, DE 19977 is designated as the 'Authorized Representative' to sign on behalf of the Sunset Harbour Homeowners Association and Insight at Sunset Harbour, LLC, with respect to securing any necessary governmental permits or approvals required to commence dredging work in the canals.

Name: Mr. John Gibb

Signature: John W. Gibb Date: 12/19/24

Email: john.gibb@jll.com Phone: 202.719.5884 703-472/3850

Insight at Sunset Harbour, LLC Representative:

Name: Mr. Robert M. Lisle

Signature: Date: 12/20/2024

Email: rob@insightde.com Phone: 302.337-0400

Regards,

Ld

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

ENVIRONMENTAL CONSULTING, INC.
Providing Environmental Solutions
17605 Nassau Commons Blvd. Unit D, Lewes, DE 19958
(302) 684-5201, Fax 684-5204, www.envirotechecinc.com

MAINTENANCE DREDGING OR EXCAVATING

- If dredged material is to be placed in a disposal site, a separate map showing the location of the disposal site should be attached. This drawing must indicate the proposed retention levees, weirs, spillways, and/or devices for retaining the materials.

- Bottom samples to determine heavy metals or other toxic materials must be taken and analyzed if deemed necessary by the DNREC staff. The responsibility, as well as the expense incurred for obtaining and analyzing these samples, must be borne by the applicant.

- If maintenance dredging is to be done, evidence of previous dredging must be provided. Any previously issued permit with drawings which indicates the date the dredging occurred, the area involved and dredging depth constitutes acceptable proof.

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

1. How many cubic yards of material will be MAINTENANCE DREDGED or excavated channelward of the:

   a. Tidal waters: mean high water line? 0 cu. yds.
      mean low water line? 1,444 cu. yds.
   b. Non-tidal waters: ordinary high water line?_____ cu. yds.

Does this account for the total volume of proposed dredging for the project? X Yes _____No
If there is new dredging associated with this project (dredging beyond previously authorized dimensions) please fill out appendix S for new dredging.

2. What will be the dimensions of the dredged or excavated area relative to mean low water (for tidal areas only) or ordinary water level (for non-tidal areas only)?
   600' length -2.25' depth 15' base width 25' top width : Lagoon 1

Lagoon 2: 550' length -2.5' depth 30' base width 40' top width Lagoon 3: 715' length -2' depth 30' base width 40' top width Lagoon 4: 650' length -2' depth 15' base width 25' top width

3. What are average existing depths in area of proposed dredging? 1.5-2' MLW ft. (mlw/ohw)
   Include a survey of proposed and existing depths on application drawings.
   Please find the attached cross sections of all four (4) lagoons

4. What is the proposed dredging depth in relation to surrounding bathymetry? +/- 3 ft.(mlw/ohw)
   Indicate both proposed depths and surrounding depths on attached drawings.
   Please find the attached drawings and cross sections of all four (4) lagoons

5. By what method(s) (hydraulic, clamshell or other) will the dredging be done? If other, explain:
   Mechanical Dredging of all four (4) lagoons using a long-reach excavator located in the upland area adjacent to the lagoons.

6. What is proximity of the dredging project to the nearest creek bank or banks? 5 ft.
   What are existing land uses along this bank(s)?
   The Banks of all four (4) Lagoons posess a floating dock that is utilized for docking boats and recreational activities

   Describe the existing shoreline along this bank (vegetation, rip-rap, bulkhead, etc.).

   The surrounding shorelines consist of rip-rap structure along the shoreline of each lagoon with residential buildings +/- 5ft landward (behind) of the rip-rap structures. Furthermore, a +/- 50 linear foot bulkhead is located at the terminal of all four (4) Lagoons.

7. Describe characteristics of the material to be disposed including:
   a. Physical nature of material (i.e. sand, silt, clay, etc.). Give percentages of various fractions if available.
      Lagoon 1: 13% Sand 43% Silt 44% Clay Lagoon 2: 3% Sand 43% Silt 54% Clay
      Lagoon 3: 3% Sand 51% Silt 46% Clay Lagoon 4: 10% Sand 32% Silt 58% Clay
   b. Chemical composition of material - Many areas have sediments with high concentration of pollutants (chemicals, organics etc.) which may be re-suspended or reintroduced into the water. For heavily industrialized sites, a chemical analysis of this material should be provided (if applicable). No pollutants found. Please see attached Marine Soil Analytical Report
   c. What are the dewatering properties of material to be disposal of?
      Geotextile fabric, straw bales and wooden stakes.

8. How will the dredged or excavated material be transported to its disposal area?
   Dredged materials will be stored into an on-site dewatering chamber to allow the materials to desaturate. once desaturation is compleated, materials will be excavated from the chamber and hauled off-site for proper disposal. Please see attached Sequence of Construction, Scope of Work, and other attached documents.
9. Land Disposal Areas.
   a. Describe dimensions, characteristics and exact locations of the proposed dredged material disposal site (provide photographs, directions to, and complete plans of disposal site).
   Please see attached site maps with dewatering chamber locations/dimentions and spoil dispoal site and route.
   b. Describe method of dredged material containment (embarkment, behind bulkhead, etc.)
      Dredged materials will be stored in three (3) dewatering Chambers. See attached maps and diagrams
   c. What type of leachates will be produced by the spoil material and what is planned for the protection of groundwater?
      None, not applicable
   d. Disposal site coordinates 38.573348 latitude -75.095709 longitude
   e. What methods will be used to ensure that spoil water does not adversely affect water quality both during construction and after completion of the project?
      By following DNREC's Time of Year Restrictions and Environmental Review.
   f. Describe present land use of the disposal site.
      Open field, formaly used for agricultural purposes.

10. Water Disposal Areas/ Beneficial Use Projects

Describe methods to be used for water disposal including volumes and site selection, and containment (if applicable). Include Fill or Wetland Appendix if applicable.

Three (3) dewatering chambers will be installed/utilized at seperate locations on-site to store the +/- 1,444 cubic yards of dredged spoils from the four (4) lagoons and allow the material to desaturate.
The spoil disposal site is located +/- 1.3 Miles from the dredging area and dewatering chamber locations. Please see attached maps and diagrams
.

11. Describe the existing water characteristics at the site, including chemical analysis for water quality.

White's Creek is the existing waterbody surrounding the Dredge Area. No materials will be added to the water body. Therefore, the water quality will not be impacted. Furthermore, turbidity curtians will be installed at the entrance of each lagoon to prevent silt and sediment from entering White's Creek.
Please see attached Marine Soil Analytical Report for sediment composition breakdown.

12. Identify the dredging and disposal schedule to ensure that operations do not degrade water quality during times of anadromous fish migration.

Dredging and Spoil Disposal activites will be performed following DNREC's Time of Year Restrictions and Environmental Review.

13. Has an Erosion and Sediment Control Plan been approved by the designated plan approval agency for the project? An Erosion and Sediment Control Plan is required for any project disturbing more than 5,000 square feet of uplands. Final approved plans must be received by this office prior to permit issuance.

____ Yes ____ No X___ Not required

Important time of year restriction information:

Please be advised that all dredging in the Inland Bays must be undertaken between September 1 and December 31 in order to protect summer and winter flounder and other aquatic species. Dredging in other Delaware waters may also be subject to certain time of year restrictions in order to protect fish and wildlife. Contact DNREC for more specific information regarding the restrictions that may apply within your project area.

Attachment A:

Property Deed

TAX MAP AND PARCEL #: 134-13.00-1175.00 and 1175.03
PREPARED BY & RETURN TO:
Steen, Waehler & Schrider-Fox, LLC
92 Atlantic Avenue, Unit B
Ocean View, DE 19970
File No. 17-1597/BTR

THIS DEED, made this 10 day of March, 2017,

- BETWEEN -

LSIR DEVELOPMENT GROUP, LLC, a Delaware limited liability company, of 2933 W. Germantown Pike, Ste 3, Fairview, PA 19403, party of the first part,

- AND -

INSIGHT AT SUNSET HARBOUR, LLC, a Delaware limited liability company, of 16255 Sussex Highway, Bridgeville, DE 19958, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **One and 00/100 Dollars ($1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its, administrators, successors and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL those certain pieces, parcels or tracts of land being the remainder of lands in the condominium regime development known as SUNSET HARBOUR AT BETHANY BEACH, situate in Baltimore Hundred, Sussex County and State of Delaware, as shown on that certain Site Plan prepared by Fuller Hall & Associates, Inc. and recorded in Plot Book 152, Page 17, said property is to contain the residue of the development, appurtenant open spaces, rights of way, easements, support facilities including stormwater management ponds and areas, sewer connections, water connections, roads, as well as the Units and Boat Slips which are to be constructed, identified as Units 1, 2, 3, 4, 7, 8, 11, 12, 14, 14A, 18, 19, 20, 23, 25, 26, 28, 29, 30, 34, 40, 48, 49, 59, 63, 64, 67, 81, 84, 85, 86 and 87, the common areas and all remaining lands shown on the aforesaid Site Plan which are more particularly bounded and described, as follows:

PS

WS

PARCELS A, B, & C:

ALL THAT certain lot, piece or parcel of land, situated in Baltimore Hundred, Sussex County, Delaware being designated as Parcels A, B, and C as shown on a plat entitled "Lynn Lee Village" and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Plot Book 62, Page 218, said lands now being more particularly described as follows, to wit: BEGINNING at an iron rod and cap set at a point formed by the intersection of the westerly right-of-way line of Erie Avenue, private street 50 feet wide, as shown on plot entitled "Lynn Lee Village" and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Plot Book 62, Page 218, and the southerly line of lands, now or formerly, of Hockessin Chase LP; said point of beginning being further located by the following three courses from an iron pipe found at a point formed by the intersection of the southerly right-of-way line of said Erie Avenue and the westerly right-of-way line of Cedar Neck Road (SHR 357), to wit: North 67 degrees 26 minutes 08 seconds West, 345.75 feet to a concrete monument found; thence running North 67 degrees 33 minutes 05 seconds West, 591.17 feet (passing over a concrete monument found at a distance of 580.17 feet) to an iron rod and cap set thence running North 13 degrees 48 minutes 26 seconds East, 83133 feet to the point and place of beginning; thence running (1) in the North American Datum of 1983, leaving said lands of Hockessin Chase LP and running by and with said Erie Avenue South 13 degrees 48 minutes 26 seconds West, 810.00 feet to a point in the approximate center of an existing lagoon; thence running (2) leaving said Erie Avenue and running by and with said lagoon, North 67 degrees 53 minutes 04 seconds West, 600.00 feet to a point; thence running (3) North 22 degrees 06 minutes 56 seconds East, 14.28 feet to a point on the approximate mean low water line; thence running (4) by and with said mean low water line in a northerly direction for a distance of 1,015 feet, more or less; said mean low water line is hereinafter described by the following eleven courses for the sole purpose of computing area, actual boundary line may vary, North 54 degrees 35 minutes 30 seconds West, 79.78 feet to a point; thence running (5) North 25 degrees 19 minutes 14 seconds West, 122.37 feet to a point; thence running (6) North 04 degrees 28 minutes 17 seconds East, 102.10 feet to a point; thence running (7) North 31 degrees 41 minutes 29 seconds East, 128.29 feet to a point; thence running (8) North 41 degrees 16 minutes 05 seconds East, 129.42 feet to a point, thence running (9) North 74 degrees 13 minutes 35 seconds East, 83.27 feet to a point; thence running (10) North 17 degrees 37 minutes 41 seconds East, 42.63 feet to a point; thence running (11) North 20 degrees 52 minutes 58 seconds West, 97.66 feet to a point thence running (12) North 01 degrees 00 minutes 05 seconds West, 123.06 feet to a point thence running (13) North 43 degrees 11 minutes 39 seconds East, 47.93 feet to a point thence running (14) South 85 degrees 42 minutes 18 seconds East, 55.84 feet to a point at the approximate center of another lagoon; thence running (15) by and with said lagoon, South 67 degrees 53 minutes 04 seconds East, 600.00 feet to the point and place of beginning, having an area of 12.63 acres, more or less.

Said parcels are now those parcels shown on the Site Plan for the development Sunset Harbour, a Condominium Regime, as prepared by Fuller Hall & Associates, Inc., dated October 11, 2007 in Plot Book 152, Page 17.

ERIE AVENUE (PRIVATE ROAD):

ALL THAT certain lot, piece or parcel of land, situated in Baltimore Hundred, Sussex County, Delaware being designated as Erie Avenue as shown on a plat entitled "Lynn Lee Village" and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Plot Book 62, Page 218, said lands now being more particularly described as follows, to-wit: BEGINNING at an iron pipe formed by the intersection of the westerly right-of-way line of Cedar Neck Road (SHR 357) and the northerly line of the lands now or formerly of Gerald M. and Joan C. Townsend, as recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 527, Page 470; thence running (1) in the North American Datum of 1983, leaving said Cedar Neck Road and running by and with said lands of Townsend, North 67 degrees 26 minutes 08 seconds West, 345.75 feet to a concrete monument found on the northerly line of Lot 28, as shown on a plot entitled "Collins Park" subdivision and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 24, Page 138; thence running (2) leaving said lands of Townsend and running by and with said Lot 28 and the northerly line of Lot 27, Lot 26, Lot 25, Lot 24, Lot 23 and Lot 22, as shown on the aforesaid Collins Park Subdivision, North 67 degrees 33 minutes 05. seconds West, 591.17 feet (passing over a concrete monument found at a distance of 580.17 feet) to an iron rod and cap set; thence running (3) leaving said Collins Park Subdivision and running North 13 degrees 48 minutes 26 seconds East, 2133 feet to a point in the approximate center of an existing lagoon, said point being the same point described as the end of the first course in the description of Parcels A, B, & C, Lynn Lee Village, said point also being located on the easterly line of Parcel C, as shown on a plot entitled "Lynn Lee Village" and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 62, Page 218; thence running (4) by and with the aforesaid first course of Parcels A, B, & C, Lynn Lee Village, reversely, and by and with said Parcel C and the easterly line of Parcel B and Parcel A as shown on the aforementioned plot entitled "Lynn Lee Village", North 13 degrees 48 minutes 26 seconds East, 810.00 feet to an iron rod and cap set on the southerly line of the lands now or formerly of Hockessin Chase LP; thence running (5) leaving aforesaid Parcel A and running by and with said lands of Hockessin Chase LP, South 66 degrees 12 minutes 31 seconds East 50.77 feet to an iron rod and cap set on the westerly line of Lot 9 as shown on a plot entitled "Lynn Lee Village" and recorded in the Office of the Recorder of Deeds in Plat Book 34, Page 65; thence running leaving said lands of Hockessin Chase LP and running by and with said Lot 9 and the westerly line of Lot 8, Lot 7, Lot 6, Lot 5, Lot 4, Lot 3, Lot 2 and Lot 1 of the aforesaid Lynn Lee Village, South 13 degrees 48 minutes 26 seconds West, 757.43 feet to an iron rod and cap set at a point of curvature; thence running (7) by and with the arc of a circle deflecting to the left with a radius of 25.00 feet, an arc length of 35.46 feet and a chord bearing and distance of South 26 degrees 49 minutes 25 seconds East, 32.56 feet to a point of tangency on the southerly line of the aforesaid Lot 1; thence running (8) by and with said Lot 1 and the southerly line of the aforesaid lands of Hockessin Chase LP, South 67 degrees 27 minutes 17 seconds East 864.68 feet (passing over an iron pipe found at a distance of 105.02 feet) to an iron rod and cap set on the westerly right-of-way line of the aforesaid Cedar Neck Road; thence running (9) leaving said lands of Hockessin Chase LP and running by and with said Cedar Neck Road, South 13 degrees 26 minutes 11 seconds West, 50.49 feet to the point and place of beginning, having an area of 1.9739 acres, more or less.

The above described parcel of land is intended to be all of that parcel shown as "Erie Avenue" on a plat entitled "Sunset Harbour" as prepared by Fuller Hall & Associates, Inc., revised dated October 11, 2007 in Plot Book 152, Page 17.

EXCEPTING THEREFROM AND EXCLUDED FROM THIS SALE are the developed units and associated boat slips (hereinafter collectively referred to as "Units") which have been sold, conveyed and are shown on those certain DECLARATION PLANS as prepared by Fuller Hall & Associates, Inc., being identified as:

DECLARATION PLAN, PHASE I, being Units 56 & 70, dated September 22, 2008, and filed for record in Plot Book 122, page 121, and DECLARATION PLAN, PHASE II, being Unit 41 filed for record in Plot Book 131, page 54; DECLARATION PLAN, PHASE III, being Units 57 & 65, filed for record in Plot Book 132, page 52; DECLARATION PLAN, PHASE IV, being Unit 39, filed for record in Plot Book 135, page 75; DECLARATION PLAN, PHASE V, being Unit 42, filed for record in Plot Book 158, page 84; DECLARATION PLAN, PHASE VI, being Unit 35, filed for record in Plot Book 159, page 31; DECLARATION PLAN, PHASE VII, being Unit 36, filed for record in Plot Book 159, page 29; and as recorded in Plot Book 159, page 33; DECLARATION PLAN, PHASE VIII, being Unit 73, filed for record in Plot Book 159, page 67; DECLARATION PLAN, PHASE IX, being Unit 33, filed for record in Plot Book 160, page 60; DECLARATION PLAN, PHASE X, being Unit 61, filed for record in Plot Book 163, page 2; DECLARATION PLAN, PHASE XI, being Unit 46, filed for record in Plot Book 165, page 47; DECLARATION PLAN, PHASE XII, being Unit 37, filed for record in Plot Book 169, page 51, DECLARATION PLAN, PHASE XIII, being Unit 31, filed for record in Plot Book 171, page 80; DECLARATION PLAN, PHASE XIV, being Unit 78, filed for record in Plot Book 171, page 82; DECLARATION PLAN, PHASE XV, being Unit 51, filed for record in Plot Book 171, page 86; DECLARATION PLAN, PHASE XVI, being Unit 45, filed for record in Plot Book 172, page 1; Book 179, page 77; DECLARATION PLAN, PHASE XVII, being Unit 43, filed for record in Plot Book 176, page 34; DECLARATION PLAN, PHASE XVIII, being Unit 38, filed for record in Plot Book 176, page 83; DECLARATON PLAN, PHASE XIX, being Unit 15, filed for record in Plot Book 179, page 77; DECLARATION PLAN, PHASE XX, being Unit 5, filed for record in Plot Book 179, page 79; PHASE XXI, being Unit 44, filed for record in Plot Book 180, page 27; PHASE XXII, being Unit 10, filed for record in Plot Book 180, page 34; an PHASE XXIII, being Unit 66, filed for record in Plot Book 182, page 20; PHASE XXIV, being Unit 17, filed for record in Plot Book 182, page 36; PHASE XXV, being Unit 60, filed for record in Plot Book 183, page 28; PHASE XXVI, being Unit 50, filed for record in Plot Book 183, page 30; PHASE XXVII, being Unit 22, filed for record in Plot Book 183, page 32; PHASE XXVIII, being Unit 58, filed for record in Plot Book 186, page 98; PHASE XXIX, being Unit 27, filed for record in Plot Book 189, page 30; PHASE XXX, being Unit 6, filed for record in Plot Book 195, page 11; PHASE XXXI, being Unit 21, filed for record in Plot Book 195, page 75; PHASE XXXII, being Unit 77, filed for record in Plot Book 195, page 77; PHASE XXXIII, being Unit 69, filed for record in Plot Book 197, page 63; PHASE XXXIV, being Unit 76, filed for record in Plot Book 201, page 3; DECLARATION PLAN, PHASE XXXV, being Unit 13, filed for record in Plot Book 201, page 46; PHASE XXXVI, being Unit 52, filed for record in Plot Book 202, page 23; PHASE XXXVII, being Unit 47, filed for record in Plot Book 202, page 36; PHASE XXXVIII, being Unit 55, filed for record in Plot

Book 203, page 37; PHASE XXXIX, being Unit 82, filed for record in Plot Book 203, page 72; PHASE XL, being Unit 32, filed for record in Plot Book 203, page 74; PHASE XLI, being Unit 75, filed for record in Plot Book 204, page 87; PHASE XLII, being Unit 74, filed for record in Plot Book 213, page 38; PHASE XLIII, being Unit 79, filed for record in Plot Book 215, page 57; PHASE XLIV, being Unit 83, filed for record in Plot Book 216, page 31; PHASE XLV, being Unit 80, filed for record in Plot Book 216, page 65; PHASE XLVI, being Unit 68, filed for record in Plot Book 217, page 87; PHASE XLVII, being Unit 9, filed for record in Plot Book 227, page 58; PHASE XLVIII, being Unit 16, filed for record in Plot Book 227, page 88; PHASE XLIX, being Unit 53, filed for record in Plot Book 233, page 47; PHASE L, being Unit 54, filed for record in Plot Book 233, page 49; Unit 24 as shown on the Final Subdivision Plan for Sunset Harbour, filed for record in Plot Book 152, Page 17, and as amended.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the said LSIR Development Group, LLC, a Delaware limited liability company, has caused its name to be hereunto set under seal by Keith J. Delaney, an authorized member of LSIR Development Group, LLC, the day and year first above written.

LSIR DEVELOPMENT GROUP, LLC
By: D2 Management, LLC, Member

Witness

By: _____(SEAL)
Keith J. Delaney, Managing Member

STATE OF PA, COUNTY OF Montgomery: to-wit

BE IT REMEMBERED, that on this 7th day of March, A.D. 2017, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Keith J. Delaney, Managing Member of D2 Management, LLC, member of LSIR Development Group, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said limited liability company; that the signature of the Member is in his own proper handwriting and by his authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

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

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Lindey Eisenhauer, Notary Public
Worcester Twp., Montgomery County
My Commission Expires Oct. 21, 2020
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Lindey Eisenhauer
Notary Public

My Commission Expires: 10/21/20

Consideration: 5,280,000.00

County	79,200.00
State	79,200.00
Town	
Total	158,400.00

Received: Kara S Mar 15,2017

Recorder of Deeds
Scott Dailey
Mar 15,2017 01:45P
Sussex County
Doc. Surcharge Paid

RECEIVED
Mar 15,2017
ASSESSMENT DIVISION
OF SUSSEX COUNTY

Attachment B:

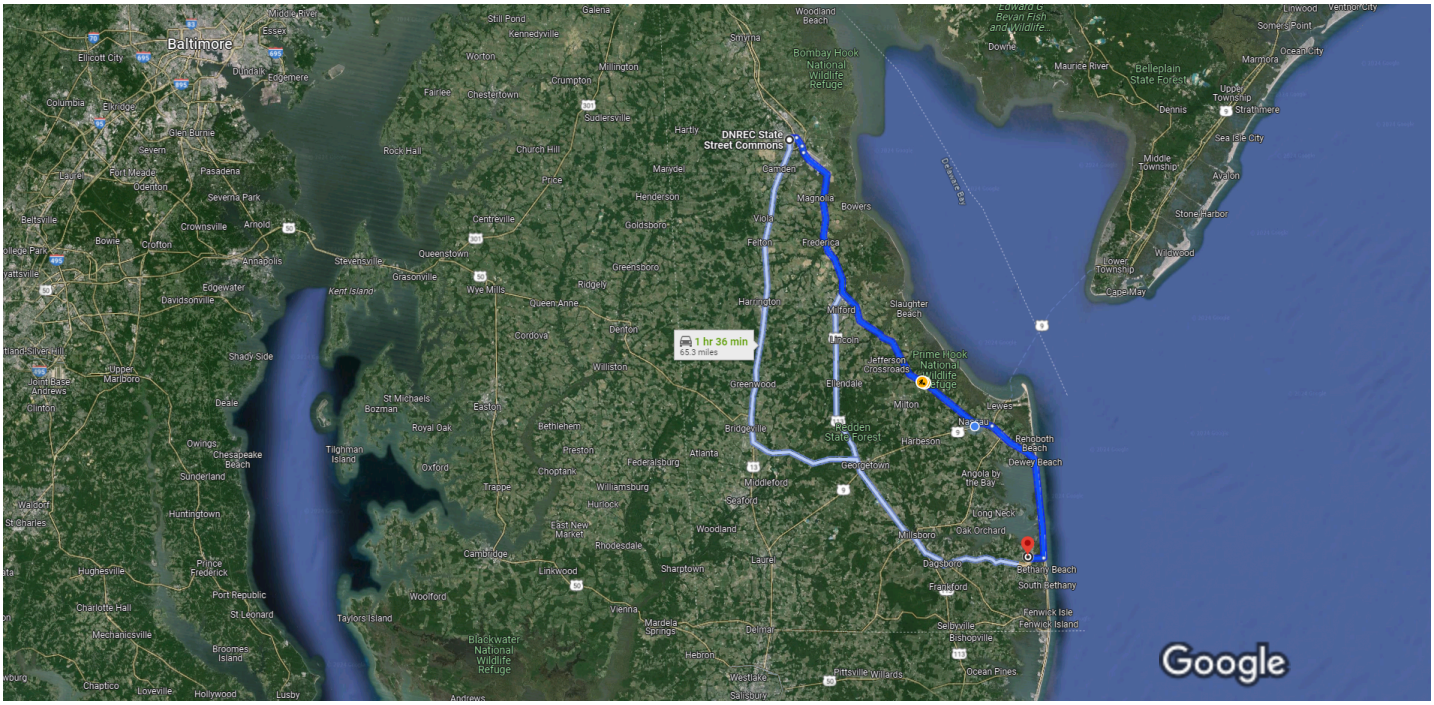
Driving Directions

Google Maps

DNREC State Street Commons, 100 W Water St, Dover, DE 19904 to 38.5578721, -75.0890721

Drive 55.7 miles, 1 hr 7 min

Directions to Sunset Harbour



Imagery ©2024 Landsat / Copernicus, Data SIO, NOAA, U.S. Navy, NGA, GEBCO, Imagery ©2024 TerraMetrics, Map data ©2024 Google 5 mi

DNREC State Street Commons
100 W Water St, Dover, DE 19904

Take Martin Luther King Jr Blvd and S Bay Rd to DE-1 S

7 min (2.6 mi)

1. Head south toward W Water St

167 ft

2. Turn right toward W Water St

174 ft

3. Turn right onto W Water St

0.4 mi

4. Continue onto Martin Luther King Jr Blvd

0.4 mi

5. Turn right onto S Bay Rd

1.0 mi

6. Use the right 2 lanes to turn slightly right to stay on S Bay Rd

0.7 mi

Continue to Sussex County

37 min (36.3 mi)

7. Merge onto DE-1 S

35.5 mi

8. Keep right to continue on US-9 E

0.7 mi

Follow DE-1 S to Canal St

25 min (16.8 mi)

9. Continue straight onto DE-1 S

15.2 mi

10. Turn right onto Fred Hudson Rd

1.3 mi

11. Continue straight onto Erie Ave

0.2 mi

12. Turn left onto Canal St

Destination will be on the right

0.1 mi

38.5578721, -75.0890721

Attachment C:

Surrounding Properties
within 1,000 ft radius

Sunset Harbour Dredging Project: Properties Within 1,000 Ft Radius

Name	PARID	Physical Adress	Mailing Adress	Town	State	Zip
WILKINSON JEFFREY A	134-12.00-327.00	134-12.00-327.00	PO BOX 967	OCEAN VIEW	DE	19970
LAUB BRIAN W	134-12.00-327.02	6 ELLIOTT AVE,Ocean View, DE	133 DELP RD	Lancaster	PA	17601
LAUB BRIAN	134-12.00-327.01	4 ELLIOTT AVE	96 APPLE BLOSSOM DR	LANCASTER	PA	17602
OCEAN VIEW MARINA LLC	134-13.00-2.00	1 ELLIOTT AVE	303 AZALEA CT UNIT B	BETHANY BEACH	DE	19930
SHEAFFER BENJAMIN R TRUSTEE	134-13.00-1.00	2 ELLIOTT AVE	8715 COBBLESTONE DR	TAMPA	FL	33615
SHEAFFER BENJAMIN R TRUSTEE	134-12.00-328.00	2 ELLIOTT AVE	8716 COBBLESTONE DR	TAMPA	FL	33615
State Of Delaware	134-12.00-329.00	2 ELLIOTT AVE	89 Kings HWY	Dover	DE	19901
MCDANIEL ANNE M TRUSTEE	134-13.00-770.00	36221 TAYLOR DR	3020 MCDANIEL LN	NEWARK	DE	19702
COLLINS PARK PROPERTY OWNER'S	134-13.00-67.00		32136 DUPONT BLVD	DAGSBORO	DE	19939
CALDWELL PAUL E JR	134-13.00-796.00	36216 TAYLOR DR	221 PATIENCE WAY	MIDDLETOWN	DE	19709
ROMITO NANCY M	134-13.00-797.00	38151 COLLINS CT	604 IVERNESS CT	CHADDS FORD	PA	19317
TOWNSEND GERALD M TRUSTEE	134-13.00-784.00	38148 COLLINS CT	30782 CEDAR NECK RD	OCEAN VIEW	DE	19970
KROLL WILLIAM J & WENDALL W	134-13.00-771.00	36223 TAYLOR DR	6412 MURRAY HILL RD	BALTIMORE	MD	21212
JONES LORA LEE	134-13.00-772.00	36225 TAYLOR DR	236 EAST BENEDICT AVE	HAVERTOWN	PA	19083
ROMITO GERALDINE C TTEE REV TR	134-13.00-773.00	36227 TAYLOR DR	36227 TAYLOR DR	OCEAN VIEW	DE	19970
CARL CHARLES R TTEE REV TR	134-13.00-774.00	36229 TAYLOR DR	7021 WILLIAMSVILLE RD	MILFORD	DE	19963
COLLINS PARK INC	134-13.00-775.00	38165 COLLINS CT	30782 CEDAR NECK RD	OCEAN VIEW	DE	19970
COLLINS STACEY L	134-13.00-795.00	36218 TAYLOR DR	9052 BROOKHAVEN CT	FREDERICK	MD	21701
SHAVER HARLAN S	134-13.00-794.00	36224 TAYLOR DR	241 PINE TREE RD	TOWNSEND	DE	19734
HARRIS ROBERT D TRUSTEE UNDER	134-13.00-793.00	38155 COLLINS CT	38155 COLLINS CT	OCEAN VIEW	DE	19970
DERRES LAURIE PATRICIA	134-13.00-783.00	38150 COLLINS CT	PO BOX 1025	KIMBERTON	PA	19442
HAGERTY JR EARL W	134-13.00-782.00	38152 COLLINS CT	3735 MAYFIELD LN	CHADDS FORD	PA	19317
COBB JOHN T	134-13.00-781.00	38154 COLLINS CT	342 PHEASANT DR	MIDDLETOWN	DE	19709
MARKLEY HAROLD W JR BEVERLY A MARKLEY	134-13.00-780.00	38156 COLLINS CT	1000 YORK HAVEN RD	YORK HAVEN	PA	17370
ROHM CHERYL	134-13.00-779.00	38158 COLLINS CT	21 IVY LN	NEW CASTLE	DE	19720
TIERNEY JAMES S	134-13.00-778.00		601 EAST WILLOW ST	ELIZABETHTOWN	PA	17022
TOWNSEND GERALD M TRUSTEE	134-13.00-965.00	38162 COLLINS CT	30782 CEDAR NECK RD	OCEAN VIEW	DE	19970
COLLINS PARK INC	134-13.00-967.00	38164 COLLINS CT	30782 CEDAR NECK RD	OCEAN VIEW	DE	19970
COLLINS PARK INC	134-13.00-776.00	38166 COLLINS CT	30782 CEDAR NECK RD	OCEAN VIEW	DE	19970
COLLINS PARK INC	134-13.00-777.00		30782 CEDAR NECK RD	OCEAN VIEW	DE	19970
LOT 17 LLC	134-13.00-966.00		32136 DUPONT BLVD	DAGSBORO	DE	19939
HOCKESSIN CHASE LP	134-9.00-37.01	38335 OLD MILL WAY	38335 OLD MILL WAY	OCEAN VIEW	DE	19970
CEDAR VIEW LLC	134-13.00-71.00	30680 CEDAR NECK RD	28368 JOHN J WILLIAMS HWY	MILLSBORO	DE	19966
ORHELEIN RYAN M	134-9.00-36.00	38240 KIKIS WAY	38240 KIKIS WAY	OCEAN VIEW	DE	19970
SUSSEX SHORES WATER COMPANY	134-13.00-1851.01	38241 KIKIS WAY	PO BOX 170	BETHANY BEACH	DE	19930
INSIGHT AT SUNSET HARBOUR LLC	134-13.00-1175.00	38342 CANAL ST	16255 SUSSEX HWY	BRIDGEVILLE	DE	19933
TOWNSLEY MICHAEL R	134-13.00-1202.00	31459 ERIE AV	31459 ERIE AVE	OCEAN VIEW	DE	19970
MENDENHALL JOHN K JUDITH A	134-13.00-1203.00	31453 ERIE AV	31453 ERIE AVE	OCEAN VIEW	DE	19970
REED MADELINE	134-13.00-1204.00	31437 ERIE AV	31437 ERIE AVE	OCEAN VIEW	DE	19970
HOLODICK FRANCIS	134-13.00-1205.00	31431 ERIE AV	525 ROTHBURY RD	WILMINGTON	DE	19803
SCHULMAN SCOTT	134-13.00-1206.00	31427 ERIE AV	9638 WOODLAND RD	NEW MARKET	MD	21774
INSIGHT LAND COMPANY LLC	134-13.00-1207.00		16255 SUSSEX HWY	BRIDGEVILLE	DE	19933
SCOLERI MICHAEL	134-13.00-1208.00	31407 ERIE AV	219 31ST ST	WEST PALM BEACH	FL	33407
BERARDUCCI DAVID A	134-13.00-1209.00	31399 ERIE AV	206 UHLER TERRACE	ALEXANDRIA	VA	22301
JETT NATHANIEL	134-13.00-1210.00	31391 ERIE AV	31391 ERIE AVE	OCEAN VIEW	DE	19970

Attachment D:

Disposal Site Permission

Re: Fw: Sunset Harbour Dredging Project

GH Gerald Hocker
To: Lyle de la Rosa

Reply Reply all Forward Tue 7/23/2024 3:02 PM

Start reply with: I really appreciate that. Wonderful, thank you! Great, thanks!

I am good and willing to work with you.
Gerald

On Tue, Jul 23, 2024 at 2:50 PM Lyle de la Rosa <Lyle@envirotechecinc.com> wrote:

Good afternoon Senator Hocker,

I am following up on my email below regarding permission to use the agricultural field on Hickman Road for dredging spoils associated with the Sunset Harbour community in Ocean View.
Please let me know if you have any questions or would like additional information. Thanks and hope you have a great day,

Lyle A. de la Rosa

Environmental Project Manager

Envirotech Environmental Consulting, Inc.

Office Hours: Monday-Friday 8am-4pm
Phone: 302.684.5201 ext. 3
Fax: 302.684.5204
email: lyle@envirotechecinc.com

From: Lyle de la Rosa <Lyle@envirotechecinc.com>
Sent: Thursday, July 11, 2024 9:59 AM
To: geraldhocker@gmail.com <geraldhocker@gmail.com>
Cc: Nickolas Wright <Nick@envirotechecinc.com>
Subject: Sunset Harbour Dredging Project

Good morning Mr. Hocker,

It was a pleasure speaking with you this morning. I processed your verbal approval for the "fountain motor services" and they will be scheduled ASAP.

To recap our brief conversation earlier, Envirotech would like permission to utilize the agricultural field located on Cedar Neck Road (Tax Map Parcel #134-9.00-24.01) to place dredged materials from the Sunset Harbour community.

ENVIRONMENTAL CONSULTING, INC.
Providing Environmental Solutions

Sunset Harbour - Maintenance Dredging Permit Application

Sunset Harbour Home Owners Association
Tax Map Parcel# 134-136.00-1175.00
38342 Canal Street
Ocean View, DE 19970

This proposed maintenance dredging project will include the permitting for four (4) lagoons located within the Sunset Harbour Community in Ocean View Delaware. The total area for the proposed dredging will cover approximately 95,000 ft^2.

Three (3) dewatering chambers will be constructed to Delaware Erosion & Sediment Control specifications using geotextile and straw bales or silt fence (based on availability) (DE E&S Handbook 3.2.4-1). One (1) Caterpillar® 320 Excavator will be utilized to remove the spoils from the four (4) lagoons for the Sunset Harbour community (+/-95,000 ft^2). The excavator will operate from land and place the removed material into a Dump Truck for proper transport to the designated dewatering chambers. The designated dewatering chamber areas are located in the fields along the lagoon entrance areas. Following the dewatering process, the dredged material will be transported via Dump Truck to the predesignated disposal area on the Hocker Property. Travel east along Erie Ave, left onto Cedar Neck Road and a right turn onto 38489 Hickman Road Ocean View, DE 19970.

Envirotech Environmental Consulting, Inc. (EECI) conducted an on-site bathymetry survey of the Subject Area in February 2024 in order to estimate amount of dredged spoils. The following figures were calculated for the amount of dredged spoils to be removed from the Subject Property:

1. Lagoon 1 (North of River Street): 266.8 cubic yards
2. Lagoon 2 (North of Creek Street): 390.8 cubic yards
3. Lagoon 3 (North of Canal Street): 467.7 cubic yards
4. Lagoon 4 (South of Canal Street): 318.7 cubic yards

Total Estimated Spoils: **1,444 Cubic Yards**

Subject Property Map and diagrams attached.

Please let me know if you any questions.
Best Regards,

Ld

Lyle de la Rosa
Environmental Project Manager
Envirotech Environmental Consulting, Inc.
lyle@envirotechecinc.com

Attachment A:

Subject Property Maps and Diagrams

Sunset Harbour

Canal Street
Ocean View, DE 19970

Envirotech
ENVIRONMENTAL CONSULTING, INC.
Providing Environmental Solutions

LEGEND:

= Tax Map Parcel #134-136.00-1175.00

N

Sunset Harbour

Ocean View, DE 19970
TMP#: 134-136.00-1175.00

Envirotech
ENVIRONMENTAL CONSULTING, INC.
Providing Environmental Solutions

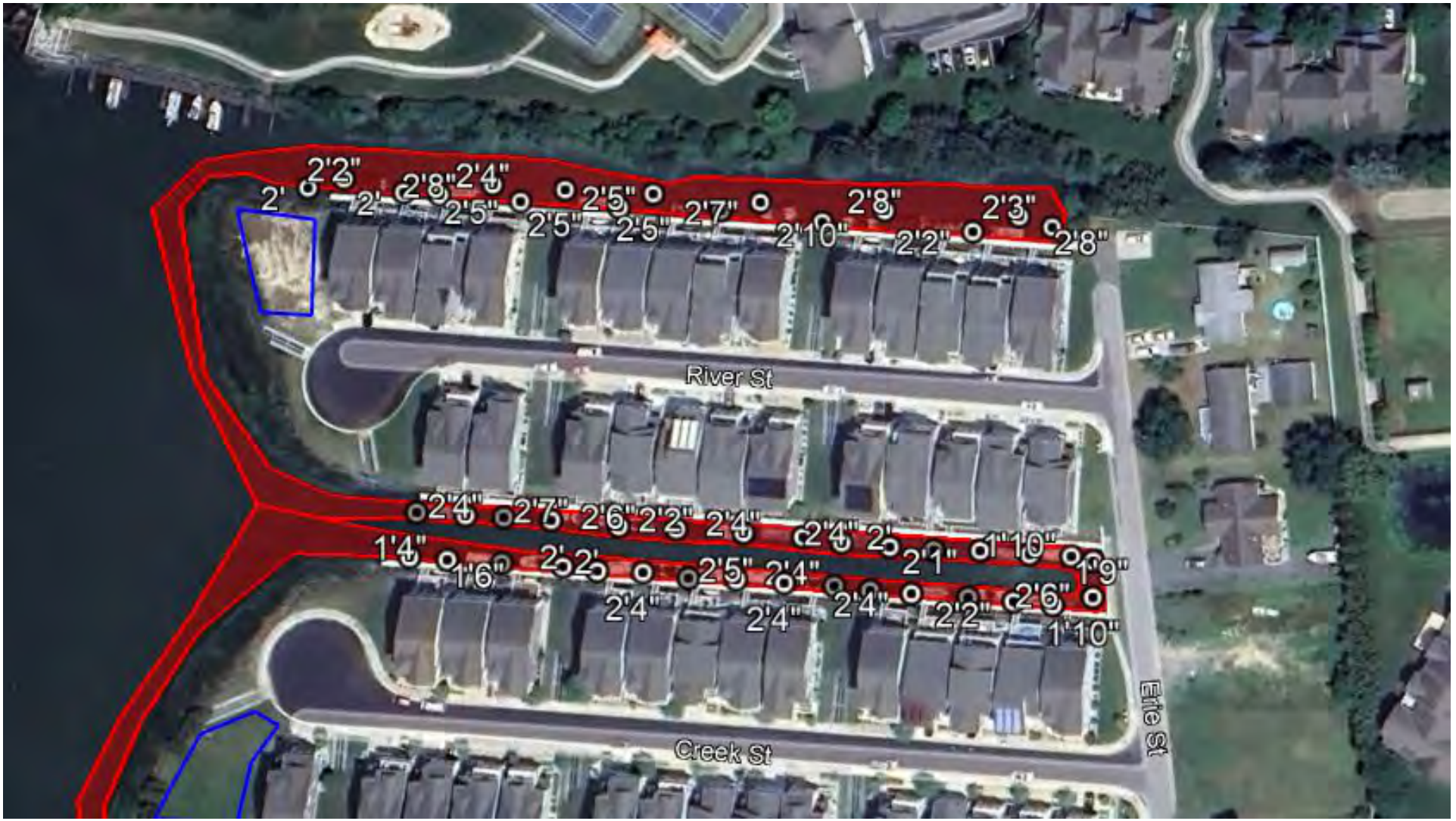
LEGEND: = Mean High Water = Mean Low Water

Sunset Harbour

Water Depth Measurements

Ocean View, DE 19970

Envirotech
ENVIRONMENTAL CONSULTING, INC.
Providing Environmental Solutions



LEGEND:

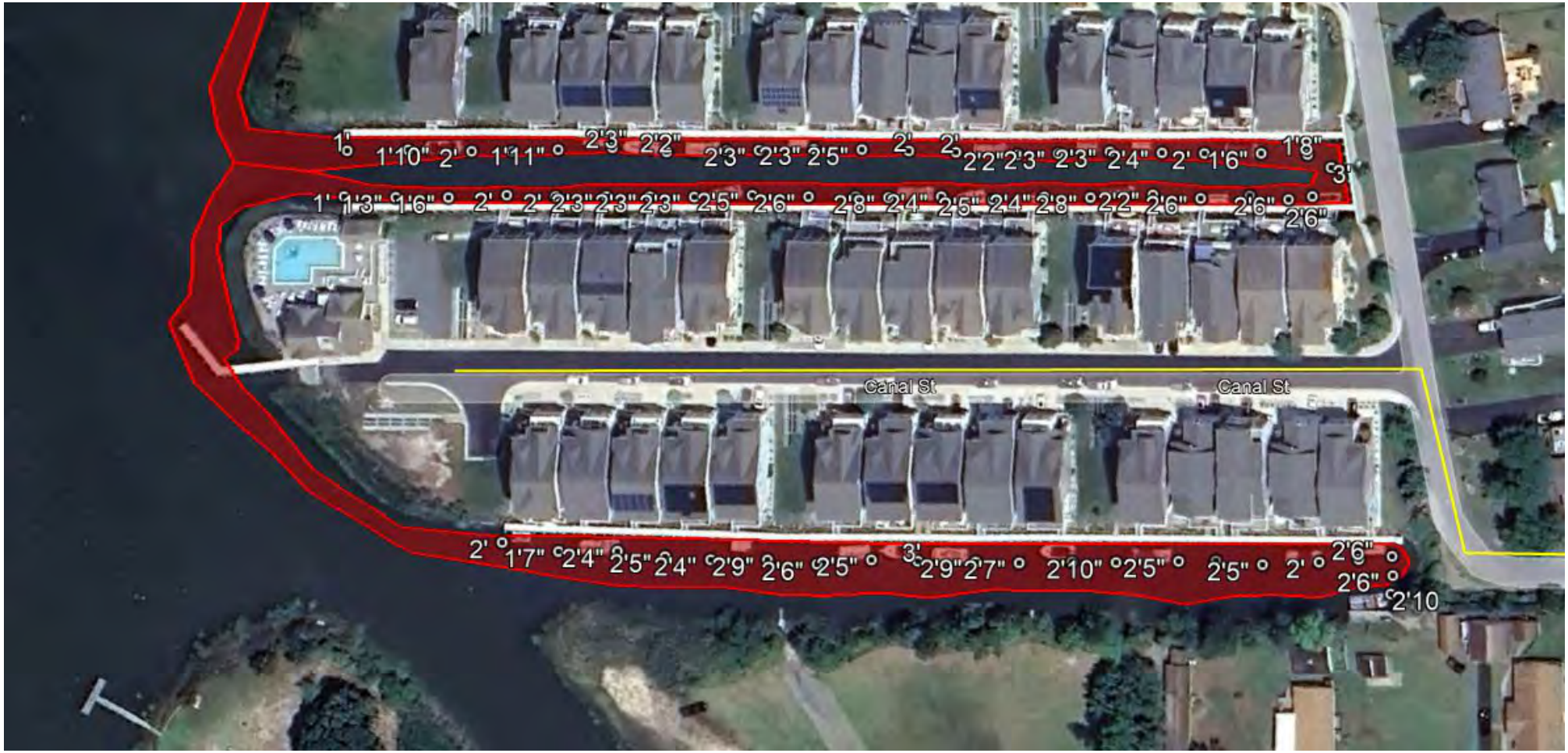
⊙ = Depth to Bottom at Mean Low Water

Sunset Harbour

Water Depth Measurements

Ocean View, DE 19970

Envirotech
ENVIRONMENTAL CONSULTING, INC.
Providing Environmental Solutions



LEGEND:

⊙ = Depth to Bottom at Mean Low Water

Sunset Harbor Dredging Project
38342 Canal Street
Ocean View, DE 19970
Tax Map ID: 134-136.00-1175.00

Lagoon 1: 266.8 yd^3
Length: 600 ft.
Width: 25 ft.

Lagoon 2: 390.8 yd^3
Length: 550 ft.
Width: 50 ft.

Lagoon 3: 467.7 yd^3
Length: 715 ft.
Width: 50 ft.

Lagoon 4: 318.7 yd^3
Length: 650 ft.
Width: 25 ft.

LEGEND:

= MHW

= MLW

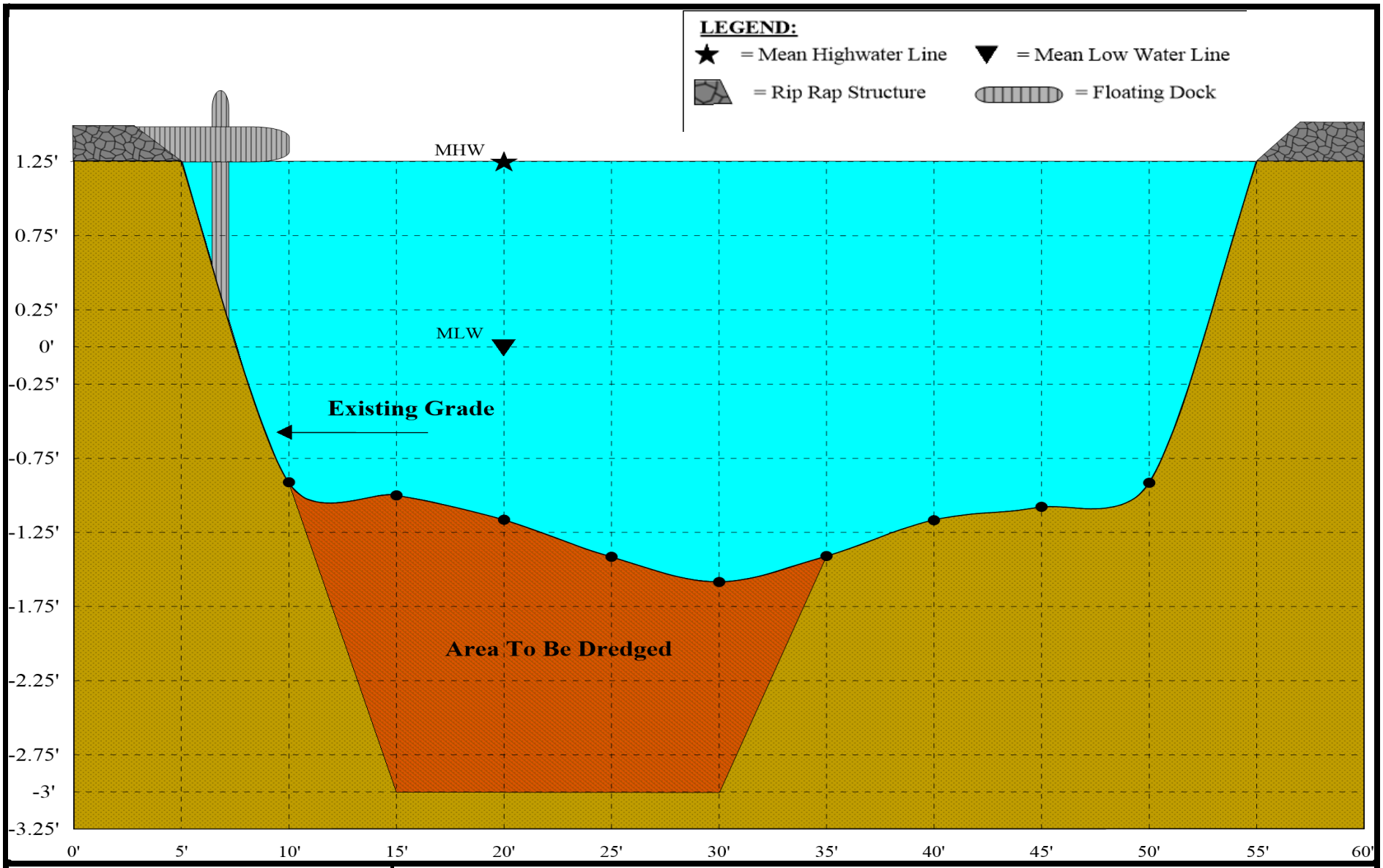
= Turbidity Curtains

= Dewatering Chambers

= LOC (Dredging locations)

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

LAGOON
DREDGE SPOIL
STOCKPILE AREA
7 SAND FILTERS
6 SAND FILTERS
RIVER STREET
CREEK STREET
CANAL STREET
ERIE AVENUE
LYNN LEE VILLAGE
WHITES CREEK
TURBIDITY CURTAIN TO BE INSTALLED DURING DREDGING AND BANK CONSTRUCTION
CREATED WETLAND 1720 SF
CREATED WETLAND 1631 SF
CREATED WETLAND 840 SF
CREATED WETLAND 1040 SF
STATE OF DELAWARE TIDAL WETLAND
LIMIT OF CORP JURISDICTION
LIMIT OF WETLANDS
50' BUFFER FROM MEAN HIGH WATER OR STATE TIDAL WETLANDS
N/F LAKES AT OLD MILL 1-34-9-370
N/F CHARLES W & MARIE BRUMBAUGH TM# 1-34-13-1210
N/F ERNEST A & JOAN Z LUOTO TM# 1-34-13-1209
N/F JOSEPH & SHARON DOMANSKI TM# 1-34-13-1208
N/F CANDICE A CASEY TM# 1-34-13-1207
N/F CANDICE A CASEY TM# 1-34-13-1206
N/F FRANCIS HOLODICK TM# 1-34-13-1205
N/F MADELINE & DOMINIC PEDICONE TM# 1-34-13-1204
N/F JOHN K & JUDITH A MENDENHALL TM# 1-34-13-1203
N/F JAMES GABRIEL TM# 1-34-13-1202
N/F COLLINS PARK INC TM# 1-34-13-956
N/F COLLINS PARK INC TM# 1-34-13-777
N/F COLLINS PARK INC TM# 1-34-13-778
N/F COLLINS PARK INC TM# 1-34-13-779
N/F GERALD M & JOAN C TOWNSEND
ROBERT L THOMPSON TM# 1-34-13-778
ROBERT L THOMPSON TM# 1-34-13-779
HAROLD W BEVERLY E N



Envirotech™
ENVIRONMENTAL CONSULTING, INC.
Providing Environmental Solutions

Envirotech Environmental Consulting, Inc. 17605 Nassau Commons Boulevard, Unit D Lewes, DE 19958
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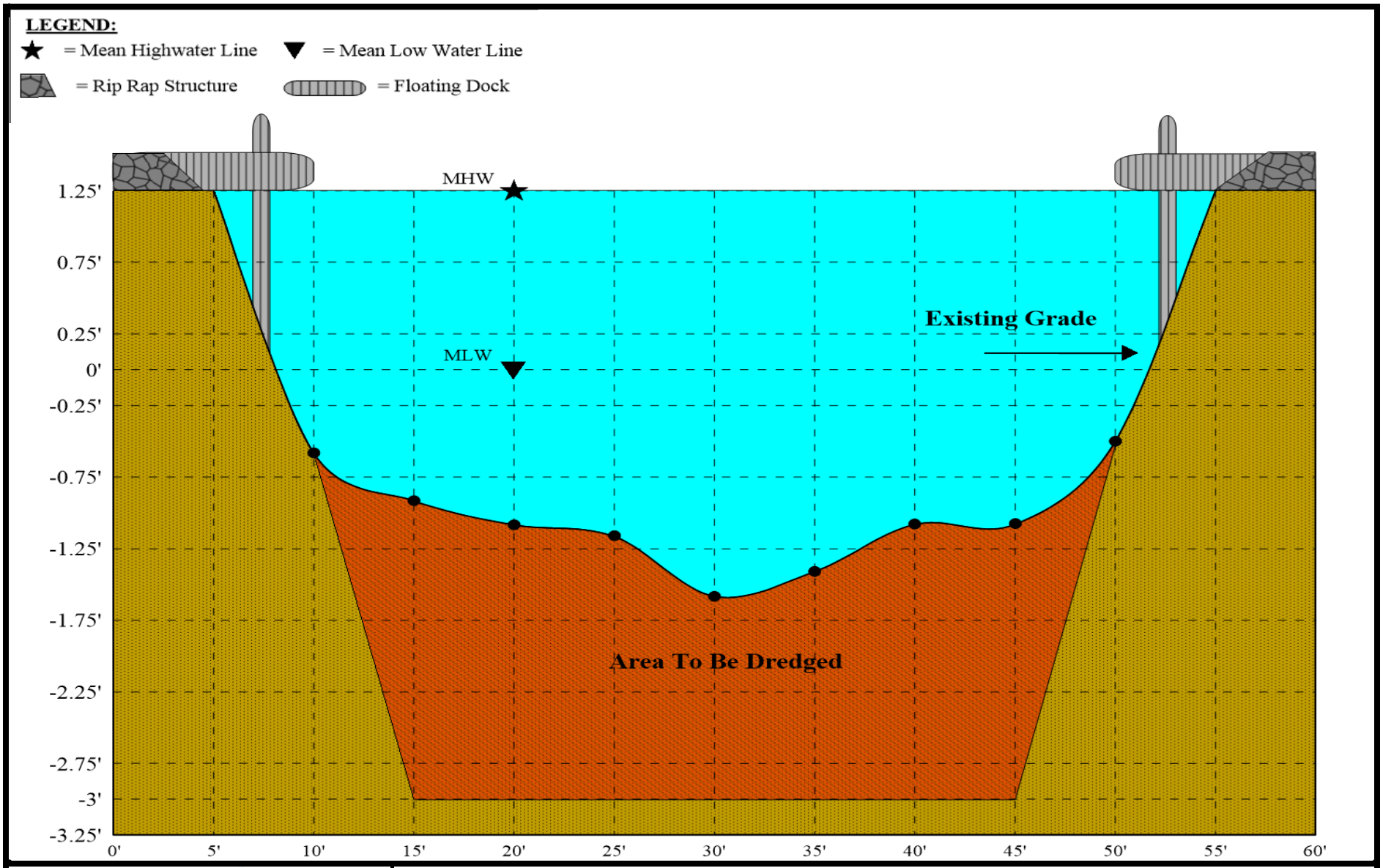
Sunset Harbor Dredging Project: Cross Section Lagoon 1
River Street, Ocean View, Delaware 19970;
Tax Map ID#: 134-136.00-1175.00

DATE: 12/20/2024	REF NUMBER: 28404
DRAWN BY: NRW	SCALE: As shown
CHECKED BY:	FIGURE NO: 1
PROJECT: Sunset Harbor Dredging Porject	SHEET 1 OF 4



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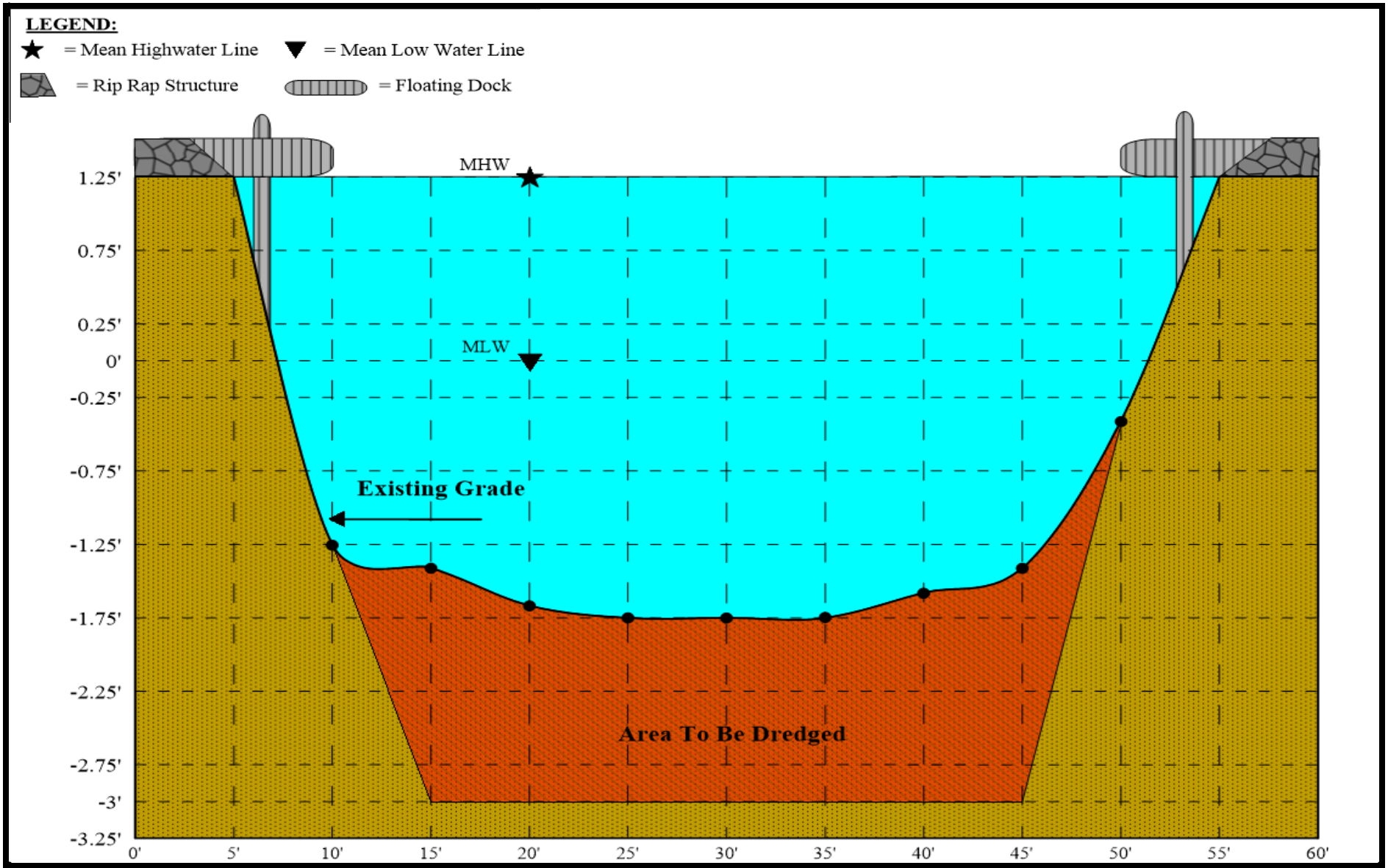
Sunset Harbor Dredging Project: Cross Section Lagoon 2
Creek Street, Ocean View, Delaware 19970;
Tax Map ID#: 134-136.00-1175.00

DATE: 12/20/2024	REF NUMBER: 28404
DRAWN BY: NRW	SCALE: As shown
CHECKED BY:	FIGURE NO: 2
PROJECT: Sunset Harbor Dredging Porject	SHEET 2 OF 4



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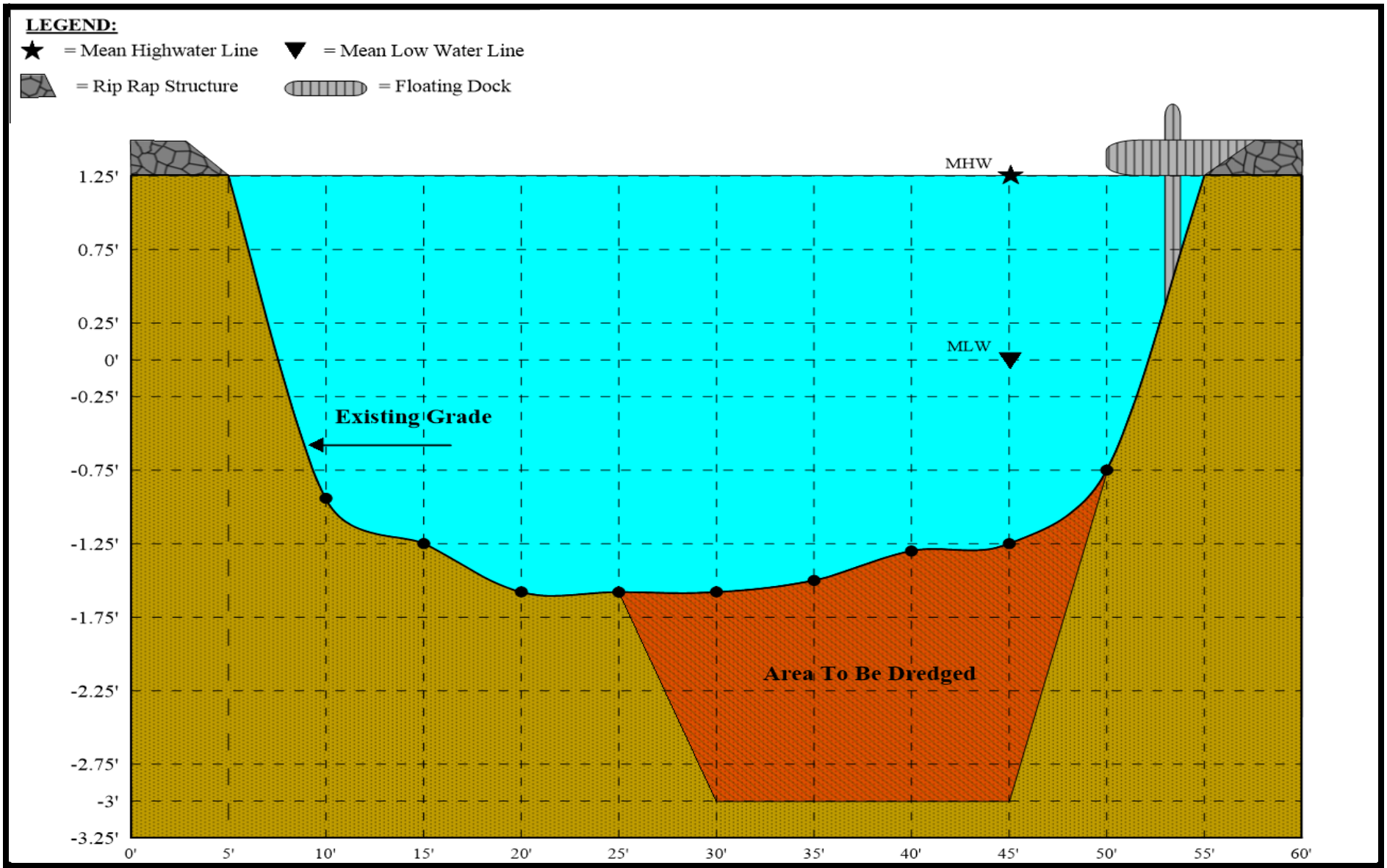
Sunset Harbor Dredging Project: Cross Section Lagoon 3
Canal Street, Ocean View, Delaware 19970;
Tax Map ID#: 134-136.00-1175.00

DATE: 12/20/2024	REF NUMBER: 28404
DRAWN BY: NRW	SCALE: As shown
CHECKED BY:	FIGURE NO: 3
PROJECT: Sunset Harbor Dredging Porject	SHEET 3 OF 4



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Phone: (302) 684-5201 Fax: (302) 684-5204

Sunset Harbor Dredging Project: Cross Section Lagoon 4
Canal Street, Ocean View, Delaware 19970;
Tax Map ID#: 134-136.00-1175.00

DATE: 12/20/2024	REF NUMBER: 28404
DRAWN BY: NRW	SCALE: As shown
CHECKED BY:	FIGURE NO: 4
PROJECT: Sunset Harbor Dredging Porject	SHEET 4 OF 4

Sunset Harbor

Dewatering Chamber #1

Canal Street

Ocean View, Delaware 19970

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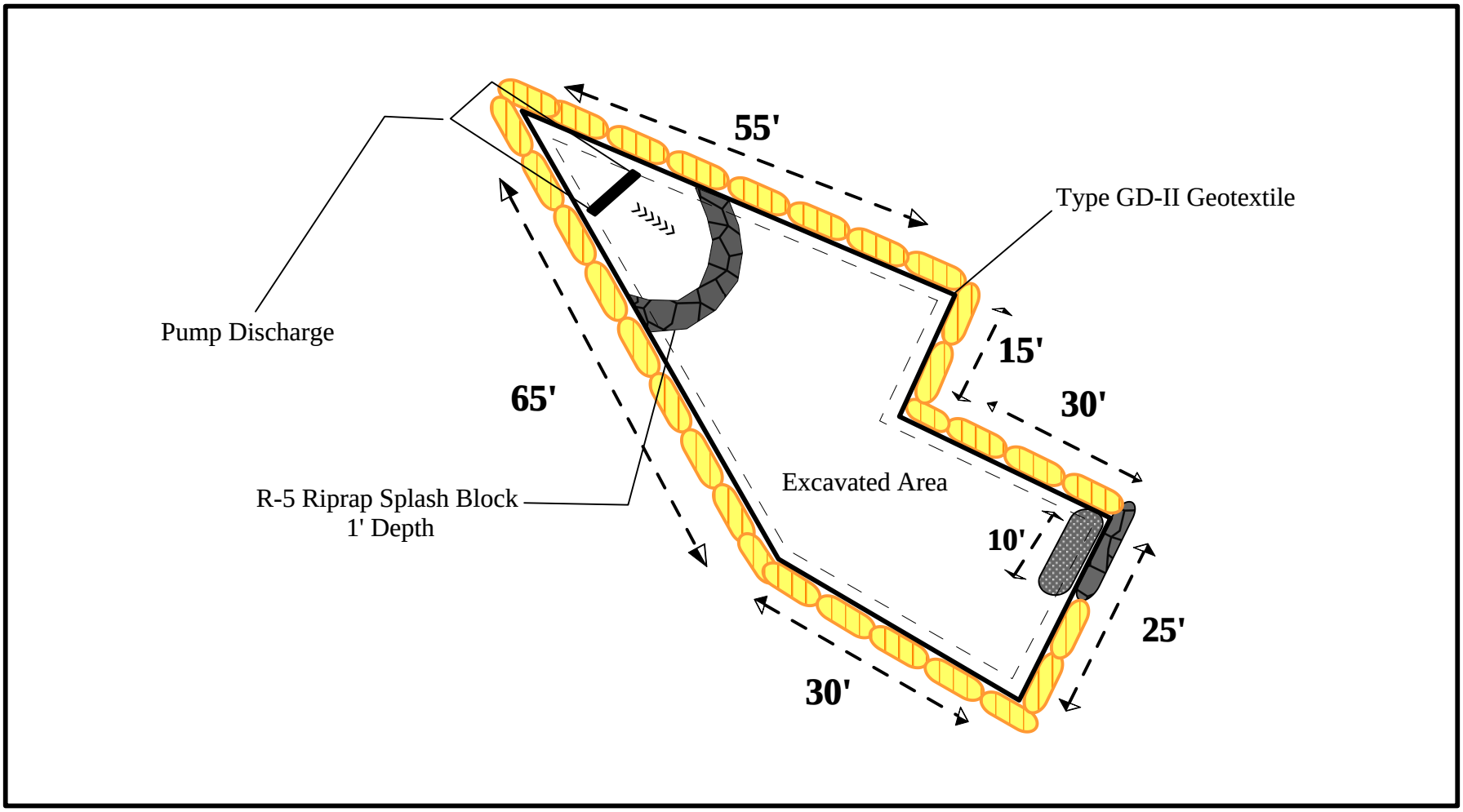

LEGEND:

= Staw Bale (2 Stakes/Bale)

= Existing Ground

= R-5 Rip Rap

= DE #3 Stone

N

Sunset Harbor

Dewatering Chamber #2

Creek Street

Ocean View, Delaware 19970

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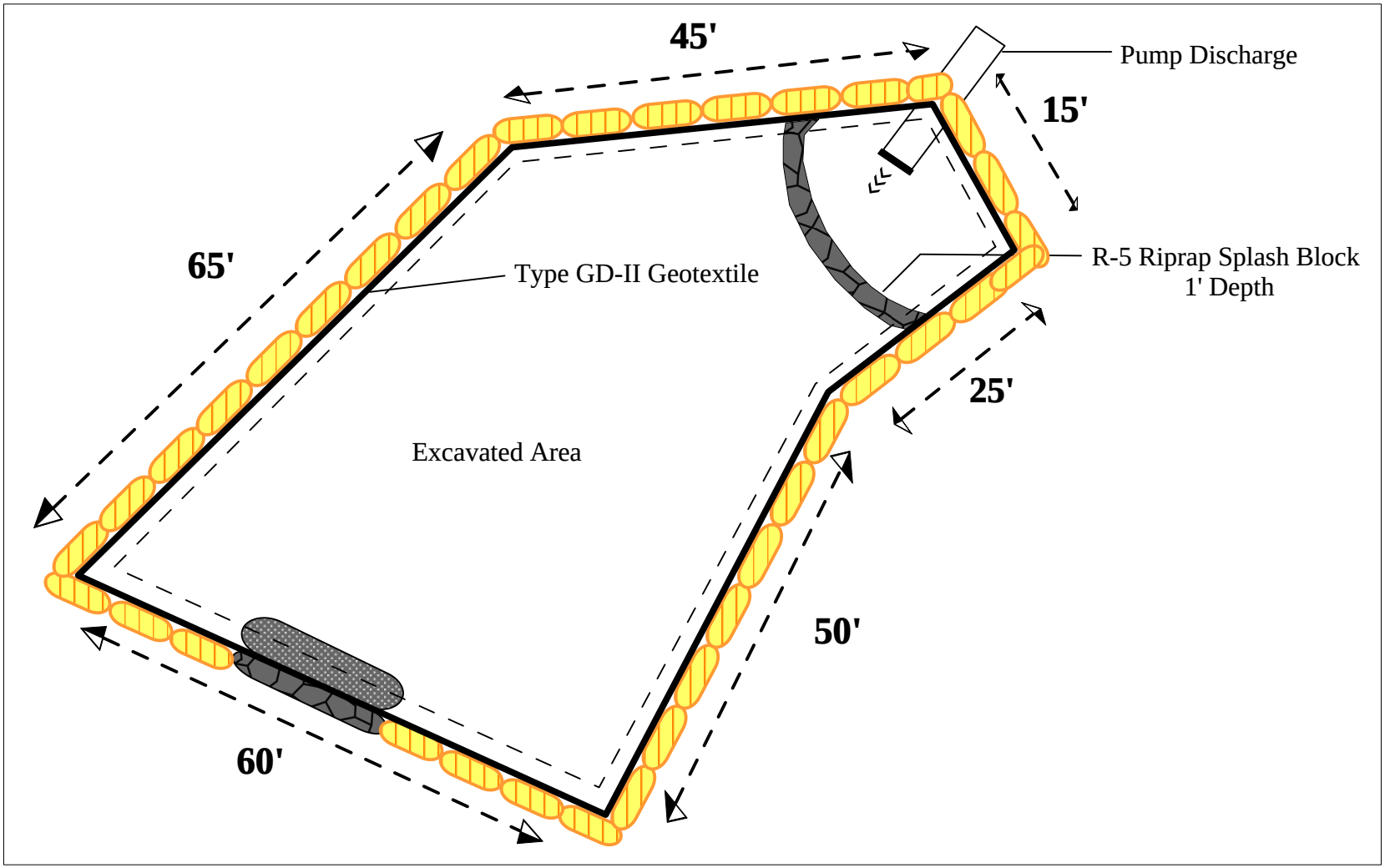

LEGEND:

= Straw Bale (2 Stakes/Bale)

= R-5 Rip Rap

= DE #3 Stone

N

Sunset Harbor

Dewatering Chamber #3

River Street

Ocean View, Delaware 19970

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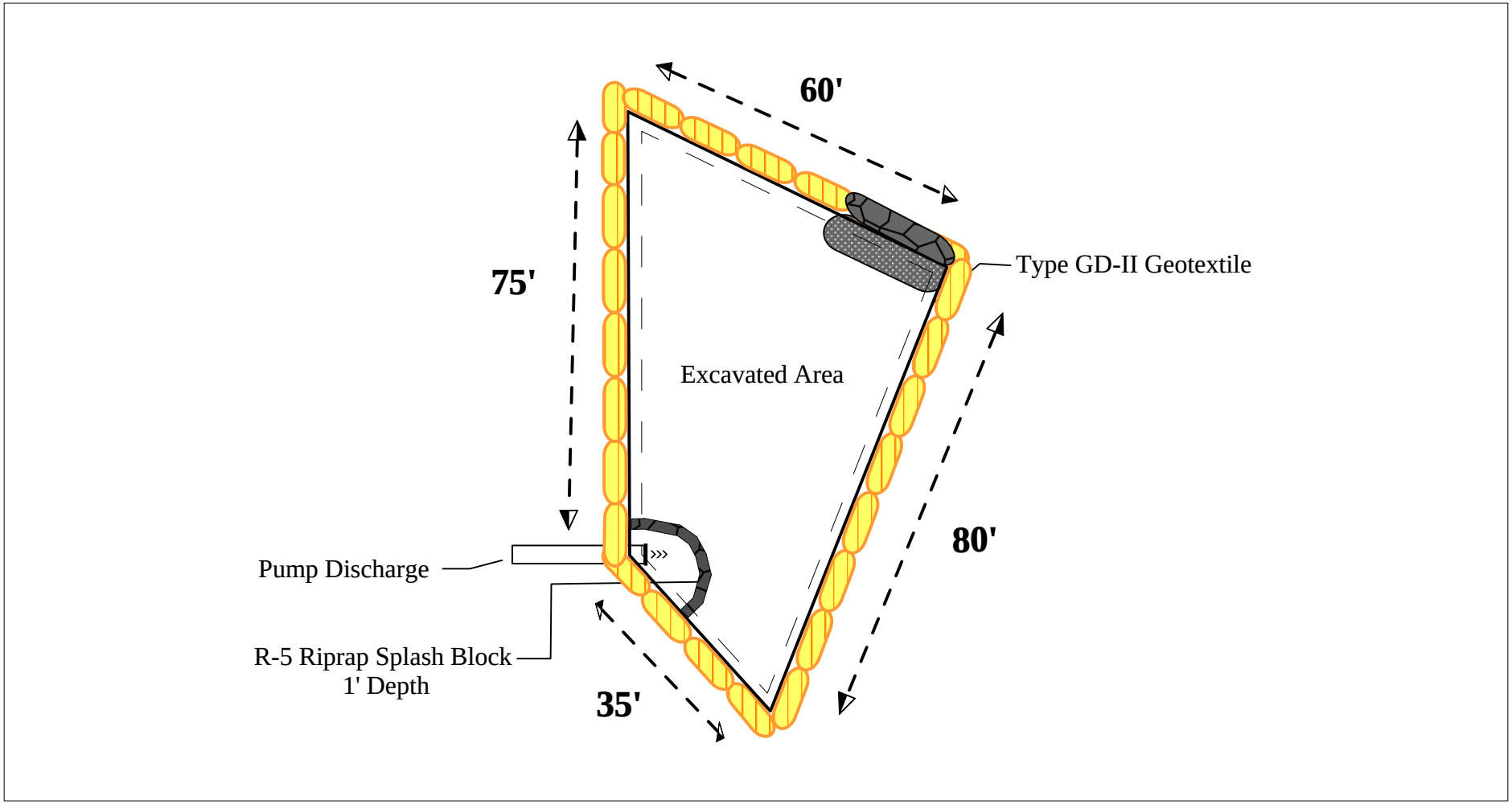

LEGEND:

= Straw Bale (2 Stakes/Bale)

= R-5 Rip Rap

= DE #3 Stone

N

Sunset Harbor

Dewatering Chamber Cross-Section
Canal Street
Ocean View, Delaware 19970

Envirotech
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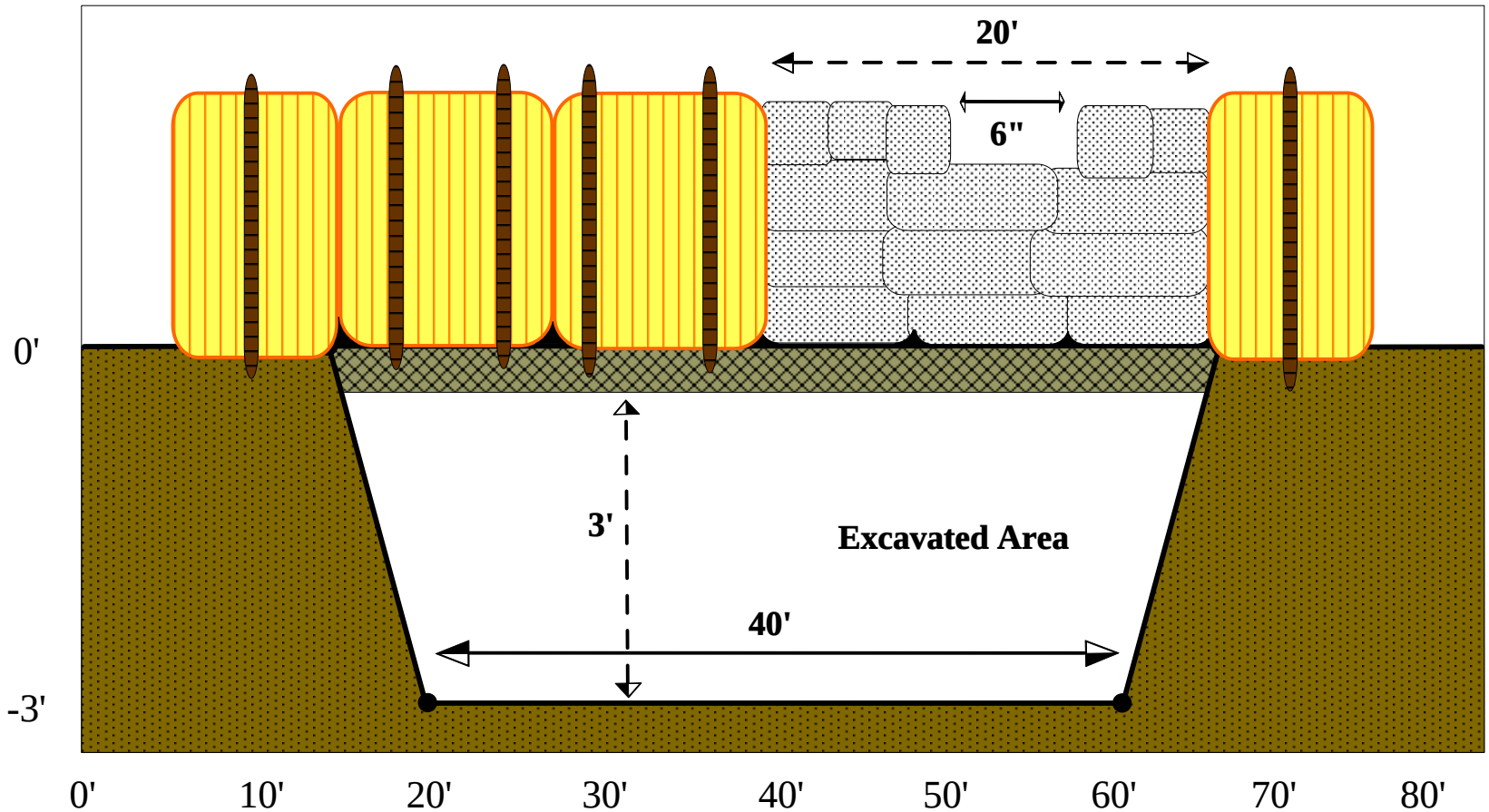

LEGEND:

= Straw Bale (2 Stakes/Bale)
= Existing Ground
= R-5 Rip Rap
=Wooden stakes

Sunset Harbour

Disposal Site Route

Ocean View, DE 19970

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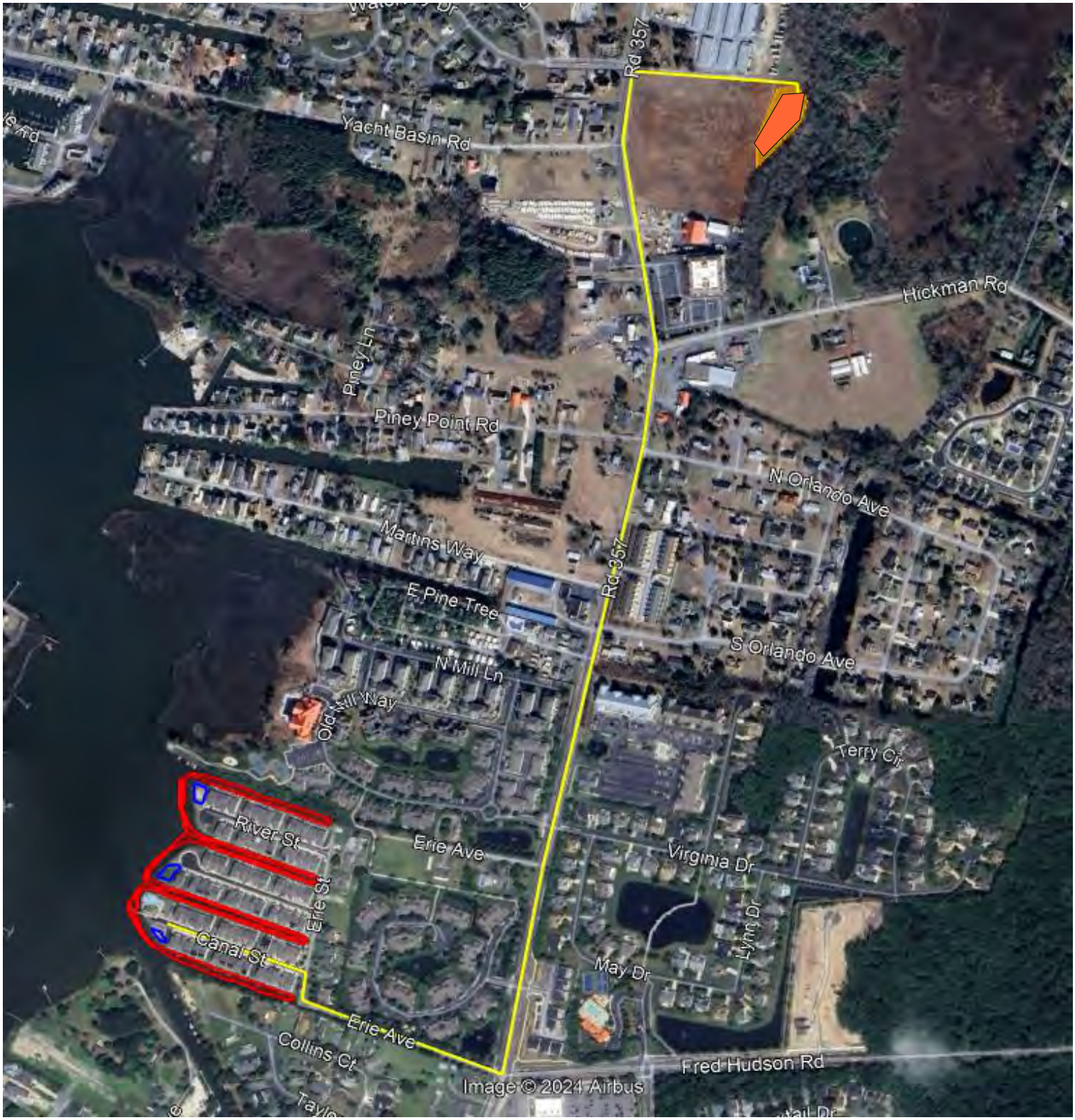

LEGEND:

= Project Location

= disposal route (+/- 1.3 miles)

= disposal site (38489 Hickman Road)

Sussex County

PIN:	134-9.00-24.01
Owner Name	HOCKER GERALD W TRUSTEE
Book	4210
Mailing Address	38489 HICKMAN RD
City	OCEAN VIEW
State	DE
Description	E/RT 357 N/RT 359
Description 2	
Description 3	
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

Streets

County Boundaries

March 20, 2023

1:4,514

0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

Attachment B:

Soil Assessment

ENVIRONMENTAL CONSULTING, INC.
Providing Environmental Solutions

Sunset Harbour HOA
Attn: Mr. John Gibb
38342 Canal Street
Ocean View, DE 19970

REFERENCE: **Sunset Harbour Community: New Dredging Project –Canal Street Ocean View, Delaware 19970: Marine Sediment Analytical Report.**

Dear Mr. Gibb,

This report was completed in accordance with DNREC requirements related to Maintenance Dredging guidance (Appendix R). The subject property is the Sunset Harbour Community in Oceanview, DE 19970. This project includes the dredging the four (4) channels and marina entrance at Tax Map Parcel# 134-136.00-1175.00, located in Ocean View, Delaware 19970. This will be new dredging since the previous dredging only included portions of the channels. This report discusses the analytical findings from analysis of four (4) marine sediment samples collected from the bottom of the channels.

Observations and Findings from Marine Sediment Analysis

EECI staff was onsite on May 30, 2024 in order to collect four (4) marine sediment bottom samples from the four (4) channels. The samples were collected from the marina bottom using a weighted, spring-loaded, "Van Veen" grab sampler. The samples were hand delivered to AgroLabs in Harrington, DE by EECI staff. The sediment samples were analyzed for "complete soil fertility" and compared to DNREC Hazardous Substance Cleanup Act (HSCA) screening levels. Please refer to Table 1 for soil and marine sediment data. Additionally, the samples were analyzed with a hydrometer to determine texture composition of sediment (Table 2).

The screening levels for soil are primarily based on the United States Environmental Protection Agency (EPA) Regional Screening Levels (RSLs) for residential soil, with several exceptions. Soil background threshold values (BTVs) were calculated based on samples from Delaware background studies. For more information about these studies, please refer to the following documents: Statewide Soil Background Study: Report of Findings (DNREC, 2012), Report of Findings – PAH Background Study – New Castle, Kent, and Sussex Counties, Delaware (EA Engineering, 2014), and PAH Background Study and Calculation of Background Threshold Values – New Castle, Kent, and Sussex Counties, Delaware (EA Engineering, 2016). Screening levels for ecological sediment, surface water, and soil were added to the HSCA screening level table in January 2014. The sediment and surface water screening levels represent both freshwater and marine environments, and they were derived from the EPA Region III BTAG Screening Benchmarks for sediment and surface water, with several exceptions. Where the EPA Screening Benchmarks exceeds the Delaware Surface Water Quality Criteria for the Protection of Aquatic Life, then the Delaware Surface Water Quality Standard replaces the EPA Screening Benchmark as the screening level. The soil screening levels were mostly derived from the Risk Assessment Information System (RAIS); however, some levels were derived from the NOAA Screening Quick Reference Tables. Please note, there are not HSCA screening values for all constituents that were analyzed.

Initial Ecological Evaluation Screening Questions

1. Are any of the following ecologically sensitive areas (ECSA) present on-site or immediately adjacent to the site (i.e. share a property boundary)? If the answer is "YES," then additional ecological evaluation is necessary.
   A. Critical habitat, including breeding areas, migratory areas, and wintering areas for State or Federal designated endangered or threatened species, or habitat known to be used by designated, proposed, or under review endangered or threatened species (Reference: See address below). – **NO.** (See Attachment).
   B. Federal or State Park, Preserve, Forest, Wildlife Refuge or other Federal or State administered natural or recreational area, as well as other recognized parklands, open space, or other mapped natural areas managed by local government, non-profit organizations, or others (Reference: Road Atlas or other commercially available maps). – **NO.** (See Attachment)
   C. Coastal Barrier, both developed and undeveloped, including private and public beaches (Reference: USGS Topographic Maps, Road Atlas, or other commercially available maps). – **NO.**
   D. Spawning, migration, and feeding areas critical for the maintenance of anadromous fish/shellfish species within river, lake, or coastal tidal waters (Reference: See address below). – **NO**. (See Attachment)
   E. Any waterway (stream, river, lake, tidal waters), including associated wetlands, floodplains, and riparian zones (Reference: USGS Topographic Maps, FEMA Floodplain Maps, National Wetland Inventory Maps, Delaware Wetland Maps, Site Observations). – **YES, tributary of the Indian River Bay**
   F. Recognized critical habitats for State listed species having the Delaware Natural Heritage Program Ranking of S1, S2, S3, S4, SU, SH, SX, and SE (Reference: See address below). – **NO.** (See Attachment)
   G. Woodlands/forest in excess of 20 acres in size (Reference: Aerial photographs, site observations, USGS Topographic Maps). – **NO.** (See attachment)
2. Is the site within 2,000 feet of an ECSA listed in Question 1? If the answer is "YES," proceed with the following questions. If the answer to any of these questions is also "YES," then additional ecological evaluation is necessary.
   A. Is the site connected to the ECSA via open space, wooded area, agricultural land, perennial water body, or other natural corridor? – **YES, tributary of the Indian River Bay.**
   B. Does storm runoff from the site discharge via pipe or drainage swale directly to the ECSA? – **NO.**
   C. Is there evidence of soil erosion from the site? Note that evidence of this would include gulleys, washout features, etc. – **NO.**
3. Does the site support a sufficient area (e.g. greater than ¼ acre) of vegetation (exclusive of the typically maintained lawn and flowerbed landscaping) which could offer fauna either shelter or a food source? Note that evidence of this would include bird and wildlife sightings, burrows, nests, animal droppings, etc. If the answer is "YES," then additional ecological evaluation is necessary. – **NO.**
4. Is there any evidence of stressed vegetation, barren soil, dead animals, fish kills, or other ecological detriments at the site? If the answer is "YES," then additional ecological evaluation is necessary. – **NO.**

Table 1 – Analytical Data

	River Street	Creek St North	Canal St North	Canal St South	HSCA Screening Levels - Soil	HCSA Screening Levels - Marine Sediment
Nitrate	26.1 ppm	1.0 ppm	0.7 ppm	1.5 ppm	13,000	n/a
Ammonium	79.1 ppm	121.7 ppm	80.0 ppm	94.6 ppm	n/a	n/a
Phosphorus	59.0 ppm	49.0 ppm	60.0 ppm	42.0 ppm	n/a	n/a
Potassium	822.0 ppm	839.0 ppm	921.0 ppm	587.0 ppm	n/a	n/a
Calcium	1,610 ppm	1,374 ppm	2,236 ppm	875.0 ppm	n/a	n/a
Magnesium	1,810 ppm	1,788 ppm	2,368 ppm	1,283 ppm	n/a	n/a
Sulfur	1,011 ppm	1,050 ppm	1,620 ppm	525.0 ppm	n/a	n/a
Boron	8.34 ppm	8.94 ppm	10.64 ppm	5.69 ppm	1,600	n/a
Zinc	25.42 ppm	29.16 ppm	32.45 ppm	37.06 ppm	2,300	124
Manganese	10.5 ppm	3.1 ppm	3.70 ppm	3.70 ppm	2,100	n/a
Copper	2.44 ppm	3.05 ppm	2.60 ppm	5.37 ppm	310	18.7
Sodium	15,816 ppm	19,237 ppm	26,287 ppm	9,175 ppm	n/a	n/a
Aluminum	736.5 ppm	622.1 ppm	659.9 ppm	668.8 ppm	51,200	n/a
Iron	436.2 ppm	414.3 ppm	416.6 ppm	364.5 ppm	74,767	n/a
-	-	-			-	-
pH	6.2	6.2	6.0	6.2	n/a	n/a
Soluble Salts (mmho/cm)	26.10	34.80	31.00	16.16	n/a	n/a
Organic Matter (%)	6.28	10.66	6.96	10.47	n/a	n/a

*All values are presented in parts per million (PPM) unless noted otherwise (1 PPM = 1 mg/kg)

Table 2 – Soil texture analysis

	Sand	Silt	Clay	Soil Texture
River St	13%	43%	44%	**Silty Clay**
Creek St North	3%	43%	54%	**Silty Clay**
Canal St North	3%	51%	46%	**Silty Clay**
Canal St South	10%	32%	58%	**Clay**
Mean Average	7.25%	42.25%	50.5%	**Silty Clay**

Marine Sediment Analysis Summary

Human Health and Ecological Risk Assessment Guidelines were followed to ensure the dredged spoils will not present a risk to human health or potential for any ecological concerns. Multiple questions from the Ecological Evaluation Screening were answered with 'YES', therefore the samples were compared to HSCA screening levels for soil as well as Ecological Sediment Marine.

Analytical Results do not indicate any exceedances of the HCSA screening levels for soil or ecological sediment marine. Therefore, no further ecological evaluation is required for this project.

Please review this report in its entirety and contact EECI if you have any questions or concerns.

Thank you,
Todd Fritchman

Todd Fritchman
Lead Environmental Professional
17605 Nassau Commons Boulevard, Unit D
Lewes, Delaware 19958
Phone: 302.684.5201
Fax: 302.684.5204

CCR # 10/04/2023/32

ATTACHMENTS

Attachment A: Subject Property Map

Attachment B: AgroLabs Laboratory Results for Analysis of Sediment samples

Attachment C: Chain of Custody form

Attachment D: State and Federal Letters for Ecological Screening Approach

Attachment A:

Subject Property Maps

Sunset Harbour

Canal Street
Ocean View, DE 19970

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LEGEND:

■ = Sediment Sample Locations (SS#)

N

Attachment B:

AgroLabs: Sediment Analysis Results

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Soil Analysis Report

Invoice No. : 1151959
Date Received : 06/26/2024
Date Analyzed: 07/08/2024
Lab Number : 13084

ENVIROTECH ENVIRONMENTAL CONSULT
17605 NASSAU COMMONS BLVD
LEWES DE 19958

Results For : ENVIROTECH ENVIRONMENTAL CC
Location : RIVER ST
Sample ID : 1

Extraction Method: Mehlich 3

	Analysis	Sufficiency Levels: Deficient / Low / Sufficient / High
pH	6.2	
Buffer pH	6.60	
Soluble Salts, EC mmho/cm	26.10	
Nitrate-N, ppm N	1.2	
Nitrate-N, Lbs N/A	3.00	
Depth	0 - 8 in	
Ammonium-N ppm	79.1	
Phosphorus, ppm P	59	
P Saturation	18	
UMD P FIV	67	
Potassium, ppm K	822	
Calcium, ppm Ca	1610	
Magnesium, ppm Mg	1810	
Sulfur, ppm S	1011	
Boron, ppm B	8.34	
Zinc, ppm Zn	25.42	
Manganese, ppm Mn pH sensitive	10.5	
Copper, ppm Cu	2.44	
Sodium, ppm Na	15816	
CEC Sum of Cations, meq/100g	106.8	
H % Saturation	12	
K % Saturation	2	
Ca % Saturation	8	
Mg % Saturation	14	
Na % Saturation	64	
Organic Matter, %	6.28	
Organic Matter (LOI @ 455 C), %	9.38	
Est. Organic Carbon, %	3.64	
Aluminum, ppm Al	736.5	
Iron, ppm Fe	436.2	

Reviewed By : L.D. Severson - AgroLab/Matrix S **07/08/2024** **Copy : 1**

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Soil Analysis Report

Invoice No. : 1151959
Date Received : 06/26/2024
Date Analyzed: 07/08/2024
Lab Number : 13084

ENVIROTECH ENVIRONMENTAL CONSULT
17605 NASSAU COMMONS BLVD
LEWES DE 19958

Results For : ENVIROTECH ENVIRONMENTAL CC
Location : RIVER ST
Sample ID : 1

Extraction Method: Mehlich 3

USDA Soil Texture	Silty Clay
Sand, %	13
Silt, %	43
Clay, %	44

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Soil Analysis Report

Invoice No. : 1151959
Date Received : 06/26/2024
Date Analyzed: 07/08/2024
Lab Number : 13085

ENVIROTECH ENVIRONMENTAL CONSULT
17605 NASSAU COMMONS BLVD
LEWES DE 19958

Results For : ENVIROTECH ENVIRONMENTAL CC
Location : CRECK ST N
Sample ID : 2

Extraction Method: Mehlich 3

	Analysis	Sufficiency Levels (Deficient / Low / Sufficient / High)
pH	6.2	
Buffer pH	6.60	
Soluble Salts, EC mmho/cm	34.80	
Nitrate-N, ppm N	1.0	
Nitrate-N, Lbs N/A	2.00	
Depth	0 - 8 in	
Ammonium-N ppm	121.7	
Phosphorus, ppm P	49	
P Saturation	17	
UMD P FIV	55	
Potassium, ppm K	839	
Calcium, ppm Ca	1374	
Magnesium, ppm Mg	1788	
Sulfur, ppm S	1050	
Boron, ppm B	8.94	
Zinc, ppm Zn	29.16	
Manganese, ppm Mn pH sensitive	3.1	
Copper, ppm Cu	3.05	
Sodium, ppm Na	19237	
CEC Sum of Cations, meq/100g	121.2	
H % Saturation	11	
K % Saturation	2	
Ca % Saturation	6	
Mg % Saturation	12	
Na % Saturation	69	
Organic Matter, %	7.43	
Organic Matter (LOI @ 455 C), %	10.66	
Est. Organic Carbon, %	4.31	
Aluminum, ppm Al	622.1	
Iron, ppm Fe	414.3	

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Soil Analysis Report

Invoice No. : 1151959
Date Received : 06/26/2024
Date Analyzed: 07/08/2024
Lab Number : 13085

ENVIROTECH ENVIRONMENTAL CONSULT
17605 NASSAU COMMONS BLVD
LEWES DE 19958

Results For : ENVIROTECH ENVIRONMENTAL CC
Location : CRECK ST N
Sample ID : 2

Extraction Method: Mehlich 3

USDA Soil Texture	Silty Clay
Sand, %	3
Silt, %	43
Clay, %	54

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Account No. : 3570

Soil Analysis Report

Invoice No. : 1151959
Date Received : 06/26/2024
Date Analyzed: 07/08/2024
Lab Number : 13086

ENVIROTECH ENVIRONMENTAL CONSULT
17605 NASSAU COMMONS BLVD
LEWES DE 19958

Results For : ENVIROTECH ENVIRONMENTAL CC
Location : CANAL ST N
Sample ID : 3

Extraction Method: Mehlich 3

	Analysis	Sufficiency Levels (Deficient / Low / Sufficient / High)
pH	6.0	
Buffer pH	6.60	
Soluble Salts, EC mmho/cm	31.00	
Nitrate-N, ppm N	0.7	
Nitrate-N, Lbs N/A	2.00	
Depth	0 - 8 in	
Ammonium-N ppm	80.0	
Phosphorus, ppm P	60	
P Saturation	19	
UMD P FIV	68	
Potassium, ppm K	921	
Calcium, ppm Ca	2236	
Magnesium, ppm Mg	2368	
Sulfur, ppm S	1620	
Boron, ppm B	10.64	
Zinc, ppm Zn	32.45	
Manganese, ppm Mn pH sensitive	3.7	
Copper, ppm Cu	2.60	
Sodium, ppm Na	26287	
CEC Sum of Cations, meq/100g	172.4	
H % Saturation	14	
K % Saturation	1	
Ca % Saturation	6	
Mg % Saturation	11	
Na % Saturation	66	
Organic Matter, %	6.96	
Organic Matter (LOI @ 455 C), %	10.13	
Est. Organic Carbon, %	4.03	
Aluminum, ppm Al	659.9	
Iron, ppm Fe	416.6	

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Soil Analysis Report

Invoice No. : 1151959
Date Received : 06/26/2024
Date Analyzed: 07/08/2024
Lab Number : 13086

ENVIROTECH ENVIRONMENTAL CONSULT
17605 NASSAU COMMONS BLVD
LEWES DE 19958

Results For : ENVIROTECH ENVIRONMENTAL CC
Location : CANAL ST N
Sample ID : 3

Extraction Method: Mehlich 3

USDA Soil Texture	Silty Clay
Sand, %	3
Silt, %	51
Clay, %	46

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Account No. : 3570

Soil Analysis Report

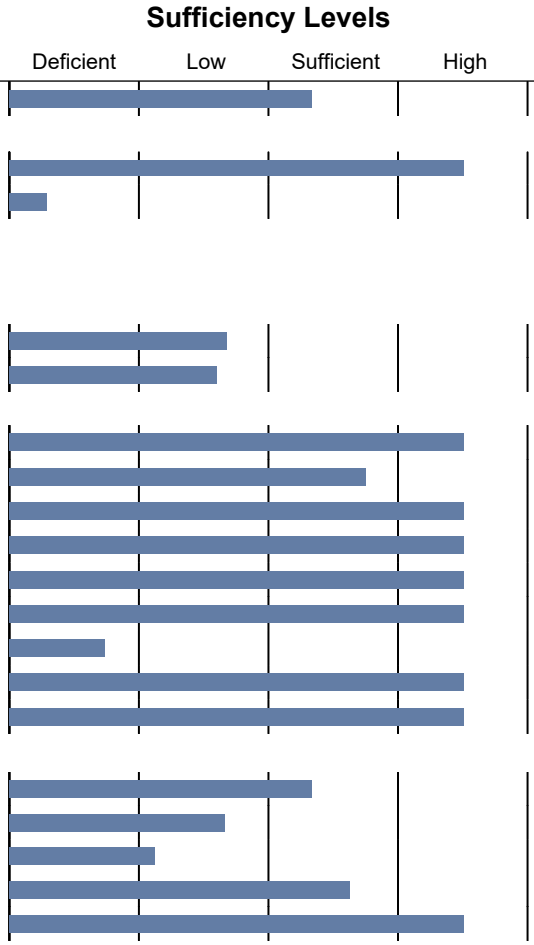
Invoice No. : 1151959
Date Received : 06/26/2024
Date Analyzed: 07/08/2024
Lab Number : 13087

ENVIROTECH ENVIRONMENTAL CONSULT
17605 NASSAU COMMONS BLVD
LEWES DE 19958

Results For : ENVIROTECH ENVIRONMENTAL CC
Location : CANAL ST S
Sample ID : 4

Extraction Method: Mehlich 3

	Analysis
pH	6.2
Buffer pH	6.60
Soluble Salts, EC mmho/cm	16.16
Nitrate-N, ppm N	1.5
Nitrate-N, Lbs N/A	4.00
Depth	0 - 8 in
Ammonium-N ppm	94.6
Phosphorus, ppm P	42
P Saturation	15
UMD P FIV	48
Potassium, ppm K	587
Calcium, ppm Ca	875
Magnesium, ppm Mg	1283
Sulfur, ppm S	525
Boron, ppm B	5.69
Zinc, ppm Zn	37.06
Manganese, ppm Mn pH sensitive	3.7
Copper, ppm Cu	5.37
Sodium, ppm Na	9175
CEC Sum of Cations, meq/100g	64.3
H % Saturation	12
K % Saturation	2
Ca % Saturation	7
Mg % Saturation	17
Na % Saturation	62
Organic Matter, %	7.38
Organic Matter (LOI @ 455 C), %	10.47
Est. Organic Carbon, %	4.28
Aluminum, ppm Al	668.8
Iron, ppm Fe	364.5



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Account No. : 3570

Soil Analysis Report

Invoice No. : 1151959
Date Received : 06/26/2024
Date Analyzed: 07/08/2024
Lab Number : 13087

ENVIROTECH ENVIRONMENTAL CONSULT
17605 NASSAU COMMONS BLVD
LEWES DE 19958

Results For : ENVIROTECH ENVIRONMENTAL CC
Location : CANAL ST S
Sample ID : 4

Extraction Method: Mehlich 3

USDA Soil Texture	Clay
Sand, %	10
Silt, %	32
Clay, %	58

Bus: 302/566-6094 **web site** **101 Clukey Dr.**
Email: admin@agrolab.us **www.agrolab.us** **Harrington, DE 19952**

Attachment C:

State and Federal 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: October 05, 2023
Project code: 2024-0001718
Project Name: Sunset Harbor - Dredging Project

Federal Nexus: yes
Federal Action Agency (if applicable):

Subject: Technical assistance for 'Sunset Harbor - Dredging Project'

Dear Lyle de la Rosa:

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 05, 2023, for “Sunset Harbor - Dredging Project” (here forward, Project). This project has been assigned Project Code 2024-0001718 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 (NLAA)" 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**
Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*)	Threatened	May affect

Consultation with the Service is not complete. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of "May Affect". Please contact our Chesapeake Bay Ecological Services Field Office to discuss methods to avoid or minimize potential adverse effects to those species or designated critical habitats.

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

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

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

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

1. Name

Sunset Harbor - Dredging Project

2. Description

The following description was provided for the project 'Sunset Harbor - Dredging Project':

> Dredging of the four canals

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@38.55797905,-75.08821115617572,14z

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?

   Yes

4. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) the lead agency for this project?

   No

5. Are you including in this analysis all impacts to federally listed species that may result from the entirety of the project (not just the activities under federal jurisdiction)?

   Note: If there are project activities that will impact listed species that are considered to be outside of the jurisdiction of the federal action agency submitting this key, contact your local Ecological Services Field Office to determine whether it is appropriate to use this key. If your Ecological Services Field Office agrees that impacts to listed species that are outside the federal action agency's jurisdiction will be addressed through a separate process, you can answer yes to this question and continue through the key.

   Yes

6. Are you the lead federal action agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

   No

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)?

   No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

   No

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

   No

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

    No

11. Does any component of the project associated with this action include structures that may pose a collision risk to **birds** (e.g., 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

12. Does any component of the project associated with this action include structures that may pose a collision risk to **bats** (e.g., land-based 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

13. 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

14. 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).

    Yes

15. Will the proposed project activities (including upland project activities) occur within 0.5 miles of the water's edge of a stream or tributary of a stream where listed species may be present?

    Yes

16. 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

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

    No

18. 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

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

    Yes

20. 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

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

    No

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

    No

23. 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

24. 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.

    Yes

25. 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?

    Yes

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

    Yes

27. 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

28. 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

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

    Automatically answered
    No

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

    Automatically answered
    No

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

    Automatically answered
    No

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

    Automatically answered
    No

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

    Automatically answered
    No

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

    Automatically answered
    No

35. [Hidden Semantic] Does the project intersect the Eastern black rail AOI?

    Automatically answered
    Yes

36. Does the action area include persistent emergent wetlands (salt, brackish, or freshwater)?

    Yes

37. Have black rails or black rail habitat been identified in sufficient detail in available surveys or records from within the last 2 years to assume presence at the site? (If unsure, select "No".)

    Yes

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

    No

PROJECT QUESTIONNAIRE

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

   0

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

   0

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

   n/a

IPAC USER CONTACT INFORMATION

Agency: Envirotech Environmental Consulting, Inc.
Name: Lyle de la Rosa
Address: 17605 Nassau Commons Blvd
Address Line 2: Unit D
City: Lewes
State: DE
Zip: 19958
Email lyle@envirotechecinc.com
Phone: 3026845201

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: 07/11/2024 15:04:36 UTC
Project Code: 2024-0001718
Project Name: Sunset Harbor - Dredging Project

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: 2024-0001718
Project Name: Sunset Harbor - Dredging Project
Project Type: Disposal Dredge Material
Project Description: Dredging of the four canals
Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@38.55797905,-75.08821115617572,14z

Counties: Sussex County, Delaware

ENDANGERED SPECIES ACT SPECIES

There is a total of 4 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. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], 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.

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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
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: ▪ This species only needs to be considered if the project includes wind turbine operations. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

BIRDS

NAME	STATUS
Eastern Black Rail *Laterallus jamaicensis ssp. jamaicensis* No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: ▪ Potential habitat for Black Rail exists in this area. Species profile: https://ecos.fws.gov/ecp/species/10477	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	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 WETLAND

- E2USP
- E2EM1N

ESTUARINE AND MARINE DEEPWATER

- E1UBLx
- E1UBL

IPAC USER CONTACT INFORMATION

Agency:	Envirotech Environmental Consulting, Inc.
Name:	Lyle de la Rosa
Address:	17605 Nassau Commons Blvd
Address Line 2:	Unit D
City:	Lewes
State:	DE
Zip:	19958
Email	lyle@envirotechecinc.com
Phone:	3026845201

HCA
DELAWARE HISTORICAL & CULTURAL AFFAIRS

Delaware Division of Historical & Cultural Affairs
29 N. State St., Dover, Delaware 19901
Tel. (302) 736-7400 | Fax. (302) 739-5660
history.delaware.gov

November 13, 2023

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

Subject: **Sunset Harbor Dredging**
SHPO Project No. 2023.10.06.02

Dear Mr. de la Rosa:

We understand from your letter that the applicant is seeking a permit from the US Army Corps of Engineers (USACOE) for the proposed undertaking at the Sunset Harbor Community in Ocean View. The applicant is proposing to dredge three new channels to allow for recreational boating access. 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 23 recorded historic structures within a half-mile radius of the APE. Due to the limited nature of the proposed undertaking and the distance to known historic resources, there is no anticipated impact to these properties. There are five known archaeological sites within a half-mile radius of the APE. Due to the limited nature of the proposed undertaking and the distance to known archaeological sites, there is no anticipated impact to these properties. Historic aerials show the APE has been previously disturbed by existing residential development so there is low potential for any intact archaeological sites.

The initiation letter does not identify where the dredged material will be placed. This is part of the APE. Additional consultation regarding the placement of dredged material is needed as plans develop. Please feel free to contact me if you have any questions at (302) 736-7431 or sarah.carr@delaware.gov.

Sincerely,

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

Attachment D:

Essential Fish Habitat
Assessment and Mapper

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 = 38º 33' 30" N, Longitude = 76º 54' 38" W
Decimal Degrees: Latitude = 38.558, Longitude = -75.089

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

***** W A R N I N G *****

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, Juvenile	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Atlantic Herring	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
		Red Hake	Adult	New England	Amendment 14 to the Northeast Multispecies FMP

Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Scup	Adult, Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Spiny Dogfish	Adult Male, Sub-Adult Female	Mid-Atlantic	Amendment 3 to the Spiny Dogfish FMP
		Summer Flounder	Adult, Juvenile, Larvae	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Windowpane Flounder	Adult, Eggs, Juvenile, Larvae	New England	Amendment 14 to the Northeast Multispecies FMP
		Winter Skate	Adult, Juvenile	New England	Amendment 2 to the Northeast Skate Complex 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.

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.
****For links to all EFH text descriptions see the complete data inventory: open data inventory -->**

All EFH species have been mapped for the Greater Atlantic region,
Atlantic Highly Migratory Species EFH,
Bigeye Sand Tiger Shark,
Bigeye Sixgill Shark,
Caribbean Sharpnose Shark,
Galapagos Shark,
Narrowtooth Shark,
Sevengill Shark,
Sixgill Shark,
Smooth Hammerhead Shark,
Smalltail Shark

NOAA Fisheries Greater Atlantic Regional Fisheries Office Essential Fish Habitat (EFH) Assessment & Fish and Wildlife Coordination Act (FWCA) Consultation Worksheet

August 2021 rev.

Authorities

The Magnuson Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with NOAA Fisheries on any action or proposed action authorized, funded, or undertaken by such agency that may adversely affect essential fish habitat (EFH) identified under the MSA. This process is guided by the requirements of our EFH regulation at 50 CFR 600.905, which mandates the preparation of EFH assessments and generally outlines each agency's obligations in the consultation process.

The Fish and Wildlife Coordination Act (FWCA) requires that all federal agencies consult with NOAA Fisheries when proposed actions might result in modifications to a natural stream or body of water. The FWCA also requires that federal agencies consider the effects that these projects would have on fish and wildlife and must also provide for improvement of these resources. Under the FWCA, we work to protect, conserve and enhance species and habitats for a wide range of aquatic resources such as shellfish, diadromous species, and other commercially and recreationally important species that are not federally managed and do not have designated EFH.

It is important to note that these consultations take place between NOAA Fisheries and federal action agencies. **As a result, EFH assessments, including this worksheet, must be provided to us by the federal agency, not by permit applicants or consultants.**

Use of the Worksheet

This worksheet can serve as an EFH assessment for **Abbreviated EFH Consultations**, and as a means to provide information on potential effects to other NOAA trust resources considered under the FWCA. An abbreviated consultation allows us to determine quickly whether, and to what degree, a federal action may adversely affect EFH. Abbreviated consultation procedures can be used when federal actions do not have the potential to cause substantial adverse effects on EFH and when adverse effects could be alleviated through minor modifications.

The intent of the EFH worksheet is to provide a guide for determining the information needed to fully assess the effects of a proposed action on EFH. In addition, the worksheet may be used as a tool to assist you in developing a more comprehensive EFH assessment for larger projects that may have more substantial adverse effects to EFH. However, for large, complex projects that have the potential for significant adverse effects, an **Expanded EFH Consultation** may be warranted and the use of this worksheet alone is not appropriate as your EFH assessment.

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.

Consultation under the MSA is not required if there is no adverse effect on EFH or if no EFH has been designated in the project area. However, because the definition of "adverse effect" is very broad, most in-water work will result in some level of adverse effect requiring consultation with us, even if the impact is temporary or the overall result of the project is habitat restoration or enhancement. It is important to remember that an adverse effect determination is a trigger to consult with us. It does not mean that a project cannot proceed as proposed, or that project modifications are necessary. An adverse effect determination under the EFH provisions of the MSA simply means that the effects of the proposed action on EFH must be evaluated to determine if there are ways to avoid, minimize, or offset adverse effects. Additional details on EFH consultations, tools, and resources, including frequently asked questions can be found on our website.

Instructions

This worksheet should be used as your EFH assessment for **Abbreviated EFH Consultations** or as a guide to develop your EFH assessment. It is not appropriate to use this worksheet as your EFH assessment for large, complex projects, or those requiring an Expanded EFH Consultation.

When completed fully and with sufficient information to clearly describe the activities proposed, habitats affected, and project impacts, as well as the measures taken to avoid, minimize or offset any unavoidable adverse effects, this worksheet provides us with required components of an EFH assessment including:

1. A description of the proposed action.
2. An analysis of the potential adverse effects on EFH and the federally managed species.
3. The federal agency's conclusions regarding the effects of the action on EFH.
4. Proposed mitigation, if applicable.

When completing this worksheet and submitting information to us, it is important to ensure that sufficient information is provided to clearly describe the proposed project and the activities proposed. At a minimum, this should include the public notice (if applicable) or project application and project plans showing:

- location map of the project site with area of impact.
- existing and proposed conditions.
- all in-water work and the location of all proposed structures and/or fill.
- all waters of the U.S. on the project site with mean low water (MLW), mean high water (MHW), high tide line (HTL), and water depths clearly marked.
- Habitat Areas of Particular Concern (HAPCs).
- sensitive habitats mapped, including special aquatic sites (submerged aquatic vegetation, saltmarsh, mudflats, riffles and pools, coral reefs, and sanctuaries and refuges), hard bottom or natural rocky habitat areas, and shellfish beds.
- site photographs, if available.

Your analysis of effects **should focus on impacts that reduce the quality and/or quantity of the habitat or result in conversion to a different habitat type** for all life stages of species with designated EFH within the action area. Simply stating that fish will move away or that the project

will only affect a small percentage of the overall population is not a sufficient analysis of the effects of an action on EFH. Also, since the intent of the EFH consultation is to evaluate the direct, indirect, individual and cumulative effects of a particular federal action on EFH and to identify options to avoid, minimize or offset the adverse effects of that action, is it not appropriate to conclude that an impact is minimal just because the area affected is a small percentage of the total area of EFH designated. The focus of the consultation is to reduce impacts resulting from the activities evaluated in the assessment. Similarly, a large area of distribution or range of the fish species is also not appropriate rationale for concluding the impacts of a particular project are minimal.

Use the information on the our EFH consultation website and NOAA's EFH Mapper to complete this worksheet. The mapper is a useful tool for viewing the spatial distribution of designated EFH and HAPCs. Because summer flounder HAPC (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") does not have region-wide mapping, local sources and on-site surveys may be needed to identify submerged aquatic vegetation beds within the project area. The full designations for each species may be viewed as PDF links provided for each species within the Mapper, or via our website links to the New England Fishery Management Councils Omnibus Habitat Amendment 2 (Omnibus EFH Amendment), the Mid-Atlantic Fishery Management Councils FMPs (MAMFC - Fish Habitat), or the Highly Migratory Species website. Additional information on species specific life histories can be found in the EFH source documents accessible through the Habitat and Ecosystem Services Division website. This information can be useful in evaluating the effects of a proposed action. Habitat and Ecosystem Services Division (HESD) staff have also developed a technical memorandum *Impacts to Marine Fisheries Habitat from Non-fishing Activities in the Northeastern United States*, NOAA Technical Memorandum NMFS-NE-209 to assist in evaluating the effects of non-fishing activities on EFH. If you have questions, please contact the HESD staff member in your area to assist you.

Federal agencies or their non-federal designated lead agency should email the completed worksheet and necessary attachments to the HESD New England (ME, NH, MA, CT, RI) or Mid- Atlantic (NY, NJ, PA, DE, MD, VA) Branch Chief and the regional biologist listed on the Contact Regional Office Staff section on our EFH consultation website and listed below.

We will provide our EFH conservation recommendations under the MSA, and recommendations under the FWCA, as appropriate, within 30 days of receipt of a **complete** EFH assessment for an abbreviated consultation. Please ensure that the EFH worksheet is completed in full and includes detail to minimize delays in completing the consultation. If we are unable to assess potential impacts based on the information provided, we may request additional information necessary to assess the effects of the proposed action on our trust resources before we can begin a consultation. If the worksheet is not completely filled out, it may be returned to you for completion. **The EFH consultation and our response clock does not begin until we have sufficient information upon which to consult**.

If this worksheet is not used, you should include all the information required to complete this worksheet in your EFH assessment. The level of detail that you provide should be commensurate with the magnitude of impacts associated with the proposed project. You may need to prepare a more detailed EFH assessment for more substantial or complex projects to fully characterize the effects of the project and the avoidance and minimization of impacts to EFH. The format of the EFH worksheet may not be sufficient to incorporate the extent of detail required for large-scale projects, and a separate EFH assessment may be required.

Regardless of the format, you should include an analysis as outlined in this worksheet for an expanded EFH assessment, along with any additional necessary information including:

- the results of on-site inspections to evaluate habitat and site-specific effects.
- the views of recognized experts on habitat or the species that may be affected.
- a review of pertinent literature and related information.
- an analysis of alternatives that could avoid or minimize adverse effects on EFH.

For these larger scale projects, interagency coordination meetings should be scheduled to discuss the contents of the EFH consultation and the site-specific information that may be needed in order to initiate the consultation.

Please contact our Greater Atlantic Regional Fisheries Office, Protected Resources Division regarding potential impacts to marine mammals or threatened and endangered species and the appropriate consultation procedures.

HESD Contacts*

New England - ME, NH, MA, RI, CT

Chris Boelke, Branch Chief	christopher.boelke@noaa.gov
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Sabrina Pereira -RI, CT	sabrina.pereira@noaa

Mid-Atlantic - NY, NJ, PA, MD, VA

Karen Greene, Branch Chief	karen.greene@noaa.gov
Jessie Murray - NY, Northern NJ (Monmouth Co. and north)	jessie.murray@noaa.gov
Keith Hanson - NJ (Ocean Co. and south), DE and PA, Mid-Altantic wind	keith.hanson@noaa.gov
Maggie Sager - NJ (Ocean Co. and south), DE and PA	lauren.m.sager@noaa.gov
Jonathan Watson - MD, DC	jonathan.watson@noaa.gov
David O'Brien - VA	david.l.obrien@noaa.gov

Ecosystem Management (Wind/Aquaculture)

Peter Burns, Branch Chief	peter.burns@noaa.gov
Alison Verkade (NE Wind)	alison.verkade@noaa.gov
Susan Tuxbury (wind coordinator)	susan.tuxbury@noaa.gov

***Please check for the most current staffing list on our contact us page prior to submitting your assessment.**

EFH Assessment Worksheet rev. August 2021

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

1. General Project Information

Date Submitted: 07/15/2024

Project/Application Number:

Project Name: Sunset Harbour Dredging Project

Project Sponsor/Applicant: Sunset Harbour HOA & Envirotech Environmental Consulting, Inc.

Federal Action Agency (or state agency if the federal agency has provided written notice delegating the authority[1]): USACE

Fast-41: Yes ☐ No ☑

Action Agency Contact Name:

Contact Phone: Contact Email:

Address, City/Town, State:

2. Project Description

[2]Latitude: 38.558494° Longitude: -75.087540°

Body of Water (e.g., HUC 6 name): White Creek - Indian River Bay

Project Purpose:

Dredging the entrance channel and four canals associated with the Sunset Harbour HOA

Project Description:

This proposed new dredging project will include the permitting for four (4) canals and entrances within the Sunset Harbor Community in Ocean View. The total area for the proposed dredging will cover approximately 95,000 ft2 and reach -3 ft below MLW. Approximately 14,444 cubic yards will be removed from the area for proper disposal at 38489 Hickman Road in Ocean View.

Anticipated Duration of In-Water Work including planned Start/End Dates and any seasonal restrictions proposed to be included in the schedule:

In water restrictions will be followed, will not occur between March and September

[1] 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. [2] 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[3]? ☑ Yes ☐ No

Is the project in designated HAPC? ☑ Yes ☐ No

Does the project contain any Special Aquatic Sites[4]? ☐ Yes ☑ No

Is this coordination under FWCA only? ☐ Yes ☑ No

Total area of impact to EFH (indicate sq ft or acres): 95,000 sq ft

Total area of impact to HAPC (indicate sq ft or acres): 95,000 sq ft

Current range of water depths at MLW	Salinity range (PPT):	Water temperature range (°F):
0.5-5 ft	30	50-65

[3]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. [4] 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 ($lf/ft^2/ft^3$)	Temporary impacts ($lf/ft^2/ft^3$)	Permanent impacts ($lf/ft^2/ft^3$)	Restored to pre-existing conditions?*
Estuarine	Submerged aquatic vegetati	600 LF	600 LF		Yes
Estuarine	Substrate (silt/mud)	95,000 FT2		95,000 FT2	Yes
Estuarine	Shore (unconsolidated)	1000 LF	1000 LF		Yes
Select one	Select One				Select one
Select one	Select One				Select one
Select one	Select One				Select one
Select one	Select One				Select one
Select one	Select One				Select one

*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 [6](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)	Yes	92%
Sand (0.063-2mm)	Yes	8%
Rocky: Pebble/Gravel /Cobble(2-256mm)**	Yes	N/A
Rocky: Boulder (256-4096mm)**	Yes	N/A
Rocky: Coral	No	
Bedrock**	No	

[6]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 that 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	
Atlantic butterfish	☐	☐	☐	☑	Text descriptic
Black sea bass	☐	☐	☑	☑	Text descriptic
clearnose skate	☐	☐	☑	☑	EFH Mapper c
little skate	☐	☐	☑	☑	EFH Mapper c
long-finned squid	☑	☐	☐	☐	Text descriptic
winter skate	☐	☐	☑	☑	EFH Mapper c
red hake	☐	☐	☐	☑	EFH Mapper c
scup	☐	☐	☑	☑	Text descriptic
summer flounder	☐	☐	☑	☐	Text descriptic
windowpane flounder	☑	☑	☑	☑	EFH Mapper c
Select One	☐	☐	☐	☐	Select One

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[7]	☐	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[8]	☐	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		

[7] 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.

[8] 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 - List species here:
☐	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	Select all that apply and if temporary[9] or permanent		Habitat alterations caused by the activity
		Temp	Perm	
☑	Underwater noise			
☑	Water quality/turbidity/ contaminant release	☐	☑	Water depth change
☐	Vessel traffic/barge grounding	☐	☐	Tidal flow change
☐	Impingement/entrainment	☐	☐	Fill
☐	Prevent fish passage/spawning	☐	☐	Habitat type conversion
☑	Benthic community disturbance	☐	☐	Other:
☐	Impacts to prey species	☐	☐	Other:

[9] Temporary in this instance means during construction. [10] 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.

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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.

Mechanical dredging of canals to depths of 3 feet below Mean Low Water.

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?

If necessary, turbidity currents will be installed to control and contain the sediment during dredging activity

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.

Wetland habitat restoration may be implemented if any existing areas are damaged. Will be avoided to best extent practicable.

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:

No

2. Is the expected lifespan of the action greater than 10 years? If yes, please describe project lifespan:

No

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:

No

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:

No

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:

No

10. Federal Agency Determination

Federal Action Agency's EFH determination (select one)	
☐	There is no adverse effect[7] on EFH or EFH is not designated at the project site. EFH Consultation is not required. This is a FWCA only request.
☑	The adverse effect[7] 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.
☐	The adverse effect[7] 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.

[7] 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.

Fish and Wildlife Coordination Act Resources	
Species known to occur at site (list others that may apply)	**Describe habitat impact type (i.e., physical, chemical, or biological disruption of spawning and/or egg development habitat, juvenile nursery and/or adult feeding or migration habitat). Please note, impacts to federally listed species of fish, sea turtles, and marine mammals must be coordinated with the GARFO Protected Resources Division.**
alewife	
American eel	
American shad	
Atlantic menhaden	
blue crab	
blue mussel	
blueback herring	
Eastern oyster	
horseshoe crab	
quahog	
soft-shell clams	
striped bass	
other species:	
other species:	
other species:	

12. Useful Links

National Wetland Inventory Maps
EPA's National Estuary Program (NEP)
Northeast Regional Ocean Council (NROC) Data Portal
Mid-Atlantic Regional Council on the Ocean (MARCO) Data Portal

Resources by State

Maine
Maine Office of GIS Data Catalog
Town shellfish information including shellfish conservation area maps
State of Maine Shellfish Sanitation and Management
Eelgrass maps
Casco Bay Estuary Partnership
Maine GIS Stream Habitat Viewer

New Hampshire
NH Statewide GIS Clearinghouse, NH GRANIT
NH Coastal Viewer
State of NH Shellfish Program

Massachusetts
MA DMF Shellfish Sanitation and Management Program
MassGIS Data (Including Eelgrass Maps)
MA DMF Recommended TOY Restrictions Document Massachusetts
Bays National Estuary Program
Buzzards Bay National Estuary Program
Massachusetts Division of Marine Fisheries
Massachusetts Office of Coastal Zone Management

Rhode Island
RI Shellfish and Aquaculture
RI Shellfish Management Plan
RI Eelgrass Maps
Narragansett Bay Estuary Program
Rhode Island Division of Marine Fisheries
Rhode Island Coastal Resources Management Council

Connecticut

CT Bureau of Aquaculture

Natural Shellfish Beds in CT

Eelgrass Maps

Long Island Sound Study

CT GIS Resources

CT DEEP Office of Long Island Sound Programs and Fisheries

CT River Watershed Council

New York

Eelgrass Report

Peconic Estuary Program

NY/NJ Harbor Estuary Program

New York GIS Clearinghouse

New Jersey

Submerged Aquatic Vegetation Mapping

Barnegat Bay Partnership

NJ GeoWeb

NJ DEP Shellfish Maps

Pennsylvania

Delaware River Management Plan

PA DEP Coastal Resources Management Program

PA DEP GIS Mapping Tools

Delaware

Partnership for the Delaware Estuary

Center for Delaware Inland Bays

Delaware FirstMap

Maryland

Submerged Aquatic Vegetation Mapping

MERLIN (Maryland's Environmental Resources and Land Information Network)

Maryland Coastal Atlas

Maryland Coastal Bays Program

Virginia

VMRC Habitat Management Division

Submerged Aquatic Vegetation mapping