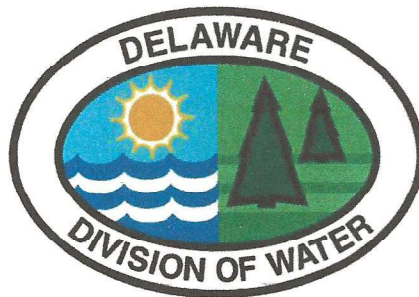


WETLANDS AND SUBAQUEOUS LANDS SECTION PERMIT APPLICATION FORM

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

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

Wetlands and Subaqueous Lands Section



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

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

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

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

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

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

Helpful Information:

1. Tax Parcel Information:

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

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

APPLICANT'S REVIEW BEFORE MAILING

DID YOU COMPLETE THE FOLLOWING?

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

Submit 3 complete copies of the application packet to:

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

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

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

Section 1: Applicant Identification

1. Applicant's Name: Anchor Way Inc. Telephone #: 302-593-1101
 Mailing Address: P.O. Box 201 Fax #: _____
Rehoboth Beach, DE 19971 E-mail: fpapili@comcast.net
(Attn: Fran Papili)
2. Consultant's Name: Ken B. Eaton Company Name: Davis, Bowen & Friedel, Inc.
 Mailing Address: _____ Telephone #: 410-770-4744
106 North Washington Street, Suite 103 Fax #: 410-770-4515
Easton, MD 21601 E-mail: keaton@dbfinc.com
3. Contractor's Name: To Be Determined Company Name: _____
 Mailing Address: _____ Telephone #: _____
 _____ Fax #: _____
 _____ E-mail: _____

Section 2: Project Description

4. Check those that apply:
☒ New Project/addition to existing project? Repair/Replace existing structure? (If checked, must answer #16)
5. Project Purpose (attach additional sheets as necessary):
Shoreline Improvements to protect existing building & deck. Improvements to include Stone Groins (2) & Sand Fill.

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	☐ R. Maintenance Dredging
☐ F. Intake or Outfall Structures	☐ M. Activities in State Wetlands	☐ S. New Dredging

Section 3: Project Location

7. Project Site Address: _____ County: N.C. Kent ☒ Sussex
116 Anchor Way Site owner name (if different from applicant): Anchor Way Inc. HOA
Dewey Beach, DE 19971 Address of site owner: 8313 Weller Ave, Mclean, VA
8. Driving Directions: From Intersection of Route 24 (John J Williams Hwy) & Route 1 (Coastal Highway): Head South on Route 1.
4.7 miles turn right onto Anchor Way. Project is at the end of the road.
 (Attach a vicinity map identifying road names and the project location)
9. Tax Parcel ID Number: 334-23.06-7.00 Subdivision Name: n/a

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: Rehoboth Bay waterbody is a tributary to: Atlantic Ocean
11. Is the waterbody: ☒ Tidal ☐ Non-tidal Waterbody width at mean low or ordinary high water 3,900' +/- (Min)
12. Is the project: ☒ On public subaqueous lands? ☐ On private subaqueous lands?*
☐ In State-regulated wetlands? ☐ In Federally-regulated wetlands?

*If the project is on private subaqueous lands, provide the name of the subaqueous lands owner:

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

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

Section 4: Miscellaneous

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

See Attachment No. 1 - Permit Drawing sheet 2 of 5

- 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):

N/A

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

Michael Yost (USACE)

Heather Smith (DNREC)

Jennifer Pongratz (DNREC)

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

☒ Yes ☐ No

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

☒ Yes ☐ No

*If yes, what was the date of the meeting? 7/18/2024

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

☐ No

☐ Pending

☒ Issued

☐ Denied

Date: Aug. 7, 2026

Type of Permit: NWP #13

Federal Permit or ID #: NAP-2024-00724-85

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

☒ No

☐ Pending

☐ Issued

☐ Denied

Date: _____

Permit or ID #: _____

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

Other: _____

FILL

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

1. How many linear feet will the fill extend channelward of the:
 - a. Tidal waters: mean high water line? 38 ft.
mean low water line? 20 ft.
 - b. Non-tidal waters: ordinary high water line? N/A ft.
2. What is the area of fill that will be located:
 - a. on subaqueous land (channelward of mean high water) 1,625 sq. ft.
 - b. on vegetated wetlands? N/A sq. ft.
3. What is the source of the fill?
☒ Hauled in from upland sources: What is the source company/location/parcel number?
☐ Obtained from dredged material: Complete Dredging Appendix. **To Be Determined**
4. What is the total volume of fill? 130 cubic yards **MHW channelward**
 - a. What is the total fill per running foot of shoreline? 1.8 cubic yards
5. What method will be used to place the fill?
Land based crane and backhoe.
6. State the type and composition percentage of the fill material (e.g. sand 80%, silt 5%, clay 15%, etc.)
Fill: Sand 80%, Silt 10%, Clay 10%
Groins: Quarystone 100%
7. How will the fill be retained? Complete appropriate appendix.
Floating Booms for Sediment Containment
8. What type of vegetation or ground cover will be provided for the filled area(s) to prevent soil erosion and help keep sediment from reaching State waters?
Filled area will be beach replenishment
9. Describe the type(s) of structure(s) to be erected on the filled area (if any). Complete appropriate appendix.
Beach Replenishment will be provided within the stone groin area

JETTIES, GROINS, OR BREAKWATERS

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

1. What type of material(s) will be used for the construction of the structure(s) (e.g. quarry stone, timber, rock gabions, sandbags, etc.)?

Quarry Stone

2. How many feet will the structure(s) be placed channelward of the:

- a. Tidal Waters: mean high water line? 38' / 75' ft.
mean low water line? 25' / 60' ft.
- b. Non-tidal waters: ordinary high water line? N/A ft.

3. How much of your project will be located:

channelward of mean high water? 523 / 1,095 sq. ft.
on vegetated wetlands? N/A sq. ft.

4. What will be the distance of separation between individual structures? 32 to 40.6 ft.

5. Are there similar structures in the vicinity of the project? ☒ Yes ☐ No

If your answer is "Yes", describe the type and location(s) of the structures.

38730 Seagull Dr, Dewey Beach, DE 19971 - Stone Groins
Vista Road Condos - Stone Revetment & Groins

6. The structure(s) will be of: (check one)

☐ Low-Profile design
☒ Continuous height

7. How many feet will the structure(s) be placed landward of the:

- a. tidal waters: mean high water line? 11' / 13' ft.
mean low water line? 26' / 25' ft.
- b. non-tidal waters: ordinary high water line? N/A ft.

8. Will the area in the vicinity of the structure(s) be artificially nourished?

☒ Yes ☐ No If the answer is "Yes", complete Appendix H.

9. Approximately how many feet of shoreline have you lost over the last year?

3 ft. (width) 80 ft. (length) *

* Lost Approximately 30' width in 10 years

Will the landward end(s) of the structure be protected from out flanking with rip-rap? ☐ Yes ☒ No If our answer is "Yes", complete Appendix

Edges/ends will be protected on south end by blending stone groin into adjacent riprap.
North end stone groin will key into beach at elevation 6.0' MLW



ANCHOR WAY, INC.
PO Box 201
Rehoboth Beach, DE 19971

November 19, 2024

Ken Eaton, LEED
Sr. Coastal Manager
Davis, Bowen & Friedel, Inc.
106 N. Washington Street, Suite 103
Easton, MD 21601

Re: Anchor Way Permitting

Dear Ken,

This letter is to confirm that Fran Papili is a representative of Anchor Way, Inc and is authorized to sign documents on its behalf. If you need anything further to complete this authorization, please let us know. Thanks.


A Yates Dowell, III
Co-President
Anchor Way, Inc.


Judy Cramer
Co-President
Anchor Way, Inc.



ANCHOR WAY, INC.
PO Box 201
Rehoboth Beach, DE 29971

November 19, 2024

Delaware Department of Natural Resources
and Environmental Control (DNREC)
PO Box 1401
89 Kings Highway
Dover, DE 19903

Re: Anchor Way Permitting

DNREC,

This letter is to confirm that Fran Papili is a representative of Anchor Way, Inc and is authorized to sign documents on its behalf. If you need anything further to complete this authorization, please let us know. Thanks.

Yates Dowell, III
Co-President
Anchor Way, Inc.

Judy Cramer
Co-President
Anchor Way, Inc.

August 12, 2026

Delaware Department of Natural Resources
and Environmental Control
Division of Water (WSLS)
P.O. Box 1401; 89 Kings Highway
Dover, DE 19903

*Ring W. Lardner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Jamie L. Sechler, P.E.*

Submitted via: Digital DNREC

Re: Anchor Way Shoreline Improvements
Dewey Beach
3997A006.A01

On behalf of Anchor Way LLC, Davis, Bowen & Friedel, Inc. (DBF) is resubmitting a permit application to perform the following: 1) Construct 2 Stone Groins. 2) Sand Fill.

This permit application has been ongoing for quite some time. I have prepared a timeline below:

- April 2024: Shoreline Protection Investigation report prepared/revised by DBF
- May 2025: Floodplain Analysis submitted to Town of Dewey Beach:
- July 18, 2024: JPP Meeting
- July 30, 2024: Original submittal to the USACE via USPS
- July 30, 2024: Original submittal to DNREC via USPS
 - Subaqueous lands
 - Water Quality Certification application
 - CZM
- August 1, 2024: resubmitted to USACE on due to an address change
 - Included NOAA EFH worksheet
- August 16, 2024: Comment response to Town of Dewey Beach:
- September 23, 2025: Resubmittal to DNREC - Digital DNREC
- September 23, 2025: Resubmittal to USACE
- February 17, 2026: Resubmittal to DNREC - Digital DNREC
- February 25, 2026: Received comments from DNREC W&W
- March 4, 2026: Received approval from the Town of Dewey Beach:
- April 13, 2026: received a request from DNREC W&W for water quality data / sampling
- April 29, 2026: received confirmation from DNREC W&W that water sampling is not required on this project
- May 13, 2026: re-submitted to US Army Corps of Engineers
 - Revised sheet 4 of 5 (23Sept2025)" showing the MHW, MH Tide
 - Revised permit application sheet 2 of 3 (23Sept2025)
 - Original Shoreline Protection Investigation dated April 2024

- Floodplain Analysis dated May 2025
- Permit Drawings - Complete
- NOAA EFH & FWCA Consultation Worksheet
 - NOAA EFH & HAPC Designations
- May 18, 2026: DBF Responded to USACE comments dated May 15, 2026
 - Requested a DDNREC Species Conservation and Research Program review on 5/15/2026
 - Requested a DE SHPO review on 5/15/2026
 - Requested a US Fish and Wildlife Service IPaC review
 - Quantities
 - channelward of the mean high water line
 - Sand fill: 130 CY below MHW
 - Sand Fill: 1625 SF below MHW
 - Stone Groins: 180 CY below MHW
 - Stone Groins: 1615 SF below MHW
 - landward of the mean high water line to the high tide line
 - Area: 345 SF
 - Sand fill: 13 CY MHW to MHHW
 - Stone Groins: 18 CY MHW to MHHW
- May 20, 2026: DNREC Delaware Coastal Programs, CZM Concurrence
 - Email from Mike Snyder & Federal Consistency Determination (NWP 13)
- May 26, 2026: Received DNREC – Division of Fish & Wildlife Review
- July 6, 2026: Received Delaware Historical & Cultural Affairs: DE SHPO Project Review #2026.05.15.01
- June 23, 2026: DNREC W&W indicated that application was rejected on Feb. 19, 2026
- August 7, 2026: USACE Nationwide Permit 13 Verification NAP-2024-00724-85

DNREC Resubmittal August 12, 2026

As a part of the DNREC Subaqueous Lands Project Application (New Permit / Approval), we have included the flowing using “Digital DNREC”, on the date of this letter:

- The Basic Application Form includes Appendix H: Fill and Appendix K: Jetties, Groins, or Breakwaters. (Original submittal dated July 30, 2024)
- Set of the following attachments:
 1. DNREC – Supported Documents
 - a. DBF Cover letter dated Aug, 12, 2026
 - b. Permit Drawings (8½” x 11”): Sheets 1 through 5;
 - c. Photographs;
 - d. Deed, plat & lease plat
 - e. DNREC – Division of Fish & Wildlife Review: dated May 26, 2026
 - f. Delaware Historical & Cultural Affairs: DE SHPO Project Review #2026.05.15.01, dated July 6, 2026
 - g. DNREC Delaware Coastal Programs, CZM Concurrence: dated May 20, 2026
 2. US Army Corps of Engineers – Supporting Documents

- a. Nationwide Permit 13 Verification NAP-2024-00724-85, dated August 7, 2026
- 3. Misc. / Other Supporting Documents
 - a. Original Shoreline Protection Investigation dated April 2024
 - b. Floodplain Analysis dated May 2025
 - c. Town of Dewey Beach Approval dated: March 4, 2026
 - d. Source of Fill Materials Statement

Anchor Way LLC would like to begin construction of this project as soon as possible. Therefore, we would appreciate your processing of this permit application at your earliest convenience. Please direct all correspondence to DBF as we will be handling this matter for Anchor Way LLC. If you should have any questions on the above and/or enclosed, please feel free to give us a call.

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.

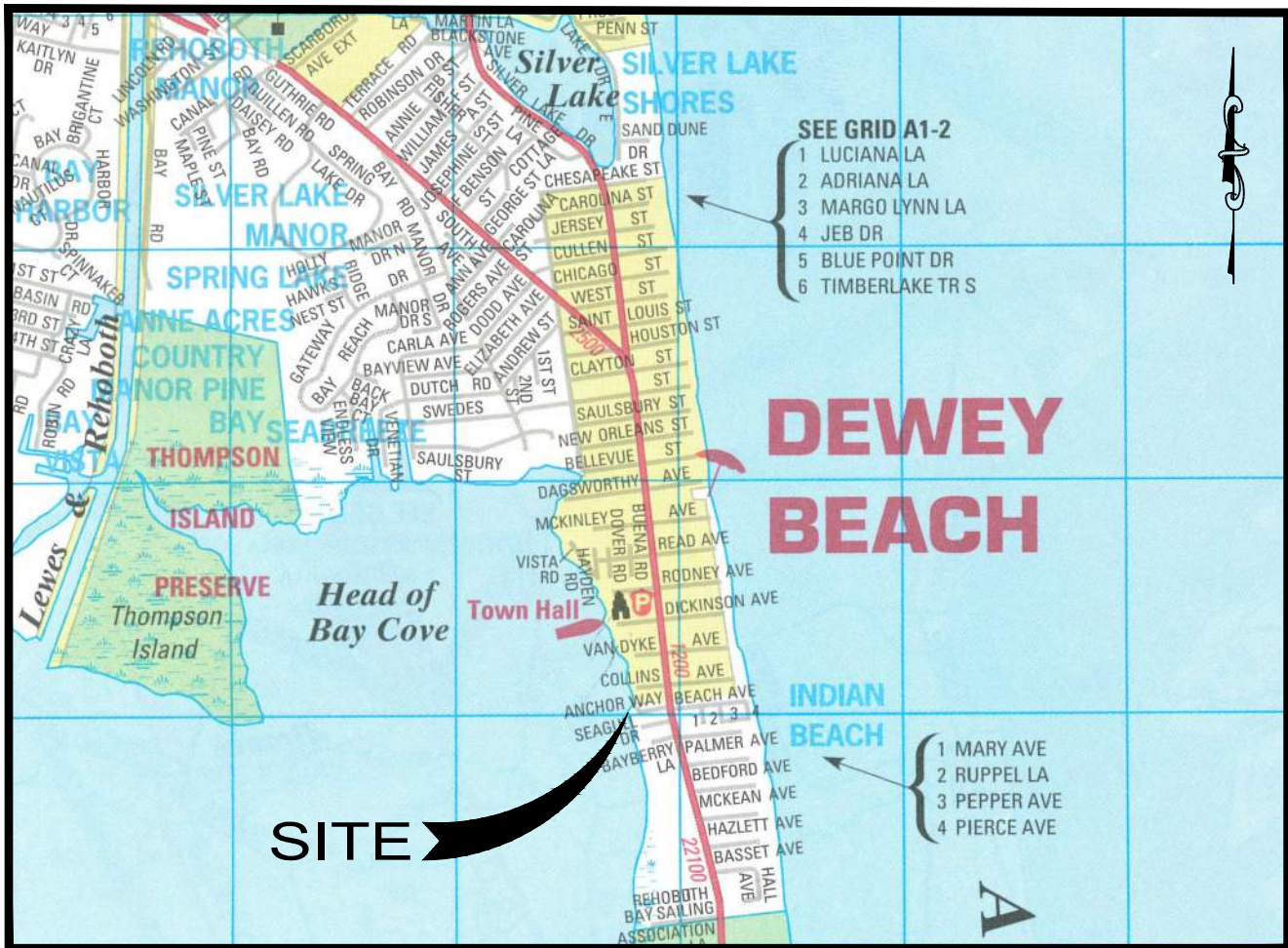
A handwritten signature in dark ink, appearing to read "Kenneth B. Eaton". The signature is fluid and cursive, with the first name "Kenneth" being the most prominent.

Kenneth B. Eaton
Senior Coastal Manager

Enclosures
KBE

P:\3997A T. Carney Sussex Law\3997A006.A01 Anchor Way SL\Permitting\DNREC\Re-Submittals\Aug2026-Resubmittal\00_AnchorWay_DNREC Resubmittal_Aug2026.docx

cc: Anchor Way – Home Owners Association



Vicinity Map

SCALE : 1" = 2000'



First Edition Map 27, Grid C4-5

Copyright ADC The Map People
Permitted Use No. BJE080712

SCOPE OF WORK

Stone Groins (2):
North: 13.6' wide x 45' long; 38' max. from MHW
South: 13.0' wide x 95' long; 75' max from MHW
Sand Cut: 32 cy
Sand Fill: 130 cy; 38' max from MHW

NOTES:

1. MEAN TIDAL RANGE IS APPROXIMATELY 2.68 FEET.
2. SOUNDINGS ARE IN FEET AND REFER TO MLW.
3. THESE DRAWINGS ARE FOR PERMIT PURPOSES ONLY. DESIGN DRAWINGS ARE TO BE PROVIDED SEPARATELY.

INDEX OF DRAWINGS

- 1 - - - - - COVER
- 2 - - - - - ADJACENT PROPERTY OWNERS
- 3 - - - - - EXISTING CONDITIONS
- 4 - - - - - SITE PLAN
- 5 - - - - - SECTIONS

ADJOINING PROPERTY OWNERS

TAX MAP 334-23.06-6.00:
DISTANT HORIZAN DREAM, INC.
(VILLAS BY THE SEA)
116 WEST WATER STREET
DOVER, DE 19904

TAX MAP 334-23.06-11.00:
CAROL MERTES-SMITH
207 HERONWOOD LANE
MILTON, DE 19968



**DAVIS
BOWEN &
FRIEDEL, INC.**

ARCHITECTS • ENGINEERS • SURVEYORS

**EASTON, MARYLAND
410.770.4744**

**MILFORD, DELAWARE
302.424.1444**

**SALISBURY, MARYLAND
410.543.9091**

SHEET 1 OF 5

Shoreline Improvements

IN: REHOBOTH BAY
AT: DEWEY BEACH
SUSSEX COUNTY, DELAWARE
APPL. BY: ANCHOR WAY, LLC
DATE: JULY 2024



Distant Horizan Dream Inc.
Villas by the Sea
116 West Water Street
Dover, DE 19904
Tax Map 334-23.06-6.00

Tax Map 334-23.06-7.00

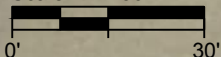
SITE

REHOBOTH
BAY

Carol Mertes-Smith
207 Heronwood Lane
Milton, DE 19968
Tax Map 334-23.06-11.00

Adjacent Property Owners

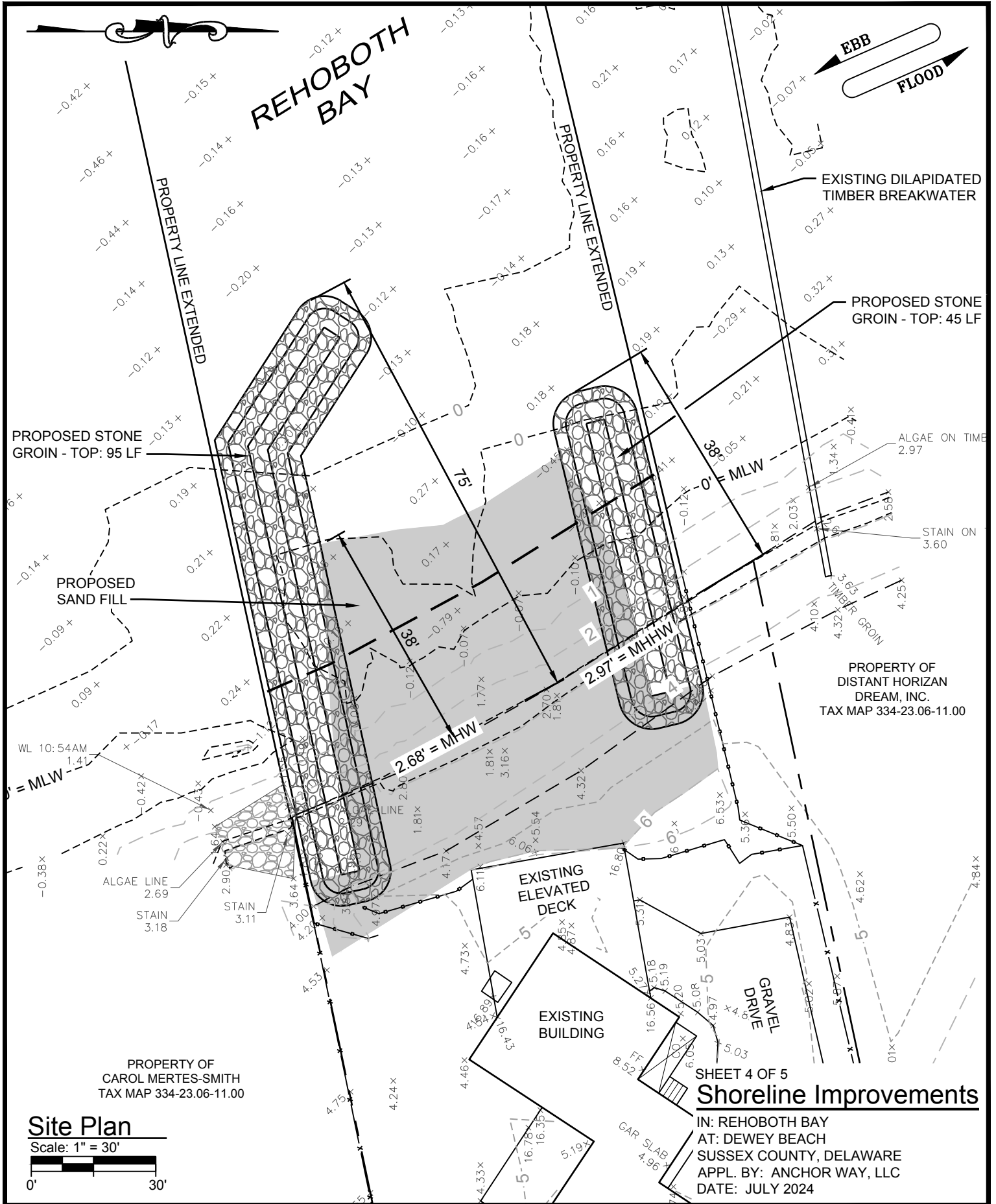
Scale: 1" = 30'



SHEET 2 OF 5

Shoreline Improvements

IN: REHOBOTH BAY
AT: DEWEY BEACH
SUSSEX COUNTY, DELAWARE
APPL. BY: ANCHOR WAY, LLC
DATE: JULY 2024



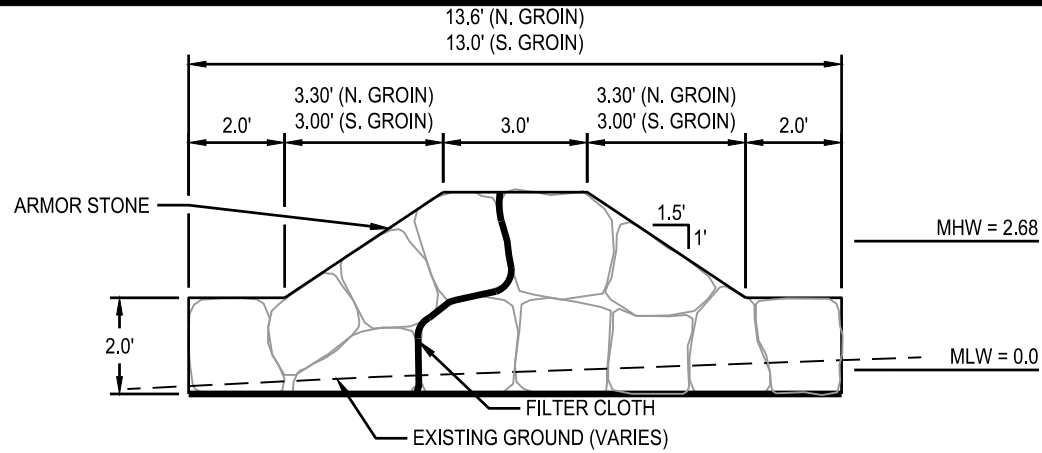
Site Plan

Scale: 1" = 30'



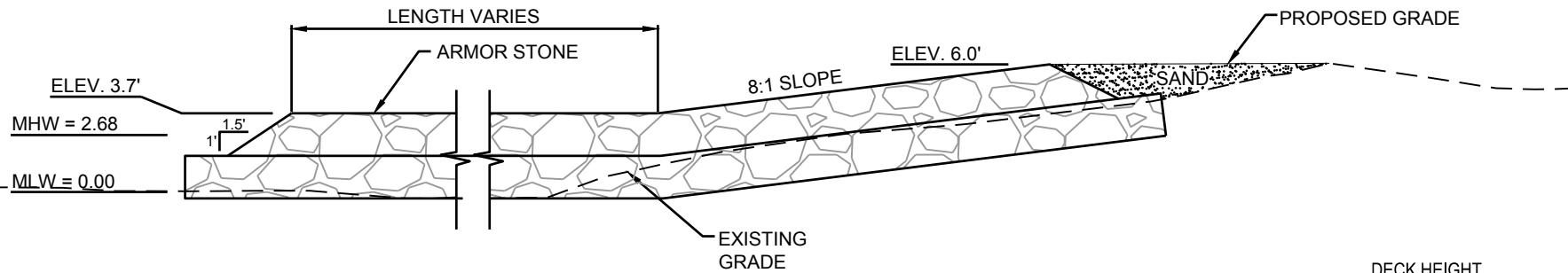
SHEET 4 OF 5 Shoreline Improvements

IN: REHOBOTH BAY
AT: DEWEY BEACH
SUSSEX COUNTY, DELAWARE
APPL. BY: ANCHOR WAY, LLC
DATE: JULY 2024



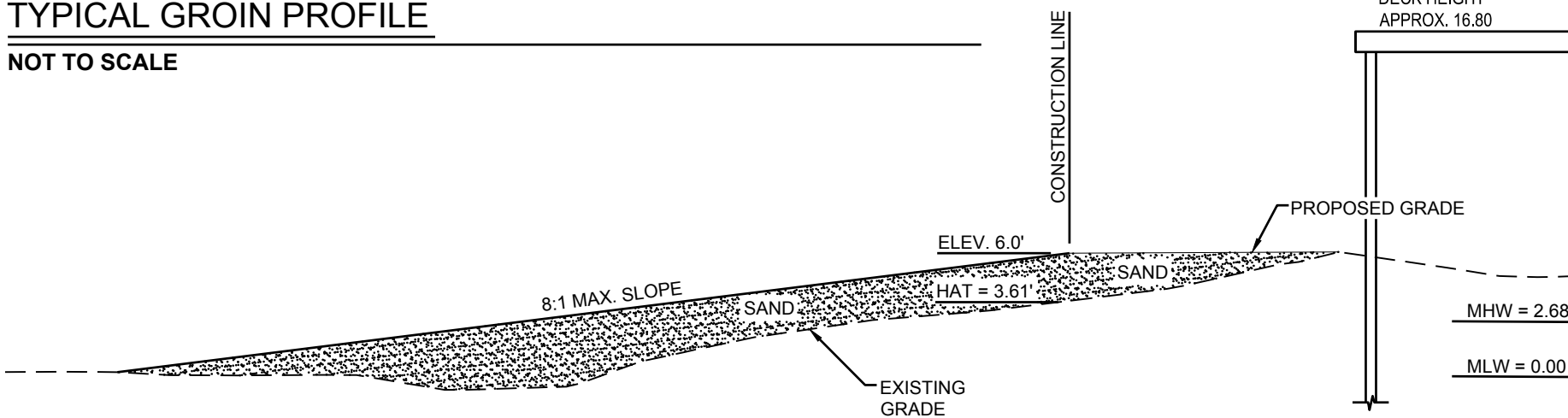
TYPICAL GROIN SECTION

SCALE : 1" = 4'



TYPICAL GROIN PROFILE

NOT TO SCALE



SHORELINE STABILIZATION SECTION

NOT TO SCALE



Looking down from the elevated deck during a recent storm event



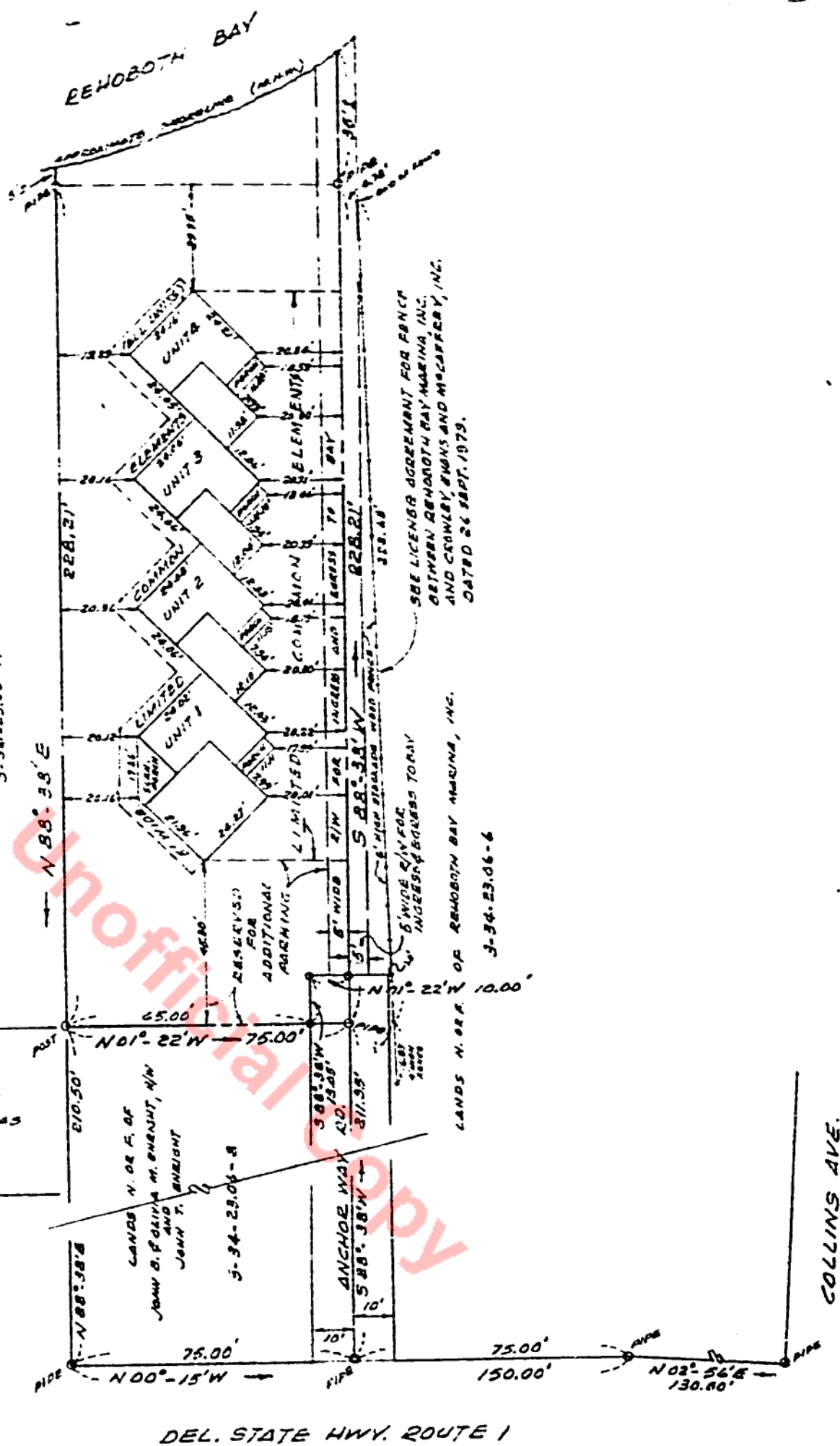
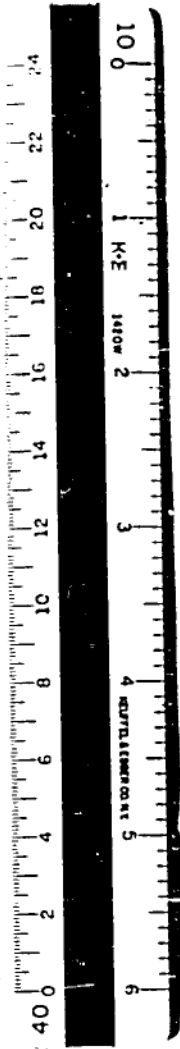
Beach view looking towards the adjacent dilapidated timber wave screen (north)



Looking south along the shoreline to the neighboring property



Looking south along the shoreline to the neighboring property



APPROVED

L.B.L.

10.17.79

COUNTY PLANNING & ZONING COM.
OF SUSSEX COUNTY

NOTE: IMPROVEMENTS SHOWN HEREON ARE
3 STY. FRAME CONSTRUCTION. ALL DIMENSIONS
ARE FIRST FLOOR.

RECEIVED
MAY 1979
OCT 17 3 55 PM '79
REC'D OF RECORDS
SUSSEX COUNTY
JAY SURGATE

LANDS OF ANCHOR WAY, INC.
SHOWING THEREON
SUMMERWINDS UNITS NO. 1 THROUGH 4
ON REHOBOTH BAY WEST OF DEL. RT. 1,
LEWES & REHOBOTH HUND, SUSSEX, DEL.
WINGATE & ESCHENBACH, REG. ENGRS. & SURV.
SCALE: 1" = 30' 12 OCT. 1979

680-FA19-SEC 28

201759 (61) 6.00

04532

3343-217

Parcel No. 3-35-4.19-48.00

Prepared by and Return To:
Gordon, Fournaris & Mammarella, P.A.
Suite 700, 1220 N. Market Street
P.O. Box 1355
Wilmington, DE 19899-1355
File No. 98-370

ASSIGNMENT OF LEASE

THIS ASSIGNMENT OF LEASE is made this 23rd day of November, 1998, by CARL E. HOSTETTER ("Assignor")

and

CARL E. HOSTETTER, TRUSTEE UNDER A REVOCABLE TRUST AGREEMENT DATED NOVEMBER 23, 1998 WITH CARL E. HOSTETTER, SETTLOR, AS AMENDED, OR HIS SUCCESSORS IN TRUST ("Assignee").

WHEREAS, by Assignment of Lease dated December 27, 1996, and recorded at the Office of the Recorder of Deeds in and for Sussex County, Delaware at Deed Book _____, Page _____ Thomas H. Jackson did assign to Assignor all of his unexpired leasehold right, title and interest in and to that certain Indenture of Lease (the "Lease") originally from Anchor Way, Inc., a Delaware corporation to Donald H. Stromberg and Marcia D. Stromberg which Lease appears of record at the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Deed Book 977, Page 185; and

WHEREAS, Assignor desires to assign all of his remaining leasehold interest in and to the said Lease together with all his privileges, duties and liabilities thereunder to the Assignee herein.

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS and 00/100 (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, this day paid by the Assignee to the Assignor, the parties hereto agree as follows:

The Assignor hereby assigns, transfers and sets over unto the Assignee, his successors and assigns, all of the Assignor's right, title and interest, of, in and to the Lease identified in the preamble hereof for the leased premises to wit:

ALL THAT CERTAIN LOT, piece or parcel of land, situate in Lewes and Rebooth Hundred, Sussex County, Delaware, being designated as SUMMERWINDS, UNIT NO. FOUR (4), one of four units, together with an undivided twenty-five percent (25%) leasehold interest in that land area, both common and limited common areas

02343 218

all as designated on a certain plot of record in the Office of the Recorder of Deeds in Georgetown, Delaware in Plot Book 19, Page 21; and more particularly bounded and described as follows:

BEGINNING at a point 211.95 feet from an iron pipe set on the westerly right of way of Delaware Route 41 also known as Route 1, said beginning point being marked by an iron pipe and forming a corner for lands now or formerly of John B. Enright and Olivia M. Enright and also of John T. Enright, said pipe being also located along the property line of lands now or formerly of Rehoboth Bay Marina, Inc. and located on the center line of a 20 foot Wide road now named Anchor Way; thence, South 88 degrees 38 minutes West for a distance of 13.05 feet to an iron pipe; thence following the same course for a distance of 219.16 feet to an iron pipe; thence following the same course for a distance of 35 feet more or less, representing the distance to necessary to reach the edge of Rehoboth Bay to a point forming a corner for these lands now or formerly of Victorine S. Mertes; thence following the same course for a distance of 228.21 feet to a 4 inch by 6 inch post recovered at a point forming a common corner for these lands, lands now or formerly of Victorine S. Mertes, lands now or formerly of Leslie D. Thomas and lands now or formerly of John B. Enright and Olivia M. Enright and also John T. Enright; thence along division line between these lands and land now or formerly of John B. Enright and Olivia M. Enright and also John T. Enright, North 1 degree 22 minutes West for a distance of 65 feet to a pipe; thence following the same course for a distance of 10 feet home to the point and place of beginning, be the contents thereof what they may be.

TOGETHER with all right, title and interest in any and all easements, grants, exceptions, rights of way, licenses and riparian rights of the grantor herein and of his predecessors in the chain of title hereof, and together with all improvements thereon erected.

The Assignee hereby accepts all of the obligations of the Assignor under the Lease between the original Lessor and original Lessees, and covenants and agrees that he will assume all of the obligations of the Assignor under the said Lease.

The Assignee hereby excuses and release the Assignor from any and all obligations under the Lease.

IN WITNESS WHEREOF, the Assignor and Assignee have hereunto set their Hands and Seals this 23rd day of November, 1998.

Carbone
WITNESS

ASSIGNOR
Carl E. Hostetter (SEAL)
Carl E. Hostetter

#02343 #219

ASSIGNEE:

WITNESS

Carbone

Carl E. Hostetter

(SEAL)

Carl E. Hostetter, Trustee
U/A/D 11/23/98

Consideration : \$ 0.00 Exempt Code: A

STATE OF DELAWARE)
) SS.
NEW CASTLE COUNTY)

County	State	Total
0.00	0.00	0.00
counter	Date: 12/04/1998	

BE IT REMEMBERED, That on this 23rd day of November, 1998, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Carl E. Hostetter, party to this Indenture, known to me personally to be such, and he acknowledged this Indenture to be his Deed.

Name: Carol A. Boone
Notary Public/DE atty at law
My commission expires: 4/29/99

STATE OF DELAWARE)
) SS.
NEW CASTLE COUNTY)

BE IT REMEMBERED, That on this 23rd day of November, 1998, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Carl E. Hostetter, Trustee under a Revocable Trust Agreement dated November 23, 1998 with Carl E. Hostetter, Settlor, as amended, or his Successors in Trust, party to this Indenture, known to me personally to be such, and he acknowledged this Indenture to be his Deed.

Name: Carol A. Boone
Notary Public/DE atty at law
My commission expires: 4/29/99

Assignee's Address:

121 School Road
Wilmington, DE 19803

c:\wp81\trusts\hoste.doc

Received
DEC 07 1998
ASSESSMENT DIVISION
OF SUSSEX CTY

RECORDED OF DEEDS
98 DEC -4 PM 12:50
SUSSEX COUNTY
DOC. SURCHARGE PAID

RE Gordon Fournais + Mammarella, P.H.

(NO. 4-B) 2319

CORPORATE DEED-TYPEWRITER

Printed and Sold by Hugh A. George Co. Stationers, 528 Tenth St., Wilmington, Del.

This Deed, Made this15th

day of October

in the year of

our LORD one thousand nine hundred and seventy-nine.

BETWEEN, CROWLEY, EVANS AND McCAFFREY, INC., a corporation of the State of Delaware, party of the first part, of Bethany Beach, Delaware 19930,

A N D

ANCHOR WAY, INC., a corporation of the State of Delaware, party of the second part, c/o 137 Rehoboth Avenue, Rehoboth Beach, Delaware 19971,

Witnesseth, That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00)----- lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said parties of the second part, its successors and assigns in fee simple,

ALL

that certain lot, piece or parcel of land, situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, more particularly bounded and described as follows:

BEGINNING 211.95 feet from an iron pipe set on the westerly right of way of Delaware Rt. 14, also known as Rt. 1, said point being marked by an iron pipe and forming a corner for lands now or formerly of John B. Enright and Olivia M. Enright and also of John T. Enright, said pipe also located along the property line of lands now or formerly of Rehoboth Bay Marina, Inc. and located on the center line of a 20 foot wide road named Anchor Way; thence South 88 degrees 38 minutes West for a distance of 13.05 feet to an iron pipe; thence following the same course for a distance of 215.16 feet to an iron pipe; thence following the same course a distance of 35 feet more or less, representing the distance necessary to reach the edge of Rehoboth Bay; thence in a southerly direction following the edge of Rehoboth Bay to a point forming a corner for these lands and lands now or formerly of Victorine S. Mertes; thence North 88 degrees 38 minutes East for a distance of 5 feet more or less to an iron pipe set along the division line between these lands and lands now or formerly of Victorine S. Mertes; thence following the same course for a distance of 228.21 feet to a 4 inch by 6 inch post recovered at a point forming a common corner for these lands, lands now or formerly of Victorine S. Mertes, lands now or formerly of Leslie D. Thomas and lands now or formerly of John B. Enright and Olivia M. Enright and also of John T. Enright; thence along the division line between these lands and lands now or formerly of John B. Enright and Olivia M. Enright and also of John T. Enright, North 01 degree 22 minutes West for a distance of 65 feet to a pipe; thence following the same course for a distance of 10 feet home to the point and place of Beginning, be the contents thereof what they may.

Together with all right, title and interest in any and all easements, grants, exceptions, rights of way and riparian rights of the grantor herein and of its predecessor in the chain of title hereof, and together with all improvements thereon erected.

Being the same lands which Robert D. Thompson, Jr. by deed dated May 25, 1979, and of record in the office of the Recorder of Deeds in and for Sussex County in Deed Book 952, Page 128, granted and conveyed unto the party of the first part hereto in fee.

In Witness Whereof, The said Crowley, Evans and McCaffrey, Inc.

hath caused its name by Minos L. Evans its President to be hereunto set, and the common and corporate seal of the said corporation to be hereunto affixed, duly attested by its Secretary, the day and year first above written.

Sealed and Delivered in the Presence of

BY:

ATTEST:

State of Delaware,
Sussex

County

THIS 17th DAY OF October, 1979
PURCHASERS REPORT MADE
ASSESSMENT DIVISION OF SUSSEX COUNTY

15th day of October

nine hundred and seventy-nine personally came before me, the Subscriber,
a Notary Public for the State of Delaware. Minos L. Evans
President of Crowley, Evans and McCaffrey, Inc.

a corporation existing under the laws of the State of Delaware, 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 corporation, that the signature of the President thereto is in his own proper handwriting, and the seal affixed is the common and corporate seal of said corporation, and that his act of affixing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said corporation.

RECEIVED
MARY ANN MCARDLE

GIVEN under my Hand and Seal of office, the day and year first above written.

OCT 16 4 11 PM '79

RECORDER OF DEEDS
SUSSEX COUNTY

State of Delaware
STATE TAX DEPT. - SUSSEX
REALTY
TRANSFER
TAX \$00.00

We It Remembered, That on this
in the year of our LORD one thousand

President thereto is in his own proper handwriting

Notary Public

O'Leary Office only
11-1-79



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

89 Kings Highway
Dover, DE 19901
302-739-9000
dnrec.delaware.gov

May 26, 2026

Ken Eaton

Davis, Bowen & Friedel, Inc.

106 N. Washington Street, Suite 103

Easton, MD 21601

Re: DBFI 2026 Anchor Way Shoreline Improvements Tax Parcel # 334-23.06-7.00

Dear Ken:

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

State Natural Heritage Site

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site. As a result, at present, this project does not lie within a State Natural Heritage Site, nor does it lie within a Delaware National Estuarine Research Reserve which are two criteria used to identify "Designated Critical Resource Waters" in the Army Corps of Engineers (ACOE) Nationwide Permit General Condition No. 22. A copy of this letter shall be included in any permit application or pre-construction notification submitted to the Army Corps of Engineers for activities on this property.

Fisheries

Horseshoe Crabs

The project site is a spawning area for horseshoe crabs and without site-specific data and appropriate monitoring, work should not be conducted from **April 15th to August 30th** to ensure that this species is not impacted. We further encourage beach renourishment be performed in a manner that maintains the existing slope to that which naturally exists, as well as the use of sand of similar grain size to that which naturally exists. The fisheries management plan for horseshoe crab also recommends that borrow areas for beach nourishment be located such that they avoid adverse impacts to essential juvenile habitat (nearshore, shallow water, subtidal flats).

Summer Flounder

Sampling conducted by our Division's fisheries staff revealed that Rehoboth Bay supports a large number of juvenile migratory fish and is thus considered an important nursery area in the Inland Bays. Several species of particular commercial and recreational importance utilize the bay and could be impacted by this project. A primary species of concern for this project is Summer Flounder (*Paralichthys dentatus*), which utilizes the bay as a nursery area. We request that in-water work not occur from **March 1st to September 30th** to allow time for young of the year to grow large enough to be less vulnerable to habitat-altering activities and then migrate out of the system. This window should minimize the number of young of the year flounder impacted by this project.

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

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

Sincerely,

A handwritten signature in dark ink, appearing to be "J. [unclear]", written in a cursive style.

Faith Garcia

Environmental Review Coordinator

Phone: (302) 735-8665

Cell: (302) 443-3812

Email: christinefaith.garcia@delaware.gov

89 Kings Highway

Dover, DE 19901

(See invoice on next page)

INVOICE - PAYMENT DUE

It is our policy to charge a fee for this environmental review service. This letter constitutes an invoice for \$35.00 (\$35.00/hour for a minimum of one hour). Please make your check payable to "Delaware Division of Fish and Wildlife" and submit to:

DE Division of Fish and Wildlife

89 Kings Hwy.

Dover, DE 19901

ATTN: Brandi Henderson

**In order for us to properly process your payment, you must reference
"DBFI 2026 Anchor Way Shoreline Improvements" on your check.**

cc: Brandi Henderson, Fish and Wildlife Accounting Specialist; Code to 72900

July 6, 2026

Ken Eaton
Davis, Bowen & Friedel, Inc.
106 N. Washington Street, Suite 103, Easton, MD 21601
Sent via email to: keaton@dbfinc.com

**Subject: Anchor Way Shoreline Improvements Tax parcel #334-23.06-7.00
DE SHPO Project Review #2026.05.15.01**

Dear Ken Eaton,

The staff of the Delaware State Historic Preservation Office (DE SHPO) has reviewed the material provided, prepared on behalf of the US Army Corps of Engineers (USACOE) for the proposed undertaking at Anchor Way in Dewey Beach. The proposed undertaking involves the construction of two stone groins and the installation of beach fill as a shoreline improvement effort. 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).

The applicant has confirmed that both the gravel and sand for the fill will be from a clean, commercial source. The portion of the beach that is being improved faces Rehoboth Bay, and is an active, dynamic environment. There are multiple large precontact archaeological sites within a mile of the Area of Potential Effect (APE), mostly on the other side of the bay. The extant structures on the parcel have been present since the 1990s, and there is an older breakwater to the north. It is unknown if this portion of the beach has been replenished before, but the shoreline has changed drastically in the past century. The APE is within an area of high archaeological potential when undisturbed. The known disturbance within the APE is relatively small, but the undertaking as described is unlikely to cause large amounts of ground disturbance. However, if any archaeological resources are identified during construction, the DE SHPO requests all work to cease and to contact our office immediately. We also request that the applicant be aware of the Unmarked Human Burials and Skeletal Remains Law (Del C. Title 7, Ch. 54)

Our Office finds there to be No Historic Properties Affected by the proposed undertaking. If you have any other questions at this time, please feel free to contact me at (302)-736-7437 or at Hannah.lewis@delaware.gov.

Sincerely,

Hannah Lewis

Hannah Lewis, Archaeologist
cc: Gwen Davis, Deputy SHPO
Sarah Carr, Archaeologist
Nicole Minnichbach, USACE
Michael Yost, USACE
F Papili

Ken Eaton

From: Snyder, Mike (DNREC) <Mike.Snyder@delaware.gov>
Sent: Wednesday, May 20, 2026 2:28 PM
To: Ken Eaton
Cc: Fpapili; Baumgartner, Jason B. (DNREC); Robert Carney; Mike Yost
Subject: RE: Anchor Way - DE CZM Application
Attachments: 2025.0039 USACE 2026 Nationwide Permit Reissuance.pdf

Hi Ken,

It is the DCMP's understanding that this project is now being reviewed by the Corps under NWP 13, and not as an Individual Permit. NWP 13 has been issued by the DCMP under a general determination. If the work is being processed under a NWP 13, the attached letter will serve as your CZM concurrence, and no further coordination with our office will be necessary for this project.

If an application is submitted to the Corps for a permit other than NWP 13, a new CZM submission may be required. Please contact our office if such is the case.

Please also let me know if you have any questions, and have a nice day,

Mike

Mike Snyder

Environmental Scientist II
Delaware Coastal Programs
DNREC, Division of Climate, Coastal, & Energy
100 W. Water Street, Ste. 7B
Dover, Delaware 19904
302-739-9283

From: Ken Eaton <keaton@dbfinc.com>
Sent: Monday, May 18, 2026 10:46 AM
To: Snyder, Mike (DNREC) <Mike.Snyder@delaware.gov>
Cc: Fpapili <fpapili@comcast.net>; Baumgartner, Jason B. (DNREC) <JASON.BAUMGARTNER@delaware.gov>; Robert Carney <rcarney5@gmail.com>
Subject: Anchor Way - DE CZM Application

Mike,

It has been mentioned that the Anchor Way USACE IP had been previously withdrawn. I am not sure where that come from, but we are in the process of finalizing comments with the Corps. I have attached the most recent comment letter from their reviewer.

Please contact me at your earliest convenience to discuss the next steps for the DE CZM Consistency process.

Thank you!

Ken Eaton

Senior Coastal Manager

Department of Coastal Engineering

Davis, Bowen & Friedel, Inc.

Email: keaton@dbfinc.com

Office: 410-770-4744 | Fax: 410-770-4515

106 N. Washington Street, Suite 103, Easton, MD 21601

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STATE OF DELAWARE

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF CLIMATE, COASTAL AND ENERGY

STATE STREET COMMONS

100 W. WATER STREET, SUITE 7B

DOVER, DELAWARE 19904

**COASTAL
PROGRAMS**

PHONE
(302) 739-9283

December 18, 2025

Todd A. Schaible
Chief, Regulatory Branch
United States Army Corps of Engineers
Philadelphia District
1650 Arch Street
Philadelphia, PA 19103-2004

RE: Delaware Coastal Management Program — Federal Consistency Determination for the 2026 Proposal to Reissue and Modify Nationwide Permits (FC 2025.0039)

Dear Chief Schaible,

The Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program has completed its federal consistency review of the 2026 Proposal to Reissue and Modify Nationwide Permits (NWP), as published in the Federal Register on June 18, 2025 (Federal Register Docket Number COE-2025-0002). This letter is in response to the federal consistency determination received by this office on June 20, 2025, and updated on July 29, 2025, submitted by you on behalf of the United States Army Corps of Engineers (USACE). The federal consistency review period was negotiated with the USACE to conclude on December 18, 2025, to align with the water quality certification review.

PROPOSED ACTION

The USACE is proposing to reissue 56 of the existing nationwide permits (NWPs), associated general conditions, regional conditions, and definitions, with some modifications; to issue one new NWP (currently NWP A) for activities that improve the passage of fish and other aquatic organisms and other important ecological processes; and to not reissue NWP 56, which authorized finfish mariculture activities in ocean and estuarine waters.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act (CZMA) of 1972, as amended, federal activities located inside or outside of Delaware's federally approved coastal management area that can have reasonably foreseeable effects on coastal uses must be implemented in a manner consistent with the enforceable policies of the DCMP.

Section 307 of the CZMA provides states with approved coastal management programs the authority to review federal actions that have foreseeable effects on a state's coastal uses and resources. As defined in 15 CFR §930.11(g), effects include both direct effects which result from the activity and occur at the same time and place as the activity, and indirect (cumulative and secondary) effects which result from the activity.

PUBLIC PARTICIPATION

In accordance with 15 CFR §930.42, the public was invited to participate in the review of the USACE 2026 Proposal to Reissue and Modify Nationwide Permits. Public notice of this proposed action was published in the Daily State News, The News Journal and DNREC public notices website on August 27, 2025. The public was given 20 days to submit comments on the published notice. No public comments were received.

AGENCY COORDINATION

The Delaware Coastal Zone Management (CZM) Program consists of a network of programs administered by several agencies. The DNREC DCMP coordinates the review of consistency determinations with agencies administering the enforceable and advisory policies of the program. The following agencies participated in this review:

DNREC, Division of Air Quality
DNREC, Division of Water
DNREC, Division of Fish and Wildlife
DNREC, Division of Watershed Stewardship

CONSISTENCY ANALYSIS

Pursuant to the National Oceanic and Atmospheric Administration (NOAA) Regulations (15 CFR 930), the DCMP has reviewed the proposed changes to the NWP program against the program's NOAA-approved enforceable policies. The NWPs have been divided into three categories: issued, conditioned, and denied. Justifications for conditions and denials are detailed below.

The following is the federal consistency determination review response including supporting analysis and justification. The DCMP supports the draft 2026 Delaware Regional Conditions as proposed and the following review is based on those regional conditions being implemented. This review response is organized as follows:

- **Issued:** Those NWP (provided adherence to all required General and Regional Conditions defined by the USACE) with which the DCMP concurs that the uses of those NWP are consistent with the policies of the DCMP.
- **Conditioned:** Those NWP (provided adherence to all required General and Regional Conditions defined by the USACE) with which the DCMP conditionally concurs that the use of those NWP are consistent with the policies of the DCMP.
- **Denied:** Those NWP with which the DCMP concludes that the use of those NWP are inconsistent with the policies of the DCMP, and therefore, individual federal consistency reviews would be required.
- **Summary:** Table of Nationwide Permits and Delaware's Coastal Zone Management Federal Consistency Review

Pursuant to 33 CFR 330.4(d), the state may impose conditions on a general Coastal Zone Management Act (CZMA) consistency concurrence for the division engineer to review, which would be made into regional conditions. If the division engineer determines that the CZMA consistency concurrence conditions do not comply with the Corps' regulations regarding permit conditions (33 CFR 325.4), the consistency will be considered denied without prejudice. In those circumstances, any prospective permittee wanting to use such NWP to authorize activities within or outside the state's coastal zone that affects uses or resources of the state's coastal zone needs to obtain an individual CZMA consistency concurrence or a presumption of concurrence in order for the activity to be authorized by such NWP (15 CFR 930.31(d)).

Issued: Those NWP (provided adherence to all required General and Regional Conditions defined by the USACE) with which the DCMP concurs that the uses of those NWP are consistent with the policies of the DCMP.

- NWP 1 - Aids to Navigation
- NWP 2 - Structures in Artificial Canals
- NWP 3 - Maintenance
- NWP 4 - Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- NWP 5 - Scientific Measurement Devices
- NWP 6 - Survey Activities
- NWP 7 - Outfall Structures and Associated Intake Structures
- NWP 9 - Structures in Fleeting and Anchorage Areas
- NWP 10 - Mooring Buoys
- NWP 11 - Temporary Recreational Structures
- NWP 13 - Bank Stabilization

- NWP 14 - Linear Transportation Projects
- NWP 15 - U.S. Coast Guard Approved Bridges
- NWP 16 – Return Water from Upland Contained Disposal Areas
- NWP 17 - Hydropower Projects
- NWP 18 - Minor Discharges
- NWP 19 – Minor Dredging
- NWP 20 - Oil Spill Cleanup
- NWP 22 - Removal of Vessels
- NWP 25 - Structural Discharges
- NWP 27 - Aquatic Ecosystem Restoration, Establishment, and Enhancement Activities
- NWP 28 - Modifications of Existing Marinas
- NWP 30 - Moist Soil Management for Wildlife
- NWP 31 - Maintenance of Existing Flood Control Facilities
- NWP 32 - Completed Enforcement Actions
- NWP 33 - Temporary Construction, Access, and Dewatering
- NWP 34 - Cranberry Production Activities
- NWP 36 - Boat Ramps
- NWP 37 - Emergency Watershed Protection and Rehabilitation
- NWP 38 - Cleanup of Hazardous and Toxic Waste
- NWP 41 - Reshaping Existing Drainage Ditches
- NWP 45 - Repair of Uplands Damaged by Discrete Events
- NWP 49 - Coal Remining Activities
- NWP 53 - Removal of Low-Head Dams

Conditioned: Those NWPs (provided adherence to all required General and Regional Conditions defined by the USACE) with which the DCMP conditionally concurs that the uses of those NWPs are consistent with the policies of the DCMP. The following analysis refers to each Nationwide Permit being granted with conditions, an explanation of why the condition is necessary to concur that the use of the permit would be consistent with the policies of the DCMP, and a citation to the policy(-ices) relevant to the condition.

- NWP 23 – Approved Categorical Exclusions

According to the recent regulatory changes to the National Environmental Policy Act, there are concerns related to the ability of agencies to adopt other agencies' categorical exclusions. As such, there is not enough information regarding other possible categorical exclusions to fully evaluate them against the policies of the DCMP. [7 DE Admin. Code 2201, subsection 3.2.3.2.1]

Specific Condition:

- 1) An individual federal consistency review is required for any proposed projects designated as a categorical exclusion that has not been previously approved as noted in the USACE regulatory guidance letter 05-07.

- NWP 35 - Maintenance Dredging of Existing Basins

As described in DCMP's NOAA-approved justification to review dredging projects exceeding 50,000 cubic yards in interstate waters, larger scale projects have more significant direct and secondary environmental impacts, and the required maintenance dredging to maintain a targeted depth must be considered with regard to cumulative impacts to the Delaware Estuary. Repeated, large-scale dredging operations can alter the balance of sediment transport systems. Sediment budget estimates indicate that maintenance dredging removes more sediment from the Delaware Estuary than that which is supplied by rivers, suggesting that the system as a whole has a deficit of sediment¹. Therefore, the increased removal of sediment has the potential to starve marshes of depositional material, needed to keep pace with rising sea levels. [7 DE Admin. Code 2201, subsections 5.3.2.7, 5.4.17, 5.4.25, and 5.11.1.1.1.3]

Specific Condition:

- 1) Proposed projects utilizing NWP 35 require individual consistency concurrence reviews if the proposed project exceeds 50,000 cubic yards of dredge material.

- NWP 40 - Agricultural Activities
NWP 42 - Recreational Facilities
NWP 43 - Stormwater Management Facilities
NWP 46 - Discharges in Ditches

According to Delaware's anti-degradation policies, degradation of water quality in such a manner that results in reduced number, quality, or river or stream mileage of existing uses shall be prohibited. Discharges into Delaware Exceptional Recreational or Ecological Significance (ERES) waters shall be avoided to the maximum extent practicable. In order to be permitted in ERES Waters, a discharge must be the least environmentally damaging, practicable alternative. Note: The DCMP continues to support the prohibition of the use of NWPs 40, 42, and 43 in Critical Resource Waters as specified in General Condition 22 and Regional General Condition 7. [7 DE Admin. Code 2201, subsections 5.3.1.5 and 5.3.1.13]

Specific Condition:

- 1) An individual federal consistency review is required for any projects that may result in discharges to Delaware ERES waters.

¹ Cook, T. L., Sommerfield, C. K., Wong, K-C. 2007. Estuarine, Coastal and Shelf Science. Vol. 72. pp 235-246.

- NWP 48 – Commercial Shellfish Mariculture

Water resources must be protected and conserved to ensure continued availability for public recreational purposes, public interest, for the conservation of aquatic life and wildlife, for surface and groundwater hydrology, and for sediment transport functions. Existing instream water uses and the level of water quality necessary to protect the existing uses must be maintained and protected. [7 DE Admin. Code 2201, subsections 5.3.1.3, 5.3.1.4, 5.3.1.6, 5.3.1.10, 5.4.17, 5.4.22, 5.4.23, 5.4.24, 5.11.1, 5.11.2, and 5.11.4]

Specific Condition:

- 1) An individual federal consistency review is required for projects proposed within critical resource waters and/or Delaware ERES Waters.

- NWP 54 - Living Shorelines

Changes in scope, size, location, or other characteristics of a project may lead to the utilization of the NWP outside of the conditions under which concurrence was issued. Additionally, proposed projects which include the establishment of pocket beaches may alter the use of existing subaqueous lands as allowed under the public trust doctrine, and the material used to create the pocket beach could alter the use of the shoreline by wildlife species (e.g., access and utilization by horseshoe crabs). [7 DE Admin. Code 2201, § 3.1.4, 5.4.22, 5.4.23, 5.11, 5.14]

Specific Conditions:

- 1) Proposed projects requiring a waiver by the USACE district engineer for NWP 54 or projects that propose pocket beaches will require individual consistency reviews.

- NWP 55 – Seaweed Mariculture Activities

No activity shall have an adverse environmental effect on living resources, and all forms of protected wildlife shall be managed and protected from negative impacts. The DCMP shall include in the review of a proposed activity the consideration of the activity's effects on the removal or recycling of inorganic nutrients, wetland production value, habitat value, and unique wetland features. Actions which may interfere with or otherwise adversely affect fish and wildlife in Delaware shall be implemented only after careful consultation with DNREC and exploration of alternatives less damaging to such fish and wildlife. Water resources must be protected and conserved to assure continued availability for public recreational purposes, public interest, for the conservation of aquatic life and wildlife, for surface and groundwater hydrology, and for sediment transport functions. Existing instream water uses and the level of water quality necessary to protect the existing uses must be maintained and protected. According to Delaware's anti-degradation policies, degradation of water quality in such a

manner that results in reduced number, quality, or river or stream mileage of existing uses shall be prohibited. Discharges to Delaware ERES Waters shall be avoided to the maximum extent practicable. In order to be permitted, a discharge must be the least environmentally damaging practicable alternative. [7 DE Admin. Code 2201, subsections 5.3.1.3, 5.3.1.4, 5.3.1.6, 5.3.1.10, 5.3.1.13, 5.3.1.14, 5.4.17, 5.4.22, 5.4.23, 5.4.24, 5.11.1, 5.11.2, and 5.11.4]

Specific Conditions:

- 2) An individual federal consistency review is required for projects proposed within critical resource waters and/or Delaware ERES Waters.
 - 3) Any introduced shellfish as part of an integrated multi-trophic mariculture system must be certified under Delaware standards as being disease and parasite free.
 - 4) Use of unsuitable materials for shellfish seeding (i.e. asphalt, bituminous concrete slag, tires, wallboard, plastic, wood, metal, crushed glass, and garbage) is prohibited.
 - 5) Any proposed mariculture activity within any portion of the Shellfish Aquaculture Development Areas (SADA) locations in the Delaware Inland Bays would not be subject to the terms of Regional General Conditions G-1 or G-2.
 - 6) Any PCN to the Corps of Engineers for any mariculture activities within the SADA locations in the Delaware Inland Bays must provide the following information: (1) name and address of the applicant, (2) a copy of any lease agreement between the applicant and the State of Delaware for the proposed mariculture activity, (3) a description of the proposed equipment to be used at each location, (4) the location of the proposed activity including latitude and longitude coordinates along with any other lease area identification numbers further identifying the leased area(s).
- NWP 57 - Electric Utility Line and Telecommunications Activities
NWP 58 - Utility Line Activities for Water and Other Substances

According to Delaware's anti-degradation policies, degradation of water quality in such a manner that results in reduced number, quality, or river or stream mileage of existing uses shall be prohibited. Discharges to Delaware ERES Waters shall be avoided to the maximum extent practicable. In order to be permitted, a discharge must be the least environmentally damaging practicable alternative. [7 DE Admin. Code 2201, § 5.3.1.13, 5.3.1.14]

Specific Condition:

- 1) An individual federal consistency review is required for any projects proposed within Delaware ERES Waters.
- NWP 59 - Water Reclamation and Reuse Facilities

No activity shall have an adverse environmental effect on living resources, and all forms of protected wildlife shall be managed and protected from negative impacts. The DCMP shall include in the review of a proposed activity the consideration of the activity's effects on the

removal or recycling of inorganic nutrients, wetland production value, habitat value, and unique wetland features. Actions which may interfere with or otherwise adversely affect fish and wildlife in Delaware shall be implemented only after careful consultation with DNREC and exploration of alternatives less damaging to such fish and wildlife. Water resources must be protected and conserved to assure continued availability for public recreational purposes, public interest, for the conservation of aquatic life and wildlife, for surface and groundwater hydrology, and for sediment transport functions. Impairment of water resources in such a manner that results in reduced number, quality, or river or stream mileage of existing uses is prohibited. According to Delaware's anti-degradation policies, degradation of water quality in such a manner that results in reduced number, quality, or river or stream mileage of existing uses shall be prohibited. Discharges to Delaware ERES Waters shall be avoided to the maximum extent practicable. In order to be permitted, a discharge must be the least environmentally damaging practicable alternative. DCMP considers the degree to which the project incorporates sound engineering principles and appropriate materials of construction. [7 DE Admin. Code 2201, subsections 5.3.1.3, 5.3.1.4, 5.3.1.6, 5.3.1.7, 5.3.1.10, 5.4.17, 5.4.22, 5.4.23, 5.4.24, 5.11.1, 5.11.2, and 5.11.4]

Specific Conditions:

- 1) Projects proposed in critical resource waters and/or Delaware ERES waters require individual federal consistency reviews.
- 2) This NWP does not authorize the placement of any temporary structures in any areas mapped with submerged aquatic vegetation (SAV).
- 3) This NWP may not be used to authorize stream elimination, relocation, or impoundment.
- 4) This NWP does not authorize construction of sewage disposal systems in waters of the United States.
- 5) Activities occurring in wetlands, authorized by this NWP shall require the use of construction pads, timber matting, and/or geotextile fabric, or a best management practice (BMP) to prevent wetland compaction.

- NWP A - Activities to Improve Passage of Fish and Other Aquatic Organisms

No activity shall have an adverse environmental effect on living resources, and all forms of protected wildlife shall be managed and protected from negative impacts. Actions which may interfere with or otherwise adversely affect fish and wildlife in Delaware shall be implemented only after careful consultation with DNREC and exploration of alternatives less damaging to such fish and wildlife. [7 DE Admin. Code 2201, subsections 5.11.2.1, 5.11.4.1]

Specific Conditions:

- 1) Coordination with DNREC Division of Fish and Wildlife, Fisheries Section regarding the design and installation of activities to improve passage of fish and other aquatic organisms is required when utilizing this NWP.

- 2) Activities related to nature-like fishways, in-water structures, and weirs shall follow the standards for fish passage found in the Federal Interagency design guidelines for Atlantic Coast diadromous fishes (related to swimming capabilities and safe, timely, efficient passage)² to minimize impacts to target species.

If the district engineer does not intend to incorporate any of the above conditions into the “Delaware 2026 Nationwide Permit Regional Conditions”, please notify the DCMP of this decision and direct prospective applicants for the affected NWP(s) to seek individual federal consistency review.

Denied: Those NWPs with which the DCMP concludes that the use of those NWPs are inconsistent with the policies of the DCMP, and therefore, individual federal consistency reviews would be required.

- NWP 8 - Oil and Gas Structures on the Outer Continental Shelf
- NWP 12 - Oil or Natural Gas Pipeline Activities
- NWP 21 - Surface Coal Mining Activities
- NWP 29 - Residential Developments
- NWP 39 - Commercial and Institutional Developments
- NWP 44 - Mining Activities
- NWP 50 - Underground Coal Mining Activities
- NWP 51 - Land-Based Renewable Energy Generation Facilities
- NWP 52 - Water-Based Renewable Energy Generation Pilot Projects

Proposed projects discharging dredged or fill material into waters of the United States for oil or natural gas pipeline activities, residential development, commercial and institutional development, mining activities, and land- or water-based renewable energy generation facilities, as permitted under NWPs 8, 12, 21, 29, 39, 44, 50, 51, and 52 require individual federal consistency reviews.

Water resources of the state must be protected and conserved to assure continued availability for public recreational purposes, public interest, for the conservation of aquatic life and wildlife, for surface and groundwater hydrology, and for sediment transport functions. Existing instream water uses and the level of water quality necessary to protect the existing uses must be maintained and protected. Impairment of water resources in such a manner that results in reduced number, quality, or river or stream mileage of existing uses is prohibited. All surface waters of the state must be free from substances that are attributable to wastes of industrial, municipal, agricultural, or other human-induced origin. Additionally, no activity shall have an adverse environmental effect on living resources, and all forms of protected wildlife shall be managed and protected from negative impacts. Actions which may interfere with or otherwise adversely affect fish and wildlife in Delaware shall be implemented only after careful consultation with DNREC and exploration of alternatives less damaging to such fish and wildlife. [7 DE Admin. Code 2201, subsections 5.3.1.3, 5.3.1.4, 5.3.1.6, 5.3.1.10, 5.3.1.15, 5.4.17, 5.4.22, 5.4.23, 5.4.24, 5.11]

² Turek, James et al. (2016). Federal Interagency Nature-like Fishway Passage Design Guidelines for Atlantic Coast Diadromous Fishes (<https://repository.library.noaa.gov/view/noaa/28919>).

- Nationwide Permit 8 - Oil and Gas Structures on the Outer Continental Shelf

In addition to the justification noted above, Sections 307(c) and (d) of the CZMA provide that no federal agency shall grant a license or permit for any activity described in detail in an OCS plan which affects any land or water use or natural resource in the coastal zone until the DCMP concurs with the certification of consistency made by the person submitting the OCS plan. The discharge of oil from a vessel, truck, pipeline, storage tank, or tank cars which causes or poses a threat of making a film on, emulsion in, or sludge beneath the waters of the state or its shoreline is prohibited. [7 DE Admin. Code 2201, subsections 2.2.3, 5.3.1.15]

- Nationwide Permit 12 - Oil or Natural Gas Pipeline Activities

In addition to the justification noted above, the natural environment of the coastal strip must be protected from the impacts of heavy industry and oil pollution for the purpose of recreation, tourism, fishing, crabbing, and gathering other marine life useful in food production. The discharge of oil from a vessel, truck, pipeline, storage tank, or tank cars which causes or poses a threat of making a film on, emulsion in, or sludge beneath the waters of the state or its shoreline is prohibited. Offshore pipelines which transfer bulk quantities of gas, oil, or other liquids are prohibited from terminating within the coastal strip. Leases for the extraction and production of minerals determined to be in the public's interest must not create any air, water, or other pollution, endanger marine life or wildlife, and must protect state lands from drainage of oil, gas, or other minerals or objectionable substances. [7 DE Admin. Code 2201, subsections 5.3.1.15, 5.4.2, 5.4.10, 5.4.14.7, and 5.12.1]

- NWP 29 - Residential Developments

In addition to the justification noted above, new community development actions should discourage "sprawl" and generally should occur within or near existing population concentrations where utility networks and community facilities and services are already in place or can economically be expanded. [7 DE Admin. Code 2201, subsections 5.23.1.1.1 and 5.23.1.1.2]

- NWP 39 - Commercial and Institutional Developments

In addition to the justification noted above, major commercial development should be encouraged in existing central business districts. Commercial strip development impedes traffic flow throughout the highway network, reduces the operating capacity of roadways, and decentralizes commercial activity should be significantly curtailed. [7 DE Admin. Code 2201, subsection 5.23.1.2]

- NWP 21 - Surface Coal Mining Activities
NWP 44 - Mining Activities
NWP 50 - Underground Coal Mining Activities

In addition to the justification noted above, coal mining activities have not occurred within Delaware and as such, there is not enough information regarding possible impacts to fully evaluate them against the policies of the DCMP. Additionally, leases for the extraction and production of minerals determined to be in the public's interest must not create any air, water, or other pollution, endanger marine life or wildlife, and must protect state lands from drainage of oil, gas, or other minerals or objectionable substances. [7 DE Admin. Code 2201, subsections 3.2.3.2.1 and 5.12.1]

- NWP 51 - Land-Based Renewable Energy Generation Facilities

The use of this NWP is denied on the basis of the justification noted above regarding potential impacts to water quality and living resources.

- NWP 52 - Water-Based Renewable Energy Generation Pilot Projects

In addition to the justification noted above, sections 307(c) and (d) of the CZMA provide that no federal agency shall grant a license or permit for any activity described in detail in an OCS plan which affects any land or water use or natural resource in the coastal zone until the DCMP concurs with the certification of consistency made by the person submitting the OCS plan. [7 DE Admin. Code 2201, subsection 2.2.3]

Summary - Table of Nationwide Permits and Delaware's Coastal Zone Management Federal Consistency Review

Nationwide Permit	Delaware CZMA Response
1. Aids to Navigation	Issued
2. Structures in Artificial Canals	Issued
3. Maintenance	Issued
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	Issued
5. Scientific Measurement Devices	Issued
6. Survey Activities	Issued
7. Outfall Structures and Associated Intake Structures	Issued
8. Oil and Gas Structures on the Outer Continental Shelf	Denied
9. Structures in Fleeting and Anchorage Areas	Issued
10. Mooring Buoys	Issued
11. Temporary Recreational Structures	Issued
12. Oil or Natural Gas Pipeline Activities	Denied
13. Bank Stabilization	Issued
14. Linear Transportation Projects	Issued

Nationwide Permit	Delaware CZMA Response
15. U.S. Coast Guard Approved Bridges	Issued
16. Return Water from Upland Contained Disposal Areas	Issued
17. Hydropower Projects	Issued
18. Minor Discharges	Issued
19. Minor Dredging	Issued
20. Response Operations for Oil or Hazardous Substances	Issued
21. Surface Coal Mining Activities	Denied
22. Removal of Vessels	Issued
23. Approved Categorical Exclusions	Conditioned
24. Indian Tribe or State Administered Section 404 Programs (Delaware does not administer Section 404)	-
25. Structural Discharges	Issued
26. [Reserved]	-
27. Aquatic Ecosystem Restoration, Establishment, and Enhancement Activities	Issued
28. Modifications of Existing Marinas	Issued
29. Residential Developments	Denied
30. Moist Soil Management for Wildlife	Issued
31. Maintenance of Existing Flood Control Facilities	Issued
32. Completed Enforcement Actions	Issued
33. Temporary Construction, Access, and Dewatering	Issued
34. Cranberry Production Activities	Denied
35. Maintenance Dredging of Existing Basins	Conditioned
36. Boat Ramps	Issued
37. Emergency Watershed Protection and Rehabilitation	Issued
38. Cleanup of Hazardous and Toxic Waste	Issued
39. Commercial and Institutional Developments	Denied
40. Agricultural Activities	Conditioned
41. Reshaping Existing Drainage Ditches	Issued
42. Recreational Facilities	Conditioned
43. Stormwater Management Facilities	Conditioned
44. Mining Activities	Denied
45. Repair of Uplands Damaged by Discrete Events	Issued
46. Discharges in Ditches	Conditioned
47. [Reserved]	-
48. Commercial Shellfish Mariculture Activities	Conditioned
49. Coal Remining Activities	Issued
50. Underground Coal Mining Activities	Denied
51. Land-Based Renewable Energy Generation Facilities	Denied
52. Water-Based Renewable Energy Generation Pilot Projects	Denied
53. Removal of Low-Head Dams	Issued
54. Living Shorelines	Conditioned
55. Seaweed Mariculture Activities	Conditioned

Nationwide Permit	Delaware CZMA Response
56. [Not Reissued] Finfish Mariculture Activities	-
57. Electricity Utility Line and Telecommunication Activities	Conditioned
58. Utility Line Activities for Water and Other Substances	Conditioned
59. Water Reclamation and Reuse Facilities	Conditioned
A. Activities to Improve Passage of Fish and Other Aquatic Organisms	Conditioned

Pursuant to 15 CFR § 930.31(e), in the case of modifications of any aspect of the NWP as proposed that result in a substantially different effect on any coastal use or resource, the DCMP will review the modified aspects of this activity for consistency with the enforceable policies of Delaware's approved management program.

Thank you for the opportunity to review and respond to the 2026 Proposal to Reissue and Modify Nationwide Permits federal consistency determination. The DCMP looks forward to working with the Philadelphia District to continue to implement the NWP program in Delaware. If you have any questions, please contact Jennifer Holmes of my staff at (302) 739-9283.

Sincerely,



Jesse Hayden, Administrator
Coastal Programs Section

JH;jlh

cc: File FC 2025.0039
Kimberly Cole – DNREC DCCE
Tina Merrill – DNREC DAQ
Pamela Keeney – DNREC DAQ
Anthony Gonzon – DNREC DFW
John Clark – DNREC DFW
Matthew Jones – DNREC DW
Rebecca Boboloa – DNREC DW
Michael Bott – DNREC DWS
Michael Yost – USACE

July 2, 2026: Received from Fran Papili, Anchor Way

Anchor Way Shoreline Project: Source of Fill:

- Sand: Melvin Joseph Sand & Gravel
- Stone: Martin-Marietta



1. Permit Drawings (8½" x 11"): Sheets 1 through 5; a. Revised sheet 4 of 5 (23Sept2025) showing the MHW, MH Tideb. Revised permit application sheet 2 of 3 (23Sept2025)

August 7, 2020

Regulatory Division

SUBJECT: Nationwide Permit 13 Verification NAP-2024-00724-85
Anchor Way Stone Groins SX
Central coordinates (38.687067°N, 75.075934°W)

Fran Papili
Anchor Way, LLC
Post Office Box 201
Rehoboth Beach, Delaware 19971
fpapili@comcast.net

Dear Fran Papili:

This letter is written in regard to your proposal to construct 2 riprap groins and place sand fill to stabilize an eroding shoreline. This project is located along the Rehoboth Bay shoreline at 116 Anchor Way in Dewey Beach, Sussex County, Delaware. Based upon our review of the information that has been provided, it has been determined that the proposed work is authorized by Department of the Army Nationwide Permit (NWP) 13 Bank Stabilization pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

This verification of authorization under NWP 13, described in the Federal Register at 91 FR 768, is based on your agreement to comply with the general conditions, regional conditions and project specific special conditions listed in this letter. Copies of the NWP descriptions, NWP general conditions and the NWP regional conditions for Delaware can be found at:

2026 NWP Descriptions, General Conditions, and Definitions:
<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>

2026 Delaware Regional Conditions:
<https://www.nap.usace.army.mil/Missions/Regulatory/Permits/NWP.aspx>

Federal permits require determination from the State that the activities are consistent with the State's coastal zone management (CZM) program if the activity is located within the State's coastal zone. The entire State of Delaware has been designated as a Coastal Zone Management Area. A general CZM consistency concurrence has been issued for this permit. Federal permits also require the State's certification of compliance with section 401 of the Clean Water Act through the receipt of a 401 Water

Quality Certification (WQC) if the activity involves a Section 404 discharge. A general water quality certification has been issued for this permit.

This verification of NWP authorization is valid until the 2021 Nationwide Permits expire on **March 15, 2031**, unless the NWP authorization is modified, suspended, or revoked prior to this date. In the event that the NWP authorization is modified during that time period, this expiration date will remain valid, provided the activity complies with any subsequent modification of the NWP authorization.

Activities which have commenced (i.e. are under construction) or are under contract to commence in reliance upon an NWP will remain authorized provided the activity is completed within twelve months of the date of an NWP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

Special Conditions:

1. All work performed in association with the subject project shall be conducted in accordance with the **enclosed** project plans identified as SHORELINE IMPROVEMENTS IN: REHOBOTH BAY AT: DEWEY BEACH SUSSEX COUNTY, DELAWARE, prepared by Davis Bowen & Friedel, Incorporated, dated July 2024, 5 sheets.
2. Construction activities shall not result in the disturbance or alteration of greater than 0.08 acre of waters of the United States.
3. Any deviation in construction methodology or project design from that shown on the enclosed project plans must be approved by this office, in writing, prior to performance of the work. All modifications to the enclosed project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office.
4. This office shall be notified prior to the commencement of authorized work by completing and signing the **enclosed** "Notification of Commencement" form. This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the **enclosed** "Notification of Completion" form. Notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.

5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your general permit.
6. The permittee is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.
7. To ensure compliance with Regional Condition – 5b (G-5b) to protect Essential Fish Habitat (EFH) species, their prey species, and/or their habitats the following conditions shall be met:
 - a. To protect diadromous fish migrations and spawning as well as young of year summer flounder, in-water work shall be avoided from **April 1 to September 1**.
 - b. Work within cofferdams that fully enclose and dewater the project area can proceed any time during the year provided that the cofferdams are installed or removed outside of the seasonal work restriction and do not preclude the free movement of migrating and spawning aquatic species to ensure compliance with NWP General Condition 2 and 3.
8. To ensure compliance with Regional Condition – 6 (G-6) to protect NOAA Trust Resources pursuant to the Fish and Wildlife Coordination Act, the following conditions shall be met:
 - a. In order to protect the American horseshoe crab (*Limulus polyphemus*), a NOAA Trust Resource, in-water work shall be avoided from River Mile Zero (RM 0) at the mouth of the Delaware Bay, extending to the Kent/New Castle County line along the Delaware Bay shoreline, and to include ALL tributary mouths within this reach, from **April 15 to August 30**. In-water work shall also be avoided in Rehoboth Bay and Indian River Bay within this time of year restriction. This condition does not apply to on-going Commercial Shellfish Mariculture Activities (NWP 48) activities where a PCN was submitted and verified by the Corps of Engineers.
 - b. For all activities requiring the use of poured concrete in waters of the United States, any discharge of poured concrete must be contained within watertight cells/forms or poured in the dry until the concrete has set.

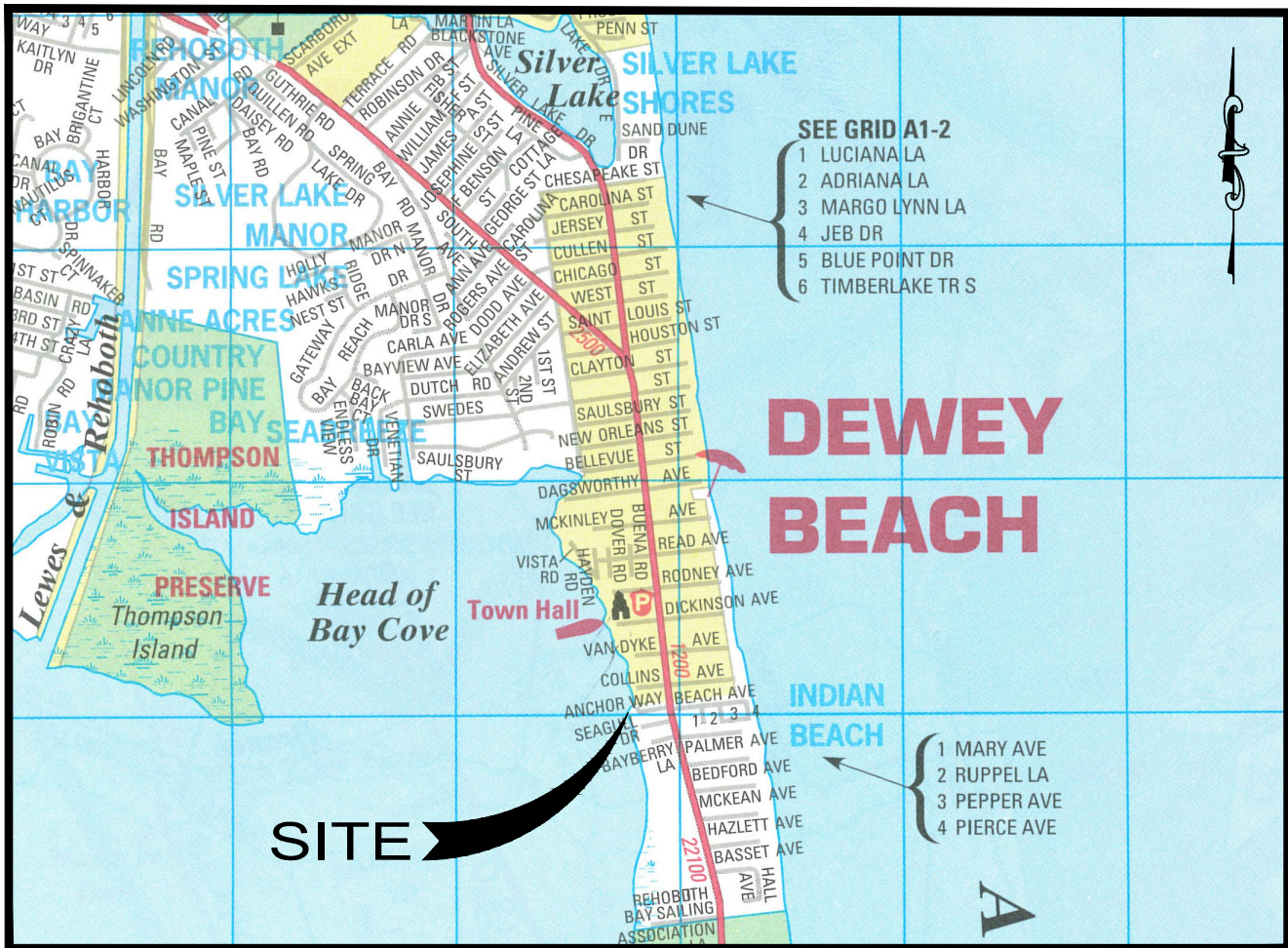
Also **enclosed** with this NWP verification letter is a form seeking any comments, positive or otherwise, on the procedures, timeliness, fairness, etc. of the permit process. You may forward your comments along with the signed "Notification of Commencement" form or "Notification of Completion" form, following the directions provided on the form. If you should have any questions or concerns, please contact Michael D. Yost at (267) 240-5278 or michael.d.yost@usace.army.mil.

Sincerely,

Michael D. Yost
Senior Regulatory Project Manager

Enclosures

cc:
Kenneth Eaton, Davis, Bowen & Friedel, Incorporated
Wetlands and Waterways Section, DDNREC
Delaware Coastal Management Program, DDNREC
Greater Atlantic Region Field Office, NMFS HESD, NOAA



Vicinity Map

SCALE : 1" = 2000'



First Edition Map 27, Grid C4-5

Copyright ADC The Map People
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SCOPE OF WORK

Stone Groins (2):

North: 13.6' wide x 45' long; 38' max. from MHW

South: 13.0' wide x 95' long; 75' max from MHW

Sand Cut: 32 cy

Sand Fill: 130 cy; 38' max from MHW

INDEX OF DRAWINGS

- 1 - - - - - COVER
- 2 - - - - - ADJACENT PROPERTY OWNERS
- 3 - - - - - EXISTING CONDITIONS
- 4 - - - - - SITE PLAN
- 5 - - - - - SECTIONS

ADJOINING PROPERTY OWNERS

TAX MAP 334-23.06-6.00:
DISTANT HORIZAN DREAM, INC.
(VILLAS BY THE SEA)
116 WEST WATER STREET
DOVER, DE 19904

TAX MAP 334-23.06-11.00:
CAROL MERTES-SMITH
207 HERONWOOD LANE
MILTON, DE 19968

NOTES:

1. MEAN TIDAL RANGE IS APPROXIMATELY 2.68 FEET.
2. SOUNDINGS ARE IN FEET AND REFER TO MLW.
3. THESE DRAWINGS ARE FOR PERMIT PURPOSES ONLY. DESIGN DRAWINGS ARE TO BE PROVIDED SEPARATELY.



**DAVIS
BOWEN &
FRIEDEL, INC.**

ARCHITECTS • ENGINEERS • SURVEYORS

**EASTON, MARYLAND
410.770.4744**

**MILFORD, DELAWARE
302.424.1444**

**SALISBURY, MARYLAND
410.543.9091**

SHEET 1 OF 5

Shoreline Improvements

IN: REHOBOTH BAY
AT: DEWEY BEACH
SUSSEX COUNTY, DELAWARE
APPL. BY: ANCHOR WAY, LLC
DATE: JULY 2024



Distant Horizan Dream Inc.
Villas by the Sea
116 West Water Street
Dover, DE 19904
Tax Map 334-23.06-6.00

Tax Map 334-23.06-7.00

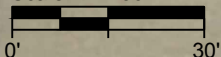
SITE

REHOBOTH
BAY

Carol Mertes-Smith
207 Heronwood Lane
Milton, DE 19968
Tax Map 334-23.06-11.00

Adjacent Property Owners

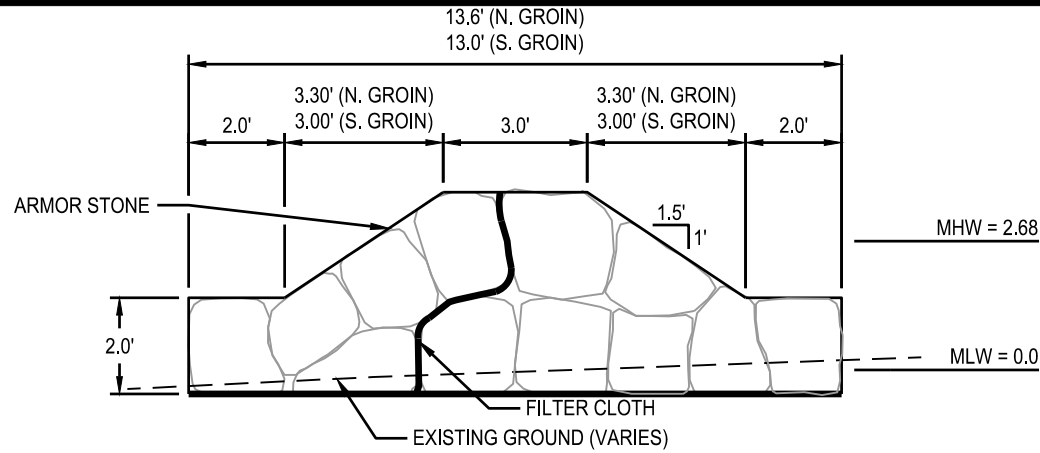
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SHEET 2 OF 5

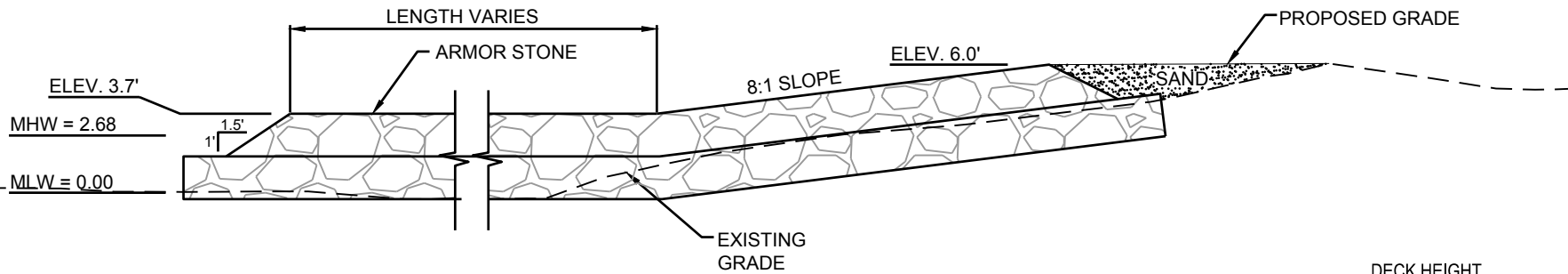
Shoreline Improvements

IN: REHOBOTH BAY
AT: DEWEY BEACH
SUSSEX COUNTY, DELAWARE
APPL. BY: ANCHOR WAY, LLC
DATE: JULY 2024



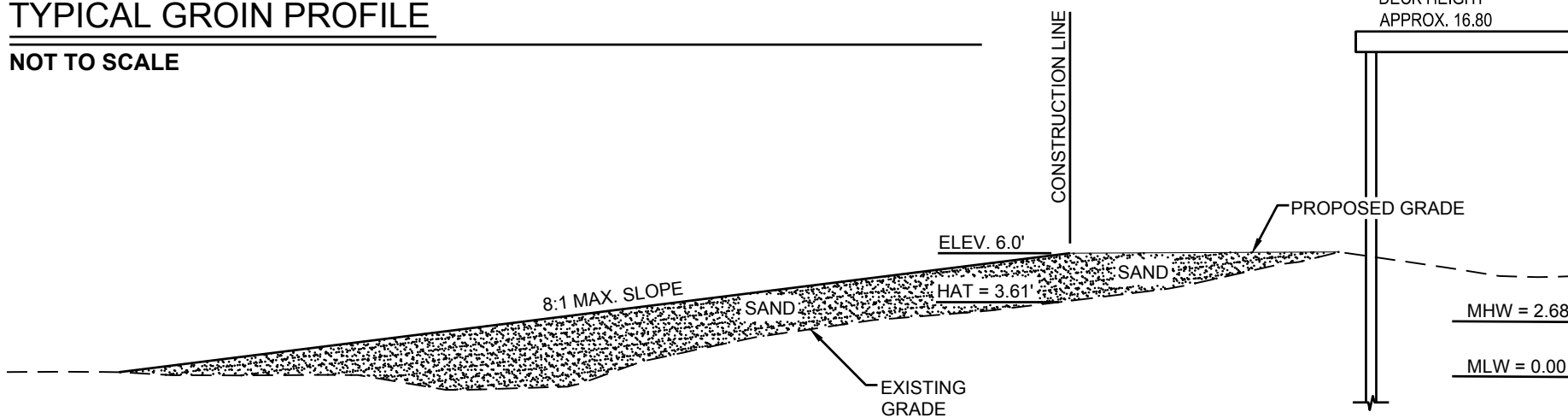
TYPICAL GROIN SECTION

SCALE : 1" = 4'



TYPICAL GROIN PROFILE

NOT TO SCALE



SHORELINE STABILIZATION SECTION

NOT TO SCALE



**US Army Corps
of Engineers®**
Philadelphia District

NOTIFICATION OF COMMENCEMENT

Permittee Name:	File Number:	County, State:
	NAP-	
INSTRUCTIONS		
Complete and sign this form and return it to PhiladelphiaDistrictRegulatory@usace.army.mil at least 10 days before commencement of the activity authorized by this permit. If you do not have the means to return this form electronically, you may print this document and mail it to: U.S. Army Corps of Engineers Philadelphia District Attn: CENAP-RG 1650 Arch Street Philadelphia, PA 19103-2004 Please Note: The permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. Failure to return this notification form or failure to perform work in compliance with the permit, may result in administrative, civil and/or criminal penalties, or the subject permit may be suspended or revoked.		
CERTIFICATION		
I have received authorization from the Philadelphia District Regulatory Division to:		
The authorized work will begin on or about:		
The company/name and address of the contractor completing the work is:		
I <u>hereby certify</u> that the work authorized by the above referenced permit shall be completed in accordance with all of the terms and conditions of the above noted permit.		
Permittee Signature:	Date:	Telephone Number:
Contractor Signature:	Date:	Telephone Number:



**US Army Corps
of Engineers®**
Philadelphia District

NOTIFICATION OF COMPLETION

Permittee Name:	File Number:	County, State:
	NAP-	
INSTRUCTIONS		
Complete and sign this form and return it to PhiladelphiaDistrictRegulatory@usace.army.mil within 10 days after completion of the activity authorized by this permit. If you do not have the means to return this form electronically, you may print this document and mail it to: U.S. Army Corps of Engineers Philadelphia District Attn: CENAP-RG 1650 Arch Street Philadelphia, PA 19103-2004 Please Note: The permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. Failure to return this notification form or failure to perform work in compliance with the permit, may result in administrative, civil and/or criminal penalties, or the subject permit may be suspended or revoked.		
CERTIFICATION		
I have received authorization from the Philadelphia District Regulatory Division to:		
The authorized work began on:		
The authorized work was completed on:		
The company/name and address of the contractor that completed the work is:		
I <u>hereby certify</u> that the work authorized by the above referenced permit has been completed in accordance with all of the terms and conditions of the above noted permit.		
Permittee Signature:	Date:	Telephone Number:
Contractor Signature:	Date:	Telephone Number:



**US Army Corps
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Philadelphia District

We are soliciting your views and comments concerning the processing of your Department of the Army permit application request. Any input, positive or otherwise, on procedures, timeliness, fairness, etc., would be appreciated.

Please write your comments in the space provided below and return to the Philadelphia District Regulatory Division at PhiladelphiaDistrictRegulatory@usace.army.mil or if you do not have the means to return this form electronically you may print this document and mail to:

U.S. Army Corps of Engineers Philadelphia District
Attn: CENAP-RG
1650 Arch Street
Philadelphia, PA 19103-2004

FILE NUMBER: (Example: NAP-2026-00174-96)

COMMENTS:

Thank you for taking the time to provide feedback which we can use to acknowledge great performance, correct problems and generally improve our business practices.

Updated March 26, 2026