Delaware Department of Natural Resources and Environmental Control
Delaware Coastal Management Program

Initial Review: _____
Updated On: _____
Complete: _____
Official Use Only

Coastal Zone Management Act Federal Consistency Form

This document provides the Delaware Coastal Management Program (DCMP) with a Federal Consistency Determination or Certification for activities regulated under the Coastal Zone Management Act of 1972, as amended, and NOAA's Federal Consistency Regulations, 15 C.F.R. Part 930. Federal agencies and other applicants for federal consistency are not required to use this form; it is provided to applicants to facilitate the submission of a Consistency Determination or Consistency Certification. In addition, federal agencies and applicants are only required to provide the information required by NOAA's Federal Consistency Regulations.

Project/Activity Name:	CARBONE RIP-RAP; DOCKING FACILITIES

I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: Evelyn Maurmeyer, CER, Inc. (applicant's agent)

Federal Agency Contractor Name (if applicable): n/a

Federal Agency: IP application submitted to US Army Corps of Engineers
(either the federal agency proposing an action or the federal agency issuing a federal license/permit or financial assistance to a non-federal applicant)

Mailing Address: PO Box 674

City: Lewes State: DE Zip Code: 19958

E-mail: maurmeye@udel.edu Telephone #: (302) 645-9610

II. Federal Consistency Category:

- (●) Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)
- ( ) Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)
- ( ) Federal Financial Assistance (15 C.F.R. Part 930, Subpart F)
- ( ) Federal License or Permit Activity (15 C.F.R. Part 930, Subpart D)
- ( ) Federal License or Permit Activity which occurs wholly in another state (interstate consistency activities identified in DCMP's Policy document)

III. Detailed Project Description (attach additional sheets if necessary):

See attached sheets

IV. General Analysis of Coastal Effects (attach additional sheets if necessary):

See attached sheets

V. Detailed Analysis of Consistency with DCMP Enforceable Policies (attach additional sheets if necessary):

SEE ATTACHED SHEETS FOR POLICIES 5.1-5.25

Policy 5.1: Wetlands Management

Policy 5.2: Beach Management

Policy 5.3: Coastal Waters Management (includes wells, water supply, and stormwater management. Attach additional sheets if necessary)

Policy 5.4: Subaqueous Land and Coastal Strip Management

Policy 5.5: Public Lands Management

Policy 5.6: Natural Lands Management

Policy 5.7: Flood Hazard Areas Management

Policy 5.8: Port of Wilmington

Policy 5.9: Woodlands and Agricultural Lands Management

Policy 5.10: Historic and Cultural Areas Management

Policy 5.11: Living Resources

Policy 5.12 Mineral Resources Management

Policy 5.13: State Owned Coastal Recreation and Conservation

Policy 5.14: Public Trust Doctrine

Policy 5.15: Energy Facilities

Policy 5.16: Public Investment

Policy 5.17: Recreation and Tourism

Policy 5.18: National Defense and Aerospace Facilities

Policy 5.19: Transportation Facilities

Policy 5.20: Air Quality Management

Policy 5.21: Water Supply Management

Policy 5.22: Waste Disposal Management

Policy 5.23: Development

Policy 5.24: Pollution Prevention

Policy 5.25: Coastal Management Coordination

VI. JPP and RAS Review (Check all that apply):

Has the project been reviewed in a monthly Joint Permit Processing and/or Regulatory Advisory Service meeting?

☐ JPP ☐ RAS ☐ None

*If yes, provide the date of the meeting(s): _____

VII. **Statement of Certification/Determination and Signature** (Check one and sign below):

☑ **FEDERAL AGENCY CONSISTENCY DETERMINATION.** Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Delaware Coastal Management Program.

OR

☐ **FEDERAL AGENCY NEGATIVE DETERMINATION.** Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity will not have any reasonably foreseeable effects on Delaware's coastal uses or resources (Negative Determination) and is therefore consistent with the enforceable policies of the Delaware Coastal Management Program.

OR

☐ **NON-FEDERAL APPLICANT'S CONSISTENCY CERTIFICATION.** Based upon the information, data, and analysis included herein, the non-federal applicant for a federal license or permit, or state or local government agency applying for federal funding, listed in (I) above, finds that this proposed activity complies with the enforceable policies of the Delaware Coastal Management Program and will be conducted in a manner consistent with such program.

Signature:	Evelyn M Maurmeyer		
Printed Name:	Evelyn M. Maurmeyer, CER, Inc.	Date:	11/23/2020

Pursuant to 15 C.F.R. Part 930, the Delaware Coastal Management Program must provide its concurrence with or objection to this consistency determination or consistency certification in accordance with the deadlines listed below. Concurrence will be presumed if the state's response is not received within the allowable timeframe.

Federal Consistency Review Deadlines:

Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)	60 days with option to extend an additional 15 days or stay review (15 C.F.R. § 930.41)
Federal License or Permit (15 C.F.R. Part 930, Subpart D)	Six months, with a status letter at three months. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.63)
Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)	Six months, with a status letter at three months. If three month status letter not issued, then concurrence presumed. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.78)
Federal Financial Assistance to State or Local Governments (15 C.F.R. Part 930, Subpart F)	State Clearinghouse schedule

OFFICIAL USE ONLY:

Reviewed By:	Fed Con ID:	Date Received:
Public notice dates: to	Comments Received: ☐ NO ☐ YES *[attach comments]*	
Decision type: *(objections or conditions attach details)*	Decision Date:	

COASTAL & ESTUARINE RESEARCH, INC.
Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958
302-645-9610

November 23, 2020

DELAWARE COASTAL MANAGEMENT PROGRAM
FEDERAL CONSISTENCY CERTIFICATION

Applicant

[redacted]

III. Detailed Project Description

Site Location

The proposed project site is 99 Tidewater Road, Henlopen Acres, Sussex County, Delaware (Tax Map Parcel #3-34-13.16-19.00). See Figures 1, 2, and 3 for location maps and directions to site. The site location is depicted on USGS topographic map, Rehoboth Beach, Delaware quadrangle (Figure 4), and is adjacent to the Lewes and Rehoboth Canal. Width of waterway at project site = 120'±. The site location is depicted on State of Delaware DNREC Wetland Map #DNR035, 1988 photobase (Figure 5), and is mapped O (other, uplands or non-tidal wetlands less than 400 acres), adjacent to W (Water). See Figure 6 for aerial photograph, and Figure 7 for ground-level photograph of site. No bank stabilization nor docking structures are present.

Proposed Project

The applicant proposes the following activities (see Figures 8 and 9 for plan view and cross-sections):

- Installation of a 50' x 8' deck and 100' retaining wall landward of MHWL/HTL).
- Placement of 100 linear feet of stone rip-rap (50-150 lb. stone).
- Construction of a 12' x 4' fixed pier; a 5' x 50' fixed dock, and two (2) PWC lifts.
- Installation of one floating 6' x 12' kayak dock.

The deck, retaining wall, and rip-rap will be installed using land-based equipment. The docking facilities will be installed from the water (barge-mounted equipment). Pilings will be 10" diameter salt-treated wood, installed using a vibratory hammer.

IV. General Analysis of Coastal Effects.

Purpose of the rip-rap is bank stabilization. The structure will reduce erosion and flooding of the low- upland bank. Purpose of the docking facility is to provide mooring facilities for vessels the applicant intends to purchase (25' power boat/pontoon; two Jet-skis or similar PWC). The kayak dock will be used to launch the applicant's kayaks (non-motorized). The docking facility will not extend more than 20% of the width of the waterway, nor will it extend into the Corps' buffer zone. The proposed project will assure continued availability of the waterway (Lewes and Rehoboth Canal) for public recreational purposes. The proposed project is consistent with enforceable policies of the Delaware Coastal Management Program, as described in greater detail in the ensuing sections.

V. Detailed Analysis of Consistence with DCMP Enforceable Policies

Policy 5.1: Wetlands Management. No DNREC-regulated wetlands are mapped at the site (see Figure 5).

Policy 5.2: Beach Management. The project site is not within the area of DNREC-regulated beaches.

Policy 5.3: Coastal Waters Management. The proposed project will assure continued availability of the waterway (Lewes and Rehoboth Canal) for public recreational purposes. The project will maintain beneficial uses of the waterway for the public (including secondary contact recreation such as boating and fishing). Moreover, the project will not result in pollution which may threaten the safety and health of the public. The waterway is not designated for use as a public water supply. Approved materials will be utilized for construction (stone rip-rap; salt-treated wood pilings, galvanized hardware; aluminum/steel lifts; poly floats). No creosote-treated timber or other harmful materials will be utilized. It is not anticipated that the proposed project will degrade the waterway.

Policy 5.4: Subaqueous Land and Coastal Strip Development. The proposed project does not involve industrial nor manufacturing facilities. Other than placement of stone rip-rap for bank stabilization, there is no deposition of material (filling) nor extraction of materials (dredging) associated with the proposed project in subaqueous lands. The coastal strip will continue to be protected for public use for recreation, fishing, and crabbing; the proposed project will not impact these activities. No additional supporting facilities will be required for the project.

Policy 5.5: Public Lands Management. The applicant has submitted a permit application to the Wetlands and Subaqueous Lands Section, DNREC, for which a Subaqueous Lands Permit/Lease will be issued.

Policy 5.6: Natural Lands Management. The project site does not lie within a State Natural Heritage site nor within a Delaware National Estuarine Research Reserve.

Policy 5.7: Flood Hazard Areas Management. The proposed project is not anticipated to contribute to increased flood hazards. In fact, the rip-rap is expected to reduce flood damage.

Policy 5.8: Port of Wilmington. The project site is not located in the Port of Wilmington.

Policy 5.9: Woodlands and Agricultural Lands Management. The project site is located in Henlopen Acres, a residential community, not in woodlands nor agricultural lands.

Policy 5.10: Historic and Cultural Areas Management. There are no known archaeological, historical, nor cultural resources at the project site. US Army Corps of Engineers Public Notice for another property along the Lewes and Rehoboth Canal at 75 Anchor Road (CENAP-OP-R-2014-559-23, Steven Hollman, permittee) stated that no registered properties or properties listed as eligible for inclusion in the National Register of Historic Places are located within the permitted area of work. It is anticipated that the same conclusion will be reached during review of this application.

Policy 5.11: Living Resources. The proposed project is not anticipated to adversely affect living resources. US Army Corps of Engineers Public Notice for another property along the Lewes and Rehoboth Canal at 75 Anchor Road (CENAP-OP-R-2014-559-23, Steven Hollman, permittee) identified several managed species of fish as occurring in the vicinity of the project. The Corps' analysis of effects of the project stated that "the proposed work...would occur is a small area of waters within an active navigational canal (L&R Canal) subject to regular boating activity and substantial wake energy. For these reasons the proposed work area is an unlikely spawning or nursery area for the managed species. Consequently, concentrations of sessile life stages (eggs and larva) of the listed species are not expected to be within the area under review... The pelagic adults and juveniles of the listed species are highly mobile and capable of avoiding such impacts as may be associated with the work." It is anticipated that the same conclusion will be reached during review of this application.

Policy 5.12: Mineral Resource Management. No mineral extraction proposed.

Policy 5.13: State-Owned Coastal Recreation and Conservation. The site is not State-owned. However, public recreational opportunities in the Lewes and Rehoboth Canal will be maintained.

Policy 5.14: Public Trust Doctrine. The public's right to navigation will not be impeded by the proposed project.

Policy 5.15: Energy Facilities. The proposed project does not involve energy facilities.

Policy 5.16: Public Investment. The project is entirely private; no public investment involved.

Policy 5.17: Recreation and Tourism. The proposed project will improve recreational boating for the applicant, his family, and friends, and allow increased participation in water-based recreational activities (boating, fishing, crabbing, etc.).

Policy 5.18: National Defense and Aerospace Facilities. The proposed activity does not involve national defense not aerospace facilities.

Policy 5.19: Transportation Facilities. The proposed project does not involve commercial transportation facilities.

Policy 5.20: Air Quality Management. Air pollution resulting from the proposed project will be minimal.

Policy 5.21: Water Supply Management. The site is not located in a water supply area.

Policy 5.22: Waste Disposal Management. No waste disposal is associated with the proposed project.

Policy 5.23: Development. The proposed project is not associated with new community development.

Policy 5.24: Pollution Prevention. There will be no pollution associated with the proposed project.

Policy 5.25: Coastal Management Coordination. Coordination among State and Federal agencies will take place in review of the proposed project. The public will have the opportunity to comment of the project in response to Public Notices issued by the US Army Corps of Engineers; DNREC Wetlands and Subaqueous Lands Section; and Delaware Coastal Management Program.

INSTALLATION OF 100' OF STONE RIP-RAP; CONSTRUCTION OF 12' X 4' PIER; 5' X 50' DOCK WITH TWO PWC LIFTS; FLOATING 6' X 12' KAYAK DOCK

IN: Lewes and Rehoboth Canal

AT: 99 Tidewater Road, Henlopen Acres
Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.16-19.00

APPLICANT: John Carbone

DATE: November 20, 2020

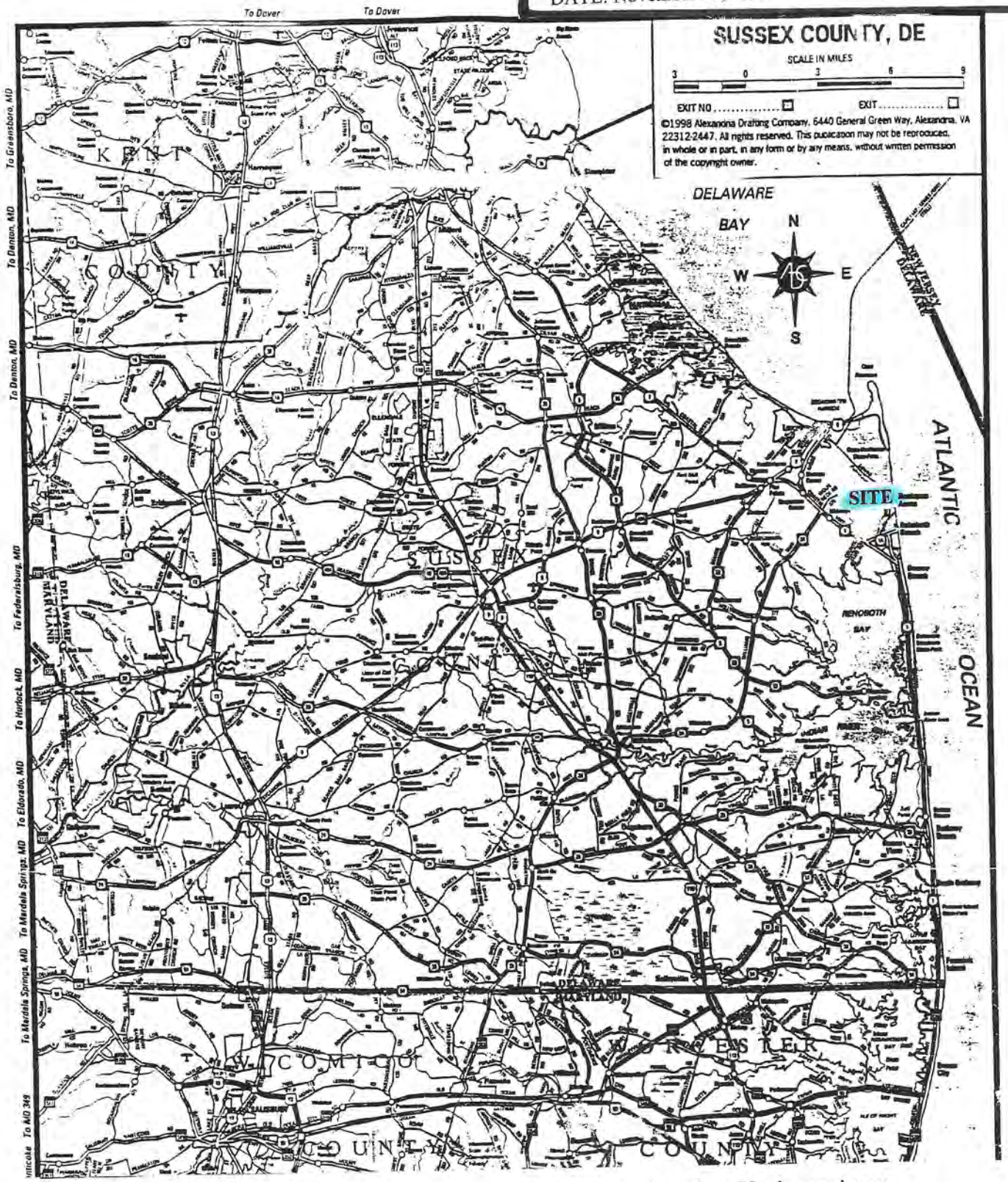

Figure 1. Map of Sussex County, Delaware showing site location, Henlopen Acres. Rehoboth Beach area. Scale as shown.

INSTALLATION OF 100' OF STONE RIP-RAP; CONSTRUCTION OF 12' X 4' PIER; 5' X 50' DOCK WITH TWO PWC LIFTS; FLOATING 6' X 12' KAYAK DOCK

IN: Lewes and Rehoboth Canal

AT: 99 Tidewater Road, Henlopen Acres
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Tax Map Parcel #3-34-13.16-19.00

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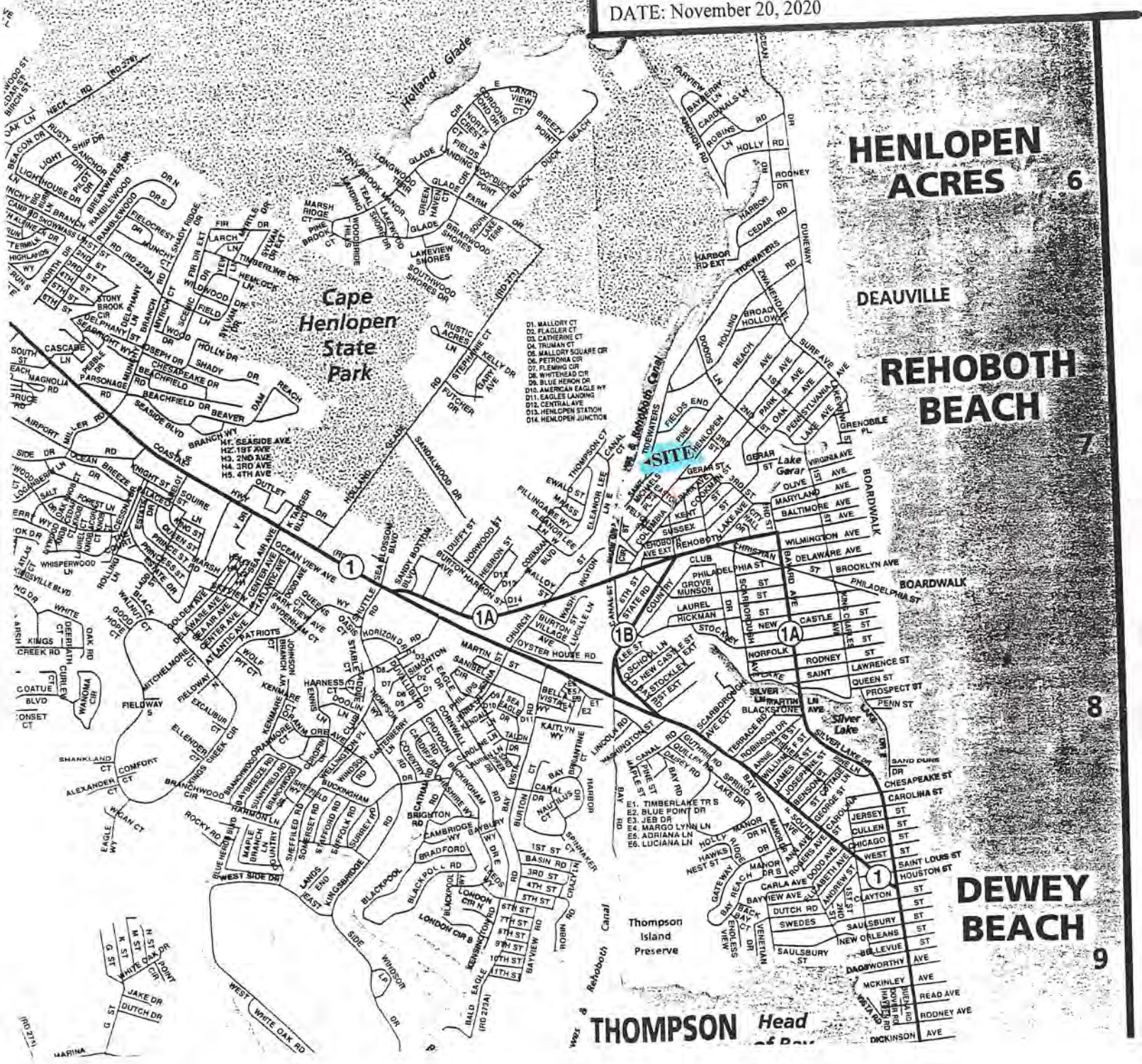


Figure 2. Map of Henlopen Acres, Rehoboth Beach area showing site location, **99 Tidewater Road, Henlopen Acres**. Directions to project site (from Dover, DE): Route 1 southbound to Rehoboth Beach; left at traffic signal onto Route 1A (Rehoboth Avenue extended) into Rehoboth Beach; 270° around traffic circle onto Columbia Avenue; left onto 2nd Street; enter Henlopen Acres on Dodds Lane); left onto Tidewater Road, continue to site, on right at 99 Tidewater Road (Also see Figure 3.)

INSTALLATION OF 100' OF STONE RIP-RAP; CONSTRUCTION OF 12' X 4' PIER; 5' X 50' DOCK WITH TWO PWC LIFTS; FLOATING 6' X 12' KAYAK DOCK

IN: Lewes and Rehoboth Canal

AT: 99 Tidewater Road, Henlopen Acres
Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.16-19.00

APPLICANT: John Carbone

DATE: November 20, 2020

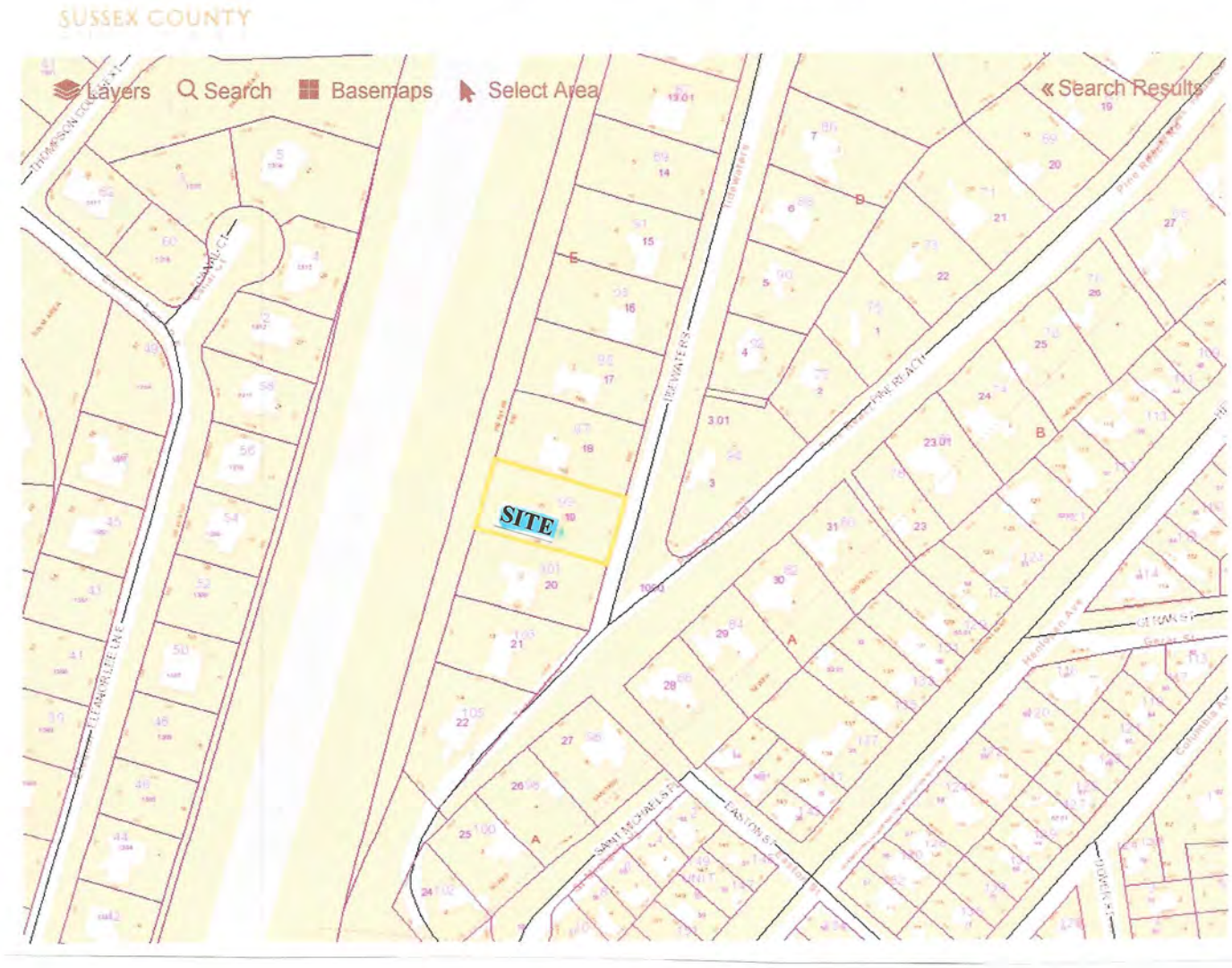


Figure 3. Map of Henlopen Acres showing project site, Tax Map Parcel #3-34-13.16-19.00 (99 Tidewater Road, Henlopen Acres, Sussex County, Delaware). Names and addresses of adjacent property owners:

[redacted]

INSTALLATION OF 100' OF STONE RIP-RAP; CONSTRUCTION OF 12' X 4' PIER; 5' X 50' DOCK WITH TWO PWC LIFTS; FLOATING 6' X 12' KAYAK DOCK

IN: Lewes and Rehoboth Canal

AT: 99 Tidewater Road, Henlopen Acres
Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.16-19.00

APPLICANT: John Carbone

DATE: November 20, 2020

Figure 4. Site location on U.S.G.S. topographic map, Rehoboth Beach, Delaware quadrangle. Site is adjacent to Lewes and Rehoboth Canal. Scale: 1" = 2,000'.

INSTALLATION OF 100' OF STONE RIP-RAP; CONSTRUCTION OF 12' X 4' PIER; 5' X 50' DOCK WITH TWO PWC LIFTS; FLOATING 6' X 12' KAYAK DOCK

IN: Lewes and Rehoboth Canal

AT: 99 Tidewater Road, Henlopen Acres
Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.16-19.00

APPLICANT: John Carbone

DATE: November 20, 2020

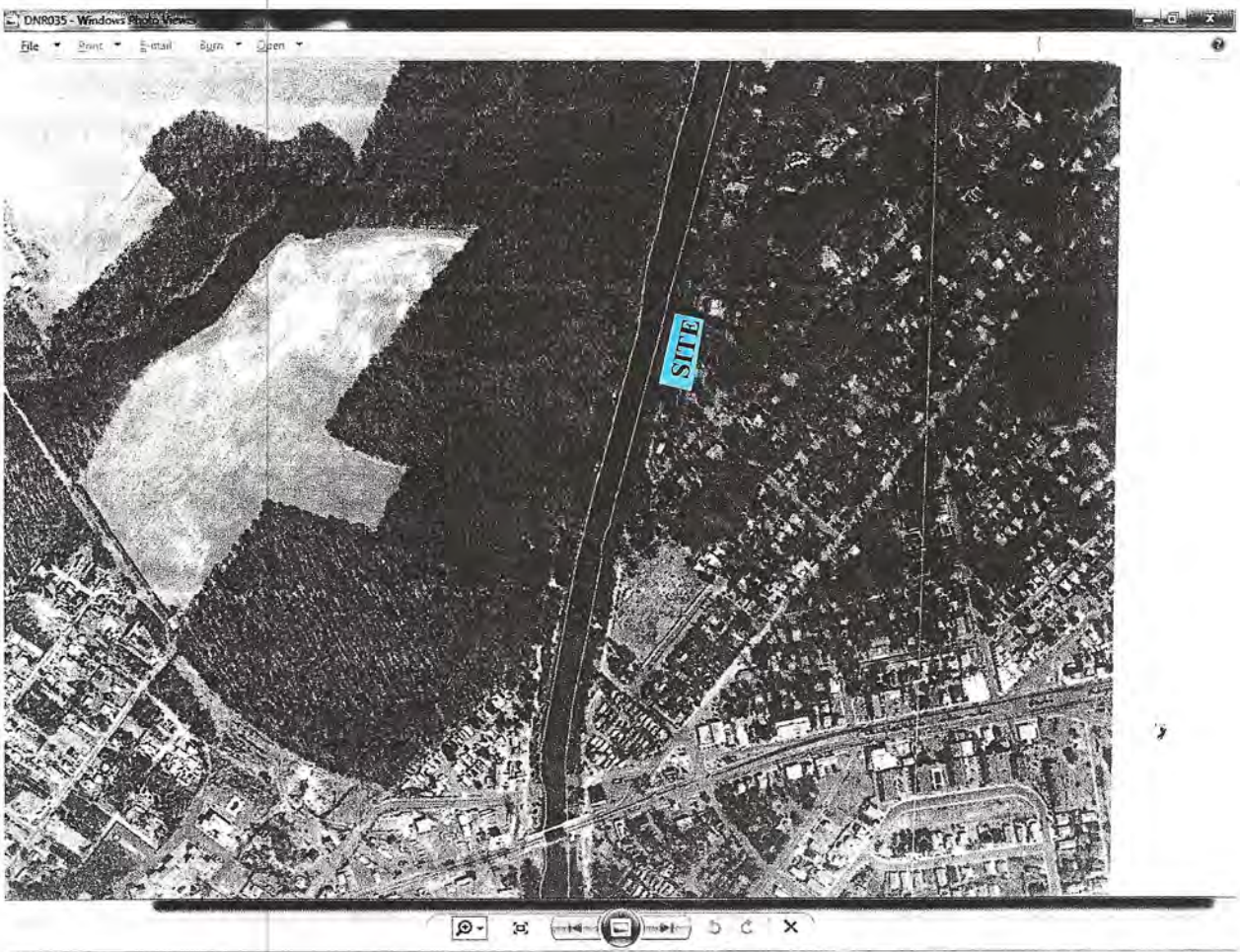


Figure 5. Site location on State of Delaware Wetlands Map #DNR035 (1988 photobase). Site is mapped W (water), adjacent to O (other, uplands or non-tidal wetlands less than 400 acres). No DNREC-regulated wetlands mapped on site.

INSTALLATION OF 100' OF STONE RIP-RAP; CONSTRUCTION OF 12' X 4' PIER; 5' X 50' DOCK WITH TWO PWC LIFTS; FLOATING 6' X 12' KAYAK DOCK
IN: Lewes and Rehoboth Canal
AT: 99 Tidewater Road, Henlopen Acres
Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.16-19.00
APPLICANT: John Carbone
DATE: November 20, 2020

Figure 6. Aerial photograph of site and vicinity, 99 Tidewater Road, Henlopen Acres, Sussex County, Delaware (Tax Map Parcel #3-34-13.16-19.00), adjacent to the Lewes and Rehoboth Canal. Width of waterway = 120'±. Applicant proposes to install a 50' x 8' deck and 100' retaining wall (landward of MHWL/HTL); to place 100' of rip-rap at the base of the retaining wall, and to construct 12' x 4' pier, a 5' x 50' dock with two PWC lifts; and a floating 6' x 12' kayak dock. See Figure 8 for plan view and Figure 9 for cross-section.

INSTALLATION OF 100' OF STONE RIP-RAP; CONSTRUCTION OF 12' X 4' PIER; 5' X 50' DOCK WITH TWO PWC LIFTS; FLOATING 6' X 12' KAYAK DOCK

IN: Lewes and Rehoboth Canal

AT: 99 Tidewater Road, Henlopen Acres
Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.16-19.00

APPLICANT: John Carbone

DATE: November 20, 2020

Figure 7. Photograph of project site, 99 Tidewater Road, Henlopen Acres, Sussex County, Delaware (Tax Map Parcel #3-34-13.16-19.00), adjacent to Lewes and Rehoboth Canal. Applicant proposes Figure 7. Ground-level photograph of project site, 99 Tidewater Road, Henlopen Acres, Sussex County, Delaware (Tax Map Parcel #3-34-13.16-19.00), adjacent to Lewes and Rehoboth Canal. Applicants propose to install a 50' x 8' deck and 100' retaining wall (landward of MHWL/HTL); to place 100' of rip-rap at the base of the retaining wall, and to construct 12' x 4' pier, a 5' x 50' dock with two PWC lifts; and a floating 6' x 12' kayak dock. See Figure 8 for plan view and Figure 9 for cross-section.

INSTALLATION OF 100' OF STONE RIP-RAP; CONSTRUCTION OF 12' X 4' PIER; 5' X 50' DOCK WITH TWO PWC LIFTS; FLOATING 6' X 12' KAYAK DOCK

IN: Lewes and Rehoboth Canal

AT: 99 Tidewater Road, Henlopen Acres
Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.16-19.00

APPLICANT: John Carbone

DATE: November 20, 2020

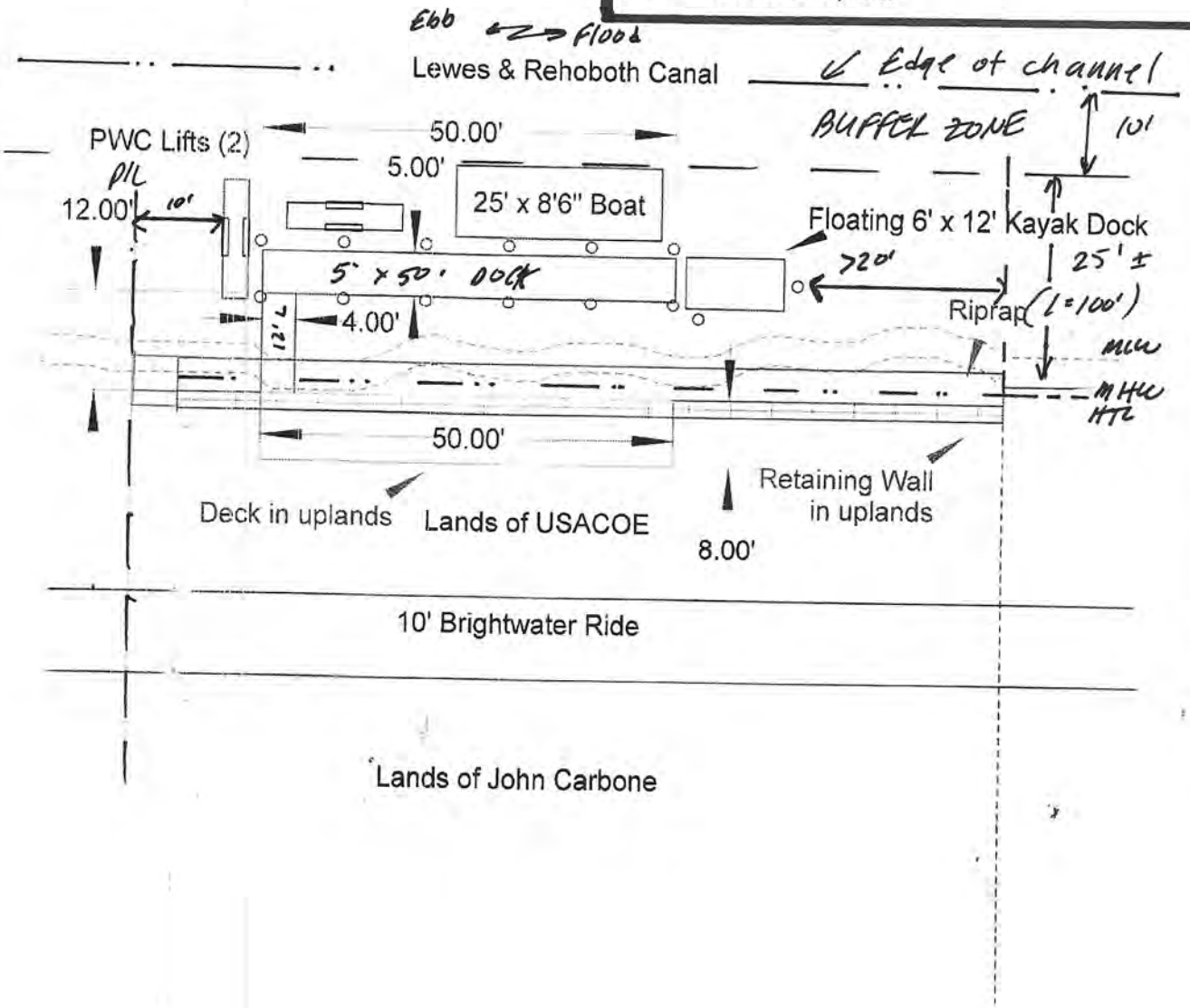


Figure 8. Plan view of proposed project (prepared by Precision Marine Construction, Inc.).

Proposed Riprap, Pier & Dock
John Carbone
99 Tidewaters
Rehoboth Beach, DE 19971

PRECISION MARINE CONSTRUCTION INC.

202 Woodbridge Hills
Rehoboth Beach, DE 19971

Scale: 1" = 20' Date: 8-15-2020

INSTALLATION OF 100' OF STONE RIP-RAP; CONSTRUCTION OF 12' X 4' PIER; 5' X 50' DOCK WITH TWO PWC LIFTS; FLOATING 6' X 12' KAYAK DOCK
IN: Lewes and Rehoboth Canal
AT: 99 Tidewater Road, Henlopen Acres
Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.16-19.00
APPLICANT: John Carbone
DATE: November 20, 2020

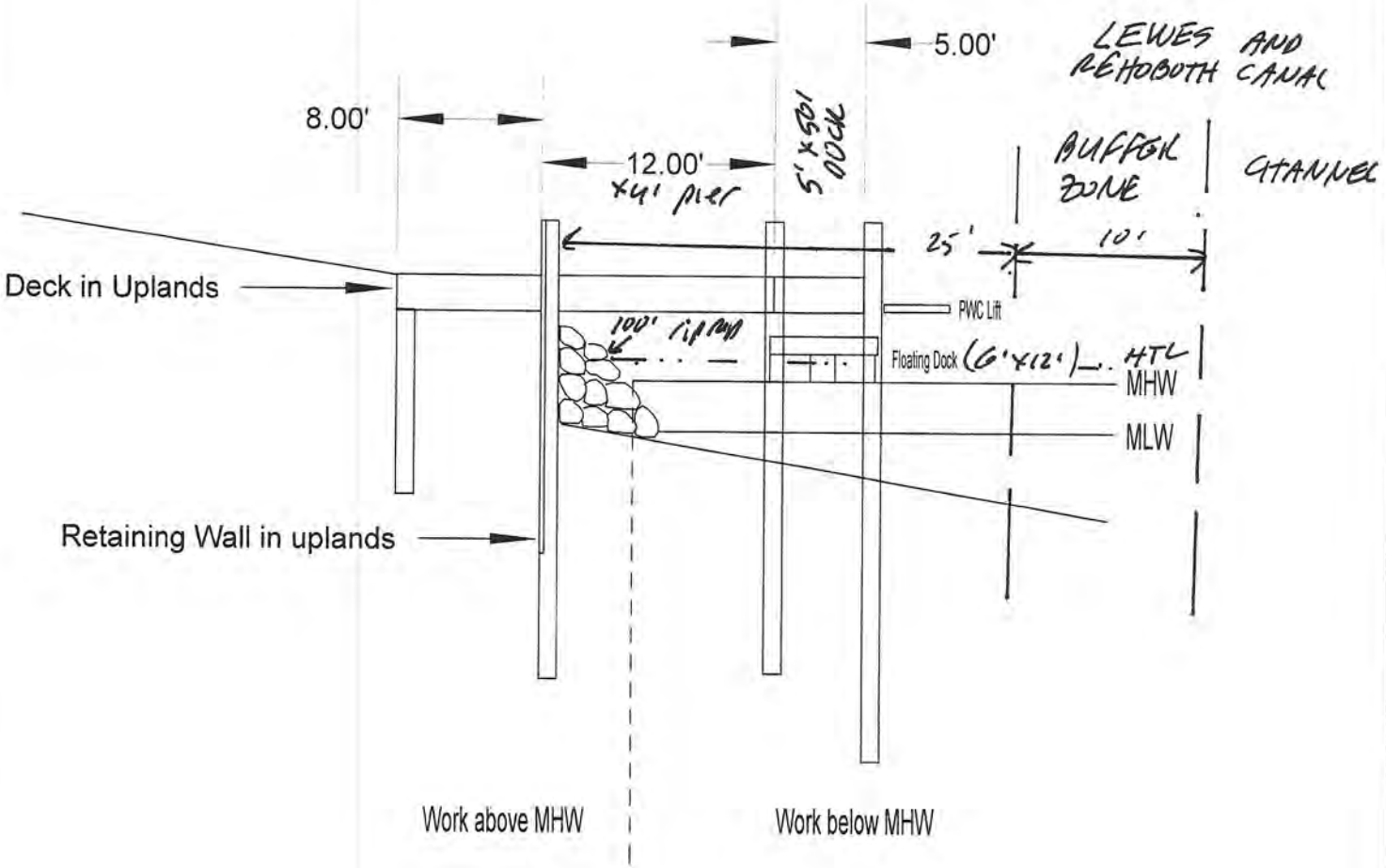


Figure 9. Cross-section of proposed project (prepared by Precision Marine Construction, Inc.).

Proposed Riprap, Pier & Dock
John Carbone
99 Tidewaters
Rehoboth Beach, DE 19971

PRECISION MARINE CONSTRUCTION INC.

202 Woodbridge Hills
Rehoboth Beach, DE 19971

Scale: 1" = 10' Date: 8-15-2020

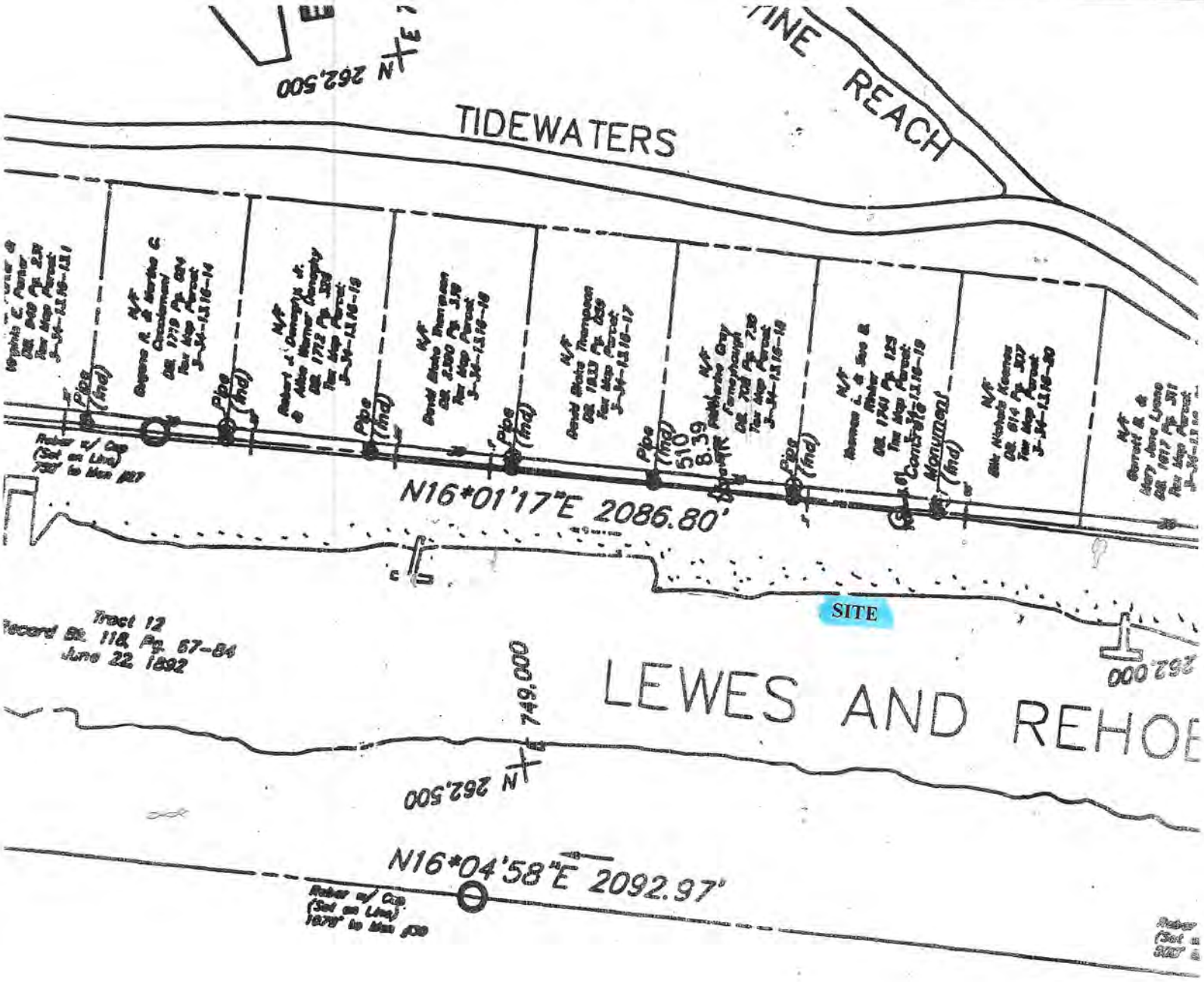
INSTALLATION OF 100' OF STONE RIP-RAP; CONSTRUCTION OF 12' X 4' PIER; 5' X 50' DOCK WITH TWO PWC LIFTS; FLOATING 6' X 12' KAYAK DOCK

IN: Lewes and Rehoboth Canal

AT: 99 Tidewater Road, Henlopen Acres
Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.16-19.00

APPLICANT: John Carbone

DATE: November 20, 2020



Enlargement (1" = 100' scale) of 2002 Government Property Survey of Lands along the Lewes and Rehoboth Canal showing location of proposed project, Tax Map Parcel #3-34-13.16-19.00 .

TAX MAP AND PARCEL #:
3-34 13.16 19.00
PREPARED BY & RETURN TO:
Baird Mandalas Brockstedt LLC
1413 Savannah Road
Suite 1
Lewes, DE 19958
File No. RE19-1298/HG

THIS DEED, made this 5th day of November, 2019,

- BETWEEN -

THOMAS LEE RINKER, TRUSTEE OF THE THOMAS LEE RINKER REVOCABLE TRUST DATED AUGUST 19, 2015, as to a fifty percent (50%) interest, and VIRGINIA SUE RINKER, TRUSTEE OF THE VIRGINIA SUE RINKER REVOCABLE TRUST DATED AUGUST 19, 2015, as to a fifty percent (50%) interest, of 9 Devon Hill Road, Baltimore, MD 21210, parties of the first part,

- AND -

JOHN CARBONE, of [redacted] as sole owner, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **Two Million Four Hundred Thousand and 00/100 Dollars ($2,400,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and his heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot, piece and parcel of land situate, lying and being in the Town of Henlopen Acres, Lewes and Rehoboth Hundred, Sussex County, Delaware, being known and designated as LOT #11, BLOCK E, HENLOPEN ACRES, shown more fully on a supplementary survey map of Henlopen Acres filed for record in the Office of the Recorder of Deeds, Georgetown, Delaware, in Plot Book 31, page 169, and being more particularly described according to a survey prepared by Wingate & Eschenbach, Registered Surveyors, dated September, 1990, as follows, to wit:

BEGINNING at a PK nail set in a driveway on the northwest side of Tidewaters at a corner for this lot and Lot #12; then, from this point of beginning running with the right of way line of Tidewaters, North 24° 01' East 100.00 feet to a PK nail set in a driveway; then, turning

and running with the line of Lot 1, North 65° 59' West 165.00 feet to a concrete monument found; then, turning and running with the line of lands now or formerly of the United States of America and along the line of a 10' wide right of way to the Lewes and Rehoboth Canal referred to as the "Bright Water Ride" service way, South 24° 01' West 100.00 feet to a concrete monument found; then, turning and running with the line of Lot 12, South 65° 59' East 165.00 feet to the PK nail found at the point and place of beginning, be the contents thereof what they may, with all improvements located thereon.

BEING the same lands conveyed to Thomas L. Rinker, Trustee of the Thomas L. Rinker Revocable Trust dated August 19, 2015, and Virginia Sue Rinker, Trustee of the Virginia Sue Rinker Revocable Trust dated August 19, 2015 from Thomas L. Rinker and Sue B. Rinker, by Deed dated September 4, 2015, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on September 17, 2015, in Deed Book 4447, Page 46.

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 parties of the first part have hereunto set their hands and seals the day and year first above written.

THOMAS LEE RINKER, TRUSTEE OF THE THOMAS LEE RINKER REVOCABLE TRUST DATED AUGUST 19, 2015

Witness

By: _____ (SEAL)
Thomas Lee Rinker, Trustee

VIRGINIA SUE RINKER, TRUSTEE OF THE VIRGINIA SUE RINKER REVOCABLE TRUST DATED AUGUST 19, 2015

Witness

By: _____ (SEAL)
Virginia Sue Rinker, Trustee

STATE OF Delaware, COUNTY OF Sussex : to-wit

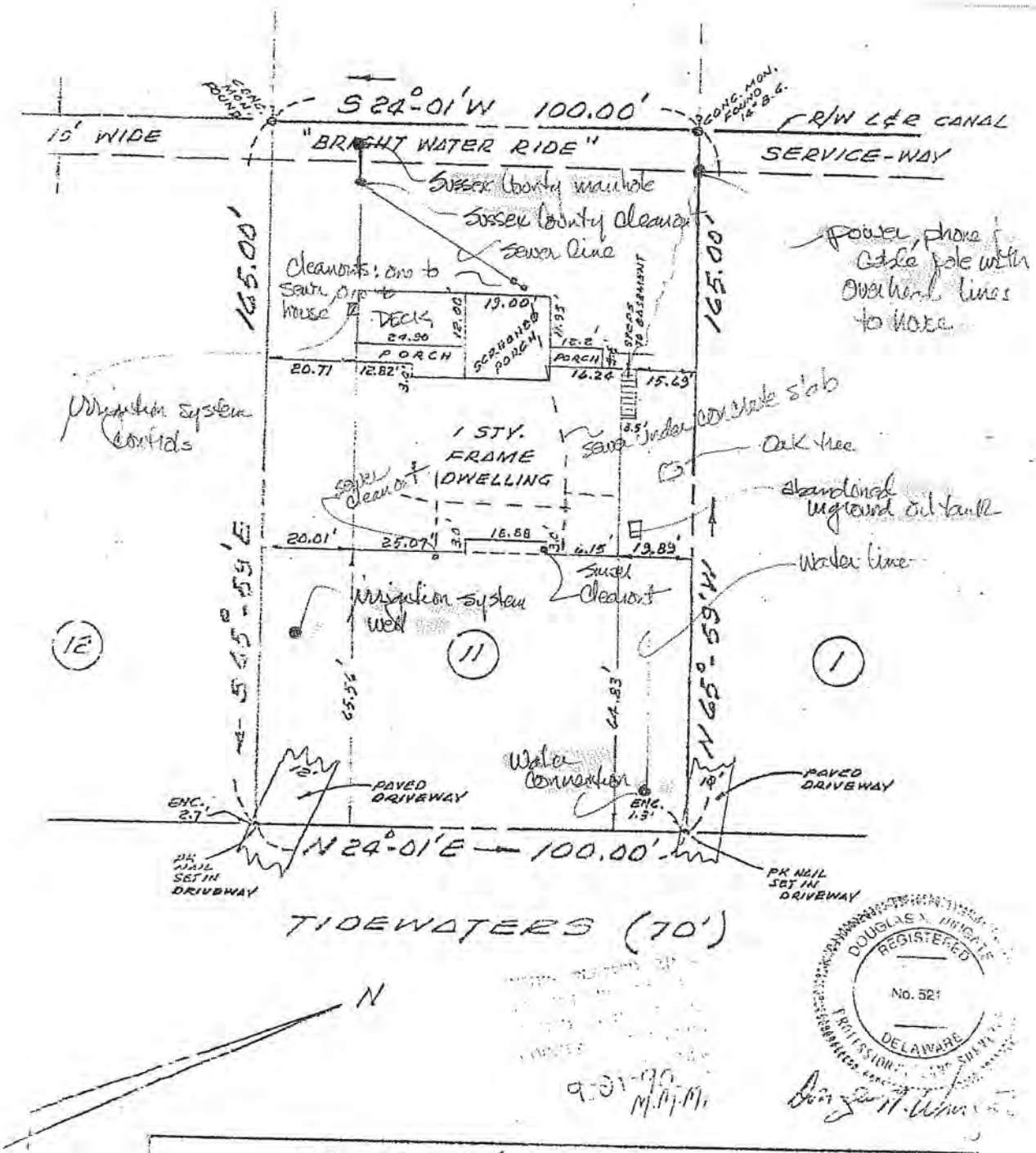
BE IT REMEMBERED, that on November 4th, 2019, personally came before me, the subscriber, Thomas Lee Rinker, Trustee of the Thomas Lee Rinker Revocable Trust dated August 19, 2015 and Virginia Sue Rinker, Trustee of the Virginia Sue Rinker Revocable Trust dated August 19, 2015, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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

Notary Public

My Commission Expires: 1/29/21

COLLEEN NARDI NOTARY PUBLIC STATE OF DELAWARE MY COMMISSION EXPIRES January 29, 2021



9-30-99 M.M.M.

PROPERTY & PLACEMENT SURVEY
PREPARED FOR
THOMAS L. & SUE B. RINKER
LOT #11 SA. "E" HENLOPEN ACRES
LEWES & REHOBOTH HUND., SUSSEX CO., DEL.
PREPARED BY

From: **Rob Whitford** rob-whitford@precisionmarine.us
Date: **Aug 19, 2020 at 4:39:12 PM**
To: [redacted]

U.S. ARMY CORPS OF ENGINEERS
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
33 CFR 325. The proponent agency is CECW-CO-R

OMB APPROVAL NO. 0710-0003
EXPIRES: 28 FEBRUARY 2013

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)
First - John Middle - Last - Carbone	First - Evelyn Middle - M. Last - Maurmeyer
Company -	Company - CER, Inc.
E-mail Address - [redacted]	E-mail Address - maurmeye@udel.edu
6. APPLICANT'S ADDRESS: [redacted]	9. AGENT'S ADDRESS: Address - CER, Inc., PO Box 674
	City - Lewes State - DE Zip - 19958 Country - USA
7. APPLICANT'S PHONE NOs. w/AREA CODE a. [redacted] c. Fax	10. AGENTS PHONE NOs. w/AREA CODE a. Residence b. Business (302) 645-9610 c. Fax (302) 645-4332

STATEMENT OF AUTHORIZATION

11. I hereby authorize, Evelyn Maurmeyer, CER, Inc. to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

John Carbone 8/22/20
SIGNATURE OF APPLICANT DATE

SIGN & DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)
Carbone rip-rap and docking facilities

13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable)
Lewes and Rehoboth Canal	Address 99 Tidewater Rd.
15. LOCATION OF PROJECT Latitude: N 38.719638° Longitude: W -75.091170	City Henlopen Acres State DE Zip 19971

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)
State Tax Parcel ID #3-34-13.16-19.00 Municipality Town of Henlopen Acres
Section - -- Township - -- Range - --

17. DIRECTIONS TO THE SITE

See Figures 1, 2, and 3 for maps and directions.

18. Nature of Activity (Description of project, include all features)

Applicant proposes to install decking and a retaining wall (landward of MHWL/HTL), and 100 linear feet of stone rip-rap; a 12' x 4' fixed pier; a 5' x 50' fixed dock with two (2) PWC lifts, and a floating 6' x 12' kayak dock. See attached Project Description for details.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

Purpose of the rip-rap is bank stabilization. Purpose of the pier, dock, and floating dock is to provide mooring facilities for the applicant's vessels.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

Placement of stone rip-rap (bank stabilization) along 100' of shoreline.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
45 c.y. 50-150 lb. stone rip-rap		

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres

or

Linear Feet 100 linear feet (waters of the US; no wetlands present).

23. Description of Avoidance, Minimization, and Compensation (see instructions)

See attached sheet.

BLOCK 23.

Avoidance. Avoidance of impacts ("no action") is not feasible. The low, eroding upland bank will continue to erode, and the applicant's land will flood during storms if bank stabilization is not installed. No docking facilities are present, so "no action" would not allow the applicant to moor his vessels along the waterway.

Minimization. The applicant's contractor has minimized the project to the greatest extent feasible by designing the rip-rap dimensions and stone size to provide the required degree of bank stabilization necessary for the site. The docking facilities have been designed to provide access to navigable water depths at all stages of the tide for mooring the applicant's boat and PWCs, while not encroaching into the Corps' buffer zone.

Compensation. There will be no impacts in vegetated wetlands associated with the proposed project, therefore, no compensation is proposed.

BLOCK 25.

Names and addresses of adjoining property owners:

Tax Map Parcel #	Name, address of owner
[redacted]	

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).
See Figure 3.

a. Address-

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
DE WSLS	Subaq. Lease	Not yet available	11/23/2020	pending	
DE DCMP	CZM Consistency	"	"	"	
USACE Balt. Dist.	RE License	"	"	"	

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT DATE SIGNATURE OF AGENT 11/20/2020 DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

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

COASTAL & ESTUARINE RESEARCH, INC.
Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958
302-645-9610

November 20, 2020

PROPOSED RIP RAP AND BOAT DOCKING FACILITIES: PROJECT DESCRIPTION

Applicant

[redacted]

Site Location

The proposed project site is 99 Tidewater Road, Henlopen Acres, Sussex County, Delaware (Tax Map Parcel #3-34-13.16-19.00). See Figures 1, 2, and 3 for location maps and directions to site. The site location is depicted on USGS topographic map, Rehoboth Beach, Delaware quadrangle (Figure 4), and is adjacent to the Lewes and Rehoboth Canal. Width of waterway at project site = 120'±. The site location is depicted on State of Delaware DNREC Wetland Map #DNR035, 1988 photobase (Figure 5), and is mapped O (other, uplands or non-tidal wetlands less than 400 acres), adjacent to W (Water). See Figure 6 for aerial photograph, and Figure 7 for ground-level photograph of site. No bank stabilization nor docking structures are present.

Proposed Project

The applicant proposes the following activities (see Figures 8 and 9 for plan view and cross-sections):

- Installation of a 50' x 8' deck and 100' retaining wall landward of MHWL/HTL).
- Placement of 100 linear feet of stone rip-rap (50-150 lb. stone).
- Construction of a 12' x 4' fixed pier; a 5' x 50' fixed dock, and two (2) PWC lifts.
- Installation of one floating 6' x 12' kayak dock.

The deck, retaining wall, and rip-rap will be installed using land-based equipment. The docking facilities will be installed from the water (barge-mounted equipment). Pilings will be 10" diameter salt-treated wood, installed using a vibratory hammer.

Project Purpose

Purpose of the rip-rap is bank stabilization. Purpose of the docking facility is to provide mooring facilities for vessels the applicant intends to purchase (25' power boat/pontoon; two Jet-skis or similar PWC). The kayak dock will be used to launch the applicant's kayaks (non-motorized).

PART I

I. PROJECT DESCRIPTION:

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

Project site is located in State of Delaware, Sussex County, adjacent to the Lewes and Rehoboth Canal.

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

Project site is located at 99 Tidewater Road, Henlopen Acres, DE 19971 (Tax Map Parcel #3-34-13.16-19.00), John Carbone, owner.

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

Applicant proposes to install 100' of rip-rap; and to construct a 12' x 4' pier, 5' x 50' dock with two PWC lifts, and a floating 6' x 12' kayak dock. See attached Project Description for details.

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

Purpose of rip-rap is bank stabilization. Purpose of docking facilities is to provide mooring facilities for boats the applicant intends to purchase (25' boat; two PWCs, kayaks).

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

See Figure 6 for aerial photograph, and Figure 7 for ground-level photograph.

PART II – ENVIRONMENTAL IMPACT CHECKLIST			
ENVIRONMENTAL IMPACT	YES	NO	QUALIFYING REMARKS
A. Physical			
1. Topography	☐	☒	No impacts anticipated
2. Geological Elements and Leaching	☐	☒	"
3. Air	☐	☒	"
4. Transportation	☒	☐	Will improve recreational boating
5. Handling of Hazardous Materials	☐	☒	None involved
6. Spoil Disposal	☐	☒	"
7. Sewage and Solid Wastes	☐	☒	"
8. Water Resources			
a. Water Quality	☒	☐	Possible minor, localized turbidity during construction
b. Hydrography, Circulation, Littoral Drift.	☒	☐	Possible localized, minor effects
c. Ground Water	☐	☒	No impacts anticipated
B. Biological			
1. Vegetation			
a. Terrestrial	☐	☒	No impacts anticipated
b. Aquatic	☐	☒	"
2. Fish and Wildlife			
a. Mammals	☐	☒	No impacts anticipated
b. Birds	☐	☒	"
c. Amphibians	☐	☒	"
d. Reptiles	☐	☒	"
e. Fish	☒	☐	Possible minor disturbance during construction
f. Shellfish	☐	☒	No impacts (area closed to shellfish harvesting)
g. Invertebrates	☒	☐	Possible minor impacts
3. Rare or Endangered Species	☐	☒	None known on site

ENVIRONMENTAL IMPACT	YES	NO	QUALIFYING REMARKS
C. Cultural			
1. Land Use	☐	☒	Similar structures in vicinity
2. Population Density and Trends	☐	☒	No impacts anticipated
3. Regional Development	☐	☒	"
4. Historic Places	☐	☒	None known on site
5. Archaeological Sites	☐	☒	"
6. Aesthetics	☒	☐	Will improve aesthetics
7. Utilities	☐	☒	No impacts anticipated
8. Transportation Systems	☒	☐	Will improve recreational boating
9. Recreation	☒	☐	"
10. Public Health	☐	☒	No impacts anticipated
D. Other Factors			
1. Secondary Effects	☐	☒	None anticipated
2. Controversiality	☐	☒	"
3. Is significant dredging involved?	☐	☒	No dredging proposed
4. Is significant filling involved?	☐	☒	Minor filling (45 c.y. stone rip-rap)

Part IV

CONSIDERATIONS OF A FILLING PROPOSAL:

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

Filled area will be along a low, eroding upland bank. See Figure 7 for photograph.

B. Give the following information in regard to the project size:

1. Total area to be filled.

700 sq. ft. below HTL

2. Size of underwater area to be filled.

100 sq. ft. below MLW

3. Area of intertidal zone to be filled.

500 sq. ft. intertidal (MLW-MHW)

4. Area of wetlands to be filled.

0 (no fill in wetlands)

5. Proposed height of fill.

4' (top of rip-rap)

6. Volume of material that will be used in filling.

45 c.y. 50-150 lb. stone

C. Describe in detail the material to be used as fill including as follows:

1. Type of fill to be used (sand, stone, rubble, etc.). If the material is a composite (i.e., rubble), list the types of materials it will contain.

Fill will be 50-150 lb. stone rip-rap.

2. Give the specific location of the source of this material.

Maryland Materials (commercial supplier of rip-rap) is likely source.

3. What types of leachates will be produced from the fill material and what is planned for protection of surface and groundwater?

No leachates anticipated from stone.

D. Carefully describe the method of fill, including the following:

1. Method of fill placement, including equipment used in deposition and grading.

Stone will be set by land-based equipmment (front-end loader)

2. Method of stabilization of banks from erosion, sloughing, wave action, boat wakes, etc.

No stabilization required for stone rip-rap

3. Method of stabilization of the surface of the fill.

No stabilization required

4. Length of time needed for completion of the project. State if filling will be continuous, intermittent, etc.

Work will be continuous, and should take a week or so to complete.

5. Method of controlling turbidity when filling an underwater area.

No turbidity anticipated.

E. Purpose of the Project:

1. What is the intended use of the filled area?

Use (purpose) is bank stabilization.

2. What structures, if any, will be constructed on the fill?

None.

3. What benefits would you gain from the proposed fill?

Rip-rap will reduce erosion and flooding.

F. Alternatives

1. Discuss the "no action" alternative and how this would affect your present and future plans for the development of the area.

"No action" would result in continued erosion and flooding.

2. Discuss alternative locations for the proposed fill.

No alternative locations feasible.

3. Discuss the use of elevated structures (i.e. causeways, elevated platforms, etc.) in place of the proposed fill.

Evelated structures not feasible for bank stabilization

4. Discuss any other alternatives you have considered prior to formulating the presently submitted proposal.

See attached sheet for alternatives

F. Alternatives.

4. Discuss other alternatives you have considered prior to formulating the presently submitted proposal.

The following alternatives have also been considered:

a. Vegetative stabilization. Planting wetlands grasses (*Spartina alterniflora* and/or *S. patens*) in the intertidal zone long the bank has been considered. However, the site is adjacent to a heavily-traveled waterway with significant boat traffic and wake energy. The absence of natural marsh fringe at the site is an indication that grasses would not thrive here. Therefore, this alternative is not feasible.

b. Grading. Grading the steep bank to a gentler slope would serve to reduce and dissipate wave energy striking the bank. This would require grading back the bank 10' for a 1:5 slope, or 20' for a 1:10 slope, which would result in loss of uplands. Therefore, this alternative is not feasible.

After considering these alternatives, it is evident that rip-rap is the only feasible alternative for stabilization of the low-lying, eroding upland bank at the site.

DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

REPLY TO
ATTENTION OF

CENAP-OP-R

PUBLIC NOTICE

The Philadelphia District of the Corps of Engineers requests that applicants for Department of the Army permits for work in waters of the United States provide in their permit application the following information:

a. street address, lot and block number, latitude and longitude of the proposed project site;

b. names and addresses of adjoining property owners, lessees, etc. to the proposed project site;

c. mailing addresses of post office, city and county governments, and local newspapers in the vicinity of the proposed project site.

The more the applicant provides, the easier it is to understand and process an application. The above information is necessary in order to initiate processing of the permit application. Failure to provide the information will result in the withdrawal of the permit application without prejudice.

Frank J. Cianfrani
Chief, Regulatory Branch

INFORMATION FOR PUBLIC NOTICE

Applicant

[redacted]

a. **Street Address:** 99 Tidewater Road, Henlopen Acres, DE 19971
Tax Map Parcel #3-34-13.16-19.00

Lot and Block Number: Lot 11, Block E
Latitude and Longitude: 38.719638° N., -75.091170° W.

b. **Names and addresses of adjoining property owners:**

Tax Map Parcel # Name, address of owner

[redacted]

c. **Mailing Addresses:**

1. U.S. Post Office, 179 Rehoboth Avenue, Rehoboth Beach, DE 19971
2. Town of Henlopen Acres, 104 Tidewaters, Henlopen Acres, Rehoboth Beach, DE 19971
3. Sussex County, The Courthouse, P.O. Box 589, Georgetown, DE 19947
4. News Journal Newspaper, 950 West Basin Road, New Castle, DE 19720
5. Delaware State News, 425 Webbs Lane, Dover, DE 19901

DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

REPLY TO
ATTENTION OF

OCT 0 2 2018

CENAP-OP-R-Coastal Zone Management (Delaware)

Public Notice

SUBJECT: "Consistency Certification" with Approved State Coastal Zone Management Programs

Federal regulations require that applicants for Department of the Army permits to perform work in waters of the United States, which fall under the jurisdiction of a State with a Coastal Zone Management (CZM) Program approved by the Secretary of Commerce, must provide a signed consistency certification statement to the Corps of Engineers with their application for a Department of the Army permit.

On August 21, 1979, a CZM Program was approved for the State of Delaware by the U.S. Department of Commerce. Therefore, all applications for Department of the Army permits for work in Delaware's designated Coastal Zone, which is the entire state of Delaware, MUST CONTAIN A SIGNED CONSISTENCY CERTIFICATION stating that: "The proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program."

Furthermore, concurrent with the application for a Department of the Army permit, the applicant MUST ALSO PROVIDE A SIGNED CONSISTENCY CERTIFICATION STATEMENT DIRECTLY TO THE Delaware Coastal Management Program (DCMP) for their review and concurrence. This certification must be accompanied by the following information:

- A copy of the Federal application for the Department of the Army permit.
- A detailed description of the proposed activity and its associated facilities which is adequate to assess the activity's probably coastal zone effects. Including but not limited to, maps, diagrams, technical data, etc.
- A brief assessment of the probable coastal zone effects of the proposal and their relation to the relevant policies of the DCMP. A DCMP Policy Document may be obtained by contacting the DCMP at (302) 739-9283.
- A brief set of findings, derived from the above assessment, indicating that the proposed activity and the effects are all consistent with the provisions of the DCMP.

The above information should be sent to:

Delaware Coastal Management Program
Delaware Department of Natural Resources and Environmental Control
100 W. Water Street, Suite 7B
Dover, Delaware 19904
(302) 739-9283 (V)
(302) 739-2048 (F)

Edward E. Bonner
Chief, Regulatory Branch

COASTAL & ESTUARINE RESEARCH, INC.
Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958
302-645-9610

CONSISTENCY CERTIFICATION

"The proposed activity, installation of a 50' x 8' deck and 100' retaining wall (landward of MHWL/HTL); placement of 100 linear feet of stone rip-rap at the base of the retaining wall, and Construction of a 12' x 4' pier, a 5' x 50' dock with two PWC lifts; and a floating 6' x 12' kayak Dock adjacent to the Lewes and Rehoboth Canal at 99 Tidewater Road, Henlopen Acres, Sussex County, Delaware (Tax Map Parcel #3-34-13.16-19.00), John Carbone, applicant, complies with and will be conducted in a manner that is consistent with the approved Delaware Coastal Management Program (DCMP)."

Evelyn M. Maurmeyer 11/23/2020

Evelyn M. Maurmeyer Date
Agent for applicant

Section 1: Applicant Identification

1. Applicant's Name: John Carbone
   Mailing Address: [redacted]
   Telephone #: [redacted]
   Fax #:
   E-mail [redacted]

2. Consultant's Name: Evelyn Maurmeyer
   Mailing Address: PO Box 674
   Lewes, DE 19958
   Company Name: CER, Inc.
   Telephone #: (302) 645-9610
   Fax #: (302) 645-4332
   E-mail: maurmeye@udel.edu

3. Contractor's Name: Rob Whitford
   Mailing Address: 202 Woodbridge Hills
   Rehoboth Beach DE 19971
   Company Name: Precision Marine
   Telephone #: (302) 227-2711
   Fax #: (302) 226-1157
   E-mail: rob@precisionmarine.com

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):
   Applicant proposes to install 100' rip-rap, and to construct a 12' x 4' pier, a 5' x 50' dock with two (2) PWC lifts; and a floating 6' x 12' kayak dock. See attached Project Description for details.

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: 99 Tidewater Road
   Henlopen Acres, DE 19971
   County: ☐ N.C. ☐ Kent ☑ Sussex
   Site owner name (if different from applicant): same
   Address of site owner: "

8. Driving Directions: See Figures 1, 2, and 3 for maps and directions.
   (Attach a vicinity map identifying road names and the project location)

9. Tax Parcel ID Number: #3-34-13.16-19.00 Subdivision Name: Town of Henlopen Acres

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: Lewes and Rehoboth Canal Waterbody is a tributary to: Rehoboth Bay

11. Is the waterbody: ☑ Tidal ☐ Non-tidal Waterbody width at mean low or ordinary high water 120'±

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 Figure 3.

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:
None

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

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

*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: submitted 11/23/2020

Type of Permit: IP; Real Estate Lic. Federal Permit or ID #not yet available

18. Have you applied for permits from other Sections within DNREC? submitted not yet
☐ No ☑ Pending ☐ Issued ☐ Denied Date: 11/23/20 Permit or ID #: available

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

Other: DCMP Federal Consistency Certification

From: **Rob Whitford** rob-whitford@precisionmarine.us
Date: **Aug 19, 2020 at 4:39:36 PM**
To: **John Carbone** [redacted]

Wetlands and Subaqueous Lands Section Basic Application Form [redacted]

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 Carbone (Name of Applicant), hereby designate and authorize Evelyn Maurmeyer, CER, Inc. (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: Evelyn Maurmeyer
Mailing Address: CER, Inc.
PO Box 674
Lewes DE 19958

Telephone #: (302) 645-9610
Fax #: (302) 645-4332
E-mail: maurmeye@udel.edu

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.

Agent's Signature

Date 4/20/2020

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.

Applicant's Signature

Date 8/22/20

SIGN & DATE

John Carbone
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.

Rob Whitford, Precision Marine
Contractor's Name

Date

Print Name

Last Revised on: March 28, 2017

COASTAL & ESTUARINE RESEARCH, INC.
Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958
302-645-9610

November 20, 2020

PROPOSED RIP RAP AND BOAT DOCKING FACILITIES:
PROJECT DESCRIPTION

Applicant

John Carbone
[redacted]

Site Location

The proposed project site is 99 Tidewater Road, Henlopen Acres, Sussex County, Delaware (Tax Map Parcel #3-34-13.16-19.00). See Figures 1, 2, and 3 for location maps and directions to site. The site location is depicted on USGS topographic map, Rehoboth Beach, Delaware quadrangle (Figure 4), and is adjacent to the Lewes and Rehoboth Canal. Width of waterway at project site = 120'±. The site location is depicted on State of Delaware DNREC Wetland Map #DNR035, 1988 photobase (Figure 5), and is mapped O (other, uplands or non-tidal wetlands less than 400 acres), adjacent to W (Water). See Figure 6 for aerial photograph, and Figure 7 for ground-level photograph of site. No bank stabilization nor docking structures are present.

Proposed Project

The applicant proposes the following activities (see Figures 8 and 9 for plan view and cross-sections):

- Installation of a 50' x 8' deck and 100' retaining wall landward of MHWL/HTL).
- Placement of 100 linear feet of stone rip-rap (50-150 lb. stone).
- Construction of a 12' x 4' fixed pier; a 5' x 50' fixed dock, and two (2) PWC lifts.
- Installation of one floating 6' x 12' kayak dock.

The deck, retaining wall, and rip-rap will be installed using land-based equipment. The docking facilities will be installed from the water (barge-mounted equipment). Pilings will be 10" diameter salt-treated wood, installed using a vibratory hammer.

Project Purpose

Purpose of the rip-rap is bank stabilization. Purpose of the docking facility is to provide mooring facilities for vessels the applicant intends to purchase (25' power boat/pontoon; two Jet-skis or similar PWC). The kayak dock will be used to launch the applicant's kayaks (non-motorized).

BOAT DOCKING FACILITIES

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

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

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

Applicant proposes to construct a 12' x 4' pier, 5' x 50' dock with two PWC lifts; and a floating 6' x 12' kayak dock.

2. Please provide numbers and dimensions as follows:

Structure Type	Number of Support Pilings	Dimensions (Channelward of MHW or OHW)		Dimensions (Channelward of MLW- n/a for non-tidal water)		New, repair or maintain
Dock, Pier, Lift, gangway		Width ___ ft.	Length ___ ft.	Width ___ ft.	Length ___ ft.	
Pier	4±	4'	12'	4'	6'	new
Dock	12±	5'	50'	5'	50'	"
PWC lifts	@1	4'	12'	4'	12'	"
Floating kayak dock	2	6'	12'	6'	12'	"
Freestanding Pilings	Number 0					

Mooring Buoy: How many moorings will be installed? _____
What will be used for the anchor(s)? _____
Anchor/Mooring Block Weight _____
Anchor Line Scope (Length or Ratio) _____
Water Depth at Mooring Location _____

3. Approximately how wide is the waterway at this project site? 120± ft. (measured from MLW to MLW)

4. What will be the mean low water depth at the most channelward end of the mooring facility? 3± ft.

5. What type of material(s) will be used for construction of the mooring facility (e.g. salt treated wood, aluminum, fiberglass floats, etc.) Use of creosote-treated wood is prohibited.

Salt-treated wood, galvanised hardware, alum /steel lifts; poly floats

6. Circle any of the following items that are proposed over subaqueous lands:
Fish Cleaning Stations/Benches/Ladders/Water Lines/Satellite/Electric Lines/ Handrails/Other (Describe)

If any of the items are circled above, include their dimensions and location on the application drawings.

7. What will be the distance from the most channelward end of the docking facility to the edge of any natural or man-made channel? 35± ft. (25'± to edge of Corps buffer zone)

8. Describe the vessels that will be berthed at the docking facility. Please draw proposed vessel locations on plans and drawings.

Make/model	Pontoon or Power boat	length	25'	width	8'6"	draft	2'±
Make/model	PWC (2)	length	11'±	width	4'±	draft	1'±
Make/model		length		width		draft	
Make/model		length		width		draft	

9. Please provide a copy of the current state registration or Coast Guard Certificate of Documentation for each motorized vessel listed above.

Vessels to be purchased upon receipt of dock permits

10. Give the number and type of each Marine Sanitation Device (e.g. MSD III, Portable toilet) that will be used on vessels to be docked at the facility.

none

11. Is there currently a residence on the property? x Yes ____ No
(old house to be removed, new house to be built)

12. Do you plan to reach the boat docking facility from your own upland property? ____ Yes x* No If "No", explain your proposed means of access and provide documentation of easement or documentation authorizing access if you intend to cross someone else's property.

* Applicant has applied to USACE, Baltimore Dict. for RE license.

13. Will any portion of the structure be located in privately owned underwater land (such as a pond or lagoon) owned by someone other than the applicant? ____Yes x No.
If yes, written permission of the underwater land owner must be provided with this application.

14. What is the width of the waterfront property frontage adjacent to subaqueous lands? 100' ft.
Will any portion of the structure or any vessel be placed within 10 feet of your neighbor's property line?
____ Yes x No
If yes, a letter of no objection from the adjacent property owner must be included with this application.

Rip-Rap Sills and Revetments

Please respond to each question. Questions left blank may result in the application being returned as incomplete. In addition, the answers to all of the questions in this Appendix must correspond accurately to the information on the plan and section view drawings for the project.

1. Will the project be:
   - x New Construction (un-stabilized shoreline)
   - _____ Repair or Replacement of an Existing Rip-Rap Structure or Rubble
   - _____ Repair or Replacement of an Existing Bulkhead

   (If repair or replacement, submit photographs of the entire existing structure).

2. How many linear feet of shoreline are proposed to be stabilized? 100'

3. Is the project a: x Standard rip-rap revetment ___ Free-standing sill

4. Describe the existing shoreline:
   Eroding upland bank, see photograph, Figure 7.

5. What is the total number of cubic yards of rip-rap that will be used? 45 c.y. ±

6. What is the number of cubic yards of rip-rap per running foot of shoreline? 0.45 c.y/ft
   (See page 4 for a guide to calculating total cubic yards and cubic yards per running foot).

7. What will be the average weight of the stone used for the:
   Armor stone: 50-150 lb. Core stone: 50-150 lb.
   [If material other than stone, such as prefab geo-grid or other similar product is proposed, please describe here and include photographs or a brochure. The Department strongly discourages the use of broken concrete, cinderblocks or other materials that are less dense than stone, more apt to move off site due to currents or wave action, and/or are not aesthetically pleasing or in keeping with the natural environment.]
   Describe:

8. For Standard Revetments answer A–F, below: (for Sill projects, skip to Question #9)

A. How many linear feet will the structure extend channelward of:

Mean High Water: 6'± Mean Low Water: 1'

Ordinary High Water: n/a (for non-tidal waters)

B. How many square feet of the structure will be located:

Channelward of Mean High Water: 600 Channelward of Mean Low Water: 100

Channelward of Ordinary High Water: n/a (for non-tidal waters)

On vegetated wetlands: 0

C. Will the revetment be backfilled? ___ Yes x No

If yes, complete Appendix H and include it in your application.

D. Will filter cloth be used behind the rip-rap structure? x Yes ___ No

E. What is the average slope of the existing bank? nearly vertical bank

F. What is the proposed slope of the rip-rap revetment? 1.5:1

(See page 3 for a guide to calculating slopes).

9. Sill Projects: NOT APPLICABLE

A. What is the base width of the proposed structure: _____

B. What is the top width of the proposed structure: _____

C. How many square feet of the structure will be located:

Channelward of Mean High Water: _____ Channelward of Mean Low Water: _____

Channelward of Ordinary High Water: _____ (for non-tidal waters)

On vegetated wetlands: _____

D. What will be the average height of the structure: _____

E. How much of the structure (in inches) will extend vertically above:

Mean High Water: _____ Ordinary High Water: _____ (for non-tidal waters)

F. Are breaks or notches proposed in the sill to allow for greater flushing? ___ Yes ___ No

G. Will fill material be placed behind the sill? ___ Yes ___ No If yes, complete appropriate appendix.

H. Will wetland vegetation be planted behind the sill? ___ Yes ___ No

If yes, complete Appendix H and include it in your application.

10. Construction Techniques (Complete for both Revetment and Sill Projects):

A. Will any dredging be required? ___ Yes _x_ No

If yes, please include appropriate dredging Appendix with your application).

B. Please describe the sequence of construction and any techniques that will be utilized to minimize adverse impacts on the aquatic environment, and to preserve existing vegetation (particularly woody vegetation) along the shoreline:

No woody vegetation present (see photograph, Figure 7). Retaining wall will be installed landward of MHWL/HTL; stone rip-rap will be placed at base of wall. Work will be conducted using land-based equipment.

CALCULATIONS

RUN = Base width of the structure (in feet) RISE = Vertical height of the structure (in feet)

I. How to calculate total cubic yards:

0.5 * RUN * RISE * Linear feet of shoreline stabilized/27 = Total Cubic Yards

II. How to calculate cubic yards per running foot of shoreline:

Total # Cubic Yards/ Linear feet of shoreline = Cubic yards per running foot

III. How to calculate slope: Slope = RUN/RISE

EXAMPLE:

If we propose to stabilize 100 linear feet of shoreline with a rip-rap revetment that has a basewidth of 6 feet and a height of 3 feet:

0.5 * 6 * 3 * 100/27 = 33.33 Total Cubic Yards

II. 33.33/ 100= 0.333 Cubic Yards per running foot

III. 6/3= Slope of 2