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:	BURKENTINE DOCKING FACILITY

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):

Policy 5.1: Wetlands Management

See attached sheets

Policy 5.2: Beach Management

See attached sheets

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

See attached sheets

Policy 5.4: Subaqueous Land and Coastal Strip Management

See attached sheets

Policy 5.5: Public Lands Management

See attached sheets

Policy 5.6: Natural Lands Management

See attached sheets

Policy 5.7: Flood Hazard Areas Management

See attached sheets

Policy 5.8: Port of Wilmington

See attached sheets

Policy 5.9: Woodlands and Agricultural Lands Management

See attached sheets

Policy 5.10: Historic and Cultural Areas Management

See Attached sheets

Policy 5.11: Living Resources

See attached sheets

Policy 5.12 Mineral Resources Management

See attached sheets

Policy 5.13: State Owned Coastal Recreation and Conservation

See attached sheets

Policy 5.14: Public Trust Doctrine

See attached sheets

Policy 5.15: Energy Facilities

See attached sheets

Policy 5.16: Public Investment

See attached sheets

Policy 5.17: Recreation and Tourism

See attached sheets

Policy 5.18: National Defense and Aerospace Facilities

See attached sheets

Policy 5.19: Transportation Facilities

See attached sheets

Policy 5.20: Air Quality Management

See attached sheets

Policy 5.21: Water Supply Management

See attached sheets

Policy 5.22: Waste Disposal Management

See attached sheets

Policy 5.23: Development

See attached sheets

Policy 5.24: Pollution Prevention

See attached sheets

Policy 5.25: Coastal Management Coordination

See attached sheets

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:	10/6/2022

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

October 6, 2022

DELAWARE COASTAL MANAGEMENT PROGRAM
FEDERAL CONSISTENCY CERTIFICATION

Applicants

Paul Burkentine and Michael Burkentine
[redacted]

III. Detailed Project Description

Site Location

The proposed project site is 55 Thompson Court (Lot 104), Canal Corkran, Rehoboth Beach, Sussex County, Delaware (Tax Map Parcel #334-13.00-1755.00). 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 = 130'±. The site location is depicted on State of Delaware DNREC Wetland Map #DNR034, 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 structures are present along the waterway.

Proposed Project

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

- Construction of a 4' wide x 17' long fixed pier.
- Construction of a 6' wide x 60' long fixed dock
- Installation of two 4-piling boat lifts

IV. General Analysis of Coastal Effects.

Purpose of the proposed project is to provide access to the waterway (Lewes and Rehoboth Canal), and to provide mooring facilities for the applicants' two boats, a 22'6" Bennington and a 27' Yamaha pontoon. The structure 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 (salt-treated wood; galvanized hardware; aluminum/steel lifts). 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. There will be 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 applicants have submitted a permit application to the DNREC Wetlands and Waterways Section, 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.

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 Canal Corkran, 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 in Canal Corkran (CENAP-OP-R-2014-1200-23, Copen and Kirby) stated that "no registered properties or properties listed as eligible for inclusion in the National Register of Historic Places are located within the permit 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 in Canal Corkran (CENAP-OP-R-2014-1200-23, Copen and Kirby) 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. 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 applicants, their families, and friends, and will 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. There is not anticipated to be any air pollution resulting from the proposed project.

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 Waterways Section; and Delaware Coastal Management Program.

U.S. Army Corps of Engineers (USACE)

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

33 CFR 325. The proponent agency is CECW-CO-R

Form Approved - OMB No. 0710-0003 Expires: 01-08-2018

The public reporting burden for this collection of information, OMB Control Number 0710-0003, 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 the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. 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 APPLICATION TO THE ABOVE EMAIL.

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. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx

(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
First - Paul Michael Middle - Last - Burkentine Burkentine
Company - RAB Trust
E-mail Address - [redacted]

8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)
First - Evelyn Middle - M. Last - Maurmeyer
Company - CER, Inc.
E-mail Address - maurmeye@udel.edu

6. APPLICANT'S ADDRESS:
Address- [redacted]
City - [redacted] State - [redacted] Country - USA

9. AGENT'S ADDRESS:
Address- PO Box 674
City - Lewes State - DE Zip - 19958 Country - USA

7. APPLICANT'S PHONE NOs. w/AREA CODE
a. Residence [redacted] b. Business [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 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.

Paul D Burkentine 9/15/22
SIGNATURE OF APPLICANT DATE

SIGN & DATE

Michael D Burkentine NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)
BURKENTINE DOCKING FACILITIES

13. NAME OF WATERBODY, IF KNOWN (if applicable)
Lewes and Rehoboth Canal

14. PROJECT STREET ADDRESS (if applicable)
Address 55 Thompson Court (Lot 104)
City - Rehoboth Beach State-DE Zip- 19971

15. LOCATION OF PROJECT
Latitude: -N38.7225° N Longitude: -W-75.0905° W

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)
State Tax Parcel ID #334-13.00-1755.00 Municipality Canal Corkran subdivicion/Sussex Co. DE
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 construct a 4' wide x 17' long pier; a 6' wide x 60' long dock; two 4-piling boat lifts.

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

Purpose is to provide mooring facilities for applicant's two boats, a 22' Bennington and a 27' Yamaha pontoon.

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

20. Reason(s) for Discharge

No discharge proposed.

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
None proposed		

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

Acres or Linear Feet: No filling proposed

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

See attached sheet.

BLOCK 23.

Avoidance. Avoidance is not feasible, as there are no docking facilities present. The only alternative to docking facilities would be to anchor the vessels in the waterway, which would pose a safety concern in the heavily utilized Lewes and Rehoboth Canal, in the event that the vessels break free from their anchors.

Minimization. The applicant has minimized the project to the greatest extent feasible by designing the pier to be 4' in width and 17' in length channelward of MHWL)/7' in length channelward of MLWL to access adequate water depths. The 6' wide x 60' long dock, with two boat lifts, will provide mooring facilities for the applicants' two boats, a 22' Bennington and a 27' Yamaha pontoon. The channelward end of the structure (outermost pilings of the boat lifts) will not extend any farther channelward than other nearby docking facilities in the Lewes and Rehoboth Canal at Canal Corkran. The structure will not exceed the maximum 20% width of the waterway as measured at mean low water, nor will it encroach into the Corps' buffer zone.

Compensation. There will be no fill in waters of the U.S., including wetlands, associated with the proposed project; therefore, no compensation is proposed.

BLOCK 25.

Names and addresses of adjoining property owners (also see Figure 3):

Tax Map Parcel #	Name, address of owner
334-13.00-1754.00	Burkentine Investments Group, LLC, 1454 Baltimore St., Suite A, Hanover, PA 17331
334-13.00-1756.00	[redacted]
334-13.00-1745.00	Open Area, The Grande at Canal Pont Maint. Corp., PO Box 1418, Rehoboth Beach DE 19971
334-19.00-173.00	Lewes and Rehoboth Canal, United States of America, PO Box 2000, Georgetown, DE 19947

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	9/20/22	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 10/6/2022 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.

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 55 Thompson Court (Lot 104), Canal Corkran, Rehoboth Beach DE 19971 (Tax Map Parcel #334-13.00-1755.00). Paul Burkentine, owner (Trustee, along with Michael Burkentine, Successor Trustee, RAB Trust).

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 construct a 4' wide x 17' long fixed pier; a 6' wide x 60' long fixed dock; two 4-piling boat lifts.

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 is to provide access from applicants' upland property to waterway, and to provide mooring facilities for applicants' vessels, a 22' Bennington and a 27' Yamaha pontoon.

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 involved
4. Is significant filling involved?	☐	☒	No filling involved

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

Paul Burkentine and Michael Burkentine
[redacted]

a. **Street Address:** 55 Thompson Court (Lot 104), Canal Corkran,
Rehoboth Beach, DE 19971
Tax Map Parcel #334-13.00-1755.00

Latitude and Longitude: 38.7225° N., -75.0905° W.

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

Tax Map Parcel #	Name, address of owner
334-13.00-1754.00	Burkentine Investments Group, LLC, 1454 Baltimore St., Suite A, Hanover, PA 17331
334-13.00-1756.00	[redacted]
334-13.00-1745.00	Open Area, The Grande at Canal Pont Maint. Corp., PO Box 1418, Rehoboth Beach DE 19971
334-19.00-173.00	Lewes and Rehoboth Canal, United States of America, PO Box 2000, Georgetown, DE 19947

c. **Mailing Addresses:**

1. U.S. Post Office, 179 Rehoboth Avenue, Rehoboth Beach, DE 19971
2. Sussex County, The Courthouse, P.O. Box 589, Georgetown, DE 19947
3. News Journal Newspaper, 950 West Basin Road, New Castle, DE 19720
4. 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, construction of construct a pier, 4' wide x 17' long channelward of MHW/7' long channelward of MLW; a 6' wide x 60' long fixed dock; and two 4-piling boat lifts adjacent to the Lewes and Rehoboth Canal at 55 Thompson Court (Lot 104), Canal Corkran, Rehoboth Beach, Sussex County, Delaware (Tax Map Parcel #334-13.00-1755.00), Paul Burkentine and Michael Burkentine, applicants, complies with and will be conducted in a manner that is consistent with the approved Delaware Coastal Management Program (DCMP)."

Evelyn M. Maurmeyer 10/6/2022

Evelyn M. Maurmeyer — Date
Agent for applicants

CONSTRUCTION OF 4' W x 17' L PIER; 6' W X 60' L DOCK; AND TWO 4-PILING BOAT LIFTS

IN: Lewes and Rehoboth Canal

AT: 55 Thompson Court (Lot 104), Canal Corkran
Rehoboth Beach, Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.00-1755.00

APPLICANTs: Paul Burkentine and Michael Burkentine

DATE: October 6, 2022

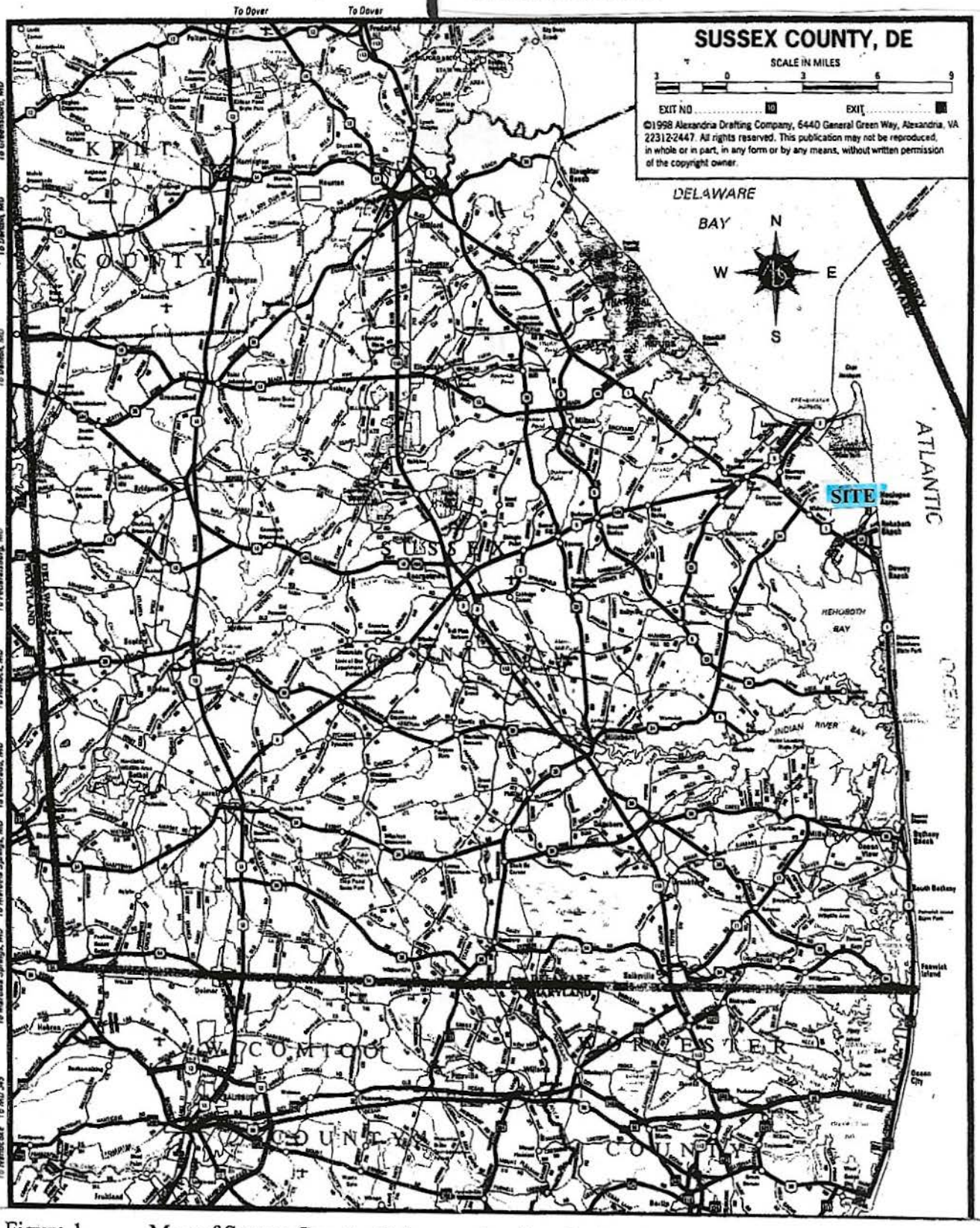

Figure 1. Map of Sussex County, Delaware showing site location, Canal Corkran, Rehoboth Beach.

CONSTRUCTION OF 4' W x 17' L PIER; 6' W X 60' L DOCK; AND TWO 4-PILING BOAT LIFTS

IN: Lewes and Rehoboth Canal

AT: 55 Thompson Court (Lot 104), Canal Corkran
Rehoboth Beach, Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.00-1755.00

APPLICANTs: Paul Burkentine and Michael Burkentine

DATE: October 6, 2022

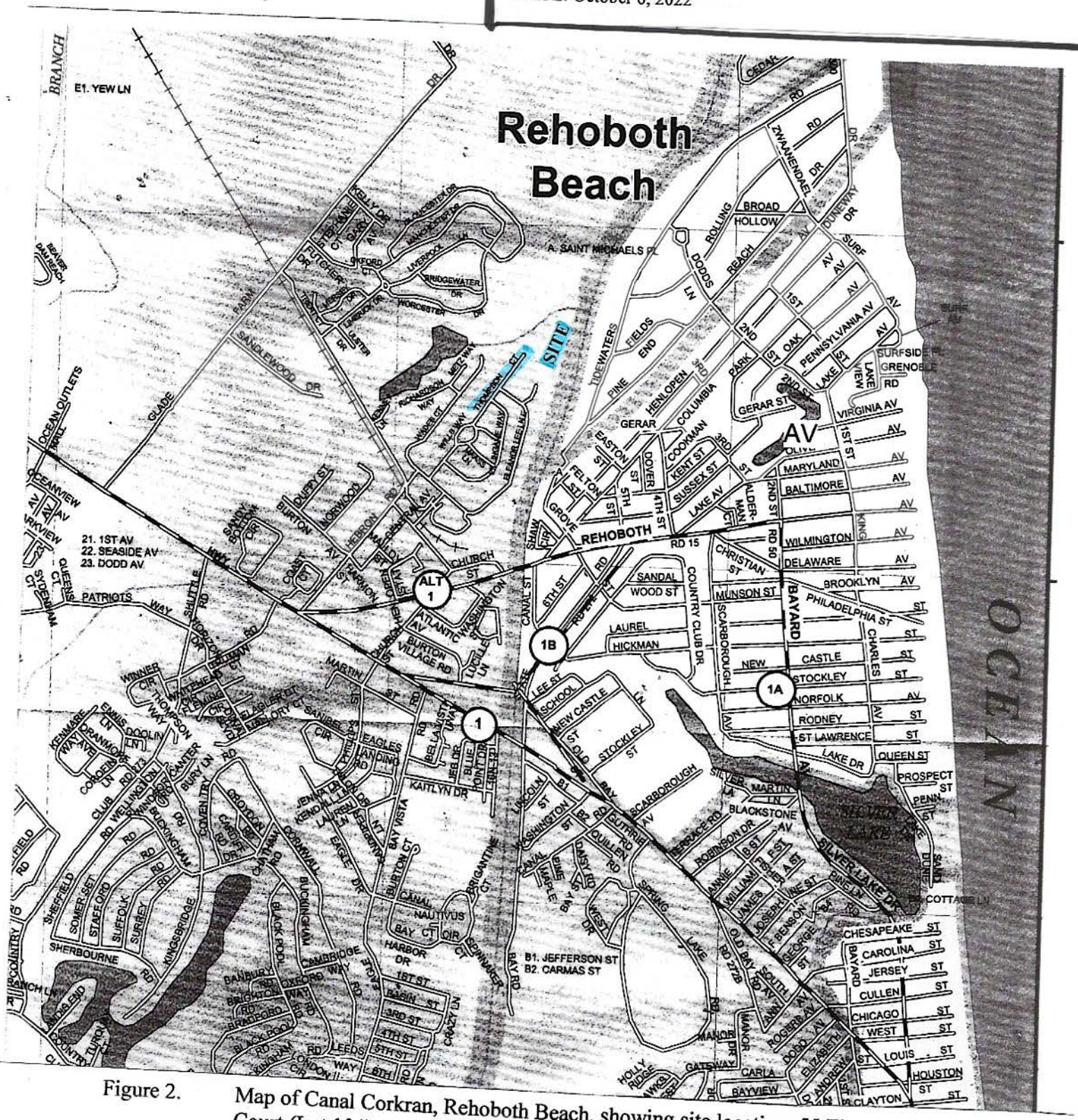

Figure 2. Map of Canal Corkran, Rehoboth Beach, showing site location, 55 Thompson Court (Lot 104). Directions to project site (from Dover, DE): SR-1 southbound toward Rehoboth Beach; left at traffic signal onto Route 1A (Rehoboth Avenue extended); left at traffic light onto Church Street; left onto Canal Crossing Road; right onto Corkran Blvd.; right at stop sign onto Eleanor Lee Lane East; follow curve to end; right onto Thompson Court to cul-de-sac at end; site is vacant wooded lot at cul-de-sac. Also see Figure 3

CONSTRUCTION OF 4' W x 17' L PIER; 6' W X 60' L DOCK; AND TWO 4-PILING BOAT LIFTS

IN: Lewes and Rehoboth Canal

AT: 55 Thompson Court (Lot 104), Canal Corkran
Rehoboth Beach, Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.00-1755.00

APPLICANTs: Paul Burkentine and Michael Burkentine

DATE: October 6, 2022

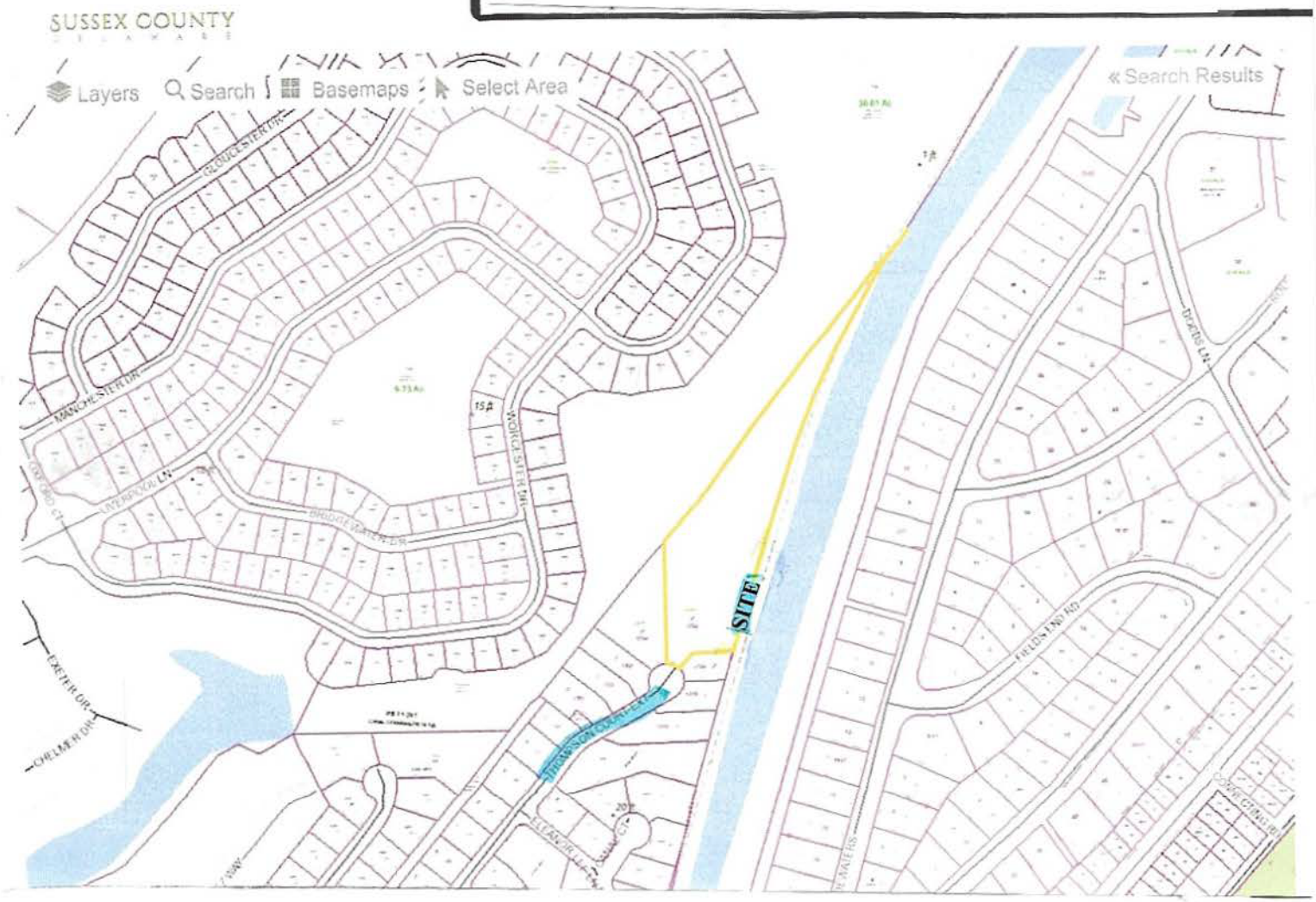

Figure 3. Map of Canal Corkran, Rehoboth Beach, Sussex County, Delaware, showing site location,55 Thompson Court (Lot 104), Tax Map Parcel #334-13.00-1755.00). Names and addresses of adjoining property owners:

Tax Map Parcel #	Name, address of owner
334-13.00-1754.00	Burkentine Investments Group, LLC, 1454 Baltimore St., Suite A, Hanover, PA 17331
334-13.00-1756.00	[redacted]
334-13.00-1745.00	Open Area, The Grande at Canal Pont Maint. Corp., PO Box 1418, Rehoboth Beach DE 19971
334-19.00-173.00	Lewes and Rehoboth Canal, United States of America, PO Box 2000, Georgetown, DE 19947

CONSTRUCTION OF 4' W x 17' L PIER; 6' W X 60' L DOCK; AND TWO 4-PILING BOAT LIFTS

IN: Lewes and Rehoboth Canal

AT: 55 Thompson Court (Lot 104), Canal Corkran
Rehoboth Beach, Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.00-1755.00

APPLICANTs: Paul Burkentine and Michael Burkentine

DATE: October 6, 2022

Figure 4. Site location on USGS topographic map, Rehoboth Beach, DE quadrangle. Site is adjacent to the Lewes and Rehoboth Canal.

Figure 5. Site location on State of Delaware NREC wetland map #034 (1988 photobase). Site is mapped W (water), adjacent to O (uplands or non-tidal wetlands less than 400 acres). No DNREC-regulated wetlands mapped on site. Scale: 1" = 300'.

CONSTRUCTION OF 4' W x 17' L PIER; 6' W X 60' L DOCK; AND TWO 4-PILING BOAT LIFTS

IN: Lewes and Rehoboth Canal

AT: 55 Thompson Court (Lot 104), Canal Corkran
Rehoboth Beach, Sussex County, Delaware 19971
Tax Map Parcel #3-34-13.00-1755.00

APPLICANTS: Paul Burkentine and Michael Burkentine

DATE: October 6, 2022

Figure 6. Aerial photograph showing project site, 55 Thompson Court (Lot 104), Canal Corkran, Rehoboth Beach, Sussex County, Delaware, a vacant wooded parcel adjacent to the Lewes and Rehoboth Canal. MLW width of waterway at project site = 130'±. Applicant proposes to construct a pier, 4' wide x 17' long channelward of MHW/7' long channelward of MLW; a 6' wide x 60' long fixed dock; and two 4-piling boat lifts. Structures will not extend more than 20% of the MLW width of the waterway, nor into the Corps buffer zone; and will not extend any farther channelward than nearby structures in Canal Corkran, See Figures 8 and 9 for plan view and cross-section sketches.

CONSTRUCTION OF 4' W x 17' L PIER; 6' W X 60' L DOCK; AND TWO 4-PILING BOAT LIFTS
IN: Lewes and Rehoboth Canal
AT: 55 Thompson Court (Lot 104), Canal Corkran
Rehoboth Beach, Sussex County, Delaware 19971
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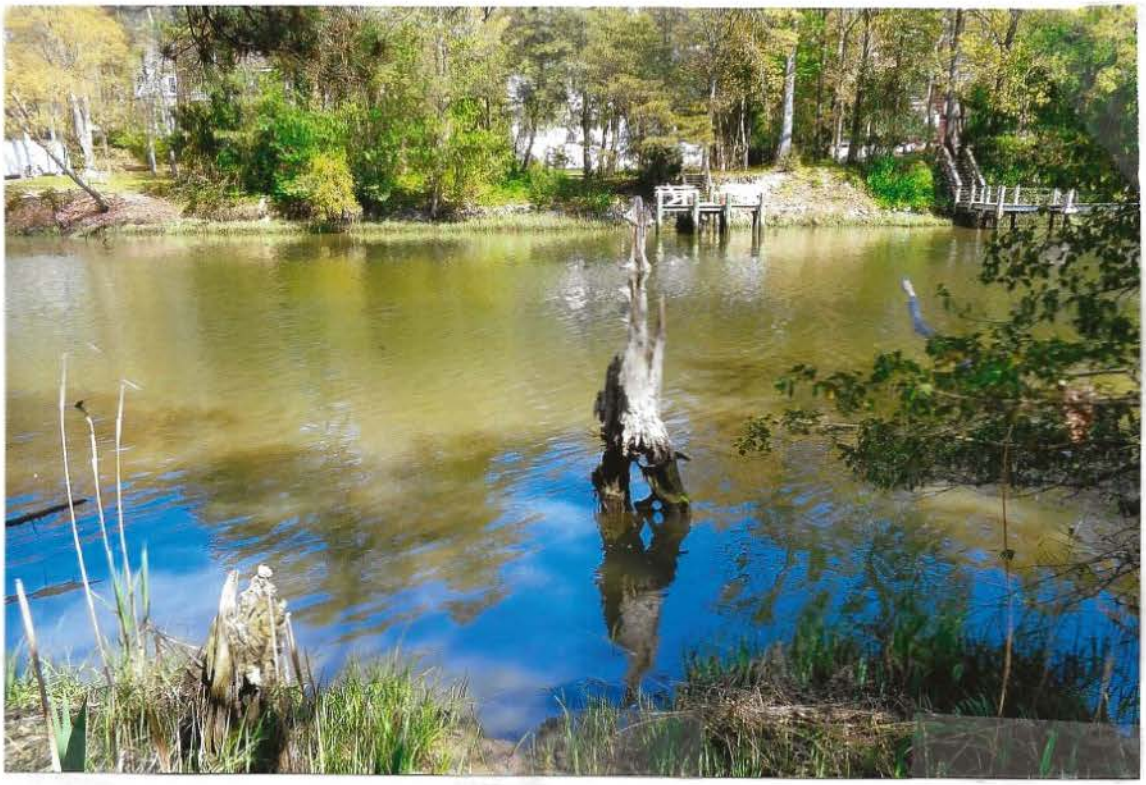

Figure 7. Ground-level photograph of project site, 55 Thompson Court (Lot 104), Canal Corkran, Rehoboth Beach, Sussex County, Delaware (foreground), adjacent to the Lewes and Rehoboth Canal. Applicant proposes to construct a pier, 4' wide x 17' long channelward of MHW/7' long channelward of MLW; a 6' wide x 60' long fixed dock; and two 4-piling boat lifts. Structures will not extend more than 20% of the MLW width of the waterway, nor into the Corps buffer zone; and will not extend any farther channelward than nearby structures in Canal Corkran, See Figures 8 and 9 for plan view and cross-section sketches.

CONSTRUCTION OF 4' W x 17' L PIER; 6' W X 60' L DOCK; AND TWO 4-PILING BOAT LIFTS

IN: Lewes and Rehoboth Canal

AT: 55 Thompson Court (Lot 104), Canal Corkran
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Tax Map Parcel #3-34-13.00-1755.00

APPLICANTs: Paul Burkentine and Michael Burkentine

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PLAN VIEW SKETCH (1" = 10'±):

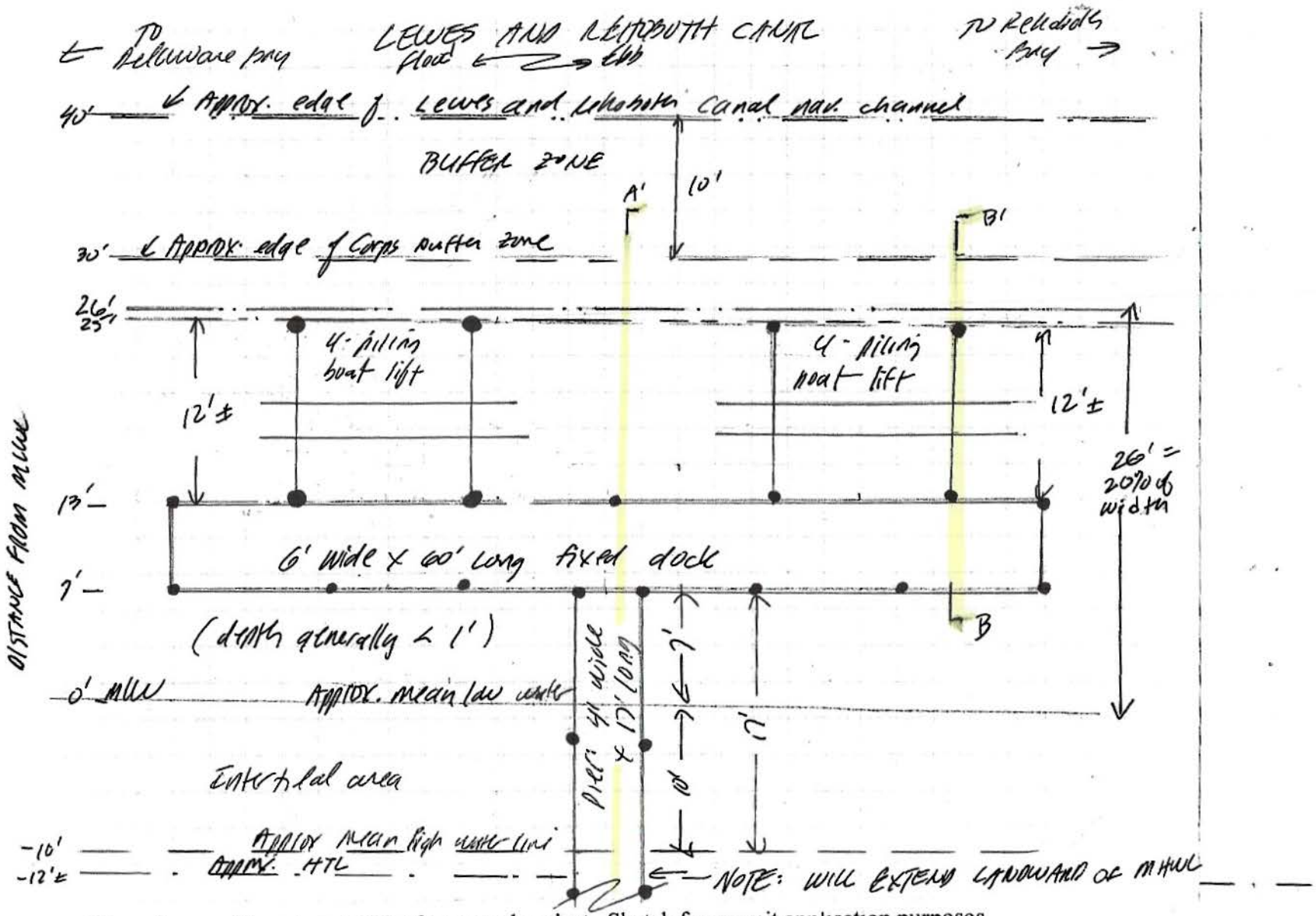

Figure 8. Plan view sketch of proposed project. Sketch for permit application purposes only.

CONSTRUCTION OF 4' W x 17' L PIER; 6' W X 60' L DOCK; AND TWO 4-PILING BOAT LIFTS

IN: Lewes and Rehoboth Canal

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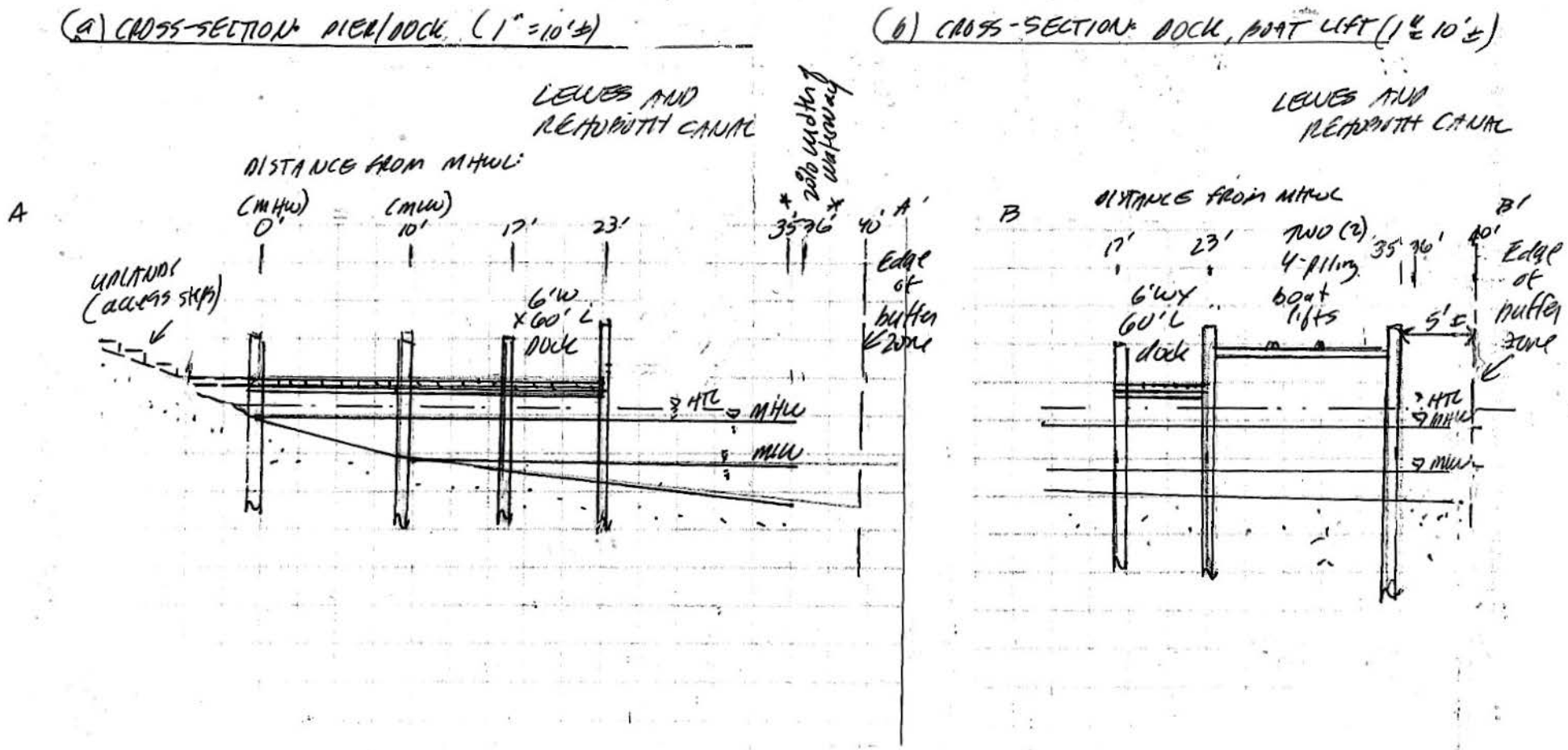

Figure 9. Cross-section sketches of proposed project. Sketches for permit application purposes only.