

November 9, 2022

ERI Project No: 1006#1111

Kimberly B. Cole, Administrator
Delaware Coastal Management Program
Department of Natural Resources & Environmental Control
100 W. Water Street, Suite 7B
Dover, Delaware 19904

**RE: Harpoon Hanna's Restaurant & Marina Facility
Delaware Costal Zone Consistency Determination
Coastal Management Program
Tax Map Parcel 134-23.00-4.00
Baltimore Hundred, Sussex County, Delaware**

Dear Ms. Cole,

Environmental Resources, Inc. (ERI) is writing in order to provide you with the individual Department of the Army Permit Application for the Harpoon Hanna's Restaurant & Marina. The following is a project description and a response to applicable Coastal Zone Management Program Policies. Hanna Holding's L.P. requests the issuance of a Coastal Zone Consistency Determination from your program.

Project Description

Hanna Holdings, L.P. is the owner and operator of the Harpoon Hanna's Restaurant & Marina Facility located on the south side of SR 54 (Lighthouse Road) and the east side of the Fenwick Ditch in the Baltimore Hundred, near the Fenwick Island resort area. The area of the property that will be involved with the Department of the Army application is at the northeast corner of the restaurant property along the Fenwick Ditch.

The proposed project involves two activities. A 4' wide boardwalk will be cantilevered approximately 2.5 feet channelward of a newly installed vinyl bulkhead wall (NWP No. 3 CENAP-OPR-2021-921-23). The length of the new boardwalk is 96 linear feet. The new boardwalk will be around the perimeter of an existing tiki bar dock at the northwest corner of the restaurant facility.

The second part of this project involves an existing 8'x80' foot long marina pier providing twelve boat slips extends from the bulkhead on the north side of the tiki bar deck. The pier needs to be replaced. As a result of the stepping out of the bulkhead around the tiki bar deck, the pier length needs to be increased to 84 feet and there will be six 2'x8' finger piers relocated and reconstructed along the pier. Eighteen new mooring piles will be installed. No additional slips are proposed. The pier will be of typical marine

construction using salt treated 10 inch diameter piles, 2"x10" stringers and headers, 2"x8' decking and galvanized hardware.

Compliance with Coastal Policies

The following explains how the project complies with Delaware Coastal Management Program Polices:

5.1 Wetland Management: The project does not impact any state and federally regulated wetlands. The proposed project is limited to the tidal waters of the Fenwick Ditch. No filling of waters is proposed and the proposed activities are water related.

5.2 Beach Management: No beaches are present in the project area in the project footprint.

5.3.1-2 Coastal Waters Management General & Marinas: The proposed project is limited in scope. It involves reconstruction and reconfiguration of an existing 12 slip marina pier and 96 linear feet of 4 foot wide cantilevered boardwalk extending channelward of an existing bulkhead which surrounds an existing outdoor tiki bar deck.

The marina facility has been approved by DNREC's Wetlands & Subaqueous Lands Section (WSLS). It operates under an approved Operations & Maintenance Plan (OM-155/18).

The existing 80 foot long marina pier needs to be extended 4 feet in order to compensate for changes resulting from installation of the existing shoreline bulkhead at the landward end of the pier. The pier is deteriorated, and it needs replacement. A total of 32 square feet of new pier will impact public subaqueous lands. The extension of a 4 foot wide cantilevered boardwalk from the existing bulkhead surrounding the existing outdoor tiki bar deck is a relatively minor improvement. A total of 54 square feet of public subaqueous lands will be impacted by this work.

The proposed improvement is 25 feet away from the Fenwick Ditch channel and the Fenwick Ditch is 192 feet wide. No impact to navigation will occur. All in water work will be in accordance with time of all year restrictions of future Corps and DNREC permits.

5.4 Subaqueous Lands & Coastal Strip Management: The project is designed in accordance with DNREC Subaqueous Lands and Regulations and a permit will be issued prior to construction. The project will impact only 86 square feet of public subaqueous lands. (See 5.3.1-2)

5.5 "Public Lands" Management: The project does involve 86 square feet of state owned subaqueous lands. The project has been designed in accordance with DNREC Subaqueous Lands and Marina Regulations. DNREC permit and a lease will be issued by the Wetlands and Subaqueous Lands Section prior to construction.

5.6 Natural Areas Management: The project does not involve natural lands as the project only involves improvements to an existing restaurant and marina facility. The project is a water dependent use.

5.7 Flood Hazard Areas Management: All local flood hazard regulations will be followed. The federal project involves structures only for recreational docking of boats and boardwalk access to connect the north and south sections of the facility.

5.8 Port of Wilmington: Not applicable.

5.9.1-5 Woodlands and Agricultural Lands Management (Woodlands, Silviculture, Agricultural Lands, Tax Ditches, and Advisory Policy): No woodlands or agricultural lands are present. The project site is redevelopment of an existing restaurant and marina complex.

5.10.1-2 Historic & Cultural Areas Management: No historic or cultural resources will be impacted. The project is redevelopment of an existing restaurant and marina complex.

5.11.1-4 (General, Fish & Wildlife, Nongame & Endangered Species, and Advisory Policy): The project involves minor improvements of an existing restaurant and marina facility which has been designed to minimize any impact to Fish & Wildlife resources. No significant resources are present. All time of year restrictions regarding construction activities listed in the conditions state or federal permits will be followed.

5.12 – 5.25: Response to policies 5.12 – 5.25. These policies are not applicable or do not apply. The project involves minor improvements to an existing restaurant and marina facility.

Upon your review of this information, I am available at your convenience should you have any additional questions.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.

Edward M. Launay, Principal
Professional Wetland Scientist No. 875, Society of Wetland Scientists

Cc: Hanna Holdings, L.P.



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: Marina Pier & Boardwalk Improvements- Harpoon Hanna's, Selbyville, Delaware

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

Contact Name/Title: Hanna Holdings, L.P., Edward Launay, Environmental Resources, Inc. (agent)

Federal Agency Contractor Name (if applicable): _____

Federal Agency: U.S. Army Corps of Engineers, Philadelphia District
(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: Wanamaker Building 100 Penn Square East

City: Philadelphia State: PA Zip Code: 19107

E-mail: michael.d.yost@usaco.e.army.mil Telephone #: 302-736-9764

II. Federal Consistency Category:

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

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

Harpoon Hanna's L.P. is the owner and operator of the Harpoon Hanna's Restaurant & Marina Facility located on the south side of SR 54 (Lighthouse Road) and the east side of the Fenwick Ditch in the Baltimore Hundred, near the Fenwick Island resort area. The area of the property that will be involved with the Department of the Army application is at the northeast corner of the restaurant property along the Fenwick Ditch.

The proposed project involves two activities. A 4' wide boardwalk will be cantilevered approximately 2.5 feet channelward of a newly installed vinyl bulkhead wall (NWP No. 3 CENAP-OPR-2021-921-23). The length of the new boardwalk is 96 linear feet. The new boardwalk will be around the perimeter of an existing tiki bar dock at the northwest corner of the restaurant facility.

The second part of this project involves an existing 8'x80' foot long marina pier providing twelve boat slips extends from the bulkhead on the north side of the tiki bar deck. The pier needs to be replaced. As a result of the stepping out of the bulkhead around the tiki bar deck, the pier length needs to be increased to 84 feet and there will be six 2'x8' finger piers relocated and reconstructed along the pier. Eighteen new mooring piles will be installed. No additional slips are proposed. The pier will be of typical marine construction using salt treated 10 inch diameter piles, 2"x10" stringers and headers, 2"x8' decking and galvanized hardware.

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

The proposed project will have no substantial coastal effect. The project is small in scope. It involves the replacement and minor reconfiguration of a longstanding 12 slip marina pier previously approved by the Department. The project also involves 96 linear feet of boardwalk to be cantilevered from an existing boardwalk around an outdoor dock. Environmental effects are insignificant. No pile driving is required for this boardwalk addition. The work does not impact the adjacent navigational channel.

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

Policy 5.1: Wetlands Management

The project does not impact any state and federally regulated wetlands. The proposed project is limited to the tidal waters of the Fenwick Ditch. No filling of waters is proposed and the proposed activities are water related.

Policy 5.2: Beach Management

No beaches are present in the project area in the project footprint.

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

The proposed project is limited in scope. It involves reconstruction and reconfiguration of an existing 12 slip marina pier and 96 linear feet of 4 foot wide cantilevered boardwalk extending channelward of an existing bulkhead which surrounds an existing outdoor tiki bar deck.
The marina facility has been approved by DNREC's Wetlands & Subaqueous Lands Section (WSLS). It operates under an approved Operations & Maintenance Plan (OM-155/18).
The existing 80 foot long marina pier needs to be extended 4 feet in order to compensate for changes resulting from installation of the existing shoreline bulkhead at the landward end of the pier. The pier is deteriorated, and it needs replacement. A total of 32 square feet of new pier will impact public subaqueous lands. The extension of a 4 foot wide cantilevered boardwalk from the existing bulkhead surrounding the existing outdoor tiki bar deck is a relatively minor improvement. A total of 54 square feet of public subaqueous lands will be impacted.
The proposed improvement is 25 feet away from the Fenwick Ditch navigation channel and the Fenwick Ditch is 192 feet wide. No impact to navigation will occur. All in water work will be in accordance with time of all year restrictions of future Corps and DNREC permits.

Policy 5.4: Subaqueous Land and Coastal Strip Management

The project is designed in accordance with DNREC Subaqueous Lands and Regulations and a permit will be issued prior to construction. The overall project will impact only 86 square feet of public subaqueous lands. (See 5.3.1-2)

Policy 5.5: Public Lands Management

The project does involve 86 square feet of state owned subaqueous lands. The project has been designed in accordance with DNREC Subaqueous Lands and Marina Regulations. A DNREC permit and a lease will be issued by the Wetlands and Subaqueous Lands Section prior to any construction.

Policy 5.6: Natural Lands Management

The project does not involve natural lands as the project only involves improvements to an existing restaurant and marina facility. The project is a water dependent use.

Policy 5.7: Flood Hazard Areas Management

All local flood hazard regulations will be followed. The federal project involves structures only for recreational docking of boats and boardwalk access to connect the north and south sections of the facility.

Policy 5.8: Port of Wilmington

Not applicable.

Policy 5.9: Woodlands and Agricultural Lands Management

No woodlands or agricultural lands are present. The project site is redevelopment of an existing restaurant and marina complex.

Policy 5.10: Historic and Cultural Areas Management

No historic or cultural resources will be impacted. The project is redevelopment of an existing restaurant and marina complex.

Policy 5.11: Living Resources

The project involves minor improvements of an existing restaurant and marina facility which has been designed to minimize any impact to aquatic resources. No significant resources are present. All time of year restrictions regarding construction activities listed in the conditions state or federal permits will be followed.

Policy 5.12 Mineral Resources Management

Not Applicable.

Policy 5.13: State Owned Coastal Recreation and Conservation

No state owned recreation or conservation areas are located nearby.

Policy 5.14: Public Trust Doctrine

Maintenance & Improvements to public facilities such as the current Hanna Holdings L.P. property are in the public interest.

Policy 5.15: Energy Facilities

Not applicable.

Policy 5.16: Public Investment

No public investment is required.

Policy 5.17: Recreation and Tourism

Harpoon Hanna's is a longstanding popular restaurant and marina facility. Maintenance and improvements to the facility benefit recreation and tourism for both local and outside populations.

Policy 5.18: National Defense and Aerospace Facilities

Not applicable.

Policy 5.19: Transportation Facilities

Not applicable. The project lies landward of the Fenwick Ditch navigational channel.

Policy 5.20: Air Quality Management

Not applicable.

Policy 5.21: Water Supply Management

Not applicable.

Policy 5.22: Waste Disposal Management

Not applicable.

Policy 5.23: Development

Not applicable. The site is an existing facility.

Policy 5.24: Pollution Prevention

The existing marina facility is overseen and regulated by DNREC through an Operations and Maintenance Plan approved by the Department (OM-155/18).

Policy 5.25: Coastal Management Coordination

The existing marina facility is overseen and regulated by DNREC through an Operations and Maintenance Plan approved by the Department (OM-155/18).

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:			
Printed Name:	Wes Hanna, Hanna Holdings, L.P.	Date:	11/11/2022

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: <input type="checkbox"/> NO <input type="checkbox"/> YES <i>[attach comments]</i>	
Decision type: <small>(objections or conditions attach details)</small>	Decision Date: _____	

November 1, 2022

ERI Project No.: 1006#1111

Mr. Todd Schaible, Chief
Regulatory Branch, Philadelphia District
U.S. Army Corps of Engineers
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

Attn: Mr. Michael Yost, Dover, Delaware Field Office, Philadelphia District

**Re: Department of the Army Permit
Tax Map Parcel 134-23.00-4.00
Baltimore Hundred, Sussex County, Delaware
Waterway: Fenwick Ditch
Applicant: Hanna Holdings, L.P.**

Dear Mr. Schaible,

Environmental Resources, Inc. (ERI), is writing you on behalf of the applicant, Hanna Holdings, L.P. regarding the replacement and reconfiguration of an existing 12 slip marina pier on the north side of the Harpoon Hanna's restaurant facility. In order to account for the step out of a newly installed vinyl replacement bulkhead (NWP No. 3, CENAP-OPR-921-23), it is necessary to extend the existing 8' x 80' marina pier four feet in order to maintain existing slip size and capacity.

The second proposed activity is to install 96 linear feet of 4 foot wide bulkhead along the outer perimeter of the existing tiki bar deck located at the north end of the facility. That boardwalk will be cantilevered off of the newly installed replacement bulkhead extending approximately 2.5 feet channelward of the pilings supporting that wall. This structure will connect the marina pier and northern part with the facility to the existing boardwalk and shoreline on the south side of the facility. The existing waterway is 192 foot wide at this location and the active channel is at least 25 feet away from the perimeter of the existing tiki bar deck bulkhead and this minor modification will have no impact on navigation. However, an Individual Department of the Army Permit will be required based on consultation with your staff.

The bulkhead, boardwalk and marina pier are part of the existing Harpoon Hanna's restaurant facility. The project site is located on Tax Map Parcel 134-23.00-4.00, Baltimore Hundred, Sussex County Delaware. The property address is 39064 Harpoon Road Fenwick Island, Delaware 19944.

Enclosed is Eng Form 4345, Environmental Questionnaire and 8.5"x11" permit drawings illustrating the proposed project.

Upon your review of these materials, please let me know if you or your staff need any additional information in support of this request. On behalf of Hanna Holdings, L.P., thank you in advance for your time and attention to these requests.

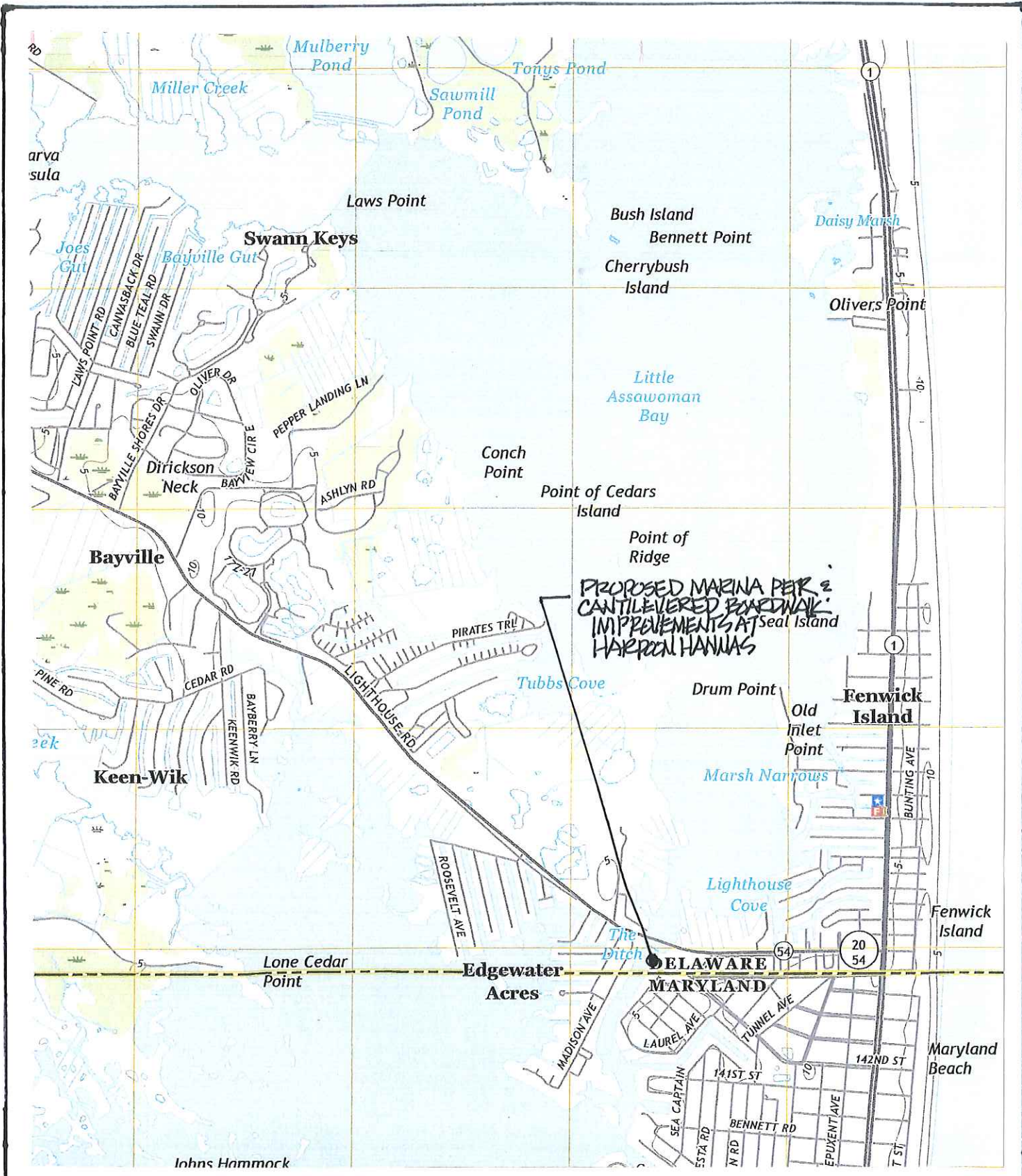
Sincerely,

ENVIRONMENTAL RESOURCES, INC.



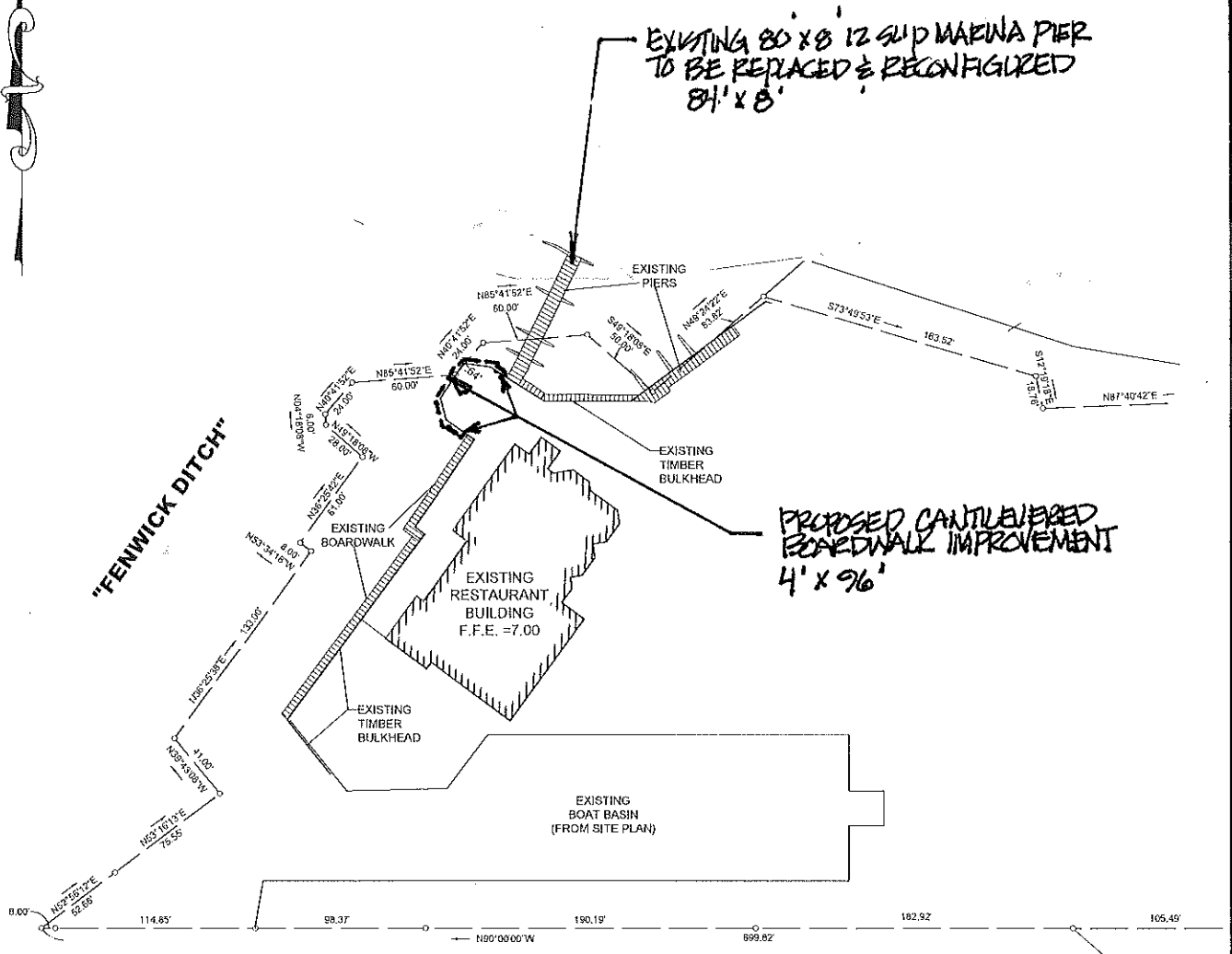
Edward M. Launay
Principal

Enclosures: 8.5-inch by 11-inch Project Plans
Eng Form 4345
Environmental Questionnaire
Notice of Water Quality Certification Request (DNREC, WSLs)
Delaware Coastal Management Program
Consistency Request Letter



	<p>SCALE: 1" = 2000 FEET BALTIMORE HUNDRED</p>	<p>ASSAWOMAN QUADRANGLE LOCATION MAP USGS TOPOGRAPHIC TM PARCEL 134-23.00-4.00</p>	<p>PROPOSED MARINA PIER & CANTILEVERED BULKHEAD IMPROVEMENTS HARBOR HANUAS FENWICK ISLAND, DELAWARE</p>
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	<p>Date: NOV 1 2022 Revisions:</p>	<p>Dwn.By: JRW Proj.No.: 10067# 1111</p>	<p>SHEET: 1</p>
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LANDS OF
NOLAN GRAVES
DEED RE: 1802/422
T.M. 118, PARCEL 7089A

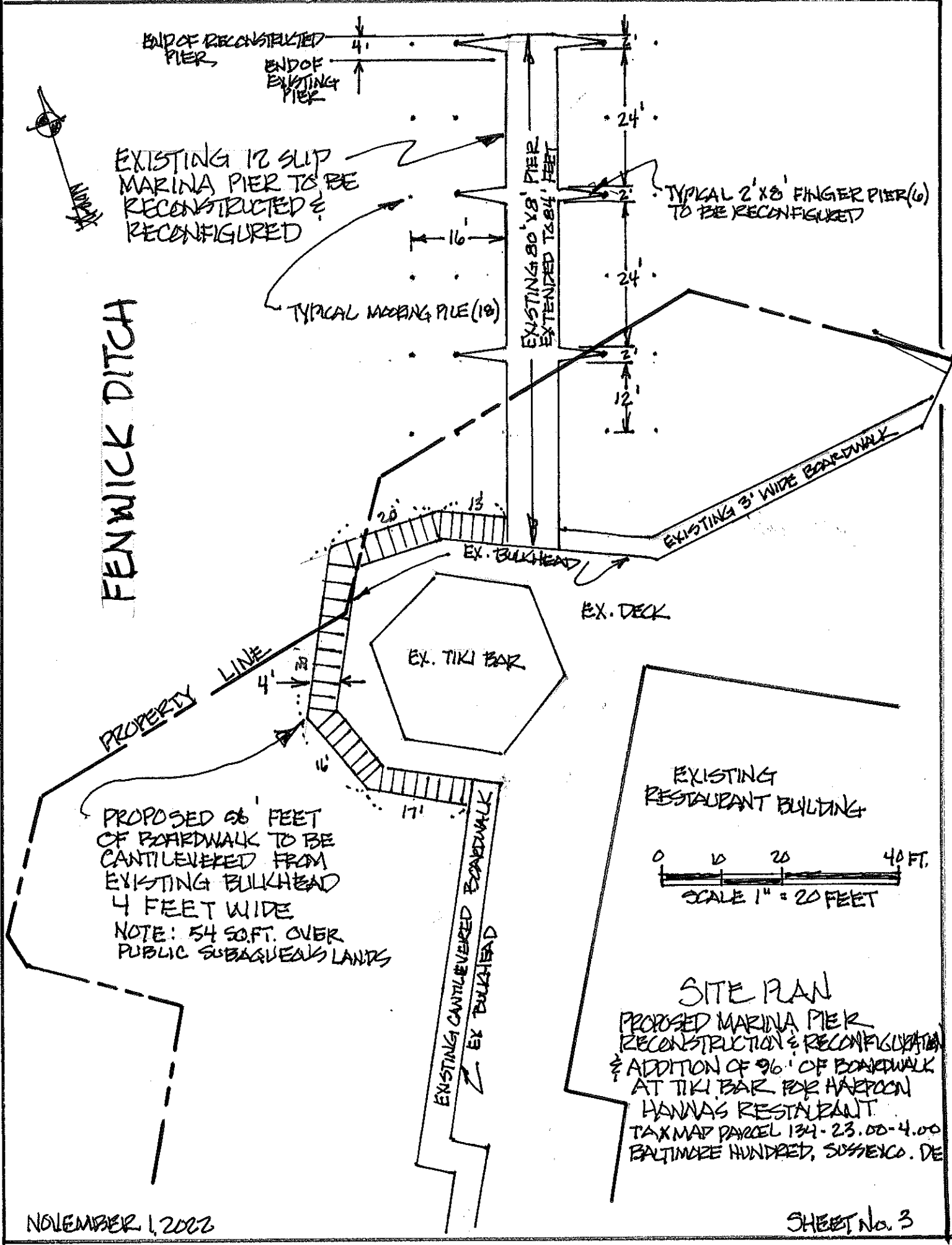
FRA

EXISTING CONDITIONS SURVEY
PROPOSED MARINA PIER
RECONSTRUCTION & RECONFIGURATION
& ADDITION OF 96' OF BOARDWALK
AT TIKI BAR DECK
HARPOON HAWAII'S RESTAURANT
TAXMAP PARCEL 134-23.08-4.00
BALTIMORE HUNDRED SUBSEX. CO. DE



NOVEMBER 1, 2022

SHEET 2



FENWICK DITCH

EXISTING 12 SLIP MARINA PIER TO BE RECONSTRUCTED & RECONFIGURED

EXISTING 80' X 8' PIER EXTENDED TO 84' FEET

TYPICAL 2' X 8' FINGER PIER (6) TO BE RECONFIGURED

TYPICAL MOORING PILE (10)

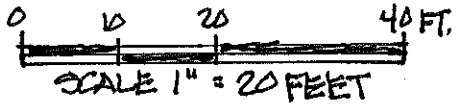
EX. TIKI BAR

EX. DECK

EXISTING RESTAURANT BUILDING

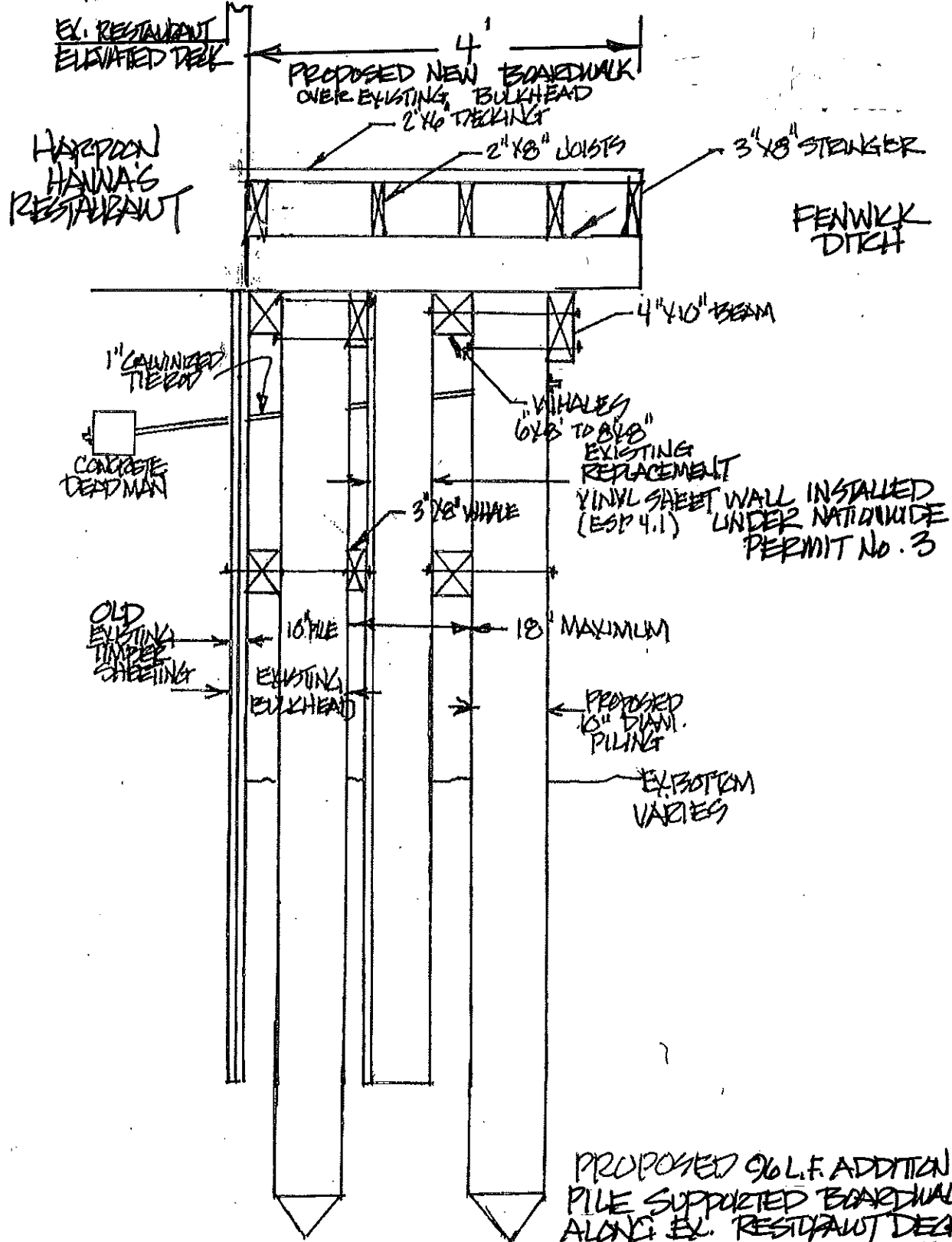
PROPOSED 96' FEET OF BOARDWALK TO BE CANTILEVERED FROM EXISTING BULKHEAD 4 FEET WIDE
NOTE: 54 SOFT. OVER PUBLIC SUBSEQUENTS LANDS

SITE PLAN
PROPOSED MARINA PIER RECONSTRUCTION & RECONFIGURATION & ADDITION OF 96' OF BOARDWALK AT TIKI BAR FOR HARPON HANNA'S RESTAURANT
TAXMAP PARCEL 134-23.00-4.00
BALTIMORE HUNDRED, SUSSEX CO. DE



TYPICAL CROSS SECTION

NOTE: 240 SQ. FT. ENCRoACHMENT OVER TIDAL WATERS



PROPOSED 96 L.F. ADDITION OF PILE SUPPORTED BOARDWALK ALONG EX. RESTAURANT DECK
 TAX MAP PARCEL 134-23.00-4.00
 BALTIMORE HUNDRED SUSSEX CO.
 DELAWARE

NOV 1 2022

SHEET 4

17. DIRECTIONS TO THE SITE

From State Route 1 (SR 1) and State Route 54 (SR 54) proceed 0.5 miles west on SR 54 to Dukes Road (CR 580). Turn right. Entrance to Harpoon Hanna's is 0.1 mile on right.

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

The proposed project involves two activities. A 4' wide boardwalk will be cantilevered approximately 2.5 feet channelward of a newly installed vinyl bulkhead wall (NWP No. 3 CENAP-OPR-2021-921-23). The length of the new boardwalk is 96 linear feet. The new boardwalk will be around the perimeter of an existing tiki bar dock at the northwest corner of the restaurant facility. The second part of this project involves an existing 8'x80' foot long marina pier providing twelve boat slips extends from the bulkhead on the north side of the tiki bar deck. The pier needs to be replaced. As a result of the stepping out of the bulkhead around the tiki bar deck, the pier length needs to be increased to 84 feet and there will be six 2'x8' finger piers relocated and reconstructed along the pier. Eighteen new mooring piles will be installed. No additional slips are proposed. The pier will be of typical marine construction using salt treated 10 inch diameter piles, 2"x10" stringers and headers, 2"x8' decking and galvanized hardware.

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

The project purpose is to enhance the function and safety of the waterfront amenities of the existing facility. The existing marina pier must be reconfigured and replaced due to age and to account for step out of newly installed replacement bulkhead.

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

20. Reason(s) for Discharge

The existing marina pier must be reconfigured and replaced due to age and to account for step out of newly installed replacement bulkhead.

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

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

No Discharge of Fill Proposed.

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

Acres The work involves 0.0001 acre of new boardwalk and pier structure over waters.
or
Linear Feet

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

No discharge of fill is proposed and structural modification of boardwalk and pier is minimal.

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).

a. Address- Hanna Holdings, L.P. P.O. Box 2638
 City - Salisbury State - MD Zip - 21802

b. Address- State of Delaware Department of Transportation P.O. Box 778
 City - Dover State - DE Zip - 19903

c. Address-
 City - State - Zip -

d. Address-
 City - State - Zip -

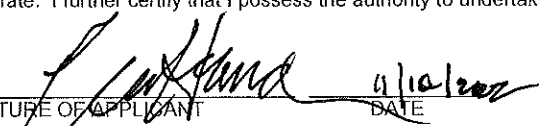
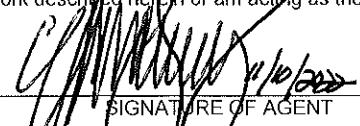
e. Address-
 City - State - Zip -

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
DNREC	Subaqueous Lands		November 2022	Pending	

* 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 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.

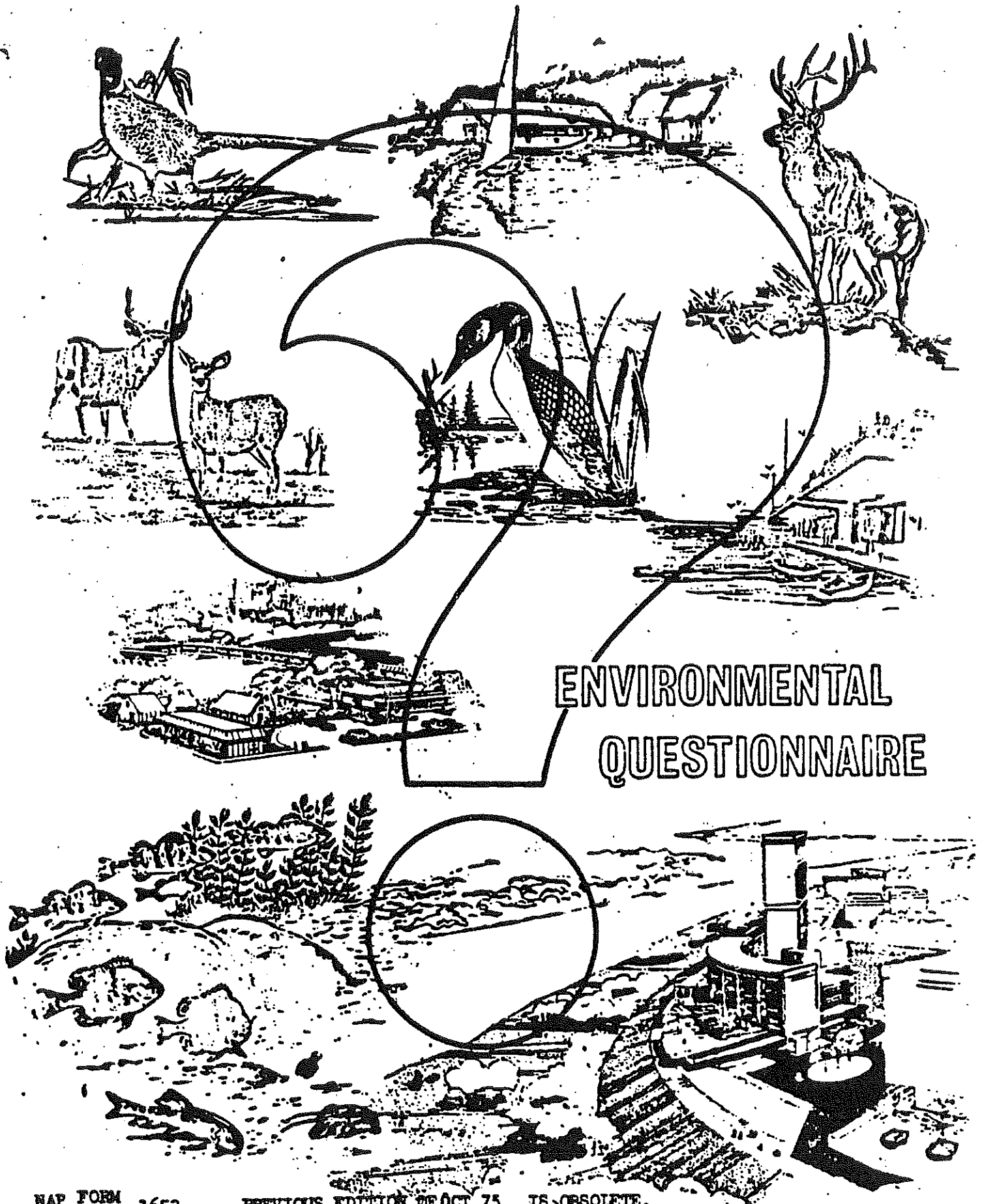
APPENDIX B

ADDRESSES OF LOCAL POST OFFICE AND NEWSPAPERS

U.S. POST OFFICE
23 CHURCH STREET
SELBYVILLE, DE 19975

NEWS JOURNAL
NEWS JOURNAL MEDIA GROUP
P. O. BOX 15505
WILMINGTON, DE 19850-9831
302-324-2424 (Classifieds)
302-324-2500 (General #)

SUSSEX COUNTIAN
1196 SOUTH LITTLE CREEK ROAD
P. O. BOX 664
DOVER, DE 19903
302-856-0026 (General #)
1-800-942-1616 (Classifieds)



ENVIRONMENTAL
QUESTIONNAIRE

ENVIRONMENTAL QUESTIONNAIRE
FOR CORPS OF ENGINEERS PERMIT APPLICATIONS
Philadelphia District, Corps of Engineers
Philadelphia, Pennsylvania 19107
CENAP-OP-R

INTRODUCTION AND INSTRUCTIONS

The District Engineer is required by law to assess the initial, cumulative, and long-term effects of any proposed permit on all aspects of the environment.

To speed the analysis of the probable impact of the proposed work, each applicant is required to submit appropriate environmental data as part of a permit application. We ask that you provide a thorough description of your proposed project and answer each question as it applies to the work and the results of that work. Complete and accurate answers will prevent unnecessary delays in processing your permit application

Parts I and II will be filled out by all applicants. Part I is self-explanatory. In Part II, the Environmental Impact Checklist, you should indicate the impacts of your project on all aspects of the environment that are listed. Use the space under "Qualifying Remarks" to indicate the specific impacts that your project will have. This may include types of plants or animals affected, specific adverse, beneficial, or mitigative effects, changes to existing conditions, etc. Although space for answers has been provided, you may wish to supply additional information on attached pages. If you do not anticipate an impact on a certain item, simply place a check in the "No" column.

Part III will be filled out by all applicants applying for a permit to perform dredging.

Part IV will be filled out by all applicants applying for a permit to perform filling operations. This includes activities such as filling behind bulkheads.

Refer any questions you may have concerning this supplemental form to the Regulatory Branch at (215) 656-6728.

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.

The site is on the eastern shoreline of the Fenwick Ditch west of Fenwick Island, Sussex County, Delaware. It abuts the south side of the State Route 54 (Lighthouse Road) right of way.

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

The project location is the existing Harpoon Hanna's restaurant and marina facility. The site is Sussex County Tax Map Parcel 134-23.00-4.00 located in the Baltimore Hundred. The waterway is the Fenwick Ditch which connects Assawoman & Little Assawoman Bays.

- 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.

See attached sheet.

- 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.

The purpose of the proposed action is to provide an interconnect between the southern waterfront area and boardwalk to the marina pier and the northern part of the facility by adding 96 linear feet of boardwalk around the perimeter of an existing tiki bar deck. The other purpose is to replace an existing deteriorated 12 slip marina pier and to reconfigure the main pier and finger pier to account for step out of a recently installed replacement bulkhead.

- 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.

Enclosed.

C. Description of Proposed Action

The proposed project involves two activities. A 4' wide boardwalk will be cantilevered approximately 2.5 feet channelward of a newly installed vinyl bulkhead wall (NWP No. 3 CENAP-OPR-2021-921-23). The length of the new boardwalk is 96 linear feet. The new boardwalk will be around the perimeter of an existing tiki bar dock at the northwest corner of the restaurant facility.

The second part of this project involves an existing 8'x80' foot long marina pier providing twelve boat slips extends from the bulkhead on the north side of the tiki bar deck. The pier needs to be replaced. As a result of the stepping out of the bulkhead around the tiki bar deck, the pier length needs to be increased to 84 feet and there will be six 2'x8' finger piers relocated and reconstructed along the pier. Eighteen new mooring piles will be installed. No additional slips are proposed. The pier will be of typical marine construction using salt treated 10 inch diameter piles, 2"x10" stringers and headers, 2"x8' decking and galvanized hardware.

PART II – ENVIRONMENTAL IMPACT CHECKLIST

ENVIRONMENTAL IMPACT	YES	NO	QUALIFYING REMARKS
A. Physical			
1. Topography	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Geological Elements and Leaching	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Air	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Handling of Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Spoil Disposal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Sewage and Solid Wastes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. Water Resources			
a. Water Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Hydrography, Circulation, Littoral Drift.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Ground Water	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
B. Biological			
1. Vegetation			
a. Terrestrial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Aquatic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No SAV habitat present.
2. Fish and Wildlife			
a. Mammals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Birds	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Amphibians	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. Reptiles	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e. Fish	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
f. Shellfish	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Area prohibited for shellfishing.
g. Invertebrates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Rare or Endangered Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

ENVIRONMENTAL IMPACT	YES	NO	QUALIFYING REMARKS
C. Cultural			
1. Land Use	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project consistent with adjacent and nearby land uses.
2. Population Density and Trends	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Regional Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Historic Places	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Archaeological Sites	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Aesthetics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Minor modification of existing facility.
7. Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. Transportation Systems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Improves safety & recreational use of facility.
10. Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D. Other Factors			
1. Secondary Effects	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Controversiality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Is significant dredging involved?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None.
4. Is significant filling involved?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None.

Part III

Considerations of a Dredging Proposal:

A. Describe characteristics and locations of the proposed dredged material disposal site. Provide photographs.

No dredging is proposed.

B. Is there a comprehensive plan for disposal sites that takes into account the accumulative effect over time and the decreasing amount of suitable sites for disposal?

C. Describe the present land use of the disposal site.

D. Describe characteristics of the material to be disposed, including:

1. Physical source of material (i.e. sand, silt, clay, etc.) Give percentages of the various fractions if available.

2. Chemical composition of material: Many areas, especially marinas, highly industrialized areas, etc., have sediments with high concentrations of pollutants (chemicals, organic material, etc.). These materials may be re-suspended or reintroduced into the water and result in serious environmental damage. If your proposed dredging is in an area such as described above, a chemical analysis of the material to be dredged should be provided.

3. Dewatering properties of the material to be disposed.

4. Compactability of material and settling rates of material to be disposed.

5. Dredging and disposal schedule to insure that operations do not degrade water quality during times of anadromous fish migration.

E. When the project involves land disposal, discuss the following:

1. Method of disposal to be utilized, i.e., pipeline discharge, barge, hopper (underway or stationary).

2. Describe method of dredged material containment (i.e. embankment, behind bulkhead, etc.)

3. What type of leachates will be produced from the spoil material and what is planned for protection of the groundwater?
 4. Methods to insure that spoil water does not adversely affect water quality, both during construction and after completion of the project.
 5. Provisions for monitoring during discharge: water quality, sediment transport, and precautions to prevent "short-circuiting" dumping.
- F. Consider and discuss the following for water disposal:
1. Describe methods to be used for water disposal, including volumes and site selection.
 2. Describe the existing water characteristics at the site, including chemical analysis for water quality.
- G. Discuss the frequency and amount of maintenance dredging which will be required; discuss the resulting impacts.
- H. Alternatives.
1. Discuss all alternatives to the project, including the "no action" alternative.
 2. Discuss alternative types and methods of dredging and disposal, such as pipeline discharge, barging, or hopper method.
 3. Discuss alternatives to dredging.
 4. Discuss alternative areas of sites for spoil disposal.
 5. Discuss impact of port docking patterns upon the demand for dredging. Can alternative patterns reduce the amount of dredging required to support port operations?
 6. Support alternative means of construction that would prevent or minimize water quality degradation using EPA standards for guidance.
 7. State in detail impacts resulting in alternative locations for the proposed project.

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.

No discharge of fill material is proposed.

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

1. Total area to be filled.
2. Size of underwater area to be filled.
3. Area of intertidal zone to be filled.
4. Area of wetlands to be filled.
5. Proposed height of fill.
6. Volume of material that will be used in filling.

- 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.
2. Give the specific location of the source of this material.
3. What types of leachates will be produced from the fill material and what is planned for protection of surface and groundwater?

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

1. Method of fill placement, including equipment used in deposition and grading.
2. Method of stabilization of banks from erosion, sloughing, wave action, boat wakes, etc.
3. Method of stabilization of the surface of the fill.

4. Length of time needed for completion of the project. State if filling will be continuous, intermittent, etc.
5. Method of controlling turbidity when filling an underwater area.

E. Purpose of the Project:

1. What is the intended use of the filled area?
2. What structures, if any, will be constructed on the fill?
3. What benefits would you gain from the proposed fill?

F. Alternatives

1. Discuss the "no action" alternative and how this would affect your present and future plans for the development of the area.
2. Discuss alternative locations for the proposed fill.
3. Discuss the use of elevated structures (i.e. causeways, elevated platforms, etc.) in place of the proposed fill.
4. Discuss any other alternatives you have considered prior to formulating the presently submitted proposal.

November 8, 2022

ERI Project No. 1006# 1111

Mr. Matthew Jones, Program Manager
Delaware Department of Natural Resources and Environmental Control
Division of Water Resources
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901

**RE: Section 401 Water Quality Certification - Prefiling Meeting Request
Proposed Restoration & Reconfiguration of Existing 12 Slip Marina Pier &
Addition of 96 LF of Boardwalk Surrounding Existing Tiki Bar Deck
Harpoon Hanna's Restaurant & Marina Facility
Tax Map Parcel 134-23.00-4.00
Baltimore Hundred, Sussex County, Delaware
Applicant/Owner: Hanna Holdings, L.P.**

Dear Mr. Jones,

ERI has submitted an application for a Department of the Army Permit on behalf of Hanna Holdings, L.P. to the Philadelphia District Corps of Engineers today. ERI will also be submitting a Subaqueous Lands Permit Application to your office expected no later than November 11, 2022.

The proposed project involves two activities. A 4' wide boardwalk will be cantilevered approximately 2.5 feet channelward of a newly installed vinyl bulkhead wall (NWP No. 3 CENAP-OPR-2021-921-23). The length of the new boardwalk is 96 linear feet. The new boardwalk will be around the perimeter of an existing tiki bar dock at the northwest corner of the restaurant facility.

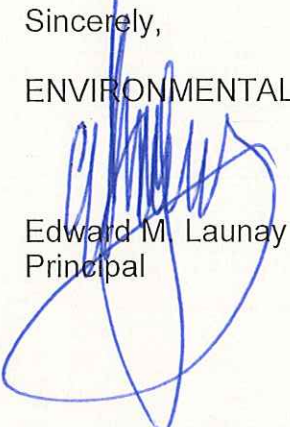
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In accordance with the Clean Water Act Section 401 Certification Rule published in the Federal Register on July 13, 2020, I am writing the Wetlands and Subaqueous Lands Section today as a procedural requirement to request a prefilling meeting related to issuance of a Section 401 Water Quality Certification for this project.

In the event the WSLs would prefer that Hanna Holdings, L.P. move forward with its formal Section 401 Water Quality Certification request without waiting 30 days, please let me know. Upon your review of this Section 401 Water Quality Certification Prefiling Meeting request, please let me know if you or your staff have any questions or need any additional information.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.



Edward M. Launay
Principal

Cc: Hanna Holdings, L.P.
Mr. Michael Yost, USACOE, Dover Field Office