This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers

JUN 19 2013

Improve public access to Rehoboth Bay for recreational purposes

A permit to _____

at Waters of the United States

has been issued to M. William Lower **on** JUN 19 2013

Address of Permittee 405 East Marsh Lane, Newport Delaware 19804

Permit Number

CENAP-OP-R-2013-170-23

Frank J. Cianfrani
Chief, Regulatory Branch

District Commander

for: John C. Becking, P.E.
Lieutenant Colonel, US Army
District Commander

ENG FORM 4336 , Jul 81 (ER 1145-2-303) EDITION OF JUL 70 MAY BE USED

(Proponent: DAEN-CWO)

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE AND PERMIT NUMBER:

PERMITTEE: Dewey Beach Enterprises, Incorporated
CENAP-OP-R-2013-170-23

ISSUING OFFICE:

Department of the Army
U.S. Army Corps of Engineers, Philadelphia District
Wanamaker Building - 100 Penn Square East
Philadelphia, Pennsylvania 19107-3390

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

PROJECT DESCRIPTION: To conduct activities in waters of the United States intended to improve public access to Rehoboth Bay for recreational purposes.

All work is to be completed in accordance with the attached plans E-1 through E-5.

PROJECT LOCATION: Ruddertowne, 124 Dickinson Street, Dewey Beach, Sussex County, Delaware (Tax Map Parcel 3-34-23.06-1.00).

PERMIT CONDITIONS:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2016. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. All work performed in association with the above noted project shall be conducted in accordance with the project plans identified as E-1 through E-5. The project plans illustrate a proposal to conduct activities in waters of the United States intended to improve public access to Rehoboth Bay for recreational purposes. The proposed activities include the following:

To maintain a 2.5' wide by 60' long timber deck/walkway over Rehoboth Bay constructed by a previous owner;
To construct a 16' wide by 358' long public access recreational timber walkway over Rehoboth Bay along the northern and western perimeter of the site;
To place 1600 cubic yards of clean, beach-compatible sand along 190 linear feet of shoreline of Rehoboth Bay to widen the existing beach by 60 'and to raise the elevation 2' above MHW (0.37 acre of fill in waters);
To construct a stone containment structure (groin) 90' in length consisting of 200 to 400 pound stone perpendicular to the shoreline along the northern limit of the beach to contain the sand (0.10 acre of fill in waters);
To replace an existing reinforced concrete storm-water outfall pipe and extend it approximately 50 feet to the water-ward limit of the filled area.

2. Construction activities shall not result in the disturbance or alteration of greater than 0.47 acre of waters of the United States.

3. Any deviation in construction methodology or project design from that shown on the above noted drawings must be approved by this office, in writing, prior to performance of the work. All modifications to the above noted project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office.

4. This office shall be notified at least 10 days prior to the commencement of authorized work by completing and signing the attached *Notification/ Certification of Work Commencement Form*. This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the attached *Notification/Certification of Work Completion/Compliance Form*. All notifications required by this condition shall be in writing and shall be transmitted to this office by registered mail. Oral notifications are not acceptable. Similar notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.

5. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. (This special condition is applicable to Corps of Engineers permits that provide authorization under Section 10 of the Rivers and Harbors Act of 1899.)

6. The Special Conditions imposed by the Delaware Department of Natural Resources and Environmental Control (DDNREC) on your DDNREC Section 401 WQC and/or DDNREC CZM concurrence shall also be conditions to this Department of the Army permit.

7. Representatives of the U.S. Army Corps of Engineers shall be permitted to inspect the project during its phase of construction, and to collect any samples, or to conduct any tests deemed necessary.

8. The permittee is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.

9. Every effort shall be made to keep construction debris from entering the waterway or wetland. Debris in the waterway or wetland shall be removed immediately.

10. All material to be used as fill shall be obtained from an upland source. The fill material shall be free of oil and grease, debris, wood, general refuse, plaster, and other pollutants, and shall contain no broken asphalt.

11. This permit does not authorize any dredging activities.

12. The mechanical equipment used to execute the work authorized shall be operated in such a way as to minimize turbidity that could degrade water quality and adversely affect aquatic plant and animal life.

13. In order to protect horseshoe crabs, no work shall occur in waters of the United States between April 15 and August 30 of any year.

14. This permit does not obviate the permittee from obtaining any State or local assent required by law for the activity authorized.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

X Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

X Section 404 of the Clean Water Act (33 U.S.C. 1344).

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act.

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

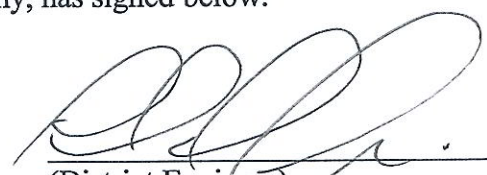
6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE) 6-14-13 (DATE)

E. Thomas Harvey III
President, Dewey Beach Enterprises

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(District Engineer) 6/19/13 (DATE)

Frank J. Cianfrani, Chief, Regulatory Branch

for: John C. Becking, P.E.
Lieutenant Colonel, US Army
District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

_____ _____

(TRANSFEREE) (DATE)

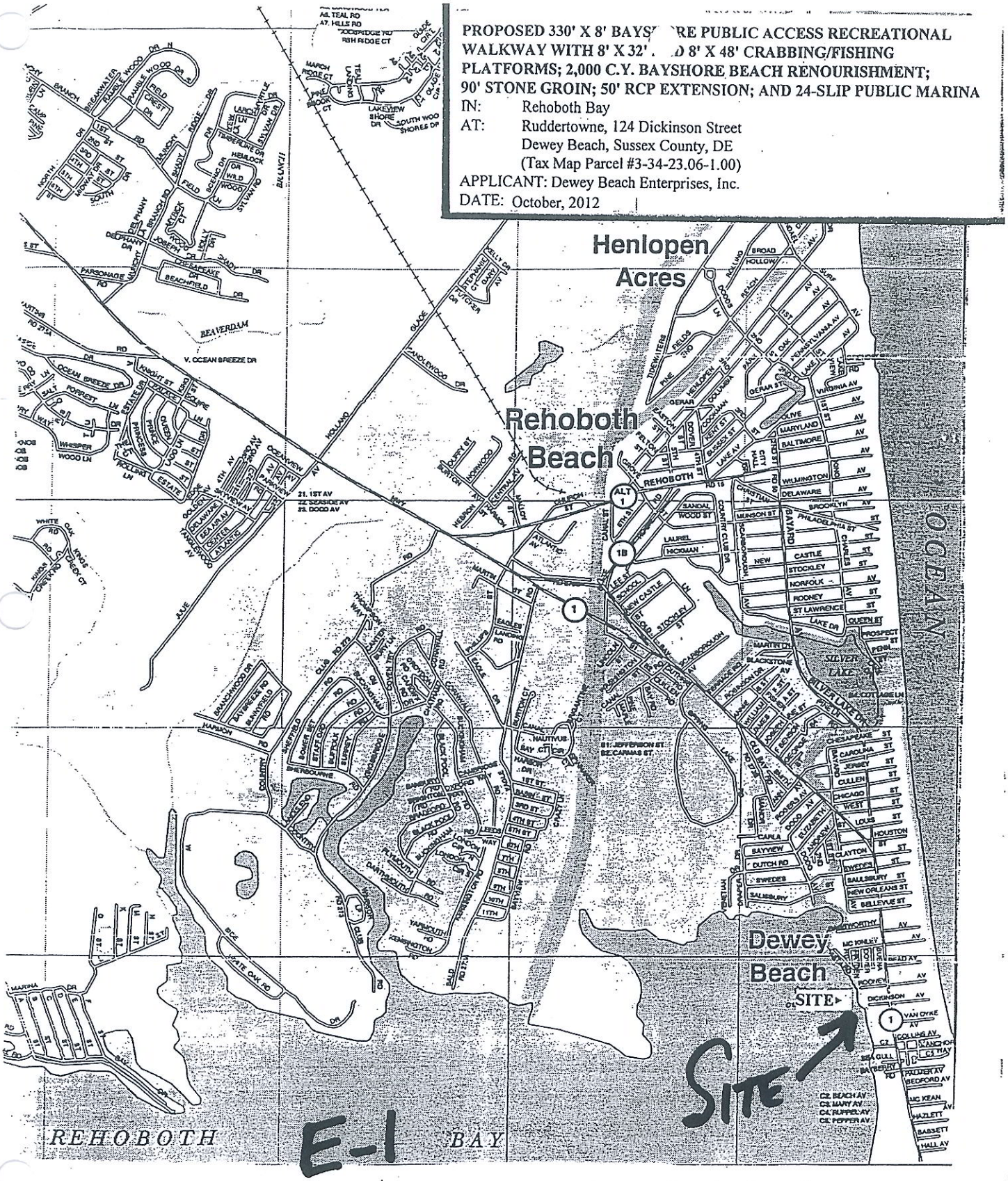


Figure 2. Map of Dewey Beach showing site location. Ruddertowne Complex, located on the west side of Coastal Highway (Route 1), between Dickinson Avenue and Van Dyke Avenue. Directions to site (from Dover, DE): SR-1 southbound to Dewey Beach; right onto Dickinson Avenue. Site is along Rehoboth Bay shoreline between Dickinson Avenue and Van Dyke Avenue.

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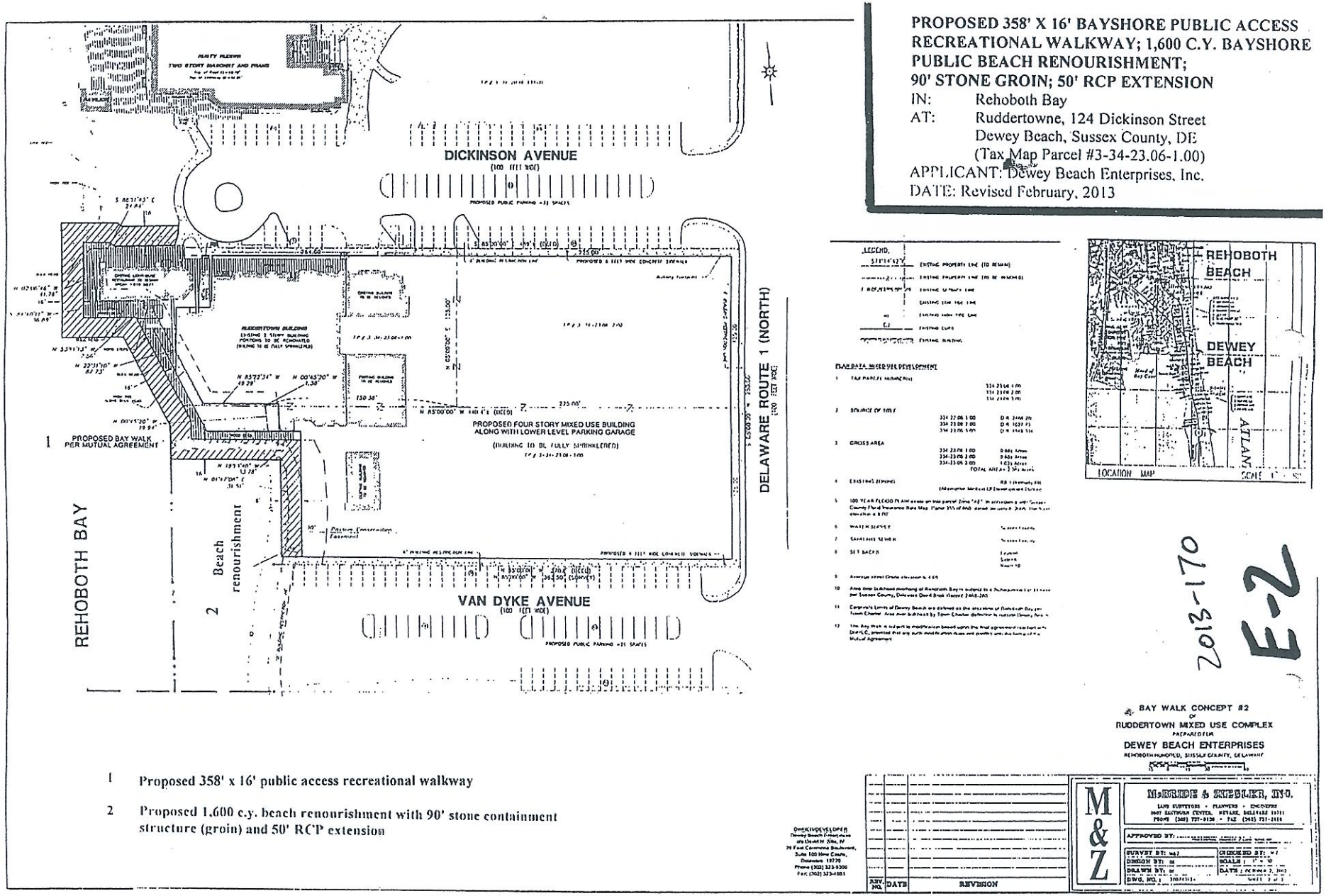
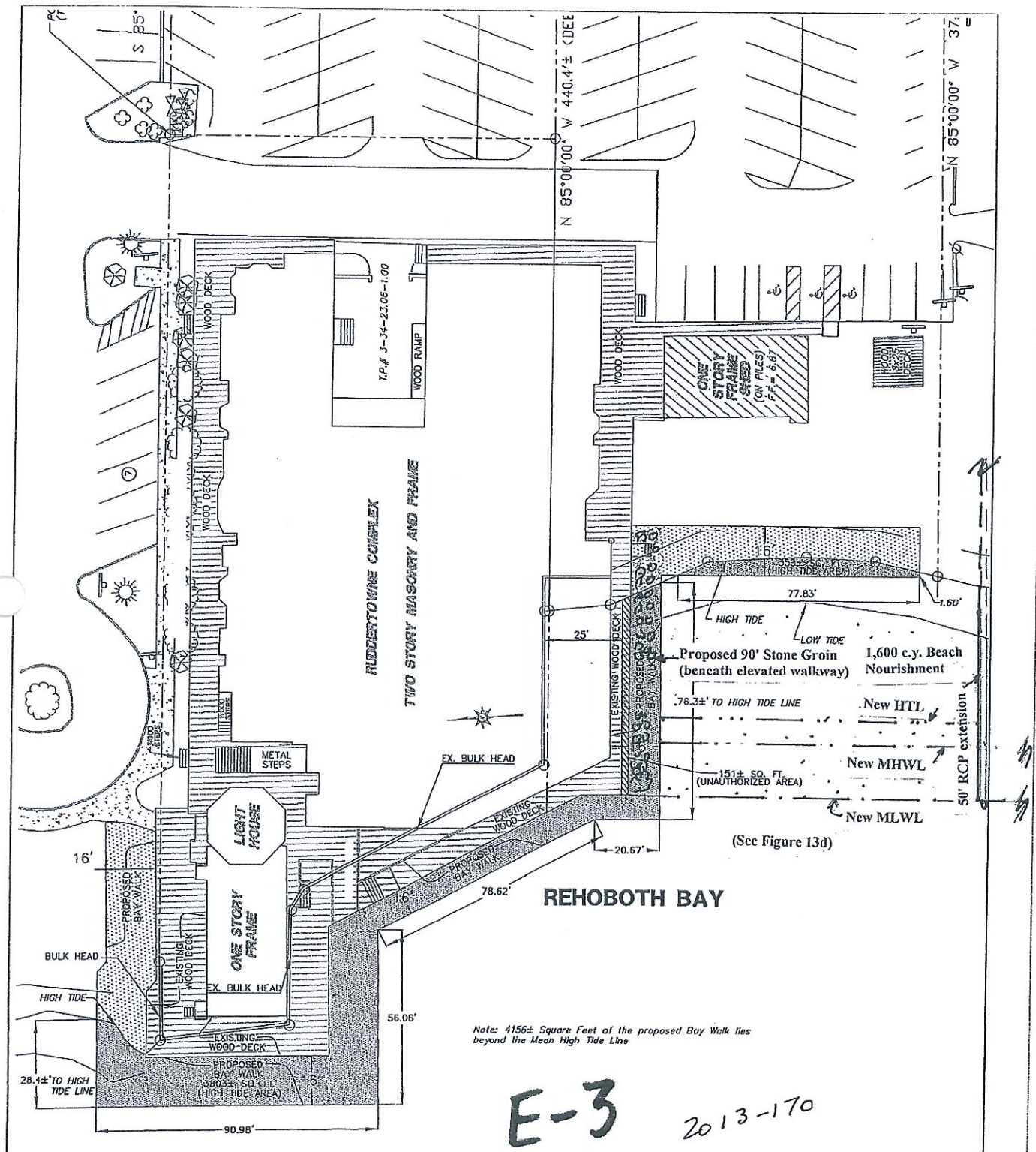


Figure 12A. Plan view of Ruddertowne Complex showing (revised) proposed 358' x 16' bayshore public access recreational walkway ("Baywalk"). Proposed 1,600 c.y. beach renourishment project with 90' stone containment structure (groin) and 50' outfall pipe extension as originally proposed. Two proposed crabbing/fishing platforms (8' x 32' and 8' x 48') and proposed 24-slip public marina have been eliminated . (Base survey prepared by McBride & Ziegler, Inc.)



PROPOSED BAY WALK DIMENSION EXHIBIT PLAN
OF
RUDDERTOWN MIXED USE COMPLEX
PREPARED FOR
DEWEY BEACH ENTERPRISES
REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

M&Z

McBRIDE & ZIEGLER, INC.
LAND SURVEYORS PLANNERS ENGINEERS
NEWARK, DELAWARE, 19711
PHONE (302) 737-9138 FAX (302) 737-2610

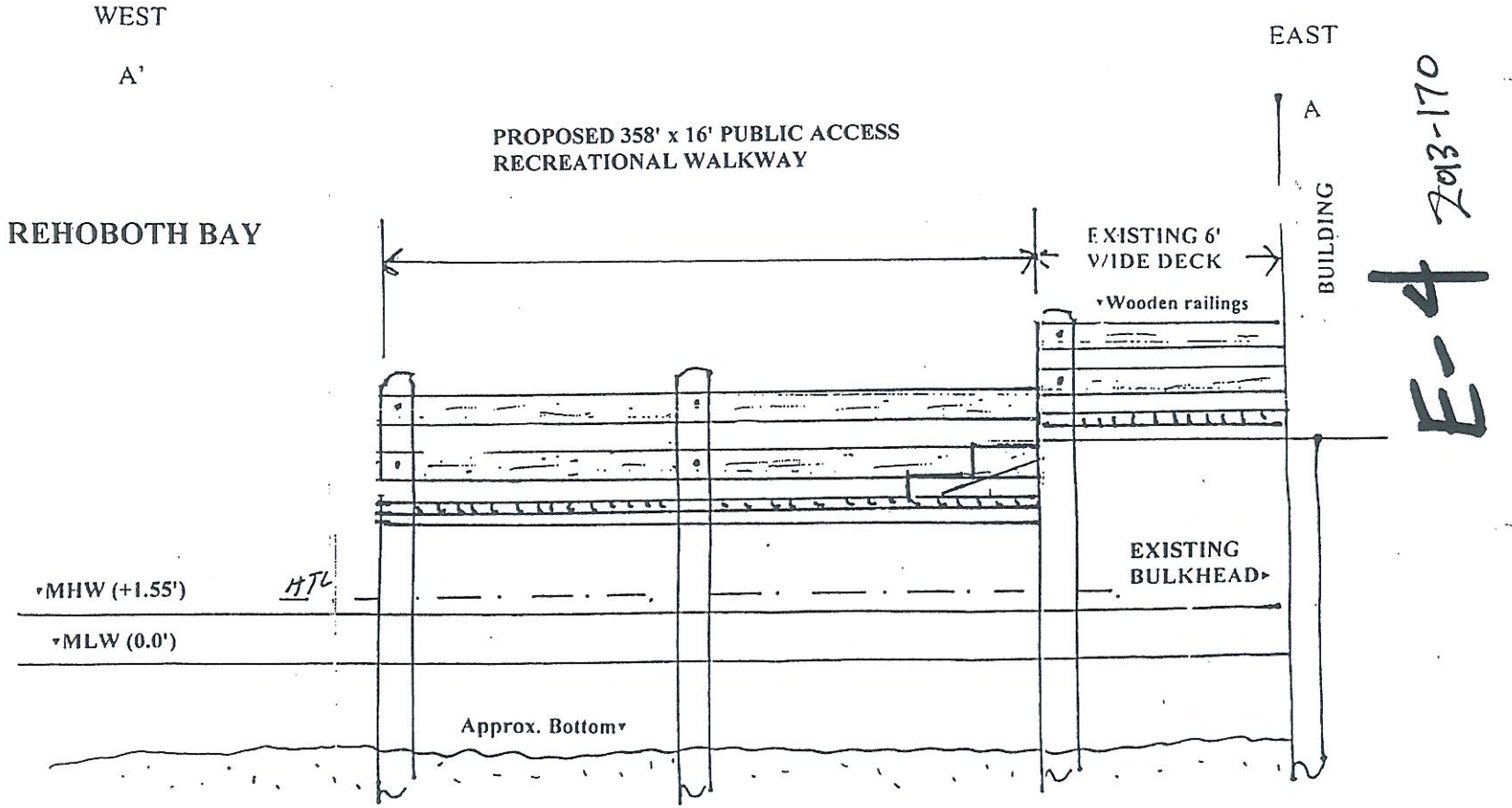
SURVEY BY: M&Z	CHECKED BY: M.Z.
DESIGN BY: .	SCALE: 1" = 40'
DRAWN BY: .	DATE: 4/5/2013
DWG. NO. : 20074313	SHEET 1 OF 1

Figure 13c.

0' 4'

SCALE
1" = 4' E

PROPOSED 358' X 16' BAYSHORE PUBLIC ACCESS RECREATIONAL WALKWAY; 1,600 C.Y. BAYSHORE PUBLIC BEACH RENOURISHMENT; 90' STONE GROIN; 50' RCP EXTENSION
IN: Rehoboth Bay
AT: Ruddertowne, 124 Dickinson Street
Dewey Beach, Sussex County, DE
(Tax Map Parcel #3-34-23.06-1.00)
APPLICANT: Dewey Beach Enterprises, Inc.
DATE: Revised February, 2013



2013-170
E-4

Figure 14A. Cross-section, proposed 358' x 16' bayshore public access recreational walkway. Diagram for application purposes only.

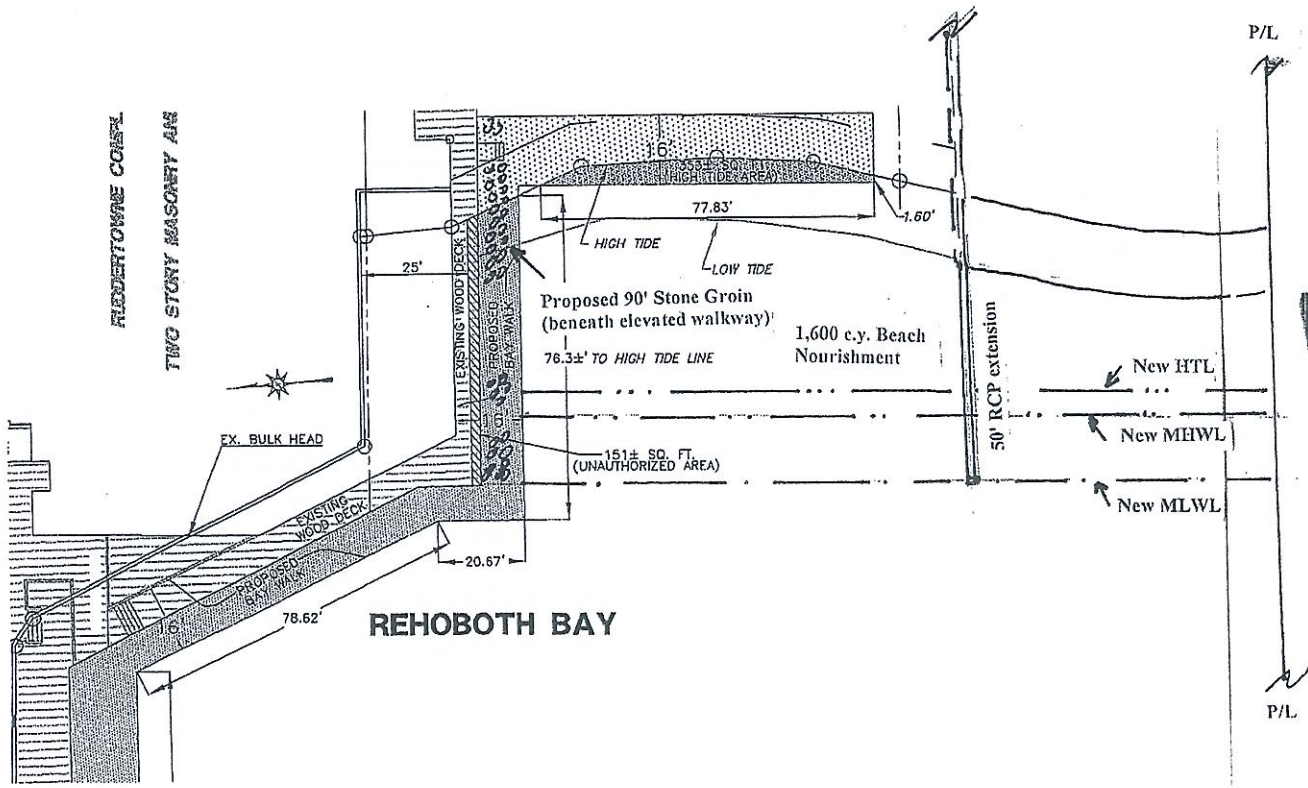


Figure 13d.

E-5

2013-170

NOTIFICATION/CERTIFICATION OF WORK COMMENCEMENT FORM

Permit Number: CENAP-OP-R-2013-170-23
State Permit #: SL-336/12
Name of Permittee: Dewey Beach Enterprises, Inc.
Project Name: Ruddertowne
Waterway: Rehoboth Bay, DE
County: Sussex State: DE
Compensation/Mitigation Work Required: Yes ☐ No ☒

TO: U.S. Army Corps of Engineers, Philadelphia District
Wanamaker Building - 100 Penn Square East
Philadelphia, Pennsylvania 19107-3390
Attention: CENAP-OP-R

I have received authorization to: _____.

To maintain a 2.5' wide by 60' long timber deck/walkway over Rehoboth Bay constructed by a previous owner; to construct a 16' wide by 358' long public access recreational timber walkway over Rehoboth Bay along the northern and western perimeter of the site; to place 1600 cubic yards of clean, beach-compatible sand along 190 linear feet of shoreline of Rehoboth Bay to widen the existing beach by 60' and to raise the elevation 2' above MHW (0.37 acre of fill in waters); to construct a stone containment structure (groin) 90' in length consisting of 200 to 400 pound stone perpendicular to the shoreline along the northern limit of the beach to contain the sand (0.10 acre of fill in waters); to replace an existing reinforced concrete storm-water outfall pipe and extend it approximately 50 feet to the water-ward limit of the filled area.

The work will be performed by:

Name of Person or Firm Daystar Sills, Inc.

Address: 330 Water Street

Newport, DE 19804

I hereby certify that I have reviewed the approved plans, have read the terms and conditions of the above referenced permit, and shall perform the authorized work in strict accordance with the permit document. The authorized work will begin on or about July 8, 2013 and should be completed on or about August 8, 2013 (all activities except 16' x 358' public access recreational timber walkway, to be completed in Phase 2)

Please note that the permitted activity is subject to compliance inspections by the Army Corps of Engineers. If you fail to return this notification form or fail to comply with the terms or conditions of the permit, you are subject to permit suspension, modification, revocation, and/or penalties.

M. William Lower 6-25-13
Permittee (Signature and Date)

302-323-9300 x11
Telephone Number

Dave M. Sills AT
Contractor (Signature and Date)

302 633-1421
Telephone Number

NOTE: This form shall be completed/signed and returned to the Philadelphia District Office a minimum of 10 days prior to commencing work.

Enclosure 2

William Lower

From: Evelyn Maurmeyer [maurmeye@udel.edu]
Sent: Tuesday, June 25, 2013 1:58 PM
To: Bill Jenkins; John Brundage
Cc: William Lower; David Sills
Subject: Notification/Certification of Work Commencement Form, Dewey Beach Enterprises
Attachments: DBECommencementNotification.pdf

Bill and John-

Attached is the Notification/Certification of Work Commencement Form, submitted on behalf of Dewey Beach Enterprises, Inc. (permittee) for CENAP-OP-R-2013-170-13, authorizing the permittee to conduct the following activities:

To maintain a 2.5' wide by 60' long timber dock/walkway over Rehoboth Bay constructed by a previous owner;

To construct a 16' wide by 358' long public access recreational timber walkway ("Bay Walk") over Rehoboth Bay along the northern and western perimeter of the site;

To place 1600 cubic yards of clean, beach-compatible sand along 190 linear feet of shoreline of Rehoboth Bay to widen the existing beach by 60' and to raise the elevation by 2' above MHW (0.37 acre of fill in waters);

To construct a stone containment structure (groin) 90' in length consisting of 200 to 400 pound stone perpendicular to the shoreline along the northern limit of the beach to contain the sand (0.10 acre of fill in waters); and

To replace an existing reinforced concrete storm-water outfall pipe and extend it approximately 50 feet to the water-ward limit of the filled area.

The contractor is Daystar Sills, Inc. The contractor and permittee have signed the form. Work will commence on July 8, 2013. Work is anticipated to be completed (for all activities but the Bay Walk) on or about August 8, 2013. The Bay Walk will be completed in Phase 2 of construction activities. I will submit the Notification of Completion/Compliance Form to your office upon completion of work.

Evelyn Maurmeyer
CER, Inc.

THIS IS NOT A PAID ADVERTISEMENT

Public Notice

US Army Corps of Engineers
Philadelphia District
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice No.: CENAP-OP-R-2013-170
Date: APR 23 2013
Application No.: CENAP-OP-R-2013-170
File No.: CENAP-OP-R-2013-170-23
In Reply Refer to: REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Dewey Beach Enterprises, Incorporated

AGENT: Evelyn M. Maurmeyer, Ph.D.
Coastal and Estuarine Research, Incorporated
Marine Studies Complex
Post Office Box 674
Lewes, Delaware 19958

WATERWAY: Rehoboth Bay

LOCATION: Ruddertowne Complex, 124 Dickinson Street, Dewey Beach, Sussex County, Delaware. (38.68933 and -75.07616, Tax Map Parcel 3-34-23.06-1.00).

ACTIVITY: Dewey Beach Enterprises, Incorporated proposes to conduct activities in waters of the United States at the Ruddertowne Commercial Complex intended to improve public access to Rehoboth Bay for recreational purposes. The proposed activities include the following .

To maintain a 2.5' wide by 60' long timber deck/walkway over Rehoboth Bay constructed by a previous owner.

To construct a 16' wide by 358' long public access recreational timber walkway over Rehoboth Bay along the northern and western perimeter of the site.

To place 1600 cubic yards of clean, beach-compatible sand along 190 linear feet of shoreline of Rehoboth Bay to widen the existing beach by 60 'and to raise the elevation 2' above MHW (0.37 acre of fill in waters).

To construct a stone containment structure (groin) 90' in length consisting of 200 to 400 pound stone perpendicular to the shoreline along the northern limit of the beach to contain the sand (0.10 acre of fill in waters).

To replace an existing reinforced concrete storm-water outfall pipe and extend it approximately 50 feet to the water-ward limit of the filled area.

PURPOSE: The purpose of the deck/walkway is to provide public access to Rehoboth Bay for multi-generational water-dependant activities, including crabbing, fishing, bird-watching, etc. The purpose of the sand placement is to restore and expand the beach to provide a clean, wide and safe public access recreational beach. The purpose of the groin is to contain the beach sand. The purpose of the outfall pipe is to replace the existing deteriorated pipe.

On April 10, 2008, the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency published a *Final Rule on Compensatory Mitigation for the Losses of Aquatic Resources* (33 CFR 325 and 332 and 40 CFR 230). The rule took effect on June 9, 2008. In accordance with 33 CFR Part 325.1(d)(7) of the rule, the applicant has stated that the proposed project has been designed to avoid and minimize adverse effects on the aquatic environment to the maximum extent practicable, and has further documented that compensatory mitigation is not necessary. The following aspects and features of the project demonstrate the applicant's efforts in this regard. The project cannot be avoided entirely because it is, by its nature, a water-dependent activity. Absent the proposed beach improvements and timber walkways, recreational access to the bay-front in Dewey Beach would be limited. Furthermore, the beach replenishment activity furthers the general goal of shoreline conservation and protection within the Rehoboth Bay. Initially, the applicant had proposed a 24 slip marina at the site, however the applicant has reduced potential impacts to waters of the United States by eliminating this feature of the project. Because no wetlands or other special aquatic sites would be impacted by the project, the applicant is not proposing to conduct any compensatory mitigation for the work.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and

evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

Essential Fish Habitat: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH).

Effects of the Project: The project is located in Essential Fish Habitat identified on sheet 90 of the *Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware*, dated March 1999. The following managed species of fish have been listed in the guide as occurring in the vicinity of the project: winter flounder (*Pleuronectes americanus*), windowpane flounder (*Scophthalmus aquosus*), red hake (*Urophycis chuss*), bluefish (*Pomatomus saltatrix*), Atlantic sea herring (*Clupea harengus*), long finned squid (*Loligo pealei*), short finned squid (*Illex illecebrosus*), Atlantic butterfish (*Peprilus triacanthus*), summer flounder (*Paralicthys dentatus*), scup (*Stenotomus chrysops*), black sea bass (*Centropristus striata*), surf clam (*Spisula solidissima*), ocean quahog (*Artica islandica*), spiny dogfish (*Squalus acanthias*), Atlantic mackerel (*Scomber scombrus*), king mackerel (*Scomberomerus cavalla*), Spanish mackerel (*Scomberomerus maculatus*), cobia (*Rachycentron canadum*), sandbar shark (*Carcharhinus obscurus*), sand tiger shark (*Odontaspis Taurus*), and dusky shark (*Carcharhinus plumbeus*).

Analysis of the Effects: The proposed work would occur in a small area of waters within an active recreational site located within a busy resort town, a site which is subject to heavy boating activity and substantial wake energy and erosion. For these reasons the work area is an unlikely spawning or nursery area for the managed species. Consequently, concentrations of the sessile life stages (eggs and larva) of the listed species are not expected to be within the work area. In addition the project would not impact wetlands, aquatic vegetation or other special aquatic sites. The pelagic adults and juveniles of the listed species are highly mobile and capable of avoiding impacts associated with the work.

Corps of Engineers View: Based upon the above analysis, the Corps of Engineers has determined that the proposed project would not have substantial direct, indirect, site-specific, or habitat-wide impacts on EFH, or upon the managed species and their life stages listed in the

above referenced EFH guide, either individually, cumulatively or synergistically. The proposed project would not eliminate, diminish, nor disrupt the functions of EFH.

Proposed Mitigation: Because the impacts of the proposed work on EFH have been determined to be minor, the Corps of Engineers has determined that mitigative measures are not necessary.

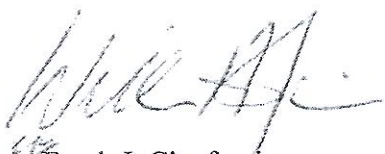
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated 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. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling John Brundage at 302-736-9763 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.



Frank J. Cianfrani
Chief, Regulatory Branch

PROPOSED 330' X 8' BAYS[illegible]RE PUBLIC ACCESS RECREATIONAL WALKWAY WITH 8' X 32'[illegible]D 8' X 48' CRABBING/FISHING PLATFORMS; 2,000 C.Y. BAYSHORE BEACH RENOURISHMENT; 90' STONE GROIN; 50' RCP EXTENSION; AND 24-SLIP PUBLIC MARINA
IN: Rehoboth Bay
AT: Ruddertowne, 124 Dickinson Street
Dewey Beach, Sussex County, DE
(Tax Map Parcel #3-34-23.06-1.00)
APPLICANT: Dewey Beach Enterprises, Inc.
DATE: October, 2012

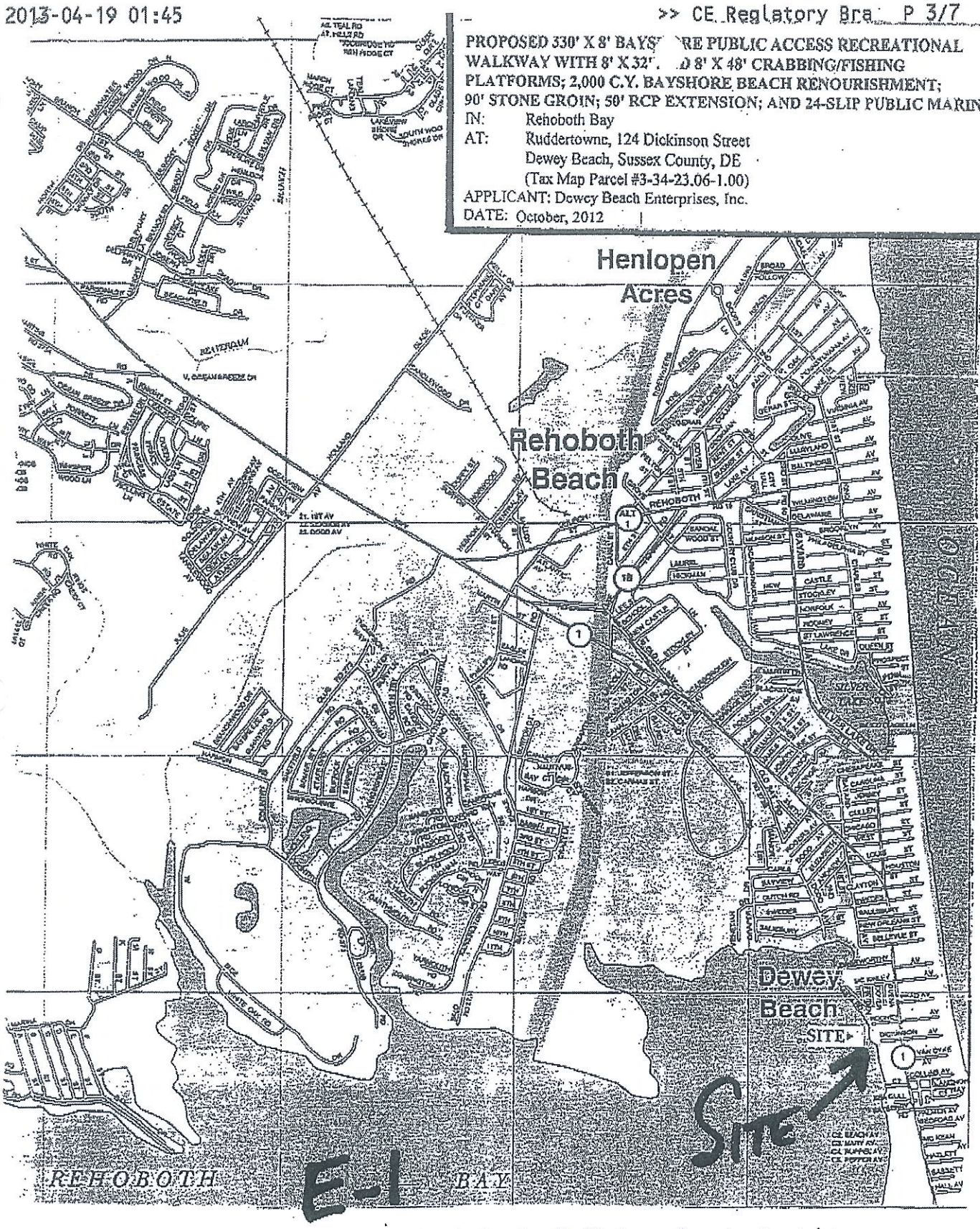


Figure 2. Map of Dewey Beach showing site location. Ruddertowne Complex, located on the west side of Coastal Highway (Route 1), between Dickinson Avenue and Van Dyke Avenue. Directions to site (from Dover, DE): SR-1 southbound to Dewey Beach; right onto Dickinson Avenue. Site is along Rehoboth Bay shoreline between Dickinson Avenue and Van Dyke Avenue.

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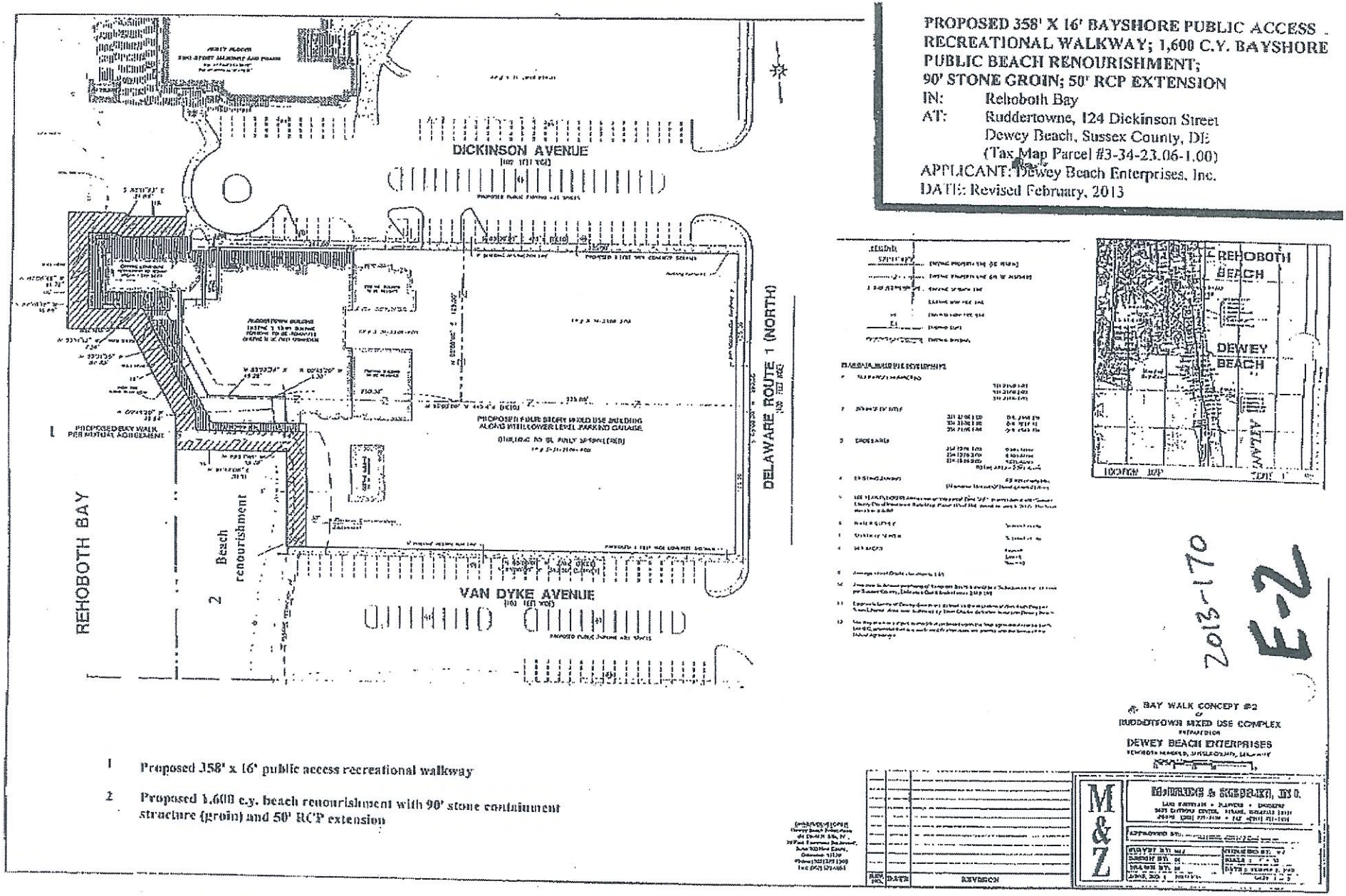

1 Proposed 358' x 16' public access recreational walkway

2 Proposed 1,600 c.y. beach renourishment with 90' stone containment structure (groin) and 50' RCP extension

Figure 12A. Plan view of Ruddertowne Complex showing (revised) proposed 358' x 16' bayshore public access recreational walkway ("Baywalk"). Proposed 1,600 c.y. beach renourishment project with 90' stone containment structure (groin) and 50' outfall pipe extension as originally proposed. Two proposed crabbing/fishing platforms (8' x 32' and 8' x 48') and proposed 24-slip public marina have been eliminated. (Base survey prepared by McBride & Ziegler, Inc.)

2013-04-19 01:46

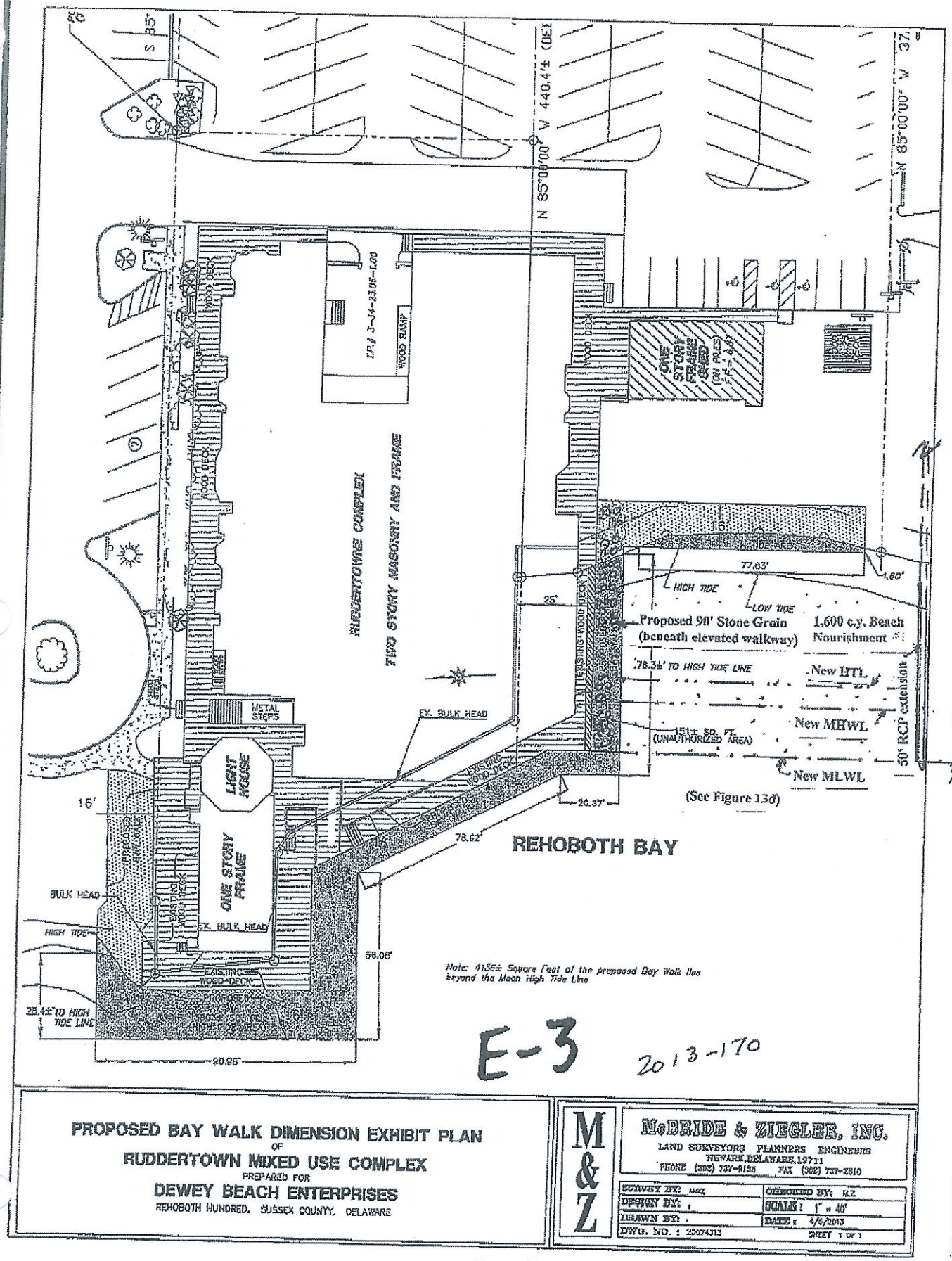
N 85°00'00" W 440.41± (DEED)
N 85°00'00" W 37.
RUDDERTOWNE COMPLEX
TWO STORY MASONRY AND FRAME
ONE STORY FRAME SHED (ON PILES)
WOOD RAMP
WOOD DECK
METAL STEPS
EX. BULK HEAD
LIGHT HOUSE
ONE STORY FRAME
BULK HEAD
HIGH TIDE
EXISTING WOOD DECK
PROPOSED BAY WALK
77.83'
HIGH TIDE
LOW TIDE
25'
Proposed 90' Stone Grain (beneath elevated walkway)
1,600 c.y. Beach Nourishment
78.34' TO HIGH TIDE LINE
New HTL
New MHWL
151± SQ. FT. (UNAUTHORIZED AREA)
30' RCP extension
New MLWL
(See Figure 13d)
26.87'
78.62'
REHOBOTH BAY
16'
58.06'
28.4±' TO HIGH TIDE LINE
90.95'
Note: 415±± Square Feet of the proposed Bay Walk lies beyond the Mean High Tide Line
E-3
2013-170
PROPOSED BAY WALK DIMENSION EXHIBIT PLAN
OF
RUDDERTOWN MIXED USE COMPLEX
PREPARED FOR
DEWEY BEACH ENTERPRISES
REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE
M&Z
McBRIDE & ZIEGLER, INC.
LAND SURVEYORS PLANNERS ENGINEERS
NEWARK, DELAWARE 19711
PHONE (302) 737-9155 FAX (302) 737-2810
SURVEY BY: MCZ
CHECKED BY: MZ
DESIGN BY:
SCALE: 1" = 40'
DRAWN BY:
DATE: 4/5/2013
DWG. NO.: 25074313
SHEET 1 OF 1

Figure 13c.

>> CE Reglatory Bra P 6/7

0' 4'
SCALE
1" = 4' I

PROPOSED 358' X 16' BAYSHORE PUBLIC ACCESS RECREATIONAL WALKWAY; 1,600 C.Y. BAYSHORE PUBLIC BEACH RENOURISHMENT; 90' STONE GROIN; 50' RCP EXTENSION
IN: Rehoboth Bay
AT: Ruddertowne, 124 Dickinson Street
Dewey Beach, Sussex County, DE
(Tax Map Parcel #3-34-23.06-1.00)
APPLICANT: Dewey Beach Enterprises, Inc.
DATE: Revised February, 2013

WEST

A'

EAST

A

PROPOSED 358' x 16' PUBLIC ACCESS RECREATIONAL WALKWAY

REHOBOTH BAY

EXISTING 6' WIDE DECK

Wooden railings

BUILDING

EXISTING BULKHEAD

MHW (+1.55')

MLW (0.0')

Approx. Bottom

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Figure 14A. Cross-section, proposed 358' x 16' bayshore public access recreational walkway. Diagram for application purposes only.

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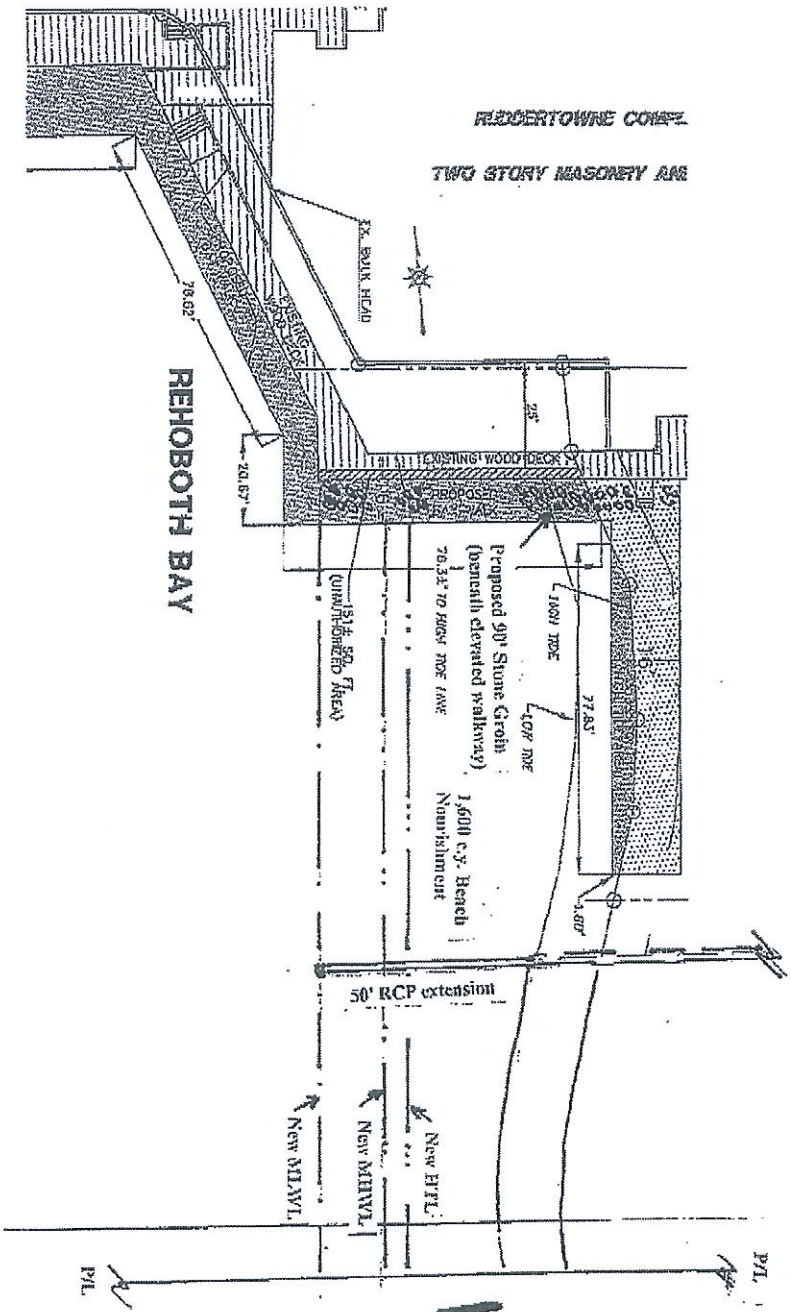

Figure 13d.

E-5 2013-170