

In The Matter Of:
DNREC
Christopher at the Townes

Hearing
February 20, 2020

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DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
OF THE STATE OF DELAWARE

RE: Public Hearing Regarding)
Christopher At the Townes At)
Bayshore Village, LLC, application)
to construct and operate a marina)
in portions of public subaqueous)
lands and two unnamed lagoons)
southeast of Lighthouse Cove,)
located adjacent to Lighthouse)
Cove Lane, Fenwick Island, Sussex)
County, Delaware)
(Docket #2019-P-W-0033))

..

Fenwick Island Town Hall
800 Coastal Highway
Fenwick Island, Delaware 19944

Thursday, February 20, 2020
6:00 p.m.

..

BEFORE: Lisa Vest, Hearing Officer

ALSO PRESENT: Tyler Brown, DNREC
Julie Molina, DNREC

-- Transcript of Proceedings --

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1 MS. VEST: Good evening. The time
2 is 6:01 p.m. on Thursday, February 20, 2020,
3 and we are going to go ahead and get started
4 with the proceedings this evening.

5 I want to thank everybody for
6 taking time out of your busy schedules to be
7 here.

8 We are here to provide the formal
9 platform for DNREC to receive public comment
10 on the permit application submitted by
11 Christopher At the Townes at Bayshore
12 Village, LLC, for the construction of a new
13 18-slip marina located off of Lighthouse
14 Road, west of Fenwick Island.

15 For those of you who may not know
16 me, my name is Lisa Vest, and Secretary
17 Garvin has appointed me to serve as hearing
18 officer for this matter.

19 If you have not already done so,
20 there are sign-in sheets at the back of the
21 room. I would ask that if you haven't taken
22 the time to do it, please sign on your way
23 out.

24 We also use those sign-in sheets as



1 a way to recognize people when it comes time
2 for public comment. Public comment will be
3 opened as soon as the presentations from both
4 the Department and from the Applicant are
5 taken care of.

6 Even if you are not here to offer
7 comment but you just want to come and listen
8 and see what the project is all about, we try
9 to have an accurate record of who attends
10 these hearings.

11 So, again, even if you are not
12 planning on commenting, I would ask that you
13 take a couple of seconds and sign the sheets.

14 With regard to the public comment
15 wishing to be offered tonight, there are, as
16 is the case for all DNREC hearings, protocols
17 that must be adhered to. I need to take a
18 couple seconds now and go through those.

19 Consistent with all hearings held
20 by DNREC, all comment must be limited solely
21 to the subject matter of tonight's hearing,
22 which, again, is the permit application
23 submitted to the Department for the proposed
24 18-slip marina located off of Lighthouse



1 Road.

2 As is DNREC's policy at hearings
3 such as this, each person wishing to offer
4 comment is asked to do so in as precise a
5 manner as possible.

6 In order to treat all attendees at
7 DNREC hearings held throughout the state
8 equally, each person is granted a total of
9 three minutes' time to offer comment.

10 To facilitate that protocol and
11 also to ensure fairness with regard to the
12 amount of time each person is given, we do
13 have a visual timer that will be in place to
14 kind of help everyone be aware of their time
15 remaining while they are speaking.

16 If you have brought written,
17 prepared statements or comment with you, I
18 would ask that you present the same to me
19 when you have been recognized as the next
20 commenter.

21 I can then mark it and introduce it
22 into the hearing record. And then you can
23 take your three minutes to kind of sum up
24 what your written statement is.



1 There is no yielding of time from
2 one commenter to another, again to ensure
3 fairness and equality for each person
4 offering comment.

5 There is only one record of the
6 proceeding tonight, and it is the official
7 court reporter's transcript.

8 Please remember that she can only
9 hear and accurately transcribe one voice at a
10 time.

11 In order to ensure accuracy of the
12 transcript and to be mindful of the need for
13 order at such proceedings, please try not to
14 speak while another person is speaking, and
15 do not call out from the audience for any
16 reason.

17 If there are members of the media
18 here, you are certainly not prohibited from
19 audio or video recording of this matter. We
20 do ask that you use any equipment in a way
21 that is unobtrusive and doesn't interfere
22 with the ability of others to hear and see
23 what's being said.

24 Whether listening or speaking, we



1 do ask that everyone here tonight be
2 respectful and considerate of all comment
3 offered with regard to this application, even
4 though some comment may differ in opinion
5 from your own.

6 At this time I would ask that all
7 cell phones be either muted or turned off for
8 the duration of the proceedings tonight.

9 Lastly, it is important to note
10 that no decision has been made by the
11 Department, nor will any decision be made
12 tonight with regard to this permit
13 application that's pending.

14 Again, the purpose of tonight's
15 hearing is just to provide the platform for
16 the public to come and offer their comments
17 specifically related to this permit.

18 A record consisting of the
19 transcript that is prepared tonight, all
20 written comment, all exhibits, and eventually
21 my Hearing Officer's Report will be submitted
22 to the Secretary for his review.

23 He will then issue an order,
24 following his review, concerning his decision



1 on the application and offer reasons
2 therefore.

3 Myself and other DNREC staff are
4 present to facilitate the taking of public
5 comment, but we are not here to participate
6 in the proceedings. As such, there is no Q
7 and A session permitted during the course of
8 this matter.

9 Lastly, all comment, whether
10 offered verbally tonight or having been
11 received via either e-mail or U.S. mail, will
12 all bear the same weight, and all is
13 considered equally by the Secretary prior to
14 his making a decision.

15 That being said, I will at this
16 time turn the floor over to Department staff
17 for the beginning of their presentation.

18 MS. MOLINA: Hello. My name is
19 Julie Molina, and I am presenting on behalf
20 of DNREC Wetlands and Subaqueous Lands
21 Section. So we are the permitting agency for
22 the State of Delaware.

23 Sorry -- I apologize in advance
24 that the slide is over that way -- but it is



1 a short presentation on the project that has
2 been submitted.

3 So the purpose of the public
4 hearing today is to provide the public with
5 an opportunity to comment on the Christopher
6 At the Townes at Bayshore Village, LLC
7 application to construct an 18-slip community
8 marina.

9 They have supplied for a subaqueous
10 lands lease, a subaqueous lands permit, water
11 quality certification, a marina permit, and
12 an operations and maintenance plan approval.

13 As you are probably already aware,
14 the marina is located off of Route 54. Well,
15 it's proposed to be located here (using
16 pointer), and this is the area.

17 I did want to briefly discuss the
18 permitting history for this application,
19 because probably several of you were already
20 notified of this project around the summer of
21 2019.

22 An application had come in under
23 the name of Lighthouse Cove Investors, LLC.
24 And at that time several comments in



1 opposition to the project was received.

2 That applicant withdrew their
3 application on July 24, 2019.

4 And then they did reapply just for
5 the repair and replacement of the bulkhead
6 within the same footprint as the existing
7 structure. And that was approved on
8 October 3, 2019.

9 So this new application that we are
10 going over today is from the new property
11 owner, and they have slightly modified the
12 project plans from this Lighthouse Cove
13 Investors' project application.

14 So, to get into what has been
15 proposed for this renewed application, their
16 boat docking facility consists of five
17 boatlifts.

18 We have three here and then two
19 more here (pointing) with four associated
20 pilings each.

21 And then you have -- sorry for my
22 hand shaking -- you have a finger pier here
23 and a finger pier here. Those two are
24 proposed to be constructed at 6 by 24 feet



1 long.

2 And then what's highlighted in
3 yellow along the perimeter of the property,
4 which is here, is a boardwalk. Now, that
5 boardwalk would only be 16 inches
6 channel-ward of the bulkhead. So that is
7 what they have proposed.

8 So, as far as the State's
9 jurisdiction of mean high water line, it
10 would only be 16 inches of that 6-foot wide
11 boardwalk.

12 They have also proposed to
13 mechanically maintenance dredge 180 cubic
14 yards to a depth of negative 3.5 feet mean
15 low water.

16 So you can see that the areas that
17 they are proposing to dredge is right here
18 and right here at the dead end of the
19 lagoons, as well as this small area right
20 here. It's marked as red dots.

21 And then they are planning on
22 disposing of that dredged material here in
23 this area that's marked as purple.

24 So that area is proposed to dispose



1 of the dredge material there and then have it
2 dewatered. And then they would grade it and
3 cap it with topsoil. So it would become a
4 landscape berm, essentially.

5 This project was placed on a 20-day
6 public notice period from January 22, 2020 to
7 February 11, 2020.

8 Again, because there was that
9 concern with the previous application, this
10 property owner agreed to directly advertise
11 for the public hearing. As far as written
12 comments and objection received, there were
13 five for this application.

14 During our regulatory review of
15 this project, we do send the project for
16 review to the Division of Fish and Wildlife,
17 and they look for any species of concern.

18 So what they have advised for this
19 construction of this project is not to impose
20 a time-of-year restriction for any species of
21 concern, but they did recommend the use of a
22 turbidity curtain.

23 Another area that this project went
24 for review was the Groundwater Protection



1 Branch. So that was done because of the
2 disposal area and how it's going to -- how
3 the dredge material would impact groundwater.
4 And they determined that there would be no
5 concern for groundwater contamination.

6 Another portion that was included
7 in this application was an operations and
8 maintenance plan. And this operations and
9 maintenance plan includes best management
10 practices that the marina would uphold during
11 routine operations.

12 Some of the information included is
13 listed here.

14 The marina would only be utilized
15 by the Towns at Bayshore Village community
16 residents.

17 There would be a maximum mooring of
18 18 vessels. And that is in line with the
19 amount of townhomes on the property.

20 There is a spill containment
21 equipment located on the property. And they
22 have also had an agreement drawn up with
23 Shark's Cove Marina for a marine pump-out
24 station in order to utilize that.



1 So there is also other rules and
2 procedures for marina users to use, as well.
3 And then there are no major fueling or vessel
4 maintenance facilities at the marina.

5 So my contact information is listed
6 there, if you need any other information
7 about the project.

8 And then you probably want to jot
9 down that link to that web page.

10 That web page includes further
11 information on the next steps as far as, as
12 Lisa has mentioned, the Hearing Officer's
13 Report and then the final Secretary's Order.

14 So I will give you a minute to
15 write that down if you need to.

16 Lisa, I'm going to present these
17 exhibits to you.

18 MS. VEST: Okay. And while that's
19 up there, I would just suggest, if it were
20 me, I would just take a picture of it.

21 (Laughter) That seems to be the easiest. I
22 will always forget a dot or something. I
23 never write it down right.

24 MS. MOLINA: So I have Exhibit



1 Number 1 here, which are the applicable
2 regulations.

3 MS. VEST: Okay.

4 MS. MOLINA: Exhibit 2 is the
5 application for the project.

6 Exhibit 3 are the project plans.

7 Exhibit 4 is the operations and
8 maintenance plan.

9 Exhibit 5 is the public notice and
10 the postings for the public hearing.

11 Exhibit 6 is this DNREC public
12 hearing presentation that I just presented.

13 And Exhibit 7 are all the comments
14 that were received for this project.

15 MS. VEST: Okay.

16 MS. MOLINA: And you can view all
17 those exhibits on that web page there.

18 MS. VEST: They will be scanned in
19 tomorrow morning, hopefully.

20 Okay. Let the record reflect that
21 Exhibits 1 through 7, as identified by
22 Ms. Molina just now, are hereby entered into
23 the formal hearing record in this matter.

24 Does the Department have anything



1 further they wish to add?

2 MS. MOLINA: No.

3 MS. VEST: Okay. Very good. At
4 this time I believe the applicant has a
5 presentation.

6 MR. LAUNAY: So my name is Edward
7 Launay. I'm from Environmental Resources
8 Incorporated. I'm one of the consultants
9 involved with the project.

10 So, again, we are here for the
11 Towns at Bayshore Village, which really
12 involves a redevelopment of the 2.3-acre site
13 which has -- is bulk-headed on all three
14 sides, totaling about 700 linear feet of
15 bulkhead frontage.

16 In accordance with DNREC's
17 October 3, 2019 letter of authorization, the
18 bulkhead out there is currently being
19 replaced in its original footprint, which is
20 a modification from the application that was
21 originally filed.

22 Both the east and west lagoons --
23 this is to the north. This is the east.
24 This is to the west. (Pointing) Both the



1 east and west lagoons are, within that
2 2.3 acres, are the applicant's private
3 subaqueous lands.

4 The lagoon to the north is public
5 subaqueous lands.

6 The previous ownership of the site
7 and previous use of the site, the owners out
8 there that originally occupied this -- there
9 were eight residential units that occupied
10 this single piece of land -- and they
11 basically tied their boats and vessels up
12 alongside the existing bulkhead.

13 And currently there are two in
14 pretty much the same place where the two
15 reconstructed piers are proposed at the head
16 of the -- or at the head of the east and west
17 lagoons.

18 There are two existing piers that
19 residents also used, previous residents also
20 used to tie their vessels on.

21 And DNREC passed marina regulations
22 in 1991. And in the State of Delaware
23 anything more than four boats on a single
24 piece of property technically qualifies as a



1 marina.

2 It's the Applicant's position that
3 this site qualified as a marina, was a
4 marina, and it wasn't -- it's really not all
5 that uncommon for sites that were
6 grandfathered or technically used as a marina
7 site to not have a marina permit and not have
8 an operational maintenance plan. There's
9 quite a few examples that I have come across
10 over the years.

11 But again, technically, because
12 there were more than four boats moored on
13 this single piece of property, it qualified
14 as a marina.

15 And so, you know, the applicant
16 believes that we are trying to bring the site
17 into compliance. And, obviously, we are
18 going to add to the number of vessels that
19 will be at the site.

20 As previously stated, the county,
21 Sussex County -- the site is in Sussex
22 County, not in the town of Fenwick Island --
23 and the county has approved a townhouse
24 development with 18 units.



1 And the proposal is that the
2 residents of the 18 units would continue to
3 keep one vessel per household at a maximum
4 along the docks.

5 And there would be -- again, there
6 was discussed there will be five slips here.
7 These five slips will be fitted with
8 boatlifts.

9 And then the remaining docking,
10 this showed the intended dock space that
11 would be around the site. The remaining 13
12 vessels would be just located along the
13 bulkhead around the perimeter of the site.

14 Five of those vessels would be over
15 public subaqueous lands. The remainder of
16 those vessels are again moored over the
17 Applicant's private subaqueous lands.

18 There are no structures, bulkheads,
19 boatlifts, or any other physical thing that
20 is going to be out shore of the bulkhead.

21 The boats, themselves, will just be
22 tied up to the bulkhead.

23 Julie mentioned the boardwalk that
24 goes around that's for those around the site



1 to, you know, help people walk around the
2 area and get to their boats.

3 While that is technically going to
4 be a little bit channel-ward of the face of
5 the bulkhead, the top of that bulkhead is not
6 going to exceed the face of the existing
7 piles that support the bulkhead.

8 So that's, again, that's a very
9 minor encroachment, you know, it's a specific
10 design detail specific to this project. But
11 it physically isn't going to change the
12 position of a boat in relation to the
13 channel.

14 Based on, um, based on input from
15 DNREC from the previous plan, we made several
16 modifications, you know, including replacing
17 the bulkhead in kind in place.

18 And also we made several
19 modifications to the application to provide
20 wider distances and buffers from the adjacent
21 property.

22 So with those modifications, we --
23 it's the Applicant's opinion that the plan as
24 proposed complies with all the setbacks and



1 channel encroachments that are included in
2 the current subaqueous lands regulations.

3 With respect to navigation, it's
4 the Applicant's position that the proposed
5 layout and design will have no impact to
6 existing navigational channels or lagoons.

7 Boats in the past have been and
8 will continue to be moored along the bulkhead
9 edges, just as they have been for many, many
10 years.

11 The widths here and here -- I'm
12 going to have an exhibit that I am going to
13 turn in as an Applicant's exhibit -- but
14 measuring here and here at the two pieces of
15 property closest to this -- to the existing
16 bulkhead from our site to the adjacent
17 bulkheads on the opposite side of the creek,
18 you know, these two points here are 60 at
19 this point and 85 feet at this point.

20 Again, just, you know, it's easy
21 enough to go on Google Earth. They have of
22 an excellent measuring tool that's usually
23 accurate within a foot or so. And it's easy
24 to take a look at the widths of the channels



1 throughout the entire lagoon system and to
2 compare this situation with other situations.

3 If you do that, you will see that
4 in a number of locations throughout the
5 lagoon system there are channel widths as
6 small as 28 feet, and commonly to about 50 or
7 51 feet exist throughout these lagoons and
8 even within other courses of this lagoon.

9 You know, it's clear that with a 60
10 to 85-foot width here, you know, that there
11 is plenty of room for navigation.

12 And I would also point out that in
13 other places along these lagoons there are
14 boatlifts and other structures that are
15 actually out front that are more of an
16 impediment to navigation, which none are
17 being proposed here.

18 And, obviously, there is existing
19 piers, the two existing piers down here.
20 There is two existing piers that were already
21 there. That's more or less just a
22 reconstruction.

23 I also want to point out that in
24 January 2011, DNREC actually issued a permit



1 for a 24-slip marina right at this location
2 (pointing) which was the Lighthouse View
3 Condominium Association.

4 This application merely seeks to
5 continue the docking of resident vessels
6 associated with the property.

7 As it has in the past, vessels will
8 be docked alongside the existing bulkhead or
9 at piers at the head of the east and west
10 lagoons.

11 With this application, the site
12 will now operate under a DNREC-approved
13 operation maintenance plan, in accordance
14 with an orderly docking plan that's presented
15 here in the permit application.

16 This use and the application
17 requests really nothing that is different
18 than the rights to join by all the other
19 lagoon owners that live throughout, live and
20 operate and navigate their vessels and moor
21 their vessels throughout the Lighthouse Cove
22 lagoon system.

23 That's the Applicant's
24 presentation.



1 I would like to provide two
2 exhibits, the Applicant's exhibit with an
3 aerial photograph that shows the lagoon
4 widths at various locations that I
5 discussed -- I just testified about here --
6 and shows other -- highlights other widths
7 throughout the lagoon system.

8 And then basically here is a series
9 of six photographs -- I believe the
10 Department already has these -- showing the
11 existing docking structures and facilities
12 that existed, have previously existed in
13 history along the shoreline of the project
14 area.

15 MS. VEST: Okay. Does that
16 conclude the Applicant's application?

17 MR. LAUNAY: Yes, that concludes
18 our presentation.

19 MS. VEST: All right. Thank you.
20 Let the record reflect that the aerial
21 photograph just now described by Mr. Launay
22 is entered into the record as Applicant's
23 Exhibit 1.

24 And the additional six photographs



1 depicting the existing boat docks and the
2 original boat moorings will all be entered in
3 as Applicant Exhibit 2.

4 Thank you, Mr. Launay.

5 At this point I am going to go
6 through the sign-up sheets and recognize
7 those that wish to speak. And at the end, of
8 course, somebody may have changed their mind
9 and said that they didn't want to. I will
10 give everyone an opportunity, once I get
11 through those who actually have said yes.

12 I am going to -- I'm just going to
13 ask, because I think you circled yes meaning
14 you wanted to speak. Jim and Jeanie DeLeo?
15 Okay. Did you both wish to speak, or just
16 you?

17 MR. DELEO: Pardon?

18 MS. VEST: Did you both wish to
19 speak or just you?

20 MR. DELEO: Just me.

21 MS. VEST: Okay. Proceed.

22 MR. DELEO: My name is Jim DeLeo,
23 and my wife, Jeanie, and I own a cottage
24 right across the street from the east end of



1 the project that's been proposed.

2 And I guess my major problem is
3 that I think this is such a big project that
4 it's going to impact the area negatively.

5 The first way is that I worry about
6 the water quality and the soil quality of the
7 canal. And I think we need to get a baseline
8 test on these before we approve -- or approve
9 a project this large.

10 My other problem with the project
11 of this size is the flow through there. An
12 awful lot of boats go through there, kayaks,
13 kids in little plastic rafts.

14 I'm afraid if you have 18 boats and
15 wave runners coming out of there, then
16 someone is going to get hurt.

17 And I think we need to see how many
18 houses are up canal and how many of those
19 houses have boats to get an idea of present
20 traffic going through there.

21 So the quality, the boat traffic.

22 The third thing is -- and he
23 answered to some degree the question -- in
24 the original plan they were talking about



1 extending the footers out 18 inches. I'm not
2 sure if that's still. But the width of that,
3 I think, is narrow for the number of boats
4 and children and people using that area.

5 And I think we need to consider
6 that. Thank you.

7 MS. VEST: Thank you, Mr. DeLeo.

8 Bill Weistling, Weistling?

9 MR. WEISTLING: Yes. Hello. Thank
10 you for having this hearing.

11 My name is Bill Weistling. I live
12 in Fenwick Island. I'm currently on the Town
13 Council of Fenwick Island. I was not on
14 council at the time of the June 17th letter
15 that we sent to DNREC requesting the public
16 hearing. And, again, I thank you for having
17 that.

18 I guess my biggest concern is the
19 same thing I had -- the same concern I had
20 back then. It's the first paragraph in our
21 letter that we sent to DNREC. I'm sure you
22 probably have that on file.

23 And that is I have no problem with
24 the east/west canal sitting on private



1 property. The problem of concern I think is
2 going to be on the north section where those
3 five to six berths are going to be. That
4 canal that runs east of that, there is
5 approximately 40 to 42 properties. Not all
6 of these properties have been developed. But
7 it is a very busy canal where boats will be
8 coming out and making that turn to go out to
9 the bay.

10 Also, those five slips are in a
11 very short distance. I don't know what the
12 length of that east to west dimension is on
13 the north portion, but all the lots, the 40
14 lots to the east in the town are normally
15 50-foot wide lots, and, obviously, in most
16 cases it would be one boat per 50 feet, where
17 you have got five boats or six boats that are
18 going to be confined in a shorter space, and
19 then a couple that are on the corner.

20 So it could be a total of about
21 eight boats. I think it could be a very
22 congested corner there. And, as this
23 gentleman just stated, there is a lot of
24 other considerations, kayaks, standup paddle



1 boards, et cetera, that need to be taken into
2 account. Thank you.

3 MS. VEST: Thank you, sir. I
4 appreciate your comment. Teresa Tieman?

5 MS. TIEMAN: Yes. Good evening.
6 I'm the town manager for Fenwick Island. The
7 Council Member Weistling just stated last
8 summer a very similar application was put in,
9 and there was a town meeting held on June 17,
10 2019.

11 And just the same concern. There
12 is a major concern over the north side of the
13 project where six berths are proposed.
14 Mainly, the concern is over what appears to
15 be a very narrow water passageway between the
16 proposed project and the adjacent
17 incorporated town limits of the town.

18 There were no dimensions of the
19 project documents and the waterway package
20 after the finished build-out of the project.

21 This impacts approximately 40
22 properties within the incorporated limits of
23 the Town of Fenwick Island, and this could be
24 a dangerous situation for reasons previously



1 stated. That's all. Thank you.

2 MS. VEST: Thank you, Ms. Tieman.

3 Ed Hartwell? Mr. Hartwell, you had
4 a question mark.

5 MR. HARTWELL: Yeah, I couldn't
6 decide whether I had anything to say or not,
7 because I wasn't really clear on what the
8 project --

9 MS. VEST: Okay.

10 MR. HARTWELL: -- entails, but I
11 live east of where that is, of where the
12 canal narrows.

13 And we go through there quite
14 often. I see you a lot.

15 MRS. DELEO: Yes.

16 MR. HARTWELL: And I go through
17 there with an 18-foot boat, a 23-foot boat,
18 and a canoe.

19 And a lot of people use that. And
20 that's a very dangerous corner there if you
21 are -- if you are doing a kayak, a
22 paddleboard, or a canoe, because you can't
23 see what's coming in either direction,
24 depending on where you are.



1 But the real part is if these are
2 five -- did you say five? -- five piers that
3 were going to be put out there? That they
4 are going to tie up north/south; is that
5 correct? I'm trying to --

6 UNIDENTIFIED SPEAKER: I think it's
7 east/west.

8 UNIDENTIFIED SPEAKER: East/west.

9 UNIDENTIFIED SPEAKER: Parallel?

10 UNIDENTIFIED SPEAKER: Yeah,
11 they're going to parallel.

12 MR. HARTWELL: So they're going to
13 parallel to not go further out into the --

14 UNIDENTIFIED SPEAKER: It's
15 parallel parking. Put it that way.

16 MR. HARTWELL: Okay. It's still
17 going to make it pretty tight there. And I
18 thought that there was a minimum of 60 feet
19 from point to point or maybe a little bit
20 more from one side to the other for to have a
21 clear space for good traffic flow.

22 And then the last question is what
23 happens if it doesn't get approved? Do they
24 still have the right to tie up there?



1 Thank you.

2 MS. VEST: Thank you. There is no
3 other yesses on the sheet. Has anyone
4 thought of any other questions or wish to
5 make a formal comment for the formal record
6 while we are here tonight?

7 MR. HALFEN: I will make a
8 statement.

9 MS. VEST: Could you identify
10 yourself?

11 MR. HALFEN: Yes, I'm Michael
12 Halfen.

13 So I'll go ahead also and say the
14 north side -- um, I hadn't thought about that
15 coming in, but the north side is definitely
16 narrow there.

17 Because you have to consider how
18 wide the boat is. Plus they're going to be a
19 few feet off the bulkhead while the mooring
20 slips are being tied up.

21 And then, also, do we know how
22 often they are going to dredge? I know it's
23 not a question and answer. But does anybody
24 want to comment on that? Obviously, it's a



1 one-time thing to begin with. We don't know
2 how often? We don't have anything.

3 MS. VEST: We are not doing that
4 here. But all the concerns and all of the
5 questions such as that do get reviewed once
6 we get the transcript back from the court
7 reporter.

8 Julie's entire Division will go
9 through it with a fine-toothed comb and speak
10 to all of these concerns that are relevant to
11 this permit.

12 And then they will provide me with
13 a response document that I will attach to my
14 report that goes to the Secretary.

15 And one of the things that I have
16 to do is make sure that all public concerns
17 are addressed.

18 MR. HALFEN: Okay.

19 MS. VEST: So we don't know
20 tonight, but it's now in the record, and it
21 will be addressed.

22 MR. HALFEN: Okay.

23 MS. VEST: Okay?

24 MR. HARTWELL: I have one other



1 comment to add. And that is directly across
2 from that north end, the people that own the
3 house right on that corner always have a
4 pontoon boat tied up there. And that pontoon
5 both is about 2 feet off of the bulkhead, so
6 it takes quite a bit of space.

7 MRS. DELEO: And jet-skis. They
8 have jet-skis.

9 MR. HARTWELL: Yeah. You know,
10 it's on the mooring way, so it pushes it off.
11 So if you got two boats coming, it's going to
12 be really tight if you got boats tied up to
13 the north end.

14 MS. VEST: Okay. Thank you,
15 Mr. Hartwell.

16 MR. HARTWELL: Yes, ma'am.

17 MS. VEST: Anyone else while we are
18 here tonight? Yes, sir.

19 MR. MARVEL: Ric Marvel. And I
20 have got the same concern as that, because I
21 use that all the time. I use my boat. I
22 have a pontoon boat.

23 And that girl has bought a boat on
24 the corner there that's all the time there.



1 And the concern is on that north side, if
2 they are going to use mooring poles, they are
3 going to put it out 2-foot minimum, if not
4 three, which will narrow it down to 15-foot
5 on one side and 15-foot on this side. That's
6 30 feet.

7 What are you going to do with
8 30-foot? You'll not get two boats beside it.

9 MR. HARTWELL: No.

10 MS. VEST: Thank you, Mr. Marvel.
11 All right.

12 I want to thank everybody for their
13 courteousness and their respectfulness to
14 each other tonight.

15 We will take these comments that
16 are now entered in as part of the record,
17 because they will appear in the transcript.

18 The department will -- or the
19 division, rather, will review them. Julie
20 will work to prepare a response document.

21 And as soon as I get that, we will
22 put everything together, and Secretary Garvin
23 will then begin his considerations.

24 I do want to thank everybody again



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for coming out. This hearing is adjourned.

(Concluded at 6:36 p.m.)

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CERTIFICATE

I, Lorena J. Hartnett, a Notary Public and Registered Professional Reporter, do hereby certify that the foregoing is an accurate and complete transcription of the proceeding held at the time and place stated herein, and that the said proceeding was recorded by me and then reduced to typewriting under my direction, and constitutes a true record of the testimony given by said witnesses.

I further certify that I am not a relative, employee, or attorney of any of the parties or a relative or employee of either counsel, and that I am in no way interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office on this 23rd day of February 2020.



Lorena J. Hartnett
Registered Professional Reporter



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