



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

Office of the
Secretary

Phone: (302) 739-9000
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Secretary's Order No.: 2018-W-0045

RE: Application of Hometown Angola Beach, LLC, to construct a major marina alteration to Angola Beach and Estates Marina by installing an additional fifty-two (52) slips to its existing seventy-six (76) slip Marina, thus necessitating Applicant to obtain the following: (1) Renewal/Amendment of the existing Marina Permit; (2) a Subaqueous Lands Permit and Water Quality Certification; and (3) Renewal/Amendment of the existing Subaqueous Lands Lease

Date of Issuance: August 2, 2018

Effective Date: August 2, 2018

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") pursuant to 7 *Del.C.* §§6003, 6004(b), 6006(4), Delaware's *Subaqueous Lands Act* (7 *Del.C.* Chapter 72), and all other relevant statutory authority, the Department of Natural Resources and Environmental Control ("Department", "DNREC") issues this Order, approving a permit to allow Hometown Angola Beach, LLC ("Applicant", "Angola Beach"), to construct a major marina alteration to its existing Marina ("Application"). The Delaware Regulations controlling such marina construction are as follows, to wit: *Regulations Governing the Control of Water Pollution* (7 DE Admin. Code 7201), *Marina Regulations* (7 DE Admin. Code 7501), *Regulations Governing the Use of Subaqueous Lands* (7 DE Admin. Code 7504), and Section 401 of the *Clean Water Act* (33 U.S.C. §1251 *et seq.*).

Background and Findings of Fact

On April 19, 2017, the Department's Division of Water, Wetlands and Subaqueous Lands Section ("WSLS"), received an application from Coastal & Estuarine Research, Inc., and Mill Brook Engineering, LLC, submitted on behalf of the Applicant, to construct a major marina alteration to its existing Marina ("Application"). Specifically, Applicant proposes to install an additional 52 slips to its existing 76 slip marina, with the new structure consisting of two (2) 5 foot wide by 56.5 foot long main access floating dock extensions, two (2) 5 foot wide by 144 foot long main floating piers and twenty-four (24) 4 foot wide by 16 foot long floating finger piers; to remove and reconfigure the previously approved structure by reducing the overall channelward encroachment, with the total structural footprint consisting of a 5 foot wide by 40 foot long main access fixed pier, a 5 foot wide by 12 foot long gangway, a 5 foot wide by 313 foot long main access floating dock, five (5) 5 foot wide by 144 foot long main floating piers, and sixty (60) 4 foot wide by 16 foot long floating finger piers. Additionally, Applicant proposes to conduct new hydraulic dredging consisting of approximately 8,500 cubic yards of material to a depth of -4 feet at the mean low water line from an approximately 108,000 square foot area in Burton Prong, at the terminus of Marina Drive. The dredged material will be disposed of via pipeline to an upland confined disposal area west of Bridgeway Drive in Lewes, Delaware.

The Application was placed on a 45 day public notice by the Department on May 17, 2017, and a 20 day public notice on August 23, 2017. During those public notice periods, the WSLS received six written comments against the project. The objections from the public stated that the waterbody is already inundated with boat traffic, which leads to unsafe conditions for non-motorized water dependent activities such as paddle-boarding, canoeing and kayaking. Additional concerns from the public included requests for DNREC to (1) provide the presence of

additional DNREC Enforcement Officers to address speeding boaters; (2) reduce light pollution in the community; and (3) implement a no wake zone along the creek.

At that time, the WSLs reviewed the permitting history and the record generated from the previous public hearing held on the initial construction of this marina. The original public hearing for Angola Beach Mobile Home Community resulted in Secretary's Order 86-0SL-1 (May 19, 1986), which authorized the project, but stipulated that no further expansion of docking facilities would be allowed, and that boat ramps and on-land storage of vessels were feasible alternatives. In 1995, a 24 slip marina expansion was proposed, but that application was returned to the Applicant, based on the above-referenced Order containing the following statement:

There shall be no further docking facilities constructed on public subaqueous lands adjacent to property owned or being developed by Mr. Elliot Hindman, President, Angola Beach Mobile Home Community, Inc.

During the processing of the Subaqueous Lands Lease renewal in 1998, the Applicant contested the inclusion of the special limiting expansion as being directed only toward the then-developer of this marina, Mr. Hindman. Upon issuance of the Subaqueous Lands Lease in 1998 (SL-169/98), then-DNREC Secretary Christophe A.G. Tulou initialed and struck out the special condition limiting expansion, which effectively overturned the previous decision.

Given the comments received on the Applicant's proposed project, and the aforementioned permitting history of the marina (along with this pending Application being the first proposed marina expansion since the original Secretary's Order was overturned as referenced above), the WSLs determined it to be in the public's best interest to hold a public hearing regarding this present application. Public notice of the upcoming public hearing (to be held on October 30, 2017) was made on September 27, 2017.

The Department held its public hearing concerning this matter on October 30, 2017, which was attended not only by Department staff and representatives of the Applicant, but also by numerous individuals from the public. Proper notice of the hearing was provided as required by law.

Following the public hearing of October 30, 2017, the technical experts in the Department's Division of Water prepared a Technical Response Memorandum ("TRM") to (1) specifically address the public concerns raised at the time of the hearing; (2) provide a formal regulatory review of the Applicant's proposed project; and (3) offer the Division of Water's conclusions and recommendations with regard to this pending Application for the benefit of the hearing record generated in this matter. This TRM, dated March 23, 2018, was received for inclusion into the hearing record by Hearing Officer Lisa A. Vest on May 31, 2018.

It is important to note that, while DNREC does regulate boat speeds, it is specifically the Department's Division of Fish & Wildlife (and not the Division of Water) which holds that responsibility. Thus, Hearing Officer Vest requested a supplemental TRM from the Department's Division of Fish & Wildlife, Natural Resources Police Unit, to address the aforementioned boating safety concerns from vessel congestion in the Angola Beach area. Chief Drew T. Aydelotte of the Department's Natural Resources Police Unit provided his written response to this request in a TRM received by Ms. Vest for inclusion into this hearing record on June 12, 2018.

Subsequently, Hearing Officer Vest prepared her Hearing Officer's Report ("Report"), dated June 25, 2018, which attached both TRMs referenced above, and expressly incorporated both therein. Ms. Vest's Report set forth the procedural history, summarized and established the record of information ("Record") relied on in the Report, and provided findings of fact, reasons,

and conclusions that recommend the Department approve this Application, subject to the conditions set forth in the following three draft approval documents: (1) Subaqueous Lands Permit SP-135/17, for the Applicant's use of its private subaqueous lands, and Water Quality Certification WQ-135/17; (2) Subaqueous Lands Lease SL-003/09 (S1), for the Applicant's use of public subaqueous lands for ten years; and (3) Marina Permit MP-135/17, for the Applicant's construction and operation of an additional 52 slips to its existing 76 slip marina. The Report also addressed the public comments received in this matter, and concluded that the same did not warrant the Department's denying this Application, or delaying the permit decision to receive additional information.

Reasons and Conclusions

This application is for a major marina expansion project at Angola Beach, specifically, to install an additional 52 slips to its existing 76 slip marina, and to conduct new dredging in the proposed marina footprint in Burton Prong of Herring Creek, located at the terminus of Marina Drive in Lewes, Delaware. I find that the proposed project will require the Applicant to (1) renew and amend its existing Marina Permit; (2) obtain a Subaqueous Lands Permit; and (3) renew and amend its existing Subaqueous Lands Lease and Water Quality Certification. I further find that the Applicant's proposed project is subject to the requirements of Delaware's *Subaqueous Lands Act* (7 Del.C. Chapter 72), the Department's *Regulations Governing the Control of Water Pollution* (7 DE Admin. Code 7201), *Marina Regulations* (7 DE Admin. Code 7501), *Regulations Governing the Use of Subaqueous Lands* (7 DE Admin. Code 7504), and Section 401 of the *Clean Water Act* (33 U.S.C. §1251 *et seq.*).

In reviewing the applicable statutes and regulations, as well as weighing public benefits of this project against potential detriments, the Department's experts in the Division of Water have concluded that the construction of the docking facility and dredging as described in Application of Hometown Angola Beach, LLC complies with the Regulations administered by the Wetlands and Subaqueous Lands Section. In addressing the future maintenance dredging cycle at this marina, a special condition has been included in the draft permits prepared in this matter, specifically, to limit the maintenance dredging cycle to no more than once every four years. This special condition takes into consideration that (1) the authorization of the proposed docking facility without dredging would likely result in a continual disturbance of aquatic biota by the suspension of sediments by boat propellers, even with a limitation on vessel drafts, due to the shallowness of the site; and (2) the new dredging activity has been requested after having an operational marina for approximately 30 years, and would provide relatively short-term environmental impacts.

Additional considerations were given by the Department's experts to the public concerns regarding vessel traffic and public safety, as well as the potential for water use conflicts between non-motorized water dependent activities and vessels utilizing Burton Prong. Determining the carrying capacity of a waterbody in relation to recreational use and safety is an important consideration when evaluating whether public use of State waters is restricted. Thus, it is important to not only take into consideration the opinions set forth in the Division of Water's TRM, but also those provided in Chief Aydelotte's TRM as well.

In order to address the above concerns regarding vessel traffic, public safety, and the potential for water use conflicts, as voiced by the Department's experts in both the Division of Water and the Natural Resources Police Unit of the Division of Fish and Wildlife, the following

special condition has been included in the draft Marina Permit and draft Subaqueous Lands

Lease:

No further marina expansion shall be authorized at the Angola Beach and Estates Marina until such time that the Department is able to open, amend, and adopt new Marina Regulations through the appropriate public process.

While Chief Aydelotte sees no need to recommend denial of this pending Application, he opines that the Applicant must acknowledge that wake issues will arise and increase with the marina expansion, as will vessel traffic. The area surrounding the Applicant's marina is currently a high traffic zone, with vessels leaving to enter the Herring Creek, Rehoboth Bay and points beyond, with eventual return to the home marinas. Burton Prong in itself is not necessarily a high use area, but rather, a travel lane. The Applicant will have to assume responsibility of increasing vessel traffic and increased wake issues, as officers on patrol may be delayed in response or sporadic in visibility to the area, given the current numbers of the Natural Resources Police (and their commitment to serve all of Delaware's boating community).

With regard to those comments requesting the establishment of a no wake area, Chief Aydelotte notes that this area is not currently posted as a "slow/no wake" area. There are sufficient distances where the 100 ft. wake regulation allows increased speed through most of the Burton Prong length. While most vessels use courtesy when operating, vessel travel outside of the 100 ft. distance is not regulated.

In conclusion, the State of Delaware is charged with upholding the Public Trust Doctrine, which has been used historically in protecting the public's rights to fishing, commerce, navigation, recreation and even preservation as an appropriate public use. The Department recognizes that there are concerns associated with this project, but has balanced those concerns.

The Record developed in this matter indicates that the Department's experts have considered all statutes and regulations that govern projects such as the Applicant's proposed marina expansion, and have recommended issuance of all permits necessary for completion of the same to the Applicant in this matter.

I find and conclude that the Applicant has adequately demonstrated its compliance with all requirements of the statutes and regulations, as noted herein, and that the Record supports approval of the Application submitted by Hometown Angola Beach, LLC. Accordingly, this Order approves all permits required for this proposed marina expansion, consistent with the Record developed in this matter, and directs that the same be issued by the Department in the customary form, and with appropriate conditions.

Further, the Department concludes and directs the following:

1. The Department has jurisdiction under *7 Del. C. §§6003, 6004, 6006(4), 7 Del. C. Ch. 72*, and all other relevant statutory authority, to make a final determination on the Application, after holding a public hearing and considering the public comments and all information contained in the Record generated in this matter;
2. The Department provided proper public notices of the Application of Hometown Angola Beach, LLC, and of the public hearing held on October 30, 2017, and held said hearing in a manner required by the law and regulations;
3. The Department considered all timely and relevant public comments in the Record, as established in the Report, prior to issuing this Order as its final decision;

4. The Department has carefully considered the factors required to be weighed in issuing all permits required by the Applicant's proposed marina expansion, and finds that the Record supports approval of the Application, based upon the terms and conditions in the draft documents prepared by the WSLs, and the issuance of all required permits associated with same;
5. The Department shall issue the following permits to the Applicant: (1) a renewed and amended Marina Permit; (2) a Subaqueous Lands Permit; and (3) a renewed and amended Subaqueous Lands Lease and Water Quality Certification. The permits and leases shall include all special conditions to ensure that Delaware's environment and public health will be protected from harm;
6. The Department adopts the Report and its attachments as further support for this decision;
7. The Department has an adequate Record for its decision, and no further public hearing is appropriate or necessary; and
8. The Department shall serve and publish its Order on its internet site, and shall provide legal notice of the Order in the same manner that the Department provided legal notice of the Application.



Shawn M. Garvin
Secretary

HEARING OFFICER'S REPORT

TO: The Honorable Shawn M. Garvin
Cabinet Secretary, Department of Natural Resources and Environmental Control

FROM: Lisa A. Vest
Public Hearing Officer, Office of the Secretary
Department of Natural Resources and Environmental Control

RE: Application of Hometown Angola Beach, LLC, to construct a major marina alteration to Angola Beach and Estates Marina by installing an additional fifty-two (52) slips to the existing seventy-six (76) slip Marina, thus necessitating Applicant to obtain the following: (1) Renewal/Amendment of the existing Marina Permit; (2) Subaqueous Lands Permit and Water Quality Certification; and (3) Renewal/Amendment of the existing Subaqueous Lands Lease

DATE: June 25, 2018

I. BACKGROUND AND PROCEDURAL HISTORY:

A public hearing was held on Monday, October 30, 2017, at 6:00 p.m. at the Department of Natural Resources and Environmental Control (“DNREC”, “Department”) Field Office, located at 901 Pilottown Road, Lewes, Delaware, to receive comment on the application of Hometown Angola Beach, LLC (“Angola Beach”, “Applicant”), to (1) renew and amend its existing Marina Permit; (2) obtain a Subaqueous Lands Permit; and (3) renew and amend its existing Subaqueous Lands Lease and Water Quality Certification. The Applicant’s proposed project is subject to the requirements of Delaware’s *Subaqueous Lands Act* (7 Del.C. Chapter 72), the Department’s *Regulations Governing the Control of Water Pollution* (7 DE Admin. Code 7201), *Marina Regulations* (7 DE Admin. Code 7501), *Regulations Governing the Use of Subaqueous Lands* (7 DE Admin. Code 7504), and Section 401 of the *Clean Water Act* (33 U.S.C. §1251 *et seq.*).

On April 19, 2017, the Department's Division of Water, Wetlands and Subaqueous Lands Section ("WSLS"), received an application from Coastal & Estuarine Research, Inc., and Mill Brook Engineering, LLC, submitted on behalf of the Applicant, to construct a major marina alteration to Angola Beach and Estates Marina ("Application"). Specifically, Applicant proposes to install an additional 52 slips to its existing 76 slip marina, with the new structure consisting of two (2) 5 foot wide by 56.5 foot long main access floating dock extensions, two (2) 5 foot wide by 144 foot long main floating piers and twenty-four (24) 4 foot wide by 16 foot long floating finger piers; to remove and reconfigure the previously approved structure by reducing the overall channelward encroachment with the total structural footprint consisting of a 5 foot wide by 40 foot long main access fixed pier, a 5 foot wide by 12 foot long gangway, a 5 foot wide by 313 foot long main access floating dock, five (5) 5 foot wide by 144 foot long main floating piers, and sixty (60) 4 foot wide by 16 foot long floating finger piers. Additionally, Applicant proposes to conduct new hydraulic dredging consisting of approximately 8,500 cubic yards of material to a depth of -4 feet at the mean low water line from an approximately 108,000 square foot area in Burton Prong, at the terminus of Marina Drive. The dredged material will be disposed of via pipeline to an upland confined disposal area west of Bridgeway Drive in Lewes, Delaware.

The Application was placed on a 45 day public notice by the Department on May 17, 2017, and a 20 day public notice on August 23, 2017. During the public notice periods, the WSLS received six written comments against the project. The objections from the public stated that the waterbody is already inundated with boat traffic, which leads to unsafe conditions for non-motorized water dependent activities such as paddle-boarding, canoeing and kayaking. Additional concerns from the public included requests for the Department to (1) provide the

presence of additional DNREC Enforcement Officers to address speeding boaters; (2) reduce light pollution in the community; and (3) implement a no wake zone along the creek.

At that time, the WSLs reviewed the permitting history and the record generated from the previous public hearing held on the initial construction of this marina. The public hearing for Angola Beach Mobile Home Community resulted in Secretary's Order 86-0SL-1 (May 19, 1986), which authorized the project, but stipulated that no further expansion of docking facilities would be allowed, and that boat ramps and on-land storage of vessels were feasible alternatives. In 1995, a 24 slip marina expansion was proposed, but that application was returned to the Applicant, based on the above-referenced Order containing the following statement:

There shall be no further docking facilities constructed on public subaqueous lands adjacent to property owned or being developed by Mr. Elliot Hindman, President, Angola Beach Mobile Home Community, Inc.

During the processing of the Subaqueous Lands Lease renewal in 1998, the Applicant contested the inclusion of the special limiting expansion as being directed only toward the then-developer of this marina, Mr. Hindman. Upon issuance of the Subaqueous Lands Lease in 1998 (SL-169/98), then-DNREC Secretary Christophe A.G. Tulou initialed and struck out the special condition limiting expansion, which effectively overturned the previous decision.

Given the public comments received on the Applicant's proposed project, and the aforementioned permitting history of the marina (along with this pending Application being the first proposed expansion since the original Secretary's Order was overturned as referenced above), the WSLs determined it to be in the public's best interest to hold a public hearing regarding this present application. Public notice of the upcoming public hearing (to be held on October 30, 2017) was made on September 27, 2017.

The Department held its public hearing concerning this matter on October 30, 2017, which was attended not only by Department staff and representatives of the Applicant, but also by several individuals from the public. Comment was received from the public at that hearing, and will be discussed in further detail below. Proper notice of the hearing was provided as required by law.

II. SUMMARY OF THE PUBLIC HEARING RECORD:

The public hearing record consists of the following documents: (1) a verbatim transcript; (2) five documents introduced by presiding Hearing Officer Robert P. Haynes, Esq., at the public hearing held on October 30, 2017, and marked accordingly as “DNREC Exhibits 1-5”; (3) four documents introduced by the Applicant’s consultant, Michaelena Hayes (of Mill Brook Engineering, LLC) at the time of the aforementioned public hearing, and marked accordingly as “Applicant Exhibits 1-4”; (4) Technical Response Memorandum from Julie R. Molina, Environmental Scientist, Wetlands and Subaqueous Lands Section, DNREC Division of Water, dated March 23, 2018; (5) and Technical Response Memorandum from Drew T. Aydelotte, Chief, Natural Resources Police, DNREC Division of Fish & Wildlife, dated June 12, 2018. The Department’s persons primarily responsible for reviewing this application, Ms. Molina, along with Steven Smailer, Environmental Program Administrator, DNREC Division of Water, developed the record with the relevant documents in the Department’s files.

Following opening remarks from Hearing Officer Robert Haynes (and the introduction of the Department’s exhibits to be entered into the hearing record), Ms. Hayes proceeded to offer a brief presentation on behalf of the Applicant for the benefit of the hearing record. She explained that there was a demand from the community for the marina expansion, and submitted the following exhibits in support of that statement: (1) a slip waiting list for 16 names on it; (2) a

petition with over 60 names of residents that are in favor of the proposed project; (3) a petition with 150 names from residents of both Angola By The Bay and Angola Beach and Estates communities in support of the project; and (4) U.S. Army Corps of Engineers authorization issuing project approval.

In her presentation, Ms. Hayes also addressed concerns voiced by those in opposition to this Application, noting that there is an existing boat ramp located at the marina, so there would be no net increase in vessels, but that the proposed marina expansion would instead provide a convenience structure for wet slip storage. Additionally, she pointed out that the Operations and Maintenance Plan for the marina includes penalties for anyone using a slip that does not adhere to the no-wake zone within the area of the marina. With regard to some concerns as to the vastness of the marina expansion, Ms. Hayes stated that the project actually proposes an improvement for the existing marina, whereby when the marina is dredged out, the existing structures would be relocated by realigning the entire docking facility landward approximately 32 feet, thus making the marina in better condition than it is today. Ms. Hayes concluded her presentation by saying that the environmental impacts of Applicant's proposed project are minimal (as has been demonstrated by the Army Corps of Engineers' review of this Application), the need for the project exists (given the waiting list for marina slips, the requirement for dredging, and the large number of people wanting to moor their boats), and that the project, in the Applicant's opinion, is in compliance with all relevant DNREC regulations.

After the Applicant's presentation was concluded, the floor was then opened for the purpose of offering public comment on the record regarding this proposed project. Four individuals from the public spoke in opposition to the proposed marina expansion. The concerns voiced at that time centered on the issue of economic development verses environmental

sustainability, and the negative environmental impacts associated with overstressing the environment by enlarging the marina. Those persons that live along the waterbody in the Pinewater Farms community (many for several decades) spoke of the negative changes they have witnessed in occurrences of wildlife and in water quality. Additionally, they spoke of the issues associated with boaters who speed up and down the waterway, and the shortage of marine police to patrol the same. Two individuals spoke of their own personal costs associated with stabilizing their shoreline due to excessive boat wake energy creating erosion problems, and how the boat wake energy also creates unsafe condition for non-motorized water dependent activities.

Following the public hearing of October 30, 2017, the technical experts in the Department's Division of Water prepared a Technical Response Memorandum ("TRM") to (1) specifically address the public concerns raised at the time of the hearing; (2) provide a formal regulatory review of the Applicant's proposed project; and (3) offer the Division of Water's conclusions and recommendations with regard to this pending Application for the benefit of the hearing record generated in this matter. This TRM, dated March 23, 2018, was received for inclusion into the hearing record by this Hearing Officer on May 31, 2018.

I find that the Division of Water's TRM offers a detailed regulatory review of all aspects of the Applicant's proposed project, identifies all of the concerns raised at the public hearing of October 30, 2017, and responds to them in a balanced manner, accurately reflecting the information contained in the formal hearing record. Thus, the aforementioned TRM is attached hereto as Appendix "A" and expressly incorporated herein as such.

It should be noted that, although DNREC regulates boat speeds, it is specifically the Department's Division of Fish & Wildlife (and not the Division of Water) which holds that responsibility. Accordingly, this Hearing Officer reached out to the Department's Natural

Resources Police Unit with the Division of Fish & Wildlife to request a specific Technical Response Memorandum regarding the aforementioned boating safety concerns from vessel congestion in the area of Angola Beach. Chief Drew T. Aydelotte of the Department's Natural Resources Police provided his written response to this request in a TRM received for inclusion into this hearing record on June 12, 2018. Chief Aydelotte's TRM is attached hereto as Appendix "B" and expressly incorporated herein as such.

III. RECOMMENDED FINDINGS AND CONCLUSIONS:

This application is for a major marina alteration to Angola Beach and Estates Marina, specifically, to install an additional 52 slips to an existing 76 slip marina and conduct new dredging in the proposed marina footprint in Burton Prong of Herring Creek, located at the terminus of Marina Drive in Lewes, Delaware. Preliminarily, I find that the proposed project will require the Applicant to (1) renew and amend its existing Marina Permit; (2) obtain a Subaqueous Lands Permit; and (3) renew and amend its existing Subaqueous Lands Lease and Water Quality Certification. I further find that the Applicant's proposed project is subject to the requirements of Delaware's *Subaqueous Lands Act* (7 Del.C. Chapter 72), the Department's *Regulations Governing the Control of Water Pollution* (7 DE Admin. Code 7201), *Marina Regulations* (7 DE Admin. Code 7501), *Regulations Governing the Use of Subaqueous Lands* (7 DE Admin. Code 7504), and Section 401 of the *Clean Water Act* (33 U.S.C. §1251 *et seq.*).

In reviewing the applicable statutes and regulations, as well as weighing public benefits of this project against potential detriments, the Department's experts in the Division of Water have concluded that the construction of the docking facility and dredging as described in the Application of Hometown Angola Beach, LLC complies with the Regulations administered by the Wetlands and Subaqueous Lands Section. As the Division of Water's TRM notes, the

authorization of the proposed docking facility expansion and realignment without dredging would likely result in a continual disturbance of aquatic biota by the suspension of sediments by boat propellers, even with a limitation on vessel drafts, due to the shallowness of the site. Furthermore, the new dredging activity has been requested after having an operational marina for approximately 30 years, and would provide relatively short-term environmental impacts. In addressing the future maintenance dredging cycle at this marina, a special condition has been included in the draft permits prepared in this matter to limit the maintenance dredging cycle to no more than once every four years, in order to allow for the recolonization of the benthic community.

Additional considerations were given by the Department's experts to the public concerns regarding vessel traffic and public safety, as well as the potential for water use conflicts between non-motorized water dependent activities and vessels utilizing Burton Prong. Determining the carrying capacity of a waterbody in relation to recreational use and safety is an important consideration when evaluating whether public use of State waters is restricted. Thus, it is important to not only take into consideration the opinions set forth in the Division of Water's TRM, but also those stated in Chief Aydelotte's TRM as well.

In order to address the above concerns regarding vessel traffic, public safety, and the potential for water use conflicts, as voiced by the Department's experts in both the Division of Water and the Natural Resources Police Unit of the Division of Fish and Wildlife, the following special condition has been included in the draft Marina Permit and draft Subaqueous Lands Lease:

No further marina expansion shall be authorized at the Angola Beach and Estates Marina until such time that the Department is able to open, amend, and adopt new Marina Regulations through the appropriate public process.

While Chief Aydelotte sees no need to recommend denial of this pending Application, he opines that the Applicant must acknowledge that wake issues will arise and increase with the marina expansion, as will vessel traffic. The area surrounding the Applicant's marina is currently a high traffic zone, with vessels leaving to enter the Herring Creek, Rehoboth Bay and points beyond, with eventual return to the home marinas. Burton Prong in itself is not necessarily a high use area, but rather, a travel lane. The Applicant will have to assume responsibility of increasing vessel traffic and increased wake issues, as officers on patrol may be delayed in response or sporadic in visibility to the area, given the current numbers of the Natural Resources Police (and their commitment to serve all of Delaware's boating community).

With regard to those comments requesting the establishment of a no wake area, Chief Aydelotte notes that this area is not currently posted as a "slow/no wake" area. There are sufficient distances where the 100 ft. wake regulation allows increased speed through most of the Burton Prong length. While most vessels use courtesy when operating, vessel travel outside of the 100 ft. distance is not regulated.

In conclusion, the State of Delaware is charged with upholding the Public Trust Doctrine, which has been used historically in protecting the public's rights to fishing, commerce, navigation, recreation and even preservation as an appropriate public use. The Department recognizes that there are concerns associated with this project, but has balanced those concerns. The Record developed in this matter indicates that the Department's experts have considered all statutes and regulations that govern projects such as the Applicant's proposed marina expansion, and have recommended issuance of all permits necessary for completion of the same to the Applicant in this matter.

I find and conclude that the Applicant has adequately demonstrated its compliance with all requirements of the statutes and regulations, as noted herein, and that the record supports approval of the Application submitted by Hometown Angola Beach, LLC. In conclusion, I recommend that all permits required for this proposed marina expansion, consistent with the record developed in this matter, be issued by the Department in the customary form, and with appropriate conditions.

Further, I recommend the Secretary adopt the following findings and conclusions:

1. The Department has jurisdiction under 7 *Del. C.* §§6003, 6004, 6006(4), and all other relevant statutory authority, to make a final determination on the Application after holding a public hearing, considering the public comments, and all information contained in the Record generated in this matter;
2. The Department provided proper public notices of the Application of Hometown Angola Beach, LLC, and of the public hearing held on October 30, 2017, and held said hearing to consider any public comment that may be offered on the Application, in a manner required by the law and regulations;
3. The Department considered all timely and relevant public comments in the Record, as established in the TRMs of both the Division of Water and the Division of Fish and Wildlife;
4. The Department has carefully considered the factors required to be weighed in issuing all permits required by the Applicant's proposed marina alteration, and finds that the Record supports approval of the Application and the issuance of all required permits associated with same;

5. The Department shall issue the following permits to the Applicant: (1) a renewed and amended Marina Permit; (2) a Subaqueous Lands Permit; and (3) a renewed and amended Subaqueous Lands Lease and Water Quality Certification. Furthermore, said permits shall include all special conditions as set forth in the Department's draft permits, to ensure that Delaware's environment and public health will be protected from harm;
6. The Department has an adequate Record for its decision, and no further public hearing is appropriate or necessary; and
7. The Department shall serve and publish its Order on its internet site, and shall provide legal notice of the Order in the same manner that the Department provided legal notice of the Application.



LISA A. VEST
Public Hearing Officer

\\ahear\Hometown Angola Beach Marina Expansion.2018

Attachments/Appendices:

Appendix A: Division of Water TRM (03/23/18)

Appendix B: Division of Fish & Wildlife (Chief Aydelotte TRM (06/12/18)

APPENDIX “A”



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
89 KINGS HIGHWAY
DOVER, DELAWARE 19901



WETLANDS & SUBAQUEOUS
LANDS SECTION

TELEPHONE (302) 739-9943
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Technical Response Memorandum

To: Lisa A. Vest, Hearing Officer

Through: Virgil Holmes, Director, Division of Water *11/5/24/18*
Steven Smailer, Environmental Program Administrator, Division of Water *[Signature]*

From: Julie R. Molina, Environmental Scientist, Wetlands and Subaqueous Lands Section *[Signature]*

Date: March 23, 2018

Subject: Hometown Angola Beach, LLC, Marina and Subaqueous Lands Permit Application, Water Quality Certification and Subaqueous Lands Lease Application

INTRODUCTION

On April 19, 2017, the Wetlands and Subaqueous Lands Section (WSLS), Division of Water, Department of Natural Resources and Environmental Control received an application from Coastal & Estuarine Research, Inc. and Mill Brook Engineering, LLC submitted on behalf of Hometown Angola Beach, LLC to construct a major marina alteration to Angola Beach and Estates Marina by installing an additional 52 slips to an existing 76 slip marina and to conduct new dredging in the proposed marina footprint in Burton Prong of Herring Creek located at the terminus of Boat Ramp Lane, Lewes, Sussex County, Delaware. The proposed project is subject to the requirements of the Subaqueous Lands Act (7 Del C., Chapter 72) and the Regulations Governing the Use of Subaqueous Lands, the Marina Regulations and (7 Del C., Chapter 60) and

the Department's Regulations Governing the Control of Water Pollution and Section 401 of the Clean Water Act.

The project was placed on 45 day public notice on May 17, 2017 and a 20 day public notice on August 23, 2017. During the public notice periods, the WSLs received six written comments against the project. The objections claimed that the waterbody is already inundated with boat traffic which leads to unsafe conditions for non-motorized water dependent activities such as paddle-boarding, canoeing and kayaking. In addition, concerns were expressed that the increased boat traffic in combination with speeding vessels contributes to shoreline erosion. The comments also included requests for additional presence of DNREC enforcement to address speeding boaters, to reduce light pollution and to implement a no wake zone along the creek. The WSLs also reviewed the permitting history and the previous public hearing held on the initial construction of the marina. The public hearing for Angola Beach Mobile Home Community resulted in Secretary's Order No. 86-SL-1 issued on May 19, 1986, which authorized the project but stipulated that no further expansion of docking facilities would be allowed and that boat ramps and on-land storage of vessels were feasible alternatives. In 1995, a 24 slip marina expansion was proposed but the application was returned based on the above-referenced Secretary's Order stating "*There shall be no further docking facilities constructed on public subaqueous lands adjacent to property owned or being developed by Mr. Elliot Hindman, President, Angola Beach Mobile Home Community, Inc.*". During the processing of the Subaqueous Lands Lease renewal in 1998, the applicant contested the inclusion of the special condition limiting expansion as being directed only toward the then-developer Mr. Hindman. Upon issuance of the Subaqueous Lands Lease renewal (SL-169/98), the DNREC Secretary at the time, initialed and struck out the special condition limiting expansion which effectively overturned the previous decision. Based on the history of the marina along with this application being the first proposed expansion since the original Secretary's Order was overturned and with the public voicing the same objections once again, the WSLs determined that it was in the public's best interest to hold a public hearing. The announcement for a public hearing was placed on a 20 day public notice on September 27, 2017. After advertisement of the public hearing, there were a total of nine letters of objection to the project.

The applicant, Hometown Angola Beach, LLC proposes to construct a major alteration to Angola Beach and Estates Marina by installing an additional 52 slips to a 76 slip marina, with the new structure consisting of two (2) 5 foot wide by 56.5 foot long main access floating dock extensions, two (2) 5 foot wide by 144 foot long main floating piers and twenty-four (24) 4 foot wide by 16 foot long floating finger piers; to remove and reconfigure the previously approved structure by reducing the overall channelward encroachment with the total structural footprint consisting of a 5 foot wide by 40 foot long main access fixed pier, a 5 foot wide by 12 foot long gangway, a 5 foot wide by 313 foot long main access floating dock, five (5) 5 foot wide by 144 foot long main floating piers, sixty (60) 4 foot wide by 16 foot long floating finger piers and to conduct new hydraulic dredging consisting of 8,500± cubic yards of material to a depth of -4 feet MLW from an 108,000± square foot area in Burton Prong, at the terminus of Boat Ramp Lane and to dispose of the dredged material via pipeline to an upland confined disposal area west of Bridgeway Drive West Lewes, Sussex County, Delaware.

The public hearing was held on October 30, 2017. The public hearing was attended by WSLs staff, the applicant's representatives, and individuals from the public. During the Public Hearing, the Hearing Officer, Robert P. Haynes, presented the exhibits of the public records from the Department. Subsequently, the applicant's consultant of Mill Brook Engineering, LLC, Michaelena Hayes, gave a presentation. She explained that there was demand from the community for the marina expansion and submitted the following exhibits: a slip waiting list with 16 names; a petition with over 60 names of residents from the community that are in favor of the proposed project; a petition with 150 names from residents of both Angola By the Bay and Angola Beach and Estates communities in support of the project; as well as the Army Corps of Engineers authorization issuing project approval. Michaelena also addressed concerns voiced by objectors to the project. Regarding the increase in vessel traffic, she stated that there is an existing boat ramp located at the marina so there would be no net increase in vessels but that the marina expansion would instead provide a convenience structure for wet slip storage. Also, that it is the responsibility of the marine police to address speeding vessel issues and thereby the issue is not regulated by the WSLs. She also stated that the Operations and Maintenance Plan for the marina includes penalties for anyone using a slip that does not adhere to the no-wake zone within the area of the marina. Ms. Hayes also spoke to another concern made over the vastness of the marina expansion. She stated that the project actually proposes an improvement in the existing structures by realigning the entire docking facility landward approximately 32 feet. After Ms. Hayes concluded, four individuals spoke in opposition to the proposed marina expansion. The concerns expressed were centered on the issue of economic development versus environmental sustainability. Many protested against overstressing the environment and that "there is a saturation point in adding unnatural objects to the natural environment without changing the environment negatively". Those that live along the waterbody in Pinewater Farms community, many for over several decades, spoke of the many negative changes they have witnessed in occurrences of wildlife and in water quality. In addition, they spoke of the issues associated with boaters who speed up and down the waterway and the shortage of marine police. They pointed out that since there is a problem now, it will only become unbearable in the future. Two individuals spoke of their own personal costs associated with stabilizing their shoreline due to excessive boat wake energy creating erosion problems. In addition, the boat wake energy also creates unsafe conditions for non-motorized water dependent activities. Mr. Haynes concluded by explaining the next steps in the process and adjourned the hearing shortly thereafter.

This Technical Response Memorandum (TRM) presents the Wetlands and Subaqueous Lands Section's (WSLS) findings regarding the above-referenced permit application, the public comments received during the public notice period and the testimonies given during the public hearing.

REGULATORY REVIEW- SUBAQUEOUS LANDS

The following review evaluates the proposed project with respect to the requirements of the Subaqueous Lands Act (7 Del. C., Chapter 72 (Chapter 72) and the Regulations Governing the Use of Subaqueous Lands (Regulations) adopted in accordance with the statute. The Regulations provide the criteria for evaluating projects that are proposed to be constructed in public or private subaqueous lands. The burden is on the applicant to prove to the Department

that the requirements of these Regulations have been met; and if the granting of any permit, lease or approval will result in loss to the public of a substantial resource, or that the loss has been offset or mitigated. The Department's regulatory evaluation and the public comments received are addressed according to the pertinent sections of the Regulations as follows.

Section 4.0 Criteria of Permits, Leases and Letters of Authorization - Evaluation Considerations. Each application shall be reviewed based on the consideration of the performance specifications, standards and other criteria listed in this section for the type of activity proposed.

The most relevant portions of Section 4.0 for the proposed project are discussed below. This includes Section 4.6 - Public Use Impact, Section 4.7 - Environmental Considerations, Section 4.9 - Boat Docking Facilities, and Section 4.11 - Activities Involving Dredging, Filling, Excavating or Extracting Materials.

Section 4.6 Public Use Impact - The Department shall consider the public interest in any proposed activity which might affect the use of subaqueous lands.

All proposed activities within public subaqueous lands require a Subaqueous Lands Lease from the State of Delaware. When determining if an applicant should occupy those public lands, the Wetlands and Subaqueous Lands Section considers the potential effect on the public and the extent to which the public would benefit or suffer detriment from the project. The public use impacts most relevant to the proposed project are discussed in Sections 4.6.3, 4.6.5, and 4.6.6 below.

4.6.3 - The potential effect on the public with respect to commerce, navigation, recreation, aesthetic enjoyment, natural resources, and other uses of the subaqueous lands.

Burton Prong is public subaqueous lands and is open for public use. The primary users are private property owners adjacent to Burton Prong, two major community marinas and the general public participating in boating, watersports, fishing, and crabbing. Through the request to expand the marina, Angola Beach and Estates Marina is proposing to occupy an increased footprint of public subaqueous lands. The expansion would take place along their own waterfrontage and expand in width along the shoreline on both sides of the current docking facility. In order to accommodate the requested additional area of slip usage, the marina is also proposing to decrease the extent of the channelward encroachment of the existing docking facility. The realignment would result in bringing the entire docking facility landward approximately 32 feet from its current location. As a result, navigation issues directly adjacent to the proposed marina expansion should be minimal. Additionally, the closest private docking facility is located east of the marina and is over 100 feet away from the proposed expansion. As detailed below, Section 11.4.5 of the Marina Regulations further addresses public use impacts associated with navigation and vessel traffic.

During the public notice period, private waterfront owners along Burton Prong objected to the project, stating that light pollution from the existing marina facility impaired the aesthetic enjoyment of the creek and requested that improvements be made. In order to address their concerns, the draft Marina Permit includes a special condition to minimize light pollution and also requires a plan to implement the minimization of light pollution in the Operations and Maintenance Plan for the marina.

Although objectors to the project protested how boaters contribute as a noise nuisance; this is not something the WSLs can take action on since the creek is available for public use and would limit others' enjoyment of the natural resource.

4.6.5 - The extent to which the applicant's primary objectives and purposes can be realized without the use of such lands (avoidance).

The applicant has practiced avoidance of the use of additional public subaqueous lands by having a designated boat storage area on the uplands adjacent to the marina that holds 120 dry stack slips. There is also a separate area on uplands to store approximately 40 canoes and kayaks. Furthermore, the marina has a boat ramp available on-site in order to relieve the amount of slips needed on public subaqueous lands. These approaches to avoidance are in accordance with Secretary's Order No. 86-SL-1 issued on May 19, 1986, which authorized the original construction of the marina but stipulated that boat ramps and on-land storage of vessels were feasible alternatives to on-water siting of boats.

As stated above, the marina expansion is proposed for an additional 52 boat slips to an existing 76 slip marina on behalf of a private residential manufactured home community of approximately 600 home sites. During the public hearing, the consultant submitted a slip waiting list with 16 names as well as a petition with over 60 names of residents that are requesting an expansion to the marina. The applicant's primary objective and purpose is to address the requests of the community in terms of boat slip availability as the current marina facility does not meet the demand of the community. The consolidation of vessel facilities into a marina is considered a minimization of possible activities in public subaqueous lands and a reduction of overall environmental impacts when compared to the alternative of numerous individual structures along the available shoreline.

4.6.6 - The extent to which the applicant's primary purpose and objectives can be realized by alternatives, i.e. minimize the scope or extent of an activity or project and its adverse impact.

The applicant has practiced avoidance as described above in Section 4.6.5 and has further proposed minimization of the existing channelward encroachment of the marina. The scope of the overall proposed design of the marina was minimized by realigning the current structures by the following changes: decreasing the current slip capacity dimensions; shortening the existing fixed pier coming off the uplands by eight feet; and by shortening the three previously approved floating main piers from 157 to 144 feet in length. These changes would overall result in decreasing the channelward encroachment by approximately 32 feet while still accommodating the 52 additional slips.

Section 4.7 Environmental Considerations

4.7.1.1 Any impairment of water quality, either temporary or permanent which may reasonably be expected to cause violation of the State Surface Water Quality Standards. This impairment may include violation of criteria or degradation of existing uses.

An evaluation of water quality and scientific data was submitted by the consultant as part of the Siting and Design Study of the marina as discussed below in Section 11.3. The construction activity and structures associated with the marina will have treated lumber that can leach

contaminants; however, this is mostly during the first few months after installation and can be considered minimal. In addition, the proposed marina has minimized potential sources of contamination by prohibiting fish cleaning at the docking facility and the discharge of fish waste into waters adjacent to the marina, by not providing fueling facilities, and by not allowing major vessel maintenance work to be done on the grounds of the marina. Additionally, as discussed in further detail in Section 14.2 below, an Operations and Maintenance (O&M) Plan for the marina was submitted by the consultant.

4.7.1.3 - Any harm to aquatic or tidal vegetation, benthic organisms or other flora and fauna and their habitats.

The docking facility will cause some shading and additional wake, but should allow for the growth of aquatic vegetation and the continued use of the area by benthic organisms. The waterbody is currently used by the general public and currently contains another major marina and a multitude of private docks; the addition of a 52 slip docking facility should not have a significant adverse impact on the environment.

The proposed activity includes conducting new dredging around the docking facility which will result in relatively short-term harm to benthic organisms and other flora and fauna and their habitats. This is discussed in more detail in Section 4.9.2.2 below.

Section 4.9 Boat Docking Facilities

4.9.2 - General Siting Considerations: Siting of boat docking facilities shall be evaluated on site specific conditions including, but not limited to, location of navigational channel, proximity of existing structures, aquatic habitats, and width and orientation of waterbody. The following criteria will be weighed and balanced when evaluating the siting of boat docking facilities.

The applicant owns approximately 1,000 linear feet of waterfront property which the community utilizes as a community marina with the following water dependent structures: a crabbing / fishing community pier, a boat ramp and the current 76 slip marina docking facility. Navigation issues directly adjacent to the proposed expansion of the docking facility should be minimal since the closest docking facility is over 100 feet away. In addition, access to the State navigation channel is not impaired since the proposed structures will be over 100 feet away from the channel. Considerations for siting of the boat docking facility are discussed further in Sections 4.9.2.2, 4.9.2.5, 4.9.2.7 and 4.9.2.8 and 4.9.2.13 below.

4.9.2.2 - Structures should be constructed to avoid dredging or filling, with minimal impact on aquatic vegetation and wetlands, and without dead-end or poorly flushed lagoons.

As reasoned by the applicant, in order to facilitate navigational ingress and egress at all stages of the tide and so the floating portions of the structure do not lie on the substrate of the creek at low tide, the applicant is proposing to conduct new dredging in the existing and proposed marina footprint which totals a 108,000± square foot area. The proposed new dredging is located on the open waters of Burton Prong and would not create a dead-end or poorly flushed lagoon.

The original construction of the marina was authorized in 1986 and previous dredging has never taken place at this location. Since approximately 30 years has passed since the marina has been constructed, the applicant is now proposing new dredging. As discussed above, the applicant is

proposing to realign the marina to reduce navigational impacts which brings the docking facility landward approximately 32 feet. Based on the bathymetry submitted, the current depth range is from .5 to 2 feet below mean low water in the proposed area to be dredged.

One option would be to approve the docking facility without conducting new dredging. A portion of the structures would then have to be constructed as fixed rather than floating in order to prohibit the docking facility from resting on the substrate of the creek. Based on the bathymetry submitted, if new dredging is not approved, a limitation on vessel drafts would have to be implemented so slip users would not disturb aquatic biota at the site by the suspension of sediments by boat propellers on a continual basis and would likely eliminate the use of any vessels.

Alternatively, the new dredging could be authorized at the site based on evidence that there would be relatively short-term impacts to the environment. Best management practices are typical conditions when authorizing a dredging activity in order to minimize impacts to the environment. However, the practice of conducting new dredging in an area never previously dredged changes coastal morphology by altering natural sediment pathways, siltation patterns and affects coastal and aquatic flora and fauna. Specifically, the act of new dredging removes subtidal benthic species and communities never previously disturbed in such a significant way; therefore, a DNREC subject matter expert on benthic communities was consulted. He stated that in a waterbody adjoining to the headwaters such as this one; sediments are continually displaced to a point where a rich benthic community is harder to maintain and species diversity is low. In addition, as specified in the environmental siting considerations of the Siting & Design Study required by the Marina Regulations, there is no submerged aquatic vegetation on-site, the benthic community is degraded and the waterbody is mapped as being prohibited for shellfishing. If approved, a time of year restriction for dredging activity would be implemented in order to protect fish species that utilize the creek as a nursery area. Upon an evaluation of environmental considerations, the impacts associated with new dredging are minimal.

4.9.2.5 - ...In no case shall a structure extend more than 20 percent of the width of the waterbody, nor shall it extend seaward more than 250 feet, except under exceptional circumstances necessary to provide access for needed commerce.

In tidal waterbodies, 20 percent is measured from the mean low water mark of one side of the waterbody to the mean low water mark of the other. The docking facility is located on a naturally sinuous waterbody so a determination from mean low water can be made from various angles resulting in numerous waterbody widths. For example, the width of the waterbody could be measured based on the orientation of the docking structure, the narrowest location that would restrict vessel traffic, the channelward extension from each individual pier for a marina or any other variation. During the processing of the application, the WSLs requested that the current channelward encroachment of the existing structures be minimized in order to accommodate for the sinuosity of the waterbody. The overall proposed design of the marina was minimized by realigning the current structures by decreasing the current slip capacity dimensions, shortening the existing fixed pier coming off the uplands by eight feet and by shortening the three previously approved floating main piers from 157 to 144 feet in length. These changes overall resulted in decreasing the channelward encroachment by approximately 32 feet while still

accommodating the original request for 52 additional slips. In total, this resulted in the proposed docking facility to extend 176 feet channelward from the mean low water line.

4.9.2.7 - Docks and piers should extend out from the shoreline far enough so as to eliminate need for dredging and filling, and provide sufficient height to allow light to penetrate to vegetation underneath and alongside.

In evaluating the conditions of the site, Burton Prong is a shallow waterbody located in Herring Creek. The proposed docking facility cannot eliminate the need for dredging by extending further channelward without exceeding 20 percent the width of the waterbody. Violating the 20 percent rule would then pose a navigational hazard and would be in direct conflict of the Regulations Governing the Use of Subaqueous Lands. The proposed dredging would allow adequate water depths for the floating docks and also provide sufficient height to allow light to penetrate underneath the fixed structures.

4.9.2.8 - Slips, lagoons, basins, and access channels should be no deeper than the parent waterbody (i.e. no sill), and the depth should slope upward toward the landward extent from the parent waterbody. Exception may be allowed only by individual review of the potential environmental impacts and approval granted by the Secretary of the Department.

The proposed new dredging is to remove approximately 8,500 cubic yards of material to 4 feet below mean low water around the existing and proposed docking facility within a 108,000± square foot area. In evaluating the conditions of the site, the State navigation channel along Burton Prong is much narrower than the channel markers show it to be and is only wide enough to allow passage of two vessels side by side. An undated DNREC bathymetric survey shows the centerline of the State channel to range from 5.7 to 4.4 feet below mean low water adjacent to the project area. A more recent DNREC bathymetric survey from 2012 was also evaluated and the depths varied from 3.6 to 4.0 feet below mean low water adjacent to the project area. There is a need for the maintenance dredging of the State navigational channel itself as it depicts an obvious change over the width and depth of the channel throughout time. Maintenance dredging of the State navigational channel may take place in the future and the proposed depth is within the average of the parent waterbody.

4.9.2.13 - Dredging to obtain navigable water depths in conjunction with private residential boat docking facilities should be avoided.

The proposed new dredging is for a boat docking facility in conjunction with a private residential community. This matter is discussed in detail in 4.9.2.2 above.

4.11.3 Water Quality on Dredging Projects

4.11.3.1 - All dredging is to be conducted in a manner consistent with sound conservation and water pollution control practices. Spoil and fill areas are to be properly diked to contain the dredged material and prevent its entrance into any surface water. Specific requirements for spoils retention may be specified by the Department in the approval, permit or license.

The proposed new dredging would be conducted hydraulically which has a lower rate of sediment suspension when compared with mechanical dredging. In addition, best management practices are implemented as permit conditions such as the activity shall be conducted with sound water pollution control practices and in accordance with the DNREC's Surface Water Quality Standards. Disposal of the dredged material is proposed via hydraulic pipeline to a

previously approved upland confined disposal area. In order to dewater properly, the material will be contained in the upland confined disposal area by earthen berms.

4.11.4 Prohibited Dredging Project. The following types of dredging projects are prohibited.

4.11.4.1 - Dredging of biologically productive areas, such as nursery areas, shellfish beds, and submerged aquatic vegetation, if such dredging will have a significant or lasting impact on the biological productivity of the area.

According to the DNREC, Division of Fish and Wildlife, Species Conservation and Research Program, there is a presence of young-of-the-year (YOY) Summer flounder (*Paralichthys dentatus*), YOY Striped bass (*Morone saxatilis*), and YOY American eel (*Anguilla rostrata*) which utilize Burton Prong as a nursery area during specific times of the year. The new dredging of this biologically productive area is being requested at this time. The Species Conservation and Research Program submitted written comments recommending a time of year restriction of January 1st to August 30th in which no in-water work is to be conducted. This time of year restriction is implemented as a special condition of the draft authorizations in order to reduce or eliminate impacts to the species of concern.

REGULATORY REVIEW – MARINA REGULATIONS

The following review evaluates the proposed project with respect to the requirements of the Marina Regulations. The Regulations provide the criteria for evaluating marinas that are proposed to be constructed in subaqueous lands. The burden is on the applicant to prove to the Department that the requirements of these Regulations have been met; and if the granting of a permit will result in loss to the public of a substantial resource, or that the loss has been offset or mitigated. The Department's regulatory evaluation and the public comments received are addressed according to the pertinent sections of the Regulations as follows.

Section 11.0 Requirements for Siting and Designing New Marinas - This section describes the requirements, restrictions, and limitation criteria for new marina development....New marina applications must include a Siting and Design Study that demonstrates how the proposed marina meets the criteria of this section.

A Siting and Design (S&D) Study with associated documentation was submitted as part of the marina application. A request was made by the consultant to use published data representative of on-site environmental characteristics in lieu of site-specific field studies. Consultation between WSLs management and a DNREC staff subject matter expert on benthic communities determined that nearby published data representative of on-site environmental characteristics was acceptable. The submission of published water quality data provided 2 years of data from a nearby location approximately 0.7 mile upstream from the project area rather than having site-specific data from a one-time sampling event. In addition, the data submitted on benthic communities was located nearby in Hopkins Prong which supported findings that the DNREC subject matter expert on benthic communities had related.

11.3 Environmental siting considerations

The S&D Study explored environmental siting considerations as required. There is a designated boat storage area on the uplands adjacent to the marina that holds 120 dry stack slips. There is also a separate area on uplands to store approximately 40 canoes and kayaks. These approaches to use available land-based alternatives are in accordance with the Marina Regulations and Secretary's Order No. 86-SL-1 issued on May 19, 1986, which authorized the original construction of the marina but stipulated that on-land storage of vessels was a feasible alternative to on-water siting of boats. The consultant submitted water quality data from the University of Delaware Citizen Monitoring Program located at Station RB90, approximately 0.7 mile upstream of the project site representative of on-site conditions for the period of 7/18/2014 through 10/10/2016. Over this period of time, the dissolved oxygen levels were shown to have fallen. The water quality data also included records of very high levels of *Enterococcus* bacteria (an indicator of fecal coliform concentrations) which accounts for the area already being prohibited for shellfish harvesting. In addition, submerged aquatic vegetation (SAVs) is not present at the marina site and the current water quality conditions do not support the potential for establishment or growth. Furthermore, the nearby benthic community in Hopkins Prong indicates a degraded condition based on a measure of species diversity, composition, biomass and abundance. The proposed expansion does not directly impact any State-regulated tidal wetlands. Efforts have previously been made to offset impacts at this marina by creating a living shoreline along approximately 963 linear feet of shoreline and yet environmental conditions on the waterbody have not improved due to multiple sources of non-point pollution. Specific time of year restrictions for the construction activity to protect fish species that utilize the creek as a nursery area were advised by DNREC, Division of Fish and Wildlife and implemented by the project scientist as special conditions in the draft authorizations.

11.4 Planning and design requirements

The S&D Study also explored planning and design siting considerations as required. The marina expansion is to be located on the open waters of Burton Prong which makes it optimal for maximum flushing. The shoreline is primarily stabilized with a riprap sill and vegetative stabilization. The applicant addressed the daily operations of the marina by submitting an Operations and Maintenance Plan for approval.

11.4.2.2 - ...Marinas shall not be permitted in areas that would require frequent maintenance dredging, resulting in harm to aquatic life and preventing the recolonization of benthic organisms. Such areas include those which would require maintenance dredging more often than once every four years.

A bathymetric survey for water depths was conducted at the site and presented water depths ranging from .5 to 2 feet below mean low water in the proposed area to be dredged. Conducting new dredging in water as shallow as 6 inches to a depth of 4 feet in order to create navigable berthing areas will likely silt in at an accelerated rate and require frequent maintenance dredging. If new dredging is to be permitted, future maintenance dredging shall be limited to the minimum necessary; which may result in unusable slips for an interim period but allowing for the recolonization of benthic communities. A special condition is included in the draft authorizations which limit the maintenance dredging cycle to no more than once every four years and to not exceed the depths of the receiving waterbody.

11.4.5 Vessel Traffic and Navigation

11.4.5.1 - Marinas shall be designed to minimize adverse effects on the existing public and private use of waters of the State. This includes applications for mooring sites (permanent or temporary), speed or traffic reductions, or any other device, either physical or regulatory, that may cause the use of State waters to be restricted.

As discussed in Section 4.6.3 above, Burton Prong is public subaqueous lands and the waterfrontage is largely developed for residential land use. The primary concerns from private waterfront property owners along Burton Prong are public use impacts associated with vessel traffic and navigation. Multiple objectors to the project stated their belief that the waterbody is currently inundated with boat traffic which leads to unsafe conditions for non-motorized water dependent activities such as paddle-boarding, canoeing and kayaking. Burton Prong is a shallow waterbody with most of the vessels utilizing the narrow State channel for traveling to other areas of the Inland Bays. While other recreational users take advantage of the shallowness of the creek for non-motorized water dependent activities. This leads to a recreational water use conflict that has the potential of restricting use of State waters based on safety concerns of wake energy from high speeding vessels traveling through the channel. The objectors requested to implement a no wake zone along Burton Prong. However, the management of vessel speed is under the jurisdiction of DNREC, Fish and Wildlife. The proposed marina expansion inherently will reduce the potential acreage for recreational use which adds to the issue of crowding and congestion. This in turn has the potential for increased risks of collision or other unsafe conditions due to vessel wake energy. However, allowing the expansion of 52 additional slips does not necessarily mean there will be 52 more vessels using the waterbody since there is an existing boat ramp and boat storage area on uplands that contain 120 dry stack slips at the marina. The use of the boat ramp and dry slip storage area by homeowners in the community adds an untold number of vessels to the water. Determining the carrying capacity of a waterbody in relation to recreational use and safety is an important consideration when evaluating whether public use of State waters is restricted.

11.4.5.2 - New marinas must be sited and/or designed, to the maximum extent practicable, to afford adequate protection against wakes caused by vessel traffic.

As discussed in 11.4.5.1 above, vessels utilize the State channel in Burton Prong in order to travel to larger waterbodies. These vessels traveling at high speeds create wake energy which contributes to shoreline erosion. Multiple objectors to the project blame vessel wakes from users of the marina as the main cause of shoreline erosion on their private waterfront property. One objector even stated that they lost 3 feet of shoreline over a period of 6 years which resulted in having to spend thousands of dollars in order to stabilize their shoreline. Although this is a valid concern, shoreline erosion is influenced from multiple sources of both human and natural means. A shoreline is a dynamic system resulting in erosion and accretion of sediments by natural coastal processes such as wind, waves, storm energy and movement of ice. Although having a marina nearby does add more vessels and therefore more wake energy; it is difficult to quantify just how much cost is added to private waterfront owners aside from the natural processes that takes place on a shoreline.

Section 14.0 Marina Operation and Maintenance (O&M) Plan

14.2 Marina operations and maintenance (O&M) plan. This section of the Regulations presents the requirements for obtaining a marina operations and maintenance (O&M)

plan. It applies to all marinas in the State of Delaware, whether existing, under construction, or proposed.

A draft O&M plan was submitted as part of the marina application. The O&M Plan addressed compliance to statutory requirements by including information on the marina layout, the disposal of waste material, emergency operations, rules and regulations for marina users, among other items. Regarding the disposal of vessel sewage waste, the O&M Plan stipulates that vessels with a Type III MSD are not permitted to be berthed at the marina and therefore there is no pumpout facility at the marina. However, concerns were expressed by the public that the additional boaters would contribute to polluting an already stressed waterbody. Indeed, the water quality data submitted by the applicant included records of very high levels of *Enterococcus* bacteria (an indicator of fecal coliform concentrations). In order to provide convenience access for vessels with porta-potties, the draft Marina Permit includes a special condition to provide an approved, fully operable and well maintained pumpout facility or dump station to receive wastes at the Angola Beach and Estates Marina. The final O&M plan must include a plan for light pollution (as discussed in Section 4.6.3 above), address pet waste disposal and install a pumpout facility at the marina. Pending associated subaqueous and marina authorizations for the construction activity, the final O&M plan must be submitted within six months of issuance and thereafter must be re-submitted for periodic re-approved every two years.

CONCLUSION

In reviewing the applicable statutes, regulations, and weighing public benefits against detriments, the WSLs finds that the construction of the docking facility and dredging described in the application for the Marina Permit, Subaqueous Lands Lease, Subaqueous Lands Permit and Water Quality Certification by Hometown Angola Beach, LLC complies with the Regulations administered by the WSLs. To authorize the docking facility expansion and realignment without dredging would likely result in a continual disturbance of aquatic biota by the suspension of sediments by boat propellers even with a limitation on vessel drafts due to the shallowness of the site. Furthermore, as discussed above, the new dredging activity has been requested after having an operational marina for approximately 30 years and would provide relatively short-term environmental impacts. In addressing the future maintenance dredging cycle at this marina, there is a special condition included in the draft authorizations which limits the maintenance dredging cycle to no more than once every four years in order to allow for the recolonization of the benthic community. With that said, the State is charged with upholding the Public Trust Doctrine which has been used historically in protecting the public's rights to fishing, commerce, navigation, recreation and even preservation as an appropriate public use. The WSLs recognizes that there are concerns with conducting new dredging in public subaqueous lands and areas of shallow water.

In addition, there were concerns over vessel traffic and public safety and the potential for water use conflicts between non-motorized water dependent activities and vessels utilizing Burton Prong. Determining the carrying capacity of a waterbody in relation to recreational use and safety is an important consideration when evaluating whether public use of State waters is restricted.

In order to address the above referenced concerns, the following special condition is included in the draft Marina Permit and draft Subaqueous Lands Lease: "*No further marina expansion shall*

be authorized at the Angola Beach and Estates Marina until such time that the Department is able to open, amend, and adopt new Marina Regulations through the appropriate public process.”

In the event the Secretary determines that this project should be approved, included are draft authorizations with appropriate conditions for consideration.

APPENDIX “B”



STATE OF DELAWARE
 DEPARTMENT OF NATURAL RESOURCES &
 ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
 89 Kings Highway
 Dover, DE 19901

NATURAL RESOURCES POLICE
 OFFICE OF THE CHIEF

Phone: (302) 793-9913
 Fax: (302) 739-6157



06/12/2018

Technical Response Memorandum

Ref: Boating safety concerns from vessel congestion Hometown Angola Beach, LLC.

Secretary Garvin,

It appears, through a record search, that we've only experience minor "routine" violations/complaints/accidents in the area of Hometown Angola Beach, LLC. There is nothing alarming that would set it apart from other such areas. Though historical evidence has shown that with increased vessel traffic/use in confined locations those incidences have shown to dramatically increase.

This area is currently a high traffic zone with vessels leaving to enter the Herring Creek, Rehoboth Bay and points beyond with eventual return to the home marinas. Burton Prong in itself is not necessarily a high use area, but a travel lane. The increase in slips will create more vessel travel with impact on the ingress and egress of vessels in the channel area itself. This will increase wake issues more than anything else. This will lead to an increase of calls for service within the Enforcement Section that is already spread thin throughout Sussex County's waterways.

While there have been vessel collisions, there are not excessive incidents occurring, but any increase could lead to more incidents. The area is not posted slow no wake and there is sufficient distances that the 100' wake regulation allows increased speed through most of the Burton Prong length. Most vessels use courtesy when operating, but if outside the 100' distance, speed is not regulated. Having said that, response to calls for service will still be triaged and based on officer availability. Burton Prong, as all other areas on the Inland Bays, is seeing increased use through marina expansion, development and use. **In order to establish a no wake area, the Department would have to initiate regulatory changes or place / maintain buoys/floats.** Once this concession is made, it would start a snowball effect throughout the county. While I see no need to oppose the expansion, those requesting the permits will need to acknowledge that wake issues will arise and increase with the expansion as will vessel traffic. With our current numbers and commitment to serve all of our boating community Fish & Wildlife Natural Resources Police officers on patrol may be delayed in response or sporadic in visibility to the area. The applicants will have to assume responsibility of increasing vessel traffic and increased wake issues.

*We Bring You Delaware's Great Outdoors
 through Science and Service*

Supporting documentation:

Title 7 § 3100 Boating Regulations

6.0 Vessel Speed

(Formerly BR-6)

(Penalty Section 23 Del.C. §2125)

6.1 Safe Boat Speed.

6.1.1 Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

6.1.2 The speed of all vessels on the waters of this State shall be limited to a Slow-No-Wake speed when within 100 feet of:

6.1.2.1 Any shoreline where "Slow-No-Wake" signs have been erected by the Department;

6.1.2.2 Floats;

6.1.2.3 Docks;

6.1.2.4 Launching ramps;

6.1.2.5 Marked swimming areas;

6.1.2.6 Swimmers; or

6.1.2.7 Anchored, moored, or drifting vessels.

6.1.3 No person shall operate a vessel at a rate of speed greater than is reasonable having regard to conditions and circumstances such as the closeness of the shore and shore installations, anchored or moored vessels in the vicinity, width of the channel, and if applicable, vessel traffic and water use.

6.2 Responsibility of Operator.

The operator of any vessel on the waters of this State shall be legally responsible for injuries, damages to life, limb, or property caused by his/her vessel or vessel wake.

Please let me know if I can assist you any further.

Respectfully,

Drew T. Aydelotte

Chief

Cc: Hearing Officer's Report



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

WETLANDS & SUBAQUEOUS
LANDS SECTION

TELEPHONE (302) 739-9943
FAX (302) 739-6304

Hometown Angola Beach, LLC
c/o Stephen H. Braun
22971 Suburban Blvd
Lewes, DE 19958
Tax Parcel: 2-34-18.00-1.00

Marina Permit: MP-135/17
Associated Lease(s): SL-003/09(S1)
Associated Permit(s): SP-135/17
Water Quality Certification: WQ-135/17
Date of Issuance:
Amended Date: N/A

MARINA PERMIT

GRANTED TO:

Hometown Angola Beach, LLC

**TO OPERATE A ONE HUNDRED TWENTY-EIGHT (128) WET SLIP
AND ONE HUNDRED TWENTY (120) DRY SLIP MARINA
WITH THE FOLLOWING STRUCTURES:**

- **Docking Facility composed of one hundred twenty-eight (128) wet slips, to include:**
 - **A 5 foot wide by 40 foot long main access fixed pier**
 - **A 5 foot wide by 12 foot long gangway**
 - **A 5 foot wide by 313 foot long main access floating dock**
 - **Five (5) 5 foot wide by 144 foot long main floating piers**
 - **Sixty (60) 4 foot wide by 16 foot long floating finger piers**
- **A one hundred twenty (120) dry slip storage area located on the adjacent uplands**
- **Crabbing / Fishing Community Pier, to include:**
 - **A 6 foot wide by 80 foot long section of fixed pier**
 - **A 6 foot wide by 20 foot long fixed dock**
- **A 14 foot wide by 35 foot long Boat Ramp, to include:**
 - **A 2 foot wide by 35 foot long finger pier on top of the wing wall**
 - **A 3 foot wide by 35 foot long finger pier on top of the wing wall**
 - **A 5 foot wide by 7.5 foot long dock**

Delaware's good nature depends on you!

LOCATED:

**In Burton Prong of Herring Creek,
Angola Beach and Estates Marina,
At the terminus of Boat Ramp Lane,
Lewes, Sussex County, Delaware**

Pursuant to the provisions of 7 Del. C., Chapter 60, Environmental Control, 7 Del. C., Chapter 72, the Subaqueous Lands Act and the “Delaware Marina Regulations” and “Regulations Governing the Use of Subaqueous Lands” permission is hereby granted on this _____ day of _____ A.D. 2018, to operate the above-referenced marina in accordance with the approved plans (4 sheets) as approved on _____ by Secretary’s Order No. _____, and the application dated April 14, 2017 and received by the Department on April 19, 2017, with subsequent information received on June 30, 2017, August 15th and 16th 2017, October 30, 2017, and November 28, 2017.

WHEREAS, Hometown Angola Beach, LLC, owner(s) of certain adjoining lands to the Burton Prong of Herring Creek, has applied for permission to utilize the indicated structures for private use for the residents of The Angola Beach and Estates community; and;

WHEREAS, pursuant to the provisions of 7 Del. C., Chapters 60, Environmental Control, Chapter 72, the Subaqueous Lands Act, and the “Delaware Marina Regulations” and “Regulations Governing the Use of Subaqueous Lands”, the Secretary of the Department of Natural Resources and Environmental Control through his duly authorized representative finds that it is not contrary to the public interest if this project is approved subject to the terms and conditions herein set forth.

NOW THEREFORE, this Permit is issued subject to the attached Subaqueous Permit General Conditions and the following Management Requirements and Special Conditions:

A. MANAGEMENT REQUIREMENTS

1. Changes of Permit Terms or Conditions

A report must be submitted to the Department describing any anticipated marina facility changes or expansions that would require modification of the terms and conditions of this Permit. The Department must approve changes prior to implementation.

2. Noncompliance Notification

In the case of noncompliance with State regulations and Permit conditions, the permittee shall report to the Department:

Orally within twenty-four (24) hours from the time the permittee became aware of any noncompliance which may endanger public health or the environment at (302) 739-9943 during normal working hours, or (800) 662-8802 after normal working hours, and In writing,

as soon as possible, and within five (5) days of the date the permittee knows or should know of any noncompliance, unless this period is extended by the Department. This written notification shall contain:

- i. A description of the condition of noncompliance and its cause, and
- ii. The period of noncompliance, including exact dates and times, or if not yet corrected, the anticipated time the noncompliance is expected to continue and the steps being taken to reduce, eliminate and prevent recurrence of the non-complying condition.

3. Facilities Operation

The permittee shall at all times maintain in good working order, and operate as efficiently as possible, all systems and equipment used for construction activities or to achieve compliance with the terms and conditions of this Permit. The facility shall be operated in accordance with the approved Marina's Operations and Maintenance Plan (O&M Plan). The approved O&M Plan shall be distributed to all marina tenants (and full time slip renters) and shall be posted in the harbormaster's office or other prominent place within the marina.

4. Vessel Sewage Discharge:

Any marina providing other than transient berthing for any vessel containing a Type III marine sanitation device shall provide convenient access to an approved, fully operable and well maintained pumpout facility to receive wastes from vessel holding tanks or portable marine toilets (porta-pottes).

The marina shall place signs, clearly visible to resident and transient vessels, to indicate the location and availability of the pumpout station and shall not preclude the use of the pumpout station by transient vessels. If the marina is not required to provide a pumpout facility, signage shall be posted to identify the location of the nearest facility.

The O&M Plan shall include the following information regarding vessel sewage in the boater rules and regulations section:

- i. Any discharge, by any means, of untreated or inadequately treated vessel sewage into or upon the waters of any marina, boat docking facility or tidal waters of the State is prohibited;
- ii. All vessels while on waters of the State shall comply with 33 U.S.C. §1322, Marine Sanitation Devices, as amended February 4, 1987.

5. Vessel Maintenance

This Permit does not authorize any major vessel maintenance or repair activities at the marina, whether by marina personnel, subcontractors or vessel owners. Only minor maintenance, such as washing, polishing and limited inboard painting is authorized. No

pressure washing, bottom or hull scraping, sanding or painting, or major engine overhauls are authorized. All vessel maintenance must be managed to prevent discharge of pollutants into the environment. All materials used in maintenance and any wastes generated from maintenance activities must be stored, handled and disposed properly, and in compliance with Department regulations. Failure to properly handle vessel maintenance material or wastes may result in the revocation of this Permit.

6. Reporting a Discharge

Any person who causes or contributes to the discharge of a pollutant into State waters (particularly any oil or fuel spills), whether in excess of any conditions specified in this Permit or in the absence of a specific permit condition, shall report such an incident to the Department as required under 7 Del. C., §6028.

7. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the surface or ground waters of the State resulting from the activities regulated by this Permit. Additional or accelerated monitoring may be required if the potential for adverse impact is noted.

8. Right of Entry

The permittee shall allow the Secretary of the Department of Natural Resources and Environmental Control, or his authorized representatives, upon presentation of credentials, to:

- i. Enter upon the permittee's premises for inspection of any construction activities, run-off control devices, monitoring methods or equipment required in this Permit, or other structures or facilities necessary for compliance with the terms and conditions of this Permit, or to sample any discharge of pollutants; and
- ii. Have access to any records required to be kept under the terms and conditions of this Permit, for inspection and/or copying.

9. Transferability

This Permit may not be transferred without the prior written consent of the Department. Prior to the transfer of the property, the permittee shall obtain the written consent of the Department to transfer this Permit to the new property owner. Failure to obtain such written consent may result in the revocation of this Permit which would require the removal of all structures authorized by this Permit at the expense of the permittee.

This Permit may be transferable upon Department review and approval of the stated intentions, provided that a letter explaining the intention to transfer, accompanied by a copy of the Permit, is provided to the Department and signed by both the transferor and the transferee at least ten (10) days prior to the actual transfer. A new, updated Operations and

Maintenance Plan must be submitted for Department review and approval whenever the marina ownership changes.

10. Information Requirements

The permittee shall furnish to the Department within a reasonable time, any information requested, including copies of records, which may be used by the Secretary to determine compliance with this Permit or the Marina Regulations. Knowingly making any false statement or supplying false information may result in the imposition of criminal penalties pursuant to 7 Del. C., §6015.

11. Permit Modification, Suspension or Revocation

This Permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

- i. Violation of any terms or conditions of this Permit;
- ii. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts, or if information and data provided by the applicant in good faith proves to be false;
- iii. Information that the permitted activity poses a threat to human health or welfare;
- iv. Failure by the permittee to obtain all other applicable Federal, State or local permits or approvals which may be required or failure to comply with such permits or approvals.

12. Liability Clause

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under any State law or regulation.

13. Property Rights

The issuance of this Permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

14. Severability

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

B. SPECIAL CONDITIONS

1. Purpose:

This Marina Permit approval is granted for the explicit purpose of operating a one hundred twenty-eight (128) wet slip and one hundred twenty (120) dry slip storage marina for the residents of The Angola Beach and Estates community, as indicated on the approved plans. Any other use without prior approval shall constitute reason for this Permit being revoked.

2. Associated Subaqueous Lands Lease:

This Marina Permit shall not be considered valid until the associated Subaqueous Lands Lease Approval SL-003/09(S1) authorizing construction activity has been duly recorded in the office for the Recorder of Deeds in and for the appropriate County and a copy of the recorded Lease is returned to, and has been received by, the Department.

3. Marina Expansion:

No further marina expansion shall be authorized at the Angola Beach and Estates Marina until such time that the Department is able to open, amend, and adopt new Marina Regulations through the appropriate public process.

4. Maintenance Dredging Cycle

Future maintenance dredging shall be limited to the minimum necessary. The maintenance dredging cycle shall be limited to no more than once every four years and shall not exceed the depths of the receiving waterbody.

5. Approved Plans:

This Approval is in accordance with the plans and application submitted to the Department of Natural Resources and Environmental Control, a copy of which is attached hereto and made a part hereof.

6. Operations and Maintenance Plan

Within six (6) months, the permittee shall submit a final Operations and Maintenance (O&M) Plan for Department review. Failure to submit the O&M Plan within the six (6) month time frame may be cause for enforcement action pursuant to 7 Del. C., Chapter 60. The permittee shall submit an updated O&M Plan for periodic review and re-approval to the Wetlands and Subaqueous Lands Section every 2 years thereafter. Failure to maintain an approved O&M Plan shall constitute reason for this Marina Permit being revoked.

7. Minimize Light Pollution

The marina shall reduce light pollution in order to not infringe upon the rights of the public interest on the aesthetic enjoyment of Burton Prong. A plan to minimize light pollution shall be included in the submission of the final O&M Plan for approval. A variety of methods can be used such as installing reflectors instead of lights, by installing lights that illuminate toward the ground instead of upwards, or by installing opaque shields on light fixtures.

8. Vessel Mooring Locations:

Vessels may only be moored at the designated slips on the approved plans. There shall be no other offshore mooring or anchoring of vessels in the vicinity of the marina.

9. Wetland Creation Area

The previously authorized wetland creation area (Subaqueous Lands Permit Approval No. SP-044/00) shall be maintained to compensate for impacts associated with the marina. If the wetland creation area is disturbed and maintenance activities are required, the permittee shall request approval for any proposed activities to the Wetlands and Subaqueous Lands Section.

10. Channelward Encroachment

No portion of the structures authorized herein shall extend more than 20 percent the width of the waterbody as measured from mean low water at that location.

11. Vessel Sewage Discharge:

The marina shall install an approved, fully operable and well maintained pumpout facility or dump station to receive wastes from vessel holding tanks or portable marine toilets (porta-potties) at the Angola Beach and Estates Marina.

The marina shall place signs, clearly visible to resident and transient vessels, to indicate the location and availability of the pumpout station and shall not preclude the use of the pumpout station by transient vessels. Such signs shall fully explain the procedures and rules for usage of the pumpout station.

12. Safety

Floation devices shall be provided at regular intervals throughout the marina to ensure the safety of marina users. Provisions for fire protection systems must be in compliance with the National Fire Protection Association (NFPA) 303, Fire Protection Standard for Marinas and Boatyards.

13. Dimensions of Decking:

No portion of the decking on the piers and docks authorized by this Permit shall exceed the width dimensions for those structures identified on the dimension plan of this Permit.

14. Corps of Engineers Permit:

The work authorized by this Permit is subject to the terms and conditions of the applicable Department of the Army Individual Permit.

IN WITNESS WHEREOF, I, Steven M. Smailer, the duly authorized representative of Shawn M. Garvin, Secretary of the Department of Natural Resources and Environmental Control, have hereunto set my hand this _____ day of _____, 2018.

By Steven M. Smailer, Environmental Program Administrator
the duly authorized representative of the Secretary of the
Department of Natural Resources and Environmental Control

Julie R. Molina, Environmental Scientist
Wetlands and Subaqueous Lands Section



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

GENERAL CONDITIONS

1. The permittee and contractor shall at all times comply with all applicable laws and regulations of the Department of Natural Resources and Environmental Control.
2. The activities authorized herein shall be undertaken in accordance with the Permit conditions, the final stamped and approved plans, and with the information provided in the Permit application.
3. A copy of this Permit and the stamped approved plans shall be available on-site during all phases of construction activity.
4. The conditions contained herein shall be incorporated into any and all construction contracts associated with the construction authorized herein. The permittee and contractor are responsible to ensure that the workers executing the activities authorized by this Permit have full knowledge of, and abide by, the terms and conditions of this Permit.
5. No portion of the structure shall be constructed using creosote treated lumber.
6. No portion of the structure(s) authorized by this Permit shall exceed the dimensions for that structure identified on Page One of this Permit.
7. The activities authorized herein shall be conducted so as not to violate the State of Delaware's Surface Water Quality Standards in effect at the date of Permit authorization.
8. The issuance of this Permit does not constitute approval for any activities that may be required by any other local, state or federal government agency.
9. The issuance of this Permit does not imply approval of any other part, phase, or portion of any overall project the permittee may be contemplating.
10. This Permit authorizes only the activities described herein. Modifications to the project may require a supplemental approval from this office prior to the initiation of construction. A determination of the need for a supplemental approval will be made by this office pursuant to the permittee submitting written notification and revised plans indicating project changes. Failure to contact the Department prior to executing changes to the project shall constitute reason for this Permit being revoked.
11. The Contractors Completion Report shall be filled out and returned within 10 days of completion of the authorized work.
12. The permittee shall protect and hold the State of Delaware harmless from any loss, cost or damage resulting from the activities authorized herein.
13. Representatives of the Department of Natural Resources and Environmental Control shall be allowed to access the property to inspect all work during any phase of the construction and may conduct pre and post-construction inspections, collect any samples or conduct any tests that are deemed necessary.
14. The permittee shall maintain all authorized structures and activities in a good and safe condition.

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15. All construction materials, waste or debris associated with this activity shall be properly disposed of and contained at all times to prevent its entry into waters or wetlands. Construction materials shall not be stockpiled in subaqueous lands or wetlands.
16. The permittee and contractor shall employ measures during construction to prevent spills of fuels, lubricants or other hazardous substances. In the event of a spill, the permittee and contractor shall make every effort to stop the leak and contain the spill, and shall immediately contact the Hazardous Spill Response Team (HAZMAT) at 1-800-662-8802 and this office at (302) 739-9943. The permittee and contractor are responsible to comply with all directives to contain and clean up the spilled material(s) as stipulated by the HAZMAT team, and to restore the site as may be required by this office.
17. No construction shall occur after the construction expiration date identified on Page One of this Permit. The permittee may file a construction expiration date extension request of up to one (1) year if necessary to complete the authorized work. Such requests must be received by the Department at least thirty (30) days prior to the construction expiration date.
18. Any actions, operations or installations which are found by the Department to be contrary to the public interest may constitute reason for the discontinuance and/or removal of said action, operation or installation. Removal and restoration shall be at the expense of the permittee and/or upland property owner within thirty (30) days of receipt of written notice of revocation and demand for removal.
19. Disturbance of subaqueous lands or wetlands adjacent to the authorized structures or activities is prohibited unless specifically addressed in the special conditions of this Permit. Disturbance of subaqueous lands or wetlands in the path of construction activities shall be minimized. Any temporarily impacted subaqueous lands or wetlands shall be returned to pre-disturbance elevations and conditions.
20. This Permit is personal and may not be transferred without the prior written consent of the Department. Prior to the transfer of the adjacent upland property, the permittee shall obtain the written consent of the Department to transfer the Permit to the new upland property owner. Failure to obtain such written consent may result in the revocation of this Permit and the removal of all structures authorized by this Permit at the expense of the permittee.
21. The permittee shall notify the Wetlands and Subaqueous Lands Section prior to the commencement of the work authorized by this Permit.
22. No portion of the structure shall be installed within ten (10) feet of the adjacent property lines.
23. No portion of the structure shall exceed 20% of the width of the water body as measured at mean low water.
24. The structures authorized by this Permit shall be constructed and maintained in a manner so as to assure water access to adjacent properties.
25. This Permit does not authorize any future repairs below the water line, or any additions or modifications to the structures authorized herein. Such activities require separate written authorization from the Department of Natural Resources and Environmental Control.
26. Failure to comply with any of the terms or conditions of this Permit may result in enforcement action which could include the revocation of this Permit and subsequent restoration of the site to preconstruction conditions.

W.S.L.S.
APPROVED PLANS
PERMIT # MP-135/17
DATE _____
(SEE PERMIT CONDITIONS)

**PROPOSED 8,500 C.Y. HYDRAULIC DREDGING TO
-4' MLW; ADDITION OF 48 NEW SLIPS TO EXISTING
72-SLIP COMMUNITY MARINA**
IN: Burton Prong, Herring Creek
AT: West Beach Drive, Angola Beach and Estates
Lewes, Sussex Co., DE 19958
Tax Map Parcel #2-34-18.00-1.00
APPLICANT: Hometown Angola Beach, LLC
DATE: April, 2017



Google Earth

feet 700
meters 200

MP-135/17
APR 19 2017



Figure 5. GoogleEarth® 2015 aerial photograph showing project site, Angola Beach and Estates, Lewes, Sussex County, Delaware, adjacent to Burton Prong, Herring Creek showing existing 72-slip community marina.



MARINA LAYOUT

ANGOLA BEACH & ESTATES
 HOMETOWN ANGOLA BEACH, LLC
 SUSSEX COUNTY DELAWARE

T.P. 234-18.00-1.00

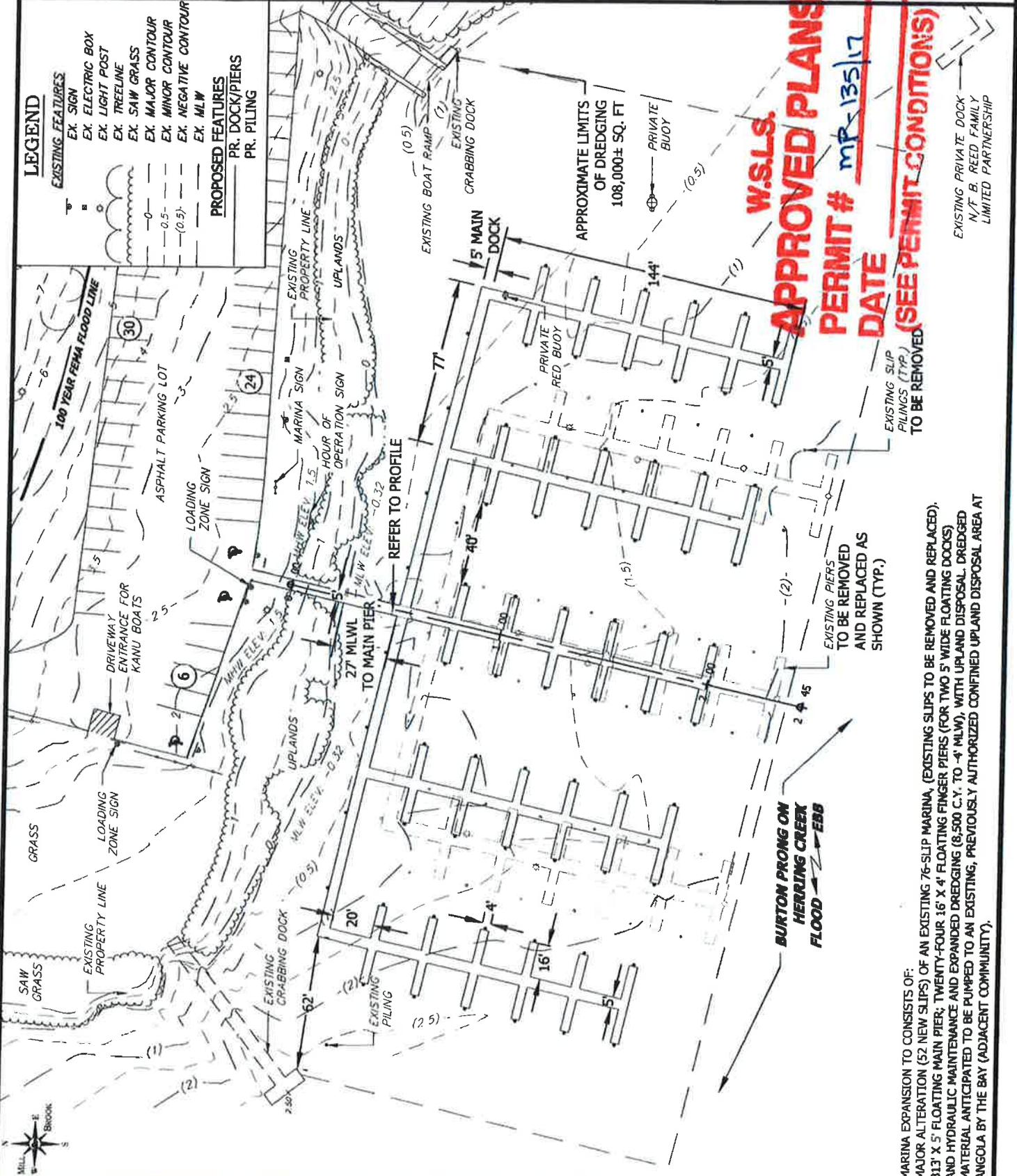
SCALE: 1" = 60'

ENGINEER:	MMH
DESIGN BY:	EJB/EMU
DRAWN BY:	EJB/EMU
CHECKED BY:	MMH

DATE: 10/30/17
 PROJECT #: M-16-ANGOLA-006
 FIGURE -

LEGEND

- EXISTING FEATURES**
- EX. SIGN
 - EX. ELECTRIC BOX
 - EX. LIGHT POST
 - EX. TREELINE
 - EX. SAW GRASS
 - EX. MAJOR CONTOUR
 - EX. MINOR CONTOUR
 - EX. NEGATIVE CONTOUR
 - EX. MLW
- PROPOSED FEATURES**
- PR. DOCK/PIERS
 - PR. PILING

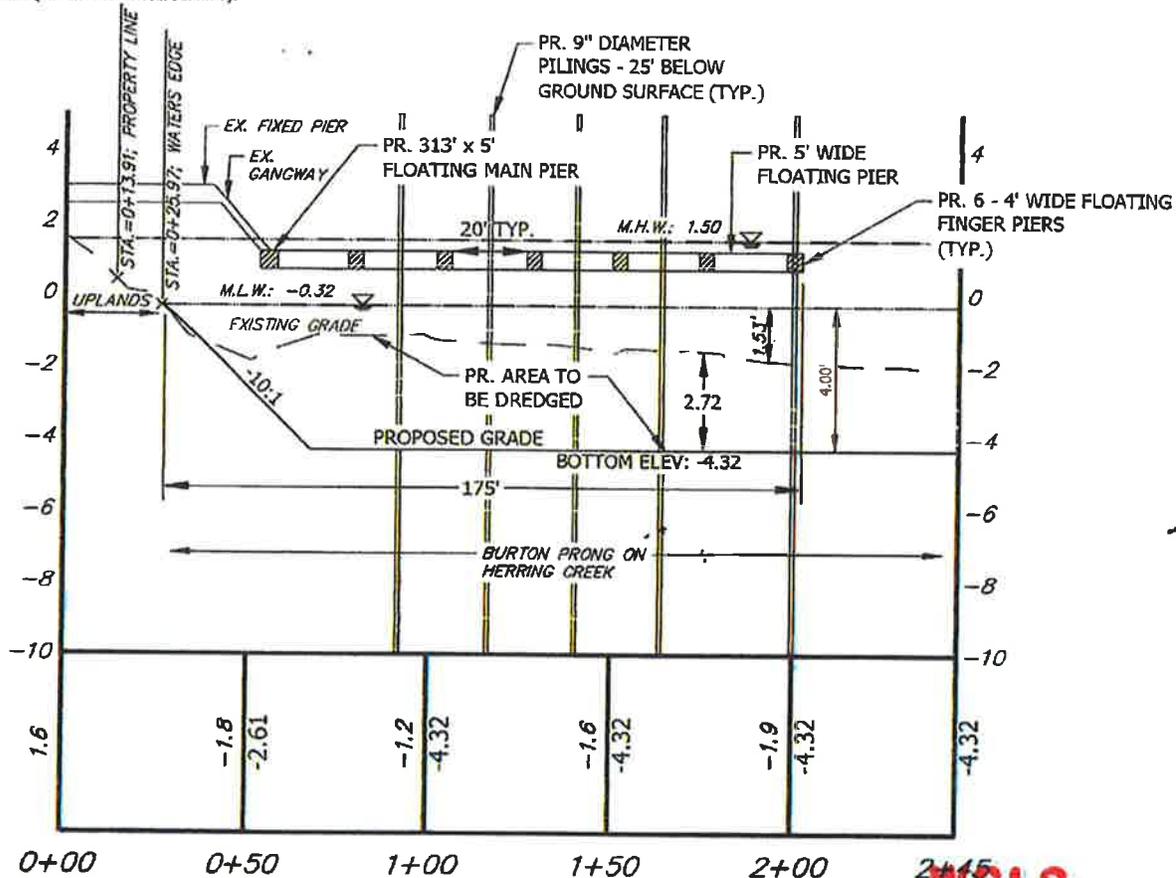


W.S.L.S. APPROVED PLANS
PERMIT # MP-13517
DATE

(SEE PERMIT CONDITIONS)
 TO BE REMOVED

MARINA EXPANSION TO CONSIST OF:
 MAJOR ALTERATION (52 NEW SLIPS) OF AN EXISTING 76-SLIP MARINA, (EXISTING SLIPS TO BE REMOVED AND REPLACED),
 313' X 5' FLOATING MAIN PIER; TWENTY-FOUR 16' X 4' FLOATING FINGER PIERS (FOR TWO 5' WIDE FLOATING DOCKS),
 AND HYDRAULIC MAINTENANCE AND EXPANDED DREDGING (8,500 C.Y. TO -4' MLW), WITH UPLAND DISPOSAL. DREDGED
 MATERIAL ANTICIPATED TO BE PUMPED TO AN EXISTING, PREVIOUSLY AUTHORIZED CONFINED UPLAND DISPOSAL AREA AT
 ANGOLA BY THE BAY (ADJACENT COMMUNITY).

MARINA EXPANSION TO CONSISTS OF:
 MAJOR ALTERATION (52 NEW SLIPS) OF AN EXISTING 76-SLIP MARINA, (24 EXISTING SLIPS TO BE REMOVED AND REPLACED).
 313' X 5' FLOATING MAIN PIER; TWELVE 16' X 4' FLOATING FINGER PIERS (FOR TWO 5' WIDE FLOATING DOCKS)
 AND HYDRAULIC MAINTENANCE AND EXPANDED DREDGING (8,500 C.Y. TO -4' MLW), WITH UPLAND DISPOSAL. DREDGED
 MATERIAL ANTICIPATED TO BE PUMPED TO AN EXISTING, PREVIOUSLY AUTHORIZED CONFINED UPLAND DISPOSAL AREA AT
 ANGOLA BY THE BAY (ADJACENT COMMUNITY).



PROFILE VIEW: MARINA
 HORZ. SCALE: 1"=50'
 VERT. SCALE: 1"=5'

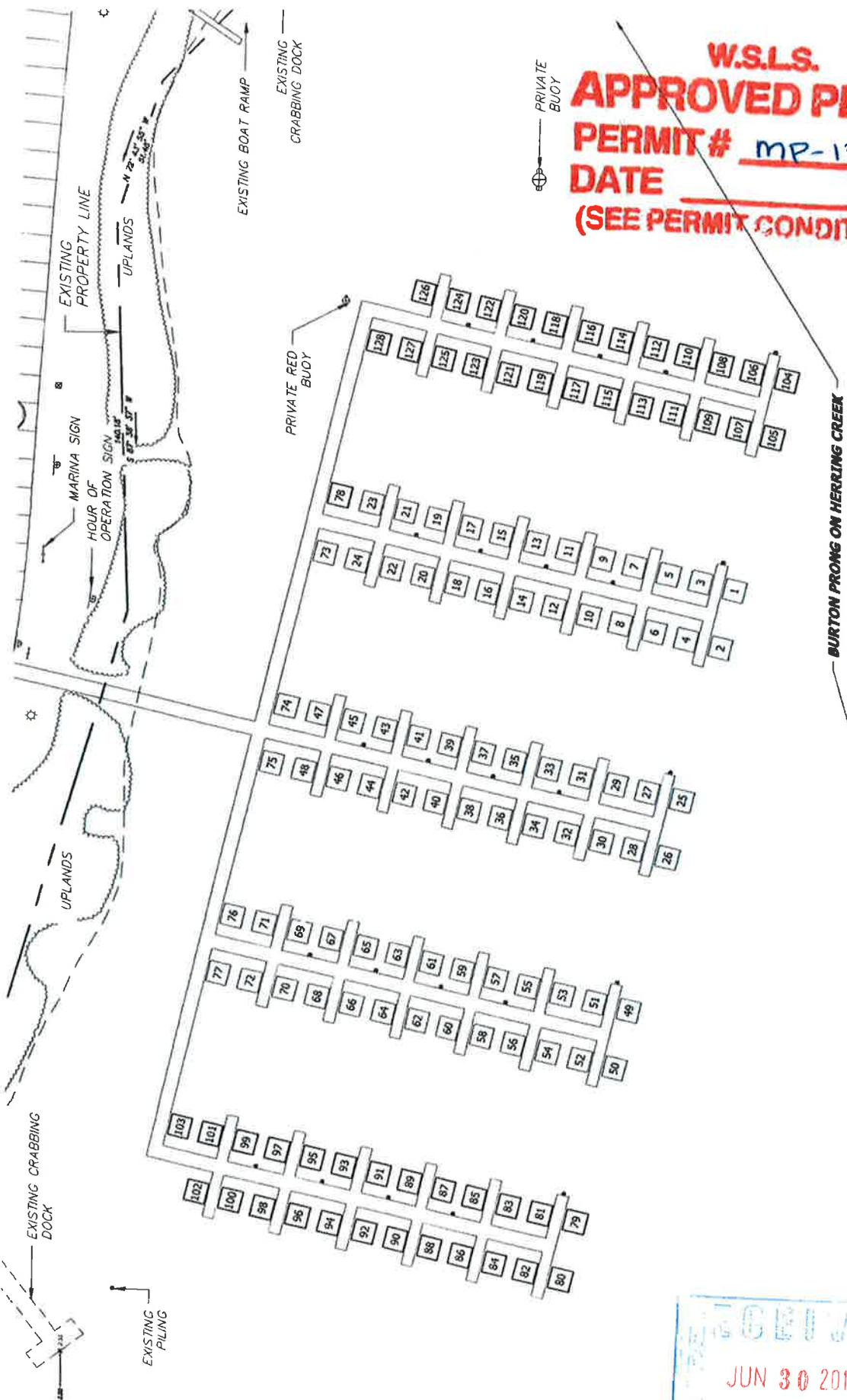
W.S.L.S.
APPROVED PLANS
PERMIT # MP-135/17
DATE
(SEE PERMIT CONDITIONS)

NOTES

- OBSERVED WATER LEVEL LINE OF -0.32 WAS UTILIZED AS THE MLW ELEVATION.
- ELEVATIONS BELOW MLW LINE ARE IN THE NAVD-88 DATUM CORRELATING TO THE SITE'S SURVEY. SURVEY OF BAY ELEVATIONS ARE BASED ON FIELD MEASUREMENTS. DATA AREAS BETWEEN CRABBING PIERS AND DOCKS IS INTERPOLATED.
- CONTRACTOR SHALL FIELD VERIFY EXISTING CONDITIONS AND DIMENSIONS PRIOR TO ORDERING AND/OR FABRICATION OF ANY MATERIALS.
- CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR INITIATING, MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT. THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
- CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK. HE WILL BE SOLELY RESPONSIBLE FOR THE MEANS, METHODS, TECHNIQUES, PROCEDURES, AND SEQUENCE OF CONSTRUCTION.
- CONTRACTOR SHALL PATCH, REPAIR, AND FINISH ALL DAMAGED SURFACES CAUSED BY THE WORK, USING THE MATERIALS OF THE SAME KIND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT OF DAMAGED OR DESTROYED LANDSCAPING OR EXISTING FEATURES.
- ALL EXCESS EXCAVATION AND ALL OLD PAVEMENT, BASE COURSE, BROKEN CONCRETE, ETC. SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE HAULED AWAY FROM THE SITE.
- EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATIONS AND ELEVATIONS.
- NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE.
- THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO THE CONTRACTOR'S NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE.
- NOTIFY MISS UTILITY THREE (3) DAYS PRIOR TO COMMENCING CONSTRUCTION. 1-800-282-8555.
- IN ALL AREAS WHERE UNSUITABLE OR UNSTABLE MATERIALS ARE ENCOUNTERED, THE CONTRACTOR SHALL FIRST NOTIFY THE OWNER AND ENGINEER. THEN REVIEW WITH THE OWNER THE POSSIBLE OPTIONS AND THEN PROCEED WITH THE MUTUALLY ACCEPTABLE CORRECTION.

	MARINA PROFILE		DATE: 08/16/17 PROJECT #: M-16-ANGOLA-006	FIGURE -	ENGINEER: MMH
	ANGOLA BEACH & ESTATES HOMETOWN ANGOLA BEACH, LLC LEWES SUSSEX COUNTY DELAWARE T.P. 234-18.00-1.00				DESIGN BY: EMB/EMU DRAWN BY: EMB/EMU CHECKED BY: MMH

W.S.L.S.
APPROVED PLANS
PERMIT # MP-135/17
DATE _____
(SEE PERMIT CONDITIONS)



RECEIVED
JUN 30 2017



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

WETLANDS & SUBAQUEOUS
LANDS SECTION

TELEPHONE (302) 739-9943
FAX (302) 739-6304

Hometown Angola Beach, LLC
c/o Stephen H. Braun
22971 Suburban Blvd
Lewes, DE 19958
Tax Parcel: 2-34-18.00-1.00
Disposal Site Tax Parcel: 2-34-11.20-128.00

Subaqueous Lands Permit: SP-135/17
Water Quality Certification: WQ-135/17
Associated Subaqueous Lease(s): SL-003/09(S1)
Associated Marina Permit(s): MP-135/17
Date of Issuance:
Construction Expiration Date:
Amended Date: N/A

SUBAQUEOUS LANDS PERMIT AND WATER QUALITY CERTIFICATION

GRANTED TO:

Hometown Angola Beach, LLC

TO CONDUCT NEW HYDRAULIC DREDGING:

**Approximately 8,500 cubic yards of material to a
depth of 4 feet below Mean Low Water (MLW)
from an 108,000± square foot area**

LOCATED ON PUBLIC SUBAQUEOUS LANDS:

**In Burton Prong of Herring Creek,
Angola Beach and Estates Marina,
At the terminus of Boat Ramp Lane,
Lewes, Sussex County, Delaware**

TO DISPOSE OF THE DREDGED MATERIAL:

**Via hydraulic pipeline to an existing confined disposal area
located on tax parcel # 2-34-11.20-128.00,
west of Bridgeway Drive West,
Lewes, Sussex County, DE**

Pursuant to the provisions of 7 Del. C., §7205, and the Department's Regulations Governing the Use of Subaqueous Lands, Section 6003, the Department's Regulations Governing the Control of Water Pollution and Section 401 of the Clean Water Act permission is hereby granted on this day of _____ A.D. 2018, to construct the above-referenced project in accordance with the approved plans (6 sheets), as approved on _____ by Secretary's Order No. _____; and the application dated April 14, 2017 and received by the Department on _____

Delaware's good nature depends on you!

April 19, 2017, with subsequent information received on June 30, 2017, August 15th and 16th 2017, October 30, 2017, and November 28, 2017.

WHEREAS, Hometown Angola Beach, LLC, owner(s) of certain adjoining lands to the Burton Prong of Herring Creek, has applied for permission to perform the indicated work for private use for the residents of the Angola Beach and Estates community, and;

WHEREAS, pursuant to the provisions of 7 Del. C., §7203, the Secretary of the Department of Natural Resources and Environmental Control through his duly authorized representative finds that it is not contrary to the public interest if this project is approved subject to the terms and conditions herein set forth.

WHEREAS, in accordance with Section 401 of the Clean Water Act, 33 U.S.C. Section 1341 and 7 Del. C., Chapter 60, the State of Delaware, by and through the Department of Natural Resources and Environmental Control, certifies that the permitted activity will be conducted in a manner which will not violate the applicable water quality standards of the State of Delaware, subject to the terms and conditions of this approval.

NOW THEREFORE, this Permit/Certification is issued subject to the attached Subaqueous Lands Permit General Conditions, Water Quality Certification General Conditions, and the following special conditions:

SPECIAL CONDITIONS

1. This approval is in accordance with the plans and application submitted to the Department of Natural Resources and Environmental Control, a copy of which is attached hereto and made a part hereof.
2. This permit is granted for the purpose of creating navigable water depths by temporarily removing the entire marina docking facility in order to conduct hydraulic dredging, as stated in the permit application. Any other use without prior approval shall constitute reason for this Permit being revoked.
3. Future maintenance dredging shall be limited to the minimum necessary. The maintenance dredging cycle shall be limited to no more than once every four years and shall not exceed the depths of the receiving waterbody.
4. There shall be no movement of equipment within subaqueous lands and wetlands not specifically authorized by this Permit. Any areas disturbed pursuant to this authorization, other than the authorized permanent impact areas, shall be returned to pre-construction conditions/elevations and appropriately stabilized and/or vegetated. Disturbance of wetlands adjacent to the permitted construction by burning, cutting, herbicide treatments, mechanical methods or any other method is prohibited. There shall be no stockpiling of construction material in subaqueous lands or wetlands.

- The primary species of concern for this project area are young-of-the-year (YOY) Summer flounder (*Paralichthys dentatus*), YOY Striped bass (*Morone saxatilis*), and YOY American eel (*Anguilla rostrata*) which utilize the creek as a nursery area. Reference the chart below for specific time-of-year restrictions (depicted in gray) when no in water work shall take place.

	January	February	March	April	May	June	July	August	September	October	November	December
YOY Fish Species	1 st							30 th				

- This Permit shall be valid for a three (3) year period and authorizes one new dredging event of up to 8,500 cubic yards of material during the dredging event.
- The permittee shall perform the authorized dredging using hydraulic dredging. The post dredging water depth shall not exceed -4.0 feet at mean low water. A post-dredging bathymetric survey of the site, showing depths relative to mean low water shall be submitted to this office within 60 days of the completion of the dredging.
- In accordance with 68 Delaware Laws, Volume 1, Chapter 86, Section 14, the new dredging activity on public subaqueous lands is subject to a fee of \$1.50 per cubic yard of material dredged.
- The volume of the dredge material subject to the fee shall be determined by submitting a post bathymetric survey. The survey shall be submitted to the Wetlands and Subaqueous Lands Section within 60 days of the completion of dredging for review and approval of the calculated volume. Payment of the fee, (made payable to the State of Delaware), shall be submitted within 30 days of the receipt of the approval letter from the Wetlands and Subaqueous Lands Section.
- No future dredging projects shall be granted if the applicant fails to comply with special condition numbers 8 and 9, this may also constitute a reason not to grant any additional lease renewals on public subaqueous lands.
- This Permit/Certification authorizes the containment of the dredged material within Tax Parcel 2-34-11.20-128.00 only. Any further handling (including, but not limited to permanent capping or burial, transportation, removal of the sediment or re-grading) requires prior notification to the Department. Additional authorization may be required at that time depending upon the proposed use.
- Prior to the commencement of the dredging operation, the disposal area shall be examined to ensure that it is in good condition, and repairs shall be completed if necessary. The permittee is also responsible to effectively maintain the disposal site during dredging and de-watering to avoid failure of the facility and to prevent the entrance of the dredged material into any surface water or wetland.
- A minimum freeboard of two (2) feet, measured vertically between the retained materials and water, and the top of the adjacent confining embankment, shall be maintained at all times.

14. All dredging and disposal shall be conducted in a manner consistent with sound conservation and water pollution control practices.
15. All pipelines shall be kept in good condition at all times and any leaks or breaks shall be promptly and properly repaired.
16. The pipeline placed in Burton Prong shall be placed in a manner so that they do not impede navigation or cause hazardous conditions.
17. All waters disturbed during construction activities, except for those intended to be permanently altered for the authorized dredging, shall be restored to pre-disturbance conditions to include bank elevations and slopes, waterway and wetland surface elevations and contours, and wetland vegetation and densities.
18. The work authorized by this Permit is subject to the terms and conditions of the applicable Department of the Army Individual Permit.

IN WITNESS WHEREOF, I, Steven M. Smailer, the duly authorized representative of Shawn M. Garvin, Secretary of the Department of Natural Resources and Environmental Control, have hereunto set my hand this _____ day of _____, 2018.

By Steven M. Smailer, Environmental Program Administrator
the duly authorized representative of the Secretary of the
Department of Natural Resources and Environmental Control

Julie R. Molina, Environmental Scientist
Wetlands and Subaqueous Lands Section



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

GENERAL CONDITIONS

1. The permittee and contractor shall at all times comply with all applicable laws and regulations of the Department of Natural Resources and Environmental Control.
2. The activities authorized herein shall be undertaken in accordance with the Permit conditions, the final stamped and approved plans, and with the information provided in the Permit application.
3. A copy of this Permit and the stamped approved plans shall be available on-site during all phases of construction activity.
4. The conditions contained herein shall be incorporated into any and all construction contracts associated with the construction authorized herein. The permittee and contractor are responsible to ensure that the workers executing the activities authorized by this Permit have full knowledge of, and abide by, the terms and conditions of this Permit.
5. No portion of the structure shall be constructed using creosote treated lumber.
6. No portion of the structure(s) authorized by this Permit shall exceed the dimensions for that structure identified on Page One of this Permit.
7. The activities authorized herein shall be conducted so as not to violate the State of Delaware's Surface Water Quality Standards in effect at the date of Permit authorization.
8. The issuance of this Permit does not constitute approval for any activities that may be required by any other local, state or federal government agency.
9. The issuance of this Permit does not imply approval of any other part, phase, or portion of any overall project the permittee may be contemplating.
10. This Permit authorizes only the activities described herein. Modifications to the project may require a supplemental approval from this office prior to the initiation of construction. A determination of the need for a supplemental approval will be made by this office pursuant to the permittee submitting written notification and revised plans indicating project changes. Failure to contact the Department prior to executing changes to the project shall constitute reason for this Permit being revoked.
11. The Contractors Completion Report shall be filled out and returned within 10 days of completion of the authorized work.
12. The permittee shall protect and hold the State of Delaware harmless from any loss, cost or damage resulting from the activities authorized herein.
13. Representatives of the Department of Natural Resources and Environmental Control shall be allowed to access the property to inspect all work during any phase of the construction and may conduct pre and post-construction inspections, collect any samples or conduct any tests that are deemed necessary.
14. The permittee shall maintain all authorized structures and activities in a good and safe condition.

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15. All construction materials, waste or debris associated with this activity shall be properly disposed of and contained at all times to prevent its entry into waters or wetlands. Construction materials shall not be stockpiled in subaqueous lands or wetlands.
16. The permittee and contractor shall employ measures during construction to prevent spills of fuels, lubricants or other hazardous substances. In the event of a spill, the permittee and contractor shall make every effort to stop the leak and contain the spill, and shall immediately contact the Hazardous Spill Response Team (HAZMAT) at 1-800-662-8802 and this office at (302) 739-9943. The permittee and contractor are responsible to comply with all directives to contain and clean up the spilled material(s) as stipulated by the HAZMAT team, and to restore the site as may be required by this office.
17. No construction shall occur after the construction expiration date identified on Page One of this Permit. The permittee may file a construction expiration date extension request of up to one (1) year if necessary to complete the authorized work. Such requests must be received by the Department at least thirty (30) days prior to the construction expiration date.
18. Any actions, operations or installations which are found by the Department to be contrary to the public interest may constitute reason for the discontinuance and/or removal of said action, operation or installation. Removal and restoration shall be at the expense of the permittee and/or upland property owner within thirty (30) days of receipt of written notice of revocation and demand for removal.
19. Disturbance of subaqueous lands or wetlands adjacent to the authorized structures or activities is prohibited unless specifically addressed in the special conditions of this Permit. Disturbance of subaqueous lands or wetlands in the path of construction activities shall be minimized. Any temporarily impacted subaqueous lands or wetlands shall be returned to pre-disturbance elevations and conditions.
20. This Permit is personal and may not be transferred without the prior written consent of the Department. Prior to the transfer of the adjacent upland property, the permittee shall obtain the written consent of the Department to transfer the Permit to the new upland property owner. Failure to obtain such written consent may result in the revocation of this Permit and the removal of all structures authorized by this Permit at the expense of the permittee.
21. The permittee shall notify the Wetlands and Subaqueous Lands Section prior to the commencement of the work authorized by this Permit.
22. No portion of the structure shall be installed within ten (10) feet of the adjacent property lines.
23. No portion of the structure shall exceed 20% of the width of the water body as measured at mean low water.
24. The structures authorized by this Permit shall be constructed and maintained in a manner so as to assure water access to adjacent properties.
25. This Permit does not authorize any future repairs below the water line, or any additions or modifications to the structures authorized herein. Such activities require separate written authorization from the Department of Natural Resources and Environmental Control.
26. Failure to comply with any of the terms or conditions of this Permit may result in enforcement action which could include the revocation of this Permit and subsequent restoration of the site to preconstruction conditions.

APPROVED PLANS
PERMIT # SP-135/17
DATE _____
(SEE PERMIT CONDITIONS)

-4' MLW; ADDITION OF 48 NEW SLIPS TO EXISTING
72-SLIP COMMUNITY MARINA
IN: Burton Prong, Herring Creek
AT: West Beach Drive, Angola Beach and Estates
Lewes, Sussex Co., DE 19958
Tax Map Parcel #2-34-18.00-1.00
APPLICANT: Hometown Angola Beach, LLC
DATE: April, 2017



Google Earth

feet 700
meters 200

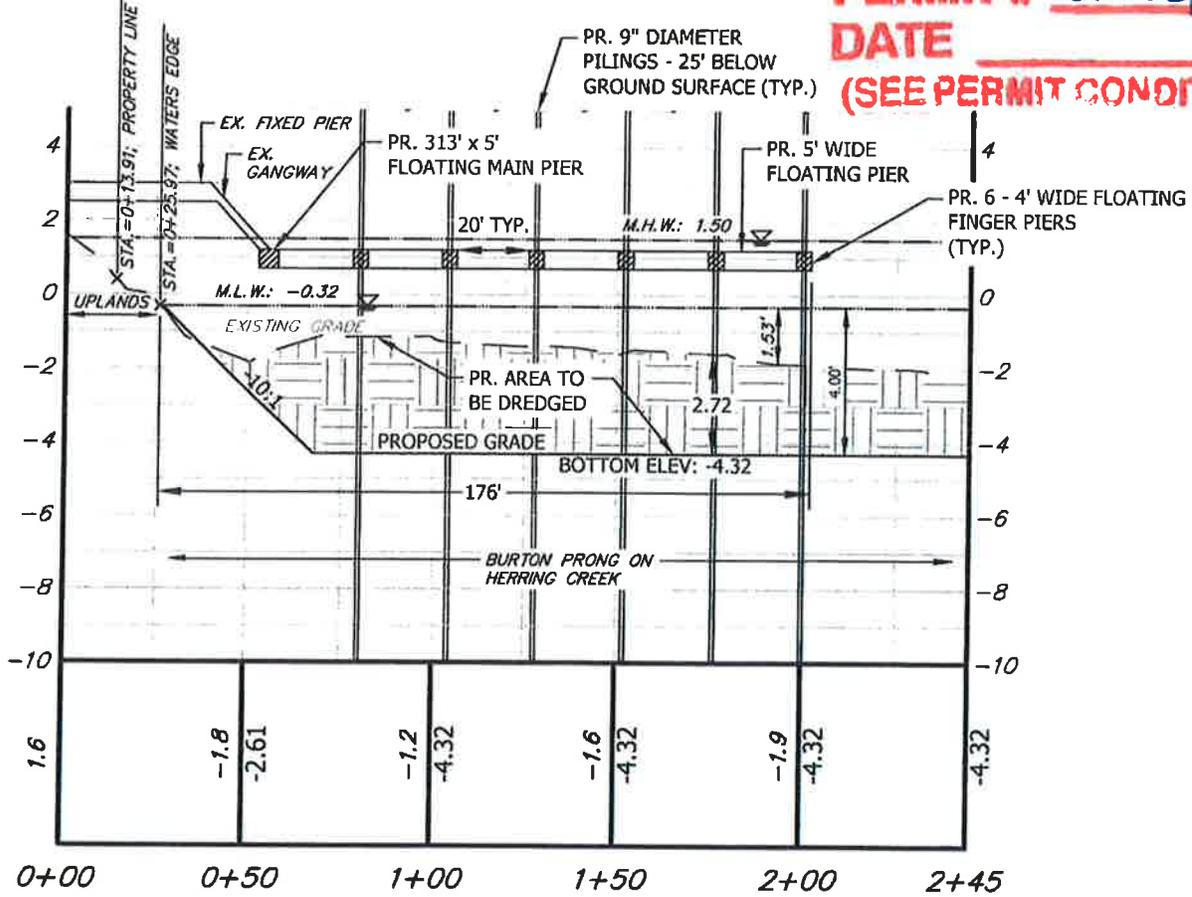


Figure 5. GoogleEarth® 2015 aerial photograph showing project site, Angola Beach and Estates, Lewes, Sussex County, Delaware, adjacent to Burton Prong, Herring Creek showing existing 72-slip community marina.

APR 14 2017
JC

MARINA EXPANSION TO CONSISTS OF:
 MAJOR ALTERATION (52 NEW SLIPS) OF AN EXISTING 76-SLIP MARINA, (EXISTING SLIPS TO BE REMOVED AND REPLACED)
 313' X 5' FLOATING MAIN PIER; TWENTY-FOUR 16' X 4' FLOATING FINGER PIERS (FOR TWO 5' WIDE FLOATING DOCKS)
 AND HYDRAULIC MAINTENANCE AND EXPANDED DREDGING (8,500 C.Y. TO -4' MLW), WITH UPLAND DISPOSAL. DREDGED
 MATERIAL ANTICIPATED TO BE PUMPED TO AN EXISTING, PREVIOUSLY AUTHORIZED CONFINED UPLAND DISPOSAL AREA AT
 ANGOLA BY THE BAY (ADJACENT COMMUNITY).

W.S.L.S.
APPROVED PLANS
PERMIT # SP-135/17
DATE
(SEE PERMIT CONDITIONS)



PROFILE VIEW: MARINA
HORIZ. SCALE: 1"=50'
VERT. SCALE: 1"=5'

NOTES

1. OBSERVED WATER LEVEL LINE OF -0.32 WAS UTILIZED AS THE MLW ELEVATION.
2. ELEVATIONS BELOW MLW LINE ARE IN THE NAVD-88 DATUM CORRELATING TO THE SITE'S SURVEY. SURVEY OF BAY ELEVATIONS ARE BASED ON FIELD MEASURED DATA. AREAS BETWEEN CRABBING PIERS AND DOCKS IS INTERPOLATED.
3. CONTRACTOR SHALL FIELD VERIFY EXISTING CONDITIONS AND DIMENSIONS PRIOR TO ORDERING AND/OR FABRICATION OF ANY MATERIALS.
4. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR INITIATING, MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT. THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
5. CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK. HE WILL BE SOLELY RESPONSIBLE FOR THE MEANS, METHODS, TECHNIQUES, PROCEDURES, AND SEQUENCE OF CONSTRUCTION.
6. CONTRACTOR SHALL PATCH, REPAIR, AND FINISH ALL DAMAGED SURFACES CAUSED BY THE WORK, USING THE MATERIALS OF THE SAME KIND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT OF DAMAGED OR DESTROYED LANDSCAPING OR EXISTING FEATURES.
7. ALL EXCESS EXCAVATION AND ALL OLD PAVEMENT, BASE COURSE, BROKEN CONCRETE, ETC. SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE HAULED AWAY FROM THE SITE.
8. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATIONS AND ELEVATIONS.
9. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE.
10. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO THE CONTRACTOR'S NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE.
11. NOTIFY MISS UTILITY THREE (3) DAYS PRIOR TO COMMENCING CONSTRUCTION. 1-800-282-8555.
12. IN ALL AREAS WHERE UNSUITABLE OR UNSTABLE MATERIALS ARE ENCOUNTERED, THE CONTRACTOR SHALL FIRST NOTIFY THE OWNER AND ENGINEER. THEN REVIEW WITH THE OWNER THE POSSIBLE OPTIONS AND THEN PROCEED WITH THE MUTUALLY ACCEPTABLE CORRECTION.

	MARINA PROFILE		DATE: 10/30/17 PROJECT #: M-16-ANGOLA-006	FIGURE -	ENGINEER: MMH
	ANGOLA BEACH & ESTATES HOMETOWN ANGOLA BEACH, LLC LEWES SUSSEX COUNTY DELAWARE T.P. 234-18.00-1.00				DESIGN BY: EMB/EMU DRAWN BY: EMB/EMU CHECKED BY: MMH

W.S.L.S.
APPROVED PLANS
PERMIT # SP-135/17
DATE _____
(SEE PERMIT CONDITIONS)

PROPOSED 8,500 C.Y. HYDRAULIC DREDGING TO
 -4' MLW; ADDITION OF 48 NEW SLIPS TO EXISTING
 72-SLIP COMMUNITY MARINA
 IN: Burton Prong, Herring Creek
 AT: West Beach Drive, Angola Beach and Estates
 Lewes, Sussex Co., DE 19958
 Tax Map Parcel #2-34-18.00-1.00
 APPLICANT: Hometown Angola Beach, LLC
 DATE: April, 2017



Google Earth

feet
 km

1 4000



PERMIT
 APR 19 2017

Figure 14. Aerial photograph showing project site (dredging/marina expansion), Angola Beach and Estates marina, Burton Prong, Herring Creek; and disposal site, existing, previously-authorized confined upland disposal site at Angola by the Bay (adjacent community). Dredged material will be transported via hydraulic pipeline approximately one mile from dredging site to disposal area.

PROPOSED 8,500 C.Y. HYDRAULIC DREDGING TO
 -4' MLW; ADDITION OF 48 NEW SLIPS TO EXISTING
 72-SLIP COMMUNITY MARINA
 IN: Burton Prong, Herring Creek
 AT: West Beach Drive, Angola Beach and Estates
 Lewes, Sussex Co., DE 19958
 Tax Map Parcel #2-34-18.00-1.00
 APPLICANT: Hometown Angola Beach, LLC
 DATE: April, 2017

W.S.L.S.
APPROVED PLANS
PERMIT # SP-135/17
DATE
(SEE PERMIT CONDITIONS)

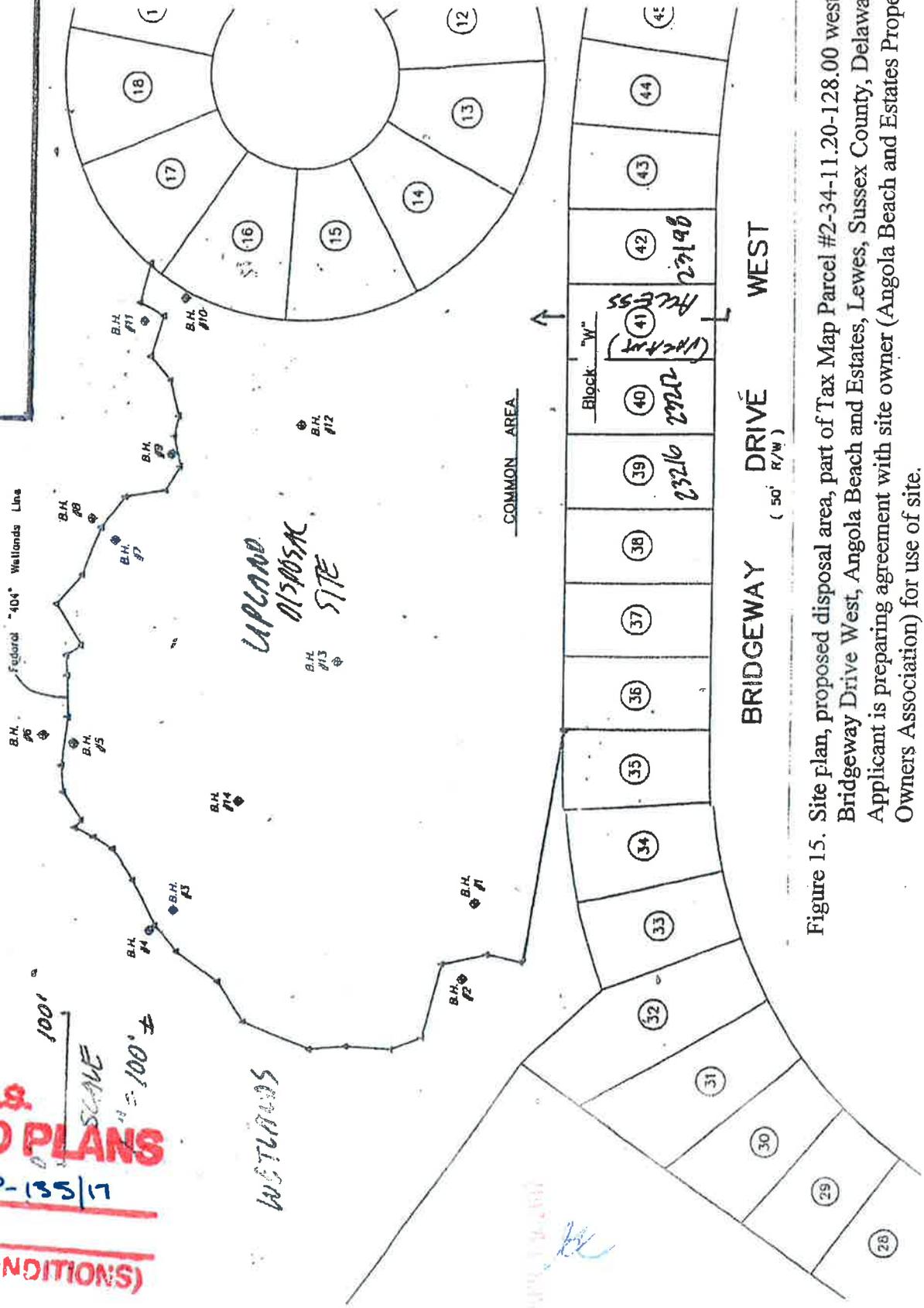


Figure 15. Site plan, proposed disposal area, part of Tax Map Parcel #2-34-11.20-128.00 west of Bridgeway Drive West, Angola Beach and Estates, Lewes, Sussex County, Delaware. Applicant is preparing agreement with site owner (Angola Beach and Estates Property Owners Association) for use of site.



Addresses / Parcels

Tax Parcels

Council Districts

Fire Districts

County District 01

County District 02

County District 03

County District 04

County District 05

County Boundaries

Schools/Libraries

School Buildings (Various)

School Library

Public Library

Special Library

DOE School Districts

DOE VoTech School Districts

Hydrology

Streams / Rivers

Lakes, Ponds, Bays

Flood Zones

0.2% Annual Chance Flood Hazard

A

AE

AO

Open Water

VE

Public Protected Lands

Municipalities

Communities

Boundaries State County

W.S.L.S. APPROVED PLANS
PERMIT # S-135/17
DATE _____
(SEE PERMIT CONDITIONS)

SPILL SITE
 PIPE

Approved by the Board

DAI/PF Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeBCo, IGN, Kadaster NL, Ordnance Survey, Esri, Japan, METI, Esri, China (Hong Kong), Swisstopo, Mapbox, OpenStreetMap contributors, and the GIS User Community, Delaware Department of Education, Sussex County, Sussex County Government, Sussex County Mapping and Addressing





STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

WETLANDS & SUBAQUEOUS
LANDS SECTION

TELEPHONE (302) 739-9943
FAX (302) 739-6304

Hometown Angola Beach, LLC
c/o Stephen H. Braun
22971 Suburban Blvd
Lewes, DE 19958
Tax Parcel: 2-34-18.00-1.00

Subaqueous Lands Lease: SL-003/09 (S1)
Associated Marina Permit: MP-135/17
Associated Subaqueous Permit(s): SP-135/17
Water Quality Certification: WQ-135/17
Lease Expiration Date: May 25, 2024
Supplemental Approval Date:
Construction Expiration Date:

**SUBAQUEOUS LANDS LEASE SUPPLEMENT
TO RECONFIGURE THE PREVIOUSLY AUTHORIZED
SEVENTY-SIX (76) SLIP MARINA AND MODIFY
BY CONSTRUCTING FIFTY-TWO (52) ADDITIONAL SLIPS
TO CREATE A ONE HUNDRED TWENTY-EIGHT (128) WET SLIP MARINA**

GRANTED TO:

Hometown Angola Beach, LLC

**TO CONSTRUCT, UTILIZE AND RECONFIGURE THE MARINA DOCKING
FACILITY CONSISTING OF THE FOLLOWING STRUCTURES:**

- **Docking Facility composed of one hundred twenty-eight (128) wet slips, to include:**
 - A 5 foot wide by 40 foot long main access fixed pier
 - A 5 foot wide by 12 foot long gangway
 - A 5 foot wide by 313 foot long main access floating dock
 - Five (5) 5 foot wide by 144 foot long main floating piers
 - Sixty (60) 4 foot wide by 16 foot long floating finger piers
- **A one hundred twenty (120) dry slip storage area located on the adjacent uplands**
- **Crabbing / Fishing Community Pier, to include:**
 - A 6 foot wide by 80 foot long section of fixed pier
 - A 6 foot wide by 20 foot long fixed dock
- **A 14 foot wide by 35 foot long Boat Ramp, to include:**
 - A 2 foot wide by 35 foot long finger pier on top of the wing wall
 - A 3 foot wide by 35 foot long finger pier on top of the wing wall
 - A 5 foot wide by 7.5 foot long dock

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PORTIONS OCCUPYING PUBLIC SUBAQUEOUS LANDS TOTALING:

10,567.5 square feet

LOCATED CHANNELWARD OF MEAN HIGH WATER:

**In Burton Prong of Herring Creek,
Angola Beach and Estates Marina,
At the terminus of Boat Ramp Lane,
Lewes, Sussex County, Delaware**

Pursuant to the provisions of 7 Del. C. §7205, and the Department's Regulations Governing the Use of Subaqueous Lands, permission is hereby granted on this _____ day of _____ A.D. 2018, to construct the above-referenced project in accordance with the approved plans for this Lease (3 sheets), as approved on _____ by Secretary's Order No. _____; and the application dated April 14, 2017 and received by the Department on April 19, 2017, with subsequent information received on June 30, 2017, August 15th and 16th 2017, October 30, 2017, and November 28, 2017.

WHEREAS, the State of Delaware is the owner of ungranted subaqueous lands lying beneath the waters of Burton Prong of Herring Creek; and

WHEREAS, Hometown Angola Beach, LLC, owner(s) of certain lands adjoining to Burton Prong of Herring Creek have applied for permission to amend their existing lease to now occupy 10,567.5 square feet of those public lands to install the indicated structures for private use of the residents of the Angola Beach and Estates community; and

WHEREAS, pursuant to the provisions of 7 Del. C. §7203, the Secretary of the Department of Natural Resources and Environmental Control through his duly authorized representative finds that it is not contrary to the public interest if this project is approved subject to the terms and conditions herein set forth.

NOW THEREFORE, this Lease Amendment is approved subject to the attached Subaqueous Lands Lease General Conditions and the following special conditions:

SPECIAL CONDITIONS

1. No further marina expansion shall be authorized at the Angola Beach and Estates Marina until such time that the Department is able to open, amend, and adopt new Marina Regulations through the appropriate public process.
2. Future maintenance dredging shall be limited to the minimum necessary. The maintenance dredging cycle shall be limited to no more than once every four years and shall not exceed the depths of the receiving waterbody.
3. No portion of the structures authorized herein shall extend more than 20 percent the width of the waterbody as measured from mean low water at that location.
4. This Lease Supplemental Approval is granted for the purpose of modifying an existing seventy-six (76) slip marina by constructing fifty-two (52) additional slips to create a one hundred

twenty-eight (128) slip marina for the residents of Angola Beach and Estates community, as indicated on the approved plans. Any other use without prior approval shall constitute reason for this Lease being revoked.

5. This Supplemental Approval is an addendum to Subaqueous Lands Lease No. SL-003/09 granted to Hometown Angola Beach, LLC by the State of Delaware on February 26, 2009. This Supplemental Approval shall be attached thereto and made a part thereof and shall not be considered valid until it has been duly recorded in the office for the Recorder of Deeds of the appropriate County.
6. Unless modified herein, all terms and conditions of Subaqueous Lands Lease No. SL-003/09 shall remain in full force and effect; including the May 25, 2024 expiration date.
7. To reflect the current conditions which includes the realignment and minimization of the previously authorized structures, the total square footage over public subaqueous lands authorized by this Lease is now 10,567.5 square feet represented by the following structures constructed channelward of the mean high water line:
 - Docking Facility: A 5 foot wide by 40 foot long main access fixed pier, a 5 foot wide by 12 foot long gangway, a 5 foot wide by 313 foot long main access floating dock, five (5) 5 foot wide by 144 foot long main floating piers, sixty (60) 4 foot wide by 16 foot long floating finger piers.
 - Crabbing / Fishing Community Pier: A 6 foot wide by 80 foot long section of fixed pier, a 6 foot wide by 20 foot long fixed dock.
 - Boat Ramp Area: A 14 foot wide by 35 foot long boat ramp, a 2 foot wide by 35 foot long finger pier on top of the wing wall, a 3 foot wide by 35 foot long finger pier on top of the wing wall, a 5 foot wide by 7.5 foot long dock.

The existing area of structure over public subaqueous lands originally authorized by SL-003/09 was 7,294 square feet represented by a 6 foot wide by 39 foot long section of the main access fixed pier, a 6 foot wide by 12 foot long gangway, a 6 foot wide by 200 foot long floating main access dock, three (3) 6 foot wide by 157 foot long floating main piers, thirty-six (36) 4 foot wide by 16.5 foot long floating finger piers, forty (40) stand-alone mooring pilings, a 6 foot wide by 80 foot long pier and a 6 foot wide by 20 foot long dock constructed channelward of the mean low water line.

8. The primary species of concern for this project area are young-of-the-year (YOY) Summer flounder (*Paralichthys dentatus*), YOY Striped bass (*Morone saxatilis*), and YOY American eel (*Anguilla rostrata*) which utilize the creek as a nursery area. Reference the chart below for specific time-of-year restrictions (depicted in gray) when no in water work shall take place.

	January	February	March	April	May	June	July	August	September	October	November	December
YOY Fish Species	1 st							30 th				

9. This approval is in accordance with the plans and application submitted to the Department of Natural Resources and Environmental Control, a copy of which is attached hereto and made a part hereof.
10. The work authorized herein shall be completed in accordance with the terms and conditions of the associated Marina Permit No. MP-135/17, Subaqueous Permit No. SP-135/17 and Water Quality Certification No. WQ-135/17.
11. The work authorized by this Permit is subject to the terms and conditions of the applicable Department of the Army Individual Permit.
12. No portion of the decking on the pier, docks, and finger-piers authorized by this Permit shall exceed the width dimensions for that structure identified on Page One of this Permit.
13. There shall be no excavation channelward of the permitted alignment either before, during or after the installation of any of the authorized structures.
14. No portion of the authorized structures shall be constructed using creosote treated timber.
15. Erosion and sediment control measures shall be implemented in accordance with the specifications and criteria in the current Delaware Erosion and Sediment Control Handbook, so as to minimize entry and dispersal of sediment and other contaminants in surface waters.
16. This Permit does not authorize any future repairs below the water line, or any additions or modifications to the structures authorized herein. Such activities require separate written authorization from the Department of Natural Resources and Environmental Control.
17. There shall be no movement of equipment within subaqueous lands and wetlands not specifically authorized by this Permit. Any areas disturbed pursuant to this authorization, other than the authorized permanent impact areas, shall be returned to pre-construction conditions/elevations and appropriately stabilized and/or vegetated. Disturbance of wetlands adjacent to the permitted construction by burning, cutting, herbicide treatments, mechanical methods or any other method is prohibited. There shall be no stockpiling of construction material in subaqueous lands or wetlands.

IN WITNESS WHEREOF, I, Stephen H. Braun, the duly authorized representative of Hometown Angola Beach, LLC, have caused this instrument to be executed on this _____ day of _____, 2018.

By: _____
Stephen H. Braun
Hometown Angola Beach, LLC (Lessee)

Sworn and Subscribed before me on
this ____ day of _____, 2018

(Notary Seal)

Notary

IN WITNESS WHEREOF, I, Shawn M. Garvin, Secretary of the Department of Natural Resources and Environmental Control, have hereunto set my hand this _____ day of _____, 2018.

Shawn M. Garvin, Secretary
Department of Natural Resources and Environmental Control



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

GENERAL CONDITIONS

1. The lessee and contractor shall at all times comply with all applicable laws and regulations of the Department of Natural Resources and Environmental Control.
2. The activities authorized herein shall be undertaken in accordance with the Lease conditions, the final stamped and approved plans, and with the information provided in the lease application.
3. A copy of this Lease and the stamped approved plans shall be available on-site during all phases of construction activity.
4. The conditions contained herein shall be incorporated into any and all construction contracts associated with the construction authorized herein. The lessee and contractor are responsible to ensure that the workers executing the activities authorized by this Lease have full knowledge of, and abide by, the terms and conditions of this Lease.
5. No portion of the structure shall be constructed using creosote treated lumber.
6. No portion of the structure(s) authorized by this Lease shall exceed the dimensions for that structure identified on Page One of this Lease.
7. The activities authorized herein shall be conducted so as not to violate the State of Delaware's Surface Water Quality Standards in effect at the date of Lease authorization.
8. The issuance of this Lease does not constitute approval for any activities that may be required by any other local, state or federal government agency.
9. The issuance of this Lease does not imply approval of any other part, phase, or portion of any overall project the lessee may be contemplating.
10. This Lease authorizes only the activities described herein. Modifications to the project may require a supplemental approval from this office prior to the initiation of construction. A determination of the need for a supplemental approval will be made by this office pursuant to the lessee submitting written notification and revised plans indicating project changes. Failure to contact the Department prior to executing changes to the project shall constitute reason for this Lease being revoked.
11. The Contractors Completion Report shall be filled out and returned within 10 days of completion of the authorized work.
12. The lessee shall protect and hold the State of Delaware harmless from any loss, cost or damage resulting from the activities authorized herein.
13. Representatives of the Department of Natural Resources and Environmental Control shall be allowed to access the property to inspect all work during any phase of the construction and may conduct pre and post-construction inspections, collect any samples or conduct any tests that are deemed necessary.
14. The lessee shall maintain all authorized structures and activities in a good and safe condition.

Delaware's good nature depends on you!

APPROVED PLANS
PERMIT # SL-003/09(s1)
DATE _____
(SEE PERMIT CONDITIONS)

72-SLIP COMMUNITY MARINA
IN: Burton Prong, Herring Creek
AT: West Beach Drive, Angola Beach and Estates
Lewes, Sussex Co., DE 19958
Tax Map Parcel #2-34-18.00-1.00
APPLICANT: Hometown Angola Beach, LLC
DATE: April, 2017



Google Earth

feet 700
meters 200

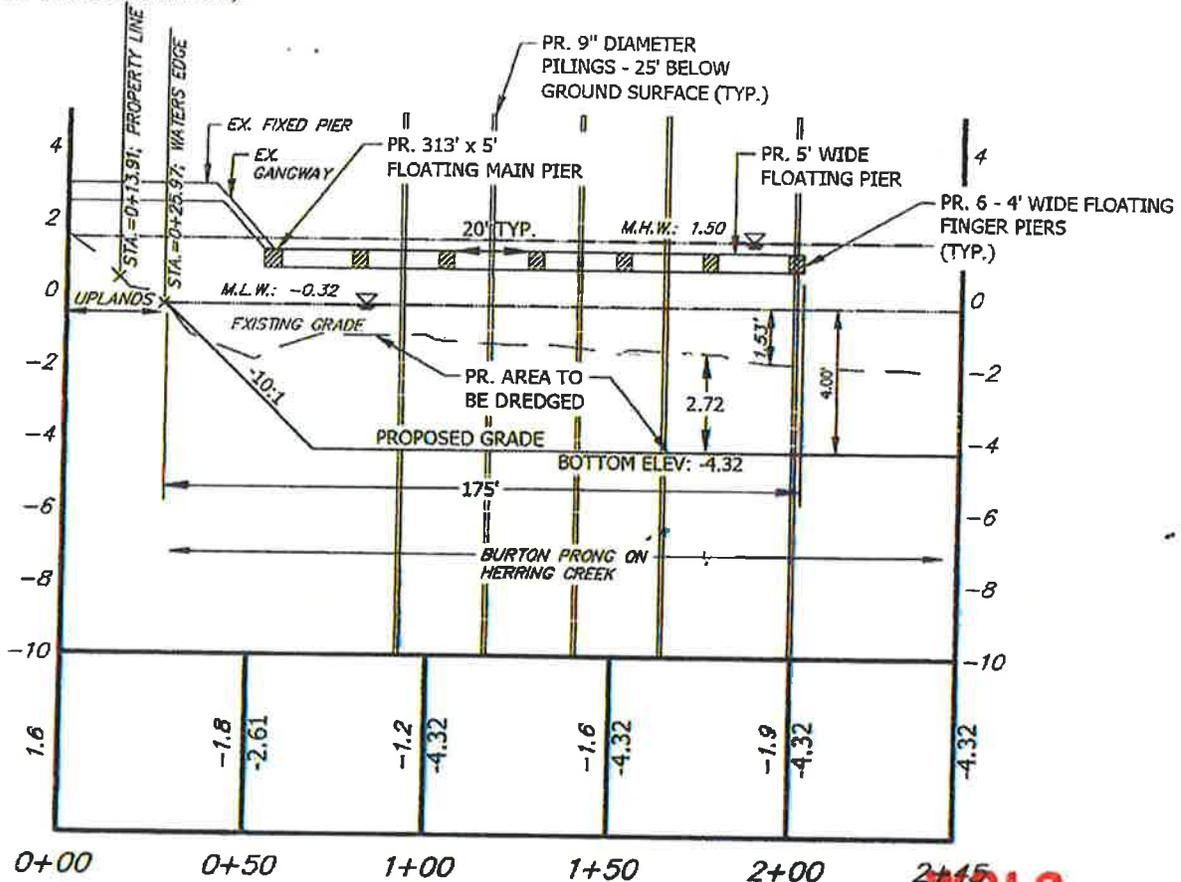
APR 19 2017



Figure 5. GoogleEarth® 2015 aerial photograph showing project site, Angola Beach and Estates, Lewes, Sussex County, Delaware, adjacent to Burton Prong, Herring Creek showing existing 72-slip community marina.

MARINA EXPANSION TO CONSISTS OF:

MAJOR ALTERATION (52 NEW SLIPS) OF AN EXISTING 76-SLIP MARINA, (24 EXISTING SLIPS TO BE REMOVED AND REPLACED). 313' X 5' FLOATING MAIN PIER; TWELVE 16' X 4' FLOATING FINGER PIERS (FOR TWO 5' WIDE FLOATING DOCKS) AND HYDRAULIC MAINTENANCE AND EXPANDED DREDGING (8,500 C.Y. TO -4' MLW), WITH UPLAND DISPOSAL. DREDGED MATERIAL ANTICIPATED TO BE PUMPED TO AN EXISTING, PREVIOUSLY AUTHORIZED CONFINED UPLAND DISPOSAL AREA AT ANGOLA BY THE BAY (ADJACENT COMMUNITY).



PROFILE VIEW: MARINA
 HORZ. SCALE: 1"=50'
 VERT. SCALE: 1"=5'

W.S.L.S.
APPROVED PLANS
PERMIT # SL-003/09 (SI)
DATE
(SEE PERMIT CONDITIONS)

NOTES

1. OBSERVED WATER LEVEL LINE OF -0.32 WAS UTILIZED AS THE MLW ELEVATION.
2. ELEVATIONS BELOW MLW LINE ARE IN THE NAVD-88 DATUM CORRELATING TO THE SITE'S SURVEY. SURVEY OF BAY ELEVATIONS ARE BASED ON FIELD MEASURED DATA. AREAS BETWEEN CRABBING PIERS AND DOCKS IS INTERPOLATED.
3. CONTRACTOR SHALL FIELD VERIFY EXISTING CONDITIONS AND DIMENSIONS PRIOR TO ORDERING AND/OR FABRICATION OF ANY MATERIALS.
4. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR INITIATING, MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT. THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
5. CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK. HE WILL BE SOLELY RESPONSIBLE FOR THE MEANS, METHODS, TECHNIQUES, PROCEDURES, AND SEQUENCE OF CONSTRUCTION.
6. CONTRACTOR SHALL PATCH, REPAIR, AND FINISH ALL DAMAGED SURFACES CAUSED BY THE WORK, USING THE MATERIALS OF THE SAME KIND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT OF DAMAGED OR DESTROYED LANDSCAPING OR EXISTING FEATURES.
7. ALL EXCESS EXCAVATION AND ALL OLD PAVEMENT, BASE COURSE, BROKEN CONCRETE, ETC. SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE HAULED AWAY FROM THE SITE.
8. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATIONS AND ELEVATIONS.
9. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE.
10. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO THE CONTRACTOR'S NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE.
11. NOTIFY MISS UTILITY THREE (3) DAYS PRIOR TO COMMENCING CONSTRUCTION. 1-800-282-8555.
12. IN ALL AREAS WHERE UNSUITABLE OR UNSTABLE MATERIALS ARE ENCOUNTERED, THE CONTRACTOR SHALL FIRST NOTIFY THE OWNER AND ENGINEER. THEN REVIEW WITH THE OWNER THE POSSIBLE OPTIONS AND THEN PROCEED WITH THE MUTUALLY ACCEPTABLE CORRECTION.

	MARINA PROFILE		DATE: 08/16/17 PROJECT #: M-16-ANG01 A-106	FIGURE -	ENGINEER: MMH
	ANGOLA BEACH & ESTATES HOMETOWN ANGOLA BEACH, LLC LEWES SUSSEX COUNTY DELAWARE T.P. 234-18.00-1.00				DESIGN BY: EMB/EMU DRAWN BY: EMB/EMU CHECKED BY: MMH

