

Bobola, Rebecca (DNREC)

From: Amy Scott <cooperscott5100@gmail.com>
Sent: Friday, October 11, 2019 8:00 PM
To: Howard Swope
Cc: Bobola, Rebecca (DNREC); Scott MacDonald; Susan Wroble; Rick MacDonald; Larry MacDonald; Ray Hook; Jim Kearney; lorane215; jeff; dechase435; hook630; mrblue32; parisik38; KarenC.Davis
Subject: Re: 204 Salisbury St. EX change Lease Application

Ms. Bobola-

We know we are a few days past the deadline, but we do want to be clear that Bud Swope, our Baystrand II Condo Association President, accurately represented our feelings about the 204 Salisbury Exchange LLC's Subaqueous Lands Application. We hope you will help them scale back their project so it does not interfere with boating at our end of the bay.

David Cooper and Amy Scott
Baystrand II Unit 4

On Tue, Oct 8, 2019 at 1:26 PM Howard Swope <budswope@aol.com> wrote:

Dear Ms. Bobola,

Attached are my comments to 204 Salisbury Exchange LLC's Subaqueous Lands Application, Plan /sketch prepared by owner, photo google earth and tax map.
I believe other owners are also responding

If you have any questions, please feel free to contact me..

Regards

Howard (Bud) Swope, President Bay Strand II Condo Association
2005 Bayard Ave #7
Dewey Beach DE 19971

302-226-1406 (H)
215-534-0134 (C).

RECEIVED
OCT 15 2019

BY: HB.....

MEMORANDUM

PROJECT NOTICE NO. 22
DATE: September 18, 2019

TO:

SECRETARY - DNREC
DIRECTOR - Division of Climate, Coastal, & Energy
ADMINISTRATOR - Coastal Programs
DIRECTOR - Division of Air Quality
DIRECTOR - Division of Waste and Hazardous Substances
DIRECTOR - Division of Parks & Recreation
DIRECTOR - Division of Fish & Wildlife
DIRECTOR - Division of Community Affairs
MANAGERS - Fisheries, Mosquito Control, Wildlife
DIRECTOR - Division of Watershed Stewardship
DIRECTOR - Division of Water
MANAGER - Groundwater Discharges Section
MANAGER - Surfacewater Discharges

GEORGETOWN OFFICE - Division of Water
CHIEF - Public Affairs, DNREC
CHIEF - Planning
DELAWARE GEOLOGICAL SURVEY
NEW CASTLE, SUSSEX & KENT COUNTY PLANNING OFFICES
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
GOVERNOR'S COUNCIL ON ENVIRONMENTAL CONTROL
COUNCIL ON HISTORICAL & CULTURAL AFFAIRS, ARCHAEOLOGICAL OFFICE
ENVIRONMENTAL PROTECTION AGENCY
U. S. FISH & WILDLIFE SERVICE
U. S. ARMY CORPS OF ENGINEERS
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
ADJACENT PROPERTY OWNER
WETLANDS MAILING LIST

FROM: WETLANDS AND SUBAQUEOUS LANDS SECTION - Telephone (302) 739-9943

SUBJECT: PENDING APPLICATIONS FOR SUBAQUEOUS AND/OR WETLANDS PROJECTS

Attached is a copy of a notice which appears in the News Journal and The Delaware State News on Wednesday September 18, 2019. If you have any comments, please return this memo to this office by October 8, 2019.

PROJECT NOTICE NO.22

RETURN THIS PORTION TO: Department of Natural Resources & Environmental Control - Wetlands & Subaqueous Lands Section, 89 Kings Highway, Dover, DE 19901

Commenting on: Subaqueous application: 204 Salisbury Exchange, LLC
Signed: Sam M. Wroble

Date Notice Received: _____

Div./Address: 1969 Grape St, Denver CO 80220

No comments: _____

Phone: 303-258-6352

My comments are as follows:

Letter attached

October 2, 2019

Dear Delaware Department of Natural Resources and Environmental Control,

This letter is in regard to the Subaqueous Lands Permits application submitted by 204 Salisbury Exchange, LLC to construct a 128 foot long pier (since modified to 114 feet) with two docks and eleven (modified to four) free-standing mooring pilings at 204 Salisbury Street, Dewey Beach, Sussex County, Delaware.

With my brother and two cousins, I am one of the owners of Warren's View, LLC, at 2007 Bayard Avenue Unit 1. This is the end-unit townhouse unit of the complex known as Bay Strand II, immediately adjacent to 204 Salisbury. Construction of the pier at 204 Salisbury would negatively affect the property at 2007 Bayard Avenue in the following ways:

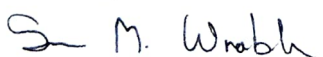
- By restricting navigation, and
- By increasing erosion.

Our uncle, Warren MacDonald, bought the property, then a small cottage, in the mid-1960s. Since then, three generations of our family have grown up loving this land. And three generations have grown up sailing from this spot. It is this aspect that concerns me most, given the length of the proposed pier. Sailing in and out of Head of Bay Cove, where our property and 204 Salisbury are located, is already challenging. Unlike kayaking or paddle-boarding, sailing vessels requires adequate space to maneuver. A pier 114 ft. in length would fundamentally restrict navigation in the Head of Bay Cove. This would eliminate our ability to continue to use our bay front property for sailing.

In addition, Head of Bay Cove sits at the northern end of Rehoboth Bay. This cove is shallow, with shifting sandbars. Given the sandbars, even small sailboats like our Sunfish, with its shallow draft, frequently ground. Sailing here requires the sailor to manage not only the rudder and sheet, but also the centerboard, as it must be partially raised to navigate those waters. The last boat with a draft deeper than a Sunfish that was frequently used in Head of Bay Cove was our uncle's, and he gave that up in the late 1970s due to the challenge of the sandbars.

This section of Rehoboth Bay also suffers from significant erosion. Since the proposed pier at 204 Salisbury bears all the design hallmarks of being used for larger vessels (due to the proposed length and the two 5' x 26' docks), use of the dock would significantly increase wake erosion from larger vessels in that small section of the bay. In addition, due to the shifting sandbars, use of the proposed pier by larger vessels will require repeated and extensive dredging of that portion of Rehoboth Bay. Both the wake erosion and need for dredging would cause increased erosion along this portion of Head of Bay Cove.

Many thanks for your consideration,
Sincerely,



Susan MacDonald Wroble
1969 Grape Street, Denver, CO 80220

303-355-8949; SBMWroble@gmail.com

MEMORANDUM

PROJECT NOTICE NO. 22

DATE: September 18, 2019

TO:

SECRETARY - DNREC
 DIRECTOR - Division of Climate, Coastal, & Energy
 ADMINISTRATOR - Coastal Programs
 DIRECTOR - Division of Air Quality
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 WETLANDS MAILING LIST

FROM: WETLANDS AND SUBAQUEOUS LANDS SECTION - Telephone (302) 739-9943

SUBJECT: PENDING APPLICATIONS FOR SUBAQUEOUS AND/OR WETLANDS PROJECTS

Attached is a copy of a notice which appears in the News Journal and The Delaware State News on Wednesday September 18, 2019. If you have any comments, please return this memo to this office by October 8, 2019.

PROJECT NOTICE NO.22

204
 RETURN THIS PORTION TO: Department of Natural Resources & Environmental Control - Wetlands & Subaqueous Lands Section, 89 Kings Highway, Dover, DE 19901

Commenting on: Subaqueous Lands Lease Application - 204 Salisbury Exchange, LLC

Signed: [Signature]

Date Notice Received: _____

Div./Address: 212 Wilson Ave, N.W. Leesburg, VA 20176 +

No comments: _____
 Phone: 203-447-9526 2007 Bayard Ave, Unit #1
Povey Beach, DE 19921

My comments are as follows:

See attached letter from Scott Macdonald, dated October 7, 2019.

October 7, 2019

Attn: Rebecca Bobola, Project Scientist
DENREC
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, DE 19901

RE: Application submitted by 204 Salisbury Exchange, LLC to construct a 128 foot long pier (since modified to 114 feet) with two docks and eleven (modified to four) free-standing mooring pilings at 204 Salisbury Street, Dewey Beach, Sussex County, Delaware.

Dear Ms. Bobola,

I am one of the member managers of 2007 Bayard Avenue, Unit 1, in Dewey Beach, Delaware 19971. 2007 Bayard Avenue, #1 is part of the Bay Strand II Condominium and is immediately adjacent to the proposed project at 204 Salisbury Street. My family has owned a home on this property in Head of the Bay Cove for more than 55 years. Three generations of my family have grown up learning to sail into and out of Head of the Bay Cove. In addition to Unit #1, Bay Strand II Condo also has several other units that also enjoy sailing into and out of the cove from the condo's beach.

The proposed pier will make it much more difficult for me, my family, and other members of the Condominium to enjoy sailing out on to Rehoboth Bay. Unlike kayaking or paddle-boarding, sailing vessels requires adequate space to maneuver and a pier of this length would fundamentally restrict navigation within Head of Bay Cove and our access. This would eliminate our ability to continue to use our bay front property for sailing into the Rehoboth Bay.

Below are my specific concerns and questions with respect to this application, as proposed:

1. The application, as proposed, will impact navigation, recreation, aesthetic enjoyment, natural resources, and other uses of the subaqueous lands. Sailing into and out of Head of the Bay Cove can be challenging and the pier, as proposed, will impede navigation from Bay Strand to the main body of Rehoboth Bay and back.
2. The pier, as proposed, does not fit in with the surrounding structures, facilities, and uses of the subaqueous lands. The proposed pier, as proposed, is three to four times the size of other residential piers currently within Head of the Bay Cove and which will impact the aesthetic enjoyment of the cove and the Rehoboth Bay.

3. The attached plan does not appear to be a certified copy of the plan.
4. The proposed activity, as proposed, could cause harm to the environment, either singly or in combination with other activities (such as power boating), which cannot be mitigated sufficiently due to the shallow cove. It appears that the applicant is proposing to dock large vessels which may require deeper waters than are available in Head of the Bay Cove which could be detrimental to the environment to the cove. For example, Head of the Bay Cove is a breeding ground for both the Horseshoe Crab and Diamondback Terrapin.
5. It is unclear if the proposed design conforms with generally accepted engineering principles. The applicant should submit a design which is prepared, signed, and scaled by a professional engineer registered in the State of Delaware.
6. It is unclear from the information submitted if it includes all proposed activities with respect to the construction and use of the proposed pier (e.g., accurate dimensions of the proposed activity with respect to any cubic yards of dredging or fill which may be necessary for the applicant to utilize the pier). Does the applicant propose to perform dredging or other similar disturbances with respect to this project, and if so, please describe?

I understand that Mr. Humphrey—who is also an avid boater, desires to be able to dock his power boat at his home. But it would take much more than 114 feet of dock to reach the draft necessary to accommodate a boat of the size owned by Mr. Humphrey. Head of the Bay Cove is a shallow cove and will always be a shallow cove without extensive dredging work which would cause irreparable harm to the environment of the Cove. I urge you to scale this project back to a scale that is consistent with other residential docks currently within the cove.

Respectfully,

A handwritten signature in blue ink that reads "Scott". The letters are cursive and somewhat stylized.

Scott MacDonald

212 Wilson Ave, NW

Leesburg, Virginia 20176

October 2, 2019

Dear Delaware Department of Natural Resources and Environmental Control,

This letter is in regard to the Subaqueous Lands Permits application submitted by 204 Salisbury Exchange, LLC to construct a 128 foot long pier (since modified to 114 feet) with two docks and eleven (modified to four) free-standing mooring pilings at 204 Salisbury Street, Dewey Beach, Sussex County, Delaware.

With my brother and two cousins, I am one of the owners of Warren's View, LLC, at 2007 Bayard Avenue Unit 1. This is the end-unit townhouse unit of the complex known as Bay Strand II, immediately adjacent to 204 Salisbury. Construction of the pier at 204 Salisbury would negatively affect the property at 2007 Bayard Avenue in the following ways:

- By restricting navigation, and
- By increasing erosion.

Our uncle, Warren MacDonald, bought the property, then a small cottage, in the mid-1960s. Since then, three generations of our family have grown up loving this land. And three generations have grown up sailing from this spot. It is this aspect that concerns me most, given the length of the proposed pier. Sailing in and out of Head of Bay Cove, where our property and 204 Salisbury are located, is already challenging. Unlike kayaking or paddle-boarding, sailing vessels requires adequate space to maneuver. A pier 114 ft. in length would fundamentally restrict navigation in the Head of Bay Cove. This would eliminate our ability to continue to use our bay front property for sailing.

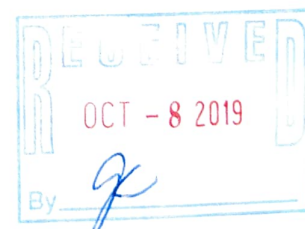
In addition, Head of Bay Cove sits at the northern end of Rehoboth Bay. This cove is shallow, with shifting sandbars. Given the sandbars, even small sailboats like our Sunfish, with its shallow draft, frequently ground. Sailing here requires the sailor to manage not only the rudder and sheet, but also the centerboard, as it must be partially raised to navigate those waters. The last boat with a draft deeper than a Sunfish that was frequently used in Head of Bay Cove was our uncle's, and he gave that up in the late 1970s due to the challenge of the sandbars.

This section of Rehoboth Bay also suffers from significant erosion. Since the proposed pier at 204 Salisbury bears all the design hallmarks of being used for larger vessels (due to the proposed length and the two 5' x 26' docks), use of the dock would significantly increase wake erosion from larger vessels in that small section of the bay. In addition, due to the shifting sandbars, use of the proposed pier by larger vessels will require repeated and extensive dredging of that portion of Rehoboth Bay. Both the wake erosion and need for dredging would cause increased erosion along this portion of Head of Bay Cove.

Many thanks for your consideration,
Sincerely,

Susan M. Wroble

Susan MacDonald Wroble
1969 Grape Street, Denver, CO 80220



303-355-8949; SBMWroble@gmail.com

MEMORANDUM

PROJECT NOTICE NO. 22

DATE: September 18, 2019

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PROJECT NOTICE NO.22

RETURN THIS PORTION TO: Department of Natural Resources & Environmental Control - Wetlands & Subaqueous Lands Section, 89 Kings Highway, Dover, DE 19901

Commenting on: 204 Salisbury Exchange - Subaqueous Lands Lease
 Signed: Russell MacDowell
 Date Notice Received: 9/21/2019
 Div./Address: Bay Street 3, Unit 1, Dewey Beach
 No comments: _____
 Phone: 703 220 1879
 My comments are as follows:

See Attached



10/2/2019

Comment:

I oppose the application for subaqueous land lease by the 204 Salisbury Exchange LLC. It does not show how its pier will restrict access to Rehoboth Bay by its immediate neighbors.

Not only will this pier obstruct our view of this beautiful setting but it will also restrict and deny access for the small boats launched from our property into Rehoboth Bay. We use sailboats a lot and this pier will make it extremely difficult if not impossible to tack out and in.

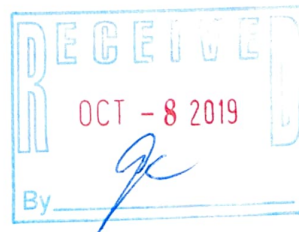
My family has owned the property now identified as Bay Strand 2 since the early 1960's. This setting has remained very peaceful and beautiful in spite to the development going on around us. This will change if you allow a 100 foot + pier to be constructed right in front of us.

I urge you to make the pier much shorter and change the angle so it doesn't jut right across our skyline.

Sincerely,



Lawrence R. MacDonald
703 220-1879



RECEIVED
OCT 08 2019

Attn: Rebecca Bobola, Project Scientist DENREC
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, DE 19901

BY:

RE: Subaqueous Lands Lease Application submitted by 204 Salisbury Exchange, LLC to construct a 128-foot long pier (apparently modified to 114 feet) with two docks and eleven free-standing mooring pilings at 204 Salisbury Street, Dewey Beach, Sussex County, Delaware.

From: Richard MacDonald, co-owner Unit #1 of 2007 Bayard Avenue, Dewey Beach

Dear Ms. Bobola,

The comments here refer to a Subaqueous Lands Lease Application at 204 Salisbury Street, Dewey Beach, Sussex County, DE to construct a 4x128' long pier (modified in the copy I have seen to 114'), two 5x26' long docks, and eleven freestanding mooring pilings in Rehoboth Bay.

With my sister and two cousins, I own Unit #1 of 2007 Bayard Avenue, in Dewey Beach, Delaware 19971, part of the Bay Strand II Condominium which owns the shore immediately adjacent to the proposed project at 204 Salisbury Street.

I have not seen a copy of the application sent to you, and cannot comment on the engineering or other aspects of the structure. I do not understand the plot subdivision, and so cannot comment on issues such as the length of the shoreline required for a dock. Likewise, I cannot comment on erosion control measures because I haven't seen the proposal. I can comment on the nature of this cove and the way that it has been used for the past half-century, and how a structure so out of character in size and use would shape the enjoyment of this water for my family, my neighbors, and the public.

The applicant's property has belonged for many years to neighbors and friends. My uncle bought the cottage next door more than five decades ago. Jack Lecato and his wife Esther, had moved the house on that property from her family's farm. The next owner, Fredy Dean, was a lifelong family friend. Both Fredy's son, Paul Dean, and I have spent time decades ago living off-the-land from the wild plants and sea creatures available in and around the cove, following in the footsteps of Euell Gibbons. When the whole area flooded in 1984, I rowed up to Fredy's kitchen door to help her move furniture up to the second floor because her first floor was flooded.

My uncle traded his small cottage for a condo on the site in 1979 and deeded that to present owners on his death in 1997. Five generations(!)¹ of our family have sailed, kayaked, windsurfed, paddle-boarded, waded, fished, crabbed, and enjoyed the water and the view at what we've always called Head of Bay Cove. Crabs, skates, and small sharks are frequent visitors.

¹ I have read the comments from my cousin Scott MacDonald and my sister Susan MacDonald Wroble, who said that three generations of our family have enjoyed this cove. In fact, they forget both the oldest and the youngest -- my grandparents, great uncles, and their great-great-grandchildren have all spent time in the waters here, enjoying all that it has to offer.

often visible in the shallow water. I've sat on our deck and watched herons fish and otters play in the spot where this proposed pier would sit. The sunset is spectacular.

Because the cove is so shallow, we've literally walked every inch of the cove. We wouldn't want it made deeper by dredging. My father taught me to sail fifty years ago on this spot, standing in the water to offer instructions. Forty years ago, I learned to windsurf here, and taught my father in the same way he had taught me to sail.

Previous owners of the property at 204 Salisbury Street have kept a single low-draft row boat moored in the water in front of the property, or pulled out on the beach. Because the water is shallow and surrounded by buildings, motorboats, and jetskis in this cove set up a wake and noise that sometime precludes enjoyment by others. This new construction would directly interfere with the way that we and others have used this cove.

As one example, the sandbars and shallow water of the Head of Bay Cove in Rehoboth Bay make for tricky sailing. In our family's more than fifty-year experience sailing small boats in and out of this cove, we have found that the prevailing winds typically require tacking through the water exactly where the proposed pier would sit.

To specifically address the pertinent regulations, I have copied the aerial view of the cove from Google Earth with the proposed pier drawn to scale in red (114' with two 26' docks), as shown in Figure 1. In order to illustrate the proposed pier's location, I have overlaid (also in red) the lines-of-sight from the base of our pier (2007 Bayard) to two landmarks: the small clump of trees at the southern tip of Thompson Island, and the piling structures in the water at 308 Salisbury Street. Notice that the proposed pier crosses the line-of-sight from the base of our 24' pier to the pilings at 308 Salisbury Street.

The proposed pier and any boats docked there would appear in each of the photographs of my children (Figures 2-5), rendering these forms of enjoyment impossible both for us and members of the public. We cannot sail through the pier. The view of the water would be altered by the new structure. The oil, gas, and exhaust from a single motor would put at risk the aquatic life in this cove. The noise from a jetski engine within the cove is loud enough to disrupt conversation on the shore.

The aerial photo shows several useful points.

1) The Head of Bay Cove is quite shallow. A large sandbar (lighter color in the water, visible faintly in the photograph), fills most of the cove. Even off the sandbar, the water is wadable. That limits the draft of boats that can enter the cove, and boats that try to cross the bar kick up considerable debris from the bottom. Although the cove is tidal, there is little flow, which may be why this part of the bay well beyond Thompson Island is excluded from legal clamming areas. We have for many years taken crabs.

(<http://www.eregulations.com/delaware/fishing/fishing-clamming-maps/>)

2) The proposed 114' pier with two 26' docks is out of scale with the surrounding structures in the cove, and would directly interfere with boating, fishing (crabbing), and with the view.

The existing longer pier at the Bay Resort Hotel has been in place since at least the 1930's, and interferes with no other property. It lies no more than 60' from the shore. The boats that do use that pier are paddle craft and do not impinge on others' enjoyment or view. Efforts over the years to dredge a channel for larger boats have failed because each new storm has reformed the sandbar that is this cove. Our pier is 24'. None of the piers on adjacent properties exceeds 30'.

3) In each of the sailing photos shown (Figures 2 and 3), the Sunfish sailboat is on a close reach just beyond the end of our 24' pier. The water is shallow enough (less than 2' deep) that the boat's centerboard is raised to make headway. It will have to tack at least once more before it can arrive at our beach. The first sailboat photo shows the boat sailing at the approximate site where a boat docked at the proposed pier would sit in the water. That is, the dock lies directly in the path that our sailboat takes getting into and out of the cove. In the second photo, the proposed pier would sit a few boat lengths in front of the boat. To get home, the boat would have to pass through the proposed pier.

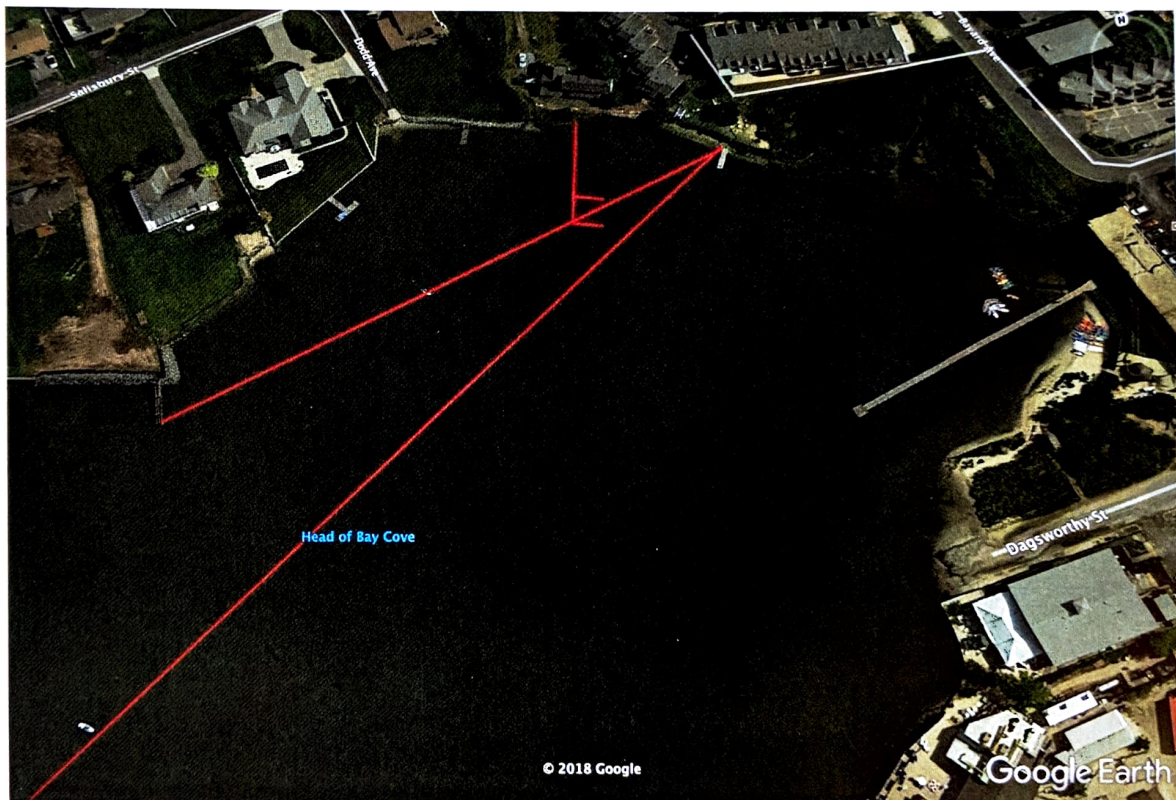


Figure 1. An aerial view of the cove (Google Earth) showing the size and approximate location of the proposed pier. For reference to the other photograph, two lines-of-sight are shown in red. From the base of the 24' pier at 2007 Bayard to the pilings in the water at xxx Salisbury, and from the base of that pier to the small clump of trees visible across the water at the southeastern tip of Thompson Island.



Figure 2. Sailing into the cove. The proposed pier would sit just to the right of the sailboat.



Figure 3. Sailing into the cove. The location of the proposed pier is in the path of the sailboat shown.



Figure 4. Sunset over Rehoboth Bay. The proposed pier would appear just to the right of the children.



Figure 5. In this photograph, the proposed pier would overlap the small clump of trees at the tip of Thompson Island.

With specific reference to Delaware's Title 7 Regulations Governing the Use of Subaqueous Lands (<http://regulations.delaware.gov/AdminCode/title7/7000/7500/7504.pdf>), I can point to several items that should require amendments to the current proposal. My comments are shown in bold.

4.6 Public Use Impact. The Department shall consider the public interest in any proposed activity which might affect the use of subaqueous lands. These considerations include, but are not limited to, the following:

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.

The cove is presently open to public use. The proposed pier would limit lanes currently used by several types of water craft, as well as fishing and crabbing.

4.6.4 The extent to which any disruption of the public use of such lands is temporary or permanent.

The proposed structure would permanently alter the present uses of the cove.

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 pier would presumably serve as dock for motor craft. Dodd Avenue (adjacent to the applicant's western neighbor) terminates in a public boat ramp, which provides alternate access to the water. Dagsworthy Avenue offers similar access.

4.7 Environmental Considerations

4.7.1 The Department shall consider the impact on the environment, including but not limited to, the following:

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.

4.7.1.2 Any effect on shellfishing, finfishing, or other recreational activities, and existing or designated water uses.

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

4.7.1.4 Any loss of natural aquatic habitat.'

Boats that attempt to enter this shallow cove under motor power inevitably kick up clouds of sand and mud, digging into the bottom and clouding the water of the cove.

4.7.5 Other Considerations. The Department shall also consider the following to determine whether to approve the application:

4.7.5.1 The degree to which the project represents an encroachment on or otherwise interferes with public lands, waterways or surrounding private interests.

4.7.5 Other Considerations. The Department shall also consider the following to determine whether to approve the application:

4.7.5.1 The degree to which the project represents an encroachment on or otherwise

interferes with public lands, waterways or surrounding private interests.

4.7.5.2 The degree to which the project incorporates sound engineering principles and appropriate materials of construction.

4.7.5.3 The degree to which the proposed project fits in with the surrounding structures, facilities, and uses of the subaqueous lands and uplands.

4.7.5.4 Whether the proposed activity complies with the State of Delaware's Surface Water Quality Standards both during construction and during subsequent operation or maintenance.

4.7.5.5 The degree to which the proposed project may adversely affect shellfish beds or finfish activity in the area.

The proposed pier is larger than other similar structures presently in the cove, and would encroach on navigation and recreational use by the public and by neighbors.

4.8 Requirements for all Structures

4.8.4 Structures shall not interfere with navigation, public, or other rights.

The proposed structure encroaches on navigation within the cove, as well as recreational fishing, wading, and aesthetic appeal.

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.

4.9.2.1 Structures should be sheltered or protected from storm-driven currents, waves, and ice in an area with low or moderate normal currents and littoral drift.

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.

There is no presently-available navigable channel for the proposed structure. To create such a channel would require dredging in this poorly-flushed cove.

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.

The proposed structure would have to extend well into the bay to eliminate the need for dredging.

4.9.2.11 New docking facilities should not extend beyond existing structures in the immediate vicinity unless absolutely necessary to obtain navigable water depths for a water-dependent activity.

The proposed structure is out of scale with present structures within the cove. The largest, in the cove since (at least) the 1930's, is everywhere less than 60' from the shore.

4.9.2.12 Docking facilities should extend out from the shoreline no further than

to a depth necessary for docking a boat capable of navigating the waterway.

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

The proposed structure would require dredging for use with any boat with draft greater than 2' since the area proposed for docking is currently wadable.

As outlined above, the owners of the condos at 2007 Bayard Avenue, Dewey Beach, oppose the proposed pier and docks as we understand the application. We would welcome a proposal that matches the existing structures in the cove.

Respectfully,

(signed)

Richard B. MacDonald, 2007 Bayard Ave. Unit #1

Should you have questions, I can be reached at 617-461-4192 or rbsmacd@gmail.com

RECEIVED
OCT 08 2019

MEMORANDUM

PROJECT NOTICE NO. 22

BY:DATE: September 18, 2019

TO:

- SECRETARY - DNREC
- DIRECTOR - Division of Climate, Coastal, & Energy
- ADMINISTRATOR - Coastal Programs
- DIRECTOR - Division of Air Quality
- DIRECTOR - Division of Waste and Hazardous Substances
- DIRECTOR - Division of Parks & Recreation
- DIRECTOR - Division of Fish & Wildlife
- DIRECTOR - Division of Community Affairs
- MANAGERS - Fisheries, Mosquito Control, Wildlife
- DIRECTOR - Division of Watershed Stewardship
- DIRECTOR - Division of Water
- MANAGER - Groundwater Discharges Section
- MANAGER - Surfacewater Discharges

- GEORGETOWN OFFICE - Division of Water
- CHIEF - Public Affairs, DNREC
- CHIEF - Planning
- DELAWARE GEOLOGICAL SURVEY
- NEW CASTLE, SUSSEX & KENT COUNTY PLANNING OFFICES
- DEPARTMENT OF HEALTH AND SOCIAL SERVICES
- GOVERNOR'S COUNCIL ON ENVIRONMENTAL CONTROL
- COUNCIL ON HISTORICAL & CULTURAL AFFAIRS, ARCHAEOLOGICAL OFFICE
- ENVIRONMENTAL PROTECTION AGENCY
- U. S. FISH & WILDLIFE SERVICE
- U. S. ARMY CORPS OF ENGINEERS
- NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
- ADJACENT PROPERTY OWNER
- WETLANDS MAILING LIST

FROM: WETLANDS AND SUBAQUEOUS LANDS SECTION - Telephone (302) 739-9943

SUBJECT: PENDING APPLICATIONS FOR SUBAQUEOUS AND/OR WETLANDS PROJECTS

Attached is a copy of a notice which appears in the News Journal and The Delaware State News on Wednesday September 18, 2019. If you have any comments, please return this memo to this office by October 8, 2019.

204

PROJECT NOTICE NO.22

RETURN THIS PORTION TO: Department of Natural Resources & Environmental Control - Wetlands & Subaqueous Lands Section, 89 Kings Highway, Dover, DE 19901

Commenting on: 204 SALISBURY EXCHANGE LLC

Signed: *[Signature]*

Date Notice Received: 9/20/19

Div./Address: _____

No comments: _____

Phone: 302-926-1406

My comments are as follows:
SEE ATTACHED LETTER & EX

October 8, 2019

Attn: Rebecca Bobola, Project Scientist
DENREC Wetlands & Subaqueous Land Section
89 Kings Highway
Dover DE 19901

RE: 204 Salisbury Exchange LLC

Dear Ms. Bobola,

I am in receipt of Subaqueous Lands Permit Application Project Notice # 22 dated September 18, 2019 along with plan/sketch submitted by Mr. Humphrey.

I am owner of 2005 Bayard Ave #7 / Bay Strand II Condominium for 18 years , as well as current President of the condo association.

After receiving the letter for proposed application, I have polled all of the owners and the feeling is that the proposed pier project length will be a negative impact to the Head of the Bay Cove and impede our owners from sailing in and out to the condo beach area.

Bay Resort Motel with Delmarva Paddle Boards run a seasonal rental business which may be impacted by the length of the pier.

There is a Sea Breeze Assoc. boat ramp at the end of Dodd St. and Salisbury St. which also may be impacted.

The owner at 308 Salisbury was recently granted permission and installed a long pier. Many feel this impedes sailing access under certain winds conditions.

In closing we request this pier be scaled back to meet existing piers in the Head of the Bay Cove.

Regards



Howard (Bud) Swope,
President Bay Strand II Condo Association
2005 Bayard Ave #7
Dewey Beach DE 19971
302-226-1406 (H)
215-534-0134 (Cell)