

**Subject:** Bruner's Request for a Subaqueous Lands Lease

**Date:** Friday, November 13, 2020 at 3:05:06 PM Eastern Standard Time

**From:** Larry Bortner

**To:** HearingComments, DNREC (MailBox Resources), Jones, Matthew R. (DNREC), Garvin, Shawn M. (DNREC), Carney, John (MailBox Resources)

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## Gentlemen

My name is Larry Bortner and our family purchased the property at 1303 N Schulz in 1995. We are a boating family and do have one boat lift. I do not know of any neighbors who have two boat lifts or a forty-five foot dock. I listened to the testimony of Mr. Bruner on November 5 and agree that a resident with a waterfront property appropriately situated for dockage should have the ability to dock a boat at the residence. Regardless of Mr. Bruner's business status and affiliation with any state officials, in no way does his position entitle him the right to a dock by any means necessary and the leasing of public water space is totally inappropriate as that space is for everybody and encroaching on it is a hazard to boaters, paddle boarders, kayakers, and fundamentally unfair to adjacent property owners, and the tax paying public trying to enjoy the Bay.

The reality is that Mr. Bruner purchased his property fully aware of its limitations, including the overall lot size and related erosion that has taken place over the years. Presumably these limitations were reflected in the lot's purchase price. Similar to my dock and that of essentially all of my neighbor's, the dock footprint should be minimized and situated in a way that is least impactful to boaters in adjacent waterways. Mr. Bruner's proposed dock is quite the opposite. Relative to neighboring docks, his plans propose a dock that is both significantly more extensive from a structural standpoint and significantly more intrusive to adjacent waterways. While bay front property owners may have a "right" to a dock, this "right" is and should always be within reason relative to the lot's footprint – in other words, if the lot has limitations that do not accommodate a reasonable dock, no bay front property owner has a "right" to circumvent appropriate channels to backfill and build a seawall and, from there, receive a gift lease from DNREC for public waterway space simply to build an oversized dock that is not otherwise appropriate for the property.

In the Subaqueous Lands Application Form, in answering question 7 in the Boat Docking Facilities that asks: "What will be the distance from the most channel ward end of the docking facility to the edge of any natural or manmade channel: and Mr. Bruner answers 30 ft. I do not believe that to be a true answer. While boat traffic coming from the east between the markers may or may not, probably not, be 30 feet from his boat lift, boaters coming north hug the bulkheads where the water is deeper and as they go around the corner gun their engines to plane their boats to avoid hitting bottom and head west directly where Mr. Bruner wants to install one of his two boat lifts. I know I've done it hundreds of times over the years. I encourage you to give serious consideration to the letter submitted by Shepard Cook of the Fenwick Island Yacht Club. I do not want to repeat his comments, but I do believe that if you approve Mr. Bruner's request, someone sooner or later will be injured or killed in a boat accident at the location of one of his boat lifts. I believe docks on the west and north west side of Mr. Bruner's property would be a much safer alternative.

Yes, Mr. Bruner's lot is small (as is mine). Yes, a dock on the west side of Mr. Bruner's property may not operate as an extended recreational area or accommodate multiple boats (my dock and boat lift are similarly constrained). Yes, it's true that a dock on the west side of Mr. Bruner's property may partially obstruct his view of the sunset at ground level (as does mine with the morning sun rise). But neither I nor Mr. Bruner have a right to whatever dock fits our fantasy, we have a right to a dock that fits our needs within reason.

Thank you for your consideration.

Sincerely,  
Larry Bortner