ATTACHMENT 3

LAWTON FAMILY MARINA
OPERATIONS AND MAINTENANCE PLAN

Introduction

This Operations and Maintenance (O&M) Plan for docking facilities for the Lawton Family Marina, **an 8** slip marina adjacent to Herring Creek off of Sister's Lane, Millsboro, Sussex County, Delaware (Tax Map Parcel #2-34-18.00-51.06), has been prepared in fulfilment of requirements for a DNREC Wetlands and Subaqueous Lands Small Marina permit application submitted by the applicants.

Marina Classification

The Lawton Family Marina is classified as a Recreational Private Marina, operated for the exclusive recreational use of the owners of the waterfront property (Tax Map Parcel #2-34-18.00-51.06) at which the marina is located:

- Barry and Catherine Dukes
- Mark & Jacqueline Engle
- Samuel Paynter
- Joseph (Joe) Ribinsky III and Robert Ribinsky
- Donald Mitchell and Theodore Mitchell
- James Jr. (dec.) and Catherine Travis

Each waterfront property owner/marina user shall have the right to moor one or more vessels at the marina. Marina users are responsible for adhering to the terms of this Operations and Maintenance Plan.

General Marina Information

A. Marina Name and Address:

Lawton Family Marina
Tax Map Parcel #2-34-18.00-51.06
Northern terminus of Sister's Lane
Millsboro, DE 19966

B. Harbormaster:

Joseph Ribinsky
33827 Lawton Lane
Millsboro, DE 19966
(302) 542-7014

Duties of the Harbormaster include, but are not limited, to the following:

- The Harbormaster shall allocate slips to the marina users, based on the size and draft of each vessel. Larger vessels requiring greater water depths shall be moored at the outer slips.

- The Harbormaster shall keep apprised of impending severe weather conditions (including hurricanes) by monitoring NOAA weather alerts and Sussex County Operations Center advisories. The Harbormaster will notify marina users of predicted severe weather conditions by telephone, text, email and/or in-person.

- The Harbormaster shall ensure that all marina users comply with all aspects of this Operations and Maintenance Plan, and will deal with marina users who violate any provisions of the plan. Violations will include a verbal warning upon the first infringement, followed by a written warning. Repeated violations will result in forfeiture of the slip for one season.

C. Personnel Contact Information: Same as (B), above

D. Emergency Telephone Numbers:

Oil/Fuel Spill:

U.S. Coast Guard's National Oil Spill Response Center: (800) 424-8802
U.S. Coast Guard, Indian River Inlet, (302) 227-2440
DNREC Emergency Response Team/Marine Police: (800) 662-8802

Fire:

Indian River Volunteer Fire Co., (302) 945-2800 or 911

Police:

Delaware State Police: 911.

Ambulance/Medical Emergency:

Indian River Volunteer Fire Co., (302) 945-2800 or 911

Sewage Spill:

DNREC Emergency Response Team/Marine Police: (800) 662-8802
DNREC Inland Bays Pollution Reporting Hotline: (800) 523-3336

Towing:

TowBoat/US: (302) 228-7255; (302) 462-5205

Severe Weather Information:

Sussex County Operations Center: (302) 855-7804

Marina Overview

A. **Marina Facilities and Equipment**. Lawton Family Marina, **an 8** slip Recreational Private Marina, is operated for the exclusive recreational use of the owners of the waterfront property (Tax Map Parcel #2-34-18.00-51.06) at which the marina is located. The marina is located at the northern end of Sister's Lane, Millsboro, Sussex County, Delaware, adjacent to Herring Creek, providing safe and convenient access to Rehoboth Bay, Indian River Bay, and the Atlantic Ocean. The marina consists of a 120' x 4' main pier, and six (6) finger piers @ 24' long x 2' wide, providing**eight (8)** slips (two with boat lifts). The larger vessels will be moored at the outer slips, smaller boats in the inner slips. No boats will be permitted to be moored at the most channelward end of the marina, on the outer side of the outermost finger piers, as stated by a sign posted at the marina. An old concrete boat launch ramp is also present adjacent to/west of the marina. Although most of the marina users will be in walking distance from their homes to the marina, there is ample parking available on site. There is a small screen house on the marina parcel, which serves as an informal marina office for use by the Harbormaster, and a gathering facility for marina users and their families and guests. A copy of this Operations and Maintenance Plan will be posted in the screen house. A Dock Box is present on marina premises, and contains booms to contain gas/oil/sewage spills. Two life preservers and two life ring buoys will be located on the main pier for easy access in case of emergency.

B. **Water Depths**. Existing MLW water depths are generally >2' at mean low water. Tide range is approximately 2.5'.

C. **Slip Capacity**. The marina accommodates **8** vessels.

D. **MSD Types and Numbers**. None of the vessels in the marina have MSDs on board.

E. **Fueling Rules**. There are no fueling facilities in the marina. Marina users can purchase fuel at nearby marinas, or can bring approved portable tanks on board.

F. **Sanitation Location and Rules**. Marina users use bathroom facilities at their residences. A porta-potty is on marina premises on a seasonal basis.

G. **Seasonal Wet Storage Reduction Plan**. All boats will be removed from the marina slips by December 1 of each year, and may be returned no earlier than March 1 of each year.

Part II: Pumpout Compliance

A. There is no pump-out system available on site. The nearest publicly accessible pump-out stations are located at **Indian River Marina**, Bethany Beach, DE, and **Canalfront Park Marina**, Lewes, DE.

B. A copy of the State of Delaware Pumpout Law (State Law on Vessel Sewage Discharge) is attached to this O&M Plan.

Part III: Stormwater Management

The ground surface at the Lawton Family Marina consists of vacant (undisturbed) uplands. Soil on site is mapped Fort Mott-Henlopen Complex (well-drained sandy soils). Stormwater is anticipated to percolate through the permeable soils, with minimal flooding/ponding. Upland grasses on the ground surface serve as vegetated buffers, which will help filter upland runoff and trap sediment and nutrients.

Part IV: Materials and Waste Management

There are no facilities for storage of materials such as paint, solvent, oil, gas, grease, and cleaner containers on marina property. Such materials are stored by individual users at their residences. Minor repairs and routine boat maintenance activities (cleaning, polishing, etc.) are permitted at the marina. Major repairs (such as engine overhauls) are not permitted while vessels are in slips. The marina will be a carry-in/carry-out facility; no trash receptacles on site, maria users will take trash with them when they leave for proper disposal.

Part V: Emergency Planning

A. **Emergency Telephone Numbers.** See page 3.

B. **Fuel/Oil Spill Containment Practices.** In the event that oil, gas, or diesel fuel is spilled into the waters of the marina, (1) stop the flow; (2) contain the spill using booms available in the Dock Box on marina premises; and (3) call the US Coast Guard's National Response Center at (800) 424-8802 and DNREC's Emergency Response Team at (800) 662-8802. Emergency response personnel will follow established practices when responding to spills. The Indian River Volunteer Fire Company shall also be notified (302-945-2800 or 911) if the spill creates a potential fire hazard. Boat owners shall be held financially responsible for costs incurred by the marina for clean-up of fuel spills.

C. **Sewage spill prevention and containment practices**. Overboard discharge of sewage into the waters of the marina is strictly prohibited. In the event of an accidental sewage spill, the person responsible for the spill, or the person first observing such a spill, shall immediately determine if the leak is continuing, and take such action as to halt and contain the spill (using the booms in the Dock Box on marina premises), and to contact the U.S. Coast Guard (302-644-1909 or 800-424-8802) and/or the DNREC Emergency Response Team/Marine Police (800-662-8802). Boat owners shall be held financially responsible for any costs incurred by the marina for clean-up of sewage spills.

D. **Fire**. In the event of a fire, contact the Indian River Volunteer Fire Company at (302) 945-2800 or 911. Boats in the marina must be in compliance with U.S. Coast Guard and Delaware Fish and Wildlife Natural Resources Police requirements regarding fire protection equipment. The marina complies with NFPA 303, Fre Protection Standard for Marinas and Boatyards; an approved Fire Protection Plan from the Office of the State Fire Marshall shall be posted in the marina office/screen house.

E. **Hurricane/severe weather**. In weather emergencies, boat owners are encouraged to be alert for the issuance of watches and warnings for hurricanes and severe weather, and are urged to remove boats from the water, or to properly secure their vessels. The Harbormaster shall keep apprised of impending severe weather conditions (including hurricanes) by monitoring NOAA weather alerts and Sussex County Operations Center advisories. The Harbormaster will notify marina users of predicted severe weather conditions by telephone, text, email and/or in-person.

F. **Light Pollution Reduction.** Minimal nighttime lighting will be installed at the marina structure to insure safety and security. Lighting at the channelward end of the structure will alert boaters of the presence of the structure, and will avoid collisions that can result in injury and/or death.

Part VI: Marina Rules and Regulations and General Guidance

1. The Lawton Family Marina, **an 8** slip Recreational Private Marina, is operated for the exclusive recreational use of the owners of the waterfront property (Tax Map Parcel #2-34-18.00-51.06) at which the marina is located.

2. Boat owners will supply their own lines or other means of securing their vessel(s) so as not to damage other boats or marina structures.

3. There are no fueling facilities in the marina. Marina users can purchase fuel at nearby marinas, or can bring approved portable tanks on board.

4. All boats shall be in compliance with U.S. Coast Guard and Delaware Fish and Wildlife Natural Resources Police requirements regarding fire protection and safety equipment (including, but not limited to, fire extinguishers, life vests/personal flotation devices, etc.) aboard the boats moored at the marina.

5. Minor repairs and routine boat maintenance activities (cleaning, polishing, etc.) are permitted at the marina. Major repairs (such as engine overhauls) are not permitted while vessels are in slips.

6. Discharge of solid waste, including but not limited to garbage, maintenance waste, plastics, refuse and rubbish into the water is prohibited. The marina is a carry-in/carry-out facility. No trash receptacles are provided. Marina users will take trash with them when they leave for proper disposal.

7. Discharge of sewage into the water is strictly prohibited.

8. Boat owners are encouraged to be alert for the issuance of watches and warnings for hurricanes and severe weather, and are urged to remove small boats from the water or properly secure their vessel.

9. Marina users shall abide by the regulations of the DNREC Fish and Wildlife Natural Resources Police with regard to boat speeds and wakes. While there are no posted vessel speeds nor no wake zones in Herring Creek in the vicinity of the marina, there shall be no wakes within 100' of docks, launch ramps, marked swimming areas, swimmers, anchored, moored, or drifting vessels, per the Handbook of Delaware Boating Laws and Responsibilities.

10. Lawton Family Marina shall not be held responsible for theft, vandalism, or any other damage to vessels or contents.

11. A copy of the Lawton Family Marina Operations and Maintenance Plan shall be provided to all marina users, and shall be posted on site in the screen house.

State of Delaware Pumpout Law

7 Delaware Code Chapter 60 § 6035 - Vessel sewage discharge

(a) Marina owners/operators for marinas that are located in whole or in part on tidal waters of the State, and that provide dockage for vessels with a portable toilet or toilets or Type III marine sanitation device or devices (MSD), shall provide convenient access, as determined by the Department, to an approved, fully operable and well maintained pumpout facility or facilities and/or dump station or stations for the removal of sewage from said vessels to a Department approved sewage disposal system.

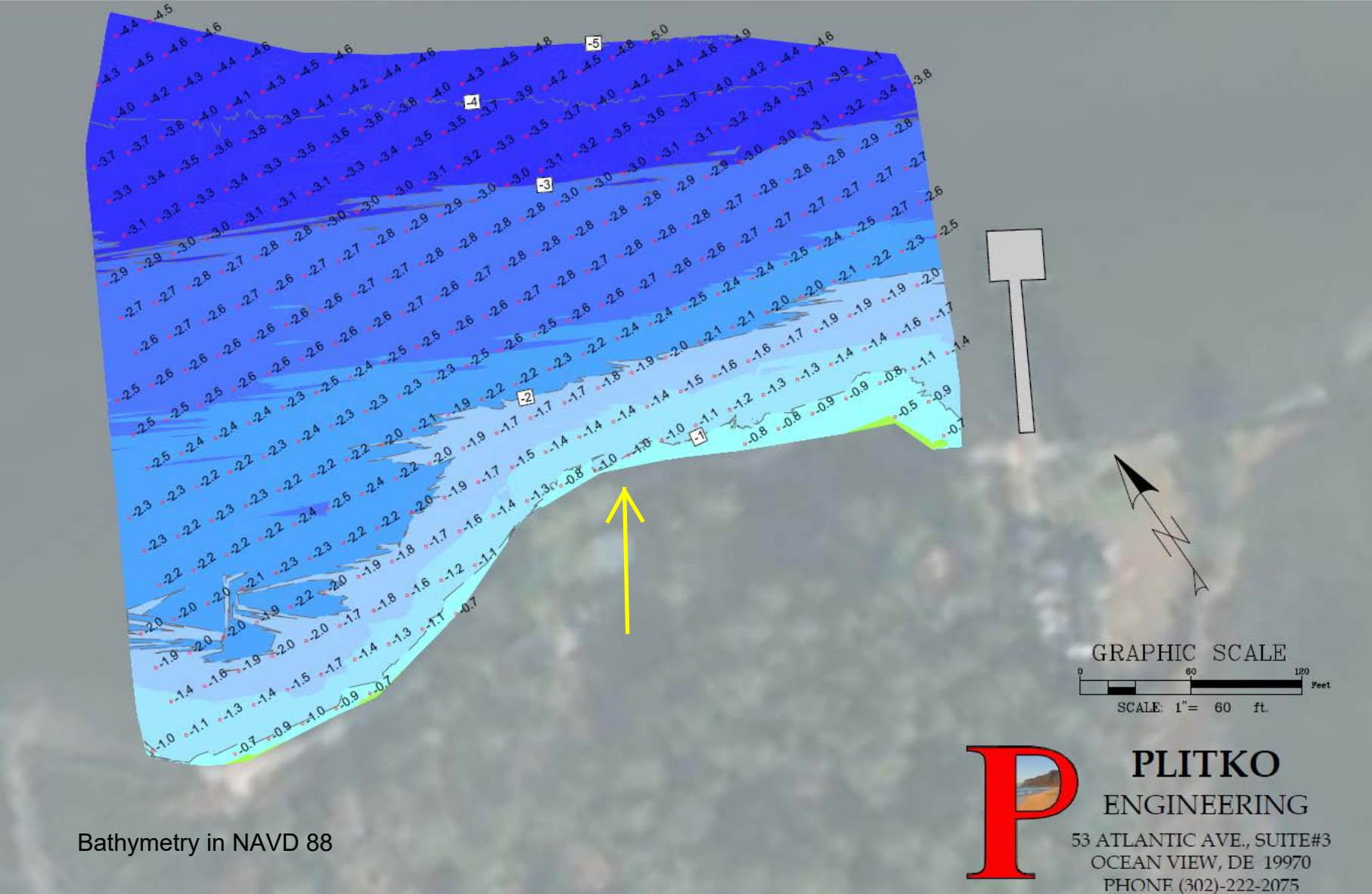
(b) (1) Owners/operators may agree to pool resources for a single pumpout dump station with Departmental approval based on criteria of number and class of vessels, marina locations, cost per pumpout use, and ultimate method of sewage treatment and disposal (i.e. septic system or waste water treatment facility).

(2) The owner/operator of any boat docking facility that is located in whole or in part on tidal waters of the State, and that provides dockage for a live-aboard vessel or vessels with a Type III marine sanitation device or devices, shall install and maintain at all times, in a fully operable condition, an approved dedicated pumpout facility at each live-aboard vessel slip for the purpose of removing sewage from the live-abroad vessel on a continuous or automatic, intermittent basis to a Department approved sewage disposal system.

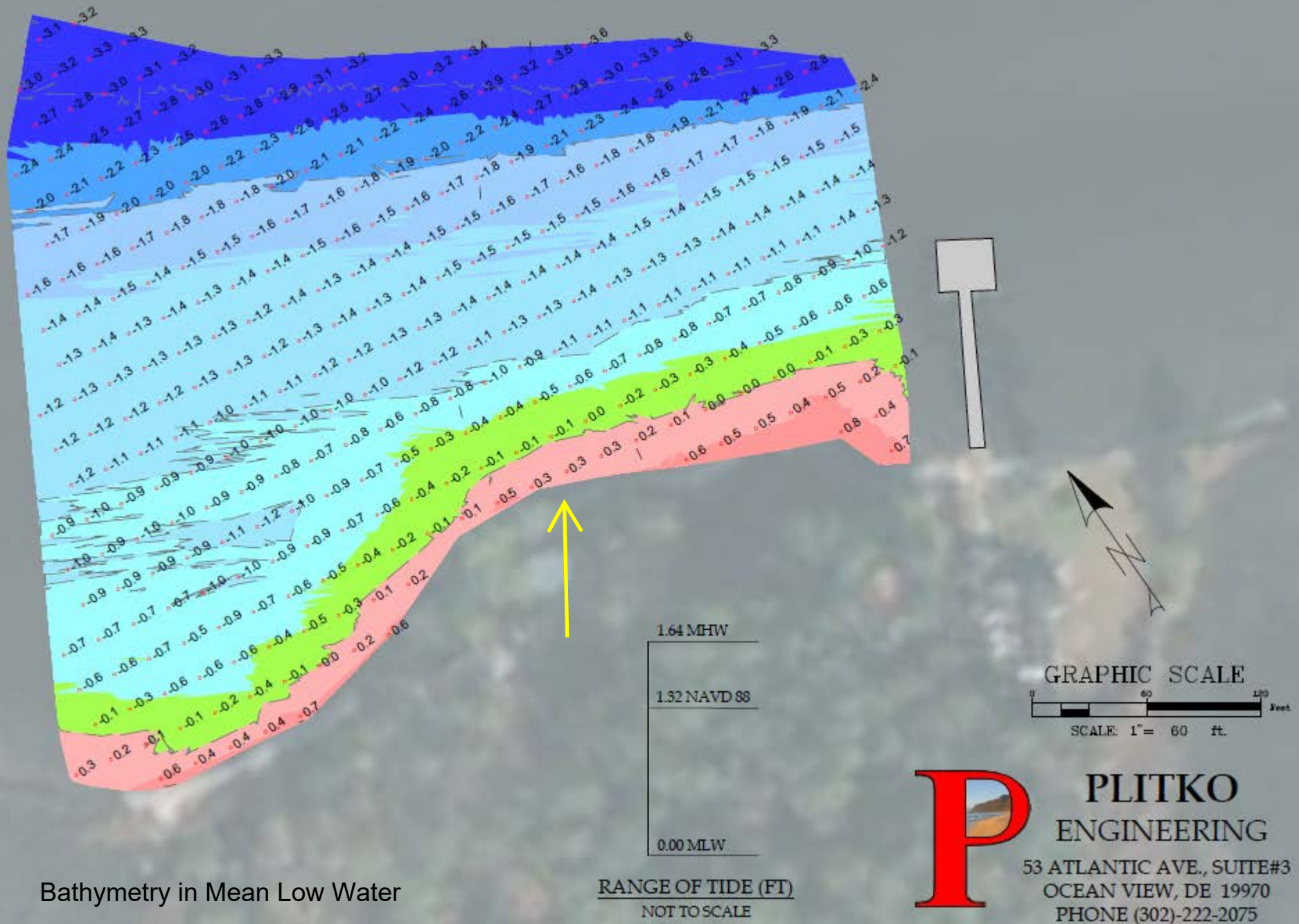
(3) Any discharge, by any means, of untreated or inadequately treated vessel sewage into or upon the waters of any marina, boat docking facility or tidal water of the State is prohibited.

(4) All vessels while on waters of the State shall comply with 33 U.S.C. § 1322, as amended February 4, 1987.

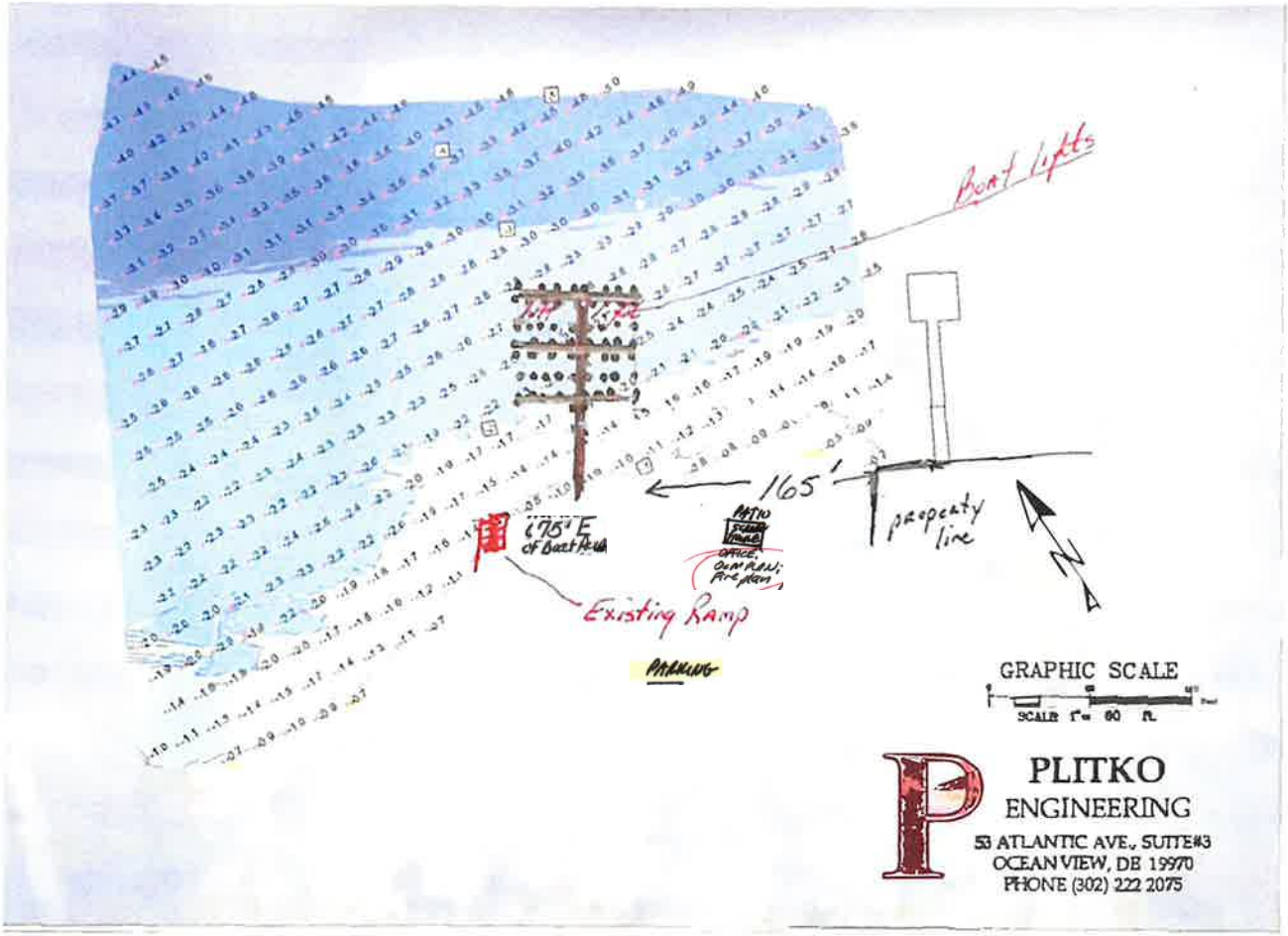
(5) The Secretary shall have authority to adopt reasonable rules and regulations to implement this section.



Bathymetry in NAVD 88



Bathymetry in Mean Low Water



Dock to the West 681'

1/4" scale

1/4" = 24'

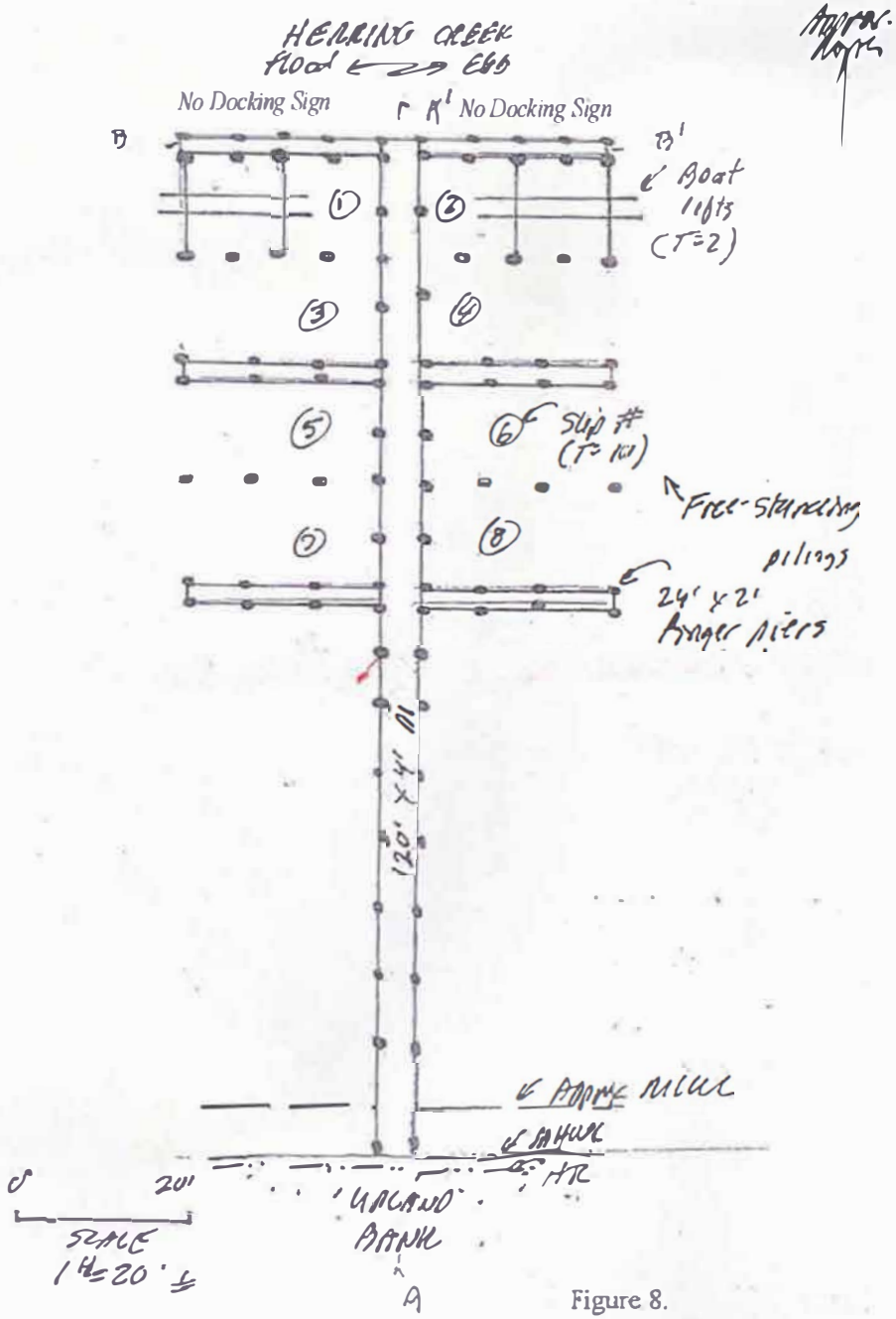
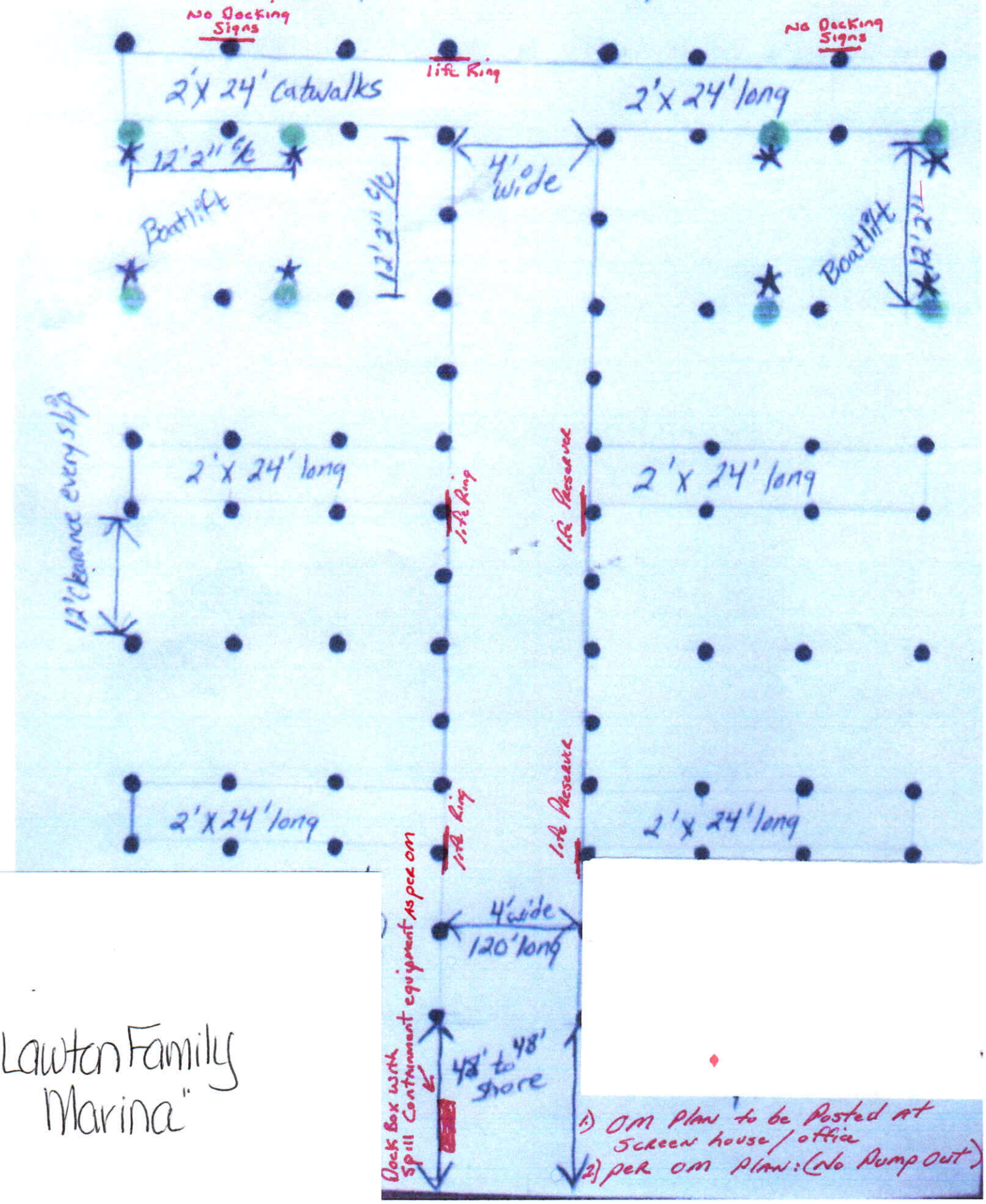


Figure 8.

PROPOSED 8-SLIP DOCKING FACILITY:
120' X 4' PIER; SIX 24' X 2' FINGER PIERS;
TWO BOAT LIFTS; 10 FREE-STANDING PILINGS

IN: Herring Creek
AT: Tax Map Parcel #2-34-18.00-51.06,
Sisters Lane, Millsboro, Sussex Co., DE 19966
APPLICANT: Joseph A. Ribinsky
DATE: July 17, 2019 Revised 3/31/2023

Boatlift Poles 10"x30" (8) (6) Catwalks (8) Boatslips 4'x120' long pier
(92) 8"x25" poles (98+) poles all together All poles are 8' centers



1) OM Plan to be Posted at Screen house / office
2) per OM Plan: (No Pump Out)

"Lawton Family Marina"

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AT: Tax Map Parcel #2-34-18.00-51.06,
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APPLICANT: Joseph A. Ribinsky
DATE: July 17, 2019

CROSS-SECTION A-A' (1" = 20' ±):

CROSS-SECTION B-B' (1" = 10' ±):

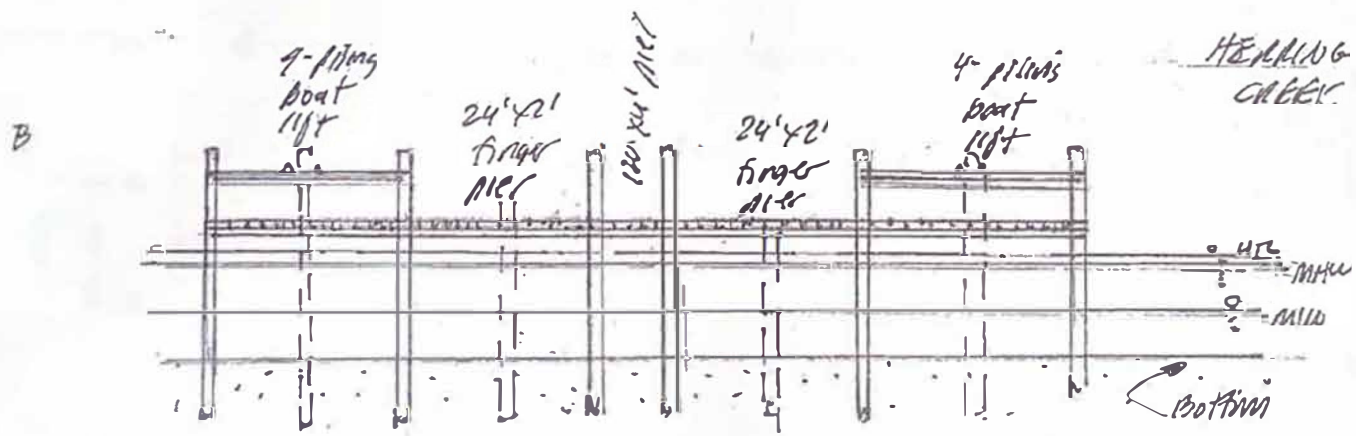

Figure 9. Cross-sections of proposed project. Sketches for permit application purposes only.

The Tracking Table and an As-built plan detailing the authorized structure within slips shall be submitted every _____ years in alignment with the O&M Plan term submittal.

Tracking Table:
All O&M Plans must complete this Tracking Table to record authorized structure(s) within slips. Although the marina may not have a blanket pre-approval, structure within a slip may not be present, or were authorized structure under an alternative permit process; all slips within the marina should be identified below.

Slip Identification Number	Eligible Structure Type for the Pre-approved Activity (All/None/List Specific Structure Type or N/A)	Structure Type Approved (List Structure Type/None Present)	Authorization Number	Approved Dimensions (Width)	Approved Dimensions (Length)
1	N/A	Boat Lift	Pending SL-475/19	12'2"	12'2"
2	N/A	Boat Lift	Pending SL-475/19	12'2"	12'2"
3	N/A	None Present			
4	N/A	None Present			
5	N/A	None Present			
6	N/A	None Present			
7	N/A	None Present			
8	N/A	None Present			