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

WETLANDS & WATERWAYS SECTION

PHONE
(302) 739-9943

Lawton Family
c/o: Joseph Ribinsky
33805 Lawton Lane
Millsboro, DE 19966
Tax Parcel: 2-34-18.00-51.06

Subaqueous Lands Lease: SL-475/19
Associated Marina Permit: MP-475/19
Associated O&M Plan: OM-475/19
Date of Issuance:
Construction Expiration Date:

SUBAQUEOUS LANDS LEASE

GRANTED TO:

Lawton Family

TO CONSTRUCT:

An eight (8) slip marina consisting of the following docking facility structures:

- **A 4 foot wide by 120 foot long pier,**
- **Six (6) 2 foot wide by 24 foot long finger piers,**
- **Two (2) boat lifts with 4 associated pilings each,**
- **Ten (10) free standing mooring pilings,**

TO UTILIZE:

- **A 16 foot wide by 10 foot long concrete boat ramp**

OCCUPYING PUBLIC SUBAQUEOUS LANDS TOTALING:

766 square feet

LOCATED CHANNELWARD OF MEAN LOW WATER:

In Herring Creek,
Lawton Family Marina,
Northwest of the terminus of Sisters Lane,
Millsboro, 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. 2023, to construct the above-referenced project in accordance with the approved plans for this Lease (7 sheets) as approved on _____ as authorized by Secretary's Order No. _____, and the application dated December 23, 2019, and received by this Department on December 30, 2019 with subsequent information received on November 5, 2020, December 30, 2020, December 30, 2021 and March 31, 2023.

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

WHEREAS, Lawton Family, owner(s) of certain lands adjoining to the Herring Creek have applied for permission to occupy 766 square feet of those public lands to install the indicated structures for private use; 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.

This Lease shall be continued for a period of ten (10) years or so long as the conditions attached to the Lease are adhered to, whichever is the shorter in time. Upon the expiration of the ten-year term, this Lease shall expire and become null and void, unless prior thereto the lessee shall have applied for and received a renewal of this Lease. A renewal may be denied if the State determines that the Lease is no longer in the public interest.

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

SPECIAL CONDITIONS

1. This Lease is granted for the purpose of constructing an eight-slip recreational private marina for the exclusive use of the waterfront property owners of tax parcel no. 2-34-18.00-51.06, as indicated on the approved plans. Any other use without prior approval shall constitute reason for this Lease being revoked.
2. This Lease shall not be considered valid until it 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. 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.
4. The marina shall be constructed and operated in accordance with the terms and conditions of the following associated authorizations: Marina Permit No. MP-475/19 and Operations and Maintenance Plan No. OM-475/19.
5. The authorized area of structure over public subaqueous lands is 766 square feet, represented by the 4 foot wide by 115 foot long section of pier, the six (6) 2 foot wide by 24 foot long dock, the two (2) boat lifts with 4 associated pilings each, the ten (10) stand-alone mooring piling constructed channelward of the mean low water line. The 16 foot wide by 10 foot long concrete boat ramp is on private subaqueous lands located landward of the mean low water line.
6. The primary species of concern for this project area include American Eel (*Anguilla rostrata*) and Summer Flounder (*Paralichthys dentatus*) since Herring Creek is utilized for spawning activities and nursery habitat for young-of-the-year, and breeding marsh birds such as state-

endangered Black Rail (*Laterallus jamaicensis*). Reference the chart below for time-of-year restrictions (depicted in gray) when no activity shall take place.

	January	February	March	April	May	June	July	August	September	October	November	December
American Eel & Summer Flounder			1st						30th			
Black Rail				1st			31st					

7. The existing remnant structures associated with the non-serviceable docking facility shall be removed prior to the construction of authorized structures granted by this Lease.

8. There is acknowledged shallow depths in the designated mooring areas and the potential concern for the need of frequent dredging which would otherwise result in a denial of this application. Frequent dredging is deemed as dredging more often than every four years. Future new dredging of the mooring areas is subject to the appropriate permit process for new dredge projects. The authorization of the docking facility shall not be presumed as justification for future dredging applications. Future dredging for the marina in exceedance of the existing depths as established by the 2022 bathymetric survey is strictly prohibited.

9. The work authorized by this Lease is subject to the terms and conditions of the attached Department of the Army Permit Number CENAP-OP-R-2019-870-85.

IN WITNESS WHEREOF, I, Joseph Ribinsky, the duly authorized representative for Lawton Family, have caused this instrument to be executed on this _____ day of _____, 2023.

By: _____
Lawton Family (Lessee)
Joseph Ribinsky (Representative)

Sworn and Subscribed before me on
this ____ day of _____, 2023

(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 _____, 2023.

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

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WETLANDS & WATERWAYS SECTION

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SUBAQUEOUS LANDS LEASE
CONTRACTOR'S COMPLETION REPORT
POST-CONSTRUCTION

Subaqueous Lands Lease Number: SL-475/19

Name: Lawton Family

Address: 33805 Lawton Lane
Millsboro, DE 19966
Parcel #: 2-34-18.00-51.06

I hereby certify that I have constructed the project authorized by the above-referenced Subaqueous Lands Lease in accordance with the approved plans for the project.

_____ _____
Printed Name of Contractor **Name of Company**

_____ _____
Contractor's Signature **Date**

_____
Telephone Number

Upon completion of construction, this form shall be completed, signed by the contractor, and mailed to the Wetlands and Waterways Section at:

DNREC
Wetlands and Waterways Section
89 Kings Highway
Dover, Delaware 19901

This form must be received by the Department within ten days of the date that construction is completed.

For official use only

*Compliance inspection date*_____ *Built in accordance with plans* ☐ *Yes* ☐ *No*

Scientist: Julie R. Molina

_____

_____

_____

Affix
Proper
Postage
Here

Mail to:
DNREC – Wetlands and Waterways Section
89 Kings Highway
Dover, DE 19901

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WETLANDS AND WATERWAYS SECTION

LEASE NO.: SL-475/19 **CONSTRUCTION EXPIRATION DATE: _____**

TO CONDUCT THE FOLLOWING ACTIVITIES:

To construct an eight (8) slip marina consisting of the following docking facility structures:

- **A 4 foot wide by 120 foot long pier,**
- **Six (6) 2 foot wide by 24 foot long finger piers,**
- **Two (2) boat lifts with 4 associated pilings each**
- **Ten (10) free standing mooring pilings**

LOCATED ON PUBLIC SUBAQUEOUS LANDS:

In Herring Creek,
Lawton Family Marina,
Northwest of the terminus of Sisters Lane,
Millsboro, Sussex County, Delaware

ISSUED TO: Lawton Family

DISPLAY THIS CERTIFICATE IN A HIGHLY VISIBLE LOCATION ON THE JOB SITE.

Authorized by:_____