

**From:** Heather Guerke <heather.guerke@gmail.com>  
**Sent:** Sunday, June 14, 2020 3:26 PM  
**To:** Calder, Gayle H. (DNREC) <Gayle.Calder@delaware.gov>  
**Subject:** 133 Chesapeake's request for a dock

Good afternoon, Gayle,

I am a resident of Lake Comegy's in Rehoboth Beach.

My husband and I would like to strongly express our opposition to our neighbor at 133 Chesapeake's request to build a (floating) dock. We have concerns about what will happen to this precious natural habitat along the shore line once neighbors think this is allowed and start following suit.

Please know that we object to any and all requests of this nature.

Thank you,

Heather & Kevin Guerke

**From:** Gregory Eddens <eddens1@aol.com>  
**Sent:** Saturday, June 13, 2020 3:21 PM  
**To:** Calder, Gayle H. (DNREC) <Gayle.Calder@delaware.gov>  
**Subject:** Proposed dock site 135 Chesapeake Street, Dewey Beach, De 19971

Dear Gayle,

My name is Greg Eddens and my wife, Peggy and I bought a townhouse on Lake Comegys two and a half years ago. What drew us to the property was the natural, pristine scenery with no commercialization or "honky tonk" feel to the surroundings. I recently heard of the proposed dock, which would be directly across the lake from our home and would be in our sight line. Our view is beautiful and serene, without the need for docks, gangplanks and numerous boats. If we were looking for something of that nature, we could have spent far less money and purchased a home in Ocean City, Md. This was not our intent and we understood that SOLA 3 and other environmental groups protected this lake. It is a natural habitat for egrets, herons and bald eagles. Such construction will jeopardize that habitat. I know that other neighbors have voiced their concerns and I would like to add two more voices to that number. Please do not allow our lake to be compromised and let it remain the amazing natural treasure it has always been.

Thanks,  
Greg and Peggy Eddens  
38470 Cottage Lane Unit 17  
Rehoboth Beach, De. 19971  
302-332-9210

**From:** Michael Baxter <mbaxter200@gmail.com>

**Sent:** Friday, June 12, 2020 5:09 PM

**To:** Calder, Gayle H. (DNREC) <Gayle.Calder@delaware.gov>

**Subject:** 135 Chesapeake Street Dewey Beach DE Subaqueous Permit Application

My wife and I live at 38460 Cottage Lane in Dewey/Rehoboth Beach. Our house is on Lake Comegys, directly across from the home at 135 Chesapeake Street. It is the closest house to the permit applicant's structure, and the proposed dock will point directly at us. I write to oppose the requested permit. I am not requesting a hearing.

I understand other oppositions have been filed which address the environmental issues and how the dock would violate the core purpose of the Conservation Easement that Lake Comegys was placed in. I won't repeat those concerns, although they are substantial. Instead, I am writing as one of the homeowners who will be most directly and adversely impacted by the proposed dock.

Our townhouses are modest homes. What gives them their appeal is they are situated in a quiet spot which teems with wildlife, from egrets to big mouth bass to hundreds of turtles. Of course that is exactly the reason why the lake was placed in the Conservation Easement in the first place.

The applicant's house directly faces five or six homes, including ours, across the narrowest part of the lake. Lake Comegys is probably less than 75 feet wide there. The proposed dock, including its runway (why it has to have a runway which places the dock into the middle of the lake remains unexplained), will project twenty feet from the shoreline. The reason many of us moved to Lake Comegys is its privacy and tranquility, especially on its western edge where we live. A floating dock in the middle of the lake within a stone's throw of many of our homes will hardly be conducive to that.

There are already three other docks in the lake. They were constructed long before Lake Comegys was given protected status by the Conservation Easement. In addition, the one floating dock in the lake is located in the broadest and deepest part of the lake. It is far removed from any other homes. The location, the design, and the environmental impact of the proposed dock are all wrong for Lake Comegys in 2020.

We request that the application be denied.

Michael & Mary Baxter  
38460 Cottage Lane, Unit 1  
Rehoboth Beach, DE 19971

**From:** irishoat@aol.com <irishoat@aol.com>  
**Sent:** Monday, June 15, 2020 7:57 AM  
**To:** Calder, Gayle H. (DNREC) <Gayle.Calder@delaware.gov>  
**Subject:** Comments for Record on Application of 135 Chesapeake Street

Dear Ms. Calder:

We request your review of the attached memo and its inclusion in the record of the **SUBAQUEOUS LAND PERMIT APPLICATION** for 135 Chesapeake Street, Sussex County, DE. 19971 submitted by Norman H. Singer.

As discussed in detail in our memo, we believe that the application is deficient in complying with DNREC's regulations and that the Department should defer any decision making on the application until it is provided with the additional information required by the Department's regulations as discussed on pages three and four of the attached memo.

Whether this matter requires a public hearing, we leave to the discretion of the Secretary, but we do believe that the Department should work with all parties in the Lake Comegys community to promote policies for the management of the Lake that are both environmentally responsible and conform with the requirements of Delaware law and DNREC regulations. We would welcome the opportunity to participate in those discussions.

Thank you for the consideration of our views on this important matter.

Joan and Denis O'Toole

Property Owners

38460 Cottage Lane, Units 3 & 4

Rehoboth Beach, DE. 19971

302-227-4379

## MEMO

**VIA-E-mail to: Gayle.Calder@delaware.gov**

**TO:** Hon. Shawn M. Garvin  
DNREC Secretary  
C/o Gayle Calder

**SUBJECT:** Subaqueous Land Permit Application  
135 Chesapeake Street,  
Sussex County, DE.

**FROM:** Joan and Denis O'Toole  
38460 Cottage Lane, Units 3 & 4  
Rehoboth Beach, DE. 19971  
302-227-4379

**DATE:** June 15, 2020

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We are the owners of a townhouse located at 38460 Cottage Lane, Units 3 & 4, Rehoboth Beach, DE., which is part of the 28-unit Lake Comegys community that shares the northwest shoreline of Lake Comegys with multiple owners of other properties having egress to Lake Comegys.

We are writing you regarding an application for a permit to allow the construction of "3 by 10-foot-long gangway and 10 by 10-foot-long floating platform on Lake Comegys at 135 Chesapeake Street, Dewey Beach, Sussex County, DE." by Norman H. Singer.

We have not received any notice from either Mr. Singer or DNREC regarding this application. This lack of notice by the applicant appears to be contrary to paragraph 14 A of the Wetland and Subaqueous Lands Section Permit Application Form which states:

*"14A List the names and complete mailing addresses of the immediately adjoining property owners on **all** sides of the project."*

We are a proper party of interest to the application process for several reasons. First, any decision to allow the construction of a floating platform in Lake Comegys will be directly in front of our property and thus impact our view of the water as our home is within a 1,000-foot radius of the project. Second, any decision to allow the construction of a floating platform in Lake Comegys may adversely impact our ability and that of our Lake Comegys neighbors to enjoy the quiet and peaceful use of our homes. Third, ownership of Lake Comegys is vested in the State of Delaware for the benefit of the common good, and thus the applicant does not have a development right to claim the right to build a "floating platform" in Lake Comegys. Fourth, there exists around Lake Comegys a conservation easement to perpetually protect the land and vegetation around the Lake to protect its conservation values for future generations.

As parties of interest to the application, we are not adversarial either to Mr. Singer or DNREC, but we respectfully wish to have additional material information provided in the record by the applicant to understand the scope of his proposal. The Lake Comegys neighborhood is a small community of homeowners and renters, and as resident owners of the community for nearly four

decades, we would prefer to work together in cooperation to ensure the preservation of Lake Comegys as the unique freshwater pond that it is with the abundance of wildlife and tranquility that are its foremost assets. We would hope that the applicant shares some of our concerns about protecting the Lake's habitat.

It is unfortunate that government oversight and management was late in arrival in the management of Lake Comegys ecosystem, and that principles for the management of the Lake's natural resources and ecology remain in development. Central to the delay was the issue of who owns the Lake, and therefore who was responsible for the protection of its environment. As a consequence, until recent years private owners were largely able to pursue their uses of lakeshore property with minimum restrictions or concerns for environmental objectives. It was during this period, that several existing docks were constructed in other sections of the Lake, including a dock built and maintained by our homeowners' association.

However, around 2004, a citizen advisory committee known as SOLA3, came into existence to improve the natural environment of Lake Comegys, Silver Lake, and Laker Gerar. It was primarily through SOLA3's efforts that the ownership of the lakes was resolved, and DNREC was assigned responsibility for their management. (See <https://www.sola3.org/about-the-lakes>). Around the same time, through the joint efforts of the Lake Comegys Association of Homeowners and SOLA3, a conservation easement was put in place around Lake Comegys under the administrative jurisdiction of DELDOT.

Concerning the pending application, it is clear that this matter is within the jurisdiction of the Department of Natural Resources and Environmental Control as the applicant is requesting approval to build a structure on subaqueous lands under the State of Delaware's ownership. Additionally, the application seeks construction over a conservation easement under the management of DELDOT and should require consultation and coordination with that Department.

Under the Department's regulations, among the applicant's stated responsibilities are to provide information for the record to the satisfaction of the Department of the following items:

1. **Accurate Map.** To provide a map showing the location and boundaries of the proposed project about adjoining property and to the nearest existing street or road intersections, and specific locations of all proposed activities.
2. **Accurate Drawings.** Neat scaled draws of the proposed activity. showing the accurate dimensions of the proposed activity (i.e. square feet of dock, linear feet of bulkheading, and gangway.) The exact location of aquatic habitat, private subaqueous lands, and public subaqueous lands.
3. **Certified Documents.** A certified copy of the deed a survey plot plant (to indicate property lines and corners) to the land, and written permission from the owner if other than the applicant for the project.
4. **Zoning Approval.** Evidence of zoning approval for the project from the Town of Dewey Beach.

From our review of the information provided by the applicant to date, we believe that the application is deficient in complying with the Department's regulations and that the Department should defer any decision making on the application until it is provided with additional information to adequately balance the interests of the applicant against the environmental impact to the Lake and the comments of others in the Lake Comegys community before making a final decision.

Areas of factual inadequacy or lack of relevant information that is of concern to us as interested and conscientious Lake Comegys property owners are these:

1. The application does not list the names and complete mailing addresses of the immediately adjoining property owners on **all** sides of the project.
2. The drawing lacks any specificity as to the exact location of the proposed structures (i.e. dock and walkway are defined as "structures" in §7504, Sec. 1 Definitions of the Regulation Governing the Use of Subaqueous Lands), and therefore it is impossible to determine what natural vegetation will be affected and how this will impact on the flow of stormwater runoff into the Lake.
3. If a "floating platform", what will make it float? What materials will be used in the platform's construction? What is the anticipated cost of building and installing the platform? How will the "platform" be maintained to function properly? It appears from the drawings that some posts or pilings will be required to support the platform, will this require any excavation or dredging of the lakebed?
4. No discussion of how the project might infringe on the rights of adjacent owners or impact on general access to public subaqueous land. What esthetic considerations are contemplated to protect the water views of property owners on the west side of the Lake and other property owners affected?
5. On information and belief, it is unclear as to who is the owner of 135 Chesapeake Street, and if not the applicant, written permission of the owner is lacking.
6. Any information about discussions with DELDOT and its authority to approve encroachment on the conservation easement and/or discussions with Town of Dewey Beach as to compliance with its zoning and building code requirements.

Over our years of observing the 135 Chesapeake waterfront, its shoreline has been an important sunning spot for the large turtle population residing in the Lake. The prior occupants of the property had minimal concerns for maintenance of the shoreline to protect against erosion and inadequately maintained the trees, bushes, and groundcover that "buffer" the Lake. So, in considering the permit application, DNREC must include some requirement for an essential corridor for riparian animals and that the approval for the construction of any gangway make adequate consideration for this right of passage so as not adversely impact on the turtle's aquatic habitat.

Assuming that the applicant can provide the Department with all necessary and relevant information to support the Department's public decision making, the Department should condition its approval of the applicant's request upon a **MEMORANDUM OF UNDERSTANDING** with

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MEMO to DNREC  
SUBJECT: Permit Application for 135 Chesapeak Street  
June 15, 2020

the applicant (and owners of the property) to include appropriate shoreline erosion and control measures.

Elements of such a plan should allow the property owner maximum flexibility to protect the natural vegetation along the shoreland to serve as a buffer along the Lake. To enhance erosion and sediment control, planting of native ornamental grasses and mulching of bare areas should also be encouraged. Preservation of trees is also important, but it may be necessary to allow the cutting of some trees to allow the applicant to have improved waterfront views. However, we would not favor the elimination of all trees because trees provide an important "buffer" to the Lake to protect against excess nutrients, sediment, and stormwater.

We appreciate the opportunity to share these views. We welcome Mr. Singer as a new neighbor into our Lake Comegys community. We trust that he understands our desire is to work with all interested parties to promote policies for the management of Lake Comegys that are both environmentally responsible and meet legal requirements. We are supportive of the efforts of DNREC and DELDOT to develop policies and rules that protect the water quality and wildlife of Lake Comegys, but that also accommodate through their permitting process the reasonable needs of private property owners around the Lake.

Our continuing goal is to work with our Lake Comegys neighbors and DNREC in the development of environmental and land use policies that will be in the best interest of the present users of the Lake as well as our posterity. Should you have any questions about our comments or wish to contact us for further consultation, please call us at 302-227-4379.

Respectfully submitted,

Joan and Denis O'Toole

**From:** David Jasinski <david.jasinski@yahoo.com>

**Sent:** Monday, June 15, 2020 4:39 PM

**To:** Calder, Gayle H. (DNREC) <Gayle.Calder@delaware.gov>

**Subject:** Comments regarding application for 135 Chesapeake St, Dewey Beach DE

Hi Gayle,

Attached are my comments. Can you please confirm receipt?

Dave Jasinski

To: DNREC, Subaqueous Lands Division  
Via Fax 302-739-9943 and Email Gayle.Calder@delaware.gov

From: David Jasinski, Property Owner 133 Chesapeake St Dewey Beach DE 19971

Re: 135 Chesapeake St Dewey Beach DE Subaqueous Lands Permit Application

Dear Sir / Madam:

As an adjoining neighbor, I am writing to express my opposition regarding the application for a floating dock and gangway in the public space known as Lake Comegys by the applicant as currently proposed. As Lake Comegys is fairly new to being managed by DNREC, I believe it is **important** that DNREC appreciates an approval of this application will set a precedent for what private property owners believe are their rights to extend their use and build structures into the lake which is public space. DNREC should consider “what will be the public policy regarding new docks (or floating platforms) on Lake Comegys?”.

This application as a “first of its kind” for this newly managed body of water, necessitates DNREC establish what new structures will be allowed, or not allowed for **ALL** property owners. Consideration should be given to the effect on the Lake if all property owners built the same type and size of platform.

I am only requesting a public hearing on this matter if the intent of DNREC is to approve it, as I believe an approval of this application will set future public policy regarding docks and platforms on Lake Comegys.

Lake Comegys is a very small lake more akin to a shallow pond, and is home to significant year round and seasonal wildlife as well as migrating birds. Because of its small size, it needs to be managed very carefully, excessive development or recreational use could have a negative impact on the wildlife that makes Lake Comegys their home.

Specifically related to the application, there is a large cluster of trees, shrubs, and plant life immediately adjacent to the location of the proposed platform that is home to various nesting birds, turtles, fish, and other wildlife that makes this area their home.

These areas are within a conservation easement held by the state of Delaware (DelDOT). As both are managed by the state, consideration should be given to the impact on the conservation easement’s purpose which is for the protection of not just the Lake, but the adjoining vegetation which supports numerous species of wildlife including Egret’s / Heron’s which are protected as Tier 1 in DNREC’s own Wildlife Action Plan (Many other protected species also make their home in and around the lake). Specifically the conservation easement on the property calls for “no other uses shall be allowed which affect fish or wildlife habitat or the preservation of land or water areas of the property”. How will building a large floating platform immediately adjacent to a Tier 1 species’ habitat support the goals of the conservation easement and DNREC’s wildlife action plan?

The Lake is quite shallow, frequently just a foot or so during dry periods. Will this “floating” platform come to rest on our lakes bottom crushing turtles and fish and kill them? The applicant has not specified the minimum depth required for the platform when fully loaded nor have they documented the minimum depth of the lake in this area during dry periods. The depth varies considerably during

the year and there is a real possibility that the “floating” platform will actually be “resting” on the bottom of the lake during dry spells.

Serious consideration should be given to the precedent being set for Lake Comegys. I have attached a Map / Plat showing all the lots bordering the lake. The map shows the significant negative crowding effect in such a small lake as precedent is set and all property owners request equal treatment and their own similar sized floating platform.

Continuing on precedent, currently there are 3 docks projecting into the lake. All were built long before DNREC assumed management of the Lake. A floating platform was recently constructed at 101 Chesapeake, but my understanding is the platform lies completely (or atleast mostly) within the property owners land. It is also on the largest and deepest part of the lake and it does not project out into the lake. By my count there are 18 parcels adjoining our small lake (many more property owners as one parcel has 28 homes). Strong consideration should be given to the effect on the lake and wildlife if all property owners request equal treatment and build a structure of this type and scale in the DNREC space of Lake Comegys.

The time to set public policy for what is allowed or not allowed to be built in Lake Comegys is now. I do not think new docks or platforms where none previously existed in the public space are compatible with the conservation easement and DNREC’s wildlife action plan.

How this application is treated will effect how each property owner views their own right to build a floating platform or dock in the public space.

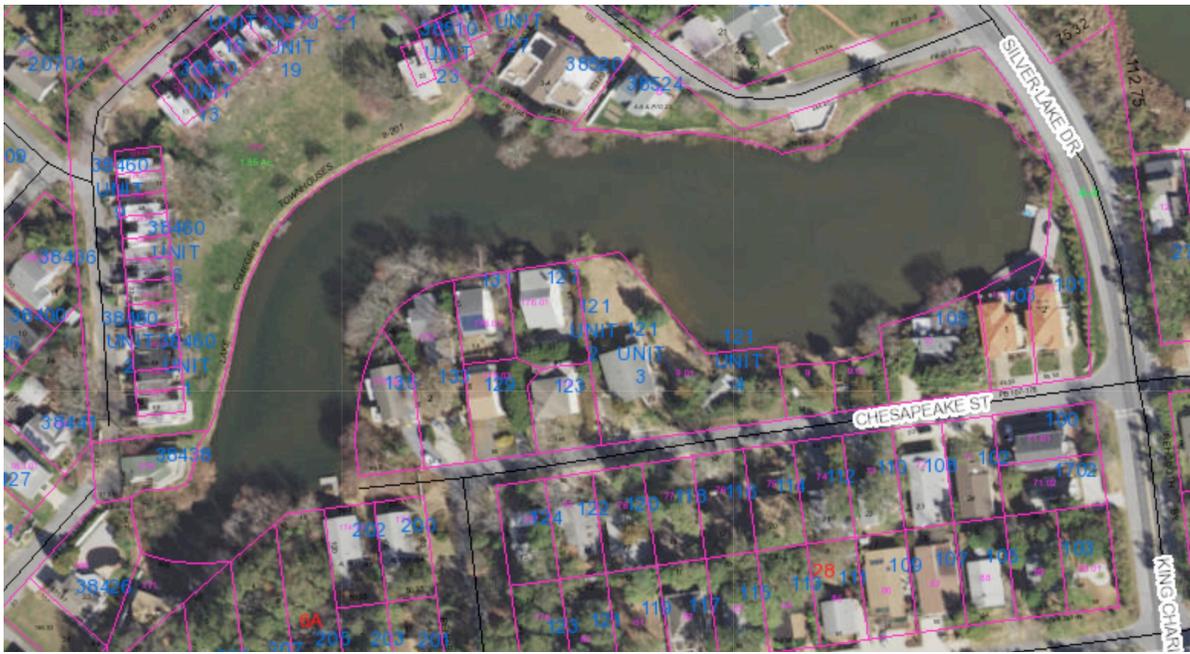
As a property owner for 16+ years on Lake Comegys, I have a deep appreciation for its extensive wildlife habitat and look forward to continuing to enjoy the abundance of wildlife that makes the Lake and immediately surrounding vegetation their home. Thank you for your consideration.

A handwritten signature in dark ink, appearing to read "David Jasinski". The signature is fluid and cursive, with a prominent initial "D".

David Jasinski  
133 Chesapeake St  
Dewey Beach DE 19971

(Please see attached drawings of Lake Comegy’s as presently configured and the Lake with all property owners having a “floating platform” of the same size and a photo of local wildlife).

## Lake Comegys Today:



## Lake Comegys With All Property Owners Having Similar Dock or Platform:



**A Heron standing in the shallow water on Lake Comegys**



TO: Delaware DNREC Wetlands and Subaqueous Lands Section

ATTENTION: Gayle Calder

FROM: Save Our Lakes Alliance 3

RE: Subaqueous Land Permit Application for 135 Chesapeake Street, Dewey Beach, DE

Date: June 15, 2020

Founded in 2004, Save Our Lakes Alliance3 (SOLA3), is a non-profit organization with a mission to protect, preserve and maintain Lake Comegys, Silver Lake and Lake Gerar. Because no jurisdiction claimed ownership of Silver Lake and Lake Comegys, in 2012 we provided the research to then Attorney General Biden that resulted in a decision that these natural resources belong to the State of Delaware, and that DNREC is responsible for managing them. We have worked with DNREC on a number of improvements for Lake Gerar and Silver Lake. Currently, we are working with the City of Rehoboth to develop a management plan for these lakes, under the supervision of DNREC.

We would like to file our objection to the application of Norman Singer for a new gangway and dock adjacent to 135 Chesapeake Street, Dewey Beach, Delaware, (a property he leases) for the following reasons:

To protect Lake Comegys, SOLA3, working with the Lake Comegys Homeowners Association, was successful in having a former DELDOT right of way around the lake converted to a conservation easement. This was agreed to by property owners adjoining the lake, including the owner of 135 Chesapeake Street, and these agreements are recorded in the Sussex County records.

Among the provision of these agreements is "...no other use shall be allowed which affect fish or wildlife habitat or the preservation of land or water areas of the property..."

The proposed gangway and dock would impact on many birds and waterfowl habitats that adjoin 135 Chesapeake Street, as well as other habitats in and around the lake. Furthermore, since the water is very shallow next to this property, turtles use the area closest to its shoreline to sun themselves.

There is also a concern that when the dock carries the weight of boats and people that it will sink into the lake bed and destroy the turtles.

Lake Comegys (originally part of Silver Lake until the latter part of the 19<sup>th</sup> century) is not a lake but a very small pond. There is no dock on the lake that even comes close to the size of the proposed dock. The three existing docks, which were created well before the State acknowledged ownership of the lake, are modest, as shown in the attached 3 photos. One actually serves 28 homes that make up the Lake Comegys Homeowners' Association.

There is little doubt that if the proposed gangway and dock at 135 Chesapeake Street are approved by DNREC that other property owners will want to build new and larger docks as DNREC will have created the precedent for approval. This would not only undermine the safety

and security of the wildlife but also disrupt the peace and quiet of this very unique, small community because of the amount of water activity it would encourage.

Being allowed to build a private structure on what is essentially public space is a privilege, not a right. With that privilege should come responsibility to protect the surrounding wildlife and assure that other homeowners living around the lake can continue to enjoy the beauty and tranquility provided by this public, natural resource.

For these reasons we respectfully request that you deny this permit application. In doing so, perhaps the applicants would be willing to design a smaller dock, in keeping with the scale and design of the three existing docks.

If Secretary Garvin finds it necessary, we can participate in a DNREC hearing to state our position.

Thank you for your consideration of our request and for all the great work you do to protect and enhance the State's natural resources so they may continue to be enjoyed by all.

Sincerely,

/s/ Sallie Forman

Founder and President, SOLA3

[saveourlakes3@aol.com](mailto:saveourlakes3@aol.com)

[www.sola3.org](http://www.sola3.org)



### MANAGEMENT PLAN PROCESS UNDERWAY FOR SILVER LAKE AND LAKE COMEGYS

*“Plans to protect air and water, wilderness and wildlife are in fact plans to protect man.”* **Stewart Udall**

Sallie Forman, Founder/President

2019 marks 15 years since SOLA3’s founding. Think it’s fair to say that our biggest accomplishment to date has been resolving the long-time question of who owns Silver Lake and Lake Comegys. From the research we provided, and the decision by then Attorney General Biden in 2013, we know the State of Delaware has always owned these public, natural resources and that the Department of Natural Resources and Environmental Control (DNREC) has regulatory authority and responsibility. The State General Assembly requires that DNREC have a management plan in place for the lakes that reflects the needs of DNREC and the community.

After 5 years of working with DNREC to develop a plan, our Board met with DNREC Secretary Garvin early in 2018 asking for a management plan strategy. This apparently led to meetings with DNREC, the City of Rehoboth, Sussex County, and the Town of Dewey Beach, that resulted in a partnership to develop a plan.

Details of the proposed Lakes Management Plan are provided by Kristin Barnekov-Short (DNREC) and Evan Miller (City of Rehoboth) in their informative articles in this newsletter. Participants are DNREC, the City of Rehoboth (that will lead the effort), Sussex County, Town of Dewey Beach, and the U. S. Army Corps of Engineers. SOLA3 and the public will be included in the process. Costs are covered by a grant from DNREC, matched by the 3 jurisdictions, plus a grant from the Army Corp of Engineers.

The “scope of work” closely matches the issues SOLA3 has identified as necessary to improve the environment and water quality of the lakes.

The Resilient Community Partnership (also reported by Evan Miller) is complementary to the management plan in that its goals ...“will help establish specific actions that we can take to improve water quality in our lakes and the ocean...” SOLA3 supported the application of the City of Rehoboth to be the lead in the partnership.

Our SOLA3 Board and a few long-time supporters had an opportunity to have lunch in Rehoboth with Lt. Governor Bethany Hall-Long to discuss SOLA3 and its mission. This led to the Lt. Governor organizing a meeting in her offices in Dover with her staff, and staffs from Speaker Schwartzkopf’s office and DNREC to discuss how we can work together on improving the lakes’ environment. We greatly appreciate the outcome of that meeting and Lt. Hall-Long’s article (p. 2) that reflects how she values Delaware’s natural resources.

As you read through this newsletter it’s easy to see why “it takes a village”—State and local officials and their staffs, volunteers, educators, our community, the generosity of many, and most importantly our dedicated Board of Directors – to accomplish SOLA3’s mission. It’s my belief that our shared vision and collaborative efforts will result in meaningful environmental improvements to our treasured lakes if the proposed plans and projects are successful.

#### [Featured in this issue:](#)

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[Lake Improvement Grant Award - 8 and 9](#)

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## “Bethany from Bethany”

Bethany Hall-Long - Lt. Governor of Delaware

“Bethany from Bethany” is a phrase I’ve often used to introduce myself. I began using it when I was a young candy striper at Beebe Hospital, but also as an adult. I like it. It signals the bond I have with my family’s farm and my Sussex County heritage. Growing up near our beaches, whether surfing with friends, fishing with my grandfather along the coast line, or attending camp at Cape Henlopen, made me appreciate not only the beauty of our beaches, but the importance they play in our local economy, health, and conservation. Now, as a nurse, policymaker, mother and your Lt. Governor, I have come to value our coastline, canals, and waterways for even greater reasons.

Our beach towns are the center of our state’s tourism industry. No longer just a summer destination, many now call our beaches “home” year round. This steady increase has brought new jobs, and added economic growth. It has also brought its own challenges.

The natural resources of our coastline have felt the effects of an increased population and development. We’ve seen the reduction of our farmland and coastline along with greater challenges to protecting our inland bays. The Rehoboth lakes have long been a focal point and destination for residents and tourists alike. Silver Lake, Lake Gerar, and Lake Comegys, our state’s only freshwater lakes, have served as a backdrop to the rich and historic character that makes this community so special. Now more than ever, we must remain vigilant and steadfast in our commitment to protect these natural treasures, and endeavor to protect our critical open space, increase our conservation activities, and reduce our overall carbon footprint.

As a policymaker, I have come to understand that the only way to directly impact these issues—for the positive—is to collaborate and work together to bring tangible solutions to the forefront. We must work collectively and as a community on these pressing issues to ensure our coastline remains the best in the nation, our bays and waterways are clean, our critical natural infrastructure remains pristine, and we work on recognizing our global impact. As Earl Nightingale once said, “Our environment, the world in which we live and work, is a mirror of our attitudes and expectations.” I challenge you, as Bethany from Bethany, to look within yourself and ask, “What are our personal attitudes and expectations?” for our gems, our beaches.



Delaware Lt. Gov. Bethany Hall-Long, second from left, with SOLA3 board and supporters

## DNREC UPDATE ON LAKES' PROJECTS

Kristin Barnekov-Short - Chief of Staff  
Delaware Department of Natural Resources and  
Environment Control

### LAKES MANAGEMENT PLAN

The Department of Natural Resources and Environmental Control (DNREC) will have a support and facilitation role in the most current proposed Lake Management Development Plan. The City of Rehoboth is leading the initiative in partnership with the Town of Dewey Beach and Sussex County. DNREC will ensure that all involved understand DNREC's Subaqueous Permitting Authority and provide information or services should they be requested.

A consultant will be hired to develop the scope of work for the proposed project and DNREC will be involved in the discussion and process. The contractor will establish a process that is inclusive of public participation. The Department determined that since the physical boundaries for the lakes are shared by all three jurisdictions, having all participate in the process may help to facilitate a shared solution.

Funding for the Lakes Management Plan was needed and the Surface Water Planning Grant was identified as potential funding source. I am not aware that a timeline has been determined, however all parties continue to move forward. The Division of Watershed Stewardship has been the Division involved in the conversations.

### PERMITTING FOR DOCKS AND PIERS REQUIRED

DNREC reviews applications for structures and shoreline stabilization in Silver Lake using policies established by the Wetlands and Subaqueous Lands Section (WSLS) in the Division of Water that are used throughout the State (7 Del. Code Chapter 72). In some cases, structures already existing in Silver Lake exceed the dimensions recommended in our policies. In such cases, we are allowing the repair and replacement of these structures to their existing dimensions. Any new structures would need a permit from WSLS and will need to comply with the current policies.

### SILVER LAKE OUTFALL PIPE

The Silver Lake outfall pipe is not new. There are two issues associated with the existing outfall pipe and outfall pipe structure; 1) repairs needed to fix leaking joints, and 2) repairs needed to the outfall pipe structure that controls the water level in Silver Lake. With regard to the leaks, the Department is currently evaluating the costs as well as funding sources for the repair. The proposed Lake Management Development Plan process will provide an opportunity for stakeholders to weigh in on many issues, including the issue of the water level of the lake. It is DNREC's expectation that the process should include opportunities to find consensus amongst the many stakeholders as well as provide a roadmap to move forward. Currently, there are no plans to extend the outfall farther into the Atlantic Ocean. The Division of Watershed Stewardship has been taking the lead on the issue of the outfall pipe.

### SILVER LAKE DREDGING

The dredging project [at the west end] of the lake was completed in 2018 by DNREC's Division of Watershed Stewardship. Staff have indicated that, at this time, no additional dredging is planned for Silver Lake. DNREC will continue to monitor the wetland benches to ensure the bulrush that has become established continues to flourish, and spray in the fall for phragmites control.



Egret on Lake Comegys dock eyeing SOLA3 awards plaque given to Lake Comegys HOA  
Photo Courtesy of Peggy Douglas

## CITY OF REHOBOTH BEACH TAKING LEAD IN DEVELOPING LAKES MANAGEMENT PLAN AND RESILIENT COMMUNITIES PARTNERSHIP

Evan Miller - Planning Coordinator - City of Rehoboth Beach

### Silver Lake and Lake Comegys Management Plan

The City of Rehoboth Beach was successful in receiving a Surface Water Matching Planning Grant through the Delaware Department of Natural Resources and Environmental Control's Division of Watershed Stewardship for a Silver Lake and Lake Comegys Management Plan. This grant supports planning, preliminary engineering, and feasibility analysis of surface water improvement projects and activities that focus on the developed landscape to improve water quality in impaired watersheds in Delaware. The City of Rehoboth Beach has partnered with Sussex County, Town of Dewey Beach, Delaware Department of Natural Resources and Environmental Control and the U.S. Army Corps of Engineers to provide up to \$200,000 towards the development of this plan.

Although the City is still in the scoping phase of the plan, all participating jurisdictions and entities agreed that the scope of work will need to address ownership and maintenance responsibilities, water quantity, water quality, and shoreline management. Currently, the State of Delaware has title to Silver Lake [and Lake Comegys] and sub-aqueous land. However, with several jurisdictional boundaries abutting the lake, each have different code enforcement requirements. Determining land ownership in and around the immediate buffer of the Silver Lake watershed will provide the jurisdictions with the ability to create comprehensive sediment and soil erosion control methods, as well as necessary maintenance to existing infrastructure. To provide for public safety and environmental protection, water quality will be addressed by performing a needs assessment for the watershed including the stormwater management systems, shorelines and the conservation area. The plan will also identify green infrastructure necessary to preserve soil stability, water quality, natural habitat, and fish and wildlife populations in and around the watershed.

More information on the plan will be made available once the initial scoping meetings have been held. Additionally, the City of Rehoboth Beach will be requesting public feedback during the development of the plan. Should you have any questions regarding this plan, please do not hesitate to contact Evan Miller, Projects Coordinator with the City of Rehoboth Beach at (302) 227-6181 or [emiller@cityofrehoboth.com](mailto:emiller@cityofrehoboth.com). Con'td on page 5.



## Resilient Communities Partnership

In July 2018, the City of Rehoboth Beach was successful in receiving a Resilient Communities Partnership (RCP) Grant through the Delaware Department of Natural Resources and Environmental Control's Delaware Coastal Programs Office. The RCP program leverages federal funding provided by the National Oceanic and Atmospheric Administration (NOAA) to help Delaware communities improve their planning and preparation capabilities for responding to coastal hazards. The Resilient Communities Partnership will provide technical assistance in the amount of roughly \$75,000 to focus on two main deliverables:

1. To provide a summary of mitigation options (best management practices) that will increase stormwater infiltration and reduce impervious surface coverage;
2. Develop model ordinances for each Municipality in the partnership to control impervious surface coverage.

The partnership is made up of the City of Lewes, Town of Henlopen Acres, City of Rehoboth Beach, Town of Dewey Beach, Town of Bethany Beach, Town of South Bethany, and the Town of Fenwick Island. The municipalities have brought on two consultants, AECOM and KCI to assist with this partnership. AECOM will perform best management practices while KCI develops an ordinance for each community.

The coastal communities in the Inland Bays watershed provide a myriad of benefits to both residents and visitors alike," said City Manager, Sharon Lynn. "Within their Comprehensive Plans, municipalities have identified goals and actions to prevent and reduce flooding and to protect the water quality of nearby natural resources, including the Inland Bays and the Atlantic Ocean. By utilizing the Resilient Communities Partnership grant, we can fund initial actions that help to accomplish these goals," she continued.

In addition to the two main deliverables, the partnership will also involve comparing and analyzing the increase of impervious surfaces from 2007 to 2017. The information will help the communities understand how growth and development has impacted stormwater runoff and what impact it could have in the future. "As the City gets closer towards a possible MS4 designation, this information, in addition to what this partnership will provide, will help establish specific actions that we can take to improve water quality in our lakes and the ocean," said Kevin Williams, Rehoboth Beach's Director of Public Works. The partnership is still in its initial phases, however, funding through NOAA has been authorized and research on best management practice has begun. Should you have any questions regarding this plan, please do not hesitate to contact Evan Miller, Projects Coordinator with the City of Rehoboth Beach at (302) 227-6181 or [emiller@cityofrehoboth.com](mailto:emiller@cityofrehoboth.com).



## TEN YEARS OF WORKSHOPS TO EDUCATE “FUTURE ECO-ACTIVISTS”

Jacquie Kisiel, 5<sup>th</sup> grade science teacher

Rehoboth Beach Elementary School

For the past 10 years, Rehoboth Elementary’s 5<sup>th</sup> grade students have engaged in a water quality study in their outdoor classroom, Silver Lake. Thanks to SOLA3 sponsorship, students were able to conduct and compare this year’s results with previous years under the direction of Todd Fritchman from Envirotech.

“I learned how to use a dichotomous key to identify macroinvertebrates. This is important because depending on the type of macroinvertebrate, we can tell if the water is good or poor,” reports 5<sup>th</sup> grader Cooper Nathan as he studied two samples of water. The first sample was named Unknown on the students data sheets. Mr. Fritchman collected this from a freshwater lake in Sussex County. Cooper and his classmates isolated and quantified damselfly and mayfly nymphs as well as grass shrimp, crayfish, beetles, and numerous snails. These types of macroinvertebrates are considered moderately pollution-sensitive organisms.

With the 2<sup>nd</sup> sample from Silver Lake, it was a bit more difficult for the 5<sup>th</sup> grade students to locate and identify macroinvertebrates due to the high turbidity in the sample. With help from SOLA3 volunteers, the students inputted the midge fly larvae and worms that they collected on their data sheets. The students noticed that there was certainly a lack of biodiversity with the Silver Lake sample. Mr. Fritchman informed the 5<sup>th</sup> graders that certain macroinvertebrates are considered tolerant to pollution and can indicate low dissolved oxygen level or nutrient-enriched waters.

Being able to study Silver Lake’s unique ecosystem offers RES students an opportunity to connect their science curriculum to their community. “I enjoyed finding macroinvertebrates in water samples from fresh water lakes. It was fun to find a cool looking macroinvertebrate and then being identify its true name and type,” stated Cooper.

Editor’s Note: *Delaware Beach Life’s* April, 2019 issue featured an article in its “Kids stuff: Young achievers” section written by Jeanne Shook – “Testing the Waters: Fifth-graders get their feet wet as environmental researchers, thanks to SOLA3 program” that reports on our 2018 workshop, with great quotes from Ms. Kisiel and her students and outstanding photos.



Our Future Eco-Activists

## LAKE GERAR IMPROVEMENTS DEFERRED FOR SECOND YEAR BETTER SEQUENCING OF PROJECTS IN THAT AREA SOUGHT

Stan Mills - Rehoboth Beach Commissioner

Two years ago it seemed that improvements to the southwest finger of Lake Gerar – removal of vegetation and dredging – might be on the horizon and expected to be completed by the time you read this! However, after further discussion by the Rehoboth Beach Commissioners over two budget years the authorization to initiate remediation was put on hold.

The project deferment the first year was reasoned to allow for a more holistic “health screening” of the entire lake, not just the SW finger. Rationale offered at the most recent budget year for a second year of deferment was to allow for a major roadway improvement project in the area abutting the lake to precede the cleanup of Lake Gerar.

Phase Two of the Lake Avenue streetscape project seeks to improve pedestrian and vehicular traffic flow in the area bound by Maryland and Olive Avenues and Second and Third Streets, an area abutting the SW finger of Lake Gerar and which has catch basins emptying into the lake. This project would be performed in two phases sequenced to avoid construction in the tourist season with initial construction starting in early 2020 and second phase completion of the roadway improvements project expected prior to summer 2021.

And so we'll keep an eye on the realization of the pending Phase Two Lake Avenue streetscape project to give us a hint of when the City might finally initiate the cleanup of the southwest finger of Lake Gerar. While there still is nothing budgeted to date, the Gerar Lake Improvements project has been placed in the 2021 Capital Improvement Plan with potential funding to be decided on during next year's budget sessions.

### What will Rehoboth look like in 10 years?

By Susan Gay\*

The state-mandated revision of the Rehoboth Beach Comprehensive Development Plan is underway! The Planning Commission is currently finalizing a survey that will go to both residents and visitors, seeking input on transportation, city services, environment, economic development, land use, quality of life, and other issues.

Then, over the summer this year and through the fall, a series of public workshops is planned to seek input on key topics, all revolving around the central idea of envisioning an ideal future for Rehoboth Beach.

SOLA3 was an active contributor to the previous CDP (2010) by making recommendations that would improve the lakes environment, and expects to actively participate in development of the 2020 Plan. Your input is encouraged!

\*Disclosure: Susan Gay currently serves as Vice Chair of the Rehoboth Beach Planning Commission, in addition to her role as a SOLA3 board member.



Lake Gerar Shortly After 2005 Renovation

## SOLA3 Awards First Lakes Improvement Grant

### New Applications Invited for 2019

Tom Childers - Vice President, SOLA3

Congratulations to Sandy Bieber and Linda Rosenzweig as the winners of SOLA3's first annual grant created to encourage projects that enhance the health of Silver Lake, Lake Comegys and Lake Gerar. They improved their property along the shoreline of Silver Lake in accordance with environmental best practices to control erosion and storm water run-off and provide natural habitat for local flora and fauna. Our thanks to Wes Allen, Environmental Scientist for Solitude Management, who was SOLA3's environmental expert on the project.

As part of its ongoing commitment to promote the health of the lakes and lake environs, SOLA3 will continue this competition in 2019 by awarding one or more cost-sharing grants.

Maybe you have been considering removing invasive phragmites from your shoreline, would like to add an environmentally engineered riparian buffer, wish to redirect storm waters that normally run from your property into a rain garden, or install pervious surfaces. These and other projects may be eligible for our support. The deadline for receiving applications is September 30, 2019 and projects must be completed by December 31, 2019. Con'td on page 9.



Sallie Forman, Diane Hansen, Wes Allen (Solitude Management), Tom Childers  
In front of shoreline improvements that received the first SOLA3 Lakes' Improvement Grant



Guidelines, criteria, location of properties eligible to apply, and an application form are available for download from our Web site, [www.SOLA3.org](http://www.SOLA3.org). The grants competition is open to individual homeowners, homeowner associations, or groups of two or more homeowners (e.g., neighbors) working together.

Upon successful completion of an awarded project, SOLA3 will reimburse 50% of documented out-of-pocket costs, up to \$3,000. Smaller scale projects are also welcome – for example, a project costing \$500 could be eligible for a \$250 SOLA3 grant.

If you have any questions about the grant competition, you may email them to [saveourlakes3@aol.com](mailto:saveourlakes3@aol.com)



### HOW YOU CAN BE A GOOD STEWARD OF THE LAKES

***Much of the lakes' pollution can be attributed to runoff from properties surrounding the lakes and over 40***

***Rehoboth storm drains flowing into the lakes. Here are some solutions to remedy this:***

- For driveways, sidewalks, patios, and other “hard” surfaces, install pervious surfaces to allow rainfall to drain into the ground. These include porous concrete, asphalt, pavers, crushed stone or shells.
- Determine if your soil needs fertilization, and if so use minimal amounts of natural or organic products that can be purchased at most hardware stores and garden centers. Fertilize your lawn only in the fall with one application.
- Leave grass clippings on the lawn to provide nutrients and use your composted yard wastes for gardens.
- Pull weeds or spray full strength vinegar on your leaves, then pour boiling water over them, rather than using chemical solutions.
- Direct roof runoff to grassy areas or gardens; or use rain barrels to collect roof runoff and allow to drain slowly into your gardens. Use splash blocks or drainage tiles at rain spouts.
- Install rain gardens to capture runoff.
- To control pests, lessen the use of chemicals with organic or natural products. And do not apply these products or fertilizers prior to a rain storm.
- Plant vegetated filter strips of closely growing grasses or other dense vegetation at the perimeter of impervious or disturbed areas to catch and filter runoff.
- Install a riparian buffer of native trees, shrubs, flowers and grasses along the lakes' shorelines to filter out polluted runoff, control erosion and provide habitat for wildlife.
- Dispose of all hazardous wastes – paints, solvents, used oil, antifreeze, etc. – properly at recycling centers. **DO NOT POUR DOWN THE DRAIN OR ON THE LAWN.**
- Support policies that integrate storm water management best practices.

**FUN HISTORY FACTS: Did you know?**

Before Rehoboth Beach became “the nation’s summer capital”, the Nanticoke tribe had regular summer encampments around Silver Lake to gather shell fish from the Ocean, that they smoked to be preserved for the winter.

Until about 200 years ago, Silver Lake and Lake Comegys were conjoined. The separation took place early in the 1800’s to contain the pollution from the tannery located there, when it was then named Tan Vat Cove.

The Lake Gerar area, until the 1930’s, was basically a swamp -- with shallow water in rainy periods. A branch of the DuPont family, with homes on the north side, agreed with the City of Rehoboth Beach, to clean up the wetland and make it a proper lake, in exchange for nearby lands.



**Did you know that SOLA3 has received two Governor’s OUTSTANDING VOLUNTEER organization Awards and was listed among Delaware’s top 50 eco-activists in *Delaware Today*.**

**SOLA3 REALLY, REALLY NEEDS YOU**

SOLA3 is the only organization dedicated to improving our Rehoboth Lakes. As we begin our next five years, we realize that our future success will depend on expanding the SOLA3 organization to include more volunteers to maximize our effectiveness.

In all cases, your commitment would involve only as much time as you can spare. We know you would enjoy your time with our dedicated board, who make working and playing together fun, and you would experience a greater connection to our environment and our community.

So please sign up using the enclosed “Friends of SOLA3” form and return in the enclosed envelope. Or send an email to [SaveOurLakes3@aol.com](mailto:SaveOurLakes3@aol.com). While “operators are not standing by” we promise to be in touch asap.

## BEACH WALK UPDATE

This development is located on the current site of the Rehoboth Beach Plaza on Rt. 1, consisting of 7.78 acres. The current plan calls for 63 units, as a condominium complex, with a pool, parking and recreation center. The Rehoboth Planning Commission ruled unanimously that the development meets all the criteria for a major subdivision, not a condominium, which was upheld by the Board of Commissioners. The owner of the property appealed those decisions to the Delaware Superior Court.

As the result of the Superior Court Judge's decision to deny the motion by the City of Rehoboth to dismiss the case, Rehoboth's Board of Commissioners voted 6-0\* to appeal that decision. At the same time, they also voted (unanimously) to move forward at a later meeting to codify an ordinance that passed in 2016 that will clarify the applicability of zoning changes relating to this development.

Many residents were present at the Commissioner's meeting to speak in opposition to this development, as currently planned.

\*Mayor Paul Kuhns has recused himself from participating in this case.



## OUR GIVING COMMUNITY – THANK YOU!

As a non-profit, all-volunteer organization, SOLA3 does not receive any government funds nor grants, but must rely on our generous donors to support the work we do “to protect, preserve and maintain ...[Silver Lake](#), [Lake Comegys](#) and [Lake Gerar](#).” This support allows us to provide educational opportunities through workshops for children and adults, we work with state and local officials to improve the lakes environment, we inform through our newsletter, Website and media, that has resulted in our activities being reported by the *Cape Gazette*, *Beach Life*, *Delaware Today*, and WBOC.

Our success to date is due to the dedication of our volunteers and to our generous donors who are “Friends of SOLA3.” Whether you are currently or plan to be a “Friend”, we ask that you be as generous as possible with your gift to SOLA3 so that we have adequate funds to continue our important environmental work. Please complete the attached form when sending your gift. You may give with a check or a gift of stock. Gifts are tax-deductible based on IRS rules.

## SOLA3 BOARD OF DIRECTORS

Sallie Forman, Founder/President (2019-22)

Tom Childers, Vice President (2018-21)

Diane Hanson, Secretary (2017-20)

Dan Payne, Treasurer (2018-21)

Charlie Browne, Director (2018-21)

Susan Gay, Director (2019-22)

Director (Vacant) - (2018-21)

Appointed Advisors

Mabel Granke & Mike Boyd

SOLA3 is grateful for its partnership

with the following organizations:

Rehoboth Beach HOA

Draper Subdivision

Lake Comegys HOA

2019 SOLA3 Newsletter

Edited and Produced by

Sallie Forman and Charlie Browne

### RESPONSE TO MYSTERY PHOTO OF "LILLY LAKE"

Editor's note: In our 2018 newsletter we ran a request from Mr. John Fillmore for more information about a glass plate photo he provided with words "Lilly Lake" that he thought might be Silver Lake.

We thank Marnie Laird for her response, that we shared with Mr. Fillmore:

"Yes, Silver Lake used to be full of water lilies. Many people thought they were beautiful, others thought they clogged up the lake. To me they were a lovely sight and I wish they were back.

"When I was a child spending the summers at my grandparents, whose house was on Silver Lake, there were many, many water lilies. This would have been in the early to mid forties. My grandfather gave me a small rowboat, which I kept tied to an under structure of the Silver Lake Bridge. Many days I took a crab net and rowed out, tugging lilies loose with the net. I had some water in the bottom of the boat so the lilies were happy.

"I would row home, tie up, and bring my little red wagon to the lakeshore. I then scooped water into it with a pail and put the lilies into the wagon. Then I would pull it around the neighborhood, knocking on doors and selling the lilies to obliging housewives for a nickel a piece.

"This would have been the Silver Lake areas of Lake Drive, Queen St, Rodney St. and surrounding neighborhood. I did quite well financially, no doubt due to those kindhearted women who always seemed happy to buy my lilies. Many of the ones I remember were old time Rehoboth families: the Scotts, Layton's, Rodney's, Cannons, and Horst-mullers, and so on."



Lilly Lake

**From:** Sallie Forman <saveourlakes3@aol.com>

**Sent:** Monday, June 15, 2020 5:37 PM

**To:** Calder, Gayle H. (DNREC) <Gayle.Calder@delaware.gov>

**Subject:** Subaqueous Land Permit Application for gangway and dock at 135 Chesapeake St., Dewey Beach, DE

Good afternoon, Ms. Calder: On behalf of Save Our Lakes Alliance3 (SOLA3), I wish to file our comments and photos, relative to this matter, that are attached:

1. Memorandum from SOLA3 to Delaware DNREC Wetlands and Subaqueous Lands Section, dated June 15, 2020, stating our reasons for opposing this permit application.
2. 3 photos of the only small docks currently at Lake Comegys

Also attached is a copy of SOLA3's 2019 newsletter, identifying some of our activities (2020 not yet available).

I would appreciate an acknowledgement that you have received these documents. Thank you for all you do to protect and care for our wonderful Delaware natural resources.

Sincerely,

Sallie Forman, SOLA3 Founder and President





TO: Delaware DNREC Wetlands and Subaqueous Lands Section  
ATTENTION: Gayle Calder  
FROM: Save Our Lakes Alliance 3  
RE: Subaqueous Land Permit Application for 135 Chesapeake Street, Dewey Beach, DE  
Date: June 15, 2020

Founded in 2004, Save Our Lakes Alliance3 (SOLA3), is a non-profit organization with a mission to protect, preserve and maintain Lake Comegys, Silver Lake and Lake Gerar. Because no jurisdiction claimed ownership of Silver Lake and Lake Comegys, in 2012 we provided the research to then Attorney General Biden that resulted in a decision that these natural resources belong to the State of Delaware, and that DNREC is responsible for managing them. We have worked with DNREC on a number of improvements for Lake Gerar and Silver Lake. Currently, we are working with the City of Rehoboth to develop a management plan for these lakes, under the supervision of DNREC.

We would like to file our objection to the application of Norman Singer for a new gangway and dock adjacent to 135 Chesapeake Street, Dewey Beach, Delaware, (a property he leases) for the following reasons:

To protect Lake Comegys, SOLA3, working with the Lake Comegys Homeowners Association, was successful in having a former DELDOT right of way around the lake converted to a conservation easement. This was agreed to by property owners adjoining the lake, including the owner of 135 Chesapeake Street, and these agreements are recorded in the Sussex County records.

Among the provision of these agreements is "...no other use shall be allowed which affect fish or wildlife habitat or the preservation of land or water areas of the property..."

The proposed gangway and dock would impact on many birds and waterfowl habitats that adjoin 135 Chesapeake Street, as well as other habitats in and around the lake. Furthermore, since the water is very shallow next to this property, turtles use the area closest to its shoreline to sun themselves.

There is also a concern that when the dock carries the weight of boats and people that it will sink into the lake bed and destroy the turtles.

Lake Comegys (originally part of Silver Lake until the latter part of the 19<sup>th</sup> century) is not a lake but a very small pond. There is no dock on the lake that even comes close to the size of the proposed dock. The three existing docks, which were created well before the State acknowledged ownership of the lake, are modest, as shown in the attached 3 photos. One actually serves 28 homes that make up the Lake Comegys Homeowners' Association.

There is little doubt that if the proposed gangway and dock at 135 Chesapeake Street are approved by DNREC that other property owners will want to build new and larger docks as DNREC will have created the precedent for approval. This would not only undermine the safety and security of the wildlife but also disrupt the peace and quiet of this very unique, small community because of the amount of water activity it would encourage.

Being allowed to build a private structure on what is essentially public space is a privilege, not a right. With that privilege should come responsibility to protect the surrounding wildlife and

assure that other homeowners living around the lake can continue to enjoy the beauty and tranquility provided by this public, natural resource.

For these reasons we respectfully request that you deny this permit application. In doing so, perhaps the applicants would be willing to design a smaller dock, in keeping with the scale and design of the three existing docks.

If Secretary Garvin finds it necessary, we can participate in a DNREC hearing to state our position.

Thank you for your consideration of our request and for all the great work you do to protect and enhance the State's natural resources so they may continue to be enjoyed by all.

Sincerely,

/s/ Sallie Forman

Founder and President, SOLA3

[saveourlakes3@aol.com](mailto:saveourlakes3@aol.com)

[www.sola3.org](http://www.sola3.org)

**From:** RENE MONGEAU <rgbm207@verizon.net>  
**Sent:** Monday, June 15, 2020 8:28 PM  
**To:** Calder, Gayle H. (DNREC) <Gayle.Calder@delaware.gov>  
**Subject:** 135 Chesapeake, Dewey, DE

The reason for this email I is to let you know that I oppose the granting permission to extend the present dock and adding a platform .in a very narrow part of Lake Comegys. The lake belongs to the community and not to one person. To allow the request would be detrimental to the wild life it supports. I have seen egrets, herons, duck on the lake, and even a swan. Fishes would be disturbed. KIDS enjoy fishing on the lake which is fragile, and must be protected. My house is on the lake.

[Sent from Yoo Mail on Android](#)

**From:** Frank Burns <anthonyburns.photo@gmail.com>

**Sent:** Tuesday, June 16, 2020 12:34 PM

**To:** Calder, Gayle H. (DNREC) <Gayle.Calder@delaware.gov>

**Subject:** Subaqueous Land Permit Application For 135 Chesapeake St., Dewey Beach, De

> To: Delaware DNREC Subaqueous Lands Division

> Attention: Gayle Calder

>

> From: Tony Burns

> President, Lake Comegys Association of Homeowners

>

> Dear Ms. Calder:

>

> I am writing on behalf of the Lake Comegys Association of Homeowners (LCAH) to express the Association's opposition to the application filed by Norman Signer of 135 Chesapeake St., Dewey Beach, DE to build a new floating dock and gangway that would extend into the narrowest part of Lake Comegys. The following information provides the rationale as to why this application should be denied.

>

> The LCAH, which is in its 50th year, consists of 28 individually owned townhomes that share over 600 feet of Lake Comegys shoreline or a quarter of the entire lake's shoreline. The Association over the years has worked with local neighbors,

> community organizations, State agencies, as well as Local and State officials to preserve the historic and natural setting of Lake Comegys. As a result of these efforts, the Delaware 142nd General Assembly passed Senate Concurrent Resolution No 37 dated May 13, 2004 declaring that the "Rehoboth Lakes" as the closest freshwater lakes to the Atlantic Ocean, are State and National treasures. On July 6, 2007, the Delaware Department of Transportation created a Conservation Easement around the entire lake to insure that the property would be retained forever in its natural scenic condition and to prevent any use of the easement that would significantly interfere with the the conservation rules for the property. This was followed later by the Delaware Attorney General's decision that the Rehoboth Lakes were owned by the State and that DNREC is responsible for managing these natural resources.

>

> Lake Comegys is not a recreational lake that is used for swimming and boating, nor is it a tidal waterway. The property at 135 Chesapeake is on the side of the narrowest section of the lake and is directly across from our townhomes. The proposed 20 foot dock and gangway would bring it within a little more than 100 feet of the LCAH shoreline. Further, the 135 Chesapeake St. shoreline has a bulkhead and the water depth is less than two feet. This would mean that the floating dock would be sitting on the lake bed obstructing the natural water flow and restricting movements by waterfowl, including mallard ducks, herons, egrets, as well as turtles in the area. The photo below shows the lakefront house at 135 Chesapeake and the shoreline with its riparian buffer. A lawn in front of the house abuts the bulkhead.



>

> While there are three existing docks on Lake Comegys, they were built long before Legislative and State Agency actions on the lakes. The LCAH dock is 5 feet wide & is adjacent to the shoreline with a direct view down the entire lake. It serves the 28 LCAH residences.

>

> We are disappointed that the owner of 135 Chesapeake St. did not list us as adjoining property owners on his PERMIT APPLICATION FORM. We appreciate your review & consideration of our comments.

>

> Sincerely,

>

> Tony Burns

> 38460 Cottage Lane, #7

> Rehoboth Beach, De. 19971-2096

> Phone (302) 227-9165

> Sent from my iPad