

Subject: Docket #2021-P-W-0012 Norman Singer application
Date: Wednesday, June 23, 2021 at 2:04:11 PM Eastern Daylight Time
From: Sallie Forman
To: HearingComments, DNREC (MailBox Resources)
Attachments: SOLA3 written comments Singer 6-21.docx

Thank you for the opportunity to comment on this application, on behalf of SOLA3, at your June 16, 2021 public hearing. Because of the requirement that presentations be no longer than 3 minutes, I presented an abbreviated version of the attached comments to accommodate the time restrictions.

Our expanded comments provide more details as to why this application should be denied as it does not meet WSL requirements and regulations. The project proposed is larger than needed to accomplish the applicants goal to launch kayaks and canoes and expands into public subaqueous lands. For these and other stated reasons, we respectfully request that DNREC/WSLS deny the application.

Sallie Forman
Founder and President
Save Our Lakes Alliance3

SAVE OUR LAKES ALLIANCE3

www.sola3.org



SAVING NATURAL TREASURES

RE: Docket #2021-P-W-0012 – Norman Singer application – Request to deny this application

I am Sallie Forman, President and Founder of Save Our Lakes Alliance3, a non-profit organization with a mission to protect, restore and maintain Lake Comegys, Silver Lake and Lake Gerar. We provided the research that led to the State of Delaware acknowledging its ownership of Silver Lake and Lake Comegys. Currently, a management plan is being developed for these lakes.

Mr. Singer's application proposes to build a large gangway, floating dock and pier that projects 21' into what appears to be public subaqueous lands of Lake Comegys.

DNREC's Wetlands and Subaqueous Lands Section (WSLS) requires such applications to be complete. Mr. Singer's application is incomplete. Furthermore, because the applicant did not provide a scaled plan view and cross-section view of his "major project", as required, neither we nor WSLS can determine:

1. The impact to public and private subaqueous lands;
2. The accurate dimensions in relationship to adjacent property lines;
3. The location of the high water line;
4. The depths of water in and around the proposed project;

5. The location of (a) property corners and lines; and (b) wetlands and aquatic habitats in and around the proposed project;
6. The specific location of the proposed structures to the adjacent owner(s) and subaqueous lands.

Other deficiencies in the application include:

The gangway is positioned over the 5' conservation easement, thereby violating the conditions of the easement.

Names and "addresses for property owners within a 1,000 foot radius of the project" are not provided.

The applicant states that he has not applied for a permit from the Army Corps of Engineers, which may be required if Lake Comegys is a federally regulated "Water of the United States," which does apply to adjoining Silver Lake.

The pier and dock 5' width exceeds the 4' width usually approved by WSLs and should be denied.

We believe a subaqueous lands lease is required for a portion of the project that is in subaqueous lands, which is not addressed in the application.

The applicant states that the width of Lake Comegys is 130 feet across. Regulations require that structures in a water body not exceed 10% of that water body width. Therefore, the maximum length of any structures should not exceed 13'. The current plans show the project would extend 21' into the lake, thereby violating this regulation.

Relative to the size of this project, WSLs must apply its regulations as to the standard that encroachments into and over subaqueous land be limited to only what is needed to reach water depths for the proposed project, i.e. launching kayaks and canoes. The scope of this project suggests that the primary purpose is not water-dependent but, instead, the addition of outdoor living space for the exclusive benefit of the property owner.

Therefore, WSLs should deny the massive design of the project as it is unnecessary to accomplish access to the lake by kayaks or canoes. It

would result in the largest structure on Lake Comegys, (which is really a pond of less than 4 acres), covering over 100 square feet of public subaqueous lands in a narrow cove of the lake.

If approved, it could create an incentive for the 43 other property owners around the lake to apply to expand their existing small docks or build new, large docks.

Being allowed to build massive, private structures on what is public land is a privilege, not a right. With that privilege must come responsibility by the applicant to:

1. Meet existing community standards as to size and scope of adjoining docks;
2. Consider other alternatives that will lessen the taking of public lands;
3. Protect the existing habitat for wildlife, some of which are protected species, and plant species that have thrived along the treed shoreline and conservation easement;
4. Assure that adjoining property owners may continue to enjoy the beauty and tranquility provided by Lake Comegys, a public, natural resource.

SOLA3 respectfully requests that the Singer application be denied

as it does not meet the requirements set forth in WSLs regulations. WSLs/DNREC state “Both public and private wetlands are protected by federal and state laws because of their exceptional value to society. Maintaining wetland functions is essential to protecting the public.”

The Website dnrec.alpha.delaware.gov states: “Delaware may have lost as much as 54 percent of its wetlands since the 1780s. The most recent study indicates that Delaware lost almost 50 percent more wetland acreage during the span of 1992 to 2007 compared to 1981/2 to 1992.”

Approval of this application would add to this dramatic loss of wetlands and the significant benefits they provide.

