



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

Abby L. Pubusky and Thomas A. Taylor II
211 S. Union Street
Kennett Square, PA 19348
Tax Parcel: 2-34-18.00-257.00

Subaqueous Lands Lease: SL-519/18
Associated Wetlands Permit: WE-519/18
Date of Issuance:
Construction Expiration Date:

SUBAQUEOUS LANDS LEASE

GRANTED TO:

Abby L. Pubusky and Thomas A. Taylor II

TO CONSTRUCT:

- A 4 foot wide by 26 foot long fixed pier,
- A 5 foot wide by 40 foot long fixed dock,
- A 6 foot wide by 10 foot long PWC floating platform,

Connecting to a 3 foot wide by 150 foot long wetland walkway as authorized by: WE-519/18

TO REMOVE:

- The existing docking facility as authorized by SL-119/09

OCCUPYING PUBLIC SUBAQUEOUS LANDS TOTALING:

340 square feet

LOCATED CHANNELWARD OF MEAN LOW WATER:

**In Herring Creek,
At 23854 Brant Circle,
The Cove,
Lewes, 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 (4 sheets) as approved on _____ as authorized by Secretary's Order No. _____, and the application dated December 21, 2018, and received by this Department on December 31, 2018 with subsequent information received on September 29, 2020, July 2, 2021 and August 15, 2022.

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

WHEREAS, Abby L. Pubusky and Thomas A. Taylor II, owner(s) of certain lands adjoining to the Herring Creek have applied for permission to occupy 340 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 replaces all previously issued subaqueous lands leases associated with this tax parcel (SL-119/09, SL-016/99, SL-0303-95) which are hereby voided. Existing structures shall be removed prior to the construction of authorized structures granted by this lease.
2. This Lease is granted for the purpose of constructing a private residential docking facility, as indicated on the approved plans. Any other use without prior approval shall constitute reason for this Lease being revoked.
3. 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.
4. 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.
5. The docking facility shall be constructed 71 feet west of the first raised western piling associated with the existing pier in accordance with the approved plans.
6. The authorized area of structure over public subaqueous lands is 340 square feet, represented by the 4 foot wide by 20 foot long portion of fixed pier, a 5 foot wide by 40 foot long fixed dock, and a 6 foot wide by 10 foot long floating jet ski platform constructed channelward of the mean low water line. The 3 foot wide by 150 foot long wetland walkway is in State-regulated wetlands located landward of the mean low water line.

7. In order to reduce impacts to benthic macroinvertebrate communities, the PWC floating platform shall be constructed and operated with the installation of stoppers or other devices to prevent the floating platform from resting on the waterway bottom.
8. Erosion and sediment control measures shall be implemented in accordance with the specifications and criteria in the current Delaware Erosion and Sediment Control Handbook, so as to minimize entry and dispersal of sediment and other contaminants in surface waters.
9. The work authorized by this Lease is subject to the terms and conditions of the U.S. Army Corps of Engineers CENAP-OP-R-SPGP-20.

IN WITNESS WHEREOF, We, Abby L. Pubusky and Thomas A. Taylor II, have caused this instrument to be executed on this _____ day of _____, 2023.

By: _____
Abby L. Pubusky (Lessee)

By: _____
Thomas A. Taylor (Lessee)

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



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

**SUBAQUEOUS LANDS LEASE
CONTRACTOR'S COMPLETION REPORT
POST-CONSTRUCTION**

Subaqueous Lands Lease Number: SL-519/18

Name: Abby L. Pubusky and Thomas A. Taylor II **Address:** 23854 Brant Circle
Lewes, DE 19958
Parcel #: 2-34-18.00-257.00

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

--

--

--

--



WETLANDS AND WATERWAYS SECTION

LEASE NO.: SL-519/18

CONSTRUCTION EXPIRATION DATE: _____

TO CONDUCT THE FOLLOWING ACTIVITIES:

TO CONSTRUCT:

- **A 4 foot wide by 26 foot long fixed pier,**
- **A 5 foot wide by 40 foot long fixed dock,**
- **A 6 foot wide by 10 foot long PWC floating platform,**

TO REMOVE:

The existing docking facility as authorized by SL-119/09

LOCATED ON PUBLIC SUBAQUEOUS LANDS:

**In Herring Creek,
At 23854 Brant Circle,
The Cove,
Lewes, Sussex County, Delaware**

ISSUED TO: Abby L. Pubusky And Thomas A. Taylor II

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

Authorized by: _____