



DNREC Virtual Public Hearing

Abby L. Pubusky and Thomas A. Taylor II
(Docket #2021-P-W-0016)

Welcome. Any visual content that is part of this hearing will appear in this window.

Computer Audio: Use the audio connections menu to turn audio on or off.

Telephone Audio: DIAL-in Number: 1-408-418-9388

Access code: 179 397 0155

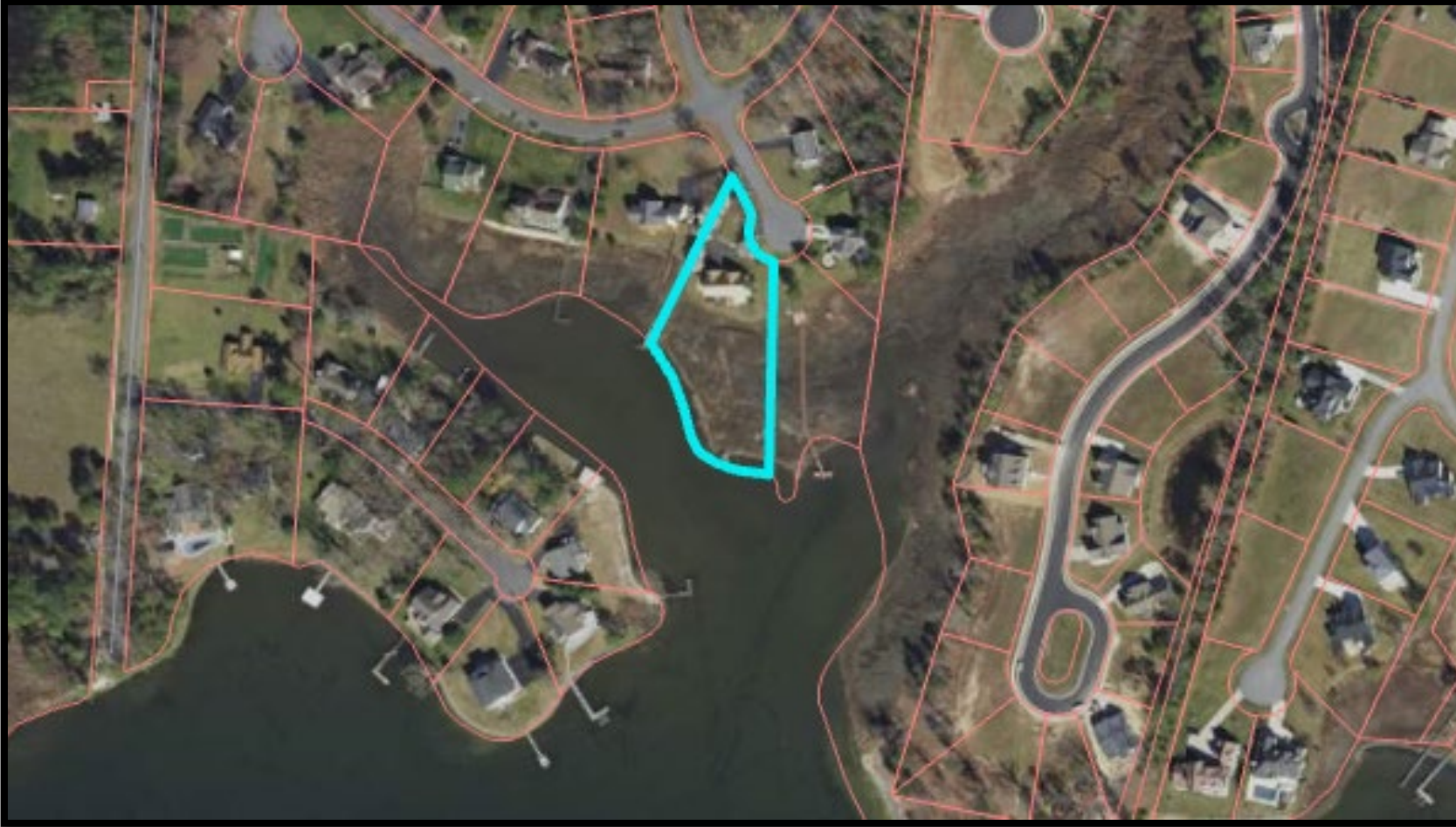
Comments will be accepted using the DNREC Comment form, via email, or by USPS mail as noted on the hearing event page (de.gov/dnrechearings)

Purpose of Public Hearing

**To provide the public an opportunity to comment on the
Abby L. Pubusky and Thomas A. Taylor II application
for construction of a water access structure for private residential use**

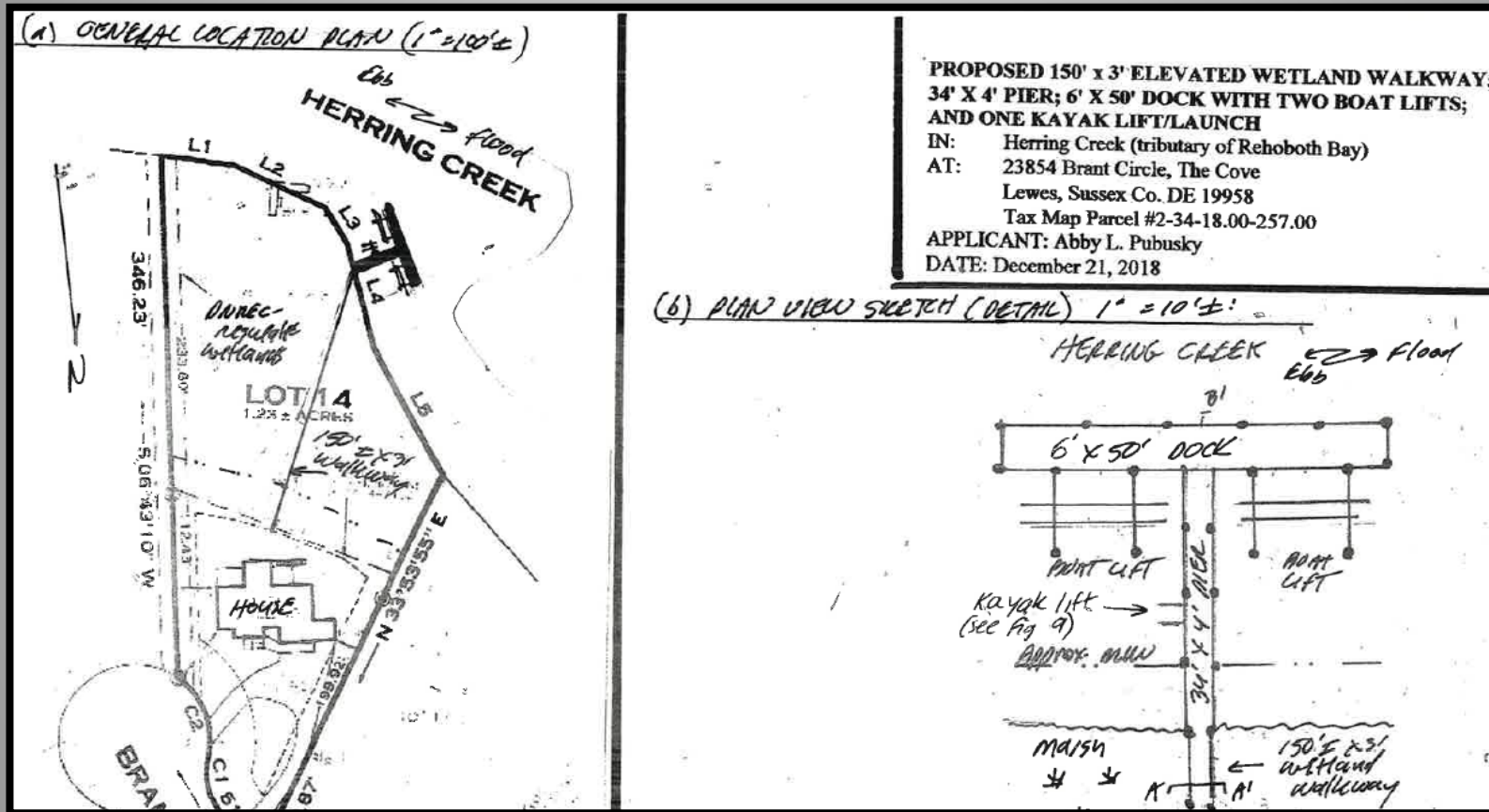
Wetlands Permit
Subaqueous Lands Lease

Project Location



**In Herring Creek located on Tax Parcel # 234-18.00-257.00 at 23854 Brant Circle,
The Cove, Lewes, Sussex County, DE**

Initial Project Overview



Wetlands Impact: A 3 foot wide by 150 foot long wetland walkway

Subaqueous Impact: A 4 foot wide by 34 foot long pier, A 6 foot wide by 50 foot long dock, Two (2) boat lifts with 4 associated pilings each, A kayak launch ladder

Public Notice

- **The project was placed on a 20 day public notice period published in The Delaware State News and the News Journal from February 6, 2019 to February 26, 2019**
 - Received three written public comments in objection
- **DNREC Division of Fish and Wildlife**
Species Conservation and Research Program
 - A review of indicated that there were currently no records of state-rare or federally listed plants, animals or natural communities at the project site

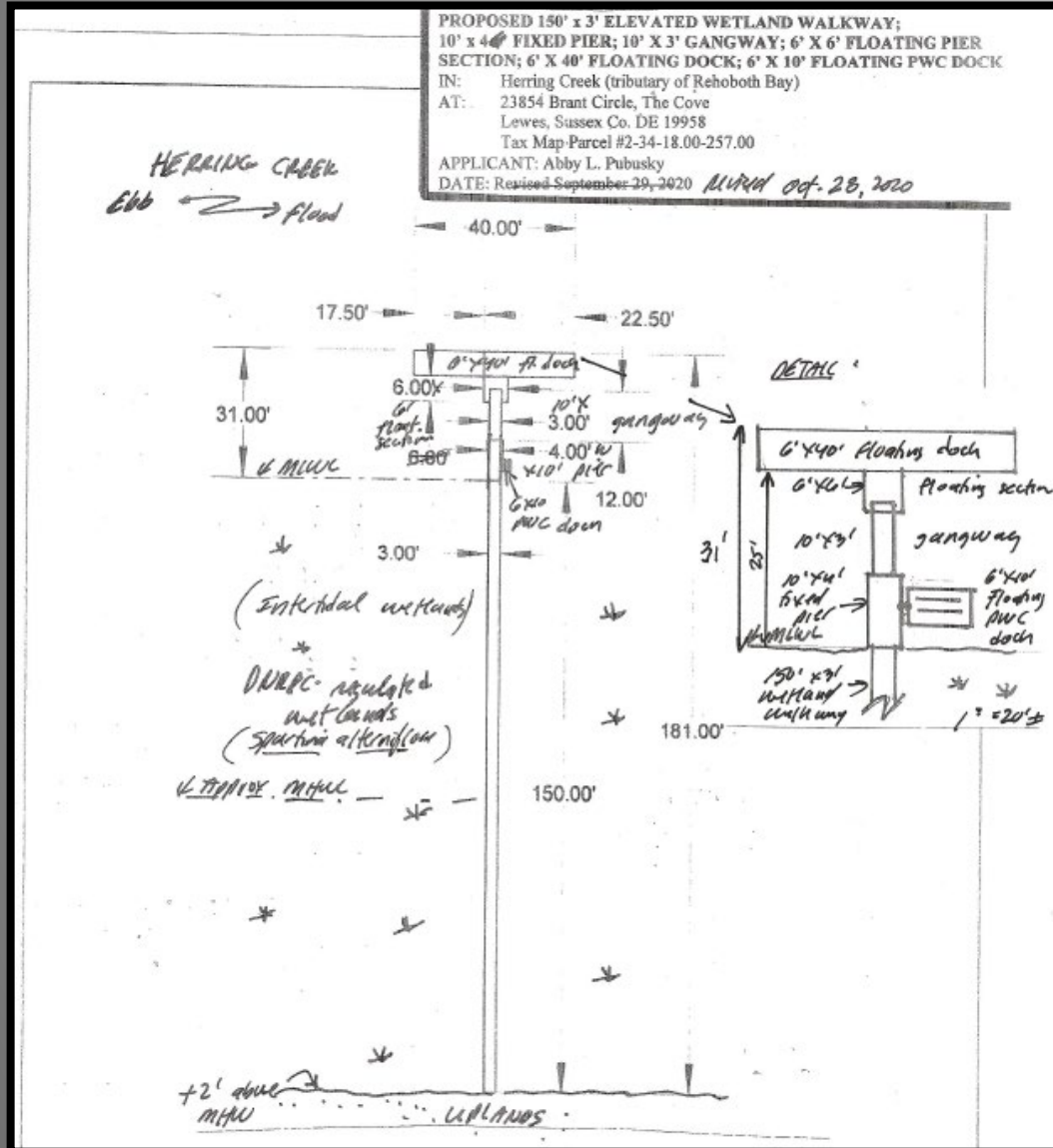
Revised Project Overview

Revised October 2020 Modifications Included

- Total reduction of 47 square feet of structure occupying public subaqueous lands
- Channelward encroachment reduced from 40 feet to 31 feet
- Removal of the two (2) boat lifts
- Reduction in dock length by 10 feet
- Replacement of the kayak launch ladder with a floating jet ski platform

Wetlands Impact: A 3 foot wide by 150 foot long wetland walkway

Subaqueous Impact: A 4 foot wide by 10 foot long fixed pier, A 3 foot wide by 10 foot long gangway, A 6 foot wide by 6 foot long floating platform, A 6 foot wide by 40 foot long floating dock, A 6 foot wide by 10 foot long floating jet ski platform



Public Notice

- **The project was placed on a 20 day public notice period published in The Delaware State News and the News Journal from October 28, 2020 to November 17, 2020**
 - Received two written public comments in objection
- **DNREC Division of Fish and Wildlife**
Species Conservation and Research Program
 - A review of indicated that there were currently no records of state-rare or federally listed plants, animals or natural communities at the project site.

Rescheduled Public Hearing

Public Hearing originally scheduled for July 28, 2021

Comments included concerns for an inadequate public notice period since the adjacent address list for direct mailings of the project was from the original December 31, 2018 application

Rescheduled Public Hearing for August 25, 2021

Address list updated July 23, 2021 per the Sussex County records

Regulatory Review

- **DNREC Division of Water**

- Wetlands and Subaqueous Lands Section**

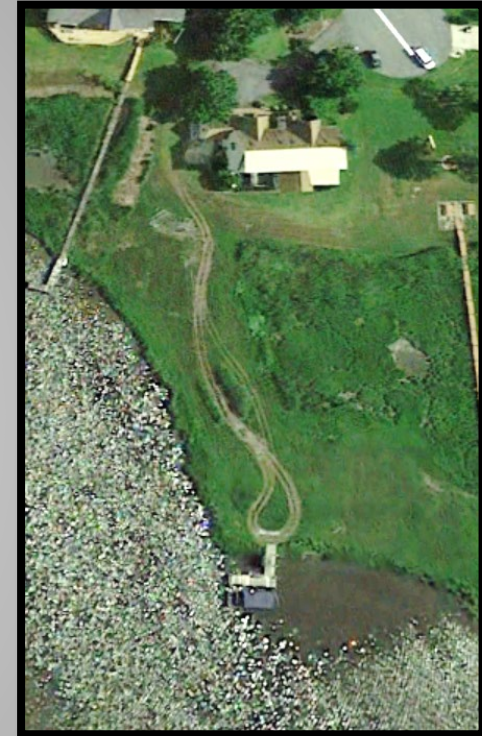
- Conducts a review of the project to determine if the project is consistent with regulatory requirements.

Regulations Governing the Use of Subaqueous Lands
Wetland Regulations

Regulatory Review



Summer 2018



**SL-016/99 issued a docking facility.
However, a wetland walkway was
not authorized since it would
exceed 150 feet in length**

Regulatory Review



On March 11, 2021, a Jurisdictional Determination of the extent of State-regulated Wetlands on the property was conducted to ensure the location of the wetland walkway did not exceed 150 linear feet

PROPOSED 150' x 3' ELEVATED WETLAND WALKWAY;
10' x 4' FIXED PIER; 10' x 3' GANGWAY; 6' x 6' FLOATING PIER
SECTION; 6' x 40' FLOATING DOCK; 6' x 10' FLOATING PWC DOCK
IN: Herring Creek (tributary of Rehoboth Bay)
AT: 23854 Brant Circle, The Cove
Lewes, Sussex Co. DE 19958
Tax Map Parcel #2-34-18.00-257.00
APPLICANT: Abby L. Pubsuky
DATE: Received September 29, 2020

- **Wetland restoration**
- **Relocation of the floating jet ski platform**

- Wetland restoration
- A 3 foot wide by 150 foot long wetland walkway

- A 4 foot wide by 10 foot long fixed pier
- A 3 foot wide by 10 foot long gangway
- A 6 foot wide by 6 foot long floating platform
- A 6 foot wide by 40 foot long floating dock
- A 6 foot wide by 10 foot long floating jet ski platform

Final Project Overview

Wetland Restoration Activities:

- Existing docking facility will be removed, and the ATV path abandoned
- Phased approach to restoration:
 1. The ruts will be regraded to elevations that will support wetland vegetation
 2. Existing marsh vegetation is expected to naturally re-seed the impacted areas
 3. The site is proposed to be monitored for two (2) growing seasons to document revegetation
 4. If natural re-colonization does not result in 85% coverage, then wetland seedlings will be planted to expedite revegetation



Spring 2021



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Thank you for joining us. We will accept comments on this matter through September 9, 2021.

Comments may be submitted in writing

via DNREC Comment form - <https://dnrec.alpha.delaware.gov/public-hearings/comment-form/>

via email- DNRECHearingComments@delaware.gov

or by USPS mail:

Lisa A. Vest, Hearing Officer

DNREC – Office of the Secretary

89 Kings Highway, Dover, DE 19901

The full verbatim transcript will be posted when it becomes available.

For more information, find the event page for this hearing on the DNREC Public Hearings page

dnrec.alpha.delaware.gov/public-hearings/