Providing Environmental Solutions

DNREC

Wetlands and Waterways Section Attn: Matt Jones, Program Manager 89 Kings Highway, Dover, Delaware 19901

Subaqueous Land Lease for Dock and Pier

Applicant: Mr. Kevin Huey 2860 Williamsville Road, Houston, Kent County, Delaware 19954

To Whom It May Concern,

The proposed project is along the Indian River at 28590 Smiths Landing, Millsboro, DE 19966: Tax Map Parcel #: 234-35.05-121.00. The purpose of the project is to apply for a new Subaqueous Land Lease for a pre-existing wooden dock and pier located at the referenced subject property (Prior Lease expired on July 21, 2022 (Nos: SL-084/02 & SL-235/07). The existing structure includes a 5-foot wide by 81-foot long pier, a 2-foot wide by 14-foot long dock with six (6) standalone pilings for a boat lift and personal watercraft lift, and a 6-foot by 20-foot dock located in the Indian River. All activity will comply with USACE SPGP-20. Upon pending real estate transaction, the Subaqueous Land Lease will be transferred to the new property owner.

Site Diagrams attached and property information attached.

Please contact me with any questions. Best Regards,

Ld

Lyle de la Rosa Environmental Project Manager Envirotech Environmental Consulting, Inc.

Office Phone: 302.684.5201

Fax: 302.684.5204

email: lyle@envirotechecinc.com

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

Application Instructions:

- 1. Complete each section of this basic application and appropriate appendices as thoroughly and accurately as possible. Incomplete or inaccurate applications will be returned.
- 2. All applications must be accompanied by a scaled plan view and cross-section view plans that show the location and design details for the proposed project. Full construction plans must be submitted for major projects.
- 3. All applications must have an original signature page and proof of ownership or permitted land use agreement.
- 4. Submit an original and two (2) additional copies of the application (total of 3) with the appropriate application fee and public notice fee* (prepared in separate checks) to:

Department of Natural Resources and Environmental Control Wetlands and Subaqueous Lands Section 89 Kings Highway Dover, Delaware 19901

*Application and public notice fees are non-refundable regardless of the Permit decision or application status.

5. No construction may begin at the project site before written approval has been received from this office.

Helpful Information:

1.	Tax Parcel Information:	New Castle County Kent County Sussex County	(302) 395-5400 (302) 736-2010 (302) 855-7878
2.	Recorder of Deeds:	New Castle County Kent County Sussex County	(302) 571-7550 (302) 744-2314 (302) 855-7785

- 3. A separate application and/or approval may be required through the Army Corps of Engineers. Applicants are strongly encouraged to contact the Corps for a determination of their permitting requirements. For more information, contact the Philadelphia District Regulator of the Day at (215) 656-6728 or visit their website at: http://www.nap.usace.army.mil/Missions/Regulatory.aspx.
- 4. For questions about this application or the Wetlands and Subaqueous Lands Section, contact us at (302) 739-9943 or visit our website at: http://www.dnrec.delaware.gov/wr/Services/Pages/WetlandsAndSubaqueousLands.aspx. Office hours are Monday through Friday 8:00 AM to 4:30 PM, except on State Holidays.

APPLICANT'S REVIEW BEFORE MAILING

DID YOU COMPLETE THE FOLLOWING?

X	_ Yes	BASIC APPLICATION
X	_ Yes	SIGNATURE PAGE (Page 3)
X	_ Yes	APPLICABLE APPENDICES
X	_ Yes	SCALED PLAN VIEW
X	_ Yes	SCALED CROSS-SECTION OR ELEVATION VIEW PLANS
X	_ Yes	VICINITY MAP
X	_ Yes	COPY OF THE PROPERTY DEED & SURVEY
X	_ Yes	THREE (3) COMPLETE COPIES OF THE APPLICATION PACKET
X	_ Yes	APPROPRIATE APPLICATION FEE & PUBLIC NOTICE FEE (Separate checks made payable to the State of Delaware)

Submit 3 complete copies of the application packet to:

Department of Natural Resources and Environmental Control Wetlands and Subaqueous Lands Section 89 Kings Highway Dover, Delaware 19901

Before signing and mailing your application packet, please read the following:

The Department requests that the contractor or party who will perform the construction of your proposed project, if other than the applicant, sign the application signature page along with the applicant in the spaces provided. When the application is signed by the contractor as well as the applicant, the Department will issue the Permit to both parties. For Leases, the contractor will receive a separate construction authorization that will make them subject to all of the terms and conditions of the Lease relating to the construction

S	ection	1:	Apr	olicant	Ic	lenti	fica	tion	
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1.	Applicant's Name: Kevin Huey Mailing Address: 2860 Williams Houston, DE	ville Road 19954	Telephone #: 302.245.3465 Fax #: E-mail: khuey69377@aol.com				
2.	Consultant's Name: Todd Fritch Mailing Address: 17605 Nassau Commons B Lewes, DE 19958	Telephone Fax #: 30	Company Name: Envirotech Environmental Consulting Telephone #: 302.684.5201 Fax #: 302.684.5204 E-mail: lyle@envirotechecinc.com				
3.	Contractor's Name: Mailing Address:	_ Telephone _ Fax #:	Company Name: Telephone #: Fax #: E-mail:				
Sec	ction 2: Project Description						
□ 1 5.	Check those that apply: New Project/addition to existing project Project Purpose (attach additional subaqueous land lease for dock and pier ex	heets as necessary):	nir/Replace existing so) 	
6.	Check each Appendix that is enclose		on:	1-			
X	A. Boat Docking Facilities	G. Bulkheads H. Fill		N. Preliminary O. Marinas	Marina Checklist		
	B. Boat Ramps C. Road Crossings	I. Rip-Rap Sills a	and Revetments	P. Stormwater	Management		
	D. Channel Modifications/Dams	J. Vegetative Sta	bilization	Q. Ponds and I	mpoundments		
	E. Utility Crossings	K. Jetties, Groins		R. Maintenanc	Ü		
	F. Intake or Outfall Structures	M. Activities in	State Wetlands	S. New Dredg	ing		
7. <u>M</u>	Project Site Address: 28590 Smi illsboro, DE 19966		Site owner name (if		Sussex plicant):		
8.	Driving Directions: Driving directions	tions attached					
(At	tach a vicinity map identifying road	names and the project	location)				
9.	Tax Parcel ID Number: 234-35.05-	121.00	Subdivision Name:				
WS	SLS Use Only: Permit #s: _						
Ty	pe SP 🗆 SL 🗆 S	U □ WE □	WQ □ LA □	\Box SA \Box	$\mathbf{MP} \square \qquad \mathbf{WA} \mid$		
Rec Fee	rps Permit: SPGP 18 \(\text{ 20 } \text{ Nat } \) ceived Date:	Project Scientist	Receipt #:		it #	-	
Pu	blic Notice #: Publi	c Notice Dates: ON	(OFF			

Section 3: Project Loca	tion (Continued)							
10. Name of waterbody	at Project Location	: Indian River	r water	body is a tribu	tary to: _	Indian R	River Bay	
11. Is the waterbody:	X Tidal □ No	n-tidal Wa	aterbody width	n at mean low o	or ordinar	y high wa	ter 6300 ft	
12. Is the project:	X On public suba X In State-regula			ate subaqueous ally-regulated		?		
*If the project is on priva	ate subaqueous land	ls, provide the na	ame of the sub	paqueous lands	owner:			
(Written permission from	n the private subaqu	ieous lands own	er must be inc	cluded with this	applicati	on)		
13. Present Zoning:	☐ Agricultural	X Residential	□ Comme	rcial 🗆 Ind	ustrial	□ Other		
Section 4: Miscellaneou	18	1000000	10				280	
14. A. List the names a project (attach addit BATTLES, CYNTHIA & WALL CHARLES E JR PRI	ional sheets as nece JOSEPH DAVID HA	ssary): ARPER: 28502 S	SMITHS LAND	DING MILLSBO	RO DE 1	9963		the
foot radius of the project Document attached 15. Provide the names of Kaylee Groce - DNREC				tatives whom yo	ou have di	scussed th	ne project with:	
A. Have you had a S B. Has the project b *If yes, what w		onthly Joint Per				□ Yes	X No X No	
16. Are there existing st *If yes, provide SL-084/02	the permit and/or le		subaqueous la	ands?	X Yes	□ No		
*If no, were str	uctures and/or fill in	n place prior to 1	1969?	□ Yes	□ No			
17. Have you applied fo □ No □ Pen		_		rps of Enginee ate:				
Type of Permit:			Federal Pe	rmit or ID #: _				
18. Have you applied fo	•			ate:	Perm	it or ID#:	:	
Type of permit (circle a	ll that apply): Se	ptic Well	NPDES	Storm Water				
Other:								

Section	5:	Signature	Page
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19. Agent Authorization:	
If you choose to complete this section, all future correspondagent. In addition, the agent will become the primary point	dence to the Department may be signed by the duly authorized t of contact for all correspondence from the Department.
I do not wish to authorize an agent to act on my behalf $\ \square$	
I wish to authorize an agent as indicated below X	
I, Mr. Kevin Huey, hereby design (Name of Applicant) to act on my behalf in the processing of this application and Department. Authorized Agent's Name: Todd Fritchman Mailing Address: 17605 Nassau Commons Bouleve	
Mailing Address: 17605 Nassau Commons Bouleve Unit D Lewes, Delaware 19958	ard Fax #: 302.684.5204 E-mail: lyle@envirotechecinc.com
20. Agent's Signature:	_
	e attached plans are true and accurate to the best of my knowledge. mation in addition to that set forth herein if deemed necessary to
Todd Fritchman	February 13, 2025
Agent's Signature	Date
21. Applicant's Signature:	
and that I am required to inform the Department of any chafurther understand that the Department may request inform	e attached plans are true and accurate to the best of my knowledge inges or updates to the information provided in this application. I nation in addition to that set forth herein if deemed necessary to to authorized Department representatives to enter upon the
ZEUN HUEU	2/13/2025
Applicantissignature	Date
Mr. Kevin Huey	
Print Name	
22. Contractor's Signature:	
and that I am required to inform the Department of any cha	e attached plans are true and accurate to the best of my knowledge, unges or updates to the information provided in this application. I action in addition to that set forth herein if deemed necessary to
Contractor's Name	Date
Print Name	

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BOAT DOCKING FACILITIES

Any boat docking facility for more than four (4) vessels is considered a marina facility (see definitions and explanations section) and requires the applicant to complete Appendices N and O, and make application to the U. S. Army Corps of Engineers for approval.

Please make sure answers to all of the questions in this appendix correspond with information on the application drawings.

- Briefly describe the project. (Attach additional sheets as necessary.)
 Suba ueous Land Lease Renewal for Pre-existing Structure Pro ect Description Attached
- 2. Please provide numbers and dimensions as follows:

Structure Type	Number of	Dimensions (0	Channelward of	Dimens	ions (C	hanne	elward of	New, repair
	Support	MHW or OHW	/)	MLW-	n/a	for	non-tidal	or maintain
	Pilings			water)				
Dock, Pier, Lift,		Width	Length	Width		Leng	th	
gangway		ft.	ft.	ft.		ft.		
Pier	26	5	81					Maintain
Dock	6	2	14					Maintain
Dock	8	6	20					Maintain
Freestanding	Number							
Pilings								
	6				•			maintain

Mooring Buoy:	How many moorings will be installed? 0
	What will be used for the anchor(s)? N/A
	Anchor/Mooring Block Weight N/A
	Anchor Line Scope (Length or Ratio) N/A
	Water Depth at Mooring Location N/A

- 3. Approximately how wide is the waterway at this project site? $\frac{+}{-}6,300$ ft. (measured from MLW to MLW)
- 4. What will be the mean low water depth at the most channelward end of the mooring facility? $\underline{6.5}$ ft.
- 5. What type of material(s) will be used for construction of the mooring facility (e.g. salt treated wood, aluminum, fiberglass floats, etc.) Use of creosote-treated wood is prohibited.

 Existing dock is made of salt treated wood no additional work proposed
- 6. Circle any of the following items that are proposed over subaqueous lands:
 Fish Cleaning Stations/Benches/Ladders/Water Lines/ Satellite/Electric Lines/ Handrails/Other (Describe)

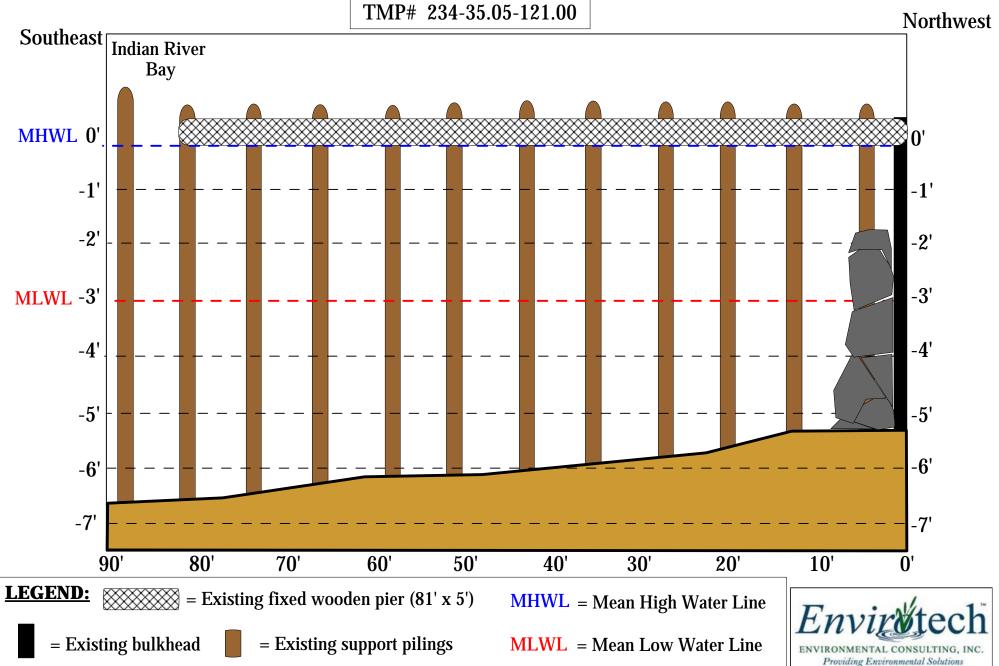
If any of the items are circled above, include their dimensions and location on the application drawings.

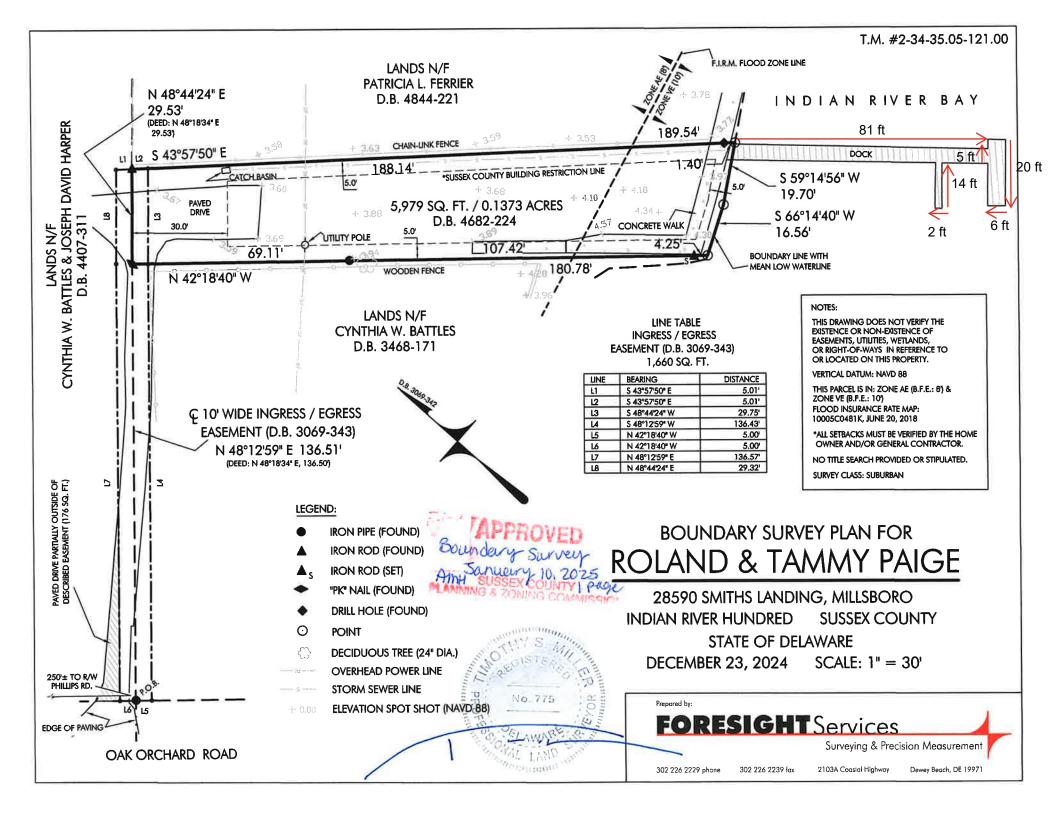
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/.	What will be the distance from the most channelward end of the docking facility to the edge of any natural or man-made channel? $\frac{6,300}{}$ ft.						
8.	Describe the vessels that will plans and drawings.	be berthed at the	docking facility. Pl	ease draw prop	osed vessel locations on		
	Make/model	length	width	draft			
	Make/model						
	Make/model						
	Make/model						
9.	Please provide a copy of the comotorized vessel listed above.		ation or Coast Gua	rd Certificate of	Documentation for each		
10.	Give the number and type of on vessels to be docked at the		ation Device (e.g. N	∕ISD III, Portable	toilet) that will be used		
11.	Is there currently a residence	on the property?	Yesx No)			
12.	 Do you plan to reach the boat docking facility from your own upland property? X Yes No If "No", explain your proposed means of access and provide documentation of easement or documentation authorizing access if you intend to cross someone else's property. 						
13.	3. Will any portion of the structure be located in privately owned underwater land (such as a pond or lagoon) owned by someone other than the applicant?YesXNo. If yes, written permission of the underwater land owner must be provided with this application.						
14.	What is the width of the wate Will any portion of the struct Yes X No If yes, a letter of no objection	cure or any vessel b	pe placed within 1	0 feet of your n	eighbor's property line?		



28590 Smiths Landing Millsboro, Delaware 19966 TMP# 234-35.05-121.00

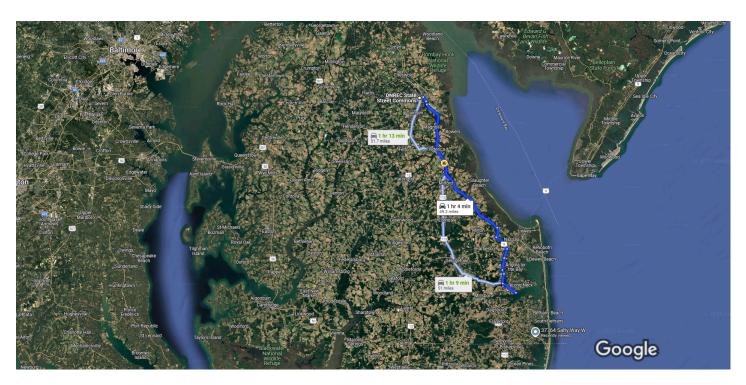






DNREC State Street Commons, 100 W Drive 49.3 miles, 1 hr 4 min Water St, Dover, DE 19904 to 28590 Smiths Lndg, Millsboro, DE 19966

Huey Property



Imagery ©2025 Landsat / Copernicus, Data SIO, NOAA, U.S. Navy, NGA, GEBCO, Imagery ©2025 TerraMetrics, Map data ©2025 Google 5 mi

DNREC State Street Commons

100 W Water St, Dover, DE 19904

Take Martin Luther King Jr Blvd and S Bay Rd to DE-1 S

		7 min (2.6 mi)
1	1.	Head south toward W Water St	
			167 ft
\rightarrow	2.	Turn right toward W Water St	
			177 ft
\rightarrow	3.	Turn right onto W Water St	
			0.4 mi
ightharpoonup	4.	Turn right toward Martin Luther King Jr Blvd	ł
			341 ft
↑	5.	Continue onto Martin Luther King Jr Blvd	
			0.4 mi
\rightarrow	6.	Turn right onto S Bay Rd	
			1.0 mi
7	7.	Use the right 2 lanes to turn slightly right to on S Bay Rd	stay
			0.7 mi

★ 8. Merge onto DE-1 S

29 min (30.7 mi)

Continue on Rd 258/Hudson Rd. Take Rd 261, DE-23 S, Cannon Rd and Rd 297 to Pearl St

			04 : (44 0 :)
\rightarrow	9.	Turn right onto Rd 258/Hudson Rd	26 min (16.0 mi)
←	10.	Turn left onto Rd 88/Cave Neck Rd	
\rightarrow	_	Turn right onto Rd 261/Sweet Briar Continue to follow Rd 261	295 ft Rd
\rightarrow	12.	Turn right onto DE-23 S	3.3 mi
\rightarrow	13.	Turn right onto DE-23 S/Rd 285	1.9 mi
←	14.	Turn left onto DE-23 S/DE-5 S	2.4 mi
\rightarrow		Turn right onto Rd 307/Cannon Rd Continue to follow Cannon Rd	0.8 mi
\leftarrow	16.	Turn left onto Rd 297/Mt Joy Rd Continue to follow Rd 297	2.0 mi
\leftarrow	17.	Turn left onto Delaware Ave	3.2 mi
\rightarrow	18.	Turn right onto Pearl St	0.1 mi
			423 ft

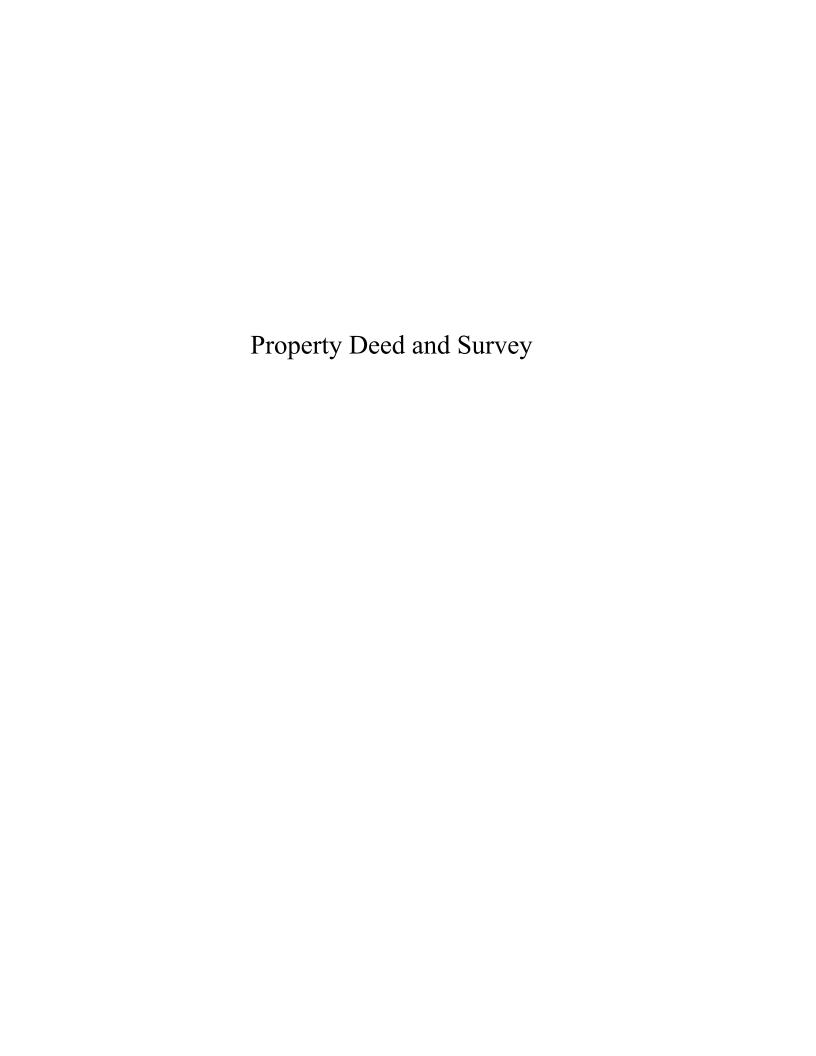
28590 Smiths Lndg

Millsboro, DE 19966

29591 Nor Easter Drive F	Property List: 1,000 Ft Radius					
Tax Map ID Number:	Property Owner	Physical Address	Mailing Address	<u>Town</u>	State	Zip Code
234-34.00-98.00	CLARK CHARLES C	34013 FERDS RD	34013 FERDS RD	MILLSBORO	DE	19966
234-34.08-102.00	SWEIMLER E MITCHELL	28285 FOREST DR	28285 FOREST DR	MILLSBORO	DE	19966
234-34.08-103.00	WERNER DANIEL J	28295 FOREST DR 28303 FOREST DR	41 DELIA DR	BROOMALL MILLSBORO	PA DE	19008 19966
234-34.08-104.00 234-34.08-105.00	PEARSON STEVEN JOHN III WILSON GREGORY L & LORI M	28307 FOREST DR	20303 FOREST DR 27156 CARPENTER RD	MILTON	DE	19968
234-34.08-181.00	ORSINI PATRICIA A	28332 ELIZABETH ST	28332 ELIZABETH ST	MILLSBORO	DE	19966
234-34.08-190.00	STOKES CHARLES L JR		4403 CORAL POINT RD	MOREHEAD CITY	NC	28557
234-34.08-191.00	FRITZ WAYNE K MARY LOU	28351 ELIZABETH ST	28351 ELIZABETH ST	MILLSBORO	DE	19966
234-34.08-192.00	MERBLER JAMES C	28341 ELIZABETH ST	28341 ELIZABETH ST	MILLSBORO	DE	19966
234-34.08-193.00 234-34.08-45.00	YACOLA VANESSA R WMF REALTY LLC	28333 ELIZABETH ST 32676 OAK ORCHARD RD	28333 ELIZABETH ST 27037 JOHN J WILLIAMS HIGHWAY	MILLSBORO MILLSBORO	DE DE	19966 19966
234-34.08-45.00	KELCHNER ROBERT	32688 OAK ORCHARD RD	32688 OAK ORCHARD RD	MILLSBORO	DE	19966
234-34.08-51.02	INDIAN RIVER VOLUNTEER	02000 OAK OHOHARD ND	32628 OAK ORCHARD RD	MILLSBORO	DE	19966
234-34.08-53.00	INDIAN RIVER VOLUNTEER FIRE CO		32628 OAK ORCHARD RD	MILLSBORO	DE	19966
234-34.08-54.00	WMF POWERSPORTS INC	32665 OAK ORCHARD RD	27037 JOHN J WILLIAMS HWY	MILLSBORO	DE	19966
234-34.08-56.00	BLUE JACKET INVESTMENTS LLC	32677 OAK ORCHARD RD	PO BOX 132	GEORGETOWN	DE	19947
234-34.08-57.00	PIANKA GREGORY W		923 N SUMAC DR	JANESVILLE	WI	53545
234-34.08-57.01 234-34.08-58.00	TULSIAN JYOTI A PIANKA GREGORY W	32681 OAK ORCHARD RD 32693 OAK ORCHARD RD	32681 OAK ORCHARD RD 923 N SUMAC DR	MILLSBORO JANESVILLE	DE WI	19966 53545
234-34.08-59.00	SHERIDAN JOSEPH M TTEE REV TR	32703 OAK ORCHARD RD	32703 OAK ORCHARD RD	MILLSBORO	DE	19966
234-34.08-61.00	MIRANDA GUILERMO WILLY TTEE STACEY PAULA	28446 MYRTLE AV	12 LONG MEADOW CT	NEWARK	DE	19711
234-34.08-62.00	BURGOON STUART A SR	28424 MYRTLE AV	28424 MYRTLE AVE	MILLSBORO	DE	19966
234-34.08-64.00	DKR LLC		24265 CANAL DR	MILLSBORO	DE	19966
234-34.08-64.01	DKRLLC		24265 CANAL DR	MILLSBORO	DE	19966
234-34.08-65.00	OLIVER BENJAMIN FRANKLIN	00 400 M/DT/ F AV	28423 MYRTLE AVE	MILLSBORO	DE	19966
234-34.08-66.00 234-34.08-67.00	OLIVER BENJAMIN FRANKLIN HEPLER KURT R & MARSHA L	28423 MYRTLE AV 28433 MYRTLE AV	28423 MYRTLE AVE 28433 MYRTLE AVE	MILLSBORO MILLSBORO	DE DE	19966 19966
234-34.08-68.00	MITCHELL TAMMY LYNN TTEE OF THE	28436 DELAWARE AV	28436 DELAWARE AVE	MILLSBORO	DE	19966
234-34.08-69.00	HOLLIS JAMES IAN	28432 DELAWARE AV	1734 RUBY ST	JOHNSTOWN	PA	15902
234-34.08-70.00	MILLER STEPHEN J	28449 DELAWARE AV	28449 DELAWARE AVE	MILLSBORO	DE	19966
234-34.08-71.00	WILLIAMS MATTHEW D TTEE		25252 SUMMER RD	MILLSBORO	DE	19966
234-34.08-72.00	WILLIAMS MATTHEW D TTEE		25252 SUMMER RD	MILLSBORO	DE	19966
234-34.08-73.00	WILLIAMS MATTHEW D TTEE	32805 OAK ORCHARD RD	25252 SUMMER RD	MILLSBORO	DE DE	19966
234-34.08-74.01 234-34.08-75.00	HURT MARGARET A BAY TO BEACH BUILDERS INC	28482 PINE ST 32804 OAK ORCHARD RD	28482 PINE ST PO BOX 209	MILLSBORO GREENWOOD	DE	19966 19950
234-34.08-76.00	BAY TO BEACH BUILDERS INC	02004 CAR GROTIARD RD	PO BOX 209	GREENWOOD	DE	19950
234-34.08-78.00	28420 DELAWARE AVE LLC		441 BERKSHIRE DR	VENTNOR CITY	NJ	08406
234-34.08-79.00	KAYSER TINA	28418 DELAWARE AV	28418 DELAWARE AVE	MILLSBORO	DE	19966
234-34.08-82.00	SHANK JOHN L HRS	28372 ELIZABETH ST	28372 ELIZABETH STREET	MILLSBORO	DE	19966
234-34.08-83.00	DEVRIES DAWN L		16 E WARREN ST	WASHINGTON	NJ	07882
234-34.08-84.00	DODD J WINSTON	28352 ELIZABETH ST	28352 ELIZABETH ST	MILLSBORO	DE	19966
234-34.08-88.00 234-34.08-88.01	SOPHER TARA E MCCARTHY JAMES	28366 ELIZABETH ST 28331 BOWDEN ST	28366 ELIZABETH ST 841 STAFFORD STATION DR	MILLSBORO SAGINAW	DE TX	19966 76131
234-34.08-88.02	HALVERSON LISA	28335 BOWDEN ST	28335 BOWDEN ST	MILLSBORO	DE	19966
234-34.08-88.04	SCHEIVERT PATRICIA	28341 BOWDEN ST	28341 BOWDEN STREET	MILLSBORO	DE	19966
234-34.08-88.05	SHALTERS ROMAY K	28321 BOWDEN ST	524 SCHOOLHOUSE RD	BERNVILLE	PA	19506
234-34.08-88.06	SHAH KINJAL	28342 ELIZABETH ST	4-06 LYONS AVE	FAIR LAWN	NJ	07410
234-34.08-89.00	STOKES CHARLES L JR	33501 J JAX PL	4403 CORAL POINT RD	MOREHEAD CITY	NC	28557
234-34.08-90.00	FINK JAMES F	28410 DELAWARE AV	28410 DELAWARE AVE	MILLSBORO	DE	19966
234-34.08-91.00 234-34.08-92.00	MERKEL MICHAEL A & SHERRI L LAHR JOHN D & KAY J	33506 J JAX PL 33508 J JAX PL	5 MERKEL RD 699 MARTIC HEIGHTS DR	BOYERTOWN PEQUEA	PA PA	19512 17565
234-34.08-93.00	HARTRANFT JENNIFER L	28304 FOREST DR	28304 FOREST DR	MILLSBORO	DE	19966
234-34.08-95.00	SCHAEFER WILLIAM A	28296 FOREST DR	1231 EVERGREEN RD	WILMINGTON	DE	19803
234-34.08-96.00	MCKINNEY THOMAS G & BRENDA J	28284 FOREST DR	28284 FOREST DR	MILLSBORO	DE	19966
234-34.12-1.00	OAKWAYINC		531 PORTERS MILL RD	POTTSTOWN	PA	19465
234-34.12-12.00	OAK WAY INC	32581 RIVER RD	571 PORTERS MILL RD	POTTSTOWN	PA	19465
234-34.12-14.00	INDIAN RIVER MARINA PIER INC	COLOR DIVED DD	191 ESHELMAN RD	LANCASTER	PA	17601
234-34.12-15.00 234-34.12-17.00	INDIAN RIVER MARINA PIER INC INDIAN RIVER MARINA PIER INC	32585 RIVER RD 32595 RIVER RD	191 ESHELMAN RD 191 ESHELMAN RD	LANCASTER LANCASTER	PA PA	17601 17601
234-34.12-18.00	CERRONI DIANA D	32607 RIVER RD	32607 RIVER RD	MILLSBORO	DE	19966
234-34.12-19.00	CERRONI DIANA D		32607 RIVER RD	MILLSBORO	DE	19966
234-34.12-21.00	PETROVICH JOHN W	32694 OAK ORCHARD RD	720 POLE RD	RINGTOWN	PA	17967
234-34.12-22.00	HORN DERRICK V	32702 OAK ORCHARD RD	32702 OAK ORCHARD RD	MILLSBORO	DE	19966
234-34.12-23.00	CULPEPPER EDWARD A DINSMORE THEODORE J	32708 OAK ORCHARD RD	1898 PINE KNOB RD	ELDERSBURG	MD	21784
234-34.12-24.00 234-34.12-25.00	COASTAL PROPERTIES LLC	32712 OAK ORCHARD RD 32718 OAK ORCHARD RD	8 MARLIN DR 30430 CEDAR NECK RD	MALVERN OCEAN VIEW	PA DE	19355 19970
234-34.12-26.00	INDIAN RIVER MARINA PIER INC	32722 OAK ORCHARD RD	191 ESHELMAN RD	LANCASTER	PA	17601
234-34.12-27.00	MILLER PATRICK C	32717 OAK ORCHARD RD	32717 OAK ORCHARD RD	MILLSBORO	DE	19966
234-34.12-28.00	MILLER PATRICK C STEPHEN J MILLER		32717 OAK ORCHARD RD	MILLSBORO	DE	19966
234-34.12-29.00	MILLER PATRICK C STEPHEN J MILLER		32717 OAK ORCHARD RD	MILLSBORO	DE	19966
234-34.12-30.00	COVELY JOYCE A	28496 PINE ST	2406 GARDEN LN	READING	PA	19609
234-34.12-31.00 234-34.12-67.00	KAJ LLC INDIAN RIVER MARINA PIER INC	32745 OAK ORCHARD RD	100 OLD KENNETT PIKE 191 ESHELMAN RD	WILMINGTON LANCASTER	DE PA	19807 17601
234-34.12-68.00	INDIAN RIVER MARINA PIER INC	32582 RIVER RD	191 ESHELMAN RD	LANCASTER	PA	17601
234-34.12-69.00	WHEATLEY BILLIE JANE	32584 RIVER RD	309 VALLEYBROOK DR	LANCASTER	PA	17601
234-34.12-70.00	DOMANSKI P TIMOTHY	32590 RIVER RD	32592 RIVER ROAD	MILLSBORO	DE	19966
234-34.12-71.00	DOMANSKI P TIMOTHY	32592 RIVER RD	32592 RIVER ROAD	MILLSBORO	DE	19966
234-34.12-72.00	INDIAN RIVER MARINA PIER INC	32594 RIVER RD	191 ESHELMAN RD	LANCASTER	PA	17601
234-34.12-73.00	TELL PATRICK	32598 RIVER RD 32604 RIVER RD	191 ESHELMAN RD 40 W 5TH ST	LANCASTER	PA PA	17601 19446
234-34.12-74.00 234-34.12-74.01	GEIGER HELEN G & MELVIN J ROBERTS MELVIN J & LINDA D	32602 RIVER RD	40 WEST 5TH STREET	LANSDALE LANSDALE	PA	19446
234-34.12-75.00	TELL PATRICK J	32608 RIVER RD	191 ESHELMAN RD	LANCASTER	PA	17601
234-34.12-76.00	TELL PATRICK J	32616 RIVER RD	191 ESHELMAN RD	LANCASTER	PA	17601
234-34.12-77.00	TELL PATRICK J	32742 OAK ORCHARD RD	191 ESHELMAN RD	LANCASTER	PA	17601
234-34.12-78.00	TELL PATRICK J	32746 OAK ORCHARD RD	191 ESHELMAN RD	LANCASTER	PA	17601
234-34.12-9.00	INDIAN RIVER MARINA PIER INC	20244 FOREST DD	191 ESHELMAN RD	LANCASTER	PA	17601
234-35.05-1.00 234-35.05-100.00	LINS MARTHA J YOLO PROPERTIES LLC	28311 FOREST DR 33235 MERCER AV	28311 FOREST AVE 748 OAK POINT SCHOOL RD	MILLSBORO CAMDEN	DE DE	19966 19934
234-35.05-100.00	MCFARLAND JANICE L	33233 MERCER AV	33231 MERCER AVE	MILLSBORO	DE	19934
234-35.05-103.00	KOPYSTECKI KENNETH	33221 MERCER AV	12 NEIFFER RD	ROYERSFORD	PA	19468
234-35.05-104.00	PFEIL PETER	33216 CHARLES ST	33216 CHARLES ST	MILLSBORO	DE	19966
234-35.05-106.00	BARONESS INVESTMENTS LLC	33222 CHARLES ST	748 OAK POINT SCHOOL RD	CAMDEN WYOMING	DE	19934
234-35.05-107.00	GERHART JOHN R & DEBORAH S		4057 LOMAR DR	MTAIRY	MD	21771
234-35.05-108.00 234-35.05-109.00	SMITH DAVID WITTEE SMITH DAVID WITTEE	33191 PEARL ST	122 BAY AVE 122 BAY AVE	LEWES LEWES	DE DE	19958 19958
234-35.05-109.00	WALLS CHARLES E JR PRISCILLA J WALLS	33191 PEARL ST	28324 CHEROKEE AVE	MILLSBORO	DE	19958
	*					

224 25 05 111 00	LLOYD BROOKE E	2010 4 DEADL CT	22100 DEADL CT	MILLERODO	DE	10000
234-35.05-111.00 234-35.05-111.01	WILLIAMS SCOTT F	33184 PEARL ST 33194 PEARL ST	33188 PEARL ST 33194 PEARL ST	MILLSBORO MILLSBORO	DE DE	19966 19966
234-35.05-111.01	LLOYD BROOKE E	33188 PEARL ST	PO BOX 42	MILLSBORO	DE	19966
234-35.05-111.02	HAWK JODY J	32792 OAK ORCHARD RD	32792 OAK ORCHARD RD	MILLSBORO	DE	19966
234-35.05-114.00	ZIOLKOWSKI WILLIAM JOSEPH	027 02 07 III 01101 I/III 0 110	32113 ADDISON DR	WILMINGTON	DE	19808
234-35.05-115.00	ZIOLKOWSKI WILLIAM JOSEPH	32788 OAK ORCHARD RD	32113 ADDISON DR	WILMINGTON	DE	19808
234-35.05-116.00	RINIER HEATH A & MICHELLE L	32786 OAK ORCHARD RD	2258 FRUITVILLE PIKE	LANCASTER	PA	17601
234-35.05-117.00	KOLY DIEP	32782 OAK ORCHARD RD	521 HILLENDALE RD	MEDIA	PA	19063
234-35.05-118.00	BATTLES CYNTHIA WILLIAMS	32780 OAK ORCHARD RD	28492 SMITHS LANDING	MILLSBORO	DE	19966
234-35.05-119.00	BATTLES CYNTHIA W	28502 SMITHS LNDG	28502 SMITHS LNGD	MILLSBORO	DE	19966
234-35.05-121.00	HUEY KEVIN D REVOCABLE TRUST	28590 SMITHS LNDG	2860 WILLIAMSVILLE RD	HOUSTON	DE	19954
234-35.05-123.00	FORTNEY RICHARD E JR	33218 MERCER AV	6541 LEO DR	HARRISBURG	PA	17111
234-35.05-124.00	SB CORDREY FARMS LLC	33220 MERCER AV	30366 CORDREY RD	MILLSBORO	DE	19966
234-35.05-125.00	TOBIAS DIANNE V	33222 MERCER AV	33222 MERCER AVE	MILLSBORO	DE	19966
234-35.05-126.00	MITCHELL HARLEY DAVID	33228 MERCER AV	PO BOX 502	MILLSBORO	DE	19966
234-35.05-127.00	CUNNINGHAM ROBERT D	33232 MERCER AV	33232 MERCER AVE	MILLSBORO	DE	19966
234-35.05-128.00	GEARHART JOHN C	33238 MERCER AV	107 PEE WEE CT	SMYRNA	DE	19977
234-35.05-130.00	ELWOOD JOHN A JR TTEE JOANNE P ELWOOD	33244 MERCER AV	40 MILLWRIGHT DR	NEWARK	DE	19711
234-35.05-131.00	PHILLIPS DONALD C JR TTEE ELIZABETH C	33254 MERCER AV	33254 MERCER AVE	MILLSBORO	DE	19966
234-35.05-132.00	HENDERSON ANGELA K	33256 MERCER AV	2876 FAGLEYSVILLE RD	GILBERTSVILLE	PA	19525
234-35.05-133.00 234-35.05-134.00	SHUSTER CHARLES F JR WARNER SCOTT A	33268 MERCER AV	4 LOCUST AVE 33268 MERCER AVE	WILMINGTON MILLSBORO	DE DE	19805 19966
234-35.05-135.00	LLOYD LISA A TRUSTEE	33278 MERCER AV	748 OAK POINT SCHOOL RD	CAMDEN	DE	19934
234-35.05-136.00	YOLO PROPERTIES LLC	33284 MERCER AV	748 OAK POINT SCHOOL RD	CAMDEN WYOMING	DE	19934
234-35.05-137.00	YOLO PROPERTIES LLC	00204TIENOENAV	748 OAK POINT SCHOOL RD	CAMDEN	DE	19934
234-35.05-138.00	HASSAJ JACOB F III	33288 MERCER AV	191 GOLF COURSE RD	HUNLOCK CREEK	PA	18621
234-35.05-139.00	RYDZEWSKI ANTHONY TRUSTEE	33292 MERCER AV	33292 MERCER AVE	MILLSBORO	DE	19966
234-35.05-140.00	YOLO PROPERTIES LLC	33298 MERCER AV	748 OAK POINT SCHOOL RD	CAMDEN	DE	19934
234-35.05-141.00	RICE EMILY J	33362 GROVE ST	65 MEADOW GROVE RD	NEWPORT	PA	17074
234-35.05-166.00	HENDERSON ANGELA K		2876 FAGLEYSVILLE RD	GILBERTSVILLE	PA	19525
234-35.05-167.00	PHILLIPS DONALD C JR TTEE ELIZABETH C		33254 MERCER AVE	MILLSBORO	DE	19966
234-35.05-18.00	AMOS JOHN DAVID	28251 CANNON ST	3862 SALEM CHURCH RD	JARRETTSVILLE	MD	21084
234-35.05-19.00	OLSZEWSKI MICHAEL A TTEE LIV TR	28257 CANNON ST	7196 RED TOP RD	HUMMELSTOWN	PA	17036
234-35.05-2.00	NELSON JUNE E	28282 CANNON ST	28282 CANNON ST	MILLSBORO	DE	19966
234-35.05-20.00	MCMURRAY MICHAEL & IDA MCMURRAY	28265 CANNON ST	7141 CHAMBERSHILL RD	HARRISBURG	PA	17111
234-35.05-22.00	GOSHORN RUTH	28275 CANNON ST	1000 CLOUSER HOLLOW RD	NEW BLOOMFIELD	PA	17068
234-35.05-22.01	RINKER KIMBERLY A	28269 CANNON ST	28269 CANNON ST	MILLSBORO	DE	19966
234-35.05-23.00	ROSALES MAURICIO AGOSTO	28287 CANNON ST	28287 CANNON ST	MILLSBORO	DE	19966
234-35.05-25.00	MCGHEE KEVIN DEAN		310 N BEDFORD ST	GEORGETOWN	DE	19947
234-35.05-26.00	MCGHEE KEVIN DEAN	28295 CANNON ST	310 N BEDFORD ST	GEORGETOWN	DE	19947
234-35.05-27.00	STAMM BRIANNA	28320 FOREST DR	28320 FOREST DR	MILLSBORO	DE	19966
234-35.05-27.01	IMHOFF J BRIAN	28316 FOREST DR	28316 FOREST DR	MILLSBORO	DE	19966
234-35.05-27.02	ANDERSON EUGENE	28314 FOREST DR	28314 FOREST DR	MILLSBORO	DE	19966
234-35.05-28.00	GLOBAL TRADINGS LLC	28404 DELAWARE AV	14 SPRINGFIELD CIR	MIDDLETOWN	DE	19709
234-35.05-29.00	DUNKLEBERGER ROBERT T	28400 DELAWARE AV	28400 DELAWARE AVE	MILLSBORO	DE	19966
234-35.05-3.00	SATTAZAHN CHARLES	28270 CANNON ST	28270 CANNON ST	MILLSBORO	DE	19966
234-35.05-30.00	SMITH WAYNE E	28331 FOREST DR	28331 FOREST DR	MILLSBORO	DE	19966
234-35.05-31.00	BOUCHETTE GARY	28302 BASIN RD	217 WEST SWATARA DR	JONESTOWN	PA	17038
234-35.05-32.00	SAUMELL KEVIN J	28294 BASIN RD	28294 BASIN RD	MILLSBORO	DE	19966
234-35.05-32.01	DOWNEY WENDY K	28288 BASIN RD	1217 WATERFORD RD	WEST CHESTER	PA	19380
234-35.05-33.00	GREENFIELD DENNIS & LAURA STEPTOE	28282 BASIN RD	28282 BASIN RD	MILLSBORO	DE	19966
234-35.05-34.00	EDMONDS ALICE VICTORIA	28274 BASIN RD	28274 BASIN RD	MILLSBORO	DE	19966
234-35.05-35.00	BRATTON DAVID A	28266 BASIN RD	28266 BASIN RD	MILLSBORO	DE	19966
234-35.05-36.00	KARPUK NICOLE	28258 BASIN RD	28258 BASIN ROAD	MILLSBORO	DE	19966
234-35.05-42.00	BIRON ERNEST	32798 OAK ORCHARD RD 33174 PEARL ST	25 FOREST AVE	VERONA	NJ	07044
234-35.05-43.00 234-35.05-44.00	TOBIAS DIANNE V	33174 PEARL ST	33222 MERCER AVE PO BOX 209	MILLSBORO GREENWOOD	DE DE	19966 19950
234-35.05-44.00	BAY TO BEACH BUILDERS INC MION FARREN EDWARD	33167 PEARL ST	903 CHARLTON RD	GLENVILLE	NY	12302
234-35.05-46.00	KERRIGAN KEVIN M & JENNIFER J	28424 PHILLIPS RD	28424 PHILLIPS RD	MILLSBORO	DE	19966
234-35.05-46.00	KERRIGAN KEVIN M JENNIFER J	28414 PHILLIPS RD	28424 PHILLIPS RD	MILLSBORO	DE	19966
234-35.05-48.00	PAIGE ROLAND K	20414 FTILLIF 3 ND	952 MARL PIT RD	MIDDLETOWN	DE	19709
234-35.05-5.00	LAWSON ROBERT	28262 CANNON ST	28262 CANNON ST	MILLSBORO	DE	19966
234-35.05-50.00	NEWLIN LYNNE	33219 CHARLES ST	43 NEWLIN DR	CLAYTON	DE	19938
234-35.05-51.00	DROWN LEONARD RAYMOND	33180 MERCER AV	44 SABRINA DR	REHOBOTH BEACH	DE	19971
234-35.05-52.00	ZINSER ERNEST J TTEE		9 SOUTHWOOD SHORES DR	REHOBOTH BEACH	DE	19971
234-35.05-53.00	HUGHES GAYLA A	28307 BASIN RD	5522 ROGERS AVE	HARRISBURG	PA	17112
234-35.05-54.00	WHITE DYLAN SAMUEL	28303 BASIN RD	28303 BASIN RD	MILLSBORO	DE	19966
234-35.05-55.00	HILLRIEGEL STEVEN J	28299 BASIN RD	28299 BASIN RD	MILLSBORO	DE	19966
234-35.05-56.00	SPITLER GAIL A	28293 BASIN RD	28293 BASIN RD	MILLSBORO	DE	19966
234-35.05-57.00	MCMAHON CHERYL P WILLIAM K MCMAHON SR	28289 BASIN RD	28289 BASIN RD	MILLSBORO	DE	19966
234-35.05-59.00	MORALES-DIAZ NOEL	28253 BASIN RD	28253 BASIN RD	MILLSBORO	DE	19966
234-35.05-6.00	COLLAS PATRICIA A	28256 CANNON ST	28256 CANNON ST	MILLSBORO	DE	19966
234-35.05-70.00	SMITH GWENDOLYN LEA	28272 RUSSELL ST	28272 RUSSELL ST	MILLSBORO	DE	19966
234-35.05-71.00	SMITH JEFFREY NELSON		28272 RUSSELL ST	MILLSBORO	DE	19966
234-35.05-72.00	BRENNER RICKY LEE		312 CRESTLINE DR	WILLOW STREET	PA	17584
234-35.05-73.00	ALFORD FITZHUGH JR	28292 RUSSELL ST	804 TIFFANY TRL	ABINGDON	MD	21009
234-35.05-73.01	BROSNAN DESIRAE ANN PESCE	28261 BASIN RD	28261 BASIN RD	MILLSBORO	DE	19966
234-35.05-73.02	BICKINGS RICHARD FRANCIS JR	28273 BASIN RD	28273 BASIN RD	MILLSBORO	DE	19966
234-35.05-74.00	BBL PROPERTIES LLC	28277 BASIN RD	22482 CAMP ARROWHEAD RD	LEWES	DE	19958
234-35.05-74.01	KISIELNICKI THOMAS D	28300 RUSSELL ST	28300 RUSSELL ST	MILLSBORO	DE	19966
234-35.05-75.00	WHALEY DAVID B & JANICE	28310 RUSSELL ST	12520 LAUREL RD	LAUREL	DE	19956
234-35.05-76.00 234-35.05-78.00	COLEMAN CHRISTINA G FIORITO STEPHEN J		28318 RUSSELL ST 346 VALLEY ST	MILLSBORO MARYSVILLE	DE PA	19966 17053
234-35.05-78.00	LIGHT PATRICIA CASCIANO &		150 MAPLE AVE	HERSHEY	PA PA	17033
234-35.05-78.01	GEIGER SARAH A	33223 CHARLES ST	310 W GLENWOOD AVE	SMYRNA	DE	19977
234-35.05-78.02	WOOD ANN M TRUSTEE	SOZZO OF MILLO OF	20285 BEECHWOOD TERR #203	ASHBURN	VA	20147
234-35.05-78.04	WOOD ANN M TRUSTEE		20285 BEECHWOOD TERR #203	ASHBURN	VA	20147
234-35.05-79.00	SHUSTER CHARLES F JR	33263 MERCER AV	4 LOCUST AVE	WILMINGTON	DE	19805
234-35.05-80.00	ALLEN JOSHUA D	28309 RUSSELL ST	28309 RUSSELL ST	MILLSBORO	DE	19966
234-35.05-81.00	YOLO PROPERTIES LLC		748 OAK POINT SCHOOL RD	CAMDEN WYOMING	DE	19934
234-35.05-82.00	MCVAUGH MELISSA		33277 MERCER AVE	MILLSBORO	DE	19966
234-35.05-83.00	BRENNER RICKY L	28287 RUSSELL ST	312 CRESTLINE DR	WILLOW STREET	PA	17584
234-35.05-83.01	CLARK ANTHONY VICTOR	28295 RUSSELL ST	1142 BUCHANAN ST NW	WASHINGTON	DC	20011
234-35.05-89.00	THOMPSON DAWN	33287 MERCER AV	33287 MERCER AVE	MILLSBORO	DE	19966
234-35.05-91.00	SMITH MICHAEL L	33283 MERCER AV	33283 MERCER AV	MILLSBORO	DE	19966
234-35.05-92.00	SMITH MICHAEL LANE SR	33281 MERCER AV	33379 GROVE ST	MILLSBORO	DE	19966
234-35.05-93.00	MCVAUGH MELISSA	33277 MERCER AV	33277 MERCER AVE	MILLSBORO	DE	19966
234-35.05-94.00	YOLO PROPERTIES LLC	33273 MERCER AV	748 OAK POINT SCHOOL RD	CAMDEN WYOMING	DE	19934

234-35.05-95.00	YOLO PROPERTIES LLC		748 OAK POINT SCHOOL RD	CAMDEN WYOMING	DE	19934
234-35.05-98.00	WOOD ANN M & LORI WOOD		33241 MERCER AVE	MILLSBORO	DE	19966
234-35.05-99.00	WOOD ANN M TRUSTEE	33241 MERCER AV	20285 BEECHWOOD TERR #203	ASHBURN	VA	20147
234-35.09-1.00	KAMSCH KATHY DARLENE	32765 OAK ORCHARD RD	32765 OAK ORCHARD RD	MILLSBORO	DE	19966
234-35.09-1.01	TATEM MARY G	32759 OAK ORCHARD RD	32759 OAK ORCHID RD	MILLSBORO	DE	19966
234-35.09-2.00	TELL PATRICK J	32750 OAK ORCHARD RD	191 ESHELMAN RD	LANCASTER	PA	17601
234-35.09-3.00	KERRIGAN JOHN WALKER SR	32758 OAK ORCHARD RD	100 OLD KENNETT RD	WILMINGTON	DE	19807
234-35.09-4.00	SKIMSKI ROBERT J JR	32762 OAK ORCHARD RD	3066 PRICETOWN RD	TEMPLE	PA	19560
234-35.09-6.00	WALTON COMMERCIAL PROPERTIES LLC	32768 OAK ORCHARD RD	2138 GRAVES RD	HOCKESSIN	DE	19707



BK: 4568 PG: 49

TAX MAP AND PARCEL #: 2-34 35.05 121.00

PREPARED BY & RETURN TO: Hudson, Jones, Jaywork & Fisher 309 Rehoboth Avenue Rehoboth Beach, DE 19971 File No. SMITH-DEED-16/RBJ

THIS DEED, made this day of ______, 2016,

<u>DAVID W. SMITH</u> and <u>CAROLYN E. SMITH</u>, of 117 Coursey Mill Rd., Felton, DE 19943, parties of the first part,

- AND -

KEVIN D. HUEY, of 2690 Williamsville Rd., Houston, DE 19954, as sole owner, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of One and 00/100 Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and his heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot, piece or parcel of land located in Oak Orchard, Indian River Hundred, Sussex County, Delaware, more particularly described as follows according to a survey prepared by Foresight Services, dated March 25, 2016:

<u>COMMENCING</u> at an iron pipe found on the northeasterly edge of Oak Orchard Road and being 250' +/- to the right of way of Phillips Road; thence along the centerline of a 10' wide ingress/egress easement North 48°-12'-59" East, a distance of 136.51' to a PK nail found at the corner of lands N/F Cynthia W. Battles, the lands herein, and marking the <u>POINT AND PLACE OF BEGINNING</u>; thence continuing along the centerline of said easement and the lands herein, North 48°-44'-24" East, a distance of 29.53' to a iron rod found; thence turning and running



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along lands N/F Patricia L. Ferrier and the lands herein, South 43°-57'-50", a distance of 189.54' to a point at the mean low waterline of the Indian River Bay, passing over a drill hole found in a concrete walk at 188.14'; thence turning and running along the mean low waterline of the Indian River Bay, South 59°-14'-56" West, a distance of 19.70' to a point; thence continuing South 66°-14'-40" West, a distance of 16.56' to a point; thence turning and running along the lands N/F Cynthia W. Battles and the lands herein, North 42°-18'-40" West, a distance of 180.78' to the point and place of beginning, passing over an iron pipe found at 111.67', and containing 5,979 square feet of land, more or less.

TOGETHER WITH, and subject to, a 10-foot-wide outlet road easement for ingress and egress in common with others connecting the property described herein with Oak Orchard Road to the west. Grantor herein grants and conveys not only Grantor's rights to the 10-foot-wide easement, but also any prescriptive rights or adverse rights Grantor may have by continued use of the paved drive that parallels said easement being partially in said easement and partially outside the area of said described easement.

BEING the same land and premises which by Deed dated December I, 2004, and recorded on December 6, 2004, in the Office of the Recorder of Deed in and for Sussex County, Delaware, in Book 3069, Page 342, as Instrument No. 65111, was granted and conveyed from Michael A. Lockhart and Paul R. Lockhart unto David W. Smith and Carolyn E. Smith, the Grantors herein.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

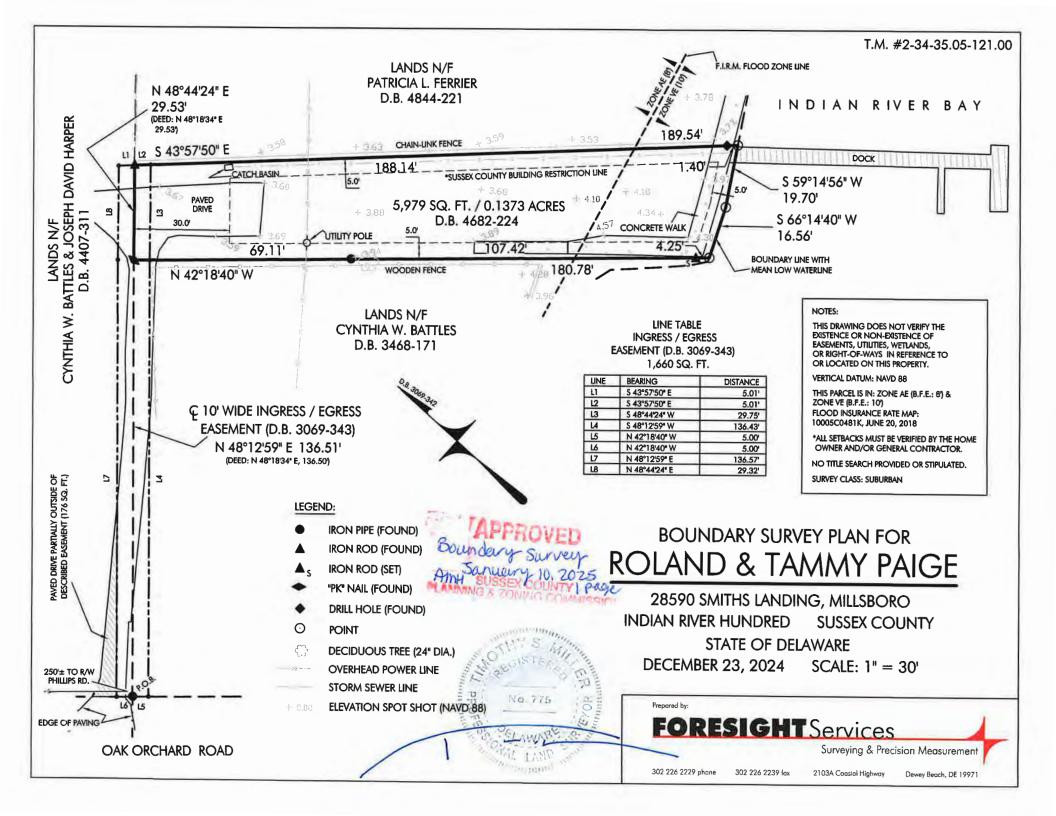
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IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of:		
	David W. Smith	(SEAL)
	Carolyn E. Smith	(SEAL)
STATE OF DELAWARE :		
COUNTY OF SUSPEX: SS.		
before me, the subscriber, David W. Smit	n <u>IZ</u> day of <u>In</u> , 2016, perso h and Carolyn E. Smith, parties of the first such, and acknowledged this Indenture to	part to this
GIVEN under my Hand and Seal o	f Office the day and year aforesaid.	
MANAEN 8. ROBINSON, IV, ESQ. ATTORNEY AT LAW-DELAWARE NOTARY PURSUANT TO	Notary Public	***************************************
29 DEL.C., SEC. 4323(a)(3)	My Commission Expires:	
	Consideration:	180,000.00
RECEIVED Jul 13,2016	State 2,	700.00 700.00 700.00 00.00 13,2016

RECEIVED
Jul 13,2016
ASSESSMENT DIVISION
OF SUSSEX COUNTY

Recorder of Deeds Scott Dailes Jul 13,2016 09:17A Sussex Counts Doc. Surcharse Paid



Expired Subaqueous Land Leases SL-084/02 & SL-235/07

45194

±03023 2259



Prepared by:

WETLANDS & SUBAQUEOUS LANDS SECTION

DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL

DIVISION OF WATER RESOURCES

FACSIMILE (302) 739-4691

89 KINGS HIGHWAY DOVER, DELAWARE 19901

> Subaqueous Lands Lease No.: SL-084/02 Renewal of Lease No.: SL-0903/92 Lease Expiration Date: July 21, 2022

Date of Issuance: 5/6/34

Amended Date:

Tax Parcel No: 2-34-35.05-01.21

SUBAQUEOUS LANDS LEASE
GRANTED TO PAUL R. LOCKHART TO RENEW A LEASE TO
MAINTAIN A 4 FOOT WIDE BY 62 FOOT LONG PIER AND A 4 FOOT
WIDE BY 14 FOOT LONG DOCK IN THE INDIAN RIVER ADJACENT TO
RD#4 BOX 202 OAK ORCHARD, MILLSBORO, SUSSEX COUNTY,
DELAWARE

Mr. Paul S. Lockhart RD #4, Box 202 Oak Orchard Millsboro, DE 19966

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

WHEREAS, Paul R. Lockhart, owner of certain adjoining lands to Indian River, has applied for permission to maintain a pier and dock; 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.

Fred

Delaware's good nature depends on you!

£03023 £260

Paul R. Lockhart SL-084/02 Page 2 of 5

This approval is in accordance with plans and application submitted to Department of Natural Resources and Environmental Control, a copy of which is attached hereto and made a part hereof.

This Lease shall be continued for a period of twenty (20) 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 twenty-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.

THIS Lease is issued subject to the following conditions:

SPECIAL CONDITIONS

- The conditions contained herein shall be incorporated into any and all construction contracts and other ancillary documents associated with earth disturbance and any other activities directly or indirectly associated with maintenance which may impact subaqueous lands associated with this project.
- 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. The Lessee shall remove the unauthorized dock addition and free-standing pilings outlined in the approved plans for this lease renewal. Removal of the unauthorized structures shall be completed by July 21, 2004. Failure to comply with this Lease condition may result in further enforcement action against the Lessee.
- 4. The current leased area of structure over public subaqueous lands is 585.128 square feet represented by the 5 foot 4 inch wide by 81 foot long pier, a 5 foot 7 inch wide by 26 foot long dock and 8 free-standing pilings constructed channelward of the mean low water line.
- This Lease authorizes the lessee to maintain the approved structures on public subaqueous land from July 22, 2002 through July 21, 2022.
- This lease represents a renewal to Subaqueous Lands Lease No. SL-0903/92 granted to Paul
 and Michael Lockhart. All special and general conditions contained in this Lease renewal shall
 supersede conditions set forth in Subaqueous Lands Lease No. SL-0903/92, which shall
 become null and void.

#03023 #261

Paul R. Lockhart SL-084/02 Page 3 of 5

- Maintenance shall be conducted so as not to violate the State of Delaware Department of Natural Resources and Environmental Control, "Surface Water Quality Standards" dated August 11, 1999.
- This Lease does not authorize additions, or modifications to the existing structures authorized herein. Such activities require separate written authorization from the Department of Natural Resources and Environmental Control.
- All debris, excavated material, brush, rocks, and refuse incidental to maintenance of the leased structure shall be placed above the influence of surface waters.
- 10. The structure on/or adjacent to subaqueous lands shall be for the explicit purpose of mooring one (1) vessel as stated in the application.

GENERAL CONDITIONS

- The project is to be undertaken in accordance with the plans submitted and attached hereto.
 Any activities not specifically authorized herein may require a supplemental approval from this office prior to the initiation of construction. A determination on the need for a supplemental approval will be made by this office pursuant to the lessee submitting written notification and revised plans indicating project changes to this office.
- Representatives of the Department of Natural Resources and Environmental Control may inspect the leased structure and may collect any samples or conduct any tests that are deemed necessary.
- 3. This Lease does not cover the structural stability of the project units.
- Prior to the expiration of this Lease, the lessee shall remove all structures covered under this
 Lease unless the Lease has been renewed in accordance with its terms.
- Any actions, operations or installations which are considered by the Department to be contrary to the best interests of the public shall constitute reason for the discontinuance and/or removal of said action, operation or installation.
- The lessee shall maintain any structure on public subaqueous lands in good and safe condition and will protect and save the State of Delaware harmless from any loss, cost or damage by reason of said structures.
- The issuance of this Lease does not imply approval of any other part, phase, or portion of any overall project the lessee may be contemplating.

±03023 2262

Paul R. Lockhart SL-084/02 Page 4 of 5

- This Lease shall not be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the State of Delaware other than that of a tenant.
- This Lease is subject to the terms and conditions contained in any easement, license or lease that may have been granted by the State or any political subdivision, board, commission or agency of the State in the vicinity of the leased premises.
- 10. This Lease and authorization are granted for the purposes as stated herein. Any other use without prior approval shall constitute reason for this Lease being revoked.
- 11. This Lease is personal and may not be transferred without the prior written consent of the Department. Prior to the transfer of the adjacent upland property, the lessee shall obtain the written consent of the Department to transfer this Lease to the new upland property owner. Failure to obtain such written consent may result in the revocation of this Lease and the removal of all structures authorized by this Lease at the expense of the lessee.
- The lessee shall at all times comply with all applicable laws and regulations of the Department of Natural Resources and Environmental Control.
- 13. The issuance of this Lease does not constitute approval for any of the activities as may be required by any other local, state or federal governmental agency.
- Application for renewal must be submitted six (6) months prior to the expiration date of this Lease.
- 15. This Lease may be revoked upon violation of any of the above conditions.

£03023 £263

Paul R. Lockhart SL-084/02 Page 5 of 5

IN WITNESS WHEREOF, I, Paul R. Lockhart, has caused this instrument to be executed on this 33rd day of April

Notary NOTARY PUBLIC - DELAWAY

My commission expires:

(Notary Seal)

By the authority invested in me under 7 Del. C. §7203(a), I hereby grant this Lease for the use of the State owned subaqueous lands to the Lessee(s) by setting my hand on this

day of 19724 , 2004.

John A. Hughes

Secretary, Department of Natural Resources

and Environmental Control

ELIZABETH A INGRAHAM NOTARY PUBLIC - DELAWARE My Commission Expires March 6, 2007

RECORDER OF DEEDS

04 AUG 20 PM 12: 11

DOC. SURCHARGE PAID

Received

AUG 23 2004

ASSESSMENT DIVISION OF SUSSEX CTY

WETLANDS & SUBAQUEOUS LAND SECTION



HEP M'STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL

DIVISION OF WATER RESOURCES

B9 KINGS HIGHWAY DOVER, DELAWARE 19901

Subaqueous Lands Lease: SL-235/07
Prior Lease Nos.: SL-084/02
Date of Issuance: 7\31\3007
Construction Expiration Date: 7\31\3010
Tax Parcel No.: 2-34-35.05-01.21
Amended Date:

SUBAQUEOUS LANDS LEASE GRANTED TO DAVID SMITH
TO REMOVE A PIER AND PILINGS
AND CONSTRUCT A 5 FOOT WIDE BY 81 FOOT LONG PIER, A 2 FOOT WIDE
BY 14 FOOT LONG DOCK WITH 3 STAND ALONE PILINGS FOR A BOAT LIFT
AND A PERSONAL WATERCRAFT LIFT
AND TO MAINTAIN AN EXISTING 6 FOOT BY 20 FOOT DOCK
IN THE INDIAN RIVER
28590 SMITHS LANDING ROAD, OAK ORCHARD, MILLSBORO,
SUSSEX COUNTY, DELAWARE

Retto: David Smith 117 Coursey Mill Road Felton, DE 19943

Pursuant to the provisions of 7 Del. C. 7203, and the Department's Regulations Governing the Use of Subaqueous Lands, permission is hereby granted on this 3 54 day of 3 44 A.D. 2007, to construct and maintain the above-referenced project in accordance with the approved plans (I Sheet) approved on July 4, 2007; and the application dated May 8, 2007 and received by this Division on May 9, 2007.

WHEREAS, the State of Delaware is the owner of ungranted subaqueous lands lying beneath the waters of the Indian River;

WHEREAS, David Smith, owner of certain adjoining lands to the Indian River, has applied for permission to construct a pier, dock, and three (3) mooring pilings for a boat lift and jet ski lift, and to transfer the lease for an existing dock to his name;

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

Jew

Delaware's good nature depends on you!

David Smith SL-235/07 Page 2 of 5

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that it is not contrary to the public interest if this project is approved subject to the terms and conditions herein set forth.

THIS approval is in accordance with the plan and application submitted to the Department of Natural Resources and Environmental Control, a copy of which is attached hereto and made a part hereof.

THIS Lease shall be continued for a period of twenty (20) 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 twenty-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.

THIS Lease is issued subject to the following conditions:

SPECIAL CONDITIONS

- The conditions contained herein shall be incorporated into any and all construction contracts and other ancillary documents associated with earth disturbance and any other activities directly or indirectly associated with construction which may impact subaqueous lands associated with this project. The lessee and contractor are responsible to ensure that the workers executing the activities authorized by this Lease have full knowledge of, and abide by, the terms and conditions of this Lease.
- 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. All pilings that are not part of the structure authorized herein shall be removed.
- This Lease represents an official transfer of Subaqueous Lands Lease SL-084/02 granted to Paul R. Lockhart. All Special and General Conditions contained in this Lease transfer shall supersede conditions set forth in Subaqueous Lands Lease No. SL-084/02, which shall become null and void.
- No portion of the decking on the pier authorized by this Lease shall exceed the dimensions for that structure identified on Page One of this Lease.
- No portion of any structure channelward of the mean high water line shall be constructed using creosote treated lumber.
- 7. The current leased area of structure over public subaqueous lands is 511 square feet represented by the 5 foot wide by 72 foot long section of pier, 2 foot wide by 14 foot long dock, 6 foot wide by 20 foot long dock and 3 mooring pilings constructed channelward of the mean low water line.
- This Lease authorizes the lessee to maintain the approved structures on public subaqueous land from the date of issuance through July 21, 2022.

David Smith SL-235/07 Page 3 of 5

000037093 BK03482 PG00166

- The structure shall be constructed and maintained in such a manner so as not to violate the State of Delaware Department of Natural Resources and Environmental Control "Surface Water Quality Standards," as amended July 11, 2004.
- 10. Erosion and sediment control measures shall be implemented in accordance with the specifications and criteria in the current <u>Delaware Erosion and Sediment Control Handbook</u> so as to minimize entry and dispersal of sediment and other contaminants in surface waters.
- 11. This Lease does not authorize any repairs, additions, or modifications to the existing structures other than those authorized herein. Such activities require separate written authorization from the Department of Natural Resources and Environmental Control.
- 12. The pier and dock shall be constructed in a manor so as not to impair water access to the adjoining property and a minimum of ten (10) feet from adjacent properties unless written permission is granted from the adjacent property owner.
- 13. A copy of this Lease and approved plans must be available on site during all phases of construction activity.
- 14. All construction debris excavated material, brush, rocks, and refuse incidental to construction of the leased structure shall be placed above the influence of surface waters.
- 15. Disturbance of wetlands and/or aquatic vegetation adjacent to the permitted construction by burning, cutting, herbicide treatments or other methods is prohibited. Disturbance of wetlands and/or aquatic vegetation in the path of construction shall be minimized.
- 16. All material associated with the proposed project and included in the above-referenced plans shall be clean and free from oils, grease, asphalt, and other contaminants.
- The work authorized by this Lease is subject to the terms and conditions of the attached Department of the Army Permit CENAP-OP-R- Delaware SPGP-20.
- 18. The structures on/or adjacent to subaqueous lands shall be for the explicit purpose of berthing two (2) boats and one (1) jet ski as stated in the application.

GENERAL CONDITIONS

- The project is to be undertaken in accordance with the plans submitted and attached hereto.
 Any activities not specifically authorized herein may require a supplemental approval from this office prior to the initiation of construction. A determination on the need for a supplemental approval will be made by this office pursuant to the lessee submitting written notification and revised plans indicating project changes to this office.
- Representatives of the Department of Natural Resources and Environmental Control may inspect such work during any phases of the construction and may collect any samples or conduct any tests that are deemed necessary.

David Smith SL-235/07 Page 4 of 5

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- Prior to the expiration of this Lease, the lessee shall remove all structures covered under this Lease unless the Lease has been renewed in accordance with its terms.
- Any actions, operations or installations which are considered by the Department to be contrary to the best interests of the public may constitute reason for the discontinuance and/or removal of said action, operation or installation.
- The lessee shall maintain any structure on public subaqueous lands in good and safe condition and will protect and save the State of Delaware harmless from any loss, cost or damage by reason of said structures.
- 6. This Lease does not cover the structural stability of any structures authorized herein.
- The issuance of this Lease does not imply approval of any other part, phase, or portion of any overall project the lessee may be contemplating.
- This Lease shall not be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the State of Delaware other than that of a tenant.
- This Lease is subject to the terms and conditions contained in any easement, license or lease that may have been granted by the State or any political subdivision, board, commission or agency of the State in the vicinity of the leased premises.
- 10. The lessee shall notify the Department of Natural Resources and Environmental Control within ten (10) days prior to the commencement of the work authorized by this Certification.
- 11. The lessee shall notify the Department of Natural Resources and Environmental Control within ten (10) days of completion of the work authorized by this Certification by completing and signing the enclosed Contractor's Post Construction Completion Report form.
- 12. This Lease shall expire if the project has not been completed within three (3) years from the date of issuance.
- 13. If the lessee considers three (3) years insufficient for completion of the project, the lessee may file one permit extension request of up to one (1) year if necessary to complete the authorized work. The extension request shall contain a project time schedule for consideration by the Department. If the time schedule is approved it shall be attached hereto and made a part hereof. Such requests must be received by the Department at least thirty (30) days prior to the construction expiration date.
- 14. This Lease is granted for the purposes as stated herein. Any other use without prior approval shall constitute reason for this Lease being revoked.
- 15. This Lease is personal and may not be transferred without the prior written consent of the Department. Prior to the transfer of the adjacent upland property, the lessee shall obtain the written consent of the Department to transfer this Lease to the new upland property

David Smith SL-235/07 Page 5 of 5

000037093 BK03482 PG00168

owner. Failure to obtain such written consent may result in the revocation of this Lease and the removal of all structures authorized by this Lease at the expense of the lessee.

- 16. The lessee shall at all times comply with all applicable laws and regulations of the Department of Natural Resources and Environmental Control.
- 17. The issuance of this Lease does not constitute approval for any of the activities as may be required by any other local, state or federal governmental agency.
- Application for renewal must be submitted six (6) months prior to the expiration date of this Lease.
- 19. This Lease may be revoked upon violation of any of the above conditions.

> GAYLE H. CALDER NOTARY PUBLIC STATE OF DELAWARE My commission expires May 9, 2011 (Notary Seal)

David Smith (Lessee)

otary Public

IN WITNESS WHEREOF, I, John A. Hughes, Secretary, Department of Natural Resources and Environmental Control, have hereunto set my hand this day of John

John A. Hughes Secretary of the Department of Natural Resources and Environmental Control

> RECORDER OF DEEDS JOHN F. BRADY 08/06/2007 08:53A SUSSEX COUNTY DOC. SURCHARGE PAID

rolpeli

4156 PG: 211

31121

WETLANDS & SUBAQUEOUS

LAND SECTION

TELEPHONE (302) 739-9943 FACSIMILE (302) 739-6304

ENVIRONMENTAL CONTROL

DIVISION OF WATER

REVISED June 18, 2013

89 KINGS HIGHWAY DOVER, DELAWARE 19901

Subaqueous Lands Lease: SL-235/07

Prior Lease Nos.: SL-084/02

Date of Issuance: 6/27/2013 Tax Parcel No.: 2-34-35.05-121.00

Amended Date:

SUBAQUEOUS LANDS LEASE GRANTED TO DAVID SMITH TO REMOVE A PIER AND PILINGS AND CONSTRUCT A 5 FOOT WIDE BY 81 FOOT LONG PIER, A 2 FOOT WIDE BY 14 FOOT LONG DOCK WITH 3 STAND ALONE PILINGS FOR A BOAT LIFT AND A PERSONAL WATERCRAFT LIFT AND TO MAINTAIN AN EXISTING 6 FOOT BY 20 FOOT DOCK IN THE INDIAN RIVER

28590 SMITHS LANDING ROAD, OAK ORCHARD, MILLSBORO, SUSSEX COUNTY, DELAWARE

David Smith 117 Coursey Mill Road Felton, DE 19943

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 27th day of 20ne A.D. 2013, to construct and maintain the above-referenced project in accordance with the approved plans (1 Sheet) approved on July 4, 2007; and the application dated May 8, 2007 and received by this Division on May 9, 2007.

WHEREAS, the State of Delaware is the owner of ungranted subaqueous lands lying beneath the waters of the Indian River;

WHEREAS, David Smith, owner of certain adjoining lands to the Indian River, has applied for permission to construct a pier, dock, and three (3) mooring pilings for a boat lift and jet ski lift, and to transfer the lease for an existing dock to his name;

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 approval is in accordance with the plan and application submitted to the Department of Natural Resources and Environmental Control, a copy of which is attached hereto and made a part hereof.

THIS Lease shall be continued so long as the conditions attached to the Lease are adhered to, whichever is the shorter in time. Upon the expiration of the Lease 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.

THIS Lease is issued subject to the following conditions:

Delaware's good nature depends on you!

David Smith SL-235/07

BK: 4156 PG: 212

Page 2 of 4

SPECIAL CONDITIONS

- 1. The conditions contained herein shall be incorporated into any and all construction contracts and other ancillary documents associated with earth disturbance and any other activities directly or indirectly associated with construction which may impact subaqueous lands associated with this project. The lessee and contractor are responsible to ensure that the workers executing the activities authorized by this Lease have full knowledge of, and abide by, the terms and conditions of this Lease.
- 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. All pilings that are not part of the structure authorized herein shall be removed.
- 4. This Lease represents an official transfer of Subaqueous Lands Lease SL-084/02 granted to Paul R. Lockhart. All Special and General Conditions contained in this Lease transfer shall supersede conditions set forth in Subaqueous Lands Lease No. SL-084/02, which shall become null and void.
- 5. No portion of the decking on the pier authorized by this Lease shall exceed the dimensions for that structure identified on Page One of this Lease.
- 6. No portion of any structure channelward of the mean high water line shall be constructed using creosote treated lumber.
- 7. The current leased area of structure over public subaqueous lands is 511 square feet represented by the 5 foot wide by 72 foot long section of pier, 2 foot wide by 14 foot long dock, 6 foot wide by 20 foot long dock and 3 mooring pilings constructed channelward of the mean low water line.
- 8. This Lease authorizes the lessee to maintain the approved structures on public subaqueous land from the date of issuance through July 21, 2022.
- 9. The structure shall be constructed and maintained in such a manner so as not to violate the State of Delaware Department of Natural Resources and Environmental Control "Surface Water Quality Standards," as amended July 11, 2004.
- 10. Erosion and sediment control measures shall be implemented in accordance with the specifications and criteria in the current <u>Delaware Erosion and Sediment Control Handbook</u> so as to minimize entry and dispersal of sediment and other contaminants in surface waters.
- 11. This Lease does not authorize any repairs, additions, or modifications to the existing structures other than those authorized herein. Such activities require separate written authorization from the Department of Natural Resources and Environmental Control.
- 12. The pier and dock shall be constructed in a manor so as not to impair water access to the adjoining property and a minimum of ten (10) feet from adjacent properties unless written permission is granted from the adjacent property owner.
- 13. A copy of this Lease and approved plans must be available on site during all phases of construction activity.
- 14. All construction debris excavated material, brush, rocks, and refuse incidental to construction of the leased structure shall be placed above the influence of surface waters.
- 15. Disturbance of wetlands and/or aquatic vegetation adjacent to the permitted construction by burning, cutting, herbicide treatments or other methods is prohibited. Disturbance of wetlands and/or aquatic vegetation in the path of construction shall be minimized.

David Smith SL-235/07

BK: 4156 PG: 213

Page 3 of 4

- 16. All material associated with the proposed project and included in the above referenced plans shall be clean and free from oils, grease, asphalt, and other contaminants.
- 17. The work authorized by this Lease is subject to the terms and conditions of the attached Department of the Army Permit CENAP-OP-R- Delaware SPGP-20.
- 18. The structures on/or adjacent to subaqueous lands shall be for the explicit purpose of berthing two (2) boats and one (1) jet ski as stated in the application.

GENERAL CONDITIONS

- The project is to be undertaken in accordance with the plans submitted and attached hereto. Any activities
 not specifically authorized herein may require a supplemental approval from this office prior to the initiation
 of construction. A determination on the need for a supplemental approval will be made by this office
 pursuant to the lessee submitting written notification and revised plans indicating project changes to this
 office.
- Representatives of the Department of Natural Resources and Environmental Control may inspect such work during any phases of the construction and may collect any samples or conduct any tests that are deemed necessary.
- 3. Prior to the expiration of this Lease, the lessee shall remove all structures covered under this Lease unless the Lease has been renewed in accordance with its terms.
- 4. Any actions, operations or installations which are considered by the Department to be contrary to the best interests of the public may constitute reason for the discontinuance and/or removal of said action, operation or installation.
- 5. The lessee shall maintain any structure on public subaqueous lands in good and safe condition and will protect and save the State of Delaware harmless from any loss, cost or damage by reason of said structures.
- 6. This Lease does not cover the structural stability of any structures authorized herein.
- 7. The issuance of this Lease does not imply approval of any other part, phase, or portion of any overall project the lessee may be contemplating.
- 8. This Lease shall not be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the State of Delaware other than that of a tenant.
- 9. This Lease is subject to the terms and conditions contained in any easement, license or lease that may have been granted by the State or any political subdivision, board, commission or agency of the State in the vicinity of the leased premises.
- 10. The lessee shall notify the Department of Natural Resources and Environmental Control within ten (10) days prior to the commencement of the work authorized by this Certification.
- 11. The lessee shall notify the Department of Natural Resources and Environmental Control within ten (10) days of completion of the work authorized by this Certification by completing and signing the enclosed Contractor's Post Construction Completion Report form.
- 12. This Lease shall expire if the project has not been completed within three (3) years from the date of issuance.
- 13. If the lessee considers three (3) years insufficient for completion of the project, the lessee may file one permit extension request of up to one (1) year if necessary to complete the authorized work. The extension request shall contain a project time schedule for consideration by the Department. If the time schedule is approved it shall be attached hereto and made a part hereof. Such requests must be received by the Department at least thirty (30) days prior to the construction expiration date.

David Smith SL-235/07

BK: 4156 PG: 214

Page 4 of 4

- 14. This Lease is granted for the purposes as stated herein. Any other use without prior approval shall constitute reason for this Lease being revoked.
- 15. This Lease is personal and may not be transferred without the prior written consent of the Department. Prior to the transfer of the adjacent upland property, the lessee shall obtain the written consent of the Department to transfer this Lease to the new upland property owner. Failure to obtain such written consent may result in the revocation of this Lease and the removal of all structures authorized by this Lease at the expense of the lessee.
- 16. The lessee shall at all times comply with all applicable laws and regulations of the Department of Natural Resources and Environmental Control.
- 17. The issuance of this Lease does not constitute approval for any of the activities as may be required by any other local, state or federal governmental agency.
- 18. Application for renewal must be submitted six (6) months prior to the expiration date of this Lease.
- 19. This Lease may be revoked upon violation of any of the above conditions.

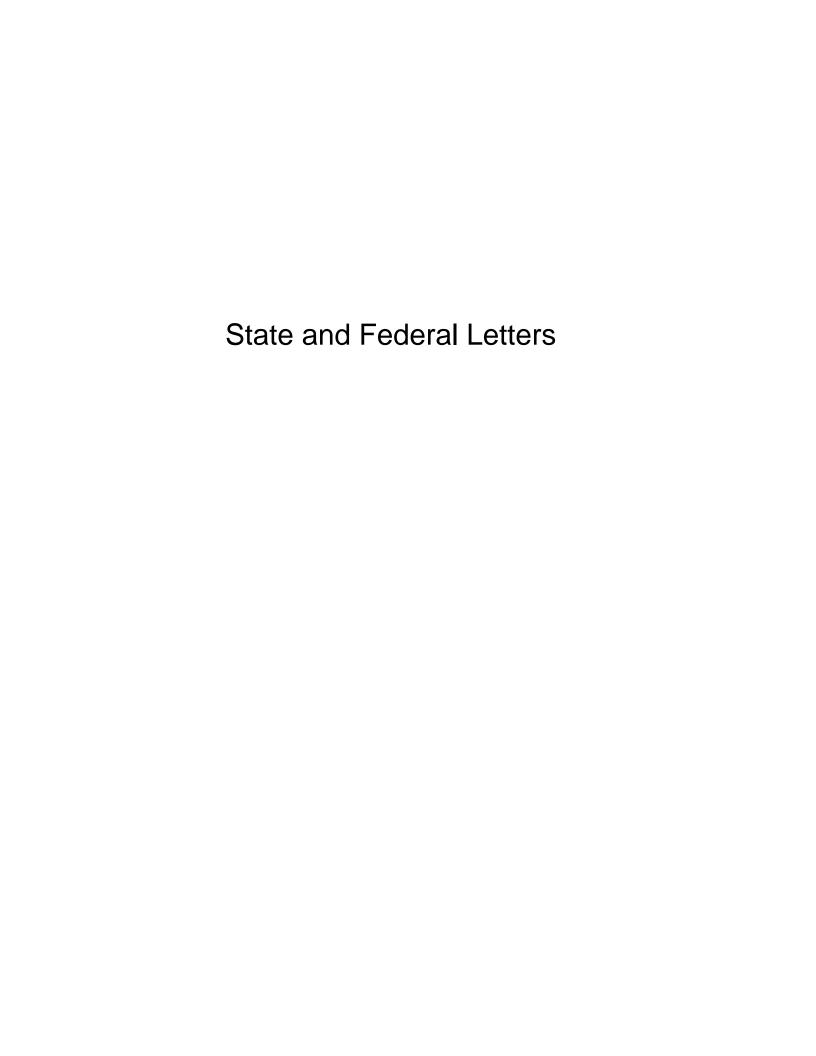
-Collin P. O'Mara

Secretary, Department of Natural Resources and Environmental Control

RECEIVED

AUG 0 5 2013

Assessment division of sussex county Recorder of Deeds Scott Dailes Aus 05,2013 08:39A Sussex Counts Doc. Surcharse Paid





United States Department of the Interior



FISH AND WILDLIFE SERVICE

Chesapeake Bay Ecological Services Field Office 177 Admiral Cochrane Drive Annapolis, MD 21401-7307 Phone: (410) 573-4599 Fax: (410) 266-9127

In Reply Refer To: 02/06/2025 19:29:11 UTC

Project code: 2025-0052994

Project Name: Huey Property- Subaqueous Land Lease Renewal

Federal Nexus: no

Federal Action Agency (if applicable):

Subject: Record of project representative's no effect determination for 'Huey Property-

Subaqueous Land Lease Renewal'

Dear nick wright:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on February 06, 2025, for 'Huey Property- Subaqueous Land Lease Renewal' (here forward, Project). This project has been assigned Project Code 2025-0052994 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey), invalidates this letter. Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.

Determination for the Northern Long-Eared Bat and/or Tricolored Bat

Based upon your IPaC submission and a standing analysis, your project has reached the following effect determinations:

Species Listing Status Determination

Tricolored Bat (*Perimyotis subflavus*)

Proposed Endangered No effect

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action may affect a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a) (4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate.

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

Monarch Butterfly Danaus plexippus Proposed Threatened

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the species covered by this key. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions

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occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the Chesapeake Bay Ecological Services Field Office and reference Project Code 2025-0052994 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

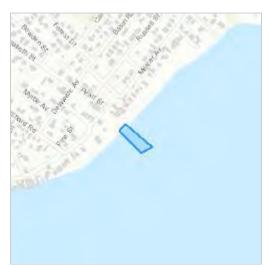
Huey Property- Subaqueous Land Lease Renewal

2. Description

The following description was provided for the project 'Huey Property- Subaqueous Land Lease Renewal':

The proposed project area is located along the Indian River at 28590 Smiths Landing, Millsboro, DE 19966: Tax Map Parcel #: 234-35.05-121.00. The purpose of the project is to renew the Subaquous Land Lease for a pre-existing wooden dock and pier located at the referenced subject property (Prior Lease Nos: SL-084/02). The pre-existing structure includes a 5-foot wide by 81-foot long pier, a 2-foot wide by 14-foot long dock with three (3) standalone pilings for a boat lift and personal watercraft lift, and a 6-foot by 20-foot dock located in the Indian River. Upon real estate transaction, the Subaqueous Land Lease will be transferred to the property owner.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@38.59674255,-75.1710814499979,14z



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

No

6. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

Project code: 2025-0052994

7. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

8. Will the action cause effects to a bridge?

Note: Covered bridges should be considered as bridges in this question.

No

9. Will the action result in effects to a culvert or tunnel at any time of year?

10. Are trees present within 1000 feet of the action area?

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines.

Yes

11. Does the action include the intentional exclusion of bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

No

- 12. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats?**No
- 13. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

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14. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic permanently or temporarily on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

15. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

16. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

Note: For information regarding NSF/ANSI 60 please visit https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects

No

17. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

18. Will the action include drilling or blasting?

- 19. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

 No
- 20. Will the proposed action involve the use of herbicides or other pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

 No

21. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season?

Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining.

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines.

No

22. Does the action include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable northern long-eared bat or tricolored bat roosting habitat?

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines.

No

23. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

No

24. Will the proposed action result in the use of prescribed fire?

Note: If the prescribed fire action includes other activities than application of fire (e.g., tree cutting, fire line preparation) please consider impacts from those activities within the previous representative questions in the key. This set of questions only considers impacts from flame and smoke.

No

25. Does the action area intersect the tricolored bat species list area?

Automatically answered

Yes

26. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

27. Has a presence/probable absence bat survey targeting the <u>tricolored bat and following the Service's Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines</u> been conducted within the project area?

No

28. Is suitable summer habitat for the tricolored bat present within 1000 feet of project activities?

(If unsure, answer ""Yes."")

Note: If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (Tillandsia usneoides), clusters of dead pine needles of large live pines) answer ""Yes."" For a complete definition of suitable summer habitat for the tricolored bat, please see Appendix A in the Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines.

Yes

29. Do you have any documents that you want to include with this submission? *No*



DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH & WILDLIFE RICHARDSON & ROBBINS BUILDING 89 KINGS HIGHWAY DOVER, DELAWARE 19901

PHONE (302) 739-9910

OFFICE

DIRECTOR'S

February 6, 2025

Nick Wright Envirotech 17605 Nassau Commons Blvd, Unit D Lewes, DE 19958

Re: ETECH 2025 Subaqueous Land Lease Renewal, 28590 Smiths Landing Millsboro (234-35.05-121.00)

Dear Nick:

Thank you for contacting the Division of Fish and Wildlife (DFW) Species Conservation and Research Program about information on rare, threatened and endangered species, unique natural communities, and other significant natural resources as they relate to the above referenced project.

State Natural Heritage Site

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site. As a result, at present, this project does <u>not</u> lie within a State Natural Heritage Site, <u>nor</u> does it lie within a Delaware National Estuarine Research Reserve which are two criteria used to identify "Designated Critical Resource Waters" in the U.S. Army Corps of Engineers (USACE) Nationwide Permit General Condition No. 22. A copy of this letter shall be included in any permit application or preconstruction notification submitted to the USACE for activities on this property.

Fisheries

After reviewing the project description, it does not appear that any waterways will be impacted; therefore, there are no fisheries concerns at present.

The DFW does not have fish community data for the project location. However, it is unlikely that habitat occurs in the project site that would support anadromous fish species. No time of year restrictions or other measures are requested for these species or for resident gamefish species.

We are continually updating our records on Delaware's rare, threatened and endangered species, unique natural communities and other significant natural resources. If the start of the project is

delayed more than a year past the date of this letter, please contact us again for the latest information.

Please feel free to contact me with any questions or if you require additional information.

Sincerely,

Matthew Young

Environmental Review Coordinator

Phone: (302) 735-8677

Email: matthew.young@delaware.gov

6180 Hay Point Landing Road

Smyrna, DE 19977

(See invoice on next page)



Delaware Division of Historical & Cultural Affairs

29 N. State St., Dover, Delaware 19901 Tel. (302) 736-7400 | Fax. (302) 739-5660 history.delaware.gov

March 7, 2025

Nickolas Wright Envirotech, Inc. 17605 Nassau Commons Boulevard, Unit D Lewes, DE 19958

Subject: 28590 Smiths Landing

SHPO Project No. 2025.02.06.01

Dear Mr. Wright:

We understand from your letter that the applicant is seeking to renew the Subaqueous Land Lease for the property at 28590 Smiths Landing in Millsboro. There is no proposed work associated with the lease renewal, but approval is required from the Delaware Department of Natural Resources and Environmental Control (DNREC) Wetlands and Waterways Section. Envirotech has asked for a review of known historic and cultural resources on the property.

There are no known archaeological sites or historic properties within or immediately adjacent to the area of potential effect (APE). According to historic maps and aerials, the APE has been previously disturbed by existing development, and there is low potential for intact archaeological sites. As no work is proposed, there are no potential effects to cultural resources.

Please be advised this letter does not constitute formal initiation under Section 106 of the National Historic Preservation Act. If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider the project's effects on any known or potential cultural or historic resources. Please feel free to contact me if you have any questions at (302) 736-7431 or sarah.carr@delaware.gov.

Sincerely,

Sarah Carr, Archaeologist Environmental Specialist

cc: Gwen Davis, Deputy SHPO





United States Department of the Interior



FISH AND WILDLIFE SERVICE

Chesapeake Bay Ecological Services Field Office 177 Admiral Cochrane Drive Annapolis, MD 21401-7307 Phone: (410) 573-4599 Fax: (410) 266-9127

In Reply Refer To: 02/06/2025 19:20:48 UTC

Project Code: 2025-0052994

Project Name: Huey Property- Subaqueous Land Lease Renewal

Subject: List of threatened and endangered species that may occur in your proposed project

location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

Project code: 2025-0052994

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Project code: 2025-0052994 02/06/2025 19:20:48 UTC

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office 177 Admiral Cochrane Drive Annapolis, MD 21401-7307 (410) 573-4599

PROJECT SUMMARY

Project code: 2025-0052994

Project Code: 2025-0052994

Project Name: Huey Property- Subaqueous Land Lease Renewal

Project Type: Boatlift/Boathouse/Dock/Pier/Piles - Maintenance/Modification
Project Description: The proposed project area is located along the Indian River at 28590

Smiths Landing, Millsboro, DE 19966: Tax Map Parcel #:

234-35.05-121.00. The purpose of the project is to renew the Subaquous Land Lease for a pre-existing wooden dock and pier located at the referenced subject property (Prior Lease Nos: SL-084/02). The pre-existing structure includes a 5-foot wide by 81-foot long pier, a 2-foot wide by 14-foot long dock with three (3) standalone pilings for a boat lift and personal watercraft lift, and a 6-foot by 20-foot dock located in the Indian River. Upon real estate transaction, the Subaqueous Land Lease

will be transferred to the property owner.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@38.59674255,-75.1710814499979,14z



Counties: Sussex County, Delaware

ENDANGERED SPECIES ACT SPECIES

Project code: 2025-0052994

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Project code: 2025-0052994

MAMMALS

NAME	STATUS
Tricolored Bat <i>Perimyotis subflavus</i>	Proposed
No critical habitat has been designated for this species.	Endangered
Species profile: https://ecos.fws.gov/ecp/species/10515	S

INSECTS

NAME	SIAIUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical	Proposed Threatened
habitat.	Timediciled

Species profile: https://ecos.fws.gov/ecp/species/9743

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the <u>National Wildlife Refuge</u> system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

WETLANDS

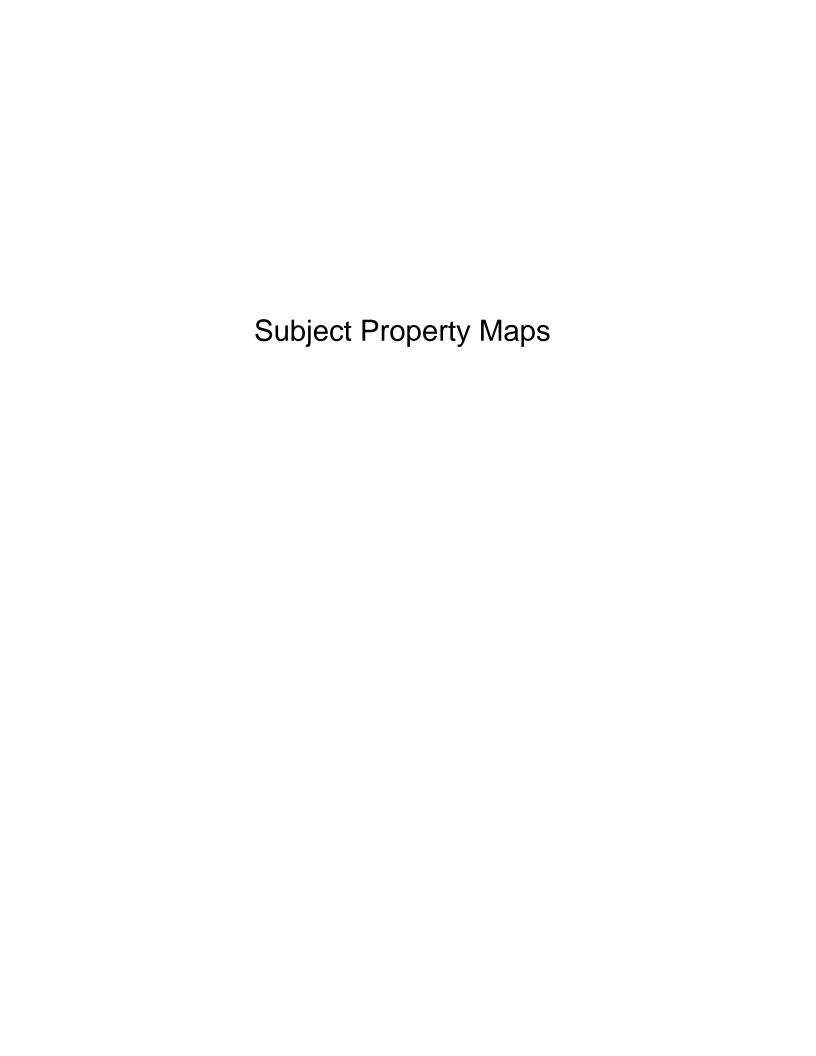
Impacts to <u>NWI wetlands</u> and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local <u>U.S. Army Corps of</u> Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

ESTUARINE AND MARINE DEEPWATER

• E1UBL





U.S. Fish and Wildlife Service

National Wetlands Inventory

Wetlands



February 7, 2025

Wetlands

Estuarine and Marine Deepwater

Estuarine and Marine Wetland

Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

Freshwater Pond

Lake

Other

Riverine

Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



