ENVIRONMENTAL RESOURCE INSIGHTS
A DIVISION OF DAVIS, BOWEN & FRIEDEL, INC.
Environmental Sciences • Resource Management • Wetland Ecology

January 21, 2025 ERI Project No. 0300#0660

Mr. Matthew Jones, Program Manager
Delaware Department of Natural Resources and Environmental Control
Division of Water Resources
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901
Attn. Ms. Katie Esposito

RE: Marina / Subaqueous Lands Permit & Lease for Minor Marina
Channel Pointe Community Marina & Boat Ramp
Tax Map Parcel 533-20.00-20.01
Baltimore Hundred, Sussex County, Delaware
Waterway: Little Assawoman Bay
Applicant: CMF Cannon, LLC.

Dear Mr. Jones,

Environmental Resource Insights (ERI) is writing you on behalf of the applicant, CMF Cannon, LLC. regarding requiring the application under review for a proposed 25 slip marina and offshore stone breakwater proposed along the shoreline of Little Assawoman Bay. At this time, the applicant would like to revise the current application to include the construction of a 16 foot-wide by 96 foot-long boat ramp. The project site is located on Tax Map Parcel 533-20.00-20.01, Baltimore Hundred, Sussex County, Delaware. The proposed marina and boat ramp will provide recreational water access for the future residents of the Channel Pointe residential community. This is a 70 lot single family home subdivision which has obtained land use approvals from Sussex County and which is under construction.

Upon your review of these materials, please let me know if you or your staff need any additional information in support of the revised application. On behalf of CMF Cannon, LLC., thank you in advance for your time and attention to this request.

Sincerely,

ENVIRONMENTAL RESOURCE INSIGHTS

Edward M. Launay, SPWS NO. 875

☐ 601 E. MAIN STREET, SUITE 100, SALISBURY, MD 21804 • 410-543-9091
☑ 1 PARK AVENUE, MILFORD, DE 19963 • 302-424-1441
☐ 106 N. WASHINGTON STREET, SUITE 103, EASTON, MD 21601 • 410-770-4744
www.dbfinc.com

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	1" = 2000'
DATE:	JAN 15, 2025

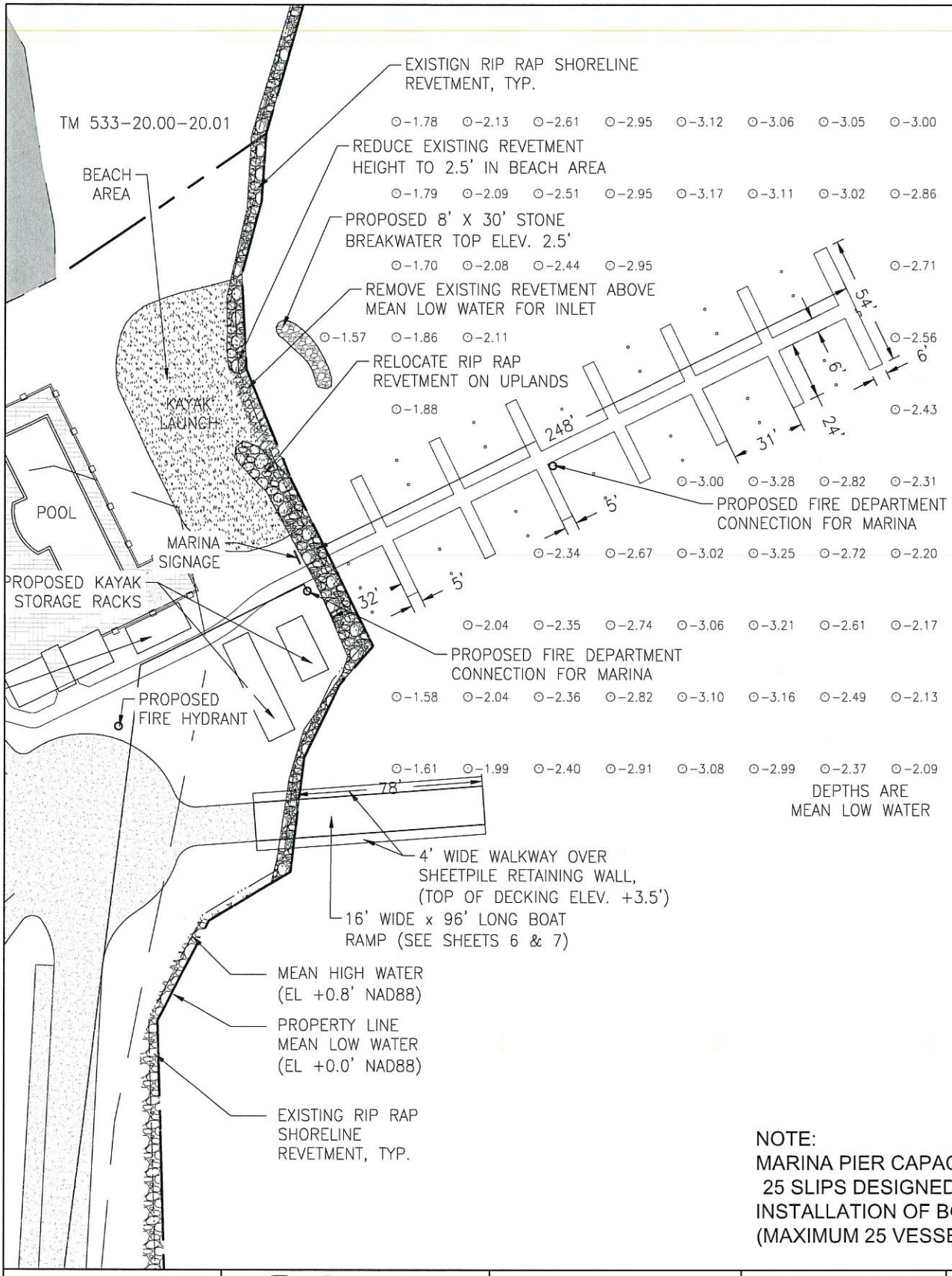
GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY · BALTIMORE · SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

CHANNEL POINTE
PROPOSED COMMUNITY MARINA

TM 533-20.00-20.01
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

VICINITY MAP

DRAWING NO. 1



NOTE:
MARINA PIER CAPACITY
25 SLIPS DESIGNED FOR FUTURE INSTALLATION OF BOAT LIFTS
(MAXIMUM 25 VESSEL CAPACITY)

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	1" = 60'
DATE:	JAN 15, 2025

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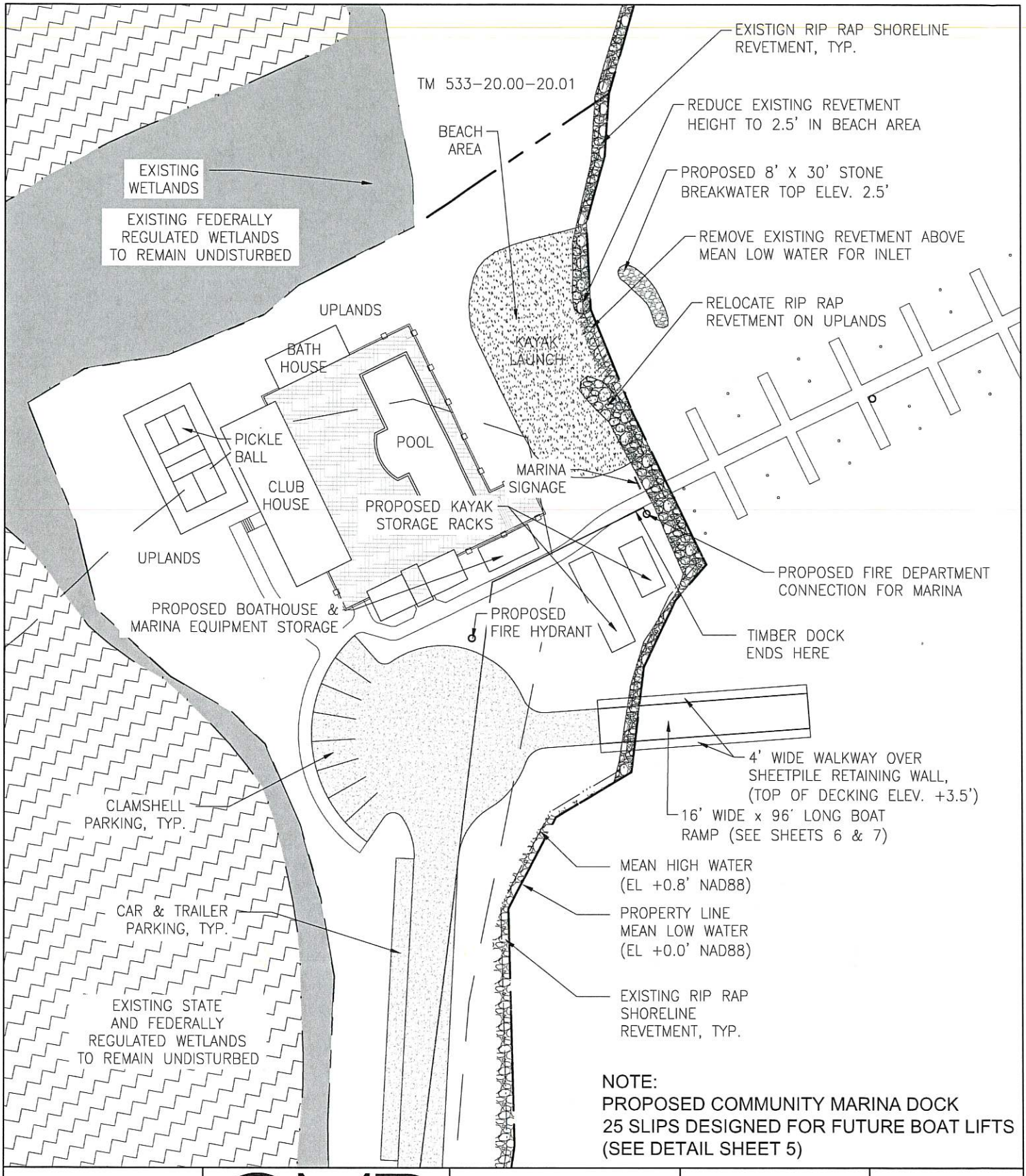
CHANNEL POINTE
PROPOSED COMMUNITY MARINA

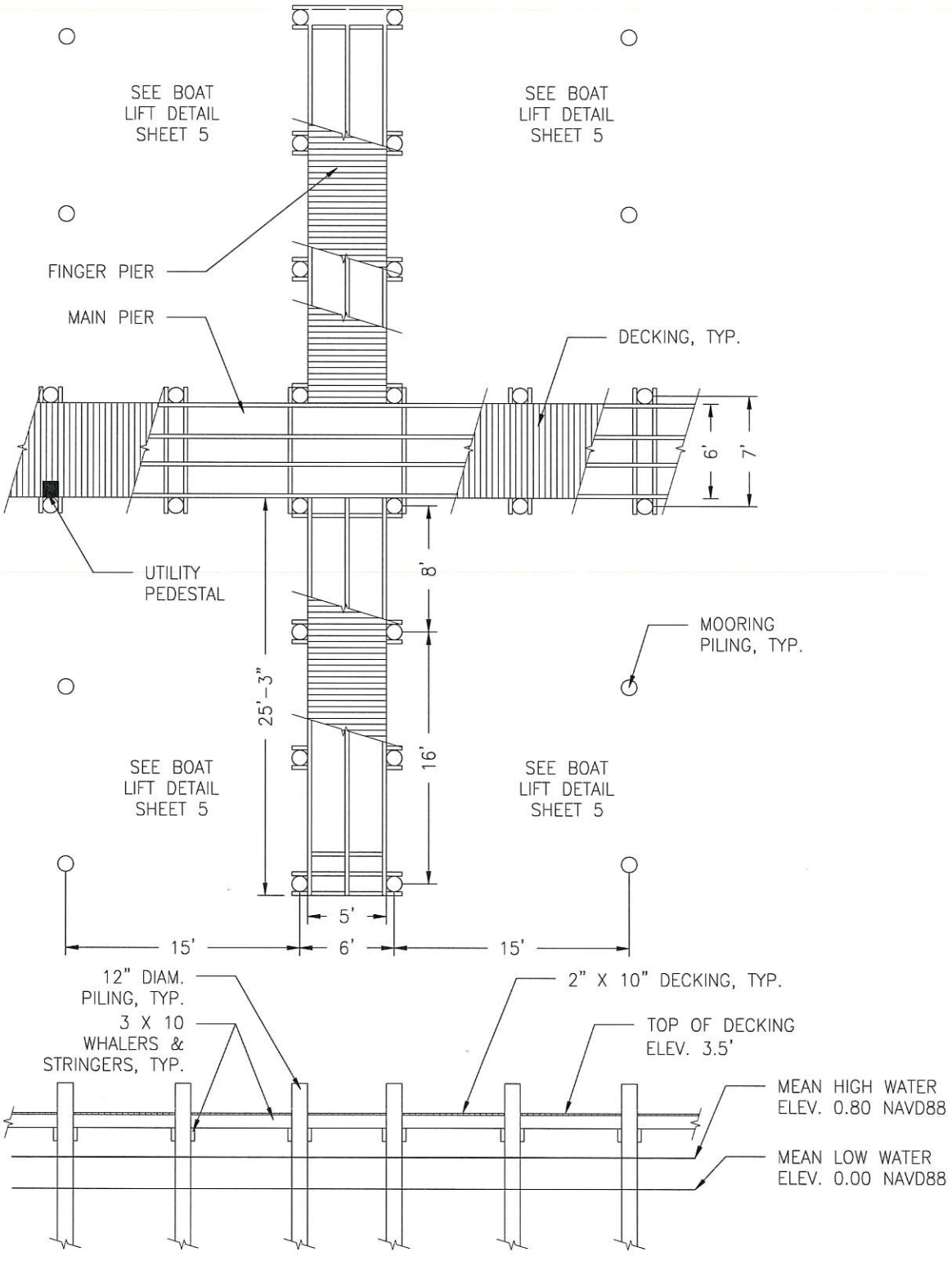
TM 533-20.00-20.01
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

MARINA PIER PLAN VIEW

DRAWING NO. 2



DRAWN BY: RLM	GMB GEORGE, MILES & BUHR, LLC ARCHITECTS & ENGINEERS SALISBURY · BALTIMORE · SEAFORD 206 WEST MAIN STREET SALISBURY, MARYLAND 21801 410-742-3115, FAX 410-548-5790 www.gmbnet.com	CHANNEL POINTE PROPOSED COMMUNITY MARINA	TM 533-20.00-20.01 BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE	COMMUNITY CLUBHOUSE & SHORELINE DETAIL	
CK. BY:					
JOB NO.: 180022					
SCALE: 1" = 60'					
DATE: JAN 15, 2025				DRAWING NO. 3	



PIER ELEVATION & FRAMING DETAIL

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	1" = 10'
DATE:	JAN 15, 2025

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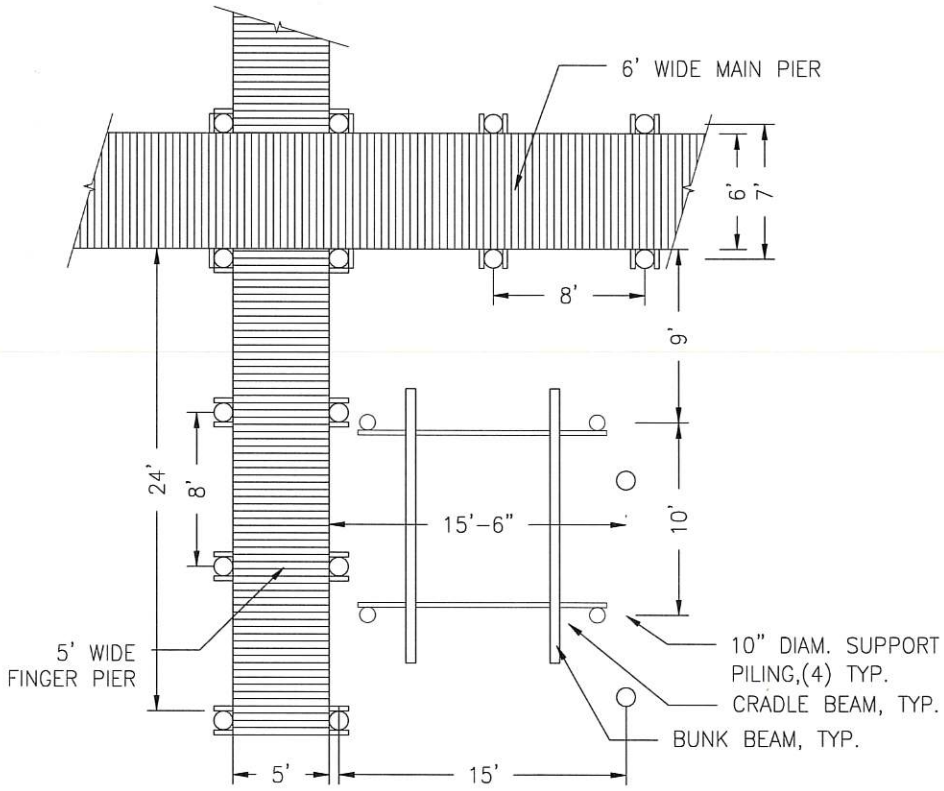
CHANNEL POINTE
PROPOSED COMMUNITY MARINA

TM 533-20.00-20.01
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

PIER DETAIL

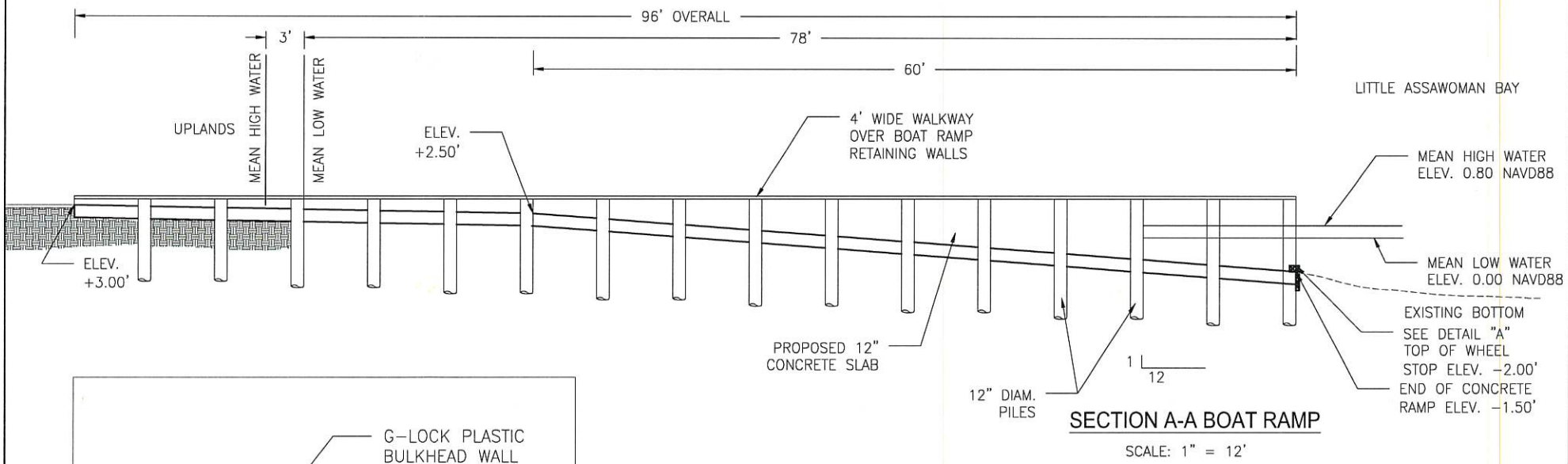
DRAWING NO. 4



TYPICAL 10,000–12,000 LBS.
BOAT LIFT DETAIL

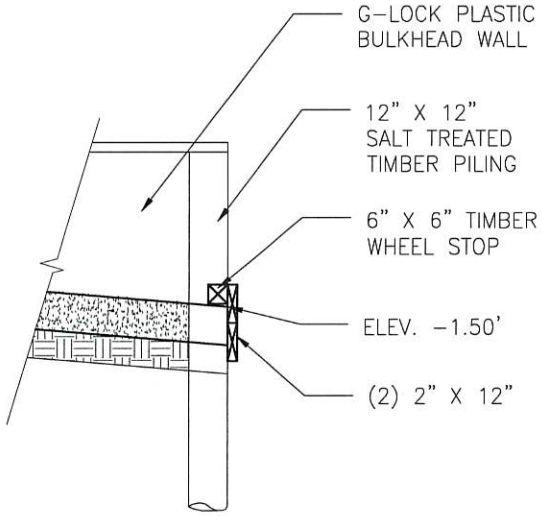
NOTE:
FUTURE INSTALLMENT OF BOAT LIFTS WILL BE BASED ON UPON SLIPHOLDER DEMAND AND AS APPROVED BY HOA & DNREC. SLIP MAY ALSO BE USED FOR A SINGLE PILE MOUNTED JET SKI LIFT OR MOORING A SINGLE JET SKI FLOAT.

DRAWN BY: RLM	GMB GEORGE, MILES & BUHR, LLC ARCHITECTS & ENGINEERS SALISBURY · BALTIMORE · SEAFORD 206 WEST MAIN STREET SALISBURY, MARYLAND 21801 410-742-3115, FAX 410-548-5790 www.gmbnet.com	CHANNEL POINTE PROPOSED COMMUNITY MARINA	TM 533-20.00-20.01 BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE	STANDARD BOAT LIFT DETAIL	
CK. BY:					
JOB NO.: 180022					
SCALE: 1" = 10'					
DATE: JAN 15, 2025				DRAWING NO. 5	



SECTION A-A BOAT RAMP

SCALE: 1" = 12'



DETAIL 'A' - TIMBER WHEEL STOP

NOT TO SCALE

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	AS NOTED
DATE:	JAN 15, 2025

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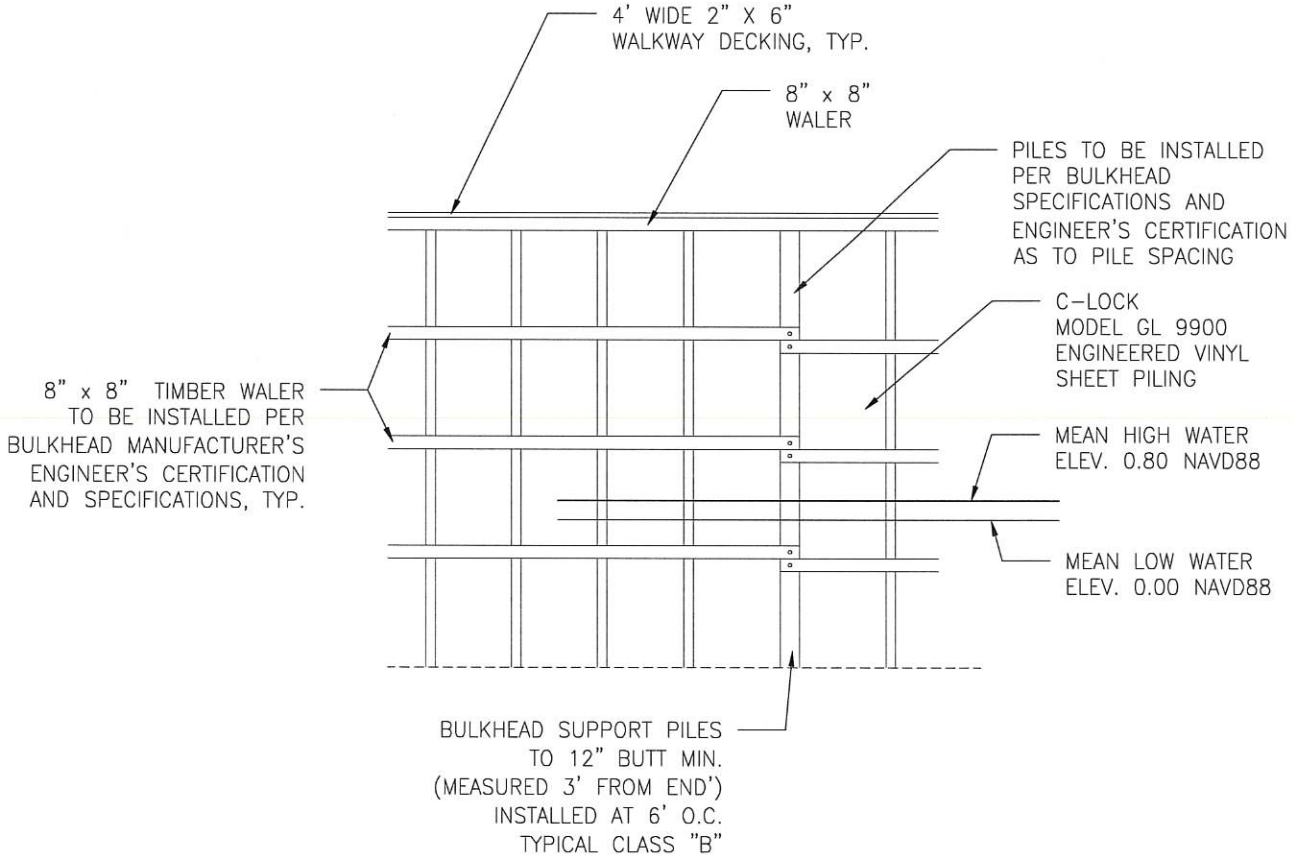
CHANNEL POINTE

PROPOSED COMMUNITY MARINA

TM 533-20.00-20.01
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

BOAT RAMP DETAIL

DRAWING NO.



TYPICAL DETAIL - ENGINEERED VINYL BULKHEAD

NOT TO SCALE

DRAWN BY: RLM CK. BY: JOB NO.: 180022 SCALE: NOT TO SCALE DATE: JAN 15, 2025	GMB GEORGE, MILES & BUHR, LLC ARCHITECTS & ENGINEERS SALISBURY · BALTIMORE · SEAFORD 206 WEST MAIN STREET SALISBURY, MARYLAND 21801 410-742-3115, FAX 410-548-5790 www.gmbnet.com	CHANNEL POINTE PROPOSED COMMUNITY MARINA	TM 533-20.00-20.01 BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE	VINYL BULKHEAD DETAIL DRAWING NO. 7

WETLANDS AND SUBAQUEOUS LANDS SECTION PERMIT APPLICATION FORM

For Subaqueous Lands, Wetlands, Marina and 401 Water Quality Certification Projects

State of Delaware
Department of Natural Resources and Environmental Control
Division of Water

Wetlands and Subaqueous Lands Section

APPLICATION FOR APPROVAL OF
SUBAQUEOUS LANDS, WETLANDS, MARINA
AND WATER QUALITY CERTIFICATION PROJECTS

Last Revised on: March 28, 2017

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

Section 1: Applicant Identification

1. Applicant's Name: CMF Cannon, LLC.
   Mailing Address: Attn: Mr. Josh Mastrangelo
   21 Village Green Drive, Suite 200
   Ocean View, DE 19970
   Telephone #: 302-436-3000
   Fax #: 302-436-3082
   E-mail: jmastrangelo@cmfa.com

2. Consultant's Name: Edward M. Launay
   Mailing Address: P.O. Box 169 / 38173 DuPont Blvd.
   Selbyville, Delaware 19975
   Company Name: Environmental Resource Insights
   Telephone #: 302-436-9637
   Fax #: 302-436-9639
   E-mail: elaunay@ericonsultants.com

3. Contractor's Name: Unknown
   Mailing Address:
   Company Name:
   Telephone #:
   Fax #:
   E-mail:

Section 2: Project Description

Construct a 25 slip community marina designed for boat lifts and placement of a 8'x30' riprap breakwater channelward of a shoreline kayak launch beach located on existing uplands. Construction of a 96 foot-long by 16 foot-wide concrete boat ramp

4. Check those that apply:

☑ New Project/addition to existing project? ☐ Repair/Replace existing structure? (If checked, must answer #16)

5. Project Purpose (attach additional sheets as necessary):

Construct a 25 slip community marina designed for boat lifts and placement of a 8'x30' riprap breakwater channelward of a shoreline kayak launch beach located on existing uplands. Construction of a 16'x96' concrete boat ramp flanked by pile supported vinyl sheet pile retaining walls capped with a four foot wide timber walkway is also proposed. See attached sheet.

6. Check each Appendix that is enclosed with this application:

☑	A. Boat Docking Facilities	☑	G. Bulkheads	☑	N. Preliminary Marina Checklist
☑	B. Boat Ramps	☑	H. Fill	☑	O. Marinas
☐	C. Road Crossings	☐	I. Rip-Rap Sills and Revetments	☐	P. Stormwater Management
☐	D. Channel Modifications/Dams	☐	J. Vegetative Stabilization	☐	Q. Ponds and Impoundments
☐	E. Utility Crossings	☑	K. Jetties, Groins, Breakwaters	☐	R. Maintenance Dredging
☐	F. Intake or Outfall Structures	☐	M. Activities in State Wetlands	☐	S. New Dredging

Section 3: Project Location

7. Project Site Address: 2,740 feet north of the SR54 / Bennett Avenue Lightkeepers Way intersection
   County: ☐ N.C. ☐ Kent ☑ Sussex
   Site owner name (if different from applicant):
   Address of site owner:

8. Driving Directions: From State Route 54 near Fenwick Island, turn onto Bennett Avenue and proceed to project site.

(Attach a vicinity map identifying road names and the project location)

9. Tax Parcel ID Number: 533-20.00-20.01 Subdivision Name: Channel Pointe

WSLS Use Only: **Permit #s:**

Type **SP** ☐ **SL** ☐ **SU** ☐ **WE** ☐ **WQ** ☐ **LA** ☐ **SA** ☐ **MP** ☐ **WA** ☐

Corps Permit: SPGP 18 ☐ **20** ☐ **Nationwide Permit #:** **Individual Permit #**
Received Date: **Project Scientist:**
Fee Received? Yes ☐ **No** ☐ **Amt: $** **Receipt #:**
Public Notice #: **Public Notice Dates: ON** **OFF**

Section 3: Project Location (Continued)

10. Name of waterbody at Project Location: Little Assawoman Bay waterbody is a tributary to: Assawoman Bay

11. Is the waterbody: ☑ Tidal ☐ Non-tidal Waterbody width at mean low or ordinary high water 1,800

12. Is the project: ☑ On public subaqueous lands? ☐ On private subaqueous lands?*
☐ In State-regulated wetlands? ☐ In Federally-regulated wetlands?

*If the project is on private subaqueous lands, provide the name of the subaqueous lands owner:

(Written permission from the private subaqueous lands owner must be included with this application)

13. Present Zoning: ☐ Agricultural ☑ Residential ☐ Commercial ☐ Industrial ☐ Other

Section 4: Miscellaneous

14. A. List the names and complete mailing addresses of the immediately adjoining property owners on all sides of the project (attach additional sheets as necessary):

CMF Cannon, LLC
21 Village Green Drive, Suite 200
Ocean View, DE 19970

B. For wetlands and marina projects, list the names and complete mailing addresses of property owners within a 1,000 foot radius of the project (attach additional sheets as necessary):

See attached sheet.

15. Provide the names of DNREC and/or Army Corps of Engineers representatives whom you have discussed the project with:
Mr. Michael Yost, USACOE

A. Have you had a State Jurisdictional Determination performed on the property? ☐ Yes ☑ No
B. Has the project been reviewed in a monthly Joint Permit Processing Meeting? ☐ Yes ☑ No
*If yes, what was the date of the meeting?

16. Are there existing structures or fill at the project site in subaqueous lands? ☑ Yes ☐ No
*If yes, provide the permit and/or lease number(s):
Repair of Existing Rip Rap Shoreline Revetment SP-186/18

*If no, were structures and/or fill in place prior to 1969? ☐ Yes ☐ No

17. Have you applied for or obtained a Federal permit from the Army Corps of Engineers?
☐ No ☐ Pending ☑ Issued ☐ Denied Date: 1/7/2020 - 3/14/2021 (pending verification)

Type of Permit: SPGP 20 / NWP18 Federal Permit or ID #: SPGP 20 / NWP18 (pending)

18. Have you applied for permits from other Sections within DNREC?
☑ No ☐ Pending ☐ Issued ☐ Denied Date: _____ Permit or ID #: _____

Type of permit (circle all that apply): Septic Well NPDES Storm Water

Other: _____

Section 5, Item 2 – Project Description

The project's purpose is to provide the residents of an existing waterfront residential community as approved by Sussex County and currently under construction with recreational water access. The community is known as Channel Pointe. The project site lies approximately 0.5 miles west of Fenwick Island on the north side of State Route 54. It is accessed from State Route 54 (SR54) (Lighthouse Road) from Bennett Avenue. The project site consists of 120.77 acres of land, 38.14 acres of which are uplands. The remaining portion of the project site consists of state or federally regulated wetlands and waters. The property has extensive upland frontage along Little Assawoman Bay which is stabilized with a rip rap revetment. The Department of Natural Resources and Environmental Control (DNREC) Wetlands and Subaqueous Lands Section (WSLS) previously authorized repair and maintenance of this revetment (SP-196/18) and that work was completed in 2022. The residential component of this project consists of seventy large lot single family home sites served by public sewer and water.

The components of the currently proposed marina, boat ramp and community clubhouse project are limited to a single tax map parcel 533-20.00-20.01 which is designated for community open space use including a community clubhouse and marina.

There are three elements of the proposed project, part or all of which will require DNREC approvals which include a Subaqueous Lands Permit, Subaqueous Lands Lease, Marina Permit and approval of an Operation and Maintenance Plan for the proposed 25 slip community marina. The WSLS classifies a community facility of this size and type as a "minor marina" and this application has been prepared accordingly.

A description of each project element is as follows:

25 Slip Community Marina – As part of project planning, a bathymetric survey of water depths was conducted in conjunction with a delineation of state and federally regulated wetlands. The proposed marina location was selected because of the superior water depths that occur opposite the marina site and an area of upland suitably sized for a community clubhouse. No crossing of wetlands is required to access the Waters of Little Assawoman Bay and a marina pier at this location is distant from the active navigation channel between the project site and Fenwick Island. Neighboring private property is distant from this location and nearby owners surrounding the Channel Pointe community are not impacted.

A community clubhouse, pool and other recreational amenities will be located on uplands adjoining the community marina pier where parking and restroom facilities will be provided. A small boathouse capable of housing an emergency spill kit and portable marine pump-out cart will be located landward of the proposed pier. Signage with emergency contact numbers and a summary of marina rules will also be located on the landward side of the marina pier.

The proposed community pier will be of standard marina construction as dimensioned in the project plans provided. Salt treated pilings, timbers and decking fastened with galvanized or stainless-steel hardware will be used. The pier will extend channelward into Little Assawoman Bay 248 feet as measured from the mean high-water line. Water depths along the pier range from 1.6 to 3.3 feet at mean low water. The local mean tide range at the marina site is 0.8 feet. No dredging is proposed or required.

The main section of the pier will be 6 feet wide and a 54 foot long, 6 foot wide "T" head is located at the terminus. A total of six 5 foot wide, 24-foot-long finger piers will be on each side of the main pier. Two mooring piles will be located between the finger piers. This will create twenty-five 24 foot long by 15-foot-wide slip areas for mooring. Utility pedestal providing electricity, and water will service the slips. The main pier and finger pier decks will be elevated 3.5 feet above mean low water.

The demand for future boat lifts at the facility is not known at this time, but slip spaces have the capacity for future boat lifts with a 10,000 to 12,000 lb. capacity. The applicant requests issuance of area for blanket authorization for up to 25 single boat lifts, pile supported jet-ski lifts or the mooring of a jet-ski float with single capacity within each berth. The maximum vessel capacity at the marina will be twenty-five under all circumstances. Lifts or floats will require both Homeowners Association and DNREC approval prior to construction in accordance with WSLS policies.

Offshore Stone Breakwater – The landscape design of the community clubhouse area includes a small beach like gathering area to be located in front of the clubhouse facility. Water access for launching of kayaks or canoes will be provided at this location by removal / relocation within uplands of a 30-foot section of existing stone shoreline revetment. To each side of this opening the height of the existing revetment along a 30-foot section will be reduced to elevation 2.0 to 2.5 feet above mean low water. This work will be occurring in uplands largely landward of mean high water such that WSLS approval is not required.

In order to protect this opening and the future beach area from storm driven wave action an effective breakwater is proposed.

The breakwater will be constructed 20 feet channelward of the opening of the mean low water line of the existing project site shoreline. It will be 8 feet long and 30 feet wide and slightly concave as it faces the northeast fetch of Little Assawoman Bay. It will be 3.5 feet wide at the top and constructed to an elevation of 2.5 feet above mean low water. It will be underlain with geotextile fabric. It will occupy 240 square feet of public subaqueous lands.

Boat Ramp – A 16 foot-wide by 96 foot-long concrete boat ramp is proposed accessed by the proposed cul-de-sac south of the community clubhouse. The boat ramp will be flanked with pile supported vinyl sheet pile retaining walls. The walls will be capped by a four foot wide timber walkway on each side (elevation 3.5' NAVD88). Seventy eight feet of boat ramp will extend

channelward of mean low water within public subaqueous land. The retaining walls will be typical marine construction using salt treated timbers and pilings secured with galvanized hardware.

In order to construct the ramp, no significant sediment will be removed within the ramp footprint. The surface of the ramp will be poured or pre-cast concrete totaling 48 cubic yards of concrete and 62 cubic yards of fill placed channelward of the mean high water line.

TMP 533-20.00-20.01 - Adjacent Property Owners List

CMF Cannon, LLC.
111 Rockville Pike Suite 1100
Rockville, MD 20850

Scott Lednum
36818 Bayside Drive
Fenwick Island, DE 19944

Andrew W. Adkins, Trustee
37792 Cedar Road
Selbyville, DE 19975

Winona J. Lewis & Margaret J. Timko
37817 Crab Bay Lane
Selbyville, DE 19975

Lynch Brasure Vaughn & Clift C Murry Delores L.
P.O. Box 42
Selbyville, DE 19975

David Reusing
31101 National Pike
Little Orleans, MD 21766

Sandra M. Robertson, TTEE, Kimberly McCabe Grimes, Rebecca G. Mais
1101 Bunting Ave.
Fenwick Island, DE 19944

Section 5: Signature Page

19. Agent Authorization:

If you choose to complete this section, all future correspondence to the Department may be signed by the duly authorized agent. In addition, the agent will become the primary point of contact for all correspondence from the Department.

I do not wish to authorize an agent to act on my behalf ☐

I wish to authorize an agent as indicated below ☑

I, Josh Mastrangelo (Name of Applicant), hereby designate and authorize Edward Launay, ERI (Name of Agent) to act on my behalf in the processing of this application and to furnish any additional information requested by the Department.

Authorized Agent's Name: Edward M. Launay
Mailing Address: Environmental Resource Insights
P.O. Box 169 / 38173 DuPont Blvd.
Selbyville, Delaware 19975

Telephone #: 302-436-9637
Fax #: 302-436-9639
E-mail: elaunay@ericonsultants.com

20. Agent's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Agent's Signature

Date July 10 2023

21. Applicant's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application. I grant permission to authorized Department representatives to enter upon the premises for inspection purposes during working hours.

Applicant's Signature

Date 7/7/2023

Josh Mastrangelo, V.P.
Print Name

22. Contractor's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge, and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Contractor's Name

Date

Print Name

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.

1. Briefly describe the project. (Attach additional sheets as necessary.)

Construct a community marina pier wit 25 slips designed for future boat lifts. See basic application section 2, item 5.

2. Please provide numbers and dimensions as follows:

Structure Type	Number of Support Pilings	Dimensions (Channelward of MHW or OHW)		Dimensions (Channelward of MLW- n/a for non-tidal water)		New, repair or maintain
Dock, Pier, Lift, gangway		Width ____ ft.	Length ___ ft.	Width ____ ft.	Length ___ ft.	
MAIN PIER	60	6	248	6	245	NEW
FINGER PIER (12)	36		24 EACH	5	24 EACH	NEW
T-END FINGERS (2)	12	6	24 EACH	6	24 EACH	NEW
25 BOAT LIFTS	100	12	12	12	12	NEW
BOAT RAMP	0	16	81	16	78	NEW
RETAINING WALL	26	24(2)	81	24(2)	78	NEW
RAMP WALKWAY	26	4(2)	81	4(2)	78	NEW
Freestanding Pilings	Number 26					

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

3. Approximately how wide is the waterway at this project site? 1,800 ft. (measured from MLW to MLW)

4. What will be the mean low water depth at the most channelward end of the mooring facility? 2.6 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.
   salt treated timbers and pilings with galvanized hardware
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)
   water and electric utility pedestals (13)
   If any of the items are circled above, include their dimensions and location on the application drawings.

7. What will be the distance from the most channelward end of the docking facility to the edge of any natural or man-made channel? +/-235 ft.

8. Describe the vessels that will be berthed at the docking facility. Please draw proposed vessel locations on plans and drawings.

Make/model	runabout/pontoon	length	+/-22	width	+/-7	draft	+/-1.0
Make/model		length		width		draft	
Make/model		length		width		draft	
Make/model		length		width		draft	

9. Please provide a copy of the current state registration or Coast Guard Certificate of Documentation for each motorized vessel listed above. Unknown

10. Give the number and type of each Marine Sanitation Device (e.g. MSD III, Portable toilet) that will be used on vessels to be docked at the facility. Unknown

11. Is there currently a residence on the property? ✓ Yes _____ No

12. Do you plan to reach the boat docking facility from your own upland property? _____ 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. 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? ____Yes ✓ No.
If yes, written permission of the underwater land owner must be provided with this application.

14. What is the width of the waterfront property frontage adjacent to subaqueous lands? +/-800 ft.
Will any portion of the structure or any vessel be placed within 10 feet of your neighbor's property line?
_____ Yes ✓ No
If yes, a letter of no objection from the adjacent property owner must be included with this application.

FILL

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

1. How many linear feet will the fill extend channelward of the:
   a. Tidal waters: mean high water line? 28 ft.
      mean low water line? 25 ft.
   b. Non-tidal waters: ordinary high water line? _____ ft.

2. What is the area of fill that will be located:
   a. on subaqueous land (channelward of mean high water) 240 sq. ft.
   b. on vegetated wetlands? 0 sq. ft.

3. What is the source of the fill?
   ✓ Hauled in from upland sources: What is the source company/location/parcel number?
   _____ Obtained from dredged material: Complete Dredging Appendix.
   commerically obtained quarry stone

4. What is the total volume of fill? 18 cubic yards
   a. What is the total fill per running foot of shoreline? 0.6 cubic yards

5. What method will be used to place the fill?
   long reach excavator

6. State the type and composition percentage of the fill material (e.g. sand 80%, silt 5%, clay 15%, etc.)
   100% quarry stone underlain with geotextile fabric

7. How will the fill be retained? Complete appropriate appendix.
   weight and size of stone utilized

8. What type of vegetation or ground cover will be provided for the filled area(s) to prevent soil erosion and help keep sediment from reaching State waters?
   Not Applicable.

9. Describe the type(s) of structure(s) to be erected on the filled area (if any). Complete appropriate appendix.
   None. Stone breakwater will protect proposed opening in shoreline revetment.
   See Basic Application, Section 5, item 2.

FILL

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

1. How many linear feet will the fill extend channelward of the:
   a. Tidal waters: mean high water line? 81 ft.
      mean low water line? 78 ft.
   b. Non-tidal waters: ordinary high water line? _____ ft.

2. What is the area of fill that will be located:
   a. on subaqueous land (channelward of mean high water) 1296 sq. ft.
   b. on vegetated wetlands? 0 sq. ft.

3. What is the source of the fill?
   X Hauled in from upland sources: What is the source company/location/parcel number?
   _____ Obtained from dredged material: Complete Dredging Appendix.

4. What is the total volume of fill? 110 cubic yards Commercial Supplier
   a. What is the total fill per running foot of shoreline? 6.9 cubic yards

5. What method will be used to place the fill?
   Concrete will be formed between proposed retaining wall either precast or poured.

6. State the type and composition percentage of the fill material (e.g. sand 80%, silt 5%, clay 15%, etc.)
   48 cubic yards of concrete and 62 cubic yards of select fill (85% sand, 15% stone)

7. How will the fill be retained? Complete appropriate appendix.
   Boat ramp will be flanked with pile supported vinyl sheet pile walls.

8. What type of vegetation or ground cover will be provided for the filled area(s) to prevent soil erosion and help keep sediment from reaching State waters?

   Not Applicable

9. Describe the type(s) of structure(s) to be erected on the filled area (if any). Complete appropriate appendix.

   Boat Ramp

JETTIES, GROINS, OR BREAKWATERS

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

1. What type of material(s) will be used for the construction of the structure(s) (e.g. quarry stone, timber, rock gabions, sandbags, etc.)?
   100% quarry stone underlain with geotextile fabric
2. How many feet will the structure(s) be placed channelward of the:
   a. Tidal Waters: mean high water line? 28 ft.
      mean low water line? 25 ft.
   b. Non-tidal waters: ordinary high water line? _____ ft.

3. How much of your project will be located:
   channelward of mean high water? 240 sq. ft.
   on vegetated wetlands? 0 sq. ft.

4. What will be the distance of separation between individual structures? N/A ft.

5. Are there similar structures in the vicinity of the project? ____ Yes ✓ No
   If your answer is "Yes", describe the type and location(s) of the structures.

6. The structure(s) will be of: (check one)
   _____ Low-Profile design
   ✓ Continuous height

7. How many feet will the structure(s) be placed landward of the:
   a. tidal waters: mean high water line? N/A ft.
      mean low water line? N/A ft.
   b. non-tidal waters: ordinary high water line? _____ ft.

8. Will the area in the vicinity of the structure(s) be artificially nourished?
   _____ Yes ✓ No If the answer if "Yes", complete Appendix H.

9. Approximately how many feet of shoreline have you lost over the last year?
   N/A ft. (width) N/A ft. (length)
   Breakwater to protect proposed area of shoreline revetement removal.
   Will the landward end(s) of the structure be protected from out flanking with rip-rap? _____ Yes ✓ No If our answer is "Yes", complete Appendix

PRELIMINARY MARINA SCREENING CHECKLIST

(To be submitted at least one week prior to the pre-application meeting)

* Provide the following information and/or answer the following with regard to the proposed marina project:

1. Applicant's (Property Owners) Name
   Address: CMF Cannon, LLC.
   Attn: Mr. Josh Mastrangelo
   21 Village Green Drive, Suite 200
   Ocean View, DE 19970

   Telephone Number
   Home ( ): 302-436-3000
   Work ( ): 302-436-3082

Project Name: Channel Pointe Community Marina

2. Provide an aerial photograph of the site, if available.

3. What are the existing land uses on the site?
   Residential Planned Development approved and under construction

4. What are the existing land uses on adjacent properties within 1000 feet of the proposed marina or marina alteration, including the opposite shore?
   Residential Planned Development on uplands approved and under construction & wetlands to remain undisturbed. Opposite shoreline is City of Fenwick Island, 1,800 feet east.

5. Name and distance of nearest municipality.
   Fenwick Island +/-1,800 feet east

6. Is the proposed project an open water or enclosed basin marina?
   ✓ Open water _____ Enclosed basin

7. Is the marina on a creek, river, or open bay? Name of the water body?
   Little Assawoman Bay

8. Indicate the number of wet slips. Proposed 25 Existing 0

9. Indicate the number of dry stack spaces. Proposed 0 Existing 0

10. Will the proposed marina or marina alteration require dredging?
    _____ Yes ✓ No

    If yes, approximate the amount in cubic yards. _____cubic yards

11. If the project requires dredging, do you own or have access to an upland site for dredged material disposal? _____
    _____Yes _____ No If yes, where is it located?

12. If not, how do you propose to dispose of your dredged material?
    Not Applicable.

13. How many years of maintenance dredge spoil capacity does the spoil site possess?
    _____ Years

14. Will the proposed project require the use of any State wetlands? ____ Yes ✓ No If yes, approximate the amount of wetlands required in acres and the intended use.

15. What is the tide range at the marina site? Normal tide 0.8 Neap tide 1.2
What is the source of this information?
ERI long term study of tide range in project area.

16. What is the approximate MLW depth at the marina site? 2.6 Ft.
What is the source of this information?
bathymetric survey

17. If the site includes residential development, indicate:
Number of units platted 70
Length of shoreline owned +/-8,000 feet
Acreage of upland property 38.14

Indicate the number of on-site parking spaces for:

	cars	trailers	cars with trailers	oversize vehicles
Proposed	12 cars - 2 trailers			
Existing	0			

18. What utilities will be provided on or in the marina or dock area proper? Be specific, e.g. fuel, electricity, sewage pump-out, water, etc.
electric and ater utility pedistals, portable marine pumpout cart storage at clubhouse facility.

19. What additional shore-based facilities are included in the proposed marina or marina alteration? Be specific, e.g., boat or engine repairs, fuel, foods, etc.
community clubhouse pool & marina storage (boathouse building)

20. Will the marina project be available to the general public? If so, on what basis?
no, for community residents only

21. Are existing public facilities, services, and transportation adequate to accommodate the project and associated development impacts? ✓ Yes _____ No If no, please describe the upgrades required:
Channel Pointe is a fully approved residential planned community under construction.

22. Has a market study been completed for the project? _____ Yes ✓ No
If so, please attach the study report.

23. If no market study has been completed, please describe briefly the intended market, particularly the types and sizes of boats anticipated to use the facility.

The resort location has direct access to navigable water given the size of the residential planned community, full utilization of the marina by residents can be expected.

MARINAS

Marina applicants must complete this appendix and any other appendices that may apply to the proposed project (see "List of Appendices").

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

1. Name of marina: Channel Pointe Community Marina

2. Complete mailing address for marina: CMF Cannon, LLC.
Attn: Mr. Josh Mastrangelo
21 Village Green Drive, Suite 200
Ocean View, DE 19970

   Telephone Number: 302-436-3000

3. Name and complete address for Harbormaster, if applicable:
Mr. Richard Rischel
CMF Cannon, LLC.
21 Village Green Drive, Suite 200
Ocean View, DE 19970

4. Check appropriate box: ☑ New Marina ☐ Alteration to Existing Marina

5. Number of Slips: Complete Appendix A for details of docking facilities.

	a. Wet Slips	Dry Storage Spaces
b. Existing	0	0
c. Proposed or Additional	25	0

- If this is an alteration to an existing marina, please be advised that the questions that follow pertain only to the altered portion(s) of the facility.

6. Shellfish Resources: Is any part of the marina located within or adjacent to a classified shellfish growing area? This information can be obtained from the Division of Watershed Stewardship, Watershed Assessment Section (302-739-9939)

   ✓ Yes ____ No

   If yes, how is the area currently classified?

   ✓ Approved Area
   _____ Conditionally Approved Area
   _____ Restricted Area
   _____ Conditionally Restricted Area
   _____ Prohibited Area

7. Submerged Aquatic Vegetation (SAV): Are any SAV beds located within the marina basin or adjacent areas? _____ Yes ✓ No

8. Critical Habitats: Is the marina located within or adjacent to an area classified as a critical habitat by the Department's Division of Parks and Recreation? Critical habitat areas are those that are included in the Natural Areas Inventory, or that provide habitat for species included in the State Endangered Species Act (7 Del. C., Chapter 6). To obtain the locations of these areas, contact the Division of Parks and Recreation at (302) 739-5285. ✓ Yes _____ No

9. Dredging and Dredged material Disposal: Complete Appendices R and/or S.

Not Applicable.

10. Shoreline Protection Structures: Complete appropriate Appendices.
Provided-Proposed Offshore Crain Proposed for Kayak Launch Area Along Shoreline

11. Water Supply: Describe the existing or proposed water supply facilities for the project.
✓ Public water system. Identify: Sussex County
_____ Private well. If existing, include the DNREC Well Permit Number:_____
If there are plans to construct a new well, a permit must be obtained from the Department's Water Supply Section prior to well construction.

12. Wastewater Facilities:

a. How many restroom facilities are planned for the marina? 1
If none, please explain:
b. How will the wastewater from the facility be handled?
_____ Public sewer, identify: _____
_____ On-site septic system
_____ Other, describe:

c. Identify the permit numbers for any treatment, storage or disposal permits that have been obtained for the proposed wastewater facilities, including name and permit number for any waste transporters who will be transporting wastewater or septage.

Not Applicable.

d. If permits for the wastewater facilities have not yet been obtained, have permit applications been submitted? _____ Yes _____ No
If Yes, show the date and to whom the application was mailed. If no, describe all proposed plans for wastewater handling. Attach additional sheets as necessary.

13. Parking:

How many parking spaces will be provided? 14 (includes trailer parking spaces)
Does the proposed parking plan conform to:
Local planning codes or requirements; (Contact the County Planning Department and/or local municipal government offices for this information). ✓ Yes ____No
The 0.5 spaces/slip rebuttable presumption from the Marina Regulations ✓ Yes ____No
If no, please explain:
The community has private road and golf carts which will be used to access marina in addition to cars, biking & walkways.

14. Stormwater Management: Describe in detail the plans to detain the first one-half inch of stormwater run-off from the disturbed portion of the site and release it over a 24 hour period. Attach additional sheets and drawings as necessary.

The residential planned community is developed in accordance wiht Sussex County approved site plans and Sussex County Soil Conservation District approvals.

15. Solid Waste Management:

How many trash receptacles/ recycling bins will be provided at the marina? 2

If trash receptacles will not be provided, what measures will be taken to ensure that solid wastes are properly disposed of?

16. Boat Maintenance Areas and Activities:

a. Describe in detail how boat maintenance by-products, debris, residues, spills and run-off from maintenance areas will be controlled in accordance with the Marina Regulations. Attach separate sheets if necessary.

No boat maintenance is proposed, only mooring of recreational vessels.

b. Will special containers for waste oils and other maintenance wastes be provided? _____ Yes ✓ No Explain:

c. Describe in detail how materials used in maintenance and repair operations will be handled and stored. Materials of concern include, but are not limited to, paints, solvents, oils, greases, preservatives, pesticides, epoxies and corrosive cleaners. Indicate whether local fire codes or national Fire Protection Association (NFPA) standards have been used in developing the proposed handling and storage. Attach separate sheets if necessary.

No maintenance is proposed. Marina will have fire protection system as approved by Delaware State Fire Marshall Office.

17. Fuel Storage and Delivery Facilities/Spill Contingency Plan:

a. Describe in detail all procedures for storage, handling and dispensing of fuel. Indicate whether local five codes or National Fire Protection Association (NFPA) standards have been used in developing proposed procedures. A permit from the Department's Underground Storage Tank Branch may also be required. Attach separate sheets as necessary.

No vessel fueling is proposed. Existing full service marinas are nearby.

b. Describe in detail procedures that will be used to contain and clean any fuel spills that occur as a result of marina operations. Notification procedures should also be described. Attach separate sheets if necessary.

On site emergency spill kit will be located at marina boat house.
Refer to Operation & Maintenance Plan.

18. Fire Protection Systems: Describe the fire protection systems that are proposed for the facility. Indicate whether local fire codes or National Fire Protection Association (NFPA) standards have been used in choosing and designing the systems. Attach additional sheets as necessary.
Marina will have fire department connection as approved by Delaware State Fire Marshall Office.
19. Life Safety Equipment:

    a. For alterations to existing marinas: Does the alteration involve the addition of new water-based structures? _____ Yes _____ No If yes, complete 20 B. If no, skip to question 21.
    b. How many floatation devices will be provided around the marina and how far apart will they be located? 2 (250 feet)

20. Fish Waste:

Will fish cleaning stations be provided? _____ Yes ✓ No
If yes, how many?_____ (Be sure to show their location on the engineering plans).
Will the marina provide a live bait concession? _____ Yes ✓ No

21. Piers and Docks: Complete Appendix A.

22. **Drawing Requirements:** At a minimum, all marina applicants must submit at least the following drawings:

    a. Elevation or Section View
    b. Vicinity Map
    c. Plan View

- General Information for All Drawings: For all major structures, the structural dimensions and distance from the nearest property line, survey marker or permanent landmark should be shown.

- Wherever possible, identify the materials used in construction. If dredging or filling is involved, show the volume and type of materials to be moved, and the grade to be used.

    a. Elevation or Section View

The elevation or section view includes the following, as applicable: (check those which apply). Pre-checked items must be included.
__X__ Mean high and low water lines;
__X__ Construction details for all water-based structures (e.g. piers docks, pilings);
__X__ Construction details for all bulkheads, rip-rap and other shoreline protection structures;
N/A Intake and outfall structures
__X__ Boat Ramps
N/A Channel or basin modifications (proposed dredging areas)
_____ Other

    b. Vicinity Map

c. Plan View

The plan view should be prepared on 8 1/2" x 11" paper, and in a standard blue print size and format, and contain the locations of the following features, as applicable (Check all those which apply to the project and include these items on the plan view drawing):

__X__ Property boundaries
__X__ Shoreline
__X__ Mean high and low water lines
__X__ Direction of river flow/ebb and flow of tide
_____ Proposed channel
_____ Navigation Aids
__X__ Piers, docks, pilings, bulkheads, moorings, anchorages, jetties, groins, breakwaters and other water-based structures
__X__ Slips (Wet)
_____ Slips (Dry)
_____ Boat ramp(s)
__X__ Buildings, other structures (identify each)
_____ Boat storage areas/facilities
_____ Boat maintenance area(s)
_____ Extent of roof coverage (e.g. over maintenance areas, boat storage areas, etc.)
__X__ Roadways (identify surface, e.g. asphalt, gravel dirt, etc.)
__X__ Parking areas (identify surface, e.g. asphalt, gravel, dirt, grass, etc.)
__X__ Maintenance materials storage areas(s)
_____ Public telephone(s)
__X__ Public restroom(s)
_____ Fish cleaning station(s)
__X__ Life safety equipment station(s)
_____ Fuel dispensing pump(s) underground storage tank
_____ Septic tank
__X__ Sewer connection/wastewater collection system
_____ Water supply well
__X__ Portable fire extinguisher(s), fire hydrant(s)
__X__ Spill containment equipment storage areas(s)
__X__ Trash receptacle(s) waste oil - other waste receptacles
__X__ Stormwater management facilities
_____ Compensation area for wetlands
_____ Other

BOAT RAMPS

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

1. How many boat ramps will be constructed? 1

2. What are the dimensions of the proposed boat ramp(s)?

   96' Length 16' Width
   18:1 Slope 1' Thickness

3. How many feet will the boat ramp(s) extend channelward of:

   Tidal Waters: mean high water line? 81 ft.
   Non-tidal Waters: ordinary high water line? _____ ft.

4. How many square feet of the boat ramp(s) will be located:

   Below mean high water? 1944 sq. ft.
   On vegetated wetlands? 0 sq. ft.

5. Will any docking facilities be constructed alongside of the boat ramp(s)? _____ Yes X No
   If your answer is yes, complete Appendix A and show structure on plans.

6. What type of material(s) will be used for construction of the boat ramp(s) (e.g. concrete, timber, gravel, etc.)? Timber vinyl sheet pile retaining wall supported by timber piles and whalers capped with a four foot wide timber walkway and concrete ramp.

7. Will any fill be required? X Yes _____ No If yes, complete the appropriate appendix.
   placement of concrete

8. Amount of material to placed? 72 cubic yards below MHW
   70 cubic yards below MLW

9. Will any dredging or excavation be required? X Yes _____ No If yes, complete the dredging appendix.

10. What boat ramp(s) do you now use in the area? None located on property or nearby

11. Will this ramp be: _____ public, _____ commercial, X private? If public or commercial, complete Appendix N (Marinas).

BULKHEADS

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

1. Will the project be considered new construction or repair and replacement of an existing and currently serviceable bulkhead?

   ___X___ New Construction

   _____ Repair and Replacement

   If repair and replacement, attach photos of entire length of project.

1. What is the current condition of the shoreline at the site of the proposed bulkhead?
   Shoreline is stabilized with riprap. Each side of boat ramp will flanked by pile supported vinyl sheet pile walls.

2. Please attach an analysis of all alternatives to bulkheading as a shoreline stabilization method for this project. Please examine options using vegetation and/or non-vertical walled structures. Include a justification of need, based on the extent of erosion and the rate of erosion. This application will not be reviewed if this answer is not completed.
   Boat ramp must be flanked with retaining walls to allow for a functional ramp.

3. If is this is a repair or replacement,

   Do you intend to step out in front of existing bulkhead? _____Yes _____ No

   Is the current bulkhead creosote? _____Yes _____ No

   Will the new bulkhead be placed on or off the applicant's property?

   _____ On _____ Off Please indicate property lines on attached plans as well as MHW/MLW.

4. How many linear feet of shoreline are to be bulkheaded? ___N/A___ ft.

5. What will be the overall length of the bulkhead (including return walls)? ___81___ ft. (each)

6. How many ends of the bulkhead will be tied into existing bulkheads which are in good repair?

   ___X___ None _____ One _____ Two

7. Will the return walls be protected from out flanking with rip-rap?

   _____ Yes ___X___ No If your answer is "Yes", complete Appendix I.

8. Will the toe of your bulkhead be protected from undercutting with rip-rap?

   _____ Yes ___X___ No If your answer is "Yes" complete Appendix I.

9. What type of material(s) will be used for construction of the bulkhead (e.g. reinforced concrete, steel sheet pilings, treated tongue-and-groove timber, etc.)?

   Vinyl sheet pile, salt treated timbers and whalers secured with galvinized hardware.

10. Will deadmen be utilized _____ Yes __X__ No If your answer is "Yes", indicate the type and location on your drawings/ If your answer is "No", explain the method to be used to anchor the bulkhead.

11. Will wooden materials be: __X__ Salt Treated _____ Other

12. Will all metal fittings, cables, or tie rods be galvanized? __X__ Yes _____ No

13. Will the bulkhead be backfilled? _____ Yes __X__ No If your answer is "Yes", complete Appendix H.

14. Will filter cloth be used? _____ Yes _____ No If your answer is "No", explain the method to be used to control seepage of backfill from behind the bulkhead.

Not applicable, retaining walls will flank concrete boat ramp.

15. Have you consulted an engineer or other professional to assure that the design of your bulkhead will be adequate? __X__ Yes _____ No If your answer is "Yes", give the name and address of the party consulted.

Name: Steve Marsh

Address: George Miles & Buhr, LLC.
206 West Main St.
Salisbury, MD 21801

Date: January 15, 2024

TAX MAP NO. 5-33-20.00-20.00
and 5-33-20.00-22.00

PREPARED BY/RETURN TO:
Scott and Shuman, P.A.
33292 Coastal Highway, Suite 3
Bethany Beach, DE 19930
File No. 22-16392\SW

DEED

THIS DEED is made as of the 8th day of March, 2022, between, **The Estate of Allie Marie Cannon by Co-Executors Shirley A. Rhodes and David W. Wharton,** of 38518 DuPont Boulevard, Selbyville, DE 19975, party of the first part, and **CMF Cannon L.L.C., a Delaware limited liability company,** of 111 Rockville Pike, Suite 1100, Rockville, MD 20850, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten Dollars ($10.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, its successors and/or 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 situate, lying and being in Baltimore Hundred, Sussex County, Delaware, and being shown on survey of Lands of Allie Marie Cannon, Heirs – Lighthouse Road & Bennett Avenue dated February 24, 2022, prepared by Steven M. Adkins Land Surveying LLC, and being more particularly described as follows:

Beginning at a found concrete monument on the northern right of way line associated with Lighthouse Road (SR58 – width varies) with its intersection with the western right of way line associated with Bennett Dr (30' wide); Thence continuing along the aforementioned northern right of way line along the following (3) courses and distances, 1) N 57 degrees 22 minutes 20 seconds W for a distance of 219.94 feet to a found concrete monument and the beginning of a curve; Thence with said curve turning to the right , having a radius of 2,813.79 feet, an arc distance of 311.04', the chord of which bears, 2) N 54 degrees 12 minutes 19 seconds W, and a chord distance of 310.88 feet to a found concrete monument; Thence, 3) N 51 degrees 02 minutes 19 seconds W for a distance of 744.72 feet to a point on the right of way line; Thence, continuing along the same course for a distance of 239.44 feet to a set capped iron rod on the northern right of way line, being

a common boundary corner between these lands and the lands of the State of Delaware; Thence turning and running with the State of Delaware lands along the following (9) courses and distances, 4) N 38 degrees 57 minutes 41 seconds E for a distance of 264.01 feet to a set capped iron rod; Thence, 5) S 73 degrees 28 minutes 47 seconds E for a distance of 201.56 feet to a point; Thence, 6) N 16 degrees 40 minutes 37 seconds E for a distance of 325.49 feet to a set capped iron rod; Thence, 7) N 45 degrees 35 minutes 03 seconds W for a distance of 421.19 feet to a point; Thence, 8) N 52 degrees 50 minutes 40 seconds W for a distance of 173.65 feet to a set capped iron rod; Thence, 9) S 52 degrees 21 minutes 20 seconds W for a distance of 151.03 feet to a set capped iron rod; Thence, 10) S 38 degrees 57 minutes 41 seconds W for a distance of 179.70 feet to a point; Thence, 11) S 04 degrees 56 minutes 22 seconds W for a distance of 301.82 feet to a point; Thence, 12) N 85 degrees 03 minutes 38 seconds W for a distance of 178.59 feet to a set capped iron rod on the aforementioned northern right of way line, being a common boundary corner between these lands and the lands of the State of Delaware; Thence turning and running with the northern right of way line, 13) N 51 degrees 02 minutes 19 seconds W for a distance of 743.84 feet to a set capped iron rod on the northern right of way line, being a common boundary corner between these lands and other lands of the State of Delaware; Thence turning and running with the other lands of the State of Delaware along the following (4) courses and distances, 14) N 10 degrees 06 minutes 14 seconds E for a distance of 334.44 feet to a found concrete monument; Thence, 15) S 88 degrees 40 minutes 57 seconds E for a distance of 169.78 feet to a found concrete monument; Thence, 16) N 30 degrees 02 minutes 19 seconds E for a distance of 374.25 feet to a found iron axle; Thence, 17) N 69 degrees 53 minutes 36 seconds E for a distance of 971.36 feet to a found iron pipe, being a common boundary corner between these lands, the State of Delaware lands, the lands of Andrew Adkins (Trustee) and the lands of David Reusing; Thence turning and running in part with the Reusing lands, in part with the lands of Sandra Robertson (Trustee), and in part with the lands of Vivian Hickman, 18) S 08 degrees 34 minutes 20 seconds E for a distance of 693.01 feet to a point in the center of a ditch, being a common boundary corner between these lands and the Hickman lands; Thence turning and running with the Hickman lands and by and with the center of a ditch generally along the following bearing and distance, 19) N 82 degrees 04 minutes 28 seconds E for a distance of 892.63 feet to a point in a salt pond; Thence turning and running in part with the Hickman lands, in part with the aforementioned Sandra Robertson (Trustee) lands, in part with the aforementioned David Reusing lands, in part with the lands of Breasure Lynch, Clifton & Deloris Murray, and in part with the lands of Helen Johnson, partially by and with a row of cedar posts, 20) N 03 degrees 29 minutes 07 seconds E for a distance of 753.69 feet to a found cedar post, being a common boundary corner between these lands and Johnson lands; Thence continuing with the Johnson lands, by and with a row of cedar posts, 21) N 20 degrees 34 minutes 38 seconds W for a distance of 477.83 feet to the mean low water line associated with the Assawoman Bay, being a common boundary corner between these lands and the Johnson lands; Thence turning and running with the mean low water line associated with the Assawoman Bay generally along the following 219 courses and distances, 22) N 63 degrees 51 minutes 09 seconds E for a distance of 41.94 feet to a point; Thence, 23) N 79 degrees 48 minutes 44 seconds E for a distance of 30.91 feet to a point; Thence, 24) S 69 degrees 03 minutes 46 seconds E for a distance of 21.72 feet to a point; Thence, 25) N 70 degrees 30 minutes 36 seconds E for a distance of 47.66 feet to a point; Thence, 26) N 16 degrees 47 minutes 37 seconds W for a distance of 27.21 feet to a point; Thence, 27) N 05 degrees 15 minutes 31 seconds W for a distance of 26.15 feet to a point; Thence, 28) N 17 degrees 26 minutes 22 seconds E for a distance of 31.72 feet to a point; Thence, 29) N 72 degrees 56 minutes 30 seconds E for a distance of 32.37 feet to a

point; Thence, 30) N 77 degrees 51 minutes 29 seconds E for a distance of 43.65 feet to a point; Thence, 31) S 87 degrees 36 minutes 37 seconds E for a distance of 26.83 feet to a point; Thence, 32) N 55 degrees 16 minutes 10 seconds E for a distance of 32.01 feet to a point; Thence, 33) N 39 degrees 32 minutes 04 seconds E for a distance of 36.54 feet to a point; Thence, 34) N 50 degrees 54 minutes 26 seconds E for a distance of 50.39 feet to a point; Thence, 35) N 03 degrees 50 minutes 43 seconds E for a distance of 54.43 feet to a point; Thence, 36) N 18 degrees 34 minutes 27 seconds W for a distance of 47.37 feet to a point; Thence, 37) N 40 degrees 55 minutes 41 seconds W for a distance of 13.74 feet to a point; Thence, 38) N 24 degrees 33 minutes 16 seconds E for a distance of 25.36 feet to a point; Thence, 39) N 15 degrees 13 minutes 10 seconds W for a distance of 18.24 feet to a point; Thence, 40)N 47 degrees 03 minutes 00 seconds W for a distance of 41.30 feet to a point; Thence, 41) N 25 degrees 48 minutes 13 seconds W for a distance of 31.28 feet to a point; Thence, 42) N 41 degrees 44 minutes 33 seconds E for a distance of 28.59 feet to a point; Thence, 43) N 04 degrees 10 minutes 22 seconds W for a distance of 21.98 feet to a point; Thence, 44) N 82 degrees 15 minutes 45 seconds W for a distance of 48.92 feet to a point; Thence, 45) N 00 degrees 34 minutes 01 seconds W for a distance of 36.76 feet to a point; Thence, 46) N 08 degrees 22 minutes 10 seconds E for a distance of 52.06 feet to a point; Thence, 47) N 61 degrees 43 minutes 53 seconds E for a distance of 54.26 feet to a point; Thence, 48) N 09 degrees 27 minutes 42 seconds W for a distance of 23.44 feet to a point; Thence, 49) N 22 degrees 35 minutes 14 seconds E for a distance of 29.59 feet to a point; Thence, 50) N 22 degrees 59 minutes 09 seconds E for a distance of 36.42 feet to a point; Thence, 51) N 32 degrees 00 minutes 00 seconds E for a distance of 39.77 feet to a point; Thence, 52) N 31 degrees 02 minutes 49 seconds E for a distance of 20.64 feet to a point; Thence, 53) N 19 degrees 50 minutes 31 seconds E for a distance of 39.81 feet to a point; Thence, 54) N 00 degrees 42 minutes 46 seconds E for a distance of 12.84 feet to a point; Thence, 55) N 07 degrees 43 minutes 30 seconds W for a distance of 41.43 feet to a point; Thence, 56) N 31 degrees 40 minutes 49 seconds W for a distance of 61.76 feet to a point; Thence, 57) N 12 degrees 48 minutes 54 seconds W for a distance of 94.62 feet to a point; Thence, 58) N 50 degrees 15 minutes 49 seconds W for a distance of 59.94 feet to a point; Thence, 59) N 58 degrees 41 minutes 52 seconds W for a distance of 48.98 feet to a point; Thence, 60) N 73 degrees 29 minutes 33 seconds W for a distance of 26.86 feet to a point; Thence, 61) N 10 degrees 47 minutes 56 seconds W for a distance of 20.50 feet to a point; Thence, 62) N 82 degrees 01 minutes 22 seconds W for a distance of 23.98 feet to a point; Thence, 63) N 42 degrees 44 minutes 44 seconds W for a distance of 42.34 feet to a point; Thence, 64) N 24 degrees 02 minutes 02 seconds E for a distance of 26.08 feet to a point; Thence, 65) N 42 degrees 37 minutes 21 seconds E for a distance of 22.10 feet to a point; Thence, 66) N 17 degrees 06 minutes 07 seconds W for a distance of 66.14 feet to a point; Thence, 67) S 85 degrees 52 minutes 20 seconds W for a distance of 28.04 feet to a point; Thence, 68) N 48 degrees 09 minutes 26 seconds W for a distance of 42.73 feet to a point; Thence, 69) N 68 degrees 18 minutes 47 seconds W for a distance of 18.45 feet to a point; Thence, 70) N 08 degrees 52 minutes 50 seconds E for a distance of 14.22 feet to a point; Thence, 71) N 37 degrees 42 minutes 45 seconds E for a distance of 84.40 feet to a point; Thence, 72) N 12 degrees 11 minutes 11 seconds W for a distance of 28.69 feet to a point; Thence, 73) N 25 degrees 42 minutes 42 seconds E for a distance of 25.63 feet to a point; Thence, 74) N 38 degrees 12 minutes 24 seconds W for a distance of 20.68 feet to a point; Thence, 75) N 05 degrees 27 minutes 36 seconds W for a distance of 39.11 feet to a point; Thence, 76) N 04 degrees 26 minutes 28 seconds E for a distance of 73.59 feet to a point; Thence, 77) N 27 degrees 38 minutes 38 seconds E for a distance of 74.46 feet to a point; Thence, 78) N 06 degrees 30 minutes 48 seconds E for a distance of 37.73 feet to a point; Thence, 79) N 13 degrees 09

minutes 38 seconds W for a distance of 40.83 feet to a point; Thence, 80) N 00 degrees 46 minutes 05 seconds W for a distance of 34.00 feet to a point; Thence, 81) N 17 degrees 30 minutes 30 seconds E for a distance of 38.78 feet to a point; Thence, 82) N 18 degrees 26 minutes 24 seconds W for a distance of 55.15 feet to a point; Thence, 83) N 48 degrees 09 minutes 11 seconds W for a distance of 21.71 feet to a point; Thence, 84) N 19 degrees 31 minutes 37 seconds W for a distance of 8.33 feet to a point; Thence, 85) N 34 degrees 52 minutes 36 seconds W for a distance of 21.06 feet to a point; Thence, 86) N 41 degrees 24 minutes 51 seconds E for a distance of 7.69 feet to a point; Thence, 87) S 70 degrees 45 minutes 39 seconds E for a distance of 22.52 feet to a point; Thence, 88) S 21 degrees 29 minutes 31 seconds E for a distance of 36.88 feet to a point; Thence, 89) S 25 degrees 03 minutes 33 seconds E for a distance of 76.94 feet to a point; Thence, 90) S 12 degrees 49 minutes 17 seconds W for a distance of 74.92 feet to a point; Thence, 91) S 08 degrees 34 minutes 00 seconds E for a distance of 42.85 feet to a point; Thence, 92) S 07 degrees 42 minutes 42 seconds E for a distance of 61.47 feet to a point; Thence, 93) S 24 degrees 44 minutes 45 seconds E for a distance of 25.65 feet to a point; Thence, 94) S 05 degrees 32 minutes 12 seconds E for a distance of 42.86 feet to a point; Thence, 95) S 19 degrees 31 minutes 42 seconds E for a distance of 141.47 feet to a point; Thence, 96) S 29 degrees 31 minutes 01 seconds E for a distance of 21.58 feet to a point; Thence, 97) S 03 degrees 29 minutes 45 seconds E for a distance of 27.05 feet to a point; Thence, 98) S 11 degrees 34 minutes 12 seconds E for a distance of 48.80 feet to a point; Thence, 99) S 22 degrees 46 minutes 19 seconds E for a distance of 31.27 feet to a point; Thence, 100) S 04 degrees 57 minutes 32 seconds E for a distance of 23.32 feet to a point; Thence, 101) S 02 degrees 15 minutes 19 seconds E for a distance of 56.46 feet to a point; Thence, 102) S 56 degrees 45 minutes 36 seconds E for a distance of 67.84 feet to a point; Thence, 103) S 61 degrees 32 minutes 17 seconds E for a distance of 70.05 feet to a point; Thence, 104) S 70 degrees 40 minutes 28 seconds E for a distance of 74.25 feet to a point; Thence, 105) S 79 degrees 47 minutes 20 seconds E for a distance of 23.87 feet to a point; Thence, 106) S 30 degrees 32 minutes 55 seconds E for a distance of 17.65 feet to a point; Thence, 107) S 08 degrees 07 minutes 34 seconds E for a distance of 40.79 feet to a point; Thence, 108) S 16 degrees 48 minutes 06 seconds E for a distance of 20.88 feet to a point; Thence, 109) S 06 degrees 58 minutes 10 seconds W for a distance of 23.27 feet to a point; Thence, 110) S 04 degrees 43 minutes 43 seconds W for a distance of 50.85 feet to a point; Thence, 111) S 17 degrees 09 minutes 25 seconds W for a distance of 25.03 feet to a point; Thence, 112) S 52 degrees 54 minutes 33 seconds W for a distance of 53.97 feet to a point; Thence, 113) S 18 degrees 05 minutes 34 seconds W for a distance of 26.50 feet to a point; Thence, 114) S 11 degrees 35 minutes 20 seconds W for a distance of 48.86 feet to a point; Thence, 115) S 05 degrees 32 minutes 21 seconds W for a distance of 13.62 feet to a point; Thence, 116) S 10 degrees 01 minutes 39 seconds E for a distance of 21.55 feet to a point; Thence, 117) S 21 degrees 18 minutes 23 seconds E for a distance of 51.17 feet to a point; Thence, 118) S 44 degrees 44 minutes 08 seconds E for a distance of 89.84 feet to a point; Thence, 119) S 19 degrees 39 minutes 41 seconds W for a distance of 92.90 feet to a point; Thence, 120) S 31 degrees 03 minutes 07 seconds W for a distance of 27.90 feet to a point; Thence, 121) S 05 degrees 36 minutes 04 seconds W for a distance of 20.45 feet to a point; Thence, 122) S 03 degrees 46 minutes 42 seconds E for a distance of 41.75 feet to a point; Thence, 123) S 15 degrees 42 minutes 44 seconds E for a distance of 33.23 feet to a point; Thence, 124) S 53 degrees 09 minutes 43 seconds E for a distance of 196.78 feet to a point; Thence, 125) S 63 degrees 22 minutes 47 seconds E for a distance of 81.46 feet to a point; Thence, 126) S 67 degrees 13 minutes 38 seconds E for a distance of 99.31 feet to a point; Thence, 127) S 35 degrees 25 minutes 33 seconds E for a distance of 79.48 feet to a point; Thence, 128) S 06 degrees 51 minutes 21 seconds W for

a distance of 16.54 feet to a point; Thence, 129) S 12 degrees 29 minutes 41 seconds E for a distance of 56.65 feet to a point; Thence, 130) S 53 degrees 08 minutes 51 seconds E for a distance of 23.12 feet to a point; Thence, 131) S 58 degrees 58 minutes 25 seconds W for a distance of 36.05 feet to a point; Thence, 132) N 63 degrees 19 minutes 17 seconds W for a distance of 18.16 feet to a point; Thence, 133) S 36 degrees 57 minutes 16 seconds W for a distance of 57.45 feet to a point; Thence, 134) S 05 degrees 05 minutes 02 seconds E for a distance of 45.42 feet to a point; Thence, 135) S 15 degrees 34 minutes 51 seconds E for a distance of 51.23 feet to a point; Thence, 136) S 17 degrees 46 minutes 32 seconds E for a distance of 60.15 feet to a point; Thence, 137) S 37 degrees 28 minutes 18 seconds E for a distance of 77.31 feet to a point; Thence, 138) S 36 degrees 38 minutes 26 seconds W for a distance of 26.72 feet to a point; Thence, 139) N 85 degrees 31 minutes 46 seconds W for a distance of 28.28 feet to a point; Thence, 140) S 63 degrees 47 minutes 17 seconds W for a distance of 28.93 feet to a point; Thence, 141) S 47 degrees 47 minutes 57 seconds W for a distance of 22.00 feet to a point; Thence, 142) S 61 degrees 29 minutes 31 seconds W for a distance of 33.87 feet to a point; Thence, 143) S 73 degrees 18 minutes 58 seconds W for a distance of 35.22 feet to a point; Thence, 144) S 41 degrees 58 minutes 43 seconds W for a distance of 74.23 feet to a point; Thence, 145) S 25 degrees 55 minutes 33 seconds W for a distance of 56.57 feet to a point; Thence, 146) S 57 degrees 13 minutes 04 seconds E for a distance of 8.32 feet to a point; Thence, 147) S 16 degrees 06 minutes 06 seconds W for a distance of 110.57 feet to a point; Thence, 148) S 03 degrees 57 minutes 14 seconds W for a distance of 28.72 feet to a point; Thence, 149) S 15 degrees 37 minutes 07 seconds W for a distance of 31.29 feet to a point; Thence, 150) S 02 degrees 54 minutes 44 seconds E for a distance of 39.47 feet to a point; Thence, 151) S 22 degrees 12 minutes 09 seconds E for a distance of 49.86 feet to a point; Thence, 152) S 26 degrees 11 minutes 40 seconds E for a distance of 77.37 feet to a point; Thence, 153) S 40 degrees 55 minutes 24 seconds W for a distance of 21.58 feet to a point; Thence, 154) S 25 degrees 45 minutes 26 seconds W for a distance of 33.65 feet to a point; Thence, 155) S 06 degrees 55 minutes 25 seconds W for a distance of 48.08 feet to a point; Thence, 156) S 59 degrees 17 minutes 54 seconds W for a distance of 40.20 feet to a point; Thence, 157) S 27 degrees 43 minutes 49 seconds W for a distance of 46.86 feet to a point; Thence, 158) S 01 degrees 29 minutes 49 seconds E for a distance of 107.45 feet to a point; Thence, 159) S 08 degrees 29 minutes 26 seconds W for a distance of 49.66 feet to a point; Thence, 160) S 19 degrees 52 minutes 57 seconds W for a distance of 20.67 feet to a point; Thence, 161) S 01 degrees 24 minutes 05 seconds E for a distance of 54.10 feet to a point; Thence, 162) S 28 degrees 36 minutes 32 seconds W for a distance of 15.57 feet to a point; Thence, 163) S 12 degrees 55 minutes 19 seconds W for a distance of 23.50 feet to a point; Thence, 164) S 01 degrees 21 minutes 23 seconds W for a distance of 27.66 feet to a point; Thence, 165) S 10 degrees 17 minutes 39 seconds E for a distance of 38.15 feet to a point; Thence, 166) S 32 degrees 13 minutes 26 seconds E for a distance of 73.56 feet to a point; Thence, 167) S 31 degrees 24 minutes 26 seconds E for a distance of 111.68 feet to a point; Thence, 168) S 44 degrees 50 minutes 44 seconds E for a distance of 166.15 feet to a point; Thence, 169) S 33 degrees 03 minutes 36 seconds E for a distance of 129.24 feet to a point; Thence, 170) S 02 degrees 00 minutes 29 seconds E for a distance of 71.41 feet to a point; Thence, 171) S 25 degrees 56 minutes 13 seconds W for a distance of 33.40 feet to a point; Thence, 172) S 19 degrees 12 minutes 15 seconds E for a distance of 79.71 feet to a point; Thence, 173) S 47 degrees 00 minutes 47 seconds E for a distance of 37.02 feet to a point; Thence, 174) S 25 degrees 04 minutes 11 seconds E for a distance of 24.47 feet to a point; Thence, 175) S 46 degrees 55 minutes 07 seconds E for a distance of 23.94 feet to a point; Thence, 176) S 59 degrees 41 minutes 12 seconds E for a distance of 100.24 feet to a point; Thence, 177) S 27 degrees 39 minutes 55 seconds E for a distance of

11.55 feet to a point; Thence, 178) S 72 degrees 34 minutes 34 seconds E for a distance of 40.44 feet to a point; Thence, 179) N 15 degrees 44 minutes 14 seconds E for a distance of 8.80 feet to a point; Thence, 180) S 81 degrees 25 minutes 05 seconds E for a distance of 10.91 feet to a point; Thence, 181) S 46 degrees 09 minutes 53 seconds E for a distance of 24.07 feet to a point; Thence, 181) S 00 degrees 00 minutes 38 seconds E for a distance of 36.65 feet to a point; Thence, 182) S 13 degrees 23 minutes 05 seconds W for a distance of 51.73 feet to a point; Thence, 183) S 34 degrees 44 minutes 14 seconds E for a distance of 55.38 feet to a point; Thence, 184) S 21 degrees 57 minutes 05 seconds E for a distance of 24.05 feet to a point; Thence, 185) S 34 degrees 52 minutes 19 seconds E for a distance of 38.58 feet to a point; Thence, 186) S 10 degrees 32 minutes 59 seconds E for a distance of 21.96 feet to a point; Thence, 187) S 17 degrees 50 minutes 59 seconds W for a distance of 11.94 feet to a point; Thence, 188) S 45 degrees 08 minutes 27 seconds E for a distance of 30.44 feet to a point; Thence, 189) S 19 degrees 37 minutes 42 seconds W for a distance of 44.15 feet to a point; Thence, 190) S 53 degrees 33 minutes 49 seconds W for a distance of 55.50 feet to a point; Thence, 191) S 87 degrees 43 minutes 14 seconds W for a distance of 36.03 feet to a point; Thence, 192) N 80 degrees 20 minutes 58 seconds W for a distance of 38.20 feet to a point; Thence, 193) N 64 degrees 00 minutes 50 seconds W for a distance of 56.00 feet to a point; Thence, 194) N 75 degrees 08 minutes 00 seconds W for a distance of 45.76 feet to a point; Thence, 195) S 28 degrees 06 minutes 50 seconds W for a distance of 21.36 feet to a point; Thence, 196) S 61 degrees 20 minutes 03 seconds E for a distance of 72.17 feet to a point; Thence, 197) S 56 degrees 49 minutes 37 seconds W for a distance of 48.89 feet to a point; Thence, 198) S 82 degrees 27 minutes 41 seconds W for a distance of 53.92 feet to a point; Thence, 199) N 43 degrees 13 minutes 42 seconds W for a distance of 40.66 feet to a point; Thence, 200) S 42 degrees 50 minutes 05 seconds W for a distance of 21.32 feet to a point; Thence, 201) S 72 degrees 52 minutes 47 seconds W for a distance of 65.37 feet to a point; Thence, 202) S 37 degrees 42 minutes 47 seconds W for a distance of 27.31 feet to a point; Thence, 203) N 87 degrees 35 minutes 39 seconds E for a distance of 66.70 feet to a point; Thence, 204) S 35 degrees 01 minutes 34 seconds E for a distance of 50.29 feet to a point; Thence, 205) S 16 degrees 22 minutes 22 seconds W for a distance of 46.44 feet to a point; Thence, 206) S 13 degrees 12 minutes 08 seconds E for a distance of 26.47 feet to a point; Thence, 207) S 52 degrees 19 minutes 30 seconds W for a distance of 15.30 feet to a point; Thence, 208) N 59 degrees 06 minutes 34 seconds W for a distance of 38.58 feet to a point; Thence, 209) S 74 degrees 49 minutes 50 seconds W for a distance of 35.87 feet to a point; Thence, 210) S 24 degrees 05 minutes 59 seconds E for a distance of 18.40 feet to a point; Thence, 211) S 71 degrees 50 minutes 01 seconds E for a distance of 49.73 feet to a point; Thence, 212) S 33 degrees 35 minutes 18 seconds E for a distance of 34.43 feet to a point; Thence, 213) S 72 degrees 35 minutes 19 seconds E for a distance of 43.19 feet to a point; Thence, 214) S 39 degrees 49 minutes 06 seconds E for a distance of 17.40 feet to a point; Thence, 215) S 15 degrees 22 minutes 09 seconds E for a distance of 30.35 feet to a point; Thence, 216) S 11 degrees 47 minutes 18 seconds W for a distance of 17.17 feet to a point; Thence, 217) S 57 degrees 27 minutes 32 seconds W for a distance of 40.39 feet to a point; Thence, 218) N 68 degrees 30 minutes 30 seconds W for a distance of 20.42 feet to a point; Thence, 219) S 65 degrees 38 minutes 08 seconds W for a distance of 20.35 feet to a point; Thence, 220) S 17 degrees 05 minutes 37 seconds W for a distance of 31.70 feet to a point; Thence, 221) S 21 degrees 26 minutes 52 seconds E for a distance of 95.89 feet to a point; Thence, 222) S 06 degrees 48 minutes 34 seconds W for a distance of 45.00 feet to a point; Thence, 223) S 31 degrees 47 minutes 27 seconds W for a distance of 29.99 feet to a point; Thence, 224) S 79 degrees 36 minutes 32 seconds W for a distance of 20.77 feet to a point; Thence, 225) S 07 degrees 52 minutes 13 seconds W for a distance of

27.62 feet to a point; Thence, 226) S 39 degrees 40 minutes 40 seconds E for a distance of 30.49 feet to a point; Thence, 227) S 02 degrees 05 minutes 07 seconds W for a distance of 122.28 feet to a point; Thence, 228) S 29 degrees 24 minutes 28 seconds W for a distance of 35.92 feet to a point; Thence, 229) S 89 degrees 45 minutes 26 seconds W for a distance of 49.91 feet to a point; Thence, 230) N 84 degrees 27 minutes 21 seconds W for a distance of 81.61 feet to a point; Thence, 231) N 36 degrees 58 minutes 21 seconds W for a distance of 22.31 feet to a point; Thence, 232) N 58 degrees 12 minutes 05 seconds W for a distance of 94.16 feet to a point; Thence, 233) N 09 degrees 37 minutes 29 seconds W for a distance of 66.49 feet to a point; Thence, 234) N 07 degrees 42 minutes 57 seconds E for a distance of 64.53 feet to a point; Thence, 235) N 13 degrees 44 minutes 36 seconds E for a distance of 30.18 feet to a point; Thence, 236) N 34 degrees 56 minutes 07 seconds W for a distance of 31.90 feet to a point; Thence, 237) N 07 degrees 26 minutes 13 seconds W for a distance of 46.29 feet to a point; Thence, 238) N 47 degrees 35 minutes 24 seconds W for a distance of 12.96 feet to a point; Thence, 239) N 80 degrees 21 minutes 02 seconds W for a distance of 47.31 feet to a point; Thence, 240) S 73 degrees 08 minutes 49 seconds W for a distance of 21.86 feet to a point; Thence, 241) S 16 degrees 01 minutes 31 seconds W for a distance of 83.78 feet to a point on the mean low water line associated with the Assawoman Bay, being a common boundary corner between these lands and the lands of Carl M. Freeman Communities; Thence turning from said Assawoman Bay and running with the Freeman lands, 242) N 85 degrees 36 minutes 05 seconds W for a distance of 346.83 feet to a set capped iron rod on the eastern right of way associated with the terminus of Bennett Drive (30' wide), being a common boundary corner between these lands and the Freeman lands; Thence continuing across the terminus of Bennett Avenue along the same course for a distance of 30.00' to a found iron pipe, being a common boundary corner between these lands and the terminus of the western right of way line associated with Bennett Avenue; Thence turning and running along the western right of way line, 243) S 04 degrees 48 minutes 51 seconds W for a distance of 619.70 feet to a found iron pipe, being the beginning of a day light corner transition between the aforementioned western right of way line and the aforementioned northern right of way line associated with Lighthouse Road; Thence continuing with the day light corner, 244) S 78 degrees 21 minutes 51 seconds W for a distance of 18.73 feet to the point and place of beginning, containing 120.776 acres be the same more or less.

BEING a part of the same lands conveyed unto Everett Clifton Cannon and Allie Marie Bennett Cannon, his wife, by Deed dated January 9, 1969, from Bessie A. Bennett, widow, as filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 638, Page 206.

The said Everett Clifton Cannon departed this life on or about June 20, 2013, and by operation of law the above-described property passed unto his surviving spouse, Allie Marie Bennett Cannon. Subsequently the said Allie Marie Cannon departed this life on or about March 25, 2015, and the above-described property is being sold by direction of her Last Will and Testament of record in the Office of the Registry of Wills, Sussex County, Delaware.

THIS CONVEYANCE IS FURTHER 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, at Georgetown, Delaware.

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IN WITNESS WHEREOF, the said party of the first part has hereunto set their Hands and Seals the 8th day of March, 2022.

WITNESS:

The Estate of Allie Marie Cannon

Shirley A. Rhodes (SEAL)
Shirley A. Rhodes, Co-Executor

David W. Wharton (SEAL)
David W. Wharton, Co-Executor

STATE OF DELAWARE :
: SS.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 8th day of March, 2022, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Shirley A. Rhodes and David W. Wharton, Co-Executors of The Estate of Allie Marie Cannon, party to this Deed, known to me personally to be such, and acknowledged this Deed to be their act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Notary Public

[Notary Seal]

My commission expires: N/A

K. WILLIAM SCOTT
NOTARIAL OFFICER PURSUANT TO
29 DEL. CODE SECT. 4323
ATTORNEY AT LAW
DELAWARE

Electronically Recorded Document# 2022000012097 BK: 5657 PG: 341
Recorder of Deeds, Scott Dailey On 3/9/2022 at 8:37:33 AM Sussex County, DE
Consideration: $0.00 County/Town: $0.00 State: $0.00 Total: $0.00
Doc Surcharge Paid Town: SUSSEX COUNTY

Tax Map No. 5-33 20.00-21.00
and 5-33-20.19-97.00

PREPARED BY / RETURN TO:
Scott and Shuman, P.A.
33292 Coastal Highway, Suite 3
Bethany Beach, DE 19930
File No. 22-16392A/SW

NO LIEN OR TITLE SEARCH
REQUESTED OR PERFORMED

DEED

THIS DEED is made as of the 3rd day of March, 2022, between **Carl M. Freeman Communities L.L.C.**, a Delaware limited liability company, of 111 Rockville Pike, Suite 1100, Rockville, Maryland 20850, party of the first part, and **CMF Cannon L.L.C., a Delaware limited liability company,** of 111 Rockville Pike, Suite 1100, Rockville, MD 20850, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS ($10.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its successors and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

Parcel 5-33-20.19-97.00:

ALL THAT CERTAIN lot, piece or parcel of land lying and being situated in Baltimore Hundred, Sussex County, State of Delaware, and being more particularly described as follows, to wit:

BEGINNING at a cement block found under metal fence post footer, and 1.5' below grade, at the intersection of the most Easterly right-of-way line of Bennett Avenue and the most Northerly right-of-way line of Madison Avenue (50' r/w); thence turning and running along subject

property most Westerly property line, North 04 degrees 53 minutes 28 seconds East, 91.00 feet to a 5/8" re-bar with cap set, said re-bar being a common property corner for this parcel and Tax Map No. 5-33-20.00-21.00; thence turning and running with common property line for this parcel and Tax Map No. 5-33-20.00-21.00, South 75 degrees 54 minutes 32 seconds East, 210.00 feet to a 5/8" re-bar with cap set on property line; thence continuing along said course 13.94 feet to a point at the mean low water line of Cove, having a total distance of 223.94 feet, said point being a common property corner for this parcel and Tax Map No. 5-33-20.00-21.00; thence turning and running with said mean low water line of Cove the following four (4) courses and distances: (1) South 37 degrees 49 minutes 41 seconds East, 15.35 feet to a point; thence (2) South 31 degrees 17 minutes 28 seconds East, 27.68 feet to a point; thence (3) South 36 degrees 16 minutes 03 seconds East, 16.66 feet to a point; thence (4) South 10 degrees 33 minutes 28 seconds East, 9.37 feet to a point in bulkhead, said point being a corner for this parcel and on line of Lands of Fenwick Landing Townhouse Condominiums; thence turning and running with common property line for this parcel and partially with Lands of Fenwick Landing Townhouse Condominiums, North 85 degrees 06 minutes 32 seconds West, 11.28 feet to a 5/8" re-bar with cap set on line; thence continuing along said course 100.95 feet to a concrete monument found on line, 1.0" below grade; thence continuing along said course 149.05 feet to a cement block found under metal fence post footer and 1.5' below grade, having a total distance of 261.28 feet, home to the point and place of Beginning, containing 17,389 square feet of land, be the same more or less, as surveyed and shown on a plat prepared by Gregory M. Hook, P.L.S. 711, dated October 11, 2016, and filed for record in the Office of the Recorder of Deeds in and for Sussex County, at Georgetown, Delaware, in Plot Book 244 at page 056.

Parcel 5-33-20.00-21.00:

ALL THAT CERTAIN lot, piece or parcel of land lying and being situated in Baltimore Hundred, Sussex County, State of Delaware, and being more particularly described as follows, to wit:

BEGINNING at a 5/8" re-bar with cap set on subject property most Westerly property line, said re-bar being 91.00 feet in a Northerly direction from a cement block found under metal fence post footer, 1.5' below grade, said cement block being at the intersection of the most Easterly right-of-way line of Bennett Avenue and the most Northerly right-of-way line of Madison Avenue (50' r/w), said re-bar also being a common property corner for this parcel and Tax Map No. 5-33-20.19-97.00; thence turning and running along subject property most Westerly property line, North 04 degrees 53 minutes 28 seconds East, 128.50 feet to a 5/8" re-bar with cap set, said re-bar being a common property corner for this parcel and Lands of Allie M. Cannon, Heirs; thence turning and running with common property line for this parcel and Lands of Allie M. Cannon, Heirs, South 85 degrees 36 minutes 32 seconds East, 330.00 feet to a 5/8" re-bar with cap set on line; thence continuing along said course 16.83 feet to a point at the mean low water line of Cove, having a total distance of 346.83 feet, said point being a common property corner for this parcel and Lands of Allie M. Cannon, Heirs; thence turning and running with said mean low water line of Cove the following nineteen (19) courses and distances: (1) South 25 degrees 44 minutes 03 seconds West, 34.13 feet to a point; thence (2) South 24 degrees 16 minutes 14 seconds West, 6.65 feet to a point; thence (3) South 34 degrees 00 minutes 39 seconds West,

13.37 feet to a point; thence (4) South 49 degrees 49 minutes 38 seconds West, 11.81 feet to a point; thence (5) South 56 degrees 02 minutes 40 seconds West, 11.19 feet to a point; thence (6) South 66 degrees 53 minutes 51 seconds West, 25.96 feet to a point; thence (7) South 75 degrees 01 minute 19 seconds West, 15.24 feet to a point; thence (8) South 70 degrees 57 minutes 17 seconds West, 49.39 feet to a point; thence (9) South 58 degrees 27 minutes 32 seconds West, 3.21 feet to a point; thence (10) South 85 degrees 49 minutes 09 seconds West, 2.66 feet to a point; thence (11) North 79 degrees 34 minutes 29 seconds West, 89.06 feet to a point; thence (12) South 65 degrees 39 minutes 58 seconds West, 10.87 feet to a point; thence (13) South 10 degrees 08 minutes 15 seconds West, 15.67 feet to a point; thence (14) South 33 degrees 08 minutes 50 seconds East, 5.18 feet to a point; thence (15) South 53 degrees 47 minutes 12 seconds East 6.01 feet to a point; thence (16) South 78 degrees 33 minutes 00 seconds East, 51.12 feet to a point; thence (17) South 38 degrees 57 minutes 43 seconds East, 30.77 feet to a point; thence (18) South 48 degrees 54 minutes 41 seconds East, 19.95 feet to a point; thence (19) South 37 degrees 49 minutes 41 seconds East, 4.17 feet to a point on said mean low water line, said point also being a common property corner for this parcel and Tax Map No. 5-33-20.19-97.00; thence turning and running with common property line for this parcel and Tax Map No. 5-33-20.19-97.00, North 75 degrees 54 minutes 32 seconds West, 13.94 feet to a 5/8" re-bar with cap set on line; thence continuing along said course 210.00 feet, home to the point and place of beginning, containing 38,063 square feet of land, be the same more or less, as surveyed and shown on a plat prepared by Gregory M. Hook, P.L.S. 711, dated October 11, 2016, as filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 244 at page 056.

BEING same lands conveyed unto Carl M. Freeman Communities L.L.C., a Delaware limited liability company, by Deed dated October 4, 2017, from Shirley A. Rhodes as filed for record on October 10, 2017, in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 4781, Page 46.

THIS CONVEYANCE IS MADE SUBJECT TO any Notes, Restrictions, Easements and/or Conditions, as applicable, as shown on that certain Plat entitled "Lands of Allie M. Cannon Heirs to be conveyed to Shirley A. Rhodes", dated October 11, 2016, prepared by Gregory M. Hook, P.L.S. 711, as filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 244 at page 056.

THIS CONVEYANCE IS FURTHER SUBJECT TO any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds, aforesaid.

Document# 2022000012097 BK: 5657 PG: 344
Recorder of Deeds, Scott Dailey On 3/9/2022 at 8:37:33 AM Sussex County, DE
Doc Surcharge Paid

IN WITNESS WHEREOF, the said party of the first part has hereunto set its Hand and Seal the 3RD day of MARCH, 2022.

WITNESS:

Carl M. Freeman Communities L.L.C.

(SEAL)
By: James Milam, Senior Vice President

STATE OF DELAWARE :
: SS.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 3RD day of MARCH, 2022, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, James Milam, Senior Vice President of Carl M. Freeman Communities L.L.C., party to this Deed, known to me personally to be such, and acknowledged this Deed to be his act and deed and the act and deed of said company.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Notary Public

[Notary Seal]

My commission expires: N/A

K. WILLIAM SCOTT
NOTARIAL OFFICER, PURSUANT
29 DEL. CODE SECT 4323
ATTORNEY AT LAW
DELAWARE

CHANNEL POINTE COMMUNITY MARINA

OPERATION & MAINTENANCE PLAN

July 28, 2025

Prepared for:

CMF Cannon, LLC.
21 Village Green Drive
Suite 200
Ocean View, Delaware 19970

Prepared by:

ENVIRONMENTAL RESOURCE INSIGHTS

38173 DuPont Boulevard
Post Office Box 169
Selbyville, Delaware 19975
Phone: (302) 436-9637

ERI Project No.: 0300# 0660

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INTRODUCTION

CMF Cannon, LLC. (owner) wishes to construct and operate a 25-slip community marina and boat ramp to be located on the Little Assawoman Bay as part of the Channel Pointe recreational planned community. The community clubhouse and pool also occupy the tax map parcel (533-20.00-20.01) where the marina pier and boat ramp is located. The facility will be operated by CMF Cannon, LLC. until completion of the Channel Pointe residential community and developer turnover of the facility to the homeowner's association. Upon turnover, The Channel Pointe Community Association (HOA) will then assume management of the facility. A DNREC Marina Permit is required to construct and operate the facility. The facility consists of a 248 foot long main pier. Finger piers and mooring piles will create 25 slips designed to accommodate future boat lift installation. The boat ramp will be located to the south of the marina pier accessed from a cul de sac. The boat ramp will be 16 feet wide by 96 feet long. Use of the 25 slip marina and boat ramp will be limited to residents of the Channel Pointe community. A portable marine pumpout station and marina spillkit is located in a nearby building immediately west of the pier location. In addition, signage with marina rules is located at the boathouse landward of the marina pier entrance.

In order to comply with requirements and permit conditions of authorizations from the Delaware Department of Natural Resources & Environmental Control (DNREC), Wetlands and Subaqueous Lands Section (WSLS), this Operation and Maintenance Plan (O&M Plan) has been developed. The O&M Plan serves to describe the facility, define how the facility will be operated utilizing best management practices (BMPs) including Shellfish Resource BMP's, and provide rules and procedures for users of the facility. The goal of the O&M Plan is to protect the water quality of the Little Assawoman Bay and to ensure that the marina is operated in a safe manner.

The owner/operator of the marina facility is required to:

1. Update and submit the O&M Plan to DNREC, WSLS for re-approval every four (4) years from the date DNREC approves the facility as fit for operation, or upon transfer of ownership of the facility;

2. Ensure that the facility is operated and maintained as specified by the DNREC-approved O&M Plan and in a manner which protects the health, safety and welfare of marina employees, slipholders and members of the general public;

3. Ensure that the facility is operated in compliance with DNREC Shellfish Resource Best Management Practices Numbers 1, 2, 3, 7, 10 & 11 and that required annual reporting is completed and submitted to DNREC annually by the operator per DNREC Shellfish Program letter dated 5/6/2025.

4. Ensure that the facility is operated in compliance with the conditions of DNREC and any U.S. Army Corps of Engineers permits;

5. Ensure that marina slipholders and boat ramp patrons comply with the O&M Plan;

6. Provide copies of the O&M Plan including distribution of DNREC approved educational literature on fecal pollution and related environmental and human health concerns to all marina slipholders and have the O&M Plan available for review at the clubhouse facility.

7. Take appropriate action to deal with marina slipholders and boat ramp patrons who violate the O&M Plan.

The Channel Pointe Community Marina is part of the Channel Pointe residential planned community. Twenty-five (25) berth areas are provided within the marina. Mooring spaces are an average fifteen (15) by twenty-four (24) feet in size. Boat lifts are not proposed at this time but a blanket authorization to allow for an expedited approval by the WSLS has been requested. The mooring spaces may be utilized for a boat and a boat lift or to moor a single jet ski; either of which account for the one permitted vessel. Jet ski lifts or floats are allowed subject to filing a permit request and obtaining an approval from the HOA and WSLS. The marina pier is located on public subaqueous land and it is subject to a Subaqueous Lands Lease by DNREC. The main docks and "T-head" are to be utilized by the entire community for waterfront access and walking enjoyment. Use of the community boat ramp is restricted to residents of Channel Pointe.

GENERAL MARINA INFORMATION

A) Facility Name and Address

Channel Pointe Community Marina
Lighthouse Keeper Way
Parcel 20.01 Tax Map 533-20.00
Baltimore Hundred, Sussex County, Delaware

B) Name of Owner

CMF Cannon, LLC.
C/O Mr. Josh Mastrangelo (302) 436-3000
21 Village Green Drive
Ocean View, Delaware 19970

C) Operator & Personnel Contact Information

Harbormaster/Channel Pointe Community Marina — Office No.: (302) 436-3000
C/O Mr. Rich Rishel — Cell: (443) 497-0691
21 Village Green Drive
Ocean View, Delaware 19970

D) Emergency Numbers

Responsible Personnel:

Channel Pointe Community Marina Harbormaster Mr. Rich Rishel	(443) 497-0691

Emergency Response Numbers:

Police/Fire/Ambulance	911
U.S. Coast Guard Search & Rescue	(757) 398-6700
DNREC Emergency Response Team/Marina Police	(800) 662-8802

In the event of a fuel, oil or sewage spill or fire, reporting contact numbers are:

Channel Pointe Community Marina Harbormaster	(443) 493-0691
Owner	(301) 436-3000
Police/Medical/Fire Emergency	911
Local Fire Company (Roxana Vol. Fire Co. – Station no. 2)	(302) 436-1950
State Police (Non-emergency, Troop 4, Georgetown DE)	(302) 855-5850
U.S. Coast Guard (Indian River Inlet, DE)	(302) 227-2439
DNREC Emergency Response Team/Marina Police	(800) 662-8802
DNREC Inland Bays Pollution Reporting Hotline	(800) 523-3336
Sussex County Operations Center (severe weather)	(302) 855-7801

PART I: MARINA OVERVIEW

A) Plans

Plans sized at 8.5-inch by 11-inch for the marina facility as currently proposed are included in ***Appendix A*** of this O&M Plan.

B) Water Depths

Local Range of Tides

Elevation:	+0.8′ mean high water
Elevation:	0.0′ North American Vertical Datum of 1988 (NAVD 88)
Elevation:	-0.0 mean low water
Elevation of community pier:	3.5' above mean low water
Design depth of marina Elevation:	-1.6′ to -3.3′ (NAVD 88)

C) Slip Capacity and Marina Configuration

Twenty-five (25) recreational wet slip berths, more or less 15 feet by 24 feet consisting of:

An 6 foot wide by 248 foot long pier,
Two 6 foot wide x 24 foot long docks forming a T head at the end of the main pier
Twelve 5 foot wide by 24 foot long finger piers
Twenty-six (26) stand-alone mooring pilings,
One (1) clubhouse facility and pool and parking area and a boat house building housing an emergency spill kit and portable marina pumpout cart. Signage with emergency contact members and general marina rules is posted at the entrance to the community marina pier.
One (1) 16 foot wide by 96 foot long boat ramp.

D) MSD Types and Numbers

Unknown at this time, records will be kept by operator based upon future marina tenant records in accordance with DNREC Shellfish Resource Best Management Practices 1 through 3. No vessels with a marine head except for a TYPE III Marine Sanitation Device not capable of being discharged overboard is permitted to be moored at this facility.

E) Fueling Location, Rules and Procedures

The marina does not contain fueling facilities.

Marina slipholders are advised that fueling by commercial distributors is not permitted without permission and direct supervision by the Harbormaster who oversees safety precautions.

When fuel is carried onboard, it should only be done so in an approved container or in a portable tank as provided for outboard engines and should be safely stowed outside of engine or living compartments.

Fueling should not be done at night except under well-lighted conditions.

The quantity of fuel to be taken aboard vessel in fuel tanks should be determined beforehand in order to avoid overfilling.

Tanks should never be completely filled. A minimum of 10 percent of tank space should be allowed for fuel expansion.

After fueling, any spillage should be wiped up. Place contaminated material in a sealed plastic bag, then dispose of onshore in the marina trash dumpster.

F) Sanitation Location and Rules

A restroom for the use of the Channel Pointe Community Marina slipholders and guests is located at the community clubhouse. A portable marina sewage pumpout station for vessels is located in the boathouse building between the community clubhouse and marina pier. Marina slipholders shall use the shore side bathroom facilities at their homes or at the community clubhouse at all times while docked at the marina.

Slipholders are advised by this O&M Plan that the discharge, by any means, of untreated or inadequately treated vessel sewage into or upon the waters of any marina, boat docking facility or tidal water of the State of Delaware is strictly prohibited by Delaware law. Violation is punishable by a minimum $1,000 fine and up to a $25,000 fine per violation.

No vessels with a marine head except for a TYPE III Marine Sanitation Device not capable of being discharged overboard is permitted to be moored at this facility as specified in the marina slipholder agreement (Appendix C). The facility is operated under Shellfish Resource Best Management Practices (BMP's) 1, 2, 3, 7, 10 & 11 (see Appendix D) and the marina operator will report annually to DNREC documenting compliance with these BMP's.

G) Seasonal Wet Storage Reduction Plan

The Channel Pointe Community Marina does not moor live-aboard vessels or vessels which would otherwise require year-round mooring. Removal of vessels or any subsequently authorized jet ski floats for winter storage will be encouraged by December 1 except in the case of vessels supported by future boat lifts. Spring launching will be encouraged after April 1. Special provisions for maintaining vessels within the marina for sporting or other similar purposes will be on a case-by-case basis with the permission of the Harbormaster. Any vessels moored at the marina which are not properly maintained and inspected by their owner or which, in the sole discretion of the owner or Harbormaster, present a threat to the health or safety of the public or the environment may be removed by the owner at the cost of the tenant. Reasonable notice depending on circumstances shall be given to the slipholder prior to removal of the vessel.

PART II: PUMPOUT COMPLIANCE

A) Pumpout Operations and Procedures

Slipholders will be provided a copy of this O&M Plan which designates the location of the portable marine pumpout station located at the boat house building immediately west of the marina pier. Notice of Delaware pumpout regulations is provided on marina signage and the O&M Plan including penalties for noncompliance.

Pumpout Procedures:

1. Remove cap from the waste fitting on the boat;
2. Attach a suitable adapter to the dock fitting and hand tighten;
3. Place coupler over the adapter and lock;
4. Open valve;
5. Start pump;
6. If using a suction nuzzle, insert it into the deck fitting (do not twist). Hold in place until pumpout is complete;
7. Observe pumpout through sight glass;
8. If rinse is desired, flush with fresh water (If potable water source is used for rinse, be certain that a back flow prevention devise is installed on the water service line.);
9. Pump out rinse water. Close the valve and return hose and adapter;
10. Stop the pump.

Maintenance Procedures: Major maintenance procedures and winter storage are the responsibility of the marina operator. However, the following minimum maintenance will be required in all cases by individual users of pump station facilities:

1. Hoses should be flushed daily by pumping clean water through the system and emptying it into the disposal system. Never discharge flush water onto the ground or into the marina waters;
2. Disinfect the suction connection by dipping in bleach or spraying with a disinfectant after each use.

B) Number and Types of MSD's on Vessels

Unknown at this time, records will be kept by operator based upon future marina tenant records in accordance with DNREC Shellfish Resource Best Management Practices 1 through 3. No vessels with a marine head except for a TYPE III Marine Sanitation Device not capable of being discharged overboard is permitted to be moored at this facility.

C) Pumpout Sharing Agreement

Since the Channel Pointe Community Marina will provide its own facilities, no pumpout agreements with other existing marinas have been made.

D) State of Delaware Pumpout Law

The State of Delaware laws pertaining to marina operations provide pumpout facilities and laws prohibiting the discharge of untreated or inadequately treated vessel sewage.

State Law on Vessel Sewage Discharge

7 Delaware Code Chapter 60 § 6035

Vessel sewage discharge

(a) Marina owners/operators for marinas that are located in whole or in part on tidal waters of the State, and that provide dockage for vessels with a portable toilet(s) or Type III marine sanitation devise(s) (MSD), shall provide convenient access, as determined by the Department, in an approved, fully operable and well maintained pumpout facility(ies) and/or dump station(s) for the removal of sewage from said vessels to a Department approved sewage disposal system.

(b) (1) Owners/operators may agree to pool resources for a single pumpout dump station with Departmental approval based on criteria of number and class of vessels, marina locations, cost per pumpout use, and ultimate method of sewage treatment and disposal (i.e., septic system or wastewater treatment facility).

(2) The owner/operator of any boat docking facility that is located in whole or in part on tidal waters of the State, and that provides dockage for a live-aboard vessel(s) with a Type III marine sanitation device(s), shall install and maintain at all times, in a fully operable condition, an approved dedicated pumpout facility at each live-aboard vessel slip for the purpose of removing sewage from the live-aboard vessel on a continuous or automatic, intermittent basis to a Department (DNREC) approved sewage disposal system.

(3) Any discharge, by any means, of untreated or inadequately treated vessel sewage into or upon the waters of any marina, boat docking facility or tidal water of the State is prohibited.

(4) All vessels while on waters of the State shall comply with 33 U.S.C. § 1322, as amended February 4, 1987.

(5) The Secretary shall have authority to adopt reasonable rules and regulations to implement this section.

PART III: STORMWATER MANAGEMENT

(A) Stormwater Management Practices/Plan

The Channel Pointe Community Marina strives to meet the needs of its recreational boating community while protecting the aquatic resources upon which they depend. A stormwater management plan for the treatment of stormwater on the clubhouse and marina grounds prior to discharge into the Little Assawoman Bay has been approved by the Sussex Conservation District (SCD).

The owner or his representative shall inspect the condition of any bioremediation sand filters, bioretention area or stormwater ponds a regular interval in order to determine their effectiveness. Any needed remediation measures shall be promptly undertaken.

The Channel Pointe Community Marina does not contain any areas for major vessel maintenance or repairs, nor may these activities occur on the property. Such activities include bottom or hull painting, repairs, scraping or engine overhauls. Only minor maintenance such as washing, polishing and limited inboard painting are permitted to occur while vessels are moored. Any request for an exception to these prohibitions with just cause must be approved by the Harbormaster prior to conducting work. Appropriate measures for protecting water quality must be implemented prior to and during such work as directed by the Harbormaster or owner.

PART IV: MATERIALS & WASTE MANAGEMENT

(A) Handling, Storage, and Disposal of Materials and Waste

Materials–A fueling facility is not located at the marina.

All cleaning agents, solvents, paints, and pesticides utilized at the facility by the marina operator or his employees shall be safely stored in their original container in a covered storeroom or locker located at the community clubhouse, marina boathouse or other appropriate location. Quantities of such materials shall be kept at a minimum. Privately-owned materials aboard vessels shall be kept at a minimum. Materials shall be kept secure in a covered area in original containers at all times.

Proper disposal of waste oil, oil absorbent sponges and similar materials are the responsibility of the slipholders. Waste oil can be recycled at the nearest Delaware Solid Waste Authority (DSWA) recycling collection center.

Fish Waste–The Channel Pointe Community Marina does not contain an approved fish cleaning or fish waste recycling facility. Therefore, fish cleaning and disposal of fish wastes within the waters of the marina or the marina complex is prohibited. Residents and fishermen are encouraged to dispose of fish waste in accordance with DNREC's Fish Waste Management Policy as found at Part VI, C.

Other types of refuse shall be placed within private trash receptacles of residents. It shall be the responsibility of each resident to provide an appropriate trash removal schedule. Recycling of recyclable waste is encouraged.

Sanitary Wastes–Marina slipholders and guests shall use the shore side bathroom facilities at all times when docked at the marina. No discharge of untreated or inadequately treated sewage is permitted within the marina or waters of the State under penalty of law. Sanitary waste from vessels shall be handled by the portable marina pump out cart located on the at the community clubhouse marina/pool storage building.

Bilge Water–Marina slipholders are encouraged to use oil absorbent "sponges" in bilges at all times. Bilge water should not be pumped overboard in the marina but should be discharged at sea when possible. All vessels with automatic bilge pumps are requested to use absorbent sponges. Used sponges should be properly disposed of in the private trash receptacles of each resident.

PART V: EMERGENCY OPERATIONS

A) Responsible Personnel:

Channel Pointe Community Marina Harbormaster	(443)497-0691

Emergency Response Numbers:

Police/Fire/Ambulance	911
U.S. Coast Guard Search & Rescue	(757) 398-6700
DNREC Emergency Response Team/Marina Police	(800) 662-8802

In the event of a fuel, oil or sewage spill or fire, reporting contact numbers are:

Channel Pointe Community Marina Harbormaster	(443)497-0691
Police/Medical/Fire Emergency	911
Local Fire Company (Roxana Vol. Fire Co., Station No. 2)	(302) 436-1950
State Police (Non-emergency, Troop 4, Georgetown, DE)	(302) 855-5850
U.S. Coast Guard (Indian River Inlet, DE)	(302) 227-2439
DNREC Emergency Response Team/Marina Police	(800) 662-8802
DNREC Inland Bays Pollution Reporting Hotline	(800) 523-3336
Sussex County Operations Center (severe weather)	(302) 855-7801

B) Fuel/Oil Spill Prevention and Containment Practices

Spills

Any marina patron who observes a spill should report it immediately to the Marina Harbormaster or owner, DNREC and Coast Guard. Any marina tenant who causes or contributes to a spill of fuel, oil or other toxic substance should take immediate steps to:

1. Find and stop the cause of the spill.
2. Contain the spill if possible.
3. Report the spill to Marina Harbormaster or owner, DNREC and the U.S. Coast Guard.

An on-site spill containment kit and containment boom is stored at the marina boathouse. Marina slipholders are provided access information for this location.

4. In the event the spill cannot be quickly and readily contained, request immediate assistance from DNREC and the U.S. Coast Guard.

5. Properly dispose of all contaminated containment and clean-up materials.

C) Sewage Spill Prevention and Containment Practices

Marina occupants shall be trained by the Harbormaster in the use of the marina's sewage pumpout system. Use of the pumpout system will be available on a year round basis. Marina occupants will follow the pumpout procedures prescribed in Section II A of the O&M Plan.

D) Fire

It shall be the responsibility of all marina occupants with motorized vessels to maintain adequate onboard U.S. Coast Guard-approved fire extinguisher protection. An additional fire extinguisher is located at the community clubhouse. Each resident shall maintain an operable fire extinguisher at their home. Fire department connection as approved by the State Fire Marshall is located at the marina pier.

Any marina occupant who observes a fire which is not immediately contained with on-site equipment shall contact 911, and the Harbormaster and the owner.

E) Hurricane/Severe Weather

Marina occupants and the Harbormaster shall keep advised of pending severe weather conditions. Information on emergency situations can be obtained from the Sussex County Operations Center, 302-855-7801. In the case of impending severe weather, the following measures are the responsibility of each tenant.

Removal of the boat from the water and storage away from the water and out of harm's way if at all possible;

If the boat cannot be removed from the water, all portable fuel tanks, Compressed Natural Gas (CNG) or propane tanks from grills or stoves, porta-potties and other loose gear should be removed from the vessel, and the vessel must be properly secured using extra lines and fenders if warranted.

Upon inspection of moored vessels prior to a severe weather event and after an attempt to notify boat owners to take action; the Harbormaster shall have the discretion to move a vessel, add additional mooring lines, or under take other necessary measures to properly secure a vessel. It will be the responsibility of the boat owner to reimburse the cost of such actions to the HOA.

PART VI: MARINA RULES AND REGULATIONS AND GENERAL GUIDANCE

A) Marina Rules and Regulations for Boaters

1. Any vessel entering the waters of the Channel Pointe Community Marina or moored at the marina as a tenant or transient vessel along with the operator and owner of said vessels shall be subject to these rules, this DNREC-pending approval O&M Plan for the facility, DNREC marina and boating regulations, and U.S. Coast Guard regulations.

2. No person shall dock or anchor a vessel within the waters of the marina complex unless the owner/operator of the vessel has secured a shared or rented a berth area as required for usage. Contracts for usage shall be at the discretion of the owners. A copy of this O&M Plan shall be provided to each slipholder within the marina.

3. Docking or launching of vessels will be only as directed and permitted by the owner or Harbormaster.

4. No major repair work shall take place aboard any vessel or within marina grounds except for unusual cause and as permitted by the Harbormaster or owner.

5. The marina does not contain any refueling facilities. Slipholders refueling vessels shall do so only as specified by the marina O&M Plan, Part I,E.

6. No refuse, trash, oil or effluents shall be thrown or pumped overboard within the waters of the marina, channel approaches or other water of the State.

7. Disorderly conduct by a boat owner, his crew or guests is not permitted.

8. Safety precautions must be observed and compiled with in all marina areas.

    a. Swimming or diving is prohibited from all piers, docks, bulkheads and vessels within the marina waters.

    b. Running or horseplay is prohibited on all piers, docks and bulkheads.

    c. Use of barbecue grills or other type of portable open flame devices is prohibited in docks or vessels moored within the marina.

9. Fishing and crabbing is not permitted from marina docks or piers.

10. Fish cleaning is prohibited within the marina complex. It is prohibited to throw or dump in the waters or on the grounds of the marina any fish remains, parts or pieces thereof. Recycling of fish waste shall be in accordance with State policies provided in the O&M Plan.

11. No person shall go aboard any vessel docked within the marina without the expressed permission of the owner or master of such vessel.

12. The marina and its surroundings are a "no wake" zone. Operate your vessels cautiously at all times.

13. Marina slipholders are responsible for maintaining the knowledge of and complying with emergency procedures for fuel spills, oil spills, fires, hurricane and severe weather as detailed in the O&M Plan.

14. Marina slipholders and patrons shall comply with the following marina policies and operation procedures.

15. Operate your vessel and conduct yourself in accordance with Channel PointeCommunity Marina Clean Marina Boating Tips.

B) Channel PointeCommunity Marina Clean Marina Boating Tips

For use around the Marina and while on the water anywhere.

Contain Trash

- Do not let trash get thrown or blown overboard.
- If trash blows overboard, retrieve it–consider it "crew-overboard" practice.
- Pack food in reusable containers.
- Buy products without plastic or excessive packaging–plastic is deadly to fish and birds.
- Do not toss cigarette butts overboard–they are made of plastic (cellulose acetate).

Recycle

- Recycle cans, glass, paper, plastic, newspaper, antifreeze, oil and batteries.
- Recycling facilities are located throughout the area.
- Bring used monofilament fishing line to recycling bins.

Fuel Cautiously

- The Channel PointeCommunity Marina does not contain a refueling facility. Use proper containers and fuel carefully if carrying fuel onboard your vessel.
- Shut down engines during fueling.
- Do not smoke during refueling.
- Ventilate all spaces and check for gasoline vapors before starting engines.
- Do not use soaps or dispersants on spills.
- Remember, fuel expands as it warms up. If you fill your tank, fill it only 90 - 95 percent full to prevent expansion and spillage.
- Use the oil absorbent pads to capture back splash and vent line overflow during fueling.
- Add a fuel conditioner to your tank if you use your engine infrequently.

Control Oil in the Bilge

- Keep your engine well tuned–no leaking seals, gaskets or hoses.
- Place oil absorbent material or a bio-remediating bilge boom in the bilge.
- Place an oil absorbent pad under the engine.
- Replace oil absorbent materials regularly.
- Check fuel lines for damage–replace with alcohol resistant hoses.
- Secure fuel hoses to prevent chafing and leaks.

- Never discharge bilge water with a sheen–it is illegal.

Waste Oil

- Dispose of waste oil at recycling facility.
- Do not discharge waste oil into storm drains, the Marina lagoons, or waters of the State of Delaware.

Properly Dispose of Oil Absorbent Materials

- If the pad is saturated with gas, allow it to air dry. Reuse.
- If the pad is saturated with diesel or oil, double bag it in plastic–one bag sealed inside another. Dispose in your regular trash.
- Bio-remediating bilge booms should not be sealed in plastic bags–the microbes need oxygen to function. Discard in regular trash or marina dumpster.

Clean Gently

- Be environmentally-aware.
- Wash your boat frequently with a sponge and plain water.
- Use detergents sparingly.
- Use phosphate-free, biodegradable and non-toxic cleaners.
- Wax your boat–a good coat of wax prevents surface dirt from becoming ingrained.
- Clean wood with a mild soap powder and a nylon brush–not harsh chemical cleaners.
- Conserve water–put a spray nozzle on your hose.

Maintain Your Vessel Wisely

- Major boat maintenance and repair are not permitted at the Channel PointeCommunity Marina.

Sewage Pumpout & Management

- Never discharge any sewage into the waters of the Channel PointeCommunity Marina.
- Never discharge raw or inadequately treated sewage in Delaware waters within three miles of shore.
- Use restrooms on shore.
- Under way, use approved Marine Sanitation Devises (MSD's).
- Establish regular maintenance schedule for your MSD based on manufacturer's recommendations.
- Pump out and rinse holding tanks regularly.
- Use pumpout station located at the marina storage building adjacent to the community clubhouse.
- Use enzyme based products to control odor and reduce solids in holding tanks.
- Avoid holding tank products that contain quaternary ammonium compounds (QAC) and formaldehyde.

Dispose of Fish Waste Properly

- Fishing, crabbing and netting fish is limited to the channelward side of the T head the at the end of the marina pier.
- Do not clean fish within the marina basin.
- Do not discharge fish waste at the marina.
- Follow DNREC's Fish Waste Management policy.

Protect Sensitive Habitat

- Proceed slowly in shallow areas.
- Do not disturb wildlife.
- Avoid contact with submerged aquatic vegetation (SAV).
- Watch your wake–it can lead to shoreline erosion and disturb wildlife.

Be a Responsible Boater

- Contact the Harbormaster in the event of any emergency.
- Have a hurricane/storm plan.
- Learn about products and practices which are environmentally safe.
- Share the information with other boaters.
- Help guests understand that, on your boat, no trash is thrown overboard.
- Obey laws governing speeding, littering and discharge.
- Encourage other boating facilities to provide trash cans, recycling bins and pumpout stations.
- Support marinas that are environmentally responsible.
- Note the location of fire extinguishers at your home and the Marina.

Be a Good Neighbor

- Be a responsible boater.
- Conserve water and electricity.
- Make sure your boat is secure to the dock at all times.
- Keep your pets on a leash no longer than 6 feet and under control at all times.
- Clean up after your pets.
- Supervise children at all times.
- Do not affix anything to the docks without the homeowners association (HOA) approval.
- Do not affix anything to the power posts, including electric cords and/or garden hoses.
- Use carts to transport items to and from your boat instead of dragging items along the surface of the docks.
- Be aware of the location of safety ladders and life ring stations.
- Throw a Personal Flotation Device to a person who has fallen overboard rather than attempt to swim to the person.

Enjoy!

C) State of Delaware Fish Waste Policy

FISH WASTE MANAGEMENT POLICY (No. 90-01)

Purpose

The purpose of this policy is to encourage the recycling of fish wastes back into the natural ecosystem in a manner that will not degrade water quality or cause other adverse environmental impacts. Any fish wastes which are recycled back into the ecosystem in accordance with the guidelines established below shall not be considered to be a discharge requiring a permit from the Department.

Background

Because of the potential for fish wastes which are improperly managed to cause dissolved oxygen depressions and other adverse environmental effects, as well as odors and nuisances, DNREC has developed a policy regarding their management.

Application

The policy will be implemented in both fresh and tidal waters and will apply to:

- All private individuals who harvest fish or shellfish for recreational purposes, or for private use or consumption;
- Commercial fishermen;
- Head and charter boat owners and operators;
- Bait Concessions

Authority

The Department's (DNREC) Marina Regulations state that fish wastes must be disposed of in accordance with 7 Delaware Code, Chapter 60. Fish wastes (carcasses, entrails, scales, etc.) are included in the definition of "solid waste" and are a "pollutant" as defined in Chapter 60. In accordance with *56003*, a permit is required to discharge these wastes into any surface or ground water. However, the purpose of this policy, as stated above, is to allow fish wastes to be recycled back into the ecosystem without a permit from the Department as long as the guidelines established below are adhered to. Those who do not follow established guidelines will be subject to fines and penalties as provided in 7 Del. C. §6005 and/or §6013.

Guidelines

In order to implement this policy in a manner consistent with the purpose stated above, the following guidelines are hereby established:

1. In order to prevent violations of the Delaware Surface Water Quality Standards, fish wastes should not be discharged into surface waters in any dead end lagoons or other poorly flushed locations. A dead end lagoon shall mean an enclosed embayment with only one opening. A recommended best management practice is to discharge on outgoing tides.

2. Fish wastes should be recycled back into the ecosystem from which the organisms were originally harvested.

3. Collected fish wastes should be handled in such a manner so as not to introduce other contaminants into the waste prior to recycling back into the ecosystem

4. Fish should be cleaned and uncontaminated fish wastes disposed of at sea whenever practicable.

5. Fish waste recycling within marina basins shall only be allowed if in accordance with an Operations and Maintenance Plan which has been approved by the Department. Marinas shall not provide fish cleaning stations unless the activity has been included in the Operations and Maintenance Plan. Marinas which are not approved for fish waste recycling shall post signs warning fishermen that it is unlawful to dispose of fish wastes into the water at that location. The Department will consider the flushing characteristics of the marina basin when determining whether or not to approve fish recycling at that location.

6. Fish wastes should not be recycled into surface waters in such a way that they will wash up onto any shoreline, or cause odors or other nuisances.

7. Oyster shells may be discharged into the waters of the State in accordance with Shellfish Management Programs, 7 Del. Code Chapter 19-12.

APPENDIX A

PROJECT PLANS

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	1" = 2000'
DATE:	MARCH 2025

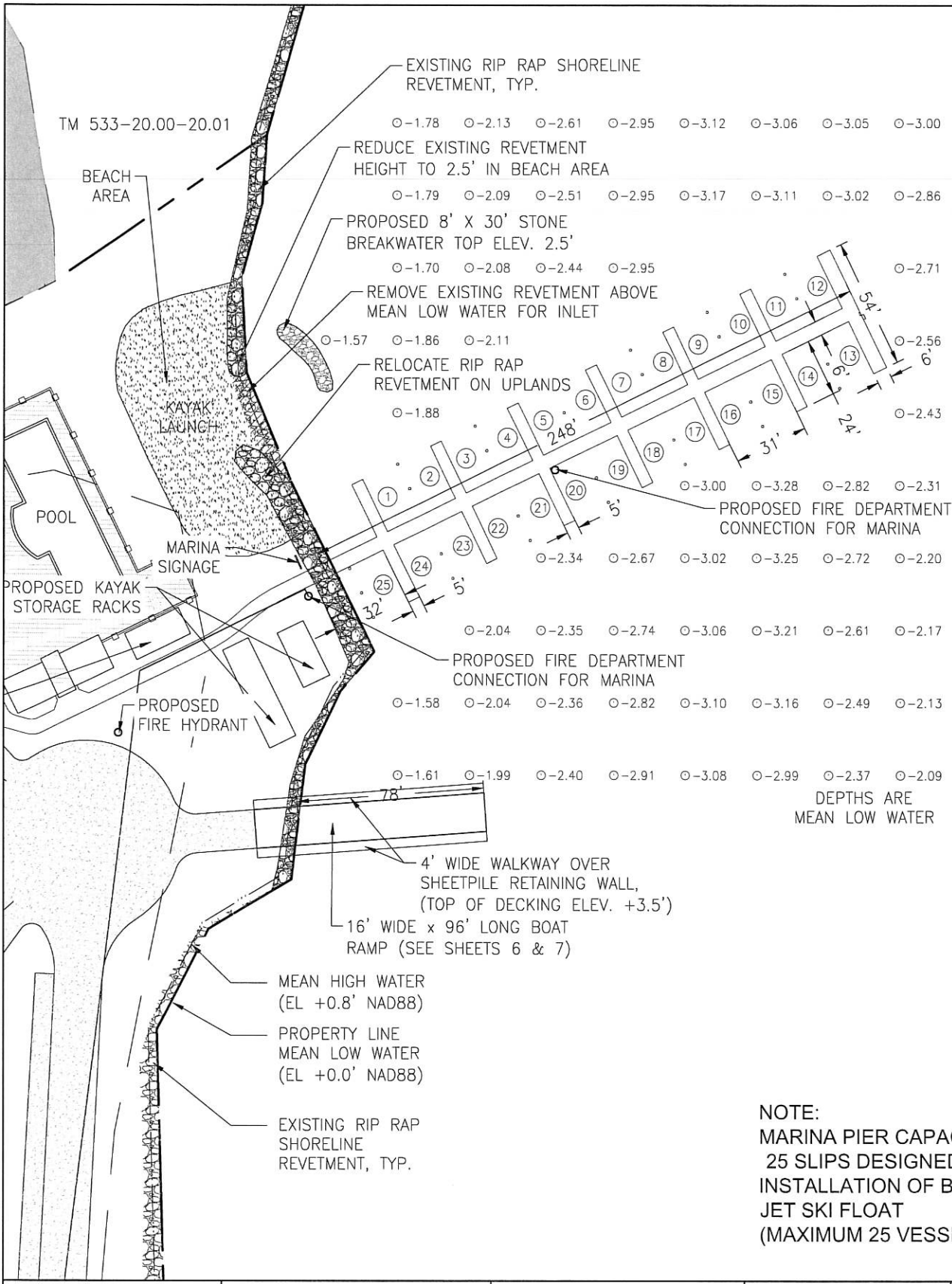
GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY · BALTIMORE · SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

CHANNEL POINTE
PROPOSED COMMUNITY MARINA

TM 533-20.00-20.01
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

VICINITY MAP

DRAWING NO. 1



NOTE:
MARINA PIER CAPACITY
25 SLIPS DESIGNED FOR FUTURE INSTALLATION OF BOAT LIFTS OR JET SKI FLOAT
(MAXIMUM 25 VESSEL CAPACITY)

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	1" = 60'
DATE:	MARCH 2025

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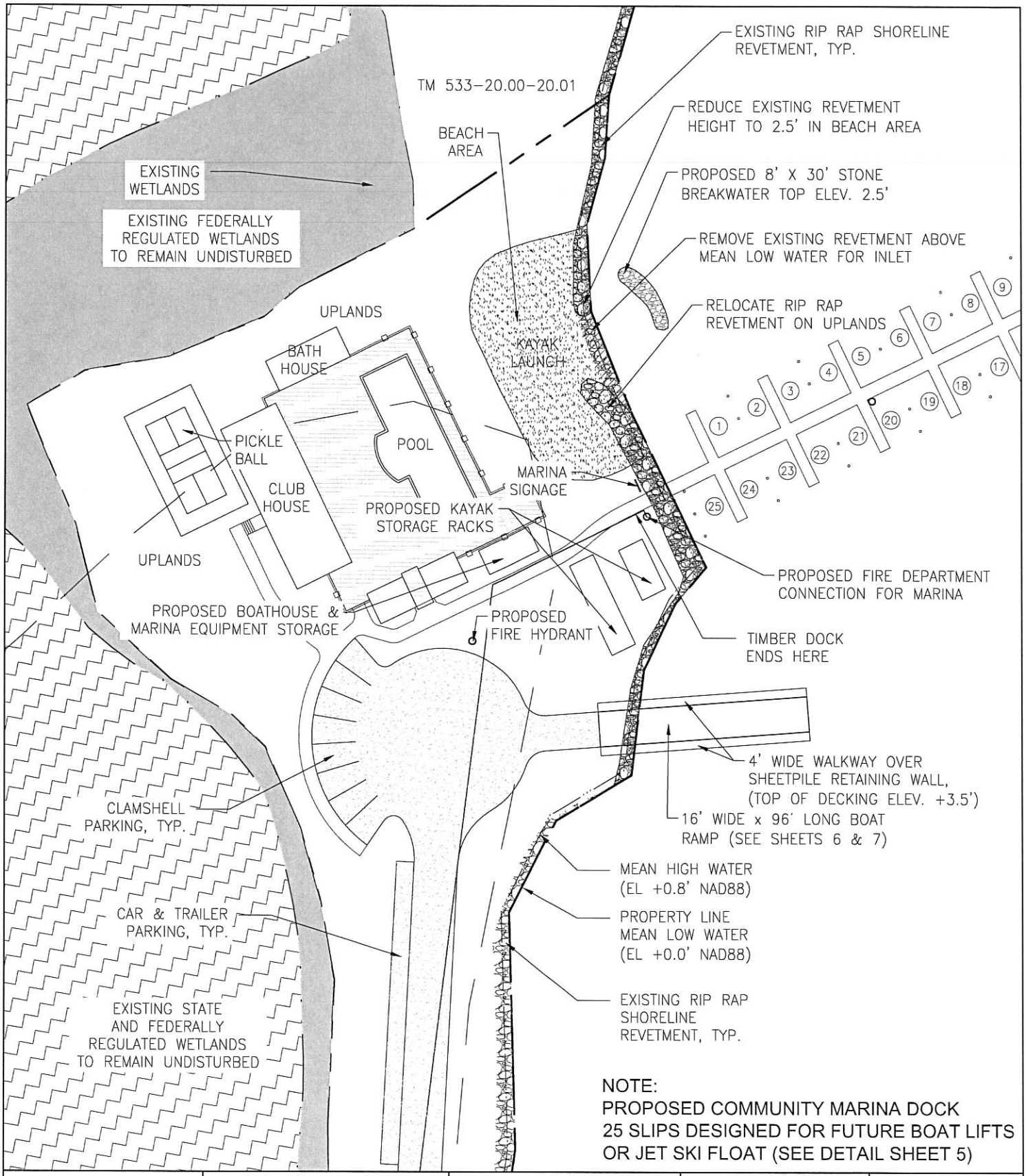
CHANNEL POINTE
PROPOSED COMMUNITY MARINA

TM 533-20.00-20.01
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

MARINA PIER PLAN VIEW

DRAWING NO. 2



NOTE:
PROPOSED COMMUNITY MARINA DOCK
25 SLIPS DESIGNED FOR FUTURE BOAT LIFTS
OR JET SKI FLOAT (SEE DETAIL SHEET 5)

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	1" = 60'
DATE:	MARCH 2025

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TM 533-20.00-20.01
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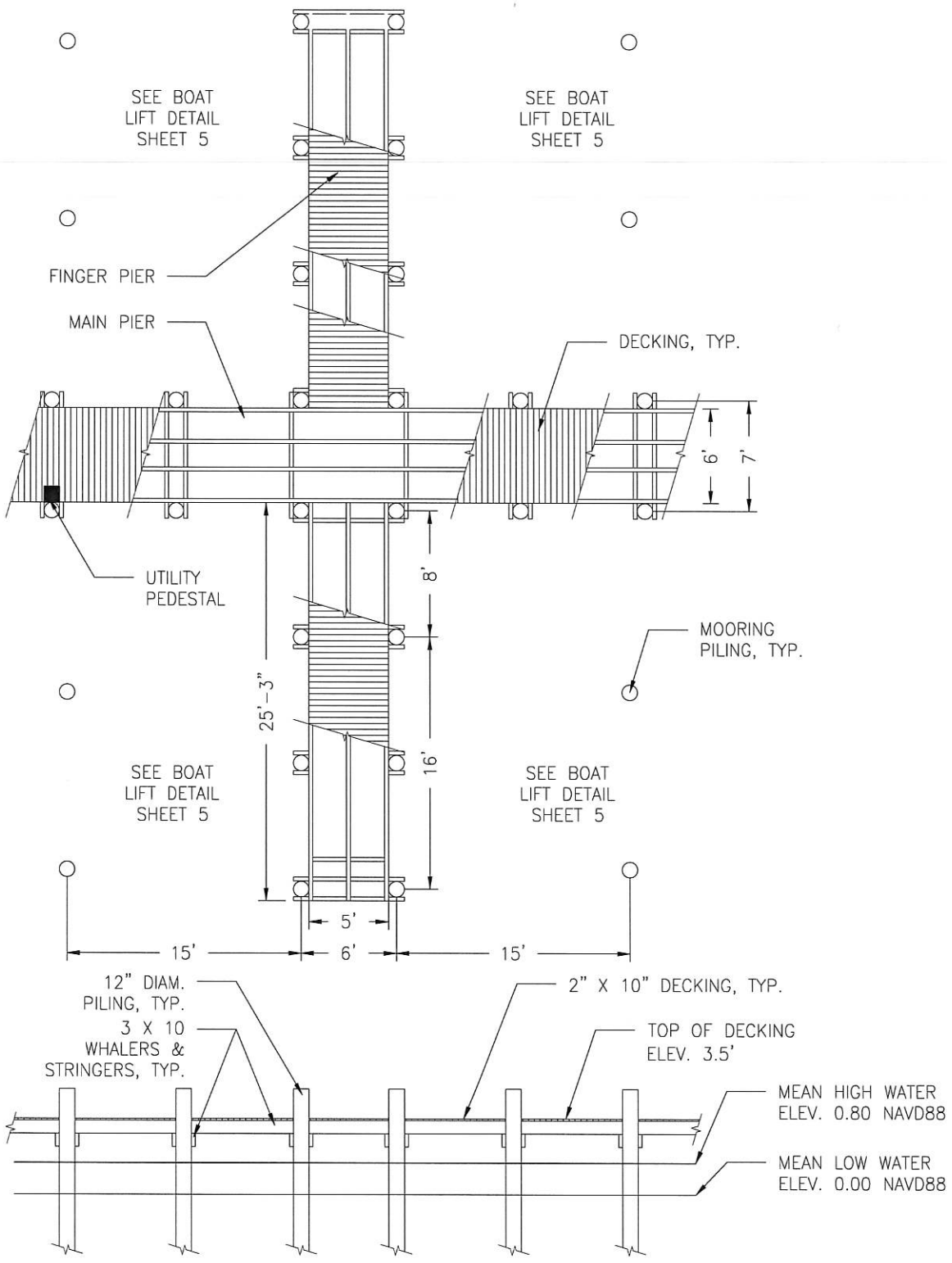
COMMUNITY CLUBHOUSE & SHORELINE DETAIL

DRAWING NO. 3



PIER ELEVATION & FRAMING DETAIL

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	1" = 10'
DATE:	MARCH 2025

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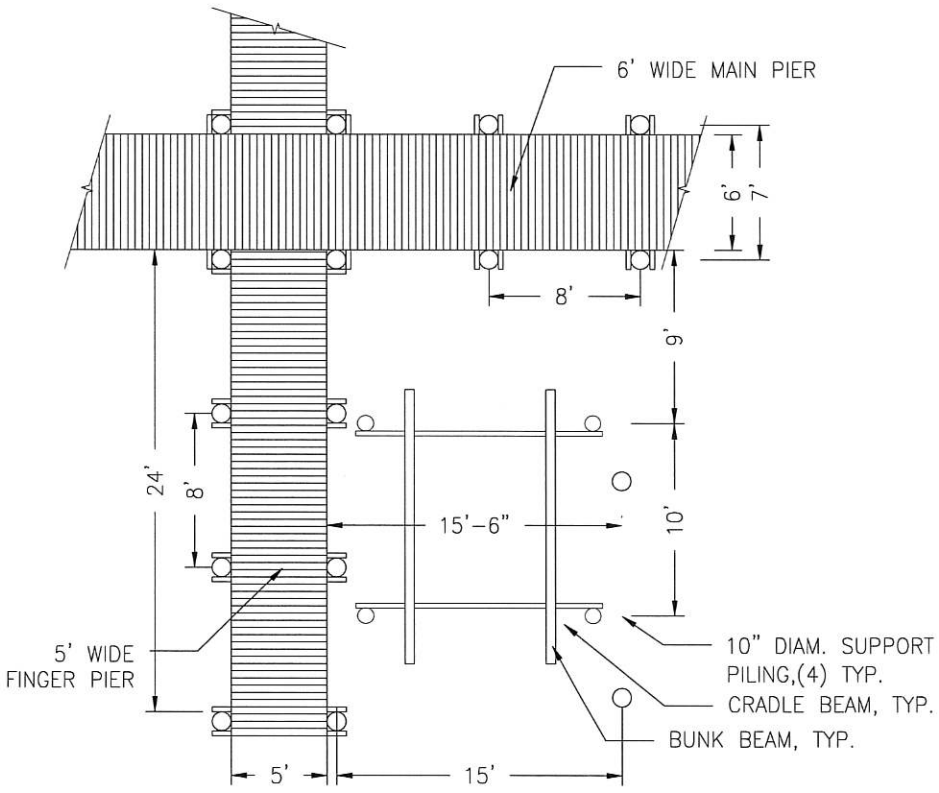
CHANNEL POINTE
PROPOSED COMMUNITY MARINA

TM 533-20.00-20.01
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

PIER DETAIL

DRAWING NO. 4



TYPICAL 10,000-12,000 LBS.
BOAT LIFT DETAIL

NOTE:
FUTURE INSTALLMENT OF BOAT LIFTS WILL BE BASED ON UPON SLIPHOLDER DEMAND AND AS APPROVED BY HOA & DNREC. SLIP MAY ALSO BE USED FOR A SINGLE PILE MOUNTED JET SKI LIFT OR MOORING A SINGLE JET SKI FLOAT, NOT EXCEEDING 8 FEET WIDE BY 14 FEET LONG.

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	1" = 10'
DATE:	MARCH 2025

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TM 533-20.00-20.01
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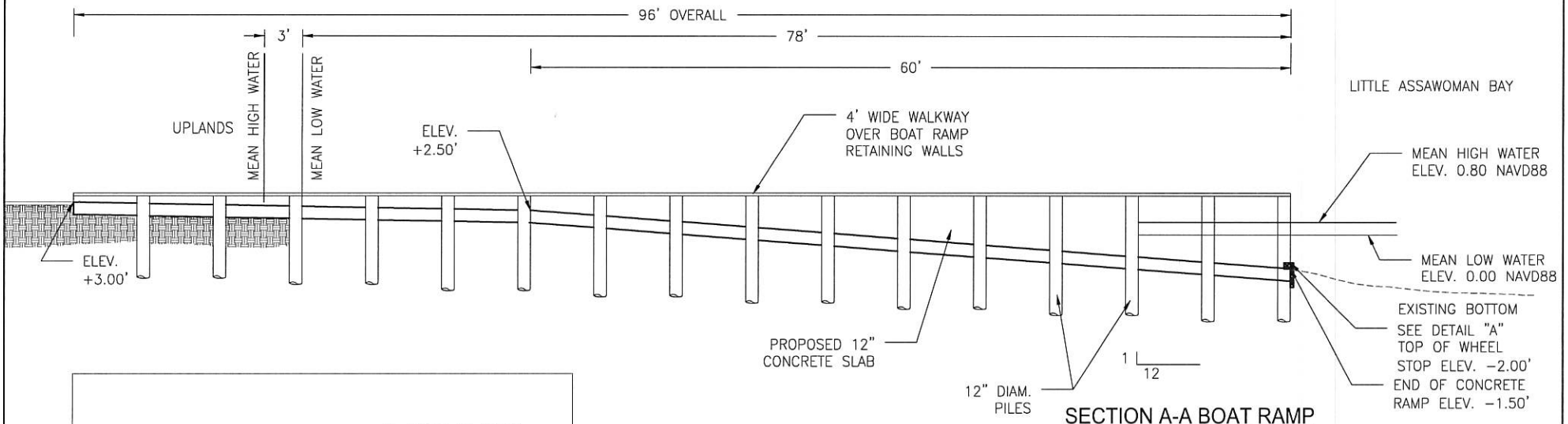
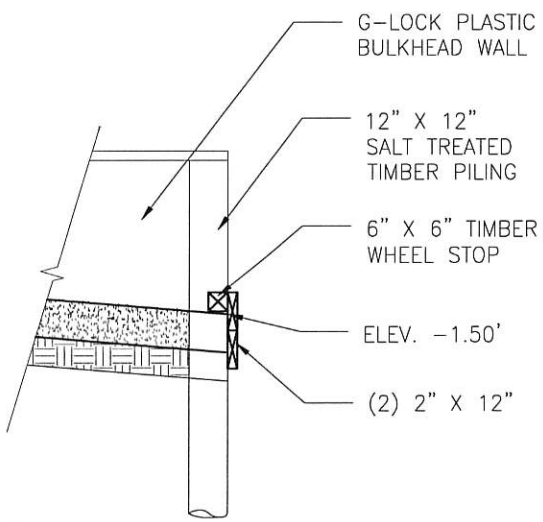
STANDARD BOAT LIFT DETAIL

DRAWING NO. 5



SECTION A-A BOAT RAMP

SCALE: 1" = 12'



DETAIL 'A' - TIMBER WHEEL STOP

NOT TO SCALE

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	AS NOTED
DATE:	MARCH 2025

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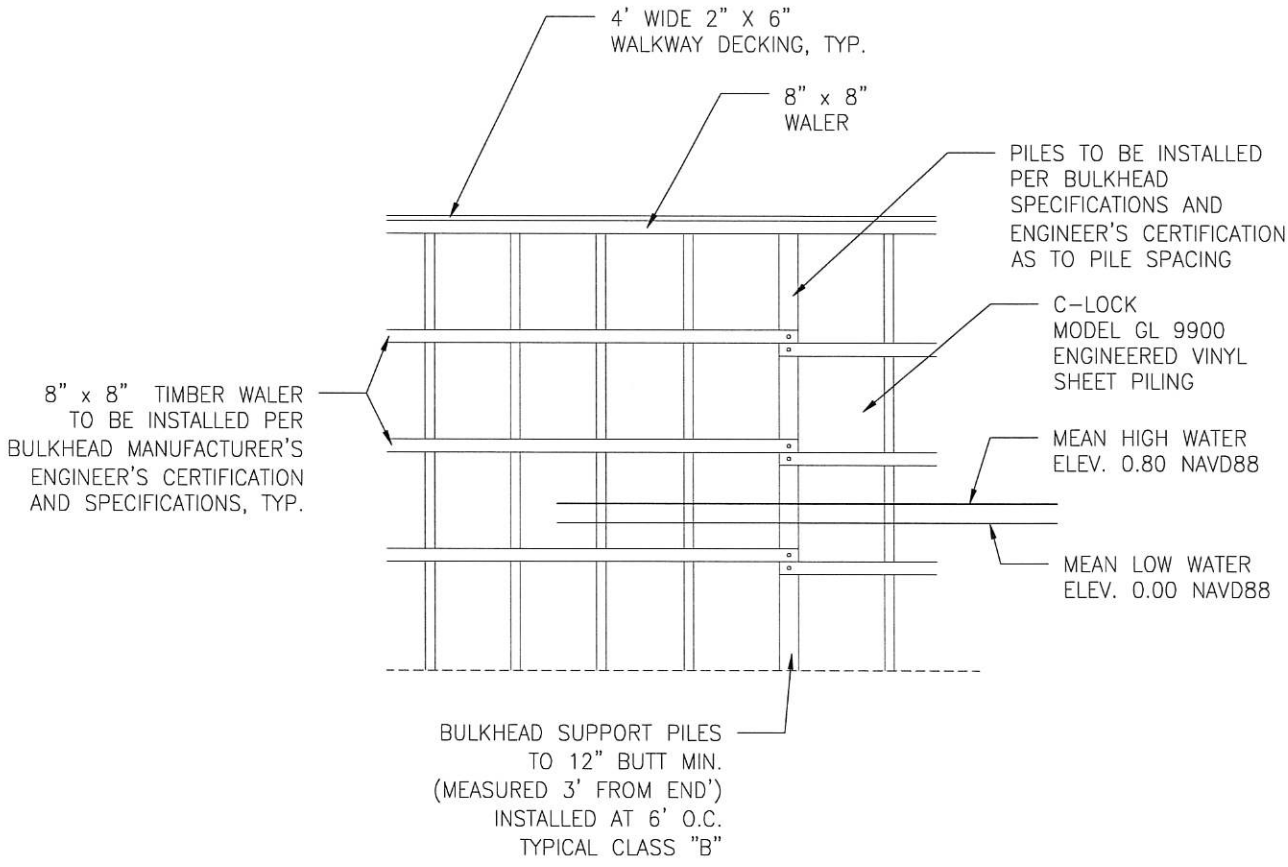
CHANNEL POINTE

PROPOSED COMMUNITY
MARINA

TM 533-20.00-20.01
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

BOAT RAMP
DETAIL

DRAWING NO.



TYPICAL DETAIL - ENGINEERED VINYL BULKHEAD

NOT TO SCALE

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	NOT TO SCALE
DATE:	MARCH 2025

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CHANNEL POINTE
PROPOSED COMMUNITY MARINA

TM 533-20.00-20.01
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

VINYL BULKHEAD DETAIL

DRAWING NO. 7

APPENDIX B

ANNUAL
SLIP OCCUPANT AGREEMENT

Channel Pointe Homeowner's Association
2025 Marina Slip Occupant Agreement

General Provisions

I have read, understand, and agree to abide by the current Channel Pointe Operations and Maintenance Plan as approved by the Department of Natural Resources and Environmental Control (DNREC), which is incorporated herein by reference. I agree to ensure that all of my family members and guests will also abide by such rules and regulations. I understand that I will be held liable and accountable for any violations or negligence. I further understand that violation of any rule makes me subject to forfeiture of boat slip use, marina access, or any unused slip rental fee if applicable, all at the discretion of the Harbormaster and/or the Harbormaster's Designee (collectively referred to herein as the "Harbormaster").

For each registered boat using the Marina, I have provided to the Harbormaster copies of my Certificate of Liability insurance in effect which names the marina operator as an additional named insured party, and a copy of our boat's current state registration card. I recognize that my failure to provide these documents and their renewal documents during the current boating season will result in possible financial penalty and loss of use of the marina for the current year.

If the insurance or registration expires during the term of the current boating season, then renewal documentation must be provided to the Harbormaster at least 15 days before the expiration. Failure to comply with this requirement may result in a financial penalty or the loss of use of the marina for the remainder of the boating season which may include:

- Any slip leasing fee paid to the marina operator if applicable with respect to the current boating season will be forfeited to the marina operator with no right to refund.
- I will lose my entitlement to use my slip for the remainder of the boating season.
- If my slip is subject to a lease, my name will be placed at the end of any waiting list comprised at the time of the noncompliance with this agreement.

Sanitation Provisions:

Carefully review and attest to the following by fully completing:

1. ❒ I understand that discharge of untreated or inadequately treated vessel sewage into the marina basin or State waters is strictly prohibited and punishable by monetary fines pursuant to 7 Del. C., 60 §6013(h) and/or through an Administrative Penalty Assessment, pursuant to 7 Del. C., 60 §6005(b).

2. ❒ I understand that all spills of sewage, oil or fuel must be reported immediately to DNREC and the Harbormaster to protect the environment and public health. In the event of a spill, contact the DNREC Emergency Response Line 800-662-8802 and the Watershed Assessment and Management Section 302-739-9939.

3. Describe the Vessel that will be berthed at the designated slip.

   a. Vessel Length_____feet

   b. Is there an enclosed cabin area on the vessel? ❒ Yes ❒ No

4. Select the waste containment system on the vessel.

❒ MSD Type III ❒ Portable Toilet ❒ No Marine Head/None

5. ❒ I understand that special conditions of the DNREC Marina Permit and approved Operation and Maintenance Plan prohibit the mooring of a vessel with a Type I or Type II Marine Sanitation Device (MSD) capable of being discharged overboard.

Planned Slip Usage Provisions:

The periods that I intend to have my boat in the water at my slip during the current boating season are set forth below: (Please be Specific- you may attach further sheets if necessary) The standard of time of occupancy is April 1 through December 1 of the calendar year.

Beginning/Ending Date(s): _____

Occupant / Lessee and Vessel Details:

Owner Name_____ Co-Owner Name_____
(Please Print) (Please Print)

Phones: _____ _____

Emergency Contact Name/number: _____

Alternate Emergency Contact Name/number _____

Boat Manufacturer, model and length: _____

Color of Boat: _____

HIN Number _____

Engine(s) Manufacturer_____ HP _____
Outboard ( ) Inboard ( ) I/O ( )

State registration number: _____

Attestation and Signatures

I attest that I am the owner or co-owner of the boat more fully described herein. I understand the requirements for documentation to be provided to the Channel Pointe Harbormaster in connection with my lease or occupation of a slip in the marina, and I agree to the penalties provided herein if I fail to provide such documentation.

Signatures: _____ _____

Owner Co-Owner

APPENDIX C

MANDATORY SHELLFISH RESOURCE BEST MANAGEMENT PRACTICES

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF WATERSHED STEWARDSHIP
ENTERPRISE BUSINESS PARK
285 BEISER BOULEVARD, SUITE 102
DOVER, DELAWARE 19904

WATERSHED ASSESSMENT AND MANAGEMENT SECTION

PHONE: (302) 739-9939
FAX: (302) 739-6140

DNREC Shellfish Program

5/6/2025

Mr. Edward M. Launay
Senior Environmental Scientist
Environmental Resource Insights
1 Park Ave
Milford, DE 19963

Cc: Mr. Rich Rishel, CMF Cannon LLC

Dear Mr. Launay,

The Department of Natural Resources and Environmental Control's (DNREC) Shellfish Program (herein "the Program") has reviewed the documents provided by Environmental Resources Insights (ERI) regarding the proposed construction of Channel Pointe Marina (herein "the Marina"). The proposed build would be a 25-slip community marina facility built in waters classified as Approved for bivalve shellfish harvest in the Little Assawoman Bay.

The following BMPs were chosen by the Marina and accepted by the Program:

- Annual Reporting of the number and types of vessel waste containment systems.
- The presence, availability and documented use of a pumpout facility and/or dump station located at the marina.
- Providing year-round public access to a pumpout facility and/or dump station located at the marina.
- The use of written legal agreements restricting marina occupancy to only vessels with no marine head OR MSD Type III with holding tanks only capable of being emptied into a pumpout unit not discharged into the water.
- Providing adequate shoreside restroom facilities properly placed on the marina grounds, conveniently located, open to the public, and with adequate capacity to properly dispose of all sanitary waste.
- The maintenance of required signs for the operation of the marina.
- Distributing DNREC approved educational literature with the slip agreements to marina users on fecal pollution and related environmental and human health concerns.

After reviewing the marina specifications and calculating the required dilution of Marina waters, the Program has determined that the lack of an existing Prohibited zone surrounding the Marina requires a downward reclassification of the shellfish harvest area to ensure sufficient dilution of potential discharge of pollution from the Marina in order to prevent contamination of harvestable shellfish. However, the acceptance of the proposed BMPs allows the

Program to use the lower theoretical discharge rate for classification, necessitating that a smaller volume of shellfish harvest waters be reclassified as Prohibited than if the Marina did not implement BMPs.

Thank you,

Ashley Tabibian

Ashley Tabibian,
Environmental Scientist, Shellfish and Recreational Water Programs

Selected Best Management Practices (BMPs) to Minimize Impacts to Shellfish Resources

The Channel Pointe Community Marina has selected best management practices to preserve water quality and minimize contamination of approved shellfish harvest areas. Check all that apply.

- [x] Annual reporting of the number and types of vessel waste containment systems.
- [x] The presence, availability and documented use of a pumpout facility and/or dump station located at the marina.
- [x] Providing year-round access to a pumpout facility and/or dump station located at the marina.
- [ ] Allowing the public access and to use the shoreside pumpout and/or dump stations located at the marina.
- [x] The use of written legal agreements permitting only vessels with no marine head OR MSD Type III with holding tanks only capable of being discharged into a pump out unit.
- [ ] The adherence to the seasonal time frame for storage of vessels. Vessels must be removed from the water from December 1st through April 15th.
- [x] Providing adequate shoreside restroom facilities properly placed on the marina grounds, conveniently located and with adequate capacity to properly dispose of all sanitary waste.
- [ ] Allowing the public access and to use shoreside public restrooms located at the marina.
- [ ] The routine use of EPA approved dye tablets as a tool to identify leaky tanks in vessels with MSD Type I and MSD Type II and to detect and trace illegal sewage discharge events.
- [x] The maintenance of required signs for the operation of the marina.
- [x] Distributing DNREC approved educational literature with the slip agreements to marina users on fecal pollution and related environmental and human health concerns.
- [ ] Manage pet waste by providing stations with plastic bags and attached waste bins that are routinely emptied.
- [ ] Other: DNREC acknowledges that there may be other eligible best management practices that are intended to reduce fecal pollution and allows the marina to suggest an alternative BMP for consideration. Attach the proposed BMP and any supplemental material.

The Channel Pointe Community Marina hereby certifies to operate the marina in accordance with the selected best management practices outlined above and accepts responsibility to adhere to the reporting requirements as required by the Department.

Rich Rishel		3/22/25
Harbormaster	Signature	Date

SITING AND DESIGN STUDY
FOR
CHANNEL POINTE COMMUNITY MARINA

Tax Map No.: 533-20.00, Parcel: 20.01
Little Assawoman Bay, Sussex County, Delaware

July 1, 2023

Prepared for:

CMF Cannon, LLC.
21 Village Green Drive
Suite 200
Ocean View, Delaware 19970

Prepared By:

ENVIRONMENTAL RESOURCE INSIGHTS

38173 DuPont Blvd.
P.O. Box 169
Selbyville, DE 19975
Phone: 302-436-9637

ERI Project No.: 0300#0660

SITING AND DESIGN STUDY
FOR
CHANNEL POINTE COMMUNITY MARINA

LITTLE ASSAWOMAN BAY, SUSSEX COUNTY, DELAWARE

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INTRODUCTION

Channel Pointe is a residential planned community, fully approved by Sussex County and currently under construction. Channel Pointe is located on the north side of State Route 54 (SR54), 0.5 mile west of Fenwick Island, Delaware. It occupies 120.77 acres of land, 38.14 of which is uplands fronting Little Assawoman Bay. Much of this upland shoreline is stabilized with a revetment constructed of rip rap stone. The remaining portion of the property consists of state and federally regulated wetlands which will remain undisturbed. The project site is accessed from SR54 at Bennett Avenue. The residential component of the project consists of 70 large single family home lots serviced by public sewer and water.

A community clubhouse, pool and marina pier are proposed to the to the north of the homesites on a community open space parcel identified in the land records of Sussex County as tax map parcel 533-20.00-20.01. The location of the proposed community marina pier is sited at 38.400495 latitude and -75.064276 longitude. Since the proposed site is adjacent to navigable waters actively used for recreation, and considering the extensive amount of waterfront occupied by the project, over 1.5 miles, recreational access to the waters of Little Assawoman Bay is justified. It is an essential element of the Channel Pointe community.

The width of the Little Assawoman Bay at the community marina site (1,800 linear feet) and the distance from the project shoreline to active navigation lanes and channels allows for the construction of a single 248 foot long main pier providing capacity to moor 25 vessels (minor marina facility) within guidelines provided by both DNREC's Subaqueous Lands Regulation and the Corp of Engineers Statewide General Permit No. 20.

PROJECT DESCRIPTION & ALTERNATIVES ANALYSIS

The proposed design is the most efficient way of providing a (minor) marina facility for the community as compared to all other possible layouts. The location selected accommodates this design approach as well. Adequate water depths exist and existing active navigation lanes are not impacted. The location is remote from adjoining or nearby private property. Nearby communities are not impacted.

An upland area directly abutting the Little Assawoman Bay shoreline large enough to provide for parking and the shoreside requirements of a minor marina exists at the location. A community clubhouse and pool are also proposed. No wetland areas will be impacted by or involved with the community marina pier or clubhouse location.

This type of design would not have been possible at other potential community marina location sites on the property. A less desirable approach of multiple pier or long docks parallel to the shoreline would need to be used. A bathymetric survey was performed along the project shoreline and that survey found adequate water depths present along the area where the marina pier is currently proposed.

On the south side of the property there is an existing embayment and narrow channel to the north side of the Sharks Cove marina and to the east of the existing Lighthouse View townhome community. The water depth is extremely shallow at that location and the embayment is formed to the east by sensitive area of tidal marshland. Uplands are also distant from the navigable waters of Little Assawoman Bay in this area. This location is not suitable for a community marina.

The only locations that have uplands abutting navigable water without the constraints of having to cross wetlands occur only on the northern half of the Canal Pointe site in the vicinity of the proposed marina pier. Utilization of property for a community marina pier further north of the proposed location is difficult due to the lack of uplands available for supporting improvements combined with impacts to existing onshore tidal wetlands and being an excessive distance from the residential community being served. Therefore, the only suitable and practical option is to locate the community marina pier more or less at the currently proposed location.

ENVIRONMENTAL SETTING

The Channel Pointe Community Marina Pier will extend 248 feet into waters of the Little Assawoman Bay. The Little Assawoman Bay has a surface area of approximately 600 hectares. It is tidally connected at its southern boundary by the Fenwick Ditch to the much larger Assawoman Bay, located in the State of Maryland. To the north, it is tidally connected to the Indian River Bay through a long, linear man-made navigation canal, the Assawoman Canal.

There are two (2) major drainage areas discharging to the Little Assawoman Bay as tributaries, a major wetland area bordering it and a smaller area which is a source of nonpoint source runoff. These major drainage areas are associated with Dirickson Creek (with a drainage area of about 550 hectares to the south) and Miller Creek (with a drainage area of about 40 hectares to the north). An additional major nonpoint source area affecting water quality in the Little Assawoman Bay is the Assawoman Wildlife Management Area. An area of more significant nonpoint source runoff is in the southeast corner of the bay near the southern inlet and has about 25 hectares of densely developed area (Fenwick Island) extending along the interior beach to the west of Delaware State Route (SR) 1, Coastal Highway.

Project plans for the proposed Channel Point community marina are based upon the North American Vertical Datum of 1988 (NAVD 88). The range of local tides in relation to this datum is as follows:

Elevation	+ 0.8 feet	Mean High Water
Elevation	0.0 feet	(NAVD 88) & Mean Low Water

A detailed bathymetric survey for water depths at The Channel Pointe community marina was conducted by Plitko, LLC. Water depths in the vicinity of the existing pier are predominantly between elevation -2.0 feet to -3.0 feet NAVD 88. Bottom depths are relatively constant

increasing slightly extending +/- 430 feet channelward of the shoreline where an active navigational channel exists. The width of the bay at the existing pier location is 1,800 feet to the opposite shoreline. No nearby navigational channels will be impacted by the marina pier. Existing boat navigation is concentrated toward the center of the bay. There are no other existing docks or piers in proximity to the proposed marina pier. Shoreline conditions in the vicinity of the marina pier consists of uplands and a shoreline armored with rip rap stone. The community marina pier will be 248 feet channelward of the rip rap shoreline and the mean high water line, thereby conforming to the Delaware Department of Natural Resources and Environmental Control (DNREC) Marina and Subaqueous Lands Regulation standards.

No dredging is required as adequate water depths ranging from ± 1.6 to ± 3.3 feet mean low water exists at the proposed marina pier. The marina pier extends into an open bay where flushing conditions by tides and winds will be superior. It is not located within an embayment, cove or lagoon where flushing could be a concern.

As identified by "A Scientific Survey of Little Assawoman Bay" Delaware Inland Bays Estuary Program, bottom sediment conditions in the area of the marina pier are characterized as predominantly sands (70%) (**Figure 2**). Field observations by ERI confirmed sandy bottom conditions at the project site. In addition, due to less organic conditions as compared with other inland bay locations, sediment oxygen demand in the area is comparably lower (1.4 gr/m2/d) making this location suited to a marina pier.

A summary of historic water quality data representative of conditions at the marina pier site was obtained from the Delaware Environmental Monitoring and Analysis Center (DEMAC) Water Quality Portal is provided in **Exhibit 2** of this study. The applicable study point for the project site is Assawoman Bay at SR 54 (Lighthouse Road), at the "The Ditch" (Station ID 310011), just 0.5 miles south of the community marina pier location.

Dissolved oxygen (DO) concentrations in Delaware's shallow inland bays and the area of the marina pier have dissolved oxygen levels that naturally cycle over 24 hours. During the day, plants and algae release oxygen into the water through photosynthesis. At night, plants, algae, and animals continue to respire and draw oxygen out of the water. Nutrient pollution can make these cycles extreme by fueling algal blooms. When the excessive algae respire at night, they can cause oxygen to drop below healthy levels. A healthy standard for DO levels in the inland bays is generally considered to be a DO of 4.0 mg/l.

In the Center for the Inland Bays (CIB) "2016 State of the Inland Bays Report", The CIB found that early morning DO levels fell below 4.0 mg/l only between 0 to 10 percent of summer mornings in the subject portion of the Little Assawoman Bay. This represents some of the best conditions in the inland bays. As shown by the DEMAC data between 2018 and 2022, summertime conditions at the SR 54 station ranged from 5.76 to 6.97 mg/l of DO. Other water chemistry results are also provided for this station, none of which are limiting for this facility. Water quality conditions at the marina pier location are suitable for supporting the facility.

Exhibit 3 provides waters quality data collected by ERI at the location near the proposed marina pier. DO levels recorded generally slightly exceeded levels reported by DEMAC at the time of collection.

As previously mentioned, the location of the proposed marina pier is unique among alternative locations in the project vicinity since water access can be provided with no wetland impacts. The proposed marina pier is located in an area currently open to shellfishing resources and harvesting. In a 1991 Report "PRELIMINARY HARD CLAM AND MACROBENTHIC ALGAE SURVEY", authored by Mr. Jeffrey Tinsman (DNREC) found that no live mollusks were collected at 13 separate Little Assawoman Bay sampling locations. Mr. Tinsman also concluded that the lack of hard clam populations is due to the fact that the salinity of the Little Assawoman Bay drops below 20 parts per thousand (ppt) for extended periods of time, the minimum salinity needed to sustain hard clam populations.

During sounding survey work, and site assessments during the summer of 2022 and again in 2023, ERI determined that submerged aquatic vegetation is not present at the marina pier site. This is confirmed by existing mapping sources. Included in **Exhibit 4** is correspondence from the U.S. Fish and Wildlife Service. No threatened or endangered species or their critical habitats exist at the marina pier site. The Service advised of a potential candidate species, the Monarch Butterfly in their review. However, the project location is mowed and milkweed species that the butterfly depends upon does not occur at the site.

SITING AND DESIGN STUDY CONCLUSIONS

The design of The Channel Pointe Community Marina meets all regulatory requirements and design standards of DNREC's Marina and Subaqueous Lands Regulations. It is a minor marina facility not exceeding 25 slips. The project will have no wetland impacts. Adequate water depths exist without the need for dredging, even on a long term basis. The project does not adversely impact boat navigation or any active navigable channels. No nearby piers or development exists, therefore the facility has no impacts on neighboring properties.

No significant quantity of shellfish resources are present and no submerged aquatic vegetation exists at the marina pier location. Water quality conditions at the marina facility are favorable and the marina will not result in a violation of state water quality standards. The marina will operate under an approved Operation and Maintenance Plan (O&M Plan). On-site restrooms and a marina pump out station will be provided. The marina site is serviced by public water and sanitary sewer. Fish cleaning at the facility is prohibited by the O&M Plan. Lastly, endangered species will not be impacted. Based on this summary of conclusions, the proposed marina facility is properly sited and it is not in conflict with the public interest.

Exhibit 1:

Permit Drawings, "Channel Pointe", prepared by George, Miles & Buhr LLC, Sheets 1 through 5, dated: 6/30/2023

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	1" = 2000'
DATE:	JUNE 30, 2023

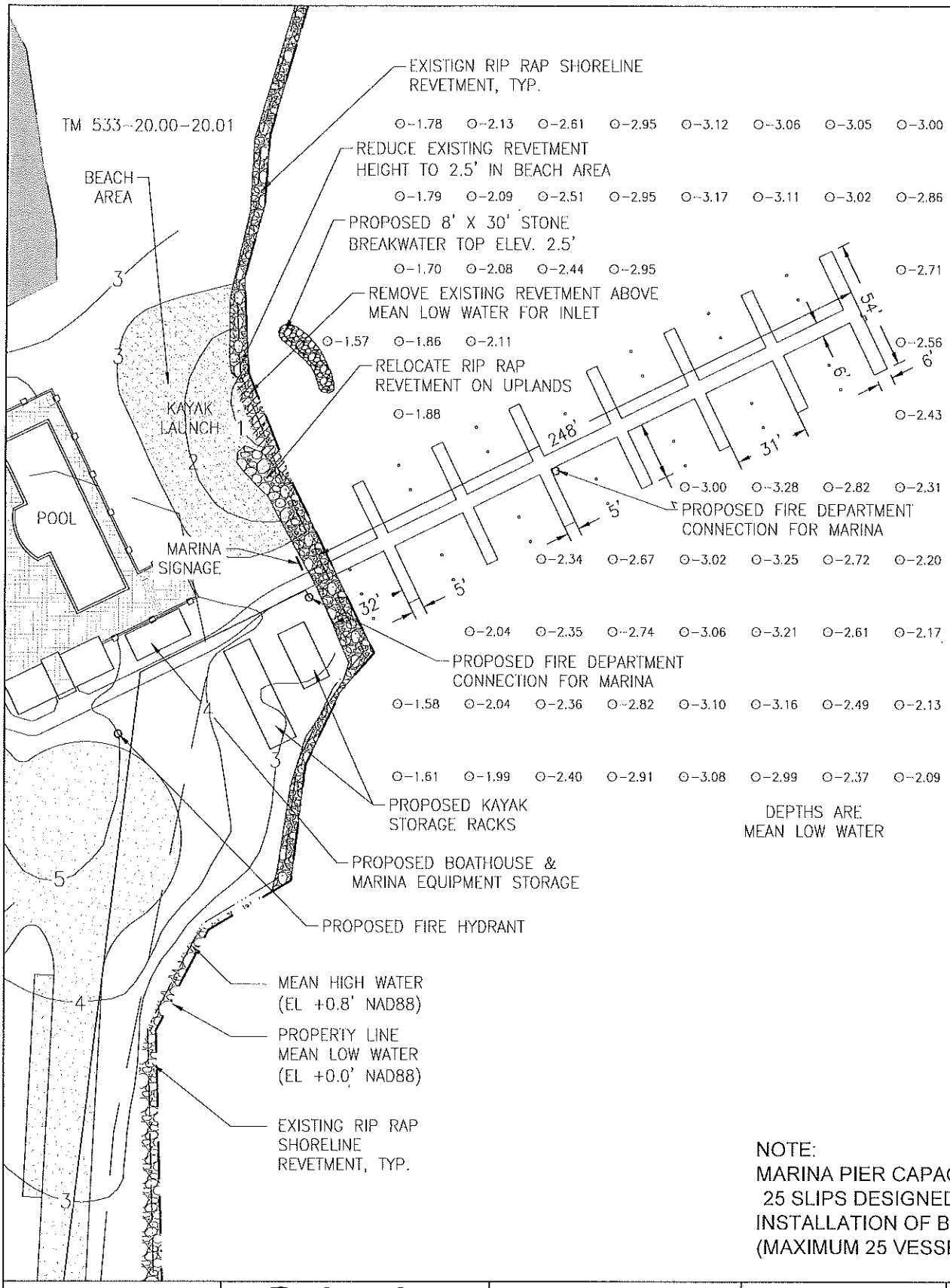
GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY · BALTIMORE · SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

CHANNEL POINTE
PROPOSED COMMUNITY MARINA

TM 533-20.00-20.01
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

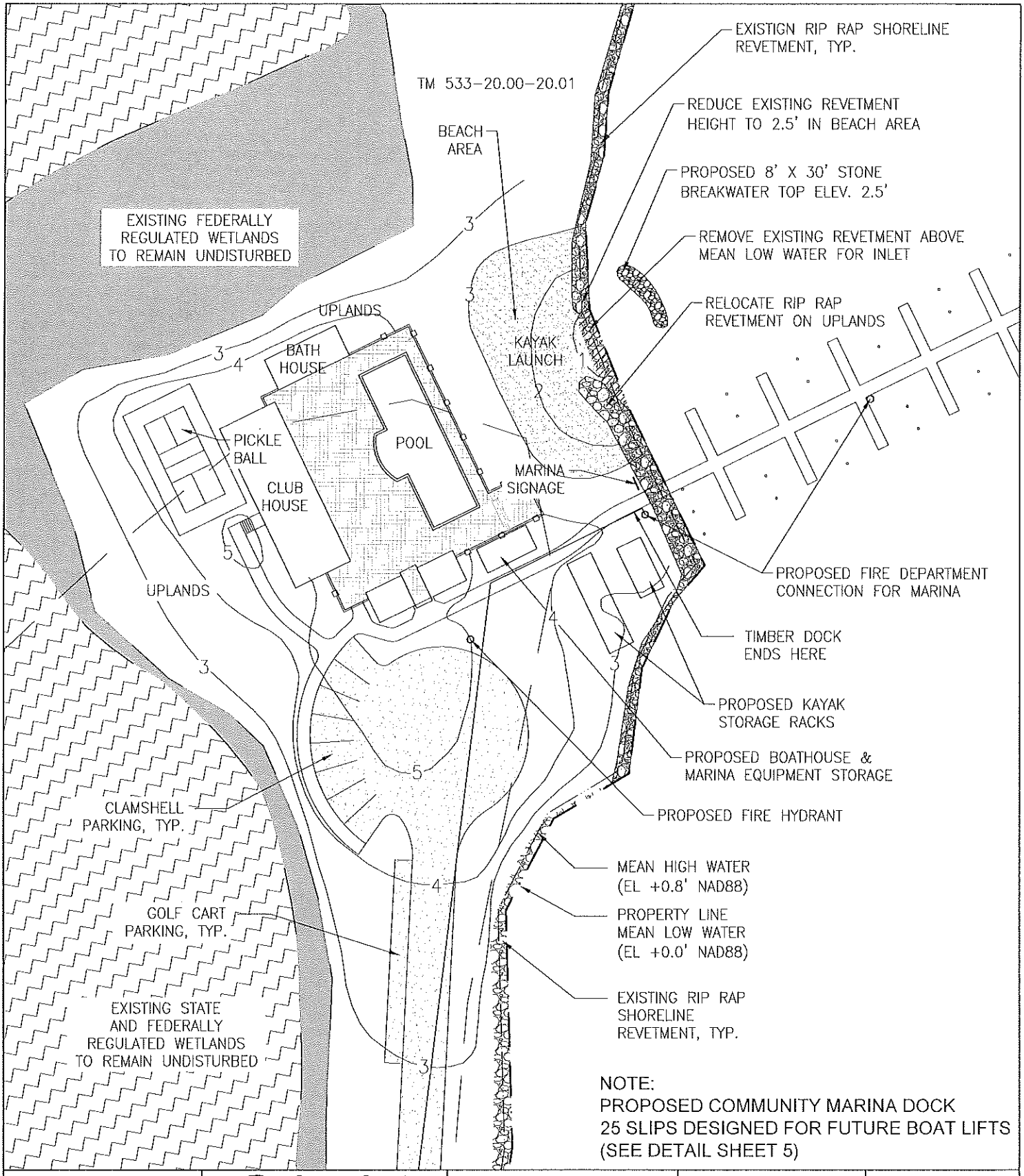
VICINITY MAP

DRAWING NO. 1



NOTE:
MARINA PIER CAPACITY
25 SLIPS DESIGNED FOR FUTURE INSTALLATION OF BOAT LIFTS
(MAXIMUM 25 VESSEL CAPACITY)

DRAWN BY: RLM CK. BY: JOB NO.: 180022 SCALE: 1" = 60' DATE: JUNE 30, 2023	GMB GEORGE, MILES & BUHR, LLC ARCHITECTS & ENGINEERS SALISBURY · BALTIMORE · SEAFORD 206 WEST MAIN STREET SALISBURY, MARYLAND 21801 410-742-3115, FAX 410-548-5790 www.gmbnet.com	CHANNEL POINTE PROPOSED COMMUNITY MARINA	TM 533-20.00-20.01 BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE	MARINA PIER PLAN VIEW DRAWING NO. 2	



DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	1" = 60'
DATE:	JUNE 30, 2023

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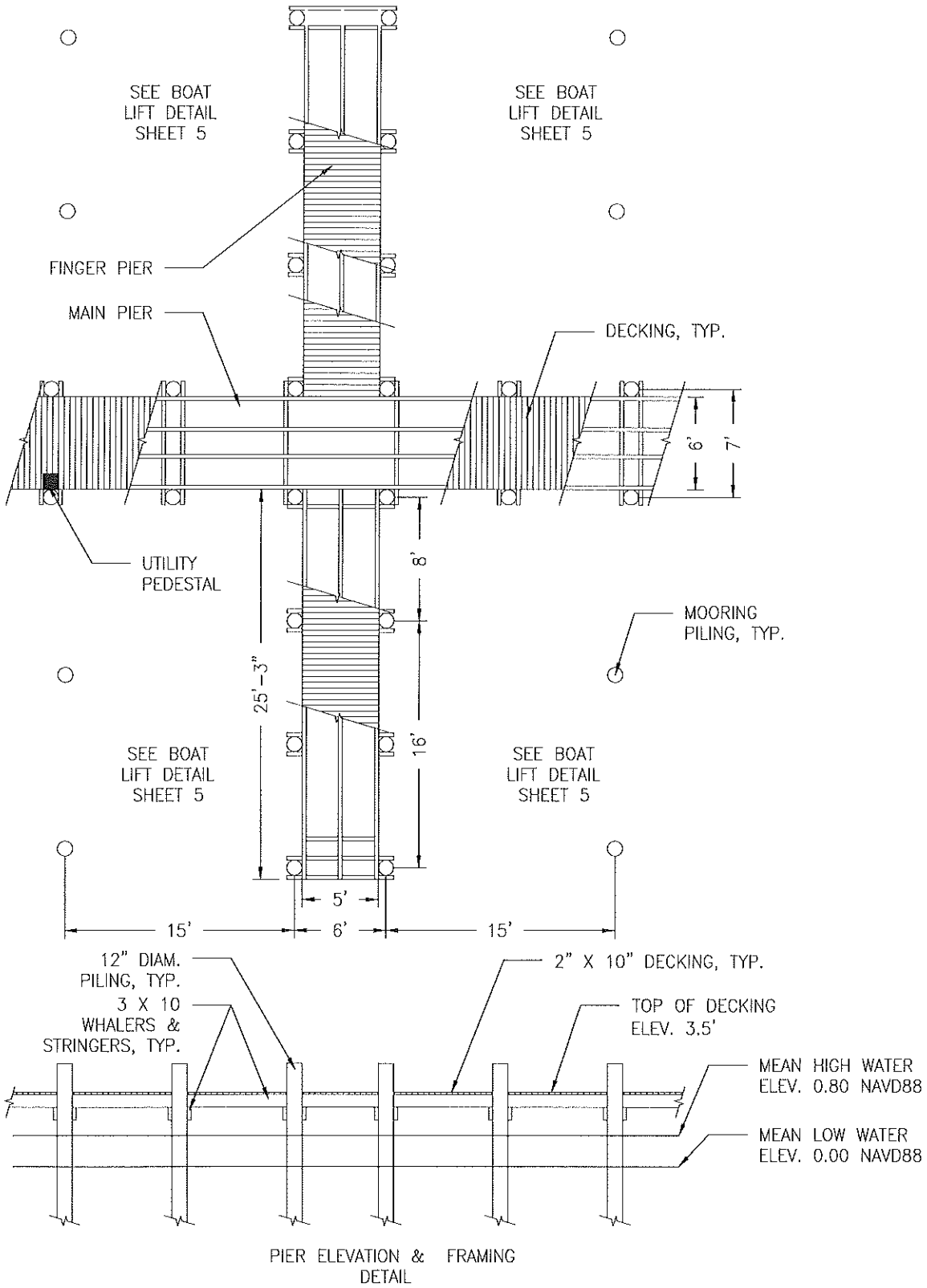
CHANNEL POINTE
PROPOSED COMMUNITY MARINA

TM 533-20.00-20.01
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

COMMUNITY CLUBHOUSE & SHORELINE DETAIL

DRAWING NO. 3



PIER ELEVATION & FRAMING DETAIL

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	1" = 10'
DATE:	JUNE 30, 2023

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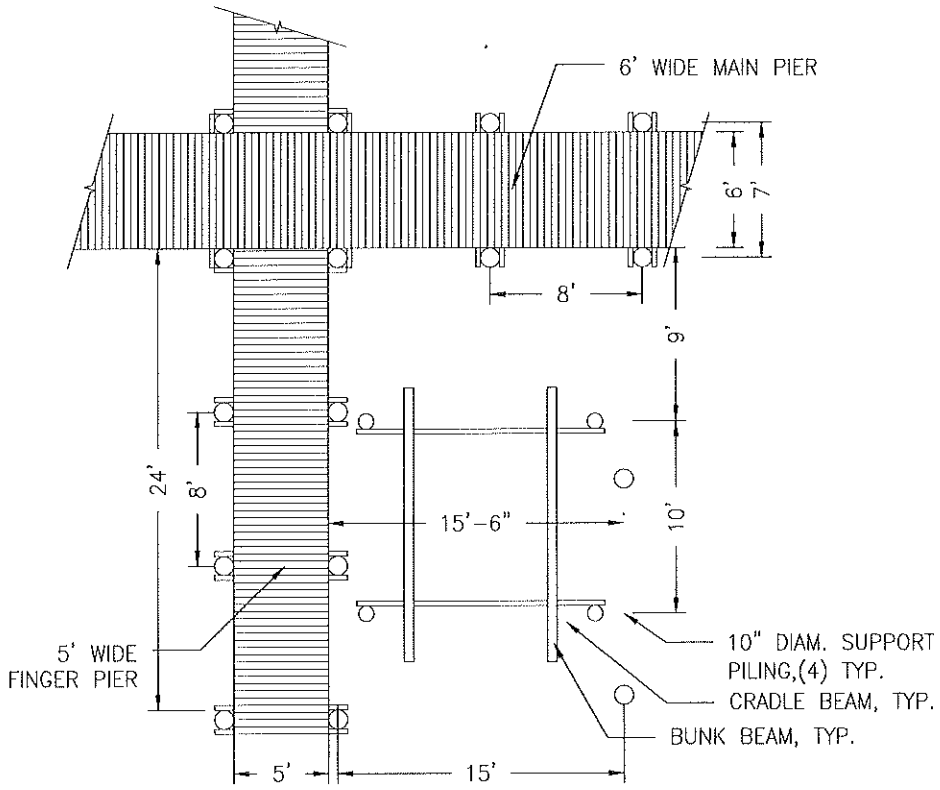
CHANNEL POINTE
PROPOSED COMMUNITY MARINA

TM 533-20.00-20.01
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

PIER DETAIL

DRAWING NO. 4



TYPICAL 10,000–12,000 LBS.
BOAT LIFT DETAIL

NOTE:
FUTURE INSTALLMENT OF BOAT LIFTS WILL BE BASED ON UPON SLIPHOLDER DEMAND AND AS APPROVED BY HOA & DNREC. SLIP MAY ALSO BE USED FOR A SINGLE PILE MOUNTED JET SKI LIFT OR MOORING A SINGLE JET SKI FLOAT.

DRAWN BY: RLM CK. BY: JOB NO.: 180022 SCALE: 1" = 10' DATE: JUNE 30, 2023	GMB GEORGE, MILES & BUHR, LLC ARCHITECTS & ENGINEERS SALISBURY · BALTIMORE · SEAFORD 206 WEST MAIN STREET SALISBURY, MARYLAND 21801 410-742-3115, FAX 410-548-5790 www.gmbnet.com	CHANNEL POINTE PROPOSED COMMUNITY MARINA	TM 533-20.00-20.01 BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE	STANDARD BOAT LIFT DETAIL DRAWING NO. 5

Exhibit 2:

Historic Water Quality Conditions – DEMAC Water Quality Portal
-Little Assawoman Bay at SR 54- 21DELAWQ_WQX-310011

Little Assawoman Bay @ Rt. 54 (The Ditch)

Station Information

FILTERS | TYPE | BASIN | WATERSHED | Text Filter | Share

Period of Record: Mar 8, 2000 - Nov 29, 2022

Basin: Inland Bays

Watershed: Little Assawoman Bay

View Historical Data

Download Station Data (csv)

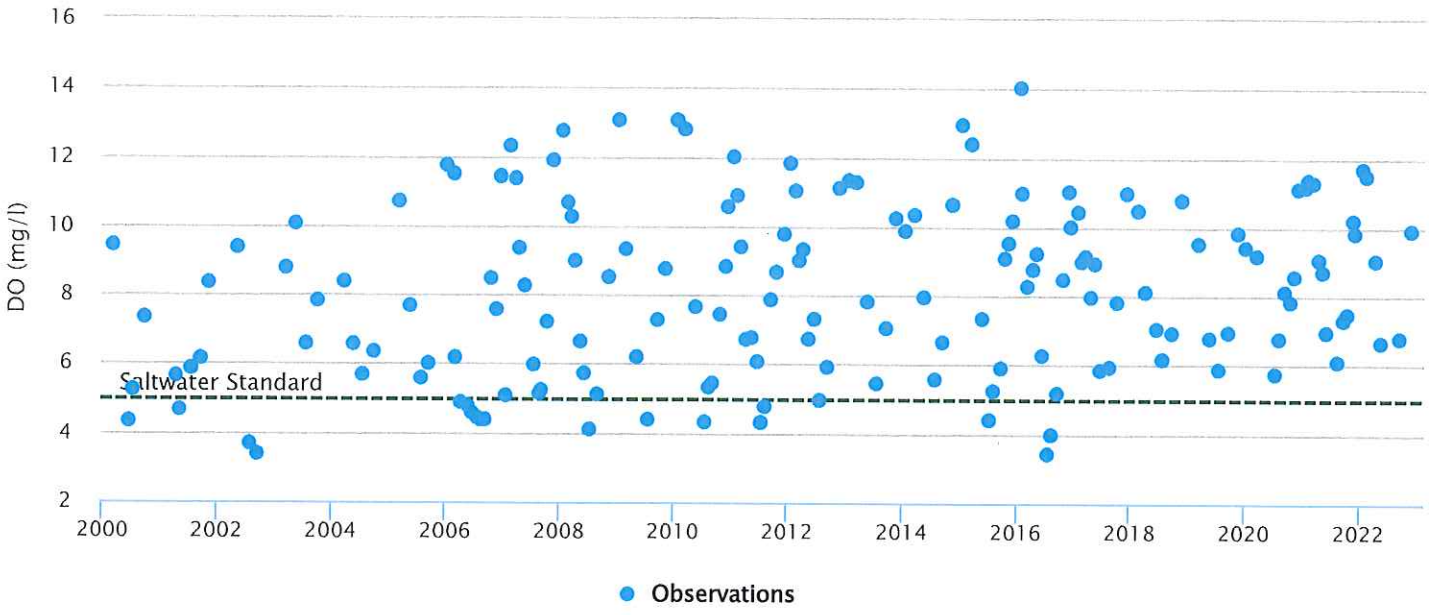
Zoom to Station

Latest Water Quality Samples

Parameter	Value	Result Type	Date

Dissolved Oxygen

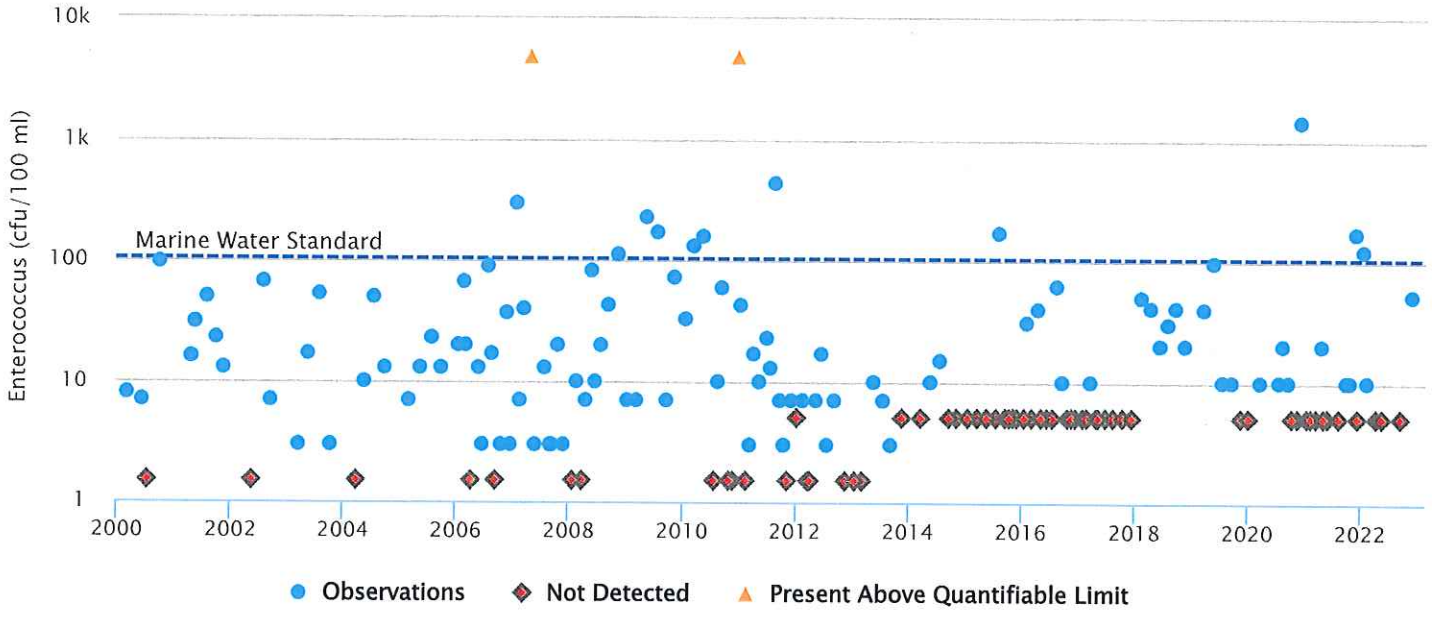
Little Assawoman Bay @ Rt. 54 (The Ditch), Station ID: 310011



DNREC Surface Water Quality Monitoring Program

Enterococcus

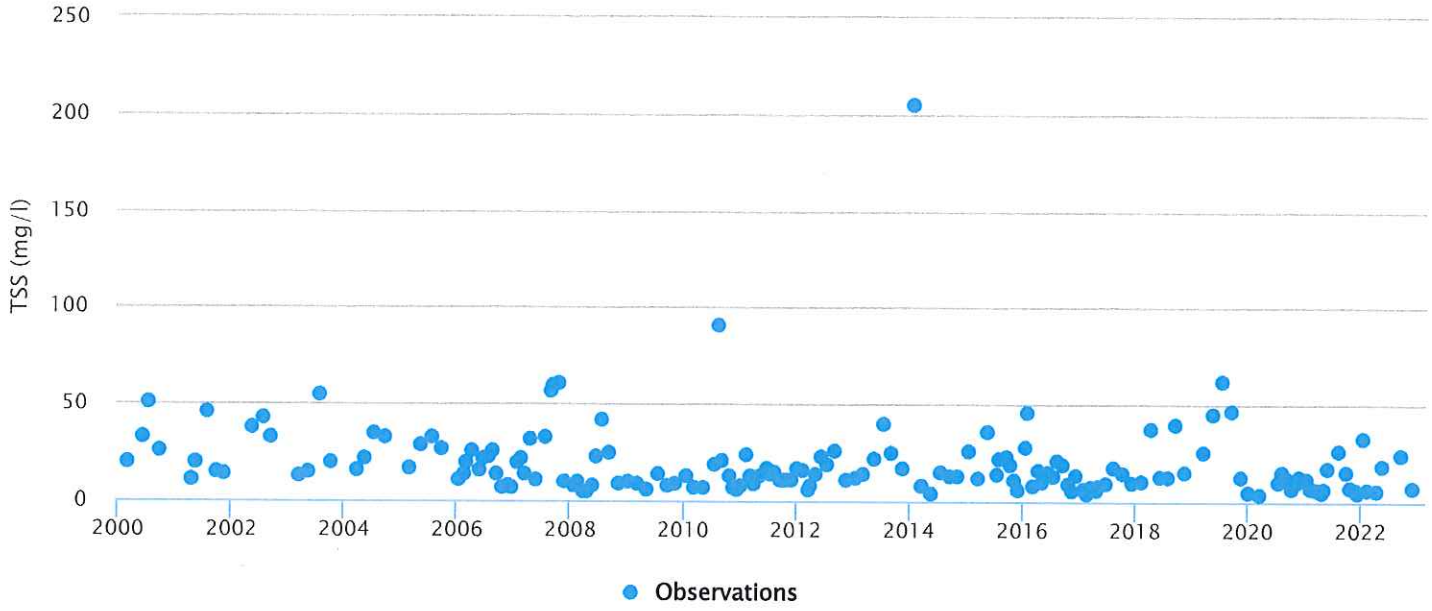
Little Assawoman Bay @ Rt. 54 (The Ditch), Station ID: 310011



DNREC Surface Water Quality Monitoring Program

Total Suspended Solids

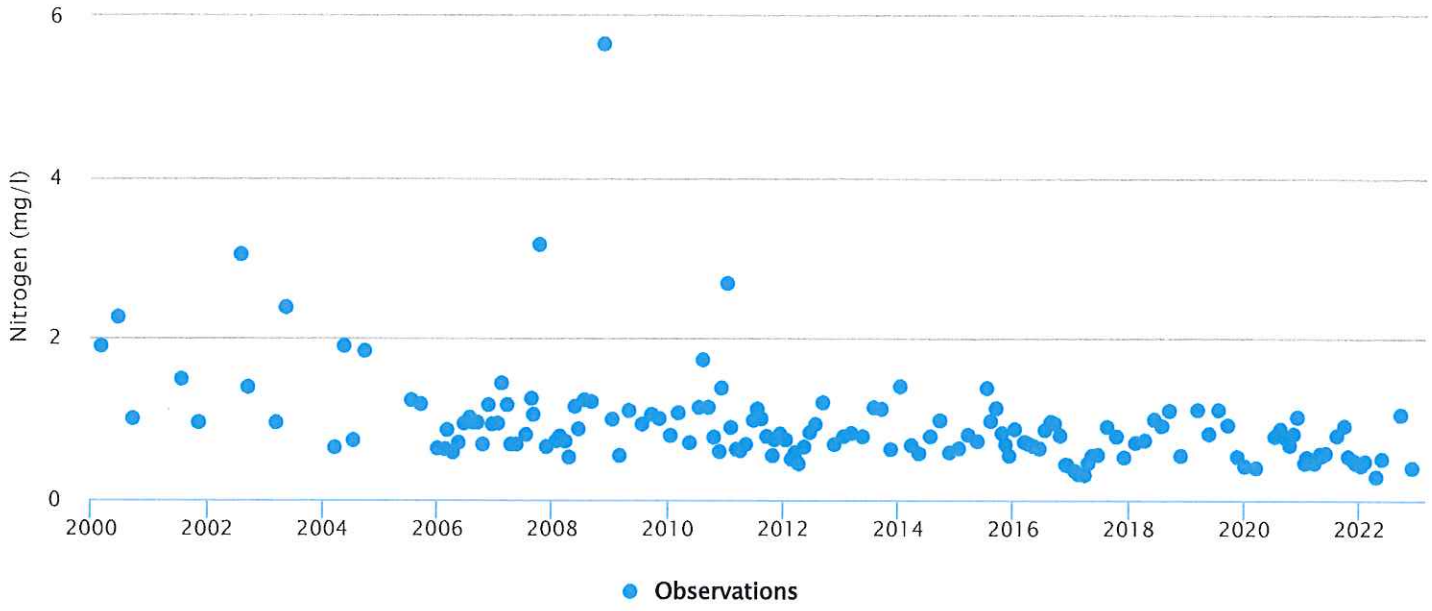
Little Assawoman Bay @ Rt. 54 (The Ditch), Station ID: 310011



DNREC Surface Water Quality Monitoring Program

Nitrogen

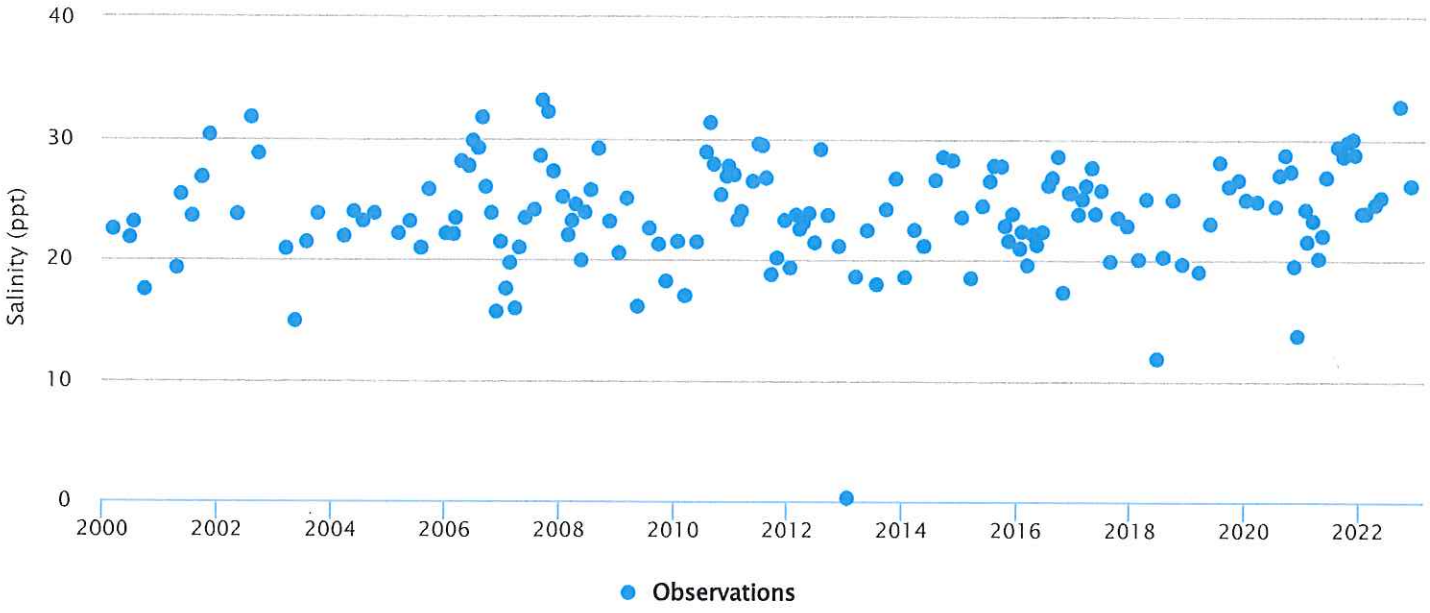
Little Assawoman Bay @ Rt. 54 (The Ditch), Station ID: 310011



DNREC Surface Water Quality Monitoring Program

Salinity

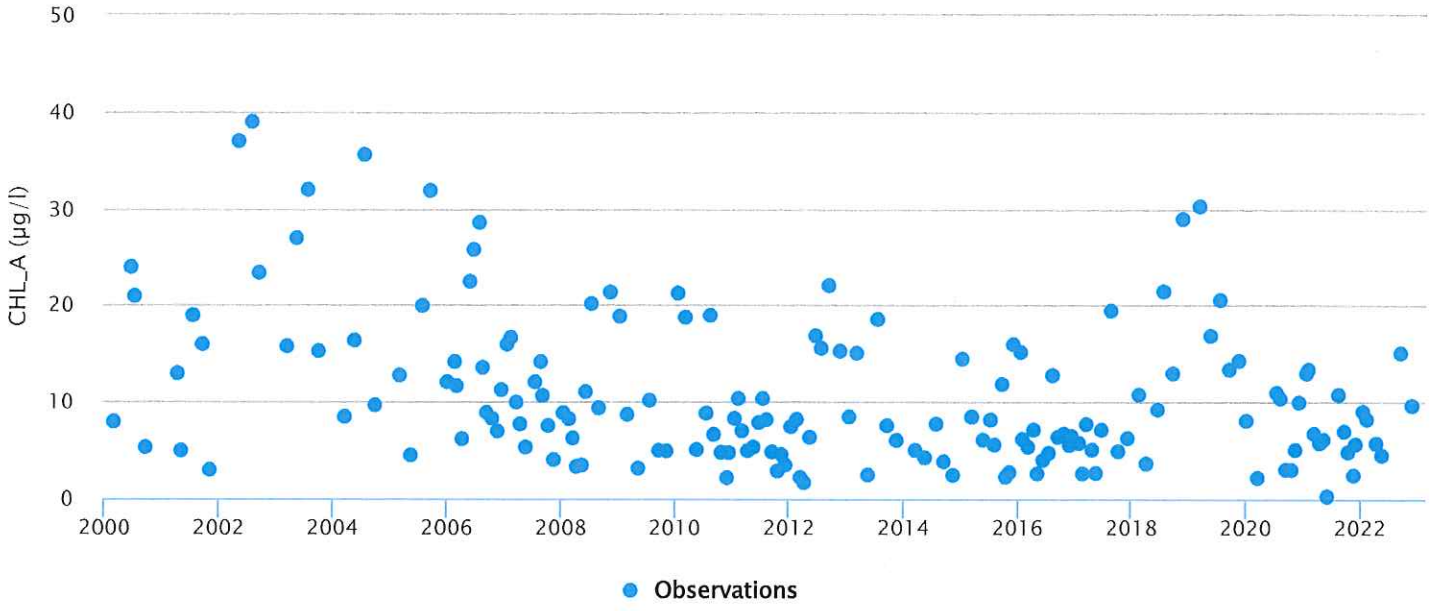
Little Assawoman Bay @ Rt. 54 (The Ditch), Station ID: 310011



DNREC Surface Water Quality Monitoring Program

Cholorophyll A

Little Assawoman Bay @ Rt. 54 (The Ditch), Station ID: 310011

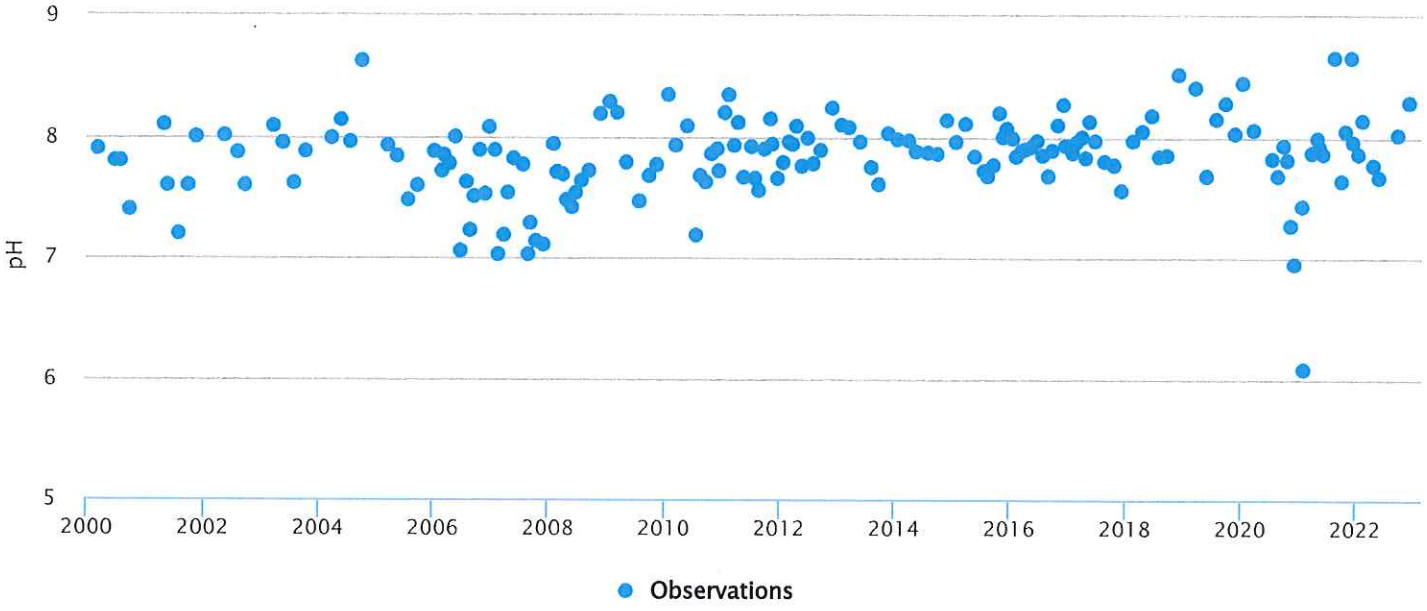


● Observations

DNREC Surface Water Quality Monitoring Program

pH

Little Assawoman Bay @ Rt. 54 (The Ditch), Station ID: 310011



DNREC Surface Water Quality Monitoring Program

Exhibit 3:

ERI Water Quality Collection Data

CHANNEL POINTE COMMUNITY MARINA
WATER QUALITY SAMPLING OF LITTLE ASSAWOMAN BAY

DATE	TIME	CONDITIONS	TEMPERATURE C°	SALINITY ppt	DISSOLVED OXYGEN mg/l
10/25/22	11:00	cloudy, calm, high tide	16.6	26.2	11.32
10/31/22	17:50	calm, partly cloudy, high tide	16.5	26.6	14.20
11/22/22	11:30	calm, sunny, low tide	7.8	24.7	16.82
12/8/22	16:00	calm, partly cloudy, low tide	11.7	24.0	13.87

October 2022

ERI Project No. 0300#0660

Exhibit 4:

Agency Coordination Communications
-USFWS

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:
Project Code: 2023-0100526
Project Name: Channel Pointe Community Marina

July 04, 2023

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 ECOS-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 ECOS-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.

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:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.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/birds/policies-and-regulations.php.

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/birds/bird-enthusiasts/threats-to-birds.php.

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/birds/policies-and-regulations/executive-orders/e0-13186.php.

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.

Attachment(s):

- Official Species List

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".

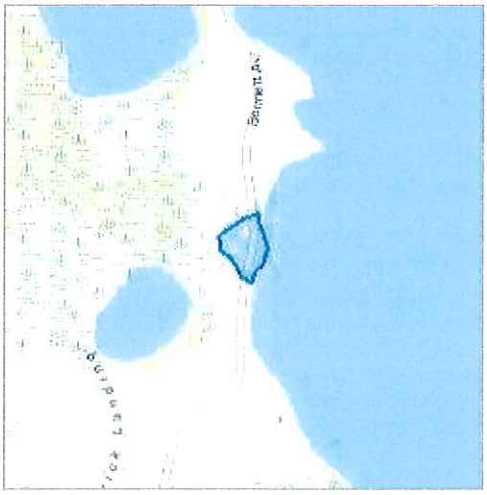
This species list is provided by:

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

PROJECT SUMMARY

Project Code: 2023-0100526
Project Name: Channel Pointe Community Marina
Project Type: Marina - New Construction
Project Description: Construct a 25 slip community marina on uplands
Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@38.460619699999995,-75.06469816691057,14z



Counties: Sussex County, Delaware

ENDANGERED SPECIES ACT SPECIES

There is a total of 1 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. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], 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. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus*	Candidate

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

- The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: https://www.fws.gov/savethemonarch/FAQ-Section7.html).

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.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Edward Launay
Address: PO Box 169
City: Selbyville
State: DE
Zip: 19975
Email elaunay@ericonsultants.com
Phone: 3024369637

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers

Figure 1:

Site Location Map

DRAWN BY:	RLM
CK. BY:	
JOB NO.:	180022
SCALE:	1" = 2000'
DATE:	JUNE 30, 2023

GMB
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CHANNEL POINTE
PROPOSED COMMUNITY MARINA

TM 533-20.00-20.01
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

VICINITY MAP

DRAWING NO. 1

Figure 2:

Bottom Sediment Characteristics, Little Assawoman Bay

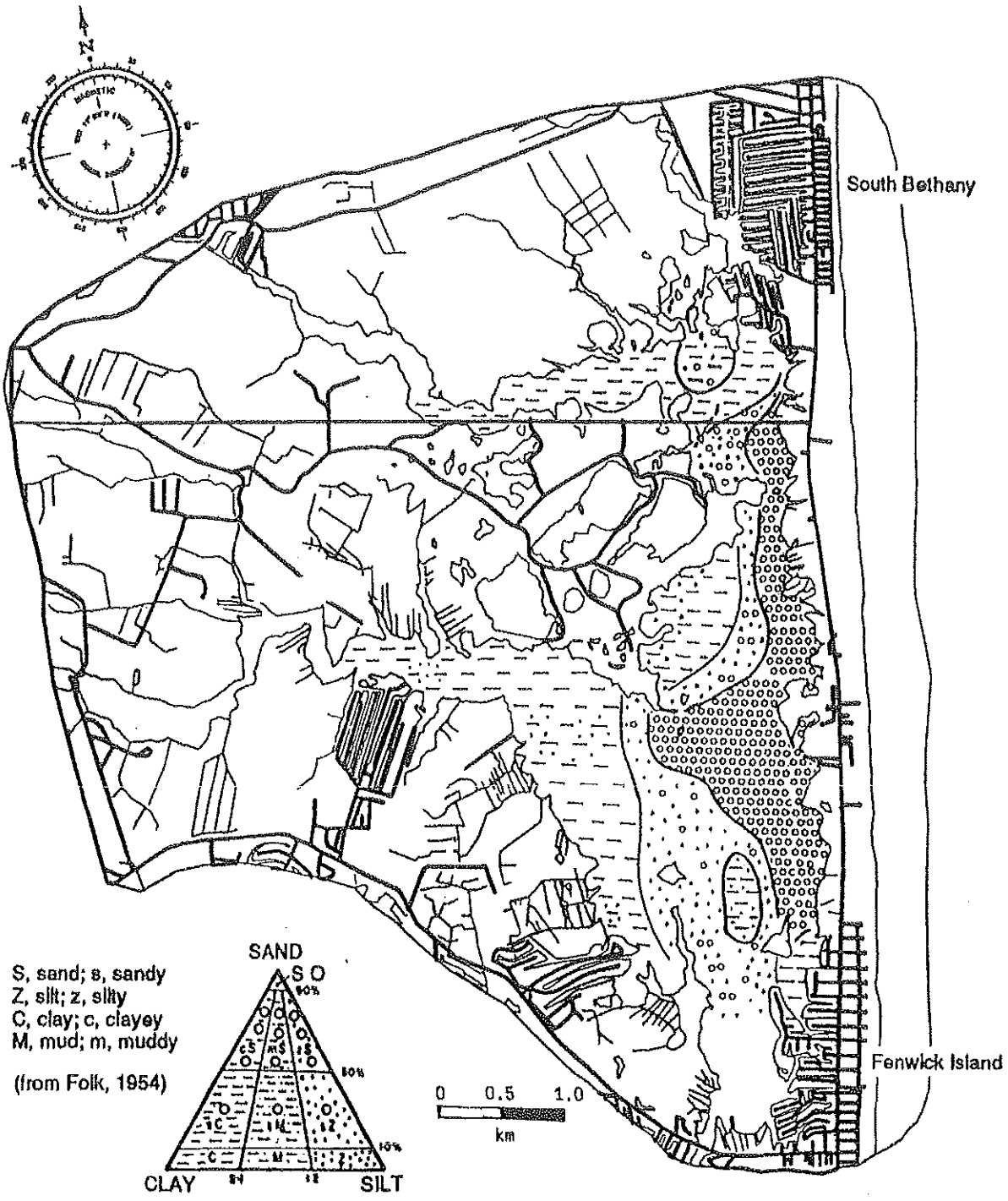

Figure 1. Bottom Sediment Characteristics, Little Assawoman Bay, Delaware.

Figure 3:

Sediment Oxygen Demand in Delaware Inland Bays

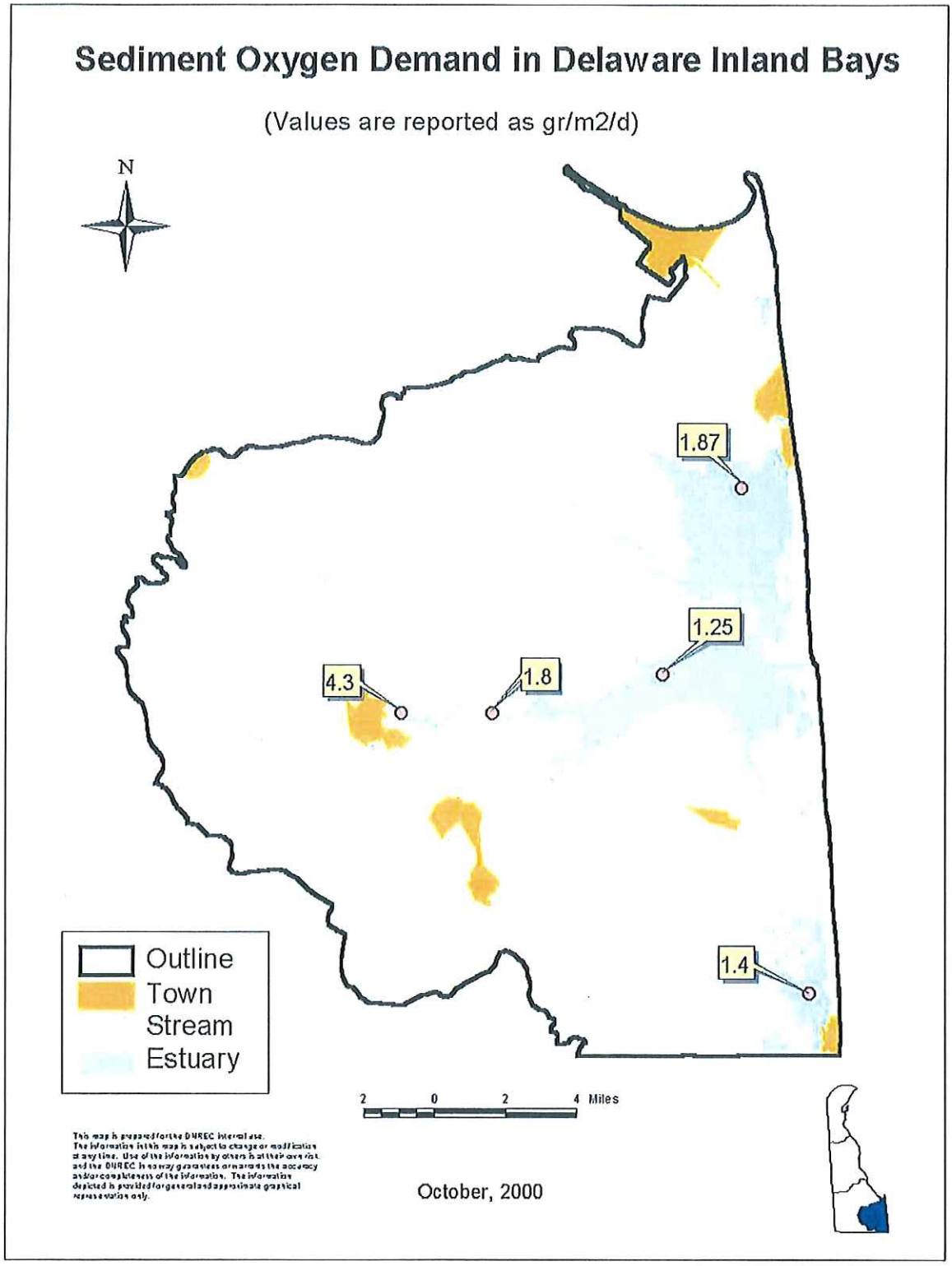

FIGURE 23. TOP PANEL: SEDIMENT FLUX MEASUREMENTS FROM 1988, MIDDLE PANEL SEDIMENT FLUX MEASUREMENTS TAKEN IN 2001, AND BOTTOM PANEL SEDIMENT OXYGEN DEMAND USED IN GEMSS