

PRECISION MARINE CONSTRUCTION, INC.

202 WOODBRIDGE HILLS
REHOBOTH BEACH, DELAWARE 19971

PRECISIONMARINEUS

Phone 302 227 2711

Fax 302 226 1157

January 5, 2026

State of Delaware
D.N.R.E.C.
Division of Water
Wetlands
89 Kings Highway
Dover DE 19901

Attn Matt Jones

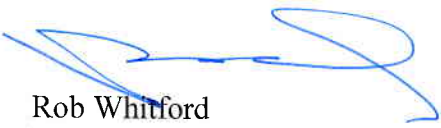
RE Old Landing Dredging LLC

Enclosed please find our application for the above-mentioned applicant. This Application requests authorization to mechanically dredge 385 cubic yards of mostly sandy spoils from the entrance of a man-made lagoon known as Old Landing Lagoon. The purpose of this activity is to open navigation into the lagoon plus improve water quality by allowing better flushing. The dredged material will be dewatered before placing it in uplands, left to partially dry and the trucked to an undeveloped spoil disposal site approximately four miles away. The material will be deposited in a water filled pit that was once a borrow pit.

This is a very small project; the actual dredging will take place in two days. This area was previously dredged in April of 2013 (Permit Attached) making it eligible for SPGP 18.

Thank you for your assistance, please contact me if you need additional information.

Sincerely,
PRECISION MARINE CONSTRUCTION INCORPORATED



Rob Whitford
RBW/jk
Attachment

Section 1: Applicant Identification

1. Applicant's Name: OLD LANDING DREDGING LLC Telephone #: _____
 Mailing Address: 15 DRELL RD Fax #: _____
REHOBOTH BEACH, DE E-mail: _____
19971
2. Consultant's Name: _____ Company Name: _____
 Mailing Address: PRECISION MARINE Telephone #: _____
202 WOODBRIDGE HILLS Fax #: _____
REHOBOTH BEACH, DE 19971 E-mail: _____
3. Contractor's Name: _____ Company Name: _____
 Mailing Address: PRECISION MARINE Telephone #: _____
202 WOODBRIDGE HILLS Fax #: _____
REHOBOTH BEACH, DE 19971 E-mail: _____

Section 2: Project Description MAINTENANCE DREDGING

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):
MAINTENANCE DREDGE A MAN MADE LAGOON TO A DEPTH OF
-3' ALLOW FOR THE PURPOSE OF IMPROVING NAVIGATION
6. Check each Appendix that is enclosed with this application:

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

Section 3: Project Location

7. Project Site Address: 38 MARSHALL RD County: ☐ N.C. ☐ Kent ☒ Sussex
REHOBOTH BEACH, DE Site owner name (if different from applicant): _____
19971 Address of site owner: _____
8. Driving Directions: SEE ATTACHED
- (Attach a vicinity map identifying road names and the project location)
9. Tax Parcel ID Number: 334-22.00-20.03 Subdivision Name: OLD LANDING

WSLS Use Only:		Permit #s: _____	
Type	SP <input type="checkbox"/> SL <input type="checkbox"/> SU <input type="checkbox"/> WE <input type="checkbox"/> WQ <input type="checkbox"/> LA <input type="checkbox"/> SA <input type="checkbox"/> MP <input type="checkbox"/> WA <input type="checkbox"/>		
Corps Permit: SPGP 18 <input checked="" type="checkbox"/> 20 <input type="checkbox"/> Nationwide Permit #: _____		Individual Permit # _____	
Received Date: _____		Project Scientist: _____	
Fee Received? Yes <input type="checkbox"/> No <input type="checkbox"/> Amt: \$ _____		Receipt #: _____	
Public Notice #: _____		Public Notice Dates: ON _____ OFF _____	

**CERTIFICATE OF FORMATION
OF
OLD LANDING DREDGING LLC**

This Certificate of Formation of *Old Landing Dredging LLC* (the "LLC") dated the 26th day of **August, 2025**, is being duly executed and filed by the undersigned as an authorized person to form a Limited Liability Company under the Delaware Limited Liability Company Act (6 Del.C. Section 18-101, et seq.).

FIRST: The name of the Limited Liability Company hereby formed is *Old Landing Dredging LLC*.

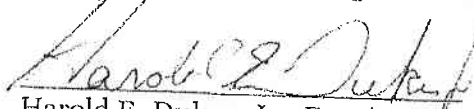
SECOND: The name and address of the registered agent for service of process on the LLC in the State of Delaware in the County of Sussex is **Timothy Baker, 15 Arnell Road, Rehoboth Beach, Delaware 19971**.

THIRD: The purpose of the LLC shall be to carry on any lawful business purpose or activity.

FOURTH: The LLC shall have perpetual existence unless earlier termination in accordance with the provision of the Limited Liability Company Agreement or extended by written agreement of all the members.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation as of the date first above written.

Old Landing Dredging LLC:


Harold E. Dukes, Jr., Esquire
Authorized Person

Old Landing Dredging LLC
15 Arnell Road
Rehoboth Beach, DE 19971

December 5, 2025

Precision Marine
202 Woodbridge Hills
Rehoboth Beach, DE 19971

RE: Authorized Signers for Old Landing Dredging LLC

Good morning:


The following are the authorized signers for the Old Landing Dredging LLC:

Name & Title

Tim Baker, Project Coordinator & Registered Agent
Steve Barbato, Project Coordinator

Either of the above individuals are authorized to sign documents on behalf of the LLC.

Thank You.



Tim Baker
Registered Agent
Old Landing Dredging LLC

Dover, DE 19901

Leave from Kings Hwy

about 0.2 mi, less than 1 min

Turn left onto Maple Pkwy

about 0.1 mi, less than 1 min

Turn right onto N Dupont Hwy/US-13 S

0.4 mi, about 3 min

Bear left at Bay Rd

1.3 mi, about 3 min

Bear right at Korean War Veterans Memorial Hwy/DE-1 S toward Dover AFB

0.7 mi, about 1 min

Follow Korean War Veterans Memorial Hwy/DE-1 S

15.1 mi, about 13 min

Keep left at Milford Byp/DE-1

about 0.3 mi, less than 1 min

Follow Milford Byp/DE-1

20.1 mi, about 20 min

Turn sharp right onto Shady Rd

0.4 mi, about 1 min

Turn left onto Plantations Rd/DE-24 Alt/DE-1D

2.1 mi, about 4 min

Keep straight on at Warrington Rd

about 0.2 mi, less than 1 min

At the roundabout take the first exit onto Warrington Rd

0.5 mi, about 1 min

Turn right onto Old Landing Rd

2.6 mi, about 6 min

You have arrived at Marshall Rd

38 Marshall Rd, Rehoboth Beach, DE 19971

Section 3: Project Location (Continued)

10. Name of waterbody at Project Location: OLD LUNDING LAGOON waterbody is a tributary to: RENOBOTH BAY

11. Is the waterbody: ☒ Tidal ☐ Non-tidal Waterbody width at mean low or ordinary high water _____

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:

SEE ATTACHED LETTERS

(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):

N/A

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):

N/A

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

MATT JONES

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):

MAINTENANCE DREDGE SP 057/13 (HINES) ATTACHED

*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: _____

Type of Permit: _____ Federal Permit or ID #: _____

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: _____

Robert A. Marshall
40 Clubhouse Drive
Rehoboth Beach, DE. 19971-9679

December 24, 2025
robertamarshall54@gmail.com
(302) 245 -3735

Authorization Letter for Dredging Operations

Old Landing Lagoon Subaqueous Landowner Approval

To whom it may concern,

I am the owner of the subaqueous land under the Old Landing Lagoon. As such, I hereby authorize Rob Whitford and Precision Marine Construction, Inc. to act on my behalf to secure all permits required for the Precision Marine dredging project. I further grant approval for the proposed dredging operations to commence as planned on the schedule that is agreeable to you and Precision Marine.



Robert A. Marshall

TAX MAP NO.: 334-22.00-10.00
PREPARED BY/RETURN TO:
Adkins Law Firm, P.A.
401 Broadkill Road
Milton, DE 19968
File No: 4332

THIS DEED, made this 4th day of March 2025,

- BETWEEN -

ROBERT A. MARSHALL, of 40 Clubhouse Dr, Rehoboth Beach, DE 19971,
Grantor(s),

- AND -

OLD LANDING HARBOR MARINA INC., a Delaware Corporation, of 40 Clubhouse
Dr., Rehoboth Beach, DE 19971, Grantee(s).

WITNESSETH: That the said Grantor(s), for and in consideration of the sum of ONE Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the Grantee(s), and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

Tract One:

ALL of that undesignated lot shown on the said plot which lies between Lot No. 38 and Lot No. 39 at Old Landing and which lies to the South of Arnell Road and to the North of Old Landing Lagoon. This piece or parcel of land is roughly triangular in shape and has a Northerly boundary along the Southern side of Arnell Road of 194 1/2 feet in length.

BEING the same lands and premises which were conveyed unto Robert A. Marshall by deed of Harold E. Dukes, Jr., Executor of the Estate of William V. Marshall and Harold E. Dukes, Jr., executor of the estate of Ann Marshall and Catherine Graves Moses, William V. Marshall, III, Ethel Graves Romig, Robert Arnell Marshall and Tomi Marshall Graves Tyson, c/o Harold E. Dukes, Jr. dated June 30, 1991 that is recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 1788, Page 153.

Tract Two:

ALL of the land and water comprising the lagoon identified as the "Old Landing Lagoon" and rights associated therewith, as the same appears and is more particularly described in a Plot Showing "Old Landing" prepared for lands of W. Virden Marshall dated January 25, 1955, that is

of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Plot Book 2, Page 72.

BEING the same land and lagoon that Mellon Bank (DE) NA conveyed unto Robert A. Marshall by a deed dated April 23, 1993 that is of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Book 1909, Page 248. Said manmade lagoon is part of the remainder of land originally conveyed unto William Virden Marshall by a deed of Robert Arnell in 1911 that is of record in Book 401, Page 201.

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

IN WITNESS WHEREOF, the Grantor(s) has hereunto set its hand and seal on the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

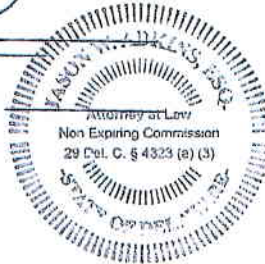
Robert A. Marshall (SEAL)
Robert A. Marshall

STATE OF DELAWARE, COUNTY OF Sussex to wit :

BE IT REMEMBERED, that on this 4th day of March, 2025, personally came before me, the subscriber(s), ROBERT A. MARSHALL, Grantor(s) to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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

[Signature]
Notary Public
My Commission Expires



38 Marshall Road
Rehoboth Beach, DE 19971


December 16, 2025

RE: Authorization to Access Property for Dredging

Good morning:

I am the owner of the property at 38 Marshall Road, Rehoboth Beach, DE 19971. This letter authorizes the Old Landing Dredging LLC to access my property to perform dredging operations that will remove approximately 300 cubic yards of dredge material.

Best Regards,


Matt Madeksza

Wetlands and Subaqueous Lands Section Basic Application Form

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, OLD LANDING DREDGING LLC, hereby designate and authorize PRECISION MARINE
(Name of Applicant) 202 WOODBRIDGE HILLS
REHOBOTH BEACH, DE 19971 (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: _____ Telephone #: _____
Mailing Address: _____ Fax #: _____
PRECISION MARINE
202 WOODBRIDGE HILLS
REHOBOTH BEACH, DE 19971 E-mail: _____

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 _____

12/17/25
Date

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 _____

12/17/25
Date

Print Name PRECISION MARINE
202 WOODBRIDGE HILLS
REHOBOTH BEACH, DE 19971

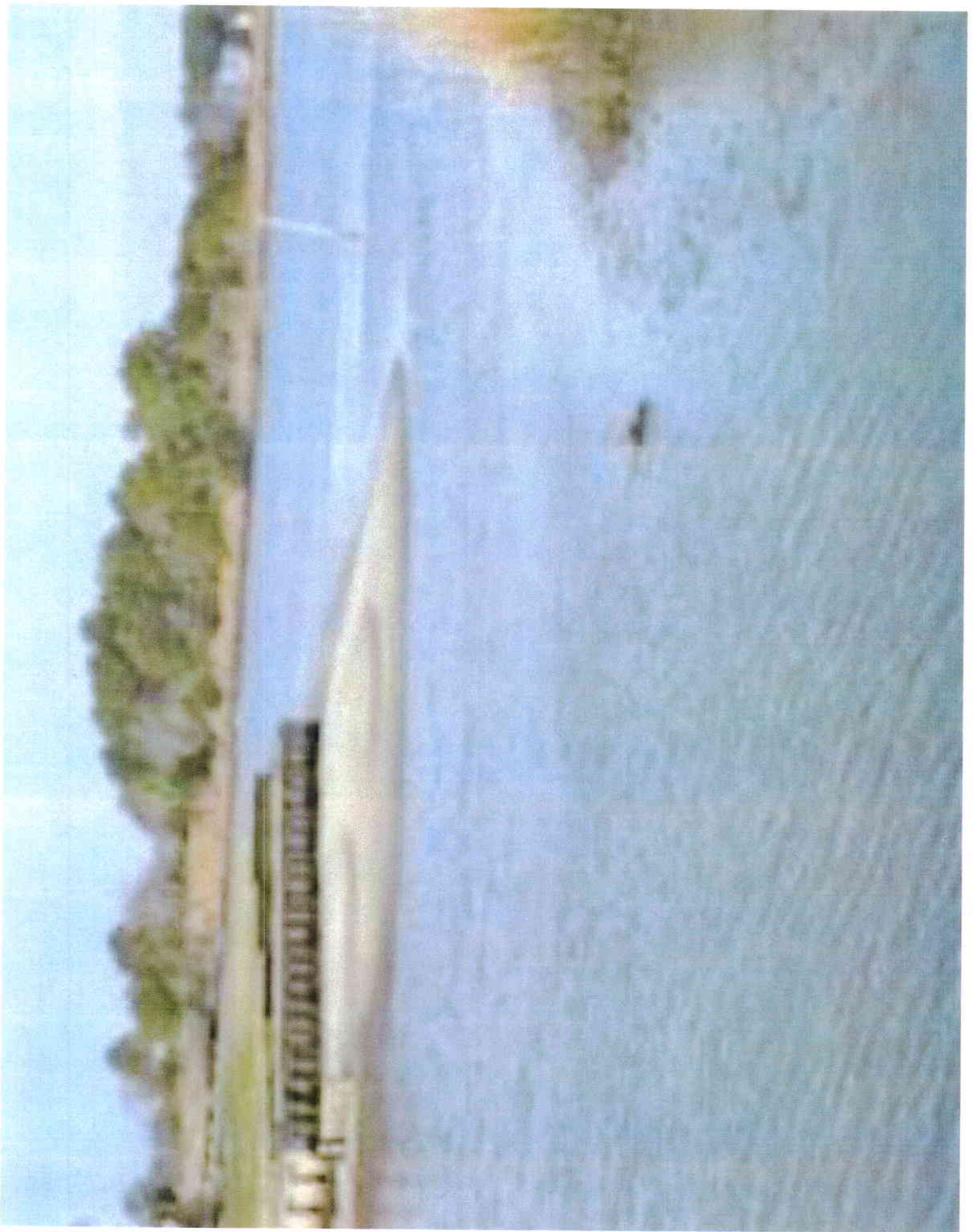
22. Contractor's Signature:

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 _____

12/17/25
Date

Print Name PRECISION MARINE
202 WOODBRIDGE HILLS
REHOBOTH BEACH, DE
19971



MAINTENANCE DREDGING OR EXCAVATING

- If dredged material is to be placed in a disposal site, a separate map showing the location of the disposal site should be attached. This drawing must indicate the proposed retention levees, weirs, spillways, and/or devices for retaining the materials.
- Bottom samples to determine heavy metals or other toxic materials must be taken and analyzed if deemed necessary by the DNREC staff. The responsibility, as well as the expense incurred for obtaining and analyzing these samples, must be borne by the applicant.
- If maintenance dredging is to be done, evidence of previous dredging must be provided. Any previously issued permit with drawings which indicates the date the dredging occurred, the area involved and dredging depth constitutes acceptable proof.
- Please make sure answers to all of the questions in this appendix correspond to information on the application drawings.

1. How many cubic yards of material will be MAINTENANCE DREDGED or excavated channelward of the:

- a. Tidal waters: mean high water line? 385 cu. yds.
mean low water line? 385 cu. yds.
- b. Non-tidal waters: ordinary high water line? _____ cu. yds.

Does this account for the total volume of proposed dredging for the project? X Yes 385 TOTAL No

If there is new dredging associated with this project (dredging beyond previously authorized dimensions) please fill out appendix S for new dredging.

2. What will be the dimensions of the dredged or excavated area relative to mean low water (for tidal areas only) or ordinary water level (for non-tidal areas only)?

70 length 55 depth 45 base width 30 top width

3. What are average existing depths in area of proposed dredging? SEE PLAN 0' TO -3 ft. (mlw/ohw)
Include a survey of proposed and existing depths on application drawings.

4. What is the proposed dredging depth in relation to surrounding bathymetry? -3 ft. (mlw/ohw)
Indicate both proposed depths and surrounding depths on attached drawings.

5. By what method(s) (hydraulic, clamshell or other) will the dredging be done? If other, explain:

LONG REACH EXCAVATOR

6. What is proximity of the dredging project to the nearest creek bank or banks? DIRECT ft.
What are existing land uses along this bank(s)?

BULKHEADS / LAWN

Describe the existing shoreline along this bank (vegetation, rip-rap, bulkhead, etc.).

BULKHEADS

7. Describe characteristics of the material to be disposed including:
- Physical nature of material (i.e. sand, silt, clay, etc.). Give percentages of various fractions if available. WHITE SAND

- Chemical composition of material - Many areas have sediments with high concentration of pollutants (chemicals, organics etc.) which may be re-suspended or reintroduced into the water. For heavily industrialized sites, a chemical analysis of this material should be provided (if applicable). N/A MAINTENANCE

- What are the dewatering properties of material to be disposal of?

GRAVITY DRAINAGE

8. How will the dredged or excavated material be transported to its disposal area?

DEWATERED THEN TRUCKED

9. Land Disposal Areas.

- Describe dimensions, characteristics and exact locations of the proposed dredged material disposal site (provide photographs, directions to, and complete plans of disposal site).

SPOIL MATERIAL WILL GO DIRECTLY INTO A WET BORROW PIT

- Describe method of dredged material containment (embankment, behind bulkhead, etc.)

INTO EXISTING POND (PIT)

- What type of leachates will be produced by the spoil material and what is planned for the protection of groundwater?

THE MATERIAL WILL GO DIRECTLY INTO WATER

- Disposal site coordinates 38° 43' 58" latitude 75° 10' 06" longitude

- What methods will be used to ensure that spoil water does not adversely affect water quality both during construction and after completion of the project?

SPOIL TO BE CONTAINED WITH SILT FENCE

- Describe present land use of the disposal site.

POND IN A BORROW PIT

10. Water Disposal Areas/ Beneficial Use Projects

Describe methods to be used for water disposal including volumes and site selection, and containment (if applicable). Include Fill or Wetland Appendix if applicable.

MATERIAL IS DREDGED PRIOR TO PAVING IT
ON THE GROUND

11. Describe the existing water characteristics at the site, including chemical analysis for water quality.

NORMAL BAY WATER

12. Identify the dredging and disposal schedule to ensure that operations do not degrade water quality during times of anadromous fish migration.

DREDGING TO TAKE PLACE WHEN WINDOW ALLOWS

13. Has an Erosion and Sediment Control Plan been approved by the designated plan approval agency for the project? An Erosion and Sediment Control Plan is required for any project disturbing more than 5,000 square feet of uplands. Final approved plans must be received by this office prior to permit issuance.

☐ Yes ☐ No ☒ Not required

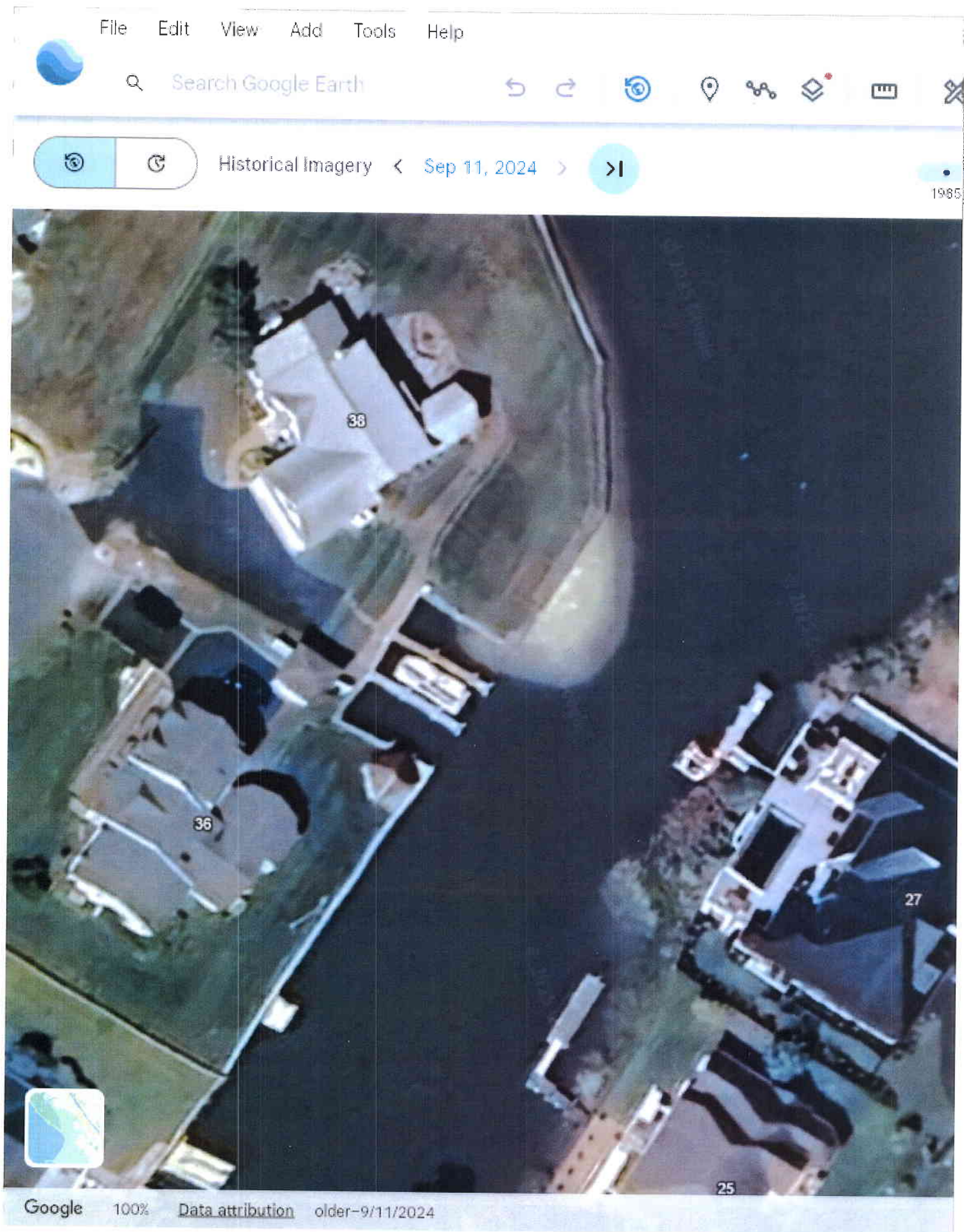
Important time of year restriction information:

Please be advised that all dredging in the Inland Bays must be undertaken between September 1 and December 31 in order to protect summer and winter flounder and other aquatic species. Dredging in other Delaware waters may also be subject to certain time of year restrictions in order to protect fish and wildlife. Contact DNREC for more specific information regarding the restrictions that may apply within your project area.

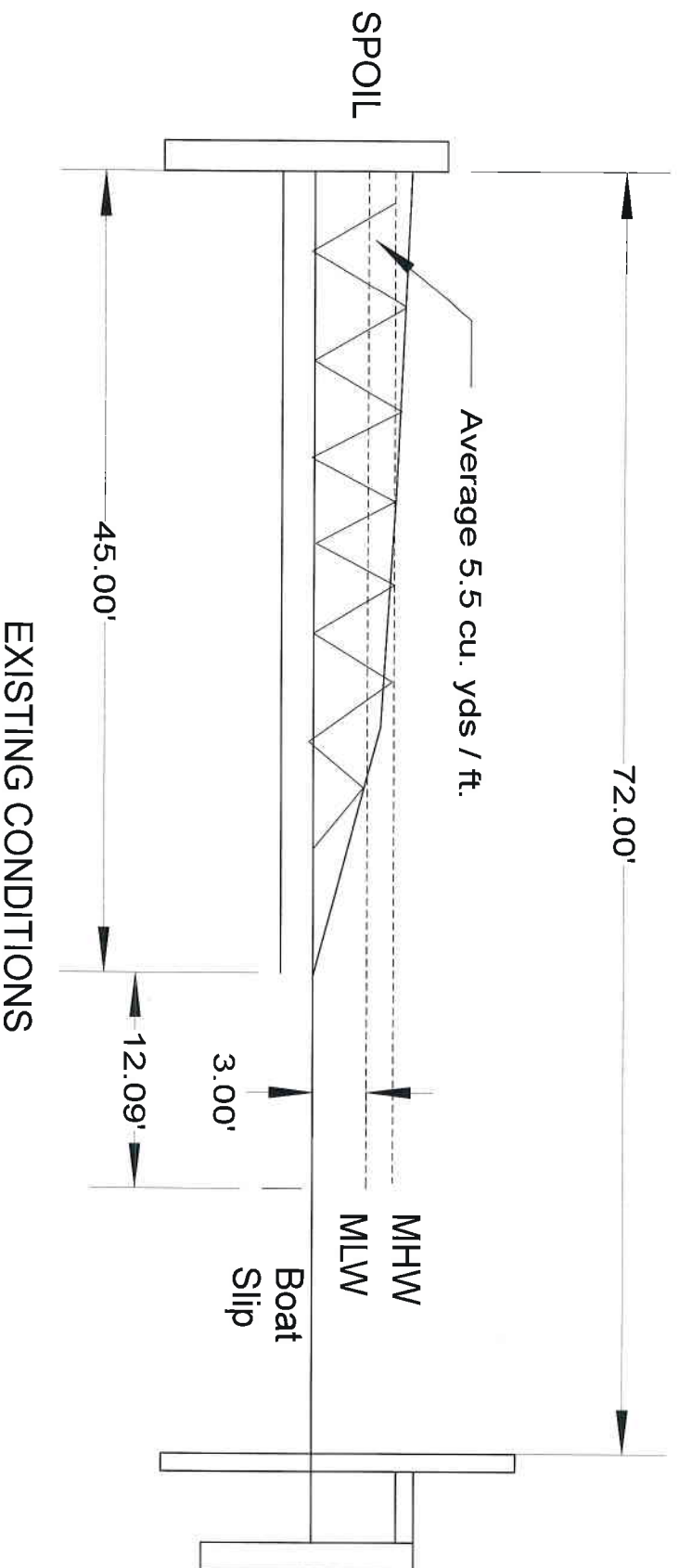


AREA TO BE
TREATED
\$ 4,000

$$70 \text{ FT} \times 5.5 \text{ CU. YDS/FT} = 385 \text{ TOTAL YDS}$$

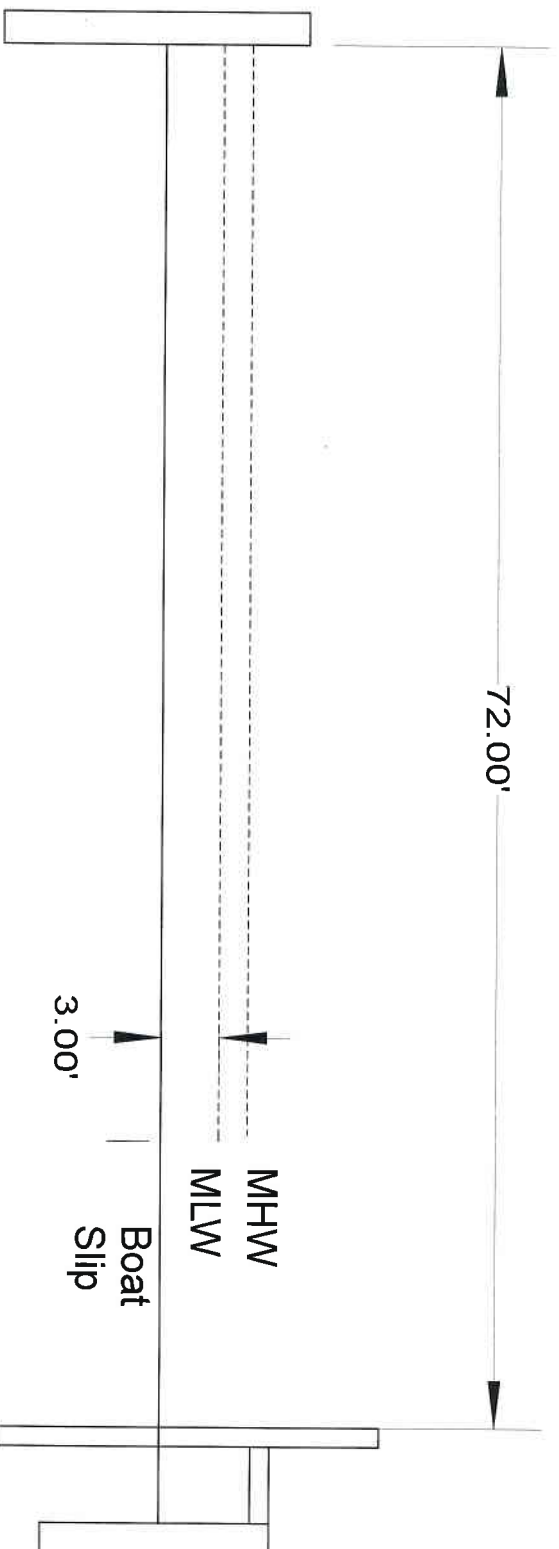


AERIAL VIEW OF SPAL TO BE REMOVED



Proposed Dredging
Old Landing Lagoon
Rehoboth Beach, DE 19971

PRECISION MARINE CONSTRUCTION INC.
Marine Contractors
202 Woodbridge Hills
Rehoboth Beach, DE 19971
DWRN Rob Whitford
Scale: 1" = 10' Date: 12-15-25



PROPOSED POST DREDGING CONDITIONS

Proposed Dredging
Old Landing Lagoon
Rehoboth Beach, DE 19971

PRECISION MARINE CONSTRUCTION INC.
Marine Contractors
202 Woodbridge Hills
Rehoboth Beach, DE 19971
DWRN Rob Whitford
Scale: 1" = 10' Date: 12-15-25

70.00'

AREA TO BE DREDGED

45.00'

5.5 CU. YDS. AVERAGE PER FOOT

1.00'

Proposed Dredging
Old Landing Lagoon
Rehoboth Beach, DE 19971

PRECISION MARINE CONSTRUCTION INC.
Marine Contractors
202 Woodbridge Hills
Rehoboth Beach, DE 19971
DWRN Rob Whitford
Scale: 1" = 10' Date: 12-15-25

Layers

Search

Basemaps

Select Area

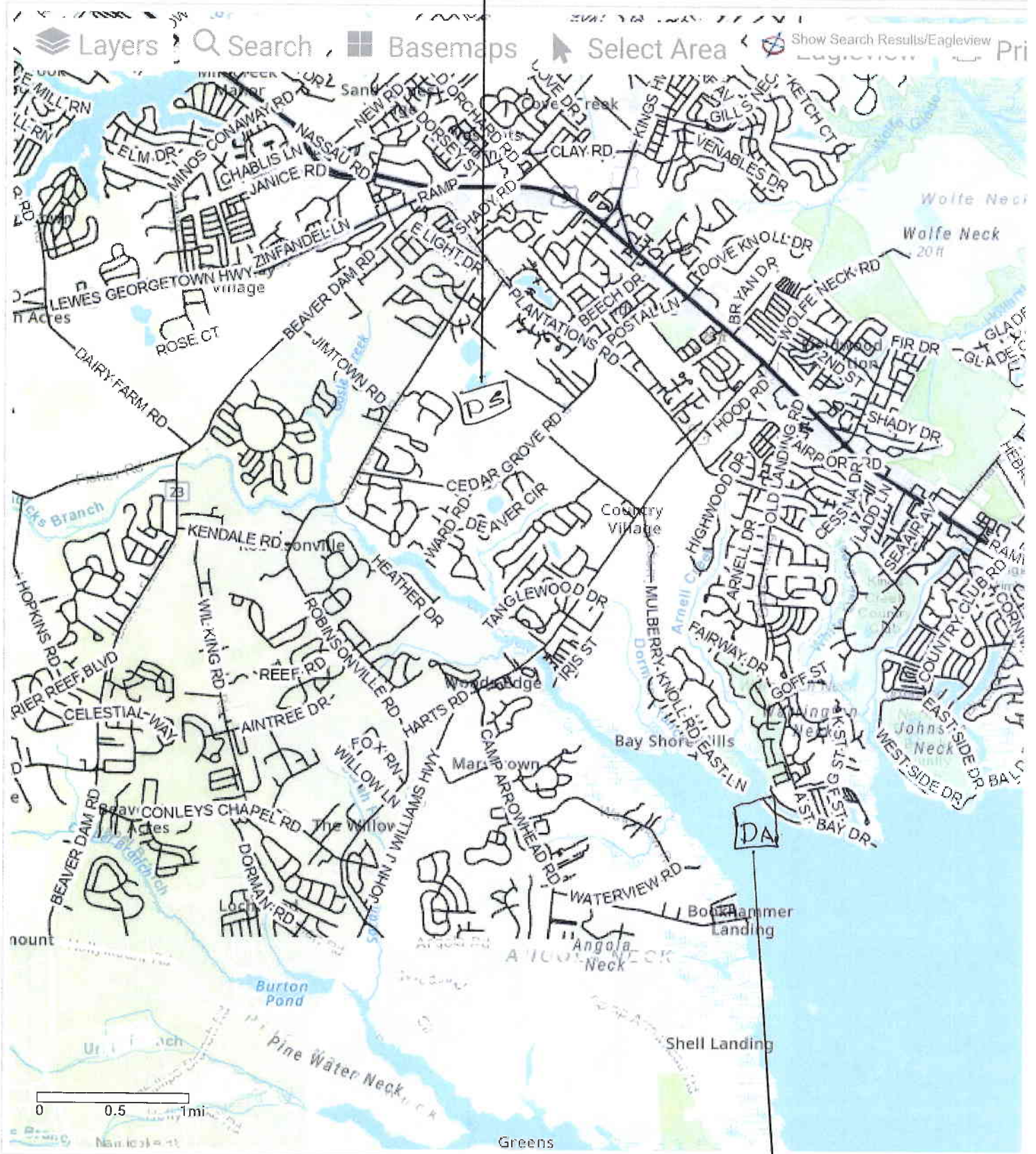
Show Search Results/Eagleview

Pri



X: -8363455.671015 Y: 4677043.500151

DISPOSAL SITE



X: -8365612.112696 Y: 4678249.774334

DREDGE DEPOS

State of Delaware

DNREC

Wetlands Section

Dover DE 19901

To Whom It May Concern

As owner of the spoil disposal site shown in the application for The Old Landing Dredging LLC, I give my permission to the Old Landing Dredging LLC to deposit approximately Three Hundred Eighty-Five cubic yards of spoil on my property.

By

A handwritten signature in black ink, consisting of a stylized 'U' with a horizontal line extending to the right, positioned above a horizontal line.

PRECISION MARINE CONSTRUCTION, INC.

202 WOODBRIDGE HILLS
REHOBOTH BEACH, DELAWARE 19971

PRECISIONMARINEUS

Phone 302 227 2711

Fax 302 226 1157

SPOIL DISPOSAL SITE INFORMATION

THE SPOIL DISPOSAL SITE PROPOSED FOR THIS PROJECT IS AN ESTABLISHED SAND AND GRAVEL BORROW PIT. RITTER'S SAND AND GRAVEL HAS BEEN IN BUSINESS SINCE THE EARLY SIXTIES. THE SITE IS APPROXIMATELY 46 ACRES OF UNDEVELOPED LAND AND SEVERAL LAKES CREATED BY REMOVING SAND AND GRAVEL.



33508 Ritter Lake Dr
Lewes, Delaware

DISPOSAL AREA



Google

Google

100%

[Data attribution](#)

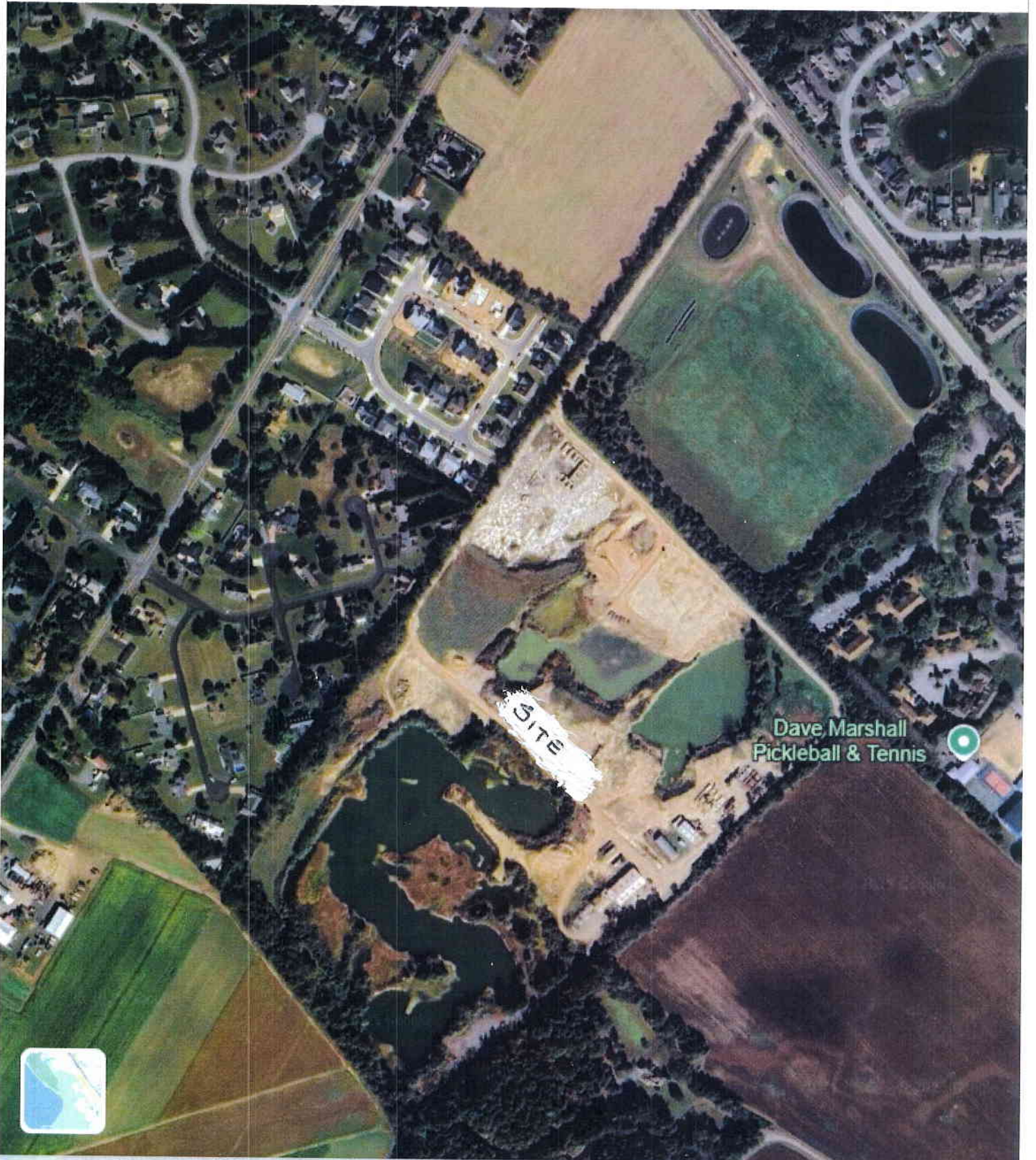
Jun 2024



Residence Inn Rehoboth Beach



Open **yelp**  (13)



DISPOSAL AREA

PRECISION MARINE CONSTRUCTION, INC.

202 WOODBRIDGE HILLS
REHOBOTH BEACH, DELAWARE 19971

PRECISIONMARINEUS

Phone 302 227 2711

Fax 302 226 1157

PAST DREDGING PERMIT



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

WETLANDS & SUBAQUEOUS
LANDS SECTION

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

Subaqueous Lands Permit No.: SP-057/13

Date of Issuance: 4/16/2013

Construction Expiration Date: 4/16/2016

Amended Date:

Tax Parcel No.: 334-22.00-20.03

Disposal Area: 334-19.00-1.00

**SUBAQUEOUS LANDS PERMIT GRANTED TO
BARBARA HINES AND ROBERT MARSHALL
TO MAINTENANCE DREDGE TO A DEPTH OF UP TO 3 FEET BELOW MEAN LOW
WATER, DREDGING UP TO 495 CUBIC YARDS OF MATERIAL
FROM A LAGOON AND TWO BOAT SLIPS CONNECTED TO ARNELL CREEK,
ADJACENT TO 38 MARSHALL ROAD, REHOBOTH BEACH,
SUSSEX COUNTY, DELAWARE**

Barbara Hines
5503 Timberview Ct.
Wilmington, DE 19808

Pursuant to the provisions of 7 Del.C. §7205, the Department's Regulations Governing the Use of Subaqueous Lands, permission is hereby granted on this 16th day of April A.D. 2013 to perform the above referenced project in accordance with the revised approved plans for this Subaqueous Lands Permit (10 Sheets), as approved on April 15, 2013; and the application dated January 21, 2013 and received by this Division on January 24, 2013.

Whereas, pursuant to the provisions of 7 Del. C. §7203, the Secretary of the Department of Natural Resources and Environmental Control, through his duly authorized representative, finds that it is not contrary to the public interest if this project is approved subject to the terms and conditions herein set forth.

This Subaqueous Lands Permit is issued subject to the following conditions:

Delaware's good nature depends on you!

SPECIAL CONDITIONS

1. The dredging shall be conducted so as to minimize the impact to fish populations. Dredging may be undertaken inside the lagoon between January 1 and August 31 if a turbidity curtain is installed prior to commencement of dredging. The turbidity curtain must be installed in a manner that completely segregates the dredging area from the adjacent water body and shall remain in place at all times during the work. The turbidity curtain shall be installed so that it extends from the water surface to the bottom sediments and it shall be weighted or retained in a manner so that it remains in contact with the bottom surface. The turbidity curtain shall not be removed until turbidity levels in the dredge area return to ambient conditions. Dredging may be undertaken during the periods between September 1 and December 31 without a turbidity curtain.
2. This Permit shall be valid for a two (2) year period from the date of issuance and authorizes the maintenance dredging of up to 495 cubic yards of material during one dredging event.
3. Prior to the commencement of the work authorized by this Permit/Certification, the contractor shall contact this office to schedule a pre-construction inspection.
4. The post dredging water depth shall not exceed 3.0 feet at mean low water and the final grade of the dredging project shall be such that it provides proper flushing of the lagoon. A post-dredging bathymetric survey of the site, showing depths relative to mean low water shall be submitted to this office within 60 days of the completion of the dredging.
5. In order to avoid the re-sedimentation of the channel, the top width of dredged channel shall not exceed a width of 25 feet with a 1:1 slope to the bottom of the channel. No materials shall be dredged from any areas within 10 feet of the bulkhead along the property perimeter, with the exception of the boat slips.
6. Trucks used to transport dredged materials shall be watertight and operated in such a manner that materials are contained at all times during transport.
7. Prior to the commencement of the dredging operation, the disposal area shall be examined to ensure that it is in good condition, and repairs shall be completed if necessary.
8. The silt fence used for containment of dredged material shall be installed and inspected prior to the commencement of the dredging operation and be examined throughout the dredging and dewatering activities to ensure that it is in good condition at all times. Leaks or breaks shall be promptly and properly repaired.
9. Erosion and sediment control measures shall be implemented during construction to minimize dispersal of sediment onto adjacent properties and into the surface waters. In the event that the erosion and sediment practices are not adequate, additional measures may be required. All projects disturbing over 5,000 square feet of uplands require an approved Sediment and Stormwater Plan, as well as an inspector who has taken the Delaware Contractors Certification Course to be on-site during the land disturbing activity.
10. This Permit authorizes the dewatering of the dredged material within tax parcel 334-22.00-20.03 and the containment and/or use of the dredged material within Tax Parcel 334-19.00-1.00 only. The dredge material shall be placed and contained only on the southeast corner of Tax Parcel 334-19.00-1.00, up to 150 feet from the southern property boundary and 300 feet from the eastern property boundary. Any further handling (including, but not limited to permanent capping or burial, transportation, removal of the sediment or re-grading) requires prior notification of the Department. Additional authorization and testing may be required at that time depending upon the proposed use.

11. Spoils and fill areas are to be contained in a manner that prevents the entrance of the dredged material into any surface water or wetland. No dredge spoil shall be deposited or stockpiled within 10 feet of forested areas or property boundaries, 300 feet of any operating well or 20 feet of any stream or wetland.
12. The spoil disposal area shall be stabilized with erosion control matting and seeded with a mix approved in the current Delaware Erosion and Sediment Control Handbook. Erosion control matting, if used, shall not contain plastic or other non-degradable components.
13. Turbidity Measured as Nephelometric or Formazin Turbidity Units, in all waters of the State shall not exceed natural levels by more than 10 units.
14. Development and use of dewatering and disposal areas shall be done so as to prevent the obstruction of drainage, and to leave free, clean and unobstructed stormwater outfalls, drainage ditches and other similar structures. The applicant shall not obstruct drainage or tidal flushing on existent wetlands or upland areas adjacent thereto.
15. All dredging and disposal shall be conducted in a manner consistent with sound conservation and water pollution control practices.
16. There shall be no movement of equipment within subaqueous lands not specifically authorized by this permit. Disturbance of wetlands and/or aquatic vegetation adjacent to the permitted activity by filling, placing rock, burning, cutting, herbicide treatments, traversing with equipment or other methods is prohibited with the exception of controlling Common Reed (*Phragmites australis*) using approved or recommended methods. Any temporarily impacted subaqueous lands or wetlands shall be returned to pre-disturbance elevations and conditions.
17. This office shall be notified within 10 days of the completion of the work by completing and signing the enclosed Subaqueous Lands Permit Post Construction Contractor's Completion Report indicating that the project is ready for inspection to verify the project has been completed in accordance with the approved plans.
18. The work authorized by this permit is subject to the terms and conditions of the Department of the Army Permit number CENAP-OP-R-SPGP-18.
19. This Permit is granted for the purpose of restoring navigable depths for vessel access and egress for the lagoon and restore the depth for 2 vessel berthing slips. Any other use without prior written approval shall constitute reason for this Permit being revoked.


GENERAL CONDITIONS

1. The permittee and contractor shall at all times comply with all applicable laws and regulations of the Department of Natural Resources and Environmental Control.
2. The activities authorized herein shall be undertaken in accordance with the permit conditions, the final stamped and approved plans, and with the information provided in the permit application.
3. A copy of this Permit and the stamped approved plans shall be available on-site during all phases of construction activity.
4. The conditions contained herein shall be incorporated into any and all construction contracts associated with the construction authorized herein. The permittee and contractor are responsible to ensure that the workers executing the activities authorized by this Permit have full knowledge of, and abide by, the terms and conditions of this Permit.

5. The permittee shall protect and save the State of Delaware harmless from any loss, cost or damage resulting from the activities authorized herein.
6. The issuance of this Permit does not constitute approval for any activities that may be required by any other local, state or federal government agency.
7. The issuance of this Permit does not imply approval of any other part, phase, or portion of any overall project the permittee may be contemplating.
8. This Permit authorizes only the activities described herein. Modifications to the project may require a supplemental approval from this office prior to the initiation of construction. A determination of the need for a supplemental approval will be made by this office pursuant to the permittee submitting written notification and revised plans indicating project changes. Failure to contact the Department prior to executing changes to the project shall constitute reason for this Permit being revoked.
9. Representatives of the Department of Natural Resources and Environmental Control shall be allowed to access the property to inspect all work during any phase of the construction and may conduct pre and post-construction inspections, collect any samples or conduct any tests that are deemed necessary.
10. The activities authorized herein shall be conducted so as not to violate the State of Delaware's Surface Water Quality Standards, as amended June 11, 2011.
11. All construction materials and debris associated with this activity shall be properly disposed of and contained at all times to prevent its entry into waters or wetlands. Construction materials shall not be stockpiled in subaqueous lands or wetlands.
12. Disturbance of subaqueous lands or wetlands adjacent to the authorized structures or activities is prohibited. Disturbance of subaqueous lands or wetlands in the path of construction activity shall be minimized. Any temporarily impacted subaqueous lands or wetlands shall be returned to pre-disturbance elevations and conditions.
13. The permittee and contractor shall employ measures during construction to prevent spills of fuels, lubricants or other hazardous substances. In the event of a spill, the permittee and contractor shall make every effort to stop the leak and contain the spill, and shall immediately contact the Hazardous Spill Response Team (HAZMAT) at 1-800-662-8802 and this office at (302) 739-9943. The permittee and contractor are responsible to comply with all directives to contain and clean up the spilled material(s) as stipulated by the HAZMAT team, and to restore the site as may be required by this office.
14. None of the construction activities authorized herein shall occur after the construction expiration date identified on Page 1 of this Permit. The permittee may file one construction expiration date extension request of up to one (1) year if necessary to complete the authorized work. Such requests must be received by the Department at least thirty (30) days prior to the construction expiration date.
15. The permittee shall maintain all authorized structures and activities in a good and safe condition.
16. Any actions, operations or installations which are found by the Department to be contrary to the public interest may constitute reason for the discontinuance and/or removal of said action, operation or installation. Removal and restoration shall be at the expense of the permittee and/or upland property owner within thirty (30) days of receipt of written notice of revocation and demand for removal.

17. This Permit is personal but may be transferred provided the permittee provides prior notice to the Department of the intent to transfer and the new property owner provides appropriate documentation to substantiate ownership of the adjacent upland property and/or the structures authorized herein. Failure to transfer this Permit to a new owner may result in the revocation of the Permit and the removal of all structures authorized by this Permit at the expense of the permittee.
18. Failure to comply with any of the terms or conditions of this Permit may result in enforcement action, which could include the revocation of this Permit, and subsequent restoration of the site to preconstruction conditions.

IN WITNESS WHEREOF, I, Virgil R. Holmes, the duly authorized representative of Collin P. O'Mara, Secretary of the Department of Natural Resources and Environmental Control, have hereunto set my hand this 16th day of April, 2013.


By Virgil R. Holmes, the duly authorized
representative of the Secretary of the
Department of Natural Resources and
Environmental Control