

November 21, 2025

ERI Project No. 004-0521

Mr. Matthew Jones, Program Manager  
Delaware Department of Natural Resources & Environmental Control  
Division of Water Resources  
Wetlands & Waterways Section  
89 Kings Highway  
Dover, Delaware 19901

**RE: Creekside Community Marina  
Tax Map Parcel 234-23.00-277.00, Guinea Creek  
Indian River Hundred, Sussex County, Delaware  
Applicant: Rudder Road, LLC**

Dear Mr. Jones,

I am writing you as the agent for Rudder Road, LLC who seeks to construct a 25 slip community marina on the south shore of Guinea Creek to be located approximately 1,200 feet southwest of Banks Road (SCR 298) in the Indian River Hundred, Sussex County, Tax Map Parcel 234-23.00-227.00. The marina will provide recreational water access for the 116 unit residential community.

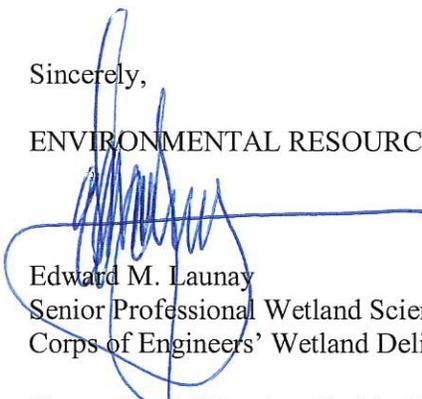
The applicant seeks a Subaqueous Lands Permit and Lease, Marina Permit and Operation and Maintenance Plan approvals. Enclosed is an application with applicable appendices completed, Siting and Design Study and a draft Operations and Maintenance Plan.

This project was the subject of a JPP meeting held on November 20, 2025. Shellfish Resource BMP's proposed by the applicant were discussed and those have been included as part of the proposed Operation and Maintenance Plan.

Should you or your staff have any questions in regard to the application, I am available at your convenience.

Sincerely,

ENVIRONMENTAL RESOURCE INSIGHTS



Edward M. Launay  
Senior Professional Wetland Scientist No. 875, Society of Wetland Scientists  
Corps of Engineers' Wetland Delineator Certification No. WDCP93MD0510036B

Cc: Daniel Bunting, Rudder Road, LLC



DELAWARE DEPARTMENT OF  
**NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL**

89 Kings Highway  
Dover, DE 19901  
302-739-9000  
[dnrec.delaware.gov](http://dnrec.delaware.gov)

**To**

Edward M. Launay

Environmental Resource Insights

1 Park Ave, Milford, DE 19963

11/24/2025

Dear Mr. Launay,

The Department of Natural Resources and Environmental Control's Shellfish Program (herein "the Program") has reviewed the documents provided by Environmental Resource Insights regarding a new build of the Creekside Marina (herein "the Marina"). The project will be the construction of a 25-slip residential marina (13 boat and 12 personal watercrafts) built into Prohibited Shellfish waters.

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, available and documented use of a pumpout facility and/or dump station located at the marina.
- Providing year-round access to a pumpout facility and/or dump station located at the marina.
- Providing adequate shoreside restroom facilities properly placed on the marina grounds, conveniently located and with adequate capacity to properly dispose of all sanitary waste.
- The maintenance of required signs for 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 evaluation of the area and dilution, the Program finds that the Prohibited zone surrounding Creekside Marina is sufficient to accommodate the necessary dilution from the new marina and thus no downward reclassification of shellfish growing areas is required.

**Thank you,**

*Ashley Tabibian*

**Ashley Tabibian**

Environmental Scientist, DNREC Shellfish Program

# **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**

**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?

<u>  X  </u>	Yes	BASIC APPLICATION
<u>  X  </u>	Yes	SIGNATURE PAGE (Page 3)
<u>  X  </u>	Yes	APPLICABLE APPENDICES
<u>  X  </u>	Yes	SCALED PLAN VIEW
<u>  X  </u>	Yes	SCALED CROSS-SECTION OR ELEVATION VIEW PLANS
<u>  X  </u>	Yes	VICINITY MAP
<u>  X  </u>	Yes	COPY OF THE PROPERTY DEED & SURVEY
<u>  X  </u>	Yes	THREE (3) COMPLETE COPIES OF THE APPLICATION PACKET
<u>  X  </u>	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: Rudder Road LLC. Telephone #: 302-436-5124  
 Mailing Address: 850 New Burton Road Suite 201 Fax #: \_\_\_\_\_  
Dover, DE 19904 E-mail: daniel@buntingdevelopment.com  
 Attn. Daniel Bunting
2. Consultant's Name: Edward M. Launay Company Name: Environmental Resource Insights  
 Mailing Address: 1 Park Ave. Milford, DE 19963 Telephone #: 302-236-3871  
 \_\_\_\_\_ Fax #: 302-424-0430  
 \_\_\_\_\_ E-mail: elaunay@ericonsultants.com
3. Contractor's Name: Unknown Company Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
 \_\_\_\_\_ Fax #: \_\_\_\_\_  
 \_\_\_\_\_ E-mail: \_\_\_\_\_

**Section 2: Project Description**

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):  
Construction of a community marina dock, on the southern shore of Guinea Creek, mooring of 13 boat slips and 12 personal watercrafts, including a kayak launch ladder for the proposed Creekside Residential Community (116 residential units) located in the Long Neck area of Sussex County. (See attached sheet)

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

<input checked="" type="checkbox"/>	A. Boat Docking Facilities	<input type="checkbox"/>	G. Bulkheads	<input checked="" type="checkbox"/>	N. Preliminary Marina Checklist
<input type="checkbox"/>	B. Boat Ramps	<input type="checkbox"/>	H. Fill	<input checked="" 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 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: 750' south of the Pond Road and Banks Road intersection, Millsboro DE County:  N.C.  Kent  Sussex  
 Site owner name (if different from applicant): \_\_\_\_\_  
 Address of site owner: \_\_\_\_\_

8. Driving Directions: From the intersection of SR24 and Banks Road, turn east and travel to Guinea Creek, 750' south of Pond Road.

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

9. Tax Parcel ID Number: 234-23.00-277.00 Subdivision Name: Creekside

<b>WSLS Use Only:</b>		<b>Permit #s:</b> _____							
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"/>
<b>Corps Permit:</b> SPGP 18 <input type="checkbox"/> 20 <input type="checkbox"/>		<b>Nationwide Permit #:</b> _____		<b>Individual Permit #</b> _____					
<b>Received Date:</b> _____		<b>Project Scientist:</b> _____							
<b>Fee Received?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>		<b>Amt: \$</b> _____		<b>Receipt #:</b> _____					
<b>Public Notice #:</b> _____		<b>Public Notice Dates:</b> ON _____ OFF _____							

## Section 2, Item 5, Project Description

Rudder Road LLC is applying for a Wetlands and Subaqueous Lands Section Permit for the construction of a new community marina dock located within the proposed Creekside Residential Community along Guinea Creek. The property is located approximately 750' south of the Pond Road and Banks Road intersection in Millsboro within the Indian River Hundred, Sussex County, Delaware. The property is tax map parcel 234-23.00-277.00.

The community marina dock will consist of 25 mooring slips. There are 13 proposed boats slips measuring 14' wide by 24' long on the eastern dock (4' wide by 239' long) and three 25' wide by 16' long slip areas on the western dock (4' wide by 87' long) where six 10'x12' daul personal watercraft (PWC) floats will allow for mooring of 12 PWC vessel. A kayak launch ladder will also be included in the construction along the 6' wide by 36' long pier. There will be a total of 10 four foot wide finger piers. The community marina dock will be typical marine construction consisting of salt-treated piles and timbers secured with galvanized or stainless-steel hardware.

The community marina dock will be accessible to the Creekside Residential Community members only and will provide recreational water access to the navigable waters of Guinea Creek. The 25 slips will be accessible to community slipholders only. It will be served with water and electric.

The Creekside Residential Community will consist of 116 residential units. Based on the number of units, it is expected that the marina will operate at full capacity will all 25 slips being utilized. The community marina dock will be accessible from the parking lot associated with the community pool area. The pool pumphouse building will house portable marine pumpout cart and an emergency spill kit. Signage with emergency contact numbers will be located at the pierhead. Restroom facilities will be located at the pool area. Fire department connections on the pier and at the pierhead will be provided.

This application also seeks a blanket approval for the possible future installation of up to 13 boat lifts in the eastern dock berth areas. The lift will be standard 10,000 to 12,000 lbs capacity mounted on four independent salt treated timber piles as shown on the project plan set. The number of lifts will be based upon future slipholder demand separately authorized in accordance with DNREC Wetland and Waterways Section requirements.

**Section 3: Project Location (Continued)**

10. Name of waterbody at Project Location: Guinea Creek waterbody is a tributary to: Herring Creek

11. Is the waterbody:  Tidal  Non-tidal Waterbody width at mean low or ordinary high water 277 to 330'

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):

See Attached Sheet - Excel owners list available on request.

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 - Excel owners list available on request.

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

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? pending March 20, 2025

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):

\*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: February 7, 2025

Type of Permit: SPGP-20 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: \_\_\_\_\_

First Owner	Second Owner	Address Line 1	Address Line 2	Town	State	Zipcode
WINDING CREEK VILLAGE PROPERTY	OWNERS ASSOCIATION	77 CREEK DR	-	MILLSBORO	DE	19966
PARKER THEODORE BARBARA THEODORE	K A BOWER-KRAYNAK C L PARKER-GEORGE	1 CREEK DR	-	MILLSBORO	DE	19966
NEPA LOUIS REV TR	-	3 CREEK DR	-	MILLSBORO	DE	19966
DEBORAH L SAFE	-	5 CREEK DR	-	MILLSBORO	DE	19966
SMITH SAMUEL L TTEE REV TR	-	7 CREEK DR	-	MILLSBORO	DE	19966
JOHN SCOTT FIGURSKI	KELLY LOUISE FIGURSKI	9 CREEK DR	-	MILLSBORO	DE	19966
RUBERTO ROBERT TTEE REV TR	NANCY E RUBERTO TTEE REV TR	11 CREEK DR	-	MILLSBORO	DE	19966
ROBBINS ARTHUR G PATRICIA C	-	13 CREEK DR	-	MILLSBORO	DE	19966
DOUGLAS R DETWILER	WOODWARD	1401 W NEWPORT PIKE	-	WILMINGTON	DE	19804
NEIL S WOLOSIN	TINA M DETWILER	22588 BRETMAR DR	-	LEONARDTOWN	MD	20650
HODGE-WEINBERG NANCY LOU JULIAN	LISA WOLOSIN	21 CREEK DR	-	MILLSBORO	DE	19966
DAVID E PEOPLES SR	WEINBURG CO-TRUSTEES	19 CREEK DR	-	MILLSBORO	DE	19966
ALBERT N AYDUB	LORI A PEOPLES	23 CREEK DR	-	MILLSBORO	DE	19966
LEROY C DAVIS JR	ROBIN AYDUB	41169 BLACK BRANCH PRKWY	-	LEESBURG	VA	20175
ARMIN G SAREYKA	LORETTA SAREYKA	2009 W NEWPORT PIKE	-	WILMINGTON	DE	19804
MULLINS DAVID R BARBARA A	-	33 CREEK DR	-	MILLSBORO	DE	19966
TIMOTHY STAROBYNSKI	-	40 CREEK DR	-	MILLSBORO	DE	19966
DOROTHY M FAUSNAUGHT	-	707 6TH ST	-	NEWARK	DE	19711
KACZYNSKI RICHARD D ANTOINETTE M	-	34 CREEK DR	-	MILLSBORO	DE	19966
THE SULLIVAN LIVING TRUST	KACZYNSKI	510 N PLUM ST	-	MEDIA	PA	19063
KAREN M YANCY	-	30 CREEK DR	-	MILLSBORO	DE	19966
CHARLES P CARR	-	28 CREEK DR	-	MILLSBORO	DE	19966
STEVEN J HORGAN	CLARE M MURPHY-CARR CHALES M CARR	26 CREEK DR	-	MILLSBORO	DE	19966
ARTHUR NEWELL GILMAN JR	MARY CATHERINE HORGAN	409 TYRONE AVE	-	MILLSBORO	DE	19804
PHILIPS BRENDA J BARHAM- TRUSTEE	JOAN MARIE GILMAN	20 CREEK DR	-	MILLSBORO	DE	19966
CLIFFORD CHRISTIANSEN	ELAINE CHRISTIANSEN	18 CREEK DR	-	MILLSBORO	DE	19966
RICHARD J SULKOVSKY	-	5 GAINSBOROUGH CT	-	LEWES	DE	19958
FERGUSON DOUGLAS H DENA LYNN	-	608A LEGION RD	-	ASTON	PA	19014
WILSON MARILYN	JOSEPH DEGIROLANO	832 DEXTER CORNER RD	-	TOWNSEND	DE	19734
MAHER LARRY T KIMBERLY M	MAHER	10 CREEK DR	-	MILLSBORO	DE	19966
LOUIS CELLINI	TERRY CELLINI	8 CREEK DR	-	MILLSBORO	DE	19966
MARSHAL MCDADE	DAGMAR HALVELAND-MCDADE	440 GREY GULL LN	-	MILLSBORO	DE	19966
JOHN M BOKOP	CHRISTINA M	439 GREY GULL LN	-	MILLSBORO	DE	19966
SABELLA FRANK JOANNE SABELLA	-	936 ABBOTTS POND RD	-	GREENWOOD	DE	19950
THOMAS N STAINBACK	-	4 CREEK DR	-	MILLSBORO	DE	19966
FAVINGER MARK T KIMBERLY A	KRISTEN M STAINBACK	7 LITTLE CIR	-	MIDDLETOWN	DE	19709
KAREN L KILLIAN	FAVINGER	1062 FOREST RD	-	WEST CHESTER	PA	19382
WARD SUSAN FERGUSON REV TR	-	436 GREY GULL LANE	-	MILLSBORO	DE	19966
SAGE KAREN TTEE REV TR	-	438 GREY GULL LANE	-	MILLSBORO	DE	19966
WARD DENNIS C CO-TRUSTEE	-	437 GREY GULL LANE	-	MILLSBORO	DE	19966
WILLIAM J FAUSNAUGHT	JEAN E WARD CO-TRUSTEE	340 POND RD	-	MILLSBORO	DE	19966
JACQUELINE ELLIOTT	-	1 FARMHOUSE LN	-	MILLSBORO	DE	19966
KEVIN M FREESE	ANTHONY O BUFFKIN	343 POND RD	-	MILLSBORO	DE	19966
JOAN B RICHARDSON	-	341 POND RD	-	MILLSBORO	DE	19966
LINDA LEE SHIELDS	SCOTT A BROWN	339 POND RD	-	MILLSBORO	DE	19966
ROBIN K BROWN	MARGARETE DAVEY	35639 KNOLL WAY	-	MILLSBORO	DE	19966
RUTKOWSKI JOSEPH C TRUSTEE	LINDA A KUTAY	335 POND RD	-	MILLSBORO	DE	19966
MILLER JOYCE ANNE JANE	-	423 PARK LN	-	MILLSBORO	DE	19966
LYNDA L WOODWARD	-	425 PARK LANE	-	MILLSBORO	DE	19966
DYLAN RILEY DONAHUE	-	427 PARK LN	-	MILLSBORO	DE	19966
ROBERT S KUTAY	-	5 E ISLAND RD	-	MILLSBORO	DE	19966
HARRISON RICHARD F SUSAN A	-	420 CIRCLE RD	-	MILLSBORO	DE	19966
THOMPSON ROBERT L MARIE E	-	418 CIRCLE RD	-	MILLSBORO	DE	19966
JOHNSON DANIEL W SR FILOMENA Z	JOHNSON CO-TRUSTEES	414 CIRCLE RD	-	MILLSBORO	DE	19966
NILS J BORREGAARD	-	412 CIRCLE RD	-	MILLSBORO	DE	19966
THOMAS K CARTER	-	410 CIRCLE RD	-	MILLSBORO	DE	19966
TEMPLE CARROLLA S LESLIE L TEMPLE	JOSEPH GAETANO TUONO BRITTANY NICOLE STA	408 CIRCLE RD	-	MILLSBORO	DE	19966
JOHN J BADEEN TRUSTEE	ANITA MORGAN-BADEEN	403 CIRCLE RD	-	MILLSBORO	DE	19966
TYLER B PARADYSZ	-	30306 S MILL RUN	-	MILTON	DE	19968

THISTLE HAROLD JAMES JR &	JUDITH K	413 CIRCLE RD	MILLSBORO	DE	19966
VIRGINIA MOIRA JENSEN	H LEE JENSEN	419 CIRCLE RD	MILLSBORO	DE	19966
MARY ELLEN VITSOSEK	-	328 POND RD	MILLSBORO	DE	19966
MOORE CHARLES H JR NANCY	DEGIROLANO	32887 LONG NECK RD	MILLSBORO	DE	19966
CREEK'S END HOMEOWNERS ASSOC INC	-	B15 SEAFARERS VLG	LONG NECK	DE	19966
D M ASSOCIATED PROPERTIES LLC	-	2314 HERB RD	TEMPLE	PA	16000
SUSSEX COUNTY	POLITICAL SUBDIVISION	PO BOX 589	GEORGETOWN	DE	19947
OYERLY PHILIP R TTEE REV TR	NANCY W OYERLY TTEE REV TR	3074 GUN AND ROD CLUB RD	HOUSTON	DE	19954
KATCH ROBERT PAUL & KAREN MARIE	KATCH	4 LONGVIEW CIR	PLYMOUTH MEETING	PA	19462
WHITE RYAN J & MELISSA D WHITE	-	168 TEAL DR	MILLSBORO	DE	19966
MARGARET M EMERICH	-	170 TEAL DR	MILLSBORO	DE	19966
CATHERINE MANGINELLI	WILLIAM KRUG	172 TEAL DR	MILLSBORO	DE	19966
PIKALOW DENNIS S SHARON L	PIKALOW	174 TEAL DR	LONG NECK	DE	19966
SEAN ONEILL	-	912 CASS ST	MIDDLETOWN	DE	19709
MORAN KATHLEEN F TEE REV LIV TR	-	178 TEAL DR	MILLSBORO	DE	19966
DOMINICK A DAVIS	ROBIN L DAVIS	100 TEAL DR	MILLSBORO	DE	19966
DOUGLAS A BECHTEL	-	PO BOX 385	BECHTELSVILLE	PA	19505
ADA M DRYDEN	-	104 TEAL DR	MILLSBORO	DE	19966
MICHAEL J SCHAUM	GAYE M SCHAUM	513 FRENCH POINT COURT	MILLERSVILLE	MD	21108
JASON M SINDALL	LINDA SINDALL	108 TEAL DR	MILLSBORO	DE	19966
KRISTIN NICOLE WELLER	DUSTIN JOHN WELLER	110 TEAL DR	MILLSBORO	DE	19966
RICHARD A DUNNING	ROMI N DUNNING	700 BLACKBIRD GREENSPRING RD	MILLSBORO	DE	19977
FRITZ TODD E & FLORENCE L	FRITZ	114 TEAL DR	SMYRNA	DE	19966
JAY G SHINN	LORI A SHINN	106 TOUCAN RD	MILLSBORO	DE	19808
SANDRA L MUNCHEL TRUSTEE	-	118 TEAL DR	MILLSBORO	DE	19966
AUBREY COULTER	KRISTINA COULTER	61 FARMHOUSE RD	MOUNTAIN TOP	PA	18707
VINCENT GRENKEVICH	-	122 TEAL DR	MILLSBORO	DE	19966
HARRY N WHITE	CAROLYN A WHITE	124 TEAL DR	MILLSBORO	DE	19966
DONALD T WIEGNER	SHARON M WIEGNER	146 TEAL DR	MILLSBORO	DE	19966
MARITZA G PARRENO	SCOTT MIESBAUER	148 TEAL DR	MILLSBORO	DE	19966
CREEK'S END HOMEOWNERS ASSOC INC	-	28 THE CIR	GEORGETOWN	DE	19947
OLSON KENNETH IRR TR	NANCY M OLSON IRR TR	150 TEAL DR	MILLSBORO	DE	19966
PATRICK J CONLIN	VIRGINIA A CONLIN	1210 VALLEY RD	GLEN MILLS	PA	19342
TEICHERT ROBERT L TTEE	ROBERT L & PATRICIA A TEICHERT REV TR	154 TEAL DR	MILLSBORO	DE	19966
YOST ROBERT & CAROLA	-	156 TEAL DR	MILLSBORO	DE	19966
GERVAN JAMES R & MARY T	-	158 TEAL DR	MILLSBORO	DE	19966
RONALD E RICE SR	JEANETTE L RICE	1801 WHEATLAND AVE	LANCASTER	PA	17603
ANTHONY M YANOS	SUSAN YANOS JARID YANOS DREW YANOS	8 BOWES LN	READING	PA	19066
GAYLE S EDDINGER	RANDY S EDDINGER MICHAEL A EDDINGER	157 TEAL DR	MILLSBORO	DE	19966
PARTILLA JEANETTE B TRUSTEE	-	155 TEAL DR	MILLSBORO	DE	19966
HATTON SHAWN P & VICKY L HATTON	-	153 TEAL DR	MILLSBORO	DE	19966
VICKY L HATTON	SHAWN P HATTON	151 TEAL DR	MILLSBORO	DE	19966
CT DE PROPERTIES LLC	-	24 WEST GREEN ST	MIDDLETOWN	DE	19709
JOYCE M BECKER	-	7 DUKE DR	BEAR	DE	19701
ROBBINS KATHY L BARBARA J	SWEENEY	304 PINTAIL DR	MILLSBORO	DE	19966
ROBERT J MEADE	-	3200 DANLEY RD	PHILADELPHIA	PA	19154
ROSENTHAL HAROLD & MATILDA G	-	300 PINTAIL DR	LONG NECK	DE	19966
KAREN R KANE	BARBARA ANN ALLEN	101 TEAL DR	MILLSBORO	DE	19966
JOAN K STRANIX	-	175 TEAL DR	MILLSBORO	DE	19966
DOUGLAS R BROWN	KATHLEEN O BROWN	1905 GOLF COURSE RD	BIRDSBORO	PA	19508
YANOS ROBERT D & CONSTANCE A	-	1166 SCHOOLHOUSE RD	POTTSTOWN	PA	19465
DAVID OWEN DEARBORN	-	301 PINTAIL DR	MILLSBORO	DE	19966
PENOT MICHAEL JR & PATRICIA A	-	303 PINTAIL DR	MILLSBORO	DE	19966
MARTIN KENNETH C LINDA A	PENN ACRES	114 FITHIAN DR	NEW CASTLE	DE	19720
CHARLES R BRADFORD III	SUSAN J PENN ACRES	12 DOBBS CT	NEW CASTLE	DE	19720
MARK L WITMER	JENNIFER S WITMER	40 VALERIE AVE	EPHRATA	PA	17522
RENNINGER MICHAEL D & TAMMY C	RENNINGER	19 AUDREY DR	BARTO	PA	19504
CHARLES R BRADFORD IV	BARBARA J	18 TATLOW LN	NEW CASTLE	DE	19720
JONES CHRISTOPHER & JULIE	-	106 PHILIP DR	BEAR	DE	19701
STEPHEN A CLARK	FRANCES L	206 WOOD DUCK DR	LONG NECK	DE	19966
JOHN NELSON BLADES JR	PARBATTIE BLADES	204 WOOD DUCK DR	MILLSBORO	DE	19966
YANOS CONSTANCE ROBERT D YANOS JR	ANITA E MARKWITH MICHAEL A YANOS	1166 SCHOOLHOUSE RD	POTTSTOWN	PA	19465

NANCY BACKUS	-	103 TEAL DR	-	MILLSBORO	DE	19966
DONNA L GOETHE	-	107 TEAL DR	-	MILLSBORO	DE	19966
SWEENEY FAY E TRUSTEE	-	109 TEAL DR	-	MILLSBORO	DE	19966
MICHAEL S CONNELLY	REVOCABLE TRUST	88 BUCK RUN RD	-	CONESTOGA	DE	17516
THOMAS A SMITH JR	WANDA J CONNELLY	603 WELDM RD	-	WILMINGTON	DE	19803
CLARENCE GERHART	MICHELE R SMITH	6 BUENA VISTA LN	-	DENVER	PA	17517
SANDRA E BOGIA IRR TR	BEVERLY J GERHART	207 WOOD DUCK DR	-	MILLSBORO	DE	19966
MARK A DURICEK	KRISTINE M DURICEK	205 WOOD DUCK DR	-	MILLSBORO	DE	19966
MICHAEL MADDEN	-	203 WOOD DUCK DR	-	MILLSBORO	DE	19966
OAK ORCHARD WEST INC	-	PO BOX 249	-	MILLSBORO	DE	19966
ENCHANTED ACRES MHC INC	HORIZON LAND CO	PO BOX 33832	-	CHARLOTTE	NC	28233
ROGERS WENDY L TTEE REV TR	RICHARD W ROGERS JR TTEE REV TR	25169 BANKS RD	-	MILLSBORO	DE	19966
STEVEN W MILLER	-	1007 FOULK RD	-	WILMINGTON	DE	19803
LINDA JOY MILLER	-	28701 SCREENHOUSE LN	-	MILLSBORO	DE	19966
BAYWOOD LLC	-	34026 ANNAS WAY	-	MILLSBORO	DE	19966
			UNIT 1			

**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

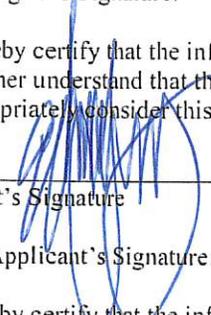
I wish to authorize an agent as indicated below

I, Rudder Road LLC. - Attn. Daniel Bunting, hereby designate and authorize Environmental Resource Insights  
 (Name of Applicant) (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: <u>Edward M. Launay</u>	Telephone #: <u>302-236-3871</u>
Mailing Address: <u>Environmental Resource Insights</u>	Fax #: <u>302-424-0430</u>
<u>1 Park Ave. Milford, DE 19963</u>	E-mail: <u>elaunay@ericonsultants.com</u>

20. Agent's Signature:

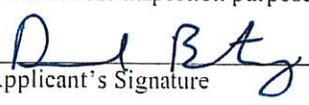
I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

  
 \_\_\_\_\_  
 Agent's Signature

3/17/2025  
 \_\_\_\_\_  
 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

2/24/2025  
 \_\_\_\_\_  
 Date

Daniel Bunting - Rudder Road LLC  
 \_\_\_\_\_  
 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

February 5, 2025

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

**RE: Creekside Community Marina, Rudder Road LLC  
Tax Map Parcel 234-23.00-277.00  
Indian River Hundred, Sussex County, Delaware**

Dear Mr. Jones,

This letter is to confirm that I, Daniel Bunting, have been designated signatory authority by the other comembers of the Rudder Road LLC for matters related to all land use applications involving the above referenced property. Environmental Resource Insights (ERI) is submitting an application for a Subaqueous Land Permit and Marina Permit involving a proposed 25 slip community marina on our behalf.

Please let me know if you need any additional information.

Kind Regards,

  
Daniel Bunting, Member

Rudder Road LLC  
850 New Burton Road, Suite 201  
Dover, DE 19904

**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.)

See basic application (Section 2, Item 5, Project Description)

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
		Width _____ ft.	Length _____ ft.	Width _____ ft.	Length _____ ft.	
Dock, Pier, Lift, gangway						
PIER	14	4	50	4	20	NEW
PIER (KAYAK)		6	36	6	36	NEW
EAST DOCK	10	4	87	4	87	NEW
FINGER PIER (x3)	12 (4 EACH)	4	16	4	16	NEW
WEST DOCK	66	4	239	4	239	NEW
FINGER PIER (x7)	42 (6 EACH)	4	24	4	24	NEW
KAYAK LAUNCH LADDER		6	7	6	7	NEW
DUAL PWC FLOAT(6)		10	12	10	12	NEW
Freestanding Pilings	Number					
	14					

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? 277-330 ft. (measured from MLW to MLW)
4. What will be the mean low water depth at the most channelward end of the mooring facility? 1.5 to 1.8 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 timber and 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)

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? 40 ft.

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

Make/model _____	length _____	width _____	draft _____
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.

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.

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? 1480 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.

### 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<br>Address: <u>Rudder Road LLC.</u><br><u>850 New Burton Road Suite 201</u><br><u>Dover, DE 19904</u><br><u>Attn. Daniel Bunting</u> | Telephone Number<br>Home ( ): _____<br>Work ( ): <u>302-436-5124</u> |
|--|--|

Project Name: Creekside Community Marina

2. Provide an aerial photograph of the site, if available.
3. What are the existing land uses on the site?  
Proposed residential community consistent with Sussex County code.
4. What are the existing land uses on adjacent properties within 1000 feet of the proposed marina or marina alteration, including the opposite shore?  
Single family homes, golf course, community marina, undeveloped open space, and wetlands
5. Name and distance of nearest municipality.  
Millsboro
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?  
Guinea Creek
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? No dredging proposed
12. If not, how do you propose to dispose of your dredged material? No dredging proposed
13. How many years of maintenance dredge spoil capacity does the spoil site possess?  
\_\_\_\_\_ Years No dredging proposed

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 1.4 Neap tide 1.2  
 What is the source of this information?

16. What is the approximate MLW depth at the marina site? 1.5 to 1.8 Ft.  
 What is the source of this information? Bathymetric Survey by DE licensed P.L.S.

17. If the site includes residential development, indicate:

Number of units platted 116  
 Length of shoreline owned 1,480'  
 Acreage of upland property 30.57

Indicate the number of on-site parking spaces for:

	cars	trailers	cars with trailers	oversize vehicles
Proposed	16			
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. Water and electric service

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 pool with restroom facilities and parking are associated with marina

20. Will the marina project be available to the general public? If so, on what basis? No

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:

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 community will serve 116 residential units and given the waterfront location with navigational access to recreational waters, the facility is expected to operate at full capacity.

**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: Creekside Community Marina

2. Complete mailing address for marina: Rudder Road LLC.  
850 New Burton Road Suite 201  
Dover, DE 19904  
Attn. Daniel Bunting

Telephone Number: 302-436-5124

3. Name and complete address for Harbormaster, if applicable:  
Daniel Bunting - Rudder Road LLC  
850 New Burton Road Suite 201  
Dover, DE 19904

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	<u>0</u>	<u>0</u>
c. Proposed or Additional	<u>25</u>	<u>0</u>

- 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)

X  Yes      No

If yes, how is the area currently classified?

    Approved Area                           Conditionally Restricted Area  
     Conditionally Approved Area       X  Prohibited Area  
     Restricted Area

7. Submerged Aquatic Vegetation (SAV): Are any SAV beds located within the marina basin or adjacent areas?      Yes  X  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.

10. Shoreline Protection Structures: Complete appropriate Appendices.

11. Water Supply: Describe the existing or proposed water supply facilities for the project.

Public water system. Identify: Tidewater Utilities  
 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? 2

If none, please explain:

b. How will the wastewater from the facility be handled?

Public sewer, identify: Sussex County

On-site septic system

Other, describe: Onsite marina pumpout cart service by certified waste disposal company.

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.

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? 16

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:

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.

Stormwater will be managed under a plan approved by the Sussex Soil Conservation District

15. Solid Waste Management:

How many trash receptacles/ recycling bins will be provided at the marina? 1

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.

Boat maintenance will not be conducted at the facility

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

Boat maintenance will not be conducted at the facility

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.

Boat maintenance will not be conducted at the facility

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 fire 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 fuel services are proposed

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.

An emergency spill kit will be located in the pool pump room available for marina patron access. Emergency contact numbers will be posted on marina signage.

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.

There will be a fire department connection at pierhead and dock within reach of a curbside fire hydrant per State Fire Marshall requirements.

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? One at kayak launch ladder location

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.

Mean high and low water lines;

Construction details for all water-based structures (e.g. piers docks, pilings);

Construction details for all bulkheads, rip-rap and other shoreline protection structures;

Intake and outfall structures

Boat Ramps

Channel or basin modifications (proposed dredging areas)

Other

b. Vicinity Map

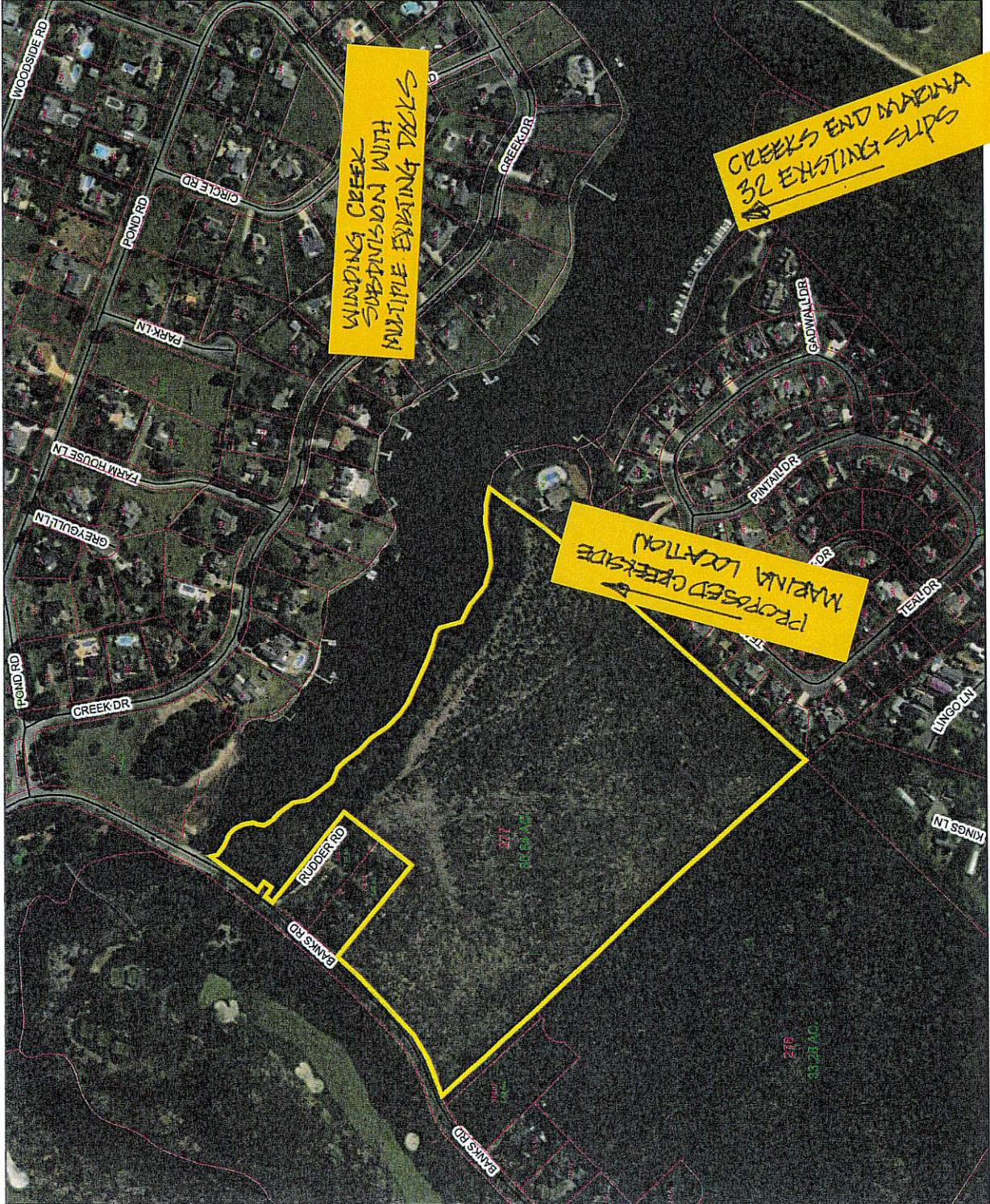
## c. Plan View

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):

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

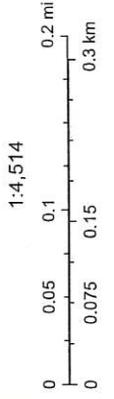


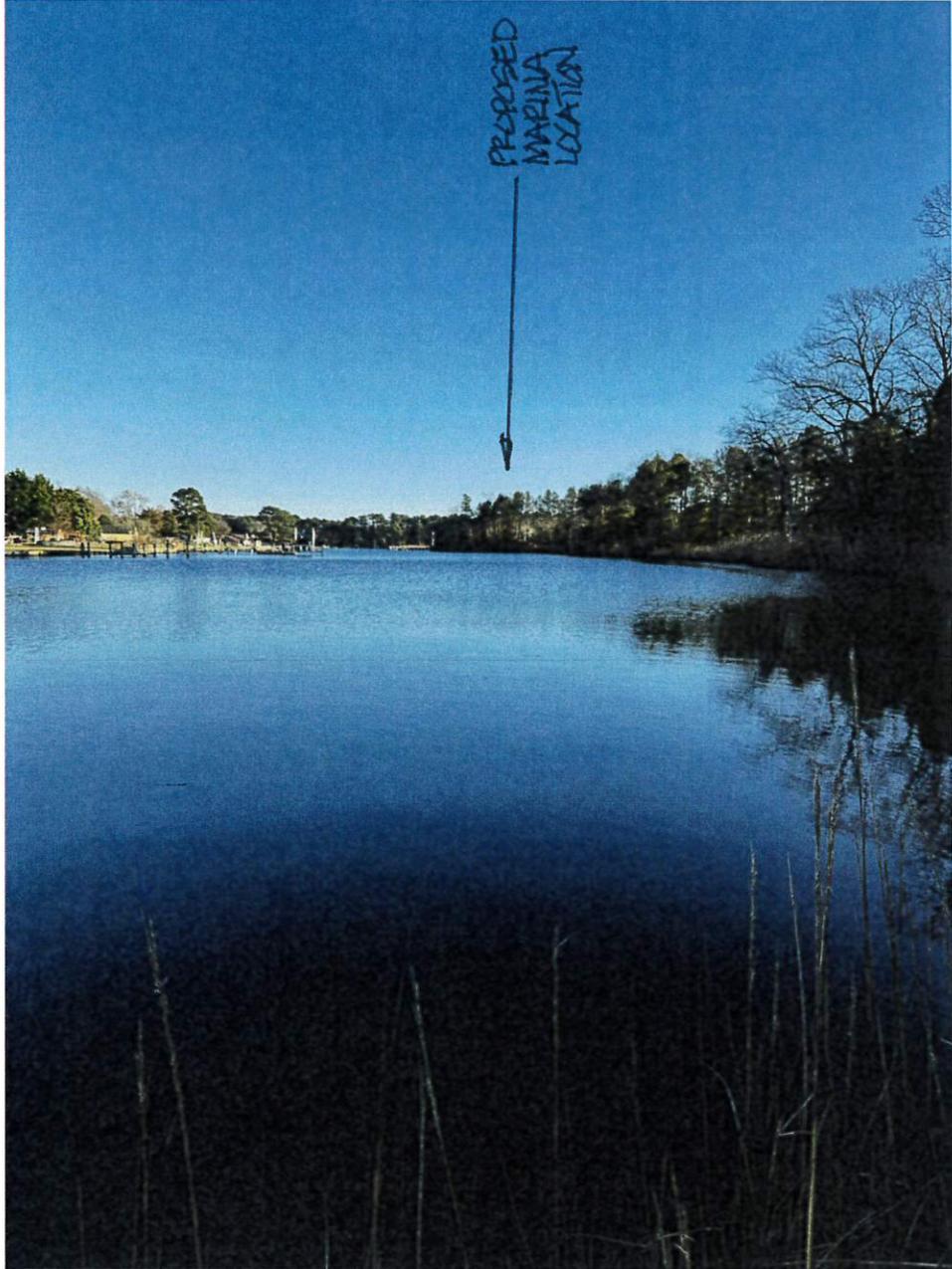
# Sussex County

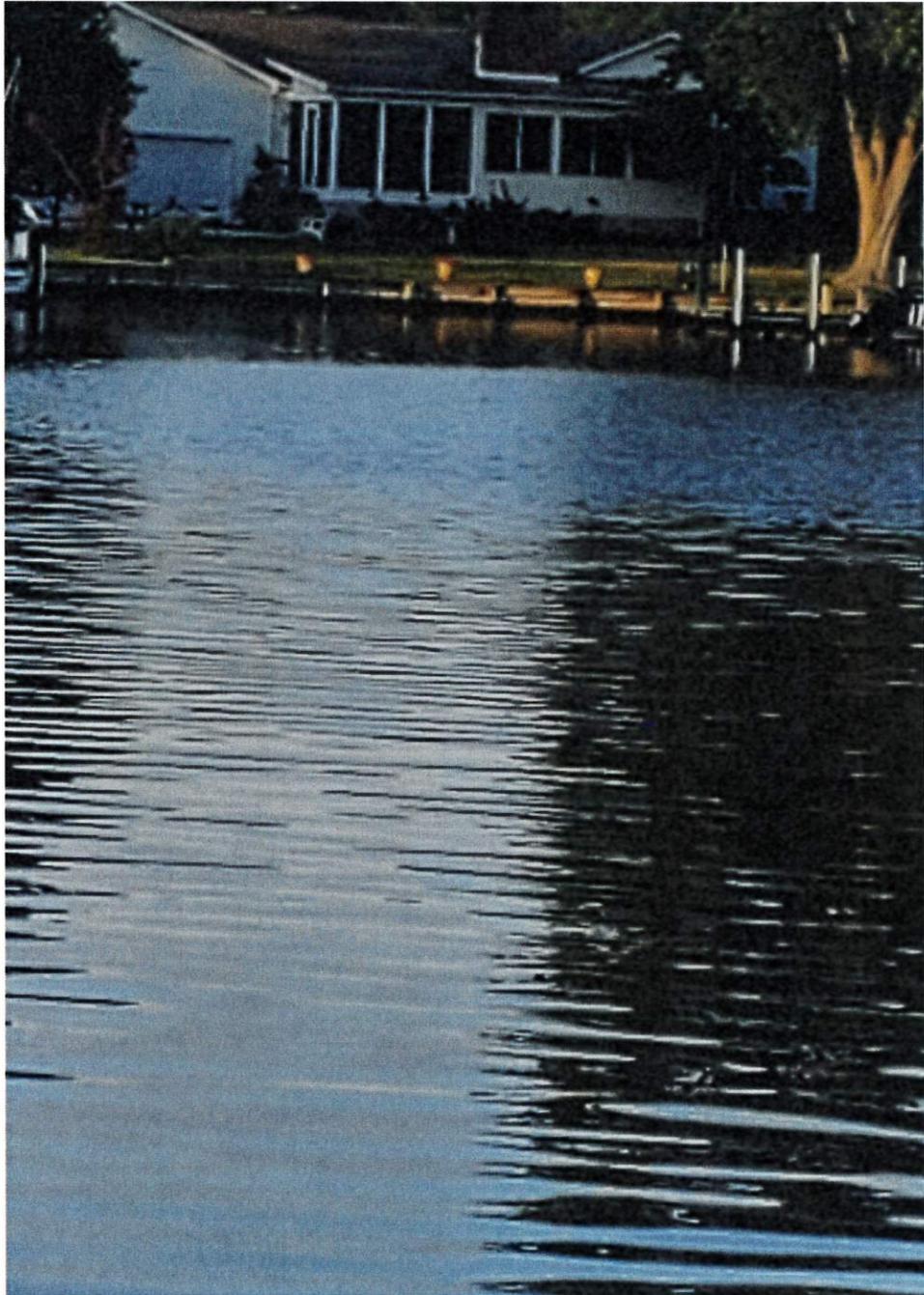


<b>PIN:</b>	234-23.00-277.00
<b>Owner Name</b>	ABC WOODLANDS LLC
<b>Book</b>	2248
<b>Mailing Address %</b>	CHARLES EGGLESTON
<b>City</b>	MILLSBORO
<b>State</b>	DE
<b>Description</b>	E/RT 398
<b>Description 2</b>	2800'N/RT 22
<b>Description 3</b>	
<b>Land Code</b>	

- Tax Parcels
- Streets
- County Boundaries
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 1.2m Resolution Metadata







VIEW TO OPPOSITE SHORLINE  
WINDING CREEK SUBDIVISION  
BULKHEADED SHORELINE  
WITH PIERS

**Tax Account Numbers: 234-23.00-276.01  
234-23.00-277.00  
234-23.00-276.00**

**PREPARED BY:**

Rosenberg Martin Greenberg LLP  
25 S. Charles Street, 21<sup>st</sup> Floor  
Baltimore, Maryland 21201  
Attn: Jennifer E. Zohorsky, Esq.

**AFTER RECORDATION PLEASE RETURN TO:**

SCOTT AND SHUMAN, P.A.  
33292 Coastal Highway, Suite 3  
Bethany Beach, DE 19930

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made this 11<sup>TH</sup> day of July, 2025 by and between **ABC WOODLANDS L.L.C.**, a Delaware limited liability company (“Grantor”), and **RUDDER ROAD LLC**, a Delaware limited liability company (“Grantee”).

WITNESSETH, that in consideration of **THREE MILLION AND NO/100 DOLLARS (\$3,000,000.00)** and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant and convey unto the Grantee, in fee simple, as sole owner, all that piece or parcel of land, together with the improvements, rights, privileges and appurtenances thereunto belonging, situate in Sussex County, Delaware (the “Property”), which is more particularly described on Exhibit A, attached hereto.

BEING a part of that parcel of land, which by deed dated February 14, 2019 and recorded with the Recorder of Deeds for Sussex County, Delaware in Deed Book 5017, page 28 was conveyed from Raymond F. Brotherton and Diana Jacobs Brotherton to ABC Woodlands, L.L.C., and a part of that parcel of land, which by deed dated November 20, 1997 and recorded with the Recorder of Deeds for Sussex County, Delaware in Deed Book 2248, page 51 conveyed from Bonney H T Bastholm, Individually and as Trustee to ABC Woodlands, L.L.C.

TO HAVE AND TO HOLD the Property in fee simple, together with all rights, privileges, easements and appurtenances thereunto belonging or appertaining to the Grantee, its successors and assigns, forever.

AND the Grantor covenants that they will warrant specially the Property, and will execute such further assurances thereof as may be requisite.

IN WITNESS WHEREOF, the Grantor has caused this Special Warranty Deed instrument, as of the day and year first above written, to be executed, acknowledged and delivered for the purposes herein contained.

ABC WOODLANDS, L.L.C.

By: Bonney T. Eggleston, manager (SEAL)  
Bonney T. Eggleston, Manager

STATE OF Maryland  
CITY/COUNTY OF Talbot, TO WIT:

I HEREBY CERTIFY that on this 9<sup>th</sup> day of July, 2025, before me, a Notary Public to and for the State and County aforesaid, personally appeared Bonney T. Eggleston and acknowledged herself to be the Manager of ABC Woodlands, L.L.C., known to me to be the person whose name is subscribed to the within instrument, and acknowledged that, being authorized to do so, he executed the foregoing instrument in the capacity therein stated and for the purposes therein contained.

IN WITNESS MY Hand and Notarial Seal.

Brandy P. Jones (SEAL)  
NOTARY PUBLIC

My Commission Expires:  
August 28, 2026

**BRANDY P. JONES**  
Notary Public  
Talbot County  
Maryland  
My Commission Expires Aug. 28, 2026

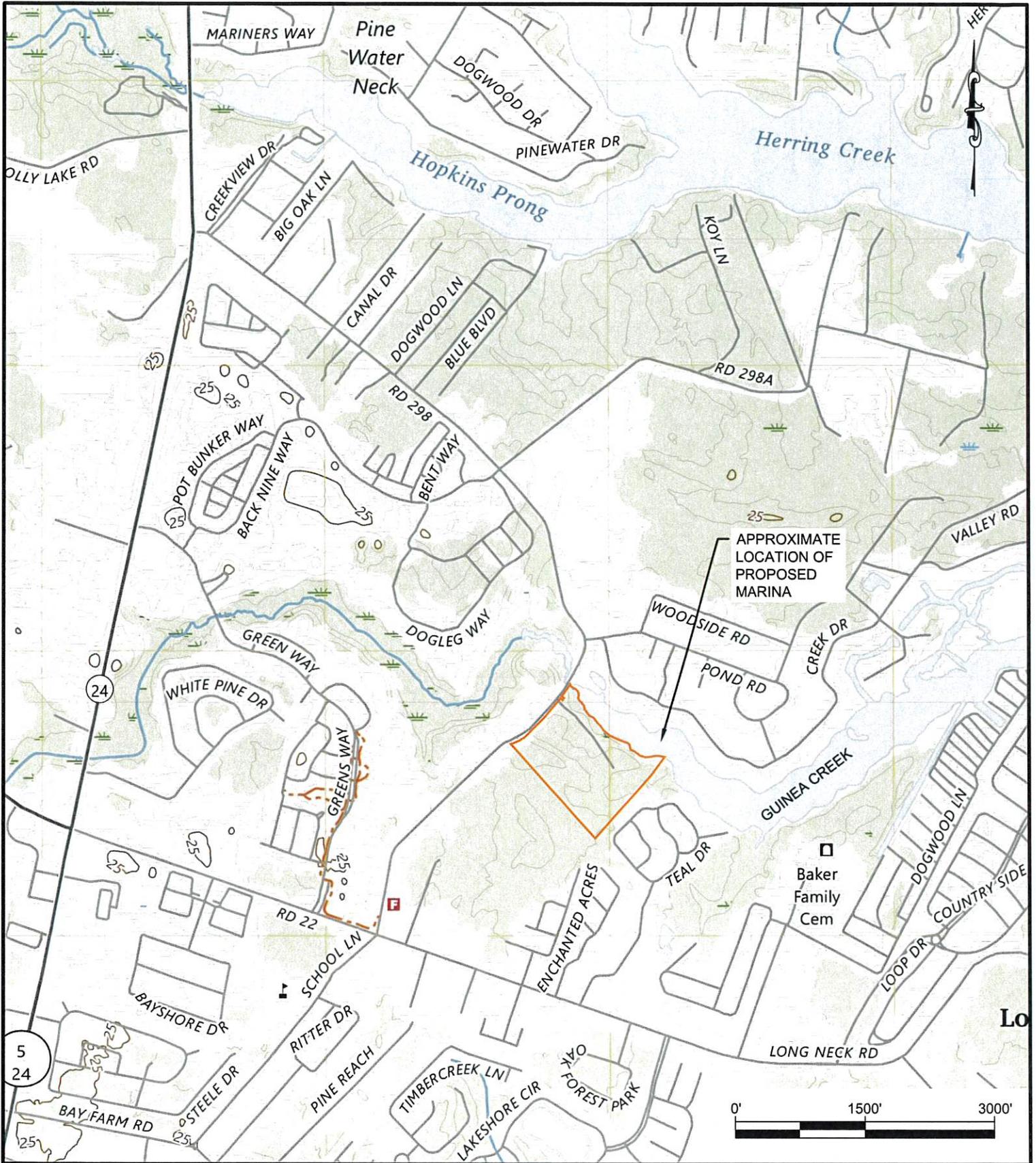
**Tax Account Numbers: 234-23.00-276.01  
234-23.00-277.00  
234-23.00-276.00**

**EXHIBIT A**  
**Legal Description**

ALL that certain piece, parcel and tract of land, lying and being situate in Indian River Hundred, Sussex County and the State of Delaware, fronting on the southerly right-of-way line of County Road #298, adjoining lands now or formerly of John T. Rogers, Raymond Bretherton, of Winding Creek Village, of Blanche W. Baker and of Lester E. Hitchens, being more particularly described as follows, to wit: BEGINNING at a point on the southerly right-of-way line of County Road #298, twenty-five (25) feet from the centerline thereof, being the northeasterly corner for lands of John T. Rogers, and distance South 31° 56' 50" 2.2 feet from a found concrete monument; thence, running with said right-of-way line the following four (4) courses and distances: (1) North 77° 20' 47" East 76.75 feet, (2) North 72° 22' 03" East 102.91 feet, (3) North 57° 23' 43" East 154.55 feet, and (4) North 52° 25' 01" East 149.56 feet to a corner for lands of Raymond Bretherton; thence, running with said Bretherton lands the following three (3) courses and distances: (1) South 37° 11' 16" East 362.26 feet to a found concrete monument, (2) North 50° 27' 19" East, passing over a found iron pipe at 245.88 feet, for a total distance of 250.00 feet to a point in twelve (12) foot wide access road, and (3) continuing with said Bretherton lands and in part with said twelve (12) foot wide access road North 37° 11' 16" East 362.26 feet to a found concrete monument, (2) North 50° 27' 19" East, passing over a found iron pipe at 245.88 feet, for a total distance of 250 feet to a point in twelve (12) foot wide access road, and (3) continuing with said Bretherton lands and in part with said twelve (12) foot wide access road North 37° 11' 16" West 353.71 feet to a newly set concrete monument on the aforementioned southerly right-of-way line of County Road #298; thence running with said right-of-way line the following three (3) courses and distances: (1) deflecting left along a 875.00 foot radius curve, the chord of which bears North 47° 28' 08" East 144.00 feet, an arc distance of 144.16 feet to a point of tangency, (2) South 47° 15' 04" East 10.00 feet to a point of curvature, and (3) deflecting left along a 885.00 foot radius curve, the chord of which bears North 40° 10' 47" East 79.34 feet, an arc distance of 79.37 feet to a point on the westerly edge of Guinea Creek; thence running with lands of Winding Creek Village and Guinea Creek; the high water mark of which is as per the following sixteen (16) courses and distances: (1) South 46° 21' 55" East 30.35 feet, (2) South 09° 17' 10" East 27.75 feet, (3) South 06° 48' 37" West 48.77 feet, (4) South 08° 55' 40" West 78.00 feet, (5) South 04° 57' 27" West 68.84 feet, (6) South 38° 02' 44" East 48.95 feet, (7) South 72° 10' 12" East 53.33 feet, (8) South 47° 16' 47" East 111.24 feet, (9) South 33° 00' 27" East 185.82 feet, (10) South 43° 27' 07" East 192.10 feet, (11) South 55° 56' 03" East 152.97 feet, (12) South 07° 19' 22" East 47.87 feet, (13) South 33° 23' 50" East 68.53 feet, (14) South 48° 25' 17" East 179.45 feet, (15) North 86° 21' 26" East 150.60 feet, (16) South 56° 59' 33" East 66.04 feet to a corner for lands of Blanche W. Baker; thence running with said Baker lands South 41° 50' 12" West passing over a found concrete monument at 43.96 feet, for a total distance of 228.38 feet to a found concrete monument at a corner for lands of Lester E. Hitchens; thence running with said Hitchens lands South 50° 47' 46" West 280.72 feet to a concrete monument; thence continuing with said

Hitchens lands South 50° 28' 41" West 692.42 feet to a found concrete monument at a corner for the aforementioned lands of John T. Rogers; thence, finally running with said Roger lands North 31° 56' 50" West 1492.15 feet to the place of beginning, containing 28.47 acres of land, more or less. The survey description herein was derived from a survey prepared by Charles D. Murphy, Jr., Registered Land Surveyor, dated April 27, 1992.

EXCLUDING that certain piece, parcel and tract of land containing 0.0115 acres of land, more or less, conveyed unto Sussex County, a political subdivision of the State of Delaware, by Deed dated August 5, 1991, from J. G. Townsend Jr. & Co. as filed for record on September 17, 1991, in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 1803, Page 243.

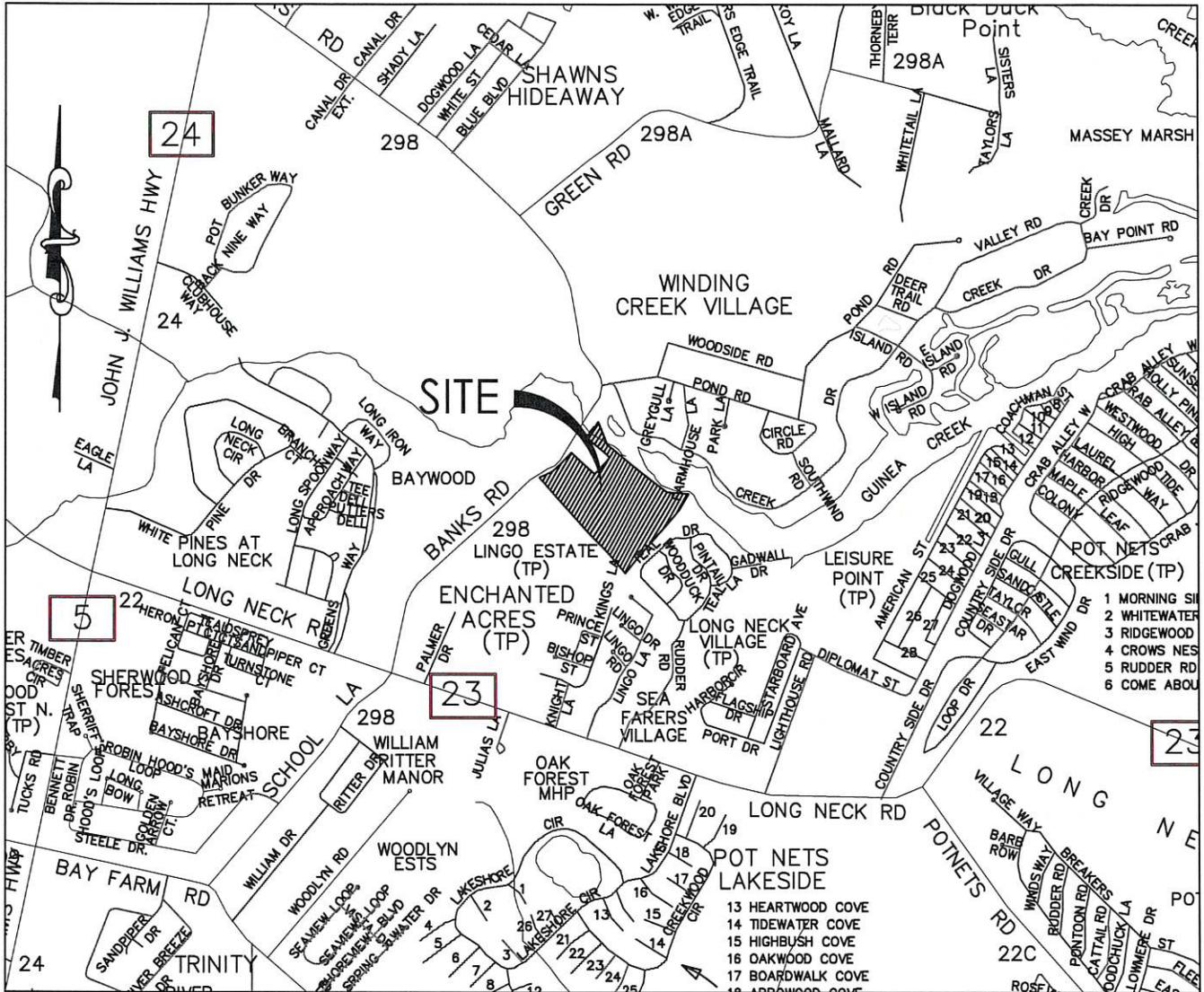


Date:	FEB 2025
Scale:	1" = 1500'
Dwn.By:	KWW
Proj.No.:	0004-0521
FAIRMOUNT QUAD.	
Dwg.No.:	1

## USGS TOPOGRAPHIC MAP CREEKSIDE COMMUNITY MARINA

TMP: 234-23.00-277.00, 276.00, & 276.01  
INDIAN RIVER HUNDRED  
SUSSEX COUNTY, DELAWARE

**ERI** ENVIRONMENTAL  
RESOURCE  
INSIGHTS  
A DIVISION OF DAVIS, BOWEN & FRIEDEL, INC.



## VICINITY MAP

SCALE: 1"=2000'

### SITE DATA:

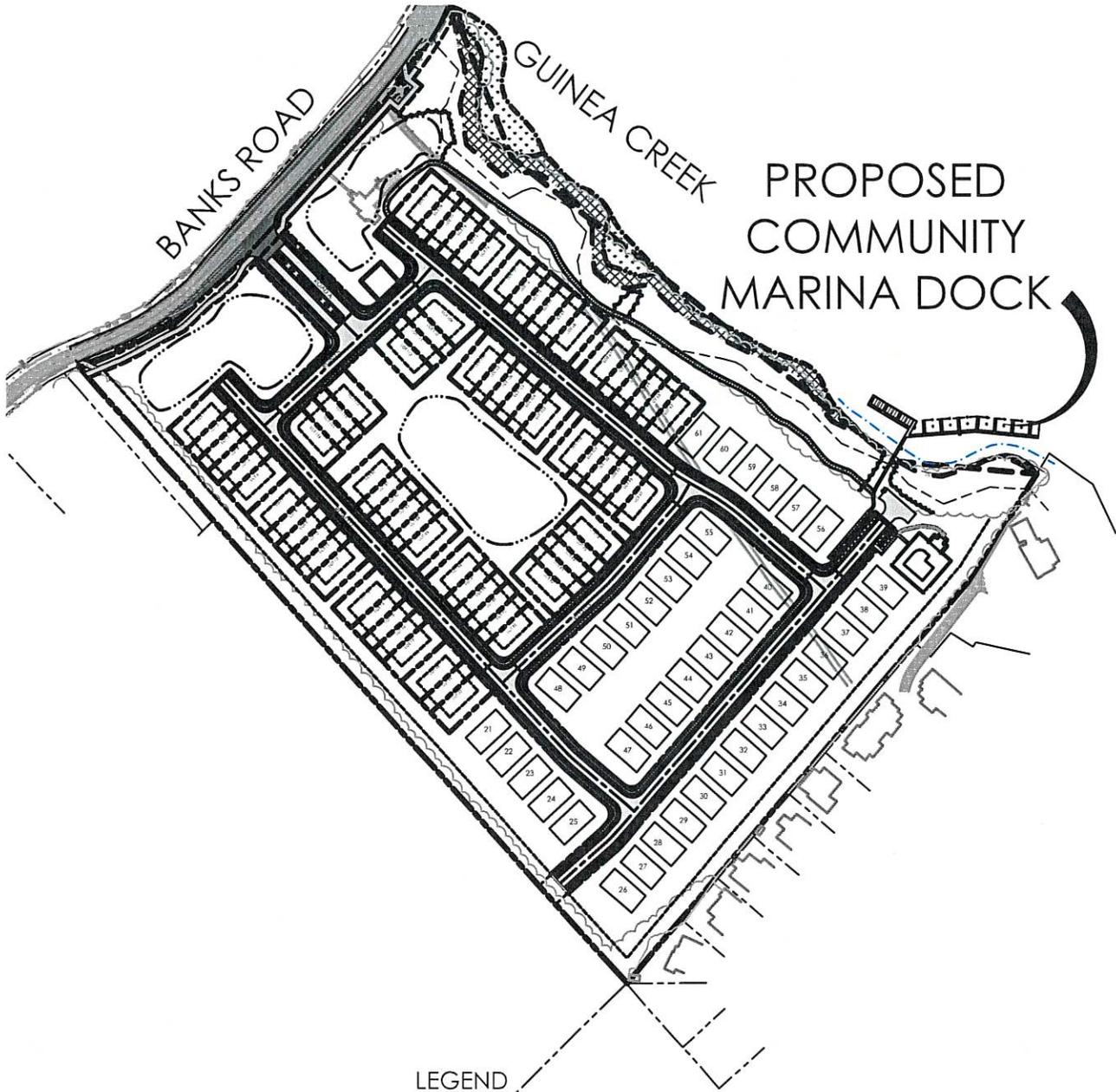
OWNER: ABC WOODSLAND LLC  
 PO BOX 1048  
 MILLSBORO, DE 19966

DEVELOPER/APPLICANT: RUDDER ROAD, LLC  
 850 NEW BURTON ROAD, SUITE 201  
 DOVER, DE 19904

ENGINEER/  
 LAND PLANNER: SOLUTIONS IPEM, LLC  
 303 NORTH BEDFORD STREET  
 GEORGETOWN, DE 19947  
 PHONE: 302.297.9215  
 CONTACT: JASON PALKEWICZ, PE

- TM 234-23.00-276.00, 276.01 & 277.00  
 TOTAL AREA = 30.57 ± AC.

 <p>303 N. Bedford Street          Georgetown, DE 19947          T. 302.297.9215  <a href="http://www.solutionsipem.com">www.solutionsipem.com</a></p>	<b>LOCATION MAP</b> <b>PROPOSED COMMUNITY MARINA</b>		Drawn: ML
	<b>CREEKSIDE</b> INDIAN RIVER HUNDRED SUSSEX COUNTY, DELAWARE		Scale: AS NOTED
			Date: 1/16/25
			Job No: G22091 Sheet 2



**LEGEND**

- MEAN LOW WATER LINE
- MEAN HIGH WATER LINE
- BOUNDARY OF FEDERALLY REGULATED WETLANDS (CORPS OF ENGINEERS)
- AREAS OF FEDERALLY REGULATED WETLANDS
- AREAS OF STATE (DNREC) REGULATED WETLANDS (MAP DNR-081)
- FEMA FLOOD ZONE (AE) EL. 6
- WOODS LINE
- ELEVATION CONTOUR

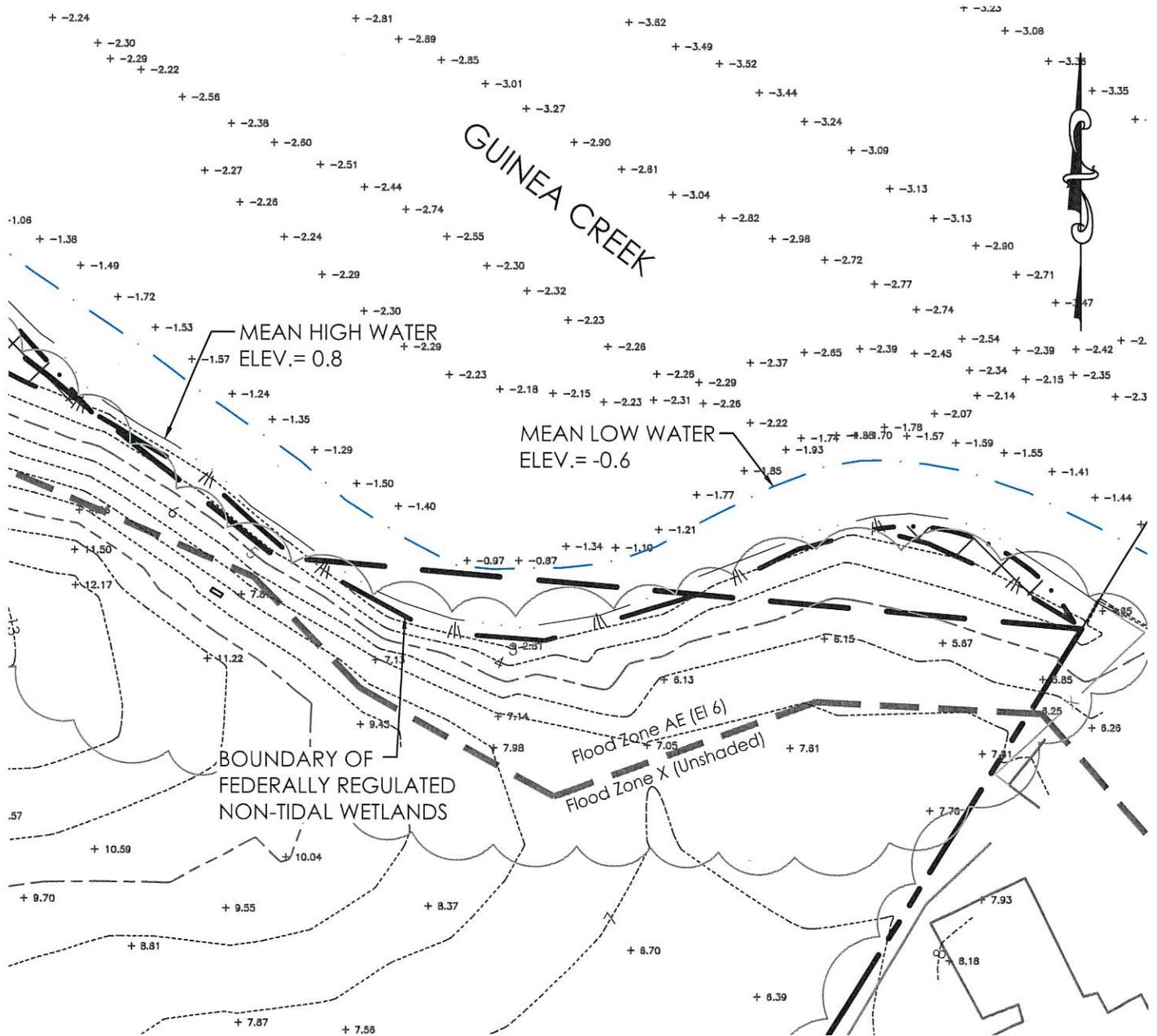


303 N. Bedford Street  
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 www.solutionsipem.com

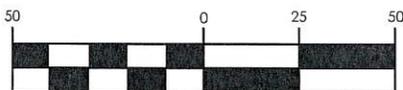
DEVELOPMENT PLAN

CREEKSIDE  
 INDIAN RIVER HUNDRED  
 SUSSEX COUNTY, DELAWARE

Drawn: ML  
 Scale: 1"=300'  
 Date: 1/16/25  
 Job No: G22091  
 Sheet 3



GRAPHIC SCALE



1 inch = 50 ft.

**solutions**  
 303 N. Bedford Street  
 Georgetown, DE 19947  
 T. 302.297.9215  
 www.solutionsipem.com

EXISTING CONDITIONS PLAN  
 OF COMMUNITY MARINA LOCATION

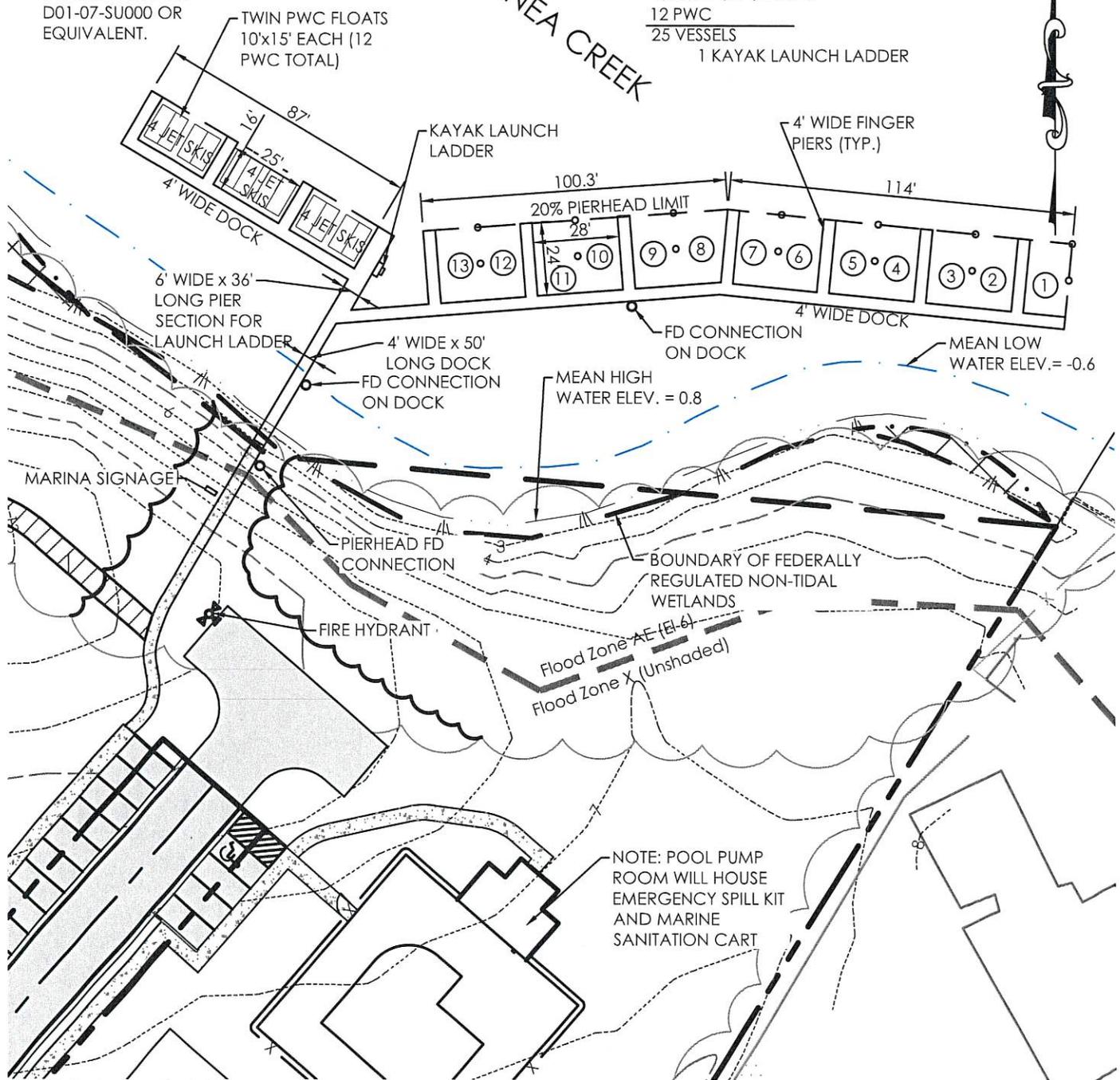
CREEKSIDE  
 INDIAN RIVER HUNDRED  
 SUSSEX COUNTY, DELAWARE

Drawn: ML
Scale: 1"=50'
Date: 1/16/25
Job No: G22091
Sheet 4

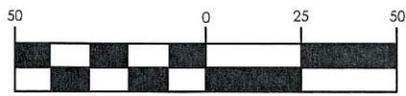
NOTE: DUAL PWC FLOATS (6) ARE JET DOCK MODEL D01-07-SU000 OR EQUIVALENT.

# GUINEA CREEK

13 BOAT SLIPS 24'x14'  
 12 PWC  
 25 VESSELS  
 1 KAYAK LAUNCH LADDER

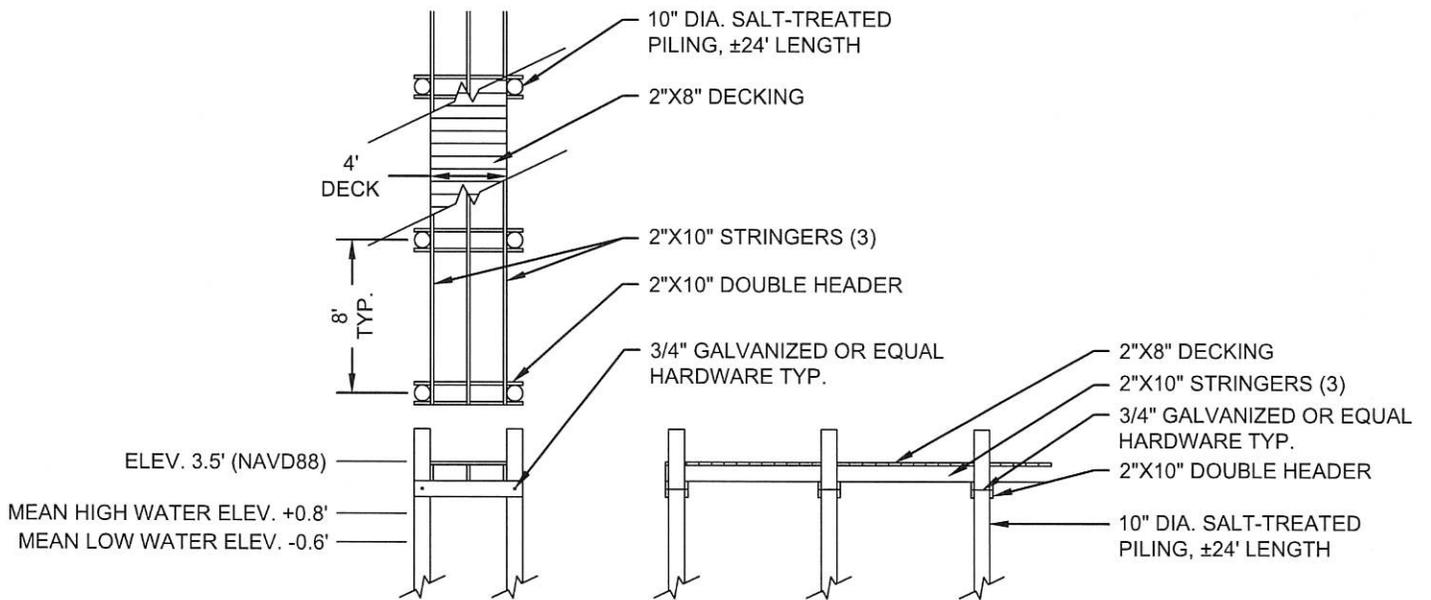


GRAPHIC SCALE



1 inch = 50 ft.

 <p>303 N. Bedford Street          Georgetown, DE 19947          T. 302.297.9215  <a href="http://www.solutionsipem.com">www.solutionsipem.com</a></p>	<b>PROPOSED COMMUNITY MARINA DOCK</b>		Drawn: ML
	<b>CREEKSIDE</b>		Scale: 1"=50'
	INDIAN RIVER HUNDRED SUSSEX COUNTY, DELAWARE		Date: 1/16/25
			Job No: G22091
			Sheet 5



**TYPICAL PIER  
CONSTRUCTION**  
NTS

Date: JAN. 16, 2025

Scale: NTS

Dwn.By: KWW

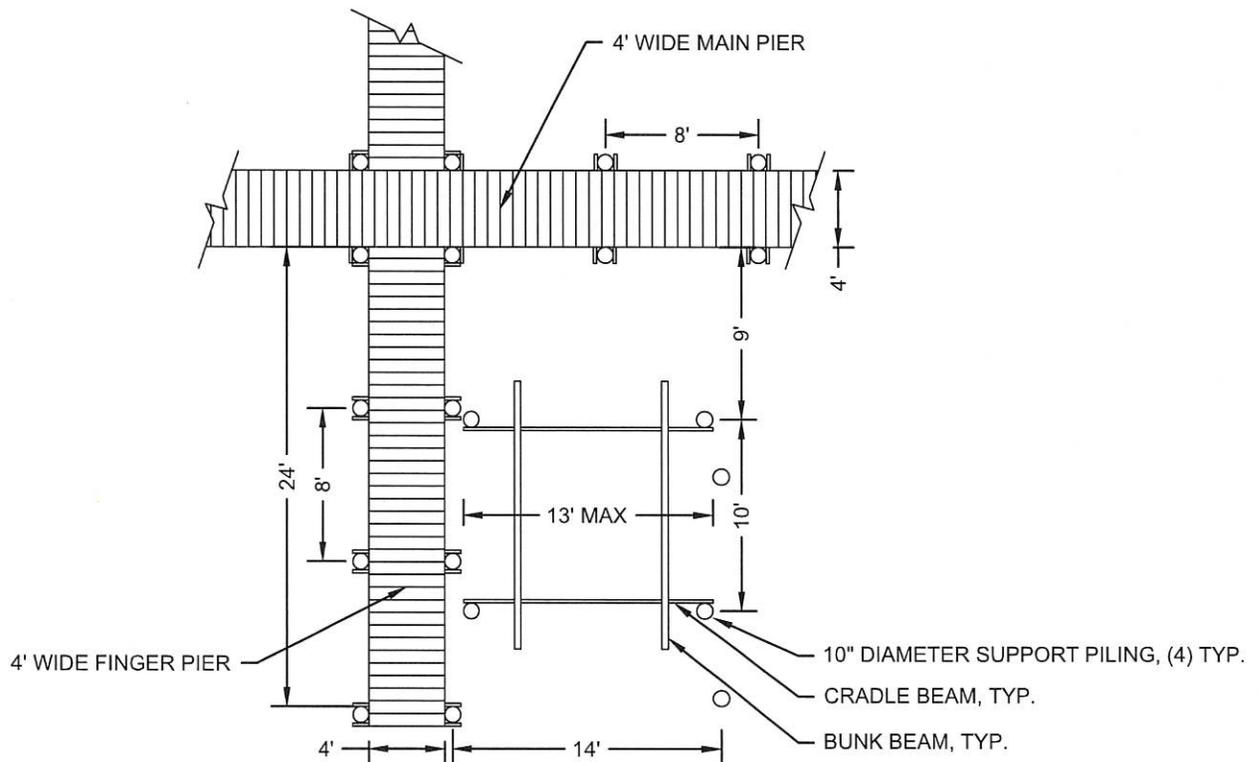
Proj.No.: 0004-0521

PIER DETAIL

Dwg.No.: 6

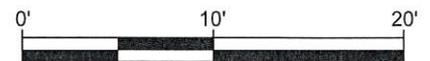
**CREEKSIDE COMMUNITY  
MARINA**  
**STANDARD PIER CONSTRUCTION  
DETAIL**  
INDIAN RIVER HUNDRED

**ERI** ENVIRONMENTAL  
RESOURCE  
INSIGHTS  
A DIVISION OF DAVIS, BOWEN & FRIEDEL, INC.



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.



Date: JAN. 16, 2025

Scale: 1" = 10'

Dwn.By: KWW

Proj.No.: 0004-0521

BOAT LIFT

Dwg.No.: 7

# CREEKSIDE COMMUNITY MARINA

STANDARD BOAT LIFT DETAIL FOR  
OPTIONAL FUTURE INSTALLATION

INDIAN RIVER HUNDRED

**ERI** ENVIRONMENTAL  
RESOURCE  
INSIGHTS

A DIVISION OF DAVIS, BOWEN & FRIEDEL, INC.

# Standard Operations and Maintenance Plan Information Sheet

All marinas in the state of Delaware are required to submit an Operations and Maintenance (O&M) Plan to the Department for review and approval. Completing this form and submitting it to the Department is one way of meeting the O&M Plan requirement. Once your plan is submitted and reviewed, the Department may request additional information or clarification as needed.

**To see if your facility qualifies to use this Standard O&M Plan Information Sheet, it must meet one of the following requirements:**

- ✓ Any existing marina with 50 slips or less which does not contain fueling or maintenance facilities
- ✓ Any new marina that qualifies for permitting status under 13.0 of the Marina Regulations,
  - It is a commercial, recreational, or public marina of more than 4 but not more than 25 slips.
  - It is a commercial or public boat ramp.
  - It is a recreational boat ramp in conjunction with more than 4 but not more than 25 slips.
  - It is a facility that has fewer than five slips, but is classified as a marina because one or more headboats are docked there.
- ✓ Facilities that have less than 5 slips, but provide dockage for one or more headboats,
- ✓ Public, commercial, and recreational boat ramps.

If the marina wishes to participate in Delaware's Clean Marina Program you may find information regarding that at <http://www.dnrec.delaware.gov/p2/Pages/CleanMarina.aspx>

## ⚓ General Marina Information:

**Marina Name: Creekside Community Marina**

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**Owner Name: Rudder Road LLC – Attn. Daniel Bunting**

---

**Mailing Address: 850 New Burton Road, Suite 201, Dover, DE 19904**

---

**Site Address: 750' south of the intersection of Pond Road and Banks Road in Millsboro DE**

---

**Tax Parcel #: 234-23.00-277.00**

---

**Waterbody: Guinea Creek**

---

**Primary Contact Name / Title: Daniel Bunting - Harbormaster**

---

**Telephone #: 302-436-5124 cell**

---

**Fax #: None**

---

**Email:** daniel@buntingdevelopment.com

---

**Website:** none, future HOA website to be established

---

**Associated Permits:** (A list of Wetlands and Subaqueous Lands Section Permits associated with the Marina)  
**None**

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◆ **Marina Design / Layout:**

Location*	Number of Boat Slips	Number of Boat Ramps	Number of Headboat Slips	Number of Dry Stack Slips	Number of Transient Slips	Individual Slip Dimensions	Number of Parking Spaces
West Dock	13	0	0	0	0	14x24	16
East Dock	6 (12 PWC total)	0	0	0	0	12x16	
<b>Total:</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>16</b>

\* Locations can be labeled and referenced in scaled plans [Attach an appendix of scaled plans detailing the location of all property boundaries, slips, launching ramps, piers, docks, buildings, roadways, walks, parking areas, vessel storage facilities, extent of roof coverage, sanitation facilities including public restrooms, nearest pumpout/dump station, public telephones, and any ancillary facilities.]

◆ **Tidal Range:**

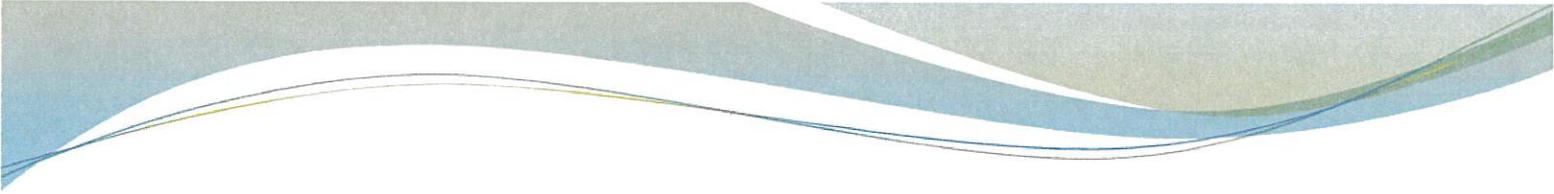
(Referenced using the National Geodetic Vertical Datum)

- ◆ Mean high water elevation: +0.8' based on actual measurement NAVD88)
- ◆ Mean low water elevation: -0.6' based on actual measurement NAVD88)

◆ **Water Depths:**

Mean low water depth in the following areas:

- ◆ Berthing: 1.5 to 1.8 feet
- ◆ Mooring: \_\_\_ N/A
- ◆ Maneuvering of vessels within the marina: 1.5 to 2.2 feet



## ⚓ Water Quality:

- I. Seasonal wet storage dates:
  - ◆ Autumn Vessel Removal: \_\_November 30th\_\_\_\_
  - ◆ Spring Launching: \_\_March 1st\_\_\_\_
- II. Number of vessels in water year-round: maximum 25
- III. Water quality monitoring: When on-site the Harbormaster and other full time community members walk the dock daily and check on community members boats. Any water quality issues that may occur are communicated to harbormaster. Signage at marina dock entrance has emergency contact number. An emergency spill kit is and marine pumpout cart kept on site at the pool pumphouse building.

## ⚓ Stormwater Runoff:

- I. The parking area is associated with the community pool. No boat maintenance activities are performed in the common parking area. Stormwater will be managed under a plan approved by the Sussex County Soil Conservation District.

## ⚓ Storage and Handling of Materials used in Maintenance:

- I. There are no boat maintenance facilities in the dock area. There is no storage of maintenance items in the dock area except those that a boat owner may keep on their boat for proper safety on the water. Minor boat maintenance can be performed by the owner or hired contractor/technician.
- II. Minor in water maintenance is allowed such as washing, polishing, and inboard repairs. It is the responsibility of the owner or owners contractor to control any waste generated and not allow fuel, oil, solvents of other wastes to enter the Guinea Creek waterway.

## ⚓ Storage, Handling and Disposal of Wastes:

- I. **Sewage:**
    - ◆ There are no waste storage facilities at the dock. A restroom facilities will be located at the community pool. If a vessel contains a portable head, it is the owners responsibility to dispose of the waste properly away from the dock/marina area. An onsite marina pumpout cart service, located at the pool pumphouse building will be provided by a certified waste disposal company.
    - ◆ **Sanitation Facilities:** No facilites exist within the dock/Marina area – A restroom facility will be located nearby at the community pool.
- 

	Location	Type	Permit #'s (when applicable)
Sewage Pumpout*	Pool Pumphouse	Portable Cart	
Dump Station*	None		
Public Restrooms	Community Pool	Restroom Facility	
Wastewater Facilities	None		

\*or location of nearest pumpout/dump station if not at Marina

- ◆ Number of live aboard vessels: None
- ◆ - If applicable, location of dedicated pumpout: Maintenance of onsite pumpout cart provided by certified waste disposal company.

◆ **Inventory of sewage containment on board vessels berthed at the marina:**

It is estimated that 6-8 vessels have portable marine toilets on board.

Number of the following:

- ◆ Type I MSDs: unknown at this time. Annual reporting of the number and types of vessel waste containment systems (Shellfish Resource BMP #1) is proposed.
- ◆ Type II MSDs: unknown
- ◆ Type III MSDs: unknown
- ◆ Portable toilets: unknown

**II. Chemical and hazardous waste:**

There are no chemical or hazardous wastes used or stored at the Marina/Dock location

**III. Trash/Recycling:**

A single trash receptacle will be permanently located in the docking area. Community patrons are expected to dispose of trash properly.

**IV. Fish waste:**

No cleaning of fish is allowed at the dock area. There are no fish cleaning tables at the dock. Owners will be required to remove fish waste in plastic bags for disposal at their home. Fish waste will not be permitted in the single trash receptacle located at the docking facility.

## **V. Bilge Water:**

No oily bilge water will be allowed to be dumped into the waterway by the boat owners.

## **⚓ Shoreline Structures Maintenance:**

- I. As required by law, permits will be obtained for any regulated maintenance work at the marina facility.

## **⚓ Emergency Operations:**

### **I. Emergency Telephone Numbers:**

Harbormaster/Owner – Daniel Bunting – 302-436-5124  
911- emergency services  
Police – Millsboro Police Department – 302-934-8174  
Fire Department – Indian River Station 2 – 302-945-2800  
DNREC Spill Contact – 1-800-662-8802  
U.S. Coast Guard Rehoboth - 302-227-2440

### **II. Fuel/Oil Spill Prevention and Containment Plan:**

If a fuel spill occurs the person must take immediate action to contain and minimize the impact of the spill. Some immediate spill response actions capturing the spill in containers and removing the water and sheen from the water, use of fuel/oil absorption pads or socks. Notify the harbormaster. If the spill is significant and cannot be contained then we will notify the Delaware Department of Natural Resource and Environmental Control (DNREC), notifying the U.S. Coast Guard anytime a spill produces a sheen on the water and properly containing and cleaning up spills in a timely and diligent manner. An emergency spill kit in a shoreline dock box will be on site and available for slipholder access.

### **III. Sewage Spill Prevention and Containment Plan:**

If sewage is spilled into the water the offending party must notify the Harbormaster. There are no facilities for sewage containment at the marina/dock so all sewage must be removed by the owner for disposal elsewhere. Marina signage contains information about Delaware code prohibiting the discharge of sewage into state waters.

### **IV. Fire Emergency Plan:**

In the advent of a fire at the dock the person finding the fire will call 911 emergency services for assistance from local fire department. Dry and on pier fire department connections are proposed.

### **V. Hurricane/Severe Weather Operation Plan:**

In the advent of severe weather it is up to the opinion of the boat owner if they are going to leave their boat in the water or have it removed. Dock policy states that any damage caused by an owners boat to the dock, pilings or surrounding boat is the responsibility of the boat owner.

Below is a list of good practices that should be considered by boat owners.

1. Removal of the boat from the dock and moving it to inland storage.
2. Additional lines from the boat to the dock and ensuring that lines are in good order not

frayed and that they have sufficient scope to allow for expected tide and winds without hitting dock, pilings or surrounding boats.

Harbormaster or other community members check on owners boats during storms and will re-tie lines if safe to do so however they have no liability for this task and all liability for a boats condition and safety is the responsibility of the boat owner.

If a vessel becomes unattended or derelict, the Harbormaster will contact the boat owner. Reasonable actions will be taken by Harbormaster to stop a boat from sinking. If a boat does sink the owner will be contacted and has the responsibility to re-float the boat and correct the issues that caused the boat to sink.

#### **VI. Sinking Vessel Plan:**

If a boat is determined to be sinking reasonable actions will be taken by Harbormaster or other slipholders to pump out the boat. Harbormaster or slipholders will assess if fuel or oil is getting into the water and inform the boat owner. Reasonable actions will be taken with no Harbormaster or outside slipholder liability. Boat owner will be contacted immediately.

### **⚓ Rules and Regulations for Marina Users:**

- I. Use will be as specified by this O&M Plan and slipholder lease agreements.

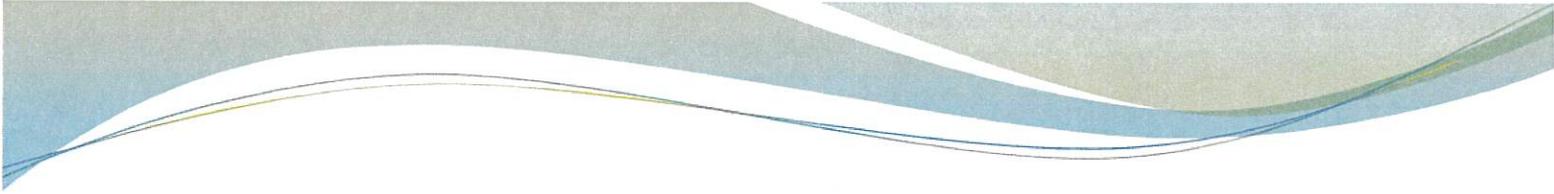
### **⚓ Posting of Approved Plans and Signage:**

- ◆ Approved Plans posted and distributed (check all that apply):
  - X Harbormaster's office or other prominent place To be determined
  - X  All Marina Tenants (full time slip renters) – Dock rules, Slip owner rules, seniority list and current people who have boats in slips for that season.
  - Other \_\_\_\_\_
- ◆ Signage posted (check all that apply):
  - X Public Restroom – located nearby at the community pool restroom facility.
  - X Pumpout Facilities (with procedures and rules governing the use of these facilities) N/A
    - Or  location of nearest \_\_\_\_\_
  - Dump Stations (with procedures and rules governing the use of these facilities) N/A
    - Or  location of nearest \_\_\_\_\_ (name of location) \_\_\_\_\_
  - X Other: Marina signage with emergency contact numbers posted at marina pier entrance.

### **⚓ Appendix:**

- I. **Slip Rental Agreement Form:** [If applicable, attach this form.] **(Draft Attached)**

Slip Agreement will collect data and provide documentation for Shellfish Resource BMPs 1 and 11. Selected BMPs to be implemented for Shellfish Resource protection included



**II. Marina Design / Layout:** [Attach scaled plans detailing the location of all property boundaries, slips, launching ramps, piers, docks, buildings, roadways, walks, parking areas, vessel storage facilities, extent of roof coverage, sanitation facilities including public restrooms, nearest pumpout/dump station, public telephones, and any ancillary facilities.]

**III. Emergency Equipment:** [Attach plans siting the location of fire protection equipment, spill containment and cleanup materials station, life safety equipment, and any other safety or emergency equipment.]



⚓ Signatures:

**Marina Owner / Manager:**

I hereby agree to uphold the Operations & Maintenance (O&M) Plan outlined above. I accept responsibility to ensure that marina personnel comply with all aspects of the O&M Plan; to provide copies of the O&M Plan to all marina tenants; and will take appropriate actions to deal with marina tenants who violate any provision of the O&M Plan.

Daniel Bunting

Print Name

*D. Bunting*

Signature

2/24/2025

Date

**Wetlands & Subaqueous Lands Section (WSLS) Approval:**

This O&M Plan is subject to periodic review and re-approval every 3 years. Therefore, the plan should be kept updated as needed, and should be resubmitted to the WSLS on or before to be determined upon initial DNREC approval for review and re-approval.

Print Name

Signature

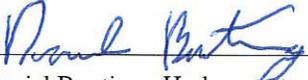
Date

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

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

- 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 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.
- 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.
- 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.
- 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.
- 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 Creekside 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.

  
Daniel Bunting, Harbormaster

2/24/2025  
Date

**Creekside Homeowner's Association, Inc.**  
**2025 Marina Owner/Slipholder Agreement**

**General Provisions**

I have read, understand, and agree to abide by the current Creekside Community Marina Operation and Maintenance Plan (O&M Plan), which is incorporated herein by reference and on record at the HOA website. I agree to ensure that all of my family members and guests will also abide by such rules and regulations set forth in the O&M Plan. I understand that I will be held liable and accountable for any violations or negligence. I further understand that violation of the O&M Plan results in penalties which could involve the loss of rights to be a member of the community marina.

For each registered boat, I have provided to the Harbormaster copies of my Certificate of Liability insurance in effect which names the Creekside Homeowners Association, INC. (HOA) 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 may result in penalties.

If the insurance or registration expires during the occupancy of a vessel at a pier, 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 the immediate removal of my boat from the marina.

**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 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

**Planned Slip Usage Provisions:**

With reference to the provisions of the Slip Sharing Policy for 2025, the periods that I intend to have my boat in the water at my slip during the 2025 boating season are set forth below: (Please be Specific- you may attach further sheets if necessary)

Beginning/Ending Date(s): \_\_\_\_\_

**Slipholder 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(s) and length(s): \_\_\_\_\_

Color of Boat(s): \_\_\_\_\_

HIN Number(s): \_\_\_\_\_

Engine(s) Manufacturer \_\_\_\_\_ HP \_\_\_\_\_

Outboard ( ) Inboard ( ) I/O ( )

State registration number(s): \_\_\_\_\_



**SITING AND DESIGN STUDY  
CREEKSIDE COMMUNITY MARINA**

**Tax Map No.: 234-23.00, Parcel: 277.0  
Guinea Creek, Indian River Hundred  
Sussex County, Delaware**

*March 10, 2025*

*Prepared for:*

**Rudder Road, LLC  
850 New Burton Road  
Suite 201  
Dover, DE 19904**

*Prepared By:*



**Environmental Resource Insights  
1 Park Avenue  
Milford, DE 19963  
302-424-1411**

**ERI Project No.: 0004-0521**

**SITING AND DESIGN STUDY  
FOR  
CREEKSIDE COMMUNITY MARINA**

GUINEA CREEK, INDIAN RIVER HUNDRED

**Table of Contents:**

General Site & Overall Project Description... .. 1

Description of Proposed Community Marina... .. 2

Description of Guinea Creek and Marina Location... .. 3

Water Quality Data for Guinea Creek... .. 4

Siting and Design Study Conclusions... ..5

**List of Exhibits:**

- Exhibit 1:** Permit Drawings, “Proposed Community Marina, Creekside”  
prepared by Solutions IPEM, Georgetown, DE  
Sheets 1 through 7, dated: January 16, 2025
- Exhibit 2:** Historic Water Quality Conditions Graphic Data  
DEMAC Water Quality Portal  
Guinea Creek at Banks Road (CR298) – Station ID 308051
- Exhibit 3:** Historic Water Quality Conditions Monthly Averages  
Guinea Creek at Banks Road (CR298) – Station ID 308051
- Exhibit 4:** Agency Coordination Communications  
-USFWS
- Exhibit 5:** Site Photographs

**General Site and Overall Project Description**

The proposed Creekside medium density conditional use subdivision involves 30.57 acres of land in an unincorporated area of the Indian River Hundred. The project will consist of 75 townhomes and 41 single family condominiums (116 multi-family units). Recreational water access to Guinea Creek will be provided by a 25-slip marina subject to approval by the Department of Natural Resources and Environmental Control (DNREC). Recreational amenities also include a pedestrian trail along the waterfront portion of the property. Except for access to the marina pier and associated water dependent recreational uses, a wetland buffer approximately 100 feet wide will be maintained along the Guinea Creek shoreline. The project is currently identified in Sussex County tax records as Tax Map Parcels 234-23.00-276.00, 276.01 and 277.00 located in the Indian River Hundred. It has frontage along the east side of Banks Road, and it also fronts along the south shore of Guinea Creek, a navigable tidal waterway. The Creeks End single family residential community is located along the eastern property border and vacant forested land exists along the southern boundary of the project. A project location map is provided as Exhibit 1.

In January 2023 Environmental Resource Insights (ERI) delineated the boundary of state regulated wetland as defined by the Department of Natural Resources and Environmental Control (DNREC) regulations and maps. In the case of this site, that boundary was determined in accordance with DNREC Map #DNR-081. ERI also delineated the extent of federally regulated wetlands, including non-tidal wetlands subject to the Corps of Engineers Regulatory Program. The boundary of federally regulated wetlands were determined in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and associated guidance. Plans entitled “Conditional Use Plan for Creekside Subdivision – Preliminary Subdivision Plan” prepared by Solutions IPEM, LLC, Georgetown, DE dated April 18, 2023 accurately illustrate the delineated wetland boundaries. Sheet 2 of that plan set illustrates the existing conditions of the property and the various wetland types found there.

The following table describes the land types delineated on Parcel 277.00, the largest of the parcels making up the project site.

Timbered (Cut Over) Uplands	24.74 acres
Mid-Successional Upland Forest (Borders Guinea Creek)	3.05 acres
Federally Regulated Non-Tidal Forested & Emergent Wetlands	0.49 acres
State & Federally Regulated Tidal Wetlands	0.24 acres

Parcels 276.00 and 276.01 consist of lands with light forest cover and an unoccupied single-family home and driveway entrance onto Banks Road. Parcel 277.00 was extensively timbered by the previous landowner in 2021. The proposed 25 slip community marina is located on the easterly portion of this parcel. However, upland areas bordering the shoreline of Guinea Creek were preserved in their natural condition extending approximately 50 to 75 feet inland of the

tidal wetland and waters of Guinea Creek. Exhibit 5 of this report includes photographs of the retained forest, most of which will be within a dedicated wetland buffer per Sussex County Code.

The topography of the subject site ranges from the mean low water line along Guinea Creek (-.06 below NAVD 88) to elevation 24.0 feet near the southwest corner of the site. In general, the project site is a gently sloped terrace of property sloping toward the southeast property corner and Guinea Creek. Guinea Creek has a channel depth of 3 to 4 feet in the vicinity of the project.

State regulated tidal wetlands exist along the western and central shoreline of Guinea Creek. Typically, a zone of common reed (*Phragmites australis*) transitions to a salt marsh cordgrass (*Spartina alterniflora*) meadow. On the easternmost shoreline of the property uplands border the waters edge and evidence of slow historic erosion of the land exists. No state regulated wetlands occur along the shorelines of the marina site per DNREC Map DNR-081.

The results of ERI's wetland delineation are consistent with the USFWS National Wetland Inventory Map. This guidance map identifies the entire site as uplands except for two areas of wetlands along the Guinea Creek shoreline where state tidal wetlands were delineated by ERI. ERI also reviewed the USDA Soil Survey for Sussex County as part of the site evaluation process. Field investigations found the soil survey guidance mapping to be generally correct. The site is dominated by sandy well drained soils in the Fort Mott and Rosedale soil series.

FEMA Flood Insurance Mapping shows that except for a fringe of property including the delineated wetlands bordering Guinea Creek, all of the upland property proposed for development lies above the 100-year floodplain elevation.

ERI consulted with the U.S. Fish and Wildlife Service in regard to the presence of any federally listed threatened or endangered species or their critical habitats subject to the Endangered Species Act of 1973. A species list was obtained on August 22, 2024 and it is included as Exhibit 4 of this report. No threatened or endangered species are present on the Creekside property. The Service provided advice about two candidate species, the Monarch Butterfly (*Danaus Plexippus*) and the Tricolored Bat (*Perimyotis subflavus*) within the project vicinity.

Suitable habitat for these species is absent from the Creekside property. The Monarch Butterfly requires natural meadow like areas dominated by milkweed species. Logging of the property makes the use of habitat by bat populations for nesting unlikely as well. During ERI's site investigation, no evidence of threatened or endangered species or nesting of the American bald eagle was observed.

### **Description of Proposed Community Marina**

Rudder Road LLC is applying for a Wetlands and Subaqueous Lands Section Permit for the construction of a new community marina dock located within the proposed Creekside Residential Community along Guinea Creek. The property is located approximately 750' south of the Pond

Road and Banks Road intersection in Millsboro within the Indian River Hundred, Sussex County, Delaware. The property is tax map parcel 234-23.00-277.00. The property has approximately 1,480 linear feet of shoreline along Guinea Creek.

The proposed community marina dock will consist of 25 mooring slips. There are 13 proposed boats slips measuring 14' wide by 24' long on the eastern dock (4' wide by 239' long) and three 25' wide by 16' long slip areas on the western dock (4' wide by 87' long) where six 10'x12' daul personal watercraft (PWC) floats will allow for mooring of 12 PWC vessel. A kayak launch ladder will also be included in the construction along the 6' wide by 36' long pier. There will be a total of 10 four foot wide finger piers. The community marina dock will be typical marine construction consisting of salt-treated piles and timbers secured with galvanized or stainless-steel hardware.

The community marina dock will be available for use to the Creekside Residential Community members only and it will provide recreational water access to the navigable waters of Guinea Creek. The marina will be served with water and electric.

The Creekside Residential Community will consist of 116 residential units. Based on the number of units, it is expected that the marina will operate at full capacity with all 25 slips being utilized. The community marina dock will be accessible from the parking lot associated with the community pool area. The pool pumphouse building will house portable marine pumpout cart and an emergency spill kit. Signage with emergency contact numbers will be located at the pierhead. Restroom facilities will be located at the pool area. Fire department connections on the pier and at the pierhead will be provided.

This application as submitted to DNREC Wetlands and Waterways Section, also seeks a blanket approval for the possible future installation of up to 13 boat lifts in the eastern dock berth areas. Lifts will be standard 10,000 to 12,000 lbs capacity mounted on four independent salt treated timber piles as shown on the project plan set. The number of lifts will be based upon future slipholder demand separately authorized in accordance with DNREC Wetland and Waterways Section requirements.

### **Description of Guinea Creek and Marina Location**

Guinea Creek is a 4.22 mile long first order tributary to Herring Creek. Herring Creek is a tributary of Rehoboth Bay which is located approximately 2.5 miles downstream of the marina site. Guinea Creek drains a 7.25 square mile watershed.

The Winding Creek Village Subdivision occupies a large portion of the north side of Guinea Creek opposite the location of the Creekside Marina. A large portion of the shoreline is developed with homes, bulkheads and individual piers. The Creek's End residential subdivision is located to the east of the future Creekside community. That community currently operates an existing 32 slip marina and boat ramp for the benefit of residents.

Channel widths in the vicinity of the proposed marina vary from 300 to 400 feet. There is no marked navigational channel. Based on biological benchmarks and observed tide events, local mean low water is -0.6 feet (NAVD88 datum) and mean high water is +0.8 feet (NAVD88 datum).

In the vicinity of the marina the shoreline is an abrupt bank, with uplands that transition to a sandy intertidal flat approximately 20 feet in width. Per DNREC's Official Map DNR-081, no state regulated wetlands occur in the area of the proposed marina.

Bottom elevations at the marina piers range from -2.2 feet to -3.0 feet. Bottom elevations in the central portion of Guinea Creek range from -3.0 to -4.0 feet. No dredging is proposed as part of this project. No submerged aquatic vegetation is present at the marina site.

### **Historic Water Quality Conditions**

A Delaware Environmental Monitoring and Analysis (DEMAC) water quality monitoring station for Guinea Creek (Station ID 308051) is located at the Banks Road (County Road 298) box culvert bridge. Exhibit 2 provides graphed water quality data collected from 2000 through 2025. Exhibit 3 provides the monthly average value and ranges for monitoring parameters. Those parameters include Nitrogen, Water Temperature, Phosphorus, Total Suspended Solids, Salinity, PH Dissolved Oxygen, Chlorophylla, and Enterococcus. The DEMAC monitoring station lies approximately 1,100 feet east of the marina location.

Dissolved oxygen (DO) concentrations in Delaware's shallow inland bays and creeks 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.

As reported by the Center for the Inland Bays (CIB) 2022 State of the Inland Bays Report, the CIB found the early morning dissolved oxygen (DO) levels occasionally falling below 4.0 mg/L during some summer mornings. Nutrient levels also tend to be high. At locations like Herring and Guinea Creek, the level of Enterococcus often exceeds swimmable standards. The marine water quality standard is 100C to 1100 ml. Average monthly levels in Guinea Creek range from 94.9 in February to 1818.2 in August. Guinea Creek and Herring Creek are currently prohibited for shellfish harvesting.

As reported by DEMAC the average monthly level for Dissolved Oxygen in Guinea Creek ranges from 6.0 mg/l in September to 10.9 mg/l in February. This is above the saltwater water quality standard which is 5.0 mg/L.

During sounding survey and site work during the summer of 2023 and 2024, ERI determined that submerged aquatic vegetation is not present at the marina site. This is confirmed by existing mapping sources.

Included in Exhibit 4 is correspondence from the U.S. Fish and Wildlife Service. No federally listed 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 does not support milkweed species that the butterfly depends upon does not occur at the site. No substantial forest clearing will result from the marina or the proposed residential construction as the majority of the property was previously timbered and forest along the Guinea Creek shoreline is being retained as a wetland buffer area.

### **SITING AND DESIGN STUDY CONCLUSIONS**

Community marinas are the preferred method for providing water access for waterfront residential property as compared with individual piers. In the case of this project, the 1,480 feet of natural shoreline will be in a open space wetland buffer except for the immediate access point to the marina pier.

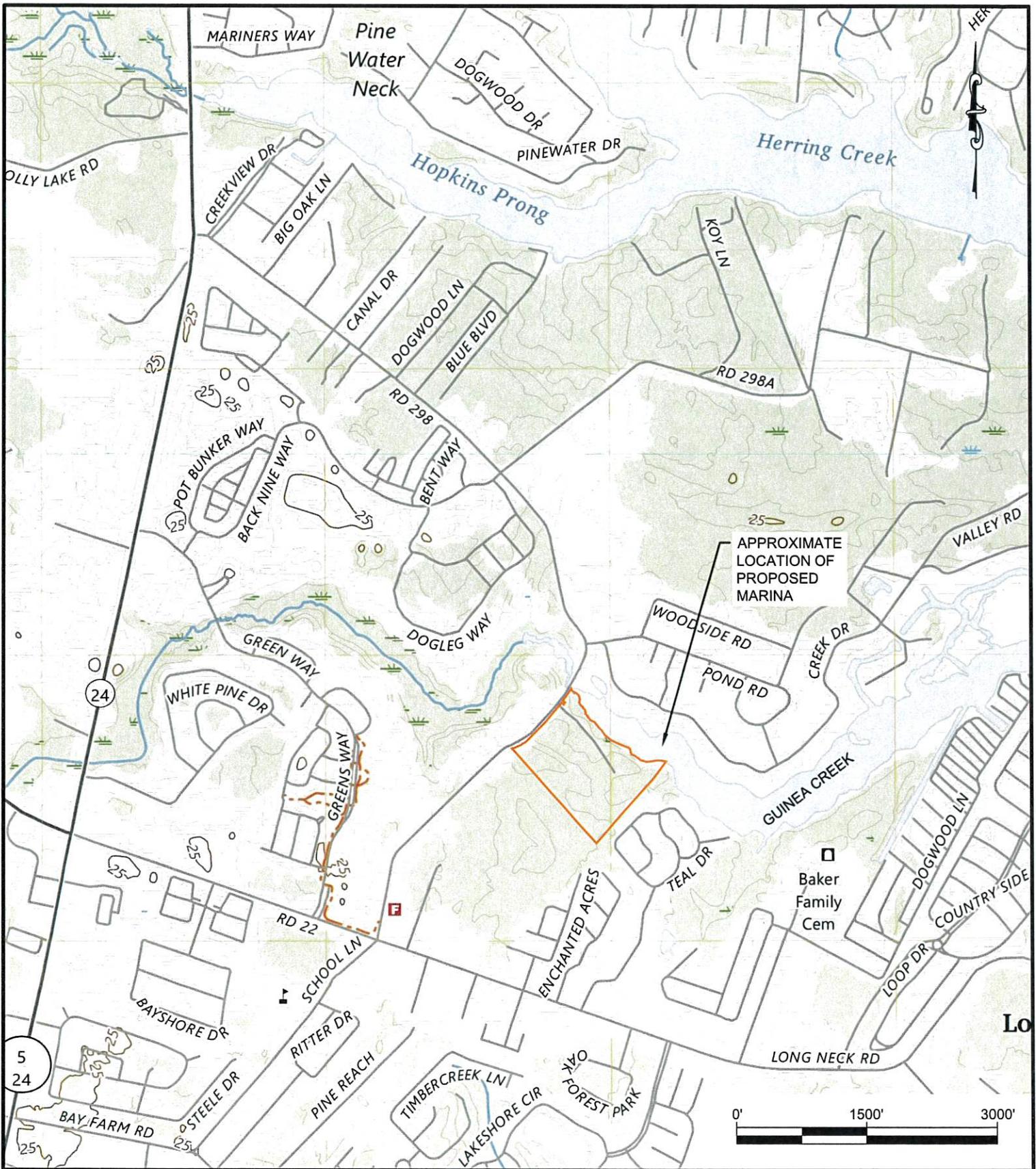
As far as available locations, the easterly portion of the project site provides the deepest available water depths. There are only limited wetlands bordering Guinea Creek at the marina site. There are no mapped state regulated wetlands present or nearby the marina site. This would not be the case for the central or western portions of the property.

The design of the Creekside 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. The project does not adversely impact boat navigation or any active navigable channels. There are no existing piers in close proximity to the proposed marina exist so there will be no impacts on neighboring properties.

No significant quantity of shellfish resources are present and no submerged aquatic vegetation exists at the marina pier location. Guinea and Herring Creek are prohibited shellfish waters. Water quality conditions at the marina facility are favorable and the marina is not expected to 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 community 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**

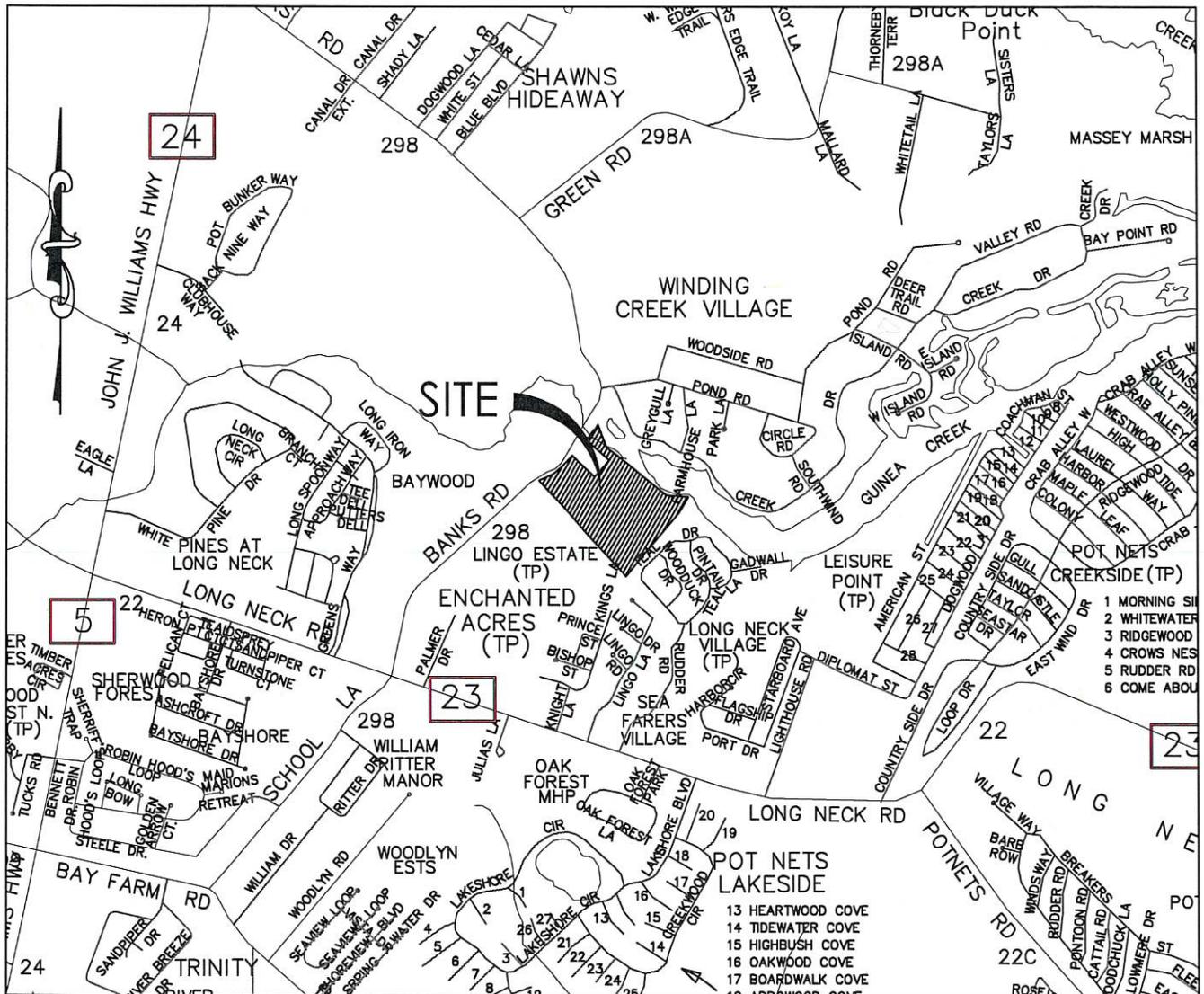
**Permit Drawings  
“Proposed Community Marina, Creekside”  
prepared by Solutions IPERM,  
Georgetown, DE  
Sheets 1 through 7, dated: January 16, 2025**



Date:	FEB 2025
Scale:	1" = 1500'
Dwn.By:	KWW
Proj.No.:	0004-0521
FAIRMOUNT QUAD.	
Dwg.No.:	1

**USGS TOPOGRAPHIC MAP**  
**CREEKSIDE COMMUNITY MARINA**  
 TMP: 234-23.00-277.00, 276.00, & 276.01  
 INDIAN RIVER HUNDRED  
 SUSSEX COUNTY, DELAWARE

**ERI** ENVIRONMENTAL  
 RESOURCE  
 INSIGHTS  
A DIVISION OF DAVIS, BOWEN & FRIEDEL, INC.



## VICINITY MAP

SCALE: 1"=2000'

### SITE DATA:

OWNER: ABC WOODSLAND LLC  
 PO BOX 1048  
 MILLSBORO, DE 19966

DEVELOPER/APPLICANT: RUDDER ROAD, LLC  
 850 NEW BURTON ROAD, SUITE 201  
 DOVER, DE 19904

ENGINEER/  
 LAND PLANNER: SOLUTIONS IPEM, LLC  
 303 NORTH BEDFORD STREET  
 GEORGETOWN, DE 19947  
 PHONE: 302.297.9215  
 CONTACT: JASON PALKEWICZ, PE

- TM 234-23.00-276.00, 276.01 & 277.00  
 TOTAL AREA = 30.57 ± AC.



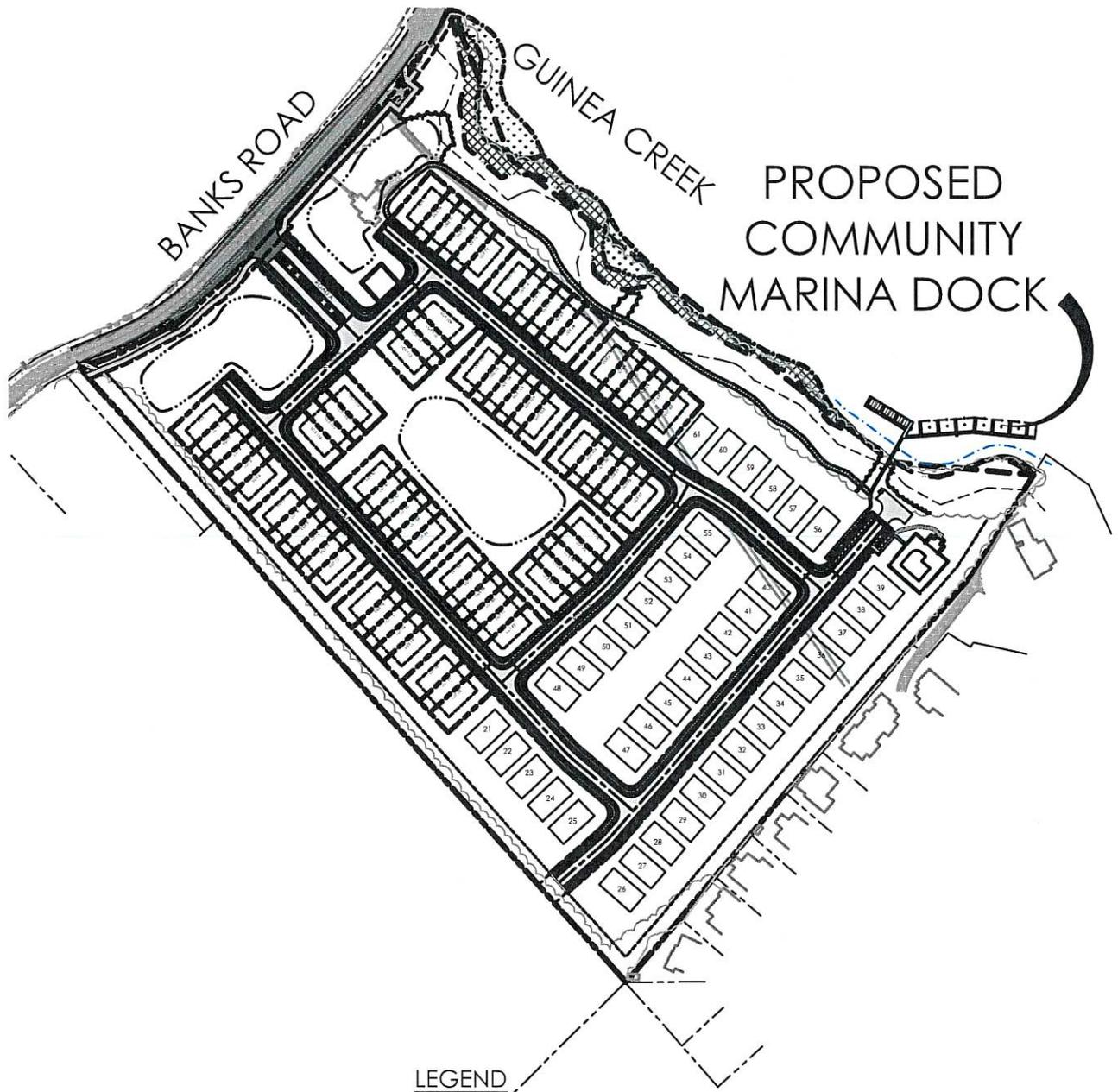
303 N. Bedford Street  
 Georgetown, DE 19947  
 T. 302.297.9215  
 www.solutionsipem.com

LOCATION MAP  
 PROPOSED COMMUNITY MARINA

CREEKSIDE

INDIAN RIVER HUNDRED  
 SUSSEX COUNTY, DELAWARE

Drawn: ML
Scale: AS NOTED
Date: 1/16/25
Job No: G22091
Sheet 2



**LEGEND**

- MEAN LOW WATER LINE
- MEAN HIGH WATER LINE
- BOUNDARY OF FEDERALLY REGULATED WETLANDS (CORPS OF ENGINEERS)
- AREAS OF FEDERALLY REGULATED WETLANDS
- AREAS OF STATE (DNREC) REGULATED WETLANDS (MAP DNR-081)
- FEMA FLOOD ZONE (AE) EL. 6
- WOODS LINE
- ELEVATION CONTOUR  4



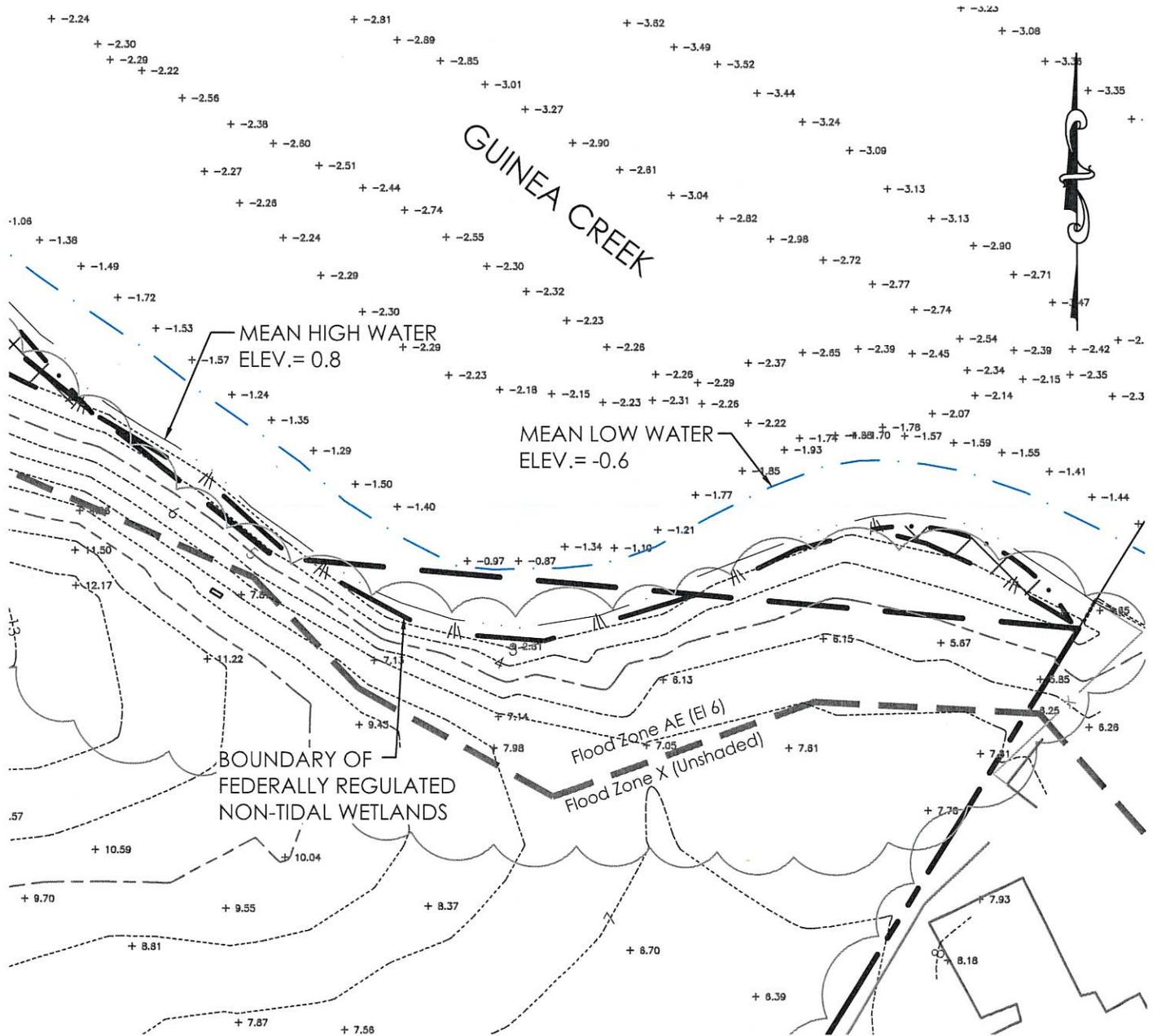
303 N. Bedford Street  
Georgetown, DE 19947  
T. 302.297.9215  
www.solutionsipem.com

**DEVELOPMENT PLAN**

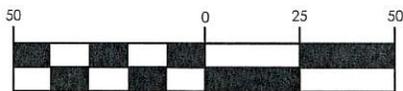
**CREEKSIDE**

INDIAN RIVER HUNDRED  
SUSSEX COUNTY, DELAWARE

Drawn: ML
Scale: 1"=300'
Date: 1/16/25
Job No: G22091
Sheet 3



GRAPHIC SCALE



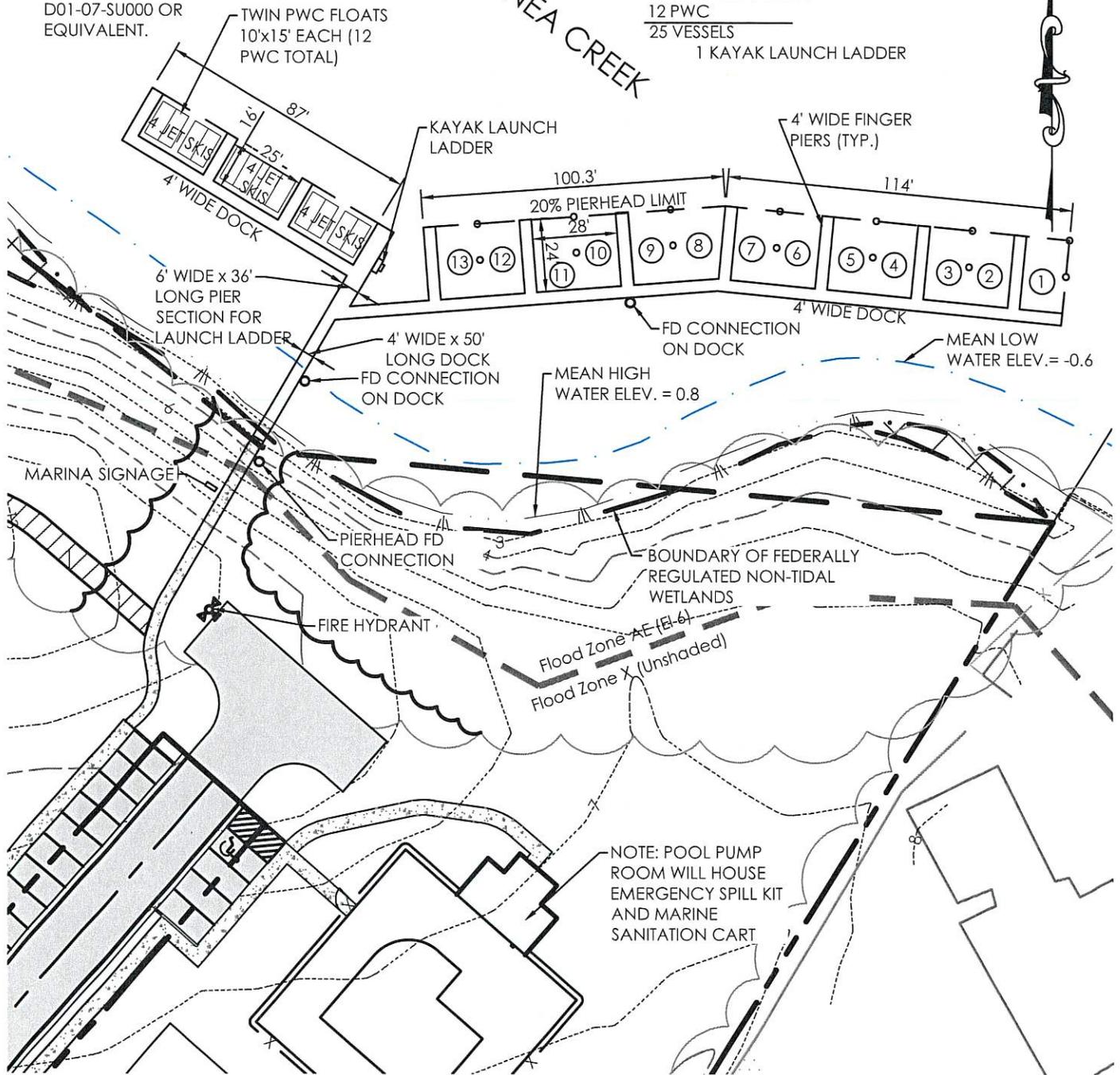
1 inch = 50 ft.

 <p>303 N. Bedford Street Georgetown, DE 19947 T. 302.297.9215 www.solutionsipem.com</p>	<p>EXISTING CONDITIONS PLAN OF COMMUNITY MARINA LOCATION</p>		<p>Drawn: ML</p>
	<p>CREEKSIDE</p>		<p>Scale: 1"=50'</p>
	<p>INDIAN RIVER HUNDRED SUSSEX COUNTY, DELAWARE</p>		<p>Date: 1/16/25</p>
			<p>Job No: G22091</p>
			<p>Sheet 4</p>

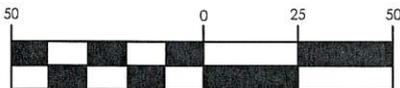
NOTE: DUAL PWC FLOATS (6) ARE JET DOCK MODEL D01-07-SU000 OR EQUIVALENT.

GUINEA CREEK

13 BOAT SLIPS 24'x14'  
 12 PWC  
 25 VESSELS  
 1 KAYAK LAUNCH LADDER



GRAPHIC SCALE



1 inch = 50 ft.

NOTE: POOL PUMP ROOM WILL HOUSE EMERGENCY SPILL KIT AND MARINE SANITATION CART



303 N. Bedford Street  
 Georgetown, DE 19947  
 T. 302.297.9215  
 www.solutionsipem.com

PROPOSED COMMUNITY  
 MARINA DOCK

CREEKSIDE

INDIAN RIVER HUNDRED  
 SUSSEX COUNTY, DELAWARE

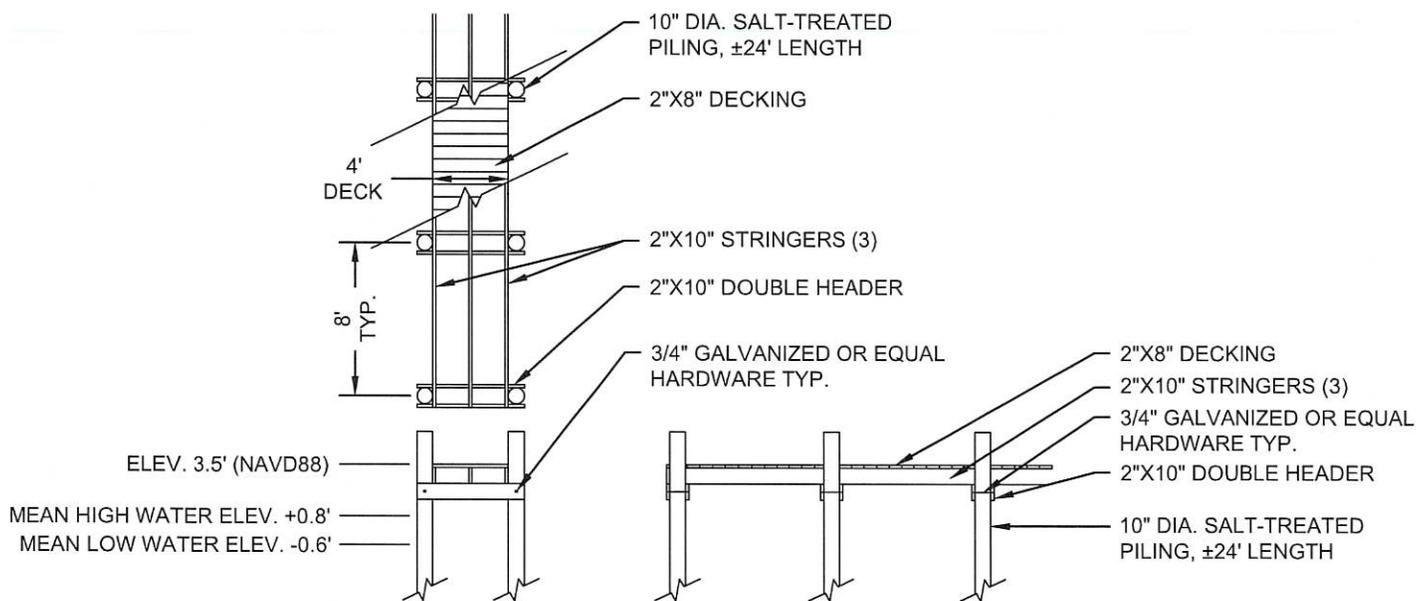
Drawn: ML

Scale: 1"=50'

Date: 1/16/25

Job No: G22091

Sheet 5



**TYPICAL PIER  
CONSTRUCTION**

NTS

Date: JAN. 16, 2025

Scale: NTS

Dwn.By: KWW

Proj.No.: 0004-0521

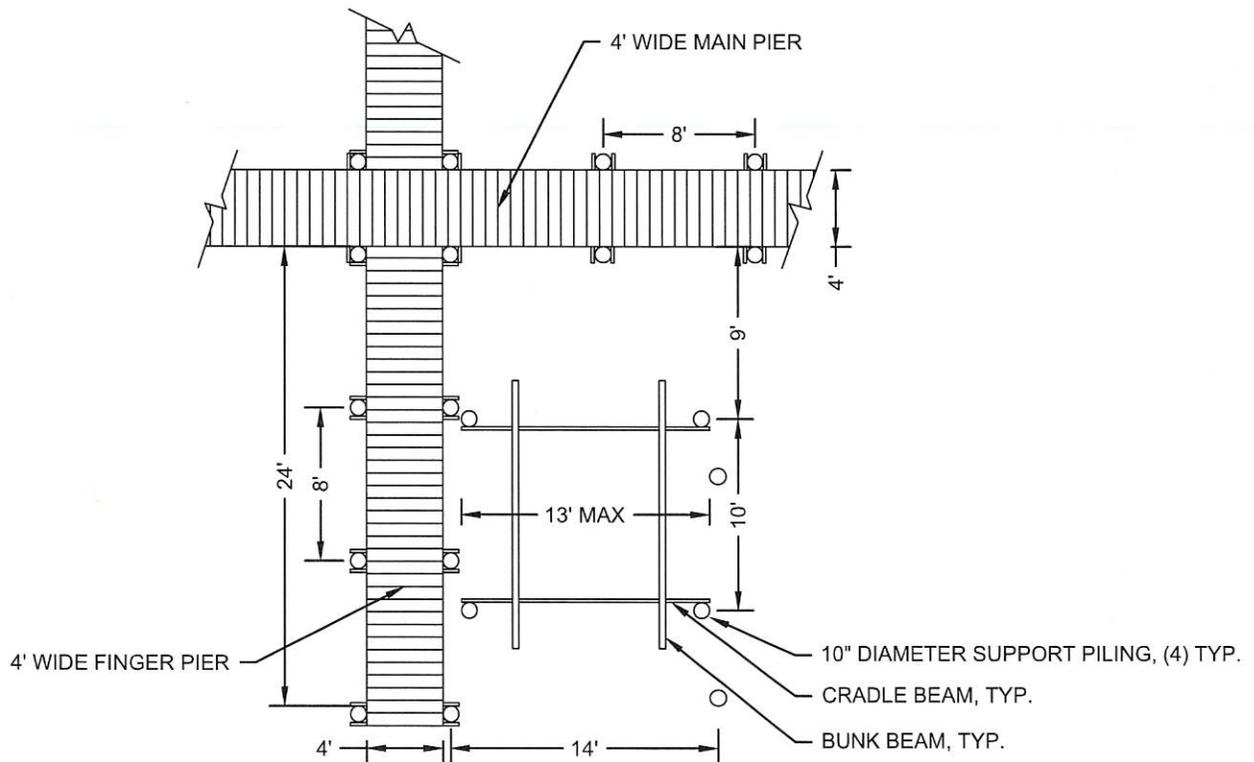
PIER DETAIL

Dwg.No.: 6

**CREEKSIDE COMMUNITY  
MARINA**  
STANDARD PIER CONSTRUCTION  
DETAIL  
INDIAN RIVER HUNDRED

**ERI** ENVIRONMENTAL  
RESOURCE  
INSIGHTS

A DIVISION OF DAVIS, BOWEN & FRIEDEL, INC.



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.



Date:	JAN. 16, 2025
Scale:	1" = 10'
Dwn.By:	KWW
Proj.No.:	0004-0521
<b>BOAT LIFT</b>	
Dwg.No.:	7

# CREEKSIDE COMMUNITY MARINA

STANDARD BOAT LIFT DETAIL FOR  
OPTIONAL FUTURE INSTALLATION  
INDIAN RIVER HUNDRED

**ERI** ENVIRONMENTAL  
RESOURCE  
INSIGHTS  
A DIVISION OF DAVIS, BOWEN & FRIEDEL, INC.

## Exhibit 2

**Historic Water Quality Conditions  
Graphic Data  
DEMAC Water Quality Portal  
Guinea Creek at Banks Road (CR298)  
Station ID 308051**

# Guinea Creek @ Banks Rd. (Rd. 298) STATION ID 308051

## Station Information

FILTERS

TYPE

BASIN

WATERSHED

Text Filter

Share

Period of Record: Mar 8, 2000 - Jan 22, 2025

Basin: [Inland Bays](#)

Watershed: [Rehoboth Bay](#)



[View Historical Data](#)

[Download Station Data \(csv\)](#)

[Zoom to Station](#)

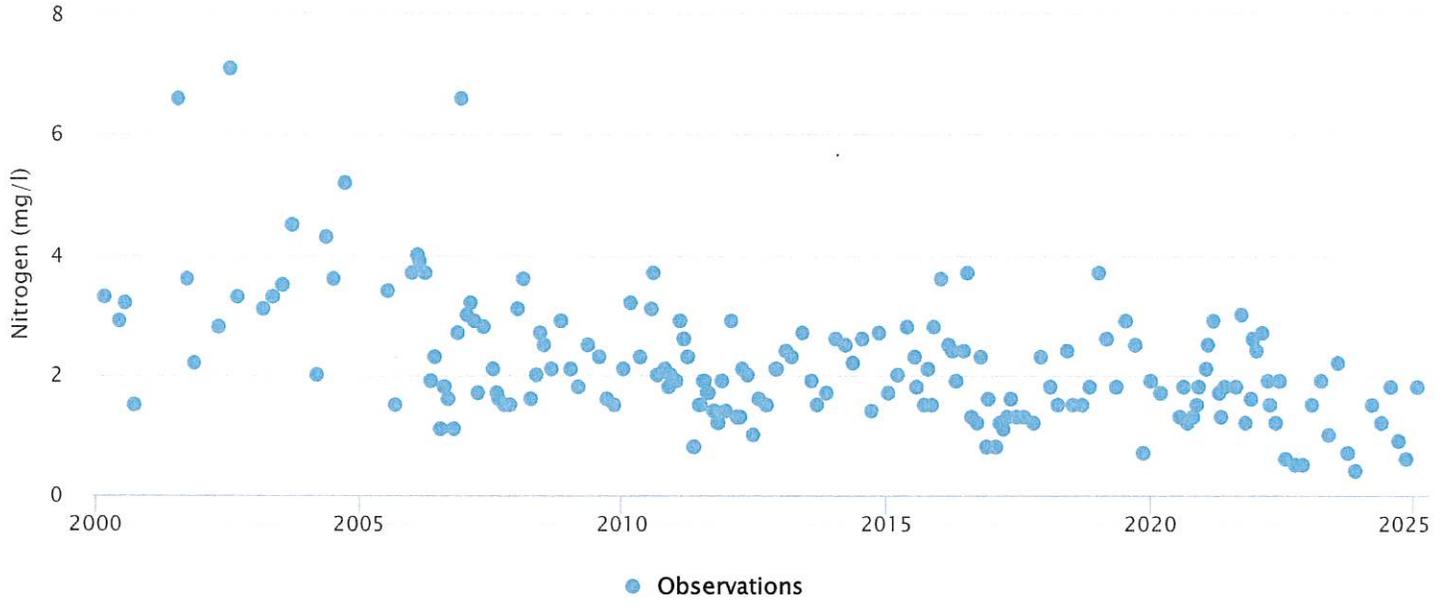
[Download Station Metadata](#)

**[Latest Water Quality Samples](#)**

# Nitrogen



Guinea Creek @ Banks Rd. (Rd. 298), Station ID: 308051

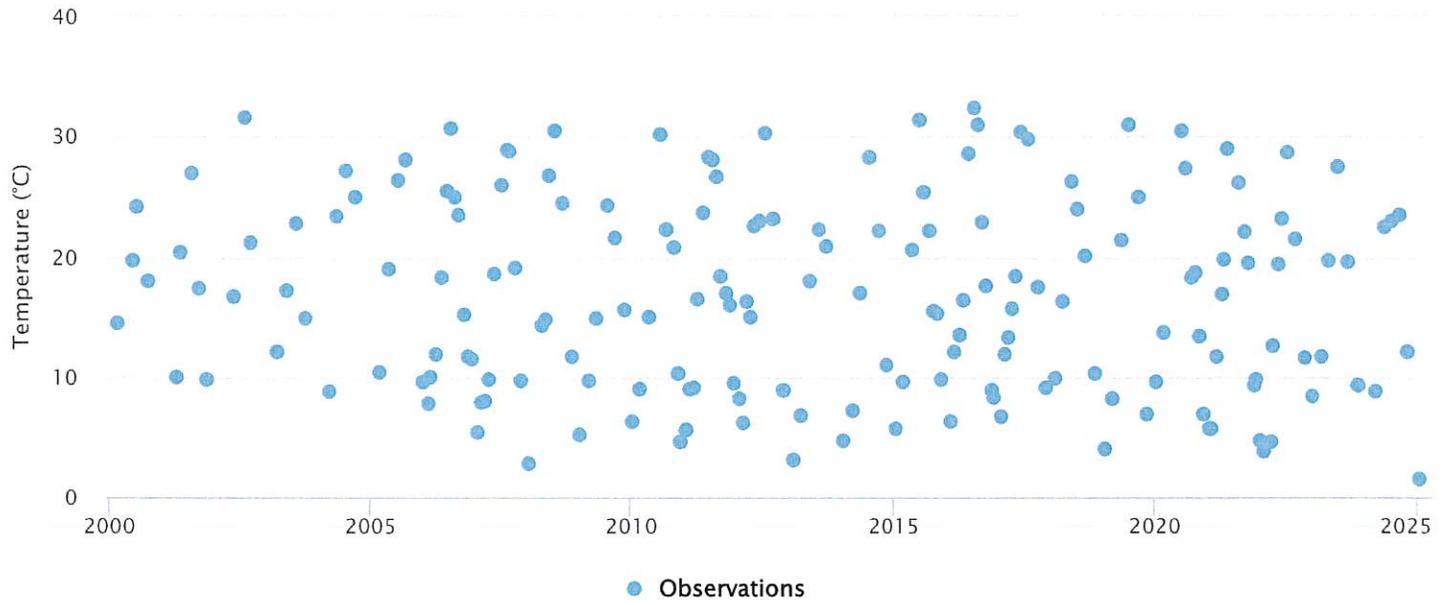


DNREC Surface Water Quality Monitoring Program

# Water Temperature



Guinea Creek @ Banks Rd. (Rd. 298), Station ID: 308051

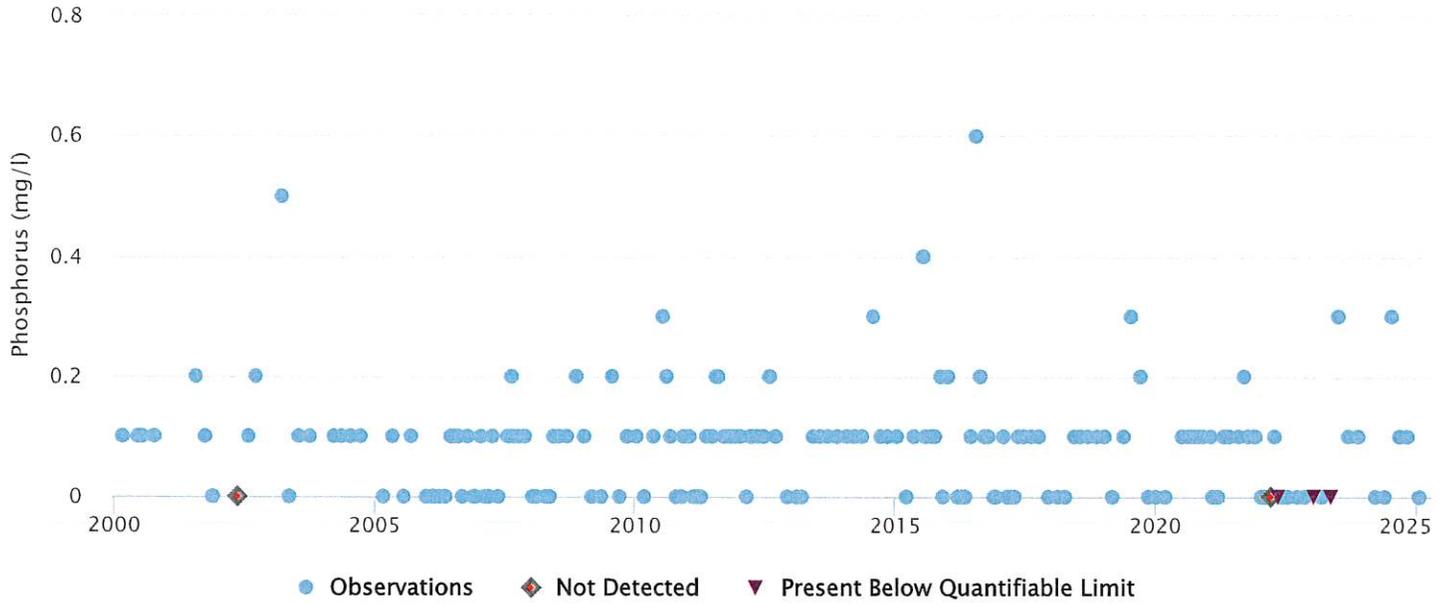


DNREC Surface Water Quality Monitoring Program

# Phosphorous



Guinea Creek @ Banks Rd. (Rd. 298), Station ID: 308051

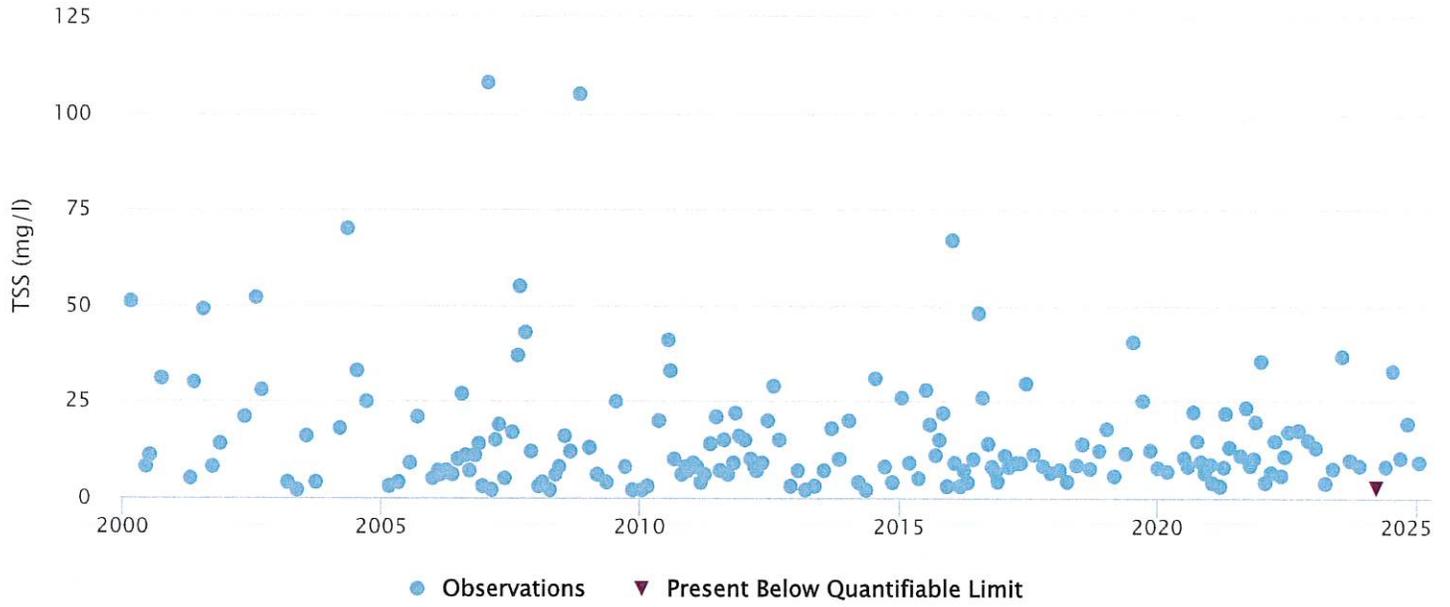


DNREC Surface Water Quality Monitoring Program

# Total Suspended Solids



Guinea Creek @ Banks Rd. (Rd. 298), Station ID: 308051

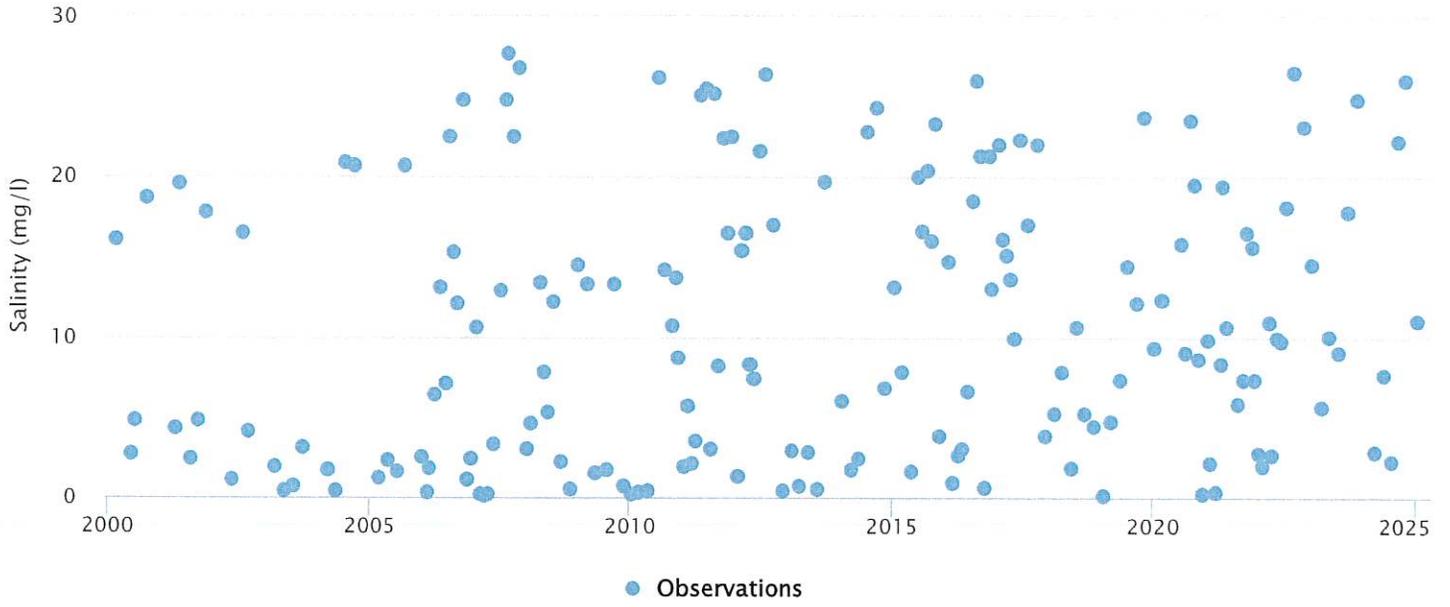


DNREC Surface Water Quality Monitoring Program

# Salinity



Guinea Creek @ Banks Rd. (Rd. 298), Station ID: 308051

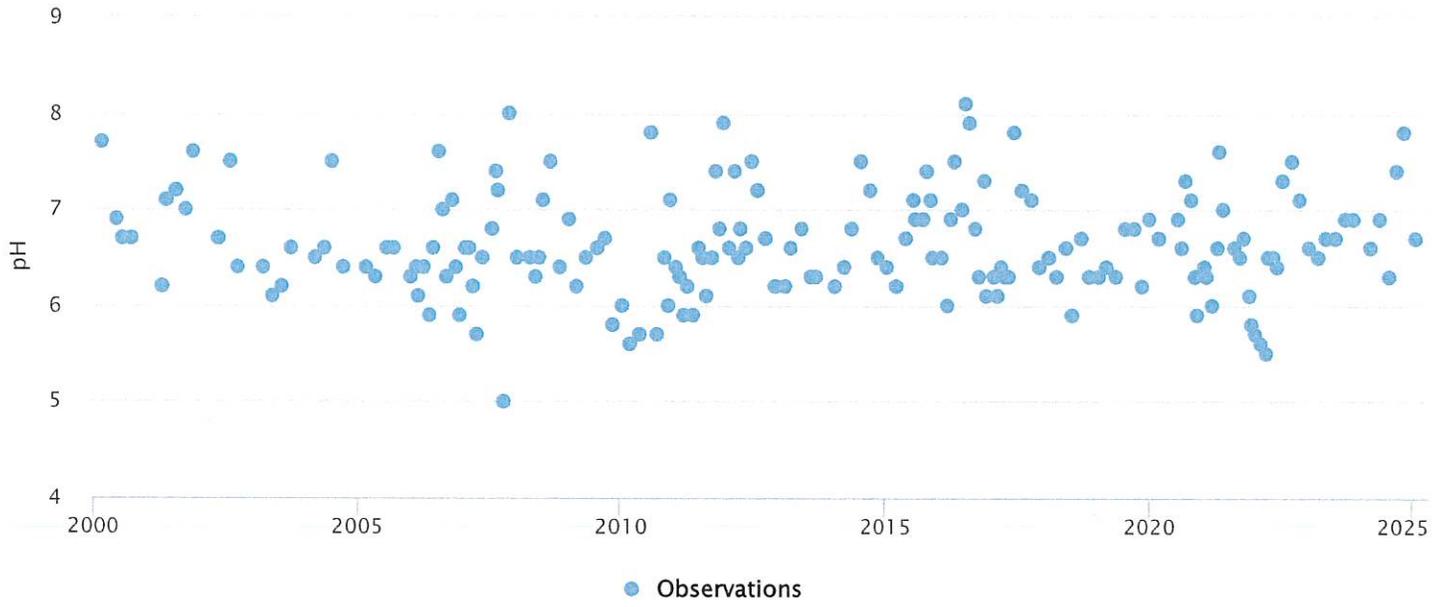


DNREC Surface Water Quality Monitoring Program

# pH



Guinea Creek @ Banks Rd. (Rd. 298), Station ID: 308051

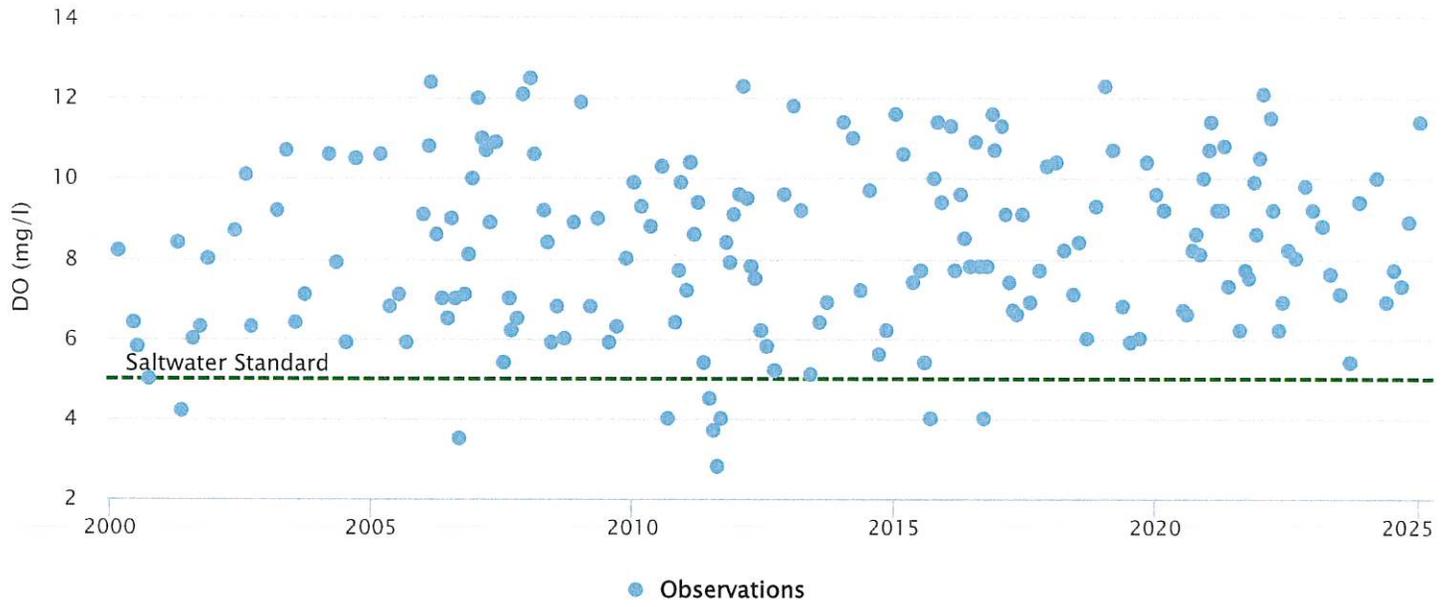


DNREC Surface Water Quality Monitoring Program

# Dissolved Oxygen



Guinea Creek @ Banks Rd. (Rd. 298), Station ID: 308051

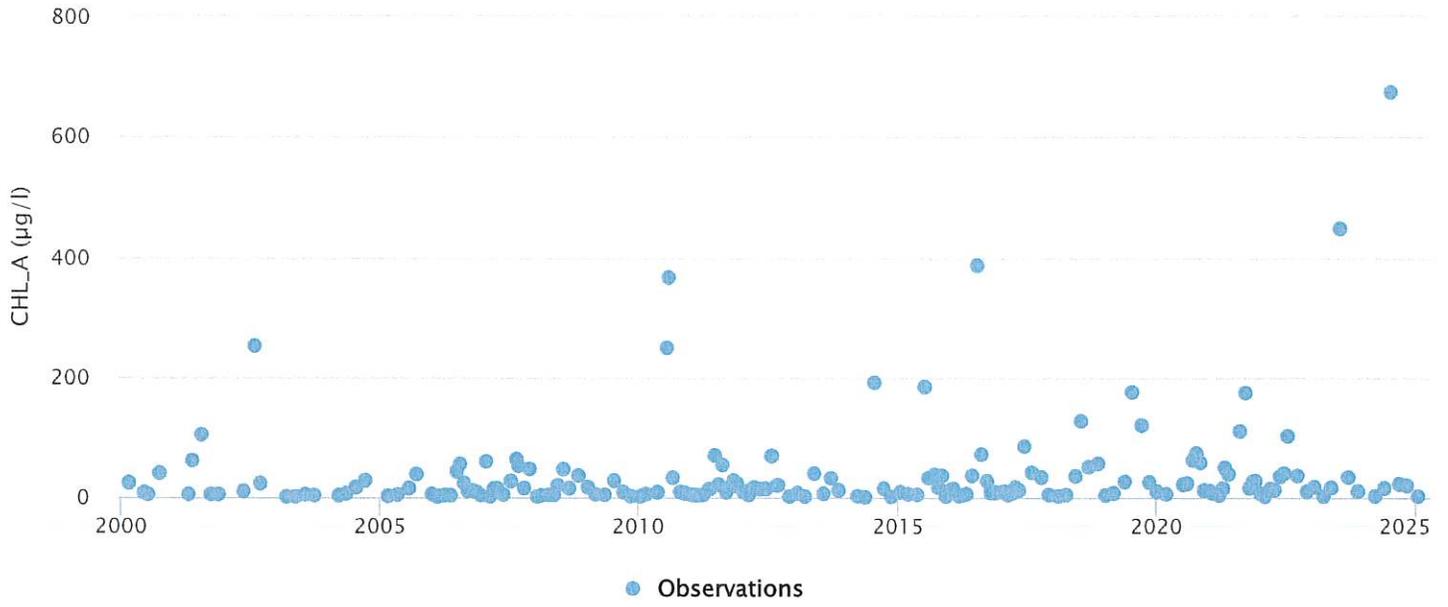


DNREC Surface Water Quality Monitoring Program

# Chlorophyll A



Guinea Creek @ Banks Rd. (Rd. 298), Station ID: 308051

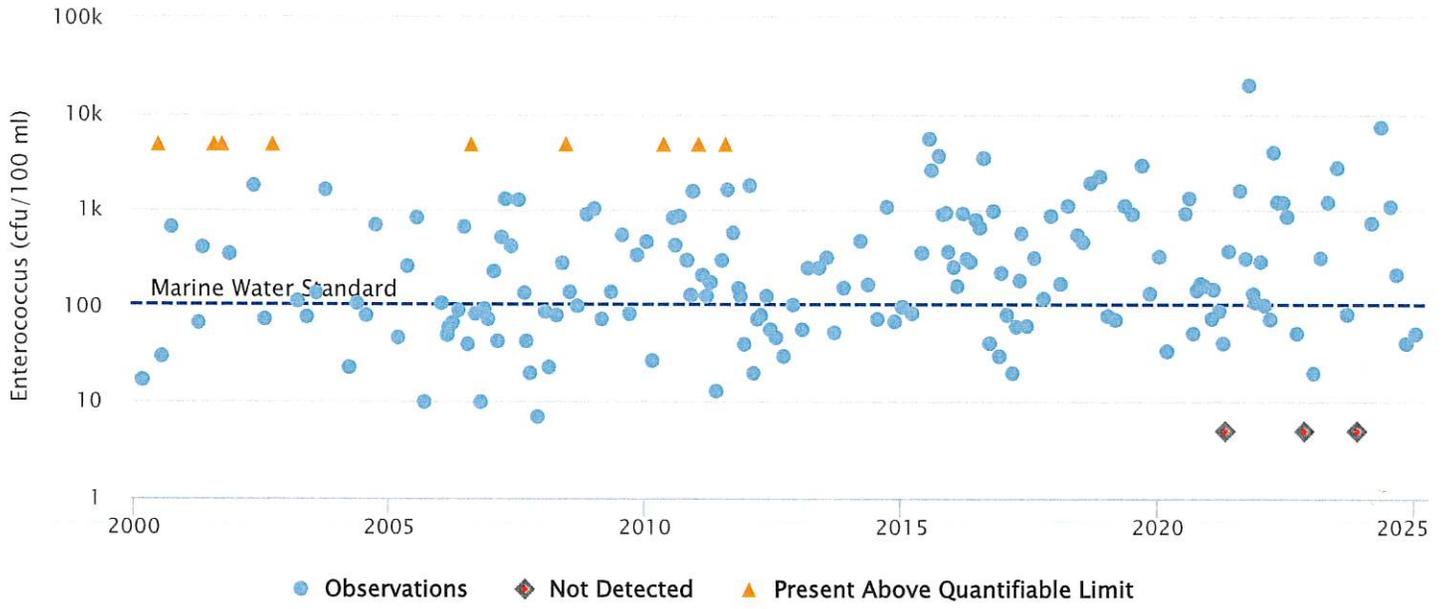


DNREC Surface Water Quality Monitoring Program

# Enterococcus



Guinea Creek @ Banks Rd. (Rd. 298), Station ID: 308051



DNREC Surface Water Quality Monitoring Program

## Exhibit 3

**Historic Water Quality Conditions  
Monthly Averages  
Guinea Creek at Banks Road (CR298)  
Station ID 308051**

# Guinea Creek @ Banks Rd. (Rd. 298)

## Historic Data

**FILTERS** **TYPE** **BASIN** **WATERSHED** **Text Filter** **Share**

Choose Parameter

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<b>MIN</b>	0.8	1.2	1.1	1.3	0.8	1.0	0.6	1.3	0.5	1.1	0.4	1.4
<b>AVG</b>	2.4	2.6	2.3	2.0	2.1	2.0	2.7	1.9	1.9	1.8	1.6	2.6
<b>MAX</b>	3.7	4.0	3.9	3.7	4.3	2.9	7.1	3.7	5.2	4.5	2.9	6.6

← Slide to see all months →

# Guinea Creek @ Banks Rd. (Rd. 298)

## Historic Data

FILTERS | TYPE | BASIN | WATERSHED |  | Share

Choose Parameter

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<b>MIN</b>	1.5	3.8	4.6	9.8	14.8	19.7	22.3	25.0	17.4	14.9	6.9	4.6
<b>AVG</b>	5.7	7.6	10.3	13.9	19.0	26.1	27.8	27.5	22.2	17.6	11.2	8.7
<b>MAX</b>	9.6	11.9	16.3	16.9	23.7	30.4	32.4	31.0	28.8	20.8	16.0	11.5

← Slide to see all months →

# Guinea Creek @ Banks Rd. (Rd. 298)

## Historic Data

FILTERS | TYPE | BASIN | WATERSHED |  |

Phosphorous

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<b>MIN</b>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0
<b>AVG</b>	0.1	0.0	0.1	0.1	0.0	0.1	0.2	0.1	0.1	0.1	0.1	0.0
<b>MAX</b>	0.2	0.0	0.5	0.1	0.1	0.1	0.6	0.2	0.2	0.1	0.2	0.1

← Slide to see all months →

### Guinea Creek @ Banks Rd. (Rd. 298)

#### Historic Data

FILTERS TYPE BASIN WATERSHED  Share

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<b>MIN</b>	2.0	2.0	2.0	2.0	2.0	8.0	7.0	8.1	6.0	4.0	2.0	3.0
<b>AVG</b>	21.0	6.3	8.2	8.1	12.2	13.9	26.0	19.0	17.1	12.7	16.3	8.2
<b>MAX</b>	108.0	10.0	51.0	19.0	70.0	29.7	52.0	37.0	55.0	43.0	105.0	19.7

Choose Parameter  
Total Suspended Solids

← Slide to see all months →

# Guinea Creek @ Banks Rd. (Rd. 298)

## Historic Data

FILTERS TYPE BASIN WATERSHED  Share

Choose Parameter

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<b>MIN</b>	0.1	0.2	0.1	0.2	0.4	1.8	0.5	5.8	2.2	0.6	0.4	0.2
<b>AVG</b>	7.4	6.6	5.6	6.4	7.1	11.3	12.3	17.4	15.8	15.8	14.2	7.7
<b>MAX</b>	21.9	16.1	16.5	13.6	25.1	25.5	26.4	26.0	27.7	24.8	26.8	22.5

← Slide to see all months →

# Guinea Creek @ Banks Rd. (Rd. 298)

## Historic Data

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

Choose Parameter

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<b>MIN</b>	5.7	5.6	5.5	5.7	5.7	6.3	5.9	6.1	5.7	5.0	5.8	5.8
<b>AVG</b>	6.4	6.4	6.3	6.4	6.6	6.9	7.0	6.9	6.8	6.7	6.7	6.5
<b>MAX</b>	6.9	7.4	7.7	6.9	7.6	7.8	8.1	7.9	7.5	7.4	8.0	7.8

← Slide to see all months →

# Guinea Creek @ Banks Rd. (Rd. 298)

## Historic Data

FILTERS | TYPE | BASIN | WATERSHED |  | Share

Choose Parameter  
Dissolved Oxygen

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
MIN	7.2	9.1	6.8	6.7	4.2	4.5	3.7	2.8	3.5	6.4	6.2	8.6
AVG	10.7	10.9	9.6	8.6	7.7	6.8	7.3	6.2	6.0	7.7	9.2	9.7
MAX	12.5	12.3	12.4	9.6	10.9	9.1	10.9	7.8	10.5	10.0	12.1	10.7

← Slide to see all months →

# Guinea Creek @ Banks Rd. (Rd. 298)

## Historic Data

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

Choose Parameter  
Enterococcus

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<b>MIN</b>	20.0	20.0	17.0	41.0	5.0	57.0	30.0	137.0	10.0	10.0	5.0	40.0
<b>AVG</b>	582.1	94.9	199.5	671.6	954.9	1367.9	1184.6	1818.2	1009.1	2416.2	314.1	426.9
<b>MAX</b>	4840.0	210.0	922.0	3970.0	7270.0	4840.0	5480.0	4840.0	4840.0	19900.0	2240.0	1570.0

← Slide to see all months →

## 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:

08/22/2024 20:30:20 UTC

Project Code: 2024-0134257

Project Name: Creekside Residential Community

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

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

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

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

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

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

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

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: 2024-0134257  
Project Name: Creekside Residential Community  
Project Type: Residential Construction  
Project Description: Construct a residential community on uplands served by a boat ramp and 25 slip marina

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.6367393,-75.17290329416828,14z>



Counties: Sussex County, Delaware

## ENDANGERED SPECIES ACT SPECIES

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

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, 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.

## MAMMALS

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

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## 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: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

City: Selbyville

State: DE

Zip: 19975

Email [elaunay@ericonsultants.com](mailto:elaunay@ericonsultants.com)

Phone: 3024369637

# Exhibit 5

## Site Photographs

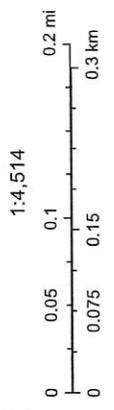


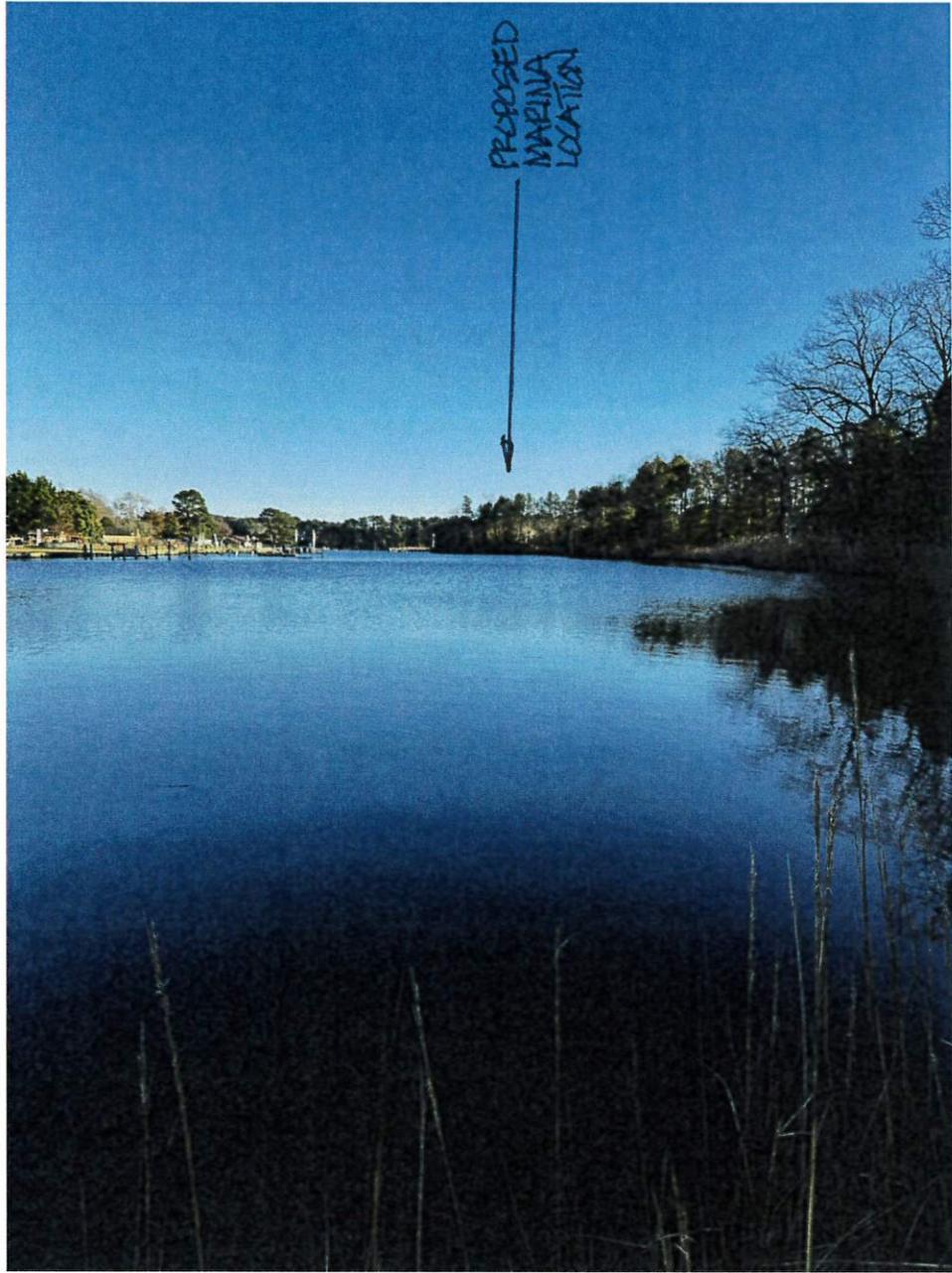
# Sussex County

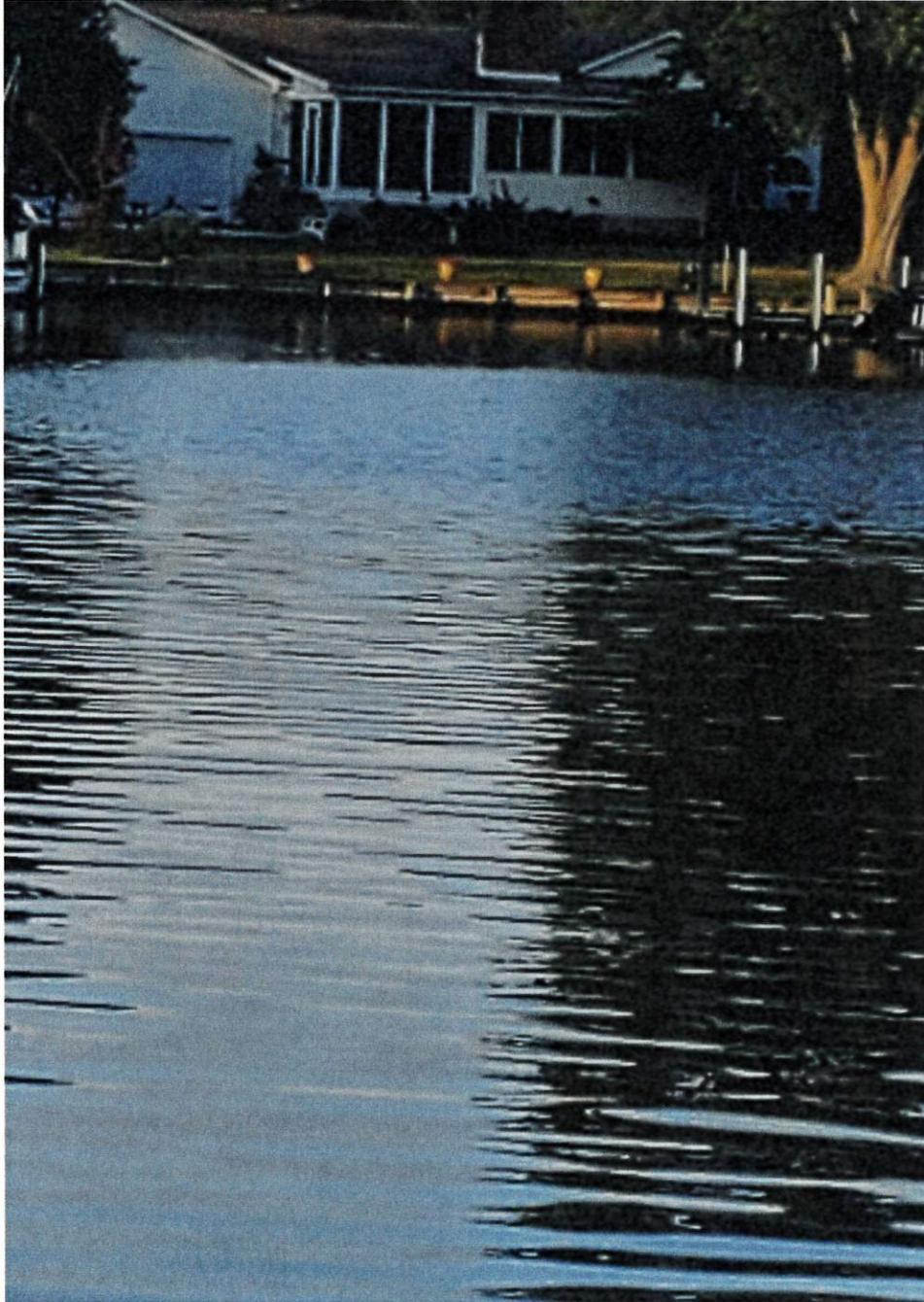


<b>PIN:</b>	234-23.00-277.00
<b>Owner Name</b>	ABC WOODLANDS LLC
<b>Book</b>	2248
<b>Mailing Address %</b>	CHARLES EGGLESTON
<b>City</b>	MILLSBORO
<b>State</b>	DE
<b>Description</b>	E/RT 398
<b>Description 2</b>	2800'N/RT 22
<b>Description 3</b>	
<b>Land Code</b>	

- Tax Parcels
- Streets
- County Boundaries
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 1.2m Resolution Metadata







VIEW TO OPPOSITE SHORELINE  
WINDING CREEK SUBDIVISION  
BULKHEADED SHORELINE  
WITH PIERS