

# **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?

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Yes | BASIC APPLICATION  |
| <input checked="" type="checkbox"/> Yes | SIGNATURE PAGE (Page 3)  |
| <input checked="" type="checkbox"/> Yes | APPLICABLE APPENDICES  |
| <input checked="" type="checkbox"/> Yes | SCALED PLAN VIEW   |
| <input checked="" type="checkbox"/> Yes | SCALED CROSS-SECTION OR ELEVATION VIEW PLANS   |
| <input checked="" type="checkbox"/> Yes | VICINITY MAP   |
| <input checked="" type="checkbox"/> Yes | COPY OF THE PROPERTY DEED & SURVEY   |
| <input checked="" type="checkbox"/> Yes | THREE (3) COMPLETE COPIES OF THE APPLICATION PACKET  |
| <input checked="" type="checkbox"/> Yes | APPROPRIATE APPLICATION FEE & PUBLIC NOTICE FEE<br>(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: Donald Degidio Telephone #: 302-864-0824  
 Mailing Address: 29664 Colony Drive Fax #: \_\_\_\_\_  
Dagsboro, Delaware 19939 E-mail: donald.e.degidio@gmail.com
2. Consultant's Name: David Small Company Name: Verdantas LLC  
 Mailing Address: 1060 South Governors Avenue Telephone #: 302-239-6634  
Suite 101 Fax #: \_\_\_\_\_  
Dover, DE 19904 E-mail: dsmall@verdantas.com
3. Contractor's Name: \_\_\_\_\_ 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):

Bay Colony Marina requires maintenance dredging of their marina located off of the Indian River.  
Mechanical maintenance dredging includes the removal of up to 3,870 c.y. to -5' MLW, with disposal  
at an off-site location: Chris Megee Spoil Site, 30541 Gum Road, Frankfurt, Delaware 19945

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

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

**Section 3: Project Location**

7. Project Site Address: 29664 Colony Drive County:  N.C.  Kent  Sussex  
Dagsboro, DE 19939 Site owner name (if different from applicant): \_\_\_\_\_  
 Address of site owner: \_\_\_\_\_

8. Driving Directions: From US-113, turn left onto Cricket St, turn right onto State Rd 20, take a slight left  
onto DE-26E/Vines Creek Rd, turn left onto Holts Lndg Rd, turn left onto Irons Ln, turn left onto Colony Dr  
 (Attach a vicinity map identifying road names and the project location)

9. Tax Parcel ID Number: 134-3.00-1.01 Subdivision Name: Bay Colony

<b>WSLS Use Only:</b>	<b>Permit #s:</b> _____
<b>Type</b>	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 3: Project Location (Continued)**

10. Name of waterbody at Project Location: Indian River Bay waterbody is a tributary to: Atlantic Ocean
11. Is the waterbody:  Tidal  Non-tidal Waterbody width at mean low or ordinary high water 95 ft, 150 ft
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:

Bay Colony Marina Slip - Owners Association Inc.  
(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.

- 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.

15. Provide the names of DNREC and/or Army Corps of Engineers representatives whom you have discussed the project with:  
Mike Yost, USACE Katie Esposito, DNREC

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

16. Are there existing structures or fill at the project site in subaqueous lands?  Yes  No

\*If yes, provide the permit and/or lease number(s):

MP-246/16

\*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: March 29, 2017

Type of Permit: Maintenance Dredging Federal Permit or ID #: CENAP-OP-R-2016-532-85  
Please see attached project description.

18. Have you applied for permits from other Sections within DNREC?

No  Pending  Issued  Denied Date: \_\_\_\_\_ Permit or ID #: \_\_\_\_\_

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

Other: \_\_\_\_\_

**Section 5: 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, Donald Degidio, hereby designate and authorize David Small  
(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: David Small Telephone #: 302-239-6634  
 Mailing Address: 1060 South Governors Avenue Fax #: \_\_\_\_\_  
Suite 101 E-mail: dsmall@verdantas.com  
Dover, DE 19939

**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.

*David Small* 3-12-2025  
 Agent's Signature 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.

*Donald Degidio* MARCH 11, 2025  
 Applicant's Signature Date  
Donald Degidio  
 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



DNREC Wetlands and Subaqueous Lands Section Permit Application  
Attachment - Project Description

## **DNREC Wetlands and Subaqueous Lands Section Permit Application**

17. Have you applied for or obtained a Federal permit from the Army Corps of Engineers?

The Bay Colony Marina Slip Owners Association was issued a U.S. Army Corps of Engineers (USACE) permit (CENAP-OP-R-2016-532-85) for the construction of a courtesy pier and dock and to conduct hydraulic maintenance dredging. The permit was issued on August 18, 2016, and expires on December 31, 2026. The original issued permit stated that the dredged material would be pumped into Geotubes located on the Bay Colony parking lot and following dewatering, the material would be trucked to an upland disposal area off-site. In a letter dated February 27, 2017, the USACE approved a request by the Bay Colony Marina Slip Owners Association to mechanically dredge and transport the dredge material via watertight trucks to an existing confined upland disposal site within community property. This method superseded the previously approved method of hydraulic dredging with material being disposed of at an area off-site. The original USACE permit and subsequent letter approving the permit modification are provided at the end of this application package.

This permit application to the DNREC Wetlands and Subaqueous Lands Section proposes mechanical maintenance dredging at the Bay Colony Marina with disposal of the dredged material at an existing confined upland disposal facility, the Chris Magee Spoil Site located at 30541 Gum Road, Frankford, Delaware 19945. Verdantas and the Bay Colony Marina Slip Owners Association have been in contact with Mr. Mike Yost at the USACE Philadelphia District regarding the latest proposed change in disposal location. During those conversations, it was determined that Bay Colony would be required to submit a letter to the USACE to request a permit modification that changes the location of the proposed upland disposal site to the Chris McGee disposal location. The permit modification request letter has been submitted to USACE. Approval from the USACE was received on August 28, 2025. The signed Permit Modification has been included in this package.

*Authority to Act as Agent*

State of Delaware  
Department of Natural Resources and Environmental Control  
Division of Water  
Wetlands and Waterways Section  
89 Kings Highway  
Dover, Delaware 19901

August 28, 2025

### Authority to Act as Agent

To Whom It May Concern:

This letter serves to formally authorize the individual named below to act on behalf of Bay Colony Marina Slip Owners Association in applying for and signing various permit applications related to projects at the Bay Colony Marina.

Company Information: Bay Colony Marina Slip Owners Association  
29664 Colony Drive  
Dagsboro, DE 19939

Authorized Agent: Don Degidio  
Board President  
302-864-0824  
donald.e.degidio@gmail.com

This authorization grants the above-named individual the authority to:

- Complete and submit necessary permit applications on behalf of Bay Colony Marina Slip Owners Association, including but not limited to building permits, environmental permits, land use permits, and other regulatory approvals.
- Sign related documents, including permit applications, forms, certifications, and any other agreements required for obtaining permits.
- Represent Diamond State Port Corporation in discussions and negotiations with permitting authorities.
- Receive and acknowledge correspondence, notices, and decisions from regulatory agencies regarding permit applications.

The authorization is effective upon the signing designation issued by the Bay Colony Marina Slip Owners Association on SEPT 11, 2025, and will remain in effect until revoked in writing.

The undersigned, being the PRESIDENT of the Bay Colony Marina Slip Owners Association, certifies that the information provided in this authorization letter is true and accurate to the best of their knowledge and belief. It affirms that the named individual has the authority to act on behalf of Bay Colony Marina Slip Owners Association in matters pertaining to permit applications as described above.

Sincerely,

Company Representative:

Donald E. Degidio  
Signature

Printed

DONALD E. DEGIDIO

Title:

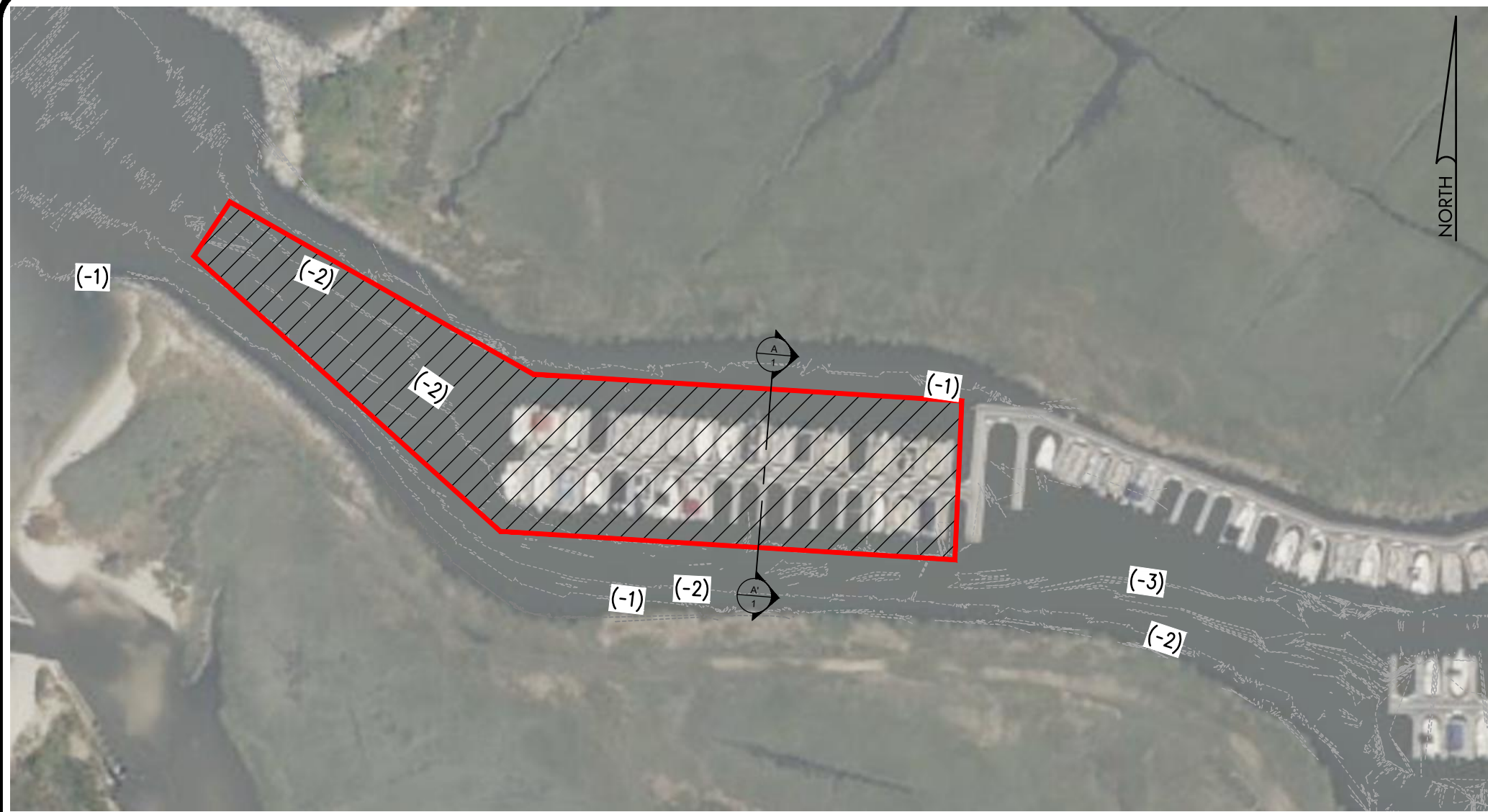
PRESIDENT

On behalf of:

BAY COLONY MARINA  
SLIP OWNER'S ASSOCIATION

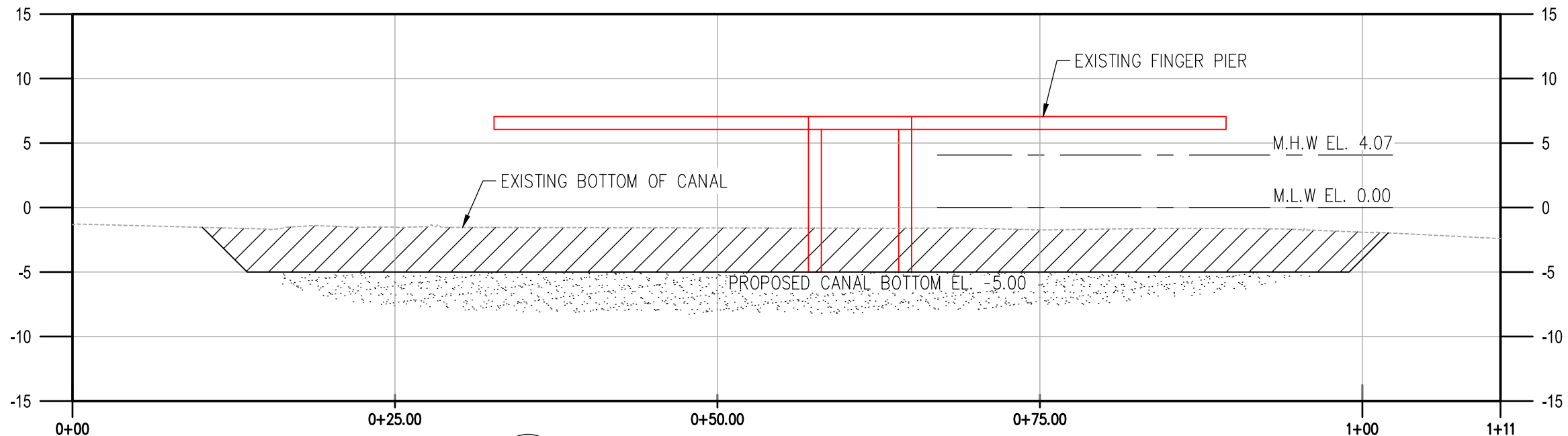
Scaled Plan View &  
Scaled Cross Section

z:\project files\aa-bz\bay colony marina dredge permitting\cad\sheets and plans\site-20824.dwg



**LEGEND**

- BAY COLONY DREDGE AREA
- SEDIMENT PROFILE
- DREDGE PROFILE
- PROPOSED DREDGING  
38,898 S.F. AREA TO BE DREDGED TO EL. -5.00  
4171.77 C.Y. TO BE REMOVED  
PERMIT LIMITS VOLUME TO 3,870 C.Y.



A MARINERS WAY DREDGE CROSS SECTION A  
 SCALE: 1" = 10'



1143 SAVANAH ROAD, SUITE 1A  
LEWES, DE 19958  
TEL. 302.239.6634 FAX 302.239.8485

DESIGNED BY:	SS	DRAWN BY:	AAZ
CHECKED BY:	DS	PROJECT NO.:	20824

BAY COLONY YACHT CLUB  
**MAINTENANCE DREDGING PLAN**  
**DNREC PERMIT APPLICATION**  
 PLAN\_NAME\_1  
 PLAN\_NAME\_2

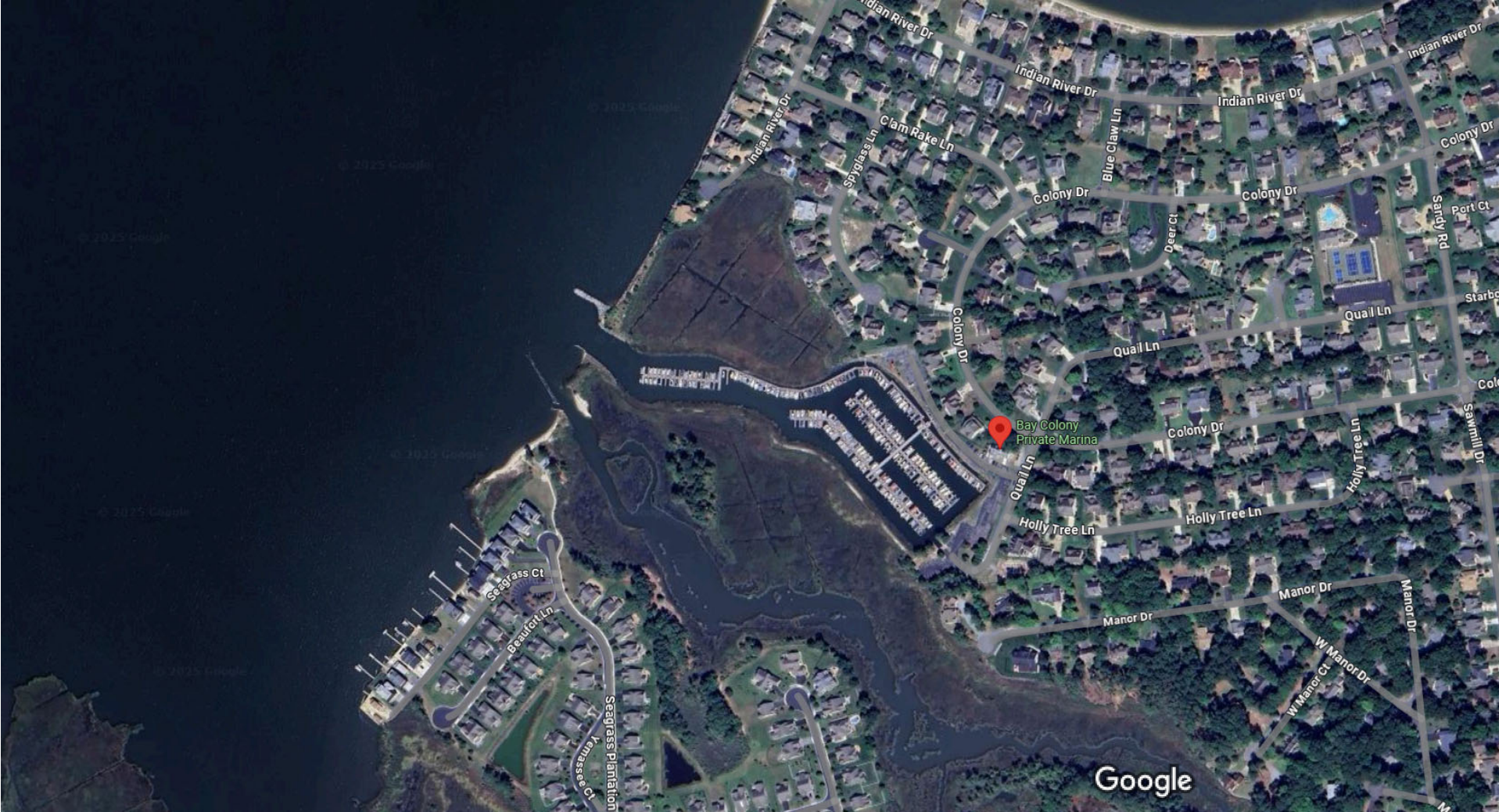
DATE: FEBRUARY 9, 2024

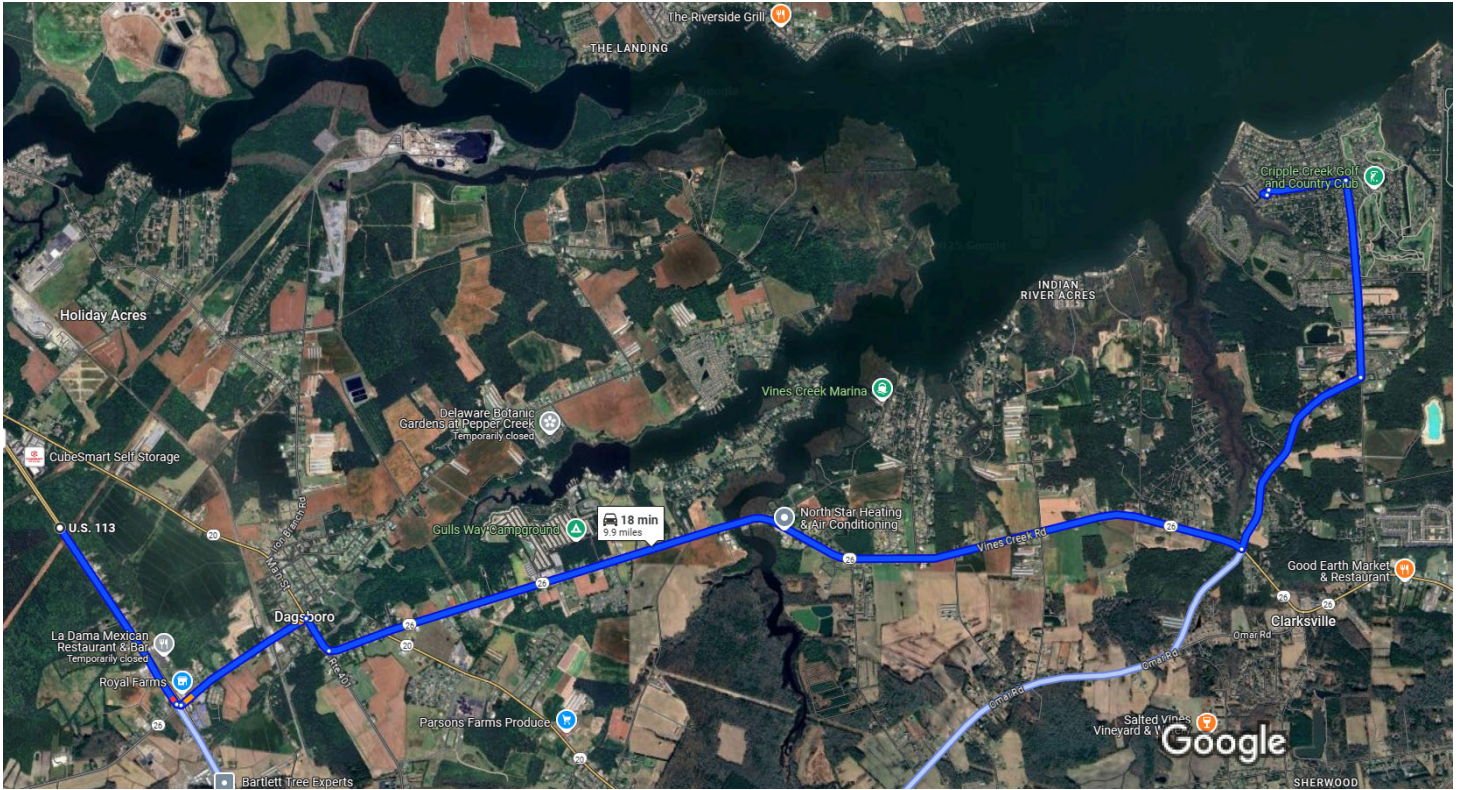
SCALE: AS SHOWN

SHEET: 1

Vicinity Map

Bay Colony Private Marina





Imagery ©2025 Airbus, Landsat / Copernicus, Maxar Technologies, Map data ©2025 Google 2000 ft

US-113

- ↑ 1. Head southeast on US-113 S  
\_\_\_\_\_ 1 min (1.1 mi)

Follow Clayton St to Main St

- \_\_\_\_\_ 3 min (0.8 mi)
- ← 2. Use the left 2 lanes to turn left toward Clayton St  
\_\_\_\_\_ 135 ft
- ↖ 3. Slight left onto Clayton St  
\_\_\_\_\_ 0.8 mi

Follow DE-26 E/Vines Creek Rd to Holts Lndg Rd

- \_\_\_\_\_ 8 min (5.3 mi)
- ↘ 4. Turn right onto Main St  
\_\_\_\_\_ 0.2 mi
- ↖ 5. Main St turns slightly left and becomes DE-26 E/Vines Creek Rd  
\_\_\_\_\_ 5.1 mi

Continue on Holts Lndg Rd. Take Irons Ln to Holly Tree Ln

6 min (2.7 mi)

↶ 6. Turn left onto Holts Lndg Rd

1.2 mi

↶ 7. Turn left onto Irons Ln

1.0 mi

↶ 8. Turn left onto Colony Dr

0.4 mi

↶ 9. Turn left onto Quail Ln

144 ft

↷ 10. Turn right onto Holly Tree Ln

**i Destination will be on the right**

108 ft

### Bay Colony Private Marina

29664 Colony Dr, Dagsboro, DE 19939

## Property Deed & Survey

PARCEL I.D. NUMBER:

1-34-3.00-1.00 (p/o)

PREPARED BY: GRIFFIN & HACKETT, P.A.  
P.O. BOX 612  
GEORGETOWN, DE 19947

RETURN TO: Bay Colony Marina Slip  
Owners Association, Inc.  
c/o Allan Finlayson  
34421 Clam Rake Lane  
Dagsboro, DE 19939

THIS DEED, made this 27 day of October, A.D. 2006, by and between:

BAY COLONY LIMITED PARTNERSHIP, of P.O. Box 1, Bethany Beach, Delaware 19930, party of the first part,

- A N D -

BAY COLONY MARINA SLIP OWNERS ASSOCIATION, INC., having an address of 34421 Clam Rake Lane, Dagsboro, Delaware 19939, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00), current lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, their heirs and assigns:

ALL that certain tract and parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware and being more particularly described as follows:

BEGINNING at an iron pipe situate on the southwesterly R.O.W. of Colony Drive, said iron pipe being a corner for this parcel and Lot 14, Block F, Bay Colony Subdivision; thence along a curve to the left, by and with the southwesterly R.O.W. of Colony Drive having a radius of 460.00 feet, a central angle of 010 degrees 12 minutes 43 seconds, an arc length of 81.99 feet, and a chord which bears South 46 degrees 40 minutes 28 seconds East to an iron pipe; thence along a curve to the right, by and with the northwesterly R.O.W. of Quail Lane having a radius of 25.00 feet, a central angle of 084 degrees 04 minutes 58 seconds, an arc length of 36.69 feet, and a chord which bears South 09 degrees 44 minutes 19 seconds East to an iron pipe; thence South 32 degrees 18 minutes

Consideration:	\$5000.00	Exempt Code: A
<hr/>		
County	State	Total
75.00	75.00	150.00
counter	Date: 11/02/2006	

*Handwritten initials/signature*

10 seconds West, by and with the northwesterly R.O.W. of Quail Lane a distance of 341.87 feet to a point; thence along a curve to the right, by and with the northwesterly R.O.W. of Quail Lane having a radius of 25.00 feet, a central angle of 070 degrees 31 minutes 43 seconds, an arc length of 30.77 feet, and a chord which bears South 67 degrees 34 minutes 01 seconds West to a point; thence along a curve to the left, by and with the northwesterly R.O.W. of Quail Lane having a radius of 50.00 feet, a central angle of 169 degrees 28 minutes 46 seconds, an arc length of 147.90 feet, and a chord which bears South 07 degrees 34 minutes 01 seconds West to a point; thence South 32 degrees 18 minutes 10 seconds West, by and with Lot 22, Block L, Bay Colony Subdivision a distance of 25.13 feet to a point; thence North 86 degrees 21 minutes 45 seconds West, by and with Cripple Creek Manor Subdivision a distance of 165.00 feet to a point; thence North 28 degrees 15 minutes 00 seconds West, by and with land N/F Bay Colony LTD. Partnership a distance of 529.90 feet to a point; thence North 55 degrees 19 minutes 57 seconds West, by and with lands N/F Bay Colony LTD. Partnership a distance of 184.21 feet to a point; thence North 37 degrees 48 minutes 11 seconds West, by and with lands N/F Bay Colony LTD. Partnership a distance of 163.46 feet to a point; thence North 76 degrees 26 minutes 52 seconds West, by and with lands N/F Bay Colony LTD. Partnership a distance of 339.47 feet to a point; thence North 45 degrees 32 minutes 34 seconds West, by and with lands N/F Bay Colony LTD. Partnership a distance of 128.68 feet to a point; thence North 36 degrees 29 minutes 02 seconds West, by and with lands N/F Bay Colony LTD. Partnership a distance of 180.17 feet to a point; thence North 55 degrees 59 minutes 47 seconds West, by and with lands N/F Bay Colony LTD. Partnership a distance of 41.43 feet to a point; thence North 13 degrees 47 minutes 06 seconds West, by and with lands N/F Bay Colony LTD. Partnership a distance of 22.00 feet to a point in the Indian River; thence North 17 degrees 12 minutes 42 seconds East, across the Indian River a distance of 168.59 feet to a point in the Indian River; thence North 43 degrees 26 minutes 26 seconds East, across the Indian River a distance of 50.00 feet to a point in the Indian River; thence South 46 degrees 33 minutes 34 seconds East, across the Indian River a distance of 156.00 feet to a point; thence South 31 degrees 57 minutes 33 seconds East, by and with lands N/F Bay Colony LTD. Partnership a distance of 162.62 feet to a point; thence South 77 degrees 21 minutes 11 seconds East, by and with lands N/F Bay Colony LTD. Partnership a distance of 230.53 feet to a point; thence South 59 degrees 34 minutes 51 seconds East, by and with lands N/F Bay Colony LTD. a distance of 303.14 feet to a point; thence North 75 degrees 59 minutes 45 seconds East, by and with lands N/F Bay Colony LTD. Partnership a distance of 165.51 feet to an iron pipe; thence South 87 degrees 04 minutes 05 seconds East, by and with Lot 13 & Lot 14, Block E a distance of 240.00 feet to an iron pipe; thence South 12 degrees 53 minutes 47 seconds East, by and with Lots 11, 12 & 13, Block F a distance of 316.59 feet to an iron pipe; thence South 47 degrees 59 minutes 33 seconds East, by and with Lot 14, Block F a distance of 131.97 feet to an iron pipe; thence North 48 degrees 25 minutes 55 seconds East, by and with Lot 14, Block F a distance of 90.21 feet to the point of beginning, said parcel contains 12.78 acres of land, being the same more or less.

The land description set forth above is taken from and is intended to be identical to the description of property submitted to the condominium and recorded as Exhibit A to the Condominium Declaration of Bay Colony Community Yacht Club Condominium dated May 13, 1991 and of record in Deed Book 1781, page 58 and in the event of any conflict between the description contained in this deed and the description set forth in Exhibit A to the aforesaid Condominium Declaration, the description attached to the Condominium Declaration as Exhibit A shall take precedence over the description set forth above.

**BEING** part of the same lands conveyed to Bay Colony Limited Partnership by deed of Mabel H. Dukes and Harry H. Dukes, Jr., her husband dated November 3, 1981 and of record in the Office of the Recorder of Deeds in Georgetown, Delaware in Deed Book 1090, page 181.

Bay Colony Limited Partnership accepts and reserves from the above described lands all of their right, title and interest in and to the condominium boat slips which remain in the name of Bay Colony Limited Partnership and which have not yet been sold to third party purchasers.

The above described parcel is conveyed to the party of the second part subject to the Declaration of Condominium for Bay Colony Community Yacht Club of record in Deed Book 1781, page 58, *et seq.* and the Bylaws of the Bay Colony Marina Slip Owners Association, Inc. for the Bay Colony Community Yacht Club, of record in Deed Book 1781, page 109, *et seq.* and the Condominium Declaration Plan of record in Plot Book 46, page 107.

The above described land is also conveyed subject to the First Amendment to the Declaration and Bylaws dated August 7, 2006 of record in Deed Book 3345, page 227, *et seq.*; the Agreement of Voluntary Surrender of Control by Bay Colony Limited Partnership to Bay Colony Marina Slip Owners Association, Inc. dated August 7, 2006 and of record in Deed Book 3345, page 234, *et seq.*; the Declarant's Assignment of Bank Accounts and all rights under the condominium documents to Bay Colony Marina Slip Owners Association, Inc. dated August 7, 2006 and of record in Deed Book 3345, page 240, *et seq.*; and the Assignment of Right of First Refusal from Bay Colony Marina Slip Owners Association, Inc. to Bay Colony Limited Partnership dated August 7, 2006 and of record in Deed Book 3345, page 247, *et seq.* granting Bay Colony Limited Partnership the right to purchase any condominium boat slip being offered for resale by an owner of such boat slip in the Bay Colony Marina for a period of one (1) year to expire on August 6, 2007.



35210

BK: 3712 PG: 209

PARCEL I.D. NUMBER:

1-34-3.00-1.00 (p/o)

**PREPARED BY:** GRIFFIN & HACKETT, P.A.  
P.O. BOX 612  
GEORGETOWN, DE 19947

**RETURN TO:** Bay Colony Marina Slip  
Owners Association  
29664 Colony Drive  
Dagsboro, DE 19939

**THIS CORRECTIVE DEED**, made this 17<sup>th</sup> day of September,  
A.D. 2008, by and between:

**BAY COLONY LIMITED PARTNERSHIP**, a Delaware limited partnership of  
P.O. Box 1, Bethany Beach, Delaware 19930, hereafter referred to as Grantee,

- A N D -

**BAY COLONY MARINA SLIP OWNERS ASSOCIATION, INC.**, a Delaware  
corporation, having an address of 29664 Colony Drive, Dagsboro, Delaware 19939, hereafter  
referred to as Grantor.

**WITNESSETH**, That the Grantor, as a gift and without the payment of  
consideration, hereby grants and conveys unto the party of the second part, its successors and  
assigns:

**ALL** those two (2) certain tracts and parcels of land lying and being in Baltimore  
Hundred, Sussex County, Delaware and described as all of Parcel B containing 6.9 acres and  
all of Parcel C containing 12.7 acres, the exact metes and bounds of which are surveyed and  
depicted on a composite drawing survey prepared by Land Tech Land Surveying, LLC dated  
May 12, 2008, Drawing No. 41-SP, which is recorded in the Office of the Sussex County  
Recorder of Deeds in Plot Book 136, page 66, with the metes and bounds description  
of Parcels B and C being as shown on said survey being incorporated herein by reference as  
though the same were fully set forth herein.

This Corrective Deed is executed and delivered to convey to the Grantee the two  
above described parcels of land which lie immediately adjacent to the 12.78 acres (designated  
as Parcel A on the above referenced survey) and conveyed by the above named

5

CR

Grantor to the above named Grantee by deed dated October 27, 2006 and recorded in the Office of the Recorder of Deeds in Deed Book 3378, page 36, as referenced thereto will more fully indicate. This deed corrects the description of said prior deed to add Parcels B and C thereto.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

BAY COLONY LIMITED PARTNERSHIP

By: Jackie Hickman  
Jackie Hickman, Managing Member

**RECEIVED**

Recorder of Deeds  
John F. Brady  
Sep 14, 2009 10:40A  
Sussex County  
Doc. Surcharge Paid

STATE OF DELAWARE :  
:  
COUNTY OF SUSSEX :

SEP 14 2009

ss. **ASSESSMENT DIVISION  
OF SUSSEX COUNTY**

BE IT REMEMBERED, That on this 17 day of Sept, A.D. 2008, personally came before me, a Notary Public for the State and County aforesaid, **Jackie Hickman, Managing Member of Bay Colony Limited Partnership**, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said Limited Partnership and that the signature of the Managing Member is in his own proper handwriting and that his act of signing and delivering this deed was first duly authorized by the Members of the Limited Partnership.

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

SEAL

MICHELE A. HICKMAN  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires Dec. 10, 2008

Michelle A. Hickman  
Printed Name: Michelle A. Hickman  
Title: NOTARY PUBLIC  
Commission Expires: 12-10-08

Consideration: .00

County .00  
State .00  
Town Total .00  
Received: Cindy R Sep 14, 2009

35209  
BK: 136 PG: 66

Recorder of Deeds  
John F. Brady  
Sep 14 2009 10:10 AM  
Sussex County  
Doc. Surcharge Paid



APPROVED  
9-15-08  
SA  
SUSSEX COUNTY  
PLANNING & ZONING COMMISSION

<p>PREPARED BY</p> <p>104 CYPRESS POINT DAGSBORO, DELAWARE 19939 PHONE: 302-537-9600</p>	<p>DRAWN BY: E.M.M.</p> <p>CHECK BY:</p> <p>FILE NAME: 85067</p> <p>F.B. No.:</p> <p>T.M. No. 1-34-3-1</p> <p>TM2</p> <p>DATE: 5-12-08</p> <p>SCALE: 1"=100'</p>	<p>RECORD PLAT NORTH</p>
	<p>COMPOSITE DRAWING</p> <p>BALTIMORE HUNDRED SUSSEX COUNTY - DELAWARE</p> <p>LANDS OF: BAY COLONY L.P.</p>	
<p>REVISIONS</p> <p>REVISION1</p> <p>REVISION2</p> <p>REVISION3</p> <p>REVISION4</p>	<p>PROJECT No. 85067</p> <p>SHEET No. 1</p> <p>DWG. No. B41-SP</p>	

DATED PLOTTED FROM EXISTING SURVEYS & RECORD PLATS.  
NO UPDATED SURVEY PERFORMED OR STIPULATED.  
"SUBURBAN" SURVEY  
This plot and survey does not verify the existence or non-existence of right-of-ways or easements on this property.

CR 45

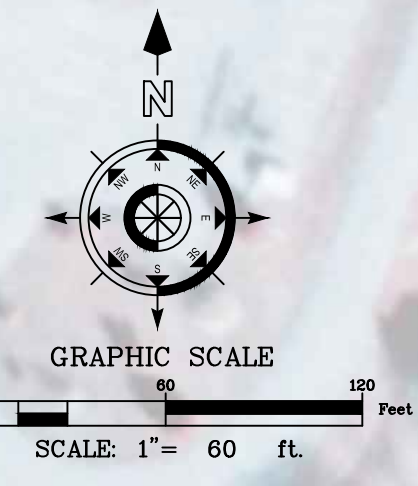
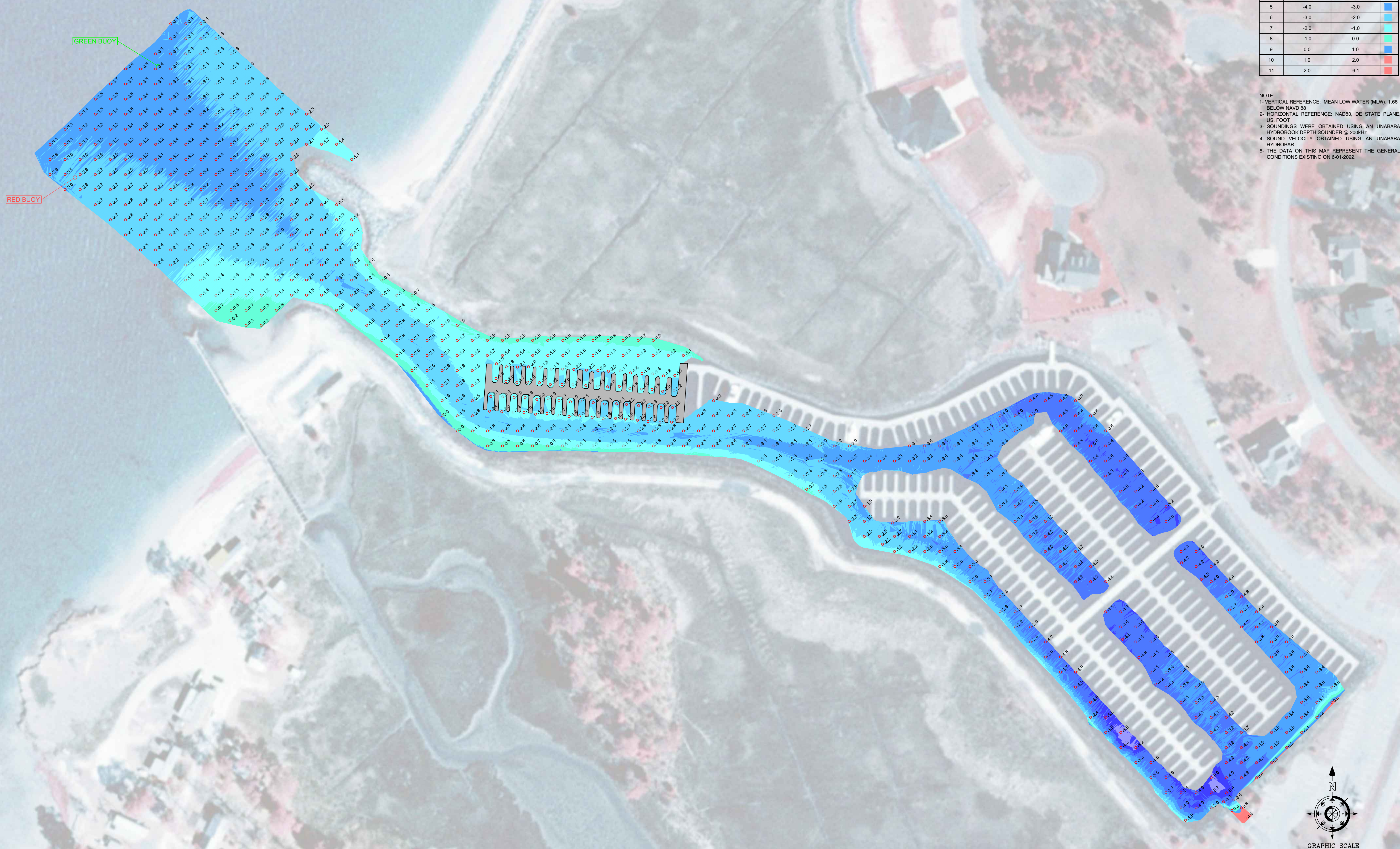
INDIAN RIVER BAY

GREEN BUOY

RED BUOY

Elevations Table			
Number	Minimum Elevation	Maximum Elevation	Color
1	-8.8	-7.0	Blue
2	-7.0	-6.0	Light Blue
3	-6.0	-5.0	Light Cyan
4	-5.0	-4.0	Light Green
5	-4.0	-3.0	Light Yellow
6	-3.0	-2.0	Yellow
7	-2.0	-1.0	Orange
8	-1.0	0.0	Red-Orange
9	0.0	1.0	Red
10	1.0	2.0	Dark Red
11	2.0	6.1	Dark Red

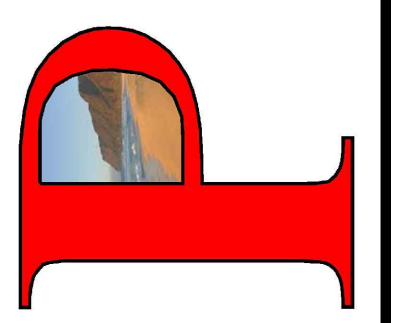
NOTE:  
 1- VERTICAL REFERENCE: MEAN LOW WATER (MLW), 1.66' BELOW NAVD 88  
 2- HORIZONTAL REFERENCE: NAD83, DE STATE PLANE, US. FOOT  
 3- SOUNDINGS WERE OBTAINED USING AN UNABARA HYDROBOOK DEPTH SOUNDING @ 200kHz  
 4- SOUND VELOCITY OBTAINED USING AN UNABARA HYDROBAR  
 5- THE DATA ON THIS MAP REPRESENT THE GENERAL CONDITIONS EXISTING ON 6-01-2022.



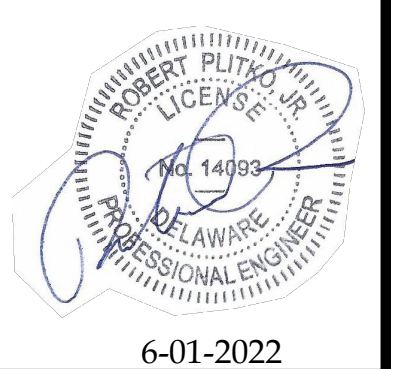
BATHYMETRIC SURVEY (MLW)

REVISIONS		DESCRIPTION
REVISION	DATE	

PLITKO, LLC  
 53 ATLANTIC AVE., STE 3  
 OCEAN VIEW, DE 19970  
 Phone (302)-222-2075



BATHYMETRIC SURVEY FOR  
**BAY COLONY MARINA (MLW)**  
 DAGESBORO, DE  
 SUSSEX COUNTY, DE



6-01-2022  
 Scale: 1"=60'  
 Designed:  
 Planned:  
 Drawn:  
 Approved: RP 6/01/22  
 Sheet No. V100

**Bay Colony Marina  
Immediately Adjoining Property Owners**

<b>Owner Name</b>	<b>Mailing Address</b>	<b>City</b>	<b>State</b>	<b>Zipcode</b>
Bay Colony Marina Slip, Owners Association Inc.	29664 Colony Drive	Dagsboro	DE	19939
Robert E. Shields (Leon Ellin G Revocable Trust)	29438 Spyglass Lane	Dagsboro	DE	19939
Leonard J & Anna C. Scarola	29444 Spyglass Lane	Dagsboro	DE	19939
Jeffrey S. Harris & Michele I. Misher-Harris	210 W Rittenhouse SQ #1504	Philadelphia	PA	19103
Wayne Walker & Carolyn Jean Weir	29624 Colony Drive	Dagsboro	DE	19939
Marc T. Gilbert	231 Anchorage Court	Annapolis	MD	21049
Charles Scharp & Erin Scharp	29644 Colony Drive	Dagsboro	DE	19939
Beavers and Fair Development Inc	PO Box 707	Bel Air	MD	21014

**14B. For marina projects, list the name and complete mailing address of each property owner within a 1,000 foot radius of the project:**

**All properties listed in 14A, and the following:**

<u>Tax Map #</u>	<u>Owner</u>
1-34-3.00-414.00	Richard & Suzanne Proska, 34885 Holly Tree Lane, Dagsboro, DE 19939
1-34-3.00-415.00	Reas & Diane Komndraschow, 34477 Holly Tree Lane, Dagsboro, DE 19939
1-34-3.00-416.00	Stephen & Angele Zack, 34461 Holly Tree Lane, Dagsboro, DE 19939
1-34-3.00-417.00	Richard & Edith Robinson, 34451 Holly Tree Lane, Dagsboro, DE 19939
1-34-3.00-418.00	Delbert & Sharon Baker, 34441 Holly Tree Lane, Dagsboro, DE 19939
1-34-3.00-598.00	James & Frances Marino, 34425 Holly Tree Lane, Dagsboro, DE 19939
1-34-3.00-599.00	Jeffrey & Carol Good, 12061 Windsor Moss, Ellicott City, MD 21042
1-34-3.00-600.00	Michael & Csrol Colgrove, 34405 Holly Tree Lane, Dagsboro, DE 19939
1-34-3.00-607.00	Bay Colony L.P., PO Box 1, Bethany Beach DE 19930
1-34-3.00-606.00	Ryan Family Partnership LLC, 34402 Quail Lane, Dagsboro, DE 19939
1-34-3.00-605.00	Barbara Clausen, 34412 Holly Tree Lane, Dagsboro, DE 19939
1-34-3.00-604.00	William & Cynthia Zern, 128 Bakerfield Dr. Middletown DE 19709
1-34-3.00-601.00	William Strake & Elizabeth Barrtee, PO Box 678, Downingtown PA 19335
1-34-3.00-435.00	Bay Colony L.P., PO Box 1, Bethany Beach DE 19930
1-34-3.00-434.00	Bay Colony L.P., PO Box 1, Bethany Beach DE 19930
1-34-3.00-433.00	Martin-Howard family LP, PO Box 473, Ocean View DE 19970
1-34-3.00-432.00	John & Sandra Powell, 34480 Holly Tree Lane, Dagsboro, DE 19939
1-34-3.00-603.00	Bay Colony L.P., PO Box 1, Bethany Beach DE 19930
1-34-3.00-602.00	NVR, Inc., 32448 Royal Blvd., Suite B, Dagsboro, DE 19939
1-34-3.00-404.00	Thomas Carberry & Gertrude Zalkin, 29702 Colony Dr., Dagsboro, DE 19939
1-34-3.00-405.00	William Conrad, 29712 Colony Dr., Dagsboro, DE 19939
1-34-3.00-406.00	Edward & Jane Olsen, 29718 Colony Dr., Dagsboro, DE 19939
1-34-3.00-407.00	Louis & Susan Iaquina, 24201 Hawkins Ldg. Dr., Laytonsville MD 20882
1-34-3.00-408.00	Steven & Melissa Douglas, 12 Greenfield Rd., Cochranville PA 19930
1-34-3.00-399.00	Ray & Eileen Secrist, 34494 Quail Lane, Dagsboro, DE 19939
1-34-3.00-400.00	Chad & Michele Hickman, 217 Chad Place, Millville DE 19967
1-34-3.00-401.00	Bernard & Karen Wolinski, 29721 Colony Dr., Dagsboro, DE 19939
1-34-3.00-402.00	David & Judy Howett, 29614 Carnoustie Ct., Dagsboro, DE 19939
1-34-3.00-403.00	Debra & Steven Stark, 29701 Colony Dr., Dagsboro, DE 19939
1-34-3.00-378.00	Tracy & Carol Herr, 795 Scott Lane, Lititz PA 17543
1-34-3.00-379.00	Carrie & Jonathan Subity, 34434 Quail Lane, Dagsboro, DE 19939
1-34-3.00-380.00	Ryan & Kimberly Bittner, 702 Steeplechase Rd. Landisville PA 17538
1-34-3.00-381.00	Brian & Evelyn Feldman, 34464 Quail Lane, Dagsboro, DE 19939
1-34-3.00-382.00	Rafael Perez, 34478 Quail Lane, Dagsboro, DE 19939
1-34-3.00-383.00	Thomas & Vincent Perotta, 3803 Candle Light Drive, Camp Hill, PA 17011
1-34-3.00-384.00	Ray & Eileen Secrist, 34494 Quail Lane, Dagsboro, DE 19939
1-34-3.00-343.00	Cave Construction, Inc. 104 Riverview Dr. Dagsboro DE 19939
1-34-3.00-344.00	Robert & Sandra Boarman, 34461 Quail Lane, Dagsboro, DE 19939
1-34-3.00-345.00	Eric & Denise Beam, 112 Atlantic Avenue, Ocean View DE 19970
1-34-3.00-346.00	Elisabeth & David Smith, 34445 Quail Lane, Dagsboro, DE 19939
1-34-3.00-347.00	Carol Kardash, 34437 Quail Lane, Dagsboro, DE 19939
1-34-3.00-348.00	George & Jessica Martin, 34425 Quail Lane, Dagsboro, DE 19939

1-34-3.00-349.00	Michael & Mark Cirillo, 761 Grantham Lane, New Castle DE 19720
1-34-3.00-350.00	Brian & Sandra Emery, 29637 Colony Dr., Dagsboro, DE 19939
1-34-3.00-351.00	James & Carolyn Milcs, 29623 Colony Dr., Dagsboro, DE 19939
1-34-3.00-352.00	Clifton & Suc Bakhsh, 25 Acorn Dr. Middletown DE 19709
1-34-3.00-353.00	Gary & Linda Kane, 29595 Colony Dr., Dagsboro, DE 19939
1-34-3.00-354.00	Dominic & Ida DiMaio, 221 Chad Place, Ocean View DE 19970
1-34-3.00-355.00	Norman & Dawn Malmberg, 8505 Window Latch Way, Columbia MD 21045
1-34-3.00-359.00	John & Jane McLaren, 34458 Deer Ct. Dagsboro, DE 19939
1-34-3.00-360.00	Crampton Family Partnership, 5903 Vally Way, Wilmington DE 19807
1-34-3.00-361.00	William & Linda McCormick, 34476 Deer Ct. Dagsboro, DE 19939
1-34-3.00-362.00	Kevin & Martha Tandey, 3727 Brandywine St. NW, Washington DC 20016
1-34-3.00-363.00	Samuel & Theresa O'Shields, 34479 Deer Ct. Dagsboro, DE 19939
1-34-3.00-573.00	Joseph & Evelyn Tennant, 29424 Spy Glass Lane, Dagsboro, DE 19939
1-34-3.00-578.00	James & Debra Caswell, 29429 Spy Glass Lane, Dagsboro, DE 19939
1-34-3.00-577.00	Michael & Mark Cirillo, 761 Grantham Lane, New Castle DE 19720
1-34-3.00-590.00	John & Louise D'Agostino, 34355 Compass Court, Dagsboro, DE 19939
1-34-3.00-591.00	Andrew & Jimma Michel, 34343 Compass Court, Dagsboro, DE 19939
1-34-3.00-592.00	Bay Colony L.P., PO Box 1, Bethany Beach DE 19930
1-34-3.00-364.00	Eric & Denise Beam, 112 Atlantic Avenue, Ocean View DE 19970
1-34-3.00-365.00	Celest Tanner Bunting, 34459 Deer Ct. Dagsboro, DE 19939
1-34-3.00-366.00	Calvin McCormick, 34451 Deer Ct. Dagsboro, DE 19939

**Across the Waterway (Bay Colony Marina), within 1,000':**

1-34-7.00-109.00	Sawgrass Plantation Community Assoc., 1200 Old Vine Blvd., Suite 11, Lewes DE 19958
1-34-7.00-380.00	Edward & Margaret Hill, 18 Manor Dr., Dagsboro DE 19939
1-34-7.00-381.00	Anna Woodrum, 20 Manor Dr., Dagsboro DE 19939
1-34-7.00-382.00	Edgar Timmons, 22 Manor Dr., Dagsboro DE 19939
1-34-7.00-383.00	Karol & Catherine Golinowski, 7662 Retreat Lane, Warrenton VA 20186
1-34-7.00-384.00	Edward & geraldine Ochab, 8166 Midhavent Road, Baltimore MD 21222
1-34-7.00-385.00	James & cecelia Dowling, 28 Manor Dr., Dagsboro DE 19939
1-34-7.00-388.00	Scott & Donna Maher, 3309 Fox Valley Dr., Friendship MD 21394
1-34-7.00-389.00	Ruth McKenzie, 31 Manor Dr., Dagsboro DE 19939
1-34-7.00-390.00	Christopher & Sylvia Hitchens, 29 Manor Dr., Dagsboro DE 19939
1-34-7.00-391.00	Matthew & Helen Ball, 27 Manor Dr., Dagsboro DE 19939
1-34-7.00-392.00	Harry & Diane Burlew, 25 Manor Dr., Dagsboro DE 19939
1-34-7.00-393.00	Frank & Lauren Silva, 23 Manor Dr., Dagsboro DE 19939
1-34-7.00-394.00	Guy & Patricia Clark, 21 Manor Dr., Dagsboro DE 19939
1-34-7.00-395.00	Joseph & Victoria Naralaney, 19 Manor Dr., Dagsboro DE 19939
1-34-7.00-600.00	Richard & Joann Carletti, 28954 Habersham Lane, Dagsboro DE 19939
1-34-7.00-601.00	John & Kathleen Powers, 15 Rochelle Dr., New City NY 10956
1-34-7.00-602.00	Greig Scott & Lorraine Ewin, 3351 Stuart Ct., Adamstown MD 21710
1-34-7.00-603.00	Michael & JeanineHartnett, 23 Harvrd Ct., Rockville MD 20850
1-34-7.00-604.00	Fausto Miraglia, 1816 Graftonshop Road, Forest Hill MD 21050
1-34-7.00-605.00	Dennis & Gail Sirois, 7751 Tara Heights Place, Springfield VA 22153



- 4. Include a description of any methods and means proposed to monitor the discharge or fill and the equipment or measures planned to treat, control, or manage the discharge or fill. Attach additional sheets as necessary.

No discharge or fill will be generated as part of this project.

- 5. Please provide information demonstrating that the proposed discharge of dredge or fill material will not result in a statistically significant reduction, accounting for natural variations, in biological, chemical, or habitat quality as measured or predicted using appropriate assessment protocols. Attach additional sheets as necessary.

There will be no discharge of dredge or fill material. Off site disposal is proposed for this project.

By signing below, you hereby agree to the following statements as the applicant or on behalf of the applicant:

The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief; and

The project proponent hereby requests that the certifying authority hereby review and take action on this Clean Water Act 401 certification within the applicable reasonable period of time.

Signature: *Don E. Degidio* Date: **SEPT 11, 2025**  
 Printed Name: Don Degidio Relation to applicant: Applicant

### MAINTENANCE DREDGING OR EXCAVATING

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

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

- a. Tidal waters: mean high water line? 3,870 +/- cu. yds.  
 mean low water line? 3,870 +/- cu. yds.
- b. Non-tidal waters: ordinary high water line?                      cu. yds.

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

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

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

600' +/- length -5' depth 40 - base width 40 - top width  
100 +/- 100 +/-

3. What are average existing depths in area of proposed dredging? 2 - 3 ft. (mlw/ohw)  
 Include a survey of proposed and existing depths on application drawings.

See attached.

4. What is the proposed dredging depth in relation to surrounding bathymetry? -5 ft. (mlw/ohw)  
 Indicate both proposed depths and surrounding depths on attached drawings.

Dredging will tie into existing -5' contour both within the marina basin and in the access channel.

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

Mechanical

6. What is proximity of the dredging project to the nearest creek bank or banks? 20 +/- ft.  
What are existing land uses along this bank(s)?

Land use is parking and open space.

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

Rip-rap is present along the marina banks and entrance channel.

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

Material consists predominately of sandy mud.

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

Information not available.

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

Material anticipated to dewater within months.

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

Dredged material will be loaded into trucks and transported to the off-site disposal location:  
Chris Megee Spoil Site: 30541 Gum Road, Frankfurt, Delaware 19945

9. Land Disposal Areas.

- Describe dimensions, characteristics and exact locations of the proposed dredged material disposal site (provide photographs, directions to, and complete plans of disposal site).  
See attached Figure.
- Describe method of dredged material containment (embankment, behind bulkhead, etc.)  
Dredged material will be contained by earthen berms and protection water barrier fencing.
- What type of leachates will be produced by the spoil material and what is planned for the protection of groundwater? No adverse impacts to groundwater are anticipated. Sediment to be dredged was analytically tested and results indicated that the material was not contaminated (see attached).
- Disposal site coordinates 35.506523 latitude -75.210478 longitude
- What methods will be used to ensure that spoil water does not adversely affect water quality both during construction and after completion of the project?  
See attached.
- Describe present land use of the disposal site.

Agricultural services and dredge disposal.

**10. Water Disposal Areas/ Beneficial Use Projects**

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

Not Applicable.

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

Chemical analysis of the water was not performed for the site.

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

Dredging is expected to take place in 2026, and will comply with all time of year restrictions.

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

Yes  No  Not required

**Important time of year restriction information:**

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

DNREC Wetlands and Subaqueous Lands Section Permit Application  
For Subaqueous Lands, Wetlands, Marina and 401 Water Quality Certification Projects

**Appendix R – Maintenance Dredging or Excavation**

Question 9e:

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

Dredged material will be transported from the dredging site to the disposal area by water-tight trucks. Both the dredge site and disposal site are on private access roads on the applicant's property. Water-tight trucks will be power washed at the dredge site prior to transport to the disposal site. Once on the disposal site dredge material will be contained within the established earthen berms and protection barrier allowing passive dewatering of the material by air drying. There should be no adverse effects on water quality.

Disposal Site Aerial &  
Authorization of CDF Owner



# Authorization Agreement

This Authorization Agreement ("Agreement") is made and entered into as of the date signed below by and between:

Chris Magee ("Owner")  
30541 Gum Road  
Frankford, Delaware 19945

and

Bay Colony Marina Slip Owners Association ("Association")  
29664 Colony Drive  
Dagsboro, DE 19939

## Purpose

The purpose of this Agreement is to provide written authorization from the Owner for the Association to utilize the Owner's facility located at 30541 Gum Road, Frankford, Delaware 19945 ("Facility") for the disposal of dredge material resulting from dredging operations associated with the Bay Colony Marina.

## Authorization

Chris Magee hereby authorizes Bay Colony Marina Slip Owners Association to utilize the Facility for the disposal and storage of dredge material as necessary and appropriate, in accordance with all applicable laws, regulations, and permitting requirements.

## Terms and Conditions

- The Association agrees to comply with all federal, state, and local regulations governing the disposal of dredge material.
- The Association will ensure that all dredge material disposed of at the Facility is managed responsibly and does not cause harm to the property or environment.
- This authorization is effective upon signature and will remain in effect until revoked in writing by the Owner or upon completion of the dredge material disposal project.
- Any damages to the Facility resulting from disposal activities shall be repaired or compensated by the Association.
- Both parties agree to cooperate in good faith to ensure the safe and lawful execution of this Agreement.

## Acceptance and Signature

By signing below, the Owner acknowledges and authorizes Bay Colony Marina Slip Owners Association to utilize the Facility at 30541 Gum Road, Frankford, Delaware 19945 for the disposal of dredge material.

Owner (Chris Magee)

*Chris Magee*  
Signature

Chris Magee  
Date Sept 11, 2025

Bay Colony Marine Slip Owners Association Representative

*Donald E. DeGidzio*  
Signature

DONALD E. DEGIDZIO  
Print

Date: SEPT 11, 2025

Product Name: [Faint]

Bay Colony Marine Slip Owners Association ("Association")

2004 Colony Drive

Daytona Beach, FL 32114

### Purpose

The purpose of this Agreement is to provide written authorization from the Owner for the Association to utilize the Owner's facility located at 2004 Colony Drive and Colony Drive PFD's ("Facility") for the disposal of design material resulting from design services performed with the Bay Colony Marine.

### Authorization

Chris Magee, the owner of the Bay Colony Marine ("Owner") hereby authorizes the Association to utilize the Facility for the disposal of design material as necessary and appropriate, in accordance with all applicable laws, regulations, and permitting requirements.

### Terms and Conditions

- The Association agrees to comply with all federal, state, and local regulations pertaining to disposal of design material.
- The Association will ensure that all design material disposed of at the Facility is managed responsibly and does not cause harm to the integrity of the environment.
- This authorization is valid for a duration of one year and will remain in effect until written in writing by the Owner or until completion of the design material disposal project.
- Any damage to the Facility resulting from design material shall be repaired or compensated by the Association.
- Both parties agree to maintain the good faith and cooperation in the performance of this Agreement.

### Acceptance and Signatures

We agree to have the Owner authorize and authorize Bay Colony Marine Slip Owners Association with the Facility at 2004 Colony Drive, Daytona Beach, Florida 32114 for the disposal of design material.