

March 2, 2025

ERI # 0004-0562

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: Marina Permit and Operation & Maintenance Plan
Tax Map Parcel 334-18.00-44.01
Mulberry Knoll Bayshore Hills Association Community Marina
Lewes Rehoboth Hundred, Sussex County, Delaware**

Dear Mr. Jones,

Environmental Resource Insights (ERI) is writing to you as the agent working on behalf of the Mulberry Knoll Bayshore Hills Association. Recently ERI submitted a request to renew the Subaqueous Land Lease SL-337/02 for the applicants' community marina facility on the northernly bank of Love Creek. The grandfathered 26 slip marina is located on community open space tax parcel 334-18.00-44.01 at the terminus of West Lane approximately 600 feet south of Mulberry Knoll Road. In addition, ERI submitted a separate Statewide Activity Approval Request (SAA) for the replacement of 26 mooring piles at the marina which is also pending.

The Wetland and Waterway Section (WAS) issued a Letter of Authorization (LA-102/22) on December 12, 2022, allowing for the in place reconstruction of the marina dock. That approval had a special condition also requiring the owners to request a Marina Permit for the grandfathered facility, including a new Operation and Maintenance Plan.

The marina facility can be described as follows:

Extending channelward of the Love Creek mean high water line, the marina dock consists of a 6.0 foot-wide by 130.3 foot-long pier accessing a 12.1 foot-wide by 49.9 foot-long pier section connected to a 5.0 foot-wide by 48.7 foot-long pier with an 8.0 foot-wide by 30.1 foot-long dock, mooring 26 vessels attached to a total of 28 individual mooring piles. The marina facility also includes a 6.0 foot-wide by 20.0 foot-long kayak launch ramp constructed of timbers, geocell material, and stone.

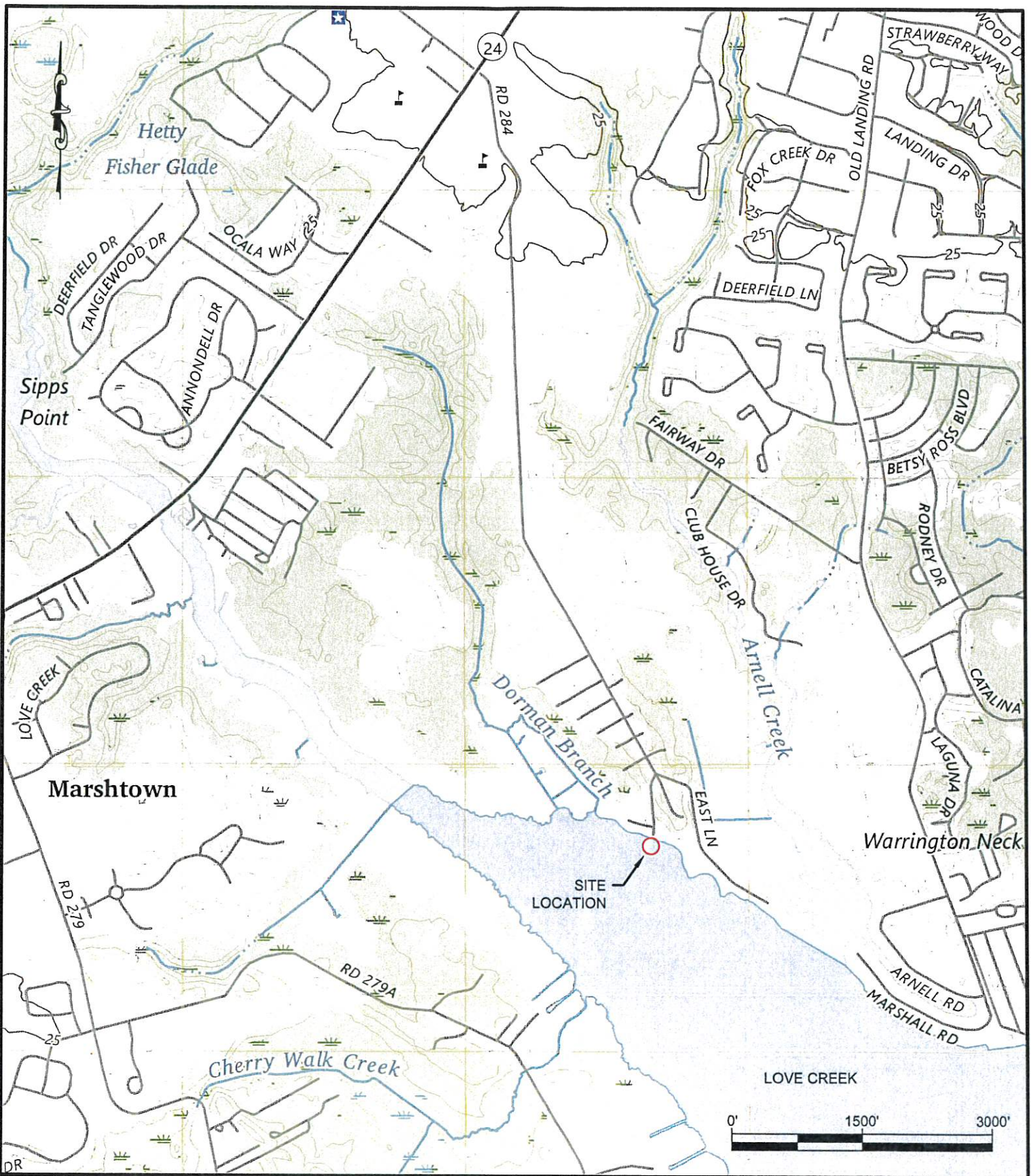
Upon your review of the enclosed Marina Permit and Operation & Maintenance Plan, please let me know if you or your staff need any additional information in support of this request. A preapplication meeting for the facility is scheduled for March 20, 2025. On behalf of the applicant, thank you in advance for your time and attention to this request.

Sincerely,

ENVIRONMENTAL RESOURCE INSIGHTS


Edward M. Launay

Cc: Michelle Flowers, Association President
Mark Helner, Marina Harbormaster



Date:	JANUARY, 2025
Scale:	1" = 1500'
Dwn.By:	KWW
Proj.No.:	0004-0562
FAIRMONT QUAD.	
Dwg.No.:	1

USGS TOPO MAP

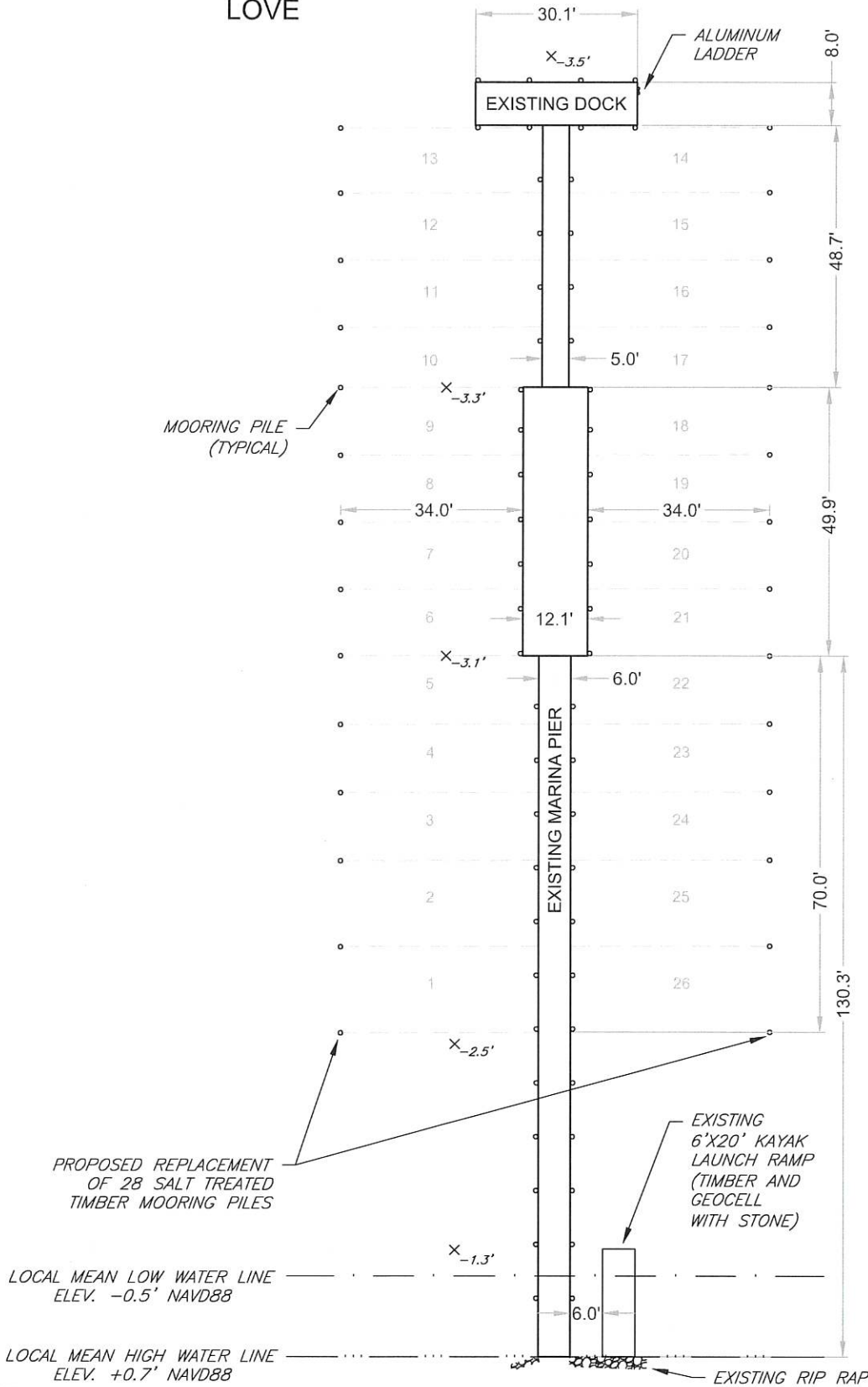
MULBERRY KNOLL BAYSHORE HILLS COMMUNITY MARINA
 TAX MAP PARCEL 334-18.00-44.01
 LEWES REHOBOTH HUNDRED
 SUSSEX COUNTY, DE

ERI ENVIRONMENTAL
 RESOURCE
 INSIGHTS

A DIVISION OF DAVIS, BOWEN & FRIEDEL, INC.

LOVE

CREEK



NOTE: MARINA DOCK AND PIER RECONSTRUCTED PER DNREC LA-102-22

Date:	JANUARY, 2025
Scale:	1" = 30'
Dwn.By:	KWW
Proj.No.:	0004-0562
MARINA PLAN	
Dwg.No.:	2

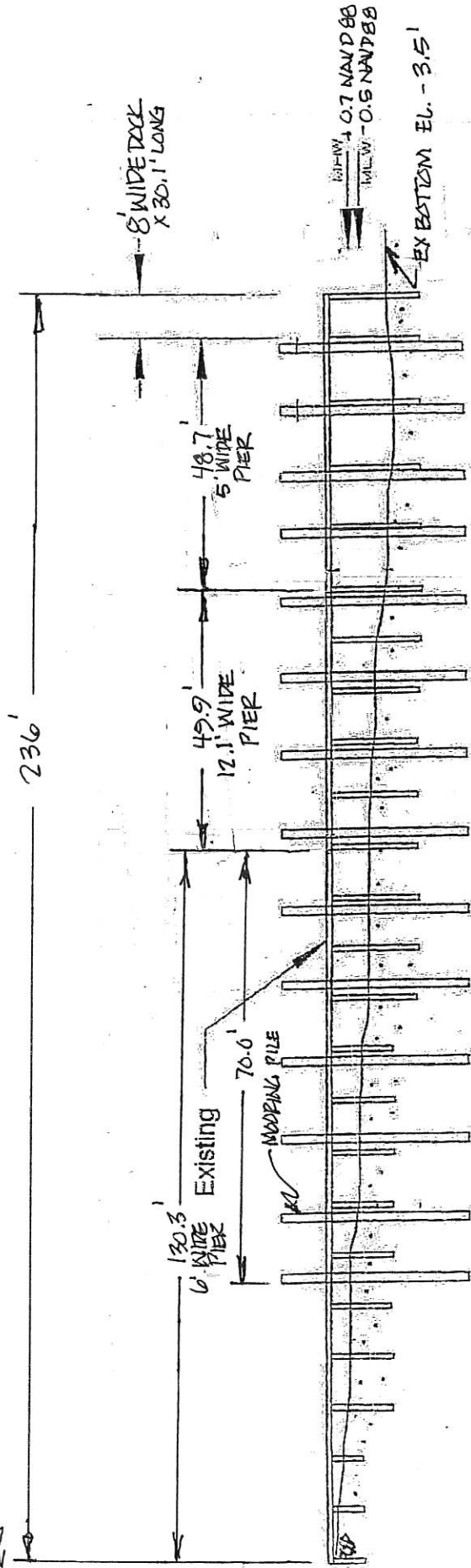
EXISTING COMMUNITY MARINA DOCK PLAN

MULBERRY KNOLL BAYSHORE HILLS ASSOCIATION

TAX MAP PARCEL: 334-18.00-44.01
LEWES REHOBOTH HUNDRED
SUSSEX COUNTY, DE

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

MEAN HIGH WATER
LINE / SHORELINE



SCALE 1" = 30 FEET

CROSS SECTION
EXISTING COMMUNITY MARINA DOCK
MULBERRY KNOLL BAYSHORE HILLS ASSOCIATION
TAX MAP PARCEL 334 - 18.00 - 44.01
LEXIES REHOBOTH HUNDRED SUSSEX COUNTY DE
JANUARY 2025
SHEET 3 OF 3

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: Mulberry Knoll Bayshore Hills Association Telephone #: 302-584-8962
 Mailing Address: P.O. Box 111 Nassau, DE 19969 Fax #: _____
 _____ E-mail: michelleflowers930@gmail.com
 Attn. Michelle Flowers - Association President
2. Consultant's Name: Edward M. Launay Company Name: Environmental Resource Insights
 Mailing Address: 1 Park Ave. Milford, DE 19963 Telephone #: 302-436-9637
 _____ Fax #: 302-424-0430
 _____ E-mail: elaunay@ericonsultants.com
3. Contractor's Name: Not Applicable 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):
 The Wetlands and Waterways Section required the operator of the existing grandfather community marina to obtain a marina permit per special condition no.2 of LA-102/22 as issued 12/12/2022 for pier reconstruction.

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: Terminus of West Lane County: N.C. Kent Sussex
Marina opposite of 3488 Creek Drive, Lewes, DE 19958 Site owner name (if different from applicant): _____
 Address of site owner: Mulberry Knoll Bayshore Hills Association
P.O. Box 111 Nassau, DE 19969
8. Driving Directions: Head northeast on DE-24 (John J Williams Highway) towards Retz Ln. Turn right onto Mulberry Knoll Rd and after 1.6 miles, turn right onto West Ln. The marina will be located at the terminus of West Lane on Love Creek.
 (Attach a vicinity map identifying road names and the project location)
9. Tax Parcel ID Number: 334-18.00-44.01 Subdivision Name: Mulberry Knoll Bayshore Hills

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

Section 3: Project Location (Continued)

10. Name of waterbody at Project Location: Love Creek waterbody is a tributary to: Rehoboth Bay

11. Is the waterbody: Tidal Non-tidal Waterbody width at mean low or ordinary high water 1700'

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):

Kathleen Simon - 34888 Creek Drive, Lewes, DE 19958

Scott and Jennifer Swingle - 21403 West Lane, Lewes, DE 19958

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):

Excel Spreadsheet available upon request

15. Provide the names of DNREC and/or Army Corps of Engineers representatives whom you have discussed the project with:
 None

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):

SL-3109/92

SL-337/02

SU-004/08

SA-131/15

LA-260/15

LA-102/22

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

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

No Pending Issued Denied Date: _____

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

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

No Pending Issued Denied Date: _____ Permit or ID #: _____

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

Other: _____

First Owner	Second Owner	Address Line 1	Address Line 2	Town	State	Zipcode
Mulberry Knoll Bayshore Hills Assoc	-	PO Box 111	20656 Mulberry Knoll Rd	Nassau	DE	19969
Kathleen Simon	-	34888 Creek Dr	-	Lewes	DE	19958
Clarice D Maggio	Karen Landy	34876 Creek Dr	-	Lewes	DE	19958
Ronald A Latini TTEE	Dorothy A Latini TTEE LIV TR	102 Gibson Ave	-	Wilmington	DE	19803
Kenneth M Berman	Beth Berman	550 Okeechobee Blvd	-	West Palm Beach	FL	33401
Donald W Ritter	Susan M Ritter	4 Manette Dr	-	Wilmington	DE	19804
Bryan Hoffman	-	725 Chestnut St 5	-	Philadelphia	PA	19106
Donald W Ritter	Susan M Ritter	4 Manette Dr	-	Wilmington	DE	19804
William A Oberle Jr	Sarah A Oberle	2 Danvers Way	-	Wilmington	DE	19702
Neal T Crosley	Nancy M Crosley	1158 Old Lancaster Pike	-	Newark	DE	19707
William T & Nancy J Krous	Kimberly K Gough Krista K Fawber	1019 Hermosa Ave	-	Lancaster	PA	17601
Joseph Tuttle	Alice Tuttle	2613 Foulk Woods Rd	-	Wilmington	DE	19810
Renee Casanova	-	34899 W Love Dr	-	Lewes	DE	19958
Mark Weinstein	Laurie Weinstein	66A York St	-	Lambertville	NJ	8530
Dwight A Nowakowski	Michelle L Nowakowski	34892 W Sands St	-	Lewes	DE	19958
Anna M Biggs	John E Seffert	10 Haslet Way	-	Wilmington	DE	19807
Rebecca Rita Riley	Chad M Cropper	154 Patriot Ln	-	Downingtown	PA	19335
Ernest Phillip Weber III	Bryon Nicholas Jacoby	34977 Concerto Ln	-	Lewes	DE	19958
Christy Myers Ewing TTEE	Memie D Whiteside Gail L Berard TTEES FA	720 Hedera Place	-	Lancaster	PA	17603
Arthur E Lodge	-	21365 East Lane	-	Lewes	DE	19958
Delaware State Of	-	PO Box 778	-	Dover	DE	19903
Ann F Hurlock	-	5308 Tilbury Way	-	Baltimore	MD	21212
Ann F Hurlock	-	5308 Tilbury Way	-	Baltimore	MD	21212
Ann F Hurlock	-	5308 Tilbury Way	-	Baltimore	MD	21212
Russell S Canouse	Ericka L Canouse	25405 Chicama Dr	-	Chantilly	VA	20152
Russell S Canouse	Ericka L Canouse	25405 Chicama Dr	-	Chantilly	VA	20152
Scott D Swingle	Jennifer J Swingle	21403 West Lane	-	Lewes	DE	19958

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, Mulberry Knoll Bayshore Hills Association, 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: Edward M. Launay Telephone #: 302-436-9637
 Mailing Address: 1 Park Ave. Milford, DE 19963 Fax #: 302-424-0430
 E-mail: elaunay@ericonsultants.com

20. Agent's Signature:

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

[Handwritten Signature] 3/2/2025
 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.

Michelle Flowers 1/15/2025
 Applicant's Signature Date

Michelle Flowers - Mulberry Knoll Bayshore Hills Association President
 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

January 14, 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

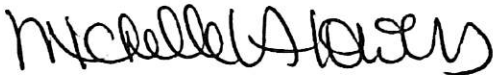
**RE: Community Marina Mooring Pile Replacement
Tax Map Parcel 334-18.00-44.01
Mulberry Knolls Bayshore Hills Association
Lewes Rehoboth Hundred, Sussex County, Delaware**

Dear Mr. Jones,

This letter is to confirm that I, Michelle Flowers, president of the Mulberry Bayshore Hills Association, has signatory authority for the Association for matters related to our community marina. Environmental Resource Insights (ERI) is submitting an application for replacement of mooring piles at our marina and Mr. Edward Launay has been appointed to act as our agent.

Please let me know if you need any additional information.

Kind Regards,



Ms. Michelle Flowers, Association President

Mulberry Knolls Bayshore Hills Association
P. O. Box 111
Nassau, DE 19969

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.)

The facility consists of a longstanding pier which had been modified over time. The 236.9 foot long docking facility now moors 26 recreational vessels.

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	26	6	130.3	6	115.3	maintain
PIER	14	12.1	49.9	12.1	49.9	maintain
PIER	12	5	48.7	5	48.7	maintain
DOCK	8	8	30.1	8	30.1	maintain
Freestanding Pilings	Number 26					maintain

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

3. Approximately how wide is the waterway at this project site? 1,700 ft. (measured from MLW to MLW)
4. What will be the mean low water depth at the most channelward end of the mooring facility? 3.0 ft.
5. What type of material(s) will be used for construction of the mooring facility (e.g. salt treated wood, aluminum, fiberglass floats, etc.) Use of creosote-treated wood is prohibited.
 salt treated timbers and piles with galvanized hardware
6. Circle any of the following items that are proposed over subaqueous lands:
 Fish Cleaning Stations/Benches/**Ladders**/Water Lines/ Satellite/Electric Lines/ Handrails/Other (Describe)

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? 630 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. unknown
11. Is there currently a residence on the property? _____ Yes No
12. Do you plan to reach the boat docking facility from your own upland property? Yes _____ No If "No", explain your proposed means of access and provide documentation of easement or documentation authorizing access if you intend to cross someone else's property.
13. Will any portion of the structure be located in privately owned underwater land (such as a pond or lagoon) owned by someone other than the applicant? _____ Yes No.
 If yes, written permission of the underwater land owner must be provided with this application.
14. What is the width of the waterfront property frontage adjacent to subaqueous lands? 3,500 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 Telephone Number
 Address: Mulberry Knoll Bayshore Hills Home (): 856-207-0714
Association - Attn. Mark Helner (Harbormaster) Work (): _____
P.O. Box 111 Nassau, DE 19969
Lewes Rehoboth Hundred, Sussex County, Delaware

Project Name: Mulberry Knoll Bayshore Hills Community Marina

- 2. Provide an aerial photograph of the site, if available.
 Enclosed
- 3. What are the existing land uses on the site?
 Residential Subdivision
- 4. What are the existing land uses on adjacent properties within 1000 feet of the proposed marina or marina alteration, including the opposite shore?
 Residential subdivision, State Park property, Marshland and open tidal waters
- 5. Name and distance of nearest municipality.
 Project lies in an unincorporated area of the Lewes-Rehoboth Hundred. Rehoboth Beach is the nearest municipality.
- 6. Is the proposed project an open water or enclosed basin marina?
 X Open water _____ Enclosed basin
- 7. Is the marina on a creek, river, or open bay? Name of the water body?
 Love Creek
- 8. Indicate the number of wet slips. Proposed 0 Existing 26
- 9. Indicate the number of dry stack spaces. Proposed 0 Existing 0
- 10. Will the proposed marina or marina alteration require dredging?
 _____ Yes X 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? Not Applicable
- 12. If not, how do you propose to dispose of your dredged material? Not Applicable
- 13. How many years of maintenance dredge spoil capacity does the spoil site possess?
 N/A Years

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

15. What is the tide range at the marina site? Normal tide 1.2' Neap tide 0.6'
 What is the source of this information? Observed Condition

16. What is the approximate MLW depth at the marina site? 2-3 Ft.
 What is the source of this information? Observed Condition

17. If the site includes residential development, indicate:

Number of units platted 65
 Length of shoreline owned 1300'
 Acreage of upland property +/-68

Indicate the number of on-site parking spaces for:

	cars	trailers	cars with trailers	oversize vehicles
Proposed				
Existing	13 (unmarked)			

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.
 None

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. None, Marina Emergency Contact Signage and Spill Kit will be maintained on site.

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

21. Are existing public facilities, services, and transportation adequate to accommodate the project and associated development impacts? Yes ____ No If no, please describe the upgrades required:

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

Grandfathered marina operates all full 26 slip capacity

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.

Small recreational watercrafts utilized by Association residents

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: Mulberry Knoll Bayshore Hills Community Marina

2. Complete mailing address for marina: Mulberry Knoll Bayshore Hills Association
P.O. Box 111 Nassau, DE 19969
Lewes Rehoboth Hundred, Sussex County, Delaware
Attn. Michelle Flowers - Association President

Telephone Number: 856-207-0714

3. Name and complete address for Harbormaster, if applicable:

Mark Helner
20640 Mulberry Knoll Rd.
Lewes, DE 19958

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

Authorization of Grandfathered Marina

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

	a. Wet Slips	Dry Storage Spaces
b. Existing	<u>26</u>	<u>0</u>
c. Proposed or Additional	<u>0</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.

Not Applicable

10. Shoreline Protection Structures: Complete appropriate Appendices.

Grandfathering of existing marina. Partial rip rap stabilization exists on shoreline.

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

Public water system. Identify: No water source at facility

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? None

If none, please explain: This is an existing grandfathered community marina facility. Slipholder uses facilities at their homes.

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

Public sewer, identify: Sussex County

On-site septic system

Other, describe:

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

Not Applicable

d. If permits for the wastewater facilities have not yet been obtained, have permit applications been submitted? Yes No

If Yes, show the date and to whom the application was mailed. If no, describe all proposed plans for wastewater handling. Attach additional sheets as necessary.

Not Applicable, community served by Sussex County.

13. Parking:

How many parking spaces will be provided? 13 unmarked

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.

The existing grandfathered facility does not have any stormwater management facilities.

15. Solid Waste Management:

How many trash receptacles/ recycling bins will be provided at the marina? None

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

16. Boat Maintenance Areas and Activities:

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

No maintenance is performed at the facility

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

No maintenance is performed 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.

No maintenance is performed 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 storage or dispensing facility exists and none is 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 kept in a shoreline dock box available to slipholders. Signage with emergency contact numbers will be at the entrance of the marina pier.

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.

Grandfather facility. Slipholder will have fire extinguisher on board vessel.

19. Life Safety Equipment:

Life ring and ladder located on marina dock

- 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? Life ring located on marina dock

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)

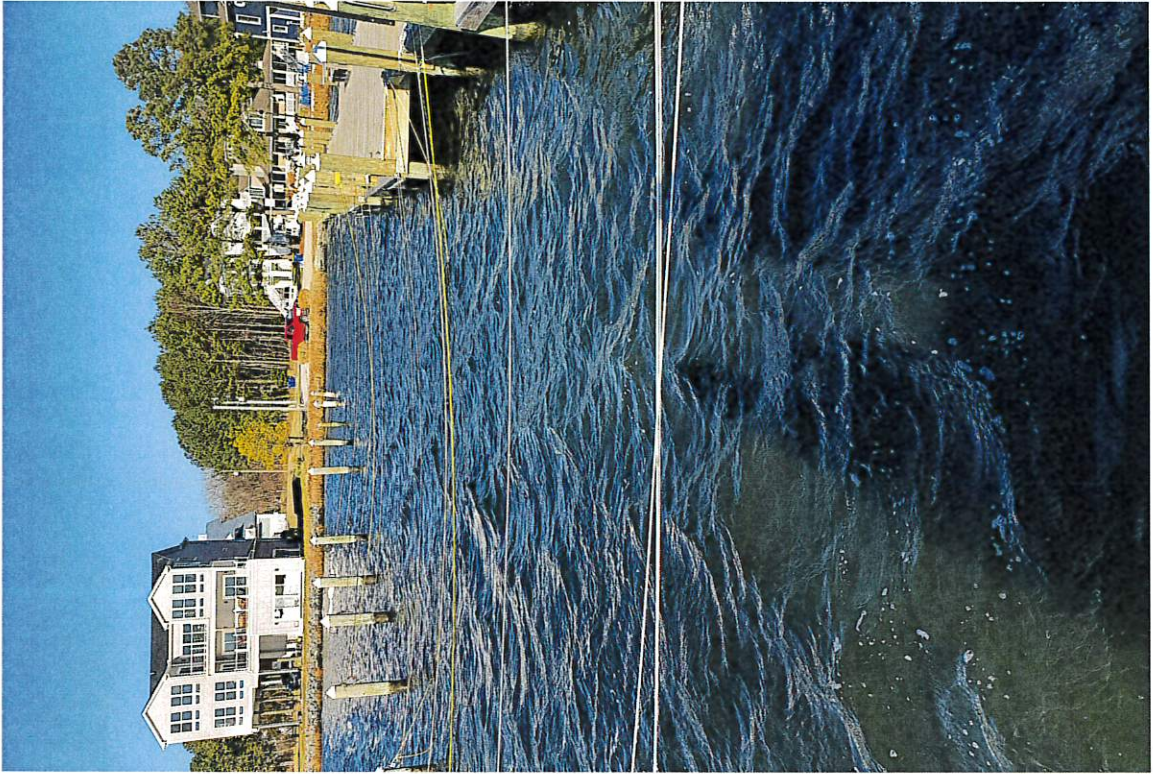
____ Other

- 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



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: Mulberry Knoll Bayshore Hills Community Marina

Owner Name: Mulberry Knoll Bayshore Hills Association

Mailing Address: P.O. Box 111, Nassau, DE 19968

Site Address: Terminus of West Lane, 90 feet south of Creek Drive, Lewes De 19958

Tax Parcel #: 3-34.00-18.00-44.01

Waterbody: Love Creek/Rehoboth Bay

Primary Contact Name / Title: Mark Helner - Harbormaster

Telephone #: 856-207-0714 cell

Fax #:

I. Seasonal wet storage dates:

- ◆ Autumn Vessel Removal: December 31st
- ◆ Spring Launching: April 1st

II. Number of vessels in water year-round: maximum 26 (typical 24)

III. Water quality monitoring: Harbormaster does not live in location full time. When on-site he 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 or other board member. Signage at marina dock entrance has emergency contact number. An emergency spill kit is kept on site.

⚓ Stormwater Runoff:

I. The parking area is a surface of porous gravel, shell mix. Vegetation is maintained around the parking area to control direct run off into the surrounding water. Natural puddling, evaporation and absorption allow for evaporation of water. No boat maintenance activities are performed in the common parking area.

⚓ 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 Love Creek or Rehoboth Bay waterway.

⚓ Storage, Handling and Disposal of Wastes:

I. Sewage:

◆ There are no waste storage facilities at the dock. If a vessel contained a portable head it is the owners responsibility to dispose of the waste properly away from the dock/marina area. Slipholders use facilities at their homes.

◆ Sanitation Facilities: No facilites exist in the dock/Marina area – N/A

	Location	Type	Permit #'s (when applicable)
Sewage Pumpout*	None		
Dump Station*	None		
Public Restrooms	None		
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: ____N/A
- ◆ **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: ____none
- ◆ Type II MSDs: ____none
- ◆ Type III MSDs: ____None
- ◆ Portable toilets: ____**6-8**

II. Chemical and hazardous waste:

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

III. Trash/Recycling:

The policy is carry-in, carry-out and is the responsibility of the boat owners and dock visitors. No trash receptacles are located permanently in the dock area. If a civic event is held at the dock, deck or common area temporary trash receptacles can be used but they will be removed within 24 hours of use.

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.

V. Bilge Water:

No oily bilge water should be allowed to be dumped into the bay by the boat owners


⚓ Shoreline Structures Maintenance:

- I. As required by law permits will be obtained for any regulated work around the dock or the marina pier.

⚓ Emergency Operations:

I. Emergency Telephone Numbers:

Dockmaster – Mark Helner – cell 856-207-0714
President – Michelle Flowers - 302-584-8962
Vice President – Scott Schoenfeld - 443-206-6887
Secretary – Jennifer Swingle - 302-542-4352
Treasurer - Susan Ritter - 302-593-4701



911- emergency services
Police – Lewes Delaware State Police - 302-644-5020
Fire Department – Lewes - 302-645-6556
DNREC Spill Contact - 302-395-2600
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 or other board members must be done. 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 Dockmaster or other board member. 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.

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 storing it in land 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 community will contact the boat owner. Reasonable actions will be taken by Harbormaster or community members to stop a boat from sinking. If a boat does sink they 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 community members or owner to pump out the boat. Harbormaster or community member will assess if fuel or oil is getting into the water and inform the boat owner. Reasonable actions can be taken to contain the spill.

⚓ Rules and Regulations for Marina Users:

- I. See attached Attachment A and B to Mulberry Knoll/Bayshore Hills Association General Dock Rules and Slip Usage/Boat Policies. See Slip Rental Agreement for DNREC BMP #1 information.

⚓ Posting of Approved Plans and Signage:

- ◆ Approved Plans posted and distributed (check all that apply):
 - Harbormaster's office or other prominent place __ (name of location) _____
 - 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):
 - Public Restroom – N/A
 - Pumpout Facilities (with procedures and rules governing the use of these facilities) N/A
 - Or location of nearest ____ (name of location) _____
 - 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.] (PENDING) Slip Rental Agreement will include DNREC BMP #1- Approved BMP's for Marinas Impacting Shellfish Resources Form with vessel information and spill/discharge prohibition acknowledgement.
- 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.

MARK HELNER

Print Name

Mark Helner

Signature

2/4/25

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

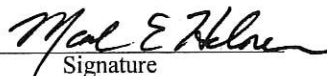
The Mulberry Knoll Bayshore Hills Association has selected best management practices to preserve water quality and minimize contamination of approved shellfish harvest areas. Check all that apply.

- 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 Mulberry Knoll Bayshore Hills Association 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.

Mark Helner

Mark Helner, Harbormaster


Signature

2/27/2025

Date

Best Management Practice (BMP) Information Sheet no. 1

BMP no.	Best Management Practice	Eligible Criteria	Reporting Documents
1	Annual reporting of the number and types of vessel waste containment systems	All Marinas; Annual Record of Vessel Waste Containment Systems must be submitted.	Operations & Maintenance Plan, Slip User Agreement, ArcGIS Survey123

In accordance with 2(b) of the above established procedures, following pre-approval for the use of the selected BMP from the DNREC, Watershed Assessment and Management Section, the Permittee must incorporate the approved best management practices in the Operations and Maintenance (O&M) Plan and the Slip User Agreement. After finalization, the formal submission of these updated documents must be provided to the DNREC, Wetlands and Waterways Section and DNREC, Watershed Assessment and Management Section.

Operations and Maintenance Plan:

Incorporate the completed “Selected Best Management Practices (BMPs) to Minimize Impacts to Shellfish Resources” form into the Marina’s Operations and Maintenance Plan.

Slip User Agreement:

Incorporate the following questions in slip user agreements for slip holders to complete.

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.

<input type="checkbox"/> MSD Type I	<input type="checkbox"/> MSD Type II	<input type="checkbox"/> MSD Type III
<input type="checkbox"/> Portable Toilet	<input type="checkbox"/> No Marine Head/None	

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: Mulberry Knoll Bayshore Hills Community Marina

Owner Name: Mulberry Knoll Bayshore Hills Association

Mailing Address: P.O. Box 111, Nassau, DE 19968

Site Address: Terminus of West Lane, 90 feet south of Creek Drive, Lewes De 19958

Tax Parcel #: 3-34.00-18.00-44.01

Waterbody: Love Creek/Rehoboth Bay

Primary Contact Name / Title: Mark Helner - Harbormaster

Telephone #: 856-207-0714 cell

Fax #:

Email: helneme@verizon.net

Website: none

Associated Permits: (A list of Wetlands and Subaqueous Lands Section Permits associated with the Marina)

SL-3109/92, SL-337/02, SU-004/08, SA-131/15, LA-260/15, LA-102/22

◆ **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
	26	1 (kayak)	0	0	0	11-12ftx 30ft	13
Total:	26	1 (kayak)	0	0	0		13

* 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: +0.7' based on actual measurement)
 - ◆ Mean low water elevation: -0.5' based on actual measurement)
- ✓ ◆ **Water Depths:**
Mean low water depth in the following areas:
 - ◆ Berthing: 1.5 to 3.0
 - ◆ Mooring: N/A
 - ◆ Maneuvering of vessels within the marina: 1.5 to 3.0

⚓ **Water Quality:**

I. Seasonal wet storage dates:

- ✓◆ Autumn Vessel Removal: December 31st
- ✓◆ Spring Launching: April 1st

II. ✓ Number of vessels in water year-round: **maximum 26 (typical 24)**

III. ✓ Water quality monitoring: Harbormaster does not live in location full time. When on-site he 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 or other board member. Signage at marina dock entrance has emergency contact number. An emergency spill kit is kept on site.

⚓ **Stormwater Runoff:**

- ✓ I. The parking area is a surface of porous gravel, shell mix. Vegetation is maintained around the parking area to control direct run off into the surrounding water. Natural puddling, evaporation and absorption allow for evaporation of water. No boat maintenance activities are performed in the common parking area.

⚓ **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 Love Creek or Rehoboth Bay waterway.

⚓ **Storage, Handling and Disposal of Wastes:**

I. **Sewage:**

- ◆ There are no waste storage facilities at the dock. If a vessel contained a portable head it is the owners responsibility to dispose of the waste properly away from the dock/marina area. Slipholders use facilities at their homes.

◆ **Sanitation Facilities: No facilites exist in the dock/Marina area – N/A**

	Location	Type	Permit #'s (when applicable)
Sewage Pumpout*	None		
Dump Station*	None		
Public Restrooms	None		
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: __N/A

◆ **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: __none

◆ Type II MSDs: __none

◆ Type III MSDs: __None

◆ Portable toilets: __6-8

II. Chemical and hazardous waste:

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

III. Trash/Recycling:

✓ The policy is carry-in, carry-out and is the responsibility of the boat owners and dock visitors. No trash receptacles are located permanently in the dock area. If a civic event is held at the dock, deck or common area temporary trash receptacles can be used but they will be removed within 24 hours of use.

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.

V. Bilge Water:

✓ No oily bilge water should be allowed to be dumped into the bay by the boat owners

⚓ Shoreline Structures Maintenance:

- I. As required by law permits will be obtained for any regulated work around the dock or the marina pier.

⚓ Emergency Operations:

I. Emergency Telephone Numbers:

Dockmaster – Mark Helner – cell 856-207-0714

President – Michelle Flowers - 302-584-8962

Vice President – Scott Schoenfeld - 443-206-6887

Secretary – Jennifer Swingle - 302-542-4352

Treasurer - Susan Ritter - 302-593-4701

911- emergency services
Police – Lewes Delaware State Police - 302-644-5020
Fire Department – Lewes - 302-645-6556
DNREC Spill Contact - 302-395-2600
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 or other board members must be done. 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 Dockmaster or other board member. 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.

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 storing it in land 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 community will contact the boat owner. Reasonable actions will be taken by Harbormaster or community members to stop a boat from sinking. If a boat does sink they 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 community members or owner to pump out the boat. Harbormaster or community member will assess if fuel or oil is getting into the water and inform the boat owner. Reasonable actions can be taken to contain the spill.



⚓ Rules and Regulations for Marina Users:

- I. See attached Attachment A and B to Mulberry Knoll/Bayshore Hills Association General Dock Rules and Slip Usage/Boat Policies. See Slip Rental Agreement for DNREC BMP #1 information.



⚓ Posting of Approved Plans and Signage

- ◆ Approved Plans posted and distributed (check all that apply):
 - Harbormaster's office or other prominent place __ (name of location) _____
 - 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):
 - Public Restroom – N/A
 - Pumpout Facilities (with procedures and rules governing the use of these facilities) N/A
 - Or location of nearest ____ (name of location) _____
 - 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.] (PENDING) Slip Rental Agreement will include DNREC BMP #1- Approved BMP's for Marinas Impacting Shellfish Resources Form with vessel information and spill/discharge prohibition acknowledgement.
- 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.

MARK HELNER

Print Name

Mark Helner

Signature

2/4/25

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



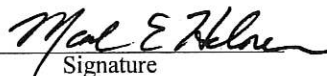
The Mulberry Knoll Bayshore Hills Association has selected best management practices to preserve water quality and minimize contamination of approved shellfish harvest areas. Check all that apply.

- 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 Mulberry Knoll Bayshore Hills Association 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.

Mark Helner

Mark Helner, Harbormaster


Signature

2/27/2025

Date

Best Management Practice (BMP) Information Sheet no. 1

BMP no.	Best Management Practice	Eligible Criteria	Reporting Documents
1	Annual reporting of the number and types of vessel waste containment systems	All Marinas; Annual Record of Vessel Waste Containment Systems must be submitted.	Operations & Maintenance Plan, Slip User Agreement, ArcGIS Survey123

In accordance with 2(b) of the above established procedures, following pre-approval for the use of the selected BMP from the DNREC, Watershed Assessment and Management Section, the Permittee must incorporate the approved best management practices in the Operations and Maintenance (O&M) Plan and the Slip User Agreement. After finalization, the formal submission of these updated documents must be provided to the DNREC, Wetlands and Waterways Section and DNREC, Watershed Assessment and Management Section.

Operations and Maintenance Plan:

Incorporate the completed “Selected Best Management Practices (BMPs) to Minimize Impacts to Shellfish Resources” form into the Marina’s Operations and Maintenance Plan.

Slip User Agreement:

Incorporate the following questions in slip user agreements for slip holders to complete.

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.

<input type="checkbox"/> MSD Type I	<input type="checkbox"/> MSD Type II	<input type="checkbox"/> MSD Type III
<input type="checkbox"/> Portable Toilet	<input type="checkbox"/> No Marine Head/None	



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

WETLANDS & SUBAQUEOUS
LANDS SECTION

TELEPHONE (302) 739-4601
FACSIMILE (302) 739-6304

Subaqueous Lands Lease: SL-337/02
Associated Permit: n/a
Date of Issuance: 5/27/03
Construction Expiration Date: 5/27/06
Amended Date:
Tax Parcel No.: 3-34-18.00-52.00

**SUBAQUEOUS LANDS LEASE
GRANTED TO MULBERRY KNOLL/BAYSHORE HILLS ASSOCIATION c/o
BRENDA DEPERSICO TO CONSTRUCT A 5 FOOT WIDE BY 24 FOOT LONG PIER
ADDITION AND FOUR (4) TIE OFF PILES AND REPAIR AND/OR REPLACE AND
MAINTAIN A 12 FOOT WIDE BY 50 FOOT LONG PIER ATTACHED TO A 6 FOOT
WIDE BY 140 FOOT LONG PIER AND 14 TIE OFF PILES IN LOVE CREEK AT
THE END OF WEST LANE, MULBERRY KNOLL, LEWES,
SUSSEX COUNTY, DELAWARE**

Mulberry Knoll/Bayshore Hills Association
c/o Brenda Depersico
7 East Hilltop Road
West Chester, PA 19382

Pursuant to the provisions of 7 Del. C. 7203, and the Department's Regulations Governing the Use of Subaqueous Lands, permission is hereby granted on this 27th day of May A.D. 2003, to construct the above-referenced project in accordance with the approved plans for this Lease (3 Sheets) as approved on May 16, 2003 and the application dated June 14, 2002, and received by this Division on October 1, 2002 with additional plans received on May 2, 2003.

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

WHEREAS, Mulberry Knoll/Bayshore Hills Association, owner of certain adjoining lands to Love Creek, has applied for permission to construct a pier addition and tie off pilings and maintain an existing pier and piles; and

Delaware's good nature depends on you!

DEED RESTRICTION 1973 HETTICH REALTY

Book 702 Page 846

FAULKNER & DUNLAP
ATTORNEYS AT LAW
GEORGETOWN, DELAWARE

9446

This Deed, made this 3 day of April, 1973, by

and between: DAVID J. HETTICH and ELEANOR C. HETTICH, his wife, Moorestown, New Jersey, and GEORGE L. HETTICH, JR. and MARGO K. HETTICH, his wife, Erial, New Jersey, partners, trading as HETTICH REALTY CO., parties of the first part,

- AND -

WILLIAM E. MOORE, single man, of Apartment 110, 1232 31st Street, N. W., Washington, D. C., 20007,

party of the second part;

Witnesseth, that the said parties of the first part, for and in consideration of the sum of SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200)-----

-----, current lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, his heirs and assigns,

ALL that certain lot, piece, or parcel of land situate, lying, and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, and designated as Lot B-2 on a plot of Bay Shore Hills which is of record in the Office of the Recorder of Deeds, Georgetown, Sussex County, Delaware in Plot Book 8, Page 439 and more particularly described as follows: BEGINNING at a concrete marker set on the easterly side of Bay Shore Drive; thence North 68° 38' East 178.57 feet to an iron pipe; thence North 21° 22' West 141.56 feet to a point; thence South 68° 08' West 153.80 feet to a concrete marker; thence around a curve which has a radius of 25 feet a distance of 39.05 feet to a concrete marker; thence South 21° 22' East 115.22 feet to the concrete marker being the place of Beginning, containing 25,007 square feet of land, be the same more or less.

BEING a portion of a larger tract of land conveyed to the grantors by deed of Donald J. Gallagher, et al, dated July 10, 1959 and of record in the office of the Recorder of Deeds in Deed Book 506, Page 403.

This conveyance is expressly subject, however, to the following restrictive covenants, conditions and remedial clauses, which shall be covenants running with the land and, as such, binding upon the parties hereto and their heirs, executors, administrators, successors and assigns (including any officer conducting a judicial sale under authority of any law, statute or ordinance):

1. Except as otherwise herein provided, the lands hereby conveyed shall be used for private residential purposes only and no building of any kind shall be erected, maintained or used on any lot except one (1) private dwelling house designed for occupancy by and used by a single family

Book 20 pgs 47

and one (1) attached or semi-detached private garage for use by the owner or occupant of such dwelling house and his employees and invitees. No such building shall be used as a residence until fully constructed and completed according to the plans, location and specifications approved therefor as provided herein and no person or persons shall reside on or inhabit any lot casually, temporarily or permanently except in a dwelling house completed and constructed according to the plans, location and specifications approved therefor. The provisions of this paragraph notwithstanding, however, boat houses, storage sheds and small "summer houses" shall be permitted to be erected and maintained so long as the plans, design and location thereof are first approved by the developer, as set out herein with respect to main dwellings.

2. No residence shall be constructed on any lot in this development which shall exceed one and one-half stories in height and the term "one and one-half stories" shall be construed to mean that the one-half story portion shall be in the nature of an expansion attic which may be completed and used as a portion of the residence in question; provided, however, that such residence shall be limited to one single-family residence on any single lot or combination of adjacent single lots having a minimum frontage of 75 feet on either a road or a lagoon.

3. Every one-story residence shall contain not less than 700 square feet of floor area and every one and one-half story residence shall contain not less than 1,200 square feet of floor area, in both instances excluding porches, garages, breeze-ways, carports, and attics other than expansion attics in one and one-half story residences.

4. All garages erected in the development shall be attached to the residence and any garage which is semi-detached shall be construed to be an attached garage within the meaning of this paragraph.

5. Every lot owner shall take all reasonable and necessary steps to protect the land against erosion and shall prevent and correct any such erosion at his sole expense as soon as is practicable after it shall occur.

6. No dwelling or garage, nor any portion or part thereof shall be erected on any lot less than 25 feet from the lot line which may front on a road or street and this restriction shall include the innermost point of any lot which shall have as the front line a portion of an arc or circle. No building, or part thereof, shall be erected on any lot less than 10 feet from any lagoon or any interior lot line and no residence, including the attached or semi-detached garage and breezeway shall occupy more than 45% of the area of the lot or combination of lots upon which they are erected.

7. There shall not be maintained, harbored nor kept for any period of time whatever any animal, fowl or wildfowl upon the lands herein conveyed except dogs, cats, and other small animals usually and ordinarily deemed to be household pets and domesticated animals.

8. No fence of any kind, including but not limited to barriers which are composed of living trees, bushes, or other growths, shall be erected or maintained upon the premises with a height in excess of 48 inches from normal grade level in the area except where any local or general law, ordinance, statute, or legislative action shall require a violation of this restriction as may be the case in protecting the owner of a swimming pool or like facility.

9. No individual sewage or waste disposal system shall be installed or permitted on any lot unless both cesspool and septic tank are used together and are constructed in accordance with the standards and requirements of the State Board of Health or other public health authority having jurisdiction over the premises described herein. As soon as is practicable after public sewer mains are made available to any residence constructed in the development, the then owner of such residence shall connect to such sewer

main at his expense and, in any event, no sewage or waste material of any kind shall be permitted to drain into Rehoboth Bay or any lagoon located upon the development of which these premises are a part.

10. Either the construction or demolition or destruction of any building (and, in the event of demolition or destruction the subsequent clearing of the site in question) shall be completed, once it is started, within a reasonable time after such starting and shall proceed without delay and with all reasonable speed until completed.

11. Before the construction or erection of any building, structure, fence or wall shall begin or continue or be maintained, and before the addition to, change or alteration of any such building shall begin, the plans and specifications for such building, structure, addition, change or alteration, showing the nature, kind, shape, height, type of materials, floor plans, location, frontage on the lot, and approximate cost shall be submitted to and approved in writing by Hettich Realty Company. The developer shall examine such plans and specifications with respect to quality of workmanship and materials, harmony of the external design with existing structures and surroundings, location of the building or alteration or additions with respect to lot size, shape, topography and elevation of the land, and a final copy of such plans and specifications shall be lodged by the applicant for permanent filing with Hettich Realty Company. Nothing herein contained shall be construed so as to require the aforesaid approval of the developer with respect to interior decorations, alterations, or changes, and nothing herein contained shall be construed so as to require the services by the owner or applicant of an architect. The approval of such plans and specifications by Hettich Realty Company shall not be unreasonably withheld.

12. There shall not be erected any wharf, dock, building, structure, or projection of any kind more than three feet into any lagoon from the established (at the time of first recording these restrictions) bank of the lagoon and before any such erection or construction shall take place the plans and specifications for such construction shall have been submitted and approved as provided herein for other structures upon the lands and premises referred to herein. All such wharves, piers, pavillions, structures, and projections shall be kept in good repair by the owner thereof at all times.

13. Before the grantee or grantees in this conveyance, or any successors in title to the grantee or grantees, or any lot owner, his heirs or assigns, shall convey any portion of this land to any subsequent purchaser, the said grantee or grantees, his or their successors in title or heirs and assigns, shall first submit and deliver in writing the name and address of such prospective purchaser, together with the amount of any bona fide sale price offered by such prospective purchaser, to Hettich Realty Company, its successors or assigns, at the last known post office address of any officer thereof. Hettich Realty Company, or its successors or assigns, shall then have the option to purchase said land at the same price offered by such prospective purchaser if said option is exercised in writing by the developer within 30 days after the delivery of such notice. If the said option is not exercised by Hettich Realty Company, or its successors or assigns, in writing within 30 days after the notice is delivered as aforesaid, the grantee, his successors in title or heirs and assigns, shall then have the right and power to convey said property to said prospective purchaser at the price offered as aforesaid. In the event of the violation of this covenant Hettich Realty Company, or any member thereof, shall be entitled to compel

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specific performance thereof as against the grantee or his successors in title and such subsequent purchaser and shall be entitled to such damages for the breach of this covenant as the court shall award.

14. All of the conditions, covenants, agreements and restrictions contained in this deed shall continue in force until the first day of January, 1990, and thereafter for successive periods of 10 years, without limitation, unless changed, modified, or added to or extinguished, in whole or in part, by a written agreement executed by the record owners of more than two-thirds in area of all lots in Bay Shore Hills, including all lands and lots owned by Hettich Realty Company, its successors, officers, stockholders, or agents, and such agreement shall be recorded in the office of the Recorder of Deeds at Georgetown, Delaware.

Written notice of any proposed changes or modification in these restrictions or covenants shall first be given to all lot owners of record, together with a statement of the reason or reasons therefor, and reasonable opportunity shall be given to all said lot owners to register their approval or disapproval of such changes or modifications.

15. The determination by any court that any provision herein is void or unenforceable shall in no way affect the validity of any of the remaining provisions hereof and the conditions, covenants, agreements and restrictions set forth herein shall be construed together and shall be given that interpretation or construction which best tend toward the consummation of a general plan of improvement of Bay Shore Hills and tend toward the strict enforcement of such restrictions, conditions, covenants, and agreements; when necessary, the restrictions, conditions, covenants, and agreements contained herein shall be so extended and enlarged by implication as to effectuate the general plan of improvement for Bay Shore Hills as set forth herein.

16. The violation of any restriction or the breach of any covenant or agreement contained herein shall give to the grantor, its successors or assigns, or any other lot owner or lot owners association, the right to seek appropriate relief in the courts of this state by injunction, suit for damages, specific performance, or otherwise and to avail themselves of whatever remedies are available to them in law or in equity.

17. Whenever by these restrictions notice is required to be given to any person or persons, corporation or association, and whenever notices shall be given, whether required herein or not, all such requirements of notice shall be deemed fully complied with by the deposit of such notice in the United States Mail in a securely sealed, postpaid wrapper, addressed to the last known owner shown on the tax assessment records of Sussex County at the last known address of such owner as shown on such records; and if no such address is shown such notice shall be and may be addressed to such owner at Lewes, Delaware. Such notice shall be sent by either registered or certified mail, return receipt requested.

18. These restrictive covenants shall be binding only upon those lots which are presently known and designated by number upon the plot of Bay Shore Hills which is of record at the time of the imposition of these restrictive covenants and the developer hereby affirms his intention to carry out a general scheme of development with respect to such numbered lots and hereby further declares his intention to zone or restrict the remaining areas of Bay Shore Hills for residential or commercial purposes according to any later plots or surveys which may be recorded for such purpose.

19. These restrictive covenants, conditions

7-7-15
ed

and remedial clauses shall, so far as they may be inconsistent therewith, supercede, nullify and take precedence over any and all other such restrictive covenants, conditions and remedial clauses imposed upon the lands described herein.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Sealed and delivered in the presence of:

Signatures of David J. Hettich, Eleanor C. Hettich, George L. Hettich, Jr., and Margo K. Hettich, each followed by '(SEAL)'.

STATE OF Maryland I
COUNTY OF Burlington I

BE IT REMEMBERED, that on this 3 day of April 1973 personally came before me, the subscriber, a notary public in and for the county and state aforesaid, DAVID J. HETTICH and ELEANOR C. HETTICH, his wife,

parties to this indenture, known to me personally to be such, and they acknowledged this indenture to be their act and deed.

Given under my hand and seal of office the day and year aforesaid.

Notary Public Seal for State of Delaware, My Commission Expires March 30, 1974. Includes a tax stamp for REALTY TRANSFER TAX amounting to 144.00.

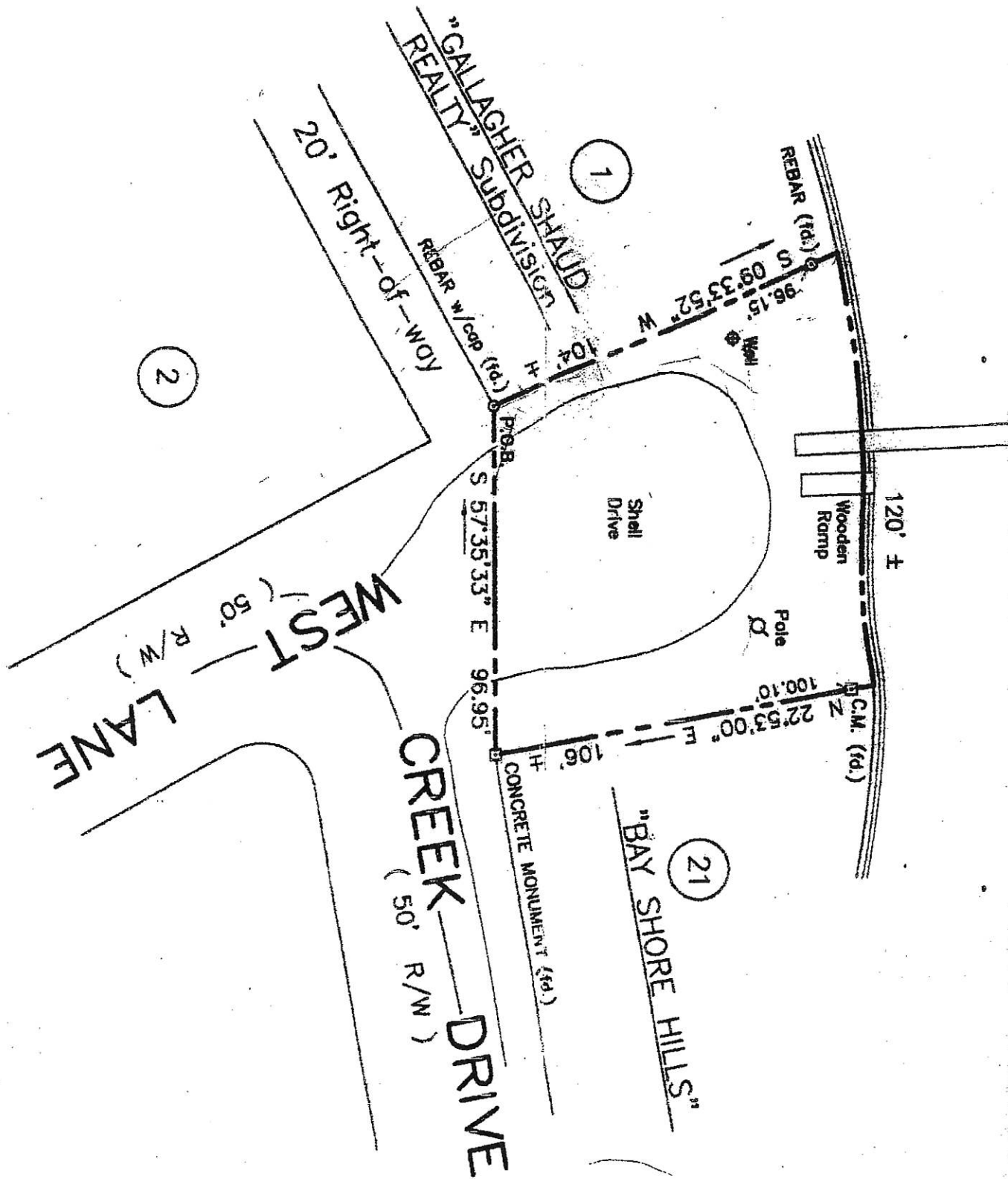
BE IT REMEMBERED, that on this 3 day of April 1973, personally came before me, the subscriber, a notary public in and for the county and state aforesaid, GEORGE L. HETTICH, JR. and MARGO K. HETTICH, his wife,

parties to this indenture, known to me personally to be such, and they acknowledged this indenture to be their act and deed.

Given under my hand and seal of office the day and year aforesaid.

RECEIVED stamp: APR 5 3 43 PM '73, SUSSEX COUNTY.

Notary Public Seal for State of New Jersey, My Commission Expires March 30, 1974. Includes a date stamp: APR 5 1973.



"GALLAGHER SHAUD
REALTY" SUBDIVISION

20' Right-of-Way

REBAR w/cap (rd.)

REBAR (rd.)
S 09°33'52" W
96.15'

1

2

Shell
Drive

Wooden
Ramp

120' ±

Pole

WEST
LANE
(50' R/W)

S 57°35'33" E
96.95'

CONCRETE MONUMENT (rd.)

"BAY SHORE HILLS"

21

C.M. (rd.)
N 22°53'00" E
100.10'

CREEK
DRIVE
(50' R/W)



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

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

WETLANDS &
WATERWAYS SECTION

PHONE
(302) 739-9943

Mulberry Knoll/Bayshore Hills Homeowners Association
Attention: Mark Helner, Dock Master
P.O. Box 111
Nassau, DE 19969
Tax Parcel: 3-34-18.00-44.01

Letter of Authorization: LA-102/22
Associated Permits: SL-3109/92,
SL-337/02, SU-004/08, SA-131/15,
LA-260/15
Date of Issuance: 12/12/2022
Construction Expiration Date: 12/12/2025

LETTER OF AUTHORIZATION

GRANTED TO:

Mulberry Knoll/Bayshore Hills Homeowners Association

**TO REPAIR AND REPLACE PREVIOUSLY AUTHORIZED STRUCTURES IN THE
EXISTING FOOTPRINT:**

**A 6 foot wide by 130 foot long pier
A 12 foot wide by 50 foot long pier
A 5 foot wide by 48 foot long pier
An 8 foot wide by 30 foot long dock**

LOCATED:

**In Love Creek
At the Terminus of West Lane
Lewes, Sussex County, Delaware**

Pursuant to the provisions of 7 Del. C., §7203, and the Department's Regulations Governing the Use of Subaqueous Lands, permission is hereby granted on this 12th day of December A.D. 2022, to construct the above-referenced project in accordance with the approved plans (3 Sheets) as approved on December 12, 2022; and the application dated February 7, 2022; and received by this Division on February 16, 2022.

WHEREAS, Mulberry Knoll/Bayshore Hills Homeowners Association, owner(s) of certain adjoining lands to Love Creek, has applied for permission to repair and replace the indicated structures for private use; and;

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

NOW THEREFORE, this Letter of Authorization is issued subject to the attached Letter of Authorization General Conditions and the following special conditions:

SPECIAL CONDITIONS

1. The Letter of Authorization is valid for one year according to the above-referenced construction expiration date.
2. Upon expiration of the current subaqueous lands lease (SL-337/02 -Expiration Date: 5/29/2023), the owner(s) will be required to apply for a new Subaqueous Lands Lease and a Marina Permit (MP). Additionally, an Operations and Maintenance Plan (O&M) will be required to be submitted in conjunction with the Subaqueous Lands Lease and Marina Permit applications.
3. This Letter of Authorization is granted for the purpose of repairing by replacing the previously authorized existing piers and dock.
4. Erosion and sediment control measures shall be implemented in accordance with the specifications and criteria in the current Delaware Erosion and Sediment Control Handbook, so as to minimize entry and dispersal of sediment and other contaminants in surface waters.
5. The repair by replacement of the 12 foot wide by 50 foot long pier authorized by this Letter of Authorization is subject to the terms and conditions of the Department of the Army Nationwide Permit No. 3
6. All other work authorized by this Letter of Authorization is subject to the terms and conditions of the Department of the Army Corps of Engineers SPGP-20.
7. **The Contractors Completion Report shall be filled out and returned within 10 days of completion of the authorized work.**

IN WITNESS WHEREOF, I, Matthew R. Jones, the duly authorized representative of Shawn M. Garvin, Secretary of the Department of Natural Resources and Environmental Control, have hereunto set my hand this 12th day of December, 2022.

Matthew Jones

By Matthew R. Jones, Section Manager
Division of Water – Wetlands and Waterways Section

Anthony Konrad

Anthony ~~E~~ Konrad Environmental Scientist
Division of Water - Wetlands and Waterways Section



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL

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

WETLANDS &
WATERWAYS SECTION

PHONE
(302) 739-9943

**LETTER OF AUTHORIZATION
CONTRACTOR'S COMPLETION REPORT
POST-CONSTRUCTION**

Authorization Number: LA-102/22

Name: Mulberry Knoll/Bayshore Hills Homeowners Association **Address:** Terminus of West Lane
Lewes, DE 19958
Tax Parcel: 3-34-18.00-44.01

I hereby certify that I have constructed the project authorized by the above-referenced Letter of Authorization in accordance with the approved plans for the project.

Printed Name of Contractor

Name of Company

Contractor's Signature

Date

Telephone Number

Upon completion of construction, this form shall be completed, signed by the contractor, and mailed to the Wetlands and Waterways Section at:

**DNREC
Wetlands and Waterways Section
89 Kings Highway
Dover, Delaware 19901**

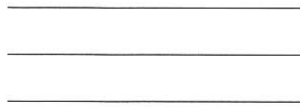
Or faxed to the Wetlands and Waterways Section at: **302-739-6304**

This form must be received by the Department within ten days of the date that construction is completed.

=====
For official use only

Compliance inspection date _____ *Built in accordance with plans* *Yes* *No*

Scientist: Anthony Konrad



Affix Proper
Postage
Here

Mail to:

DNREC – Wetlands and Waterways Section
89 Kings Highway
Dover, DE 19901

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WETLANDS AND WATERWAYS SECTION

PERMIT NUMBER: LA-102/22

CONSTRUCTION EXPIRATION DATE: 12/12/20

PERMITTEE SHALL CONDUCT THE FOLLOWING ACTIVITIES:

REMOVE AND REPLACE PREVIOUSLY AUTHORIZED STRUCTURES IN THE EXISTING FOOTPRINT:

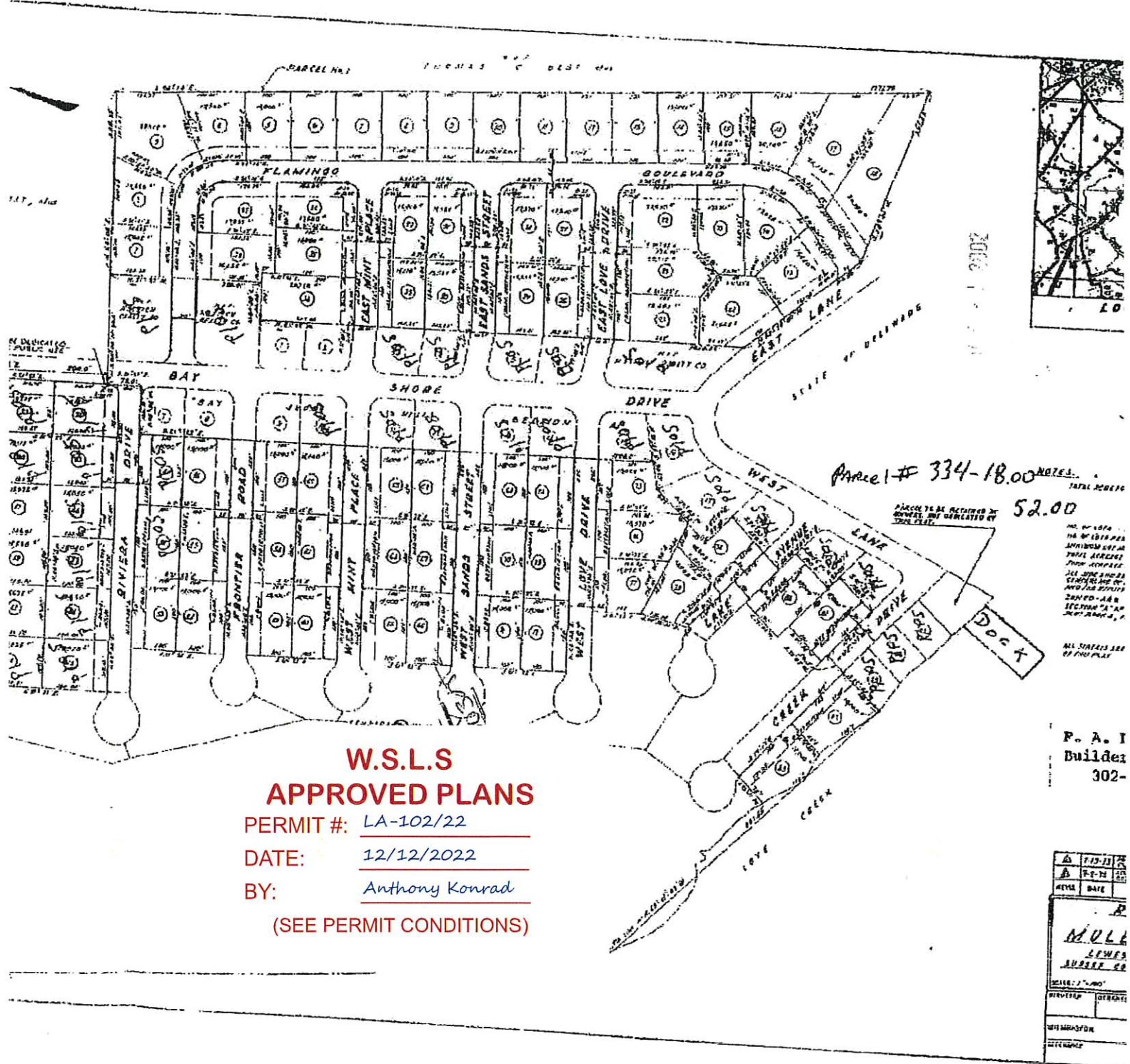
- A 6 foot wide by 130 foot long pier
- A 12 foot wide by 50 foot long pier
- A 5 foot wide by 48 foot long pier
- An 8 foot wide by 30 foot long dock

In Love Creek
At the Terminus of West Lane
Lewes, Sussex County, Delaware

APPLICANT: Mulberry Knoll/Bayshore Hills Homeowners Association

**THIS CERTIFICATE IS VALID ONLY WHEN DISPLAYED IN A HIGHLY
VISIBLE LOCATION ON THE JOB SITE.**

Authorized by: Matthew Jones



Parcel # 334-18.00 NOTES: TOTAL AREA 52.00

ALL LOTS ARE 150' X 100' WITH 10' SIDE SETBACKS. ALL LOTS ARE 150' X 100' WITH 10' SIDE SETBACKS. ALL LOTS ARE 150' X 100' WITH 10' SIDE SETBACKS.

W.S.L.S
APPROVED PLANS
 PERMIT #: LA-102/22
 DATE: 12/12/2022
 BY: Anthony Konrad
 (SEE PERMIT CONDITIONS)

P. A. I
 Builder
 302-

NO. OF LOTS	18
TOTAL AREA	52.00
DATE	12/12/2022
BY	Anthony Konrad
PROJECT	W.S.L.S
DATE	12/12/2022
BY	Anthony Konrad
PROJECT	W.S.L.S
DATE	12/12/2022
BY	Anthony Konrad

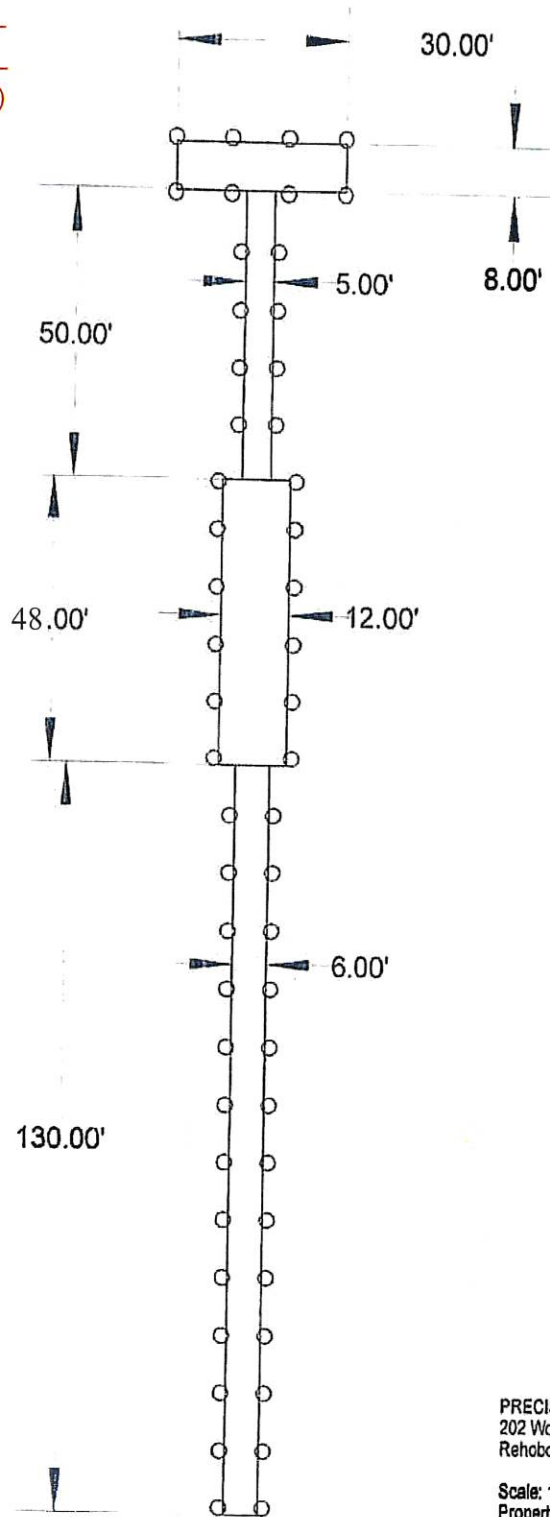
W.S.L.S
APPROVED PLANS

PERMIT #: LA-102/22

DATE: 12/12/2022

BY: Anthony Konrad

(SEE PERMIT CONDITIONS)



Proposed Pier and Dock Replacement
Mulberry Knol & Bayshore HOA
In: Love Creek

PRECISION MARINE CONSTRUCTION INC.
202 Woodbridge Hills
Rehoboth Beach, DE 19971

Scale: 1" = 30' Date: 01-18-22
Property Of Precision Marine Construction, Inc.
Do Not Copy Without Permission

AK

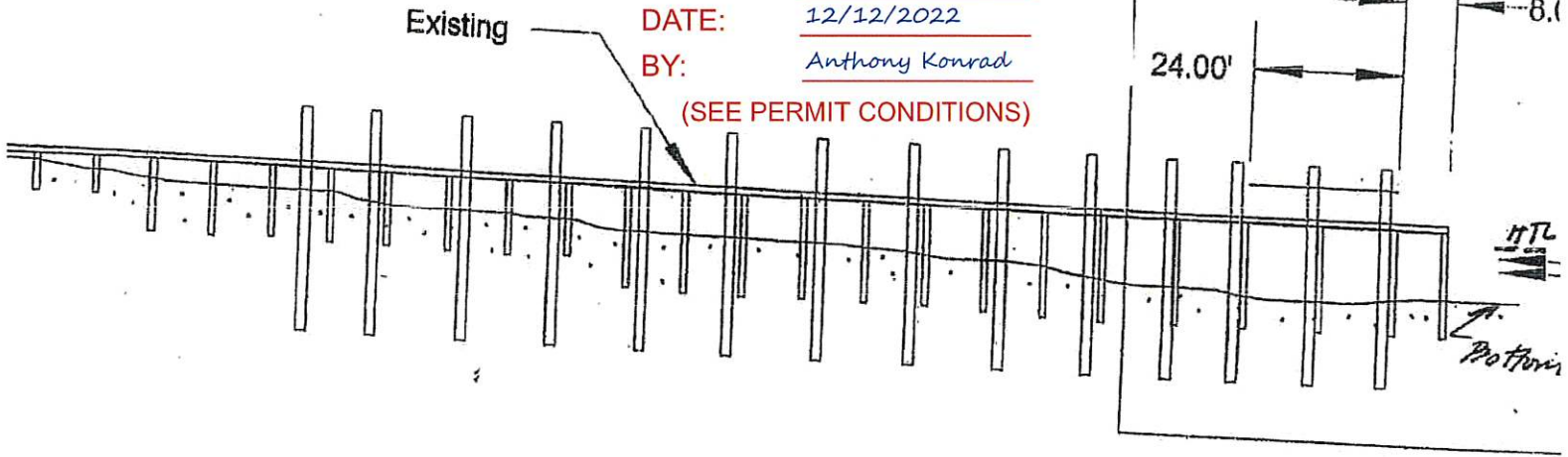
IN: Love Creek, Rehoboth Bay
AT: Mulberry Knoll/Bayshore Hills community docking facility
West Lane, Mulberry Knoll
Lewes, Sussex County, DE 19958
APPLICANT: Mulberry Knoll/Bayshore Hills Homeowners Assoc.
DATE: June 2008

LOVE CREEK

**W.S.L.S
APPROVED PLANS**

PERMIT #: LA-102/22
DATE: 12/12/2022
BY: Anthony Konrad

(SEE PERMIT CONDITIONS)



Proposed Pier/ Dock Extn
MKBSH Home Owner Assoc.
Community Dock
Rehoboth Beach, DE 19971

PRECISION MARINE CONSTRUCTION
2 Woodbridge Hills
Rehoboth Beach, DE 19971
Scale: 1" = 30' Date: 12-6-07 Number:1

Figure 8. Cross-section of existing structure
Marine Construction, Inc., and CER, Inc.). Scale: 1" = 30'.
(prepared by Precision



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

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

WETLANDS &
SUBAQUEOUS LANDS

PHONE
(302) 739-9943

GENERAL CONDITIONS

1. The authorized parties (permittee) and contractor shall at all times comply with all applicable laws and regulations of the Department of Natural Resources and Environmental Control.
2. The activities authorized herein shall be undertaken in accordance with the conditions in this Letter of Authorization, the final stamped and approved plans, and with the information provided in the permit application.
3. A copy of this Letter of Authorization and the stamped approved plans shall be available on-site during all phases of construction activity.
4. The conditions contained herein shall be incorporated into any and all construction contracts associated with the construction authorized herein. The permittee and contractor are responsible to ensure that the workers executing the activities authorized by this Letter of Authorization have full knowledge of, and abide by, the terms and conditions of this Letter of Authorization.
5. No portion of the structure shall be constructed using creosote treated lumber.
6. No portion of the structure(s) authorized by this Permit shall exceed the dimensions for that structure identified on Page One of this Permit.
7. The activities authorized herein shall be conducted so as not to violate the State of Delaware's Surface Water Quality Standards in effect at the date of this Authorization.
8. The issuance of this Authorization does not constitute approval for any activities that may be required by any other local, state or federal government agency.
9. The issuance of this Authorization does not imply approval of any other part, phase, or portion of any overall project the permittee may be contemplating.
10. This Authorization applies only the activities described herein. Modifications to the project may require approval from this office prior to the initiation of construction. A determination of the need for approval will be made by this office pursuant to the permittee submitting written notification and revised plans indicating project changes. Failure to contact the Department prior to executing changes to the project shall constitute reason for this Authorization being revoked.
11. The Contractors Completion Report shall be filled out and returned within 10 days of completion of the authorized work.
12. The permittee shall protect and hold the State of Delaware harmless from any loss, cost or damage resulting from the activities authorized herein.
13. Representatives of the Department of Natural Resources and Environmental Control shall be allowed to access the property to inspect all work during any phase of the construction and may conduct pre and post-construction inspections, collect any samples or conduct any tests that are deemed necessary.
14. The permittee shall maintain all authorized structures and activities in a good and safe condition.

15. All construction materials, waste or debris associated with this activity shall be properly disposed of and contained at all times to prevent its entry into waters or wetlands. Construction materials shall not be stockpiled in subaqueous lands or wetlands.
16. The permittee and contractor shall employ measures during construction to prevent spills of fuels, lubricants or other hazardous substances. In the event of a spill, the permittee and contractor shall make every effort to stop the leak and contain the spill, and shall immediately contact the Hazardous Spill Response Team (HAZMAT) at 1-800-662-8802 and this office at (302) 739-9943. The permittee and contractor are responsible to comply with all directives to contain and clean up the spilled material(s) as stipulated by the HAZMAT team, and to restore the site as may be required by this office.
17. No construction shall occur after the construction expiration date identified on Page One of this Authorization. The permittee may file a construction expiration date extension request of up to one (1) year if necessary to complete the authorized work. Such requests must be received by the Department at least thirty (30) days prior to the construction expiration date.
18. Any actions, operations or installations which are found by the Department to be contrary to the public interest may constitute reason for the discontinuance and/or removal of said action, operation or installation. Removal and restoration shall be at the expense of the permittee and/or upland property owner within thirty (30) days of receipt of written notice of revocation and demand for removal.
19. Disturbance of subaqueous lands or wetlands adjacent to the authorized structures or activities is prohibited unless specifically addressed in the special conditions of this Authorization. Disturbance of subaqueous lands or wetlands in the path of construction activities shall be minimized. Any temporarily impacted subaqueous lands or wetlands shall be returned to pre-disturbance elevations and conditions.
20. This Authorization is personal and may not be transferred without the prior written consent of the Department. Prior to the transfer of the adjacent upland property, the permittee shall obtain the written consent of the Department to transfer the Authorization to the new upland property owner. Failure to obtain such written consent may result in the revocation of this Authorization and the removal of all structures authorized by this Authorization at the expense of the permittee.
21. The permittee shall notify the Wetlands and Subaqueous Lands Section prior to the commencement of the work authorized by this Authorization.
22. No portion of the structure shall be installed within ten (10) feet of the adjacent property lines.
23. No portion of the structure shall exceed 20% of the width of the water body as measured at mean low water.
24. The authorized structures shall be constructed and maintained in a manner so as to assure water access to adjacent properties.
25. This Authorization does not apply to any future repairs below the water line, or any additions or modifications to the structures authorized herein. Such activities require separate written authorization from the Department of Natural Resources and Environmental Control.
26. Failure to comply with any of the terms or conditions of this Authorization may result in enforcement action which could include the revocation of this Authorization and subsequent restoration of the site to preconstruction conditions.