

BLACKWATER VILLAGE PIER PROJECT

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**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?

- ✓ Yes BASIC APPLICATION
- ✓ Yes SIGNATURE PAGE (Page 3)
- ✓ Yes APPLICABLE APPENDICES
- ✓ Yes SCALED PLAN VIEW
- ✓ Yes SCALED CROSS-SECTION OR ELEVATION VIEW PLANS
- ✓ Yes VICINITY MAP
- ✓ Yes COPY OF THE PROPERTY DEED & SURVEY
- ONE (1) Yes ~~Directed~~ THREE (3) COMPLETE COPIES OF THE APPLICATION PACKET
- ✓ 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

- Applicant's Name: Patti Galati Telephone #: 302-581-2504
 Mailing Address: Blackwater Village President Fax #: _____
31275 Mohican Drive E-mail: bwvillagevoice@gmail.com
Dagsboro, DE 19939
- Consultant's Name: Daniel A. Guy Company Name: BLACKWATER VILLAGE HOA
 Mailing Address: 31225 MOHICAN DRIVE Telephone #: 302-362-2390
DAGSBORO, DE. 19939 Fax #: daguy401@yahoo.com
 E-mail: _____
- Contractor's Name: Troy Messick Company Name: JT. Rogers Marine
 Mailing Address: 25245 Banks Rd. Telephone #: 302-841-4955
Millsboro, DE. 19966 Fax #: 302-945-1846
 E-mail: troymessick71@gmail.com

Section 2: Project Description

- Check those that apply:
 New Project/addition to existing project? Repair/Replace existing structure? (If checked, must answer #16)
- Project Purpose (attach additional sheets as necessary):
See attached.
- Check each Appendix that is enclosed with this application:

<input type="checkbox"/> A. Boat Docking Facilities	<input type="checkbox"/> G. Bulkheads	<input type="checkbox"/> N. Preliminary Marina Checklist
<input type="checkbox"/> B. Boat Ramps	<input type="checkbox"/> H. Fill	<input type="checkbox"/> O. Marinas
<input type="checkbox"/> C. Road Crossings	<input type="checkbox"/> I. Rip-Rap Sills and Revetments	<input type="checkbox"/> P. Stormwater Management
<input type="checkbox"/> D. Channel Modifications/Dams	<input type="checkbox"/> J. Vegetative Stabilization	<input type="checkbox"/> Q. Ponds and Impoundments
<input type="checkbox"/> E. Utility Crossings	<input type="checkbox"/> K. Jetties, Groins, Breakwaters	<input 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

- Project Site Address: END OF Shawnee Road in BLACKWATER VILLAGE DAGSBORO, SUSSEX COUNTY Delaware
 County: N.C. Kent Sussex
 Site owner name (if different from applicant): _____
 Address of site owner: _____
- Driving Directions: see attached sheet, and vicinity MAP
 (Attach a vicinity map identifying road names and the project location)
- Tax Parcel ID Number: 1-34-11-14 Subdivision Name: BLACKWATER VILLAGE

WSLS Use Only:		Permit #s: _____							
Type	SP <input type="checkbox"/>	SL <input type="checkbox"/>	SU <input type="checkbox"/>	WE <input type="checkbox"/>	WQ <input type="checkbox"/>	LA <input type="checkbox"/>	SA <input type="checkbox"/>	MP <input type="checkbox"/>	WA <input type="checkbox"/>
Corps Permit:	SPCP 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				

Wetlands and Subaqueous Lands Section Basic Application Form

Section 3: Project Location (Continued)

10. Name of waterbody at Project Location: Blackwater Creek waterbody is a tributary to: Indian River Bay
11. Is the waterbody: Tidal Non-tidal Waterbody width at mean low or ordinary high water 100'
12. Is the project: On public subaqueous lands? On private subaqueous lands? *
 In State-regulated wetlands? In Federally-regulated wetlands?

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

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

13. Present Zoning: Agricultural Residential Commercial Industrial Other

Section 4: Miscellaneous

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

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):

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

- 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):*
WE - 047/10 WE - 367/08 LA - 071/10
 *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: SPHP-20 4/23/26 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: _____

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, Patti Galati, hereby designate and authorize Dan Guy
(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: Daniel Guy
 Mailing Address: 31225 MOHICAN DR.
Dagsboro, De. 19939

Telephone #: 302-362-2390
 Fax #:
 E-mail: daguy401@yahoo.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.

Dan Guy
 Agent's Signature

4/20/26
 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.

Patti Galati
 Applicant's Signature

4-21-2026
 Date

Patti Galati
 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.

Troy Messick
 Contractor's Name

4/20/26
 Date

Troy Messick
 Print Name

Blackwater Village

Section 2 Project Description

5. Project Purpose

Blackwater Village, located in Dagsboro, De. 19939, has a platform and pier at the end of Shawnee Drive. Offering the opportunity to enjoy nature, observe the wildlife, crab, fish and launch kayaks, it is a wonderful asset to our community. The HOA of Blackwater Village proposes repairing the existing platform and amending the adjacent 24 ft section of the pier.

Presently, due to rising tides, the structure is subject to daily flooding. The platform has a list of approximately 9 degrees. It leans to the North (toward the Indian River Bay). For stability and safety, we request permission to replace the platform, a section of the pier, and replace the support structure.

Our proposal is to raise the platform 1.5 feet and expand it from 5 ft x 10 ft to 6 ft x 16ft. The 6 ft addition would be an extension toward the shoreline. This would allow the platform and pier to have an increased number of pilings. To join the pier to the dock, we would raise a 24 ft section of the pier to the same elevation as the dock and, for safety consideration, expand the 24 ft section from 4ft wide to 5ft wide to allow for a second handrail for the portion that extends over the water.

Section 3 Project Location

8. Driving Direction

Route 26 from Dagsboro toward Ocean View turn left at Blackwater Village on to Hiawatha Blvd. Turn left again onto Hiawatha Blvd, connect to Shawnee Drive. Continue on Shawnee Drive to foot of the road. Pier at the water edge. Vicinity Map included in packet.

Section 4 Miscellaneous

14 A.

Lot 34 and Lot 35 John /Terri Schimdt 32271 Hidden Acres Drive Frankford,De. 19945

Lot N-12 Louis/Dorothy Wachter 34075 Shawnee Dr Dagsboro De. 19939

Lot N-11 Ashley Banks/Eric Goldfond 34063 Shawnee Drive Dagsboro De. 19939

Lot O-13 Daniel/ Liz Kapp 34071 Mocassin Way Dagsboro De. 19939

Lot N -13 Dennis Strawley 7749 Sandstone Ct. Ellicott City Md. 21043

15. Project Representatives: Department of Parks Representative – Benjamin Schulsser
DNREC Representative – June Hazweski and Mackensie Voder

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.)

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	10	5'	24'			REPLACE
PLATFORM	6	6'	16'	6'	16'	REPLACE
Freestanding Pilings	Number					

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

- Approximately how wide is the waterway at this project site? 100 ft. (measured from MLW to MLW)
- What will be the mean low water depth at the most channelward end of the mooring facility? 1.2 ft.
- 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.
- 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? 70 ft.

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

Make/model	<u>N/A</u>	length	<u>N/A</u>	width	<u>N/A</u>	draft	<u>N/A</u>
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. N/A

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. N/A

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? 200 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.

Blackwater Village

Appendix A

1. Project Purpose

Blackwater Village, located in Dagsboro, De.19939, has a platform , pier and a floating platform, at the end of Shawnee Drive. The pier provides the opportunity to enjoy nature, observe the wildlife, crab, fish . The floating platform is used to launch kayaks . The pier is a wonderful asset to our community. The HOA of Blackwater Village proposes repairing the existing platform and amending the adjacent 24 ft section of the pier. The structure has not and will not be used as a mooring facility.

Presently, repair is required to stabilize the platform. Presently, due to rising tides, the structure is subject to frequent flooding. Additionally, the platform has a list of approximately 9 degrees. It leans to the North (toward the Indian River Bay). For stability and safety, we request permission to replace the platform, a section of the pier, and replace the support structure.

Our proposal is to raise the platform 1.5 feet and expand it from 5 ft x 10 ft to 6 ft x 16ft. The 6 ft addition would be an extension toward the shoreline. This would allow the platform and pier to have an increased number of pilings. To join the pier to the dock, we would raise a 24 ft section of the pier to the same elevation as the dock and, for safety consideration, expand the 24 ft section from 4ft wide to 5ft wide to allow for a second handrail for the portion that extends over the water.

Included in the Appendix A , are approved plans depicting a plan view with MHW and MLW designations. Additionally, there are side views of the existing platform, from the North and the channel showing the list and MHW and MLW at the platform.

Blackwater Village Board 2026

Position Name	Email	Phone
President Patti Galati	Bvaprez2025@outlook.com	302-581-2504
Vice President Dan Guy	Daguy401@yahoo.com	302-362-2390
Treasurer Elizabeth C. Fox	Bwvtreasurer001@gmail.com	610-248-7922
Secretary Lisa McAllen	ltmcallen@yahoo.com	443-717-1529
Director 2026 Joe Corbino	jdcorbino@gmail.com	302-299-2537
Director 2027 Bob Kestner	My1969ragtop@comcast.net	240-586-1432
Director 2028 Karen Meier	Sup45chill@gmail.com	302-402-6078

Architectural Committee

New Builds/Improvements Dave Closson	bvillagevoice@gmail.com	302-381-5251
Maintenance Lisa McAllen Karen Meier	ltmcallen@yahoo.com sup45chill@gmail.com	443-717-1529 302-402-6078

EMAIL: BVvillagevoice@gmail.com

WEBSITE: blackwatervillageassociation.com



Blackwater Village Association, Inc

31275 Mohican Drive

Dagsboro, DE 19939

www.blackwatervillageassociation.com

bvillagevoice@gmail.com

Blackwater Village Association Board Meeting Minutes - 3-19-2026

Participants: Patti Galati (President), Dan Guy (Vice President), Elizabeth (Clair) Fox (Treasurer), Bob Kestner (Director), Lisa McAllen (Secretary)

Absent: Joe Corbino (Director), Karen Meier (Director)

Location: South Coastal Library

Meeting Start Time 3:07

Treasurer report:

Clair reviewed the current treasurer's report.

Two speakers from South Coastal Village Volunteers have been invited to attend our spring membership meeting and discuss the services they provide.

Lot transfer and property inheritance should be subject to new the new home owner fee and current CRCs do not state this. Will speak with the lawyer regarding changing the CRCs.

Late yearly dues fee will remain at \$25.00 but will now be subject to an additional penalty of interest and postage fees.

Committees are in the process of submitting their 2026 budgets; most have been received.

The board voted to contribute \$200 to the South Coastal Library this year.

Quick books renewal is now 1/31/2026 instead of November. We received a refund for part of last year.

Phragmities reimbursement was received.

President report:

Village Green committee submitted a rough plan for improvements this year along with their budget.

Cyber Security – Be diligent reviewing what you receive. Best to always check the sender's email address. Clair will investigate having the HOA laptop cleaned and protected.

Storm – Should we investigate having some type of plan for catastrophic weather? Several neighbors came together to help clear limbs and trees off the roads to allow the snow plow through.

Playground upgrade – will purchase some soccer goals, an additional bench at the end of the playground and a child sized picnic table. The wood on the benches at the park will be replaced with pressure treated wood a few at a time.

Pier Project:

A decision was made to hire JT Rogers for the pier project.

Secretary

Feral cats – can anything be done? As a neighborhood we cannot do anything other than publishing information for the community. Neighbors should not feed the cats unless they also take the steps to have the cats spayed/neutered. An email blast communication will be put together and sent.

Dog poo – would it help to have dog pooh bags available at various places throughout the neighborhood? The decision is to NOT supply bags but send an

email blast to the community to be responsible for cleaning up after their pets and stress the unsanitary nature of the poo and environmental impacts.

A pre spring neighborhood cleanup email will be sent the beginning of April listing the main items the committee will be looking for when they do their mid-May walk through of the neighborhood when violations could be issued.

The Sunshine committee is up and operational. An email blast was sent informing the community.

Arch Committee did a ride around and looked at vacant and short term properties for storm damage and received clarification of our role after storms.

A community Spring Fling is planned for April 18 in the pavilion with crafts and light refreshments.

The meeting adjourned at 5:00

Respectfully submitted,

Lisa McAllen

Secretary

Prepared by: The Department of
 Natural Resources
 and Environmental
 Control *PC 1401*
 B.D. 1850 PAGE 234
 Tax Parcel # 1-34-11-14 *Dover D2* *FF03*

CONSERVATION EASEMENT

THIS INDENTURE, made this 21st day of May, in the year of our Lord One Thousand Nine Hundred and Ninety-two, by and between BLACKWATER VILLAGE ASSOCIATION, INC., a corporation of the State of Delaware, Party of the First Part, hereinafter referred to as "Grantor," and THE STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, Party of the Second Part, hereinafter referred to as "Grantee."

WHEREAS, Grantor is the fee simple owner of a certain tract of land located in Sussex County and State of Delaware, identified in the Sussex County Assessment Office as Parcel No. 1-34-11-14, and being all those certain lands and premises described in that certain Deed dated June 6, 1985 and of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 1345 at Page 235, containing 23 acres more or less, hereinafter referred to as the "Property;" and

WHEREAS, said Property has scenic, natural, and aesthetic value in its present state which has not been subject to development or exploitation as documented in an inventory containing reports, maps, photographs and other documentation of relevant features of the Property on file with Grantee and;

WHEREAS, Grantee is a publicly supported State agency whose primary purpose is the preservation, protection, or enhancement of land in its natural, scenic, forested condition; and

WHEREAS, a Natural Areas Preservation System has been established by the Grantee pursuant to 7 Del. C. Chapter 73, to be administered by the Office of Nature Preserves within the aforesaid Department, with the assistance of the Natural Areas Advisory Council; and

WHEREAS, the Property was entered on the Delaware Registry of Natural Areas on May 7, 1992; and

WHEREAS, Grantor is desirous of preserving the natural state of the Property and further desires to conserve and protect the Property from any natural disruption and/or other occurrences which might interfere with the beauty and unique character of the Property as it exists in its natural and scenic state; and

WHEREAS, Grantor is willing to grant a Conservation Easement and dedicate as a Nature Preserve said Property, thereby restricting and limiting the use of said Property, on the terms and conditions and for the purposes hereinafter set forth, and the Grantee is willing to accept such easement; and

WHEREAS, Grantee agrees by accepting this grant to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the conservation values of the Property for the benefit of this generation and the generations to come;

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of Delaware and in particular 7 Del. C. Chapter 69, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over and across all of Grantor's property referenced herein.

1. It is the purpose of this Conservation Easement to assure that the Property will be retained forever in its natural, scenic, open and/or forested condition as a Nature Preserve and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property.

2. To accomplish the purpose of this Conservation Easement, Grantee shall have the right:

(a) To preserve and protect the conservation values of the Property.

(b) To enter upon the Property at reasonable times in order to monitor Grantor's compliance with and otherwise enforce the terms of this Conservation Easement; provided that such entry shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property; and

(c) To prevent any activity on or use of the Property that is inconsistent with the purpose of this Conservation Easement and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use pursuant to paragraph 3.

3. The following activities on and uses of the Property are expressly prohibited:

(a) Construction or placing of buildings or other permanent structures on, above or under the ground is prohibited. The existing two piers with walkways and observation decks may be maintained and replaced with like structures;

(b) There shall be no signs, billboards or advertising except those necessary for resource protection, safety, boundary identification or interpretation;

(c) Construction of utilities, roads or other public works structures is prohibited except for existing utility rights-of-way, if any;

(d) No soil, trash, waste or other material shall be placed or dumped on the Property;

(e) There shall be no excavation, dredging or removal of loam, peat, gravel, soil, rock, sand, or other material or other change in the general topography of the land, excepting archaeological digs or excavations authorized by the Division of Historical and Cultural Affairs and the Grantee and excepting activity related to public health and safety.

(f) The removal or destruction of trees, shrubs, or other vegetation is prohibited except as may be necessary for control of diseases, pests and undesirable species, for safety purposes or for the proper management of species of special concern;

(g) Intentional introduction of exotic plant and animal species is prohibited. If the natural balance of the area is seriously upset, control measures may be employed that are compatible with the maintenance of other natural features;

(h) Collecting of plant and animal material, fossils, minerals, or artifacts shall be for scientific and nature study only and shall be subject to State regulations and permits;

(i) Hunting and trapping are prohibited. Legal fishing and crabbing are permitted. The discharge of firearms or use of fireworks on the Property is prohibited.

(j) Prohibited uses shall not affect current passive recreational use of the Property and the right to continue such use is reserved to the Grantor, its successors or assigns;

(k) No other acts or uses will be allowed which adversely affect plant and animal species or land and water areas of the Property.

4. In the event of a violation of this Conservation Easement, Grantee shall give written notice to violator of such violation and demand corrective action sufficient to cure the violation and restore the portion of the Property so injured. In the event the violation continues or the injury to the Property is not cured within thirty (30) days of the written notice from Grantee, the Grantee, or its successor or assign, may institute a suit to enjoin by exparte, temporary and/or permanent mandatory or prohibitive injunction such violation, to require the restoration of the premises to their prior condition, or in the alternative sue for damages for breach of covenant. Grantee shall have the right to seek any legal action or remedy at law or in equity, including specific performance, to enforce the provisions set forth herein without the necessity of proving either actual damages or the inadequacy of other available legal remedies. Grantee's remedies described herein shall be cumulative and shall not impair or be construed as a waiver to such right or remedy. Nothing contained herein shall be construed to entitle Grantee to bring any action for any injury or change in the Property resulting from causes beyond Grantor's control including fire, flood or storm.

5. Grantor reserves to itself, its personal representatives, heirs, successors and assigns, all rights of ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Conservation Easement.

6. If the property is taken, in whole or in part, by exercise of the power of eminent domain, Grantee as well as Grantor, shall be entitled to compensation in accordance with applicable law.

7. Grantor agrees that these restrictions will be inserted or referenced in any subsequent deed or other legal instrument which conveys either the fee simple title or possessory interest in the subject Property.

8. Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

9. The grant of this Conservation Easement in no way grants the public the right to enter said Property for any purpose.

10. This Conservation Easement shall be liberally construed in favor of the grant to effect the purpose of the conservation easement and the policy and purpose of 7 Del. C. Chapters 69 and 73.

TO HAVE AND TO HOLD unto Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, Grantor and Grantee have set their hands this 21st day of May, 1992.

Attest:

BLACKWATER VILLAGE ASSOCIATION, INC.

Charles E. Davis
President

BY: Stephanie S. Davis

Corporate Seal



THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Edwin H. Clark, II

BY: Edwin H. Clark, II
Secretary

STATE OF DELAWARE)
COUNTY OF SUSSEX) SS

BE IT REMEMBERED, that on this 21st day of May, A.D. 1992, personally came before me, the subscriber, a Notary Public in and for the State and County aforesaid, Charles E. Davis, President of the Blackwater Village Association, Inc., Party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said corporation, and that his act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by the Board of Directors.

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

Charles R. Vickers
Notary Public

PURCHASERS REPORT MADE THIS DATE Charles R. Vickers My Commission Expires 12/19/93
JUN 09 1992

STATE OF DELAWARE)
COUNTY OF KENT) SS

ASSESSMENT DIVISION OF SUSSEX CTY.

BE IT REMEMBERED, that on this 26th day of May, A.D. 1992, personally came before me, the subscriber, a Notary Public in and for the State and County aforesaid, Edwin H. Clark, II, who acknowledged himself to be the Secretary of the Department of Natural Resources and Environmental Control, State of Delaware, party to this instrument, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said Department.

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

Charles R. Vickers
Notary Public
Charles R. Vickers
My Commission Expires 12/19/93

CERTIFICATE OF ACCEPTANCE AND APPROVAL

The Department of Natural Resources and Environmental Control of The State of Delaware does hereby execute these presents to certify that it has accepted and approved the Conservation Easement granted herein and located in Sussex County, being 23 acres more or less as referenced herein and subject to the terms and conditions hereof. The Department of Natural Resources and Environmental Control certifies that said Conservation Easement is accepted for the purpose of natural, scenic, open space, and recreational use and as such is an appropriate use of the land subject to said Conservation Easement which will not conflict with surrounding land uses and complies with policies of The State of Delaware relating to the conservation of State resources. This Conservation Easement is subject to the right of ingress and egress to the Department of Natural Resources and Environmental Control of The State of Delaware for the purpose of inspection of the subject property to ensure compliance with said easement and the taking of any enforcement action deemed necessary.

IN WITNESS WHEREOF, in accordance with 7 Del. C., Chapter 69, Conservation and Preservation Easements, the Department of Natural Resources and Environmental Control, by its Secretary, has executed this Certificate this 26th day of May, 1992.

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

William C. Stephens
Witness

Edwin H. Clark, II (SEAL)
Secretary

STATE OF DELAWARE)
) SS
COUNTY OF KENT)

BE IT REMEMBERED, that on this 26th day of May, 1992, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Edwin H. Clark, II, Secretary of the Department of Natural Resources and Environmental Control, party of this Instrument, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of the State of Delaware.

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

Charles R. Vickers
Notary Public
Charles R. Vickers
My Commission Expires 12/11/92

DALLAS B. BIRCH
DOC. SURCHARGE PAID
92 JUN -8 AM 9:42
RECORDER OF DEEDS
SUSSEX COUNTY



Division of Parks and
Recreation
89 Kings Highway
Dover, DE 19901
302-739-9220
dnrec.delaware.gov

Daniel Guy
Blackwater Village Homeowners Association
31275 Mohican Dr.
Dagsboro Delaware 19939

Dear Mr. Guy and the Blackwater Village Homeowners Association,

Thank you for contacting me and allowing me the opportunity to review your community's plans to construct a new dock within the Blackwater Creek Nature Preserve.

As you are aware, portions of the communal space owned by the Blackwater Village Homeowners Association are dedicated as Nature Preserve under 7 Del. C. Chapter 73. As such, the use of that land is governed by an agreement between Blackwater Village and the Department of Natural Resources and Environmental Control.

According to the Conservation Easement that defines the terms of the Nature Preserve, the landowner may not construct any new buildings or permanent structures but may maintain and replace the existing piers with "like structures."

I have reviewed the preliminary sketches and descriptions that you have provided to me, attached as exhibit A. I have confirmed that this plan is acceptable under the terms of the Conservation Easement. This letter serves as your permission to proceed pursuant to the additional rules, regulations, and permitting required by the Department of Natural Resources and Environmental Control.

Sincerely,

Benjamin Schlusser, Natural Heritage Program Manager
Division of Parks and Recreation

(via email attachment)



Outlook

Exhibit A

Re: Blackwater Village - Dock Replacement

From Daniel Guy <daguy401@yahoo.com>

Date Wed 10/8/2025 11:57 AM

To Schlusser, Benjamin (DNREC) <Benjamin.Schlusser@delaware.gov>

Good Morning Mr. Schlusser ,

Adjacent is revised sketch of our plans to repair/ replace our Blackwater Village pier. The plan depicts an addition to the dock area of 6' x 6 ' to allow for a bench. The existing platform would be enlarged by 1 foot to create a total dock platform of 6' x 16 '.

The ramp would be enlarged from ,4 feet in width to ,5 feet to allow a second handrail for safety .

We would like to have your opinion before proceeding.

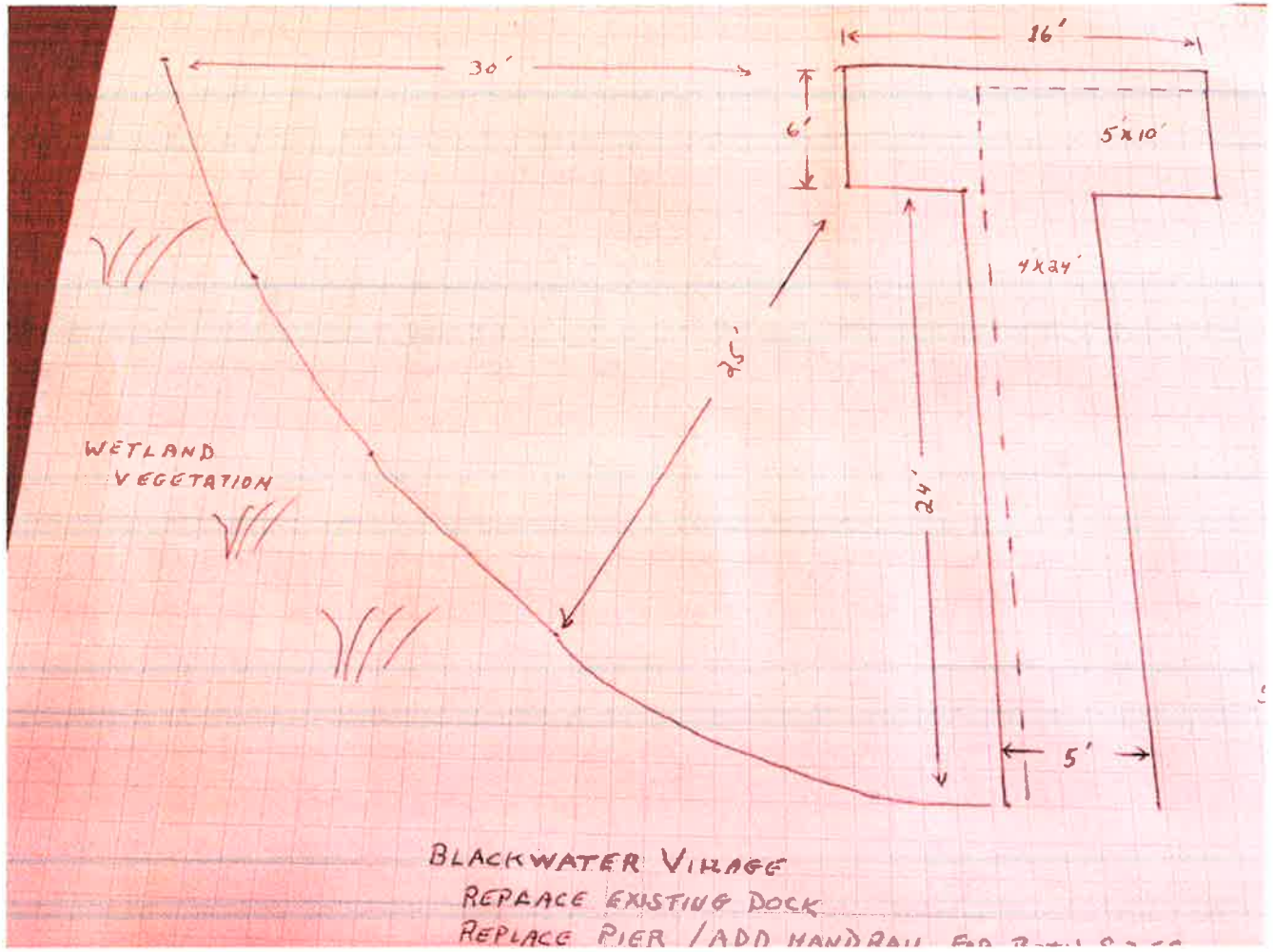
Regards

Dan Guy

BWV

[Sent from Yahoo Mail on Android](#)

On Wed, Aug 27, 2025 at 9:48 AM, Schlusser, Benjamin (DNREC)



<Benjamin.Schlusser@delaware.gov> wrote:



26245 Banks Road, Millsboro, DE 19966 Phone: 302.945.3016 or 302.841.4655

Proposal

(Page 1 of 2)

Proposal Submitted to: Daniel Guy

302.362.2390 Email: daguy401@yahoo.com

Blackwater Village

Pepper Creek / Shawnee Rd.

Pier Repair

* Price contract valid until April 20, 2026

Date Submitted: January 20, 2026

Job Description & Materials:

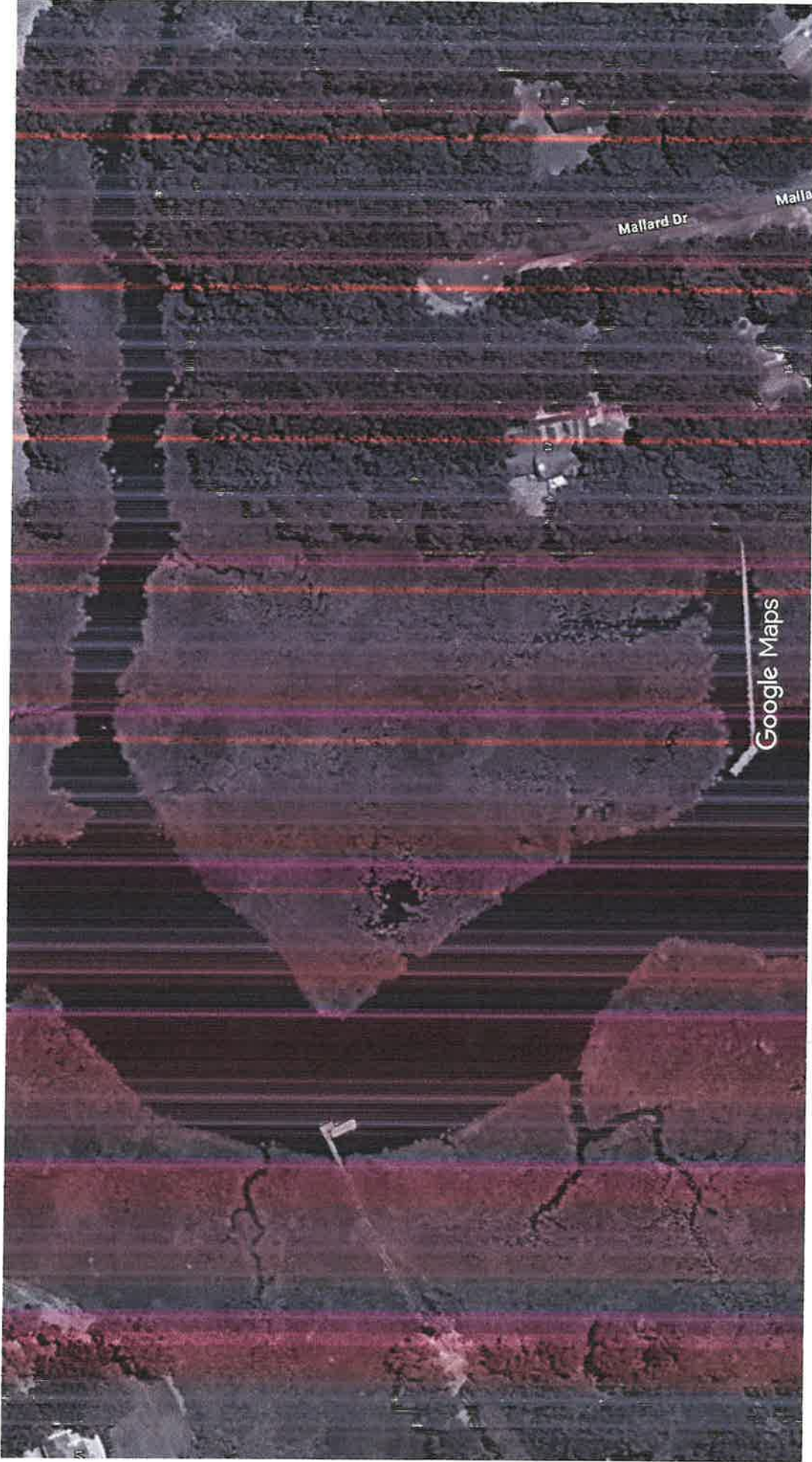
To tear out 25' x 4' pier and a 10' x 5' dock.

Install a new 25' x 5' wide pier with a new 16' x 6' wide (T) dock with railings on both sides on the 25' x 5' wide pier and everywhere on the (T) dock except where the floating dock is located.

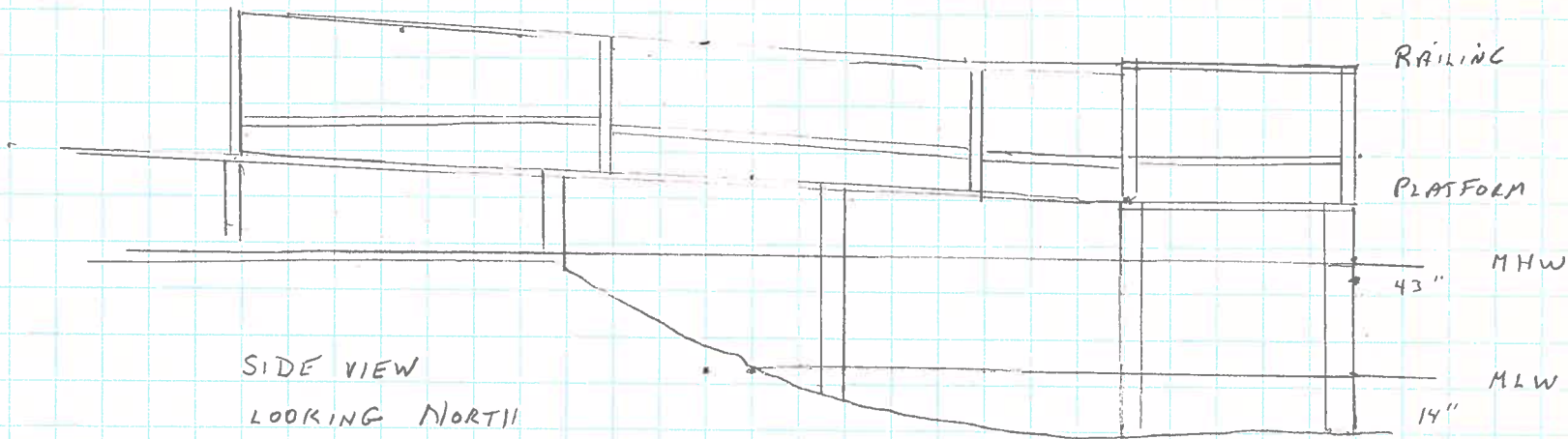
List of Materials as follows:

- (9) 8T x 20' poles 2.5 marine grade
- (5) 8T x 25' poles 2.5 marine grade
- (14) 3 x 6 x 16' stringers 1.0 grade
- (7) 3 x 6 x 14 Headers 1.0 grade
- (80) 2 x 8 x 5' long decking boards 1.0 grade
- (24) 5/8" x 14" timber bolts
- (4) 5/8" x 16" timber bolts
- (28) 5/8" timber bolts washers
- (800) 3" stainless steel decking screws
- (17) 2 x 4 x 16' 1.0 grade
- (13) 2 x 6 x 16' 1.0 grade
- (8) 4 x 6 x 12' 1.0 grade

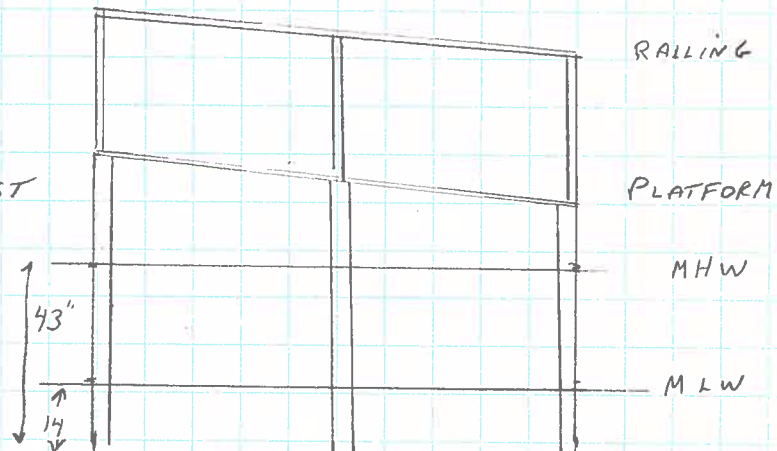




EXISTING SHAWNEE PIER

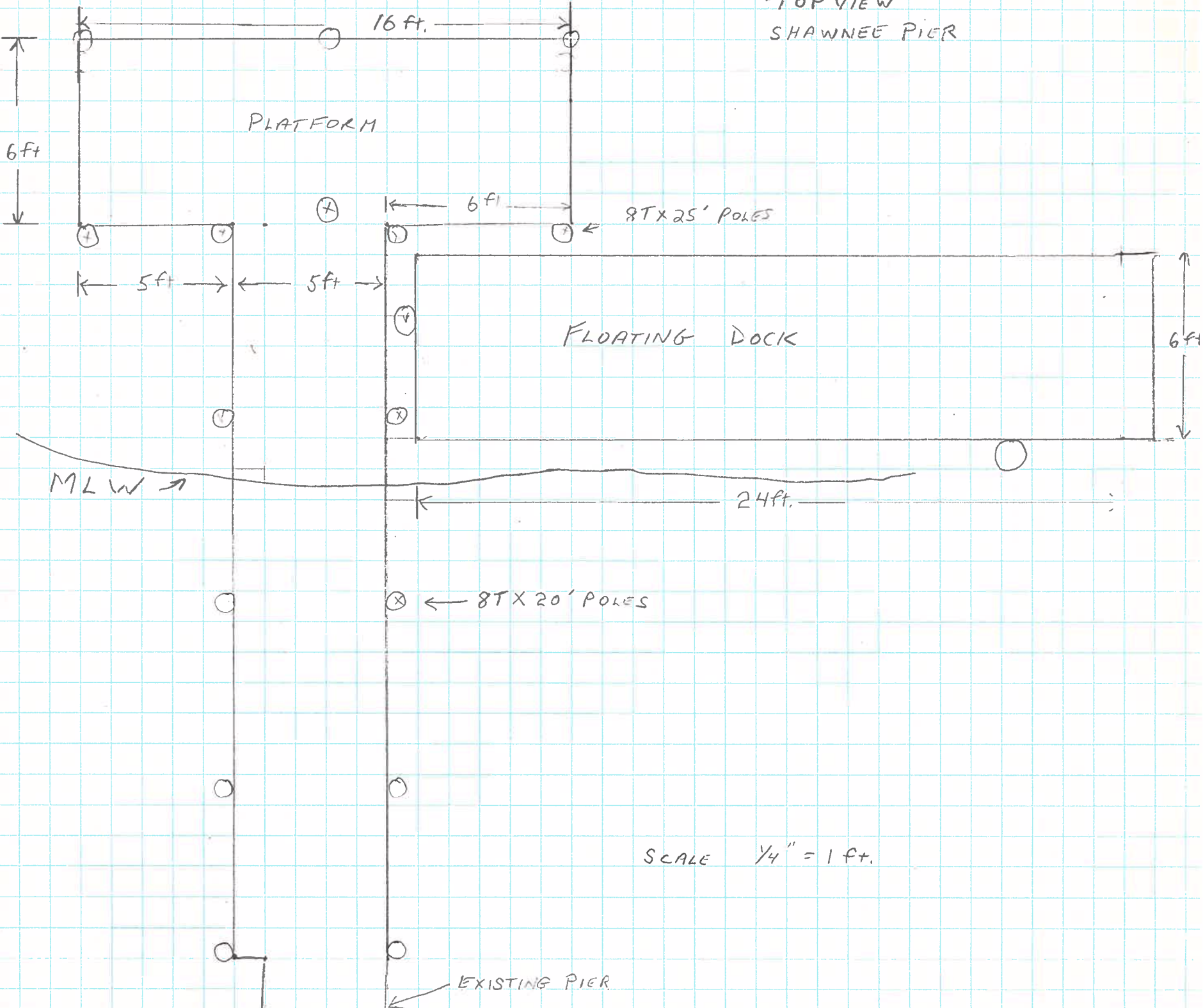


SIDE VIEW OF PLATFORM LIST
FROM CHANNEL



SCALE $\frac{1}{4}'' = 1 \text{ ft.}$

TOP VIEW
SHAWNEE PIER



Yoder, Mackenzie (DNREC)

To: daguy401@yahoo.com
Subject: RE: Shawnee Pier high tide

From: Daniel Guy <daguy401@yahoo.com>
Sent: Friday, May 1, 2026 6:11 AM
To: Yoder, Mackenzie (DNREC) <mackenzie.yoder@delaware.gov>
Subject: Shawnee Pier high tide



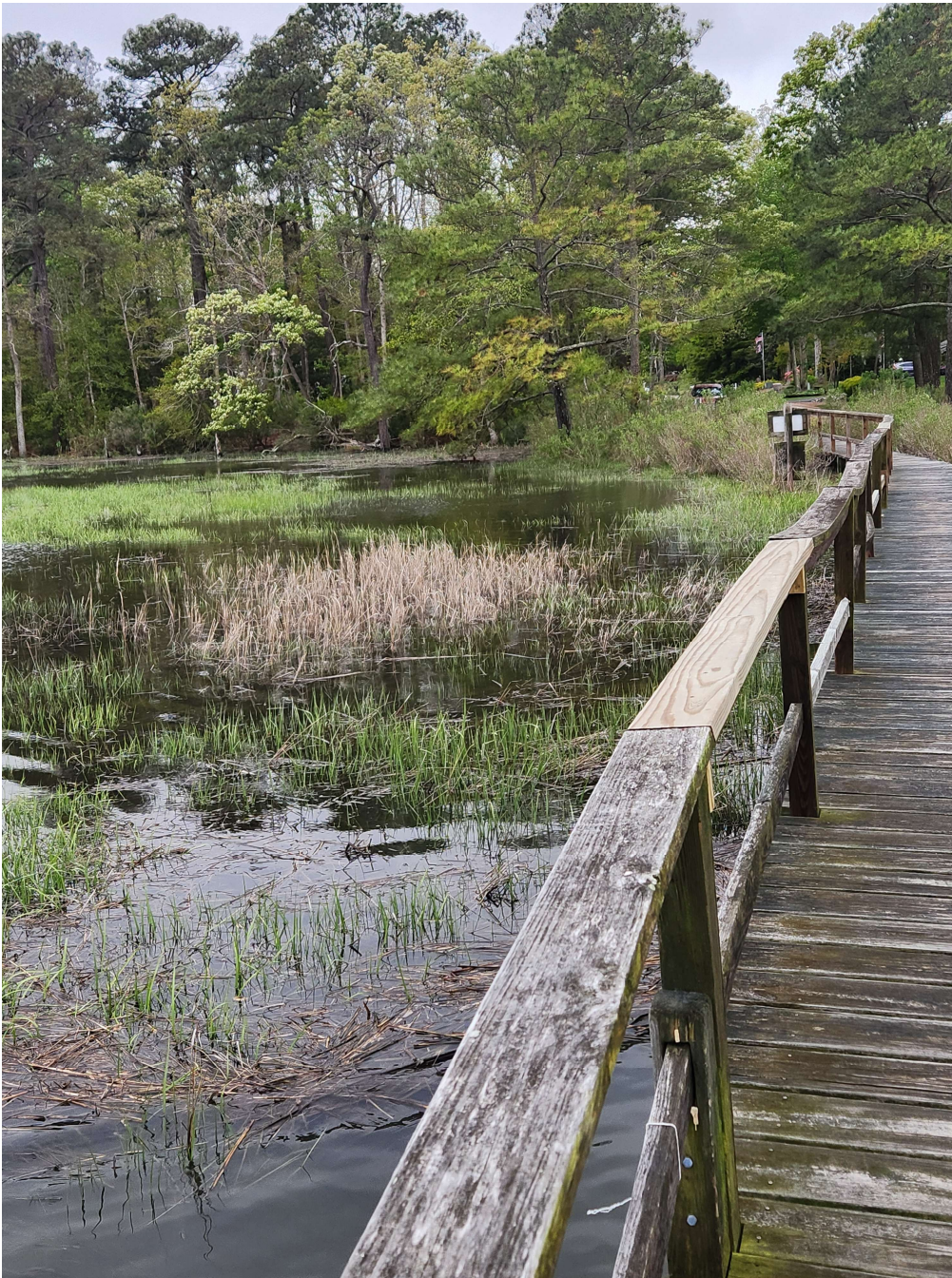


[Sent from Yahoo Mail on Android](#)

Yoder, Mackenzie (DNREC)

To: daguy401@yahoo.com
Subject: RE: Shawnee high tide

From: Daniel Guy <daguy401@yahoo.com>
Sent: Friday, May 1, 2026 6:10 AM
To: Yoder, Mackenzie (DNREC) <mackenzie.yoder@delaware.gov>
Subject: Shawnee high tide





[Sent from Yahoo Mail on Android](#)

Yoder, Mackenzie (DNREC)






To: daguy401@yahoo.com
Subject: RE: Shawnee Pier low tide

From: Daniel Guy <daguy401@yahoo.com>
Sent: Friday, May 1, 2026 6:13 AM
To: Yoder, Mackenzie (DNREC) <mackenzie.yoder@delaware.gov>
Subject: Shawnee Pier low tide





[Sent from Yahoo Mail on Android](#)

Docs	Permit #	Received On	Status	Permit Type	Tax Parcel #	Owner
	LA-283/17	7/6/2017	Permit Issued	Letters of Authorization	1-34-11.00-0014.00	Blackwater Village Ass
	SL-283/17	7/6/2017	Permit Issued	Subaqueous Lease	1-34-11.00-0014.00	Blackwater Village Ass
	LA-071/10	10/15/2009	Permit Issued	Letters of Authorization	1-34-11.14-0000.00	Blackwater village HO/
	WE-047/10	10/15/2009	Permit Issued	Wetlands Permits	1-34-11.00-0014.00	Blackwater village HO/
	WE-367/08	9/10/2008	Permit Issued	Wetlands Permits	1-34-11.00-0014.00	Blackwater Village Hor

Related Topics: [applications \(https://dnrec.delaware.gov/tag/applications/\)](https://dnrec.delaware.gov/tag/applications/), [commercial and government services \(https://dnrec.delaware.gov/tag/commercial-and-government-services/\)](https://dnrec.delaware.gov/tag/commercial-and-government-services/), [data \(https://dnrec.delaware.gov/tag/data/\)](https://dnrec.delaware.gov/tag/data/), [digital tools \(https://dnrec.delaware.gov/tag/digital-tools/\)](https://dnrec.delaware.gov/tag/digital-tools/), [permitting and regulation \(https://dnrec.delaware.gov/tag/permitting-and-regulation/\)](https://dnrec.delaware.gov/tag/permitting-and-regulation/), [water \(https://dnrec.delaware.gov/tag/water/\)](https://dnrec.delaware.gov/tag/water/), [waterways \(https://dnrec.delaware.gov/tag/waterways/\)](https://dnrec.delaware.gov/tag/waterways/), [wetlands \(https://dnrec.delaware.gov/tag/wetlands/\)](https://dnrec.delaware.gov/tag/wetlands/)



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

WETLANDS & SUBAQUEOUS
LANDS SECTION

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

Blackwater Village Association, Inc.
C/o: Gary Hombacher
P.O. Box 296
Dagsboro, DE 19939
Tax Parcel: 1-34-11.00-14.00

Subaqueous Lands Lease: SL-283/17
Associated Permits:
Date of Issuance: 11/6/2017
Construction Expiration Date: 11/6/2020

SUBAQUEOUS LANDS LEASE

GRANTED TO:

Blackwater Village Association, Inc.

TO UTILIZE:

**A 4 foot wide by 24 foot long pier
A 5 foot wide by 10 foot long dock**

TO INSTALL:

A 6 foot wide by 20 foot long floating dock

OCCUPYING PUBLIC SUBAQUEOUS LANDS TOTALING:

242 square feet

LOCATED CHANNELWARD OF MEAN LOW WATER:

**In Blackwater Creek
At the Terminus of Shawnee Drive
Blackwater Village
Dagsboro, Sussex County, Delaware**

Pursuant to the provisions of 7 Del. C. §7205, and the Department's Regulations Governing the Use of Subaqueous Lands, permission is hereby granted on this 6th day of November A.D. 2017, to construct the above-referenced project in accordance with the approved plans for this Lease (3 sheets) as approved on September 11, 2017 and the application dated June 15, 2017 and received by this Department on July 6, 2017 with subsequent information received on August 2, 2017

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

Delaware's good nature depends on you!

WHEREAS, Blackwater Village Association, Inc. , owner(s) of certain lands adjoining to Blackwater Creek have applied for permission to occupy 242 square feet of those public lands to install the indicated structures for community 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.

This Lease shall be continued for a period of **ten (10) years** or so long as the conditions attached to the Lease are adhered to, whichever is the shorter in time. Upon the expiration of the ten-year term, this Lease shall expire and become null and void, unless prior thereto the lessee shall have applied for and received a renewal of this Lease. A renewal may be denied if the State determines that the Lease is no longer in the public interest.

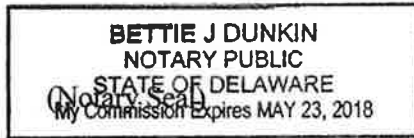
NOW THEREFORE, this Lease is issued subject to the attached Subaqueous Lands Lease General Conditions and the following special conditions:

SPECIAL CONDITIONS

1. This Lease shall not be considered valid until it has been duly recorded in the office for the Recorder of Deeds in and for the appropriate County, and a copy of the recorded Lease is returned to, and has been received by, the Department.
2. This approval is in accordance with the plans and application submitted to the Department of Natural Resources and Environmental Control, a copy of which is attached hereto and made a part hereof.
3. The work authorized by this Lease is subject to the terms and conditions of the attached Department of the Army Permit Number CENAP-OP-R-SPGP-20.
4. This Lease is granted for the purpose of providing water access to community residents, as indicated on the approved plans. Any other use without prior approval shall constitute reason for this Lease being revoked.
5. No motorized vessels shall be moored at any given time.
6. This Permit does not authorize 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.
7. The authorized area of structure over public subaqueous lands is 242 square feet, represented by the 4 by 18 foot long section of pier, a 5 by 10 foot long section of dock and a 6 by 20 foot long floating dock.
8. The lessee shall notify the Department of Natural Resources and Environmental Control within ten (10) days of completion of the work authorized by this Subaqueous Lease by completing and returning the enclosed Contractor's Post Construction Completion Report form.

IN WITNESS WHEREOF, (I), Gary Hornbacher, the duly authorized representative of Blackwater Village Association, Inc. have caused this instrument to be executed on this 20th day of October, 2017.

By: Gary J. Hornbacher
Gary Hornbacher
Blackwater Village Association, Inc. (Lessee)



Sworn and Subscribed before me on
this 20th day of OCTOBER, 2017

Bettie J. Dunkin
Notary

IN WITNESS WHEREOF, I, Shawn M. Garvin, Secretary of the Department of Natural Resources and Environmental Control, have hereunto set my hand this 6th day of November, 2017.

Shawn M. Garvin
Shawn M. Garvin, Secretary
Department of Natural Resources and Environmental Control

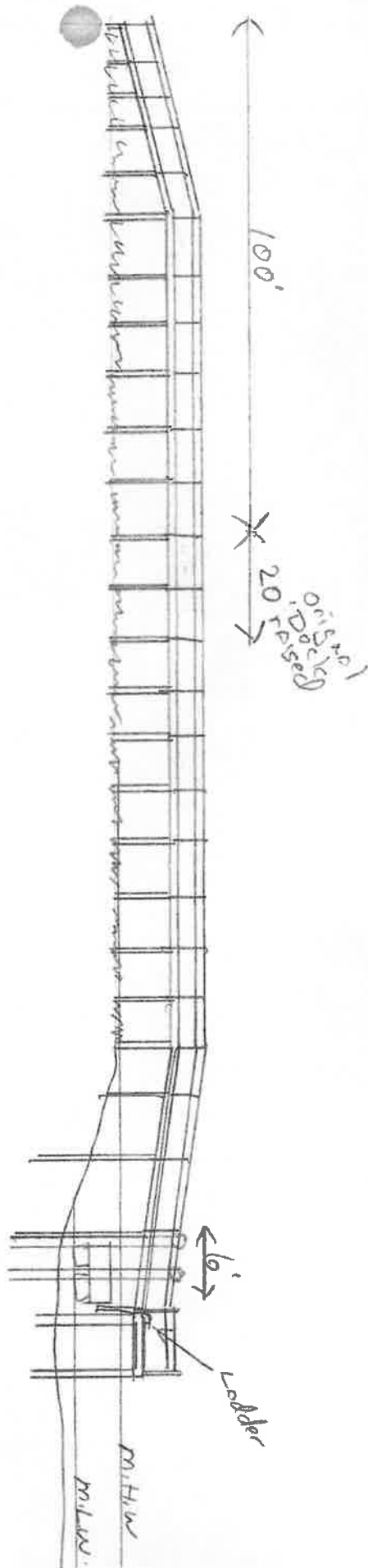
BLACKWATER VILLAGE

W.S.L.S.
APPROVED PLANS
PERMIT # SI-283172-CA-28317
DATE July 17, 2017
(SEE PERMIT CONDITIONS)



RECEIVED
JUL 18 2017
BY:

Blackwater Village Ass.
Side View
Not to scale

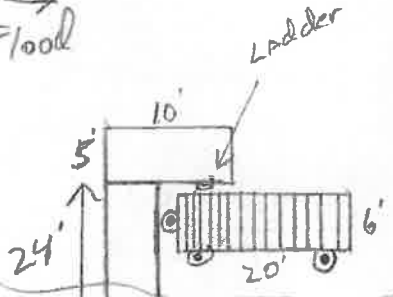


W.S.L.S.
APPROVED PLANS
PERMIT # SL-283/17 + LA-283/17
DATE 9/1/17
(SEE PERMIT CONDITIONS)

RECEIVED
JUL 08 2017
BY: _____



W.S.L.S. Blackwater
APPROVED PLANS
 PERMIT # SL-283/7 + LA-283/7
 DATE 9/11/17
 (SEE PERMIT CONDITIONS)
 M.L.W.



Shoreline

M.H.W.

State wetlands

404 Line RECEIVED
 JUL 08 2017

BY: _____

Existing Pier

100' new pier

20' Raised to 3' top

Roadway

Raising 20' to 3' above marsh

Blackwater Village Ass.
 Addition to existing pier
 Not to scale



WETLANDS & SUBAQUEOUS
LANDS SECTION

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

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

**WETLANDS PERMIT APPROVAL
CONTRACTOR'S COMPLETION REPORT
POST-CONSTRUCTION**



Name of Permittee: Blackwater Village HOA
Subaqueous Lands Lease No.: WE-047/10
Approval Date of Approved Plans: 3/8/10

Scientist: **Charles McNally**
Site Address End of Shawnee Drive
Dagsboro, DE 19939

Tax Parcel 1-34-11-14
Water Body Blackwater Creek
Subdivision: Blackwater Village

Project Description: TO REPAIR AND REPLACE A WETLANDS WALKWAY

I hereby certify that I have constructed the project authorized by the above-referenced Subaqueous Lands Permit Approval in accordance with the approved plans for the project.

Printed Name of Contractor

Name of Company

Contractor's Signature

Date

Daytime Telephone Number

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

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

Or faxed to the Wetlands and Subaqueous Lands Section at: 302-739-6304

*This form must be received by the Department within **ten days** of the date that construction is completed. Once the form has been received, the Department will call the contractor's telephone number listed above to confirm receipt.*

Delaware's good nature depends on you!