



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

January 11, 2013

Gregg Ferrese
City Manager
City of Rehoboth
229 Rehoboth Avenue
Rehoboth Beach, DE 19971

RE: PLUS review – 2012-10-01; Rehoboth Beach Lake Report

Dear Mr. Ferrese:

Thank you for meeting with State agency planners on October 24, 2012 to discuss the Rehoboth Beach Lake Report developed by the Rehoboth Beach Mayor and Council in cooperation with the Rehoboth Planning Commission.

The comments in this report reflect only issues that are the responsibility of the agencies represented at the meeting and that changes to the report, other than those suggested in this letter, could result in additional comments from the State as the City begins to consider the implementation of the items discussed within the report. At this time, the Department of Natural Resources and Environmental Control (DNREC) was the only agency with comments regarding the report. Their comments are as follow:

DNREC has recently concluded after extensive research that through acts of the General Assembly, including the Public Lands Survey of 1979, the State of Delaware is the owner of Silver Lake and that DNREC is the responsible management agency. We have also concluded that the underwater lands associated with the Lake are not subject to jurisdiction under the State's Subaqueous Lands Act (7 Del. Code, Chapter 72). However, we are viewing the Lake as subject to the policies we apply to other state owned and DNREC-managed ponds throughout the state. Under the policy, construction of new structures that would encroach on state lands, including state subaqueous lands are prohibited. Structures that were pre-existing at the time the State acquired the property would be allowed to stay and could be repaired or replaced.

What is less clear is what, if any, rights of ownership lakefront property owners may have of underwater lands and DNREC intends to undertake additional research to try and make those determinations. Once DNREC has additional information, they plan to engage the appropriate political jurisdictions, including Rehoboth, Dewey Beach and the county as well as adjacent landowners, of the conclusions and plans for management, including public access. DNREC also

would expect to hear from individual property owners on the question of ownership or access rights they believe they may have. DNREC is not clear of the form this discussion may take but would expect it sometime in early 2013. Beyond this they are still discussing a more formal process for expressing their position on these issues, their management intentions and gathering public comment.

Thank you for the opportunity to review this project and our office looks forward to working with the City as it begins to the work necessary to implement the proposed objectives within the report. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director, Office of State Planning Coordination

CC: DNREC