

Good afternoon,

On Friday, March 27, 2026, members of our community met with representatives of DNREC, Senator Pettyjohn, and Representative Hilovsky to discuss bulkhead concerns. Matt Pagano and Kristina Palmer were present from Mariner's Cove Management and answered some direct questions but did not actively participate. Here are the key points:

Bill Bonuro mentioned concerns regarding how some bulkheads were not being replaced and being skipped over. He spoke about how the bulkheads are supposed to decrease the flooding and the neighbors' concerns over the increasing sinkholes. He mentioned how the settlement indicated that any bulkhead less than 5 years old will not be replaced. He then reiterated how Doug from DNREC said they would send someone out to assess how the work was coming along however he did not see anyone on his cameras assessing this on his property. DNREC stated that someone did come out but did not give any feedback on their appraisal.

DNREC does not have the authority to demand repairs on land. Height justifications were not direct. The permit was defined as take out and replace. "Repair by replace". With complete replacement of what is failing or will be failing. They are not responsible for anything driven behind the mean high-water line. DNREC stated there is no standard water height. They said that if the changes to the adjacent land uses influence the neighboring land in a negative way it would not be permitted.

An inquiry was made about when they applied for a permit did it say exactly what they would be doing? DNREC reported there were scaled land drawings and cross section drawings of plan view. It was marked what will be repaired and what would be stepped out, what will be removed and replaced. Taking a wall out and putting a new wall in. Letter of authorization states all this. Amy Zegers requested a copy of the letter of authorization.

Bill Bonuro asked if the work being done will hold the water? Will the sectional panels do the job of full panels? If that leaks, who do I approach - what is my recourse - who do I sue? He said he has been seeing the ground fall into the canal - what agency has oversight on this?

Senator Pettyjohn asked if there is anything in regulation for structures falling into the ground. If it is no longer functioning for use. Rebecca Bobola responded with stating they were not stamped as linear footage for new. Modifying the height for those were not incorporated. Linear footage is marrying up against what was not replaced, and it is a common practice. Marine contractors in general have regularly married different bulkheads. The soundness should not be questioned since it is common. The height was not part of the stamp, and it is above their jurisdiction. Side by side joining is a common practice.

DNREC is not concerned with the property owner's (ELS) choice of height. That is between the property owner (ELS) and the homeowner. 'Mean high' is determined for a whole area, not for individual properties. Contracts between the landowner and homeowner are outside

the purview of DNREC. Nature will continue to affect the flooding. If DNREC says it is suggested to be this and the landowner says different, DNREC has no choice. Only if it will affect the neighboring land uses is it an issue for DNREC. Regulations are written in a way to balance public and private property owners.

Eric Pannone spoke about the comment of moving up to four feet of property. He stated how his deck was replaced in 2021. It was done by JK Rodgers. It was said that they were to be raised up and now it will impede their existing deck. All things were approved by DNREC back in 2021. Is this true that they will be coming by and taking that much of the property?

DNREC stated they were not aware of anything that was authorized that we would be taking four feet of land. There is always some land around to make the changes and then back filled. Anything behind the existing walls is considered uplands and is not purview of DNREC.

DNREC reported that the permit issued was Permit LA229. Project #LA229/21 (STDT 18)

Rebecca Bobola answered about particular lots that were asked about.

- Lots 230 - 224 show existing wall to be removed and new replaced. No stamp out.
- Lots 71 & 72 show same scenario.
- Only one that goes inland is 77. It shows the line that the existing wood seawall at 77 looks slightly out in front of the alignment of other lots, so it will be aligned with existing lots.
- Lots 99 & 100 same scenario removing existing wooden and replacing in kind in same spot.
- 71 & 72 on pine same scenario.
- Pine Dr lots #65, 67,68 - same scenario - where 66 has metal bulkhead. The entire stretch is all in alignment with new vinyl and will not have a step out.

Bob Carrol spoke for Lanie Wood on lot #77 - feels that a measurement mistake was made. She has lost some property already. She states her bulkhead is aligned and has this documented with photos.

Rebecca Bobola stated it is not exact lot by lot. They need to go to the property owner (ELS) and contractor. Lot# 213 - New bulkhead in 2021 had original metal. There is no removal only new vinyl. No modification other than raising the height should be done. They have not had water come over theirs. Lot #65 - has original metal bulkheads - new vinyl will be placed. Permit documents are all public record - Stated all questions should be directed to the property owner (ELS) not DNREC.

Bill Bonuro also asked about the flap valves. Matt stated that some are still on back order and will be replaced upon arrival.

Permit 229/21 - stamped in 2021. Extensions were given to capture what is projected to take the remaining amount of work. They will put eyes on things today while on site. A few people have asked to be assessed while DNREC is on property.

We will be looking to set up a town hall meeting with ELS in the near future. Allowing residents to ask their questions of the property owner (ELS) regarding the bulkhead repairs.

Those in attendance to address issues:

Matt Jones - DNREC

Rebecca Bobola - DNREC

Heather - DNREC

Brian Pettyjohn - Senator

Jeff Hilovsky - Representative

Matt Pagano - ELS

Kristina Palmer - ELS