

# SOLA3

SAVE OUR LAKES  
ALLIANCE 3

Founded in 2004 to Preserve, Protect and Maintain Silver Lake, Lake Gerar and Lake Comegys

## State Declares Ownership of Lakes

Sallie Forman, President and Founder

“Conservation is a cause that has no end. There is no point at which we say, ‘Our work is finished.’” – Rachel Carson

Save Our Lakes Alliance3 (SOLA3) knows all too well that accomplishing our mission is a cause that has no end. For years these lakes have suffered from benign neglect and have evolved from natural, spring-fed lakes to become basins for storm water retention, described by former Delaware Department of Natural Resources and Environmental Control (DNREC) John Hughes as a “witches brew.” As the result of SOLA3’s efforts, the lakes are improving but are not yet “saved.”

Despite the fact that the Delaware General Assembly passed a resolution in 2004 declaring that the “Rehoboth Lakes” are “integral to the ambiance of Rehoboth Beach and natural treasures,” no government body has been willing to claim ownership of or responsibility for Silver Lake and Lake Comegys. In the spring of 2012, SOLA3’s board decided to provide leadership toward getting a definitive answer to the question, “Who owns Silver Lake and Lake Comegys?”



In May, we met with Delaware Attorney General Beau Biden’s staff and DNREC staff to present documents prepared by our counsel, Eugene Lawson, that provide the detailed history of the State of Delaware’s ownership of Silver Lake and Lake Comegys since colonial times.

(See President’s letter page 3)

### Workshop Sponsored by SOLA3

“Rehoboth Lakes: Peril and Promise”  
Hon. Pete Schwartzkopf Keynote  
Speaker Saturday June 8 - Free to the  
public, continental breakfast, door prizes  
Details Next Page



### Featured this issue:

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## City Passes No-Build Lakes Buffer: A Good First Step

Toni Sharp

City officials unanimously adopted an ordinance that establishes a 10-foot, no-build buffer around Lake Gerar and Silver Lake at their March 15, 2013 Commissioners Meeting. The ordinance is a result of a recommendation of the city's Planning Commission, which spent the last year developing a lakes report that included recommendations to improve the health and appearance of Silver Lake and Lake Gerar. The ordinance will prevent building of structures such as garages, sheds, walkways and driveways within 10 feet of the ordinary high water mark of lakefront property within the City. Existing structures within the 10-foot area will be treated as legal, nonconforming structures. They can be repaired or replaced if damage is caused by an act of God, but they cannot be extended.

Mabel Granke, advisor to SOLA3, shared the sentiments of many when she publicly stated, "Silver Lake is very much a part of what I feel definitely needs protecting." She added, "It's really letting us begin to do something positive and concrete that will help to begin to protect the lake, and there's nothing better than having natural area to act as a buffer and a filter, in terms of runoff."

SOLA3 has consistently supported a 15' no-build buffer. It would provide better runoff and erosion control and create more open space around the lake. Unfortunately, this critical recommendation in both the 2004 and 2010 CDP languished. If the 10' ordinance had been effective in 2011, the home on Lot 6, Silver Lake Shores would have had to comply, rather than being allowed to use the 6' side set back along the lake, which resulted in total destruction of the shoreline.

As part of the unanimous vote on the no-build ordinance, Commissioner Patrick Gossett mentioned that the 10-foot no-build buffer is not onerous and is a small part of what needs to be done to protect the lakes. Commissioner Pat Coluzzi, while in favor of the ordinance, said she would favor a 25- foot setback.

(See Buffer pg. 4)

## Rehoboth Lakes: Peril and Promise

**Saturday, June 8, 8:30 am - 12:30 pm - Cape Henlopen Senior Center, 22 Christian St., Rehoboth Beach**

You won't want to miss this free, informative and fun event that starts with a continental breakfast. With all the useful information you will gain, you too might become an "Eco-Activist," and the lakes will thank you. Highlights of the workshop include:

- Keynote is Rep. Pete Schwartzkopf, who represents the Rehoboth area and is speaker of the Delaware House. He is a dynamic speaker who has consistently supported improvements for the lakes.
- Presentation by DNREC (not confirmed).
- An ecological report card on the lakes from environmental scientist Todd Fritchman, President of Envirotech.
- Rehoboth Beach Commissioner Patrick Gossett will report on the actions the city has taken or will take to protect Silver Lake.
- A presentation by Sally Boswell, Education Outreach Coordinator for the Inland Bays, on practical steps we all can take to improve the lakes.

At the coffee break you can view and buy "Art at the Lakes" photographs, created by award-winning photographer (and former SOLA3 Board member) Peggy Douglas. Part of the proceeds will be donated to SOLA3. And you could be the winner of a fabulous door prize!

Preregistration is encouraged for this free event, but onsite registration will be permitted space available. Preregister by sending an email to [www.sola3.org/registration](http://www.sola3.org/registration) with your name and the names of others attending with you. For your convenience we have arranged free parking. The City has agreed that cars parked in the Senior Center lot and on Christian Street, between 2nd St. and Scarborough will not have to feed the meters or be ticketed between 8 am and 1 pm.

**President's letter continued from page one:**

Those meetings resulted in a declaration by the State Solicitor to Mr. Lawson in Delaware in September, 2012, that the "State of Delaware has title to the [Silver] Lake and subaqueous land."

SOLA3 then followed up with high-level officials at DNREC to verify their understanding of the Solicitor's admission of ownership. Their response in December, 2012, was that "the State of Delaware is the owner of Silver Lake and that DNREC is the responsible management agency." This is welcome news to us and to all in the Rehoboth community who value our unique lakes.

DNREC did not go public with this information until February, 2013, at which time officials stated that they need to address claims by property owners that they own into the lake. It is now May, with little progress on this plan. We are encouraging DNREC to move this issue more quickly by keeping its commitment to meet with these property owners to have an honest exchange on their positions and to present accurate documentation to support their respective positions.

It is in the best interest of the lakes and those with lakefront property to have DNREC "protect and conserve" Silver Lake and Lake Comegys, as designated by the General Assembly, through a comprehensive, consistent management program. It is a cause that has no end but can have a great start with DNREC as conservator.

As you can see from the content of this newsletter, it has been another busy year for SOLA3. I remain eternally grateful to the SOLA3 board for their dedication and hard work to accomplish our mission; for the generous support we receive from our "friends," and for the continuing media coverage we receive highlighting the lakes' issues and our role in addressing the issues.

I was honored to receive the 2012 Outstanding Volunteer of the Year Award from Governor Markell, and the entire board was present to share this exciting event with me. It's especially awesome and at the same time humbling to be recognized for what I love to do – protecting our precious lakes.

**SOLA3 IN THE NEWS:**

SOLA3 is featured in the May 2013 issue of *Delaware Beach Life* for its role in initiating, with DNREC, Silver Lake dredging.



SOLA 3 was featured in the August, 2012 *Delaware Beach Life* article on Delaware lakes and ponds.

To see the stories above go to [www.delawarebeachlife.com](http://www.delawarebeachlife.com)

SOLA3 was named one of Delaware's Top 50 "Eco Activists" by *Delaware Today*.



Lake Gerar shows off its restored natural shoreline.

**Buffer continued from page 2:**

As we move forward, SOLA3 will continue to advance other recommendations we have made to the City of Rehoboth. They include protecting the shoreline from runoff and erosion; requiring a Certified Construction Review for construction next to the lakes to ensure all Delaware Erosion and Sediment Control Regulations are followed; and that all construction sites within the city be required to have adequate runoff protections to eliminate more pollution entering the lakes. We hope the City will continue with these protections for the lakes, with the “no-build” buffer as a good, first step!

**Garden of the Navigators and Lake Gerar**

The Garden of the Navigators adjoining Lake Gerar in Rehoboth Beach has set sail. Excavation is underway. Due to its proximity to Lake Gerar, silt fencing has been installed to prevent construction runoff.

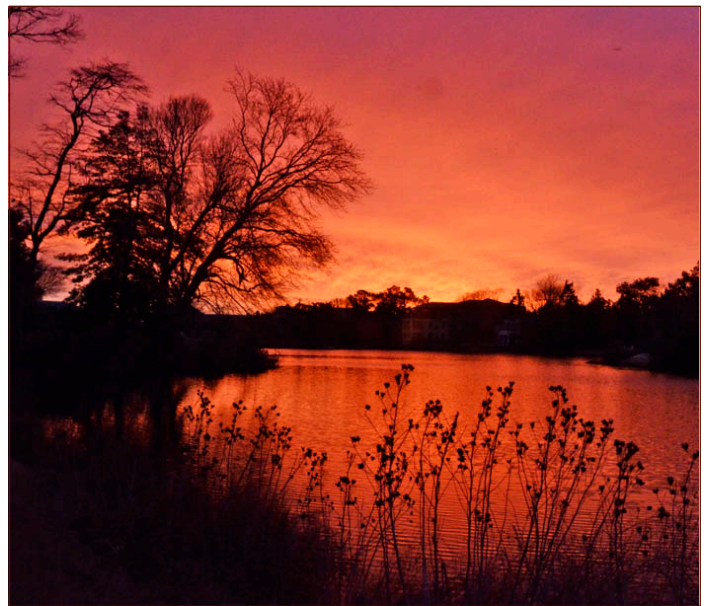
Rehoboth Sister Cities Association is building the garden at Olive and Lake Avenues as a tribute to sister city Greve, Italy, which unveiled a garden in honor of Rehoboth Beach last year. The Association is paying for the garden as a gift to the city. There will be sidewalks, a compass paying homage to Giovanni da Verrazzano, explorer and Greve native who mapped the Delaware coast in 1524, a pergola, accent lighting, low-volume drip irrigation and furnishings. Completion is set for mid-June, when a delegation from the sister city arrives..

In 2004-05 SOLA3 worked with the Rehoboth Board of Commissioners and DNREC officials to improve the conditions at Lake Gerar. Its shoreline had eroded, the non-native geese population was rampant and the quality of the lake's water was impaired by an explosion of algae that affected the fish. In 2005 the City obtained a grant from DNREC that provided the funds to hire Envirotech Consulting to install a natural riparian buffer around the lake, as well as aerators. Envirotech used a filament plan to get rid of the non-native geese. The City also installed a filter on a storm drain entering the lake. The City has contracted with Envirotech to maintain the improvements. As a result, today Lake Gerar has never looked better, water quality has improved, and the non-native geese are absent.

It should be everyone's goal to continue the progress made in and around Lake Gerar. SOLA3 will continue to support ongoing comprehensive management and maintenance for Lake Gerar.

**Forman Wins Governor's Award**

SOLA3 Founder and President Sallie Forman was awarded the 2012 Governor's Outstanding Volunteer Award for the Environment. Her work to educate and advocate for protection of Silver Lake, Lake Comegys and Lake Gerar has received kudos from many and has now led to this prestigious award. Forman is shown above accepting her award at the Awards Ceremony from Governor Jack Markell and First Lady Carla Markell last fall at Dover Downs.



Lake Comegys at sunrise by local photographer Peggy Douglas.

## Silver Lake, Rehoboth Sediment Removal Project - Hydraulic Dredging with Geo-textile Tube Containment

Charles E. Williams, DNREC Environmental Program Mgr.

Last year, the Delaware Department of Natural Resources and Environmental Control, Division of Watershed Stewardship (DNREC) developed a new plan to remove (dredge) accumulated sediment from the western finger portion of Silver Lake. Instead of dredging the lake mechanically using mainly land-based equipment and working primarily from the banks as was originally planned, the new plan involved dredging material from the lake using a hydraulic dredge. Excavated material would be pumped into geo-textile tubes located at a nearby staging area (Rehoboth Elementary School). The dredged material would dewater, settle and compact within the tubes. Once the material solidified, the tubes would be opened and the material would be truck hauled offsite for final disposal. The project involved dredging from bank to bank to a depth of 3.0 feet and tying into existing 3.0 foot contours downstream. The estimated quantity to be removed from the lake is 5,000 cubic yards.

After meetings of DNREC staff with the Cape Henlopen School District Board of Education, the board unanimously voted to support the project and allow school property to be used as the staging area for the geo-textile tubes. As proposed, the dredging would be conducted in the summer of 2013, when school is not in session, by a licensed contractor under contract to DNREC. The contractor would return in the summer of 2014 to remove the dredged material and the tubes and restore the school grounds to its condition prior to the project.

DNREC advertised the project in March and 10 contractors attended a pre-bid meeting and expressed an interest in doing the work.



However, when the bid opening was held on April 12, only one contractor submitted a complete bid package for consideration. The bid far exceeded the estimated budget to conduct the project, and DNREC had to reject the bid and consider other options.

DNREC is committed to the Silver Lake project and will continue to work with the City of Rehoboth, local elected officials, property owners and interested citizens to find a solution to alleviate the sedimentation problem in the western portion of the lake and improve the environmental integrity of the water body.

Photo left: West end of Silver Lake to be dredged.

## Call for Conservation Award Entries

In 2009 SOLA3 inaugurated a Conservation Award to recognize individuals, civic organizations, governments or government agencies that have been exemplary in enhancing the health of Lake Gerar, Silver Lake and Lake Comegys. The deadline for applications for the 2013 award is July 8, 2013. Criteria, application form and other information can be found at [www.sola3.org](http://www.sola3.org)



The 2012 award was granted to the Lake Comegys Home Owners' Association for instituting a protected buffer zone around part of the Lake Comegys shoreline. In the photo above HOA President Tony Burns accepts the award, along with Project Manager Joan O'Toole.



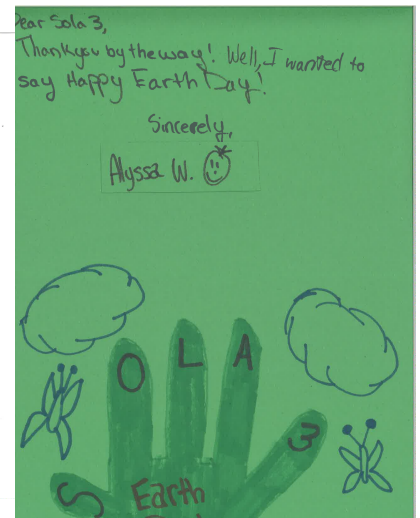
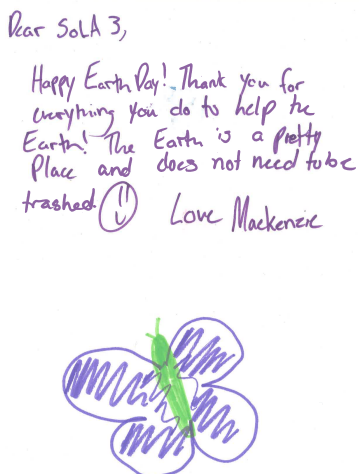
Top photo: Rehoboth Elementary fifth graders with their orange SOLA 3 bags. Bottom photo: Todd Fritchman helps students categorize and count macroinvertebrates to determine the health of the water.

## REHOBOTH ELEMENTARY STUDENTS SAMPLE WATER QUALITY AT SOLA3 WORKSHOP

For the fourth consecutive year, SOLA3 sponsored an outdoor water quality project and workshop for the two fifth grade classes at Rehoboth Elementary School. The school is located virtually on the banks of Silver Lake, making saving the lake a very compelling topic for these children.

Under the instructions of Todd Fritchman, President of Envirotech Consulting, Inc., a licensed, certified Delaware teacher of biological sciences, students examined the water quality of samples from Silver Lake and a healthy lake in a Delaware State Park. Students focused on the presence or absence of macroinvertebrates. Overall water quality affects which type of macroinvertebrates can survive.

Fifth grade teacher Jacqueline Kisiel remarked, “The results were unfortunately similar to previous years’ studies. Silver Lake was still lacking in good water and fair water quality macroinvertebrates. Instead, it contained numerous poor water quality macroinvertebrates such as leeches, worms, and blackfly larvae.” The students realized that these conditions offer a red flag for poor water quality, low levels of dissolved oxygen, high levels of non-native plant and/or animal species and even high water temperature. When they go back into the classroom the students will focus on how to learn from their research and help protect the lakes.



Examples of thank you cards the Rehoboth fifth graders sent to SOLA3.

## **BEST PRACTICES: How You Can Enjoy a Beautiful Garden and Lawn and Help the Lakes**

**Excerpts from article by Joan LeLacheur, SOLA3 Advisor**

How you treat your property has a direct impact on the health of the lakes. By following the practices listed below, you will improve the quality of the lakes' water and maintain a healthy lawn and plants.

### **Optimize Fertilization:**

Have your soil checked to see if you need fertilizers, and if so, what kind. Excess nutrients from your lawn could end up in the lakes, causing algal blooms and odors. If you do need to fertilize, use a minimal amount, and keep it off of impervious surfaces. Fertilize your lawn in one application per year in the fall. Leave grass clippings on your lawn, to provide nutrients, or use your composted yard wastes.

### **Reduce Chemical Use:**

Only use chemicals when there are no other options. Alternatives include: pulling weeds, spraying full strength vinegar on young leaves, burning weeds with a propane torch, pouring boiling water over weeds, feeding the lawn and keeping grass high to outcompete the weeds -- or, learn to live with a few. Do not apply pesticides prior to a rain storm.

### **Increase Wildlife Habitat:**

Plant native trees and shrubs to reduce pests, disease and weeds. Plant trees and shrubs that provide food, especially for winter.

### **Minimize Runoff & Soil Erosion:**

Use crushed stone or shells for your walkways, to allow rainfall to drain into the ground. Direct your roof leaders to grassy areas or gardens, or use good old-fashioned rain barrels to collect roof runoff and allow it to drain slowly into your gardens. Use splash blocks or drainage tiles. Leave mulch cover on flower and vegetable gardens during winter months and around any open soil around shrubs and hedges. Take full advantage of rainfall by diverting driveway or street runoff to your garden.

Cascade your garden over terraces or timbers to slow runoff and to maximize percolation. Limit grassy areas, and increase trees and shrubs, to soak up nutrients and prevent soil erosion and runoff.

### **Shoreline Landscaping:**

Maintain a shoreline buffer of trees, shrubs and grasses on waterfront properties. Evaluate other natural buffers, such as the buffer at 125 Lake Drive, winner of our 2009 Conservation Award. (See photo)



### **General:**

Dispose of all hazardous wastes such as paints, solvents, used oil, gas with water, antifreeze, etc. properly. Do not pour on lawn. Do not throw waste into the lakes.

### **BECOME AN ECO ACTIVIST!**

### **Optimize Land Use Regulations:**

Get involved in land use planning in Rehoboth Beach, Sussex County and Dewey Beach. Support policies that integrate storm water management best practices and encourage riparian buffers.

Check out SOLA3's Web site - [www.sola3.org](http://www.sola3.org) - for the new design and content. It is a work in progress, with more improvements to come from Webmaster Nancy Cullen.

## Dan Payne Joins SOLA3 Board as Treasurer

Daniel H. Payne joined the SOLA3 Board of Directors as Treasurer in 2012. Dan was born in Brooklyn, NY. He has a B.B.A. in Accounting from Pace University and received his Juris Doctor from St. John's University and was admitted to the New York State Bar in 1972. He attended the Advanced Management Program of the Wharton School at the University of Pennsylvania.



Dan began his career with Allied Chemical (now Honeywell) and has had extensive experience in international taxation with various major corporations

including BHPBILLITON, from which he ultimately retired as Vice President Taxation –BHP Minerals. After retirement from the corporate world, Dan formed his own consulting company to focus on organizational assessment and re-engineering of tax and finance teams.

Besides enjoying golf, tennis and bird watching, Dan devotes time to charitable causes. He is a Board member and Treasurer of Delaware Interfaith Power and Light, a Rotarian and a Junior Achievement volunteer and former Board Member. He was recently elected to the board of the Unitarian Universalists of Southern Delaware. Dan and his wife Ceil have two sons and reside in Rehoboth Beach.



### SOLA3 Board of Directors

Left to right: Toni Sharp, Secretary, Tom Childers, Director, Sallie H. Forman, Founder and President, Nancy Cullen, Director and Newsletter Editor, Mike Boyd, Vice President and Dan Payne, Treasurer.

### Thanks to our Alliance Members

Rehoboth Beach Home Owners' Association  
Country Club Home Owners' Association  
Lake Comegys Home Owners' Association  
Draper Subdivision Home Owners' Association

### Advisors

Barry Brandt, Mary Campbell, Mable Granke and Joan Lelacheur

## Friends of SOLA3

SOLA needs your support. We continue to make progress and be recognized for our work. SOLA3 was the only environmental organization to receive the 2008 Delaware Governor's Award for outstanding volunteerism, and it was featured among the state's top 50 "eco-activists" by *Delaware Today* magazine. As a Friend of SOLA3, you will receive our newsletters, reminders of activities and volunteer opportunities, and invitations to special events. Please help ensure that Rehoboth's three unique, cherished lakes will be preserved and protected for future generations by filling out the form on the following page and becoming a SOLA3 Friend. SOLA3 is a 501 (c) (3) tax-exempt organization. Your contribution is tax-deductible according to IRS regulations.



## SOLA3

**FRIEND OF SAVE OUR LAKES ALLIANCE3****www.SOLA3.org**

SOLA3 is a 501 (c) (3) tax-exempt organization incorporated in Delaware. Please help ensure that Rehoboth's three unique, cherished lakes will be preserved and protected for future generations by becoming a Friend of SOLA3 at one of the following tax-deductible levels:



<u>Level</u>	<u>Contribution</u>
Eagle	\$ 500 and above
Heron	300 to 499
Osprey	101 to 299
Mallard	50 to 100
Plover	25 to 49
Sandpiper	10 to 24

Please make your check payable to SOLA3, complete the form below, and send to **PO Box 1504, Rehoboth Beach, DE, 19971**. Thank you for your generous support.

Name \_\_\_\_\_ Phone No. \_\_\_\_\_

Address \_\_\_\_\_

Beach address if different than mailing address \_\_\_\_\_

Email \_\_\_\_\_

Send Newsletter and other announcements to my email address \_\_\_\_\_

Contact me about volunteering on a committee:

Lake Clean Up \_\_\_\_\_ Coast Day \_\_\_\_\_ Outreach \_\_\_\_\_

Fundraising \_\_\_\_\_ Membership \_\_\_\_\_ Newsletter \_\_\_\_\_

Water testing \_\_\_\_\_ Communications \_\_\_\_\_ Other interests \_\_\_\_\_

Please provide your current email address. We promise not to overwhelm you with messages and will only use when there is time-sensitive, important information.