## Notes from Hon. Bryan Shupe’s Meeting

**To discuss Flooding on Slaughter Beach Road**

**Monday, October 17, 2022, 6:30 PM**

1. **Introduction**: Hon. Bryan Shupe, State Representative, 36th District started the meeting at 6:40pm and introduced himself, thanked the town and fire department for bringing his attention to this matter, and advised he had invited DelDOT and US Fish & Wildlife to the meeting. Rep. Shupe discussed previous meetings he conducted with local farmers whose properties and crops are being adversely affected by flooding and the ponding of water on and adjacent to Slaughter Beach Road. He invited the farmers in attendance to share their concerns that crops were being damaged from salt water which they did. Bill Tobin, representing Station 89 Memorial Volunteer Fire Department, Slaughter Beach expressed concern for the safety of citizens once we have only one access road available (Cedar Creek Bridge will be closed for approximately one year starting in 2024).
2. **Jason McCluskey, Maintenance Engineer for the Southern District of DelDOT**, which includes Sussex County, was on hand to address Slaughter Beach Road and restrictions for construction whether raising the road or digging/cleaning out ditches. Mr. McCluskey advised that DelDOT prioritizes road updates, changes, etc. based on hazards to users. When there is a report of the ponding/flooding of water on roadways, DelDOT engineers perform a site survey and determine/prioritize repairs. Mr. McCluskey stated DelDOT is not authorized to work on privately owned property.

Work on Slaughter Beach Road would require numerous permits, with the level and complexity commensurate with the actions taken. Cleaning the ditches would be much easier than raising the road. Permits will be required from State and Federal organizations due to the designation of the area as “Wetlands”. Key permitting partners include DNREC and USACE. This type of permitting must consider animals and migration, restricting times work can be done as well as where work can be done.

Mr. McCluskey stated the flooding on Slaughter Beach Road and adjacent farm fields is tidal and not rainwater ponding. This conclusion is based on his personal observations. He further explained tidal flooding is not mitigated by creating ditches and while the existing ditches can be cleaned out, several are on private property and DelDOT is not responsible for their maintenance.

Mr. Reese, a local farmer, advised that rainwater ponding on his farm no longer drains, and lays for days, destroying his crops.

1. Ms. Kate Toniolo, Project Leader for Coastal Delaware National Wildlife Refuge Complex (US Fish & Wildlife Service) was introduced to address Environmental Permitting. Ms. Toniolo advised that while she is new to her position, she has been doing extensive research on permitting. She stated clarification is required relative to the Right of Way; specifically, where does it extend. She continued to explain the US Army Corps of Engineers (USACE) must be contacted as they regulate activity/construction in wetlands, requiring a separate permit issued by them.
2. Rep. Shupe stated that he will reach out to U.S Senator Christopher Coons whom he believes we can get Federal permitting assistance from once we define the location(s) and work required.

Question: Is it possible to raise parts of the road that sit low, as well as the bridge?

Answer: Jason/DelDOT – we have had success in raising roads, however, based on observations this will not necessarily eliminate the flooding he has seen along Slaughter Beach Road. While DelDOT has not done an in-depth review, engineers with experience can look at what is currently along Slaughter Beach Road and assess this the situation as it relates to tidal flooding.

Question: What would be needed to get DelDOT to come and do an in-depth review of the flooding?

Answer: Jason/DelDOT – DelDOT would need to receive photos and video with date stamps showing when it was flooded and depth of the flooding. Some flooding is acceptable if it will run off or dry up in under 12 hours based on location and repetition.

Question: What is the existing Right of Way on Slaughter Beach Road?

Answer: Jason/DelDOT – The Right of Way is 30’ total, 15’ from the center line to each side. On other roads, it would typically be to the utility pole, but even in a right of way, DelDOT needs permits in wetlands.

Question: Considering Cedar Creek Bridge will be closed for a year, is this not reactive instead of pro-active?

Answer: Jason/DelDOT – DelDOT’s Traffic Management Center (TMC) gets notified when a road is closed due to flooding. We track locations that suffer continual problems, and Slaughter Beach Road is not one of them.

Question: How do you determine when to clean out ditches?

Answer: Jason/DelDOT – Typically this is complaint driven. When water has nowhere to go, digging or cleaning out a ditch won’t help if the water table is up.

Bryan Shupe then turned to the issue of flooding on Bay Avenue which the town has been addressing with DelDOT. Some residents brought in pictures of their flooded property from the most recent nor’easter.

Vice Mayor Harry Ward advised some of the area in question is labeled as “wetlands” which makes it more difficult to manage because of restrictions in bringing in fill. Vice Mayor Ward has previously submitted a FOIA request to USACE asking for clarification as to why this one area is referred to as wetlands but to no avail.

Jason/DelDOT advised that they have not done an in-depth study of the area, but they have been out and suggested ditching from approximately 500 Bay Avenue to the outfall at Beach Plum. This would require every resident in that line to approve a ditch which might include tearing up some cement, driveways, or flower beds. Even with an existing Right of Way, DelDOT would not proceed without permission or approval from each affected homeowner.

Resident: The flooding from this nor’easter affected homes as far south as 487 Bay Ave so when a review/survey is done, we would like those addresses included.

Rep. Shupe closed the meeting by advising that he will be in contact with Senator Coons so that pressure can be brought from a federal level as needed for permitting. He thanked so many people for coming out and participating.