



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
& ENVIRONMENTAL CONTROL  
DIVISION OF FISH & WILDLIFE  
89 Kings Highway  
Dover, Delaware 19901

OFFICE OF THE  
DIRECTOR

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March 1, 2017

Kent County Division of Planning  
555 Bay Road  
Dover, DE 19901

RE: Application CS-14-10 Hickory Ridge Apartments

The Delaware Division of Fish & Wildlife (Division) had previously submitted written comments to your office regarding Application CS-14-10 Hickory Ridge Apartments and the petitioner's (Liborio 3, LLC) request for conditional site plan approval. In response to solicitation for comments from Kent County Department of Planning Services, the Division's Species Conservation and Research Program conducted an environmental review of the project application and submitted Agency comments to Kris Connelly and Sarah Keifer on August 4, 2015 and again on January 12, 2017. Your office is also in receipt of a letter submitted by Division employee Richard Phifer dated February 2, 2017, expressing Division interest in the project as an adjacent landowner. Copies of those letters are attached for reference.

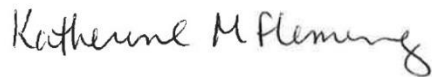
Since submission of these comments, Division staff have had the opportunity to discuss the project further with the Kent Conservation District and the applicant's designated representatives. Having discussed the water quality and erosion concerns raised in the aforementioned letters, the Division is now satisfied that the applicant is more aware of our concerns as an adjacent landowner and will continue to work with Kent Conservation District staff to further develop stormwater management measures into the plans for the project. Potential options discussed include: the placement of stone or concrete check dams at strategic intervals along the eastern bio-swale that runs parallel to U.S. Route 13; placement of a stone or concrete check dam on the north side of the riprap apron in the southwest corner of the applicant's property; placement of split-chamber perforated stormwater pipes along the western length of the proposed project area; and exploration of parking lot reconfiguration or parking space reduction to allow for the placement of additional stormwater features. It is also noted that the applicant will not include Redspire Pear and Firepower Nandina in the list of plantings that will be installed on the property as landscaping. For further guidance regarding appropriate plants to use at this site, please contact the Division's plant biologist, Bill McAvoy ([William.MvAvoy@state.de.us](mailto:William.MvAvoy@state.de.us) or 302-735-8668).

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through Science and Service*

In response to the aforementioned communications and the intent shown by the parties to address the Division's concerns, we are hereby withdrawing the aforementioned letter from Richard Phifer dated February 2, 2017 regarding the applicant's request for conditional site plan approval. Please coordinate with the Division as more complete stormwater management and landscape improvement plans become available. Additionally, the Division is potentially interested in working with the applicant's representatives on the installation of additional habitat and stormwater/runoff resiliency features on the adjacent Division-owned property along Garrison's Lake, if appropriate and acceptable. The applicant's representatives have indicated a reciprocal interest in discussing such a project (e.g., tree planting, pond-bank erosion control, etc.).

Finally, please ensure that all future communications regarding this project are coordinated through the Division's Environmental Review Coordinator, Kate Fleming (302-735-8658, [Kate.Fleming@state.de.us](mailto:Kate.Fleming@state.de.us)).

Sincerely,



Kate Fleming  
Wildlife Biologist/Env. Review Coordinator



Richard A. Phifer  
Acquisition Manager

Cc:

Mr. David Small  
Mr. David Saveikis  
Mrs. Edna Stetzar  
Rep. Paradee  
Mr. Jared Adkins  
Mr. Scott Lobdell  
Mr. Ramunno  
Mr. Kris Connelly  
Ms. Sarah Keifer  
Mr. Robert Palmer  
Mr. Kevin Coyle