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### Guest Column: Improper notice is reason to reverse shellfishing designation

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By Ralph Begleiter  
Special to the Coastal Point

As the Coastal Point has reported (most recently Oct. 9, 2014, "Residents voice feelings on aquaculture"), there is a local uprising among hundreds of citizens opposed to the State of Delaware's recently-approved placement of industrial shellfishing operations in the Inland Bays.

This uprising is not about oyster farming, which many of us consider a laudable initiative, especially if it helps clean parts of the Inland Bays. Nor is the dispute about the enabling legislation, co-sponsored by Delaware state Sen. Gerald Hocker and House Speaker Pete Schwartzkopf. This dispute is about installing industrial food processing operations in residential neighborhoods without posted public notice in advance.

Just imagine... if Sussex County were proposing to install an industrial food processing operation in your residential neighborhood, directly across the street from your home, just 200 feet from your property.

Quite appropriately, there would be a large, bright yellow sign announcing the proposal. It would include a diagram of the proposed site, a description of its proposed use, a phone number to call for more information and an announcement of public hearings at which you would be welcome to express your opinions about the land use proposal.

None of that happened when the State of Delaware announced, without posted public notice, its installation of an industrial food processing operation the same distance from my house, in Beach Cove, surrounded by residential neighborhoods containing almost 300 homes. (A similar situation occurred in a residential neighborhood of Assawoman Bay.)

It didn't happen because the Delaware Department of Natural Resources & Environmental Control (DNREC) isn't required to give that kind of prominent posted public notice for industrial uses in the Inland Bays.

This occurred because the State accepted without question its Center for the Inland Bays (CIB) recommendation to install the industrial facility in Slough's Gut, a tiny, marshy, non-navigable waterway, south of Beach Cove. When DNREC issued its final approval for industrial use, it turned out the site was actually located in Beach Cove, a clean, navigable, recreational waterway to the north.

And it did so without any posted notification whatsoever to the nearly 300 residents surrounding Beach Cove.

Let's be straight: Placing an industrial use in a residential neighborhood without posted public notice was a mistake.

Neither Sen. Hocker nor Rep. Schwartzkopf approved this, of course. Nor did any of the other state legislators who unanimously voted for the enabling legislation about aquaculture. They wouldn't have approved it, because they know industrial uses in residential neighborhoods require extensive public discussion and careful consideration of competing interests, including recreation, safety, economic impact on real estate, investors, visitors and others.

The authorizing legislation itself requires such consideration. Their votes for that legislation, under which the State of Delaware made this mistake, were intended to support the aquaculture industry in Delaware, a laudable goal. But installing industrial shellfish processing operations in the Beach Cove residential location is not about cleaning the water; it's about raising shellfish for commercial sale.

DNREC specifically avoided placing its industrial oyster operation to clean up nearby dirty waters, because the oysters couldn't then be sold or eaten; they'd be polluted.

It's clear by now that the location of these industrial uses in residential neighborhoods was never contemplated by the law. Call it an "unintended consequence" of the legislation. Once it was discovered, by hundreds of Delaware citizens who turned out at an after-the-fact public meeting about the impact of the new regulations, Sen. Hocker, the Coastal Point and others have taken a closer look.

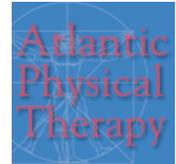
Now that this unintended consequence has been discovered, revealed to the citizens around Beach Cove, and nearly unanimously rejected at that Oct. 6 public meeting, the improper placement by the State of Delaware of industrial facilities in the residential neighborhood of Beach Cove, without posted public notice, must be reversed.

Ralph Begleiter is director of the Center for Political Communication at the University of Delaware and has more than 30 years of broadcast journalism experience, including two decades as CNN's "world affairs correspondent." He currently lives in Ocean View.

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