

Motion from the Harbor Management Commission Special Meeting on August 10, 2021 at 4:45
725 Old Post Road, 2nd Floor Conference Room and via telephone

Following considerable discussion, the following findings were suggested and considered:

1. That the Harbor Master performed his duties in good faith and a manner consistent with the Harbor Management Plan.
2. That the HMC strongly rejects the assertion that the HMC and Harbor Master targeted Mr. Owens and subjected him to unequal and discriminatory treatment.
3. That the HMC does not accept (a) the assertion that littoral rights guarantee 24-hour access to navigable water during all stages of the tide, and (b) the assertion that littoral rights include the right to a dock and a mooring under all circumstances. In addition, the HMC reiterates its understanding that littoral rights provide for reasonable access to navigable water subject to certain restrictions and are not absolute rights.
4. That the HMC will request that the DEEP confirm the HMC's understanding of littoral rights as reflected in the Harbor Management Plan.
5. That the next Southport Harbor Master, once appointed by the Governor, in a timely manner will consider the following information when reconsidering an application by Mr. Owens for a priority mooring permit and make a timely decision in this matter:
 - (a) The pertinent information recently provided to the HMC relative to water depth at the subject property;
 - (b) The documents recently submitted to the HMC by Applicant's Counsel, Mr. Casey, including the letter by former HMC Chairwoman Mary von Conta concerning a previous application to DEEP for work at the subject property; and
 - (c) DEEP's updated guidance in response to the HMC request for confirmation of the HMC's understanding of littoral rights principles.

Mark Foster moved and Harry French seconded to approve the HMC's findings discussed above. Motion passed unanimously.