



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

DIVISION OF FISH & WILDLIFE
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

**DIRECTOR'S
OFFICE**

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Requested by: April 13, 2026
Sent on: April 7, 2026

Department of Natural Resources and Environmental Control
Office of the Secretary
89 Kings Highway
Dover, DE 19901

Subject: Post Administrative Hearing: David Heffernan Request for Reconsideration of the
Application for a Coastal Construction Permit
Re: Public Notice # 20.26

*David Heffernan - Coastal Construction Permit for the after-the-fact construction of a 10-foot-
wide concrete dune crossover located at Lot 2, Clifton Shores, Sussex County (Tax ID #230-
17.00-241.00)*

DFW Comments:

Rufa Red Knot & Migratory Shorebirds

Prime Hook Beach provides critically important habitat for migratory shorebirds, including the federally-listed threatened red knot (*Calidris canutus rufa*). Red knot and other migrating shorebirds stop in Delaware to acquire food resources, including horseshoe crab eggs, and gain weight to optimize their body condition before completing their migration to Arctic nesting grounds. To avoid interrupting red knot activity during this critical stage of their migration, we recommend a time-of-year restriction of project activities between **April 15th to June 7th**. Due to the timing of this process, we would recommend **an extension in allowable work period until May 1**, to allow for dune restoration activities as detailed in the section pertaining the horseshoe crabs, as the value of this ecosystem for the birds comes from its value to horseshoe crabs. Note that if work were to be conducted between May 1 and June 7, federally-listed threatened red knots may be affected and Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) may be necessary. For more information, please contact our Coastal Waterbird Biologist, Kat Christie (Katherine.Christie@delaware.gov, 302-255-1965).

Horseshoe Crabs

Prime Hook Beach is an important spawning area for Horseshoe Crabs (HSC) and projects that alter the dunes and beach could potentially make conditions less suitable for spawning. HSC

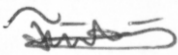
eggs play a crucial ecological role as a food source for migratory shorebirds, and adults are used commercially for bait and by the biomedical industry. The most recent results from annual spawning surveys show that considerable spawning occurs at Prime Hook Beach. The beach ranks 6th out of 12 beaches in the index of female spawning activity over the past 5 years, with an average of 0.69 female horseshoe crabs per square meter over that time period. Although this value is average when compared to other Delaware Bay beaches, it represents a considerable amount of mature spawning horseshoe crabs because the Delaware Bay horseshoe crab population is the largest on the Atlantic coast of the United States.

Activities that impact the dunes or beach, including restoration, should not take place from April 15th to August 30th as per the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fisheries Management Plan for Horseshoe Crab. Restored dunes should have the same slope as found along the rest of the beach and that is naturally occurring at this site. The sand quality and grain size should also be comparable to what already exists naturally at this site. Beach grass plantings are encouraged to maintain the structural integrity of the restored dunes.

However, due to the timing of this administrative hearing and the importance of horseshoe crab habitat at this location, we would likely grant an extension to the time of year restriction for restoration activities concerning this dune crossing up until May 1st in order to avoid peak horseshoe crab spawning activities. In the case that restoration activities and staging of equipment can be contained solely landward of the dune, we would not request a time of year restriction for horseshoe crabs. Please contact the Division's Horseshoe Crab project leader, Jordy Zimmerman (jordan.zimmerman@delaware.gov ; 302-735-2976) if there are any questions.

Please feel free to contact me with any questions or if you require additional information.

Sincerely,



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