



START ACTION NOTICE (SAN)

SAN # 2025-14

DOCKET # 2025-R-WSS-0024

1. TYPE OF ACTION AND THE REGULATION NUMBER AND NAME:

Amend the regulations governing beach protection and the use of beaches
(7 admin. Code chapter 5102)

2. PURPOSE OF ACTION:

The proposed amendments are intended to enhance the effectiveness of the Coastal Construction Program and strengthen the protection of Delaware's the beach and dune system. The revisions will clarify ambiguous sections of the regulations, provide more precise definitions where applicable, and ensure the regulatory frameworks reflects current shoreline conditions by updating the Building Line, a setback from the seaward toe of the dune used to permit construction activities on the beach and dunes, last set in 1981. Remapping the Building Line to reflect shoreline changes over time will better safeguard the state's coastline and coastal communities.

3. STATUTORY BASIS:

Title 7, Delaware Code, Chapter 68 (The Beach Preservation Act)

4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE.

No

5. DATE OF MOST RECENT AMENDMENT/REVIEW (indicate if review was pursuant to 29 Del.C. §10407):

Content last updated August 1, 2016. Grammatical corrections made April 1, 2017.

6. LIKELY AFFECTED PUBLIC:

- Individuals and Entities owning property in the defined beach area (from the Delaware/Maryland line at Fenwick Island to the Old Marina Canal immediately north of Pickering Beach, which extends from the mean highwater line of the Atlantic Ocean and Delaware Bay landward 1,000 feet and seaward 2,500 feet.)
- Contractors, Realtors, Lawyers, Surveyors, Architects, Engineers, Property Managers who do business in the beach area

- Recreational Beach Users
- Local Governments

7. PROPOSED SCHEDULE OF ACTIVITIES:

- Mid-February 2026 – Form Regulatory Advisory Committee (RAC)
- Early March 2026 – Hold 1st monthly RAC Meeting
- Mid-May 2026 – Hold 1st Public Information Session
- Spring/Summer 2026 – Draft regulation revisions and building line maps
- Mid-August 2026 – Hold 2nd Public Information Session
- Early October 2026 – Submit Register Notice to State Registrar
- Late October 2026 – Hold Public Hearing
- Late November 2026 – Close Public Comment Period
- December 2026 – Submit Technical Response Memorandum to Hearing Officer
- June 2027 – Hearing Officer’s report submitted to Secretary
- August 2027 – Secretary’s Order
- September 2027 – Regulations become effective

8. REVIEW COMMITTEE:

- Local Designer
- Local Surveyor
- Coastal Resident
- Community Leader
- Representative from Delaware Coastal Programs
- Local Builder
- Representative from Environmental Group
- Ocean Coast Building Official
- Bay Coast Building Official
- Local Realtor
- Deputy Attorney General
- Representative from State Planning Office
- Representative from Division of Parks and Recreation
- Representative from Wetlands and Waterways (Div. of Water)
- Representative from University of Delaware Sea Grant Program
- Representative from Alliance of Bay Communities
- Representative from League of Local Governments
- Representative from Insurance Commissioner’s Office

9. RESPONSIBLE STAFF MEMBER (name, physical address, phone number and e-mail address):

Jennifer Luoma Pongratz, Environmental Scientist
285 Beiser Blvd., Suite 102, Dover, DE 19904
302-608-5502
Jennifer.pongratz@delaware.gov

10. APPROVALS:

Jennifer Pongratz 01/09/2026
Jennifer L. Pongratz Date
Responsible Staff Member

 Jan. 11, 2026

Gregory Patterson Date
Secretary

Stephen N. Williams 1/9/2026
Stephen Williams Date
Director, Division of Watershed Stewardship

Rev. 1/2025