

Information on the DNREC Bay Beach Nourishment Project – June 1 Public Meeting Follow-up: Bowers Beach

DNREC has heard concerns from Bowers Beach residents regarding whether proposed perpetual easements associated with the Bay Beach Nourishment Project would increase public access near private homes. The purpose of this information sheet is to explain how the project will protect the community from flooding and erosion while clarifying what the easements do—and do not—allow.

Why Is This Project Needed?

Bowers Beach faces increasing risks from:

- Coastal storm surge
- Shoreline erosion
- High water levels and tidal flooding
- Sea-level rise
- Damage to homes, roads, utilities, and evacuation routes

These challenges were identified in the [Delaware River Dredged Material Utilization \(DMU\) Feasibility Study](#), which found that Delaware's Bayshore communities are particularly vulnerable to coastal hazards. The study identified coastal storm surge, elevated water levels, shoreline erosion, and sea-level change as significant threats to public and private property, infrastructure, roads, evacuation routes, businesses, and residential areas.

The project is designed to:

- Reduce flood and storm damages
- Increase community resilience
- Protect homes and infrastructure
- Strengthen Delaware's Bayshore communities
- Beneficially use dredged material from the Delaware River

The beach and dune system proposed for Bowers Beach will serve as an important first line of defense against coastal storms and flooding.

What real estate is needed for this Project?

Based on the U.S. Army Corps of Engineers (USACE) 90% design, the project requires acquisition of real estate interests along portions of the Bowers Beach shoreline to allow for construction and long-term maintenance of the beach and dune system.

A combination of existing easements and new or expanded easements will be needed to complete the project footprint. Some properties already have qualifying easements in place, while others will require expansion of existing easement areas or acquisition of new easements to accommodate the proposed beach and dune template. Easements allow for the placement and maintenance of publicly funded sand, as well as public use of the nourished beach.

In total, 100% of the required real estate interests must be secured in order for the project to be authorized for advertisement and put out to bid for construction. Without full real estate clearance, the project cannot proceed to implementation.

The project authorization and the agreement between the USACE and the State include provisions that allow for the use of standard federal real estate acquisition tools, including the potential for condemnation of areas required for sand placement if voluntary acquisition cannot be completed.

DNREC's goal is to work collaboratively with property owners to obtain the necessary easements through voluntary agreements wherever possible in order to advance this important shoreline protection project for Bowers Beach.

What Is Being Proposed?

The Bay Beach Nourishment Project includes:

- Placement of beach-quality sand to widen and elevate the beach (same sand source as was placed on Broadkill Beach in 2015)
- Construction and enhancement of a protective dune system

The proposed dune alignment is shown on the enclosed project plans. The dune has been designed to reduce storm surge impacts, limit erosion, and provide greater protection to the community.

How does this project differ from the Fall 2025 State Truck Fill Project?

State-funded truck-haul beach fill projects provide important shoreline protection but are limited by available funding, trucking logistics, tides, and existing beach width. A typical Bowers Beach truck-haul project places approximately 10,000 to 13,000 cubic yards of sand and generally rebuilds the upper beach and reinforces the berm/dune where space allows.

The proposed Delaware River Dredged Material Utilization (DMU) Project/Bay Beach Nourishment Project is substantially larger, placing more than ten times the volume of sand used in a typical State beach fill and advancing portions of the shoreline seaward by approximately 100 feet. The proposed dune is 60-75' wide compared to a truck fill project at 20-25' wide.

This additional beach width allows for the construction of a larger, more continuous dune system throughout the community. The wider beach and larger dune are designed to provide greater protection from coastal flooding, storm surge, and erosion while creating additional separation between the shoreline and residential development.

Dune Protection Regulations Remain in Effect

Delaware regulations strictly protect primary dunes.

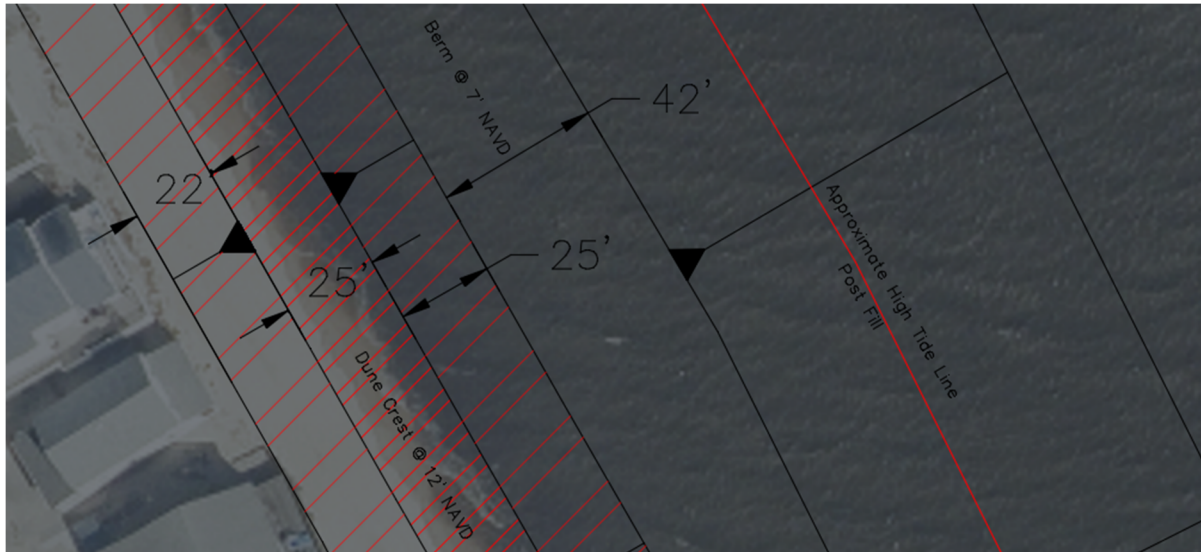
[Section 3.7.1 of the Regulations Governing Beach Protection and the Use of Beaches](#) (7 DE Admin. Code 5102) prohibits:

- Pedestrian traffic on, over, or across primary dunes except at locations specifically designated/permitted by DNREC.
- Motorized vehicles on primary dunes.
- Damage, destruction, or removal of beach grass, vegetation, shrubbery, or dune features.

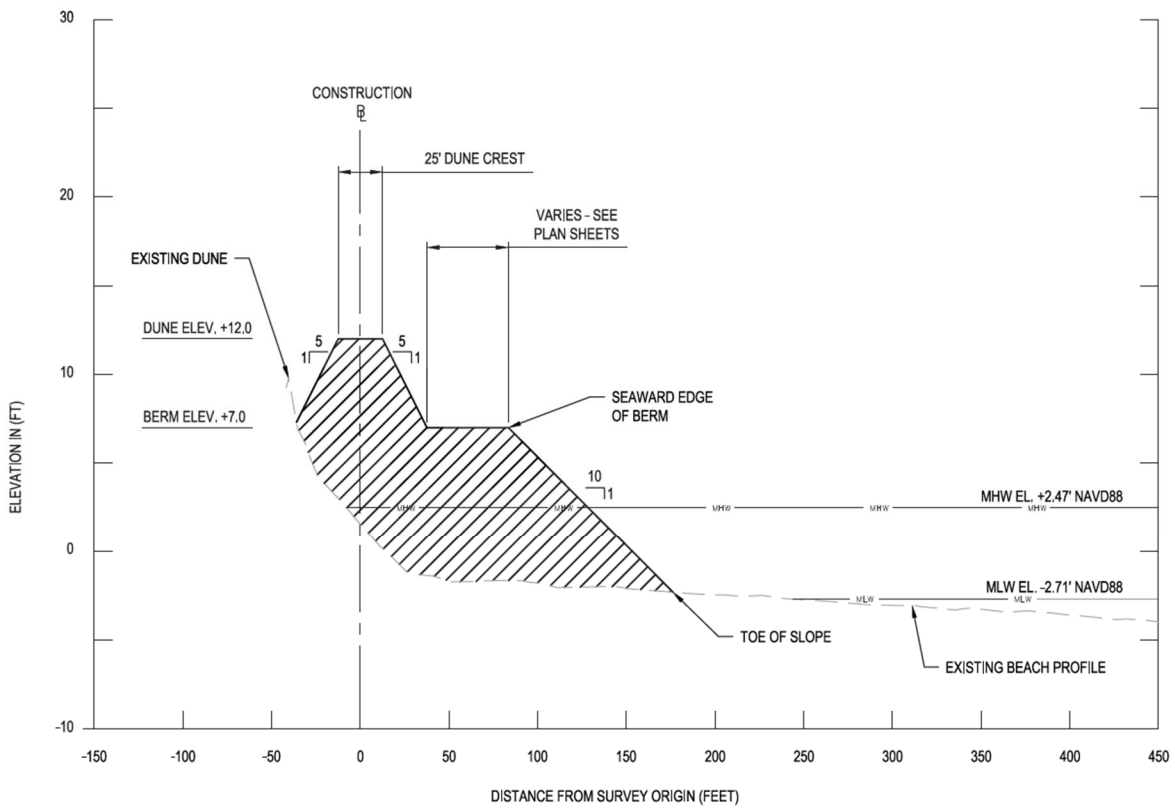
These regulations help ensure that dunes remain effective storm damage reduction features and environmental resources.

The image below shows the dimensions of the proposed dune, berm, and foreshore slope. The double-hatched area is the dune crest that is 25' wide at an elevation of 12' NAVD, which is 2' higher than the standard design template of a State truck haul project. The front and back slope of the dune is shown in the single line hatching and has a slope that is 1 on 5. The back slope may be steeper where space is limited owing to residential development.

The width of the berm, foreshore slope, and distance to the approximate post-fill high tide vary slightly along the project length.



The cross-section below is typical showing the elevations and slopes described in the plan view above.



Full project map here: documents.dnrec.delaware.gov/Watershed/Beaches/Bay-Beach-Nourishment/Bowers-Beach-Public-Access-Maps.pdf

Public Use of Private Property

Delaware regulations specifically encourage landowners to make water areas available to the public for recreational purposes by limiting their liability toward the person(s) who enter the property for such purposes.

[Chapter 59 of the Delaware Code – Public Recreation on Private Lands](#) (7 DE Admin. Code 5901-5907) describes:

- The landowner owes no duty of care to keep the premises safe for entry or use for recreational purposes.
- The landowner does not assume responsibility, or incur liability, for any injury to person(s) or property caused by such persons.

Beach Crossovers and Public Access Points

As identified in the Town's Shoreline Public Access Plan, public access to the beach is intended to be concentrated at designated access locations.

Existing public beach access locations include:

- North Flack Avenue (seasonal access restriction from April 15th to June 7th)
- Main Street
- Middle Drive
- The jetty access from the DNREC Division of Fish and Wildlife parking areas

The goal is to direct beach users to established access points while minimizing impacts to the dune system and adjacent private properties.

Private Beach Crossovers

Several property owners have expressed interest in maintaining direct beach access following completion of the beach nourishment and dune construction project.

Property owners may apply for permits to construct private dune crossovers through DNREC's Coastal Construction Program. Information regarding permit requirements is available through the [DNREC Coastal Construction Permits program](#).

Private crossovers can provide convenient access across the dune; however, property owners should carefully consider both the benefits and potential drawbacks.

While a crossover may improve access to the beach, it can also function as an attractive nuisance by encouraging beach users to cross over the dune and onto private property. In some cases, a crossover may create the perception that an area is publicly accessible when it is not, potentially leading to increased trespassing or unauthorized use.

Property owners should carefully evaluate these considerations before pursuing a private crossover and determine whether the benefits of direct access outweigh the potential challenges associated with managing public perceptions and protecting private property.

Dune Protection, Signage, and Public Education

Protecting the dune system is essential to ensuring that it continues to provide storm damage reduction and flood protection benefits to Bowers Beach.

As part of the project, DNREC intends to evaluate opportunities to install:

- Public access signage directing visitors to designated beach access points
- Educational signage explaining the importance of dune protection
- Signage reminding visitors to stay off protected dune areas
- Additional wayfinding measures where appropriate

DNREC will also evaluate whether post-and-rope barriers are appropriate along portions of the seaward side of the dune to discourage unauthorized dune crossings and protect newly established dune vegetation.

The final extent and location of signage, post-and-rope barriers, and other dune protection measures will depend upon final construction conditions, beach width, dune configuration, and future shoreline conditions, including erosion and storm impacts.

DNREC will continue to monitor site conditions following construction and make adjustments as necessary to balance public access, dune protection, and community needs.

Public Beaches vs. Private Beaches

Under Delaware law, a public beach is defined as a beach owned by a governmental entity or a beach for which the State has obtained an easement or agreement for public use.

Beaches that do not meet that definition remain private beaches under Delaware's Beach Preservation Act.

It is also important to understand that Delaware recognizes the Public Trust Doctrine through the Delaware Subaqueous Lands Act (7 Del. C. Chapter 72). Under this law, the State owns and manages tidal lands and subaqueous lands below the mean low water line for the benefit of the public. Public trust rights associated with these tidal waters and submerged lands exist independently of the Bay Beach Nourishment Project and are not created by the proposed easements or shoreline protection improvements.

Importantly:

DNREC will not place sand on private beaches and/or private property without obtaining the necessary property rights.

Temporary project agreements may be used for construction access, equipment staging, and project implementation. Still, these agreements do not establish permanent public recreational access, and DNREC will not place sand on private lands. Property owners who wish to place sand on private lands/beaches may do so by applying to [Coastal Construction Permits - DNREC](#), [Wetlands and Subaqueous Lands Permits - DNREC](#), and federal permits may apply.

MYTHS & FACTS ABOUT THE PROJECT

MYTH:

The landward extensions of easements will lead to people recreating closer to my home.

FACT:

The proposed project advances the shoreline 100-150' bayward of its current position. Beachgoers will be constrained to the established public dune crossovers. They will be permitted to recreate along the berm and foreshore which starts roughly 50-60' bayward of the current dry beach limit.

MYTH:

People will be allowed to walk on the dunes once they are built.

FACT:

State regulations prohibit pedestrian traffic on primary dunes except at designated public access points, as well as private crossovers permitted. These restrictions help protect the dune system and preserve its storm protection benefits.

In many areas of Bowers Beach today, there is little or no dune separating the beach from adjacent properties. As a result, members of the public can generally walk along the shoreline up to, and in some locations nearly beneath, decks and homes during normal tidal conditions.

MYTH:

DNREC can place sand anywhere it wants.

FACT:

DNREC must obtain the necessary perpetual property easements before placing sand.

MYTH:

The dune only protects the homes directly behind it.

FACT:

The beach and dune system helps reduce flooding, erosion, and storm surge impacts throughout the community. These features protect homes, roads, utilities, public infrastructure, businesses, and evacuation routes.

MYTH:

The easement allows DNREC to remove all vegetation within the easement area.

FACT:

The easement provides DNREC with the authority to manage vegetation when necessary to construct, maintain, and protect the shoreline protection project. However, DNREC's objective is to preserve compatible vegetation whenever practical.

Vegetation management is generally expected to occur only when vegetation becomes a public safety concern, has been significantly impacted by erosion, interferes with project construction or maintenance, or undermines the overall goals of the beach and dune protection system. Native dune vegetation is expected to be encouraged and maintained as part of the project because it plays an important role in stabilizing dunes and reducing erosion.

MYTH:

I'm giving up more of my land to the State.

FACT:

The property will always remain under YOUR ownership. The easement area requested allows DNREC and its contractors the ability to maintain the bayward side of your property for the purposes of coastal storm damage protection. The easement area requested may be further landward for some parcels, but this design is necessary to protect YOUR property from flooding and other coastal hazards based on current conditions.

Questions?

DNREC is committed to continuing dialogue with residents throughout project planning and implementation. Community input remains an important part of the process.

We encourage residents to review the project plans, including the proposed dune alignment and cross-section, and to contact DNREC with any questions regarding easements, beach access, dune construction, or project benefits.

Working together, we can strengthen Bowers Beach's resilience while preserving the character and safety of the community for future generations.

Project Information - [Bay Beach Nourishment Project - DNREC](#)

If you'd like to schedule a 1:1 meeting with DNREC please email DNREC_shorelines@delaware.gov