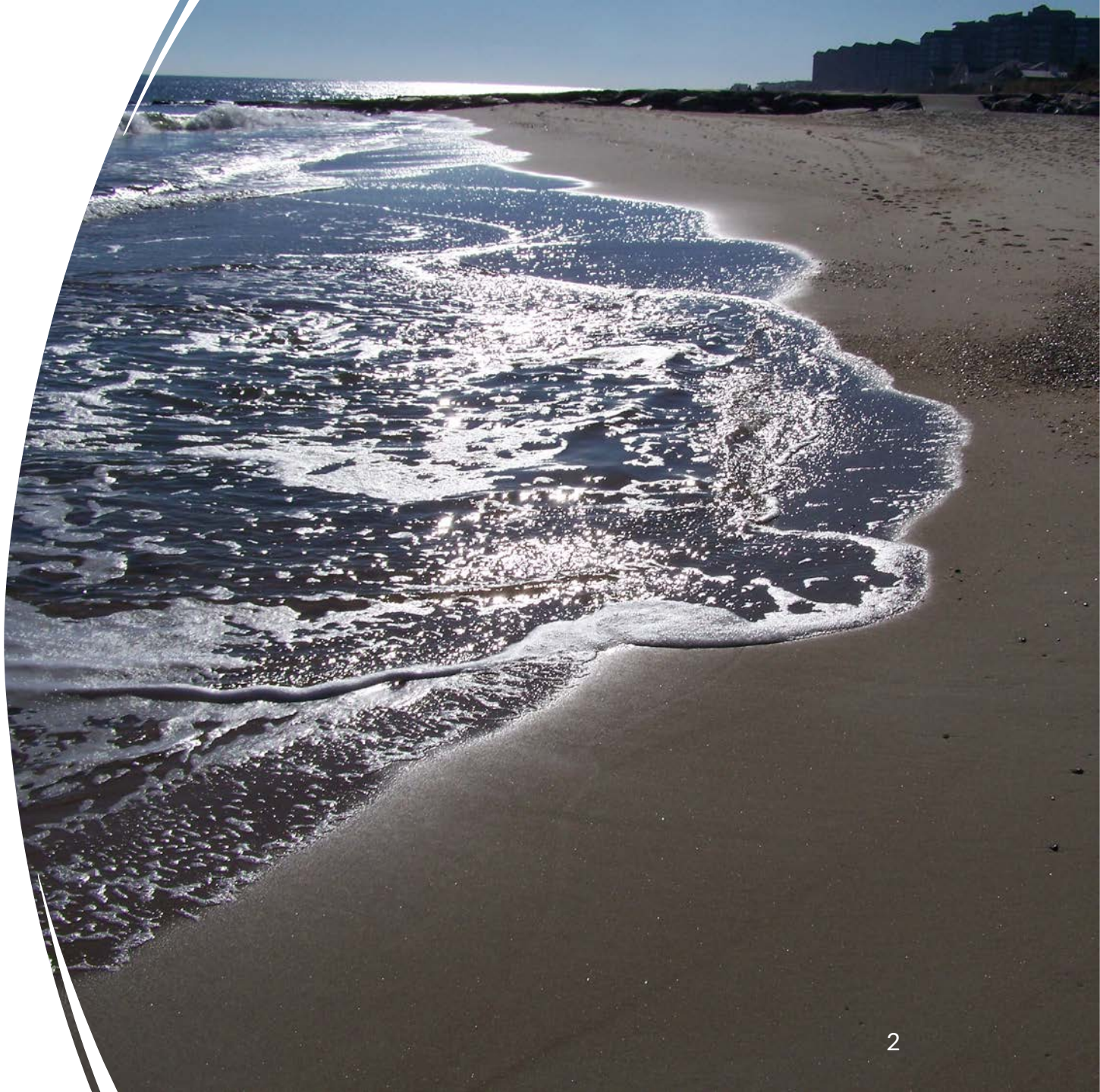


Beach Preservation Regulatory Advisory Committee

Kick-off Meeting
February 17, 2026

Welcome!

- In the Chat, please give us the following:
 - Your name
 - Your affiliation
 - What you might bring to the conversation

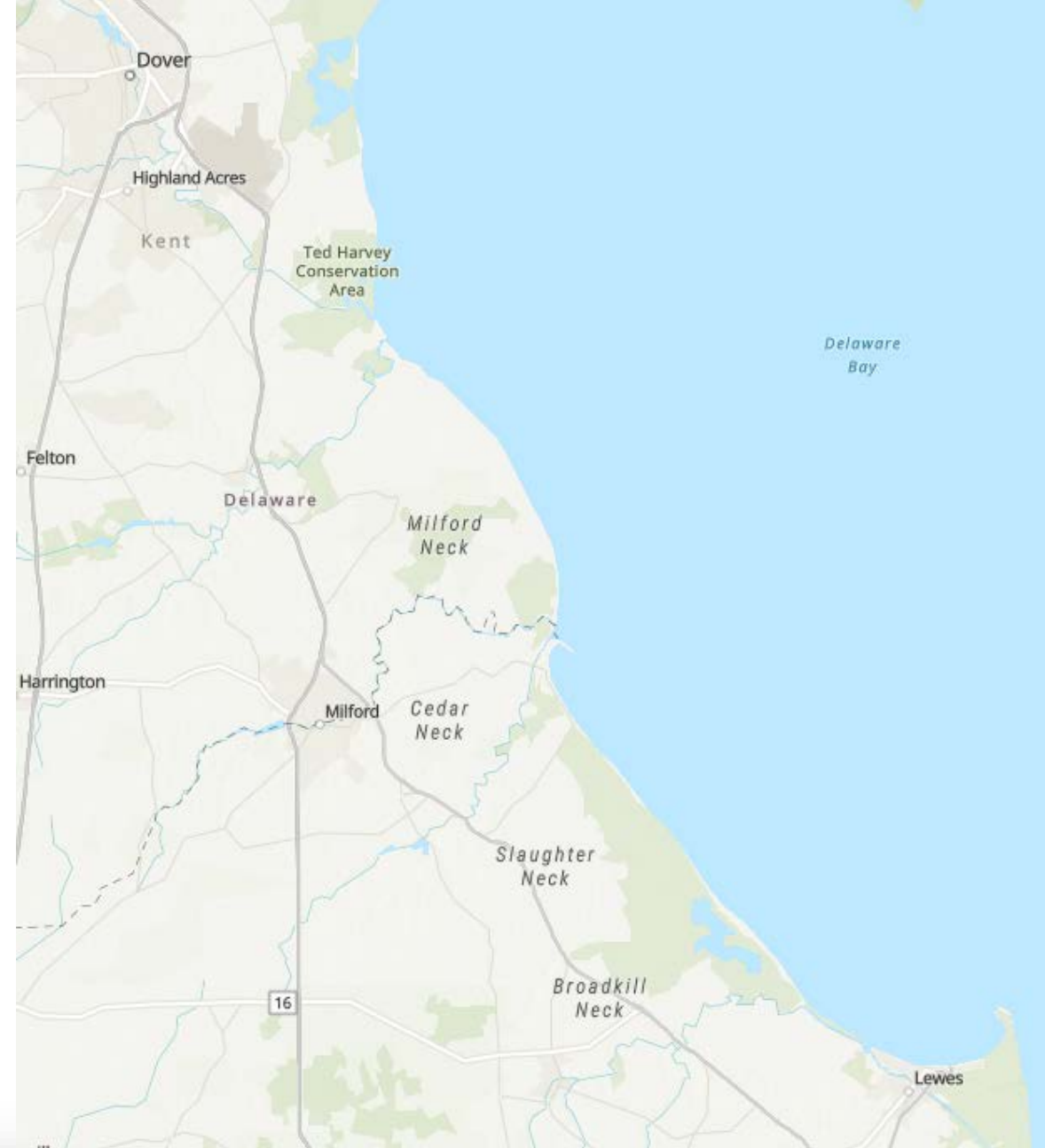


Regulatory Advisory Committee Members (RAC)

Designer	Carlton Savage, Scaled Engineering
Ocean Beach Community Leader	Bill Zolper, Town of Dewey Beach
Builder (mostly ocean coast)	Stan Staniszewski, Marnie Custom Homes
Builder (mostly bay coast)	John Zotcavage, Bay to Beach Builders
Environmental Group	Hannah Small, Delaware Wildlands
Building Official	John Ward, City of Lewes
Delaware Association of Realtors	
Delaware Sea Grant	Danielle Swallow
DNREC, DE Coastal Programs	Sarah Bouboulis
State Planning Coordinators Office	Dorothy Morris
Department of Justice	
Division of Parks and Recreation	
Bay Beach Association	Tony Pratt
DNREC, Shoreline and Waterway Mgt.	Joshua Lippert
Division of Fish and Wildlife	
Office of the Secretary	Carlene Clark, Enforcement Coordinator
Insurance Commissioners Office	Trinidad Navarro
DEMA	Jen Walls

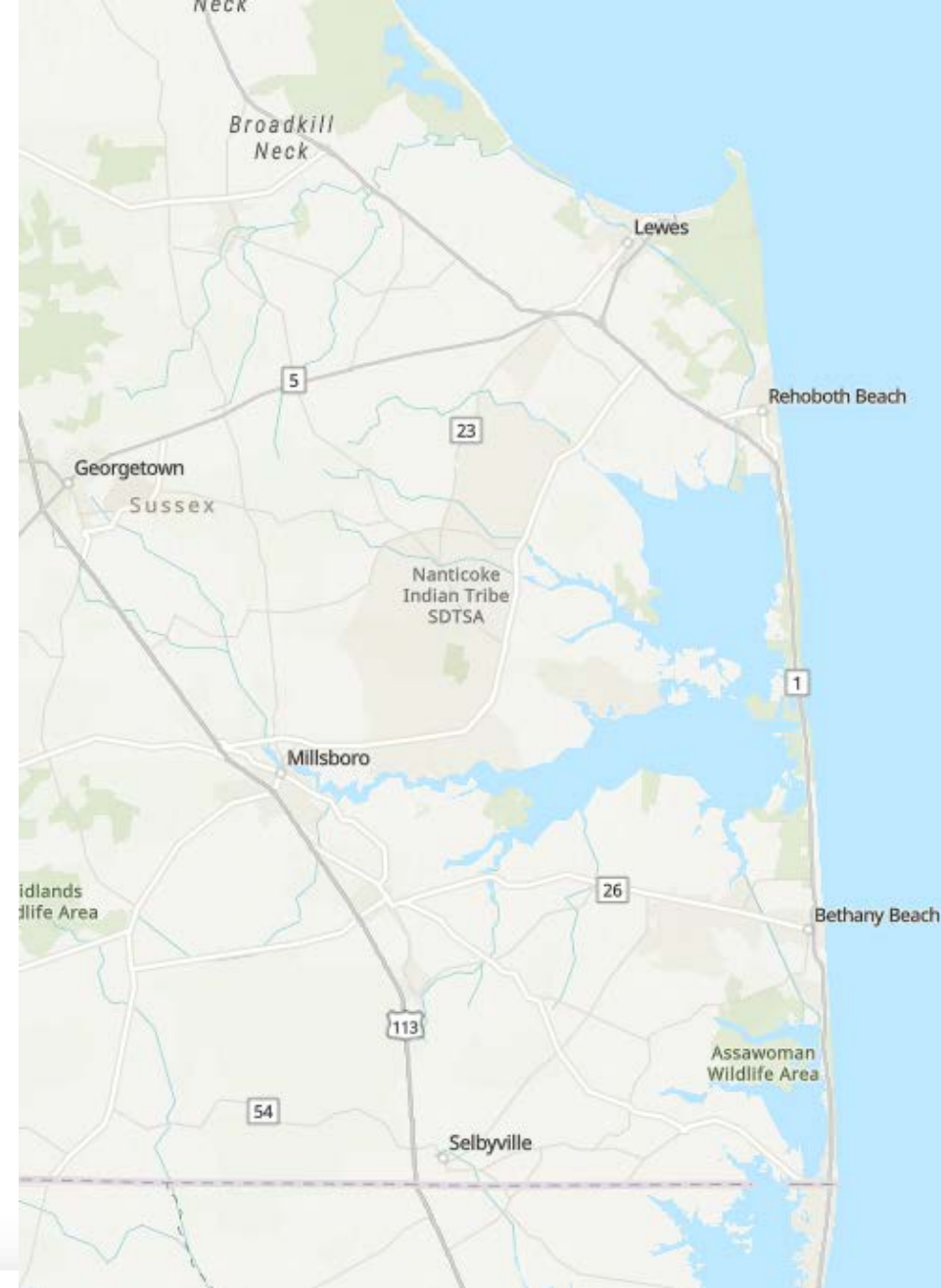
Delaware Shore's Geomorphology

- Estuarine Barrier Beaches – Along the Delaware Bay
- Spit System – Cape Henlopen



Delaware Shore's Geomorphology

- Beach-Headland Coast – Henlopen Acres, Rehoboth Beach, Bethany Beach
- Barrier Beach/Inland Bay System – Dewey Beach, Indian Beach, Delaware Seashore State Park, South Bethany and Fenwick Island



Erosion Rates Ocean Coast

Location	Erosion Rate (ft./yr)	Landward encroachment of Sea Level with 1.6' of rise
Fenwick Island	-2.81	18'
South Bethany	-2.92	23'
Middlesex Beach/Sea Colony	-3.16	20' *
Bethany/North Bethany	-2.39	16'
Dewey Beach	-3.04	16'
Rehoboth Beach	-2.31	16'
Henlopen Acres/North Shores	-4.19	16'

*interpolated

Erosion Rates Bay Coast

Location	Erosion Rate (ft./yr)	Landward encroachment of Sea Level with 1.6' of rise
Lewes Beach	-3	20'
Broadkill Beach	-2	15'
Prime Hook Beach	-0.7	20'
Slaughter Beach	-1.9	18'
Big Stone Beach	-3.6	20'
South Bowers	-3	20'
Bowers Beach	-2.5	16'
Kitts Hummock	-4.3	18'
Pickering Beach	-4.9	15'



Beaches are Dynamic

Can change quickly by storm

Can change slowly from Sea Level Rise

Can change quickly with beach nourishment

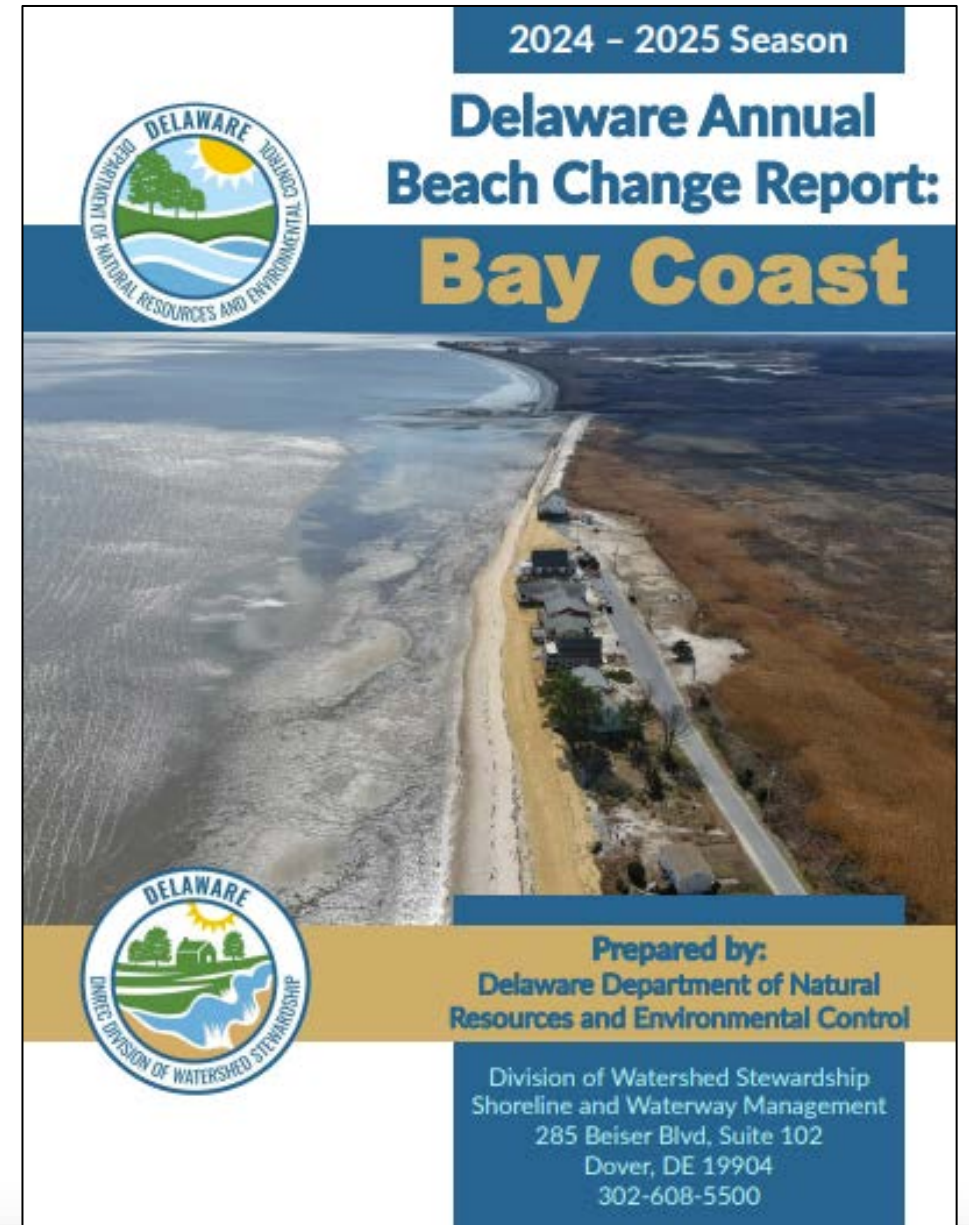
Can change slowly with natural accretion

Beach Change Reports

Annual reports are published to summarize the results of the most recent beach surveys and provide insight on what causes the observed profile changes. Survey data are available upon request.

<https://documents.dnrec.delaware.gov/Watershed/Shorelines/2024-Delaware-Beach-Change-Report-Bay-Coast.pdf>

<https://documents.dnrec.delaware.gov/Watershed/Shorelines/2024-Delaware-Beach-Change-Report-Ocean-Coast.pdf>





History of the Beach Preservation Act and Regulations Governing Beach Protection and the Use of Beaches

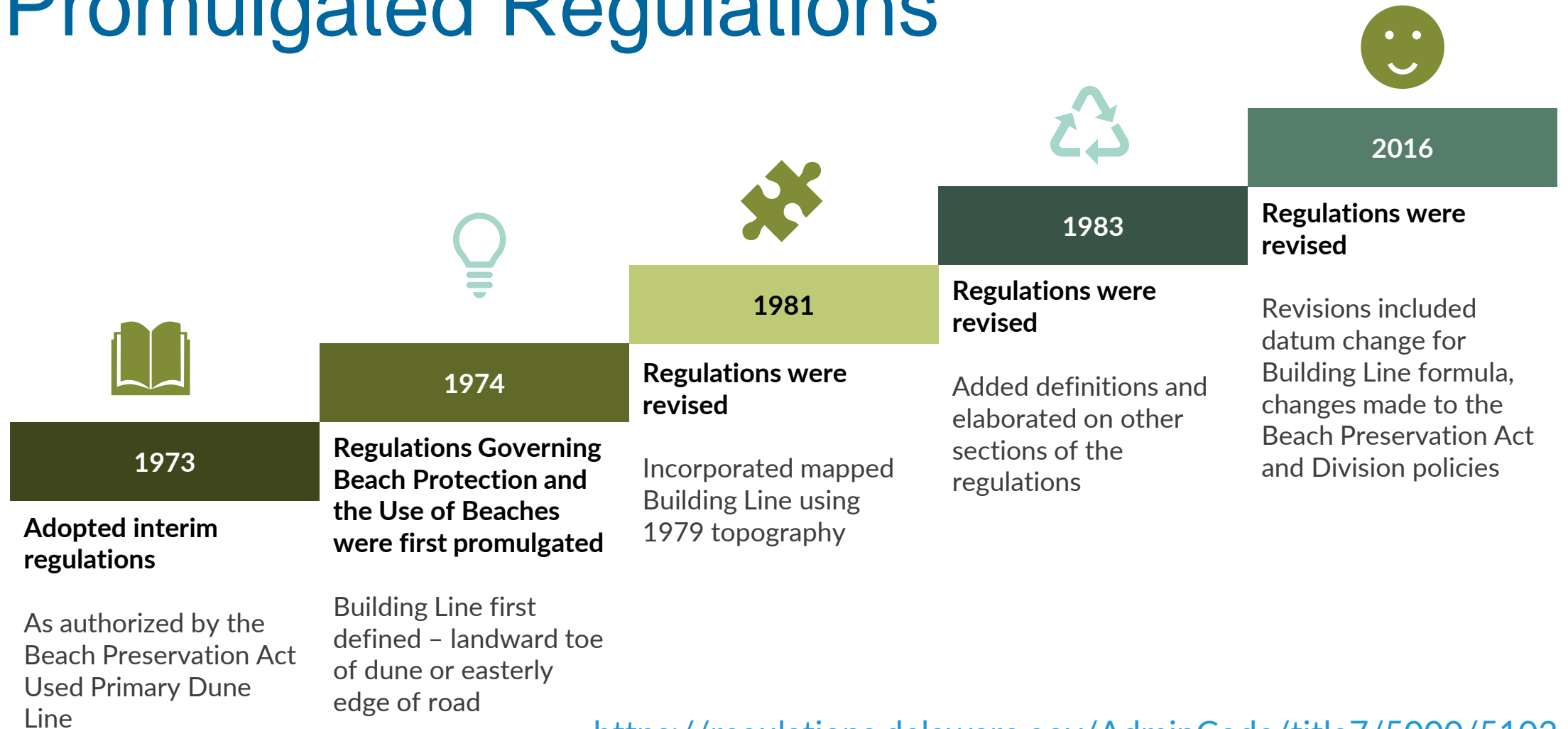
Beach Preservation Act of 1972

Title 7, Chapter 68

- General Assembly recognized that Delaware's beaches were rapidly deteriorating due to a combination of both natural processes and continual development
- Declared the beaches to be “valuable natural features which provide recreational opportunities and storm protection for persons and property”....
- Purpose is to “enhance, preserve and protect the public and private beaches of the state”

<http://delcode.delaware.gov/title7/c068/index.html>

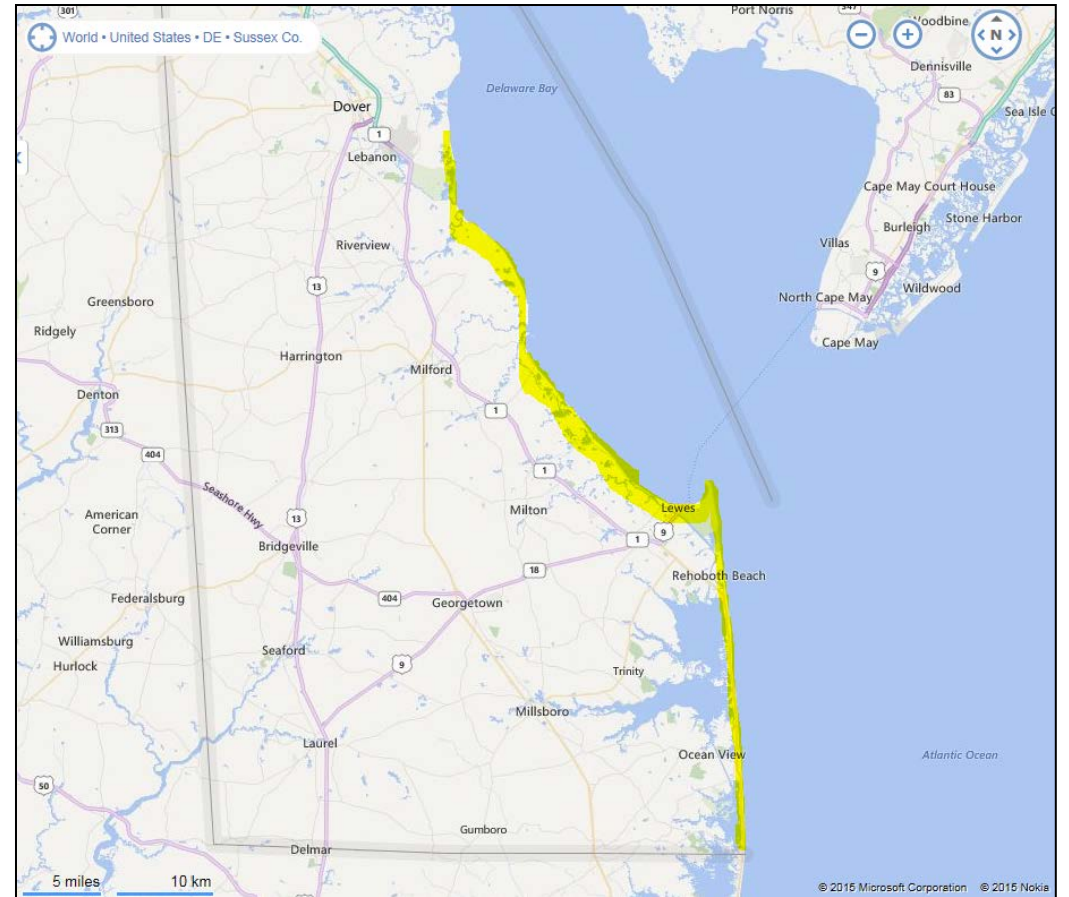
Promulgated Regulations



<https://regulations.delaware.gov/AdminCode/title7/5000/5102.shtml>

Where We Regulate

“**Beach**” means that area from the Delaware/Maryland line at Fenwick Island to the Old Marina Canal immediately north of Pickering Beach, which extends from the mean high water line of the Atlantic Ocean and Delaware Bay landward 1,000 feet and seaward 2,500 feet, respectively.



Where We Regulate

- “**Regulated Area**” means the specific area within the defined beach that the Department is directed to regulate construction to preserve dunes and to reduce property damage. The regulated area shall be from the seaward edge of the beach as defined above to the landward edge of the third buildable lot in from the mean high water line.



What We Regulate

Activities:

- New Construction
- Exterior Renovations
- Excavation
- Hauling in of Sand
- Removal of Sand
- Mechanical restoration of dunes
- Temporary Structures
- Installation of Pipes or Cables
- Septic Systems
- Harmful dune doings



What We Do Not Regulate

Activities:

- Replacement of siding, roofs, windows, deck boards, railings
- Painting
- Interior renovations
- NFIP regulations

Upheld by Delaware Code
Title 7, Section 6805 (d)



How We Regulate

Letter of Approval

- For construction activities landward of the DNREC Building Line
- Some activities can be approved by Letter of Approval seaward of the Building Line such as cantilevered decks, dune crossovers and temporary structures
- \$500 Application Fee
- No public process

Permit

- For construction activities seaward of the DNREC Building Line
- \$4500 Application Fee
- Public process
 - Public Notice in newspapers and DNREC website
 - Direct notification to adjacent landowners
 - 15 day public comment period

<https://epermitting.dnrec.delaware.gov/>

Major Key Components of Regulations

DNREC
Building Line

4-Step
Process

DNREC Building Line

- “**Building Line**” means a line generally paralleling the coast, seaward of which construction of any kind shall be ***prohibited*** without a permit or letter of approval from the Department.



The Building Line

- Used topographic survey from 1979
- Maps were incorporated into Regulations in 1981
- The Building Line is shown on maps as straight lines connected together at points whose locations are identified by reference to the Delaware State Plane Coordinate System (NAD 27)
- Coordinates need to be converted to NAD 83 to find the line today
- In commercial areas in Rehoboth Beach and Bethany Beach where there are boardwalks and the dune is not natural, the Building Line is the westerly edge of the boardwalk



Buildings Constructed Under Beach Preservation Act

Overall number of Buildings Constructed	Seaward of the DNREC Building Line	Landward of the DNREC Building Line	Total
Bay Beaches	75	664	739
Ocean Beaches	133	1468	1601
Total	208	2132	2340

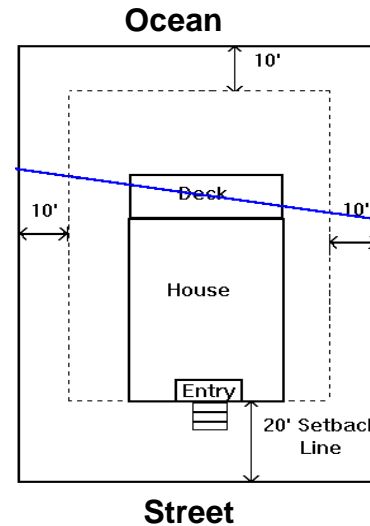
Construction Seaward of the Line: 4-Step Process

- To “eliminate or diminish the amount of encroachment seaward of the Building Line” as required by Section 6805 (d) of the Beach Preservation Act

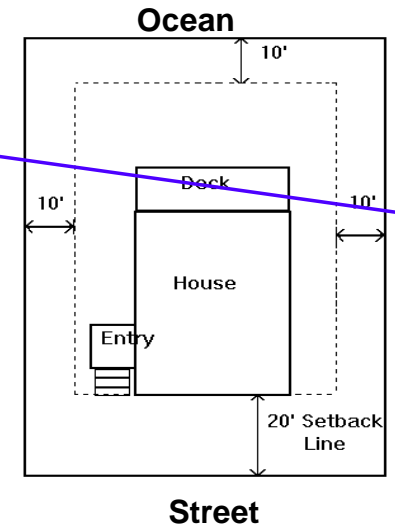


Step 1 (3.1.1.2.1)

- All construction must begin at the setback line established for the landward property boundary by the county and/or local municipality in which the property is located. Porches, decks and entrance ways are not permitted along this wall of the building, except those which are recessed into the exterior wall of the structure or alongside the structure. Steps may extend into the setbacks as long as permissible by county and local regulations, and;

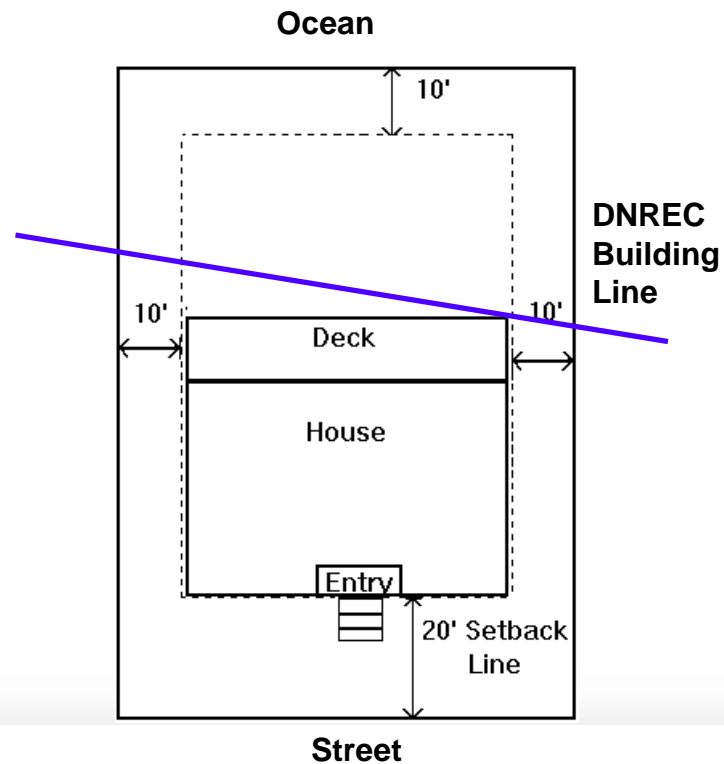


DNREC
Building
Line



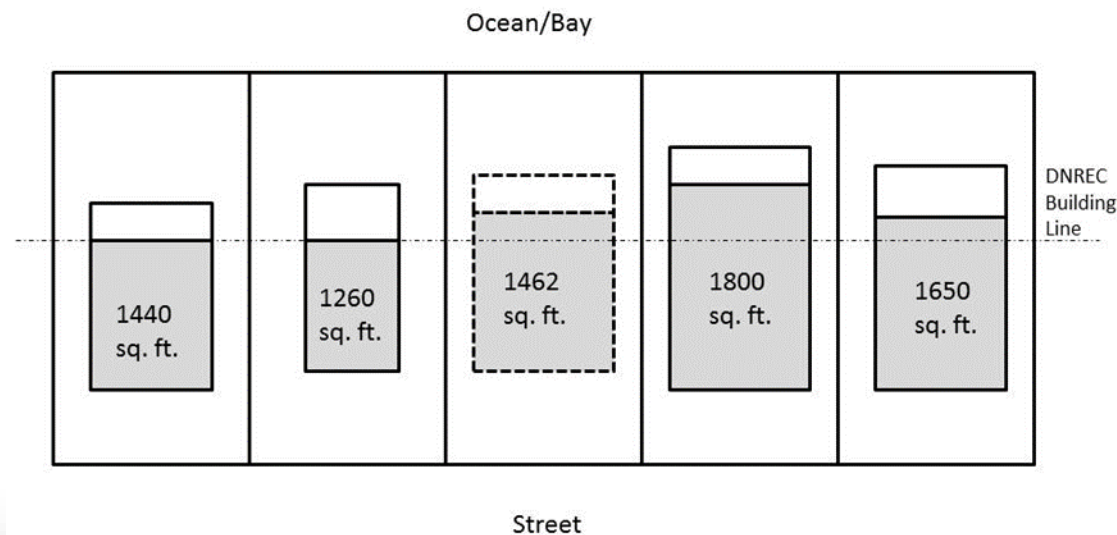
Step 2 (3.1.1.2.2)

- The structure must occupy all of the area available between the side yard setbacks, and;



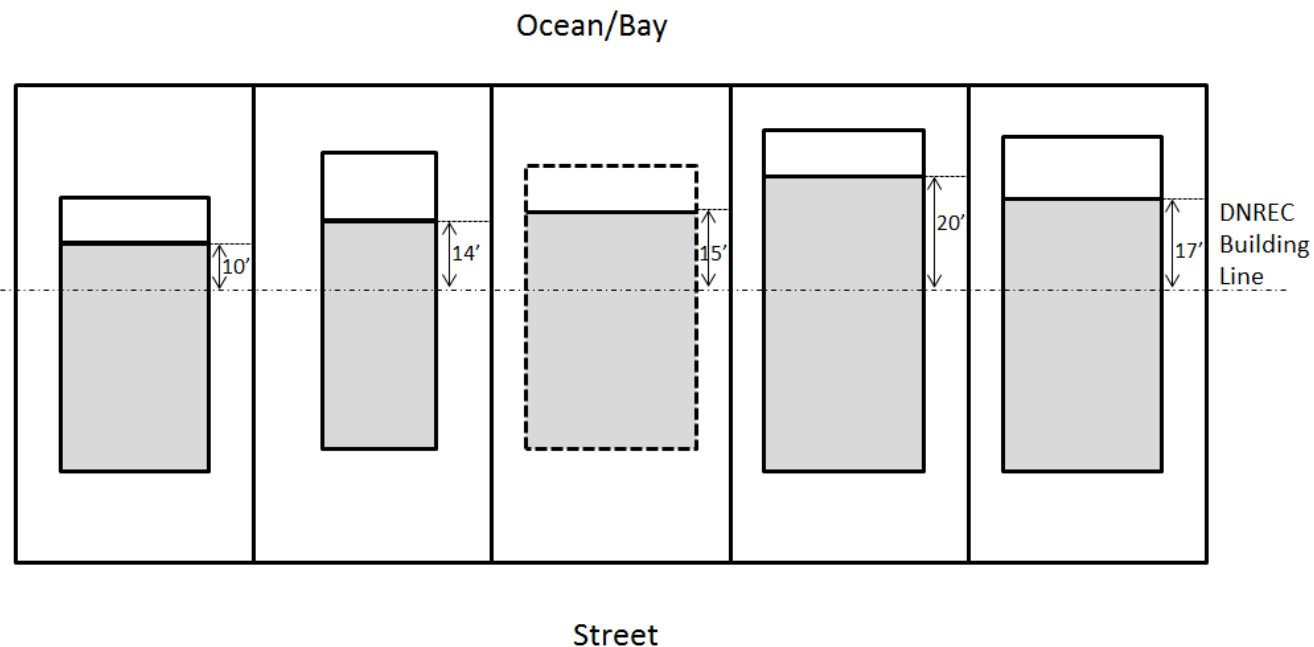
Step 3 (3.1.1.2.3)

- The square footage of the footprint of the structure (living area only, not including porches or decks) shall not exceed the average square footage that exists among adjacent structures within the smallest subsets of lots, and;



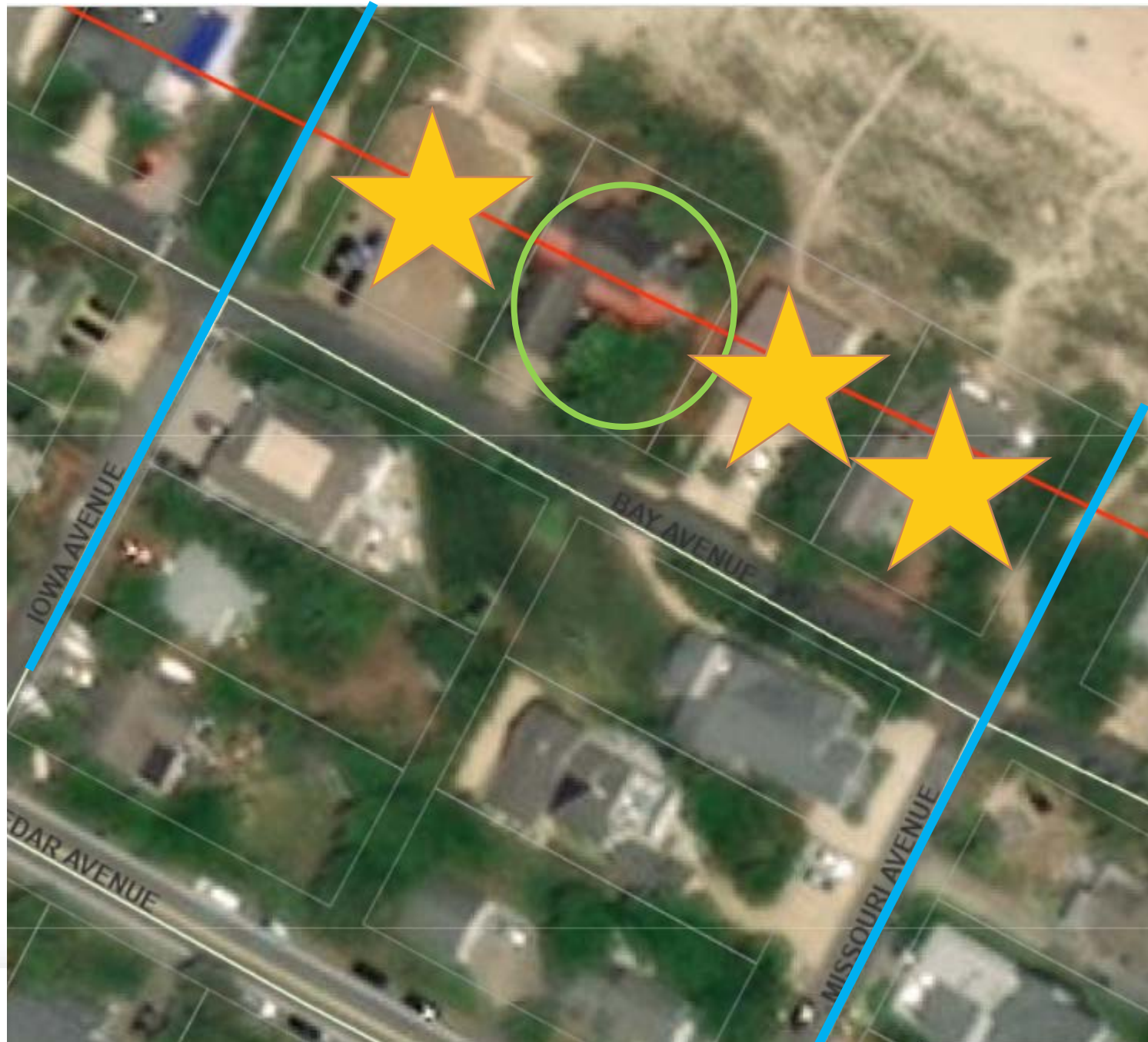
Step 4 (3.1.1.2.4)

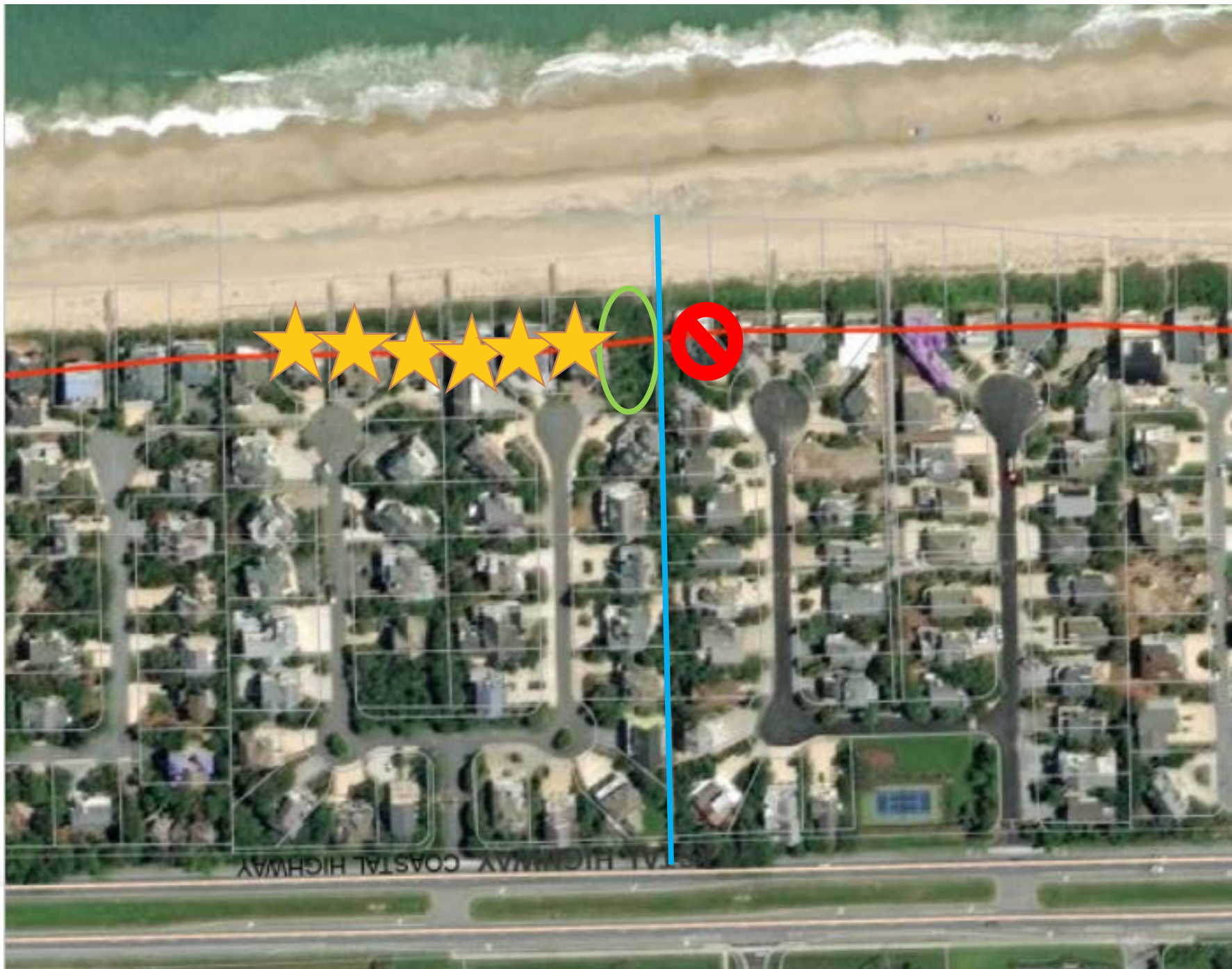
- Seaward penetration over the Building Line shall not exceed the average encroachment that exists among adjacent structures within the smallest subset of lots. Any decks constructed along with the structure must meet the requirements of Section 3.1.1.3.



Smallest Subset of Lots

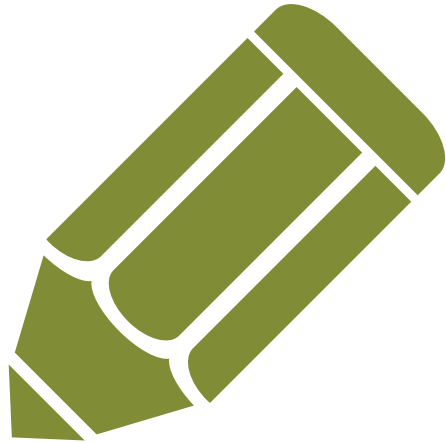
- Smallest identifiable group of lawfully subdivided, contiguous lots that exist within a subdivision, development or community separated by either roads or subdivision boundaries. If there are no roads or subdivision boundaries separating groups of lots, the smallest set of lots shall be seven (7) lots.



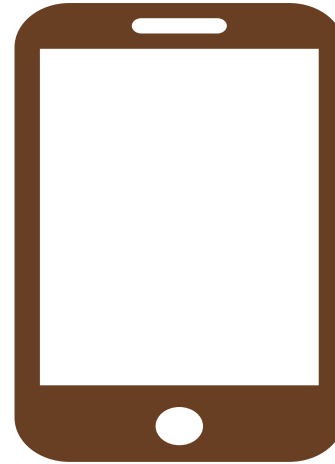




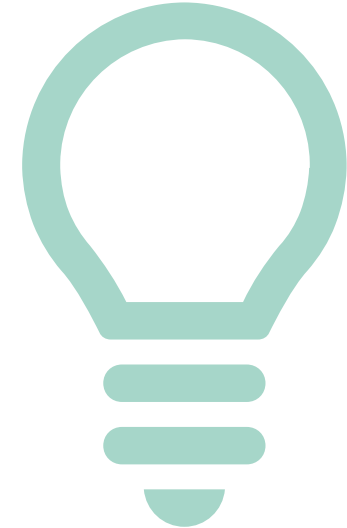
Challenges with the Current Regulations



- Clarifying ambiguous sections of the regulations with new definitions
- Editing existing definitions



- Updating requirements based on technology and changing times
- Updating fee structure or language regarding fee structure



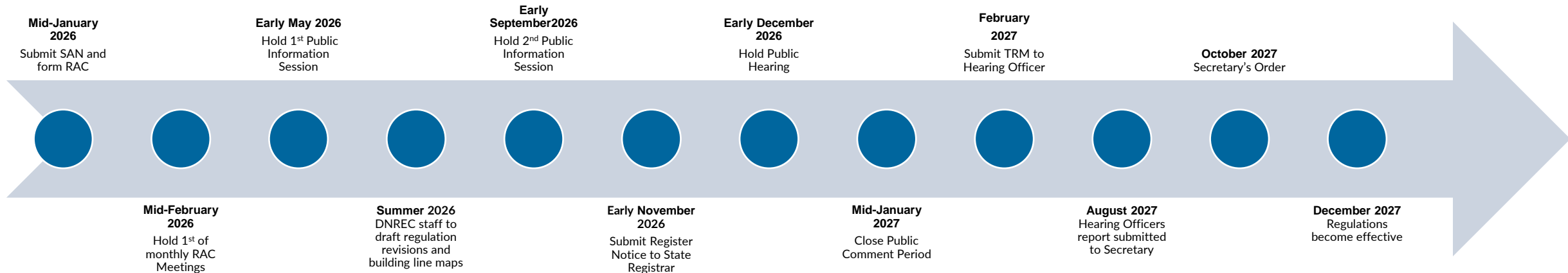
- Incorporate new regulations to address items not already included
- Add new protection measures from sea level rise and climate change



Questions



Proposed Timeline for Regulatory Process



Next Steps

- Homework
 - What challenges do you feel we should tackle?
 - Think about for activity at next meeting
- Schedule next meeting
 - 3rd Tuesday of the Month at 1:00 – every other month
 - Keep Virtual – In-person?
 - Doodle Poll?
- Public Information Session
 - When? May for 1st? End of Summer for 2nd?
 - Ideal times/dates/locations

Thank you for
participating!

Jennifer Pongratz

Responsible Staff Member

Environmental Scientist, CFM

302-608-5502

Jennifer.Pongratz@delaware.gov

