

Beach Preservation Regulatory Advisory Committee

Second Meeting
April 21, 2026

Welcome!

- Please introduce yourself, give your affiliation and any thoughts about what should change in the regulations



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 | Paul Townsend |
| Delaware Sea Grant | Danielle Swallow |
| DNREC, DE Coastal Programs | Sarah Bouboulis |
| State Planning Coordinators Office | Dorothy Morris |
| Division of Parks and Recreation | Brooks Cahall |
| Bay Beach Association | Tony Pratt |
| DNREC, Shoreline and Waterway Mgt. | Joshua Lippert |
| Division of Fish and Wildlife | Patrick Emory |
| DEMA | Jen Walls |

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>



Now available on the DNREC Open Data Portal

Beach Preservation Permits from February 2024 to present

| Applicant Type | Property Type | Address | City | State | County | Zip | Application Date | Approval Type | Application Status | Approval Number | Issue Date | Expiration Date | Tax Parcels Tax | Accessory Struct... | Community Infra... | Earth work | New Construction | Shore Protection... | Temporary Struct... |
|----------------|------------------------|------------------------|----------------|----------|--------|-------|------------------|---------------|--------------------|-----------------|------------|-----------------|------------------------|------------------------|--------------------|------------------------|----------------------|----------------------|---------------------|
| Business | Residential: Single Fa | 1405 S. Bayshore Driv | Milton | Delaware | Sussex | 19968 | 02/19/2024 | LOA | APPROVED | BP06301 | 02/20/2024 | 02/20/2026 | 235-10.06-3.00 - Com | Septic systems - Lanc | | | | | |
| Business | Residential: Single Fa | 617 Bay Avenue | Staugter Beach | Delaware | Sussex | 19963 | 02/15/2024 | LOA | APPROVED | BP06302 | 02/21/2024 | 02/21/2026 | 330-9.00-27.00 - Bise | Additions within exist | | Excavation (removal c | | | |
| Business | Residential: Single Fa | 9365 Shore Drive | Milford | Delaware | Sussex | 19963 | 02/22/2024 | LOA | APPROVED | BP06304 | 03/06/2024 | 03/06/2026 | 230-17.00-71.00 - Bts | | | | New Dwellings - Land | | |
| Business | Residential: Single Fa | 29301 Clifton Shores | Milford | Delaware | Sussex | 19963 | 03/05/2024 | LOA | APPROVED | BP06303 | 03/06/2024 | 03/06/2026 | 230-17.00-243.00 - Bts | Septic systems - Lanc | | | | | |
| Business | Residential: Single Fa | 1810 North Bay Shore | Milton | Delaware | Sussex | 19968 | 03/07/2024 | LOA | APPROVED | BP06307 | 03/08/2024 | 03/08/2026 | 2-30-24.00-110.00 - B | | | | | New Dwellings - Land | |
| Individual | Residential: Single Fa | 4210 South Bowers R | Milford | Delaware | Kent | 19963 | 03/05/2024 | LOA | APPROVED | BP06306 | 03/08/2024 | 03/08/2026 | 5.00-11517-01-4100 c | | | Hauling sand/fill/grav | | | |
| Business | Residential: Single Fa | 9307 Shore Dr | Milford | Delaware | Kent | 19963 | 03/06/2024 | LOA | APPROVED | BP06305 | 03/08/2024 | 03/08/2026 | 230-17.00-60.00 - Bts | Fences - Landward | | | | | |
| Business | Residential: Single Fa | 1705 Bunting Avenue | Fenwick Island | Delaware | Sussex | 19944 | 03/21/2024 | LOA | APPROVED | BP06310 | 03/21/2024 | 03/21/2026 | 134-23.08-35.00 - Bts | | | | | New Dwellings - Land | |
| Individual | Residential: Single Fa | 137 South Big Stone E | Milford | Delaware | Kent | 19963 | 03/20/2024 | LOA | APPROVED | BP06309 | 03/21/2024 | 03/21/2027 | 5.00-14400-01-0910 c | | | Excavation (removal c | | | |
| Business | Non-Residential: Mun | | | Delaware | | | 03/12/2024 | LOA | APPROVED | BP06308 | 03/21/2024 | 03/21/2026 | 334-14.14-12.00 - Cor | | | | | Temporary Structures | |
| Business | Residential: Single Fa | 2020 South Bayshore | Milton | Delaware | Sussex | 19968 | 03/21/2024 | LOA | APPROVED | BP06311 | 03/22/2024 | 03/22/2026 | 235-10.06-45.00 - Bts | Steps/stairs - Landwa | | | | | |
| Business | Residential: Single Fa | 9043 Shore Dr | Milford | Delaware | Sussex | 19963 | 03/26/2024 | LOA | APPROVED | BP06315 | 03/28/2024 | 03/28/2026 | 230-17.00-10.00 - Bts | Garages - Landward, f | | | | | |
| Business | Residential: Commun | | | Delaware | | | 03/27/2024 | LOA | APPROVED | BP06314 | 03/28/2024 | 03/28/2026 | 334-23.06-126.01 - Bts | Dune Crossovers - Bo | | | | | |
| Business | Residential: Single Fa | 2208 S. Bayshore Driv | Milton | Delaware | Sussex | 19968 | 03/26/2024 | LOA | APPROVED | BP06313 | 03/28/2024 | 03/28/2026 | 235-10.06-48.00 - Cor | Septic systems - Lanc | | | | | |
| Individual | Residential: Single Fa | 82 North Atlantic Ave. | Bethany Beach | Delaware | Sussex | 19930 | 03/26/2024 | LOA | APPROVED | BP06312 | 03/28/2024 | 03/28/2026 | 134-13.16-43.01 - Bts | Additions within exist | | | | | |
| Business | Residential: Single Fa | 78 S Flack Ave | Frederica | Delaware | Kent | 19946 | 04/10/2024 | LOA | APPROVED | BP06317 | 04/11/2024 | 04/11/2026 | 8 01 11513 01 5701 0 | | | | | New Dwellings - Land | |
| Business | Residential: Single Fa | 9303 Shore Drive | Milford | Delaware | Sussex | 19963 | 04/04/2024 | LOA | APPROVED | BP06316 | 04/11/2024 | 04/11/2026 | 230-17.00-59.00 - Cor | Additions within exist | | | | | |
| Business | Residential: Commun | 33363 Sea Colony Wa | Bethany Beach | Delaware | Sussex | 19930 | 03/06/2024 | Permit | APPROVED | BP06319 | 04/12/2024 | 04/12/2028 | | | | Scraping - Seaward | | | |
| Business | Residential: Single Fa | 9158 Shore Drive | Milford | Delaware | Sussex | 19963 | 04/11/2024 | LOA | APPROVED | BP06318 | 04/12/2024 | 04/12/2026 | 230-17.00-202.00 - Cc | Septic systems - Lanc | | | | New Dwellings - Land | |
| Individual | Residential: Single Fa | 443 bay avenue | milford | Delaware | Sussex | 19963 | 04/15/2024 | LOA | APPROVED | BP06320 | 04/15/2024 | 04/15/2026 | 230-1.00-65.00 - Bts | Additions within exist | | | | | |
| Business | Residential: Single Fa | 806 south ocean dr | South bethany | Delaware | Sussex | 19930 | 03/15/2024 | Permit | APPROVED | BP06321 | 04/18/2024 | 04/18/2026 | 134-20.08-19.00 - Bts | | | Hauling sand/fill/grav | | | |

https://data.delaware.gov/Energy-and-Environment/DNREC-Coastal-Construction/46mj-kgr3/about_data

A scenic landscape featuring a blue river in the foreground, green grassy fields on either side, and a dense forest of trees in the background under a clear blue sky. A white rectangular box is overlaid in the center of the image, containing the text "Topics of Concern".

Topics of Concern

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

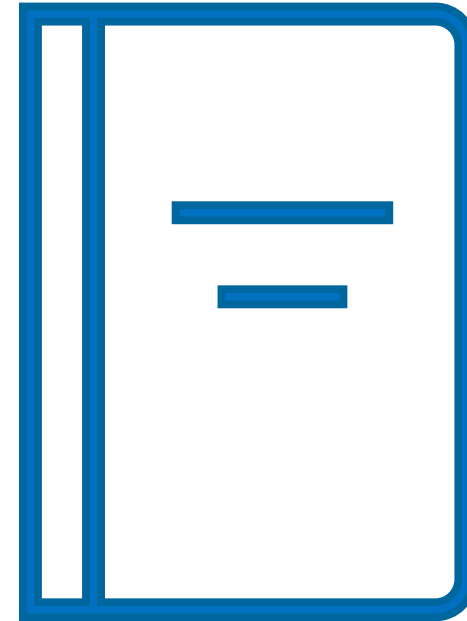
- Used topographic survey from 1979
- Maps were incorporated into Regulations in 1981
- The Building Line is shown on maps as straight lines connected together at points whose locations are identified by reference to the Delaware State Plane Coordinate System (NAD 27)
- Coordinates need to be converted 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



Why change the building line and how?

We had a study conducted.

- Climate Action Plan
- Available Funding
- ICF already under contract



Parties Involved



DNREC

- Provided Data
- Provided Funding



ICF

- Contributed the Economic Impact Section of the Study
- Drafted the final report



Straughan Environmental

- Provided engineering
- Reviewed other coastal states regulatory construction lines

Case Study Review

- Considers existing research and literature regarding coastal regulations in other states
- Reviewed State Regulations
 - Alabama
 - Georgia
 - Hawaii
 - Maine
 - Maryland
 - New Hampshire
 - Rhode Island
 - South Carolina
- Conducted State Agency Interviews
 - Florida
 - New Jersey
 - New York
 - North Carolina



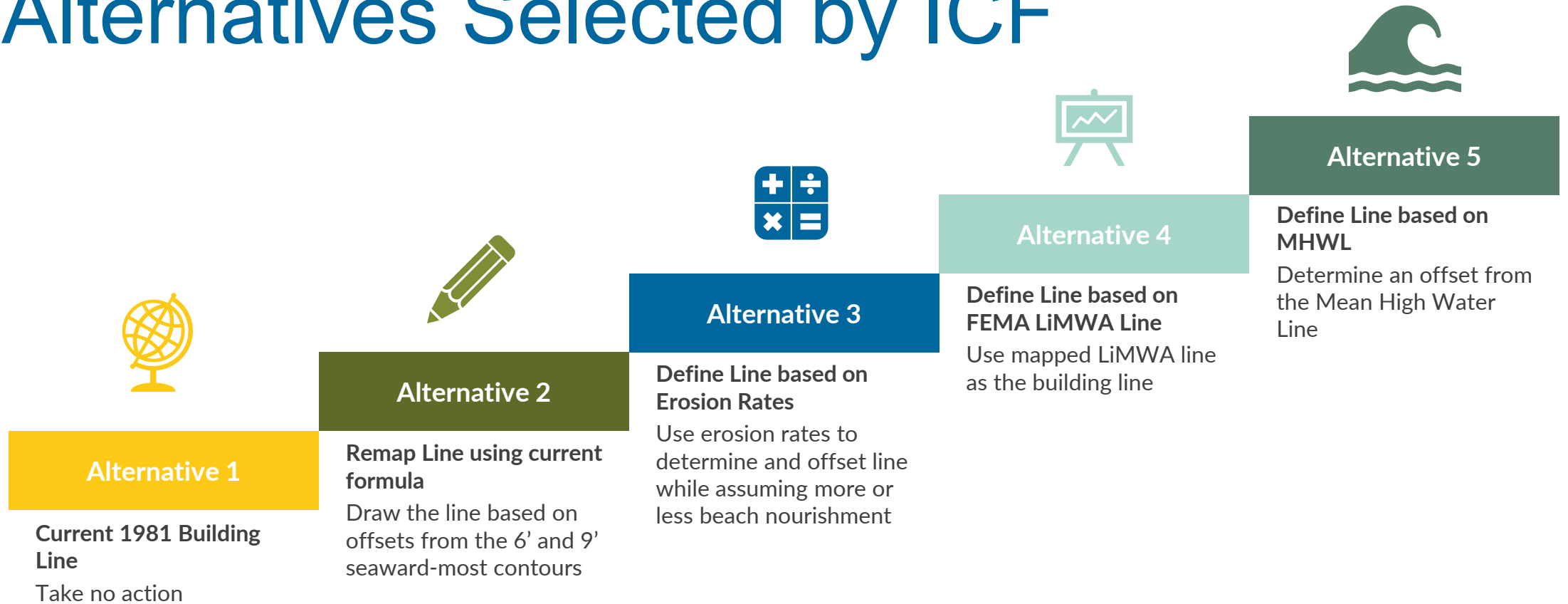
Other States' Regulations

| State | Summary of Regulations |
|---------------|--|
| Alabama | Coastal Construction Line – not mapped, uses erosion rates, activities allowed similar to Delaware |
| Georgia | Doesn't allow construction on dunes or requires as far landward as possible, must meet hurricane resistant standards, public notice |
| Maine | 150' from HWL, different districts or communities have different standards |
| Maryland | Regulate from top of dune or seawall seaward, only water dependent structures allowed in that area, critical area program within 1,000' of shoreline |
| New Hampshire | Must be landward of 250' landward of highest tideline (buffer), permits required in 150' woodland buffer from the 250' mark |
| New Jersey | Erosion Hazard Area 30 yr. erosion rate for 1-4 unit structures, 60 yr. erosion rate for larger structures, allows temporary structures |

Other States' Regulations

| State | Summary of Regulations |
|----------------|--|
| North Carolina | 30' buffer from normal water level, structures older than 1999 are somewhat grandfather, doesn't allow encroachment seaward of adjacent structures, has similar scraping permits |
| New York | Mapped like floodplains, Structural Hazard Area is erosive zone, setbacks based on erosion rates, all permits - no letters of approval, communities adopt own regulations |
| Florida | Permits required within 50' of Gulf or Ocean, must be located more landward, Coastal Control Line – based on most vulnerable part of beach |
| Rhode Island | Distance from shoreline + erosion rates based on aerial photography (30-60 yrs), 200' setback that is not mapped, permits required seaward of setback, new structures required to be setback an additional 50' |
| South Carolina | Only certain new structures allowed seaward of baseline, has real estate disclosure regarding setback lines |
| Virginia | Mostly related to barrier beaches, seaward crest of primary dune is the building line, seaward construction is prohibited and size of house is limited by size of lot. No artificial relocation of sand. |

Alternatives Selected by ICF





Alternative 1

- No action
- Keep the current 1981 Building Line

| Pros | Cons |
|--------------------------------------|--|
| Proves efficient in some communities | Outdated in some areas |
| Is already mapped | Does not account for current or future sea level rise or beach erosion |
| No regulatory change needed | |



Alternative 2

- Use the definition of the Building Line from the current regulations
- The 1981 Building Line using current topography

| Pros | Cons |
|--|--|
| No regulatory change needed | Cannot always find elevation contour |
| Moves line where seaward toe of dune has moved | Elevation contour doesn't always represent the seaward toe of the dune |



Alternative 3

- Uses landward crest of dune as baseline
- Uses 30- yr erosion rates in two scenarios to determine an offset line
- Scenario A – assumes a full level of dune/beach nourishment
- Scenario B – assumes a less level of dune/beach nourishment

| Pros | Cons |
|--|---|
| Considers whether beach nourishment has occurred | Relies on State, Federal or Local Government to continue to nourish beaches |
| | |



Alternative 4

- Uses FEMA's Limit of Moderate Wave Action Line (LiMWA line)
- LiMWA line is not mapped in all communities, so the road right-of-way was used instead
- If there was no road right-of-way, a 1' contour derived from 2014 LiDAR or 2022 Orthoimagery was used.

| Pros | Cons |
|--------------------------------|-----------------------------------|
| *Remapped by FEMA every 5 yrs. | Not consistent along coastline |
| Related to Flood Risk | Requires regulatory change |
| | Relies on outside source for maps |

*In reality, this happens closer to every 15 years, is funding dependent and could disappear with current federal climate

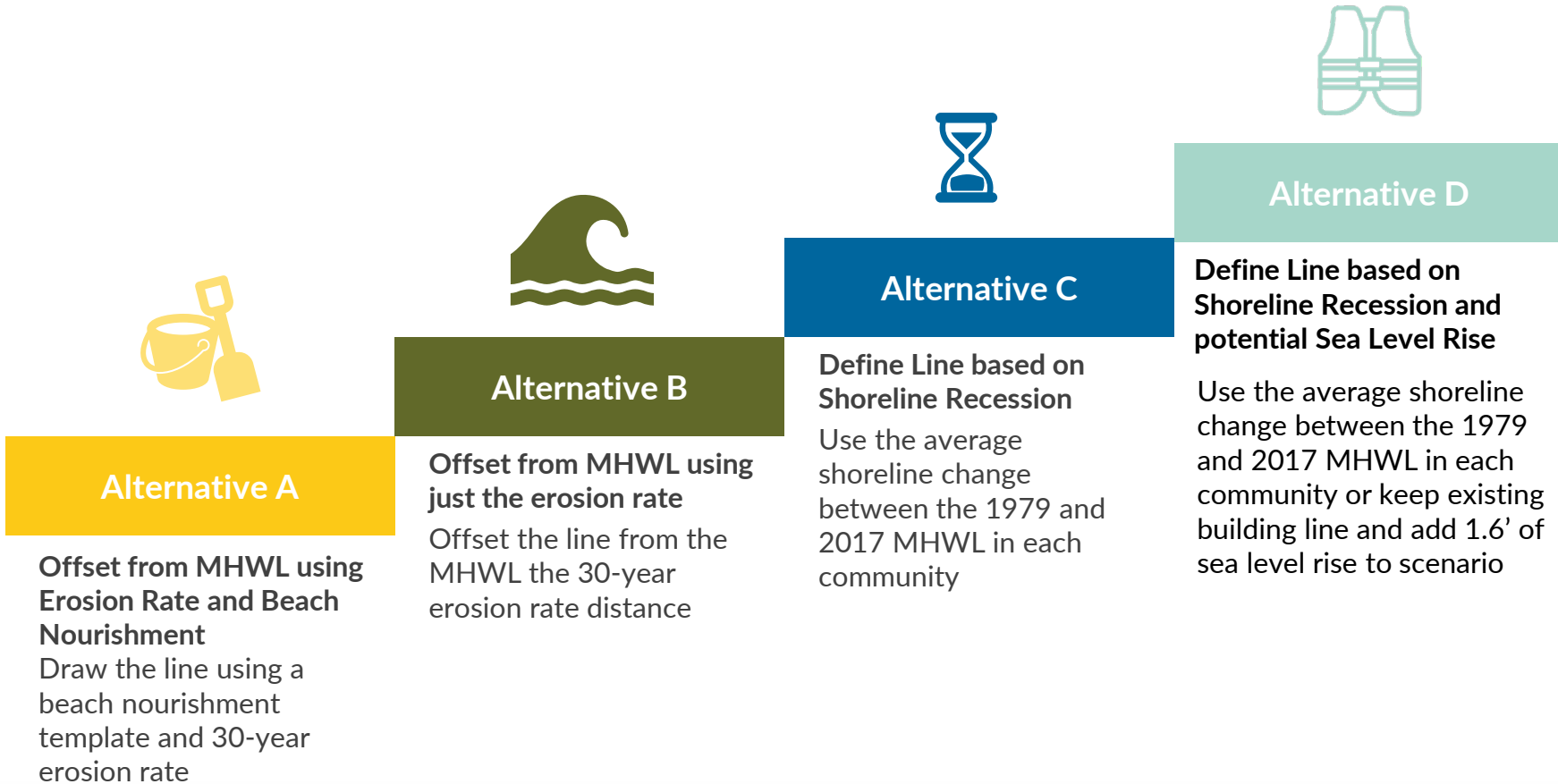


Alternative 5

- Uses an offset from the Mean High Waterline (MHWL) to

| Pros | Cons |
|----------------------------------|--------------------------------|
| Determined from an 18-year cycle | Not consistent along coastline |
| Related to Flood Risk | Requires regulatory change |
| | Offset is arbitrary |

Alternatives Selected by DNREC





Alternative A

- Used beach nourishment templates from current 50-year projects and proposed 10-year beach management plan
- Added 30-year erosion rate
- Offset the combination from the Mean High Water Line

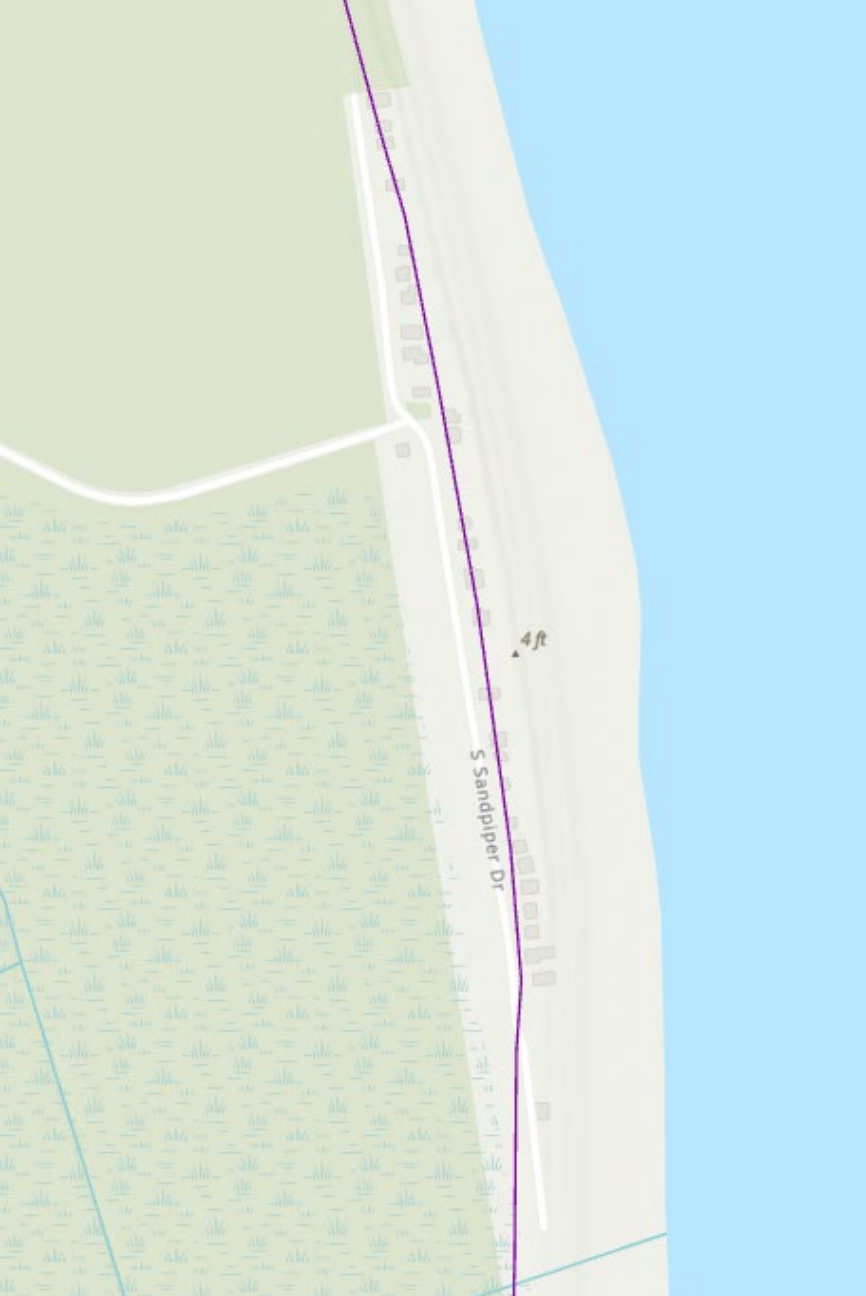
| Pros | Cons |
|-----------------------------------|--|
| Consistent along entire coastline | Not restrictive enough along Ocean Coast |
| | Too restrictive on Bay Coast |
| | Requires regulatory change |



Alternative B

- 30-year erosion rate offset from the Mean High Water Line

| Pros | Cons |
|-----------------------------------|--|
| Consistent along entire coastline | Not restrictive enough along Ocean Coast |
| | Too restrictive on Bay Coast? |
| | Requires regulatory change |



Alternative C

- Determined average distance from the MHWL from 1979 to the MHWL from 2017
- Drew offset from current building line based on that distance

| Pros | Cons |
|---|--|
| Shows relative shoreline change since building line was established | Not restrictive enough along Ocean Coast |
| | Is only mapped within the existing communities |
| | Requires regulatory change |



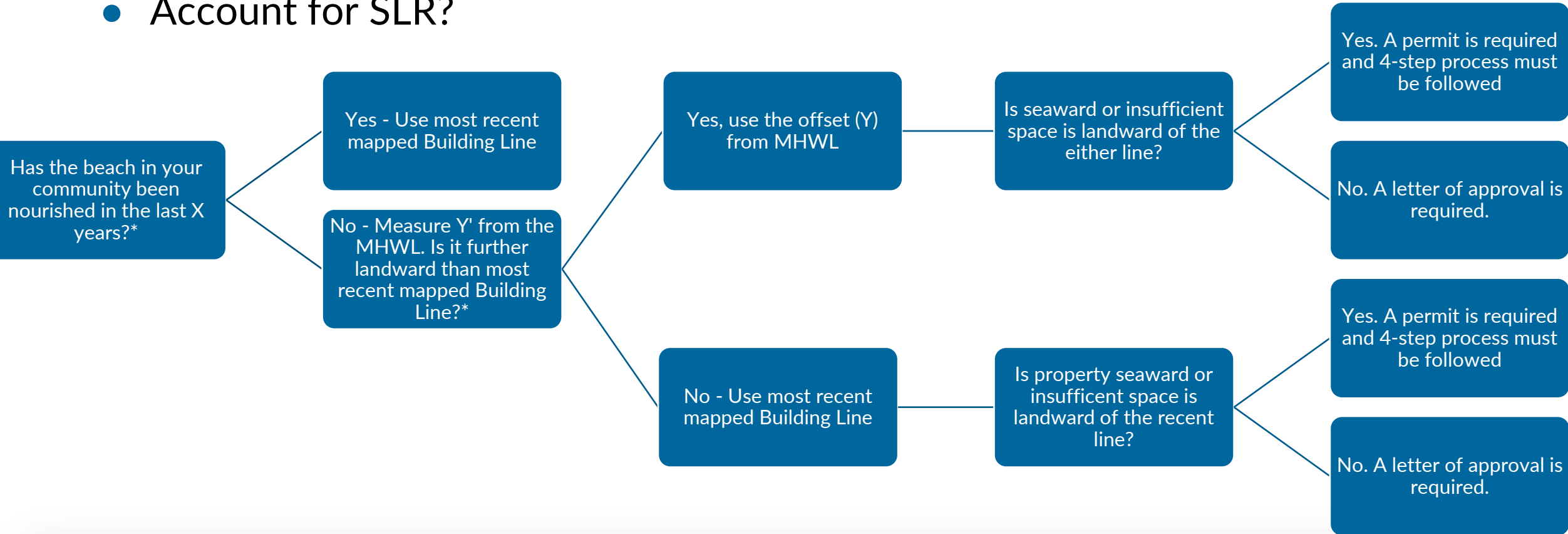
Alternative D

- Took line from Alternative C or existing building line and added potential sea level rise of 1.6'
- 9-18' further inland

| Pros | Cons |
|---|---|
| Takes future conditions into consideration as well as shoreline recession | May not reflect true risk in areas that are nourished |
| Changes the line in all communities | Is only mapped within the existing communities |
| | Requires regulatory change |
| | Pushes development into lower lying areas where inundation is more likely |

Now what?

- Account for Shoreline Recession?
- Account for Beach Nourishment?
- Account for SLR?



Current Approval Types

Permit

Construction activities seaward of the DNREC Building Line

Letter of Approval

With a few exceptions construction activities landward of the DNREC Building Line

Emergency Approval

For activities that prevent a hazard. Typically post storm.

Municipal

For activities that were typically conducted by DNREC, but give permission to allow municipalities to conduct themselves

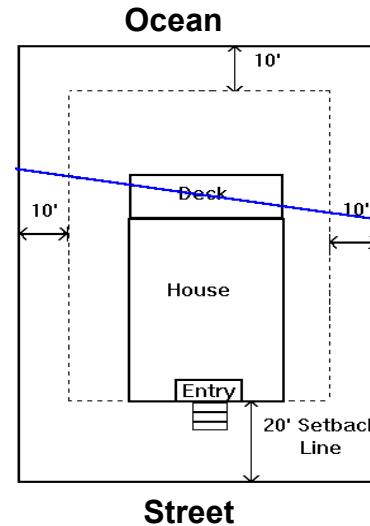
Construction Seaward of the Line: 4-Step Process

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

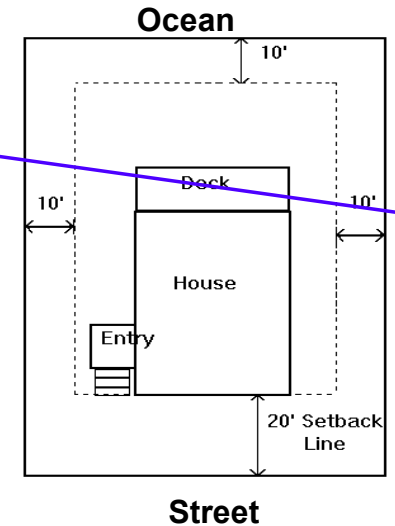


Step 1 (3.1.1.2.1)

- 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;

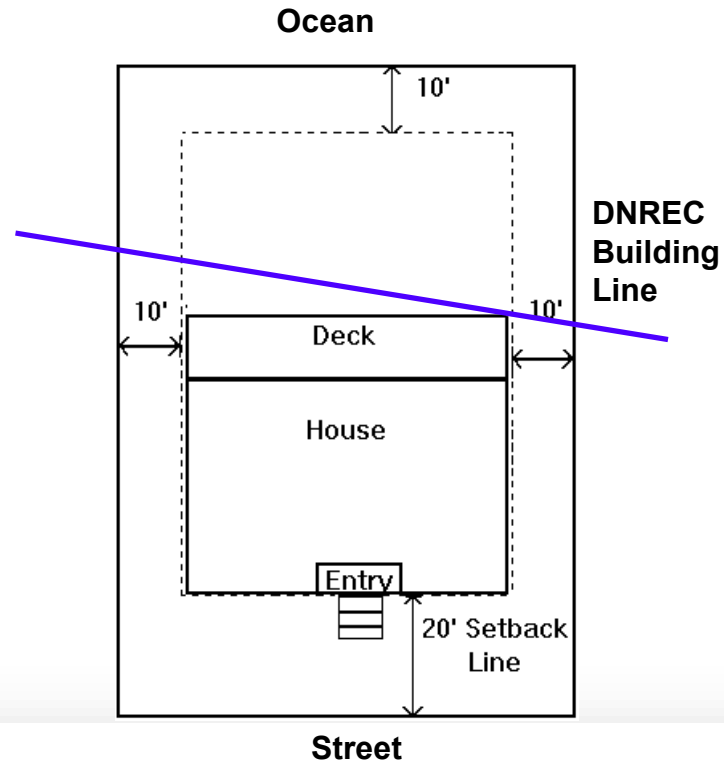


DNREC
Building
Line



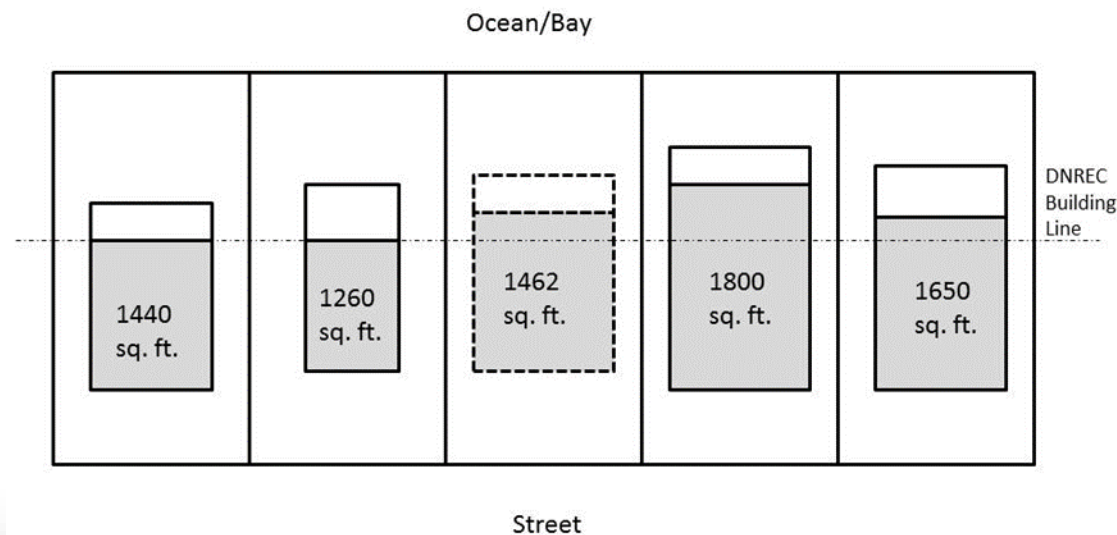
Step 2 (3.1.1.2.2)

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



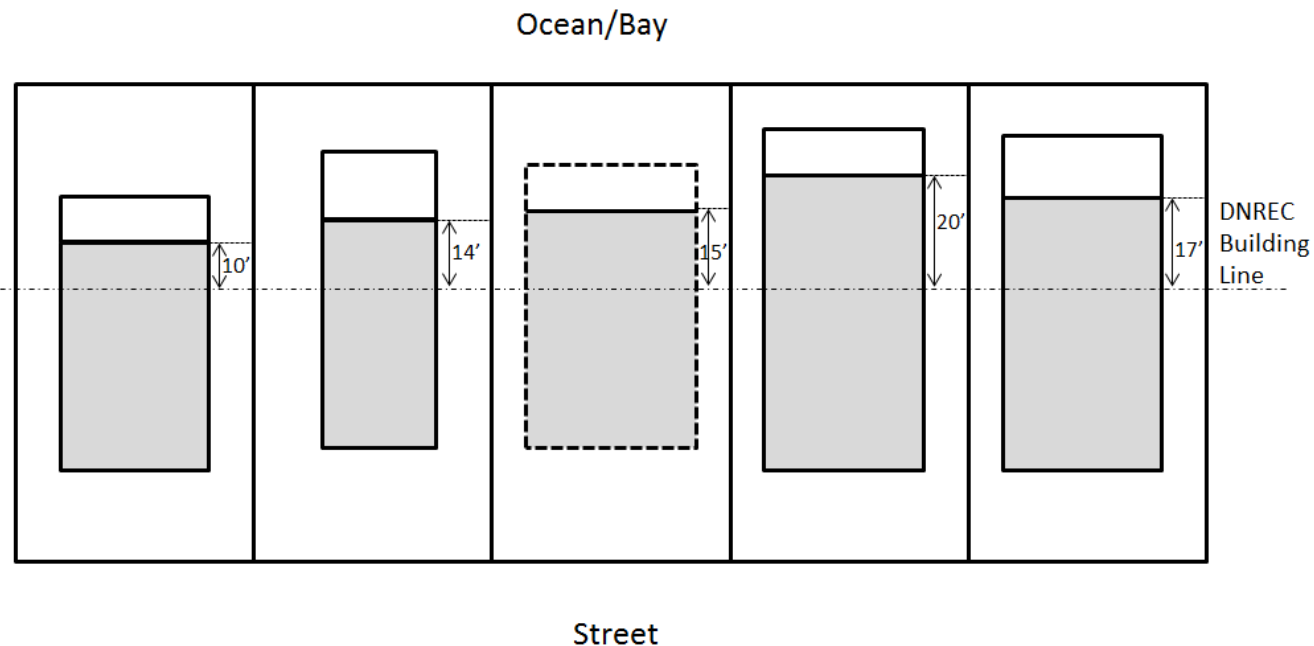
Step 3 (3.1.1.2.3)

- 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;



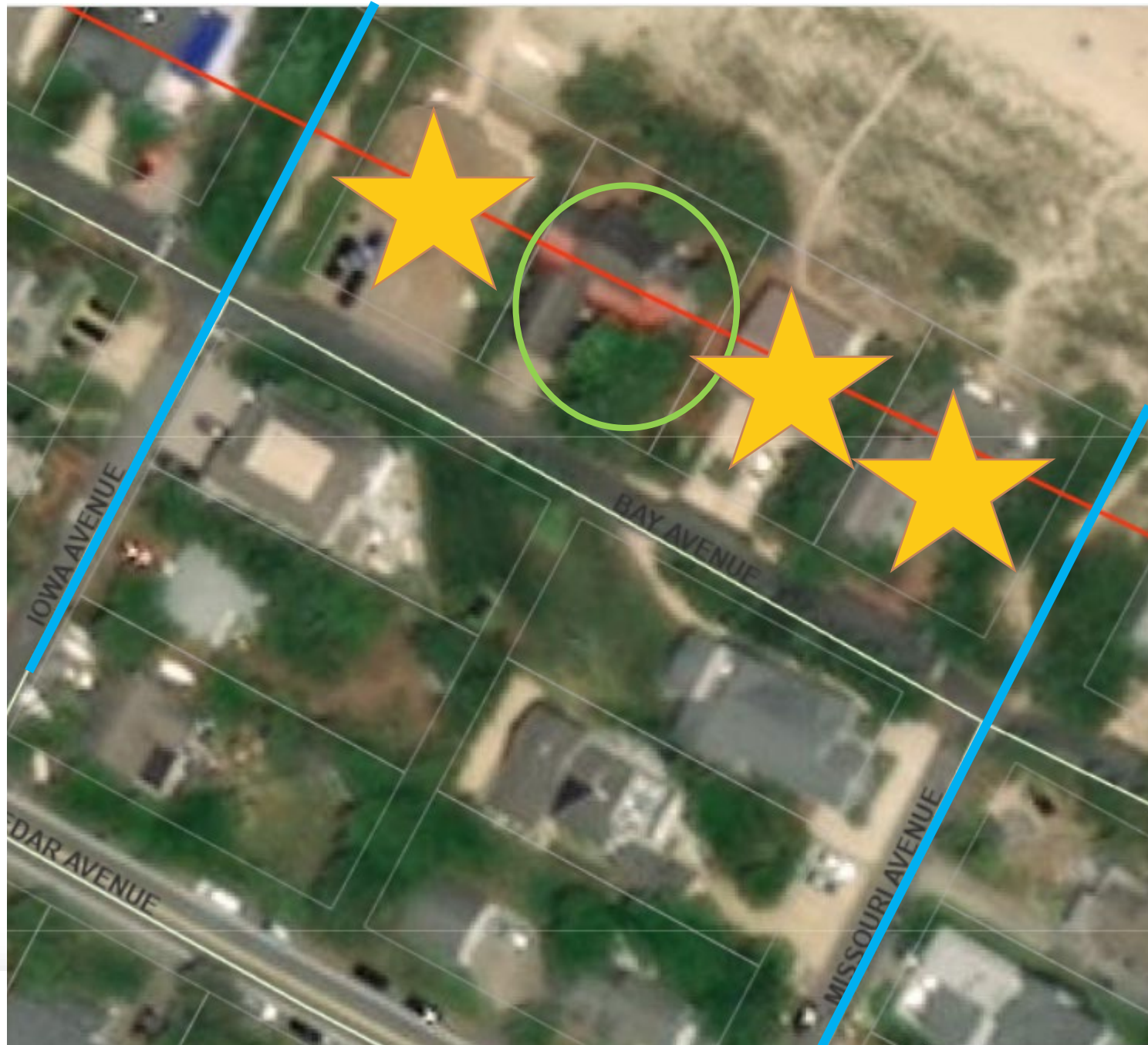
Step 4 (3.1.1.2.4)

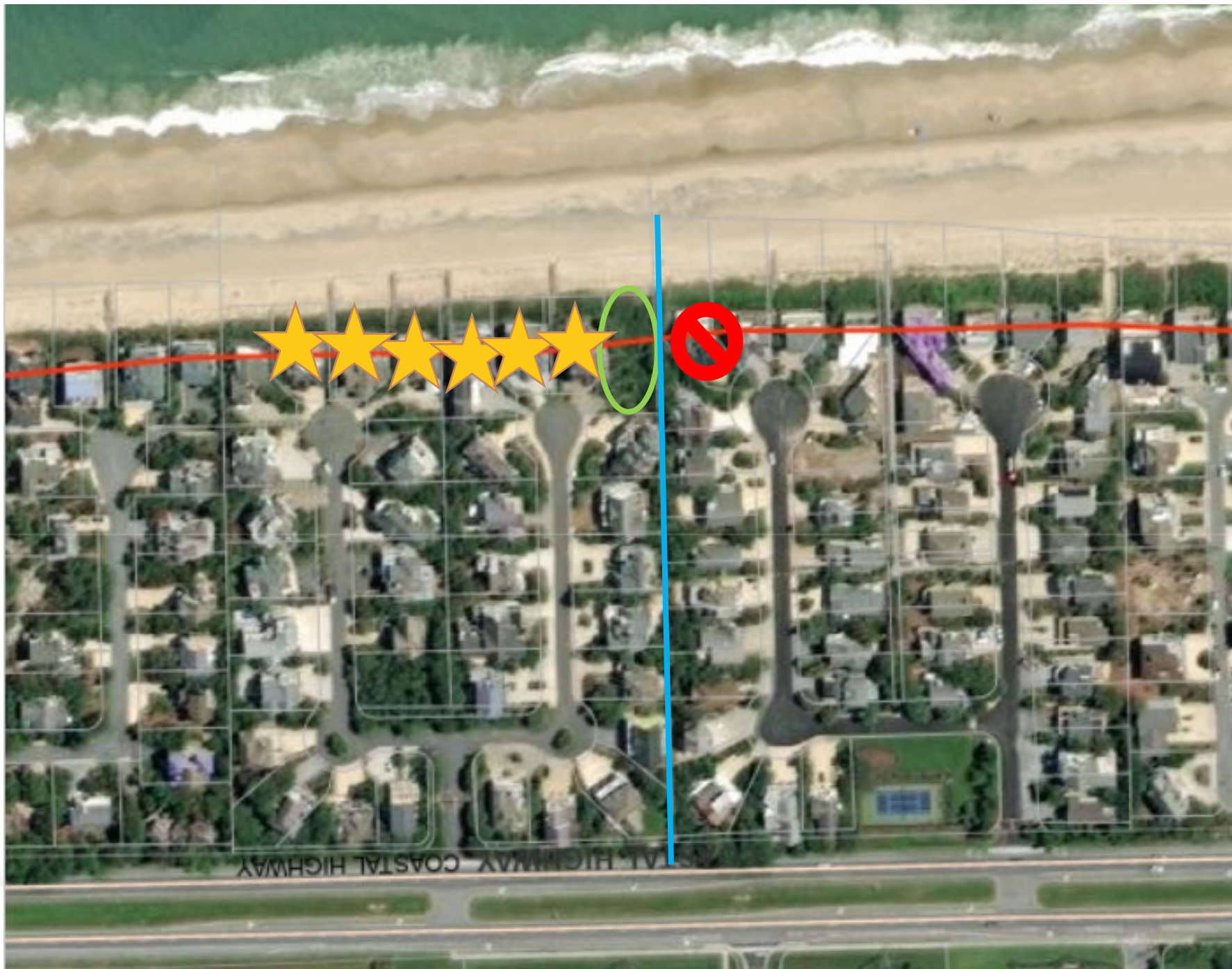
- Seaward penetration over the Building Line shall not exceed the average encroachment that exists among adjacent structures within the smallest subset of lots. Any decks constructed along with the structure must meet the requirements of Section 3.1.1.3.



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.







Other possible changes



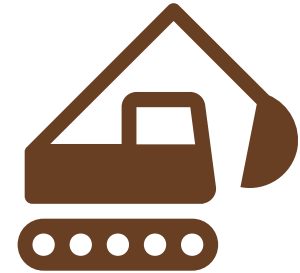
- Use of hay bales on lieu of sand fence? Is this a best practice?
- Require approval for sand fence?



- Allow for bringing in sand from inland source with Letter of Approval instead of Permit?



- Address structures associated with light – to curb light pollution?



- Require approval for demolition of existing structures?

Activity

- On the posters around the room, please put the dots as appropriate:
- **Green** = Yes, I think this needs to be changed, moved forward or at least discussed
- **Yellow** = I believe this is worth looking into, but maybe now is not the time
- **Red** = Don't move forward with this, don't change it, do not pass go and collect \$200
- Post-its = If you have a specific suggestion, please write it on a post-it



Questions



Next Steps

- Public Information Session
 - May 7, 2026, 6:00 PM Virtual
 - May 9, 2026, 10:00 AM University of Delaware, Cannon Lab, Room 104, Lewes, DE

Thank you for participating!

Jennifer Pongratz

Responsible Staff Member

Environmental Scientist, CFM

302-608-5502

Jennifer.Pongratz@delaware.gov

