

Protecting Delaware's Beaches: Regulatory Updates for Coastal Resilience

Public Information Session
May 7, 2026

Welcome!

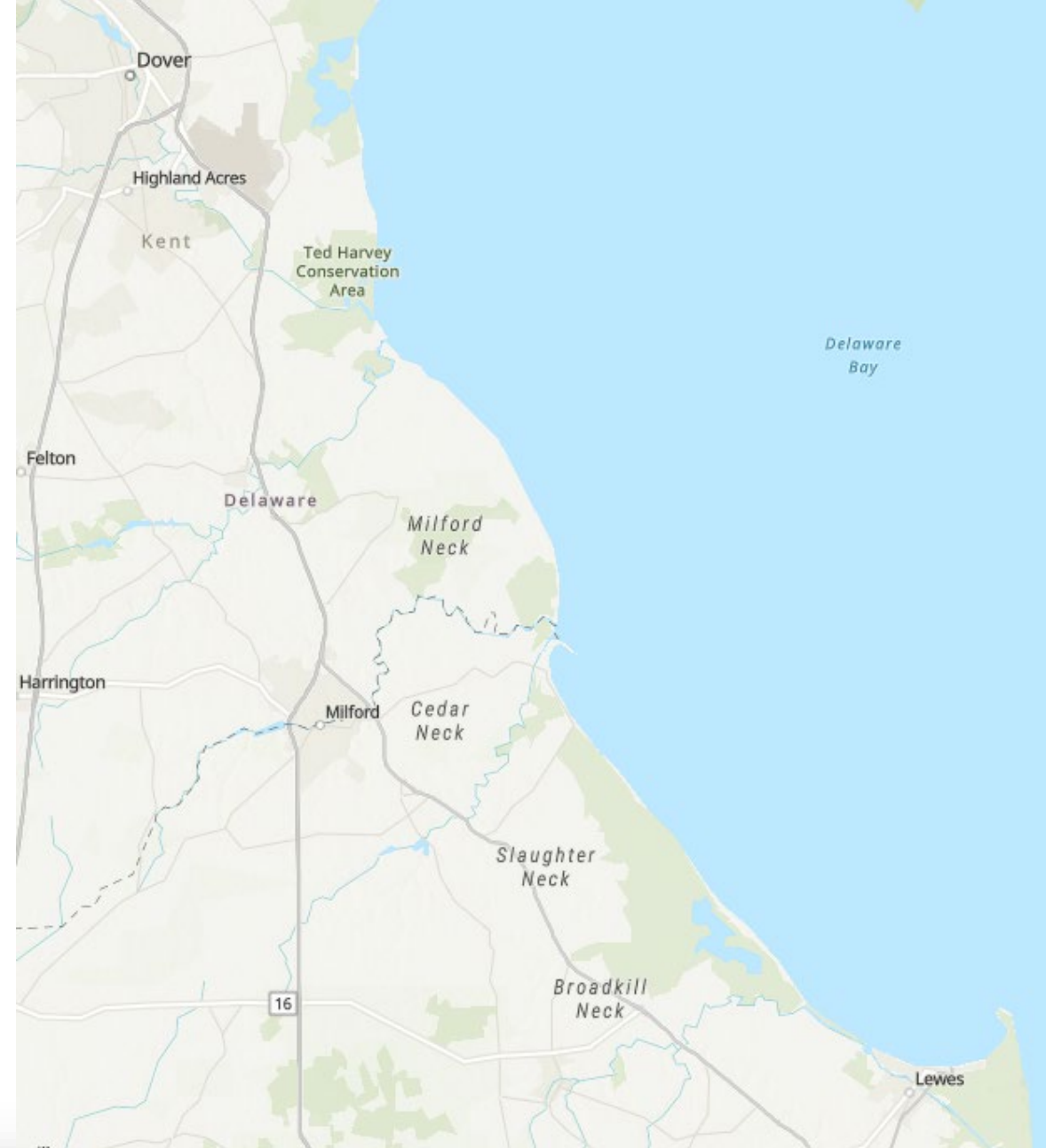
Josh Lippert

Shoreline and Waterway
Management Section
Administrator



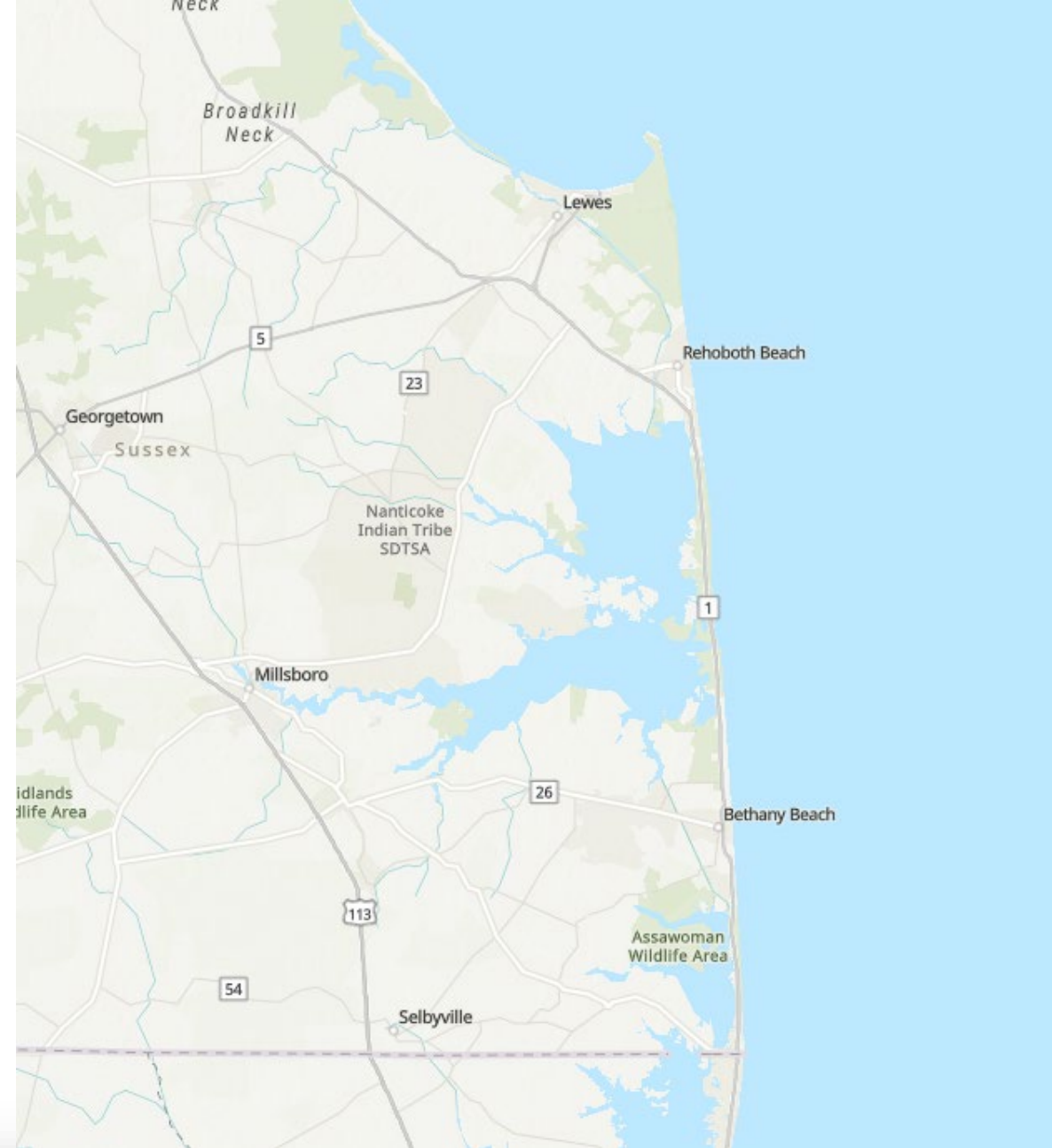
Delaware Shore's Geomorphology

- 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

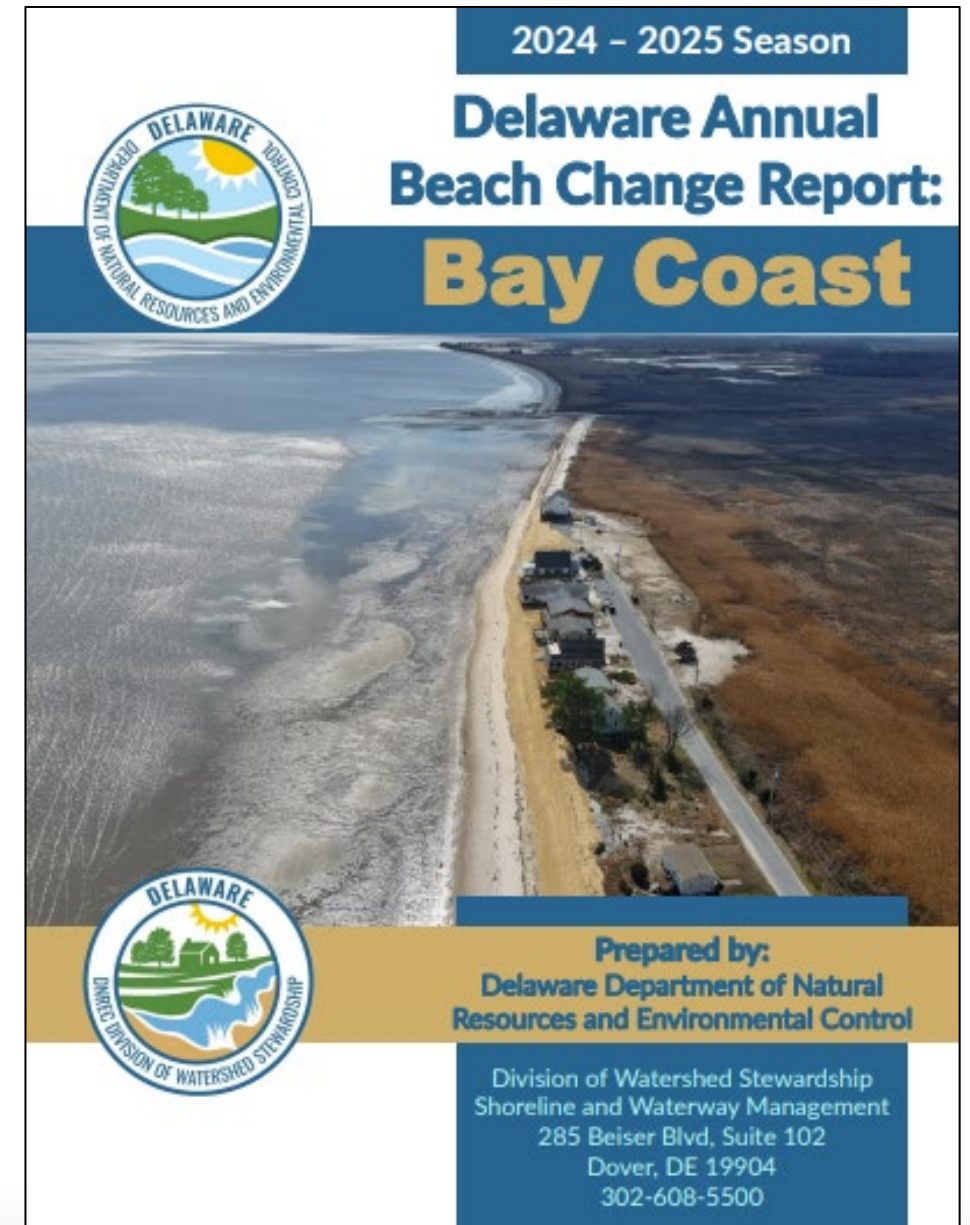
Can change slowly with natural accretion

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

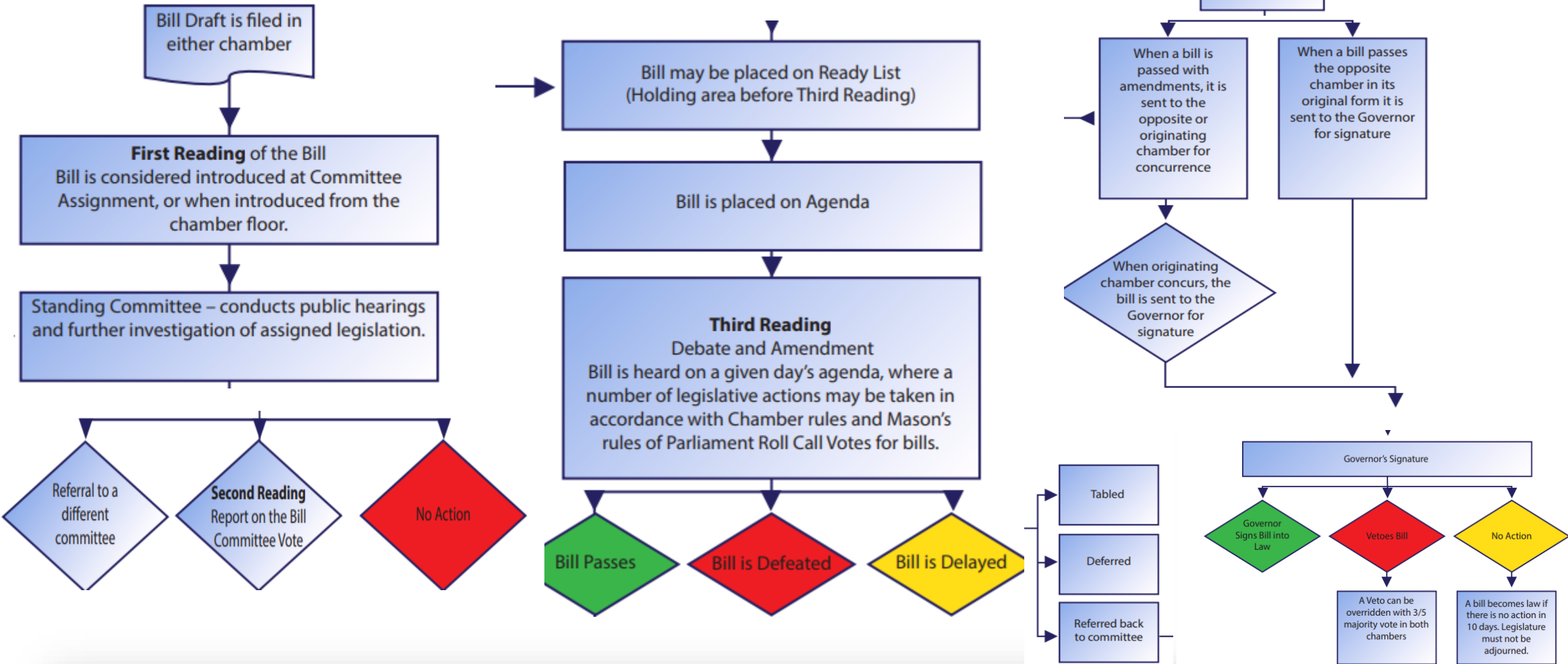
Beach Preservation Act of 1972

Title 7, Chapter 68

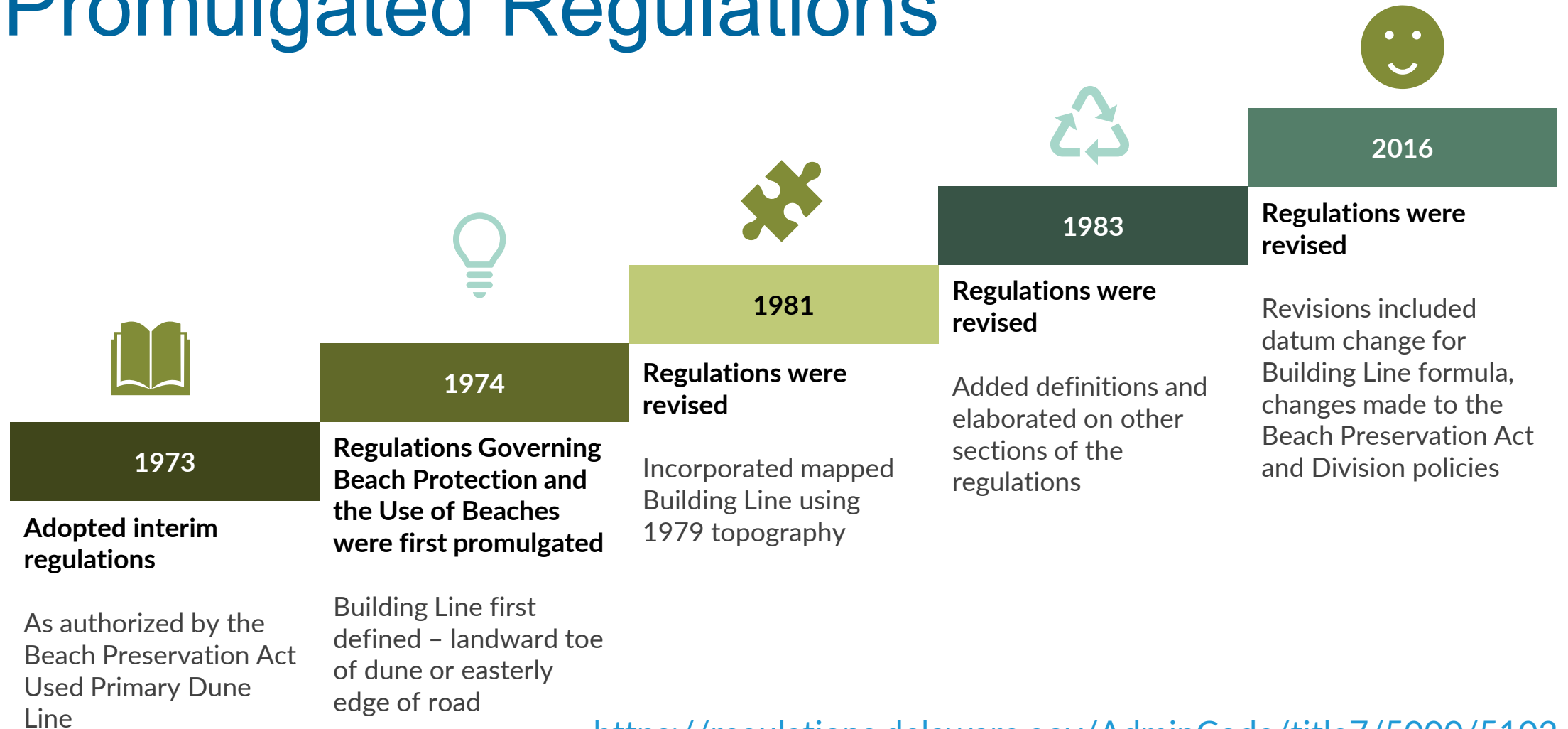
- General Assembly recognized that Delaware's beaches were rapidly deteriorating due to a combination of both natural processes and continual development
- Declared the beaches to be “valuable natural features which provide recreational opportunities and storm protection for persons and property”....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

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

Legislative Process



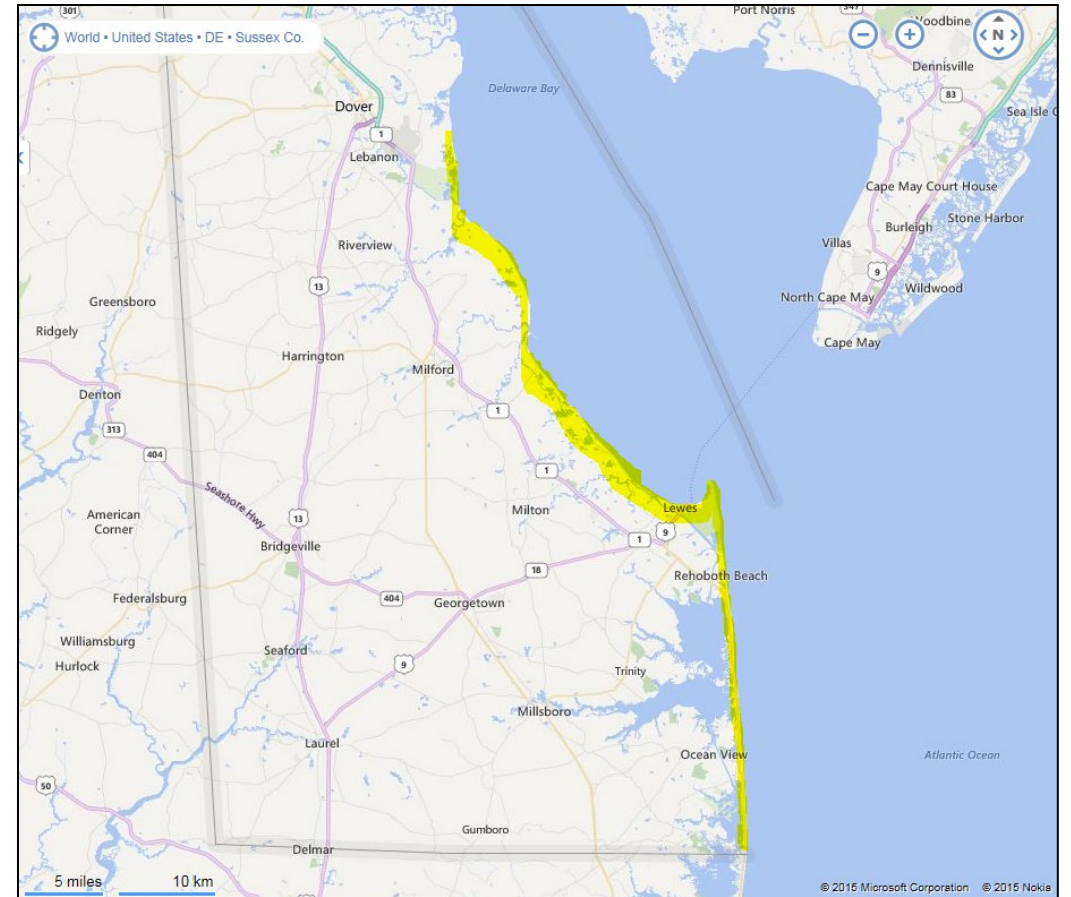
Promulgated Regulations



<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/>

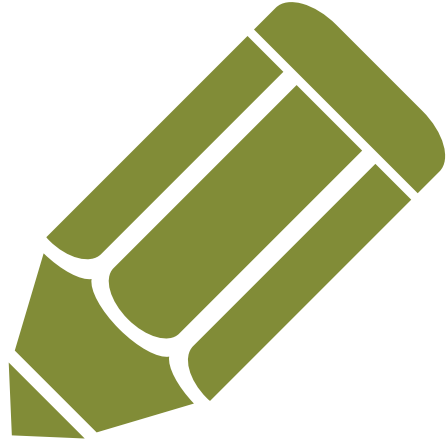
Now available on the DNREC Open Data Portal

Beach Preservation Permits from February 2024 to present

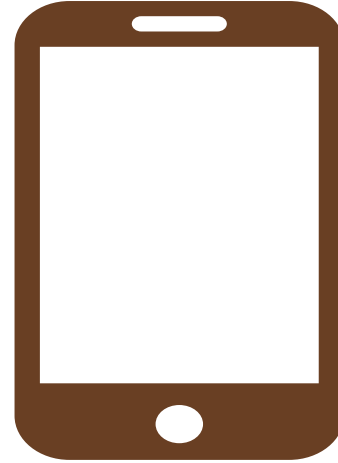
Applicant Type	Property Type	Address	City	State	County	Zip	Application Date	Approval Type	Application Status	Approval Number	Issue Date	Expiration Date	Tax Parcels Tax	Accessory Struct.	Community Infra.	Earth work	New Construction	Shore Protection	Temporary Struct.
Business	Residential: Single Fa	1405 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 Baysore	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

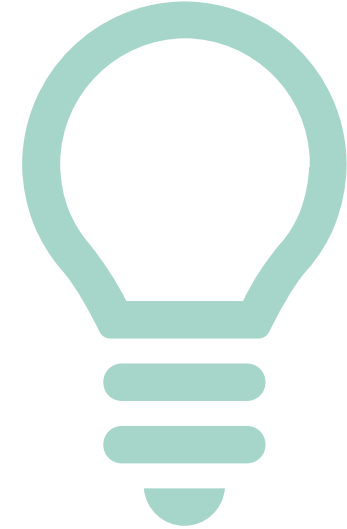
Challenges with the Current Regulations



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

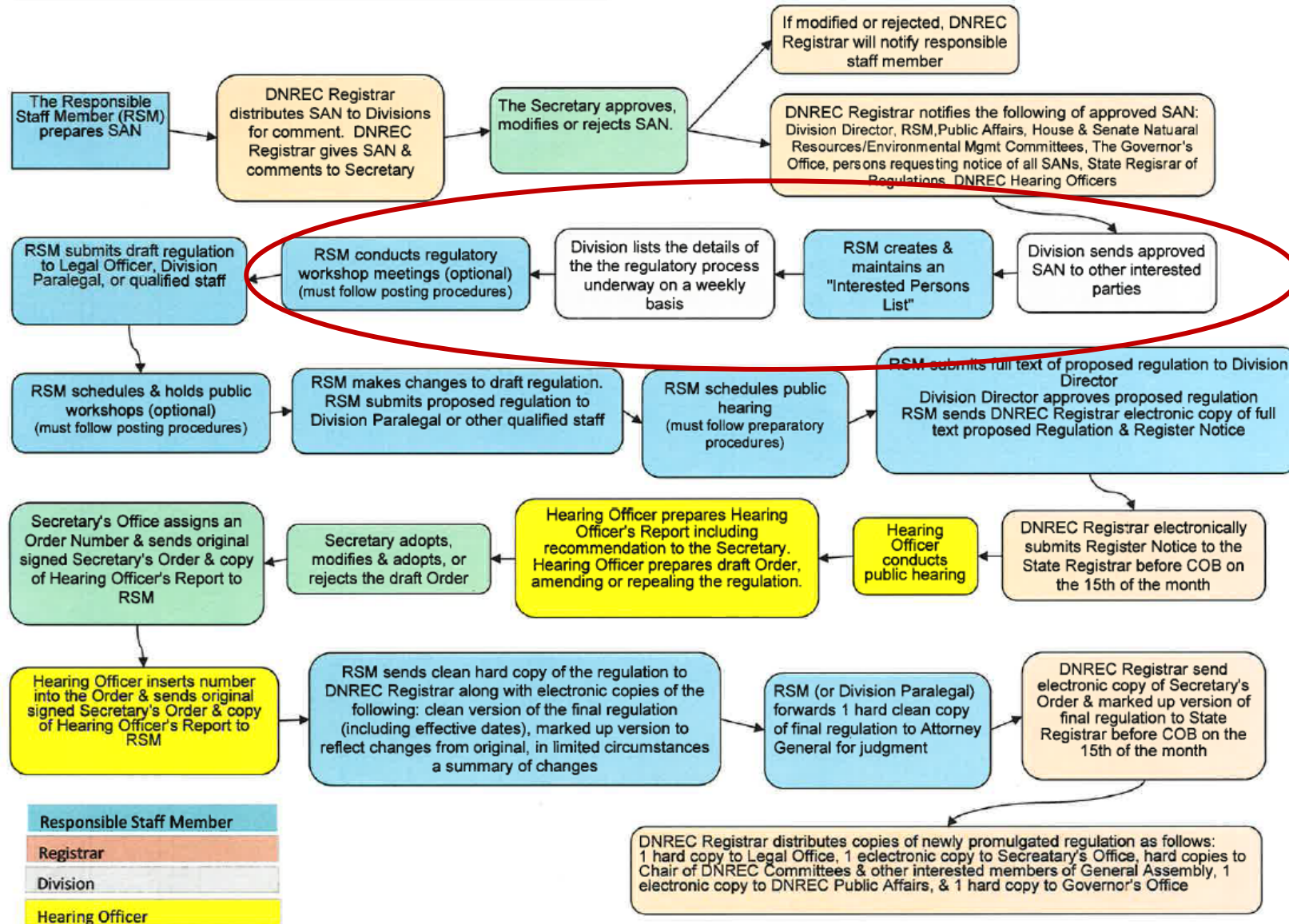


- Updating requirements based on technology and changing times
- Updating fee structure or language regarding fee structure



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

DNREC Regulation Development Process



Regulatory Advisory Committee (RAC) Members

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

A scenic landscape featuring a blue river in the foreground, green grassy banks, 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.



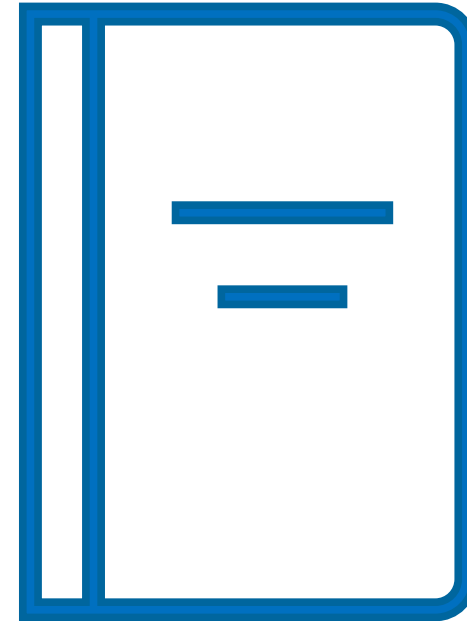
The Building Line

- 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



We had a study conducted.

- Hired a contractor
- Looked at how other nearby states regulate
- Looked at economic impacts
- Came up with alternatives to the Building Line
- Looked internally for other alternatives



Ways to Redefine the Building Line

Alternatives that were examined in the study		
No Action	Remap using current formula	Define line based on erosion rates
Use FEMA's Limit of Moderate Wave Action (LiMWA) line	Determine a setback from the Mean High Water Line (MHWL)	Setback from MHWL using erosion rates and beach nourishment templates
Setback from MHWL using 30-yr erosion rate	Remap line based on shoreline recession since last mapped	Remap line based on shoreline recession and sea level rise (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

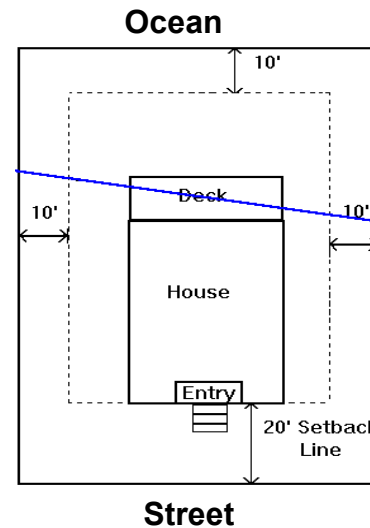
Construction Seaward of the Line: 4-Step Process

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

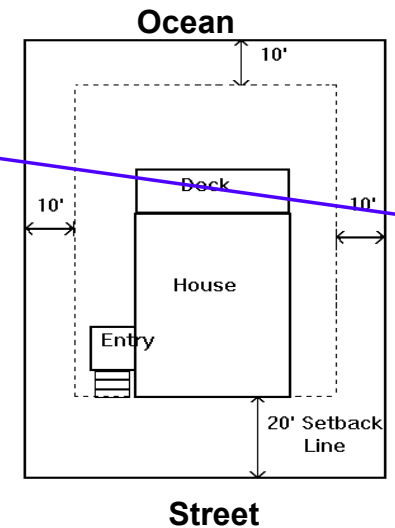


Step 1 (3.1.1.2.1)

- 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;

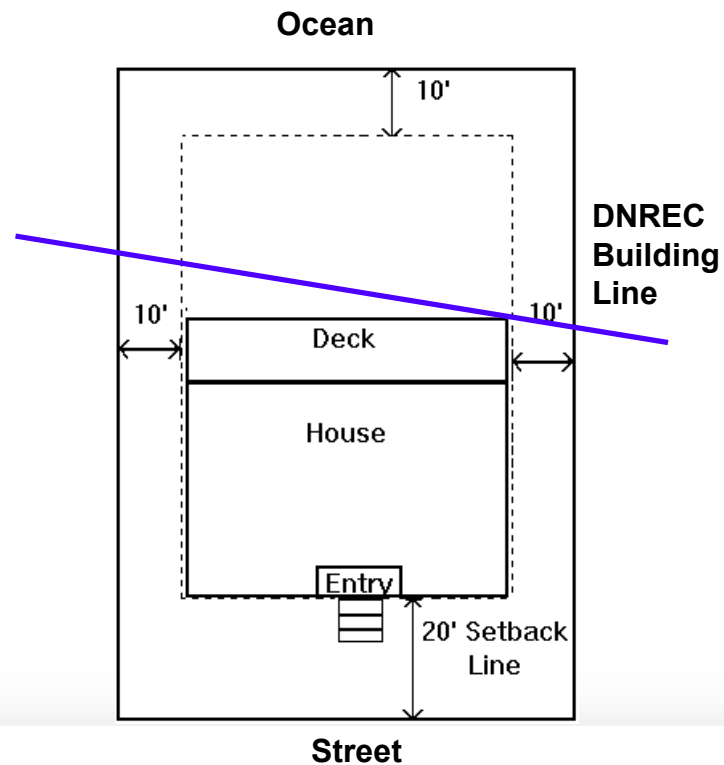


DNREC
Building
Line



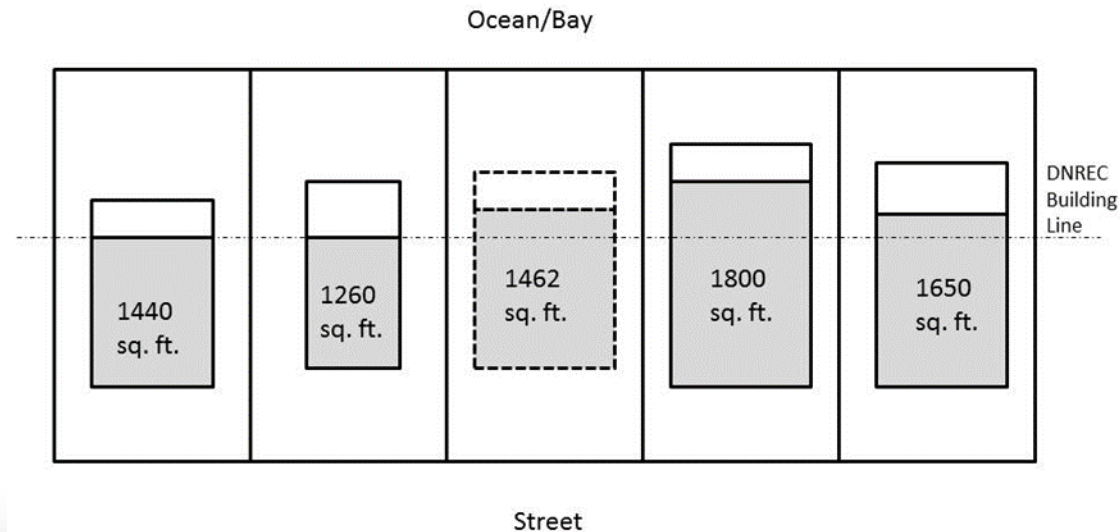
Step 2 (3.1.1.2.2)

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



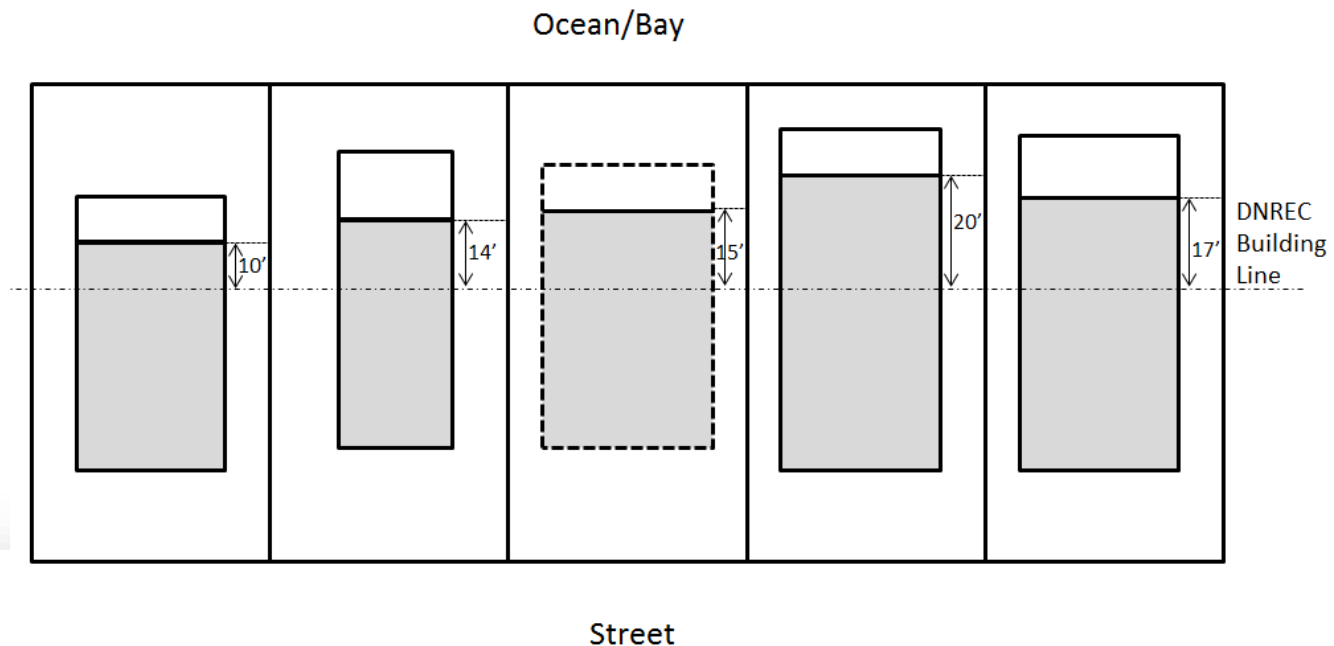
Step 3 (3.1.1.2.3)

- 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)

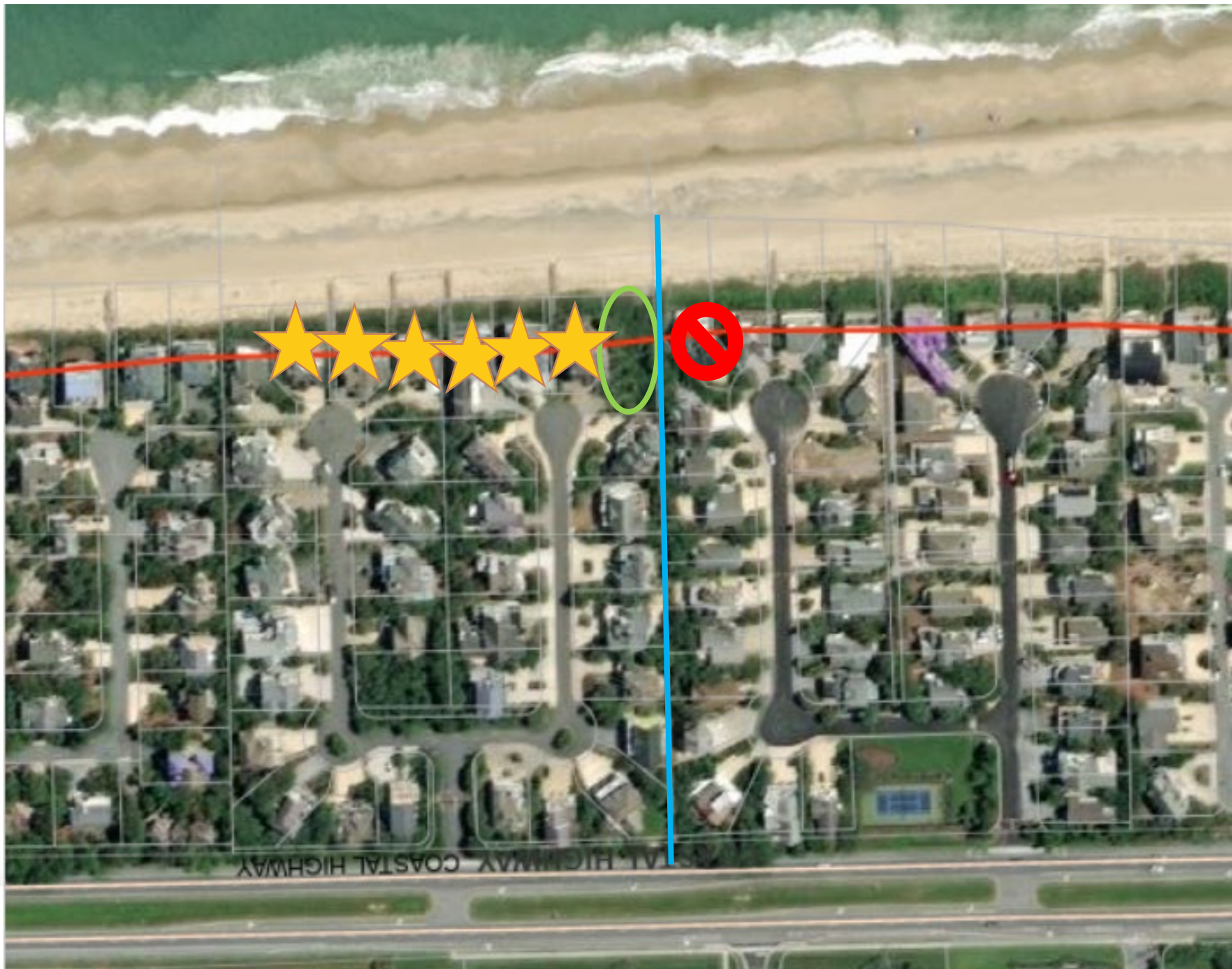
- Seaward penetration over the Building Line shall not exceed the average encroachment that exists among adjacent structures within the smallest subset of lots. Any decks constructed along with the structure must meet the requirements of Section 3.1.1.3.



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



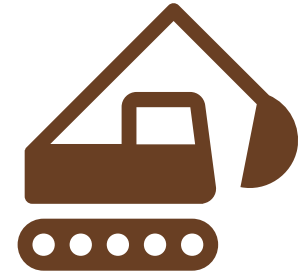
- Use of hay bales on lieu of sand fence? Is this a best practice?
- Require approval for sand fence?



- 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?



Questions



Survey

Give us your thoughts!

Email

DNREC_BeachPermits@delaware.gov

to be added to the Interested Persons List



Website:

<https://dnrec.delaware.gov/watershed-stewardship/beaches/coastal-construction/regulatory-updates/>

Thank you for participating!

Jennifer Pongratz

Responsible Staff Member

Environmental Scientist, CFM

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