



**DIVISION OF WATERSHED STEWARDSHIP**  
**SHORELINE AND WATERWAY MANAGEMENT SECTION**

**Beach Preservation Regulatory Advisory Committee Meeting - AGENDA**

1:00 PM Tuesday, August 18, 2026

Lewes Field Facility

901 Pilottown Road, Lewes, DE

|                                     | Attendees                                    |
|-------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> | Jennifer Pongratz                            |
| <input checked="" type="checkbox"/> | Joshua Lippert                               |
| <input type="checkbox"/>            | Andrew Gainey                                |
| <input checked="" type="checkbox"/> | <del>Sarah Bouboulis</del><br>(Jesse Hayden) |
| <input type="checkbox"/>            | Paul Townsend                                |
| <input checked="" type="checkbox"/> | Dorothy Morris                               |
| <input type="checkbox"/>            | Patrick Emory                                |
| <input checked="" type="checkbox"/> | Tony Pratt                                   |
| <input type="checkbox"/>            | Carlton Savage                               |
| <input type="checkbox"/>            | Stan Staniszewski                            |
| <input type="checkbox"/>            | Danielle Swallow                             |
| <input type="checkbox"/>            | Jen Walls                                    |
| <input checked="" type="checkbox"/> | John Ward                                    |
| <input checked="" type="checkbox"/> | Bill Zolper                                  |
| <input type="checkbox"/>            | Brooks Cahall                                |
| <input checked="" type="checkbox"/> | Hannah Small                                 |
| <input checked="" type="checkbox"/> | John Zotcavage                               |

**Welcome – Housekeeping**

- Introductions

## Presentation & Discussion

- Dunes and Barrier Beach Systems
  -
- Intent of Beach Preservation Act
  - Tony: Philosophical point: the Beach Preservation Act purpose is to protect the primary dune, but also protects the first row of houses and the entire community
    - Debris-laden floodwaters are more dangerous
  - Jesse: In some communities there is only a primary dune (makes the dune more critical)
- Current Building Line
- Shoreline Changes
- Easements (Public and Private Beaches)
  - Middlesex and Sea Colony are two other private beaches that have done their own small beach nourishment projects
- How certain activities affect dunes
  - Buildings
    - In-person stakeholder: Breakaway walls are debris. People will put up walls if they want to use the space unless you tell them not to.
    - Tony: NFIP requirements. Beach Preservation act is different. Permeability of lattice work, privacy. Black and white yes/no on either side of the Building Line vs. Gray area – 3ft propagating wave through the V zone
    - Josh: communities should be regulating the LiMWA line to V Zone standards
    - Josh: we've seen more permit requests to move sand away from enclosed foundations than closed
    - Bob: When Jonas hit, Slaughter Beach dune moved to the other side of the houses on South Slaughter (has enclosed foundations). Then people started doing more open foundations. Now there is a trend to enclose again.
    - Jesse: Adverse impacts. Enclosed first floors can deflect wave energy and sand to neighbors. Open foundation allows more natural flow of sand and water.
    - Bob: People are moving here and living here, so they want to enclose their foundations for storage.
    - Beach Preservation Act may have to be changed to incorporate building standards
  - Septic systems and Holding tanks
    - Tony: They can't be too close to a receiving body of water (like Broadkill)
    - Josh: Septic people have aspirations to revise septic code, we could deter certain types of activities in the Beach Preservation Regulations
    - Tony: Maybe put a temporal time frame on it – dune is only good 10 years, so septic will have to come out after 10 years if not maintained
    - Jesse: Climate Action Plan 2025 says consider SLR and associated groundwater rise and the diminishing effectiveness of septic systems
    - Josh: Story about how we just denied a septic permit seaward of the Building Line – does not follow the four-step process in the regulations

- Bob: Slaughter Beach is converting their entire town to sewer
- Tony: Development encourages beach nourishment
- Is it possible to adopt the Septic regulations as part of this update?
- If septic system are placed in an area that is safe now, but susceptible to erosion, we could put temporal timeframe into permits and require removal to systems threatened in the long run.
- Should the sewer conversation be considered in regulations?
- Fencing
  - Josh: Public beaches & private beaches both don't require permits but differ in where you can put them (public only can put outside easements)
  - Tony: Metal poles bend, wood is good, especially when the staples are on the backside – design failure point
  - Josh: could provide a standard detail along with the permit (LOA) application (minimal fee)
  - Jesse: Post and rope fencing is a good open option to allow for sand to flow through (depends on where and why the fence). Fencing is part of the scenery to a lot of beachgoers. Might need to restrict fencing in private properties near dunes to allow for flow of sand.
  - Tony: Sand management – better to have sand distributed over the whole dune, especially when there is beach grass – discourages scarping
  - Jesse: Perpendicular fence can have adverse impact to neighbors too, but robbing them of windblown sand
  - Purpose of the fence should be considered when allowing it and to what extent should be permitted
- Vegetation - we currently don't permit any vegetation, but do make recommendations, and regulate removal of vegetation seaward of the building line – should we take a more active role?
  - Bob: This is one of the biggest questions from Slaughter Beach
  - Tony: Fundamental misnomer about vegetation on dunes – not guarding with the roots. We want everything to serve the surface of the dunes. Everything over than dune grass is not helpful to the dune.
  - Hannah: They've been advised to not spray phragmites along the dune because it may be holding the dune together
  - Tony: But that is mostly the upper Delaware – will cut down wave activity
  - Jesse: Eliminating invasive species may be good but can be detrimental to the dune by leaving bare earth (erodible). Better to replace with beach grass. Include a fertilization cycle.
  - Bob: Phragmites is a double-edged sword. It could catch fire. You're never going to get rid of it totally.
  - Could limit species being planted seaward of Building Line (but how to enforce?)
- Cantilevered decks:

- Jesse: Has not observed a huge impact of decks on vegetation. Maybe the height of the deck is a factor. It's a maintenance challenge as the dune migrates inward to have that overhead structure. Minimum height requirements. (not allow into easements for management reasons)
- Josh: They're getting bigger & bigger, we've seen 25 ft
- Jesse: A pure cantilever would not have the knee braces
- Tony: Yes, we should focus on the pure cantilevered definition
- Keep limitations of subsequent improvements to cantilevered decks in permit conditions and regs
- Hardscaping - we're seeing especially when the dune is migrating, NFIP regulations should prevent these in V Zones
  - Bob: Thank goodness we denied the concrete beach crossover – would have opened Pandora box
  - In-person stakeholder: Did they get fined?
  - Josh: Not yet, because they appealed it, but it'll be \$40k to remove...
  - Jesse: We should distinguish between hardscaping landward and seaward of a house (i.e., parking vs. Paver fireplace)
  - Allows debris
- Dune crossovers - Different regulations for public vs. Private, no regulations for vehicle crossovers or people walking over the dune in front of their own property
  - Josh: Obtaining easements on all public beaches – needs 408 requirement and quarter mile crossovers
  - Jesse: We create crossovers in public beaches to prevent people from walking on the dunes. We need to improve the accessibility of ADA crossovers – current requirement is one per project, and they are really difficult to maintain (hard structure to soft structure). There is a stakeholder group in the state we can talk with. Also, rest areas at the top of the dune become a big footprint – is it necessary?
  - Tony: Crossovers near Route 1 – encouraging a traffic hazard. Also, who is enforcing vehicles on the beach in South Bowers and Broadkill, for example? Currently considered as trespassing but State Police won't come out for that.
  - Create regulations that address vehicles on beaches where no other rules exist. Public but not state-owned beaches. Enforcement could still be an issue.
- Temporary Structures: seasonal, not impacting the dunes, able to be removed during storms, etc. We charge per application, rather than per structure. They aren't allowed per NFIP
  - Tony: Can you build into permit – stipulate that we give a warning of storm, they have to remove within i.e., 24-hours or else they have to pay i.e., \$5k
  - Jesse: They should paste the permit on the structure. Deck needs subaqueous land rental fee. Also, Coastal Programs likes seeing trash cans. Empower communities to do certain things on their own.
  - Add lease fees? (requires legislative action)

- Pay fee per structure – as opposed to fleet of structures
- Moving sand: the current regulation doesn't say you are not allowed to bulldoze down the dune. Right now, it is a one-size-fits-all \$4,500 fee to move sand.
  - Tony: Sandpiper village had to condemn easements. Moving sand needs to be more serviceable – where is sand best serving? Maybe instead of building dune higher
  - Bob: Construction vehicles with tracks are better than trucks for the beach
  - Jesse: Adjusting the dune, think about the risk introducing to the community. It's not only affecting the beachfront homeowner, but their neighbors too. We should establish a threshold above which the state can handle the residual risk. Engineering should be done to determine a probable maximum storm surge. Would love to see this done by the state rather than individual communities or property owners.
  - Josh: Communities have locally adopted regulations but are not enforcing them
  - Tony: The dune height and volume is not taken in isolation. Subaerial, subaqueous, need to look at the frictional resistance.
  - Jesse: Berm can dissipate wave energy, but we need to have elevated dunes to protect against higher storm surges. What about different fees for moving sand on vs. Off of the beach? Variable fee tied to the scale of the project?
  - Establish a threshold for removal of sand – do the engineering. Spec on elevation. Spec on volume.
- Building Line Study - Alternatives People had reviewed the ICF report on Building Line Alternatives
  - Haven't addressed the current easements
  - Presented alternatives selected by DNREC – we added SLR
- DNREC Mapping Exercise Alternatives

## Next Steps

- Timeline
  - Next meeting, we'll deep dive into what a new Building Line would look like
  - Tony: Climate Action Plan tends to say we need to move away from the coast; Beach Regulations draw a line in the sand... What does DNREC want to do (be consistent)? Is the objective to protect the primary dune, or phasing away from the coast? This will determine what alternative we pick. Moving away has to be a part of this. We said we would only maintain the beaches if the economic return is positive. How do we get ready for when it is no longer positive?
  - Bob: People come to Sussex County for the beaches. Sand used to be inexpensive.
  - Jesse: We probably won't get a fully articulated long-term vision for the coast by next meeting in October, but we can keep working on it
  - Josh: We can talk about major storm impacts. We could have a section in our regs about "The Big One" that takes out our dune – within the wheelhouse of this committee
  - Jesse/Bob: Shoreline management needs to happen regardless of administration
  - Josh: Timeline is 2050 SLR, 2054 Beach Nourishment cycle ending

## Conclusion