DIVISION OF WATERSHED STEWARDSHIP

SHORELINE AND WATERWAY MANAGEMENT SECTION

Beach Preservation Regulatory Advisory Committee Meeting - AGENDA

1:00 PM Tuesday, October 20, 2026

Lewes Field Facility

901 Pilottown Road, Lewes, DE

	Attendees
⊟—	Jennifer Pongratz
⊟—	Joshua Lippert
⊟—	Andrew Gainey
⊟—	Sarah Bouboulis
☐	Paul Townsend
⊟—	Dorothy Morris
⊟—	Patrick Emory (Jordan Zimmerman)
⊟—	Tony Pratt
⊟—	Carlton Savage
⊟—	Stan Staniszewski
⊟—	Danielle Swallow
☐	Jen Walls
⊟—	John Ward
☐	Bill Zolper
⊟—	Brooks Cahall
⊟—	Hannah Small
☐	John Zotcavage

Welcome – Housekeeping

- Recap on September's Coastal Storm response
  - Dunes did respond as designed to the September Nor'easter, but lost a lot of sand
  - $20-30M funding gap for beach nourishment due to lack of federal appropriations

Presentation & Discussion

- Beach Preservation Act
  - The committee is reviewing the Beach Preservation Act and its associated regulations to determine if they remain relevant and meaningful, given that the Act was largely written in 1972 and last updated in 2008.
  - Keep narrow focus on the Act purpose and then determine the definition of Building Line
  - A primary focus is whether the building line and regulated area should be redefined using more scientific, risk-based, or adaptive methods rather than the current "third buildable lot" rule.
  - There is strong consensus that the program's intent should be framed around community infrastructure protection and resilience rather than just individual home preservation.
  - "Beach" definition
    - Needs to be defined town by town – some don't have 1,000 ft
    - Goes back to the purpose of the Act – is this the area that we want to protect? (Enhance, Protect, Preserve)
    - Seaward extent should be based on bathymetry rather than distance?
    - 1,000 ft covers the long-term changes
    - The "mean tide line" is the complicated thing…
    - Overall looks good
  - "Erosion" definition
    - We should look at human interaction, add word "natural" to elements
    - Erosion is driven by wind and water, human impacts to the dunes like stepping on the dunes doesn't fall under erosion
    - Could keep the word erosion and describe how human interaction (ATV's, walking on dunes, etc.) "exacerbates" it – like that word
    - Could simply keep erosion and not mention what caused it
  - "Beach preservation," two other definitions
    - Private communities must secure their own permits and pay for sand, which may be unsustainable for some
    - Nourishment provides benefit to not retreat
    - Suggestion to skip definitions for now – definitions should define the words in the Act – might add or take away words

- How to define the Building Line and Regulated Area
    - Should the state move away from a fixed building line toward a risk-based model that considers sea level rise, erosion rates, and infrastructure vulnerability on a community-by-community basis?
    - Get rid of Building Line and focus on regulated area
      - Look at risks from community to community
      - Use a risk based approach

        - The committee is questioning whether different regulations are needed for ocean-front versus bay-side beaches, as bay-side areas often lack dunes and have different erosion/nourishment dynamics

    - Sea Level Rise
        - There is a question of whether regulations should be updated on a fixed timeline (e.g., every 15 years) to keep pace with sea level rise and climate change
        - Look at now to 30 years from now and keep up with rate of change
    - Coastal Erosion
        - Some members expressed concern that short-term erosion rates may be misleading due to seasonal variations and beach nourishment, making them a poor basis for long-term building line changes.
        - What would the shoreline look like if we didn't have beach nourishment?
        - Permit Fees for Sand Fencing:
            - Whether to require permits and fees for sand fence installation is still under discussion; currently, sand fences are permitted without formal approval and therefore no application fee. One option is creating an administrative approval for activities like dune maintenance with sand fence and vegetation and not requiring a fee.
    - Storm effects
        - Photos from the September Northeaster were shown and discussed
        - Create setback from erosion line in dune from historical storms?
        - What causes failure during storms?
        - Use High Wave Hazard area for Building Line or Regulated Area?
    - FEMA Flood Zones
        - Was quickly discussed and determined that the Beach Preservation Act/Regulations should focus on beach and dunes rather than flood zones.
    - DEM Dune Comparison
    - Other Resources
        - Time was up before these could be discussed in detail
        - Consider living resources – endangered bird species, etc.
- Post Disaster Regulating
    - Buy outs – too expensive unless land is compromised
    - There are going to be have to be trade-offs
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Next Steps

- DNREC – will sort out options for defining Regulated Area and Building Line to be discussed at December 15, 2026 meeting
- DNREC – will share a draft of regulations for the changes that were already discussed prior to the next meeting
- Committee – will review draft and other materials sent prior to the next meeting
- Maybe start next meeting with Guiding Questions from presentation

Conclusion