



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**
DIVISION OF WATERSHED STEWARDSHIP
ENTERPRISE BUSINESS PARK
285 BEISERBOULEVARD, SUITE 102
DOVER, DELAWARE 19904

**DIRECTOR'S
OFFICE**

PHONE: (302) 739-9921
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January 10, 2025

Laurie Jodziewicz
3R's Beach Parking Lot, Delaware Seashore State Park

RE: Application No. **BP-06388**

To horizontally directional drill for cable landfall and to install transition vaults
3R's Beach Parking Lot, Delaware Seashore State Park
Tax Map # **134-5.00-3.00**

The Division of Watershed Stewardship has reviewed your plans for coastal construction with regard to the Beach Preservation Act and the 'Regulations Governing Beach Protection and the Use of Beaches' (effective August 11, 2016). In doing so, the Division considered what material physical effects the proposed construction may have on coastal conditions and natural shore processes with particular reference to beach erosion, storm damage, flooding, or any detrimental effect it may have on the shore or adjacent property.

By this permit, please be informed that the aforementioned work, as shown upon the plans submitted by you, or on your behalf, through application received on 02/27/2024 has been approved with the following conditions:

- 1) Fence shall be placed along the outside perimeter of disturbance to limit impacts to the surrounding area.
- 2) The beach and dune could be altered because of the Horizontal Directional Drilling, such as sinkholes or other surface disturbance. Any dune alterations must be restored. This is not limited to State Parks, but should include adjacent properties.
- 3) DNREC is not guaranteeing the condition of the beach will remain the same through the life of the project. Applicant should not rely on others to ensure protection from erosion. If exposed, it is the responsibility of the applicant to rebury or remove the cables. Any initial construction permit is not sufficient for future emergency remediation and any proposed work will require subsequent permission from the Division of Watershed Stewardship.
- 4) If it is found that any post disaster beach or dune conditions have been exacerbated by the proposed infrastructure (vaults and cables), mitigation, either physical or monetary, will be required.
- 5) Sand tends to collect in this parking lot. If buried by sand, access to the vaults shall be maintained by the applicant.
- 6) Based on input from the Division of Fish and Wildlife (DFW), no construction shall occur at the beach landfall location within the nesting season. Please be advised that DNREC DFW defines the colonial waterbird nesting season as April 1 – September 15.

7) Horizontal Directional Drilling is prohibited in the Atlantic Ocean to the beach landfall from April 1 through September 15 (inclusive of recreational period avoidance of May 15 through September 15)

8) Artificial lighting shall not be utilized from June 1 to September 1 to minimize impacts to Bethany Beach firefly. No alterations to dune topography or woody vegetation during this time period within 100 feet of interdunal swales to minimize impacts to these sensitive species.

9) If an incident occurs during or after construction that results in debris creating a hazardous situation on the recreational beach, it will be the responsibility of the applicant to ensure the debris is properly removed and disposed.

10) Prior to any construction an Emergency Response Plan must be in place to address any and all possible emergency situations regarding the proposed construction and the use of the improvements once in place.

Failure to abide by the above conditions and the Letter of Approval requirements will be considered a violation of this letter of approval and the Regulations and are therefore subject to penalties provided in the Beach Preservation Act and the Regulations.

This permit pertains only to compliance with the 'Regulations Governing Beach Protection and the Use of Beaches' (effective August 11, 2016) and is not to be construed as an all-inclusive approval for any other activities or requirements of the Department of Natural Resources and Environmental Control or any other governmental agency which may pertain to this site, including local flood hazard zoning ordinances.

Any unauthorized additions or modifications of the final permitted construction plans will be considered a violation of this letter of approval and the Regulations and are therefore subject to penalties provided in the Beach Preservation Act and the Regulations. Major modifications or subsequent additions involving horizontal expansion of the initial construction must be entered as a new application subject to conditions for construction outlined in the Regulations Governing Beach Protection and the Use of Beaches. Copies of the Regulations are available upon request from the Shoreline and Waterway Management Section.

Structures prohibited seaward of the Building Line include hard landscaping such as railroad ties, flower boxes, brick and cement patio blocks, fences other than sand/snow fencing, retaining walls, and other modifications that impede the natural function and flexibility of the dune and have been found to cause considerable damage to properties during storm events.

Absolutely no quantity of sand or sedimentary material may be removed from the site which is the subject of this approval without prior inspection by a Shoreline and Waterway Management Section representative. Any quantity of material that is to be removed from the site and is suitable beach material as determined by the Section representative shall be placed on the beach at the nearest suitable location.

An "as-built" survey showing completed construction, in relation to the DNREC Building Line, must be submitted within (30) thirty days of completion of construction.

This approval is void if on-site construction has not been initiated on or before January 10, 2026.

You are required to notify the Division of Watershed Stewardship at (302) 739-9921 at least one week prior to the initiation of on-site construction and when it is completed.

You are required to notify the Division of Watershed Stewardship at (302) 739-9921 at least one week prior to the initiation of on-site construction, to schedule a meeting between a Shoreline and Waterway Management Section representative, the contractor, the property owner and or their authorized agent and any other parties involved in the proposed construction activities. Construction may not commence until this meeting has occurred and all parties have signed the attached Pre-Construction Agreement form. **If it is found that construction has begun without this meeting, construction will be stopped until the meeting is held.**

You are also required to notify the Division when construction is completed.

This approval in no way affects, or rules upon, ownership of the subject lands.

In accordance with Part 6 of the Regulations Governing Beach Protection and the Use of Beaches and with Section 6803, Chapter 68, Title 7 of the Delaware Code, any person or persons, aggrieved by any decision of the Division and the Secretary, may appeal to either the Secretary of DNREC by giving written notice of appeal to the Secretary and to the applicant if other than the appellant, or to the Superior Court in and for the County in which the activities is principally located. Notice to the Secretary shall be by certified or registered mail within twenty (20) calendar days of the Division's decision. Any appeal to Superior Court shall be in the record and shall be perfected within thirty (30) days of the receipt of the decision of the Secretary. The applicant shall not commence any activity approved by this permit until the appeal process has been exhausted.

If you should have any questions concerning this approval, please do not hesitate to contact the Shoreline and Waterway Management Section of this Division at (302) 739-9921.

Sincerely,



Stephen N. Williams
Director, Division of Watershed Stewardship

Cf.: Adjacent Landowners
Sussex County Planning and Zoning
Division of Water
Division of Parks and Recreation
Division of Climate, Coastal and Energy



Division of Watershed Stewardship
Shoreline and Waterway Management Section

Permit: Summary

Approval #:	BP-06388
Description:	To horizontally directional drill for cable landfall and to install transition vaults
Location:	3R's Beach Parking Lot, Delaware Seashore State Park
Tax Map #:	134-5.00-3.00
Issue Date:	January 10, 2025
Authorize Construction by:	January 10, 2026 Receive authorization at least 1 week in advance by contacting the Division of Watershed Stewardship at (302) 739-9921. Receive authorization at least 1 week in advance using our online authorization by logging into your Digital DNREC account and requesting authorization from your dashboard.
Expiration Date:	January 10, 2027 If an extension is needed, contact the division no fewer than 15 days prior to approval expiration.

All conditions and restrictions listed on the original letter of approval must be adhered to under penalty of the law as outlined in Section 8.0 of the [Regulations Governing Beach Protection and the Use of Beaches](#). Failure to comply to the conditions set forth in the letter may result in civil penalties including fines of up to \$5,000 per violation, reimbursement of costs to the Division for legal fees and costs remedying damage created, and imprisonment of up to 2 years.