



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL**

OFFICE OF THE
SECRETARY

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Secretary's Order No.: 2017-WS-0011

RE: FINAL EXEMPT ORDER
7 DE Admin. Code §5102: *Regulations Governing Beach Protection*
and the Use of Beaches

Date of Issuance: March 13, 2017

Effective Date of the Amendment: April 11, 2017

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") pursuant to 29 *Del.C.* §10113(b)(4), DNREC has revised Section 5102 of Title 7 of the Delaware Administrative Code to correct the technical errors found after the final adoption of this regulation (as set forth previously in Secretary's Order No. 2016-WS-0023).

Findings of Fact

Based on Delaware law and the record as reflected in the prior Secretary's Order referenced above, I make the following findings of fact:

1. The proposed regulation is not in conflict with Delaware law; and
2. The proposed regulation is an appropriate exercise of the Department's responsibilities and authority.

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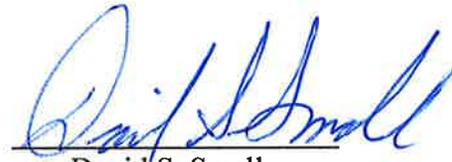
Decision and Order Concerning the Regulation

NOW THEREFORE, under the above-described statutory authority, and for the reasons set forth above, the Secretary of the Delaware Department of Natural Resources and Environmental Control does hereby ORDER that the revisions to **7 DE Admin. Code §5102: *Regulations Governing Beach Protection and the Use of Beaches***, be adopted and promulgated as follows, to wit:

1. The Agency Heading at the beginning of these published regulations shall be corrected to change the Division's Sectional Reference from "Coastal Programs" to "Shoreline and Waterway Management Section", so that said Heading reads: "DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF WATERSHED STEWARDSHIP, Shoreline and Waterway Management Section";
2. Section 2.5.1 shall be corrected to change the subsection reference found therein from "2.13" to "2.11", so that the last sentence of that section reads: "Regardless of the developmental status of the parcels affected by this Section, all construction activities shall be subject to the Building Line upon its future re-establishment pursuant to subsection 2.11 of this regulation";
3. Section 4.8.1 shall be corrected to change the word "disposition" to "deposition", so that the first sentence of that section of that section reads: "No person shall commence or conduct construction of any structure or the alteration, digging, mining, moving, removal or deposition of any substantial amount of beach or other materials landward of the Building Line and within the beach area without a letter of approval from the Division"; and

4. Section 8.2.4 shall be corrected to change the subsection reference found therein from “©” to “8.2.3, so that the section reads: “For the purposes of subsection 8.2.3 of this Section, each and every day that a permit condition or limitation is violated, an activity engaged in which is prohibited by this chapter or a regulation violated is deemed a separate offense.”

The effective date of this Order is ten (10) days from the date of its publication in the Delaware *Register of Regulations*, in accordance with 29 Del.C. §10118(g).



David S. Small
Secretary

