



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
DIVISION OF WATERSHED STEWARDSHIP

89 Kings Highway  
DOVER, DELAWARE 19901

OFFICE OF THE  
DIRECTOR

PHONE: (302) 739-9921  
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MEMORANDUM

TO: Frank M. Piorko, Director *FP*

THRU: Anthony P. Pratt, Administrator *APP*  
Michael S. Powell, Program Manager *MS Powell*

FROM: Jennifer L. Luoma, Responsible Staff Member *JL*

RE: Proposed Regulations Governing Beach Protection and the Use of Beaches (7 DE Admin. Code 5102)

DATE: September 14, 2015

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Attached for your approval, please find the proposed Regulations Governing Beach Protection and the Use of Beaches and Register Notice to be sent to the State Registrar. If you approve of the proposed regulations, please initial by your name above and return to me.

*Delaware's good nature depends on you!*



## REGISTER NOTICE

SAN # 2014-05

1. TITLE OF THE REGULATIONS:

7 DE Admin. Code 5102 Regulation Governing Beach Protection and the Use of Beaches

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The purpose of revising the regulation is to incorporate legislative changes to the Beach Preservation Act (Del. Code Title 7, Chapter 68), to incorporate Division policies and construction standards that will result in less damages to structures and protections of the dune and beach resource. The revisions will also harmonize various provisions of the regulations.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 Del. C. §6803(c)

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

None

6. NOTICE OF PUBLIC COMMENT: The hearing record on the proposed changes to 7 DE Admin. Code 5102 Regulations Governing Beach Protection and the Use of Beaches will be open October 1, 2015. Individuals may submit written comments regarding the proposed changes via e-mail to Lisa.Vest@state.de.us or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042. A public hearing on the proposed amendment will be held on November 7, 2015 beginning at 10:00 AM at the Lewes Fire Department, Station 2, 32198 Janice Road, Lewes, DE 19958. Please note that all comment submitted to the Department in this matter should be limited to the scope of this proposed regulatory promulgation, to wit: *only regarding the proposed amendments to the aforementioned regulations found at 7 DE Admin. Code 5102.*

7. PREPARED BY:

Jennifer Luoma 302-739-9921  
Jennifer.Luoma@state.de.us

9/11/2015

Date

**Luoma, Jennifer L. (DNREC)**

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**From:** Bower, Stephanie (DNREC)  
**It:** Tuesday, September 15, 2015 9:40 AM  
**To:** Luoma, Jennifer L. (DNREC)  
**Cc:** Jacobs, Michelle V. (DNREC)  
**Subject:** FW: Regulation is received!

FYI. Thanks!

-----Original Message-----

**From:** Delaware\_Register\_of\_Regulations%LEGHALL  
**Sent:** Tuesday, September 15, 2015 9:34 AM  
**Subject:** Regulation is received!

A new regulation, submitted by Stephanie Bower, from Natural Resources and Environmental Control - Division of Soil and Water Conservation is being reviewed by Delaware Registrar(s) of Regulations Regulation Type: Proposed Regulation Number: 5102 Title of Regulation: Regulation Governing Beach Protection and the Use of Beaches

Files received: REGISTER NOTICE SAN 2014-05.docx  
5102 Proposed Regulations.docx

Note: Please do not reply to this message as it is an auto generated e-mail for your information