

Beach Regulatory Advisory Committee – Kick-Off Meeting
May 14, 2014

Introductions

Purpose – In process of revising regulations that have been in existence since 1970s. Law requires update/review of regulations. Request perspectives from Advisory Committee as guidance in making revisions.

Go over meeting Agenda

DNREC Presentation “Beach Regulatory Advisory Committee Kick Off Meeting” – see copy handout

Monthly meetings suggested for committee: 2nd Wed of month in Lewes at 9 to 11

Issues that need clarification can be sent to DNREC for comment.

Committee to send in any questions that need to be addressed in next meeting.

Advisory Committee Discussion, Questions, Comments on DNREC Presentation

- Comment: Problematic activities could be fixed in the legislation, not regulations
- Comment: Request clarification of Act of God – defined in building codes and insurance codes.
- Comment: State and local regulations should be compatible/similar
- Q - Regarding the use of LiDAR/DEM and the impact on the Building Line (A – collecting regular topography should not make DNREC want to revisit the Building Line more frequently)
- Q – Referring to “adjusted” seawardmost definition (A – DNREC to look into this and report at next meeting – points vs continuous contour)
- Q- Referring to cantilevered decks, why not use a standard instead of average (A – using community averages to eventually make an even line of structures along the shoreline)
- Comment: DNREC should discuss why they are revisiting the regulations
- Q – Referring to penalties with boats on dunes (A – Yes, there can be penalties for boats on dunes)
- Q – regarding if 1997 study can be updated; with respect to 10-ft elevation (need additional clarification in order to answer this question)
- Comment: Building Line definition has elevation is in the regulations, not the BPA
- Comment: State’s mission is to preserve primary dune but regulate other areas via police power. If this area were to expand, would need changes to BPA (we recall this is in response to question about Construction Standards)
- FEMA coastal construction best practice guidelines – does DNREC want to expand their charge when locals have their own standards that they follow?
- Comment: State expanding to entire V-zone (though this only refers to debris below BFE- the state wants to limit hazards and debris that could wind up in the surf zone)
- Q- how would BPA allow regulations in V-zone (A- defined “beach” includes areas that are v-zones)
- Comment: EO 41 – consider sea level rise and storms, directed by Governor to do more to reduce state’s liability during storms and cleanup

- Q-What is charge of Advisory Committee?-Advisory Committee to DNREC's internal work group, review revisions to proposed regulations
- Comment: Plan of action to review 1996 and 2006 changes to BPA and incorporate into regulations. Consider what was important 10 years ago, revise and improve them.
- Q-Do changes need to be made to the BPA first? – changes to regulations and BPA should be completed simultaneously. If it is the collective thinking of the group, then make recommendations for changes to the BPA. Currently, this effort is not to revise Act. Nothing to stop Advisory Committee from bumping up the regulations against the scope of the BPA. Can make recommendations to expand or refine the BPA. Advisory Committee can propose new regulations first and make recommendations to Assembly for next session.
- Comment: Request to draft common sense language to take to public and need buy in from public as to why the changes are occurring.
- Comment: EO 36 mandates updates to regulations
- Comment: Request to list the problems that were identified in the last effort (10-years ago) and be proactive in correcting misunderstandings, list what happened in the past and if those problems still exist today
- Comment: Many stakeholders are not full time residents so timing of workshops is important.
- Comment Chamber of commerce is important.

RAC Members in attendance:

- Jim Bailey - Alliance of Bay Communities
- Michael Powell - DNREC, Shoreline and Waterway Management
- John Schultes – Kent County
- Greg Hastings – Residential Design and Consulting
- Brian Boutin – The Nature Conservancy
- Wendy Carey – UD Sea Grant
- Connie Holland – Office of State Planning
- Susan Love – DNREC, Delaware Coastal Programs
- Jennifer Luoma - DNREC, Shoreline and Waterway Management
- Brett Warner, on behalf of Joe Healy - Town of Bethany Beach
- Dirk Durstein - Department of Justice
- Sharon Lynn – City of Rehoboth
- Tony Pratt – DNREC, Shoreline and Waterway Management Section

RAC Members not in attendance:

- Chuck Coltman – Local Resident
- Bryan Elliott – Integrity Builders
- William Lucks – Delaware Association of Realtors
- Patrick Cooper – DNREC, Division of Parks and Recreation

Others in attendance:

- Dorothy Morris – Office of State Planning
- David Warga – DNREC, Shoreline and Waterway Management
- Kim McKenna – DNREC, Shoreline and Waterway Management Section