

Beach Regulatory Advisory Committee Meeting  
UD-Cannon Lab, Room 104  
Oct 9, 2014

Meeting began at 9:12 am

**RAC Introductions**

**Background Information (Powell)**

6<sup>th</sup> meeting of RAC

RAC assisting Department with changes to beach protection rules

The Department is not expecting decisions by committee for changes to regulations

Public meetings scheduled for Oct 31 (2p-4p Slaughter Beach Fire Hall), and November 1 (10a-noon Rehoboth Beach Convention Center)

Purpose for today's meeting – need RAC's ideas and suggestions for the workshops, determine the messages to get out to attendees

**Presentation on what will be presented at public workshops (Luoma)**

Request by Powell -Different ways to present the information, think about what would be the most effective way for communicating information

Contents of presentation:

Beach Preservation Act; history of regulation changes & amendments to act; building line map; 4-step process; new definitions that are not currently in the regulations (ie., regulated area, buildable lot, substantial damage; act of god; substantial improvement, coastal engineering standards of storm protection,); [regulated area ie., in South Bethany the line will move landward to first public road from mean high tide];

Q. what type of input did elected officials receive for the changes to the act?

Department - in 1996 direct input from commercial owners to legislature- no opposition from the state at that time; vague language in regulations that made it difficult for the Department to regulate the area; some changes from public hearing comments

Optional or proposed changes: building line (based on elevation contour or 1000 feet from high water line - issues at Broadkill Beach and North Indian Beach); building line maps incorporated into regulations in 1981 and has stayed same; under review-remapping building line; 4-step process; cantilevered decks; prohibition of boats in dunes; for minimizing debris, requiring that structures are above base flood elevation (now a condition on all permits); temporary structures;

C. simplify presentation, more diagrams, less text, show slides where building line is expanded and discuss how it applies to the regulated area and to the applicant

Public C. provide overlay of existing homes and regulated area

C. ok to keep the text, people can see and hear presentation, good to have examples in slides

Department - Will add act change info as well as figures to make point

C. underline why it is important for suggestions to prohibitions (ie., boats in dunes)

Q. do any of the local municipalities have dune prohibitions?

C. be clear on why the prohibitions are proposed

Department - will add figures for showing base flood elevation/enclosures

C. should refer to regulated area rather than v-zone

Dept. difficult to make the distinction since the v-zone may be outside of regulated area

C. Temporary structures should fall on the municipality and its contracts with the vendors

DAG – include photos of debris, regulation is to give notice to everyone

Q. are there conditions for the federal beach fill?

Dept. no conditions from the feds for temporary structures other than within the fenced dune areas, municipalities are better at enforcing these, Local government can be the permittee through a long-term general permit from the Dept.

C. include a notification process from the Dept to the municipality in the general permit

C. add why Dept is proposing changes

Q. does the Dept have the authority to issue general permits to municipalities?

DAG. yes, but the specific language can be put in the regulation

Department - will be an administrative change, example of past authority – general permit for engineering standard of bulkheads at Bethany Beach

### **Committee questions and comments:**

DAG – need a moderator for the public workshops to handle those with philosophical issues with the law or other issues, want to minimize distractions from what we want to accomplish

Dept. need facilitator, but make sure that everyone understands that Dept needs feedback on the proposed regulations

DAG- facilitator should hear them out, then refer to others as necessary

Q. what are the goals of the workshops?

Department - educating public and allow public to provide input and concerns on changes to the regulations, is the state accomplishing the directives under the Act

Q. add provisions to receive public comments?

Department - not a public hearing, only one of the ways to communicate and receive feedback, the RAC also represents concerns

C. offer to provide sea level rise comment forms; make sure that Dept notes that they are inviting public input

C. good to get the voice of bay beach communities (membership from Pickering to Broadkill -only Bowers and Slaughter incorporated); communities want protection of dune system

Department - wants to know if we need to notify all property owners for workshops, requested assistance in notifying public about workshops; also have had a request for a workshop in Kent Co., Dept is satisfied with the two locations for the workshops and is willing to go to a local community meeting to do a presentation

RAC comments –

C. yes, should go to local community if asked

Committee is comfortable with the two workshops

Department - has put out a press release

C. can also use Department twitter/facebook sites, feedback forms

Public comment:

C. living here for 23 years, first he has heard of the changes to the regulations, everyone who is affected by this should be notified in writing, 2006 meetings did not have enough notice, state should change how this is noticed to the public

DAG mail is expensive and labor intensive

C. this is an ongoing process and that there will be more opportunities to

Public comment – 4-step process is a zoning issue and state does not have authority, court case regarding Sussex county

DAG county waterway buffers prevailed over state, but clear here that state is to manage beaches and dunes, 4-step process is within the grant of authority of the state, legislature set standards for overall process, 4-step does not go outside authority or zoning

Public comment – setbacks are clearly zoning

DAG related, but this is not a setback

Public comment – be upfront now

C. legal requirements all go through public process, this group is looking at the changes to the regulations, public workshops is just a start in the public input process

Public comment – authority between public and private beaches?

Department - construction activities adjacent to public and private beaches is no different; only differences are for removing shrubbery and driving on beaches (though these have not been historically regulated)

Public comment – DNREC does not have authority to regulate driving on beaches – check this, good process but need to get public involved, need better notification; a lot of legal issues involved and DAG should describe these in the workshops

DAG will do this during a break and bring up if there is a broader interest, will need to be flexible during workshops

C. define that there will be a presentation and opportunity for discussion in press release; breakout groups

Department - agenda is posted on state calendar & will be sent to communities

Public comment – wants existing and new regulations on maps of all properties

Department - there will not be a proposed regulation or new building line, will show existing building line

Public comment – difficult to follow what is changing, provide list of what Department wants changed and options

Adjourn at 1117am

Next meeting after workshops - December 10, 2014 Shoreline and Waterway Bldg.

RAC Members in attendance:

Jennifer Luoma

Bill Lucks

Evelyn Maurmeyer

Jim Bailey

John Schulties

Joe Healy

Dirk Durstein

Mike Powell

Tony Pratt

Dorothy Morris, for Connie Holland

Susan Love

RAC Members not in attendance:

Greg Hastings

Chuck Coltman

Bryan Elliott

Sharon Lynn  
Patty McDaniel  
Brian Boutin  
Patrick Cooper

Others in attendance:

David Warga  
Kim McKenna  
Molly Murray  
Ron Goodwin