



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

Office of the  
Secretary

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MEMORANDUM TO: Office of the Governor  
Members of the Senate Natural Resources and Environmental  
Control Committee  
Members of the House Environment and Natural Resources  
Committee

FROM : Collin P. O'Mara, Secretary 

SUBJECT : ***START ACTION NOTICE***

DATE : May 20, 2014

Enclosed for your information is **APPROVED** Start Action Notice:

2014-05 to amend 7 DE Admin. Code 5102, Regulations Governing Beach Protection and the  
Use of Beaches.

Division Directors  
Public Affairs  
Those on Start Action Approval List  
Responsible Staff Member

*Delaware's Good Nature depends on you!*



APPROVED BY C. [Signature]  
DATE 5-20-14

START ACTION NOTICE

2014-05

1. TYPE OF ACTION:

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

2. PURPOSE OF ACTION:

The proposed revisions will increase the effectiveness of the Coastal Construction Program and improve its protection of the beach and dune system. The purpose of revising the regulations 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. Regulatory improvements to the amount and type of construction permitted seaward of the Beach Preservation Building Line will be considered, as will updates to the Beach Preservation Building Line.

3. STATUTORY BASIS:

*Title 7, Delaware Code, Chapter 68 (The Beach Preservation Act)*

4. LIKELY AFFECTED PUBLIC:

- Individuals owning property in the defined beach area (from the Delaware/Maryland line at Fenwick Island to the Old Marina Canal immediately north of Pickering Beach, which extends from the mean high water line of the Atlantic Ocean and Delaware Bay landward 1,000 feet).
- Contractors, Realtors, Lawyers, Surveyors, Architects, Engineers, Property Managers who do business in the beach area
- Recreational beach users
- Local Governments

5. PROPOSED SCHEDULE OF ACTIVITIES:

- Public Workshops – Summer/Fall 2014
- Publication in the Register – Winter 2014
- Public Hearing – Spring 2015

6. REVIEW COMMITTEE:

- Local Designer
- Coastal Resident
- Community Leaders
- Representative from Delaware Coastal Programs
- Local Builders
- Representative from Environmental Group
- Ocean Coast Building Official
- Bay Coast Building Official
- Local Realtor
- Deputy Attorney General
- Representative from State Planning Coordinators' Office
- Representative from the Division of Parks and Recreation
- Representative from University of Delaware Sea Grant program
- Representative from the Alliance of Bay Communities

7. RESPONSIBLE STAFF MEMBER:

Jennifer Luoma, Environmental Scientist  
89 Kings Highway, Dover, DE 19901  
302-739-9921  
302-739-6724  
Jennifer.Luoma@state.de.us

8. APPROVALS:

  
\_\_\_\_\_  
Responsible Staff Member                      4/30/14  
Date

  
\_\_\_\_\_  
Division Director                              4/30/14  
Date