

## MEMORANDUM

To: DNREC Wetlands and Subaqueous Lands (WSLS) Staff  
and DNREC Fish and Wildlife Staff

From: Virgil R. Holmes, WSLS Staff

Subject: DNREC WSLS Policy Regarding Duck Blinds and Foot Bridges  
for Access to Duck Blinds

Date: February 23, 2012 (revised August 13, 2012)

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This memorandum is to clarify the DNREC WSLS policy regarding the terms duck blind and foot bridge (for access to duck blinds) as related to the statutory exemption of these structures in 7 Del. C., Chapter 66. Wetlands.

The WSLS policy is to interpret the terms duck blind and foot bridge (for access to duck blinds) strictly and specifically as intended by the exemption in 7 Del. C., Chapter 66. Wetlands. The definition of each term and the WSLS policy regarding each is as follows:

### **Duck Blind**

“Duck blind” means a camouflaged structure from which hunters harvest waterfowl. A duck blind in State regulated wetlands must comply with the following criteria. Duck blinds can be placed directly on the wetland surface or elevated above the wetland on pilings. Duck blinds must have walls or use another form of hunter concealment such as camouflage netting, reeds or grass. Duck blinds cannot be constructed over open water or be utilized for any activity other than waterfowl hunting. Duck blinds cannot be used for docking or mooring of a boat except as needed for temporary access during the activity of hunting. Duck blinds must be constructed a minimum of 300 feet from any occupied structure. Duck blinds not meeting these specifications will require a permit from the WSLS unless it is determined by the WSLS to be a “grandfathered” structure.

### **Foot Bridge (for access to duck blinds)**

“Foot bridge (for access to duck blinds)” means a narrow pedestrian bridge that is a simple structure, no more than 3 feet in width constructed in State regulated wetlands for the purpose of crossing State regulated wetlands to access a duck blind. The purpose of a foot bridge is to traverse a wetland for access to a duck blind with the presumption being that a foot bridge is necessary because the wetland surface is either too soft for foot traffic or would be adversely affected by regular foot traffic. Foot bridges crossing State regulated wetlands cannot exceed 3 feet in width and the length is restricted to the minimum distance necessary to access the duck blind. Foot bridges are simple structures with no appurtenances such as but not limited to handrails, utilities, or other associated structures. No other uses of the foot bridge are exempt from regulation. Foot bridges for access to movable or floating duck blinds are not exempt from regulation.

## **Conditions for Construction of Duck Blinds and Foot Bridges**

1. No portion of any structure shall be constructed using creosote treated lumber.
2. Foot bridges shall be constructed with a minimum of 1/2 inch spaces between decking boards.
3. Disturbance of wetlands and/or aquatic vegetation adjacent to structures by burning, cutting, herbicide treatments, traversing with equipment or other methods is prohibited with the exception of controlling Common Reed (*Phragmites australis*) or other invasive plant species.
4. All excess construction material, waste or debris shall be properly disposed of and contained at all times to prevent entry into waters or wetlands. Construction materials shall not be stockpiled in subaqueous lands or wetlands.
5. Construction of any structure requires written approval of the landowner if not being constructed by or for the landowner.
6. Duck blinds and foot bridges shall not be constructed in a manner that impedes navigation.
7. The use of this exemption does not constitute approval for any activity that may require authorization by any other local, state or federal government agency.
8. The use of this exemption does not imply approval of any other part, phase, or portion of any overall project the permittee may be contemplating.
9. This exemption does not allow construction of duck blinds or foot bridges in subaqueous land or over open water.
10. The Department reserves the right to require removal of any duck blind or foot bridge if it concludes that the duck blind or foot bridge was constructed or is being used in a manner inconsistent with the explicit intent of the exemption or that it impedes navigation.

## **Reference Documents**

7 September 1990 Memorandum from Patrick Emory WSLs Staff to William F. Moyer, WSLs Manager and Tracy Skrabal, WSLs Staff. "Walkway and Waterfowl Blind Policy."

21 September 1989 Memorandum from Jeanne L. Langdon, Deputy Attorney General, to William Moyer, WSLs Manager. "Foot Bridges."