

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

Scans of Comments Received
Following February 18, 2022
County Council Public Hearing

Documents Scanned Close of Business
2.21.2022

STEPHANIE HANSEN
STATE SENATOR
10th District



SENATE
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

COMMITTEES
Environment & Energy, **Chair**
Transportation, **Vice-Chair**
Elections & Government Affairs
Executive
Health & Social Services
Rules & Ethics
Legislative Oversight & Sunset

RECEIVED

FEB 21 2022

SUSSEX COUNTY
PLANNING & ZONING

FILE COPY

Sussex County Council
Todd Lawson, Sussex County Administrator
tlawson@sussexcountyde.gov

RE: Comments on Sussex County Buffer Ordinance

To My Friends in Sussex County Government:

Thank you for allowing me to comment on "AN ORDINANCE TO AMEND CHAPTER 99, SECTIONS 99-5, 99-6, 99-7, 2 99-23, 99-24, 99-26, AND 99-30, AND CHAPTER 115 SECTIONS 115-4, 115- 3 25, 115-193, 115-220 AND 115-221 REGARDING CERTAIN DRAINAGE 4 FEATURES, WETLAND AND WATER RESOURCES AND THE BUFFERS 5 THERETO" otherwise referred to as the "Sussex County Buffer Ordinance". I would like to offer the following comments for the record.

I currently represent Delaware's 10th Senate District and chair the Senate Environment and Energy Committee. Like all of the other 62 legislators in the General Assembly, I have Community Transportation Funding (CTF) available to address drainage projects in my district. I am seeing more widespread drainage issues arising from sea level rise and what we believe may be the related rise in our water table. Problems that in the past were confined to reconfiguring a drainage swale affecting one or two homes are now affecting entire streets and are not within the reach of CTF to solve. Along with complaints about the land sinking, groundwater intrusion into basements and sump pumps continually running, the roadways in these areas degrade quickly as do the associated stormwater pipes, grates, signs and other structures within the right-of-way. As stewards of taxpayer dollars, legislators are acutely aware of how expensive these issues are to fix.

This is leaving our constituents with little relief and government in a quandary. It also signals that we need to revise how we are currently viewing development near wetlands, floodplains, riparian areas, and areas with a high-water table and make changes. I have made this clear in my comments to New Castle County on the draft NCC2050 Comprehensive Plan and I want to reiterate those comments to you now as you debate the Sussex County Buffer Ordinance in the hopes that you can avoid some of the issues that development in New Castle County has encountered.

I can only reiterate and support the comments of the environmental professionals about the effect on the environment of development near wetlands and floodplains, but I can offer some additional pertinent comments from the viewpoint of an elected official guarding taxpayer dollars and representing property owners in areas experiencing drainage problems that could have been avoided if stricter environmental standards for development had been in place.

Development near wetlands, floodplains and other riparian areas is problematic not only because of the impact on the environment, but because of the costs to fix the problems that inevitably arise impacting future homeowners in the area. Increased buffer zones must be put in place. How large those buffer zones should be in any particular area depends upon many environmental factors and the opinion of environmental professionals should be given much weight. Importantly, we must also take into account that sea level is going to continue to rise for the foreseeable future, so structures that may be only 50 feet from a floodplain today will most likely be much closer 10 years from now and drainage problems not experienced today will most certainly arise in the not-too-distant

Senator Stephanie Hansen
Legislative Hall, 411 Legislative Avenue, Dover, Delaware 19901
Senate Office: (302) 744-4138 / Email: Stephanie.Hansen@delaware.gov

future.

Large property owners and developers hoping to develop their land today are likely not going to be as concerned about the drainage problems which will arise on the property 10 years from now as their concerns are more immediate, but as government, we have a duty to consider the how our future residents will be affected and whether, as government, we will be able to handle the costs of future related infrastructure repairs. Public roadway repairs, and stormwater and drainage infrastructure repairs are very expensive.

With this in mind, my comment to the buffer ordinance under consideration is to follow the advice of the environmental professionals, such as those at the Center for the Inland Bays, and make the non-buildable buffer zone as wide as possible, with as few exceptions as possible. The short-term gains that current large landowners and developers may experience as a result of being able to build in close proximity to a wetlands, floodplain or other riparian area will be offset in just a few years by drainage problems experienced by future residents and expensive governmental fixes (perhaps out of reach) due to drainage and infrastructure degradation that could have been avoided.

Thank you for allowing me this opportunity to comment.

A handwritten signature in black ink that reads "Stephanie L. Hansen". The signature is written in a cursive, flowing style.

Sincerely,

Senator Stephanie Hansen, 10th District

Jesse Lindenberg

From: Jill Hicks <jhicks510@verizon.net>
Sent: Monday, February 21, 2022 3:46 PM
To: Planning and Zoning; Tracy Torbert
Subject: Slides for Council Hearing, Tomorrow, 2/22/2022
Attachments: Wetland Buffer Ordinance.pptx

FILE COPY

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Please have the attached PPT. available during the public hearing regarding the Buffer Ordinances.

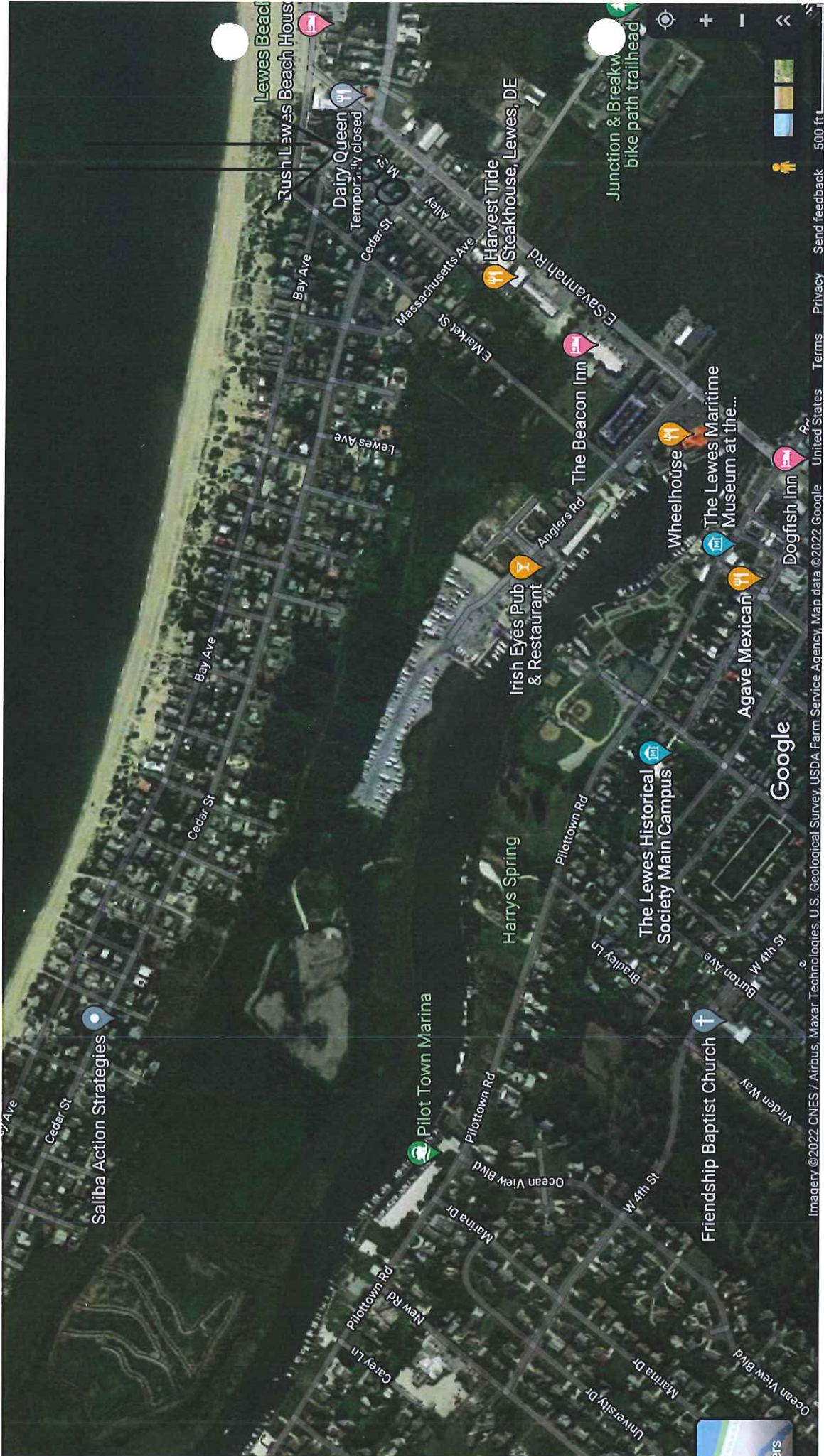
Thank you!

Jill Hicks

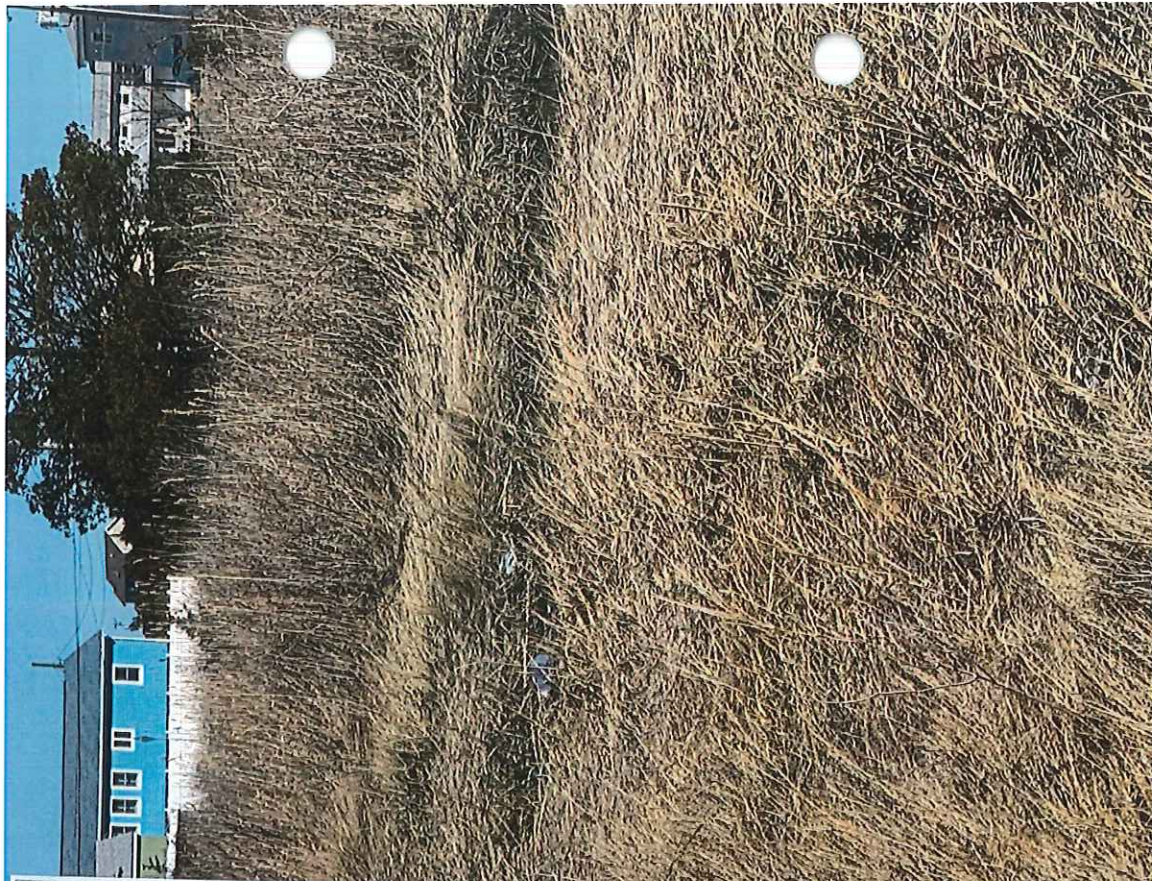
Buffer Ordinances
2/22/2022

J Hicks

FILE COPY



Imagery ©2022 CNES / Airbus, Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2022 Google, Terms, Privacy, Send feedback, 500 ft



Historic Flood Levels In Leves

+9 ft.



+8 ft.

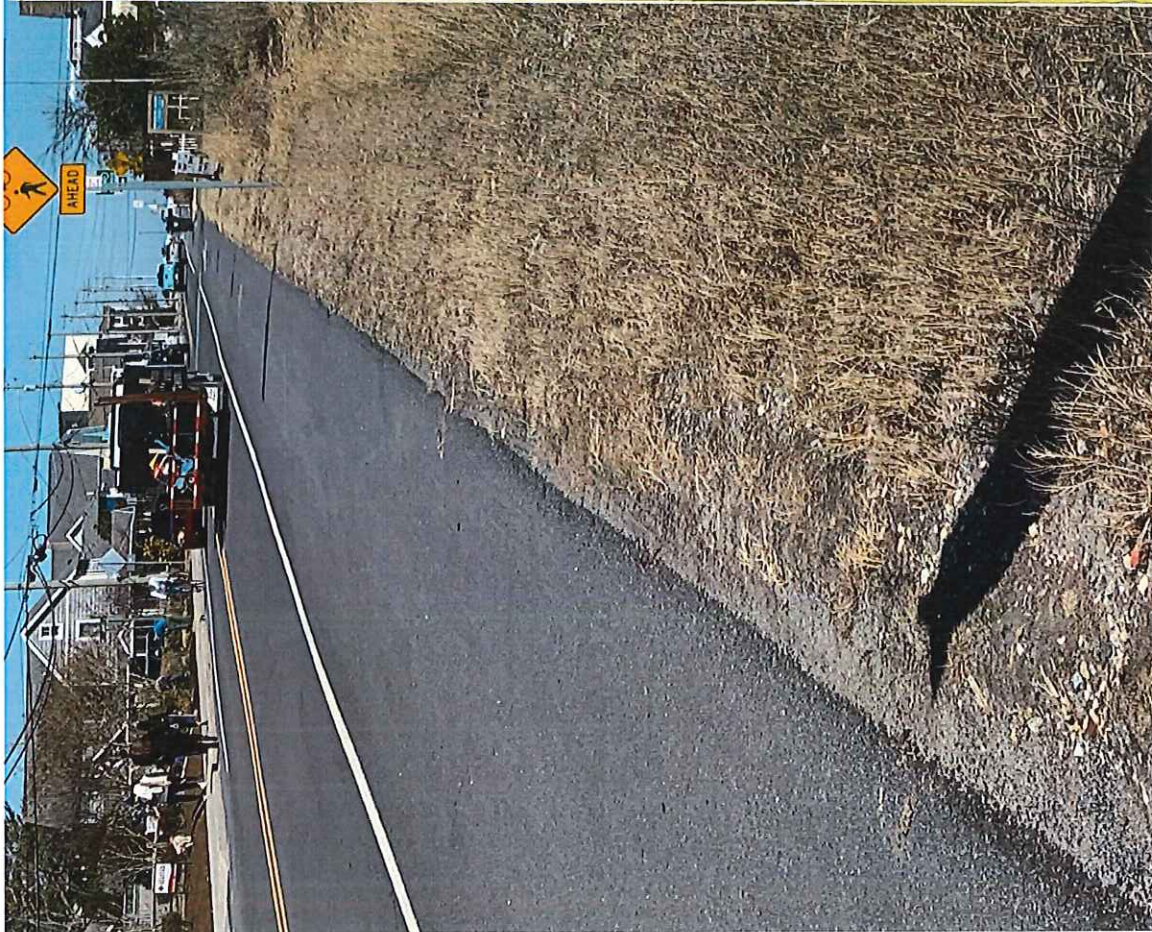
1962 Storm
 (Flood Height was 7.8 feet above Mean Sea Level)

+7 ft.



+6 ft.

1998 Storm
 (Flood Height was 5.1 feet above Mean Sea Level)





Jesse Lindenberg

From: E Lee <eulmlee@gmail.com>
Sent: Monday, February 21, 2022 12:05 PM
To: Michael H. Vincent; Cynthia Green; Mark Schaeffer; Doug Hudson; John Rieley
Cc: Todd F. Lawson; Planning and Zoning
Subject: Buffer/Wetlands Ordinance - Public Comment

FILE COPY

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Thank you for reading all the many comments submitted to you for consideration.

Please consider wider buffers and wetlands. We need clear languages in the code that leaves no room to compromise the preservation of the buffers and forested wetlands that are the first and last line of protection for this low-lying county against flooding.

With the 60th anniversary of the 1962 Nor'easter coming up, I wanted to say one more time that Sussex County is not immune to storms and floods. Hurricane Sandy in 2012 barely missed us by veering north at the critical moment, but the damage in Fenwick Island and other areas are still vividly alive.

An old-timer told me that the size of Riverdale used to be about double the size of what it is now. We are losing the landmass and wetlands to the sea over time. But for the repeated replenishing of the beaches, I am not sure what our shorelines would have looked like.

Yes, the building codes have been strengthened and the new houses are built up. However, the exorbitant cost of raising the roads will not help those older houses that could not be elevated. **The impervious surfaces added for the new homes and elevated roads will exacerbate the flooding for those old houses.**

Yes, the weather forecast and warning systems have been greatly improved. However, Hurricane Harvey strengthened from category 1 to 4 in one day, to everyone's surprise. **We may not have 3 days of advance warning to evacuate.**

We have to forget about evacuating west to Chesapeake Bay Bridge to Annapolis since, when we get there, that bridge may close in the high winds. What confusion and chaos that will create! If we are all lined up on Coastal Hwy to evacuate north, what happens if some cars run out of gas and stall on the road? Some roads that we will have to take to get to Coastal Hwy will be underwater. **Many residents in Sussex may not have the means to evacuate or do not have extra cash for gas even if gas is available. We do not have many shelters on higher ground.**

No one wants to think about or prepare for disaster situations that may never come or do not know when they will come - because of the expenses and sacrifices. Our natural tendency is to enjoy the day and deal with it when we are forced to. We remember the consequences of the power shortage in Texas last winter.

I hope we will not have to look back one day and regret our today's decisions.

We need wider, stronger and clear buffer/wetlands protection.

Thank you very much for reading another letter.

Eul Lee (Angola area in Lewes)

Jamie Whitehouse

From: Tracy Torbert
Sent: Monday, February 21, 2022 8:39 AM
To: Jamie Whitehouse
Subject: FW: Continuance - Buffer Ordinance Hearing, February 22, 2022 - Letter of Opposition

FYI

From: Jay Tomlinson <jaythrrrep@gmail.com>
Sent: Saturday, February 19, 2022 9:49 AM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Fwd: Continuance - Buffer Ordinance Hearing, February 22, 2022 - Letter of Opposition

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Fyi..

Jay Tomlinson
32715 Hastings Drive
Lewes, DE 19958
856-906-0605
jaythrrrep@gmail.com

FILE COPY

Begin forwarded message:

From: Jay Tomlinson <jaythrrrep@gmail.com>
Subject: **Continuance - Buffer Ordinance Hearing, February 22, 2022 - Letter of Opposition**
Date: February 19, 2022 at 9:45:03 AM EST
To: Michael Vincent <mvincent@sussexcountyde.gov>, "Cynthia C. Green" <cgreen@sussexcountyde.gov>, Mark Schaeffer <mschaeffer@sussexcountyde.gov>, Doug Hudson <Doug.hudson@sussexcountyde.gov>, John Rieley <jlrieley@sussexcountyde.gov>
Cc: ttorbert@sussexcountyde.gov

Sussex County Council Members:

This morning I spent time reviewing the files and public comments made in advance of Tuesday's Buffer meeting.

There is little I can add to the record other than to ask that you adopt the recommendations provided to date to strengthen the ordinance.

Groups like the Center for Inland Bays, SARG, League of Women Voters, Sussex2030, the "Working Group" and many members of the public have thought deeply about this issue and made clear we want and support a strong ordinance that include these features:

- Increasing buffer widths
- Requiring the preservation and maintenance of existing forest and re-planting of non-forested buffer areas
- Eliminating buffer trade-off options in their entirety
- Adding enforcement provisions and penalties for noncompliance

Respectfully,

Jay Tomlinson

Jay Tomlinson
Senators
32715 Hastings Drive
Lewes, DE 19958
856-906-0605
jaythrrep@gmail.com

Jamie Whitehouse

From: Tracy Torbert
Sent: Monday, February 21, 2022 8:51 AM
To: Jamie Whitehouse
Subject: FW: letter from constituent urging revisions to current proposed Ordinance on wetlands and water resources and buffers
Attachments: SussexCountyCouncilLetter_Feb172022_v1.docx

FILE COPY

FYI

From: Scott Shaughnessy <shaughn40@msn.com>
Sent: Thursday, February 17, 2022 11:50 PM
To: Doug Hudson <doug.hudson@sussexcountyde.gov>
Cc: michael.vincent@sussexcountyde.gov; Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: letter from constituent urging revisions to current proposed Ordinance on wetlands and water resources and buffers

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RE: Urging revisions to current proposed Ordinance on wetlands and water resources and buffers

Dear Councilman Hudson:

Please see the attached letter in which I am writing to let you know that while I support approving an update to Sussex County's wetlands and water resources and buffers rules, the current version of the proposed Ordinance being considered by the Council needs important revisions. I focus on the area of penalties and enforcement.

Kind regards,

Scott Shaughnessy
36486 Warwick Drive
Rehoboth Beach, DE 19971

Scott Shaughnessy
36486 Warwick Drive
Rehoboth Beach, DE 19971
Shaughn40@msn.com

February 17, 2022

Councilman Douglas Hudson
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, DE 19947

FILE COPY

RE: Urging revisions to current proposed Ordinance on wetlands and water resources and buffers

Dear Sir:

In advance of the February 22 County Council meeting on the proposed Ordinance on wetlands and water resources and buffers, I am writing to urge further amendment to the proposed Ordinance as concerns enforcement and penalties.

I am going to tell a story.

This story – which is just a micro-perspective on what is happening, small and large, all around our County – demonstrates why enforcement and consequences for non-compliance are SO critical to this Ordinance.

Here's a very brief tale of 2 approaches by 2 next-door neighbors (neighbor "Z" and neighbor "Y") to wetlands preservation and buffer zone rules adherence in Rehoboth Beach.

Photos A and B are of the buffer zone behind the condominium owned by neighbor Z, who bought his condominium in 2016 along a tidal creek known as Johnson Branch (also known as Wolf Pit Branch) which is a tributary of Rehoboth Bay. The builder had established a 20-25 foot buffer in the period (2007-2018) he was building these condominiums in this 120-dwelling community (with about 50% full-time residents and 50% part-time/2nd home-owners) along Johnson Branch. In some parts however, the buffer was less, 10 feet to 15 feet.

The small bit of buffer situated behind his condo, is preserved and maintained by neighbor Z -- his condo abuts the buffer along Johnson Branch -- with assistance from EnviroTech.

Photos C and D are of the other neighbor "Y", who had a 20-25 foot buffer when he purchased his condo in 2015, just like neighbor Z. In the successive months following his purchase he eliminated the buffer (and clear-cut neighbors' buffers who were non-resident at the time), removed all natural vegetation, left a few mature trees, and laid sod right to the creek's edge. He has used Round-Up and fertilizer to tend to his extended lawn.

There was no condominium owner's association when this happened. There was not enough "critical mass" in ownership at that point. There was a builder's agent on site (she was responsible for selling remaining lots and condos, responding to new owners' issues, and enforcing the rules of the community along with a local property management agency).

The on-site builder's agent spoke to the new condo-owner (neighbor Y) who had removed the buffer and laid the sod, on the day it was happening. But he did it anyway, with impunity. (The agent was

more focused on selling new condos and attending to new owners' needs and issues, than she was with what happens to the buffer zone.)

While the community was turned over to a condo-owners' association in 2018, now in this community there is a hodge-podge of buffer zone rules adherence and treatment. Some condo-owners whose condos abut the creek have removed "their" buffers so they could have extended lawns and unimpeded views of the creek, and others who care about the buffers and the rules that protect them, have sought to protect and reinforce the parts that lie behind their condos. And there are no consequences for infraction of current rules. (There are no buffer rules written into the Condo's by-laws. All that we have is the current county ordinance. And no one to execute proper enforcement and consequences.)

How can the commissioners and those who crafted the new proposed ordinance truly expect that home-owners, condo-owners, home-owners' associations, and condo-owners' associations, will comply with the new ordinance? The above-story I think shows clearly that they won't.

What is the point of writing rules and regulations if there are no sanctions and no enforcement of the rules against violators? It's as if, take a fictional illustration, Sussex County wrote the laws on speed limits and was responsible for all the speed limit signs we see on the roads, but did not enforce the speed limit rules. Without deterrence and consequences for non-compliance, most people would ignore the speed limits knowing they can act with impunity – they can get away with such conduct – and do so at great risk to themselves and other cars and bicyclists and pedestrians. Why have a speed limit on the roads if those who speed are not held accountable and penalized? Otherwise, it's just a bunch of words on paper – empty, without teeth.

The same applies for the wetlands and buffer ordinance.

We have heard scientific and fact-based evidence by area non-profits and environmental organizations explaining the deplorable state of our bays, creeks, rivers, canals, and related watershed, the disappearing woodlands and wetlands, etc. How does that happen? Carve-outs and variances and, more importantly, due to actions by violators of our existing environmental laws, like the county's buffer regulations. Violations of our laws and rules – you can see it documented/photographed – by builders, developers, merchants, HOAs, private home-owners and condo-owners have contributed to the disappearing woodlands and wetlands, flooding, poor water quality and air quality, disappearing habitat, etc.

So, what do we, as responsible citizens, policy-makers, law-makers, and rule writers do about it?

We in Sussex County have a right to expect that all the rules and regulations – including the buffer ordinance -- enacted in and by the County will be consistently obeyed, fairly and consistently detected/investigated, and unlawful conduct, consistently sanctioned.

Otherwise, you have a bunch of neighbor "Ys" violating the rules knowing they will not be held to account, and home-owners' and condo-owners' associations who have no interest in or inclination to enforcing county rules against their constituents (the home-owners and condo-owners). And with harmful consequences for our waterways, our wildlife, as well as flooding, soil erosion and loss of habitat with knock-on effects for our economy and health.

Do the right thing please, and give these rules some teeth. Otherwise, it's just words on paper.

Regards,

Scott Shaughnessy

CC: Council President Michael Vincent; Clerk of the Council Tracy Torbert

Photo A



Photo B



Photo C



Photo D



Jamie Whitehouse

From: Doug Hudson
Sent: Monday, February 21, 2022 7:40 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

Get [Outlook for iOS](#)

From: Michele Dale (mjake09@comcast.net) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Saturday, February 19, 2022 1:13 PM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

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Dear Councilman Hudson,

WE NEED TO DO SOMETHING NOW!
Too many people have moved to Delaware
Too many cars
Too many housing developments
Same old roads that are so congested with cars.
Enough is enough!

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county.? In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5)?stormwater management facilities should not be allowed to be built in existing natural buffer areas.

Science based data provides generally that buffers for all wetlands should be as wide as possible, and those buffers should be preserved or replanted to mimic their natural states to the extent possible.?Grass cannot replace the benefits of natural forestation and stormwater management facilities should not be allowed to be built in existing natural buffer areas.

As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen?this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Michele Dale
13 North Horseshoe Drive
Milford, DE 19963
mjake09@comcast.net
(302) 422-6212

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

FILE COPY

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, February 21, 2022 7:37 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

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From: Nancy Fifer (guss46@verizon.net) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Saturday, February 19, 2022 1:35 PM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

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Dear Councilman Hudson,

too many wetlands have been "bought" in Sussex County to build more developments. time to stop this egregious practice and save the rest. STOP THE INSANITY NOW!!!!!!!!!!!!

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county.? In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5)?stormwater management facilities should not be allowed to be built in existing natural buffer areas.

Science based data provides generally that buffers for all wetlands should be as wide as possible, and those buffers should be preserved or replanted to mimic their natural states to the extent possible.?Grass cannot replace the benefits of natural forestation and stormwater management facilities should not be allowed to be built in existing natural buffer areas.

As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen?this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Nancy Fifer
16077 Willow Creek Rd
Lewes, DE 19958
guss46@verizon.net
(302) 644-6829

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, February 21, 2022 7:36 AM
To: Jamie Whitehouse
Subject: Fwd: Contact Form: Sussex Cnty Ord #21, Buffer Zones: STRONG, ENFORCEABLE AMENDMENTS

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From: Sally s. Crouch <noreply@forms.email>
Sent: Saturday, February 19, 2022 3:20 PM
To: Doug Hudson
Subject: Contact Form: Sussex Cnty Ord #21, Buffer Zones: STRONG, ENFORCEABLE AMENDMENTS

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Name: Sally s. Crouch
Email: sscrouch301@yahoo.com
Phone: 302-727-6597
Subject: Sussex Cnty Ord #21, Buffer Zones: STRONG, ENFORCEABLE AMENDMENTS
Message:

Dear Councilman Hudson,

Regarding the Public hearing Feb. 22 for Ordinance #21, Buffer Zones

The currently proposed version of the legislation for buffer zones includes loopholes that weaken the purpose of the buffer ordinance. We cannot let this version pass!

We want to guarantee Sussex county citizens

- *vitalization of our waterways
- *assurance of high quality water
- * protection from increasingly more and heavier flooding

The Center for Inland Bays, certainly experts in the best ways to preserve and enhance our waterways, is asking for support of this version of the following four Buffer Zone amendments..

1. Increase the buffer width of perennial non-tidal rivers and streams from 50 to 100 feet. This width is consistent with science-based recommendations.
2. Remove allowance of non-forest meadows from the Resource Buffer Standards Section 10.D. Instead, require the maintenance of existing forest and the replanting of non-forested areas with trees and shrubs to specific densities.
3. Remove in its entirety Section G., the Resource Buffer Options. Absolutely NO exceptions allowed!
4. Add a section on specific enforcement provisions and penalties for noncompliance. Where there is no enforcement, there is no compliance.. Certainly a significant monetary penalty should be imposed.

You may have read "Sussex Must Protect its Buffer Zones",
a letter written by Dottie Cirelli to the editor of the Cape Gazette on November 19, 2021

I highly recommend that you read, or reread, it if you have the opportunity. She makes a very powerful case for our establishing the most stringent waterways standards possible.

In her letter, Ms. Cirelli quoted DOT Secretary Nicole Majeski, who said, "We are seeing the strength of 100-year storms happen more frequently, and more of our roads are being flooded."

And, at the close of her letter, Ms. Cirelli rightly stated, "The minimum (waterways amendments) is akin to placing a band-aid on a gaping wound."

Please support this very stringent, but very necessary, set of amendments to Ordinance #21.

There's no time left to wait!

Thank you taking the time to read this request.

Sincerely,
Sally S. Crouch
20026 Golden Ave.
Rehoboth Beach, DE 19971

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, February 21, 2022 7:31 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

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From: Mary Claire Krager (maryk311@comcast.net) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Sunday, February 20, 2022 2:07 AM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

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Dear Councilman Hudson,

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county. In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5) stormwater management facilities should not be allowed to be built in existing natural buffer areas.

Science based data provides generally that buffers for all wetlands should be as wide as possible, and those buffers should be preserved or replanted to mimic their natural states to the extent possible. Grass cannot replace the benefits of natural forestation and stormwater management facilities should not be allowed to be built in existing natural buffer areas.

As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Mary Claire Krager
311 N Margaret St
Georgetown, DE 19947
maryk311@comcast.net
(302) 253-8054

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, February 21, 2022 7:29 AM
To: Jamie Whitehouse
Subject: Fwd: Contact Form: Land Use

FILE COPY

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From: Wayne Leathem <noreply@forms.email>
Sent: Sunday, February 20, 2022 11:51 AM
To: Doug Hudson
Subject: Contact Form: Land Use

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Name: Wayne Leathem
Email: wayne1147@gmail.com
Phone: 3027451247
Subject: Land Use

Message: Please pass all of these items it long overdue.

1) increasing Buffer widths to what Chris Bason of the Delaware Center for the Inland Bays recommends 2) Requiring the preservation and maintenance of existing forest and buffer areas 3) This one is big - Eliminating the Language Section G- the trade off for Developers, beginning on Line 781 in the proposed Ordinance and 4) adding Harsh Enforcement penalties for non compliance.

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, February 21, 2022 7:29 AM
To: Jamie Whitehouse
Subject: Fwd: Contact Form: Buffer Ordinance

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From: Mary Herbert <noreply@forms.email>
Sent: Sunday, February 20, 2022 12:59 PM
To: Doug Hudson
Subject: Contact Form: Buffer Ordinance

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Name: Mary Herbert
Email: susieherbert67@gmail.com
Phone: 12025105485
Subject: Buffer Ordinance
Message: Dear Councilman Hudson,

I am writing today as a constituent of District 4 here in Sussex County to implore you to take action to strengthen the current buffer regulations, specifically making changes to the proposed ordinance to increase the width of the buffers, require that forested buffers are replanted and take steps to ensure that these regulations are enforced.

It is my understanding that voting for the proposed ordinance without Section G is imperative if we are to protect our waterways and wetlands, prevent intensified flooding and erosion, and preserve beauty and quality of life that are the economic engine of Sussex County.

There should be no allowance for reducing the width requirement of buffers and we must have clear written language and adequate mechanisms for enforcement.
Trees must be retained or planted in these buffers.

Both New Castle and Kent counties require 100-foot buffers for tidal waterways and 50-foot buffers for non-tidal wetlands. Surely, we in Sussex County deserve the same environmental protections.

Please consider the environment and the citizens of Sussex County to be your more important than the wishes of developers.

Sincerely,
Mary Herbert
Ocean View, DE

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, February 21, 2022 7:27 AM
To: Jamie Whitehouse
Subject: Fwd: 100 foot buffers

FILE COPY

Get [Outlook for iOS](#)

From: Kit Zak <kit.and.bill.zak@gmail.com>
Sent: Sunday, February 20, 2022 3:50 PM
To: Doug Hudson
Subject: 100 foot buffers

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Mr. Hudson,
Please support 100 foot buffers to help lessen flooding in coastal areas. I want to send you pictures from the storm of '62 , a nor'easter thatr wreaked havoc. Storms will only be getting worse. Please look at the pictures from the local paper and share them with fellow commissioners.
100 foot buffer won't stop the storms but we may have much less damage when the next storm comes.
Thanks Kit Zak.

From: Jay Tomlinson <jaythrrrep@gmail.com>
Sent: Saturday, February 19, 2022 9:49 AM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Fwd: Continuance - Buffer Ordinance Hearing, February 22, 2022 - Letter of Opposition

Fyi..

Jay Tomlinson
32715 Hastings Drive
Lewes, DE 19958
856-906-0605
jaythrrrep@gmail.com
Begin forwarded message:

FILE COPY

From: Jay Tomlinson <jaythrrrep@gmail.com>
Subject: Continuance - Buffer Ordinance Hearing, February 22, 2022 - Letter of Opposition
Date: February 19, 2022 at 9:45:03 AM EST
To: Michael Vincent <mvincent@sussexcountyde.gov>, "Cynthia C. Green" <cgreen@sussexcountyde.gov>, Mark Schaeffer <mschaeffer@sussexcountyde.gov>, Doug Hudson <Doug.hudson@sussexcountyde.gov>, John Rielely <jlrieley@sussexcountyde.gov>
Cc: ttorbert@sussexcountyde.gov

Sussex County Council Members:

This morning I spent time reviewing the files and public comments made in advance of Tuesday's Buffer meeting.

There is little I can add to the record other than to ask that you adopt the recommendations provided to date to strengthen the ordinance.

Groups like the Center for Inland Bays, SARG, League of Women Voters, Sussex2030, the "Working Group" and many members of the public have thought deeply about this issue and made clear we want and support a strong ordinance that include these features:

- Increasing buffer widths
- Requiring the preservation and maintenance of existing forest and re-planting of non-forested buffer areas
- Eliminating buffer trade-off options in their entirety
- Adding enforcement provisions and penalties for noncompliance

Respectfully,

Jay Tomlinson

Jay Tomlinson
Senators
32715 Hastings Drive
Lewes, DE 19958
856-906-0605
jaythrrrep@gmail.com

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:30 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

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From: Laurel Marshfield (bluehorizoncomm@verizon.net) Sent You a Personal Message
<kwautomail@phone2action.com>
Sent: Friday, February 18, 2022 11:33 AM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Councilman Hudson,

Protecting the environment is FAR more important than overloading the land with housing developments. There are too many developments here already! If this county is suffocated by housing the whole benefit of living here will disappear. Traffic is already choking travel year round. Protect the environment first! Please.

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county.? In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5)?stormwater management facilities should not be allowed to be built in existing natural buffer areas.

Science based data provides generally that buffers for all wetlands should be as wide as possible, and those buffers should be preserved or replanted to mimic their natural states to the extent possible.?Grass cannot replace the benefits of natural forestation and stormwater management facilities should not be allowed to be built in existing natural buffer areas.

As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen?this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Laurel Marshfield
19717 Queen St
Rehoboth Beach, DE 19971
bluehorizoncomm@verizon.net
(302) 227-1749

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:29 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

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From: Cynthia Opderbeck (cynopderbeck@hotmail.com) Sent You a Personal Message
<kwautomail@phone2action.com>
Sent: Friday, February 18, 2022 11:49 AM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Councilman Hudson,

Please PLEASE put restrictions on the unfettered development proceeding in Sussex, our beautiful county. Please read this letter carefully to consider the critical interventions to protect and conserve the land and environmentally sensitive regions, all valuable habitats and ecosystems, and for the sake of the wildlife, and indeed of our human benefit and wellbeing. Thank you so much.

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county.? In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5)?stormwater management facilities should not be allowed to be built in existing natural buffer areas.

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As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen?this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Cynthia Opderbeck
28 Shipcarpenter Sq
Lewes, DE 19958
cynopderbeck@hotmail.com
(302) 200-9162

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:28 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

Get [Outlook for iOS](#)

From: Judy Wetzel (judy_wetzel@yahoo.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Friday, February 18, 2022 11:54 AM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Councilman Hudson,

In addition, stop allowing Schell Brothers to destroy the environment-saving forests when they build a new development.

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county. In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5) stormwater management facilities should not be allowed to be built in existing natural buffer areas.

Science based data provides generally that buffers for all wetlands should be as wide as possible, and those buffers should be preserved or replanted to mimic their natural states to the extent possible. Grass cannot replace the benefits of natural forestation and stormwater management facilities should not be allowed to be built in existing natural buffer areas.

As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Judy Wetzel
17638 Garden Path
Rehoboth Beach, DE 19971
judy_wetzel@yahoo.com
(610) 764-5050

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:27 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

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From: Mary Yeagley Bower (myeagley@gmail.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Friday, February 18, 2022 12:06 PM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

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Dear Councilman Hudson,

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county. In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5) stormwater management facilities should not be allowed to be built in existing natural buffer areas.

Science based data provides generally that buffers for all wetlands should be as wide as possible, and those buffers should be preserved or replanted to mimic their natural states to the extent possible. Grass cannot replace the benefits of natural forestation and stormwater management facilities should not be allowed to be built in existing natural buffer areas.

As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Mary Yeagley Bower
36153 Burbage Rd
Ocean View, DE 19970
myeagley@gmail.com
(703) 609-6518

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:26 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

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From: Francois Reverdy (francois.reverdy@att.net) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Friday, February 18, 2022 12:13 PM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

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Dear Councilman Hudson,

Please do this for our children and grandchildren. They deserve a world at least as good as the one we grew in.

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county. In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5) stormwater management facilities should not be allowed to be built in existing natural buffer areas.

Science based data provides generally that buffers for all wetlands should be as wide as possible, and those buffers should be preserved or replanted to mimic their natural states to the extent possible. Grass cannot replace the benefits of natural forestation and stormwater management facilities should not be allowed to be built in existing natural buffer areas.

As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Francois Reverdy
38386 Josephine St
Rehoboth Beach, DE 19971
francois.reverdy@att.net
(302) 212-2787

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:25 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

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From: Jo Hamilton (johamilton11@verizon.net) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Friday, February 18, 2022 12:18 PM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

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Dear Councilman Hudson,

We have watched our public servants(councilmen/politians) continue to rubber stamp any developers change/request for more land grab. They continue to overrule the restrictions, buffers and guidelines put in place by the educated professionals whose experitse are in this area. They must be stopped! There will be no wild life, healthy bay and ocean water, as well as healthy marine life. If we dont protect our waterway buffers now, there will be nothing left in the very near future. Our tourism will gone. Our communities will be gone. Our children's futures will be gone. The wild life habitats will be gone and we will only have ourselves to blame. All for the almighty dollar given to all the builders/developers, who will also be gone, leaving us with the toxic remnants of what use to be.

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county.? In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5)?stormwater management facilities should not be allowed to be built in existing natural buffer areas.

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As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Jo Hamilton
21058 Laguna Dr
Rehoboth Beach, DE 19971
johamilton11@verizon.net
(302) 727-5051

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:24 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

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From: Steven Barlow (fast460@aol.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Friday, February 18, 2022 12:30 PM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

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Dear Councilman Hudson,

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county.? In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5)?stormwater management facilities should not be allowed to be built in existing natural buffer areas.

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As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen?this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Steven Barlow
10109 N Old State Rd
Lincoln, DE 19960
fast460@aol.com
(302) 725-5074

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Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:21 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

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From: Margaret Keefe (moekeefe@gmail.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Friday, February 18, 2022 2:28 PM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

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Dear Councilman Hudson,

I am very concerned about the impact of development on our environment here in Sussex County. Please pass an ordinance with at least 100 ft. buffers with NO loopholes for developers to wiggle through. Help us keep what's left of our beautiful area.

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county. In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5) stormwater management facilities should not be allowed to be built in existing natural buffer areas.

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As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Margaret Keefe
13272 Sunland Dr
Milton, DE 19968
moekeefe@gmail.com
(845) 389-8951

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:21 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

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From: Dorothy Dobbyn (dordob@verizon.net) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Friday, February 18, 2022 3:10 PM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Councilman Hudson,

Considering the threat of climate change and sea level rise, protecting 100 feet buffers is even more important. Developers in Sussex County have absorbed enough open space with buildings and paved surfaces. As Sussex County leaders, you must think of the greater good for all Sussex residents.

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county. In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5) stormwater management facilities should not be allowed to be built in existing natural buffer areas.

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As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Dorothy Dobbyn
28417 Cherokee Avenue
Millsboro, DE 19966
dordob@verizon.net
(302) 947-1384

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:19 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

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From: Karla Labella (labella24@verizon.net) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Friday, February 18, 2022 3:22 PM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Councilman Hudson,

Do not allow developers to waive the Buffer rules and we need strong enforcement of the buffer rules.

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county. In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5) stormwater management facilities should not be allowed to be built in existing natural buffer areas.

Science based data provides generally that buffers for all wetlands should be as wide as possible, and those buffers should be preserved or replanted to mimic their natural states to the extent possible. Grass cannot replace the benefits of natural forestation and stormwater management facilities should not be allowed to be built in existing natural buffer areas.

As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Karla Labella
17553 Cloud Nine Dr
Lewes, DE 19958
labella24@verizon.net
(973) 600-3111

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:18 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

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From: Elizabeth Salonick (cosmicquaker@gmail.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Friday, February 18, 2022 3:39 PM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

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Dear Councilman Hudson,

Please help balance the development in Sussex County with a sustainable plan to create green space, keep the trees and save the waterways before it is too late.

Thank you

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county.? In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5)?stormwater management facilities should not be allowed to be built in existing natural buffer areas.

Science based data provides generally that buffers for all wetlands should be as wide as possible, and those buffers should be preserved or replanted to mimic their natural states to the extent possible.?Grass cannot replace the benefits of natural forestation and stormwater management facilities should not be allowed to be built in existing natural buffer areas.

As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen?this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Elizabeth Salonick
5 Reeping Way
Ocean View, DE 19970
cosmicquaker@gmail.com
(717) 763-7186

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:11 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

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From: Andrew Ashburn (dewburn@hotmail.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Saturday, February 19, 2022 8:08 AM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

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Dear Councilman Hudson,

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county.? In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5)?stormwater management facilities should not be allowed to be built in existing natural buffer areas.

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As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen?this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Andrew Ashburn
32817 Pear Tree Ct
Lewes, DE 19958
dewburn@hotmail.com
(410) 876-6432

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:07 AM
To: Jamie Whitehouse
Subject: Fwd: Pro Buffers

FILE COPY

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From: bob@robertbbrooks.com <bob@robertbbrooks.com>
Sent: Saturday, February 19, 2022 8:42 AM
To: Cynthia Green; Doug Hudson; John Rieley; Mark Schaeffer; Michael H. Vincent
Subject: Pro Buffers

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Please protect our buffers. It's proven buffers protect waterways and improve the environment. Do not allow developers to opt out of, or trade off buffer areas. It is not enough to have buffer requirements, they must also be enforced with penalties so stiff nobody will think about violating them.

Let's make Sussex County environmentally responsible.

Robert B Brooks
32645 E Riga DR
Ocean View, DE 19970

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, February 19, 2022 9:06 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

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From: Ida Rowe (idarowe@msn.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Saturday, February 19, 2022 9:04 AM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Councilman Hudson,

Sussex County is a builder's mecca. In the Lewes and Rehoboth areas, large swaths of trees have been removed and not replaced. Builders substitute the tree removals with grass. Buffer zones protect our water quality and waterways. It is time for legislators to listen to the voting, caring public and mandate a 100 ft minimum buffer zones.

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county. In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5) stormwater management facilities should not be allowed to be built in existing natural buffer areas.

Science based data provides generally that buffers for all wetlands should be as wide as possible, and those buffers should be preserved or replanted to mimic their natural states to the extent possible. Grass cannot replace the benefits of natural forestation and stormwater management facilities should not be allowed to be built in existing natural buffer areas.

As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Ida Rowe
20448 Old Meadow Ln
Lewes, DE 19958
idarowe@msn.com
(516) 565-1366

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jesse Lindenberg

From: Mary Embrey <rsteven.mlje@gmail.com>
Sent: Saturday, February 19, 2022 9:04 AM
To: Planning and Zoning
Subject: Citizen Letter re Buffer Ordinance

FILE COPY

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Please enter our letter into the hearing record.

Thank you,

R. Steven and Mary Louise Embrey
Bethany Beach Residents



Embrey letter to Sussex CC re Buffers 2-2022.docx

R. Steven and Mary Louise Embrey
413 Bethany Drive
Bethany Beach, DE 19930

2/19/2022

Sussex County Council
2 The Circle
Georgetown, DE 19947

Dear Council Members:

The purpose of this letter is to implore you to make revisions to the current proposed Ordinance on wetlands and water resources and buffers.

As elected officials you have been entrusted with decision-making that will benefit and preserve Sussex County. Now is the time to show residents that you are making the right decisions on this serious matter.

With the outpouring of citizen concern and the wealth of valuable information provided to the Council, we are expecting you will protect buffers by removing Section G and ensure there is proper enforcement of regulations.

Thank you,

R. Steven and Mary Louise Embrey



JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

Scans of Comments Received
Following January 11, 2022
County Council Public Hearing

Documents Scanned Close of Business
2.18.2022

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, February 18, 2022 11:22 AM
To: Jamie Whitehouse
Subject: Fwd: Contact Form: Buffer Ordinance Amendments

SUPPORT EXHIBIT
FILE COPY

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From: Greg Kordal <noreply@forms.email>
Sent: Friday, February 18, 2022 10:55 AM
To: Doug Hudson
Subject: Contact Form: Buffer Ordinance Amendments

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Name: Greg Kordal
Email: gkordal@aol.com
Phone: 201-317-7714
Subject: Buffer Ordinance Amendments
Message: Subject – Buffer Ordinance Amendments
To: Douglas B. Hudson - County Council

I am writing to you today to urge you to accept the Delaware Center for the Inland Bays recommendations regarding the Buffer Ordinance Amendments currently under your review. Buffer widths and other rules/penalties are all critical to protect our waterways and wildlife. I need not repeat all the issues – simply I agree totally with the CIB positions.

We live in The Retreat at Love Creek community, which Chris Bason identified in his presentation. We are fortunate to benefit from a developer who listened to area residents and left an existing forested buffer that is 300' in some areas. Our residents enjoy a natural treasure – kayaking and fishing with their children and grandchildren. I beg you all to do the right thing and protect our precious water, birds, crabs and fish.

We thank you for your attention and all you do for our county.

Regards,
Greg and Terri Kordal
19720 Bernard Dr.
Lewes, DE 19958



Jamie Whitehouse

From: Doug Hudson
Sent: Friday, February 18, 2022 11:21 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

FILE COPY

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From: Elsie Marshall (elsiemars@aol.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Friday, February 18, 2022 11:10 AM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

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Dear Councilman Hudson,

Habitat is taken away from so many animals plus nature cannot be sustained if buffers are not in place.

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county.? In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5)?stormwater management facilities should not be allowed to be built in existing natural buffer areas.

Science based data provides generally that buffers for all wetlands should be as wide as possible, and those buffers should be preserved or replanted to mimic their natural states to the extent possible.?Grass cannot replace the benefits of natural forestation and stormwater management facilities should not be allowed to be built in existing natural buffer areas.

As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen?this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Elsie Marshall
33757 Caddies Way
Millsboro, DE 19966
elsiemars@aol.com
(302) 947-4905

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, February 18, 2022 11:23 AM
To: Jamie Whitehouse
Subject: Fwd: Strengthen Buffer Ordinance

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FILE COPY

From: Richard Coffman (rickinsld@gmail.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Friday, February 18, 2022 10:43 AM
To: Doug Hudson
Subject: Strengthen Buffer Ordinance

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Dear Councilman Hudson,

We must preserve now or lose it forever. The science is in. Has been. For my grandchildren and the preservation of this community please Act NOW or resign. Why do we need you if you cant protect land owners and all citizens. If the law permits things that are harmful, stand up, put on your big boy pants or panties and take a swing for mankind.

The proposed ordinance is a start, but it does little to protect the water quality or the habitats that abut the myriad of streams and waterways that run throughout the county.? In order to be effective: 1) buffers must be a minimum of 100 feet; 2) natural forests should be maintained and protected; 3) wetlands should be protected with buffers; 4) buffers should be protected where they are located and not subject to "other options"; and 5)?stormwater management facilities should not be allowed to be built in existing natural buffer areas.

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As a supporter of the Sierra Club Delaware Chapter, I encourage you to strengthen?this ordinance and utilize the resources in groups like Sierra Club, the Center for the Inland Bays, and others who have experience in this area.

Sincerely,

Richard Coffman
18 Valley Rd
Millsboro, DE 19966
rickinsld@gmail.com
(703) 407-9738

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, February 18, 2022 11:24 AM
To: Jamie Whitehouse
Subject: Fwd: letter from constituent urging revisions to current proposed Ordinance on wetlands and water resources and buffers
Attachments: SussexCountyCouncilLetter_Feb172022_v1.docx

FILE COPY

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From: Scott Shaughnessy <shaughn40@msn.com>
Sent: Thursday, February 17, 2022 11:50 PM
To: Doug Hudson
Cc: michael.vincent@sussexcountyde.gov; Tracy Torbert
Subject: letter from constituent urging revisions to current proposed Ordinance on wetlands and water resources and buffers

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RE: Urging revisions to current proposed Ordinance on wetlands and water resources and buffers

Dear Councilman Hudson:

Please see the attached letter in which I am writing to let you know that while I support approving an update to Sussex County's wetlands and water resources and buffers rules, the current version of the proposed Ordinance being considered by the Council needs important revisions. I focus on the area of penalties and enforcement.

Kind regards,

Scott Shaughnessy
36486 Warwick Drive
Rehoboth Beach, DE 19971

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FEB 18 2022

SUSSEX COUNTY
PLANNING & ZONING

Scott Shaughnessy
36486 Warwick Drive
Rehoboth Beach, DE 19971
Shaughn40@msn.com

February 17, 2022

FILE COPY

Councilman Douglas Hudson
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, DE 19947

RE: Urging revisions to current proposed Ordinance on wetlands and water resources and buffers

Dear Sir:

In advance of the February 22 County Council meeting on the proposed Ordinance on wetlands and water resources and buffers, I am writing to urge further amendment to the proposed Ordinance as concerns enforcement and penalties.

I am going to tell a story.

This story – which is just a micro-perspective on what is happening, small and large, all around our County – demonstrates why enforcement and consequences for non-compliance are SO critical to this Ordinance.

Here's a very brief tale of 2 approaches by 2 next-door neighbors (neighbor "Z" and neighbor "Y") to wetlands preservation and buffer zone rules adherence in Rehoboth Beach.

Photos A and B are of the buffer zone behind the condominium owned by neighbor Z, who bought his condominium in 2016 along a tidal creek known as Johnson Branch (also known as Wolf Pit Branch) which is a tributary of Rehoboth Bay. The builder had established a 20-25 foot buffer in the period (2007-2018) he was building these condominiums in this 120-dwelling community (with about 50% full-time residents and 50% part-time/2nd home-owners) along Johnson Branch. In some parts however, the buffer was less, 10 feet to 15 feet.

The small bit of buffer situated behind his condo, is preserved and maintained by neighbor Z -- his condo abuts the buffer along Johnson Branch -- with assistance from EnviroTech.

Photos C and D are of the other neighbor "Y", who had a 20-25 foot buffer when he purchased his condo in 2015, just like neighbor Z. In the successive months following his purchase he eliminated the buffer (and clear-cut neighbors' buffers who were non-resident at the time), removed all natural vegetation, left a few mature trees, and laid sod right to the creek's edge. He has used Round-Up and fertilizer to tend to his extended lawn.

There was no condominium owner's association when this happened. There was not enough "critical mass" in ownership at that point. There was a builder's agent on site (she was responsible for selling remaining lots and condos, responding to new owners' issues, and enforcing the rules of the community along with a local property management agency).

The on-site builder's agent spoke to the new condo-owner (neighbor Y) who had removed the buffer and laid the sod, on the day it was happening. But he did it anyway, with impunity. (The agent was

more focused on selling new condos and attending to new owners' needs and issues, than she was with what happens to the buffer zone.)

While the community was turned over to a condo-owners' association in 2018, now in this community there is a hodge-podge of buffer zone rules adherence and treatment. Some condo-owners whose condos abut the creek have removed "their" buffers so they could have extended lawns and unimpeded views of the creek, and others who care about the buffers and the rules that protect them, have sought to protect and reinforce the parts that lie behind their condos. And there are no consequences for infraction of current rules. (There are no buffer rules written into the Condo's by-laws. All that we have is the current county ordinance. And no one to execute proper enforcement and consequences.)

How can the commissioners and those who crafted the new proposed ordinance truly expect that home-owners, condo-owners, home-owners' associations, and condo-owners' associations, will comply with the new ordinance? The above-story I think shows clearly that they won't.

What is the point of writing rules and regulations if there are no sanctions and no enforcement of the rules against violators? It's as if, take a fictional illustration, Sussex County wrote the laws on speed limits and was responsible for all the speed limit signs we see on the roads, but did not enforce the speed limit rules. Without deterrence and consequences for non-compliance, most people would ignore the speed limits knowing they can act with impunity – they can get away with such conduct – and do so at great risk to themselves and other cars and bicyclists and pedestrians. Why have a speed limit on the roads if those who speed are not held accountable and penalized? Otherwise, it's just a bunch of words on paper – empty, without teeth.

The same applies for the wetlands and buffer ordinance.

We have heard scientific and fact-based evidence by area non-profits and environmental organizations explaining the deplorable state of our bays, creeks, rivers, canals, and related watershed, the disappearing woodlands and wetlands, etc. How does that happen? Carve-outs and variances and, more importantly, due to actions by violators of our existing environmental laws, like the county's buffer regulations. Violations of our laws and rules – you can see it documented/photographed – by builders, developers, merchants, HOAs, private home-owners and condo-owners have contributed to the disappearing woodlands and wetlands, flooding, poor water quality and air quality, disappearing habitat, etc.

So, what do we, as responsible citizens, policy-makers, law-makers, and rule writers do about it?

We in Sussex County have a right to expect that all the rules and regulations – including the buffer ordinance -- enacted in and by the County will be consistently obeyed, fairly and consistently detected/investigated, and unlawful conduct, consistently sanctioned.

Otherwise, you have a bunch of neighbor "Ys" violating the rules knowing they will not be held to account, and home-owners' and condo-owners' associations who have no interest in or inclination to enforcing county rules against their constituents (the home-owners and condo-owners). And with harmful consequences for our waterways, our wildlife, as well as flooding, soil erosion and loss of habitat with knock-on effects for our economy and health.

Do the right thing please, and give these rules some teeth. Otherwise, it's just words on paper.

Regards,

Scott Shaughnessy

CC: Council President Michael Vincent; Clerk of the Council Tracy Torbert

Photo A



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SUSSEX COUNTY
PLANNING & ZONING

Photo B



Photo C



Photo D



Jamie Whitehouse

From: Doug Hudson
Sent: Thursday, February 17, 2022 4:04 PM
To: Jamie Whitehouse
Subject: Fwd: CONCERNS REGARDING CURRENT VERSION OF THE BUFFER ORDINANCE FROM DAVID CHUN, SELBYVILLE DE

FILE COPY

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From: davidchun622@icloud.com <davidchun622@icloud.com>
Sent: Wednesday, February 16, 2022 1:09 PM
To: Michael H. Vincent; Cynthia Green; Mark Schaeffer; Doug Hudson; John Rieley
Subject: CONCERNS REGARDING CURRENT VERSION OF THE BUFFER ORDINANCE FROM DAVID CHUN, SELBYVILLE DE

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Messrs. Hudson, Schaeffer, Rieley; Ms. Green

I have been following the Buffer Ordinance from afar and understand this will be subject to a vote on February 22nd. Based on information that has been provided to me by various community action groups, it appears the current ordinance, as drafted, has gaps which then subjects the environmental interests in Sussex with potential abuse and gamesmanship by developers. As I am sure you are aware, developers will look to exploit any opening and crevice and will know no bounds (or shame) in doing so.

On that note, lines 781 – 880 of the ordinance regarding “Buffer Option” appears to have a number of carveouts and/or variances to the buffer ordinance. And while I can appreciate that every rule will likely need for some flexibility given a unique circumstance, this section seems to be a yawning hole in the ordinance which developers, employing crafty attorneys and “experts”, will look to fully utilize to their benefit yet to the detriment of the environment, wetlands, forests, etc. I am also troubled by the exemptions related to trees: for example developers being allowed to cut down existing trees in the buffer area(s) up to their application and then no requirement for them to replant trees after they are done. How does that make sense?

Lastly, the ordinance seems to lack enforcement provisions to ensure the developers comply with the requirements. Did I miss that? If in-fact there is no enforcement language, does one really think all developers will comply or is it more likely the case they will push the envelope with the knowledge that no one will catch them? Perhaps developers believe making a donation to the Southern Sussex Land Trust while trumpeting their commitment to environmental concerns in the local papers will assuage the communities’ concerns on the environment. I think not. Why not put a monetary requirement for compliance? For example, put a provision which requires a significant 7-8 figure dollar deposit from the developer to be held in escrow. This amount will only be released back to the developer upon inspection by an independent inspector on behalf of the P&Z committee (similar to a performance bond) when the project is done.

I understand a number of action groups have brought forward their own experts. I urge all of you to heed to the concerns of the citizens of this county and work toward an ordinance that better benefits the environment; to add enforcement provisions which developers must abide by; and to close the holes / carve outs that exist in the current draft.

Thank You

Jamie Whitehouse

From: Chip Smith <chipsmith911@gmail.com>
Sent: Thursday, February 10, 2022 8:30 AM
To: Jamie Whitehouse
Cc: Doug Hudson
Subject: Wetlands Buffer Ordinance Submission for the Administrative Record
Attachments: Buffer Ordinance SussexCo PP Feb22 v2.pdf

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Mr. Whitehouse:

Please share the attached Powerpoint presentation with all of the members of the Sussex County Council for their information in advance of the February 22, 2022, Council meeting and public hearing on the Wetlands Buffer Ordinance. I request that this Power Point be added to the official record for the Wetland Buffer Ordinance and that it be included in any posting of meeting minutes or background information. Please acknowledge receipt of my email --- the PP is a fairly large file and I want to make sure that you have received it.

I also would like to speak at the February 22 meeting, in person. What do I need to do to register or sign up?

Mr. Hudson, I am copying you since you are the representative on the SCC for the Bethany Beach area where I currently reside (Wiegand LN, Bethany Beach). Recall we served and spoke on a panel a few months ago in 2021 on environmental matters sponsored by the Bethany Beach Landowners Association.

Thank you for your consideration. If you have any questions please do not hesitate to contact me at chipsmith911@gmail.com or 571-286-8799.

Chip Smith
Bethany Beach Landowners Association Board

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FEB 10 2022

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Vegetated Buffers Protect Our Quality of Life, Environmental Health, And A Vibrant Economy

Presentation for the Sussex County Council, February 22, 2022

Chip Smith

- 40+ yrs experience, 20 working for USACE & 20 Overseeing USACE with Assistant Sec of the Army for Civil Works (Pentagon)
 - Expert on Rivers & Harbors and Clean Water Acts permitting, river and wetland protection, buffer preservation, and habitat restoration
 - Reviewed and recommended approval of over 600 water resources project reports and NEPA documents
 - Participated in development of environmental and permitting regulations and policy guidance for Army Civil Works/Corps Regulatory Program
 - Taught environmental restoration and mitigation, including the design and importance of vegetated buffers
- Bethany Beach Landowners Association Board



2/9/22

CSmith, Bethany Beach, DE

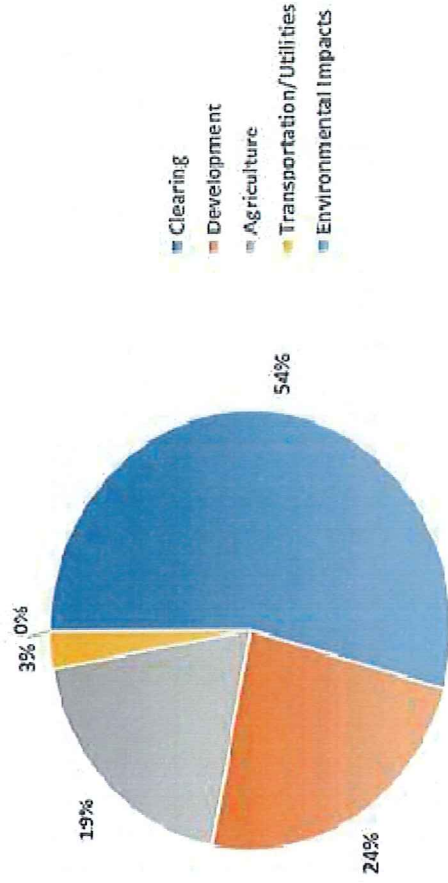
2

ETRE 606A

1935 Topo Map – Much Less Development & Chart of Wetland Losses



Causes of Vegetated Non-Tidal Wetland Losses



Wetlands and Wetland Buffers

- Improve water quality by filtering nutrients/sediment, absorbing harmful substances
- Support species biodiversity
- Protect the coast and communities by storing floodwaters, buffer the coast and uplands along rivers and streams from storms and erosion (slow velocity of flood waters)
- Provide fish and wildlife habitat, critical for ecosystem health, moderate water temperatures, provide oxygen for aquatic species
- Support the economy (recreation tourism, etc.)

Vegetated Buffers (Diverse Native Species)

- Protect homes, businesses, farmlands --- DE economy
- Trees are critically important to healthy, naturally-functioning buffers
- Trees, shrubs, grasses, wetland plants all process and store carbon AND pollutants (nitrogen, metals, bacteria) and runoff from roads, developments, farmlands, etc.)
- Reduce flow velocities, eliminate or reduce erosion and land-loss
- Protect groundwater AND OUR drinking water sources
- Bind up bacteria keeping our waters healthy and safe
- Cool streams, moderate temperatures (reduce unnatural spikes)

Dead Trees – Critical for Ecosystem Health



- Limbs, trunks, & branches devoid of life are just as important to the forest ecosystem as healthy/living trees
- Play a vital role in the lifecycles of hundreds of species of wildlife, providing a place to hide, nest, rest, eat and grow
- Many species of fungi grow only on dead wood, breaking it down and returning important nutrients to the soil
- Provide wildlife habitat, cycling nutrients, aiding plant regeneration, decreasing erosion, and influencing drainage and soil moisture and carbon storage, among other values

Can't Have a Healthy Forest or Vegetated Buffer Without Dead Trees

- Scientists Say: Old perceptions about dead trees being ecologically unimportant are common in our society
- While some people think dead trees are unsightly, simply removing them without applying science-based forest and habitat management principles is an ecological mistake



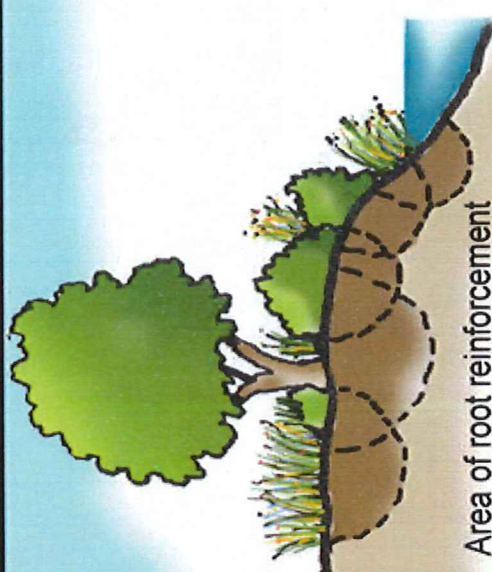
Birds, Bats & Fungi Depend Upon Dead Trees



2/9/22

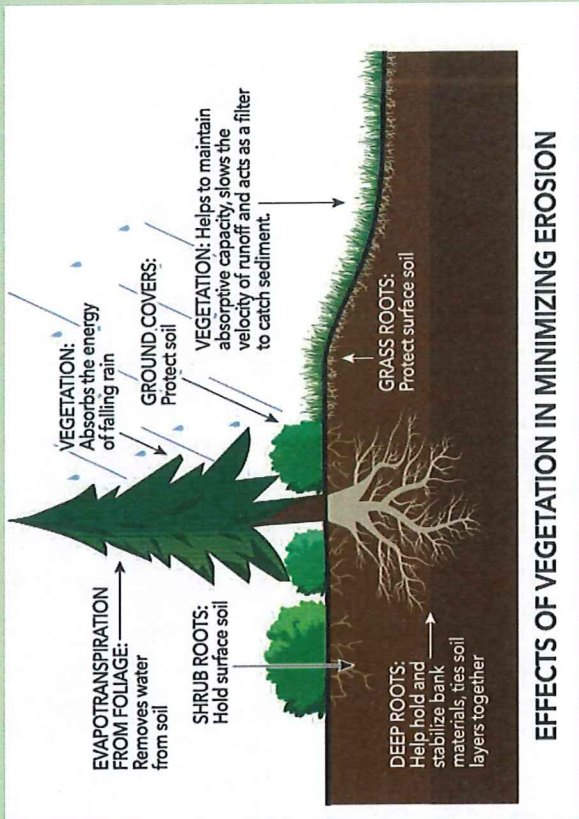
CSmith, Bethany Beach, DE

Trees Minimize Erosion, Especially in Buffers



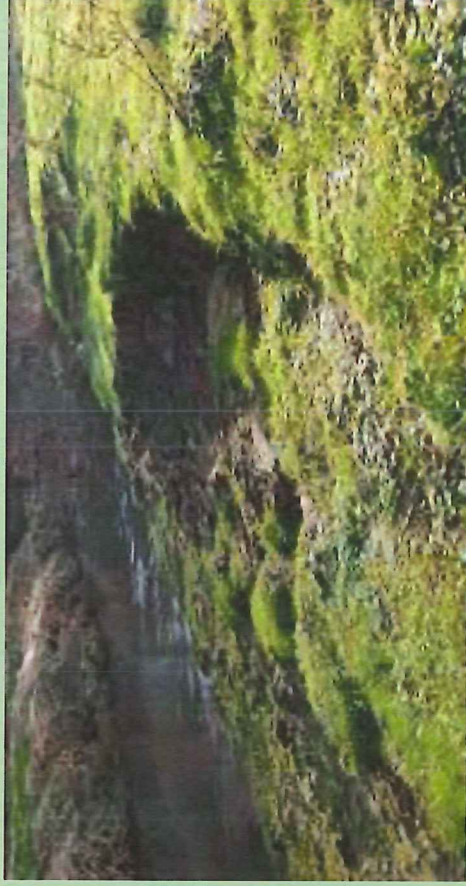
Area of root reinforcement
(generally 2 to 3 ft depth)

Key Considerations
Mixed plant forms
Overlap plantings
Open canopy for good understorey plant growth
Quick growing
Tolerant of inundation and flexible

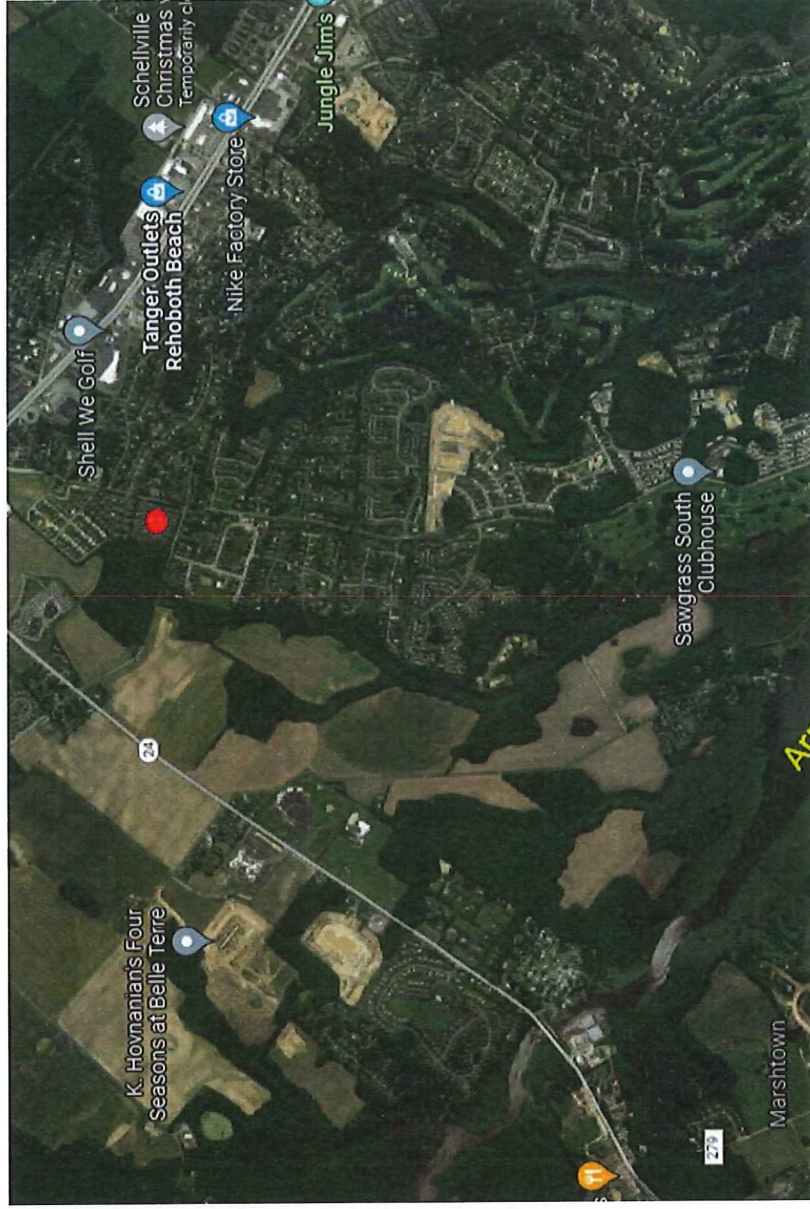


Trees & Bank Stabilization (Property Protection, Homes, Businesses, Farmlands)

- Trees **reduce stormwater runoff** by **intercepting falling rain** in their leafy canopies, slowing the force of rain that falls to the ground. ... Tree root systems help reduce erosion by holding soil in place. Even after being cut, the roots attached to the stump help stabilize soil for



New Subdivisions with Inadequate Buffers and Impervious Surfaces (roads, driveways)



2/9/22

C.Smith, Bethany Beach, DE

Loss and Degradation of Buffers Contribute to Fish Kills (record number in 20212)

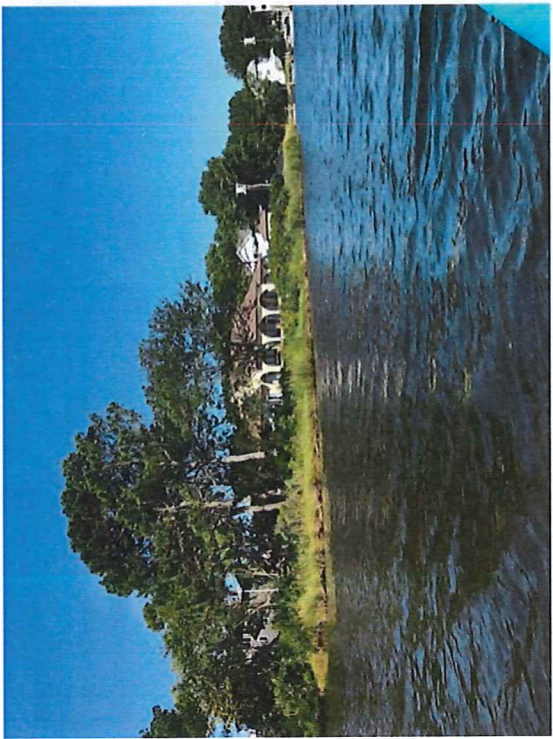


2/9/22

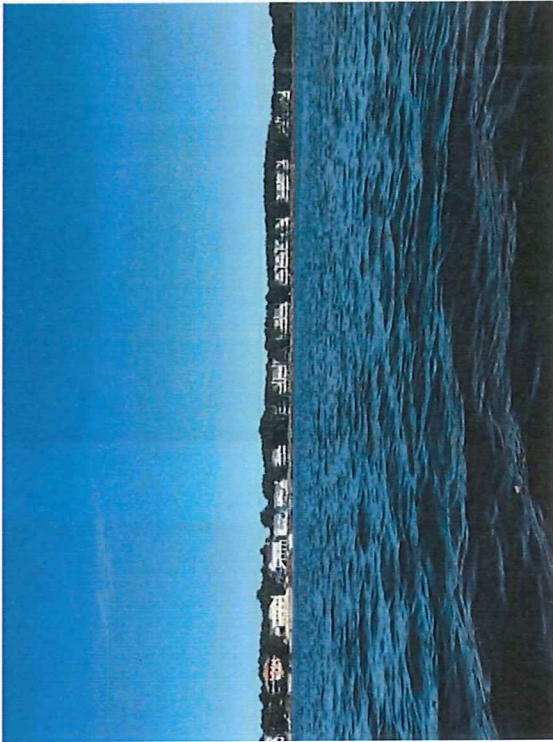
CSmith, Bethany Beach, DE

12

Salt Pond Development & Loss of Buffer



2/19/22



CSmith, Bethany Beach, DE

13

Vegetated Buffer Loss & Streambank Erosion in DE



2/9/22

©Smith, Anthony Beach, DE

14

Buffers MUST Be Preserved and Protected (sometimes expanded)

- Buffers are very location specific and must be preserved, protected, and sometimes expanded --- destroying/degrading a buffer at one location and placing or expanding a buffer at another location is not supported by science, doesn't work, simply results in cumulative losses
- Natural, vegetated buffers developed over hundreds or thousands of years, are complex mosaics on landscapes with unique hydrogeomorphic regimes and climate
- Federal government and many States require functional assessments and replacement according to lost functions, simply using acres or linear feet is inadequate and NOT supported by science

Legacy Sediments - Post-Settlement Alluvium, Human-Induced Erosion



2/9/22

CSmith, Bethany Beach, DE

16

Performance Criteria for Buffers

- Functions must be identified, described, and replaced
- Species mix should mirror natural, undisturbed condition with dominants and sub-dominant ratios verified
- No invasive species, and a control plan in place should they appear
- Federal government requires a 10 to 1 loss vs. protection or preservation ratio (Section G results in overall losses)
- Trade-off buffers must be monitored, penalties for non-compliance
- **FAR EASIER TO ELIMINATE SECTION G, REQUIRE 100-300' BUFFERS**

Why Remove Section G?

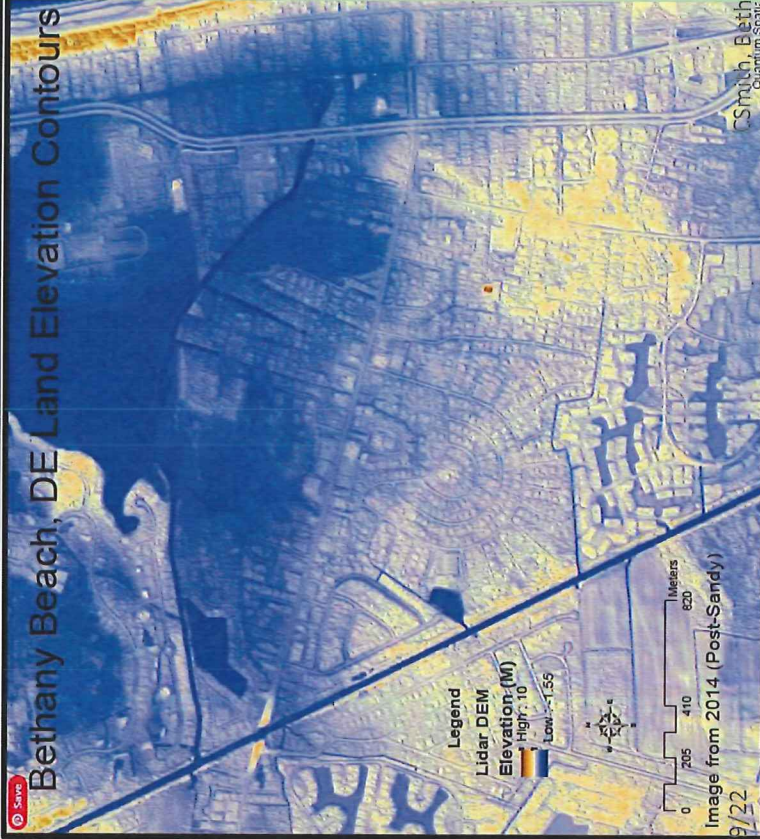
- Allows removal of trees which are a critical part of a buffer mosaic
- Allows widths of buffers to be cut in half, is irresponsible, environmentally egregious, and contrary to the public good
- Allows buffers to be reduced or eliminated in exchange for protecting or restoring similar areas far from the development area is contrary to common sense and science; buffers are location specific, so protecting a buffer somewhere else does no good for the affected location
- Section G will result in serious cumulative losses of buffer functions in the County, seriously degrading our environmental health

Implement the Buffer Ordinance Without Section G Because...

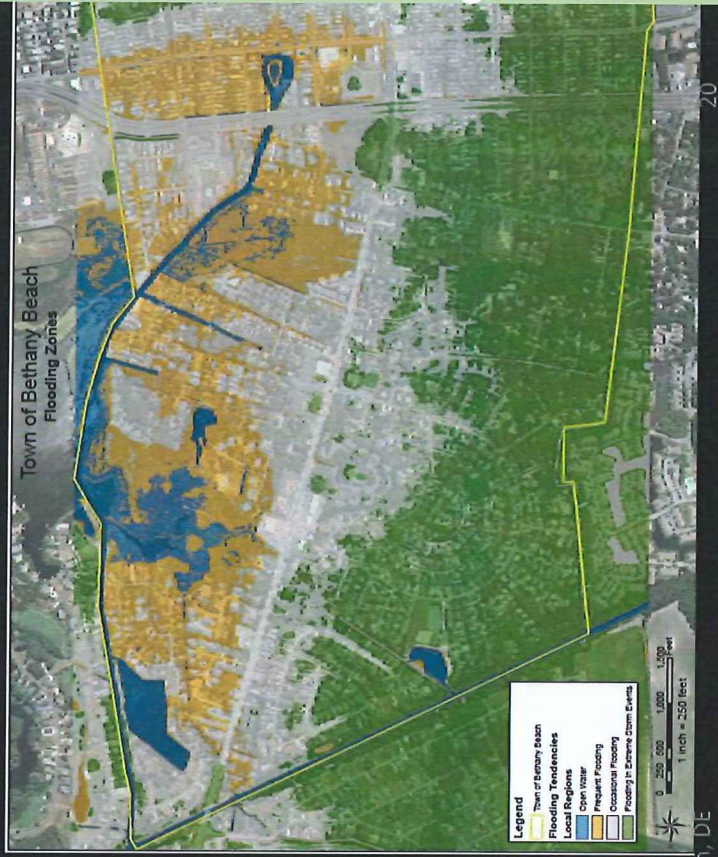
- Sussex County and the WGWB have made significant progress revising and updating the Buffer Ordinance, balancing economic and environmental considerations
- Section G counters all of the good in the rest of the ordinance, and is a major step backwards, while neighboring jurisdictions are more protective
- Section G is counter to current science and economics, and bad for our environmental health
- Vegetated buffers, using native species, protect life, property, the economy, and the quality-of-life characteristics we love about DE
- **Actions we take now, in this buffer ordinance, will either protect or destroy our children's and grandchildren's environmental inheritance!**

Bethany Beach Contour and Flood Zone Maps

Not secure | townofbethanybeach.com/DocumentCenter/View/3754/25



townofbethanybeach.com/DocumentCenter/View/3753/26



38685 Fred Hudson Road, Bethany Beach, DE



2/9/22

CSmith, Bethany Beach, DE



21



Breakwater Beach Development Just North of Bethany Beach on Rte. 1

Recommendation for SCC Consideration

- **Eliminate Section G, pass the Buffer Ordinance Without Section G**
- Section G not developed and discussed by WBWG=controversial text
- Vegetated buffers are critically important to OUR economic, environmental, social, and cultural health, Section G destroys them
- Vegetated buffers protect and improve farmland and residential developments, Section G destroys them
- Section G is inconsistent with Federal, State, & Local government trends to increase the preservation and protection of buffers
- **Buffers are an ecological and economic insurance policy for our children and grandchildren**

QUESTIONS?

Downtown Bethany Beach & Wiegand LN in Bethany Beach Near Loop Canal



2/9/22

CSmith, Bethany Beach, DE

Selected References

- The Economic Value of Riparian Buffers in the Delaware Basin
<https://www.delawariverkeeper.org/sites/default/files/Riparian%20Benefits%20ECONW%200818.pdf>
- Riparian Areas: Functions and Strategies for Management (2002),
The National Academies of Sciences, Engineering, Medicine,
<http://nap.edu/10327>
- Green Infrastructure Primer: A Delaware Guide to Using Natural
Systems in Urban, Rural, and Coastal Settings; DNREC;
[http://www.dnrec.delaware.gov/GI/Documents/Green%20Infrastruct
ure/Green Infra Primer2016 FINAL%20web%20version.pdf](http://www.dnrec.delaware.gov/GI/Documents/Green%20Infrastruct
ure/Green%20Infra%20Primer2016_FINAL%20web%20version.pdf)

Selected References

- The Economic Value of Riparian Buffers, American Rivers, March 2016, https://www.americanrivers.org/wp-content/uploads/2016/05/AmericanRivers_EconomicValueRiparianBuffers-2016.pdf

2/9/22

CSmith, Bethany Beach, DE

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26

FEB 10 2022

SUSSEX COUNTY
PLANNING & ZONING

FILE COPY

SUPPORT EXHIBIT

From: JODI MCLAUGHLIN <noreply@forms.email>
Sent: Monday, February 7, 2022 4:25 PM
To: Doug Hudson
Subject: Contact Form: Buffers

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: JODI MCLAUGHLIN
Email: rjmcfranco@hotmail.com
Phone: 7173424199
Subject: Buffers

Message: Doug and County Council,

As a long time resident on White's Creek in Ocean View I have observed uncontrolled development along pristine wetlands and would like to see a change to the proposed ordinance. Please create buffers that make a difference to the ecology of our area and not a handshake to the developers. Our buffers must be in line with the state of Maryland. Once approved, the buffer ordinance must take effect immediately. There must be strict oversight of these buffers and clearly marked buffer lines and fines that even HOA's can not ignore. Buffer zones are critical edge habitat. The marshes and woods along waterways sustain many species of birds such as: Great Blue Herons, various marsh sparrows, Clapper Rails, Willets, Bitterns, Great Egrets, Snowy Egrets, Green, Blue and Tri-Color Herons, Marsh Wrens, Red-wing Blackbirds, Osprey, and Bald Eagles. Mammals such as river otters, muskrats, deer and fox also make their homes along these critically important buffer zones. What value will our properties have when there is no longer that abundance of wildlife and filthy water that no longer sustains the nursery species to produce the crabs and fish that attracts important recreational dollars. Our buffers must include trees. I have recently seen 2 large Great Blue Heron rookeries wiped out when landowners cut down the Loblolly pine trees that they were nesting in. One stand of trees at Solitudes was cut when the birds were on winter migration and the second stand of trees at Cedar landing was cut when the birds were at their nest sites! The once abundant population of Great Blue Heron of White's Creek has been wiped out. And this is just on the creek where I live. When developers take down trees to afford views to a few residents it is at the expense of many residents. The argument that landowners should have the right to do whatever they want on their land is akin to saying any person has the right to kill every animal that steps foot on their land. Wildlife management was created to assure there will only be a finite number of animals taken in order to sustain a healthy population. To take any amount of trees or bulldoze waterfront land does not sustain a healthy ecosystem. Science without action is pointless. Please look to the science and to the future of our once healthy county. Thank you, Jodi McLaughlin, Volunteer Tri-State Bird Rescue, Delaware Center for the Inland Bays, Delaware Fish and Wildlife, local Osprey Conservationist and Delaware Master Naturalist student.

Jamie Whitehouse

From: WILLIAM HICKS <bhicks1052@verizon.net>
Sent: Sunday, February 6, 2022 10:01 AM
To: Mark Schaeffer
Cc: Cynthia Green; Michael H. Vincent; Doug Hudson; John Rieley; Jamie Whitehouse
Subject: Buffer Ordinance

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This email addresses the proposed buffer ordinance which will not sufficiently preserve buffers, but rather give incentives to builders to build on buffers. Four points in the draft that need to be addressed before council approval are as follows:

1. Buffer Option - This can negate the whole purpose of this ordinance and was added to the ordinance AFTER the working group disbanded and therefore, was not approved by the working group. This section provides incentives for developers to bypass this ordinance.
2. Width of Buffer - environmental groups recommending wider widths have been ignored. Sussex County (the lowest county on the east coast) will end up with the least buffer compared to surrounding areas. Several councilmen understand this point but it needs to be reinforced by public comment.
3. Replanting of Forest Buffer - CIB's Chris Bason has explained in detail why this is important at the P&Z public hearing, but was ignored. This is imperative to protect our water quality, water activities, and wildlife habitat.
4. Enforcement or Penalties - Without this important tool to police the ordinance, this ordinance will not be effective.

The unfettered building, clearcutting and filling of wetlands that has been currently going on in Sussex County needs to end, and development with ecological, environmental, and infrastructure concerns at the forefront needs to become the norm.

Clear skies and smooth seas,
Bill Hicks

"It's the only thing," said the Water Rat Solemnly, as he leaned forward for his stroke. "Believe me, my young friend, there is nothing -- absolutely nothing -- half so much worth doing as simply messing about in boats." - From "Wind in the Willows" by Kenneth Grahame

Jamie Whitehouse

From: Ann M <amm41m@hotmail.com>
Sent: Saturday, February 5, 2022 7:15 AM
To: Jamie Whitehouse
Subject: Buffer Ordinance

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I have one question.
How does a wide buffer harm anyone other than the greedy developer?

Cheers,
Ann

FILE COPY
SUPPORT EXHIBIT

Jamie Whitehouse

SUPPORT EXHIBIT

From: Lee Wheeler <leewheeler@comcast.net>
Sent: Friday, February 4, 2022 8:20 AM
To: Jamie Whitehouse
Subject: Comment about the Sussex County Wetlands and Waters Buffer Ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To Sussex County Council Members:

Thank you for the efforts you have so far made to address the protection and restoration of water quality, wildlife habitat and flood control by increasing the extent of natural buffers between new development and wetlands and waters. I am sure that what we have in common is the love of this home that we share in Southern Delaware.

I understand the need to consider the private vs environmental impact of the decisions you are considering. I would just ask that you consider the long-range impact of a few benefiting from the loss incurred to an environment that supports the quality of life for many.

I ask that the ordinance be revised to support the science we know will protect our area for its present and future residents. I am asking that your vote will add the following amendments to the Sussex County Wetlands and Waters Buffer Ordinance:

- 1) Require forests in all buffers and if forests are not present, require replanting of forest;
- 2) Eliminate the Buffer Options Section G, which allows buffers on a new development to be reduced in size if buffers elsewhere are protected;
- 3) Increase the width of buffers;
- 4) Require specific enforcement provisions and penalties.

Thank you for your consideration. I am sure you know that the decisions you make will directly effect the quality of life we share in Sussex County.

Lee Wheeler
312 Valley Road
Milton, DE 19968

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FEB 03 2022

Dear Sussex County Council Members,

Issue:

FILE COPY SUSSEX COUNTY
PLANNING & ZONING

Ordinance to amend Chapter 99 Wetlands / Buffers

I attended the Council meeting on Tuesday, January 11th 2022 on the topic of amending chapter 99 wetlands/buffers and voiced my concern on the confusing language for Minor Subdivisions in the proposed changes.

As currently written, I feel the section concerning regulations for Minor Subdivisions is to vague/confusing on what is allowed and what is not. I am afraid that some of the more restrictive measures aimed at larger subdivisions will be construed by planning and zoning and other government bodies and applied to minor subdivisions, which truly was not the intent and purpose of this proposed amendment to expand buffer zone regulations.


At this meeting I gave a few examples to Council Members about what could happen to someone's small lot under this current draft version and discussed that this draft could use better detail on what was included or exempt for minor subdivisions.

Some of the examples I gave were, small bulk headed lots and or lots that have been cleared and planted in grass with no wetlands on them. Many of these lots have been this way for years or decades. These lots have no wetlands or buffers on them, yet are bordered by tidal water, such as the many lots in South Bethany, Fenwick Island, Cedar Neck, Long Neck and throughout the Inland Bays. Many of these lots are just 50' x 100'. Some are a little larger and some may be a couple of acres but they surely are not going to be purchased for big developments. Many of these lots are people's life savings, there 401k plan or where they plan to retire and build a home. What happens if someone has a 2 acre lot on a tidal creek with most of the acreage running along the creek, the side property lines are 150 feet from the road to the creek, again no wetlands or natural buffer on the property and they want to subdivide into 3 lots? What happens if someone owns a single double wide lot of 100'x100' and they want to divide it in half? Will they need to have a hundred foot buffer on these new lots? What would happen if some of these lots or a small acreage property is bordered by water on two sides? Would these new lots need 100' buffer on two sides? Now add in front and side building setback requirements and all these properties used as examples would essentially become not buildable and worthless. You can see where I'm going on this.

I strongly encourage you to not vote on this current version to amend changes to Chapter 99 Wetlands/Buffers until there is new clear written language in this proposal to address these concerns in the Minor Subdivision clause. There should to be at the very least, a simplified revision to this clause on what is required/allowed for the Minor Subdivision category. Preferably, the Minor Subdivision clause should just be exempt and left out entirely from this amendment to chapter 99, as this amendment is aimed at large tracts of land that developers wish to turn into major subdivisions. Leaving the Minor Subdivision clause out would be the wisest and easiest decision to avoid potential conflicting regulations. The last thing the small guy or gal needs is more regulations, whether intended for them or not.

Thank you for your time,

Thomas Fowler


303 Azalea Ct. Unit B

Bethany Beach, DE. 19930

From: chair@delaware.surfrider.org <chair@delaware.surfrider.org>
Sent: Tuesday, January 25, 2022 5:14 PM
To: Robin Griffith <rgriffith@sussexcountyde.gov>
Subject: Buffer ordinance and State of the Beach letters

Robin,
Attached are two letters for the Council and a copy of our annual State of the Beach (SOTB) Report. The first letter is in regards to the Buffer Ordinance and the second is for the SOTB report. Thank you for forwarding these items to the Council members.
Sincerely,
Brian

Brian Moran, Chair
Surfrider Foundation Delaware Chapter
302.521.6905
www.delaware.surfrider.org
www.surfrider.org



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JAN 26 2022

SUSSEX COUNTY
PLANNING & ZONING



Sussex County Council
2 The Circle
P.O. Box 589
Georgetown, DE 19947

RE: Buffer Ordinance Adjustments

January 22, 2022

Dear Council Members,

The Delaware Chapter of the Surfrider Foundation urges Sussex County Council to adopt a buffer ordinance intended to better protect waterways from surface runoff in general and more specifically from the impacts of new development on our waterways.

Preserving natural buffers between waterways and land-disturbing activities is highly effective at controlling pollution and protecting essential habitat for fish and wildlife. Establishing buffers between development and freshwater wetlands and small streams within new major subdivisions is critical. We agree with increasing the width of buffers on tidal wetlands and waters from 50 to 100 feet. Although these proposed widths are less than the minimum recommended by scientists and remain less than what nearby jurisdictions require, this is a step in the right direction.

The current proposed buffer ordinance has provisions which concern us. Forests provide the best protection against pollution and are essential for wildlife habitat. The current ordinance allows forests to be cut down without being replanted in the buffer area when the site is developed, and the buffer can be maintained as grass. Conversion of forested buffer to grass will significantly reduce the effectiveness in preventing pollution from reaching Delaware's wetlands and waterways. It will also unnecessarily eliminate wildlife habitat.

We urge Council to eliminate the “width averaging” provisions. While buffering a waterway by 25 feet in places and 75 feet in others might average 50 feet, it will allow more pollution to enter the waterway than if a minimum of 50 feet is preserved because pollutant runoff to waterways increases exponentially where buffers are narrow. Sussex County has general variance provisions which can be considered in those rare instances where adherence to the minimum uniform buffer width would create undue hardship. Including buffer width flexibility into the ordinance itself will make it harder for Sussex County’s Planning Commission and Council to ensure that decreased buffer widths will be rare and only approved when necessary.

These issues can be resolved so that the ordinance fulfills its purposes. Key points - First, if a buffer is not forested at the time the development application is submitted, it must be replanted to a forest before construction is complete. This provides an economic incentive for developers to keep the trees, and it is what other nearby jurisdictions have required for a long time. Second, buffer widths must be maintained at their newly increased widths, plain and simple, and options to reduce buffer width or allow width averaging dropped. Finally, clear language on how the ordinance will be enforced by the County needs to be added to ensure buffers will be maintained in a functioning condition.

Sussex County’s wetlands and waterways are critical to its economy and the well-being of its residents. Delaware Surfrider supports efforts to reduce runoff into our waters, protect our wildlife, and reduce the impacts of surface water runoff and contaminants to our residents.

Sincerely,

Brian Moran

Brian Moran
Chair
Surfrider Foundation Delaware Chapter
302-521-6905
chair@delaware.surfrider.org



Sussex County Council
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Dear Council Members,

I have attached a copy of the 2021 State of the Beach report compiled by Surfrider Foundation. This is an annual report that evaluates the beaches of each state and Puerto Rico. Delaware improved its rating for the year moving from a C to a grade of B. Overall, the Mid-Atlantic region rated a C with Maryland the only state to achieve an A grade.

The key findings for Delaware to improve are related to development within flood zones and granting approval to allow construction seaward of the building line. Over development in the state, especially Sussex County, has been rampant over the last few years. We hope this report sheds light on the damage these projects have on our coastal environment and weighs on future project reviews.

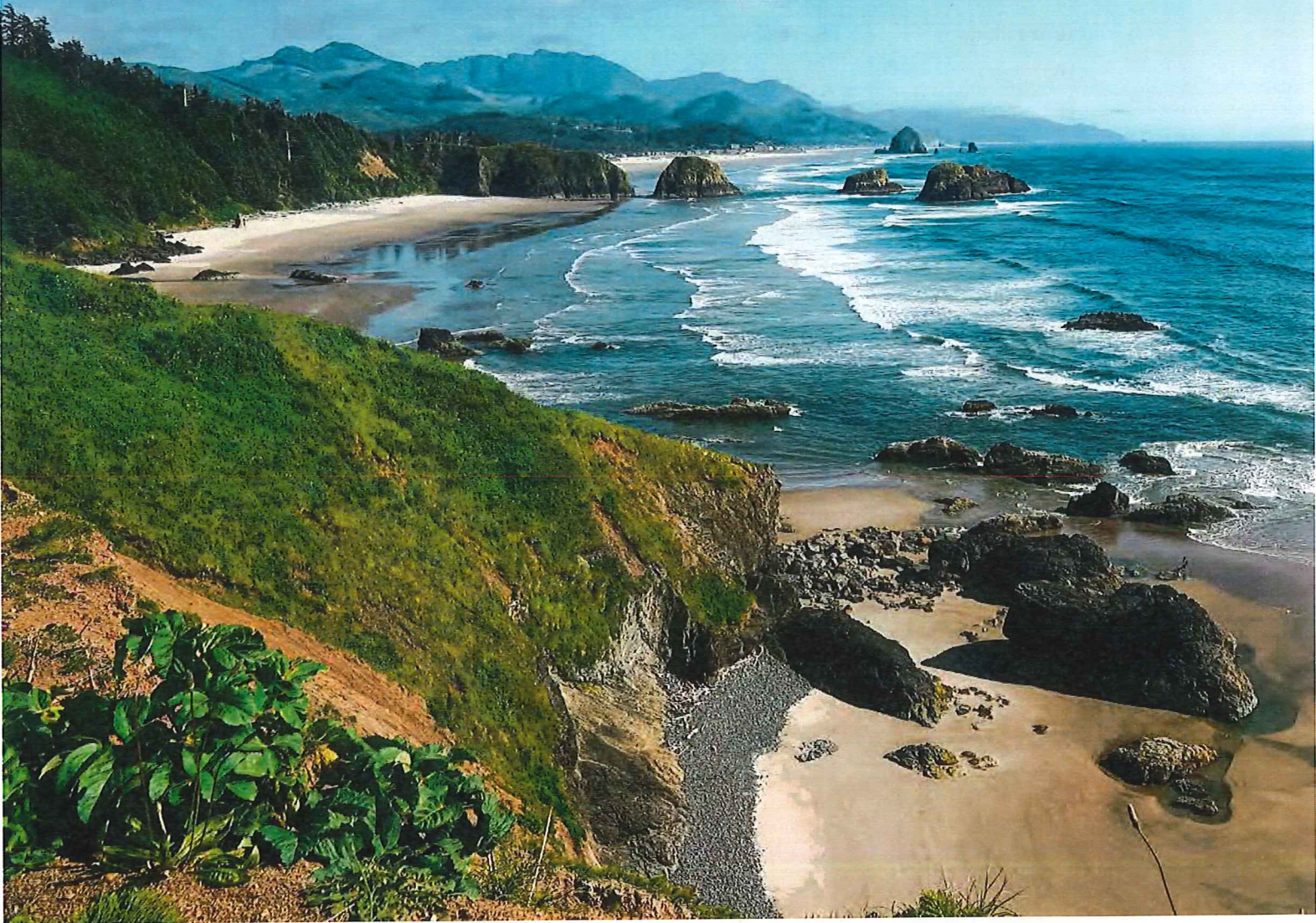
Sincerely,

Brian Moran

Brian Moran
Chair
Surfrider Foundation Delaware Chapter
302-521-6905
chair@delaware.surfrider.org

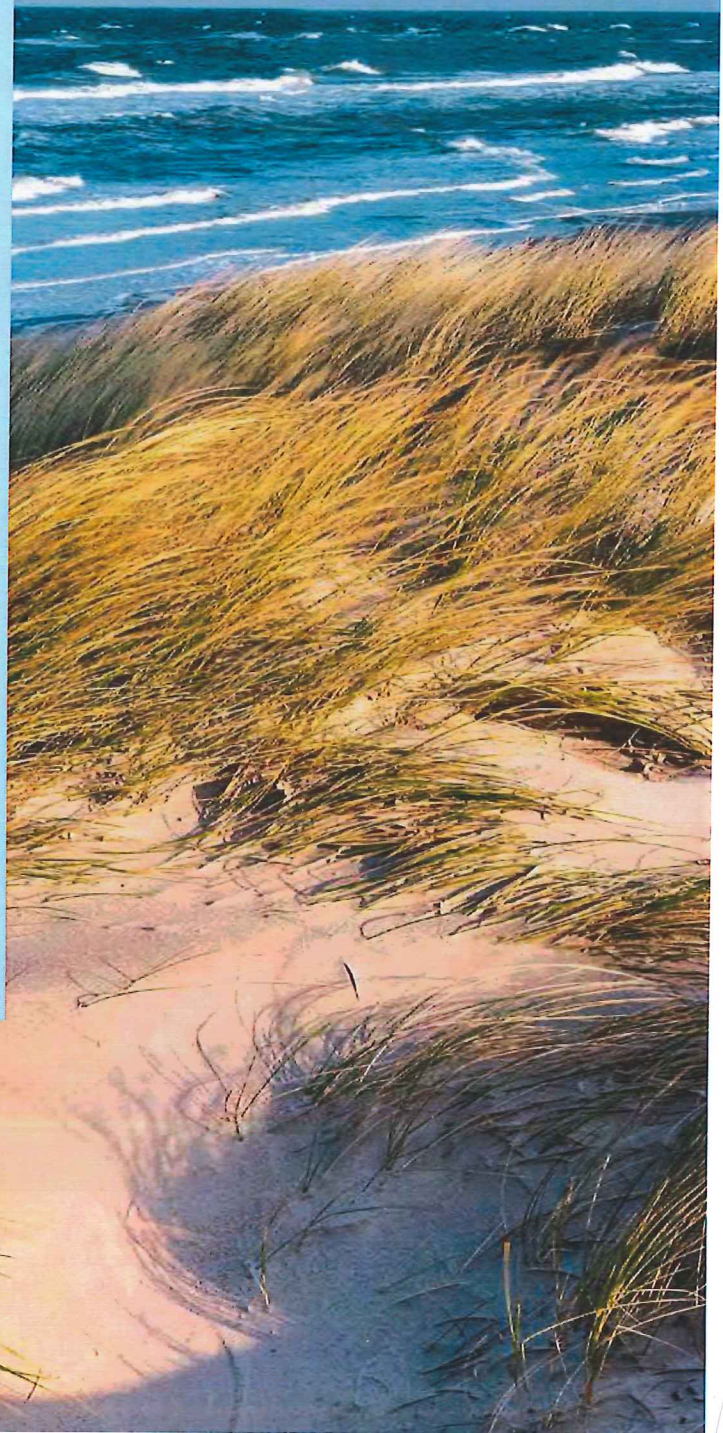
2021

State Of The Beach Report



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Introduction

“The climate crisis has already been solved. We already have all the facts and solutions. All we have to do is to wake up and change.”

— Greta Thunberg, teenage climate activist and Time Magazine “Person of the Year”

Greta is known for her famous speeches before world leaders. She recently spoke at [COP 26](#) where delegates from around the world are charged with fulfilling goals of the Paris Agreement and the UN Framework Convention on Climate Change. Greta’s quote perfectly captures the gravity of the climate crisis and the need for immediate action.

Within the past year, humanity has witnessed severe wildfires, hurricanes, rains, floods, heat waves and whiplashed weather. It is estimated that the 2021 fire season cost Americans up to [\\$90 billion](#) and burned more than 6.5 million acres of land—including some of the oldest, tallest Sequoia trees in the world. Record-breaking heat [scorched North America](#) and land temperatures in the [Arctic Circle reached an unprecedented 118 degrees Fahrenheit](#) over the summer.

Climate change-induced “[vapor storms](#),” a newly coined term, are increasing extreme weather events. As our ocean and atmosphere warm, additional water evaporates into the air, fueling more intense hurricanes, rain and subsequent flooding. It is estimated that the 2021 hurricane season cost Americans [\\$69 billion](#) in damage. The unprecedented floods in Europe and Asia were equally devastating, [costing Europe \\$7.7 billion in damages and costing China roughly \\$25 billion](#) in economic losses (figures do not account for flooding in southeast Asia).

Empirical impacts of the climate crisis are ubiquitous nowadays. Five years ago, impacts were not as pronounced, despite scientists warning about the destructive nature of global warming. In October, Lancet, a weekly peer-reviewed medical journal, released a study indicating that “Humanity faces a crucial turning point and [climate change is now the defining narrative of human health](#).” Lancet’s study asserts climate change is creating ideal conditions for

infectious diseases, such as malaria, dengue and Zika, and the potential for outbreaks is increasing most in developed countries. The study also references the psychological burden that sea level rise and extreme weather events have on communities and people who might need to relocate.

Most coastal states need to advance shoreline management and improve responses to sea level rise to avoid devastating costs to the economy and coastal communities.

40%

of Americans Live Within the Coastal Zone and are Vulnerable to Climate Change Impacts

\$373 Billion

Contributed by the Ocean Economy to the Nation’s Gross Domestic Product

67%

of States Assessed are Performing at Adequate to Poor Levels in Their Response to Sea Level Rise

Compared to previous years, the 5th annual State of the Beach Report features the greatest increase in state grades.

9

States Improved Their Grades in 2021

Another [study](#) found that climate-driven coastal flooding in the U.S. will impact Black, Indigenous and People of Color (BIPOC) and disadvantaged communities disproportionately. The study focuses on how these communities were historically relegated to live in low-lying areas and now aging infrastructure, battered by climate change, is putting people, homes and communities in harm's way. This study amplifies what environmental justice advocates, coastal communities, academia, and other stakeholders have been working to highlight and solve for years.

Despite the increasing impacts of climate change in 2021, positive advancements to rein in the climate crisis were made in the U.S., ranging from the federal level, all the way down to small townships. Nationally, both the Biden administration and Congress have made progress to uphold climate policies that were rolled back during the previous administration.

For example, the Biden administration's budget increased 'coastal resilience funds' for NOAA. President Biden also issued a [series of Executive Orders](#) that focus on reducing greenhouse gases, re-entering the Paris Agreement, pausing new offshore oil drilling, protecting 30% of U.S.

land and water by 2030, improving environmental justice efforts and restoring protections for the Northeast Canyons and Seamounts Marine National Monument.

The House of Representatives introduced the [Ocean-Based Climate Solutions Act of 2021](#) that aims to leverage the ocean in the fight against climate change. This landmark bill will improve ocean protection, increase blue carbon ecosystems, promote responsible renewable offshore energy and help communities adapt to sea level rise. There are an additional nine pieces of legislation in the House that specifically focus on coastal and ocean implications of climate change. Together, this is a major improvement in policy from the previous Congress and administration.

Surfrider's 2021 State of the Beach Report found that nine states improved sea level rise planning efforts. While these new advancements are a step in the right direction, it will take a while (years in some states) to draft and actually implement new laws. Therefore, some new policy improvements do not count toward the states' grades this year. For example, while both New Jersey and Florida passed sea level rise legislation in the past few years, 'rule-making' for the policies and drafting implementation plans take a significant amount of time before full adoption of the laws.

Georgia had the biggest increase in a grade, going from an 'F' to a 'C-.' The state made significant improvements to respond to sea level rise planning by improving vulnerability studies, advancing adaptation strategies and working more closely with local governments. Both Maryland and Maine also increased their grades from a 'B' to an 'A' in 2021 by improving sediment management practices, protecting environmentally sensitive habitats and by advancing sea level rise adaptation measures.

In July 2021, [Hawai'i](#) became the only state in the nation to adopt a new law that requires sea level rise disclosures in real estate transactions. Sea level rise disclosures will be critical in the future as sea levels continue to increase. While the law doesn't take effect until 2022, Hawai'i's new legislation is precedent-setting not only because it is the first law of its kind, but also because the legislation strikes an important balance between protecting both people's rights and coastal resources.



The Ocean-Based Climate Solutions Act of 2021 aims to leverage the ocean in the fight against climate change by increasing blue carbon ecosystems and promoting renewable offshore energy.

The goal of Surfrider's State of the Beach Report is to make the public and decision-makers aware of the ever-growing erosion problems facing our beaches and to improve how municipalities and agencies respond to erosion, coastal preservation and sea level rise. For more information on Surfrider's climate change work, please review our activist [toolkit](#).

SURFRIDER'S COASTAL EFFORTS TO IMPROVE MANAGEMENT

The Surfrider Foundation is a nonprofit environmental organization dedicated to the protection and enjoyment of our world's ocean, waves and beaches, for all people, through a powerful activist network. For nearly 40 years, Surfrider has helped to improve coastal management and protect important ocean and coastal resources. With more than 190 chapters and student clubs nationwide, Surfrider is working at local, state and national levels to protect our shorelines. We proactively address threats, such as coastal development, shoreline armoring, seawalls and beach 'dredge and fill' projects to support the protection of our coasts. At the national level, our environmental science, policy and legal experts work with decision-makers to plan for the future of our coasts.

Over the past five years, Surfrider has intentionally been increasing our work on climate change mitigation and adaptation to help provide solutions to this crisis. We constantly search for new scientific research and consume in-depth policy ideas to implement solutions.



With more than 190 chapters and student clubs nationwide, Surfrider is working at local, state and national levels to protect our shorelines.

While the climate crisis is daunting, Surfrider is working around the country to protect coastal communities, ecological resources and recreational access in light of the climate crisis.

We have implemented a multipronged approach to:

- Educate our supporters, the general public and decision-makers about how the climate crisis is impacting our ocean and coasts.
- Help communities adapt to climate change impacts by working directly with decision-makers in 30+ different localities across the country to safeguard and pass climate legislation at state and federal levels.
- Lobby the halls of Congress. In 2021, through our Coastal Recreation Hill Day, 160 Surfrider advocates virtually met with more than 165 congressional representatives to urge stronger leadership to solve the climate crisis.
- Protect and enhance beach access for the public, including underserved communities.
- Help improve coastal management and development standards by publishing this annual State of the Beach Report.
- Participate in dune restoration and 'living shoreline' projects that can withstand rising seas.
- Partner with universities and federal agencies to better understand ocean acidification, harmful algae blooms and sea level rise.
- Advocate for greenhouse gas reductions by supporting 'Community Choice Energy' programs.
- Hit the streets. Surfrider has mobilized people to attend global climate marches and strikes.
- Plant Ocean Friendly Gardens to create 'living soils' that trap greenhouse gases and prevent the use of emission-intensive fertilizers.

For more information on Surfrider's coastal preservation campaigns and victories, visit [surfrider.org](https://www.surfrider.org). We encourage you to join your nearest chapter to get connected and involved in the protection of your local coastline and favorite beach.

COASTAL EROSION IS THREATENING BEACHES

Our nation's beaches are under extreme threat from coastal erosion. According to U.S. Geological Survey studies, about 50% of surveyed U.S. coastlines are either at 'high' or 'very high' risk of coastal erosion. This alarming statistic underscores the importance of strong coastal management to protect these vital resources for the future.

'Coastal erosion' is the loss of both sandy beaches and land area. It occurs due to several factors, including geological changes in the landscape, sea level rise, high-intensity storms and the disruption of natural sand supply. Developments, such as the paving of watersheds, damming of rivers and construction of shoreline structures that interrupt sand transport, block the flow of sediment to the coastline and prohibit the natural refurbishment of sand on our coasts. Coastal erosion typically does not pose a noticeable problem until structures become threatened and beaches diminish.

Part of the problem is that the allure of the coasts has prompted individuals and communities to build infrastructure too close to our ocean and waterways. After coastal erosion and storm surge threaten properties, many homeowners and land managers conduct expensive protection projects. These short-term approaches include the addition of sand through 'sand replenishment' and the construction of hard stabilization structures with 'coastal armoring.' While applied as a quick-fix, scientists

Our nation's beaches are under extreme threat from coastal erosion.

50%

of Surveyed U.S. Coastlines are Either at 'High' or 'Very High' Risk of Coastal Erosion

have found that sand replenishment projects can cause environmental damage and unintended ecological consequences, while shoreline armoring actually exacerbates erosion by blocking the natural flow of sand and effectively starving beaches. Additionally, sand is a finite resource, formed from the weathering and erosion of rocks over thousands to millions of years. As the world's demand for sand continues to rise for cement, glass, asphalt, fracking and beach replenishment, to name a few, the global supply of sand is dwindling.

To compound these issues related to beach erosion and sand scarcity, more than 80,000 acres of coastal wetlands are lost annually, which is the equivalent of about seven football fields that are lost during each hour of every day. Over the past 200 years, more than half of the wetlands in the U.S. have disappeared due to a combination of natural processes and human engineering. This erosion of coastlines, wetlands and watersheds is also taking place in conjunction with rising sea levels and the ongoing effects of climate change, severely impacting our nation's coasts.



Coastal armoring is a short-term solution that often leads to overdevelopment of the coast, putting people and homes back in dangerous, high-risk areas.

CLIMATE CHANGE AND SEA LEVEL RISE

Climate change is already here. Many empirical examples of climate change impacts can be seen around the country. Areas in Florida are increasingly experiencing 'sunny day flooding,' in which the ocean regularly creeps into streets and storm drains. In the Pacific Northwest, the shellfish industry has undertaken major efforts to curb acidic ocean water from impacting hatcheries. California, Oregon and Washington witnessed an unprecedented fire season in 2021, as extreme temperatures and drought conditions exacerbated fires along the entire West Coast. The Pacific Ocean off the West Coast also experienced its second largest marine heat wave ever recorded. In addition, the Atlantic continues to be plagued with more frequent and severe hurricanes that are devastating coastal communities.



The Atlantic continues to be plagued with more frequent and severe hurricanes, while communities along the Pacific witnessed an unprecedented fire season in 2021.

Over the past few years, the United Nations Intergovernmental Panel on Climate Change released its 2018, 2019 and 2021 reports, concluding that drastic climate change impacts are now estimated to occur much faster than previously predicted – as soon as 2040. Even if humans manage to keep the Earth's temperature from increasing by 2 degrees Celsius, major impacts are expected to happen due to the amount of greenhouse gases already released into the ocean and atmosphere. However, these impacts will be much more severe if we don't curb our global greenhouse gas emissions significantly and urgently.

As extreme weather events and climate change become more consistent and noticeable, it is increasingly important for our nation's decision-makers to take immediate steps and actively plan for climate change impacts. After destructive environmental disasters, the sentiment is often to rebuild in the same place and begin armoring the coast. However, armoring is just a short-term solution and this approach often leads to overdevelopment of the coast, putting people and homes back in dangerous, high-risk areas. Alternatively, through strategic restoration and planning, shorelines can recover and regenerate to avoid or mitigate erosion. Homes can also be built in a way, and location, that prevents added risk to residents.

We need to proactively and strategically turn the tide now to avoid the loss of beaches, homes, communities, public access, recreation and ecosystems. In terms of coastal erosion, this isn't just about the loss of beaches, it's also about the increasing loss of livable land for our communities. Once these unique and special areas are gone, they're gone for good – permanently lost for current populations and future generations.

As extreme weather events and climate change become more consistent and noticeable, it is increasingly important for our nation's decision-makers to take immediate steps and actively plan for climate change impacts.

Key Findings

Many states have model programs in place to protect our coastal resources. However, this year's report reveals once again that the majority of coastal and Great Lakes states, in addition to Puerto Rico, are doing a mediocre to poor job of responding to coastal erosion and planning for sea level rise. A noticeable trend highlights the fact that states that are the most vulnerable to extreme weather events, including destructive hurricanes, are also the least prepared in terms of state policy to handle coastal erosion and the increasing impacts of climate change.

The overarching results indicate that the majority of coastal managers and state agencies need to take greater steps to ensure our nation's beaches and

coastlines will be protected for future generations. Our report makes the case that states will greatly benefit from more consistent policy and financial support from the federal government.

Given the severity of coastal erosion and impending sea level rise, the State of the Beach Report criteria checklist is ambitious and the standards are intentionally set at high levels. The report is intended to be used as a tool to highlight areas that need the most work and provide potential solutions that can be implemented to protect our coasts and coastal communities for the future. In order for states to aim for the ambitious standards set in this report, it is important to increase adaptive capacity and look at each of the four areas assessed in a holistic manner.

The majority of coastal and Great Lakes states and territories are doing a mediocre to poor job of responding to coastal erosion and planning for sea level rise.

AVERAGE GRADES

● West	B
● Northeast	B
● Mid-Atlantic	C
● Islands	C
● Southeast	C
● Great Lakes	D
● Gulf	D



Cows that survived a hurricane in the Southeast are stranded on a porch, surrounded by flood waters.

A noticeable trend highlights the fact that states that are the most vulnerable to extreme weather events, including destructive hurricanes, are also the least prepared in terms of state policy to handle coastal erosion and the increasing impacts of climate change.

Methodology

Surfrider's State of the Beach Report evaluates states coastal management practices and efforts to plan for sea level rise. Each state or territory was graded on a set of 12 criteria separated into four major categories: sediment management, development, coastal armoring and sea level rise (Appendix 1). The scoring scale for the four categories is qualitative, based on each state's ability to meet the key criteria.

This set of criteria encapsulates state efforts to meet expectations established in the Coastal Zone Management Act (CZMA). Specifically, states were evaluated on their current laws and policies, in addition to the implementation of these policies. States were also evaluated on recently

passed legislation, the 'assessments and strategies form' under Section 309 of the CZMA, communication with coastal zone management agencies and on-the-ground monitoring through Surfrider's network.

For each category, states received a numerical score, from 1 (bad) to 3 (good), based on the presence and strength of their policies. The score for each state was calculated by totaling points from every category and translating scores into letter grades, described in greater detail below. We aimed to provide holistic grading, balancing the point system with the state's policies overall, including the quality of policies and how well they are implemented.

The scoring scale for the four categories is qualitative, based on each state's ability to meet the key criteria.

GRADING SCALE

The overarching grading scale is a standard five-letter grading system from A to F. However, a few states did receive either a plus (+) or minus (-). This exception was made for only a few states because the grade was marginally on the fence when calculating criteria points. In addition, a minus can indicate that a state has strayed from strong policies that are already in place, or it can indicate the state improved a policy but that improvement did not earn a full letter grade improvement. A plus can indicate that while a state is lacking certain criteria, exceptional efforts are being made to improve coastal management.

BAD = 1 POINT

Insufficient. Does not provide adequate protection of coastal resources.

OK = 2 POINTS

Some robust policies are in place, but need improving to adequately protect the coastline.

GOOD = 3 POINTS

Nice work! Sufficiently protects the coastline.

A = 11-12 POINTS

Excellent policies and implementation.

B = 9-10 POINTS

Good policies, but can be improved.

C = 7-8 POINTS

Mediocre policies.

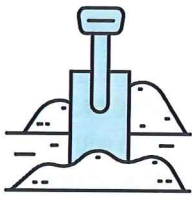
D = 5-6 POINTS

Fairly poor policies, lacking.

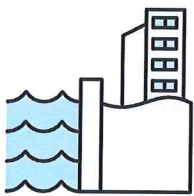
F = 4 POINTS

Inadequate protection of coastal communities and resources.

CATEGORIES OF CRITERIA



Sediment Management: Coastal states are encouraged to manage sediment and preserve upland sediment sources to ensure habitat for wildlife and healthy beaches for recreation, tourism and economic opportunities. Adequate sediment management includes protecting and restoring the natural flow of sediment to the coast and along the beach. If necessary, it also includes carefully planning for beach replenishment by establishing clear monitoring requirements before and after sediment projects, and a permitting process to ensure proposed projects meet regional requirements.



Coastal Armoring: As a result of significant coastal development, many states have permitted methods of coastal armoring to protect structures from hazards, such as extreme tides, storm surge and sea level rise. Coastal armoring is a form of 'structural shoreline stabilization' which prioritizes the short-term protection of developments rather than the long-term health and functional resilience of the coast. This quick-fix approach is intended to reinforce unstable coastlines and create a physical buffer between developments and the waterline. Methods of armoring include the construction of jetties, vertical seawalls and riprap or revetments, which are large rocks, boulders or artificial counterparts placed on the beach. Unfortunately, these armoring techniques are costly, provide only short-term protection, result in the loss of natural coastline and actually exacerbate the rate of erosion. Adequate coastal armoring policies prevent the use of hard armoring, restrict inappropriate construction and repair, prevent or have strict limitations on emergency permitting directly after storms and promote soft stabilization mechanisms that increase coastal resiliency, such as living shorelines that use native vegetation to protect wetlands and coastal areas.



Development: Much of our nation's coastline is already developed. Waterfront residences, tourism opportunities and public infrastructure, such as roads, wastewater treatment plants and power plants, line our coasts. In addition, coastal development in a time of climate change exacerbates impacts on wildlife, habitats and coastal recreation, which all depend on healthy coasts. Adequate coastal development management includes implementing strong building codes that ensure developments can withstand severe storms, restrictions on the repair or development of new structures in high hazard areas, ample 'setback' buffers that require developments to be built a certain distance from the coast (either from the mean high tide line or first line of vegetation) and clear protection for environmentally-sensitive habitat areas.



Sea Level Rise: Previous and ongoing greenhouse gas emissions have altered the chemical composition of the Earth's atmosphere and ocean, causing the phenomenon known as climate change. Many expected impacts are already evident from this change in global processes, with coastal effects becoming more visible. There is a strong scientific consensus that climate change will result in more frequent and severe storms, increased sea levels from warming water molecules and melting continental ice sheets, and exacerbated erosion of the shoreline. Coastal states must be proactive in increasing the resilience of their communities and coastlines. Adequate sea level rise policies include conducting thorough sea level rise vulnerability assessments, directing ample outreach to coastal communities and jurisdictions, and developing comprehensive adaptation plans to prepare for and respond to sea level rise.

West Coast

Washington

Oregon

California

Alaska

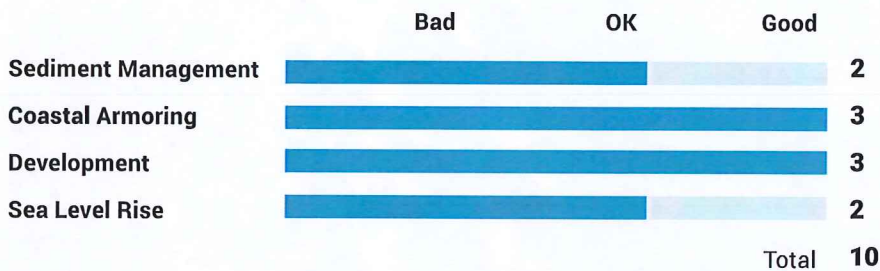




WEST COAST

Washington

Washington’s shorelines are rich in geological features and vast bodies of water. The beautifully rugged Pacific coast is home to the world-renowned Olympic National Park, many diverse ecosystems and several sovereign Tribal reservations. More than 68% of Washingtonians, or 4.6 million people, live along or near the state’s 3,026 miles of coastline. Considering that Washington’s coastal and marine environments are vital economic engines, it is imperative the state continues to prepare for sea level rise. While Washington is doing a good job preparing for climate change impacts and reducing greenhouse gas emissions, the state would benefit from requiring local municipalities to incorporate sea level rise into local land use plans.



BEACH GRADE

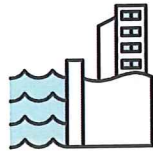
B

Good policies, but can be improved.



OK

Sediment Management: Washington’s statewide sediment management policy is lacking a holistic approach because it narrowly focuses on dredging and does not explicitly provide beach fill regulations. As an important note however, the state does not heavily rely on beach fill and even has a decent permitting process for replenishment projects.



GOOD

Coastal Armoring: Similar to California, Washington has established local plans, known as Shoreline Master Programs. The plans clearly provide policies to avoid the installation of new shoreline armoring, unless determined necessary under highly specific conditions. Washington has also made concerted efforts to remove coastal armoring projects in order to help restore ecological functions. In addition, Washington is ahead of other West Coast states in terms of implementing living shorelines and restoration projects.



GOOD

Development: The Shoreline Management Act, passed in 1971, requires local municipalities to establish robust development standards. These include setback requirements, limitations on new development and redevelopment, and the protection of public access related to development. Washington also does a good job of protecting sensitive habitats, such as wetlands and dunes, from poorly planned development.



OK

Sea Level Rise: The Department of Ecology continues to work with academia and other stakeholders to evaluate the latest sea level rise data. While Washington has taken proactive measures to analyze climate change, such as creating vulnerability assessment and risk maps, “Washington State’s Integrated Climate Response Strategy” only provides recommendations for adaptation. The state needs to create a long-term adaptation plan for the region and require local communities to update local Shoreline Master Programs (SMPs) to include adaptation implementation. In the Quinalt Indian Nation, plans are underway for relocating the villages of Taholah and Queets, where more than a thousand people face increased tsunami risk as the sea rises inch by inch, year by year.

RECOMMENDATIONS

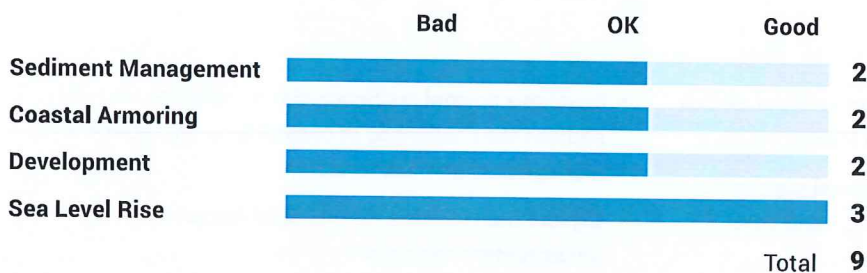
- Require all counties and municipalities to incorporate sea level rise into regional Shoreline Master Plans.
- The state legislature should bolster financial support to local communities to plan for sea level rise and other climate change impacts.
- Establish explicit regulations for beach dredge and fill projects to ensure coastal resource protection.
- Develop a coastal resiliency plan to comprehensively address the challenges of coastal erosion, sediment management and sea level rise.
- Explore mechanisms for managed retreat and infrastructure relocation.



WEST COAST

Oregon

Oregon's 362 miles of coastline are lined with more than 80 state parks, gorgeous green landscapes and fierce currents. For well over 100 years, Oregonians have fought to maintain public access to their coast, highlighting their unwavering love for the outdoors. The Oregon Beach Bill of 1967 ultimately secured public access to the coast, allowing Oregonians to freely enjoy fishing, beach access and countless coastal adventures. In 2021, the state passed several bills that protect sensitive habitats and increase efforts to combat climate change impacts and ocean acidification.



BEACH GRADE

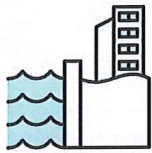
B-

Good policies, but can be improved.



OK

Sediment Management: Oregon has permitting requirements for beach fill projects under the Oregon Parks and Recreation Department but the state is lacking in monitoring processes and plans. Fortunately, unlike some East Coast states, Oregon doesn't rely on beach fill for erosion control. However, Statewide Planning Goal 18, which is designed to protect beaches and dunes, allows for 'dune grading' for 'view enhancement,' among other sand management activities, which are provided for by local management plans.



OK

Coastal Armoring: Under the Ocean Shore Permit Application Review Process, Oregon requires alternative analysis for protective structures that includes "an analysis of hazard avoidance alternatives, including relocation of existing buildings or other infrastructure." This is a strong measure that's effective at limiting armoring on the majority of Oregon's shoreline. The state also maintains a geospatial inventory of coastal armoring and over the years, the trend for approving armoring has declined. However, similar to other states, Oregon could improve its 'emergency' permits requirement, in addition to definitions and standards for approved structures.



OK

Development: Oregon does not have a standardized setback system for development and recently removed some important restrictions on new development in high hazard areas. While the state does provide a model development policy and has established beneficial restrictions on repair and redevelopment, it is up to the local governments to fully establish, implement and enforce local interpretations of Goal 18, to protect beaches and sand dunes. In 2019, the Department of Land Conservation and Development (DLCD) began convening stakeholders to explore ways to further fine-tune language within Goal 18. That process resulted in a number of recommendations. In 2021, DLCD launched a rule advisory committee to address oceanfront road infrastructure related to those recommendations.

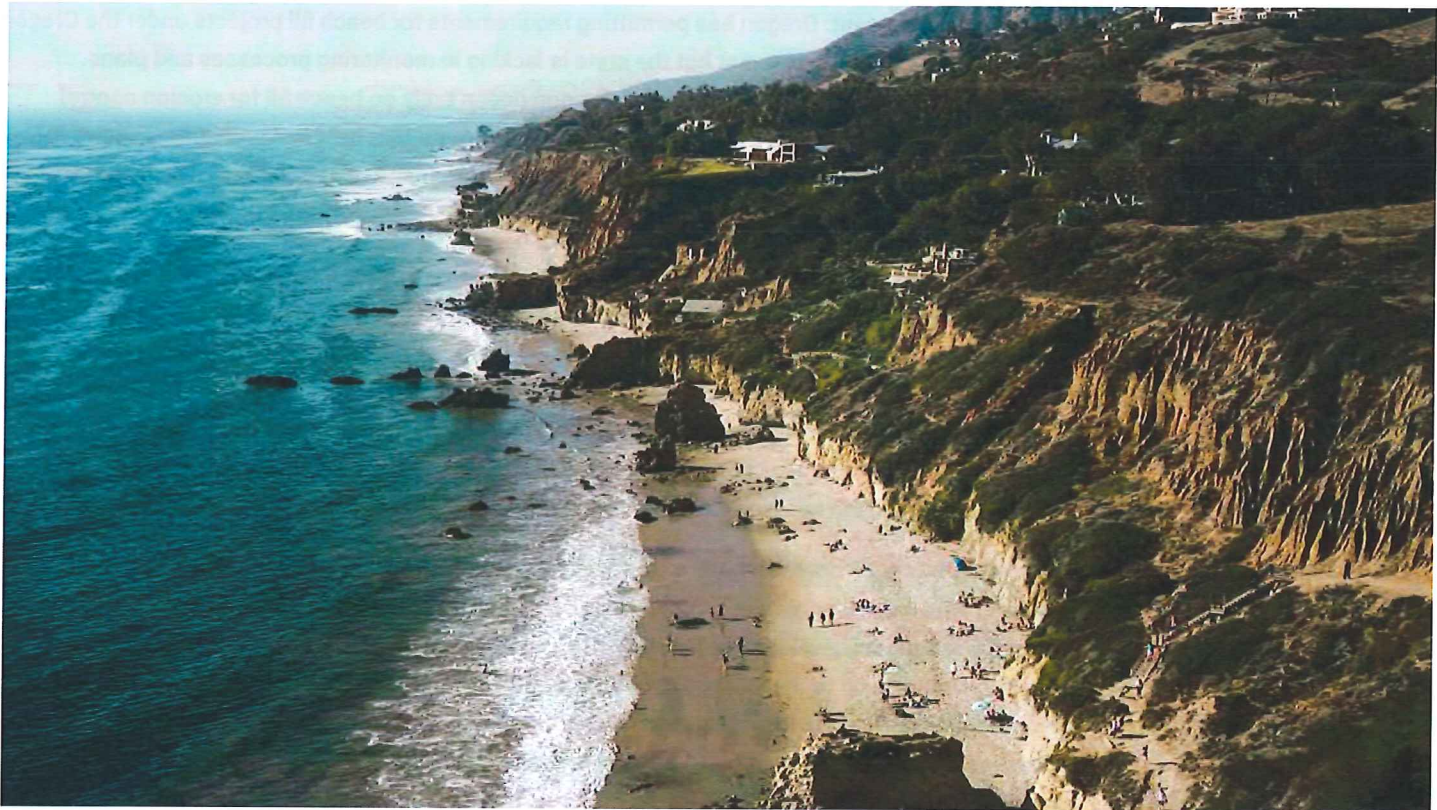


GOOD

Sea Level Rise: Oregon continues to be a leader in climate change adaptation planning, encouraging local communities to proactively plan for climate change impacts through its Climate Ready Communities program. Oregon is far ahead of other states in protecting public access in light of future sea level rise and has even established a rolling easement policy. In 2021, the state began working on a sea level rise guidance document for local planners and municipalities to ensure proper sea level rise analysis and subsequent planning.

RECOMMENDATIONS

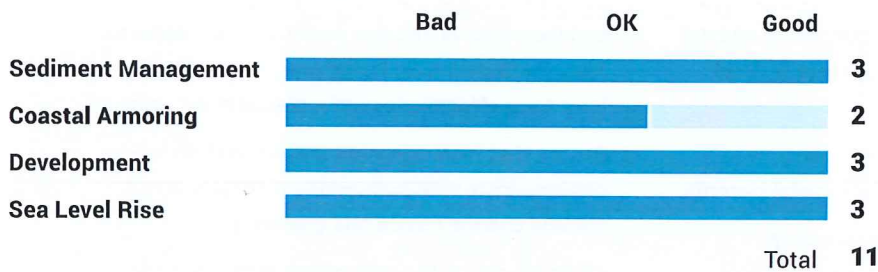
- Ensure language changes to Goal 18 further protect coastal resources by limiting development in hazardous and sensitive areas, requiring 'soft' alternatives to coastal armoring and setting a minimum development setback policy.
- Establish repair and rebuilding restrictions for infrastructure that has been damaged by coastal hazards.
- If hard stabilization is absolutely necessary, only offer emergency permitting with strict time limits for removal. In addition, require a legal commitment by the property owner to remove the seawall and implement an alternative stabilization method.
- Develop and require local governments to implement sand management plans that analyze environmental and recreational impacts prior to project approval. Also, institute a monitoring program that reviews the long-term effectiveness of replenishment projects.
- Ensure that local agencies and coastal managers communicate with community members about climate change issues and guidance.
- Close loopholes for preemptive armoring and adhere consistently to coastal preservation and erosion policies.



WEST COAST

California

With nearly 1,100 miles of rocky cliffs, seal-lined beaches and booming coastal economies, California demands policies that are as powerful as its coastline. The state leads the country in coastal management with policies such as the iconic 1976 California Coastal Act, as well as the Coastal Commission’s extensive work regarding sea level rise.



BEACH GRADE

A

Excellent policies and implementation



GOOD

Sediment Management: California has a Sediment Master Plan and a California Sediment Management Workgroup composed of local and state agencies to establish regional plans. While California does a better job than most states with efforts to avoid unnecessary beach fill, expensive beach fill projects still occur frequently. Fortunately, projects are strictly reviewed under the Coastal Act and stringent permit conditions require extensive environmental analysis and monitoring plans. The state considers progressive measures, such as the reuse of dredged sand, and is analyzing the removal of obsolete dams. Multiple agencies also provide extensive resources and studies related to sediment.



OK

Coastal Armoring: Advancing coastal resilience is a clear priority for California, with the state's Ocean Protection Council recently approving 15 grant projects prioritizing "nature-based" adaptation efforts. Local Coastal Programs approved by the California Coastal Commission (CCC) also put restrictions on new armoring and the repair of existing seawalls. Unfortunately, the CCC continues to administer emergency permits for temporary stabilization structures and many become permanent. The CCC seems to back away from permit conditions that require the removal of seawalls and rock revetments. Fortunately, California agencies and local municipalities have increased efforts to fund and implement living shorelines and other natural mechanisms as alternatives to new seawalls, as seen by local projects in areas including San Diego and San Francisco.



GOOD

Development: In 2020, the CCC improved setback standards, proving once again that California takes its coastal development law seriously. When compared to many other coastal states and urban areas, California has managed to limit unnecessary development, leaving the coastline less impacted in most locations (with the exception of large metropolitan areas). The Coastal Act has clear requirements about development and redevelopment. The state also does a good job of protecting environmentally-sensitive areas and often applies additional protections to prevent degradation, both onshore and offshore.

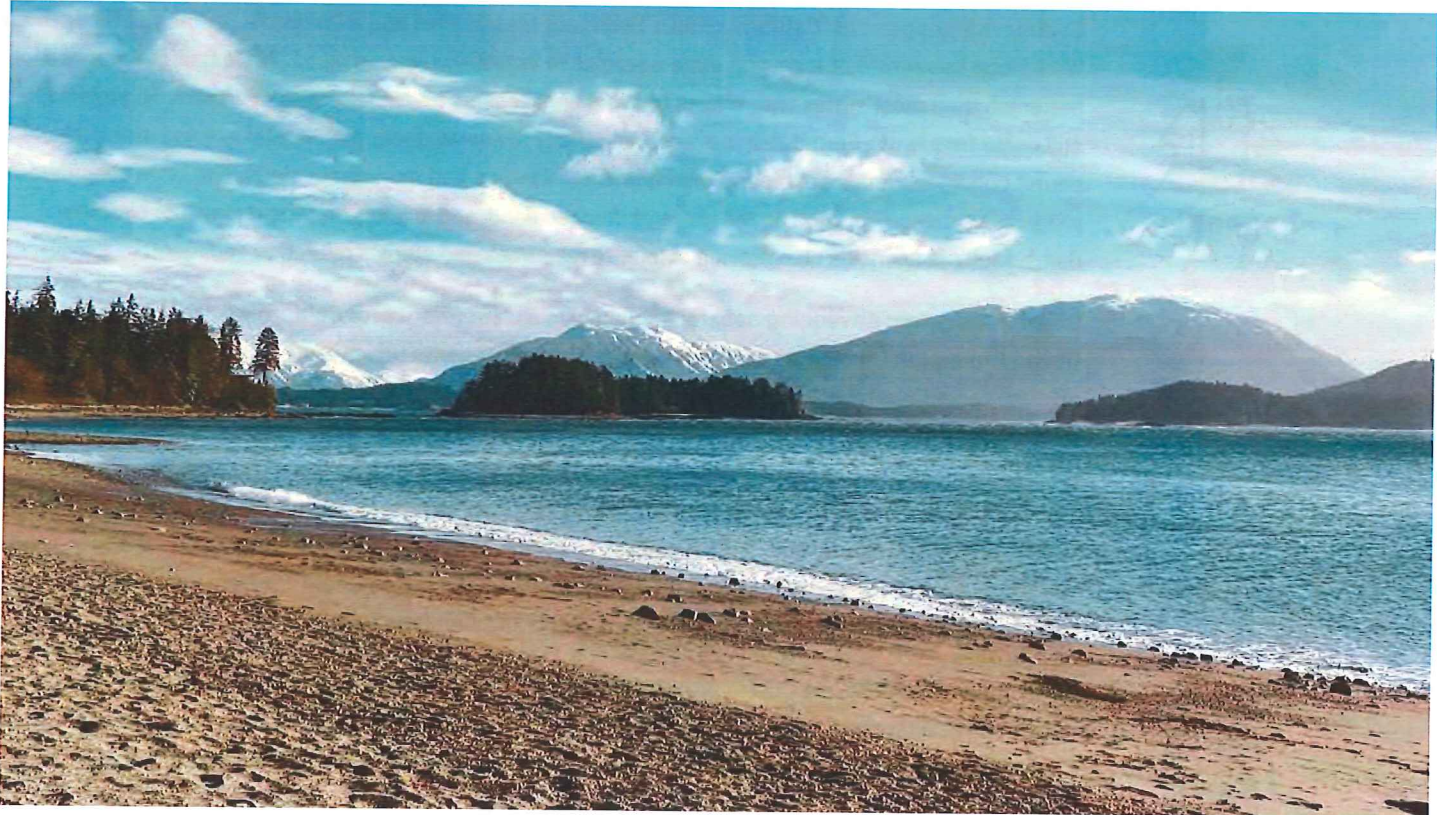


GOOD

Sea Level Rise: Every year, the state reflects seriously on its sea level rise laws and policies. Already leading in sea level rise response, the state passed even more pieces of proactive legislation in 2021. New policy additions will require state agencies to conduct a sea level rise analysis before approving public funds for new or expanded infrastructure projects along the coast; prevent the irresponsible use of public funds on projects that will be impacted by sea level rise during the life of that project; provide a fiscally prudent investment in the long-term protection and vitality of California's coast; and enhance the CCC's ability to better enforce the Coastal Act and penalize violations.

RECOMMENDATIONS

- Prohibit the use of emergency seawalls and hard stabilization devices.
- If hard stabilization is absolutely necessary, only offer emergency permitting with strict time limits for removal, in addition to a legal commitment by the property owner to remove the seawall and implement an alternative stabilization method or conduct managed retreat.
- Increase efforts to restore natural sediment flow to the coastline.
- Enhance development setback standards to incorporate current sea level rise and erosion projections.
- Establish firm requirements to use soft stabilization methods, such as 'living shorelines' and managed retreat, before using hard stabilization devices or sand replenishment.
- Offer local municipalities and homeowners legal advice on managed retreat that maintains and protects public access through rolling easements and incentivizes rezoning in light of sea level rise.
- Bolster efforts of the California Sediment Management Workgroup to develop established regional sediment management plans.



WEST COAST

Alaska

Alaska has the country's longest coastline, amassing 6,640 miles of mountainous shores that are home to many Alaska Native communities. The abundant wildlife and natural resources draw visitors from near and far searching for remote adventures, plentiful fishing and wildlife watching. With such a vast coastline to protect, it is surprising that Alaska has opted out of NOAA's CZMA Enhancement Grant funding, which could provide necessary resources to protect this spectacular shoreline.



BEACH GRADE

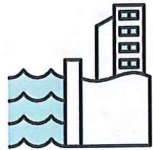
D

Fairly poor policies, lacking.



BAD

Sediment Management: Alaska is lacking sand replenishment policies and regional sediment management plans. While some municipalities have their own sediment management plans, it's not a common practice. In fact, beach fill projects are rather uncommon, with no identified policy overseeing or guiding those that do occur. In lieu of any state regulations, dredge and fill efforts are only required to meet federal standards. However, large-scale construction projects, such as natural gas pipelines, are required to submit an erosion and sedimentation control plan with their development application.



BAD

Coastal Armoring: While Alaska lacks concrete policies regarding coastal armoring, agencies are encouraged to consider alternatives prior to constructing hard structures. Unfortunately, there are no restrictions on the use of hard shoreline structures on private property and grants are even available for constructing and repairing hard stabilization structures. Instead of the state being the lead on managing erosion, many federal agencies are involved in various aspects of erosion management



BAD

Development: Development standards are largely created at the municipal level and are relatively lackluster. Alaska does not have a statewide setback policy and does not place restrictions on the rebuilding of structures near the coast, even after they have been damaged by flooding. According to Alaska's Coastal Assessment and Strategy document, only six coastal districts and five communities have approved state comprehensive management plans. However, the state does protect certain sensitive habitats from development, including 32 established critical habitat areas, wildlife sanctuaries and game refuges along the coast.



OK

Sea Level Rise: Alaska continues to make some progress in planning for climate change. In 2020, Alaska and federal agencies announced plans for extensive mapping of the coastline and nearshore bathymetry. The Climate Change Impact Mitigation Program provides technical assistance and funding to communities imminently threatened by climate-related natural hazards, such as erosion, flooding, storm surge and thawing permafrost. In 2019, the program also released a Threat Assessment that includes mapping. Alaska has codified protections for riparian areas, and the Department of Natural Resources frequently advances stream and land restoration efforts. There are, however, conflicting actions at play, with the state's recognition of climate change, coastal hazards and the need for sensitive habitat protection at odds with the state's ongoing support of oil and gas drilling, even in the Arctic National Wildlife Refuge.

RECOMMENDATIONS

- Develop coastal zone management enhancement plans and rejoin the Coastal Zone Management Program, which works with states to address coastal issues.
- Develop and / or require the local development of adaptation plans for coastal communities.
- Establish more thorough policies on relocation and managed retreat of structures prone to erosion and sea level rise.
- Develop strategies that limit or prohibit shoreline armoring.
- Create regional sediment management and replenishment plans that require the consideration of environmental impacts and extensive monitoring.
- Prohibit drilling and fossil fuel extraction in National Wildlife Refuges.
- Establish coastal development setback policies.

Northeast

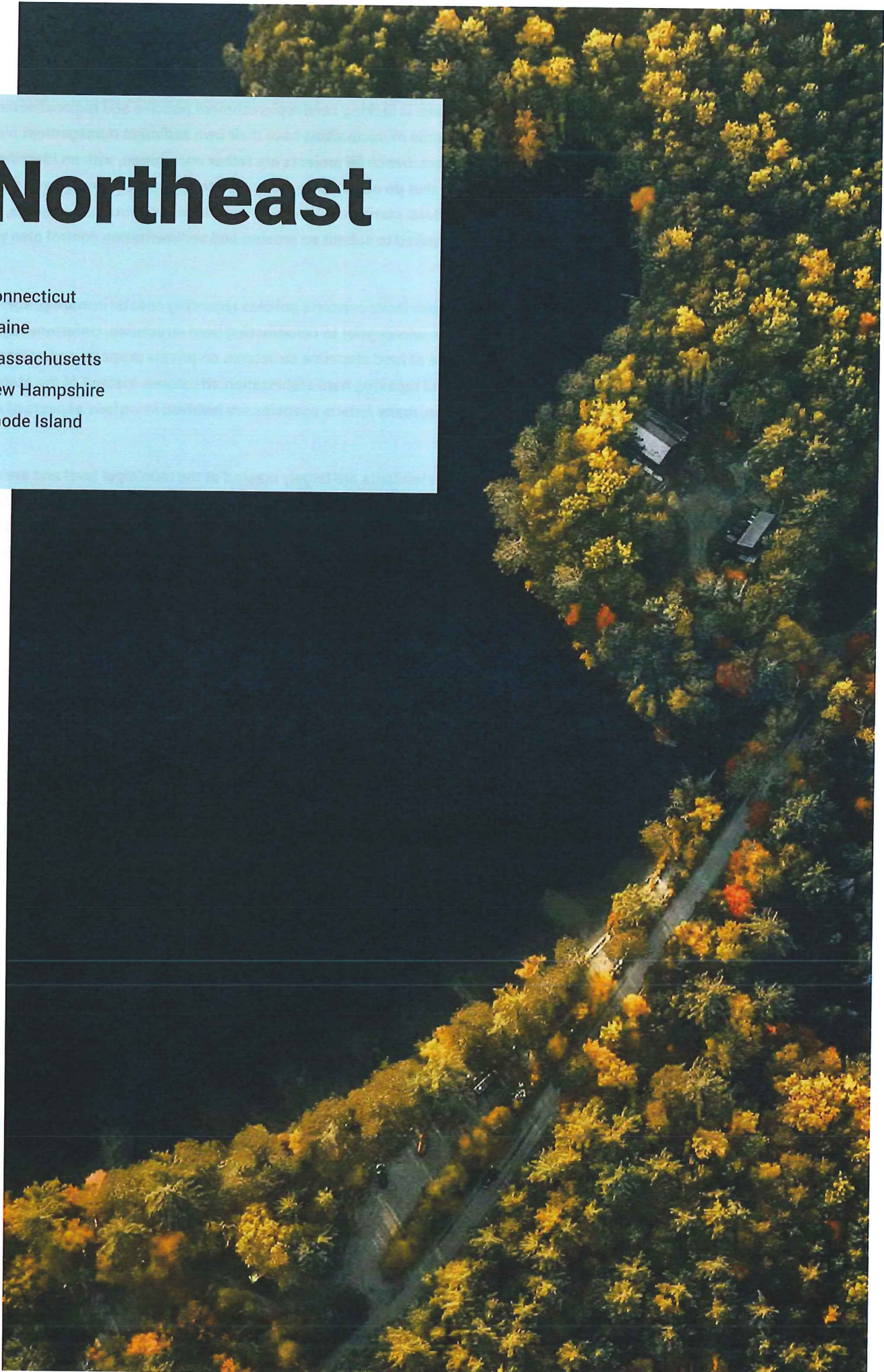
Connecticut

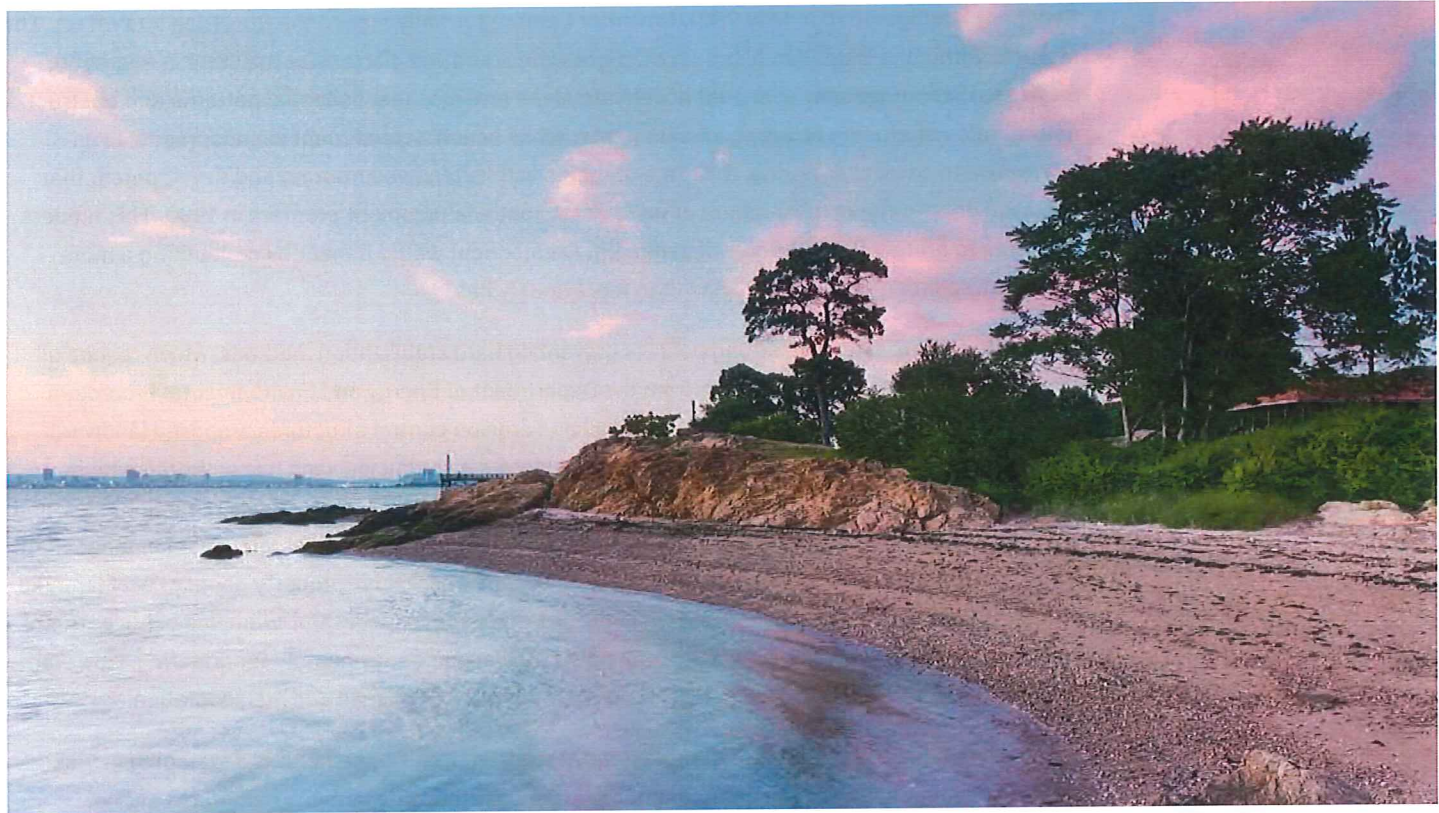
Maine

Massachusetts

New Hampshire

Rhode Island

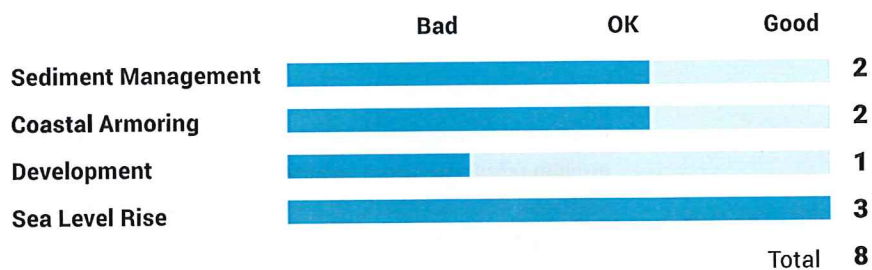




NORTHEAST

Connecticut

Connecticut’s 96 miles of coastline provide beauty and endless recreational opportunities to its residents and visitors. In 2021, the state made tremendous progress with improving sea level rise planning efforts by passing extensive legislation. In addition, the state also implemented the final version of the Blue Plan, which improved tools and standards for planning and permitting activities in offshore waters. However, the state must continue to update its coastal development policies in flood risk zones.



BEACH GRADE

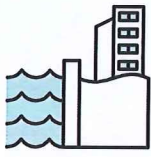
C+

Mediocre policies.



OK

Sediment Management: In May 2021, Governor Lamont formally signed the [Blue Plan](#) into effect. The statutes within the Blue Plan focus on offshore waters and will also assist the state in nearshore efforts to discourage new uses that accelerate slope erosion, alter essential patterns and obstruct natural rates of erosion or supply of sediments. While beach nourishment is encouraged as an alternative to coastal armoring, the state grapples with extensive armoring and development that occurred prior to the establishment of its Coastal Zone Management program in 1980. This hinders its ability to protect natural flows of sediment. Connecticut would benefit by conducting a more thorough 'sediment budget' analysis than it previously has.



OK

Coastal Armoring: There are strong policies preventing hard stabilization methods, which require all proposed projects to obtain a permit from the Department of Energy and Environmental Protection (DEEP) before any work is done. Shoreline flood and erosion control structures proposed landward of the state's regulatory jurisdiction must also be referred by municipal land use authorities to the Commissioner of DEEP for review. Armoring is only permitted in extremely limited circumstances, and then only if there are no possible alternatives with less harmful impacts. There is clear language that homeowners are not entitled to build structures to expand or preserve property boundaries. Managed retreat is being actively discussed and while the state has some successful examples of buyouts, no formal policy has been established. The state also allows emergency permits for armoring. However, it is only temporarily, for 30 days or less, which helps to prevent misuse and maladaptation.



BAD

Development: In 2019, Zillow and Climate Central reported that Connecticut is developing in 'risk zones' three times faster than safer locations. Although statewide setback minimums are not established, local jurisdictions can develop their own setback guidelines, in addition to restrictions on repair and rebuilding in hazard areas. Some towns continue to allow development near coastal hazard areas and the Connecticut Coastal Management Act requires state oversight of local decision-making. This allows the DEEP to appeal any decisions that are inconsistent with this policy. Fortunately, properties in a clearly delineated 'coastal zone' require additional permitting and review.



GOOD

Sea Level Rise: In 2021, the Governor signed [HB 6441](#) into law, which helps local communities to respond more proactively by implementing climate change adaptation measures. In addition, the bill promotes nature-based solutions and living shorelines over coastal armoring when responding to sea level rise. The bill creates authorities that will improve coastal resilience and address stormwater pollution and flooding impacts. The bill also allows municipalities to adopt a 'conveyance fee' to fund land conservation, stewardship and adaptation strategies. Finally, the bill expands the scope of the Connecticut Green Bank, allowing it to invest in water recycling, climate adaptation, land conservation and environmental markets. The Green Bank would be allowed to utilize its authority to seek federal funding.

RECOMMENDATIONS

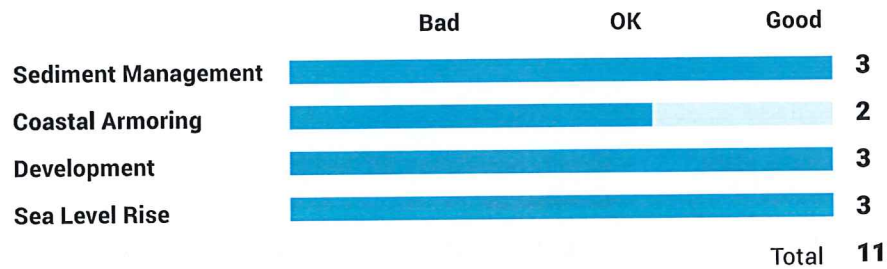
- Strengthen the Coastal Structures Act to increase restrictions on structural modifications.
- Provide more consistent protections of coastal resources from development.
- Limit beach fill activities and protect the natural flow of sediment.
- Codify a strong statewide setback law that is based on erosion rates and future sea level rise projections. Weak setbacks limit the ability to regulate coastal hazard areas accurately and effectively respond to sea level rise.
- Codify a plan for managed retreat and buyouts.
- Thoroughly analyze the state's 'sediment budget.'



NORTHEAST

Maine

Lined with rocky shores, remote islands and picturesque lighthouses, Maine’s quintessential New England coast nurtures both a rugged coastline and lifestyle. Dubbed “Vacationland” for its lovely shores and mountains, coastal tourism is being impacted, in part, due to ocean warming and acidification. Luckily, Maine’s policies are as robust as its environment, as the state is now neck and neck with California in leading the country’s coastal management practices.



BEACH GRADE

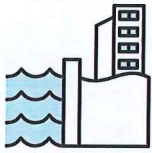
A

Excellent policies and implementation



GOOD

Sediment Management: Maine greatly updated their recent 309 Enhancement Strategies based on studies implemented in the last cycle. The changes resulted in improved beach dredge and fill policies and permitting. While Maine already has impressive sediment management plans, the state acknowledges the need to understand changing sediment flow by periodically updating regional bathymetry and sediment maps. The state plans to update and expand the Maine Beach Scoring System by integrating new data sets that aim to continue to improve beach fill policies. In recent years, the state updated [Chapter 418 – Solid Waste Management Rules: Beneficial Use of Solid Wastes](#), which explicitly provides procedures for the beneficial reuse of sediment.



OK

Coastal Armoring: About 38 of Maine’s 96 miles of sandy beaches in the southern half of the state are armored. Maine implemented a relatively strong armoring policy in 1978 that prohibits new seawalls on any beach or dune and allows the repair and maintenance of ‘grandfathered’ seawalls with a permit. Existing seawalls may be altered only if they are proven to be “less damaging” to the coastal sand dune system, including the beach. Maine prioritizes the use of living shorelines in the beach and dune system. In 2020, Maine worked with the U.S. Army Corps of Engineers to update its Maine General Permit to include language on living shorelines.



GOOD

Development: During this 309 Enhancement Strategies cycle, the state made strides to improve the management of development in hazard areas. It also worked to advance development policies and regulations in order to reduce threats and limit development and redevelopment in high-hazard areas. The population of Maine’s coastal zone has steadily increased over the last 10 years and is expected to continue. In order to better prepare for growth and future development, the state is improving statutory language and mapping to better define “coastal hazard areas” to purposefully guide development away from high hazard areas. In addition, Maine will expand key coastal hazard decision-support products and encourage municipalities to implement living shorelines.

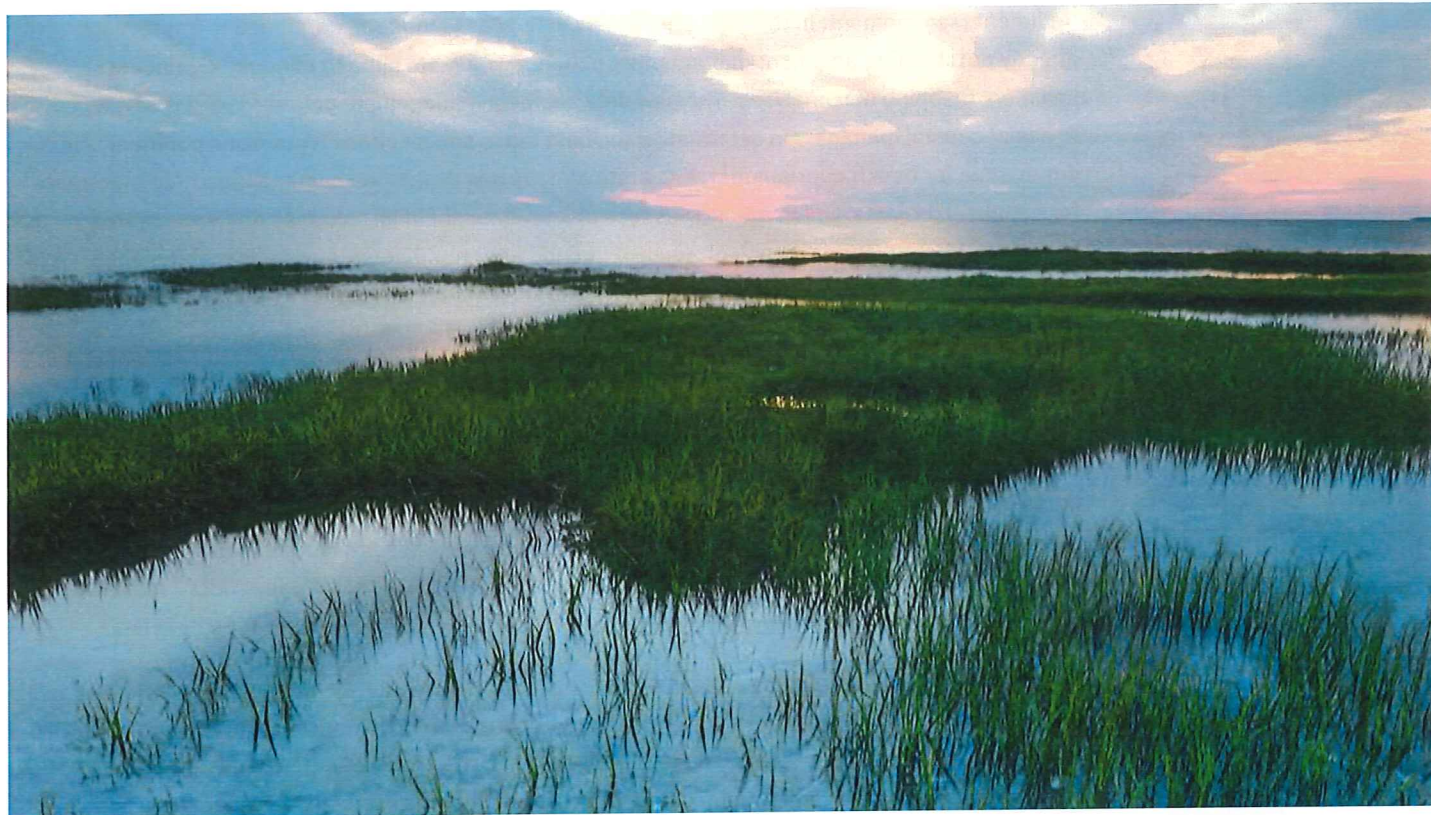


GOOD

Sea Level Rise: In 2021, Governor Mills signed [HB 1572](#) into law, which requires state agencies to incorporate 1.5 feet of relative sea level rise by 2050 and 4 feet by 2100 into the administration of those laws and rules. The law also implements a strategy designated as “Strategy F3” in the state climate action plan to enhance community resilience to flooding and other climate impacts. Once again, the state used this 309 Strategies cycle to improve its already excellent sea level rise policies and continues to educate and assist local communities to improve risk preparedness. In 2020, the [Maine Climate Council’s Equity Assessment Committee](#) also outlined strategies for building justice and equity into coastal climate projects and decision-making, with bold recommendations for blue carbon optimization and climate-adaptive ecosystem planning and management.

RECOMMENDATIONS

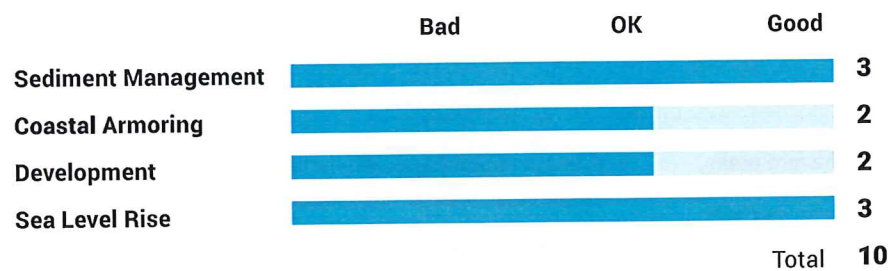
- Develop a repetitive flood loss policy that codifies plans for managed retreat and buyouts.
- Thoroughly analyze state’s ‘sediment budget’ in order to protect the natural flow of sediment.
- Quantify the effect of dune loss and beach area loss on loss of ecosystem services value.
- Identify funding to staff the Chapter 355 enforcement of violations.
- Evaluate and plan for beach access and causeway vulnerability in relation to sea level rise and storm surge.
- Continue to work with and implement recommendations from the Maine Climate Council.



NORTHEAST

Massachusetts

Bordered by the Atlantic Ocean, the Commonwealth of Massachusetts' coast provides a stunning destination for migratory birds, and increasingly, sharks. For recreational users, the state also boasts dozens of excellent breaks, beaches and gorgeous kite and stand-up paddleboard spaces. While Massachusetts leads most states in coastal management, there is room for improvement regarding the state's development and coastal armoring restrictions.



BEACH GRADE

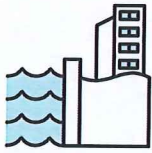
B

Good policies, but can be improved.



GOOD

Sediment Management: In this 309 Strategies cycle, Massachusetts continued to improve its already outstanding sediment management policies. The state aims to conduct significant sediment mapping and analyses. The new data and best management practices will be developed to assist coastal managers in determining the best times and locations for utilizing potential sand donor sites for beach nourishment. The state already has developed best management practices for beach fill projects, which must: 1) assess proximity to shellfish, eelgrass and endangered species habitat; 2) survey beach profiles; 3) include a thorough monitoring and maintenance plan that identifies sensitive resources; and 4) report annually or biannually.



OK

Coastal Armoring: Armoring is only allowed on coastal banks if developed prior to 1978 and if an alternative isn't feasible. Wetland protection regulations detail requirements that must be met when constructing groins. The state also keeps an impressive inventory of nearly all shoreline stabilization structures. In addition, the state allocates funds for a Dam and Seawall Repair or Removal program to address failing structures. In this 309 Strategies cycle, the state unfortunately references rebuilding armoring by stating, "When failing seawalls are rebuilt, they are frequently rebuilt to a higher elevation (i.e. taller) so there is more vertical face that can reflect / redirect a greater amount of wave energy, which increases scour and erosion of the fronting beaches."



OK

Development: While there is no statewide development setback standard, Massachusetts has taken a strong stance on avoiding the permitting of construction in high hazard areas. In this 309 Strategies cycle, the state will review Designated Port Area Boundaries to ensure that they accurately reflect the criteria outlined in regulations, including criteria for adequate land and water connections and compatible land use development patterns. While policies against new developments in hazard areas are strong, there are not strong policies to restrict the repair of frequently damaged properties in hazard areas. The state does have policies to protect barrier beaches and dunes, in addition to a manual that addresses the regulatory prohibition on new development in coastal dunes.

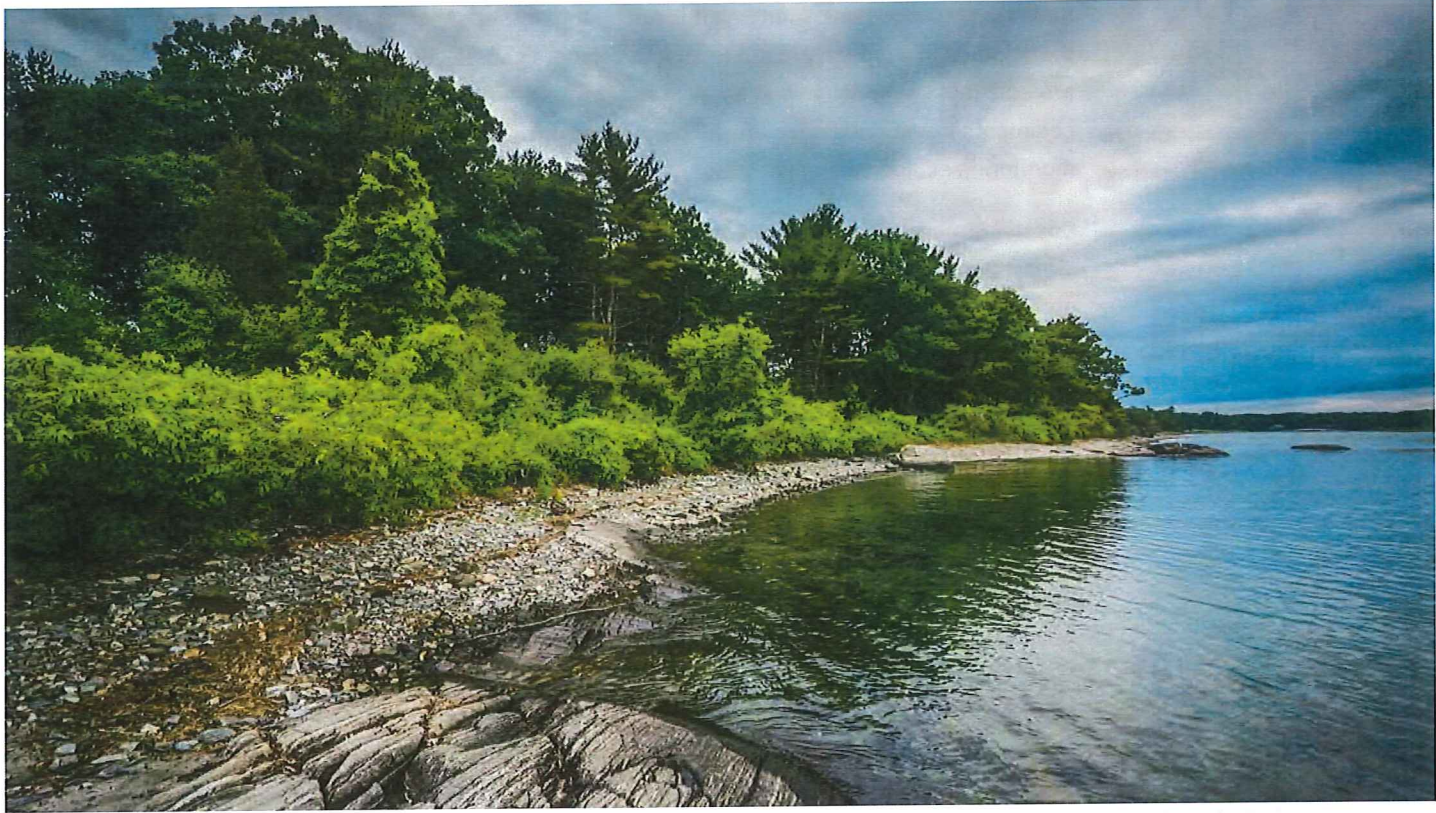


GOOD

Sea Level Rise: Massachusetts continues to be an innovative leader with climate change mitigation and adaptation. In this 309 Strategies cycle, the state notes that it has been implementing key components of the state's [Hazard Mitigation and Climate Adaptation Plan](#) by providing funds to municipalities for climate adaptation efforts, such as the restoration of wetlands and migration. The state has produced numerous documents, including a climate change adaptation report, coastal infrastructure inventory, resources for local communities to assess vulnerability and increase resilience, a state hazard mitigation and adaptation plan and sea level rise flood maps.

RECOMMENDATIONS

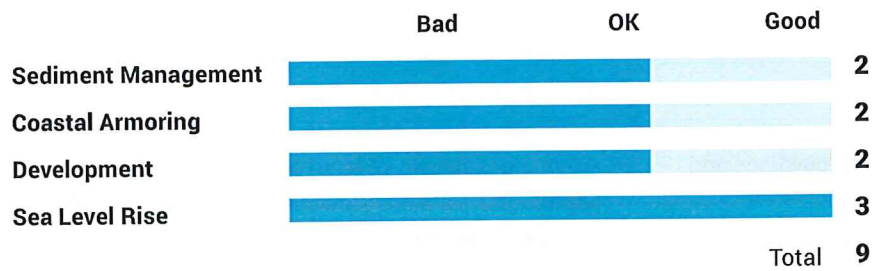
- Restrict repairing developments in coastal hazard areas.
- Create policies for managed retreat, relocation, buyouts and retrofitting.
- Establish statewide minimum setback standards to provide a safe buffer between coastal hazard areas and coastal developments.
- Prohibit coastal armoring or limit it by including conditions, such as sunset clauses.
- Remove allowances for emergency permitting or strengthen the policy by requiring structures to be temporary with strict timelines for removal, restoration and the implementation of an alternative stabilization method.



NORTHEAST

New Hampshire

The “Granite State” has 18 miles of both rocky and sandy shores with vibrant communities scattered in between. The state continues to employ strong laws and policies related to coastal armoring and sea level rise planning. While the state has demonstrated great leadership with coastal management, it would benefit from strengthening regulations that govern beach fill projects, coastal development and redevelopment.



BEACH GRADE

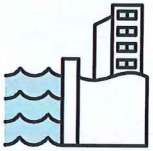
B

Good policies, but can be improved.



GOOD

Sediment Management: Although it is not a regional sediment management plan, New Hampshire participated in a federal project to assess offshore sources of sand and gravel. Replenishment projects require modeling and detailed assessment for the planning, transport and disposal of sediments from tidal dredge and fill projects. Unfortunately, there is no explicit requirement for monitoring ecological impacts.



OK

Coastal Armoring: Living shorelines are promoted over armoring and the state has completed several 'Smart Shorelines' projects to protect against erosion. In order to improve the management of erosion along the 'Seacoast,' the state has developed a Living Shoreline Site Suitability Assessment and Mapping Tool to provide information about the potential suitability of shoreline segments for living shoreline approaches. The state won't approve seawalls unless the applicant has proven that no other option is practical. While emergency permitting for coastal armoring is available, the policy is designed in a way that avoids misuse. Most tidal shoreline stabilization projects are permitted with conditional monitoring requirements to ensure proper construction and successful establishment of vegetation where applicable.



OK

Development: New Hampshire has a statewide setback requirement of 50 feet for all new primary structures in the coastal zone and near protected surface waters, in addition to a setback standard of 20 feet for accessory structures. Rules require the assessment of coastal functions and values (including the upland tidal buffer zone). Unfortunately, the state allows for the repair and rebuilding of any structure (buildings and armoring) in coastal areas instead of requiring that structures are moved or built to a higher standard. On the plus side, legislation that was passed in 2021 encourages the "management of coastal development to minimize the loss of life and property caused by improper development in flood-prone, storm surge, geological hazard, and erosion-prone areas and in areas likely to be affected by or vulnerable to sea level rise, ground water rise, and saltwater intrusion, and by the destruction of natural protective features such as beaches, sand dunes, and wetlands."



GOOD

Sea Level Rise: As mentioned, in 2021, the state passed [SB 146](#), which will help improve climate change planning. The state has several reports focusing on sea level rise that include estimated inundation maps. It is also required to update coastal flooding trends every five years. Much of the state's progress is due to bipartisan legislation that established a committee to develop policy guidance and make recommendations to manage and prepare for coastal hazards. State agencies are required to conduct an audit of laws governing coastal regions to enable authorities to take appropriate actions. A Climate Risk in the Seacoast Vulnerability Assessment was completed for Great Bay and Hampton / Seabrook estuary communities. Applicants are required to reference updated science for guidance on all potentially affected activities and describe how the project will consider and address selected sea level rise within the project design life, including in the design plans.

RECOMMENDATIONS

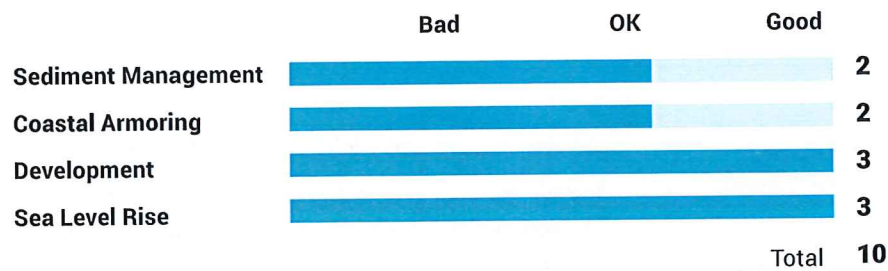
- Improve redevelopment standards for both buildings and coastal armoring projects.
- Create policies and regulatory incentives for buyouts and relocation for development facing repetitive coastal damage.
- Develop plans for managed retreat.
- Adopt the University of New Hampshire's recommendations regarding forest management in riparian areas to help with future coastal migration inland during sea level rise.
- Develop a regional sediment management plan and include required environmental monitoring before and after beach nourishment projects.



NORTHEAST

Rhode Island

Rhode Island's more than 400 miles of coast are lined with over 100 fresh and saltwater beaches, breathtaking breaks, cliff walks and nooks galore. Similar to its New England counterparts, the state surpasses much of the country in regard to sustainable coastal management, especially when it comes to development standards, sea level rise planning and passing strong climate change laws.



BEACH GRADE

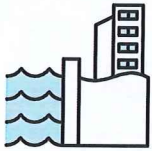
B

Good policies, but can be improved.



GOOD

Sediment Management: Similar to several states along the Eastern Seaboard, dredge and beach fill projects in Rhode Island are commonly used for coast erosion. In fact, the state allows and encourages beach replenishment. The state requires nourishment projects to have a permit and public notice after the review of several agencies. Impacts to sedimentation and public access are assessed prior to any project. Rhode Island can improve sediment management by requiring the monitoring of ecological impacts from sand nourishment and by developing regional sediment management plans.



OK

Coastal Armoring: In 2021, the state passed SB 35. While the majority of the legislation is geared toward climate adaptation and resilience, it also contains provisions that new state funds cannot be used for shoreline protection structures. This legislation buttresses the state's policies of discouraging coastal armoring and requires analysis of non-structural erosion methods, including relocation. Applicants must have the structure certified by a registered engineer, ensure that any armoring is not likely to exacerbate erosion and provide a long-term maintenance and funding program. The only downfall is that there is an exemption for emergency permitting of coastal armor without explicit requirements that armor must be temporary and later replaced with living shorelines.



GOOD

Development: This 309 Strategies cycle improved development standards to ensure that the state is "working with municipalities to update local zoning ordinances to minimize development in areas at risk from coastal hazards." This effort helped to increase the state's grade and we will monitor implementation. Regardless, the state has established coastal buffer zones and significant statewide mandatory setbacks. All development within 200 feet of shoreline features, such as beaches, wetlands, bluffs and rocky shores, require a permit. Development on dunes is prohibited.



GOOD

Sea Level Rise: As mentioned, the state passed [SB35](#), which establishes the Ocean State Climate Adaptation and Resilience Fund. This allows municipalities to apply for grants to "improve public safety and community climate resilience for coastal habitats, as well as river and stream floodplains." The legislation promotes adaptation and resilience projects, including managed retreat and coastal restoration. Funds can only be used for adaptation and resilience projects and cannot be used for "elevating, repairing or replacing infrastructure, or constructing new infrastructure, in its existing location that is experiencing climate change impacts." It also cannot be used for "constructing new, or repairing existing shoreline protection structures; provided, however, that existing shoreline protection structures on public parks may be repaired." The state has some of the strongest coastal adaptation policies and laws in the nation.

RECOMMENDATIONS

- Place time limits on seawalls and develop a policy to remove or require property owners to take away derelict structures.
- Remove allowances for emergency permitting or strengthen the policy by requiring structures to be temporary with strict timelines for removal, restoration and the implementation of an alternative stabilization method.
- Develop regional sediment management plans.
- Include thorough analysis of sand replenishment projects and monitor ecological impacts in permitting requirements.
- Refer to seawalls as a temporary solution while property owners make long-term plans for erosion preparation.

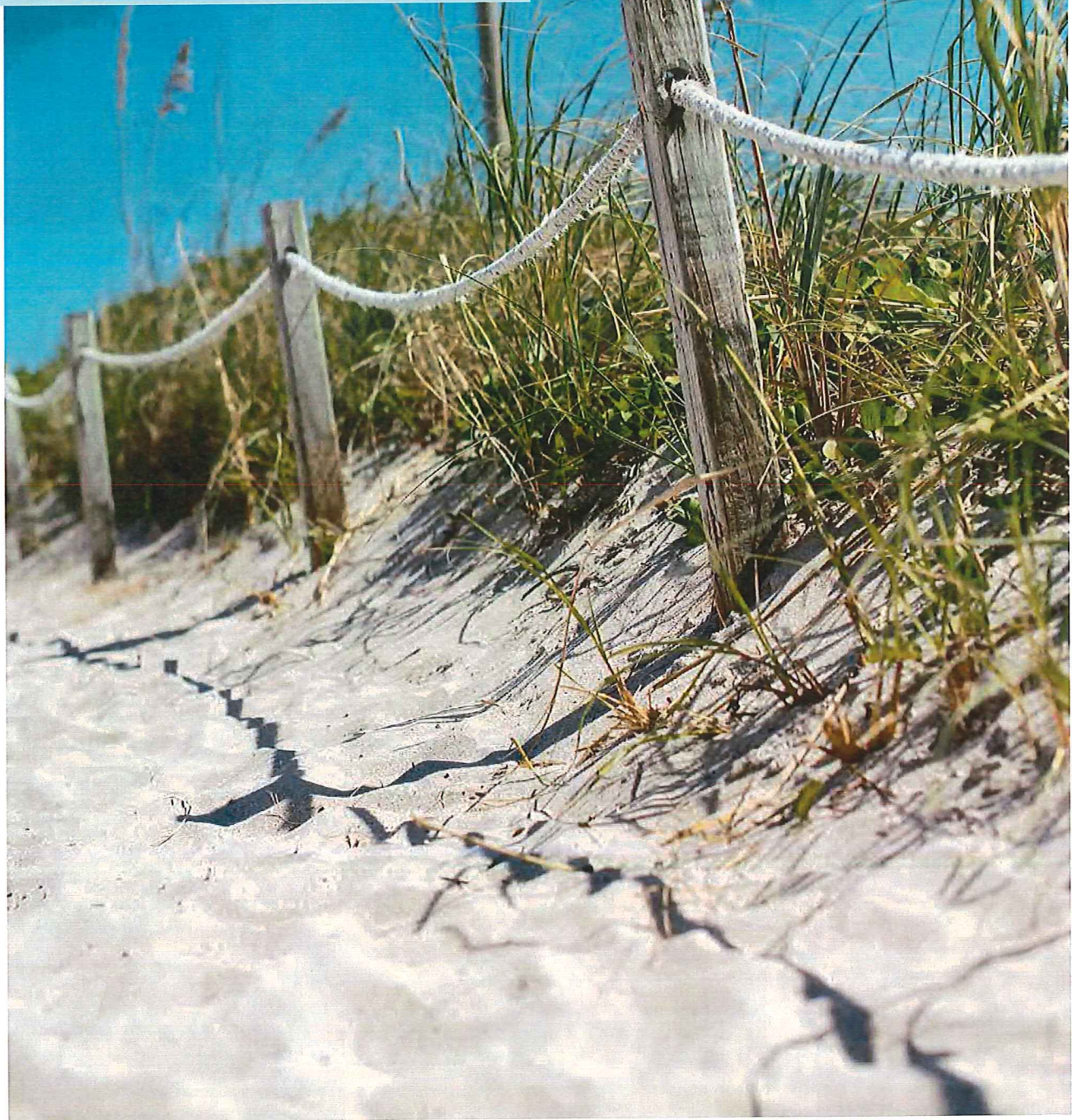
Southeast

South Carolina

North Carolina

Georgia

Florida





SOUTHEAST

South Carolina

Visitors flock to South Carolina to enjoy its renowned beaches and the charm of historical coastal cities. The state is doing a good job of coastal management and continues to implement strong policies mitigating beach nourishment and restricting coastal armoring. Despite having good policies in place to manage sand and erosion, the state needs to advance its sea level rise planning work.



BEACH GRADE

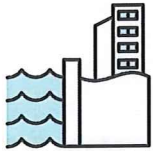
C

Mediocre policies.



OK

Sediment Management: South Carolina requires that coastal municipalities complete beach management plans. These plans include monitoring requirements and analysis of nourishment projects. The state does an effective job of analyzing physical and ecological implications of beach nourishment, including protecting critical turtle habitat, spawning seasons and migratory movements of important marine species.



OK

Coastal Armoring: South Carolina has included living shorelines in its coastal management strategies for 20 years and has solid policies restricting armoring. Regarding living shorelines, the South Carolina Department of Health and Environmental Control issued new regulations defining and setting performance standards for living shorelines to help support their effective implementation. The state completely prohibits the use of new seawalls and mandates that coastal towns adopt a '40-year retreat policy' in their local management plans. In addition, the state prohibits rebuilding or increasing previously built seawalls. Severely damaged seawalls must be removed at the owners' expense. Unfortunately, groins are allowed as long as they have a sediment management plan.



BAD

Development: The state has good setback standards, which are 40 times the average annual erosion rate and no less than 20 feet from the top of the main sand dune at ocean coastlines. Setback lines are also revisited every seven to 10 years. Unfortunately, the rebuilding of structures located seaward of setback lines that are destroyed due to natural hazards is allowed. The state recognizes the coastal dunes as important buffers for development; however, the state would benefit from codified policies to ensure the protection of these buffers.



OK

Sea Level Rise: In 2021, the state did not drastically improve its sea level rise planning. While the state has a sea level rise vulnerability assessment, it is fairly broad. The "Climate Change Impacts to Natural Resources in South Carolina" contains good adaptation methods. However, none of these adaptation recommendations have been implemented or codified. In addition, minimal community awareness or educational resources about climate change and sea level rise are provided on state websites.

RECOMMENDATIONS

- **Reevaluate the proposal to build a seawall around Charleston's peninsula.**
- **Prohibit the rebuilding of coastal structures seaward of the setback line that were destroyed due to natural hazards.**
- **Remove coastal armoring exceptions currently in place.**
- **Develop and implement an adaptation plan using outlined policies and management recommendations in the Adapting to Shoreline Change report.**
- **Establish stronger restrictions on developments in coastal hazard areas and locations seaward of the baseline.**
- **Conduct a thorough sea level rise vulnerability assessment.**
- **Require that repairs of coastal structures from storms are restricted, retreated or built to higher standards.**
- **Develop state websites with educational resources and guidelines for coastal communities to prepare for climate change and sea level rise.**
- **Remove exemptions for golf courses to build in coastal hazard areas.**
- **Ensure that management agencies have jurisdiction to adequately enforce regulations.**



SOUTHEAST

North Carolina

Lined with sandy beaches and grassy marshes, the North Carolina coast remains a highly sought-after tourist destination or area to plant roots. Unfortunately, the 300 miles of this low-lying coast face growing environmental concerns, including increased extreme weather events and sea level rise that threaten the well-being of the state's coastal residents. In 2021, the state improved sea level rise planning by further analyzing risks and vulnerabilities. It also committed to improving communication with coastal communities.



BEACH GRADE

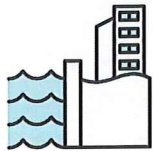
C

Mediocre policies.



OK

Sediment Management: North Carolina’s thorough Beach and Inlet Management Plan includes the evaluation of beach and inlet function to the coastal ecosystem, identification of regionally specific needs, and the development of management strategies to protect the socioeconomic value of the coastline and to mitigate issues of erosion and sedimentation. While North Carolina has strong policies to evaluate and monitor beach fill projects, the state relies too heavily on sand replenishment.



BAD

Coastal Armoring: North Carolina law prohibits the construction of permanent shoreline stabilization structures on the ocean shoreline, including seawalls, groins, bulkheads, jetties and revetments. Unfortunately, recent changes in policy allow the permanent placement of sandbags, which contradicts the statewide ban on new permanent erosion control structures. In addition, a few terminal groin projects have been proposed and a permit was issued for a groin in Ocean Isle Beach. Currently, litigation is pending to stop this groin project due to the fact that it undermines the statewide policy of restricting shoreline erosion structures.



OK

Development: North Carolina has strong setback policies based on erosion rates and structure size, with a minimum setback of 60 feet, providing more accuracy in their mitigation measures. Unfortunately, according to a [Zillow and Climate Central report](#), the state has continued to build in coastal hazard zones that are at risk of significant sea level rise and flood damages. Recommendations from the Resiliency Plan need to be implemented to incorporate sea level rise assessments into development restrictions.



OK

Sea Level Rise: North Carolina has made significant strides with sea level rise planning in 2021. Following Executive Order 80, the North Carolina Climate Risk Assessment and Resiliency Plan was published as of June 2020. The plan includes projected changes in sea level rise and requires state agencies to analyze climate change impacts and integrate climate change adaptation measures into state programs and operations. However, the risk assessment is lacking vulnerability maps produced by the state and other current policies limit sea level rise adaptation.

RECOMMENDATIONS

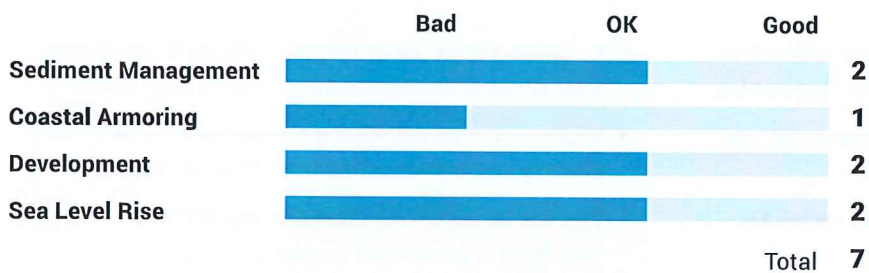
- Continue to work with communities to implement the Climate Change Risk Assessment and Resilience Plan.
- Support the integration of sea level rise planning into local and regional plans.
- Amend 113A-107.1 of the Environmental Policy Act to mandate planning for sea level rise.
- Enforce prohibitions on groins and jetties.
- Establish a state policy that prohibits local jurisdictions from allowing developments on coastal sand dunes.
- Implement strict monitoring requirements to determine efficacy and ecological impacts of beach replenishment.
- Prohibit temporary sandbag placement from becoming long-term or permanent armoring.
- Implement stronger environmental management policies, both inland and at the coast.



SOUTHEAST

Georgia

Georgia's 100 miles of coastline and its barrier islands are rich in culture, history and beautiful landscapes. In 2021, Georgia's coastal management program made impressive steps toward improving efforts to plan for sea level rise, significantly raising their grade. The state has committed to conducting more sea level rise vulnerability assessments and providing adaptation policy guidance for local communities to improve coastal resilience. In addition, the state improved coastal policies to protect wetlands.



BEACH GRADE

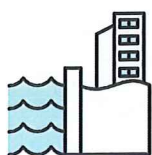
C-

Mediocre policies.



OK

Sediment Management: Georgia encourages the development of sediment management plans but only Tybee Island has completed a comprehensive plan. Although the plan provides guidelines for careful beach nourishment practices, these are only recommendations. While there is a five-year monitoring program after each nourishment, the focus is more on efficacy and not on ecological impacts. While sand replenishment projects must have a Shore Protection Act permit, the requirements for approval are rather lenient.



BAD

Coastal Armoring: Groins and jetties are included as a 'first alternative' method of coastal armoring, along with nourishment. In 2020, Sea Island completed a groin installation following litigation over the project. While there are statutory requirements and policies for limiting hard structures, smaller stabilization projects are allowed without a permit. During state-declared emergencies, the construction of coastal armoring can occur immediately and without a permit. Fortunately, the state participates in dune restoration.



OK

Development: The Shore Protection Act offers some parameters for ensuring thoughtful coastal development. However, the state would benefit from stronger standards by restricting development and redevelopment in coastal hazard areas. Fortunately, amendments to the Shore Protection Act were signed into law in May 2019, strengthening Georgia's setbacks for coastal development. Also, the Georgia Coastal Marshlands Protection Act protects marshlands from development and 80% of the barrier islands' lands are protected by federal, state and land trust conservation.



OK

Sea Level Rise: In 2021, Georgia made considerable advancements to develop sea level rise vulnerability and adaptation policies. Due to these efforts, the state's grade improved significantly; however, continued implementation of these policies is necessary. In order to further its sea level rise planning efforts, the state should carve out concrete policies and strategies to protect habitats that accommodate landward creep of coasts for sea level rise and extreme weather. As the state is currently focused on sea level rise, this would be an opportune moment to implement effective regulations that protect such habitats.

RECOMMENDATIONS

- Only allow armoring if all other methods have been attempted, including managed retreat, dune restoration, berms, living shorelines and wetland protection.
- Prohibit development on unstable dunes.
- Require permits for any redevelopment of damaged structures in known hazard areas and require rebuilds to construct to a higher resiliency standard farther back from the shoreline.
- Develop regional sediment plans for Savannah and the minor outlying islands.
- Codify the beach nourishment guidelines identified in the Tybee Island Beach Management Plan.
- Include ecological monitoring, including species distribution and counts, during the five-year monitoring program conducted after each nourishment on Tybee Island.
- Conduct more research on the use of living shorelines for stabilization as a preferred alternative to shoreline armoring and pursue the development of living shorelines performance standards.



SOUTHEAST

Florida

With more than 1,000 miles of coastline, the Sunshine State has some of the most remarkable coasts in the world, with mangrove forests, the Everglades and stunning beaches. While Florida has recently made serious headway planning for sea level rise, the state continues to rely too heavily on beach fill, which is often short-lived and extremely expensive. The state also continues to have weaker development and coastal armoring standards. Without updating development and redevelopment standards, Florida's coast will be increasingly impacted by the effects of climate change.



BEACH GRADE

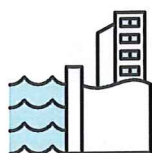
D

Fairly poor policies, lacking.



OK

Sediment Management: Florida recently updated its beach management plan to consider sediment budgets, inlet management and beach replenishment projects. The Florida Department of Environmental Quality tracks sand movement with a regional offshore sand source inventory. However, the state relies heavily on sand replenishment, often at the expense of more progressive alternatives to erosion response. The state would benefit from drastically increasing funding to implement living shoreline projects and dune restoration to lessen its need for beach fill.



BAD

Coastal Armoring: While a statewide policy restricts armoring within 50 feet of the mean high-water line in certain areas, the Beach and Shore Preservation Act explicitly allows exemptions and does not require the property to be a 'habitable structure' in order to obtain a shoreline protection structure permit. Furthermore, the repair of private seawalls and riprap does not require a permit. The state is also lenient on giving out emergency permits. On a positive note, the state has living shoreline resources listed on the Department of Environmental Protection website with good permit requirements.



BAD

Development: While Florida has decent regulations to guide development, the state allows loopholes for new construction to match the existing 'line of construction' if current structures have not shown any significant signs of erosion. The state also allows any new single-family home to be built seaward of the line of construction. As such, it is no surprise that a [Zillow and Climate Central report](#) found that Florida has allowed the construction of more than 9,000 homes in flood risk areas since 2010.



OK

Sea Level Rise: Over the past two years, Florida has passed a handful of bills that directly deal with sea level rise. In 2020, a new law requiring sea level impact projection studies for publicly funded construction projects was passed and the state promptly proceeded with rule making. In 2021, a bill passed that requires the Department of Environmental Protection to prepare a flooding and resiliency plan and provide up to \$100 million annually to local communities that identify areas along the coast and other waterways that are at risk to sea level rise. If Florida manages to fully implement new legislation and continue to work with local governments, the state will be able to increase its grade next year.

RECOMMENDATIONS

- Ensure proper and thoughtful implementation of new climate change laws and policies.
- Reduce reliance on and frequency of sand replenishment.
- Establish statewide restrictions on shoreline armoring and remove exemptions from the rule.
- Prohibit seawalls or coastal armoring for new developments.
- Remove exemptions that allow any development seaward of the minimum setback line.
- Create new policies that incentivize the landward siting of new coastal development.
- Update and implement inlet management plans so there is no net loss of sand (as most coastal erosion is caused by the state's many engineered navigational inlets).
- Implement post-disaster redevelopment policies that prohibit building in the same vulnerable locations after storms.
- Expand and fully fund coastal land acquisition programs through direct purchase or conservation easements.
- Reform the state's 25-year-old coastal development laws that allow development on the frontal dunes of critically eroding beaches.

Islands

Puerto Rico

Hawai'i

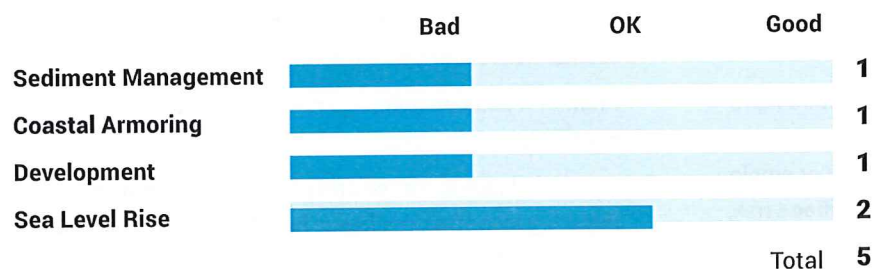




ISLANDS

Puerto Rico

The beautiful Caribbean island of Puerto Rico is home to protected mangrove forests, nesting turtles and a vibrant heritage. As the island is a highly sought-after tourist destination, tourism-based infrastructure often displaces local communities and wildlife. There are currently multiple development projects, including the construction of a housing development in Marina Reserva Tres Palmas, that are polluting coastal wetlands. It is imperative that the island strengthens its developing regulations, as once the resources are gone, the tourism industry that is currently being catered to will be gone as well.



BEACH GRADE

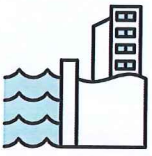
D

Fairly poor policies, lacking.



BAD

Sediment Management: Puerto Rico still does not have a sand management plan, despite years of attempting to develop one. The last documented regional sediment management meeting was in 2016. Strong sediment management is severely needed as the island struggles with illegal sand mining at river mouths, beaches and sand dunes, in addition to natural erosion of the ecologically-important sandy coastline. While local researchers and scientists are working to try and restore dunes and beach sand at 21 beaches on the northside, this is not an island-wide effort.



BAD

Coastal Armoring: In 2019, the Department of Natural and Environmental Resources co-hosted a two-day public workshop on living shorelines and released a call for proposals to fund green infrastructure and coastal restoration projects. However, despite encouraging the use of soft structures, Puerto Rico does not have any codified statutes that restrict the construction or repair of hard stabilization structures. After Hurricane Maria, emergency permits for additional armoring were readily available. While Puerto Rico has made progress in promoting more proactive adaptation methods, explicit policies limiting armoring are needed.



BAD

Development: On the surface, the territory has a good island-wide coastal development setback standard of 50 meters, or 2.5 times the building height, from the high tide line. However, waivers and exemptions make this policy ineffective. For example, standards can be reevaluated if a lot was approved prior to this legislation, if a builder invests money in 'physical improvements for public use,' or if nearby buildings are also non-conforming. The territory's Coastal Zone Management Director states that there are regulations in place that restrict the repair of damaged structures in coastal hazard areas but specific policies were not identified. Fortunately, Puerto Rico has implemented strong programs to protect mangroves and coral reef ecosystems, which provide critical ecological benefits and help mitigate damage from coastal hazards. Codified policies to further protect these areas would be beneficial.

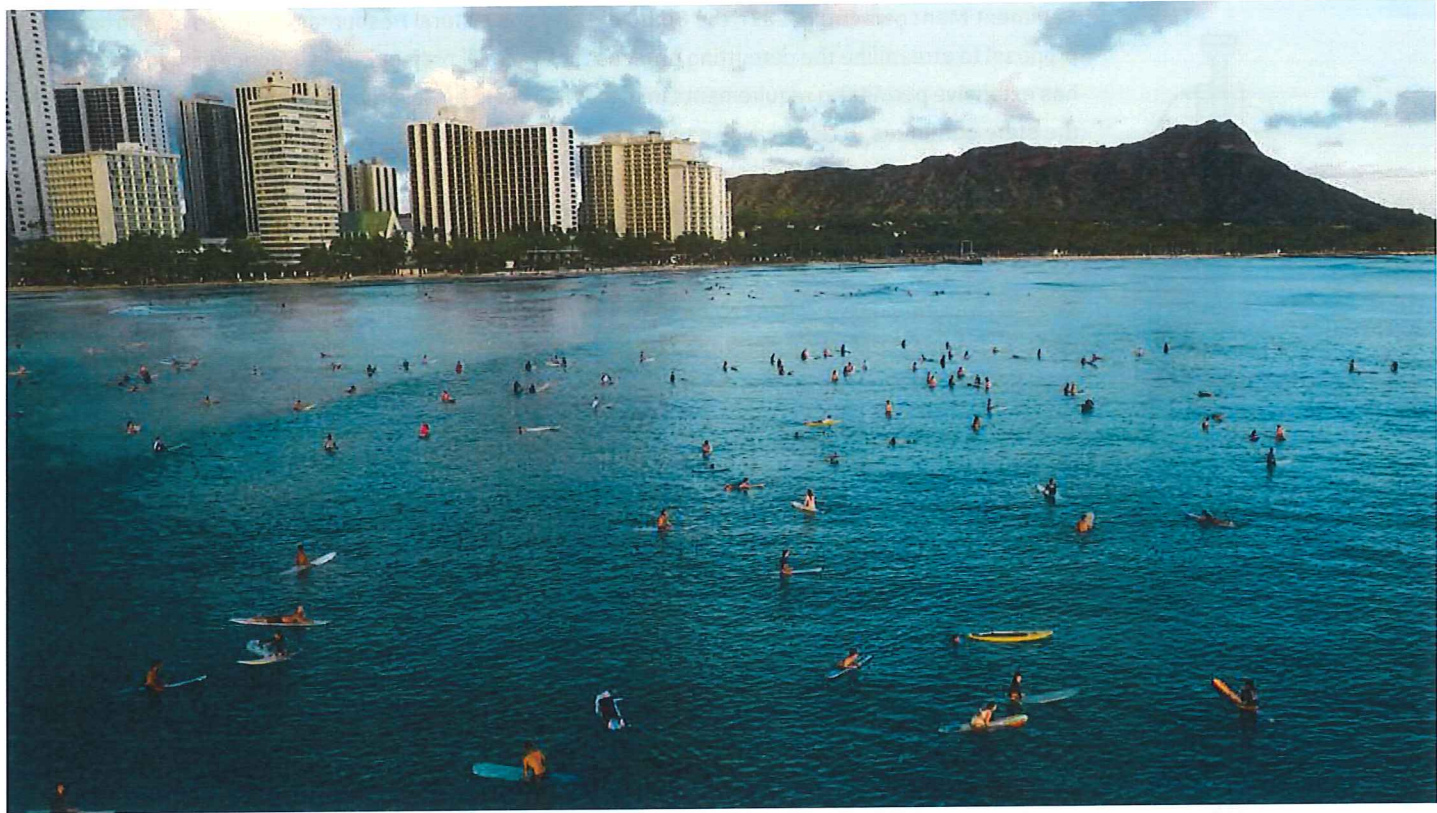


OK

Sea Level Rise: In 2020, Puerto Rico made progress by supporting the development of the collaborative Coastal Resilience Assessment, a rather robust analysis of community exposure, fish and wildlife exposure and the identification of 'resilience hubs' to prioritize for protection and restoration. The report includes mapping and assesses both risks from sea level rise and flooding. Puerto Rico's Climate Change Council has also made good strides toward addressing climate change, establishing topic-specific working groups and developing an assessment of socio-ecological vulnerabilities to climate change. There is ample community outreach and there are even requirements for local communities to develop their own adaptation plans.

RECOMMENDATIONS

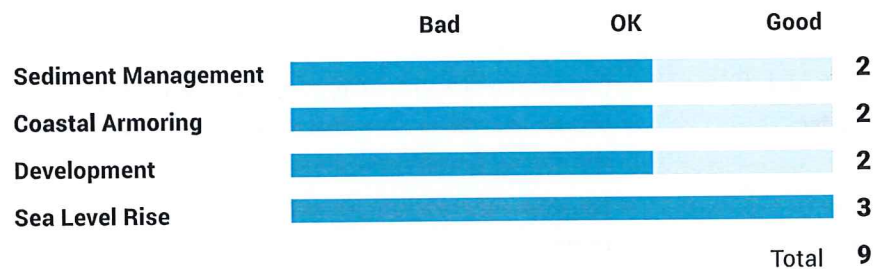
- Develop a sediment management plan that includes strict requirements for beach replenishment and restores natural sediment flows to the coastline.
- Prohibit waivers and exemptions to the development setback buffer.
- Require structures damaged by storms or flooding to be reconstructed to higher standards of resilience, built farther inland from the coastline, and / or employ additional property management to reduce flood risk, erosion and runoff.
- Prohibit the development and repair of hardened shorelines.
- Ensure that sea level rise vulnerability assessments and drafted adaptation plans are thorough and promote soft stabilization measures and managed retreat.
- Develop a policy that thoroughly protects and restores coastal dunes and riparian areas.
- Prohibit repairs on buildings not conforming with setback standards.
- Identify a funding source and plan for protecting and restoring identified 'resilience hubs' in the 2020 Resilience Assessment.



ISLANDS

Hawai'i

Hawai'i's acclaimed biodiversity, rich culture and dynamic topography allures admirers from around the world. The state is progressively improving its coastal management practices. In 2021, several important pieces of legislation passed, including an innovative law requiring real estate disclosures regarding sea level rise. In addition, the state passed legislation that requires interagency cooperation to protect coastal resources in light of climate change and ensure the protection of 'landward areas' that will better accommodate future sea level rise. Hawai'i improved its grade from a 'C' to a 'B' by improving its sea level rise efforts.



BEACH GRADE

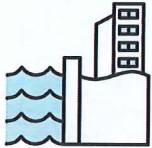
B

Good policies, but can be improved.



OK

Sediment Management: In 2021, the Board of Land and Natural Resources approved a controversial proposal to streamline the permitting process for beach fill projects. This is concerning as Hawai'i has extensive permitting requirements in place that could be severely undermined. Unfortunately, the state continues to rely heavily on sand replenishment as a means of erosion control. While the state encourages regional sediment management plans, only a few counties currently have robust plans in place. Maui, in particular, is far ahead of the curve because the county has conducted a 'sediment budget' analysis and a beach management plan.



OK

Coastal Armoring: Hawai'i has regulations that prohibit erosion protection structures but the state is lackadaisical about enforcement. Hopefully, new legislation will resolve issues with local homeowners constructing illegal seawalls. The state also needs to improve restrictions on rebuilding and repairing a shoreline protection device. In addition, many counties allow for emergency shore protection with seawalls. While the state needs to improve their management of coastal armoring projects, the Ocean Resources Management Plan outlines important measures to avoid armoring, such as managed retreat and restoration.



OK

Development: While the state has a minimum coastal development setback line, it is unfortunately only 40 feet from the shoreline and provides minimal protection from coastal hazards. Both Kauai and Maui counties have Beach Management Plans and have established a development setback line of 70 times the erosion rate, plus a range of 40 to 400 feet from sandy shorelines, depending on the development type. Hawai'i has policies to protect natural resources, such as dunes, wetlands, watersheds and reefs, that 'provide coastal hazard mitigation' benefits. However, the state primarily focuses on reefs, while other protections are based on support from the federal government.



GOOD

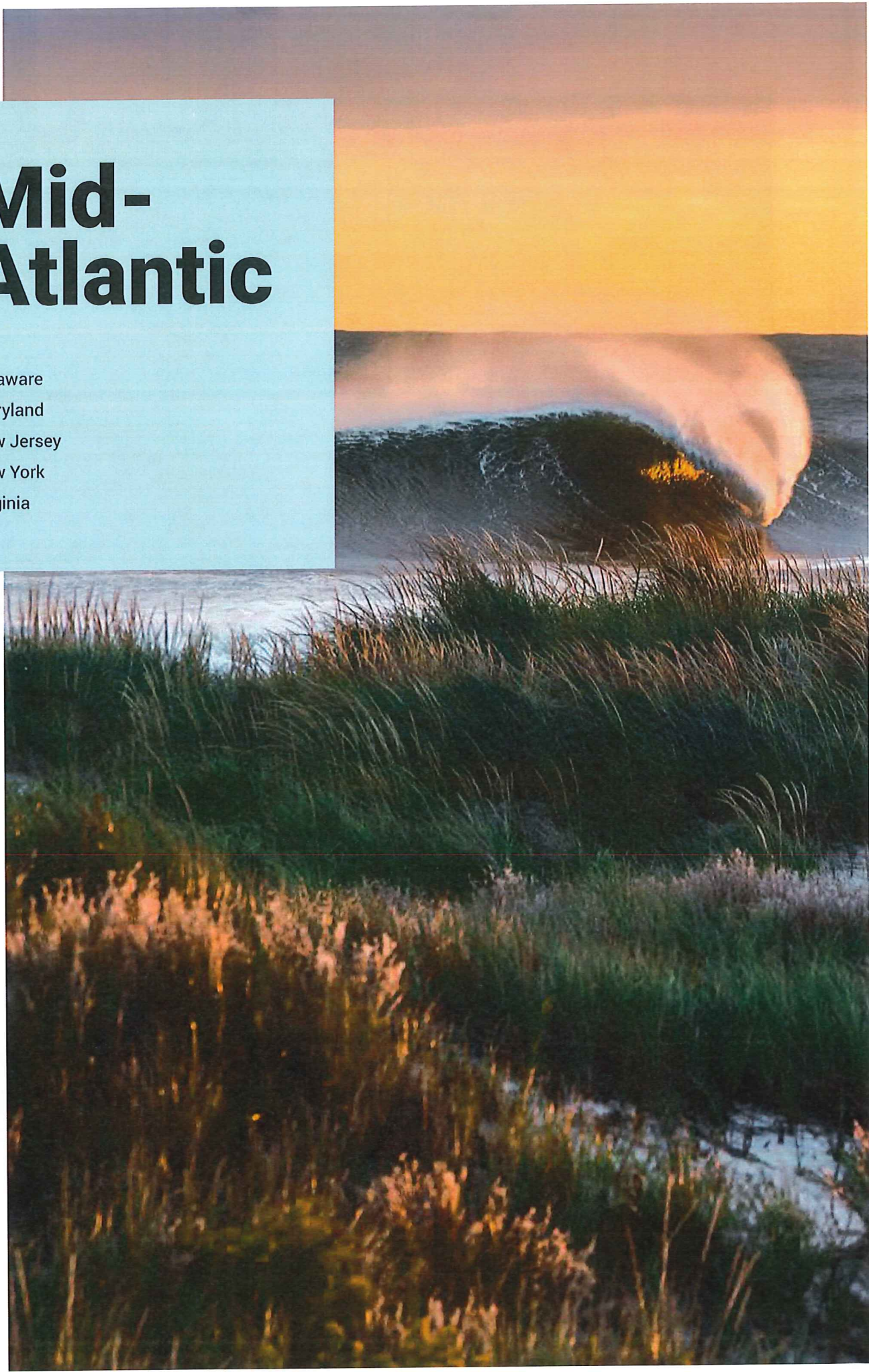
Sea Level Rise: In 2021, the state greatly increased its sea level rise planning work to ensure all state agencies are analyzing climate change impacts and working to protect coastal buffers that will allow for landward creep of rising seas. The state has done a good job of conducting vulnerability assessments, maps and the establishment of the enforceable *Climate Change Adaptation Priority Guidelines*. In addition, the state held a 'managed retreat' symposium in January 2018 and commissioned a study to analyze ways to implement managed retreat in light of sea level rise.

RECOMMENDATIONS

- All counties should increase setback policies and create plans modeled after Maui and Kauai for development setbacks.
- Reduce the permitting of emergency shore protection with seawalls and hard armoring.
- Restrict large-scale development in rural areas.
- Dedicate increased funding to the development of climate adaptation plans that incorporate beach and coastal conservation principles.
- Establish concrete policies and funds for managed retreat.

Mid-Atlantic

Delaware
Maryland
New Jersey
New York
Virginia

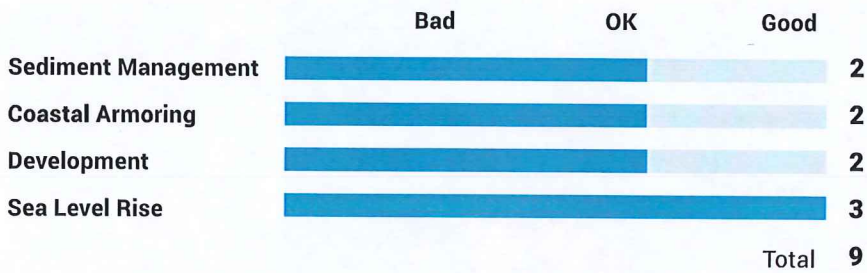




MID-ATLANTIC

Delaware

Decorated by dunes and beachgrass, Delaware’s coastline is beloved by all who experience its beauty. In 2021, Delaware’s grade increased from a ‘C’ to a ‘B’ because the state improved coastal policies to protect sensitive habitat and increased sea level rise planning efforts. While the state made positive strides this past year, Delaware needs to update coastal policies to avoid development in harm’s way.



BEACH GRADE

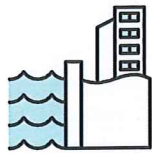
B

Good policies, but can be improved.



OK

Sediment Management: Like many states along the eastern seaboard, Delaware heavily relies on beach renourishment. Fortunately, Delaware's Wetlands and Subaqueous Lands Act has strong policies and regulations aimed at minimizing ecological impacts of beach fill in wetlands and beaches. The Division of Watershed Stewardship assesses beach replenishment needs by monitoring beaches statewide and measuring sand loss. Delaware also has a rigorous permitting process for beach fill projects.



OK

Coastal Armoring: Delaware has strong permitting requirements for armoring projects and the state encourages alternative stabilization methods, including relocation, living shorelines, etc. In addition, illegal seawalls must be removed and fines are administered. Delaware should discourage the rebuilding of seawalls (that trap the natural flow of sediment) and should focus on removal of coastal armoring where feasible. Like most coastal states, Delaware allows for emergency permitting of seawalls. Oftentimes, emergency seawalls are meant to be temporary structures and are rarely removed.



OK

Development: While the state has a development setback line, the 1979 policy needs updating. Delaware has minimal restrictions on coastal development. Homes can also be constructed near 'building lines.' While construction seaward of the building line is prohibited, property owners are able to get a permit, as long as development is as landward as possible. Delaware also allows rebuilding of seaward structures with a permit. A report found Delaware is constructing new developments in flood risk zones 2.5 times faster than in safer areas.

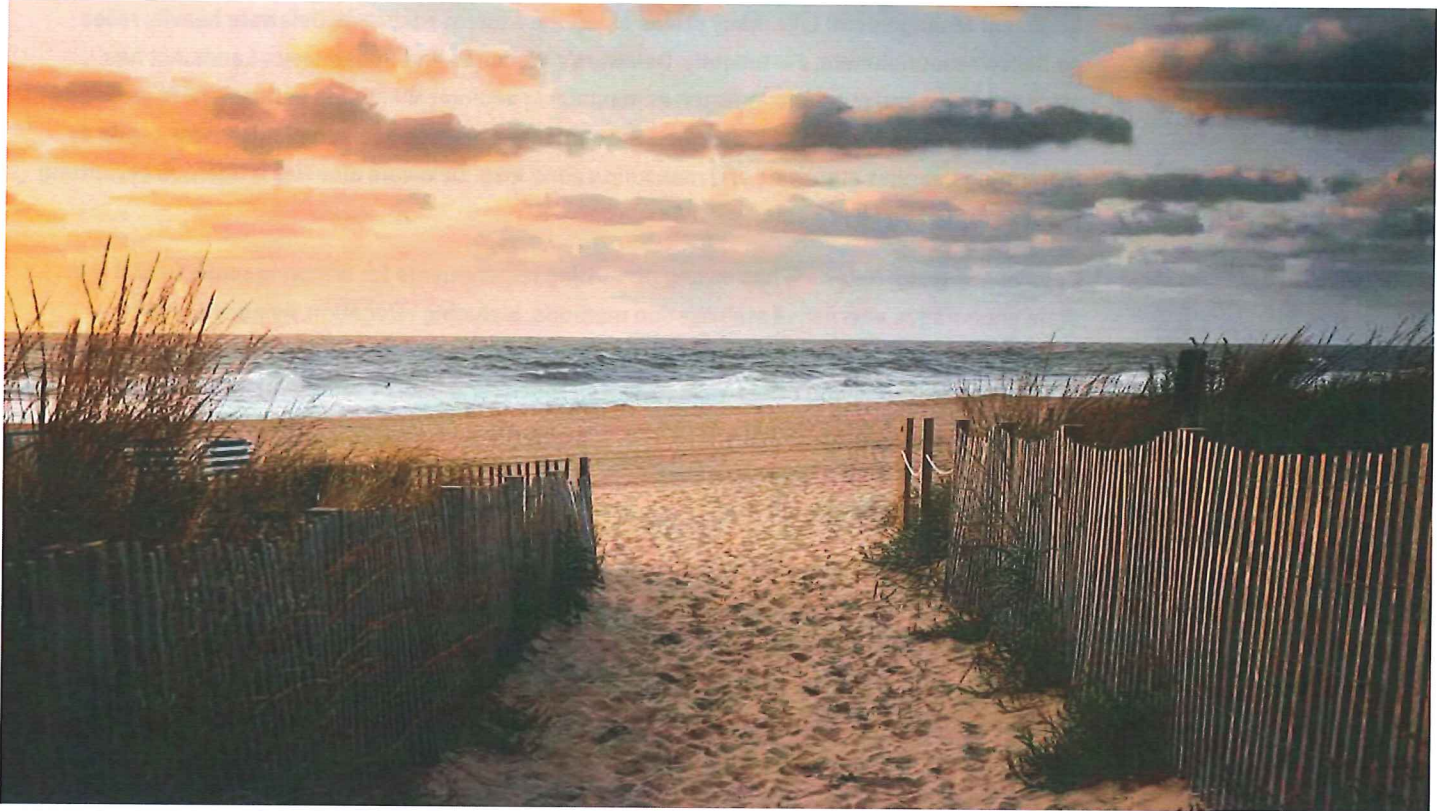


GOOD

Sea Level Rise: Despite having lackluster development standards, Delaware has made good strides to address sea level rise. The state produced a sea level rise vulnerability assessment, which identifies at-risk properties. In addition, the state developed the document to help communities to prepare for sea level rise. The state has also been active with adaptation – under an Executive Order, agencies developed 155 recommendations for climate adaptation. Unfortunately, development is still occurring in flood prone coastal areas that will be impacted by rising seas.

RECOMMENDATIONS

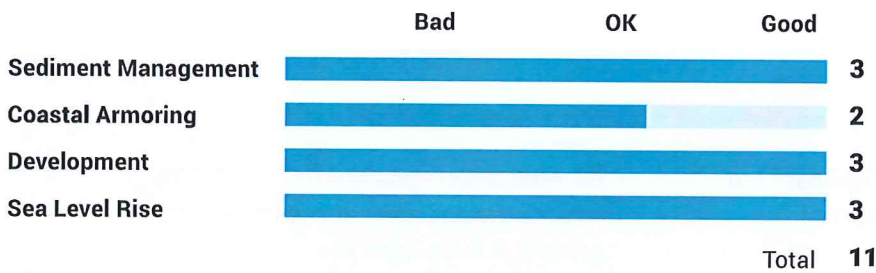
- Update development setback requirements based on historical rates of erosion and future sea level rise projections.
- Develop a more thorough and enforceable policy that promotes non-structural alternatives for shoreline stabilization.
- Establish strict regulations that prohibit the construction and repair of properties located seaward of the building line.
- Prohibit new development in flood prone areas.



MID-ATLANTIC

Maryland

Maryland’s unique coastal environment contains various inlets and bays with rich biodiversity. The state has substantive coastal laws and policies already in place. In 2021, Maryland made additional strides to update policies to improve sediment management, protect environmentally sensitive habitats and passed progressive legislation to deal with sea level rise. Maryland’s efforts improved its grade from a ‘B’ to an ‘A.’



BEACH GRADE

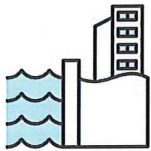
A

Excellent policies and implementation



GOOD

Sediment Management: Maryland is one of the few states that promotes the use of relocation before considering beach fill. It also has strict requirements to ensure that fill projects can only occur if there is proper sediment grain size, evidence of erosion, and it is determined that at-risk species will not be adversely affected. In 2021, the state committed to working on regional sediment management plans. In addition, the Department of the Environment has strong permit requirements for fill and dredge activities in wetlands.



OK

Coastal Armoring: Coastal armoring is discouraged in general, and even prohibited seaward of the dune line on Maryland’s Atlantic coast. Non-structural shoreline stabilization measures, including living shorelines, are codified requirements for addressing shoreline erosion in the state’s Living Shorelines Protection Act. In fact, Maryland’s DNR awarded over \$30 million to local entities for projects that included living shorelines. Waivers must be obtained for armoring projects, and an approved sediment and erosion control plan may also be required. Unfortunately, there are no time limits on approved seawalls or revetments, even for those constructed with an emergency permit. Property owners are also allowed to repair bulkheads without a permit.



GOOD

Development: In 2021, Maryland worked to improve its efforts to protect sensitive habitat from poorly planned development. The state has a solid setback policy of 100 feet from tidal waters and wetlands, and a minimum setback of 200 feet in undeveloped coastal areas. There is a thorough permitting process to construct near the shore, including strict policies that restrict the repair of residential and commercial structures in the 100-year flood zone. There are also seemingly strong policies to maintain the natural coastal environment, including the protection of wildlife corridors and the clustering of development; however, new developments can unfortunately be permitted in Resource Conservation Areas.

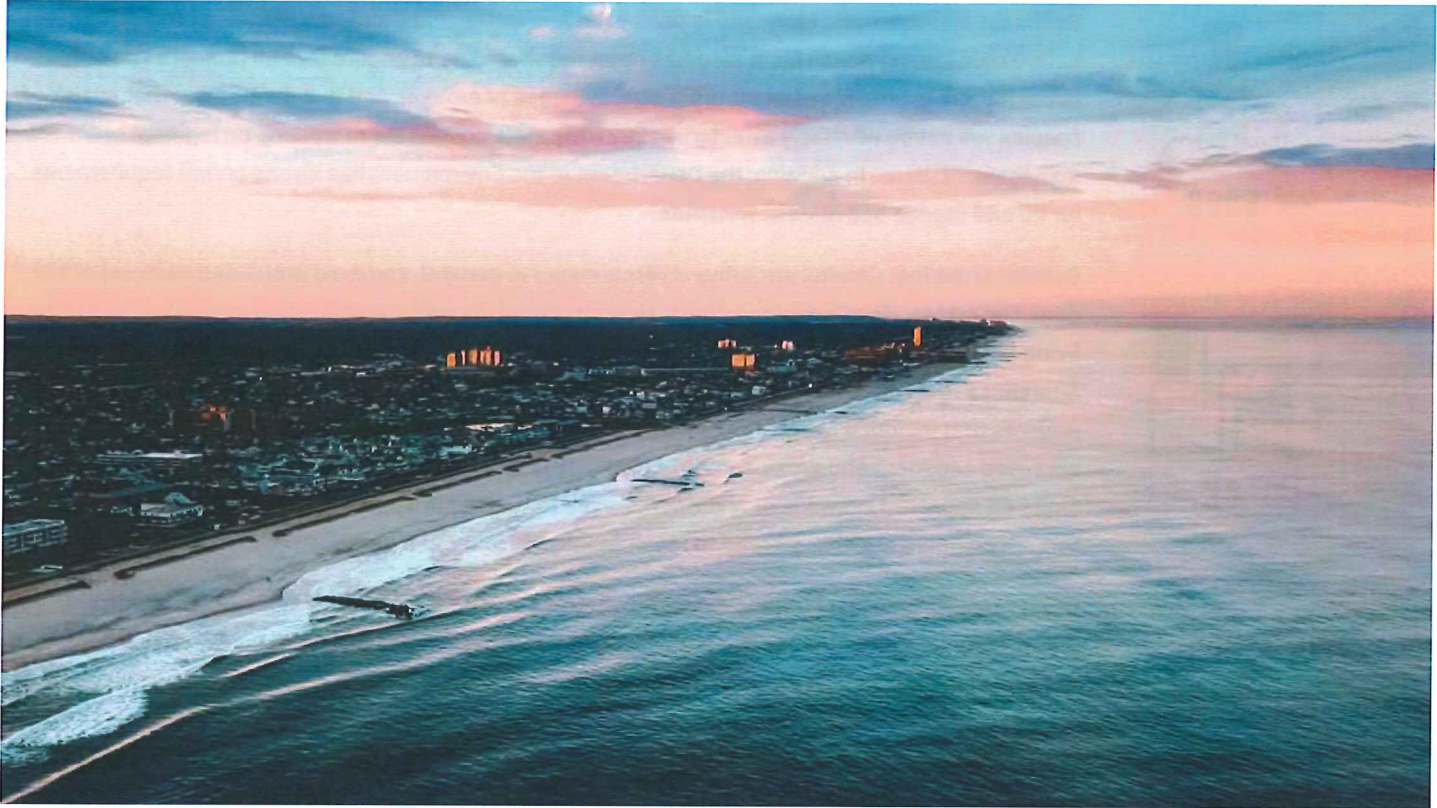


GOOD

Sea Level Rise: Maryland has been proactive at assessing coastal climate change impacts and developing adaptation strategies to increase coastal resiliency. The state conducted a thorough vulnerability assessment, a *Sea Level Rise Response Strategy*, a *Coast Smart Construction guidebook* and a *Comprehensive Strategy for Reducing Maryland’s Vulnerability to Climate Change*. The strategy has good policy recommendations and an adaptation and response toolbox to help local governments with implementation. Many of the recommendations have already been implemented by the state. Maryland also has enforceable policies that require buffers around critical areas in parts of the Chesapeake Bay. In 2020, the state passed resilience legislation empowering local communities.

RECOMMENDATIONS

- Ensure regional sediment management plans are effectively implemented.
- Establish clear time limits and removal requirements for any approved seawalls or revetments.
- Develop a repetitive flood loss policy (including plans for buyouts and relocation) in case of extreme weather events.
- Discourage the repair of bulkheads and, when necessary, require permits for repair.
- Remove allowances for emergency permitting; or strengthen the policy by requiring structures to be temporary, with strict timelines for removal, restoration and implementation of an alternative stabilization method.



MID-ATLANTIC

New Jersey

Known for its long, sandy beaches and bustling boardwalks, New Jersey’s coast is a highly visited region. While the state has recently made strides to update its sea level rise planning efforts, the implementation of new legislation languishes due to an extended rule-making process. In 2021, New Jersey launched a resilience strategy that contains policy guidance for state agencies and municipalities. New Jersey’s efforts to improve sea level rise planning brought their grade from a ‘D-’ to a ‘D.’ In order to continue improving its grade, the state needs to speed up rule-making for legislation and update the resilience strategy to require legal or legislative approaches to implement adaptation measures.



BEACH GRADE

D

Fairly poor policies, lacking.



BAD

Sediment Management: In 2021, the New Jersey Legislature is aiming to pass legislation that would double the amount of money the state puts toward beach replenishment each year - from \$25 million to \$50 million. Considering that New Jersey lacks any regional sediment management plans and relies far too heavily on beach fill, legislation like this will allow the state to continue relying on a short-term and extremely expensive solution to coastal erosion. While New Jersey has some policies that dictate beach fill, such as matching grain size and ensuring that sand comes from clean sources, the state regulates beach fill as a 'non-structural shoreline protection measure' without strict permit requirements and long-term monitoring plans.



BAD

Coastal Armoring: Seawalls and other hard structures are considered 'essential' to protect the shoreline and urbanization. In addition, restrictions on repairing or replacing armoring should be strengthened. The state is lenient with emergency permits and requires very few restrictions. For example, a permit request can be done over the phone. While living shoreline projects could be used instead of armoring, the state has not offered local communities resources or funding.



BAD

Development: Over the past decade, the state and local municipalities have approved a significant amount of new development. In fact, a [recent report by Zillow](#) concludes new home development in the state was nearly three times higher in the 'coastal risk zones' than in safer areas. This type of development is clearly skirting requirements of the Coastal Area Facility Review Act. While the state requires the elevation of homes destroyed in a flood zone, the permitting process is lenient and elevation requirements are only one foot above a flood area. In addition, New Jersey needs to improve its setback policies. There is only a setback of 10 feet from the crest of coastal bluffs that is required. To improve, the state should consider developing setback requirements based on local erosion rates.



OK

Sea Level Rise: Over the past few years, New Jersey has made progress on climate change planning. In 2021, the state released a [Climate Change Resilience Strategy](#) document that provides guidance on vulnerability studies and adaptation planning. However, the document is mere guidance and does not require municipalities to codify efforts through local statutes or land use plans. While legislation also passed in 2020 that requires developers to analyze sea level rise, the rule-making process extended and will not be implemented until 2022. Jersey's Blue Acres Buyout Program continues to be a positive example of a plan that will help with sea level rise planning. In 2021, legislation was passed to continue funding this important program.

RECOMMENDATIONS

- Ensure thorough implementation of new sea level rise legislation and resilience strategies.
- Improve compliance with the Coastal Area Facility Review Act.
- Reduce the reliance on, and use of, sand replenishment and consider other methods of beach preservation.
- Acknowledge the negative effects of shoreline armoring and prohibit or severely limit their use.
- Improve rebuilding standards after storms and increase home elevation in flood zones.
- Prohibit new developments in known hazard areas.
- Prohibit the use of armoring for new or repaired buildings.
- Establish larger setback standards.
- Establish managed retreat policies.



MID-ATLANTIC

New York

Renowned for its New York City skyline and iconic beaches, such as Coney Island, the Rockaways, Long Island, Fire Island and Montauk, the state of New York continues to be a leader for climate change planning. While the state has succeeded with sea level rise planning, New York relies on beach fill and coastal armoring. However, in late 2021, the state and the Army Corps of Engineers put forth a plan that would raise 14,000 homes and businesses in Nassau County instead of building large floodgates.



BEACH GRADE

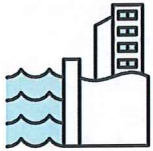
C

Mediocre policies.



BAD

Sediment Management: New York needs to develop a comprehensive statewide sediment management plan. Instead, it relies heavily on replenishment as the go-to shoreline stabilization method, despite the fact that the practice is both costly and short-term. While the state has a beach replenishment policy, it lacks necessary rigor to sufficiently protect coastal habitats. Fortunately, material placed on beaches must come from a clean source and be of equivalent grain size. While the state is working with the Army Corps to establish erosion management policies and regional plans, there has been little progress.



BAD

Coastal Armoring: Fortunately, the state has policies on limiting shoreline stabilization structures in sensitive areas and promoting soft or natural approaches to shoreline stabilization. However, there are no policy restrictions on rebuilding coastal armoring and the state continues to approve coastal and lake armoring projects instead of exhausting natural erosion control measures. The state should replicate innovative projects, such as building oyster reefs and restoring dunes.



OK

Development: New York has policies to protect natural resources that provide coastal hazard mitigation benefits, such as dunes, wetlands and reefs. The state prohibits the excavation or mining of dunes, in addition to vehicle traffic and certain types of foot traffic. Unfortunately, the state allows the restoration of damaged structures without a permit. Since Hurricane Sandy impacted the area in 2012, some development standards have been improved. However, New York allows exemptions to setback policies during the permitting process for new construction.



GOOD

Sea Level Rise: New York has always been progressive about acknowledging climate change and planning for future sea level rise. The state has conducted a vulnerability assessment and has sea level rise mapping. There is also a Coastal New York Future Floodplain Mapper that is available to the public. In addition, the state encourages adaptation planning and aims to protect habitats that will allow for potential sea level rise. After Hurricane Sandy, several commissions were created to study impacts from climate change and sea level rise. Finally, the Buyout and Acquisitions Program increases coastal resiliency by purchasing infrastructure and land to create natural coastal buffers that can better weather future storms.

RECOMMENDATIONS

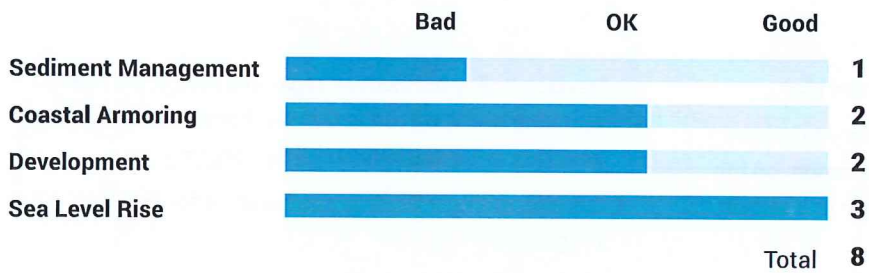
- Encourage regional sediment management plans.
- Strengthen the beach replenishment policy to require strict monitoring requirements and a maximum on the amount of times replenishment can occur in a certain time period.
- Require rigorous permits for the reconstruction of damaged homes.
- Avoid exceptions to setback requirements.
- Develop policy restrictions regarding rebuilding coastal armoring and remove the General Permit for coastal armoring in Long Island and New York City.
- Develop stronger funding mechanisms for 'buyout' programs.
- Do not build a floodgate across New York Harbor as proposed by the USACE.



MID-ATLANTIC

Virginia

Virginia's stunning coastline consists of sandy shores, coastal communities and the remarkable Volgenau Virginia Coast Reserve. The state's 'network program' confers much of the responsibility on municipalities and individuals to actively protect their coast, encouraging a strong sense of autonomy among coastal residents. In 2021, the state made great strides in updating sea level rise planning efforts.



BEACH GRADE

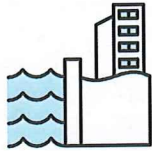
C

Mediocre policies.



BAD

Sediment Management: The state conducts sand replenishment projects without any regional sediment management or beach nourishment plans. In fact, Virginia includes nourishment funding in the annual budget. Permit requirements for replenishment projects are unclear and differ by city. The state would benefit from the review of replenishment projects and the development of regional sediment management plans that thoroughly assess ecological impacts.



OK

Coastal Armoring: The *Coastal Primary Sand Dune and Beach Act* seemingly offers strong protection for coastal beaches and dunes. Shoreline hardening is prohibited. However, exemptions for the Sandbridge Beach Subdivision and emergency permits allow the construction and repair of armoring, which reduces the effectiveness of what would be an excellent armoring policy. As an alternative method, the state promotes living shorelines and more recently, buyout programs. In 2015, a legislative decision allowed for loans to be distributed to local municipalities for the purpose of establishing living shorelines.



OK

Development: Virginia has the foundations for a strong coastal development policy, including codified protections for sand dunes, restrictions on development in coastal areas and restrictions on the repair of buildings damaged from coastal storms. However, state policy allows development in wetlands that are considered to be of 'lesser' ecological significance. Under the Dune Act, repairs require a new permit. If structures are unsalvageable, they must be removed and the area restored. In addition, coastal developments adjacent to dunes are limited to single-family dwellings to facilitate the ability of dunes to migrate inland. However, there is no statewide minimum development setback standard, as these are determined on a case-by-case basis during permitting.



GOOD

Sea Level Rise: The state is working on implementing its Coastal Resilience Master Plan. In addition, Virginia completed a Hazard Mitigation Plan to identify coastal risks. The plan establishes an impressive property acquisition program to move people out of flood zones, already resulting in the removal of 400 properties. The Resilient Virginia program offers good public outreach and communication about climate change. The state has also been proactive in protecting habitat connectivity and wildlife corridors.

RECOMMENDATIONS

- Develop regional sediment management plans to prevent runoff and sedimentation of waterways.
- Develop beach nourishment policies that thoroughly assess ecological impacts.
- Review each individual replenishment project before permitting.
- Establish a statewide minimum development setback standard.
- Reestablish the Climate Change Commission.
- Generate a comprehensive and specific adaptation plan with clear actionable items and policy recommendations.
- Promote the use of managed retreat plans and expand the buyout and / or relocation program for repetitive loss due to coastal hazards.
- Strengthen policies protecting riparian buffers, wetlands and wildlife corridors.

Great Lakes

Ohio

Illinois

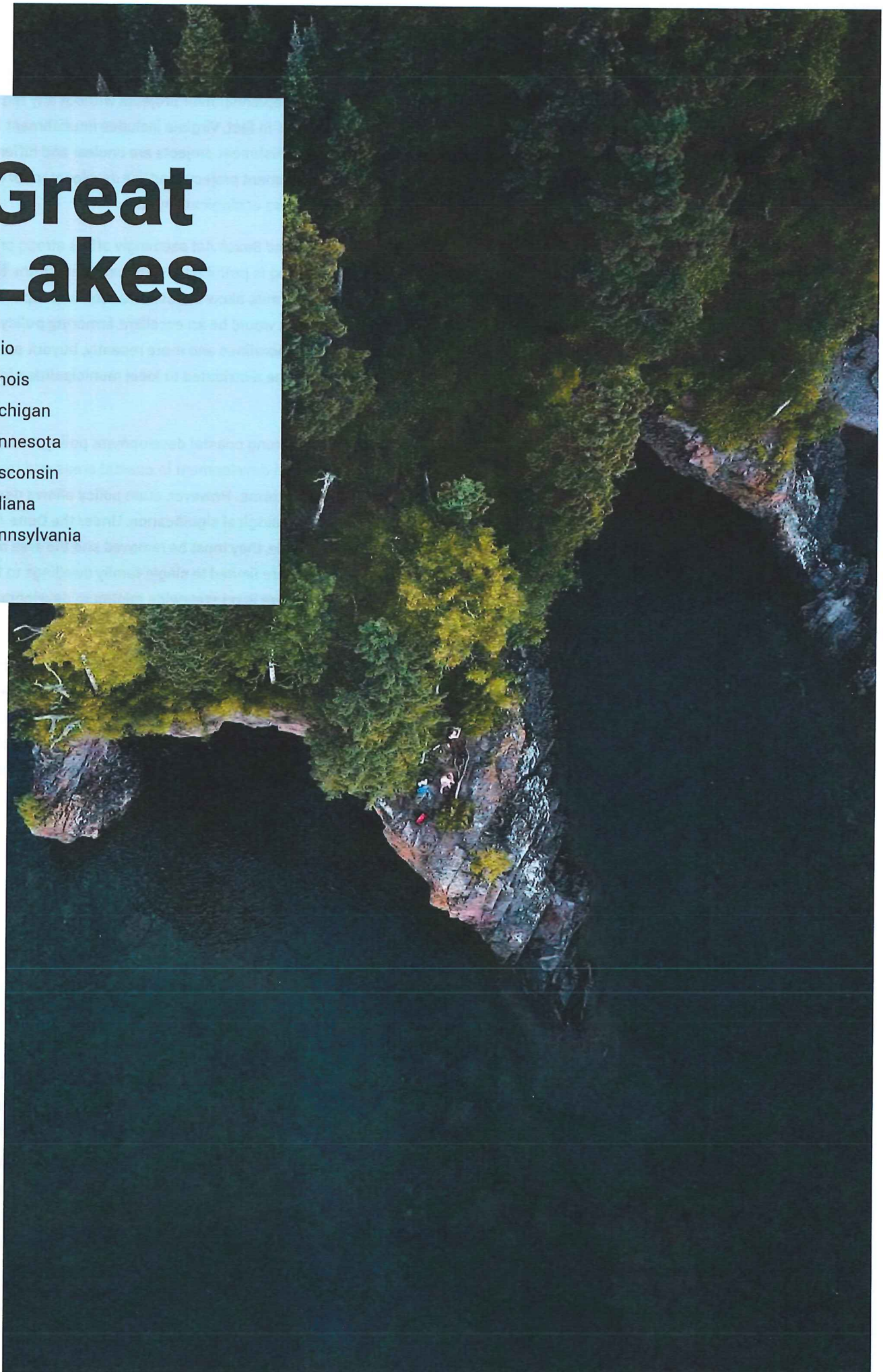
Michigan

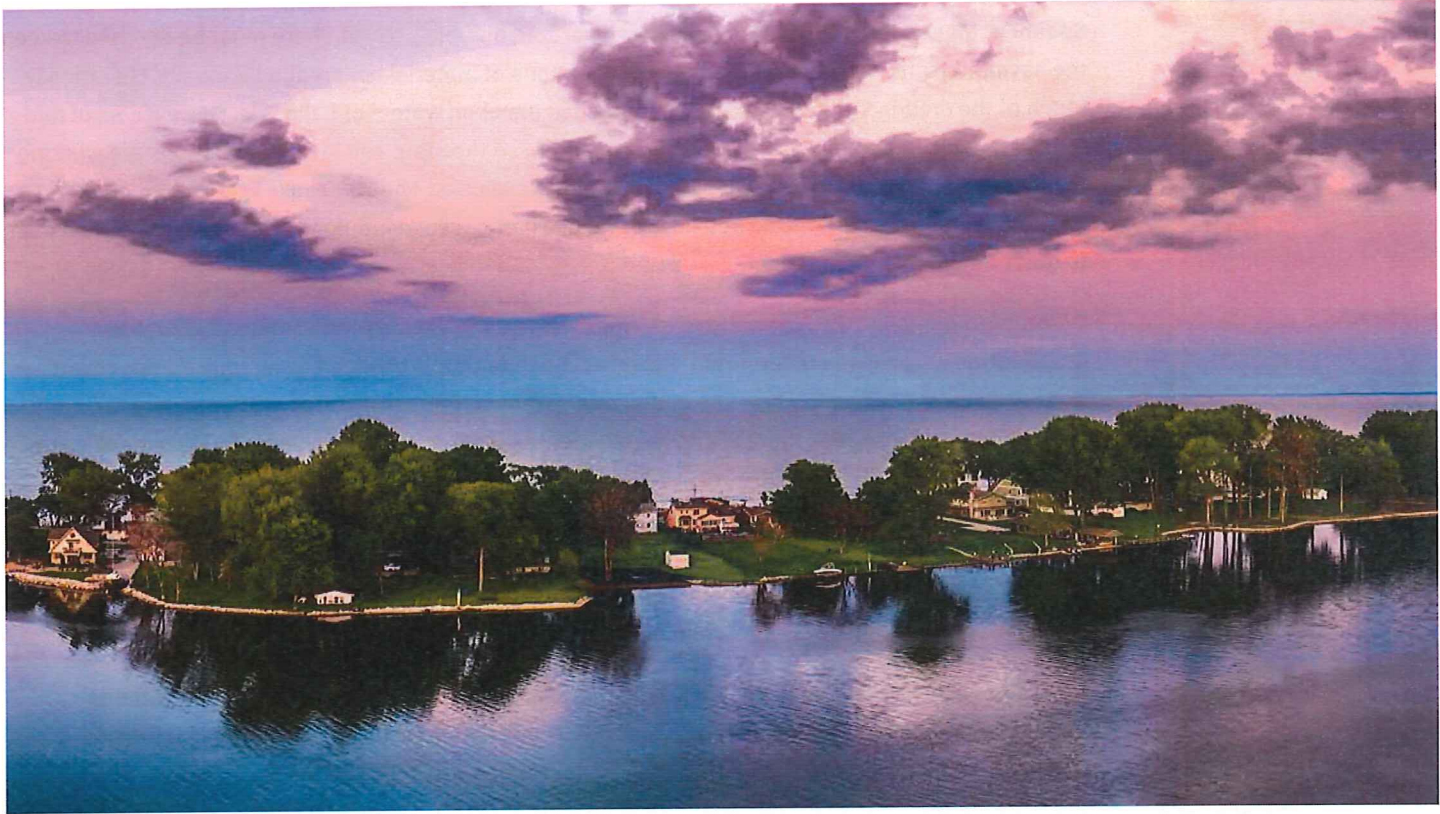
Minnesota

Wisconsin

Indiana

Pennsylvania





GREAT LAKES

Ohio

Ohio's public beaches along Lake Erie and nearby islands are hotspots for tourism and recreational activities in the summer months. Much of Ohio's shoreline is developed, privatized or inaccessible, with only 20% of the shoreline accessible to the public. While the state's Coastal Management Program has made progress to promote coastal resiliency, Ohio's laws and policies to preserve healthy, accessible coastlines and adapt to a changing climate are lagging.



BEACH GRADE

F

Inadequate protection of coastal communities and resources.



BAD

Sediment Management: Each year, rivers and harbors on Ohio’s North Shore must be dredged to keep the navigation channels open. Nearly two million tons of material are dredged annually. Historically, much of the dredged material has been dumped in the open waters of Lake Erie. However, as of mid-2020, other placement sites and uses must be found so the state and local jurisdictions are working to identify disposal alternatives and potential beneficial uses. The 2020 Lake Erie Protection and Restoration Plan also prioritized activities to reduce harbor sedimentation. There is no state-level plan to guide sediment management.



BAD

Coastal Armoring: In 2021, the state made improvements to explore non-structural shoreline stabilization alternatives to armoring. However, much of Ohio’s coastline is already hardened and armoring is still used as the first line of defense. Although there is a stated preference for natural erosion control measures, there are no requirements that compel homeowners to implement them. While Ohio started offering a ‘free expedited permit’ in 2018 for temporary shore structures, which apply to new emergency structures or repairs to existing unpermitted structures, temporary structures must obtain a standard permit after two years. The state even offers a low-cost loan program to subsidize shoreline armoring. Without an explicit requirement to remove these structures, this policy could have severe impacts on the aquatic environment and the future of a natural coastline.



BAD

Development: The state does not have a standard minimum shoreline setback policy. Although permits are required to build and redevelop permanent structures in identified Coastal Erosion Areas, there are not clear restrictions on the repair of developments in these sensitive areas. Fortunately, there are some efforts to protect coastal ecosystems, including a National Estuarine Research Reserve, coastal wetland restoration projects and designations of wild, scenic and recreational river areas.



BAD

Lake Level Change: As a state, Ohio is significantly lacking in terms of climate change planning, which has left local governments in the position of developing their own plans. This failure to proactively prepare for lake level changes is resulting in destructive, short-sighted policies, such as the recently implemented temporary armoring policy. Ohio needs a statewide policy to address climate change impacts along the Lake Erie shoreline. While a broad vulnerability assessment regarding coastal erosion was conducted in 2011, it was with minimal outlook toward future vulnerabilities.

RECOMMENDATIONS

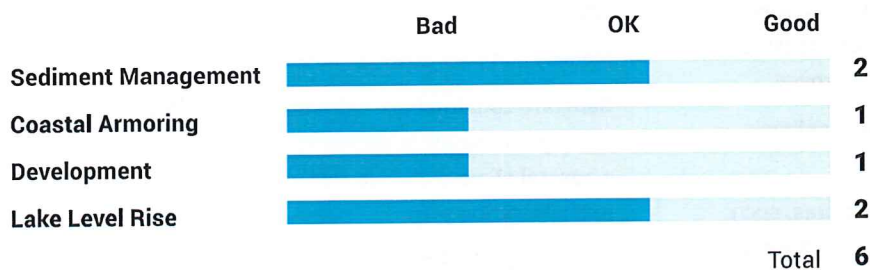
- Establish minimum setback requirements on coastal developments.
- Revise regulatory procedures for reviewing applications for Shore Structure Permits and prohibit new developments from installing hard structural erosion control measures.
- Prohibit development in Coastal Erosion Areas that will require coastal armoring within its economic lifespan. In addition, require that implemented erosion control measures employ low-impact development techniques.
- Secure federal funds to complete the Great Lakes Coastal Resiliency Study.
- Reconsider the Temporary Shore Structure Permit program to incentivize proactive planning and thoughtful, engineered solutions aligned with the state’s preference for natural solutions.
- Develop a coastal climate change adaptation plan.
- Conduct a statewide coastal climate change vulnerability assessment.
- Ensure the sand management plan includes policies on beach replenishment projects, including the consideration of other soft structures first, in addition to monitoring requirements and permits for waterside and landside sand placement.



GREAT LAKES

Illinois

Illinois' urbanized coast, which is the most densely populated in the Great Lakes region, spans 63 miles. The dynamic shoreline, subject to fluctuating lake levels and erosion, has certainly felt the effects of expansive development and relies heavily on programs, such as the Illinois Coastal Management Program, to protect its residents, resources and livelihoods. As of November 2021, Illinois' CZMA Enhancement Grant proposal has not been submitted.



BEACH GRADE

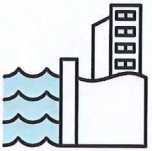
D

Fairly poor policies, lacking.



OK

Sediment Management: Although Illinois does not have a regional sediment management plan, the state has established a Sand Management Working Group. The state conducts and encourages beach fill on its lakefront areas and permits for beach fill are streamlined. Without strong standards for sand quality or requirements to conduct monitoring, the environmental impacts are minimally understood. Fortunately, permits for beach fill projects are required from various coastal management and water quality agencies.



BAD

Coastal Armoring: In recent years, Illinois has increased its shoreline armoring practices, despite having a policy that acknowledges how armoring disrupts sand transport along shorelines. Seawalls, groins and breakwaters are regulated by permits and must include a 28-day public notice. However, the state continues to expedite emergency permits with little to no conditions that require time limits, monitoring, removal of derelict armoring or redevelopment. Non-structural shoreline stabilization techniques, such as living shorelines, are also not adequately encouraged or used.



BAD

Development: Much of the natural shoreline of Illinois has been developed. Unfortunately, the state lacks setback requirements or shoreline development restrictions. While the coastline is experiencing continued erosion, severe coastal hazard areas have been defined. The Coastal Management Program and the Natural Areas Preservation Act aim to protect the remaining undeveloped areas. However, there are still minimal policies in place to protect shoreline resources.



OK

Lake Level Change: While the Illinois Department of Transportation made progress by releasing a Hazards Plan, the state has been slow to address climate change. The plan includes a section on climate change but doesn't provide vulnerability maps or policy recommendations. Fortunately, local governments are encouraged to conduct mitigation planning and the state also has some adaptation and shoreline management tools available. While the Illinois Wildlife Action Plan encourages better protection of coastal habitats, it is outlined more as guidance rather than as an official policy.

RECOMMENDATIONS

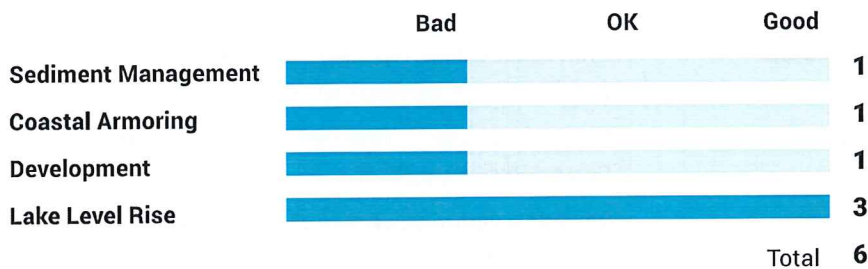
- Require that non-structural shoreline stabilization measures, such as living shorelines, dune restoration and the conservation of shoreline areas, are considered before sand replenishment projects are approved.
- Establish statewide minimum development setback requirements.
- Prohibit the use of hard stabilization structures, such as seawalls, groins, and breakwaters. If hard stabilization must occur, require conditions that set time limits, monitoring, removal of derelict armoring and permitting for repairs.
- Require the monitoring of ecological impacts and efficacy of sand replenishment projects.
- Identify and map coastal hazard areas.
- Generate construction restrictions in erosion or flood-prone areas, in addition to the completion of a coastal climate change vulnerability assessment and adaptation plan.
- Provide coastal hazard and lake level rise mapping in the Illinois Geospatial Data Clearinghouse.
- Secure federal funds to complete the Great Lakes Coastal Resiliency Study.



GREAT LAKES

Michigan

With 3,288 miles of coastline, Michigan has one of the largest shorelines in the U.S., second only to the state of Alaska, and borders four of the five Great Lakes. There are numerous natural and historic treasures along the coast, including stunning rock formations, popular beaches and scenic hikes. While the state is making strides in community outreach regarding shoreline adaptation, the state should improve its efforts to protect shoreline resources, especially in light of climate change.



BEACH GRADE

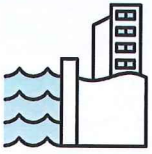
D

Fairly poor policies, lacking.



BAD

Sediment Management: The state does not have any regional sediment plans or policies regulating private sand replenishment landside of the water line. In addition, there is essentially no beach fill policy. Testing of sediment is only required if it is collected from areas known or suspected to be contaminated. Even though Michigan provides protection of sand dunes with the 'Critical Dunes Area Program,' the state should establish a sand replenishment policy that requires thorough analysis of impacts and encourages coastal regions to develop regional sediment management plans.



BAD

Coastal Armoring: The Michigan Department of Environment, Great Lakes and Energy (EGLE) accurately recognizes that hard shoreline structures exacerbate erosion and reduce water quality. However, seawalls can still be allowed with a general permit. Without clear requirements for monitoring or removal, the policies can enable seawalls to be routinely reinforced. While the state encourages the use of natural stabilization treatments, the consideration of alternatives is not mandated.



BAD

Development: Michigan has robust setback regulations based on the rate of erosion, plus an additional 15 foot buffer. Most areas have updated their erosion rates, although some are still using rates that were calculated 20 years ago. 'High Risk Erosion Areas' are well-defined and permits are required. However, new developments in 'protected' dunes and wetlands have also recently been permitted. The lack of clear regulations on the repair of developments may also lead to unnecessary damage or loss of properties.

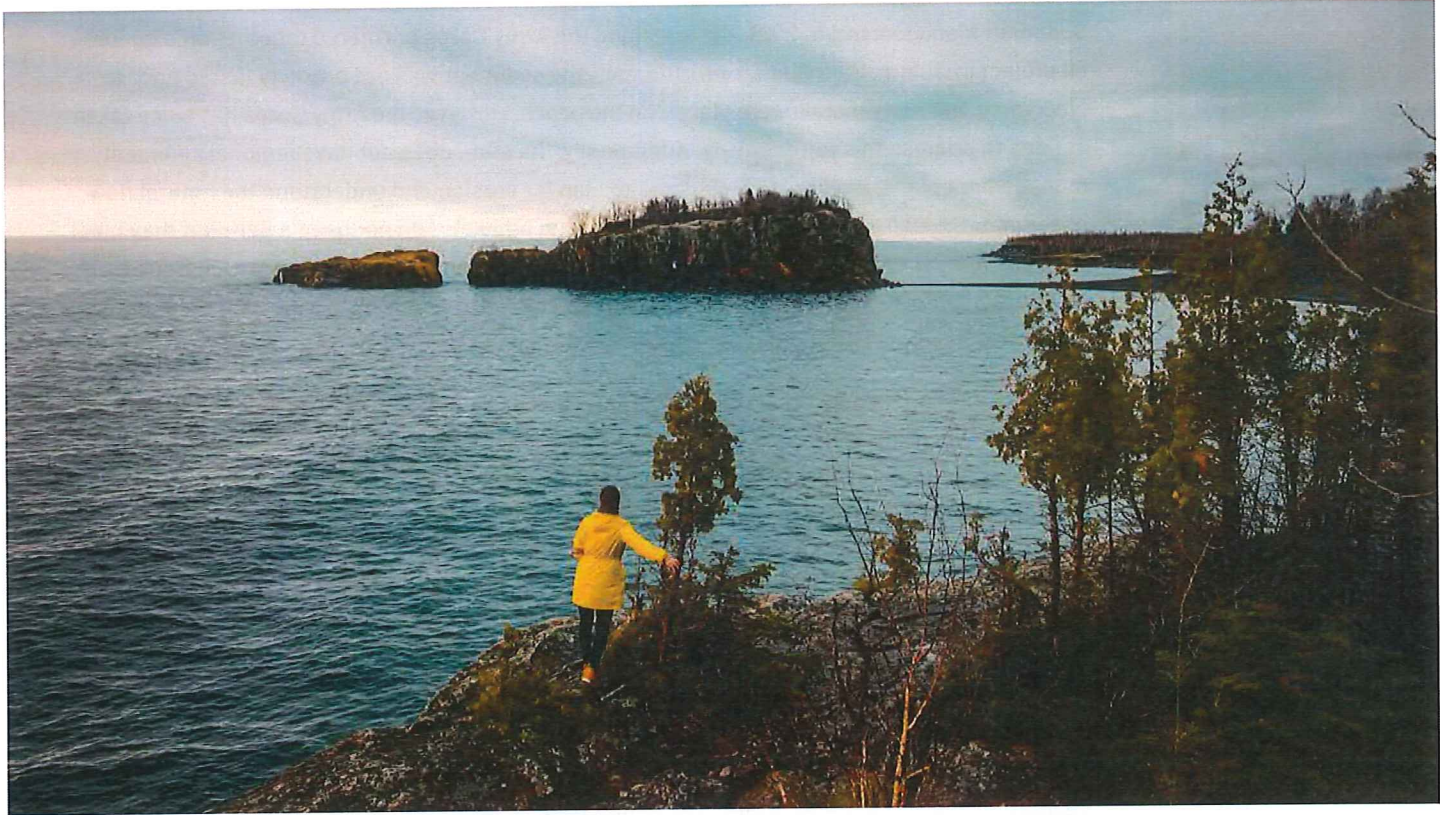


GOOD

Lake Level Change: Michigan continues to proactively work on climate change impacts and also encourages local jurisdictions to follow through on establishing climate goals and commitments. The state of Michigan has also created a thorough Community Resilience Handbook, which touches on coastal hazards and lake level changes. Broad adaptation methods are discussed but the state has not developed an approved coastal adaptation plan. While the state does a good job of assessing future risks and developing adaptation plans for ensuring habitat connectivity and the protection of natural environments, it needs to mitigate impacts from continued development.

RECOMMENDATIONS

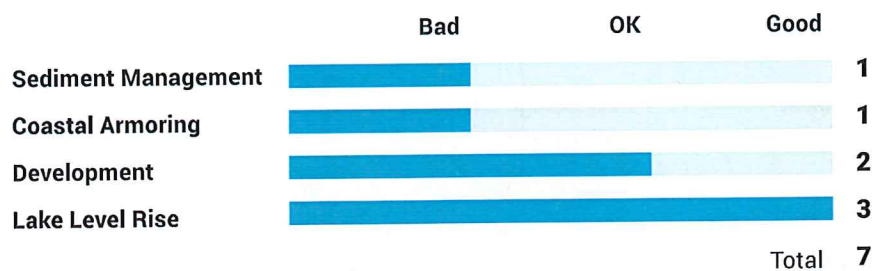
- Prohibit construction on protected dune areas and in wetlands.
- Establish a sand replenishment policy that requires thorough analysis of potential impacts.
- Encourage coastal regions to develop sediment management plans.
- Prohibit the use of seawalls, or if necessary, require clear conditions of monitoring and removal.
- Limit construction, repair and/or reconstruction of existing coastal development in hazard areas.
- Secure federal funds to complete the Great Lakes Coastal Resiliency Study.
- Conduct a statewide climate change vulnerability assessment.
- Implement recommended actions and suggestions described in the 2012 Adaptation Plan.



GREAT LAKES

Minnesota

Minnesota's North Shore hugs nearly 200 miles of the world's largest freshwater lake, Lake Superior. The notoriously clear waters of Lake Superior offer an abundance of fish, beauty and adventure to the Minnesota coast. Though the state has participated in NOAA's Enhancement Grant program for years, Minnesota has decided to not participate in the 2021-2025 grant cycle, leaving uncertainty for how coastal management projects will be funded and implemented over the next five years.



BEACH GRADE

C

Mediocre policies.



BAD

Sediment Management: In 2021, the state and the Army Corps partnered together on a beach fill project in Duluth, Park Point. Unfortunately, the sediment was not properly tested prior to placement and rusty metals were placed on the beach. However, the Army Corps has since taken actions to address this retroactively. Additionally, the state does not have regional sediment management plans, making it challenging to plan for erosion and understand the natural flow of sediment. Small-scale fill projects, such as 'sand blankets,' do not need a permit if they meet a fairly short list of conditions, including the use of 'clean, inorganic sand or gravel, free of pollutants.' Unfortunately, as there are no explicit testing, monitoring or reporting requirements, there is no assurance that conditions have actually been met.



BAD

Coastal Armoring: Minnesota has been lenient with allowing hard shoreline stabilization structures without a permit. While there are guidelines for the installation of riprap and other structures, a thorough permitting process should be instituted to ensure the protection of shoreline resources and habitats. In addition, the state should establish explicit policies for the repair or removal of armoring.



OK

Development: There are substantial statewide setback standards for coastal developments, with minimum setbacks ranging from 50 to 200 feet from the shoreline. In addition, there are more stringent standards in erosion hazard areas. Repairs and rebuilding after storm damage in coastal hazard areas may also be permitted but it depends on the local authority. While Minnesota has a proactive mitigation plan for preventing landslides through bluff protection, mapping and native vegetation, there is minimal protection of important coastal habitats, such as wetlands and dunes.



GOOD

Lake Level Change: Minnesota is one of the few states to complete a comprehensive Climate Change Vulnerability Assessment and there is an abundance of resources and information available on the Climate Change Web Portal. While the Interagency Climate Adaptation Team regularly updates a state adaptation report, the North Shore Climate Group found that local adaptation and hazard mitigation plans lack congruence and effectiveness. Regarding habitat protection, Minnesota has a proactive riparian connectivity program, which could be vital to local wildlife in a changing climate.

RECOMMENDATIONS

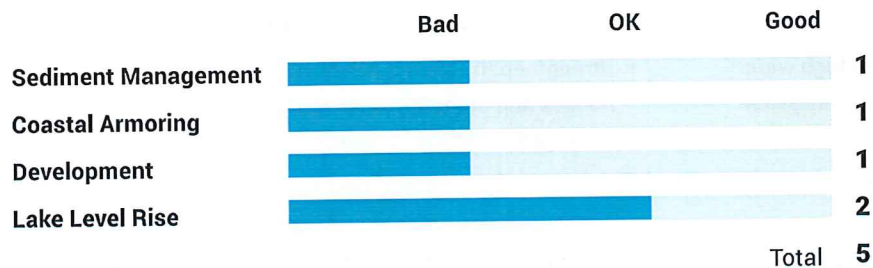
- Develop sand replenishment policies that look at the long-term effectiveness and impacts of beach replenishment projects.
- Require robust chemical and manual testing of the sand and ensure the grain size matches existing sand.
- Establish restrictions on the construction and repair of hard shoreline protection structures.
- Encourage the use of non-structural alternatives, such as living shorelines and restoration.
- Clarify guidelines for local adaptation plans to ensure better congruence and effectiveness.
- Secure federal funds to complete the Great Lakes Coastal Resiliency Study.



GREAT LAKES

Wisconsin

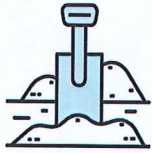
Wisconsin's 1,000 miles of coastline border two major bodies of water, which are Lake Michigan and Lake Superior. Throughout the expansive region are impressive bluffs, wetlands, inviting beaches, forested shorelines and urban environments. In 2021, Wisconsin did not make any significant changes to its coastal program or pass legislation to strengthen development standards, beach nourishment, armoring practices or planning for sea level rise.



BEACH GRADE

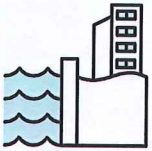
D

Fairly poor policies, lacking.



BAD

Sediment Management: Wisconsin lacks regional sediment management plans and needs to improve policies and practices to better analyze and avoid the environmental impacts of beach nourishment. While permits are required if a fill project is below the Ordinary High Water Mark, each municipality has local discretion on issuing permits for dry sand. Finally, the state should require robust, long-term monitoring of beach fill projects.



BAD

Coastal Armoring: Permits are required for armoring and are generally only granted in 'high energy sites.' Unfortunately, small riprap projects are exempt. While some river basins do not have to meet permit requirements, other natural areas, such as the Lower St. Croix National Scenic Riverway, are more strict and require an erosion control plan and vegetation management plan. Emergency armoring permits are also available. While there are explicit conditions that must be met, temporary structures can become permanent as removal requirements are not clearly stated. The state provides guidance for soft structures, such as brush layering and biodegradable breakwaters, but it doesn't require consideration of these methods first.



BAD

Development: While the state has a minimum setback requirement of 75 feet, there are many loopholes. After a storm, homes and structures can be rebuilt to the same size. Wet boathouses can also be repaired in a way that extends the lifespan and increases value. Recent provisions weaken the protection of the coastline, including regulations that prevent counties from having more robust setbacks, allow unlimited maintenance and repair of coastal developments, and reduce protections for man-made wetlands.



OK

Lake Level Change: Wisconsin has an extensive amount of resources on climate change, likely due to the Wisconsin Initiative on Climate Change Impacts (WICCI). WICCI aims to clarify climate change impacts and identify vulnerabilities. Reports include important state resources, climate change vulnerability assessments of shorelines and wetlands, and recommended adaptation measures. Unfortunately, there is minimal focus on the protection of riparian areas for coastal adaptation. In addition, the state reduced protections for artificial wetlands in 2017.

RECOMMENDATIONS

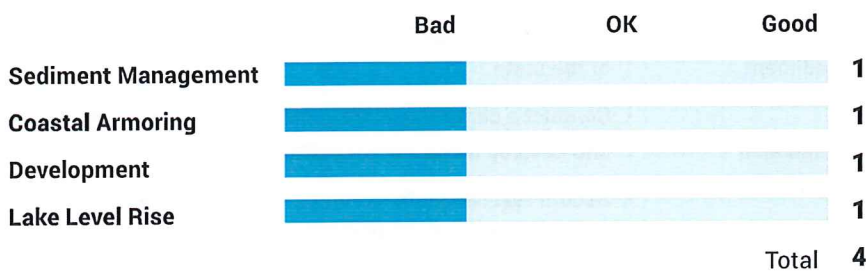
- Create an inventory of nourishment projects and develop regional sediment management plans.
- Require replenishment projects above the high water mark to be properly permitted and include mitigation requirements.
- Require permitting and monitoring for beach nourishment projects.
- Develop and implement climate change adaptation plans.
- Prohibit maintenance and repair of developments that do not conform to current development standards.
- Allow municipalities to establish policies that are more stringent than statewide minimums.
- Strengthen the state's policy on repairing and rebuilding houses and other buildings that were destroyed or damaged in natural disasters.
- Add more specific language to coastal policies for conserving natural land and water resources to give protection to resources and provide coastal hazard mitigation benefits.
- Secure federal funds to complete the Great Lakes Coastal Resiliency Study.



GREAT LAKES

Indiana

Recognized for incredible sand dunes, Indiana’s Lake Michigan shores are highly sought-after among beachgoers and adventurers alike. The dunes, many of which are protected by the Indiana Dunes National Park and the Indiana Dunes State Park, were formed as glaciers that began to melt during the last ice age and can now be observed alongside impressive wetlands and beloved fisheries. Unfortunately, these invaluable resources have greatly diminished due to human intervention and development. To make matters worse, Governor Holcomb signed a law in 2021 that repeals the majority of Indiana’s state-regulated wetlands law.



BEACH GRADE

F

Inadequate protection of coastal communities and resources.



BAD

Sediment Management: Indiana promotes the use of beach fill and encourages the beneficial reuse of sediment from dredge projects. While policies require that sand is free of contaminants, the test criteria is not standardized so harmful pollutants that enter Lake Michigan may be ending up on Indiana’s beaches. The oversight of these projects is minimal and applicants are to assume that their beach fill project is approved if there is no response from the agency.



BAD

Coastal Armoring: Hard structures used for coastal armoring require a permit from the Indiana Department of Natural Resources. However, they are accepted for use along the coastline on private property, which has been determined by state courts to be above the ordinary high water mark. Standards for the design, components and the placement of new or repaired hard structures are dictated by the type of lakefront ‘category,’ such as a developed area or significant wetland. While they also often require some element of ‘bioengineered materials,’ repairs are not restricted in general. Non-structural shoreline stabilization alternatives are not encouraged.



BAD

Development: One-third of the Indiana lakeshore is protected by the Indiana Dunes National Park. While this ensures the ability of dunes to provide natural coastal hazard mitigation benefits, the development policies outside of this protected area are lacking. There are no statewide minimum development setback requirements, even in hazardous areas. While there is a geodatabase of the Indiana Lake Michigan Shoreline, which is intended to identify and encourage future development away from hazardous areas, it doesn’t require developments to avoid those areas.



BAD

Lake Level Change: Although academic and nonprofit institutions in the state have made advancements to provide guidance and planning for climate change adaptation, Indiana lacks state policies that address climate change. In fact there is not a state website dedicated to the topic and there are no state-level climate change adaptation plans. While the state encourages local planning efforts and provides resources for flooding and coastal hazard planning, efforts to address coastal issues tend to be short-term and reactionary rather than planned and long-term. The state should consider climate change vulnerabilities in coastal management efforts and establish clear climate change adaptation plans.

RECOMMENDATIONS

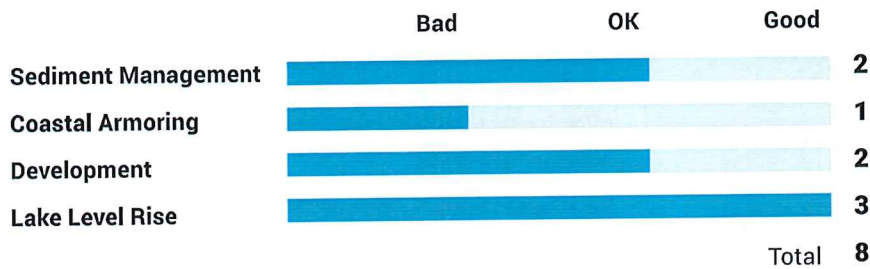
- Repeal the new law that eliminates wetland law protections.
- Strengthen permitting and authorization requirements for sand replenishment projects, including the review and written notification of approval or disapproval by state agencies.
- Develop sediment management plans and sediment monitoring protocols.
- Prohibit armoring in sensitive habitat areas and also implement time restrictions and removal requirements of approved stabilization structures.
- Require that living shorelines and soft stabilization methods are considered prior to coastal armoring.
- Establish statewide mandated development setback requirements and managed retreat regulations.
- Prohibit new construction and repairs in identified hazard areas.
- Develop a state-managed website to provide information on climate change and potential impacts to coastal areas of the state.
- Conduct a climate change vulnerability assessment and develop a coastal adaptation plan.
- Secure federal funds to complete the Great Lakes Coastal Resiliency Study.



GREAT LAKES

Pennsylvania

While Pennsylvania’s coastline totals more than 100 miles, the coastal regions are split almost equally between Lake Erie and the Delaware Estuary. Between these two waterways, Pennsylvania, also known as the Keystone State, is favorably positioned to dispatch and receive cargo ships. As a result, it is essential that the state successfully implements their 2018 Climate Change Adaptation and Mitigation Plan that focuses on the resiliency of coastal communities and infrastructure.



BEACH GRADE

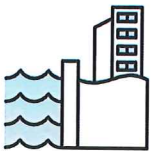
C

Mediocre policies.



OK

Sediment Management: The state already spends an estimated \$3 million annually for beach fill. It is unclear if permits or monitoring protocols are required for small fill projects. The state relies heavily on beach fill and in June 2018, it secured \$1.5 million in federal funds to conduct a fill on Pesque Island. While there is a comprehensive regional sediment plan for the Delaware Estuary, there is no equivalent plan in place for the Lake Erie shoreline. The state would benefit from more comprehensive, proactive sediment plans that focus on restoring natural sediment movement and protecting beach ecology.



BAD

Coastal Armoring: Pennsylvania does not have restrictions on the construction, repair or replacement of hard shoreline devices. There is no indication that seawalls and other hard structures require monitoring or removal after they are no longer useful. There need to be more informational resources on living shorelines, in addition to codified requirements to use living shorelines as the first line of defense, such as creating and protecting riparian buffers, before reverting to armoring.



OK

Development: Pennsylvania has a development setback rate of a minimum of 25 feet in established Coastal Hazard Erosion Areas based on the average rate of bluff recession and type of structure. Unfortunately, municipalities can modify setback requirements if they are able to prove low-erosion risk. Repairs resulting in a substantial improvement to structures beyond the setback is prohibited. For waterfront areas, new developments can occur close to the water's edge, between the Ordinary High and Low Water marks, and only require federal and state permits.



GOOD

Lake Level Change: Pennsylvania has taken proactive efforts to address climate change impacts. Climate change research and planning are required by state law. The Department of Conservation and Natural Resources recently finalized the Climate Change Adaptation and Mitigation Plan, which encourages adaptation methods that protect natural areas, including the protection and restoration of floodplains and riparian areas, the removal of old dams and the avoidance of constructing and rebuilding in hazard areas. Unfortunately, like other Pennsylvania climate reports, this plan lacks information about the state's vulnerability and adaptation options for coastal erosion.

RECOMMENDATIONS

- Develop more explicit policies to protect coastal and environmentally sensitive habitat areas.
- Develop policies and regulations on hard shoreline protection structures and their repair and replacement.
- Codify requirements to consider non-structural methods before armoring is allowed.
- Remove the policy that allows municipalities to reduce minimum development setback standards.
- Allocate federal funds to complete the Great Lakes Coastal Resiliency Study.
- Conduct a vulnerability assessment and develop adaptation plans for sea level rise and lake level change.
- Improve sand replenishment management through the thorough analysis of environmental impacts and effectiveness, and develop regional sediment and inlet management plans.
- Require the consideration of alternative stabilization, such as the restoration and protection of dunes and coastal vegetation, in addition to the restoration of natural sediment flow, before permitting beach fill.

Gulf States

Texas

Louisiana

Alabama

Mississippi

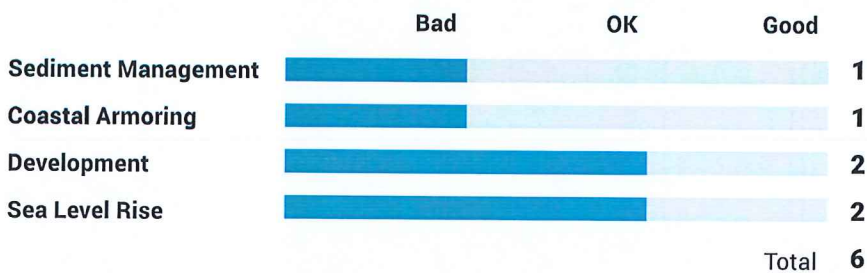




GULF STATES

Texas

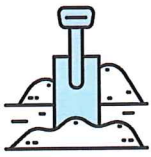
Texas's 367 miles of coastline, which are part of the Texas Coastal Plain, consist of marshes, bays, estuaries and barrier islands. Home to incredible biodiversity, including the most rare Kemp's ridley sea turtles, the state is responsible for protecting valuable natural resources along its coastline. This is a task that is becoming increasingly more difficult as the climate crisis persists. While the state has begun to address coastal resiliency through its 2019 Texas Coastal Resiliency Master Plan, strict policies will be needed to adapt to sea level rise and extreme weather events.



BEACH GRADE

D

Fairly poor policies, lacking.



BAD

Sediment Management: Beach replenishment is frequently used in Texas, especially for large-scale fill projects. These projects cost more than half of the \$22.5 million of state and federal funds that are allocated every two years to combat coastal erosion in Texas. As part of the Coastal Texas Protection and Restoration Feasibility Study, one of the primary protection and restoration strategies is dune building but there's no clear indication of where the vast amounts of appropriate sediment will be sourced. The state has a sediment management plan and collects beach erosion and sediment source data to help inform beach replenishment programs. Unfortunately, beach nourishment standards, permit requirements and environmental monitoring are severely lacking.



BAD

Coastal Armoring: While Texas management strategies prioritize soft stabilization methods, such as dune and wetland restoration, the state continues to view seawalls and breakwaters as justifiable practices. For example, over the past decade, the state has continued to evaluate seawalls in the Coastal Resilience Plan and pursue other hard structures for storm surge barriers, such as the massive floodgate projects in Galveston Bay. In addition, the state allows emergency permitting of coastal armoring.



OK

Development: Texas delegates development and erosion responsibilities to local municipalities. While the state requires local governments to establish setback requirements landward of the first line of vegetation or 200 feet from the mean low tide line, the setback distance beyond that varies locally. State-mandated local dune protection lines preserve dunes up to 1,000 feet from the mean high tide line and require proposed development within that space to get a permit and mitigate impacts to dunes. Beachfront construction also requires the completion of a beach construction certificate and dune protection permit. Removal of structures that end up seaward of the first line of vegetation can be contentious and not always enforced. The state's major issue seems to be the lack of zoning restrictions as Texas allows developments in flood-prone areas, such as filled wetlands and floodplains.



OK

Sea Level Rise: In 2021, the state did not make any headway in terms of planning for sea level rise, despite the fact that Texas's coastlines are extremely vulnerable to rising seas. While the state has not implemented concrete sea level rise policies, some agencies have done sea level rise mapping. The Community Health and Management Resource Mapping application does provide methods to engage and educate local communities. The Texas Coastal Resiliency Master Plan, which contains climate change adaptation measures, is an important step. However, the state uses low-end sea level rise projections, encourages the use of hard structures, such as breakwaters and seawalls, and continues to rely on beach fill for erosion control.

RECOMMENDATIONS

- Use stronger sea level rise projections in the adaptation plan.
- Conduct a thorough sea level rise vulnerability assessment.
- Require that abandoned homes on the coastline must be removed.
- Establish more consistent implementation of minimum development setback policies.
- Clearly delineate high risk areas (for both flooding and erosion) for use during buyout programs.
- Continue to support and invest in living shorelines and other soft structures, or buyouts, over expensive and short-term sand replenishment and seawalls.
- Require zoning that prohibits new development in high hazard areas and limits repair and maintenance of existing infrastructure in those areas.
- Require that homeowner assistance and reimbursement funds are only used for building homes outside of high-risk areas or for rebuilding homes to higher structural standards.



GULF STATES

Louisiana

Louisiana is home to some of the most fragile and profitable wetlands in the country. The region, utilized for agriculture, seafood production and recreational activities, is responsible for 90% of the nation's coastal marsh loss, leaving the state essentially unprotected against rising sea levels and hurricanes.



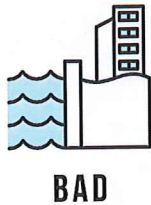
BEACH GRADE

D

Fairly poor policies, lacking.



Sediment Management: As Louisiana is in a vulnerable position due to its location in relation to the Mississippi River, it is imperative to have a thorough sediment management plan in place. While the state is part of the Gulf of Mexico Alliance Regional Sediment Management Master Plan, no recent strides have been made to finalize this initiative. Permits are required for fill projects but there is minimal review of ecological impacts or long-term monitoring. Fortunately, as a result of the state's passage of the recent FY22 Coastal Annual Plan, the state is in the process of developing and funding several sediment diversion projects. This is a positive step as long as the projects are carefully designed.



Coastal Armoring: There are no statewide policies on stabilization structures and their repair, replacement or removal. For example, Louisiana's coastal construction rules do not require permits for the repair of existing structures as long as dredging and fill are not involved. This is likely because the river shoreline has been fortified by levees since the 1930s. While encouraged over armoring, there are no enforceable policies that require non-structural stabilization alternatives. Fortunately, this legislative session passed the Capital Outlay Bill, which will help to further promote non-stabilization methods through funding availability.



Development: There are no statewide minimum setback standards for coastal development and permits are not required to repair or maintain existing structures in hazard areas. Louisiana even has a guidance document for coastal development that helps communities to 'build safely' near the edge of water bodies. That said, Louisiana has a Planning Appendix with great recommendations to increase the resilience of the coastline, yet many are not yet implemented. Coastal zone development continues to be encouraged for economic benefits, despite safety risks.



Sea Level Rise: Louisiana suffers from losing land to both subsidence and sea level rise, which is a dangerous combination that is exacerbated by a complex network of levees and sediment barriers. To combat these losses and growing threats of stronger coastal storms, Louisiana has made notable improvements in sea level rise planning in recent years. These include the creation of the Climate Initiatives Task Force and the release of a Regional Adaptation Plan, which documents flood risks and suggests optional buyout programs. This year, the state made even more progress by passing the Coastal Annual Plan and the Capital Outlay Bill to establish dedicated funding to coastal resilience and restoration projects that reduce flood risk, help with land acquisition and support non-structural stabilization.

RECOMMENDATIONS

- Develop regional sediment management plans to help restore natural sediment flows.
- Conduct monitoring to track any long-term impacts to coastal ecology from sand replenishment projects.
- Prohibit shoreline armoring or strictly require that non-structural stabilization methods, such as living shorelines, are used first.
- Ensure that development standards in hazard areas are enforced.
- Limit repair and replacement of damaged developments in high hazard areas or require them to be rebuilt to higher resilience standards.
- Prioritize retrofitting and protecting critical city infrastructure.
- Conduct a thorough sea level rise vulnerability assessment and develop an adaptation plan.



GULF STATES

Alabama

The Alabama coast is known for its white-sand beaches and inviting waters. It should come as no surprise, then, that much of the region’s economy depends on the tourism industry, which generates billions of dollars each year. Unfortunately, Alabama is positioned to lose its valuable coastal resources if the state does not take bold action to improve shoreline management and proactively plan for sea level rise.



BEACH GRADE

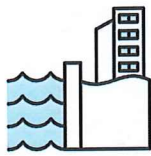
F

Inadequate protection of coastal communities and resources.



BAD

Sediment Management: With rapid erosion and wetland loss, exacerbated by years of dredging, the state encourages the use of beach fill to combat land loss. While regional sediment management plans are encouraged by the state, only Mobile Bay has produced one, which was largely completed by the federal Army Corps. A permit is required for sand replenishment projects and must be consistent with the Alabama Coastal Area Management Plan. However, this management plan does not provide clear guidelines on replenishment practices or ecological monitoring and review.



BAD

Coastal Armoring: In Alabama, property owners must first consider managed retreat and other soft stabilization methods to protect properties on Gulf beaches and primary dunes. There are quite a few resources produced by the state on living shorelines, including a guide for property owners and an ordinance manual. However, if soft, alternative options are deemed 'infeasible,' property owners can refer to armoring. Alabama has been doing a lot of work on living shorelines, especially as a remediation tactic after the 2010 Deepwater Horizon oil spill. Although shoreline stabilization policies promote the use of soft and living structures, hard stabilization techniques are still the most prevalent mechanisms, signifying that the state is using a fairly lenient definition of 'infeasible.'



BAD

Development: The state has setback policies and uses the Coastal Construction Line to give the coastal state agency jurisdiction over controlling seaward structures. Unfortunately, the line hasn't been updated since 1979. A hard line on a dynamic shoreline has resulted in areas where the line is actually underwater. Policies surrounding the Construction Line are also conflicting, with the Coastal State Management Program stating seaward construction is prohibited, while Division 8 specifies that seaward construction just requires a permit. Alabama has identified a goal to eliminate development in high hazard areas but progress or implementation of this goal is not evident. Fortunately, the state strives to protect its wetlands and deltas. While the state passed a Joint Resolution recognizing the importance of access to and protection of the Mobile-Tensaw Delta this year, it lacks enforceable policies on these protections.



BAD

Sea Level Rise: In recent years, the state made progress in preparing for climate change by developing a draft Hazard Mitigation Plan. The plan includes an extensive section on sea level rise and coastal land changes. It also takes into account different rise rates, land change and king tides. Unfortunately, the state still does not have a statewide adaptation plan and it is not actively encouraging local municipalities to plan for future sea level rise. While the recently released Coastal Area Management Program includes some good goals, including the development of a riparian structure database and best practices for resilient construction techniques, it continues to lack current resources and plans.

RECOMMENDATIONS

- Provide clear policies on replenishment practices, in addition to ecological monitoring in the Coastal Area Management Plan.
- Clarify policies regarding new development and repairs seaward of the Coastal Construction Line.
- Address sea level rise and climate change in coastal policies and hazard mitigation plans.
- Amend the location of the Coastal Construction Line and make the line relative to the sea level, allowing it to move with the dynamic coastline.
- Develop a robust sea level rise vulnerability assessment with mapping and an adaptation plan that prioritizes wetland protection and soft stabilization structures.



GULF STATES

Mississippi

Similar to its Gulf neighbors, Mississippi’s stunning beaches and coastal waters, make it a beloved tourist destination. Unfortunately, the state also shares the same threats as its fellow Gulf states. In the face of extreme weather events, sea level rise and coastal erosion, the Mississippi coast is at exceedingly high risk due to a lack of setback regulations and the promotion of harmful management practices, such as coastal armoring.



BEACH GRADE

D

Fairly poor policies, lacking.



Sediment Management: This year, Mississippi declared plans to develop stronger beneficial reuse and fill policies on sediment testing, handling and more. The state is also in the planning stages of an interactive map to better plan for and document beach fill and beneficial reuse projects. Mississippi is part of the Gulf of Mexico's Regional Sediment Master Plan and Gulf Coast Ecosystem Restoration Task Force. This group has outlined strong recommended actions to protect coastal resources. However, Mississippi agencies heavily promote beach fill. Without currently established and clear requirements for testing sand quality, assessing ecological impacts, conducting post-project monitoring or even obtaining a permit if filling outside of a wetland, Mississippi's sediment management is still lacking.



Coastal Armoring: Mississippi seems to promote all erosion stabilization methods, both soft and hard. While their living shoreline resources are helpful, the state also unfortunately uses a gas tax to provide dedicated funding to seawalls and armoring of coastal highways. A general permit is required for hard structures, and at times, neighbor approval is as well. However, as continual repair and replacement are automatically permitted, the limitations on armoring are weak overall and are likely to result in permanent structures. As remediation for the 2010 oil spill, the Deepwater Horizon Restoration Project is helping to repair damaged shorelines. This project is also funding large-scale wetland and reef restoration projects, which should help alleviate the need for additional armoring.



Development: Coastal development policies are extremely relaxed in Mississippi. There are no statewide minimum development setback requirements or limitations on repairing developments in coastal hazard areas. A 2019 report by Zillow and Climate Central uncovered that Mississippi is building in high flood risk zones three times faster than in safer locations. In addition, the construction of a building, fishing camp or 'similar structure' is allowed in coastal wetlands on private property, even without a permit. Fortunately, there have been increased efforts to protect natural resources that provide hazard mitigation benefits, including the Coastal Stream and Habitat Initiative, the DMR Artificial Reef Program and state acquisition of over 2400 acres of wetlands for long-term protection and restoration. However, development policies must be updated to ensure stronger wetland and coastline protection.



Sea Level Rise: Mississippi completed a sea level rise vulnerability assessment in 2011 and the state continues to piece together reports and research papers on sea level rise projections for the area. Although it is not a fully comprehensive assessment, it adequately considers negative impacts of various hard structures and identifies adaptation and retreat options. These resources are planned to inform the future development of a land management plan. However, this effort would benefit from an updated and truly comprehensive vulnerability assessment and adaptation plan, in addition to the required consideration of sea level rise and climate change in local hazard mitigation plans and a stronger attempt to disseminate information to local communities and jurisdictions.

RECOMMENDATIONS

- Establish a statewide development setback minimum requirement.
- Prohibit development in wetlands or require that developments are designed to prevent ecological impacts.
- Implement a strategy of managed retreat for state-owned infrastructure, such as highways, and repurpose the gas tax to help in this endeavor.
- Establish policies that limit the use of coastal armoring and require eventual removal and restoration.
- Require that sediment replenishment projects prove a need, use best practices to avoid negative ecological impacts and conduct physical and ecological monitoring.
- Conduct a thorough sea level rise vulnerability assessment and develop an adaptation plan.

Conclusion

Just a few days before the start of [COP 26](#), the United Nations (UN) released a [report](#) warning humanity that our planet could warm up to 2.7 degrees Celsius by the end of the century based on today's 'emissions reduction pledges' from world leaders. An increase this large will be calamitous for global society. Over the summer, the UN Intergovernmental Panel on Climate Change (IPCC) released its [Sixth Assessment Report](#). Much of the science in the new report is the same science included in the first report published in 1988 - however, we are now witnessing the climate impacts predicted 33 years ago.



The earth is the warmest it has been in over 125,000 years and it has been predicted that at current rates of global warming, ice sheets in the Arctic will completely melt by 2050.

Even if we keep the warming to 1.5 degrees Celsius, we will still experience [six to 10 feet of sea level rise by 2100.](#)

The IPCC report indicates that even if we keep the warming to 1.5 degrees Celsius, we will still experience six to 10 feet of sea level rise by 2100. The report also asserts that the earth is the warmest it has been in over 125,000 years and that *ice sheets in the Arctic will completely melt by 2050*. The IPCC report boils down the broader impacts of climate change, including:

- Climate change is intensifying the water cycle. This brings more extreme rainfall and associated flooding, as well as more intense droughts in many regions.
- Climate change is affecting rainfall patterns. In high latitudes, precipitation is likely to increase, while it is projected to decrease over large parts of the subtropics. Changes to monsoon precipitation are expected, which will vary by region.
- Coastal areas will see continued sea level rise throughout the 21st century, contributing to coastal erosion and more frequent and severe coastal flooding in low-lying areas. Extreme sea level events that previously occurred once in 100 years could happen every year by the end of this century.
- Further warming will amplify permafrost thawing and the loss of seasonal snow cover, melting of glaciers and ice sheets, in addition to the loss of summer Arctic sea ice.
- Changes to the ocean, including warming, more frequent marine heatwaves, ocean acidification and reduced oxygen levels, have been clearly linked to human influence. These changes affect both ocean ecosystems and the people that rely on them and they will continue throughout at least the rest of this century.
- For cities, some aspects of climate change may be amplified, including heat (since urban areas are usually warmer than their surroundings), flooding from heavy precipitation events and sea level rise in coastal cities.

The IPCC report highlights the need for stronger and more proactive coastal resiliency initiatives to protect coastal infrastructure, vulnerable communities, coastal habitats and marine life. These resiliency efforts go hand-in-hand with the policies sought after and recommended by the State of the Beach Report. We only hope that world leaders double down on commitments to reduce greenhouse gas emissions and bolster coastal adaptation mechanisms at the upcoming COP 26 meeting in Glasgow. After all, time is of the essence and humanity can no longer idly sit by as the climate crisis barrels down on our coastal communities. As Prime Minister Boris Johnson said, "It's time for humanity to grow up."

This State of the Beach Report brings to light the essential need for improved coastal management practices at the state level to mitigate and reduce the impacts of erosion and sea level rise. This report is intended to help states identify gaps in their current coastal management policies and provide clear recommendations for policy changes that can be taken to better protect coastal resources. Surfrider's findings indicate that many states are not addressing these important issues adequately enough to sufficiently protect our nation's coasts.

The policy criteria that prove to be the most difficult for coastal states to achieve are avoiding emergency permits for hard armoring, restricting the repair of hard armoring structures and avoiding beach fill by restoring the natural flow of sediment to the coastline. Alternatively, proactive policies (essentially the 'low-hanging fruit') that seem to be the most frequently accomplished by state agencies, are encouraging the use of living shorelines and coordinating with municipalities to develop local plans and community outreach. Below is a summary of a few problematic trends and highlighted approaches that coastal communities can adopt to improve shoreline management.

Surfrider's findings indicate that many states are not addressing these important issues adequately enough to sufficiently protect our nation's coasts.

COMMONLY USED INEFFECTIVE POLICIES AND PROGRAMS

Emergency Permits for Coastal Armoring and Redevelopment:

Emergency permits are problematic because 'temporary' seawalls often become permanent, and rushed redevelopment permits allow for poor development standards. It is shocking how many local and state agencies hand out 'emergency' permits without any requirement for removal and restoration. Even California, with one of the best grades in the report, appears to indiscriminately give away emergency permits when these situations are the result of a lack of advance planning. While some emergency permits may be needed in the future, they must only be allowed *temporarily*, with strict requirements for removal after an established time frame (such as six months, or a definitive length of time), restoration of the area after removal, and a longer-term, proactive effort by the landowner to prevent the need for future armoring projects, either by using living shorelines or managed retreat. Instead of being used solely as a tool to incentivize properties to stay in harm's way, emergency permitting should be used for immediate protection against storms, and as a mechanism to advance longer-term, proactive action to enhance coastal resilience. If only short-term approaches continue, these developments will continually be threatened by coastal hazards and our natural coasts will disappear under perpetual armoring and increased rates of erosion.

Improvement of Guidance for Local Municipalities: Ideally, the best type of governance comes from the local level, which is ultimately where shoreline planning should take place. Local agencies know how to best protect their coastlines and implement policies most effectively. However, it is also imperative that statewide policies are created and applied locally (this is especially true with development and coastal armoring standards). The ultimate goal for coastal preservation should be to have statewide policies that are implemented and adapted at the local level, as currently modeled by the states of California and Washington. Without proper policies, and most importantly, guidance from state agencies, local decision-makers appear to not always adhere to core statewide policies.

EXAMPLES OF EFFECTIVE POLICIES AND PROGRAMS

Going It Alone – the Flip Side of Delegating Local

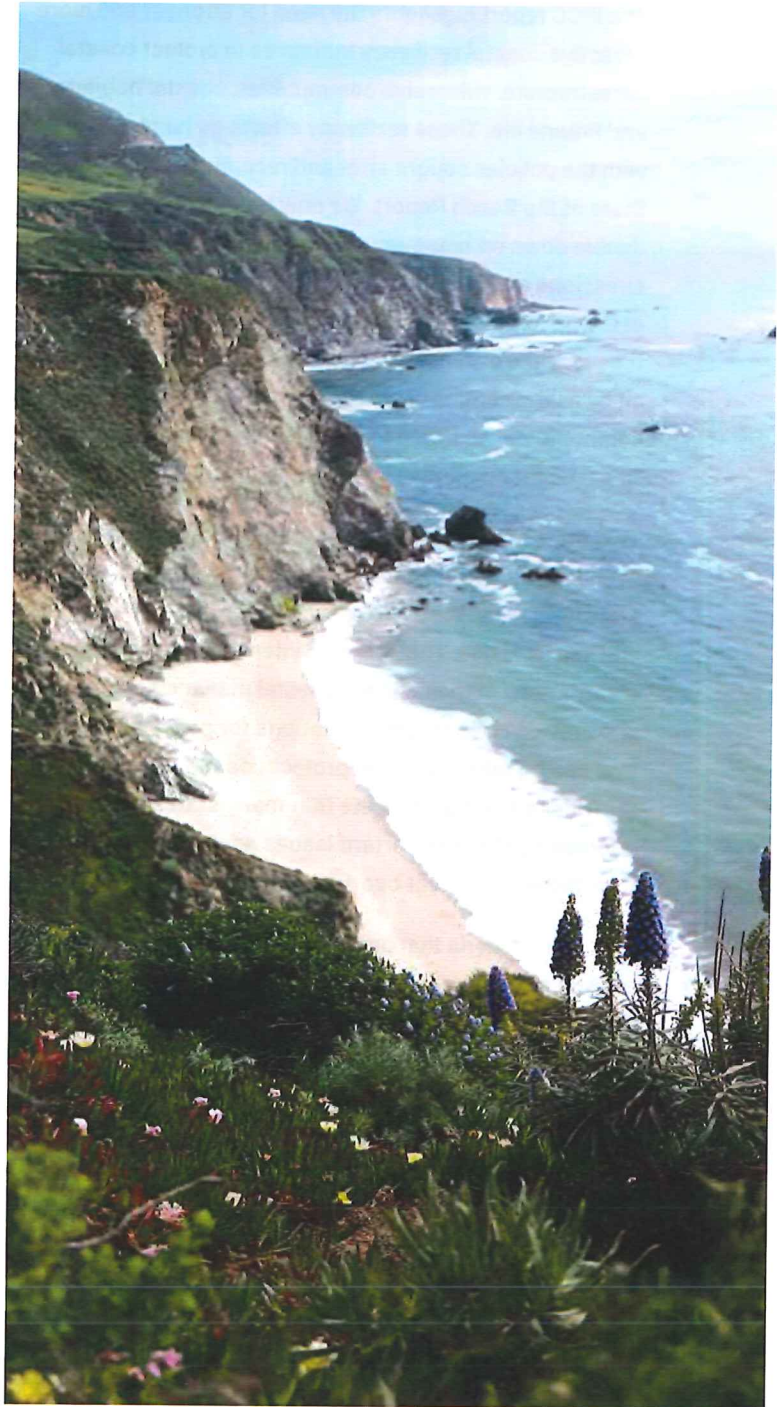
Authority: As some states have not codified important statewide policies, resourceful and determined local municipalities have taken it into their own hands to better protect their coastlines. This is especially true for climate change and sea level rise in states such as Florida and Illinois. For example, five counties in Florida have joined forces to create the Southeast Florida Regional Climate Change Compact to address and prepare for climate change impacts and sea level rise. Chicago is similarly taking the initiative to respond to climate change erosion, despite the lack of statewide planning. Without clear statewide policies in place, local jurisdictions establish their own, creating a patchwork of policies that are not beneficial to the state as a whole.

Specific Legislation That Bolsters Coastal Protection:

Oregon, Washington and California each have clear laws that were established to protect coastal resources and guide shoreline management. In 1976, California passed the Coastal Act. This state law explicitly spells out how local communities should implement coastal policies, set development standards, respond to coastal hazards and improve public access, among many other progressive policies. The Coastal Act is regarded as one of the strongest environmental laws in the nation and has captured international attention for effectively protecting California's coastline. This type of comprehensive, proactive legislation would bolster the ability of many other coastal states to proactively protect coastal resources.

The Need for Consistent Federal Policies and Financial

Support: As mentioned in the introduction, many states would likely be further along in establishing effective coastal management policies if they received consistent policy and financial support from the federal government.



Comprehensive legislation, such as the Coastal Act in California, would bolster the ability of many other coastal states to proactively protect coastal resources.

The Coastal Act is regarded as one of the strongest environmental laws in the nation and has captured international attention for effectively protecting California's coastline.

GENERAL RECOMMENDATIONS

The following recommendations will increase our coastlines' natural resilience to coastal hazards, better protect coastal developments and help to ensure that future generations have access to our favorite beaches. These recommendations will benefit all states, regardless of their current score. They focus on the importance of long-term planning and the need to avoid short-term fixes to larger, pervasive problems.

- Coastal and Great Lakes states must create a uniform minimum 'setback' policy that allows for future sea level rise. Coastal managers need to adapt and implement those setback policies based on current and projected local erosion rates.
- All permits for new developments should include building restrictions in coastal hazard areas and sensitive habitats.
- Coastal armoring projects should be restricted, especially in sensitive habitats, have limitations on repairs, be removed after an established time period and be restored to the prior state after removal. When sand is lost due to erosion from a private armoring project, a 'mitigation fee' should be charged to the landowner.
- States should encourage the use of soft approaches to erosion, such as living shorelines and strategic sand replenishment paired with the restoration of natural sediment flows, and only allow armoring as a last resort option. In addition, states should invest in 'Blue Carbon' projects by protecting, restoring and planting mangroves, seagrass and kelp to help absorb greenhouse gases and provide a natural buffer against coastal hazards.
- As sea levels are projected to rise by six feet or more by 2100, states should establish statewide managed retreat policies that provide guidance on relocating infrastructure out of harm's way, especially for coastal properties that are frequently damaged or flooded.
- States should research cutting-edge climate change adaptation measures, including 'buyout' programs where local and state governments purchase at-risk homes, leaving the land vacant or restored to coastal wetlands (if applicable) to accommodate rising seas. 'Lease back' programs are other innovative adaptation approaches where at-risk properties are acquired by local governments and then leased back to the homeowner until the property is no longer habitable and must be removed. In addition, communities can pass local taxes to establish a fund to purchase homes in harm's way. Because extreme weather events and sea level rise are more prevalent, local planners and governments are eager to explore new mechanisms to help local homeowners.
- In order to protect coastal resources and taxpayers, states should establish clear procedures and policies about how to prepare for and respond to 'extreme weather events.'
- Considering that sea level rise will inevitably be an issue for coastal states, it is imperative that statewide policies are crafted to explicitly instruct local municipalities to plan ahead and develop climate change adaptation measures.
- The granting of 'emergency' permits for areas and structures subject to coastal hazards and flooding needs to be curtailed. If a permit must be granted, it should require plans to remove armoring in the future and stringent conditions should be placed on how long the armoring is allowed to stay in place and what monitoring and reporting will need to occur. Any approval for an emergency armoring project should also require a longer-term, proactive effort by the landowner to prevent the need for future armoring projects, either by using living shorelines or managed retreat.
- The federal government needs to provide more consistent financial and policy support to states. It is abundantly clear that many states would be further along with coastal management programs if federal partners strategically committed more time and resources to assisting local efforts, and to establishing mandated climate change and coastal resilience policies.

These recommendations will benefit all states, regardless of their current score.

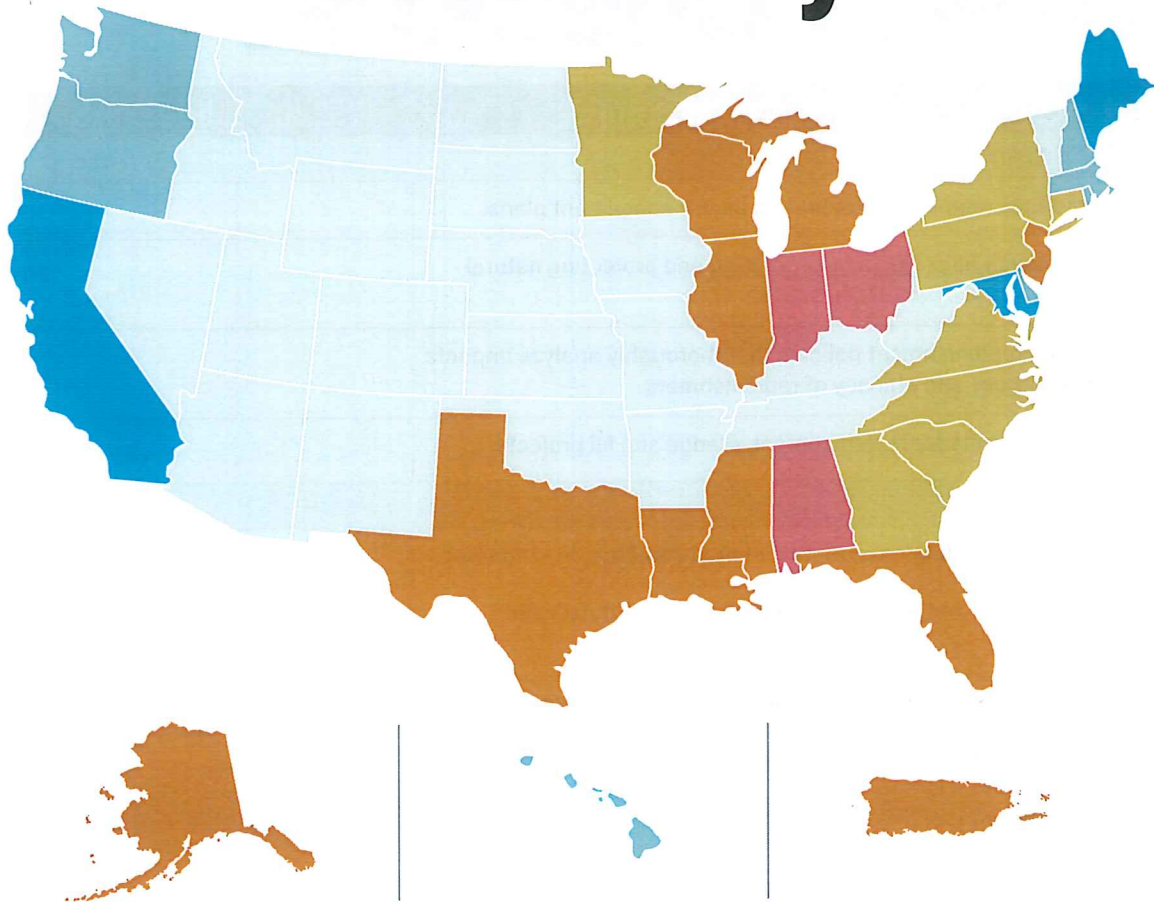
Planning for coastal erosion and sea level rise not only makes sense in terms of land-use planning, but it also saves taxpayers' money in the long run. According to the National Institute of Building Sciences, every dollar invested in preparedness and resilience saves four dollars in costs down the road. American taxpayers and our valuable coastlines deserve conscious decisions to be made to proactively protect our coasts – which inevitably protect our communities, ecosystems, habitats and natural landscapes.

With the results and recommendations provided by Surfrider's State of the Beach Report, we must work together to increase awareness of the increasing challenges facing our nation's coasts. Ultimately, our combined efforts can lead to improved local, state and federal government responses to erosion and sea level rise to protect our ocean, waves and beaches for the future.



Ultimately, our combined efforts can lead to improved local, state and federal government responses to erosion and sea level rise to protect our ocean, waves and beaches for the future.

2021 Grade Summary



GRADING SCALE

- A 11-12 points
- B 9-10 points
- C 7-8 points
- D 5-6 points
- F 4 points

WEST COAST

● Washington	10	B
● Oregon	9	B-
● California	11	A
● Alaska	5	D
● Average		B

SOUTHEAST

● South Carolina	7	C
● North Carolina	7	C
● Georgia	7	C-
● Florida	6	D
● Average		C

MID-ATLANTIC

● Delaware	9	B
● Maryland	11	A
● New Jersey	5	D
● New York	7	C
● Virginia	8	C
● Average		C

GULF STATES

● Texas	6	D
● Louisiana	6	D
● Alabama	4	F
● Mississippi	5	D
● Average		D

NORTHEAST

● Connecticut	8	C+
● Maine	11	A
● Massachusetts	10	B
● New Hampshire	9	B
● Rhode Island	10	B
● Average		B

GREAT LAKES

● Ohio	4	F
● Illinois	6	D
● Michigan	6	D
● Minnesota	7	C
● Wisconsin	5	D
● Indiana	4	F
● Pennsylvania	8	C
● Average		D

ISLANDS

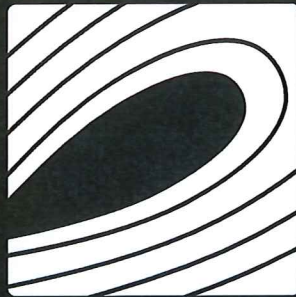
● Puerto Rico	5	D
● Hawai'i	9	B
● Average		C

APPENDIX 1.

2021 State Criteria Checklist

MANAGEMENT POLICY AND PLAN CRITERIA	Y N	NOTES
Sediment Management		
1. State encourages regional sediment and inlet management plans.		
2. State avoids beach fill projects by promoting and protecting natural sediment flow.		
3. State has sand replenishment policies that thoroughly analyze impacts to coastal resources and efficacy of replenishment.		
4. State requires permits for replenishment, dredge and fill projects.		
Coastal Armoring		
1. State restricts or prohibits construction of hard stabilization structures.		
2. State restricts repair and encourages removal of hard stabilization structures.		
3. State encourages non-structural shoreline stabilization alternatives.		
4. State avoids emergency permitting of hard stabilization structures.		
Development		
1. State has effective development setback policies.		
2. State restricts new developments in coastal hazard areas.		
3. State restricts repairing developments in coastal hazard areas.		
4. State has policies that protect natural resources that provide coastal hazard mitigation benefits (e.g. dunes, wetlands, reefs).		
Sea Level Rise and Coastal Hazard		
1. State encourages regional and/or local SLR vulnerability assessment with mapping.		
2. State encourages regional and/or local SLR adaptation plan and implementation plan.		
3. State protects habitat that provide landward creep for wildlife (e.g. riparian areas, habitat connectivity).		
4. State coordinates with municipalities and encourages community outreach.		

[Click Here For The Scorecard Of Each State](#)



SURFRIDER
FOUNDATION

surfrider.org

Jamie Whitehouse

From: Jean Ann Hudson <jeanann40@verizon.net>
Sent: Friday, January 21, 2022 9:40 AM
To: Jamie Whitehouse
Subject: Buffer ordinance

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The four points in the draft that need to be addressed before council approval are as follows: 1. Buffer Option - This can negate the whole purpose of this ordinance and was added to the ordinance AFTER the working group disbanded and therefore, was not approved by the working group. This section provides incentives for developers to bypass this ordinance. 2. Width of Buffer - environmental groups recommending wider widths have been ignored. Sussex County (the lowest county on the east coast) will end up with the least buffer compared to surrounding areas. Several councilmen understand this point but it needs to be reinforced by public comment. 3. Replanting of Forest Buffer with native plants (non-invasive) - CIB's Chris Bason has explained in detail why this is important at the Planning & Zoning public hearing, but this is ignored. This is imperative to protect our water quality, water activities, and wildlife habitat. 4. Enforcement or Penalties - Without this important tool to police the ordinance, this ordinance will not be effective.

Jean Ann Hudson

When women wake, mountains move. Chinese proverb

RECEIVED

JAN 21 2022

SUSSEX COUNTY
PLANNING & ZONING

FILE COPY

SUPPORT EXHIBIT

**Opposition
Exhibit**

Jamie Whitehouse

From: Doug Hudson
Sent: Friday, January 21, 2022 9:30 AM
To: Jamie Whitehouse
Subject: Fwd: Contact Form: Buffer Ordinance

RECEIVED

JAN 21 2022

SUSSEX COUNTY
PLANNING & ZONING

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From: Nan Zamorski <noreply@forms.email>
Sent: Thursday, January 20, 2022 8:02 PM
To: Doug Hudson
Subject: Contact Form: Buffer Ordinance

Opposition Exhibit SUPPORT EXHIBIT
FILE COPY

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Name: Nan Zamorski
Email: nanzamorski@gmail.com
Phone: 14342943736
Subject: Buffer Ordinance

Message: Dear Mr Hudson. Please do not approve the proposed Buffer Ordinance as it is flawed. Good intentions to design and protect our valuable wetlands, creeks and rivers has been watered down to a developers playground. You and Council are creating a legacy that will affect our current lives and those of our children: please make it a good legacy by turning down this weak ordinance. Our current buffers and proposed buffers will only further degrade our drinking water, our wildlife, our outdoor recreation, our quality of life not to mention the safety issue that this ordinance does not address- proper buffers prevent or greatly reduce flooding and loss of life and property. The buffers need to be increased significantly to match neighboring counties and states. Why do you think so many developers from NJ are gleefully coming to Sussex County? Their buffers and development restrictions are 6X greater than ours! Section G, on Resource Buffer Options, needs to be totally removed. Forests need to be required in all buffers, preferably in their natural condition, as forests are superior to grasses in many ways. Only native species should be planted and there needs to be requirements for protecting and restoring forests in Resource Buffer Standards. There needs to be clarification of maintenance of drainage conveyances along with specific enforcement and penalties for failure to comply. Extra staff required needs to be funded by the developers.

Please do not approve.

Sincerely,
Nan Zamorski

Jamie Whitehouse

RECEIVED

From: Mary Louise Embrey <mary.louise.embrey@gmail.com>
Sent: Wednesday, January 19, 2022 2:22 PM
To: Jamie Whitehouse
Subject: BBLA Statement for the Record

JAN 19 2022
SUSSEX COUNTY
PLANNING & ZONING

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Hello Jamie,

Happy New Year to you. I was part of the BBLA team who met with you in the Fall re growth and environmental issues.

We are submitting to the County Council members the attached statement with the request it be entered into the record when the Council meets again to discuss this matter on 2/22. It's our understanding the hearing record will remain open until then. Do you think it is worthwhile to also send a BBLA representative to read the statement on 2/22? In addition, is the Buffer Ordinance being discussed both in the P&Z Commission and the County Council? I'm somewhat confused by the process.

I would appreciate your guidance as we proceed having our voices heard.

Many thanks,

--

Mary Louise

Mary Louise Embrey
BBLA Director of Communications and Advocacy
240-863-1338

SUPPORT EXHIBIT

Opposition
Exhibit

FILE COPY



BBLA Statement on Buffer Ordinance 01-2022 - Su...



Date: January 19, 2022

To: Sussex County Council

From: BBLA Board of Directors

Subject: Statement for the Record for Inclusion in the 1/11/2022 Sussex County Council Proceedings

Sussex County Revised Wetland Buffer Ordinance

BBLA has been following the Buffer Ordinance issue over the past two years. Buffers, containing predominantly native species, which separate waterways, wetlands and aquatic resources from other areas, provide flood attenuation, fish and wildlife habitat, water quality protection, recreation, and other environmental, social, and economic benefits. One of the best ways to protect and maintain the ecological and economic health of Bethany Beach is to protect, preserve, and restore naturally-vegetated buffers.

The BBLA Board of Directors supports the on-going work of the Sussex County Council to revise and update the County's wetlands buffer ordinance. The revised draft ordinance expands existing buffer widths and vegetation requirements to include the protection of freshwater wetlands and small streams within new major subdivisions. This current revision doubles the width of buffers along tidal wetlands and waters from 50 to 100 feet, which should significantly improve the protection of buffers in these circumstances.

That said, the BBLA Board agrees with the [views and position](#) of the Delaware Center for Inland Bays (CIB) outlining areas for improvement on the revised draft wetland buffer ordinance. The modified proposed ordinance was presented at the Sussex County Planning and Zoning hearing on December 16, 2021. A new Section G was added to the ordinance. The BBLA Board is very concerned about the new language, which was developed and added to the proposed ordinance by County staff without input or review by the Sussex County Wetlands Buffer Working Group. The new language does not increase the width of buffers along larger streams, despite current science-based recommendations. Another major concern is that Section G would permit the reduction or elimination of wetland buffers, in some cases including tree removal before submission of housing development applications. Moreover, it does NOT require

homeowners or developers to re-plant trees or other native vegetation. Even under the best of circumstances, replacement of trees and other native vegetation is less effective than preservation of pre-existing buffer vegetation.

Although the County attorney argued during the January 7 Sussex County Council meeting that these buffer reduction or elimination provisions were intended to incentivize preservation, BBLA agrees with the CIB that the overall result will be a significant loss of buffer quantity and quality throughout the County. While BBLA agrees with the CIB and other environmental advocates that these serious flaws in the revised ordinance can be remedied, it will apparently require significant editing or the elimination of Section G.

The BBLA Board will continue to monitor Sussex County Council actions regarding the ordinance and its impact on wetland buffers, particularly as pertains to housing developments in Sussex County, and broader effects for Bethany Beach. BBLA urges the Sussex County Council to support proposed changes to the draft ordinance as deliberations are finalized.

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, January 17, 2022 5:48 PM
To: Jamie Whitehouse
Subject: Fwd: Contact Form: proposed buffer zones

FILE COPY
SUPPORT EXHIBIT

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From: Barbara Kanter <noreply@forms.email>
Sent: Monday, January 17, 2022 3:21 PM
To: Doug Hudson
Subject: Contact Form: proposed buffer zones

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Name: Barbara Kanter
Email: batkanter@gmail.com
Phone: 302.547.5823
Subject: proposed buffer zones

Message: Please pass the proposed ordinances to keep as much buffer as possible along our waters.
On behalf of generations to follow, thank you.

Jamie Whitehouse

From: Patrica Reilly <pdreilly52@yahoo.com>
Sent: Thursday, January 13, 2022 9:52 AM
To: Jamie Whitehouse
Subject: Fwd: Proposed County Buffer Ordinance

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Please see the attached e-mail sent to legislators regarding the proposed County Buffer Ordinance. Please add these remarks to the public discussion of the issue.

Thank you,
Patricia D. Reilly
Millsboro, DE
Sent from my iPad

SUPPORT EXHIBIT

FILE COPY

Begin forwarded message:

From: Patrica Reilly <pdreilly52@yahoo.com>
Date: January 8, 2022 at 2:13:41 PM EST
To: mvincent@sussexcountyde.gov, cgreen@sussexcountyde.gov, mschaeffer@sussexcountyde.gov, Doug.hudson@sussexcountyde.gov, jlrieley@sussexcountyde.gov
Subject: Proposed County Buffer Ordinance

Dear Sir/Madam

I am writing to you all today to express my views regarding the Proposed County Buffer Ordinance. Sussex County is undergoing extraordinary growth and development. We need to protect the watersheds and wildlife in our county. It is my belief that if we allow the development of lands there needs to be protection of our natural resources including wildlife. I have seen first hand the diminished wildlife in my area with the expansion of the Baywood Development there is approximately 30 feet from my property line to the cleared area by Baywood. We used to see deer, fox, rabbits and other animals, not any more. The buffers need to be increased not only for the animals but to protect our very precious water supply and to reduce flooding in the areas.

I know first hand what indiscriminate development can do to any area. My former home in Connecticut was located 350 feet up from a lake. Development was allowed to occur all along the direct shoreline with only 25 feet of buffer from the shore, which resulted in the decline of the watershed. There were numerous fish kills resulting from the damage to the eco system due to the development. A once beautiful lake is now struggling to regain it's abundance of wildlife and clear clean water. The town has spent millions of dollars to try to correct the problem.

My concern is that if we do not curtail and fix this problem now, we will pay dearly for it in the future. Please fix the Ordinance to protect our wetlands and waterways and make Sussex County Delaware a vibrant place to live and enjoy our resources for generations to come.

Thank you in advance for hearing my concerns,
Sincerely,

Patricia D. Reilly
Millsboro, DE

Sent from my iPad

SUPPORT EXTRA
FILE COPY

Jamie Whitehouse

From: Hubert Cooksey <hcooksey16@gmail.com>
Sent: Thursday, January 13, 2022 3:35 PM
To: Jamie Whitehouse
Subject: Fwd: Buffer Ordinance

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----- Forwarded message -----

From: Mark Schaeffer <mschaeffer@sussexcountyde.gov>
Date: Sat, Jan 8, 2022 at 10:09 AM
Subject: Re: Buffer Ordinance
To: Hubert Cooksey <hcooksey16@gmail.com>

FILE COPY

Hubert,
Good point. Thank you for your email.

Mark G. Schaeffer
Sussex County Council
District 3
Email: mschaeffer@sussexcountyde.gov
Phone: 302-855-7743
Cell: 302-423-4801

From: Hubert Cooksey <hcooksey16@gmail.com>
Sent: Saturday, January 8, 2022 8:47:49 AM
To: Mark Schaeffer <mschaeffer@sussexcountyde.gov>
Subject: Buffer Ordinance

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Please review the penalty portion for not following the guidelines and make sure they are enforced. The builders in Sussex County seem to ignore and Laws that cost them money because there is no enforcement. They just want there bonds released.

Jamie Whitehouse

From: Robin Griffith
Sent: Wednesday, January 12, 2022 12:34 PM
To: Jamie Whitehouse
Subject: FW: Contact Form: Buffers comments

For the record ...

From: webmaster@sussexcountyde.gov <webmaster@sussexcountyde.gov>
Sent: Monday, January 10, 2022 8:39 PM
To: Robin Griffith <rgriffith@sussexcountyde.gov>
Subject: Contact Form: Buffers comments

RECIPIENTS: Chip Guy, Robin Griffith, Bobbi Albright, Kelly Manogue, Tracy Torbert

Submitted on Monday, January 10, 2022 - 8:38pm

Name: Charlie Garlow & JOan Flaherty

Email address: charliegarlow350@gmail.com

Phone number: 301-312-7703

Subject: Buffers comments

Message:

Dear Sussex county commissioners,
We support all the comments put forward by Chris Bason, including 100-300 foot buffers.
In addition, we need better enforcement and penalties to ensure that the law is not flaunted. Federal environmental laws, like the Clean Air Act and the Clean Water Act, have powerful citizen suit provisions. We should too. If the assigned enforcement authorities don't do their job, we need concerned citizen groups to step in. Costs of litigation for citizen groups should also be available.

FILE COPY
SUPPORT EXHIBIT

Jamie Whitehouse

From: Robin Griffith
Sent: Wednesday, January 12, 2022 12:31 PM
To: Jamie Whitehouse
Subject: FW: Buffer Ordinance

FILE COPY

Forwarding (she had your email address wrong) ...

SUPPORT EXHIBIT

From: Elizabeth Salonick <esalonick@gmail.com>
Sent: Tuesday, January 11, 2022 9:52 AM
To: Cynthia Green <cgreen@sussexcountyde.gov>; Mark Schaeffer <mschaeffer@sussexcountyde.gov>; Doug Hudson <doug.hudson@sussexcountyde.gov>; John Rieley <jlrieley@sussexcountyde.gov>; Todd F. Lawson <tlawson@sussexcountyde.gov>; Robin Griffith <rgriffith@sussexcountyde.gov>; Planning and Zoning <pandz@sussexcountyde.gov>
Cc: jamie.whitehouse@sussexcountyde.org
Subject: Buffer Ordinance

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Hello

Thanks for listening - I am a resident of Ocean View and i am concerned about the ordinance to be discussed on buffers. It is critical that Sussex County has an updated buffer ordinance, but the current proposed version of the legislation includes loopholes that weaken the purpose of the buffer ordinance.

Amendments:

1. Increase buffer width of perennial non-tidal rivers and streams from 50 to 100 feet to be consistent with science-based recommendations for minimum buffer width.
2. Remove allowance of non-forest meadow from the Resource Buffer Standards Section 10.D. and require the maintenance of existing forest and replanting of non-forested areas with trees and shrubs to specific densities.
3. Remove in its entirety Section G., the Resource Buffer Options.
4. Add a section on specific enforcement provisions and penalties for noncompliance.

This is a must to help our environment to handle rising water levels thru global warming and to make sure developers create an eco friendly environment for our community.

Liz Salonick

Jesse Lindenberg

From: Martha Rothenberg <rothenbergm@outlook.com>
Sent: Tuesday, January 11, 2022 5:30 PM
To: Michael H. Vincent; Cynthia Green; Mark Schaeffer; Doug Hudson; John Rieley; Robin Griffith; Todd F. Lawson; Jamie Whitehouse; Planning and Zoning
Subject: Statement from the League of Women Voters of Sussex County, Delaware, Regarding Revisions to Ordinance 21-10

Categories: Jesse

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Greetings to Sussex County Council Members Michael Vincent, Cynthia Green, Mark Schaeffer, Douglas Hudson, and John Rieley; Clerk of the Council Robin Griffith; County Administrator Todd Lawson; and Planning and Zoning Director Jamie Whitehouse;

The League of Women Voters of Sussex County Delaware (LWVSCDE) respectfully submits the following statement for the record.

LWVSCDE urges the Council to revise Ordinance No. 21-10 with the following four amendments:

1. Increase buffer width of perennial non-tidal rivers and streams from 50 to 100 feet to be consistent with science-based recommendations for minimum buffer width.
2. Remove allowance of non-forest meadow from the Resource Buffer Standards Section 10.D. and require the maintenance of existing forest and replanting of non-forested areas with trees and shrubs to specific densities.
3. Remove in its entirety Section G., the Resource Buffer Options.
4. Add a section on specific enforcement provisions and penalties for noncompliance.

Passage and effective enforcement of an amended ordinance will support the health and wellbeing of current and future Sussex residents, and contribute to the overall economic vitality of the county.

Thank you for your consideration and time,

Board of Directors, League of Women Voters of Sussex County, Delaware

Janet Ambrose
Marge LaFond
Jane Lord
Pat Newcomb
Martha Rothenberg
Rain Tyler
Janice Willis

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JAN 12 2022

SUSSEX COUNTY
PLANNING & ZONING

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Jesse Lindenberg

From: Elizabeth Salonick <esalonick@gmail.com>
Sent: Tuesday, January 11, 2022 9:52 AM
To: Cynthia Green; Mark Schaeffer; Doug Hudson; John Rieley; Todd F. Lawson; Robin Griffith; Planning and Zoning
Cc: jamie.whitehouse@sussexcountyde.org
Subject: Buffer Ordinance
Categories: Jesse

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JAN 12 2022

SUSSEX COUNTY
PLANNING & ZONING

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3. Remove in its entirety Section G., the Resource Buffer Options.
4. Add a section on specific enforcement provisions and penalties for noncompliance.

This is a must to help our environment to handle rising water levels thru global warming and to make sure developers create an eco friendly environment for our community.

Liz Salonick

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Wednesday, January 12, 2022 12:47 PM
To: Jesse Lindenberg
Subject: FW: Buffer Ordinance - Comments at Public Hearing on 1/11/2022 - Eul Lee
Attachments: Comments by EML - 2022-01-11.pptx; Comments by EML - 2022-01-11.pdf; My Comments - Supplemental pages.docx; My Comments - Supplemental pages.pdf

Jesse, please print for the file.

Thank you,

Mr. Jamie Whitehouse, AICP, MRTPI
Director, Department of Planning & Zoning
Sussex County
2 The Circle, P.O. Box 417, Georgetown, DE, 19947
Tel: 302-855-7878, Fax: 302-854-5079

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Much of the County's Planning and Zoning Information can be found online at:
<https://sussexcountyde.gov/sussex-county-mapping-applications>

Information on the 2018 Sussex County Comprehensive Plan can be found at:
<https://sussexcountyde.gov/2018-comp-plan-documents>

From: Robin Griffith <rgriffith@sussexcountyde.gov>
Sent: Wednesday, January 12, 2022 12:31 PM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: FW: Buffer Ordinance - Comments at Public Hearing on 1/11/2022 - Eul Lee

Eul submitted this yesterday when we were already in Council meeting.

For the file.

From: E Lee <eulmlee@gmail.com>
Sent: Tuesday, January 11, 2022 9:12 AM
To: Robin Griffith <rgriffith@sussexcountyde.gov>
Cc: Eul Lee <eulmlee@gmail.com>
Subject: Buffer Ordinance - Comments at Public Hearing on 1/11/2022 - Eul Lee

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Dear Robin,

I apologize for this late submission. I have been trying to make it easier for anyone to understand it, but it is not going well.

I printed several copies of the Supplemental pages.
I hope to use the Powerpoint slide at the hearing.

Thank you.
See you soon.
Eul

519 §115-25 Height, Area and Bulk

520

521 F. Review procedures for cluster development

522

523 ...

524

525 (3) The Planning & Zoning Commission shall determine that the following
526 requirements are met before approving any preliminary plan and such
527 application shall be reviewed on an expedited basis.

528

529 (a) The cluster development sketch plan and the preliminary plan of

530 the cluster subdivision provides for a total environment and design

531 which are superior, [and] ~~in~~ the reasonable judgment of the Planning

532 Commission, to that which would be allowed under the regulations for

533 the standard option. For the purposes of this subsection a proposed

534 cluster subdivision which provides for a total environment and design

535 which are superior to that allowed under the standard option

536 subdivision is one which, in the reasonable judgment of the Planning

537 Commission meets all of the following criteria:

97 **MAJOR SUBDIVISION**

98 Any subdivision of land creating six or more new Lots [involving a proposed new
99 street or the extension of an existing street].

100
101 . . .

102
103 **MINOR SUBDIVISION**

104 Any subdivision creating five or less Lots [fronting on an existing street and not
105 involving any new street] and not adversely affecting the development of the
106 remainder of the parcel or adjoining property and not in conflict with any provisions
107 or portion of the County Comprehensive Plan, Official Map, Zoning Ordinance, or
108 this chapter. Only one such subdivision shall be approved per year per parcel. The
109 maximum number of lots created in the minor subdivision process shall not exceed
110 four plus one for each 10 acres of original parcel size.

253 . . .

254

255 C. If the Director determines that the proposed subdivision represents a minor
256 subdivision of a parcel, existing as of the effective date of this amended provision,
257 on a street other than a major arterial roadway, and if the Director determines that
258 review by the Commission is not necessary or desirable, he may waive the
259 requirement of preparing a preliminary plat and may authorize the preparation of a
260 record plat for purposes of recordation. He may, however, request review assistance
261 from other concerned agencies prior to authorizing preparation of the plat. Lots in
262 any minor subdivision plat approved by the Director, without review by the
263 Commission, shall have a minimum area of 3/4 of an acre and a minimum width of
264 150 feet and shall utilize entrances as approved by the Delaware Department of
265 Transportation. [Such a minor subdivision shall be limited to four lots per parcel, as
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97 MAJOR SUBDIVISION

98 Any subdivision of land creating six or more new Lots involving a proposed new
99 street or the extension of an existing street.
100

101 ...

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104 Any subdivision creating five or less Lots fronting on an existing street and not
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251 §99-7 Preliminary Conference.
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§115-25 Height, Area and Bulk

F. Review procedures for cluster development

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(3) The Planning & Zoning Commission shall determine that the following requirements are met before approving any preliminary plan and such application shall be reviewed on an expedited basis.

(a) The cluster development sketch plan and the preliminary plan of the cluster subdivision provides for a total environment and design which are superior, **land** *in* the reasonable judgment of the Planning Commission, to that which would be allowed under the regulations for the standard option. For the purposes of this subsection a proposed cluster subdivision which provides for a total environment and design which are superior to that allowed under the standard option subdivision is one which, in the reasonable judgment of the Planning Commission meets all of the following criteria:

§99-7 Preliminary Conference.

...
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MINOR SUBDIVISION

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SUBDIVISION

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§99-7 Preliminary Conference.

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(The quoted lines from the draft are copied in the next page.)

This change was made by inserting (in lines 97-110) the number of lots for Major and Minor Subdivision definitions and removing (in lines 265-267) the number from the §99-7 Preliminary Conference. This makes it very difficult to find what change is proposed.

In short, this proposal is changing the maximum size of a minor subdivision from '4' to '5'; a major subdivision from '5 and more' to '6 and more.'

Why did this become part of the new Wetlands/Buffer Ordinance? This seemingly unrelated change was never discussed in the introduction of the ordinance.

Why does it matter? This change is a way to shift more authority to the P&Z by skirting the public comments and hearings - per **§99-7 (c)** copied in the next page. Stream's Edge on Robinsonville Rd is one example: After the major subdivision was denied due to the brownfield treatment issue, the developer got 4 approved by the P&Z Director in 2020 and another 4 in 2021 without getting any attention from the public!

Please explain the need for this proposed change or remove it.

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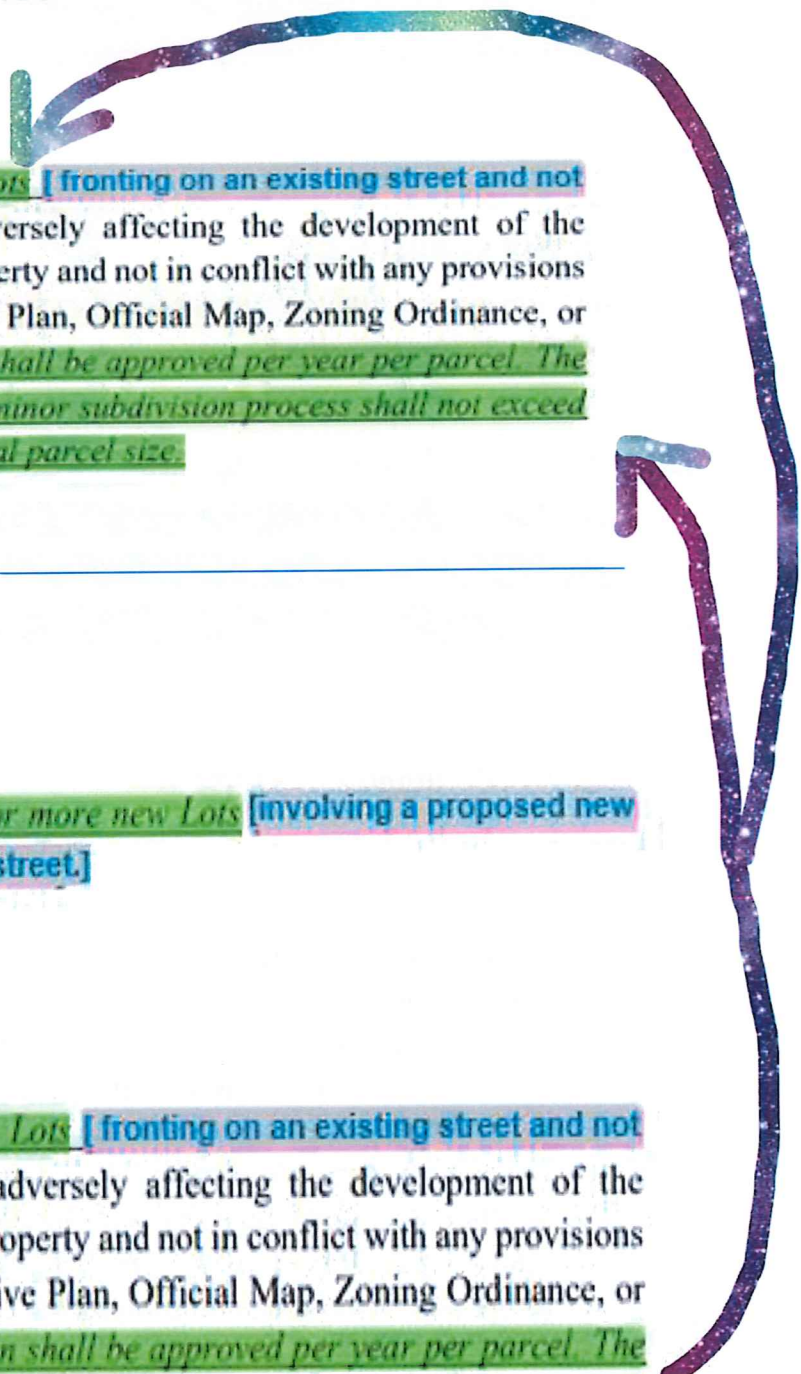
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Jamie Whitehouse

From: Robin Griffith
Sent: Wednesday, January 12, 2022 12:30 PM
To: Jamie Whitehouse
Subject: FW: Buffer Ordinance

Forwarding (he had your email address wrong)...

From: Tom Salonick <salonick@gmail.com>
Sent: Tuesday, January 11, 2022 10:42 AM
To: Cynthia Green <cgreen@sussexcountyde.gov>; Mark Schaeffer <mschaeffer@sussexcountyde.gov>; Doug Hudson <doug.hudson@sussexcountyde.gov>; John Rieley <jlrieley@sussexcountyde.gov>; Todd F. Lawson <tlawson@sussexcountyde.gov>; Robin Griffith <rgriffith@sussexcountyde.gov>; Planning and Zoning <pandz@sussexcountyde.gov>
Cc: jamie.whitehouse@sussexcountyde.org
Subject: Buffer Ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

I write concerning the buffer ordinance under consideration.

In my considered opinion, the most significant amendment would be that of enforcement. A county enforcement component would seem to be the only logical approach.

This would include a specific County Department made up of County Employee(s) with enforcement and penalty powers. In my opinion, with the current development, such an inclusion would be financially self-sustaining.

Without such a module in place, any buffer ordinance adapted would simply become moot.

Regards,

Tom Salonick
5 Reeping Way
Ocean View
(717) 433-4006

FILE COPY

Jamie Whitehouse

From: Robin Griffith
Sent: Wednesday, January 12, 2022 12:37 PM
To: Jamie Whitehouse
Subject: FW: Comments on Proposed Development Buffer Ordinance

SUPPORT EXHIBIT

FILE COPY

For the record.

From: Justin Guider <justing@udel.edu>
Sent: Monday, January 10, 2022 7:20 PM
To: Michael H. Vincent <mvincent@sussexcountyde.gov>; Cynthia Green <cgreen@sussexcountyde.gov>; Mark Schaeffer <mschaeffer@sussexcountyde.gov>; Doug Hudson <doug.hudson@sussexcountyde.gov>; John Rieley <jlrieley@sussexcountyde.gov>; Todd F. Lawson <tlawson@sussexcountyde.gov>; Robin Griffith <rgriffith@sussexcountyde.gov>; Planning and Zoning <pandz@sussexcountyde.gov>
Subject: Comments on Proposed Development Buffer Ordinance

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Dear Council Members,

As a resident of Sussex County, I would like to voice my support of the amendments suggested by the Delaware Center for the Inland Bays to the proposed ordinance on buffers between wetlands/streams and new developments. Namely, I believe a 100 foot minimum buffer should be required for all new developments, both next to wetlands and next to perennial streams. I am opposed to any measures that allow for the destruction of a buffer in one location provided a buffer is created or maintained in another. I am opposed to allowing the reduction of buffer width to 50ft provided a natural forest is maintained elsewhere on the property or 125% of a buffer is protected on another property. This sort of exchange is not supported by empirical research which suggests at least 100ft of buffer is required around all wetlands and streams to keep our waterways healthy.

Forested buffers are of great importance to reducing nutrient runoff into waterways, which is necessary for the health of the aquatic life therein. Buffers also reduce flooding and provide habitat for countless species of birds, mammals, insects, etc. and help preserve rare wetland plants. For these reasons I urge you to consider requiring 100ft buffers in all scenarios. I would also suggest adding a requirement that only native plants be planted in areas where there is not currently existing buffer and that buffers be maintained in a way that manages the spread of invasive species.

Thank you very much for your consideration,
Justin

Justin Guider
University of Delaware
College of Earth, Ocean and Environment
MS Student in Oceanography

Jamie Whitehouse

From: Doug Hudson
Sent: Wednesday, January 12, 2022 1:10 PM
To: Jamie Whitehouse
Subject: Fwd: Contact Form: Buffers

FILE COPY

[Get Outlook for iOS](#)

From: Dale Jones <noreply@forms.email>
Sent: Wednesday, January 12, 2022 1:06 PM
To: Doug Hudson
Subject: Contact Form: Buffers

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: Dale Jones
Email: daj205@gmail.com
Phone: 302 584 1242
Subject: Buffers

Message: Hello Mr. Hudson,

I hope this finds you doing well after a long day yesterday. I tuned in online for the council meeting yesterday. I hope some of the slides yesterday were as impactful on the council as they were on me.

I just had a few points that I wished to speak on. First of all to see that little old Sussex county had the third most homes built here of any coastal community in the entire USA was disturbing. We have been growing at an exponential rate losing vast amounts of forest in a short amount of time. It seems obvious to me that that trend needs to be drastically slowed down so we can take stock of where we are and how the added population will affect the area. Roadways, wildlife, utilities, emergency services, quality of life, etc are all going to be negatively impacted.

We also saw from the slides that places like NJ require a 300 foot buffer, even Kent and New Castle county required a 100 ft buffer compared to the 50 ft buffer in Sussex. This makes little to no sense to me as we are in a low lying area with high flood risks yet we have less protection than upstate and far less than surrounding states.

We also saw from the presentation that the marshes will creep inland, possibly 5 ft or more. So now our already small buffers will be down to 40-45 ft in some areas. What good is a 50 ft buffer if it could all be gone in 5 or so years. We need to be planning for the next 50-100 years here not 5-10.

We know unfortunately that sea levels will be rising, flooding will be more common. We need to put a halt on new developments until we can make sure what infrastructure and homes we already have are protected for the future.

There were a number of slides that show just how ineffective our review process was and what options we have for recourse when developers don't respect the need for buffers. They receive small slaps on the wrist or deal with no recourse at all. Again in surrounding states they don't have this issue. Our penalties and those enforcing them need to have the power to prevent and discourage these practices.

I live in whites creek manor and when Schell Bros we're building the adjacent neighborhood we were screaming from

our roof tops that the wooded buffer was being cut down and they were building right to the edge of the creek. Nothing stopped, nothing changed. That cannot be allowed to continue with other developments.

The job of the council is to make sure the finite amount of land we have is being used responsibly. That it's inhabitants both human and animal are protected. Right now it feels like we are on a path to tragedy.

We need the council to stand up and say enough is enough. Correct the wrongs of the past and make sure we have a sustainable path for the future. We are putting our faith in you.

Thank you for your time
Dale Jones

Jamie Whitehouse

From: Loretta Shapero <lshapero@hotmail.com>
Sent: Wednesday, January 12, 2022 2:22 PM
To: Jamie Whitehouse
Subject: Fwd: Buffer Ordinance

Opposition
Exhibit

FILE COPY

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Mr. Whitehouse:

Yesterday I e-mailed the comments below regarding the Buffer Ordinance to Council President Vincent and also a similar letter to each of the other council members. I now understand that in order for my comments to be made part of the public record I need to send a copy to you also. Kindly insert this letter into the public record. Thank you for your assistance with this matter.

Loretta Shapero

Begin forwarded message:

From: Loretta Shapero <lshapero@hotmail.com>
Date: January 10, 2022 at 12:51:54 PM EST
To: mvincent@sussexcountyde.gov
Subject: Buffer Ordinance

Dear Council President Vincent:

I am writing to respectfully request that you oppose the proposed buffer ordinance, currently set on the 1/11/2021 agenda. As a preliminary matter, it seems premature for the Council to address the issue of buffers locally while State officials have been directed to begin coordinating with federal agencies to within the year "identify the structure necessary for a state nontidal wetlands program to shift permitting authority from the federal level to the state." It would seem that waiting for the State's report would alone be a basis for postponing consideration of this ordinance.

Additionally, the buffer option provision was added AFTER the working group disbanded. This provision in effect provides incentives for developers to bypass the ordinance. To allow such a significant addition to be inserted post-working group raises a question about the fairness of the ordinance's development. In light of these two issues, I encourage the Council to set aside the ordinance until such time as the State's direction on wetlands and buffers has been developed and ALL significant provisions have been reviewed by a working group representing a variety of stakeholders.

Another important concern pertains to the size of the buffers allowed. I am told that a number of environmental groups recommended wider buffers than are included in the ordinance. I have also learned that if the proposed buffers are approved, Sussex County will end up with the smallest buffers of all surrounding areas. Adequate buffers are crucial to the environmental health and beauty of this area, and should be widened as recommended and be at least consistent with those in other parts of the State.

Additionally, it is crucial that any ordinance require the replanting of the forest buffer. The Delaware Center for the Inland Bays (CIB) has explained at Planning & Zoning Commission hearings why replanting

of the forest buffer is imperative to protect water quality, water activities and wildlife habitat in this County. I urge you to reject any ordinance without this requirement.

Finally, as with most any law, it is important that this ordinance include meaningful enforcement provisions and penalties for violation. Without adequate enforcement provisions, this ordinance will have a little to no "teeth" to assure compliance, especially when applied against any "deep pocket" violators.

Your consideration of these comments is respectfully appreciated.

Loretta Shapero
22237 Arbor Circle
Milton, DE 19968

Jamie Whitehouse

From: Doug Hudson
Sent: Tuesday, January 11, 2022 6:26 PM
To: Jamie Whitehouse
Subject: Fwd: The Buffer Ordinance

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JAN 11 2022

SUSSEX COUNTY
PLANNING & ZONING

FILE COPY

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From: MARTIN LAMPNER <martin@lampner.net>
Sent: Monday, January 10, 2022 7:45 PM
To: Doug Hudson
Cc: Jamie Whitehouse
Subject: The Buffer Ordinance

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Hi Doug,

First off happy New Year to you and yours. I know that you worked closely with IG Burton on the previous effort to improve the Buffer provisions in Sussex County and have been supportive of improving them. I am concerned by the various provisions section G which in an attempt to provide flexibility to developers and land owners potentially will allow them to circumvent the intent to expand the buffer zones. Troubling is the counting of the buffer between communities as a possible offset to stream side buffer needs. The allowance for inland forest reserves as an offset and the right to create a buffer outside the the development as an offset. The provision for averaging provides developers much flexibility the additional flexibility provided in section G could in fact allow a developer to create no buffer at a site. This is not in the community's interest or the county's.

As you know dredging is going to be done on White's Creek, this is a positive development but the lack of buffers currently on existing older communities contributes to the need to dredge, if making use of section G actually in some cases reduces buffers below the current limit or allows a developer to completely eliminate them in change for work elsewhere it will only further contribute to the need to dredge more frequently in the future. That is both expensive and in the long term damaging to the water ways. Dredging can be needed and helpful but not if it becomes a frequent need.

Also troubling is the proposed reliance exclusively to enforce the plan once the development is completed. While it is true Associations have the ability to fine owners that violate their rules that supposes the rules provide for that it is not clear in the current draft if that will be required as part of the management plan. Boards are at the mercy of their owners, their enforcement powers are limited. While I have not heard it happening here in Florida there have been suits brought against boards that attempted to exercise "police" powers, that is the enforcement of county ordinance violations against owners committing it. The results of those suits have been mixed in some cases courts have found the Association could be ordered by a county to fine its owner in other cases counties have been instructed that they must impose civil penalties in these matters.

Associations should not be converted into a law enforcement entity beyond community rules.

I would ask that you request that voting be deferred and the record held open after this hearing. I foresee unforeseen

consequences from this bill as it is currently written and the real possibility that it could lead to making the already weak law in this matter even weaker than it currently is. I think the draft id a good start but requires more work.

As always thank you for what you do on behalf of the community.

Marty

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Jamie Whitehouse

From: Doug Hudson
Sent: Tuesday, January 11, 2022 6:15 PM
To: Jamie Whitehouse
Subject: Fwd: Proposed Ordinance Amendment

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JAN 11 2022

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From: anitanaylor547@gmail.com <anitanaylor547@gmail.com>
Sent: Tuesday, January 11, 2022 10:50 AM
To: Michael H. Vincent; Cynthia Green; Mark Schaeffer; Doug Hudson; jlreiley@sussexcountyyde.gov; Jamie Whitehouse
Subject: Proposed Ordinance Amendment

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Hello,

This letter is to let you know that I do not support approval of the proposed Ordinance Amendment (OA) as written. While changes are needed to the 32-year-old Buffer Zones for Wetlands and Tidal and Perennial Nontidal Waters Ordinance, there are key areas in the proposed OA that are not adequate.

1. The purpose of the ordinance is to protect the natural resources and their associated functions so I believe the buffer width should follow the science. There is a scientific reason for having the buffer in the first place, so make the buffer size meaningful, so it does what it is intended to do!! We must not produce an ordinance amendment that results in any situation where buffers could be more inadequate than what we currently have.
2. The proposed new and improved buffer widths should be enforced without any potential for reductions other than average buffering.
3. We must protect the existing forested buffers. There needs to be an incentive for landowners/developers to NOT cut the forested buffers. There must be a specific standard for replanting deforested areas with native species. If an owner/developer cuts the forested buffer then makes application for a development, they should have to reforest what was removed. Taking down trees and leaving grass for the buffer should not be acceptable.
4. We must not allow developers to reduce or eliminate buffers between new and existing developments.
5. We must not allow developers to reduce buffers in a new development in exchange for an off-site easement buffer in some other area.
6. The proposed OA must include enforcement and penalties. It is not reasonable to expect an HOA to enforce the buffer easements. (The proposed OA offers the concept of an off-site easement buffer. Who would even enforce such a thing?)
7. Stormwater wet and dry ponds should not be allowed in the buffer.

I recently learned that Sussex County has almost one half of Delaware wetlands. I as a Sussex County resident, and you as Sussex County elected officials, have a responsibility to ensure that our wetlands are protected and preserved. If we

do not do it, who will do it? The proposed Ordinance Amendment is important, and it needs to be effective at protecting and preserving our wetlands and I do not believe that as it is currently written, it does that. I understand that property owners should be allowed to develop their property when that development is in line with the Sussex County Comprehensive Plan. But it is reasonable that a bar is set that requires owners/developers to preserve and protect our wetlands. We both know they can do that and still make a nice profit on selling/developing their land. We only have one chance to get this right. Please, can't we do that?

Thank you,
-Anita Naylor
609-271-7484

Jamie Whitehouse

From: Doug Hudson
Sent: Tuesday, January 11, 2022 6:09 PM
To: Jamie Whitehouse
Subject: Fwd: Contact Form: Buffer zones

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JAN 11 2022

SUSSEX COUNTY
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From: Diane Hanson <noreply@forms.email>
Sent: Tuesday, January 11, 2022 1:57 PM
To: Doug Hudson
Subject: Contact Form: Buffer zones

FILE COPY
SUPPORT EXHIBIT

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: Diane Hanson
Email: hanson@team-doctor.com
Phone: 6103228527
Subject: Buffer zones

Message: Water quality is very important for health and safety of everyone. Please pass this ordinance with the following recommendations from the CIB:

1. Increase buffer width of perennial non-tidal rivers and streams from 50 to 100 feet to be consistent with science-based recommendations for minimum buffer width.
2. Remove allowance of non-forest meadow from the Resource Buffer Standards Section 10.D. and require the maintenance of existing forest and replanting of non-forested areas with trees and shrubs to specific densities.
3. Remove in its entirety Section G. the Resource Buffer Options.
4. Add a section on specific enforcement provisions and penalties for noncompliance.

Diane Hanson
Former Mayor of Dewey Beach

Jamie Whitehouse

From: Doug Hudson
Sent: Tuesday, January 11, 2022 6:11 PM
To: Jamie Whitehouse
Subject: Fwd: Proposed Sussex county buffer ordinance

FILE COPY

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From: William Brown <wdbrown320@gmail.com>
Sent: Tuesday, January 11, 2022 11:48 AM
To: Doug Hudson
Cc: amie.whitehouse@sussexcountynode.gov
Subject: Proposed Sussex county buffer ordinance

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JAN 11 2022

SUSSEX COUNTY
PLANNING & ZONING

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Dear Mr. Hudson,

It's important to protect our natural resources for long term quality of life in Sussex county instead of continuing the degradation of our water quality. We cannot continue to allow destruction of our buffers along the tidal wetlands. There seems to be no end for violations of disregarding the 50-foot tidal wetland buffer. Our county benefits economically from the tourists to our waterways because of the enjoyment of the ocean, bays, rivers, and streams. But will they be attractive when they are so heavily polluted, they cannot support aquatic life?

Please make these changes to the Proposed County Buffer Ordinance:

1. Planning and Zoning should include enforcement mechanisms and penalties for the 50' wetland buffer ordinance. It's unrealistic to expect HOAs to police the buffer regulations. The HOA board members are volunteers and don't have the skillset or resources to enforce the regulations.
2. Remove Section G Resource Buffer Options; as it nullifies any of the added protection of the ordinance.
3. Protect all of the trees in the buffer areas. Forests provide the best protection against pollution and are essential for wildlife habitat. Trees are critical to filtering the storm runoff from all of the unnecessary chemical fertilizers that are used on the lawns in developments.

We need to protect our natural resources for our children and their children.

Regards,

William & Catherine Brown
23739 Herring Reach Court

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DATE
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PROJECT

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JAN 17 2005

SUSSEX COUNTY
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Jamie Whitehouse

From: Doug Hudson
Sent: Tuesday, January 11, 2022 6:21 PM
To: Jamie Whitehouse
Subject: Fwd: Buffer Ordinance

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JAN 11 2022

SUSSEX COUNTY
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From: philstefany@gmail.com <philstefany@gmail.com>
Sent: Tuesday, January 11, 2022 8:55 AM
To: Michael H. Vincent; Cynthia Green; Mark Schaeffer; Doug Hudson; jlreiley@sussexcountyde.gov
Subject: Buffer Ordinance

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Good morning,

I am writing to offer input on the buffer ordinance up for acceptance soon. It is my hope that it requires more than recommended buffer width, proper replanting and enforcement of penalties. Sussex County is transforming at an unbelievable pace and it's important that we act now to preserve wildlife, properly manage water runoff and build sustainably to preserve and enhance our future together. Thank you all for your service and for considering my comments.

Phil Stefany

Jamie Whitehouse

From: Doug Hudson
Sent: Tuesday, January 11, 2022 6:23 PM
To: Jamie Whitehouse
Subject: Fwd: Proposed Sussex county buffer ordinance

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JAN 11 2022

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From: Carol S. Stephens <csbpa@hotmail.com>
Sent: Monday, January 10, 2022 10:06 PM
To: Doug Hudson
Cc: Jamie Whitehouse
Subject: Proposed Sussex county buffer ordinance

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SUPPORT EXHIBIT

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Mr. Hudson,

It's important to protect our natural resources for long term quality of life in Sussex county instead of continuing the degradation of our water quality. We cannot continue to allow destruction of our buffers along the tidal wetlands. There seems to be no end for violations of disregarding the 50-foot tidal wetland buffer. Our county benefits economically from the tourists to our waterways because of the enjoyment of the ocean, bays, rivers, and streams. But will they be attractive when they are so heavily polluted, they cannot support aquatic life?

Please make these changes to the Proposed County Buffer Ordinance:

1. Planning and Zoning should include enforcement mechanisms and penalties for the 50' wetland buffer ordinance. It's unrealistic to expect HOAs to police the buffer regulations. The HOA board members are volunteers and don't have the skillset or resources to enforce the regulations.
2. Remove Section G Resource Buffer Options; as it nullifies any of the added protection of the ordinance.
3. Protect all of the trees in the buffer areas. Forests provide the best protection against pollution and are essential for wildlife habitat. Trees are critical to filtering the storm runoff from all of the unnecessary chemical fertilizers that are used on the lawns in developments.

We need to protect our natural resources for our children and their children.

Sincerely,
Carol S. Stephens
23738 Herring Reach Ct
Lewes, DE 19958

Jamie Whitehouse

From: Martha Rothenberg <rothenbergm@outlook.com>
Sent: Tuesday, January 11, 2022 5:30 PM
To: Michael H. Vincent; Cynthia Green; Mark Schaeffer; Doug Hudson; John Rieley; Robin Griffith; Todd F. Lawson; Jamie Whitehouse; Planning and Zoning
Subject: Statement from the League of Women Voters of Sussex County, Delaware, Regarding Revisions to Ordinance 21-10

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Greetings to Sussex County Council Members Michael Vincent, Cynthia Green, Mark Schaeffer, Douglas Hudson, and John Rieley; Clerk of the Council Robin Griffith; County Administrator Todd Lawson; and Planning and Zoning Director Jamie Whitehouse;

The League of Women Voters of Sussex County Delaware (LWVSCDE) respectfully submits the following statement for the record.

LWVSCDE urges the Council to revise Ordinance No. 21-10 with the following four amendments:

1. Increase buffer width of perennial non-tidal rivers and streams from 50 to 100 feet to be consistent with science-based recommendations for minimum buffer width.
2. Remove allowance of non-forest meadow from the Resource Buffer Standards Section 10.D. and require the maintenance of existing forest and replanting of non-forested areas with trees and shrubs to specific densities.
3. Remove in its entirety Section G., the Resource Buffer Options.
4. Add a section on specific enforcement provisions and penalties for noncompliance.

Passage and effective enforcement of an amended ordinance will support the health and wellbeing of current and future Sussex residents, and contribute to the overall economic vitality of the county.

Thank you for your consideration and time,

Board of Directors, League of Women Voters of Sussex County, Delaware

Janet Ambrose
Marge LaFond
Jane Lord
Pat Newcomb
Martha Rothenberg
Rain Tyler
Janice Willis

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SUSSEX COUNTY
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Jamie Whitehouse

From: Doug Hudson
Sent: Tuesday, January 11, 2022 6:17 PM
To: Jamie Whitehouse
Subject: Fwd: Buffer Ordinance

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From: Elizabeth Salonick <esalonick@gmail.com>
Sent: Tuesday, January 11, 2022 9:51 AM
To: Cynthia Green; Mark Schaeffer; Doug Hudson; John Rieley; Todd F. Lawson; Robin Griffith; Planning and Zoning
Cc: jamie.whitehouse@sussexcountyde.org
Subject: Buffer Ordinance

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Hello

Thanks for listening - I am a resident of Ocean View and i am concerned about the ordinance to be discussed on buffers. It is critical that Sussex County has an updated buffer ordinance, but the current proposed version of the legislation includes loopholes that weaken the purpose of the buffer ordinance.

Amendments:

1. Increase buffer width of perennial non-tidal rivers and streams from 50 to 100 feet to be consistent with science-based recommendations for minimum buffer width.
2. Remove allowance of non-forest meadow from the Resource Buffer Standards Section 10.D. and require the maintenance of existing forest and replanting of non-forested areas with trees and shrubs to specific densities.
3. Remove in its entirety Section G., the Resource Buffer Options.
4. Add a section on specific enforcement provisions and penalties for noncompliance.

This is a must to help our environment to handle rising water levels thru global warming and to make sure developers create an eco friendly environment for our community.

Liz Salonick

Jamie Whitehouse

From: Doug Hudson
Sent: Tuesday, January 11, 2022 6:16 PM
To: Jamie Whitehouse
Subject: Fwd: Buffer Ordinance

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From: Tom Salonick <salonick@gmail.com>
Sent: Tuesday, January 11, 2022 10:42 AM
To: Cynthia Green; Mark Schaeffer; Doug Hudson; John Rieley; Todd F. Lawson; Robin Griffith; Planning and Zoning
Cc: jamie.whitehouse@sussexcountyde.org
Subject: Buffer Ordinance

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I write concerning the buffer ordinance under consideration.

In my considered opinion, the most significant amendment would be that of enforcement. A county enforcement component would seem to be the only logical approach.

This would include a specific County Department made up of County Employee(s) with enforcement and penalty powers. In my opinion, with the current development, such an inclusion would be financially self-sustaining.

Without such a module in place, any buffer ordinance adapted would simply become moot.

Regards,

Tom Salonick
5 Reeping Way
Ocean View
(717) 433-4006

Jesse Lindenberg

From: Tom Salonick <salonick@gmail.com>
Sent: Tuesday, January 11, 2022 10:42 AM
To: Cynthia Green; Mark Schaeffer; Doug Hudson; John Rieley; Todd F. Lawson; Robin Griffith; Planning and Zoning
Cc: jamie.whitehouse@sussexcountyde.org
Subject: Buffer Ordinance

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Without such a module in place, any buffer ordinance adapted would simply become moot.

Regards,

Tom Salonick
5 Reeping Way
Ocean View
(717) 433-4006

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JAN 12 2022

SUSSEX COUNTY
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FILE COPY

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 12:51 PM
To: Jesse Lindenberg
Subject: Fwd: Proposed Ordinance Amendment

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JAN 11 2022

SUSSEX COUNTY
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From: anitanaylor547@gmail.com <anitanaylor547@gmail.com>

Sent: Tuesday, January 11, 2022 10:49:57 AM

To: Michael H. Vincent <mvincent@sussexcountyde.gov>; Cynthia Green <cgreen@sussexcountyde.gov>; Mark Schaeffer <mschaeffer@sussexcountyde.gov>; Doug Hudson <doug.hudson@sussexcountyde.gov>; jltreiley@sussexcountyde.gov <jltreiley@sussexcountyde.gov>; Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>

Subject: Proposed Ordinance Amendment

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Hello,

This letter is to let you know that I do not support approval of the proposed Ordinance Amendment (OA) as written. While changes are needed to the 32-year-old Buffer Zones for Wetlands and Tidal and Perennial Nontidal Waters Ordinance, there are key areas in the proposed OA that are not adequate.

1. The purpose of the ordinance is to protect the natural resources and their associated functions so I believe the buffer width should follow the science. There is a scientific reason for having the buffer in the first place, so make the buffer size meaningful, so it does what it is intended to do!! We must not produce an ordinance amendment that results in any situation where buffers could be more inadequate than what we currently have.
2. The proposed new and improved buffer widths should be enforced without any potential for reductions other than average buffering.
3. We must protect the existing forested buffers. There needs to be an incentive for landowners/developers to NOT cut the forested buffers. There must be a specific standard for replanting deforested areas with native species. If an owner/developer cuts the forested buffer then makes application for a development, they should have to reforest what was removed. Taking down trees and leaving grass for the buffer should not be acceptable.
4. We must not allow developers to reduce or eliminate buffers between new and existing developments.
5. We must not allow developers to reduce buffers in a new development in exchange for an off-site easement buffer in some other area.
6. The proposed OA must include enforcement and penalties. It is not reasonable to expect an HOA to enforce the buffer easements. (The proposed OA offers the concept of an off-site easement buffer. Who would even enforce such a thing?)
7. Stormwater wet and dry ponds should not be allowed in the buffer.

I recently learned that Sussex County has almost one half of Delaware wetlands. I as a Sussex County resident, and you as Sussex County elected officials, have a responsibility to ensure that our wetlands are protected and preserved. If we

do not do it, who will do it? The proposed Ordinance Amendment is important, and it needs to be effective at protecting and preserving our wetlands and I do not believe that as it is currently written, it does that. I understand that property owners should be allowed to develop their property when that development is in line with the Sussex County Comprehensive Plan. But it is reasonable that a bar is set that requires owners/developers to preserve and protect our wetlands. We both know they can do that and still make a nice profit on selling/developing their land. We only have one chance to get this right. Please, can't we do that?

Thank you,
-Anita Naylor
609-271-7484

SUSSEX COUNTY
PLANNING & ZONING

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 4:00 PM
To: Jesse Lindenberg
Subject: FW: Ordinance 21-10 - Wetlands Buffer

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JAN 11 2022

SUSSEX COUNTY
PLANNING & ZONING

From: brkeep <brkeep@comcast.net>
Sent: Tuesday, January 11, 2022 2:24 PM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: Ordinance 21-10 - Wetlands Buffer

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Dear Mr. Whitehouse;

Please enter this email regarding the Ordinance 21-10 - Wetlands Buffer as a public comment:

The proposed Ordinance 21-10 Wetlands Buffer will not sufficiently preserve buffers, rather gives incentives to builders to build on buffers. The four points in the draft that need to be addressed before council approval are as follows:

1. Buffer Option - This can negate the whole purpose of this ordinance and was added to the ordinance AFTER the working group disbanded and therefore, was not approved by the working group. This section provides incentives for developers to bypass this ordinance.
2. Width of Buffer - environmental groups recommending wider widths have been ignored. Sussex County (the lowest county on the east coast) will end up with the least buffer compared to surrounding areas. Several councilmembers understand this point but it needs to be reinforced by public comment.
3. Replanting of Forest Buffer with native plants (non-invasive) - CIB's Chris Bason has explained in detail why this is important at the Planning & Zoning public hearing, but this is ignored. This is imperative to protect our water quality, water activities, and wildlife habitat.
4. Enforcement or Penalties - Without this important tool to police the ordinance, this ordinance will not be effective.

I live adjacent to Baywood a Tunnell property. Recently, half the trees in the buffer were mined and cleared. Now my yard is flooding and does not clear within 48 hours.

This email was also sent to the five Council members.

Thank you for taking the time to read and act on my comments.

Regards,
Bruce Catton

31551 Riverwood Road
Millsboro, DE 19966

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MAY 11 2005
SUSSEX COUNTY
PLANNING & ZONING

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 4:00 PM
To: Jesse Lindenberg
Subject: FW: Ordinance 21-10 - Wetlands Buffer Ordinance

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JAN 11 2022
SUSSEX COUNTY
PLANNING & ZONING

From: brdelete <brdelete@comcast.net>
Sent: Tuesday, January 11, 2022 2:20 PM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: Ordinance 21-10 - Wetlands Buffer Ordinance

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Dear Mr. Whitehouse,

Please enter this email regarding the Ordinance 21-10 - Wetlands Buffer Ordinance as a public comment:

The proposed buffer ordinance will not sufficiently preserve buffers, rather gives incentives to builders to build on buffers. The four points in the draft that need to be addressed before council approval are as follows:

1. Buffer Option - This can negate the whole purpose of this ordinance and was added to the ordinance AFTER the working group disbanded and therefore, was not approved by the working group. This section provides incentives for developers to bypass this ordinance.
2. Width of Buffer - environmental groups recommending wider widths have been ignored. Sussex County (the lowest county on the east coast) will end up with the least buffer compared to surrounding areas. Several councilmembers understand this point but it needs to be reinforced by public comment.
3. Replanting of Forest Buffer with native plants (non-invasive) - CIB's Chris Bason has explained in detail why this is important at the Planning & Zoning public hearing, but this is ignored. This is imperative to protect our water quality, water activities, and wildlife habitat.
4. Enforcement or Penalties - Without this important tool to police the ordinance, this ordinance will not be effective.

I live adjacent to Baywood a Tunnell property. Recently, half the trees in the buffer were mined and cleared. Now my yard is flooding and does not clear within 48 hours.

Thank you for taking the time to read and act on my comments.

Regards,
Carolyn Catton
31551 Riverwood Road
Millsboro, DE 19966

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 4:05 PM
To: Jesse Lindenberg
Subject: FW: Comments on Ordinance No. 21-018

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JAN 11 2022

SUSSEX COUNTY
PLANNING & ZONING

From: Info <info@coastalkayak.com>
Sent: Tuesday, January 11, 2022 11:01 AM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: Comments on Ordinance No. 21-018

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Hi Jamie,
I submitted my comments to my council person, John Reiley. Patti Drago suggested that I copy them to you as well:

Hello Mr. Reiley,

My name is Jenifer Adams-Mitchell. My husband and I own Coastal Kayak on Little Assawoman Bay in Fenwick. As outfitters and guides, we depend on clean water and a healthy eco-system. While our business is directly tied to clean water, every hospitality job in Sussex County is indirectly connected to it. But I'm not telling you anything you don't already know.

The frustrating part of this Ordinance NO. 21-018 is that it is the same, tired story playing out again. Usually it is a builder trying to get a variance of some sort, usually to build more homes than the property size allows. Maybe the property would allow for fifty homes. But the builder wants 100 so he asks for 500. All the concerned citizens and neighbors have to take time out of their busy lives to fight it. The concerned citizens say the most the builder should be allowed is 200. The builder shrugs and says, "How about 300?" The citizens feel like that is much better than 500. So the builder ends up with 250 more than he should have.

In this case, the true buffer should be a minimum of 300 feet as it is in New Jersey and Maryland. It would protect more than the water quality and the wildlife; it would protect the homeowner. We live and work on the bay. The flooding we used to see only occasionally now occurs multiple times per year. To allow a builder to sell a homesite only 50 feet from the water should be considered fraudulent.

We're supposed to feel sorry for land owners and builders because this ordinance would cut down on the number of homes allowed. That's ridiculous. If they can't offer the number of homesites they'd originally wanted, they can raise the price of the ones they are allowed. If I've learned anything in this last real estate boom it's that there will always be a customer for these developments. Compared to the surrounding states, Delaware is so cheap. Retirees' money goes so much further here, they feel like they've moved to a developing country. Developers can easily get what they need to make astronomical profits. In addition, the property value in a waterfront community is directly related to the quality of the water.

Our bays need 300 foot forested buffers that can not be traded around like baseball cards. And we need enforcement with teeth. It shouldn't be left to HOAs who would have conflicts of interest. It

needs to be an organization not afraid to stand up to developers, with no ties to that industry, and with no dependence on the profits of builders.

Thank you for your time.

Sincerely,

Jenifer



Coastal Kayak Inc.

302-539-7999

<http://www.coastalkayak.com>

<mailto:info@coastalkayak.com>

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 4:05 PM
To: Jesse Lindenberg
Subject: FW: DelNature Public Comment - Buffer Ordinance
Attachments: DelNature Sussex County Buffer Ordinance 21-10 Comments.pdf

RECEIVED

From: Ellie Ezekiel <Ellie@delawarenaturesociety.org>
Sent: Tuesday, January 11, 2022 10:49 AM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountysde.gov>
Subject: DelNature Public Comment - Buffer Ordinance

JAN 11 2022
SUSSEX COUNTY
PLANNING & ZONING

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Good morning Mr. Whitehouse,

Please see attached the written comments from Delaware Nature Society regarding the buffer ordinance being heard today (1/11). This was shared with each of the Councilmembers as well.

Thank you,

Ellerie K. Ezekiel (she/her/hers)
Environmental Advocate, Delaware Nature Society
(302) 239-2334 ext. 1109

At DelNature we often work flexibly. While it suits me to email now, I don't anticipate a response if this is outside your normal work hours.



Main Office
Ashland Nature Center
P.O. Box 700, Hockessin, DE 19707
302.239.2334 • Info@DelNature.org • DelNature.org
Educate. Conserve. Advocate.

To: Sussex County Council
From: Kristen Travers, Director of Conservation, Delaware Nature Society
Date: January 10, 2022
Subject: Sussex County Buffer Ordinance 21-10 Needs Critical Amendments for Water Quality

Delaware Nature Society (DelNature) is a statewide environmental non-profit organization that represents members across the state and manages Abbott's Mill Nature Center in Milford, DE. DelNature commends Sussex County Council on pursuing an updated buffer ordinance, but it is critical that we strengthen the current proposed ordinance to ensure the most effective buffers. Naturally vegetated buffers are critical to protecting the County's wetland resources, improving the current poor water quality, preventing and protecting against flooding and hazards associated with climate change, and increasing economic value by providing additional open space and wildlife habitat.

There are four specific amendments that we are in support of that will significantly strengthen the ordinance and make it an effective measure to protecting and improving our waterways:

1. Remove Section G., the Resource Buffer Options. Maintaining contiguous buffers of a substantial width is the most important aspect of a buffer ordinance, and it is antithetical to allow for exceptions or trade-offs. Numerous scientific studies support the importance of wide contiguous buffers to mitigate against water pollution, reduce flooding, and to provide wildlife habitat.
2. Increase buffer width of perennial non-tidal rivers and streams from 50 to at least 100 feet, which is consistent with the science-based recommendations for minimum buffer width. The current 50-foot buffer width requirement is not enough to generate the water quality improvement and protection goals that are the intent of this legislation.
3. Remove allowance of non-forest meadow from the Resource Buffer Standards Section 10.D. and require the maintenance of existing forest and replanting of non-forested areas with trees and shrubs to specific densities. Mature trees are a critical component to the effectiveness of a resource buffer. Trees have the structure and deep root systems that help to capture and filter stormwater, while also preventing further sediment erosion. Tree canopy also creates vital habitat for the diverse array of species that live alongside Sussex County waterways and wetlands and shade to help mitigate against increasing summer temperatures.
4. Add a section on specific enforcement provisions and penalties for noncompliance. A buffer ordinance is only as strong and its enforcement, and we ask that Sussex County include enforcement provisions at an appropriate scale to prevent violation of the buffer ordinance.

Thank you for taking the time to review the issues that I have laid out above. I appreciate your time and consideration.

Sincerely,
Kristen Travers
Director of Conservation, Delaware Nature Society

Interim Executive Director
Joanne McGeoch

President
Eric J. Brinsfield

Vice President
Dan Barbato

Secretary
Nicki Taylor

Treasurer
Adele McIntosh

Honorary Directors
Bernard Dempsey
Lorraine M. Fleming
Peter H. Flint
Nancy Frederick
Michael E. Riska
Lynn Williams

Board Members
Kevin Donnelly
E. Bradford duPont, Jr.
Pamela S. Finkelman
Margaretta S. Frederick
Frederick deL. Greenewalt
Ellen Kohler
Mary Y. Peck

Dawn Rittenhouse
Suzanne Smith
Richard Stuckey
Roland Wall
Andy Wetherill
Marian R. Young

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 4:05 PM
To: Jesse Lindenberg
Subject: FW: Buffer Ordinance

RECEIVED

JAN 11 2022

SUSSEX COUNTY
PLANNING & ZONING

From: Tom Salonick <salonick@gmail.com>
Sent: Tuesday, January 11, 2022 10:46 AM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: Fwd: Buffer Ordinance

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----- Forwarded message -----

From: Tom Salonick <salonick@gmail.com>
Date: Tue, Jan 11, 2022 at 10:42 AM
Subject: Buffer Ordinance
To: Michael H. Vincent <mvincent@sussexcountyde.gov> Cynthia Green <cgreen@sussexcountyde.gov>, Mark Schaeffer <mschaeffer@sussexcountyde.gov>, Doug Hudson <Doug.hudson@sussexcountyde.gov>, John Rieley <jlrieley@sussexcountyde.gov>, Todd F. Lawson <tlawson@sussexcountyde.gov>, Robin Griffith <rgriffith@sussexcountyde.gov>, <pandz@sussexcountyde.gov>
Cc: <jamie.whitehouse@sussexcountyde.org>

I write concerning the buffer ordinance under consideration.

In my considered opinion, the most significant amendment would be that of enforcement. A county enforcement component would seem to be the only logical approach.

This would include a specific County Department made up of County Employee(s) with enforcement and penalty powers. In my opinion, with the current development, such an inclusion would be financially self-sustaining.

Without such a module in place, any buffer ordinance adapted would simply become moot.

Regards,

Tom Salonick
5 Reeping Way
Ocean View
(717) 433-4006

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 4:06 PM
To: Jesse Lindenberg
Subject: FW: Buffer Ordinance

RECEIVED

JAN 11 2022

SUSSEX COUNTY
PLANNING & ZONING

From: Todd F. Lawson <tlawson@sussexcountyde.gov>

Sent: Tuesday, January 11, 2022 10:40 AM

To: Robin Griffith <rgriffith@sussexcountyde.gov>; Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>; Tracy Torbert <tracy.torbert@sussexcountyde.gov>

Subject: FW: Buffer Ordinance

From: Elizabeth Salonick <esalonick@gmail.com>

Sent: Tuesday, January 11, 2022 9:52 AM

To: Cynthia Green <cgreen@sussexcountyde.gov>; Mark Schaeffer <mschaeffer@sussexcountyde.gov>; Doug Hudson <doug.hudson@sussexcountyde.gov>; John Rieley <jlriley@sussexcountyde.gov>; Todd F. Lawson <tlawson@sussexcountyde.gov>; Robin Griffith <rgriffith@sussexcountyde.gov>; Planning and Zoning <pandz@sussexcountyde.gov>

Cc: jamie.whitehouse@sussexcountyde.org

Subject: Buffer Ordinance

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Hello

Thanks for listening - I am a resident of Ocean View and i am concerned about the ordinance to be discussed on buffers. It is critical that Sussex County has an updated buffer ordinance, but the current proposed version of the legislation includes loopholes that weaken the purpose of the buffer ordinance.

Amendments:

1. Increase buffer width of perennial non-tidal rivers and streams from 50 to 100 feet to be consistent with science-based recommendations for minimum buffer width.
2. Remove allowance of non-forest meadow from the Resource Buffer Standards Section 10.D. and require the maintenance of existing forest and replanting of non-forested areas with trees and shrubs to specific densities.
3. Remove in its entirety Section G., the Resource Buffer Options.
4. Add a section on specific enforcement provisions and penalties for noncompliance.

This is a must to help our environment to handle rising water levels thru global warming and to make sure developers create an eco friendly environment for our community.

RECEIVED

PLANNING & ZONING
SUSSEX COUNTY

PLANNING & ZONING
SUSSEX COUNTY
1000 MARKET STREET
DELRAND, NJ 08053

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PLANNING & ZONING
SUSSEX COUNTY
1000 MARKET STREET
DELRAND, NJ 08053

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 4:06 PM
To: Jesse Lindenberg
Subject: FW: Buffer Ordinance

RECEIVED

JAN 11 2022

SUSSEX COUNTY
PLANNING & ZONING

From: Elizabeth Salonick <esalonick@gmail.com>
Sent: Tuesday, January 11, 2022 9:53 AM
Subject: Buffer Ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Begin forwarded message:

From: Elizabeth Salonick <esalonick@gmail.com>
Subject: Buffer Ordinance
Date: January 11, 2022 at 9:51:31 AM EST
To: "Michael H. Vincent <mvincent@sussexcountyde.gov> Cynthia Green" <cgreen@sussexcountyde.gov>, Mark Schaeffer <mschaeffer@sussexcountyde.gov>, Doug Hudson <Doug.hudson@sussexcountyde.gov>, John Rieley <jlrieley@sussexcountyde.gov>, "Todd F. Lawson" <tlawson@sussexcountyde.gov>, Robin Griffith <rgriffith@sussexcountyde.gov>, pandz@sussexcountyde.gov
Cc: jamie.whitehouse@sussexcountyde.org

Hello

Thanks for listening - I am a resident of Ocean View and i am concerned about the ordinance to be discussed on buffers. It is critical that Sussex County has an updated buffer ordinance, but the current proposed version of the legislation includes loopholes that weaken the purpose of the buffer ordinance.

Amendments:

1. Increase buffer width of perennial non-tidal rivers and streams from 50 to 100 feet to be consistent with science-based recommendations for minimum buffer width.
2. Remove allowance of non-forest meadow from the Resource Buffer Standards Section 10.D. and require the maintenance of existing forest and replanting of non-forested areas with trees and shrubs to specific densities.
3. Remove in its entirety Section G., the Resource Buffer Options.
4. Add a section on specific enforcement provisions and penalties for noncompliance.

This is a must to help our environment to handle rising water levels thru global warming and to make sure developers create an eco friendly environment for our community.

Liz Salonick

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 9:15 AM
To: Jesse Lindenberg
Subject: Fwd: Buffer Ordinance Concerns

FILE COPY
Opposition
Exhibit

From: The Handlins <handlinjt@comcast.net>
Sent: Tuesday, January 11, 2022 9:09:04 AM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: Fwd: Buffer Ordinance Concerns

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Mr. Whitehouse:
Please enter below into public record.
Thank you.
Joanne Handlin

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

From: handlinjt@comcast.net
To: mvincent@sussexcountyde.gov, cgreen@sussexcountyde.gov, mschaeffer@sussexcountyde.gov, Doug.hudson@sussexcountyde.gov, jlrieley@sussexcountyde.gov
Date: 01/09/2022 7:44 PM
Subject: Buffer Ordinance Concerns

Good Evening,

I am writing with concerns regarding the buffer ordinance on the agenda for 9am Tuesday, 1/11/2022.

The ordinance, in its current state, leans far too much in favor of developers' interests at the expense of our beautiful God-given natural environment.

These 4 items below must be addressed prior to approval:

1. Invalid Buffer Option added without working group approval (lines 781-880 in the revised draft) - this section can negate the whole purpose of this ordinance and was added after the working group disbanded and therefore, was not approved by the working group. This section provides incentives for developers to bypass this ordinance.

2. Width of Buffer is insufficient - environmental groups recommending wider widths have been ignored. Sussex County, the lowest county on the east coast, will end up with the least buffer compared to surrounding areas.

3. Replanting of Forest Buffer - CIB's Chris Bason has explained in detail why this is important at the P&Z public hearing, but this is ignored. This is imperative to protect our water quality, water activities, and wildlife habitat.

4. Lacking Enforcement or Penalties - Without this important tool to police the ordinance, this ordinance will not be effective.

Thank you for your time; I trust you will take careful consideration of these issues.

Regards,

Joanne Handlin

20854 Brookfield Ln

Millsboro, DE 19966

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 8:13 AM
To: Jesse Lindenberg
Subject: FW: Proposed Sussex county buffer ordinance

FILE COPY

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Opposition
Exhibit

JAN 11 2022

SUSSEX COUNTY
PLANNING & ZONING

From: Carol S. Stephens <csbpa@hotmail.com>
Sent: Monday, January 10, 2022 10:06 PM
To: Doug Hudson <doug.hudson@sussexcountyde.gov>
Cc: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: Proposed Sussex county buffer ordinance

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Dear Mr. Hudson,

It's important to protect our natural resources for long term quality of life in Sussex county instead of continuing the degradation of our water quality. We cannot continue to allow destruction of our buffers along the tidal wetlands. There seems to be no end for violations of disregarding the 50-foot tidal wetland buffer. Our county benefits economically from the tourists to our waterways because of the enjoyment of the ocean, bays, rivers, and streams. But will they be attractive when they are so heavily polluted, they cannot support aquatic life?

Please make these changes to the Proposed County Buffer Ordinance:

1. Planning and Zoning should include enforcement mechanisms and penalties for the 50' wetland buffer ordinance. It's unrealistic to expect HOAs to police the buffer regulations. The HOA board members are volunteers and don't have the skillset or resources to enforce the regulations.
2. Remove Section G Resource Buffer Options; as it nullifies any of the added protection of the ordinance.
3. Protect all of the trees in the buffer areas. Forests provide the best protection against pollution and are essential for wildlife habitat. Trees are critical to filtering the storm runoff from all of the unnecessary chemical fertilizers that are used on the lawns in developments.

We need to protect our natural resources for our children and their children.

Sincerely,
Carol S. Stephens
23738 Herring Reach Ct
Lewes, DE 19958

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 8:12 AM
To: Jesse Lindenberg
Subject: FW: buffer ordinance

FILE COPY

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JAN 11 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

From: jarhayes@comcast.net <jarhayes@comcast.net>
Sent: Monday, January 10, 2022 8:55 PM
To: John Rieley <jlriley@sussexcountyde.gov>
Cc: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: buffer ordinance

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January 10, 2022

Dear Mr. Reiley,

First, thank you for all of your time and effort concerning the buffer ordinance. I think it is a step in the right direction, however, more constraints must be put in the document to save our land from erosion and our wildlife from having no space to live. I am concerned foremost about the trade-offs that HOAs and developers can use to cut down trees and eliminate wetlands. Our drinking water, streams and bays will all be affected and can benefit if we act prudently now and in the future.

My husband and I, our adult children, and grandchildren live in Sussex County. Delaware is our home. It is also your home. Please think about the future we are leaving for the next generation, whether they will have safe, clean soil, farms that are sustainable and not eroding into local bodies of water. Will they be able to go apple picking, kayaking, or to farmers' markets that carry fresh, local produce? Please think of us, the regular people who are Delawareans, not just developers who will make their dime and then move on. Think of yourself and your family, of your legacy. Make this document a model for neighboring states and counties, not lagging behind in terms of land being saved.

Thank you,

Judith Hayes

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 8:12 AM
To: Jesse Lindenberg
Subject: FW: Buffer Ordinance

RECEIVED

Opposition
Exhibit

JAN 11 2022

SUSSEX COUNTY
PLANNING & ZONING

FILE COPY

From: Toni White <plutoz3@aol.com>
Sent: Monday, January 10, 2022 8:55 PM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: Buffer Ordinance

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Please see below and add to the meeting record.
Thank you

Sent from the all new AOL app

----- Forwarded message -----
Please see below

Sent from the all new AOL app for iOS

:

:

mvincent@sussexcountyde.gov; cgreen@sussexcountyde.gov;
mschaeffer@sussexcountyde.gov; Doug.hudson@sussexcountyde.gov;
jlrieley@sussexcountyde.gov

Subject:
Buffer Ordinance Concerns

Good Evening,

I am writing with concerns regarding the buffer ordinance on the agenda for 9am
Tuesday, 1/11/2022.

The ordinance, in its current state, leans far too much in favor of developers' interests at
the expense of our beautiful God-given natural environment.

These 4 items below must be addressed prior to approval:

1. Invalid Buffer Option added without working group approval (lines 781-880 in the revised draft) - this section can negate the whole purpose of this ordinance and was added after the working group disbanded and therefore, was not approved by the working group. This section provides incentives for developers to bypass this ordinance.

2. Width of Buffer is insufficient - environmental groups recommending wider widths have been ignored. Sussex County, the lowest county on the east coast, will end up with the least buffer compared to surrounding areas.

3. Replanting of Forest Buffer - CIB's Chris Bason has explained in detail why this is important at the P&Z public hearing, but this is ignored. This is imperative to protect our water quality, water activities, and wildlife habitat.

4. Lacking Enforcement or Penalties - Without this important tool to police the ordinance, this ordinance will not be effective.

I recently moved here and I am already bothered with this new development. I felt like I moved to a beautiful state filled with wildlife and forestry and now I feel like all of this is threatened. I sent this email to the other members of the council and did not CC you.

Please don't allow this important topic to fall by the wayside.

Thank you for your time and consideration of these issues.

Regards,
Toni White

Stonewater Creek

Sent from my iPhone

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 8:12 AM
To: Jesse Lindenberg
Subject: FW: buffer ordinance

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JAN 11 2022

FILE COPY

SUSSEX COUNTY
PLANNING & ZONING

From: jarhayes@comcast.net <jarhayes@comcast.net>
Sent: Monday, January 10, 2022 8:54 PM
To: Mark Schaeffer <mschaeffer@sussexcountyde.gov>
Cc: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: buffer ordinance

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January 10, 2022

Dear Mr. Schaeffer,

First, thank you for all of your time and effort concerning the buffer ordinance. I think it is a step in the right direction, however, more constraints must be put in the document to save our land from erosion and our wildlife from having no space to live. I am concerned foremost about the trade-offs that HOAs and developers can use to cut down trees and eliminate wetlands. Our drinking water, streams and bays will all be affected and can benefit if we act prudently now and in the future.

My husband and I, our adult children, and grandchildren live in Sussex County. Delaware is our home. It is also your home. Please think about the future we are leaving for the next generation, whether they will have safe, clean soil, farms that are sustainable and not eroding into local bodies of water. Will they be able to go apple picking, kayaking, or to farmers' markets that carry fresh, local produce? Please think of us, the regular people who are Delawareans, not just developers who will make their dime and then move on. Think of yourself and your family, of your legacy. Make this document a model for neighboring states and counties, not lagging behind in terms of land being saved.

Thank you,

Judith Hayes

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 8:12 AM
To: Jesse Lindenberg
Subject: FW: buffer ordinance

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JAN 11 2022

SUSSEX COUNTY
PLANNING & ZONING

FILE COPY

Opposition
Exhibit

From: jarhayes@comcast.net <jarhayes@comcast.net>
Sent: Monday, January 10, 2022 8:53 PM
To: Cynthia Green <cgreen@sussexcountyde.gov>
Cc: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: buffer ordinance

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January 10, 2022

Dear Mrs. Green,

First, thank you for all of your time and effort concerning the buffer ordinance. I think it is a step in the right direction, however, more constraints must be put in the document to save our land from erosion and our wildlife from having no space to live. I am concerned foremost about the trade-offs that HOAs and developers can use to cut down trees and eliminate wetlands. Our drinking water, streams and bays will all be affected and can benefit if we act prudently now and in the future.

My husband and I, our adult children, and grandchildren live in Sussex County. Delaware is our home. It is also your home. Please think about the future we are leaving for the next generation, whether they will have safe, clean soil, farms that are sustainable and not eroding into local bodies of water. Will they be able to go apple picking, kayaking, or to farmers' markets that carry fresh, local produce? Please think of us, the regular people who are Delawareans, not just developers who will make their dime and then move on. Think of yourself and your family, of your legacy. Make this document a model for neighboring states and counties, not lagging behind in terms of land being saved.

Thank you,

Judith Hayes

Jesse Lindenberg

From: Jamie Whitehouse
Sent: Tuesday, January 11, 2022 8:12 AM
To: Jesse Lindenberg
Subject: FW: buffer ordinance

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JAN 11 2022
SUSSEX COUNTY
PLANNING & ZONING
Opposition
Exhibit
FILE COPY

From: jarhayes@comcast.net <jarhayes@comcast.net>
Sent: Monday, January 10, 2022 8:52 PM
To: Michael H. Vincent <mvincent@sussexcountyde.gov>
Cc: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: buffer ordinance

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January 10, 2022

Dear Mr. Vincent,

First, thank you for all of your time and effort concerning the buffer ordinance. I think it is a step in the right direction, however, more constraints must be put in the document to save our land from erosion and our wildlife from having no space to live. I am concerned foremost about the trade-offs that HOAs and developers can use to cut down trees and eliminate wetlands. Our drinking water, streams and bays will all be affected and can benefit if we act prudently now and in the future.

My husband and I, our adult children, and grandchildren live in Sussex County. Delaware is our home. It is also your home. Please think about the future we are leaving for the next generation, whether they will have safe, clean soil, farms that are sustainable and not eroding into local bodies of water. Will they be able to go apple picking, kayaking, or to farmers' markets that carry fresh, local produce? Please think of us, the regular people who are Delawareans, not just developers who will make their dime and then move on. Think of yourself and your family, of your legacy. Make this document a model for neighboring states and counties, not lagging behind in terms of land being saved.

Thank you,

Judith Hayes

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JAN 11 2022

Opposition
Exhibit

SUSSEX COUNTY
PLANNING & ZONING

FILE COPY

From: Swallow, Danielle <dswallow@udel.edu>

Sent: Monday, January 10, 2022 3:59 PM

To: Mark Schaeffer <mschaeffer@sussexcountyde.gov>; Michael H. Vincent <mvincent@sussexcountyde.gov>; Cynthia Green <cgreen@sussexcountyde.gov>; Doug Hudson <doug.hudson@sussexcountyde.gov>; John Rieley <jlrieley@sussexcountyde.gov>

Cc: Todd F. Lawson <tlawson@sussexcountyde.gov>

Subject: Buffer ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good day,

As a member of the Working Group that developed the proposed buffer ordinance, I wish to submit comments ahead of tomorrow's Council meeting.

I attended over a dozen 3 hour meetings to develop draft language for this ordinance with the working group. During the meetings I articulated the science-based merits of larger buffer widths, the importance of vegetated buffers, and the value (both economic in terms of avoided flood losses, and intrinsic, such as improved water quality) that buffers provide to the county and residents. As currently written, I worry that the intent of the ordinance will be undermined by allowing so many options and incentives for reducing buffer width. Plus, the options create a tangle of provisions that are confusing and hard to enforce.

In general, the ordinance is vague as to who carries the legal liability for enforcement. *What are the ramifications to the County, HOAs, developers, if the chain of responsibility is vague?* Does the County want to set itself up for legal exposure? Then there is the question of who has the capacity to enforce these provisions. In my mind, it is not the HOAs, and I worry the County would struggle too. So to me, it begs for the need for a more simplified ordinance with fewer incentives and options.

Other comments:

1. Resource Buffer Standards: Remove the non-forested meadow option because the type of vegetation affects how well the buffer performs. Forested buffers will provide the greatest benefits and function across all 3 categories of the ordinance's purpose: water quality, habitat, and flood protection.
2. Require both maintenance of existing forests and reforestation of non-forested areas because future generations cannot thrive in our county if we lose much of our forested land.
3. I support the elimination of Selective Cutting. It would lead to rampant abuse and would be hard to enforce.
4. The Drainage provisions in §115-193 F.1 classifies all resource buffers as drainage easements, but the County did not produce any data showing the need for this section. This topic came up very late in our working group process and was not part of our scope. The majority of this language was developed outside of the working group process and should not be considered an endorsement by our group. *Where is the data showing the need is widespread?* I propose that this section be eliminated entirely.
5. Resource Buffer Options: this section should be eliminated from the final ordinance because it creates a tangle of provisions that are not enforceable and would potentially lead to smaller buffer widths or poorly functioning buffers. *How does the County demonstrate functional equivalence if one area being protected by conservation easement in another part of the County*

is traded for a buffer reduction? Who is to say that the area protected by conservation easement wouldn't already have opportunities for being protected?

6. Incentives should NEVER result in a net reduction of buffer size from today's existing levels.
7. *Why are so many incentives needed to do the right thing?* Some flexibility in the design of subdivisions are needed but this draft ordinance appears to prioritize flexibility over protection. This is out of balance and not in the best interest of all residents of the county.

Respectfully,
Danielle Swallow
Coastal Hazards Specialist
Delaware Sea Grant
Lewes, DE

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SUSSEX COUNTY
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From: Rosemary Hardiman <rhardiman@townofbethanybeach.com>
Sent: Monday, January 10, 2022 5:13 PM
To: Todd F. Lawson <tlawson@sussexcountyde.gov>
Cc: Doug Hudson <doug.hudson@sussexcountyde.gov>
Subject: Comments on proposed amendments to Sections of Chapters 99 and 115

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To the Sussex County Council:

We have been following the work of Sussex County Council in considering draft amendments to the buffer ordinance to protect our vital waterways from the impacts of new development. Other draft amendments to certain sections of Chapters 99 and 115 Regarding Certain Drainage Features, Wetlands and Water Resources and Buffers Thereto will be considered at the Council Meeting tomorrow, January 11.

While the proposed amendments contain some positive steps forward, there are three areas of concern that should be addressed. First, is that a forested area can be clear cut prior to the submission of an application for development. Unfortunately, this doesn't provide any incentive for developers to preserve forested land. Rather, we'd like to see a requirement that any forested area within the buffer zones would have to be replanted to a forest before construction is complete.

Second, buffers can be reduced from 50 to 25 feet under certain circumstances. We believe this option should be rejected. It provides too many loopholes and opportunities to negate the purpose of the proposed ordinance.

Third, we'd like to see strong enforcement spelled out in the proposed ordinance.

The waterways in Sussex County are vital to protecting fish and wildlife and to the continued health of our coastal industry.

Thank you for your consideration of the issues raised.

On behalf of Bethany Beach Town Council,
Rosemary Hardiman
Mayor
Town of Bethany Beach
Rhardiman@townofbethanybeach.com
(302) 537-3771
(302) 258-4780 (c)

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, January 10, 2022 6:07 PM
To: Jamie Whitehouse
Subject: Fwd: BUFFER ORDINANCE January 11, 2022

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SUSSEX COUNTY
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From: Marylinda Maddi <proudmaryl28@gmail.com>
Sent: Monday, January 10, 2022 3:31 PM
To: Michael H. Vincent; Cynthia Green; Mark Schaeffer; Doug Hudson; John Rieley
Subject: BUFFER ORDINANCE January 11, 2022

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As a resident of Sussex County, I am writing to ask you to implement the suggestions proposed by Chris Bason, Executive Director, Delaware Center for the Inland Bays as outlined in his Viewpoint Letter to the Cape Gazette that was published on Friday, January 7th.

In particular, I am concerned about protecting trees. Currently, the proposed ordinance does not provide protection of forests once an application for development is submitted. Forests can be cut down up to the hour that an application for development is put forward. It is not enough to simply offset trees felled during development by planting grass. The benefits reaped from one large tree (carbon sequestration and enhanced biodiversity) cannot be replaced by minimalist landscaping, lawns, or planting seedlings that could take 50-100 years to provide those same benefits.

I would also encourage Sussex County Council to let go of the possibilities to reduce buffer widths and to maintain the span of buffers at the newly established widths.

It's difficult to quantify these points into economic terms but the contributions to our ecosystem such as the mitigation of pollution of the water systems, protection of wildlife and flooding must be considered.

Sincerely,
Marylinda Maddi
510 Railroad Ave/12 Rhode Island Ave
Lewes, DE 19958

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, January 10, 2022 6:22 PM
To: Jamie Whitehouse
Subject: Fwd: Buffer Meeting Plans

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From: mysterybk10 (null) <mysterybk10@aol.com>
Sent: Sunday, January 9, 2022 6:49 PM
To: Doug Hudson
Subject: Buffer Meeting Plans

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I am writing with concerns regarding the buffer ordinance on the agenda for 9am Tuesday, 1/11/2022.

The ordinance, in its current state, leans far too much in favor of developers' interests at the expense of our beautiful God-given natural environment.

These 4 items below must be addressed prior to approval:

1. Invalid Buffer Option added without working group approval (lines 781-880 in the revised draft) - this section can negate the whole purpose of this ordinance and was added after the working group disbanded and therefore, was not approved by the working group. This section provides incentives for developers to bypass this ordinance.
2. Width of Buffer is insufficient - environmental groups recommending wider widths have been ignored. Sussex County, the lowest county on the east coast, will end up with the least buffer compared to surrounding areas.
3. Replanting of Forest Buffer - CIB's Chris Bason has explained in detail why this is important at the P&Z public hearing, but this is ignored. This is imperative to protect our water quality, water activities, and wildlife habitat.
4. Lacking Enforcement or Penalties - Without this important tool to police the ordinance, this ordinance will not be effective.

Thank you for your time; I trust you will take careful consideration of these issues.

Dorothea White
Stonewater Creek

Sent from my iPhone

Sent from my iPhone

Jamie Whitehouse

From: Kenob <kenob@ptd.net>
Sent: Monday, January 10, 2022 7:25 PM
To: Doug Hudson
Cc: Jamie Whitehouse
Subject: Revision of Buffer Ordinance

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Dear Mr. Hudson,

I am a resident of Angola By The Bay community and as such have a huge interest in the health of the Inland Bays. As we all know, healthy waters have tremendous economic, aesthetic and quality of life benefits for us Sussex County residents. The existence of a forested wetlands buffer is essential to improving our watershed.

I am aware of the Buffer Ordinance revision currently being considered by council. First I want to thank you for the efforts put forth to improve this outdated ordinance. The improvements in the new ordinance are a huge step in the right direction and will have a big effect on reducing nutrient pollution of the bays. It also helps Sussex County to be more in line with not only neighboring states but also the other counties in Delaware. However, there are some provisions in the new ordinance that will allow for a reduction to the previous restrictions. I urge you to seriously consider the suggestions that have been submitted by the Center for Inland Bays with science based recommendations for amending the new ordinance as it is currently written. I also urge council to act as quickly as possible. New developments are being cleared of forest at a tremendous pace.

Thank you for your time in considering this.

Ken O'Brien
Angola By The Bay
32836 Ashwood Ct.
Lewes, DE 199958

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, January 10, 2022 7:24 PM
To: Jamie Whitehouse
Subject: Fwd: Comments on Proposed Development Buffer Ordinance

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From: Justin Guider <justing@udel.edu>
Sent: Monday, January 10, 2022 7:21 PM
To: Michael H. Vincent; Cynthia Green; Mark Schaeffer; Doug Hudson; John Rieley; Todd F. Lawson; Robin Griffith; Planning and Zoning
Subject: Comments on Proposed Development Buffer Ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Council Members,

As a resident of Sussex County, I would like to voice my support of the amendments suggested by the Delaware Center for the Inland Bays to the proposed ordinance on buffers between wetlands/streams and new developments. Namely, I believe a 100 foot minimum buffer should be required for all new developments, both next to wetlands and next to perennial streams. I am opposed to any measures that allow for the destruction of a buffer in one location provided a buffer is created or maintained in another. I am opposed to allowing the reduction of buffer width to 50ft provided a natural forest is maintained elsewhere on the property or 125% of a buffer is protected on another property. This sort of exchange is not supported by empirical research which suggests at least 100ft of buffer is required around all wetlands and streams to keep our waterways healthy.

Forested buffers are of great importance to reducing nutrient runoff into waterways, which is necessary for the health of the aquatic life therein. Buffers also reduce flooding and provide habitat for countless species of birds, mammals, insects, etc. and help preserve rare wetland plants. For these reasons I urge you to consider requiring 100ft buffers in all scenarios. I would also suggest adding a requirement that only native plants be planted in areas where there is not currently existing buffer and that buffers be maintained in a way that manages the spread of invasive species.

Thank you very much for your consideration,
Justin

Justin Guider
University of Delaware
College of Earth, Ocean and Environment
MS Student in Oceanography

Jamie Whitehouse

From: Tom Goglia <tgoglia@gmail.com>
Sent: Monday, January 10, 2022 7:14 PM
To: Doug Hudson
Cc: Jamie Whitehouse
Subject: Buffer Ordinance currently under consideration

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Councilman Hudson,

I was fortunate to be present for a presentation from the Center for Inland Bays this evening. It was very informative and highlighted several sections in the currently proposed ordinance that would work toward making the ordinance much less effective.

- Retaining forest in a buffer allows reduction of buffer width by half
- Retaining forest in a buffer allows reduction of development perimeter buffer
- Retaining forest in connected to to but not within buffer allows reduction in buffer width by half
- Retaining forest connected to but not within buffer allows reduction of development perimeter buffer
- Preserving wider wetland buffers allows reduction in development buffers.

These same issues have been highlighted in my conversations with other members of the original working group that developed the original proposal.

Please work to remove Resource Buffer options Section G. beginning at line 781

Please work to have clear enforcement responsibilities and penalties included in this ordinance.

I do not believe HOA's have the expertise or resources to monitor the buffers. Is it not true that the buffer infringement is often done during building so that the HOA would not have control of the buffer during development. Again provisions should be clear and in my opinion, the developer should have to turn over maintenance and control of the buffer to DNREC or a County resource.

Thank you for your consideration,

Tom Goglia



"Don't let making a living prevent you from making a Life"

**Opposition
Exhibit**

Jamie Whitehouse

From: Amber Penuel <apenuel4@gmail.com>
Sent: Monday, January 10, 2022 7:13 PM
To: Jamie Whitehouse
Subject: Fwd: Buffer Ordinance Concerns

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Hello Jamie,
Please enter my comments below into public record. Thank you.

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Amber Penuel, Psy.D., HSP
Licensed Psychologist
(260) 705-9090

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----- Forwarded message -----

From: Amber Penuel <apenuel4@gmail.com>
Date: Sun, Jan 9, 2022, 7:01 PM
Subject: Buffer Ordinance Concerns
To: <mvincent@sussexcountyde.gov>, <cgreen@sussexcountyde.gov>, <mschaeffer@sussexcountyde.gov>, <Doug.hudson@sussexcountyde.gov>, <jlrieley@sussexcountyde.gov>

Good evening all!

I am writing with concerns regarding the buffer ordinance on the agenda for 9am Tuesday, 1/11/2022.

The ordinance, in its current state, leans far too much in favor of developers' interests at the expense of our natural environment. We have been living in Delaware for 6 years, the last two years have been in Stonewater Creek. We have noticed significant changes, especially to the wild life. Deer, foxes, and birds are losing their homes and are being forced to seek shelter within the community. You used to be able to travel in the area and see forests filled with trees but now you mostly see houses and no trees or natural areas, which is sadly the present state. An entire area of trees were removed over the past year near the entrance of Stonewater Creek and it is an eye sore to not be able to view the once beautiful forest.

These 4 items below must be addressed prior to approval:

1. Invalid Buffer Option added without working group approval (lines 781-880 in the revised draft) - this section can negate the whole purpose of this ordinance and was added after the working group disbanded and therefore, was not approved by the working group. This section provides incentives for developers to bypass this ordinance.
2. Width of Buffer is insufficient - environmental groups recommending wider widths have been ignored. Sussex County, the lowest county on the east coast, will end up with the least buffer compared to surrounding areas.
3. Replanting of Forest Buffer - CIB's Chris Bason has explained in detail why this is important at the P&Z public hearing, but this is ignored. This is imperative to protect our water quality, water activities, and wildlife habitat.
4. Lacking Enforcement or Penalties - Without this important tool to police the ordinance, this ordinance will not be effective.

Thank you for your time in reading my concerns. I trust you will take careful consideration of these issues.

Regards,

Amber Penuel, Psy.D., HSP
Licensed Psychologist
31488 Riverwood Rd
(260) 705-9090

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Jamie Whitehouse

From: Doug Hudson
Sent: Monday, January 10, 2022 6:27 PM
To: Jamie Whitehouse
Subject: Fwd: Buffer Ordinance

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From: pam russkline.com <pam@russkline.com>
Sent: Sunday, January 9, 2022 4:26 PM
To: Doug Hudson
Subject: Buffer Ordinance

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I am concerned about the Buffer Ordinance as proposed:

- 1) Buffer option This negates the whole purpose of the ordinance
- 2) Width of the Buffer Please don't let us be known as the area with the least protection of property values / quality of life
- 3) Replanting of Forest Buffer Please don't let this be ignored
- 4) Enforcement of Penalties Without this, there is no protection for the homeowners

While we understand growth must occur. Please be a champion for your neighbors and our quality of life.

Thank you,
Pam Kline

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Jamie Whitehouse

From: Kate Gerrick <kategerrick@gmail.com>
Sent: Monday, January 10, 2022 8:03 PM
To: Jamie Whitehouse
Subject: Fwd: Buffer Ordinance Concerns

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Hello Jamie - please add my below comments to public input regarding the buffer ordinance.

Thank you!
Kate Gerrick

----- Forwarded message -----

From: Kate Gerrick <kategerrick@gmail.com>
Date: Sun, Jan 9, 2022 at 6:33 PM
Subject: Buffer Ordinance Concerns
To: <Doug.hudson@sussexcountyde.gov>, <cgreen@sussexcountyde.gov>, <jlrieley@sussexcountyde.gov>, <mschaeffer@sussexcountyde.gov>, <mvincent@sussexcountyde.gov>

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Good Evening,

I am writing with concerns regarding the buffer ordinance on the agenda for 9am Tuesday, 1/11/2022.

The ordinance, in its current state, leans far too much in favor of developers' interests at the expense of our beautiful God-given natural environment.

These 4 items below must be addressed prior to approval:

1. Invalid Buffer Option added without working group approval (lines 781-880 in the revised draft) - this section can negate the whole purpose of this ordinance and was added after the working group disbanded and therefore, was not approved by the working group. This section provides incentives for developers to bypass this ordinance.
2. Width of Buffer is insufficient - environmental groups recommending wider widths have been ignored. Sussex County, the lowest county on the east coast, will end up with the least buffer compared to surrounding areas.
3. Replanting of Forest Buffer - CIB's Chris Bason has explained in detail why this is important at the P&Z public hearing, but this is ignored. This is imperative to protect our water quality, water activities, and wildlife habitat.

4. Lacking Enforcement or Penalties - Without this important tool to police the ordinance, this ordinance will not be effective.

Thank you for your time; I trust you will take careful consideration of these concerns.

Regards,
Kate Gerrick

31513 Riverwood Rd
Millsboro, DE 19966

Jamie Whitehouse

From: Judith Stribling <JMSTRIBLING@salisbury.edu>
Sent: Monday, January 10, 2022 8:19 PM
To: Jamie Whitehouse
Subject: comments for the record
Attachments: Re Ordinance to amend Chs 99 and 115 regarding wetland and water resources and their buffers.docx

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Dear Mr. Whitehouse,
I have sent the attached letter to the Council members, and I would like to be sure it's entered into the record on the Buffer Ordinance public hearing tomorrow.
Thank you very much.
Respectfully,
Judith Stribling, Friends of the Nanticoke River

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Jamie Whitehouse

From: Robin Griffith
Sent: Monday, January 10, 2022 3:06 PM
To: Michael H. Vincent; John Rieley; Cynthia Green; Doug Hudson; Mark Schaeffer
Cc: Jamie Whitehouse
Subject: FW: Buffer ordinance

Forwarding...

From: Karen Beck <k3beck@gmail.com>
Sent: Monday, January 10, 2022 2:58 PM
To: Doug Hudson <doug.hudson@sussexcountyde.gov>; Cynthia Green <cgreen@sussexcountyde.gov>; jlriley@sussexcountyde.gov; mschaeffer@sussexcountyde.gov; Michael H. Vincent <mvincent@sussexcountyde.gov>; Robin Griffith <rgriffith@sussexcountyde.gov>
Subject: Buffer ordinance

As a resident of Sussex County, one of the most environmentally fragile areas in the country, I am writing to urge you to follow the advice of the Centers for the Inland Bays in defining the conditions and limits of the buffer ordinance. It is in the best interests of every one of us, and of our children, to use best practices to protect our county. Thank you

Karen Beck
23601 Elmwood Ave West
Lewes DE 19958

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10 January 2022

Mr. Michael H. Vincent, President
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

Re: Buffer Ordinance to Amend Chapters 99 and 115

Dear Council President Vincent:

Please enter into the record that I oppose the adoption of the Buffer Ordinance in its current form. While the ordinance purports to achieve protection of wetlands it will fail in this objective and not meet Goal 5.1 because of multiple shortcomings including the following:

1. Buffers that are far too narrow and inadequate. A 15-foot buffer is practically no buffer at all. Table 1 in this ordinance should provide minimum required buffers. If the wetland resource deserves protection because it is larger, a larger buffer should be required. Furthermore no explanation is given as to why or how these buffers were developed. For something this complex a basis and background document and regulatory impact analysis document should accompany the ordinance explaining it to the public. That is a fundamental failure of process here in addition to the inadequate buffers.
2. Overly generous buffer avoidance provisions. At first the efforts at wetlands protection in the ordinance appear laudable until you realize that the averaging provisions and section G resource protection options undermine everything else the ordinance tries to do. The ordinance should not be adopted with this section G in it. We also understand that section G was added after the work group broke up at the start of the pandemic thereby unfairly leaving some members out of the development process.

Thank you for your consideration of these comments. If they require further clarification, please feel free to contact me.

Sincerely,

Richard Craig
29500 Patrick Henry Circle
Millsboro, Delaware 19966

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Jamie Whitehouse

From: Ryan Gerrick <gerrickryan@gmail.com>
Sent: Monday, January 10, 2022 8:05 PM
To: Jamie Whitehouse
Subject: Fwd: Sussex Buffer Ordinance Concerns

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Hello Jamie - please add my below comments to public input regarding the buffer ordinance.

Regards,
Ryan Gerrick

----- Forwarded message -----

From: Ryan Gerrick <gerrickryan@gmail.com>

Date: Mon, Jan 10, 2022 at 8:35 AM

Subject: Sussex Buffer Ordinance Concerns

To: <Doug.hudson@sussexcountyde.gov>, <cgreen@sussexcountyde.gov>, <jlrieley@sussexcountyde.gov>, <mschaeffer@sussexcountyde.gov>, <mvincent@sussexcountyde.gov>

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Good Morning,

I am writing with concerns regarding the buffer ordinance on the agenda for tomorrow (9am Tuesday 1/11/2022).

The ordinance, in its current state, should not be approved as it does not protect our God-given natural environment.

These 4 items below must be addressed prior to consideration of approval:

1. Invalid Buffer Option added without working group approval (lines 781-880 in the revised draft) - this section can negate the whole purpose of this ordinance and was added after the working group disbanded and therefore, was not approved by the working group. This section provides incentives for developers to bypass this ordinance.
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3. Replanting of Forest Buffer - CIB's Chris Bason has explained in detail why this is important at the P&Z public hearing, but this is ignored. This is imperative to protect our water quality, water activities, and wildlife habitat.

4. Lacking Enforcement or Penalties - Without this important tool to police the ordinance, this ordinance will not be effective.

Thank you for your time and consideration. Looking forward to a productive results-oriented meeting tomorrow.

Regards,
Ryan Gerrick

Millsboro, DE

Jamie Whitehouse

From: Justin Guider <justing@udel.edu>
Sent: Monday, January 10, 2022 7:20 PM
To: Michael H. Vincent; Cynthia Green; Mark Schaeffer; Doug Hudson; John Rieley; Todd F. Lawson; Robin Griffith; Planning and Zoning
Subject: Comments on Proposed Development Buffer Ordinance

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Dear Council Members,

As a resident of Sussex County, I would like to voice my support of the amendments suggested by the Delaware Center for the Inland Bays to the proposed ordinance on buffers between wetlands/streams and new developments. Namely, I believe a 100 foot minimum buffer should be required for all new developments, both next to wetlands and next to perennial streams. I am opposed to any measures that allow for the destruction of a buffer in one location provided a buffer is created or maintained in another. I am opposed to allowing the reduction of buffer width to 50ft provided a natural forest is maintained elsewhere on the property or 125% of a buffer is protected on another property. This sort of exchange is not supported by empirical research which suggests at least 100ft of buffer is required around all wetlands and streams to keep our waterways healthy.

Forested buffers are of great importance to reducing nutrient runoff into waterways, which is necessary for the health of the aquatic life therein. Buffers also reduce flooding and provide habitat for countless species of birds, mammals, insects, etc. and help preserve rare wetland plants. For these reasons I urge you to consider requiring 100ft buffers in all scenarios. I would also suggest adding a requirement that only native plants be planted in areas where there is not currently existing buffer and that buffers be maintained in a way that manages the spread of invasive species.

Thank you very much for your consideration,
Justin

Justin Guider
University of Delaware
College of Earth, Ocean and Environment
MS Student in Oceanography

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Jamie Whitehouse

From: Doug Hudson
Sent: Monday, January 10, 2022 7:24 PM
To: Jamie Whitehouse
Subject: Fwd: Comments on Proposed Development Buffer Ordinance

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From: Justin Guider <justing@udel.edu>
Sent: Monday, January 10, 2022 7:21 PM
To: Michael H. Vincent; Cynthia Green; Mark Schaeffer; Doug Hudson; John Rieley; Todd F. Lawson; Robin Griffith; Planning and Zoning
Subject: Comments on Proposed Development Buffer Ordinance

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Dear Council Members,

As a resident of Sussex County, I would like to voice my support of the amendments suggested by the Delaware Center for the Inland Bays to the proposed ordinance on buffers between wetlands/streams and new developments. Namely, I believe a 100 foot minimum buffer should be required for all new developments, both next to wetlands and next to perennial streams. I am opposed to any measures that allow for the destruction of a buffer in one location provided a buffer is created or maintained in another. I am opposed to allowing the reduction of buffer width to 50ft provided a natural forest is maintained elsewhere on the property or 125% of a buffer is protected on another property. This sort of exchange is not supported by empirical research which suggests at least 100ft of buffer is required around all wetlands and streams to keep our waterways healthy.

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Thank you very much for your consideration,
Justin

Justin Guider
University of Delaware
College of Earth, Ocean and Environment
MS Student in Oceanography

Jamie Whitehouse

Opposition
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From: MARTIN LAMPNER <martin@lampner.net>
Sent: Monday, January 10, 2022 7:46 PM
To: Doug Hudson
Cc: Jamie Whitehouse
Subject: The Buffer Ordinance

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Hi Doug,

First off happy New Year to you and yours. I know that you worked closely with IG Burton on the previous effort to improve the Buffer provisions in Sussex County and have been supportive of improving them. I am concerned by the various provisions section G which in an attempt to provide flexibility to developers and land owners potentially will allow them to circumvent the intent to expand the buffer zones. Troubling is the counting of the buffer between communities as a possible offset to stream side buffer needs. The allowance for inland forest reserves as an offset and the right to create a buffer outside the the development as an offset. The provision for averaging provides developers much flexibility the additional flexibility provided in section G could in fact allow a developer to create no buffer at a site. This is not in the community's interest or the county's.

As you know dredging is going to be done on White's Creek, this is a positive development but the lack of buffers currently on existing older communities contributes to the need to dredge, if making use of section G actually in some cases reduces buffers below the current limit or allows a developer to completely eliminate them in change for work elsewhere it will only further contribute to the need to dredge more frequently in the future. That is both expensive and in the long term damaging to the water ways. Dredging can be needed and helpful but not if it becomes a frequent need.

Also troubling is the proposed reliance exclusively to enforce the plan once the development is completed. While it is true Associations have the ability to fine owners that violate their rules that supposes the rules provide for that it is not clear in the current draft if that will be required as part of the management plan. Boards are at the mercy of their owners, their enforcement powers are limited. While I have not heard it happening here in Florida there have been suits brought against boards that attempted to exercise "police" powers, that is the enforcement of county ordinance violations against owners committing it. The results of those suits have been mixed in some cases courts have found the Association could be ordered by a county to fine its owner in other cases counties have been instructed that they must impose civil penalties in these matters.

Associations should not be converted into a law enforcement entity beyond community rules.

I would ask that you request that voting be deferred and the record held open after this hearing. I foresee unforeseen consequences from this bill as it is currently written and the real possibility that it could lead to making the already weak law in this matter even weaker than it currently is. I think the draft id a good start but requires more work.

As always thank you for what you do on behalf of the community.

Marty



Friends of the
**Nanticoke
River**

P.O. Box 15 Nanticoke, MD 21840-0015
www.friendsofthenanticoke.org

January 9, 2022

Sussex County Council
Georgetown, DE 19947

Dear President Vincent and Members Green, Schaeffer, Hudson, and Rieley,

The Friends of the Nanticoke River is a bi-state organization dedicated to conserving the Nanticoke River and its watershed. We commend the Council for proposing an ordinance that clearly recognizes the importance and value of natural buffers between new residential developments and wetlands and waterways for protecting property and environmental resources. The proposal for a buffer ordinance is an important environmental policy step in protecting our land and the health of our citizens.

The proposed ordinance clearly lays out the critical importance of revising the County Code to “encourage development practices and regulations that support natural resource protection,” to “protect groundwater, waterways, sensitive habitat areas and other critical natural lands in Sussex County,” to include “strategies for preserving environmental areas from development,” and to “recognize the Inland Bays, their tributaries and other waterbodies as valuable open space areas of ecological importance.”

Much of the proposed ordinance does indeed provide measures to achieve the above goals. However, if adopted in its current form, much of the above protection will fail to materialize.

By permitting the removal of forests up to the time that an application for development is submitted, and by not requiring that trees be replanted in the buffer upon development, much of the conservation value of the buffer will be lost. Manipulation of the buffer width places serious limits on the effectiveness of the measure.

Most concerning, the provision outlined in Sec. G for buffer trading options will simply allow building closer to the water resource. The objective of protecting the resource will be eliminated, and the ordinance will accomplish only protecting the monetary return of the development process. It is extremely costly to manage conservation easements, and that cost would need to be covered by the County where land trusts or other conservation organizations hold the easement. The assumption that conserving buffer areas off site would add protection to the water resource is flawed; in many cases such areas may already be unlikely to be developed.

We urge you to give careful consideration to four proposed amendments:

1. Increase buffer width of perennial non-tidal rivers and streams from 50 to 100 feet to be consistent with science-based recommendations for minimum buffer width.
2. Remove allowance of non-forest meadow from the Resource Buffer Standards Section 10.D. and require the maintenance of existing forest and replanting of non-forested areas with trees and shrubs to specific densities.
3. Remove in its entirety Section G, the Resource Buffer Options.
4. Add a section on specific enforcement provisions and meaningful penalties for noncompliance.

We thank the Council for its work to improve the resource integrity of Sussex County’s waterways, and for your consideration of these comments.

Sincerely,

Jay Martin, President
410-873-2942
ubuubok@comcast.net

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