



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

DIVISION OF WATERSHED STEWARDSHIP
ENTERPRISE BUSINESS PARK
285 BEISER BOULEVARD, SUITE 102
DOVER, DELAWARE 19904

**DIRECTOR'S
OFFICE**

PHONE: (302) 739-9921
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CERTIFIED MAIL

January 16, 2026

Ms. Barbara Curtis
17 Shipcarpenter Square
Lewes, DE 19958

RE: Lot 2, Clifton Shores, Sussex
County
(Tax ID #230-17.00-241.00), Clifton
Shores

Dear Ms. Curtis:

On December 10, 2025, David Heffernan applied on your behalf, for a permit to maintain a Beach Access Structure that you previously installed seaward of the Building Line without a permit, in violation of Section 6805 of Title 7. The Department's permit decisions are guided by the Regulations Governing Beach Protection and the Use of Beaches,¹ which provide the requirements for approval of Beach Access Structures.

In your application, you indicated that the Beach Access Structure would be used as both a dune crossover and boat ramp. The structure as currently built is ten feet wide and extends 118 feet seaward of the building line. The Department has determined that your application for a Coastal Construction does not conform with the Regulations, and therefore, your application for a Coastal Construction permit has been denied for the following reason:

1. The crossover does not meet the requirements of Section 4.5.3 of the regulations, which provide in pertinent part:

4.5.3 "[B]efore any person commences the construction for [] a beach access structure, or any portion thereof, that would be located seaward of the Building Line, said person must have been issued a letter of approval for the construction by the Division. A person may receive said letter of approval after applying to the Division on an application form that shall be made available by the Division. The Division shall process said application form pursuant to the procedures set forth in the provisions of subsection 4.8 of the Regulations.

¹ 7 Del. Admin. § 5102.

The applicant constructed a Beach Access Structure seaward of the Building Line without prior approval from the Department.

2. The ramp does not meet the requirements of Section 3.1.1.4 of the regulations.

3.1.1.4 “a building, patio, deck, swimming pool, carport, driveway or similar type of structure shall not be considered by the Division as being the type of structure that must be located seaward of the Building Line on a parcel of land in order to achieve the intended purpose of the structure. The Division may require that these latter types of structures, or portions thereof, be constructed landward of the Building Line, or not constructed at all.”

The Beach Access Structure constructed by the applicant seaward of the Building Line is not the type of structure that must be located seaward of the Building Line.

3. The nature of the public comments received.

5.3.1 “whenever the Division is deciding to issue a Permit pursuant to the Regulations, the Division shall take into consideration any relevant information relating to the following:

5.3.1.1 Any comments received by the Division;

The Department received 28 comments: 27 against the permit and one in favor of the permit. The dissenter is applicant’s neighbor who shared in the costs of the construction of the Beach Access Structure.

4. Increased vehicle traffic over the dune could be a detriment to migrating and local species, such as red knots and horseshoe crabs.

5.3.1.2 The effect of the proposed construction on shoreline recession, beach erosion, flooding, and potential damage to the parcel of real property that is the subject of the permit application, and potential damage to any other parcel of real property, public lands, or personal property;

5. The applicant intends to use the Beach Access Structure to launch his trailered boat and other watercraft which will increase traffic over the dune that will adversely impact migrating and local species.

5.3.1.6 Any other factors or information that the Division determines to be relevant to the subject matter of the permit and carrying out the purposes and intent of the Regulations and the Act.

The Department has an interest and the authority to protect the environment, including wildlife. The increased traffic over the dune caused by applicants’ use of the Beach Access Structure as a ramp to launch his boat or other watercraft will likely to adversely impact migrating and local species, such as horseshoe crabs and the red knot, which is listed as threatened under the federal Endangered Species Act.

Finally, the Department has the authority to require that the applicant remove the concrete structure and restore the dune. In order to correct the violation, please remove the entire concrete structure within fifteen (15) days of receipt of this letter. Please also restore the dune by grading the sand back to the contours that it had prior to constructing the concrete structure in alignment with the surrounding dune and plant with Cape American Beach Grass (*Ammophila breviligulata*).

Failure to correct the violation, which is considered a public nuisance as per Section 8.2.2 of the regulations, could result in the Department filing suit in the appropriate court seeking to compel action.

Please refer to Section 6.2 of the Regulations which provide due process rights and procedures.² Be advised, however, that this information does not constitute legal advice, and any questions should be addressed to an attorney.

6.2 Procedures

6.2.1 Any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the state, aggrieved by any decision of the Division, may appeal to the Secretary by giving written notice of appeal to the Secretary, and to the applicant if other than the appellant. Such notice shall be by certified or registered mail within 20 calendar days of the Division's decision, and shall specify: (1) the interest of the appellant; (2) the basis of the appeal; and (3) the specific laws, regulations or other legal authorities alleged to have been violated by the Division's decision. A public hearing may be held on any such appeal, upon request, whenever the Secretary deems the hearing request meritorious. A request for a public hearing shall be deemed meritorious when the appeal is not frivolous and the notice of appeal exhibits a reasonable familiarity with the Division's decision. The public hearing shall be conducted as follows:

6.2.1.1 For any hearing on an application, notification shall be served upon the applicant as summonses are served or by registered or certified mail not less than 20 calendar days before the time of said hearing. Notice shall also be published in a newspaper of general circulation in the county in which the activity is proposed and in a daily newspaper of general circulation throughout the State not less than 20 calendar days before the time of said hearing.

6.2.1.2 The appellant may appear personally or be represented by counsel at the hearing and produce any competent evidence in their behalf. The Secretary or the Secretary's authorized designee may administer oaths, examine witnesses, and issue, in the name of the Department, notices of hearings or subpoenas requiring the testimony of witnesses and production of books, records or other documents relevant to any matter involved in such hearing.

6.2.1.3 A verbatim transcript of testimony at the hearing shall be prepared and shall, along with the exhibits and other documents introduced by the Secretary or other parties, constitute the record. The Secretary or the Secretary's authorized designee shall make findings of fact based on the record. The Secretary shall then enter an order that will best

² <https://regulations.delaware.gov/AdminCode/title7/5102>.

further the purposes of the Act and these Regulations, and the order shall include reasons. The Secretary shall promptly give written notice of the order to parties who participated in the hearing.

If you should have any questions concerning this denial, please do not hesitate to contact the Shoreline and Waterway Management Section of this Division at (302) 739-9921.

Sincerely,

A handwritten signature in cursive script that reads "Stephen N. Williams".

Stephen N. Williams
Director

Cc: David Heffernan