



Delaware State Profile

Introduction

Delaware reports that work is underway on the development of a comprehensive dredging policy framework, which will include setting BUDM as a priority, but the state does not currently have standing policies addressing BUDM. The Delaware Coastal Program under the Delaware Department of Natural Resources and Environmental Control (DNREC) has partnered with state agencies on the management framework effort.

Sediment placement projects are reviewed for impacts on beach or wetland habitats according to the characteristics of the placement site. A Subaqueous Lands Lease is required for placement on public tidelands, and is incorporated into an overall Wetlands and Subaqueous Lands Permit.

Permit Table

Permit	Authority	Description
Wetlands and Subaqueous Lands Permit	Del. Code tit. 7, § 6604; 6805	Including New Dredge, Maintenance Dredge, Fill, and/or Vegetative Stabilization appendix as needed.
Water Quality Certification	Del. Code tit. 7, ch. 60.; 7 Del. Admin. C. § 7401.	
Federal Consistency	7 DE Admin. C. § 2201	
Subaqueous Lands Lease	Del. Code tit. 7, §7205; 7 Del. Admin. C. § 7504-2.4.	Incorporated into Wetlands and Subaqueous Lands Permit
Living Shoreline Stabilization Statewide Activity Approval	Del. Code tit. 7, §7203.	General permit available for living shoreline stabilization projects.

Policies

- **No statewide BUDM policy:** Submerged Land regulations require the department to consider the economic and noneconomic benefits of dredge and fill projects. 7 Del. Admin. C. § 7504-4.11.2.2 Department guidance highlights BUDM as an important option.
- **NBS Encouraged:** Structures such as erosion control structures on the beach are prohibited with few exceptions seaward of a coastal setback line by Division of Watershed Stewardship. 7 Del. Admin. C. § 5102-3.1.
- **NBS Encouraged:** Nonstructural erosion control measures are preferred for shoreline stabilization work in appropriate environments. 7 Del. Admin. C. § 7504-4.10.1.3.
- **Hydrodynamics Required:** Structures and construction activities such as erosion control structures on the ocean and Delaware Bay beaches are prohibited with few exceptions seaward of a coastal setback line by Division of Watershed Stewardship through the Regulation Governing Beach Protection and the Use of Beaches. Applications for permits for exceptions require rigorous engineering analysis to show that the structure or activity will not increase vulnerability of an area during coastal storms such as by causing further dune erosion. 7 Del. Admin. C. § 5102-3.1.

Physical Sediment Conditions

- **Qualitative:** case-by-case

Sand Source

- N/A

Water Quality

- Dredging projects, including disposal, must be conducted in a manner the Department determines is consistent with sound conservation and water pollution control practices. 7 Del. Admin. C. § 7504-4.11.3
- Narrative criteria of the state's Surface Water Quality Standards apply to shoreline and in-water placement. 7 Del. Admin. C. § 7401-6. Contaminant evaluations are often required as part of the permit application to identify possible failure of the criteria, and to propose corrective measures to meet the criteria.

Endangered Species & Critical Habitat

- **Minimize:** The Department considers environmental effects of dredged material disposal on the placement site. 7 Del. Admin. C. § 7504-4.7, 4.11.2.2.
- **Minimize:** Discharges to waters of exceptional recreational or ecological significance shall be avoided to the maximum extent practicable. In order to be permitted, a discharge must be the least environmentally damaging practicable alternative. 7 Del Admin. C. § 7401-5.6.1.3

Placement Guidelines & Restrictions

- Projects in dune areas seaward of the state coastal setback line require engineering analysis to demonstrate erosion impacts or storm vulnerability will not be increased.

Resources

- **Site Evaluation for Living Shoreline Projects in Delaware**
https://static1.squarespace.com/static/59b69f4f2994caee6bf52abe/t/5ea82bf97189b11145040d10/1588079656882/DelawareLivingShorelineSiteEvaluation_v10.pdf
- **Developing Monitoring Plans for Living Shoreline Projects in Delaware:**
- **A Goal-Based Framework**
https://static1.squarespace.com/static/59b69f4f2994caee6bf52abe/t/5c2f944ec2241b6e53673b3a/1546622031144/DELS+Framework+V.2.0._Final.pdf

