



# **RASCL ANNUAL SUMMIT**

## **SURF & TURF: IMPLICATIONS FOR FUTURE MANAGEMENT OF OUR LAND AND WATERS**

NOVEMBER 15, 2019



## Panel II

Serving Up New Land-Use Regulations:  
A Case Study on the Sussex County Working  
Group on Wetlands and Buffers





# Buffer Ordinance Comparison

	New Castle Co., DE	Kent Co., DE	Sussex Co., DE	New Jersey	Maryland Critical Areas	CIB Adequate	CIB Optimum
Tidal Wetlands & Waters	100 ft.	100 ft.	50 ft.	300 ft.	200 ft.	80-300 ft.	150-500 ft.
Nontidal Wetlands	50 ft.	25 ft.	0 ft.	0 – 150 ft.	25 ft.	50	100
Headwaters	100 ft.	50 ft.	0 ft.	300 ft.	100 ft.	35 - 80	35 -150
Larger/Perennial Waterways	100 ft. or 50 ft. from floodplain	100 ft.	0 – 50 ft.	300 ft.	100 ft.	80	150
Vegetation Type	Natural/Forest	Natural/Forest	Natural/Forest	Existing Vegetation or Natural/Forest	Natural/Forest	Natural/Forest	Natural/Forest
Vegetation Preservation	Existing native vegetation	Existing natural buffers	Existing natural buffers	Existing vegetation	Existing natural vegetation	Existing native vegetation	Existing native vegetation
Buffer Mgmt. Plan	No	No	No	Yes	Yes	Yes	Yes

Source: Delaware Center for the Inland Bays

<http://www.inlandbays.org/projects-and-issues/issues/protectsussex/#density>

<http://www.inlandbays.org/wp-content/uploads/Water-Quality-Buffers-for-Waters-and-Wetlands-Presentation.pdf>


# Sussex County Working Group

## Working Group Members

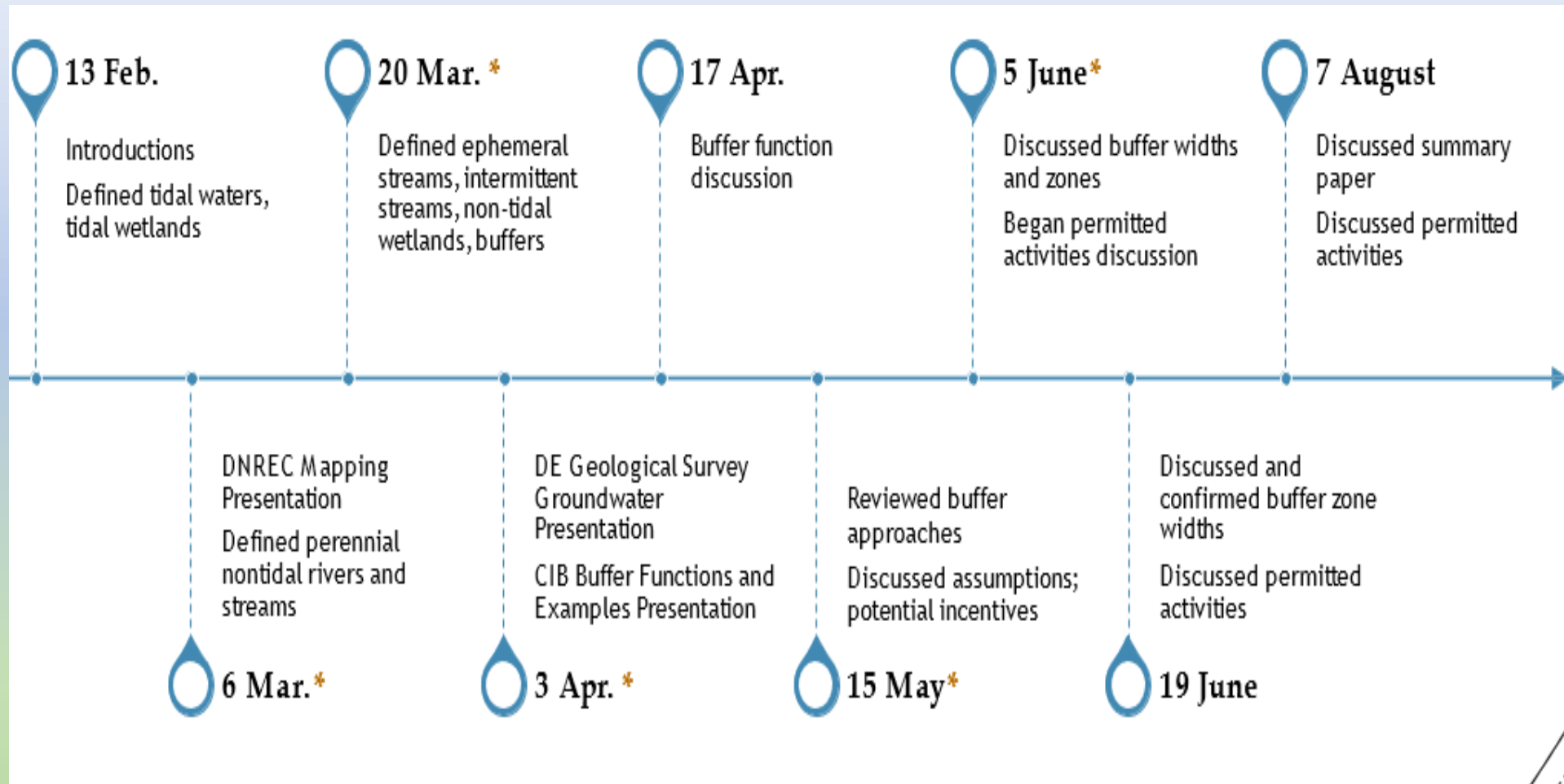
- David Baird
- Chris Bason
- Jay Baxter
- Rich Borrasso
- Jeff Clark
- Ed Launay
- Steve Marsh
- Evelyn Maurmeyer
- Danielle Swallow
- Robert Tunnell
- Bill Ulman
- Bob Wheatley
- RC Willin

## Sussex County Staff

- Todd Lawson
- Hans Medlarz
- Vince Robertson
- Janelle Cornwell

Facilitator: 





\* Indicates homework assignment following meeting



**RK&K**

# Buffer

A managed area between land uses, natural resources, or other features.

Function	Function Description
<b>General</b>	Protect the resources defined in the ordinance and their associated functions
<b>Water Quality</b>	Reduce and filter sediment, nitrogen, and phosphorous loads; moderate water temperature; promote infiltration, stabilize water's edge/provide erosion reduction
<b>Habitat</b>	Provide nesting and roosting opportunities for wildlife that use protected resources, provide sanctuary/refuge for wildlife during high water events, provide critical water's edge habitat, protect breeding and feeding grounds, protect rare/endangered species associated with these resources and their upland edge.
<b>Flood Mitigation and Drainage</b>	Reduce flood velocities, provide additional storage/conveyance, reduce stormwater discharge energy



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# Buffer Widths

Resource Type	Current Buffer Width (ft)	Full Buffer Width (ft)	Zone A (ft)*	Zone B (ft)
<b>Tidal Waters</b>	50	100	50	50
<b>Tidal Wetlands</b>	50	100	50	50
<b>Perennial Nontidal Rivers and Streams<sup>^</sup></b>	50	50	25	25
<b>Non-tidal Wetlands<sup>+</sup></b>	0	30	15	15
<b>Intermittent Streams<sup>+</sup></b>	0	30	15	15

\* Zone A is the zone closest to the resource

<sup>+</sup> Buffers only apply to resources subject to regulation by the U.S. Army Corps of Engineers

<sup>^</sup> Wetlands presence consideration





# Permitted Activities

Activity	Zone A	Zone B
Water-related facilities and amenities which are required to support water-dependent projects approved by a federal or state permit, including but not limited to: marinas, wharfs, community docking facilities, boat ramps, and canoe/kayak launches	PERMITTED	PERMITTED
Installation, repair, or maintenance of infrastructure or utilities, including roads, bridges, culverts, water lines, and sanitary sewer lines	PERMITTED	PERMITTED
Temporary impacts resulting from installation of utilities by trenching methods with proper permitting	PERMITTED	PERMITTED
Stormwater Management conveyances as approved by the Sussex Conservation District	PERMITTED	PERMITTED
Tax Ditch Maintenance as approved by DNREC	PERMITTED	PERMITTED
Maintenance of other drainage channels (as approved by Sussex Conservation District)	PERMITTED	PERMITTED
Structural crossings such as bridges or boardwalks which may be exempt from State or Federal Regulations	PERMITTED	PERMITTED
Impacts to resource buffers resulting from State and/or Federally permitted disturbances to wetland and water resources such as resource maintenance, utilities, roads, bridges, docks, piers, boat ramps, bulkheads, shoreline stabilization, and resources authorized to be filled or disturbed for development	PERMITTED	PERMITTED

# Permitted Activities, continued...

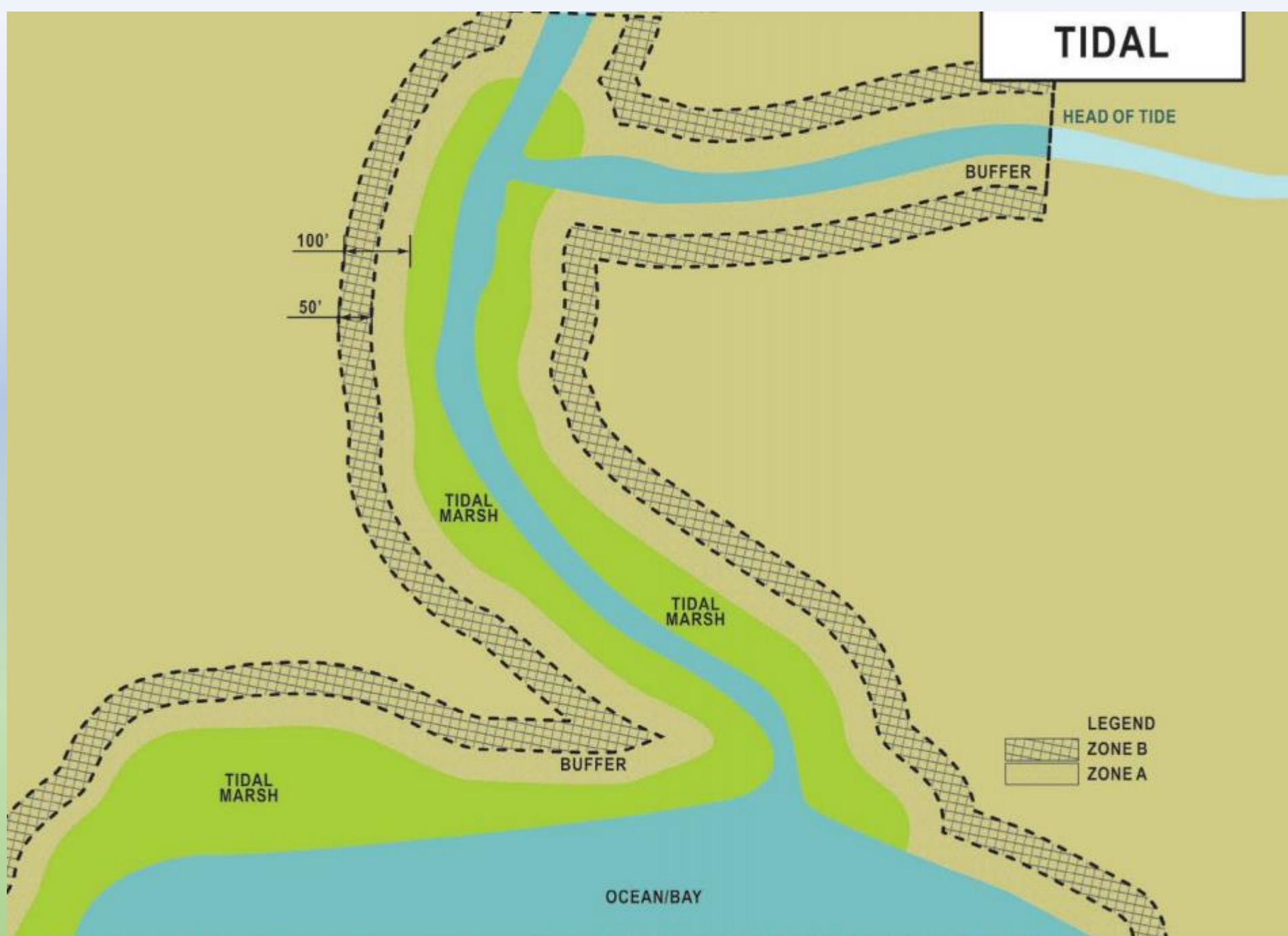
Activity	Zone A	Zone B
Maintenance or modification to previously existing structures and improvements within existing footprint	PERMITTED	PERMITTED
State or Federally approved wetland restoration, creation, and enhancement projects	PERMITTED	PERMITTED
State or Federally approved Flood Plain Restoration, Creation, enhancement, or Expansion and/or Stream Restoration	PERMITTED	PERMITTED
Soil Erosion and Sediment Control measures as approved by Sussex Conservation District	PERMITTED	PERMITTED
Walking Trails (pervious materials only) if approved by DNREC and the USACE within the adjoining resource	PERMITTED	PERMITTED
Forest Management Activities conducted under supervision of a Licensed Forester or Arborist	PERMITTED	PERMITTED
Invasive Species Control (plant, insect, animal)	PERMITTED	PERMITTED
Planting/establishment of native vegetation (as listed by DNREC) to reforest buffers or to enhance unforested buffer areas	PERMITTED	PERMITTED

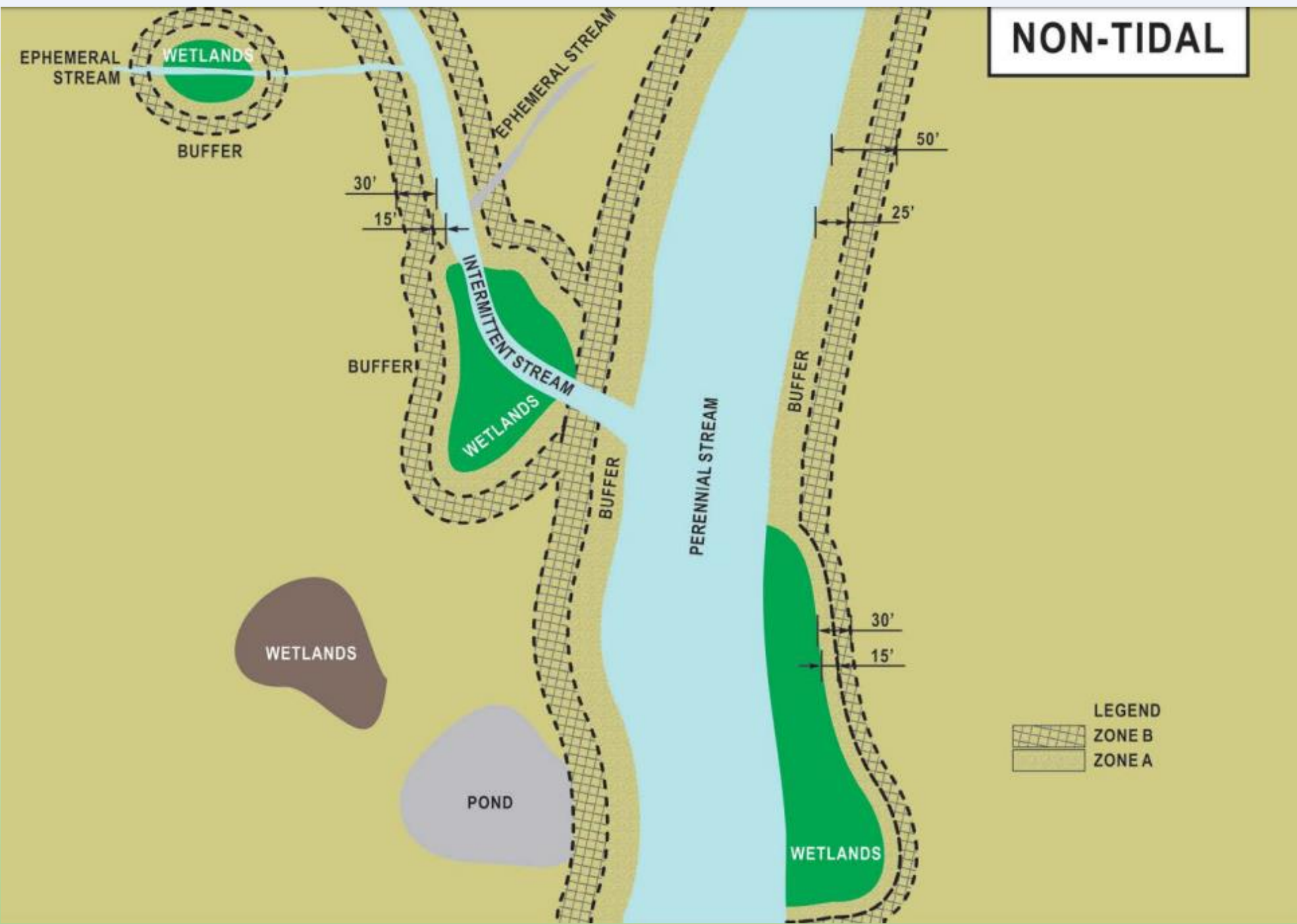
# Activities with Restrictions

Activity	Zone A	Zone B
Walking trails parallel to a resource	NOT PERMITTED	PERMITTED
Installation, repair, maintenance, and removal of wells (potable, monitoring, injection as approved by state/federal agencies)	NOT PERMITTED	PERMITTED
Stormwater Management Water Quality BMPs as approved by the Sussex Conservation District	NOT PERMITTED	PERMITTED
Sewage disposal facilities	NOT PERMITTED	NOT PERMITTED
Storage of hazardous materials and siting of industrial sites, landfills, or junkyards	NOT PERMITTED	NOT PERMITTED
Swimming pools, community clubhouses, and all non-water-dependent or related improvements not specifically permitted under this section	NOT PERMITTED	NOT PERMITTED



Q&A









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Thank You!

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**GMB**

ARCHITECTS / ENGINEERS



**CReW**  
*Center for Research in Wind*



DNREC Shoreline & Waterway Management

DE Section of the American Water  
Resources Association

Environmental Finance Center – University  
of Maryland