

February 7, 2026

Secretary of DNREC
89 Kings Highway
Dover, DE 19901

David Heffernan
29275 Clifton Shores Dr.
Milford, DE 19963

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29275 Clifton Shores Drive
Milford, DE 19963

Subject: Appeal Request and Proposal for Conditional Permit- Existing Dune Walkway

Dear Mr. Secretary,

I respectfully submit this appeal regarding the existing structure and ask for approval for it to be recognized and maintained as emergency access. I appreciate the opportunity to clarify the purpose, history, and necessity of the structure, and to propose reasonable conditions under which a permit could be issued

This ramp provides a clear public safety benefit, particularly for the Milton Fire Department and other first responders. It offers a direct route that can reduce response time during medical calls, and rescues. Even small-time savings in emergencies can prevent injuries and save lives. The Milton Fire Department has identified this access point as an important location **for emergency response and rescue operations** and has formally sponsored the project submitting a letter of sponsorship which is included.

The location has already been used for several rescues, demonstrating its real-world public safety value. The ramp has provided critical access for emergency response.

- Including an incident in which my son used the ramp to launch a Jet ski to assist a stranded kayaker whose paddle broke.
- In addition, another documented rescue occurred when a woman became stranded due to strong currents. A letter containing her statement is included in support of this application.
- Another incident we saw reported on the next-door community app years back was a situation on the north side of Prime Hook Beach where a sailboat tipped over, leaving the occupant clinging to the side of the sailboat waiting for rescue. Rescue was delayed, as neighbors along the beach were unsure where to launch from to make the rescue. Establishing this access point will greatly improve safety and response times, benefiting the entire community.

These examples show how the ramp has directly supported life safety efforts and community assistance.

During my meeting on February 3rd with DNREC officials, I explained that a narrow 4- or 6-foot dune crossover would not be practical or functional for emergency access and dune traffic. My neighbor and I regularly tow multiple jet skis using an ATV, as well as a sailboat on a trailer, all of which require a wider and more stable access. The existing walkway allows this activity to occur without repeated disturbance to the dune.

I also maintain a stretch of beach by routinely removing accumulated debris and garbage using a small skid steer. A narrow walkway would not be sufficient for the necessary equipment, rendering it ineffective and ultimately causing more damage to the dune.

If the current structure were removed, replacing it with a narrower structure would be impractical as it would not accommodate the equipment, jet skis, sailboats, and trailers. The dune would be significantly impacted by a narrower structure causing a flattened dune and erosion. The property is rented for approximately six months each year, with up to 15 occupants per week. Concentrated use without a defined access path would inevitably degrade the dune.

I want to stress for approximately 14 years prior, a wooden walkway of the same footprint existed in this location. During that time, there was no damage to the dune. In fact, the dune thrived — grass grew over the edges, and the structure withstood dozens of severe storms, nor'easters, and rising tides. The only issue with the wooden walkway was material degradation over time; the wood rotted faster than ongoing maintenance could reasonably address. From a functional and environmental standpoint, the design proved successful.

Just to note, initially when I was applying for the permit, I mentioned to DNREC the use of the ramp for my neighbor and I to tow down jet skis and sailboats. At that time, she suggested that this could qualify as a boat ramp rather than a standard dune crossover. Since this structure was connected to my driveway, there was also interest expressed in the potential for the structure to serve as emergency access for local fire and EMS personnel, providing faster and safer response capability. This remains an important public safety benefit of the existing design.

For reference, I have provided photos and video documentation showing the local fire department actively using this accessway, which I have already submitted by email to your office for review.

The ramp already exists and has proven functional. Approving its use as emergency access would leverage existing infrastructure rather than requiring costly new construction, making this a practical and cost-effective solution for the town.

Key points to consider

- One reason given for the denial of the ramp was that the decision was influenced by outside pressure rather than an objective assessment of public safety needs. While community concerns deserve consideration, they should not outweigh the compelling and documented benefits of this ramp as a **critical emergency access point**. DNREC noted 23 negative responses; however, it is important to recognize that people are far more

likely to respond when they have concerns or complaints. Positive support is often underrepresented in public comment process.

- This concrete ramp replaces a wooden ramp of the same footprint that had been in continuous use at this location for well over a decade. The wooden ramp helped maintain the integrity of the dune and withstand hurricanes, nor'easters, and other severe storms. Notably, DNREC was aware of the wooden ramp during its use and did not raise any issues or objections.
- Some concerns have been raised that the concrete ramp could negatively impact the dune and surrounding environment. However, the previous wooden ramp did not cause any such issues during its well over a decade of use. As the homeowner, I have agreed to **responsibly manage** the concrete ramp and to remove it if any issues arise, ensuring it remain safe and does not negatively impact the surrounding environment.
- To address concerns that the concrete ramp could deteriorate or break away, an environmentally safe government-grade use coating could be applied. This coating would encapsulate and contain the concrete, preventing movement or erosion. (This coating is used on government buildings to prevent concrete separation during a terrorist attack and ensure the structure remains intact during an explosion) Additionally, the ramp would be regularly monitored, any issues would be promptly addressed to ensure it remains secure and environmentally safe.

I acknowledge that I was unaware a permit was required for the original walkway. For 14 years there was no indication that the size or function of the walkway was problematic, and no concerns were raised regarding dune integrity.

A few days following our February 3rd meeting, I reached back out to DNREC staff to ask whether they felt I had a sufficiently strong basis to pursue an appeal, as I did not want to expend the agency's time or resources unnecessarily. I was advised that I had new information that was not presented in my original application and several valid points that warranted consideration through the appeal process. Based on that feedback, I respectfully moved forward with this appeal.

With that in mind, I respectfully request consideration of one of the following options, listed in order of preference:

1. Issuance of a conditional permit allowing the existing structure to remain, with conditions such as:
 - Periodic inspection for structural integrity and dune impact
 - Immediate repair or removal if any adverse effects are identified
 - Ongoing maintenance obligations clearly defined
2. Alternatively, if the concern is strictly the classification as a dune crossover, I am willing to remove the concrete surface over the dune and replace it with a wood or composite ramp of the same width, preserving emergency access while avoiding precedent for

additional dune crossovers. This option would continue to meet both private access needs and emergency-response considerations.

3. As a third and less optimal alternative, removal of the current structure and reinstallation of a wood or composite walkway consistent with the structure that existed for approximately 14 years. While this option has demonstrated that it does not negatively impact the dune, it is not ideal due to durability limitations and its reduced ability to safely support Fire and EMS access compared to the existing or proposed ramp-style structures.

In all cases, I am committed to ensuring that the structure does not impair dune stability and will be removed immediately if any concerns arise. My goal is not to bypass regulation, but to preserve a proven, functional solution that protects the dune while also considering safety, maintenance, and emergency-response needs.

In closing, the existing structure has been in place for 14 months, resulting in a thriving dune and supporting local wildlife. It has withstood multiple nor'easters and rising tides without issue. I believe the optimal solution is to leave it "as is" under a **conditional permit**, with the agreement to remove the structure immediately if any signs of concern arise. The walkway has never posed a problem, and the prior 14-year wooden structure of the same size but different material was a tremendous success, maintaining complete dune integrity. I understand that the structure may generate public debate, but the facts and benefits to the community, particularly as a sponsored emergency access point for the fire department and EMS, are significant. Because the fire department only requires one designated emergency access point in the area, this structure alone is sufficient, and it does not create a precedent for additional walkways. Its continued existence provides a life-saving advantage by reducing response time, making it highly worthwhile for both public safety and dune preservation.

Thank you for your time and thoughtful consideration of this appeal. I am happy to meet again or provide any additional documentation needed.

Respectfully,



David Heffernan
lbinghi@comcast.net
845-282-1238

02Feb2026

Subject: Attestation to the importance of concrete walkway for safe, efficient beach access

Dear DEN-REC,

I am writing to emphasize the criticality of the concrete walkway leading to the beach at the Heffernan residence and to attest to the need for it to remain in order to improve public safety and emergency access.

Two summers ago, I experienced a serious incident while kayaking offshore. I was caught in a strong rip current and became unable to return safely on my own. Emergency responders had to call in the Coast Guard to assist me. The rescue took over 2 hours during which time, my elderly parents and young children were in great distress. Various residents of neighboring homes were also alarmed, making emergency calls for assistance and one resident even tried to kayak out to me to help. Realizing the current was too treacherous, he quickly retreated to shore.

While I am very grateful for the response I received, the situation made it clear that access to the shoreline for emergency vehicles is extremely limited. If a larger, concrete walkway or hardened access path had been available, emergency vehicles and first responders could have reached the beach much more quickly and safely. This would have significantly reduced response time and improved overall coordination between local responders and the Coast Guard.

The existing concrete pathway currently in place at the Heffernan residence not only benefits emergency services, but also improves safe access for residents, visitors, and individuals with mobility challenges. As a visitor with two elderly parents, I cannot emphasize enough how much safer such a walkway is for those who have mobility challenges or disabilities. Most importantly, it provides a reliable and direct route for rescue and medical personnel during emergencies, such as mine.

I respectfully ask that the concrete beach access walkway be considered as a safety improvement project that is warranted to stay in place. Based on my own experience, I believe this addition could make a meaningful difference and help prevent delays in future emergency situations.

Thank you very much for your time and consideration.

Sincerely,

Diana McCarson

Diana McCarson

135 Borden Way

Lincoln University, PA 19352

Lisa

However — even for that — **you must coordinate through the town (or county) and DNREC together.**

- The town would need to **sponsor or co-sign** the project, stating in writing that the walkway serves an **official public function** (like emergency access).

- DNREC would then review it as a **"government-sponsored coastal construction project"**, not a private improvement.

👉 **Bottom line:**

DNREC can't approve a "private" walkway as emergency access unless the **town formally adopts it as part of its emergency access network.** You can't just label it as such informally.



iMessage





MILTON FIRE DEPT., INC.

STATION 85

116 Front Street Milton, Delaware 19968

Emergency
911

Business
684-8500

Fax
684-0202

November 6, 2025

Anthony C. DeSio
Department of Natural Resources and Environmental Control
Division of Watershed Stewardship
Shoreline and Waterway Management Section
Enterprise Business Park
285 Beiser Boulevard, Suite 102
Dover, DE 19904

RE: Lot 2, Clifton Shores, Sussex County, Tax ID #230-17.00-241.00
29275 Clifton Shores Drive
David Heffernan, Applicant for Dune Crossover Ramp

Dear Mr. DeSio:

The Milton Fire Department Inc. fully supports the installation of a 10' wide concrete ramp crossing the dunes at the subject property. We agree to sponsor the project, at no cost to Milton Fire Department, Inc. and the communities that we are entrusted to serve with fire, rescue and EMS services. The ramp will provide an important official public function of providing access to the beach for emergency vehicles. It is directly connected to the applicant's driveway and therefore a very convenient way to quickly get to the beach without damaging the dunes.

We are grateful to the property owners for their offer and for agreeing to construct and maintain the ramp in accordance with best practices. We understand the ramp will also provide access for persons with special needs visiting the subject property and the adjacent property (29265 Clifton Shores Drive), whose owners jointly share the cost of the installation and upkeep of the ramp.

We also understand and appreciate that the ramp will be available to DNREC and its contractors for emergency access to the beach.

We look forward to your approval of this application.

Sincerely,

A handwritten signature in blue ink that reads "John A. Hopkins III". The signature is written in a cursive style with a prominent initial "J" and "H".

John A. Hopkins III

Fire Chief

Milton Fire Department

Cc: D. Heffernan

mvfd-sec@comcast.net

From: Johnny Hopkins <jhopkins@draperholdings.com>
Sent: Saturday, November 8, 2025 9:38 AM
To: Jack Bushey
Subject: Prime Hook







