

Discussion Summary — Sussex County Meeting (May 20, 2025)

This summary reflects contemporaneous notes and recollections from a discussion regarding flood mitigation and resilience planning at Mallard Lakes Community Association. It is provided for historical context and should not be interpreted as an official statement, commitment, or policy position of Sussex County or any participating official.

During a May 20, 2025 meeting with Sussex County representatives and related stakeholders, participants discussed the history of flood-related challenges at Mallard Lakes, including the County's involvement following Hurricane Sandy. County officials explained that, after Sandy, Sussex County had expedited rebuilding efforts by waiving certain permitting processes so homeowners could return to their homes more quickly. According to the discussion, those decisions later contributed to FEMA review concerns regarding substantial-damage compliance and building elevation requirements. Participants also discussed the subsequent litigation, interactions with FEMA and the Delaware Attorney General's office, and past efforts to pursue FEMA-related mitigation funding for the community.

The conversation included broader discussion about the challenges local governments face when pursuing FEMA mitigation grants for private condominium and HOA communities, including the administrative burden, matching requirements, uncertain outcomes, and concerns about establishing expectations for similar support across other vulnerable communities in Sussex County. Participants emphasized the importance of maintaining National Flood Insurance Program (NFIP) eligibility and expressed concern about the broader economic implications that loss of flood insurance availability could have for Sussex County coastal communities.

Potential future mitigation pathways were also discussed, including the U.S. Army Corps of Engineers (USACE) CAP 205 program, the USACE/DNREC Inland Bays Study, and possible resilience-related funding mechanisms. Participants noted that the Inland Bays Study could ultimately identify future mitigation opportunities, although implementation and funding could take many years. Discussion also included the possibility of pursuing a CAP 205 feasibility study, including potential coordination with DNREC Drainage and exploration of non-federal funding partnerships to support local cost-share requirements.

County representatives indicated they would consider whether future funding mechanisms, budget amendments, or resilience-oriented initiatives could potentially support additional flood-mitigation planning efforts related to Mallard Lakes and similar vulnerable communities. The meeting concluded with discussion of possible future presentations to County Council and broader consideration of long-term resilience planning approaches within Sussex County.

During the discussion, County Administrator Todd Lawson commented that the presentation was "the best citizen presentation" he had seen regarding a community resilience issue. When he asked whether the presenter was a member of the Mallard Lakes Board and was told no, he responded that she "should be." Several individuals present during the meeting heard the exchange. The comments reflected the constructive and substantive nature of the discussion, but were not presented as official County positions or endorsements.

In subsequent follow-up correspondence during June 2025, Sussex County representatives indicated that the County's position regarding sponsorship had not changed and explained that Sussex County intended to wait for completion of the USACE Inland Bays/Back Bays Study before considering potential future mitigation approaches for Mallard Lakes. County officials also expressed concern regarding the broader precedent that sponsorship of one unincorporated community project could create for other vulnerable communities throughout Sussex County.