

July 8, 2024

Kimberly B. Cole, Administrator
Delaware Coastal Management Program
Department of Natural Resources & Environmental Control
100 W. Water Street, Suite 7B
Dover, Delaware 19904

**RE: Fishers Cove Dock Condominium – Unit 6 Boat Lift
Delaware Coastal Zone Consistency Determination
Coastal Management Program - Department of Army Individual Permit
Tax Map Parcel 335-4.14-100.00, City of Lewes, Sussex County, Delaware
Applicant: Burke & Rutecki, LLC**

Dear Ms. Cole,

Environmental Resource Insights (ERI) is writing on behalf of Burke & Rutecki, LLC to provide you with the Department of the Army Permit Application and plans for the proposed installation of four support piles and a 12,000 lbs. boat lift at the Fisher Cove Dock Condominium in Lewes, Delaware in the waters of the Lewes Rehoboth Canal. The location is Slip Unit No. 6 which is part of an existing six slip docking facility operating under a current DNREC Subaqueous Land Lease (SL-176/05). The Corps of Engineers advised me that a Coastal Zone Consistency Determination from your Program is required for this part of the project. The project description and a response to applicable Coastal Zone Management Program Policies is provided in the attached Coastal Zone Management Act Federal Consistency Form. Burke & Rutecki, LLC requests the issuance of a Coastal Zone Consistency Determination from your program. Upon your review of this information, I am available at your convenience should you have any additional questions.

Sincerely,

ENVIRONMENTAL RESOURCE INSIGHTS

Edward M. Launay
Senior Professional Wetland Scientist No. 875, Society of Wetland Scientists

Enclosures: Department of Army Application
8 ½" x 11" Project Plans
CZMA Federal Consistency Form

Cc: Burke & Rutecki, LLC
Mike Yost, ACOE



Initial Review: _____
Updated On: _____
Complete: _____
Official Use Only

Coastal Zone Management Act Federal Consistency Form

This document provides the Delaware Coastal Management Program (DCMP) with a Federal Consistency Determination or Certification for activities regulated under the Coastal Zone Management Act of 1972, as amended, and NOAA's Federal Consistency Regulations, 15 C.F.R. Part 930. Federal agencies and other applicants for federal consistency are not required to use this form; it is provided to applicants to facilitate the submission of a Consistency Determination or Consistency Certification. In addition, federal agencies and applicants are only required to provide the information required by NOAA's Federal Consistency Regulations.

Project/Activity Name:	Fishers Cove Dock Condominium - Unit No. 6 Boat Lift
-------------------------------	--

I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: Burke & Rutecki, LLC, Attn, Justin Healy

Federal Agency Contractor Name (if applicable): _____

Federal Agency: U.S. Army Corps of Engineers
(either the federal agency proposing an action or the federal agency issuing a federal license/permit or financial assistance to a non-federal applicant)

Mailing Address: 1203 College Park Drive Suite 103

City: Dover State: DE Zip Code: 19904

E-mail: michaeldyost@usace.mil Telephone #: 302-736-9763

II. Federal Consistency Category:

- Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)
- Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)
- Federal Financial Assistance (15 C.F.R. Part 930, Subpart F)
- Federal License or Permit Activity (15 C.F.R. Part 930, Subpart D)
- Federal License or Permit Activity which occurs wholly in another state (interstate consistency activities identified in DCMP's Policy document)

III. Detailed Project Description (attach additional sheets if necessary):

The proposed activity involves installation of a 12,000 lbs. boat lift supported by four salt treated 12 inch diameter pilings within an existing boat slip. The slip is Unit No. 6 within the Fishers Cove Dock Condominium which consists of 6 existing boat slips accessed by three existing 6'x32 pier extending from a landside boardwalk. The facility is on the westerly side of the Lewes Rehoboth Canal in an area occupied by numerous existing docks and piers. The facility has a current DNREC Subaqueous Lands Lease SL-176/05 (T-1).

IV. General Analysis of Coastal Effects (attach additional sheets if necessary):

The proposed action involves installation of a boat lift in an existing slip in an approved marina facility. The action has no significant impact on the environment of public interest.

V. Detailed Analysis of Consistency with DCMP Enforceable Policies (attach additional sheets if necessary):

Policy 5.1: Wetlands Management

No wetlands are impacted.

Policy 5.2: Beach Management

No beaches are impacted.

Policy 5.3: Coastal Waters Management (includes wells, water supply, and stormwater management. Attach additional sheets if necessary)

The proposed action involves installation of a boat lift in an existing slip in an approved marina facility. The action has no significant impact on the environment of public interest.

Policy 5.4: Subaqueous Land and Coastal Strip Management

A subaqueous lands authorization will be issued by DNREC Wetlands & Subaqueous Lands Section prior to installation.

Policy 5.5: Public Lands Management

The activity involves public subaqueous lands and a Subaqueous Lands Lease has been issued for the docking facility.

Policy 5.6: Natural Lands Management

The proposed action involves installation of a boat lift in an existing slip in an approved marina facility. The action has no significant impact on the environment of public interest.

Policy 5.7: Flood Hazard Areas Management

The proposed action involves installation of a boat lift in an existing slip in an approved marina facility. The action has no significant impact on the environment of public interest.

Policy 5.8: Port of Wilmington

Not Applicable.

Policy 5.9: Woodlands and Agricultural Lands Management

Not Applicable.

Policy 5.10: Historic and Cultural Areas Management

The proposed action involves installation of a boat lift in an existing slip in an approved marina facility. The action has no significant impact on the environment of public interest.

Policy 5.11: Living Resources

The proposed action involves installation of a boat lift in an existing slip in an approved marina facility. The action has no significant impact on the environment of public interest.

Policy 5.12 Mineral Resources Management

Not Applicable.

Policy 5.13: State Owned Coastal Recreation and Conservation

Not Applicable.

Policy 5.14: Public Trust Doctrine

The proposed action involves installation of a boat lift in an existing slip in an approved marina facility. The action has no significant impact on the environment of public interest.

Policy 5.15: Energy Facilities

Not Applicable.

Policy 5.16: Public Investment

Not Applicable.

Policy 5.17: Recreation and Tourism

The proposed project provides the slipholder of Unit No. 6 to have a boat lift as enjoyed by multiple slip owners along this portion of the Lewes Rehoboth Canal.

Policy 5.18: National Defense and Aerospace Facilities

Not Applicable.

Policy 5.19: Transportation Facilities

Not Applicable.

Policy 5.20: Air Quality Management

Not Applicable.

Policy 5.21: Water Supply Management

Not Applicable.

Policy 5.22: Waste Disposal Management

Not Applicable.

Policy 5.23: Development

The proposed action involves installation of a boat lift in an existing slip in an approved marina facility. The action has no significant impact on the environment of public interest.

Policy 5.24: Pollution Prevention

Not Applicable.

Policy 5.25: Coastal Management Coordination

The proposed action involves installation of a boat lift in an existing slip in an approved marina facility. The action has no significant impact on the environment of public interest.

VI. JPP and RAS Review (Check all that apply):

Has the project been reviewed in a monthly Joint Permit Processing and/or Regulatory Advisory Service meeting?

- JPP RAS None

*If yes, provide the date of the meeting(s): _____

VII. Statement of Certification/Determination and Signature (Check one and sign below):

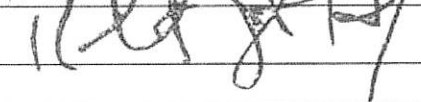
FEDERAL AGENCY CONSISTENCY DETERMINATION. Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Delaware Coastal Management Program.

OR

FEDERAL AGENCY NEGATIVE DETERMINATION. Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity will not have any reasonably foreseeable effects on Delaware's coastal uses or resources (Negative Determination) and is therefore consistent with the enforceable policies of the Delaware Coastal Management Program.

OR

NON-FEDERAL APPLICANT'S CONSISTENCY CERTIFICATION. Based upon the information, data, and analysis included herein, the non-federal applicant for a federal license or permit, or state or local government agency applying for federal funding, listed in (I) above, finds that this proposed activity complies with the enforceable policies of the Delaware Coastal Management Program and will be conducted in a manner consistent with such program.

Signature:			
Printed Name:	Justin Healy	Date:	7/10/2024

Pursuant to 15 C.F.R. Part 930, the Delaware Coastal Management Program must provide its concurrence with or objection to this consistency determination or consistency certification in accordance with the deadlines listed below. Concurrence will be presumed if the state's response is not received within the allowable timeframe.

Federal Consistency Review Deadlines:

Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)	60 days with option to extend an additional 15 days or stay review (15 C.F.R. § 930.41)
Federal License or Permit (15 C.F.R. Part 930, Subpart D)	Six months, with a status letter at three months. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.63)
Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)	Six months, with a status letter at three months. If three month status letter not issued, then concurrence presumed. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.78)
Federal Financial Assistance to State or Local Governments (15 C.F.R. Part 930, Subpart F)	State Clearinghouse schedule

OFFICIAL USE ONLY:

Reviewed By:	Fed Con ID:	Date Received:
Public notice dates: _____ to _____	Comments Received: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>[attach comments]</i>	
Decision type: <i>(objections or conditions attach details)</i>	Decision Date: _____	