Initial submission received by DCMP 3/6/25
Deemed administratively complete 3/13/2025
File number 2025.0023

March 2025

DELAWARE COASTAL MANAGEMENT PROGRAM
FEDERAL CONSISTENCY CERTIFICATION

Applicants

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III. Detailed Project Description

Project Location

The project site is **33256 Mercer Avenue**, Oak Orchard, Millsboro, Sussex County, Delaware (Tax Map Parcels #234-35.05-132.00 and 166.00), adjacent to Indian River. See Figures 1, 2, and 3 for maps and directions; Figure 4 for site location on USGS topographic map, Fairmount, Delaware quadrangle; and Figure 5 for site location on State of Delaware DNREC Wetland Map #079; Figure 6 for aerial photograph; and Figure 7 for ground-level photograph.

Proposed Project

The applicant proposes the following activities (see Figures 8 and 9 for plan view and cross-sections):

- Repair/replace existing pier, 104' long x 5.5' wide inner section and 104' long x 6.5' wide outer section.
- Install a new 4-piling boat lift (12'6" c/c pilings along the outer right side of the existing pier, for applicants' 17'7" Bayliner.
- Note that 2 wooden boat launch ramps extending from the bulkhead have been removed, per DNREC Wetlands and Waterways Section requirement.

Project Purpose

Purpose of repair/replacement is to remove the existing, deteriorating structures, and to install safe new structures. Purpose of the boat lift is to keep the applicants' boat out of the water when not in use.

Permit Applications

A copy of the (revised) DNREC Wetlands and Waterways permit application is attached. The project is under review by James A. Colligan, US Army Corps of Engineers, who stated in an email dated Feb. 7, 2025 (attached) that the project can be authorized by an LOP (Letter of Permission).

IV. General Analysis of Coastal Effects.

The proposed structures will be constructed using materials approved for use in marine/estuarine waters (salt-treated wood, galvanized hardware; aluminum/steel lift). The docking facility will not extend more than 20% of the width of the waterway, and will assure continued availability of the waterway (Indian River) for public recreational purposes. The proposed project is consistent with enforceable policies of the Delaware Coastal Management Program, as described in greater detail in the ensuing sections.

V. Detailed Analysis of Consistence with DCMP Enforceable Policies

Policy 5.1: Wetlands Management. No DNREC-regulated wetlands are mapped at the site (see Figure 5).

Policy 5.2: Beach Management. The project site is not within the area of DNREC-regulated beaches.

Policy 5.3: Coastal Waters Management. The proposed project will assure continued availability of the waterway (Indian River) for public recreational purposes. The project will maintain beneficial uses of the waterway for the public (including secondary contact recreation such as boating and fishing). The waterway is not designated for use as a public water supply. The project will not result in pollution which may threaten the safety and health of the public. Approved materials will be utilized for construction (see IV, above). No creosote-treated timber or other harmful materials will be utilized. It is not anticipated that the proposed project will degrade the waterway.

Policy 5.4: Subaqueous Land and Coastal Strip Development. The proposed project does not involve industrial nor manufacturing facilities. There will be no deposition of material (filling) nor extraction of materials (dredging) associated with the proposed project in subaqueous lands. The coastal strip will continue to be protected for public use for recreation, fishing, and crabbing; the proposed project will not impact these activities. No additional supporting facilities will be required for the project.

Policy 5.5: Public Lands Management. The applicant has submitted a permit application to the Wetlands and Waterways Section, DNREC, for which approval is anticipated.

Policy 5.6: Natural Lands Management. The project site does not lie within a State Natural Heritage site nor within a Delaware National Estuarine Research Reserve (see attached letter from Matthew Young, Delaware Division of Fish & Wildlife).

Policy 5.7: Flood Hazard Areas Management. The proposed project is not anticipated to contribute to increased flood hazards.

Policy 5.8: Port of Wilmington. The project site is not located in the Port of Wilmington.

Policy 5.9: Woodlands and Agricultural Lands Management. The project site is located in Oak Orchard, a residential community, not in woodlands nor agricultural lands.

Policy 5.10: Historic and Cultural Areas Management. The applicant submitted a request to the Delaware Division of Historical and Cultural Affairs with a request for a review (see attached letter dates February 18, 2025). Response not yet received; response to be submitted to DCMP upon receipt

Policy 5.11: Living Resources. The applicant submitted a request concerning living resources and endangered species to the Delaware Division of Fish & Wildlife and the US Fish and Wildlife Service. Letters of response stating no effects are attached.

Policy 5.12: Mineral Resource Management. No mineral extraction is proposed.

Policy 5.13: State-Owned Coastal Recreation and Conservation. The site is not State-owned. Public recreational opportunities in Indian River will be maintained.

Policy 5.14: Public Trust Doctrine. The public's right to navigation will not be impeded by the proposed project.

Policy 5.15: Energy Facilities. The proposed project does not involve energy facilities.

Policy 5.16: Public Investment. The project is entirely private; no public investment involved.

Policy 5.17: Recreation and Tourism. The proposed project will improve recreational boating for the applicants, their family and friends, and allow increased participation in water-based recreational activities (boating, fishing, crabbing, etc.).

Policy 5.18: National Defense and Aerospace Facilities. The proposed activity does not involve national defense nor aerospace facilities.

Policy 5.19: Transportation Facilities. The proposed project does not involve commercial transportation facilities.

Policy 5.20: Air Quality Management. Air pollution resulting from the proposed project will be minimal.

Policy 5.21: Water Supply Management. The site is not located in a water supply area.

Policy 5.22: Waste Disposal Management. No waste disposal is associated with the proposed project.

Policy 5.23: Development. The proposed project is not associated with new community development.

Policy 5.24: Pollution Prevention. There will be no pollution associated with the proposed project.

Policy 5.25: Coastal Management Coordination. Coordination among State and Federal agencies will take place in review of the proposed project. The public will have the opportunity to comment on the project in response to Public Notices issued by the DNREC Wetlands and Waterways Section; and Delaware Coastal Management Program.

Based on the review outlined above, the project proposed by Angela Henderson and Kathleen Kissinger (applicants), its associated facilities, and their effects are all consistent with the enforceable policies of the Delaware Coastal Management Program.