



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.

<b>Project/Activity Name:</b>	Lots 21 & 22 Sandpiper Village South Bethany Dune Modification
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### I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: Michael A Giovannozzi, PE

Federal Agency Contractor Name (if applicable): \_\_\_\_\_

Federal Agency: USACE Philadelphia District

(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: 534 28th St

City: West Palm Beach

State: FL

Zip Code: 33407

E-mail: mike@aquaterraci.com

Telephone #: 561-703-5230

### II. Federal Consistency Category:



Federal Activity or Development Project  
(15 C.F.R. Part 930, Subpart C)



Federal License or Permit Activity  
(15 C.F.R. Part 930, Subpart D)



Outer Continental Shelf Activity  
(15 C.F.R. Part 930, Subpart E)



Federal License or Permit Activity which occurs  
wholly in another state (interstate consistency  
activities identified in DCMP's Policy document)



Federal Financial Assistance  
(15 C.F.R. Part 930, Subpart F)

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

Modification of the federally authorized dune fronting Lots 21 and 22 in Sandpiper Village. The modification entails lowering the dune crest to +16 ft NAVD to match the USACE design template. Approximately 2,500 cy of dune sand will be excavated and transported to a stockpile location within Fenwick Park, as directed by DNREC. All work will be conducted within the uplands, above the High Tide Line (HTL).

See attached USACE Section 408 Review submittal for project specifics.

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

No coastal effects are anticipated as all work will be conducted above the High Tide Line. Any beach grass disturbed/removed during the excavation activities will be replaced with plantings consistent with the federal project requirements.

**V. Detailed Analysis of Consistency with DCMP Enforceable Policies** (attach additional sheets if necessary):**Policy 5.1: Wetlands Management**

N/A - All work will be conducted above the High Tide Line.

**Policy 5.2: Beach Management**

Work is limited to the dune area. The dune will be lowered to the federally authorized crest elevation of +16 ft NAVD and will be replanted with federally approved beach grass. No activity will occur along the beach.

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

N/A

**Policy 5.4: Subaqueous Land and Coastal Strip Management**

N/A

**Policy 5.5: Public Lands Management**

N/A

**Policy 5.6: Natural Lands Management**

N/A

**Policy 5.7: Flood Hazard Areas Management**

The project will not cause increased flooding to adjacent properties per the enclosed Coastal Floodplain Analysis Report

**Policy 5.8: Port of Wilmington**

N/A

**Policy 5.9: Woodlands and Agricultural Lands Management**

N/A

**Policy 5.10: Historic and Cultural Areas Management**

N/A

**Policy 5.11: Living Resources**

N/A

**Policy 5.12 Mineral Resources Management**

N/A

**Policy 5.13: State Owned Coastal Recreation and Conservation**

Work is limited to the dune area. The dune will be lowered to the federally authorized crest elevation of +16 ft NAVD and will be replanted with federally approved beach grass. No activity will occur along the beach.

**Policy 5.14: Public Trust Doctrine**

N/A

**Policy 5.15: Energy Facilities**

N/A

**Policy 5.16: Public Investment**

N/A

**Policy 5.17: Recreation and Tourism**

Minimal impacts may briefly occur during the construction, however, construction activities are limited to the vegetated dune area which is outside of the recreational beach.

**Policy 5.18: National Defense and Aerospace Facilities**

N/A

**Policy 5.19: Transportation Facilities**

N/A

**Policy 5.20: Air Quality Management**

Minimal impacts may briefly occur during the construction.

**Policy 5.21: Water Supply Management**

N/A

**Policy 5.22: Waste Disposal Management**

N/A

**Policy 5.23: Development**

N/A

**Policy 5.24: Pollution Prevention**

N/A

**Policy 5.25: Coastal Management Coordination**

- DNREC Division of Watershed - Shoreline and Waterway Management Coastal Construction Permit request was submitted on January 7, 2025.
- DNREC Letter of No Objection was obtained on January 13, 2025.
- Section 408 Review was submitted to USACE Philadelphia District on January 17, 2025.

**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:	Michael A Giovannozzi, PE	Date:	02/26/2025

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 type="checkbox"/> YES [attach comments]	
Decision type: <small>(objections or conditions attach details)</small>	Decision Date: _____	