

December 29, 2025

ERI Project No. 0004-0480

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

**RE: The Grande at Canal Pointe Community Kayak Launch Dock  
Delaware Costal Zone Consistency Determination  
Delaware Coastal Management Program - Department of Army Individual Permit  
Tax Map Parcel 334-13.00-1745.00  
Lewes-Rehoboth Hundred, Sussex County, Delaware  
Applicant: The Grande at Canal Pointe Maintenance Corporation – Attn. Linda  
Van de Wiele**

Dear Regulatory Program Manager,

Environmental Resource Insights (ERI) is writing on behalf of The Grande at Canal Pointe Maintenance Corporation (Attn. Linda Van de Wiele) to provide you with the Department of the Army Permit Application and plans for a proposed elevated wetland walkway and kayak launch dock to be constructed along the westerly shoreline of the Lewes & Rehoboth Canal. The project site is proposed on the east side of Gloucester Drive on community open space within the existing Grande at Canal Pointe community. 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. The project has been designed in accordance with DNREC's Subaqueous Lands Regulations and accordingly, The Grande at Canal Pointe Maintenance Corporation requests the issuance of a Coastal Zone Consistency Determination from your program.

The Delaware Coastal Management Program previously issued a Federal Consistency Determination (FC#2017.0112). The Real Estate Division issued License DACW-31-3-18-161 and the Corps of Engineers previously approved a similarly designed project at this location on October 2, 2017 (CENAP-OPR-2017-537-85-LOP). The DNREC Wetlands and Subaqueous Lands Section also issued a Subaqueous Lands permit on October 18, 2017, for the earlier project (SP-307/17).

After issuance of approvals, parties involved with the project learned that the conditions of approval placed upon the subdivision by the Sussex County Council prohibited the construction of dock, pier or other water related recreational facilities. At that time, ERI was retained to assist the applicant with obtaining an amendment to the Ordinance approving the subdivision to allow for the construction of a kayak launch dock. On February 16, 2022, Sussex County council approved change of zone No 1538 allowing the construction of a kayak launch dock as being proposed in this application.

During that process, ERI determined that inaccurate information was submitted to resource agencies by the previous consultant with respect to property lines and ownership. The location where the previous kayak launch was approved contains a narrow area of private property located between the applicant's open space land and the Lewes-Rehoboth Canal. Therefore, it is not possible to construct the project as previously approved. This condition is illustrated by the project plans being submitted to your office by ERI.

Enclosed, please find a complete copy of the Corps of Engineers application along with a Coastal Zone Management Act Federal Consistency Form. 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: Ms. Linda Van de Wiele, The Grande at Canal Pointe Maintenance Corporation  
Mr. 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.

<b>Project/Activity Name:</b>	The Grande at Canal Pointe Community Kayak Launch Dock
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### I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: The Grande at Canal Pointe Maintenance Corporation Attn. Linda Van de Wiele - PO Box 1418, Rehoboth Beach, DE 19971

Federal Agency Contractor Name (if applicable): Michael Yost

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: michaelyost@usace.mil Telephone #: 302-736-9763

### 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):

The proposed kayak launch dock will be accessible from a proposed 3' x 73' elevated wetland walkway over state and federally regulated wetlands and will consist of a 4' x 6' access pier, 4' x 20' aluminum ramp, 6' x 6' floating dock tee, 8' x 30' floating dock and a 4' x 5' "Yakport" kayak launch cradle. The proposed kayak launch dock will provide the community members of the existing Grande at Canal Pointe residential community with recreational water access to the Lewes & Rehoboth Canal. (See attached sheet)

### Item III – Detailed Project Description

The proposed project is located within community open space of the Grande at Canal Pointe residential subdivision on the east side of Gloucester Drive within the Lewes & Rehoboth Hundred, Sussex County, Delaware. The property consists of approximately 744 feet of naturally vegetated wetland shoreline along the frontage of the Lewes & Rehoboth Canal, a tributary to Rehoboth Bay. The property is identified as Sussex County tax map parcel 334-13.00-1745.00.

The applicant, Grande at Canal Pointe Maintenance Corporation, proposes to construct an elevated wetland walkway and kayak launch dock to provide the community members of the Grande at Canal Point residential subdivision with recreational water access to the Lewes & Rehoboth Canal. A proposed elevated wetland walkway measuring 3 feet wide by 73 feet long starting in uplands (44 feet of which is located over state regulated wetlands) will be at an elevation of  $\pm$  4.2 feet (NAVD 88) and will provide access to the proposed 4 foot wide by 6-foot-long access pier. Attached to the access pier is a proposed 4 foot wide by 20-foot-long aluminum ramp with railings leading to a 6-foot wide by 6-foot-long proposed floating dock tee attached to the proposed 8 foot wide by 30-foot-long floating dock anchored by two 12-inch diameter pilings. A 4-foot wide by 5 foot long “Yakport” kayak launch cradle is proposed on the channel ward side of the floating dock. The proposed structure is located landward of the federal navigation channel and the associated 10 foot wide buffer.

The proposed structures will be constructed utilizing equipment operating from uplands, the proposed temporary matting access roadway and/or from an in-water barge. The proposed temporary matting access roadway measures 10 feet wide by 57 feet long and will be placed on top of the existing marsh ( $\pm$  415 square feet of temporary matting is proposed to be located over state regulated wetlands). The temporary matting access roadway will be utilized to minimize impacts to the existing wetlands by causing only short-term temporary impacts during the period of construction.

The entirety of the aluminum ramp, floating tee, floating dock and kayak launch cradle will be located over privately owned subaqueous lands owned by the United States of America (Lewes & Rehoboth Canal). A Corps of Engineers Real Estate License will be obtained.

The proposed docking facility will be constructed with typical marine construction materials consisting of salt treated piles and timbers secured with galvanized or stainless-steel hardware.

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

The project proposes to construct an elevated wetland walkway accessing a floating kayak launch dock.

There are federally regulated and state and federally regulated wetlands at the proposed project site. An elevated wetland walkway is proposed to provide access to the Canal while avoiding the neighboring property. Short-term temporary impacts from temporary matting will occur during the construction of the proposed structures to avoid creating permanent damage to the existing wetlands. The criteria of DNREC Wetlands and Subaqueous Lands Regulations are met by the present design. Accordingly, impacts to wetlands and waters will be minimized.

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

The installation of an elevated wetland walkway will impact +/- 39 square feet of federally regulated non-tidal wetlands and +/- 115 square feet of state and federally regulated tidal wetlands.

A temporary matting access roadway will cause short-term temporary impacts to +/- 99 square feet of federally regulated non-tidal wetlands and +/- 415 square feet of state and federally regulated tidal wetlands. Project impacts are minimal and the activity is a water dependent use.

**Policy 5.2: Beach Management**

Not Applicable.

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

The project involves the installation of a community kayak launch dock to be approved by the DNREC Wetlands and Waterways Section consistent with the right for recreational water access. The project has been designed to avoid any encroachment to the federal navigational channel and its buffer.

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

A subaqueous lands authorization will be issued by DNREC Wetlands and Waterways Section prior to construction. A real estate license will be obtained from the Corps of Engineers Real Estate Division since some of the project will occur within the federally owned waterway of the Lewes & Rehoboth Canal. A Department of the Army Permit will also be obtained from the Corps Philadelphia District Regulatory Branch. The project location is not part of the Coastal Strip.

**Policy 5.5: Public Lands Management**

The project does not involve any state owned public lands. The project will obtain a Real Estate License from the Corps of Engineers prior to construction for part of the structure over federal property.

**Policy 5.6: Natural Lands Management**

This location does not involve any state owned lands, park or natural land management areas. The proposed activities will occur on community open space lands within the existing Grande at Canal Pointe residential community and within the federally owned and regulated Lewes & Rehoboth Canal.

**Policy 5.7: Flood Hazard Areas Management**

Not applicable. The kayak launch dock will meet all required design standards and will not result in any floodplain alterations. No fill material will be placed.

**Policy 5.8: Port of Wilmington**

Not Applicable.

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

Not applicable. The kayak launch dock project is proposed on an existing community open space located along the Lewes & Rehoboth Canal. No significant alteration of vegetation will occur as a result of project construction

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

No historic or cultural areas or resources are present at the kayak launch dock location.

**Policy 5.11: Living Resources**

The kayak launch dock has been designed in accordance with the DNREC WWS design standards so as to minimize impacts to living resources and the environment.

**Policy 5.12 Mineral Resources Management**

Not applicable

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

Not applicable, no state owned lands are impacted by the project.

**Policy 5.14: Public Trust Doctrine**

Consistent with the right for riparian access, the project is not contrary to public interest, the existing Grande at Canal Pointe residential community occupies +/- 744 linear feet of shoreline along the Lewes & Rehoboth Canal and focused access for recreational water access is limited to a small section of shoreline. The project is consistent with the historic right of riparian access in accordance with DNREC design standards offered to others with property along this navigable waterway.

**Policy 5.15: Energy Facilities**

Not applicable

**Policy 5.16: Public Investment**

Not applicable

**Policy 5.17: Recreation and Tourism**

The project will provide the Grande at Canal Pointe residential community members with recreational water access to the Lewes & Rehoboth Canal with the construction of the community kayak launch dock as approved by the Corps of Engineers and DNREC WWS.

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

Not applicable

**Policy 5.19: Transportation Facilities**

Not applicable, the project does not impact any navigation channels. The kayak launch dock will only service the existing Grande at Canal Pointe residential community and will not cause an increase in vehicle traffic.

**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 project will serve as a recreational amenity which will be part of the existing Grande at Canal Pointe residential community. The proposed activities will be conducted within community open space.

**Policy 5.24: Pollution Prevention**

The project only utilizes marine grade approved materials.

**Policy 5.25: Coastal Management Coordination**

The kayak launch dock project will obtain Corps of Engineers and all DNREC approvals prior to construction.

**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:	Linda Van de Wiele	Date: 12/19/25

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: Stephanie Zmina	Fed Con ID: 2026.0011	Date Received: 12/29/2025
Public notice dates:	to	Comments Received: <input type="checkbox"/> NO <input type="checkbox"/> YES <i>[attach comments]</i>
Decision type: <small>(objection or concurrence attach data)</small>	Decision Date:	