

March 9, 2026

ERI Project No. 0004-0583

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

**RE: 25 West Side Drive Boat Docking Facility  
Delaware Coastal Zone Consistency Determination  
Coastal Management Program - Department of Army Individual Permit  
Tax Map Parcel 334-19.00-37.00  
Lewes & Rehoboth Hundred, Sussex County, Delaware  
Applicants: Jonathan Horner**

Dear Regulatory Program Manager,

Environmental Resource Insights (ERI) is writing on behalf of Jonathan Horner to provide you with the Department of the Army Permit Application and plans for the proposed modification of an existing boat docking facility and the installation of a proposed pier, two pile supported boat lifts and a personal watercraft (PWC) lift in the waters of White Oak Canal. The Corps of Engineers advised me that a Coastal Zone Consistency Determination from your Program is required for this 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. The Horner family 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: Jonathan Horner  
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:** 25 West Side Drive Boat Docking Facility

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

Contact Name/Title: Jonathan Horner - 25 West Side Drive, 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 project proposes to provide the applicant with the four (4) allowable mooring locations by modifying the existing boat docking facility consisting of an 8' wide by 14' long pier (to remain) and a 6.8' wide by 32.3' long dock. The proposed docking facility will remove the north portion of the existing dock (6.8' wide by 11.7' long to be removed) and retain the southern 6.8' wide by 20.6' long dock portion. To the north of the existing docking facility, a proposed 6' wide by 24' long pier is proposed. Two pile supported boat lifts are proposed on each side of the proposed pier and a twin PWC lift is proposed on the south side of the existing dock structure. See attached project description.

### Item III – Detailed Project Description

The proposed project is located at 25 West Side Drive, Rehoboth Beach, DE 19971 within the Lewes & Rehoboth Hundred, Sussex County, Delaware. The property consists of 100 feet of existing bulkheaded shoreline along the frontage of White Oak Canal, a tributary to Rehoboth Bay. The property is identified as Sussex County tax map parcel 334-19.00-37.00.

The subject property was purchased by Jon and Mary Horner in June of 2025. The purchase was from the estate of Carol Burn and past records about the longstanding dock are unavailable. Due to the age of the existing home, the owners have decided to demolish the existing structure and build a new home. Due to the deteriorated condition of the existing timber bulkhead along the White Oak Canal frontage, after removal of the existing home, a new 100-foot-long vinyl bulkhead will be installed within the footprint of the existing timber bulkhead. This was authorized by the Delaware Department of Natural Resources and Environmental Control (DNREC) under SA-107 issued on August 6, 2025.

An existing docking facility consisting of an 8-foot wide by 14-foot-long pier and a 6.8 foot wide by 32.3-foot-long dock currently exists in the center of the lot extending into the White Oak Canal. This structure is in good condition.

The owners wish to maintain boats on lifts and two personal watercrafts (PWC, jet skis) on a lift at the property. This will involve modification of the existing dock and the construction of a new 6 foot wide by 24-foot-long pier described as follows:

The proposed boat docking facility will remove the north portion of the existing dock (6.8' wide by 11.7' long) and will retain 20.6 feet of the 6.8-foot-wide existing dock and the existing 8 foot wide by 14-foot-long pier. Decking on the pier and dock will be refurbished as needed. A new 6 foot wide by 24-foot-long pier is proposed to the north of the existing pier to allow access to the two proposed boat lifts on either side of the proposed pier. The first boat lift is proposed to be between the existing pier structure and the proposed pier. The second boat lift is proposed on the north side of the proposed pier. The two proposed pile supported, 12,000-pound capacity boat lifts will be supported on four independent piles measuring 10 foot wide by 14 foot long. On the south side of the existing dock, a 12-foot wide by 14 foot long "Tidetamer" personal watercraft (PWC) lift is proposed. This lift consists of a platform which holds two PWCs. The PWC lift is supported on four independent piles and is constructed of aluminum and stainless-steel material.

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. Water and electric service is proposed on both pier docking structures.

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

The project proposes the modification of the existing docking facility and the installation of an 6' wide by 24' long pier. A 12,000 capacity, pile supported boat lift will be installed between the existing docking facility and the proposed pier. A second boat lift will be installed on the north side of the proposed pier. A twin PWC lift will be installed on the south side of the existing boat docking facility. The proposed modification and pier installation will create the four (4) allowable mooring locations. There are no wetlands at the proposed project site, therefore, there are no proposed wetland impacts. The proposed project will provide for the mooring of a maximum of four vessels (considered a docking facility by DNREC) and it is consistent with DNREC Subaqueous Lands Regulations and the riparian rights similarly situated waterfront owners enjoy.

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

**Policy 5.1: Wetlands Management**

There are no wetlands present at this site. Therefore, no state or federally regulated wetlands will be impacted.

**Policy 5.2: Beach Management**

No beaches are present.

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

The project involves the modification of an existing boat docking facility and the installation of a new pier to the north of the existing docking facility as approved by the DNREC Wetlands and Waterways Section consistent with the right to have a docking facility for recreational water access.

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

A subaqueous lands authorization will be issued by the DNREC Wetlands and Waterways Section prior to construction. The project is not part of the Coastal Strip.

**Policy 5.5: Public Lands Management**

The project is proposed within the Rehoboth Beach Yacht and Country Club subdivision and fronting White Oak Canal. No public lands are involved with this project.

**Policy 5.6: Natural Lands Management**

This location does not involve any state owned lands, park or natural land management areas. The project is limited to a man made canal. No wetlands are impacted.

**Policy 5.7: Flood Hazard Areas Management**

Not applicable. The boat docking facility will meet all required design standards and it does not result in any floodplain alterations.

**Policy 5.8: Port of Wilmington**

Not Applicable.

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

Not applicable. The existing boat docking facility on the subject property will be modified and a new proposed pier will be installed north of the existing dock. The lot is an existing maintained lot along the White Oak Canal with no tree clearing needed.

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

No historic or cultural areas or resources are present at the boat docking facility location.

**Policy 5.11: Living Resources**

The proposed pier and existing dock modification has been designed in accordance with the DNREC Wetlands and Waterways Section design standards for a docking facility so as to minimize impacts on living resources and the environment.

**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 project is not contrary to public interest, the existing lot occupies 100 linear feet of bulkheaded shoreline along the White Oak Canal. The project is consistent with the historic right of riparian access 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 Horner family with recreational water access to the White Oak Canal with the modification of the existing dock structure and construction of the proposed pier section as approved by the Corps of Engineers and DNREC Wetlands and Waterways Section.

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

Not applicable

**Policy 5.19: Transportation Facilities**

Not applicable, the project does not impact or extend into any navigation channels. The boat docking facility will only service the Horner residence and will not cause an increase in traffic.

**Policy 5.20: Air Quality Management**

Not applicable

**Policy 5.21: Water Supply Management**

Not applicable

**Policy 5.22: Waste Disposal Management**

There is no proposed on-site waste disposal management at the boat docking facility. The applicant's residence is located on-site and the applicants are expected to use the household facilities.

**Policy 5.23: Development**

The project will serve as a recreational amenity to the Horner family at their residence within the already long established Rehoboth Beach Yacht and Country Club Subdivision.

**Policy 5.24: Pollution Prevention**

The project only utilizes marine grade approved materials.

**Policy 5.25: Coastal Management Coordination**

The boat docking facility modifications and proposed structure 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):**

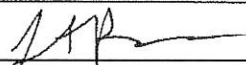
**FEDERAL AGENCY CONSISTENCY DETERMINATION.** Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Delaware 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: | Jonathan Horner   | Date: 5/22/26 |

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<br>(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<br>(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<br>(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<br>(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<br><i>[attach comments]</i> |                |
| Decision type:<br><small>(objections or conditions attach details)</small> | Decision Date: _____  |                |