



Initial Review: _____
 Updated On: _____
 Complete: _____
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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:	Lewes Ferry Terminal - Maintenance Dredging
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I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: Clare Mueller / Environmental Specialist

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: P.O. Box 71

City: New Castle

State: DE

Zip Code: 19720

E-mail: brian.lutes@drba.net

Telephone #: 302-540-0908

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 applicant proposes to dredge approximately 50,945 CY of material from the ferry terminal at a depth of -11.0 + 1.0 ft of over dredge and -8.0 +1.0 ft at the C-4 area. Material will be disposed of at White's Basin in Logan Township, New Jersey.

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

The term "effect on any coastal resource" means any reasonably foreseeable effect on any coastal use or resource resulting from a Federal agency activity or federal license or permit activity (including all types of activities subject to the federal consistency requirement under subparts C, D, E, F, or I of this part). Effects are not just environmental effects, but include effects on coastal uses. Effects include both direct effects which result from the activity and occur at the same time and place as the activity, and indirect (cumulative and secondary) effects which result from the activity and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects are effects resulting from the incremental impact of the federal action when added to other past, present and reasonably foreseeable actions, regardless of what person(s) undertake(s) such actions.

Dredging at Lewes Ferry Terminal will impact turbidity levels in the surrounding area for a minimal amount of time during each dredge event. Dredging is required to maintain the berthing areas for transportation purposes for the Cape May Ferry Terminal. Turbidity levels will return to normal shortly after the dredge event and impact will be too small to be meaningfully measured. A turbidity curtain will be implemented. All in water restrictions will be followed.

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

The productive public and private wetlands in the State shall be preserved and protected to prevent their despoliation and destruction consistent with the historic right of private ownership of lands. The proposed activities will not take place in or adjacent to wetlands therefore there will be no impact to wetland. Compliance with Wetlands Management is met.

Policy 5.2: Beach Management

Dredging activities will nor affect any public or private beaches of the State Of Delaware. Dredging will occur outside of the Lewes Ferry Terminal. Dredging is required to maintain the berthing areas that are utilized for transportation purposes. Dredging will not include the removal of vegetation but will include the removal of built-up sediment in berthing areas outside of the Lewes Ferry Terminal. Since no public or private beaches will be affected compliance with Beach Management is met.

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

Dredging will not affect wells, water supply and or storm water management. Dredging will have minimal impact on water quality in the surrounding area. Turbidity levels may rise during dredge event however all restrictive windows will be followed to ensure aquatic life will not be affected negatively and water quality levels are expected to return to normal after the dredging event. All sediment will be tested for chemicals for dredge material disposal and to ensure specific chemicals that may be present in the soil does not disperse

Policy 5.4: Subaqueous Land and Coastal Strip Management

ng activities do not include heavy industrial uses, new manufacturing or offshore gas activity. Dredging will also not result in the degradation of Delaware's Bays and coastal areas. Dredging will have no impact on shellfish, benthic organisms, tidal vegetation or fin-fishing.

Policy 5.5: Public Lands Management

Lewes Ferry Terminal is not considered state public lands. The area is private ownership By Delaware River Bay Authority. Therefore compliance with Public Lands Management is met.

Policy 5.6: Natural Lands Management

Delaware Lewes Ferry Terminal and the surrounding area are not natural preserves. The ownership is private and the facility is utilized as ferry transportation to and from Cape May, New Jersey. This area does not meet the definition of natural areas management.

Policy 5.7: Flood Hazard Areas Management

Lewes Ferry Terminal has been evaluated on DNREC flood planning tool. It has been determined that the property is located within multiple flood zones. Flood zone AE & VE are located on the property. The property is located within the FEMA 100 year floodplain. The proposed action is the removal of built up sediment for transportation purposes. Dredging also helps to reduce the impact of flooding as it will increase water depth and capacity and improve drainage.

Policy 5.8: Port of Wilmington

The Delaware Lewes Ferry Terminal is operating as a transportation service. The ferries have to come through the navigational channel of the Port of Wilmington. The port of Wilmington will not be negatively impacted by dredging activities at the Lewes Ferry Terminal.

Policy 5.9: Woodlands and Agricultural Lands Management

There will be absolutely no destruction or damage to woodlands as part of dredging activity at Lewes Ferry Terminal. Therefore compliance with 5.9 Woodlands and Agricultural Lands Management is met.

Policy 5.10: Historic and Cultural Areas Management

There are not Historic and Cultural Areas surrounding Lewes Ferry Terminal or on the property. There will be no affect to historic and cultural resources. Therefore, compliance with 5.10 is met.

Policy 5.11: Living Resources

Dredging will not have an adverse effect on living resources and or wetland values. The area is not considered shellfish habitat and all restrictive fish windows will be followed.

Policy 5.12 Mineral Resources Management

Dredging at Lewes Ferry Terminal does not include the extraction and production of minerals determined to be in the public's interest. Therefore compliance with policy 5.12 is met.

Policy 5.13: State Owned Coastal Recreation and Conservation

Lewes Ferry Terminal is not considered state owned lands or open space. However, any wildlife habitat existing in the project area will be maintained, managed or preserved. Dredging will not affect these resources.

Policy 5.14: Public Trust Doctrine

The following land where dredging is intended to occur is private property owned by DRBA. As stated in public trust doctrine policy, the public have no right to land fish on private property, above the high water marks. Lewes Ferry Terminal qualifies as a facility that is private above the high water marks. Therefore compliance with 5.14 policy is met.

Policy 5.15: Energy Facilities

Lewes Ferry Terminal is part of a transportation service from Cape May to Lewes Delaware. The Terminal on both ends, serves transportation services and is not considered an energy facility. The ferry terminal has been in operation since 1964.

Policy 5.16: Public Investment

Public investment is not appropriate for implementing as the dredging activity does not pertain to recycling or waste reduction. Therefore compliance with policy 5.16 is met.

Policy 5.17: Recreation and Tourism

Lewes Ferry Terminal is private property and does not meet the definition of areas for recreation and tourism. Therefore compliance with 5.17 is met.

Policy 5.18: National Defense and Aerospace Facilities

Dredging activities at Lewes Ferry Terminal will not have an impact on policy 5.18.

Policy 5.19: Transportation Facilities

Dredging is necessary as part of the terminal operations. Dredging is needed to continue transportation services from Cape May New Jersey to Lewes Delaware. There are no oil and or petroleum products and or by products that will be discharged as a result of dredging activities.

Policy 5.20: Air Quality Management

Dredging will have no affect on air quality. No sources will be released into the atmosphere. Therefore compliance with policy 5.20 is met.

Policy 5.21: Water Supply Management

Dredging at Lewes Ferry Terminal will not affect water supply management. Therefore compliance with 5.21 is met.

Policy 5.22: Waste Disposal Management

ct on, onsite wastewater treatment and disposal system management. Therefore compliance with policy 5.22 has been met.

Policy 5.23: Development

Dredging activities at Lewes Ferry Terminal will have no impact on traffic flow or development. Therefore compliance with policy 5.23 is met.

Policy 5.24: Pollution Prevention

Generation of waste will be minimal due to dredging activities. Any waste that is generated as a result of dredging activities will be recovered, reused, recycled or disposed of in a manner that minimizes any present or future threats to human health or the environment. Therefore compliance with policy 5.24 is met.

Policy 5.25: Coastal Management Coordination

Lewes Ferry Terminal and Delaware River & Bay Authority welcomes federal agencies and other interested parties to review and comment on proposed actions which may be of more than local 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:	<i>Clare Mueller</i>		
Printed Name:	Clare Mueller	Date:	9/25/2026

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

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Reviewed By: Stephanie Zmina	Fed Con ID: 2026.0024	Date Received: 9/25/2026
Public notice dates: _____ to _____	Comments Received: ☐ NO ☒ YES [attach comments]	
Decision type: (objections or conditions attach details)	Decision Date: _____	