



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: COPEN/KIRBY PWC LIFT/KAYAK DOCK

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

Contact Name/Title: Evelyn Maurmeyer, CER, Inc. (applicant's agent)

Federal Agency Contractor Name (if applicable): n/a

Federal Agency: US Army Corps of Engineers (modification of CENAP-OP-R-2014-1200-23 requested)
(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: PO Box 674

City: Lewes

State: DE

Zip Code: 19958

E-mail: maurmeye@udel.edu

Telephone #: (302) 645-9610

II. Federal Consistency Category:

- Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)
- Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)
- Federal Financial Assistance (15 C.F.R. Part 930, Subpart F)

- Federal License or Permit Activity (15 C.F.R. Part 930, Subpart D)
- Federal License or Permit Activity which occurs wholly in another state (interstate consistency activities identified in DCMP's Policy document)

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

See attached sheets

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

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

Policy 5.1: Wetlands Management

Policy 5.2: Beach Management

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

Policy 5.4: Subaqueous Land and Coastal Strip Management

Policy 5.5: Public Lands Management

Policy 5.6: Natural Lands Management

[Empty rectangular box for Policy 5.6 content]

Policy 5.7: Flood Hazard Areas Management

[Empty rectangular box for Policy 5.7 content]

Policy 5.8: Port of Wilmington

[Empty rectangular box for Policy 5.8 content]

Policy 5.9: Woodlands and Agricultural Lands Management

[Empty rectangular box for Policy 5.9 content]

Policy 5.10: Historic and Cultural Areas Management

[Empty rectangular box for Policy 5.10 content]

Policy 5.11: Living Resources

[Empty rectangular box for Policy 5.11 content]

Policy 5.12 Mineral Resources Management

[Empty rectangular box for Policy 5.12 content]

Policy 5.13: State Owned Coastal Recreation and Conservation

[Empty rectangular box for Policy 5.13 content]

Policy 5.14: Public Trust Doctrine

[Empty rectangular box for Policy 5.14 content]

Policy 5.15: Energy Facilities

[Empty rectangular box for Policy 5.15 content]

Policy 5.16: Public Investment

[Empty rectangular box for Policy 5.16 content]

Policy 5.17: Recreation and Tourism

[Empty rectangular box for Policy 5.17 content]

Policy 5.18: National Defense and Aerospace Facilities

[Empty rectangular box for Policy 5.18 content]

Policy 5.19: Transportation Facilities

[Empty rectangular box for Policy 5.19 content]

Policy 5.20: Air Quality Management

Policy 5.21: Water Supply Management

Policy 5.22: Waste Disposal Management

Policy 5.23: Development

Policy 5.24: Pollution Prevention

Policy 5.25: Coastal Management Coordination

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):

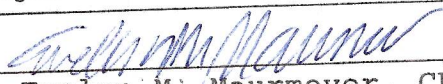
FEDERAL AGENCY CONSISTENCY DETERMINATION. Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Delaware Coastal 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: |  | Date: | 12/28/2020 |
| Printed Name: | Evelyn M. Maurmeyer, CER, Inc. | | |

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



COASTAL & ESTUARINE RESEARCH, INC.

Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958
302-645-9610

December 28, 2020

**DELAWARE COASTAL MANAGEMENT PROGRAM
FEDERAL CONSISTENCY CERTIFICATION**

Applicants

Jason Copen and Christopher Kirby
32 Eleanor Lee Lane East
Rehoboth Beach, DE 19971



III. Detailed Project Description

Site Location

The project site is 32 Eleanor Lee Lane East, Canal Corkran, Rehoboth Beach, Sussex County, Delaware (Tax Map Parcel #3-34-13-1298.00). See Figures 1, 2, and 3 for location maps and directions to site. The site location is depicted on USGS topographic map, Rehoboth Beach, Delaware quadrangle (Figure 4), and is adjacent to the Lewes and Rehoboth Canal. See Figure 5 for aerial and ground-level photographs of site.

Existing Structures and Authorizations

A 10' x 4' pier, a 6' x 45' dock, and a boat lift are present, authorized by DNREC Wetlands and Subaqueous Lands Section (SP-283/14) and US Army Corps of Engineers (CENAP-OP-R-2014-1200-23). Delaware Coastal Management Program Federal Consistency Determination was issued on November 10, 2014 (FC 2014.0161), see attached letter.

Proposed Project

The applicants propose to add a PWC lift (on an existing piling), and to install a 6' x 12' floating kayak dock with two support pilings. See Figure 6 for plan view and cross-section sketches.

IV. General Analysis of Coastal Effects.

Purpose of the kayak dock is to facilitate launching of the applicant's kayaks. Purpose of the PWC lift is to store and launch the applicants' jet-ski. The structures will not extend more than 20% of the width of the waterway, nor will they extend into the Corps' buffer zone. The proposed project will assure continued availability of the waterway (Lewes and Rehoboth Canal) 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. The site location is depicted on State of Delaware DNREC Wetland Map #DNR034, 1988 photobase, and is mapped O (other, uplands or non-tidal wetlands less than 400 acres), adjacent to W (Water).

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 (Lewes and Rehoboth Canal) 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). Moreover, the project will not result in pollution which may threaten the safety and health of the public. The waterway is not designated for use as a public water supply. Approved materials will be utilized for construction (aluminum/steel lift; salt-treated wooden pilings; poly/composite floating dock). 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 applicants have submitted a permit application to the Wetlands and Subaqueous Lands Section, DNREC, for which a Subaqueous Lands Permit/Lease will be issued for the use of public subaqueous lands.

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.

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 Canal Corkran, a residential community, not in woodlands nor agricultural lands.

Policy 5.10: Historic and Cultural Areas Management. The US Army Corps of Engineers Feb. 14, 2015 Public Notice for the existing pier, dock, and boat lift stated that no registered properties or properties listed as eligible for inclusion in the National Register of Historic Places are located within the permitted area of work.

Policy 5.11: Living Resources. The US Army Corps of Engineers Feb. 14, 2015 Public Notice for the existing pier, dock, and boat lift stated that the work would not affect listed species or their critical habitat.

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

Policy 5.13: State-Owned Coastal Recreation and Conservation. The site is not State-owned. However, public recreational opportunities in the Lewes and Rehoboth Canal 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 and their families and friends, and allow increased participation in water-based recreational activities (kayaking, jet-skiing).

Policy 5.18: National Defense and Aerospace Facilities. The proposed activity does not involve national defense not 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 Subaqueous Lands Section; and Delaware Coastal Management Program.



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL

DELAWARE COASTAL
MANAGEMENT PROGRAM

89 KINGS HIGHWAY
DOVER, DELAWARE 19901

Phone: (302) 739-9283
Fax: (302) 739-2048

November 10, 2014

Evelyn Maurmeyer, Ph.D
Coastal and Estuarine Research, Inc.
Marine Studies Complex
PO Box 674
Lewes, Delaware 19958

**RE: Delaware Coastal Management Program Federal Consistency Determination
Copen and Kirby Dock and Pier (FC 2014.0161)**

Dear Dr. Maurmeyer:

The Delaware Coastal Management Program (DCMP) has reviewed your consistency determination request for the above mentioned project. Based upon our review and pursuant to National Oceanic & Atmospheric Administration regulations (15 CFR 930), the DCMP concurs with your consistency determination for the construction of a 10' x 4' pier; a 6' x 45' fixed dock (including boat lift); and access stairs at in the Lewes and Rehoboth Canal at 32 Eleanor Lee Lane East, Canal Corkran, Rehoboth Beach, Sussex County, Delaware (Tax Map Parcel #3-34-13.00-1298.00).

This concurrence is conditioned upon the issuance of all required permits, including but not limited to a Delaware Subaqueous Lands Permit and/or Lease and a Department of the Army Permit. Other permits that may be required for this project should be obtained prior to commencing any construction activities and adherence to the restrictions and/or conditions placed on any and all permits issued to the applicant for this project.

If you have any questions, please contact me or Susan Love of my staff at (302) 739-9283.

Sincerely,

Sarah W. Cooksey, Administrator
Delaware Coastal Management Program

cc: File 2014.0161

Delaware's good nature depends on you!

**PROPOSED ADDITION OF PWC LIFT AND
6' X 12' FLOATING KAYAK DOCK**

IN: Lewes and Rehoboth Canal
AT: 32 Eleanor Lee Lane East, Canal Corkran
Rehoboth Beach, Sussex County, DE 19971
(Tax Map Parcel #3-34-13-1298.00)
APPLICANTS: Jason Copen and Christopher Kirby
DATE: October 20, 2020

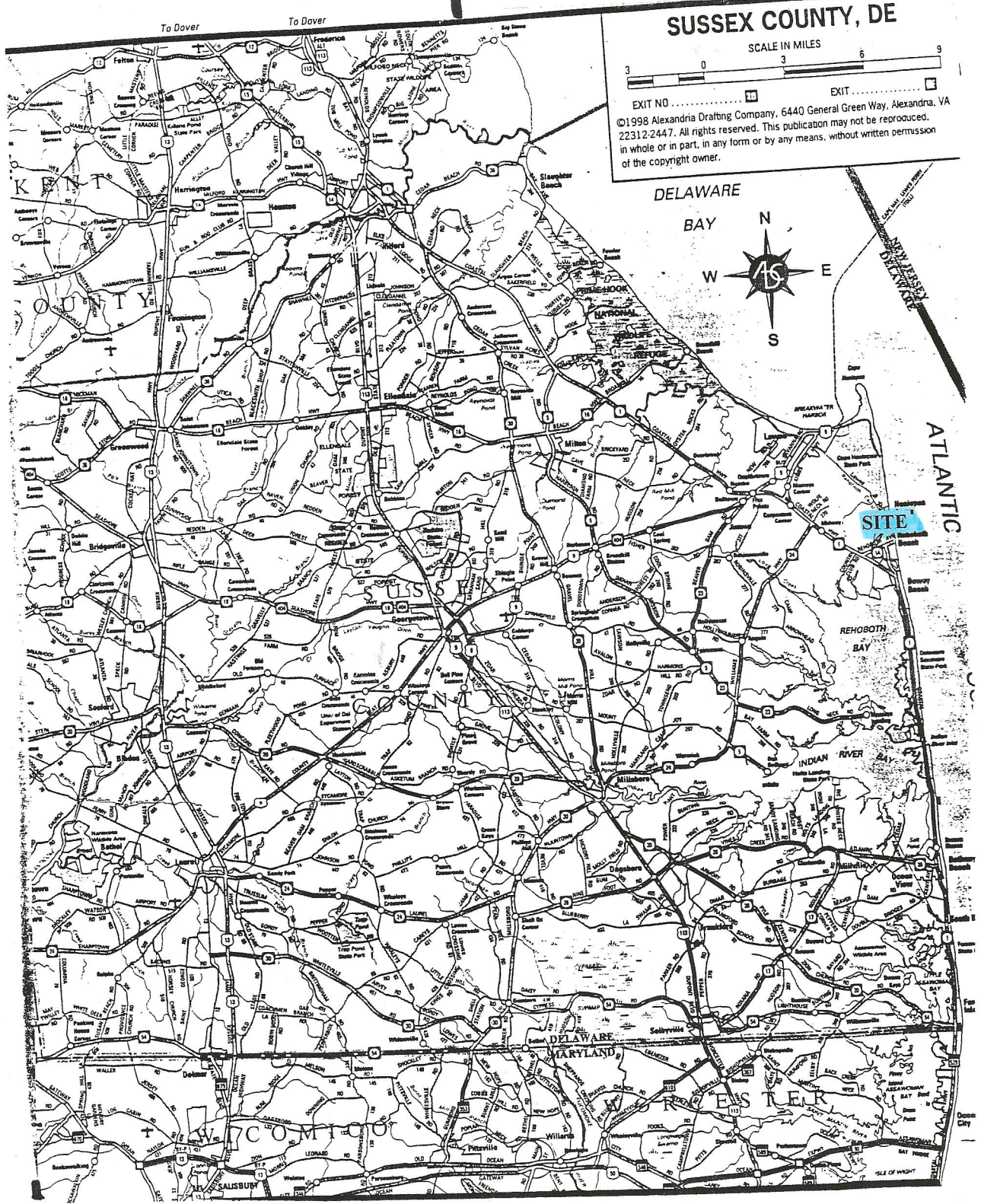


Figure 1. Map of Sussex County, Delaware showing site location, Canal Corkran, Rehoboth Beach.

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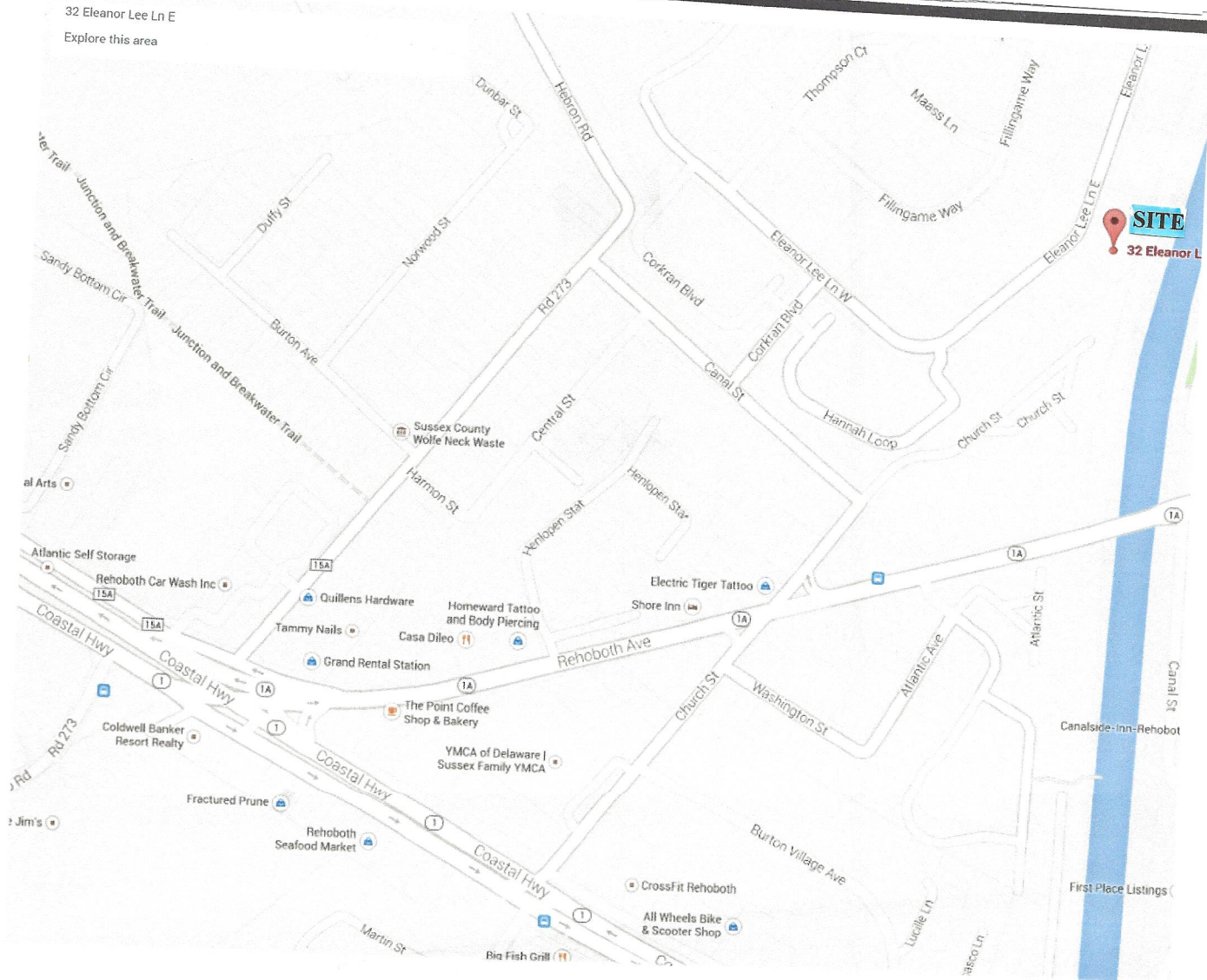


Figure 2. Map of Rehoboth Beach and vicinity showing project site, 32 Eleanor Lee Lane East, Canal Corkran. Directions to project site (from Dover, Delaware): SR-1 southbound toward Rehoboth Beach; left at traffic signal onto Route 1A (Reheboth Avenue extended); left at traffic light onto Church Street; left onto Canal Street; right onto Corkran Blvd.; right at stop sign onto Eleanor Lee Lane East; follow curve, site is on right, house at 32 Eleanor Lee Lane East. (Note: Contact applicant prior to site visit to gain access to existing dock).

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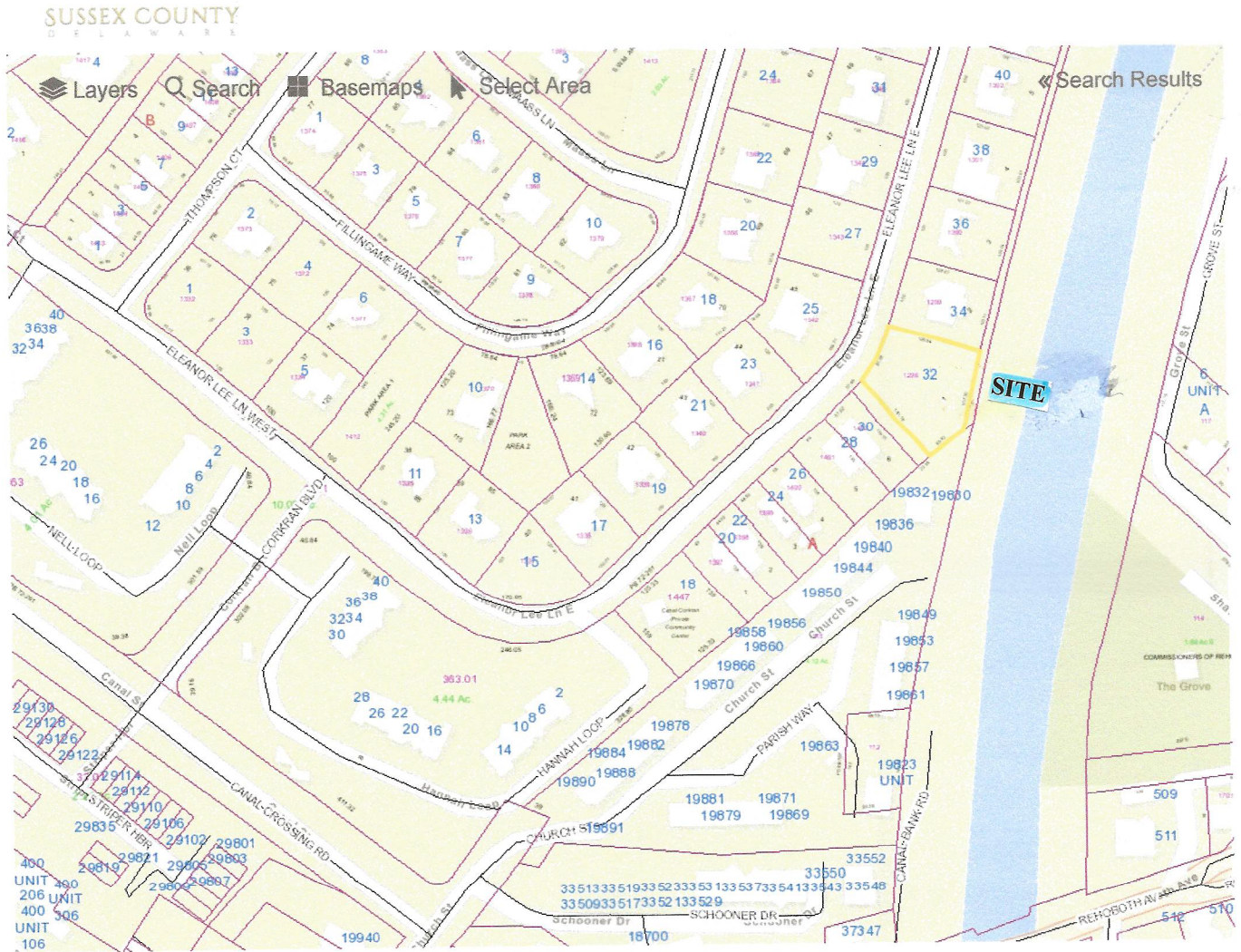
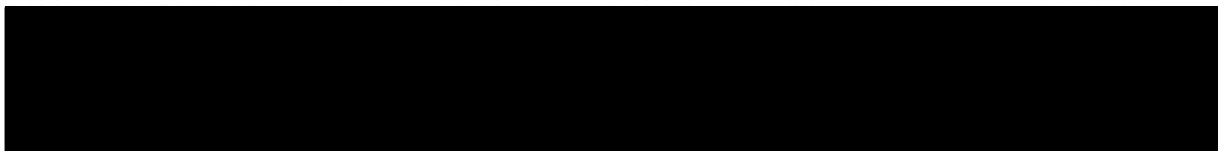


Figure 3. Map of Canal Corkran showing site location, Tax Map Parcel #3-34-13.00-1298.00 (32 Eleanor Lee Lane East, Canal Corkran, Rehoboth Beach, Sussex County, Delaware). Names and addresses of adjoining property owners:

Parcel # Name, address of owner



- * 10' open private space buffer strip
- ** Lewes and Rehoboth Canal

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Figure 4. Site location on USGS topographic map, Rehoboth Beach, Delaware quadrangle. Site is adjacent to Lewes and Rehoboth Canal. Scale: 1" = 2,000'.

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SUSSEX COUNTY
DELAWARE

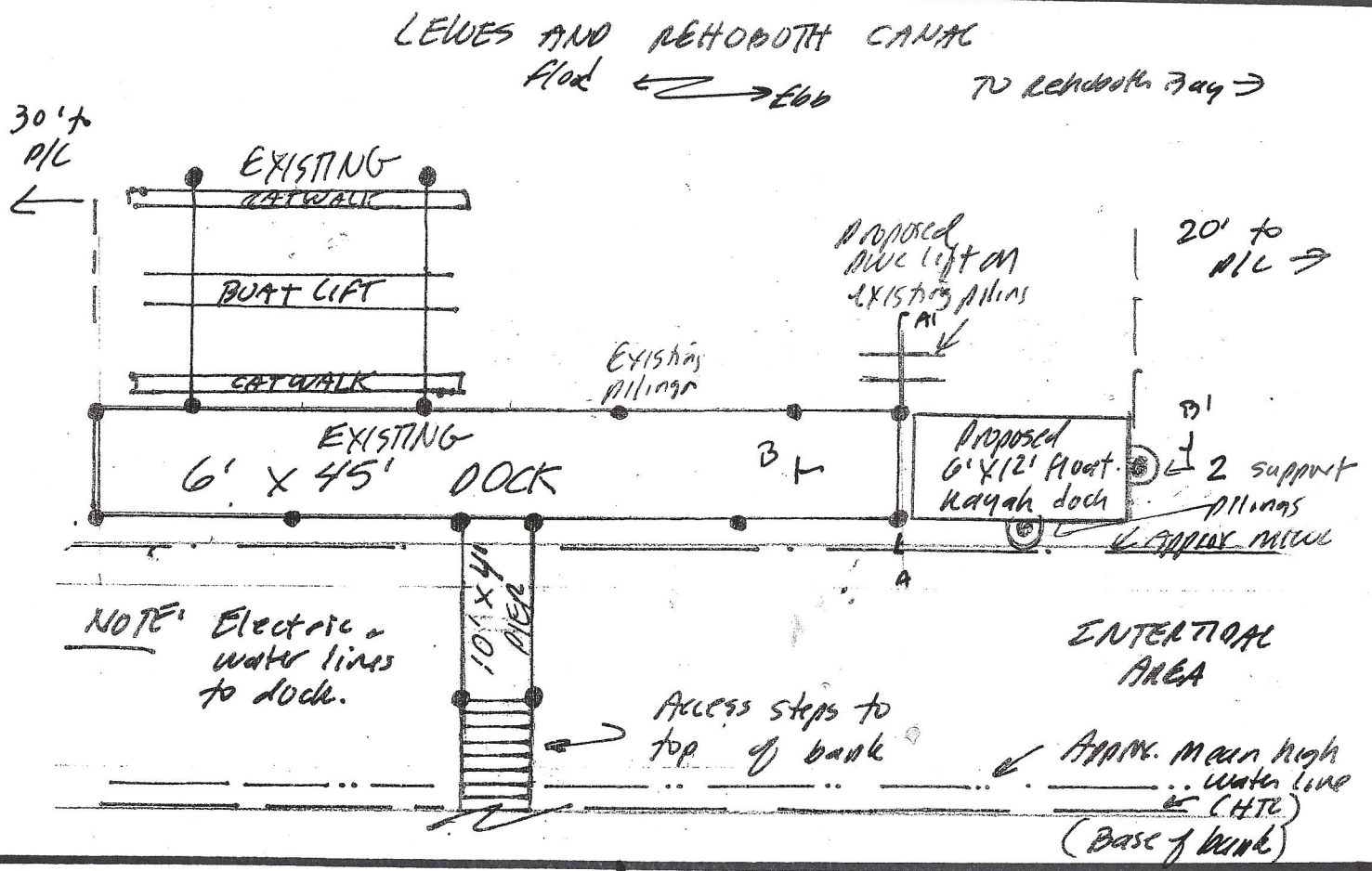


Figure 5. Aerial and ground-level photographs of project site, 32 Eleanor Lee Lane East, Canal Corkran, Rehoboth Beach, Sussex County, Delaware, adjacent to the Lewes and Rehoboth Canal, showing existing structure, 10' x 4' pier and 6' x 45' dock with boat lift (authorized by SP-283/14) and CENAP-OP-R-2014-1200-23). Width of waterway = 120'±. Applicants propose to add a PWC lift (on existing piling), and to install a 6' x 12' floating kayak dock with two support pilings. See Figure 6 for plan view and cross-section sketches.

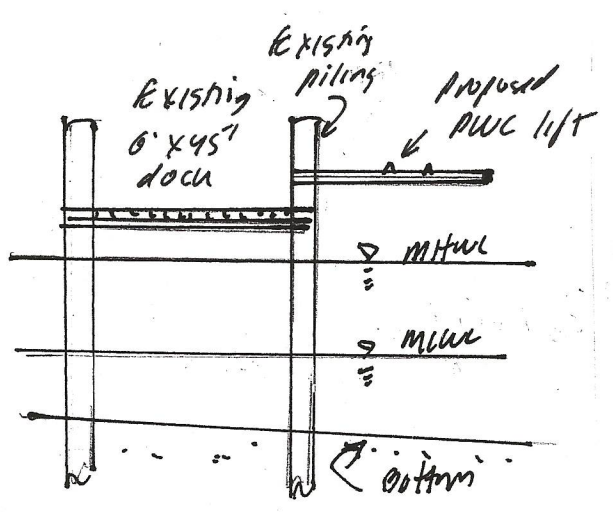
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(a) PLAN VIEW SKETCH (1"=10')



(b) CROSS-SECTION, PWC LIFT (1"=5')



(c) CROSS-SECTION, FLOATING KAYAK DOCK (1"=5')

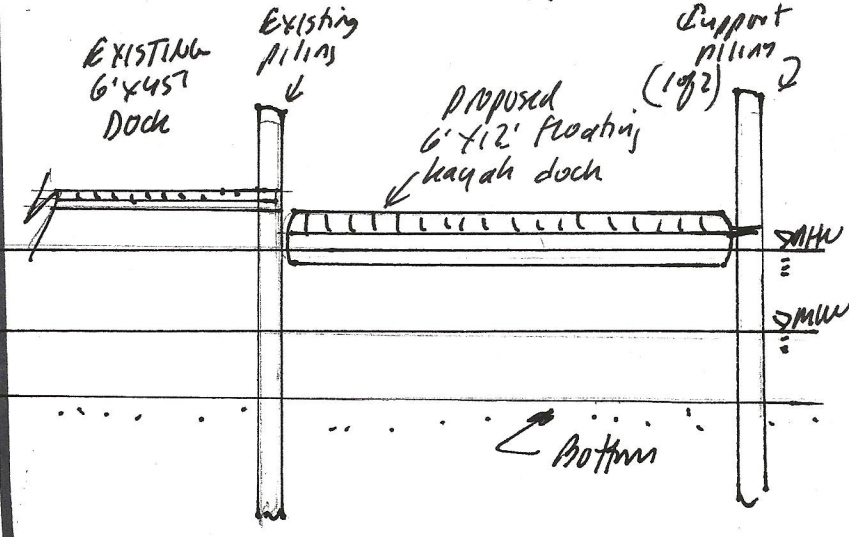


Figure 6. Plan view and cross-section sketches of proposed project. Sketches for permit application purposes only.