



DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
100 PENN SQUARE EAST, 7TH FLOOR WANAMAKER BUILDING
PHILADELPHIA, PENNSYLVANIA 19107-3390

November 2, 2021

Environmental Resources Branch

Laura Mensch
Regulatory Programs Manager
Delaware Coastal Programs 1
100 W. Water Street, Suite 7B
Dover, DE 19904
laura.mensch@delaware.gov

Dear Ms. Mensch:

The U.S. Army Corps of Engineers (Philadelphia District) is responsible for annual maintenance dredging within the federally-authorized Salem River, Salem County, New Jersey navigation channel. The project provides for an entrance channel 16' deep and 150' wide in the Delaware River across Salem Cove to the mouth, thence 16' deep and 100' wide to the fixed highway bridge in Salem. The full length of the authorized Salem River project is approximately 5 miles. The Philadelphia District is proposing to conduct a beneficial use project in February 2022, utilizing a government-owned small hopper dredge (Murden or Currituck), to remove approximately 5,000 cy from a small section of the authorized channel at the northernmost section. The material would be placed within the nearshore zone, fronting the previously approved Oakwood Beach beachfill project at around 4-8-foot MLW contours (see Figure 1) within Delaware jurisdictional waters. The objective of this beneficial use operation is to provide a supplemental source of material through natural littoral transport to the nearshore Oakwood Beach area.

This letter requests Clean Water Act, Section 401 Water Quality Certification and concurrence with our determination of coastal zone consistency for annual maintenance dredging operations of the Salem River navigation channel for a ten-year period (January 2022-December 2023). Enclosed please find a DNREC Subaqueous Lands permit requesting Clean Water Act, Section 401 Water Quality Certification with Appendix R and a DCMP Fed Con v.2.0 form for the proposed maintenance dredging beneficial use of dredged material operation. The proposed action has been evaluated for consistency with Delaware's Rules on Coastal Zone Management. After a detailed review of all applicable regulations and policies associated with the proposed activity, it is our finding that the proposed activity complies with Delaware's approved Coastal Zone Management program and will be conducted in a manner consistent with the program. We request that this consultation extend for a ten-year period for the annual maintenance dredging operation.

Maintenance dredging of the Salem River navigation channel will be coordinated with the National Marine Fisheries Service (NMFS), pursuant to the Fish and Wildlife Coordination Act, the Endangered Species Act and the Magnuson Stevens Fishery Conservation and Management Act. The Philadelphia District will abide by the time of year restrictions recommended by NMFS such that no maintenance dredging operations will be scheduled between 1 March through 30 June of any given year.

We ask that you please provide the requested water quality certification and concurrence with our federal consistency determination for future annual maintenance of the Salem River navigation channel for the period January 2022 through December 2032 within 60 days of the date of this letter.

If you have any questions or require any additional information, please contact the Project Manager: Ms. Monica Chasten at 267-207-9956, Monica.A.Chasten@usace.army.mil or the Project Ecologist: Ms. Barbara Conlin at 215-656-6557, Barbara.E.Conlin@usace.army.mil.

Sincerely,

FOR Peter R. Blum, P.E.
Chief, Planning Division

Enclosures

cc:
Matthew Jones
Matthew.Jones@Delaware.gov



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: _____

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

Contact Name/Title: _____

Federal Agency Contractor Name (if applicable): _____

Federal Agency: _____
(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: _____

City: _____ State: _____ Zip Code: _____

E-mail: _____ Telephone #: _____

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):

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

Policy 5.7: Flood Hazard Areas Management

Policy 5.8: Port of Wilmington

Policy 5.9: Woodlands and Agricultural Lands Management

Policy 5.10: Historic and Cultural Areas Management

Policy 5.11: Living Resources

Policy 5.12 Mineral Resources Management

Policy 5.13: State Owned Coastal Recreation and Conservation

Policy 5.14: Public Trust Doctrine

Policy 5.15: Energy Facilities

Policy 5.16: Public Investment

Policy 5.17: Recreation and Tourism

Policy 5.18: National Defense and Aerospace Facilities

Policy 5.19: Transportation Facilities

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:			
Printed Name:		Date:	

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

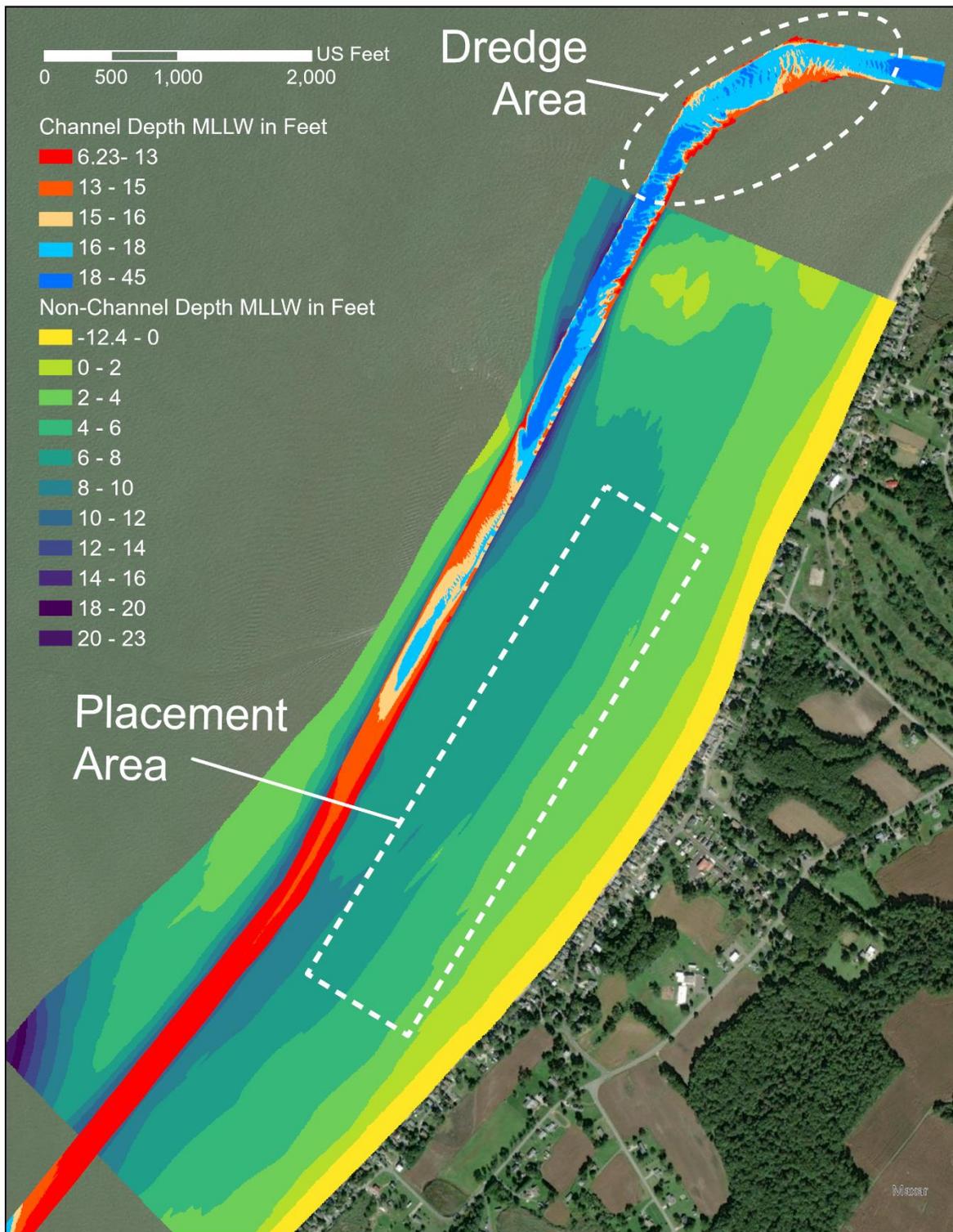


Figure 1: Salem River Federal authorized navigation channel: proposed dredging and placement for February 2022.