Delaware Department of Natural Resources and Environmental Control
Delaware Coastal Management Program

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:	Oakwood Beach Hurricane and Storm Damage Reduction Project

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

Contact Name/Title: Barbara Conlin/Ecologist

Federal Agency Contractor Name (if applicable): N/A

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: 1650 Arch Street,

City: Philadelphia State: PA Zip Code: 19103

E-mail: barbara.e.conlin@usace.army.mil Telephone #: 215-656-6557

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):

USACE is planning to conduct the first periodic nourishment for the Oakwood Beach Hurricane and Storm Damage Reduction project in early fall 2023. Initial construction occurred in 2015 wherein 346,000 cy of sand was dredged from the Reedy Island Range of the Delaware River Main Navigation Channel and hydraulically pumped onto the 9,500 linear feet of beach. DNREC's Division of Soil and Water Conservation issued a Coastal Zone consistency certification Feb 12, 1999 for this project based on the Environmental Assessment, but noted that if the borrow source should change from the identified Reedy Island Range of the DE River main channel that DNREC would need to evaluate the suitability of the new identified source. This beachfill project has a 50 year life. For the first periodic nourishment, USACE proposes to obtain 30,000-55,000 cy of clean sand from a certified quarry and transport the material to the site by truck haul. No dredging will occur and the quantity is significantly lower than the initial construction quantity. The material will be placed at four areas of concern along the beach where berm elevations have dropped below the design template since 2015.

For the potential future periodic nourishments during the remainder of the project's 50-year life, USACE requests the option of either trucking in quarry sand or maintenance dredging of the Reedy Island Range of the Delaware River main channel.

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

The proposed first periodic nourishment of this storm damage reduction project will pose significantly less impact to Delaware state waters relative to the initial construction operation in 2015. Sand will be placed at four areas of concern where beach berm elevations have dipped below the design template. Initial construction placed 346,000 cy of sand on 9,500 linear feet of beach (50-foot wide berm). The initial construction required coverage of approximately 35 acres of intertidal/subtidal habitat. The proposed first periodic nourishment at these 4 areas of concern will cover approximately 3.9 acres of intertidal/subtidal habitat. The proposed nourishment is scheduled to occur in fall when productivity levels are lower. No dredging will occur during this periodic nourishment. Some turbidity and infauna burial will occur in the nearshore intertidal zone but due to the small quantities of sand, most infaunal species will be capable of migrating through the placed sand.

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

Policy 5.1: Wetlands Management

N/A

Policy 5.2: Beach Management

The beach is located in Elsinboro Township, Salem County, New Jersey. It fronts a small residential community and has public access. The proposed placement of sand will not impact the natural existing appearance.

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

The project, as proposed, was determined to have temporary minor adverse impacts to water quality by locally increasing turbidity within the nearshore intertidal zone during construction due to bulldozers pushing sand below MHW. Based on the large grain size of the material placed and no contaminants, the sand will settle quickly within the littoral zone. State Water Quality Standards would not be exceeded during and after project construction. Therefore, no significant water quality impacts are expected as a result from implementation of the proposed project.

Policy 5.4: Subaqueous Land and Coastal Strip Management

The project would be constructed in a manner that would minimize adverse impacts to the environment. It is expected that the proposed placement operation would not result in any pollution or contamination as the source would be from a certified quarry of appropriate compatible grain size. A Section 401 Water Quality Certificate would be obtained prior to commencement of construction activities. The construction activities would require both a Coastal Zone consistency determination with the Delaware Coastal Management Program as well as a Clean Water Act Section 401 Water Quality Certification from DNREC. These approvals would be obtained prior to commencement of the activity. It is expected that disturbances of benthic organisms in the littoral zone would not be lasting or long-term, based on the ability of these areas to become recolonized or migrate through the placed sand. All placement activities will be in compliance with CZM regulations.

Policy 5.5: Public Lands Management

The project will serve to provide continued protection from storm induced damages by bolstering the beach berm. The beach provides public access for recreational users.

Policy 5.6: Natural Lands Management

N/A. The proposed Federal action will not adversely impact the natural lands interest and beauty.

Policy 5.7: Flood Hazard Areas Management

N/A. The proposed Federal action will serve to place sand in four areas of concern along the shoreline where elevations have dropped below design template elevation of the authorized project.

Policy 5.8: Port of Wilmington

N/A

Policy 5.9: Woodlands and Agricultural Lands Management

N/A

Policy 5.10: Historic and Cultural Areas Management

No dredging will occur. No known historic or cultural areas occur in the proposed beach placement site.

Policy 5.11: Living Resources

The proposed Federal project will be undertaken in consultation with DNREC, NMFS, and the USFWS. There will be minor temporary impacts to the littoral (nearshore) zone due to bulldozers moving sand into place and temporary elevated turbidity during the construction period and no permanent impacts to the environment. There will be no impacts to rare or endangered species, migratory birds, nesting or foraging areas during the proposed fall construction period. No impacts will result to horseshoe crabs, sharks, sea turtles or marine mammals as the work will occur on upland and in the nearshore littoral zone where these species do not occur. Atlantic sturgeon and shortnose sturgeon are not expected to occur in the shallow water of the project site.

Policy 5.12 Mineral Resources Management

N/A

Policy 5.13: State Owned Coastal Recreation and Conservation

The beach is located in Salem County, New Jersey. Intertidal and subtidal waters are in Delaware. The proposed action will positively affect the shoreline by adding sand to four eroded sections of a sandy beach.

Policy 5.14: Public Trust Doctrine

The proposed action will have a positive affect on the beach by contributing sand to eroded areas of beach.

Policy 5.15: Energy Facilities

N/A

Policy 5.16: Public Investment

The authorized and initially constructed storm damage reduction project is cost-shared between the federal government and the state of New Jersey.

Policy 5.17: Recreation and Tourism

Oakwood Beach provides public access. The beach fronts a residential community in Elsinboro Township, New Jersey and it not heavily used for recreation and tourism.

Policy 5.18: National Defense and Aerospace Facilities

N/A

Policy 5.19: Transportation Facilities

N/A

Policy 5.20: Air Quality Management

The project will result in minor minor and/or negligible effects on air quality during the construction period. Ambient air quality standards are not expected to be exceeded during construction. The proposed truck haul is estimated to take about 1 month barring any delays due to equipment failures or inclement weather. Total quantity of air emissions of nitrous oxides from construction equipment is less than that permitted to meet General Conformity requirements.

Policy 5.21: Water Supply Management

N/A. The proposed project will have no impact on surface water levels, ground water, aquifers or water supplies. No impact to water supply management.

Policy 5.22: Waste Disposal Management

N/A. The proposed project does not entail impacts to any sewage disposal systems. The proposed operation will not cause pollution of public waters or create a public health hazard. The large grained (>90%) sand to be placed will be obtained from a certified quarry and will not contain any contaminants. No impact to waste disposal management.

Policy 5.23: Development

N/A.

Policy 5.24: Pollution Prevention

N/A. Minor and temporary impacts to air quality will occur as a result of emissions from trucks and bulldozers. Prevailing winds dissipate air emissions immediately. The contractor is required to remove all waste generated at the site or in the event of a spill, the contractor is required to clean up and remove all contamination.

Policy 5.25: Coastal Management Coordination

The proposed Federal action is consistent with this policy. USACE provides DNREC and relevant Federal agencies the opportunity to review and comment on the proposed action. USACE is requesting a 10-year Section 401 Water Quality Certification (Div. of Water), pursuant to the Clean Water Act and a 10-year consistency determination with DCMP pursuant to the Coastal Zone Management Act for placement of sand at Oakwood Beach either via truck haul or dredging from the Reedy Island Range of the Delaware River main channel by dredging. In the event that modifications to either the maintenance dredging or truck haul placement operations are required for any future nourishment, USACE will re-initiate coordination with your office.

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:	BRANDRETH.MARY.ELIZABETH.1229130427 Digitally signed by BRANDRETH.MARY.ELIZABETH.1229130427 Date: 2023.03.28 13:48:34 -04'00'		
Printed Name:	Mary (Beth) Brandreth	Date:	3/28/2023

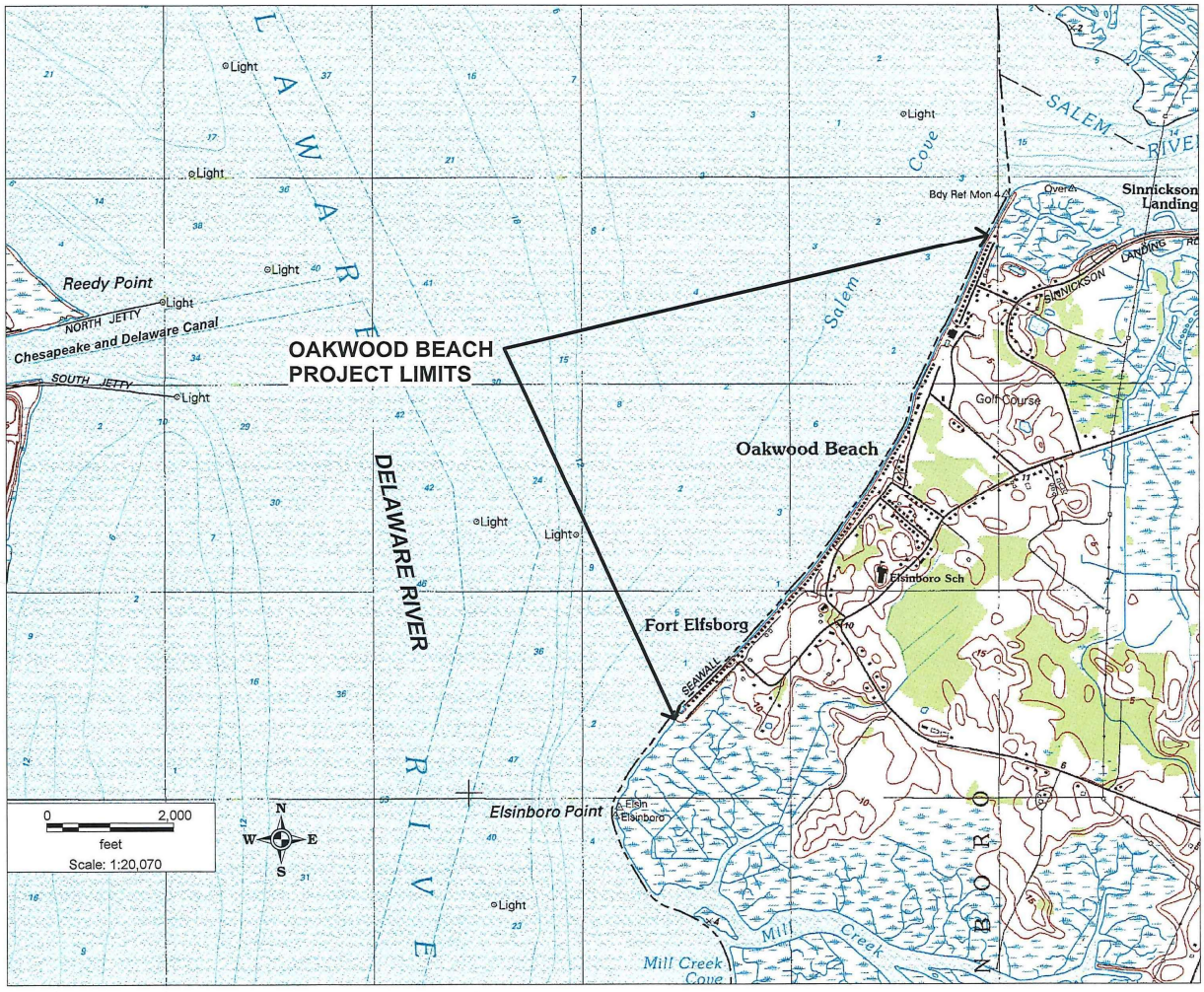
Pursuant to 15 C.F.R. Part 930, the Delaware Coastal Management Program must provide its concurrence with or objection to this consistency determination or consistency certification in accordance with the deadlines listed below. Concurrence will be presumed if the state's response is not received within the allowable timeframe.

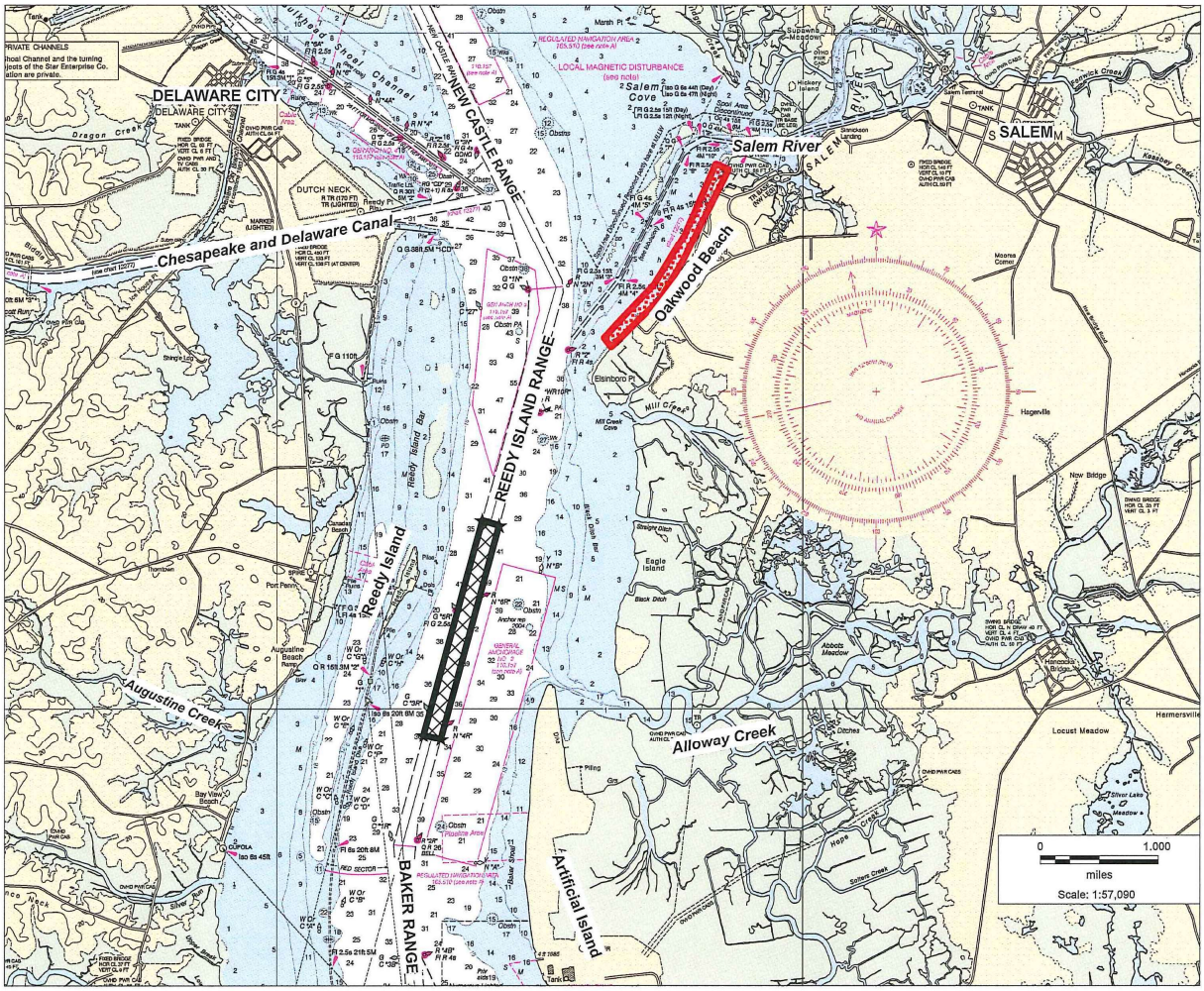
Federal Consistency Review Deadlines:

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: ☐ NO ☐ YES *[attach comments]*	
Decision type: *(objections or conditions attach details)*	Decision Date:	


OAKWOOD BEACH
PROJECT LIMITS
DELAWARE RIVER
Oakwood Beach
Fort Elfsborg
Elsinboro Point
Reedy Point
Chesapeake and Delaware Canal
NORTH JETTY
SOUTH JETTY
Light
Salem Cove
SALEM RIVER
Sinnickson Landing
Bdy Ref Mon 4
Golf Course
Elsinboro Sch
SEAWALL
Mill Creek
Mill Creek Cove
NECK
0
2,000
feet
Scale: 1:20,070
N
W
E
S

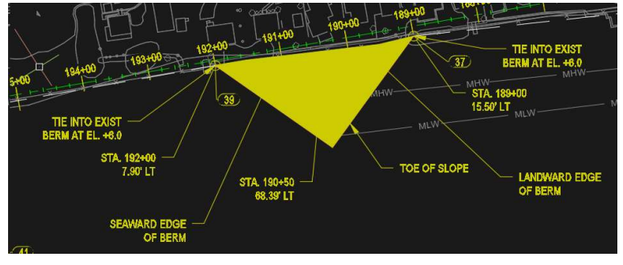


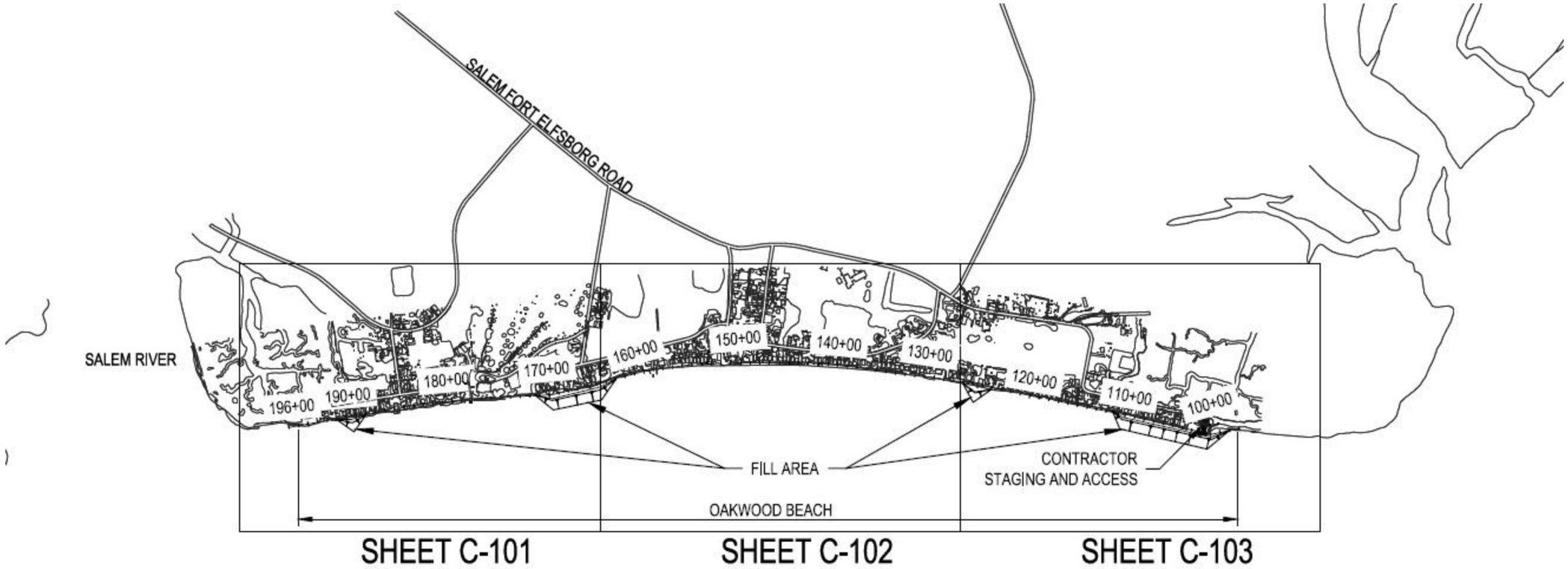
Sand Source

Beachfill Placement Location

N
W E
S

Area	Total Area (sf)	Intertidal Zone Area (sf)
Area 1	**189243**	**114702**
	61131	
	13410	
	114702	
Area 2	**31319**	**5967**
	25352	
	5967	
Area 3	**114468**	**44937**
	69531	
	44937	
Area 4	**22324**	**5770**
	16554	
	5770	
Total	**357354**	**171376**




SALEM FORT ELFSBORG ROAD
SALEM RIVER
196+00
190+00
180+00
170+00
160+00
150+00
140+00
130+00
120+00
110+00
100+00
FILL AREA
CONTRACTOR
STAGING AND ACCESS
OAKWOOD BEACH
SHEET C-101
SHEET C-102
SHEET C-103