



STATE OF DELAWARE

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**

DIVISION OF CLIMATE, COASTAL AND ENERGY

STATE STREET COMMONS

100 W. WATER STREET, SUITE 7B

DOVER, DELAWARE 19904

**COASTAL  
PROGRAMS**

PHONE  
(302) 739-9283

September 15, 2025

Robert Rech  
AKRF Environmental, Planning, and Engineering Consultants  
307 Fellowship Road, Suite 214  
Mt. Laurel, NJ 08054

**RE: Delaware Coastal Management Program — Federal Consistency Certification Concurrence for New Jersey Wind Port Phase 2 Resubmission (FC 2024.0050)**

Dear Robert Rech,

The Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program (DCMP) has completed its review of the above referenced project. This letter is in response to the federal consistency certification, dated and received on August 1, 2024, submitted by you on behalf of the New Jersey Economic Development Authority (NJEDA). There were two mutually agreed upon stay agreements the first of which began on January 10, 2025, and ended on April 10, 2025, and the second of which began on April 29, 2025 with an end date of October 28, 2025. The parties mutually agreed to end the second stay agreement on September 15, 2025.

**PROPOSED ACTION**

The NJEDA proposes to use a U.S. Army Corp of Engineers (USACE) Individual Permit for Phase 2 of the New Jersey Wind Port (NJWP) at the Salem and Hope Creek Generating Station on Artificial Island in Salem County, New Jersey, which includes the development of additional marshalling capacity and manufacturing support facilities by redeveloping existing portions of the Salem and Hope Creek Generating Station and former USACE Artificial Island Confined Disposal Facility (CDF) Cell No. 3. NJEDA proposes to install new wharf structures, to hydraulically and mechanically dredge approximately 3,000,000 cubic yards (cy) of material from the existing access channel to an elevation of -39.5 feet North American Vertical Datum 1988 (NAVD 88) and for berthing areas to an elevation of -47.5 feet NAVD 88 to support the placement of a gravel base within the Delaware River. Approximately 2,485 linear feet of shoreline will be developed as an open wharf structure. The Hydraulic dredging will be used for the majority of the dredging, and the use of mechanical dredging (approximately 170,000 cubic yards) will be used as necessary in limited areas. The in-water area of disturbance would be

approximately 70 acres. Approximately 2.7 acres of wetlands and intertidal mudflat east of the existing timber bulkhead would be excavated to create open water area beneath the overhanging wharf. No dredging or in-water work would occur from March 15 to June 30 to avoid disturbance to spawning anadromous species, including Atlantic Sturgeon. Additionally, a side-scan sonar sweep will be used prior to the start of the dredging to determine if any large aggregations of sturgeon are present in the area to be dredged. A Protected Species Observer will also be present during dredging to monitor for any occurrences of sturgeon entrainment by the dredge.

Approximately 1,750,000 cy of material will be beneficially used to create the Mad Horse Creek Nearshore Placement Beneficial Use site and used to support continued restoration efforts at the Abbots Meadow wetland restoration site. No planting is proposed in the beneficial reuse site; however, vegetation monitoring and sampling will occur during times of peak growth. An additional 1,250,000 cy of dredge material would be managed at the USACE CDF Cell No. 2 on Artificial Island during the construction of the wind port and as part of the proposed Phase 2 development activities. This would include space for the temporary management of up to approximately 200,000 cy of annual maintenance dredge material that would be utilized as part of ongoing support and maintenance of beneficial use activities.

Plans provided by the NJEDA include the use of a turbidity curtain during mechanical dredging where water depths and current velocities allow for effective deployment and operation. NJEDA submission materials include the implementation of silt fences and silt rocks during construction activities to minimize runoff. Results of sediment sampling and analysis by NJEDA indicated that possible pollutant concentrations would not exceed ambient levels. Additionally, to allow for sufficient settling of solids prior to discharge of the decant water to surface waters of the State, the NJEDA would impose a minimum retention time of 24 hours for the dredged material into the CDF.

As it pertains to the site plans provided, this is a review of in-water activities at Parcels B1 and B2. Activities at Parcel A were reviewed under Phase 1 of the project and received a conditional concurrence from the DCMP on March 29, 2021.

## **FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT**

Pursuant to the Coastal Zone Management Act (CZMA) of 1972 administered by the National Oceanic and Atmospheric Administration (NOAA), as amended, any applicant for a required federal license or permit to conduct an activity, in or outside of the coastal zone, that can have reasonably foreseeable effects on any land or water use or natural resource of the coastal zone of that state, shall provide a certification that the proposed activity complies with the enforceable policies of the state's NOAA-approved program and that such activity will be conducted in a manner consistent with the program. Under the CZMA implementing regulations, *Federal Consistency with Approved Coastal Management Programs* (15 CFR 930), subpart D, state agencies are directed to develop a list of federal license or permit activities to be included as part of the management program, with the federal license or permit activities described in terms of the specific licenses or permits involved. Any applicant for a federal license or permit selected for review by a state agency should obtain the views and assistance of the state

agency regarding the means for ensuring that the proposed activity will be conducted in a manner consistent with the management program.

Under 15 CFR 930, subpart I, a state may exercise its right to review activities occurring in other states, after approval by the National Oceanic and Atmospheric Administration (NOAA), if it can demonstrate that a proposed activity within a specific geographic location would result in reasonably foreseeable coastal effects to the state's coastal management area. Delaware has determined that dredging and dredged material disposal, as well as offshore alternative energy development are applicable categories of federal activities that warrant consideration through the provisions of subpart I and outlines the review of these interstate activities in the NOAA-approved DCMP Federal Consistency Policies and Procedures (7 DE Admin. Code 2201, Section 4.0).

In New Jersey, the DCMP has authority to review projects related to dredging, filling, mining, and excavation of 50,000 or more cubic yards of material, excluding beach nourishment projects, occurring below the high tide line of the Delaware River from the Commodore Barry Bridge south to the Delaware State line, and/or below the high tide line of the Delaware River and Bay from Artificial Island to Cape May. Additionally, the DCMP has review authority over the subsurface discharge of dredged and fill materials and the relocation or redistribution of sediments of 50,000 or more cubic yards in the geographic areas described previously, as well as any confined upland disposal facility with the capacity to handle at least 50,000 cubic yards of dredge material that discharges directly into the Delaware River.

The DCMP also has review authority over alternative energy development projects (i.e. siting, placement, construction, and/or decommissioning of wind, wave, and tidal energy capture technologies, excluding meteorological towers and buoys), in New Jersey occurring within the Delaware River and Bay from Artificial Island to Cape May and state ocean waters from 0 to 3 nautical miles.

## **PUBLIC PARTICIPATION**

In accordance with 15 CFR 930.61, the public was invited to participate in the review of the New Jersey Wind Port Phase 2 Resubmission Public notice of this proposed action was published in the Daily State News, The News Journal, and DNREC public notices list service on September 8, 2024. The public was given 30 days to comment on this notice. No public comments were received in response.

## **FEDERAL CONSISTENCY ANALYSIS**

The DNREC DCMP coordinates the review of consistency determinations with agencies administering the enforceable and advisory policies of the program. The following agencies participated in this review:

- DNREC, Division of Air Quality
- DNREC, Division of Fish and Wildlife
- DNREC, Division of Water
- DNREC, Division of Watershed Stewardship

The proposed activity is to be implemented in a manner consistent with the enforceable policies of the DCMP under Section 5.0 of the DCMP Federal Consistency Policy and Procedures document.

Please be advised that the Division of Air Quality (DAQ) recommends that retrofitted on road and non-road diesel engines be used to reduce emissions associated with the project construction. This includes equipment that is used on-site, as well as equipment that is used to transport materials to and from the site. DAQ also recommends the use of dust suppressants and measures to prevent the transport of dust off-site from material stockpile, material movement, and use of unpaved roads.

Please note that the following Delaware air quality regulations may apply: Particulate Emissions from Construction and Materials Handling (7 DE Admin. Code 1106), Conformity of General Federal Actions to the State Implementation Plan (7 DE Admin. Code 1135), Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products (7 DE Admin. Code 1141), and Excessive Idling of Heavy-Duty Vehicles (7 DE Admin. Code 1145).

## **CONCURRENCE**

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the New Jersey Wind Port Phase 2 Resubmission as proposed above is consistent with the policies of the DCMP.

Pursuant to 15 CFR 930.66, the NJEDA shall notify the DCMP of any proposed modifications to activities after receiving a decision from the DCMP. Modifications will be subject to supplemental federal consistency review if effects to any coastal use or resource will be substantially different than originally described. Please be advised that this federal consistency review does not negate the need for other authorizations that may be required.

Thank you for the opportunity to review and respond to the New Jersey Wind Port Phase 2 Resubmission federal consistency certification. If you have any questions, please contact me or Eddie Meade of my staff at (302) 739-9283.

Sincerely,

A handwritten signature in black ink, appearing to read 'JH', with a stylized flourish extending from the end.

Jesse Hayden, Administrator  
Delaware Coastal Management Program

JH/EM

cc: FC File 2024.0050  
Tina Merrill, DAQ  
Faith Garcia, DFW  
Matt Jones, DW  
John Cargill, DWS  
David J. Caplan, USACE