



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

November 8, 2024

Karen Taylor  
DNREC Division of Watershed Stewardship  
901 Pilottown Road  
Lewes, DE 19958

**RE: Delaware Coastal Management Program — Federal Consistency Certification  
Concurrence for Indian River Inlet Dredging and Beneficial Use Project (FC 2024.0054)**

Dear Ms. Taylor,

The Delaware Coastal Management Program (DCMP) of the Delaware Department of Natural Resources and Environmental Control (DNREC) has completed its review of the above referenced project. This letter is in response to the federal consistency certification, dated and received on August 29, 2024, submitted by you on behalf of the DNREC Division of Watershed Stewardship (DNREC DWS).

**PROPOSED ACTION**

DNREC DWS proposes to utilize a U.S. Army Corp of Engineers permit to hydraulically dredge up to 800,000 cubic yards of material from the Indian River Inlet Flood Shoal with approximately 550,000 cubic yards of material currently identified as suitable sand. The dredged material will be transported via pipeline to restore approximately 5,200 linear feet of the North Beach berm and dune system near the Indian River Inlet, Sussex County, Delaware, beginning from the north jetty and extending northward. Proper construction oversight via inspections of dredging operations will be performed to document conditions and verify that best operational practices are being employed to prevent excessive turbidity. To mitigate impacts to local and migratory species, in-water work will be limited to October 1 to February 28.

**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.

## **PUBLIC PARTICIPATION**

In accordance with 15 CFR 930.61, the public was invited to participate in the review of the Indian River Inlet Dredging and Beneficial Use Project. Public notice of this proposed action was published in the Delaware State News, The Wilmington News Journal, and DNREC public notices list service on September 11, 2024. The public notice was updated to reflect a change in the scope of dredged material on September 25, 2024. The public was given 30 days to comment on this notice. No public comments were received in response to this notice.

## **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  
Department of State, State Historic Preservation Office

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) 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 Indian River Inlet Dredging and Beneficial Use Project as proposed above is consistent with the policies of the DCMP.

Pursuant to 15 CFR 930.66, DNREC DWS 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 Indian River Inlet Dredging and Beneficial Use Project federal consistency certification. If you have any questions, please contact me or Mike Snyder of my staff at (302) 739-9283.

Sincerely,



for

Dayna Cobb, Director  
Division of Climate, Coastal and Energy

DC/mts

cc: FC File 2024.0054  
Danielle Minter, DFW  
Tina Merrill, DAQ  
Matt Jones, DW  
Sarah Carr, SHPO  
John Cargill, IV, DWS  
Joanna French, DWS  
Mike Yost, USACE  
Todd Schaible, USACE