



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

August 27, 2025

Michael Giovannozzi, PE  
Aqua Terra Consulting International  
534 28<sup>th</sup> Street  
West Palm Beach, Florida 33407

**RE: Delaware Coastal Management Program — Federal Consistency Certification Conditional Concurrence for Sandpiper Village South Bethany Dune Modification (2025.0021)**

Dear Michael Giovannozzi,

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 February 26, 2025, submitted on February 27, 2025, and received on February 28, 2025, submitted by you on behalf of the property owners of Lots 21 and 22 in Sandpiper Village, South Bethany, Delaware (Property Owners).

**PROPOSED ACTION**

The Property Owners propose to utilize a U.S. Army Corps of Engineers Section 408 authorization to modify the existing federally authorized dune on Lots 21 and 22 at 14 and 16 Seaside Drive, South Bethany, Sussex County, Delaware and the publicly owned parcel fronting said lots. The modification involves lowering the height of the dune from 24 feet at its peak to the federally designed dune elevation of 16 feet. Excavated sand will be transported to a stockpile location in Fenwick Island State Park as directed by the Delaware Department of Natural Resources and Environmental Control. No work on the beach will occur between April 15 through June 7 to protect the federally protected red knot (*Calidris canutus*) that relies heavily on Delaware Bay shore beaches during spring and may also occur randomly and sparsely along Atlantic Coast beaches of Delaware, including the project area.

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

Pursuant to the Coastal Zone Management Act (CZMA) of 1972, 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 approved program and that such activity will be conducted in a manner consistent with the program. The National Oceanic and Atmospheric Administration (NOAA) is required to review and approve a proposed state management program for it to become effective. 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 Sandpiper Village South Bethany Dune Modification project. Public notice of this proposed action was published in the Daily State News, The News Journal, and DNREC public notices list service on April 30, 2025. The public was given 30 days to comment on this notice. One public comment was received.

## **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 Watershed Stewardship

The proposed activity is to be implemented in a manner consistent with the enforceable policies of the DCMP under 7 DE Admin. Code 2201, Section 5.0.

The project is not expected to have significant impact on air quality. Project managers are advised to seek out and comply with all Delaware Air Quality Regulations to not exceed air quality emission thresholds. To reduce emissions associated with the project, DNREC Division of Air Quality recommends using retrofitted on road and non-road diesel engines for equipment on-site and equipment used to transport materials to and from the site.

## **CONDITIONAL CONCURRENCE**

Based on its review and pursuant to 15 CFR 930, the DCMP conditionally concurs that the Sandpiper Village South Bethany Dune Modification project as proposed above is consistent with the policies of the DCMP. To be consistent with the DCMP's enforceable policies, the following condition must be satisfied as they relate to enforceable policies 5.1.2, and 5.2.4:

- The applicant must obtain the necessary state Coastal Construction Permit from the DNREC Division of Watershed Stewardship.

Failure to comply with 15 CFR §930.4 as it relates to the conditions above will result in this conditional concurrence being considered an objection. Under this scenario, the applicant is advised that pursuant to 15 CFR part 930, subpart H, and within 30 days from receipt of this letter, a request may be submitted to the Secretary of Commerce to override the objection. In order to grant an override request, the Secretary must find that the activity is consistent with the objectives or purposes of the CZMA or is necessary in the interest of national security. A copy of the request and supporting information must be sent to the DCMP and the federal permitting or licensing agency. The Secretary may collect fees for administering and processing your request.

Pursuant to 15 CFR 930.66, the Property Owners 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 Sandpiper Village South Bethany Dune Modification federal consistency certification. If you have any questions, please contact me or Mike Snyder of my staff at (302) 739-9283.

Sincerely,



Kimberly B. Cole, Director  
Division of Climate, Coastal and Energy

KBC/ms

cc: FC File 2025.0021  
Tina Merrill, DAQ  
Faith Garcia, DFW  
Jennifer Pongratz, DWS  
Joanna French, DWS  
Robert Youhas, USACE  
Maria Vershel, Applicant