



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 12, 2025

Edward Launay  
Environmental Resource Insights  
1 Park Avenue  
Milford, DE 19963

**RE: Delaware Coastal Management Program — Federal Consistency Certification Conditional Concurrence for Estates at Bridgewater Community Marina (FC 2025.0024)**

Dear Edward,

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, received on March 7, 2025, and deemed administratively complete on March 13, 2025.

**PROPOSED ACTION**

SB Old Mill Bridge, LLC, proposes to utilize a U.S. Army Corps of Engineers (USACE) Individual Permit (Letter of Permission) to install a marina facility on the northern bank of Dirickson Creek, east of Old Mill Bridge Road, near Frankford, Delaware (Sussex County tax parcel 134-21.00-6.00), as part of the Estates at Bridgewater Community. The proposed project includes two marina piers extending 148 ft. channelward of mean low water, each with a 102 ft. x 78 ft. 12-slip docking area. The eastern marina pier would also include an 8 ft. x 20 ft. floating dock, 4 ft. x 5 ft. kayak launch, and associated metal ramp. The in-water facilities would occupy a total of 4,036 square feet of public subaqueous lands, and a total of 54 square feet of federally regulated wetlands would be bridged by the two mooring piers. No wetland loss or filling is proposed. The in-water work is scheduled to occur between October 2025 to the end of January 2026.

The marina will operate under an Operations and Maintenance Plan that includes prohibition of the discharge of oil, sewage, or other contaminants into the waterway, and no major vessel maintenance or engine repairs. A portable marine pump out cart for marine sanitation devices (MSD) on vessels will be utilized and properly maintained, and sanitary sewer service for the project will be provided by Sussex County. Per the Operations and Maintenance Plan, the area around the marina will be a “no-wake” zone.

## **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 Estates at Bridgewater Community Marina project. Public notice of this proposed action was published on April 6, 2025, in the Daily State News, The News Journal, and on the DNREC public notices website. The notice was also published in Spanish on the DNREC public notices website. The public was given 30 days to comment on this notice. The DCMP received and considered 17 public comments during the comment period.

## **FEDERAL CONSISTENCY ANALYSIS**

The DCMP coordinates the review of consistency certifications 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

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 DNREC 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 advises project managers to minimize air emissions from vessel engines and power equipment by avoiding unnecessary engine idling and ensuring the use of fuels that meet quality standards, such as ultra-low sulfur diesel, whenever possible, throughout the duration of the project.

The following Delaware air quality regulations may apply: Particulate Emissions from Construction and Materials Handling (7 DE Admin. Code 1106), Open Burning (7 DE Admin. Code 1113), Conformity of General Federal Actions to the State Implementation Plan (7 DE Admin. Code 1135), Excessive Idling of Heavy-Duty Vehicles (7 DE Admin. Code 1145), and Regulations Governing the Control of Noise (7 DE Admin. Code 1149).

The Division of Fish and Wildlife recommends a time of year restriction of April 1 to July 31 to avoid impacts to marsh nesting birds. The proposed project timeline to complete in-water work between October 2025, to January 31, 2026, aligns with this restriction and the project is not expected to disturb marsh bird habitat.

## CONDITIONAL CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP conditionally concurs that the Estates at Bridgewater Community Marina 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 related to enforceable policies under Section 5.4:

The applicant shall obtain all necessary state permits, authorizations, and/or leases related to subaqueous lands as regulated by the State of Delaware. The requirement for these authorizations is included in the DCMP enforceable policies and must be obtained to be consistent with these policies.

Failure to comply with 15 CFR §930.4 as it relates to the condition 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 applicant 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. If you have any questions, please contact me or Stephanie Zmina of my staff at (302) 739-9283.

Sincerely,



[Jesse Hayden \(Sep 12, 2025 09:05:12 EDT\)](#)

Jesse Hayden, Administrator  
Delaware Coastal Management Program

JH/sz

cc: File FC 2025.0024  
Mike Yost, USACE  
Tina Merrill, DAQ  
Faith Garcia, DFW  
Matt Jones, DW