



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

May 15, 2025

Steven Allen  
U.S. Army Corps of Engineers – Philadelphia District  
1650 Arch Street  
Philadelphia, PA 19103-2004

**RE: Delaware Coastal Management Program — Federal Consistency Determination Concurrence for USACE Indian River Inlet North Shore Supplemental Nourishment (2025.0029)**

Dear Steven Allen,

The Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program (DCMP) has completed its review of the above referenced project, dated March 18, 2025, and received by this office on March 20, 2025.

**PROPOSED ACTION**

The US Army Corps of Engineers (USACE) proposes to restore and maintain the berm and dune complex along the shoreline on the north side of the Indian River Inlet, Sussex County, Delaware. The proposed project includes the hydraulic dredging of approximately 500,000 cubic yards of material from the Indian River Inlet Ebb Shoal (Ebb-A) to an average depth of 10 feet below the existing bathymetry to be placed along the shoreline of the beach extending approximately 5,000 feet north from the north Indian River Inlet jetty. The proposed construction will result in an approximately 200 to 250-ft. wide berm with an elevation of +9.0 ft. NAVD leading into a dune crest with an elevation of +16.0 ft. NAVD and width of 25 ft. Associated work would include installation of dune fencing, crossovers and dune grass plantings. To minimize impacts to recreational uses of the beach and impacts to living resources such as shorebird migration and beach nesting bird season, this phase of the project will be conducted between September through December 2025 and the beach closures will occur in no more than 1,000-foot increments during construction. The presence of other sensitive species (seabeach amaranth, pinnipeds, and other marine mammals) in the planned project area (shoreline to be renourished and Ebb-A shoal) will also be monitored and avoided. Air emissions are estimated to be below the annual thresholds in a marginal nonattainment area and, when practicable, unnecessary idling of trucks and machinery having a gross weight of over 8,500 pounds to no more than three minutes would be implemented. Dust control measures will be implemented for construction staging areas and access roads.

Future periodic nourishment would occur on an as-needed basis, where required sand quantity is not to exceed 800,000 cubic yards. Sand sources could include the Indian River Inlet Ebb Shoal (Ebb-A), the existing Indian

River Inlet Flood Shoal Sand Source, and potentially the portion of the Indian River Inlet Ebb Shoal (Ebb-B) that includes the proposed southern lobe expansion area. The Ebb-B shoal would only be used after supplemental environmental compliance approvals upon further investigations for sediment quality, benthic resources, and cultural resources. Sensitive species will be avoided in and around the shoreline being renourished including the sand resource shoals off the coast. The USACE would also avoid and minimize impacts to sensitive species if sand sources within the Indian River Bay would be utilized. Dredging within the interior Indian River inlet (Flood Shoal) would not occur from March 1 to September 30, for upstream passage of elvers (American eel), presence of young of the year summer flounder, and horseshoe crab spawning. DNREC and U.S. Fish and Wildlife Service will be notified and/or consulted for avoidance of Red Knots, beach nesting birds, seabeach amaranth, pinnipeds, and other marine mammals. Buffer zones will be maintained around any beach nesting birds, seals, or whales present during planned activities.

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

Pursuant to the Coastal Zone Management Act (CZMA) of 1972, as amended, each federal agency activity within or outside the coastal zone that can have reasonably foreseeable effects on any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved state management programs. 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 C, federal agencies are advised to provide state agencies with a consistency determination at the earliest practicable time in the planning or reassessment of an activity, and also before the federal agency reaches a significant point of decision-making in its review process. The term “consistent to the maximum extent practicable” in 15 CFR 930.32 means fully consistent with the enforceable policies of a management program unless full consistency is prohibited by existing law applicable to the federal agency.

## **PUBLIC PARTICIPATION**

In accordance with 15 CFR §930.42, the public was invited to participate in the review of the USACE Indian River Inlet North Shore Supplemental Nourishment project. Public notice of this proposed action was published in the Daily State News, The News Journal, and the DNREC public notices list service website on April 6, 2025. The public was given 20 days from publication to comment on this notice. Two public comments were received in response to this notice and considered during the review.

## **FEDERAL CONSISTENCY ANALYSIS**

The DNREC DCMP coordinates the review of consistency determinations with agencies administering the enforceable and advisory policies of the program. 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. 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 Division of Air Quality provided emissions thresholds in accordance with the General Conformity Rule under the Clean Air Act, for marginal nonattainment areas. The applicant's Environmental Assessment expected pollutant quantities are below all thresholds.

Be advised that 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), Emission Standards for Hazardous Air Pollutants (7 DE Admin. Code 1121), 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 provided comments regarding avoidance of sensitive species, including red knot, seabeach amaranth, beach nesting birds, pinnipeds, marine mammals, summer flounder, horseshoe crab, shellfish, and American eel. Time of year restrictions and buffer zones for these species have been incorporated in the proposed project plans.

## CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the USACE Indian River Inlet North Shore Supplemental Nourishment project as proposed is consistent to the maximum extent practicable. Pursuant to 15 CFR 930.46, USACE 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 evaluate this federal activity. If you have any questions, please contact me or Stephanie Zmina of my staff at (302) 739-9283.

Sincerely,



[Jesse Hayden \(May 15, 2025 15:44 EDT\)](#)

Jesse Hayden, Administrator  
Delaware Coastal Management Program

JH/sz

cc: File FC 2025.0029  
Tina Merrill, DAQ  
Faith Garcia, DFW  
Matt Jones, DW  
John Cargill, DWS  
Joanna French, DWS