



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 22, 2026

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

RE: Delaware Coastal Management Program — Federal Consistency Certification Conditional Concurrence for Henlopen Bluff Community Marina (FC 2026.0004)

Dear Edward Launay,

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 originally received on November 18, 2025, and deemed administratively complete on November 24, 2025, submitted by you on behalf of Showfield, LLC.

PROPOSED ACTION

Showfield, LLC, proposes to utilize a U.S. Army Corps of Engineers Individual Permit to construct a marina facility on the southerly shoreline of the Lewes-Rehoboth Canal, 40 feet east of US Route 9, in Lewes (Tax map parcel 335-9.00-1.02). The project would include nine boat lifts, nine 6ft x 32ft piers, associated mooring piles, a kayak launch dock consisting of a 6ft x 8ft access pier and an 8ft x 35 ft dock fitted with a kayak launch ladder, and associated parking to be utilized by the proposed Henlopen Bluff Community on the south side of Gills Neck Road. Water and electric services would be provided, with utility pedestals at the landward end of the piers.

Any ground disturbance activities subject to a Sediment and Stormwater Management Plan would not commence until such plan is approved by the Sussex Conservation District.

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 (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 Henlopen Bluff Community Marina. Public notice of this proposed action was published in the Delaware State News, The News Journal, and DNREC public notices webpage on December 17, 2026. The public was given 30 days to comment on this notice. One public comment was received in response and considered.

FEDERAL CONSISTENCY ANALYSIS

As a networked program, the DCMP coordinates consistency certification reviews with agencies administering enforceable mechanisms supporting the policies of the program pursuant to 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

Please be advised that DNREC Division of Air Quality (DAQ) recommends that all diesel-powered equipment should use ultra-low sulfur diesel fuel when operating. The use of properly maintained equipment and idling minimization practices is also recommended to further reduce localized air quality impacts.

The following Delaware air quality regulations may apply: Particulate Emissions from Construction and Materials Handling (7 DE Admin. Code 1106), Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products (7 DE Admin. Code 1141), Excessive Idling of Heavy-Duty Vehicles (7 DE Admin. Code 1145), and Regulations Governing the Control of Noise (7 DE Admin. Code 1149).

DNREC Fish and Wildlife recommends that no construction occur from April 1 to July 31, to avoid potential disturbance to marsh nesting birds and migratory shorebirds due to the proximity of marsh habitat on the north side of the Lewes-Rehoboth Canal. This recommendation is in addition to another time of year restriction to minimize impacts to aquatic species as noted in the conditional concurrence section below.

CONDITIONAL CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP conditionally concurs that the Henlopen Bluff Community Marina as proposed above is consistent with the policies of the DCMP.

To be consistent with the DCMP's enforceable policies, the following conditions must be satisfied as they relate to the enforceable policies as noted:

- The applicant shall obtain all necessary state permits, authorizations, and/or leases related to subaqueous lands and marinas 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. (DCMP policies 5.3.1.19, 5.3.2.2, and 5.4.20)
- To avoid impacts to aquatic species of concern (anadromous fish, summer flounder), in-water work shall not occur from March 1 through September 30. (DCMP policy section 5.11)

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 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 \(May 22, 2026 09:55:32 EDT\)](#)

Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/ SZ

cc: FC File 2026.0004
Mike Yost, USACE
Tina Merrill, DAQ
Faith Garcia, DFW
Jena Saxton, DW