



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 17, 2026

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

**RE: Delaware Coastal Management Program — Federal Consistency Certification  
Conditional Concurrence for Romano Boat Lift (FC 2026.0021)**

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 dated April 3, 2026, signed on April 13, 2026, and received April 16, 2026, submitted by you on behalf of Joseph Romano.

**PROPOSED ACTION**

Joseph Romano proposes to utilize a U.S. Army Corps of Engineers Individual Permit for the installation of a 10-foot wide by 14-foot long, 12,000-pound capacity boat lift supported on four piles in the Indian River at 32046 River Rd., Millsboro, Sussex County, Delaware. To minimize impacts to aquatic species, no in-water work will occur between March 1 and September 30.

**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 Romano Boat Lift. Public notice of this proposed action was published in the Daily State News and The News Journal on June 3, 2026. It was also posted in English and Spanish on the DNREC public notices webpage. The public was given 30 days to comment on this notice. No public comments were received in response.

## **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 Fish and Wildlife  
DNREC, Division of Water

DNREC Fish and Wildlife (DFW) requested several time-of-year restrictions, to avoid disturbance to spawning and juvenile aquatic species, including no in-water work from March 1 to May 15 (American Eel), March 15 to June 30 (anadromous fish species), and March 1 to September 30 (Summer flounder).

The DCMP has considered the possible coastal effects of this project, including disturbance to subaqueous land and spawning aquatic species. The applicant has agreed to minimize impacts on aquatic life by adhering to a time of year restriction which encompasses those requested by DFW.

## **CONDITIONAL CONCURRENCE**

Based on its review and pursuant to 15 CFR 930, the DCMP conditionally concurs that the Romano Boat Lift 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 under Section 5.4:

- The applicant shall obtain all necessary state permits, authorizations, and/or leases related to activities on 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 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, a request may be submitted to the Secretary of Commerce to override the objection. This appeal request must be made within 30 days after receipt of the State agency's conditional concurrence/objection or 30 days after receiving notice from the Federal agency that the application will not be approved as amended by the State agency's conditions. 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 at (302) 739-9283.

Sincerely,



Jesse Hayden (Aug 17, 2026 11:25:11 EDT)

Jesse Hayden, Administrator  
Delaware Coastal Management Program

JH/sz

cc: FC File 2026.0021  
James Colligan, USACE  
Faith Garcia, DFW  
Katie Esposito, DW