



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 11, 2026

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

**RE: Delaware Coastal Management Program — Federal Consistency Certification
Concurrence for Horner Dock and Pier (FC 2026.0015)**

Dear Ed 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 and received March 23, 2026, submitted by you on behalf of Jonathan Horner.

PROPOSED ACTION

Jonathan Horner proposes to utilize a U.S. Army Corps of Engineers Individual Permit for the modification of an existing boat docking facility and the installation of a pier, two boat lifts and a twin personal watercraft lift on White Oak Canal at 25 West Side Drive, Rehoboth Beach, Sussex County, Delaware. The existing docking facility consists of an 8' wide by 14' long pier and a 6.8' wide by 32.3' long dock. The modification of the existing dock will involve the removal of the northern section of the dock measuring 6.8' wide by 11.7' long and retaining the remaining south portion (6.8' wide by 20.6' long). In-water work will not occur between March 1 and June 30 to minimize impacts to American Eel and anadromous fish. Pile driving will not occur between March 1 and September 30 to minimize impacts to Summer Flounder.

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 Horner Dock and Pier project. Public notice of this proposed action was published in the Delaware State News, The News Journal, and DNREC public notices webpage on May 15, 2026. The public was given 30 days to comment on this notice. No public comments were received during the comment period.

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
Department of State, State Historic Preservation Office

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: Air Quality Permits (7 DE Admin Code 1102), Particulate Emissions from Construction and Materials Handling (7 DE Admin. Code 1106), Control of Stationary Generator Emissions (7 DE Admin Code 1144), Excessive Idling of Heavy-Duty Vehicles (7 DE Admin. Code 1145), and Regulations Governing the Control of Noise (7 DE Admin. Code 1149).

CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the Horner Dock and Pier project as proposed above is consistent with the policies of the DCMP.

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. Thank you for the opportunity to review and respond to the Horner Dock and Pier federal consistency certification. If you have any questions, please contact me or Mike Snyder (302) 739-9283.

Sincerely,



Jesse Hayden (Sep 11, 2026 14:56:36 EDT)

Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/mts

cc: FC File 2026.0015
Tina Merrill, DAQ
Gwen Davis, SHPO
Faith Garcia, DFW
Jason Baumgartner, DW
Mike Yost, USACE