

Initial Review: _____
Updated On: _____
Complete: _____
Official Use Only

Coastal Zone Management Act Federal Consistency Form

This document provides the Delaware Coastal Management Program (DCMP) with a Federal Consistency Determination or Certification for activities regulated under the Coastal Zone Management Act of 1972, as amended, and NOAA's Federal Consistency Regulations, 15 C.F.R. Part 930. Federal agencies and other applicants for federal consistency are not required to use this form; it is provided to applicants to facilitate the submission of a Consistency Determination or Consistency Certification. In addition, federal agencies and applicants are only required to provide the information required by NOAA's Federal Consistency Regulations.

Project/Activity Name:	Indian River Inlet Coastal Structure Repairs 2023
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I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: Barbara Conlin

Federal Agency Contractor Name (if applicable): _____

Federal Agency: U.S. Army Corps of Engineers
(either the federal agency proposing an action or the federal agency issuing a federal license/permit or financial assistance to a non-federal applicant)Mailing Address: 100 South Independence Mall WestCity: Philadelphia State: PA Zip Code: 19106E-mail: Barbara.E.Conlin@usace.army.mil Telephone #: 215-656-6557

II. Federal Consistency Category:

- ☒ Federal Activity or Development Project
(15 C.F.R. Part 930, Subpart C)
- ☐ Outer Continental Shelf Activity
(15 C.F.R. Part 930, Subpart E)
- ☐ Federal Financial Assistance
(15 C.F.R. Part 930, Subpart F)
- ☐ Federal License or Permit Activity
(15 C.F.R. Part 930, Subpart D)
- ☐ Federal License or Permit Activity which occurs
wholly in another state (interstate consistency
activities identified in DCMP's Policy document)

III. Detailed Project Description (attach additional sheets if necessary):

The Indian River Inlet federal navigation project authorization includes two parallel jetties 500 ft apart; and approximately 10 miles of navigation channel from the inlet to a turning basin near Millsboro, Sussex County, DE. USACE Philadelphia District is responsible for maintenance of these structures and the navigation channel authorized depths. The Indian River Inlet jetties are in poor condition with over 400 linear ft of loss from the north jetty seaward end since 1960. A landward portion of the north jetty was repaired by a land-based contract in 2013.

USACE proposes to conduct repairs at three locations at Indian River Inlet beginning in fall 2023:

The proposed repairs entail 3 components: 1) north jetty repair (landward and seaward) 2) interior north shoreline bulkhead (landward and seaward under Rt 1 highway bridge); and 3) south jetty sand tightening (landward only). The north jetty repair includes a landward portion (about 400 linear ft), the north jetty head (175 linear ft) and submerged seaward sections (250 linear ft). Both land and marine-based construction will reconstruct the rubble mound structure by positioning and adding large rock. For the failed north shoreline bulkhead/revetment, landward repairs will include installation of sheetpile, a post and panel wall, and repositioning the sidewalk and installing a new railing. In-water work will include repositioning and adding revetment rock and a rock armor blanket on the north shore inlet slope. Both marine-based and land-based equipment will be used for construction and rehandling of existing capstone and installation of new capstone and the 0.2 acre riprap armor blanket (to -80 feet) where existing riprap has displaced due to erosion and scour. Repairs to the south jetty will be to sand tighten a landward portion of the south jetty with steel sheetpiles landward of the existing jetty rock. Construction equipment used at the south jetty will be all land-based. The period of performance for this contract work is 23 months.

IV. General Analysis of Coastal Effects (attach additional sheets if necessary):

The U.S. Army Corps of Engineers (USACE), Philadelphia District is responsible for maintenance of these coastal navigation structures and the navigation channel to authorized depths. The Indian River Inlet jetties are in poor condition with over 400 linear ft of loss from the north jetty seaward end since 1960. Rehabilitation and maintenance of navigation structures ensures the integrity of the project channel for safe navigation and reduces dredging costs. If structures are not properly maintained, the risk of failure, sedimentation, life safety issues and property damage increase. In addition, repair of the north jetty, north bulkhead and sand tightening of the south jetty protects other state and federal assets such as beach nourishment and sand bypass operations conducted on adjacent shorelines and prevents further erosion.

V. Detailed Analysis of Consistency with DCMP Enforceable Policies (attach additional sheets if necessary):**Policy 5.1: Wetlands Management**

No effect.

Policy 5.2: Beach Management

No effect.

Policy 5.3: Coastal Waters Management (includes wells, water supply, and stormwater management. Attach additional sheets if necessary)

There will be no dredging or dredged material disposal. The in-water work (i.e. submerged portion of the north jetty and the installation of rock (revetment) and armor blanket (north slope) may generate turbidity within the inlet and is tidally connected to the Atlantic Ocean and Rehoboth Bay. This effect is expected to be temporary and localized. Due to the swift currents typical of Indian River Inlet, turbidity is anticipated to be flushed quickly and dissipated.

Policy 5.4: Subaqueous Land and Coastal Strip Management

The proposed repairs at Indian River Inlet will partially occur within Subaqueous Lands in Delaware waters. Section 401 Water Quality Certification will be requested from DNREC upon review of the submitted application materials.

Policy 5.5: Public Lands Management

In their current dilapidated state, the pedestrian walkway along the north shore of the inlet and other infrastructure pose a safety hazard for recreational users at the adjacent Delaware Seashore State Park. The proposed repairs will provide a safer user environment on public lands.

Policy 5.6: Natural Lands Management

No effect.

Policy 5.7: Flood Hazard Areas Management

No effect.

Policy 5.8: Port of Wilmington

No effect.

Policy 5.9: Woodlands and Agricultural Lands Management

No effect.

Policy 5.10: Historic and Cultural Areas Management

No effect.

Policy 5.11: Living Resources

The majority of the proposed repairs at Indian River Inlet are on land in a developed area adjacent to the Inlet, Highway Rt 1 and the Delaware Seashore State Park. The remaining in-water work entails repositioning jetty rock, adding new rock to both the jetty and north bulkhead revetment and an armor blanket on the north slope under the rt one bridge. This in-water work may temporarily disrupt any benthic species that may occur within the interstitial spaces between the rocks. The repair work may also generate water turbidity that will be rapidly dissipated by the inlet currents. All potential impacts to living resources are temporary during the construction period. Several federally-listed threatened and endangered species may utilize the inlet (sturgeon and sea turtles). Consultation with the NMFS has concluded that these Federally-listed species will not be adversely affected by the proposed repairs.

Policy 5.12 Mineral Resources Management

No effect.

Policy 5.13: State Owned Coastal Recreation and Conservation

In their current dilapidated state, the pedestrian walkway along the north shore of the inlet and other infrastructure pose a safety hazard for recreational users at the adjacent Delaware Seashore State Park. The propose repairs will provide a safer user environment on public lands.

Policy 5.14: Public Trust Doctrine

The public would be temporarily prohibited from entering work areas such as the pedestrian walkway along the north shore and the north and south jetties until work is completed.

Policy 5.15: Energy Facilities

No effect.

Policy 5.16: Public Investment

No effect.

Policy 5.17: Recreation and Tourism

In their current dilapidated state, the pedestrian walkway along the north shore of the inlet and other infrastructure pose a safety hazard for recreational users on the jetties (e.g. anglers) and at the adjacent Delaware Seashore State Park. The propose repairs will provide a safer user environment on public lands for recreation and tourism.

Policy 5.18: National Defense and Aerospace Facilities

Maintenance of the coastal structures of Indian River Inlet are necessary in a highly hydrodynamic environment. The inlet provides access for the U.S. Coast Guard to their facilities.

Policy 5.19: Transportation Facilities

No effect.

Policy 5.20: Air Quality Management

Repair construction activities will result in temporary and localized increases in emissions associated with diesel powered equipment and tender vessels. Based on the size of the operation and duration and the oceanic atmospheric environment, air emissions are expected to be below the de minimus threshold for a marginal ozone nonattainment area. A general Conformity determination is not required for a maintenance operation under 40 CFR § 93.153 (c)(2)(ix).

Policy 5.21: Water Supply Management

No effect.

Policy 5.22: Waste Disposal Management

No effect. The construction contractor is responsible for removal of all waste.

Policy 5.23: Development

No effect.

Policy 5.24: Pollution Prevention

The proposed actions will be conducted in a manner that complies with pollution prevention policies in accordance with waste management and spill prevention and abatement practices.

Policy 5.25: Coastal Management Coordination

The proposed action has been reviewed by the NMFS pursuant to the Endangered Species Act and it was concluded that the proposed action is not likely to adversely affect listed species or critical habitat. A Section 401 Water Quality Certification review will be requested from DNREC and concurrence with a Federal Consistency Determination. The proposed action plan is currently under review by the NMFS pursuant to the Magnuson Stevens Fishery Conservation and Management Act. The NMFS will provide conservation recommendations for consideration.

VI. JPP and RAS Review (Check all that apply):

Has the project been reviewed in a monthly Joint Permit Processing and/or Regulatory Advisory Service meeting?

☐ JPP

☐ RAS

☒ None

*If yes, provide the date of the meeting(s): _____

VII. Statement of Certification/Determination and Signature (Check one and sign below):

☒ **FEDERAL AGENCY CONSISTENCY DETERMINATION.** Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Delaware Coastal Management Program.

OR

☐ **FEDERAL AGENCY NEGATIVE DETERMINATION.** Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity will not have any reasonably foreseeable effects on Delaware's coastal uses or resources (Negative Determination) and is therefore consistent with the enforceable policies of the Delaware Coastal Management Program.

OR

☐ **NON-FEDERAL APPLICANT'S CONSISTENCY CERTIFICATION.** Based upon the information, data, and analysis included herein, the non-federal applicant for a federal license or permit, or state or local government agency applying for federal funding, listed in (I) above, finds that this proposed activity complies with the enforceable policies of the Delaware Coastal Management Program and will be conducted in a manner consistent with such program.

Signature:	LEARY.ADRIAN.1384973384 Digitally signed by LEARY.ADRIAN.1384973384 Date: 2023.02.21 13:05:07 -05'00'		
Printed Name:	Peter R. Blum, Chief Planing Division	Date:	21 February 2023

Pursuant to 15 C.F.R. Part 930, the Delaware Coastal Management Program must provide its concurrence with or objection to this consistency determination or consistency certification in accordance with the deadlines listed below. Concurrence will be presumed if the state's response is not received within the allowable timeframe.

Federal Consistency Review Deadlines:

Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)	60 days with option to extend an additional 15 days or stay review (15 C.F.R. § 930.41)
Federal License or Permit (15 C.F.R. Part 930, Subpart D)	Six months, with a status letter at three months. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.63)
Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)	Six months, with a status letter at three months. If three month status letter not issued, then concurrence presumed. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.78)
Federal Financial Assistance to State or Local Governments (15 C.F.R. Part 930, Subpart F)	State Clearinghouse schedule

OFFICIAL USE ONLY:

Reviewed By:	Fed Con ID:	Date Received:
Public notice dates: _____ to _____	Comments Received: <input type="checkbox"/> NO <input type="checkbox"/> YES [attach comments]	
Decision type: <small>(objections or conditions attach details)</small>	Decision Date: _____	



Indian River Inlet Repairs

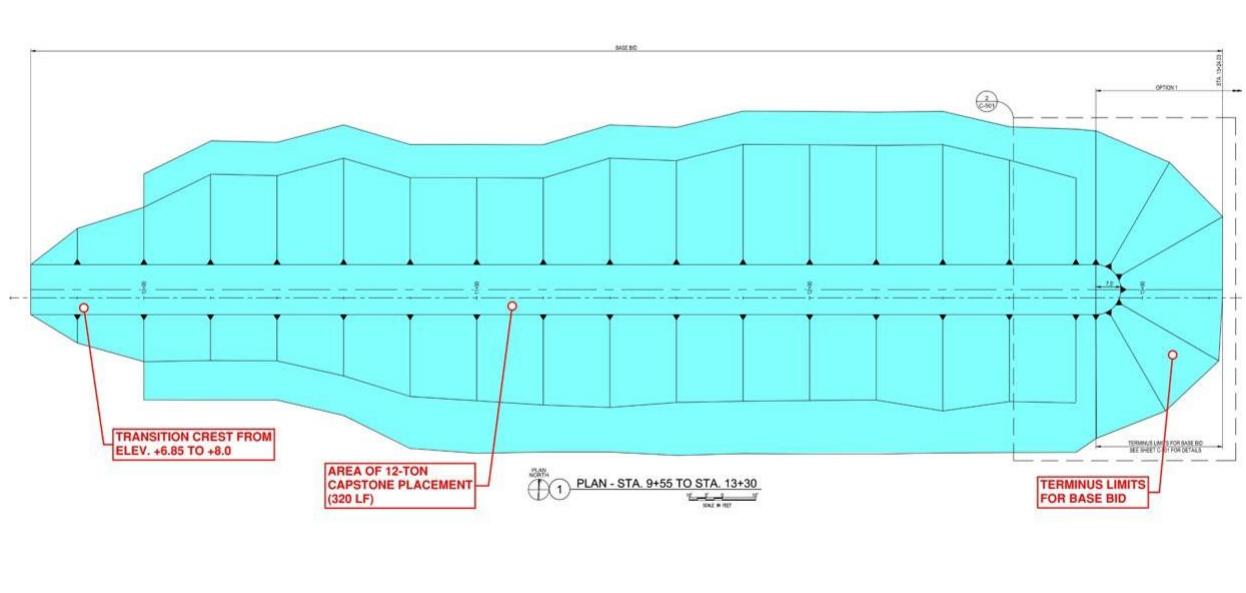
- **North Jetty**
Rock repair
- **North Bulkhead**
Post and panel wall
Sheetpile
Rock armoring
Sidewalk and other landside improvements
- **South Jetty**
Sheetpile
Reconnecting outfall piles
Concrete block walkway

Photographs and Plan Drawings

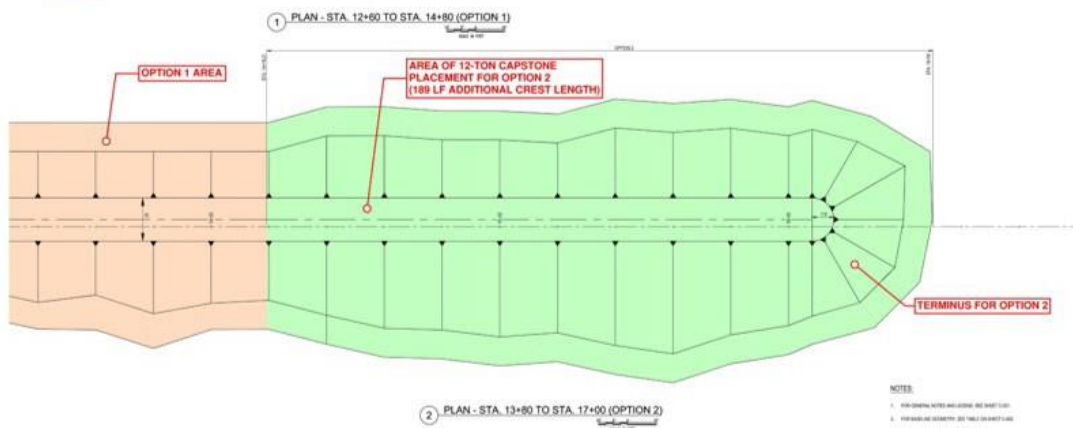
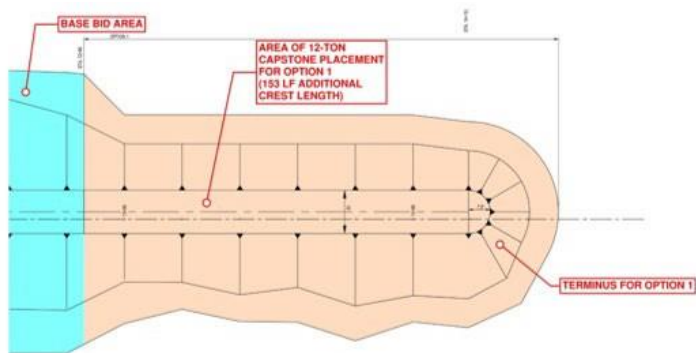
PROJECT OVERVIEW



North Jetty Repair



North Jetty Terminus



- NOTES:
1. FOR DIMENSIONS, NOTES AND GENERAL, SEE SHEET 1.001.
 2. FOR DIMENSIONS AND GENERAL, SEE SHEET 1.002.
 3. SEE SHEET 1.001 FOR TYPICAL SECTIONS.

North Bulkhead Repair



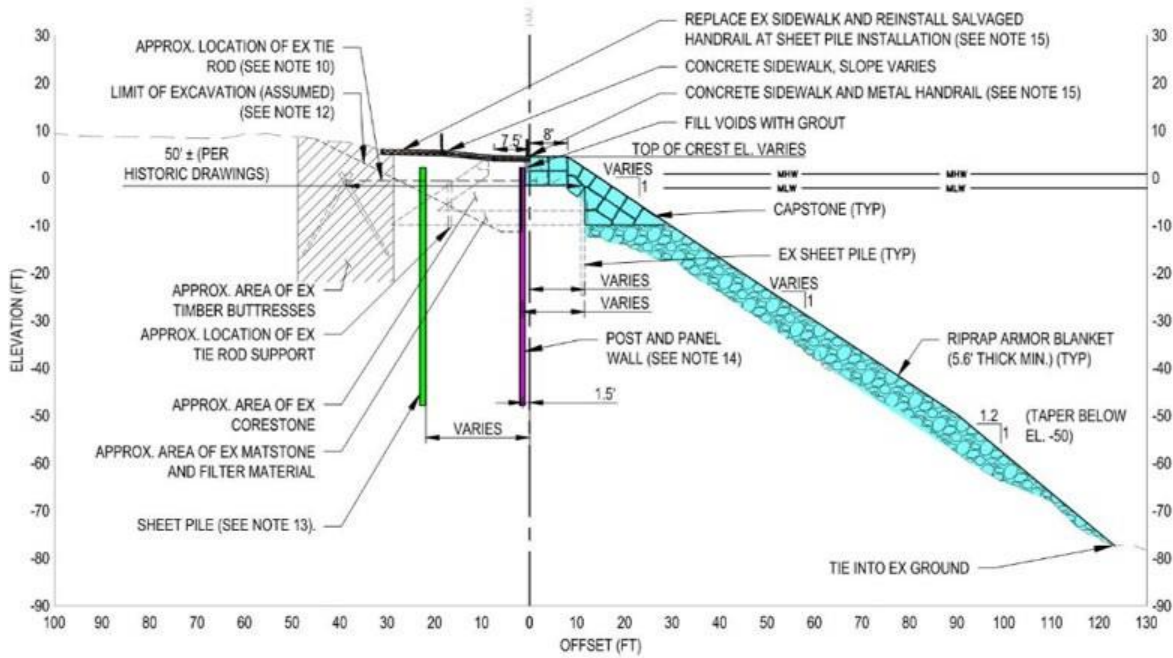
North Bulkhead Riprap Repair



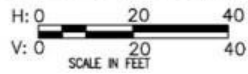
North Bulkhead Repair Plan Overview



- 306 LF sheetpile
- 123 LF post and panel wall
- 7,026 concrete sidewalk
- Replace walkway railing
- Demolish Pavilion
- Stockpiled and new capstone
- Riprap armor slope blanket (0.2 acre)



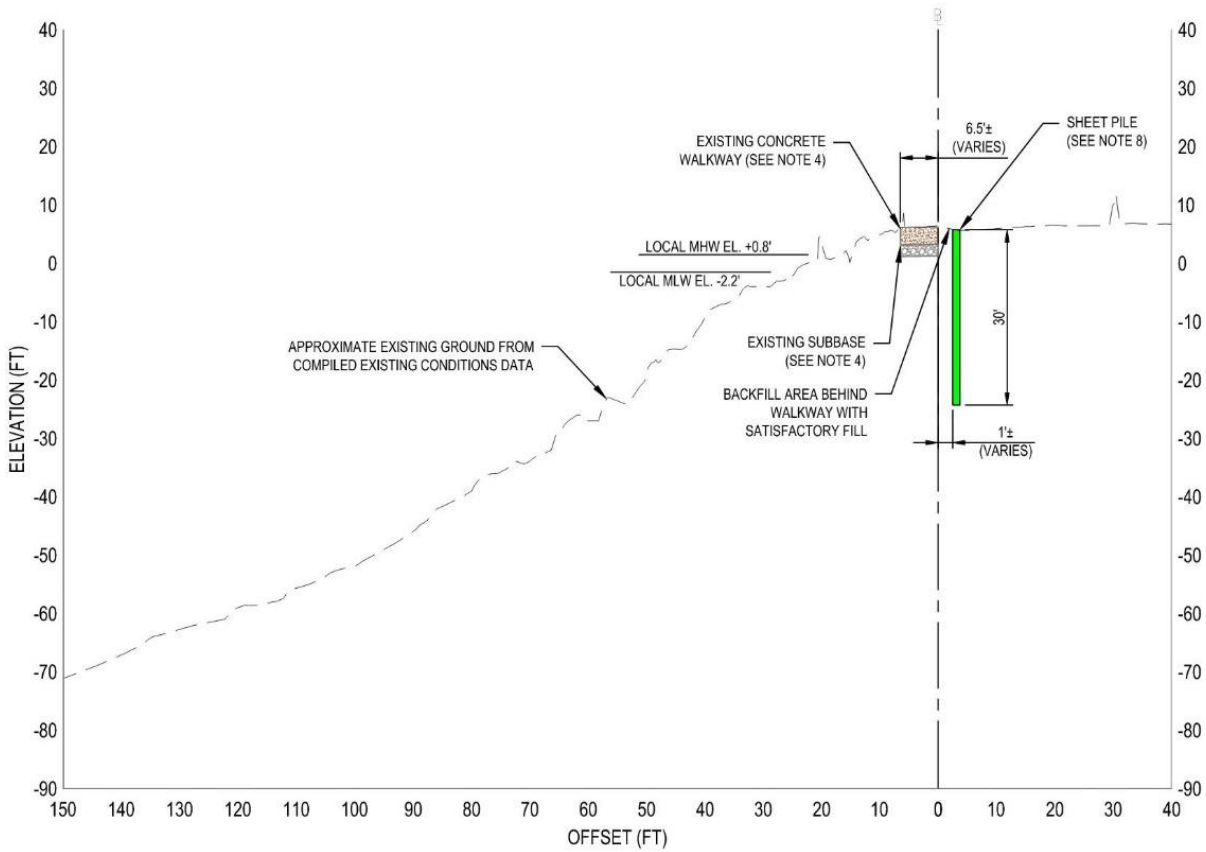
TYPICAL SECTION - STA. 1+63.42 TO STA. 2+58.12



South Jetty Sand Tightening (no in-water construction)



South Jetty Sand Tightening Cross-Section



1 TYPICAL SECTION - STA. S0+08 TO STA. S2+23
NTS