



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL

DELAWARE COASTAL
MANAGEMENT PROGRAM

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May 30, 2013

Evelyn M. Maurmeyer, Ph.D.
Coastal & Estuarine Research, Inc.
Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958

**RE: *Delaware Coastal Management Federal Consistency Review Extension
Dewey Beach Enterprises Ruddertowne Project (FC# 2013.0021)***

Dear Dr. Maurmeyer:

The Delaware Coastal Management Program (DCMP) has received and reviewed your consistency determination for the Dewey Beach Enterprises Ruddertowne Project. The project includes a 16 foot wide by 432 foot long walkway, placement of approximately 1,800 cubic yards of sand to expand an existing beach area, a 50 foot extension of an existing stormwater outfall and installation of a 90 foot long stone rip-rap groin beneath a segment of the walkway at the Ruddertown Complex in Dewey Beach, Delaware. Based upon our review and pursuant to National Oceanic & Atmospheric Administration regulations (15 CFR 930), the DCMP conditionally concurs with your consistency determination for the above referenced project. Our concurrence is based on the following conditions:


1. The primary project purpose is to provide public access to the bay. As such, the walkway and beach area are not to be used for commercial ventures or restaurant amenities. The public shall have access to area at all times unless the structure is deemed unsafe due to storm or other damage.
2. In order to protect nesting barn swallows, the existing structures shall be inspected for the presence of barn swallow nest preparation. If barn swallows are present then no work shall be performed on or adjacent to the existing structures from April 15- August 1 unless netting is used which prevents the swallows from constructing nests on the structures during construction.

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3. No beach nourishment activities shall be conducted during the timeframe of April 15-August 30 to protect spawning horseshoe crabs and egg development. This window can be modified pending authorization from the Department of Natural Resources and Environmental Control that horseshoe crabs are not utilizing the beach area for spawning.

This concurrence is based upon adherence to restrictions and/or conditions placed on any and all permits issued to you for this project. If you have any questions regarding this determination please do not hesitate to contact me or Tricia Arndt of my staff at (302) 739-9283.

Sincerely,



Sarah W. Cooksey, Administrator
Delaware Coastal Management Program

SWC/tka

cc: File 2013.0021
Scott Figurski-DW
John Brundage- USACE
Bill Lower-DBE