



United States
Department of
Agriculture

Farm
Production
and
Conservation

Farm
Service
Agency

Kent FSA Office
519 S Red Haven Ln
Dover, De 19901
Phone: 302-741-2600

January 23, 2024

Kimberly B. Cole
Program Administrator
Delaware Coastal Management Program
100 W. Water St., Suite 7B
Dover, DE 19904

Ref: Federal Consistency Determination

The USDA, Farm Service Agency (FSA) is completing an environmental review of a site to construct a Grain Tank with a overhead platform and Fill Conveyor. In doing the review it was determined that ground disturbance below the plow zone will be needed to pour a concrete foundation. The property is currently an active Farm Yard with Equipment Storage Building, Packing Shed and Grain Storage for 50,000 bushels and is located at 5144 Milford Harrington Hwy, Harrington, DE.

As part of our environmental review, FSA is requesting a federal consistency determination from your department.

We request a response within sixty (60) days from receipt of this letter. Thank you for your time and attention to this issue of mutual concern. If you have any questions or concerns regarding this project, please be assured of our cooperation.

Sincerely,

Maryann Reed
County Executive Director, *acting*

EN: aerial map, location map, consistency form



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: FSFL FOR GRAIN BIN CONSTRUCTION - 5144 Milford Harrington Hwy, Harrington, DE 19952

I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: Maryann Reed - County Executive Director

Federal Agency Contractor Name (if applicable): _____

Federal Agency: USDA Farm Service Agency
(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: 519 S Red Haven Ln, Suite 200

City: Dover State: DE Zip Code: 19901

E-mail: maryann.reed@usda.gov Telephone #: 302-741-2600 ext.2

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 USDA, Farm Service Agency (FSA) has received an application to provide financing in order to construct an additional Grain Storage Tank in an existing Grain Storage Yard. The property is currently an active Farm Yard with Equipment Storage Building, Packing Shed and Grain Storage for 50,000 bushels and is located at 5144 Milford Harrington Hwy, Harrington, DE 19952.

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

There are no anticipated effects to the coastal zone.

V. Detailed Analysis of Consistency with DCMP Enforceable Policies (attach additional sheets if necessary):

Policy 5.1: Wetlands Management

n/a

Policy 5.2: Beach Management

n/a

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

The proposed project is not within a coastal barrier in Delaware, and is more than 500 feet away from the nearest coastal barrier area. A Building Permit will be required from Kent County.

Policy 5.4: Subaqueous Land and Coastal Strip Management

n/a

Policy 5.5: Public Lands Management

n/a

Policy 5.6: Natural Lands Management

The US Department of Interior, Fish and Wildlife Service, IPaC resource list was obtained on 1/23/2024 and showed 1 threatened, endangered, or candidate species on the proposed area. Project Code: 2024-0039529.

Policy 5.7: Flood Hazard Areas Management

n/a

Policy 5.8: Port of Wilmington

n/a

Policy 5.9: Woodlands and Agricultural Lands Management

n/a

Policy 5.10: Historic and Cultural Areas Management

There are no historical properties on the proposed site. Consultation letters will be sent to DE SHPO and the DE THPO.

Policy 5.11: Living Resources

The US Department of Interior, Fish and Wildlife Service, IPaC resource list was obtained on 01/23/2024 and showed 1 threatened, endangered, or candidate species on the proposed area. Project Code: 2024-0039529.

Policy 5.12 Mineral Resources Management

n/a

Policy 5.13: State Owned Coastal Recreation and Conservation

n/a

Policy 5.14: Public Trust Doctrine

n/a

Policy 5.15: Energy Facilities

n/a

Policy 5.16: Public Investment

n/a

Policy 5.17: Recreation and Tourism

n/a

Policy 5.18: National Defense and Aerospace Facilities

n/a

Policy 5.19: Transportation Facilities

n/a

Policy 5.20: Air Quality Management

n/a

Policy 5.21: Water Supply Management

current irrigation and personal use well on site

Policy 5.22: Waste Disposal Management

N/A

Policy 5.23: Development

N/A

Policy 5.24: Pollution Prevention

N/A

Policy 5.25: Coastal Management Coordination

n/a

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:		
Printed Name:	MARYANN REED	Date: 01/23/2024

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

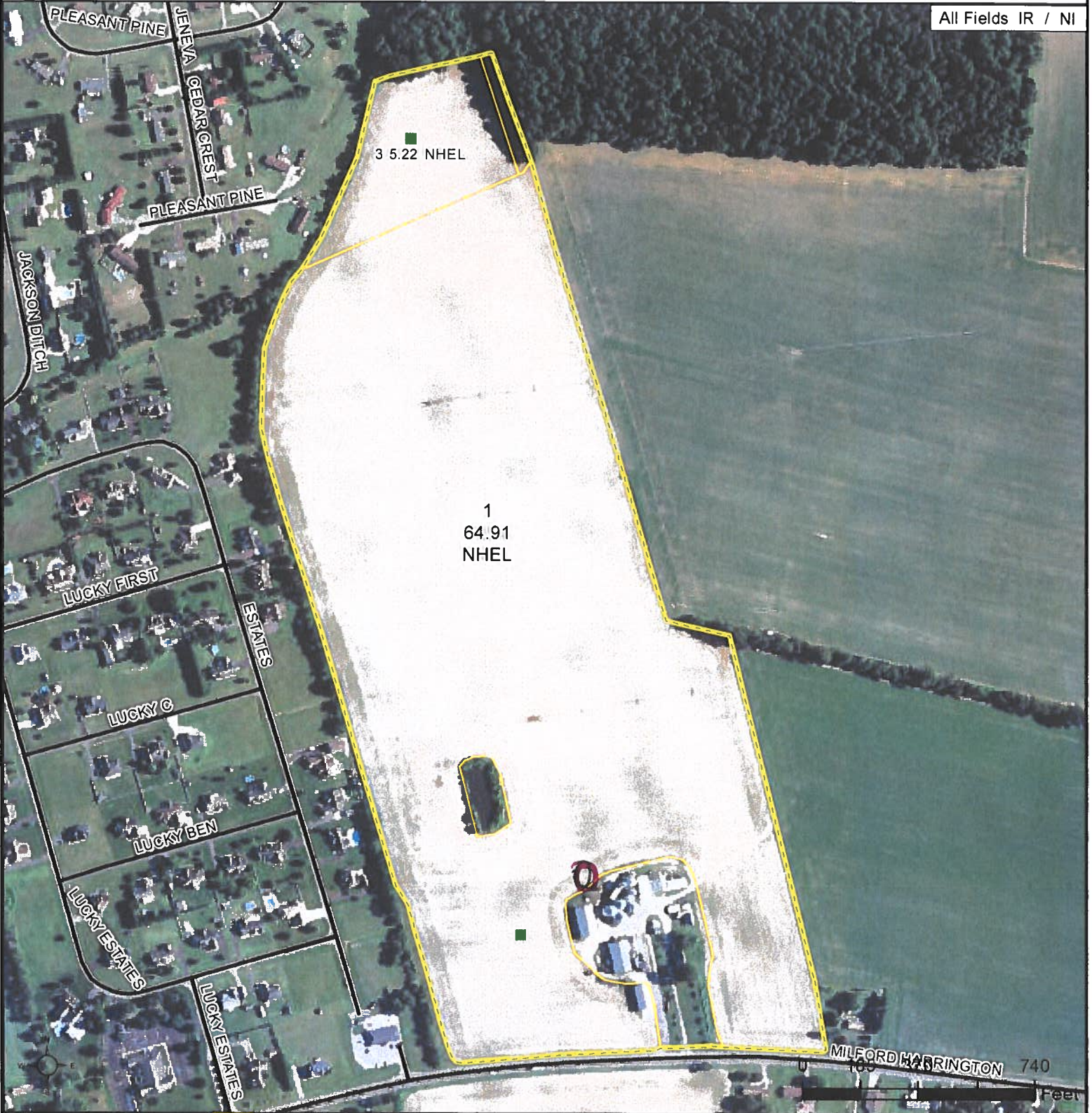
OFFICIAL USE ONLY:

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

100% share on all fields to _____

other, specify here:

All Fields IR / NI



Common Land Unit Tract Boundary

- Non-Cropland
- Cropland

Wetland Determination Identifiers

- Restricted Use
- ▼ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Tract Cropland Total: 70.13 acres

2024 Program Year

Map Created September 25, 2023

Farm 4094
Tract 8613

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).



KENT COUNTY LEVY COURT

555 Bay Road, Dover, Delaware 19901-3615
(302) 744-2300 -- FAX (302) 736-2279

"Serving Kent County With Pride"

PROPERTY RECORD REPORT

Parcel Information:
Parcel ID: 6 00 17100 03 3500 000
User Account #: 30807
Tax Account ID: 30807
Property Code: F - Farmland
Property Type: Agricultural-Land
Improvement Status: Yard Items
Deed BVP: D 6560-220
Plat Book: 48 69

GIS Cord: E-467288 N-0339226
Flood Plain:
Zoning: AR
Lot #: Acres: 69.42
Total Living Area: 0 SQFT
Total Beds/Baths/Half Baths: 0 / 0 / 0
Legal Description: N. R-O-W OF DEL. RT. #14, 69.4278 A.
 5144 MILF.-HARRGTN HWY.

Owner Information:
Name(s): SAPP, RICHARD L. JR.
 MESSICK, JEAN L.
 SAPP, RICHARD L. JR. TRUSTEE
Address: 12624 UNION ST EXT, MILTON,
 DE 19968

Location Information:
Location Address: 5144 MILFORD
 HARRINGTON HWY, HARRINGTON, DE
 19952
Subdivision:

District Information:
Levy Court District: 4TH
Fire: 52 F-Houston
Ambulance: 52 A-Houston
School: 22_SCH-Lake Forest
Sewer:
Sewer ID:
Trash:
Light:
Stormwater:
Tax Ditch:

Assessed Values:
Land: \$8,400
Buildings: \$0
Yard: \$81,700
Total: \$90,100

Transfers:
Recorded Date: 12/28/2012
Sale Date: 12/27/2012
Price: \$1
Legal Ref: D 16560-220
 Kent County attempts to ensure the correctness and suitability of information under our control and to correct any errors or omissions. No representation or guarantee can be made as to the correctness or suitability of information or any other information referenced, or implied. The information provided is for informational purposes only so anyone using this information should first consult original records and personally verify the accuracy of any information/data provided in the document. The use of this information is at your own risk.
Recorded Date: 03/29/2011
Sale Date: 3/23/2011

County Billing:
Pending: \$0.00
Base Tax: \$0.00
Penalty / Interest: \$0.00
Other: \$0.00
Issued: 4/16/2018

Permits:
Permit #: 2018-805-AGRI
Status: AP
Application: 4/16/2018
Permit #: 2015-2930-AGRI

Price: \$1
Legal Ref: D 5760-185
Recorded Date: 1/1/1900
Sale Date: 1/1/1900
Price: \$0
Legal Ref: D 308-83

Sewer Billing:
Account #:
Customer #:
Units: 0.0
Balance: \$0.00

Tax Billing Details:
Entity Code Tax
Description/Amount
KCLC.Entities.TaxAccounts

Tax Billing History:

Status: AP
Application: 12/3/2015
Issued: 12/14/2015
C of O:
Permit #: 2009-1948-AGRI
Status: CL
Application: 7/20/2009
Issued: 7/20/2009
C of O:



KENT COUNTY GIS ONLINE

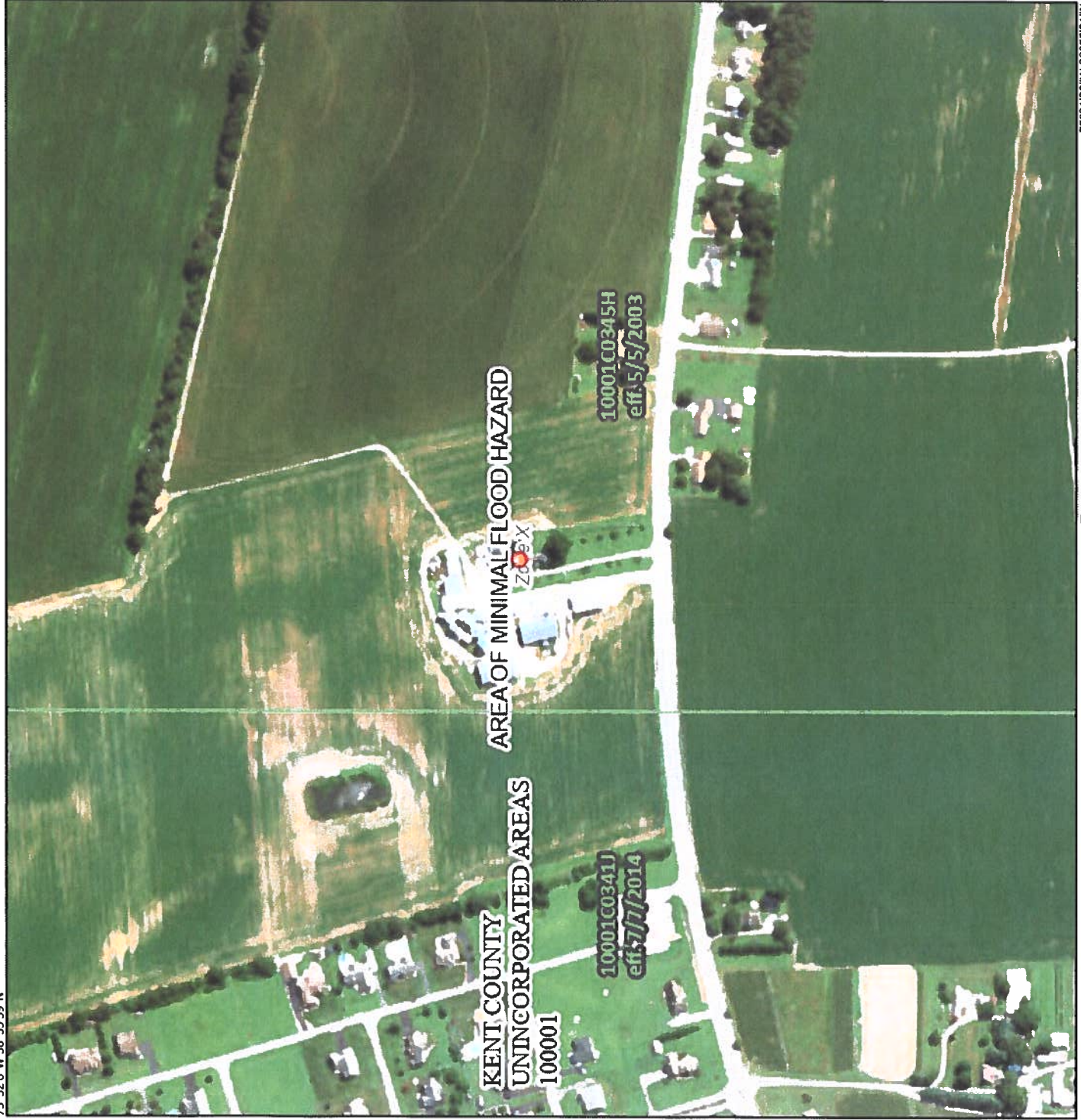
- ▶ Annotation
- Parcels
- Addresses
- Roads
- ▶ Districts
- ▶ Environmental
- ▶ Landuse
- ▶ Utilities and Services
- LiDAR DEM
- Imagery 2022



National Flood Hazard Layer FIRMette



75°32'6"W 38°55'59"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	<p>Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i></p> <p>With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i></p> <p>Regulatory Floodway</p>
OTHER AREAS OF FLOOD HAZARD	<p>0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i></p> <p>Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i></p> <p>Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i></p> <p>Area with Flood Risk due to Levee <i>Zone I</i></p>
OTHER AREAS	<p>NO SCREEN</p> <p>Area of Minimal Flood Hazard <i>Zone X</i></p> <p>Effective LOMRs</p> <p>Area of Undetermined Flood Hazard <i>Zone X</i></p>
GENERAL STRUCTURES	<p>Channel, Culvert, or Storm Sewer</p> <p>Levee, Dike, or Floodwall</p>
OTHER FEATURES	<p>Cross Sections with 1% Annual Chance Water Surface Elevation</p> <p>Coastal Transect</p> <p>Base Flood Elevation Line (BFE)</p> <p>Limit of Study</p> <p>Jurisdiction Boundary</p> <p>Coastal Transect Baseline</p> <p>Profile Baseline</p> <p>Hydrographic Feature</p>
MAP PANELS	<p>Digital Data Available</p> <p>No Digital Data Available</p> <p>Unmapped</p>

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/23/2024 at 3:19 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRW panel number, and FIRW effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

