



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: Trash Gurls, LLC. / Materials Processing Facility

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

Contact Name/Title: Trash Gurls, LLC.

Federal Agency Contractor Name (if applicable): _____

Federal 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: 34026 Annas Way, Suite 3

City: Millsboro State: DE Zip Code: 19966

E-mail: rtunnel@potnets.com Telephone #: 302-945-9300

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):

See attached sheet.

Item 3 – Detailed Project Description

The project involves a water main, sewer main, gas main and electric telecommunications line installation and the installation of two driveway culverts at an unnamed drainage channel classified as Waters of the U.S. This work qualifies for approval under combined Corps of Engineers Nationwide Permit Nos. 12, 14, 57 and 58. The 3-inch diameter gas main to be installed under this channel by trenching methods qualifies for approval under Nationwide Permit No. 12 (*Oil & Natural Gas Pipeline Activities*) so an activity specific Coastal Zone Consistency Determination is required for that part of the project. The proposed activities will be located approximately 0.35 miles north of the intersection of White Oak Road and Garrison Oak Drive on the west side of Garrison Oak Drive in Dover, Kent County, Delaware. The project location is 39.181884 N Latitude and -75.503524 W Longitude. The land is a vacant lot within an existing developed industrial park.

The proposed utility services and driveway crossing are needed to develop the existing industrial park parcel for use as a material processing facility and storage yard for hauling operations. The proposed project involves a 10.75-acre vacant parcel of land which is part of a developed industrial park. The land is identified as Tax Map Parcel 4-05-06800-02-1100-00001 located at 250 Garrison Oak Drive, Dover, Kent County, Delaware. A trapezoidal manmade drainage channel classified as a Waters of the U.S. exists along the Garrison Oak Drive frontage. The channel drains to nearby Little Creek. Flow in the channel is intermittent.

In order to utilize the parcel, it is necessary to install two culverted driveway crossings. Water, gas, sewer and electric telecommunication lines to service the facility need to be installed under the drainage channel by trenching methods. The driveway culverts will permanently impact 552.08 square feet of channel. The utility installation will temporarily impact 142.31 square feet of channel. After utility installation the channel will be restored to preexisting conditions.

Itemized activities are as follows and the gas service main which is the subject of the Coastal Zone Consistency Certification request is part of Utility B as identified on project plans.

Driveway A (south) – Install a 91.73 foot long 34” reinforced concrete culvert, 8 inches below channel bottom permanently impacting 0.0071 acre.

Driveway D (north) – Install a 70.09 foot long 34” reinforced concrete culvert, 8 inches below channel bottom permanently impacting 0.0056 acre.

Utility B – Install an 8-inch water main and 3-inch gas main under drainage channel by trenching methods temporarily impacting 0.0015 acre.

Utility C – Install an 8-inch sewer main and 2-inch fiberoptic telecommunication line under drainage channel by trenching methods temporarily impacting 0.0010 acre.

Utility E – Install a 2-inch electrical line under drainage channel by trenching methods temporarily impacting 0.0008 acre.

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

The proposed installation of a gas line under a roadside man made drainage channel classified as "Waters of the U.S." by trenching methods is a temporary impact and it has no effect on Coastal Resources or Delawares Coastal Zone. The project involves a vacant parcel of open land already developed and approved as a commercial industrial park. Gas line installation impacts will be temporary and done in accordance with best management practices. Work of this nature is routine and use of land already zoned and approved for the proposed use is not contrary to the public interest.

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

Policy 5.1: Wetlands Management

The project does not impact any wetlands.

Policy 5.2: Beach Management

The project does not involve any beach areas.

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

The project involves a man made non-tidal trapezoidal drainage channel with intermittent flow. Coastal waters are not impacted.

Policy 5.4: Subaqueous Land and Coastal Strip Management

The nature of this man made channel being impacted and the condition of its intermittent flow does not qualify as a subaqueous land.

Policy 5.5: Public Lands Management

Project has no impacts on public lands as it is located within an already developed private industrial park.

Policy 5.6: Natural Lands Management

The project site is within an already developed industrial park. No natural lands will be impacted.

Policy 5.7: Flood Hazard Areas Management

The project does not lie within a mapped FEMA floodplain.

Policy 5.8: Port of Wilmington

The project is located in the City of Dover.

Policy 5.9: Woodlands and Agricultural Lands Management

The project lies within an already developed industrial park. No woodlands or agricultural land will be impacted.

Policy 5.10: Historic and Cultural Areas Management

The project lies within an already developed industrial park. No woodlands or agricultural land will be impacted. Prior to that development the site was an agricultural field. No known historic or cultural resources exist at the site.

Policy 5.11: Living Resources

The project lies within an already developed industrial park. No woodlands or agricultural land will be impacted. The project only involves temporary trenching impacts to a man made channel with intermittent flow related to installation of a 3-inch natural gas line.

Policy 5.12 Mineral Resources Management

No mineral extraction is proposed.

Policy 5.13: State Owned Coastal Recreation and Conservation

No impact.

Policy 5.14: Public Trust Doctrine

The project does not involve the use of public lands and no public lands will be impacted. The proposed use is consistent with local zoning.

Policy 5.15: Energy Facilities

The project does not involve or impact any energy facility.

Policy 5.16: Public Investment

The project does not involve or require public investment.

Policy 5.17: Recreation and Tourism

No impact.

Policy 5.18: National Defense and Aerospace Facilities

No impact.

Policy 5.19: Transportation Facilities

The project does not involve transportation facilities or state roads.

Policy 5.20: Air Quality Management

The project has no impact on air quality.

Policy 5.21: Water Supply Management

The project has no impact on, nor is it related to a water supply facility.

Policy 5.22: Waste Disposal Management

The proposed facility served by the gas line is limited to vehicle storage and transfer of solid wastes by a business licensed by the State of Delaware.

Policy 5.23: Development

The proposed facility served by the gas line is limited to vehicle storage and transfer of solid wastes by a business licensed by the State of Delaware. The project is located on a vacant commercial lot in an already developed industrial park.

Policy 5.24: Pollution Prevention

The project is limited to temporary impacts related to trenching a 3-inch gas service line under a man made drainage channel.

Policy 5.25: Coastal Management Coordination

The project is limited to use a vacant commercial parcel in an already developed industrial park. Not Applicable.

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):

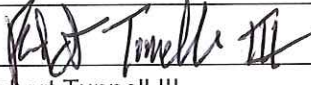
FEDERAL AGENCY CONSISTENCY DETERMINATION. Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Delaware Coastal 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:	Robert Tunnell III	Date:	1/29/2024

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: _____	