



May 12, 2025

**Ms. Kimberly Cole**

**Department of Natural Resource and Environmental Control**

Delaware Coastal Management Program

89 Kings Highway

Dover, DE 19901

**SUBJECT:       Leipsic Research Vessel Dock and Storage Building  
Request for Delaware Coastal Zone Management Act Federal Consistency Certification**

Dear Ms. Cole:

On behalf of DNREC Division of Fish and Wildlife (DFW), Century Engineering Inc. (Century) has prepared a request for Coastal Zone Management Act (CZMA) Federal Consistency Certification for the Leipsic Research Vessel Dock and Storage Building project (Project) located in Leipsic, Kent County, Delaware. A CZMA Federal Consistency determination is required for this project in concurrence with a U.S. Army Corps of Engineers (USACE) Individual Permit (IP). This project is located within the Delaware Coastal Zone (39°14'33.8"N 75°30'46.1"W).

This project is located at the eastern terminus of Lombard Street, in Leipsic, Delaware. The purpose of the project is to construct a new dock, fueling facility, and storage building. The proposed fixed dock is 120' long x 10' wide with a 5' x 5' hose platform at the end of a 10' wide walkway. The structure extends approximately 25.2 feet channelward of MLW. The dock and walkway will require 18 support piles and will have water and electric service. The building will be 60' x 66' with a portion (20' x 66') dedicated to boat storage. The building will be uninhabited and equipped with electric and plumbing.

This project is currently submitted to the Philadelphia USACE-Dover Field Office for impacts to federally regulated waters/wetlands through an IP. Impacts to State regulated subaqueous lands will be permitted by the applicable DNREC-Wetlands and Subaqueous Lands Permit (WSLS) application. Water Quality Certification from DNREC is requested concurrently with the application.

In a letter dated May 12, 2025, DNREC- Species Conservation and Research Program (SCRП) indicated that the project area does not lie within a State Natural Heritage Site, nor does it lie within a Delaware National Estuarine Research Reserve. The SCRП requests a work restriction April 1<sup>st</sup> to July 31<sup>st</sup> to avoid impacts to marsh nesting birds and a restriction March 1<sup>st</sup> to May 15<sup>th</sup> to allow upstream passage of young eels. In addition, the Leipsic River is utilized by anadromous fish so a time of year restriction on in-water work March 15<sup>th</sup> to June 30<sup>th</sup> will be followed.

SCRП identified habitat on this parcel as ecologically important by the Delaware Ecological Network (DEN) and indicated portions of the project area are classified as a core area and a hub. The DEN, although non-regulatory, is a statewide conservation network developed using GIS and field collected

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550 Bay Road, Dover, DE 19901 p | 302.734.9188

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datasets that help to identify and prioritize ecologically important areas for natural resource protection. The DEN includes ecologically important areas that will be protected to the fullest extent possible.

Consultation with USFWS indicated “No effect” to federally listed rare, threatened, or endangered species. The NOAA Essential Fish Habitats (EFH) mapper indicated that the project boundary intersects with EFH for 12 species and one (1) Habitat Areas of Particular Concern (HAPC). Consultation with DNREC SCRP confirmed that the Leipsic River provides anadromous fish habitat, so a NOAA Fisheries Greater Atlantic Regional Fisheries Office Essential Fish Habitat (EFH) Assessment & Fish and Wildlife Coordination Act (FWCA) Consultation Worksheet was included with the USACE IP application. The NOAA Section 7 mapper indicated three life stages of Atlantic sturgeon and one life stage of Shortnose sturgeon may occur within the vicinity of the action area. A GARFO ESA Section 7: NLAA Program Verification Form was included as supporting information for the USACE IP application.

The Delaware State Historic Preservation office (SHPO) was notified of the project on April 17, 2024. The 30-day comment period has passed, so we have assumed concurrence with our “No Adverse Effects” findings.

The proposed activity complies with Delaware’s approved coastal management program and will be conducted in a manner consistent with such program. The following documentation and information are included to support the consistency determination and demonstrate how this project complies with the Delaware Coastal Management Program:

1. Completed Delaware Federal Consistency Form v2
2. Delaware Coastal Zone Regulated Area Map (with project location)
3. Copy of USACE Individual Permit Application Package (includes Aerial Map, Vicinity Map, USGS Map, FIRMETTE, RTE consultation, Section 106 consultation, and Design Plans with Environmental Compliance sheets)
4. Copy of DNREC WSLs Permit Application and WQC Request Package

We are requesting your concurrence with our determination of consistency. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

**CENTURY ENGINEERING, LLC, A KLEINFELDER COMPANY**



Missy Kalb, CE  
Senior Environmental Scientist

cc: Jeremy Ashe, DNREC  
Alex Schmidt, Century



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:** \_\_\_\_\_

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

Contact Name/Title: \_\_\_\_\_

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: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail: \_\_\_\_\_ Telephone #: \_\_\_\_\_

### 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):

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

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

**Policy 5.1: Wetlands Management**

**Policy 5.2: Beach Management**

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

**Policy 5.4: Subaqueous Land and Coastal Strip Management**

**Policy 5.5: Public Lands Management**

**Policy 5.6: Natural Lands Management**

**Policy 5.7: Flood Hazard Areas Management**

**Policy 5.8: Port of Wilmington**

**Policy 5.9: Woodlands and Agricultural Lands Management**

**Policy 5.10: Historic and Cultural Areas Management**

**Policy 5.11: Living Resources**

**Policy 5.12 Mineral Resources Management**

**Policy 5.13: State Owned Coastal Recreation and Conservation**

**Policy 5.14: Public Trust Doctrine**

**Policy 5.15: Energy Facilities**

**Policy 5.16: Public Investment**

**Policy 5.17: Recreation and Tourism**

**Policy 5.18: National Defense and Aerospace Facilities**

**Policy 5.19: Transportation Facilities**

**Policy 5.20: Air Quality Management**

**Policy 5.21: Water Supply Management**

**Policy 5.22: Waste Disposal Management**

**Policy 5.23: Development**

**Policy 5.24: Pollution Prevention**

**Policy 5.25: Coastal Management Coordination**

**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:		Date:	

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

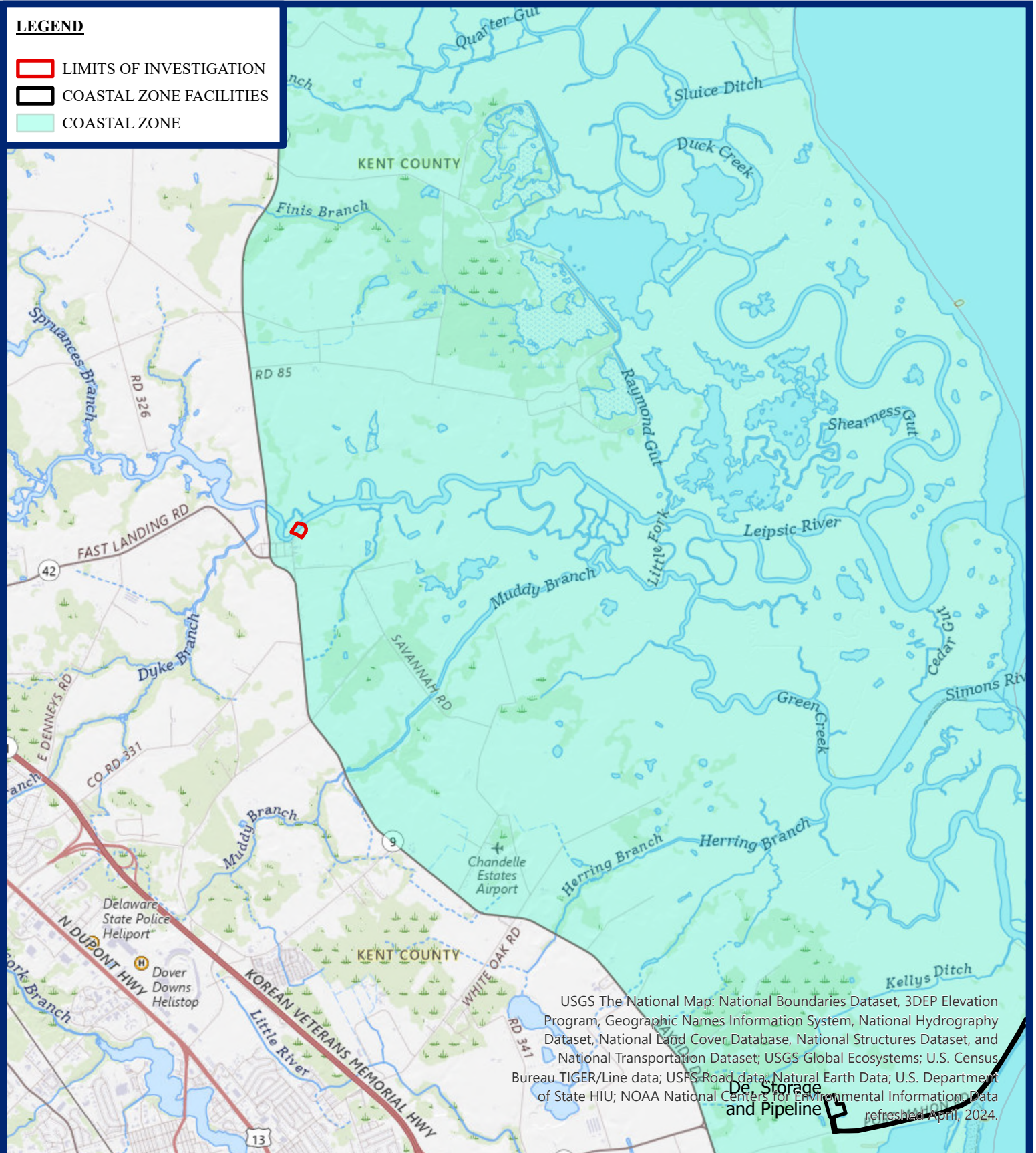
**OFFICIAL USE ONLY:**

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: _____	



# LEGEND

-  LIMITS OF INVESTIGATION
-  COASTAL ZONE FACILITIES
-  COASTAL ZONE



**CENTURY**  
ENGINEERING  
A Kleinfelder Company

550 Bay Road  
Dover, DE 19901  
P: 302.734.9188

DELAWARE COASTAL ZONE  
REGULATED AREA  
  
LEIPSIC RESEARCH DOCK FACILITY  
  
KENT COUNTY, DELAWARE

USGS Topo Quads:  
DOVER (DE)

Area: 5.73 +/- AC  
Latitude: 39°14'33.0"N  
Longitude: 75°30'45.8"W  
Elevation: ~0-10 feet  
Scale: 1:24,000

