



Initial Review: _____
 Updated On: _____
 Complete: _____
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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:	Culvert Extension at 509 Capitol Trail
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I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: Eric Schwab / President of Schwab VIII, LLC

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: 503 Capitol Trail

City: Newark

State: DE

Zip Code: 19719

E-mail: eschwab@remedia.global

Telephone #: 302-690-3911

II. Federal Consistency Category:

☐ Federal Activity or Development Project
(15 C.F.R. Part 930, Subpart C)

☒ Federal License or Permit Activity
(15 C.F.R. Part 930, Subpart D)

☐ Outer Continental Shelf Activity
(15 C.F.R. Part 930, Subpart E)

☐ Federal License or Permit Activity which occurs
wholly in another state (interstate consistency
activities identified in DCMP's Policy document)

☐ Federal Financial Assistance
(15 C.F.R. Part 930, Subpart F)

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

Redevelopment of the property as an apartment complex is anticipated and an extension of the current culvert system is proposed as part of the redevelopment plan. As part of this process, the applicant proposes filling in an approximately 0.06 acre portion of the drainage ditch up to the 100-year flood plain boundary. The purpose is to move the existing culvert outlet and associated beginning of the man-made ditch north towards the flood plain boundary to facilitate construction in the area, as well as re-route, lengthen, and meander the roadway culvert to reduce flow velocity and mitigate ongoing erosion.

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

Reducing flow velocity from the culvert system to drainage ditch and also mitigating ongoing erosion issues is a net positive impact to the nearby creek and therefore coastal resources.

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

Policy 5.1: Wetlands Management

Not applicable

Policy 5.2: Beach Management

Not applicable

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

A Sediment and Stormwater Plan following Delaware Sediment and Stormwater regulations will be approved prior to redevelopment

Policy 5.4: Subaqueous Land and Coastal Strip Management

Residential redevelopment is proposed, no commercial use involving regulated substances.

Policy 5.5: Public Lands Management

Not applicable

Policy 5.6: Natural Lands Management

Not applicable

Policy 5.7: Flood Hazard Areas Management

The proposed culvert extension will assist in minimizing the threat posed by flood hazards by slowing down the flow velocity of drainage water moving through the system.

Policy 5.8: Port of Wilmington

Not applicable

Policy 5.9: Woodlands and Agricultural Lands Management

Woodland portions in the area of the proposed culvert outlet are not affected.

Policy 5.10: Historic and Cultural Areas Management

According to Delaware Historical & Cultural Affairs - Cultural and Historical Resources Information System (CHRIS), there are no documented historic resources that would be affected by the proposed activity.

Policy 5.11: Living Resources

According to USFWS's IPaC, potential endangered species include the tri-colored bat (*Perimyotis subflavus*) and monarch butterfly (*Danaus plexippus*). However, no critical habitats were found at the project location. Additionally, State of Delaware Division of Fish & Wildlife (DFW) and USFWS were contacted and provided additional information (see attached). Since the project is in the vicinity of the White Clay Creek National Wild and Scenic Rivers system, DFW suggested contacting the National Park Services to determine whether they need to be involved, their response is attached.

Policy 5.12 Mineral Resources Management

Not applicable

Policy 5.13: State Owned Coastal Recreation and Conservation

Not applicable

Policy 5.14: Public Trust Doctrine

Not applicable

Policy 5.15: Energy Facilities

Not applicable

Policy 5.16: Public Investment

Not applicable

Policy 5.17: Recreation and Tourism

Not applicable

Policy 5.18: National Defense and Aerospace Facilities

Not applicable

Policy 5.19: Transportation Facilities

Not applicable

Policy 5.20: Air Quality Management

Not applicable

Policy 5.21: Water Supply Management

Not applicable

Policy 5.22: Waste Disposal Management

Not applicable

Policy 5.23: Development

Not applicable

Policy 5.24: Pollution Prevention

Not applicable

Policy 5.25: Coastal Management Coordination

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:	<i>Eric Schwab</i>		
Printed Name:	Eric Schwab	Date:	8/5/25

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

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Reviewed By: Stephanie Zmina	Fed Con ID: 2025.0041	Date Received: 8/5/2025
Public notice dates: 8/27/2025 to 9/26/2025	Comments Received: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES [attach comments]	
Decision type: <small>(objections or conditions attach details)</small>	Decision Date:	