

3/19/2026

Delaware Department of Natural Resources and Environmental Control
Delaware Coastal Management Program
Kimberly Cole
100 W Water Street, Ste 7B
Dover, Delaware 19904
DNREC_FederalConsistency@delaware.gov

**Re: Coastal Zone Management Act Federal Consistency Determination
R2513735/140CF225C0007 - Prime Hook National Wildlife Refuge - Milton, DE
Lead Shot Site Removal Action
Milton, Sussex County, Delaware**

Dear Ms. Cole:

The U.S. Fish and Wildlife Service (FWS) is proceeding with a CERCLA removal action at the Lead Shot Site within Prime Hook National Wildlife Refuge in Milton, Sussex County, Delaware (Site). The project involves limited clearing, in-situ treatment and excavation of lead-impacted surface soils and sediments at depths of 6 to 18 inches, off-site disposal of treated materials, and restoration of disturbed areas with clean backfill and native seed. Because the Site lies within Delaware's coastal zone and the removal action constitutes a federal agency activity, FWS is providing this Federal Consistency Determination for review under the Coastal Zone Management Act.

Enclosed are (1) a narrative description of the proposed project and its reasonably foreseeable effects on coastal uses and resources, as well as (2) a completed Coastal Zone Management Act Federal Consistency Form. Together, these materials demonstrate that the removal action will be conducted in a manner consistent, to the maximum extent practicable, with the enforceable policies of the Delaware Coastal Management Program.

Given the limited footprint and the anticipated net environmental benefits of this action, FWS respectfully requests DCMP's expedited review and early written concurrence, if feasible, to allow the project to proceed on its current construction schedule. FWS and its contractor, BBJ Group, LLC, are available to provide additional information or to meet with your staff at your convenience to discuss this project and the enclosed analysis and form.

Sincerely,

Raquel Wetzell
US Fish and Wildlife Service
Chesapeake Bay Field Office
571-882-0997

Enclosures:

1. Federal Consistency Narrative – R2513735/140CF225C0007, Prime Hook National Wildlife Refuge, Milton, DE
2. Coastal Zone Management Act Federal Consistency Form (DCMP Fed Con Form v.2.0)

cc:

Jeffrey Johnson, U.S. Department of the Interior, Office of the Solicitor (jeffrey.johnson@sol.doi.gov)

Chance Davis, Refuge Manager, Prime Hook National Wildlife Refuge (chance_davis@fws.gov)

Kirk Eastham, BBJ Group, LLC (keastham@bbjgroup.com)

R2513735/140CF225C0007 - Prime Hook National Wildlife Refuge - Milton, DE Federal Consistency with the Delaware Coastal Management Program

1.0 Project Overview

The U.S. Fish and Wildlife Service (FWS) is implementing a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) removal action at the Prime Hook National Wildlife Refuge (Prime Hook NWR) Lead Shot Site (Site) in Milton, Sussex County, Delaware. FWS manages the refuge and is the federal agency responsible for the removal action and the associated federal consistency determination under the Coastal Zone Management Act (CZMA).

The Site consists of approximately 5.5 acres of upland forest and forested wetland along a slough that slowly drains northward to Prime Hook Creek within the Broadkill River watershed. Prime Hook Creek flows to the Broadkill River and ultimately to Delaware Bay, placing the Site within Delaware's coastal zone and triggering federal consistency review under the CZMA. The planned removal action, which FWS will implement with technical support from its contractor BBJ Group, LLC (BBJ Group), includes:

- Limited clearing of approximately 5.5 acres as needed for site access and safe construction operations.
- Excavation and in-situ treatment of lead-impacted surface soils and sediments within delineated removal zones. Impacted soil depths range from 6 to 18 inches below ground surface. In-situ treatment uses EnviroBlend® CS, a magnesium oxide and hydroxide-based stabilization reagent, to reduce leachable lead concentrations below RCRA hazardous waste thresholds prior to excavation.
- Loading and transport of treated soils and sediments that meet disposal criteria to an off-site permitted disposal facility.
- Backfilling of excavated areas with clean material, grading to approximate pre-existing contours, and one-time seeding with native species to restore vegetative cover and habitat.

All activities are being performed under federal CERCLA authority. No separate state coastal permit will be obtained for on-site CERCLA work; however, the removal action has been designed so that FWS can demonstrate consistency, to the maximum extent practicable, with the substantive enforceable policies of the Delaware Coastal Management Program (DCMP).

2.0 Federal Action and Coastal Effects

The federal action is the implementation by FWS of the CERCLA removal action at the Prime Hook Lead Shot Site within Delaware's coastal zone. The Site is a forested wetland/slough complex with slow surface-water drainage to Prime Hook Creek, which in turn flows to the Broadkill River and Delaware Bay.

Reasonably foreseeable effects on coastal uses and resources include:

- Short-term construction-related effects (vegetation clearing, soil disturbance, temporary access restrictions, localized noise and traffic).
- Temporary disturbance of portions of forested wetland soils and shallow sediments within the approximately 5.5-acre work area.
- Long-term beneficial effects from removal and treatment of lead-impacted soils/sediments, reduced loading of lead to groundwater and surface water, and habitat restoration with native vegetation.

No new industrial development or intensive coastal use is proposed as part of this federal action.

3.0 Consistency with DCMP Policies

3.1 Wetlands and Surface Waters

The removal area is located within a forested wetland along a sluggish slough composed of shallow ponds and saturated hummocks that slowly drain to Prime Hook Creek. Work will occur within this wetland/upland mosaic to excavate and treat lead-impacted surface soils and sediments that have been identified as sources of lead to groundwater and surface water under existing conditions.

FWS, with support from BBJ Group, has designed the removal action to minimize the footprint and duration of disturbance by limiting clearing to the smallest practicable area needed for access and excavation, using staged work areas, and restoring disturbed wetland and upland areas upon completion. A formal wetland delineation will be conducted prior to construction to document jurisdictional wetland boundaries and support avoidance and minimization planning. Erosion and sediment controls, dewatering and runoff management, and careful handling of excavated materials will be implemented to prevent migration of sediments or contaminants to adjacent undisturbed wetlands and to Prime Hook Creek. Treated soils/sediments will be transported to an off-site permitted facility and backfilled with clean material to restore grade and hydrologic function to the extent practicable. These measures are consistent with DCMP policies to protect wetlands and surface waters while addressing existing contamination.

3.2 Floodplains and Coastal Hazards

The Site consists of generally flat, low-lying terrain associated with a wetland slough that is subject to seasonal water-level fluctuations and is hydrologically connected to Prime Hook Creek and the larger coastal system. The removal action does not involve construction of enclosed buildings, large permanent fills, or engineered structures that would significantly alter flood storage or redirect flood flows.

Grading and backfilling will return the Site to approximately pre-existing contours based on pre-construction surveying, avoiding increases in flood elevations or adverse changes in drainage patterns. Restored vegetation will stabilize soils and reduce erosion potential. As designed by FWS

with BBJ Group's technical support, the removal action is consistent with DCMP policies for floodplain and coastal hazard management.

3.3 Water Quality and Stormwater

Lead from spent shot has leached into shallow groundwater and downgradient surface waters due to local hydrogeologic conditions. The primary objective of the FWS removal action, excavation/in-situ treatment and removal of lead-impacted surface soils and sediments in the source area, is to reduce lead loading to groundwater and surface water over the long term.

During construction, FWS and BBJ Group will manage stormwater and runoff using erosion and sediment controls, careful staging of excavations, and appropriate dewatering and runoff handling consistent with the Work Plan and applicable substantive water-quality requirements. Baseline groundwater/surface water monitoring will document conditions relative to Delaware water quality standards prior to removal action implementation. A Long-term monitoring plan will be developed to monitor post removal groundwater/surface water quality and demonstrate long term stewardship. These measures align with DCMP policies to maintain and improve coastal water quality.

3.4 Habitat and Wildlife

Prime Hook NWR supports diverse upland forest and wetland habitats and provides habitat for numerous bird, mammal, reptile, amphibian, fish, and plant species, including federally listed or sensitive species documented at the refuge level. Habitat within the 5.5-acre removal area will be temporarily disturbed by vegetation clearing, excavation, and construction activities.

The Work Plan prepared by BBJ Group for FWS includes a formal wetland delineation and a tree diameter at breast height (DBH) survey to identify trees for preservation. Larger trees (DBH greater than 10 inches) will be flagged and evaluated for preservation prior to construction, and clearing will be limited to the minimum area necessary for safe access and excavation.

FWS submitted the project to the USFWS Chesapeake Bay Field Office (CBFO) for IPaC review on March 10, 2026. The CBFO confirmed that two proposed species appear on the project species list: the tricolored bat (*Perimyotis subflavus*, proposed endangered) and the monarch butterfly (*Danaus plexippus*, proposed threatened with a 4(d) rule). The CBFO determined that the proposed action is not likely to jeopardize the continued existence of either species and that no further consultation is required at this time. The federally endangered Delmarva fox squirrel and bald eagle have also been documented at the refuge level. Suitable habitat for listed bird species such as the piping plover is not present within the upland forest and wetland habitats comprising the Lead Shot Site.

Further, disturbed areas will be restored with clean backfill and native seed to re-establish habitat functions and improve long-term ecological conditions relative to the current lead-contaminated state. These measures and the coordination with FWS species and habitat programs are consistent with DCMP policies for habitat and wildlife protection.

3.5 Public Access and Uses

The Site is within Prime Hook NWR, which is used for hunting, fishing, camping, walking, and hiking, although the specific removal area is an undeveloped wooded portion that visitors may access only if they leave improved trails. During removal activities, the project area will be restricted for public access to ensure safety within active work zones.

These restrictions will be temporary and limited to the construction period. The project does not permanently reduce public access to refuge lands or coastal waters. In the long term, removal of lead-contaminated material improves conditions for wildlife-dependent recreation and other refuge uses, consistent with DCMP policies regarding coastal public access and compatible uses.

3.6 Land Use and Cumulative Effects

The Site will remain part of Prime Hook NWR under FWS management, and there are no plans to change its current conservation and recreation use. The removal action does not introduce new industrial or intensive coastal development; it addresses a legacy contaminant source associated with historical shooting range operations.

By reducing lead loading to groundwater, surface water, and wetland sediments and restoring native vegetation, the project decreases cumulative contaminant impacts within the Prime Hook/Broadkill watershed and supports refuge and DCMP conservation objectives. No significant adverse secondary or cumulative effects on coastal uses or resources are anticipated.

3.7 Infrastructure and Facility Siting

The removal action involves temporary construction support (access routes, staging areas) and decommissioning and replacement of monitoring wells, but no new permanent industrial facilities or major coastal structures. Replacement monitoring wells will be sited to support long-term monitoring while minimizing impacts to wetlands and habitat and complying with Delaware well-construction and sealing requirements.

All temporary infrastructure will be removed and the Site restored after completion of the removal action. This limited, restoration-oriented infrastructure is consistent with DCMP policies on facility siting in the coastal zone.

4.0 Consistency Determination

Based on the project description, coastal effects analysis, and avoidance, minimization, and restoration measures included in the design and Work Plan, FWS has determined that implementation of the CERCLA removal action at the Prime Hook NWR Lead Shot Site will be conducted in a manner

consistent, to the maximum extent practicable, with the enforceable policies of the Delaware Coastal Management Program.

Although no separate state coastal permit will be obtained for on-site CERCLA work, the removal action has been explicitly developed by FWS, with technical support from BBJ Group, to meet the substantive DCMP policies governing wetlands and surface waters, floodplains and coastal hazards, water quality, habitat and wildlife, public access, land use, and facility siting in Delaware's coastal zone. FWS will coordinate with the Delaware Coastal Programs office during the federal consistency review and provide any additional site-specific information or refinements requested to confirm this consistency.



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)

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):

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 <i>[attach comments]</i>	
Decision type: <small>(objections or conditions attach details)</small>	Decision Date: _____	