



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT
1650 ARCH STREET
PHILADELPHIA PA 19103-2004

July 29, 2025

Regulatory Branch

Jesse Hayden
Delaware Department of Natural Resources and Environmental Control
Coastal Management Program
100 West Water Street, Suite 7B
Dover, Delaware 19904
Jesse.hayden@delaware.gov

Reference: 2026 Nationwide Permits
CZM Consistency Request

Dear Mr. Hayden:

On June 18, 2025, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the Nationwide Permits (NWP).

The Federal Register notice is the Corps' determination of Coastal Zone Management Act (CZMA) consistency, pursuant to Section 307(c)(1) of the CZMA for NWP activities within or affecting waters of the United States in the coastal zone within the geographic boundaries of the state of Delaware. By the referenced Federal Register notice and confirmation by this letter, the Philadelphia District requests CZMA consistency concurrence for the proposed issuance of these NWPs. The Philadelphia District has determined that the activities authorized by the proposed NWPs will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the state's approved management program.

The Philadelphia District is proposing regional conditions for the proposed NWPs. Enclosed is a copy of the Philadelphia District's public notice inviting public comment on the proposed regional conditions. The Philadelphia District may be proposing modification or revocation of one or more NWPs in states where programmatic general permits or regional general permits have supplanted some or all of the NWPs.

At this time, we are asking that you begin your review and approval process. In accordance with 15 CFR 930.36(b), please provide your concurrence or objection to the Philadelphia District's consistency determination within 60 days. If you do not reach a final position on CZMA consistency before the end of the 60-day period, we will presume consistency concurrence in accordance with 15 CFR 930.41(a).

In accordance with the Corps' regulations at 33 CFR 330.4(d), if you object with the Corps' CZMA consistency determination for certain activities authorized by the

proposed NWPs, then the Corps will deny without prejudice authorization for those activities. Anyone wanting to perform such activities must obtain an activity-specific CZMA consistency concurrence or a presumption of concurrence. Upon concurrence by the state, or a presumption of concurrence, the activity would be authorized by the NWP.

The Philadelphia District's point-of-contact for the CZMA consistency determination proposed issuance of the NWPs is: Michael D. Yost, (267) 240-5278, michael.d.yost@usace.army.mil.

Thank you for your attention regarding this matter. We remain available to discuss issues or proposed conditions you may be considering for the NWPs. We look forward to working with your office on this effort.

Sincerely,

Todd A. Schaible
Regulatory Branch Chief

Enclosure(s)

cc:

Jennifer Holmes, DDNREC Coastal Programs

Matthew Jones, DDNREC Wetlands and Waterways Section