



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: _____ | |



February 3, 2021

TO: Laura Mensch
Regulatory Programs Manager
Delaware Coastal Management Program
100 W. Water Street, Suite 7B
Dover, DE 19904
DNREC_FederalConsistency@delaware.gov

FROM: USDA Farm Service Agency – Farm Loan Program

SUBJECT: Request for Concurrence

The USDA Farm Service Agency (FSA) is completing an environmental review of a subordination request by an existing borrower to construct a 50' x 90' house/shop, and install a driveway, parking area, well, and septic system on approximately 9 acres of cleared cropland. The area of disturbance is located on an 85+/- acre tract in Sussex County, Delaware on Chapel Branch Road in Seaford, Delaware; tax parcel #531-9.00-61.00. The project is referred to as the Chapel Branch Road Project. The project site is approximately 3.3 miles from Seaford, Delaware and 7.6 miles from Bridgeville, Delaware. The area is in a rural part of the county and is surrounded by woodland and farmland, in addition to a few residential properties. It is proposed the project will not disturb more than 9 acres of existing cropland. In prior years, the farm has grown fresh market produce and grain crops.

FSA requests a consistency review of the proposed actions associated with the above referenced project pursuant to Section 307 of the Coastal Zone Management Act.

Enclosed are the following:

- Sussex County Tax Parcel map
- Aerial view of property for its current use
- FEMA flood map
- USGS topo map
- Soils map
- NRCS-CPA-026e
- USFWS – Coastal Barrier Resources System Mapper Documentation
- Consultation letters to DE SHPO and DE THPO
- USFWS – IPaC Official Species list and Online Certification Letter
- Drawings of project location or footprint and related design plans as appropriate

The proposed action would include such activities as: the construction of a 50' x 90' shop/house, and the installation of a driveway, parking area, well, and septic system on cleared cropland.

FSA is providing notification it anticipates the proposed Federal action would not affect coastal uses or resources of the State of Delaware. Your concurrence with this determination is requested within sixty (60) days of the email delivery receipt or delivery of this letter based on standard United States Post Office delivery schedules not to exceed 5 days from the related post mark. If we do not hear from you within the specified time frame it will be assumed that you are in agreement and have no further interest in this matter.

Please feel free to contact April Benton at 302-259-7471 or april.benton@usda.gov should you have any questions or need further information. Correspondence may be sent to:

Sussex County FSA Office
21315 Berlin Rd., Unit 1
Georgetown, Delaware 19947

Sincerely,



April L. Benton
Farm Loan Manager

Enclosures

Chapel Branch Rd. Project

Area of Potential Effect (APE) showing where borrower intends on constructing a new home/shop with driveway & parking area, and installing a new well & septic system.

Legend

-  24235 Chapel Branch Rd.
-  Chapel Branch Rd. Project

Chapel Branch Rd

24235 Chapel Branch Rd.





January 29, 2021

TO: Stephanie Soder
Delaware State Historic Preservation Office
21 The Green, Suite A
Dover, DE 19901
Stephanie.soder@delaware.gov

FROM: April Benton, Farm Loan Manager

REQUEST FOR CONCURRENCE- APPLICATION FOR SUBORDINATION TO CONSTRUCT HOUSE

The USDA, Farm Service Agency (FSA) is completing an environmental review for a borrower requesting a subordination to construct a 50'x90' house/shop, and install a driveway, parking area, well, and septic system on approximately 9 acres of cleared cropland. The property is located at: 24235 Chapel Branch Road, Seaford, DE 19973.

FSA has reviewed the National Register of Historic Places list and our State Environmental Guide. To the best of our knowledge there is no indication of the presence, or the probability of an historic property or cultural resource at the site. Attached for reference are:

- Sussex County Tax Parcel Map
- Aerial Map of the Area of Potential Effect (APE) with 500' buffer
- CHRIS Maps from years 1937, 1968, 2002, 2012, & 2017
- BEERS Atlas – Northwest Fork Delaware Hundreds Map
- Topo Map
- Site Plan
- NPS List of National Historic Landmarks

FSA has made a finding that no effect by this proposed project. Your concurrence with this determination is requested within thirty (30) days of the email delivery receipt or delivery of this letter based on standard United State Post Office delivery schedules not to exceed 5 days from the related post mark. If we do not hear from you within the specified time frame it will be assumed that you are in agreement and have no further interest in this matter.

Please feel free to contact me at (410) 621-9273 or april.benton@usda.gov should you have any questions or need further information. Correspondence may be sent to:

Sussex County FSA
21315 Berlin Rd. Unit 1
Georgetown, DE 19947

Sincerely,

April L. Benton
Farm Loan Manager



February 1, 2021

TO: Ms. Susan Bachor
Delaware Tribe Historic Preservation Representative
P.O. Box 64
Pocono Lake, PA 18347
sbachor@delawaretribe.org

FROM: Robin Talley, Acting State Executive Director
Robin.Talley@usda.gov

REQUEST FOR CONCURRENCE- APPLICATION FOR SUBORDINATION TO CONSTRUCT HOUSE

The USDA, Farm Service Agency (FSA) is completing an environmental review for a borrower requesting a subordination to construct a 50'x90' house/shop, and install a driveway, parking area, well, and septic system on approximately 9 acres of cleared cropland. The property is located at: 24235 Chapel Branch Road, Seaford, DE 19973.

In considering FSA's responsibilities pursuant to Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations in 36 CFR Part 800, "Protection of Historic Properties (Section 106), we are requesting your assistance in identifying historic properties and/or other cultural resources that might be affected by this undertaking.

FSA has reviewed the National Register of Historic Places list and our State Environmental Guide. To the best of our knowledge, there is no indication of the presence, or the probability of a cultural resource at the site. Attached for reference are:

- Sussex County Tax Parcel Map
- Aerial Map of the Area of Potential Effect (APE)
- Drawings of proposed project footprint

FSA has made a finding that no effect by this proposed project. Your concurrence with this determination is requested within thirty (30) days of the email delivery receipt. If we do not hear from you within the specified time frame, it will be assumed you are in agreement and have no further interest in this matter.

Please feel free to contact April Benton by phone at (410) 621-9273, or email at april.benton@usda.gov should you have any questions or need further information. Correspondence may be sent to:

Sussex County FSA
21315 Berlin Rd. Unit 1
Georgetown, DE 19947

Sincerely,

Robin Talley
Acting State Executive Director

Farm: 11997

Tract: 41931

Dimensions

- Building - 50' X 90'
- Driveway - 20' X 205'
- Parking Area - 50' X 30'
- Septic - 40' X 100'
- Yard - 30' X 70'
- Well - 4' X 4'

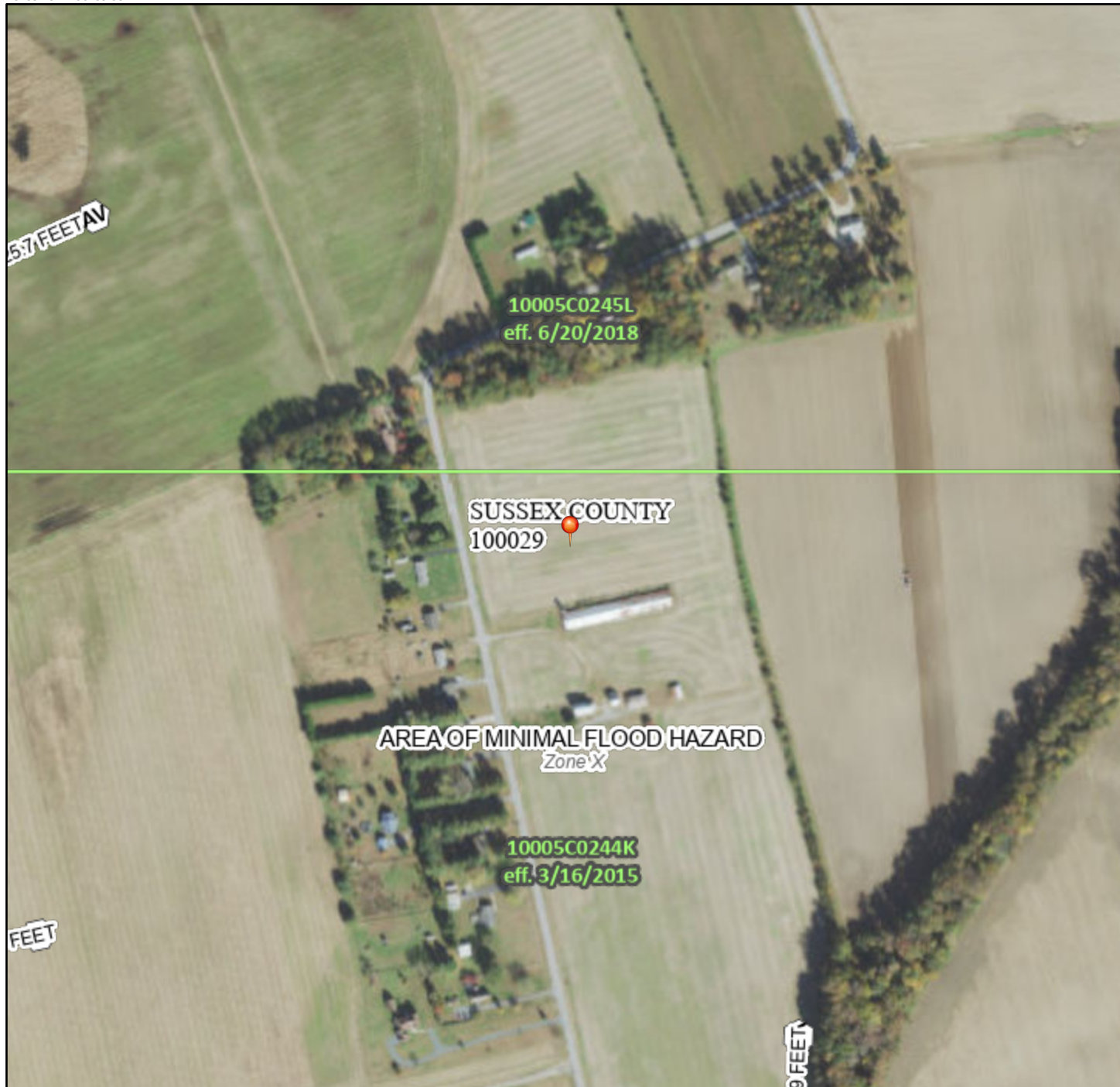
- PA - Parking Area
- Electric Line
- Driveway/Parking Area
- Building
- Septic
- Well
- Yard



National Flood Hazard Layer FIRMette



75°39'13"W 38°39'35"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

| | | |
|----------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i> |
| | | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> |
| | | Regulatory Floodway |

| | | |
|-----------------------------|--|--|
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
| | | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> |
| | | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> |
| | | Area with Flood Risk due to Levee <i>Zone D</i> |

| | | |
|--------------------|--|--|
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard <i>Zone D</i> |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |

| | | |
|----------------|--|---|
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| OTHER FEATURES | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |

| | | |
|------------|--|--|
| MAP PANELS | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |
| | | The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location. |



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **2/1/2021 at 12:03 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307

Phone: (410) 573-4599 Fax: (410) 266-9127

<http://www.fws.gov/chesapeakebay/>

<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:

January 29, 2021

Consultation Code: 05E2CB00-2021-SLI-0575

Event Code: 05E2CB00-2021-E-01416

Project Name: Chapel Branch Rd. Project

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

<http://>

www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

Project Summary

Consultation Code: 05E2CB00-2021-SLI-0575

Event Code: 05E2CB00-2021-E-01416

Project Name: Chapel Branch Rd. Project

Project Type: Federal Grant / Loan Related

Project Description: The USDA FSA is completing an environmental review for a current borrower requesting a subordination to construct a 50'x90' home/shop, and install a driveway, parking area, well, and septic system on approximately 9 acres of cleared cropland.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.656133249999996,-75.64816995401824,14z>



Counties: Sussex County, Delaware

Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

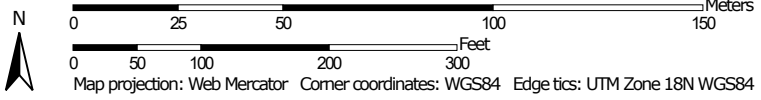
THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

Soil Map—Sussex County, Delaware
(Chapel Branch Rd. Project)




Soil Map may not be valid at this scale.

Map Scale: 1:1,800 if printed on A landscape (11" x 8.5") sheet.





MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 21, Jun 11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|------------------------------------|--|--------------|----------------|
| DnA | Downer loamy sand, 0 to 2 percent slopes | 0.6 | 6.4% |
| HbA | Hambrook sandy loam, 0 to 2 percent slopes | 2.5 | 28.6% |
| RoA | Rosedale loamy sand, 0 to 2 percent slopes | 3.3 | 37.4% |
| WddA | Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area | 2.5 | 27.6% |
| Totals for Area of Interest | | 8.9 | 100.0% |



Natural Resources Conservation Service
21315 Berlin Road, Unit 3
Georgetown, DE 19947

2/26/13

Richland Farms LLC
23728 Chapel Branch Rd.
Seaford, De 19973

Dear Cooperator:

We have completed a preliminary technical wetland determination on the following tract in Sussex County, Delaware: T-460 F-899. This certified wetland determination/delineation has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985.

In addition, a negative highly erodible land determination has been made on this land. This means that your farm has no highly erodible fields.

Enclosed is Form NRCS-CPA-026 and an aerial photograph that includes the wetland determination(s) for the land listed above. This determination may not be valid for identifying the extent of the Army Corps of Engineers' Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should request a jurisdictional determination from the local office of the Corps of Engineers before starting the work.

This preliminary technical determination will become final 30 calendar days from the date of this notification unless you notify this office at the above address or 302-856-3990 ext 3 to request a field visit for reconsideration or mediation of the preliminary technical determination. This will be the only notification you will receive unless you contest the preliminary technical determination conveyed by this notification.

If after the preliminary technical determination becomes final, you believe that the final technical determination is in error, you may elect to appeal to:

Sussex County Farm Service Agency (FSA)
21315 Berlin Rd Unit 1
Georgetown, DE 19947

Helping People Help the Land



Natural Resources Conservation Service
21315 Berlin Road, Unit 3
Georgetown, DE 19947

If you do not appeal to the FSA county committee, no further consideration on the matter will be given.

You have 30 calendar days from the date of this letter to make any requests as outlined above. Please call our NRCS office at (302)856-3990 ext. 3 with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "PS" followed by a stylized signature.

Phillip King
WETLAND TEAM LEADER

Enclosures

cc: County Executive Director, FSA



HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

| | | | | | |
|--|--------------------------------------|---------------|----------|---------------|--------|
| Name | Richland Farms LLC | Request Date: | 12/12/12 | County: | Sussex |
| Address: | 23728 Chapel Branch Road Seaford, DE | | | | |
| Agency or Person Requesting Determination: | FSA | Tract No: | 460 | FSA Farm No.: | 899 |

Section I - Highly Erodible Land

| | |
|---|-----|
| Is a soil survey now available for making a highly erodible land determination? | Yes |
| Are there highly erodible soil map units on this farm? | No |

Fields in this section have undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

| Field(s) | HEL(Y/N) | Sodbust (Y/N) | Acres | Determination Date |
|----------|----------|---------------|-------|--------------------|
| 5 | No | No | 19.8 | 2/26/13 |
| 8 | No | No | 11.2 | 2/26/13 |
| 11 | No | No | 1.1 | 2/26/13 |
| 12 | No | No | 3.9 | 2/26/13 |
| 13 | No | No | 42.7 | 2/26/13 |

The Highly Erodible Land determination was completed in the Office

Section II - Wetlands

Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.

| Field(s) | Wetland Label* | Occurrence Year (CW) | Acres | Determination Date | Certification Date |
|----------|----------------|----------------------|-------|--------------------|--------------------|
| 5 | PC/NW | | 19.8 | 2/26/13 | 3/26/13 |
| 8 | PC/NW | | 11.2 | 2/26/13 | |
| 11 | PC/NW | | 1.1 | 2/26/13 | |
| 12 | NW | | 3.9 | 2/26/13 | |
| 13 | PC/NW | | 42.7 | 2/26/13 | |

The wetland determination was completed in the Field It was Mailed to the person on 3/11/13

Remarks:

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

| | |
|--------------------------------------|--------|
| Signature Designated Conservationist | Date |
| | 3/5/13 |

*DEFINITIONS OF WETLAND LABELS

| | |
|---------|---|
| AW | <u>Artificial Wetland</u> : An area that was formerly a non-wetland area under natural conditions but now exhibits wetland characteristics because of the influence of human activities. These areas are exempt from the Food Security Act of 1985, as amended. This label includes irrigation induced wetlands. |
| CC | <u>Commenced Conversion</u> : A wetland, farmed wetland, farmed wetland pasture, or converted wetland on which the conversion began but was not completed before December 23, 1985, was approved by FSA to continue, and the conversion was completed by January 1, 1995. |
| CPD | <u>COE Permit with Mitigation</u> : A converted wetland authorized by a permit issued under Section 404 of the Clean Water Act. Production of agricultural commodities is allowed subject to conditions of the permit. |
| CMW | <u>Categorical Minimal Effect</u> : A wetland that meets specific categories of conversion activities that have been determined by NRCS to have minimal effect, individually and cumulatively, on the functions and values of the wetland and the wetlands in the watershed. |
| CW | <u>Converted Wetland</u> : A wetland converted between December 23, 1985, and November 28, 1990. Production of an agricultural commodity or additional manipulation of these areas will yield USDA benefit ineligibility. Also, these areas are wetlands converted after December 23, 1985, by a county, drainage district, or similar entity. For these instances, production of an agricultural commodity or forage for mechanical harvest or additional manipulation will cause ineligibility for USDA program benefits. |
| CW+year | <u>Converted Wetland + (year the conversion occurred)</u> : A wetland converted after November 28, 1990, where the USDA program participant is ineligible for benefits until the wetland is restored or mitigated unless an exemption applies. |
| CWNA | <u>Converted Wetland Non-Agricultural Use</u> : A wetland converted after November 28, 1990, to a use other than agricultural commodity production. Label not used for certified wetland determinations completed after 2/2008. |
| CWTE | <u>Converted Wetland Technical Error</u> : A wetland converted or commenced after December 23, 1985, based on an incorrect NRCS determination. This label does not apply to obvious wetlands as defined in the National Food Security Act Manual. |
| FW | <u>Farmed Wetland</u> : A wetland that was manipulated and planted before December 23, 1985, but still meets inundation or saturation criteria. These areas may be farmed and maintained as documented before December 23, 1985, as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for 5 consecutive years). |
| FWP | <u>Farmed Wetland Pasture or Hayland</u> : A wetland that is used for pasture or haying, was manipulated and planted before December 23, 1985, but still meets the inundation or saturation criteria. These areas may be farmed and maintained as documented before December 23, 1985, as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for 5 consecutive years). |
| MIW | <u>Mitigation Exemption</u> : A converted wetland, farmed wetland or farmed wetland pasture of which the acreage, functions and values lost have been compensated for through an NRCS-approved mitigation plan. |
| MW | <u>Minimal Effect Exemption</u> : A converted wetland that is exempt from the wetland conservation provisions of the Food Security Act of 1985, as amended, based on an NRCS determination that the conversion has or will have a minimal effect, individually and cumulatively, on the functions and values of the wetland and the wetlands in the watershed. |
| MWM | <u>Mitigation Site</u> : The site of wetland restoration, enhancement, or creation serving as mitigation for the mitigation exemption (MIW) site. |
| NI | <u>Not Inventoried</u> : An area where no wetland determination has been conducted. Label not used for certified wetland determinations completed after 2/2008. |
| NW | <u>Non-Wetland</u> : An area that does not contain a wetland. Also includes wetlands converted before December 23, 1985, but a commodity crop was not produced and the area does not meet wetland criteria (not been abandoned). |
| PC | <u>Prior-Converted Cropland</u> : A wetland converted to cropland before December 23, 1985, and as of December 23, 1985, was capable of being cropped and did not meet farmed wetland hydrology criteria. These areas are not subject to the wetland conservation provisions of the Food Security Act of 1985, as amended, unless further drainage manipulation affects adjacent wetlands. |
| PC/NW | <u>Prior Converted Cropland/Non-Wetland</u> : An area that contains both PC and NW. |
| TP | <u>Third-Party Exemption</u> : A wetland converted after December 23, 1985, by a third party who is not associated with the participant, and the conversion is not a result of a scheme or device. A third party does not include predecessors in interest on the tract, drainage districts, or other local government entities. |
| W | <u>Wetland</u> : An area meeting wetland criteria that was not converted after December 23, 1985. These areas include farmed wetlands and farmed wetland pasture that have been abandoned. |
| WX | <u>Manipulated Wetlands</u> : A wetland manipulated after December 23, 1985, but the manipulation was not for the purpose of making production possible and production was not made possible. These areas include wetlands manipulated by drainage maintenance agreements. |

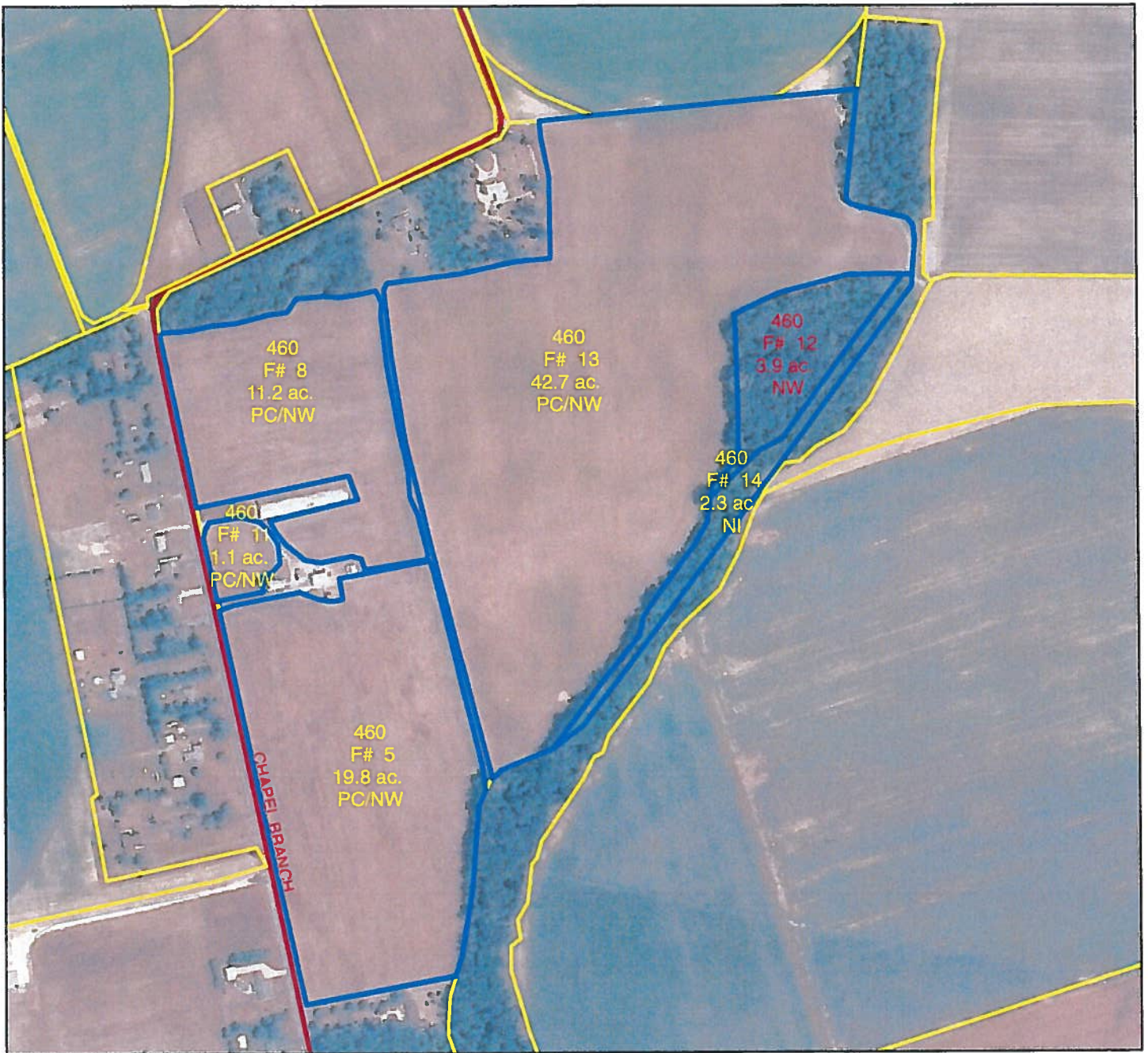
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Customer(s): RICLAND FARMS LLC

Field Office: Georgetown Field Office

Agency: NRCS

Assisted By: JOHN BUSHEY



Legend

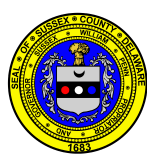
 Wetland Inventory (T460)

 Planned Land Units

 roads_l_statewideDE

 NRCS_clu_a_DE005








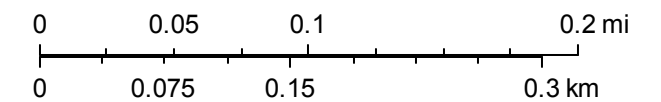
Sussex County



| | | |
|------------------------|-----------------------|-------|
| PIN: | 531-9.00-61.00 | |
| Owner Name | MARVEL PHILIP | SHANE |
| Book | 5139 | |
| Mailing Address | 3429 HORSESHOE RD | |
| City | SEAFORD | |
| State | DE | |
| Description | SE / CHAPEL BRANCH RD | |
| Description 2 | W / ATLANTA RD | |
| Description 3 | FX | |
| Land Code | | |

- polygonLayer**
Override 1
- polygonLayer**
Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:4,514



Coastal Barrier Resources System Mapper Documentation



CBRS Units

- Otherwise Protected Area
- CBRS Buffer Zone
- System Unit
- 75.648451, 38.655914

0 65 130 260 390 ft 1:4,514

The pin location displayed on the map is a point selected by the user. Failure of the user to ensure that the pin location displayed on this map correctly corresponds with the user supplied address/location description below may result in an invalid federal flood insurance policy. **The U.S. Fish and Wildlife Service (Service) has not validated the pin location with respect to the user supplied address/location description below. The Service recommends that all pin locations be verified by federal agencies prior to use of this map for the provision or denial of federal funding or financial assistance .** Please note that a structure bisected by the Coastal Barrier Resources System (CBRS) boundary (i.e., both "partially in" and "partially out") is within the CBRS and therefore affected by CBRA's restrictions on federal flood insurance. A pin placed on a bisected structure must be placed on the portion of the structure within the unit (including any attached features such as a deck or stairs).

User Name: Courtney Jones
User Organization: USDA Farm Service Agency
User Supplied Address/Location Description: Chapel Branch Rd. Project
Pin Location: Outside CBRS
Pin Flood Insurance Prohibition Date: N/A
Pin System Unit Establishment Date: N/A

The user placed pin location is not within the CBRS. The official CBRS maps are accessible at <https://www.fws.gov/cbra/maps/index.html>

The CBRS information is derived directly from the CBRS web service provided by the Service. This map was exported on and does not reflect changes or amendments subsequent to this date. The CBRS boundaries on this map may become superseded by new boundaries over time.

This map image may be void if one or more of the following map elements do not appear: basemap imagery, CBRS unit labels, prohibition date labels, legend, scale bar, map creation date. For additional information about flood insurance and the CBRS, visit: <https://www.fws.gov/cbra/Flood-Insurance.html> .





United States Department of the Interior

U.S. Fish & Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401
410/573 4575



Online Certification Letter

Today's date:

Project:

Dear Applicant for online certification:

Thank you for using the U.S. Fish and Wildlife Service (Service) Chesapeake Bay Field Office online project review process. By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the referenced project in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.

Based on this information and in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), we certify that except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project area. Therefore, no Biological Assessment or further section 7 consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For additional information on threatened or endangered species in Maryland, you should contact the Maryland Wildlife and Heritage Division at (410) 260-8573. For information in Delaware you should contact the Delaware Division of Fish and Wildlife, Wildlife Species Conservation and Research Program at (302) 735-8658. For information in the District of Columbia, you should contact the National Park Service at (202) 339-8309.

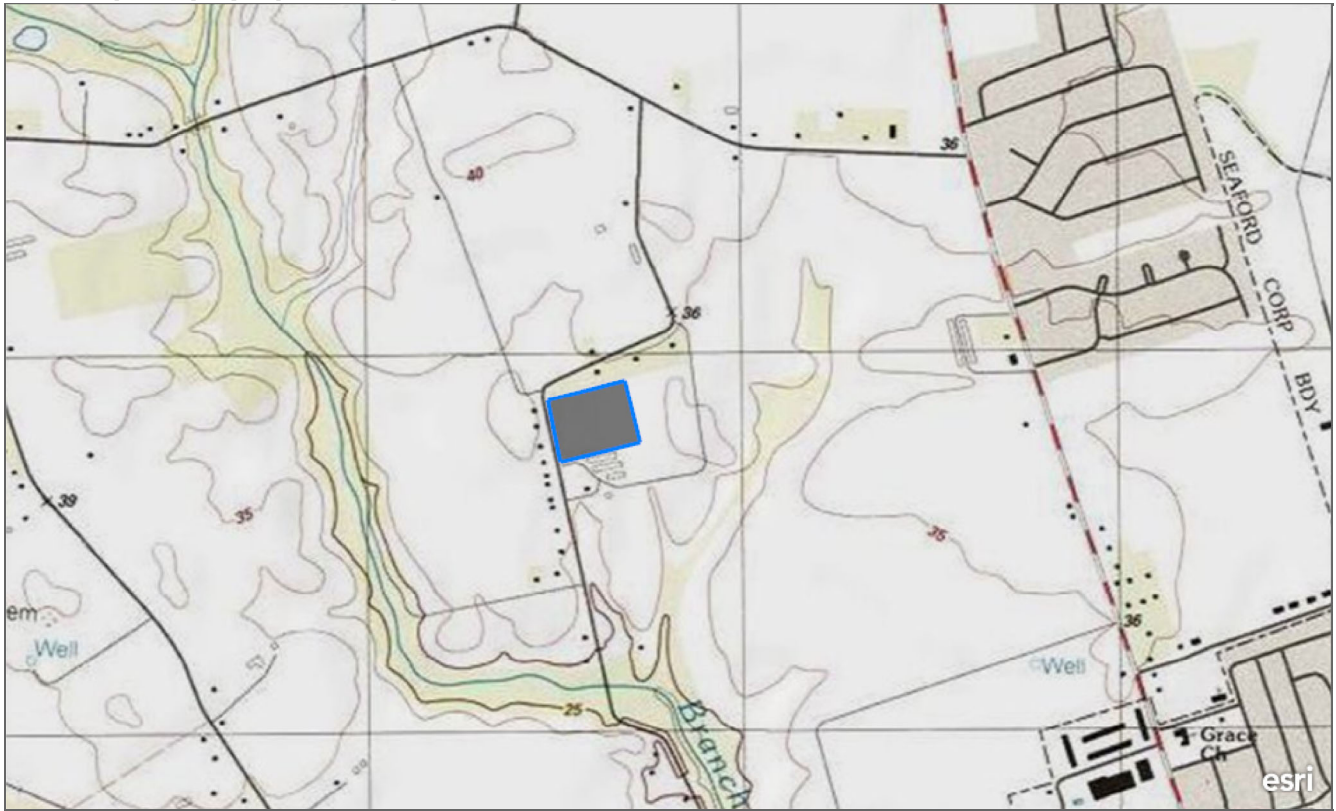
The U.S. Fish and Wildlife Service also works with other Federal agencies and states to minimize loss of wetlands, reduce impacts to fish and migratory birds, including bald eagles, and restore habitat for wildlife. Information on these conservation issues and how development projects can avoid affecting these resources can be found on our website (www.fws.gov/chesapeakebay)

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Chesapeake Bay Field Office Threatened and Endangered Species program at (410) 573-4527.

Sincerely,

Genevieve LaRouche
Field Supervisor

USGS Topo Maps (Map Service)



This map service presents detailed USGS topographic maps for the United States at multiple scales.

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