



United States  
Department of  
Agriculture

Farm  
Production  
and  
Conservation

Farm  
Service  
Agency

Kent FSA Office  
519 S Red Haven Ln  
Dover, De 19901  
Phone: 302-741-2600

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March 11, 2022

Kimberly B. Cole  
Program Administrator  
Delaware Coastal Management Program  
100 W. Water St., Suite 7B  
Dover, DE 19904

Ref: Federal Consistency Determination

The USDA, Farm Service Agency (FSA) is completing an environmental review of a site to construct a Grain Storage Bin and install a Grain Dryer with Auger Equipment. In doing the review it was determined that ground disturbance below the plow zone will be needed to pour a concrete foundation. The property is currently a farm-yard area with barns, poultry operation & existing grain facility and is located at 1708 Hempting Rd, Harrington, DE 19952.

As part of our environmental review, FSA is requesting a federal consistency determination from your department.

We request a response within sixty (60) days from receipt of this letter. Thank you for your time and attention to this issue of mutual concern. If you have any questions or concerns in regard to this project, please be assured of our cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Maryann Reed". The signature is written in a cursive, flowing style.

Maryann Reed  
County Executive Director

EN: aerial map, location map, consistency form





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.

<b>Project/Activity Name:</b>	FSFL FOR GRAIN BIN CONSTRUCTION - 1708 Hemping Rd, Harrington, DE 19952
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**I. Federal Agency or Non-Federal Applicant Contact Information:**

Contact Name/Title: Maryann Reed - County Executive Director

Federal Agency Contractor Name (if applicable): \_\_\_\_\_

Federal Agency: USDA Farm Service 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: 519 S Red Haven Ln, Suite 200

City: Dover State: DE Zip Code: 19901

E-mail: maryann.reed@usda.gov Telephone #: 302-741-2600 ext.2

**II. Federal Consistency Category:**

- |   |  |
|---|--|
| <input checked="" type="radio"/> Federal Activity or Development Project<br>(15 C.F.R. Part 930, Subpart C) | <input type="radio"/> Federal License or Permit Activity<br>(15 C.F.R. Part 930, Subpart D)  |
| <input type="radio"/> Outer Continental Shelf Activity<br>(15 C.F.R. Part 930, Subpart E)                   | <input type="radio"/> Federal License or Permit Activity which occurs<br>wholly in another state (interstate consistency<br>activities identified in DCMP's Policy document) |
| <input type="radio"/> Federal Financial Assistance<br>(15 C.F.R. Part 930, Subpart F)                       |  |

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

The USDA, Farm Service Agency (FSA) has received an application to provide financing in order to construct an additional Grain Storage Bin and install a Grain Dryer with Auger Equipment in an existing Grain Storage Yard. The property is currently a farm storage yard with farm buildings, grain storage bins and poultry Houses with a residence and is located at 1708 Hemping Rd, Harrington, DE 19952.

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

There are no anticipated effects to the coastal zone.

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

**Policy 5.1: Wetlands Management**

n/a

**Policy 5.2: Beach Management**

n/a

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

The proposed project is not within a coastal barrier in Delaware, and is more than 500 feet away from the nearest coastal barrier area. A Building Permit will be required from Kent County.

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

n/a

**Policy 5.5: Public Lands Management**

n/a

**Policy 5.6: Natural Lands Management**

The US Department of Interior, Fish and Wildlife Service, IPaC resource list was obtained on 03/10/2022 and showed 0 threatened, endangered, or candidate species on the proposed area. The IPaC list also showed 1 insect, no critical habitat, refuge lands or fish hatcheries. Project Code: 2022-0018515.

**Policy 5.7: Flood Hazard Areas Management**

n/a

**Policy 5.8: Port of Wilmington**

n/a

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

n/a

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

There are no historical properties on the proposed site. Consultation letters will be sent to DE SHPO and the DE THPO.

**Policy 5.11: Living Resources**

The US Department of Interior, Fish and Wildlife Service, IPaC resource list was obtained on 3/10/2022 and showed threatened, 2 endangered, or candidate species on the proposed area. The IPaC list also showed no critical habitat, refuge lands or fish hatcheries. Project Code: 2022-0018515.

**Policy 5.12 Mineral Resources Management**

n/a

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

n/a

**Policy 5.14: Public Trust Doctrine**

n/a

**Policy 5.15: Energy Facilities**

n/a

**Policy 5.16: Public Investment**

n/a

**Policy 5.17: Recreation and Tourism**

n/a

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

n/a

**Policy 5.19: Transportation Facilities**

n/a

**Policy 5.20: Air Quality Management**

n/a

**Policy 5.21: Water Supply Management**

current well on site

**Policy 5.22: Waste Disposal Management**

N/A

**Policy 5.23: Development**

N/A

**Policy 5.24: Pollution Prevention**

N/A

**Policy 5.25: Coastal Management Coordination**

n/a

**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:	MARYANN REED	Date: 03/11/2022

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





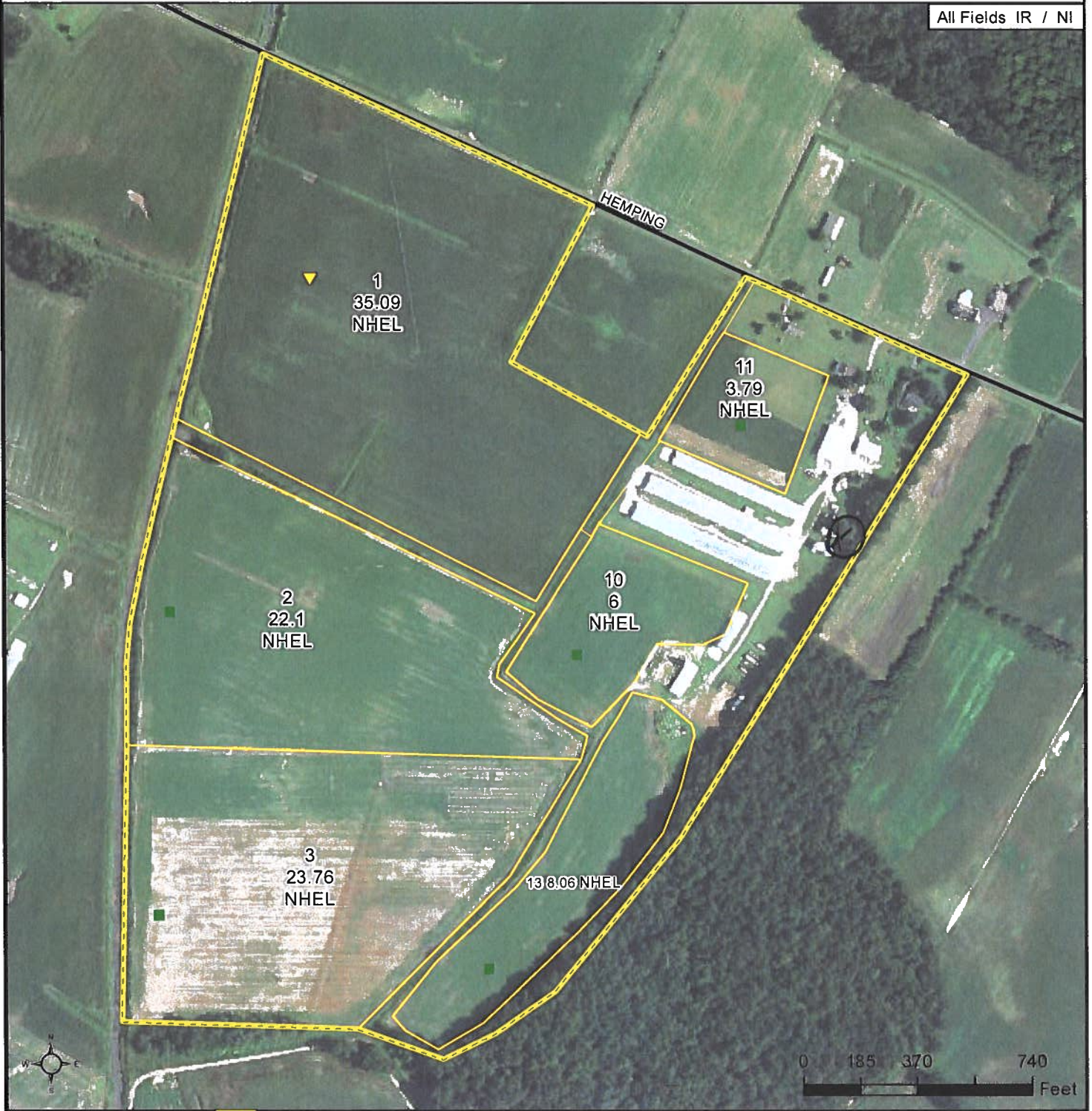
United States  
Department of  
Agriculture

# Kent County, Delaware

100% share on all fields to \_\_\_\_\_

other, specify here: \_\_\_\_\_

All Fields IR / NI



**Common Land Unit** Tract Boundary

- Non-Cropland
- Cropland

**Wetland Determination Identifiers**

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

**Tract Cropland Total: 98.80 acres**

**2022 Program Year**

Map Created October 08, 2021

**Farm 3525**  
**Tract 1641**

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