



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

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 Hopper Tank and install a Bucket Elevator. 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 a manure shed, an existing grain facility and is located at Chestnut Grove Rd, Dover, DE.

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.

Project/Activity Name: FSFL FOR GRAIN BIN CONSTRUCTION - Chestnut Grove Rd, Dover, DE

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:

- Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)
- Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)
- Federal Financial Assistance (15 C.F.R. Part 930, Subpart F)
- Federal License or Permit Activity (15 C.F.R. Part 930, Subpart D)
- Federal License or Permit Activity which occurs wholly in another state (interstate consistency activities identified in DCMP's Policy document)

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 Hopper Tank and install a Bucket Elevator in an existing Grain Storage Yard. The property is currently a farm storage yard with a manure shed, grain storage bins and is located at Chestnut Grove Rd, Dover, DE.

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 03/11/2022 and showed 0 threatened, endangered, or candidate species on the proposed area. The IPaC list also showed 1 endangered species and 5 migratory birds, no critical habitat, refuge lands or fish hatcheries. Project Code: 2022-0018770.

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 03/11/2022 and showed 0 threatened, endangered, or candidate species on the proposed area. The IPaC list also showed 1 endangered species and 5 migratory birds, no critical habitat, refuge lands or fish hatcheries. Project Code: 2022-0018770.

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 irrigation 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:	<i>April L. Benton</i> <small>Digitally signed by APRIL BENTON DN: cn=APRIL BENTON, o=DEPARTMENT OF AGRICULTURE, c=APRIL BENTON, o=238213, ou=00 11-120100012444, Date: 2022.01.14 12:14:23 -0500 Reason: All rights reserved. 2019/03/21 22041</small>		
Printed Name:	MARYANN REED	Date:	03/11/2022

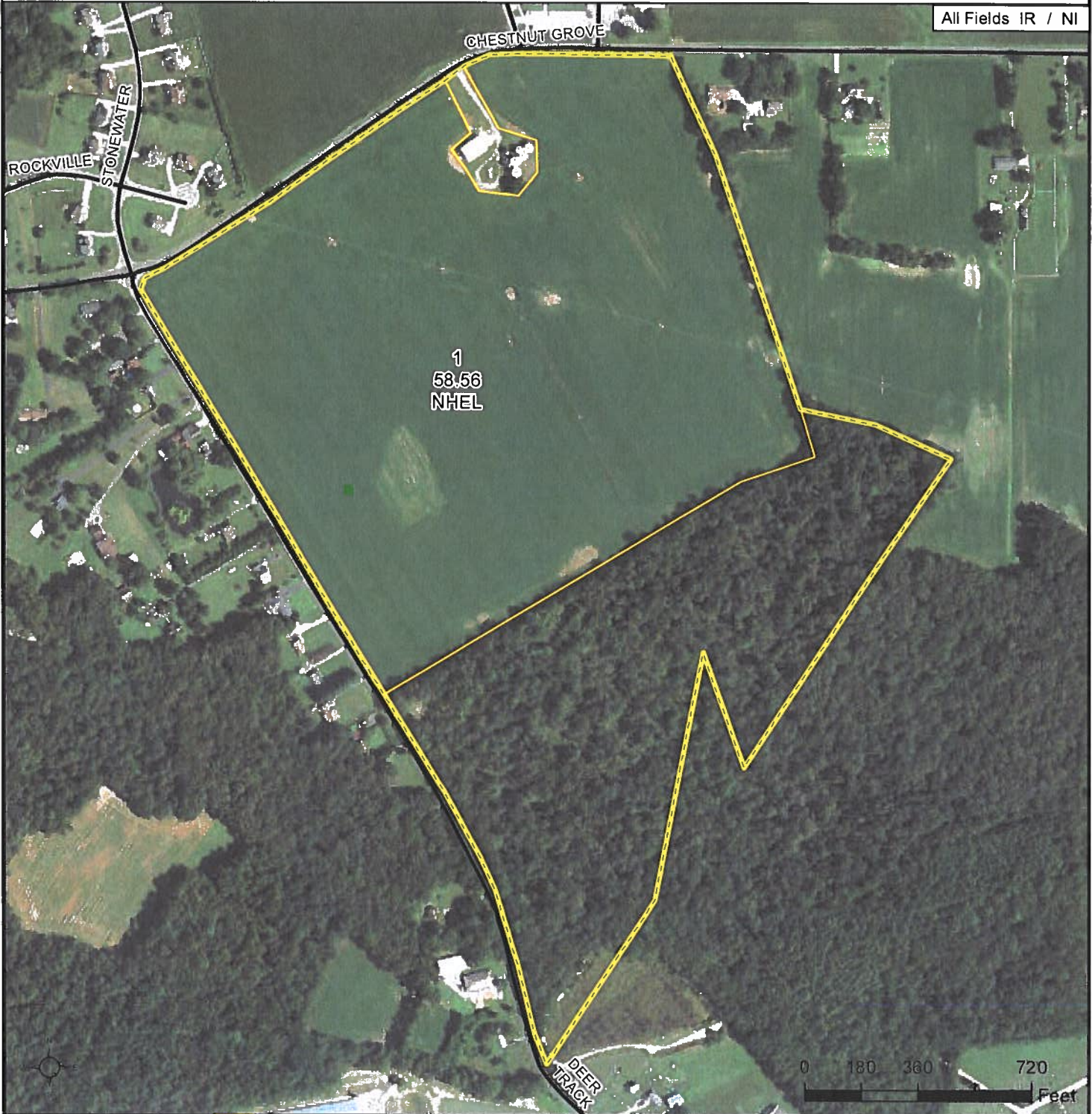
Pursuant to 15 C.F.R. Part 930, the Delaware Coastal Management Program must provide its concurrence with or objection to this consistency determination or consistency certification in accordance with the deadlines listed below. Concurrence will be presumed if the state's response is not received within 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 type="checkbox"/> YES <i>[attach comments]</i>	
Decision type: <small>(objections or conditions attach details)</small>	Decision Date: _____	



Common Land Unit Tract Boundary

- Non-Cropland
- Cropland

Wetland Determination Identifiers

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

Tract Cropland Total: 58.56 acres

2022 Program Year

Map Created October 08, 2021

Farm 5603

Tract 61

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