



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT
WANAMAKER BUILDING
100 PENN SQUARE EAST
PHILADELPHIA PA 19107-3390

24 SEPTEMBER 2020

Regulatory Branch

SUBJECT: 2020 NWP REISSUANCE – DE REGIONAL CONDITIONS

Delaware Department of Natural Resources and Environmental Control
ATTN: Kimberly Cole
Delaware Coastal Programs
100 West Water Street
Suite 7B
Dover, Delaware 19904

Dear Ms. Cole:

On September 15, 2020, 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 the coastal zone 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 90 days. If you do not reach a final position on CZMA consistency before the end of the 90-day period, we will presume consistency concurrence.

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 its CZMA consistency determination proposed issuance of the NWPs is Michael D. Yost at (267) 240-5278 and 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
Chief, Regulatory Branch

For: David C. Park
Lieutenant Colonel, Corps of Engineers
District Commander

Enclosure

CC: (electronic)
Laura Mensch, Coastal Zone Program (laura.mensch@delaware.gov)
Steven Smailer, DNREC, WSLS (steven.smailer@delaware.gov)