



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:	Natural Gas Pipeline Connection
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I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: Eastern Shore Natural Gas Company (Eastern Shore); Mr. Mark Parker/ Project Manager

Federal Agency Contractor Name (if applicable): _____

Federal Agency: Federal Energy Regulatory Commission (FERC)
(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: 500 Energy Lane, Suite 200

City: Dover State: DE Zip Code: 19901

E-mail: mcparker@esng.com Telephone #: 302-373-4715

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):

Eastern Shore Natural Gas (Eastern Shore) proposes the installation of a 24-foot wide stone drive access, stone parking area, one (1) meter and regulator configuration, and a connection to an existing pipeline located in an unincorporated area of northwestern Sussex County, Delaware. This development is located within an approximate 28-acre parcel owned by Eastern Shore that contains an access driveway, compressor station facility, stormwater management facility, solar facility and active agricultural row crops. The permanent impacts will effect row crop agricultural fields. Temporary impacts to row crop agricultural fields will occur to accommodate construction equipment. All non-developed land will be returned to pre-construction conditions.

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

Although the entire state of Delaware is considered to be within the coastal zone, the proposed Project is located over 20 miles from the Atlantic Ocean, including the associated Bays that are along the Delaware Coast. The Project is located within the headwaters of the Nanticoke River Basin which discharges to the Chesapeake Bay. The tidal section of the River is located approximately 11 miles downstream from the Project. The Project will not impact wetlands, waterbodies or floodplains and is located approximately 0.5 mile from the closest waterway. As summarized herein, the Project is not anticipated to have significant impacts on environmental resources, including coastal resources.

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

Policy 5.1: Wetlands Management

One National Wetlands Inventory (NWI) wetland is mapped in the Project workspace; it is a stormwater basin constructed to support the existing facilities. No Delaware State mapped wetlands are located within the Project workspace. Field surveys did not identify wetlands or waterbodies in the Project Workspace (although the stormwater basin was observed). The Project is consistent with the DCMP Policy as no wetlands will be impacted and there are no adjacent wetlands.

Policy 5.2: Beach Management

The Project will not be situated near public or private beaches. Since there will be no impact on beaches, the Project is consistent with this Policy.

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

The Project will not be situated near coastal or tidal waters. Since there will be no impact on coastal waters, the Project is consistent with this policy.

Policy 5.4: Subaqueous Land and Coastal Strip Management

The Project is located to the west of US-13, and is therefore located outside of the State Coastal Zone "coastal strip." Since there will be no impact on the coastal strip, the Project is consistent with this policy.

Policy 5.5: Public Lands Management

The Project is not located within 0.25 mile of federal or state public or conservation land. Since there will be no impact on public lands, the Project is consistent with this policy.

Policy 5.6: Natural Lands Management

The Project is not located within a natural preserve, nor would its proposed location provide suitable land for a nature preserve. Since there will be no impact on existing or future natural lands, the Project is consistent with this policy.

Policy 5.7: Flood Hazard Areas Management

The Federal Emergency Management Agency (FEMA) flood insurance rate map (FIRM) (panel 10005C0115K) places the Project location within Zone X: an area of minimal flooding outside of the 500-year floodplain. The nearest surface waterbody is located approximately 0.5 mile from the Project. Since there will be no impact on a flood hazard area, the Project is consistent with this policy.

Policy 5.8: Port of Wilmington

The Project is located over 60 miles south of the Port of Wilmington. Since there will be no impact on the Port of Wilmington, the Project is consistent with this policy.

Policy 5.9: Woodlands and Agricultural Lands Management

No woodlands will be removed for the Project. The Project is not located near silviculture activities. The Project is located on lands that are currently used for cropland agricultural purposes. Approximately one (1)-acre of agricultural land will be temporarily disturbed during construction and restored to pre-construction conditions. Therefore, the Project is consistent with this policy.

Policy 5.10: Historic and Cultural Areas Management

Based on previous survey results and the lack of known resources within or adjacent to the area of potential affect, Eastern Shore's assessment concluded that the Project will not affect historic or cultural resources. In response to a previous consultation requested by Eastern Shore, the Delaware Division of Historical and Cultural affairs concurred that no further archaeological or architectural history survey is required for the Project in a letter dated January 20, 2021. Eastern Shore is actively seeking concurrence for this Project as well. Therefore, the Project is consistent with this policy.

Policy 5.11: Living Resources

The Project will not impact wetlands or waterbodies; therefore there will be no affect to fish or other aquatic wildlife. The proposed location of the Project, within and adjacent to an existing compressor station, will require minimal vegetation removal. No trees will be removed. No State or Federal threatened and endangered species or species of special concern were identified in the Project area. Construction may cause minor, temporary impacts to living resources. Therefore, the Project is consistent with this policy.

Policy 5.12 Mineral Resources Management

The Project does not involve a lease for the extraction or production of mineral resources. Since there will be no impact on mineral resources, the Project is consistent with this policy.

Policy 5.13: State Owned Coastal Recreation and Conservation

The Project will not be located on state owned coastal lands, nor is the proposed location an open space that could be utilized as a public open space or conservation land. Since there will be no impact on state owned coastal recreation or conservation land (existing or proposed), the Project is consistent with this policy.

Policy 5.14: Public Trust Doctrine

The Project will not impact waterbodies; therefore, there will be no impact to navigation or fisheries. Therefore, the Project is consistent with this policy.

Policy 5.15: Energy Facilities

The Project will not be located within the coastal strip. Policy 5.15.1.6 states that onshore pipelines are permitted by the CMP, provided the activity is conducted in a manner that does not result in the degradation of Delaware's natural resources and that state-designated wetlands are avoided wherever practical. As summarized herein, the Project will not result in the degradation of natural resources and will not impact wetlands. The proposed Project is an Energy Facility that is consistent with this policy.

Policy 5.16: Public Investment

The Project is a natural gas pipe installation project being proposed by a private developer. Public funds will not be utilized. Since there will be no impacts on public investment, the Project is consistent with this policy.

Policy 5.17: Recreation and Tourism

The Project is not located in an area that is used for recreation or tourism, and development of the Project would not hinder the promotion of recreation or tourism in coastal areas. Since there will be no impact to recreation or tourism, the Project is consistent with this policy.

Policy 5.18: National Defense and Aerospace Facilities

The Project is not related to national defense and does not involve the establishment of aerospace facilities, nor will its location interfere with existing defense or aerospace facilities. Since there will be no impact on national defense or aerospace facilities, the Project is consistent with this policy.

Policy 5.19: Transportation Facilities

The Project will not affect the Port of Wilmington nor does it involve the transfer of oil or petroleum products on water. The Project is not a transportation improvement project, will not impact railways, and will not impact public transit. Therefore, the Project is consistent with this policy.

Policy 5.20: Air Quality Management

The Project does not involve the installation or construction of any structures or devices that created emissions. Since the Project will not negatively impact air quality it is consistent with this policy.

Policy 5.21: Water Supply Management

The Project will not involve withdraws from surface water, and will not impact surface water supply during construction or operation. Groundwater is not expected to be encountered during construction. However, if shallow groundwater is intercepted, impacts would be limited to the temporary displacement of localized shallow groundwater during excavation dewatering. Water removed from the excavation will be discharged into energy dissipation and sediment filter systems and allowed to infiltrate back through the soil, minimizing impacts to the shallow groundwater. Once in operation, there will be no impact to groundwater. Since the Project will not impact water supply, it is consistent with this policy.

Policy 5.22: Waste Disposal Management

The Project does not involve onsite wastewater treatment or disposal, land treatment of wastes, or disposal of solid wastes. Hazardous material, fuel handling, storage, spill prevention and cleanup, and unanticipated discoveries will be conducted accordance with Eastern Shore’s environmental construction plans, which include the Spill Prevention Control and Countermeasure Plan (SPCC Plan), the Unanticipated Discovery of Contaminated Materials Plan, and the Waste Management Plan (WMP). Therefore, the Project is consistent with this policy.

Policy 5.23: Development

Because the existing facility owned by Eastern Shore is being expanded there are no location alternatives. Therefore, the Project is consistent with this policy.

Policy 5.24: Pollution Prevention

The Project will reduce pollution during construction by using good house keeping measures and use of its Spill Prevention Control and Countermeasure Plan (SPCC Plan), the Unanticipated Discovery of Contaminated Materials Plan, and the Waste Management Plan (WMP). The project is designed to limit emissions to the maximum extant practicable during operation. Therefore, the Project is consistent with this policy.

Policy 5.25: Coastal Management Coordination

Eastern Shore recognizes that state agencies, federal agencies, and other interested parties may review and comment on the proposed Project.

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):

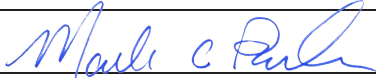
FEDERAL AGENCY CONSISTENCY DETERMINATION. Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Delaware Coastal 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:	Mark C. Parker	Date:	8 December 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: _____	