



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:** Demolition of helicopter pad and sidewalk, Smyrna Readiness Center, DEARNG

### I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: Emily Whiting, Environmental Protection Specialist

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

Federal Agency: Delaware Army National Guard  
(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: 1 Vavala Way

City: New Castle State: DE Zip Code: 19720

E-mail: emily.d.whiting3.nfg@army.mil Telephone #: 302-326-7491

### 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 Delaware Army National Guard (DEARNG) proposes the demolition of the helicopter pad, approximately 4,300 square feet, and associated side walk, approximately 315 square feet, at Smyrna Readiness Center, 103 Artisan Dr., Smyrna, DE 19977. The area will become grass.

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

The proposed project is converting 4,615 square feet of impervious cover to pervious cover; therefore, there are no coastal effects.

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

**Policy 5.1: Wetlands Management**

No wetlands have been identified at the proposed demolition site.

**Policy 5.2: Beach Management**

No beaches have been identified at the proposed demolition site.

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

The proposed project will disturb less than 0.2 acres, which should allow for a stormwater standard plan following the Delaware Sediment and Stormwater Regulations (DSSR). Before the start of demolition, DEARNG will obtain approved erosion and sediment control and stormwater management plans. Water quality control at the site will be managed in accordance with the DSSR, as well as with the provisions of this policy. The proposed project will not impact any designated or existing uses of water. No additional regulated activities listed in Section 5.3 of Delaware's Coastal Zone Management Policies will take place. No work is planned that will impact marinas and no marinas are proposed to be constructed.

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

No activities associated with the demolition or operation are proposed in, on, over, or under private subaqueous lands and no impacts to subaqueous lands are expected.

No heavy industrial activities will take place at the proposed project site. No manufacturing will occur at the proposed expansion site. No new offshore gas, liquid, or solid bulk product transfer facilities are proposed. No offshore pipelines which transfer bulk quantities of gas, oil, or other liquids to terminals within the coastal strip are proposed. No geological, geophysical, or seismic surveys are proposed.

**Policy 5.5: Public Lands Management**

The demolition will not impact any public lands.

**Policy 5.6: Natural Lands Management**

There are no Natural Lands at Smyrna RC. Smyrna RC is not within the Inland Bays watershed. Groundwater in Delaware is the primary source of public, rural, and industrial water supply. The water at the Smyrna RC is supplied by the private water company Artesian Water. The proposed demolition at Smyrna RC will not involve significant subsurface excavation, and is not projected to impact the quality of groundwater.

**Policy 5.7: Flood Hazard Areas Management**

Smyrna RC is not located within a floodplain.

**Policy 5.8: Port of Wilmington**

The Smyrna RC is not in an area that will impact the Port of Wilmington operations.

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

There are no woodlands or agricultural lands at Smyrna RC.

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

In accordance with 36 CFR 800.6(a)(4), the regulations implementing Section 106 of the National Historic Preservation Act, DEARNG has considered the effects of the proposed undertaking on historic properties. Ground disturbance associated with prior construction gives the site a low probability for intact archaeological resources.

**Policy 5.11: Living Resources**

Mammal, bird, and reptile species commonly found on the Smyrna RC site are representative of those found throughout the state of Delaware. There are no state- or federally-listed threatened or endangered species on site. The vegetative cover on and around the Smyrna RC includes mowed grass/landscaping and buildings. The proposed demolition is within developed areas; therefore, few individuals are likely to be impacted by these actions, and short-term impacts on wildlife are anticipated to be minor. After construction, wildlife will be allowed to return to the site. Returning species are anticipated to be identical to those currently using the site for nesting or feeding. Long-term impacts on wildlife, therefore, are anticipated to be negligible.

**Policy 5.12 Mineral Resources Management**

There are no impacts to mineral resources as a result of the proposed demolition site.

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

There are no state owned coastal recreation areas on the site.

**Policy 5.14: Public Trust Doctrine**

The demolition project will be constructed within the existing developed area of the Smyrna RC.

**Policy 5.15: Energy Facilities**

Neither the current Smyrna RC nor the proposed demolition will utilize heavy industry or offshore gas, liquid or solid bulk transfer facilities.

**Policy 5.16: Public Investment**

Use of the State Revolving Fund is not applicable to the demolition project, and will not increase the traffic.

**Policy 5.17: Recreation and Tourism**

The demolition project is not recreational or tourism based.

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

The current Smyrna RC has been in operation at the proposed demolition site. The proposed work of the Smyrna RC will comply with all regulatory and environmental standards imposed under federal law.

**Policy 5.19: Transportation Facilities**

The demolition project is not a transportation project.

**Policy 5.20: Air Quality Management**

Kent County, Delaware is located within the Northeast Ozone Transport zone. In this area, nitrogen oxides and volatile organic compounds, the precursors to ozone, are transported by wind over long distances. The emissions from vehicles, motors and other sources may be carried into Delaware by the predominant winds, contributing to formation of ground level ozone.

Construction activities will include the use of both heavy machinery and lighter delivery and personal vehicles. These short-term emissions are generally accounted for in the State Implementation Plan, and are considered minor. Demolition will also result in dust, from airborne concrete and soil particles. Dust particles are anticipated to dissipate quickly and impacts are projected to be short-term, local and minor.

**Policy 5.21: Water Supply Management**

Groundwater in Delaware is the primary source of public, rural and industrial water supply. The water at the Smyrna RC is supplied by Artesian Water. No withdrawal of ground or surface water takes place at the Smyrna RC and none will take place as a result of the project.

**Policy 5.22: Waste Disposal Management**

No on-site sewage or other wastewater disposal is conducted or will be conducted at the Smyrna RC. No land disposal sites are used at the Smyrna RC. No solid waste is currently disposed of at the site and none are proposed with the demolition project. No hazardous waste land emplacement units are used at the current Smyrna RC. No storage, treatment, or disposal of hazardous waste will occur within floodplain, wetland, carbonate bedrock, public water supply, and significant environmental, fault, or wellhead protection areas. The DEARNG Hazardous Waste/Material Management and Pollution Prevention Plan (HW/HM2P3) prescribes responsibilities, policies, and procedures for storing and managing hazardous material (HM) and hazardous waste (HW) within the Delaware Army National Guard (DEARNG). Army Regulation (AR) 200-1, Environmental Protection and Enhancement, requires that the HW/HM2P3 is written to ensure that the DEARNG is in compliance with applicable federal, state, and local laws and regulations. The demolition project will not involve the use, handling, and storage of hazardous materials or the generation of hazardous wastes. No Underground Storage Tanks exist at the Smyrna RC. The Smyrna RC has no recorded release of contaminants.

**Policy 5.23: Development**

The use of the proposed action is consistent with the existing land use of the Smyrna RC.

**Policy 5.24: Pollution Prevention**

The DEARNG has a Pollution Prevention Plan as Chapter 7 of their Hazardous Waste Plan. The Hazardous Waste/Material Management and Pollution Prevention Plan (HW/HM2P3) prescribes responsibilities, policies, and procedures for storing and managing hazardous material (HM) and hazardous waste (HW) within the DEARNG. Army Regulation (AR) 200-1, Environmental Protection and Enhancement, requires that the HW/HM2P3 is written to ensure that the DEARNG is in compliance with applicable federal, state, and local laws and regulations.

The primary goal of DEARNG's Pollution Prevention Program is to prevent or reduce pollution at the source whenever feasible. When the generation of wastes and byproducts cannot be prevented by procedure modification or product substitution, then recycling is considered the next alternative. Pollutants that cannot be recycled are treated. Disposal or release of hazardous and nonhazardous wastes to the environment is only performed as a last resort and is conducted in the most environmentally and occupationally safe manner available. Efficient use of raw materials, energy, water, and other resources should be a primary consideration in planning and implementing operations and activities.

**Policy 5.25: Coastal Management Coordination**

The Federal Consistency Review process will coordinate with appropriate State and Federal agencies.

**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:	WHITING.EMILY.DAWN.1572852713 N.1572852713	Digitally signed by WHITING.EMILY.DAWN.1572852713 Date: 2023.01.31 14:34:37 -05'00'
Printed Name:	Emily Whiting	Date: 1/31/2023

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:	

