



STATE OF DELAWARE

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF CLIMATE, COASTAL AND ENERGY

STATE STREET COMMONS

100 W. WATER STREET, SUITE 7B

DOVER, DELAWARE 19904

**COASTAL
PROGRAMS**

PHONE
(302) 739-9283

February 11, 2026

Missy Kalb
Century Engineering, LLC
55 S Bay Road
Dover, DE 19901

RE: Delaware Coastal Management Program — Federal Consistency Certification Conditional Concurrence for Leipsic Research Vessel Dock and Storage Building (FC 2025.0035)

Dear Missy Kalb,

The Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program (DCMP) has completed its review of the above referenced project, received and deemed administratively complete on May 12, 2025. The 6-month review period originally was to end on November 12, 2025. On November 10, 2025, the DCMP and DNREC Division of Fish and Wildlife agreed to stay the review period for three months, to end on February 10, 2026. At this time, the remainder of the six-month review period commenced with a response required by February 11, 2026.

PROPOSED ACTION

DNREC Division of Fish and Wildlife proposes to utilize a U.S. Army Corps of Engineers (USACE) Individual Permit to construct a dock in the Leipsic River at the eastern terminus of Lombard Street, Leipsic, Kent County, Delaware (Tax Parcel 4-13-03910-01-3100-00001). The proposed project includes a 120 ft x 10 ft fixed dock at the end of a 10 ft x 47 ft raised aluminum decking gangway with a 5 ft x 5 ft hose platform and water and electric service. The structures would be supported by 24 galvanized steel pilings and extend approximately 25.2 feet channelward of mean low water. Soft-start pile driving procedures are to be implemented with a vibratory hammer.

The proposed project also includes the construction of a 60 ft x 66 ft storage building. Water for the building and dock hose is proposed to be provided by a new 4-inch well, which will require a permit from the DNREC Well Permits Program. Additionally, the plans include the installation of a fueling facility, with a 2000-gallon above ground storage tank for diesel fuel. As stated in the Division of Fish and Wildlife's application, the design and implementation of the project will need

to comply with Delaware Regulations Governing Aboveground Storage Tank Systems, Delaware Sediment and Stormwater Regulations, and State Fire Marshal Office requirements. In addition, the Division of Fish and Wildlife has agreed to adhere to time-of-year restrictions to protect marsh nesting birds, elvers, and anadromous fish by avoiding construction in water and/or marshes between March 1 and July 31.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act (CZMA) of 1972 administered by the National Oceanic and Atmospheric Administration (NOAA), as amended, any applicant for a required federal license or permit to conduct an activity, in or outside of the coastal zone, that can have reasonably foreseeable effects on any land or water use or natural resource of the coastal zone of that state, shall provide a certification that the proposed activity complies with the enforceable policies of the state's NOAA-approved program and that such activity will be conducted in a manner consistent with the program. Under the CZMA implementing regulations, *Federal Consistency with Approved Coastal Management Programs* (15 CFR 930), subpart D, state agencies are directed to develop a list of federal license or permit activities to be included as part of the management program, with the federal license or permit activities described in terms of the specific licenses or permits involved. Any applicant for a federal license or permit selected for review by a state agency should obtain the views and assistance of the state agency regarding the means for ensuring that the proposed activity will be conducted in a manner consistent with the management program.

PUBLIC PARTICIPATION

In accordance with 15 CFR 930.61, the public was invited to participate in the review of the Leipsic Research Vessel Dock and Storage Building project. Public notice of this proposed action was published on June 1, 2025, in the Daily State News, The News Journal, and on the DNREC public notices website. The notice was also posted in the Dover Public Library. The public was given 30 days to comment on this notice. The DCMP received and considered one public comment during the comment period.

FEDERAL CONSISTENCY ANALYSIS

The DCMP coordinates the review of consistency certifications with agencies administering the enforceable and advisory policies of the program. The following agencies participated in this review:

- DNREC, Division of Air Quality
- DNREC, Division of Fish and Wildlife
- DNREC, Division of Waste and Hazardous Substances
- DNREC, Division of Water

The proposed activity is to be implemented in a manner consistent with the enforceable policies of the DCMP under Section 5.0 of the DCMP Federal Consistency Policy and Procedures document.

Please be advised that DNREC Division of Air Quality (DAQ) recommends that retrofitted on-road and non-road diesel engines be used to reduce emissions associated with the project construction. This includes equipment that is used on-site, as well as equipment that is used to transport materials to and from the site. DAQ also advises project managers to minimize air emissions from vessel engines and power equipment by avoiding unnecessary engine idling and ensuring the use of fuels that meet quality standards, such as ultra-low sulfur diesel, whenever possible, throughout the duration of the project.

The following Delaware air quality regulations may apply: Particulate Emissions from Construction and Materials Handling (7 DE Admin. Code 1106), Open Burning (7 DE Admin. Code 1113), Conformity of General Federal Actions to the State Implementation Plan (7 DE Admin. Code 1135), Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products (7 DE Admin. Code 1141), and Excessive Idling of Heavy-Duty Vehicles (7 DE Admin. Code 1145).

To mitigate potential impacts from flooding and sea level rise, the DCMP recommends coordinating with a local floodplain manager or DNREC Division of Watershed Stewardship's Floodplain Management Program to implement best practices to ensure that the project design could withstand coastal hazards. The submitted design plans indicate that the proposed diesel tank would be located between the lines of mean high water and highest observed high tide, and the FEMA flood hazard zone is AE with a base flood elevation (BFE) of 9 feet. Information in the 2025 Delaware Climate Action Plan (CAP)¹ and DNREC Flood Planning Tool² show that this is a highly vulnerable site to small increases in water level. DNREC Division of Fish and Wildlife should consider current tidal datum and projected water levels over the lifetime of the facility and specifically consider constructing the tank at an elevation of BFE or higher. In addition, the LiMWA line (Limit of Moderate Wave Action) is immediately channelward of the development. The DCMP recommends that the project design include consideration of the effects of waves propagating to the site during a storm event, in addition to still water flooding.

Additionally, the DCMP recommends coordinating with DNREC Division of Waste and Hazardous Substances to meet all storage tank requirements and to develop and implement an emergency response plan.

CONDITIONAL CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP conditionally concurs that the Leipsic Research Vessel Dock and Storage Building project as proposed above is consistent with the policies of the DCMP.

¹ Delaware Climate Action Plan, 2025. <https://dnrec.delaware.gov/climate-plan/>

² DNREC Flood Planning Tool <https://floodplanning.dnrec.delaware.gov/>

To be consistent with the DCMP's enforceable policies, the following condition must be satisfied related to enforceable policies under Sections 5.3 and 5.4:

- The applicant shall obtain all necessary state permits, authorizations, and/or leases related to subaqueous lands and water quality as regulated by the State of Delaware. The requirement for these authorizations is included in the DCMP enforceable policies and must be obtained to be consistent with these policies.

Failure to comply with 15 CFR §930.4 as it relates to the condition above will result in this conditional concurrence being considered an objection. Under this scenario, the applicant is advised that pursuant to 15 CFR part 930, subpart H, and within 30 days from receipt of this letter, a request may be submitted to the Secretary of Commerce to override the objection. In order to grant an override request, the Secretary must find that the activity is consistent with the objectives or purposes of the CZMA or is necessary in the interest of national security. A copy of the request and supporting information must be sent to the DCMP and the federal permitting or licensing agency. The Secretary may collect fees for administering and processing your request.

Pursuant to 15 CFR 930.66, the applicant shall notify the DCMP of any proposed modifications to activities after receiving a decision from the DCMP. Modifications will be subject to supplemental federal consistency review if effects to any coastal use or resource will be substantially different than originally described.

Please be advised that this federal consistency review does not negate the need for other authorizations that may be required. If you have any questions, please contact me or Stephanie Zmina of my staff at (302) 739-9283.

Sincerely,



Jesse Hayden (Feb 11, 2026 13:37:57 EST)

Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/sz

cc: File FC 2025.0035
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