



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

June 4, 2026

Raquel Wetzell
US Fish and Wildlife Service
177 Admiral Cochrane Dr.
Annapolis, MD 21401

RE: Delaware Coastal Management Program - Federal Consistency Determination Concurrence for USFWS Prime Hook NWR Lead Shot Site Removal (FC 2026.0014)

Dear Raquel Wetzell,

The Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program (DCMP) has completed its review of the above-referenced project, submitted on behalf of the US Fish and Wildlife Service, and originally received by this office on March 19, 2026. The review commended upon receipt of required information on March 24, 2026. The original due date of May 23, 2026, was extended by 15 days to June 7, 2026, pursuant to 15 CFR 930.41(b).

PROPOSED ACTION

The United States Fish and Wildlife Service (USFWS) proposes to implement a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) removal action in the lead shot site at the Prime Hook National Wildlife Refuge (Prime Hook NWR) in Milton, Sussex County, Delaware. The site is approximately 5.5 acres of upland forest and forested wetland, connected to the Prime Hook Creek within the Broadkill River watershed. Work is expected to occur from June through September 2026, with daily activities to occur between 8am to 6pm.

The project would include limited clearing of the site for access and operations of lead-contaminated soil removal. Larger trees (diameter at breast height greater than 10 inches) will be flagged and evaluated for preservation prior to construction, and clearing will be limited to the minimum area necessary for safe access and excavation. In-situ treatments would be used to reduce leachable lead concentrations below Resource Conservation and Recovery Act (RCRA) hazardous waste thresholds prior to excavation, and excavation of contaminated soils would range in depth from 6 to 18 inches. Erosion and sediment controls, dewatering and runoff management, and careful handling of excavated materials will be implemented to prevent migration of sediments or contaminants to adjacent undisturbed wetlands and to Prime Hook Creek. Treated soils/sediments will be transported to an off-site permitted facility and the area will be backfilled with clean material to restore grade and hydrologic function, to match pre-construction contours as closely as practicable. The backfilled area would be

stabilized and restored using native seed mixes and plantings to re-establish wetland and upland habitat functions.

A Sediment and Stormwater Management Plan that includes BMPs and other erosion and sediment control protections required by the applicable regulations (e.g., Delaware's National Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity) will be prepared. Additionally, applicable air quality best management practices (e.g., anti-idling, particulate emissions from construction and material handling) will be incorporated into the construction specifications.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act (CZMA) of 1972, as amended, each federal agency activity within or outside the coastal zone that can have reasonably foreseeable effects on any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved state management programs. The National Oceanic and Atmospheric Administration (NOAA) is required to review and approve a proposed state management program for it to become effective. Under the CZMA implementing regulations, federal consistency with approved Coastal Management Programs (15 CFR 930), subpart C, federal agencies are advised to provide state agencies with a consistency determination at the earliest practicable time in the planning or reassessment of an activity, and also before the federal agency reaches a significant point of decision-making in its review process. The term "consistent to the maximum extent practicable" in 15 CFR 930.32 means fully consistent with the enforceable policies of a management program unless full consistency is prohibited by existing law applicable to the federal agency.

PUBLIC PARTICIPATION

In accordance with 15 CFR §930.42, the public was invited to participate in the review of USFWS Prime Hook NWR Lead Shot Site Removal. Public notice of this proposed action was published in the Delaware State News and The News Journal, and on April 17, 2026. The notice was also posted in English and Spanish on the DNREC public notices webpage and at the Milton Library. The public was given 20 days to comment on this notice. One public comment was received in response to this notice.

FEDERAL CONSISTENCY ANALYSIS

As a networked program, the DCMP coordinates consistency determination reviews with agencies administering enforceable mechanisms supporting the policies of the program pursuant to Section 5.0 of the DCMP Federal Consistency Policy and Procedures document. 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
- DNREC, Division of Watershed Stewardship

The DNREC Division of Fish and Wildlife (DFW) recommends avoidance of tree clearing from April 1 to July 31, to reduce impacts to nesting birds and other wildlife species that utilize forests for breeding. Additionally, DFW indicates that the state-endangered Delmarva fox squirrel (DFS) is likely to occur in this area. They recommend that as many nut- and mast-producing trees as possible be left undisturbed, and to avoid tree cutting from January 1 to May 15 (the primary breeding season for DFS).

Furthermore, DFW and the DCMP recommend revegetation of the cleared areas with native plants appropriate for the site and in-kind to the cleared vegetation, including re-planting of trees and wetland grasses.

CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the project as proposed is consistent to the maximum extent practicable.

Pursuant to 15 CFR 930.46, 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. Thank you for the opportunity to evaluate this federal activity. If you have any questions, please contact Stephanie Zmina at (302) 739-9283.

Sincerely,



[Jesse Hayden \(Jun 4, 2026 14:30:30 EDT\)](#)

Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/sz

cc: File FC 2026.0014
Kirk Eastham, BBJ
Michael Sams, BBJ
Kelli Hicks, BBJ
Tina Merrill, DAQ
Faith Garcia, DFW
Morgan Price, DWH
John Costa, DWH
Matt Jones, DW
Rebecca Bobola, DW
Elaine Webb, DWS
Ashley Barnett, DWS