



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

August 16, 2024

Harry T. Hudson III  
USDA Farm Service Agency  
21315 Berlin Road, Unit 1  
Georgetown, DE 19947

**RE: Delaware Coastal Management Program — Federal Consistency Determination  
Concurrence for USDA Schlitter Wildlife Pond (FC 2024.0034)**

Dear Mr. Hudson,

The Delaware Coastal Management Program (DCMP) of the Delaware Department of Natural Resources and Environmental Control (DNREC) has completed its review of the above referenced project, dated and received by this office on June 18, 2024. The review request was submitted on behalf of the U.S. Department of Agriculture Farm Service Agency (USDA FSA).

**PROPOSED ACTION**

USDA FSA proposes to provide financial assistance for the construction of a 0.2-acre Conservation Reserve Enhancement Program CP9 shallow water wildlife pond at 24106 Cedar Lane, Georgetown, Sussex County, Delaware. The Sussex Conservation District will be contacted regarding a sediment and stormwater management plan prior to ground disturbing activities.

**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 USDA Schlitter Wildlife Pond. Public notice of this proposed action was published in the Delaware State News, The News Journal, and DNREC public notices list service on July 10, 2024. The public was given 20 days to comment on this notice. No public comments were received in response to this notice.

## **FEDERAL CONSISTENCY ANALYSIS**

The DCMP coordinates the review of consistency determinations with agencies administering the enforceable and advisory policies of the program. The proposed activity is to be implemented in a manner consistent with the enforceable policies of the DCMP under 7 DE Admin. Code 2201, Section 5.0. The following agencies participated in this review:

DNREC, Division of Fish and Wildlife  
DNREC, Division of Watershed Stewardship  
DNREC, Division of Air Quality  
Department of State, State Historic Preservation Office

Please be advised that the 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 recommends the use of dust suppressants and measures to prevent the transport of dust off-site from material stockpile, material movement, and use of unpaved roads.

Please note that the following Delaware air quality regulations may apply: Particulate Emissions from Construction and Materials Handling (7 DE Admin. Code 1106) and Excessive Idling of Heavy-Duty Vehicles (7 DE Admin. Code 1145).

## **CONCURRENCE**

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

Pursuant to 15 CFR 930.46, USDA FSA 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 me or Mike Snyder of my staff at (302) 739-9283.

Sincerely,



Kimberly B. Cole, Administrator  
Delaware Coastal Management Program

KBC/mts

cc: File FC 2024.0034  
Danielle Minter, DFW  
Elaine Webb, DWS  
Tina Merrill, DAQ  
Gwen Davis, SHPO