



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

September 6, 2024

Joshua Riding
Geo-Technology Associates
3445 Box Hill Corp. Center Drive, Suite A
Abingdon, MD 21009

**RE: Delaware Coastal Management Program — Federal Consistency Certification
Concurrence for ESNG DEMEC Service Line Site 5 (FC 2024.0049)**

Dear Mr. Riding,

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. This letter is in response to the federal consistency certification, dated and received on July 22, 2024, submitted by you on behalf of Eastern Shore Natural Gas (ESNG).

PROPOSED ACTION

ESNG proposes to utilize a Federal Energy Regulatory Commission authorization to construct internal line inspection equipment at two existing pipeline systems. Site 5A is located at the southwestern corner of Clayton Delaney Road and SR 15 in the Clayton area of New Castle County, DE. Site 5B is located east of the Conrail Railroad and west of Artisan Drive in the Smyrna area of Kent County, DE. The activity will include temporary impacts to approx. 1,134 sq. ft. of freshwater wetlands.

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 ESNG DEMEC Service Line Site 5. Public notice of this proposed action was published in the Delaware State News, The Wilmington News Journal, and DNREC public notices list service on July 28, 2024. The public was given 30 days to comment on this notice. No public comments were received in response to this notice.

FEDERAL CONSISTENCY ANALYSIS

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

DNREC, Division of Fish and Wildlife
DNREC, Division of Air Quality
DNREC, Division of Watershed Stewardship

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.

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 ESNG DEMEC Service Line Site 5 as proposed above is consistent with the policies of the DCMP.

Pursuant to 15 CFR 930.66, ESNG 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 review and respond to the ESNG DEMEC Service Line Site 5 federal consistency certification. If you have any questions, please contact me or Mike Snyder of my staff at (302) 739-9283.

Sincerely,

A handwritten signature in blue ink, appearing to be 'KBC', written over a light blue circular stamp.

For Kimberly B. Cole, Administrator
Delaware Coastal Management Program

KBC/mts

cc: FC File 2024.0024
Danielle Minter, DFW
James Coverdale, DAQ
Elaine Webb, DWS
Mark Parker, ESNG