



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

March 20, 2025

James C. McCulley IV
Watershed Eco, LLC
100 Biddle Avenue, Suite 120
Newark, DE 19702

**RE: Delaware Coastal Management Program — Federal Consistency Certification
Concurrence for Savannah Farms Residential Subdivision (FC 2024.0060)**

Dear Mr. McCulley,

The Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program (DCMP) has completed its review of the above referenced project. This letter is in response to the federal consistency certification, dated and received on September 25, 2024, submitted by you on behalf of D.R. Horton.

PROPOSED ACTION

D.R. Horton plans to utilize a US Army Corps of Engineers Nationwide Permit to construct stormwater management facilities associated with a proposed 1,114 housing unit residential subdivision northeast of the intersection of Moose Lodge Road and Willow Grove Road in Wyoming, Kent County, Delaware (Tax Parcel No.7-20-09400-01-1000-00001). The project includes sediment and erosion control strategies and storm water quality and quantity management as required by DNREC Division of Watershed Stewardship. The applicant proposes to place clean fill to construct earthen berms to separate the pond from the forested wetlands to the north and Willow Grove Road to the south. Permanent impacts to nontidal waters total 0.08 acres (3,665 square feet) or 204.5 cubic yards of clean fill material. The wetland in the northwestern portion of the property will be protected by a conservation easement. A subaqueous lands jurisdictional determination field meeting was conducted with DNREC Division of Water on April 12, 2022. DNREC's limits of state jurisdiction were limited to an agricultural ditch along the northern boundary of the property. A state subaqueous lands permit will not be required for any impacts to the man-made pond or anywhere on the site. The applicant proposes to maintain a 100-foot buffer zone around the wetlands on the parcel at the recommendation of DNREC Division of Fish and

Wildlife. In addition, the applicant is coordinating with DREC's Tax Ditch Program to obtain a Court Order Change and provide the program with all necessary documents.

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 Savannah Farms Residential Subdivision. Public notice of this proposed action was published in the Delaware State News, The News Journal, and DNREC public notices list service on October 6, 2024. The public was given 30 days to comment on this notice. No public comments were received in response.

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 Air Quality
- DNREC, Division of Fish and Wildlife
- DNREC, Division of Water
- DNREC, Division of Watershed Stewardship
- Kent County Conservation District

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 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), Open Burning (7 DE Admin. Code 1113), Emission Standards for Hazardous Air Pollutants (7 DE Admin. Code 1121), 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).

CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the Savannah Farms Residential Subdivision as proposed above is consistent with the policies of the DCMP.

Pursuant to 15 CFR 930.66, D.R. Horton 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 Savannah Farms Residential Subdivision federal consistency certification. If you have any questions, please contact me or Eddie Meade of my staff at (302) 739-9283.

Sincerely,



Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/EM

cc: FC File 2024.0060
Tina Merrill, DAQ
Danielle Minter, DFW
Matt Jones, DW
Elaine Webb, DWS
Melissa Hubert, DWS
Jared Adkins, KCD