



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 27, 2025

Ella Rothermel  
Partnership for the Delaware Estuary  
110 South Poplar Street, Suite 202  
Wilmington, DE 19801

**RE: Delaware Coastal Management Program — Federal Consistency Determination  
Concurrence for Kalmar Nyckel (FC 2025.0012)**

Dear Ella Rothermel,

The Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program (DCMP) has completed its review of the above referenced project, dated and received by this office on December 30, 2024. The review request was submitted on behalf of the U.S. Fish and Wildlife Service (USFWS).

**PROPOSED ACTION**

The USFWS proposes to provide financial assistance to the Partnership for the Delaware Estuary for a living shoreline and riparian habitat improvement project at the site of the Kalmar Nyckel Foundation at 1124 E 7th Street, Wilmington, New Castle County, DE. The project will include the deployment of a living shoreline on the Christina River, incorporating freshwater mussels, and the restoration of a riparian wetland swale, including invasive species removal and native species planting. A Sediment and Stormwater Management Plan approval will be obtained before upland disturbance associated with project access and staging. The financial recipient will obtain all necessary state permits/authorizations/leases as regulated by the State of Delaware or its delegated authorities.

**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, public notice of this proposed action was published in the Delaware State News, The News Journal, and DNREC public notices list service on January 26, 2025. 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 DNREC 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 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 Watershed Stewardship  
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.

Also 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 Kalmar Nyckel project as proposed is consistent to the maximum extent practicable.

Pursuant to 15 CFR 930.46, USFWS 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,



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[Jesse Hayden \(Feb 27, 2025 11:35 EST\)](#)

Jesse Hayden, Administrator

Delaware Coastal Management Program

JH/mts

cc: File FC 2025.0012  
Tina Merrill, DAQ  
Elaine Webb, DWS  
Matt Young, DFW  
Sarah Carr, SHPO