



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

Feb 13, 2025

Jorge Ricardo Cuadros  
Director, Fleet Installations & Environment and Deputy Chief of Staff  
Department of the Navy  
U.S. Fleet Forces Command  
1562 Mitscher Avenue Suite 250  
Norfolk VA 23551-2487

**RE: Delaware Coastal Management Program — Federal Consistency Determination  
Concurrence for Atlantic Fleet Training and Testing Study Area CCD (FC 2025.0013)**

Dear Jorge Ricardo Cuadros,

The Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program (DCMP) has completed its review of the above referenced project, received by this office on December 16, 2024.

**PROPOSED ACTION**

The United States Navy proposes to conduct new and existing training and testing activities in the Atlantic Fleet Training and Testing Study Area. The determination submitted reflects changes in the proposed U.S. Navy training and testing activities needed to meet mission requirements and U.S. Coast Guard training activities. Training exercises that may occur in or near Delaware waters include basic and applied scientific research and technology development; testing, evaluation, and maintenance of sensors and systems, such as missiles, torpedoes, radar, active and passive sonar systems, vessels, submarines, and aircraft; acquisition of technologically advanced vessels, aircraft, and systems. The U.S. Navy will notify and coordinate with DNREC's Division of Fish and Wildlife during the planning of events that could impact resources within Delaware's coastal zone.

**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 notice of this proposed action was published in English in the Delaware State News and The News Journal on January 15, 2025. The notice was also posted on the DNREC public notices list service website on January 15, 2025, in English, Spanish, and Haitian Creole. The public was given 20 days to comment on this notice. No public comments were received.

## **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

Please be advised that the Division of Air Quality (DAQ) recommends that the U.S Navy, U.S. Coast Guard and other participating agencies seek out and to comply with all Delaware Air Quality Regulations to not exceed air quality emission thresholds. The applicant is encouraged to make every reasonable effort to perform all training and testing activities in a manner which minimizes any adverse impacts on existing air quality. In 7 DE Admin. Code 1135, a federal action is defined as "any activity engaged in by a department, agency, or instrumentality of the Federal government, or any activity a department, agency or instrumentality of the Federal government supports in any way, provides financial assistance for, licenses, permits, or approves, other than activities related to transportation plans, programs, and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.)."

Please note that the following Delaware air quality regulations may apply: Open Burning (7 DE Admin. Code 1113), Conformity of General Federal Actions to the State Implementation Plan (7 DE Admin. Code 1135), Excessive Idling of Heavy-Duty Vehicles (7 DE Admin. Code 1145),

Regulations Governing the Control of Noise (7 DE Admin. Code 1149), Outer Continental Shelf Air Regulations (7 DE Admin. Code 1150), and Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products (7 DE Admin. Code 1141).

The Division of Fish and Wildlife reminds the applicant that state rare or federally listed species may occur in the study area, including species of whale, turtles, and sturgeon. The U.S. Navy will notify and coordinate with DNREC's Division of Fish and Wildlife during the planning of events that could impact resources within Delaware's coastal zone.

## CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the U.S. Navy Atlantic Fleet Training and Testing Study Area CCD as proposed is consistent to the maximum extent practicable.

Pursuant to 15 CFR 930.46, U.S. Navy 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 Stephanie Zmina of my staff at (302) 739-9283.

Sincerely,



Jesse Hayden (Feb 13, 2025 12:52 EST)

Jesse Hayden, Administrator  
Delaware Coastal Management Program

JH/sz

cc: File FC 2025.0013  
Tina Merrill, DAQ  
Matthew Young, DFW  
Laura Busch, U.S. Navy  
Jaime Gormley, U.S. Navy