



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

July 28, 2026

Stephanie Yourik
McCormick Taylor
106 Milford Street, Unit 105
Salisbury, MD 21804

**RE: Delaware Coastal Management Program — Federal Consistency Certification
Conditional Concurrence for DPL Little Mill Creek Gas Line Relocation (FC 2026.0019)**

Dear Stephanie Yourik,

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 April 10, 2026, and received April 16, 2026, submitted by you on behalf of Delmarva Power & Light (DPL) Company.

PROPOSED ACTION

DPL proposes to utilize a U.S. Army Corps of Engineers Nationwide Permit 12 to relocate approximately 870 feet of an existing gas line, by installing a new gas line on the north side of the Jack A. Markell Trail at Little Mill Creek in Wilmington, New Castle County, Delaware.

The existing segment of gas line will be abandoned in place, and the new installation will occur in cleared right-of-way on both sides of Little Mill Creek. Construction activities include horizontal directional drilling under the creek to install the new gas line through a 12-inch conduit, with bore pits on either end of the proposed line. The drilling process will use non-toxic drilling additives (bentonite clay), and any wastewater will be hauled to an approved offsite facility for disposal. An inadvertent return plan (also known as a frac out plan) will be in place to mitigate impacts in the event of an inadvertent return of drilling fluids.

The entry and exit bore pits will require temporary excavation of nontidal wetland, which will be restored to the original grade with revegetation of native wetland seeds. The proposed project will result in 0.01 acres of temporary wetland impacts. To avoid disturbance to marsh nesting birds, activities will not occur from April 1 to July 31.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act (CZMA) of 1972, as amended and associated regulations, any applicant required to obtain a listed 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 approved program and that such activity will be conducted in a manner consistent with the program.

PUBLIC PARTICIPATION

In accordance with 15 CFR §930.61, the public was invited to participate in the review of the DPL Little Mill Creek Gas Line Relocation. Public notice of this proposed action was published in the Daily State News and The News Journal on May 20, 2026. The notice was also posted in English and Spanish on the DNREC public notices webpage, and at the Elsmere Library and Route 9 Library. The public was given 30 days to comment on this notice. No public comments were received in response.

FEDERAL CONSISTENCY ANALYSIS

As a networked program, the DCMP coordinates consistency certification reviews with agencies administering enforceable mechanisms supporting the policies of the program pursuant to 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 Water
- DNREC, Division of Watershed Stewardship

Please be advised that the Division of Air Quality recommends that all diesel-powered equipment should use ultra-low sulfur diesel fuel when operating. The use of properly maintained equipment and idling minimization practices is also recommended to further reduce localized air quality impacts.

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), Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products (7 DE Admin. Code 1141), Control of Stationary Generator Emissions (7 DE Admin Code 1144), Excessive Idling of Heavy-Duty Vehicles (7 DE Admin. Code 1145), and Regulations Governing the Control of Noise (7 DE Admin. Code 1149).

The DCMP has considered the possible coastal effects of this project, including impacts on non-tidal and tidal wetlands and associated species. The project description includes measures to minimize impacts, such as use of temporary protection matting over wetland and a time-of-year restriction to protect marsh-nesting birds, recommended by the Division of Fish and Wildlife. Utilization of Horizontal Directional Drilling under the water body will avoid impacts to water quality. The project is designed to repair a potential safety hazard as a result of an exposed gas line pipe, while being minimally impactful to coastal resources.

CONDITIONAL CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP conditionally concurs that the DPL Little Mill Creek Gas Line Relocation as proposed above is consistent with the policies of the DCMP.

To be consistent with the DCMP's enforceable policies, the following conditions must be satisfied as they relate to the enforceable policies under Sections 5.3.1.19, 5.3.1.31 and 5.4.20:

- The applicant shall obtain all necessary state authorizations related to wetlands, subaqueous lands, and sediment and stormwater plans as regulated by the State of Delaware. The requirement for these authorizations is included in the DCMP enforceable policies and must be obtained to be consistent with these policies.

Failure to comply with 15 CFR §930.4 as it relates to the conditions above will result in this conditional concurrence being considered an objection. Under this scenario, the applicant is advised that pursuant to 15 CFR part 930, subpart H, a request may be submitted to the Secretary of Commerce to override the objection. This appeal request must be made within 30 days after receipt of the State agency's conditional concurrence/objection or 30 days after receiving notice from the Federal agency that the application will not be approved as amended by the State agency's conditions. In order to grant an override request, the Secretary must find that the activity is consistent with the objectives or purposes of the CZMA or is necessary in the interest of national security. A copy of the request and supporting information must be sent to the DCMP and the federal permitting or licensing agency. The Secretary may collect fees for administering and processing your request.

Pursuant to 15 CFR 930.66, the applicant 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. If you have any questions, please contact me or Stephanie Zmina at (302) 739-9283.

Sincerely,



[Jesse Hayden \(Jul 28, 2026 14:46:25 EDT\)](#)

Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/sz

cc: FC File 2026.0019
Jonathan Bartlett, DPL
William Carpenter, MC Taylor
Owen Stelzig, MC Taylor
Tina Merrill, DAQ
Faith Garcia, DFW
Matt Jones, DW
Elaine Webb, DWS