



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF CLIMATE, COASTAL, & ENERGY

DELAWARE COASTAL
MANAGEMENT PROGRAM

100 W. WATER STREET, SUITE 7B
DOVER, DELAWARE 19904

Phone: (302) 739- 9283
<http://de.gov/coastal>

July 23, 2019

Charles Williams
DNREC, Division of Watershed Stewardship
89 Kings Highway
Dover, DE 19901

**RE: Delaware Coastal Management Program — Federal Consistency Certification
Modification Request for Massey's Ditch Channel Maintenance Dredging (FC 2018.0127)**

Dear Mr. Williams,

The Delaware Coastal Management Program (DCMP) of the Delaware Department of Natural Resources and Environment Control (DNREC) has received and reviewed your request to modify the above referenced project. Based upon our review and pursuant to National Oceanic & Atmospheric Administration regulations (15 CFR 930), the DCMP has determined that the proposed modification includes substantially different coastal effects as it relates to State Owned Coastal Recreation and Conservation policy 5.13.1. As such, the following condition must be satisfied:

1. No pipelines shall be placed nor shall disturbance to vegetated areas occur within the Burton Island Nature Preserve.

All conditions issued along with the original conditional concurrence letter issued on December 5, 2018 continue to apply.

Failure to comply with the condition above will result in the DCMP's December 5, 2018 concurrence letter (and this modification) forthwith becoming an objection. Under this scenario, the applicant is advised that pursuant to 15 CFR part 930, subpart H, and within 30 days from receipt of this letter, you may request that the Secretary of Commerce override the objection. In order to grant an override request, the Secretary must find that the activity is consistent with the objectives or purposes of the Coastal Management Act, 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.

Thank you for the opportunity to review and respond to the Massey's Ditch modification request. If you have any questions, please contact me or Kristi Lieske of my staff at (302) 739-9283.

Sincerely,
Redacted - Original on File

Kimberly Cole, Administrator
Delaware Coastal Programs

KC/kl

Cc: File 2018.0127

Elena Stewart, Division of Parks and Recreation

Mike Yost, US Army Corps of Engineers