



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>

October 18, 2018

Lynn Manges
USDA – Delaware State Farm Service Agency
1221 College Park Drive, Suite 201
Dover, Delaware 19904

RE: USDA – Delaware State Farm Agency activities not requiring federal consistency determination reviews (FC 2019.0005)

Dear Ms. Manges,

The Delaware Coastal Management Program (DCMP) of the Department of Natural Resources and Environment Control (DNREC) has completed its review of the above referenced activities. It had come to the attention of the DCMP that the U.S. Department of Agriculture – Delaware State Farm Service Agency (Delaware FSA) provides federal assistance to private property owners. Because the funding is not being provided to applicant agencies, as defined in 15 CFR 930.92, the financial assistance must be reviewed as a federal agency activity as described in 15 CFR 930 Subpart C (Consistency for Federal Agency Activities). This letter is in response to discussions and negotiations that arose as a result of an e-mail from the DCMP to Delaware FSA dated June 27, 2018 explaining this change in the DCMP's review process.

PROPOSED ACTION

The U.S. Department of Agriculture – Delaware FSA provides funding under various financial programs to assist property owners in agricultural communities to sustain economically viable agriculture production. It is the understanding of the DCMP that if federal agency activities result in “no effects to coastal resources /uses” and they are not listed activities by the DCMP, then a negative determination review is not necessarily required. The DCMP and the Delaware FSA met on July 13, 2018 and August 24, 2018. The agencies reviewed various activities, and mutually agreed that the specific projects for federal assistance itemized below, which were listed in the USDA Summary of Categorical Exclusion Catalog, do not meet the “effects test” as described in 15 CFR 930. As the projects below were not specifically listed and were not

intended to be included in the list of federal agency activities to be reviewed, the DCMP has determined that these projects do not require a federal consistency determination review.

1) Loan Actions

- Commodity loans;
- Youth loans;
- Loans for closing costs;
- Loans for annual operating expenses, (except large CAFOs);
- Loans for equipment;
- Loans for family living expenses;
- Loans for labor costs;
- Loans for refinancing of debt (except medium or large CAFO or debt incurred as part of a project that ground disturbance or change in use);
- Loan (debt) transfers and assumptions with no new ground disturbance;
- Loan subordination, without ground disturbance below the plow line or change in operations, including but not limited to an increase in animal numbers that would not constitute a medium or large CAFO as designated by the EPA (i.e. small CAFOs are not required to have permits or plans as potential impacts are not individually significant due to their small/limited animal numbers);
- Partial or complete release of loan collateral severing the lending relationship;
- Debt set asides;
- Restructuring of loans:
 - Consolidation,
 - Re-amortization,
 - Rescheduling,
 - Deferral,
 - Write down.

2) Repair, improvement or minor modifications

- Minor amendments or revisions to previously approved projects, provided such actions do not substantively alter the purpose, operation, location, impacts, or design of the project as originally approved.

3) Administrative Actions

- Issuing technical corrections to regulations, handbooks, and internal guidance and amendments;
- Personnel actions, reduction-in-force, or employee transfers;
- Procurement actions for goods and services conducted in accordance with Executive Orders.

- 4) Management actions occurring on land that has been tilled in the past and will not exceed the depth of previous tillage:
- Forage harvest management;
 - Thinning and pruning of plants;
 - Plant grafting;
 - Integrated crop management;
 - Mulching;
 - Netting for hard woods;
 - Obstruction removal (without ground disturbance).
- 5) Other FSA actions
- Conservation easement purchases with no construction planned;
 - Emergency program actions (including Emergency Conservation Program and Emergency Forest Restoration Program) with a total cost share of less than \$5,000;
 - Financial assistance to supplement income, manage the supply of agricultural commodities, influence the cost and supply of such commodities or programs of a similar nature or intent (i.e., price support programs);
 - Inventory property disposal or lease with protective easements or covenants;
 - Safety net programs administered by FSA;
 - Stand analysis for forest management planning;
 - Tree protection including plastic tubes.

In accordance with 15 CFR 930.35, the DCMP supports USDA – Delaware FSA’s reassessment of the actions at five-year intervals, beginning in October 2023, to ensure the “no determination necessary” designation remains applicable. If changes are made to the DCMP that would impact this agreement, the DCMP will notify the USDA – Delaware FSA of the change and coordinate accordingly.

Thank you for the opportunity to review these activities as they relate to the DCMP and federal consistency. If you have any questions, please contact me or Jennifer Holmes of my staff at (302) 739-9283.

Sincerely,

 (Acting for)
K. Cole

Kimberly B. Cole, Administrator
Delaware Coastal Management
Program

