

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF SOIL AND WATER CONSERVATION**

Delaware Coastal Management Program Policy Update

GENERAL NOTICE

The Delaware Department of Natural Resources and Environmental Control's (DNREC) Delaware Coastal Management Program (DCMP) has completed the first portion of the update of its enforceable policies, pursuant to 15 C.F.R. §923.84(b), incorporating changes occurring in State statutes and Executive Orders since the Programs last update in September 1998. As dictated by the National Oceanic and Atmospheric Administration (NOAA), the DCMP must routinely update its policies to maintain the authority to manage the coastal resources of Delaware and evaluate federal activities, permits and plans to the maximum extent to ensure practicable consistency by those pursuing these actions.

**5.A.3. Coastal Waters Management
CMP Policies for Coastal Waters Management**

(24) No permit for the activities identified above shall be granted unless the activities are consistent with county and municipal zoning regulations.

[Authority - 7 Delaware Code 6003(c) (1)]

**5.A.4. Subaqueous Lands and Coastal Strip Management
CMP Policies for Subaqueous Lands and Coastal Strip Management**

(17) Subaqueous lands within the boundaries of Delaware constitute an important resource of the State and require protection against uses or changes which may impair the public interest in the use of tidal or ~~navigable~~ nontidal waters.

[Authority - 7 Delaware Code 7201].

**5.B.2. Natural Areas Management
CMP Policies for Natural Areas Management**

~~(16) The Office of State Planning Coordination shall consider areas registered pursuant to policy number three during the preparation or amendment of the statewide plan designating critical areas pursuant to Title 29, Chapter 92 of the Delaware Code. [Authority - Executive Order No. 43, August 15, 1996; 29 Delaware Code 9201 and 9202(4)]~~

**5.B.3. Flood Hazard Areas Management
CMP Policies for Flood Hazard Areas Management**

(6) State agencies shall to the maximum extent possible minimize the threat posed by flood hazards for the following activities: (1) the construction of state buildings, structures, roads or other facilities; (2) the administration of grant or loan programs involving such construction by other governmental entities or private parties; (3) the transfer of lands or other properties; and (4) programs which affect or influence land development.

[Authority - Executive Order Number 29, September 6, 1977, Executive Order Number 48, February 27, 1978 and Executive Order Number 43, August 15, 1996; ~~29 Delaware Code 9225~~]

**5.C.1. Woodlands and Agricultural Lands Policies
CMP Woodlands Policies**

(2) The General Assembly finds and declares that the pine and yellow-poplar forest resource of the State provides significant recreational, aesthetic, wildlife and environmental benefits as well as wood fiber essential to commerce and industry for the citizens of the State. The General Assembly has also determined that the pine and hardwood forest resources are being harvested at a greater rate than they are being replanted or reproduced and unless measures are instituted to ensure that the forest resources are sustained, this natural resource will be depleted to the detriment of the citizens of the State. It is, therefore, the declared public policy of this State to preserve and protect the pine and

yellow-poplar forest resources of the State.
[Authority – 7 3 Delaware Code 2965 1051]

(3) No person shall commence a cutting operation unless seed trees have been reserved pursuant to the natural regeneration method set forth herein or pursuant to an alternate management plan approved by the State Forester or his designee. This policy shall not apply to cutting operations of timber from land being cleared for reservoirs, military installations, agriculture, residential, ditch and utility right-of-ways, industrial sites, railroads or to cutting operations undertaken pursuant to a contract executed prior to January 1, 1989.
[Authority – 7 3 Delaware Code 2967 1053 (a and b)]

(4) No person shall cut or permit to be cut any pine or yellow-poplar tree or seedling required to be reserved for reseeded or planted under a reforestation plan or perform any act or permit any act to be performed which prevents reseeded or reforestation of any area in which a cutting operation has been conducted.
[Authority – 7 3 Delaware Code 2970 1056]

CMP Policies for Silviculture

(1) - The Forestry Administration shall provide for the protection of the waters of the State from pollution by sediment deposits resulting from silviculture activities as provided in ~~§2978 in Title 7~~ §1072 of Title 3. Through the adoption of subchapter VI, the State recognizes that water quality protection techniques for silviculture practices are an integral component of properly managed forests. Further, the State recognizes the positive benefits that properly managed forest systems have on the environment, water quality and quality of life in Delaware.
[Authority -7 3 Delaware Code 2977 1071]

(2) - Special orders can be issued if the Forestry Administrator, or Forestry Administrator's designee, finds that any owner or operator is conducting any silviculture activity in a manner which is causing or is likely to cause alteration of physical, chemical or biological properties of any state water, resulting from sediment deposition presenting an imminent and substantial danger to (a) the public health, safety, or welfare, or the health of animals, fish or aquatic life; (b) a public water supply; or (c) recreational, commercial, industrial, agricultural or other reasonable uses.
[Authority – 7 3 Delaware Code 2980 1073]

5.D.11 CMP Policies for Waste Disposal

CMP Policies for the Cleanup of Hazardous Substances

(5) Hazardous substance means: a. Any hazardous waste as defined in Chapter 63 of Title 7; b. Any hazardous substance as defined in CERCLA; or c. Any substance determined by the Secretary through regulation to present a risk to public health or welfare or the environment if released into the environment.
[Authority – 7 Delaware Code 9103 ~~(9)~~ (1)]

8 DE Reg. 497 (9/01/04)