



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

JUL 29 2004

Ms. Sarah W. Cooksey, Administrator
Delaware Coastal Management Program
Department of Natural Resources & Environmental Protection
89 Kings Highway
Dover, Delaware 19901

Dear Ms. Cooksey:

Thank you for the June 7, 2004, request to incorporate a number of changes to the Delaware Coastal Management Program (DCMP). You requested that these changes be incorporated as routine program changes pursuant to the Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H and the Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (1996).

Based on our review of your submission, we concur that the changes to the Delaware Code Chapters listed below are routine program changes and are approved as enforceable policies of the DCMP. Federal consistency will apply to the approved changes only after you publish notice of this approval pursuant to 15 C.F.R. section 923.84(b)(4)(i)(C). Please provide our office with a copy of the public notice of this approval.

The following changes to the Delaware Code were reviewed and approved:

Title 3, Chapter 10: State Forestry

Sections modified: 1051, 1053, 1056; 1071, 1073.
[Effective 7/29/99]

Title 7, Chapter 29: State Forestry

Sections 2965, 2967, 2970, 2977 and 2980, were moved to Title 3, Chapter 10 sections 1051, 1053, 1056, 1071 and 1073, respectively. (Title 7, Chapter 29 was repealed.)
[Effective 7/29/99]

Title 7, Chapter 60: Environmental Control

Section 6003 modified by inserting subsection (c)(1) and adding subsections (c)(2) and (i).
[Effective 4/25/00]

Title 7, Chapter 72: Subaqueous Lands

Section modified: 7201
[Effective 7/26/00]

Title 7, Chapter 91: Hazardous Substance Cleanup Act

Section 9103 modified by adding subsections (5) and (18), and renumbering other subsections. This change also resulted in renumbering the citation in DCMP policy 5.D.11.5 to 9103(11). Subsection (3) (Brownfields) is not submitted or approved at this time.
[73 Del Laws, c. 183 effective 7/13/01, 74 Del Laws, c. 185 effective 8/11/03]



Title 29, Chapter 92; Land Use Planning

Sections repealed: 9201, 9202, 9211-9220, 9223-9231, 9234-9236

[74 Del Laws, c. 186 effective 2/14/04, 73 Del Laws, c. 43 effective 6/14/01]

Section modified: 9201

[74 Del Laws, c. 186 effective 2/14/04]

Sections added: 9201-9206

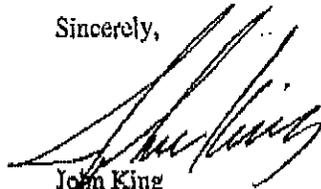
[74 Del Laws, c. 186 effective 2/14/04]

The following changes were submitted by DCMP, but subsequently withdrawn. Therefore, OCRM has not approved the changes listed below:

- Title 7, Chapter 60, section 6082 (mandating the development of a Source Water Assessment Area Guidance Document), because neither section 6082 nor the guidance document are enforceable policies.
- Title 7, Chapter 91, section 9013(3), because adding "brownfields" will need further analysis as a program change.
- Executive Order 31, creating the Delaware Energy Task Force, because the creation of the Task Force does not add any enforceable policies.

Thank you for your cooperation in this review. Please contact Diana Olinger at (301) 713-3155 extension 149, if you have any questions.

Sincerely,



John King
Chief
Coastal Programs Division