

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER NUMBER FORTY-THREE

TO: HEADS OF ALL STATE DEPARTMENTS, AGENCIES AND AUTHORITIES
RE: REVIEW AND ENFORCEMENT OF THE COASTAL MANAGEMENT PROGRAM

WHEREAS, the federal Coastal Zone Management Act (16 U.S.C. § 1451 et. seq.) provides funds to states to implement federally approved Coastal Management Programs; and

WHEREAS, pursuant to federal regulations (15 CFR Ch. IX Part 923.45), one condition of Coastal Management Program approval is demonstration that the Program, as approved, will be enforced; and

WHEREAS, several state departments and agencies have authority for enforcing the State of Delaware's Coastal Management Program (the "Program") and for making rules which might possibly impair enforcement of the Program.

NOW, THEREFORE, I, THOMAS R. CARPER, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order the following:

1. To the maximum extent permitted by law, all state departments and agencies shall enforce the goals, policies and objectives of the Delaware Coastal Management Program.
2. Each state department and agency shall review the Program's provisions and timely notify the Department of Natural Resources and Environmental Control ("DNREC") of any and all proposed changes in its rules or regulations which have the potential for interfering with the enforcement of Program policies.

3. DNREC shall, upon receipt of a notification made pursuant to Section 2 of this Order, review the proposed changes and if DNREC, after review, determines that such proposed changes would have the potential to interfere with the enforcement of the Program, consult with the federal Office of Ocean and Coastal Resource Management for the purpose of determining whether the proposed changes, if they were to take effect, would require an amendment to the Program.

4. DNREC shall, after prior notice to the Governor and to other affected state agencies, take action necessary and sufficient to amend the Program in the event state authorities are inadequate to enforce the current Program, provided, however, that DNREC and other state departments and agencies shall first explore the utility and desirability of amending their rules and regulations to conform with the current Program.

5. DNREC shall submit, pursuant to Title 29, Chapter 92, Delaware Code, comments addressing Coastal Management Program policies and concerns to local land and water use decisionmakers.

6. Executive Order Number 61 of Governor DuPont is hereby repealed.



APPROVED this 15th day of August, 1996.

Thomas R. Carver
Governor

ATTEST:

Edna L. Lusk
Secretary of State