

## **MALLARD LAKES SUSTAINABILITY STRATEGY**

### **WHO CAN HELP?**

“There exists the possibility of elevating from one to all of the ML Buildings; however, the cost of elevating any building is believed to be financially prohibitive without some form of third-party assistance, such as government grants.” (Source: Mallard Lakes Tidal Water Report).

Accordingly, this research has focused on identifying government programs—federal, state, local, and private (e.g., World Wildlife Federation)—that could help Mallard Lakes (ML) owners fund necessary flood mitigation. Three programs stand out: two U.S. Army Corps of Engineers (USACE) flood mitigation programs and one Delaware Department of Natural Resources and Environmental Control (DNREC) program. All three could fund not only building elevation but also the variable floodgate option currently being pursued by the ML Board. However, federal, state, and local planning and approval processes are lengthy, meaning that securing and executing such funding could take several years.

#### **Background on Federal Funding:**

Some federal funding is managed directly by the provider (e.g., USACE), while many federal grant programs (e.g., Flood Mitigation Assistance Grants) require a non-federal partner to administer the grant. Most federal funding also requires a matching contribution, which typically comes from state or local governments, private donor contributions, community assessments, fundraising, and/or in-kind services. Project costs are usually phased, meaning the total amount is not required upfront. Because much federal funding is reimbursable, the non-federal partner may need to cover initial costs, with reimbursements from earlier segments funding subsequent phases. Private entities generally cannot apply for federal funding directly, so applications must be submitted through a local (Sussex County) or state government entity.

Federal flood mitigation funding can support both engineering studies and project implementation. Applications compete nationally, but experts from the Delaware Emergency Management Agency (DEMA) (Source: Phil Cane) and Sussex County (Source: Tim Cooper) believe ML has a strong case for a grant. Additional advisors (Source: Floodproof.com; Envirotech Consulting; DBF Engineering) confirm that ML’s flooding issues are complex and significant, which may improve the likelihood of approval. Unfortunately, most federal grants are paused or canceled at the time of writing. Two federal programs, however, remain open and applicable to ML.

#### **[USACE Continuing Authority Program \(CAP\) 205:](#)**

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CAP 205, authorized under the 1948 Flood Control Act, is the most promising federal program for ML. It allows USACE to study, design, and construct small flood control projects in partnership with non-federal government agencies (e.g., cities, counties, special authorities, or units of state government). Projects under CAP 205 follow a complete process: feasibility study, design, and construction. The cost share is 50% non-federal for the study phase and 35% non-federal for construction, with the remainder funded federally. Federal, state, and local governments together would cover the entire cost, and USACE would manage the funds, with the non-federal partner contributing its share as the project progresses.

In 2016, USACE completed a Federal Interest Determination (FID) under CAP 205—Flood Risk Management Study, Delaware Bayshores, DE—which concluded that ML was eligible for CAP 205 funding (Source: Scott Sanderson). Sussex County initially agreed to be the non-federal partner but later declined (Source: Jason Miller), and without another partner, the project stalled.

On June 11, 2025, ML owners (acting as private citizens) met with Sussex County Council President Doug Hudson and County Administrator Todd Lawson to revisit the County's role as non-federal sponsor. Mr. Lawson stated the County preferred to await results from the more comprehensive, lower-cost-share Delaware Inland Bay Study before deciding. On July 15, 2025, ML owners formally addressed the full Sussex County Council, requesting that sponsorship of a USACE program be included in future budgets.

At the July 12, 2025, ML Board meeting, the Board's Tidal Water Report did not make mention of USACE's 2016 Federal Interest Determination. The Board indicated that they were not aware of it. Ms. Reba agreed to provide the study. Ms. Reba requested a meeting with the Board to discuss her research on government funding programs and specifically about the CAP 205 program. On July 16, 2025, Ms. Reba received the following response from the Board's Vice President (Chris Reutershan). ***"Mrs. Reba, You have been advised on how to proceed. Your request for a private meeting with the Board is declined. If you choose not to provide the requested documents please consider this matter closed. Thank you for your interest in Mallard Lakes. C. Reutershan On behalf of the ML Executive Board."***

On August 9, 2025, Ms. Reba presented a statement to the Board that included a high-level overview of the various government programs that might provide flood mitigation assistance (detailed in this paper). On August 12, 2025, Ms. Reba formally provided the USACE Federal Interest Determination to the Board President, the Board Secretary, and Legum and Norman to be part of the Mallard Lakes official record.

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### [USACE/DNREC Delaware Inland Bay and Delaware Bay Coast Coastal Storm Risk Management Study:](#)

In 2024, USACE and DNREC began a joint study on coastal water rise and storm mitigation strategies for inland bays, which includes ML within its boundaries. The study will produce a USACE Chief of Engineers report identifying feasible projects for congressional approval and further development. The Delaware Inland Bay Study, launched concurrently in 2024, is still in early planning with an expected completion date of 2030. Its scope covers all Sussex County communities along the Delaware Inland Bay area, including ML. Following the study's completion, non-federal sponsors must be identified, projects prioritized, engineering studies completed, and funding appropriated. Realistically, construction could be a decade away.

### [Delaware's Resource, Conservation and Development \(RC&D\) Program:](#)

This is the most promising state-level program for potentially funding the variable floodgate being pursued by the ML Community Association. It may also help supplement the non-federal match for USACE cost-share requirements. RC&D funds typically support projects that improve watershed health, drainage capacity, and environmental resilience. ML was added to the RC&D priority list in 2015, with a \$200K allocation for drainage enhancements.

On April 11, 2025, information about the RC&D program and was provided to the Mallard Lakes Community Association President (Dave Moris) and the Mallard Lakes Maintenance Manager (Stacey Selby), with a request that Mr. Selby attend the site walkthrough and speak with DNREC (or at least hear what they had to say). At first, they both seemed to support the idea of attending. But they declined the next day (via text) indicated that "only the Board can seek funds." I told them that these funds were put into the DNREC budget in 2015 and it was merely a conversation to determine whether they were still available and obtain information about what they felt could be done. But they still declined.

On April 16, 2025, DNREC Drainage conducted a site walkthrough at ML and determined that a study would be needed to identify the best flood mitigation options. Given the complexity of the situation, they noted that the \$200K set-aside could help fund the study but would not cover the entire cost. On July 14, 2025, after the release of the ML Tidal Water Report, Jesse Baird confirmed that RC&D funding could potentially cover most, if not all, of a variable flow floodgate project—if the Association secured the necessary permits and depending on final cost.

On July 30, 2025, Ms. Reba met with Representative Ron Gray, who represents the ML area in the Delaware General Assembly, clarifying she was acting as a private resident. She

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briefed him on the Board's exploration of a variable flow floodgate designed to reduce flooding without harming wildlife and explained that permitting was in its early stages. Representative Gray, already familiar with ML's flooding history, expressed interest in assisting with permitting and funding efforts, requesting Board contact information, which Ms. Reba provided on August 11, 2025.

### **Other Organizations that Can Help:**

**Resilient and Sustainable Communities League (RASCL):** This coalition of Delaware state agencies, nonprofits, and university partners offers technical expertise and funding options to help communities adapt, mitigate, and react to environmental changes, including climate change. ML is engaged with RASCL to begin the assessment process. RASCL held a meeting on February 20, 2025 to discuss ML. It was well attended by Delaware state and county officials, as well as representatives from academia and non-profits. Ideas were exchanged and additional sources identified. Following up on other potential leads identified by this group (Sussex Preservation Council, Sussex Conservation.org, DelDOT).

**Delaware Silver Jackets** – Is a coalition of federal, state, and local government organizations devoted to improving Delaware's flood risk reduction efforts and identify funding sources and grant opportunities for flood risk reduction activities. This organization has helped us connect with USACE.

**Sussex Preservation Coalition** – Sussex Preservation Coalition exists is to increase the effectiveness of groups and individuals working in Sussex County to promote resiliency, sustainability, and climate adaptation; and to preserve natural habitats for the well-being of all communities. This organization helped us move discussions forward with Sussex County Council members.

**Sussex Conservation.Org** -- Reached out to this organization to determine if they may be able to provide non-federal matching funds for federal funding programs. They discussed the possibility of providing funds within their community and they did not have any available funding (Source: Jessica Watson).

**DELDOT** – DelDOT reviewed this construction history of Mallard Lakes. In 2001, when the culvert was replaced due to the new causeway on Rt. 54, it was the same size as the previous culvert (48"). Therefore, they believe the size of the culvert was not the reason for increased water flow (Source: Tricia Arndt, DelDot). They believe reducing the size of the Culvert would not reduce the water inundation Mallard Lakes is currently experiencing. However, they believed that a recurring process of dredging the lakes could be beneficial to increasing lake capacity.

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**Other Grant Programs:** Based on federal grant cancellation or pausing, no further research has been conducted. These may be revisited as the environment changes, if necessary.

**FEMA Flood Mitigation Assistance (FMA) grants** help communities identify, prevent, and resolve floodplain management issues before a flood event occurs. These grant could fund up to 90 percent with federal funds (but more like to fund at 75 percent since ML is not a severe repetitive claims site). Submission dates for these grants are typically in the fall each year.

**FEMA Pre-Disaster Mitigation (PDM) Grants** – PDM makes federal funds available to state, local, tribal, and territorial governments to plan for and implement sustainable cost-effective measures designed to reduce the risk to individuals and property from future natural hazards, while also reducing reliance on federal funding from future disasters. This grant requires support of a U.S. senator, which would have to be obtained by this summer to apply for this grant in the fall of 2025 for the 2026 fiscal year.

**Other Cost Sharing** – Some mitigations described below, such as Living Shorelines, have cost sharing opportunities [Living Shoreline Cost Share Program - DNREC](#). There are other grants through [other organizations](#), like National Oceanic and Atmospheric Association (NOAA) and National Wildlife Foundation, that may be available to us as well.

Living Seashores and cost-sharing opportunities ([Living Shoreline Cost Share](#))

[EPA US Fish and Wildlife 5 Star and Urban Wetland Conservation Grant \(wetland restoration\)](#), Awards \$10K to \$40K for environmental education and activities such as volunteer cleanup and living shoreline development.

[NOAA Coastal Zone Management Habitat Restoration and Restoration Grants](#), Awards funding for wetland restoration, to include planning, engineering and design. Could go after this fund to cover some of our erosion problems, like living shoreline development. Can be used with other grants.

[National Wildlife Federation National Coastal Resilience Fund, contact Arielle Mion, Manager Coastal Resilience](#) Allows private entities to apply. Designed to restore or expand natural resources to lessen the impact of natural resources. Requires non-federal match of cash and/or in-kind goods and services. Will look into this grant next since NWF grants are privately funded.

[National Wildlife Federation Watershed and Flood Prevention Operations](#) Program provides planning, design and construction for measures that address resource concerns in a watershed through technical and financial assistance. Requires local to submit. 50/50 match. Will look into this grant next since NWF grants are privately funded.

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[Community Development Block Grant — Section 108 Loan Guarantee Program \(HUD\)](#)

Potential loan option if we cannot get 100% federal funding. DEMA rep indicated there are several loan options we can explore.

[Delaware Resilient Communities, Delaware Coastal Communities](#) *This is a Delaware sponsored program; will pursue further*

[DNREC Water Quality Improvement Grants](#) *This would apply to us, but we need to understand the specific projects in order to apply.*

[University of Delaware Grant Assistance Program](#) – *We can work with this group to help us find funding sources for our specific projects.*

**REFERENCES:**

**Experts:**

Karl Workman, DNREC Division of Watershed Stewardship, Landowner Liaison – Drainage

Steve Williams, DNREC Watershed Stewardship Director

Charles Baird, DNREC, Program Manager DNREC Drainage

Tyler Brown, DNREC, Environmental Program Manager

Joel Dohm, USACE Study Project Manager; Stephen Rochette, Public Affairs Officer, and DNREC Director of Community Affairs; Matthew Ritter -- USACE/DNREC Inland Bay Study

Robert Youhas, US Army Corps of Engineers, Regulatory Branch

Rachel Ward, US Army Corp of Engineers, Regulatory Branch

Ed Lewandowski, University of Delaware Coastal Design Studio

Blake Moore, University of Delaware, Cooperative Extension

Lori Spagnolo, University of Delaware Grant Assistance Program

Jana Savini, Coastal Collaboration Coordinator, DelawareEstuary.org (RASCL)

Michelle Koenig, Delaware Center for Inland Bays (RASCL)

Jennifer Pongratz, DNREC Environmental Scientist (RASCL)

Phil Cane, DEMA State Hazard Mitigation Officer

Travis Tuson, Recovery Planner, DEMA

Danielle Swallow, University of Delaware, Delaware Sea Grants

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Jessica Watson, Program Manager, Sussex Conservation District

Jill Hicks, Sussex Preservation Coalition

Tricia Arndt, Deputy Director, Transportation Resiliency and Sustainability, DeIDOT

Stephanie Johnson, Transportation Resiliency and Sustainability, DeIDOT

Shante Hastings, Secretary DeIDOT

Ron Gray, Delaware State Representative, District 38

Matt Lloyd, Sussex County Council District 1

John Reiley, Vice President, Sussex County Council, District 5

Doug Hudson, Vice President, Sussex County Council, District 4

Todd Lawson, Administrator, Sussex County Government

Jason Miller, US Army Corps of Engineers, Silver Jackets and Flood Plain Management

Scott Sanderson, US Army Corps of Engineers, Chief Project Development Branch

**Key Reference Documents:**

[Coastal Restoration Toolkit, Coastal Erosion funding](#) (e.g., NOAA Coastal Resilience Grants Program, NOAA's Office for Coastal Management) ([restoreyourcoast.org](http://restoreyourcoast.org))

[Flood Funding Finder - American Flood Coalition](#)

Delaware Research, Conservation and Development project list here: [Delaware Active RC&D Projects](#)

US Corps of Engineers Continuing Authority Program (CAP) #205 Program: [New England District > Missions > Public Services > Continuing Authorities Program > Section 205](#)