

Initial Review: _____
Updated On: _____
Complete: _____
Official Use Only

Coastal Zone Management Act Federal Consistency Form

This document provides the Delaware Coastal Management Program (DCMP) with a Federal Consistency Determination or Certification for activities regulated under the Coastal Zone Management Act of 1972, as amended, and NOAA's Federal Consistency Regulations, 15 C.F.R. Part 930. Federal agencies and other applicants for federal consistency are not required to use this form; it is provided to applicants to facilitate the submission of a Consistency Determination or Consistency Certification. In addition, federal agencies and applicants are only required to provide the information required by NOAA's Federal Consistency Regulations.

Project/Activity Name:	Laurel Glen Apartments Complex
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I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: Neighborhood Good Partners

Federal Agency Contractor Name (if applicable): _____

Federal Agency: USDA - Rural Development Farm Labor Housing Program(either the federal agency proposing an action or the federal agency issuing a federal license/permit or financial assistance to a non-federal applicant)Mailing Address: 1221 College Park Drive, Suite 200City: DoverState: DEZip Code: 19904

E-mail: _____

Telephone #: 302-857-3580

II. Federal Consistency Category:

☒ Federal Activity or Development Project
(15 C.F.R. Part 930, Subpart C)☐ Federal License or Permit Activity
(15 C.F.R. Part 930, Subpart D)☐ Outer Continental Shelf Activity
(15 C.F.R. Part 930, Subpart E)☐ Federal License or Permit Activity which occurs
wholly in another state (interstate consistency
activities identified in DCMP's Policy document)☐ Federal Financial Assistance
(15 C.F.R. Part 930, Subpart F)

III. Detailed Project Description (attach additional sheets if necessary):

The applicant, NeighborGood Partners has a 48-year history (since 1976) of providing rural housing opportunities to people in Delaware and the Delmarva Peninsula (Delaware and Eastern Shores of Maryland and Virginia). These opportunities have involved virtually all USDA-RD rural housing programs, both multi-family and single-family. In many ways, the missions of NeighborGood Partners and USDA-RD are similar and complementary. NeighborGood Partners is proposing to build a 36-unit Farm Labor Housing (FLH) apartment complex (Laurel Glen) in the Town of Laurel, Delaware, the heart of agriculture in Sussex County which is also the largest agricultural county in Delaware and on Delmarva. The 36 apartments will include (8) 1-bedroom, (20) 2-bedroom, and (8) 3-bedroom apartments. They will house crop and field workers and poultry processing plant workers which together total more than 10,000 in Sussex County. This 36-unit apartment complex will be situated on a 4-acre site, zoned R-3 for multi-family housing, which falls under the 10-acre threshold for a categorical exclusion with the purpose of multi-family housing being a mentioned acceptable use for the categorical exclusion. NeighborGood Partners has applied for an RD Section 514 FLH Loan as part of the April 19, 2024 FLH new construction Notice of Solicitation of Applications (NOSA). The loan amount requested is \$3,428,060 along with 36 units of Rental Assistance. The preapplication was given a Notice to Proceed and a Final Application was invited and is under review.

IV. General Analysis of Coastal Effects (attach additional sheets if necessary):

Due to the proposed site location and the proposed scope of the project, no impacts are expected.

V. Detailed Analysis of Consistency with DCMP Enforceable Policies (attach additional sheets if necessary):**Policy 5.1: Wetlands Management**

The US Fish and Wildlife Service (FWS) National Wetlands Inventory did not identify any wetlands on the Site. The NRCS Custom Soil Resource Report (Appendix C) shows the soil type for the entire Site to be Fallsington-Urban land complex, 0 to 5 percent slopes. Hydric soils are defined as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions (Federal Register, 1994). This soil type has a hydric soil rating of 65. However, groundcover at the Site consists of typical lawn grasses and is routinely mowed. No evidence of hydrophytic vegetation or standing water is present at the Site. Although the soil complex includes hydric soils, no other criteria for wetland designation are present. As per the Delaware Regulated Wetlands Map, no state regulated tidal wetlands are on or near the Site.

Policy 5.2: Beach Management

The proposed site location is approximately 20 miles inland from the Delaware Coastal Zone. It should be noted that this small property is not beach property or adjacent to a beach.

Policy 5.3: Coastal Waters Management (includes wells, water supply, and stormwater management. Attach additional sheets if necessary)

Due to the proposed site location being approximately 20 miles inland from the Delaware Coastal Zone, no impacts are expected. Also, water is supplied by the Town of Laurel, no wells will be installed. The nearest wellhead protection area is approximately 0.5 mile northeast of the proposed site. Stormwater management has been addressed in the Approved Preliminary Site Plan prepared by McCrone, see Attachment 1.

Policy 5.4: Subaqueous Land and Coastal Strip Management

NeighborGood Partners is proposing to build a 36-unit Farm Labor Housing (FLH) apartment complex (Laurel Glen) in the Town of Laurel, Delaware, the heart of agriculture in Sussex County which is also the largest agricultural county in Delaware and on Delmarva. The Town of Laurel is located near the western boundary of the State in the southeast portion of Sussex County and outside the defined "coastal strip".

Policy 5.5: Public Lands Management

The proposed site is privately owned, therefore, not applicable. See Attachment 2 for a copy of the deed.

Policy 5.6: Natural Lands Management

Neighborhood Good Partners is proposing to build a 36-unit Farm Labor Housing (FLH) apartment complex (Laurel Glen) in the Town of Laurel, Delaware, the heart of agriculture in Sussex County which is also the largest agricultural county in Delaware and on Delmarva. According to the Town of Laurel, the Subject Property and north-adjointing sites are zoned within the R-3 General and Multi-Family Residential Use District. East-adjointing sites are zoned within the R-1 Single Family Residential Use District, the south-adjointing site is zoned within the C-B Commercial and Business Use District, and west-adjointing sites are zoned outside of the municipality see zoning map, see Attachment 3. No natural areas are present on or adjacent to the proposed site. The site is not within the Inland Bays Watersheds.

Policy 5.7: Flood Hazard Areas Management

The Site is situated in the Federal Emergency Management Agency (FEMA)-designated Flood Zone X, indicating an area of minimal flood hazard – 0.2% annual chance flood hazard. The Site lies within the Broad Creek Watershed (HUC10: 0208010902) but, at a ground elevation of 27-29 ft, is not within the FEMA 100-year floodplain.

Policy 5.8: Port of Wilmington

The Site is located in the southeastern portion of Sussex County, approximately 100 miles south of the Port of Wilmington, therefore not applicable.

Policy 5.9: Woodlands and Agricultural Lands Management

"For the purpose of the Federal Farmland Protection Act (FPPA), farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to the FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land." The USDA Natural Resources Conservation Service (NRCS) Web Soil Survey (WSS) was utilized to determine if the Site is designated as important farmland. A Custom Soil Resource Report generated for the proposed site indicates the farmland classification for the soil type at the Site is not prime farmland. The Site is currently not used for agriculture, is only 4-acres in size, and is zoned R-3 General and Multi-Family Residential Use, which would indicate that it would not be considered Important Farmland. Additionally, no woodlands will be impacted as a result of the proposed development. The Town of Laurel Zoning Map is included as Attachment 3.

Policy 5.10: Historic and Cultural Areas Management

The Site is not identified as a historic property per Section 106 of the National Preservation Act (NHPA). Utilizing the Delaware Historical and Cultural Affairs's Cultural and Historic Resource Information System (CHRIS) mapping tool, the central portion of the Town of Laurel is considered a National Register District; however, the Site is outside of this district by approximately 0.4 miles. A review of the Site by the Delaware State Historic Preservation Office (SHPO) - Division of Historical & Cultural Affairs (HCA) regarding Section 106 Consultation determined that No Historic Properties will be Affected as a result of the proposed project.

Policy 5.11: Living Resources

Preliminary research suggests that no living resources or habitat will be impacted as a result of site development; however, an Environmental Review Request Form has been submitted to DNREC for an official determination. A copy of the request is attached as Attachment 4. Please not that the Shapefile is attached separately.

Policy 5.12 Mineral Resources Management

No leases for extraction or production of minerals are established for this Site.

Policy 5.13: State Owned Coastal Recreation and Conservation

The Site is a 4-acre privately owned parcel within the Town limits of Laurel, approximately 20 miles inland of the coast.

Policy 5.14: Public Trust Doctrine

There are no streams or riparian habitat on the Site, therefore not applicable.

Policy 5.15: Energy Facilities

NeighborGood Partners is proposing to build a 36-unit Farm Labor Housing (FLH) apartment complex (Laurel Glen) in the Town of Laurel, Delaware, the heart of agriculture in Sussex County which is also the largest agricultural county in Delaware and on Delmarva. The proposed development is not for industrial use, therefore not applicable.

Policy 5.16: Public Investment

The proposed location of this multi-family housing complex is located within an existing settled area, in an area close to stores, transportation, health care, and other services.

Policy 5.17: Recreation and Tourism

NeighborGood Partners is proposing to build a 36-unit Farm Labor Housing (FLH) apartment complex (Laurel Glen) in the Town of Laurel, Delaware.

Policy 5.18: National Defense and Aerospace Facilities

The proposed development is for a 36-unit Farm Labor Housing (FLH) apartment complex (Laurel Glen) in the Town of Laurel, Delaware. Prior site research has suggested that no National Defense and Aerospace Facilities are in close proximity to the site.

Policy 5.19: Transportation Facilities

The Site is located in southeastern Sussex County, approximately 100 miles south of the Port of Wilmington. No oil or petroleum products are anticipated to pose a threat to the natural environment because of this proposed multi-family housing development.

Policy 5.20: Air Quality Management

Preliminary evaluation of the proposed development took into consideration EPA air quality standards; however, no impacts are anticipated.

Policy 5.21: Water Supply Management

The Site does not currently have water or sewer connections; however, it is known that municipal water and sewer services are provided to the area by the Town of Laurel. No potable wells will be installed on the site.

Policy 5.22: Waste Disposal Management

NeighborGood Partners' proposed 36-unit Farm Labor Housing (FLH) apartment complex (Laurel Glen) will not operate as a waste collection, treatment, and disposal system nor will land treatment of wastes take place at the site. Wastewater will be directed to the Town of Laurel sanitary sewer system. Solid waste will include typical household trash, which will be handled and disposed of properly through licensed waste haulers. No hazardous waste will be generated at the site. The installation of underground storage tanks is not included in the proposed plan.

Policy 5.23: Development

The site is zoned R-3 General and Multi-Family Residential Use within the town limits of Laurel, located in southeast Sussex County. Due to the proposed site location being approximately 20 miles west of the Delaware Coastal Zone no impacts to the coastal area are expected.

Policy 5.24: Pollution Prevention

Because the proposed multi-family residential site location is approximately 20 miles west of the Delaware Coastal Zone, no impacts to this area are expected.

Policy 5.25: Coastal Management Coordination

Due to the proposed site location being approximately 20 miles west of the Delaware Coastal Zone no impacts are expected.

VI. JPP and RAS Review (Check all that apply):

Has the project been reviewed in a monthly Joint Permit Processing and/or Regulatory Advisory Service meeting?

☐ JPP

☐ RAS

☐ None

*If yes, provide the date of the meeting(s): _____

VII. Statement of Certification/Determination and Signature (Check one and sign below):

☐ **FEDERAL AGENCY CONSISTENCY DETERMINATION.** Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Delaware Coastal Management Program.

OR

☐ **FEDERAL AGENCY NEGATIVE DETERMINATION.** Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity will not have any reasonably foreseeable effects on Delaware's coastal uses or resources (Negative Determination) and is therefore consistent with the enforceable policies of the Delaware Coastal Management Program.

OR

☐ **NON-FEDERAL APPLICANT'S CONSISTENCY CERTIFICATION.** Based upon the information, data, and analysis included herein, the non-federal applicant for a federal license or permit, or state or local government agency applying for federal funding, listed in (I) above, finds that this proposed activity complies with the enforceable policies of the Delaware Coastal Management Program and will be conducted in a manner consistent with such program.

Signature:			
Printed Name:		Date:	

Pursuant to 15 C.F.R. Part 930, the Delaware Coastal Management Program must provide its concurrence with or objection to this consistency determination or consistency certification in accordance with the deadlines listed below. Concurrence will be presumed if the state's response is not received within the allowable timeframe.

Federal Consistency Review Deadlines:

Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)	60 days with option to extend an additional 15 days or stay review (15 C.F.R. § 930.41)
Federal License or Permit (15 C.F.R. Part 930, Subpart D)	Six months, with a status letter at three months. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.63)
Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)	Six months, with a status letter at three months. If three month status letter not issued, then concurrence presumed. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.78)
Federal Financial Assistance to State or Local Governments (15 C.F.R. Part 930, Subpart F)	State Clearinghouse schedule

OFFICIAL USE ONLY:

Reviewed By:	Fed Con ID:	Date Received:
Public notice dates: _____ to _____	Comments Received: <input type="checkbox"/> NO <input type="checkbox"/> YES [attach comments]	
Decision type: <small>(objections or conditions attach details)</small>	Decision Date: _____	