

GEO-TECHNOLOGY ASSOCIATES, INC.

GEOTECHNICAL AND
ENVIRONMENTAL CONSULTANTS

A Practicing Geoprofessional Business Association Member Firm



May 10, 2023

Delaware Department of Natural Resources and Environmental Control
Delaware Coastal Programs
100 West Water Street, Suite 7B
Dover, Delaware 19904

Re: Coastal Zone Management Act Federal Consistency
TidalHealth Millsboro Medical Campus
Sussex County, Delaware

To Whom It May Concern:

On behalf of TidalHealth Peninsula Regional (Applicant), Geo-Technology Associates, Inc. (GTA) is submitting this application for the construction of the TidalHealth Millsboro Medical Campus. To facilitate the Application's review, GTA is submitting the following information for your review and processing:

1. Completed Coastal Zone Management Act Federal Consistency Form;
2. Site Location Map;
3. USGS Topographic Map; and,
4. 2022 Aerial Imagery;

The TidalHealth Millsboro Medical Campus project area encompasses approximately 30 acres and is located west of Dupont Boulevard (US Route 113) in the Millsboro area of Sussex County, Delaware. No wetlands or waterbodies are located within the proposed project area. A Site Location Map, USGS Topographic Map, and 2022 Aerial Imagery for the project area are enclosed. TidalHealth Peninsula Regional proposes to construct the TidalHealth Millsboro Medical Campus, consisting of a 103,000-square-foot building, a 27,000-square-foot building, and a 24,000-square-foot building, as well as associated parking areas, sidewalks, utilities, and stormwater management facilities. The Applicant is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the United States Department of Agriculture (USDA) Rural Development (RD) Program in order that it may assess the environmental impacts of the TidalHealth Millsboro Medical Campus project.

3445-A Box Hill Corporate Center Drive, Abingdon, MD 21009 (410) 515-9446

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Delaware Department of Natural Resources and Environmental Control

Re: ***TidalHealth Millsboro Medical Campus***

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GTA is confident that the enclosed information for the TidalHealth Millsboro Medical Campus satisfies the general and regional conditions for the Coastal Zone Management Act. Should you have any questions or need additional information, please contact this office at (410) 515 9446.

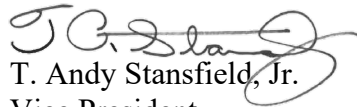
Sincerely,

GEO-TECHNOLOGY ASSOCIATES, INC.



Brad Sweet

Environmental Scientist



T. Andy Stansfield, Jr.

Vice President

BMS/MAJ/TAS

31210556x1

L:\Shared\Project Files\2021\31210556x1 - Millsboro Property\WET\Reports - Permitting\Coastal Zone Management\31210556x1 CZM Cover Letter.doc

**Completed Coastal Zone Management
Act Federal Consistency Form**



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: TidalHealth Millsboro Medical Campus

I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: TidalHealth Peninsula Regional

Federal Agency Contractor Name (if applicable): _____

Federal Agency: U.S. Army Corps of Engineers
(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: 100 East Carroll Street

City: Salisbury State: MD Zip Code: 21801

E-mail: Telephone #:

II. Federal Consistency Category:

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

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

The TidalHealth Millsboro Medical Campus project area encompasses approximately 30 acres and is located west of Dupont Boulevard (US Route 113) in the Millsboro area of Sussex County, Delaware. GTA performed a preliminary wetland evaluation of the project area in April 2021 to identify the limits of existing wetlands and waterbodies within the vicinity of the project area. GTA identified Sheep Pen Ditch south of the project area. A desktop evaluation of the project area identified Mirey Branch north of the project area. No wetlands or waterbodies were identified within the proposed project area. TidalHealth Peninsula Regional proposes to construct the TidalHealth Millsboro Medical Campus, consisting of a 103,000-square-foot building, a 27,000-square-foot building, and a 24,000-square-foot building, as well as associated parking areas, sidewalks, utilities, and stormwater management facilities.

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

The proposed project will have minimal effect on coastal resources, as outlined below in accordance with policies from Delaware Coastal Management Program, Comprehensive Update and Routine Program Implementation (CURPI), dated November 2018, and published by the Delaware Department of Natural Resources and Environmental Control (DNREC).

V. Detailed Analysis of Consistency with DCMP Enforceable Policies (attach additional sheets if necessary):

Policy 5.1: Wetlands Management

The proposed project does not propose to impact wetlands. The proposed project will be performed in accordance with an approved Erosion and Sediment Control Plan and using Best Management Practices (BMPs).

Policy 5.2: Beach Management

The proposed project does not propose to impact public or private beaches.

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

The proposed activities will be performed in accordance with applicable grading, sediment, erosion control, and stormwater BMPs to protect waterbodies within the vicinity of the project area from sediment.

Policy 5.4: Subaqueous Land and Coastal Strip Management

The proposed project is not located within the Coastal Strip. Furthermore, the proposed activities will be performed in accordance with applicable grading, sediment, erosion control, and stormwater BMPs to protect waterbodies within the vicinity of the project area from sediment.

Policy 5.5: Public Lands Management

The proposed work will not significantly or permanently impact the scenic, historic, scientific, prehistoric, or wildlife values of public lands.

Policy 5.6: Natural Lands Management

The project area is located within the Indian River Inland Bays watershed. The proposed project does not disturb nature preserves and does not propose to directly impact any wetlands as a result of construction. Furthermore, the proposed activities will be performed in accordance with applicable grading, sediment, erosion control, and stormwater BMPs to protect waterbodies within the vicinity of the project area from sediment.

Policy 5.7: Flood Hazard Areas Management

The proposed project does not impact any areas of mapped FEMA 100-year floodplain.

Policy 5.8: Port of Wilmington

The project area is not located in the vicinity of the Port of Wilmington.

Policy 5.9: Woodlands and Agricultural Lands Management

The proposed project does not propose to cause any unwarranted destruction or damage to woodlands and proposes to conserve wooded areas to the maximum extent practicable. According to the Delaware Agricultural Land Preservation online GIS map, no important farmland is located on or immediately adjacent to the project area.

Policy 5.10: Historic and Cultural Areas Management

According to a DSHPO Project Review letter, dated March 31, 2023, "there are no previously identified above ground or archaeological sites within the proposed project area."

Policy 5.11: Living Resources

The proposed project is not located in or adjacent to tidal wetlands. Additionally, in order to minimize potential impacts to fish, wildlife, nongame species, and their habitat, the project does not propose to impact nontidal wetlands and proposes to conserve woodlands to the maximum extent practicable.

Policy 5.12 Mineral Resources Management

The proposed project does not propose the extraction or production of mineral resources. Furthermore, the project should not create significant air, water, or other pollution; should not significantly impact marine life or wildlife; and should not significantly or permanently impact state lands with drainage of oil, gas, or other minerals or objectionable substances.

Policy 5.13: State Owned Coastal Recreation and Conservation

The proposed project does not propose to impact state-owned lands whose natural condition or present state of use would maintain, enhance, or conserve important recreational areas and wildlife habitat, or natural, cultural, or historic resources.

Policy 5.14: Public Trust Doctrine

The public has a right of navigation and fishery on all streams where the tide ebbs and flows. The proposed project does not propose to impact tidal waterways within the State of Delaware.

Policy 5.15: Energy Facilities

The proposed project does not propose heavy industry uses of any kind; offshore gas and liquid or solid bulk product transfer facilities; the construction of new petroleum refineries; the construction of offshore deepwater ports, production, or exploration facilities; the construction of off-shore pipelines; the construction of outer continental shelf energy facilities; storage tanks connected to outer continental shelf facilities; or construction of a nuclear power plant.

Policy 5.16: Public Investment

The proposed project is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the United States Department of Agriculture Rural Development Program.

Policy 5.17: Recreation and Tourism

The proposed project is not directly related to recreation and tourism.

Policy 5.18: National Defense and Aerospace Facilities

The proposed project is not a national defense or aerospace facility.

Policy 5.19: Transportation Facilities

The proposed project is not applicable to the expansion and development of the Port of Wilmington or activities involving the transfer of petroleum products.

Policy 5.20: Air Quality Management

Negligible air emissions will be associated with the operation of the project. Potential air quality impacts will be temporary and associated with the construction phase of the project. As proposed, the project will not require state or federal air permits.

Policy 5.21: Water Supply Management

Construction of the proposed project will not require the construction of groundwater wells, or underground injections of material, as the subject site is within an approved public water supply system area. Surface or groundwater withdraws are not anticipated, but if required for the construction of the project, will be appropriately permitted.

Policy 5.22: Waste Disposal Management

The proposed project is not anticipated to generate wastewater on-site, collect or treat wastes on-site, generate or dispose of solid wastes on-site, or generate or store hazardous wastes on-site. Cleanup of hazardous substances is not applicable to the proposed project. The project does not propose to utilize underground storage tanks (USTs), and no known USTs are located within the project area.

Policy 5.23: Development

In a Statement of Public Support for Project letter, dated February 16, 2022, Town Manager Sheldon P. Hudson expressed general support for the project on behalf of the Town and subsequently officially annexed the project area into the Town of Millsboro. The current zoning designation for the project area is Highway Commercial. As such, the proposed project is therefore near existing population centers where utility networks and community facilities and services are already in place.

Policy 5.24: Pollution Prevention

Disposal of solid waste is not anticipated for this project. If generated, the generation of waste will be reduced or eliminated as expeditiously as possible, and waste that is generated will be recovered, reused, recycled, treated, or disposed of in a manner that minimizes present or future threats to human health or the environment. Furthermore, it is understood that industries are encouraged to utilize the DNREC Pollution Prevention Program’s services, including non-regulatory technical assistance and information, to ensure that the potential for degradation of the quality of air, land, and water is minimal.

Policy 5.25: Coastal Management Coordination

The proposed project is not being proposed by a state agency that is required to coordinate coastal management.

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:	Brad Sweet / Agent	Date:	May 10, 2023

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.

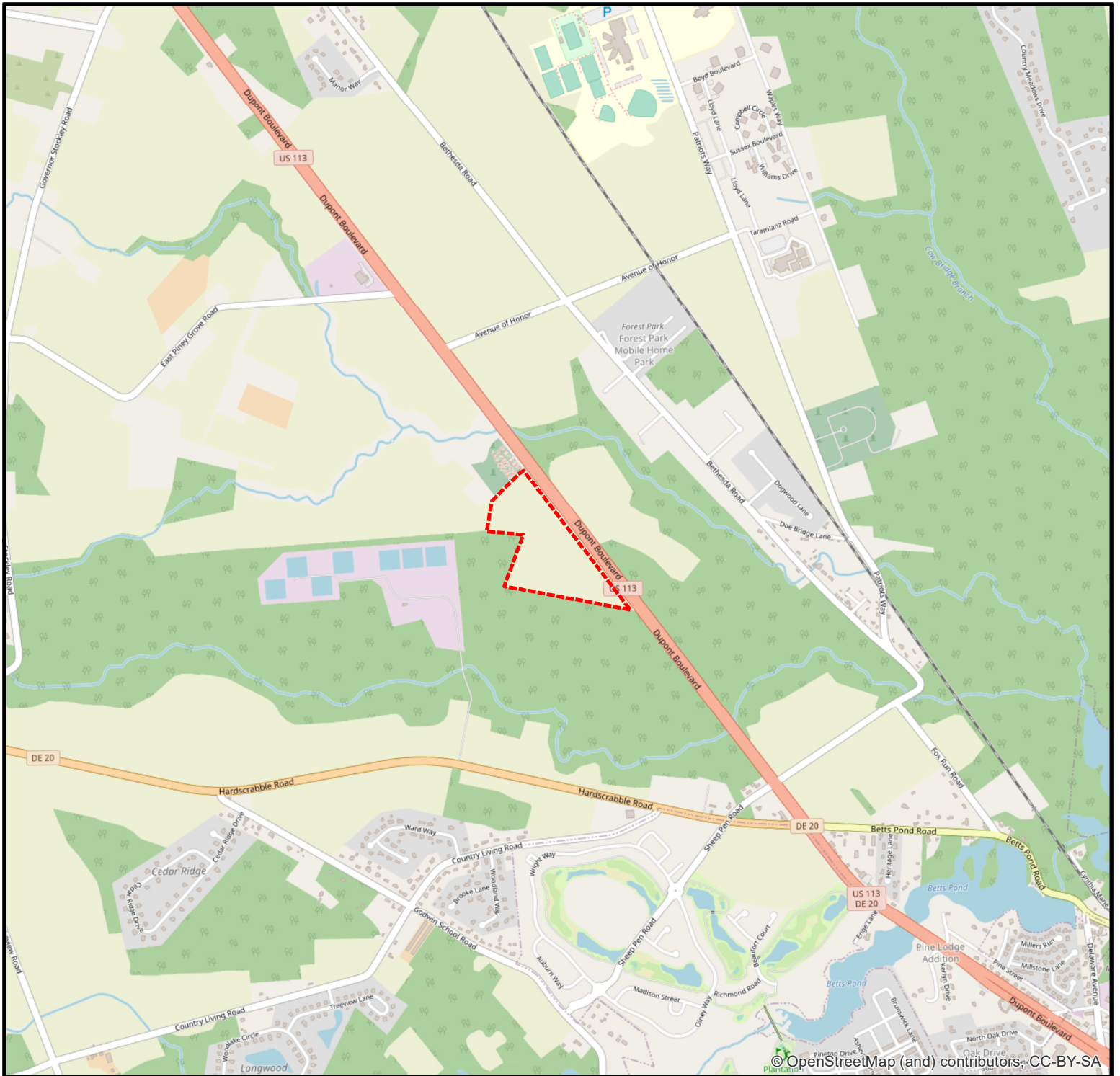
Federal Consistency Review Deadlines:

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:

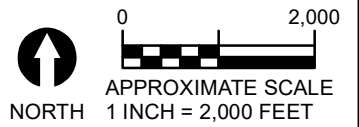
Reviewed By:	Fed Con ID:	Date Received:
Public notice dates: _____ to _____	Comments Received: <input type="checkbox"/> NO <input type="checkbox"/> YES <i>[attach comments]</i>	
Decision type: <small>(objections or conditions attach details)</small>	Decision Date: _____	

**Site Location Map, USGS Topographic
Map, and 2022 Aerial Imagery**



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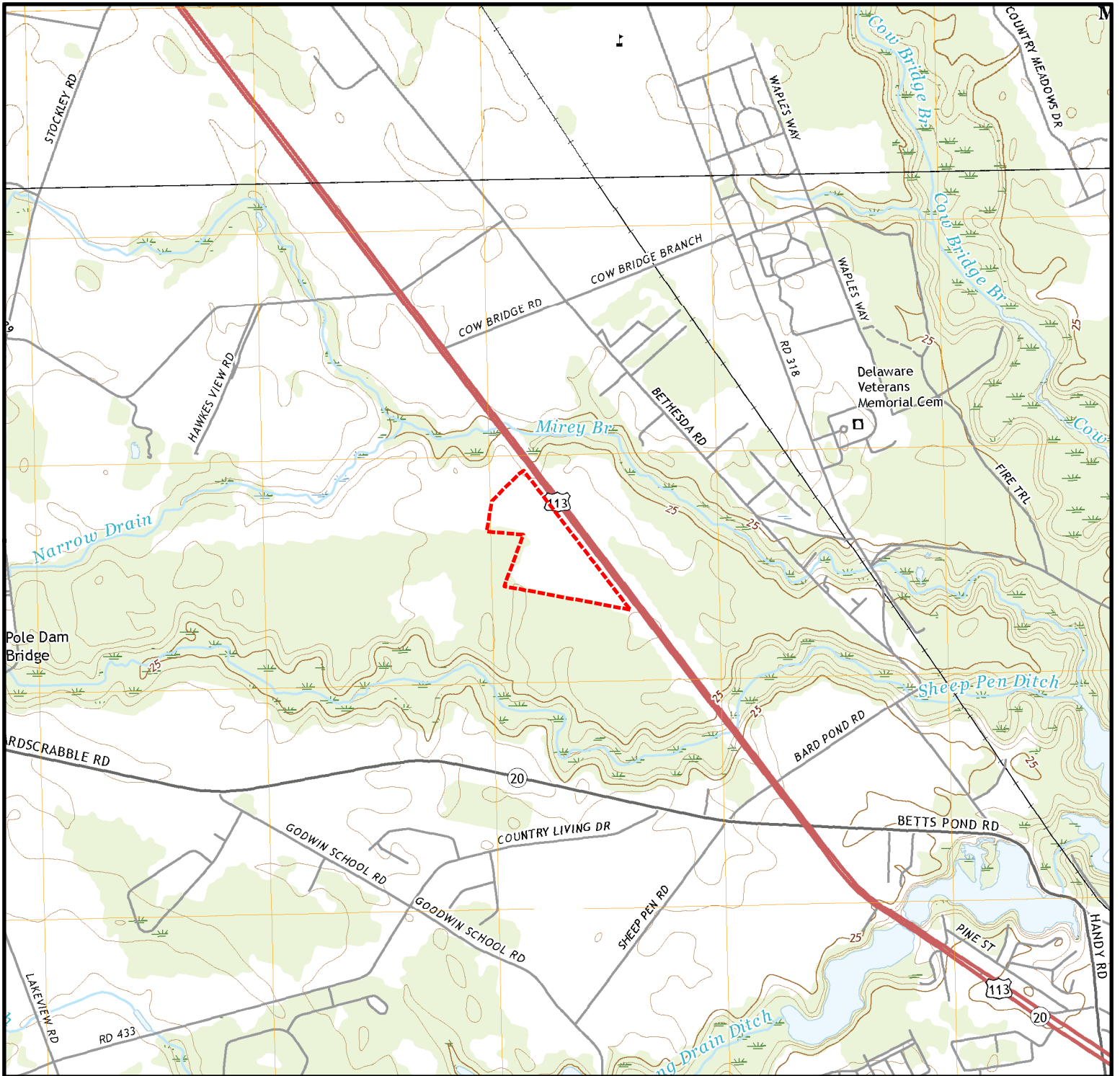
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GEO-TECHNOLOGY ASSOCIATES, INC.
 GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS
 3445-A BOX HILL CORPORATE CENTER DRIVE
 ABINGDON, MARYLAND 21009
 PHONE: 410-515-9446
 FAX: 410-515-4895
 WWW.GTAENG.COM
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SITE LOCATION MAP
TIDALHEALTH MILLSBORO
MEDICAL CAMPUS
 SUSSEX COUNTY, DELAWARE

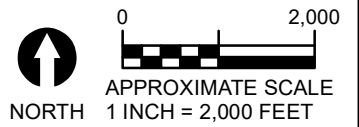
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SOURCE: UNITED STATES GEOLOGICAL SURVEY (USGS), HARBESON, DE AND MILLSBORO, DE QUADRANGLES, 7.5 MINUTE TOPOGRAPHIC MAP SERIES, DATED 2019.

LEGEND

 SUBJECT SITE



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 GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS
 3445-A BOX HILL CORPORATE CENTER DRIVE
 ABINGDON, MARYLAND 21009
 PHONE: 410-515-9446
 FAX: 410-515-4895
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USGS TOPOGRAPHIC MAP
TIDALHEALTH MILLSBORO
MEDICAL CAMPUS
 SUSSEX COUNTY, DELAWARE

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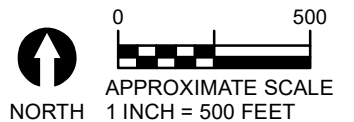


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GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

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ABINGDON, MARYLAND 21009
PHONE: 410-515-9446
FAX: 410-515-4895
WWW.GTAENG.COM

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**2022 AERIAL IMAGERY
TIDALHEALTH MILLSBORO
MEDICAL CAMPUS**

SUSSEX COUNTY, DELAWARE

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