



STATE OF DELAWARE

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**

DIVISION OF CLIMATE, COASTAL AND ENERGY

STATE STREET COMMONS

100 W. WATER STREET, SUITE 7B

DOVER, DELAWARE 19904

**COASTAL  
PROGRAMS**

PHONE  
(302) 739-9283

February 12, 2026

Nathaniel Alper  
AZ-RI Consultants  
919 W34th Street, #4706  
Baltimore, MD 21211

**RE: Delaware Coastal Management Program — Federal Consistency Determination  
Conditional Concurrence for HUD Zoar Road (2026.0005)**

Dear Nathaniel Alper,

The Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program (DCMP) has completed its review of the above referenced project, received by this office on December 1, 2025, with an original deadline of January 30, 2026. On January 29, 2026, and pursuant to 15 CFR 930.41(b), the review period was extended by 15 days, with a new due date of February 14, 2026.

**PROPOSED ACTION**

The United States Department of Housing and Urban Development (HUD) proposes to provide funding to Sussex County Habitat for Humanity, to support the construction of a new development on Zoar Rd, Georgetown, Sussex County (Tax map parcel 135-23.00-18.05). The project includes planning and administration, project consultation, architecture and engineering, permits, site preparation, and construction of a residential development consisting of 90 single family homes.

Approval of a Sediment and Stormwater Plan and an archeological survey will be completed prior to ground disturbance. Tree clearing will be limited during May and June, to avoid impact on native species. If onsite well water and/or septic are proposed, the applicant will comply with all local permitting requirements.

## **FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT**

Pursuant to the Coastal Zone Management Act (CZMA) of 1972, as amended, each federal agency activity within or outside the coastal zone that can have reasonably foreseeable effects on any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved state management programs. The National Oceanic and Atmospheric Administration (NOAA) is required to review and approve a proposed state management program for it to become effective. Under the CZMA implementing regulations, Federal Consistency with Approved Coastal Management Programs (15 CFR 930), subpart C, federal agencies are advised to provide state agencies with a consistency determination at the earliest practicable time in the planning or reassessment of an activity, and also before the federal agency reaches a significant point of decision-making in its review process. The term “consistent to the maximum extent practicable” in 15 CFR 930.32 means fully consistent with the enforceable policies of a management program unless full consistency is prohibited by existing law applicable to the federal agency.

## **PUBLIC PARTICIPATION**

In accordance with 15 CFR §930.42, the public was invited to participate in the review of the HUD Zoar Road project. Public notice of this proposed action was published in the Daily State News and The News Journal on December 17, 2025. The notice was also posted in English and Spanish on the DNREC public notices website and at the Georgetown Public Library. The public was given 20 days from publication to comment. No public comments were received in response to this notice.

## **FEDERAL CONSISTENCY ANALYSIS**

The DCMP coordinates the review of consistency determinations with agencies administering the enforceable and advisory policies of the program. The following agencies participated in this review:

DNREC, Division of Air Quality  
DNREC, Division of Fish and Wildlife  
DNREC, Division of Climate, Coastal and Energy

Please be advised that the Division of Air Quality (DAQ) recommends minimization of air emissions from vessel engines and power equipment by avoiding unnecessary engine idling and use of ultra-low sulfur diesel. Construction operations for this project can emit pollutants such as volatile organic compounds (VOCs), nitrogen oxides (NO<sub>x</sub>), and fine particulate matter (PM<sub>2.5</sub>) - all of which are associated with adverse impacts to air quality that can affect human health. Delaware currently exceeds federal health-based standards

for 8-hour ozone, and Sussex County remains designated as a Marginal Nonattainment Area for the 8-hour ozone standard. Note that emissions associated with federal actions in marginal nonattainment areas must remain below the annual thresholds in the General Conformity Rule under the Clean Air Act (40 CFR § 93.153).

The following Delaware air quality regulations may apply: Particulate Emissions from Construction and Materials Handling (7 DE Admin. Code 1106), Emission Standards for Hazardous Air Pollutants (7 DE Admin. Code 1121), Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products (7 DE Admin. Code 1141), Generators (7 DE Admin. Code 1144), Excessive Idling of Heavy-Duty Vehicles (7 DE Admin. Code 1145), and Regulations Governing the Control of Noise (7 DE Admin. Code 1149).

The project plan shows more than one dozen houses proposed to be built on an area designated on the National Wetland Inventory map as freshwater emergent wetland. The DCMP recommends avoidance of impacts to the wetland, both for protection of species and reduction of risk to the structures. Although the FEMA flood zone is listed as “X” (minimal flood hazard), there is still a risk to the longevity of the structures proposed on wet ground, as DNREC maps indicate the area is connected to local drainage ditches. The DCMP recommends evaluation of hydrology of the site, considering flow in and out of the wetland zone, and also the risk of upstream effects to connected tax/drainage ditches serving other properties in the area.

Additionally, the Division of Fish and Wildlife (DFW) recommends maintaining an upland buffer of at least 100 ft along rivers, streams and wetlands, to reduce input of sediments and pollutants that may affect the function and integrity of habitat and survivability of aquatic organisms. The buffer area should be comprised of the existing vegetation or planted with Delaware native species of trees, shrubs, grasses or wildflowers.

Furthermore, the DCMP recommends determining jurisdiction of the wetland area. Wetland disturbance may require a delineation and/or an U.S. Army Corps of Engineers (USACE) permit. An additional federal consistency review by the DCMP of a USACE permit may also be required.

## **CONDITIONAL CONCURRENCE**

Based on its review and pursuant to 15 CFR 930, the DCMP conditionally concurs that the HUD Zoar Road project as proposed is consistent to the maximum extent practicable with the policies of the DCMP.

To be consistent with these enforceable policies, the following condition must be satisfied as it relates to the policies noted:

- The applicant shall obtain all necessary state permits/authorizations/leases regarding but not limited to the following: water quality, sediment and stormwater plan reviews, well construction and water withdrawals, and/or on-site wastewater treatment (sewer, septic) related to the construction and operation of the proposed project as regulated by the State of Delaware or its delegated authorities. State permits/authorizations/leases are included in the DCMP enforceable policies and must be obtained to be consistent with these policies. (DCMP Policies 5.3.1.19-20, 5.3.1.23-24, 5.3.1.31, 5.21.1, 5.21.2, 5.22.1)

Failure to comply with 15 CFR §930.4 as it relates to the conditions above will result in this conditional concurrence being deemed an objection. Under this scenario, the applicant is advised that pursuant to 15 CFR §930.120-131, and within 30 days from receipt of this letter, a request may be submitted to the Secretary of Commerce to override this objection. In order to grant an override request, the Secretary of Commerce must find that the activity is consistent with the objectives or purposes of the CZMA or is necessary in the interest of national security. A copy of the request and supporting information must be sent to the DCMP and the federal permitting or licensing agency. The Secretary of Commerce may collect fees for administering and processing your request.

Pursuant to 15 CFR 930.46, HUD shall notify the DCMP of any proposed modifications to activities after receiving a decision from the DCMP. Modifications will be subject to supplemental federal consistency review if effects to any coastal use or resource will be substantially different than originally described.

Please be advised that this federal consistency review does not negate the need for other authorizations that may be required. Thank you for the opportunity to evaluate this federal activity. If you have any questions, please contact me or Stephanie Zmina of my staff at (302) 739-9283.

Sincerely,



Jesse Hayden (Feb 12, 2026 11:55:44 EST)

Jesse Hayden, Administrator  
Delaware Coastal Management Program

JH/sz

cc: File FC 2026.0005  
Scott Rifkin, AZ-RI  
Justin Hathaway, HUD  
Tina Merrill, DAQ  
Faith Garcia, DFW