



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

November 15, 2024

John Sunkler
Ten Bears Environmental
606 Federal St.
Milton, DE 19968

**RE: Delaware Coastal Management Program — Federal Consistency Determination
Concurrence for HUD 30185 Discount Land Road Laurel (FC 2024.0059)**

Dear Mr. Sunkler,

The Delaware Coastal Management Program (DCMP) of the Delaware Department of Natural Resources and Environmental Control (DNREC) has completed its review of the above referenced project, dated and received by this office on September 17, 2024. The review request was submitted on behalf of the U.S. Department of Housing and Urban Development (HUD).

PROPOSED ACTION

HUD proposes to provide financial assistance to Sussex County Habitat for Humanity for the construction of a single-family home at 30185 Discount Land Road, Laurel, Sussex County, Delaware. The applicant will adhere to the Delaware State Historic Preservation Office's determination, recommendations, and subsequent mitigation plans as applicable.

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 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 HUD 30185 Discount Land Road Laurel. Public notice of this proposed action was published in the Delaware State News, The News Journal, and DNREC public notices list service on October 13, 2024. The public was given 20 days to comment on this notice. No public comments were received in response to this notice.

FEDERAL CONSISTENCY ANALYSIS

The DNREC 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 Watershed Stewardship
Department of State, State Historic Preservation Office

The proposed activity is to be implemented in a manner consistent with the enforceable policies of the DCMP under Section 5.0 of the DCMP Federal Consistency Policy and Procedures document.

Please be advised that the Division of Air Quality (DAQ) recommends that retrofitted on road and non-road diesel engines be used to reduce emissions associated with the project construction. This includes equipment that is used on-site, as well as equipment that is used to transport materials to and from the site. DAQ also recommends the use of dust suppressants and measures to prevent the transport of dust off-site from material stockpile, material movement, and use of unpaved roads.

Please note that the following Delaware air quality regulations may apply: Particulate Emissions from Construction and Materials Handling (7 DE Admin. Code 1106) and Excessive Idling of Heavy-Duty Vehicles (7 DE Admin. Code 1145).

Please be advised that a Sediment and Stormwater Plan approval from the Sussex Conservation District is required if land disturbing activities associated with the project exceed 5,000 square feet.

Additionally, DNREC Division of Fish and Wildlife recommends that tree clearing not occur between April 1st and July 31st to reduce impacts to nesting birds and other wildlife species that utilize forests for breeding.

CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that HUD 30185 Discount Land Road Laurel as proposed is consistent to the maximum extent practicable.

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 Mike Snyder of my staff at (302) 739-9283.

Sincerely,



Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/mts

cc: File FC 2024.0059
Tina Merrill, DAQ
Danielle Minter, DFW
Elaine Webb, DWS
Gwen Davis, SHPO