



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

December 17, 2024

Veronica Yeung
Partner Engineering and Science, Inc.
100 W Walnut Street #600
Pasadena, CA 91124

**RE: Delaware Coastal Management Program — Federal Consistency Negative Determination
Concurrence for HUD River House (FC 2025.0004)**

Dear Veronica Yeung,

The Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program (DCMP) has completed its review of the above referenced project, dated and received by this office on November 6, 2024.

PROPOSED ACTION

The U.S. Department of Housing and Urban Development (HUD) proposes to provide financial assistance by way of mortgage insurance for River House, located at 401 A Street, Wilmington, New Castle County, Delaware. Proposed improvements include modifications to door width, thermostat height, and bathroom sink clear floor space to comply with fair housing guidelines, removal of an inaccurate “Van Accessible” signage placard from a parking stall, and repair of a water leak and damage around Unit 303. No new construction or ground disturbance is proposed for the project.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act (CZMA) of 1972 administered by the National Oceanic and Atmospheric Administration (NOAA), 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 NOAA-approved state management programs.

Under the CZMA implementing regulations, *Federal Consistency with Approved Coastal Management Programs* (15 CFR 930), subpart C, if a federal agency determines that there will not be coastal effects, then the federal agency shall provide the state agencies with a negative determination for a federal agency activity, which has been identified by a state on a list or through case-by-case monitoring, is the same or similar to

other activities for which a negative determination has been issued in the past, or for which the federal agency undertook a thorough analysis of coastal effects.

PUBLIC PARTICIPATION

In accordance with 15 CFR 930.35(c), a public notification was not required for this negative determination.

RECOMMENDATIONS

Please note that this site has undergone brownfield remediation procedures, including placement of a 2-foot environmental cap over contaminated soil. No future ground disturbance below the environmental cap shall be carried out without written approval of DNREC's Remediation Section, in compliance with the Environmental Covenant between DNREC and the property owner.

Additionally, 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. 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).

CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the project as proposed would result in no coastal effects.

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 agency activity. If you have any questions, please contact me or Stephanie Zmina of my staff at (302) 739-9283.

Sincerely,



Jesse Hayden (Dec 17, 2024 16:16 EST)

Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/sz

cc: File FC 2025.0004
Lindsay Hall, DNREC WHS
Justin Hathaway, HUD