



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

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

Apr 16, 2025

**RE: Delaware Coastal Management Program — Federal Consistency Determination
Concurrence for HUD Mispillion Station II (2025.0018)**

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, initially received by this office on February 11, 2025, and deemed administratively complete on February 20, 2025.

PROPOSED ACTION

The Mispillion Apartment Complex proposes to receive a US Department of Housing and Urban Development (HUD) Mortgage Insurance Program: Low-Income Housing Tax Credit (LIHTC) for the improvement and construction of apartment buildings and amenities at 1000 - 1400 Mispillion Apartments, Milford, Sussex County, Delaware.

The proposed project of Mispillion II consists of substantial renovation of the existing structures, including the replacement of the existing: roofs, exterior siding, exterior doors and windows, gutters and downspouts, exterior stairs and decking, porch coverings, HVAC systems, water heaters, exterior and interior insulation, interior drywall, interior doors, interior plumbing and associated fixtures, interior lighting fixtures and ceiling fans, interior flooring, all kitchen appliances, electrical outlets and circuit panels, phone lines and cable, crawl space sump pumps, community laundry room fixtures and flooring, and complex signage.

In addition to the proposed existing building renovation activities, the proposed project also includes the construction of two new apartment buildings (same size and layout as existing buildings), which will add an additional sixteen residential units to Mispillion Station II. The new buildings are

proposed for construction along the southwestern drive aisle of the subject property. In addition to the two new buildings and their associated structures (sidewalks, parking areas, dumpster enclosure, pole lighting, and landscaping), construction is proposed for a community gazebo and a grill/picnic area. A new security system and fire protection line are also proposed as part of the project.

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 Mispillion II project. Public notice of this proposed action was published in English in the Daily State News and The News Journal on March 9, 2025. The public notice was also posted in English and Spanish on the DNREC public notices list service website on March 9, 2025. The public was given 20 days from publication 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 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. The following agencies participated in this review:

DNREC, Division of Air Quality
DNREC, Division of Fish and Wildlife
DNREC, Division of Watershed Stewardship

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.

The following Delaware air quality regulations may apply: Particulate Emissions from Construction and Materials Handling (7 DE Admin. Code 1106), Open Burning (7 DE Admin. Code 1113), Emission Standards for Hazardous Air Pollutants (7 DE Admin. Code 1121), and Excessive Idling of Heavy-Duty Vehicles (7 DE Admin. Code 1145).

According to the Division of Watershed Stewardship, a Sediment and Stormwater Plan approval is required prior to beginning any land disturbing activity. The applicant has coordinated with the Sussex Conservation District for plan approval.

CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the HUD Mispillion Station II project 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 Stephanie Zmina of my staff at (302) 739-9283.

Sincerely,



[Jesse Hayden \(Apr 16, 2025 10:35 EDT\)](#)

Jesse Hayden, Administrator

Delaware Coastal Management Program

JH/sz

cc: File FC 2025.0018
Allyson Shaw, Partner Sci.
Angelique Crews, Partner Sci.
Justin Hathaway, HUD
Tina Merrill, DAQ
Matthew Young, DFW
Elaine Webb, DWS
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