



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

May 15, 2025

Chelsea Gittle
Nova Group, GBC
New Jersey and Greater Philadelphia Area

RE: Delaware Coastal Management Program — Federal Consistency Negative Determination for Clayton Court Apartments (FC 2025.0028)

Dear Chelsea Gittle,

The Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program (DCMP) has completed its review of the above referenced project. This letter is in response to the federal consistency negative determination received by this office on March 20, 2025, submitted by you on behalf of the U.S. Department of Housing and Urban Development (HUD).

PROPOSED ACTION

HUD is proposing to utilize the Multifamily Accelerated Processing program for the refinancing of nine, three-story structures totaling 72 units at the Clayton Court Apartment complex located at 500 N Dupont St, Wilmington Delaware 19805. The proposed refinance of the facility will not increase the footprint, height, or dimensions of the current structure. No new structures are planned. HUD has determined that there will not be coastal effects as a result of this activity.

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, 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. A negative determination may be submitted to state agencies in any written form so long as it contains a brief description of the activity, the activity's location and the basis for the federal agency's determination that the activity will not affect any coastal use or resource.

PUBLIC PARTICIPATION

In accordance with 15 CFR §930.35(c), state agencies are not required to provide public notice of the receipt of a negative determination or the resolution of an objection to a negative determination, unless a federal agency submits a consistency determination pursuant to 15 CFR §930.34.

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, the applicant 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 review and respond to your federal consistency negative determination. If you have any questions, please contact me or Mike Snyder of my staff at (302) 739-9283.

Sincerely,



[Jesse Hayden \(May 15, 2025 15:38 EDT\)](#)
Jesse Hayden, Administrator
Delaware Coastal Management Program

KBC/mts
cc: File FC 2025.0031
Eric Golicz, HUD