



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 23, 2025

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

**RE: Delaware Coastal Management Program — Federal Consistency Determination
Concurrence for HUD Hurley and Front Street Seaford (2026.0001)**

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 October 31, 2025.

PROPOSED ACTION

Sussex County Habitat for Humanity is proposing to utilize U.S. Department of Housing and Urban Development funding for the construction of approximately 30 single-family homes on 5.915 acres at the corner of Hurley Street and Front Street in Seaford, Sussex County, Delaware. Sloped curbing will be utilized to allow transit of small animals. Construction activities will be performed in accordance with approved grading, sediment, and erosion control plans.

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 Hurley and Front Street Seaford project. Public notice of this proposed action was published in the Daily State News and The News Journal on November 21, 2025. The notice was also posted in English and Spanish on the DNREC public notices website and at the Seaford District 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 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

Delaware Department of State, Division of Historical and Cultural Affairs

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_x), and fine particulate matter (PM_{2.5}) - 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), Open Burning (7 DE Admin. Code 1113), 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 Division of Fish and Wildlife (DFW) recommends native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within an adequate buffer (15-30 ft in width) around ponds. DFW does not recommend using monofilament grids for erosion control due to the potential for birds and other wildlife to become entangled if the grids are not properly installed and maintained.

CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the HUD Hurley and Front Street Seaford 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 Mike Snyder of my staff at (302) 739-9283.

Sincerely,



Jesse Hayden (Dec 23, 2025 14:32:22 EST)

Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/mts

cc: File FC 2026.0001
Tina Merrill, DAQ
Faith Garcia, DFW