



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 James Place (2026.0002)**

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 November 3, 2025.

**PROPOSED ACTION**

The United States Department of Housing and Urban Development (HUD) proposes to provide funding to Sussex County Habitat for Humanity, to support the construction of a new development at a 22-acre property located north of Carriage Lane on N Bedford Street, Georgetown, Sussex County, Delaware. The development is proposed to include 108 homes and would be a mix of single family detached, duplexes, and townhomes. The homes will utilize municipal services for water supply, sewer, and waste disposal.

The project plan includes clearing of approximately 22 acres of forest and meadow. To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, tree clearing will be avoided from April 1 to July 31, per DNREC Fish and Wildlife recommendation. Approval of a Sediment and Stormwater Plan will be obtained prior to ground disturbance.

**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 James Place 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 Georgetown Public 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

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<sub>x</sub>), and fine particulate matter (PM<sub>2.5</sub>) - 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 that forest clearing is minimized, to maintain wildlife habitat and erosion control benefits. DFW also recommends that tree clearing not occur between April 1 and July 31, to reduce impacts to nesting birds and other wildlife species. Habitat for Humanity has agreed to avoid tree clearing during this time period.

## CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the HUD James Place 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 \(Dec 23, 2025 09:57:59 EST\)](#)

Jesse Hayden, Administrator  
Delaware Coastal Management Program

JH/sz

cc: File FC 2026.0002  
Scott Rifkin, AZ-RI  
Justin Hathaway, HUD  
Tina Merrill, DAQ  
Faith Garcia, DFW