



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

September 10, 2026

Piotr Zych
Partner Engineering and Science, Inc
102 W. Pennsylvania Avenue, Suite 302
Towson, MD 21204

RE: Delaware Coastal Management Program — Federal Consistency Negative Determination for ND HUD Excelcare at Lewes (FC 2026.0008)

Dear Piotr Zych,

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 submitted by you on behalf of the US Department of Housing and Urban Development (HUD). The submission was first received by this office on December 11, 2025, and deemed administratively complete upon receipt of sufficient information on July 22, 2025.

PROPOSED ACTION

HUD is proposing to issue financial assistance to the Excelcare at Lewes nursing, rehabilitation, and independent living facility. The project is being submitted for Federal Housing Administration mortgage insurance through the HUD LEAN 232/223(f) program for the purpose of refinancing. A capital needs assessment in November 2025 identified various needed repairs. The scope of this review includes the repairs planned for the next 10 years after the assessment, until 2035. Site management will be required to conduct an additional engineering assessment in year 10 for future tasks, as required by HUD. The activities proposed through 2035 include repairs and updates to building fixtures, utility service machinery, and accessory structures. HUD has determined 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.

Pursuant to 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), 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.

DCMP RESPONSE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the project as proposed above 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 response 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 Stephanie Zmina (302) 739-9283.

Sincerely,


Jesse Hayden (Sep 10, 2026 11:03:58 EDT)

Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/sz

cc: File FC 2026.0008
Justin Hathaway, HUD
Michael Nelson, Partner Sci
Anna Krick, Partner Sci