



Initial Review: _____
 Updated On: _____
 Complete: _____
 Official Use Only

Coastal Zone Management Act Federal Consistency Form

This document provides the Delaware Coastal Management Program (DCMP) with a Federal Consistency Determination or Certification for activities regulated under the Coastal Zone Management Act of 1972, as amended, and NOAA's Federal Consistency Regulations, 15 C.F.R. Part 930. Federal agencies and other applicants for federal consistency are not required to use this form; it is provided to applicants to facilitate the submission of a Consistency Determination or Consistency Certification. In addition, federal agencies and applicants are only required to provide the information required by NOAA's Federal Consistency Regulations.

Project/Activity Name:	Delaware Avenue Solar Project
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I. Federal Agency or Non-Federal Applicant Contact Information:

Contact Name/Title: Charles Benton, PWS, Senior Natural Resources Team Lead

Federal Agency Contractor Name (if applicable): SWCA Environmental Consultants

Federal Agency: U.S. Department of Agriculture (USDA) Rural Development's Rural Utilities Service (RUS)

(either the federal agency proposing an action or the federal agency issuing a federal license/permit or financial assistance to a non-federal applicant)

Mailing Address: 113 Edinburgh South Drive

City: Cary State: NC Zip Code: 27511

E-mail: charlie.benton@swca.com Telephone #: (919) 946-3122

II. Federal Consistency Category:

- | | |
|---|--|
| <input checked="" type="radio"/> Federal Activity or Development Project
(15 C.F.R. Part 930, Subpart C) | <input type="radio"/> Federal License or Permit Activity
(15 C.F.R. Part 930, Subpart D) |
| <input type="radio"/> Outer Continental Shelf Activity
(15 C.F.R. Part 930, Subpart E) | <input type="radio"/> Federal License or Permit Activity which occurs
wholly in another state (interstate consistency
activities identified in DCMP's Policy document) |
| <input type="radio"/> Federal Financial Assistance
(15 C.F.R. Part 930, Subpart F) | |

III. Detailed Project Description (attach additional sheets if necessary):

Aligned Solar Partners 6 (ASP6, the applicant) plans to submit a loan application to the U.S. Department of Agriculture (USDA) Rural Development's Rural Utilities Service (RUS) to secure a guaranteed loan financing through the Electric Infrastructure Loan & Loan Guarantee Program to own and operate a solar photovoltaic (PV) project in Delaware. The Delaware Ave Solar Project (project) is a proposed 5,324 kWdc ground mount solar PV generation facility occupying approximately 15 acres within an 18-acre parcel and includes 9,179 solar modules (project site). The project site is located at 251 Delaware Ave, Harrington, Kent County, Delaware. The geographic coordinates of the project site are Latitude, Longitude: 38.5553, -75.3414. The project is expected to deliver its renewable electricity generation to various ratepayers of the Delmarva Power & Light Company utility pursuant to Delaware's Community Solar program. The project would include solar arrays, fencing, equipment pads, an underground transmission line, and a gravel access road.

IV. General Analysis of Coastal Effects (attach additional sheets if necessary):

The 15-acre project site is an agricultural field in the city of Harrington, approximately 13.5 miles inland from the shoreline at Delaware Bay. There are no streams or other water bodies within the project site. No wetlands or other sensitive habitats would be impacted by the project. Tree removal is not required. Best management practices for erosion and sediment runoff control would be implemented in accordance with the Delaware Erosion and Sediment Control Handbook. No effects on Delaware's coastal resources or uses are anticipated.

V. Detailed Analysis of Consistency with DCMP Enforceable Policies (attach additional sheets if necessary):**Policy 5.1: Wetlands Management**

There are no wetlands within the project footprint. No wetland impacts would occur. The project is consistent with the Wetlands Management policies.

Policy 5.2: Beach Management

The project is 13.5 miles inland and would not impact public or private beaches of the state. The project is consistent with the Beach Management policies.

Policy 5.3: Coastal Waters Management (includes wells, water supply, and stormwater management. Attach additional sheets if necessary)

There are no streams or other water bodies within the project site. Best management practices for erosion and sediment runoff control would be implemented to avoid potential impacts to off-site water resources. There is no water use necessary for construction of the project. The project is consistent with the Coastal Waters Management policies.

Policy 5.4: Subaqueous Land and Coastal Strip Management

The project is not within Delaware's coastal strip. The project is consistent with the Subaqueous Land and Coastal Strip Management policies.

Policy 5.5: Public Lands Management

There are no public lands within the project site or within a 2-mile radius of the project site. The project is consistent with the Public Lands Management policies.

Policy 5.6: Natural Lands Management

The project site is an agricultural field. No natural areas would be impacted. The project is consistent with the Natural Lands Management policies.

Policy 5.7: Flood Hazard Areas Management

The project site is not located within a FEMA Special Flood Hazard Area (see FIRM 10001C0337J). The project would not impact floodplains. The project is consistent with the Flood Hazard Areas Management policies.

Policy 5.8: Port of Wilmington

The project does not involve the Port of Wilmington. The project is consistent with the Port of Wilmington policies.

Policy 5.9: Woodlands and Agricultural Lands Management

The project site is an agricultural field in the city of Harrington. The Harrington City Council has approved converting the land to a solar facility. No woodlands would be impacted. The project is consistent with the Woodland and Agricultural Lands Management policies.

Policy 5.10: Historic and Cultural Areas Management

The USDA RUS is consulting with the Delaware Division of Historical and Cultural Affairs regarding potential historic structures and cultural resources in the area. The project is consistent with the Historic and Cultural Areas Management policies.

Policy 5.11: Living Resources

The project site is an agricultural field. No natural wildlife habitat would be impacted. A project review letter was sent to the USFWS to confirm the project would not adversely affect listed species such as the tricolored bat. The project is consistent with the Living Resources policies.

Policy 5.12 Mineral Resources Management

The project does not involve mineral resources. The project is consistent with the Mineral Resources Management policies.

Policy 5.13: State Owned Coastal Recreation and Conservation

There are no state lands within the project site or within a 2-mile radius of the project site. The project is consistent with State Owned Coastal Recreation and Conservation policies.

Policy 5.14: Public Trust Doctrine

There are no streams or public water bodies within the project site. The project is consistent with the Public Trust Doctrine policies.

Policy 5.15: Energy Facilities

The project is a solar facility located outside of the coastal strip that would not result in the degradation of Delaware's natural resources. The project is consistent with the Energy Facilities policies.

Policy 5.16: Public Investment

The project decommissioning plan would be implemented. Solar panels, racking system, electrical equipment, and fencing would be removed and transported to an appropriate facility for recycling or reuse. The project is consistent with the Public Investment policies.

Policy 5.17: Recreation and Tourism

The project would not impact recreation or tourism. The project is consistent with the Recreation and Tourism policies.

Policy 5.18: National Defense and Aerospace Facilities

The project would not impact the siting of national defense or aerospace facilities. The project is consistent with the National Defense and Aerospace Facilities policies.

Policy 5.19: Transportation Facilities

Over the 12-month construction period, workers would make approximately 100 heavy truck trips using state highways. This minor temporary increase in traffic would not required additional maintenance of roads. The project is consistent with the Transportation Facilities policies.

Policy 5.20: Air Quality Management

Air pollution as a result of construction phase activities would be sporadic and minimal. Long-term air quality impacts are not expected. Given that the project involves implementing renewable energy generation, overall emissions would be expected to decrease as a result of lower fossil fuel demands for the existing power grid. The project is consistent with the Air Quality Management policies.

Policy 5.21: Water Supply Management

The project does not involve water withdrawals, construction of wells, or underground injection. The project is consistent with the Water Supply Management policies.

Policy 5.22: Waste Disposal Management

The project does not involve wastewater disposal or hazardous waste. Solid waste would be removed and transported to an appropriate facility for disposal, recycling or reuse. The project is consistent with the Waste Disposal Management policies.

Policy 5.23: Development

The project site is an agricultural field in the city of Harrington. The Harrington City Council has approved converting the land use to a solar facility. The project is consistent with the Development policies.

Policy 5.24: Pollution Prevention

Solid waste would be removed and transported to an appropriate facility for disposal, recycling or reuse. The project is consistent with the Pollution Prevention policies.

Policy 5.25: Coastal Management Coordination

The following agencies have been consulted: Delaware Division of Historical and Cultural Affairs, Delaware Department of Natural Resources and Environmental Control, USDA NRCS, FAA, USFWS, the Delaware Nation and the Delaware Tribe, Kent County, City of Harrington. The project is consistent with the Coastal Management Coordination policies.

VI. JPP and RAS Review (Check all that apply):

Has the project been reviewed in a monthly Joint Permit Processing and/or Regulatory Advisory Service meeting?

☐ JPP

☐ RAS

☒ None

*If yes, provide the date of the meeting(s): _____

VII. Statement of Certification/Determination and Signature (Check one and sign below):

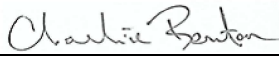
☒ **FEDERAL AGENCY CONSISTENCY DETERMINATION.** Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Delaware Coastal Management Program.

OR

☐ **FEDERAL AGENCY NEGATIVE DETERMINATION.** Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity will not have any reasonably foreseeable effects on Delaware's coastal uses or resources (Negative Determination) and is therefore consistent with the enforceable policies of the Delaware Coastal Management Program.

OR

☐ **NON-FEDERAL APPLICANT'S CONSISTENCY CERTIFICATION.** Based upon the information, data, and analysis included herein, the non-federal applicant for a federal license or permit, or state or local government agency applying for federal funding, listed in (I) above, finds that this proposed activity complies with the enforceable policies of the Delaware Coastal Management Program and will be conducted in a manner consistent with such program.

Signature:			
Printed Name:	Charlie Benton	Date:	12/3/2024

Pursuant to 15 C.F.R. Part 930, the Delaware Coastal Management Program must provide its concurrence with or objection to this consistency determination or consistency certification in accordance with the deadlines listed below. Concurrence will be presumed if the state's response is not received within the allowable timeframe.

Federal Consistency Review Deadlines:

Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)	60 days with option to extend an additional 15 days or stay review (15 C.F.R. § 930.41)
Federal License or Permit (15 C.F.R. Part 930, Subpart D)	Six months, with a status letter at three months. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.63)
Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)	Six months, with a status letter at three months. If three month status letter not issued, then concurrence presumed. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.78)
Federal Financial Assistance to State or Local Governments (15 C.F.R. Part 930, Subpart F)	State Clearinghouse schedule

OFFICIAL USE ONLY:

Reviewed By:	Fed Con ID:	Date Received:
Public notice dates: _____ to _____	Comments Received: <input type="checkbox"/> NO <input type="checkbox"/> YES [attach comments]	
Decision type: <small>(objections or conditions attach details)</small>	Decision Date: _____	