



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

November 22, 2024

Dawn Cage  
Paradise Energy Solutions  
436 Snow Hill Rd.  
Salisbury, MD 21804

**RE: Delaware Coastal Management Program — Federal Consistency Determination  
Concurrence for USDA Brown Solar Project (FC 2024.0055)**

Dear Dawn Cage,

The Delaware Coastal Management Program (DCMP) of the Delaware Department of Natural Resources and Environmental Control (DNREC) has completed its review of the above referenced project, dated and received by this office on September 6, 2024. On November 8, 2024, the DCMP extended the review period by 15 days. The review request was submitted on behalf of the U.S. Department of Agriculture Rural Development (USDA RD).

**PROPOSED ACTION**

USDA RD proposes to provide financial assistance for the construction of 120 ground mounted solar panels at 4795 Milford Harrington Hwy, Harrington, Kent County, Delaware.

**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 Brown Solar. Public notice of this proposed action was published in the Delaware State News, The News Journal, and DNREC public notices list service on September 18, 2024. The public was given 20 days to comment on this notice. No public comments were received in response to this notice.

## **FEDERAL CONSISTENCY ANALYSIS**

The DNREC 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 Watershed Stewardship  
DNREC, Division of Air Quality  
DNREC, Division of Fish and Wildlife  
Department of State, State Historic Preservation Office  
Kent Conservation District, Sediment and Stormwater Program

This poultry operation has been developed in accordance with the Division of Watershed Stewardship, Sediment and Stormwater Program’s Standard Plan for Poultry House Construction. The Kent Conservation District recommends that the support posts not be installed in the bottom of the existing stormwater swales between the poultry houses.

Please be advised that the Division of Air Quality (DAQ) recommends that retrofitted on road and non-road diesel engines be used to reduce emissions associated with the project construction. This includes equipment that is used on-site, as well as equipment that is used to transport materials to and from the site. DAQ also recommends the use of dust suppressants and measures to prevent the transport of dust off-site from material stockpile, material movement, and use of unpaved roads.

Please note that the following Delaware air quality regulations may apply: Particulate Emissions from Construction and Materials Handling (7 DE Admin. Code 1106) and Excessive Idling of Heavy-Duty Vehicles (7 DE Admin. Code 1145).

## CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the Brown Solar Project as proposed is consistent to the maximum extent practicable.

Pursuant to 15 CFR 930.46, USDA RD 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, Administrator  
Delaware Coastal Management Program

JH/SZ

cc: File FC 2024.0055  
Elaine Webb, DWS  
Jared Adkins, KCD  
Tina Merrill, DAQ  
Danielle Minter, DFW  
Gwenyth Davis, SHPO  
Colleen Reed, USDA