



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 9, 2024

Katie Jester
Sunrise Solar
6408 Church Hill Rd
Chestertown, MD 21651

**RE: Delaware Coastal Management Program — Federal Consistency Determination
Concurrence for USDA What Came First LLC Solar (FC 2024.0062)**

Dear Katie Jester,

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 24, 2024. On November 22, 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 336 ground mounted solar panels at 2219 Morgans Choice Rd, Camden, 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 What Came First LLC Solar. Public notice of this proposed action was published in the Delaware State News, The News Journal, and DNREC public notices list service on October 6, 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

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. Construction should conform to the existing sediment and stormwater plan, and it is recommended that support posts not be installed in the bottom of 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 What Came First LLC 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 \(Dec 9, 2024 09:29 EST\)](#)

Jesse Hayden, Administrator

Delaware Coastal Management Program

JH/SZ

cc: File FC 2024.0062
Elaine Webb, DWS
Jared Adkins, KCD
Tina Merrill, DAQ
Danielle Minter, DFW
Gwenyth Davis, SHPO
Bruce Weaver, USDA