



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

June 4, 2025

Douglas Mulvey
Vice President
Silver Run Electric, LLC
16150 Main Circle Drive, Suite 310
Chesterfield, Missouri 63017

RE: Delaware Coastal Management Program — Federal Consistency Certification Conditional Concurrence for Silver Run Expansion Project (FC 2025.0010)

Dear Douglas Mulvey,

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 on December 4, 2024, and received by this office on December 6, 2024.

PROPOSED ACTION

Silver Run Electric, LLC (SRE) proposes to utilize a U.S. Army Corps of Engineers (USACE) Individual Permit and a Section 408 review for a project to increase the capacity of the existing Silver Run – Hope Creek transmission line, a 230-kilovolt alternating current transmission line between SRE's Silver Run substation (485 Silver Run Road, Middletown, New Castle County, DE) and Public Service Electric & Gas Company's Hope Creek substation in New Jersey. Onshore construction is anticipated to occur between August 2026 to October 2026. In-water construction is to occur between July 2026 to November 2026, outside of applicable timing restrictions for fisheries.

The proposed project includes the installation of four new electric transmission cables in the Delaware River near mile 51.5, south of the Reedy Island Dike. Submarine cable burial at the existing Silver Run Line in-river transition structure in Delaware and for the first approximately 350 feet riverward is planned to be accomplished via excavation (clamshell bucket), and the cable burial depth will be 6 feet below the river bottom in this section. The majority of the submarine cabling will be installed with jetting tools such as vertical injector and jet plow with a cable burial depth of 15 feet below current river bottom except in the federal navigation channel in the Delaware River. Within and extending to 50 horizontal feet outside the limits of the navigation channel, the cable will be installed to a minimum burial depth of 70 feet below the Mean Lower Low Water datum (25 feet below the current authorized project depth of the channel).

The project would also include the installation of a new power pole to the in-river transition structure, supported by four 24-inch diameter driven steel piles (approximately 13 square feet of permanent riverbed disturbance). In addition to time of year restrictions for in-water work, “soft start” procedures will be implemented for pile driving to protect sensitive fish species in the area.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act (CZMA) of 1972 administered by the National Oceanic and Atmospheric Administration (NOAA), as amended, any applicant for a required federal license or permit to conduct an activity, in or outside of the coastal zone, that can have reasonably foreseeable effects on any land or water use or natural resource of the coastal zone of that state, shall provide a certification that the proposed activity complies with the enforceable policies of the state’s NOAA-approved program and that such activity will be conducted in a manner consistent with the program. Under the CZMA implementing regulations, *Federal Consistency with Approved Coastal Management Programs* (15 CFR 930), subpart D, state agencies are directed to develop a list of federal license or permit activities to be included as part of the management program, with the federal license or permit activities described in terms of the specific licenses or permits involved. Any applicant for a federal license or permit selected for review by a state agency should obtain the views and assistance of the state agency regarding the means for ensuring that the proposed activity will be conducted in a manner consistent with the management program.

PUBLIC PARTICIPATION

In accordance with 15 CFR 930.61, the public was invited to participate in the review of the Silver Run Expansion Project. Public notice of this proposed action was published in the Daily State News, The News Journal, and DNREC public notices list service on February 12, 2025. The notice was also posted on bulletin boards at the New Castle Library and Delaware City Library in New Castle County, Delaware. The public was given 30 days to comment on this notice. No public comments were received.

FEDERAL CONSISTENCY ANALYSIS

The DNREC DCMP coordinates the review of consistency determinations with agencies administering the enforceable and advisory policies of the program. The following agencies participated in this review:

DNREC, Division of Air Quality
DNREC, Division of Fish and Wildlife
DNREC, Division of Water

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 Division of Air Quality (DAQ) noted that New Castle County (part of the Philadelphia-Wilmington-Atlantic City Non-attainment Area) is listed as Serious Nonattainment for Ozone with the EPA.

The Division of Fish and Wildlife requires that no in water work be undertaken between March 15 to June 30, to protect anadromous fish species (Atlantic Sturgeon, striped bass, American shad). According to the review submission, the proposed construction timeline is congruent with this time of year restriction.

CONDITIONAL CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP conditionally concurs that the Silver Run Expansion Project as proposed above is consistent with the policies of the DCMP.

To be consistent with the DCMP's enforceable policies, the following condition must be satisfied as it relates to enforceable policies 5.3 and 5.4:

The applicant shall obtain all necessary state permits/authorizations/leases related to wetlands and subaqueous lands impacts as regulated by the State of Delaware. State permits/authorizations/leases are included in the DCMP enforceable policies and must be obtained to be consistent with these policies.

Failure to comply with 15 CFR §930.4 as it relates to the condition above will result in this conditional concurrence being considered an objection. Under this scenario, the applicant is advised that pursuant to 15 CFR part 930, subpart H, and within 30 days from receipt of this letter, a request may be submitted to the Secretary of Commerce to override the objection. In order to grant an override request, the Secretary must find that the activity is consistent with the objectives or purposes of the CZMA or is necessary in the interest of national security. A copy of the request and supporting information must be sent to the DCMP and the federal permitting or licensing agency. The Secretary may collect fees for administering and processing your request.

Pursuant to 15 CFR 930.66, Silver Run Electric, LLC 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. 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 2025.0010
David Caplan, USACE
Brandon Skoba, SRE
Don Brickner, SRE
David Wilson, SRE
Payson Whitney, TRC
Tina Merrill, DAQ
Matt Young, DFW
Matt Jones, DW
Rebecca Bobola, DW