



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

August 1, 2025

Brandon Caprarola
The Ultra Solar Group, LLC
510 146th Street, Suite 6
Ocean City, MD 21842

**RE: Delaware Coastal Management Program — Federal Consistency Determination
Concurrence for USDA Ayaan Farms Solar (2025.0036)**

Dear Brandon Caprarola,

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 determination dated and received on June 3, 2025, with additional information received on June 13, 2025, at which time the submission was deemed administratively complete.

PROPOSED ACTION

Ayaan Farm, LLC proposes to utilize U.S. Department of Agriculture (USDA) Rural Development funds for the construction of 496 ground mounted solar panels, 4 inverters, and approximately 460 feet of buried cable at 3632 Sandtown Road, Felton, Kent County, Delaware. The ground mounted racking will be secured with 92 helical piles at an average depth of 7 feet. Ayaan Farm is coordinating with the Kent Conservation District regarding sediment and stormwater management.

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, a public notice of this proposed action was published in English in the Daily State News and The News Journal on June 29, 2025. The public notice was also posted in English, Spanish, and Haitian Creole on the DNREC public notices website on June 29, 2025. The public was given 20 days from publication 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 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 Air Quality
DNREC, Division of Fish and Wildlife
Department of State, State Historic Preservation Office

Please be advised that the Division of Air Quality (DAQ) notes that the use of diesel-powered equipment during construction activities emit pollutants such as volatile organic compounds (VOCs), nitrogen oxides (NO_x), and fine particulate matter (PM_{2.5}), all of which are known to have adverse effects on human health. To mitigate these emissions, all diesel-powered equipment should utilize ultra-low sulfur diesel (ULSD) fuel throughout all project phases.

Please note that the following Delaware air quality regulations may apply: Particulate Emissions from Construction and Materials Handling (7 DE Admin. Code 1106), Open Burning (7 DE Admin. Code 1113), Conformity of General Federal Actions to the State Implementation Plan (7 DE Admin. Code 1135), Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products (7 DE Admin. Code 1141), Control of Stationary Generator Emissions (7 DE Admin. Code 1144), Excessive Idling of Heavy-Duty Vehicles (7

DE Admin. Code 1145) and Regulations Governing the Control of Noise (7 DE Admin. Code 1149).

CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the USDA Ayaan Farm Solar project as proposed is consistent to the maximum extent practicable. Pursuant to 15 CFR 930.46, USDA 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 \(Aug 1, 2025 11:35:42 EDT\)](#)

Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/sz

cc: File FC 2025.0036
Muhammad Atif, Ayaan Farm
Rachel Kromsky, Ultra Solar Group
Colleen Reed, USDA
Kaylee Collison, USDA
Tina Merrill, DAQ
Faith Garcia, DFW
Hannah Lewis, SHPO