

HEARING OFFICER'S REPORT

TO: The Honorable Gregory Patterson
Cabinet Secretary, Department of Natural Resources and Environmental Control

FROM: Lisa A. Vest, Public Hearing Officer
Department of Natural Resources and Environmental Control

RE: Application of North Fish USA, Inc., for a standard Coastal Zone permit (Project CZA-447P) to manufacture smoked fish inside an existing building at 200 Centerpoint Boulevard, New Castle, Delaware (Hearing Docket No. 2025-P-CCE-0012)

DATE: October 15, 2025

I. BACKGROUND AND PROCEDURAL HISTORY:

A virtual public hearing was held on Thursday, August 21, 2025, at 6:00 p.m., via the State of Delaware Zoom Platform, to receive comment on the application of North Fish USA, Inc. (“North Fish,” “Applicant”), for a standard Coastal Zone permit (Project CZA- 447P) to manufacture smoked fish inside an existing building located at 200 Centerpoint Boulevard, New Castle, Delaware, pursuant to 7 *Del. C. Ch. 70, Coastal Zone Act* (“Application,” “proposed project”). The *Coastal Zone Act* (“CZA”) regulates new manufacturing activities, or the expansion of existing manufacturing uses, heavy industry, and bulk product transfer activities within Delaware’s Coastal Zone through a permitting system governed by DNREC.

The Coastal Zone is a geographic area that extends the length of the State of Delaware, along the Delaware River, the C&D Canal, the Delaware Bay, Inland Bays, and Atlantic Ocean, specifically defined by the CZA at 7 *Del.C. §7002(i)*. This public hearing was held pursuant to Delaware’s *Coastal Zone Act* and 7 DE Admin. Code 101, *Regulations Governing Delaware’s Coastal Zone* (“CZA Regulations”).

As noted above, North Fish proposes to manufacture up to 3,096 tons per year of smoked fish inside an existing building at 200 Centerpoint Boulevard, New Castle, Delaware. Deliveries to North Fish would include fresh and frozen fish, which would then be cleaned, gutted, and stored in brine tanks until it reaches the specified salt concentration to meet health standards. After brining, the fish would then be stored on drying racks and allowed to dry gradually to prepare for smoking (at either 90°F for “cold smoking” or 165°F for “hot smoking”). A Smoki 300 Smoke Zapper wet scrubber will be used to reduce air emissions during the smoking process. The fish would then be packaged via an Untravac 2100 to vacuum seal the fish.

North Fish and the Department coordinated for several months over multiple CZA permit application revisions submitted prior to the Department deeming the current Application administratively complete. During this time, the Department’s Coastal Zone Program, housed within DNREC’s Division of Climate, Coastal and Energy (“CCE”), coordinated with other sections within the Department to request additional information on items such as emissions calculations, the offset proposal, public engagement, and local hiring preferences. On July 14, 2025, the Department received the final Coastal Zone Permit application from North Fish, requesting a standard Coastal Zone permit for the proposed project (Project CZA-447P), and declared that Application administratively complete on July 27, 2025.

The Department requires a CZA Applicant to set forth in its permit application the proposed project’s possible environmental impacts, including, but not limited to, any increased air emissions of pollutants, water quality/water quantity/water use, and the disposal of solid and hazardous wastes. Furthermore, any application for a CZA permit for an activity or facility that will result in any negative environmental impact shall contain an offset proposal. Pursuant to Section 9.0, *Offsets*, of the CZA Regulations, offset proposals must more than offset the proposed environmental impacts of any proposed project.

Pursuant to Delaware's CZA Regulations, the Secretary shall, in assessing CZA permit applications, consider how a proposed project will affect the following six criteria, as set forth in both 7 *Del.C.* §7004(b) and Section 8.0 of said Regulations: (1) Direct and cumulative environmental impacts; (2) Economic effects; (3) Aesthetic effects (4) Number and type of supporting facilities and their anticipated impacts; (5) Effect on neighboring land uses; and (6) Compatibility with local comprehensive plans. The following sections of this Hearing Officer's Report ("Report") describe relevant environmental impacts as a result of the project proposed by the Applicant in this matter.

With regard to air emissions associated with Project CZA-447P, the Secretary's Assessment Report issued in this matter, dated July 27, 2025 (hereinafter referred to as the "SAR" and attached hereto as Appendix "A"), notes the Applicant's project would result in particulate matter ("PM") emissions 2.5 microns in size (PM_{2.5}), and volatile organic compounds ("VOCs") that are generated from the smoking process. According to the *Compilation of Air Pollutant Emissions Factors from Stationary Sources* (AP-42), as published by the United States Environmental Protection Agency ("EPA"), other PM emissions exist but do not have a measurable environmental impact. The generation of PM_{2.5} and VOCs would fluctuate during the year, as North Fish experiences increases in production near holidays. Under normal conditions, along with the use of a wet scrubber, PM_{2.5} would not exceed 0.8215 pounds per day (0.128154 tons per year), and VOCs would not exceed 0.33 pounds per day (0.05148 tons per year). Maximum generation of PM_{2.5} would not exceed 0.256308 tons per year, and total VOCs would not exceed 0.10296 tons per year after mitigation with the proposed wet scrubber.

The Applicant's manufacturing process would use a maximum of 14,000 gallons of water per day, six days per week, from the City of New Castle municipal water supply. Ten thousand (10,000) gallons of water are used to thaw and brine the fish before it is smoked, and 4000 gallons would be used in the cleaning and processing of the fish. The water used in the thawing and brining process would be contained in 300-gallon vats. Additional water from the municipal water supply would be used to clean the waste storage bins.

All wastewater generated from the brining, thawing and cleaning process would be filtered through three (3) 200-gallon grease traps before entering the City of New Castle sewer system. The grease traps are pumped out and cleaned once per month for disposal via a private contractor. The City of New Castle has confirmed that the concentration of salt in the water and any residual organic material is considered an acceptable discharge into the municipal sewer system. It should be noted that the proposed new activity would not generate an increase in stormwater runoff, as the project would occur within an existing building with no increase in impervious surfaces.

The manufacturing of the smoked fish would produce organic fish waste and routine solid wastes and thus requires no additional permits for the disposal of such waste material. Additionally, since operations for the proposed project would occur entirely within an existing building, such activity would not impact land erosion, wetlands, or habitat for flora and fauna. It should be noted that the planting of native tree species has been proposed by the Applicant as an offset to the manufacturing activities associated with the proposed project, and that offset has the potential to increase habitat for local wildlife.

The proposed project is not anticipated to generate glare, noise, vibration, radiation or electromagnetic interference. The smoking procedure proposed by North Fish primarily uses a “cold smoking” process, where the fish would be smoked at 90 degrees. The Applicant is also proposing the use of a “hot smoking” procedure for up to 10 percent of their smoking process, wherein the fish is smoked at 165 degrees. North Fish asserts that, in both cases, smoking the fish at these temperatures would not strain the HVAC system of the building where the proposed manufacturing would take place, and that temperatures are low enough that no measurable heat from the smoking process would escape the building. Moreover, since operations for the proposed project would occur entirely inside the existing building, the Department’s Division of Fish and Wildlife did not identify any threatened or endangered species in the area around the existing building.

To address potential odor concerns, all organic waste, including fish byproducts, will be bagged and disposed of in two (2) cubic yard plastic dumpsters instead of standard metal waste bins. These waste containers (which are non-porous, corrosion-resistant, and washable from the inside) will be washed inside the building every three (3) days, and the wastewater and cleaning agents are then drained into the City of New Castle sewer system. Organic waste will be stored solely in the waste containers and in a specifically designated space immediately at the back of North Fish's building to prevent exposure to other tenants or nearby residents. All waste placed inside these isolated plastic containers will be picked up two (2) times per day, including once at the end of the day, to ensure that no waste remains on-site overnight. As part of its odor control plan, the company will actively apply baking soda to the bottom of the containers prior to use, as well as between layers of waste placed inside. Further, North Fish will increase the frequency of waste pickups and dumpster cleaning if odor issues arise.

Regarding the proposed operations having the potential to pollute, the SAR notes that the activity is occurring entirely within an existing building; however, the potential to pollute would occur if the wet scrubber were to be damaged or if the fish waste led to odor problems. Thus, the wet scrubber will be inspected daily as part of routine manufacturing operation, and an alarm will sound if the scrubber stops working. In the case of damage or mechanical failure of the wet scrubber, production of the smoked fish would be halted until the system is repaired. The Applicant acknowledges that odor issues could arise if the dumpsters that contain the fish waste become damaged, if waste is disposed of improperly, or if the fish waste is not picked up for disposal in a timely manner. Thus, North Fish has provided an odor control plan to mitigate potential impacts of the fish waste, including dumpster maintenance, employee training, and a disposal schedule. The SAR further notes that, should any complaints arise from the fish odors, North Fish will increase the frequency of waste pickups and dumpster cleaning.

With regard to the potential economic effects of the Applicant's proposed project, the SAR states that the Applicant plans to hire twenty-five (25) full time employees to operate its facility. No part time staff is expected, and the only temporary staff would be contractors during initial equipment installation.

During building renovations, the Applicant will retain one foreman and four construction workers daily, each working 40 hours per week for approximately three weeks. North Fish anticipates paying \$85,782 in state corporate tax, and \$207,060 in federal corporate tax annually. Local and school taxes are paid by the landlord as part of the lease.

As noted previously, the activities associated with the Applicant's proposed project will occur entirely within the Applicant's existing building. Thus, there are no impacts to the aesthetics of the area, nor are there any new support facilities needed for this project, as North Fish will provide all supporting infrastructure within the existing footprint of the building.

Insofar as any potential effects on neighboring land uses, North Fish would conduct the proposed manufacturing on an existing industrial site zoned by the City of New Castle as "regular industrial" and would therefore be compatible with neighboring land uses. The SAR notes that the nearest residential area is located approximately 1,000 feet to the east of 200 Centerpoint Boulevard (the proposed project's location). As noted previously, possible odor impacts and air emissions would be mitigated through the use of the proposed wet scrubber and the odor control plan. Any air emission offsets would include the planting of native tree species to physically trap the PM_{2.5} and to reduce any VOCs and carbon dioxide (CO₂), as described in greater detail below. Lastly, the City of New Castle has confirmed that the proposed project is consistent with city and municipal planning.

Section 9.1.1 of the CZA Regulations states that "[a]ny application for a CZA permit for an activity or facility that will result in a negative environmental impact shall contain an offset proposal." Moreover, Section 9.1.2 notes that such offset proposals "...shall more than offset the negative environmental impact associated with the proposed project of activity requiring a permit..." The SAR notes that, after mitigation, total maximum generation of PM_{2.5} would not exceed 0.256308 tons per year, and total VOCs would not exceed 0.10296 tons per year. The Applicant proposes to more than offset the total 0.359268 tons per year of emissions by planting twenty (20) trees in the business park where the existing building is located. These trees will be a mix of 4 to 5-year-old (approximately 5-6 feet tall) native black cherry (*Prunus serotina*), loblolly pine (*Pinus taeda*), and scarlet oak (*Quercus coccinea*).

Pursuant to Section 9.1.5 of the Regulations, the Applicant may propose an offset that does not directly offset the pollutants that an Applicant would be emitting if it is not practicable to eliminate or obtain a credit for the release of the same pollutant. North Fish asserts that it is not possible to eliminate all pollutants that would be generated by the proposed fish smoking process. While the amount of PM_{2.5} and VOCs that trees mitigate is difficult to quantify, the Applicant has provided documentation to the Department that illustrates the absorption of VOCs (such as methane) by trees through their leaf stomata. Other studies provided by North Fish indicate that trees physically trap airborne PM_{2.5} on their leaves, twigs and bark. Further, the planting of these trees will also remove CO₂ from the atmosphere. The Applicant claims that the removal of CO₂ is an appropriate indirect offset, as the removal of CO₂ would provide benefits to human health and the environment that are comparable to the removal of PM_{2.5} and VOCs.

Studies quoted in the Application state that the removal of PM_{2.5}, VOCs and CO₂ all help to mitigate impacts to climate change, as these pollutants absorb solar radiation and can contribute to an increased warming effect on the atmosphere. Additional information provided by North Fish states that the removal of such emissions from the atmosphere can have positive impacts on human health. Further, according to the supporting documentation provided by the Applicant in this matter, PM_{2.5} and VOCs are both primary components of smog and haze, and the removal of CO₂ can hinder the formation of smog and haze, thereby reducing the health effects from those pollutants. North Fish's application states that trees being planted would remove up to 0.48 tons per year of CO₂, which more than offsets the total 0.359268 tons per year of manufacturing emissions at a ratio of 1.33:1.

North Fish will coordinate with McConnell Development (the company responsible for groundskeeping) to maintain the trees and replace them, should the need arise. Additionally, Landmark Science and Engineering (consultants for the Applicant) has stated that the removal of CO₂ via tree planting would more than offset the air pollutants generated from the manufacturing of the smoked fish.

As noted above, the Department received the current final Application from North Fish on July 14, 2025, and the Department's determination that the Application was administratively complete was declared in the SAR on July 27, 2025, as noted above. On August 1, 2025, the Department published Legal Notice of this information, advising that the Application was available for public comment and that the Department would be holding a virtual public hearing regarding this matter on August 21, 2025, in the *News Journal*, the *Daily State News*, the DNREC website (in both English and Spanish), the *Delaware Public Meeting Calendar*, the New Castle and Route 9 Public Libraries, and by direct email to Coastal Zone Act Email List subscribers.

Accordingly, the Department held the virtual public hearing regarding this pending Application on August 21, 2025, as noted above. Department staff and representatives from North Fish attended the hearing. Following the date of the public hearing, the comment period remained open through September 5, 2025. Comments were received by the Department from the public, both at the time of the hearing and during the post-hearing phase of this permitting matter. At the request of this Hearing Officer, on October 6, 2025, the Department's experts in the Division of CCE provided a Technical Response Memorandum ("TRM") setting forth the Department's responses to those comments, and the same will be discussed in detail below. Proper notice of the hearing was provided as required by law.

II. SUMMARY OF THE PUBLIC HEARING RECORD:

The Record consists of the following documents:

- (1) Official verbatim Court Reporter's transcript from Veritext, dated August 21, 2025;
- (2) Ten (10) documents introduced by responsible Department staff at the public hearing held on August 21, 2025 (including the previously identified SAR, attached hereto as Appendix "A"), and marked by this Hearing Officer accordingly at the time of the hearing as "Department Exhibits 1-10";

- (3) Copy of the Applicant's PowerPoint presentation offered by North Fish representatives at the public hearing, marked as "Applicant Exhibit 1";
- (4) Technical Response Memorandum ("TRM") dated October 6, 2025, containing the Department's responses to the public comments received in this matter, attached hereto for the Secretary's review as Appendix "B"; and
- (5) Draft Permit CZA-447P and Draft Decision Letter to be issued to North Fish, should the Secretary approve the same, provided to this Hearing Officer on October 6, 2025, and attached hereto for the Secretary's review as Appendices "C" and "D," respectively.

The Department's person primarily responsible for reviewing the Application, Eddie Meade, Environmental Scientist IV, DNREC Coastal Program, Division of Climate, Coastal and Energy, developed the Record with the relevant documents in the Department's files.

Following opening remarks from this Hearing Officer and Mr. Meade's presentation on behalf of the Department, North Fish representatives offered the Applicant's presentation for the benefit of the Record, which included background concerning the Applicant's facility and a brief description of the proposed project. As noted above, comments were received by the Department, both at the time of the public and during the post-hearing phase of this permitting matter, and the same will be discussed in greater detail below.

III. RECOMMENDED FINDINGS AND CONCLUSIONS:

Currently pending before the Department is North Fish's Application requesting a standard Coastal Zone permit for Project CZA-447P, to manufacture smoked fish in an existing building located at 200 Centerpoint Boulevard in New Castle, Delaware. I find that the Applicant's proposed project location is located within Delaware's Coastal Zone. I also find that, as set forth in the SAR, the analysis of the Applicant's proposed manufacturing process concluded that North Fish needs to more than offset the total 0.359268 tons per year of emissions anticipated in this matter.

As noted above, public comments were received by the Department concerning this proposed project. At the request of this Hearing Officer, the Department's experts in the CCE provided a TRM for the benefit of the Record generated in this matter. This TRM, dated October 6, 2025, provided the Department's responses to comments received by addressing the six (6) areas set forth by the public, and the same will now be summarized herein.

1. Commentors expressed concerns about potential strains to the local municipal water supply and sewer system. This includes concerns about the volume of water being used in the manufacturing of the smoked fish and the salt in the water used in the brining process being discharged into the New Castle County's sewer system.

In response to these concerns, the Department notes that North Fish has received a permit from New Castle County allowing them to draw approximately 14,000 gallons of water per day from the municipal water supply to be used in the manufacturing of the smoked fish. Additionally, page 123 of the permit application submitted by North Fish includes correspondence with the acting Pretreatment Coordinator from New Castle County. In this correspondence, the Pretreatment Coordinator states that there will be no issues associated with the saltwater discharge into the municipal sewer system and has granted North Fish permission to do so.

2. Multiple comments expressed concerns about the potential impacts of noxious odors generated by the processing of the fish products.

In response to the public's concerns about potential odors associated with this proposed project, North Fish submitted an odor control plan as a component of their CZA permit application. This odor control plan was based on previous odor control plans that North Fish has utilized at other facilities and includes the following:

- All organic waste, including fish byproducts, will be disposed of in durable, 2-cubic-yard plastic containers.
- Layers of baking soda will be applied to the bottom of the waste container and between each layer of organic waste.

- The organic waste containers will be washed out and sanitized at least once every three days.
- The organic waste will be picked up and removed twice per day.
- Absolutely no organic waste will be left in the 2-cubic-yard plastic containers overnight.

The Department's TRM further notes that data provided by the Applicant states that the application of an ounce of baking soda for every pound of waste can significantly reduce odor emissions. This equates to 125 pounds of baking soda per ton of waste, which will be the minimum application rate that North Fish will be required to utilize in the dumpsters. Furthermore, the EPA's *Biosolids and Residuals Management Fact Sheet* claims that wet scrubbers can reduce odor emissions by approximately 50%. This reduction corresponds to the level of odor reduction described in the manufacturer specifications for the wet scrubber that North Fish will be installing to mitigate pollutants. Additional supporting documentation provided by the Applicant recommends minimizing the time that doors, windows, and other points of ingress and egress are allowed to remain open.

To further address odor concerns, DNREC is placing the following additional permit conditions in addition to the odor control plan that was provide in the application:

- Only fully functional and intact durable plastic waste containers shall be utilized at all times.
- Baking soda shall be applied to the bottom of the waste container and on top of each layer of organic waste at a minimum rate of 125 lbs of baking soda for every ton of waste such that no organic waste is directly exposed to the atmosphere while the container lid is open.

- Dumpster lids must be closed and locked when not in use to prevent wildlife from accessing the fish waste and to minimize open air exposure.
- Doors, windows, and delivery truck bays must remain closed when not in use.

Lastly, the TRM notes that the public may report any odor concerns to DNREC by calling 1-800-662-8802.

3. Commentors expressed concerns that the manufacturing of smoked fish would bring about potential environmental and health impacts associated with a degradation in air quality.

In response to these concerns, the TRM notes that, as part of the CZA application submitted in this matter, North Fish was required to identify the specific components of the proposed manufacturing process that could result in any negative environmental impacts. Applicants are required to more than offset the negative environmental impacts that cannot be entirely mitigated. As noted previously, the proposed activity will result in the emission of PM_{2.5} and VOCs. Emissions were calculated utilizing EPA's *Publication AP-42* for smokehouses, which states that using a wet scrubber can result in a reduction of PM_{2.5} emissions by 69% and a reduction of VOCs by 85%. These reductions correspond to the manufacturing specifications of the wet scrubber that North Fish is proposing to utilize.

To offset the remaining PM_{2.5} and VOC emissions, North Fish has proposed to plant trees in the surrounding business park, as outlined in the Applicant's offset proposal. These trees will be a mix of 4 to 5-year-old (approximately 5-6 feet tall) native black cherry (*Prunus serotina*), loblolly pine (*Pinus taeda*), and scarlet oak (*Quercus coccinea*). The TRM notes that all the pine trees and three of the deciduous trees will be planted along the perimeter of the parking lot abutting the closest residential area. Data from several studies demonstrate that trees have the potential to physically trap PM_{2.5} on their leaves and bark. These studies also detail how the trees allow for the growth of beneficial microorganisms which remove VOCs from the atmosphere. Additionally, the planting of trees would also result in the removal of up to 0.48 tons per year of CO₂, thus more than offsetting the emissions from the proposed manufacturing process at a ratio of 1.33:1.

To further ensure that the potentially negative environmental impacts on the environment and human health are mitigated and offset, DNREC is placing the following additional conditions on the CZA permit for this proposed project:

- North Fish shall maintain a functional wet scrubber for the manufacturing process including implementing the appropriate cleaning protocols recommended by the manufacturer.
- North Fish will be required to monitor tree health annually and provide a report to the Department every 5 years.
- The trees planted for the offset shall be maintained for optimal health. North Fish shall replace any tree that does not survive to the same specifications as noted in the offset plan (i.e., size, age, class, species, etc.). Any replacement trees shall be planted during the next viable planting season.

4. Commentors expressed concerns about potential impacts to local water bodies, including the nearby stormwater retention pond and local estuaries.

In response to these concerns, the TRM notes that no wastewater from the fish smoking process will be directly discharged from the building where North Fish is proposing to conduct activities to the retention ponds or local estuaries. As noted previously, the water used in processing of the fish would be drained into the local sewer system after passing through a grease trap on the inside of the building. These grease traps will be cleaned out once per month. Additionally, the washing of the dumpsters would also occur inside the existing building in a designated washroom which drains into the New Castle County sewer system. North Fish has provided documentation from New Castle County that grants permission to the applicant to discharge this wastewater into the sewer system.

5. Commenters expressed concerns about the applicant moving equipment into the building without having a permit.

To alleviate the public's concerns in this area, the Department's TRM notes that a CZA permit is required for the manufacturing of the smoked fish. No manufacturing of smoked fish by North Fish can take place prior to obtaining a CZA permit. The equipment and/or machinery's presence at the facility has no bearing on the merit of the permit's approval or denial. If North Fish is denied a CZA permit, no equipment or machinery involved in the manufacturing process may be utilized.

6. Multiple commentors stated that notifications regarding the proposed activities were insufficient, and that there was not enough time given to the local community to provide comments.

In response to these comments, the TRM notes that public notice for the North Fish hearing was posted in *The News Journal*, the *Daily State News*, and the DNREC website on August 1, 2025, twenty days prior to the hearing, pursuant to the Department's statutory obligations to make the public aware of such activities. Additionally, versions of the public notice were made available in both English and Spanish on the DNREC website, and the notices were physically posted at both the New Castle and Route 9 public libraries. Further, a direct email was also sent out to subscribers on DNREC's CZA listserv and notice of the public hearing was added to the Delaware Public Meeting Calendar on July 29, 2025. Through all these actions, the Department has met all public notice requirements dictated by both Delaware's *Coastal Zone Act* and the *Regulations Governing Delaware's Coastal Zone*.

In addition to the public comments voicing concern in the above areas, it should be noted that comment was also received in support of the Applicant's proposed project. As is the Department's standard public hearing protocol, all comments received by the public are available for review in their entirety on the Department's website.

The Department is to evaluate a CZA application based upon a consideration of the CZA's balancing of economic and environmental factors. As previously noted, 7 *Del.C.* §7004(b) requires the Department to consider the following issues of any given proposed project: (1) environmental impacts; (2) economic impacts; (3) aesthetic impacts; (4) the number and type of supporting facilities required and their impacts on all other factors; (5) the impact on neighboring land uses; and (6) the county and municipal comprehensive plans. The Record developed in this matter indicates that the Department's experts have considered the above factors and have recommended issuance of the finalized Draft Permit CZA-447P to the Applicant in this matter. Further, the experts recommended that North Fish's Application for the above-described proposed project is sufficient, and that the offset proposal of planting twenty trees in the business park where the building is located at 200 Centerpoint Boulevard in New Castle, Delaware more than offsets the total 0.359268 tons per year of manufacturing emissions at a ratio of 1.33:1.

The mission of DNREC is to engage stakeholders to ensure the wise management, conservation, and enhancement of the State's natural resources; protect public health and the environment; provide quality outdoor recreation; improve quality of life; lead energy policy and climate preparedness; and educate the public on historic, cultural, and natural resource use, requirements, and issues. Furthermore, it is the policy of DNREC that no person shall, on the ground of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, as provided by Title VI of the *Civil Rights Act of 1964*, the *Rehabilitation Act of 1973*, the *Civil Rights Restoration Act of 1987*, and all other related nondiscrimination laws and requirements. Title VI requires that DNREC take specific actions to ensure compliance with federal law that includes ensuring that all contractors, sub-contractors, and sub-recipients awarded DNREC funded contracts and grants adhere to Title VI and any related laws, regulations, and rules. Title VI also requires DNREC to provide free language assistance to Limited English Proficient ("LEP") persons. In the present matter, the Department has determined that the Record compiled regarding the Applicant's proposed project, including, but certainly not limited to, the Draft Permit attached hereto, is consistent with the Department's Civil Rights policy.

The Record developed in this matter indicates that the Department's experts in the Division of CCE, based upon the technical review of the CZA permit application submitted by North Fish, the coordination with subject matter experts within the Department, and the testimony provided at the public hearing held in this matter, recommend approval of the Applicant's proposed project. I find and conclude that the Applicant has adequately demonstrated its compliance with all requirements of Delaware's *Coastal Zone Act* and its Regulations, as noted herein, and that the Record supports approval of North Fish's Application for a standard Coastal Zone permit for Project CZA-447P. In conclusion, I recommend that the finalized Permit CZA-447P, consistent with the Record developed in this matter, be issued by the Department in the customary form, and with appropriate conditions, to ensure continued improvement of environmental quality in the Coastal Zone of the State of Delaware.

I further recommend the Secretary adopt the following findings and conclusions:

1. The Department has jurisdiction under its statutory authority, pursuant to Delaware's *Coastal Zone Act* and the CZA Regulations, to issue a CZA Permit to the Applicant, subject to reasonable permit conditions deemed appropriate and consistent with the CZA's purposes;
2. The Department provided adequate and lawful public notice of North Fish's Application requesting a standard Coastal Zone permit for Project CZA-447P, and of the public hearing held on August 21, 2025, and held said hearing to consider any public comment that may be offered on said Application, in a manner required by the law and Delaware's CZA Regulations;
3. The Applicant's request for a standard Coastal Zone permit for Project CZA-447P is for production/manufacturing activities that will take place within the defined Coastal Zone of Delaware, specifically, to manufacture smoked fish in an existing building at 200 Centerpoint Boulevard in New Castle, Delaware. Environmental impacts are anticipated, however, the planting of twenty (20) trees as noted herein more than satisfies the Department's offsets requirement for this project;

4. The Department has reviewed and carefully considered all factors required to be weighed in issuing a standard Coastal Zone permit for Project CZA-447P, and finds that the proposed project is acceptable for the Coastal Zone at the proposed location, and that it should be permitted as set forth in North Fish's Application;
5. The Department has reviewed the Record generated in this matter and has determined that the issuance of the finalized Permit CZA-447P is consistent with the Department's Civil Rights policy;
6. The Department shall issue the finalized Permit CZA-447P to the Applicant, North Fish USA, Inc. Said permit shall include all conditions consistent with the final Order and any other reasonable conditions that the Department includes in a CZA permit, to ensure that Delaware's environment will be protected from harm, consistent with the CZA and its Regulations;
7. The issuance of finalized Permit CZA-447P does not relieve the Applicant of the legal obligation of compliance with all building permits, subdivision, and other applicable code requirements of the county or municipality wherein the permitted project is located;
8. If there are deviations from the Applicant's proposed plan and operations previously approved by the Secretary, North Fish shall notify the Secretary as soon as possible. If the Secretary receives information which he or she believes may alter the scope of the project, the Secretary may revoke the permit or require North Fish to submit a new application to reflect the altered nature of the project;
9. The aforementioned finalized CZA permit will allow the Applicant to operate its business while reducing the overall environmental impacts to the Coastal Zone area, in furtherance of the purposes of 7 *Del. C.*, Ch. 70;

10. The Department has an adequate Record for its decision, and no further public hearing is appropriate or necessary; and
11. Department shall serve and publish its Order on its internet site.

/s/Lisa A. Vest
LISA A. VEST
Public Hearing Officer

\NORTH FISH HOR

Attachments:

Appendix A: Secretary's Assessment Report, (07/25/2025)
Appendix B: TRM (10/06/2025)
Appendix C: Draft Permit CZA-447P
Appendix D: Draft CZA Program Decision Letter