



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

November 12, 2021

Dr. Robert W. Scarborough, Program Manager
Delaware Coastal Programs
Dept of Natural Resources and Environmental Control
100 W. Water St, Suite 7B
Dover, DE 19901

RE: Federal Consistency Determination for Amendment 23 to the Northeast Multispecies Fishery Management Plan

Dear Dr. Scarborough:

Please consider the Federal action we have described below and our determination regarding the consistency of this action with the enforceable policies of the Delaware Coastal Zone Management Plan (CZMP).

Amendment 23 to the Northeast Multispecies Fishery Management Plan (FMP) was developed to improve the reliability and accountability of catch reporting in the commercial groundfish fishery to ensure there is a precise and accurate representation of catch (landings and discards). The purpose of this action is to adjust the existing industry-funded monitoring program to improve accounting and accuracy of collected catch data. Accurate catch data are necessary to ensure that catch limits are set at levels that prevent overfishing and to determine when catch limits are exceeded.

Specifically, this action would:

- Set a fixed target coverage rate as a percentage of fishing trips to replace the current annual method for calculating a coverage target;
- Exclude from the monitoring requirement all trips in geographic areas with low groundfish catch;
- Allow for increased coverage when federal funding is available for industry's costs;
- Set a baseline coverage target for which there is no federal funding available for industry's costs;
- Approve electronic monitoring technologies as an alternative to human at-sea monitors;
- Require periodic evaluation of the monitoring program;
- Allow for waivers from monitoring for good cause; and
- Grant authority to the Northeast Regional Administrator to streamline industry's reporting requirements.

A general consistency determination was submitted on October 21, 2009, for review by the responsible state agencies under section 307 of the CZMA. The State of Delaware concurred with this determination by letter. Your general consistency determination meant that any actions carried out after your general concurrence, and in accordance with the Northeast Multispecies



FMP and associated provisions, including routine updates to management measures, were also determined to be consistent with the policies of the Delaware CZMP. However, we noted that we intend to reconsider this consistency determination and consult with your agency for amendments or other substantial modification actions to the Northeast Multispecies FMP, whether through subsequent individual or omnibus actions. Therefore, we are seeking your concurrence on this action because it is an amendment to the Northeast Multispecies FMP.

Pursuant to provisions of 15 CFR 930 *et seq.* and section 307 of the Coastal Zone Management Act of 1972, as amended, I have preliminarily determined that Amendment 23 is authorized by the Magnuson-Stevens Fishery and Conservation Act, and is consistent to the maximum extent practicable with the enforceable policies of your state's CZMP. In accordance with the provisions of 15 CFR 930.41, I request that you advise me of your concurrence with, or objection to, my determination within 60 days of your receipt of this letter and supporting information described below. If I do not receive a letter of concurrence or objection within this time frame, consistent with § 930.41(a), I will presume that you concur with my preliminary consistency determination.

Thank you for your assistance and cooperation with this matter. For copies of the draft final Environmental Impact Statement (Draft FEIS) for Amendment 23 please visit the New England Fishery Management Council's website at:

<https://www.nefmc.org/library/amendment-23>

The Draft FEIS describes the action in detail, the alternatives, and the impacts of the proposed and alternative measures. We expect to publish a rule proposing to implement Amendment 23 regulations in the *Federal Register* during winter 2021. If you have any questions regarding this action, please contact Mark Grant in the Greater Atlantic Regional Fisheries Office, Sustainable Fisheries Division, at 978-281-9145 or mark.grant@noaa.gov.

Sincerely,



Michael Pentony
Regional Administrator

Cc: Ms. Laura Mensch, Principal Planner