



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

July 3, 2024

LCDR Laura Dwyer
Chief, Uncrewed Aircraft Systems Division
NOAA Office of Marine and Aviation Operations
3450 Flightline Drive
Lakeland, Florida 33811

**RE: Delaware Coastal Management Program — Federal Consistency Determination
Concurrence for NOAA OMAO Vessel Operations (FC 2024.0032)**

Dear Chief Dwyer,

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 May 3, 2024, and received by this office on May 4, 2024. The review request was submitted on behalf of the National Oceanic and Atmospheric Administration (NOAA) Office of Marine and Aviation Operations (OMAO).

PROPOSED ACTION

NOAA OMAO has prepared a nationwide consistency determination considering impacts related to vessel operation activities to be undertaken between 2023 - 2038. These activities include routine activities such as vessel movement, anchoring, waste handling and discharges, and vessel repair and maintenance. The proposed action would allow for the continued vessel operations that support NOAA's primary missions of charting and hydrographic surveying; assessment and management of living marine resources; oceanographic monitoring, research, and modeling; and emergency response. The need for the proposed action is to maintain uninterrupted operational fleet capabilities as vessels age and reach the end of their design service life, necessitating modernization of the NOAA fleet.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act (CZMA) of 1972 administered by NOAA, 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 the NOAA-approved state coastal management program. 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 the proposed NOAA OMAO vessel operations. Public notice of this proposed action was published in the Delaware State News, The Wilmington News Journal, and DNREC public notices list service on May 26, 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 to the maximum extent practicable. The following agencies participated in this review:

DNREC, Division of Air Quality

Please be advised that bulk product transfer including bunkering and/or lightering and incineration is prohibited in Delaware’s coastal zone including Delaware waters pursuant to 7 Del. C. Chapter 70, 7 Del. Admin. Code 100, and DE Natural Resources v. Vane Line, No. 06A-12-001-ESB (Del. Super. Ct. Nov. 19, 2007).

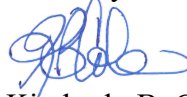
CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the NOAA OMAO Vessel Operations as proposed is consistent to the maximum extent practicable.

Pursuant to 15 CFR 930.46, NOAA OMAO 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 agency activity. If you have any questions, please contact me or Jennifer Holmes of my staff at (302) 739-9283.

Sincerely,



Kimberly B. Cole, Administrator
Delaware Coastal Management Program

KBC/jlh

cc: File FC 2024.0032
Tina Merrill, DAQ