



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

December 13, 2024

Karla Gore
NOAA Fisheries Southeast Regional Office
263 13th Ave S
St. Petersburg, FL 33701

**RE: Delaware Coastal Management Program — Federal Consistency Determination
Concurrence for NMFS Commercial Electronic Reporting Amendment (FC 2024.0041)**

Dear Karla Gore,

The Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program (DCMP) has completed its review of the above referenced project, initially received by this office on July 11, 2024. The submission was deemed complete, and review commenced, upon receipt of necessary data and information on October 18, 2024. The review request was submitted on behalf of the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS).

PROPOSED ACTION

NMFS proposes to promulgate a rule to implement the Commercial Electronic Reporting Amendment for the Gulf of Mexico and Atlantic Region. The Commercial Electronic Reporting Amendment includes Amendment 54 to the Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic Region; Amendment 4 to the FMP for the Dolphin and Wahoo Fishery of the Atlantic; Amendment 35 to the FMP for Coastal Migratory Pelagics Fishery of the Gulf of Mexico and Atlantic Regions; and Amendment 57 to the FMP for the Reef Fish Resources of the Gulf of Mexico. This action would require commercially permitted vessels to submit electronic fishing reports on electronic reporting forms approved by the NMFS Southeast Fisheries Science Center Research Director.

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, the public was invited to participate in the review of the NMFS Commercial Electronic Reporting Amendment. Public notice of this proposed action was published in the Delaware State News, The News Journal, and DNREC public notices list service on November 6, 2024. The public was given 20 days to comment on this notice. One public comment was 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 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; and,
DNREC, Division of Fish and Wildlife.

CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the NMFS Commercial Electronic Reporting Amendment as proposed is consistent to the maximum extent practicable.

Pursuant to 15 CFR 930.46, NMFS 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 \(Dec 13, 2024 15:28 EST\)](#)

Jesse Hayden, Administrator

Delaware Coastal Management Program

JH/sz

cc: File FC 2024.0041
Tina Merrill, DAQ
Danielle Minter, DFW