



STATE OF DELAWARE

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF CLIMATE, COASTAL AND ENERGY

STATE STREET COMMONS

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DOVER, DELAWARE 19904

**COASTAL
PROGRAMS**

PHONE
(302) 739-9283

October 14, 2025

Kelly Denit
Director, Office of Sustainable Fisheries
NOAA – National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910

**RE: Delaware Coastal Management Program — Federal Consistency Determination
Concurrence for NMFS Proposed Rule to Prohibit Retention of Mobulid Rays (2025.0043)**

Dear Kelly Denit,

The Delaware Department of Natural Resources and Environmental Control (DNREC) Coastal Management Program (DCMP) has completed its review of the above referenced project, received by this office on August 22, 2025.

PROPOSED ACTION

The National Marine Fisheries Service (NMFS) proposes changes to regulations to implement the binding International Commission for the Conservation of Atlantic Tunas Recommendation 24-12 on mobulid rays of the family Mobulidae, to protect the rays and minimize their bycatch and bycatch mortality. The proposed rule would prohibit retention of mobulid rays in fisheries for Atlantic highly migratory species (HMS), require the rays to be released unharmed in HMS fisheries, and implement ray handling practices for vessels fishing with pelagic longline gear. Mobulid rays are not currently targeted or retained by HMS fisheries.

Vessels issued, or which should have been issued, any HMS permit, commercial or recreational, would be prohibited from retaining, transshipping, landing, or storing any parts or whole carcasses of mobulid rays. Persons would be prohibited from selling or purchasing any mobulid ray, a whole carcass or part thereof, that was caught by a vessel issued or required to be issued a permit for HMS. Proposed vessel handling practices for rays caught on longline gear include cutting any trailing line on the animal to three feet or less, leaving rays in the water, use of a dehooking device, and to not gaff the rays. The requirements for handling and release of all mobulid rays would align with current recommendations for giant manta rays, which are listed as threatened under the

Endangered Species Act, also avoiding any differing requirement among species of mobulid rays that could lead to mishandling of giant manta rays due to misidentification.

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 Proposed Rule to Prohibit Retention of Mobulid Rays. Public notice of this proposed action was published in the Daily State News, The News Journal, and the DNREC public notices list service website on September 10, 2025. The notice was also posted in Spanish and Haitian Creole on the DNREC public notices website. The public was given 20 days from publication to comment on this notice. No public comments were received in response to this notice.

FEDERAL CONSISTENCY ANALYSIS

The 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

CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the NMFS Proposed Rule to Prohibit Retention of Mobulid Rays 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 (Oct 14, 2025 11:58:29 EDT)

Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/sz

cc: File FC 2025.0043
Carrie Soltanoff, NOAA
Karyl Brewster-Geisz, NOAA
Tina Merrill, DAQ
Faith Garcia, DFW