



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

November 20, 2025

Maureen Kallgren
Lead Marine Transportation Specialist
USCG Office of Navigation Systems
2703 Martin Luther King Jr. Ave SE
Mail Stop 7418
Washington, D.C. 20593

**RE: Delaware Coastal Management Program — Federal Consistency Determination
Concurrence for USCG Atlantic Fairways (2025.0048)**

Dear Maureen Kallgren,

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 September 9, 2025. The review due date was extended by 15 days to November 23, 2025, pursuant to 15 CFR 930.41(b).

PROPOSED ACTION

The United States Coast Guard (USCG) proposes to establish vessel routing measures (shipping safety fairways) along the Atlantic Coast from the U.S.-Canada maritime border in the Gulf of Maine to Miami, Florida; a fairway anchorage off Delaware Bay; and potentially additional extensions of selected east-west port-approach fairways up to 200 nautical miles offshore (edge of Exclusive Economic Zone). Fairways are designed to keep navigation routes free from fixed structures that could impact navigation safety and impede other shared offshore activities, and use of the proposed routing measures would be voluntary.

Structures would be prohibited in fairways if they impede safe navigation. USCG does not anticipate that artificial reefs, submerged cables, or submerged pipelines would interfere with or restrict marine navigation. USCG also does not consider fishing gear to meet the definition of fixed structures and thus does not anticipate that the restriction would preclude any commercial fishing activities or gear types. No physical structures are being added as part of this action.

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 USCG Atlantic Fairways project. 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 October 1, 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. 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
- DNREC, Division of Climate, Coastal and Energy, Coastal Programs
- Delaware Department of State, Division of Historical and Cultural Affairs

The Division of Air Quality notes that Delaware currently exceeds federal health-based standards for 8-hour ozone. Under the National Ambient Air Quality Standards (NAAQS) established by the U.S. Environmental Protection Agency (EPA), New Castle County is designated as a Serious Nonattainment Area for the 8-hour ozone standard, Sussex County is designated as a Marginal Nonattainment area for the 8-hour ozone standard and Kent County remains as in Attainment. Please note that emissions associated with federal actions in serious nonattainment areas must

remain below the annual thresholds in the General Conformity Rule under the Clean Air Act (40 CFR § 93.153).

The Division of Fish and Wildlife notes that there are multiple commercial fisheries in the project area (ocean whelk, lobster, fish pot fisheries, clam dredging, chub mackerel, and Illex squid). Additionally, state of Delaware artificial reefs are found in the proposed fairways, where high densities of recreational vessels will be temporarily stationed over the reef bottoms while fishing. There are over 1,000 trips per year on these reefs.

DNREC Coastal Programs also notes that the fairways pass over the continental shelf break and multiple submarine canyons, which are known to have aggregations of wildlife. Cetacean abundance is relatively high along the shelf break. It is recommended that the USCG consider coordination with the appropriate agencies on updates to seasonal management areas of North Atlantic Right Whales if traffic increases in their migration areas.

CONCURRENCE

Based on its review and pursuant to 15 CFR 930, the DCMP concurs that the USCG Atlantic Fairways project as proposed is consistent to the maximum extent practicable. Pursuant to 15 CFR 930.46, USCG 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 \(Nov 20, 2025 11:16:56 EST\)](#)

Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/sz

cc: File FC 2025.0048
Kevin Lind, USCG
Diane Rusanowsky, USCG
DB Mottel, USCG
Gabrielle Cantor, USCG
Leslie Genova, IEC
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