STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF CLIMATE, COASTAL AND ENERGY
STATE STREET COMMONS
COASTAL PROGRAMS
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DOVER, DELAWARE 19904
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(302) 739-9283

February 26, 2026

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

RE: Delaware Coastal Management Program — Federal Consistency Determination Concurrence for NMFS Commercial Atlantic Blacknose Shark and Recreational Atlantic Shark FMM (FC 2026.0012)

Dear Kelly Denit,

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 and received by this office on January 5, 2026.

PROPOSED ACTION

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) is proposing a rule to revise Commercial Atlantic Blacknose Shark and Recreational Atlantic Shark Fisheries Management Measures (FMM). The preferred alternatives of the proposed rule would:

(1) Remove the blacknose shark management boundary in the Atlantic region, allowing for commercial retention of sharks north of 34°00' N. latitude.

(2) Modify the commercial retention limit for blacknose sharks in the Atlantic region, to be flexible between 0 to 60 sharks per vessel per trip for vessels issued a Directed shark Limited Access Permit. The default limit per fishing year would start at 25 and may be adjusted during the year to stay within the total fishery quota.

(3) Revise the recreational minimum size limits for Atlantic shark species, including grouping species by similarity (biological and fishing gear types) and setting recreational minimum size limits for shark groups based on grouped species' female sizes at maturity.

(4) Revise the recreational retention limits for Atlantic shark species to set all limits per-vessel-per-trip, replacing a mixture of per-person and per-vessel limits.

This rule would also remove commercial management group quota linkages, consistent with management measures established in Amendment 14 to the Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) (88 FR 4157, January 24, 2023). The removal of commercial management group quota linkages would allow fisheries to remain open all year so that each shark management group or species quota may be fully utilized. Each shark management group or species would have a separate Annual Catch Limit, which takes bycatch mortality of other species into account.

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 NMFS Commercial Atlantic Blacknose Shark and Recreational Atlantic Shark FMM. Public notice of this proposed action was published in the Daily State News, The News Journal, and DNREC public notices webpage on January 28, 2026. The notice was also posted on the DNREC public notices webpage in Spanish and Haitian Creole. The public was given 20 days to comment on this notice. No public comments were received in response to this notice.

FEDERAL CONSISTENCY ANALYSIS

As a networked program, the DCMP coordinates consistency determination reviews with agencies administering enforceable mechanisms supporting the policies of the program pursuant to 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 project as proposed is consistent to the maximum extent practicable.

Pursuant to 15 CFR 930.46, the applicant 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 (Feb 26, 2026 11:15:23 EST)

Jesse Hayden, Administrator
Delaware Coastal Management Program

JH/sz

cc: File FC 2026.0012
Guy DuBeck, NOAA
Karyl Brewster-Geisz, NOAA
Randy Blankinship, NOAA
Tina Merrill, DAQ
Faith Garcia, DFW