



February 22, 2024

Re: Federal Consistency Determination for a Proposed Rule to set Atlantic Bluefin Tuna General Category Effort Controls and Related Regulations (RIN 0648-BM66)

Dear Coastal Zone Program Manager:

This document provides your State Coastal Zone Management Program (CZMP) with the National Marine Fisheries Service (NMFS) consistency determination under CZMA § 307(c) for a proposed rule that considers changes to the effort controls for the Atlantic bluefin tuna (BFT) General category fishery and related regulatory clarifications to the dealer requirements. Specifically, this proposed rule would schedule restricted-fishing days (RFDs) every Tuesday, Friday, and Saturday from July 1 through November 30 of every year. On an RFD, Atlantic Tunas General category permitted vessels may not fish for (including catch-and-release or tag-and-release fishing), possess, retain, land, or sell BFT. On an RFD, Highly Migratory Species (HMS) Charter/Headboat permitted vessels with a commercial sale endorsement also are subject to these restrictions that preclude fishing commercially for BFT under the General category restrictions and retention limits, but such vessels may still fish for, possess, retain, or land BFT when fishing recreationally under applicable HMS Angling category rules. This action also proposes to reestablish a General category default daily retention limit of three large medium or giant BFT per vessel on open days in the month of June and one large medium or giant BFT per vessel on open days during all other months in time periods where the fishery is open (i.e., January through March and July through December; the General category BFT fishery is not open during the months of April and May). Finally, this action would make modifications to the BFT dealer requirements relative to RFDs (e.g., timing of transfer and sale to a dealer, timing of affixing a dealer tag) and revise the definition of a bluefin statistical document (BSD) tag. This action would apply to participants of the Atlantic Tunas General category fishery including Atlantic General category permitted vessels and HMS Charter/Headboat permitted vessels.

These preferred alternatives would help General category quota participants, tournament operators, and dealers with fishery-related planning (e.g., fishers' travel to fishing grounds or engage in other fishing endeavors) by providing an advance schedule of open and closed days and the applicable retention limits when the fishery is open. Furthermore, the preferred alternatives would provide an administrative cost savings as the Agency would publish fewer Federal Register actions setting RFD schedules on an annual basis and inseason retention limits adjustments for the General category fishery. Overall, these preferred alternatives meet the goals and objectives of this action and are expected to have neutral to minor beneficial ecological, social, and economic impacts. NMFS did not develop alternatives for the regulatory clarifications of dealer activities on RFDs. The effects of these changes are primarily administrative and no environmental or economic effects are anticipated because NMFS would be clarifying existing regulations.

The proposed rule published in the Federal Register on February 23, 2024; the comment period is open through March 25, 2024.



Pursuant to 15 CFR 930.36(e), NMFS is providing one consistency determination that addresses the commonalities and differences of each state's enforceable policies. Pursuant to 15 CFR part 923 subparts (B) through (F), NMFS has reviewed the enforceable policies relevant to this action of each state along the Atlantic coast, Gulf of Mexico, and Caribbean. As described below, NMFS finds this action to be consistent with the following policies contained in each state's CZMP: uses subject to management, special management areas, boundaries, authorities and organizations, and public involvement and national interest. In addition, NMFS finds this action to be consistent to the maximum extent practicable with the enforceable policies to manage, preserve, and protect the coastal natural resources, including fish and wildlife, and to provide recreational opportunities through public access to waters off the coastal areas. Specifically, under these enforceable policies, this proposed action is intended to conserve and restore fish resources that occur in state waters by limiting catch and constraining fishing mortality, thereby promoting sustainable utilization.

Consistent with 15 CFR 930.41(a), NMFS requests that you review our consistency determination and accompanying information and advise us of your agreement or disagreement with our consistency determination within 60 days. Please refer to the subject line in your reply to this letter. In the event that there is no response from your agency within 60 days of receipt of this package, we will presume your agency's concurrence with our consistency determination. Please contact Larry Redd Jr., larry.redd@noaa.gov, or Karyl Brewster-Geisz, karyl.brewster-geisz@noaa.gov, at 301-427-8503 if you have any questions on the proposed action.

Sincerely,

Kelly Denit
Director, Office of Sustainable Fisheries
National Marine Fisheries Service