



April 16, 2026

Re: Federal Consistency Determination for a Proposed Rule on Pelagic and Demersal Indicator Species Regulations for Atlantic Highly Migratory Species (RIN 0648-BN27)

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 the Coastal Zone Management Act (CZMA) § 307(c) for a proposed rule to modify the regulations regarding pelagic and demersal (or bottom) indicator species in the Atlantic Highly Migratory Species (HMS) pelagic and bottom longline fisheries.

The purpose of this action is to increase fishing flexibilities, remove regulatory inefficiencies, and optimize the ability of pelagic and bottom longline fisheries to harvest available quotas to the extent practicable while still achieving fishery management and conservation goals for HMS pelagic and bottom longline fisheries. Specifically, we are proposing removal of the five-percent weight limit of pelagic and demersal indicator species and the indicator species lists from the HMS regulations. The preferred alternative would remove the current regulations at 50 CFR 635.21(c)(1)(i) and (d)(2) implementing a five-percent weight limit on the allowable amount of indicator species that pelagic longline and bottom longline vessels may possess or land when fishing in pelagic and bottom longline gear restricted areas. NMFS would also remove the pelagic and demersal indicator species lists (tables 2 and 3 of appendix A to 50 CFR part 635). The proposed rule published in the *Federal Register* on April 17, 2026. The comment period for the proposed rule is open until May 29, 2026.

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 America, 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 modify or remove inefficient and outdated regulations to allow HMS pelagic and bottom longline fishermen additional fishing flexibilities which may allow for some additional fishing opportunities for HMS and non-HMS pelagic and demersal species.

Consistent with 15 CFR 930.41(a), NMFS requests that, once you have received our consistency determination and accompanying information, you review this information in 60 days and advise us of your agreement or disagreement with our consistency determination. 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 determination of consistency. Please contact Larry Redd, Jr., larry.redd@noaa.gov, Carrie Soltanoff, carrie.soltanoff@noaa.gov, or Karyl Brewster-Geisz, karyl.brewster-geisz@noaa.gov, by phone at 301-427-8503 if you have any questions on the proposed action.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Denit".

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