



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

August 14, 2026

Re: Federal Consistency Determination for a Proposed Rule to Revise Atlantic Highly Migratory Species Regulations for Fishing Gear (RIN 0648-BN52)

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 that would consider options to: (1) revise buoy gear regulations to modify requirements for gear deployment and retrieval, authorize this gear under additional permits, and authorize the targeting of additional species, (2) revise speargun fishing gear regulations to authorize this gear under additional permits and to authorize the targeting of additional species, and (3) modify fishing gear regulations to allow possession and use of small nets and other gear commonly used for bait collection on Atlantic Highly Migratory Species (HMS) fishing vessels.

This action is necessary to be responsive to comments and suggestions received from the public and from HMS Advisory Panel members in response to a Notice of Availability of a scoping document which published on May 3, 2024 (89 FR 36763) regarding increasing flexibility in HMS fisheries. The proposed rule published in the *Federal Register* on August 14, 2026. The comment period for the proposed rule is open until October 13, 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 increase flexibility and remove inefficiencies in fisheries targeting HMS, while still achieving fishery management and conservation goals, thus increasing fishing opportunities and the ability of HMS fisheries to achieve optimum yield, and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act.

Consistent with 15 CFR 930.41(a), NMFS requests that, once you have received our consistency determination and accompanying information, you review this information within 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 Guy DuBeck, guy.dubeck@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,

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

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