



May 4, 2023

Dear Coastal Zone Program Coordinator:

This document provides your State Coastal Zone Management Program (CZMP) with the National Marine Fisheries Service (NOAA Fisheries) consistency determination under CZMA § 307(c) for a proposed rule to implement Amendment 15 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan.

In general, Amendment 15 considers ways to modify, collect data, and assess areas that are currently closed to commercial pelagic longline or bottom longline fishing. Amendment 15 considers modifications to the boundaries and/or timing of existing closed areas based on delineation of high- and low-bycatch risk areas that were identified using a new spatial modeling tool, HMS Predictive Spatial Modeling (PRiSM). Additionally, Amendment 15 considers data collection programs in the high- and low-bycatch risk areas. Amendment 15 also would provide for regular and as-needed review of areas to identify whether conservation and management goals are being met. In addition, Amendment 15 would provide factors to consider during review of areas, which address the high-level design elements of specific objectives, data collection and access, and the timing of continued evaluation of these, or any future, spatial management areas. Lastly, Amendment 15 considers a cost allocation program to transfer 100 percent of the HMS pelagic longline electronic monitoring sampling costs to the industry, over a 3-year phased in period, while NOAA Fisheries remains responsible for administrative costs.

After extensive review of available management measures, NOAA Fisheries has determined that the preferred alternative packages in conjunction with the existing management measures achieve the best balance of objectives to: (1) use spatial management tools to minimize bycatch and bycatch mortality, to the extent practicable, while also optimizing fishing opportunities for U.S. fishing vessels; (2) develop methods of collecting target and non-target species occurrence and catch rate data from HMS spatial management areas for the purpose of assessing area performance; (3) broaden the considerations for the use of spatial management areas as a fishery management tool, including to provide flexibility to account for the highly variable nature of HMS and their fisheries, manage user conflicts, facilitate collection of information, address the need for regular evaluation and performance review, plan for climate resilience, and address environmental justice; (4) evaluate the effectiveness of existing HMS spatial management areas, and if warranted, modify them to achieve an optimal balance of ecological, social, and economic benefits and costs; (5) modify the HMS electronic monitoring program as necessary to augment spatial management and address the requirements of relevant NOAA Fisheries policies regarding electronic monitoring. A number of alternatives that were considered and/or commented on during the development of this action are not preferred because they would not meet the objectives of the amendment, would not be logistically or administratively feasible, are not scientifically supportable, and/or they would result in other unnecessary, negative impacts.

Pursuant to 15 CFR 930.36 (e), NOAA Fisheries is providing one consistency determination that addresses the commonalities and differences of each state's enforceable policies. Pursuant to 15



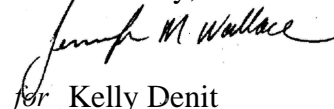
CFR part 923 Subparts (B) through (F), NOAA Fisheries has reviewed the enforceable policies relevant to this action of each state along the Atlantic coast, Gulf of Mexico, and Caribbean. As described below, NOAA Fisheries finds this action to be consistent with the following policies contained in each state's Coastal Zone Management Program: uses subject to management, special management areas, boundaries, authorities and organizations, and public involvement and national interest. In addition, NOAA Fisheries 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 each state's waters by more efficiently protecting bycatch through spatial management measures while continuing to meet conservation and management goals, including preventing overfishing.

The Draft EIS supporting this proposed rule, which supports the conclusion of consistency with each state's enforceable coastal zone management policies, can be found at:

<https://www.fisheries.noaa.gov/action/amendment-15-2006-consolidated-hms-fishery-management-plan-spatial-management-EM>, and hard copies are available upon request. The proposed rule published in the *Federal Register* on May 05, 2023. The comment period for the proposed rule is open until September 15, 2023.

Consistent with 15 CFR 930.41(a), NOAA Fisheries 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, NOAA Fisheries will presume your agency's concurrence with our determination of consistency. Please contact Steve Durkee (301-427-8503) or Larry Redd, Jr. (301-427-8503) of my staff if you have any questions on the proposed action.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kelly M. Wallace".

for Kelly Denit

Director, Office of Sustainable Fisheries  
National Marine Fisheries Service