



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13<sup>th</sup> Avenue South  
St. Petersburg, Florida 33701-5505  
<https://www.fisheries.noaa.gov/region/southeast>

06/07/2023

F/SER25:NM

Ashley R. Norton, Ph.D.  
Delaware Coastal Programs  
Dept. of Natural Resources and Environmental Control  
100 W. Water Street, Suite 7B  
Dover, Delaware 19904

Dear Dr. Norton:

This is to advise you of a proposed federal action by NOAA's National Marine Fisheries Service (NMFS) on the consistency of such action with the provisions of your state's Coastal Zone Management Program (CZMP) in accordance with the Coastal Zone Management Act (CZMA). Pursuant to the action requested by the South Atlantic Fishery Management Council, NMFS would promulgate a new rule to implement the Comprehensive Acceptable Biological Catch (ABC) Control Rule Amendment. The Comprehensive ABC Control Rule Amendment would modify the ABC control rules, allow phase-in of ABC changes, allow carry-over of unharvested portion of the annual catch limit (ACL), and modify framework procedures to implement carry-overs of ACLs when allowed, for the Fishery Management Plans for the Snapper-Grouper Fishery of the South Atlantic Region, Dolphin and Wahoo Fishery of the Atlantic, and Golden Crab Fishery of the South Atlantic Region. The intent of the amendment is to incorporate scientific uncertainty and management risk, modify the approach used to determine the acceptable risk of overfishing, and prioritize the use of stock rebuilding plans for overfished stocks. The Comprehensive ABC Control Rule Amendment would base conservation and management measures on the best scientific information available, particularly in accordance with 2020 NMFS guidance on carry-over and phase-in provisions, and increase net benefits to the Nation, consistent with the Magnuson-Stevens Fishery Conservation and Management Act and its National Standards.

The Comprehensive ABC Control Rule Amendment can be found at: <https://www.fisheries.noaa.gov/action/comprehensive-acceptable-biological-catch-abc-control-rule-amendment-revisions-abc-control>.

This letter is submitted pursuant to provisions of 15 CFR Section 930 *et seq.* and Section 307 of the CZMA of 1972, as amended. We have reviewed the proposed action with regard to the provisions of your state's CZMP and determined this action is consistent to the maximum extent practicable with the enforceable policies of that program. We are requesting you advise us of your agreement or disagreement with our determination in accordance with the provisions of 15 CFR Section 930.39. In the event there is no response from your agency within 60 days of receipt of this letter, we will presume your agency's concurrence with our determination of consistency in accordance with 15 CFR Section 930.41.

We appreciate your consideration, and if you have any questions, please call Nikhil Mehta at (727) 551-5098 or email him at [nikhil.mehta@noaa.gov](mailto:nikhil.mehta@noaa.gov).

Sincerely,

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John C. McGovern, Ph.D.  
Assistant Regional Administrator

cc: Jennifer L. Holmes

