



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

F/SER25:JH

Mr. Tancred Miller
Division of Coastal Management
Department of Environmental and Natural Resources
400 Commerce Avenue
Morehead City, North Carolina 28557

Dear Mr. Miller:

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 Regulatory Amendment 36 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Regulatory Amendment 36). Regulatory Amendment 36 would revise the recreational vessel limits for gag and black grouper and revise stowage requirements for on-demand black sea bass pots while transiting marine protected areas and spawning special management zones with snapper-grouper species onboard.

Regulatory Amendment 36 can be found at <https://www.fisheries.noaa.gov/action/regulatory-amendment-36-fishery-management-plan-snapper-grouper-fishery-south-atlantic>.

NMFS has reviewed the amendment and evaluated it based on the relevant, enforceable policies of the North Carolina CZMP. Section 15A NCAC 07 H .0206 of North Carolina's administrative code states the management objective for estuarine waters is "To conserve and manage the important features of estuarine waters so as to safeguard and perpetuate their biological, social, aesthetic, and economic values; to coordinate and establish a management system capable of conserving and utilizing estuarine waters so as to maximize their benefits to man and the estuarine and ocean system." NMFS determines the actions proposed in the rule are consistent, to the maximum extent practicable, with this management objective.

Section 15A NCAC 07 H .0207 states the management objective for public trust areas is, "To protect public rights for navigation and recreation and to conserve and manage the public trust areas so as to safeguard and perpetuate their biological, economic, and aesthetic value." NMFS concludes the actions proposed in the rule are consistent, to the maximum extent practicable, with this management objective.

We are requesting you advise us of your agreement or disagreement with our determination in accordance with the provisions of 15 C.F.R. Section 930, Subpart C "Consistency for Federal Agency Activities". 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 C.F.R. Section 930.41. We appreciate your consideration, and if you have



any questions, please call Jackson Hooten at (301) 728-6628 or email him at jackson.hooten@noaa.gov.

Sincerely,

Heather Blough
Acting Assistant Regional Administrator for
Sustainable Fisheries

cc: Daniel Govoni
Trish Murphey