



April 8, 2022

Re: Federal Consistency Determination for a Proposed Rule to Modify the Retention Limit of Shortfin Mako Sharks - RIN 0648-BL17

Dear Coastal Zone Program Manager:

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 this proposed rule that would adopt management measures implementing a 2021 International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendation prohibiting retention of North Atlantic shortfin mako sharks caught in association with ICCAT fisheries in 2022 and 2023 (Recommendation 21-09). Limited retention of shortfin mako sharks may be allowed in 2023 and future years if ICCAT determines that fishing mortality is at a low enough level North Atlantic-wide to allow retention consistent with the conservation objectives of the recommendation. This action proposes implementing a flexible shortfin mako shark retention limit with a default of zero in commercial and recreational highly migratory species (HMS) fisheries, considering several alternatives. Changes to the retention limit could only be made based on existing regulatory criteria and only if consistent with an allowable retention determination made by ICCAT pursuant to Recommendation 21-09. Research and sampling of shortfin mako sharks would be allowed on a case-by-case basis under exempted fishing permits and scientific research permits.

This action is necessary to implement Recommendation 21-09 as authorized under the Atlantic Tunas Convention Act, and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act. The proposed rule publishes in the Federal Register on April 11, 2022. The comment period for the proposed rule is open until May 11, 2022.

Pursuant to 15 CFR part 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 for 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 CZMP: 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 state waters by limiting catch and constraining fishing mortality, thereby promoting sustainable utilization.



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, we will presume your agency's concurrence with our determination of consistency. Please contact Carrie Soltanoff of my staff at [carrie.soltanoff@noaa.gov](mailto:carrie.soltanoff@noaa.gov) or 301-427-8503 if you have any questions on the proposed action.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer M. Wallace".

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