



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>

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Ms. Jennifer Wittmann, Director
Mississippi Coastal Program
Department of Marine Resources
1141 Bayview Avenue, Suite 101
Biloxi, Mississippi 39530

Dear Ms. Wittmann:

This is to advise you of a proposed federal action and the conclusion of 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). The Gulf of Mexico Fishery Management Council (Council) is developing long-term measures to reduce catch levels and NMFS expects to implement those measures in the first half of 2023. The recreational fishing year is from August 1 through July 31, spanning two calendar years, and the anticipated reduction in recreational catch limit would apply to the August 2022/July 2023 fishing year. In anticipation of the reduction in the catch limits, the Council, requested that NMFS take emergency action to reduce the Gulf of Mexico recreational greater amberjack fishing season to be open only for the months of September and October in 2022, rather than August through October in 2022 and May in 2023. The Council considers this change necessary in response to the recently discovered circumstances, which present serious conservation issues to the stock if the current fixed closed season were to occur in the 2022/2023 fishing year. Current regulations would likely allow recreational greater amberjack landings to exceed a proposed annual catch limit such that the overage could not totally be paid back in the following year. The failure to reduce overfishing and mitigate for the entire overage of recreational harvest that is projected to occur under the current fixed closed season is expected to result in negative biological effects and possibly not allow the season to open in the 2023/2024 fishing year or the stock to meet its rebuilding timeline of 2027.

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. In accordance with the provisions of 15 CFR Section 930.41, we are requesting you advise us of your agreement or disagreement with our determination. NMFS is aware of the requirement to provide CZMA determinations to state agencies at least 90 days before final approval of the federal activity under 15 CFR Section 930.41(a) of the CZMA; however, if the action is approved by the Secretary of Commerce, the intent is to implement the action in the emergency rule by August 1, 2022. Therefore, due to the exigent circumstances of the emergency action and in accordance with the provisions of 15 CFR Section 930.32(b) and 930.41(c), NMFS is requesting that an expedited review of this CZMA determination be completed as soon as possible, but no later than July 13, 2022. Undertaking the full consistency review process would not allow NMFS to change the recreational fishing season



as required to reduce overfishing and as requested by the Council. Thus, it will be necessary to move forward with this action even if we do not receive a response by July 13, 2022

If you have any questions, please call Ms. Kelli O'Donnell at (727) 824-5305 or e-mail her at Kelli.ODonnell@noaa.gov.

Sincerely,

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

cc: Willa Brantley
Joe Spraggins