



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
(727) 824-5305; FAX (727) 824-5308
<http://www.sero.nmfs.noaa.gov>

APR 27 2009

F/SER25: KG

Ms. Lauren Milligan
Florida State Clearinghouse
Department of Environmental Protection
3900 Commonwealth Boulevard
Douglas Building, Mail Station 47
Tallahassee, Florida 32399-3000

Dear Ms. Milligan:

This is to advise the state of Florida of a proposed federal action and the conclusion of NOAA Fisheries Service on the consistency of such action with the provisions of Florida's Coastal Zone Management Program (CZMP) pursuant to the Coastal Zone Management Act (CZMA).

NOAA Fisheries Service informed the South Atlantic Fishery Management Council (Council) in July 2008, the South Atlantic red snapper stock is undergoing overfishing and is in an overfished condition. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires the Council to prepare a plan amendment or proposed regulations within one year of receiving notification of overfishing. In response to this notification, the Council began preparing Amendment 17 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 17) which includes an alternative to rebuild the red snapper stocks and end overfishing of the subject species. However, the actions proposed in Amendment 17, if approved by the Secretary of Commerce, will not be implemented until early 2010.

At its March 2009 meeting, the Council voted to address overfishing of red snapper with the implementation of an interim rule pursuant to section 304(e) of the Magnuson-Stevens Act. In a letter dated March 23, 2009, the Council requested a prohibition on harvest and possession of red snapper through an interim rule. The interim rule will immediately address overfishing of red snapper while permanent management measures can be developed in Amendment 17.

The interim rule would implement a recreational and commercial closure for the harvest and possession of red snapper for the duration of the interim rule (180 days), with the possibility of extending the interim rule for another 186 days, as per section 305(c)(3) of the Magnuson-Stevens Act. The provisions of the interim rule, with respect to federally permitted vessels, would apply regardless of where the fish are harvested (i.e., state or federal waters).

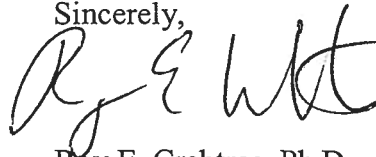


Enclosed is a copy of an environmental assessment prepared for this proposed action which describes the action, alternatives and environmental consequences.

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 Florida'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. To ensure timely implementation of this interim rule, we respectfully request that you expedite your review of this CZMA consistency determination and reply within 30 days of your receipt of this letter.

Please notify Ms. Karla Gore if this time frame is acceptable. If you have any questions, please call Ms. Gore at (727) 551-5753 or email her at Karla.Gore@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy E. Crabtree". The signature is fluid and cursive, with the first name "Roy" being the most prominent.

Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosure



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APR 27 2009

F/SER25:KG

Ms. Kelie Moore
Coastal Zone Management Program
Georgia Department of Natural Resources
One Conservation Way, Suite 300
Brunswick, Georgia 31520-8687

Dear Ms. Moore:

This is to advise the state of Georgia of a proposed federal action and the conclusion of NOAA Fisheries Service on the consistency of such action with the provisions of Georgia's Coastal Zone Management Program (CZMP) pursuant to the Coastal Zone Management Act (CZMA).

NOAA Fisheries Service informed the South Atlantic Fishery Management Council (Council) in July 2008 the South Atlantic red snapper stock is undergoing overfishing and is in an overfished condition. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires the Council to prepare a plan amendment or proposed regulations within one year of receiving notification of overfishing. In response to this notification, the Council began preparing Amendment 17 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 17) which includes an alternative to rebuild the red snapper stocks and end overfishing of the subject species. However, the actions proposed in Amendment 17, if approved by the Secretary of Commerce, will not be implemented until early 2010.

At its March 2009 meeting, the Council voted to address overfishing of red snapper with the implementation of an interim rule pursuant to section 304(e) of the Magnuson-Stevens Act. In a letter dated March 23, 2009, the Council requested a prohibition on harvest and possession of red snapper through an interim rule. The interim rule will immediately address overfishing of red snapper while permanent management measures can be developed in Amendment 17.

The interim rule would implement a recreational and commercial seasonal closure for the duration of the interim rule (180 days), with the possibility of extending the interim rule for another 186 days, as per Section 305(c)(3) of the Magnuson-Stevens Act. The provisions of the interim rule, with respect to federally permitted vessels, would apply regardless of where the fish are harvested (i.e., state or federal waters).

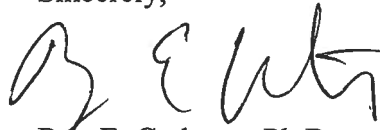


Enclosed is a copy of an environmental assessment prepared for this proposed action which describes the action, alternatives and environmental consequences.

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 Georgia'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. To ensure timely implementation of this interim rule, we respectfully request that you expedite your review of this CZMA consistency determination and reply within 30 days of your receipt of this letter.

Please notify Ms. Karla Gore if this time frame is acceptable. If you have any questions, please call Ms. Gore at (727) 551-5753 or email her at Karla.Gore@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy E. Crabtree". The signature is fluid and cursive, with the first name "Roy" being the most prominent.

Roy E. Crabtree, Ph.D.
Regional Administrator

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APR 27 2009

F/SER25: KG

Mr. Steve Rynas
Division of Coastal Management
North Carolina Department of
Environmental and Natural Resources
400 Commerce Avenue
Morehead City, North Carolina 28557-3421

Dear Mr. Rynas:

This is to advise the state of North Carolina of a proposed federal action and the conclusion of NOAA Fisheries Service on the consistency of such action with the provisions of North Carolina's Coastal Zone Management Program (CZMP) pursuant to the Coastal Zone Management Act (CZMA).

NOAA Fisheries Service informed the South Atlantic Fishery Management Council (Council) in July 2008 the South Atlantic red snapper stock is undergoing overfishing and is in an overfished condition. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires the Council to prepare a plan amendment or proposed regulations within one year of receiving notification of overfishing. In response to this notification, the Council began preparing Amendment 17 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 17) which includes an alternative to rebuild the red snapper stocks and end overfishing of the subject species. However, the actions proposed in Amendment 17, if approved by the Secretary of Commerce, will not be implemented until early 2010.

At its March 2009 meeting, the Council voted to address overfishing of red snapper with the implementation of an interim rule pursuant to section 304(e) of the Magnuson-Stevens Act. In a letter dated March 23, 2009, the Council requested a prohibition on harvest and possession of red snapper through an interim rule. The interim rule will immediately address overfishing of red snapper while permanent management measures can be developed in Amendment 17.

The interim rule would implement a recreational and commercial seasonal closure for the duration of the interim rule (180 days), with the possibility of extending the interim rule for another 186 days, as per Section 305(c)(3) of the Magnuson-Stevens Act. The provisions of the interim rule, with respect to federally permitted vessels, would apply regardless of where the fish are harvested (i.e., state or federal waters).



Enclosed is a copy of the environmental assessment prepared for this interim rule which describes the action, alternatives and environmental consequences of the proposed action.

NOAA Fisheries Service has reviewed the interim rule, and evaluated it based on the relevant, enforceable policies of the North Carolina CZMP, such as, but not limited to, sections 15A NCAC 07 H .0206 and 15A NCAC 07 H .0207 of North Carolina's Administrative Code.

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."

While the interim rule may have short term negative economic impacts, in the long term it is expected to have positive biological and economic impacts for the state of North Carolina by addressing overfishing of red snapper. For this reason, NOAA Fisheries Service determines the closure of the commercial and recreational red snapper fishery for 180 days is consistent to the maximum extent practicable with North Carolina's management objective as noted in Section 15A NCAC 07 H .0206 of the State's administrative code.

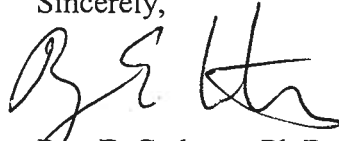
Section 15 A NCAC 07 11 .0207 of North Carolina's administrative code states that the management objective for public trust areas is "To protect public rights for navigation and recreation and to conserve and manage the public trust areas so as to safeguard and perpetuate their biological, economic, and aesthetic value."

While the interim rule may have short term negative economic impacts, in the long term it is expected to have positive biological and economic impacts for the state of North Carolina by addressing overfishing of red snapper. For this reason, NOAA Fisheries Service determines that the 180 day closure to address overfishing of red snapper is not only consistent with this management objective, but is critical to achieving it.

This letter is submitted pursuant to provisions of 15 CFR Section 930 *et seq.* and Section 307 of the CZMA of 1972, as amended. 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. To ensure timely implementation of this interim rule, we respectfully request that you expedite your review of this CZMA consistency determination and reply within 30 days of your receipt of this letter.

Please notify Ms. Karla Gore if this time frame is acceptable. If you have any questions, please call Ms. Gore at (727) 551-5753 or email her at Karla.Gore@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roy E. Crabtree', written in a cursive style.

Roy E. Crabtree, Ph.D.
Regional Administrator

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F/SER25:KG

Ms. Barbara Neale
Office of Ocean and Coastal
Resource Management
South Carolina Department of
Health and Environmental Control
1362 McMillian Ave, Suite 400
Charleston, South Carolina 29405-2029

Dear Ms. Neale:

This is to advise the state of South Carolina of a proposed federal action and the conclusion of NOAA Fisheries Service on the consistency of such action with the provisions of South Carolina's Coastal Zone Management Program (CZMP) pursuant to the Coastal Zone Management Act (CZMA).

NOAA Fisheries Service informed the South Atlantic Fishery Management Council (Council) in July 2008 the South Atlantic red snapper stock is undergoing overfishing and is in an overfished condition. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires the Council to prepare a plan amendment or proposed regulations within one year of receiving notification of overfishing. In response to this notification, the Council began preparing Amendment 17 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 17) which includes an alternative to rebuild the red snapper stocks and end overfishing of the subject species. However, the actions proposed in Amendment 17, if approved by the Secretary of Commerce, will not be implemented until early 2010.

At its March 2009 meeting, the Council voted to address overfishing of red snapper with the implementation of an interim rule pursuant to section 304(e) of the Magnuson-Stevens Act. In a letter dated March 23, 2009, the Council requested a prohibition on harvest and possession of red snapper through an interim rule. The interim rule will immediately address overfishing of red snapper while permanent management measures can be developed in Amendment 17.

The interim rule would implement a recreational and commercial seasonal closure for the duration of the interim rule (180 days), with the possibility of extending the interim rule for another 186 days, as per Section 305(c)(3) of the Magnuson-Stevens Act. The provisions of the



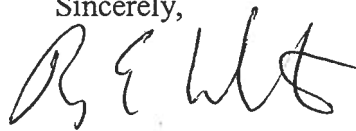
interim rule, with respect to federally permitted vessels, would apply regardless of where the fish are harvested (i.e., state or federal waters).

Enclosed is a copy of an environmental assessment prepared for this proposed action which describes the action, alternatives and environmental consequences.

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 South Carolina'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. To ensure timely implementation of this interim rule, we respectfully request that you expedite your review of this CZMA consistency determination and reply within 30 days of your receipt of this letter.

Please notify Ms. Karla Gore if this time frame is acceptable. If you have any questions, please call Ms. Gore at (727) 551-5753 or email her at Karla.Gore@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "R. E. Crabtree". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Roy E. Crabtree, Ph.D.
Regional Administrator

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APR 27 2009

F/SER25:KG

Lieutenant Commander Tim Brown, USCG
United States Coast Guard District 5
431 Crawford Street
Portsmouth, Virginia 23704

Dear Commander Brown:

NOAA Fisheries Service informed the South Atlantic Fishery Management Council (Council) in July 2008, the South Atlantic red snapper stocks are undergoing overfishing and is in an overfished condition.

At its March 2009 meeting, the Council voted to address overfishing of red snapper with the implementation of an interim rule pursuant to section 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). In a letter dated March 23, 2009, the Council requested a prohibition on harvest and possession of red snapper through an interim rule. The proposed interim rule will immediately address overfishing of red snapper while permanent management measures can be developed and implemented in Amendment 17 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 17). The interim rule was requested because actions in Amendment 17, if approved by the Secretary of Commerce, will not be implemented until early 2010.

The interim rule would implement a recreational and commercial seasonal closure for the duration of the interim rule (180 days) with the possibility of extending the interim rule for another 186 days. The provisions of the interim rule, with respect to federally permitted vessels, would apply regardless of where the fish are harvested (i.e., state or federal waters).

Enclosed is a copy of an environmental assessment prepared for this proposed action which describes the action, alternatives, and environmental consequences.

Please contact Karla Gore at (727) 551-5753 or at Karla.Gore@noaa.gov if you have any comments or questions.

Sincerely,

Roy E. Crabtree, Ph.D.
Regional Administrator

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APR 27 2009

F/SER25:KG

Lieutenant Brian Sullivan, USCG
United States Coast Guard District 7
909 Southeast Avenue
Miami, Florida 33131

Dear Lieutenant Sullivan:

NOAA Fisheries Service informed the South Atlantic Fishery Management Council (Council) in July 2008, the South Atlantic red snapper stock is undergoing overfishing and is in an overfished condition.

At its March 2009 meeting, the Council voted to address overfishing of red snapper with the implementation of an interim rule pursuant to section 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act. In a letter dated March 23, 2009, the Council requested a prohibition on harvest and possession of red snapper through an interim rule. The interim rule will immediately address overfishing of red snapper, while permanent management measures can be developed and implemented in Amendment 17 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 17). The proposed interim rule was requested because actions in Amendment 17, if approved by the Secretary of Commerce, will not be implemented until early 2010.

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Enclosed is a copy of an environmental assessment prepared for this proposed action which describes the action, alternatives and environmental consequences.

Please contact Karla Gore at (727) 551-5753 or at Karla.Gore@noaa.gov if you have any comments or questions.

Sincerely,

Roy E. Crabtree, Ph.D.
Regional Administrator

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