Mr. Matthew Maraglio  
Office of Planning, Development, & Community Infrastructure  
New York Department of State  
One Commerce Plaza  
Albany, NY 12231-0001

RE: Federal Consistency Determination for the Omnibus Deep-Sea Coral Amendment

Dear Mr. Maraglio:

We wish to advise the state of New York of a Federal action and the determination of NOAA’s National Marine Fisheries Service (NMFS) regarding the consistency of this action with the enforceable policies of the New York Coastal Zone Management Plan (CZMP).

The purpose of the Omnibus Deep-Sea Coral Amendment is to implement measures that reduce impacts of fishing gear on deep-sea corals in the Gulf of Maine and on the outer continental shelf. This action would prohibit the use of mobile bottom-tending gear in two areas in the Gulf of Maine (Mount Desert Rock and Outer Schoodic Ridge) and would prohibit the use of all gear (with an exception for red crab pots) along the outer continental shelf in waters no shallower than 600 meters.

This action is an omnibus amendment and would affect several commercial fisheries operating in these areas using bottom-tending fishing gear (i.e., bottom trawls, dredges, bottom longlines, sink gillnets, or pots/traps). Because the deep-sea red crab fishery operates entirely in this offshore environment and red crab do not exist in shallower waters, the deep-sea red crab fishery would be exempt from the restrictions on bottom-tending commercial fishing gear in this action.

Pursuant to provisions of 15 CFR 930 et seq. and section 307 of the Coastal Zone Management Act of 1972, as amended, I have preliminarily determined that the Omnibus Deep-Sea Coral Amendment is authorized by the Magnuson-Stevens Fishery and Conservation Act, and is consistent to the maximum extent practicable with the enforceable policies of your state’s CZMP. In accordance with the provisions of 15 CFR 930.41, I request that you advise me of your concurrence with, or objection to, my determination within 60 days of your receipt of this letter and supporting information described below. If I do not receive a letter of concurrence or objection within this time frame, consistent with § 930.41(a), I will presume that you concur with my preliminary consistency determination.

Thank you for your assistance and cooperation with this matter. For copies of the Environmental Assessment (EA) for the Omnibus Deep-Sea Coral Amendment please visit the New England Fishery Management Council’s website at:

https://www.nefmc.org/library/omnibus-deep-sea-coral-amendment
The EA describes the action in detail, the alternatives, and the impacts of the proposed and alternative measures. We expect to publish a rule proposing the Omnibus Deep-Sea Coral Amendment implementing regulations in the Federal Register during summer 2019. If you have any questions regarding this action, please contact Travis Ford in the Greater Atlantic Regional Fisheries Office, Sustainable Fisheries Division, at 978-281-9233 or travis.ford@noaa.gov.

Sincerely,

[Signature]

Michael Pentony
Regional Administrator

Cc: Ms. Kisha Santiago-Martinez, Deputy Secretary of State