



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
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June 11, 2026

Ms. Juanet S. Sablan, Acting Director
Division of Coastal Resources Management
Bureau of Environmental and Coastal Quality
P.O. Box 501304, Saipan, MP 96950

Attention: Federal Consistency Contact

Dear Ms. Sablan:

The National Marine Fisheries Service (NMFS) is preparing a proposed rule to carry out the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention). The rule would update our regulations pertaining to U.S. fisheries (i.e., the purse seine fishery, the Hawaii deep-set and shallow-set longline fisheries, the American Samoa longline fishery, and the albacore troll fisheries) operating within the Convention Area.

This action would bring U.S. regulations into compliance with 12 specific provisions from 4 recent WCPFC Conservation and Management Measures (CMMs): 1 provision on the process to adjust catch and effort limits in the longline fisheries and 1 provision on non-entangling fish aggregating device (FAD) design requirements in the purse seine fishery (from CMM 2025-02), 4 provisions on purse seine restrictions for cetaceans (from CMM 2024-07), 4 provisions on shark bycatch mitigation in the longline fisheries (from CMM 2025-06), and 2 provisions on daily catch and effort reporting requirements for all fisheries (from CMM 2022-06). The proposed rule would also include one additional NMFS-initiated purse seine daily effort reporting requirement. Therefore, the proposed action would consist of the implementation of 13 elements.

Pursuant to section 307 of the Coastal Zone Management Act (33 U.S.C. 1456(c)(1)(C)) NMFS has determined that the proposed action is consistent to the maximum extent practicable with the enforceable policies of the approved Coastal Zone Management Program of the Commonwealth of the Northern Mariana Islands. I have enclosed a consistency determination that includes the information required by 15 CFR 930.39, and request your review of and concurrence with our determination. Under regulations at 15 CFR 930.41(a), we may presume your concurrence if we do not receive your response within 60 days from receipt of this consistency determination.

If you have any questions or comments or you would like to review draft documents that provide information and analysis supporting this determination, please contact Lance Smith at 808-725-5131 or lance.smith@noaa.gov.



Sincerely,

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Sarah Malloy
Regional Administrator

Encl. CZMA Determination

Coastal Zone Management Act
Federal Consistency Determination

Agency: National Marine Fisheries Service (NMFS)

Relevant Authorities: The Coastal Zone Management Act of 1972, as amended (CZMA; 16 U.S.C. 1451 et seq.); CZMA Federal Consistency Regulations (15 CFR Part 930)

Determination: Consistent to the maximum extent practicable with the enforceable policies of the Commonwealth of the Northern Mariana Islands' Coastal Zone Management Program

Description of proposed activity: NMFS plans to issue a proposed rule to implement decisions by the Western and Central Pacific Fisheries Commission (WCPFC). The rule would be issued under the authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act; 16 U.S.C. 6901 *et seq.*). The Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention) governs fisheries for highly migratory species (HMS). The area of application of the Convention (i.e., Convention Area) is roughly the entire western and central Pacific Ocean (WCPO)¹, and includes an overlap area with the Inter-American Tropical Tuna Commission (IATTC). The WCPFC is the body charged with making the decisions needed to implement the provisions of the Convention. As a Contracting Party to the Convention, the United States is a member of the WCPFC. The U.S. Participating Territories to the Convention include American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI).

The action is the promulgation of a proposed rule to implement 12 provisions of 4 Conservation and Management Measures (CMMs) recently adopted by the WCPFC (CMM 2025-02, CMM 2024-07, CMM 2025-06 and CMM 2022-06) and 1 additional NMFS-initiated requirement. That is, the proposed action would bring U.S. regulations into compliance with the 12 CMM-based provisions, and also include 1 additional requirement. Therefore, the proposed action would consist of the implementation of the following 13 elements – 1 element on the process to adjust catch and effort limits in the longline fisheries, 1 element on non-entangling FAD design requirements in the purse seine fishery, 4 elements on purse seine restrictions for cetaceans, 4 elements on shark bycatch mitigation, 2 elements on daily catch and effort reporting requirements for all fisheries, and 1 element on additional purse seine daily effort reporting requirements. The proposed action is applicable to U.S. vessels used for commercial fishing for HMS on the high seas and EEZs in the Convention Area (i.e., the purse seine fishery, the Hawaii deep-set and shallow-set longline fisheries, the American Samoa longline fishery, and the albacore troll fisheries).

Two of the 13 action elements are procedural or administrative and would thus have no impact on the coastal environment. The element on the process to adjust catch and effort limits in the U.S. longline fisheries involves a procedural modification to 50 CFR 300.227 to simplify how adjustments are made to the codified WCPFC longline catch limits for bigeye tuna in the Convention Area. This change only affects the mechanism for implementing an existing limit

¹ Map of WCPFC and IATTC Convention Areas, including the overlap area
<https://www.fisheries.noaa.gov/resource/map/iattc-and-wcpfc-convention-area-map>

and does not alter fishing operations, gear, effort, location, or timing. In addition, of the four shark bycatch mitigation elements, the shark finning prohibition is an administrative formality because shark finning is already prohibited in the United States by the Shark Conservation Act of 2010, which was implemented by regulations at 50 CFR part 600, subpart N. As such, this element simply consists of adding a cross-reference to the regulations implementing the Shark Conservation Act to clarify that the existing regulations apply to vessel owners and operators fishing for tuna and tuna-like species in the Convention Area. Neither of these elements have any reasonably foreseeable effects on target or non-target species, protected resources, or the physical environment, and are therefore not analyzed further in this determination.

The remaining 11 elements may have reasonably foreseeable effects on fishing practices, target or non-target species, protected resources, or the physical environment. Only the daily reporting requirements (3 elements) apply to the overlap area². The other eight elements do not apply to the overlap area, as noted in each element description below. These 11 elements are described in more detail below.

Non-entangling FAD Design Requirements (1 element)

Under the proposed rule, NMFS would implement the FAD design requirements set forth in Paragraph 16 of CMM 2025-02. These requirements include: prohibiting the use of mesh on any part of the FAD, requiring only non-entangling materials and designs to be used if the raft is covered, and requiring non-entangling materials on any subsurface structure. These requirements would be implemented in a manner that is consistent with NMFS's implementation of the non-entangling FAD design requirements in Resolution C-23-04 of the IATTC, which manages tuna purse seine fisheries in the eastern Pacific Ocean (EPO). U.S. purse seine vessels sometimes fish in the WCPO and EPO on the same fishing trip, and FADs are known to drift from the EPO into the WCPO, so ensuring consistent FAD design requirements would enable NMFS to better implement and enforce both the WCPFC and IATTC decisions on FAD designs. This element of the proposed action would apply to all U.S. purse seine vessels used for commercial fishing for HMS on the high seas and EEZs in the Convention Area (excluding the overlap area).

Purse Seine Restrictions for Cetaceans (4 elements)

Under the proposed rule, NMFS would implement the requirements of CMM 2024-07, which includes the following four provisions: (1) prohibiting purse seine vessels from setting on a school of tuna associated with a cetacean if the animal is sighted prior to the commencement of the set; (2) requiring the safe release of any cetaceans unintentionally encircled by stopping the net roll and ceasing fishing operations until the animal is released and no longer as risk of recapture; (3) reporting of any unintentional cetacean encirclement incidents; and (4) requirement for vessel masters to follow WCPFC-adopted guidelines for safe handling and release of cetaceans. These elements of the proposed rule would apply to all U.S. purse seine

² In 2020, NMFS published a rule (85 FR 37376) specifying that all NMFS regulations implementing IATTC resolutions apply in the overlap area. NMFS regulations implementing WCPFC CMMs that place limits or restrictions on catch, fishing effort, or bycatch mitigation no longer apply in the overlap area. Accordingly, only the daily catch and effort and reporting provisions will apply in the overlap area; none of the other WCPFC CMMs listed above will apply in the overlap area.

vessels used for commercial fishing for HMS on the high seas and in EEZs in the Convention Area (excluding the overlap area).

Shark Bycatch Mitigation (3 elements)

The proposed rule would also implement three provisions of CMM 2025-06 for sharks. First, the proposed action would define the term shark to include all species of sharks, rays, skates and chimaeras (Class Chondrichthyes), thereby expanding the application of this definition to all shark-related requirements. The proposed rule would also prohibit longline vessels from using certain gear types and configurations, including wire trace material as leaders or branch lines and configuring branch lines running directly off the longline floats (shark lines). Additionally, the proposed rule would require fishing vessels to release all non-retained sharks as soon as possible after hauling them alongside the vessel for species identification, while considering crew and observer safety. Releases must follow these guidelines: (1) leave the shark in the water when possible; and (2) use a line cutter to cut the branch line as close to the hook as possible. These elements of the proposed action would apply to all U.S. longline vessels used for commercial fishing for HMS on the high seas and in EEZs in the Convention Area (excluding the overlap area).

Daily Catch and Effort Reporting Requirements (3 elements)

The proposed action would also implement provisions of CMM 2022-06 on daily catch and effort reporting. The proposed action would require new electronic reporting and submission requirements for longline, purse seine, troll and other vessel types that may fish on the high seas in the Convention Area, as well as require daily records of activity when on the high seas. Specifically, U.S. vessels that operate in the high seas would be required to complete an electronic log every day that it spends on the high seas of the Convention Area, including on days where no fishing operations occurred. Additionally, U.S. vessels that complete electronic logs would be required to submit these logs electronically within 15 days of the end of a trip, or where applicable, at the end of every transshipment event at sea. These elements of the proposed action would apply to all U.S. purse seine, longline, troll, and other U.S. vessels used for commercial fishing for HMS on the high seas in the Convention Area.

Additionally, the proposed action would modify the regulations at 50 CFR 300.218(g) to require U.S. purse seine vessel owners/operators to provide daily fishing effort reports (instead of only when directed by NMFS). This modification makes the Purse Seine Daily Effort Reports more timely, allowing NMFS to better track fishing effort limits, and it is intended to codify long-standing administrative practices where NMFS has previously used its authority to direct the fleet to provide such reports to ensure accurate monitoring of the fishery. This element of the proposed rule would apply to all U.S. purse seine vessels used for commercial fishing for HMS on the high seas and in EEZs in the Convention Area.

This element is being initiated by NMFS and is not based on a CMM. It is distinct from the daily catch and effort reporting requirements above mandated under CMM 2022-06. While both measures require the recording of daily data, they serve different management objectives: CMM 2022-06 is a scientific data collection tool requiring submission within 15 days of the end of a trip for stock assessment and compliance auditing. In contrast, the daily effort reports

required under 50 CFR 300.218(g) function as a near real-time monitoring tool for NMFS fishery managers.

Expected coastal effects: Of the 13 elements included in the proposed rule, 11 elements involve management measures—most notably the transition to fully non-entangling FAD designs and enhanced protective measures for cetaceans and sharks—that have reasonably foreseeable effects on marine resources. As analyzed below, these effects are expected to be exclusively beneficial and will occur primarily in offshore pelagic waters, providing positive benefits to highly migratory species that frequent CNMI’s coastal zone. The affected U.S. fisheries (i.e., the purse seine fishery, the Hawaii deep-set and shallow-set longline fisheries, the American Samoa longline fishery, and the albacore troll fisheries in the Convention Area) operate exclusively in offshore pelagic waters, well outside CNMI’s coastal zone. These fisheries utilize gear suspended in the upper water column, which does not contact the bottom. Consequently, NMFS has determined that the proposed action lacks the proximity and mechanism to exert direct effects on the resources of CNMI’s coastal zone.

The proposed action is expected to provide conservation benefits to non-target stocks (such as sharks) and protected species (cetaceans, sea turtles, ESA-listed sharks, seabirds), by reducing FAD entanglement, purse seine encirclement, and longline bycatch. To the extent these highly migratory species transition through or occur in CNMI’s coastal zone, the rule will likely have beneficial effects on the territory’s marine resources.

The proposed action focuses on technical gear modifications that are designed to minimize the entanglement of non-target species without compromising fishing efficiency. Our analysis indicates these design requirements do not significantly impact the catch rates or stock status of target species. Because there are no projected changes to fishing effort or patterns, there is no potential for the proposed action to result in effects on fishery target species within CNMI’s coastal zone. This ensures the proposed action remains fully consistent with the territory’s objectives for the long-term sustainable management of marine resources.

Consistency evaluation: The policies and objectives of the CNMI’s Coastal Zone Management Program, as set forth in the Coastal Resources Management Act of 1983 (Pub. L. No. 3-47, Third Northern Marianas Commonwealth Legislature, 1982), promote the sustainable development and use of marine and coastal resources.

As discussed above, NMFS’s implementation of this rule will not result in any effects to CNMI’s coastal zone. Any potential effects of this action on non-target stocks or protected species within the coastal zone are expected to be exclusively beneficial. Furthermore, the primary objective of the proposed action—to conserve WCPO target stocks—directly aligns with the policies of CNMI’s Coastal Zone Management Program regarding the sustainable management of marine resources. Because this action implements mandatory international management measures, it reinforces shared territory and federal goals for long-term marine ecosystem health. Thus, NMFS determines that this activity is consistent to the maximum extent practicable with the enforceable policies of CNMI’s Coastal Zone Management Program.