



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
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November 18, 2019

Ms. Janice E. Castro
Director
Division of Coastal Resources Management
CNMI Bureau of Environmental and Coastal Quality
Tekken St., Susupe and Gualo Rai Center, Suite 201F
P.O. Box 10007
San Jose, Saipan, MP 96950

Dear Ms. Castro:

The National Marine Fisheries Service (NMFS) will propose an annual catch limit (ACL) and accountability measure (AM) for 2019 for bottomfish in the Commonwealth of the Northern Mariana Islands (CNMI). The proposed ACL and AM implement the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, in accordance with the procedures described in the Fishery Ecosystem Plan for the Mariana Archipelago and implementing Federal regulations at 50 CFR 665.

Pursuant to section 307 of the Coastal Zone Management Act (33 U.S.C. 1456(c)(1)(C)), I have determined that the proposed action is consistent to the maximum practicable with the enforceable policies of the approved Coastal Zone Management Program of the CNMI. I have enclosed a consistency determination that includes the information required by 15 CFR 930.39, and request your concurrence with our determination. Please contact Brett Schumacher at our office at 808-725-5185 or brett.schumacher@noaa.gov if you have any questions or need any additional information.

Sincerely,

Michael D. Tosatto
Regional Administrator

Encl.



Coastal Zone Management Act Federal Consistency Determination

Agency: National Marine Fisheries Service (NMFS)

Relevant Authorities: The Coastal Zone Management Act of 1972 (CZMA, 16 U.S.C. 1451, et seq.); CZMA Federal Consistency Regulations (15 CFR Part 930); Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act, 16 U.S.C. 1801, et seq.)

Determination: Consistent to the maximum extent practicable with the enforceable policies of CNMI's Coastal Zone Management Program

Description of proposed activity: The National Marine Fisheries Service (NMFS) proposes to implement an annual catch limit (ACL) and accountability measure (AM) for the multi-species bottomfish stock complex in the CNMI for 2019, as recommended by the Western Pacific Fishery Management Council (Council). The proposed ACL and AM implement the requirements of the Magnuson-Stevens Act in accordance with the procedures described in the Fishery Ecosystem Plan for the Mariana Archipelago (Marianas FEP) and implementing Federal regulations at 50 CFR 665.

The proposed management measures were developed at public meetings, and the Council recommended the ACL and AM using the best available scientific information for the subject fishery, and in consideration of the risk of overfishing, past fishery performance, the acceptable biological catch recommendation from its Scientific and Statistical Committee, and input from the public. The proposed action would not create any new requirements, and there is no in-season restriction (e.g., fishery closure) proposed to prevent the fishery from exceeding an ACL. Therefore, fishing for CNMI bottomfish would not be constrained during the 2019 fishing year, and the action would not affect local enforcement activities. The action would also not modify associated fishery monitoring programs.

The current fishing year began January 1, 2019, and will end December 31, 2019. The proposed ACL of 228,000 lb and post-season AM for CNMI bottomfish are identical to the management measures NMFS specified for the 2017 fishing year. NMFS did not specify an ACL or AM for 2018, during which time NMFS and the Council developed a rule and amendment to the Marianas FEP to reclassify certain management unit species (MUS) as ecosystem component species (ECS), which do not require ACLs and AMs. Although some bottomfish MUS were reclassified as ECS pursuant to this rule (February 8, 2019; 82 FR 2767), the most recent stock assessment was from 2016, predates this rule and includes all bottomfish species as part of the multi-species bottomfish stock complex. Catch levels in the assessment were calculated for the complex as a whole, and component species cannot be separated to calculate an ACL for bottomfish remaining as MUS. A new assessment for only bottomfish MUS, which excludes the ECS is not available for management use for 2019. The ACL for 2019, therefore, includes bottomfish MUS and ECS. NMFS is not proposing ACLs or AMs for crustacean, coral reef ecosystem, or precious corals in the CNMI because all species comprising these groups were reclassified as ECS.

The bottomfish fishery operates in Territorial and Federal waters around the CNMI. Catch data for the bottomfish fishery are generally not available until at least six months after the end of the fishing year. Therefore, in-season monitoring of catch, and an in-season AM applied in Federal waters to prevent the ACL from being exceeded (e.g., fishery closures) are not possible, and only post-season AMs are possible. As a post-season AM, bottomfish catch would be evaluated after the fishing year to determine if the average catch of the three most recent years exceeds the ACL. If it does, the Council would recommend a reduction of the ACL in the subsequent year based on the amount of the overage.

Expected coastal effects: The objective of implementing the proposed management measures is to prevent overfishing and to provide for long-term sustainability of the fishery resources while allowing fishery participants to continue to benefit from their utilization. The bottomfish fishery has not been shown to have significant effects on target or non-target stocks, habitat, protected species, or fishing communities. Additionally, Territorial and Federal laws prohibit the use of destructive fishing practices (e.g., explosives, poisons).

The proposed action is not expected to substantially change the behavior of the CNMI bottomfish fishery with respect to species caught, participation, effort, gear, timing, or location, so NMFS does not anticipate effects to the coastal zone area. This continuity is expected because the fishery would not have in-season management measures that would affect the way it operates, and recent average catch is substantially less than the proposed ACL. Based on these circumstances, effects on the fishing community are expected to be minimal.

Consistency evaluation: As discussed above, fishing activity under the proposed action would not cause effects to CNMI's coastal zone management area. The proposed management measures are designed to provide for continued operation of socially, culturally, and economically important fisheries in a manner that is sustainable and does not affect biological or physical features of the nearshore marine environment. Proposed management is, therefore, consistent with objectives of protecting coastal ecosystems from adverse effects and is in line with the policies and objectives of CNMI's Coastal Zone Management Program, particularly those related to the management of marine resources. Thus, NMFS has determined that the proposed action would be consistent to the maximum extent practicable with the enforceable policies and objectives of CNMI's Coastal Zone Management Program.