



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
Pacific Islands Regional Office  
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July 2, 2020

Ms. Janice Castro  
Director  
Division of Coastal Resources Management  
CNMI Bureau of Environmental and Coastal Quality  
P.O. Box 501304  
Saipan, MP 96950

Dear Ms. Castro:

The National Marine Fisheries Service (NMFS) proposes to specify annual catch limits (ACL), annual catch targets (ACT), and accountability measures (AM) for the bottomfish fishery in the Commonwealth of the Northern Mariana Islands (CNMI) for each fishing year from 2020 through 2023, as recommended by the Western Pacific Fishery Management Council (Council). The proposed action 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 Marianas 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 request your review of and concurrence with this determination (attached). 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. Because this is a time-sensitive action, however, we request your earliest response to this letter.

If you have any questions or comments, or if you would like to review draft documents that provide additional information that supports this determination, please contact Kate Taylor at 808-725-5182 or [kate.taylor@noaa.gov](mailto:kate.taylor@noaa.gov).

Sincerely,

Michael D. Tosatto  
Regional Administrator

Encl.



## **Coastal Zone Management Act Federal Consistency Determination**

**Agency:** National Marine Fisheries Service (NMFS)

**Relevant Authorities:** CZMA (16 U.S.C. 1451 et seq.); CZMA Federal Consistency Regulations (15 CFR 930).

**Determination:** Consistent to the maximum extent practicable with the enforceable policies of Commonwealth of the Northern Mariana Islands (CNMI) Coastal Zone Management Program.

**Description of proposed activity:** The National Marine Fisheries Service (NMFS) proposes to specify annual catch limits (ACL), annual catch targets (ACT), and accountability measures (AM) for the bottomfish fishery in the Commonwealth of the Northern Mariana Islands (CNMI), as recommended by the Western Pacific Fishery Management Council (Council). The proposed specifications would continue management of the CNMI fishery consistent with 50 CFR 665.819.

Under this proposed rule, NMFS would specify an ACL of 84,000 lb and an ACT of 78,000 lb for each fishing year from 2020 through 2023. This is the first year NMFS would specify an ACT. NMFS would count bottomfish catches from territorial waters (generally from the shoreline to 3 nm offshore) and Federal waters around CNMI (i.e., the Exclusive Economic Zone) towards the specified ACL and ACT. Additionally, only catches of species listed as bottomfish management unit species (BMUS) in the Fishery Ecosystem Plan (FEP) for the Mariana Archipelago will be counted toward the specified ACL and ACT.

In-season AMs for this fishery are not possible because catch statistics are available only about six months after local management agencies collect the data. As a post-season AM, if NMFS and the Council determine that the average catch from the most recent three-year period exceeded the ACL, then NMFS would reduce the ACL and ACT in the following fishing year by the amount of the overage. If the average bottomfish catch from the most recent three-year period exceeds the ACT but is less than the ACL, there will be no overage adjustment the following fishing year. Prior to implementing a reduced ACL and ACT, NMFS would conduct additional environmental analyses, if necessary, and the public would have the opportunity to provide input and comment on the reduced ACL and ACT at that time. If the fishery exceeds an ACL more than once in a four-year period, the Council is required to re-evaluate the ACL process, and adjust the system, as necessary, to improve its performance and effectiveness.

All other applicable fishing regulations would remain in force and the fishery would continue to be monitored through the CNMI Division of Fish and Wildlife voluntary boat-based creel survey program.

**Expected coastal effects:** The CNMI bottomfish fishery consists primarily of small-scale local boats engaged in commercial and subsistence fishing, although a few (<5) larger vessels (30–60 ft) also participate in the fishery. A Federal bottomfish fishing permit is required for any vessel used in commercially fishing for bottomfish in the EEZ around the CNMI. In 2018, 28 vessels reported bottomfish fishing and, of those, seven were federally permitted. Average annual catch from 2016 through 2018 was 26,044 lb, of which 43 percent (11,298 lb) was sold.

The proposed specifications for 2020-2023 are based on the 2019 benchmark stock assessment for bottomfish in American Samoa, Guam, and the CNMI (Langseth et al. 2019) and in consideration of the best available scientific, commercial, and other information about the fishery. The 2019 assessment found that the CNMI bottomfish complex was not overfished and was not experiencing overfishing. An ACT of 78,000 lb is associated with a 34% risk of overfishing, which is below the 50% threshold as required in the National Standard 1 guidelines (74 FR 3178, January 11, 2009). The proposed ACL is a 63% reduction from the 228,000 lb ACL set in 2017. This reduction is due in part because the BMUS list was updated in 2019 (84 FR 2767, February 8, 2019) and this update reduced the number of species counted towards the ACL from 17 to 13.

Given the recent history in the fishery, where catches have been consistently below ACLs, catches in 2020-2023 are likely be similar to those made in recent years. Because there is no method to track the in-season catch, we can implement only a post-season AM. If the fishery exceeds the ACL in a given year, a post-season AM to reduce the ACL in the subsequent year may limit fishing opportunities. However, because recent catch history indicates the fishery is not constrained by an ACL, the proposed ACL and ACT are not expected to result in any change to the operation of, or participation in, the fishery. Additionally, NMFS and the Council do not expect the action to affect local enforcement activities because there is no in-season restrictions proposed to prevent an ACL from being exceeded.

In terms of management, ongoing monitoring of catch relative to the ACL and ACT and future ACL adjustments would benefit people who rely on fishing by providing additional review of fishing and catch levels, which, in turn, should enhance the management and sustainability of the fishery. The community continues to participate in the Council decision-making process through its representatives on the Council, its Advisory Panel members, and through opportunities for public input at both the Council's deliberations and NMFSs proposed rulemaking stage.

The proposed ACL, ACT, and AM are intended to support the long-term availability of bottomfish resources to the Guam fishing community, and we do not expect any disruption to the fishery that would result in any social or economic effects to the CNMI fishing community.

**Consistency evaluation:** The CMNI is comprised of 14 islands that span 440 miles of the western Pacific Ocean. The policies and objectives of the CNMI's Coastal Zone Management Program can be combined into the following major components and functions: (1) promoting sustainable economic development and growth through careful planning, coordination and monitoring of coastal development, and consistency with the CZMA; (2) coordinating state and federal actions and making findings on proposed activities requiring federal consistency determinations pursuant to section 307 of the CZMA (16.U.S.C. Section 1456); and (3) balancing coastal resource use and preservation to ensure that future generations will continue to benefit from the CNMI's rich coastal resources.

The proposed specifications would not cause direct effects to CNMI's coastal zone management area and the specifications are in line with the policies and objectives of the Coastal Zone Management Program. Thus, NMFS has determined that the activity would be consistent to the maximum extent practicable with the enforceable policies and objectives of CNMI's Coastal Zone Management Program.

**References:**

Langseth B., Syslo J., Yau A., Carvalho F. 2019. Stock assessments of the bottomfish management unit species of Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa, 2019. NOAA Tech Memo. NMFS-PIFSC-86, 177 p. (+ supplement, 165 p.). doi:10.25923/bz8b-ng72.