



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
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October 17, 2022

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) will propose a 2023 catch limit of 2,000 metric tons (t) of longline-caught bigeye tuna for each U.S. Pacific territory (American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands or CNMI). NMFS would allow each territory to allocate up to 1,500 t of the 2,000 t to U.S. longline fishing vessels in a specified fishing agreement that meets established criteria. The total overall allocation among all territories may not exceed 3,000 t. As accountability measures, NMFS would monitor, attribute, and restrict (if necessary) catches of longline-caught bigeye tuna, including catches made under a specified fishing agreement. These proposed catch limits, allocations and accountability measures are identical to those that NMFS specified for 2020-2022. They support the long-term sustainability of fishery resources of the U.S. Pacific Islands.

Pursuant to section 307 of the Coastal Zone Management Act (CZMA, 16 U.S.C. 1456(c)(1)(C)), I have determined that the proposed 2023 action is consistent to the maximum extent practicable with the enforceable policies of the approved Coastal Zone Management Program of the CNMI. I request your review of, and concurrence with, the enclosed 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. Because this is a time-sensitive action, however, we request your earliest response to this letter.

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 Keith Kamikawa at 808-725-5177 or keith.kamikawa@noaa.gov.

Sincerely,

Sarah Malloy
Acting Regional Administrator

Attachment: CZMA Determination



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 the CNMI Coastal Zone Management Program.

Description of proposed activity: NMFS proposes to implement the Western Pacific Fishery Management Council (Council) recommendation for the 2023 territorial bigeye tuna catch limits. The proposed specifications would continue management of the pelagic longline fisheries of the western Pacific region in accordance with the procedures set forth in 50 CFR 665.819.

Under this proposed rule, NMFS would specify a 2023 catch limit of 2,000 metric tons (t) of longline-caught bigeye tuna for each of the pelagic longline fisheries of American Samoa, Guam and the CNMI. NMFS also proposes to authorize each territory to allocate up to 1,500 t of bigeye tuna of its catch limit to a U.S. longline fishing vessel or vessels holding a valid permit issued under 50 CFR 665.801 and identified in a valid specified fishing agreement with a U.S. territory. Territories interested in allocating tuna catch would enter into fishing agreements with a U.S. longline vessel or vessels. The total territorial allocation to U.S. longline vessel or vessels may not exceed 3,000 t of bigeye tuna annually. Funding received by participating territories from fishing agreements would support responsible fisheries development projects as identified in the territories' Marine Conservation Plans.

This catch and allocation management program has been in place since 2014. The proposed 2023 territorial bigeye tuna catch limits are the same as in previous years and the allocation limits are the same as those specified in 2020-2022. For the 2022 fishing year, NMFS implemented the 2,000 t bigeye tuna catch limit for each territory and authorized each to allocate up to 1,500 t of bigeye tuna to vessels fishing under specified fishing agreements (86 FR 73990; December 29, 2021). American Samoa and CNMI have each entered into agreements with the Hawaii Longline Association (HLA) to allocate up to 1,500 t of their catch to U.S. vessels named in the agreements.

Based on logbook data, NMFS forecasted that the U.S. longline fishery would reach its limit of 3,358 t of western and central Pacific Ocean (WCPO) bigeye tuna by September 1, 2022. As such, on August 25, 2022, NMFS began attributing catch to the American Samoa limit under its agreement with HLA (87 FR 52704). If NMFS determines the fishery will reach either the allocation limit under the agreement or the overall 2,000 t limit specified for American Samoa, we will begin attributing catch to the CNMI limit and its agreement with HLA. For 2023, NMFS anticipates that two to three fishing agreements would again allow the U.S. deep-set longline fishery to catch up to the annual 3,000 t allocation limit and be able to continue fishing year round.

These proposed specifications would establish bigeye tuna catch and allocation limits for American Samoa, Guam, and the CNMI that: 1) prevent bigeye overfishing, 2) support fisheries development in the territories, and 3) promote the availability of bigeye tuna from U.S. vessels during the peak end-of-year demand. This action would ensure that NMFS and the Council manage allocations of longline caught bigeye tuna under specified fishing agreements consistent with the conservation needs of the stock.

Expected coastal effects: U.S. longline vessels fishing for bigeye tuna operate in the U.S. Exclusive Zone (EEZ) around Hawaii, American Samoa, Pacific Remote Island Areas, and the adjacent high seas. Under the proposed action the catch and allocation limits apply only to bigeye tuna caught by longline gear in the WCPO (generally west of 150° W) and do not apply to bigeye tuna caught by longline gear in the eastern Pacific Ocean (EPO; generally east of 150° W).

In recent years, the longline fishery has not operated in the EEZ around Guam or the CNMI. Additionally, because Federal regulations prohibit longline fishing within 30 nm around the CNMI, the proposed specifications would not result in any direct effects on marine resources in the CNMI's coastal zone management area, and are not expected to result in changes in effects to target and non-target fish stocks.

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.

As discussed above, if NMFS implemented the proposed specifications, there would be no cause for 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.