



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
Pacific Islands Regional Office  
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**MAR 25 2019**

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

**SUBJECT: Federal Consistency Determination; Rulemaking for Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions in Purse Seine Fisheries (RIN 0648-BI78)**

Dear Ms. Castro:

The National Marine Fisheries Service (NMFS) is undertaking a rulemaking 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 proposed action would put into place limits on fishing effort by U.S. purse seine fishing vessels in a specific area within the area of application of the Convention.

Pursuant to the Coastal Zone Management Act of 1972, as amended (CZMA; 16 U.S.C. § 1456(c)(1)(C)), and the National Oceanic and Atmospheric Administration's regulations implementing the federal consistency requirements of the CZMA at 15 CFR Part 930, NMFS has determined that the rule is consistent to the maximum extent practicable with the enforceable policies of the Commonwealth of the Northern Mariana Islands' Zone Management Program.



Enclosed please find a consistency determination that includes the information required by 15 CFR 930.39. I am writing to request your concurrence with our determination. As the rule needs to go into effect before the fishing effort limits are reached in 2019, I am requesting that you agree to a shortened timeframe for our coordination, as specified under 15 CFR 930.41(c). I request your response no later than April 25, 2019. Please contact Rini Ghosh (808-725-5033) if you have any questions or need any additional information.

Sincerely,



Michael D. Tosatto  
Regional Administrator

Enclosure

cc: Rich Salas, Division of Coastal Resources Management  
Frederick Tucher, Chief, Pacific Islands Sec., NOAA Office of General Counsel

## **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' (CNMI) Coastal Zone Management Program

**Description of proposed activity:** NMFS plans to issue a rule to implement decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC or Commission) for the United States. 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. The area of application of the Convention is roughly the entire western and central Pacific Ocean (WCPO).<sup>1</sup> The Commission 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 Commission.

The activity would implement certain provisions of the Commission's "Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean" (CMM 2018-01), adopted in December 2018.

CMM 2018-01 is similar to WCPFC conservation and management measures for tropical tunas that NMFS has implemented in previous years. The provisions of CMM 2018-01 that would be implemented in the rule include the following: limits on fishing effort by U.S. purse seine vessels in the U.S. exclusive economic zone (EEZ) and on the high seas between the latitudes of 20° N. and 20° S. in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention Area).

The limits on U.S. purse seine fishing effort detailed in CMM 2018-01 are similar to limits in previous WCPFC decisions and implemented by NMFS. The limits are 558 fishing days in the U.S. EEZ and 1,270 fishing days on the high seas in the area of application of the Convention between the latitudes of 20° N. and 20° S. for each of the calendar years 2019 and 2020.

**Expected coastal effects:** The U.S. WCPO purse seine fishery operates exclusively in the tropics, generally within 10° of the equator and not within the EEZ of the CNMI. Therefore, no

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<sup>1</sup> The exact boundaries of the Convention Area are provided in the Convention, which is available, along with a map of the Convention Area, at <http://www.wcpfc.int/key-documents/convention-text>

direct effects in the CNMI's coastal zone management area would be expected from the proposed action.

However, the implementation of the purse seine fishing effort limits might have indirect effects on WCPO stocks of the target species in the purse seine fisheries – skipjack tuna and yellowfin tuna – as well as bigeye tuna and stocks of fish and non-fish species caught incidentally in the fishery, from a possible reduction in fishing effort. To the extent the stocks occur in the CNMI's coastal zone, this could conceivably lead to greater abundance of these stocks in the CNMI's coastal zone.

In any case, because any effects of the action on fishing mortality rates would be small compared to the stocks' total fishing mortality rates, any effects on stocks sizes and abundance in the CNMI's coastal zone would be small. If similar restrictions are implemented in the future, and if other member nations of the Commission impose similar restrictions in their purse seine fisheries, there could be greater effects on the sizes of WCPO stocks. To the extent the stocks occur in the CNMI's coastal zone, similar effects on the abundance of the affected species in the CNMI's coastal zone could occur.

**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, the activity taken by NMFS would not cause any direct effects to the CNMI's coastal zone management area. The underlying objective of the activity is to conserve WCPO stocks of three tropical tuna species. It would be implemented as part of an international agreement that all the fishing and coastal nations that are parties to the Convention are obligated to implement. That objective is in line with the policies and objectives of the CNMI's Coastal Zone Management Program, particularly those related to the management of marine resources. Thus, NMFS has determined that the activity would be consistent to the maximum extent practicable with the enforceable policies and objectives of the CNMI's coastal zone management program.