



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
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June 5, 2024

Mr. Richard V. Salas, Director  
Division of Coastal Resources Management  
CNMI Bureau of Environmental and Coastal Quality  
P.O. Box 501304  
Saipan, MP 96950

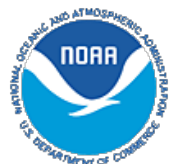
**SUBJECT:** Federal Consistency Determination; Proposed Rule for Western and Central Pacific Fisheries for Highly Migratory Species; Changes to Bigeye Tuna Catch Limits in Longline Fisheries (RIN 0648-BM87)

Dear Mr. Salas:

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 change the current longline bigeye tuna catch limit for U.S. vessels to 6,554 metric tons.

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 Island's Coastal 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 catch limit is reached for 2024, we are requesting a shortened schedule for the consultation on the determination, per 15 CFR 930.41(c). We request your response by July 8, 2024. Please contact Rini Ghosh (808-725-5033) if you have any questions or need any additional information.



Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Malloy". The signature is fluid and cursive, with the first name being more prominent.

Sarah Malloy  
Deputy Regional Administrator

Enclosure

cc: Frederick Tucher, NOAA Office of General Counsel  
Kristen Placek, NOAA Office of General Counsel  
Arthur Charfauros, CNMI Bureau of Environmental and Coastal Quality

## **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 (HMS). 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 U.S. Participating Territories to the Convention include American Samoa, Guam, or the Commonwealth of the Northern Mariana Islands.

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 2023-01), adopted in December 2023. CMM 2023-01 changes the WCPFC bigeye tuna catch limit for U.S. longline fishing vessels from 3,554 metric tons (mt) to 6,554 mt.

Under NMFS regulations at 50 CFR 300.224, the current longline bigeye tuna catch limit for U.S. fishing vessels is 3,554 mt per calendar year with certain exceptions. The exceptions include bigeye tuna landed in the U.S. Participating Territories, bigeye tuna caught by vessels with an American Samoa Longline Limited Access Permit, and bigeye tuna caught by Hawaii-based U.S. vessels included in a specified fishing agreement with American Samoa, Guam, or CNMI under 50 CFR 665.819. Regarding the third exception (codified at 50 CFR 300.224(d)), NMFS has limited the total amount of catch that may be attributed to U.S. Territories under this arrangement to no more than 3,000 mt per year. (see 88 FR 39201; published June 15, 2023).

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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>.

Table 3 in CMM 2023-01 establishes a 6,554 mt longline bigeye tuna catch limit for the United States per calendar year. Under the proposed action, NMFS would revise the regulatory limit from 3,554 mt to 6,554 mt.

CMM 2023-01 also does not include the language of Paragraph 9 of CMM 2021-01, which provided for attribution of catch to U.S. Participating Territories for vessels operating under agreements with the U.S. Participating Territories. Accordingly, Table 3 of CMM 2023-01 specifies that in recognition of the deletion of Paragraph 9, catch and effort of U.S. flagged Hawaii-based longline vessels will no longer be attributed to U.S. Participating Territories, and that future attribution for the U.S. Participating Territories shall remain separate. Thus, the language in CMM 2023-01 no longer authorizes an exemption from the U.S. longline bigeye tuna limit for catch by vessels operating under specified fishing agreements with U.S. Participating Territories.

**Expected coastal effects:** The U.S. WCPO longline fishery operates far from CNMI. Therefore, no direct effects in CNMI's coastal zone management area would be expected from the proposed action.

The proposed action could have indirect effects on WCPO stocks of the target species in the longline fishery (yellowfin and bigeye tuna), as well as on stocks of fish and non-fish species caught incidentally in the fishery. To the extent these stocks occur in CNMI's coastal zone, this could indirectly affect the resources in CNMI's coastal zone.

The proposed action is not expected to lead to any increase in fishing effort or catch in the fishery above the status quo. The proposed limit of 6,554 mt represents the current total authorized annual catch consisting of (a) 3,554 mt (the U.S. limit codified at 50 CFR 300.224(a)) plus (b) 3,000 mt (maximum amount attributed to U.S. territories under the exception at 50 CFR 300.224(d)). Because the specified fishing agreement arrangement is no longer authorized pursuant to CMM 2023-01, bigeye tuna catch by Hawaii-based U.S. vessels would be limited to 6,554 mt under the proposed action. As catch and effort is not expected to increase, fishing impacts on target and non-target fish and non-fish stocks that may occur in CNMI's coastal zone are not expected to increase above the status quo.

Under the proposed action, if bigeye catch meets the 6,554 mt limit, NMFS would close the longline fishery for the remainder of the calendar year. A fishery closure could result in a decrease in fishing mortality rates and associated increase in abundances of the stocks and species which interact with this fishery and occur in CNMI's coastal zones. However, based on fishing patterns in recent years, it appears unlikely that the 6,554 mt limit would be reached, and thus unlikely that a fishery closure would be implemented. Data from 2013-2022 indicates that the total catch of bigeye tuna attributed to the United States, American Samoa, CNMI, and Guam did not exceed 6,554 mt in any calendar year. It is most likely that fishing patterns would remain consistent with recent years, so even with attribution of all catch to the United States, the 6,554 mt limit would not be expected to be reached.

However, though unlikely, it is possible that the new catch limit could be reached and that a fishery closure could occur. Any closure would be most likely to occur at the end of the year, given the fishing patterns in recent years. Thus, the new catch limit could cause a minor decrease

in fishing effort that would cause a reduction in fishing mortality, and some indirect effects on the target and non-target stocks in the fishery (primarily the target stocks of bigeye tuna and yellowfin tuna).

To the extent these stocks occur in CNMI's coastal zone, the action could, through the possible decrease in the fishing mortality rates of these stocks conceivably lead to a minor increase in abundance of these stocks in CNMI's coastal zone. However, many other factors affect the stock status of bigeye tuna and yellowfin tuna (such as oceanographic conditions and fishing by non-U.S. fleets). Thus, 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 Hawaii's coastal zone would be small.

**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 likely not cause any direct effects to CNMI's coastal zone management area but has the potential to cause some indirect effects to stocks that interact with the longline fishery and may occur in CNMI's coastal zone. However, any effects on these stock sizes and abundances are likely to be small. In addition, the underlying objective of the activity is to conserve WCPO stocks of three tropical tuna species and implement a WCPFC conservation and management measure. It would be implemented as part of an international agreement that all the fishing and coastal nations that are parties to the WCPFC are obligated to implement. That objective 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 activity would be consistent to the maximum extent practicable with the enforceable policies and objectives of CNMI's coastal zone management program.