



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

Pacific Islands Regional Office  
1845 Wasp Blvd., Bldg 176  
Honolulu, Hawaii 96818  
(808) 725-5000 • Fax: (808) 725-5215

March 22, 2022

Mr. Richard Salas  
CNMI Division of Coastal Resources Management  
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 Effort Limits in Purse Seine Fisheries (RIN 0648-BL25)

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 modify the regulations implementing fishing effort limits for U.S. purse seine vessels operating in the Convention Area. The proposed action also includes modifications to the process for closing the fishery once an effort limit is reached, and modifications to the process related to collecting daily purse seine fishing effort reports.

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. In accordance with 15 CFR 930.41, NOAA may presume concurrence if we do not receive your response within 60 days of CNMI's receipt of our consistency determination. 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: Arthur Charfauros, CNMI Division of Coastal Resources Management



## **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 Commonwealth of the Northern Mariana Island's (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 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 2021-01), adopted in December 2021.

CMM 2021-01 is similar to WCPFC conservation and management measures for tropical tunas that NMFS has implemented in previous years. The provisions of CMM 2021-01 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 Convention Area.

Currently, regulations at 50 CFR 300.223(a) specify annual fishing effort limits for U.S. purse seine vessels operating in the area of application of the Convention. These limits are for a combined area of the U.S. EEZ and high seas between the latitudes of 20° N. and 20° S. In this proposed rule, NMFS would implement the purse seine fishing effort provisions of CMM 2021-01 by modifying the regulations at 50 CFR 300.223(a) so that there would be separate limits for fishing in the U.S. EEZ and for fishing on the high seas. These limits would be in effect until revised or replaced. The proposed rule would also include modifications to the process for closing the fishery once an effort limit is reached, and modifications to the process related to collecting daily purse seine fishing effort reports.

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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>

**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 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 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, which could result in some indirect effects on the coastal zone management area.

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.

The other proposed modifications to the process for closing the fishery and to the process related to daily fishing effort reports are not expected to have any effects – direct or indirect - in the CNMI's coastal zone.

**Consistency evaluation:** The policies and objectives of 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 result in negligible direct or indirect effects to CNMI's coastal zone management area. 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.