



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
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July 24, 2023

Mr. Richard V. Salas  
Director, Division of Coastal Resources Management  
CNMI Bureau of Environmental and Coastal Quality  
P.O. Box 501304  
Saipan, MP 96950  
Attn: Arthur Charfauros, Federal Consistency Contact

Dear Mr. Salas:

The National Marine Fisheries Service (NMFS) proposes to amend the Fishery Ecosystem Plans (FEP) for the Mariana Archipelago and the Pelagic Fisheries of the Western Pacific Region. If approved Secretary of Commerce, this action would revise the descriptions of standardized bycatch reporting methodologies (SBRM) for federally managed fisheries in the Commonwealth of the Northern Mariana Islands (CNMI) for consistency with NMFS regulations. The proposed amendments to the FEPs are administrative in nature and do not implement new rules or requirements for any fishery.

Federal fisheries are managed in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) under fishery management plans (FMPs). In the Pacific Islands Region, FMPs are implemented as FEPs. Section 303(a)(11) of the Magnuson-Stevens Act requires that FMPs establish a SBRM to assess the amount and type of bycatch occurring in each fishery. NMFS published a rule on January 19, 2017 (82 FR 6317) that provides guidance on this requirement. If approved, this action would revise the descriptions of SBRMs for federally managed fisheries in CNMI for consistency with current regulations. The proposed amendments would not change any fishery data collection, recording, or reporting methods or requirements, and would not implement any new regulations. Therefore, the amendments would not affect any fishery in terms of gear used; area fished; seasonality; species caught; level of catch or effort; bycatch of target stocks, non-target stocks, or protected species; or any other aspect of any fishery. Also, the amendments would not add any additional administrative or enforcement requirements.

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 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. Please contact Brett Schumacher at (808)725-51765 or [brett.schumacher@noaa.gov](mailto:brett.schumacher@noaa.gov) if you have any questions or need additional information.

Sincerely,

Sarah Malloy  
Acting Regional Administrator

Encl. 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 Commonwealth of the Northern Mariana (CNMI) Coastal Zone Management Program (CZMP).

**Description of proposed activity:** NMFS and the Western Pacific Fishery Management Council (Council) manage fishing in Federal waters around the CNMI in accordance with the fishery ecosystem plan (FEP) for the Mariana Archipelago (Mariana FEP) and the FEP for the Pelagic Fisheries of the Western Pacific Region (Pelagic FEP). These FEPs identify standardized bycatch reporting methodologies (SBRM) for each federally managed fishery, and may include creel survey programs, Federal logbooks, and fisheries observers. On January 19, 2017, NMFS published a rule (82 FR 6317) that added new requirements for how FEPs identify and describe SBRMs. These requirements were codified in the Code of Federal Regulations (CFR) at 50 CFR 600.1600–600.1610. NMFS proposes to amend the Mariana FEP and the Pelagic FEP to update descriptions of SBRM so they are consistent with current regulatory requirements. The proposed amendments also identify the existing shore-based creel survey as a SBRM for the first time, but this survey has been conducted since 2006 so the action would not create or change any data collection program, or change the operation and management of any fishery.

**Expected coastal effects:** The proposed action is not expected to change the behavior of any fishery with respect to species caught, participation, effort, gear, timing, location, or any other characteristic, so NMFS does not anticipate effects to the coastal zone area. The proposed action is administrative in nature and would not impose or relieve any requirements on the fisheries or their participants. The community would continue to have opportunities 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 during the Federal comment period of the rulemaking process. We do not expect any change to any fishery, including those that would result in any social, economic or environmental effects.

**Consistency evaluation:** The proposed action would not cause direct effects to the coastal zone management area, and the proposed action, which is needed to ensure that FEPs are consistent with Federal fisheries regulations, is consistent with the policies and objectives of the CZMP. The enforceable policies of CNMI’s Coastal Management Program include:

- The following sections from the CNMI Coastal Resource Management Rules and Regulations, which can be found in the Northern Mariana Islands Administrative Code (NMIAC), Chapter 15-10:
  - §15-10-020: Definitions  
NMFS notes these definitions and applies them in our review of effects and consistency determination.

- §15-10-025: Conflicts with Regulations of Other CNMI Government Agencies  
The proposed action does not create any new federal regulations, so does not cause a conflict with regulations of CNMI government agencies.
- §15-10-301: General Standards for all CRM Permits  
This Federal Consistency Determination summarizes our review that shows that the action does not change management of the fisheries or authorized fishing activity, so the proposed action will not have the potential for a significant adverse impact on the coastal environmental or resources.
- §15-10-305: General Criteria for CRM Permits  
The proposed action does not involve activity in the coastal zone that would require a CRM permit.
- § 15-10-311: Specific Criteria; Areas of Particular Concern; Impact Avoidance, Minimization, and Mitigation Required  
The proposed action is administrative in nature and is not expected to result in impacts, so avoidance, minimization and mitigation are not applicable.
- Areas of Particular Concern (APC)  
With respect to the following Specific APC identified in Title 15 of the CNMI regulations for Coastal Resources Management:
  - §15-10-315: Lagoon and Reefs
  - §15-10-320: Managaha and Anjota Islands
  - §15-10-325: Coral Reefs
  - §15-10-330: Wetlands and Mangroves
  - §15-10-335: Shorelines
  - §15-10-340: Ports and Industrial Areas
  - §15-10-345: Coastal Hazards
 The proposed action does not create new regulations that would affect fishing or related activities, so the proposed action will not have the potential to cause adverse effects on nearshore habitats, specifically APC.
- §15-10-350: Height Density, Setback, Coverage, and Parking Guidelines  
Not applicable: The proposed action does not involve construction.
- §15-10-501: Determination of Major Siting  
Not applicable: The proposed action does not involve construction.
- §15-10-505: Specific Criteria for Major Sitings  
Not applicable: The proposed action does not involve construction.
- §15-10-610: Mandatory Conditions  
The proposed action does not involve activity in the coastal zone that would require a CRM permit.

- Public Law No. 3-47
  - CNMI Public Law 3-47, entitled the “Coastal Resources Management Act,” grants the Division of Coastal Resources Management regulatory authority towards activities within its jurisdictional territory that can impact coastal resources of the CNMI.
  - This Federal Consistency Determination was prepared in accordance with section 307 of the Federal CZMA and herein considers effects on the enforceable policies of the CNMI’s CZMA. NMFS is also responsible for complying with a number of laws intended for the conservation of the environment, including the National Environmental Policy Act. Our planning, coordination with the CNMI Coastal Management Program, and environmental effects analysis will help ensure the proposed action conforms with CNMI PL 3-47.
  
- Air and water quality standards and regulations of the CNMI, including:
  - Division of Environmental Quality (DEQ) Underground Injection Control Regulations (NMIAC, title 65, chapter 90)  
Not applicable. The proposed action does not involve underground injection of wastes or fluids regulated under NMIAC, Title 65-90.
  - DEQ Drinking Water Regulations (NMIAC, title 65, chapter 20)  
Not applicable: The proposed action is administrative in nature, and does not contain regulations or other provisions that would adversely affect the CNMI public drinking water resource or system.
  - DEQ Well Drilling and Well Operations Regulations (NMIAC, §65-140-005, §65140-010)  
Not applicable: The proposed action does not involve well drilling or operation and will not affect a well.
  - DEQ Wastewater Treatment and Disposal Rules and Regulations (NMIAC, §65120010, and §65-120 Part 1700)  
Not applicable: The proposed action does not involve sewage or wastewater generation, treatment, or disposal.
  - DEQ Water Quality Standards (NMIAC, §65-130, Part 200, Part 400, Part 500)  
The proposed action does not contain regulations or other provisions that would adversely affect the CNMI public drinking water resource or system.
  
- Any additional policies, regulations, standards, priorities and plans that are approved by NOAA’s Office for Coastal Management as enforceable policies of the CNMI Coastal Management Program for CZMA federal consistency review purposes.  
Not applicable: None

Overall, the proposed action would not cause any effects to the coastal zone management area in the CNMI. The proposed action would not change fishery operations or regulatory mechanisms, but would provide for continued operation of socially, culturally, and economically important

fisheries in a manner that is sustainable and does not affect biological or physical features of the nearshore marine environment. Thus, NMFS has determined that the proposed action would be consistent to the maximum extent practicable with the enforceable policies and objectives of CNMI's CZMP.