



**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

May 6, 2016

Mr. Edwin Reyes  
Administrator  
Guam Coastal Management Program  
Bureau of Statistics and Plans  
Government of Guam  
P.O. Box 2950  
Hagåtña, GU 96932



Dear Mr. Reyes:

Federal regulations currently prohibit medium and large vessels from fishing for bottomfish in certain Federal waters around the Commonwealth of the Northern Mariana Islands (CNMI). The prohibited areas include waters within approximately 50 nm of the Southern Islands (i.e., Rota, Aquijan, Tinian, Saipan, and Farallon de Medenilla) and within 10 nm of Alamagan Island. The Western Pacific Fishery Management Council established the prohibited area in 2008 in response to concerns expressed by CNMI fishermen that Guam bottomfish fishermen would travel to fish in CNMI waters after establishment of the large vessel prohibited fishing area in Guam. Current information indicates that prohibited area may not be needed to ensure the sustainability of the CNMI bottomfish fishery and, in fact, may be constraining it. Accordingly, the Council has recommended removing the prohibited areas. Other requirements in that fishery, including requirements for the Marianas Trench Marine National Monument, would remain unchanged.

The proposed action is intended to improve the efficiency and economic viability of the CNMI bottomfish fleet, while ensuring fishing remain sustainable on an ongoing basis. The Council and NMFS will review periodically the effects of the proposed action on catch rates, small vessel participation, and sustainable fisheries development initiatives, and may make any needed changes.

Pursuant to section 307 of the Coastal Zone Management Act (33 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 Guam. I request your review of, and concurrence with, this determination.

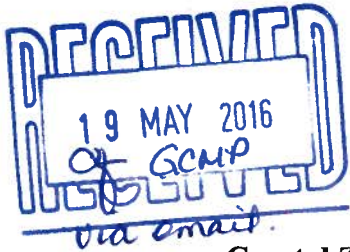
If you have any questions or comments, or if you would like to review draft supporting documents that provide information, data and analysis supporting this determination, please contact Sarah Ellgen at 808-725-5173 or [sarah.ellgen@noaa.gov](mailto:sarah.ellgen@noaa.gov).

Sincerely,

Michael D. Tosatto  
Regional Administrator







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## Coastal Zone Management Act Federal Consistency Determination - Guam

May 2016

**Agency:** National Marine Fisheries Service (NMFS)

**Relevant Authorities:** Coastal Zone Management Act (CZMA, 16 U.S.C. 1451, as amended); CZMA Federal Consistency Regulations (15 CFR Part 930); Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801, as amended)

**Determination:** Consistent to the maximum extent practicable with the enforceable policies of the Guam Coastal Zone Management Program

**Description of proposed activity:** NMFS proposes to issue a rule to carry out the recommendations of the Western Pacific Fishery Management Council (Council). The proposed rule would remove the prohibited fishing areas for medium and large bottomfish vessels in the CNMI.

Federal regulations currently prohibit medium and large vessels (40 ft and greater) from fishing for bottomfish in certain federal waters around the Commonwealth of the Northern Mariana Islands (CNMI). The prohibited areas include waters within approximately 50 nm of the Southern Islands (i.e., Rota, Aquijan, Tinian, Saipan, and Farallon de Medenilla) and within 10 nm of Alamagan Island. The Council had established, and NMFS had implemented, these prohibited areas in 2008 to prevent large bottomfish vessels based in Guam from traveling to CNMI fishing grounds.

The CNMI bottomfish fishery consists primarily of small-scale local boats engaged in commercial and subsistence fishing. Only a few (generally fewer than five) larger vessels (30–60 ft) also participate in the fishery. The bottomfish fishery consists of two components, based on fishing depth. The deepwater component is composed primarily of commercial boats that fish at depths greater than 500 ft and targets snappers and groupers. The shallow-water component includes both commercial and subsistence boats that fish between 100 and 500 ft and target redgill emperor. These fishermen also harvest coral reef-associated fish species. Handlines, home-fabricated hand reels and small electric reels are the commonly used gear for small fishing operations, whereas electric reels and hydraulics are the commonly used gear for the larger operations. Fishermen generally fish during daylight hours, with vessels presumed to return by or soon after sunset. Larger vessels have made multi-day trips to the Northern Islands.

The CNMI bottomfish fishery has changed since 2008, and the conditions that led the Council and NMFS to establish the prohibited areas are no longer present. Large vessels from Guam have not shown interest in fishing for CNMI bottomfish. The prohibited areas may also be negatively impacting the CNMI bottomfish fishery. The CNMI bottomfish fishery may not be achieving optimum yield, and the prohibited areas may be contributing to the potential under-utilization



of the bottomfish resource in CNMI. To address fishery conditions resulting from the bottomfish prohibited areas, the Council recommended that NMFS remove the prohibited areas. The Council and NMFS would continue to manage the fishery under a suite of management requirements, including gear restrictions, federal permits and data collection, and the vessel monitoring system. The fishing requirements for the Marianas Trench Marine National Monument would also remain unchanged.

The main expected direct effect of this proposed rule would be increased bottomfish fishing opportunities for CNMI bottomfish fishermen in federal waters around the CNMI. Access to these areas would improve the efficiency and economic viability of the CNMI bottomfish longline fleet.

**Expected coastal effects:** The proposed rule is not expected to have coastal effects in Guam. Currently, there is only one large Guam-based vessel and no large CNMI-based vessels that are permitted to fish for bottomfish. This proposed rule is not anticipated to increase the number of medium or large vessels fishing in Guam. The existing Guam large vessel bottomfish prohibited (approximately 50-nm around Guam) would remain unchanged. The current federal permit and reporting requirements would continue ensuring that fishery scientists and managers are able to more closely monitor bottomfish catches and effort.

**Consistency evaluation:** The policies and objectives of the Guam Coastal Zone Management Program, as set forth in Guam Land-Use Policies, Exec. Order 78-37 (Nov. 15, 1978), promote the sustainable development and use of marine and coastal resources. As discussed above, the activity proposed by NMFS to provide economic relief to the CNMI medium and large bottomfish vessel fleet through removing the prohibition from fishing for bottomfish within the CNMI prohibited areas, is not expected to cause any coastal effects in Guam. Thus, NMFS has determined that the proposed activity would be consistent to the maximum extent practicable with the enforceable policies and objectives of the Guam Coastal Zone Management Program.