



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
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July 2, 2020

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:

The National Marine Fisheries Service (NMFS) proposes to specify annual catch limits (ACL) and accountability measures (AM) for the Guam bottomfish fishery for each fishing year from 2020 through 2023, as recommended by the Western Pacific Fishery Management Council (Council). The proposed action implements the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, in accordance with the procedures described in the Fishery Ecosystem Plan for the Marianas Archipelago and implementing Federal regulations at 50 CFR 665.

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 practicable with the enforceable policies of the approved Coastal Zone Management Program of the Territory of Guam. I request your review of and concurrence with this determination (attached). 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. Because this is a time-sensitive action, however, we request your earliest response to this letter.

If you have any questions or comments, or if you would like to review draft documents that provide additional information that supports this determination, please contact Kate Taylor at 808-725-5182 or kate.taylor@noaa.gov.

Sincerely,

Michael D. Tosatto
Regional Administrator

Encl.



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 Guam's Coastal Zone Management Program.

Description of proposed activity: The National Marine Fisheries Service (NMFS) proposes to specify annual catch limits (ACL) and accountability measures (AMs) for the Guam bottomfish fishery, as recommended by the Western Pacific Fishery Management Council (Council). The proposed specifications would continue management of the Guam fishery consistent with 50 CFR 665.819.

Under this proposed rule, NMFS would specify an ACL for the fishery of 27,000 lb for each fishing year from 2020 through 2023. Thirteen species are in the management unit; the fishing year is the calendar year. NMFS would count bottomfish catches from territorial waters (generally from the shoreline to 3 nm offshore) and Federal waters around Guam (i.e., the Exclusive Economic Zone) towards the ACL.

In-season AMs for this fishery are not possible because catch statistics are available only about six months after local management agencies collect the data. As a post-season AM, if NMFS and the Council determine that the average catch from the most recent three-year period exceeded the ACL, then NMFS would reduce the ACL in the subsequent fishing year by the amount of the overage. Prior to implementing a reduced ACL, NMFS would conduct additional environmental analyses, if necessary, and the public would have the opportunity to provide input and comment on the reduced ACL at that time. If the fishery exceeds an ACL more than once in a four-year period, the Council is required to re-evaluate the ACL process, and adjust the system, as necessary, to improve its performance and effectiveness.

All other applicable fishing regulations would remain in force and the fishery would continue to be monitored through Guam's Division of Aquatic and Wildlife Resources voluntary boat-based creel survey program.

Expected coastal effects: More than 300 vessels participate in the Guam bottomfish fishery, the majority of which are either subsistence or part-time commercial fishermen that operate boats less than 25 ft in length. There are currently no federally permitted bottomfish vessels in Guam. Fishery landings have fairly stable since NMFS first implemented ACLs in 2012, but landings have exceeded the proposed ACL in two of the past seven years. The average annual total catch from 2012 through 2018 was 24,363 lb, with a low of 13,837 lb in 2015 and a high of 32,750 lb in 2018 (when no ACL was implemented).

The proposed specifications for 2020-2023 are based on the 2019 benchmark stock assessment for bottomfish in American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (Langseth et al. 2019) and in consideration of the best available scientific, commercial,

and other information about the fishery. A catch level in the CNMI bottomfish fishery of 78,000 lb is associated with a 31% risk of overfishing, which is below the 50% threshold as required in the National Standard 1 guidelines (74 FR 3178, January 11, 2009). The proposed ACL is a 40% reduction from the 66,000 lb ACL set in 2016 and 2017. The ACL in those years were based on a previous assessment (Yau et al. 2016) that found the Guam bottomfish stock was not overfished and was not experiencing overfishing. According to the most recent stock assessment, the stock is overfished, but not subject to overfishing (Langseth et al. 2019). The Magnuson-Stevens Fishery Conservation and Management Act requires the Council to take action within two years to rebuild an overfished stock.

Given the current state of Guam's bottomfish fleet and the substantial reduction in ACL from previous years, it is likely that total catch may approach the proposed ACL. Because there is no method to track the in-season catch, we can implement only a post-season AM. If the fishery exceeds the ACL in a given year, a post-season AM to reduce the ACL in the subsequent year may limit fishing opportunities. However, the proposed ACL is not expected to result in any change to the operation of, or participation in, the fishery. Additionally, NMFS and the Council do not expect the action to affect local enforcement activities because there is no in-season restrictions proposed to prevent an ACL from being exceeded.

In terms of management, ongoing monitoring of catch relative to the ACL and future ACL adjustments would benefit people who rely on fishing by providing additional review of fishing and catch levels, which, in turn, should enhance the management and sustainability of the fishery. The community continues 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 NMFSs proposed rulemaking stage.

The proposed ACL and AM are intended to support the long-term availability of bottomfish resources to the Guam fishing community, and we do not expect any disruption to the fishery that would result in any social or economic effects to the Guam fishing community.

Consistency evaluation: Guam's entire land area is included in its coastal zone. Guam's Coastal Management Program is a network program involving existing government agencies established to guide the use, protection, and development of land and ocean resources. The common interests of the Coastal Management Program and its networking agencies are linked through policies for development and resource protection established in Executive Order 78-37. Development policies include 1) shore area, urban, and rural development; 2) major facility siting; 3) hazardous areas; 4) housing; 5) transportation; and 6) erosion. Resource protection policies include 1) air, water and visual quality; 2) fragile areas; 3) living marine resources; 4) recreation areas; 6) public access; and 7) agricultural lands.

The proposed specifications would not cause direct effects to Guam's coastal zone management area and the specifications are in line with the policies and objectives of the Coastal Management Program. Thus, NMFS has determined that the activity would be consistent to the maximum extent practicable with the enforceable policies and objectives of Guam's Coastal Management Program.

References:

- Langseth B., Syslo J., Yau A., Carvalho F. 2019. Stock assessments of the bottomfish management unit species of Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa, 2019. NOAA Tech Memo. NMFS-PIFSC-86, 177 p. (+ supplement, 165 p.). doi:10.25923/bz8b-ng72.
- Yau A., Nadon M., Richards B., Brodziak J., Fletcher E. 2016. Stock assessment updates of the bottomfish management unit species of American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam in 2015 using data through 2013. U.S. Dept. of Commerce, NOAA Technical Memorandum, NOAA-TM-NMFS-PIFSC-51, 54 p. doi:10.7289/V5PR7T0G.