



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
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August 5, 2021

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

Attn: Mr. Julian Janssen, Federal Consistency Coordinator

Dear Mr. Reyes:

The National Marine Fisheries Service (NMFS) Pacific Islands Region will propose new gear and release requirements in pelagic longline fisheries under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. Consistent with the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (FEP), the Western Pacific Fishery Management Council (Council) recommended that NMFS prohibit the use of wire leaders in the Hawaii deep-set longline fishery. In addition, the Council recommended that fishermen be required to remove trailing gear from any oceanic whitetip shark caught in longline fisheries operating under the FEP; including the Hawaii deep-set and shallow-set longline fisheries and the American Samoa longline fishery. The proposed action is intended to increase post-hooking survival of threatened oceanic whitetip sharks.

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 Management Program of Guam. 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. Because this is a time-sensitive action, however, we request your earliest response to this letter.

If you have any questions or comments or you would like to review draft documents that provide information and analysis supporting this determination, please contact David O'Brien at 808-725-5038 or david.s.obrien@noaa.gov.

Sincerely,

Michael D. Tosatto
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 Guam Coastal Management Program.

Description of proposed activity: NMFS proposes to prohibit the use of wire leaders in the Hawaii deep-set longline fishery, and require fishermen to remove trailing gear from any oceanic whitetip shark caught in the Hawaii deep-set and shallow-set longline fisheries and the American Samoa longline fishery. The proposed action is intended to increase post-hooking survival of oceanic whitetip sharks.

Expected coastal effects: U.S. longline vessels operate in the U.S. Exclusive Zone (EEZ) around Hawaii, American Samoa, Pacific Remote Island Areas, and the adjacent high seas. In recent years, these fisheries have not operated in the EEZ around Guam or the CNMI. Under the proposed regulations, NMFS would prohibit the use of wire leaders only in the Hawaii deep-set fishery; the Hawaii shallow-set and American Samoa fisheries do not use wire leaders. In addition, NMFS will require fishermen in all three longline fisheries to remove trailing gear from any oceanic whitetip shark caught. The proposed requirement to remove trailing gear would apply to any future longline fishing around Guam.

NMFS does not expect the proposed regulations to significantly change longline fishing operations or locations, or result in significant changes to target and non-target fish stocks, besides anticipated improvement in post-release survival rates for oceanic whitetip sharks and potentially other threatened species. Because Federal regulations prohibit longline fishing within 50 nautical miles around Guam, the proposed regulations would not result in any direct effects on marine resources in Guam's coastal zone management area.

Consistency evaluation: Guam's entire land area is included in its coastal zone. The Guam 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.

As discussed above, if NMFS implemented the proposed regulations, there would be no cause for direct effects to the Guam coastal zone management area and the regulations 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 the Guam Coastal Management Program.