



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
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October 17, 2022

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) will propose a 2023 catch limit of 2,000 metric tons (t) of longline-caught bigeye tuna for each U.S. Pacific territory (American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI)). NMFS would allow each territory to allocate up to 1,500 t of the 2,000 t to U.S. longline fishing vessels in a specified fishing agreement that meets established criteria. The total overall allocation among all territories may not exceed 3,000 t. As accountability measures, NMFS would monitor, attribute, and restrict (if necessary) catches of longline-caught bigeye tuna, including catches made under a specified fishing agreement. These proposed catch limits, allocations and accountability measures are identical to those that NMFS specified for 2020-2022. They support the long-term sustainability of fishery resources of the U.S. Pacific Islands.

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 2023 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 Keith Kamikawa at 808-725-5177 or keith.kamikawa@noaa.gov.

Sincerely,

Sarah Malloy
Acting Regional Administrator

Attachment: 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 Guam's Coastal Management Program.

Description of proposed activity: NMFS proposes to implement the Western Pacific Fishery Management Council (Council) recommendation for the 2023 territorial bigeye tuna catch limits. The proposed specifications would continue management of the pelagic longline fisheries of the western Pacific region in accordance with the procedures set forth in 50 CFR 665.819.

Under this proposed rule, NMFS would specify a 2023 catch limit of 2,000 metric tons (t) of longline-caught bigeye tuna for each of the pelagic longline fisheries of American Samoa, Guam and the CNMI. NMFS also proposes to authorize each territory to allocate up to 1,500 t of bigeye tuna of its catch limit to a U.S. longline fishing vessel or vessels holding a valid permit issued under 50 CFR 665.801 and identified in a valid specified fishing agreement with a U.S. territory. Territories interested in allocating tuna catch would enter into fishing agreements with a U.S. longline vessel or vessels. The total territorial allocation may not exceed 3,000 t of bigeye tuna annually. Funding received by participating territories from fishing agreements would support responsible fisheries development projects as identified in the territories' Marine Conservation Plans.

This catch and allocation management program has been in place since 2014. The proposed 2023 territorial bigeye tuna catch limits are the same as in previous years and the allocation limits are the same as those specified in 2020-2022. For the 2022 fishing year, NMFS implemented the 2,000 t bigeye tuna catch limit for each territory and authorized each to allocate up to 1,500 t of bigeye tuna to vessels fishing under specified fishing agreements (86 FR 73990; December 29, 2021). American Samoa and CNMI have each entered into agreements with the Hawaii Longline Association (HLA) to allocate up to 1,500 t of their catch to U.S. vessels named in the agreements.

Based on logbook data, NMFS forecasted that the U.S. longline fishery would reach its limit of 3,358 t of western and central Pacific Ocean (WCPO) bigeye tuna by September 1, 2022. As such, on August 25, 2022, NMFS began attributing catch to the American Samoa limit under its agreement with HLA (87 FR 52704). If NMFS determines the fishery will reach either the allocation limit under the agreement or the overall 2,000 t limit specified for American Samoa, we will begin attributing catch to the CNMI limit and its agreement with HLA. For 2023, NMFS anticipates that two to three fishing agreements would again allow the U.S. deep-set longline fishery to catch up to the annual 3,000 t allocation limit and be able to continue fishing year round.

These proposed specifications would establish bigeye tuna catch and allocation limits for American Samoa, Guam, and the CNMI that: 1) prevent overfishing, 2) support fisheries

development in the territories, and 3) promote the availability of bigeye tuna from U.S. vessels during the peak end-of-year demand. This action would also ensure that NMFS and the Council manage allocations of longline caught bigeye tuna under specified fishing agreements consistent with the conservation needs of the stock.

Expected coastal effects: U.S. longline vessels fishing for bigeye tuna operate in the U.S. Exclusive Zone (EEZ) around Hawaii, American Samoa, Pacific Remote Island Areas, and the adjacent high seas. Under the proposed action the catch and allocation limits apply only to bigeye tuna caught by longline gear in the WCPO (generally west of 150° W) and do not apply to bigeye tuna caught by longline gear in the eastern Pacific Ocean (EPO; generally east of 150° W).

In recent years, the longline fishery has not operated in the EEZ around Guam or the CNMI. Additionally, because Federal regulations prohibit longline fishing within 50 nm around Guam, the proposed specifications would not result in any direct effects on marine resources in Guam's coastal zone management area, and are not expected to result in changes in effects to target and non-target fish stocks.

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.

As discussed above, if NMFS implemented the proposed specifications, there would be no cause for 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.