



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
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July 24, 2023

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 Contact

Dear Mr. Reyes:

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 Guam 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 Guam 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 Territory 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. Please contact Brett Schumacher at (808)725-5176 or 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 Guam Coastal Zone Management Program (CZMP).

Description of proposed activity: NMFS and the Western Pacific Fishery Management Council (Council) manage fishing in Federal waters around Guam 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 SBRM. 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 would not add or change any existing 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: 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 action would not cause direct effects to Guam's coastal zone management area and the proposed action, which is needed to update descriptions of SBRM so they are consistent with applicable Federal regulations, is consistent with the policies and objectives of the Coastal

Management Program. Analysis of the proposed action on each of the development and resource protection policies is provided below.

Agricultural Lands: The proposed action applies to data reporting for marine fisheries and will not include development on agricultural land.

Shore area, urban, and rural development: The Guam Seashore Reserve includes the land and water extending seaward to the ten-fm contour and extending inland either 10 m from the mean high-water mark or to the nearest public right-of-way. Urban areas include those zoned as commercial, multi-family, industrial, or resort-hotel. Rural areas include those zoned for residential use (one-family dwellings) and farming and fisheries. The proposed action does not involve development of any kind within the Seashore Reserve or areas zoned as urban or rural.

Major facility siting: The proposed activity does not involve the siting for major utilities, fuel, and transport facilities including those associated with electric power production and transmission, petroleum refining and transmission, port and air installations, solid waste disposal, sewage treatment, and major reservoir sites.

Hazardous areas: The proposed activity does not include any development in hazardous areas, including flood plains, erosion-prone areas, air installations' crash and sound zones and major fault lines.

Housing: The proposed activity does not include the design of community or residential areas.

Transportation: The proposed activity does not include the development of any transportation systems.

Erosion and siltation: The proposed activity does not include development on areas where erosion and siltation damage is likely to occur.

Air and water quality: The proposed action will not discharge pollution into or degrade Guam's air or drinking, recreational, and ecologically sensitive waters. The proposed action addresses fisheries that are not known to affect air or water quality. The proposed action would not change the operations or management of the fisheries in any way, so the proposed action would not change operations of the subject fisheries in any way that would degrade air or water quality.

Fragile areas: The proposed action is administrative in nature, will not change fishing operations in any way, and will not affect activities in any fragile areas including marine protected areas in Guam.

Living marine resources: The proposed action is designed to ensure the FEPs are consistent with Federal regulations for bycatch reporting. This goal supports the sustainable use of marine resources and the protection of fish stocks from overexploitation through effective reporting of bycatch. The proposed amendments 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. The proposed action is therefore consistent with this objective of the CZMP.

Visual Quality: The proposed action will not change fishing activity, so it will not degrade views from scenic overlooks, highways, and trails.

Recreation Areas: The proposed action will not include the development of any type of recreational facility.

Public Access: The proposed action will not restrict access to any non-federally owned beaches, recreation areas, parks, scenic overlooks, conservation areas, or public lands.

Overall, the proposed action would not cause any effects to the coastal zone management area in Guam, and would support fisheries sustainable management. The proposed management is consistent with objectives of protecting coastal ecosystems and with the policies and objectives of the Guam CZMP, particularly those related to the management of marine resources. Thus, NMFS has determined that the proposed action would be consistent to the maximum extent practicable with the enforceable policies and objectives of Guam's CZMP.