



## **Update on the CNMI Commercial Fishing Recording and Reporting Regulations**

*Prepared by Council staff for 200<sup>th</sup> Council Meeting*

### **Introduction**

At the 198th meeting of the Western Pacific Regional Fishery Management Council (Council) in March 2024, Council members brought up an issue regarding bottomfish reporting requirements in the CNMI. The CNMI Council members were concerned that the Council's regulation for data collection would create a duplication of effort as well as added burden to fishers. Members suggested that removing the federal regulations may be appropriate. The Council then *directed Council staff to work with NMFS Pacific Islands Regional Office (PIRO) and NOAA General Counsel to review the CNMI law establishing mandatory permit and reporting requirements for the CNMI bottomfish fishery to determine whether the information collected under this law may fulfill the data collection needs of the Mariana FEP, including standardized bycatch reporting methodologies and other MSA requirements and whether the Federal permit and reporting requirements are duplicative.*

At the 199th Council meeting in June 2024, a review of the CNMI and Council regulations by Council staff, NMFS PIRO and NOAA General Counsel was conducted. The result of the review is that the federal regulations are complementary rather than duplicative. The removal of federal reporting requirements would thus leave a gap in data collection and was not advised. Regarding commercial bottomfish permitting and reporting, the CNMI AP recommended the Council assist fishermen in relieving burdens for fishermen in CNMI waters at the 199th Council meeting. The Council took up the AP's recommendation and *directed staff to work with CNMI DFW and NMFS PIRO to monitor implementation of the new territorial CNMI license and reporting requirements in CNMI waters in relation to existing Federal permit and reporting regulations for fishermen targeting bottomfish MUS in EEZ waters surrounding CNMI.*

Commercial bottomfish fishers would have to apply and pay for two separate permits as well as report to two different entities. Fishers are concerned about areas within the 0-3 mile area that are considered federal waters; different maps are displaying different versions of what is considered "federal waters".

### **Purpose and Need**

The purpose of this document is to provide a background on the fishery regulations for bottomfish in the CNMI to inform the Council for potential action. There is a need for consistent and enforceable fishery regulations for the CNMI fishing community.

### **Background**

The CNMI had amended [Public Law 17-89](#) on November 28, 2012, to include the following: "establish a catch recording and reporting system for any individual and/or business engaged in commercial harvest of fish products within the Commonwealth waters" and "establish recording and reporting system for any individual and/or business engaged in the commercial purchase and/or sale of locally harvested fish products". Prior to the amendment, DFW had "asked and received cooperation with various persons and business entities to provide data on all fish

harvested for commercial and retail sale”. However, the CNMI Legislature had found that cooperation “has decreased and the stakeholders have become reluctant to submit the voluntary information needed for the Division to adequately monitor and report annual catch so that the CNMI can benefit from the data being generated for future reference and to implement plans for a continued sustainment of this ocean resource.”

On February 28, 2019, DLNR had intended to adopt and had made [permanent § 85-30.5-001](#). The regulation states that it does not apply to non-commercial harvest of fish resources. Those required to report data to DFW is “an individual or business catching fish, or other marine species either in whole or in part, that is intended to enter commerce or enter commerce through sale, barter or trade” as well as “an individual or business who buys marine life for resale or for use in producing value added products”. Marine life that must be recorded are those harvested in “waters from the low-water line along the coast of the CNMI and extending 200 nautical miles, except for waters under federal jurisdiction”.

The CNMI regulations require for the recording and reporting of bottom fish, pelagic fish, reef fish, invertebrates and miscellaneous marine life that are caught within CNMI waters. Information required for commercial purchasers to report to DFW would be the following: date, name and signature of the commercial purchaser as well as their license number, number of fishermen and gear during the trip, method used (spear, hook & line, bottom, trolling, and other - must specify), hours fish during the trip, vessel name/#, area(s) fished, as well as species caught, number of pieces, total weight, price per pound and total value for each species. Commercial purchasers fill out a Commercial Purchase Data receipt form per purchase, per trip, per day. Data reported by commercial purchasers will be picked up by DFW staff on the 1st and 15th of every month. Information required for commercial harvesters to report to DFW would be the following: licensee name, commercial harvester license number, vessel name and registration number, month and year fished, day fished, number of trips, mark if it was a charter, buoy or area fished, specific fishing method, hours fished per method/area, number of net throws, number of fishing lines, traps, net and diameter in feet, port of landing, specific species names, number of catch landed, pounds landed, number of lost and released fish, number lost to predators (sharks, unknown and other - must specify) as well as comments to DFW. This type of commercial harvester fills out a Commercial Harvester Report and must submit their report to DFW every 1st and 15th of the month with a 3-day grace period.. Information required for commercial harvesters that sell directly to a non-commercial purchaser that does not intend to resale what has been purchased, will report to DFW the following: Commercial harvester name, commercial harvester license number, month and year of sales, day sold, species name, condition sold, number of pieces sold, price per pound, total weight and total value. This type of commercial harvester fills out a Commercial Harvest Cash Sales Report.

A final rule was published on January 12, 2009 (73 FR 75615). The federal requirements under 50 CFR 665.404 - Permits states that “the owner of any vessel used to commercially fish for, transship, receive, or land Mariana Bottomfish Management Unit Species (BMUS) or Ecosystem Component Species (ECS) shoreward of the outer boundary of the CNMI management subarea” must have a permitted registered to said vessel. Generally, reporting conditions of this permit state that the vessel captain must record all catch and effort information in the logbook within 24 hours of completing the daily fishing activities. The captain must submit all completed daily

logsheets to NMFS within 72 hours of returning to port. Vessels over 40 feet must also submit a trip sales report.

**Requirements for all vessels**

The operator of a fishing vessel with CNMI commercial bottomfish permit must maintain on board the vessel an accurate and complete record of catch, effort, and other data on paper report forms provided by the Regional Administrator. The vessel operator must submit the original logbook information for each day of the fishing trip to the Regional Administrator within 72 hours of the end of each fishing trip. Fishing vessels operating under a Federal bottomfish permit must report the following information on the Daily Bottomfish Fishing Log: vessel name, permit number, date of departure and port name, date of return and port name, check mark if an observer is on board, fishing date, number of lines, number of hooks per line, fishing area name/bank, fishing location in coordinates, hours fished, start of fishing time, end of fishing time, if you are anchored or drifting, fishing depth range in fathoms, wind speed in knot, direction of the wind, wave height in ft, estimated current speed in knots, bait used, if chum was used or not, pounds of each species kept, number of each species kept, number of each species released dead and/or alive, catch from other type of gear used, number of protected species released uninjured, injured or dead and vessel captain/operator name and signature.

**Requirements for vessels over 40 feet:**

Vessels that are 40 ft or longer must carry and operate a Vessel Monitoring System (VMS) that is owned and installed by NOAA Fisheries. Owners of vessels that are 40 ft and larger must also complete a Pacific Islands Bottomfish Trip Sales Report within 72 hours of landing and submit it to National Marine Fisheries Service (NMFS). Information required on this report would be the following: permit holder, permit number, vessel name, port of landing, date of sale, trip start date, trip end date, species caught, number of each species sold, lbs of each species sold, value of pounds sold, whom it was sold to and the vessel owner/operator’s name and signature

**Table 1.** The differences between the CNMI and Federal reporting requirements

<b>CNMI Reporting Requirements</b>	<b>Federal Reporting Requirements</b>
Commercial harvesters and purchasers will report data <ul style="list-style-type: none"> <li>- Commercial Harvester Report</li> <li>- Commercial Harvest Cash Sales Report</li> <li>- Commercial Purchaser Data receipt form</li> </ul>	Vessel owners/operators will report data <ul style="list-style-type: none"> <li>- Fishing (and Transshipping) Logbooks</li> <li>- Sales Reports (40 ft and larger vessels)</li> </ul>
Required to report data within 0-3 nm (except federal waters)	Required to report data within 3-200 nm (EEZ)
Must report all locally caught/sold species that will enter commerce through sale, barter or trade	Must report commercially fished for, transshipped, received, or landed BMUS or ECS
Submission/collection of data must be done every 1st and 15th of the month	Must record catch and effort in logbooks within 24 hours of fishing activity and submit form to NMFS within 72 hours of each landing
No vessel size requirement and no VMS is	40ft and greater vessels must carry an operational

required	VMS
Does not require to report on the number of protected species released uninjured, injured or dead	Required to report on the number of protected species released uninjured, injured or dead

**Table 2.** A comparison between the CNMI commercial BMUS vessels from the boat-based creel surveys compared to Federal CNMI Commercial Bottomfish permit holders and those reporting. Determination of vessels in the CNMI boat-based creel surveys where fishing in Federal waters was conducted, was done using approximations of the CNMI Boat-based Areas Codes Map. Exact coordinates are not required for the CNMI Commercial Fishing Recording and Reporting Regulations (see Figure 1.)

<b>Year</b>	<b>No. of CNMI BMUS unique vessels based on the boat-based creel surveys</b>	<b>No. of CNMI Commercial BMUS vessels approximately fishing in Federal waters</b>	<b>No. of Federal CNMI Commercial Bottomfish permit holders</b>	<b>No. of Federal CNMI Commercial Bottomfish permit holders reporting catch</b>
<b>2013</b>	15	4	5	4
<b>2014</b>	5	4	7	0
<b>2015</b>	6	1	7	0
<b>2016</b>	13	3	18	n.d.
<b>2017</b>	6	2	25	n.d.
<b>2018</b>	2	1	14	0
<b>2019</b>	8	1	9	0
<b>2020</b>	27	0	14	0
<b>2021</b>	58	3	18	0
<b>2022</b>	20	3	9	0
<b>2023</b>	19	2	1	0

The National Oceanic and Atmospheric Administration Fisheries Office of Law Enforcement (NOAA OLE) conducts land and sea patrols with their Joint Enforcement partners in the CNMI and Guam. These partners assist OLE and respond to complaints of alleged illegal fishing. There have been reports of vessels operating without a Federal bottomfish permit and OLE would work

with their territorial partners to ensure required federal permits are obtained if determined necessary and offer compliance assistance.

Potential next steps to alleviate need for fishermen to acquire two permits to target and land BMUS species and provide reports to both local and federal authorities.

- *Amend CNMI regulations to require fishermen intending to enter marine species into commerce in both CNMI territorial waters (0-3 miles from shore) and Federal EEZ waters (3-200 miles from shore) to acquire a CNMI commercial fishing license and report landings to CNMI DFW as required by the license.*
  - This would require Federal Permit and reporting requirements to be amended or removed.
    - Items to consider
      - CNMI regulation is for all species; Federal regulations is for BMUS
      - Federal report requires information on bycatch and discards; this would need to be covered by the CNMI regulations
      - Joint Enforcement Agreement allows local Enforcement agents to enforce federal regulations. If federal regulations are removed, how will that impact local enforcement in Federal waters? Also, how will this affect enforcement by NMFS OLE and USCG?
      - If fed regulations are not removed, it may be amended to include an either or requirement. This would be really difficult to enforce and administer.
      - Amend federal requirement to mandate all fishers in EEZ waters to hold a CNMI permit and report all catches from federal waters to the CNMI through local regulations.
  - Would allow for fishers to be alleviated from applying and reporting to two different entities while still fulfilling Mariana bottomfish and ECS reporting requirements. The CNMI Conservation Enforcement Officers may aid in the pressure of commercial harvesters and purchasers reporting data. Reporting will not only focus on bottomfish but all commercial aquatic and marine life defined by the CNMI Commercial Fishing Recording and Reporting Regulations.
- *Amend CNMI regulations to require fishermen targeting, landing and selling BMUS from CNMI waters (0-3) to comply with Federal regs.*
  - *This would eliminate reporting of all marine species intended to enter commerce and be limited only to BMUS.*

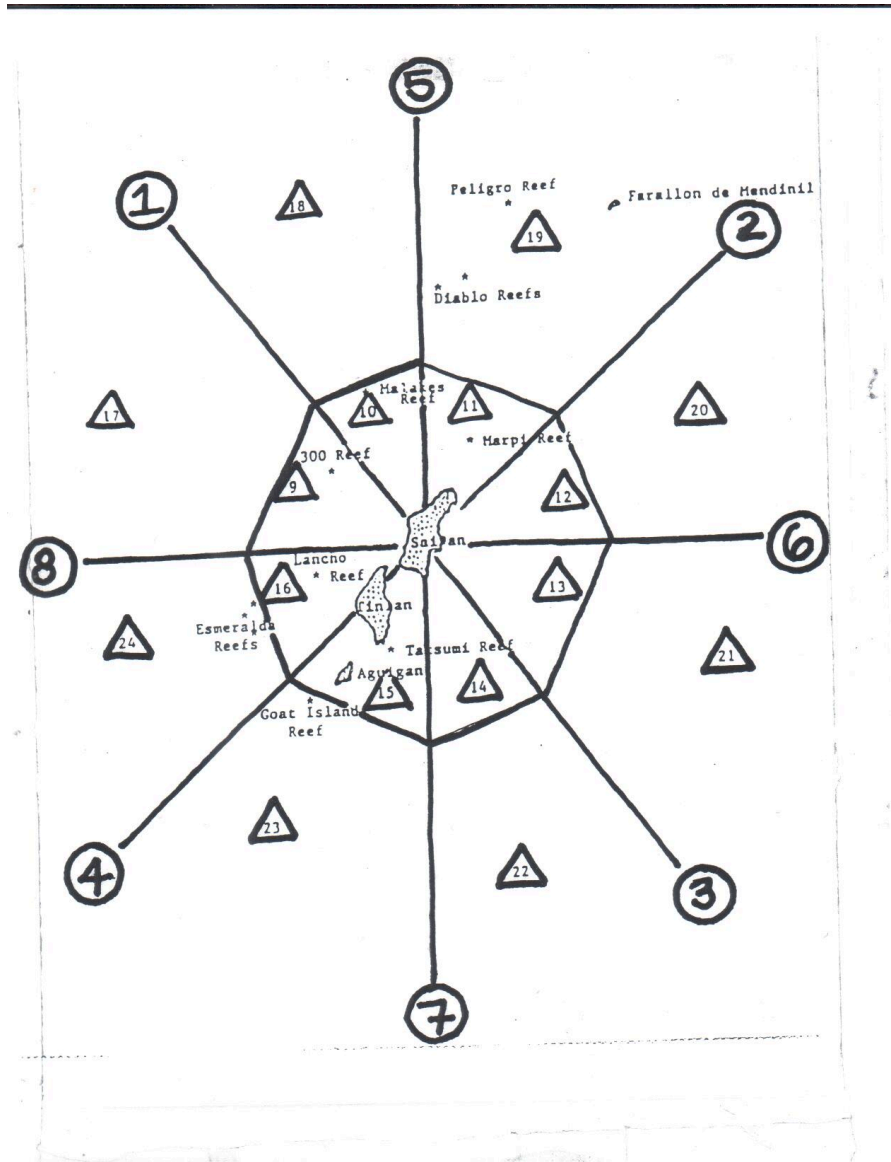


Figure 1. The CNMI Boat-based Areas Codes Map. Areas 9-16 was not included in the data analysis as it is not certain if vessels were fishing beyond 3 nm from the low-water line along the coast of the CNMI. Reefs within 3nm along the coast of the CNMI were not included as well.