



## Report on Potential CNMI Bottomfish Regulatory Overlap

*Prepared by Council staff for 199<sup>th</sup> Council Meeting*

### **Background**

At the 198<sup>th</sup> 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 recently passed, and implemented, a requirement for the reporting of commercial fishery catch. Similarly, the Council recommended, and NMFS implemented, a regulation for CNMI bottomfish fisheries that requires “any vessel used to commercially fish for, transship, receive, or land Mariana bottomfish MUS or ECS shoreward of the outer boundary of the CNMI management subarea must have a permit issued under this section, and the permit must be registered for use with that vessel.<sup>1</sup>” Along with the permit is the requirement to provide a federal logbook of bottomfish catch and effort.

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.*

### **Review**

A review of the CNMI and Council regulations by Council staff, NMFS PIRO and NOAA General Counsel.

Under the CNMI Department of Lands and Natural Resources (DLNR) Commercial Fishing Recording and Reporting Regulations, “...the Department must establish a catch recording and reporting system for any individual and/or business engaged in the commercial harvest, purchase and/or sale of marine life products caught within the Commonwealth waters.<sup>2</sup>” This, on the surface looks to be very similar to what is provided in federal regulations. However, there is additional regulations under § 85-30.5-020 Definitions that says “(a) Unless the context clearly indicates otherwise, the following definitions shall apply to the terms used in this subchapter: ... (4) “CNMI waters” means the waters from the low-water line along the coast of the CNMI and extending 200 nautical miles, except for water under federal jurisdiction.”

The DLNR regulations uses the phrase "CNMI waters" multiple times in describing where the regulations are applicable, and does not mention federal jurisdiction or waters. From context, it

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<sup>1</sup> [50 CFR 665.404 - Permits](#)

<sup>2</sup> [§ 85-30.5-001 Authority](#)

does indicate that the CNMI intended for the reporting regulations to specifically apply to fish caught within the territorial waters of the CNMI. Federal regulations, on the other hand, are specific to fish caught in the U.S. Exclusive Economic Zone waters around the CNMI, an area adjacent but geographically distinct.

### **Conclusions**

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.