

2.7 MARINE PLANNING

2.7.1 Introduction

Marine planning is a science-based management tool being utilized regionally, nationally and globally to identify and address issues of multiple human uses, ecosystem health and cumulative impacts in the coastal and ocean environment. The Council’s efforts to formalize incorporation of marine planning in its actions began in response to Executive Order (EO) 13547, *Stewardship of the Ocean, Our Coasts, and the Great Lakes*. EO 13158, *Marine Protected Areas*, proposes that agencies strengthen the management, protection, and conservation of existing MPAs, develop a national system of MPAs representing diverse ecosystems, and avoid causing harm to MPAs through federal activities. MPAs, or marine managed areas (MMAs) are one tool used in fisheries management and marine planning.

At its 165th meeting in March 2016, in Honolulu, Hawai`i, the Council approved the following objective for the FEPs: Consider the Implications of Spatial Management Arrangements in Council Decision-making. The following sub-objectives apply:

- Identify and prioritize research that examines the positive and negative consequences of areas that restrict or prohibit fishing to fisheries, fishery ecosystems, and fishermen, such as the Bottomfish Fishing Restricted Areas (BRFAs), military installations, NWHI restrictions, and Marine Life Conservation Districts (MLCDs).
- Establish effective spatially-based fishing zones.
- Consider modifying or removing spatial-based fishing restrictions that are no longer necessary or effective in meeting their management objectives.
- As needed, periodically evaluate the management effectiveness of existing spatial-based fishing zones in Federal waters.

In order to monitor implementation of this objective, this annual report includes the Council’s spatially-based fishing restrictions or MMAs, the goals associated with those, and the most recent evaluation. Council research needs are identified and prioritized through the Five Year Research Priorities and other processes, and are not tracked in this report.

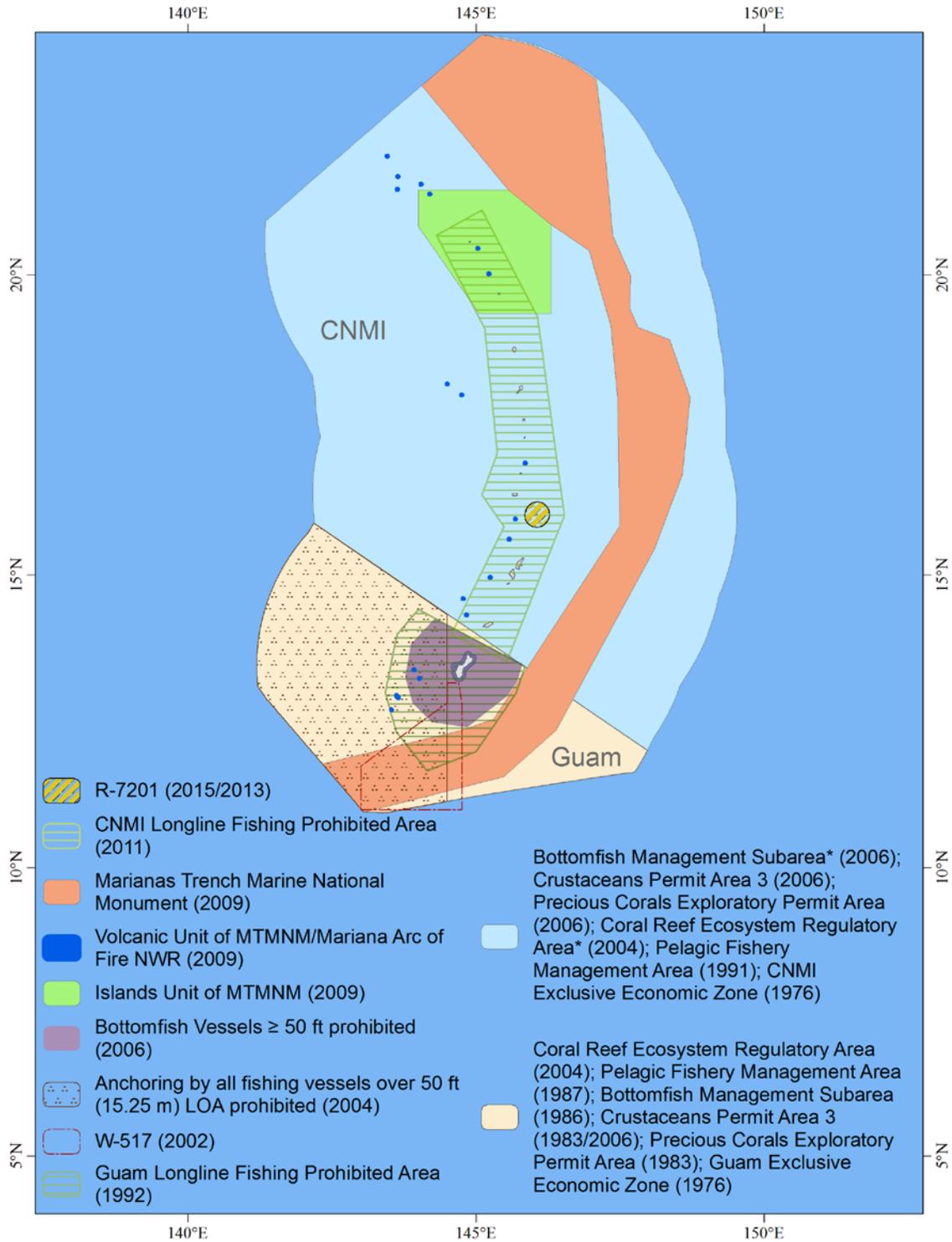
In order to meet the EFH and National Environmental Policy Act (NEPA) mandates, this annual report tracks activities that occur in the ocean that are of interest to the Council, and incidents or facilities that may contribute to cumulative impact. NMFS is responsible for NEPA compliance, and the Council must assess the environmental effects of ocean activities for the FEP’s EFH cumulative impacts section.

2.7.2 Response to Previous Council Recommendations

There are no Council recommendations indicating review deadlines for Marianas MMAs.

2.7.3 Marine Managed Areas Established under FEPs

Council-established MMAs were compiled in Table 78 from 50 CFR § 665, Western Pacific Fisheries, the Federal Register, and Council amendment documents. All regulated fishing areas and large scale access restrictions, including the Mariana Trench Marine National Monument, are shown in Figure 42.



* The Coral Reef Ecosystem Regulatory Area excluded the portion of EEZ waters 0-3 miles around the CNMI. The Bottomfish Management Subarea was divided in the CNMI Inshore Area, which was that portion of the EEZ shoreward of 3 nautical miles of the shoreline of CNMI, and the CNMI Offshore Area, which was that portion of the EEZ seaward of 3 nautical miles from the CNMI shoreline.

Figure 1. Regulated fishing areas of the Mariana Archipelago

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Table 1. MMAs established under FEPs from [50 CFR § 665](#)

Name	FEP	Island	50 CFR /FR /Amendment Reference	Marine Area (km ²)	Fishing Restriction	Goals	Most Recent Evaluation	Review Deadline
Pelagic Restrictions								
Guam Longline Prohibited Area	Pelagic	Guam	665.806(a)(3) 57 FR 7661 Pelagic FMP Am. 5	50,192.88	Longline fishing prohibited	Prevent gear conflicts between longline vessels and troll/handline vessels.	1992	-
CNMI Longline Prohibited Area	Pelagic	Mariana Archipelago	665.806(a)(4) 76 FR 37287	88,112.68	Longline fishing prohibited	Reduce potential for nearshore localized fish depletion from longline fishing, and to limit catch competition and gear conflicts between the CNMI-based longline and trolling fleets.	2011	-
Bottomfish Restrictions								
Guam Large Vessel Prohibited Area	Mariana Archipelago	Guam	665.403(a) 71 FR 64474 Bottomfish FMP Am. 9	29,384.06	Vessels ≥ 50 feet prohibited	To maintain viable participation and bottomfish catch rates by small vessels in the fishery.	2006	-
Other Restrictions								
Guam No Anchor Zone	Mariana Archipelago	Guam	665.399 69 FR 8336 Coral Reef Ecosystem FMP	138,992.51	Anchoring by all fishing vessels ≥ 50 ft. prohibited on the offshore southern banks located in the U.S. EEZ off Guam	Minimize adverse human impacts on coral reef resources.	2004	-

2.7.4 Fishing Activities and Facilities

There are no proposed or existing offshore aquaculture projects in Federal waters of neither Guam nor CNMI.

2.7.5 Non-Fishing Activities and Facilities

The following section includes activities or facilities associated with known uses and predicted future uses. The Plan Team will add to this section as new facilities are proposed and/or built. Due to the sheer volume of ocean activities and the annual frequency of this report, only major activities on multi-year planning cycles are tracked in this report. Activities which are no longer reasonably foreseeable or have been replaced with another planning activity are removed from the report, though may occur in previous reports.

2.7.5.1 Alternative Energy Facilities

There are no proposed or existing alternative energy facilities in Federal waters of neither Guam nor CNMI.

2.7.5.2 Military Training and Testing Activities and Impacts

The Department of Defense major planning activities in the region are summarized in Table 63. Activities that are no longer reasonably foreseeable or have been replaced with another planning activity were removed from the report, though may occur in previous reports.

When a particular offshore area is in use for training or testing exercises by the U.S. military, a notice to mariners (NTM) is issued, and vessels attempting to use the area are advised to be cautious of objects in the water and other small vessels. This discourages access to many popular fishing areas. NTMs from the military and the number of days affected for Guam and the CNMI are included in Table 64.

2.7.6 Pacific Islands Regional Planning Body Report

In June 2018, President Trump signed the EO 13840 *Regarding the Ocean Policy to Advance Economic, Security, and Environmental Interests of the United States*, which revoked EO 13547. The new EO eliminated the mandate for the federal government to participate in ocean planning at a regional level and eliminated the regional planning bodies. As such, the Pacific Islands Regional Planning Body (RPB) no longer exists and ocean planning will now occur at a local level led by Hawaii and the territories.

However, EO 13840 established a policy focused on public access to marine data and information, and requires federal agencies to 1) coordinate activities regarding ocean-related matters and 2) facilitate the coordination and collaboration of ocean-related matters with governments and ocean stakeholders. To that end, the [American Samoa Coastal and Marine Spatial Planning Data Portal](#) was created by [Marine Cadastre](#). The intent is for it to be expanded to include the Marianas, PRIA, and Hawaii and be titled the Pacific Islands Regional Marine Planner.

Spatial planning has occurred in CNMI in Saipan Lagoon. CNMI Division of Coastal Resources Management developed the [Saipan Lagoon Use Management Plan](#), which was updated in 2017 and has an associated [mapping tool](#).

Table 2. Department of Defense major planning activities

Action	Description	Phase	Impacts
Guam and CNMI Military Relocation SEIS	Relocate Marines to Guam and build a cantonment/family housing unit on Finegayan/Andersen Air Force Base, a live-fire individual training range complex at the Ritidian Unit of the Guam National Wildlife Refuge.	ROD published August 29, 2015 after release of Final SEIS on July 18, 2015. Lawsuit filed for segmentation and range of reasonable alternatives under NEPA. DOJ asked US District Court for the NMI to dismiss the plaintiff’s complaint with prejudice to prevent refileing. The case was lost in 2018 after a judge from the district court of CNMI agreed with the military that the Guam buildup and proposed training in the CNMI aren’t connected actions. The case was appealed, and the U.S. Court of Appeals for the Ninth Circuit announced it might hear oral arguments in early 2020. http://www.saipantribune.com/index.php/doj-federal-court-lacks-jurisdiction/ ; https://www.guampdn.com/story/news/2019/10/08/cnmi-training-range-lawsuit-could-heard-us-court-appeals-hawaii/3905566002/).	Surface danger zone established at Ritidian – access restricted during training. Access will be negotiated between the Navy and USFWS. Northern District Wastewater Treatment Plant is non-compliant with NPDES permit; until plant is upgraded, increased wastewater discharge associated with buildup will significantly impact nearshore water quality. DOD to fund plant upgrades – see Economic Adjustment Committee Implementation Plan.

<p>Mariana Islands Training and Testing – Supplemental</p>	<p>The supplement to the 2015 Final EIS/OEIS is being prepared to support ongoing and future activities conducted at sea and on Farallon de Medinilla (FDM) beyond 2020. New information, including an updated acoustic effects model, updated marine mammal density data, and evolving and emergent BSIA, will be used to update the MITT.</p>	<p>The 2019 MITT Final Supplemental EIS/OEIS is expected in spring 2020.</p> <p>Open House Public Meetings took place in March 2019. Public Comment was extended from March 18, 2019 to April 17, 2019 and is now closed.</p> <p>Meetings are ongoing to discuss FDM research activities and exercises. Meetings were previously held to discuss the Integrated Natural Resources Management Plan and plans for future surveys around FDM.</p>	<p>Access and habitat impacts likely similar to previous analysis in 2015 EIS/OEIS.</p>
<p>CNMI Joint Military Training</p>	<p>Establish unit and combined level training ranges on Tinian and Pagan.</p>	<p>Revised Draft EIS was expected in late 2018 or early 2019, but there is no new information on the EIS status.</p> <p>Lawsuit filed for segmentation and range of reasonable alternatives under NEPA. DOJ asked US District Court for the NMI to dismiss the plaintiff’s complaint with prejudice to prevent refiling. The case was lost in 2018 after a judge from the district court of CNMI agreed with the military that the Guam buildup and proposed training in the CNMI aren’t connected actions. The case was appealed, and the U.S. Court of Appeals for the Ninth Circuit announced it might hear oral arguments in early 2020.</p> <p>Several meetings have been held with DFW and military officials to discuss relevant natural resource, land use, and social concerns regarding the proposed activities and prompted the reconsideration of proposed alternatives.</p>	<p>Significant access and habitat impacts.</p>

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<p>Tinian Divert Infrastructure Improvements, Marianas</p>	<p>Improvements to airport and seaport (improving roads, installing fuel line) in CNMI for expanding mission requirements in Western Pacific.</p>	<p>The USAF has published a NOI to prepare a SEIS for the proposed Tinian Divert Infrastructure Improvements. The NOI began the public scoping process for the SEIS, which ended on May 31, 2018. Substantive comments received during the public scoping period will be taken into consideration during preparation of the Draft SEIS.</p> <p>The USAF published a Notice of Availability (NOA) for the Draft SEIS on May 17, 2019. The NOA began the public review period for the Draft SEIS, which ended on July 1, 2019. Substantive comments received during the public review period will be taken into consideration during preparation of the Final SEIS.</p>	<p>Adverse impacts to EFH minimal; access near Port of Tinian fuel transfer facility affected.</p> <p>Access and transit to fishing grounds.</p>
<p>Garapan Anchorage</p>	<p>Military Pre-Positioned Ships anchor and transit.</p>	<p>Expired Memorandum of Understanding with the CNMI government. As of 2019, a new MOU had not been signed.</p>	<p>Access, invasive species, unmitigated damage to reefs.</p>
<p>Farallon de Medinilla</p>	<p>Restricted airspace covering the island to 12 nmi radius to conduct military training scenarios using air-to-ground ordnance delivery, naval gunfire, lasers and special operations training.</p>	<p>Final rule published March 13, 2017, effective June 22, 2017, designating a new area, R-2701A, that surrounds existing R-2701, encompassing airspace between a 3 nmi radius and 12 nmi radius of FDM (82 FR 13389).</p> <p>Proposed surface danger zone to 12 nmi. Meetings with military officials established that the 12 nmi radius is closed when exercises are being conducted, but a 3 nmi closure would instead be in effect year-round when exercises are not being conducted.</p> <p>Damage to submerged lands and fisheries to be included within consultation establishing continued US interest in the island and compensation to the CNMI (Report to the President on 902 Consultations, 2017)</p>	<p>Access – to fishing grounds and transit to fishing grounds - and damage to submerged lands.</p>

Table 3. NTMs for Military Exercises in the Mariana Archipelago from 2013-2019

Year	Location	Number of Notices to Mariners Issued	Number of Days Affected
2013	FDM	45	159
	W-517	24	54
2014	FDM	38	145
	W-517	24	49
2015	FDM	37	164
	W-517	33	87
2016	FDM	35	142
	W-517	50	139
	W-11	N/A	N/A
	W-12	N/A	N/A
2017	FDM	56	191
	W-517	46	119
	W-12	2	5
	W-11	N/A	N/A
2018	FDM	38	150
	W-517	49	107
	W-12	6	13
	W-11	1	1
2019	FDM	39	165
	W-517	27	65
	W-12	3	22
	W-11	6	27
	W-13	15	37