



NOAA FISHERIES

Sustainable Fisheries

Small Entity Compliance Guide for New Regulations Prohibiting Commercial Vessels from Directly Fishing for Unfished Forage Fish

This guide explains how West Coast commercial fishing vessels and businesses can comply with new regulations prohibiting directed fishing for a group of smaller offshore fish and invertebrates.

Who and Where:

These regulations apply to all commercial fishing vessels and processing vessels operating within the U.S. West Coast Exclusive Economic Zone, Federal marine waters from 3 nm to 200 nm offshore of the states of Washington, Oregon, and California.

What and When:

NOAA fisheries recently published a final rule that prohibits directed commercial fishing for a list of species that were previously unmanaged, and prohibits, with limited exceptions, at-sea processing of these species. Although directed fishing for these species is prohibited, because these species are often caught incidentally in other managed fisheries, that incidental catch is still allowed to some degree. Species covered by this rule:

- Round herring (*Etrumeus teres*)
- Thread herring (*Opisthonema libertate* and *O. medirastre*)
- Mesopelagic fishes, including lanternfish (*Myctophidae*), deep-sea smelts (*Bathylagidae*), barracudina (*Paralepididae*), and bristlemouths (*Gonostomatidae*)
- Pacific sand lance (*Ammodytes hexapterus*)
- Pacific saury (*Cololabis saira*)
- Silversides (family Atherinopsidae)
- Osmerid smelts
- Pelagic squids except market squid (*Doryteuthis opalescens*) and Humboldt squid (*Dosidicus gigas*) (pelagic squid families: *Cranchiidae*, *Gonatidae*, *Histioteuthidae*, *Octopoteuthidae*, *Ommastrephidae*, *Onychoteuthidae*, and *Thysanoteuthidae*)

Together, we refer to these species as “Shared Ecosystem Component Species” or “Shared EC Species,” meaning that they are shared between the Council’s four fishery management plans.

This small entity compliance guide was prepared pursuant to section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. 104-121. The statements in this document are intended solely as guidance. This document is intended to provide a plain-language summary of how small businesses can comply with new regulations prohibiting vessels from targeting unfished forage fish and invertebrates off the U.S. West Coast (81 FR 19054, April 4, 2016). Any discrepancies between this guide and the Federal Register will be resolved in favor of the Federal Register.

How:

Beginning May 4, 2016, directed commercial fishing for Shared EC Species is prohibited. Directed commercial fishing (for Shared EC Species) means that a commercial fishing vessel lands Shared EC Species *without* landing any species other than Shared EC Species, *or* lands Shared EC Species with other species and in amounts more than:

- (1) 10 mt combined weight of all Shared EC Species from any fishing trip; or
- (2) 30 mt combined weight of all Shared EC Species in any calendar year.

Processing Shared EC Species at sea is also prohibited, except while lawfully processing groundfish. Permitted at-sea processing vessels may not retain and process more than 1 mt of Shared EC Species other than squid species in any one calendar year, nor may they retain and process more than 40 mt of any Shared EC squid species in any calendar year.

Please note that these prohibitions are on *landing* Shared EC Species for vessels that land their catch on shore, and for *retaining and processing* Shared EC Species for vessels that process their catch at sea. It *is* lawful to discard incidentally-caught Shared EC Species at sea.

For More Information:

The proposed and final rules for this action, and the environmental assessment analyzing the potential effects of the action, are available on NMFS's West Coast Region website for ecosystem-based management:

<http://www.westcoast.fisheries.noaa.gov/fisheries/ecosystem/index.html>.

These regulations are based on the Council's recommendations to implement Comprehensive Ecosystem-Based Amendment 1, which amends all four fishery management plans to bring Shared EC Species into those plans. Background information on the Council's efforts on this action is available on their website:

<http://www.pcouncil.org/ecosystem-based-management/amendment1/>