



UNITED STATES DEPARTMENT OF
COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
Sustainable Fisheries Division
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Long Beach, California 90802

Compliance Guide

Regulations for Fish Aggregating Devices and Silky Sharks in the Eastern Pacific Ocean

November 2017

The National Marine Fisheries Service (NMFS) issued regulations under the authority of the Tuna Conventions Act of 1950, as amended, to implement two Resolutions adopted by the Inter-American Tropical Tuna Commission (IATTC) in 2016.¹ The final regulations were published in the *Federal Register* on December 1, 2016, [page 24501 of volume 80](#) and become effective January 1, 2017. These regulations were codified in the *Code of Federal Regulations* at [50 CFR part 300, subpart C](#). This guide provides a summary of how owners and operators of affected entities can comply with these regulations.² These regulations are necessary for the United States to satisfy its obligations as a member of the IATTC.

Area of Application

These regulations apply in the IATTC Convention Area, but do not apply in the Area of Overlap between the convention areas of the Western and Central Pacific Fisheries Commission (WCPFC) and the IATTC (see **Figure 1**). Therefore, these regulations apply in all waters of the Pacific Ocean within the area bounded by the west coast of the Americas and by 50° N. latitude from the coast of North America to its intersection with 150° W. longitude, then 150° W. longitude to its intersection with 4° S. latitude, then 4° S. to its intersection with 130° W. longitude, then 130° W. longitude to its intersection with 50° S. latitude, and then 50° S. latitude to its intersection with the coast of South America. NMFS regulations at [50 CFR part 300, subpart O](#) implementing the decisions of the WCPFC continue to apply in the Area of Overlap.

¹ Resolution [C-16-01](#) (*Collection and Analyses of Data on Fish-Aggregating Devices*) and Resolution [C-16-06](#) (*Conservation Measures for Shark Species, with Special Emphasis on the Silky Shark (*Carcharhinus Falciformis*) for the Years 2017, 2018, and 2019*).

² This small entity compliance guide is issued in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996: Title II of Public Law 104-21. Regulations are subject to change, so this guide may become out of date. Any discrepancy between the contents of this guide and regulations will be resolved in favor of regulations published in the *Federal Register* and codified in the *Code of Federal Regulations*.



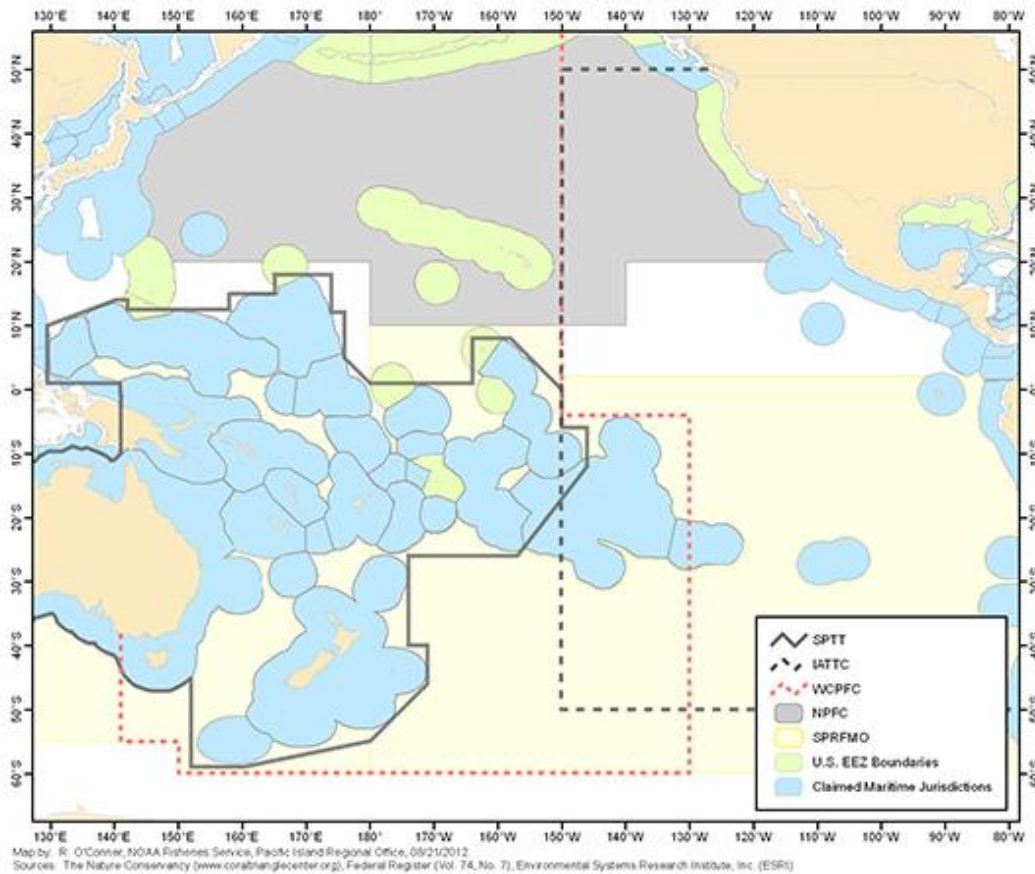


Figure 1. The Convention Area of the IATTC (outlined by black dashed line), the Convention Area of the WCPFC (outlined by red dashed line), and the Area of Overlap that is within both convention areas (outlined by rectangle created by the red and black dashed lines).

Explanation of the Fish Aggregating Device (FAD) Regulations

The new regulations related to FADs apply only to U.S. commercial purse seine vessels used to fish for tuna or tuna-like species.

50 CFR 300.25: Regulations related to FADs

(g) FAD identification requirements for purse seine vessels.

- (1) For each FAD deployed or modified on or after January 1, 2017, in the IATTC Convention Area (except the Overlap Area), the vessel owner or operator must either: obtain a unique code from NMFS West Coast Region, Highly Migratory Species Branch (Rachael Wadsworth, see the **Contact List** below); or use an existing unique identifier associated with the FAD (e.g., the manufacturer identification code for the attached buoy).
- (2) U.S. purse seine vessel owners and operators shall ensure the characters of the unique code or unique identifier be marked indelibly at least five centimeters in height on the upper portion of the attached radio or satellite buoy in a location that does not cover the solar cells used to power the equipment. For FADs without attached radio or satellite buoys, the characters shall be on the uppermost or emergent top portion of the FAD. The vessel owner or operator shall ensure the marking is visible at all times during daylight. In circumstances where the on-board observer is unable to view the code, the captain or

crew shall assist the observer (e.g., by providing the FAD identification code to the observer).

- (i) **FAD data reporting for purse seine vessels.** U.S. vessel owners and operators must ensure that any interaction or activity with a FAD is reported using a standard format provided by the NMFS West Coast Region, Highly Migratory Species Branch (see the response to Question 5 below). The owner and operator shall ensure that the form is submitted to the address specified by NMFS West Coast Region, Highly Migratory Species Branch (see the response to Question 5 below).

Key Questions and Answers

Question 1: To which vessels do these restrictions apply?

Answer: The FAD requirements apply to all U.S. commercial purse seine vessels used to fish for tuna or tuna-like species in the IATTC Convention Area.

Question 2: How do I obtain a unique code from the Highly Migratory Species Branch?

Answer: Unique codes can be obtained by contacting the NMFS West Coast Region, Highly Migratory Species Branch:

Rachael Wadsworth, Fishery Policy Analyst
 E-mail: Rachael.Wadsworth@noaa.gov
 Telephone: (562) 980-4036

Question 3: What is an example of an existing unique identifier of a FAD?

Answer: An existing unique identifier is already associated with the FAD. This could be the manufacturer identification code for the attached buoy.

Question 4: What are the requirements for how to mark FADs?

Answer: FADs must be marked in a manner that is durable. For example, epoxy-based paint or an equivalent in terms of lasting ability that is visible at all times during daylight could be used.



Figure 2. Examples of FAD identification on satellite buoys.

Question 5: What forms are required for data collection on FADs?

Answer: U.S. vessel owners and operators must ensure that any interaction or activity with a FAD is reported using a standard form. Below are options that vessel owners and operators have to fulfill these data collection requirements:

- The IATTC Secretariat has created a FAD form (pdf version) that is available online: <https://www.iattc.org/Downloads/Forms/FAD-Form-3.1.3-ENG.pdf>
- In addition a logbook is available in the Integrated Fisheries Information Management System (IFIMS) that would satisfy these FAD reporting requirements and is available to purse seine vessels that fish in the western and central Pacific Ocean.

These forms must be submitted to the IATTC at the address below.

Inter-American Tropical Tuna Commission
8901 La Jolla Shores Drive
La Jolla, CA 92037-1509
E-mail: datahandlers@iattc.org

Explanation of the Silky Shark Regulations

The new regulations related to silky shark apply to both purse seine and longline U.S. commercial vessels used to fish for tuna or tuna-like species.

50 CFR 300.27: Regulations related to Silky Shark

(e) *Silky shark restrictions for purse seine vessels.* The crew, operator, and owner of a commercial purse seine fishing vessel of the United States used to fish for tuna or tuna-like species is prohibited from retaining on board, transshipping, storing, or landing any part or whole carcass of a silky shark (*Carcharhinus falciformis*) that is caught in the Convention Area.

(f) *Silky shark restrictions for longline vessels.* The crew, operator, and owner of a longline vessel of the United States used to fish for tuna or tuna-like species must limit the retained catch of silky sharks caught in the IATTC Convention Area to a maximum of 20 percent in weight of the total catch during each fishing trip that occurs in whole or in part in the IATTC Convention Area.

Key Questions and Answers

Question 1: May the crew, operator or owner of a U.S. commercial purse seine fishing vessel retain any part or whole carcass of a silky shark?

Answer: No, the crew, operator, and owner of a commercial purse seine fishing vessel of the United States used to fish for tuna or tuna-like species is prohibited from retaining on board, transshipping, storing, or landing any part or whole carcass of a silky shark that is caught in the IATTC Convention Area.

Question 2: Are the regulations for silky shark similar to those in the WCPFC Convention Area?

Answer: The regulations for silky shark in the WCPFC Convention Area are similar, but those in the WCPFC are more restrictive in that they prohibit retention of any silky shark for all gear types.

Contact Information

For Questions on these Regulations and References to HMS Branch

NMFS West Coast Region, Highly Migratory Species Branch
Rachael Wadsworth, Fishery Policy Analyst
Telephone: (562) 980-4036
E-mail: *Rachael.Wadsworth@noaa.gov*

For Questions on IATTC Regional Vessel Register

NMFS West Coast Region, Sustainable Fisheries Division
Chris Fanning, Fishery Policy Analyst
Telephone: (562) 980-4198
E-mail: *Chris.Fanning@noaa.gov*

For Permit Questions

Shannon Penna, Permits Coordinator
Telephone: (562) 980-4238
E-mail: *Shannon.Penna@noaa.gov*