



Small Entity Compliance Guide for the Regulations Implementing the Third Extension of the South Pacific Tuna Treaty

for Longline Vessels

March 21, 2007

This guide is issued by NOAA's National Marine Fisheries Service (NMFS) in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

This is one of two guides intended to provide plain-language summaries of how small businesses can comply with changes made in February 2007 to regulations governing the conduct of U.S. fishing vessels in the area covered by the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (South Pacific Tuna Treaty, or "Treaty").

The regulations are issued under the authority of the South Pacific Tuna Act of 1988 and are published in the *Code of Federal Regulations* at Title 50, Part 300, Subpart D. The regulations were revised in February 2007 to implement changes agreed to in the Third Extension of the Treaty (in 2002), as well as subsequent technical modifications made in the seventeenth annual formal consultation of the parties to the Treaty (in 2005).

This guide is intended for owners and operators of longline vessels; a separate guide has been prepared for owners and operators of purse seine vessels.

For the official regulatory changes, see the final rule published in the *Federal Register* on February 9, 2007 (volume 72, pages 6144-6155), which is effective March 12, 2007.

For the complete set of official regulations that were changed, see Title 50, Part 300, Subpart D, of the *Code of Federal Regulations*.

Regulations are subject to change, so this guide may become out of date. Any discrepancy between the contents of this guide and regulations in the *Federal Register* will be resolved in favor of the regulations published in the *Code of Federal Regulations* and the *Federal Register*.

The regulatory changes are as follows:

Under previous regulations, and in accord with the Treaty, only purse seine and albacore troll vessels could fish on the high seas in the Treaty Area. Other types of U.S. fishing vessels, including longline vessels, were not allowed to fish on the high seas portions of the Treaty Area.

Under the new regulations, at 50 CFR 300.39(a), owners and operators of U.S. vessels using the longline method are exempt from the prohibitions in 50 CFR 300.38 and the licensing requirements in 50 CFR 300.32. The result is that U.S. longline vessels may fish in the high seas portions of the Treaty Area.

Owners and operators of U.S. longline vessels that fish on the high seas in the Treaty Area are still subject to other regulatory requirements. For example, owners and operators of vessels that fish on the high seas are subject to permitting and other requirements under the High Seas Fishing Compliance Act (see regulations at 50 CFR, Part 300, Subpart B), and owners and operators of longline vessels that fish, transship, or land fish within the outer boundary of the U.S. exclusive economic zone in the Pacific Ocean may be subject to permitting and other requirements under the Magnuson-Stevens Fishery Conservation and Management Act (see regulations at 50 CFR, Parts 660 and 665).

For further information, contact:

Regional Administrator, Pacific Islands Region (attn: International Program)
National Marine Fisheries Service
1601 Kapiolani Blvd., Suite 1110
Honolulu, HI 96814
Tel: 808-944-2200
Fax: 808-973-2941
Email: pirohonolulu@noaa.gov