

## **BSAI Amendment 36 Forage Fish Protection**

**Dates:** BSAI Amendment 36 (GOA Amendment 39) was adopted by the Council in April 1997. NMFS published the proposed rule on December 12, 1997 (62 FR 65402) and the final rule on March 17, 1998 (63 FR 13009). Effective date of implementation was April 16, 1998.

**Purpose and Need:** Forage fish are generally small, abundant fishes that are preyed upon by marine mammals, seabirds and commercially important groundfish species. Forage fish perform a critical role in the complex ecosystem functions of the BSAI and the GOA by providing the transfer of energy from the primary or secondary producers to higher trophic levels. Significant declines in marine mammals and seabirds in the BSAI and GOA have raised concerns that decreases in the forage fish biomass may contribute to the further decline of marine mammal, seabird and commercially important fish populations. Forage fish are the principal diet of more than two thirds of Alaskan seabirds. In addition, many seabirds can subsist on a variety of invertebrates and fish during nonbreeding months but can only raise their nestlings on forage fish. Small forage fish such as capelin, herring, sandlance and eulachon also have been recognized as important prey items for a variety of marine mammal species including: Northern fur seal, Steller sea lion, harbor seal, spotted seal, bearded seal, humpback whale and fin whale.

**Regulation Summary:** Amendment 36 defined a forage fish species category and authorized that the management of this species category be specified in regulations in a manner that prevents the development of a commercial directed fishery for forage fish which are a critical food source for many marine mammal, seabird and fish species. Forage fish species are not included in a target species category. Management measures for the forage fish category will be specified in regulations and may include prohibitions on directed fishing, limitations on allowable bycatch retention amounts, or limitations on the sale, barter, trade or any other commercial exchange, as well as the processing of forage fish in a commercial processing facility.

The forage fish species category would include all species of the following families:

- Osmeridae (eulachon, capelin and other smelts),
- Myctophidae (lanternfishes),
- Bathylagidae (deep-sea smelts),
- Ammodytidae (Pacific sand lance),
- Trichodontidae (Pacific sand fish),
- Pholidae (gunnels),
- Stichaeidae (pricklebacks, warbonnets, eelblennys, cockscombs and shannys),
- Gonostomatidae (bristlemouths, lightfishes, and anglemouths),
- and the Order Euphausiacea (krill).

**Analysis:** A 59-page EA/RIR (final draft dated January 1998) was prepared for this amendment. Two alternatives including the status quo were considered, along with four options for the non-status quo alternative. The options not chosen would have put forage fish in the other species category or the prohibited species category. The alternative chosen would protect forage fish by prohibiting a directed fishery and the sale and barter of forage fish. The preferred alternative would also reduce waste by allowing retention (up to a maximum retainable bycatch amount as set in regulations) and processing (into fishmeal) those forage fish caught incidentally in groundfish fisheries.

**Results:** No commercial fishery has been allowed to develop on forage fish in the Exclusive Economic Zone off Alaska.

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