Request for Emergency Action to Close the Directed Sardine Fishery

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Public Comment to PFMC on J.1
April 12, 2015
We Request Emergency Action under MSA Section 305(c)

- Immediately close the directed fishery for Pacific sardines at this meeting

- §305(c) of the MSA: “Emergency Actions and Interim Measures” pertaining to addressing an “emergency or overfishing”.
Emergency Justification

“Ecological”: “to prevent overfishing as defined in [an FMP], . . . or . . . to prevent other serious damage to the fishery resource or habitat.”

Emergency Criteria

1. Results from recent, unforeseen events or recently discovered circumstances; and

2. Presents serious conservation or management problems in the fishery; and

3. Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

CPS FMP Point of Concern

Justification for preventing serious damage to resource

“A ‘point-of-concern’ occurs when one or more of the following is found or expected”

<table>
<thead>
<tr>
<th>POC Criteria (CPS FMP)</th>
<th>Evidence</th>
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<tbody>
<tr>
<td>“Any adverse or significant change in the biological characteristics of a species (age composition, size composition, age at maturity, or recruitment) is discovered.”</td>
<td>Historically low recruitment, no young fish (2015 sardine assessment)</td>
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<td>“An overfishing condition appears to be imminent or likely within two years.”</td>
<td>“Approaching overfishing” (SSC)</td>
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<td>“Any adverse or significant change in ecological factors such as the availability of CPS forage for dependent species or in the status of a dependent species is discovered.”</td>
<td>Starving brown pelicans and sea lions (NOAA &amp; USFWS)</td>
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<td>“An error in data or a stock assessment is detected that significantly changes estimates of impacts due to current management.”</td>
<td>Convergence error overestimated July 2014 biomass by ~100,000 mt</td>
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What 2014-15 Sardine Reference Points would be using July 2014 Biomass of 150,334 mt compared with actual 2014-15 Sardine Catch to Date

- Overfishing Limit: 15,953 metric tons
- Allowable Biological Catch: 15,248 metric tons
- Catch to date (2014-15): 18,935 metric tons
- Harvest Guideline (using SIO Fraction): 44 metric tons
- Annual Catch Limit (Using CalCOFI Emsy): 36 metric tons
MSA: “Overfishing”

- "The terms "overfishing" and "overfished" mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis."

- National Standards in MSA:
  
  (1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

  (2) Conservation and management measures shall be based upon the best scientific information available.
By definition, overfishing occurs in a fishery whenever fishing occurs over a period of one year or more at a rate that is high enough to jeopardize the capacity of the stock to produce MSY on a continuing basis if applied in the long term.

The definition of overfishing is in terms of a fishing mortality or exploitation rate.

The Council must take action to eliminate overfishing when it occurs and to avoid overfishing when exploitation rates approach the overfishing level.
Best Available Science on Overfishing and MSY

• SSC March 2014 Statement: “overfishing limits (OFLs) for the northern subpopulation of Pacific sardine be based on an $E_{MSY}$ proxy derived from the relationship between estimated $E_{MSY}$ and the 3-year moving average of the CalCOFI temperature index, restricted to an $E_{MSY}$ range of 0-25 percent ....”

SSC Discussion

- 2014-15 exploitation rate of 12.6% greater than 2014-15 Emsy of 12.2%

- “Approaching overfishing”

- Stock is at 96,688 mt, well below CUTOFF
CPS FMP states:

- **CUTOFF** is the lowest level of estimated biomass at which directed harvest is allowed.

- The purpose of **CUTOFF** is to protect the stock when biomass is low.

- By the time **BIOMASS** falls as low as **CUTOFF**, the harvest rate is reduced to zero.

Coastal Pelagic Species Fishery Management Plan, As Amended Through Amendment 13, at 38 (Sept. 2011).
Sardine stock is already below CUTOFF
New Assessment Shows Sardines are Approaching an Overfished Condition

“Overfished”: Below Minimum Stock Size Threshold (MSST): 50,000 mt

Possible Stock Trajectories with low recruitment
Summary

• Last year’s assessment was wrong and it matters
• SSC approved 2015 assessment as best available science
• Overfishing is occurring in 2014-15 under MSA definition (Fishing rate exceeding MSY)
• Corrected HG already exceeded
• Every ton removed counts
• Emergency closure is right thing to do