

October 16, 2015

Dr. Donald McIsaac, Executive Director  
Pacific Fishery Management Council  
pfmc.comments@noaa.gov

Re: November agenda item H.1.c. – Pacific Sardine Distribution Workshop Report

Dear Dr. McIsaac:

We are submitting these comments on behalf of Andrew Blair, an owner-operator of the Washington-based sardine seine vessel LISA MARIE.

Mr. Blair appreciates the detailed report of the sardine distribution factor workshop. Three issues addressed in the report should be highlighted:

1) Foreign landings are not helpful to estimating distribution of sardine biomass.

“The workshop agreed with the authors of Primary Documents 1 [Demer and Zwolinski] and 3 [Hill] that landings data on their own provide little information about relative abundance spatially.” (p. 9) Like “[t]he author of Primary Document 3 [Hill],” Mr. Blair is also “not a proponent” of using foreign landings data to estimate distribution of sardine biomass. (p. 8)

2) Accurate stock assessments are more important to fishing fraction than foreign landings.

The workshop addressed whether foreign landings data would help develop a “total fishing fraction” over the entire range of sardine biomass, including in foreign waters. The analysis ultimately showed that stock assessment accuracy, rather than foreign landings data, is more important to ensuring the actual fishing fraction is within the optimal range. As the report puts it, considering foreign landings while “assum[ing] perfect knowledge of the population status ... leads to an implication of great improvement in results ... when, in fact, the gain is certainly almost entirely due to the assumption of perfect knowledge of the stock biomass.” (p. 9) This suggests the focus should be on improving stock assessment methodology rather than developing new models relying on foreign landings data of questionable value.

3) The MSA does not require the Council to further limit U.S. sardine harvest to account for foreign landings.

The workshop report correctly states that the Magnuson-Stevens Act (MSA) “does not mandate” a reduction in U.S. harvest to account for foreign landings of sardine. (p. 4) The relevant MSA provision is Section 304(i) (“International Overfishing”). Section 304(i) governs

instead of Section 304(e) (“Rebuilding Overfished Fisheries”) for fisheries, like the sardine fishery, that are not managed under an international agreement. No further restriction of the U.S. sardine fishery is currently required under Section 304(i), for at least two reasons. First, as NMFS announced in April of this year, “[t]he sardine population is not presently overfished and overfishing is not occurring.” [http://www.nmfs.noaa.gov/aboutus/leadership/apr\\_2015\\_leadership\\_message\\_sardines.html](http://www.nmfs.noaa.gov/aboutus/leadership/apr_2015_leadership_message_sardines.html). Second, even if overfished status were being approached “due to excessive international fishing pressure,” the only required additional action is “at the international level” to “end the overfishing.” Section 304(i)(2). Domestically, Councils must only “address the relative impact” of U.S. fishing vessels, Section 304(i)(2)(A), which may include “management measures already in place.” 50 C.F.R. § 600.310(k)(3).

Mr. Blair requests that the Council not consider any further restrictions on U.S. sardine harvesters to account for foreign landings because that is not required under the MSA, doing so “could also have severe negative implications for the U.S. fishery,” as the workgroup notes (p. 10), and there would apparently be greater benefit from improving sardine stock assessment methodology.

Thank you for your consideration of these comments.

Sincerely yours,

Sullivan & Richards LLP

*Andrew Richards*

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