

Request for Emergency Action to Close the Directed Sardine Fishery

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Oceana

Open Public Comment to PFMC

April 11, 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”.

NMFS Guidelines for Emergency Rules

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

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

- “Any adverse or significant change in the biological characteristics of a species (age composition, size composition, age at maturity, or recruitment) is discovered.”
- “An overfishing condition appears to be imminent or likely within two years.”
- “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.”
- “An error in data or a stock assessment is detected that significantly changes estimates of impacts due to current management.”

Source: CPS FMP at 15

New information in 2015 Assessment

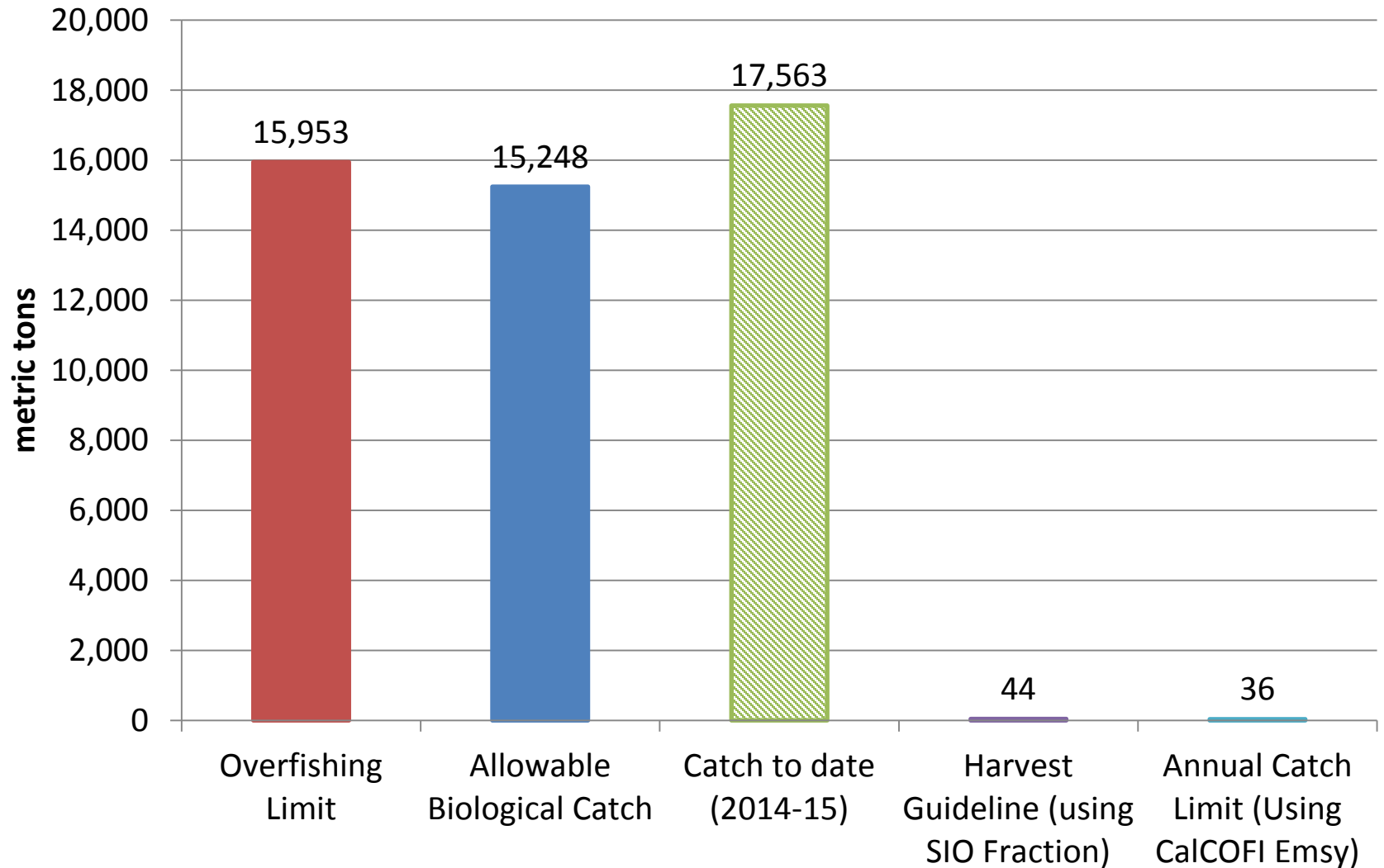
Exceptional Circumstances:

- Major mathematical error in 2014 Stock assessment identified
- “Lack of evidence for spawning in 2014”
- “Recent recruitments have been over-estimated in the past several assessments”
- Dramatically low 2014 survey results
- Stock has been below CUTOFF since July 2014

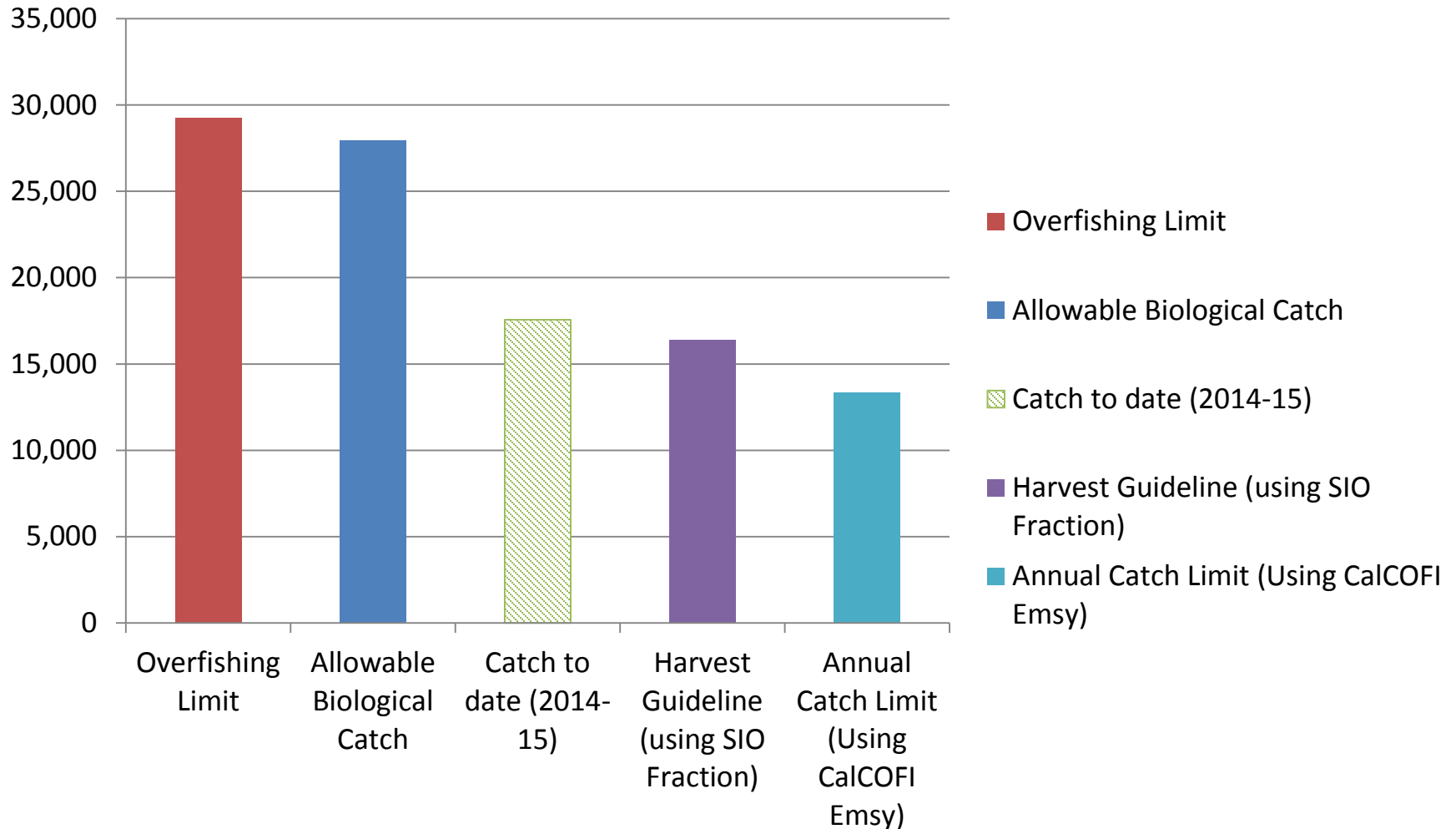
Correcting July 2014-15 Biomass based on Based Available Science

- Original 2014 Assessment: **369,506 mt**
- Correcting math error in 2014 assessment: **275,705 mt**
- New 2015 Assessment retrospective estimate of July 2014 biomass: **150,334 mt**

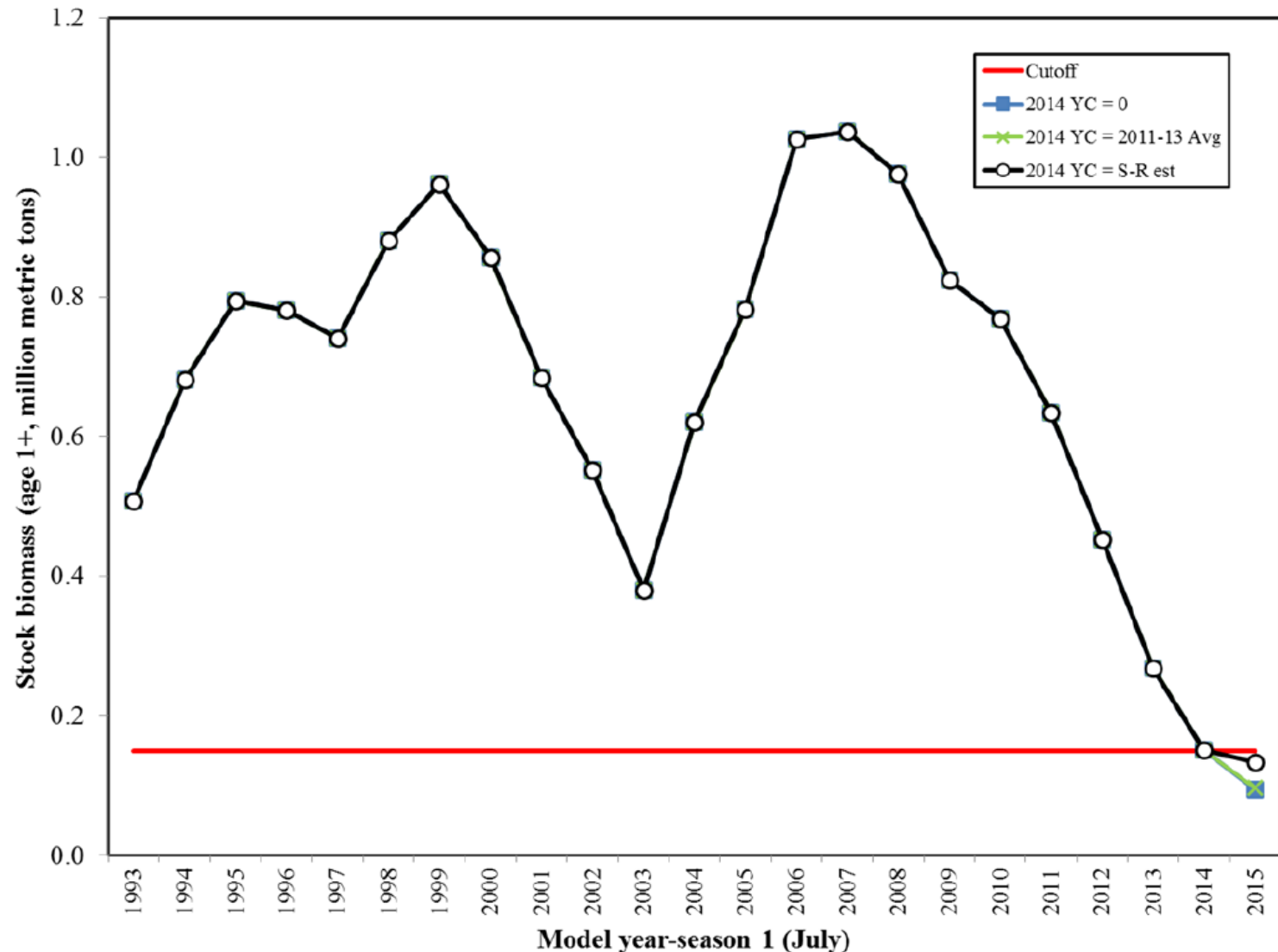
**What 2014-15 Sardine Reference Points would be using July
2014 Biomass of 150,334 mt compared with actual 2014-15
Sardine Catch to Date**



**What 2014-15 Sardine Reference Points would be using July 2014
Biomass of 275,705 mt compared with actual 2014-15 Sardine
Catch to Date**



Sardine stock is already below CUTOFF



CPS FMP states:

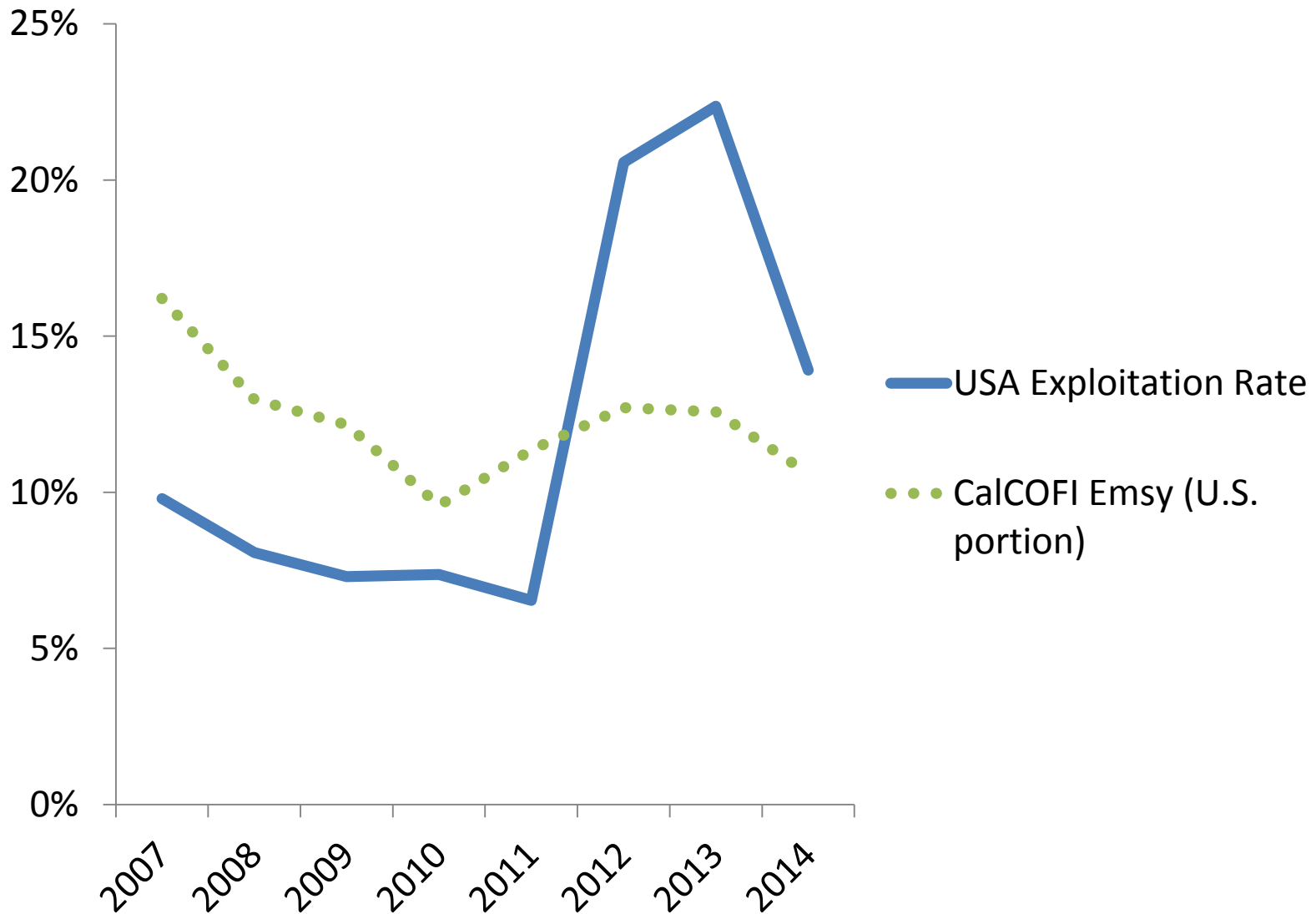
- *CUTOFF is the lowest level of estimated biomass at which directed harvest is allowed*
- *The purpose of CUTOFF is to protect the stock when biomass is low*
- *By the time BIOMASS falls as low as CUTOFF, the harvest rate is reduced to zero*

Exploitation Rates (0+)

Calendar year	USA	Total
2000	7.74%	11.31%
2001	8.02%	10.11%
2002	14.78%	17.36%
2003	12.90%	16.77%
2004	11.35%	12.93%
2005	8.52%	10.65%
2006	7.47%	8.68%
2007	9.80%	12.26%
2008	8.07%	11.29%
2009	7.30%	11.37%
2010	7.37%	12.41%
2011	6.54%	14.33%
2012	20.57%	26.79%
2013	22.36%	27.13%
2014	13.91%	15.20%

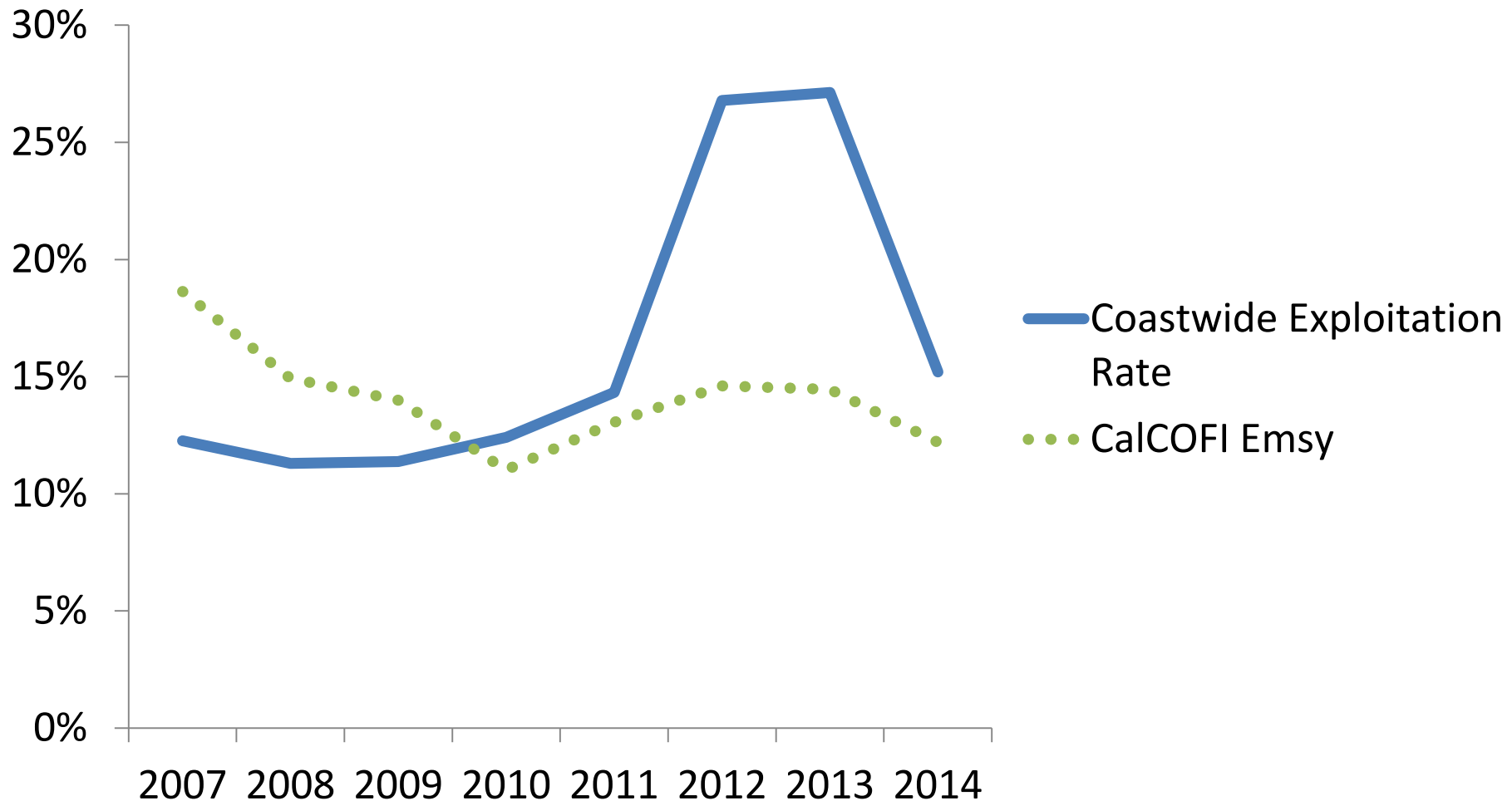
USA and Total Fishing Rates
Exceeded MSY Levels

U.S. Overfishing Occurring Since 2012



U.S. exploitation rate compared to the previous MSY rate (stochastic E_{MSY}) and new rate (CalCOFI E_{MSY}) for the U.S. distribution of the stock (87%). Exploitation in excess of E_{MSY} demonstrates U.S. overfishing has been occurring since 2012. Data from 2015 Assessment.

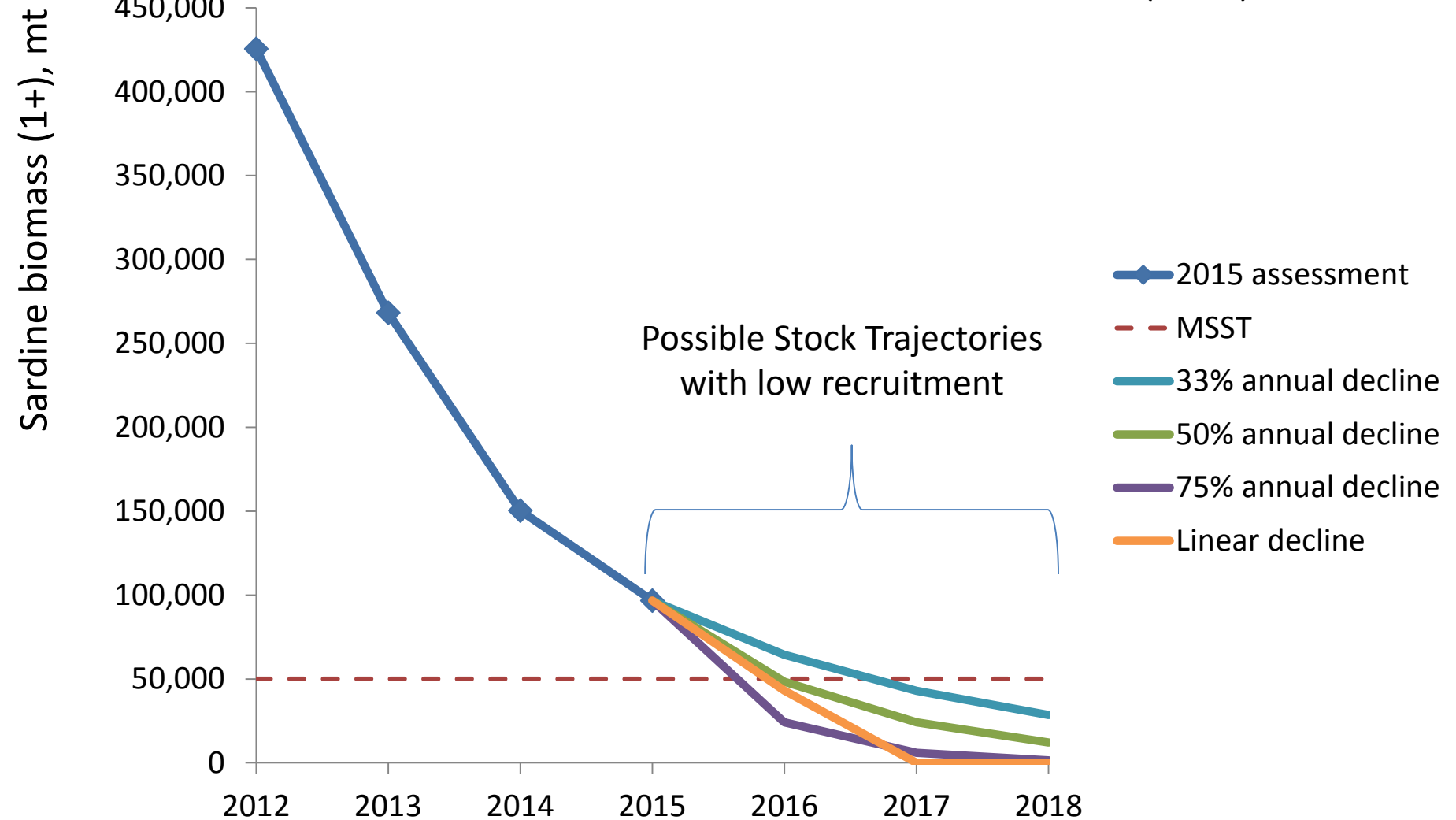
Coastwide Overfishing Occurring Since 2010



Coastwide (U.S., Mexico and Canada) exploitation rate compared to the previous MSY rate (stochastic E_{MSY}) and the new rate (CalCOFI E_{MSY}) for the coastwide distribution of the Northern sardine population. Exploitation in excess of E_{MSY} demonstrates coastwide overfishing has been occurring since 2010. Data from 2015 Assessment

New Assessment Shows Sardines are Approaching an Overfished Condition

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

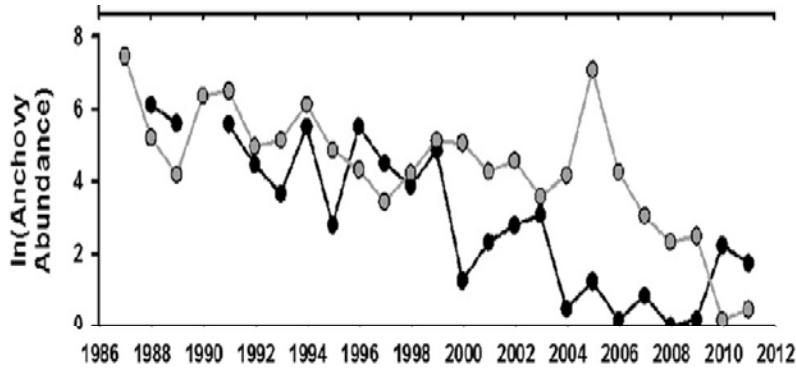


2014-15 Landings to Date

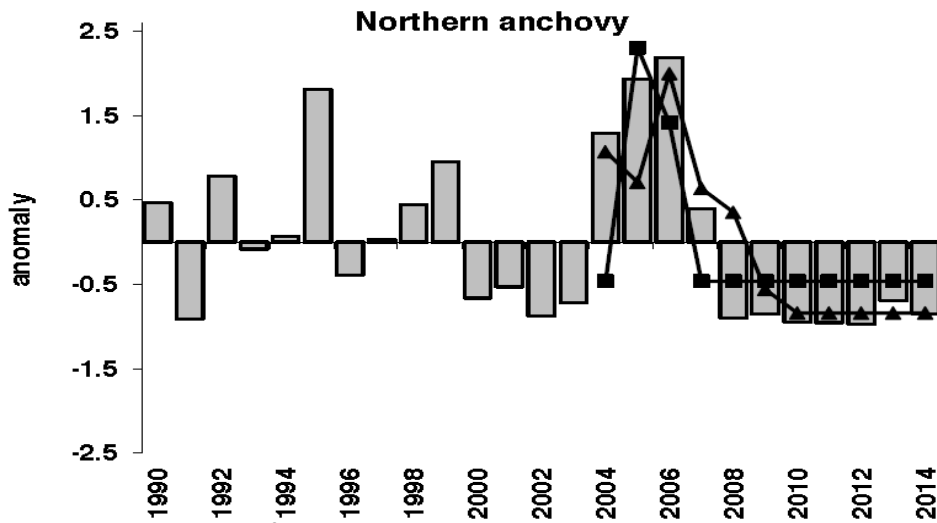
	California	Oregon	Washington	Total
1st Period Totals	70.8	3,881.1	3,107.0	7,058.9
2nd Period Totals	1,915.9	3,694.5	3,221.1	8,831.5
3rd Period Totals	642.3	1031.0	0	1,673.3
				17,563.7

**As of April 6, 2015, there are approximately
3,410 mt of remaining seasonal allocation**

Northern Anchovy Concerns



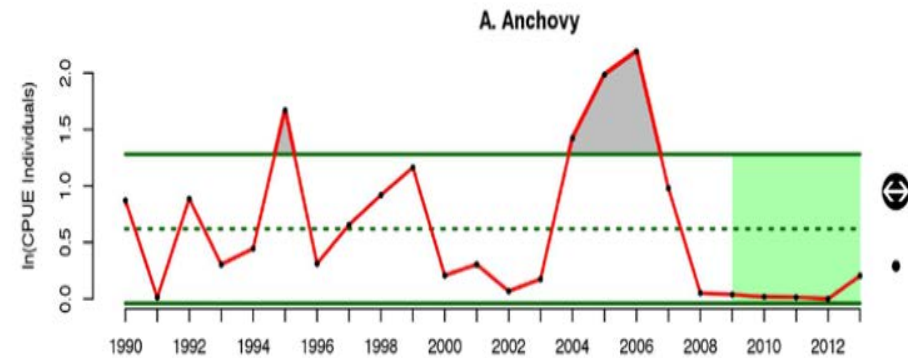
Sydeman et al. 2015



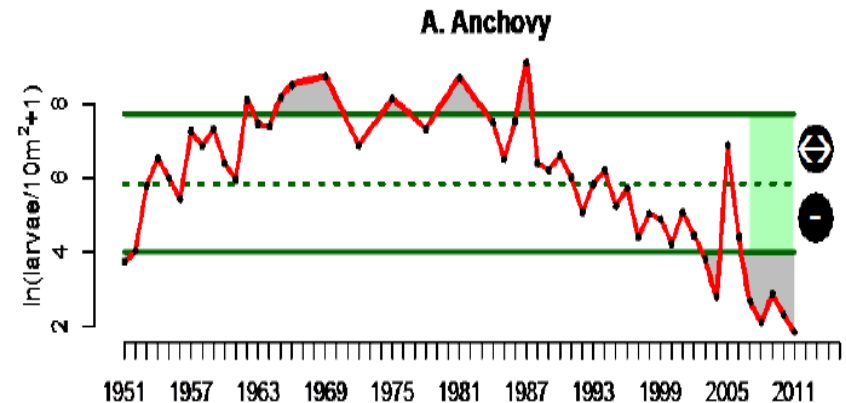
Leising et al. 2014.

State of CA Current (IEA)

Central CA



Southern CA



“Larval anchovy abundance continued a declining trend over the last thirty years to the lowest abundance since 1951”

Sardine Predators are Starving

- Major CA sea lion mortality event since 2013
 - NOAA: 70% of sea lion pups will die this year of starvation
 - Lack of sardines and anchovies is primary cause
- Brown pelican reproductive failures since 2010
- Adverse change in availability of CPS for dependent predators has been discovered

The New York Times

Starving Sea Lions Washing Ashore by the Hundreds in California

By JACK HEALY MARCH 12, 2015



Rescued sea lions recuperated at the Pacific Marine Mammal Center in Laguna Beach, Calif., last month. In a normal January, animal rescuers will find about 20 to 40 stranded sea lions. This year, they reported 250.

takepart

NEWS

ENVIRONMENT

FOOD

CULTURE

Sardine Fishing Could Be Shut Down, and That's Good News for Starving Sea Lions

Nature, overfishing, and climate change are all suspects in a steep fall in fish stocks.

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The Council and NMFS Can and Should Act Quickly

The CPS FMP “Point-of-Concern” framework “provides the Council authority to act based solely on a point-of-concern. Thus, the Council may act quickly and directly to address resource conservation or ecological issues.”

Council Operating Procedure One:

“The published agenda of the meeting may not be modified to include additional matters for Council ... **unless such modification is to address an emergency action under section 305(c) of the Magnuson-Stevens Act, in which case public notice shall be given immediately.**”

The Right Thing to Do

- A significant error was made in last year's assessment (corrected HG already exceeded)
- Stock already below CUTOFF
- Recruitment is at historically low levels
- Overfishing is occurring
- Stock approaching overfished
- New evidence of inadequate forage for predators
- Emergency action necessary to prevent serious harm to stock