

Agenda Item J.1.b
Supplemental Public Comment
(*Electronic Only*)
April 2015

Request for Emergency Action to Close the Directed Sardine Fishery

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**Public Comment to PFMCA 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”.

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.

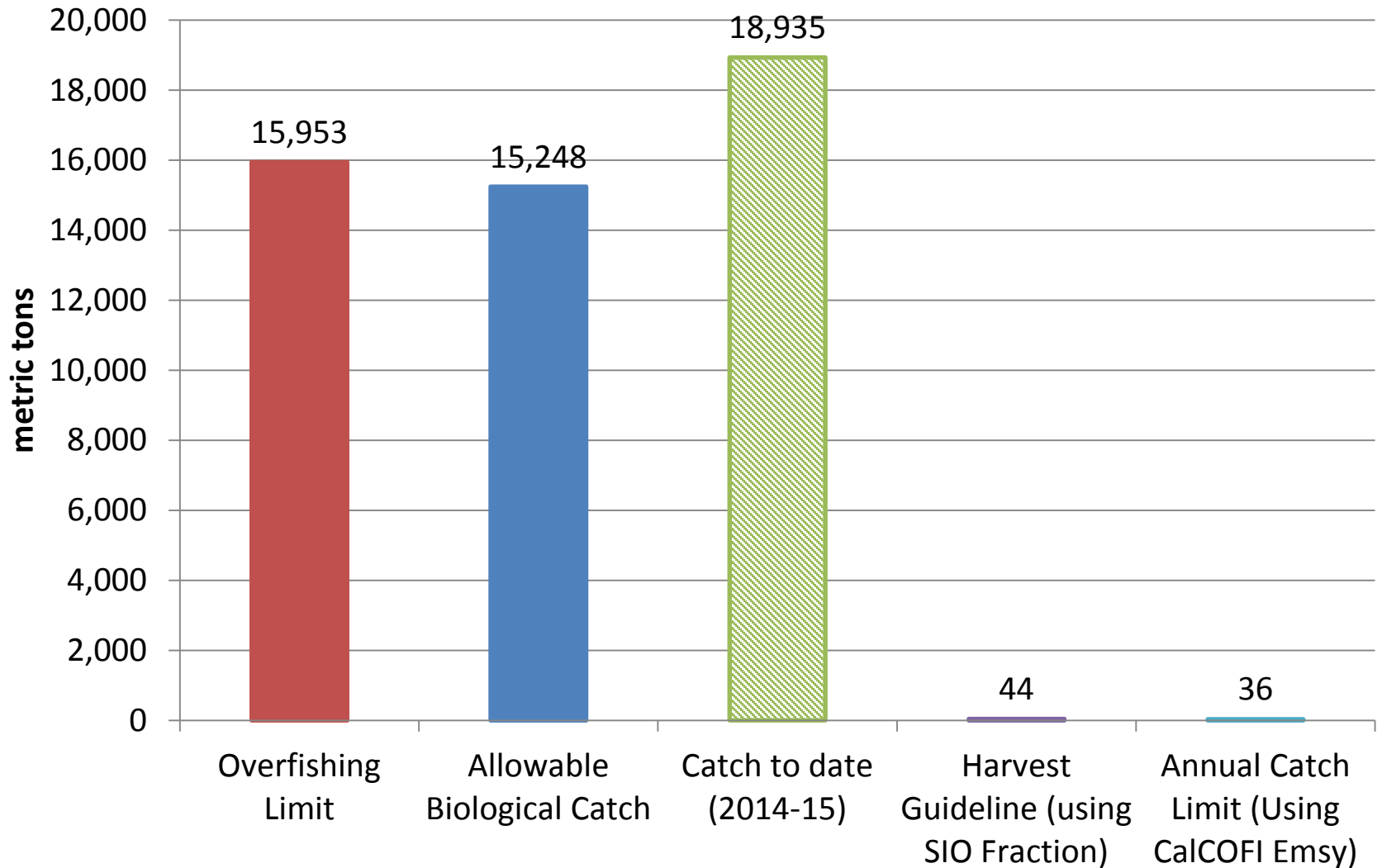
CPS FMP Point of Concern

Justification for preventing serious damage to resource

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

POC Criteria (CPS FMP)	Evidence
“Any adverse or significant change in the biological characteristics of a species (age composition, size composition, age at maturity, or <u>recruitment</u>) is discovered.”	Historically low recruitment, no young fish (2015 sardine assessment)
“An <u>overfishing</u> condition appears to be <u>imminent or likely within two years</u> .”	“Approaching overfishing” (SSC)
“Any adverse or significant change in ecological factors such as the <u>availability of CPS forage for dependent species</u> or in the status of a dependent species is discovered.”	Starving brown pelicans and sea lions (NOAA & USFWS)
“An <u>error in data or a stock assessment</u> is detected that significantly changes estimates of impacts due to current management.	Convergence error overestimated July 2014 biomass by ~100,000 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



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.

CPS FMP, p. 36

- 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”
- Pacific Fishery Management Council, I.1.c Supplemental SSC Report (March 2014).

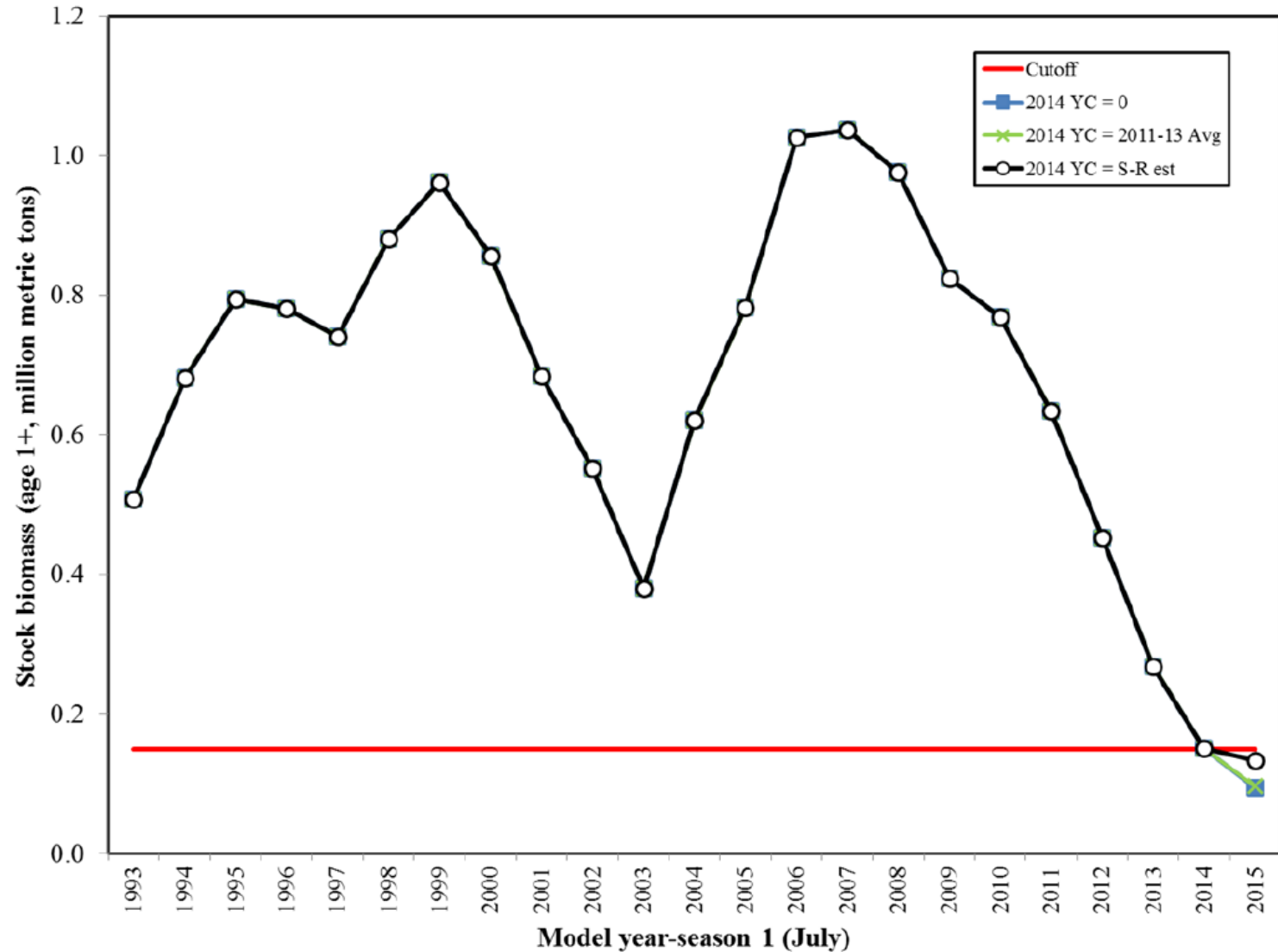
SSC Discussion

- 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:

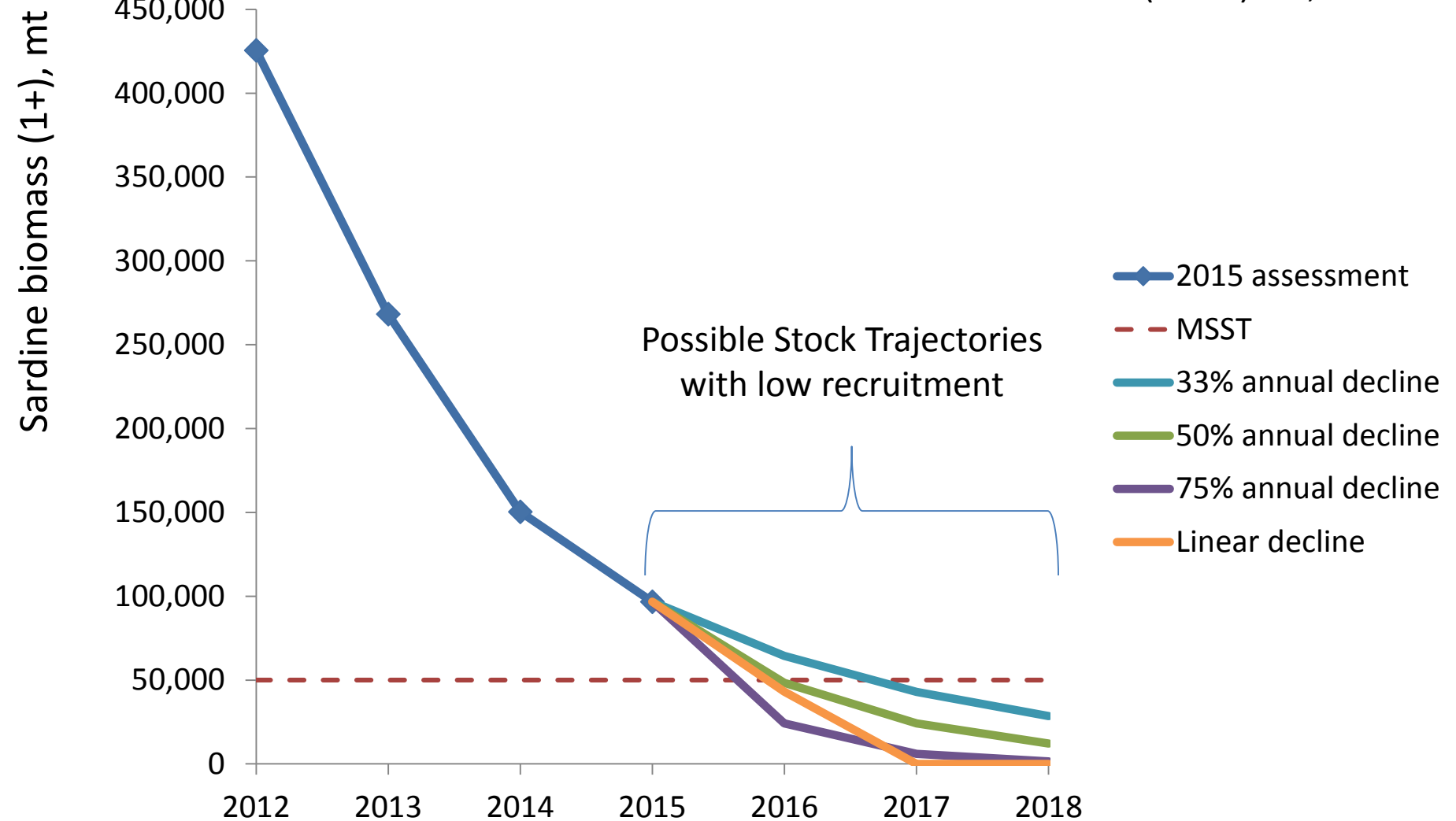
- *CUTOFF is the lowest level of estimated biomass at which directed harvest is allowed*
- *The purpose of CUTOFF is to protect the stock when biomass is low*
- *By the time BIOMASS falls as low as CUTOFF, the harvest rate is reduced to zero*

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



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