

Request for Emergency In-Season Action to Close the Directed Sardine Fishery



Randy Morse – Brydes whale and sardine

Ben Enticknap

Oceana

**Public Comment to PFMCC on
J.2**

April 15, 2015

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

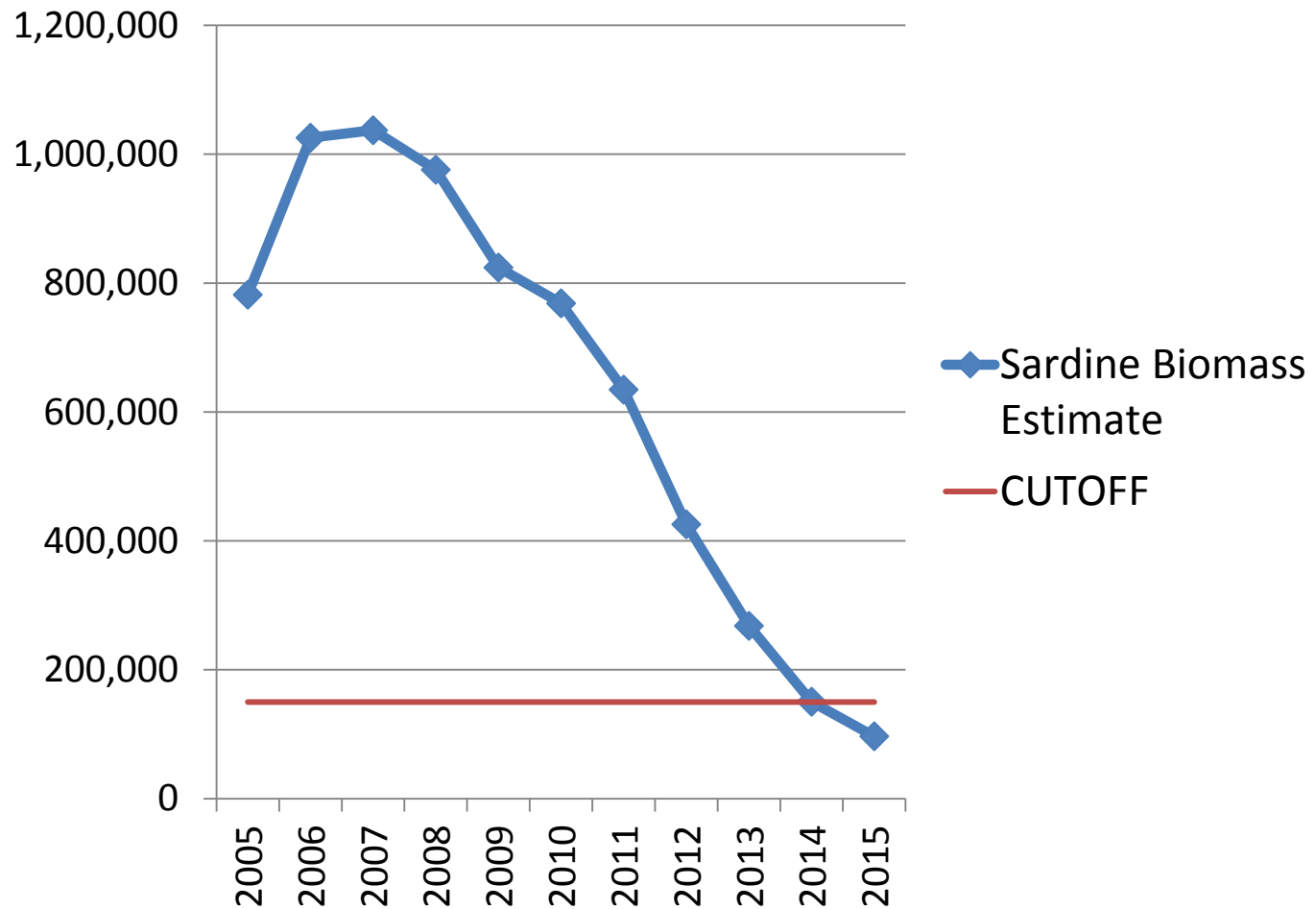
1. Results from recent, unforeseen events or recently discovered circumstances; and
2. Presents serious conservation or management problems in the fishery; and
3. Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and 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”

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

Northern Pacific Sardine population is below CUTOFF



CPS FMP States:

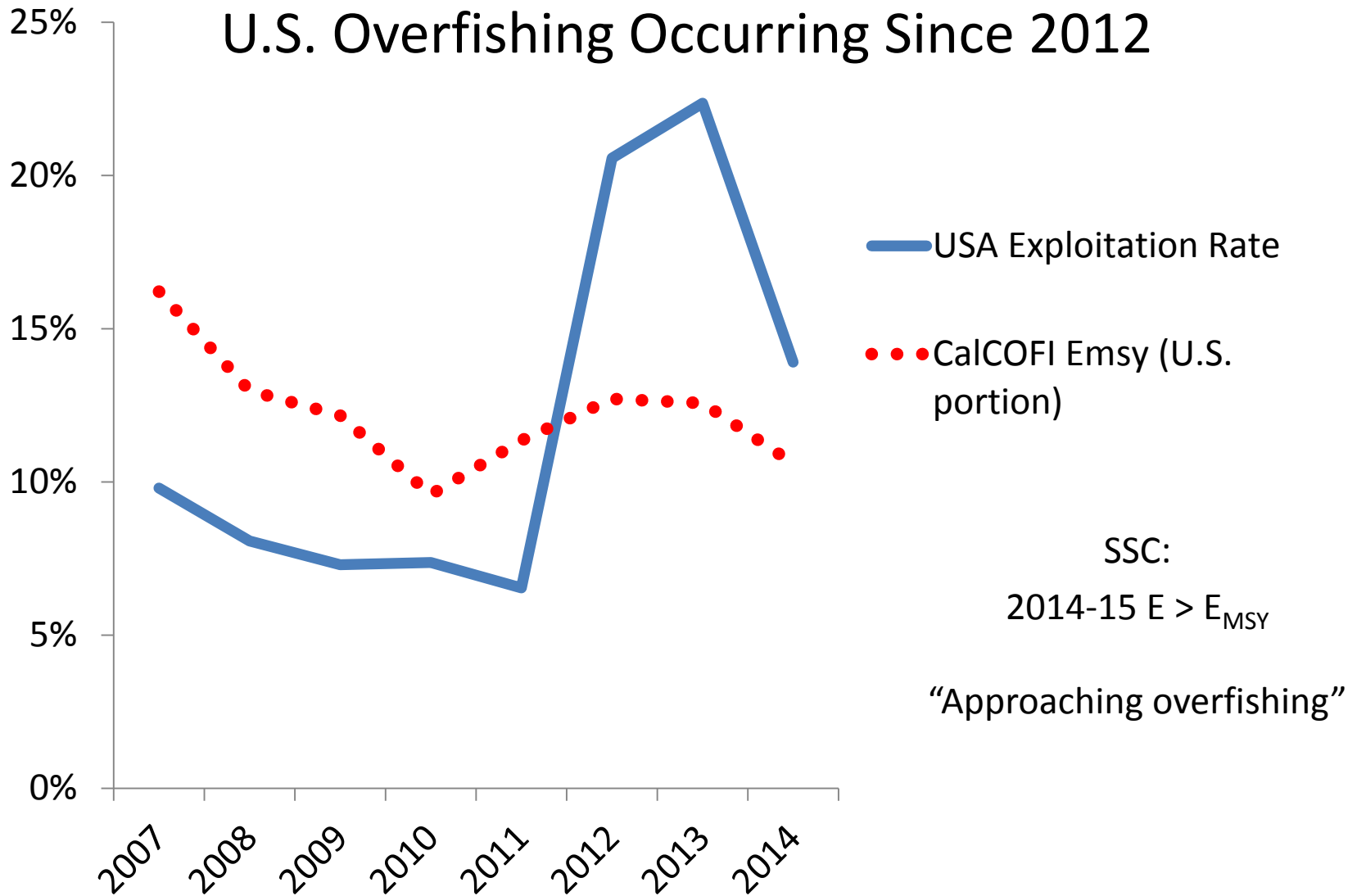
- *CUTOFF is the lowest level of estimated biomass at which directed harvest is allowed*
- *The purpose of CUTOFF is to protect the stock when biomass is low*
- *By the time BIOMASS falls as low as CUTOFF, the harvest rate is reduced to zero*

Overfishing

CPS FMP, p. 36

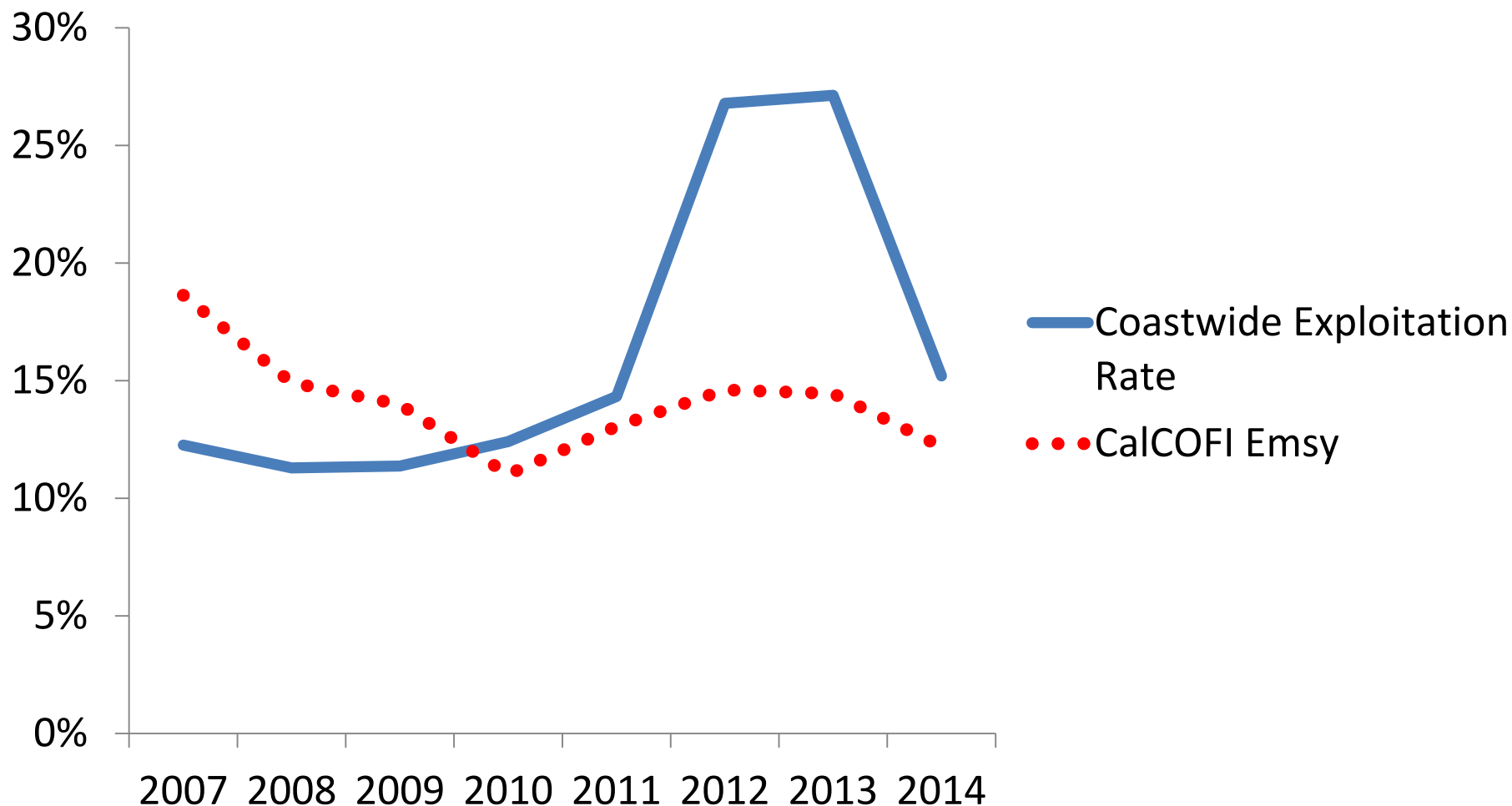
- By definition, overfishing occurs in a fishery whenever fishing occurs over a period of one year or more at a rate that is high enough to jeopardize the capacity of the stock to produce MSY on a continuing basis if applied in the long term
- The definition of overfishing is in terms of a fishing mortality 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

U.S. Overfishing Occurring Since 2012



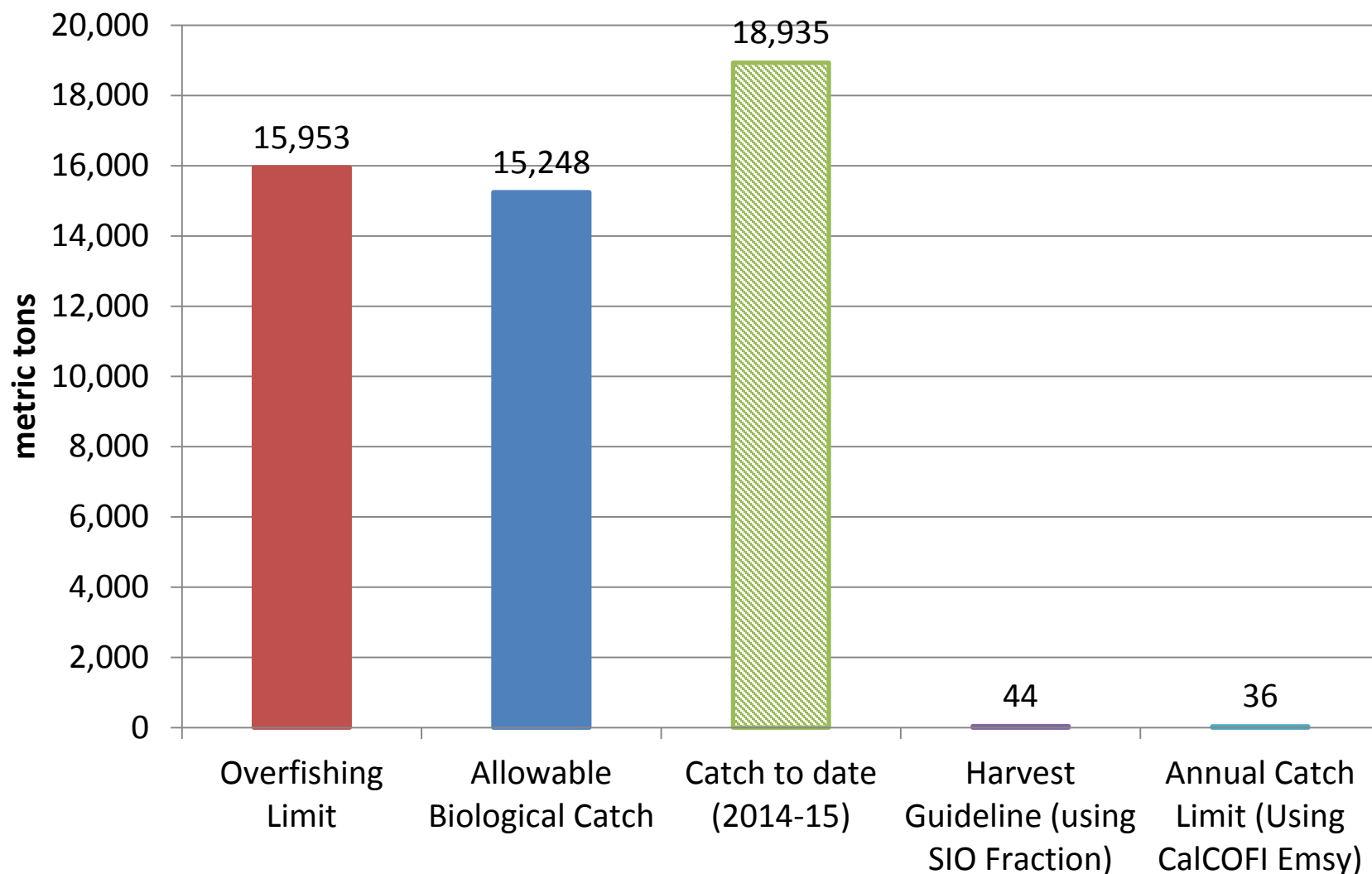
U.S. exploitation rate compared to CalCOFI E_{MSY} for the U.S. distribution of the stock (87%). Exploitation in excess of E_{MSY} demonstrates U.S. overfishing has been occurring since 2012. Data from 2015 Sardine Assessment, NMFS.

Coastwide Overfishing Occurring Since 2010



Coastwide (U.S., Mexico and Canada) exploitation rate compared to the CalCOFI E_{MSY} for the coastwide distribution of the Northern sardine population. Data from 2015 Sardine Assessment, NMFS.

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



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.



**CBS
NEWS**

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.



**“Baby California pelicans
starving to death”**

Summary of Request for Emergency Action

- 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