

COASTAL PELAGIC SPECIES ADVISORY SUBPANEL REPORT ON OPEN COMMENT:
INCIDENTAL RATE IN PACIFIC SARDINE FISHERY

The Coastal Pelagic Species Advisory Subpanel (CPSAS) reviewed and discussed open public comments in the June supplemental Briefing Book. These include specifically the request for the Pacific Fishery Management Council (Council) to seek emergency action to increase the incidental catch allowance for sardine that have been declared overfished and to declare a socio-economic Point of Concern as outlined in the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP).

The CPSAS reviewed and discussed the Point-of-Concern and Socioeconomic Frameworks in the CPS FMP. In our estimation, and in line with the need to “take into account the importance of the fishery resources to fishing communities”¹ under National Standard 8, a majority of the CPSAS is asking that the Council initiate two processes: an emergency action and an FMP amendment process.

- To initiate the emergency action process, we ask the Council under Agenda Item D.10 at this meeting to put on the agenda consideration of recommending an emergency action to modify the maximum incidental catch allowance percentage from 20 percent to 40 percent, not to exceed 1000 metric tons (mt) for the 2019-20 fishing season. For the 2020-21 season, we recommend that the 40 percent incidental catch allowance also not exceed 1000 mt, and that the emergency action be extended until an FMP amendment is approved. This request is supported under Policy Guidelines for the Use of Emergency Rules (Agenda Item D.4, Attachment 3, March 2019). *“The preparation or approval of management actions under the emergency provisions of section 305(c) of the Magnuson-Stevens Act should be limited to extremely urgent, special circumstances where substantial harm to or disruption of the resource, fishery, or community would be caused in the time it would take to follow standard rulemaking procedures.”*
- For the FMP amendment, due to the urgency of the situation, a majority of the CPSAS asks that the Council task the Coastal Pelagic Species Management Team (CPSMT) with developing a range of alternatives (ROA) for an FMP amendment for consideration at the September 2019 meeting. The CPSAS requests that the ROA include an alternative of an incidental catch allowance up to 40 percent. We also ask that final action on an FMP amendment be scheduled for the November 2019 meeting.

Industry members of the CPSAS believe that a 20 percent incidental allowance will constrain fishing effort of the commercial fleet to a much greater degree than a 40 percent allowance. This is due to the greater difficulty to discern lesser percentages of sardines when mixed in with the target species. It may cause many vessels to forego fishing altogether due to increased costs involved with avoiding any mixed schools. Also, the CPSAS considered the fact that since the directed sardine fishery was closed in 2015, the CPS fishery has not exceeded 514 mt of incidental sardine in any one year (see Table 1), a landings tonnage that is substantially below the allowable harvest in recent years. The CPSAS also discussed ways to address conservation concerns by using

¹ National Standard 8, 16 USC 1851(a)(8)

management measures such as those described in the CPSMT’s Supplemental [Report](#) on Amendment 17 from November 2018.

The cost to fishermen, processors, and fishing communities to implement a 20 percent incidental catch limit is estimated to be in the millions of dollars and includes a risk of multiple entities losing their businesses. The advisory panel believes this is a reasonable request and is supported by the FMP objectives and Magnuson-Stevens Act.

These initiatives will allow CPS fishermen and processors to continue their businesses to the greater benefit of our fishery dependent communities without exceeding annual management reference points. This action also helps achieve the goals and objectives of the CPS FMP, while meeting the spirit and objectives of the Magnuson-Stevens Act.

Table 1. Incidental Sardine Landings in CPS Fisheries Since 2015 Directed Sardine Fishery Closure.

INCIDENTAL SARDINE LANDINGS IN CPS FISHERIES SINCE 2015 FISHERY CLOSURE	
<u>YEAR</u>	<u>MT</u>
20115-16	164
2016-17	514
2017-18	275
2018-19*	389
Prelim. *WFSH201904	
Adapted from Table 3–E3a_Supp_CDFW_Rpt2_Apr 2019	

Minority Statement

A minority of the CPSAS supports the Council’s consideration at the September meeting of a potential emergency action that would apply to the 2019-20 fishing season. However, the minority conservation representative does not support initiating an FMP amendment, which would permanently change incidental catch allowances for CPS stocks that have been declared overfished.

The entire CPSAS appreciates the Council’s consideration of these important economic and environmental issues related to the CPS fishery.

PMFC
06/20/19