

## NATIONAL MARINE FISHERIES SERVICE REPORT ON COASTAL PELAGIC SPECIES

### *Background and Next Steps Regarding Pacific Sardine E<sub>MSY</sub>*

As the National Marine Fisheries Service (NMFS) previously reported, on April 22, 2024, the U.S. District Court for the Northern District of California issued an order in the Pacific sardine rebuilding plan litigation. The Court granted in part, and denied in part, Oceana's motion for summary judgment, and granted in part, and denied in part, NMFS' cross-motion for summary judgment. Under Agenda item J.2, the Council is scheduled to review alternatives associated with a revised rebuilding plan and take final action in response to those Court findings.

As the Council is aware, the Court made a similar ruling as it related to the 2023–2024 Pacific sardine harvest specifications; specifically, that NMFS failed to demonstrate that it relied on the best scientific information available when exclusively using the CalCOFI based E<sub>MSY</sub> to set the overfishing limit. In light of that determination by the Court, NMFS intends to review the CalCOFI temperature relationship over the winter and produce a summary of findings for consideration during the 2025–2026 Pacific sardine harvest specifications agenda item at the April 2025 Council meeting.

We expect our review to be completed by mid-February and ask that time be added to the Scientific and Statistical Committee Coastal Pelagic Species Subcommittee meeting being planned for that time to allow an additional level of discussion prior to the April 2025 meeting.

PFMC  
11/05/24