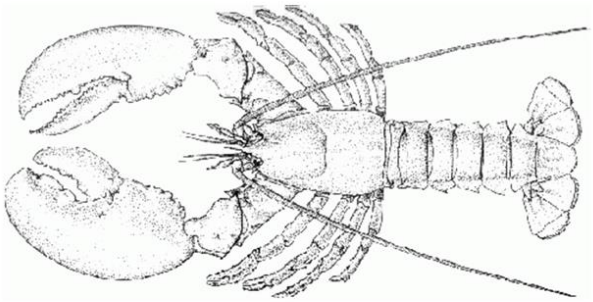
Fisheries Department
6 Redheughs Rigg
South Gyle
Edinburgh, EH12 9DQ

T: 0131 335 6662
E: fisheries@acoura.com

MSC SUSTAINABLE FISHERIES CERTIFICATION

On-Site Surveillance Visit
Report for Eastern Canada Offshore Lobster Fishery



1st Surveillance stage

October 2016

Certificate Code	F-ACO-0031
Prepared For:	**Clearwater Seafoods Limited Partnership**
Prepared By:	**Acoura Marine**
Authors:	Paul Knapman, Julian Addison, Rob Blyth Skyrme

Assessment Data Sheet

Fishery name	Eastern Canada Offshore Lobster Fishery		
Species and Stock	Lobster (*Homarus americanus*), Stock – Lobster Fishing Area 41		
Date certified	30th June 2015	Date of expiry	29th June 2020
Surveillance level and type	*Level 5 - Onsite*		
Date of surveillance audit	W/C 8th August 2016		
Surveillance stage (tick one)	1st Surveillance	✓	
Surveillance team	Lead assessor: Paul Knapman Assessor(s): Julian Addison		
CAB name	Acoura Marine		
CAB contact details	Address	6 Redheughs Rigg Edinburgh EH12 9DQ	
	Phone/Fax	0131 335 6662	
	Email	fisheries@acoura.com	
	Contact name(s)	Polly Burns	
Client contact details	Address	Clearwater Seafoods Limited Partnership 757 Bedford Highway Bedford Nova Scotia B4A 3Z7 Canada	
	Phone/Fax	Tel +1 902 443 0550	
	Email	cjboyd@clearwater.ca	
	Contact name(s)	Catherine Boyd	

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1 Introduction

1.1 Scope of Surveillance

This report outlines the findings of the 1st Annual Surveillance of the re-certified Eastern Canada Offshore Lobster Fishery. The scope of the certified fishery and therefore of this surveillance is specified in the Unit of Certification (UoC) set out below:

Geographical Area:	Lobster (*Homarus americanus*)
Method of Capture	Traditional lobster trap design, with traps constructed of wire and measuring 48" long, 16" wide and 11" tall.
Management System	Fisheries and Oceans Canada (DFO) undertakes the management of the ECOLF, through their Maritime Region.
Client Group	Clearwater Seafoods Limited Partnership (CSLP). CSLP is the only participant in this fishery therefore no further clients are expected to join the client group. http://www.clearwater.ca/en/home/default.aspx

1.2 Aims of the Surveillance

The purpose of the annual Surveillance Report is fourfold:

1. to establish and report on whether or not there have been any material changes to the circumstances and practices affecting the original complying assessment of the fishery;
2. to monitor the progress made to improve those practices that have been scored as below "good practice" (a score of 80 or above) but above "minimum acceptable practice" (a score of 60 or above) – as captured in any "conditions" raised and described in the Public Report and in the corresponding Action Plan drawn up by the client;
3. to monitor any actions taken in response to any (non-binding) "recommendations" made in the Public Report;
4. to re-score any Performance Indicators (PIs) where practice or circumstances have materially changed during the intervening year, focusing on those PIs that form the basis of any "conditions" raised.

Please note: The primary focus of this surveillance audit is to assess changes made in the previous year. For a complete picture, this report should be read in conjunction with the Public Certification Report (PCR) for this fishery assessment (Intertek, 2015) which can be found at:

https://www.msc.org/track-a-fishery/fisheries-in-the-program/certified/north-west-atlantic/Eastern-Canada-offshore-lobster/reassessment-downloads

1.3 Certificate Holder Details

The fishery was initially assessed and certified against the MSC standard for well managed and sustainable fishing in 2010 and was re-assessed and re-certified on 30th June 2015.

CSLP is the only client group member covered by fisheries certificate. The fisheries certificate extends to the first point of landing, whereupon, American lobster (*Homarus americanus*) from the certified fishery may enter MSC Chain of Custody. In order to carry the MSC logo Chain of Custody certification is required.

Landing of lobster from the certified fishery usually takes place at Shelburne, Nova Scotia. The *'Randell Dominaux'* is the single CSLP vessel engaged in the ECOLF.

Surveillance Process

1.4 Findings of the original assessment

As a result of the re-assessment, a condition of certification was raised by the assessment team, and maintenance of the MSC certificate is contingent on the Eastern Canada Offshore Lobster Fishery complying with this condition within the time-scale set at the time the certificate was issued. In addition, a single recommendation was made which, whilst not obligatory, the client is encouraged to act upon within the spirit of the certification.

1.5 Surveillance Activity

1.5.1 Surveillance team details

This on-site surveillance audit visit was carried out by Paul Knapman, Julian Addison participated by phone and Rob Blyth Skyrme worked remotely.

Paul Knapman (Team leader & P3) - Paul is a fisheries consultant based in Halifax, Nova Scotia, Canada. Prior to returning to consultancy, he was the General Manager of Intertek Fisheries Certification a Conformity Assessment Body (CAB) that focused their work on Marine Stewardship Council (MSC) fisheries and Chain of Custody assessment / certification. He has extensive experience of MSC related work having been the Lead Assessor / Auditor and/or technical reviewer for 50+ client fisheries throughout the world.

He was previously Head of an inshore fisheries management organization in the UK, a senior policy advisor to the UK government on fisheries and environmental issues, a British Fisheries Officer and a fisheries consultant to clients in Europe and Canada.

Julian Addison (P1) - Julian is an independent fisheries consultant with 30 years' experience of stock assessment and provision of management advice on shellfish fisheries, and a background of scientific research on shellfish biology and population dynamics and inshore fisheries. Until December 2010 he worked at the Centre for Environment, Fisheries and Aquaculture Science (Cefas) in Lowestoft, England where he was Senior Shellfish Advisor to Government policy makers, which involved working closely with marine managers, legislators and stakeholders, Government Statutory Nature Conservation Organisations and environmental NGOs. He has experienced shellfish management approaches in North America as a visiting scientist at DFO in Halifax, Nova Scotia and at NMFS in Woods Hole, Massachusetts. For four years he was a member of the Scientific Committee and the UK delegation to the International Whaling Commission providing scientific advice to the UK Commissioner. He has worked extensively with ICES and was Chair of the Working Group on the Biology and Life History of Crabs, a member of the Working Group on Crangon Fisheries and Life History and a member of the Steering Group on Ecosystems Function. He has recently completed or is currently undertaking MSC full assessments for the Newfoundland and Labrador snow crab fishery, the Ireland and Northern Ireland bottom grown mussel fisheries, both the Estonia and Faroe Islands Barents Sea cold water prawn fisheries, the Nephrops fishery in the Skagerrak and Kattegat, the Swedish shrimp fishery in the Skagerrak and Norwegian Deep and the Eastern Canada offshore lobster fishery. He has also undertaken various MSC pre-assessments and surveillance audits and has carried out peer reviews of MSC assessments in both Europe and North America of lobster, cold water prawn, razorfish, cockle and scallop fisheries. Other recent work includes a review of the stock assessment model for blue crabs in Chesapeake Bay, USA, and an assessment of three Alaskan crab fisheries under the FAO-based Responsible Fisheries Management scheme.

Rob Blyth-Skyrme (P2) – Rob has extensive fisheries and environmental science, management and policy knowledge, having gained over 20 years of postgraduate work in the marine field. Rob previously led the marine fisheries and aquaculture work of Natural England, the UK Government's statutory advisor on nature conservation in England. Rob has also worked as Deputy Chief Fishery Officer for the Eastern Sea Fisheries Joint Committee, co-managing the activities of a staff of 16 Fishery Enforcement, Research and Environment Officers. He now heads his own international fisheries consultancy based in the UK.

1.5.2 Date & Location of surveillance audit

The on-site audit took place at the CSLP offices, Bedford Nova Scotia, on 8th August 2016.

1.5.3 Stakeholder consultation & meetings

No stakeholders requested to meet or speak with the audit team. A written submission was provided by the Ecology Action Centre (EAC) and is included in the report in Appendix 2. The audit team provided the submission to the client and DFO in order to discuss the details. The findings of the audit team, including a recommendation for follow up action by the client, is also reported in Appendix 2 and in the report conclusions.

1.5.4 What was inspected

The following was inspected during the audit: Progress against the condition of certification, the scientific base of information and stock assessment, changes to the fishery and its management, e.g. legislation and regulations, personnel changes within the science and management structure and within the industry, interaction with ETP species, any changes that might affect traceability within the fishery and conformity with regulations.

1.5.5 Stakeholder Consultation

A total of 5 stakeholder organisations and individuals having relevant interest in the assessment were identified and consulted during this surveillance audit. The interest of others not appearing on this list was solicited through the postings on the MSC website.

1.6 Surveillance Standards

1.6.1 MSC Standards, Requirements and Guidance used

This surveillance audit was carried out according to the MSC Fisheries Certification Requirements FAM v1.3 and using the surveillance process as detailed in v2.0.

1.6.2 Confirmation that destructive fishing practices or controversial unilateral exemptions have not been introduced

No evidence was given or suggested during the surveillance audit that either of these practices is in evidence for this fishery.

2 Updated Fishery Background

This is the first audit of the fishery since it was re-certified in June 2015. The following is taken from the PCR and provides background to the fishery.

The lobster fishery of Atlantic Canada is managed through the use of geographical zones, called Lobster Fishing Areas (LFAs) ranging from north east Newfoundland to George's Bank (see Figure 1). The ECOLF takes place in LFA 41, which is the area seaward from the offshore lobster boundary line (50 nautical miles from the geographical base line) to the upper continental slope. The ECOLF commenced in 1972, and a closure was introduced on Brown's Bank (LFA 40) in 1979 to protect lobster brood stock (see Figure 2). A 720 t annual TAC has been in place for the ECOLF since 1985.

While LFA 41 extends along the entire outer portion of the Scotian Shelf and includes the Northwest Atlantic Fisheries Organisation (NAFO) divisions 4VWX and 5, fishing is restricted to 4X and 5Zc, and has occurred historically on five major grounds; these are Georges Bank (outer shelf and upper slope), Georges Basin, Crowell Basin, Southeast Brown's Bank (outer shelf and upper east slope of the Northeast Channel), and West Browns (see Figure 3).

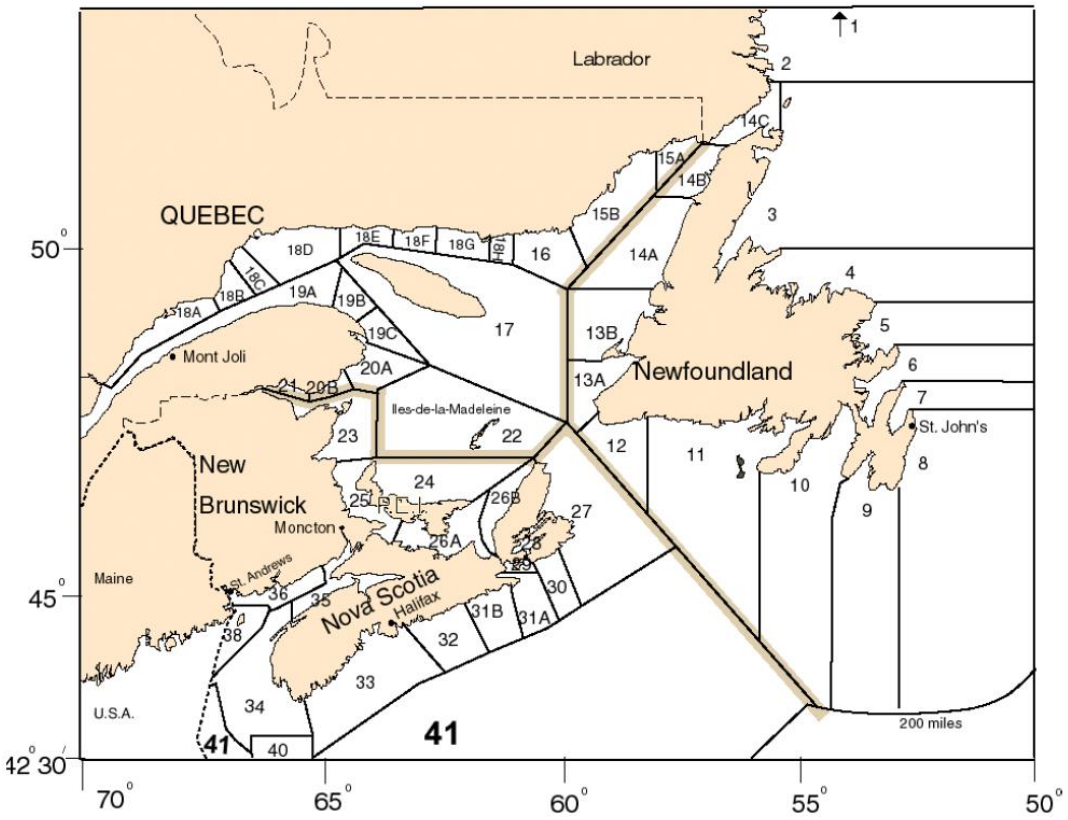

Figure 1**: Canadian Lobster Fishing Areas (LFAs).**
(Source: DFO 2014)

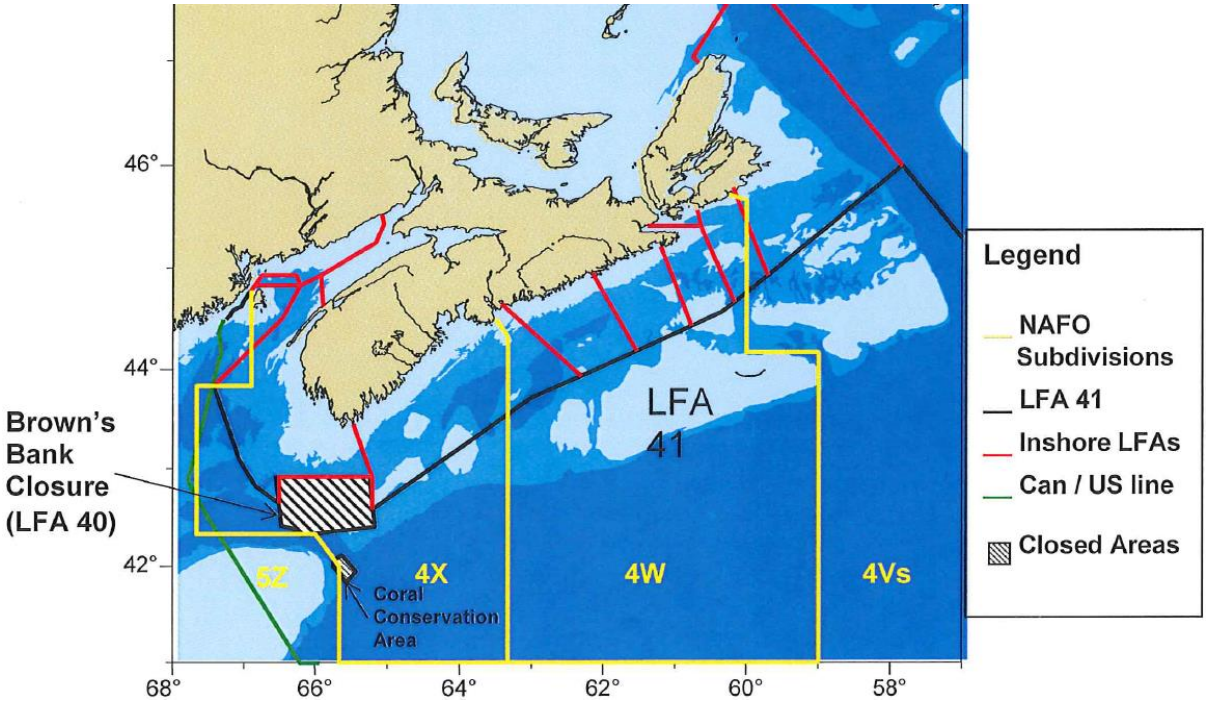

Figure 2: **Scotia-Fundy lobster fishing areas (LFAs)**
(Source: DFO 2014)

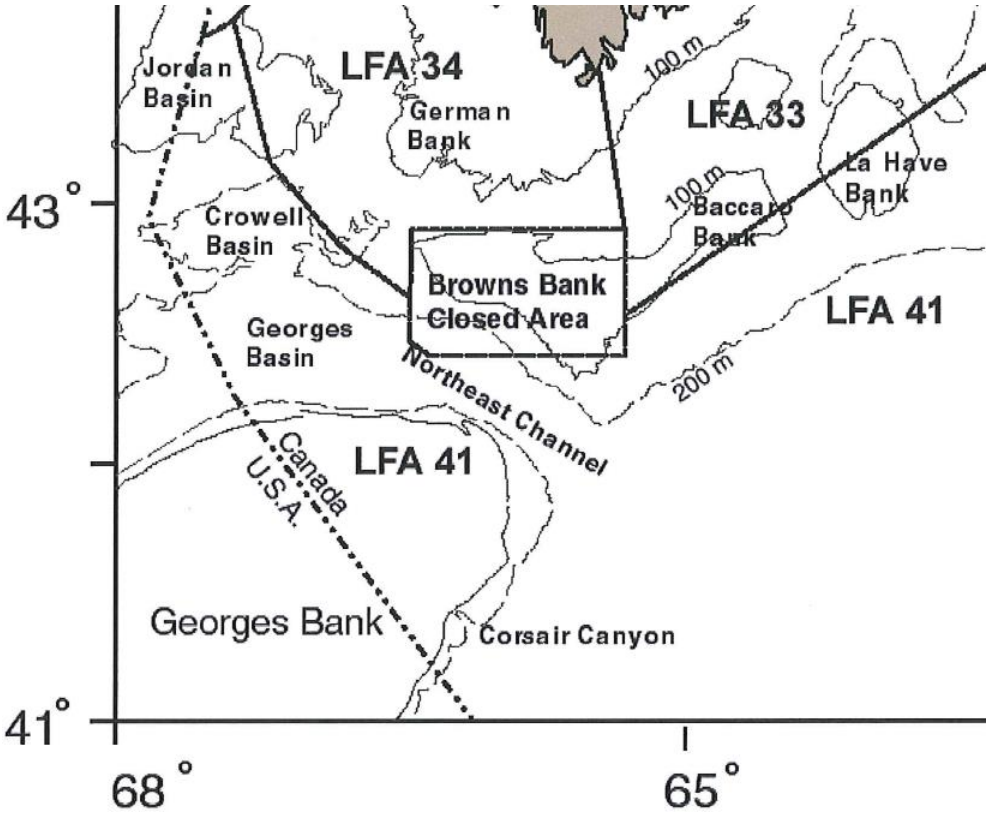

Figure 3**: Major fishing grounds in LFA 41.**
(Source: DFO 2014)

There are currently eight licences in the fishery all held by the client, CSLP. The fishery operates on an Enterprise Allocation (EA) fishing strategy with each licence holding 12.5% of the total allowable catch (TAC), which is set annually. The quota year runs from January to December. The number of vessels in the fishery has declined over the history of the fishery as the EAs have been consolidated and companies matched operating cost with the amount of quota to be fished. Once all eight licences were consolidated by CSLP, the number of vessels further declined to two in 2010 and one in 2012 and subsequent years. The single vessel currently in use is the 'Randell Dominaux', which is 35.7 m long and equipped with live wells; it typically has a crew complement of 17.

The ECOLF is strictly a commercial fishery. There are no non-fishery users or other activities that could affect the fishery. The fishery is conducted using rectangular wire coated lobster traps measuring 48" long, 16" wide and 11" tall. Traps are baited with herring and set in strings, or trawls, of 100 and are joined on a ground line approximately 14 fathoms apart. Traps contain panels connected by biodegradable clips that open to prevent ghost fishing, and all traps are fitted with escape vents for small lobsters. Strings are anchored at each end with a surface line attached to a buoy and high-flyer. Vessels set about 30 strings at a time stretching about 1.2 miles with a 4 – 5 day soak time. Fishing trips typically last for approximately 9 days.

The offshore lobster fishery occurs entirely within Canada's 200-mile limit, and is managed by federal legislation, policies and practices. Scientific and management advice is provided by staff of the Fisheries and Oceans Canada (DFO).

2.1 Changes in the management system

There were no substantive changes reported in the fishery since it was recertified in June 2015.

The Offshore Lobster and Jonah Crab Management Committee (OLJCMC) and Offshore Lobster and Jonah Crab Advisory Committee (OLJCAC) met in November and December 2015, respectively, and minutes and documentation from the meetings were provided to the audit team (OLJCMC, 2015. OLJCAC, 2015). Key points from the meetings are included in this and the following sections.

Multi-year TAC – There has been a trial 3 year quota management cycle, whereby there has been a roll over of the annual quota and a 3 year TAC set, i.e. 3 x 720 t = 2160 t. The OLJCAC has agreed the trial should be adopted and the following changes have been inserted into the draft IFMP for DFO review and approval:

Within the three-year quota management cycle, up to a maximum of 15% of the next year's quota can be caught within each of the first two years of the cycle. For example, if the annual TAC were 720 t, then up to 108 t may be carried over within each of the first two years. At the end of the third year of the cycle, no more than three times the annual quotas (e.g., no more than 2,160 t) may be landed.

A small operational overrun of up to 22 t is allowed in the third year of the cycle, and any such overruns are to be deducted from the quota of the first year of the new quota period on a one-to-one basis.

Uncaught quota during the first two years of the cycle may be carried over into the next year. However, at the end of the third year of the cycle, carry-over of uncaught quota into the start of a new cycle is limited to a maximum of 22 t. (OLJCAC, 2015)

Marine Protected Areas (MPA) - DFO's conservation mandate has been re-prioritized and conservation targets have been set for marine protection as part of Canada's international and domestic commitments (e.g. Convention on Biological Diversity, Canada's Ocean Act, Federal MPA Strategy, National Framework for Canada's Network of Marine Protected Areas). There is a national target to have 10% of Canada's coastal and marine areas conserved by 2020, through a network of ecologically representative and well-connected systems of protected areas and other area based conservation measures. DFO is inviting industry to work with them in identifying areas for the network in order to avoid, where possible, key areas of high economic importance. (OLJCAC, 2015)

Sensitive Benthic Areas (SBA) – As part of DFO's mitigation of risks to corals in the Corsair Canyon they are reviewing and discussing fishing activity with the industry sectors that may operate in the area. DFO met with CSLP in the summer to discuss their fishing activity around Corsair Canyon. It was agreed

that DFO would continue to consult with Clearwater on an individual basis given that detailed maps of their fishing activity are confidential. (OLJCAC, 2015)

Bycatch – DFO's policy on Managing Bycatch http://www.dfo-mpo.gc.ca/fm-gp/peches-fisheries/fish-ren-peche/sff-cpd/bycatch-policy-prise-access-eng.htm is being implemented through integrated fisheries management plans (IFMPs). The offshore lobster fishery has a bycatch of cusk and cod and so contributes to the risk to recovery of these stocks. Therefore, in line with the policy, potential mitigation measures will be reviewed. DFO has also set up an internal working group in the Maritimes Region to look at fisheries presenting higher risks to Northern right whales and to develop detailed action plans. The offshore lobster fishery is one of the fisheries that present a higher risk relative to other fisheries in the Maritimes Region owing to when and where the fishery operated and the use of vertical end lines.

As part of the regular review of bycatch in the fishery, DFO provided an analysis of bycatch from observed trips. It was agreed that a review of the sampling framework was needed, particularly with respect to high priority species (cod and cusk), until such a time as this review is undertaken the sampling framework would remain the same. Estimated percentage bycatch against the total catch put both species at <2%. (OLJCAC, 2015)

Integrated Fisheries Management Plan (IFMP) – The OLJCAC re-affirmed the need to review the IFMP on a regular basis. As a result updated amendments to the plan have been drafted (OLJCAC, 2015). A new draft IFMP (DFO 2016a) was provided to the audit team prior to the audit. The changes discussed at the site visit meeting and reported above in the section on the Multi-year TAC were then adopted in to a revised IFMP (DFO 2016b). This revised IFMP was provided to the audit team after the site visit but prior to the audit closing.

Conservation and Protection (C&P) - There were no charges or convictions laid against the LFA 41 licence holder during the audit period. (OLJCMB, 2015)

Gear Tending – An action item from OLJCMC 2014 was to review the wording in the IFMP regarding the regulatory requirement to tend fishing gear (p. 31). DFO Fisheries Management clarified with DFO National Headquarters that a process to make regulatory change to this requirement is not currently active. DFO advised that a regulatory amendment is still possible to pursue. It would require the support of all Atlantic DFO regions as well as National Headquarters and would have to be supported by an evidence package indicating a strong case in favor of an amendment. CSLP reiterated its interest in working with DFO on a regulatory proposal that would allow for more flexibility. Until the regulations are amended, the regulations will continue to apply. (OLJCMB, 2015)

2.2 Changes in relevant regulations

There no changes in relevant regulations to affect the fishery.

2.3 Changes to personnel involved in science, management or industry

DFO - Adam Cook is the new Research Scientist for lobster, replacing John Tremblay.

CSLP – Stacey Noseworthy has been appointed as Clearwater's new Coordinator for Sustainability & Public Affairs.

2.4 Changes to scientific base of information including stock assessments

As described in the original re-certification report (Intertek, 2015), lobster fishing areas in the Maritimes Region, including LFA 41, are subject to a full scientific review every 5 years. In the interim years, there is a scientific review at the OLJCAC meetings which is a way of keeping track of the key stock health indicators without completing a full stock assessment in order to highlight any issues that may arise with the fishery. A full stock assessment of lobsters in LFA 41 was completed in December 2013. The stock health indicators, their supporting data sources, the appropriate boundary levels for each

indicator, and the subsequent harvest control rules which form the basis of the 2014 stock assessment are described fully in DFO (2014a), the IFMP (DFO, 2016b) and in the re-certification report (Intertek, 2015).

The most recent full assessment in 2013/14 as detailed in the re-certification report showed that all primary indicators, with the exception of the median size of females in at-sea samples from SW Browns Bank in the spring, are above the upper boundaries and LFA 41 is therefore considered to be in the healthy zone. The primary indicator for abundance (mean number per tow in RV trawl surveys) has been increasing since the mid-1990s, with signs of continued increase, and is at an all-time high for the 30-year time series. In addition to the indicator approach described above, there were other signs from the full stock assessment that the stock status of lobsters in LFA 41 is strong. Firstly, landings are limited by annual TAC yet fishing effort has been declining in recent years because catch per unit effort (CPUE) has been increasing, in part due to an increase in abundance and in part due to changes in fishing strategy which more effectively target fishing effort. Secondly, relative F (fishing mortality), calculated from landings and biomass estimates from the summer survey, is low and declining. Finally, lobster landings in the adjacent LFA 34 offshore and midshore fishery and the USA NE Georges Bank fishery have continued to increase significantly in recent years.

As noted above, in the interim years between full stock assessments, there is a review of the key stock health indicators, and DFO (2016a) describes the results from the Science Response Process of October 6, 2015, on the 2015 LFA 41 Lobster Stock Status Update.

Primary abundance indicators are based on the mean number of lobsters per tow in DFO Maritimes Region RV trawl surveys. The stratified mean number of lobsters per tow in the summer RV trawl survey in 4X indicates that recent catch rates are among the highest on record (Figure 4). For 2015, the 3-year moving average of the mean survey catch is 13.76 which is above the upper boundary.

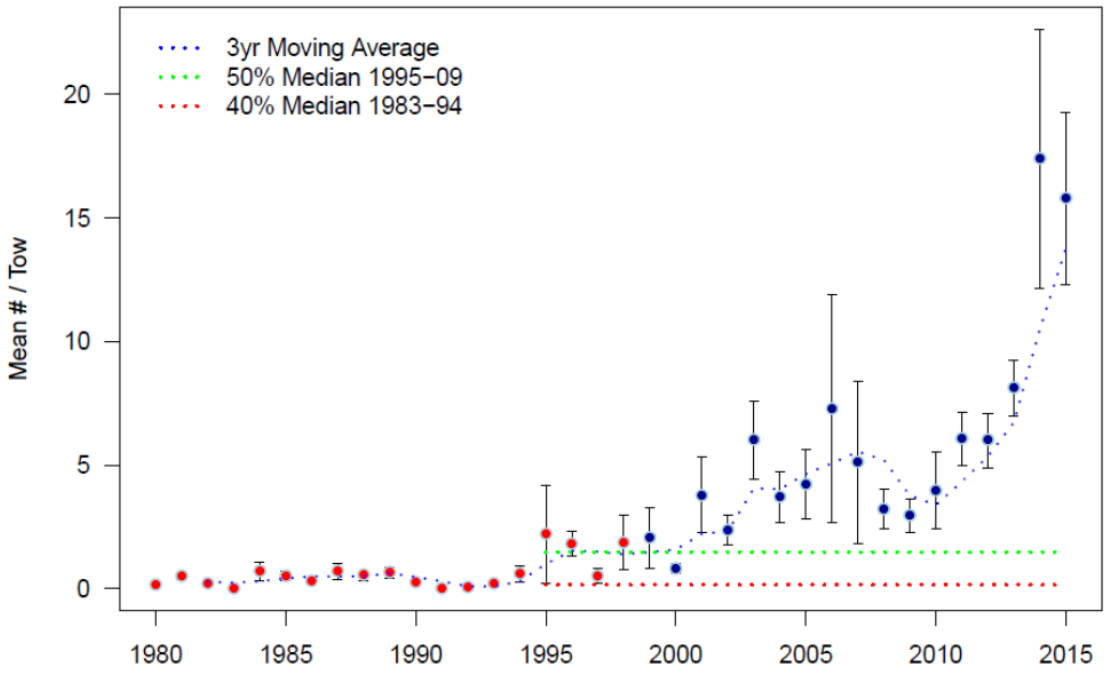

Figure 4. Stratified mean number of lobsters per tow with standard errors and a 3-year moving average from the DFO Maritimes Region Summer RV trawl survey in 4X (Strata 477-484). Red circles (1980-1998) represent the historical reported means and standard errors. (Source: DFO 2016a)

The stratified mean number of lobsters per tow from the winter trawl survey in 5Z in recent years is among the highest on record, and the 3-year moving average for 2015 is 2.67 lobsters per tow which is above the upper boundary (Table 1). All other available primary stock indicators – abundance of large females from the summer RV survey in 4X, the median size of females in the summer RV survey in 4X, and the median size of females from at sea-based sampling on Georges Basin in 4X (winter and spring),

on SE Browns in 4X in spring and on Georges in 5Z in spring – were above the upper boundary (Table 1). The indicators for median size of females from DFO at sea-based sampling on SW Browns, and the two indicators from the US NMFS Fall RV Survey were not available at the time of this audit. Given that all the available primary stock indicators are above the upper boundary, the assessment concluded that the LFA 41 lobster stock is in the healthy zone.

During this 1st surveillance audit the audit team considered whether it was necessary to harmonise between the Canadian Georges Bank (GBK) Fishery and the lobster fishery in the Gulf of Maine (GOM) which has previously been certified in 2013 as the 'Maine lobster trap fishery' and is currently undergoing an overlapping certification entitled "Gulf of Maine fishery".

The potential for connectivity of the US GBK and GOM stocks raises the question of whether harmonisation of MSC certifications of the Canadian offshore lobster fishery and the Maine lobster fishery is necessary.

The 2015 ASMFC assessment of GBK and GOM lobster stocks concluded that the assessment should combine these two stocks, which formerly had been considered separate and assessed separately. Two information sources supported combining the two stocks:

- differences in abundance and size composition between spring and fall surveys indicated that lobsters are very likely moving between the two areas
- the model fit for GBK alone was poor but markedly improved when the model was run for GBK+GOM combined.

The ASMFC assessment concluded that a study of stock connectivity via a tagging study would be needed to validate combining the two stocks into a single stock.

The Canadian offshore lobster fishery (DFO 2014) harvests lobster on GBK, in all likelihood from the same stock as the US GBK offshore lobster fishery.

Since connectivity of the GBK and GoM stock is still to be validated by biological studies, the team concluded that it was not appropriate to harmonise the two certifications at this time. A similar decision was made by the Acoura Marine audit team during the 2nd annual surveillance for the Maine lobster trap fishery (Acoura Marine, 2016), and by the SAI Global assessment team in the PCDR for the Gulf of Maine fishery (SAI Global, 2016). Lack of harmonisation will not prejudice stock status, as the Canadian harvest from the potentially shared stock is very small relative to the total. The Canadian TAC for the offshore lobster fishery as a whole is 720 t/yr, and only a small portion of this is taken on George's Bank (<170 t/yr from 2007-2012, less in earlier years), the remainder being from offshore Nova Scotia.

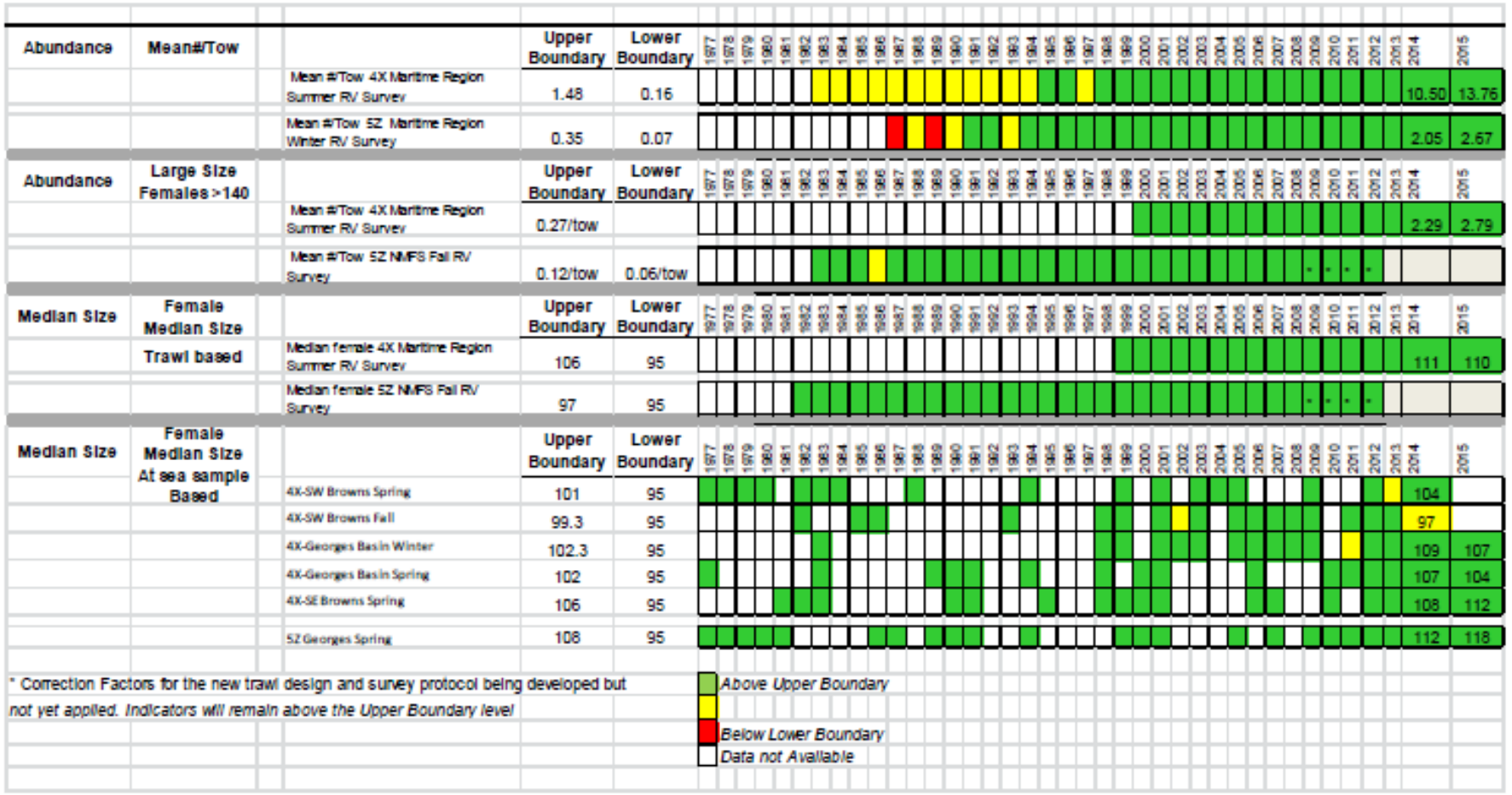

Table 1. Primary indictors in the LFA 41 offshore lobster fishery. (Source: DFO 2016a)

2.4 Any developments or changes within the fishery which impact traceability or the ability to segregate between fish from the Unit of Certification (UoC) and fish from outside the UoC (non-certified fish)

No changes within the fishery were reported that would impact traceability or the ability to segregate certified lobster from the UoC.

2.5 TAC and catch data

Table 1 TAC and Catch Data

TAC*	**Year**	**2015**	**Amount**	**720 tonnes**
UoA share of TAC	**Year**	**2015**	**Amount**	**720 tonnes**
UoC share of TAC	**Year**	**2015**	**Amount**	**720 tonnes**
Total green weight catch by UoC	**Year (most recent)**	**2015**	**Amount**	**679 tonnes**
	Year (second most recent)	**2014**	**Amount**	**723 tonnes**

* In 2013 DFO agreed to roll over the annual quota and set a 3 year TAC, i.e. 3 x 720 t = 2160 t. A maximum annual quota of 828 tonnes (720 + 15%) was allowed in any given year.

In 2013 landings were 746 t; in 2014 723 t; and, in 2015 679 t. This results in 2,148 t of lobster being removed from the fishery.

Continuation of the 3 year quota cycle has been agreed at the OLJCAC and has been included in the most recent IFMP (DFO 2016b).

2.6 Summary of Assessment Conditions

Table 2 Summary of Assessment Conditions

Condition number	Performance indicator (PI)	Status	PI original score	PI revised score
1	1.2.2	Closed	75	80

3 Results

3.1 Condition 1

	PI number	Scoring issue / scoring guidepost text	Score
Performance Indicator(s) & Score(s)	**1.2.2**	**Scoring Issue a: SG80** Well defined harvest control rules are in place that are consistent with the harvest strategy and ensure that the exploitation rate is reduced as limit reference points are approached.	**75**
Scoring rationale	During 2013/14 the indicators sub-committee of OLJCMB developed a series of HCRs, which have been agreed with stakeholders and incorporated into the IFMP. These HCRs are used in combination with the primary stock indicators as the basis for guiding fisheries management decisions. The assessment team considered that these HCRs are consistent with the harvest strategy and would act to reduce the exploitation rate if the indicators dropped into the cautious or critical zones. The assessment team considered, however, that whilst the HCRs are generally understood, it is not clear what specific management actions would be taken if a combination of stock indicators fell below their boundary values, and so the HCRs could not be considered to be 'well-defined' and would not necessarily ensure that the exploitation rate is reduced as limit reference points are approached. For example, if the stock is in the cautious zone, then the HCR states that only one or more of four actions will be taken, the first three of which do not reduce exploitation rate, and the fourth action states that management action will only be "considered" and "may" include various changes in regulations. Similarly if the stock is in the critical zone, management actions will be taken to reduce the removal rate, but no specific management actions are stated explicitly. Therefore, the SG 80 level of performance is not met for SIa, and the ECOLF scores 75 for this PI.		
Condition	By the end of the second year of certification, the SG 80 scoring requirements for PI 1.2.2 must be met in full. This will be achieved when it has been demonstrated that: SIa, SG 80 – "*Well defined harvest control rules are in place that are consistent with the harvest strategy and ensure that the exploitation rate is reduced as limit reference points are approached."*		
Milestones	**Year 1:** Provide evidence that options for 'well defined' harvest control rules that would meet the SG 80 level of performance for this PI have been identified. Provide a progress report. **Year 2:** Provide evidence that 'Well defined harvest control rules are in place that are consistent with the harvest strategy and ensure that the exploitation rate is reduced as limit reference points are approached', thus meeting the SG80 level of performance for PI 1.2.2. N.B. The milestones associated with conditions allow assessment teams to monitor progress against conditions at annual surveillance audits. If 'well defined' harvest control rules are established in the first year of certification that allow the fishery to meet the SG 80 standard for PI 1.2.2, then it is anticipated that the score for this PI will be raised to at least 80 and the condition closed ahead of schedule.		

Client action plan	The Client, in conjunction with DFO and by the second annual audit, will ensure that 'well defined' harvest control rules (HCRs) are in place. The HCRs will be consistent with the harvest strategy and ensure that management measures are taken in line with stock health reference levels. The HCR's will be incorporated into DFO's IFMP upon DFO review and acceptance. The results of this work will be reported to the audit team as it is completed.
Progress on Condition **[Year 1]**	As reported in the minutes of the December meeting of OLJCAC, the CSLP representative proposed a change in the wording of the current HCR in the IFMP (page 46, point 4) inserting "Introduce" and removing "Consider", i.e.: *If the stock is in the **Cautious Zone**, the OLJCMB will undertake one or more of the following:* *1) Request that DFO Science, with support from industry and through the use of secondary indicators, identify whether there are factors (environmental, change in fishing strategy, change in data collection) that explain the change in the primary indicators.* *2) Evaluate whether the quota flexibility measures (carry forward / back) should continue.* *3) Consider undertaking a scientific assessment or science response earlier than would be scheduled in the typical 5-year cycle.* *4) ~~Consider~~ Introduce management measures to reduce the removal rate in order to promote stock rebuilding to the healthy zone, if it is confirmed that the decline in the indicators is a real change in stock health. Actions will be established in consultation with industry, will be evaluated annually and may include but are not limited to changes in or introduction of:* *a. Size and sex controls (minimum size, window size, maximum size, v-notching);* *b. Area controls (closed areas);* *c. Landing controls (quota reduction)* *If the stock is in the **Critical Zone**, the OLJCMB will take management actions to reduce the removal rate in order to promote stock rebuilding. Actions taken will be established in consultation with industry and will be evaluated annually for effectiveness and adjusted accordingly.* The OLJCAC agreed that the proposed change was consistent with the DFO Precautionary Approach Policy, and recommended that the IFMP be revised to reflect this. It was anticipated that DFO will review and confirm changes to the IFMP by the end of 2016 or early 2017. A copy of the draft revised IFMP was provided to the audit team with this change highlighted. The audit team noted the proposed change to the wording of the HCR in the IFMP, but concluded that the revised HCR could still not be considered to be 'well defined'. In particular, the audit team noted that: (1) The HCR states that only one or more of four actions will be taken in the cautious zone, the first three of which do not reduce exploitation rate. (2) Under point 4, the HCR states that management action in the cautious zone "may" include various changes in regulations, so other actions that do not reduce exploitation rate could be implemented instead of the listed management actions. (3) There had been no proposed changes to the action that will be taken if the stock is in the critical zone. Management actions in the critical zone would be expected to be more extensive than those implemented in the cautious zone.

	At the audit meeting the client accepted the audit team's conclusion that the HCR was still not "well defined" and agreed to work closely with DFO Science and Management to propose revised text as soon as possible. Consequently the client proposed a revised HCR as set out below: *If the stock is in the **Cautious Zone**, the OLJCMB will undertake the following:* *1) Request that DFO Science, with support from industry and through the use of secondary indicators, identify whether there are factors (environmental, change in fishing strategy, change in data collection) that explain the change in the primary indicators.* *2) Evaluate whether the quota flexibility measures (carry forward / back) should continue.* *3) Consider undertaking a scientific assessment or science response earlier than would be scheduled in the typical 5-year cycle.* *4) Introduce management measures to reduce the removal rate in order to promote stock rebuilding to the healthy zone, if it is confirmed that the decline in the indicators is a real change in stock health. Actions will be established in consultation with industry, will be evaluated annually and will include at least one of the following:* *a. Size and sex controls (minimum size, window size, maximum size, v-notching);* *b. Area controls (closed areas);* *c. Landing controls (quota reduction)* *Other actions may also be introduced.* *If the stock is in the **Critical Zone**, the OLJCMB will take management actions described above to further reduce the removal rate in accordance with a stock rebuilding plan. Stock rebuilding will follow the guidance outlined by DFO in "Guidance for the Development of Rebuilding Plans under the Precautionary Approach Framework: Growing Stocks out of the Critical Zone".* *As outlined in the PA Framework, the primary objective of any rebuilding plan is to promote stock growth out of the Critical Zone (i.e. grow the stock beyond the LRP) by ensuring removals from all fishing sources are kept to the lowest possible level until the stock has cleared this zone. There should be no tolerance for preventable decline. This objective remains the same whether the stock is declining, stable or increasing.* *Actions taken will be established in consultation with industry and will be evaluated annually for effectiveness and adjusted accordingly.* The audit team concluded that the latest revisions to the original HCR commit the OLJCMB and DFO to taking specific management action to reduce the exploitation rate when the stock falls into the cautious zone, and that in the critical zone, any rebuilding plan must ensure that removals from all fishing sources are kept to the lowest possible level until the stock has moved out of the critical zone. These revisions ensure that the HCR can now be considered to be well defined. DFO management confirmed that following discussion with the Client and OLJCMB, the revised HCR had been formalised within the IFMP and signed off by the Regional Director for Fisheries Management for the Maritimes Region. The revised IFMP was provided to the audit team. The audit team concluded therefore that a well-defined harvest control rule is now in place that is consistent with the harvest strategy and ensures that the exploitation rate is reduced as limit reference points are approached. PI 1.2.2 is therefore re-scored at 80 (see revised scoring rationales in Appendix 1).

Status of condition	The condition is now closed.

3.2 Recommendation

Performance Indicator(s) & Score(s)	**PI number**	**Recommendation**
	1.2.2	The assessment team recommends that an agreed protocol should be developed for addressing statistical uncertainties in the primary stock indicators when applying the harvest control rules.
Progress [Year 1]	The client anticipates that a Framework Assessment will be conducted for the fishery at the end of 2016 or early 2017. It is likely that the assessments team's recommendation will be considered as part of this assessment process.	
Audit Teams Comments	The audit team concluded that the next Framework Assessment is an appropriate opportunity to consider the development of an agreed protocol for addressing statistical uncertainties in the primary stock indicators when applying the harvest control rules.	

4 Conclusion

4.1 Summary of findings

Progress on the single condition is considered to be ahead of target and the condition can now be closed.

The audit team have made a recommendation that the client provide a written update at the next annual audit on the work they and DFO are undertaking on soak times and any changes that are being considered or progressed by DFO with respect to the soak time regulation.

The fishery remains certified.

5 References

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Appendix 1 – Re-scoring evaluation tables

Following the 1st annual surveillance audit site visit, the audit team concluded that Condition 1 had now been met and that the condition should be closed. The original and revised scoring tables for PI 1.2.2 are shown below:

Original Scoring Table for PI 1.2.2

PI 1.2.2		**There are well defined and effective harvest control rules in place**		
Scoring Issue		SG 60	SG 80	SG 100
a	**Guidepost**	Generally understood harvest rules are in place that are consistent with the harvest strategy and which act to reduce the exploitation rate as limit reference points are approached.	Well defined harvest control rules are in place that are consistent with the harvest strategy and ensure that the exploitation rate is reduced as limit reference points are approached.	
	Met?	Y	N	
	Justification	During 2013/14 the indicators sub-committee of OLJCMB developed a series of HCRs, which have been agreed with stakeholders and have been incorporated into the IFMP. These HCRs are used in combination with the primary stock indicators as the basis for guiding fisheries management decisions. The HCRs are set out below in full: "The stock is below the Upper Reference and in the Cautious Zone if either of the following scenarios materializes in the indicator table: 1) At least 3 of the 4 abundance indicators and at least 5 of the 8 size indicators are no longer above their upper boundaries. 2) At least 1 of the 2 mean number per tow abundance indicators and 1 of the median size indicators from the corresponding NAFO area are no longer above their lower boundaries. The stock is below the Lower Reference and in the Critical Zone if all factors of the following scenario materialize in the indicator table: 1) Both the mean number per tow abundance indicators are no longer above their lower boundaries. 2) Both the mean number per tow large size female abundance indicators are no longer above their upper boundaries. 3) At least 5 of the 8 median size indicators are no longer above the lower boundaries. If the stock is in the Cautious Zone, the OLJCMB will undertake one or more of the following: 1) Request that DFO Science, with support from industry and through the use of secondary indicators, identify whether there are factors (environmental, change in fishing strategy, change in data collection) that explain the change in the primary indicators. 2) Evaluate whether the quota flexibility measures (carry forward / back) should continue. 3) Consider undertaking a scientific assessment or science response earlier than would be scheduled in the typical 5-year cycle. 4) Consider management measures to reduce the removal rate in order to promote stock rebuilding to the healthy zone, if it is confirmed that the decline in the indicators is a real change in stock health. Actions will be established in consultation with industry, will be evaluated annually and may include but are not limited to changes in or introduction of: a. Size and sex controls (minimum size, window size, maximum size, v-notching);		

PI 1.2.2		There are well defined and effective harvest control rules in place		
		b. Area controls (closed areas); c. Landing controls (quota reduction) If the stock is in the Critical Zone, the OLJCMB will take management actions to reduce the removal rate in order to promote stock rebuilding. Actions taken will be established in consultation with industry and will be evaluated annually for effectiveness and adjusted accordingly. When actions taken allow the state of the stock to recover above the lower or upper reference, increases in the removal rate can be discussed with industry. No introduction of responses will be implemented without prior consultation with industry. Responses may vary between the harvest areas within LFA 41. Changes to these harvest control rules may be made as improved information becomes available after consultation with all parties." The assessment team considered that these HCRs are consistent with the harvest strategy and would act to reduce the exploitation rate if the indicators dropped into the cautious or critical zones. The assessment team considered, however, that whilst the HCRs are generally understood, it is not clear what specific management actions would be taken if a combination of stock indicators fell below their boundary values, and so the HCRs could not be considered to be 'well-defined' and would not necessarily ensure that the exploitation rate is reduced as limit reference points are approached. For example, if the stock is in the cautious zone, then the HCR states that only one or more of four actions will be taken, the first three of which do not reduce exploitation rate, and the fourth action states that management action will only be "considered" and "may" include various changes in regulations. Similarly if the stock is in the critical zone, management actions will be taken to reduce the removal rate, but no specific management actions are stated explicitly. Therefore, the SG 80 level of performance is not met, the ECOLF scores 60 for this SI, and a Condition of Certification (#1) is set.		
b	**Guidepost**		The selection of the harvest control rules takes into account the main uncertainties.	The design of the harvest control rules takes into account a wide range of uncertainties.
	Met?		Y	N
	Justification	The use of a multiple indicator approach inherently takes uncertainty into account. The HCRs developed for the ECOLF recognise that there is uncertainty associated with all of the stock indicators and therefore the stock is considered to be in the cautious or critical zones only when more than one indicator is below the upper or lower boundaries. There is uncertainty relating to the connectivity between lobsters in LFA 41 and lobsters in adjacent areas. LFA 41 may be a source of larvae recruitment for LFA 34 and adults may move between adjacent fisheries. However the multi-indicator approach (upon which the harvest control rules are based) should identify any changes in stock status whether due to changes within LFA 41 itself or caused indirectly by changes in stock status of the adjacent fisheries. The lower boundaries of the stock indicators at which the harvest control rules are implemented have been set conservatively high to take all uncertainties into account ensuring that exploitation rates will be reduced if the stock reaches the level at which recruitment to either LFA 41 or adjacent areas would be impaired. It is not clear whether there is an agreed protocol for addressing statistical uncertainties in the primary stock indicators when applying the HCRs. For example, for the trawl survey indices, data points are given as mean and standard error, but it is not clear whether the HCRs will kick in if the mean drops below the reference point or whether the observed variation around that mean is taken into account. Therefore, the ECOLF scores 80 for this SI.		

PI 1.2.2		There are well defined and effective harvest control rules in place		
c	Guidepost	There is some evidence that tools used to implement harvest control rules are appropriate and effective in controlling exploitation.	Available evidence indicates that the tools in use are appropriate and effective in achieving the exploitation levels required under the harvest control rules.	Evidence clearly shows that the tools in use are effective in achieving the exploitation levels required under the harvest control rules.
	Met?	Y	Y	N
	Justification	The tools used to implement the HCRs – quota reduction, closed areas, changes in technical conservation measures designed to safeguard the reproductive potential of the stock – are appropriate and effective in reducing exploitation rate. Compliance with the current TAC as demonstrated by the DMP and the lack of violations in this fishery in relation to the technical conservation measures provides evidence that the tightening of these regulations would be effective in achieving a reduction in exploitation levels. However as the stock indicators are currently significantly above the upper boundaries and the HCRs are newly implemented, the tools have not been fully tested or reviewed as to their effectiveness in reducing exploitation rate. The ECOLF scores 80 for this SI.		
References		DFO 2013, DFO 2014a, DFO 2014b		
OVERALL PERFORMANCE INDICATOR SCORE:				**75**
CONDITION NUMBER (if relevant):				**1**
Recommendation:		The assessment team recommends that an agreed protocol should be developed for addressing statistical uncertainties in the primary stock indicators when applying the harvest control rules.		

Revised Scoring Table for PI 1.2.2

PI 1.2.2		There are well defined and effective harvest control rules in place		
Scoring Issue		SG 60	SG 80	SG 100
a	Guidepost	Generally understood harvest rules are in place that are consistent with the harvest strategy and which act to reduce the exploitation rate as limit reference points are approached.	Well defined harvest control rules are in place that are consistent with the harvest strategy and ensure that the exploitation rate is reduced as limit reference points are approached.	
	Met?	Y	Y	

PI 1.2.2		There are well defined and effective harvest control rules in place
	Justification	During 2013/14 the indicators sub-committee of OLJCMB developed a series of HCRs, which were agreed with stakeholders and were incorporated into the IFMP. These HCRs are used in combination with the primary stock indicators as the basis for guiding fisheries management decisions. In 2016, revisions were made to the HCRs following discussions between the Client, OLJCMB and DFO Science and Management. The revised HCRs were formally approved by the DFO Regional Director for Fisheries Management for the Maritimes Region and incorporated in a revised IFMP. The HCRs are set out below in full: "The stock is below the Upper Reference and in the Cautious Zone if either of the following scenarios materializes in the indicator table: 1) At least 3 of the 4 abundance indicators and at least 5 of the 8 size indicators are no longer above their upper boundaries. 2) At least 1 of the 2 mean number per tow abundance indicators and 1 of the median size indicators from the corresponding NAFO area are no longer above their lower boundaries. The stock is below the Lower Reference and in the Critical Zone if all factors of the following scenario materialize in the indicator table: 1) Both the mean number per tow abundance indicators are no longer above their lower boundaries. 2) Both the mean number per tow large size female abundance indicators are no longer above their upper boundaries. 3) At least 5 of the 8 median size indicators are no longer above the lower boundaries. If the stock is in the Cautious Zone, the OLJCMB will undertake the following: 1) Request that DFO Science, with support from industry and through the use of secondary indicators, identify whether there are factors (environmental, change in fishing strategy, change in data collection) that explain the change in the primary indicators. 2) Evaluate whether the quota flexibility measures (carry forward / back) should continue. 3) Consider undertaking a scientific assessment or science response earlier than would be scheduled in the typical 5-year cycle. 4) Introduce management measures to reduce the removal rate in order to promote stock rebuilding to the healthy zone, if it is confirmed that the decline in the indicators is a real change in stock health. Actions will be established in consultation with industry, will be evaluated annually and will include at least one of the following: a. Size and sex controls (minimum size, window size, maximum size, v-notching); b. Area controls (closed areas); c. Landing controls (quota reduction) Other actions may also be introduced. If the stock is in the Critical Zone, the OLJCMB will take management actions described above to further reduce the removal rate in accordance with a stock rebuilding plan. Stock rebuilding will follow the guidance outlined by DFO in "Guidance for the Development of Rebuilding Plans under the Precautionary Approach Framework: Growing Stocks out of the Critical Zone". As outlined in the PA Framework, the primary objective of any rebuilding plan is to promote stock growth out of the Critical Zone (i.e. grow the stock beyond the LRP) by ensuring removals from all fishing sources are kept to the lowest possible level until the stock has cleared this zone. There should be no tolerance for preventable decline. This objective remains the same whether the stock is declining, stable or increasing.

PI 1.2.2		There are well defined and effective harvest control rules in place		
		Actions taken will be established in consultation with industry and will be evaluated annually for effectiveness and adjusted accordingly." The audit team considered that these HCRs are consistent with the harvest strategy and would act to reduce the exploitation rate if the indicators dropped into the cautious or critical zones. The audit team concluded that the revised HCR commits the OLJCMB and DFO to taking specific management action that will reduce the exploitation rate when the stock falls into the cautious zone, and that in the critical zone, any rebuilding plan must ensure that removals from all fishing sources are kept to the lowest possible level until the stock has moved out of the critical zone. These revisions ensure that the HCR can now be considered to be well defined, and the SG 80 level of performance is met for the ECOLF.		
b	**Guidepost**		The selection of the harvest control rules takes into account the main uncertainties.	The design of the harvest control rules takes into account a wide range of uncertainties.
	Met?		Y	N
	Justification	The use of a multiple indicator approach inherently takes uncertainty into account. The HCRs developed for the ECOLF recognise that there is uncertainty associated with all of the stock indicators and therefore the stock is considered to be in the cautious or critical zones only when more than one indicator is below the upper or lower boundaries. There is uncertainty relating to the connectivity between lobsters in LFA 41 and lobsters in adjacent areas. LFA 41 may be a source of larvae recruitment for LFA 34 and adults may move between adjacent fisheries. However the multi-indicator approach (upon which the harvest control rules are based) should identify any changes in stock status whether due to changes within LFA 41 itself or caused indirectly by changes in stock status of the adjacent fisheries. The lower boundaries of the stock indicators at which the harvest control rules are implemented have been set conservatively high to take all uncertainties into account ensuring that exploitation rates will be reduced if the stock reaches the level at which recruitment to either LFA 41 or adjacent areas would be impaired. It is not clear whether there is an agreed protocol for addressing statistical uncertainties in the primary stock indicators when applying the HCRs. For example, for the trawl survey indices, data points are given as mean and standard error, but it is not clear whether the HCRs will kick in if the mean drops below the reference point or whether the observed variation around that mean is taken into account. Therefore, the ECOLF scores 80 for this SI.		
c	**Guidepost**	There is some evidence that tools used to implement harvest control rules are appropriate and effective in controlling exploitation.	Available evidence indicates that the tools in use are appropriate and effective in achieving the exploitation levels required under the harvest control rules.	Evidence clearly shows that the tools in use are effective in achieving the exploitation levels required under the harvest control rules.
	Met?	Y	Y	N
	Justification	The tools used to implement the HCRs – quota reduction, closed areas, changes in technical conservation measures designed to safeguard the reproductive potential of the stock – are appropriate and effective in reducing exploitation rate. Compliance with the current TAC as demonstrated by the DMP and the lack of violations in this fishery in relation to the technical conservation measures provides evidence that the tightening of these regulations would be effective in achieving a reduction in exploitation levels. However as the stock indicators are currently significantly above the upper boundaries and the HCRs are newly implemented, the tools have not been fully tested or reviewed as to their effectiveness in reducing exploitation rate. The ECOLF scores 80 for this SI.		

PI 1.2.2	**There are well defined and effective harvest control rules in place**	
References	DFO 2013, DFO 2014a, DFO 2014b, DFO 2016a; DFO2016b.	
OVERALL PERFORMANCE INDICATOR SCORE:		**80**
CONDITION NUMBER (if relevant):		
Recommendation:	The audit team recommends that an agreed protocol should be developed for addressing statistical uncertainties in the primary stock indicators when applying the harvest control rules.	

Appendix 2 - Stakeholder submissions

Ecology Action Centre

July 26, 2016

RE: Surveillance Audit of Eastern Canada Offshore Lobster Fishery

Though we have not input as a stakeholder into this fishery certification in the past, we felt it important to forward some information we have received recently about the fishery that is important for the assessment team to consider. In our recent review of IFMPs across all fisheries in Atlantic Canada we were concerned to note a change in the latest version of the IFMP for the Eastern Canada Offshore Lobster Fishery (please note that the IFMP is still not available online and we were only able to obtain it at a recent meeting with the DFO manager).

The latest IFMP, revised in 2014, has a sentence inserted in Section 7.3 Gear reading:

"DFO has agreed to amend the regulatory provision regarding the tending of traps within a 72 hour period"

The '72 hour period' referred to in this IFMP amendment is a blanket regulation that applies to all fisheries under the law *Atlantic Fisheries Regulations, 1985*, part XI Miscellaneous Provisions, section 115.2 Tending Gear[1]:

> **115.2** No person shall leave fishing gear unattended in the water for more than 72 consecutive hours.
>
> SOR/93-61, s. 36; SOR/94-45, s. 4(F); SOR/2003-137, s. 12(F).

There is reasonable accommodation granted by enforcement officers of a few days, if need be, for unsafe weather or other events that prevent fishers from checking their gear with 72 hours, however, aside from specific incidents the rule is strictly enforced.

This '72 hour rule' is in place primarily due to potential for gear conflict between fisheries and for bycatch mitigation/'ghost fishing' reasons. Of particular concern is the potential for increased bycatch and entanglement incidents when gear is not checked frequently.

[1] This full legal text can be found at http://laws-lois.justice.gc.ca/eng/regulations/sor-86-21/index.html

For the Offshore Lobster Fishery, it would be very concerning if the gear was left soaking for extended periods for a few key reasons:

1. Bycatch of species that have been assessed by COSEWIC (but not yet listed in SARA as they are still under consultation). This includes cusk, which is considered a main bycatch species in the ECOLF MSC report, along with Atlantic cod, white hake, and redfish. Longer soak times mean more of these species could be getting trapped and eaten by the lobsters before the trap is hauled. This would mean the reported numbers do not reflect actual mortality.

2. Bycatch of northern and spotted wolffish, a SARA listed ETP species, could also be increased and not documented for the same reason as above.

3. Increased risk of fatal entanglement of Atlantic Right whale and other whales as well as sea turtles is of concern if the traps are soaking for longer than regulations allow. If the entangled animal is not discovered for days or weeks the chance of survival is very low.

4. Longer soak times also mean increased lobster cannibalization. Lobster catches have continued to increase and by all accounts fishers are having no trouble filling their traps. The longer traps are left in the water the more lobsters are killed and eaten by other lobsters or weakened. This increased mortality cannot be documented once the traps are hauled as the lobsters are already gone. Lobsters that are weakened or injured due to overcrowding may be discarded and again full mortality accounting would not be noted.

The implication are concerning if the Off Shore Lobster Fishery is not fishing responsibly and checking their gear within the 72 hour timeframe required by law, especially given the 1000s of traps this fishery has in the water year round. According to the MSC Public Certification Report, this a management requirement they follow and it would a significant change to the prosecution of the fishery if that was not the case.

This change to the IFMP is not noted in the fishery's advisory committee minutes and the current DFO manager for the fishery cannot confirm the process that was followed to include the new text in the IFMP that states the DFO 'has agreed to amend' the 72 hour rule. Including this line in the IFMP, may be interpreted to exempt the Offshore Lobster Fishery from enforcement of this law. We were informed that the fishery has recently requested a review of this regulation and a possible exemption. We have also heard concerns expressed that the fishery may be regularly soaking its traps for more than 72 hours.

We must stress that this 72 hour regulation is in law and cannot not be changed without a legislative process, including publication in the Canadian Gazette and public consultation on proposed amendments to the Atlantic Fisheries Regulations. It cannot be changed in an IFMP without previous amendment to the law.

Consideration to change this section of the Atlantic Fisheries Regulation or exempt this fishery from the law, would have significant implications, not only for the species impacted by this fishery (as outlined above), but also since it may set a precedent to question this important provision that mitigates impact of all fisheries that set gear.

The audit under the MSC process is an opportune time to discuss this with the fishery client and DFO management as well as Conservation and Protection. We hope the assessment team will consider this new information on in this year's audit.

The ECOLF is a leader in using electronic monitoring technology in their fishery. A review of their electronic logbook, which is not publically available, would give the assessment team the necessary information on gear tending and soak times for their sets and to ensure the fishery is being carried out responsibly.

Thank you for considering this information in your upcoming Audit. Please don't hesitate to contact us with any questions at 902 446 4840 or sarnold@ecologyaction.ca

We request to be added to the stakeholder list for this fishery to ensure we receive any further announcements.

Sincerely

Shannon Arnold Ecology Action Centre Marine Policy Coordinator

Audit Team Response

The audit team shared the submission with DFO and the client.

DFO confirmed the present situation as being in-line with what is stated in the November 2015 OLJCMB minutes – see section "2.1 Gear Tending" above.

The audit team note that at reassessment, scoring Principle 2 for the ECOLF was undertaken on the basis of the fishing strategy that is being employed in the fishery (see the PCR, P.13, which states: "Vessels set about 30 strings at a time stretching about 1.2 miles with a 4 – 5 day soak time"). Key aspects of the strategy include that long strings of pots are set that require relatively few endlines to be placed in the water, neutrally buoyant rather than floating mainlines are used, and the fishery's Standard Operating Procedures limit the amount of loose line at the surface and near to the seabed in order to minimise the potential for entanglement with ETP species. Endlines are also removed for the months of July-September, which includes much of the period during which right whales are most commonly seen transiting LFA 41. There is no evidence that ETP species entanglements have occurred with the ECOLF fishery. Catches of Jonah crab and cusk (assessed as the only 'main' bycatch species) are low, and in recent years the ECOLF has targeted areas of higher lobster CPUE to maximise the lobster catch, which appears to have further reduced the catch of other species.

DFO also confirmed are working with Clearwater to conduct scientific studies of the effects of different soak times in the offshore lobster fishery on the target and non-target species. Clearwater has agreed to fund and carry out this work using a third party and this will be initiated in the final quarter of this year. Scientists within the Department will review the methodology and results, and it will form the basis of a decision, should the regulation be amended, about alternative soak times.

Section 7 of the amended IFMP (2016b) highlights the gear tending regulation is being reviewed given the operational implications for some fisheries, such as the offshore fisheries and that the Department is considering a change to the regulations that would provide for flexibility in gear tending requirement where scientific studies have shown that the conservation objectives of a 72 hour maximum can be achieved through other means.

The audit team concludes that the scoring was undertaken on the basis of the employed fishing strategy and the difference in soak time between what is specified in the regulation and what may be employed in the fishery is not considered critical for scoring the Principle 2 elements of the ECOLF. DFO has confirmed that the client is working with them to undertake a scientific analysis of the effect of different soak times, and that DFO is reviewing both the methodology and the results of the study to help inform DFO's consideration of the issue.

In order to more fully understand the scientific implications of this issue the audit team makes a new recommendation that, by the next audit, the client provide a written update and any results of the soak time study and an update on the regulatory process associated with any changes to the soak time regulation. As a result of information provided by the client, if any significant adverse impacts are detected from the longer soak time employed in the fishery, a condition or conditions may be introduced subsequently, requiring that measures to address those impacts are introduced.

Letter from DFO Regional Director General, Maritimes Region, to Catherine Boyd, Clearwater Seafoods Limited Partnerships

Fisheries and Oceans Pêches et Océans

P.O. Box 1006
Dartmouth, NS
B2Y 4A2

JUL 2 0 2016

Catherine Boyd
Clearwater Seafoods LP
757 Bedford Hwy.
Bedford, NS
B4A 3Z7

Dear Ms. Boyd:

Re: Eastern Canada Offshore Lobster Fishery, Marine Stewardship Council Certification, 1st Surveillance Audit

I am writing in relation to your upcoming annual surveillance audit of the Eastern Canada Offshore Lobster fishery for Marine Stewardship Council certification. It is anticipated that the focus of this audit will be on any significant changes to the fishery or the way it has been managed over the past year and a review of progress on implementing Harvest Control Rules (HCRs). The response below highlights the material changes in relation to this fishery since the assessment in June 2015.

As you are aware, every five years a framework stock assessment will be carried out through the Regional Assessment Process, with stock assessment updates occurring annually. Later this year in October, a framework stock assessment will be carried out.

A three-year quota management cycle pilot project was reviewed at the December 2015, advisory committee meeting. Committee members recommended that the three-year quota management cycle be incorporated into the Integrated Fisheries Management Plan (IFMP).

In addition to incorporating the three-year quota management cycle, several other updates and clarifications are being made to the IFMP including a revision to the HCRs (see p. 46). A draft of the updated IFMP is attached, with revised text highlighted in yellow. While this revision has been supported by the Offshore Lobster and Jonah Crab Advisory Committee, committee members are being given a final opportunity to review the updated IFMP before formal approvals within DFO are sought later this year. Regarding the regulatory compliance regime, there are no material changes to report at this time.

.../2

To conclude, the material changes demonstrate continuing efforts to operate the offshore lobster fishery in a sustainable manner. I would like to take this opportunity to express the Departments appreciation to Clearwater Seafoods Limited Partnership for your ongoing commitment to a sustainable fishery, and I wish you all the best in your upcoming audit.

Yours sincerely,

Morley Knight
Regional Director General
Maritimes Region

Enclosure: Updated Draft IFMP

Appendix 3 - Surveillance audit information

The client provided the following information to the audit team:

- DFO. 2016. Lobster (*Homarus americanus*) in Lobster Fishing Area 41 (4X + 5Zc): 2015 Stock Status Update. DFO Can. Sci. Advis. Sec. Sci. Resp. 2016/004.
- http://publications.gc.ca/collections/collection_2016/mpo-dfo/Fs70-7-2016-004-eng.pdf
- DFO 2016a, Offshore Lobster and Jonah Crab Integrated Fisheries Management Plan (Draft)
- DFO 2016b, Offshore Lobster and Jonah Crab Integrated Fisheries Management Plan. Updated September 2016.
- Letter from DFO Regional Director General, Maritimes Region, highlighting changes in the fishery since the assessment in June 2015
- Offshore Lobster and Jonah Crab Advisory Committee Meeting Minutes, 4th December 2015 and supporting presentations on:
  - DFOs MPA Network Process Overview
  - DFOs Bycatch Priorities
  - December 2015 update of incidental catch and discard rates in the LFA 41 lobster fishery
  - Maritimes Region Lobster Landing Figures
- Offshore Lobster and Jonah Crab Management Board Meeting Minutes, 24th November 2015.

This information is available to stakeholders on request from Acoura Marine.

Appendix 4 - Additional detail on conditions/ actions/ results

This is not applicable for this audit.

Appendix 5 - Surveillance Program

Table 5.1 : Surveillance level rationale

Year	Surveillance activity	Number of auditors	Rationale
2	Off-site audit	2 auditors working remotely	With the single condition now closed and because the information can be provided remotely it will be possible to undertake the audit remotely with 2 auditors.

Table 5.2: Timing of surveillance audit

Year	Anniversary date of certificate	Proposed date of surveillance audit	Rationale
2	30th June 2017	August 2017	This month suits key people's availability to undertake the audit.

Table 5.3: Fishery Surveillance Program Revised

Surveillance Level	Year 1	Year 2	Year 3	Year 4
Level 3	On-site surveillance audit	Off-site surveillance audit	Off-site surveillance audit	On-site surveillance audit & re-certification site visit.