

## Marine Stewardship Council - Variation Request Form V1.3

<b>Date submitted to MSC</b>	03/10/2016
<b>Conformity Assessment Body</b>	SCS Global Services
<b>Fishery Name/CoC Certificate Number</b>	Tri Marine Western and Central Pacific skipjack and yellowfin tuna
<b>Lead Auditor/Programme Manager</b>	Sandy Morison (Lead Auditor)
<b>Scheme requirement(s) to vary from</b>	CRv1.3 (27.4.3)
<b>Is this variation sought in order to undertake an expedited P1 assessment (CR annex CL)?</b>	No
<b>1. Proposed variation</b>	
<p>The SCS Global Services team requests a variation to CR V1.3 (27.4.3) to revise the unit of assessment for the Tri Marine Western and Central Pacific skipjack and yellowfin tuna fishery to:</p> <p>a) further specify and decrease the geographic scope of the Unit of Assessment (UoA) and Certification (UoC) for both skipjack and yellowfin tuna, and</p> <p>b) specify the definition of 'FAD' sets for both the UoA and UoC.</p> <p>SCS requests to revise the current UoA as described in the PCDR and Notification Report to the following:</p>	
<b>Species</b>	Yellowfin tuna ( <i>Thunnus albacares</i> ) and skipjack tuna ( <i>Katsuwonus pelamis</i> )
<b>Geographical Area (Stock)</b> 27.4.2.1	1. Western and Central Pacific skipjack tuna stock 2. Western and Central Pacific yellowfin tuna stock
<b>Method of Capture (gear type)</b> 27.4.2.2	Purse seine - sets unassociated with fish aggregating devices (FADs <sup>1</sup> ).
<b>Management System Included (Vessels pursuing the stock)</b> 27.4.2.3	US flagged vessels registered to fish in the WCPFC convention area fishing in the Effort Limit Area for Purse Seine, (ELAPS), comprised of all areas of high seas and US exclusive economic zones (EEZs) between 20 degrees north and 20 degrees south in the Western and Central Pacific Fisheries Commission (WCPFC) Convention area, as well as EEZs of PNA member countries; and EEZs of Cook Islands, Tokelau, Fiji, Vanuatu, and Samoa.
<b>Client Group</b>	Cape Fisheries Holdings, LP; Tri Marine International, PTE

<sup>1</sup> The assessment team evaluated all unassociated sets as determined in the SPC observer database, which are classified as either unassociated or feeding on bait fish **at the beginning of the set**. The Unit of Certification, and product eligible to carry label, is determined by a more restrictive definition of "unassociated" given in detail in Addendum 1, whereby sets are determined to be unassociated, based on the verified absence of aggregating devices, **at the end of the set**.

## 2. Rationale/Justification

- a) *Fishing in the Unit of Assessment operates under a diverse and multi-level array of agreements and jurisdictions. In order to ensure that the assessment comprehensively evaluates all relative management arrangements: Wallis and Futuna, Niue, and Tonga have been removed from the UoA. Given the very low proportion of fishing that takes place in these areas (~0.06% 2010-2013 total fishing days), removing them from the scope does not materially affect any scoring outcome in the assessment. Should effort shift in the future, the scope will be revised and all relevant PIs rescored at the proximate surveillance audit.*
- b) *The definition of "FAD" is critical to this assessment because FAD sets are not eligible for certification (as they are not in the UoA), but vessels in the UoA fish using both FAD-associated (not eligible) and unassociated (eligible) sets. The original UoA referred to the WCPFC definition of a FAD, but the team has determined that the definition of a "FAD" for this UoA must follow that used in the data provided and used for scoring purposes. These data may occasionally include "inadvertent sets" on unsighted floating objects but any impacts of such sets have been scored. The client has voluntarily assumed a tighter definition of "unassociated" for definition of the UoC, further controlling product that is eligible to carry the label. "Unassociated" for the UoA is defined **before the set begins**, whereas for the UoC it is defined **after the set ends**. The traceability section of the report will address risks associated with mixing and mislabelling.*

## 3. Implications for assessment (required for fisheries assessment variations only)

*These revisions of scope will be included in the Final Report, and all tables, figures, and text will be updated accordingly. The team has examined scoring implications of this scope reduction and have found that none will occur. Should distribution of effort meaningfully change in the future, the team may consider applying for a variation to alter scope and to re-score as necessary.*

**4. Have the stakeholders of this fishery assessment been informed of this request? (required for fisheries assessment variations only)**

*No. If approved, stakeholders will be informed primarily via posting of this announcement to the MSC website. As stated in the rationale, this variance will have no impact on the outcome of the assessment.*

## 5. Further Comments

*Thank you for your consideration.*

## 6. Confidential Information

## Addendum 1: Unit of Certification FAD Definition:

The definition of a FAD to be used for this Certification follows that used by the WCPFC which has been developed as part of CMMs specifying FAD closure periods. CMM 2008-01 states that *“For the purposes of these measures, the term Fish Aggregation Device (FAD) means any man-made device, or natural floating object, whether anchored or not, that is capable of aggregating fish.”*

This was expanded upon in CMM 2009-02 in defining the Rules for FAD Closures:

*“The definition of a FAD in footnote 1 to CMM 2008-01 shall be interpreted as including:*

*‘any object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including but not limited to buoys, floats, netting, webbing, plastics, bamboo, logs and whale sharks floating on or near the surface of the water that fish may associate with’*

3. *During the FAD closure period specified in CMM 2008-01, no purse seine vessel shall conduct any part of a set within one nautical mile of a FAD. That is, at no time may the vessel or any of its fishing gear or tenders be located within one nautical mile of a FAD while a set is being conducted.*
4. *The operator of a vessel shall not allow the vessel to be used to aggregate fish, or to move aggregated fish including using underwater lights and chumming.*
5. *A FAD and/or associated electronic equipment shall not be retrieved by a vessel during the period of a FAD closure unless:*
  - a. *the FAD and/or associated electronic equipment are retrieved and kept on board the vessel until landed or until the end of the closure; and*
  - b. *the vessel does not conduct any set either for a period of seven (7) days after retrieval or within a fifty (50) mile radius of the point of retrieval of any FAD.*
6. *In addition to paragraph 6, vessels shall not be used to operate in cooperation with each other in order to catch aggregated fish. No vessel shall conduct any set during the prohibition period within one nautical mile of a point where a FAD has been retrieved by another vessel within twenty four (24) hours immediately preceding the set.*

Codes to implement the above definition and to be used by observers to classify set types are listed in the WCPFC Regional Observer Program Minimum Standard Data Fields document ([www.wcpfc.int/system/files/Table-ROP-data-fields-instructions.pdf](http://www.wcpfc.int/system/files/Table-ROP-data-fields-instructions.pdf)). For *“Purse seine free school association (tuna)”* these may be either *“unassociated”* or *“feeding on bait fish”*. Purse seine associated school associations (i.e. FAD sets) include sets on *“Drifting log, debris, dead animal; drifting raft; anchored raft; live whales/marine mammals; live whale shark; other floating object”*.

**Set types are recorded by observers at the time a set commences but, on hauling, a whale shark or other object may be found to have been associated with the school. This occurs apparently because *“the whale shark may be not visible at the time of setting and so the set is recorded as another set type (e.g. unassociated, feeding on baitfish”*). Subsequently, the observer discovers the animal in the net during the brailing process, and records it as an interaction” (WCPFC8 -2011-IP-01 (rev. 1)).**

**For the purposes of this assessment, such functionally associated hauls, discovered at the end of the set, are defined *post hoc* to be associated and therefore may not be within the Unit of Certification, or carry the MSC ecolabel, regardless of the set type initially recorded by an observer.**

