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President: Andrew A. Rosenberg, Ph.D.

MRAG Americas, Inc.

Gulf of Maine Lobster Fishery

MSC Variation Request

Table 1 – Variation request

1	Date submitted to the MSC
	- Please note the MSC will usually respond within 14 days, but for complex variations, longer may be necessary. The MSC will keep you informed if it will take longer than 14 days.
	17 August 2022
2	CAB
	MRAG Americas
3	Fishery name and certificate number
	Gulf of Maine Lobster MSC-F-30017
4	Lead auditor or program manager
	Amanda Stern-Piriot
5	Request prepared by
	Amanda Stern-Piriot
6	Scheme requirement(s) for which variation requested
	7.29.1 The CAB shall complete an expedited audit if the CAB becomes aware of changes to the circumstances of the fishery and/or of new information that may cause a. A PI score falling below 60.
7	How many times has a variation for this requirement been accepted for the same assessment of the same fishery?

	- e.g. Fill in 2 nd if a previous extension request on the 60 days requirement for surveillance reports has been accepted, and this request is for an additional time extension on top of that.	
	0	
Variation justification		
1	Proposed variation	
	We propose to forego an expedited audit with the intent to consider new information as part of the assessment/disputes process already underway.	
2	Additional time requested	
	Original deadline date	n/a
	Modified deadline date requested	n/a
	Length of additional time requested	n/a
3	Justification	
	<p>The Gulf of Maine Lobster fishery recertification assessment is currently in the objections phase, with an objection on the certification decision of the fishery accepted. Shortly after the objection was accepted, new information came out that could have a material impact on the outcome of the reassessment/status of the certificate. All parties to the objection recently agreed that it would be more efficient and straightforward to accept this new information as part of the record informing the objections proceedings, rather than launch a separate process to consider this new information (i.e. expedited audit). Please see the joint letter by objectors, CAB and client to the IA requesting an extension to the consultation period of the objection due to these circumstances.</p>	
4	Implications for assessment	
	<p>The implication is that we will not be carrying out an objection process based on old information, and simultaneously an expedited audit based on newer information. The process will be more straightforward and clearer to everyone, including external stakeholders.</p>	
5	Mitigation of the implications for assessment	
	There is no need to mitigate these implications	
6	How many conditions does the fishery have and will their progress be affected (positive or negative)?	
	There are 4 open conditions. This has no impact on the conditions.	
7	What is the status of the current assessment or audit?	
	Objection period of 1 st reassessment.	
8	Further comments	
9	If applicable, additional information added after the MSC's request	



National Headquarters

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www.defenders.org

Mr. Eldon Greenberg
Independent Adjudicator

10 August 2022

Re: In the Matter of an Objection to the Final Draft Report on the Proposed Certification of the Gulf of Maine Lobster Fishery Under the MSC Standard for Sustainable Fishing— Joint Request for a 30-Day Extension of the Consultation Period

Dear Mr. Greenberg,

Pursuant to § 5.6.1.1 of the MSC Disputes Process v1.0, and on behalf of all parties to the Objection process, I write to request a 30-day extension of the consultation period between the parties. In support of this request, I note as follows:

- On 2 August 2022, the initial consultation period was extended by seven days, through 11 August 2022, based on the concurrent request of the Conformity Assessment Body (MRAG Americas, Inc.) and Objectors (Animal Welfare Institute, Defenders of Wildlife, and Natural Resources Defense Council).
- On 10 August 2022, representatives for the CAB, Objectors, and the Fishery Client Group (Maine Certified Sustainable Lobster Association) met to discuss a potential resolution of one or more items raised in the Notice of Objection.
- The parties concur that there is a real and imminent prospect of reaching an agreement on some or all items raised in the Notice of Objection as per §§ 5.6.4 and 5.6.5 of the Disputes Process.
- Specifically, the parties agree that the recent merits decision in *Center for Biological Diversity v. Raimondo*, Case 18-cv-118-JEB (D.D.C. July 8, 2022) is new information relevant to the scoring of Performance Indicators under Principles 2 and/or 3.
- The parties note that § 7.29.1 of the MSC Fisheries Certification Process v2.2 requires the CAB to complete an expedited audit of the fishery if it becomes aware of changes to the circumstances of the fishery and/or new information that may cause, *inter alia*, a PI score to fall below 60 or a Principle score to fall below an aggregate 80 score due to changes in scoring for one or more PIs. The parties agree that considering the *CBD v. Raimondo* decision as part of the assessment/disputes process already underway would be the most efficient way to consider this information.

Therefore, the parties agree that extending the consultation period by an additional 30 days will allow them to continue productive consultation discussions that present a real and imminent prospect of agreement to resolve one or more of the items in the Notice of Objection.

Thank you for considering this request. Very
truly yours,

Jane P. Savoyant

Jane P. Davenport, Senior Attorney, Defenders of Wildlife

On behalf of and with the permission of:

Objectors:

Kate O'Connell, Animal Welfare Institute

Francine Kershaw, Natural Resources Defense Council

Fishery Client: John F. Whiteside, Jr., Law Office of John F. Whiteside, Jr., P.C.

CAB:

Amanda Stern-Pirlot, Vice-President-Science, MRAG Americas, Inc.

Erin Wilson, Senior Fisheries Consultant and Program Manager, MRAG Americas, Inc.

