

## MSC SUSTAINABLE FISHERIES CERTIFICATION

### Reduced Surveillance – Review of Information for the Eastern Canada Offshore Lobster Fishery



2<sup>nd</sup> Surveillance stage

October 2017

Certificate Code	F-ACO-0031
Prepared For:	<b>Clearwater Seafoods Limited Partnership</b>
Prepared By:	<b>Acoura Marine</b>
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## Assessment Data Sheet

Fishery name	Eastern Canada Offshore Lobster Fishery		
Species and Stock	Lobster ( <i>Homarus americanus</i> ) Stock – Lobster Fishing Area (LFA) 41		
Date certified	30 <sup>th</sup> June 2015	Date of expiry	29 <sup>th</sup> June 2020
Surveillance level and type	Review of information		
Date of surveillance audit	W/C 7 <sup>th</sup> August 2017		
Surveillance stage (tick one)	1st Surveillance		
	2nd Surveillance	✓	
	3rd Surveillance		
	4th Surveillance		
	Other (expedited etc)		
Surveillance team	Lead assessor: Paul Knapman Assessor(s): Rob Blyth Skyrme		
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## 1 Introduction

### 1.1 Scope of the Surveillance

The scope of the certified fishery and therefore of this review of information surveillance is specified in the Unit of Certification (UoC) set out below:

<b>Species:</b>	Lobster ( <i>Homarus americanus</i> )
<b>Geographical Area:</b>	The Eastern Canada Offshore Lobster Fishery (ECOLF) operates within the Canadian EEZ, in Lobster Fishing Area (LFA) 41, from the International Court of Justice or 'Hague' line on Georges Bank to the Laurentian Channel off Cape Breton. LFA 41 is located outside of the offshore boundary line which extends out 50 miles from the Canadian coast.
<b>Method of Capture:</b>	Traditional lobster trap design, with traps constructed of wire and measuring 48" long, 16" wide and 11" tall.
<b>Stock:</b>	The ECOLF is restricted to LFA 41
<b>Management System:</b>	Fisheries and Oceans Canada (DFO) undertakes the management of the ECOLF, through their Maritime Region.
<b>Client Group:</b>	Clearwater Seafoods Limited Partnership (CSLP). CSLP is the only participant in this fishery therefore no further clients are expected to join the client group. <a href="https://www.clearwater.ca/en/">https://www.clearwater.ca/en/</a>

This report outlines the findings of the 2<sup>nd</sup> Annual Surveillance of the re-certified Eastern Canada Offshore Lobster Fishery. At last year's 1<sup>st</sup> annual surveillance audit, the single condition of certification was closed. As a result, with no open conditions of certification, Acoura Marine concluded a Level 1 (minimum surveillance level), "Review of Information" surveillance audit, can be conducted on this fishery (FCR v2.0 Section 7.23).

### 1.2 Aims of the Review of Information Surveillance

The purpose of the Review of Information surveillance audit is to:

1. Determine if there have been any changes in the certified fishery's management systems;
2. Determine whether any changes or additions/deletions require a full off-site surveillance;
3. Determine whether there have been any personnel changes in science, management or industry that would require the team to evaluate impact on the management of the fishery; and,
4. Determine whether any potential changes to the scientific bases of information which will warrant a full off-site surveillance audit.

**Please note:** The primary focus of this surveillance audit is to review and assess changes made in the previous year. For a complete picture, this report should be read in conjunction with the Public Certification Report for this fishery assessment 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>

### 1.2.1 Surveillance Team Details

This review of information audit was carried out by Paul Knapman and Rob Blyth Skyrme.

**Paul Knapman** - 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.

**Rob Blyth-Skyrme** - 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 Ichthys Marine Ecological Consulting Ltd., his own fisheries and environmental consultancy, based in the UK.

## 2 Review of Information

The client provided a number of documents for the audit team to review. These were used as the basis for this review of information audit. The documents are detailed in Appendix 2 of this report. A telephone call with Catherine Boyd (CSLP, Director, Sustainability and Public Affairs) also took place 11<sup>th</sup> August 2017.

Stakeholder submissions were received from the Department of Fisheries Oceans (DFO), Maritimes Region and the Ecology Action Centre (EAC). These are included in Appendix 1. These submissions were used, in part, as sources of information to inform questions asked of the client in the aforementioned telephone call.

Where appropriate, responses are provided by the audit team to points raised in the stakeholder submissions.

### 2.1 Changes in the management system

One substantive change in management was reported. The client provided information related to closures to bottom-contact fishing gear, including lobster traps, that was put in place by Fisheries and Oceans Canada (DFO) in August 2016. The closures protect two areas – Corsair and Georges Canyons Conservation Area, and the Jordan Basin Conservation Area (Figure 1); both are considered to be important owing to their high densities of cold water corals. Of particular conservation interest are the large, tree-like corals found in these areas, such as the “bubblegum coral” (*Paragorgia arborea*) and “seacorn” (*Primnoa resedaeformis*). They are long-lived, fragile and at risk of serious or irreversible harm from fishing or other human activity that comes into contact with the sea floor.

These coral communities qualify for protection under DFO's Policy for Managing the Impact of Fishing on Sensitive Benthic Areas (SBA Policy). The purpose of the SBA Policy is to "mitigate the impacts of fishing on sensitive benthic areas or avoid impacts of fishing that are likely to cause serious or irreversible harm to sensitive marine habitat, communities and species". The SBA Policy is the Department's principal tool for meeting Canada's commitment under the United Nations to identify and protect Vulnerable Marine Ecosystems (VMEs) in domestic waters. These protection efforts also support DFO's Coral & Sponge Conservation Strategy for Eastern Canada, released in 2015.

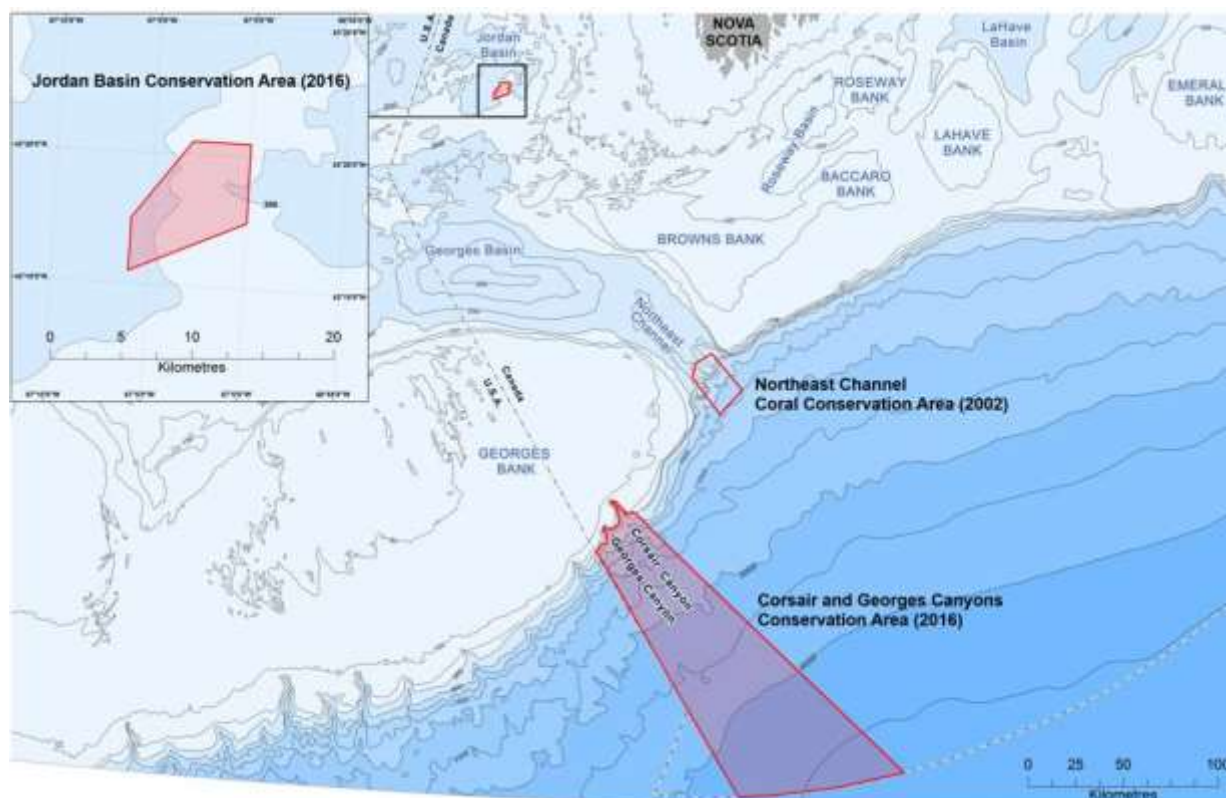


Figure 1: Corsair/Georges Canyon and Jordon Basin Conservation Areas Location (DFO, 2016, <http://www.dfo-mpo.gc.ca/oceans/publications/backgrounder-fiche/index-eng.html> )

**Corsair and Georges Canyon:** These submarine canyons are located south of Georges Bank, near the Canadian-United States international border. These are large, steep sided and deep (over 2,000 metres) valleys that cut into the seabed. These canyons are part of a chain found along the continental slope of eastern North America. Surveys in 2014 documented high densities of gorgonian corals, such as "bubblegum" coral (*Paragorgia arborea*), and a wide variety of other coral species, clinging to the walls of the canyon.

The closed area includes the canyons and extends along the slope edge (at approximately 300 metres depth) to the international border and also into deep waters out to the Exclusive Economic Zone (EEZ) boundary. Inclusion of the deeper portions is a precautionary action under the SBA Policy to protect other vulnerable deep-sea species and communities. Further exploration of the deep-sea communities in this area will help define and refine the closure over the next few years. In 2017, a joint Canada-US mission representing collaboration between Canadian academic researchers funded by NSERC, DFO, and NOAA, and, will continue the exploration of deep-sea ecosystems off Nova Scotia.

All bottom fishing is prohibited in the closure with the exception of two small "limited fishing" zones located next to Georges Canyon where red crab fishing will be allowed.



**Jordon Basin:** The 49 km<sup>2</sup> closure in the eastern portion of the basin protects two prominent bedrock ridges with high densities of seacorn corals (*Primnoa resedaeformis*) and other sensitive filter feeding invertebrate communities.

The above information has been adapted from:

<http://www.dfo-mpo.gc.ca/oceans/publications/backgrounder-fiche/index-eng.html>

<http://www.dfo-mpo.gc.ca/oceans/ceccsr-cerceef/measures-mesures-eng.html>

**Other points of note:**

The Offshore Lobster and Jonah Crab Management Committee (OLJCMC) and Offshore Lobster and Jonah Crab Advisory Committee (OLJCAC) met in November and December 2016, respectively, and minutes and supporting documentation from the meetings were provided to the audit team (OLJCMC, 2016. OLJCAC, 2016). Key points from the meetings are included in the following sections and were further elaborated on by a telephone call and correspondence with the client representative.

**Marine Protected Area (MPA) Network Planning**

Further MPA network discussions were held at the OLJCAC. An area known as the Fundian Channel (off the Northern edge of Georges Bank) has been identified as a potential offshore area of interest for MPA designation by 2020.

**Bycatch** – Licence conditions (CSLP, 2017) continue to be issued which allow the retention of Jonah crab. DFO confirmed that if CSLP were to develop an interest in targeting Jonah crab or started to retain significant quantities as a bycatch, the assessment and management framework would need to be reviewed to see whether they are fit for purpose (OLJCAC, 2016). This would include, developing indicators and reference points for Jonah crab and reviewing trap design, fishing season, minimum size, etc.

The annual LFA 41 bycatch monitoring report (DFO, 2016a) was presented to the OLJCMC. DFO considers cusk and cod to be priority bycatch species in the fishery. Observed and estimated catches for 2015, i.e. the most recently reported fishing year 2015, were low in comparison to the previous 9 years. DFO management requested the sampling program be reviewed at the next Framework Assessment in January 2017.

**Integrated Fisheries Management Plan (IFMP)** – Changes to the IFMP (DFO, 2016c), e.g. the harvest control rule, as described in last year's audit report, have been included. It is noted that the IFMP does not appear on the DFO website. The audit team recommend that the IFMP is published with the other existing Maritime IFMPs on the DFO website. Furthermore, the team note that some IFMPs include an amendment page that details when and what changes were made to the plan. It is recommended that, for clarity and transparency, a similar approach is adopted with the Offshore Lobster and Jonah Crab IFMP.

**Marine Mammals:** Under the DFO Right Whale Action Plan, DFO is compiling detailed descriptions of fishing gear in fixed gear fisheries, including the offshore lobster fishery (OLJCAJ, 2016). This is intended to help the Department understand risks from these fisheries to Right Whales, identify potential mitigation measures, and develop a baseline of information that can be used to measure progress in reducing risks where needed (OLJCAC, 2016).

The client provided their updated standard operating procedures (SOPs) (CSLP, 2016) for setting and retrieving lobster gear in LFA 41 to reduce the potential of whale interaction which includes a new measure of adding a sinking rope to the first 25 traps from each end line. The client also provided their licence conditions (CSLP, 2016a) which include

requirements for species protected under the Species at Risk Act (SARA). No record of interaction with SARA listed species were reported in this audit period.

Minutes of OLJCMC (2016) confirm DFO has provided the client with species identification sheets for whales. The client confirmed that these are carried aboard the client vessel (Catherine Boyd, CSLP, pers. comm., 11<sup>th</sup> August, 2017).

**Conservation and Protection (C&P):** From the OLJCMC and OLJCAC minutes (OLJCMC 2016; OLJCAC 2016) and discussion with the client, it is apparent that vessels in the inshore lobster fishery in LFA 33 and 34 are beginning to operate close to the border with LFA 41. i.e. the area within which the offshore fishery operates. To avoid potential gear conflict, licence holders in the area are required to ensure they avoid encroaching to within 3 nautical miles of other licence holders' fishing gear. Over the course of 2016, 3 warnings were issued with respect to vessels fishing too close to another vessel's gear.

**Changes in relevant regulations:** New regulations to ensure no fishing in the new protected areas – Corsair and Georges Canyon, and Jordan Basin, detailed above - have been introduced. The areas are clearly specified in the client's fishing licence conditions (CSLP, 2016a).

Following agreement between all the DFO Atlantic regions, DFO Maritime's Region is progressing an amendment to Section 115.2 of the Atlantic Fishery Regulations to provide for greater flexibility to fixed gear fisheries that can demonstrate that different tending times would not negatively impact conservation of target and non-target species.

Associated with the amendment, DFO provided a presentation at the November 2016 OLJCAC of the legal and policy frameworks within which DFO operate and the stages in the regulatory process. The DFO PowerPoint presentation (DFO 2016b) was provided to the audit team. From the presentation, it is noted that, following policy analysis and approval by senior management, i.e. approximately where the process is now, the remaining steps in the regulatory process are estimated to take between 12-18 months.

Also, associated with the amendment and during this audit period, the client contracted third-party research companies, Aquatic Science and Health Services and Blue Owl Professional Services, to conduct a study of the effects of different soak times of traps on the target and non-target species in the offshore lobster fishery. The methodology for the study was discussed and agreed with DFO (Catherine Boyd, pers. comm. 11<sup>th</sup> August 2017). Owing to corporately sensitive information, the client is awaiting guidance from DFO on how best to share the study's report. In the meantime, the client confirmed the findings have shown that longer soak times do not show increased bycatch (Catherine Boyd, pers. comm. 11<sup>th</sup> August 2017).

No other changes in relevant regulations were reported.

## **2.2 Changes to personnel involved in science, management or industry**

No changes in key personnel were reported.

## **2.3 Changes to scientific base of information including stock assessments**

A Stock Assessment Framework meeting took place in January 2017. Supporting information in the form of PowerPoint presentations were made available for the audit, however, the proceedings and outcome of the meeting were not available for the audit. As the assessment was previously scheduled for the latter part of 2016, an update of stock status for 2017 was completed using existing stock status and reference points – these were detailed in last year's audit report. The OLJCAC meeting minutes (OLJCAC, 2016) confirm



the abundance and size indicators continued to be above their upper boundaries. The outcome of the assessment will be reported at the next annual audit.

## 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 developments or changes within the fishery were reported that would impact traceability or the ability to segregate certified lobster from the UoC.

## 3 TAC and catch data

<b>TAC</b>	<b>Year</b>	<b>2016</b>	<b>Amount</b>	<b>720 tonnes</b>
<b>UoA share of TAC</b>	<b>Year</b>	<b>2016</b>	<b>Amount</b>	<b>720 tonnes</b>
<b>UoC share of TAC</b>	<b>Year</b>	<b>2016</b>	<b>Amount</b>	<b>720 tonnes</b>
<b>Total green weight catch by UoC</b>	<b>Year (most recent)</b>	<b>2016</b>	<b>Amount</b>	<b>788.549* tonnes</b>
	<b>Year (second most recent)</b>	<b>2015</b>	<b>Amount</b>	<b>679.541 tonnes</b>

\* As reported in the last audit report, in 2013, DFO agreed to roll over the annual quota and set a 3 year TAC, i.e.  $3 \times 720 \text{ t} = 2160 \text{ t}$ . A maximum annual quota of 828 tonnes ( $720 + 15\%$ ) was allowed in any given year. Continuation of the 3 year quota cycle was agreed at the 2015 OLJCAC and has been included in a revised draft IFMP.

## 4 Conclusion

### 4.1 Summary of findings

- Two new Conservation Areas have been designated and the certified offshore lobster fishery is amongst the fisheries that have been excluded from fishing within the closed areas.
- DFO are pursuing the regulatory process for amending the Fisheries Regulation Act to allow for greater flexibility in gear tending following scientific studies that show the objectives of the regulation can be equally or better served through other means.
- It is determined that none of the changes in the management of the fishery require a full offsite or on-site surveillance audit.
- There have been no personnel changes in science, management or industry that require the team to evaluate impact on the management of the fishery; and,
- No changes in the scientific base warrant a full off-site or on-site surveillance audit.
- The audit team recommends that the IFMP is published with the other existing Maritime IFMPs on the DFO website, and, that the IFMP includes an amendment page that details when and what changes were made to the plan.
- The fishery remains certified.

## 5 References

CSLP, 2016. Clearwater Standard Operating Procedures (SOPs) for setting and retrieving lobster gear in LFA 41 to reduce the potential of whale interaction.

CSLP, 2016a Clearwater offshore lobster licence

DFO 2016, DFO Backgrounder – Closures to Protect Sensitive Benthic Areas: Corsair/Georges Canyons and Eastern Jordon Basin

DFO 2016a, Manon Cassista-Da Ros & Adam Cook, November 16 Update of incidental catch and discard rates in the LFA 41 lobster fishery.

DFO 2016b, Regulatory Process, Powerpoint presentation.

DFO 2016c, Offshore Lobster and Jonah Crab Integrated Fisheries Management Plan. Updated September 2016.

OLJCAC 2016, Offshore Lobster and Jonah Crab Advisory Committee Meeting Minutes, 2<sup>nd</sup> December 2016.

OLJCMB 2016, Offshore Lobster and Jonah Crab Management Board Meeting Minutes, 18<sup>th</sup> November 2016

## Appendix 1 - Stakeholder submissions



Billy Hynes MSC Fisheries Manager Acoura

August 7<sup>th</sup>, 2017

### RE: Surveillance Audit of Eastern Canada Offshore Lobster Fishery

We are writing to input information for consideration and response in the Annual Surveillance Audit of the Eastern Canada Offshore Lobster Fishery. We continue to have concerns that details about the fishery in the MSC assessments and audits do not accurately reflect the way the fishery is prosecuted.

#### Gear tending and soak time

The 2016 MSC surveillance report confirms from the OLJCMC meeting notes that the fishery does not have an exemption to the 72 hour rule for gear tending in the Atlantic Fisheries Regulations. We note, however, that the MSC assessment states the traps are soaking for 4-5 days, which would be outside the legal regulation. Further, it is difficult to understand how one boat, even such a large boat as the Randell Dominaux is able to fish between 3000-5000 traps within the 72 hour regulation.

We are concerned about this for a number of reasons:

1. Lobster cannibalism – despite apparently healthy populations the risk of increased cannibalism the longer traps are soaked in the water means that all mortality is not being taken into account for the target stock. Such a waste of lobsters through cannibalism may also be having an effect on the inshore stock as the migration and mixing between the inshore and offshore, especially for juveniles is not yet fully understood. Fishing practices should minimize waste and the fishery should be recording all relevant data.
2. Information on bycatch of other species - longer soak times mean more species could be getting trapped and eaten by the lobsters before the trap is hauled. Again, this would also mean the reported numbers for bycatch may not reflect the actual mortality. This is particularly concerning for any at risk species that may have increased impact. It is not clear this is taken into account for scoring of information Pls 2.1.3, 2.2.3, 2.3.3
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.

We request the assessment team provides information showing the actual soak times in this fishery. This information could be verified through the fishery's electronic logbooks that show the time each line of traps is in the ocean between hauls. We would also request the assessment team seek full information on parts of lobsters or other animals that have been counted in traps as an indicator of numbers that may have been eaten before the trap is hauled. This information may be available through the observer notes or through any at sea boarding check performed by the DFO C&P in recent years.

We also note that there is little information in the assessment about where the fishery is storing traps that are not fishing. There is concern that the fishery is leaving thousands of the traps on the bottom with the escape hatch open to await the next fishing times. This would have impacts on the bottom habitat and also increases risk for entanglements with floating end lines being left offshore for long periods of time. If this is the case, we would like to know under what regulations this practice is allowed.

#### Atlantic Right Whales

The above concerns are particularly relevant with the recent increased observations of Atlantic right whale deaths. You may be aware that so far this year the dedicated aerial survey has found 10-11 dead Atlantic right whales in the Gulf of St Lawrence. While this is not the area fished by this fishery, each death with such a small, vulnerable population is a concern for cumulative impacts on the species. Survey researchers expect the whales to be moving back towards the Scotian Shelf and Bay of Fundy later in the summer and in the fall where there will be increased risk for interaction with this fishery.

At least four of the dead whales were found entangled in trap fishing gear this season and in recent years there have been 1-2 whale death attributed to lobster or crab fishing gear entanglement (pers. communication with New England Aquarium lead researchers). Researchers note these are only the

whales directly observed and while right whales tend to float when dead, many other whales will sink before their entanglements are observed.

We would like to know what the fishery is doing to address their possible impact on whales through entanglement, especially if there is a practice of 'storing' traps on the bottom with a lead line to a surface buoy for months at a time.

We would also like to know if the assessment team needs to consider cumulative impacts with other MSC certified fisheries impacting these species.

#### **Research on soak times**

The client may be pursuing a research study on soak time vs lobster catch and by-catch. If this is the case, for transparency and to ensure robust research, the study methodology should be proposed at the advisory committee and proper decision making including a range of stakeholders should be followed. This is especially important for the certification credibility since this fishery is currently fished by a single proprietor that has been given exclusive access to Canadian public resources for fishing.

Any study should be randomized in terms of time and location variables and not just based on variation following normal fishing operations. However, before any such study is allowed, the purpose of it should be considered carefully as it may lead to requests for exemptions to the 72 hour gear tending rule, which would have implications for fishery impacts throughout Atlantic Canada. Past research has shown little difference in catchability of lobsters after 2-3 days and the fishery is not having a problem catching its TAC, so clear justification for pursuing a study that increases risk to bycatch species should be weighed by peer review.

#### **Advisory committee**

The current advisory committee terms of reference, states that the enterprises must agree with decisions made. Though the committee is supposed to work by consensus, the fact that there is now only one enterprise and that there are no other stakeholders on the committee, this means the client wields disproportionate power over decision making and a large area of Canada's offshore resources. The committee should be opened to more stakeholders and any proposed research plans and changes to harvest rules should be peer reviewed and available to the public. The current IFMP is still not available on the DFO website.

#### **'Biodegradable' fasteners**

We note the assessment reports states the fishery uses 'biodegradable fasteners' to ensure the escape panels drop off any lost traps. This is not the correct term. The fasteners are metal and are supposed to corrode quickly. However, according to former DFO science researchers (pers communication July 2017) the science advice for the diameter of the wire required was not followed, which means the wire used takes more than a year to corrode. The fishery may consider taking this into account to further reduce risk of ghost fishing and could be proactive to install the advised smaller diameter wire. This is especially concerning if traps are being left on the bottom in the fishery practice and have increased risk of being lost.

We look forward to your response.

Shannon Arnold Marine Policy Coordinator Ecology Action Centre



## **Audit Team Response to the EAC Submission**

The audit team thanks the EAC for providing a submission to this year's review of information audit. The submission was shared with the client.

With respect to the key points raised:

### **Gear tending and soak time**

The client confirmed they do not store traps on the sea bed and that gear is tended.

### **Atlantic Right Whale**

As indicated in this report at, *2.1 Marine Mammals*, the client provided their updated Standard Operating Procedures (SOPs) for setting and retrieving lobster gear in LFA 41 to reduce the potential of whale interaction. It includes a new measure of adding a sinking rope to the first 25 traps from each end line. The client also provided their licence conditions (CSLP, 2016) which include requirements for species protected under the Species at Risk Act (SARA). No record of interaction with SARA listed species were reported in this audit period.

With respect to cumulative impacts, fisheries certified against CR v1.3 are not yet subject to the 'MSC-cumulative' approach.

### **Research on soak time**

As indicated in this report at, *2.1 Changes in Regulations*, the DFO are pursuing an amendment to the fixed gear tending requirements of the Atlantic Fisheries Regulations and the client has used a third-party researcher to conduct a study on soak times and the effect on target and non-target species. The study has been completed but the report is not yet available owing to it containing corporately sensitive information. The client is waiting for guidance from DFO on how best to manage this.

### **Advisory Committee**

As reported in the Public Certification Report (PCR)<sup>1</sup>:

The OLJCAC is composed of the major stakeholders, including the single company that controls the licence holders, a representative of the adjacent LFA 34 and the provincial government of Nova Scotia. Native groups (Native Council of Nova Scotia and Kwi'mu'kw Maw-Klusuaqn (Mi'kmaq Rights Initiative) are notified of meetings of the committee and may attend at their option. Any party who expresses an interest is permitted to sit as an observer to the OLJCAC meetings and may address the group with the consent of the Chair.

With respect to research, the assessment framework and the status of the LFA 41 lobster stock is reviewed at a Regional Advisory Process (RAP) meeting convened by the Maritimes Region Centre for Science Advice, and follows the peer-review process, policies and guidelines that have been developed by the Canadian Science Advisory Secretariat (CSAS) for DFO. The results of the assessment are published formally as a Science Advisory Report (SAR). The SAR is essentially a summary of the stock assessment, and the full assessment is published as a DFO Research Document. In addition to DFO personnel, participants in these regional peer reviews include Provincial Government representatives, industry including lobster advisory committee members, First Nations and invited reviewers. The latter can be experts from outside of the region.

The audit team were not made aware of any changes to the above administrative and science processes. The committee is therefore open to more stakeholders than understood

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<sup>1</sup> [https://fisheries.msc.org/en/fisheries/eastern-canada-offshore-lobster/@ @assessments](https://fisheries.msc.org/en/fisheries/eastern-canada-offshore-lobster/@@assessments)

by the EAC. Research is peer reviewed and the harvest control rules are made available in the IFMP.

It is noted by the team that the IFMP has not been published on the DFO website. The audit team has recommended that this is remedied and any changes to the IFMP are recorded in an amendment record within the IFMP.

**‘Biodegradable’ fasteners**

The client confirmed that the methods they use adhere to the escape panel requirements set out in the regulations.





Fisheries  
and Oceans

Pêches  
et Océans

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JUN 22 2017

Catherine Boyd  
Clearwater Seafoods Limited Partnership  
757 Bedford Hwy.  
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B4A 3Z7

Dear Ms. Boyd:

Re: Eastern Canada Offshore Lobster Fishery, Marine Stewardship Council  
Certification, 2<sup>nd</sup> 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. An update on DFO activities related to this fishery since the first audit (August 2016) is provided below.

With respect to the management of this fishery, since the August 2016 audit, a closure to bottom-contact fishing gear, including lobster traps, was put in place in Corsair and Georges Canyons (off Georges Bank). More information on this closure is available on the DFO website, see [www.dfo-mpo.gc.ca/oceans/publications/backgrounder-fiche/index-eng.html](http://www.dfo-mpo.gc.ca/oceans/publications/backgrounder-fiche/index-eng.html). In terms of data collection, governance arrangements, regulatory compliance regime, stock assessments and compliance, there are no other material changes to report at this time.

To conclude, the only material change since the first audit is the closure to bottom-contact fishing gear in the Corsair and Georges Canyons. I would like to express the Department's appreciation to Clearwater Seafoods Limited Partnership for your ongoing commitment to a sustainable fishery. I wish you all the best in your upcoming audit.

Yours sincerely,

Mary-Ellen Valkenier  
A/Regional Director General  
Maritimes Region

## Appendix 2 - Surveillance audit information

The following information was provided by the client for this Review of Information audit:

- CSLP, 2016. Clearwater Standard Operating Procedures (SOPs) for setting and retrieving lobster gear in LFA 41 to reduce the potential of whale interaction.
- CSLP, 2016a Clearwater offshore lobster licence
- DFO 2016, DFO Backgrounder – Closures to Protect Sensitive Benthic Areas: Corsair/Georges Canyons and Eastern Jordon Basin
- DFO 2016a, Manon Cassista-Da Ros & Adam Cook, November 16 Update of incidental catch and discard rates in the LFA 41 lobster fishery.
- DFO 2016b, Regulatory Process, Powerpoint presentation.
- DFO 2016c, Offshore Lobster and Jonah Crab Integrated Fisheries Management Plan. Updated September 2016.
- OLJCAC 2016, Offshore Lobster and Jonah Crab Advisory Committee Meeting Minutes, 2<sup>nd</sup> December 2016.
- OLJCMB 2016, Offshore Lobster and Jonah Crab Management Board Meeting Minutes, 18<sup>th</sup> November 2016
- DFO Right Whale Action Plan - lobster gear questionnaire
- Terms of Reference for the Stock Assessment Framework for American lobster in LFA 41
- Draft Agenda for the LFA 41 Regional Peer Review
- DFO Powerpoint presentations:
  - Changes to US market access requirements
  - Stock Status Update for LFA 41 Advisory Committee Meeting
  - Progress toward the updating of reference points in the offshore lobster stock
  - MPA Network Development in the Scotian Shelf Bioregion

### **Appendix 3 - Additional detail on conditions/ actions/ results**

Not applicable

## Appendix 4 - Revised Surveillance Program

**Table 5.1: Surveillance level rationale**

Year	Surveillance activity	Number of auditors	Rationale
3	Review of information audit	2 auditors	The fishery continues to perform well and with no open conditions of certification

**Table 5.2: Timing of surveillance audit**

Year	Anniversary date of certificate	Proposed date of surveillance audit	Rationale
3	30 <sup>th</sup> June 2017	July 2017	To keep as close to the certification anniversary as possible.

**Table 5.3: Fishery Surveillance Program Revised**

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