

**Marine Stewardship Council
Variation Request Form**

Date submitted to MSC	23 January 2013
Certification Body	Intertek Moody Marine
Fishery Name/CoC Certificate Number	The United States Atlantic Fishery for Spiny Dogfish (<i>Squalus acanthias</i>)
Lead Auditor/Programme Manager	Ian Scott
Scheme requirement(s) to vary from	CR C-27.4.8.1 Ref.: CR C-27.4.3
Proposed variation	
<p>The certification covers Federal fisheries plus the fishery in State waters in seven states (Maine, New Hampshire, Massachusetts, Rhode Island, New Jersey, Virginia and North Carolina). The main commercial fishery for the species is south from the Canadian border to North Carolina and the client wishes to widen the scope of certification to cover licensed vessels using the three certified gears and landing their catch from Federal and State waters into the other five States in the region i.e. Connecticut, New York, Pennsylvania, Delaware and Maryland.</p>	
Rationale/Justification	
<p><u>Why the variation is requested</u></p> <p>The MSC certification requirements (CR) C27.4.2 notes “<i>The CAB shall confirm the proposed unit of certification for the assessment to include: 27.4.2.1 The target stock (s); 27.4.2.2 The fishing method or gear; and 27.4.2.3 Practice (including vessels) pursuing that stock</i>”.</p> <p>Further, in CR C27.4.3 “<i>The CAB shall note that once defined, the unit of certification cannot be changed during the assessment without approval from the MSC, using the variation process</i>”.</p> <p>The United States Atlantic Fishery for Spiny Dogfish (<i>Squalus acanthias</i>) was certified August 2012 and covered landings from Federal waters and seven of the twelve Atlantic states where there is commercial fishing activity for the species using trawl, gill net and long line. The certification has increased the awareness, understanding and interest of the commercial fishermen in the remaining five States and the client has agreed and wishes to extend the list of fishing operators eligible to share the certificate. At the same time, the client group has more members that when the certification started and the new entrants have broader commercial interests that cover all the States, including landings into them from the Federal Fishery. Since the potential extension of the fishing operators covered by the certificate applies to the same species, fishing areas and fishing gears that were assessed and certified, this extension would: consolidate the fish catching group with regard to implementation of MSC certification requirements, and support the integrity of the fishery assessment; allow the marketable amount of MSC certified product from this fishery to be maximized; reduce the potential for mixing of certified with non-certified product; and reduce the cost of certification per unit of landed product.</p> <p><u>How the intent of the MSC Fishery Standards and Certification Requirements will be met</u></p> <p>To assure that the MSC Fishery Standards and Certification Requirements will be met Intertek Moody proposes that the original assessment team analyses the implications of extending the units of certification to the five states, with a report that assesses the situation in the context of the three Principles. The output of the analysis would either; (i) confirmation with appropriate justification that the widening of scope will not impact or alter the scoring of the fishery; or (ii) identify where the widening of the scope would lead to a change in the scoring of the individual PIs that would change, and the setting of new conditions (with related client action plan) as required.</p> <p>The assessment team’s report will then be posted on the MSC web site for 10 working days; a period that is justified as: (i) stakeholders will be contacted directly before the report is finalised to request their views;</p>	

and (ii) we will send the final draft report directly to all stakeholders requesting their response.

Implications for assessment

The focal points of the completed assessment were the landings of Spiny Dogfish caught in Federal waters and those of seven of the twelve Atlantic states where there is commercial fishing activity for the species using trawl, gill net and long line. The stock is assessed for the whole of the Atlantic off the US east coast; the gears used in all the States have the same characteristics and the fishing practices are also the same. All fishing in Federal waters falls under the jurisdiction of NMFS with management devolved to the MAFMC and the NEFMC. The fisheries in all the States' waters are under the jurisdiction of the ASFMC. We have collected the information, paying special attention to the potential for other ETP species to interact with the fishery in the five "new" States and any potential issues related to Principle 3, and this has been examined by the assessment team. The assessment team has concluded that the added States will have no impact on the overall Principle scores. The team recommends that the scope of the MSC certified United States Atlantic Fishery for Spiny Dogfish (*Squalus acanthias*) be amended to widen the scope to the Federal fisheries plus the fishery in the State waters of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and North Carolina) using the three certified gears and landing their catch from Federal and State waters into all of the States covered. There are no implications for the conditions set in the initial Public Certification Report.

Have the stakeholders of this fishery assessment been informed of this request?

Stakeholders were notified on November 8 2012 by an information note. No responses were received.

Further Comments

None

Confidential Information

None