

Western Rock Lobster Fishery

Surveillance Report No. 5

Addendum 2

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Addendum 2

WRL Surveillance Report No. 5

Addendum No. 2 to WRL Surveillance Report No. 5 has been prepared to evaluate the corrective actions taken by WAFIC (Western Australian Fishing Industry Council) and DOF (WA Department of Fisheries) to meet the two major non-conformances identified in April 2003 (both of which required corrective actions). Additional time beyond that originally estimated was required by SCS to fully review and understand the content of the EMS and to discuss with WAFIC and DOF appropriate ways in which the EMS needed to be modified to make it fully inclusive of all issues raised by stakeholders, Department of Fisheries personnel, and the SCS Evaluation Team, as well as provide an overall strategy for continuous improvement in the fishery irrespective of certification.

In the opinion of the SCS Evaluation Team, there has now been significant forward progress by WAFIC and DOF on all relevant and important issues associated with the strategic vision and implementation of the EMS to allow continued certification of the fishery. While the evaluation team feels that WAFIC and DOF have worked assiduously to gather information and put in place the necessary expertise to handle the variety of issues outstanding, the certification remains contingent on WAFIC and DOF meeting newly specified objectives a timelines over the next 6 months, all of which are detailed below.

Structure of this Report

This report is Addendum No. 2 to the Western Rock Lobster (WRL) Surveillance Report No. 5 submitted by the Scientific Certification Systems Inc. (SCS) Surveillance Team (hereinafter referred to as the SCS Team) in April 2003. The first addendum (Addendum 1) outlined continued efforts on the part of WAFIC and DOF to meet the SCS Evaluation Team's requirements for continued certification, especially those issues surrounding the development and implementation of an Environmental Management Strategy. This second addendum report addresses the continuing issues raised in the original 2003 Surveillance Report (No. 5) and Addendum 1, including non-conformances. The emphasis in this report is on bringing the Environmental Management Strategy (EMS) document into compliance with all 'Requirements for Continued Certification'.

This report is presented in two parts:

Part A — Background to the report

Part B — Presents the results, discussion and findings of the SCS Evaluation Team in relation to the final EMS and the EMS implementation strategy and explains the remaining steps to be taken by WAFIC and DOF as a follow up to the now completed 2003 Surveillance.

Part A - Background

Objectives

Two major non-conformances were identified in the WRL Surveillance Report No. 5 and in Addendum 1 of Report 5. These were:

1. An EMS that the SCS Evaluation Team felt insufficiently addressed all the points raised in the ERA and discussed through the ERA peer review, stakeholder comments on the ERA, and the SCS Evaluation team review of the ERA.
2. The lack of a clear and complete implementation strategy for the EMS or any evidence of direct implementation of the EMS as required by the 'Requirements for Continued Certification' documented in the original certification report (March 2000).

These non-conformances were based on the SCS Team's review of submitted materials during the Annual Surveillance for 2003 and in subsequent meetings during 2003 where additional materials were submitted by WAFIC and DOF to SCS for review.

It is instructive even now to review the requirements that the SCS Evaluation Team have continued to use as the basis for reviewing the EMS and its implementation. These requirements were signed into agreement through a Memorandum of Understanding (MOU) between WAFIC, DOF, and SCS where WAFIC and DOF agreed to take the necessary actions to bring identified deficiencies in the original certification (March 2000) up to the level of the 80 Scoring Guidepost. The identified requirements were, and still are:

Principle 2 Criterion C

Environmental Management Strategy - Within 24 months of certification, an Environmental Management Strategy for the fishery will be prepared and distributed for public comment and input. The EMS will address impacts of the fishery on the environment, and will include proposed objectives, strategies, indicators and performance measures. The EMS will specify an operational plan, including implementation actions and a supporting program of research. Future research should aim to provide information on the impacts of the fishery on the ecosystem that is at least as scientifically valid as that produced by studies of fished versus unfished areas.

Operation of the EMS - Within 36 months of certification, an Environmental Management Strategy will be effectively incorporated within the operational arrangements for the fishery.

These 'Requirements for Continued Certification' have not changed since the time of certification, although the timelines for completion have been extended. After submissions by the client to SCS regarding the various activities needed to complete work on the requirements, SCS determined that extensions for submissions on the two requirements noted above were warranted, and subsequently the time frames for submissions of a final EMS and EMS Implementation Strategy were adjusted to require completion prior to the February 2003 Surveillance visit.

In addition to the 2 non-conformances raised,. The SCS Evaluation Team found 3 minor issues during the 2003 Annual Surveillance that required follow up by WAFIC and DOF. These were:

1. Client must provide a comparative analysis between current stock levels and the reference levels (1980) within 90 days of the issuance of this report.
2. Client must provide a written and formal explanation of the process for moving to an agreed harvest strategy over the next two years within 90 days of the issuance of this report.
3. The client must provide a written plan for a specific and targeted evaluation of the awareness and operational effectiveness of the Bait Handling Code of Practice throughout the fishery, including a timetable for implementation, within 6 months from the issuance of this report.

The SCS Evaluation Team felt these issues were minor in comparison to the work required to complete a comprehensive EMS and an EMS Implementation Strategy. Given the amount of work required to meet the EMS requirements, and the fact that the other issues raised were of minor consequence to the overall sustainability of the fishery at the time of the follow up meetings from the 2003 Annual Surveillance, SCS has provided WAFIC and DOF with an extension that requires WAFIC and DOF to provide answers to these additional questions at the time of the 2004 Annual Surveillance scheduled for the last week of May 2004.

As a result, this report (Addendum 2 to Report 5) only focuses on the activities and work that have been completed to meet the requirements of the EMS and its implementation.

Part B Results, Discussion and Findings

The SCS Evaluation Team has reviewed the most recent revision of the EMS provided by WAFIC and DOF. WAFIC and DOF have completed a significant body of work to address the issues identified as of moderate risk in the original ERA and the SCS Evaluation Team has found that the majority of issues covered in the EMS (objectives 1,3,4,5,6,7, and 8) are well documented and clearly explained.

In addition to the issues found to be of moderate risk during the original ERA process, DOF raised two additional issues (objectives 2 and 9) to a level of concern. These two issues were (1) the potential for the fishery to have impacts on sea lion populations in the areas of the fishery and (2) the potential for the removal of large amounts of lobster for having impacts on the general ecology and function of the ecosystems where lobster are extracted. DOF (and WAFIC) found that these issues continued to be of concern to stakeholders. DOF and WAFIC also recognized that the SCS Evaluation Team identified the potential impacts from the removal of large amounts of lobster as a direct concern in its original certification evaluation report and required it to be addressed more formally as part of the 'Requirements for Continued Certification'.

The work accomplished to date to address these two issues has been significant. WAFIC and DOF have formed two formal Scientific Reference Groups (SRGs) to address these issues and have sought funding both from internal and external sources to begin to implement strategies to address concerns about potential impacts.

Although the body of work to date has been good, the SCS Evaluation Team's review of the most recent revision of the EMS and its implementation still found that certain work items needed to be accomplished to fully meet the Evaluation Team's expectations and the 'Requirements for Continued Certification' identified in the original certification report of March 2000.

In February 2004 the SCS Evaluation Team met with WAFIC and DOF to formalize the remaining steps to be taken by WAFIC and DOF to complete EMS document and to progress the implementation of the EMS and close out the issues remaining under the 2003 Surveillance. An agreement was developed and signed between SCS, WAFIC and DOF that successfully brings the 2003 Surveillance issues to a close by providing for a number of corrective actions to be taken by WAFIC and DOF, all of which will be reviewed during the 2004 Surveillance between May 2004 and December 2004. These corrective actions are:

1. Structure of EMS (Governance)

- a. Overview by WA Fisheries providing an understanding of the governance processes that relate to the Environmental Management System (EMS). This will be an appendix to the EMS.
- b. Provide a description of processes that (WAFIC and DOF will provide to) guarantee accountability at all levels of the (EMS) process and provides for final sign off by SRG members and ESD Steering Committee.
- c. (The) EMS needs to be modified so it is a stand alone document for the fishery that describes the management system for dealing with environmental/ecological risks (regardless of MSC certification).
- d. Name explicit mechanism for dealing with the need to incorporate new expertise in SRGs (as new issues or risks are identified).

2. ERA (Ecological Risk Assessment)

- a. (The) Section on (the) ERA within the EMS (is) to be revised to match the existing ERA processes as documented through current publications that embody the National ESD framework (and append the published ERA framework to the EMS). (This is needed because the ERA processes now in use in Western Australia have been significantly updated and improved since the, and as a result of, the original ERA.)
- b. Ensure explicit explanation of how outcomes from committees (at all levels) get communicated back to stakeholders showing stakeholders how their inquiries (about the fishery) are being dealt with (by the Department of Fisheries).
- c. (Go through a) New ERA (process) in 2005 to be completed before March 2005 (end of certification period).
- d. Compare ERA processes now used by WA Fisheries (which is the National ESD approach) to those being used by AFMA, and check with other experts to ensure that all levels of analysis pertinent to a full and robust ERA process are properly embedded in the WA fisheries approach. The modified rock lobster ERA process will be appended to the Environmental Management Strategy document.

3. SRG / Meeting Ecosystem Certification Requirements

To call a meeting of the Ecosystem Scientific Reference Group (SRG) and observer representatives of the Scientific Certification Systems (SCS) audit team to:

- a. Clarify outcomes of the original SRG report.
- b. To review the proposed FRDC research proposal.
- c. To determine whether the research program aligns with conditions 2(b) of the SCS 'Requirements for Continued Certification'.
- d. To assess whether there is any further short term desktop or other studies which could be undertaken to improve the estimate of risk and further clarify and thereby re-focus the scope of the proposed research program.

In undertaking these steps it is accepted that:

- a. The agreed outcome of the SRG will set the determined directions and the scope and priorities for research on meeting Condition 2(b).
- b. If appropriate short-term work (desktop or other study) is identified, that work is to be commissioned immediately for completion prior to (the) end of 2004.
- c. That the SRG would complete a signed off report.
- d. That appropriate milestones are agreed upon for the research program (short and long term).
- e. The research program as agreed will be modified within the scope and constraints of resources and timelines.
- f. The meeting of the Ecosystem SRG will be called within the next 6 weeks (or as close to this as possible). Those that cannot attend (are) to provide written responses to the draft SRG outcomes before a report in final draft form is circulated and signed off.

4. Sea Lion SRG

- a. The Fisheries Department will provide an update of work in progress on the sea lion research and monitoring and for (the) sea lion SRG at the time of the August 2004 meeting of the Sea Lion SRG. At the meeting there will be a determination of further changes to the research program by the SRG.
- b. Representatives of the Scientific Certification Systems audit team will attend the August 2004 Sea Lion SRG meeting.

Conclusion

The SCS Evaluation Team is satisfied that the corrective actions described above can effectively progress the efforts by WAFIC and DOF to improve the rock lobster fisheries management process to a degree that will meet the 'Requirements for Continued Certification' surrounding the Environmental Management Strategy described in the original certification evaluation report in March 2000 should they be satisfied appropriately. Progress on achieving outcomes of these corrective actions and Condition 2 (b) of the 'Requirements for Continued Certification' will be assessed in the 2004 May/June Surveillance Audit.

As a result, SCS finds that the Western Australia Rock Lobster Fishery currently remains in compliance with MSC requirements and Standards and retains its certificate until the 2004 Surveillance audit scheduled for May/June 2004.