

bio.inspecta (mandated by q.inspecta)

**Walker Seafoods Australian albacore,
yellowfin tuna and swordfish longline fishery**

Marine Stewardship Council variation request

Table 1 – Variation request

1	13 November 2019
2	CAB
	bio.inspecta (mandated by q.inspecta)
3	Fishery name and certificate number or CoC certificate number
	Walker Seafoods Australian albacore, yellowfin tuna and swordfish longline
4	Lead auditor or program manager
	Dr Sabine Daume
5	Request prepared by
	Dr Sabine Daume
6	Scheme requirement(s) for which variation requested
	<p>FCP v2.1, 7.30.4 The CAB shall consider all surveillance reports and outcomes and evaluate progress against certification conditions. Unless exceptional circumstances as set out in 7.18.1.5 or 7.30.4.2 apply, the fishery shall have met all conditions and milestones.</p> <p>FCP v2.1, 7.28.16.1.b.i. If the progress against the measurable outcomes, expected results or (interim) milestones specified when setting the condition is judged to be behind target, the CAB shall specify the remedial action, and any revised milestones, that are required to bring process back on track within 12 months to achieve the original condition by the original deadline.</p> <p>FCP v2.1, 7.28.16.2: In the event that the CAB determines that progress against a condition is not back 'on target' within 12 months of falling 'behind target', the CAB shall: a. Consider progress as inadequate. b. Apply the requirements of GCR 7.4 (suspension or withdrawal).</p> <p>FCP v2.1, 7.18.1.3 (and subclauses): The CAB shall draft conditions to result in improved performance to at least the 80 level within a period set by the CAB but no longer than the term of the certification unless: a. There are exceptional circumstances, and the CAB determines that achieving a performance level of 80 may take longer than the period of certification. The CAB shall interpret exceptional circumstances in 7.11.1.3.a to refer to situations in which, even with perfect implementation, achieving the 80 level of performance may take longer than the certification period.</p> <p>FCP v2.1, 7.30.2 (and subclauses): When conducting a re-assessment of a certified fishery, the CAB shall (...) evaluate progress against certification conditions. Unless exceptional circumstances apply (7.18.1.5) or paragraph (b) applies, the fishery shall have met all conditions and milestones. (...) In the event that there are unmet conditions, the CAB shall apply 7.28.16.1 and 7.28.16.2 (except 7.28.16.2.) in determining the adequacy of progress against those conditions and milestones. If the CAB concludes that the client has made inadequate progress, it shall not grant a new fishery certificate.</p>

7	How many times has a variation for this requirement been accepted for the same assessment of the same fishery?
	<p>This relates to the Mega variance submitted to the MSC on the 11 December 2018 and accepted by the MSC on the 28 February 2019. The Mega variance was a request submitted by all CABs collectively, to harmonise all open P1 condition milestones for tuna fisheries and align their milestones with relevant international or national workplans.</p> <p>It also relates to the variance request submitted by bio.inspecta to re-score swordfish under v 2.0 at the 4th annual surveillance which was declined by the MSC with the request that the rescore of swordfish against v2.0 shall occur at the upcoming reassessment.</p> <p>This variance however is focussing on carrying the swordfish conditions into the reassessment under FCR v 2.0 with FCP 2.1 for process requirements.</p>

Table 2 – Variation justification

1	Proposed variation
We propose to carry the 2 swordfish conditions (Condition 6 and 7 for PI 1.1.2 and 1.2.2 respectively) assigned for Walker Seafoods tuna and swordfish longline fishery into the re-assessment. The re-assessment will need to utilise MSC Certification Requirements v2.01. This allowance given to all other tuna fisheries, including the two other Walker Seafoods UoAs as part of the mega variance granted by the MSC on the 28 February 2019. This variance follows the same intent for a highly migratory species (swordfish).	
Proposed deadline to close out of Conditions is at the first surveillance audit (2021) following the re-assessment in 2020. This will align with the project plan of the Australian Research Council (ARC) funded project on revisions and further developments of the billfish harvest strategy for the Eastern Tuna and Billfish Fishery (ETBF) and the selection by the revised harvest strategy by the Topical Tuna Research and Advisory Group (TTRAG) and final adoption by the end of 2020.	
2	Additional time requested
Original deadline date	NA
Modified deadline date requested	
Length of additional time requested	

3	Justification
	<p>Condition 6 (1.1.2): A limit reference point needs to be defined for the total stock area (WCPFC). This is to ensure that the stock does not fall below a level at which there is an appreciable risk to impairing reproductive capacity. At the third annual audit (conducted by the previous CAB) judged the condition as behind target with no remedial action required as it would be anticipated to be covered under the MSC approved mega variance.</p> <p>Condition 7 (1.2.2): A well-defined regional-level harvest control rule should be put in place; with associated management actions (in the form of a WCPFC CMM or another form as appropriate) which together act effectively to reduce exploitation rates as the limit reference point is approached. The selection of the harvest control rule should take into account the main uncertainties regarding the status of the stock or the impact of the fishery (or other uncertainties if considered important). At the third annual audit (conducted by the previous CAB) judged the condition as on target even it was clear that the milestone of the fourth audit was difficult to be achieved to close out the condition. As progress to meeting the condition the CAB stated the on-going representations at the regional level and of client engagement with AFMA and through AFMA with other bodies.</p> <p><i>Update on work conducted and reasons why conditions cannot be closed out:</i></p> <p>The reason the condition 7 cannot be closed out at the 4th annual surveillance audit, is to address a problem found with the previous version of the harvest strategy, that reduced catches by the ETBF even when the Spawning Stock Biomass (SSB) was estimated to be above target levels. Following an update to the swordfish assessment by the WCPFC SC, simulation studies had shown that, over a broad range of options explored, it was not feasible with the current ETBF HS general structure to hit both the target for SSB (0.48 SSB₀) with probability 0.5 and hit the CPUE target within the projection time-frame.</p> <p>Therefore a project on revisions and further developments of the billfish harvest strategy for the Eastern Tuna and Billfish Fishery (ETBF) was funded by the Australian Research Council (ARC) in early 2019 and is well on its way (as evident by the Topical Tuna Research and Advisory Group (TTRAG) meeting minutes from March and July 2019). The project has the following objectives:</p> <ul style="list-style-type: none"> 1. Update the current suit of Operating Models for both billfish species 2. Reassess existing stock structure and migration hypotheses 3. Restructure and redesign new candidate Harvest Strategies (HS) for both species 4. Use Management Strategy Evaluation to full assess performance of the revised HS <p>Options for a revised HS for the ETBF are being developed that explore performance under a range different scenario including variations to the gradient of the HCR, the width of the buffer zone around the selected TRP, and the period for the moving average of the CPUE index (2, 3, or 4 years). Preliminary results were presented to the TTRAG in 2019 for feedback on the range of options to be explored for these and other variables such as the proportion of the regional catch taken by the ETBF and the level of movement between regions. TTRAG is expected to review final MSE results and select a revised HS in 2020.</p> <p>The re-assessment of fishery will need to utilise MSC Fisheries Standard and Guidance v2.01. The updated standard involves changes to the assessment of reference points and HCRs. The requirements under the current v 1.3 resulted in condition against Principle 1 performance indicators (PI) 1.1.2 on Reference Points. Therefore, the condition 6 was not closed out but will be re-assessed under PI 1.2.4 scoring issue b and more implicitly under 1.1.1 of the v 2.01. The draft ACDR report, currently posted for public comments, does not indicate that a condition will be required under v 2.01 to replace condition 6.</p>

FCP 2.1 7.30.4.2 for fisheries with conditions written against PIs in assessment trees that differ from those in the tree being used in the reassessment, the CAB shall consider whether the conditions as originally formulated are appropriate to meet the SG80 outcome for the PI, or the equivalent PI, within the reassessment tree.

b. If the conditions are not appropriate to deliver SG80 outcomes in the reassessment tree, the CAB shall consider what action is needed to deliver the outcome required at SG80 level and evaluate whether this outcome has been achieved.

- i. If the SG80 level has not been achieved, such conditions shall be rewritten against the reassessment tree, with a timeline for completion of less than 1 certification period.

The guidance of FCP v 2.1 G7.30.4 states "Where the tree has changed so that existing conditions no longer match those in the reassessment tree, or where old conditions cannot be expected to achieve SG80 in the reassessment tree even if they are completed, the CAB may redraft and re-set the conditions. The timelines on completion of any new conditions should be shorter than 1 certification period (i.e. 5 years), and they should contain appropriate milestones."

The current swordfish condition 7 related to the HCRs (PI 1.2.2) will need to be re-written using the wording of the v2.01. The proposed deadline to close out of Conditions is at the first surveillance audit (2021) following the re-assessment in 2020. This will align with the project plan of the Australian Research Council (ARC) funded project on revisions and further developments of the billfish harvest strategy for the Eastern Tuna and Billfish Fishery (ETBF) and the selection by the revised harvest strategy by the Topical Tuna Research and Advisory Group (TTRAG) and final adoption by the end of 2020.

4	If a fishery assessment, implications for assessment
	There are no implications as the scores and rationales under FCR 2.0 will follow the relevant reporting requirements.
5	If a fishery assessment, mitigation of the implications for assessment
	NA
6	If a fishery assessment, how many conditions does the fishery have and will their progress be affected (positive or negative)?
	At the time of the re-assessment only tuna and swordfish P1 conditions remain open. The other conditions will be closed out as part of the 4 th annual surveillance audit.
7	What is the status of the current assessment or audit?
	The fishery is at the 4 th annual surveillance and the surveillance report and the Announcement Comment Draft Report (ACDR) for the re-assessment posted on the 26 th November 2019.
8	Further comments
	This variance is requesting to allow what has been granted to other tuna fisheries (and highly migratory species), including the two other Walker Seafoods UoAs as part of the mega variance. This variance follows the same intent for a highly migratory species, swordfish.
9	If applicable, additional information added after the MSC's request

