

MSC Verification Report
for the Corrective Action Plan
of the
Sustainable Fisheries Association
For US Atlantic Spiny Dogfish Fishery

Assessors: **Dr. Ivan Mateo, Lead Assessor;**
Don Aldous, Assessor

Fishery Certification Code: **MSC020**

Date: **May 27th 2015**

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Details of MSC Fishery Client Certificate

Client Name/Representative/Address	Sustainable Fisheries Association. c/o John F. Whiteside, Jr. Law Office of John F. Whiteside, Jr., P.C 678 State Road Dartmouth, MA 02747
Fishery Units	<u>Species</u> : Spiny Dogfish (<i>Squalus acanthias</i>) <u>Geographical Area</u> : (i) US Federal Waters; (ii) State Waters; Maine, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina. <u>Methods of Capture</u> : Longline, Otter Trawl Bottom, Gillnet
Date of Report	May 26 th 2015
Certification Date	August 30 th 2012
Suspension Date	February 19 th 2015
Re-instatement Date	May 28 th 2015
Surveillance Team	Ivan Mateo, Lead Assessor Don Aldous, Assessor
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1. Background

The Sustainable Fisheries Association of Dartmouth, MA, the client for US Spiny Dogfish Fishery was certified using MSC criteria version 1.3 in August of 2012 and has a current certificate of compliance from August 25, 2013 to August 24, 2018.

At the initial assessment and certification, there were 16 conditions to certification on six units of certification involving three gear types (gillnet, trawl and longline) under two management areas (state and federal waters).

The report of the first surveillance audit was posted on December 5, 2013 and reported that two conditions dealing with PI 3.2.3 in both state and federal waters were deemed to be behind schedule. Hence the requirements at the 2nd surveillance audit included ensuring that both Milestones for year 1 and year 2 were to be met.

The fishery full assessment and certification was conducted by Intertek Moody who also performed the first surveillance audit. The client fishery transferred the Certificate to SAI Global in August 2014 who undertook the 2nd surveillance audit. SAI Global are the current CAB for the US Spiny Dogfish Certificate.

The surveillance audit team for the 2nd surveillance audit comprised of Dr. Ivan Mateo and Don Aldous. Don Aldous was part of the initial assessment and 1st surveillance audit teams, conducted by the previous CAB.

The second surveillance audit was conducted December 2014 and the report was posted on February 19, 2015.

The report concluded that the requirements set out in the Action Plan for Year 2 in relation to Conditions 1,2 (PI 2.1.1), 3-8, (PI 2.1.3), 9-14 (PIs 2.3.3) were behind target and 15,16 (3.2.3) were not back on track after being determined to be behind target during the first surveillance audit.

Following the procedures in MSC CR 7.4.3. SAI Global commenced suspension of the fishery Certificate.

A Notice of Suspension was issued on February 19th 2015 requiring the client, within 90 days of the Notice of Suspension, to document a Corrective Action Plan that addressed the causes of suspension and acceptable to the CAB as being able to address the cause(s) for suspension.

The client submitted a documented corrective action plan to the CAB dated April 29th, 2015 within the 90 days from the date of Suspension.

2. Summary and Outcome of Verification Activities

This report provides an overview of the activities undertaken by SAI Global and the outcome of the Corrective Action Plan review conducted by the assessment team.

As part of the verification activities undertaken by the surveillance team there was an extensive exchange of information with the client, to confirm the validity and accuracy the Corrective Action Plan evidence provided by the client.

The surveillance team also makes statements and observations on the information provided with respect to the requirements of the conditions and milestones.

The conclusion of the assessment team is that the corrective action plan and evidence provided places the fishery back on track to meet conditions 15 and 6 of certification.

Additionally, and as a consequence of the substance of the information, the remaining milestones of these conditions have also been met and the conditions are now closed by the Surveillance Team by rescoring PI 3.2.3 to 80 in the two affected units of certification.

3. Verification Activities

With respect to original conditions placed on PI 3.2.3:

P.I 3.2.3 Compliance and enforcement: Monitoring, control and surveillance mechanisms ensure the fishery’s management measures are enforced and complied with:

Guidepost 80:

- **A monitoring, control and surveillance system has been implemented in the fishery under assessment and has demonstrated an ability to enforce relevant management measures, strategies and/or rules.**
- **Sanctions to deal with non-compliance exist, are consistently applied and thought to provide effective deterrence.**
- **Some evidence exists to demonstrate fishers comply with the management system under assessment, including, when required, providing information of importance to the effective management of the fishery.**
- **There is no evidence of systematic non-compliance.**

Several calls were held with the client to exchange information on the developing Corrective Action Plan (CAP) and a post CAP submission conference call was held with the client on May 7, 2015 where the client presented the submitted CAP document of April 29, 2015 with a series of supporting documents as evidence. The CAP was accepted within the required timelines as described by procedure (90 days).

The CAB surveillance team reviewed the documents and all supporting evidence to ensure that they provided substantiation to the overall statements made by the Client Fishery.

The assessment team makes the following observations and conclusions (**below in bold text**) with respect to the corrective action plan.

- **PI 3.2.3 : Condition 15 Federal waters and**
- **PI 3.2.3 : Condition 16 State waters**

<i>Condition</i>	There is evidence to show that fishermen engaged in the Federal/State Spiny Dogfish fishery comply with the regulations
<i>Client Action Plan</i>	<p><u>Client plan for 2nd audit</u></p> <p><u>In relation to fulfilling this condition and the first annual audit milestone the client action plan responded:</u></p> <p>At the first annual audit, the clients will provide the audit team with documented evidence that fishery’s management measures are being enforced in the Federal Spiny Dogfish fishery.</p>

	<p>Based on prior options, this would consist of gathering observer data, vessel trip reports, and onboard monitoring, control and surveillance system information. This will require regulatory measures put forth by federal agencies.</p> <p>At the second annual audit, the clients will provide the audit team with evidence in the form of a report that regulatory compliance is occurring within the Spiny Dogfish fishery (based off data generated from the possible options listed above in previous conditions).</p> <p>At the second annual audit the clients will provide evidence that gill net fishermen are respecting the regulations governing the use of pingers in Federal waters and if it is shown otherwise measures have been implemented to improve conformity.</p> <p>At the third annual audit, the clients will provide the audit team with evidence that if areas of systematic non-compliance in Federal waters have been identified, regulatory measures, based on recommendations from federal managers, will have been instituted in order to reduce the amount of non-compliance. Such measures may include increased onsite enforcement followed by regulatory fines.</p> <p>At the fourth annual audit the clients will provide the audit team with documented evidence regulatory measures have reduced systematic non-compliance within the Federal Spiny Dogfish Fishery.</p>
<p><i>First Milestone</i></p>	<p>At the first annual audit, the clients will provide the audit team with documented evidence that fishery's management measures are being enforced in the Federal/State Spiny Dogfish fishery.</p> <p>Based on prior options, this would consist of gathering observer data, vessel trip reports, and on board monitoring, control and surveillance system information. This will require regulatory measures put forth by federal agencies.</p>
<p><i>Post suspension CAP verification activities.</i></p>	<p>The client has provided direct evidence and substantiation of exchange with the US Coast Guard providing evidence of the number of boardings, inspections and violations in the commercial dogfish fishery in the Northeast District 1 and the Southeast District 5, representing the geographical area of the units of certification.</p> <p>The data reports 1,862 boardings in 2012 and 1321 boardings in 2013 in District 1 and 792 boardings in 2012 and 735 in 2013.</p> <p>The inspections report no general or pinger specific violations in the US dogfish fishery.</p> <p>The surveillance team concludes that this milestone is now met.</p>

<p><i>Second Milestone</i></p>	<p>At the second annual audit, the clients will provide the audit team with evidence in the form of a report that regulatory compliance is occurring within the Spiny Dogfish fishery (based off data generated from the possible options listed above in previous conditions).</p> <p>At the second annual audit the clients will provide evidence that gill net fishermen are respecting the regulations governing the use of pingers in Federal/State waters and if it is shown otherwise measures have been implemented to improve conformity.</p>
<p><i>Post suspension CAP verification activities.</i></p>	<p>The Reports from the US Coast Guard evidenced by the client provide appropriate verification that regulatory compliance is occurring within the dogfish fishery. Appropriate verification is taken in the context of evidence from a regulatory authority providing an official record of enforcement activities and their outcomes. The reports include enforcement activities within the region of the Units of Certification.</p> <p>Substantial materials were provided by the Client and the Surveillance Team undertook verification including contact with the US Coast Guard to verify that the data provided for the entire east coast (USCG District 1 and 5) included all gear types and both state and federal waters.</p> <p>The same report provides evidence that specific inspections have been conducted with respect to the use of pingers and no violations are been detected.</p> <p>The surveillance team concludes that both statements of the milestone have been met.</p>
<p><i>Third Milestone</i></p>	<p>At the third annual audit, the clients will provide the audit team with evidence that if areas of systematic non-compliance in Federal/State waters have been identified, regulatory measures, based on recommendations from federal managers, will have been instituted in order to reduce the amount of non-compliance. Such measures may include increased onsite enforcement followed by regulatory fines.</p>
<p><i>Post suspension CAP verification activities.</i></p>	<p>Due to the connectedness of the conditions associated with the fishery (i.e. third milestone is a consequence dependent on the outcome of the second milestone), the data provided demonstrates there is no systematic non-compliance in this fishery and there is, therefore, no requirement for further action.</p> <p>Observation: SAI Global notes that subsequent surveillance audits will review the most recent data on enforcement and compliance to confirm the consistency of performance in the fishery as part of normal surveillance procedure.</p>

<i>Four Milestone</i>	At the fourth annual audit the clients will provide the audit team with documented evidence regulatory measures have reduced systematic non-compliance within the Federal/State Spiny Dogfish Fishery.
<i>Post suspension CAP verification activities.</i>	<p>As a consequence, and by default, the data provided suggests there is no systematic non-compliance in this fishery and there is, therefore, no requirement for further action.</p> <p>Observation: SAI Global notes that subsequent surveillance audits will review the most recent data on enforcement and compliance to confirm the consistency of performance in the fishery as per normal surveillance procedure.</p>
<i>Overall Outcome</i>	<p>The assessment team has concluded that:</p> <ul style="list-style-type: none"> • The information presented fully addresses the cause of suspension. • The fishery has met all of the milestones of the conditions 15 and 16 and the conditions are now closed. • PI 3.2.3 in both the federal unit of certification and the state unit of certification are re-scored to 80.

4. Outcome Recommendation

The Surveillance Assessment Team confirms that based on the review of evidence submitted in the Client Corrective Action Plan, re-instatement of the fishery certificate is recommended.

5. SAI Global Decision

Based on the Surveillance Team review and verification activities during the course of the Suspension Period and on the evidence provided by the Client within the Corrective Action Plan, SAI Global confirms re-instatement of the SFA US Spiny Dogfish MSC Certificate.

SAI Global also confirms that as of the date of re-instatement, the restriction on use of the MSC logo and associated claim of MSC certification by the client and associated certified Chain of Custody users is now removed and all eligible parties can re-commence with certification claims.

Date of re-instatement of the Certificate: May 28th 2015