

Marine Stewardship Council – Variation Request

Date submitted to MSC	20 th November 2018
Name of CAB	SAI Global
Fishery Name/CoC Certificate Number	U.S. Gulf of Mexico menhaden purse seine
Lead Auditor/Programme Manager	Dr. Ivan Mateo/Julie McDonald
Scheme requirement(s) for which variation requested	MSC Fisheries Certification Requirements (FCR) v2.0 7.3.2. If the period from the full assessment announcement to the receipt of the Final Report by the MSC is more than 18 months, the CAB shall withdraw the fishery from the MSC assessment process.
Is this variation sought in order to fulfil IPI requirements (FCR 7.4.14)?	No

1. Proposed variation
SAI Global shall provide the Final Report to MSC within 24 months (i.e. 6 additional months) of the full assessment announcement, which will be by June 06 th , 2019, instead of by December 06 th , 2018.
2. Rationale/Justification
<p>SAI Global is currently carrying out the initial assessment of this fishery. Given the current status of the assessment, SAI Global will not be in a position to provide a Final Report to MSC within 18 months of the announcement of this assessment.</p> <p>Unfortunately, despite a Client Draft Report first being provided in late-2017, several factors have led to the unforeseen delays in completing the necessary assessment steps including:</p> <ol style="list-style-type: none"> 1. The production of a new benchmark stock assessment (draft report published October 2018) during the course of this assessment which required extensive re-writing of elements of the report. 2. An additional 30 days consultation period (in March 2018) that resulted from the PCDR not being published within 9 months of the announcement of the fishery. 3. The receipt of significant volumes of stakeholder comments during both the initial stakeholder consultation period and the additional consultation period all of which require appropriate responses. 4. Extensive dialogue between SAI Global and the Client on Conditions raised and resulting Corrective Action Plans (CAPs) including the need for revised Conditions and CAPs. 5. Delays in receiving the necessary support for the Client's Corrective Action Plans from State and Federal agencies which has been exacerbated by the number of entities involved in this inter-state fishery. 6. The ultimate refusal of the Gulf States Marine Fisheries Commission (GSMFC) to provide a letter of support for the Client Action Plans for a number of Conditions as required. <ol style="list-style-type: none"> i. Note this refusal by a number of the Gulf States to support the Client Action Plans for a number of Conditions appears to be largely political and related to wider disagreements between commercial and recreational fishers in the Gulf of Mexico. The Assessment Team has not received any indication that it has anything to do with the merits of the Conditions or CAPs themselves. 7. This refusal by the GSMFC to support the CAPs has necessitated the complete revision of the CAPs for two of the P1 Conditions. This complete revision is required for the Assessment Team to have sufficient confidence as required by the FCR that the ultimate outcome of those Conditions can be achieved within the lifetime of any Certificate that might result from this assessment. <p>The fishery has now progressed to the point where SAI Global should shortly be in a position to provide a draft report to the MSC Peer Review College for review. The need for this extension to allowable timeframes is purely administrative and is necessary in order to complete the relevant assessment stages without being required to withdraw the fishery.</p> <p>According to the guidance to MSC FCR v2.0 (G7.3), the aim of introducing Section 7.3, which includes the relevant time restrictions, to the FCR was to reduce the duration of the overall fishery assessment process while maintaining high standards of assessment. According to the same guidance section 7.3 outlines requirements that recognize that there will be exceptional circumstances within the assessment process that need to be accounted for.</p>

All parties involved in this Assessment are obviously extremely disappointed at the slow pace of progress. The Client Group and SAI Global are endeavoring to do all we can to progress this fishery but unfortunately there are some things that are just not within the control of either party. SAI Global believe that the circumstances as outlined represent exceptional circumstances that could not have been predicted at the outset of this assessment. Furthermore:

1. This fishery is not currently certified.
2. The need for the extension is purely administrative in order to allow SAI Global to complete the relevant assessment stages.
3. The time spent on this assessment to date was entirely necessary to ensure the high standard of the assessment process is maintained.
4. The Final Report (when published) will include all only information that exists in final form in the public domain at the time the PCDR is published on the MSC website.

All-in-all, given; 1) the fishery is not currently certified; 2) the proposed extension is administrative in nature; 3) the time spent to date on this assessment was necessary and could not have been foreseen at the outset, and; 4) the most up to date information will be presented in all subsequent reports, SAI Global feel that there is no risk to the MSC Program from granting this VR.

3. Implications for assessment (required for fisheries assessment variations only)

A positive response to this VR will allow SAI Global to continue the assessment of this fishery in line with MSC requirements and to ultimately (if the assessment proceeds to that point) provide a Final Report to MSC.

Prior to a Final Report being available to be provided to the MSC the following steps still need to be completed:

- SAI Global to provide draft report to MSC Peer Review College for review.
- MSC PRC to provide Peer Reviewer's comments to SAI Global.
- The Assessment Team respond to PRC comments
- The Assessment Team add all stakeholder comments to the report and respond to same to create PCDR.
- The PCDR is published for a 30 day comment period.
- The Assessment Team respond to comments received during the PCDR stage (including possible MSC TO) to create Final Report for Determination
- The Final Report for Determination goes to SAI Global's internal Certification Committee for review and a final determination.
- The Final Determination is included in the Final Report for Determination to create the Final Report.

Given the number of steps and the 30 day comment period that still need to take place before a Final Report can be provided to MSC, it is not possible at this point for a Final Report to be provided within 18 months as required. Therefore, a negative response to this VR will leave SAI Global with no option but to withdraw this fishery from the assessment process.

4. Have the stakeholders of this fishery assessment been informed of this request? (required for fisheries assessment variations only)

SAI Global has informed the Client but not the other stakeholders. Stakeholders will be notified once the MSC's response to the VR has been provided.

5. Further Comments

n/a