

Proposed objection to certification of the Omega Protein Corporation US Atlantic menhaden purse seine fishery

Notice of Acceptance

The Marine Stewardship Council (MSC) is in receipt of two Notices of Objection, originally submitted on 27 March 2019, from:

- a) The Nature Conservancy and the Chesapeake Bay Foundation (acting together); and
- b) The Theodore Roosevelt Conservation Partnership, the Coastal Conservation Association and the American Sportfishing Association (acting together).

to the proposed certification of the Omega Protein Corporation US Atlantic menhaden fishery.

Notices of Objection

The Notice of Objection for the Nature Conservancy and the Chesapeake Bay Foundation is supplemented and amended by their letter of 10 April 2019. This stands as their Notice of Objection for this procedure.

The Notice of Objection for the Theodore Roosevelt Conservation Partnership, the Coastal Conservation Association and the American Sportfishing Association, is that provided in revised form on 10 April 2019.

The Notices of Objection shall for the remainder of this procedure be defined as per the above two paragraphs.

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My first task as Independent Adjudicator to these objections is to consider under PD 2.4 of the MSC Objections Procedure whether the Notices of Objection are in a form required by these procedures and whether they have a “*reasonable prospect of success*”. I have decided that the objections have met these tests. This is the Notice of Acceptance for both objections, which will be considered together.

Date of Publication of Objections

The date of publication for these objections is 15 April 2019.

Representations/Response

Under PD 2.4.8, the subject fishery and any other stakeholder that participated in the fishery assessment process, may, within 15 working days of the date of publication, that is, by **5pm BST 6 May 2019**, submit written representations on the matters raised in the Notices of Objection.

Under PD 2.5.1 the CAB is to reconsider its Final Report and Determination in light of the matters raised in the Notices of Objection and by **5pm BST 13 May 2019** (that is within 20 working days of the date of publication), provide a written response to the Notices of Objection.

Consultation Phase

After receipt of the CAB's response the Independent Adjudicator shall, under PD 2.5.3, consult with the objectors, the subject fishery and the CAB in order to determine whether there is a possibility of a settlement; i.e. whether the differences between the parties may be resolved through a mutually acceptable adjustment to the Final Report and Determination (which may include any additional corrective measures recommended by the certification body, or amendments). If such a settlement is not possible, then the matter will proceed to formal Adjudication.

Clearly, if the parties remain very far apart, the only reasonable way forward would be to proceed to adjudication under PD 2.6 of the Objections Procedure. On the other hand, if there is a possibility that in-depth consultations may be helpful, the possibility should be explored in order to avoid further delays and costs.

The objectors should therefore notify me as soon as possible after receiving and considering the further responses and submissions and in any event by **5pm BST 16 May 2019** whether they consider that the CAB's response provides any reasonable basis for exploring an acceptable solution to the whole or any part of the objection.

If so, arrangements will be put in place for a further exchange of views, including if useful, by telephone conference. Please can all parties ensure that relevant individuals are available for any telephone consultations that are appropriate between **21-24 May 2019**.

If there is no resolution of the issues at this stage, the objections will proceed to adjudication.

Melanie Carter

Independent Adjudicator

15 April 2019