

October 31, 2016

Ecology Action Centre Comments for Re-Assessment of Canada North West Atlantic Swordfish

The Ecology Action Centre submits the following comments as input for the re-assessment of Canada's North West Atlantic Swordfish fishery.

Both the harpoon and longline clients will have outstanding conditions at the end of their current certification period. We have concerns of recertification being granted if these conditions are not fulfilled.

Harpoon Unit of Certification

The harpoon unit of certification will have outstanding Condition 2 related to the adoption of Harvest Control Rules (HCRs) at ICCAT. According to the MSC P1 ICCAT Harmonization workshop outcome, the condition will remain open since ICCAT failed to adopt HCRs as expected in 2015. The ICCAT SCRS is now expected to give advice on HCRs for North Atlantic Swordfish by 2018. This leaves the fishery clients and MSC in a difficult position. HCRs are required for fisheries to score 80 as a basic principle of sustainable fisheries management.

We recognize that it is a difficult process to balance scoring for fisheries that are ultimately managed at the RFMO level. We also recognize that fisheries clients do not have full control over decision making at RFMOs and can therefore face challenges meeting conditions. However, since MSC has set its standard to include the RFMO level in its scoring of management, it is important that even ICCAT decisions are held to the MSC standard for certification purposes. MSC is an important tool that is part of a suite that is used to push progress at the RFMOs, which have traditionally been slow to adopt modernized fisheries management. With many RFMO managed fisheries around the world entering re-assessment in the MSC system in the near future and many RFMO stocks still lacking key management tools such as HCRs and Limit Reference Points (LPRs), the MSC standard will be compromised if fisheries continue to be granted certification without fulfilling such management requirements.

MSC certification provides an incentive for fisheries and countries to push progress at RFMOs in order to fulfill their certification requirements and maintain their markets. However, this incentive only remains if there is a real consequence of losing certification should they fail to fulfill conditions or action plans as required.

Longline Unit of Certification

Our comment above regarding the outstanding Condition 2 applies to the longline client also. More concerning is the lack of progress the longline client has made during the certification period on conditions under Principle 2.

We submit that the fishery client should not receive re certification. Their certification should be suspended under the MSC guidance that calls for suspension when a fishery 'has

not made adequate progress towards addressing conditions' by the end of its certification period.

Please see our detailed comments on scoring guideposts and conditions progress below. Please also refer to our comments on condition progress submitted to the team for the final audit of the fishery.

We note that the fishery client has been aware for years of the progress needed to address its impact on bycatch species and the gaps in data collection, research, and observer coverage that have been called into question. The conditions placed on the fishery in the original certification period focused on these areas and the CAB was satisfied that the client action plans proposed were achievable and realistic in the certification period, despite an objection. The Ecology Action Centre made it clear in our objection that we did not think the action plan was realistic. The CAB argued in the objection process that the success of the action plan could not be assessed prematurely, but rather at the time of audits. So we are now at the final audit and reassessment of the fishery when the progress can be fully assessed and as anticipated, the fishery did not complete the action plans. The 3rd Audit of this fishery made it clear that certain conditions were still not fulfilled and would need to be completed before recertification. As we noted in our comments for the final Audit, the client has not been proactive and is now left with more work, data collection, and implementation than is possible in any one year. While some anticipated work was not completed by the government managers and science, much more could have been accomplished by the fishery client themselves. Other MSC certified Canadian fisheries have demonstrated such proactive work to make up for slow moving government process. This client has not shown willingness to make adequate progress for the assessment team to justify moving the goalposts and offering the client any further time through re certification on the outstanding Principle 2 conditions.

To do so would be to erode the credibility of the MSC standard and the objectives of progress in fisheries sustainability that it was made to address. This fishery client has made few, if any, changes to fishing practices on the water as a result of this original certification that the Ecology Action Centre is aware of. Since the original assessment found that practices were not fully sustainable and identified areas that needed change demonstrated, to recertify the same fishing practices seems to undermine the incentive MSC certification can create. We would be pleased to see a full assessment of any changes the fishery has implemented with evidence of impact on Principle 2 issues included in any re certification report.

Thank you for taking our comments and our knowledge of this fishery, Canadian Management, and ICCAT performance into consideration for your re-assessment work.

Sincerely,



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Ecology Action Centre

Scoring Guidepost	EAC Comments
<p>2.1.1 and 2.1.2 porbeagle</p>	<p>Porbeagle shark is outside of biological limits, having been severely depleted in the past.</p> <p>It is not possible to determine if the partial strategy in place for recovery is 'demonstrably effective'. (2.1.1c)</p> <p>The comments below apply also for 2.1.1. There is no 'objective basis for confidence' that the measures in place for porbeagle recovery will be successful (2.1.2b). There is little evidence that the partial strategy is being implemented successfully (2.1.2 c).</p> <p>The fishery should still receive 75 for both guideposts. The condition previously associated with the guidepost cannot be closed and the client has not made adequate progress against this condition. The certificate should be suspended.</p> <p>The fishery could have been proactive in addressing the following shortcomings, but did not progress adequately throughout the 4 years of certification.</p> <p>As noted in year 3 audit of this fishery:</p> <p>“...it is not clear how management considers this and other sources of uncertainty (e.g. non-Canadian catch) in its decisions on harvest levels. There needs to be evidence that management sets TACs, which recognize sources of uncertainty and the need for precaution in the face of these....</p> <p>While a removal maximum that should not be exceeded has been set for porbeagle shark, i) confidence that removals are estimated adequately needs to be increased and ii) actions that will be taken if the maximum removal are exceeded need to be specified...</p> <p>Closing of the condition during the fourth surveillance audit will require clear articulation of the management response to changes in stock status and how advised catch takes into account uncertainty to determine that the harvest strategy is demonstrably effective. “</p> <p>The fishery client has not resolved the above issues:</p> <ul style="list-style-type: none"> • As of yet, there are no defined harvest control rules for porbeagle that would dictate response to changes in stock status. Note, this could have been accomplished for this fishery. It is common for fisheries to propose harvest control rules at the advisory committee level for discussion and adoption. The fishery client has not brought any proposals for actions to be taken when the TAC is approached. It is not clear how this measure is implemented or monitored for success. This is now more urgent as the ICCAT rec 15-06 calls for limiting landings to 2014 levels.

- There are also no defined rules for enforcing the 185 TAC for porbeagle that is across all Atlantic Canadian fisheries. None of the relevant IFMPs, including the swordfish and other tunas IFMP, nor the Shark Conservation Action Plan, have any rules for action if the landing TAC was approached or exceeded during the year. It is uncertain that the TAC is enforceable.
- There is only an overall 185t TAC for porbeagle in all Atlantic Canada fisheries, not a TAC specific to the management of this fishery.
- ICCAT Recommendation 15-06 now requires live release of porbeagle and limiting porbeagle of landings to 2014 levels for all ICCAT fisheries, which was about 40t for all ICCAT fisheries combined.¹ Canada's current TAC would be well above this if caught. It is also unclear how the live release of porbeagle is enforced in the client fishery.
- There is also still uncertainty as to whether the observer coverage is sufficient to signal whether there are 'excessive' incidental catches of porbeagle and to ensure the data is capturing accurately the numbers of porbeagle caught, released, and discarded while fishing.
- A RPA on Incidental Catch and observer coverage in the swordfish fishery that took place in February 2016 was anticipated by the previous audit teams to address many outstanding concerns about the data reliability and observer coverage for this client. This pertains to a number of outstanding conditions for the longline fleet.
- The Ecology Action Centre attended this peer review process and we note our detailed comments below in this table. However, it is important to note that this was not successful process. In fact, the reviewers felt the problems with the meeting were significant enough that no Regional Advisory Report or Research Document could be completed. The working papers that were reviewed at the meeting were not accepted and the proceedings clearly note that they should not be used for reference outside of the meeting.²
- This means that the 2011 incidental catch meeting report and observer coverage analysis used in the original scoring of the fishery is still the best analysis available to answer assessment concerns about data collection, monitoring, and coverage. There are no further definitive outcomes or advice of observer coverage requirements.
- The original assessment and subsequent audits both say that the 2011 RPA was insufficient for meeting the requirements of the scoring. **Therefore, conditions that were relying on improved outcomes from this process cannot be rescored based on this latest attempt.**
- It is clear there is still uncertainty about data being collected in the client fishery and if observer coverage is significant enough and accurately

¹ <http://iccat.int/Documents/Recs/compendiopdf-e/2015-06-e.pdf>

² Proceedings of the regional peer review assessment of incidental catch in Atlantic Canadian swordfish/other tuna longline fishery, Feb 24-25, 2016; to be published on CSAS

	<p>reflecting interactions across the area of the fishery to detect changes in the retained species status. This is a concern for all retained and bycatch species.</p> <ul style="list-style-type: none"> • Again we note that although DFO has had little resources to support some of the research and observer work needed, the fishery client has know for at least a decade that they have data gaps and issues with impact on bycatch species and could have proactively sought to ensure adequate progress on their certification conditions. • They could have sought to address this in a number of ways. For example, they could have done their own research through a consultant or with a conservation group. This is what the Canadian groundfish and shrimp trawl fishery clients have done in order to fulfill their MSC certification conditions for research and reduction of bottom impact – they have created research plans, hired expert consultants, and undertaken sophisticated research that has been open for peer review. • They could have opted for video monitoring, a solution that has been brought to them for at least the last six years (EAC and DSF presented our observer data analysis and proposed research and mitigation options at ALPAC in 2009, this is just one example). • Other longline fisheries around the world have voluntarily adopted this technology to better characterize their bycatch, test mitigation measures, and to reduce their observer costs. <p>Allowing this fishery to be rescored and close the related conditions means rewarding a lack of action and stalling tactics. Similarly allowed the fishery to continue with a new certification undermines the credibility of the standard. The result will have simply moved the goalposts further down the road and there is no incentive for the fishery to implemented sorely needed research, improved data collection, and mitigation measures to reduce mortality of non-target species.</p> <p>This is the exact opposite of the precautionary approach, which is in place to ensure that a lack of data is not an excuse for inaction.</p>
<p>2.1.2e Shark Finning</p>	<p>The fishery does not meet the 80 score for this indicator. It is not 'highly likely' that shark finning is not taking place.</p> <p>This cannot be confirmed for the same reasons the success of the management strategies cannot be confirmed to the 80 score as discussed above. The observer coverage is not adequate in this fishery to ensure no finning is taking place since it is at high risk of interacting with sharks compared to other fisheries.</p> <p>Since 2011, there is no new analysis of the observer coverage or recommendations to ensure sufficient coverage.</p> <p>A new 2016 paper by *** showed that sharks</p>

	<p>100% dockside monitoring is not a sufficient measure to ensure there is no finning taking place. The Ecology Action Centre has requested the dockside monitoring data in order to analyse its accuracy in terms of weighing and counting the shark landings according to the current 5% fin/carcass ratio rule. We have been informed that the data is not available or kept by DFO. It is unclear how they analyse if their measure is working.</p> <p>The Minister of DFO has confirmed that Canada will be implementing a ‘fins attached policy’ (sharks must be landed with their fins naturally attached to their body) for all domestic fisheries. According to his letter to the EAC, “at the recent meeting of the Northwest Atlantic Fishery Organization (NAFO), Canada indicated it would be implementing a mandatory fins attached policy for all pelagic shark landings across Canada over the coming year.”³ This means the license conditions should be changed by the 2017 season, any delay is unnecessary since it will mean little change to fishery practices (they need only to slice and fold the fins instead of fully cutting them off) if the fishery is indeed already in compliance with the 5% ratio rule.</p> <p>According to guidance CB 3.6.5.1, to score 80 the fishery must implement fins attached or have the ratio and sufficient onboard observer coverage to ensure no finning is taking place. Since the new Canadian management policy will be fins attached - the longline swordfish fleet will need to have this new policy in their license conditions and will need to show compliance.</p>
<p>Shark Conservation Action Plan</p>	<p>The Shark Conservation Action Plan (SCAP) has been used in the past assessment as evidence for a management plan for the sharks impacted by the swordfish fishery. This should be taken into account for scoring on retain and bycatch sharks.</p> <p>EAC has reviewed the latest draft and passed our comments to DFO.</p> <p>The SCAP cannot be considered a comprehensive action or recovery plan. The draft we saw is without timelines, measurable outcomes, actions or activities to be implemented, plans or budgets. There may be some activities included in the final plan when it is published, but it is not clear how the SCAP will be implemented and enforced across the numerous fisheries that catch sharks.</p> <p>It is mainly a descriptive document on what is being done for 5 shark species. It does not address all elasmobranch species in a comprehensive document that puts into action both precautionary and ecosystem based approaches to conserving and recovering elasmobranch populations. The SCAP also lists generic fishery management measures that are not specific or applicable to sharks and is misleading.</p> <p>The SCAP is not a specific action plan for the swordfish longliners.</p> <p>The SCAP should not be considered sufficient in terms of enforceable measures and harvest control rules for sharks caught in the client fishery. Related scoring should not be changed based on this document.</p>

³ See Letter to EAC dated September 26th, 2016 from Minister of Fisheries and Oceans Canada given to the Assessment team.

<p>2.1.1 and 2.1.2 Short fin mako</p>	<p>Though, the conditions for 2.1.1 and 2.1.2 related to Short Fin Mako were closed during the certification period, we have a couple of comments for the team to consider in their scoring of the reassessment.</p> <p>In year 2 audit report , the client information notes: “Further more, a similar team from the same Certifier, concluded that the SSLLC US North Atlantic Swordfish Longline Fishery met these criteria based on the fact that there was a quota in place, which there is in Canada “</p> <p>There is no quota for short fin mako in Canada. The Shark Conservation Action Plan (SCAP) says there is a ‘non-restrictive quota’. There is no further information about how this is enforced or who it applies to. The SCAP also notes discards are managed. How are they managed?</p> <p>Though the most recent ICCAT assessment has found short fin make to not be overfished, the SCRS noted that this finding is uncertain and recommended catch levels not exceed current levels.</p> <p>There is no domestic measure limiting catch in Canada to current levels. There are no defined rules in place for actions should any levels be exceeded. Nor is there certainty that the observer levels and data are sufficient yet to fully account for all hooking and mortality.</p> <p>Having no hard limits on catch and no harvest control rules would not happen for a commercially important species in fisheries management today and it is not a precautionary way to manage species, such as sharks that are inherently vulnerable. This should be noted in assessing the evidence that the precautionary principle is being applied in P3 scoring.</p>
<p>2.2.2 blue shark</p>	<p>2.2.2 a</p> <p>The ‘measures’ in place for blue shark bycatch that are noted in the last assessment, do not qualify as measures for blue shark specifically. This is of concern since the fishery hooks more blue sharks than their target species. Since they are not landing them, the numbers are not captured comprehensively, as in the Spanish longline fleet. When a ‘bycatch’ species is caught in much higher numbers than the target species, there should be clear, enforceable measures to ensure the mortality is kept in precautionary limits. It is not clear this fishery meets the 60 score for 2.2.2a</p> <p>The measures stated in the assessments and audits as ‘in place’ for blue sharks are:</p> <ul style="list-style-type: none"> -non restrictive 250 t allocation -‘management of excessive discards’ -dockside monitoring -5% rule for shark fins/carcasses -observer coverage <p>250t allocation:</p> <p>The Shark Conservation Action Plan lists a ‘precautionary allocation of 250t’</p>

for blue sharks. This is not an enforced measure, it is just a number that has been chosen without a scientific basis. The estimated mortality of blue sharks in this fishery is well above that at an estimated 495t⁴. It is not clear if the 250t allocation includes all mortality or only for landed blue sharks. This will never be applicable for landed blue sharks as this fishery rarely lands them.

Management of excessive discards

Audit team notes in Year 2:

“DFO verbally confirmed that management measures would be implemented to manage excessive discards of blue shark, should they occur. Further, the audit team notes that ICCAT has been more pro-active in recent years on shark conservation. “

First, the DFO has no definition of what constitutes ‘excessive discards’ for blue sharks. Second, it not clear how the is DFO going to ‘manage excessive discards of blue sharks, should they occur’.

There is still no comprehensive reporting of the amount of shark discards in this fishery, nor of the condition of sharks upon release.

ICCAT has yet to define HCRs for blue sharks, however there may be a cap on blue shark catch recommended at the 2016 meeting.

Dockside monitoring

The measures described as in place for blue shark include hail in and out and dockside monitoring. The dockside monitoring is not an effective way to monitor and enforce blue shark catch and mortality since the species is rarely landed. Only robust monitoring and reporting out on the water will fully capture the impact on blue sharks.

5% rule for fins’

Please see our comments above on the new fins naturally attached policy that will be in place this year

Observer Coverage

The concern about the observer coverage and data robustness in this fishery is noted throughout the assessment and audits. Again, please refer to our comments below on the RPA for Incidental Catch. The fishery still has too much data uncertainty to properly manage bycatch and retained species.

Though latest ICCAT SCRS blue shark assessments show that blue sharks are not overfished or experiencing overfishing⁵, it also indicates that the assessment is uncertain.

⁴ Campana, S.E., Brading, J. and Joyce, W. (2011). Estimation of Pelagic Shark Bycatch and Associated Mortality in Canadian Atlantic Fisheries. DFO Can. Sci. Advis. Sec. Res. Doc. Available online at: http://www.dfo-mpo.gc.ca/csas-scas/Publications/ResDocs-DocRech/2011/2011_067-eng.html.

⁵ http://iccat.int/Documents/Meetings/Docs/2015_BSH%20ASSESS_REPORT_ENG.pdf

The SCRS has been under considerable pressure to produce data that can be used for clear management advice for blues and, though, they have produced reports, they stress it should be taken with caution. We must keep in mind that there is pressure from some nations with blue shark fisheries to increase catch.

The 2015 SCRS assessment attempted to bring in some new data and work with sensitivity analysis and new modeling. However, ultimately feel that they results are still uncertain:

Considerable progress was made on the integration of new data sources (in particular size data) and modeling approaches (in particular model structure). Uncertainty in data inputs and model configuration was explored through sensitivity analysis, which revealed that results were sensitive to structural assumptions of the models. The production models had difficulty fitting the flat or increasing trends in the CPUE series combined with increasing catches. Overall, assessment results are uncertain (e.g. level of absolute abundance varied by an order of magnitude between models with different structures) and should be interpreted with caution. P12

For the North Atlantic stock the assessment does state the blue shark is not experiencing overfishing, but again this is combined with heavy caveats about uncertainty and there was no management advice put forward:

Based on the scenarios and models explored, the status of the North Atlantic stock is unlikely to be overfished nor subject to overfishing. However, due to the level of uncertainty, the Group could not reach a consensus on a specific management recommendation. Some participants expressed the opinion that fishing mortality should not be increased while others thought this was not necessary. P13⁶

EAC notes concerns about impact on blue shark have been in place since the original assessment and were part of our objection to the certification. They continue to be an issue and have not been adequately addressed after 4 years of certification in terms of measures directly targeting blue shark, such as hard limits, area closures, etc.

Having no hard limits on catch and no harvest control rules would not happen for a commercially important species in fisheries management today and it is not a precautionary way to manage species, such as sharks that are inherently vulnerable.

We do not feel there are sufficient measures in place, nor objective evidence that measures or a partial plan are being successfully implemented. Scoring above 60 needs convincing rationale.

This should also be noted in assessing the evidence that the precautionary principle is being applied in P3 scoring.

⁶ ibid

<p>2.3.1 SARA loggerheads</p>	<p>The DFO official advice to list loggerhead sea turtles under the Species at Risk Act was published in Canada Gazette on August 27th, 2016.⁷ This means loggerheads will be officially listed as endangered under Canada's Species at Risk Act by April 2017 at the latest and there will be extra requirements under this law the fishery will need to comply with eventually.</p>
<p>2.3.1a</p>	<p>There is no national recover plan for loggerhead turtles despite having been assessed as endangered by COSEWIC and have been listed on CITES for years. This is due to a delay in making a decision to list (or not list) the species under the Species at Risk Act and move loggerhead into the process for recovery planning.</p> <p>It seems odd that this SI does not get scored when there is lack of a national plan to recover a species under CITES, rather than a condition being applied to ensure movement forward on a national plan.</p> <p>At this point, the loggerhead will be listed under SARA shortly and the recovery planning must start thereafter.</p>
<p>2.3.1 b Loggerhead</p>	<p>While it is true that the Canadian longline fleet is not the only threat to the recovery of loggerhead turtles, their impact must be addressed. Recent research presented by Mike James, DFO Species at Risk, at the February 2016 Incidental Catch RPA has confirmed this fishery has a high risk of interaction with loggerhead turtles since the areas used by the loggerheads for feeding overlap with where the fishery sets its gear closely. This fishery does, therefore, have a higher burden to reduce risk to the endangered loggerhead than other fisheries.</p> <p>The argument that measures implemented by this fishery will not alone achieve recovery is not an excuse for inaction. As for all migratory species recovery, or shared global issues, the solutions require each country to take responsibility to minimize their threat as much as possible to cumulatively create the conditions for success. The MSC can also help to create incentives for collective action no matter how small the percentage of threat assigned, by requiring clear action - this creates an interested set of fisheries to move of migratory species recovery.</p> <p>As it was in the first assessment, it is still not possible to provide quantitative evidence to confirm the fishery is unlikely to cause unacceptable risk.</p> <p>The fishery was given four years to improve this understanding and it has not.</p> <p>This could have been done proactively through increased detailed data collection on turtles hooked (including area caught, gear used soak time, hooking location, detailed status of turtle, etc) or through video monitoring technology that can be analysed after fishing trips or caps or a number of other options. It was clear from modeling and analysis at the time that the available information was not sufficient. The 2016 effort at analyzing whether observer coverage is effective on this fishery was not using new data collected, rather testing new modeling attempts.</p>

⁷ <http://www.gazette.gc.ca/rp-pr/p1/2016/2016-08-27/pdf/g1-15035.pdf>

	<p>The direct effects of this fishery are hindering recovery of loggerheads. They may be part of a large suite of threats, however the scoring should reflect the continuing decline and the role this fishery has to contribute to recovery by actually reducing the direct threat of capture.</p> <p>The fishery has not fulfilled the conditions placed on it to achieve an 80 and should be suspended until it has since it has not ‘made adequate progress’ during the first certification period.</p> <p>-the action plan put into place has not been acted upon – all the things they could have done to assess the impact more fully, -note client action plans are not be reliant on management, funding, etc and if it is , management has to sign off and both bear responsibility -issue of achieving observer coverage due to lack of observers, they knew this to be a problem for uears; also this is something over and above they must do to meet standard for eco certification = so get video monitoring. -all sources of mortality, not just death, are supposed to be taken into account according to 1.3 , this includes sub lethal effects – rationale? -so close to not passing initial certification and they have not made progress, this was noted as being behind more than a year ago; they have been given the warning and still no proactive work has been started -compared to other fisheries who felt their interaction with the turtles warranted caps on encounters and video monitoring, what is the plausible argument that handling practices will do anything?</p>
<p>2.3.2 Loggerhead</p>	<p>The measures in place referred to for scoring this indicator in the original client assessment are found in the Loggerhead Conservation Action Plan. The original assessment notes:</p> <p>“However, as the Loggerhead Turtle Conservation Action Plan is newly developed, and is due to be fully implemented for the 2011 season, with respect to loggerhead turtles the final scoring issue of the 80SG is not met; there is not yet evidence that the strategy is being implemented successfully.”</p> <p>V 1.3 for this assessment notes that all direct mortality should be considered when evaluating the expected success of the measures and management strategy.</p> <p>As the Ecology Action Centre noted in the original assessment:</p> <p>Measures in place in other countries (including the U.S. Northeast Distant management area immediately adjacent to Canadian waters) that actually aim to minimize mortality include:</p> <ul style="list-style-type: none"> • strict bycatch/interaction limits that shut down the fishery • bait restrictions • depth restrictions • spatial closures geared towards reduction of bycatch • temporal closures geared towards reduction of bycatch • temperature based regulations • meaningful hook restrictions

- soak time restrictions
- incentives for changing fishing gears

There is no evidence that these practices have been considered, and no justification for reasons they have not been considered. Furthermore, without meaningful catch data from the fishery (provided by comprehensive observer coverage) it is not possible to determine what measures would be necessary to minimize mortality.

This was in 2011, since then other fisheries have implemented other measures. We urge the assessment team to include a comparison with other similar fisheries when scoring 2.3.2b

Five years later, the client fishery has made one change to fishing practices in their licence conditions – shifting from voluntary to mandatory handling and release training, but has not yet presented evidence on the impact of this measure.

There have been no other fishery practice changes introduced that we are aware of to reduce encounters with sea turtles, despite options available.

Another way to assess if there is an objective basis for confidence the strategy will work is to assess the implementation of the LCAP, expected in 2011. The assessment also states that if the LCAP measures are implemented they anticipate a reduction in loggerhead sea turtle encounters in the client fleet. **Is this the case?**

It is now 2016 and the LCAP has still not been fully implemented or updated with new action plans since the 2011/2012 objectives. The ‘objective confidence’ need for a score of 80 that it would work is supposed to come from the implementation evidence after 2011 evaluation. This was based on assurances given by the client and signed off by management. The plan also represents Canada’s commitment to the global recovery.

In fact, the many key LCAP objectives remain unfulfilled (see below) If we cannot look at past performance for assessing ability and willingness to implement, what can we look at?

The fishery has not fulfilled the conditions placed on it to achieve an 80 and should be suspended until it has since it has not ‘made adequate progress’ during the first certification period.

The SARA recovery plan for loggerheads will take a year at least to be completed and may compel stronger measures to be implemented. However, giving the client a further 4 years of certification while that plan is awaited, is merely moving the goalposts and not assessing the progress made during their first certification period.

However, the assessment team can look at other longline fisheries who have high interactions with loggerheads to compare this fisheries mitigation efforts.

	<p>Even when the full understanding is still out of reach the client could have proactively implemented measures that are in place in other fisheries to ensure that their impact is not 'unacceptable'.</p>
<p>Loggerhead management plan 2.3.2</p>	<p>The Gully MPA is noted in 2.3.3 as a management measure for loggerhead turtles. This area is not identified as a hotspot for loggerheads.</p> <p>Otherwise the management strategy in question is the LCAP. The re - assessment should provide specific evidence of how parts of the LCAP have been implemented and whether the evidence shows a basis for confidence. At the moment, the audit report only includes a checklist of what is underway without assessing the impact of those actions.</p> <p>We do not agree that the fishery can score 80 for this partial strategy since as we commented above there is not solid basis for arguing this plan will minimize mortality nor that this plan will be successfully implemented. The fishery has already shown that the have not made adequate progress on the conditions previously given for the guidepost and certification should be suspended.</p> <p>Since progress on the LCAP has not been presented to the Atlantic Large Pelagics Advisory Committee for review or updates, the Ecology Action Centre has a few queries about items noted as completed, though we urge the assessment team to review the LCAP thoroughly:</p> <p>1.d Review the Observer contract requirements and identify necessary amendments or additions to institute improved data collection requirements. What amendments were made? Do they correspond to the data collection noted in James 2015 from the Incidental Catch RPA that would be most useful for assessing impact on loggerheads?</p> <p>3.a Move to mandatory 16/0 circle hooks to reduce mortality of loggerhead turtles Is there a science basis for 16/0 over 18/0 as reducing sea turtle hooking? Has there been reduced hooking since 2011? And is the data reliable?</p> <p>3.d Assess feasibility and potential effectiveness dynamic/temporary, time/area, temperature-based closures to minimize loggerhead sea turtle interactions. Has this analysis been done and documented somewhere? Mike James presented at the Incidental Catch RPA identified hotspots.</p> <p>3.e Possible changes to gear configuration and fishing practices based on results of research. This is the most meaningful measure the LCAP suggests, however there has been no work that we are aware of on this, nor any proposals put forward by the client to the advisory committee to invest in research or change practices, nor any timelines</p>

	<p>introduced to ensure this eventually is accomplished.</p> <p>4. Research in support of Strategies Some of this has been researched, however many of the objective of LCAP section 4 have yet to be pursued.</p>
Loggerhead Turtle Conditions 6 & 8	<p>The final milestones for these conditions have not been met and the conditions should not be closed. The fishery has failed to make adequate progress on these conditions during their first certification and they should not be granted a new certification.</p> <p>Please refer to our detailed comments about progress on Conditions 6 and 8 submitted to the assessment team for the final audit of this fishery.</p>
Incidental Catch RPA (Feb 2016)	<p>Many of the condition milestones for bycatch species rely heavily on the outcome of the Incidental Catch RPA that was held in February 2016. The audit team of Year 3 anticipated possible scoring changes based on the outcome of the RPA that would show improved confidence in the current observer coverage scheme in place for the fishery.</p> <p>Please refer to our detailed comments about the Incidental Catch RPA submitted to the assessment for the final audit of this fishery.</p>