
October 6th, 2016

EAC Submission to 2016 MSC audit of the North West Atlantic Canada longline and harpoon swordfish

Dear Paul, Kevin, and Rob,

Attached here is our written submission as a follow up to what we discussed at the stakeholder meeting with you. Please note the document you received at the meeting were only rough notes to guide our discussion, the attached is our official submission for the audit process.

Our comments on the outstanding harpoon fishery conditions have been captured in the submission we made on the Atlantic Swordfish P1 Harmonization report. We have no outstanding concerns in the harpoon fishery on their P2 scores.

We would like to note the focus of our comments is on tracking the progress of the longline fishery client. Specifically, whether they have met the final year milestones that were reaffirmed at last year's audit as outstanding and the outstanding issues that last year's assessment team noted would need to be fulfilled before scoring could be changed.

We have made past detailed submissions over the last 6 years, including an objection proceeding, that focused on the assessment of the science and data, each of the scoring guideposts and scoring rationale that we did not feel were justified, related action plans from DFO and the client, and the wording of conditions and milestones. Previous teams at each audit and reviews of scoring have considered all of these. Suggestions for data improvement and bycatch mitigation have been discussed at the advisory committee and with this fishery for many years and at the outset of this certification process.

We have also included in our comments an excerpts from our objection to this fishery certification filed in 2011, not to argue that a particular mitigation measure or action should have been put in place, but rather to demonstrate that the concerns voiced 6 years ago about the longline fishery's ability and willingness to improve its practices within in the certification timeframe have proven true. We also would like the team to note that the conditions and milestones wording and agreement were the result of the objection procedure and there would need to be new information and solid rationale if any of the open conditions are closed despite the fishery not fulfilling these stated milestones. The CB explicitly argued during the objection that the success of the client in meeting their action plan could not be prejudged, but would be assessed against the milestones during the audits. We are following this process now

We look forward to your response.

Sincerely,



Shannon Arnold
Marine Policy Coordinator, Ecology Action Centre

October 6th, 2016

EAC Comments - Canada North West Atlantic Swordfish MSC Audit

	EAC Comments
Conditions 1 and 2	Please refer to our comments on the North Atlantic Swordfish Harmonization Report
Condition 3 and 4 Porbeagle shark	The final milestones for these conditions have not been met and the conditions should not be closed. The score of 75 for both 2.1.1 and 2.1.2 should remain unchanged.
<p>The Assessment team notes in the Year 3 audit:</p> <p>Notwithstanding this, 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>The audit team notes that DFO management and ALPAC has not had an opportunity to consider the results of the 2015 RPA which DFO indicated would occur in 2016 and before the next surveillance audit. The 2016 DFO review of observer coverage, which is to consider issues of precision and accuracy, will further inform estimation of bycatch and will be very relevant to the management decision-making process.</p> <p>In relation to the second issue, the inclusion of the estimates of PRM in the evaluation of the sustainability of the current TAC is a significant development and largely addresses the concern raised in the PCR.</p> <p>The condition is on target in relation to this year’s audit. 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 audit team notes: To paraphrase the initial certification assessment, a management strategy is composed of monitoring (e.g. observers), analysis (e.g. assessment), a management response based on</p>	<p>We have compiled our comments on the RPA on Incidental Catch and observer coverage in a section below as it pertains to a number of conditions for this fishery. In summary, there was no outcome of this RPA with new recommendations or better certainty on data collection and monitoring coverage. The 2011 RPA on observer coverage, which was considered insufficient for the needs of the original assessment scoring is still the best analysis available.</p> <p>As of yet, there are no defined harvest control rules for porbeagle that would dictate response to changes in stock status.</p> <p>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.</p> <p>There is also still uncertainty as to whether the observer coverage is sufficient to signal whether there are excessive incidental catches of porbeagle and numbers released while fishing.</p> <p>There is still outstanding concern about catches in Emerald Basin, an identified hotspot area for porbeagle and potential mating area. There is considerable uncertainty that the full removals and mortality is being captured for this species.</p> <p>See also comments below on Shark Conservation Action Plan. This cannot be considered harvest rules for sharks or an action plan for recovery.</p> <p>The required articulation of management responses and harvest strategy is absent. Scoring should not be changed.</p>

<p>the assessment, and measures (e.g. tools) to achieve the objectives of the response.</p> <p>The audit team also notes: 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>Audit team notes from Audit Year 2:</p> <p>The audit team concludes that the second year milestone has been met. Management measures have been adopted to address the conservation and recovery of porbeagle sharks and they have been implemented in the Canadian management framework. The most important management measures are 1) live release of sharks and 2) 50 mt cap for landings of porbeagle sharks for the swordfish and other tunas fishery.</p>	<p>The EAC would like to point out that there is no 50 mt cap for porbeagles in the client fishery. We wonder where this information from?</p> <p>There is only an overall 185t TAC for porbeagle in all Atlantic Canada fisheries.</p> <p>ICCAT Recommendation 15-06 now requires live release of porbeagle and limiting porbeagle landings to 2014 levels for all ICCAT fisheries, which was about 40t for all ICCAT fisheries combined.¹</p> <p>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 fishery.</p> <p>Live release of other sharks is voluntary in the client fishery.</p>
<p>Porbeagle and DFO 'Do Not List Default Policy'</p>	
	<p>In 2014, DFO adopted a new policy with guidelines for how to manage the recovery of marine animals that are assessed by COSEWIC as special concern, threatened, or endangered, but a decision is taken by Cabinet not to list them under the Species at Risk Act.</p> <p>Aquatic species that are 'at-risk' but not listed under SARA are instead managed through measures under the Fisheries Act with recovery planning and action. The Rationale for the 'do not list' decision must include :</p> <ul style="list-style-type: none"> • results in the greatest overall benefit (called net benefits in <i>Cabinet Directive on Regulatory Management</i>); • meets the regulatory objectives for the issue (e.g. purpose of SARA); and <p>is proportionate to the degree and type of risk presented by the issue.</p> <p>The full details of the required recovery planning and alternative approach to be pursued under the Fisheries Act can be found here: http://www.dfo-mpo.gc.ca/species-especes/policy-politique-eng.htm#AB and https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/policies/policy-politique-eng.pdf</p> <p>Porbeagle should fall under this directive as an official decision not to list the species was made by Cabinet in 2006. It has since been waiting for a comprehensive recovery action plan.</p>

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

	The required workplan, recovery actions, and monitoring are much more extensive than the Shark Conservation Action Plan.
Short Fin Mako Condition 4	
	<p>Though, the conditions for Short Fin Mako were closed, we have a couple of comments for the team to consider in their work.</p> <p>In year 2 audit report , the client information notes: “Further more, a similar team from the same Certifier, concluded that the SLLC 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>
Blues Condition 5	
<p>Audit team notes in Year 2:</p> <p>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.</p>	<p>EAC has advocated for measures on blue sharks for many years. There are none in place. The DFO has no definition of ‘excessive discards’. There are no limits or defined rules in place for the fishery at all for blue sharks aside from voluntary release of live sharks. How is DFO going to ‘manage excessive discards of blue sharks, should they occur’?</p> <p>There is still no comprehensive reporting of the amount of shark discards in this fishery nor of the condition of sharks upon release. The measures described as in place for blue shark include hail in and out and dockside monitoring. This is especially concerning for our confidence in assessing the impact of this fishery on blue shark since they are rarely landed in this fishery though blue sharks are caught in much high numbers that the target species. The dockside monitoring is not an effective way to monitor and enforce blue shark catch and mortality. Only robust monitoring and reporting out on the water will fully capture the impact on blue sharks.</p> <p>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.</p> <p>The Shark Conservation Action Plan lists a ‘precautionary allocation of 250t’ for blue sharks. This is not an enforced measure, it is just a number that has been chosen without a scientific basis . The tonnage of mortality is well above that at an estimated 495t² and it is not</p>

² 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-sccs/Publications/ResDocs-DocRech/2011/2011_067-eng.html.

	<p>clear if this is an allocation that includes all mortality or only for landed blue sharks.</p> <p>EAC notes these concerns 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.</p> <p>Though latest ICCAT SCRS blue shark assessments show that blue sharks are not overfished or experiencing overfishing³, it also indicates that the assessment is uncertain.</p> <p>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.</p> <p>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:</p> <p style="padding-left: 40px;">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</p> <p>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:</p> <p style="padding-left: 40px;">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. P13⁴</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>
Loggerhead Turtle Conditions 6 & 8	The final milestones for these conditions have not been met and the conditions should not be closed. The scores of 75 for 2.3.1 and 70 for 2.3.3 should remain unchanged.
The audit team notes in Year 3: By the fourth surveillance audit the client must provide the results of the completed post- capture survival study and information on how the results of this study will be incorporated in an analysis to	This study has not been completed. The tagging was able to tag a sample of 9 loggerheads. The data is not yet enough to be able to incorporate it into an analysis. The tagging has been hampered by technical difficulties, however see comments below on proactive measures the fishery could have taken long ago to help research and assess their impact on loggerheads. The failure to meet the milestone and condition at this time is a reflection of an overly

³ http://iccat.int/Documents/Meetings/Docs/2015_BSH%20ASSESS_REPORT_ENG.pdf

⁴ *ibid*

<p>demonstrate that direct effects of the fishery are highly unlikely to create unacceptable impacts to loggerhead turtle.</p>	<p>ambitious client action plan and years of delay on proactively implementing a research and data collection scheme.</p>
<p>The audit team notes in Year 3:</p> <p>The client will be required to provide an updated Loggerhead Turtle Recovery Potential Assessment (RPA) or other scientific assessment, as conducted by DFO or other scientific party, which will demonstrate the impacts to loggerhead turtles that result from interactions with the swordfish longline fishery.</p> <p>Within four years of certification, the client must provide evidence that demonstrates that direct effects of the fishery are highly unlikely to create unacceptable impacts to loggerhead turtles.</p> <p>Provided the actions defined in the milestones and the deliverables in the client action plan are met, the PI would be rescored at 80 or higher.</p> <p>Presumably an assessment will provide the framework in the form of an acceptable number of loggerhead turtle interactions with the fishery and/or activities (e.g., research, monitoring, practices to minimize interactions) that are deemed sufficient to prevent an unacceptable impact.</p> <p>If the assessment does provide a framework for assessing the acceptability of the impact of the fishery, it will also be necessary for the fishery to demonstrate that it is in compliance with the framework.</p>	<p>Mike James, DFO Science, presented an update at the Incidental Catch RPA.⁵ There is no assessment for loggerheads yet that can demonstrate impact, nor evaluate the effectiveness of the only measures that are currently in place – voluntary handling guidelines. This does nothing to reduce the number of turtles being hooked.</p> <p>The estimated interaction number is still at least 1200 loggerheads per season⁶. There has been no change in the amount of information available for characterizing the fisheries interaction - the hooking location, state of the animal, areas hooked, etc. This is data the fishery could have been providing for the last decade, however they chose not to cooperate fully with researchers or to proactively provide this information.</p> <p>The presentation by James at the observer RPA notes:</p> <p style="padding-left: 40px;">There is a need for detailed coding of hooked turtles with fishery interactions (e.g. hook location, anatomy impacted, type of bait, etc.), as it is difficult to obtain biological samples and have confidence in observer scoring; particularly on larger pelagic longline vessels.⁷</p> <p>The fishery could have tracked this data with their own logbooks, standardized with the help of the loggerhead scientists; through electronic video monitoring; or increased observer coverage with time allowed for data collection on hooked turtles.</p> <p>There is no new information provided since the last audit to demonstrate the effect the impacts of the fishery on loggerhead turtles.</p> <p>There is no new assessment framework since the last audit that has provided guidance for acceptable numbers of loggerheads interacted with. Though, this is a complicated task, other jurisdictions and fisheries have managed to choose a precautionary level of turtle interactions that lead to the shut down of fisheries (US Hawaii longline for example)</p> <p>The fishery has not provided, as asked, evidence that demonstrates the direct effect of their fishery in unlikely to create unacceptable harm to loggerheads. There has been no change in the evidence provided since the last audit and the score should not be changed for Conditions 6 and 8.</p>
<p>The audit team notes in Year 3:</p> <p>The audit team is also concerned that there isn't yet a basis for determining if monitoring of the fishery is statistically robust as called for in the current LCAP. Without a basis for concluding</p>	<p>See EAC comments below on the Incidental Catch RPA. There is no basis yet for determining if the monitoring is statistically robust, maximum allowable removals, and reliability of observer data.</p> <p>The key point to take away here is that although DFO has had little resources to support this work and there have been technical issues</p>

⁵ 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

⁶ http://www.dfo-mpo.gc.ca/csas-sccs/publications/sar-as/2010/2010_042_e.pdf

⁷ 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>otherwise, the Audit Team considers the relatively low precision of current estimates insufficient.</p> <p>The audit team is concerned that loggerhead turtle by-catch are poorly estimated given the observer coverage (CVs for observer estimation are significantly higher than 30%) that DFO has not identified maximum harm nor the probability that harm could be caused. In addition, the audit team notes that several actions in the LCAP have not been completed or are behind schedule (e.g. maintain or increase observer coverage, item 2f on catch reduction proposals following the Kobe workshop, and 3d on time and area closures), these should be urgently pursued.</p> <p>Additional action by DFO is required to identify maximum allowable removals, including dead discards, by species, taking into account the reliability of removal estimates given an agreed observer coverage. This applies not only to loggerhead turtles but to other bycatch and ETP species.</p> <p>The audit team will review the outcome of this peer review at the next audit to determine if the findings elaborate on the requirements for statistically robust observer coverage for the swordfish pelagic longline fishery and if the coverage level is adequate or requires adjustment.</p>	<p>with the loggerhead tagging research, the fishery client has know for at least a decade that they have data gaps and issues with turtle bycatch.</p> <p>They could have proactively sought to address this. For example, they could have done their own research through a consultant or with the conservation groups like the Sea Turtle Action Network. This is what the 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.</p> <p>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 work on their bycatch and to reduce their observer costs.</p> <p>There have been no catch reduction proposals pursued for this fishery – such as bait changes, hook size, gear set and soak changes, or encounter protocols.</p> <p>Instead, this fishery client actively obstructed researchers (even DFO scientists) from accompanying them on their fisheries trips for years. They have put paper measures in place hoping these would look like changes on the water.</p> <p>While the current handling and release guidelines for turtles may be acceptable under the current domestic fishery management requirements, it should not be acceptable for achieving or retaining MSC certification. The objective of the certification is to recognize and reward fisheries that are willing to improve identified shortcomings and bring it up to a sustainable level.</p> <p>The US Atlantic swordfish longline fleet now has 100% electronic video monitoring primarily due to uncertainty around their blue fin tuna bycatch. It was made mandatory in 2015 and is now being implemented across the fleets.⁸</p> <p>The Day Boat swordfish fleet had this technology in place at the time of their MSC certification.</p> <p>This leaves the Canadian fleet as the only MSC certified swordfish fleet without video monitoring in place to monitor and manage their interaction with highly migratory species such as blue fin tuna and ETP species such as loggerhead sea turtles.</p>
	<p>EAC notes that the same concerns about loggerhead impact remain for this fleet that were identified in our objection to the fishery certification in 2011. The items listed as completed in the LCAP excerpt found in the audit reports, do not ‘minimize mortality’ of loggerheads. The fishery has not implemented any of the best practices found in longline fisheries around the world and continues to argue that it does not need to, despite having higher levels of interaction than other fleets due to the environmental condition where it sets its gear and the overlap with preferred loggerhead feeding grounds.</p> <p>Below is an excerpt from the EAC objection in 2011: Measures currently in place in other countries (including the U.S. Northeast Distant management area immediately adjacent to</p>

⁸ <http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am7/>

	<p>Canadian waters) that would meet the SG 60 and 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 <p>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.</p> <p>Strategy 3.5 of the LCAP involves 3.5. Possible changes to gear configuration and fishing practices based on results of research.</p> <p>No timeline is given for introduction of these ‘possible changes’, and yet it is the most meaningful change that the LCAP suggests. If changes to gear configuration and/or fishing practices are not introduced, we question the conclusion that measures are “in place” to “minimize mortality”.</p> <p>We also note with regard to changing the hook size to 16/0 circle for minimizing hooking of turtles – Strategy 3.2 in the LCAP is not the best practice.</p> <p>Harris et al (2010) summarizes available studies on circle hook size. Overall larger circle hook sizes (i.e., 18/0) appear to have an effect in reducing catch rates, and therefore working toward minimizing mortality, while 16/0 does not reduce hooking incidents. 16/0 circle hooks also do not reduce severity of injury (Carruthers et al 2009). It is unclear whether this practice was introduced for turtle mitigation specifically.⁹</p> <p>The EAC notes that we can states the same concerns as above for this audit – now 2016, as nothing has changed in terms of fishing practices that reduce the number of loggerheads encountered to minimize mortality.</p> <p>The Conditions in place to achieve 2.3.1 and 2.3.3 have not been met. The score of 75 and 70, respectively should remain unchanged.</p> <p>For the credibility of the MSC process, the fishery cannot not be rescored when it has clearly failed to meet the milestones and conditions put in place precisely to help it achieve a score of 80.</p>
<p>The audit team notes in observations under condition 11 for Year 3:</p> <p>However, the Audit Team is concerned about follow-up on research conducted under the</p>	<p>EAC notes that a key point under the client research plan that could go towards addressing the audit team’s concern has been outstanding since 2010 when the Loggerhead Conservation Action Plan was adopted:</p> <p style="padding-left: 40px;">Best practices for by-catch estimation: a. Work with U.S. counterparts on a consistent approach to</p>

⁹ http://www.dfo-mpo.gc.ca/csas-sccs/publications/sar-as/2010/2010_042_e.pdf

<p>plan, such as implementation of statistically reliable observer coverage and additional studies on potential ETP bycatch mitigation methods. The Audit Team expects these concerns to be addressed under Conditions 6-8.</p>	<p>by-catch estimation (this is on-going work using existing data)</p> <p>The EAC is familiar with the US counterpart fisheries and NGOs that work with them. We are not aware of any fleet to fleet work to share approaches for bycatch estimation or mitigation.</p> <p>The US Atlantic swordfish longline fleet now has 100% electronic video monitoring. It was made mandatory in 2015 and is now being implemented across the fleets. The Day Boat handline swordfish fleet had this technology in place at the time of their MSC certification.</p> <p>This leaves the Canadian fleet as the only MSC fleet without video monitoring in place to monitor and manage their interaction with highly migratory species such as blue fin tuna and ETP species such as loggerhead sea turtles.</p>
<p>Loggerhead sea turtles to be listed under SARA</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, 2016.¹⁰ This means loggerheads 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.</p>
<p>Incidental Catch RPA (Feb 2016)</p>	
<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>EAC participated in this RPA. 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.¹¹</p> <p>This means that the 2011 incidental catch meeting report and observer coverage analysis 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.</p> <p>The original assessment and audit both say that this is 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.</p> <p>Key issues with the RPA meeting that are detailed in the proceedings¹²:</p> <ul style="list-style-type: none"> -the reviewers did not think the models and analysis used were the most appropriate -the working paper circulated before the meeting was not what was presented at the meeting -the TOR was not properly thought out and were not addressed anyway by the content -the science lead had little time and limited data -for the loggerheads the science lead did not know how to access SARA logbooks for inclusion -the full time series of data for the fishery was not included, though one peer reviewer points out how that could have been done fairly easily -tuna discards were not addressed -juvenile swordfish post release mortality was not included and a peer reviewer noted this is a know significant issue

¹⁰ <http://www.gazette.gc.ca/rp-pr/p1/2016/2016-08-27/pdf/g1-15035.pdf>

¹¹ 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

¹² ibid

	<p>The science lead agreed with reviewers that other methods could be used but stresses that the result will only be as good as the input.</p> <p>This point is the crux of the issue. The fishery client has known that the data is not sufficient for years and has not been proactive to address this research and data gap. The fishery client insists that their impact is acceptable, however has not helped answer this question, instead they have obstructed movement forward on this for many years. This is not only true for sea turtle bycatch, but also for other animals. ICCAT shark assessments continue to note that the data is still lacking and that it does not provide a consistent signal to inform the stock assessments.</p> <p>It is clear there is still uncertainty about data being collected in the client fishery and if there is significant enough levels of observer coverage to detect changes in the species status. This is a concern for all bycatch species.</p> <p>Allowing this fishery to be rescored and close the related conditions means rewarding a lack of action and stalling tactics. Now a further 6 years has passed with no change in fishing practice to mitigate impact on vulnerable and depleted species – they have simply moved the goalposts further down the road and there is still a data deficit.</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>No condition rely on outcomes from the Incidental Catch RPA should be rescored to a high number.</p>
<p>The Shark Conservation Action Plan (SCAP)</p>	
<p>Some milestones and scoring justification also rely on the completion and release of the SCAP and the actions to be taken therein.</p>	<p>EAC has reviewed the latest draft and passed our comments to DFO.</p> <p>The SCAP should not be considered an action plan. It is without timelines, measurable outcomes, actions or activities to be implemented, plans or budgets. 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 put 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 should not be considered sufficient in terms of enforceable measures and harvest control rules for sharks caught in the client fishery to change the related scoring on conditions 3 and 4.</p>
<p>Fins Attached Policy</p>	
	<p>At the recently concluded NAFO meeting, Canada announced it would be implementing a fins attached policy (sharks must be landed with their fins naturally attached to their body) for all domestic fisheries. It is effective already.¹³</p> <p>The longline swordfish fleet will need to have this new policy in their license conditions and will need to show compliance.</p> <p>The groundfish fleets, who also catch a significant amount of sharks, have had a fins attached policy in their license conditions since the 1990s.</p>

¹³ See Letter to EAC dated September 26th, 2016 from Minister of Fisheries and Oceans Canada given to the Assessment team.