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Attn: Orla Minogue & Ivan Mateo  
SAI Global Assurance Services / Global Trust  
Quayside Business Park, Mill Street  
Dundalk, County Louth, IRELAND

May 12<sup>th</sup>, 2015

Dear Ivan and Orla,

Re: Halibut 2nd surveillance audit:

We are pleased to be able to participate again this year as a stakeholder in the Atlantic Halibut fishery MSC surveillance audit. Many of our concerns with this fishery were articulated in our submission last year for the first surveillance audit. We have include our comments on the first annual surveillance audit here as well (see second document) as we feel that the same issues continue to be relevant to the sustainability of this fishery, and the primary and secondary retained species.

Generally, we are concerned that there is a considerable amount of unreported catch of Atlantic halibut being landed. While there have been some charges of unreported catch laid by Conservation and Protection (C&P), we are not convinced that this has resulted in deterrence. We understand that this is likely outside of the purview of this audit, however we feel it is an important issue that needs to be considered in order to maintain the current level of the stock and continue with the apparent rebuilding trajectory. We also feel that the MSC certification should reflect that current stock levels are well below historical levels and that all efforts should be made to continue stock rebuilding.

We also have concerns regarding the level of observer coverage for this fishery, particularly with the number of secondary species that are considered endangered or threatened. We recognize that this is part of the non-selectivity of the hook and line gear which is the predominant gear type in this fishery. We strongly recommend that MSC consider suggesting video monitoring in this fishery to reach 100% coverage. This technology is used in other, similar fisheries in Canada and the US and is considered simply part of the monitoring system.

Our additional concerns are related below, and categorized under main retained species, secondary species, species at risk and sensitive habitat.

**Main retained species:**

As per the 1<sup>st</sup> surveillance audit and the client action plan, in time for the 2<sup>nd</sup> surveillance audit, there must be evidence of reference points and proxy reference points and mitigation measures tabled for

main retained species that are below the LRP. While reference points (and proxy reference points) exist for several secondary groundfish stocks, as far as we are aware, very few mitigation measures exist that may actually help rebuild these depleted stocks, some of which have been identified by COSEWIC as facing risk of extinction.

While 4X5Y Atlantic cod quotas have recently been reduced (from 1650 MT to 850MT) bycatch measures for cod in other divisions, and bycatch measures for white hake generally, do not mitigate catch levels as they are set much higher than what has been caught in recent years. We have concerns that DFO's failure to implement its 2013 Policy for Managing Bycatch, and setting bycatch caps that in effect encourage a greater harvest of cod and white hake, means that the fishery cannot meet conditions 1, 2 and 3. Unfortunately, while DFO's Precautionary Approach framework dictates that rebuilding plans must be implemented for all depleted stocks, no rebuilding plans have been released for the species which interact with this fishery.

### **Other bycatch concerns:**

We have additional concerns about bycatch that we would like to share with you. Cusk, which is routinely caught in the halibut fishery, is at the lowest levels seen since 2009. It is currently at the LRP, but this could change if trends are not reversed in the next year (trends are based on 3 year geometric means). Cusk's status was downgraded by COSEWIC from threatened to endangered in 2012, and is currently being considered for listing under SARA. With the increased halibut quota in 2015, we are concerned about impacts on cusk, and the fact that no additional measures have been adopted by industry to avoid additional impacts on this species.

Secondly, 4X thorny skate is below the LRP and is COSEWIC assessed as special concern, and is also associated with this fishery. New research from Dalhousie University suggests that more than 80% of all skate and ray discards occur in the groundfish fishery, of which the halibut fishery is a part. In addition, more than 60% of all shark discards happen in this fishery. We are particularly concerned about those shark species, which face risk of extinction, such as the porbeagle shark. 56% of porbeagle discards occur in the groundfish fishery. Catch of porbeagle is concentrated in specific areas (Browns Bank and Emerald Bank throughout the year, and George's Bank during mating season).<sup>1</sup> We request that this fishery consider mitigation measures in this area to reduce the amount of porbeagle bycatch in the fishery.

### **Species at Risk:**

DFO has recently released a "SARA Listing Policy and Directive for "Do Not List Advice" which outlines the conditions under which the department may recommend that a COSEWIC assessed species not be listed under the Species at Risk Act. In order to justify going against the listing advice of COSEWIC, DFO must provide:

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<sup>1</sup> This data is part of a PhD. dissertation, and will be published in the coming year. The scientist is Dr. Aurelie Godin, and she can be reached at [godina@dal.ca](mailto:godina@dal.ca)

- A regulatory impact statement, which explains how not listing the species will result in the greatest overall benefit; meets the regulatory objectives of SARA, and is proportionate to the degree and type of threat;
- A “Compelling Rationale”, which outlines the alternative approach for the species in the absence of listing; the expected outcome(s) for the species in the absence of listing; and the net benefits to Canadians of a “do not list” decision.
- If the alternative approach required activities incremental to the status quo, DFO must draft a 5 year workplan, which includes performance indicators.

Many of the species implicated in the Atlantic halibut fishery, including the ones mentioned above, are COSEWIC assessed. In order to be consistent with this new Canadian regulation regarding species at risk, we believe it’s appropriate to require the fishery to follow similar protocols as the “SARA Listing Policy and Directive for “Do Not List Advice” have been met for any COSEWIC assessed species. As you may be aware, we’ve had major delays in Canada regarding the implementation of fisheries policies, and this is a concrete way that MSC can help ensure that species-at-risk are being managed appropriately in its certified fisheries.

### **Sensitive habitat:**

As we communicated to the audit team last year, there has been extensive research on sensitive benthic habitat on the Scotian Shelf, and these areas have been mapped (see submission to surveillance audit 1). In our view, the 2<sup>nd</sup> surveillance audit requirements for “the evaluation of the risk of serious or irreversible harm” to this habitat (conditions 6 to 9) compels the fishery to provide maps which indicate both mobile and fixed gear fishing footprint on these sensitive benthic areas. From what we understand, information on the fishing footprint is currently available – once it is mapped, the impact on known sensitive benthic areas can be assessed, as the impacts of various gear types on benthic habitat has already been documented (CSAS 2006)<sup>2</sup>. We recognize again that the majority of this fishery is prosecuted with hook and line gear, however recent research in the Azores<sup>3</sup> and Alaska<sup>4</sup> shows that bottom hook and line also impacts deep sea corals. This will make it possible for the fishery to fulfill its 4<sup>th</sup> year milestones, which must result in closures in areas where fishing footprint overlaps with sensitive benthic areas.

We would also like identify concerns we have with the impact of this fishery on existing closed areas. The Stone Fence closure was established in 2004 to protect sensitive *Lophelia pertusa*, a colonial cold water coral. DFO presented a proposal in fall 2014 to extend this closure due to concerns over line drift into the closure area, which was potentially damaging the corals (SFGAC meeting, October 1, 2014). Since that proposal, DFO has now documented what appear to be intentional incursions by the halibut fleet into the coral closure (reported at the SFGAC meeting, March 23, 2015). There are

<sup>2</sup> [http://www.dfo-mpo.gc.ca/csas/Csas/status/2006/SAR-AS2006\\_025\\_E.pdf](http://www.dfo-mpo.gc.ca/csas/Csas/status/2006/SAR-AS2006_025_E.pdf)

<sup>3</sup> Sampaio, I., et al. "Cold-water corals landed by bottom longline fisheries in the Azores (north-eastern Atlantic)." *Journal of the Marine Biological Association of the United Kingdom* 92.07 (2012): 1547-1555.

<sup>4</sup> Stone, R., D. Stevenson, and S. Brooke. "Assessment of a Pilot Study to Collect Coral Bycatch Data from the Alaska Commercial Fishing Fleet." (2015).

now two problems: the unintentional AND the intentional infringement on one of the few existing coral closures on the Scotian shelf. This undermines the fishery's ability to meet its conditions regarding benthic habitat, as there is documentation of closures being violated. We urge the audit team will address this issue immediately with the fishery and require remedial action.

We are available at your convenience to discuss these important issues. We hope that the halibut fishery can be a leader in sustainability, particularly in relations to species at risk and sensitive habitat and best practices regarding stock rebuilding and monitoring.

Sincerely,

Catharine Grant



Susanna Fuller

Ecology Action Centre, Marine Program

