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RE: Surveillance Audit of Eastern Canada Offshore Lobster Fishery

We are writing to input information for consideration and response in the Annual Surveillance Audit of the Eastern Canada Offshore Lobster Fishery. We continue to have concerns that details about the fishery in the MSC assessments and audits do not accurately reflect the way the fishery is prosecuted.

Gear tending and soak time

The 2016 MSC surveillance report confirms from the OLJCMC meeting notes that the fishery does not have an exemption to the 72 hour rule for gear tending in the Atlantic Fisheries Regulations. We note, however, that the MSC assessment states the traps are soaking for 4-5 days, which would be outside the legal regulation. Further, it is difficult to understand how one boat, even such a large boat as the Randell Dominaux is able to fish between 3000-5000 traps within the 72 hour regulation.

We are concerned about this for a number of reasons:

1. Lobster cannibalism – despite apparently healthy populations the risk of increased cannibalism the longer traps are soaked in the water means that all mortality is not being taken into account for the target stock. Such a waste of lobsters through cannibalism may also be having an effect on the inshore stock as the migration and mixing between the inshore and offshore, especially for juveniles is not yet fully understood. Fishing practices should minimize waste and the fishery should be recording all relevant data.
2. Information on bycatch of other species - longer soak times mean more species could be getting trapped and eaten by the lobsters before the trap is hauled. Again, this would also mean the reported numbers for bycatch may not reflect the actual mortality. This is particularly concerning for any at risk species that may have increased impact. It is not clear this is taken into account for scoring of information PIs 2.1.3, 2.2.3, 2.3.3
3. Increased risk of fatal entanglement of Atlantic right whale and other whales as well as sea turtles is of concern if the traps are soaking for longer than regulations allow.

We request the assessment team provides information showing the actual soak times in this fishery. This information could be verified through the fishery's electronic logbooks that show the time each line of traps is in the ocean between hauls. We would also request the assessment team seek full information on parts of lobsters or other animals that have been counted in traps as an indicator of numbers that may have been eaten before the trap is hauled. This information may be available

through the observer notes or through any at sea boarding check performed by the DFO C&P in recent years.

We also note that there is little information in the assessment about where the fishery is storing traps that are not fishing. There is concern that the fishery is leaving thousands of the traps on the bottom with the escape hatch open to await the next fishing times. This would have impacts on the bottom habitat and also increases risk for entanglements with floating end lines being left offshore for long periods of time. If this is the case, we would like to know under what regulations this practice is allowed.

Atlantic Right Whales

The above concerns are particularly relevant with the recent increased observations of Atlantic right whale deaths. You may be aware that so far this year the dedicated aerial survey has found 10-11 dead Atlantic right whales in the Gulf of St Lawrence. While this is not the area fished by this fishery, each death with such a small, vulnerable population is a concern for cumulative impacts on the species. Survey researchers expect the whales to be moving back towards the Scotian Shelf and Bay of Fundy later in the summer and in the fall where there will be increased risk for interaction with this fishery.

At least four of the dead whales were found entangled in trap fishing gear this season and in recent years there have been 1-2 whale death attributed to lobster or crab fishing gear entanglement (pers. communication with New England Aquarium lead researchers). Researchers note these are only the whales directly observed and while right whales tend to float when dead, many other whales will sink before their entanglements are observed.

We would like to know what the fishery is doing to address their possible impact on whales through entanglement, especially if there is a practice of 'storing' traps on the bottom with a lead line to a surface buoy for months at a time.

We would also like to know if the assessment team needs to consider cumulative impacts with other MSC certified fisheries impacting these species.

Research on soak times

The client may be pursuing a research study on soak time vs lobster catch and by-catch. If this is the case, for transparency and to ensure robust research, the study methodology should be proposed at the advisory committee and proper decision making including a range of stakeholders should be followed. This is especially important for the certification credibility since this fishery is currently fished by a single proprietor that has been given exclusive access to Canadian public resources for fishing.

Any study should be randomized in terms of time and location variables and not just based on variation following normal fishing operations. However, before any such study is allowed, the purpose of it should be considered carefully as it may lead to requests for exemptions to the 72 hour gear tending rule, which would have implications for fishery impacts throughout Atlantic Canada. Past research has shown little difference in catchability of lobsters after 2-3 days and the fishery is not having a problem catching its TAC, so clear justification for pursuing a study that increases risk to bycatch species should be weighed by peer review.

Advisory committee

The current advisory committee terms of reference, states that the enterprises must agree with decisions made. Though the committee is supposed to work by consensus, the fact that there is now only one enterprise and that there are no other stakeholders on the committee, this means the client wields disproportionate power over decision making and a large area of Canada's offshore resources. The committee should be opened to more stakeholders and any proposed research plans and changes to harvest rules should be peer reviewed and available to the public. The current IFMP is still not available on the DFO website.

'Biodegradable' fasteners

We note the assessment reports states the fishery uses 'biodegradable fasteners' to ensure the escape panels drop off any lost traps. This is not the correct term. The fasteners are metal and are supposed to corrode quickly. However, according to former DFO science researchers (pers communication July 2017) the science advice for the diameter of the wire required was not followed, which means the wire used takes more than a year to corrode. The fishery may consider taking this into account to further reduce risk of ghost fishing and could be proactive to install the advised smaller diameter wire. This is especially concerning if traps are being left on the bottom in the fishery practice and have increased risk of being lost.

We look forward to your response.



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