



Ecology Action Centre



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Steve Devitt
Intertek Fisheries Certification Ltd
1801 Hollis Street, Suite 1220
Halifax, Nova Scotia
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Dear Mr. Devitt:

Re: North West Atlantic Canada longline swordfish, 3rd surveillance audit

The Ecology Action Centre is one of Atlantic Canada's largest and oldest conservation organizations. Our marine program works at the local, regional, national and international levels to secure marine conservation outcomes. We have a long history of engaging on MSC certification, as well as on large pelagics. We are currently members of the Atlantic Large Pelagics Advisory Committee (ALPAC) and we advocate for population rebuilding and stewardship of marine fish populations that are in decline. We are also founding members of Seachoice, Canada's Sustainable Seafood program where we work with retail partners to improve their seafood purchasing practices. We are submitting our comments as part of the 3rd surveillance audit for Canadian North Atlantic Longline Swordfish as the Ecology Action Centre as well as on behalf of Seachoice.

We are particularly concerned that Department of Fisheries Oceans (DFO) initiatives that could potentially improve this fishery are not being finalized and/or implemented, and observer coverage rates are inadequate, particularly based on the number of COSEWIC status species that continue to be impacted through bycatch in this fishery. Our concerns related to each condition are described below.

Condition 3

In the second audit, the team noted "that 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."

The Ecology Action Centre is not confident that removals have been adequately estimated for porbeagle or that actions are taken when the maximum levels are exceeded. We believe that 5% observer coverage is inadequate to confirm removal levels. The certification of this fishery was granted under several conditions requiring a better understanding of this fleet's impacts on

threatened and endangered species. Monitoring of the at-sea catch is paramount to this understanding. DFO's review of observer coverage in this fleet in 2012 clearly indicated that observer coverage needed to increase to at least 20% in order to begin estimating the level of bycatch.¹ Many of the world's leading fisheries, including two pelagic longline fisheries for swordfish, are moving towards 100% observer coverage levels.

Further, "the audit team is concerned that the year 3 milestone will not be met as the tentative SCRS assessment schedule indicates that the next porbeagle assessment would take place in 2017, after year 4 of the current certification. The audit team notes that if it is not possible to have an SCRS assessment next year, a DFO peer reviewed assessment, the DFO Recovery Potential Assessment in response to the 2014 COSEWIC assessment, would be considered sufficient."

We strongly believe the DFO Recovery Potential Assessment for porbeagle does not meet the year 3 milestone. The RPA was only conducted **because porbeagle were re-assessed by COSEWIC as endangered during the time period that swordfish were certified**, revealing that porbeagle continue to be at risk of extinction. It was the SARA listing process that triggered an RPA because of the endangered assessment of the species, not action taken on behalf of the client or DFO. Further, the measures listed in the RPA do not mandate action by DFO on porbeagle, and we have little confidence that they will be implemented in their entirety. The existence of an RPA, in and of itself, does not necessarily have any impact on the fishery or management measures undertaken.. We are greatly concerned by the current lack of capacity within DFO to conduct ANY shark research or assessment. For these reasons, the audit team should leave this condition open.

Condition 4

Porbeagle

At the third surveillance audit client must provide the results of the SCRS assessment for porbeagle sharks, and any associated management measures adopted by ICCAT and the Canadian fishery. Since there is no SCRS assessment for porbeagle being conducted and there have been no associated management measures adopted by ICCAT and the Canadian fishery through ICCAT, it is clear that this condition cannot be closed. While a proposal to ban the retention of porbeagle sharks has been tabled at ICCAT for four years running, Canada has been one of the only, or the only country blocking this measure from being adopted. A similar measure has been tabled at NAFO, but punted to ICCAT as the governance body responsible for large pelagic /highly migratory species management. We have explained above why the existence of RPA should not be used to close this condition.

Condition 5

By the third surveillance audit, the client must provide evidence that there is a demonstrably effective partial strategy of management measures in place to ensure that the Canadian Atlantic

¹ Hanke, A.R., I Andrushchenko and G. Croft. 2012. Observer Coverage of the Atlantic Canadian Swordfish and Other Tuna Longline Fishery: An Assessment of Current Practices and Alternative Methods. DFO Can. Sci. Advis. Sec. Res. Doc. 2012/049: http://www.dfo-mpo.gc.ca/Csas-sccs/publications/resdocs-docrech/2012/2012_049-eng.pdf

Swordfish fishery does not hinder recovery and rebuilding of the blue shark stock. There must be some objective basis of confidence that the partial strategy will work, based on some information directly about the fishery and/or the species involved and there must be some evidence that it is being successfully implemented.

The audit team concluded in the 2013 audit that, "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."

The Ecology Action Centre believes that the audit team should revisit this closed condition as management measures are not being implemented to manage excessive discards by DFO and ICCAT has not taken any management or conservation action with regards to blue sharks. We would like the audit team to re-visit this statement and provide factual evidence that this is the case.

In Campana et al. 2015, *Current Status and Threats to the North Atlantic Blue Shark (Prionace glauca) Population in Atlantic Canada*², the authors explain on the top of page 10, that at present, "there are no limits or estimates of sustainable mortality in place for blue sharks in Canadian waters." Further, Campana et al. 2015 explains that "there is no fishery-independent index of abundance for blue sharks in Canadian waters. Standardized catch rates from observers on pelagic longline vessels provide an index of local, short-term abundance, but do not appear to reflect population abundance. The reported catch of blue sharks grossly underestimates both the actual catch (sum of landed catch and discards) and the catch mortality. In recent years, almost all catch mortality can be attributed to hooking and post-release mortality in pelagic longlines." Based on this updated information from the last audit, it is clear that DFO has not taken measures to reduce excessive discards of blue sharks and there are no sustainable mortality estimates in place. Therefore, the Ecology Action Centre urges the audit team to re-open this condition. Additionally, observer coverage levels continue to be too low to generate accurate estimates of bycatch and discards of blue shark.

Conditions 6, 7, 8

Similar to comments in previous years and to comments for other conditions in this document we have ongoing concerns as to whether the underpinning observer program is of sufficient coverage to accurately understand the extent of the fleet's interactions with loggerhead turtles.

By the end of the 4th surveillance audit, the fleet needs to be able to demonstrate that their fishing practices are highly unlikely to create unacceptable impacts. Two main pieces of information are required to understand this; first, how much interaction is there and second what is the mortality rate of those turtles interacting with longline gear.

² Campana, S.E., Fowler, M., Houlihan, D., Joyce, W., Showell, M., Miri, C., and Simpson, M. 2015. Current Status and Threats to the North Atlantic Blue Shark (*Prionace glauca*) Population in Atlantic Canada. DFO Can. Sci. Advis. Sec. Res. Doc. 2015/026. v + 44 p.

The second surveillance audit reported both that the fleet had a completed a “*statistically robust estimation of bycatch levels*” but later in the same document it is reported that “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%).” It should be noted that many other components of the LCAP and the post-release studies are irrelevant if a reliable understanding of the location and frequencies of interaction is not fully understood. In particular sections 3.1, 3.4, 4.1., 4.2, and 4.4 are premised on statistically robust data.

With respect to release mortality, we appreciate the efforts to further a better understanding. It is apparent from the DFO update (July 7, 2015) the program is behind schedule due to technical reasons pertaining to the release mechanism of the tags. We would like to reiterate that the findings of the post-release work will need to be integrated with the observer data to understand the extent of the impacts. Until observer data is reliably collected in a statistically robust manner consistently between years the fleet will not be able to satisfy the loggerhead turtle related conditions imposed by this certification.

Finally, we have never accepted the LCAP as a defensible public document to address recovery of an endangered species in Canada. The Government of Canada has not yet listed loggerhead turtles under Schedule II of the Species at Risk Act. Listing under the Act will require a publicly vetted recovery and action plan.

Condition 9

At the third surveillance audit, the client must provide evidence of: 1. Canadian efforts at ICCAT to encourage the adoption of a policy for application of the precautionary approach to fishery management decisions.

Canada has tabled a proposal on the precautionary approach at ICCAT in 2013 and 2014, however, these recommendations were not adopted by the Commission. Further, Canada was at the same time proposing measures that cannot be considered precautionary. For example, Canada was advocating for a bluefin tuna quota increase that only had a 50% chance of maintaining the stock at or above current levels at a time when the stock is still only at 55% of 1970s levels. Canada proposed this increase in tuna quota, at the same time that the Canadian government is reviewing listing the blue fin tuna on under the Species At Risk Act given that its current status continues to be endangered. Moreover, there is evidence that the precautionary approach is being utilized only selectively in Canadian fisheries management; the mackerel, herring, and cod fisheries are some examples where removals have not always been reduced when the stock is in the “critical zone,” and there is no evidence of comprehensive implementation the 2013 bycatch policy, which was designed to reduce bycatch levels.

Condition 11

By the second surveillance audit, the client must provide a copy of the final version of the research plan which provides a strategic approach to research and reliable and timely information sufficient to achieve the objectives consistent with MSC Principles 1 and 2. The Ecology Action Centre is concerned that none of the shark work detailed in the research plan is being done because of a lack of capacity right now at DFO. Since Dr. Steve Campana has retired there has been no one to replace him. We have heard that there will not be a replacement before January, 2016 at the earliest. We recommend that the audit team revisit this condition in light of this.

Conclusion

It is the opinion of the Ecology Action Centre and SeaChoice, based on the facts we state above, that the certification of this fishery continues to be a blight on MSC's record, for the following reasons:

- There has been little improvement in the bycatch of endangered and vulnerable shark species;
- Observer coverage levels continue to be inadequate; and,
- DFO does not have the capacity or current programming to successfully implement or finalize initiatives that could potentially improve this fishery.

The fishery itself can take on the top two of our concerns by adopting 100% video monitoring so that bycatch levels can be quantified and population based bycatch limits imposed. Other similar fisheries have undertaken such work, and with significant reductions in bycatch as well as great improvements in industry stewardship. Quantification of reduction of bycatch through the use of swordfish harpoons in the longline fishery should also be part of this work. We also recommend that DFO re-instate the Ecosystem Working Group of the Atlantic Large Pelagics Advisory Committee to review previously developed workplans and address capacity gaps in achieving important science based work that will ensure that this fishery certification leads to conservation, rather than further depletion of apex predators. We are also seeking any clarification about how this fishery will be impacted by harmonization requirements. As you know, we believe that P2 should be harmonized for this fishery across certifications.

It is our sincere hope that accuracy will be improved in the next assessment report. As you know, we officially objected to the certification of this fishery, and subsequent audits following certification have done little to convince us that certification is resulting in positive changes in this fishery or conservation measures for species at risk. Given the work that MSC is doing to promote its brand and gain more consumer facing recognition as well as chain of custody agreements, it seems that MSC as an organization should be putting more focus on the impact of this certification on its overall credibility as an eco-label.

Sincerely,

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Steering Committee, SeaChoice

Katie Schleit

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