

**SAI Global
Snow Crab Expedited Audit Team**

Re: Expedited Audit Comments for Gulf of St Lawrence and Scotian Shelf snow crab

January 30th, 2018

As follow up to our discussion at the site visit for this expedited audit we would like to submit a summary of those comments for any publication need. Since the site visit, we have had a number of discussions with the certificate holder as well as Gulf crab fleets about mitigation plans and actions to start addressing the risk of North Atlantic right whale entanglement with their gear.

We are pleased that the fleet is taking this situation seriously and being proactive in their exploration of mitigation options. We note that DFO Minister LeBlanc has recently announced some initial measures to be in place for the 2018 season. These are a good first step, however should not be considered a comprehensive plan. Ultimately, there will need to be a significant reduction of rope in the water by these fleets, as well as other trap fisheries in the region, some of which are also SAI Global clients for their MSC certification. Preventing entanglements and reducing the risk of entanglement must be the priority rather than reactionary measures such as disentanglement or 'dynamic management' that aims to clear traps when whales are already in an area.

An open, transparent consultation and planning process coordinated by DFO will be vital to ensure evidence based mitigation and testing programs are invested in, monitored, adapted, and evaluated. This process must include the fleets as well as experts and researchers external to DFO. While the Gulf crab fleet representatives and MSC certificate holder have been proactive in consulting with us and other NGOs and researchers during planning, we still have not been updated or consulted with by the Maritimes or Gulf Region DFO personnel currently leading on mitigation planning. This is despite several attempts to receive updates. This should be reflected in the scoring of this assessment. For example, there is a standing multi-stakeholder take reduction committee in the Maritimes region that has let the government know they are ready to meet, but have not been used for consultation. We should note that the Scotian Shelf fleets have not been as proactive in addressing their risk as the Gulf fleets during this audit. Having peer-review input on mitigation strategies and actions is critical in this situation to ensure we are not repeating mistakes of other jurisdictions, using limited funds in ways that will make a difference, and supporting equity in any gear transitions that need to be made by fleets.

Principle Indicator Re-Scoring

Despite the fleet and certificate holder's proactive work at the moment to make a plan for addressing their impacts on North Atlantic right whales, until their risk for entangling whales has been reduced and shown to be effective the fishery should not pass 60 for several PIs.

This information is relevant to both the Gulf of St Lawrence and Scotian Shelf fisheries. While there are now direct observations of crab gear from the Gulf entangling right whales, there is sufficient evidence that the crab pots on the Scotian Shelf are at high risk to interact with right whales passing through. A lack of direct observation of entanglement from a particular fleet's gear should not lead to an automatic pass. There is sufficient evidence of entanglement rates and timing to know that Canadian trap fisheries are all posing some risk and must take serious mitigation actions.

While much of the information below was known at the time of the re-assessment, some of it was not taken into account and with the interactions and high risk established for these fleets of whale interactions should be reviewed in this light for the expedited audit.

PI 2.3.1

2.3.1a

The following information was incorrect or missing from the last published report for the Gulf and Scotian Shelf certificates.

- Grand Manan and Roseway basin are not conservation areas for fisheries – just for shipping regulations and impose no regulations on the crab fleets. As well, the Critical Habitat order for Roseway and Fundy just went into effect Dec 13, but that does not impact fishing activities in any specific way.
- The fleets do not have a harm permit for North Atlantic right whales. This is required under SARA to authorize a person to undertake activities in affecting a listed wildlife species, any part of its critical habitat or residences.
- The limit for North Atlantic right whale deaths is 0 under SARA regulations, unless you have a permit to harm.

The fleet is not within the limits and cannot attain the 60 mark.

2.3.1 b and c

There is not sufficient justification to score this fishery over 60. There is clear evidence that entanglements with trap gear is the leading reason for continued population decline in North Atlantic right whales and all trap fisheries in the region are likely contributing.

There are now multiple years – 2015, 2016, 2017 – with officially documented right whale entanglements in crab pot gear (see The Anderson Cabot Centre for Ocean Life's data input for the audit and past assessment reports).

This impact on right whales should not be balanced out in scoring by higher scoring in terms of wolfish and leatherback sea turtles as the risk is not as high, nor is it clear that they have permits to harm for either species.

PI 2.3.2

2.3.2a

Again, as above, we note the fishery does not have a permit to harm right whales under SARA.

Nor is it clear that they have permits to harm for either wolffish and leatherbacks. There are, as of the time of this audit, no measures in place to reduce North Atlantic right whale entanglements in these fisheries. They cannot be scored as if there were.

2.3.2 b

There is no evidence that there is a reduction in mortality or any measures in place to achieve this. In fact, the opposite is true. Evidence is increasing that mortality rates continue to climb for right whales as a direct result of entanglement and recovery is not occurring for this population. The fishery cannot meet the 60 as the gear is having a direct impact and there are no measures for improvement yet. As stated in 2.3.2c by the assessment team, "No management measures have been taken in Canada to reduce the risk of Whale entanglement in fishing gear and levels of observer coverages differs by area and gear."

There is no jurisdiction that has yet succeeded in reducing entanglements and no evidence for this scoring that anything is effective in Canada.

2.3.2 d

The rationale as written in the PCR can no longer be true: "there is no clear evidence that is being implemented successfully and is achieving its objective as set out in scoring issue (a) or (b) at this time. Evidence for this is the downward trends in the population growth, declines in calf abundances, and higher increases entanglement events rates in recent years. Nevertheless, there is existing information that interactions are low for snow crab trap fishery. It meets the SG80d score "

The fisheries cannot meet the 60.

2.3.2e

This scoring post is supposed to have the fishery itself reviewing possible mitigation measures and addressing why they are not in place. The fishery management review for primary species should not count here. The review of the right whale strategy leaves the mitigation measures at a general level and calls for specifics to be researched, tested, etc – this has not happened for this fleet.

PI 2.3.3

There is currently not enough information to assess impacts of the fishery on right whales. This is clear from recent meetings and post-season discussions. SARA logbooks are not the correct tool for recording this information as the entanglements are not happening while the boats are there to observe and note it in a logbook.

The level of detail needed eventually will be for each trap haul, overlaid with areas of use similar to what fleets in the Pacific region of Canada have done for humpback interactions. This is needed to inform comprehensive management strategies in the future. DFO needs to ensure funding for aerial surveys, other data collection, and a centralized coordinated collection and dissemination team is in place.

PI 3.2.2

Management measures and decisions are not taking into account the ecosystem impacts nor demonstrating how the Precautionary Approach is being used. We now know that the decision to raise quota significantly for the 2017 season definitely contributed to the amount of gear in the water and the risk of entanglement.

Review of the right whale recovery strategy effectiveness

The PCDR for snow crab (particularly for the Scotian Shelf) refers to the recent Review of the Recovery Strategy for NA Right Whales undertaken by the working group. While it is good that the review took place, the review in itself has not lead to actions and a clear finding of the review was that there has not yet been sufficient actions and reduction of gear entanglements is not yet effective.

<http://www.dfo-mpo.gc.ca/species-especes/whalereview-revuebaleine/review-revue/narightwhale-baleinenoirean/index-eng.html>

Of particular note for this Expedited Audit is recovery objective #2: Reduce mortality and injury as a result of fishing-gear interactions (entanglement and entrapment). In relation to the crab fleets, the end line reduction is not applicable and there are no actions specified. At the moment, the most they have done is voluntary guidelines or slack line, reporting, and disentanglement – but it is not clear if this is in their CHPs for the area. Furthermore, there is no measure of compliance with recommended procedures. It is therefore unknown if these voluntary standard practices are actually implemented or effective. It is clear from the review that the action planning and strategy have not been pursued seriously.

Mitigation planning and strategy

The key need is to work with mitigation researchers to test gear, monitor, evaluate, refine, test again and they need to be doing it in the upcoming season. We are encouraged that the traditional midshore fleet will be pursuing gear testing in 2018. The DFO must work with all fleets to support testing on different boats and in different areas. Mitigation techniques that are put in place need to be evidence based and work with fleets and researchers in other jurisdictions, especially the US, to ensure we are not repeating costly mistakes.

It is imperative that we do not continue to rely on disentanglement as the main reaction to this crisis. Prevention rather than reaction is required for North Atlantic right whale recovery.