

Date: 13th May 2011

Ref: 82504

Dr. Daniel Hoggarth
Marine Stewardship Council
Marine House
1 Snow Hill
London EC1A 2DH
United Kingdom

Dear Dan,

**Re: VARIATION REQUEST: TAB DIRECTIVE 030
US PACIFIC HAKE FISHERY - REQUEST FOR INSEPARABLE OR PRACTICALLY INSEPARABLE
CATCH TO CARRY THE MSC ECOLABEL.**

The at-sea mothership and catcher/ processor sectors of the US Pacific hake fishery produce fish meal and fish oil products as ancillary products to their onboard processing. Portions of Pacific hake that remain after primary products such as fillet blocks and *surimi* are produced, are cooked in the fish meal processing factory. Fish oil is separated in the fish meal production process. The fish oil is used either on site as a clean alternative energy source, or it can be stored and sold for use in products for human consumption.

This letter sets out a request for approval for the inseparable or practically inseparable (IPI) catch from the certified US Pacific hake fishery to carry the MSC eco-label. The request is specific to fishmeal and fish oil products that are derived after primary products from the mothership and catcher/ processor fisheries (fillets, surimi and roes) are obtained.

This letter follows the approach described in TAB Directive 030 v.1, which states:

In order for Certification Bodies (CBs) to consider catches of non-target stock(s) within the scope of applicability of this directive, the following circumstances shall apply:

- a. The catches shall be inseparable or practicably inseparable from target stock(s);
- b. the total combined proportion of any catches of inseparable or practicably inseparable (IPI) stock(s) shall not exceed 15% by weight of the total combined catches of target and IPI stock(s) within the unit of certification in the most recent annual fishing year prior to commencing assessment;
- c. the IPI stock(s) are not an endangered, threatened or protected species as defined in paragraph 7.4.1 of the FAM v2.1,
- d. prior approval of the MSC has been obtained by the Certification Body. Prior approval of the MSC shall be sought in writing and the request for approval should be submitted to the MSC as early as possible in the assessment process. The request for prior approval shall include a detailed and substantiated description of how the catches under consideration fulfil the requirements of 4 a.-c., above.

Moody Marine Ltd
815 – 99 Wyse Road
Dartmouth
Nova Scotia
B3A 4S5
CANADA

Tel: (1) 902 422 455
Fax: (1) 902 422 9780

Noting Paragraph 4 d of the TAB Directive, we explain in this letter how the fishery products meet the requirements of Paragraphs 4 a-c. We also seek an exemption to paragraphs 6 - 14 of the TAB Directive, as permitted through meeting the requirements set out in Paragraph 5.

This request was previously discussed in person with Chris Ninnes and Amanda Stern-Pirlot by Dan Waldeck, Executive Director of the Pacific Whiting Conservation Cooperative in February (during the Seafood Summit). Mr. Waldeck subsequently communicated via email with Chris Ninnes in late March after requesting Moody Marine Limited commence preparation of this request.

Practically Inseparable Catch

This request for approval for IPI catch from the at-sea sectors of the US Pacific hake fishery to carry the MSC eco-label is undertaken on the basis that the small quantities of non-certified bycatch that may proceed to the fishmeal and fish oil production stages are practically inseparable from target stocks, due to:

- the small proportion of these in the large total quantities involved
- the nature of the process makes separation of catches impractical and wasteful of resources

The at-sea Pacific hake fishery is a large volume, very clean fishery. All bycatch excepting dogfish and jellyfish (and specific exclusions for prohibited species including salmon, halibut and crab) are processed in the fish meal factories aboard the vessels.

Table 1 (p 4, 5) presents the target and IPI species catch for the years 2006 – 2010. The total at-sea non-Pacific hake catch which could be included (excluding species such as dogfish) in fish meal or oil production did not exceed 2% in any of the five most recent years.

It should be noted that any catch of salmon, crab, halibut or other prohibited species has not been included in this analysis; these species cannot be landed and so would not be included in the IPI catch that went forward for processing into fishmeal and fish oil.

The analysis shows the total potential IPI catch in the Pacific hake fishery for the requesting two sectors varied between 0.19 % and 1.30 % of the total catch from the fishery. Dogfish are sorted from the catch because the skin is too rough for fishmeal factory machinery and do not proceed to processing. Without dogfish, potential IPI species varied between 0.29 % and 1.86% of the total catch of target for the mothership sector and between 0.10% and 0.70% for the catcher processor sector.

Stock status of IPI species taken in the US at-sea Pacific hake fishery

Bycatch data for the US at-sea Pacific hake fishery sectors are considered very reliable because all mothership and catcher/processor vessels carry two observers on all fishing trips.

Catch aboard each MS and C/P vessel is weighed using flow scales and motion-compensated platform scales. The flow scale and platform scale are tested daily to ensure the accuracy of the data collected by the NMFS-certified observer. The species composition of the catch is determined by the NMFS-certified observer. Because two observers are aboard each vessel the number of hauls sampled are high, at or near 100 percent. Vessels endeavor to provide conditions that facilitate large samples of individual hauls. The use of two observers, flow and platform scales, and high rates of sampling leads to very accurate catch accounting for Pacific whiting, non-whiting groundfish, and prohibited species.

The stock status of IPI bycatch species is presented in Table 2 (p 6). That assessment relied on various Pacific stock assessment and fishery evaluation (SAFE) reports (Pacific Fishery Management Council, various years) for much of the information used.

ETP Species in the US At-Sea Pacific hake fisheries

There are no ETP fish in the US Pacific hake at-sea processing sector fisheries other than some Chinook salmon from threatened stocks; these are already a prohibited species that cannot be retained. There are no other ETP species taken in the fishery.

Conclusion

On the basis of the analyses above, our opinion is that:

- a) The requirements of TAB-D-30 para 4 a)-c) have been met
- b) The requirements of TAB-D-30 para 5 have been met

We therefore request approval to allow IPI catches to be included within the scope of this certificate, and an exemption from paragraphs 6-14 of TAB-D-30.

Please do not hesitate to contact me at any time should you have questions or comments.

Sincerely,
Moody Marine Limited



Steve Devitt
Associate Auditor

Table 1: Target and IPI species catch in the at-sea US Pacific hake fishery, 2006-2010.

	2006			2007			2008		
	Total Mothership*	Catcher/Processors	Total	Total Mothership	Catcher/Processors	Total	Total Mothership	Catcher/Processors	Total
ROUNDFISH (mt)									
Pacific whiting	60,900	78,864	139,764	52,976	73,263	126,239	72,375.00	108,121	180,496
Pacific cod				0.00	0.00	0.00	0.07	0.00	0.07
Lingcod	3.05	0.15	3.20	5.27	0.95	6.22	4.97	0.59	5.56
Sablefish				0.09	3.05	3.14	1.10	1.29	2.39
FLATFISH (mt)									
Dover sole				0.02	0.04	0.06	0.04	0.73	0.77
English sole				0.00	0.00	0.00	0.00	0.01	0.01
Petrals sole				0.01	0.00	0.01	0.00	0.00	0.00
Arrowtooth				1.15	1.85	3.00	3.26	3.03	6.29
Starry flounder				0.00	0.00	0.00	0.00	0.00	0.00
Other flatfish				0.11	0.16	0.27	0.08	0.38	0.46
ROCKFISH (mt)									
Pacific Ocean Perch	2.72	0.75	3.47	1.11	2.92	4.03	3.00	12.83	15.83
Shortbelly				0.01	0.00	0.01	0.00	0.00	0.00
Widow	74.40	67.00	141.40	73.05	72.77	145.82	62.41	52.37	114.78
Canary	0.99	0.10	1.09	1.65	0.35	2.00	1.36	2.43	3.79
Chilipepper				0.32	0.00	0.32	0.60	0.07	0.67
Splitnose				1.75	0.43	2.18	0.00	0.66	0.66
Yellowtail	105.21	3.41	108.62	50.61	29.02	79.63	97.39	76.60	173.99
Shortspine thornyhead				0.07	2.66	2.73	0.18	5.17	5.35
Longspine thornyhead				0.00	0.00	0.00	0.00	0.45	0.45
Thornyhead, unident.				0.00		0.00	0.00	1.43	1.43
Darkblotched	4.24	6.73	10.97	6.73	5.28	12.01	3.93	2.40	6.33
Yelloweye	0.02	0.01	0.03	0.00	0.01	0.01	0.00	0.01	0.01
Black				0.00	0.00	0.00	0.00	0.00	0.00
All other rockfish				5.07	27.69	32.76	6.16	70.07	76.23
REMAINING GROUND FISH									
Spiny Dogfish				91.47	63.24	154.71	185.49	488.77	674.26
All other groundfish				1.33	0.69	2.02	3.23	17.09	20.32
NON-GROUND FISH SPECIES (mt)									
American shad				12.52	1.95	14.47	0.48	0.42	0.90
Pacific herring				0.04	0.01	0.05	0.01	0.01	0.02
Squid (unidentified)				7.65	58.36	66.01	16.19	69.49	85.68
Jack Mackerel				0.09	0.28	0.37	1.87	2.08	3.95
Pacific Mackerel				0.14	0.00	0.14	0.00	0.00	0.00
Pacific Sardine				0.33	0.08	0.41	0.21	0.04	0.25
Mackerel (unidentified)				0.00		0.00	0.00		0.00
All other non-groundfish				3.63	47.17	50.80	4.07	80.02	84.09
Total Pacific Hake (Target) Catch	60,900	78,864	139,764	52,976	73,263	126,239	72,375	108,121	180,496
Total Non Target (IPI) Catch	190.63	78.15	268.78	264.22	318.96	583.18	396.10	888.44	1,284.54
Total Non Target (IPI) Catch	190.63	78.15	268.78	172.75	255.72	428.47	210.61	399.67	610.28
Total Catch	61,091	78,942	140,033	53,240	73,582	126,822	72,771	109,009	181,781
IPI species (less dogfish) as % of total	0.31	0.10	0.19	0.32	0.35	0.34	0.29	0.37	0.34

* - Mothership sector includes both tribal and non-tribal fisheries delivering to motherships

Source documentation - NMFS Pacific Whiting Fishery Summary, All Sectors for years 2006 - 2010

Table 1: Target and IPI species catch in the at-sea US Pacific hake fishery, 2006-2010 cont...

	2009			2010		
	Total Mothership	Catcher/Processors	Total	Total Mothership	Catcher/Processors	Total
ROUNDFISH (mt)						
Pacific whiting	37,544	34,620	72,164	52,023	54,285	106,308
Pacific cod	0.51	0.00	0.51	0.00	0.00	0.00
Lingcod	2.50	0.01	2.51	0.96	0.03	0.99
Sablefish	0.03	0.17	0.20	4.95	7.43	12.38
FLATFISH (mt)						
Dover sole	0.10	0.02	0.12	0.76	1.10	1.86
English sole	0.17	0.00	0.17	0.00	0.01	0.01
Petrale sole	0.00	0.00	0.00	0.00	0.00	0.00
Arrowtooth	2.26	0.26	2.52	7.73	5.26	12.99
Starry flounder	0.00	0.00	0.00	0.00	0.00	0.00
Other flatfish	0.37	0.10	0.47	1.73	8.69	10.42
ROCKFISH (mt)						
Pacific Ocean Perch	1.50	0.06	1.56	13.12	3.71	16.83
Shortbelly	0.00	0.00	0.00	0.00	0.00	0.00
Widow	25.00	0.96	25.96	39.47	5.01	44.48
Canary	2.31	0.23	2.54	1.04	0.14	1.18
Chilipepper	0.01	0.00	0.01	1.07	0.00	1.07
Splitnose	0.01	0.08	0.09	12.13	31.40	43.53
Yellowtail	169.30	7.71	177.01	129.02	21.04	150.06
Shortspine thornyhead	0.12	0.38	0.50	0.22	3.75	3.97
Longspine thornyhead	0.00	0.00	0.00	0.00	0.00	0.00
Thornyhead, unident.	0.00	0.00	0.00	0.00		0.00
Darkblotched	0.20	0.11	0.31	5.48	2.69	8.17
Yelloweye	0.00	0.00	0.00	0.01	0.00	0.01
Black	0.00	0.00	0.00	0.00	0.00	0.00
All other rockfish	2.04	8.47	10.51	7.23	17.45	24.68
REMAINING GROUND FISH						
Spiny Dogfish	134.75	27.81	162.56	167.30	110.33	277.63
All other groundfish	0.37	0.00	0.37	0.20	0.38	0.58
NON-GROUND FISH SPECIES (mt)						
American shad	1.03		1.03	0.13	0.00	0.13
Pacific herring	0.02		0.02	0.08	0.00	0.08
Squid (unidentified)	506.80	39.19	545.99	30.82	192.25	223.07
Jack Mackerel	0.00	1.40	1.40	0.01	1.43	1.44
Pacific Mackerel	0.00	0.00	0.00	0.10	0.00	0.10
Pacific Sardine	0.00	0.00	0.00	0.03	0.07	0.10
Mackerel (unidentified)	0.00	0.00	0.00	0.04	0.00	0.04
All other non-groundfish	1.11	12.08	13.19	13.36	81.54	94.90
Total Pacific Hake (Target) Catch	37,544	34,620	72,164	52,023	54,285	106,308
Total Non Target (IPI) Catch	850.51	99.04	949.55	436.99	493.71	930.70
Total Non Target (IPI) Catch less dogfish	715.76	71.23	786.99	269.69	383.38	653.07
Total Catch	38,395	34,719	73,114	52,460	54,779	107,239
IPI species (less dogfish) as % of total	1.86	0.21	1.08	0.51	0.70	0.61

Table 2: Stock status of IPI species caught in US at-sea Pacific Hake Fisheries

	Stock ID	Status	Source
ROUNDFISH (mt)			
Pacific cod	CW	Not assessed, ACL recommended at 1,600mt	PMFC & NMFS 2011 FEIS
Lingcod	N, S	Not overfished or approaching an overfished position	Hamel et al (2009)
Sablefish	CW	Not overfished, stock in precautionary zone between TRP and LRP	Schirripa (2007)
FLATFISH (mt)			
Dover sole	CW	Not overfished or approaching an overfished condition	Sampson (2005)
English sole	CW	Not overfished or approaching an overfished condition	Stewart (2007)
Petrale sole	CW	Overfished, rebuilding plan being developed	Haltuch and Hicks (2008)
Arrowtooth	CW	Not overfished or approaching an overfished condition	Kaplan and Helser (2007)
Starry flounder	N,S	Not overfished or approaching an overfished condition	PMFC & NMFS 2011 FEIS
Other flatfish			Ralston 2006,
ROCKFISH (mt)			
Pacific Ocean Perch	CW	Depleted, overfishing not occurring, rebuilding trending up.	Hamel (2009b)
Shortbelly	CW	Not overfished or approaching an overfished condition	Field et al, 2007
Widow	CW	Depleted, overfishing not occurring, rebuilding trending up.	He et al (2009)
Canary	CW	Depleted, overfishing not occurring,	Stewart (2009)
Chilipepper	CW	Not overfished or approaching an overfished condition	Field (2007)
Splitnose	CW	Not overfished or approaching an overfished condition	Gertseva et al (2009)
Yellowtail	N	Not overfished or approaching an overfished condition	Wallace and Lai (2004)
Yellowtail	S	Not assessed, probability recent catch exceeds 2010 OFL = 0.00	PMFC & NMFS 2011 FEIS
Shortspine thornyhead	CW	Not overfished or approaching an overfished condition	Hamel (2005)
Longspine thornyhead	CW	Not overfished or approaching an overfished condition	Fay (2005)
Thornyhead,unident.			
Darkblotched	CW	Depleted, overfishing not occurring, rebuilding trending up.	Wallace and Hamel (2009)
Yelloweye	CW	Depleted, overfishing not occurring,	Stewart et al (2009)
Black	N	Not overfished or approaching an overfished condition	Wallace et al (2007)
Black	S	Not overfished or approaching an overfished condition	Sampson (2007)
REMAINING GROUND FISH			
Spiny Dogfish	CW	Not assessed, probability recent catch exceeds 2010 OFL = 0.24	PMFC & NMFS 2011 FEIS
NON-GROUND FISH SPECIES (mt)			
American shad	CW	Max bycatch 0.0235% of total	NA
Pacific herring	CW	Max bycatch 0.0002 % of total	NA
Squid (unidentified)		Monitored species, not assessed due to life history	PFMC (2010)
Jack Mackerel	CW	Monitored species, no evidence of significant exploitation	PFMC (2010)
Pacific Mackerel	CW	Stock increasing, full harvest guideline not attained	Crone et al. (2009)
Pacific Sardine	CW	Not overfished or approaching an overfished condition	Hill et al. (2009)