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Comments on the DFO Document for Consultation: Proposed Elements of a Regulation to List Major Fish Stocks and to Describe Requirements for Fish Stock Rebuilding Plans

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Canada's fisheries are in trouble. It is estimated that 52 per cent of the biomass of Canadian fish has disappeared since 1970¹. Canada's fisheries need to be rebuilt, so we can reap the social, cultural and economic benefits that come with healthy oceans and fisheries. Fisheries and Oceans Canada (DFO) has a good policy framework in place to guide fisheries management decisions, and the proposed new amendments to the *Fisheries Act*, Bill C-68, includes provisions that require action to be taken to rebuild depleted fisheries. Bill C-68 leaves direction on the content and rigour of rebuilding plans, and the stocks to which these plans will apply, to be developed in regulations. Therefore, success on meeting the intent of the proposed amendments to rebuild stocks rests almost entirely on the development of strong regulations. Oceana Canada urges DFO to adopt regulations consistent with internationally accepted best practices, which have been effective in restoring fisheries abundance and improving their economic performance.

It has been demonstrated internationally that legislation and regulations requiring robust rebuilding plans can support the recovery of depleted fish populations. Under the Magnuson–Stevens Act in the United States, rebuilding plans that include clear targets and timelines are legally required when a fish population is deemed overfished. Since the legislation was enacted in 1996 the U.S. has rebuilt 45 fish stocks. In 2013 the National Resource Defense Council (NRDC) conducted an analysis of the increased commercial revenue of 28 rebuilt stocks finding that their value grew by 54 per cent after rebuilding².

Currently, only 34 per cent of commercial marine stocks in Canada are considered healthy, 15.5 per cent are considered cautious and 13.4 per cent (26 fish stocks) are considered critical³. While DFO has committed to developing rebuilding plans for stocks in the critical zone (DFO 2017a⁴, DFO 2018a⁵), only five of these stocks have rebuilding plans in place today even though some stocks have been listed as critical for decades. Northern cod, which has been under a moratorium since July 1992, is still without a rebuilding plan. An analysis by Oceana Canada⁶ found that four of the five existing rebuilding plans fail to meet the recommended content based on global best practices; an analysis of the fifth plan is underway.

¹ Hutchings et al. 2012

² Sewell et al. 2013. NRDC. Bringing Back the Fish: An Evaluation of U.S. Fisheries Rebuilding Under the Magnuson-Stevens Fishery Conservation and Management Act. <https://www.nrdc.org/sites/default/files/rebuilding-fisheries-report.pdf>

³ Fishery Audit. Oceana Canada. November 2018. <https://oceana.ca/en/publications/reports/fishery-audit-2018>

⁴ [DFO \(2017a\). Fisheries and Oceans Canada's Work Plans for Fiscal from 2017 to 2018 in Response to Recommendation 2.28, 2.63 and 2.65 in the Commissioner of the Environment and Sustainable Development's \(CESD\). http://www.dfo-mpo.gc.ca/ae-ve/audits-verifications/16-17/work-plan-travail-eng.html](http://www.dfo-mpo.gc.ca/ae-ve/audits-verifications/16-17/work-plan-travail-eng.html)

⁵ [DFO \(2018a\). Work Plans for Fiscal 2018-19. Fisheries and Oceans Canada's Work Plans for Fiscal 2018-19 in Response to Recommendation 2.28, 2.63 and 2.65 in the Commissioner of the Environment and Sustainable Development's \(CESD\) October 2016 Report 2 — Sustaining Canada's Major Fish Stocks — Fisheries and Oceans Canada. http://www.dfo-mpo.gc.ca/ae-ve/audits-verifications/18-19/work-plan-travail-eng.html](http://www.dfo-mpo.gc.ca/ae-ve/audits-verifications/18-19/work-plan-travail-eng.html)

⁶ Archibald, D. & Rangeley, R. The Quality of Rebuilding Plan in Canada. November 2018 https://www.oceana.ca/sites/default/files/the_quality_of_rebuilding_plans_in_canada_final_2018nov05.pdf?_ga=2.40287906.1838056969.1550683345-1077700647.1550683345

Experience from other jurisdictions, such as the United States and the European Union, confirm that to meet expectations set out in Bill C-68, the new regulations must provide specific direction on rebuilding targets and timelines, and consider all sources of fishing mortality. These changes will help bring Canada in line with other international standards.

Oceana Canada recommends the following requirements be incorporated into the new rebuilding regulations:

1. Timeline for rebuilding

To have the greatest chance of success, rebuilding should be done as quickly as possible once a stock declines, ideally before a stock reaches the critical zone defined by the Limit Reference Point (LRP). A rebuilding plan must have a specific maximum bounded timeline for how long rebuilding the stock will take based on the best available science. Usually, this is a maximum of 10 years or two generations with a 50 per cent probability of rebuilding under zero fishing mortality⁷.

2. Targets and reference points for abundance

Rebuilding plans must have clearly defined rebuilding targets and reference points based on the best available science. The target for a rebuilding plan should be to return the stock to a healthy level above the Upper Stock Reference (USR), which is at or near the biomass that supports maximum sustainable yield. If a stock cannot be rebuilt to the USR, then an exception to set a lower target, one well above the Limit Reference Point (LRP), could be allowed if the rationale for setting the lower target is published.

3. Inclusion of all sources of mortality and bycatch triggers

Estimates of the total rate of fish removal from the stock, due to fishing and natural causes, is critically important for managing stocks. In terms of fisheries management, it is most important to know the fishing mortality rate, which ideally includes information from all potential sources: directed commercial fisheries, recreational fisheries, bait fisheries, food-social-ceremonial fisheries, bycatch etc. All sources of fishing mortality must be included in all aspects of rebuilding plans and are particularly important for depleted stocks unintentionally caught as bycatch by multiple separately-managed fisheries. As some populations rebuild there will be pressure to increase their quota, this will increase pressure on non-target species that become bycatch in these fisheries. Failure to require bycatch triggers for co-occurring depleted species in rebuilding plans could result in the inability to rebuild stocks that are considered secondary or non-target species.

4. Cautious zone stocks and stock batching

⁷ <https://www.nap.edu/read/18488/chapter/5#31>

All stocks in the critical zone should be prioritized and included in the first batch of stocks in the regulations (as per *Fisheries Act* 6.3). The Sustainable Fisheries Framework recommends that “...if a stock is already in the critical zone, a rebuilding plan must be developed and implemented on a priority basis”. Additionally, there should be a complete work plan published for the batching of all major stocks. This work plan should have a deadline to be completed within five years of the regulations going into force.

5. Cautious zone stocks

Currently, 15.5 per cent of stocks (31 stocks⁸) are in the cautious zone. These stocks should be prioritized for listing in regulations. Additionally, the regulations should state that rebuilding plans must be created when a stock is in the cautious zone and approaching the critical zone. This is outlined in the Sustainable Fisheries Framework: “...the development of a rebuilding plan should be initiated enough in advance to ensure that plan is ready to come into effect at the boundary of the critical and cautious zones if a stock has declined and reached the lower reference point.”

6. Socio-economic benefits of rebuilding

Often, short-term socio-economic impacts of recovering a stock are presented as a barrier to implementing a rebuilding plan, even if the long-term benefits could be significant. Direction should be provided to consider the long-term socio-economic benefits of rebuilding.

7. Catch monitoring

Rebuilding plans should include detailed information on catch monitoring for all fisheries interacting with the stock. This should include details regarding catch monitoring objectives, tools, and targeted and achieved levels of use. In addition, clear rationale for determining program design recommendations for improving catch monitoring should be included in these rebuilding plans. There must also be systematic controls in place to ensure targets are met. Without robust catch monitoring, there is a risk that the data required to effectively manage our fisheries as they rebuild will not be collected.

ABOUT OCEANA CANADA

Established in 2015, Oceana Canada is an independent charity and is part of the largest international advocacy group dedicated solely to ocean conservation. We believe that the oceans can help feed the nine billion people projected to be on earth by 2050, and that Canada has a significant role to play in making this possible. By rebuilding Canada’s fisheries, we can strengthen our coastal communities, protect our cultural heritage, reap greater economic and nutritional benefits, and secure our future.

⁸ Fishery Audit. Oceana Canada. November 2018. <https://oceana.ca/en/publications/reports/fishery-audit-2018>