

May 3, 2019

# REBUILDING CANADA'S FISHERIES

Submission to the Senate Standing Committee on Fisheries and Oceans



## **ABOUT OCEANA CANADA**

Oceana Canada is an independent charity and part of the largest international advocacy group dedicated solely to ocean conservation. Oceana Canada believes that Canada has a national and global obligation to manage our natural resources responsibly and help ensure a sustainable source of protein for the world's growing population. Oceana Canada works with civil society, academics, fishers, Indigenous Peoples and the federal government to return Canada's formerly vibrant oceans to health and abundance. By restoring Canada's oceans, we can strengthen our communities, reap greater economic and nutritional benefits and protect our future.

## **Oceana Canada Recommendation**

Bill C-68 is an historic, transformational piece of legislation that could provide the legal framework needed to rebuild Canada's depleted fisheries and restore ocean abundance.

We are calling on the Senate Standing Committee on Fisheries and Oceans to ensure the intent and purpose of the rebuilding provisions is clear by making the following minor amendments:

1. Replace the undefined term "sustainable" in section 6.1 with "healthy," a well-defined term used in Canadian and global fisheries management policy. Removing this ambiguity will ensure the purpose of the rebuilding provisions is clear: to rebuild fisheries, whenever possible, to a healthy state;
2. Remove the term "major" in section 6.3 so that it applies more broadly to stocks, as there is currently no accepted definition for "major stock."
3. Encourage Fisheries and Oceans Canada (DFO) to continue to maintain data transparency and report on fisheries rebuilding progress by publishing an annual Report to Parliament on the status of Canadian fisheries.

## **CANADA'S FISHERIES ARE IN CRISIS**

The need to rebuild Canada's fisheries has never been greater. They remain depleted decades after collapse and we are in the vulnerable position of being dependent on only a handful of species. The most recent data shows that more than 50 per cent of the value of Canada's \$6.9 billion-dollar fishing industry is dependent on three species, two of which are crustaceans and one of which is farmed. DFO reports that Canada's top three species exported globally in 2017 were lobster (\$2.1 billion), snow/queen crab (\$1 billion), and Atlantic (farmed) salmon (\$909 million).<sup>1</sup> Moreover, Canada has gone from being the seventh largest producer of wild fish by weight in the 1950s to 21<sup>st</sup> place today.

## **CANADA HAS A LACK OF REBUILDING FISHERIES**

Canada does not have a history of rebuilding its depleted fishing stocks. There are currently twenty-six stocks are in the critical zone,<sup>2</sup> and only five have rebuilding plans – two of which were only released recently. Surprisingly, DFO continues to allow directed fishing on several stocks in the critical zone against its own policy. The critical zone is level below which fisheries management should never allow a stock to descend, even in the absence of a rebuilding plan. Northern cod, which collapsed in 1992, is still in the critical zone and DFO has failed to develop a rebuilding plan in the 27 years since its collapse. There is also no identified upper reference point, which is the level that indicates the boundary between

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<sup>1</sup> DFO. 2017 trade figures: Canadian fish and seafood exports continue to grow. <https://www.canada.ca/en/fisheries-oceans/news/2018/03/fisheries-and-oceans-canadareleases-2017-trade-figures-canadian-fish-and-seafood-exports-continue-to-grow.html>

<sup>2</sup> DFO. 2019 Sustainability Survey for Fisheries. <http://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/survey-sondage/index-en.html>

the cautious and the healthy zones. Successive management decisions made by multiple Fisheries Ministers have continued to allow fishing levels to steadily increase on this fragile stock. Northern cod has the dubious distinction of being the largest groundfish fishery in Atlantic Canada, while also nominally being under moratorium.

Northern cod was recently assessed to have had a mere four per cent increase in biomass, which has again prompted calls to increase its annual fishing quota by up to 30 per cent, despite the fact that the stock remains deep in the critical zone.

With the decade-old Sustainable Fisheries Framework,<sup>3</sup> DFO has a clear policy in place to implement rebuilding plans for depleted stocks; however, until recently there has been little commitment by governments to act on its policy guidance. The policy guidance leaves little room for interpretation:

*“When a stock has reached the critical zone, a rebuilding plan must be in place with the aim of having a high probability of the stock growing out of the critical zone within a reasonable timeframe. This plan must be associated with an appropriate monitoring and assessment of the condition of the stock to confirm the success of rebuilding. The plan must also include additional restrictions on catches, and a provision that application of the measures is mandatory if the evaluation fails to find clear evidence that rebuilding is occurring.”<sup>4</sup>*

It also makes clear that rebuilding plans should be developed before a stock crosses the critical zone threshold:

*“The development of a rebuilding plan should be initiated enough in advance to ensure the 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]. Developing a rebuilding plan may take considerable time and this should be taken into account in deciding when to initiate the process. In some cases, a plan could be initiated when the stock declined past the mid-point of the cautious zone. If a stock is already in the critical zone, a rebuilding plan must be developed and implemented on a priority basis.”*

While laudable as a comprehensive policy, the nearly complete lack of the Sustainable Fisheries Framework’s use for dozens of stocks over many years points to a desperate need for legislative direction to ensure the fish stocks are managed sustainably, for the benefit of all Canadians.

### **CANADA MUST FULFIL ITS INTERNATIONAL REBUILDING OBLIGATIONS**

Strengthening the rebuilding provisions in Bill C-68 will help Canada fulfil its international commitments to maintain and rebuild fish stocks above levels that can produce Maximum Sustainable Yield. Canada is a signatory to The United Nations Agreement on Straddling and Highly Migratory Fish Stocks<sup>5</sup> and the Food and Agriculture Organization’s Code of Conduct for Responsible Fisheries.<sup>6</sup> Both agreements include several references to maintaining and restoring fish stocks. The most relevant instances follow:

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<sup>3</sup> DFO. Sustainable Fisheries Framework. <http://www.dfo-mpo.gc.ca/fm-gp/sustainable-durable/fisheries-peches/framework-eng.htm>

<sup>4</sup> DFO. Guidance for the Development of Rebuilding Plans under the Precautionary Approach Framework: Growing Stocks out of the Critical Zone. <http://www.dfo-mpo.gc.ca/fm-gp/pechesfisheries/fish-ren-peche/sff-cpd/precautionary-precaution-eng.htm>

<sup>5</sup> [http://www.un.org/Depts/los/convention\\_agreements/convention\\_overview\\_fish\\_stocks.htm](http://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm)

<sup>6</sup> UNFAO Code for Responsible Fisheries. <http://www.fao.org/docrep/005/v9878e/v9878e00.htm>

UNFA Article 5b) states that nations will: “ensure that [fishery management] measures are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield.”<sup>7</sup>

The FAO Code of Conduct’s section 7.2.1, states that nations should: “adopt appropriate measures, based on the best scientific evidence available, which are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield as qualified by relevant environmental and economic factors, including the special requirements of developing countries and 7.2.2 (e) states that: depleted stocks are allowed to recover or, where appropriate, are actively restored.”<sup>8</sup>

In 2002, Canada participated in the World Summit on Sustainable Development,<sup>9</sup> which outlined that maintaining and restoring stock levels at Maximum Sustainable Yield should be accomplished no later than 2015 to achieve sustainable fisheries.

### **OTHER JURISDICTIONS HAVE REAPED THE BENEFITS OF MANDATING REBUILDING**

Around the world, the catalyst for fisheries recovery, and the social, cultural and economic benefits that come along with it, has been a legally binding requirement to rebuild stocks. In the United States, the *Magnuson-Stevens Act* has some of the most stringent and effective legislation in the world, mandating rebuilding depleted fisheries. As a result of this legislation, as of 2017, the U.S. has successfully rebuilt 45 fish stocks,<sup>10</sup> resulting in more resilient ecosystems and greater economic opportunities for the fishing industry.

### **REBUILDING AND BILL C-68**

The new rebuilding provisions in Bill C-68 set expectations and provide direction to better manage Canada’s fisheries, and, if acted on, can set us on a path to renewed abundance. They include two important proposed measures that could help achieve this. First, it states that the Minister **shall** implement measures to maintain fish stocks at a sustainable level. Second, if a stock falls below its limit reference point, the boundary between the critical and cautious zone, the Minister **shall** develop a plan to rebuild the stock to or above that point and must set a timeline for its implementation.

Bill C-68 does fall short of requirements in place in leading global legislation, such as the *Magnuson-Stevens Act* in the United States and the *Common Fisheries Policy* in the European Union. However, if the rebuilding provisions outlined in Bill C-68 are effectively implemented in a timely manner, the result will be healthier oceans and more abundant fisheries.

Yet, there are still ways the Bill could fail our fisheries. Specifically, the term “sustainable” is undefined, the Minister retains broad power to exempt stocks for undefined “adverse socio-economic” reasons and stocks to which the legislation will apply must be included in new regulations, meaning the Minister could avoid taking action simply by never adding a problematic stock under the regulation.

### **RECOMMENDATIONS**

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<sup>7</sup> [https://www.un.org/depts/los/convention\\_agreements/texts/fish\\_stocks\\_agreement/CONF164\\_37.htm](https://www.un.org/depts/los/convention_agreements/texts/fish_stocks_agreement/CONF164_37.htm)

<sup>8</sup> <http://www.fao.org/docrep/005/v9878e/v9878e00.htm#72>

<sup>9</sup> UN. 2002. Report of the World Summit on Sustainable Development. Johannesburg, South Africa.

[http://www.unmillenniumproject.org/documents/131302\\_wssd\\_report\\_reissued.pdf](http://www.unmillenniumproject.org/documents/131302_wssd_report_reissued.pdf)

<sup>10</sup> NOAA. 2017 Report to Congress on the Status of U.S. Fisheries. <https://www.fisheries.noaa.gov/national/2017-report-congress-status-us-fisheries#the-year-in-review>

To address these ambiguities in Bill C-68, Oceana Canada is asking the Senate Standing Committee on Fisheries and Oceans to amend and strengthen the rebuilding provisions by:

1. Replacing the undefined term “sustainable” in section 6.1 with “healthy,” a well-defined term used in Canadian and global fisheries management policy. Removing this ambiguity will ensure the purpose of the rebuilding provisions is clear: to rebuild fisheries, whenever possible, to a healthy state;
2. Remove the term “major” in section 6.3 so that it applies more broadly to stocks, as there is currently no accepted definition for “major stock.”
3. Encourage DFO to continue efforts to maintain data transparency and report on fisheries rebuilding progress by publishing an annual Report to Parliament on the status of Canadian fisheries.

### **REBUILDING MEANS MORE FISH AND MORE FISHING**

Oceana Canada advocates for rebuilding fisheries because we want to see a future for Canada that includes more fish and more fishing. A report by the New Economics Foundation found that in the EU and neighbouring waters, “overfishing made the fishing industry economically vulnerable and caused coastal communities to crumble; and that instead of rebuilding stocks, the industry has become heavily subsidized by the taxpayer.”<sup>11</sup>

The collapse of Northern cod and other groundfish in 1992 devastated coastal communities, put 30,000 people out of work, and cost more than \$2 billion in federal aid, ending a fishery that had been active for almost 500 years. Fish plants closed, boats remained docked, and hundreds of coastal communities that had depended on the fishery for generations watched their economic and cultural mainstay disappear overnight.<sup>12</sup>

If Canada had a law that required action to be taken when overfishing occurred, it is possible that this tragedy would have been avoided. Had legal requirements to rebuild stocks been in place, the current state of the stock would likely be much healthier. Rebuilding fish stocks can add revenue and jobs<sup>13</sup> to communities. In the time since the U.S. legally required rebuilding depleted fish stocks, 45 stocks have been classified as rebuilt. By 2010, 28 of the most successful stocks generated 54 per cent more revenue than when they were overfished. In the EU, the number of stocks with a total allowable catch designed to produce Maximum Sustainable Yield has gone from two in 2007 to 53 in 2016. Cod, once collapsed in Europe, as it has in Canada, has recovered in the North Sea, in Norway and in the Barents Sea.

### **CONCLUSION**

A long series of poor management decisions made by successive governments over many decades has led us to the current depleted state of our fisheries. By passing Bill C-68 with a few simple amendments to clarify its intent and purpose, the Senate has a rare opportunity to help right an historic wrong: the chronic overfishing of our wild fish populations and set Canada on a path to rebuilding ocean abundance.

### **SUBMITTED BY**

Josh Laughren

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<sup>11</sup> NEF. 2010. Jobs Lost at Sea. Page 2.

<sup>12</sup> Heritage Newfoundland and Labrador. Economic Impacts of the Cod Moratorium. <http://www.heritage.nf.ca/articles/economy/moratorium-impacts.php>

<sup>13</sup> NEF. 2010. Jobs Lost at Sea. Page 2

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