



# Oceana Canada Recommendations for the 2024 Northeast Newfoundland Capelin Management Plan



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Fisheries and Oceans Canada  
Newfoundland and Labrador Region  
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**RE: Oceana Canada recommendations for the 2024 Northeast Newfoundland capelin management plan**

Dear Gary Bruce,

As a member of the 2J3KL (Northeast Newfoundland) Capelin Advisory Committee, we are writing today regarding upcoming management decisions pertaining to the stock. Oceana Canada appreciates the opportunity to participate in the process and applauds Fisheries and Oceans Canada's (DFO) commitment to transparency and inclusiveness in decision making. Our management recommendations are as follows:

1. **Pause the commercial capelin fishery until an Upper Stock Reference (USR) and Harvest Control Rules (HCRs) in line with the Precautionary Approach Framework (PA) are developed.**<sup>1</sup>
2. **Define an interim measurable biomass-related management target that accounts for capelin's role in the ecosystem.**<sup>2</sup>
3. **Initiate the development of a rebuilding plan as the PA states that risk tolerance for preventable decline is very low for stocks above their LRP but projected to remain stable or decline.** This plan should include:
  - a. A minimum stock biomass below which commercial harvesting is prohibited and;
  - b. A maximum harvest cap to reduce the probability of overfishing in years when environmental conditions are poor.

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<sup>1</sup> DFO. 2009. A Fishery decision-making framework incorporating the precautionary approach. <https://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/precaution-eng.html>

<sup>2</sup> DFO. 2022. Guidelines for Implementing the Fish Stocks Provisions in the *Fisheries Act*. [Guidelines for Implementing the Fish Stocks Provisions in the Fisheries Act \(dfo-mpo.gc.ca\)](https://www.dfo-mpo.gc.ca/fisheries-act/act-act/act-act/guidelines-for-implementing-the-fish-stocks-provisions-in-the-fisheries-act-dfo-mpo.gc.ca)

We provide more detail on these recommendations below.

**1. Pause the commercial capelin fishery until an Upper Stock Reference (USR) and Harvest Control Rules (HCRs) in line with the Precautionary Approach Framework (PA) are developed.**

The 2024 capelin assessment showed that the 2J3KL capelin stock biomass index has remained largely unchanged since 2017 and is at only 9 per cent historical biomass and well below 1985-1990 levels. With the 2J3KL capelin stock now proposed to the Fish Stock Provisions (FSP) of the *Fisheries Act*, there will soon be a statutory requirement to rebuild and keep the stock above the LRP as outlined by Section 70 (5).<sup>3</sup> DFO must follow the science and law at this crucial juncture to protect capelin and give the population a chance to rebuild.

This year's assessment showed that the capelin stock continues to face challenges including late spawning, early maturation and a truncated age structure which is resulting in lower overall reproductive potential for this stock. Although there has been a modest increase in the biomass index estimate, DFO Science is still unable to quantify the impact of the commercial fishery targeting roe-bearing females on the stock. The effects of capelin's depressed state continue to reverberate throughout the Newfoundland and Labrador marine ecosystem since capelin are the dominant forage fish in the northwest Atlantic and a key driver of cod biomass dynamics.

We continue to be supportive of DFO's "capcod" model to set the LRP for capelin, based on the history of the stock trajectory and biology, and its importance to the ecosystem. However, given the dramatic reduction in the LRP, from 640 kt to 155kt from 2023 to 2024, DFO must confirm that this stock is in the cautious zone by developing a science-led USR. As the LRP should be treated as the baseline rather than the ceiling, we are encouraged that the stock is above this threshold for serious harm but work to rebuild this stock into the healthy zone remains. Furthermore, the interdependence between northern cod productivity and the availability of capelin underscores the necessity for clear targets and objectives within a rebuilding plan. The stability of the capelin/cod ratio since 2017 suggests that current management practices are maintaining both stocks at the limit rather than facilitating their growth.

The upcoming management decisions regarding cod and capelin will serve as a litmus test for how well the Minister adheres to both the letter and the intent of the *Fisheries Act*, particularly under sections 6.2 and now under 6.1. As stipulated in section 6.1(1) of the Fish Stock Provisions, the Minister is mandated to implement measures that maintain major fish stocks at levels conducive to their sustainability, accounting for biological factors and environmental conditions.

This year's stock assessment confirmed that the stock remains largely unchanged in the past decade and is projected to remain the same or even decline next year. Until adequate

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<sup>3</sup> Public Works and Government Services Canada. 2022. Regulations Amending the Fishery (General) Regulations: SOR/2022-73. Canada Gazette, Part 2, Volume 156, Number 8. Government of Canada, Public Works and Government Services Canada, Integrated Services Branch. <https://www.canadagazette.gc.ca/rppr/p2/2022/2022-04-13/html/sor-dors73-eng.html>

management measures are put in place, including the development of a USR and HCRs, **we recommend pausing the 2J3KL commercial capelin fishery in 2024**. Our recommended approach is in line with the law (i.e., *Fisheries Act*), regulations (i.e., Fish Stock Provisions) and policy (i.e., Precautionary Approach Framework).

**2. Define an interim measurable biomass-related management target that accounts for capelin’s role in the ecosystem.**

The Guidelines for implementing the Fish Stock Provisions in the *Fisheries Act* (published in 2022) states that: “If a stock does not have a defined Removal Reference (RR), USR and/or Target Reference Point (TRP) at the time it is prescribed under the FSP, the management measures for 6.1(1) must seek to avoid declining to or below its LRP, avoid exceeding the RR, [and/or] define an interim measurable biomass-related management target.” As the 2J3KL capelin stock is to be batched under the Fish Stock Provisions in 2024, we recommend DFO follow its own guidance for stocks that don’t have an RR, USR or TRP. While the department fulfills its duty under the PA and confirms that the 2J3KL capelin stock is in the cautious zone, the goals of fisheries management must be to 1) avoid stock decline and 2) **define an interim measurable biomass-related target**.

**3. Initiate the development of a rebuilding plan as the PA states that risk tolerance for preventable decline is very low for stocks above their LRP but projected to remain stable or decline.**

As Deputy Minister Annette Gibbons stated to Oceana Canada in August of last year, “The department is committed to developing a rebuilding plan for 2J3KL capelin.” Further, she stated, “I recognize the important role that capelin play in the marine ecosystem as a food source for many other species, including commercially important groundfish stocks.”<sup>4</sup>

Following the best available science for 2J3KL capelin and guidance from the PA on harvest levels for stocks above their LRP that are either stable or declining, management actions must encourage stock growth in the short term and arrest preventable declines. The risk tolerance for preventable decline is very low for cautious zone stocks that are projected to decline, **requiring the development of a rebuilding plan** to be ready to come into effect if the stock declines further and reaches the critical zone.

Given the short-lived nature of capelin and its ability to undergo dramatic year-to-year changes in abundance, we are confident that the rebuilding plan working group will be able to identify measures to rebuild capelin to abundance in a short time period. We recommend that the rebuilding plan objectives account for capelin’s role facilitating energy transfer through the marine ecosystem, and for their unique fluctuations in abundance and recruitment based on environmental conditions. There will be multiple forage species rebuilding plans published by the department in the coming months that will showcase a number of objectives that can be used for 2J3KL capelin. These plans will include Atlantic mackerel, 4T spring Gulf herring, Haida Gwaii herring, and Northern shrimp. 2J3KL capelin can build on these advancements in other plans by setting both a minimum stock biomass and a maximum harvest cap.

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<sup>4</sup> Annette Gibbons, Deputy Minister of Fisheries and Oceans Canada. Correspondence to Oceana Canada dated August 8, 2023.

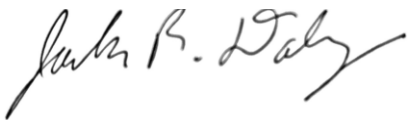
The minimum biomass threshold should be set at a level that preserves recruitment capacity during years with poor environmental conditions and ensures the ecological needs of predators that depend on capelin are provided. Although the LRP could be one proxy for such a threshold, we implore DFO to set a threshold that considers not only the necessary amount of capelin for cod but also other groundfish and seabirds. The PA already dictates a maximum acceptable removal reference for stocks “at or below FMSY or some other described metric of fishing pressure”. Forage fish management would see a harvest cap being set below the maximum sustainable removal reference. The difference between the target harvest rate and a maximum sustainable removal reference would serve as the ‘buffer’ to reduce the probability of fishing mortality exceeding that maximum rate in a year where stock biomass and recruitment is impaired by external conditions.

The rebuilding plan process also represents an opportunity for the department to address uncertainties raised by the 2J3KL Capelin Advisory Committee regarding the changes in capelin’s spawning behavior, and the need for investing in capelin science to the levels seen in the data-rich 1980s and 1990s. Investments should be made to increase monitoring of spawning beaches (both onshore and at deepwater demersal sites) and to expand the spatial extent of at-sea acoustic surveys where feasible. Further, the diets of other predators should be incorporated into future capelin assessments. For example, recent work has been published that shows the dependence that seabirds have on capelin, and the ecosystem impacts that occur when capelin are in low abundance.<sup>5</sup>

**In summary**, we understand that 2J3KL capelin, like other forage fish, face multiple stressors from warming waters, predation and fishing mortality. However, pausing the 2J3KL capelin fishery until modern fisheries management tools are in place will provide the best chance for this depleted stock to rebuild, rather than continue the 30-year level of stagnation that DFO has overseen. This decision will support healthy oceans and provide opportunities for coastal communities in Newfoundland and Labrador to steward prosperous commercial fisheries including groundfish like northern cod.

We appreciate the opportunity to provide input and we will continue to be engaged in the process to rebuild capelin to its former abundance.

Sincerely,



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<sup>5</sup> Davoren, G. K. 2024. Variable forage fish biomass and phenology influence marine predator diet, foraging behavior, and species interactions in coastal Newfoundland, Canada. ICES Journal of Marine Science, 0(0), 1–14. <https://doi.org/10.1093/icesjms/fsae021>