



RE: Oceana Canada Comments on Canada Gazette, Part I, Volume 158, Number 41: Regulations Amending the Fishery (General) Regulations

PRESENTATION TO FISHERIES POLICY FISHERIES AND OCEANA CANADA



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Mark Waddell
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RE: Oceana Canada Comments on *Canada Gazette*, Part I, Volume 158, Number 41: Regulations Amending the Fishery (General) Regulations

Dear Mr. Waddell,

In 2019, Oceana lauded the strengthened the *Fisheries Act*, as it created a legislative framework to advance sustainable fisheries management and protect Canada's fish stocks from overfishing and further declines. The Fish Stocks provisions have led to some progress in the consistency of science-based management decisions for listed stocks in the critical zone. Unfortunately, the overall health of fish stocks has not significantly improved, with 17% critical (33 stocks), 13.4% cautious (26 stocks), 35.1% healthy (68 stocks) and another 34.5% still uncertain (67 stocks)¹. This limited progress is due in part to the slow batching of stocks to which the new provisions apply, leaving many stocks unprotected, stalling recovery and leaving fishers reliant on a handful of lucrative stocks. Accelerating the listing of additional federally managed stocks is essential for the government to fulfill its commitment to rebuilding depleted stocks, sustainably manage healthy ones, and secure a legacy of thriving fisheries.

To support a robust and effective Batch 2, Oceana Canada recommends Fisheries and Oceans Canada (DFO) completes the following:

1. Maintain all 65 stocks currently proposed to be added to Schedule IX of the Fishery (General) Regulations.
2. Add 8 priority depleted stocks to the draft Batch 2 regulations.
3. Add 4 uncertain forage fish stocks that have a provisional status of critical or cautious to the draft Batch 2 regulations.
4. Initiate consultations on Batch 3, which should include all stocks that meet the policy criteria.
5. Publish a complete list of all remaining federally managed fish stocks with a proposed listing date, including time-bound steps required to meet policy criteria.

¹ According to Oceana Canada's annual fishery audit, the health status of marine fish stocks in 2019 was 17% critical (33 stocks), 15.5% cautious (30 stocks), 29.4% healthy (57 stocks) and 38.1% uncertain (74 stocks).

RATIONALE

Recommendation 1: Maintain all 65 stocks currently proposed to be added to Schedule IX of the Fishery (General) Regulations

Oceana supports and encourages the listing of all 65 stocks currently proposed in Schedule IX of the Fishery (General) Regulations. This is an essential step to sustainably manage and rebuild Canada's fish stocks and to meet the intent and direction of the Fisheries Act. Expanding the list of stocks the fish stock provision apply to from 30 stocks to 95 stocks reinforces Canada's commitment to sustainable resource management. The proposed addition is made up of 52% healthy (34 stocks), 31% cautious (20 stocks), 11% critical (7 stocks), and 6% uncertain (4 stocks). Among these, 18 are priority stocks identified by Oceana² in 2022 to address critical gaps by ensuring depleted stocks are regulated for recovery.

Key stocks like snow crab, lobster, and redfish are economically significant to Canadian fisheries, while species like capelin and herring are ecologically essential as forage fish that support the broader marine ecosystem. Adding these stocks helps protect from inconsistent decision-making, safeguarding both biodiversity and long-term fishery viability. For example, the capelin stock in NAFO Divisions 2J3KL collapsed in the early 1990s and has never been given the chance to recover. It requires a regulated, precautionary approach to management that accounts for its essential role in the ecosystem, especially given its critical link to Northern cod recovery. In addition, Southwest Nova Scotia/Bay of Fundy herring is critically depleted and requires a rebuilding plan that establishes targets that can be achieved within a specific recovery timeline. The decision this year to maintain a commercial fishery at 16,000 tonnes until 2027, while a decrease from previous years, does not follow Management Strategy Evaluation (MSE) harvest rules to rebuild in 10 years with a maximum harvest of 14,000 tonnes. Including this stock in Schedule IX allows for an updated, science-based framework to guide its recovery toward sustainable abundance.

Recommendation 2: Add 8 priority depleted stocks that are not currently listed the regulations

Oceana recommends that DFO adds the following 8 stocks to Batch 2: 5 critical zone stocks - **Haddock and American plaice in NAFO division 3Ps, Georges Bank Cod, Razor clam in Haida Gwaii, Southern Gulf Sea Scallop** - and 3 cautious zone stocks - **Dungeness crab, Greenland halibut in 4RST, and Atlantic dogfish** (Table 1).

The proposed list contains half as many critical stocks as the first batch, despite there being 16 more critical stocks³ without regulatory status. In comparison, Batch 1 had a higher proportion of critical stocks, with 47% (14 stocks) above the LRP and 53% (16 stocks) below. The current list has 83% (54 stocks) above the LRP, 11% (7 stocks) below, and 6% (4 stocks) with uncertain status.

The success of Batch 1, where 1–5 rebuilding plans per region were developed and implemented within two years, highlights DFO's ability to manage additional depleted stocks in regions currently lacking proposed critical stocks. With current resources⁴, DFO is well-positioned to develop rebuilding plans for critical stocks, establish Harvest Control Rules (HCRs) for cautious stocks, and set Limit Reference Points

² See Table 2 and 3 in: oceana.ca/wp-content/uploads/sites/24/2022/11/A2.-Rebuilding-Requirements-and-Priorities-1.pdf

³ According to Oceana Canada's annual fishery audit index stock list. Noting 3 stocks are managed through NAFO processes.

⁴ See Table 21 for 2024-25 planned fulltime equivalents in fisheries services and Table 17 for budgetary spending. There is a total of 14,198 fulltime equivalents including other core responsibilities and internal services within the Department and total budgetary spending of \$4,685,180,404: [2024-25 Departmental Plan \(dfo-mpo.gc.ca\)2024-25 Departmental Plan](https://www24.intelcom.gc.ca/2024-25-Departmental-Plan)

(LRPs) for stocks with uncertain status. This readiness is especially important as new priorities may emerge and future funding is uncertain.

Critical stocks in need of rebuilding plans (5 stocks)

Expanding the current batch to include more critical stocks that require rebuilding plans is essential to addressing regional gaps and stalled recovery efforts across Canadian fisheries. Some regions, like Newfoundland and Labrador, have critical stocks—such as **Haddock and American plaice in NAFO Division 3Ps**—that remain without any rebuilding plans, despite ongoing fishing pressures. The recent rebuilding plan for Atlantic cod in NAFO Division 3Ps, which allows for some level of fishery activity, risks impacting haddock and plaice stocks through bycatch. By adding these stocks to the list, coordinated management measures will improve bycatch management, bolster fisheries monitoring, and better support regional recovery needs. Similarly, the Gulf and Pacific regions each have only one stock requiring a rebuilding plan, which limits the broader impact that a more even distribution of these plans could have on critical stock recovery. To address this, five additional critical stocks are proposed to be included in this batch, including **Georges Bank cod** and **Razor clam in Haida Gwaii**, both of which already have existing or developing plans that could be enhanced to improve bycatch management, monitoring and collaboration.

The Gulf region has demonstrated a strong commitment to recovery efforts by implementing five rebuilding plans from Batch 1, which positions the region well to take on another critical stock. For example, **Southern Gulf sea scallop** faces fishing pressures and climate change impacts that are driving its decline, highlighting the need for a defined recovery target and timeline.

Broadening the list to include these additional stocks will result in two-thirds of all critical stocks requiring targeted recovery support, achieving a more balanced and comprehensive framework, advancing sustainable fisheries management and fostering resilience across regions and ecosystems. Remaining critical stocks not included in this expanded list include stocks that are managed through NAFO recovery strategies and stocks that should undergo steps to redefine biologically accurate units (e.g. Pacific shrimp stocks) and corresponding LRPs.

Cautious stocks in need of regulated management (3 stocks)

Some key stocks not yet included under the Fish Stocks provisions have been managed inconsistently, often lacking essential elements of the Precautionary Approach, such as harvest control rules and Upper Stock Reference (USR) points. In these cases, commercial interests have outweighed the need for precaution, resulting in greater pressures on depleted stocks. Even when HCRs and stakeholder consultations are in place, decisions sometimes disregard science advice and Indigenous knowledge without a clear rationale. This disconnect raises concerns about sustainable and equitable management, since long-term evidence-based decisions are essential to ensure long-term viability and prevent overfishing.

To address these risks and prevent further declines, three additional stocks—**Dungeness crab, Greenland halibut in 4RST, and Atlantic dogfish**—should be added to the proposed list under the Fish Stocks provisions. Dungeness crab management currently lacks alignment with local and Indigenous knowledge, while harvest decisions for Greenland halibut often fail to follow science-based harvest control rules (see Table 1 for details). Additionally, Atlantic dogfish suffer from unrestricted catches and poor monitoring, leading to high discard rates. By listing these stocks, management efforts would require a structured and science-backed framework aimed at supporting sustainable growth and mitigating risks of depletion.

Recommendation 3: Add uncertain forage fish stocks that have a provisional status of critical or cautious (4 stocks)

Oceana recommends adding these four stocks to Batch 2: **Atlantic herring - 2J3IKLPs, HFA1 to 11, Atlantic herring - 4R fall spawners, Atlantic herring - 4R spring spawners, Capelin - 4RST** (Table 1).

Listing key 'uncertain' forage fish stocks will advance work plan deliverables and, if confirmed as critical, will allow for the development of targets and timelines in a transparent and timely way that provides the best chance for stock recovery. As forage species, rebuilding these populations will have compounding benefits for the marine ecosystem and the groundfish populations that rely on them.

DFO must prioritize identifying a stock status for key stocks that Oceana Canada's assessment⁵ has found could be in the critical or cautious zone. We are recommending that four forage fish stocks be prioritized for listing as they are included in DFO's 2024-2025 fiscal year work plan to assign an LRP. These include **capelin and herring in Newfoundland and Labrador**, which are important for both maintaining healthy ecosystems and contributing to cultural and social values of coastal communities. Listing will ensure the establishment of precautionary benchmarks and end inconsistent management that is not reflective of changing science. It will require management objectives to be established such as biomass targets, allowing stocks to grow, as opposed to annual quota rollovers, some of which have remained unchanged for two decades.

Recommendation 4: Initiate consultations on Batch 3, which should include all stocks that meet the policy criteria.

Currently, around half of all federally managed stocks lack a timeline for listing. If batches continue to be added every three years at the current proposed size, it will take an estimated 16 years to apply regulations to all stocks. This extended timeline would leave many stocks without critical legal protection, slowing progress in rebuilding fisheries and safeguarding biodiversity, and clearly frustrate the intention of Section 6 of the Act.

Quickly initiating consultations for all remaining relevant stocks in a third batch is essential for fully leveraging these reforms. The successes and key lessons from Batch 1, and now Batch 2, are paving the way for more streamlined efforts by both DFO and stakeholders. Advancing this process supports a regulated, predictable, and collaborative framework for rebuilding that maximizes the benefits of effective fisheries management.

Recommendation 5: Publish a complete list of all remaining federally managed fish stocks with a proposed listing date, including time-bound steps required to meet policy criteria.

In the interest of accountability and transparency, we recommend the department append the finalized regulations with a table of the complete⁶ list of all remaining federally managed stocks alongside their

⁵ <https://oceana.ca/en/reports/a-fuller-picture-of-the-state-of-canadas-fisheries-assessments-for-data-limited-stocks/>

⁶ There are discrepancies between the DFO Sustainability Survey for Fisheries stock list and other, more comprehensive lists by Oceana Canada. The number of stocks included in the SSF has varied over time since the first release of stock-by-stock results in 2015 (n = 159 stocks) to the most recent results of the SSF in 2022 (n=195 stocks, of which 148 are marine fish and invertebrates and 47 stocks are marine mammals, diadromous fish, or freshwater fish (DFO, 2024c)). These stocks represent most of the landings from fisheries managed by DFO but are just part of all the stocks managed by DFO. Oceana Canada's Fishery Audit stock list is closer to representing all marine fish and invertebrate stocks that are managed within Canada and are subject to targeted

proposed listing date, and time-bound steps required to meet policy criteria. This list will not only allow for a systematic approach for listing stocks but provide critical inputs for future work plans that deliver on the Minister's mandate.

In 2022, DFO committed to prescribing the majority of the 180 federally managed key stocks in regulations, however the timelines to meet this commitment remain unclear for remaining stocks. DFO has the existing policy guidance to establish the steps required for listing stocks, including guidance on assigning an LRP to stocks across the data spectrum; a precautionary policy with guidance to initiate rebuilding plans well before the stock is in the critical zone; a monitoring policy to generate more timely and reliable catch data; and guidelines for implementing the Fish Stocks provisions for stocks that may not have reference points, such as USR, target, and removal references.

The next few years offer a crucial opportunity to implement regulations for all depleted stocks, which is necessary for DFO to rebuild and sustain healthy fisheries while minimizing biodiversity and economic losses. Accelerating the inclusion of all relevant stocks and ensuring strict adherence to rebuilding plans are essential for reversing the decline in fish populations and fulfilling Canada's national and global commitments to sustainable fisheries management and biodiversity conservation.

Sincerely,



Josh Laughren
Executive Director
Oceana Canada

Background

Oceana Canada is an independent charity established to restore Canada's oceans to be as rich, healthy, and abundant as they once were and is proud to be affiliated with the international family of Oceana organizations. We respectfully work with civil society, academics, fishers, Indigenous Peoples and the government. As an engaged member of fishery advisory committees across DFO Regions, we advocate for science-based fisheries management that rebuilds Canada's fisheries and allows fishers and coastal communities to reap greater economic and nutritional benefits both now and in the future.

or incidental commercial fishing pressure than the SSF. In Oceana Canada's Fishery Audits, efforts were made to continue to strive towards a comprehensive stock list by adding to the dataset any further stocks found in newly available information from departmental science reports, departmental work plans (n=230 stocks in 2024).

APPENDIX

TABLE 1: Priority critical, cautious and uncertain stocks (n=12) recommended by Oceana Canada to be included in the proposed second batch. According to DFO, major fish stocks are prescribed based on specific criteria. First, the proposed stocks are on DFO's Sustainability Survey for Fisheries (the Survey), an annual survey that tracks the implementation of DFO's Sustainable Fisheries Framework policies for the major harvested stocks DFO manages. Second, the proposed stocks have an established LRP, or there is a commitment to establish one. Finally, sufficient data is available on the proposed stocks to enable DFO to put in place management measures consistent with the requirements of the Fish Stocks provisions.

Stock name	Region	Status	Included in DFO's SFF	Established LRP or commitment to establish one	Rationale for inclusion, including sufficient data to inform management measures
Razor clam - Haida Gwaii	Pacific	Critical	Yes	Yes, established.	Stock has a rebuilding plan underway with the Council of the Haida Nation, with drafting ongoing and aiming for completion in this or the next fiscal year according to the DFO's 2024-2025 work plan. Previous collaboration with CHN on a plan for Pacific herring serves as an example of the benefits of working in partnership with Indigenous Peoples to develop and implement rebuilding plans.
Atlantic cod - Georges Bank	Maritimes	Critical	Yes	Yes, established.	Stock has an existing rebuilding plan since 2019, but the measures are insufficient to meet rebuilding requirements ⁷ . Triggering an updated rebuilding plan would allow for strengthening measures for interacting fisheries such as through improving monitoring and introducing bycatch measures.
Scallop - Southern Gulf of St. Lawrence	Gulf	Critical	Yes	Yes, established in 2024.	The latest advisory report ⁸ states, perhaps incorrectly or as an assumed next step, "This stock is prescribed under section 6 of the Fisheries Act." Fishing effort is driving population decline and the stock faces threats from climate change and predation by rock crab. A rebuilding plan with defined recovery target and timeline would inform appropriate harvest rules that are inclusive of ecosystem pressures. A major source of uncertainty is poor catch monitoring in logbooks. A rebuilding plan could also introduce a stronger and consistent monitoring program.
American plaice - 3Ps	Newfoundland and Labrador	Critical	No*	Yes, established.	While there is no direct fishing, other stocks under moratorium (e.g. four Gulf groundfish) have rebuilding plans in place to introduce effective measures in interacting fisheries and support rebuilding. Landings have averaged 200 tonnes in recent years, primarily from the cod fishery. The 3Ps cod rebuilding plan, however, focuses only on cod,

⁷ oceana.ca/wp-content/uploads/sites/24/the_quality_of_current_and_future_rebuilding_plans_in_canada_2019.pdf

⁸ https://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2024/2024_037-eng.pdf

					without measures for interacting stocks like haddock and plaice. Consistent rebuilding plans across groundfish reflect an ecosystem-based management approach.
Haddock - 3Ps	Newfoundland and Labrador	Critical	No*	Yes, established.	While there is no direct fishing, other stocks under moratorium (e.g. four Gulf groundfish) have rebuilding plans in place to introduce effective measures in interacting fisheries and support rebuilding. Landings have averaged 332 tonnes in recent years, primarily from the cod fishery. The 3Ps cod rebuilding plan, however, focuses only on cod, without measures for interacting stocks like haddock and plaice. Consistent rebuilding plans across groundfish reflect an ecosystem-based management approach.
Greenland halibut - 4RST	Quebec	Cautious	Yes	Yes, established.	Stock is cautious and declining rapidly. It has an established HCR which was not followed in 2024. The TAC was set at 2000 tonnes and the HCR sets the limit at 823 tonnes. Listing would ensure harvest levels are consistent with growing the stock and preventing risk of decline.
Dungeness crab	Pacific	Cautious	Yes	Yes, established for CMA I and J. Framework and evidence available to establish for other units.	While a suite of reference points has yet to be established for areas beyond CMA I and J, it is apparent that regional scales of management used by DFO have masked local depletions experienced by Indigenous fishers. There is extensive work by coastal First Nations which provides crucial insights for managing local crab populations to meet community needs and inclusive of Indigenous knowledge ^{9, 10} . Management issues and data gaps can be partially addressed by using long-term Indigenous observations to inform modern fishery management. Listing this stock may bolster DFO's accountability to collaboratively developed management measures that are inclusive of Indigenous knowledge and if units are determined to be in the critical zone, this would trigger rebuilding requirements that may otherwise be absent.
Atlantic Canada Dogfish- 4VWNX -5	Maritimes	Cautious	Yes	Yes, established.	Stock is subject to unrestricted Canadian bycatch landings and discards, with low monitoring coverage. While current removals in Canadian waters are relatively low compared to US, the determination that the stock is in the Cautious Zone and the decline in recent adult female biomass estimates warrants consideration of reducing the TAC to a more precautionary level. Stock is also listed as Special Concern by

⁹ Ban, N. C., Eckert, L., McGreer, M., & Frid, A. (2017). Indigenous knowledge as data for modern fishery management: a case study of Dungeness crab in Pacific Canada. *Ecosystem Health and Sustainability*, 3(8), 1379887.

¹⁰ Frid, A., McGreer, M., & Stevenson, A. (2016). Rapid recovery of Dungeness crab within spatial fishery closures declared under indigenous law in British Columbia. *Global Ecology and Conservation*, 6, 48-57.

					COSWEIC, making it a conservation priority. Listing would prompt appropriate harvest levels and associated management measures, enabling conditions to prevent risk of decline and coordinate with US management on appropriate measures.
Atlantic herring - 2J3KLPs, HFA1 to 11	Newfoundland and Labrador	Uncertain	Yes	Yes, commitment to establish LRP in SFF Work Plan and already in progress.	Stock is declining and preliminarily** assessed a critical. Science advice has not been updated to include recent information on catches, despite the continued TAC of 14,842 tonnes since 2021. Listing will expedite LRP assignment, moving from annual rollovers to HCRs with a clear management objective.
Atlantic herring - 4R fall spawners	Newfoundland and Labrador	Uncertain	Yes	Yes, commitment to establish LRP in SFF Work Plan and already in progress.	Preliminarily** assessed as cautious. Rollover of single 20,000 tonne TAC for both spring and fall spawners (maintained since 2003) follows the main results of 2022 stock assessment indicating that maintaining the TAC at status quo should not pose any significant risk to the two herring spawning stocks in Division 4R in the short term. Noting both spawner stocks do not have a stock status or HCRs. Listing would enable long-term objectives, updated reference points and harvest rules to be followed to grow both spawning components.
Atlantic herring - 4R spring spawners	Newfoundland and Labrador	Uncertain	Yes	Yes, commitment to establish LRP in SFF Work Plan and already in progress.	Up until 2020, the stock was recognized as in the critical zone. Preliminarily** assessed as cautious. Rollover of single 20,000 tonne TAC for both spring and fall spawners (maintained since 2003) follows the main results of 2022 stock assessment indicating that maintaining the TAC at status quo should not pose any significant risk to the two herring spawning stocks in Division 4R in the short term. Noting both spawner stocks do not have a stock status or HCRs. Listing would enable long-term objectives, updated reference points and harvest rules to be followed to grow both spawning components.
Capelin - 4RST	Newfoundland and Labrador	Uncertain	Yes	Yes, commitment to establish LRP in SFF Work Plan and already in progress.	Preliminarily** assessed as cautious. The rollover quota of 10,225 tonnes TAC was not backed up by clear rationale. The inferred low fishing mortality and the status from the composite index indicate that harvest levels are comparable to those attained over the last decade are unlikely to pose a risk to the stock. However, listing this stock would allow for more transparent, science-based harvest rules corresponding to levels that enable stock growth.

*See footnote on the differences between the SFF and other comprehensive lists. In addition, there are other stocks in NAFO area 3Ps that are included in the SFF such as 3Ps cod, sea cucumber, snow crab, sea scallop, whelk and witch flounder.

**Preliminary data-limited assessments using BSM available: Schijns, R. (2022). A Fuller Picture of the State of Canada's Fisheries: Assessments for Data-Limited Stocks. Oceana Canada. <https://oceana.ca/en/reports/a-fuller-picture-of-the-state-of-canadas-fisheries-assessments-for-data-limited-stocks/>