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Oceana Canada Recommendations to the 2J3KL Capelin Advisory Committee 2025

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RE: Oceana Canada recommendations to the 2J3KL Capelin Advisory Committee 2025

Dear Erin Dunne and members of the advisory committee,

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 Fisheries and Oceans Canada (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. This letter contains our management recommendations for the 2J3KL capelin fishery in 2025, following our participation in the advisory meeting.

Recommendations

1. **Pause the commercial capelin fishery (TAC of 0 tonnes).**
2. **Develop an Upper Stock Reference (USR) and Harvest Decision Rules (HDRs)** in line with the Forage Species Policy[1] and the Precautionary Approach Framework (PA).[2]
3. **Complete steps 2 and 3 of the Fishery Monitoring Policy** for this stock by the end of fiscal year 2025 as outlined in the Sustainable Fisheries Framework Work Plan.

We provide more detail on these recommendations below.

1. **Pause the commercial capelin fishery (TAC of 0 tonnes)**.

[1] DFO. 2013. Policy on New Fisheries for Forage Species. Policy on New Fisheries for Forage Species
[2] DFO. 2009. A Fishery decision-making framework incorporating the precautionary approach. A fishery decision-making framework incorporating the precautionary approach

The state of 2J3KL capelin stock presented at this year's assessment provides a window into the continued depressed state of the population compared to pre-collapse conditions. First, the 2024 biomass index (measuring age-2 fish) has increased since last year's assessment, coinciding with no fishery taking place in 2022 due to market issues – the first time since 1994 that this stock has been given a chance to rebound from its collapsed state. Although we saw a slight uptick following the stock getting a reprieve from the roe-based fishery in 2022, the forecast model suggests a decline in the biomass index for 2025 with only a 59 per cent probability of being above the Limit Reference Point (LRP) of 155 kt. The reasons presented for the predicted decline include concerns regarding food availability for, and biological conditions of, the 2023 cohort. Further, capelin continue to face challenges since the stock collapse in the early 1990's including a truncated population age structure and a late spawning time.

With a capelin biomass index at approximately 16 per cent of the pre-collapse median, this is not the time to maintain the status quo but rather take advantage of this healthy cohort of age-2 fish to allow this stock to rebuild higher into the Cautious Zone and eventually into the not-yet-determined Healthy Zone. When looking at the least conservative USR proposal presented at the 2J3KL Capelin PA Working Group (2,312.2 kt), the 2024 biomass index is at only 27 per cent of that USR option, with the projected decline in 2025 leading to the biomass index being at 7 per cent of that USR. When looking at the more conservative USR presented (3,130.5 kt), the 2024 biomass index would be at only 20 per cent, with the 2025 projection placing the biomass index at only 5 per cent of that USR.

The department found itself in a similar situation in the mid-2010's when the capelin population underwent a slight uptick similar to what we are seeing today. Unfortunately, at that time the department increased the TAC from 24,396 t to 30,496 t, leading to quotas not being fully taken and the stock experiencing a predictable decline in 2016. The biomass index subsequently fell into the critical zone in 2017. The department must learn from past errors and give this stock the time it needs to break the 30-year cycle of stagnation. A rebuilt capelin population will benefit the marine ecosystem in Northeast Newfoundland and Labrador, buoy the economically and culturally vital commercial cod fishery, and ultimately set the groundwork for a sustainable capelin fishery.

2. **Develop an Upper Stock Reference (USR) and Harvest Decision Rules (HDRs)** in line with the Forage Species Policy and the Precautionary Approach Framework.

The 2J3KL capelin stock continues to lack a full suite of necessary reference points to be managed in a way that promotes its sustainability. Deputy Minister Annette Gibbons indicated that a Precautionary Approach Working Group would be established in 2024 "to provide recommendations for the development of an upper stock reference point and harvest control rules for this stock. These tools will be helpful in establishing a harvest strategy for the fishery that promotes sustainability and predictability".[3] A Terms of Reference for the 2J3KL capelin working group was developed in the Fall of 2024, with a schedule of at least four meetings that would result in a Precautionary Approach Framework completed and approved by March 31, 2025 in

[3] Deputy Minister A. Gibbons, personal communication, May 28th, 2024.

time for the 2025 management decision. Unfortunately, this working group only completed two meetings, with no updates since November 21st, 2024.

Oceana Canada has been an active member of the department's working group, and we have (i) supported calls from the fishing industry to set management objectives, (ii) provided feedback on proposed USRs, and (iii) explored a greater diversity of options for management including thresholds of relative depletion.[4] We have also recommended implementing a provisional USR while the working group continues its work to ensure that the department is compliant with the PA and the Fish Stock Provisions (FSP) of the *Fisheries Act*.

While the department works with PA Working Group to develop these needed tools, the Guidelines for implementing the Fish Stock Provisions in the Fisheries Act state 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."[5] As the 2J3KL capelin stock is to be batched under the Fish Stock Provisions in 2025, we recommend that 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 by setting an USR, the goals of fisheries management must be to 1) avoid stock decline and 2) define an interim measurable biomass-related target.

3. **Complete steps 2 and 3 of the Fishery Monitoring Policy** for this stock by the end of fiscal year 2025 as outlined in the Sustainable Fisheries Framework Work Plan.

In 2024 we were pleased to see that the 2J3KL capelin stock was listed as a priority stock for implementation under the Fishery Monitoring Policy (FMP) following the Auditor General report, *Monitoring Marine Fisheries Catch* which sounded the alarm on the department's gaps in regards to fishery monitoring.[6] We urge the department to advance the implementation of the FMP for 2J3KL capelin by completing the application of Risk Screening Tool and Quality Assessment Tool and gap analysis (Step 2) and set monitoring objectives (Step 3) with the PA Working Group. Robust monitoring is especially important for forage fish stocks as the potential for local depletion cannot be ruled out while the uncertainty in monitoring has not been addressed.

Regulatory Guidance

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 that promote their sustainability, accounting for biological factors and environmental conditions.

As stipulated in section 6.2 (1) of the Fish Stock Provisions, if a major fish stock has declined to or below its limit reference point, the Minister is mandated to develop a plan to rebuild the stock above that point in the affected area, taking into account the biology of the fish and the

[4] Oceana Canada, J. Daly, personal communication addressed to Shelley Dwyer and Christina Bourne, December 9, 2024.
[5] DFO. 2022. Guidelines for Implementing the Fish Stock Provisions in the *Fisheries Act*. https://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/guidelines-lignes-directrices-eng.htm#_Toc104898133
[6] 2023. Monitoring Marine Fisheries Catch – Fisheries and Oceans Canada. Office of the Auditor General of Canada. Report 9—Monitoring Marine Fisheries Catch—Fisheries and Oceans Canada

environmental conditions affecting the stock, and implement it within the period provided for in the plan.

Currently 2J3KL Capelin are proposed for listing under the FSP and must be managed under section 6.1 to promote their sustainability. Given the short-lived nature of capelin and its ability to undergo dramatic year-to-year changes in abundance, we also urge the department to consider section 6.2 since there is a reasonable chance (24-55 per cent) that the stock could fall into the critical zone next year. Following the PA Policy and international standards, rebuilding plans should be in place prior to the stock declining into the critical zone. In combination with our proposed efforts to establish HCRs, USRs, and monitoring objectives, setting out a recovery strategy will ensure the fishery is being set up for success.

Ecosystem Approach

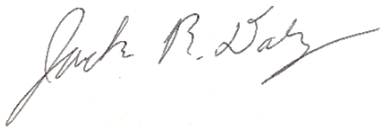
To ensure long-term sustainability and resilience of marine ecosystems, we encourage the department to advance its Ecosystem Approach to Fisheries Management (EAFM) toward a more comprehensive Ecosystem-Based Management (EBM) framework, aligned with leading international best practices that consider species interactions, habitat, climate change, and cumulative impacts across fisheries.

The 2J3KL capelin stock is advanced compared to other forage fish stocks on the east coast with the LRP for this stock based on the history of the stock trajectory, biology, and importance to the ecosystem including its linkages to groundfish like northern cod. We are also encouraged by the department's use of the FSAR template to ensure ecosystem and climate change considerations are forefront in science advice. Although the science advice is increasingly incorporating ecosystem variables, management lacks the necessary goals and objectives to align the management of 2J3KL capelin with EAFM. For example, although the declines over time in age and size structure are examined in the assessment, management has set no objectives for size and age structure. Similarly, although the LRP is derived from an ecosystem-informed model, management has yet to implement HDRs that integrate ecosystem needs. 2J3KL capelin has the potential to set the example for how forage fish stocks should be managed across the country if the available ecosystem and climate variables are incorporated in science and management.

Conclusion

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. 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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