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COMMENTS ON THE DRAFT NATIONAL FISHERY MONITORING POLICY



Bycatch, the catch of non-target organisms in a fishery, is one of the most pervasive conservation issues in commercial fisheries, impacting a diversity of marine life including mammals, seabirds, sharks, sea turtles, juvenile fish, crustaceans, corals and sponges. Most commercial fishing methods are not species-selective, resulting in unintentional catch. Bycatch is either retained on board for sale or personal use or discarded – either returned safely to the water or thrown overboard, damaged or dead. Bycatch in Canada’s fisheries is not well documented, nor is the extent of its impact well understood. However, Canadian fisheries discards were estimated to range from 38,000 mt to 96,000 mt in 2009¹. Bycatch has been identified as a key driver of overfishing and a primary reason for the lack of recovery of numerous fish stocks, particularly those assessed to be at risk². A recent analysis by Oceana Canada³ highlighted that available data is inconsistent in how it is collected, the units measured and reported, and revealed insufficient data collection, monitoring and reporting that has led to data deficiency in Canadian fisheries. Understanding the full scale and impact of bycatch requires improved standardized data collection and reporting, which can create consistency and allow comparisons and the assessment of cumulative impacts. That is why we recommended Fisheries and Oceans Canada (DFO) improve the data collection and reporting of all retained and discarded catch in all commercial fisheries by developing and implementing a robust national catch monitoring policy to guide fisheries monitoring programs in Canada.

In October 2017, Oceana Canada submitted recommendations for a National Catch Monitoring policy, using international best practices as a guideline⁴. As of October 2018, a draft of this policy, called the National Fishery Monitoring Policy, has been circulated to stakeholders for feedback.

This policy is necessary to address well-recognized shortcomings in Canada’s fisheries management regime: there are no national standards or even a clear rationale for the choice of tools and levels of fisheries monitoring; catch statistics in Canada are inadequate as many commercial fishing fleets are under-sampled and under-represented^{5,6,7}; and there is a lack of consideration of cumulative impacts on species or the ecosystem. Our review of the draft policy is based on the expectation, drawn from a review of global best practices, that a national monitoring policy should monitor 100 per cent of Canadian fisheries, ensure there are accurate estimates of all fishery catch, and allows for estimates of cumulative fishing impacts on individual stocks, as well as non-target species and habitats.

¹ Chadwick, E.M.P. (2012). The extent and diversity of the harvest fishery bycatch in Canadian commercial fisheries and the possible rational utilization for aquaculture feed production. Canadian Science Advisory Secretariat (CSAS) Research Document 2015/054. Available online at: http://publications.gc.ca/collections/collection_2013/mpo-dfo/Fs70-5-2012-031-eng.pdf

² McDevitt-Irwin, J.M. Fuller, S.D. Grant, C., and Baum, J.K. (2015). Missing the safety net: evidence for inconsistent and insufficient management of at-risk marine fishes in Canada. Canadian Journal of Fisheries and Aquatic Sciences, 72: 1596-1608

³ Boudreau S.A., Archibald, D.W., Rangeley, R., Edmondson, W. (2017). Collateral Damage: How to reduce bycatch in Canada’s commercial fisheries. Available online at: https://www.oceana.ca/sites/default/files/bycatch_scientific_report_final.pdf

⁴ http://www.oceana.ca/sites/default/files/national_catch_monitoring_policy_recommendations.pdf

⁵ Gavaris, S., Clark, K.J., Hanke, A.R., Purchase, C.F., and Gale, J. (2010). Overview of Discards from Canadian Commercial Fisheries in NAFO Divisions 4V, 4W, 4X, 5Y, and 5Z for 2002-2006. Canadian Technical Report of Fisheries and Aquatic Sciences 2873. Available online at: <http://waves-vagues.dfo-mpo.gc.ca/Library/339590.pdf>

⁶ Clarke, K.J., Hansen, S.C., and Gale, J. (2015). Overview of discards from Canadian commercial groundfish fisheries in Northwest Atlantic Fisheries Organization (NAFO) divisions 4X5Yb for 2007-2011. Canadian Science Advisory Secretariat (CSAS) Research Document 2015/054. Available online at: <http://waves-vagues.dfo-mpo.gc.ca/Library/362069.pdf>

⁷ Benoit, H. P., and Allard, J. (2009). Can the data from at-sea observer surveys be used to make general inferences about catch composition and discards?. Canadian Journal of Fisheries and Aquatic Sciences, 66(12), 202:

We are pleased to see that a number of our recommendations, made in October 2017, are incorporated into the January 2019 draft National Fishery Monitoring Policy, including defining the purpose of catch monitoring and allowing for the determination of fishery-specific monitoring objectives. But, we remain concerned that key elements were not addressed adequately or are missing. In particular, we are concerned that the policy as written will not ensure the following crucial elements: 1) that it will be implemented across all fisheries in a reasonable timeframe; 2) that all species or habitats of conservation concern will be included in fishery monitoring program design; 3) that there will be a transparent review of policy effectiveness; 4) and that there will be clear actions taken when and if fisheries do not comply with monitoring objectives.

To address these concerns, and to ensure Canada has a comprehensive, effective and globally leading Fishery Monitoring Policy, we recommend the following requirements be incorporated into the policy document and its accompanying implementation steps document:

1. There must be a deadline for all fisheries to have the policy implemented (e.g., within 5 years) and regional workplans to achieve this deadline must be published annually.

Without clear deadlines on policy implementation for all fisheries, it is open-ended as to when the policy will be fully implemented. As acknowledged in the draft policy, data collected through fishery monitoring is essential for sustainable fisheries management. It is also imperative to meet the government's commitments on fisheries rebuilding. The timely and efficient implementation of the new policy is vital to ensuring all fisheries use a consistent approach to establishing fishery monitoring requirements and are providing timely and accessible fishery information.

The 'implementation steps' document states that "All fisheries will eventually be examined according to priorities", indicating the intent to have monitoring tools and coverage/frequency determined for each fishery, but provides no assurance that this will occur as rapidly as needed.

The policy states catch monitoring "...will be implemented through the IFMP process or through other fishery planning processes." While IFMPs are the appropriate location to document fishery monitoring programs, tying implementation of the policy to the IFMP process is concerning since a quarter of stocks still lack inclusion in IFMPs⁸, and there is regional variance in IFMP development, publication and review processes (e.g., annual review of annual IFMPs in the Pacific region versus multi-year and evergreen plans without annual-review in other regions). As a result, policy implementation could be as inconsistent and slow as the IFMP process appears to be.

Lastly, although the 'implementation steps' document outlines possible factors to consider when developing regional priorities for policy implementation, these are not prescriptive. This could lead to more complex or controversial fisheries (e.g. those with many fleets, unwilling participants or with many species and habitats of conservation concern) falling to the end of the priority list or extending the implementation indefinitely. It is important to set expectations for rapid policy implementation by providing a deadline (e.g. within 5 years) for all fisheries to have the policy implemented. In addition, prescriptive regional fishery

⁸ Oceana Canada (2018). Fishery Audit 2018: Unlocking Canada's potential for abundant oceans. Available online at: <https://oceana.ca/en/publications/reports/fishery-audit-2018>

prioritization guidelines and the publication of regional implementation workplans with timelines to provide transparency and accountability should be required.

2. Release the tools required to implement the policy.

The 'policy and implementation steps' document indicates that two tools will be used to implement the policy. One for conducting risk assessments to guide monitoring program design (i.e., the risk screening tool), and a second providing guidance on assessing the dependability of information derived from catch monitoring programs. These tools are vital to the selection of the type of fishery monitoring and coverage levels or frequency required. The overall effectiveness of the monitoring programs designed using this policy will depend on the quality of these implementation tools, which remains uncertain since they are unavailable. This is despite indications during consultations that the risk screening tool is complete, and that the Canadian Science Advisory Secretariat (CSAS) science process to inform the development of the data dependability tool occurred in June 2017; the latter of which is still without publications summarizing the science advice, now over a year beyond CSAS policies for timeliness of publications. Without details on these key tools to implement the policy, it is difficult to truly evaluate the policy and anticipate its effectiveness. These tools should be publicly released for evaluation prior to policy implementation.

3. Provide clear guidance on what catch components are required to be assessed using the risk screening tool, ensuring all species or habitats of conservation concern overlapping with fisheries are included.

There are few details in the documentation released for consultation regarding guidance on what catch components will be assessed, and thus included in fishery monitoring program design to ensure they are monitored adequately. During information sessions, it was indicated that DFO Management, Science and Conservation and Protection will determine the parameters to monitor based on available information. If the available information for a given catch component is poor or non-existent, this could lead to it not being included and provide little chance for improvement.

Without guidance, we are concerned that program designers may limit species of conservation concern to those included on the Species at Risk Act, leaving other species or habitats of conservation concern out of the design process (i.e., species within stocks in the DFO PA critical or cautious zones or unlisted species of conservation concern as identified by COSEWIC). A clear definition of species and habitats of conservation concern that require inclusion in risk assessments should be determined and included in the steps to implement.

4. Clearly outline a process for reviewing overall policy effectiveness at a national level, including levels of fishery compliance with program objectives and identification of cumulative impacts on rare species or species of concern and publish results in an annual, publicly available, report.

There must be a clear process for reviewing the overall effectiveness of the policy at a national level. Currently, the draft policy states that "At the national level, DFO will track the progress to implement the Policy by using the annual Sustainability Survey for Fisheries." This is not a review of policy effectiveness.

The policy should clearly indicate the criteria that will be used to measure the overall annual effectiveness. Results from this review should be included in a national report and include statistics on individual fisheries, catch monitoring compliance against targets and an assessment of cumulative impacts for rare species or species of concern. This report would provide transparency and accountability, and identify gaps and areas for improvement, as well as identify conservation concerns due to cumulative impacts across fisheries and regions. To ensure cross-fisheries comparisons and assessment of cumulative impacts are possible, minimum data collection requirements should be outlined for all fisheries using at least one monitoring tool to collect the following: 1) catch data of all bycatch and target species, ideally in weight or numbers; and 2) target species, vessel and fishing gear information, including time and location of fishing activity.

Of note, cumulative impacts are not specifically mentioned in the 'policy and implementation steps' documents, which is concerning, despite the clear intention of collecting data in a way that would allow them to be investigated at various scales. For example, the documents state: "The data should be in a consistent, standardized package that enables various kinds of data to be integrated and aggregated at different scales (e.g. at the stock, fishery, and regional scale, depending on the nature and extent of the issue), to allow for cross-fishery and other comparisons or analyses."

5. Ensure transparency by requiring risk assessments to be published and increase the level of details included in IFMPs.

There are several places in the 'implementation steps' document where it indicates the importance of documenting for transparency. Clearly there is an intention for transparency; however, without clearly stating the documentation must be public and easily accessible, we fear that the details behind decisions regarding fisheries monitoring will remain inaccessible.

For example, in the 'Steps to Implement the Fishery Monitoring Policy' document it states regarding risk assessments: "The assessment should be done in collaboration with harvesters, where appropriate, and documented for transparency and for future review." However, it fails to say where the entire risk assessment will be documented and whether it will be publicly available. This should be required.

The documents released for consultation make it clear that monitoring objectives will be included in IFMPs and do require the results of the risk assessments and rationale for tools/coverage to be in IFMPs. Although the list of suggested content regarding these items is appropriate, the level of detail in the example rationale is not sufficient. Only with publicly available risk assessments (not just results) and detailed reporting on rationale in the IFMP will we have true transparency regarding the design of catch monitoring programs.

6. Clearly outline the consequences and actions taken if fisheries do not comply with objectives or targets.

A well-designed and documented monitoring program to address key issues in a fishery is of little use if the data is not collected as intended. Without clearly outlined consequences or next steps to follow when objectives are not met, it could result in the existing situation continuing in many fisheries where there is a lack of compliance.

The policy outlines possible consequences if industry does not attempt to implement monitoring requirements identified during program design; however, there is no mention of consequences or steps to follow when identified targets or objectives are not met. The policy states that, “DFO will evaluate fishery-specific monitoring programs against the monitoring objectives, in accordance with Step 6 of the Steps to Implement in the Fishery Monitoring Policy Document, as part of the annual post-season review process.” This implies a post-season review process is in place or will be put in place. This review should be accompanied by an indication of what the consequences are, or what steps will be taken, when objectives are not being met.

We are concerned that if these remain simply as reviews, we will be in the same situation as we are now, where gaps and problems are identified but no consequences or solutions are developed and implemented. For example, during a recent Scotia Fundy Groundfish Advisory Committee meeting, observer coverage versus targets among fleets in the multi-species groundfish fishery in the Maritimes region were reviewed. Management identified that most fleets did not meet targets, the reasons were briefly discussed and remained the same as the previous year, and no further corrective actions identified.

Devan Archibald, Fisheries Scientist
darchibald@oceana.ca

Dr. Robert Rangeley, Science Director
rrangeley@oceana.ca

Oceana Canada
1701 Hollis Street, Suite 805
Halifax, NS Canada
B3J 3M8