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RESTORING ABUNDANCE IN CANADA'S FISHERIES

Presentation to the House of Commons Standing Committee on Fisheries and Oceans



ABOUT OCEANA CANADA

Established in 2015, Oceana Canada is an independent charity and part of the largest international group of organizations focused solely on ocean conservation. We believe that the oceans can help feed the nine billion people projected to be on earth by 2050, and that Canada has a significant role to play in making this possible. By rebuilding Canada's fisheries, we can strengthen our coastal communities, protect our cultural heritage, reap greater economic and nutritional benefits, and secure our future.

CANADA'S FISHERIES ARE IN CRISIS

The need to rebuild our fisheries has never been greater. Our fisheries remain depleted decades after collapse and we are in the vulnerable position of being dependent on only a handful of species to support the fishing industry. Currently more than fifty percent of the value of Canada's \$6.9 billion fishing industry is dependent on three species, two of which are crustaceans and one of which is farmed. Fisheries and Oceans Canada (DFO) recently reported that Canada's top three species exported globally in 2017 were lobster (\$2.1 billion), snow/queen crab (\$1.0 billion), and Atlantic (farmed) salmon (\$909 million)¹. Canada has gone from being the seventh largest producer of wild fish by weight in the 1950s to twenty-first place today.

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.

RECOMMENDATIONS

For the first time since the *Fisheries Act* was created in 1868, Bill C-68 includes provisions specific to fisheries rebuilding. Unfortunately, as currently worded, the provisions fall short of what is needed to effectively rebuild depleted stocks.

Oceana Canada is asking the House of Commons Standing Committee on Fisheries and Oceans to amend Bill C-68 to strengthen the rebuilding provisions to:

1. Include a duty to implement management measures with the aim of maintaining or restoring fish populations to healthy levels (upper stock reference point) or a reasonable proxy.
2. Include a duty to develop rebuilding plans when stocks have fallen below the limit reference point (also referred to as the critical zone), with an aim to restore them to healthy levels within a reasonable timeframe, as advised in the Sustainable Fisheries Framework²;
3. Require reporting on the management decisions.

¹ 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-canada-releases-2017-trade-figures-canadian-fish-and-seafood-exports-continue-to-grow.html>

² DFO. Sustainable Fisheries Framework. <http://www.dfo-mpo.gc.ca/fm-gp/peches-fisheries/fish-ren-peche/sff-cpd/overview-cadre-eng.htm>

Currently, Bill C-68 doesn't legally require rebuilding plans for fisheries once they enter the critical zone. Additionally, there is no legislative guidance for the development of regulations, such as target or timeframes for rebuilding plans. Including these simple amendments in Bill C-68 would set a course to rebuild Canada's depleted fisheries, protect against future fisheries collapse and align Canada's Fisheries Act with existing laws governing G7 nations³ and other progressive fishing nations.

RATIONALE

1. Modern fisheries laws are needed in Canada

In the absence of a legislative requirement to manage stocks and create rebuilding plans, departmental policies have been insufficient to halt the decline of Canada's fisheries from overfishing, or to recover depleted stocks. Canada's marine fish populations have declined by 55 per cent since 1970⁴, and little effort has been focused on rebuilding overfished stocks, many of which have been in a state of collapse for decades. The 2016 results published in the DFO's Sustainability Survey for Fisheries (SSF) found that there are only three rebuilding plans for the 21 stocks in the critical zone, three stocks classified as uncertain are at levels that serious harm is likely, and eleven stocks classified as uncertain are at levels such that serious harm is possible⁵. Only recently has the DFO allocated resources and made a commitment to develop rebuilding plans for 19 stocks in the critical zone by the end of 2021.

Surprisingly, DFO continues to allow directed fishing on several stocks in the critical zone, even in the absence of a rebuilding plan or management reference points. Northern cod, which completely collapsed in 1992 and has been under moratorium for 26 years is still without a rebuilding plan, with no identified upper reference point (the level which indicates the boundary between the cautious and the healthy zones). Nonetheless management decisions have continued to allow fishing levels to steadily increase on this fragile stock, giving it the dubious privilege of being the largest groundfish fishery in Atlantic Canada, while under a moratorium.

2. Leading fishing nations include a duty to act to rebuild depleted stocks to abundant levels.

A review of the current legislation in the G7 and other nations⁶ found that the laws in each jurisdiction include a legal duty to prevent overfishing and develop rebuilding plans. For example, the EU Common Fisheries Policy states that "Multiannual plans **shall** be adopted as a priority, based on scientific, technical and economic advice, and **shall** contain conservation measures to restore and maintain fish stocks above levels capable of producing maximum sustainable yield"⁷.

³ France, Germany, Italy, Japan, United Kingdom, United States

⁴ Hutchings, J.A., Côté, I.M., Dodson, J.J., Fleming, I.A., Jennings, S., Mantua, N.J., Peterman, R.M., Riddell, B.E., Weaver, A.J., and D.L. VanderZwaag. 2012. Sustaining Canadian marine biodiversity: responding to the challenges posed by climate change, fisheries, and aquaculture. Expert panel report prepared for the Royal Society of Canada, Ottawa page 216.

⁵ Sustainability Survey for Fisheries <http://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/survey-sondage/results-resultats-s-2016-en.html>

⁶ See APPENDIX II for more detail.

⁷ https://ec.europa.eu/fisheries/cfp_en

The United States Magnuson-Stevens Act (MSA) has some of the most stringent and effective legislation. The Natural Resources Defense Council (NRDC) published a report in 2013⁸ that evaluated 44 overfished stocks in the US for which rebuilding plans had been prepared. NRDC found that 28 stocks (or 64 per cent) were either fully rebuilt or were showing significant progress and that these positive trends were “generally associated with the MSA and its requirements that were widely implemented around the country.” The report concluded that fisheries management is most effective at recovering fisheries when rebuilding plans are mandated by the law. Furthermore, in the 2015 United States Fisheries Report to Congress,⁹ the National Marine Fisheries Service noted that 39 fish stocks had been rebuilt in the United States since 2000.

Furthermore, in our submission to this committee in March 2017, Oceana Canada provided a white paper¹⁰ of a substantive comparison of laws in six countries (Australia, the European Union, Iceland, New Zealand, Norway and the United States) to Canada’s *Fisheries Act*. Which found that “in sharp contrast to Canada, fisheries legislation in, for example, the European Union, the United States and New Zealand each include provisions that fisheries “shall” or “must” be managed to rebuild depleted stocks”.

3. Canada has committed to rebuilding depleted stocks to abundance in Global Agreements

Strengthening the rebuilding provisions in Bill C-68 will assist Canada in fulfilling our international commitments to maintain and rebuild fish stocks above levels that can produce Maximum Sustainable Yield (MSY). Canada is a signatory to The United Nations *Agreement on Straddling and Highly Migratory Fish Stocks* (UNFA),¹¹ and the Food and Agriculture Organization (FAO)’s *Code of Conduct for Responsible Fisheries*.¹² Both agreements include several references to maintaining and restoring fish stocks. The most relevant instances are the following:

UNFA Article 5 b) 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.”¹³

The FAO Code of Conduct, in 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

⁸ NRDC. Bringing back the Fish. <https://www.nrdc.org/sites/default/files/rebuilding-fisheries-report.pdf>

⁹ NOAA. Status of Stocks 2015. http://www.nmfs.noaa.gov/sfa/publications/feature_stories/2016/status_of_stocks_2015.html

¹⁰ Bernard, L., Van Tuyn, P. Limiting Discretion in Fisheries Management: A Comparison of Legal Regimes. November 2016. <http://www.oceana.ca/en/publications/reports/creating-modern-safeguards-fisheries-act-rebuild-fish-stocks-canada>

¹¹ http://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm

¹² UNFAO Code for Responsible Fisheries. <http://www.fao.org/docrep/005/v9878e/v9878e00.htm>

¹³ http://www.un.org/depts/los/convention_agreements/texts/fish_stocks_agreement/CONF164_37.htm

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.¹⁴

In 2002 Canada participated in the World Summit on Sustainable Development,¹⁵ which outlined that maintaining and restoring stock levels at MSY should be accomplished no later than 2015 to achieve sustainable fisheries.

4. Without legislative backing, Canada's policies to rebuild stocks have not been effective

Fisheries and Oceans Canada has developed clear policy commitments to implement rebuilding plans for depleted stocks; however, until recently there has been little commitment by governments to act on the policy guidance. The Sustainable Fisheries Framework (SFF)¹⁶ policy 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.”¹⁷

The policy also makes clear that rebuilding plans should be developed before the 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.”

5. Rebuilding fisheries provides economy security

A report by the New Economics Foundation (NEF) 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”.¹⁸

¹⁴ <http://www.fao.org/docrep/005/v9878e/v9878e00.htm#72>

¹⁵ UN. 2002. Report of the World Summit on Sustainable Development. Johannesburg, South Africa. http://www.unmillenniumproject.org/documents/131302_wssd_report_reissued.pdf

¹⁶ DFO. Sustainable Fisheries Framework. <http://www.dfo-mpo.gc.ca/fm-gp/peches-fisheries/fish-ren-peche/sff-cpd/overview-cadre-eng.htm>

¹⁷ 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/peches-fisheries/fish-ren-peche/sff-cpd/precautionary-precaution-eng.htm>

¹⁸ NEF. 2010. Jobs Lost at Sea. Page 2.

The Northern cod collapse of 1992 devastated coastal communities and cost more than \$2 billion in federal aid. The moratorium put 30,000 people out of work and ceased 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.¹⁹

Rebuilding fish stocks may return revenue and job levels²⁰ to communities. Since the United States legally required the rebuilding of depleted fish stocks, 44 stocks have been classified as rebuilt since 2000²¹, generating on average 50 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 2 in 2007 to 53 in 2016. Cod, once collapsed in Europe as here, has recovered in the North Sea, in Norway, and in the Barents Sea.

In their report “Sunken Billions” the World Bank estimates that globally, overfishing is resulting in financial losses of about \$83 billion in 2012, compared to if fish stocks were fished sustainably at their global maximum economic yield. Allowing natural biological processes to reverse the decline in fish stocks would likely lead to the following economic benefits: annual harvests would increase by 13 percent, the unit fish prices would rise by up to 24 percent, thanks to the recovery of higher-value species, the depletion of which is particularly severe.²²

CONCLUSION

A long series of poor management decisions by successive governments over decades has led us to the current depleted state of our fisheries. By making simple amendments that create a legal duty to create rebuilding plans when fisheries reach the critical zone, aimed at returning them to sustainable levels as soon as possible, we can reverse this trend and create a new legacy of ocean abundance for the long-term benefit of our communities, regional economies, and the industries that rely on them.

As currently written C-68 includes no duty to rebuild fisheries. This problem was recognized by the Royal Society of Canada’s 2012 Expert Panel on Marine Biodiversity, which recommended that:

The Government of Canada should enact prescriptive legislation containing primary objectives to: (i) prevent overfishing; (ii) rebuild depleted fish stocks; (iii) formalize the

¹⁹ Heritage Newfoundland and Labrador. Economic Impacts of the Cod Moratorium.

<http://www.heritage.nf.ca/articles/economy/moratorium-impacts.php>

²⁰ NEF. 2010. Jobs Lost at Sea. Page 2.

²¹ NOAA. Fish Stock Status Updates. <https://www.fisheries.noaa.gov/national/population-assessments/fishery-stock-status-updates>

²² World Bank. 2017. The Sunken Billions Revisited : Progress and Challenges in Global Marine Fisheries

explicit use of reference points and harvest control rules; and (iv) ensure transparency and accountability in fisheries management plans, including those relating to aquaculture.²³

The House of Commons Standing Committee on Fisheries and Oceans has the opportunity to help Canada regain its leadership as a thriving fishing nation. As we've seen from experiences in other countries, fisheries are more likely to recover, and recover more quickly, when there is a legal mandate to rebuild stocks. The rebuilding provisions within Bill C-68 must be strengthened to bring Canadian law up to par with other fishing nations, to honour global agreements to which we are a signatory, to give force to existing federal and departmental policy and to provide economic security for coastal communities. More importantly, strengthening the rebuilding provisions will help secure a future for one of Canada's oldest industries, and for a globally important resource.

²³ Hutchings, J.A., Côté, I.M., Dodson, J.J., Fleming, I.A., Jennings, S., Mantua, N.J., Peterman, R.M., Riddell, B.E., Weaver, A.J., and D.L. VanderZwaag. 2012. Sustaining Canadian marine biodiversity: responding to the challenges posed by climate change, fisheries, and aquaculture. Ottawa page 219.

APPENDIX I: Rebuilding requirements in international legislation

United States: NOAA National Standard Guidelines mandated under the Magnuson-Stevens Act
http://www.fisheries.noaa.gov/sfa/laws_policies/national_standards/

Conservation and management measures **shall** prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

Any fishery management plan... with respect to any fishery, **shall**... contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are... necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks.

Any fishery management plan... with respect to any fishery, **shall**... specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished... and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery.

European Union: Common Fisheries Policy (CFP)
https://ec.europa.eu/fisheries/cfp_en

The CFP **shall** apply the precautionary approach to fisheries management, and **shall** aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.

Multiannual plans **shall** be adopted as a priority, based on scientific, technical and economic advice, and **shall** contain conservation measures to restore and maintain fish stocks above levels capable of producing maximum sustainable yield.

Multiannual plans... **shall** contain conservation measures to restore and maintain fish stocks above levels capable of producing maximum sustainable yield.

New Zealand: Fisheries Act 1996
<https://www.mpi.govt.nz/law-and-policy/legal-overviews/fisheries/>

The Minister **shall** set a total allowable catch that... enables the level of any stock whose current level is below that which can produce the maximum sustainable yield to be altered – in a way and at a rate that will result in the stock being restored to or above a level that can produce the maximum sustainable yield, having regard to the interdependence of stocks.

Japan: Fisheries Basic Act
http://www.japaneselawtranslation.go.jp/law/detail_main?vm=02&id=115

The State **shall** take measures such as management of catch and fishing effort and others necessary for an appropriate conservation and management of fishery resources... aiming at the maintenance or recovery of fishery resources to the level that enables maximum sustainable production.