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Chairman and Executive Director  
Fisheries Resource Conservation Council  
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Ottawa, ON  
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Dear Chairman and Executive Director:

I am writing in reference to the request by the Minister of Fisheries and Oceans to examine the Conditions and Considerations for a Sustainable Atlantic Canadian Groundfish Fisheries (Emphasis on Cod).

### **Background**

The groundfish resources of Atlantic Canada experienced sharp declines over the decades up to the period of the late 1980s to early 1990s. The Atlantic groundfish stocks were over-exploited for decades and poorly managed. Most stocks in the Atlantic region were closed to fishing in the early 1990s and many were placed under moratoria. These moratoria, however, did not prevail for any reasonable period of time to allow recovery as fishing pressure resumed within a period of a few years. The industry adjusted to fishing groundfish stocks at low levels of TAC within a few years of the start of moratoria, while the stocks had no reasonable period to recover in terms of total biomass, spawning stock biomass, age structure, geographical distribution, or recruitment. The consequence has been that groundfish stocks are now being exploited at levels that are inhibiting recovery. While total catches in quantity are low by historical standards, exploitation rates are relatively high and often beyond the rates that would be applied to stocks with SSB at much higher levels. Groundfish fisheries reopened without management plans for sustainability from any pertinent perspective i.e. biologically, economically or socially.

The failure to establish goals and plan recovery strategies can only be categorized as a further failure of fisheries management in Atlantic Canada. It is the weak and inadequate fisheries management process that continues to inhibit the recovery of groundfish stocks in Atlantic Canada. The cod fisheries demonstrate this failure; however, the same could be said for most all groundfish stocks in the Atlantic region.

Let us briefly review the situation with four cod stocks round Newfoundland that are illustrative of the poor record of rebuilding the groundfish stocks throughout Atlantic Canada, particularly given the expressed emphasis on this species:

**Northern Cod (2J3KL Cod)** – the stock has been fished commercially and recreationally for most years since it collapsed. Exploitation has varied but tens of thousands of tonnes have been harvested from the stock despite the relatively low level of SSB, poor distribution, poor age structure, poor recruitment, high mortality, etc. etc. In relative terms the largest groundfish stock in Canada was decimated, however, fisheries management has been unable to prioritize stock sustainability considerations relative to fishery demands – directed commercial fishing and recreational activities. The stock status while somewhat improved remains well below any reasonably established reference point that should permit exploitation of the kind that the stock is being subjected.

**Grand Bank Cod (3NO Cod)** – This cod stock has been managed by NAFO for several decades and has been under a so-called moratorium since the early 1990s. Despite the moratorium by-catches of the stock are high relative to the SSB and fisheries, domestically and internationally, continue to inhibit the recovery of the stock. Fisheries management has not been effective in limiting fishing mortality. The stock remains at a very low level and prospects for improvement are poor.

**St. Pierre Bank Cod (3Ps Cod)** – unlike other cod stocks in the region, the stock has been able to sustain a commercial fishery over the past couple of decades. Unfortunately the stock has experienced significant decline over the past five years. Most recent estimates indicate the SSB has declined to levels similar to the lows reached in the early 1990s however, fishing mortality reductions through lower relative TACs have not keep pace with the declining trend in SSB. Stock structure remains uncertain and the fishery over the recent decade was supported by two strong year classes (1997/1998). The challenge for this stock is to reduce and maintain a lower level of fishing mortality to allow stock age structure and SSB to improve over the long-term.

**Northern Gulf Cod (3Pn4RS Cod)** – the stock has been subjected to a directed fishery in most years since the mid-1990s generally at a TAC of 7,000 tonnes. The relatively high fishing mortality has limited growth in the stock for much of the period since the early 1990s. The SSB remains well below the reference point that would allow a directed fishery if the precautionary approach to management were in place. Traditionally the stock yielded high catches and the lack of recovery has had a profound effect on the rural areas of western NL and the lower North Shore of Quebec. Industry/fishery management continues to choose a course that inhibits stock rebuilding and recovery. Long-term sustainability objectives continue to be compromised by short-term decision making which has caused a high fishing mortality to prevail.

The status of cod stocks throughout the Atlantic region is generally poor as the biomass of most stocks remains at historically low or critical levels. In retrospect, fisheries management processes have failed:

- to develop stock rebuilding plans;
- to establish sustainable resource usage; and

- to implement the precautionary approach.

Consequently, fisheries are being conducted without due regard to sustainability and conservation of the groundfish resources. Short-term decisions continue to be made that inhibit stock rebuilding. It is apparent that the lack of progress requires systematic and structural change to the management process.

### **Change Required in Fisheries Management Process**

The current fisheries management model has well established advisory processes. First of all, the scientific advisory process would generally have to be assessed as working very well given the commitment of resources to scientific challenges. Resource surveys are being conducted (acknowledged that more are required) – independently and in partnership with stakeholders, the scientific process is transparent, it is consultative and inclusive, and is documented and publicly reported. The science findings, conclusions and recommendations are clear, consistently objective, continue to clearly point to the need for rebuilding strategies, decision rules and guidelines, and are based on the principle of the precautionary approach. Unfortunately, scientific considerations have not been given due weighing in fisheries management decisions. In fact, the scientific advice was more closely followed by decision –makers in years when the stocks were in much healthier condition. Much of the industry and fisheries management today readily discount scientific findings and advise in the current decision-making process.

The groundfish advisory committee processes are also inclusive and transparent however, the process often lacks objectivity as stakeholders frequently provide advice that is not well-founded or fact based. Industry advice is often contradictory and unsupported, yet it appears to carry much more influence on quota level and conservation decisions than warranted.

The fisheries management plans and conservation harvesting plans are often well developed, however, they lack objectives and there appears to be little accountability due to the lack of measurable goals.

The greatest weakness in Atlantic groundfish management is in the decision-making process. Decision making is short–term, non-transparent, biased by socio-economic and political considerations, and lacks objectivity and independence. In fulfilling its mandate on this task, the FRCC should conclude that the lack of progress on achieving sustainability and rebuilding of the Atlantic groundfish resources is primarily due to the over-reliance on short-term (season to season) considerations based primarily on what quota level for a stock is required to meet the minimum economic and social needs of participants in order to survive or ‘get by’ through the coming season. Any goal related to achieving stock rebuilding is inherently long-term in nature. Such goals cannot ever be achieved through a decision process based on short-term considerations. The FRCC needs to emphasize the need for DFO to restructure decision-making so as to create a process that clearly focuses on:

- the long-term objectives (little consideration for the short-term);
- is transparent;
- considers biological, economic and social considerations;

- is non-political;
- is clearly objective; and
- is not only independent but has the perception of being independent.

Such a decision process could readily be accomplished by establishing an Atlantic Groundfish Management Board. The Board should have a clear mandate to make long-term decisions (multi-year) consistent with laws, fisheries policies, domestic and international agreements, and the principles of the Precautionary Approach. Decisions of the Board should be required to be in writing and the rationale for decisions should be provided based on established decision rules and guidance. Failure of the Board to follow the decision rules should be open to appeal. The Board should be accountable to the Minister of Fisheries and Oceans and be guided by clear objectives and rules that are based on the principles outlined above.

The Minister of Fisheries and Oceans has requested that the Fisheries Resource Conservation Council (FRCC) develop **a long-term strategic approach to the sustainability of the Atlantic Groundfish fisheries and the conservation of the resource**. It is clearly apparent that the current process has failed as a long-term period (18 years) has elapsed since groundfish stocks, particularly cod, collapsed. Sustainability has not been achieved.

The Council should review what has occurred over the past two decades (review annual decisions). The review should retrospectively analyze what the current estimated state of SSB would be had fishing mortality been maintained at the lowest possible level i.e. moratoria remained in place over the past period to 2010. This analysis should at minimum be conducted for at least a number of the representative stocks in question. The Council should derive conclusions from the review so as to determine:

- the lack of progress on stock rebuilding, particularly as to causes related to the lack of planned goals;
- the reasons why the precautionary approach has not been implemented;
- the outcomes related to the decisions taken; and
- the overall lack of resource conservation and sustainability initiatives within the groundfish industry.

Comparisons should be made to similar situations and management processes in other jurisdictions where fisheries have been rebuilt or are in the process of rebuilding. In closing, a clear explicit recommendation should be made to change the decision-making process so as to set a new course for renewal of the Atlantic groundfish industry.

Yours sincerely,

Gabe Gregory