



# Ecology Action Centre

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Ivan Mateo  
Lead Assessor  
SAI Global Assurance Services

Dear Mr Mateo,

Please accept this letter as comments from the Ecology Action Centre on the Public Draft Report (PDRC) for the Reassessment of the Canada Scotia-Fundy Haddock Fishery. For the most part, these comments are based on our submission during the 4<sup>th</sup> annual audit and recertification in December 2014. We greatly appreciate the opportunity to submit comments, given that we overlooked the initial deadline. We have several general comments, which we hope will contribute to the sustainability of this fishery over the timeline of the recertification.

## **1.Principle 1**

As compared to many groundfish stocks, particularly cod, in Atlantic Canada, the populations comprising the Scotia-Fundy haddock fishery are arguably in a better state. However, we have some concerns regarding the trend in declining weight at age (WAA) which appears to have stabilized somewhat in recent years (DFO 2015/022) as well as the decline in the fish condition measured by Fulton's K , which has had a continued decline since 1990 (DFO 2015/022). While we understand that the 2013 year class appears strong, the declining condition of the fish remains problematic.

We are also concerned with the bycatch of haddock in other fisheries (i.e. scallop), that is not included in overall fishing mortality for this population.

The trend towards domination of the landings by the bottom trawl fleet is also of concern, as in the past this fishery has been of mixed gear types. We do not see an adequate analysis of this change in fisheries activity, particularly with the decline in WAA and condition.

## **2. Principle 2**

A primary concern in our initial comments on this fishery was the impact on other species. We fully recognize that the groundfish fishery is a multi-species fishery, and that efforts have been made through gear modification to reduce the bycatch of Atlantic cod in particular, in the otter trawl fleet. However, we remain concerned that there has

be little recovery and in some cases further decline in bycatch species. We support the Conditions related to cod and thorny skate bycatch as well as improved bycatch monitoring. We review our continued concerns regarding major secondary species below:

#### **Atlantic Cod:**

As the report notes, Atlantic cod populations continues to decline with clear evidence of significant decreases in length/weight at age despite the recent further reductions in TAC and the adopted recovery plan. We note that this fishery has had a condition in place requiring a demonstrably effective partial strategy for managing cod as a retained species, since certification in 2010, however the strategies adopted have proven to be ineffective at halting the decline in Atlantic Cod.

Due to the above concerns, the progress on the related condition should be monitored closely and the timeline for reviewing and adjusting the strategy should be within the first year.

#### **White Hake**

There remains concern about the status of white hake and the effectiveness of the harvest strategy in place. As the report notes, despite reduction in total catch the most recent analysis shows that in 2014/2015 the stock fell to the lower level of the cautious zone (p65) plus there is continued uncertainty as to the reason for total high mortality.

We do not believe that a score of 80 is justified for 2.1.2 for white hake. While there are strategies in place that are responsive, the continued decline in stock makes it clear that there is not yet a) some objective basis for confidence that the strategy will work, nor is there b) some evidence that the partial strategy is being implemented successfully.

#### **Thorny Skate**

We recognize the difficulties in accurately identifying skate species, and encourage the client to make use of the identification guide that is being produced by the World Wildlife Fund.

#### **Observer Coverage**

The report notes that low levels of observer coverage are still a major weakness for this fishery. This has been a noted issue since certification in 2010 and the fishery did not achieve all the milestones needed under the first certification, nor did it demonstrate sufficient action to ensure increased observer coverage.

The timeline for implementing increased observer coverage should be within the first year. There are available options such as video monitoring that the fishery has been aware of for some years should human observers be difficult to implement. There should be no need for a further four years for this fishery to demonstrate evidence that they have adopted better data collection.

Given the low populations levels of some of the retained and bycatch species and the continuing uncertainty of total mortality, the low observer coverage and recording must be addressed with urgency.

### **Porbeagle Shark**

Given the recovery time for porbeagle shark, which is considered to be within the next century, we had hoped that a specific condition for sharks would be included. While the directed fishery for this shark has been closed, bycatch in other fisheries remains the largest single impact on this species. We note that it is considered endangered by COSEWIC as of 2014, and a listing decision has not been made. We appreciate the recommendations included in the PDRC but would prefer that a condition be included on setting at limit reference point for this stock. We acknowledge that this work would likely have to be done through ICCAT, and hence not only DFO.

### **Sustainable Fisheries Framework**

The report notes that policies such as the Sustainable Fisheries Framework, the Precautionary Approach, the Sensitive Benthic Areas Policy and its related Ecosystem Risk Assessment Framework are in place, but it is as yet unclear how they are being implemented consistently. It is our contention that MSC certifications should be used to ensure that best practices in national fisheries management frameworks are in place and properly implemented, for the target fishery as well as secondary species. As well, there are few Rebuilding Plans in place and we recommend that the development of a rebuilding plan for 4X5Y cod be included as part of Condition 1,2.

### **Species At Risk**

We are pleased to note the assessment team referred to the COSEWIC reports for all species impacted by this fishery. We agree with the reports concerns that there is not yet sufficient evidence that long term objectives guiding decision making in management are consistent with MSC Principles 1 and 2.

We note that DFO has adopted a “SARA Listing Policy and Directive for “Do Not List Advice” which outlines the conditions under which the department may recommend that a COSEWIC assessed species not be listed under the Species at Risk Act. In order to justify going against the listing advice of COSEWIC, DFO must provide:

- A regulatory impact statement, which explains how not listing the species will result in the greatest overall benefit; meets the regulatory objectives of SARA, and is proportionate to the degree and type of threat.
- A “Compelling Rationale”, which outlines the alternative approach for the species in the absence of listing; the expected outcome(s) for the species in the absence of listing; and the net benefits to Canadians of a “do not list” decision.
- If the alternative approach required activities incremental to the status quo, DFO must draft a 5 year workplan, which includes performance indicators.

We see MSC conditions as contributing *a priori* to potential aspects of protecting COSEWIC assessed species. As there is no evidence that the above requirements have been put in place for the COSEWIC listed species impacted by this fishery.

For the above reasons, we are not convinced scores of 80 are justified for all guideposts in 3.2.1 and 3.2.2

### **Sensitive Benthic Areas**

We appreciate the work that the client has undertaken to assess habitat impacts. We feel that this detailed analysis and assessment of fishery impact should be an analysis that the Department of Fisheries and Oceans undertakes as part of its implementation of the Sensitive Benthic Areas policy. We encourage that the results of the upcoming March 2016 meeting on delineating coral and sponge concentrations in Canadian waters are reviewed at the first annual audit for this fishery, as additional data may be available that pertains to potential impacts of this fishery on sensitive benthic areas. We also contend that the increase in the percentage of landings by bottom trawling should be reflected in an assessment of changes in swept area.

### **Governance and Administration**

We appreciate the recommendation that ENGOs be permitted to attend GOMAC as observers and hope that the client group supports this recommendation and that it occurs in the 2016 year.

Sincerely,

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