

Consultations on Listing Under the *Species at Risk Act* - The Ecology Action Centre's Response for Redfish

Please choose the population(s) you are commenting on:

- Acadian Redfish, Atlantic population
- Deepwater Redfish, Gulf of St. Lawrence and Laurentian Channel population
- Deepwater Redfish, Northern population

1. Do you support adding one or several redfish populations to the List of Wildlife Species at Risk? Why?

The Ecology Action Centre and Greenpeace Canada support adding all three redfish populations under Schedule 1 of the Species at Risk Act (SARA) for the reasons listed below.

Current DFO management measures have failed to adhere to the Precautionary Approach¹ or to stimulate significant population recovery for these three populations. The Department of Fisheries and Oceans (DFO) does not presently enact suitable alternative conservation measures to Species at Risk Act (SARA) listing that promotes or will promote the recovery of these three redfish populations to levels remotely close to historic abundances. In addition, DFO's proposed management measures (under the non-SARA listing scenario) are not legislatively binding, while recovery plans administered after SARA listing would be. Given these shortcomings, and a lack of a conservation alternative to SARA listing at this time, the Ecology Action Centre (EAC) and Greenpeace support the addition of all three redfish populations to the List of Wildlife Species at Risk under SARA.

Both redfish species are late maturing, long-lived species. Given their late maturation, they are particularly vulnerable to fishing pressures. Many redfish stocks continue to be overfished by targeted or bycatch fisheries. Because these two species are virtually indistinguishable, targeted fishing for one species may actually be capturing both, causing excessive bycatch fishing pressures. Habitat alteration or destruction from bottom trawling and dredging is thought to also be a significant contributor to population declines.² All three populations under question have **decreased by at least 98% in just over one generation alone.**

The endangered Gulf of St. Lawrence and Laurentian Channel deepwater redfish population has declined by 68% from 2000 to 2009, and continues to decline significantly³. Units 1 + 2 of this deepwater redfish population have been documented by DFO itself as comprising a "relatively large and

¹ DFO. 2009. Fishery Decision-Making Framework Incorporating the Precautionary Approach: <http://www.dfo-mpo.gc.ca/fm-gp/peches-fisheries/fish-ren-peche/sff-cpd/precaution-eng.htm>

² DFO. 2011. Recovery potential assessment of redfish (*Sebastes fasciatus* & *S. mentella*) in the northwest Atlantic. DFO Can. Sci. Advis. Sec., Sci. Advis. Rep. 2011/044. (Erratum: June 2013).

³ Ibid.

unsustainable fishery”⁴, despite recent and significant population decreases and low biomass levels. Bycatch in the shrimp trawling fishery may also be a source of the continued decline.

The northern deepwater redfish population remains at only 2% of its level of only one generation ago, and the Atlantic Acadian redfish population is at only 1% of its population level of only one generation ago, yet directed fisheries and bycatch continue to this day for both of these populations.

Significant uncertainties in population projections exist for the Atlantic Acadian redfish population. For example, in Unit 3, the largest stock, 2010 biomass estimates exist in an exorbitant margin of error, with estimates ranging from as high as 8,640,000 tonnes to as low as 2,250 tonnes. Certain stocks of the Atlantic Acadian redfish population are in jeopardy, such as that of divisions 2+3K, where despite a fishing moratorium, DFO holds that “the low biomass of this stock suggests a long term strategy of extremely low catch would be necessary in order to achieve any internationally acceptable management target”⁵. No such long term strategy has been made available to the public.

After being listed as endangered or threatened by COSEWIC, a recovery potential assessment was conducted by DFO for these populations⁶. Recovery assessments were noted to have a high degree of uncertainty and contain multiple assumptions. While redfish populations were once abundant and the source of significant targeted fisheries, only 40% of B_{MSY} was used as the reconstruction target for the DFO recovery assessment, which is not a legitimate target for population recovery to historical levels. Actual recovery targets have yet to be established by DFO as of June of 2013⁷. Some DFO projections were bleak. For example, the Gulf of St. Lawrence and Laurentian channel deepwater redfish population has only a 46% chance of reaching 40% of B_{MSY} by 2070.

The current management approach for these three populations of redfish is in contravention of DFO’s Precautionary Approach, which states that removals from stocks in the critical zone must be kept to the lowest possible level—in this case, nil. For stocks in the critical zone, “conservation considerations prevail. Management actions cannot be inconsistent with secure recovery... Harvest rate (taking into account all sources of removals) kept to an absolute minimum.”⁸ DFO’s Precautionary Approach framework also states, “In the critical zone, management actions must promote stock growth and removals from all sources must be kept to the lowest possible level until the stock has cleared this zone”. Unfortunately, DFO’s current management approach has not taken an approach consistent with these guidelines. Some directed fisheries—the “main threat to the survival and recovery of redfish”—continue, even for those stocks that are at critically low levels, and further confound management due to a lack of discrimination between the two redfish species.

⁴ DFO. 2011. Recovery potential assessment of redfish (*Sebastes fasciatus* & *S. mentella*) in the northwest Atlantic. DFO Can. Sci. Advis. Sec., Sci. Advis. Rep. 2011/044. (Erratum: June 2013).

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ DFO. 2009. Fishery Decision-Making Framework Incorporating the Precautionary Approach: <http://www.dfo-mpo.gc.ca/fm-gp/peches-fisheries/fish-ren-peche/sff-cpd/precaution-eng.htm>

While consultation documents refer to the implementation of a Rebuilding Policy, this policy has yet to be released or integrated into IFMPs. Nor have we seen any evidence of implementation of the Bycatch Policy in IFMPs, which could also potentially assist in population recovery. DFO holds that the “the impact of mobile gear could be reduced with spatial management of fishing effort and by creating areas where the use of this gear would be prohibited”, however no strategy has been implemented to meet this requirement.

In summary, given the conservation status of redfish, and the lack of any concrete and obligatory framework for establishing the recovery of these populations (failure to adhere to the Precautionary Approach, commit to a Rebuilding Policy, or implement the Bycatch Policy under the Sustainable Fisheries Framework), it is recommended that all three redfish populations be listed under Schedule 1 of SARA until successful population recoveries have been achieved.

2. What would be the positive impacts of listing one or several redfish populations on your activities, the community, the environment, the culture and the economy?

Without appropriate protection and population recovery strategies, such as those provided under SARA, redfish populations will remain critically low and possibly decline further, and reasonable population rebuilding will not be possible. Many of these fisheries were historically far more economically important than they are today, chiefly due to their former population levels being much higher. If properly managed, these fisheries could be a sustainable source of income, livelihoods, and coastal community development. The EAC and Greenpeace are deeply concerned that the socio-economic benefits of recovering these populations are not adequately explored in the DFO’s SEA analysis, although economic costs are explored extensively (see comments under Question 3).

Spotted and Northern Wolffish are examples of SARA listed species that have experienced population growth as a result of obligatory recovery strategies. We believe that this example shows that SARA can work as an effective management and recovery tool for marine species.

3. What would be the negative impacts of listing one or several redfish populations on your activities, the community, the environment, the culture and the economy?

Gear modification and/or behavioural changes would inevitably have to occur, due in part to the high incidence rate of redfish being landed as bycatch, such as in the turbot and northern shrimp fisheries. Short-term economic losses will be felt by those individuals deriving income from directed fisheries or bycatch of redfish, however the short-term economic losses of halting the continued collapse of these fisheries pale in comparison to the long-term socio-economic benefits that could be gained by successfully rebuilding and properly managing these populations at healthy levels and historic abundances.

We recognize that listing would affect the directed fishery for groundfish, but given that no other adequate and legally binding measures for the protection of redfish have been implemented through

existing fisheries management regimes, SARA listing is required, as it provides a legal basis for protection and requires accountability around recovery targets. As DFO has no other such legally binding requirements for marine fish under the *Fisheries Act*, and to date has not fully implemented the Sustainable Fisheries Framework or put in place the Rebuilding Policy, SARA is currently the only tool that exists to ensure measures are in place to achieve population recovery.

It should be noted that it is possible that fishers could obtain an Incidental Harm Permit under SARA, allowing them to catch redfish, pending a research and consultation review by DFO. This possibility is not explored in “An Overview of the Principal Economic Impacts that Could Arise from Adding Multiple Atlantic Groundfish Populations to Schedule 1 of the *Species at Risk Act*” despite being possible under SARA. The socio-economic assessment states that \$13 million in landed value would be foregone in areas where redfish is caught incidentally. We believe that this is a significant exaggeration of potential impacts, as permits are possible under SARA and mandatory mitigation measures (not currently required under IFMPs) could reduce incidental landings. The “An Overview of the Principal Economic Impacts that Could Arise from Adding Multiple Atlantic Groundfish Populations to Schedule 1 of the *Species at Risk Act*” document only calculates the possible economic losses from listing the species, and does not provide a similar analysis for possible recovery that could be achieved under SARA. There is no mention of the long-term socio-economic benefits of rebuilding redfish populations beyond the LRP, which could be achieved with a SARA listing. The long-term economic benefits of recovering these stocks to historic levels are not analyzed in monetary terms or job creation, nor are the social and cultural benefits to coastal communities examined in detail.

The economic losses associated with SARA listing may be overestimated because landed value is used as the measurement. Landed value does not take into consideration the costs associated with fishing. Net revenue may be a more accurate measure of economic cost. Moreover, there is no discussion of the impacts of the long-term socio-economic consequences of the stock further collapsing, which is likely under the current management regime.

We believe that the information provided in the SEA does not accurately weigh the full costs and benefits of SARA listing versus continued management.

4. Do you have any other comments on the listing of one or more populations of redfish?

Both the *Fisheries Act* and the *Oceans Act* have provisions to conserve and protect marine species and habitats, yet these redfish populations are at historic lows, none of which are higher than 2% of their historical population levels. DFO has developed a Sustainable Fisheries Framework, which espouses a commitment to an ecosystem-based and precautionary approach to fisheries management. Neither of these approaches has been successfully applied to these populations. Many stocks continue to decline, while directed fisheries—many of which have been criticized by DFO itself—continue to overfish in certain regions. No appropriate recovery strategy has been put in place.

It is evident that DFO management strategies have not proven effective in sustainably managing these populations nor spurring population recovery. Given this fact, it is pertinent that more substantial and binding steps are taken to ensure that the populations recover.

The following is a list compiled by the Species at Risk Advisory Committee (SARAC) that includes measures that should be in place for COSEWIC listed species to ensure their recovery. This comprehensive list represents those measures that—only if **all** were in place—would offer a compelling reason not to list a species under SARA:

- Fisheries management tools for protection (obligatory and publicly accessible):
 - Targets / timelines for recovery consistent with a SARA recovery plan.
 - Harvest Control rules.
 - Limit or Conservation Reference Points, below which directed or targeted fishing mortality is **nil** (i.e., the lowest level possible, as articulated in DFO's Sustainable Fisheries Framework).
 - Effort control where quota is not the management variable.
 - Bycatch mitigation measures (e.g. fishery to cease once certain amount is caught / interacted with).
 - Spatial management.
 - Appropriate effort controls.
 - Precautionary approach has a track record of being adhered to in decision-making processes.
- Science / monitoring (e.g. baseline information and trends over time):
 - Consideration of using "Laroque" funding / science conducted using fish; to collect information; consistent w/ current criteria.
 - DFO to clearly articulate what stewardship from a particular group means.
- Review certification of fisheries where species is impacted:
 - Assessment of conditions (see fisheries management tools) and management measures for ETP species.
 - Work with certification bodies on consideration of COSEWIC listed species.
- Conservation agreements in place that entail specific binding targets.
- Stewardship expectations & education programs.
- Assessment of impacts of other activities besides fishing.
- Understanding of threat levels.

Unfortunately, we do not believe that these mechanisms are in place to prevent further decline of the stocks.

5. If you are answering on behalf of an Aboriginal community or organization, an industry, a small business, an association or organization, please specify which one.

The Ecology Action Centre

6. In what province or territory do you live? In what province or territory does your organization operate?

The Ecology Action Centre is located in Nova Scotia, and operates primarily in the Atlantic provinces, with additional engagement at the national and international levels.

Greenpeace Canada has offices in Vancouver, Edmonton, Montreal and Toronto and operates nationally and internationally.

Your name and contact information (optional)

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