

Response to Fisheries and Oceans Canada's *Rockfish/Lingcod Sustainability Strategy* and Rockfish Conservation Area (RCA) Public Information Sessions

To: Fisheries and Oceans Canada
From: Pacific Marine Conservation Caucus (MCC)

March 12, 2004

Introduction

The Marine Conservation Caucus supports the establishment of Rockfish Conservation Areas (RCAs) and the implementation of a meaningful Rockfish Recovery Strategy that includes harvest reduction, catch monitoring, stock assessment, public consultation and public education. Following our participation in the recent public meetings, and earlier written submissions, we are pleased to provide you with several comments categorized by issue and including specific recommendations where appropriate.

RCA Selection Criteria

While we recognize the importance of stakeholder input and review, we feel that these should be included after (not before) the creation of a preliminary network based on the best available scientific data and expertise. Information received during the public meetings confirmed that DFO's current approach to developing a system of RCAs has allowed social, economic and other criteria to automatically and immediately override biological criteria. We believe this is an inappropriate starting point for designing a large-scale system of RCAs – a process that requires a solid foundation in science to meet its crucial conservation objectives and to ultimately be successful.

Ecological considerations such as bathymetry, currents, habitat complexity, and spatial fishing effort data should be integral components of the identification of potential RCAs. The size, number, and distribution of RCAs must be evaluated in the context of a regional mapping of potential rockfish habitat. Until such habitat has been mapped, estimating the percentage of RCA coverage is inappropriate.

Regarding the 2004 RCAs, we found that about 40% of the 2003 proposed RCAs had been deleted, and no new areas were added. This leaves the conservation community in the awkward position of arguing that some of the 2003 RCAs may have been worthwhile and should not have been cut, while at the same time not knowing how the 2003 and 2004 RCAs were created in the first place.

Recommendations:

- 1. That the scientific methodology used to choose the current suite of RCAs is published through a timely peer-reviewed process, such as PSARC, and that the source data be made immediately available to the public.**
- 2. That ecological considerations such as bathymetry, currents, habitat complexity, and spatial fishing effort data be the foundation for assessing the current RCA network and in identifying potential RCAs, and that the size, number, and distribution of RCAs be evaluated within the context of regional habitat distributions.**

2) Process Transparency and Consultation

Public acceptance of RCAs is contingent upon meaningful consultation. While DFO has claimed that all sectors were consulted in the creation of the RCAs, this view is not shared by the MCC. We feel that developments in RCA identification and selection were not made as transparent as possible to the conservation community. Rather than being invited to help identify and document potential RPAs, we were instead asked to comment on a set of sites identified exclusively through closed consultations with industry.

Input provided by MCC groups regarding the 2003 RCAs (Wallace & Ardron 2003) does not appear to have been heeded. Subsequent to this submission no members of the MCC were contacted by the rockfish team for their input or for follow-up. Moreover, no information on individual RCAs or their selection rationale was provided, despite requests.

It is evident that a variety of important data sources and expertise regarding RCA selection has been largely overlooked and not integrated into the RCA selection process. These include:

- Fisheries-independent research from DFO, academia and others in the scientific community;
- Data and expertise available through the dive community;
- Local knowledge data (including angler data) collected and mapped by various conservation organizations, grassroots groups, local stewardship initiatives and other sources.

We point out that the inclusion of such data and information sources not only improves the quality of the overall dataset being considered in the RCA process, but also offers an opportunity for DFO to advance the RCA process in a truly inclusive manner, which in turn will lead to a much more publicly-supportable process overall. We further point out that MCC member groups are well qualified to offer assistance to DFO in collecting such data and in improving communications with the general public through our substantial communications network.

Recommendations:

- 1. That the conservation sector be actively consulted and engaged in the creation of RCAs, and the Rockfish Sustainability Strategy, through a multi-sectoral Advisory Committee, and that efforts be made to ensure the MCC Secretariat is included in all external communications from DFO regarding RCAs and the overall Rockfish Sustainability Strategy.**
- 2. That DFO takes steps to ensure that local knowledge, fisheries-independent data, habitat modelling techniques, and other information sources are collected and considered in the RCA decision-making process.**

3) Data Access and Availability

As described above, no information on individual RCAs or their selection rationale was provided either before or during the public information sessions. Furthermore, during the public sessions, a variety of statements and claims regarding progress in harvest reductions and other aspects of the Rockfish Sustainability Strategy were made by DFO in the absence of any data available to substantiate the information presented.

For example, statements were made concerning the Strait of Georgia Creel Survey - specifically that it has documented a “75% reduction” in rockfish encounters. However, no supporting documentation regarding this project was made available.

In light of the lack of any evidence whatsoever supporting the notion that harvest rates may be approaching acceptable levels, the MCC is rendered unable to comment either way. We find this an unacceptable situation, and one that must be avoided in the future through improved communications and data sharing.

Recommendations:

- 1. That all supporting data associated with the RCA and overall Rockfish Sustainability Strategy, including site documentation, creel survey and other monitoring information, be made available to the conservation community for their consideration and review.**
- 2. That a multi-sectoral Advisory Committee including conservation NGOs be established to allow more open and transparent exchange of information related to RCAs and the Rockfish Sustainability Strategy.**

4) Inter-Sectoral Parity

Enforcement of conservation areas will be difficult unless the fishers believe that these conservation areas are fair to all.

RCA's are closed to both recreational and commercial groundfish fisheries. On the other hand, RPAs (Rockfish *Protection* Areas) are closed only to the commercial sector. Thus, in addition to the RCA closures, the commercial sector faces an additional 3021 sq km of RPAs. It is difficult for commercial fishers to accept this conservation rationale when they see recreational fishers in these areas, fishing legally. Furthermore, because the RPA and RCA boundaries often do not line up, they are confusing to all. From both a conservation and management perspective, the harmonization of the two designations makes obvious sense, particularly with respect to RCA network design, research and monitoring, adaptive management and enforcement.

In the public information sessions it was stated that RPAs may be discontinued. We would like clarification on this point. In our opinion, many of the existing RPAs represent good conservation closures, and we would be alarmed to see them removed. Rather, we would suggest that they become closed to all sectors - recreational and commercial.

Recommendation:

1. **That the RCAs and RPAs be rationalized such that a single designation be applied to both sectors.**
2. **That existing RPAs become RCAs closed to all sectors.**

5) Monitoring of RCAs

As suggested above, the MCC is concerned that some of the RCAs may represent areas unsuitable to rockfish, and as such give managers and fishers a false sense of security. These concerns can only be addressed through scientific design and proper monitoring. All data should be made available to stakeholders and adaptive measures can be subsequently discussed in a fully multi-stakeholder setting.

At the public workshops, it was stated that increased monitoring would occur. We welcome this and request further details.

Recommendation:

1. **That a monitoring plan be formulated to evaluate the performance of the RCAs, and that adaptive management be based on open sharing of data with the Advisory Committee.**

6) Rockfish Conservation Objectives and the Rockfish/Lingcod Conservation Strategy

It is essential that the current set of proposed RCAs - slated to be recommended to the Minister of Fisheries and Oceans - be understood to only partially fulfill the conservation objectives originally mandated by the Minister in 2001. These explicit objectives included the establishment of closed areas in approximately 50% of rockfish habitat (for Strait of Georgia), as well as an overall harvest rate of “less than two percent”. It is clear that **neither of these objectives has been met to date.**

Concerning the overall status of inshore rockfish populations (particularly in the Strait of Georgia), there is to our knowledge no indication from any source of what the actual harvest rate on rockfish currently is or whether this fishing effort is approaching the “two percent” objective. This is a crucial point. Regardless of progress in establishing RCAs, **so long as directed and indirect removals of rockfish remain at current levels serial depletion will continue.**

Properly designed RCAs will play an important role in securing resource sustainability, where such areas are used as biomass and juvenile “sources,” baseline research areas and as hedges against uncertainty. However, they will need several years to begin to realize such benefits. Meanwhile, of pressing concern are the continued depletion of rockfish species and their inability to recover under the present fisheries management regime. In this sense, the current situation for rockfish is largely a question of *recovery*, and not sustainability.

Thus we urge DFO to place a moratorium on all directed rockfish fisheries in the Strait of Georgia, until better stock assessments and improvements in research and monitoring allow for a more scientifically valid and risk-adverse fishery – one that is based on identifiable harvestable surpluses of fish. This is by no means an unreasonable expectation, and is in keeping with the Principles of the United Nations Code of Conduct for Responsible Fishing.

Regarding lingcod, it was stated in the public sessions that “limited openings” in the Strait of Georgia are now being explored. We point out that we are currently unaware of any valid scientific rationale for the resumption of lingcod fishing in the Strait, and as with rockfish we look forward to addressing this important matter as a full-status stakeholder at future lingcod advisory tables.

We also urge that any management framework now being developed for lingcod be integrated with the Rockfish Sustainability Strategy, such that any consideration for a re-opening of lingcod fisheries – however limited – fully considers and accounts for associated negative impacts on rockfish and efforts to rebuild their populations.

Recommendations:

1. That DFO immediately and publicly re-affirm its commitment to the conservation objectives for rockfish originally stated by the Minister in December 2001, in particular the goal of an overall harvest rate of “less than two percent” and of a network of RCAs approaching “50% of known rockfish habitat” in inside waters, and “20%” for outside waters.
2. That DFO place a moratorium on all directed rockfish fisheries in the Strait of Georgia. The moratorium should be in place until a multi-stakeholder advisory group - directed by DFO and guided by DFO science - determines that biomass estimates and catch data are sufficiently comprehensive and verifiable (i.e. confident estimates of rockfish removals and overall biomass can be made) and that risk-adverse fisheries (i.e. meeting the combined “less than two percent” requirement) can be identified¹.
3. That no re-opening of lingcod fisheries in the Strait occurs in the absence of proof that such activities are based on sound, risk-adverse science.
4. That any subsequent lingcod management framework is developed with full consideration of the impacts of lingcod fishing on rockfish and on the achievement of rockfish conservation goals (i.e. integration of frameworks).

MCC Acceptance of Rockfish Conservation Areas

While the Pacific Marine Conservation Caucus remains concerned about the RCA process to date and the set of RCAs now slated for formal designation, we are prepared to conditionally accept them pending the realization of the following criteria:

1. That an open and scientifically defensible evaluation process be developed to assess current and future proposed RCAs.
2. That the current set of RCAs be scientifically and openly evaluated with respect to their contribution to rockfish conservation and the overall Rockfish Sustainability Strategy, and that gaps are identified.
3. That it is clearly understood that the present RCAs do not represent the end of the process, and that more designations are expected.
4. That the conservation sector be actively consulted and engaged in RCA selection and the Rockfish Sustainability Strategy through a multi-sectoral Advisory Committee.

¹ Concerning this point, we remind DFO that it remains possible that bycatch from other fisheries alone may account for this mortality threshold – the point being that we remain largely unable to answer this question currently.

Moving Forward

The MCC wishes to emphasize that we support Fisheries and Oceans Canada staff in their efforts to implement the Rockfish Sustainability Strategy, including the creation of RCAs, and wish to work with DFO to make these as effective and defensible as possible. Despite our concerns with the process so far, following the public information sessions we indeed sensed some momentum and commitment to an improved process for the future. We find that progress in stock assessment planning and monitoring is particularly significant, and congratulate the many DFO staff and other stakeholder representatives for their work in ensuring the first set of RCAs are formally established.

In the public workshops, it was stated that the present offering is only the beginning, and that more RCAs need to be identified. We concur, and look forward to participating in the new decision-making process, as a means of ensuring that the emerging Rockfish Sustainability Strategy is both scientifically sound and publicly supportable.

Thank you for this opportunity to provide Fisheries and Oceans Canada with our detailed comments on the Rockfish/Lingcod Sustainability Strategy.

Pacific Marine Conservation Caucus (MCC) Rockfish Committee:

Canadian Parks and Wilderness Society

David Suzuki Foundation

Living Oceans Society

Sierra Club of Canada – BC Chapter