



**HOUSE OF COMMONS
CANADA**

**NORTHERN COD: A FAILURE OF CANADIAN FISHERIES
MANAGEMENT**

**REPORT OF THE STANDING COMMITTEE ON
FISHERIES AND OCEANS**

**Tom Wappel, M.P.
Chairman**

November 2005



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THE STANDING COMMITTEE ON FISHERIES AND OCEANS

has the honour to present its

FOURTH REPORT

Pursuant to Standing Order 108(2), the Committee has studied the northern cod, including the events leading to the collapse of the fishery and the failure of the stock to re-establish itself since the moratorium and is pleased to report as follows:

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Northern Cod: a failure of Canadian fisheries management

Introduction

Northern cod was at one time the largest groundfish resource in the Northwest Atlantic Ocean. Indeed, “the northern cod stock was once one of the world’s greatest fish stocks.”¹ As a marketable commodity, cod has been exploited heavily for centuries, most notably in the past 50 years. Entire communities depended on that resource.² Yet, we “pushed” the northern cod to the brink of extinction by overfishing.

As put by one witness, Dr. Barbara Neis, Professor of sociology at Memorial University of Newfoundland, “the simple response to the question of why fish stocks collapsed, in this case the northern cod stock, is that stocks collapse when the mortality rate for a given stock exceeds its capacity to successfully reproduce. This response tells us nothing about the dynamic processes that [brought] fish stocks to this point and that exert considerable influence on responses to such collapses.”³ Therefore, the more fundamental issue is what caused overfishing. For the Committee, overfishing is a consequence of mismanagement, both foreign and domestic. As Canadians, we cannot plead ignorance; we let this tragedy

¹ Tom Rideout, Standing Committee on Fisheries and Oceans Evidence, Meeting No. 50.

² In 1987, the inshore cod landings for Newfoundland and Labrador reached a peak of \$126 million and were still worth close to \$100 million in 1990. At the same time, there were 231 operational fish processing plants employing a workforce of 27,567 persons. There were also 28,830 DFO registered fishermen and 16,940 individual tax filers reporting a fishing income. Task Force on Income and Adjustment in the Atlantic Fisheries, Charting a new course: Towards the fishery of the future, Report, Richard Cashin (chairman), Department of Fisheries and Oceans, Ottawa, 1993, 199 p.

³ Barbara Neis, Committee Evidence, Meeting No.48.

happen. Other countries faced similar challenges but reacted differently with drastically different outcomes.⁴

Overfishing has been clearly identified as the major factor in the decline of cod and other groundfish stocks, but not as the only factor. According to a number of past reports, a combination of factors was responsible, and fishermen, processors, scientists, fisheries managers and politicians all made mistakes. As stated by the Fisheries Resource Conservation Council (FRCC) in its 1997 report, "The fishery crisis cannot be related to a single cause or blamed on a single group: it is the failure of our whole fisheries system."

In part, as a result of the "failure of our whole fisheries system," the House of Commons Standing Committee on Fisheries and Oceans agreed on 8 February 2005 to undertake a study of the northern cod including the events leading to the collapse of the fishery and the failure of the stock to re-establish itself since the moratorium.⁵ Although no formal terms of reference have been adopted for this study, the text of the motion agreed upon specifies a focus on the causes for the collapse of the cod fishery and for the lack of recovery of the stock. The socio-economic impacts of the collapse of the fishery and the ensuing moratorium were excluded from the study. The Committee travelled to Newfoundland and Labrador where it met in Bonavista on 27 September, in Port Blandford on 28 September, and then for two additional days in St. John's on 29 and 30 September 2005.

While the focus of this Committee over the past 13 years has been on the causes for the collapse of the fishery, the moratorium and its socio-economic impacts, it has devoted less attention to the reasons for the lack of recovery of

⁴ Iceland has considerably reduced the size of its fishing fleet, though not without controversies, has weathered an important decline in its cod stocks, and has managed the summer spawning herring stock out of severe depletion through a severe ITQ system. Icelandic fisheries are considered very productive in comparison to Atlantic Canada.

A fisheries crisis similar to the collapse of northern cod stocks in Canada struck cod stocks in Norway's coastal waters and in the Barents Sea (shared between Russia and Norway) in the late 1980s. According to Michael Harris, the Norwegian government was prompt to react, which in the end paid off. From the very beginning of the crisis, politicians knew that they could not give in to the fishermen protests for short-term political gain. The government made dramatic cuts in the TAC for cod as soon as scientists realized the stock was in trouble in late 1986. By January 1990, Norway banned all fishing on cod spawning grounds. Moreover, the crisis forced Norwegians to confront the big issues in the fishery. As a result, the fishing capacity was reduced and vessel quotas were introduced. For more information, see Michael Harris, *Lament for an ocean: The collapse of the Atlantic cod fishery, A true crime story*, McLelland and Stewart Inc., Toronto, 1998, pp. 181-187.

Other examples of fish stocks that were managed out of a severe situation of depletion include the Norwegian spring-spawning herring, the Georges Bank haddock stock, and the NAFO division 4X haddock.

⁵ Originally agreed upon at Meeting No. 20 on 8 February 2005. It was subsequently agreed that the Committee request permission of the House to travel to Newfoundland and Labrador for the purpose of this study, originally in May 2005 (Meeting No. 29, 5 April 2005) and then finally set for 26 September to 1 October 2005 (Meeting No. 41, 14 June 2005). The Subcommittee on Agenda and Procedure met on 2 February 2005 and 10 March 2005 to discuss this study.

northern cod, the current recovery efforts and their efficacy, and on an analysis of the measures implemented by the fishery managers to avoid a repeat of this ecological, social and economic disaster. The Committee wanted to know whether lessons have been learned from the events that led to the collapse of the northern cod stock and its subsequent failure to recover since the moratorium, and whether a reform of the Canadian fisheries management system is needed.

The fishery and the stock structure

Beginning in the 16th century, the northern cod stock supported a commercial fishery, which was traditionally prosecuted by a large fleet of small vessels that deployed traps, gillnets, and hook and lines in coastal waters from late spring to autumn. The majority of the fish migrated from overwintering shelf areas to summer feeding areas in coastal waters. A smaller component overwintered and spawned in the bays.

In the decades prior to the 1960s, annual catches ranged between 200,000 and 300,000 tonnes. The harvest, mainly by non-Canadian fishing fleets, increased dramatically to over 800,000 tonnes in 1968, but then declined until the mid-1970s. Between 1960 and 1975, 8 million tonnes of northern cod was caught, most of it by an estimated 200 factory freezer trawlers operating on the Grand Banks. By comparison, this is the same amount that was caught in the whole of the period between 1500 and 1750. Following Canada's extension of fisheries jurisdiction to 200-miles in 1977 in what was called the "euphoria phase," domestic catches of northern cod steadily increased until the late 1980s. Through the 1980s, the number of draggers increased greatly, as well as the size of vessels, many over 65 feet in length. The Canadian offshore catches accounted for close to or more than 50% of the total northern cod landings; it used to represent only a small fraction prior to 1977. The stock "increased until the mid-1980s but then collapsed in the late 1980s and early 1990s."⁶ A moratorium on directed commercial fishing was declared in July 1992.

A limited inshore commercial fishery restricted to the inshore was re-opened in 1998 with a total allowable catch (TAC) of 3,000 metric tonnes. The TAC was increased in subsequent years for a cumulative total of 30,000 tonnes for the years 1998 to 2002, of which 80% was harvested. The fishery was closed in 2003 following the realization that the harvest had had a more severe and rapid impact on the resource than expected. The FRCC concluded in a report that same year that, after 11 years of moratorium and restricted commercial fishing, there were no signs that the northern cod stock was rebuilding. It was finally after this closure that the Minister of Fisheries and Oceans announced the formation of the

⁶ Fisheries and Oceans Canada, *Northern (2J+3KL) Cod Stock Status Update*, Stock Status Report A2-01 (2002), April 2002.

Canada-Newfoundland and Labrador Action Team on Cod Recovery to develop a strategy for recovery of the stocks.

The northern cod has been the stock most dramatically hit by decline. Its area of distribution corresponds to the Northwest Atlantic Fisheries Organization (NAFO) areas 2J, 3K and 3L, which include the coasts of southern Labrador, northeast Newfoundland, and most of the Avalon Peninsula, onto the continental shelf, up to and beyond the 200-nautical mile limit. It includes the Hamilton Bank, the northern portion of the Grand Banks, and the Nose of the Bank. The stock is, however, not homogeneous. There are clear distinctions between inshore and offshore populations, a reality that has an effect on the stock assessment process and the management of this fishery.

The Committee heard repeatedly during its hearings that there are important differences between various components of the northern cod population, and that the management of its fishery should take this into account. The Committee was told by many witnesses including Dr. Ransom Myers of Dalhousie University that, beyond the distinction often made between the inshore and the offshore components of northern cod stock, there was probably a much richer subpopulation structure than previously thought.⁷ Scientific evidence from behavioural (e.g. migration patterns), biological (e.g. growth rate), and genetic studies seems to support this.⁸

The Department of Fisheries and Oceans (DFO) is slowly starting to recognize the complexity of the northern cod stock structure and this is reflected in stock assessment and fisheries management decisions. The northern cod stock status report of 1999 was the first to recognize that the inshore and offshore cod populations could be considered substocks, and should be assessed as such, where possible. In this report, information is presented separately for the inshore and offshore populations, where available.⁹

⁷ Ransom Myers, Committee Evidence, Meeting No. 49.

⁸ The Eminent Panel on Seal Management wrote in 2001: "The situation in 2J3KL is complex, and not well reflected by the use of broad management units of NAFO Divisions. Myers et al. (1997b) recognized four types of subpopulations: (1) bay stocks, spawning and overwintering in deep bays; (2) headland stocks, overwintering in deep water off headlands; (3) offshore migrants, wintering at the shelf break and migrating inshore to feed in summer; and (4) offshore residents." Myers, R.A., N.J. Barrowman and J.A. Hutchings. 1997b. Inshore exploitation of Newfoundland Atlantic cod since 1948 as estimated from mark-recapture data. *Can. J. Fish. Aquat. Sci.* 54(Suppl. 1): 224-235. In 2000, Smedbol and Wroblewski use the metapopulation theory to describe the northern cod population structure. The authors proposed a number (7-11) of subpopulations based on known spawning areas. Smedbol, R.K. and J.S. Wroblewski. 2000. Metapopulation theory and northern cod population structure: interdependency of subpopulations in recovery of a groundfish population. DFO Can. Stock Assess. Sec. Res. Doc. 2000/87.

⁹ Fisheries and Oceans Canada, Northern (2J3KL) Cod, DFO Science, Stock Status Report A2-01, 1999.

The Canadian Stock Assessment Secretariat research document 2000/063, "An assessment of the cod stock in NAFO Divisions 2J+3KL," outlines the growing body of evidence, including genetics studies that support the claim of a substock structure for the northern cod complex. Based on these studies, DFO decided to separately assess the inshore and offshore populations, however the evidence was not strong enough at that point to further divide the assessment into reports for each substock within the inshore or offshore units.¹⁰

In subsequent reports, the recognition of separate inshore and offshore populations is clearly stated and information is presented with reference to the different areas, although aggregate analyses are still given.¹¹ As of 2005, the report is organized for the first time to treat inshore and offshore fisheries as distinct assessment units.¹² Prior to this time, information is largely arranged around spatial or research methods that refer to one area or another, as opposed to presenting the information as a description of separate substocks. In addition, analyses of a large-scale tagging study of inshore populations (1997-2004) divides the central inshore region into two sections, in order to "reflect potential sub-stock structure and spatial variation in exploitation rates."

¹⁰ Lilly, G.R., P.A. Shelton, J. Bratney, N.G. Cadigan, E.F. Murphy and D.E. Stansbury, An assessment of the cod stock in NAFO Divisions 2J+3KL, Fisheries and Oceans Canada, Canadian Stock Assessment Secretariat, Research Document 2000/063, Ottawa, 2000,

¹¹ Fisheries and Oceans Canada, Northern (2J3KL) Cod, DFO Science, Stock Status Report A2-01, 2003. Fisheries and Oceans Canada, Northern (2J3KL) Cod Stock Status Update, DFO Science, Stock Status Report 2004/011, 2004.

¹² Fisheries and Oceans Canada, Stock Assessment Report on Northern (2J+3KL) Cod, Fisheries and Oceans Canada, Canadian Stock Assessment Secretariat, Science Advisory Report 2005/024, 2005.

The inshore is subdivided into three areas: 1) a northern area (2J and northern 3K) that contains relatively few cod; 2) a central area (southern 3K and northern 3L) where most of the resident inshore fish are located; and 3) a southern area (southern 3L) that is, at present, largely dependent on cod that overwinter in inshore and offshore areas of 3Ps, move into southern 3L in the spring-summer and return to 3Ps in the autumn. The central area would include Notre-Dame Bay, Bonavista Bay and Trinity Bay.

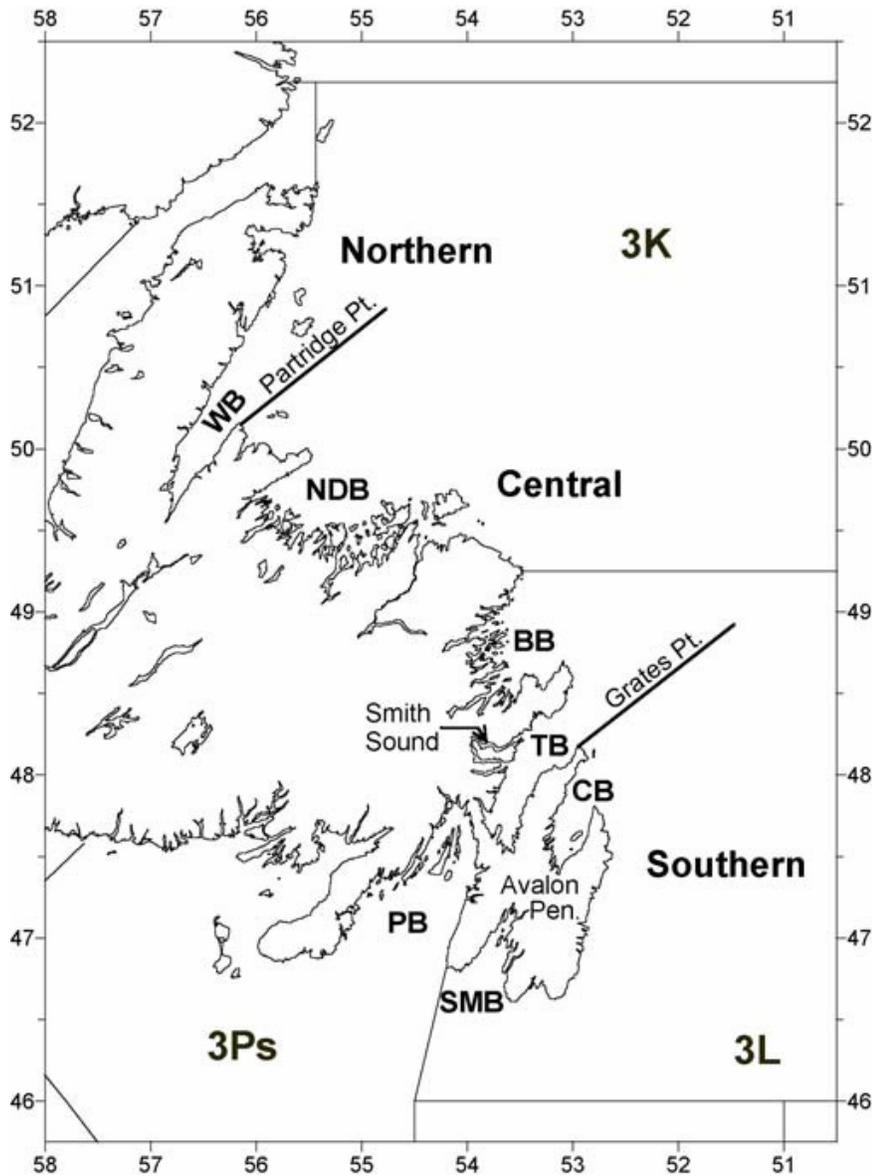


Figure 1. Map of the inshore of the eastern portion of the island of Newfoundland, indicating the locations of the northern, central and southern inshore areas. The major bays are White Bay (WB), Notre Dame Bay (NDB), Bonavista Bay (BB), Trinity Bay (TB), Conception Bay (CB) and St. Mary's Bay (SMB). Placentia Bay (PB) is in Subdivision 3Ps. **Source:** Department of Fisheries and Oceans, *Stock assessment report on Northern (2J+3KL) Cod*, DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2005/024, 2005, p.9.

The Committee recommends:

RECOMMENDATION 1

That the Department of Fisheries and Oceans recognize and integrate in its stock assessments and management decisions the complexity of the stock structure of northern cod, particularly the distinction between inshore populations and offshore populations.

Past committee work related to the collapse of cod stocks

In the past the Committee has looked at issues related to the collapse of the Atlantic groundfish fisheries. In 1998, for example, the Committee tabled its *East Coast Report*. The Committee studied the implementation of The Atlantic Groundfish Strategy (TAGS), three years after its introduction, and examined fisheries management issues in general. In 1999, the Committee tabled its *Seal Report*, in which the Committee examined evidence of the impact of the growing numbers of harp and hooded seals on groundfish stocks in the Atlantic region. In 2002 and 2003, the Committee focused its attention on foreign overfishing in two separate reports. In these reports, the Committee recommended that Canada implement “custodial management” on the Nose and Tail of the Grand Banks, whereby Canada would assume responsibility for conservation and enforcement in place of NAFO in the NAFO regulatory area outside the 200-mile limit. Also in 2003, the Committee tabled its report on *Atlantic Fisheries Issues*. This report contained recommendations on a variety of specific concerns related to the Atlantic fisheries. Among these, were the recent (at the time) ministerial decision on the closure of the cod fishery in the Gulf of St. Lawrence and northeast of Newfoundland and Labrador; the management of marine mammals and the recovery of depleted fish stocks; and the role and the state of DFO science. A list of relevant past recommendations is provided in appendix A.¹³

In March 2003, the Newfoundland and Labrador All-Party Committee on the 2J3KL and 3Pn4RS Cod Fisheries presented its report *Stability, Sustainability and Prosperity, Charting a Future for Northern and Gulf Cod Stocks*, which represented a consensus of views of parliamentarians from different political parties, from the Newfoundland and Labrador House of Assembly and from both houses of the Parliament of Canada. Among other things, the report asked that the Government of Canada “not implement a moratorium on the 2J3KL and 3Pn4RS commercial cod fisheries until an all-inclusive program for rebuilding and conserving these cod

¹³ Past reports of the Committee can be found on the Committee website at www.parl.gc.ca/fopo.

stocks is implemented."¹⁴ The House of Commons Standing Committee on Fisheries and Oceans supported the report in a letter to the Minister of Fisheries and Oceans.¹⁵

Causes for the collapse of the fishery

Before the moratorium on northern cod fishery was announced in July 1992, the federal government mandated a Task Force on Incomes and Adjustment in the Atlantic Fishery chaired by M. Richard Cashin to examine the income structure in Canada's Atlantic fishery and to recommend long-term income stabilization and supplementation solutions. The mandate of the task force was, however, significantly broadened with the realization that the Atlantic fishery was experiencing a failure of its most important group of species, groundfish. The report of the task force, *Charting a New Course: Towards the Fishery of the Future*, released in 1993 and popularly known as the "Cashin Report", provided an analysis of the Atlantic groundfish fishery crisis.¹⁶ The report indicated that the following factors had contributed to the collapse:

- overly high total allowable catch levels for many stocks, set too high because of optimistic scientific projections, inadequate understanding of stock dynamics, and inaccurate data on commercial fishing activity;
- under-reporting of actual catches which caused harvesting overruns and misleading data for management and scientific assessments;
- destructive fishing practices such as highgrading, discarding and dumping of immature fish or non-target species;
- foreign overfishing of straddling stocks on the Nose and Tail of the Grand Banks;
- failure to control expansion of fishing effort, and failure to minimize the possible adverse impact of various fishing gear technologies; and,

¹⁴ Newfoundland and Labrador All-Party Committee on the 2J3KL and 3Pn4RS Cod Fisheries, *Stability, Sustainability and Prosperity: Charting a Future for Northern and Gulf Cod Stocks: A position Statement*, St. John's, 2003, 19 p.

¹⁵ The letter can be found in an appendix B.

¹⁶ Task Force on Income and Adjustment in the Atlantic Fisheries (1993).

- unforeseen and possibly long-lasting ecological changes.¹⁷

In July 1997, the FRCC presented a report to the Minister of Fisheries and Oceans entitled *A Groundfish Conservation Framework for Atlantic Canada*.¹⁸ After several years of study, the council had concluded that the following factors contributed to the collapse of the groundfish stocks:

- over-estimation of the biomass;
- over-estimation of recruitment;
- failure to recognize environmental changes and their impact on the groundfish fishery;
- failure of the management system to recognize the impact of technological change;
- under-estimation of foreign overfishing;
- pressures of our own Canadian industry which led to misreporting, dumping, discarding, and highgrading; and,
- failure of the political system to make the necessary conservation decisions when the red flag did go up.¹⁹

The Committee did not hear anything during its hearings in Newfoundland and Labrador that would contradict the conclusions reached by the task force, the FRCC and others in previous years. In Bonavista and Port Blandford, the Committee heard specifically about domestic overfishing in the 1980s by the mobile gear fleet.

What we've seen was that the companies had full control, and through their greed and our ignorance of how the ecosystem worked we allowed it to happen.

Neville Samson

¹⁷ Ibid., p. 21.

¹⁸ Fisheries Resource Conservation Council, *A Groundfish Conservation Framework for Atlantic Canada*, Report to the Minister of Fisheries and Oceans, FRCC.97.R.3, 1997.

¹⁹ Ibid., p.1

One of the things that I do want to stress is that one of the major causes that I believe — and a lot of the fishermen out there believe — contributed to the collapse of the northern cod was science. Science played a major, major role in the seventies and eighties. It overestimated the biomass grossly. The biomass that was there was kept on the upper side at all times to satisfy the greed of large companies — multinational companies like FPI and National Sea.

George Feltham

In St. John's, the Committee heard about the foreign pillaging of the resource in what is now the Canadian exclusive economic zone (EEZ), the missed opportunity to rectify the situation once Canada took control of fishery management inside the 200-mile limit, and the “process of intensification and expansion” that took place during the 1980s. Development of advanced gear technologies, electronic navigation, fish-finding tools, and increased vessel power greatly expanded the harvesting capacity of the fleets. The development of a winter gillnet fishery, and fishing for smaller fish were also often mentioned. The number of registered inshore fishermen in Newfoundland and Labrador increased from 14,000 in 1975 to 25,000 by 1978, and further to 34,000 by 1980.²⁰ Like the harvesting sector, the processing sector also greatly increased its capacity over the same period.

In the 1980s the number of processing plants also increased. These plants have become dependent on the dragger fleet and its catches.

Don Blackwood

Reasons for lack of recovery

Overall, the prospects for rapid recovery of cod stocks in the Northwest Atlantic do not provide grounds for optimism. There are no indications of large year-classes of cod stocks. Under the current stock conditions, there is a need to conserve as much as possible of the spawning biomass. In November 2004, the Committee received, as requested, a document from DFO stating the reasons for the lack of recovery of cod stocks. The document is the latest in a series of analyses that have tried to identify the initial causes for the collapse of the stocks as well as the reasons for the poor forecasts for a resumption of cod fishery on the East coast. The document provided by DFO was prepared for the Committee, and extracted from the *Proceedings of the Zonal Assessment Meeting – Atlantic Cod*, held in Halifax in February 2003. DFO argued that the earliest expectations of rapid recovery were unrealistic. A total of 40 reasons for the lack of recovery were examined. They included:

²⁰ William E Schrank, Extended fisheries jurisdiction: origins of the current crisis in Atlantic Canada's fisheries, *Marine Policy*, Volume 19, Issue 4, July 1995, Pages 285-299.

- low productivity due to cold environments, particularly unfavourable for cod;
- very high adult mortality from causes other than fishing such as:
 - significant amounts of cod consumed or killed by seals,
 - low energetic condition of cod following spawning;
- mortality due to fishing:
 - following the reopening of the fishery, removals exceeded surplus production,
 - discarding, misreporting, poaching, and unreported catches,
 - uncertainty about the level of bycatch in a number of domestic and foreign fisheries;
- reduced size at age for most stocks (increase for 2J3KL cod through the 1990s);
- lack of older spawners and high proportion of first time spawners (first time spawners are generally less successful at reproducing); and,
- maturation at younger ages.

The Committee notes that mismanagement has not been included among these reasons. The Committee believes that the little to no recovery of northern cod stocks can be explained by the following six elements:

- lack of control by Canada, and through NAFO, over abusive and destructive foreign fishing practices (overfishing, discarding, excessive bycatch, illegal, unregulated and unreported (IUU) fishing);
- poor strategic choices regarding conservation in an overall atmosphere of no long-term vision and strategy (for example, permitting harvesting in areas where cod were congregating to spawn);

- lack of knowledge;
- destructive gear technologies;
- the current size of the seal population; and
- lack of recognition of the structure of northern cod stocks.

While the Committee recognizes the obvious lack of recovery for the offshore component of northern cod stocks, we are not convinced the same is true for the inshore component as a whole. Some particular bay populations seem to have rebounded significantly in the past few years:

We have a large inshore stock in Bonavista, Trinity, and Notre Dame Bays that has been increasing yearly, in my view. Inshore fishermen cannot fish for any species with nets without having large bycatches. Last year, in a three-week blackback fishery, approximately 400 tonnes of cod were landed as bycatch. This year it was cut down to a two-week blackback fishery. We landed 1,000 tonnes of northern cod out of that fishery. In my view, this is a very positive sign of rebuilding — more fish spread over a larger area.

Douglas Sweetland

In fact, in Bonavista and Trinity Bay, the cod, as far as I'm concerned, is just as plentiful as when John Cabot landed there, if not more so. When the capelin come in there, the cod roll on the beaches chasing the capelin. In the years when there was plenty of cod, before the moratorium, we never saw that. Now I don't know if it's the actual overabundance of cod in the area that's causing it. They're not starved to death. They're healthy looking fish, and large fish, right.

Douglas Sweetland

Fishermen are getting cod in lobster pots. They're getting them in herring nets. That never used to occur before.

Jacob Hunt

It is therefore not surprising that the latest inshore stock assessment published by DFO is widely challenged in the fishing communities. For the inshore central area (southern 3K and northern 3L), DFO had estimated, based on results from tagging experiments with harvest rates of 10%, that the exploitable biomass from 1999 to 2002 averaged approximately 50,000 tonnes. There are no estimates for recent years because of the small number of tags recovered in the absence of a fishery. A different type of study based on sequential population analysis (SPA) provided estimates for recent years. Using the SPA, the spawner biomass in the

inshore central area was estimated at 13,000 tonnes by the beginning of 2005, and the age 4+ biomass was about 20,000 tonnes.²¹ The Committee heard differently from witnesses:

The rebuilding of the stock has been a lot slower than anyone could possibly imagine. The present biomass, although low, is a lot higher than that estimated by DFO scientists. Inshore fishermen are seeing cod in greater abundance than prior to the moratorium. DFO's estimate of the total northern cod biomass is between 50,000 and 60,000 tonnes. My own estimate is 150,000 to 200,000 tonnes. I'll be the first one to say my estimate is an educated guess and that's all. The scientist's one is 50,000 to 60,000. They're just guessing.

Douglas Sweetland

If you look at the way scientists look at science, it's based on acoustics. Again, if you went into the Smith Sound area and the *Teleost* was there, she's a large vessel. They cannot estimate anything that's less than 20 fathoms. The acoustics can't pick it up. Dr. George Rose would tell you the same thing; scientists will tell you the same thing. Once they go below a certain depth of water, they cannot determine what's around the coastline because the acoustics cannot pick it up. So in regard to the inshore fisherman, if you went into Smith Sound right now and you were in less than 20 fathoms of water, you would find fish.

In August I was involved in the blackback fishery. I had one net in 12 to 16 fathoms of water. I kept 120 codfish out of one net, averaging five to six pounds per fish, and that is not including what I released. That's a lot of live ones for one night's fishing. When I say in my statement that's 500 or 600 pounds per net, none of it is recorded in the scientific data.

Gilbert Penney

Recovery efforts

In 2003, the Minister of Fisheries and Oceans Canada announced the formation of the Canada-Newfoundland and Labrador Action Team on Cod Recovery. For the purpose of the consultation in the preparation of a long-term strategy for the recovery of cod stocks adjacent to Newfoundland and Labrador, DFO and the provincial Department of Fisheries and Aquaculture prepared a document entitled *Towards a Cod Recovery Strategy — Some Essential Factors and Considerations: A Consultation Paper* (March 2005). The cod action team is co-chaired by DFO's Regional Director General for Newfoundland and Labrador,

²¹ The age 4+ biomass has decreased from a maximum of 30,000 tonnes in 1997, presumably due to the re-opening of a commercial fishery between 1998 and 2002. The spawner biomass is smaller than the age 4+ biomass because of its age cut-off that is higher. The exploitable biomass includes individuals from a wider range of year-classes.

Mr. Wayne Follett, and the Deputy Minister of the provincial Department of Fisheries and Aquaculture, Mr. Mike Samson. Both chairs appeared before the Committee in St. John's. The team is expected to release its strategy later in the fall of 2005. The cod action team does not have the mandate to set TACs, undertake new scientific research, or address access and allocation or historical share issues.

The Committee was told the strategy will discuss the current status and outlook for cod stocks around the province. It will review the many considerations affecting rebuilding such as fish condition and individual growth, reproductive capacity, fishing and natural mortality, foreign fishery, and climatic factors. The document is also expected to discuss at length the goals and objectives of the recovery:

In our consultations, there's a consistent message we've heard in terms of setting goals that are more short term versus long term, recovery for whom, and really a question of pace of recovery and our expectations over the long haul, and the observation that what we do in the short term in terms of extracting economic and societal benefit from the resource will certainly have an impact on the protracted nature of the cod recovery process.

Wayne Follett

The Committee wanted to know why it took more than 10 years to come up with the idea of developing a recovery strategy, and 3 years to develop one. Mr. Follett told the Committee that when it was announced, the closure of the northern cod fishery was originally for two years. It "took some time for DFO to internalize" the fact that it would take much longer. Meanwhile, some stocks such as 3Ps were beginning to recover, and in 1998, an apparent recovery for some northern cod subpopulations led to the re-opening of a small index fishery, which, in retrospect, turned out to be too large. According to Mr. Follett, the cod recovery strategy was precipitated by the 2003 closures and the realization from both the Department and the communities that they were in for the long haul on these stocks. The ensuing political debate led the respective ministers to conclude that a cod recovery strategy had to be developed.

The Committee is astonished by the lack of long-term vision that prevented the development of a plan that would have dealt seriously, at an earlier stage, with many of the problems currently affecting the recovery of northern cod stocks. Moreover, the Committee is sceptical that it took this long for DFO to "internalize" the situation. Already in 1995, less than three years after the announcement of the moratorium, Dr. William G. Doubleday, Director General, Fisheries and Oceans Sciences Directorate, told the Committee during hearings on The Atlantic Groundfish Strategy (TAGS) that it would likely take at least 14 years to witness any significant recovery:

I understand the Committee is seeking the best information the scientists have on when the northern cod stock will recover sufficiently to allow a commercial fishery similar to what we've seen in the 1980s.

Now what I can say is that at present our surveys are finding no strong year-classes about to enter the fishable ages. We have had surveys for juvenile cod in the bays of northeast Newfoundland and we've picked up typically one- and two-year-old cod in significant numbers. But each year they have failed to show up at ages three, four and five in the offshore surveys. So it seems they're not surviving after the first couple of years of life. They're subject to a high mortality.

At this point the stock is so low that our scientists consider it very unlikely a strong year-class, comparable to those in the historical period, would be produced. We have a spawning stock now that's on the order of 1% or less of what it used to be, so it seems unrealistic to expect so few spawners would be able to produce the very strong year-classes we've seen, say, in the 1960s.

Consequently, without making a prediction and without saying this will happen...it seems reasonable that it would take two cycles where a significant number of northern cod would survive to maturity, which is about seven years, they would spawn, and then they would produce stronger year-classes subsequently. So one might expect about fourteen years would be the minimum for a significant recovery. But that's not a precise figure. It could take longer. It could take a shorter time. It's simply how long it takes to go through two generations of northern cod.

So we cannot predict when the recovery will occur. We can be quite clear that it's not going to be rapid. It's going to be slow. It's not going to occur within the next few years. It's reasonable to expect we would have to see at least one good year-class reach spawning age, reproduce successfully, and build up the stock before you would be back to anything like what we've seen in the past.²²

Re-opening the fishery

Any decision to re-open the inshore cod fishery is dependent upon knowing how much fish is really out there in each of the bays. The Committee has heard that there is "a lot of fish", but has not obtained from any witness a dependable estimate. Unfortunately, there seems to be at this time little interest on the part of DFO to collect the scientific data needed to make such decisions. **The Committee has the clear impression that, from DFO's perspective, cod is no longer a priority. In other words, since the cod have almost vanished, there is no point in studying them anymore.**

²² William G. Doubleday, Director General, Fisheries and Oceans Sciences Directorate, Evidence, 1st Session, 35th Parliament, 26 April 1995.

In May 2005, DFO released its latest stock assessment report on northern cod, in which it indicated that for the inshore central area stocks, with a catch option of 2,500 tonnes and assuming an adequate recruitment level, the three-year projections are for an increase in the spawner biomass. In the offshore and other inshore areas (2J and northern 3K), the biomass of cod remains extremely low.

Most witnesses agreed that an opening of the northern cod fishery in the inshore is desirable. While many fishermen and plant workers pushed for a fishery that would allow a harvest of up to 5,000 pounds per fisherman, which would translate to a TAC of approximately 7,000 metric tonnes, many other witnesses suggested a more conservative opening at 500 to 1,000 tonnes. The Committee agrees with the more conservative approach, and was satisfied by statements from fishermen to the effect that even a small opening would be significant for them.

For DFO representatives however, the decision of opening the fishery is a matter of assessment of risk, and of agreement on overall objectives in relation to recovery:

At the end of the day, we have to agree on our objective. If your objective is recovery, you won't fish. If your objective is to increase the risk in relation to recovery, then you will allow a certain amount of mortality. The further you go with that mortality, the greater the risk you will run in terms of our long-term stock rebuilding objective.

Wayne Follett

The Committee is sensitive to the fact that the reopening of the inshore fishery in 1998 almost destroyed, in a matter of 4 years, the stock that had rebounded from the earlier collapse. DFO stated that "SPA estimates indicate that spawner biomass in [the inshore central] area increased from 10,000 tonnes in 1995 to 22,000 tonnes in 1998, declined during 1998-2002 (when there was a commercial fishery) to 7,000 tonnes in 2003, and has subsequently increased to 13,000 tonnes by the beginning of 2005.²³ However, the Committee heard compelling testimony from a variety of witnesses that some inshore cod stocks may be sufficiently healthy to withstand a tightly controlled limited fishery.

Therefore, in order to more accurately assess the stock status, the Committee recommends:

²³ Fisheries and Oceans Canada (2005), p.15.

RECOMMENDATION 2

- **A reopening of a commercial inshore fishery limited by the following conditions:**
- **That the re-opening be done on a bay-by-bay basis with access based on historical attachment;**
- **That the annual TAC be conservatively set at a level that would allow the biomass to increase, but that would also be sufficient to provide reliable data about the size of the stocks;**
- **That, in the calculation of the TAC, landings from sentinel fisheries and bycatch in other fisheries be included;**
- **That no fishery be allowed in known spawning areas during spawning times; and**
- **That gear types be limited to least destructive methods and according to historical practices.**

Furthermore, the Committee recommends:

RECOMMENDATION 3

That, if it becomes clear that the stocks could also support a recreational fishery, recreational licenses be based on a no-fee, tags and compulsory logbook system.

The Committee also recommends:

RECOMMENDATION 4

The implementation of stringent management measures such as dockside monitoring of all cod bycatch landed by Canadian and foreign vessels in Canadian ports and the use of VHF transponder system (“black box”) for all commercial fishing vessels 45’ and over; and,

The consideration of onboard monitoring.

RECOMMENDATION 5

That the Minister of Fisheries and Oceans commit to amending the Fisheries Act to deal with licence violations using administrative sanctions subject to appeal through arm’s-length tribunals;

That, in the interim, the Attorney General of Canada instruct federal prosecutors involved in Fisheries Act licence violation cases to bring to the attention of the court, prior to sentencing, the total cost to the Canadian taxpayer of investigating and prosecuting the offence, and to push for the maximum penalty under the law at sentencing; and

That any financial proceeds forfeited as a result of a conviction for licence violations be used to support an enhanced dockside monitoring or some other equally important program.

Distrust between fishermen, scientists and fisheries managers

The Committee heard many times during its hearings about the profound lack of trust existing between fishermen and scientists and fisheries managers. Dr. Neis hypothesized that part of the problem was a lack of communication and differing perspectives:

Fishermen have a very different kind of knowledge from science, and what they see is localized. They’re a complicated group. They have different gears, and some of them are older, some of them are younger. Younger fishermen don’t even necessarily see the same thing as older fishermen, and the same is true of scientists. It’s what Daniel Pauly calls the problem of the shifting baseline syndrome. He says that when a scientist comes in and starts working on an ecosystem, he tends to judge what’s there later in his life based on the abundance that was there when he entered. He will see things in particular kinds of ways.

I think the same is true of fishermen, and that's why we often target older, retired fishermen. We want to get back before the serious destruction of the stock that happened in the 1970s so that people can get a sense of what abundance that stock is actually capable of producing. Most younger fishermen have never seen that abundance. When they talk about abundance, the timeframe for their estimate is quite different from that of older people. There's not always a mechanism there to promote discussion and conversation between older generational fishermen and younger.

Barbara Neis, 48:09:30

The Committee has heard over and over about the lack of science relating to northern cod stocks. The irony is that the science is there (at least minimally), but most of the scientific information never reaches the fishing communities. Scientific information is frequently not made accessible to a general audience as the results of most scientific studies are published in specialized, peer-reviewed journals. At the same time, the Committee noticed that while scientific reports such as stock assessment documents are readily available via the internet, the fishing community is either not aware of their existence, or not willing to look for them.

The Committee has heard about, and discussed this issue before. In 2003, we wrote the following in our report *Atlantic Fisheries Issues: May 2003*:

There is also a perception that there is a lack of communications, not only between DFO scientists and fishermen, but also between DFO Science and the other branches of DFO. One of the consequences is that there is a "disconnect" between the fishermen and the scientists. Consequently, fishermen do not trust what the scientists say.

Various solutions were proposed to the Committee. The most fundamental was that DFO science should have the funding necessary to carry out the research required for sound fisheries management and to ensure the survival of the fishery. Another recommendation was that DFO should use an independent body to carry out stock assessments.

Several suggestions were made to help bridge the gap between scientists and fishermen. For example, it was suggested that scientists make better use of fishermen as their "eyes and ears" out on the water. It was also suggested that DFO utilize fishermen to help monitor fish resources and environmental conditions. Indeed, during the Committee's visit to Iceland in September 2003, we learned that scientists from the Icelandic Marine Research Institute routinely spend time on fishing boats and employ fishermen to gather data. To some extent, the sentinel fisheries, in addition to providing valuable information, are already helping to bridge the divide between fishermen and scientists.

Other proposals advocated creating positions within DFO the function of which would be to liaise between the different branches and improve

communications, and understanding and allowing scientists to present ideas directly to the Committee or the public.²⁴

This led to a series of recommendations that the reader can find in appendix A. The Committee believes that allowing the fishing communities to take responsibility for the stewardship of the resource, and adopting a different approach to bridging the gap between fishermen, scientists and fisheries managers would go a long way to address the problem of distrust of these stakeholders. Accordingly, the Committee recommends:

RECOMMENDATION 6

That Regional Harvesting Councils or Bay Conservation Councils be established to enable resource users to have meaningful input into the management of coastal fisheries; and,

That fisheries management practices integrate systematically the collection of the knowledge, practices and observations from individual harvesters, and that this information be disseminated to the appropriate stakeholders.

Reinvestment in cod science

As mentioned above, the Committee believes that DFO has little interest in collecting the scientific data needed to support any decision to re-open the cod fishery. Cod science is no longer a priority, and some scientific witnesses from outside the department have confirmed that. Even DFO admitted that the financial resources for cod science were no longer what they used to be:

[O]ver the years we've had different programs. In particular, in the 1990-1995 period we had a special northern cod science program of \$33 million, which expired. So I think if you were benchmarking against a time when we had our core resources supplemented by special programming for cod science compared to what we have today, you could deduce that we don't have the same level of resourcing in cod science today as we had in the 1990s. I think that would be a fair comment. But beyond that it would be speculative on my part to try to give you any kind of proportionate expenditure on cod science today compared to previous years. In trying to answer your question, I think it's fair to say that we don't have any extras at the moment, with the possible exception that we have just received a new investment under the international governance envelope of \$11 million for science, and this year it will ramp up. This year we have \$1.9 million. We're in the process now of finalizing projects around that, not particularly cod assessment projects per se but more the broader question

²⁴ Standing Committee on Fisheries and Oceans of the House of Commons, *Atlantic Fisheries Issues: May 2003*, and 2nd session, 37th Parliament, Ottawa, 2003 p.10-11.

as it relates to habitat and ecosystem types of science. It's very difficult to make the relationship between science activity in cod and money in cod.

Wayne Follett, 51:18:55

As an example, due to operational problems with its research vessels, DFO was not able to meet its commitment to the Chair in Fisheries Conservation at Memorial University of Newfoundland and Labrador for 2004. The Chair is currently held by Dr. George Rose, a prominent researcher in cod population biology. In fact, the department could not complete its own assessments due to the fleet problems. But more importantly, DFO decided in October 2004 to permanently discontinue its vessel support to the Fisheries Conservation Chair program. The Committee questions DFO's abilities to make the right decisions regarding the cod fishery when important research programs such as Dr. Rose's are jeopardized.

The Committee recommends:

RECOMMENDATION 7

That the planned \$20 million cutback over three years (2004-2008) in DFO's budget for Science program activities,²⁵ particularly with respect to the "Sustainable Fisheries and Aquaculture" strategic outcome, be reconsidered, and that an immediate reinvestment in cod science be made.

At this time, the Committee has identified the following areas which need scientific attention and study, especially in relation to inshore stocks:

- basic life history;
- feeding behaviour;
- understanding the ecosystem, including the effects of climate change;
- migration trends and patterns; and
- interaction between offshore and inshore stocks.

²⁵ The Committee estimates from DFO's Reports on Plans and Priorities that Science programs as a whole were funded to the tune of \$286.9 million in 2004-2005, and that planned funding for 2007-2008 is established at \$266 million.

Protection of sensitive fish habitat

The Committee heard on several occasions that the recovery of cod is dependent in part on the adequate protection of fish habitat, and in particular, of cod spawning areas. Professors Jeffrey Hutchings and Ransom Myers encouraged the Committee to consider measures to protect sensitive seabed habitat on the outer continental shelf, beyond Canada's 200-mile exclusive economic zone, where Canada has jurisdiction to protect sedentary species. The Species at Risk Act (SARA) defines, in section 4, a sedentary species as being, "at the harvestable stage, either immobile on or under the seabed or is unable to move except in constant physical contact with the seabed or subsoil." The witnesses suggested that Section 4 is a potential tool for the custodial management of fisheries resources. The extension of SARA to sedentary organisms on the continental shelf is consistent with Canada's authority under the United Nations Convention on the Law of the Sea (UNCLOS). While some legislative jurisdiction exists in areas on the continental shelf, outside the 200-mile limit, the exercise of such power must be based on the listing of a sedentary species for which critical habitat exists in that geographic area. The underlying objective of the suggestion made by Drs. Hutchings and Myers was the protection of juvenile cod, and the enhancement of the recovery of that species beyond Canada's 200-mile exclusive economic zone. Cod is not however a sedentary species, so the protection of cod would be the indirect result of listing a sedentary marine species. Examples of marine sedentary species would include species from groups such as mollusks, sponges, anemones and corals.²⁶ At this time, there are no marine sedentary species listed or proposed to be listed under SARA for the North Atlantic Ocean. The Committee believes that while the SARA mechanism described above may still be an option worthy of further consideration, without a specific candidate species its usefulness is limited for the present.

The Committee however recommends:

RECOMMENDATION 8

That there be more studies on cold-water deep-sea corals and sponges, and that DFO remain open to the option of using section 4 of SARA to protect sensitive habitat on the Nose and Tail of the Grand banks should a potential candidate for listing be found.

The Committee was also briefed on the destructive nature of some gear technologies, particularly bottom trawling. The position of the Minister of Fisheries

²⁶ Canada has contended in the past that snow crab, a crustacean, is also a sedentary species under Article 77 of UNCLOS. DFO, Canadian jurisdiction over snow crab fishery outside 200-miles, News Release, NR-HQ-95-82E, 20 July 1995, http://www.dfo-mpo.gc.ca/media/newsrel/1995/hq-ac82_e.htm.

and Oceans, Geoff Regan, as well as that of his officials, has been that “no specific gear type is inherently destructive depending on how they are used. From experience, we know that all gear types can have negative impacts.”²⁷ **We agree with a majority of witnesses who have said that on the “habitat destruction scale,” bottom trawling is infinitely more destructive than gear like hook and line.** There are in fact, a number of reviews of scientific literature showing clearly the negative effects of bottom trawling.²⁸ Consequently, the Committee concludes that some form of moratorium on bottom trawling should be implemented. This measure should be applied or promoted by Canada both inside and outside its EEZ. According to Dr. Ransom Myers, Canada must act both nationally and internationally to take further efforts to restore cod stocks, through habitat protection measures and gear restriction.

Canada has already supported a resolution of this nature at the United Nations (UN) on 17 November 2004. In fact, Canada is identified as a co-sponsor of the UN General Assembly resolution in a draft document dated 10 November 2004. Paragraph 66 of the resolution 59/25²⁹ which remained virtually unchanged from its draft form, reads:

Calls upon States, either by themselves or through regional fisheries management organizations or arrangements, where these are competent to do so, to take action urgently, and consider on a case-by-case basis and on a scientific basis, including the application of the precautionary approach, the interim prohibition of destructive fishing practices, including bottom trawling that has adverse impacts on vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals located beyond national jurisdiction, until such time as appropriate conservation and management measures have been adopted in accordance with international law;

Therefore, the Committee recommends:

²⁷ Speech of the Canadian Minister of Fisheries and Oceans, the Honourable Geoff Regan, to the United Nations General Assembly in New York, 16 November 2004. The Minister reiterated this position before the Committee on 18 November 2004.

²⁸ Lance Morgan, Committee Evidence, meeting no. 53

²⁹ Resolution adopted without a vote by the UN General Assembly on 17 November 2004, Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.

RECOMMENDATION 9

That the Government of Canada restate clearly its support for the UN General Assembly resolution 59/25, and do everything it can to enforce the resolution.

The Committee is equally concerned about the impacts of bottom trawling inside the EEZ, and believes like a number of its witnesses that clear actions have to be taken to protect sensitive habitats:

[Our association] recommended a total banning of bottom-dragging technology in Canadian waters. In the interim of implementing the banning of bottom-dragging technology, the association recommended the proportional harvesting of cod by Canadian offshore fishing companies on the offshore spawning grounds along our east and northeast coast. It recommended the banning of any fishing activity on these spawning grounds during the cod spawning season and recommended full observer coverage on all Canadian offshore fishing vessels and on all Canadian inshore bottom-dragging vessels at that time. In addition, the association recommended a federal commission of inquiry to investigate the impact of bottom-dragging on the ocean bottom and on the ocean ecosystem environment.

Tom Best

Accordingly, the Committee recommends:

RECOMMENDATION 10

That Canada protect sensitive groundfish habitats from bottom trawling, halt any further expansion of the bottom trawl fleet into new fishing areas, and ensure that all areas currently closed to trawling do not re-open, nor further expansion be permitted, until adequate risk and impact assessments have been completed.

Furthermore, the Committee recommends:

RECOMMENDATION 11

That DFO, as a matter of policy, consistently restrict the use of any harvesting technology where and when it is determined to be having a negative impact on the sustainability of a species. DFO should also establish sanctuary areas to protect the sustainability of species in areas and at times when they are most vulnerable.

According to DFO, the *Fisheries Act* and its regulations has all the means necessary to address the conservation and protection of the fishery, including the protection of fish habitat from destructive fishing practices and gear.³⁰ In fact, the department stated that it has taken steps in a few areas. For example, DFO has established the Lophelia Conservation Area (LCA), a 15-square kilometre area designed to protect the reef building coral *Lophelia pertusa* in Canadian waters. On the East Coast, DFO has also established a 424-square kilometre Coral Conservation Area in the Northeast Channel to protect the highest known density of octocoral colonies in Atlantic Canada, and four Marine Protected Areas under the *Oceans Act*.

Again, the Committee was struck by the realization that the capacity for the department to act is severely limited by the availability of the knowledge needed to make a decision. There is, according to DFO, “no comprehensive estimate of the area of Canadian waters that is subject to bottom fishing gear. Nor is there a standardized approach for quantifying the area of Canadian waters that is subject to bottom fishing gear. Research conducted in this area has not included fishing activities in all Canadian waters (e.g. northern shrimp, sub-area 0 turbot).”³¹

In 2001 however, two researchers, one of whom was affiliated with DFO, published an analysis providing a description of changes in the locations, patterns of intensity and persistence of trawling activity in Canadian waters from 1980 to 2000.³² Kulka and Pitcher found that in the Atlantic region, trawling activity was generally consistent in the 1980s, with most trawling concentrated along the shelf edge and between the banks. Over the 20 years surveyed, the total area trawled fluctuated from 38% of the total shelf area in 1980 to a low of 8% in 1997 and expanded to 20% of the total shelf area for 1999-2000. In the 2J3KL area, trawling decreased sharply in the early 1990s, and trawling grounds became increasingly fragmented. Effort was renewed beginning in 1998, albeit on a smaller scale. Except for parts of the Grand Banks, the tops of banks were untrawled in area

³⁰ Office of the Auditor General, DFO Response to Environmental Petition No. 90 B, *The Effects of Trawling and Dredging on the Sea Floor*.

³¹ Ibid.

³² Kulka, D.W. and D.A. Pitcher. 2001. “Spatial and Temporal Patterns in Trawling Activity in the Canadian Atlantic and Pacific.” ICES CM 2001/R:02.

2J3KL. “Overtrawled” areas occurred mainly around Hamilton Bank and on the Northeast Newfoundland Shelf.

The Minister of Fisheries and Oceans can also use the *Oceans Act*, which “provides the legal basis for the comprehensive planning and management of all activities in or affecting Canada’s marine ecosystems, based on the principles of sustainable development, integrated management and the precautionary approach.”³³ Integrated oceans management allows the identifications of priorities for management and science activities. By using risk assessment, the department’s limited science and management resources could be invested in high-risk or high-opportunity areas. It is this Committee’s contention that habitat critical to northern cod should be included among areas designated as high-risk. The Commissioner of the Environment and Sustainable Development (CESD), in her 2005 report, has however been critical of the progress achieved by the federal government with respect to the practical implementation of the concept of integrated oceans management.

By most measures, the progress that Fisheries and Oceans Canada has made to develop plans for the integrated management of coastal and ocean areas has been very slow.³⁴

By DFO’s own admission, “the current approach has resulted in failing oceans health, including some declining fish stocks and increasing fluctuations of stocks, increasing numbers of marine species at risk and invasive species, marine habitat loss, and declining biodiversity.”³⁵

The Committee notes that while DFO may, in principle, have the necessary tools, and clearly the mandate to protect fish habitat from destructive fishing practices and gear, it lacks the will to move forward with significant measures.

Therefore, the Committee recommends:

RECOMMENDATION 12

That DFO commission a comprehensive study to assess the ecological impacts of bottom trawling inside Canadian waters as well as the economic impact of a moratorium on this technology.

³³ OAG, op cit.

³⁴ Commissioner of the Environment and Sustainable Development, *Annual Report*, Chapter 1 - Canada’s Oceans Management Strategy, Ottawa, 2005, paragraph 1.31.

³⁵ Fisheries and Oceans Canada, *Canada’s Oceans Action Plan - For Present and Future Generations*, Ottawa, May 2005, p.4.

Listing of cod under SARA

The adequate protection of fish habitat, and in particular, of cod spawning areas is essential to a successful recovery of cod stocks. Indeed, the 1990 Norwegian ban on all fishing on cod spawning grounds is largely responsible for the success of the Barents Sea cod stock recovery. Even before that prohibition, Norwegian coastal fishermen fished the area off the Lofoten Islands with hook and line only, as draggers had been banned from these known cod spawning grounds.

The protection of critical habitat is automatic when an aquatic species is listed under the *Species at Risk Act* (SARA). The Newfoundland and Labrador population of cod (northern cod) is currently under consideration by the federal cabinet for inclusion as “endangered” in Schedule 1 of SARA (the List). The assessment of northern cod prepared by the Committee On the Status of Endangered Wildlife in Canada (COSEWIC) was formally received by the Governor in Council on 27 July 2005. The cabinet, on the recommendation of the Minister of the Environment in consultation with the Minister of Fisheries and Oceans, has to make a decision as to whether or not to list northern cod by April 2006. Under SARA, when an aquatic species is listed as endangered, threatened or extirpated, a recovery strategy must be prepared by the Minister of Fisheries and Oceans, which will in turn lead to the adoption of one or more action plans. Where the recovery of a listed species has been determined to be feasible, the recovery strategy must identify the threats to the species, including loss of its habitat, and it must identify the species’ critical habitat. The action plan must identify the species’ critical habitat, examples of activities that are likely to lead to the destruction of that habitat, and the measures that are proposed to be taken to protect the species’ critical habitat. The competent minister may use powers under SARA or any other federal statute to implement the action plan.

Most witnesses recommended that northern cod should not be listed under SARA. Like the witnesses, the Committee is concerned that, if applied strictly, the measures to protect northern cod would have major repercussions on the fisheries, possibly leading to long-term closing of fisheries for other species. We acknowledge, however, the point of view of other witnesses that argued that listing of cod is necessary and that the *Species at Risk Act* has the flexibility required to avoid prohibition of all marine activities in the critical habitat of the protected species:

There’s a lot of discretion in the Species at Risk Act. The minister in particular has extraordinary discretionary powers under the act.

Number one, what would a listing mean? It would mean that you’d have to have a plan. It would mean you’d have to identify recovery targets, timelines for achieving that recovery. How would you come up with a plan? The act

says you have to involve all interested parties, stakeholders included. This strikes me as a good thing because we don't have targets, we don't have timelines, and we don't have any legislated mandate to have input from all sources.

Number two, the act indicates that recovery strategies can recognize explicitly spatial differences or differences in status within the unit that has been designated. There are species that are listed across Canada but recovery plans that recognize that perhaps in Ontario the species is doing much worse than it is in Alberta. So recovery strategies can take into account differences in status within a unit. If northern cod were to be listed, any perceived differences in status between the inshore and the offshore, for example, could be taken into account.

What the minister needs to do under the act in order to permit various activities that you would think would not be permissible, such as a fishery, is to be of the opinion that a fishery or a take will not jeopardize the survival or recovery of the listed species. This is straight from the act. So the minister needs only to be "of the opinion" that "the activity will not jeopardize the survival or recovery of the species". So if the minister is of the opinion that an activity such as a food fishery or whatever activity you can think of will not jeopardize the survival or recovery, then the recovery strategy can take that into account.

So the Species at Risk Act is actually far more forgiving in many respects than I think people are aware of. The notion of having a plan in place strikes me as a good one, and the suggestion that the most draconian measures that could possibly be implemented under the Species at Risk Act would automatically come into play for any listed species is not a viable one, because it really depends on the recovery strategies.

Jeffrey Hutchings

The Committee believes that there is no need to list northern cod under SARA because DFO, in collaboration with the provincial Department of Fisheries and Aquaculture is already developing a recovery strategy. Mr. Wayne Follett, co-chair of the Cod Action Team, in fact told the Committee that the cod recovery strategy that is currently being drafted would also form the basis of a recovery strategy under SARA, although the strategy was not specifically geared to meet all of the requirements of the legislation. Therefore, a recovery strategy for northern cod will be in place whether or not the population ends up on the List.

The Committee recommends:

RECOMMENDATION 13

That the federal cabinet decide not to add northern cod to the List of “endangered” species under the Species at Risk Act.

Size of seal population and impact on the recovery of northern cod

The Committee agrees with the majority of its witnesses, including DFO officials, that the current size of the harp seal herd is a significant impediment to the recovery of the northern cod stocks. According to recent estimates, the harp seal population in the Northwest Atlantic is 5.9 million. The latest estimate (1990) of the hooded seal population was 450,000 to 475,000 animals.

It has been argued that the consumption of cod by seals is high enough to impair recovery in all areas. The difficulty with proving this proposition is that seals' diet consists of many types of fish, including juvenile cod, other fish species that prey on juvenile cod as well as species that constitutes the cod diet, for example capelin. These animals are all part of a complex food web. Moreover, the Committee heard that the seal is an opportunistic feeder, and that cod is not normally the main component of its diet. However, given the current size of the harp seal herd and assuming that a single harp seal consumes 1 tonne per year, even if one accepts that cod represents only 1% of the seal's diet, this would still amount to 60,000 tonnes of cod per year, representing a significant proportion of the current cod biomass.

In 2001, the Eminent Panel on Seal Management wrote:

The available estimates of Atlantic cod consumption in 2J3KL by harp and hooded seals are much larger than the current commercial catch and, indeed, much larger than the total estimated biomass of fish >3 y old in these divisions. In inshore areas, harp seals consume an estimated 18.5 Kt of cod, half of it from a 3+ stock estimated as 40-64 Kt. Offshore, hooded seals alone are estimated to consume almost 100 Kt of cod from an estimated biomass of 30 Kt! These figures clearly indicate the uncertainties that must be associated with the individual estimates, but also indicate that harp and hooded seals are important predators on cod in these Divisions. However, the extent of this predation mortality cannot be estimated reliably at present.

DFO currently manages the seal population according to the Atlantic Seal Harvest Management Plan. The plan has allowed the harvest of close to one million harp seals over three years. The department is currently developing a new multi-year seal management strategy for 2006 and onwards. According to DFO, under the current management framework, the seal hunt is managed on socio-

economic considerations until such time as the 70% population level is reached.³⁶ With the new harp seal population estimate, this level would be set at approximately four million. In the event of the population dropping to the 50% level, DFO would implement significant conservation measures.

DFO argues that the commercial quota for the seal hunt is established on sound conservation principles and is not an attempt to assist in the recovery of groundfish stocks. While agreeing with the first part of this claim, the Committee believes that DFO should acknowledge that maintaining the seal herd at a lower level would likely have a positive impact on the recovery of cod.

The Committee recommends:

RECOMMENDATION 14

That the Government of Canada aggressively promote the expansion of markets for harp seal products; and,

That DFO increase the commercial quotas for the seal harvest in accordance with market conditions.

Conclusion

Concluding that overfishing was the cause of the collapse of the northern cod stock should not surprise anyone. Others who have studied this issue have come to the same conclusion. However, the Committee felt that it was necessary to travel to Newfoundland and Labrador to fully understand the factors that allowed the “world’s greatest fish stock” to be grossly overfished for so many years. **In our view, the major factor was clearly mismanagement.**

The second goal of this study pertained to the “failure of the northern cod stock to re-establish itself since the moratorium”. We believe that the root cause lies in a lack of vision and long-term planning . Not dealing with foreign overfishing, re-opening of the inshore fishery in 1998 at unsustainable levels, and not recognizing sooner the size of the seal herds each contributed to the lack of recovery of the northern cod stocks. While DFO, as the body responsible for managing the fisheries, had the critical role in this disaster, it was often under pressure from fishermen, coastal communities, unions, and politicians to provide opportunities.

³⁶ This level corresponds to 70% of the maximum population size (0.7 x 5.9 million or 4.13 million). This level is DFO’s “precautionary reference point” below which there would be the need for a management strategy to return the population above the target.

In its 2003 *Atlantic Issues* report, the Committee concluded that a new vision for the development of the fishery deserved further discussion.³⁷ Like the FRCC in 2003, the Committee is “convinced that successful management of cod and other coastal fisheries (e.g., capelin) can only be achieved if fishers take responsibility for the stewardship of local resources and buy into the need for conservation. Moreover, there must be fundamental change in the attitudes and roles of fishers, communities and the management regime if rural communities and their fisheries are to survive.”³⁸ We believe that there is compelling evidence that the Canadian fisheries management system is dysfunctional, and that the time is now right to seriously consider a fundamental reform.

³⁷ In 2003, a number of witnesses proposed models for the future development of the fishery. These included, on the one end of the scale, the Icelandic model, where the day-to-day management of the fishery is left in the hands of the industry and where the Ministry, the Directorate of Fisheries and the Marine Research Institute are responsible for policy, setting TACs, monitoring and enforcement and science, but do not micromanage the industry. The Icelandic model, however, is based on the individual transferable quota (ITQ) system, which is not accepted by many stakeholders in Canada. Other witnesses advocated community-based management or co-management as an alternative to ITQ-based management. Although community-based management has merits, it may also have drawbacks, particularly as it may diminish the ability of the licence holders, the fishermen, to conduct their business as they best see fit.

³⁸ Fisheries Resource Conservation Council, 2003/2004 Conservation Requirements for 2J3KL Cod, Report to the Minister of Fisheries and Oceans, FRCC.2003.R.2, 2003, p. 9, <http://www.frcc.ca/2003/2j3kl.pdf>.

LIST OF RECOMMENDATIONS

RECOMMENDATION 1

That the Department of Fisheries and Oceans recognize and integrate in its stock assessments and management decisions the complexity of the stock structure of northern cod, particularly the distinction between inshore populations and offshore populations.

RECOMMENDATION 2

A reopening of a commercial inshore fishery limited by the following conditions:

That the re-opening be done on a bay-by-bay basis with access based on historical attachment;

That the annual TAC be conservatively set at a level that would allow the biomass to increase, but that would also be sufficient to provide reliable data about the size of the stocks;

That, in the calculation of the TAC, landings from sentinel fisheries and bycatch in other fisheries be included;

That no fishery be allowed in known spawning areas during spawning times; and

That gear types be limited to least destructive methods and according to historical practices.

RECOMMENDATION 3

That, if it becomes clear that the stocks could also support a recreational fishery, recreational licenses be based on a no-fee, tags and compulsory logbook system;

RECOMMENDATION 4

The implementation of stringent management measures such as dockside monitoring of all cod bycatch landed by Canadian and foreign vessels in Canadian ports and the use of VHF transponder system (“black box”) for all commercial fishing vessels 45’ and over; and

The consideration of onboard monitoring.

RECOMMENDATION 5

That the Minister of Fisheries and Oceans commit to amending the *Fisheries Act* to deal with licence violations using administrative sanctions subject to appeal through arm’s - length - tribunals;

That, in the interim, the Attorney General of Canada instruct federal prosecutors involved in *Fisheries Act* licence violation cases to bring to the attention of the court, prior to sentencing, the total cost to the Canadian taxpayer of investigating and prosecuting the offence, and to push for the maximum penalty under the law at sentencing; and

That any financial proceeds forfeited as a result of a conviction for licence violations be used to support an enhanced dockside monitoring or some other equally important program.

RECOMMENDATION 6

That Regional Harvesting Councils or Bay Conservation Councils be established to enable resource users to have meaningful input into the management of coastal fisheries; and,

That fisheries management practices integrate systematically the collection of the knowledge, practices and observations from individual harvesters, and that this information be disseminated to the appropriate stakeholders.

RECOMMENDATION 7

That the planned \$20 million cutback over three years (2004-2008) in DFO 's budget for Science program activities, particularly with respect to the "Sustainable Fisheries and Aquaculture" strategic outcome, be reconsidered, and that an immediate reinvestment in cod science be made.

RECOMMENDATION 8

That there be more studies on cold-water deep-sea corals and sponges. DFO should remain open to the option of using section 4 of SARA to protect sensitive habitat on the Nose and Tail of the Grand banks should a potential candidate for listing be found.

RECOMMENDATION 9

That the Government of Canada restate clearly its support for the UN General Assembly resolution 59/25, and do everything it can to enforce the resolution.

RECOMMENDATION 10

That Canada protect sensitive groundfish habitats from bottom trawling, halt any further expansion of the bottom trawl fleet into new fishing areas, and ensure that all areas currently closed to trawling do not re-open, nor further expansion be permitted, until adequate risk and impact assessments have been completed.

RECOMMENDATION 11

That DFO, as a matter of policy, consistently restrict the use of any harvesting technology where and when it is determined to be having a negative impact on the sustainability of a species. DFO should also establish sanctuary areas to protect the sustainability of species in areas and at times when they are most vulnerable.

RECOMMENDATION 12

That DFO commission a comprehensive study to assess the ecological impacts of bottom trawling inside Canadian waters as well as the economic impact of a moratorium on this technology.

RECOMMENDATION 13

That the federal cabinet decide not to add northern cod to the list of “endangered” species under the *Species at Risk Act*.

RECOMMENDATION 14

That the Government of Canada aggressively promote the expansion of markets for harp seal products; and,

That DFO increase the commercial quotas for the seal harvest in accordance with market conditions.

APPENDIX A — LIST OF RELEVANT PAST RECOMMENDATIONS (1998 TO 2003)

East Coast Report (1998)

Recommendation 9

The Committee recommends that Canada immediately turn its attentions to gaining control over fish stocks that lie on Canada's Continental Shelf, on the grounds that foreign nations are currently overfishing the stocks on the nose and the tail of the Grand Banks and on the Flemish Cap and that those stocks rightfully belong to Canada and could keep many fish plants open year round, while still maintaining appropriate conservation standards.

Recommendation 10

The Committee, having been persuaded by the testimony of the fishermen and overwhelming evidence reviewed of the large role played by the federal government in the collapse of the northern cod stock, finds it incumbent upon the federal government to support the fishermen and those whose jobs were directly affected because of the downturn of the fishery on the east coast of Canada. This support should include:

- a) The continuation of TAGS up to at least the date of the original written commitment of May 1999.
- b) The immediate redirection of foreign fish quotas to Canadians with priority given to those fishermen and fish plants most heavily affected by the downturn and collapse of the fishery off the east coast of Canada.
- c) The continuation of the voluntary TAGS retirement program and the voluntary TAGS licence buy-back program for all cases that reduce fishing capacity.
- d) A rearrangement of the income clawback level for fishermen receiving TAGS to mirror the system used under the EI program.
- e) A reduction of licence fees and related charges recently increased by the federal government affecting fishermen out of all proportion to their ability to pay.
- f) A new federally-funded, multi-year infrastructure and job diversification program, administered under established practices which must be directed towards the people most affected by the downturn in the east coast fishery and which must have community input. Canadianization of the fishery should be a major target area.

Recommendation 15

The Committee also recommends that a conference between fishermen and scientists be organized by DFO immediately to air publicly the evidence concerning the types of fish that seals eat, and if the fishermen are proved to be correct, as the Committee believes they are, to make recommendations to increase seal quotas and to foster the sealing industry and the marketing of seal products. This conference should be open to the public.

Recommendation 17

The Committee recommends that DFO organize a conference between fishermen and scientists, fully open to the public, to resolve the dispute over the cod counting methods and to determine the set of conditions that would permit the reopening of the northern cod fishery.

Recommendation 19

The Committee recommends that DFO be subjected to an independent review of the methods by which it sets total allowable catches and manages fisheries.

Recommendation 20¹

The Committee recommends that senior DFO personnel who are viewed by the fishing community as being responsible for the crisis in the fishery be removed from the Department.

Seal Report (1999)

Recommendation 1

The Committee recommends the formation of a panel of eminent persons, similar to the Independent Review Panel on Northern Cod (the "Harris Report"). The purpose of the panel would be to evaluate the current state of scientific knowledge and to provide advice on a long-term strategy for the management of seal populations.

The panel must develop a five-year strategic reduction and utilization plan and report on items, including but not necessarily limited to the following:

- scientific methodologies for estimating seal populations;
- scientific methodologies for estimating the total magnitude of the hunt including unreported losses and best estimates of the long-term impact of the hunt on seal populations;

¹ There was a dissenting opinion from four members of the Liberal government on this particular recommendation.

- the current state of knowledge about the diet of seals and the impact of seal consumption on cod and other commercial fish stocks and to provide advice on directions for improving the state of scientific knowledge in this regard; and
- the optimum size of the harp seal population in terms of its interaction with the ecosystem in general and with commercial fish stocks in particular and guidance with respect to management of the harp seal herd in order that such a population size can be achieved.

Recommendation 2

The Committee recommends that the Department of Fisheries and Oceans conduct both experimental harvests and experimental seal exclusion zones. These should include the 2J3KL (northern cod) fishery, the 4TVn (southern Gulf of St. Lawrence cod) fishery, and the 4RS3Pn (northern Gulf cod) fishery and others as deemed necessary for the purpose of preventing the expansion of seals into the fishery, designated bay, or area. This measure is designed to protect spawning and juvenile cod concentrations and prevent seals from inflicting high mortality.

Recommendation 12

The Committee recommends that the Department of Fisheries and Oceans, in cooperation with the sealing industry, provincial governments, and the Government of Nunavut, undertake to establish a long-term strategy for the management of the seal populations. The strategy should be informed by the recommendations of the panel established to evaluate the status of scientific knowledge with respect to the harp seal population.

Atlantic Fisheries Issues (2003)

Recommendation 3

The Committee recommends that the Minister of Fisheries and Oceans revisit his decision to impose a moratorium on the 2J3KL and 3Pn4RS cod stocks and that the Minister give serious consideration to the conservation measures recommended by the Newfoundland and Labrador All-Party Committee and the Fisheries Resource Conservation Council.

Recommendation 5

The Committee recommends that the Department of Fisheries and Oceans conduct another round of groundfish licence buyouts; and

Recommendation 6

The Committee recommends that the Department of Fisheries and Oceans consider the feasibility of cancelling groundfish licences that are deemed to have been inactive for two or more fishing seasons.

Recommendation 7

The Committee recommends that the Department of Fisheries and Oceans properly fund scientific research and that results be made available both to fishermen and the public as soon as they are available.

Recommendation 8

The Committee recommends that the Department of Fisheries and Oceans provide some financial support to the Fishermen & Scientists Research Society with a view to promoting mutual understanding between scientists and fishermen; and

That the Department of Fisheries and Oceans consider promoting similar societies in other regions of the country.

Recommendation 9

The Committee recommends that, where possible, the Department of Fisheries and Oceans encourage the use of sentinel fisheries and that it ensure that they are adequately funded.

APPENDIX B — LETTER OF TOM WAPPEL, CHAIRMAN OF THE COMMITTEE, TO THE HONOURABLE ROBERT THIBAUT, MINISTER OF FISHERIES AND OCEANS (2003)

STANDING COMMITTEE ON

FISHERIES AND OCEANS



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

COMITÉ PERMANENT DES

PÊCHES ET DES OCÉANS

March 24, 2003

The Honourable Robert Thibault, P.C., M.P.
Minister of Fisheries and Oceans
200 Kent Street
Ottawa, Ontario
K1A 0E6

Dear Sir:

On March 17, 2003, the Newfoundland and Labrador All-Party Committee on the 2J3KL and 3Pn4RS Cod Fisheries presented its report *Stability, Sustainability and Prosperity, Charting a Future for Northern and Gulf Cod Stocks* to members of the House of Commons Standing Committee on Fisheries and Oceans and members of the Senate Committee on Fisheries and Oceans. It is also my understanding that the report was presented to you in person earlier the same day.

At the presentation, the Standing Committee on Fisheries and Oceans was formally asked to examine the report and to lend its support

Le 24 mars 2003

Monsieur Robert Thibault, c.p.
ministre des Pêches et des Océans
200, rue Kent
Ottawa (Ontario)
K1A 0E6

Monsieur le ministre,

Le 17 mars 2003, le Comité multipartite de Terre-Neuve-et-Labrador sur les pêches de morue de 2J3KL et 3Pn4RS a présenté son rapport, *Stabilité, viabilité et prospérité, Assurer l'avenir des stocks de morue du Nord et du Golfe* aux membres du Comité permanent des pêches et des océans de la Chambre des communes et à ceux du Comité sénatorial permanent des pêches et océans. On m'a dit que le rapport vous a également été présenté personnellement plus tôt le même jour.

J'ai demandé officiellement au Comité permanent des pêches et des océans de la Chambre d'examiner le rapport et d'en

for the recommendations contained in it. Members of the Fisheries Committee have now had the opportunity to read the report carefully and to debate its contents. In addition, members were briefed on the work of the All-party committee over the past five months.

The Committee is particularly impressed not only by the comprehensiveness of the report but also by the fact that it represents a consensus of views of parliamentarians from different political parties, from the Newfoundland and Labrador House of Assembly and from both houses of the Parliament of Canada.

The Fisheries Committee finds favour with the general thrust of the report and its recommendations. In fact, we observe that many of the recommendations in the All-Party Committee's report are consistent with recommendations that the Fisheries Committee has made previously in its own reports. We are however conscious of the fact that we have not extensively studied all of the issues brought forward in the All-Party Committee's report in the recent past.

In view of the imminence of the FRCC advice regarding the 2003/2004 fishing season for groundfish stocks in the Gulf of St. Lawrence and for Northern Cod stocks and of your own decision on the management of these fisheries for the coming season, the Fisheries Committee urges you, as Minister of Fisheries and Oceans, to very seriously consider adopting, without delay, the first two recommendations of the All-Party Committee report regarding the cod fisheries in 2J3KL and 3Pn4RS and to fully explore and study the remaining recommendations.

We sincerely appreciate your attention to this matter.

appuyer les recommandations. Nos membres ont maintenant eu le temps de bien lire le rapport et d'en débattre. En outre, ils ont été informés de vive voix des travaux du comité terre-neuvien depuis 5 mois.

Nous sommes particulièrement impressionnés par l'étendue du rapport et par le fait qu'il représente un consensus parmi les parlementaires des divers partis politiques de la province, ainsi que des deux chambres du Parlement du Canada.

Le Comité des pêches est d'accord avec le contenu général du rapport et ses recommandations. Nous constatons que plusieurs de ces dernières reprennent celles que nous avons déjà formulées dans nos rapports. Nous reconnaissons cependant que nous n'avons pas étudié en profondeur et récemment toutes les questions considérées dans le rapport provincial.

L'avis du CCRH 2003-2004 pour la campagne de pêche au poisson de fond dans le Golfe et pour celle à la morue du Nord approche à grand pas, tout comme votre propre décision sur la gestion de ces pêches. Le Comité vous exhorte donc, à titre de ministre des Pêches et des Océans, à considérer sérieusement l'adoption rapide des deux premières recommandations du rapport multipartite de Terre-Neuve-et-Labrador sur les pêches de morue de 2J3KL et 3Pn4RS et d'examiner soigneusement toutes les autres recommandations du rapport.

En vous remerciant de l'attention que vous accorderez à cette question, je vous prie

Yours very truly,

d'agr er, Monsieur le ministre, l'expression de
mes salutations distingu es.

Le pr sident du Comit ,

TOM WAPPEL, M.P./d put 
Chairman of the Committee

cc: Members of the Committee

cc: membres du Comit 

Encl.

p.j.

APPENDIX C LIST OF BRIEFS

Bell, Kim

Blackwood, Don

Cod Action Team

Department of Fisheries and Oceans

deYoung, Brad

Ecology Action Centre

Fiander, Winston

Fish, Food and Allied Workers

Fisheries Resource Conservation Council

Harvey, George

Myers, Ransom A.

Teamsters Canada

APPENDIX D LIST OF WITNESSES

Associations and Individuals	Date	Meeting
Municipality of Bonavista		
Betty Fitzgerald, Mayor	27/09/2005	45
Panel of Plant Workers		
Neville Samson		
Harry Stagg		
Panel of Inshore Fishermen		46
Pearce Burry		
Hedley Butler		
George Feltham		
Albert Johnson		
Douglas Sweetland		
As an Individual		
Glen Little		
Rural Rights Boat Owners' Association	28/09/2005	47
Jacob Hunt, Vice-President		
As Individuals		
Don Blackwood, Commercial Fisherman		
Gary Monks, Fisherman		
Gilbert Penney, Commercial Fisherman		
As Individuals	29/09/2005	48
Kim Bell, Ecologist		
Jeffrey A. Hutchings, Professor of Biology, Canada Research Chair in Marine Conservation and Biodiversity		
Barbara Neis, Professor of Sociology,		
As Individuals		49
Glenn Blackwood, Executive Director and CEO, Fisheries and Marine Institute,		
Brad deYoung, Professor of Physics & Physical Oceanography,		
Ransom Myers, Professor of Biology,		
Fisheries Resource Conservation Council		
Gabe Gregory, Vice-President		

Associations and Individuals	Date	Meeting
Cod Action Team	30/09/2005	50
Wayne Follett, Co-Chair		
Mike Samson, Co-Chair		
Newfoundland and Labrador Fisheries and Aquaculture		
Tom Dooley, Director, Sustainable Fisheries Resources and Ocean Policy		
As an Individual		
Tom Rideout, Minister of Transportation and Works, Newfoundland and Labrador		
Department of Fisheries and Oceans		51
Willie Bruce, Regional Director, Fisheries and Habitat Management, Newfoundland and Labrador Region		
Wayne Follett, Regional Director General, Newfoundland and Labrador Region		
Henry Lear, Program Advisor, Environmental Science		
George R. Lily, Fisheries Ecologist		
Panel on Industry, Union & Other Interest Groups		
David Decker		
Gus Etchegary		
Richard Gill		
Lana Payne		
Fred Winsor		
Petty Harbour Fishermen's Co-operative		
Tom Best, President		
Ecology Action Centre	19/10/2005	53
Mark Butler, Marine Campaign Coordinator and Internal Director		
Wayne Eddy, Eastern Passage fisherman		
Living Oceans Society		
Dorthea Hangaard, Sustainable Fisheries Researcher		
Catherine Stewart, Campaigns Director		
Marine Conservation Biology Institute		
Lance Morgan, Chief Scientist		
Oceana		
Phil Kline, Senior Fisheries Policy Advisor		

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this report.

A copy of the relevant Minutes of Proceedings ([Meetings No. 20, 29, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 and 59](#))

Respectfully submitted,

Tom Wappel, M.P.
Chair

MINUTES OF PROCEEDINGS

Wednesday, November 23, 2005
(Meeting No. 59)

The Standing Committee on Fisheries and Oceans met *in camera* at 4:33 p.m. this day, in Room 536, Wellington Building, the Chair, Tom Wappel, presiding.

Members of the Committee present: Raynald Blais, Loyola Hearn, Randy Kamp, Bill Matthews, Hon. Shawn Murphy, Jean-Yves Roy, Scott Simms, Peter Stoffer and Tom Wappel.

In attendance: Library of Parliament: François Côté, Analyst.

Pursuant to Standing Order 108(2) and the motion agreed to by the Committee on February 8, 2005, the Committee resumed its study of the northern cod, including the events leading to the collapse of the fishery and the failure of the stock to re-establish itself since the moratorium.

The Committee resumed consideration of a draft report.

It was agreed, — That the draft report, as amended, be adopted.

It was agreed, — That the Chair present the report to the House.

It was agreed, — That, pursuant to Standing Order 109, the Committee request that the Government table a comprehensive response to the report.

It was agreed, — That the Chair, Clerk and researchers be authorized to make such grammatical and editorial changes as may be necessary without changing the substance of the report.

It was agreed, — That the Committee print 550 copies of its Report in a bilingual format.

At 5:12 p.m., the Committee adjourned to the call of the Chair.

James M. Latimer
Clerk of the Committee