



Report

Workshop on Fishing Vessel Safety

Fisheries and Aquaculture Management (DFO)

Canadian Coast Guard (DFO)

Transport Canada, Marine Safety (TCMS)

Transportation Safety Board (TSB)

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Workshop on Fishing Vessel Safety

Date	September 28, 2010
Location	DFO Office 104 Dalhousie Street Québec
Participants	<ul style="list-style-type: none">• Robert Fecteau Manager, Transport Canada, Marine Safety• Simon Pelletier Inspector, Transport Canada, Marine Safety• Marcel-M Boudreau Director, Resource and Aboriginal Fisheries Management Fisheries and Aquaculture Management, DFO• Raynald Gosselin Senior Advisor Resource Management Division, DFO• Marcel Picard Chief, Enforcement Operations Conservation and Protection Branch, DFO• Stacy Dufour Maritime SAR Supervisor Canadian Coast Guard, DFO• Guy Bussièrès Senior Investigator/Specialist, Naval Architecture Transportation Safety Board of Canada• Bernard Breton Regional Senior Investigator, Transportation Safety Board of Canada
Objectives	<p>In the context of the 2006 Memorandum of Understanding between TC and DFO on the <i>Safety at Sea of Commercial Fishers</i>, to hold a meeting to:</p> <ul style="list-style-type: none">• study various topics related to fishing vessel safety, mainly the issues raised by certain fishers at the TSB workshops held in Rimouski in February 2010, and• discuss certain points related to communications and cooperation between TC and DFO.

Fisheries Management vs. Safety of Fishers

Topic 1	Length Restriction for Fishing Vessels
Description of the issue	Certain fishers often criticize DFO's FAM for the length restrictions imposed on vessels in certain types of fisheries. They maintain that these restrictions prevent them from using larger vessels that would provide greater safety.
DFO position	The FAM vessel replacement policy does in fact impose certain vessel-length restrictions. There are several applicable vessel size classes, depending on the type of fishing. FAM imposes these restrictions in order to promote the conservation of the resource.
Analysis	<p>Would removing these length restrictions improve the safety of fishers?</p> <ul style="list-style-type: none"> ✓ It is true that a larger vessel offers better protection against the sea, mainly because the freeboard is greater, which improves safety. However, with a larger vessel, fishers will be tempted to defy the elements to a degree, i.e., by going out in more unfavourable weather conditions, which would expose them to greater danger. ✓ In Quebec, the length restriction policy does not force any group of fishers to venture large distances from the coast in small vessels, as in the case, for example, of fishermen from Newfoundland. <p>Do the length restrictions have any real effect in terms of ensuring adequate control of the fishing effort?</p> <ul style="list-style-type: none"> ✓ The length restrictions have a direct effect on controlling the fishing effort, mainly in competitive fisheries. Fishing has always been and will always be a race to capture resources. ✓ Among other things, the restriction in the length of vessels limits access to the resource and ensures fair access for all fishers.

Analysis (continued)	<p>Example 1: If a particular fisher has a bigger boat than the other fishers in the group, on days when the weather is bad, that fisher could have access to the resource, while the others are unable to go to sea.</p> <p>Example 2: If a particular fisher has a bigger boat than the other fishers in the group, that fisher may stay on the fishing grounds for a longer period of time because of the boat's greater load capacity, thereby benefitting from greater access to the resource.</p>
Solutions	<ul style="list-style-type: none"> ✓ DFO FAM plans to review its vessel replacement policy. Fishers will be consulted on the new rules under the policy once the review is completed. DFO Headquarters in Ottawa is responsible for reviewing this policy. ✓ DFO FAM is open to receiving and studying requests to modify the rules governing length restrictions, but for a given fleet. Individual requests are inadmissible.
Follow-up and action	<ul style="list-style-type: none"> ✓ Wait for the new DFO FAM vessel replacement policy. ✓ A summary of this report will be presented at the next meeting of the Quebec Region Standing Committee on Fishing Vessel Safety, and it will be noted that DFO will consult fishers on the new rules under the vessel replacement policy at a later date.

Fisheries Management vs. Safety of Fishers

Topic 2	Restriction on the time allocated for removing fishing gear after a fisheries closure
Description of the issue	Some fishers complain that the time limitation imposed by FAM for removal of their gear after the closure of a fishery sometimes forces them to go to sea in adverse weather conditions, thereby jeopardizing their safety.
DFO position	DFO FAM must impose deadlines on the removal by fishers of their gear when a fishery is closed in order to ensure effective control of the end of fishing operations as well as proper conservation of the resource.
Analysis	<p>This issue seems to have been raised by only a few fishers and appears to be unfounded for the following reason:</p> <ul style="list-style-type: none"> ✓ In general, the closure of a fishery is announced a few days in advance, leaving time for fishers to plan the removal of their fishing gear. A fisher who, for any reason (e.g., bad weather, mechanical failure), believes that it will not be possible to remove the gear, can simply send a request to a DFO fishery officer. Additional time will be granted. However, the fisher will not be able to report the catch in the gear.
Solutions	<ul style="list-style-type: none"> ✓ DFO FAM will remain flexible in terms of requests from fishers for additional time to enable them to remove their fishing gear.
Follow-up and action	<ul style="list-style-type: none"> ✓ A summary of this report will be presented at the next meeting of the Quebec Region Standing Committee on Fishing Vessel Safety, and it will be noted that when a matter related to the capture of a marine species also affects the safety of life at sea, this matter must be brought before and discussed by the advisory committees with a view to development of the next management plan for the species concerned.

Fisheries Management vs. Safety of Fishers

Topic 3	Fishing under competitive quotas
Description of the issue	Many fishers complain that fisheries that operate under competitive quotas are a source of pressure for fishers, exposing them to certain hazards; overloaded ships, lack of rest hours and the fast pace of operations are a few of the factors mentioned that may compromise the safety of fishers.
DFO position	Competitive quotas still exist for certain types of fisheries, particularly groundfish fisheries. Methods of resource management and allocation are complex and determined largely by the fishers themselves during the development of fishing plans.
Analysis	<ul style="list-style-type: none"> ✓ Everyone acknowledges that competitive fishing quotas cause undue pressure on fishers that may have a direct impact on their safety. The hazard factors identified by fishers are very real. ✓ DFO FAM recognizes that fishing by individual quotas is generally safer for fishers and much easier to manage. ✓ DFO FAM would like to change all competitive fisheries to fisheries managed by individual quotas. However, DFO cannot impose this approach on fishers. This change can only be made with the approval of the fishers.
Solutions	<ul style="list-style-type: none"> ✓ DFO FAM will continue these efforts to encourage the change from competitive fisheries to fisheries with individual quotas.
Follow-up and action	<ul style="list-style-type: none"> ✓ A summary of this report will be presented at the next meeting of the Quebec Region Standing Committee on Fishing Vessel Safety, and it will be noted that when a matter related to the capture of a marine species also affects the safety of life at sea, this matter must be brought before and discussed by the advisory committees with a view to development of the next management plan for the species concerned.

Fisheries Management vs. Safety of Fishers

Topic 4	Time between the announcement of the opening of a fishery and its actual opening
Description of the issue	A number of fishers report that the time between the announcement of the opening of the fishery and its commencement is sometimes too short, and does not always allow fishers to properly prepare from one type of fishery to the next (change of rigging and gear, travel to new fishing area). The rush to prepare for a new fishery and the urgency to move quickly can sometimes jeopardize their safety.
DFO position	In general, DFO FAM always announces the opening of a fishery three days in advance. The opening date is often even set when the fishing plan is developed, and is therefore known well in advance by the fishers.
Analysis	<ul style="list-style-type: none"> ✓ This problem seems to affect a small number of fishers, mostly from the Lower North Shore, who harvest multiple groundfish species. ✓ DFO FAM is trying to avoid overlapping of the various groundfish fisheries to allow easy access to the resource for all licence holders. ✓ The 3-day period between the announcement of the opening of a fishery and the actual opening seems entirely appropriate, especially since fishers harvesting multiple species are always prepared at the beginning of the season for the change from one type of fishery to another. Their ships and equipment are set up to enable them to move quickly from one fishery to another.
Solutions	<ul style="list-style-type: none"> ✓ DFO FAM will continue its efforts to avoid overlap in groundfish fisheries and to ensure a minimum of three days between the announcement of the opening of a fishery and its actual opening.
Follow-up and action	<ul style="list-style-type: none"> ✓ A summary of this report will be presented at the next meeting of the Quebec Region Standing Committee on Fishing Vessel Safety, and it will be noted that when a matter related to the capture of a marine species also affects the safety of life at sea, this matter must be brought before and discussed by the advisory committees with a view to development of the next management plan for the species concerned.

DFO/TC Communication and Cooperation

Topic 1 **TC and CCG participation in meetings to review integrated fisheries management plans**

Description The memorandum of understanding between DFO and TC on the safety of commercial fishers at sea indicates that TC Marine Safety and CCG are expected to participate in review meetings of integrated fisheries management plans and in DFO fishery advisory meetings to study the scope of security of fisheries management plans, and make recommendations on an as-needed basis.

Follow-up and action

- ✓ DFO FAM will send a list of the various advisory committees related to integrated fisheries management plans (including dates and locations) to CCG (SAR) and TCMS.
- ✓ CCG and TCMS will identify the meetings they would like to attend at which priority issues or concerns related to the safety of fishers could be discussed. CCG and TCMS will be invited to participate in the meetings identified.
- ✓ The list of advisory committees that deal with Quebec fishing fleets will be sent to:
 CCG SAR: André Audet
 TCMS: Robert Fecteau

Topic 2 **Harmonization between DFO and TC of the definition of “length overall”**

Description For its new *Fishing Vessel Safety Regulations*, TCMS has adopted the same definition of length overall as that used by DFO (including structures on the stern and ignoring the bulbous bow).

There will, however, be several other definitions of length that will be used in the regulation (registered length, tonnage length, etc.).

Follow-up and action None.

DFO/TC Communication and Cooperation

Topic 3

Establishment of joint committees to determine the opening of a fishery

Description

On the Îles-de-la-Madeleine, there is an ice committee made up of representatives of various departments as well as industry representatives. The ice committee analyzes the accessibility of fishing grounds and determines whether or not to open the lobster fishery.

This best practice ensures a high level of safety for fishers by also ensuring that the fishery opens in safe conditions.

Applying this approach to other types of fishing might be desirable, particularly for trap fisheries, because vessels engaged in these fisheries are much more vulnerable to the elements; this is because the substantial weight of their gear and its high centre of gravity reduces their stability, because they have less protection against the sea due to their reduced freeboard and because there is an obligation to keep certain openings not closed.

Follow-up and action

- ✓ TCMS and FAM will study the possibility of setting up a pilot project to establish advisory committees with a view to determining the openings of the lobster fishery in the Gaspésie (Area 20) and the crab fishery in the St. Lawrence River (Area 17).
- ✓ These committees will ensure that weather and climate conditions are favourable to the opening of a fishery and that the safety of fishers will not be compromised.
- ✓ TCMS and FAM recognize that this can only be achieved with the consent of the fishers. Therefore, the project will be presented at the upcoming advisory committees on integrated fisheries management plans for these fisheries.

DFT/TC Communication and Cooperation

Topic 4

Transfer of information from FAM to TCMS on the issuance of fishing licences to validate vessel fitness

Description

DFO FAM issues fishing licence conditions without considering vessel fitness for the kind of fishing for which the licence is issued (vessel duly certified by TCMS, stability approved for the type of fishing, modification to be made to the vessel or its rigging). Such verification would be desirable to allow TCMS to better monitor fishing vessels, mainly in regard to changes made to them. However, given the high number of licence conditions dealt with annually by DFO in the Quebec Region (6,000 to 8,000), a systematic verification between FAM and TCMS to validate vessel fitness is out of the question. This would require considerable resources on the part of both organizations.

FAM and TCMS agree, however, that it would be possible to develop a simple warning system between the two organizations for changes to licence conditions affecting fisheries identified as higher risk, such as the scallop fishery.

Follow-up and action

- ✓ TCMS will prepare a list of the higher risk fisheries, for which it should be informed of changes to licence conditions related to the registration of a new boat.
- ✓ TCMS will provide FAM with a list of vessels whose fitness is acknowledged by TCMS for the higher risk fisheries.
- ✓ TCMS and FAM will develop a protocol for monitoring changes to licence conditions related to the registration of a new vessel for higher risk fisheries, and a simple system for processing and exchanging information between the two organizations.

DFO/TC Communication and Cooperation

Topic 5	Capacity of fishing vessels to accommodate observers at sea
Description	Although fishers are required to have the space and equipment necessary for accommodating observers at sea, when needed, several cases in which the fishers lacked the equipment or refused to accommodate the observer were reported during the past year.
Follow-up and action	<ul style="list-style-type: none"> ✓ During fishing vessel inspections, TCMS inspectors will remind vessel captains/owners of their obligation to have the capacity to accommodate an observer. ✓ When an inspector finds that a vessel has lifesaving equipment that can only accommodate its crew, the inspector will notify the captain/owner that he does not have the capacity to accommodate an observer at sea and will inform DFO FAM of the situation. ✓ TCMS will develop a guideline for inspectors. ✓ TCMS will establish a process for communicating with DFO to report cases of vessels that do not have the capacity to accommodate an observer.
Topic 6	Fishing vessels used for transporting passengers
Description	<p>The Regroupement des Pêcheurs Professionnels du Sud de la Gaspésie presented a project to TCMS and DFO with a view to adapting some of their group's vessels to offer demonstration fisheries to tourists. This project is known as "Pêches commerciales à des fins touristiques."</p> <p>The project seems feasible and is being studied by both organizations.</p>
Follow-up and action	<ul style="list-style-type: none"> ✓ The respective organizations will be sure to keep the other up to date on developments in the matter.

DFO/TC Communication and Cooperation

Topic 7	Statistics
Description	Fishers in the Quebec Region have long been asking for a more accurate picture of incidents and accidents involving fishing vessels in Quebec, as well as a comparison with the other regions.
Follow-up and action	<ul style="list-style-type: none"> ✓ An analysis of accidents involving fishing vessels in the Quebec Region over the past five years will be conducted jointly by TCMS, CCG SAR and FAM. ✓ TCMS will prepare a model of the desired analysis and validate the means of obtaining the required data with the other organizations. ✓ TCMS will compile the data gathered and produce the report that will then be presented at the annual meeting of the Quebec Region Standing Committee on Fishing Vessel Safety.
Topic 8	Tuna fishery
Description	In recent years, we have seen the return of the bluefin tuna to the Gulf and the Baie-des-Chaleurs. A number of fishers are resuming the previously abandoned practice of harvesting this species. Many fishers use pleasure craft for this fishery. Since it is difficult for these vessels to meet regulatory requirements for the construction of fishing craft, it is therefore virtually impossible for TCMS to certify them.
Follow-up and action	<ul style="list-style-type: none"> ✓ TCMS will define the approach for certification of these vessels. (Full compliance or lessening of certain requirements by policy).