

Freshwater-Alexander Bays Ecosystem Corporation (FABEC)



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The Honourable Bernadette Jordan,
Minister of Fisheries, Oceans and Canadian Coastguard
200 Kent St. Station 15N100
Ottawa ON K1A 0E6

RE: Proposed listing of South Coast Newfoundland Atlantic Salmon under the Species at Risk Act

FABEC is an incorporated conservation organization active since 1995 that promotes sustainable fisheries, forestry and land use practices in the watersheds that flow into Alexander Bay and Freshwater Bay in central Newfoundland. Our membership consists of both recreational anglers and non-anglers. In respect of Atlantic Salmon conservation FABEC has:

- undertaken a salmon enhancement program on the Terra Nova River that has seen adult salmon returns increase from 900 fish in 1990 to 6,607 in 2019.
- negotiated effective forestry management practices to protect salmon and trout habitat in the watersheds.
- operated salmon counting fences under contract to DFO on the Terra Nova River and Middle Brook

The success of FABEC 's projects would not have been possible without partnerships developed with Fisheries and Oceans Canada, the Atlantic Salmon Conservation Foundation, Terra Nova National Park, local businesses, and the Towns of Glovertown, Traytown and Terra Nova.

The COSEWIC Assessment

In 2010-2011 the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessed the Atlantic salmon populations on the south coast of Newfoundland from Mistaken Point in the east to Cape Ray in the west as threatened. This area called Designated Unit 4 (DU4) stretches for 500 km and contains 104 watersheds with 58 scheduled Atlantic Salmon rivers in DFO Salmon Fish Areas 9-12.

Ten years after the initial assessment the Canadian Department of Fisheries and Oceans recently announced that they will decide in 2021 whether to list Atlantic salmon in DU4 as Threatened under the Species at Risk Act (SARA). This action, which would close all rivers in the area to recreational angling, includes 38% of the scheduled Atlantic salmon rivers in insular Newfoundland. FABEC considers that there are compelling reasons not to list the south coast rivers as threatened at this time. These include:

1) The COSEWIC Data Set

COSEWIC's initial assessment was done in 2010 and includes data that is now 10 years out of date. The assessment was based on data provided by DFO consisting of commercial and recreational catch data and counting fence data from the N.E. Trepassy, Rocky, Conne, N.E. Placentia and Little rivers. Both the Rocky R. and N.E. Trepassy counting fences are not good indicators to assess the health of nearby rivers.

In DU4 the Conne River had the highest estimated abundance peaking at just over 10,000 returning adult salmon. Most rivers in the assessment region have average returns of less than 500 salmon. The Conne River experienced the most significant decline in adult salmon from 10,000 to less than 2000 in 2010. This year, 2020, the Conne experienced a return of only 119 adult salmon representing a catastrophic decline of over 95% in just three decades.

In 2012 the DFO Science Advisory Report (2012/007) stated that the assessment data was heavily biased to rivers on the east side of DU4. These rivers may not be representative of the rivers on the west side of the assessment area given the decline in adult salmon returns resulting from the combined effects of low marine survival and open net pen aquaculture on the Conne, Little and Garnish rivers in DFO Area 11. This decline strongly influenced the total abundance for the assessment region and may mask rivers with smaller but healthy runs of adult salmon. The assessment area DU4 is too large and ignores the possibility of different genetic populations of Atlantic salmon that should be studied as separate designated units.

Catch data over time may indicate whether salmon returns are stable, declining or increasing but are an unreliable indicator of total abundance as it does not reflect the impact of such factors as:

- decreased angling success in periods of high water, or
- partial river closures in periods of poor environmental conditions.

The use of the best available data is unacceptable when the data is not representative of all rivers in DU4.

There are many examples of healthy rivers in DU4 particularly those in areas not affected by open net pen aquaculture. Catch records for the outfitting camp, located on the La Poile River show that the number of salmon returning to the river have increased since 2000. The 2001-2018 numbers for the outfitting camp are higher than the 1985-2000 numbers. Anecdotal evidence from experienced salmon anglers suggests rivers such as the Salmonier, Grey, Grandy's, Garia are healthy. Published DFO catch data for rivers in DU4 show stable catch rates over time with the exception of rivers affected by aquaculture. Removing anglers from rivers that can still support a viable recreational fishery will have social and economic impacts, increased poaching, and discourage anglers and others from undertaking salmon conservation efforts.

2) SARA is Ineffective

Any listing under SARA should lead to actions that enhance, certainly not hinder, salmon recovery efforts. To the contrary, FABEC is of the opinion that listing the south coast population will not address the factors that are causing the declines in the returns.

DFO Science Advisory Report (2012/007) identified the greatest threat to the recovery of the South Newfoundland Atlantic salmon population as continued low marine survival. Marine survival is impacted by:

- Illegal fisheries,
- mixed-stock marine fisheries and by-catch,
- interactions with escaped farmed Atlantic salmon, and
- changes in marine ecosystems.

Listing under SARA will not address any of the above threats. Nor is there any guarantee that the Federal Government will invest additional resources to programs developed to rehabilitate threatened Atlantic salmon populations. However, the fact that listing under SARA would “prohibit the killing, harming, harassing, capturing, or taking of species listed as threatened, endangered, or extirpated”, would mean that recreational angling and indigenous fisheries would be prohibited.

The only previous SARA listing of an Atlantic salmon population was the Inner Bay of Fundy stock. The results of that listing does not give any confidence that listing the south coast population will lead to improvement. From an estimated 40,000 adult salmon returning to 32 rivers in the early 20th century, it was estimated that the Inner Bay of Fundy population consisted of approximately 250 adults at the time of listing in 2003. It took 7 years to complete a recovery strategy and a final action plan was not completed until 2019. As the Nova Scotia Salmon Association states DFO has not implemented any comprehensive recovery actions for Atlantic salmon populations in the Inner Bay of Fundy. After listing there was a period of several years when all restoration activities were halted while permissible restoration activities were defined. The only effective recovery action program that has occurred is the live gene Bank Program which began in 1998-5 years prior to listing the area as endangered. It simply takes too long between listing and action on the ground for SARA to be effective.

3) Current Regulatory Framework is Sufficient:

DFO has the legislative and policy tools it requires to undertake programs to enhance salmon populations without the necessity of listing threatened populations under SARA.

Under the Fisheries Act and the 2019 Wild Atlantic Salmon Conservation Policy DFO has the power to manage rivers that are identified as having threatened populations. DFO has a river classification system that allows for:

- Closure of rivers,
- The establishment of angling retention rates, or
- classifying rivers as catch and release.

DFO has the mandate to protect marine species through the establishment of protected areas. Where specific threats to salmon exist or may occur in the future, DFO can establish area protections and regulations that prohibit or control activities.

4) Conne River

In 2020 only 119 adult salmon returned to the Conne River-down from 10,000 in the mid-1980's. The DFO Atlantic Salmon Stock Assessment considers that this river is near local extinction. It is totally unacceptable that DFO has done nothing to determine the specific causes of the catastrophic decline in the salmon population on the Conne particularly in its relationship to aquaculture practices in DFO area 11. As a matter of urgency, the DFO NL Regional Science advisory committee should investigate the impact of

aquaculture on the Conne River and surrounding watersheds and develop a recovery strategy consistent with the DFO policy for the Conservation of Wild Atlantic Salmon.

5) Impact of SARA Listing on Other Newfoundland Regions

SARA listing of DU4 would result in a transfer of angling effort to other Newfoundland regions. The closure to angling on 38% of the island's scheduled salmon rivers, particularly those on the Avalon Peninsular, the island's most populous region, would shift angling effort to Central Newfoundland and the west coast of the island. With approximately 30,000 salmon licences sold each year, the increased pressure on other rivers could negatively impact populations in these rivers over time. The Terra Nova River is a case in point. Despite the increase of adult salmon returns to the river from 900 to 6607 in 2019 the river has never achieved more than 73.9% of its recruitment capacity and is listed in the Critical Zone of DFO's 3 stock status zones. Since the beginning of the Terra Nova River salmon enhancement project, there has been an average increase in returns of 225 salmon per year. With 400-700 salmon retained by anglers on the Terra Nova each year it would only take a modest increase in angling effort to reduce the rate of increase or reverse it entirely.

6) What Needs to be Done.

FABEC does not dispute that Atlantic salmon populations in some rivers on the south coast of Newfoundland are in decline, particularly the Conne, Little and Garnish Rivers. However, it is our opinion that it is not necessary, in fact would be harmful, to list DU4 under SARA. Therefore, we recommend against SARA listing.

Alternatively, we recommend the following actions by DFO.

- Undertake an assessment of the counting facilities required in DU4 to ensure there is an accurate assessment of salmon populations in each DFO fishing area in DU4. Counting facilities in each zone should be placed in rivers that are good indicators of rivers in each zone.
- Identify the rivers in DU4 where returns have been consistently low and use the river classification system to address these low returns.
- Take immediate action to implement the Government of Canada's commitments to NASCO to eliminate the negative impacts of aquaculture practices from escapees interbreeding with wild salmon and sea lice killing smolts and salmon.
- DU4 is too large. DU4 should be divided into zones that reflect the different genetic salmon populations of the south coast of Newfoundland.

Yours sincerely,

John Baird

President.