



Atlantic Salmon Federation

Response to OBoF "Endangered" listing questionnaire

December 2014

1. Do you support listing the Outer Bay of Fundy Atlantic Salmon as “endangered” on the List of Wildlife Species at Risk? Why or why not?

The Atlantic Salmon Federation (ASF) is dedicated to the conservation, protection and restoration of wild Atlantic salmon and the ecosystems on which their well-being and survival depend because of the immense social, cultural, economic and ecological value they bring to our rivers and communities in much of northeastern North America.

ASF is very concerned about the state of the Outer Bay of Fundy (OBoF) wild Atlantic salmon population complex which at one time provided thriving public recreational fisheries and Food Social and Ceremonial (FSC) fisheries for First Nations. Naturally, our concern for the future of the OBoF salmon leads us to seriously consider whether a SARA listing would or would not afford the best opportunity for recovery.

In theory, it seems that an endangered listing under SARA would be a logical step to take, however, it is not necessarily so in a practical sense. After reviewing the materials that have been provided by DFO as part of the consultation process, and additionally:

- a multi-stakeholder Webex presentation by DFO and discussion that was jointly hosted by the ASF and the NB Salmon Council, and attended by a number of our affiliates on Oct 24th, 2014,
- questions raised by the NBSC as a result of the workshop in a letter dated October 31st, and,
- DFO's December 5th response to the NBSC questions, which contained little in the way of specific, substantive answers,

ASF, like the NBSC and our affiliates, find it very difficult to clearly understand the benefits that would accompany a listing. Regardless of whether a listing proceeds, we are firmly of the position that recovery of the OBoF salmon is not possible without first and foremost:

- Leveraging regulatory tools to drastically reduce or eliminate the impacts of the most severe known threats identified in DFO Science's Recovery Potential Assessment (RPA) and discussed during the October 24th workshop.



- Enabling the groups that have the most at stake in restoring and protecting the freshwater habitats (i.e. First Nation and local angling/conservation groups, etc) to have guaranteed access to the funding, tools and resources necessary to conduct meaningful and fully engaged recovery activities, without encumbering them with additional permits that might restrict their abilities to conduct such activities.

Unfortunately, at this stage of the process, ASF, our Regional Council (the NBSC) and many of our affiliates on the ground are very concerned that a SARA listing would not necessarily play out as described above, for the following reasons:

- 1) Lack of information - **DFO has not provided sufficient information in its socio-economic impact summary for the public to properly assess whether or not they should support a listing.** The information provided is vague and there are no details provided as to the level of financial commitment and associated pre-conditions/restrictions that would accompany a listing:

Funding commitments and conditions:

- How much funding would the federal government be committed to directing to the recovery of OBoF salmon under SARA?
- What would the timeframe of that commitment be?
- How would that funding be distributed both within DFO and ultimately to the groups conducting recovery efforts on the ground?
- How would an OBoF listing impact the IBoF funding and programs? Beyond that, how would other listings in Southern Uplands, Eastern Cape Breton, etc, affect the federal government's ability to deliver OBoF recovery programs? Does the SARA pie get larger with each new population listed, or does the same pie get sliced into more pieces?

Permit pre-conditions / restrictions on activities causing the most harm / existing regulations:

- It is evident in the information provided by DFO that there will be exemptions and permits available to those operations and activities in the freshwater and marine environment (hydro-dams, aquaculture, etc) that have been identified as being the most severe threats to OBoF salmon. We acknowledge that DFO has confirmed there will be pre-conditions associated with permits and exemptions but DFO has not provided any detail about the nature and extent of those preconditions that would serve to mitigate, reduce or eliminate the effects of these most pressing threats to OBoF salmon.
- **DFO has not demonstrated or explained how the tools and levers provided by existing regulations (i.e. Federal Fisheries Act) and associated policies (Wild Atlantic Salmon**



Conservation Policy) have been exhausted therefore supposedly necessitating protection under a separate federal act (SARA).

- 2) Based on our collective experience with the Inner Bay of Fundy (IBoF) population, **we (ASF) share the NBSC's concern that a SARA listing will not likely result in immediate development and implementation of action plans that would focus on significantly reducing and eliminating the most severe and harmful threats to the survival of the OBoF.** The timelines in the IBoF listing are long, and unfortunately have not focused on the most severe and harmful threats. These threats are known in the OBoF, as outlined in DFO's Recovery Potential Assessment (RPA) released in February 2013. For the IBoF population, it took 7 years to release a Recovery Strategy (2010) and presently in 2014, 11 years after listing, action plans are only now nearing finalization and Critical Marine Habitat is only now being identified. To date, the focus in the IBoF has been on preserving genetics and ensuring the priority IBoF rivers are producing smolt. Beyond critical marine habitat delineation, DFO still has not placed an overarching priority with accompanying actions on determining where, when, how IBoF smolts/post-smolts are dying, and whether that can be managed and reduced. Unfortunately, DFO has not clearly articulated how a listing for the OBoF would play out any differently.
- 3) Also as a result of ASF's long-standing involvement in the Inner Bay of Fundy (IBoF) recovery effort, we have sincere concerns that this program struggles to maintain the necessary federal funding and capacity to conduct its core recovery programs. We fear that adding another population to the endangered list will likely only serve to spread already stretched resources too thinly across both the IBoF and OBoF populations, and other populations that may result in a listing. In the meantime, **we have watched the engagement of the public and NGO organizations diminish in the IBoF file over time because there is genuine concern among them that the real threats are simply not being addressed and resolved.** The information provided to the public as part of this listing process should have included a detailed background on the IBoF recovery programs, timelines and levels of success in recovering that beleaguered population so that the public concerned with the OBoF would have some context for judging whether to support a listing in the OBoF or not.
- 4) We hold concerns that a listing could place ever more stringent restrictions on the local non-governmental stewards of the resource (i.e. the First Nations, anglers and local conservation groups) while continuing to permit/exempt the activities of large industrial sectors. **We are very concerned that this could primarily serve only to reduce public engagement, public**



interest and volunteerism which ultimately becomes a threat to the very existence of our grassroots stewardship groups. These groups do not need more challenges placed in front of them, they need programs that will engage the public, not discourage or disconnect it.

- 5) Other examples of poor execution by Government after an endangered species listing: Andy Goode, ASF's Vice President of US Programs has been involved with and has closely watched how the Endangered Species Act (ESA) listing has played out in the US for wild Atlantic salmon. It is a cautionary note that quite clearly articulates the concerns ASF and our partners have about the potential listing the OBoF population, especially in light of the IBoF experience:

“Atlantic salmon were listed as endangered under the Endangered Species Act in Maine in 2009. The feds (US Fish and Wildlife Service) then had 18 months to come up with a Recovery Plan. In the first year they held all sort of public meetings to get public input and participation. In retrospect, this was a big waste of private citizens and NGO's time as we are still waiting for the draft recovery plan in November, 2014. The listing has increased the budgets of USFWS and NOAA Fisheries but they have chosen to spend it on adding staff and not putting the money on the ground (through grant programs) where it is needed.

The listing is also making permitting more difficult for NGO's like ASF that are actually trying to improve the situation with fish and habitat restoration projects. Ironically if a dam owner wants to repair their dam they do not need any federal permit in most cases, if the timber industry or blueberry industry wants to put in a new culvert or replace an old one they do not need any type of permit, but when ASF wants to replace an undersized culvert with a open arch or bridge we do have to get an ESA permit and they are very restrictive. This has to do with laws on the books that exempt agriculture producers from most permitting and exempts hydropower from some types of permitting.

In summary, while the feds were justified in listing salmon in the US given the low numbers, the listing has not added one fish to our rivers and has made our restoration work more difficult. This was not the intent of the law and I think more has to do with the bureaucratic mindset of government agencies where accountability to their mission somehow gets lost. Many individual employees try to do the right thing but in the end the layers of bureaucracy overwhelm the good intentions.”

In consideration of the preceding concerns, ASF cannot support an endangered listing under SARA unless the federal government/DFO can clearly demonstrate to us that the listing would:

- 1) place the highest priority on and commit the federal government to significantly reducing or eliminating (where possible) the most harmful threats to the OBoF salmon in the freshwater



(i.e. hydro dams) and the marine environments (i.e. disease, pests and escapes from open net-pen aquaculture operations)

- 2) not further restrict and handcuff the efforts of the local stewards resulting in eroding public engagement, but rather to encourage public involvement in the recovery effort.

2. What would be the potential **POSITIVE** environmental, social, cultural, and economic impacts of listing the Outer Bay of Fundy Atlantic Salmon as “endangered” on the List of Wildlife Species at Risk?

Potential Positives:

- a) Environmental – very few considering that the activities posing the greatest threats to the wild OBoF Atlantic salmon (mortality at dams and in headponds and from marine-based aquaculture activities) will likely continue unabated under the permission of SARA permits. **If there were confidence that a listing would result in significant mitigation to these large-scale threats, then positive potential outcomes would be possible.** For example, if a listing were to create restrictions for the finfish aquaculture to accelerate its transition to land-based operations, we would see this as a potential positive outcome. Unfortunately, DFO has not yet demonstrated to the public how a listing would reduce or eliminate these effects.
- b) Social – very few as described under question number 1. The social reality is that a listing would only serve to decrease public engagement in the recovery of the OBoF salmon, much as has been the case in the IBoF population.
- c) Cultural – None. A listing would serve to further erode the long-standing and passionate connection to the resource held by both Aboriginal and non-Aboriginal communities, as has been evident in the OBoF region since the Atlantic salmon recreational fishery was closed in 1997. It is more and more difficult for the local stewardship groups to inspire and engage the grassroots when the grassroots feels disconnected from the resource they treasure.
- d) Economic – Unclear and therefore not known. DFO’s summary socio-economic report on listing and not listing is vague at best. The public has not been provided with adequate information that indicates the federal government’s level of commitment and capability to invest in recovering the OBoF salmon under a SARA listing. Regardless of a listing or not, the successful recovery of wild OBoF salmon would generate many economic benefits associated



with recovering and re-opening recreational fisheries. DFO has indicated in the information provided to the public that under a listing, re-establishing FSC and/or live-release only recreational fisheries could be possible if recovery led to meeting certain abundance targets on certain rivers. ASF views this as a positive step but reminds DFO that this is an option available whether or not a listing proceeds. Any decision to re-open/establish live-release only recreational fisheries would have to be accompanied by a plan to ensure that it is well managed and respects the rights of the First Nations communities.

Gardner Pinfold estimates the total annual economic value for wild Atlantic salmon in Canada at \$255 million. 3,872 Full-time Equivalent (FTE) jobs are directly created annually because of wild Atlantic salmon. Listing or no listing, recovering OBoF stocks and hopefully re-opening live release recreational fisheries will serve to increase spending by anglers in the OBoF region and should be perceived as a significant economic opportunity.

3. What would be the potential NEGATIVE environmental, social, cultural, and economic impacts of listing the Outer Bay of Fundy Atlantic Salmon as “endangered” on the List of Wildlife Species at Risk?

- a) Environmental – as already stated, the primary activities already contributing to the demise of OBoF salmon would likely continue through SARA permits and exemptions.
- b) Social – discouraged stakeholders due to restrictions affecting primarily their activities, not those in the sectors that are causing the most harm to the resource.
- c) Cultural – loss of cultural connection to the resource. People will turn their attention elsewhere. This has been a major issue in the IBoF region.
- d) Economic – No anticipated economic impacts to the sectors causing the most damage – we fear it will be business as usual for hydro-electricity, aquaculture, forestry, agriculture, mining and land development. However, reduced public engagement at the local level will compromise the ability to raise funds for recovery investment which in turn will reduce federal and provincial government interest in allocating funds to these efforts. This is a cycle that will be to the detriment of wild OBoF salmon. Interest and corresponding investment by public stakeholders and Government will diminish over time and will be more difficult to recover as the social and cultural connections are lost. With that comes the significant opportunity cost of potentially never recovering the species and its fisheries (license sales, local spending by anglers, etc) and their associated economic benefits going forward.



4. Indicate your sector of activities (e.g., fisheries, environment, or other). If you represent an industry, a small business¹, a community, an Aboriginal community or organization, are you presenting your comments on their behalf or as an individual?

The Atlantic Salmon Federation non-profit organization dedicated to the conservation, protection and restoration of wild Atlantic salmon and the ecosystems on which their well-being and survival depend.

5. In which province do you reside?

The Atlantic Salmon Federation is headquartered in St. Andrew's, NB, and has staff and offices in Quebec and all Atlantic Canadian Provinces.

6. Do you have any other comments on listing Atlantic Salmon populations as endangered on the List of Wildlife Species at Risk?

There are a number of factors that are known to threaten wild Atlantic salmon populations:

- 1) Illegal forms of harvest by commercial, recreational, or First Nations fisheries.
- 2) Hydroelectric power dams and other barriers to control water flow prevent salmon from reaching the upper waters of these rivers where they used to spawn (reproduce). Hydroelectric dams can also harm or kill fish that pass downstream through the turbines and even through spillways. Lower water velocities and migration delays in headponds make salmon more susceptible to predation. Fish are also subjected to predation after becoming disoriented in the tailraces below dams after passing through turbines or via the spill gates.
- 3) Waste water from communities, pesticides from agriculture or forestry, sediment and other pollutants that runoff into rivers can harm and kill salmon.
- 4) Changes in water temperatures and other marine ecosystem characteristics can affect their survival and reproduction success.
- 5) Most commercial salmon aquaculture involves raising domesticated Atlantic salmon in net cages near the mouth of rivers where wild salmon pass by. Wild Salmon populations in the vicinity of aquaculture operations in Canada have been designated either threatened (southern Newfoundland) or endangered (Bay of Fundy). Farmed salmon could spread diseases and parasites to wild salmon, while escaped domesticated salmon compete for food and habitat in freshwater, and do interbreed with wild salmon thereby weakening the wild gene pool.



In conclusion, any management initiative, whether or not prompted by an Endangered listing under the Species at Risk Act, should focus on utilizing the regulatory and policy-based tools to reduce, mitigate and eliminate (where possible) the impact of the above stated activities first and foremost, with provisions to promote and ensure active and ongoing engagement by the angling, conservation and First Nation communities in the recovery process.

If the listing does little to reduce the impacts of the most severe threats in a reasonable timeframe, then we see little to no value added in the OBoF salmon being listed, just added bureaucracy. We invite and would appreciate DFO to convince us otherwise.

Sincerely and in the name of conservation of wild Atlantic salmon,

A handwritten signature in black ink, appearing to read 'Geoff Giffin'.

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