

Securing the Future of Freshwater Fish and Fish Habitat in New Brunswick

**A Brief to the
Select Committee on Wood Supply
In New Brunswick**

Presented by:

Atlantic Salmon Federation
19 November 2003



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1. Introduction:

Freshwater and estuarine fisheries resources are an important part of the economy, history and culture of Atlantic Canada. Recreational fisheries in the rivers and streams, especially for wild Atlantic salmon and brook trout, contribute significantly to the economic prosperity of the region and play an important social and cultural role in the lives of all Atlantic Canadians. Freshwater and estuarine fisheries are also a key indicator of the quality of our environment and a direct reflection of the state of health and well being of Canadian waters.

It is accurate to say that the economic importance of the recreational fishery for wild Atlantic salmon, with its contribution to sustaining good jobs in rural New Brunswick has not been properly recognized for what it truly is. Every year in the rivers draining into the Bay of Chaleur and Gulf of St. Lawrence the recreational fishery contributes more to the economy than the landed value of many traditional commercial species combined.

In view of the significance of the wild Atlantic salmon fishery to New Brunswickers, we need to exercise great care to assure the continued sustainability of the recreational fisheries and its contribution to our way of life.

The Atlantic Salmon Federation believes a vibrant future for wild Atlantic salmon and other native freshwater fish species can be secured through motivating and supporting community stewardship groups to conserve, restore and enhance freshwater and estuarine fish populations and their supporting habitats. The sustainability of Atlantic Canada's freshwater fisheries resource is, in large measure, dependent on the availability of healthy and productive fish habitat.

Our proposal, therefore, is to encourage the Government of New Brunswick to implement established policy, to adopt a strategy and to find the necessary means for community groups to partner with governments and make a significant contribution to conservation and management of fish and fish habitat in the freshwater and estuarine environments.

2. The Atlantic Salmon Federation, its Mission and Goals:

The Atlantic Salmon Federation is an international, non-profit organization that promotes the conservation and wise management of the wild Atlantic salmon and its environment. ASF has a network of seven Regional Councils (New Brunswick, Nova Scotia, Newfoundland and Labrador, Prince Edward Island, Québec, Maine, and New England), which have a membership of more than 150 local river associations and 40,000 volunteers. The Regional Councils cover the freshwater range of the Atlantic salmon in Canada and the United States.

ASF is a science-based advocacy organization with clear credibility with governments and the public through our scientific excellence, public awareness and advocacy initiatives. ASF has contributed significantly to many research and development programs, school-based and public education programs.

Throughout our fifty-four year history ASF has worked in close collaboration with federal and provincial/state government agencies and industrial partners to address and solve problems associated with the survival of wild Atlantic salmon. This partnership has been productive, and it provides a basis for further collaborative opportunities between communities and governments in strengthening conservation, protection and enhancement of wild salmon and other native fish populations.

Since 1999, for example, ASF has contributed nearly \$1.9 million in volunteer-raised funding to research partnerships with DFO. In addition, every year our regional councils and local affiliates contribute millions of dollars in volunteer-raised funding and several million dollars more in volunteer labour, as documented by the Department of Fisheries and Oceans. The volunteer contribution is significant and underscores the importance of the wild Atlantic salmon resource to New Brunswickers.

It is also important to note that several forest products companies also make major contributions to the conservation, management and protection of fish and fish habitat in New Brunswick. Some of these companies are playing a leadership role in conducting scientific research in cooperation with the universities in New Brunswick and with ASF and our affiliates. These initiatives are important examples of the partnerships that can develop among industry, conservation organizations and governments, where a common vision is established. ASF is proud of our history in developing and nurturing these partnerships.

3. Context:

Over several decades, populations of wild Atlantic salmon, brook trout and other freshwater fish species have declined significantly, and in some cases populations of some rivers have become extirpated. This situation is reflective of significant changes that have taken place in the environment and in the habitat of these fish species.

The availability of freshwater habitat is vital to sustaining production of wild Atlantic salmon and other native fish species. However, freshwater habitat is often damaged and lost due to changes, big and small, as a result of human activities, in ways that are both obvious and subtle. The impacts of pollution, damaged spawning beds due to silt, lost habitat from dams and impoundments, elevated water temperature and run-off from deforestation, and other causes of environmental injury result in profound impacts on the quality of fish habitat. In turn, there is an adverse impact on the production of wild fish.

The decline and the loss of some populations have also undermined the important social and economic benefits the recreational fishery provides to Canadians. Many parts of Eastern Canada's economic and social well being depend heavily on the sustainability of

these diverse and rich aquatic ecosystems. It is clear that a well-managed recreational fishery contributes significantly to local and regional economies. In New Brunswick, the recreational salmon fishery alone has been recently assessed as contributing approximately \$50 million to the economy, every year. This contribution is made primarily in the sector of the province between the Miramichi and Restigouche Rivers.

In these regions and across Eastern Canada, the wild salmon and native trout fisheries support thousands of jobs, primarily in rural communities, where newer forms of economic development are difficult to establish. It is the best kind of sustainable, rural economic development and it has contributed significantly to the economy of many parts of Eastern Canada for generations. Recent statistics for Atlantic Canada and Québec, indicate that revenue wholly attributable to recreational anglers stands at well over \$300 million annually.

4. Atlantic Salmon Federation Recommendations:

ASF has reviewed the report “New Brunswick Crown Forests: Assessment of Stewardship and Management”, the so-called Jaakko-Pöyry Report, specifically to assess the implications of its recommendations on conservation of wild Atlantic salmon in New Brunswick. Foremost in our consideration of the report have been ASF policies, in particular the Land Use Policy, adopted in 2002, which contains provisions respecting forestry operations (see Appendix “C”). Our recommendations further reflect ASF’s view respecting the need for transparency, accountability and stakeholder involvement in the administrative processes associated with resource management.

The Jaakko-Pöyry Report indicates that it is directed toward identifying the potential for improvement in the stewardship and management of New Brunswick’s forests. Properly done, management of forests should incorporate a holistic approach involving stewardship of all woodland flora and fauna. Instead, the focus of the Jaakko-Pöyry Report is limited to methods of enhancing the timber supply for commercial use from New Brunswick’s forests, while suggesting the need for unspecified *fair and reasonable* trade-offs among economic, environmental and social priorities for the future. The potential for these “trade-offs” to adversely impact wild Atlantic salmon is great, because the report expressly recommends that much of the additional timber requirements can be extracted from protected areas and special management zones, most of which are adjacent to watercourses.

In making this sweeping proposal, the report proposes a better scientific basis being established to assist in planning and management decision-making. ASF submits that responsible conduct of planning and management of fisheries resources calls for a scientifically valid *precautionary approach*. Adoption of a precautionary approach to management and stewardship of fish and fish habitat, employed in an inclusive and transparent manner, is essential to support for any joint industry and government funding, research and development of science-based forest management practices, as recommended in the report.

In 1998 the North Atlantic Salmon Conservation Organization (NASCO), a United Nations agency established to guide conservation of the wild Atlantic salmon in North America and Europe, adopted a definition of the precautionary approach. Canada is an original member of NASCO. ASF believes the NASCO definition should be instructive to management of the impacts of forestry practices on fish and fish habitat in New Brunswick. This definition is representative of other definitions of the precautionary approach, which provide that “where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation”. (see Appendix “B”).

ASF Recommendation 1: ASF recommends that stewardship and management of the forests must be done in accordance with a precautionary approach that ensures conservation of native fish populations. ASF further recommends that non-government conservation organizations be participants in decisions respecting research and development plans and priorities.

The report indicates that New Brunswick’s wildlife management approach has been successful. It also points out that New Brunswick’s more selective approach to creating set-aside areas is in contrast to the “broad brush” approach of other jurisdictions. It is also likely that watercourse protection buffer zones in New Brunswick, ranging between 30 and 150 metres, depending on the characteristics of the watercourse, have contributed to this success. (Note: This was one of the recommendations presented by the New Brunswick Council of ASF to the Minister of Natural Resources in a submission respecting forestry management guidelines in the mid-1990s. It is also a provision of the ASF Land Use Policy.)

ASF Recommendation 2: ASF recommends that New Brunswick maintain its selective approach to creating set-aside areas. New Brunswick should also continue to protect the integrity of its watercourses with watercourse protection buffer zones of at least 30 to 150 metres, depending on the characteristics of the watercourse.

The report indicates that excessive effort of DNRE staff in the management, planning and oversight of the implementation processes is expensive and can be improved. It is noted that despite this effort there are inconsistencies in how DNRE rules are applied. The report proposes that independent third-party auditors could replace DNRE staff, leading to efficiencies and cost savings. ASF would agree that it is likely that efficiencies can be achieved through one means or another, but it should not be at the expense of ensuring that proper practices are carried out by licensees, and being aware of operator conduct in a timely manner so corrective action may be taken.

Good practices are enhanced by accountability of operators and the regulators. In view of this, ASF recommends greater transparency and accountability in the licencing and monitoring process, no matter how it is conducted, nor by whom.

ASF Recommendation 3: The Atlantic Salmon Federation recommends that all harvesters of products from Crown Lands should be accountable for their performance and for adherence to the terms and conditions of licences. Therefore, the following recommendations are presented:

- (a) That the terms and conditions of all harvest licences be available to the public on at least an annual basis, and
- (b) That the results of all environmental audit reports be available to the public on at least an annual basis.
- (c) New Brunswick maintain plans to implement forest certification programs for identified forest products' companies.
- (d) That New Brunswick extend certification and audit to all individuals and companies harvesting forest products from Crown Lands.
- (e) That New Brunswick protect its ability to ensure timely, corrective action by operators is achieved through adequate monitoring and inspection.

Among the scenarios presented by the consultants is one in which DNRE would be allowed to relax conservation constraints on equivalent areas in Crown Lands in exchange for equivalent areas of voluntary conservation designation on private lands. While the ASF may commend the private landowners for having taken such measures, it is equally important that harvesting constraints in support of conservation be maintained on Crown Land. We, therefore, recommend the following:

ASF Recommendation 4: That harvesting constraints on Crown Land be maintained in accordance with a precautionary approach to management and conservation of wild Atlantic salmon.

The consultant further recommends that the public be encouraged to express its views concerning management of New Brunswick's Crown Forests. ASF agrees with this proposal but we would further propose that the public, through representative non-government organizations, be more fully involved on an ongoing basis in the consultation, oversight and monitoring of the stewardship and management of New Brunswick's forests, and the watersheds they surround.

ASF Recommendation 5: That DNRE review options to provide for more effective involvement of non-government organizations in the oversight and management of New Brunswick forests and their watersheds.

5. Conclusion:

The Atlantic Salmon Federation is vitally interested in the conservation, management and protection of wild Atlantic salmon throughout its range in North America and Europe.

We are pleased to present our recommendations to the New Brunswick Legislature Select Committee on Wood Supply because forest harvest policy and practices present *potential* adverse impacts on wild salmon populations, unless reasonable and effective safeguards are put in place. Our goal in presenting our recommendations, therefore, is to provide the

Committee with advice that will assist it in recommending to the Government those safeguards that will secure a healthy environment and a healthy wild Atlantic salmon populations and their benefits to New Brunswickers.

ASF is calling on the Government and the forest products industry to ensure that conservation and wise management of wild Atlantic salmon and its habitat are practiced in New Brunswick. We believe adoption of a science-based, precautionary approach in formulating forest management plans and practices is the most effective method to achieve this goal.

ASF's advocacy strategy actively promotes and sustains productive partnerships with government agencies, industry and other conservation organizations. ASF is firmly committed to a community stewardship approach to managing fish and fish habitat through which all stakeholders, whether contributing to conservation or exerting impacts upon it, can work together to protect the jobs and economic and cultural benefits associated with vibrant wild Atlantic salmon populations. We trust our recommendations will assist the Committee in formulating its advice to Government.

Appendix “A”

ASF Recommendations to the Select Committee on Wood Supply

ASF Recommendation 1: ASF recommends that stewardship and management of the forests must be done in accordance with a precautionary approach that ensures conservation of native fish populations. ASF further recommends that non-government conservation organizations be participants in decisions respecting research and development plans and priorities.

ASF Recommendation 2: ASF recommends that New Brunswick maintain its selective approach to creating set-aside areas. New Brunswick should also continue to protect the integrity of its watercourses with watercourse protection buffer zones of at least 30 to 150 metres, depending on the characteristics of the watercourse.

ASF Recommendation 3: The Atlantic Salmon Federation recommends that all harvesters of products from Crown Lands should be accountable for their performance and for adherence to the terms and conditions of licences. Therefore, the following recommendations are presented:

- (f) That the terms and conditions of all harvest licences be available to the public on at least an annual basis, and
- (g) That the results of all environmental audit reports be available to the public on at least an annual basis.
- (h) New Brunswick maintain plans to implement forest certification programs for identified forest products’ companies.
- (i) That New Brunswick extend certification and audit to all individuals and companies harvesting forest products from Crown Lands.
- (j) That New Brunswick protect its ability to ensure timely, corrective action by operators is achieved through adequate monitoring and inspection.

ASF Recommendation 4: That harvesting constraints on Crown Land be maintained in accordance with a precautionary approach to management and conservation of wild Atlantic salmon.

ASF Recommendation 5: That DNRE review options to provide for more effective involvement of non-government organizations in the oversight and management of New Brunswick forests and their watersheds

“Appendix B”



**AGREEMENT ON ADOPTION
OF A
PRECAUTIONARY APPROACH**

1. North Atlantic Salmon Conservation Organization (NASCO) and its Contracting Parties agree to adopt and apply a Precautionary Approach to the conservation, management and exploitation of salmon in order to protect the resource and preserve the environments in which it lives. Accordingly, NASCO and its Contracting Parties should be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information should not be used as a reason for postponing or failing to take conservation and management measures.
2. The Precautionary Approach requires, inter alia:
 - a) consideration of the needs of future generations and avoidance of changes that are not potentially reversible;
 - b) prior identification of undesirable outcomes and of measures that will avoid them or correct them;
 - c) initiation of corrective measures without delay, and these should achieve their purpose promptly;
 - d) priority to be given to conserving the productive capacity of the resource where the likely impact of resource use is uncertain;
 - e) appropriate placement of the burden of proof by adhering to the above requirements.
3. The application of a Precautionary Approach should involve all parties concerned with salmon conservation, management and exploitation.
4. The Precautionary Approach will be applied by NASCO and by its Contracting Parties to the entire range of their salmon conservation and management activities. Initially the application will be to the following three areas:
 - Management of North Atlantic salmon fisheries;
 - The formulation of management advice and associated scientific research;

- The area of introductions and transfers including aquaculture impacts and possible use of transgenic salmon.

This Agreement on Adoption of a Precautionary Approach was adopted by the Council at its Fifteenth Annual Meeting in June 1998.



Atlantic Salmon Federation

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Appendix "C"

Land Use Policy

19 April 2002

Introduction:

All land use activity within a watershed, no matter how far located from a watercourse*, has potential to adversely affect the quality of the aquatic ecosystem, including the well being of wild Atlantic salmon. The following policy has been adopted and is being advanced by ASF in the context of our mission to protect and preserve the existence of the wild Atlantic salmon and its critical freshwater habitat in rivers throughout the spawning range in North America.

Watercourses may become injured through contamination from chemicals, sediment, and other materials, or through elevated water temperatures and unnatural fluctuation in temperature or water flow. Any of these factors can result in significant degradation or destruction of habitat for wild Atlantic salmon and other freshwater fish species. Any reduction in the number and diversity of living organisms is a great loss to the environment, and can also cause injury to the recreational fishery.

The diverse uses of land must be managed in the interests of conservation and biodiversity. All land use activities should be environmentally sustainable in a manner that guarantees the long-term health of the watershed ecosystem and its natural inhabitants. We can achieve this goal by promoting adoption of effective legislation and government policies, and industry practices that establish environmentally sustainable land use management within our watersheds.

Note: This policy statement is intended to address land use impacts by, but not limited to, the following sectors: forestry; agriculture; mining; rural and urban development; and watercourse crossings of any kind (eg. power transmission, pipeline and transportation crossings). Most adverse impacts on watercourse habitat resulting from poor environmental practices are the same, irrespective of the land use sector. Where, however, an individual sector poses a distinct issue, specific policy statements are provided.

* "watercourse" means a natural body of flowing or standing water or an area occupied by water during part of the year, but does not include groundwater.

Policy:

ASF, therefore, adopts the following as policy:

1. ASF advocates the protection of watercourses through the adoption of environmentally sustainable land use practices that contribute to eliminating adverse impacts on watercourses,

such as soil erosion, chemical contamination, elevated water temperatures, unnatural fluctuation or changes in water flow, illegal operation of vehicles, and any other injury resulting from human activity.

2. ASF advocates that governments enforce fisheries and environmental legislation and implement appropriate, mandatory and auditable mitigation and restorative measures where injury to watercourses has resulted from environmentally unsustainable land use practices. Where legislative or regulatory provisions do not exist, ASF will advocate their adoption.
3. ASF advocates the implementation of mandatory setbacks (riparian buffer zone) of sufficient width to provide adequate protection to watercourses on a site-specific basis. Any activity permitted within the setback should not detract from the ability of the buffer to protect the watercourse.
4. ASF advocates that governments initiate and implement integrated community watershed management processes, involving all stakeholders, as the best way to plan and manage activities within the watershed and to establish environmentally sustainable management of all land uses.

Industry Specific Policy Matters:

Forestry:

5. ASF advocates that the forest products industry and governments adopt best forestry management practices (BMPs) and certification programs, with third party audit, that contribute to elimination of the adverse impacts on aquatic biodiversity and ecosystems, including fish habitat and fish populations, due to habitat loss or degradation, unnatural rate of water flow, elevated water temperature, and other causes of injury.
6. ASF advocates that governments and the forest industry leave adequate amounts of representative forest structure across the landscape to ensure maximum habitat protection and to help maintain the natural state of salmon habitat and the economic benefits derived from salmon fishing.
7. ASF advocates that transportation systems that minimize road, culvert and bridge construction on forestlands, through good planning. Where roads and bridges are necessary, they should be designed, constructed and maintained in accordance with procedures that ensure protection of the aquatic ecosystem, and fish populations. Roads on forestlands should be located as far from watercourses as possible to reduce access to fisheries resources. Where roads and bridges are no longer needed, they should be de-commissioned.
8. ASF advocates that the forest products industry develop and adopt environmentally sustainable, non-chemical management control methods.

Agriculture:

9. ASF advocates that the agriculture industry and governments adopt best management practices (BMPs) and certification programs, with third party audit, that contribute to elimination of the adverse impacts on biodiversity and the aquatic ecosystem, including fish

habitat and fish populations, due to habitat loss or degradation, unnatural rate of water flow and elevated water temperature, nutrient enrichment and other causes of injury.

10. ASF advocates the mandatory exclusion of all livestock from watercourses and from the designated setback (riparian buffer zone).
11. ASF advocates that the agriculture industry develop and adopt environmentally sustainable, non-chemical management control methods.
12. ASF advocates effective regulation of withdrawal of water from watercourses and groundwater for irrigation purposes to prevent adverse impacts on aquatic habitat.

Resource Extraction:

13. ASF advocates that the resource extraction industry (mining, peat moss harvesting) and governments adopt best management practices (BMPs) and certification programs, with third party audit, that contribute to elimination of the adverse impacts on biodiversity and the aquatic ecosystem, including fish habitat and fish populations, due to habitat loss or degradation, and other causes of injury.

Rural and Urban Development:

14. ASF advocates that governments (federal, provincial/state, or municipal) adopt rural and urban development regulations that contribute to elimination of the adverse impacts on biodiversity and the aquatic ecosystem, including fish habitat and fish populations, due to habitat loss or degradation, unnatural rate of water flow and elevated water temperature, and other causes of injury.
15. ASF advocates elimination of all forms of injury to watercourses due to waste disposal facilities.

Watercourse crossings (Linear Development):

16. ASF advocates that governments (federal, provincial/state, or municipal) adopt appropriate regulations respecting watercourse crossings (linear development: power transmission lines, pipelines and bridges, culverts or causeways) that contribute to elimination of the adverse impacts on biodiversity and the aquatic ecosystem, including fish habitat and fish populations, and other causes of injury.