

E-mail from Alex Mills of Save Miramichi Salmon to Marc LeCouffe and Allain Hebert of DFO on 1/14/25 regarding Atlantic salmon and striped bass management on the Miramichi River

From: Alex Mills

Sent: January 14, 2025 4:21 PM

To: LeCouffe, Marc (DFO/MPO) <Marc.LeCouffe@dfo-mpo.gc.ca>; allain.Hebert@dfo.gc.ca

Cc: johnbagnall <johnbagnall@rogers.com>; Karl Wilson <karlwilson18@hotmail.com>; Leger, Janelle (DFO/MPO) <Janelle.Leger@dfo-mpo.gc.ca>

Subject: RE: Meeting DFO headquarters , University Avenue , Moncton NB

“Marc and Allain,

Thanks for meeting with John, Karl and me as representatives of Save Miramichi Salmon Inc., and for the opportunity to introduce our group and to position ourselves vis a vis the indigenous community and the other stakeholders involved in the Atlantic Salmon and striped bass fisheries. All members of our group have a close affiliation with the Miramichi; all with a property, business and/or professional connections with the Miramichi of one sort or another; and all with involvement in conservation organizations of one description or another

As mentioned, our frustration with DFO management and our determination to push harder than other organizations is based on the following:

- 1 The scientific analysis undertaken by John Ritter and Allen Curry and John Bagnall.
- 2 The overwhelming evidence of unprecedented numbers of striped bass along much of the Miramichi system; with the obvious devastating impacts on all species.
- 3 The breach/ failure to achieve eco-balanced management on the Miramichi system as dictated by good science; good management and the directives of the Standing House of Commons Fishery Committee to DFO.
- 4 The belief that DFO is not responding in a timely way to this crisis caused by the striped bass predation of juvenile salmon either in the smolt migration or in the upriver parr/juvenile salmon habitat that the bass are now occupying.

The Science

While you indicated that you had read the “material” on Bard Burns website there was no indication that your science people had reviewed the work and science prepared by Dr John Ritter, Dr Allen Currie, and John Bagnall, science that refuted the recurring conclusions in the report cited below that included the following quotes:

“Whereas the relative survival rates of smolts from the Southwest Miramichi are associated with variations in Striped Bass abundance indices, it is not the case for the Northwest Miramichi which was expected to be more impacted by predation considering the spatial and temporal overlap of Striped Bass spawner aggregations and the smolt migration window.”; and

“It is not clear from these time series of data, that reducing Striped Bass spawner abundances to the level of the early 2000s, i.e., less than 100 thousand spawners, would improve the acoustic tagged smolt survival estimates...”

Chaput, G. 2022. Multi-species Considerations for Defining Fisheries Reference Points for Striped Bass (Morone saxatilis) from the Southern Gulf of St. Lawrence. DFO Can. Sci. Advis. Sec. Res. Doc. 2022/030. vii + 50 p.

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At the meeting we provided you with an updated regression of bass numbers on smolt survival rates for each composite branch. The regression showed a significant negative correlation between bass numbers and smolt survival through the estuary.

This regression was included in our material at "savemiramichisalmon.com", in Brad Burns blog, and our Save Miramichi Salmon Website and was provided formally, by letter to the Minister on Nov 21, 2024 . We were left with the conclusion that our science was not assessed and seemingly ignored or simply rejected and you are dug in on your science which you presented as peer reviewed science. The conclusion of this science was that striped bass do not impact the Miramichi salmon populations. Please provide us with the details of the specific peer-reviewed articles including those you cited from ICES upon which you rely for your evidence. Could you also identify the journals in which it has been published and peer reviewed.

Also could you please confirm that the content of our letter of Nov 21 from our counsel to the Minister including the supporting science has been examined and assessed?

At our meeting, John presented additional current (2023) data from the Canadian Rivers Institute that is evidence of the devastating impact of bass. This experiment used predator tags that were able to identify the type of animal that was consuming the smolts during their travel from the lower river reaches through the estuary and into the Gulf of St. Lawrence. As can be seen, there was a 74.1% predation rate of smolts by striped bass among the Northwest Miramichi smolts, and 68.9 % predation rate by bass among those tagged on the Dungarvon. On the greater river, this adds up to an approximate 70% smolt mortality caused by bass. When combined with the approximate 20% mortality presumably caused by birds, this leaves 10% of the smolts that are required to traverse the Straight of Belle Isle, travel to Labrador and/or Greenland, and return in acceptable numbers to spawn in the Miramichi and sustain the population. . I have cut and pasted this table into this email.

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Summary 2023 Predator Tagging Results from the CRI						
Fate Class	Dungarvon	Wayerton	Total	Dungarvon % Survival vs. Adjusted Total	Wayerton % Survival vs. Adjusted Total	Overall % Survival vs. Adjusted Total
Enters GoSL Alive	12	4	16	10.1%	3.7%	7.0%
Cold Blooded Predator	82	80	162	68.9%	74.1%	71.4%
Warm blooded Predator	3	1	4	2.5%	0.9%	1.8%
Mortality (inactivity)	3	1	4	2.5%	0.9%	1.8%
Unknown (has detections)	19	22	41	16.0%	20.4%	18.1%
Unknown (no detections)	8	14	22	6.7%	13.0%	9.7%
Totals	127	122	249			
Total (no detection eliminated)	119	108	227			

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Enters GoSL alive = made it past Portage Island.
 Cold-blooded predation = bass.
 Warm-blooded predation = otter or seal.
 Mortality (inactivity) = unknown death, not consumed.
 Unknown, has detections = probably birds...detected but then disappear before Portage Island.
 Unknown, no detections = ?????. Tag malfunction or die almost immediately. Probably should be deleted from tally.

Fate class	Dungarvon	Wayerton	TOTAL	
Enters GoSL alive	12	4	16	6.4%
Cold-blooded predation	82	80	162	65.1%
Warm-blooded predation	3	1	4	1.6%
Mortality (inactivity)	3	1	4	1.6%
Unknown, has dets	19	22	41	16.5%
Unknown, no dets	8	14	22	8.8%
	127	122	249	

Note: The blue highlighted section is a screenshot of the presentation to the NB Salmon Council by former CRI biologist and current Director of NB Programs for the ASF, David Roth. Interpretation of the results was by CRI chief and Atlantic Salmon Research Chair at UNB, Dr. Tommi Linnansaari.)

There was no indication that you were aware of this devastating data that validates the results of past and ongoing efforts by the Atlantic Salmon Federation to measure smolt mortality rates in the estuary. We would request that you review the data that they provided as well as the firsthand evidence that Karl and I provided regarding the historical absence, and the current massive presence, of striped bass up river in juvenile salmon habitat. Also after reviewing the material could you please advise if these facts alter your scientific conclusions or your management approaches and decisions?

Karl emphatically described the impact of these failures on the economics and culture of the Miramichi as well as providing ample evidence of marauding schools of striped bass in salmon pools and hard examples of the impacts. Sadly, your response was that you must manage the Miramichi for all Canadians not just the Miramichi communities. You seem to be willing to write off a way of life and an eco-balance that has persisted for millenium with the indigenous and centuries with the non-indigenous Miramichi communities.

Again, I note that rather than responding to our science that included a report by eminent fisheries biologist and former head of the freshwater and Anadromous Division of DFO Maritimes Region, Dr. John Ritter, you fell back on your faulty science and the simplistic reasoning that: "Atlantic Salmon populations are in decline everywhere in the world" including in the Gulf and the Miramichi is simply following this trend.

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In response John has analyzed the data from an updated ICES report [see Annex A to this summary email] and this analysis illuminates the circular logic you are employing to assert that the Miramichi salmon's situation is just symptomatic of a general decline in the southern Gulf rivers. Respectfully, given that the Miramichi contributes virtually one half the spawning habitat of the southern Gulf rivers, by Limit Reference Point capacity measurement, any large change in the Miramichi's actual production (as in the case of huge mortalities from striped bass predation) would be reflected in a severe downturn in the production of the southern Gulf rivers. Could you please address this conclusion Yours is an unacceptable answer that, as Dr. Ritter's report emphasizes, ignores the relative health of rivers such as the Margaree, a beautiful and, compared to the Miramichi, a relatively small river further to the south, a river that does not have a significant striped bass threat. [see annex A attached]

In addition, at one point in the meeting, you said your bass management was guided by the science in peer-reviewed literature, which we understood to be CSAS Science Advisory Report 2021/018 and CSAS Research Document 2022/029. Setting aside the fact these documents are report and have not as such been peer reviewed, these documents were created to determine southern Gulf bass reference points in the absence of considering other species in the environment – e.g. salmon. You disputed this fact, but this is stated explicitly in the latter document.:

From Res Doc 22/29: "The reference points presented are derived based on optimizing value functions specific to Striped Bass. No multi-species reference points or management options are discussed."

This is verbatim proof the striped bass population model is for bass "in a silo".

Reference: *Chaput, G. and Douglas, S. 2022. Fisheries Reference Points for Striped Bass (Morone saxatilis) from the Southern Gulf of St. Lawrence. DFO Can. Sci. Advis. Sec. Res. Doc. 2022/029. xiv + 153 p.*

The Management

Our group shared some of the history of DFO failures on the Miramichi and the impact these failures have had on salmon and the Miramichi community. These include the failure to eradicate smallmouth bass from Miramichi Lake; the renegeing on the CAST program and the commitments made to private sector groups who had committed significant resources to the CAST project; and finally the most devastating failure, the proper ecologically-based management of striped bass. A management approach that, in our view, relies on faulty science and logic.

You justified the smallmouth bass management failure as being attributable to a regulatory block which prevents the Department of Fisheries and Oceans from fulfilling their mandate of protecting native wild Atlantic Salmon from invasive species through the chemical reclamation of Miramichi Lake, while acknowledging that other departments such as the Federal Dept of Environment [Parks Canada] are not prevented from offering this protection to Atlantic salmon. Additionally, you cited policies of wanting to protect those same wild fish as the reason you reneged on the Miramichi CAST enhancement plan after stakeholders and private sector supporters had committed significant amounts of funding based on your preliminary commitments of support. Finally, you are justifying ecological imbalanced inadequate management of striped bass by citing alleged "peer reviewed science" that, based on contradicting science and the widespread physical observations up and down the river, is at best questionable or plain wrong.

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In our meeting we discussed regulatory [smallmouth bass] and policy barriers [renegeing on CAST] which paradoxically prevent you from protecting and enhancing Atlantic salmon as you are bound to in your mandate. We also identified errors in your science regarding the predation by striped bass of migrating smolts and a failure to respond to reports of unprecedented numbers of striped bass throughout the system throughout most of the season. These failures aside, a big part of the DFO current failure and inaction appears to be related to the governance/management process. This process relies upon and is stalled on failed feedback mechanisms of indigenous and non-indigenous consultation which the Courts have clearly declared must be tailored to your management obligations. Our view is that process has clouded and confused DFOs management mandate and obligations. The process appears to have become the priority over good efficient fisheries conservation and management- “the tail appears to be wagging the dog”

We must emphasize the following DFO management policy [another failure] from 2019 which states that in cases where rebuilding of a stock has the potential to negatively impact the status of another, as in the case of rebuilding a predator species that could result in a decline of a prey species, rebuilding objectives need to be carefully developed through a balanced approach to ensure neither is depleted to a point of serious harm.

Reference: DFO. 2019. Guidance for the Development of rebuilding plans under the Precautionary Approach framework: Growing stocks out of the Critical Zone. Sustainable fisheries framework (SFF): A fishery decision-making framework Incorporating the Precautionary Approach. 32 p.

This policy seems to apply perfectly to the Miramichi salmon / striped bass situation as does the following recommendation from the House of Common Standing Committee on Fisheries and Oceans and the Coast Guard:

- Recommendation 2 - That Fisheries and Oceans Canada’s restoration framework prioritize the long-term balance of fish species in the Southern Gulf of Saint Lawrence and Miramichi River.

Reference: FOPO. 2019. Striped bass in the southern Gulf of St. Lawrence and Miramichi River: striking a delicate balance. Report of the Standing Committee on Fisheries and Oceans. 25 p.

Remediations

In the letter from our legal counsel to the Minister of Nov 21, 2024 you will see that we call for the immediate creation of a “crises response committee” with the structure and funding to devise and initiate immediate action. If such a change in the management approach does not occur salmon will be extirpated from the Miramichi before remedial steps are put in place. I include the full list of requested remediations here in bullet format:

- Immediately, but in any event before January 15, establish a senior departmental emergency response committee including the assistant deputy minister for science with indigenous and non-indigenous Miramichi stakeholders, properly funded and mandated to address this crisis in the immediate term, armed with clear qualitative and temporal mile posts/deadlines and accountability and charged with assessing and implementing immediately, based on proper, transparent, and responsive and vetted science and accepted Ministerial obligations and management principles, including the following measures:
- Allow Striped Bass harvest levels that achieve a bass population of 100,000 bass within four years (2028), i.e., commercial harvests of 300,000 to 400,000 fish in 2025, 2026, and 2027, understanding that levels will be adjusted and may in fact be increased via an adaptive management analysis each year with First Nations continuing to have primary and potential full access to this fishery, but with fair and equitable secondary access to the fishery for the

non-indigenous commercial interests with funding for gear and market development for both the indigenous and non-indigenous commercial net fisheries and the sport fisheries.

- In addition to the commercial harvest, the recreational Striped Bass fishery should continue to be a component of the total harvest.
- The upper limit of the retention slot for both the commercial and recreational fisheries should be eliminated.
- In the recreational fishery upstream of the heads-of-tide in all scheduled salmon rivers a daily retention limit without a body size restriction should be implemented. The required retention limits under the Maritimes Provinces Fisheries Regulations (MFPR), must reflect the ecosystem imbalance and destructive impact of Striped Bass on juvenile salmon in their nursery habitats.
- Funding should be provided to the Miramichi Salmon Conservation Centre that will bring that facility to the optimal production level for rapidly increasing salmon stocking to overcome current disastrously low levels and to sustain the population into the future. Support by DFO must include:
 - A. Capital funding for required facility improvements that are identified by a hatchery committee.
 - B. Funding to allow the facility to operate with adequate staffing and required materials, and funds for hatchery operation including activities associated with broodstock acquisition and fish distribution. The operational funds must be provided for the foreseeable future until salmon sustainability has been re-established based on data over a 5-year period.
 - C. DFO must guarantee the timely provision of required permits and other approvals to allow fish procurement (juveniles and/or adults) and for stocking programs to be implemented.
- Provide capacity funding to indigenous commercial fishing enterprises on the Miramichi to develop and expand the Striped Bass fishery.
- Provide financial and market support to the sport fishery.
- Elevate Atlantic Salmon to “Major Fish Stock” status under the *Fisheries Act*.
- Examine and implement improved management models for Miramichi Fisheries recognizing rights, interest and socio-economic factors.

Next Steps

If this issue is not addressed in the timely way identified above Salmon will become regionally extinct (extirpated) on the Miramichi. The actions identified above are not intended to be exhaustive. Most critical is the establishment of the right “crises committee” entity with the right membership, structure, funding, and authority to “ramrod-attack” the problem. There is an outline of a path forward contained in our letter to the Minister. Clearly the First Nations and the non-indigenous stakeholders are ready to up their commitments, but DFO must lead on this and fulfill its mandate. Our group asks to be involved as in our view our independence from DFO allows for a more objective candid assessment and feedback.

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Again, thank you for agreeing to meet with us.

Yours respectfully,

Save Miramichi Salmon Inc
Per: Alex Mills

ANNEX A

Examination of Egg Deposition Requirement Miramichi as a Percentage of Southern Gulf of St. Lawrence Requirements and a Comment of Cause and Effects of the Southern Gulf of St. Lawrence’s Atlantic Salmon Stock Unit

BY: John Bagnall
DATE: January 11, 2025

From: [Atlantic salmon \(Salmo salar\) from North America](#)

NASCO 3.2 Update age-specific stock conservation limits (CLs) based on new information as available, including updating the time-series of the number of river stocks with established CLs by jurisdiction

Limit reference points in terms of 2SW Conservation Limits (CLs) have been defined for all six stock units in North America (MFFP, 2016; DFO, 2018; ICES, 2020). For Quebec, the 2SW CLs have been updated based on revised biological characteristics and the limit reference points used for domestic fishery management (MFFP, 2016). No other changes to the 2SW CLs or rebuilding management objectives (MOs) were made from those identified previously (ICES, 2020; Table 4). Total egg requirements by stock unit are presented for the first time in support of analysis and advice using the Life-cycle Model (LCM).

In Canada, CLs were first established in 1991 for 74 rivers. Since then, the number of rivers with defined CLs increased to 266 in 1997 and to 498 in 2018 (Figure 6). Conservation Limits have been established for 33 river stocks in US since 1995 (Figure 6). The number of rivers assessed annually has ranged from 57 to 91, and the annual percentages of these rivers achieving CL has ranged from 26% to 70% with no temporal trend.

Table 4 Atlantic salmon from North America. The 2SW Conservation Limits (CLs), 2SW rebuilding management objectives, and total egg requirements for the stock units in North America.

Country and commission area	Region	2SW spawner requirement (number of fish)	2SW rebuilding management objective (number of fish)	Total egg requirement (million eggs)
Canada	Labrador	34746		239.14
	Newfoundland	4022		417.78
	Quebec	17364		124.60
	Southern Gulf of St Lawrence	18737		171.82
	Scotia–Fundy	24705	10976	253.53
Canada total		99574		1206.87
US total		29199	4549	105.08
North America total		128773	15 525	1311.95

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Calculation of Miramichi Proportion of the Conservation Limit Targets of the Southern Gulf of St. Lawrence Tributaries

% Miramichi of sGSL LRP Requirements					
River	Area	Composite Total	Ratio Total	River LRP	Weighted LRP
Northwest	8.38			1.76	1.60
LSW	8.21	16.59	31.9%	1.76	
Renous	5.83			1.52	
SW	29.54	35.37	68.1%	1.52	
Total:	51.96				
Total CL	82.96				
sGoSL CL	171.82				
Miramichi Ratio Total	48.3%				

The lesson from this calculation is that the greater Miramichi system represents a huge proportion of the total southern Gulf of St. Lawrence salmon production capacity.

Relevant factors to be considered in management (copied from: [Atlantic salmon \(Salmo salar\) from North America](#))

“The management for all fisheries should be based upon assessments of the status of individual stocks. Fisheries on mixed stocks, particularly in coastal waters or on the high seas, pose particular difficulties for management, as they target all stocks present, whether or not they are meeting their individual CL. Conservation would be best achieved if fisheries target stocks that have been shown to be meeting CL. Fisheries in estuaries and especially rivers are more likely to meet this requirement. Wild Atlantic salmon populations are now critically low in the southern regions (Scotia–Fundy, US) of North America, and the remnant populations require alternative conservation actions including habitat restoration, captive rearing strategies, and very restrictive fisheries regulation in some areas to maintain the genetic integrity of the stocks and improve their chances of persistence.”

My Interpretation: As judged by egg deposition, the Miramichi represents almost one-half (48.3%) of requirements to meet the overall Limit Reference point for the southern Gulf Of St. Lawrence (sGoSL) tributaries. Thus, whatever affects the smolt survival and subsequent salmon returns of the Miramichi has a huge bearing on those of the sGoSL as a whole. Any assessment of the health of the sGoSL should address should be based upon assessments of the status of individual stocks. The greater Miramichi’s salmon population is well within the Critical Zone of the Precautionary Approach. According to my prorations of past trap efficiencies, pre-harvest 2024 egg depositions are at 53% and 27% of the LRPs for the Southwest and Northwest Miramichi composites respectively. We have demonstrated that salmon (including grilse) returns to the Miramichi are hugely impacted by striped bass numbers.

We contend that DFO is guilty of circular logic, i.e., from [Circular Reasoning - Definition & Examples | LF](#)): *The fallacy of circular logic occurs when the one reasoning begins with a claim they are trying to conclude with. e.g., Whatever is less dense than water will float, because such objects won't sink in water*

You can’t say that there has been a collapse of the sGoSL salmon stocks and that this is the cause of the Miramichi’s collapse. It’s the other way around: The collapse of the sGoSL salmon (including grilse) stocks has largely resulted from the collapse of the Miramichi stocks.