

Minister of
Fisheries and Oceans



Ministre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

June 21, 2022

Mr. Ken McDonald
Chair
Standing Committee on Fisheries and Oceans
House of Commons
Ottawa ON K1A 0A6

Dear Mr. McDonald:

On behalf of the Government of Canada, I would like to thank the House of Commons Standing Committee on Fisheries and Oceans (the Committee) for its report, *Striped Bass in the Southern Gulf of St. Lawrence and Miramichi River: Striking a Delicate Balance*. I am pleased to receive the Committee's recommendations, and would like to thank the Committee members for dedicating their time and effort to identifying ways in which the Government of Canada, in collaboration with others, can take coordinated steps to manage striped bass populations in the Southern Gulf of St. Lawrence and Miramichi River.

The Committee's 12 recommendations underline the economic, cultural and social values of the striped bass species and the importance of managing sustainable and healthy fish populations. Having heard viewpoints from First Nations, conservation groups, as well as commercial and recreational fishing industry representatives throughout the Committee's study, it is clear that the striped bass population represent both a challenge and an opportunity in the Southern Gulf of St. Lawrence and Miramichi River. These recommendations align with the Government of Canada's commitment to renewed relationships with First Nations rights holders and to advance reconciliation while also ensuring consultation and collaborative decision-making in the management of fisheries.

While the recommendations provided by the Committee were grouped thematically, the Government of Canada has chosen to respond to each recommendation individually, with the exception of those concerning consultations and timeliness of notices (Recommendations 7 and 8) and First Nations participation in the striped bass fishery (Recommendations 9 to 11).

Recommendation 1: That Fisheries and Oceans Canada establish upper and lower limit reference point thresholds for striped bass and adjust them if necessary based on justifiable scientific evidence

Upper stock reference points and limit reference points for the Southern Gulf of St. Lawrence striped bass population are part of the precautionary approach to fisheries management and

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were established based on scientific research and data, with results being peer reviewed and published online as part of a formal process conducted by Fisheries and Oceans Canada's Canadian Science Advisory Secretariat. Current reference points are presented in units of total eggs, as well as equivalences in number and biomass of spawners, with Upper Stock Reference of 720,000 spawners and a Limit Reference Point of 330,000 spawners. As Fisheries and Oceans Canada continues to improve data availability and develop a better understanding of striped bass life history, characteristics and population dynamics, reference points may continue to be refined.

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.

Fisheries and Oceans Canada is committed to supporting sustainable, stable, prosperous fisheries through the continued implementation of the modernized *Fisheries Act*, which restores lost protections, provides avenues to rebuild fish populations, helps create more stable and resilient aquatic ecosystems and incorporates modern safeguards. The southern Gulf of St. Lawrence striped bass population is a native species to the southern Gulf of Saint Lawrence, including to the Miramichi River, which is its single known spawning location, and will continue to be considered as an integral part of the ecosystem and managed accordingly.

The modernized *Fisheries Act* provides more tools for the protection and management of fish and fish habitat in the form of standards, codes of practice, and guidelines for projects near water. The new measures will help maintain and rebuild fish stocks to ensure sustainable fisheries over the long term. Offsetting projects conducted by proponents and a variety of partnership focused funding programs prioritize restoration of degraded fish habitats and management of various threats in key areas in order to support sustainable fisheries and to contribute to healthier, more abundant fish stocks.

The *Fisheries Act* recognizes that decisions can be guided by principles of sustainability, precaution and ecosystem management. The Precautionary Approach Framework, provides a balanced and responsible approach to the management of fisheries by proceeding cautiously when scientific knowledge is uncertain. This includes the application of a harvest strategy that identifies three stock zones – healthy, cautious, and critical – according to upper stock and limit reference points; sets the removal rate at which fish may be harvested within each status zone; and, adjusts the removal rate according to fish stock status zone variations.

Recommendation 3: That a mechanism for controlling the striped bass population include a First Nation commercial and food, social and ceremonial fishery, and recreational public food catch and possession limits.

The Government of Canada manages the striped bass First Nation commercial, and food, social and ceremonial (FSC) fisheries, as well as recreational fishery, by using scientific advice, and input received from the provinces, First Nations, and anglers associations. As striped bass population continues to grow along a positive trend, Fisheries and Oceans

Canada has been responsive and has taken incremental steps to increase First Nations' FSC and recreational fishery opportunities for striped bass in the last six years. In addition, a limited communal commercial fishery has been authorized for striped bass in the Miramichi River since 2018. These actions align with the Government of Canada's commitment to work in partnership with Indigenous Peoples to advance and further implement their rights, while ensuring that conservation imperatives are respected.

As of 2021, recreational anglers could retain a maximum of three (3) striped bass per day during the fishing season, but could not have in their possession more than three (3) striped bass at any given time from April 15th to October 31st. The provision of 3 striped bass per day is the highest allocation of any jurisdiction in eastern North America and supports the increasing popularity of the recreational striped bass fishery throughout the Gulf of St. Lawrence. The length restriction for retention of striped bass is a minimum length of 50 cm to a maximum length of 65 cm. The minimum length is intended to reduce exploitation of younger fish until they have an opportunity to spawn; whereas the maximum length is intended to protect older fish of higher fecundity (i.e. ability to produce an abundance of offspring). Fisheries and Oceans Canada also has requirements in terms of gear that is used when fishing for striped bass such as single barbless hooks, maximum number of lines and hooks per line.

Recommendation 4: That Fisheries and Oceans Canada remove the maximum length restriction of 65 cm for the striped bass retention fishery, unless required for protection of spawners and population management.

In the recreational fishery, the current length restrictions are considered to be a best practice to offer protection to the spawning stock biomass, supporting the sustainability of this population. Specifically, the intent of the 50 to 65 cm slot size in the striped bass recreational fishery is a) to provide an opportunity for the smaller fish (under 50 cm) to reach maturity and spawn once before being vulnerable to retention, and b) to protect older fish (above 65 cm) with high fecundity to guard against successive years of poor recruitment (i.e., the process by which new individuals spawn). These restrictions are particularly important as Fisheries and Oceans Canada continues to collect data on catches in this fishery; however, there is a lack of comprehensive recreational fisheries catch and harvest data as there is no licence requirement to fish recreationally in all waters in which the Maritime Provinces Fishery Regulation apply, making the total number of anglers unknown.

Recommendation 5: That Fisheries and Oceans Canada invest more resources to obtain better data on the striped bass numbers and life cycle as well as how it is affected by climate change.

Fisheries and Oceans Canada is committed to providing the best science advice on several species, including striped bass, and ensuring there is continuous research on how climate change is impacting those species and their ecosystem. Various monitoring activities are conducted on an annual basis in the Miramichi River, including the estimate of population abundance during the spawning period.

Recommendation 6: That Fisheries and Oceans Canada commit to transparent and timely publication of all research and data related to striped bass, including rationale for decisions made on striped bass management and other decisions regarding the Miramichi ecosystem, and that this information is made readily available to the public, and explained to all local stakeholders.

Scientific information and advice on striped bass are publicly available via Fisheries and Oceans' Canada Canadian Science Advisory Secretariat. Striped bass is managed within a cycle established by Fisheries and Oceans Canada which includes a yearly advisory committee meeting with representation by members of various interested parties including: First Nations, angler groups, watershed associations and provincial departments. The public can provide their views via an online questionnaire.

The advisory process provides a venue to update participants on the most updated science, information on the past fishing season and recommended management measures for the upcoming season. Participants are invited to provide their management recommendations for the upcoming fishing season at these meetings or after via correspondence. The recommendations provided by the members help inform and support final fishery management decisions prepared by Fisheries and Oceans Canada. The management decisions are published through a notice to all anglers (i.e., FSC, Commercial, Recreational) on the Fisheries and Oceans Canada website before the beginning of each season.

Recommendation 7: That traditional knowledge of First Nations, local stakeholders and stewards be part of the science-based decision-making through meaningful consultations, and that these consultations happen in their communities.

Recommendation 8: That Fisheries and Oceans Canada work to improve the timeliness of public notices regarding recreational angling of striped bass to ensure stakeholders and anglers are aware of the regulations as early as possible prior to the season opening.

Fisheries and Oceans Canada has a well-established advisory process for decision-making on the management of sustainable fisheries. First Nations and stakeholders are invited to contribute to the fisheries management cycle by participating in the annual advisory committee meeting. Advice received during these meetings are incorporated into recommendations to the Department on management measures related to the conservation of the resource.

Fisheries and Oceans Canada remains committed to the recognition and implementation of the rights of First Nations related to fisheries, including the right to fish for food, social, and ceremonial purposes and the right to fish in pursuit of a moderate livelihood. Fisheries management planning in the Gulf Region has included key partnerships that have been established with local First Nation communities and organizations. The modernized *Fisheries Act* emphasizes the consideration of Indigenous knowledge and community knowledge in fisheries management decision-making; Fisheries and Oceans Canada is committed to

continuing work to ensure that traditional knowledge is being shared and incorporated in decision-making processes.

Fisheries and Oceans Canada continuously aims to provide timely fisheries management decisions, so that First Nations, stakeholders, and anglers can be ready for the upcoming fishing season. Since 2020, due to restrictions imposed as a result of the COVID-19 pandemic, virtual meetings, by invitation only, have been organized. For the 2022, season the advisory committee meeting was held earlier than other years as a means to ensure timely decision-making and publication of the notice to anglers prior to the start of the fishing season.

Recommendation 9: That Fisheries and Oceans Canada prioritize First Nations food, social and ceremonial fishery when determining the striped bass catch.

Recommendation 10: That the First Nation commercial fishery be given a full annual allotment of striped bass at the beginning of the spring fishing season.

Recommendation 11: That Fisheries and Oceans Canada ensure licenses are granted on time to the First Nations to ensure they can legally operate a commercial fishery each year.

In accordance with the Government of Canada's commitment to rights recognition and implementation, Fisheries and Oceans Canada prioritizes First Nation's FSC fisheries when making decisions on species access. Only conservation concerns may supersede FSC access. For example, First Nation's FSC fisheries were given priority when reopening access to striped bass in 2012, whereas recreational fisheries reopened in 2013.

Fisheries and Oceans Canada has taken incremental steps to increase First Nations' commercial fishery opportunities for striped bass since 2018, when a limited communal commercial fishery was first authorized. Since 2019, the full allocation of 50,000 fish has been available upon the start of the late spring season, with the pace of licence issuance accelerating year over year (in 2020, licences were issued by June 2020; in 2021, licences were issued by May 7).

Recommendation 12: That other predators of Atlantic salmon be managed; specifically, the eradication of the invasive smallmouth bass from Miramichi Lake using the rotenone pesticide, and a sustainable harvest of the grey seal.

Fisheries and Oceans Canada recognizes the threat that the smallmouth bass represents as it is not a native species to the Miramichi River system and is a predator and competitor to native fish species. Since 2009, Fisheries and Oceans Canada has been working in collaboration with the Government of New Brunswick, the Mi'kmaq of New Brunswick, the Miramichi watershed associations and other partners to contain, control, and monitor smallmouth bass in both Miramichi Lake and the Southwest Miramichi River.

In September 2021, DFO issued a new authorization under the *Aquatic Invasive Species Regulations*, to allow the North Shore Micmac District Council (NSMDC) to use the pesticide Rotenone to eradicate smallmouth bass in the Miramichi River Watershed, which is planned for the summer of 2022. Financial support was provided to NSMDC for the monitoring component of the project (\$369,000 over two years). This project review implicated Fisheries and Oceans Canada and other federal regulatory departments including Health Canada's Pest Management Regulatory Agency and Transport Canada, as well as the Province of New Brunswick.

The Government of Canada supports a sustainable seal harvest in Atlantic Canada and Quebec, and works with stakeholders to implement a management strategy, informed by the best available science, to ensure Atlantic seal populations remain above a precautionary reference level. Annual landings of grey seals in the last five years have averaged two per cent of the advised level of 34,500 removals per year. Commercial harvest levels have been low due to a lack of market demand for seal products.

In closing, on behalf of the Government of Canada, I would like to thank the members of the Standing Committee on Fisheries and Oceans for their diligence and commitment in studying and providing recommendations on the management of the striped bass population in the Southern Gulf of St. Lawrence and Miramichi River. Fisheries and Oceans Canada is committed to ensuring sustainably managed fisheries and healthy aquatic ecosystems through sound science while also providing opportunities for economic growth for the benefit of Canadians and future generations.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'J. Murray', with a long horizontal flourish extending to the right.

The Honourable Joyce Murray, P.C., M.P.
Minister of Fisheries, Oceans and the Canadian Coast Guard