

# Rising Tide

Spring 2021



## Discovery Island Salmon Farms are Gone!

**Y**ou might find that title a bit confusing, amid industry claims that the courts have allowed them to put fish back into farms in this critical part of the wild salmon migration route. Then again, if you're reading our newsletter, you probably know better than to believe farmed salmon industry public relations statements!

Fisheries Minister Jordan announced her decision to close down the farms in the Campbell River area on December 17, 2020 and at the same time, announced that no more fish of any size were to be stocked in those farms. Fish that were already on the farms could be grown out to harvest size; but all farms must be decommissioned by June 30, 2022.

The ink was barely dry on the Minister's decision when the companies filed judicial review proceedings asking the Federal Court to set aside her decision. Then they filed for an injunction, asking to be able to put more fish into just three farms—Hardwicke Island, Phillips Arm and Doctor Bay. They cited

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# #StopFundingOverfishing



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Living Oceans is working to ensure the long-term health of the ocean and coastal communities of Canada. We believe that people are part of the environment and that we can build sustainable communities by protecting coastal ecosystems today.

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Dr. Ngozi Okonjo-Iweala with campaign organizers at the WTO, standing with an ice sculpture of fish highlighting the “Stop the Fish Meltdown” campaign.

Living Oceans joined the [#StopFunding-Overfishing](#) campaign to urge the World Trade Organization to end harmful subsidies that drive overfishing worldwide. WTO members had previously agreed to end such subsidies by 2020, in partial fulfillment of Sustainable Development Goal target 14.6. An agreement is over 100 days overdue.

There remains hope: WTO Director-General Dr Ngozi Okonjo-Iweala took office March 1 and has openly declared her determination to negotiate an end to global subsidies estimated at \$22 billion. Some progress was made during March negotiations and they are back at the table in April. Imagine what could be accomplished if such a sum were to be redirected to research, monitoring, enforcement and fisheries rebuilding schemes!

The recent Netflix release of *Seaspiracy* put overfishing on the public radar in a most sensational way and may be increasing the heat felt by negotiators. The film itself has attracted a barrage of criticism, primarily for painting the entire fishing industry with the same, broad brush. It fails to take into account the fact that over 3 billion people depend on seafood for their primary protein; and that over 90% of the

world’s fish workers are employed in the small-scale fisheries that feed them. Fishing subsidies, on the other hand, are primarily focused on the large-scale, industrial fleets that actually rob market share—and fish—from communities that depend on seafood.

It would take a book to properly debunk *Seaspiracy* and we don’t intend to do that here. What the film got right is that overfishing and IUU fishing (Illegal, Unreported or Unregulated) are major problems. The Food and Agriculture Organization of the United Nations estimates that 34 percent of fisheries are currently unsustainable and that number has been trending upward alarmingly in the last three decades. Worse, the largest share of unsustainable fisheries are punching a hole in the ocean’s food web, taking vast quantities of small forage fish for industrial purposes like livestock and aquaculture feed, health supplements and pet food. The depletion of forage fish populations impoverishes the entire marine ecosystem.



# Captured!

## Two Decades of Inaction Speak to Capture of Industry Regulator



Cartoon credit: Clive Tesar

It's painful, but instructive, to take a look back over the last two decades to see how Canada's political and regulatory systems responded (or failed utterly to respond) to the growing public concern over wild salmon and the damage that factory fish farms are doing to them.

The picture that's painted is pretty clear: our elected politicians got it twenty years ago and the people we look to for checks on good government, the auditors, got it too. Yet somehow, the Department of Fisheries and Oceans (DFO) managed to duck and weave its way through all the criticism and keep the industry right where it never should have been - right up until now, when Pacific salmon are hovering on the brink of extinction. Finally, we're seeing some action.

But look back at how much was already known or suspected twenty years ago, that DFO still can't answer for today:

In December, 2000, the Auditor General of Canada concluded that DFO was **not meeting its duty to protect and conserve wild fish**. The report pointed to failure to monitor the effect of salmon

farms on wild salmon and their habitat, to study the risk of **disease transfer and escaped farmed salmon** or to plan for risk management in the face of expected industry growth.

In 2001, a Senate Standing Committee on Fisheries report recommended, among many other things, that **salmon farms should not be sited on migratory routes or near wild salmon streams**; and that DFO should place a **high priority on research to ensure that the industry was not compromising wild fish** or their habitat. The Committee specifically recommended research into the **potential for disease and parasite transfer** between wild and farmed fish; and into the **cumulative effects of salmon farms** on the ecology of B.C.'s coastal waters.

Also in 2001, the Leggatt Inquiry into Salmon Farming in British Columbia recommended that **all open netpen salmon farming in B.C. should cease by 2005 and that responsibility for the promotion of salmon farming be immediately removed from DFO**.



### Farmed and Dangerous

Our Safe Salmon campaign launched a new blog, "[Farmed and Dangerous](#)" this month. *Captured!* is the first instalment. Bookmark the site and visit often as we draw back the curtain on the salmon farming saga.

[www.safesalmon.ca/farmed\\_dangerous](http://www.safesalmon.ca/farmed_dangerous)

**Safe Salmon** is a collaborative effort, with **Watershed Watch Salmon Society** and **Georgia Strait Alliance**, to build an active community of support for the government's plan to transition salmon farms out of B.C. waters.

Our main organizing tool is the **Declaration in Defence of Wild Salmon**. If you haven't signed it yet, please do it today! If you have signed, have you told your whole network about it? Remember, there's a federal election somewhere in our near future; numbers count!



Photo credit: Tavish Campbell

Those recommendations and more would be repeated over and over again by political institutions and scientific advisors over a span of twenty years:

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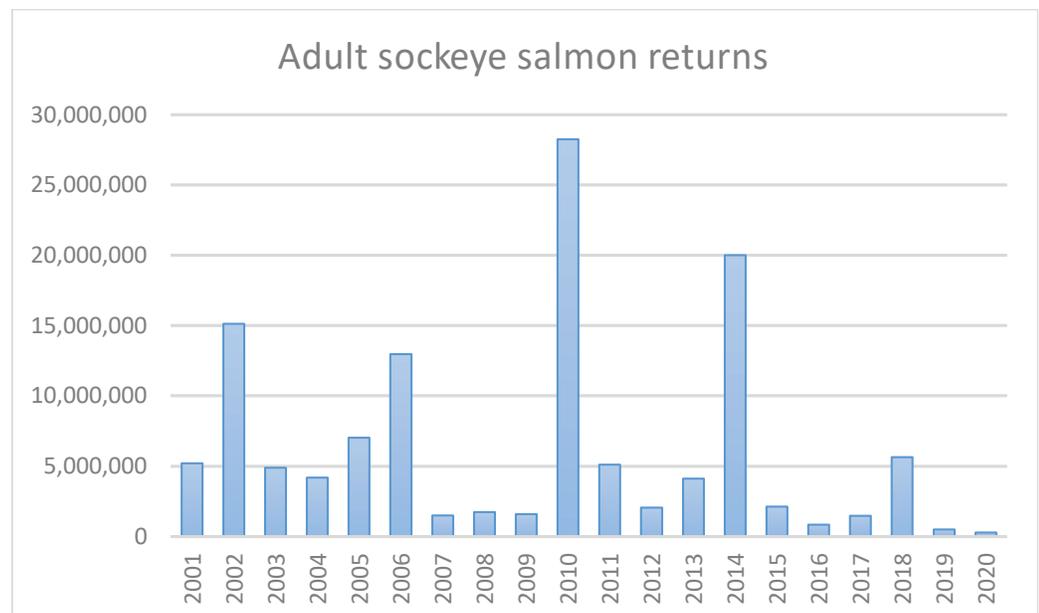
- 2000 Auditor General of Canada
- 2001 Leggatt Enquiry and Senate Standing Committee on Fisheries and Oceans
- 2002 Pacific Fisheries Resource Conservation Council
- 2003 Pacific Fisheries Resource Conservation Council
- 2004 Commissioner of the Environment and Sustainable Development
- 2005 Auditor General of British Columbia
- 2007 Special Committee on Sustainable Aquaculture, Legislative Assembly of British Columbia
- 2009 Report of the BC Pacific Salmon Forum
- 2012 Royal Society of Canada Expert Panel
- 2012 Cohen Commission
- 2018 Commissioner for the Environment and Sustainable Development
- 2018 Report of the Independent Expert Panel on Aquaculture Science

Fast-forwarding to 2021 for a progress report on all of those recommendations:

- DFO can offer no scientific justification for its sea lice management regime, which has failed utterly to control the spread of lice from farms to wild salmon;
- DFO cannot say what level of lice infection is fatal to each species of wild Pacific salmon impacted and has no farm management measures connected with the health of wild salmon stocks;
- DFO does not require salmon farms to monitor the health of wild salmon near their farms and does not do so itself;
- DFO has not initiated an ecosystem-based management approach or studied the cumulative effects of salmon farms on area waters;
- DFO is still responsible for the promotion of salmon farming;
- DFO has adopted a “risk management framework” for assessing the risk of disease transfer that makes a mockery of the precautionary principle;

- DFO’s participation in the Canadian Science Advisory process, that produced the above ‘risk assessments’, has addressed none of the recommendations to cure potential conflicts of interest or to engage in rigorous quantitative risk assessment.

During the twenty years that DFO failed to respond to the recommendations of auditors, science advisors and politicians, wild salmon suffered. This graph shows what happened to Fraser River sockeye - just one of the six species of salmonids that have been hammered by these farms since the 1990’s.



## Alex Morton’s Not on My Watch



Alex’s new book recounting how her plans for a life studying whales were derailed by salmon farms—and all that ensued—was released at the end of March. It’s a must-read for everyone who cares about the coast.

Alex “has used her science, many acts of protest and the legal system in her unrelenting efforts to save wild salmon and ultimately the whales--a story that reveals her own doggedness and bravery but also shines a bright light on the ways other humans doggedly resist the truth. Here, she brilliantly calls those humans to account for the sake of us all.”

Published by Penguin/Random House: buy it at Banyen Books & Sound or your favourite local bookstore.

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Bear in mind that, by 2001, Fraser River sockeye were already five years into what would become a steady and precipitous decline from historic highs of 40 million returning fish in the dominant year of their four-year cycle.

Today's returns of wild salmon are so low that Nations throughout the Fraser watershed and all along our south and central coast are unable to obtain even their food fishery allocations.

Commercial fishers have seen no openings for sockeye for two years and 2014 was about the last time it was worthwhile putting fuel in the boat.

Sure, other factors besides salmon farms have contributed to the decline of wild

Pacific salmon and we need to stop trashing and polluting their habitat. But the factory farms in the Discovery Islands posed an immediate threat that could be solved: migrating young salmon had to pass through that bottleneck of farms spewing lice and viruses every year they went to sea. Last year, we know that 99 percent of them came out the other end carrying so many lice that they would likely die.

Starting in late April, early May, sockeye smolts are going to be swimming through the Discovery Islands again. The parent generation of those smolts was down to just 1 percent of its historic high level, so it is critical to the survival of Fraser sockeye that as many of them as possible

survive - i.e., that the Discovery Islands farms should close. And today, nearly all of them are empty of fish; and the rest will be before the smolts arrive.

Taken in this context, the decision of Fisheries Minister Jordan to close Discovery Island salmon farms was not rushed or ill-considered, as salmon farming advocates claim. It was about two decades overdue, owing to her Department being locked into promotion of the industry and willfully blind to its consequences for wild salmon.



## Ocean Exposures Photo Contest 2021

Every year, we invite the public to unleash their inner shutterbugs and let their creativity shine by sharing their favorite ocean photos with us. This helps Living Oceans showcase the beauty of the ocean as we advocate for its protection, and every year, the many entries we receive do not disappoint.

This is now our second year of running the photo contest in pandemic times. We have

seen how good it is for all of us to view photos of nature thriving, and we've also seen that taking photos can happen in safe and socially distanced ways.

So if you are able to take ocean related photos while following your regional health guidelines and social distancing protocols, please consider entering our contest this year!

The contest will be open on our website as of June 1<sup>st</sup>, 2021, and in the meantime you can view a couple past winners below, and check the rest out on our website:

[www.livingoceans.org/action/ocean-exposures-photo-contest-2020](http://www.livingoceans.org/action/ocean-exposures-photo-contest-2020)



Tammy Tait's "Tide Pool Surprise" from 2018



Earl Hirtz's "Orca Gold" from 2018

# The ASC's 'Get Out of Jail Free' Card now has Expiry Date



For the last six years the B.C. salmon farming industry has benefited from a 'get out of jail free' card from the Aquaculture Stewardship Council (ASC), effectively exempting them from the ASC's own sea lice limits. In practice, farms simply had to follow DFO's lax sea lice rules. This meant ASC salmon farms in B.C. were held to no maximum sea lice limit.

The result was concerning; during their first production cycles as ASC-certified farms, Marsh Bay farm peaked at 23.77 mature sea lice per fish and Monday Rock at 19.68.

Clayoquot Sound ASC certified farms reached up to 34 mature lice during the 2018 outbreak. Shockingly these, among many other ASC farms, were able to go to the market with the ASC label.

That's right - despite the label claim of 'responsibly farmed', out-migrating juvenile wild salmon were placed at risk by salmon farms that carried the ASC label.

Living Oceans and our SeaChoice colleagues haven't let this issue slide under the radar (or should we say seafood counter). After our numerous complaints, reports and press releases questioning the credibility of the ASC and its sea lice exemptions for BC farms, the ASC finally decided to revisit the issue. They even consulted with local stakeholders on the issue—a new and welcome addition to a process that previously included only the farm, the auditor and the ASC.

Released late March, nearly a month after the 2021 out-migration begun, ASC's revised rules for sea lice have been updated to mirror DFO's 2020 Conditions of Licence. DFO's threshold of 3 motile lice per fish is deemed the maximum lice limit by the ASC; and farms that breach the 3 motile limit will have 42 days to bring their lice load back under 3. This is the bad part: during these 42 days, farms that happen to be harvesting with high lice loads (which is not uncommon) may use the ASC label in the marketplace. Yep, pretty lousy.

So, the somewhat good part? In the event that farms are unable to bring their high lice loads back down to under the 3 motile limit by the 42<sup>nd</sup> day, they will not be able to use the ASC label. This is at least welcomed given DFO's regime, unlike other countries, has little to no enforcement or legal consequences for farms exceeding the sea lice limit. In fact, Canada remains the only major salmon farming jurisdiction without forced harvest rules as part of its sea lice regulation. With most salmon farms in BC now ASC certified, perhaps the prospect of losing their prestigious 'farmed responsibly' eco-label, as well as its associated green sheen and premium pricing, will be enough to incentivize effective sea lice management.

We hope for the sake of wild salmon it is.

## Is Your Supermarket Making Progress on Sustainable Seafood?

### Third Year Results Are In!

To be fair, seafood retailers had a lot to cope with in 2020. On the whole, we can likely agree that they overcame extraordinary challenges just to keep food on the shelves. But the 'year' we're assessing here runs from August, 2019 to July, 2020 and it's clear that little progress was made in the months before the pandemic restrictions shut down many supply lines.

Overall, SeaChoice's Seafood Progress project tracked only 3.3 percent improvement in the sourcing of sustainable seafood.

To see how your favourite grocery store measures up, visit the Seafood Progress website:

<http://www.seachoice.org/seafood-progress/>

New for this year, you can also use Seafood Progress to see which seafood products are included - or not - in the scope of your retailer's commitment by scrolling down its profile overview page.

[Seachoice.org/scope-of-commitments/](http://Seachoice.org/scope-of-commitments/)



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massive economic and job losses, should they be prevented from stocking these farms.

The injunction ruling came down just after Easter and it **does not** order that the farms can be restocked; and it **does not** set aside the decision to close down the farms as at June 30, 2022. It does say that the Minister must consider any application to transfer fish into one of the three farms on its own merits (whatever those might be). The Minister has complete discretion to refuse the transfer of fish for fisheries management reasons, or if the fish are diseased.

Fish transfer licence applications have been made for Phillips Arm and Doctor Bay; the Minister's decision is pending.



### How did all of that happen?

Living Oceans and colleagues applied for and were granted intervenor status in the case, but we were not allowed to submit any evidence. We were shocked to learn that the First Nations in whose territory the farms are situated would not be permitted to intervene, even though the decision to remove the farms was made as an accommodation of their title and rights to fish. That decision is under appeal.

The hearing of the injunction therefore proceeded with just the documents that DFO produced as evidence of the impact of the farms on wild salmon. And of course, DFO's evidence comes from those nine discredited 'risk assessments' that concluded that Discovery Islands farms pose only a minimal risk of harm to wild salmon. The Minister rejected this spurious advice and made her own decision, based on her appreciation of the situation after consulting with the Nations in October and November.

Why was the Court so short on evidence of harm to wild salmon? The only evidence permitted in such an application is the evidence that was placed before the Minister when she made her decision. Senior department officials would have prepared that brief. And those same senior officials have been involved in suppressing, downplaying and/or discrediting any scientific information that might indicate just how serious the problem in the Discovery Islands has been all these years.

Among the many things germane to any decision on the Discovery Islands that were omitted from the Court record are:

- a paper that found infection with

sea lice caused a "profound physiological impact to Sockeye Salmon", elevating stress hormones and interfering with their ability to regulate their blood chemistry. Although co-authored in 2018 by leading aquaculture scientists at the Pacific Biological Station in Nanaimo and published in 2019, this study was never referred to by DFO in any public or First Nations' consultation or at the Fish Health Working Group last year.

- any information at all about sea lice impacts on sockeye salmon. Although lice were one of the 10 pathogens initially announced as candidates for 'risk assessment', DFO never undertook an assessment, later saying only that sea lice are not a 'pathogen' and are controlled through Conditions of Licence. (Here's where industry got a little too smart for its own good: by sampling wild juvenile salmon early in the outmigration, before the sockeye run came through the Discovery Islands, they had no data to refute Alex Morton's team

when they sampled sockeye in 2020 and found 99 percent of them harbouring an average of 9 lice per fish.)

- the most recent work of the Strategic Salmon Health Initiative, which found a bacterium that causes an often fatal disease in farmed salmon was infecting wild sockeye, coho and Chinook in the Discovery Islands. Infection pressure near the farms from *Tenacibaculum maritimum* was 12.7 times higher than background levels in the region, the paper in preparation says; and infection with the bacterium was strongly associated with poor sockeye returns. Despite her efforts to draw attention to the results, Dr. Kristi Miller-Saunders' warning that these findings give rise to serious concern and warrant extreme precaution was watered down to read, 'unpublished paper suggests link...'. It is unclear whether or not the summary of her findings was ever placed before the Minister. It is clear that the findings throw the risk assessment for this pathogen under the bus: there is evidence of more than 'minimal harm'.

### What happens now?

Fortunately for this year's batch of sockeye, all of the farms in the lower Discovery Islands will be fallow when the outmigration passes through. In the upper region, it remains possible that Phillips Arm and Hardwicke will be stocked. It's also important to note that the region covered by the Minister's order does not include the northerly farms Lees Bay, Chancellor, Althorpe and Shaw; these farms are so closely located to Hardwicke that it frequently shares in their sea lice infestations. This means that, just as the young salmon begin to brave the passage through Johnstone Strait, where food is scarce and currents strong, they may still encounter clouds of lice.

MOWI has had its treatment vessel working in the vicinity for some time now. We can only hope that, as the weather warms and lice begin to grow more rapidly, they can keep ahead of the infestation.

# Clear the Coast 2021

It looks as if our 2021 efforts to remove plastic marine debris from sensitive habitat on Vancouver Island's northwest coast will be limited to what you, our faithful supporters, can help us achieve. We are devastated to report that Price Waterhouse Cooper, the firm retained by the Province to dispense funds for this work, denied applications for both the North Island and Haida Gwaii. No reasons have been given at press time other than to say that the total value of applications exceeded the funds available.

On a more positive note, preparing the application put us in touch with the

dynamic folks at Epic Exeo, a Port McNeill-based non-profit that has been taking on the work of cleaning up those beaches that do have road access. A big shout of thanks to Ashley Tapp, whose assistance with putting the application together was truly Epic! We look forward to working together to see all of that debris lifted out.

We will aim for another [Sea Otter Cove expedition](#) leaving Port Hardy August 20, 2021 and returning on the 31<sup>st</sup>. Interested? Email us at [info@livingoceans.org](mailto:info@livingoceans.org).



Photo credit: Charles Lam

## Thanks for your support!

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**3. Online:** You can donate directly to Living Oceans or to the Canadian Coastal Research Society using your credit card or Paypal on our web site.

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