



Alberta Wilderness Association
"Defending Wild Alberta through Awareness and Action"

July 10, 2020

The Honourable Bernadette Jordan, MP
Minister, Fisheries, Oceans and the Canadian Coast Guard
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SARA Directorate
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Draft Recovery Strategy for Bull Trout

Dear Minister Jordan,

Alberta Wilderness Association (AWA) appreciates the opportunity to provide comments on the draft *Recovery Strategy for the Bull Trout (Salvelinus confluentus), Saskatchewan-Nelson Rivers populations, in Canada*.

AWA is an Alberta-based conservation group with 7,000 members and supporters in Alberta and around the world. AWA seeks the completion of a protected areas network and good stewardship of Alberta's public lands, waters and biodiversity to ensure future generations enjoy the abundant benefits they provide.

AWA believes that **the draft Recovery Strategy does not reflect best available evidence on the necessary level of legal critical habitat identification and protection required to save the species**; at minimum, all floodplains and HUC 8 headwaters watersheds containing bull trout must be protected. More aggressive commitments to protect and restore watersheds must also be included in the Recovery Strategy, especially for precarious populations in the Oldman and Red Deer River basins.

AWA commends the ambitious initiatives taken by Alberta's fisheries staff over the past five years, which includes developing a world-class cumulative effects model and conducting direct, on-the-ground actions to restore fish habitat. AWA supports the incorporation of the provincial Recovery Plan into the federal Recovery Strategy – if the objectives are fulfilled, this would mark the first instance in which the declining trajectory of a native fish species in Alberta's Eastern Slopes was reversed. In particular, we are supportive of commitments to improve the health of one "HUC 8" level of watershed within each major river basin every five years using cumulative effects models to inform priority actions.

Unfortunately, AWA believes that the work completed to date by the province is at risk of being undone without stronger commitments by the federal government in this Recovery Strategy to support these initiatives. Multiple fisheries experts across various industries and levels of government have indicated to AWA that the future outlook for the survival of bull trout in the Saskatchewan-Nelson basin is bleak unless significant actions are undertaken, and even then survival is not guaranteed.

Currently, recovery work has become a futile task loaded solely on the shoulders of local fisheries staff to constantly restore damaged habitat while abuses from industrial scale logging, road building,

industry, and OHVs go unchecked. While angling closures and habitat restoration activities are important in order to rescue imperiled populations of fish; permanent, long term solutions are also needed in order to protect and restore native fish. We urge the federal government to strengthen the critical habitat definition in the Recovery Strategy, and enact/enforce regulatory measures to reduce cumulative habitat degradation as a crucial requirement in order to ensure this occurs.

The following are additional detailed comments on the Recovery Strategy:

6.2 Recovery Goal: The draft recovery goal - “To protect, maintain and recover Bull Trout to self-sustaining populations where recovery is likely, within the Recovery Area” - requires further refinement. AWA’s understanding, after reviewing all the draft Recovery Strategy’s elements, is that the Recovery Strategy has committed to the recovery of all ‘core’ and ‘potential core’ populations to self-sustaining populations, and will maintain remaining ‘support’ populations. This must be explicit within the Recovery Goal to clearly support the necessary extent of recovery actions.

We support the classification of bull trout into categories (Core, Potential Core, Support, and Likely Unrecoverable) in order to prioritize recovery actions. However, the recovery scenario (Figure 4a) illustrates clearly that bull trout populations within the Oldman Watershed are at high risk of extirpation. The Recovery Strategy must commit to more ambitious recovery actions for the Upper Oldman, which contains Hidden Creek and other historical strongholds for bull trout.

6.1.3 Objectives to meet the recovery goal: AWA is supportive of the inclusion of short-term (5 years) and mid-term (10 year) objectives. We strongly support that these combined objectives aim to maintain all remaining populations of bull trout and to begin work to recover the condition of at least one HUC 8 watershed within each of the four major river basins within the first five years, which is ramped up to eight new recovery projects by year 10. The indicator “number of new projects initiated in each basin, and changes to Bull Trout population distribution and abundance” is also clear and will help to maintain accountability.

7.2 Strategic Direction for Recovery: We support the general strategic direction for recovery and the commitments to action within the recovery planning table.

In order to build upon the stated progress of Alberta over the last five years in “understanding/managing cumulative effects”, Recovery Strategy requirements must prioritize reducing the impacts of cumulative land-use effects on bull trout in a concerted manner that supports population recovery. To that end, we support the use of an adaptive management approach to begin recovery work in select HUC 8 watersheds to see if modeling has successfully predicted necessary actions to support bull trout recovery. We also strongly support commitments to develop “Regional Access Plans to identify and address problematic stream crossings and linear disturbances, and immediately begin implementation of priority actions with emphasis on stream crossings”.

There should be additional commitments from the federal government with respect to habitat recovery. This is addressed somewhat under 7.3.3: “New and revised management and regulatory actions are advised to protect bull trout and their habitat. This includes reviewing current non-compliance rates, working with regulators to build more systematic approaches and improving ground level outcomes with respect to existing rules” and under Measure 10 “Develop and implement regulatory guidance such as how bull trout recovery should influence regulatory decisions associated with water allocation and

land use.” However, this should be expanded to include specific commitments to refuse Section 73 permits for projects that may damage critical habitat.

7.3.1 Research AWA agrees that completing the inventory of streams and population status should be a top priority; this should be used to delineate the desired final distribution, number of adult individuals, and genetic status of each population when recovered. AWA believes that the modeling work completed by Alberta fisheries staff has identified the main threats facing each population and actions that must be undertaken in order to address them. This information must be included within the Recovery Strategy, in order to increase transparency and to provide external parties (e.g., non-profits involved in restoration work) the information to effectively collaborate in recovery actions.

8 Critical Habitat

“Critical habitat is not comprised of the entire area within the identified boundaries but only those areas within the identified watersheds where the described biophysical feature and function it supports occur.”

As AWA noted in our comments on the westslope cutthroat trout Recovery Strategy, AWA does not support the bounding box approach that DFO is using. This approach is easily abused and will likely perpetuate further habitat destruction. Due to the lack of available on-the-ground data, it is easy to imagine a hypothetical situation wherein a proponent destroys critical habitat, only to claim that those features did not exist in the first place. As many bull trout are migratory and rely on different habitats through their lifecycle, and as rivers are dynamic environments, it is incorrect and harmful for DFO to decide that only certain portions of a stream that contain certain attributes need to be protected.

Riparian Critical Habitat Areas: AWA has long maintained that riparian areas are necessary to the survival and recovery of bull trout, and we support the addition of riparian areas to critical habitat. We support the commitment to “prioritize and restore areas of degraded aquatic and riparian habitat” under Measure 5. **However, we strongly disagree with the assertion that a 30 metre riparian buffer is a “reasonable approach, until definitive standards are known”.**

Best available evidence, which must be reflected in the Recovery Strategy, is that the proposed 30 metre riparian buffer is inadequate, and should be expanded significantly. AWA believes that the entire floodplain – which, by definition encompasses the riparian area – must be included as critical habitat:

- 1) Federal fisheries scientists believe there should be at least a 100 metre riparian buffer:** Internal records obtained by Fluker and Mayhood (2020) indicate that federal fisheries officials believe that the minimum riparian buffer for westslope cutthroat trout (which have similar habitat requirements and occupy many of the same watercourses as bull trout) should be 100 metres. The records indicate that ‘best available evidence’ for setting riparian buffers was traded off due to pressure from Alberta’s Forestry department, which should not occur in the Recovery Strategy:

“Alberta Forestry expressed concern with a 100 metre riparian buffer on both sides of watercourses identified as critical habitat for WSCT because of the high potential for this buffer to negatively impact forestry operations. Alberta Forestry also questioned whether these riparian buffers would serve to protect the functions, features, and attributes of WSCT habitat in a manner that is not already provided by operating terms and conditions attached to forestry authorizations.”

As you are aware, the now-finalized Recovery Strategy – Action Plan for westslope cutthroat trout only protects a 30 metre riparian buffer flanking watercourses. AWA maintains this should be significantly expanded.

- 2) **A 100 metre riparian buffer is already being applied in theory, and yet bull trout remain in jeopardy.** For example, in its Operating Ground Rules, Spray Lake Sawmills is already supposed to treat any water body where native trout are found as Class ‘A’, meaning that access routes and harvest are not permitted within 100 metres of the high water mark. Yet ‘deviations’ granted to these Rules have permitted activities much closer than the ‘required’ setback, enabling 2012 clearcut logging in the prime bull trout and westslope cutthroat trout watershed of Hidden Creek. As well, forestry riparian buffers remain low or nonexistent for ephemeral and intermittent water courses that can contribute harmful sediment loads and warmer water to these Class A water bodies. In addition, although the recent Livingstone-Porcupine Land Footprint Management Plan has limits on motorized access within 100 metres of streams, cumulative land-use impacts that degrade fish habitat in those watersheds are still not being adequately managed.
- 3) **Delaying habitat protection to 2030 until studies have been conducted “to determine the width of riparian zone necessary” is dangerous:** AWA believes that further delays will render all actions too little, too late. Within ten years, Alberta will be in the throes of serious climate change impacts; habitat protection is needed now in order to provide our native trout with the best fighting chance possible. Based upon best available evidence and the proper use of the Precautionary Principle, protection of the entire floodplain is prudent until “the width of riparian zone necessary” can be determined (see #4 below).
- 4) **AWA believes the entire floodplain must be included as critical habitat:** This would accommodate movements in the stream channel and ensure critical habitat remains sufficient for the recovery of this species and their long term survival. An integral part of a river is the shallow connected groundwater in the floodplain beyond its active channel. Gravel-bed river floodplains are critical for healthy and functioning ecosystems, where water can travel hundreds of metres out from the river channel. These saturated underground gravels deliver cold, oxygen-rich water to the river system year-round, which is critical for the survival and recovery of native fishes, supports an abundance of vegetation and is relied upon by bird species.

Due to the interconnectedness of the floodplain and visible river channel, streams and rivers are constantly moving and shifting. If a stream has a 100 metre buffer between the flowing water and industrial activities or roads, but during a flooding event the waterbody shifts 60-70 metres, only a very small vegetation buffer is left to prevent erosion and sedimentation, and this causes key threats to trout survival. Natural channel meandering is important for the health of aquatic ecosystems and this only occurs if the flood plain is protected from vegetation loss.

As with activities that occur within the floodplain, upstream activities such as industrial scale logging and linear disturbances can impact downstream water quality and adversely affect remaining bull trout populations, as well as prevent successful re-establishment in candidate streams. **AWA urges DFO to consider the inclusion of the entire headwaters watersheds containing bull trout as critical habitat, particularly for the HUC 8 watersheds of the Castle and Upper Oldman.**

8.2 Schedule of Studies to identify critical habitat: As indicated above, we believe that further delay until 2030 to provide habitat protection is dangerous and will likely lead to further population losses. In the interim, AWA believes the entire floodplain should be protected, and any studies necessary to refine understanding of critical habitat must be completed within the next 1-2 years.

9 Measuring Progress: AWA supports the listed performance indicators. Regular measurement and reporting on the recovery of bull trout populations will help to maintain accountability. We recommend that specific language be included to commit to a decrease in measures of human-caused threats to bull trout habitat using on-the-ground habitat recovery and protection.

10 Activities Permitted by the Recovery Strategy: AWA believes there is already compelling evidence that incidental mortality from catch and release angling is a threat to the survival and recovery of bull trout in some watersheds. DFO should not have a blanket approval of this activity; instead, evidence-based criteria should be provided to greatly reduce the time period of catch-and-release and in some cases suspend it entirely, at least within the highest risk populations where catch-and-release angling has been identified as a major impediment to recovery.

We thank you in advance for your careful consideration of our comments.

Sincerely,
ALBERTA WILDERNESS ASSOCIATION

A handwritten signature in black ink, appearing to read 'Joanna Skrajny', written in a cursive style.

Joanna Skrajny
Conservation Specialist