
The Honourable Bernadette Jordan
Minister of Fisheries, Oceans, and the Canadian Coast Guard
200 Kent St
Ottawa, ON, K1A 0E6
Via Email: min@dfp-mpo.gc.ca

Re: Urgent action required to ensure fish passage on the Avon River

November 25th, 2020

Dear Minister Jordan,

We are writing today to express our concern about the currently impeded fish passage at the causeway structure on the Avon River and ask for your immediate action to ensure migrating fish are able to pass and complete their life cycle up river.

The Ecology Action Centre is Atlantic Canada's oldest and largest environmental organization with a sustaining membership of over 4,500 people who directly support our positions and work. Our members are raising their voices in concern on this issue. The Assembly of Nova Scotia Mi'kmaw Chiefs has called for swift action and respect for nation-to-nation discussions. Small scale fishermen who earn a livelihood on the Avon have been sounding the alarm and documenting the fish passage timing and concerns for more than a year. Dedicated local community members have stood alongside Mi'kmaw Water Protectors to defend our shared ecosystems and offer collaboration to move solutions forward. Yet it appears the overwhelming level of support for and concern about fish passage is falling on deaf ears.

Free-flowing fish passage at tides **and** sufficient maintenance flow must be reinstated immediately to ensure that any endangered Atlantic salmon (*Salmo salar*) are able to pass at this late stage of their population's spawning migration and to ensure the successful upcoming migration of the Atlantic tomcod (*Microgadus tomcod*).

The Inner Bay of Fundy (IBoF) Atlantic salmon have been listed as Endangered under the Species at Risk Act since 2003 and continue to be at imminent risk of extinction. This population cannot sustain further threats to habitat and reproductive capacity. The Government of Canada is legally committed to the protection and recovery of IBoF salmon under their SARA obligations. The federal Wild Atlantic Salmon Conservation Policy commits to actions for this population. The IBoF Salmon Conservation and Recovery Team have identified the Avon River as a priority waterway for the recovery for IBoF salmon.

Atlantic tomcod is a culturally important fish for Mi'kmaw, a popular recreational food and sport catch for Nova Scotians, and an essential species in estuarine rivers systems. Unfortunately, in many areas of the Northwest Atlantic, the tomcod populations have declined due to loss of access to spawning grounds, overfishing, and pollutants entering their

ecosystem. Continued impeded fish passage will contribute to the same fate for the tomcod in the Avon river, if it has not already.

Migration between fresh and salt water environments is essential for the survival of these anadromous fish species and it is, in fact, illegal under the *Fisheries Act* to obstruct this passage.

As Fisheries Minister, it is your duty to ensure the *Act* is upheld and that wild fish and fish habitat are protected first and foremost. Section 34 of the *Fisheries Act* authorizes the Minister to act to ensure fish passage and to rescind any authorizations for works that may have been granted that obstruct fish passage.

While we understand that work and consultations continue on the development of a new fish passage system for the future, it is unacceptable for the current fish passage system to not be operating as effectively as possible in the meantime. This is crucial to ensure the abundance of a myriad of anadromous species and the overall health of this important estuarine ecosystem that provides culturally significant food and supports a thriving small scale, low impact inshore commercial fishery.

We are also concerned to hear that progress made at the Mi'kmaq-Nova Scotia Canada Consultation table on a draft Ministerial Order (MO) to ensure fish passage seems to have been abruptly interrupted. It is worrisome to learn that the MO may not be issued and that no explanation has been given to the Kwilmu'kw Maw-klusuaqn Negotiation Office for its delay.

While we appreciate that these are challenging and busy times, it is critical that you not lose sight of this important issue. We are gravely concerned that delaying action to ensure fish passage on the Avon will further degrade the estuarine ecosystem and ability of species to complete their life cycle.

We look forward to seeing immediate action on this and receiving your response.

Sincerely,



Shannon Arnold
Senior Marine Program Coordinator
Ecology Action Centre