



**September 29, 2023**

A statement on smallmouth bass in the Miramichi watershed

*From The Working Group on Smallmouth Bass Eradication in the Miramichi*

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The project to remove invasive smallmouth bass from the Miramichi watershed will not proceed. Members of the Working Group on Smallmouth Bass Eradication in the Miramichi made a unanimous decision following an unsuccessful request for the Province of New Brunswick to become proponent, and multiple catches of smallmouth bass outside the project area this year.

Smallmouth bass will now colonize the watershed. They will eat trout, salmon, and other native species, and fight for habitat. The irreversible negative consequences of this invasion are the result of one of the most consequential environmental crimes in New Brunswick history; the illegal introduction of invasive smallmouth bass to Miramichi Lake.

Smallmouth were discovered in Miramichi Lake in 2008, the first known occurrence of the species in the Miramichi watershed. Immediately, members of the working group called for decisive action from government. We recommended using rotenone, a natural plant toxin that is safe, effective, and the most common method worldwide to deal with invasive fish.

Instead, Fisheries and Oceans Canada chose to try and eradicate smallmouth by catching them. This approach failed, as predicted, and contributed to the spread of smallmouth outside Miramichi Lake.

A few years before the discovery of smallmouth in Miramichi Lake, rotenone was used to eradicate invasive chain pickerel from Despres Lake, also part of the Southwest Miramichi watershed.

Chain pickerel were confirmed to be in Despres Lake in June 2001 and in October 2001 a rotenone treatment took place. The Province of New Brunswick led the operation and Fisheries and Oceans Canada (DFO) authorized it. Chain pickerel were successfully removed from the watershed.

The example was not followed for Miramichi Lake. DFO offered some assurances that things would change when Canada's *Aquatic Invasive Species Regulations* were enacted, which happened in 2015.

In 2018, then minister Dominic Leblanc responded to our Working Group and said DFO would not lead an eradication project, instead they would regulate and consider proposals from applicants. We were forced to choose between doing something and doing nothing, which would guarantee a smallmouth invasion of the Miramichi.

We chose to act. The North Shore Mi'kmaq Tribal Council stepped up as proponent and all Working Group members joined to support. We became the first non-government collective to lead an invasive fish eradication in North America and the first applicants to DFO's new aquatic invasive species program.

We engaged experts from Montana, California, and B.C. to help devise a responsible plan. We participated in the Crown-led Indigenous consultation process, completed a provincial environmental assessment, and received a *Fisheries Act* authorization from DFO. In the end, we held 18 permits and licenses from 10 government agencies, an exhaustive process that took several years.

In April 2020, when we submitted our final application to eradicate, smallmouth bass were present in less than 0.1 per cent of the Miramichi watershed. Our action was preventative; to restore the small area affected and protect the other 99.9 per cent of the Miramichi.

The public was behind our actions. During the environmental impact assessment, we received 1,290 letters of support. Motions in favour of the project were passed by every mayor and council in the Miramichi River valley. There were also some people opposed, primarily cottage owners who had summer properties on Miramichi Lake.

We met with the cottage owners on several occasions and answered hundreds of questions from them during the environmental assessment. Ultimately, we were given the green light from regulators to begin our conservation project.

In 2021, there was no sign of trouble until a few days before our planned treatment. That's when we received reports that some people were paddling on Miramichi Lake with the intent to disrupt our project.

In an affidavit filed later by one of the paddlers, an Indigenous woman named Andrea Polchies, she says she was invited to meet some of the cottage owners at Miramichi Lake. Until then, Polchies writes, "I didn't even know Miramichi Lake was in unceded Wolastoqey territory," and "I didn't know what rotenone was."

The presence of people in canoes and kayaks on the lake prevented us from completing the project in August 2021. Our crew of more than 100 people assembled from around North America had to be sent home and Working Group members had to eat the cost.

After the 2021 disruption, on the recommendation of Wolastoqey Nation New Brunswick, we held meetings in five of the six Wolastoqey communities to answer questions and present the

urgent case for action against smallmouth bass. This was important additional engagement outside the formal Crown-led Indigenous consultation process.

We worked hard to change minds, and in the spring of 2022 began to plan in earnest for a second try. This is a complicated and sensitive operation that takes months to prepare. We were open about our intentions, and by summer the protesters were back, this time camped out at the public boat launch – the only access point to Miramichi Lake.

RCMP and officers with New Brunswick's Department of Justice and Public Safety were watching the situation. Our teams were prepared to try and reach the lake on August 10th, but late in the afternoon of August 9th, 2022, we received an email from Woodstock lawyer James Crocco.

He informed us that Justice Terrence Morrison from the New Brunswick Court of King's Bench had granted three cottage owners an emergency, ex-parte injunction to temporarily stop the project. No member of the Working Group was aware of the application, and we were given no opportunity to present all the authorizations and permits we held to carry out this urgent conservation project.

For the second year in a row, our assembled team of more than 100 individuals had to be disbanded and sent home. It was a devastating and costly blow. The injunction was dropped by the cottage owners before any hearing on its merits, but the damage was done.

Knocked down twice, we still did not quit. The project was designed to be completed in two parts. One part was a simultaneous rotenone treatment of Miramichi Lake, Lake Brook, and 15-kilometres of the Southwest Miramichi where smallmouth were known to be present. The other part was a treatment of Lake Brook and the river stretch.

On September 8<sup>th</sup>, 2022, we sent crews downriver and up Lake Brook and avoided any presence at Miramichi Lake. We were able to complete one part of the project – the application of rotenone to Lake Brook and the 15-kilometer stretch of the Southwest Miramichi River.

The operation went according to plan. We successfully deactivated rotenone at the downstream extent of the treatment area, stopping it from affecting fish downriver. Smallmouth bass of multiple year classes were observed throughout the project area.

We also killed some adult Atlantic salmon, as anticipated. Our estimate is 50 to 75, based on collected observations from the crews. This number is relatively small considering the Southwest Miramichi has 15,000 to 25,000 returning adult salmon every year. We always knew that this would be an unfortunate trade-off in trying to preserve the long-term integrity of the Miramichi ecosystem.

We minimized the impact on adult Atlantic salmon by doing a fish rescue prior to treatment. We seined known holding pools and the rescued salmon were placed in aerated tanks on the

back of trucks, then transported below a migration barrier set up across the river, well downstream of the project area. The barrier had been in place for more than a month before the project, stopping new salmon from migrating into the area. It was one of a half dozen mitigative measures built into our project.

The only hiccup was when a Miramichi Lake cottage owner, flying a private helicopter, went over our crews. Word made it back to the boat launch that the project was underway and two people camped out there stole a DFO boat and charged across the lake to confront our crew at the top of Lake Brook.

The situation was diffused by quick thinking and calm nerves from two New Brunswick conservation officers. One of the protestors, stole a container of rotenone and was arrested after he returned to the boat launch.

After completing the first half of the project, we had just a few weeks to find a way to reach Miramichi Lake. It was apparent that we would need help to access the public boat launch, and that no help was coming without an injunction and an enforcement order from a judge.

The necessity of our conservation project, the demonstrated public support, and 18 permits and licenses were not enough to get the assistance we needed. Ultimately no member of our Working Group and no agency of the Crown was willing or able to get an injunction and our weather window closed by late fall.

After a second year of frustration, the Working Group knew we could not try a third time and expect different results. We had exhausted efforts at engagement and faced an emboldened protest.

It was time for a government agency to take the lead. Invasive species projects like this are always led by government, including two recent examples next door in Nova Scotia.

In January 2023, our Working Group made a formal request to the Government of New Brunswick to lead the project. The team at Natural Resources and Energy Development had been essential to the effort since 2019. They were the best operators and demonstrated superb work ethic, skill, and field craft.

However, after several meetings, no resolution was achieved. Working Group members decided to notify regulators that we would not be proceeding.

It is now up to both levels of government to control the spread of smallmouth bass in the Miramichi watershed. We expect a robust, well-funded response in perpetuity, using whatever tools exist now, and whatever tools might emerge in the future, to slow and disrupt smallmouth bass.

In 2023, several smallmouth bass were caught in the Boisetown area. DFO was notified in every case we are aware of. This is exactly the situation we were working to prevent: first when we called for action in 2008, then when we submitted our application to eradicate in 2020, and when we tried to do the right thing in 2021 and 2022.

The full effect of this preventable tragedy will be understood in time. The selfish, thoughtless act of dumping a bucket of smallmouth bass in that lake will be a permanent black mark on the long, incredible story of the Miramichi.

**For more information visit [www.miramichismallmouth.com](http://www.miramichismallmouth.com)**