

# Rising Tide

Spring 2024



Photo credit: Jérémy Mathieu

## New Recruits Occupy Salmon Farm

**T**he campaign to remove open-net pen salmon farms from BC waters welcomed new recruits in March: over 300 sea lions occupied a single farm in Clayoquot Sound, according to our colleagues at Clayoquot Action.

The farm, Saranac, was not stocked with fish at the time of the occupation. Nevertheless, farm employees were filmed throwing things at the sea lions to try to scare them off. It is illegal, under

the Marine Mammal Protection Act, to try to induce a sea lion to move. While in years past, the Department of Fisheries and Oceans would permit the salmon aquaculture industry to shoot sea lions entering stocked farms, that practice was discontinued when the United States decided it would no longer allow imports of fish products farmed or caught in ways that endanger marine mammals. Last we asked, DFO was still contemplating what deterrent measures it would permit.

This isn't the first time sea lions have occupied salmon farms on the BC coast, but it does appear to be the largest occupation to date. Usually, they are drawn to stocked farms, where they feast on farmed salmon. In April of 2022, a couple of dozen sea lions invaded Cermaq's Rant Point farm and seemed unimpressed when explosives were lobbed at them by farm employees.

# Shareholder Activism X Sustainable Seafood



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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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In a global first, a shareholder activism campaign targeting farmed salmon was launched this month in Australia. It's a groundbreaking move that has the potential to shake up the sustainable seafood realm, worldwide.

The [Save the Skate campaign](#) is aimed at Australia's two largest supermarkets, Coles and Woolworths, calling on them to stop buying farmed salmon from Macquarie Harbour. These farms are considered a "catastrophic" threat to the endangered Maugean Skate.

Individual investors, unless they're billionaires, typically lack influence over companies and their boards. But working together, small shareholders can have a big influence over the social and environmental practices of companies. SIX (Sustainable Investment Exchange) will rally more than 100 shareholders to drive forward the proposals, corporate engagement, and necessary interventions to achieve a positive outcome for the skate.

**[Shareholder activism](#) is a strategy of strength in numbers – and it works.**

SIX [lists some examples](#) where shareholder activism has achieved big results:

"In the last year Apple has agreed to report on union rights and Visa has promised to provide more details about its gender and racial pay disparities. A few years ago activist fund manager Engine no.1 installed 3 new board directors at Exxon despite holding only 0.02% of the company shares. Tulipshare was able to get a 44% vote for a resolution supporting factory worker rights at Amazon, even though its supporting shareholders held just \$42,000 of shares in the USD\$1.6 Trillion company."

The number of environmental, social, and corporate governance (ESG) shareholder



activism campaigns has been on the rise in recent years. Most have centered around [climate action](#) and [human rights](#). Some activism has begun around [ocean plastic commitments](#), and past wins include [Starbucks](#) and [McDonalds](#) phasing out plastic straws.

**But shareholder activism in the sustainable seafood space is new – and long overdue.**

With the launch of the Save the Skate shareholder campaign, we are hopeful that a wave of similar actions will begin worldwide.

The Save the Skate campaign is the **first** shareholder activism campaign to hold major companies to account for unsustainable seafood procurement. It is also likely the first shareholder activism centered around a species [extinction emergency](#). Eco-certifications are also implicated by the campaign, as Macquarie Harbour salmon is marketed as certified "responsibly farmed", misleading shoppers.

Living Oceans has been leading the call for the [BAP and GLOBALG.A.P.](#) certifications to drop their endorsement of Macquarie Harbour farmed salmon. Living Oceans is also one of the collaborators of the SIX campaign.





# The True Cost of Shrimp

The number one importer of farmed shrimp to the Canadian marketplace is India. This product is the latest connected with human rights and environmental abuses as part of a series of investigations that have exposed the global seafood supply chains' failure to safeguard people and our planet.

Investigations released simultaneously, from [Outlaw Ocean](#) and [Corporate Accountability Lab \(CAL\)](#), uncover serious allegations of forced labor, child labor, worker exploitation and dangerous working conditions in the Indian shrimp supply chain - from hatcheries, shrimp farms to processing plants. CAL's report: [Hidden Harvest: Human Rights and Environmental Abuses in India's Shrimp Industry](#) emphasizes that such abuses are a common occurrence in the Indian shrimp sector, driven by cost-cutting pressure to meet the global demand for cheap shrimp.

The investigations point to the failures of governments (the Indian government and those who import the product) to enforce human rights and environmental laws, allowing abuses in the shrimp industry to flourish.

The report also details how hatcheries and farms release contaminated waste into local waterways. Groundwater and drinking water of nearby communities, agricultural lands and fishing waters are polluted by the effluent. Sensitive coastal habitats, including mangroves, are destroyed to build shrimp hatcheries and farms.

The report additionally points to illegal antibiotic use, as well as an over-reliance on antibiotics recognized as "highly important" to human health by the World Health Organization. Lack of government regulation, oversight and enforcement are also recurrent concerns in India's farmed shrimp industry. Irresponsible use of

antibiotics in aquaculture (and other livestock farming) can contribute to the looming global threat of antimicrobial resistance - where bacteria and viruses become resistant to drug treatments.

The Outlaw Ocean investigation published evidence that antibiotic-positive farmed shrimp was shipped to the United States despite the Food and Drug Administration prohibiting antibiotics in shrimp. Canada also prohibits the import of shrimp containing antibiotics; however, only five percent of imports are tested by the Canadian Food Inspection Agency. In comparison, the European Union tests 50 percent of imported shrimp.

**Outlaw Ocean and CAL also point the finger at seafood certifications for reassuring customers with claims of responsibly produced seafood when in reality they "function as little more than marketing ploys that fail to protect workers of the environment".**

For example, the industry-established and dominant certification, Best Aquaculture Practices, was found to exclude crucial stages of the supply chain from compliance, masking stages of production at high risk of labor abuses and forced labor. Evidence showed audits were often compromised, resulting in missed or ignored violations. The Aquaculture Stewardship Council was also called out for its auditing practices.

Major grocers rely on certifications as part of their sustainable seafood policies. However, growing evidence (including Living Oceans' own work) shows these schemes are not fit for purpose. CAL's report recommends grocers utilize their significant power to transform the Indian shrimp sector by prioritizing human rights and sustainability practices across the



supply chain. They call on significant buyers such as Walmart to change their procurement practices.

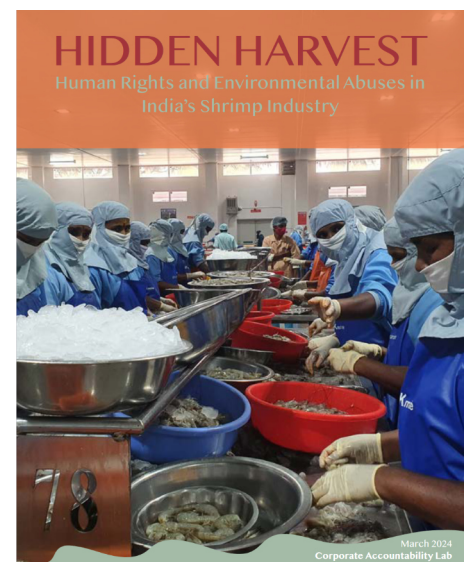
With seafood certifications increasingly exposed for greenwashing and 'fair-washing', grocers and seafood companies must go beyond certification and implement due diligence with respect to human rights and sustainability throughout their supply chains.

To ensure companies do take action to protect human rights and the environment, governments need to establish legislation that mandates preventative and remedial action in relation to adverse impacts within their supply chain. The European Parliament is expected to adopt such legislation soon. We need Canada to follow suit.

Find out more:

<https://www.theoutlawocean.com/investigations/india-shrimp-a-growing-goliath/>

<https://corpaccountabilitylab.org/hidden-harvest>



# High Seas Treaty Ratification

We're one step closer to solving lawlessness on the high seas! Living Oceans worked with Nature Canada and a coalition of groups across Canada to urge the federal government to sign the United Nations' High Seas Treaty. Despite being a member of the so-called "high ambition coalition" negotiating the Treaty, Canada did not sign until March 4, 2024, becoming the 88th state to do so.

With all of the world's major fishing nations now subscribed, the High Seas Treaty is poised to become law...except that only two of the 88 signatories have ratified the Treaty. Ratification involves passing domestic legislation to give legal authority to enforce the Treaty's provisions. You guessed it: Canada is not one of the two. Only Chile and Palau have ratified. It will take 60 countries ratifying the Treaty for it to become law.

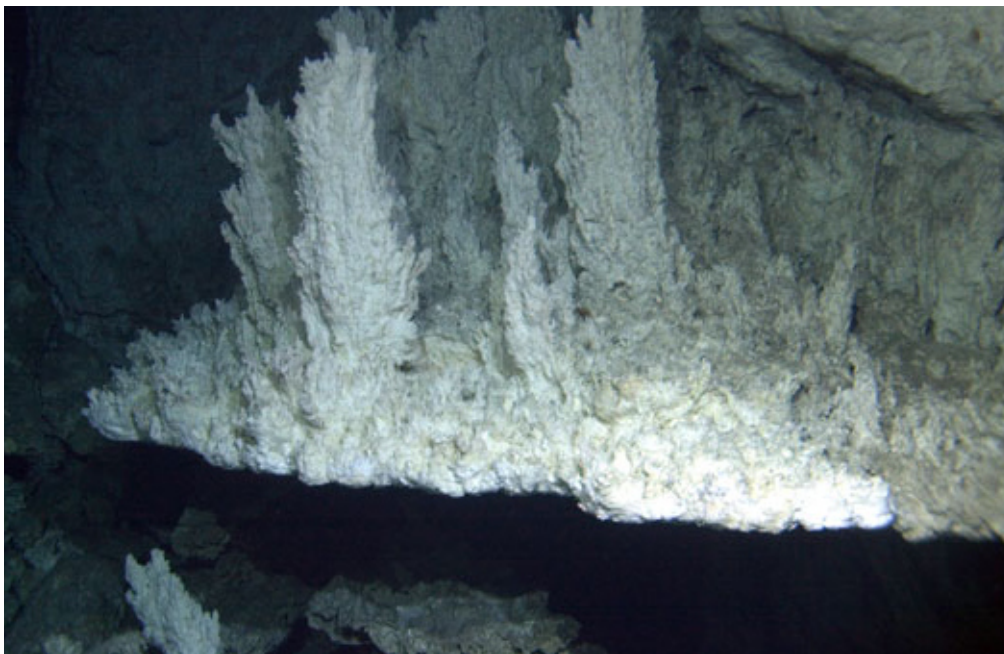
Ratification is critical: this Treaty addresses so much of what threatens the ocean, our

food supply and the very air we breathe.

The Treaty aims to see 30% of the world's ocean in marine protected areas—a major improvement over the current 1%.

To see some of the candidate areas for protection, go to [www.highseasalliance.org](http://www.highseasalliance.org) - it is a stunning website, loaded with photos and information about amazing biodiversity hotspots including, for example, The Lost City sitting atop the Atlantis seamount massif. Some scientists believe that places like this (and so far, this is the only one we know about) could be where life on earth began.

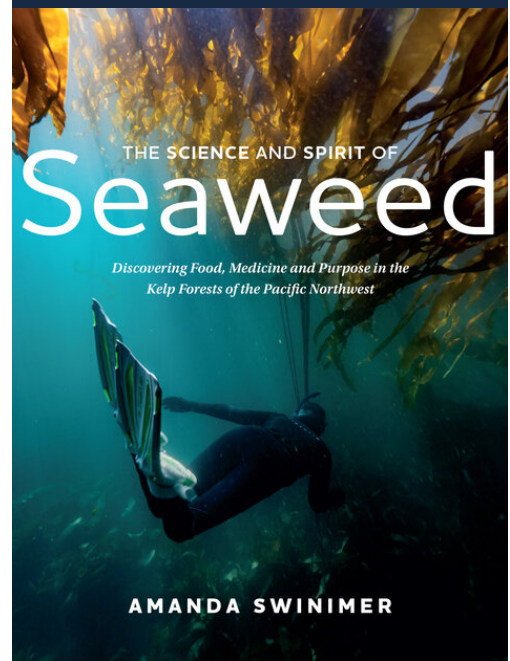
You can take action at the same site and follow the progress of nations with ratification. Be sure to mention the Treaty to your MP and urge him/her to proceed with ratification immediately: we need this Treaty in place before the International Seabed Authority gives the green light to deep-sea mining!



A 5-foot-wide flange on the side of a chimney in the Lost City Field is topped with dendritic carbonate growths that form when mineral-rich vent fluids seep through the flange and come into contact with the cold seawater.

By <http://www.nsf.gov/od/lpa/news/press/01/pr0156.htm>, Public Domain, <https://commons.wikimedia.org/w/index.php?curid=7121090>

## Book review



Part field guide, part apothecary and in large part, a love song to the ocean and its bounty, Swinimer's book is a comprehensive guide to seaweeds of the Pacific Northwest. Drawings, descriptions and photos taken in situ help identify green, brown and red seaweeds. For each, Swinimer provides tips on sustainable harvesting, medicinal, culinary and spa applications. Entire chapters detail the medical benefits and ecological function of seaweeds.

For over 20 years, Swinimer has made her living wild-harvesting some 30 species of seaweeds from her home on Vancouver Island. Her dedication to sustainability is clear: "take only what you need and can process" and "always leave some of the seaweed attached and harvest by pruning".

Visit [dakinitidalwilds.com](http://dakinitidalwilds.com).

Purchase the book from Harbour Publishing Co. Ltd.





# Trans Mountain

## One Saga Ends; Another Begins

The sorry saga of the Trans Mountain Pipeline's construction may soon be coming to a close: on March 29, 2024, the last crossing of the Fraser River was completed, making connection to the port at Westridge Terminal possible. The company says that if the Canadian Energy Regulator gives it the final approvals, the line could be in service by May 1. That means that this May could see the beginning of a whole new era of marine risk, as tanker traffic is expected to increase from about 5 ships per month to 34.

Living Oceans and Raincoast Conservation Foundation worked with counsel at Ecojustice from the inception of this project to try to prevent this from happening, or at least to mitigate the risk to the environment and to Southern Resident Killer Whales (SRKW), whose habitat includes the tanker route. We participated in the original hearings and when marine impacts were ignored by the regulator, we sued successfully to force a reconsideration. At the end of the day, it was the federal government that stepped in, not only buying the beleaguered project for \$4.5 billion, but also agreeing

to meet 16 conditions designed by the regulator to minimize the risks of increased tanker traffic.

None of the 16 conditions for protecting SRKW appears to have been met.

There is a knotty legal problem involved for the government: SRKW are listed as an endangered species, meaning they are entitled to the full protection of the Species at Risk Act. The Act requires measures to avoid or lessen the Project's adverse impacts on the Southern Residents and their critical habitat to be in place prior to project approval. The project was approved on the strength of the government's undertaking to meet those 16 conditions.

SRKW were already at risk from underwater noise and from ship strikes. It's hard to see how increasing tanker traffic sevenfold could possibly "avoid or lessen" such impacts. It's harder still to see what steps the government has taken in that direction.

The Port of Vancouver asked for voluntary speed restrictions in portions of SRKW habitat for a time in 2023.

Modelling of its actual, measured results was interpreted as achieving a 50% reduction in underwater noise during the period. There is no indication of the impact this may have had on SRKW behaviour. Did the whales' communications, feeding and socializing to return to normal? We don't know.

Trans Mountain's increased traffic will add over 1600 vessel-transits per year to SRKW habitat, between tankers and escort tugs. This represents about a 15% increase in ocean-going commercial vessel traffic through the Strait of Juan de Fuca.

Our counsel at Ecojustice has prepared a petition to the Commissioner on the Environment and Sustainable Development, filed in early February, seeking answers on the status of the 16 recommendations. Under the environmental petitions process, the Minister must respond within 120 days. The response date for our petition is June 19, while the planned in-service date for the pipeline is currently May 1.

Watch for an update in our next newsletter!

*Photo credit: Earl Hirtz*





# Yes, Minister!

Opinion Editorial by Karen Wristen  
published in the Hill Times

Watching the Department of Fisheries and Oceans manage Fisheries ministers these days is a bit like binge-watching old episodes of the BBC sitcom *Yes, Minister!*, except that the Canadian version is rapidly becoming a tragedy for wild salmon.

The Minister's marching orders are 'to transition open-net pen salmon farms from BC waters by 2025'. Her Department, seeing no need to do that, is currently consulting on issuing new salmon farm licences for terms of 2-6 years, when they expire in June of this year.

This is only the latest in a series of moves designed to subvert the transition planning process with recent Fisheries ministers.

When former Fisheries Minister Jonathan Wilkinson decided, in 2019, to convene a multi-stakeholder table to address the threats posed by salmon farms to wild BC salmon, staff ensured that no issue of any substance was actually addressed by "multi-stakeholders". The most critical issue, the transfer of disease-causing viruses from farmed to wild salmon, was taken behind closed doors with a hand-picked assortment of industry and government veterinarians who proceeded to define the disease in question out of existence. If it can never be diagnosed on the farms, the thorny question of its transmission to wild salmon disappears!

When former Fisheries Minister Bernadette Jordan was faced with a decision in 2020 whether or not to re-issue the Discovery Islands salmon farm licences, staff withheld scientific research from DFO's own molecular genetics lab, showing clear correlation between elevated levels of bacteria near Discovery Islands salmon farms and poor returns of wild salmon. Instead of passing on the urgent, cautionary advice coming from Dr. Kristi Miller, they

sent up a briefing note saying, "Unpublished results from Strategic Salmon Health Initiative propose link between Discovery Island farms and bacterial infection... of Fraser sockeye and other salmon species".



Neither this evidence, nor the Department's own lab findings to the effect that sockeye salmon suffer 'profound physiological effects' from infection with sea lice, made it into the decision memo offered to the Minister for the licensing decision. Either piece of information would have supported a discretionary decision by the Minister to refuse the licences on conservation grounds.

In 2022, when former Fisheries Minister Joyce Murray rolled up her sleeves and got down to work on the transition planning, staff read, 'transition farms from BC waters' as a typo for 'progressively reduce or eliminate interactions with wild salmon' and crafted an entire consultative process around this concept without ever identifying the "interactions" that were to be reduced, or the circumstances in which elimination might be preferred over reduction.

The decisions of both former Ministers Jordan and Murray faced judicial review proceedings on grounds that would not have existed had the Department made full and fair disclosure of salmon farm impacts on wild salmon in the decision memos they prepared. Both also face personal lawsuits for damages for malfeasance in office, premised on the idea that they rejected the advice of their Department with some kind of malintent.

It goes without saying that our elected officials deserve better service from the bureaucracy. At the same time, one wonders when, or if, elected officials are going to take on the task of righting the wrongs in this Department. Since 2000, no fewer than 14 independent reviews of the Department's ability to provide objective science advice on salmon farming have concluded that there are serious, systemic failures requiring remediation. The most recent of those, a study by the House Standing Committee on Fisheries and Oceans released one year ago, made 48 recommendations for improvements to science and the process of developing science advice, including a number of audits and independent reviews. The response prepared by the Department made it clear they have no intention of commissioning the recommended audits and reviews. To date, none of the recommendations has been resolved and the Department has no plan to address at least 25 of them.

**The ball is now in the court of Fisheries Minister Diane Lebouthillier, who faces a daunting task.**

Should she try to fulfill her mandate and actually close farms, her Department's science advice will apparently remain unchanged. Despite over 50 papers documenting harm from salmon farms that contradict DFO's low-risk assessments for aquaculture, they have not updated the risk assessments. This virtually guarantees that any attempt to close more farms will result in further litigation. Will she leave that mess for the next Fisheries minister, or try to take on the long-overdue reform of the Department by insisting on up-to-date risk assessments conducted with independent scrutiny, as recommended by all those reports and reviews? We should know shortly: her draft transition plan is due within weeks.

*Photo credit: Tavish Campbell*

## Stop Funding Overfishing

Governments are helping the fishing industry empty our oceans. This injustice must end.

“It makes me wonder if the WTO is ever going to be able to deliver an agreement that would remove overfishing subsidies,” Rashid Sumaila, a specialist in fisheries economics at the University of

British Columbia, Canada, and an expert speaker on panels at MC13, told Mongabay. Without one, he said, sustainable fisheries aren’t possible: “It is like giving with one hand by trying to manage sustainability and taking with the other hand by providing overfishing subsidies.”

Harmful fisheries subsidies are not only unsustainable but profoundly unfair. Based on the extensive body of evidence,

the WTO needs to move on this soon and agree to eliminate harmful subsidies once and for all.

Make sure that WTO members continue to prioritize this critical issue for the health of our oceans, the wildlife and people who depend on it. Join [#StopFundingOverfishing](#).

*Photo credit: Dale Sanders*



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