



House of Commons
CANADA

Standing Committee on Fisheries and Oceans

FOPO • NUMBER 042 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Thursday, June 16, 2005

—
Chair

Mr. Tom Wappel

All parliamentary publications are available on the
"Parliamentary Internet Parlementaire" at the following address:

<http://www.parl.gc.ca>

Standing Committee on Fisheries and Oceans

Thursday, June 16, 2005

•(1140)

[English]

The Chair (Mr. Tom Wappel (Scarborough Southwest, Lib.)): I'd like to call the meeting to order.

Pursuant to Standing Order 108(2), we're continuing our study on the 2004 Fraser River sockeye salmon harvest.

Before I welcome our witnesses for today, I just want to advise members that even though we are starting 35 minutes after the time we should have started, because of votes in the House, we will conclude at exactly one o'clock. I have another meeting I have to attend on behalf of the committee.

I also want to remind members of what this meeting was originally scheduled for. On June 2, I wrote a letter on your behalf to the minister, and we asked that the deputy minister and Assistant Deputy Minister David Bevan appear before the committee on June 9 in order to explain how enforcement will be conducted on the Fraser River during the 2005 season. That was the purpose of the meeting.

The minister wrote back and said his officials would be unable to attend, but he would be pleased to be here today to discuss the matter. In the meantime, as I'm given to understand, the minister—or someone on his behalf, because I wasn't in the House—tabled the Government of Canada's response to our report today. I understand the minister is going to make some remarks, so we could expand the purpose of the meeting as far as that, but no further.

Now I'm pleased to welcome the Minister of Fisheries and Oceans, the Honourable Geoff Regan, together with officials from his department: Larry Murray, deputy minister; David Bevan, assistant deputy minister, fisheries and aquaculture management; Paul Sprout—oh, hello, Mr. Sprout—regional director general, Pacific region; George Da Pont—whom we know well—assistant deputy minister, human resources and corporate services, and expert on small craft harbours—

Some hon. members: Oh, oh!

The Chair: —Wendy Watson-Wright, assistant deputy minister, science; and Sue Kirby—Sue, hi—assistant deputy minister, oceans and habitat.

Welcome to all. I understand, Minister, you have an opening statement.

Hon. Geoff Regan (Minister of Fisheries and Oceans): Yes, thank you, Mr. Chairman.

I can tell you the deputy just turned to me and said we should keep bringing people in; they get a warm welcome.

Some hon. members: Oh, oh!

Hon. Geoff Regan: You like Paul better than the rest of us, it seems. I don't understand.

Good morning, colleagues. *Bonjour, chers collègues.* It's a great pleasure to join you here once again on the Pacific salmon fishery.

Once again, I'd like to begin by thanking you for your report on the subject. My department and I value your opinions and the work you've done, and I'm confident that my announcements today are steps in the right direction to address your concerns.

At the same time, I've taken this opportunity to respond to the Williams report on last year's Fraser sockeye fishery. Both reports touched on similar concerns. I felt that it would be a good opportunity to respond to both simultaneously.

On a related note, I will also outline some good news from my department that will give us financial flexibility to deal with the challenges in the Pacific fishery, particularly on the Fraser for this season, which I know is a priority of this committee.

After my opening remarks, the department's ADM of fisheries and aquaculture management, David Bevan, is prepared to deliver a technical briefing on the finer points of our approach on the west coast for the coming season. That was the original plan, at least, but I know now that we're a little more compressed for time. We'll say that's available, and when I finish I'll return it, obviously, to you, Mr. Chairman.

Well, I would have preferred to make these announcements in British Columbia. I know we can all appreciate here the situation of a minority government and the difficulty many members of Parliament have in trying to be out of Ottawa for any length of time, and we all know how difficult that is. Having said that, I plan to return to British Columbia at the first available opportunity in order to, among other things, announce the final wild salmon policy.

Mr. Chairman and colleagues, I think you'd agree in many ways that we're standing at the edge of a new era of fisheries management in the Pacific region. A number of reports, including yours, the Justice Williams report, the Pearse-McRae report, and a host of others over the years have pointed to the need to reform how we manage fisheries on the west coast. Since I became minister, I've made it a top priority to deal with this issue sooner rather than later.

The urgency for this was intensified by the low returns of Fraser sockeye last season.

[*Translation*]

This was a serious concern—for British Columbians, for my officials, and for me personally. Although Pacific fisheries are performing well—and operating with minimal controversy—Fraser sockeye continues to be a challenge. Changing environmental conditions, fierce competition over catch, and growing operational difficulties make this fishery one of the top management challenges facing my department.

[*English*]

But over the years it's become clear that the Pacific fishery in general suffers from a range of challenges, challenges that go far beyond the issues on the Fraser, which are really symptoms, I think, Mr. Chairman, of these more fundamental issues. It's become equally clear that we won't make headway on specific issues like Fraser salmon without first addressing these underlying issues and finding a way forward for all fisheries on the west coast.

That's why on April 14, as you recall, I outlined a blueprint for change for all Pacific fisheries. I told you about the four components of our plan: to better define conservation objectives; to strengthen our programs to protect habitat, assess stocks, monitor catches, and enforce the rules of the fishery; to increase first nations' access to economic fisheries; and to improve the fishery's economic performance and give all users the certainty and stability they need.

With this blueprint in place and many fundamental issues being addressed, we can turn our attention to the Fraser-specific problems identified by your report and Justice Williams' report. You should each now have a copy of our official response to each of your 12 recommendations as well as the 47 recommendations put forward by Justice Williams and his committee. Rather than going over every recommendation, I'd like to indicate this morning the general direction of our response and what we plan to do this season to address challenges on the Fraser.

[*Translation*]

As I said a moment ago, there are a great many similarities in these two reports. Taken together, in my mind, the bottom line of each report is that DFO needs to do a better job in four key areas: enforcement, organizational change, catch monitoring and science.

• (1145)

[*English*]

When we last met, I told you how I instructed my department to develop a plan to make improvements in each of these areas for the coming season. Today I'm pleased to announce that the department has evaluated its budgets and reallocated \$5.2 million to make improvements in a range of areas for the Pacific fishery. This funding will allow us to address each of the four groups of challenges I just mentioned.

Clearly, a top priority for me and for your committee is to step up our enforcement levels and to increase compliance. This funding will allow for more patrols, better surveillance, and increased operational activities. We'll carry this out through more aerial surveillance and

by deploying fishery officers to hot spots like the Fraser during the high season.

We're also moving forward with organizational change in the Pacific region. We'll reorganize our conservation and protection structure and introduce a one-year pilot project for direct-line reporting. This will ensure a more focused and effective enforcement presence throughout the region.

Our catch monitoring activities will also be enhanced. This will involve independent catch validation and better counting capabilities to keep closer tabs on the number of salmon being taken out of the water, which leads me to the fourth group of improvements in the area of science.

Mr. Chairman, obviously good, accurate science is the backbone of a well-managed fishery. This funding will help us to improve our assessments of Fraser River stocks and keep closer tabs on mortality rates. We'll also conduct a drift net and set net study to compare their relative effectiveness, and we're enhancing our environmental management assessment model to improve our ability to react to environmental effects on salmon migration and survival.

The changes I'm announcing today are in addition to many changes already announced on April 14. For instance, we'll be working with fishermen to conduct a series of demonstration projects to test different options for various fisheries, including an innovative harvest-sharing arrangement in the north coast troll fishery and a Skeena River sockeye demonstration fishery. These reforms will take effect immediately.

We're keeping a close eye on the environmental conditions on the Fraser River. Currently, Mr. Chairman, the snowpacks feeding the Fraser are low. Temperatures and rainfall will be important factors for in-river conditions this summer, when the sockeye return to the river. This will be a key consideration in the fishery management plans we expect to finalize shortly.

Colleagues, together with the April 14 blueprint, the funding I'm announcing today represents a major step forward in improving how Pacific fisheries, especially salmon, will be managed in the years to come. I should also point out that this reallocated funding wouldn't have been possible without significant operational funding relief from Treasury Board ministers. My department's flexibility to reallocate was indirectly assisted by a recent infusion of \$40 million for one year. This is a recognition of what your committee has been saying for years, that DFO's finances are chronically overextended. An additional \$15 million has been approved in principle by Treasury Board ministers but is subject to the department returning to Treasury Board in the fall.

This interim funding will enable my department to better deliver its core programs, and it will give employees the tools they need to do their jobs. I can assure you that my department will continue to work with central agencies to seek a permanent increase in reference levels for subsequent years. As an indirect result of this infusion, we've been able to reallocate the \$5.2 million I mentioned earlier to the Pacific fisheries to deal with challenges this season.

In the meantime, I look forward to working with first nations and the fishing industry to continue reforming how Pacific fisheries are managed over the long term and to give stocks like salmon a fighting chance in the years ahead. This is an ongoing process, and we can't expect quick fixes. As I said earlier, Mr. Chairman, there are a number of fundamental issues to be dealt with.

In the meantime, reallocated funding will help us strengthen how the Fraser fishery is managed and enforced this season, and it will put us in a good position as we move forward on reforming all Pacific fisheries.

• (1150)

Thank you very much. Merci beaucoup.

The Chair: Thank you, Minister.

I think your suggestion, that in view of the shortness of time we allow members to decide whether they want the technical briefing from Mr. Bevan, is probably the better way to go.

Also, colleagues, in view of the shortness of time, I'm wondering—of course, there's no legal authority for this, I'm simply throwing it out as an idea—if it would be possible to shave one minute off the first round of each person. That would give an extra five minutes to one other person before one o'clock. Would that be all right?

Some hon. members: Agreed.

The Chair: Okay.

Going first to the Conservatives for nine minutes, Mr. Hearn.

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): I'll start briefly, Mr. Chair, and then I'll turn it over to Mr. Cummins.

I have a general observation, I guess, under the recommendations. One of the concerns we've expressed clearly is the lack of science, in particular, and also the lack of enforcement. I know they're both beefed up, which is very positive, and again, thanks to our committee, I guess, and other committees for pushing this. In enforcement, however, numbers mean nothing if they're not given the go-ahead to do the work they have to do. If because of fear, lack of direction, or whatever, they can't do the work, the results will be the same.

Science is extremely important, but I wonder why it has to come to two or three committees saying the same thing for years before we get action.

We're seeing the same thing in relation to a lack of science in the Atlantic fishery, with fisheries held up because we don't know whether we should have one or not. There's the lack of product being landed—and I'm thinking of crab outside 200. We're looking at the harvest of scallop, where as we get bigger and more modern boats, the logical way is to perhaps catch, process, and freeze at sea, but oh,

we can't do it. There are so many things we know so little about that are hindering the harvesting of the resource, which in some cases is left in the ocean, and people on land are left without work.

I wonder, what do we have to do to get results? In this case it has really been a push over the last few years. I just hope the start towards this is going to bear some fruit. But saying we're going to do it, without the clout to be able to do the job, is going to end up with the same result, and that's a decreased fishery, especially on the Fraser.

I guess while we're on that one, the concern about the limited fishery because of the concern about the cultivated sockeye is also an issue that I believe has to be addressed.

Can you comment briefly on those observations—rather than questions—and then I'll let Mr. Cummins get into the specifics?

Hon. Geoff Regan: Thank you, Mr. Chairman, and through you to Mr. Hearn, first of all, I think it's important to understand that this is in fact a comprehensive response to what's happening and to the reports of both this committee and the Williams panel on the Fraser River fishery and the Pacific fisheries.

It does involve real change to the way we're doing things and the way we're managing. You'll see operational change. I talked, for instance, about the fact that there will be direct-line reporting. It's important to note that it starts this year. We are taking real action this year. I appreciate the fact that you're acknowledging that in fact this is action. You said you have taken some time and had various reports, but there is action here, and I appreciate your acknowledgement of that.

In terms of science, I would ask you to consider, for example, the fact that we are investing in science in this fishery in a number of ways. We are changing and enhancing the way we do our counting, our catch monitoring. We're putting, for instance, more temperature loggers in the Fraser River. We're enhancing the counter at Mission—you're familiar with that system—and we're working to improve that system. We're going to have a number of dropout rate studies. I talked about the issue of the drift net and set net studies; those are important.

Perhaps Paul Sprout would like to add to that.

Mr. Paul Sprout (Regional Director General, Pacific Region, Department of Fisheries and Oceans): The last time I appeared in front of you, you raised the issue of leadership on the Fraser River. You were concerned that we need to give direction to our C and P staff about enforcement of the Fisheries Act. That direction has been provided. Enforcement is taking place. It's taking place in 2005. We have patrols under way now, and it is our intention to continue those over the course of the season.

With respect to science, as the minister has indicated, there are new resources. We're going to look at the possibility of putting in a new counting system in Mission, called a split-beam system. This could improve the reliability of the Mission count. Additionally, we'll look at the feasibility of other opportunities. So 2005 will be an assessment and an evaluation period for us to see whether we can further enhance this aspect.

On the issue of Cultus, I recognize that there are concerns around the fact that Cultus stocks are depressed and that this affects our ability to catch other sockeye stocks. We have not finalized the fishing plan for 2005. It will eventually come to the minister for his approval. At that time, I will be advising the minister of various views on this.

You should be aware, though, that there are diverse views. There are those who believe that our restrictions on Cultus should be relaxed and there are those who believe that our restrictions on Cultus should be increased. It will be a challenging decision for the department and for the minister.

• (1155)

The Chair: Thank you.

Mr. Cummins.

Mr. John Cummins (Delta—Richmond East, CPC): I'm not exactly overwhelmed by the response here this morning. The minister suggested there was urgency in the Fraser River situation, and I agree. He suggested that the urgency was intensified by the low returns of Fraser salmon last year. Well, there were pretty good returns to the river; the problem was enforcement.

What I'd like to know is just what the commitment to enforcement is. I understand what you've said in your remarks, Minister, but how many more fisheries officers can we expect on the Fraser River this year compared with last year?

Hon. Geoff Regan: First of all, it is important to recognize that a number of factors affected the salmon returns. When I speak of returns, I speak of returns to the headwater, to the home waters, to the lakes where they started. This is what's referred to in the document the member has. One of those factors was illegal fishing. Another was temperature. If you look at the Williams report, for example—

Mr. John Cummins: It doesn't—

Hon. Geoff Regan: Let me just finish. I'll answer the question and then we'll get into that. But it is important—and actually I have the right to respond, Mr. Chairman—to point out that there are a number of factors. This member has consistently focused on one issue: enforcement. I appreciate that, and we are moving on enforcement in a number of ways.

He asked the number of people who will be on the Fraser. On the lower Fraser there will be 29 officers. On the upper Fraser it is 27 officers. Those numbers are the same as last year, but we will have available 16 additional officers to move into the Fraser if necessary in the crucial periods. It doesn't make sense, in my view, to have extra officers on the Fraser for 10 months of the year when they aren't doing anything. The salmon migrate and they pass through different areas at different times. We have made it possible to bring fisheries officers into the Fraser during the key months. We are also increasing patrols.

Mr. John Cummins: I'm not interested in ramblings. I asked a specific question and I'd like a specific answer.

Hon. Geoff Regan: I am answering the question.

The Chair: I think he gave you a specific answer.

Mr. John Cummins: I got it. Now I'd like to go on to my second question.

Hon. Geoff Regan: It is important to understand the context.

The Chair: Let's allow him to bring his remarks to a conclusion. I'll add some time for you.

Hon. Geoff Regan: It's important to understand that we are increasing our patrols and we are going to have more overtime. The fact that we have the same number of officers doesn't mean we have the same number of patrols or activities as last year. We are significantly enhancing those activities. We'll have more overflights, by fixed wing and by helicopter.

I know the member is anxious to get on to other questions.

Mr. John Cummins: Minister, the issue here is the numbers. I don't know where you're going to get those extra 16 from. I don't know of an area in British Columbia where there's a surplus of fisheries officers, especially during the summer.

The point is that improving enforcement requires commitment. In Port Alberni, they're selling fish all over the place, and DFO is not doing anything about it. The response from DFO locally is, "We're waiting for the band to sign an agreement". While there is no agreement in place, fish are being sold all over the place, and the department is doing nothing. What we talked about in our committee report is leadership. You're still failing to provide leadership. That's the issue here.

• (1200)

Hon. Geoff Regan: Mr. Chairman, in my view, leadership is working toward an effective solution to these problems. That's what we're doing, Mr. Chairman, through increased enforcement—

Mr. John Cummins: Enforcing the law.

Hon. Geoff Regan: —through working with people in the area, not just with natives—I say to my honourable colleague that I know he's interested in first nations issues—but with non-natives as well. There are enforcement issues among various people, as we know, and we're working on that. Part of that is enforcement. Part of it is compliance. Part of it is education. There are a number of aspects to this, and I don't think a simplistic approach to this is the way to go or really helps us move forward toward a solution.

Do we need to do our job on enforcement? Yes, we do. But do we also need to build better relationships on the west coast? Yes, we do, indeed.

If you compare the Fraser River, for example, to the Skeena River, you see many of the same issues in the Skeena River, but there isn't the same kind of high tension around these issues. It's a question, very much, in many cases, of relationships between people and groups. We have to work out those relationships.

Part of my announcement of the blueprint for change in April is about how we need certainty in terms of access, certainty in terms of shares. We have to move forward, because that's the uncertainty now. The competition now that results from that uncertainty creates real tensions and problems. We have to respond to those problems with change in the way we manage the fishery, and move forward as we're doing it.

Mr. John Cummins: You need to enforce the law.

The Chair: Thank you, Minister.

I'm sorry, Mr. Cummins, your time is over. Your time is over, but of course I'm sure we would all agree, Minister, that you can't have certainty without the rule of law.

Six minutes, Monsieur Roy, s'il vous plaît.

[Translation]

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Thank you, Mr. Chairman.

Good morning, Minister. I would like to thank you and the other witnesses for being with us this morning.

In your answer, you mention four very important points: enforcement, organizational change, stock assessment and scientific research.

I'm going to be talking about the reorganization of the regional conservation and protection structure. This does not necessarily appear in our report. It has always been my impression that when a public system had some problems, the first thing people did to give the impression that they were dealing with the problems was to change the structure. I want to understand what was not working in the structure, which forced us to reorganize things again. If there is another crisis on the Fraser River in a year or two, will we start changing the structure all over again?

During our trip to British Columbia, we thought that it was not the structure as such that was defective, but rather the lack of background included in the structure. We had the impression that people had not learned from what happened in the past. There may have been a change in the people in place. These people were constantly sitting on an ejecting chair. They were never sure they would stay where they were permanently. Now we are changing the structure. Why? Is it really necessary to make structural changes? Should we not simply have kept on the people who were there, so that there would be some continuity?

Hon. Geoff Regan: Mr. Chairman, I would like to thank my colleague for his question.

I think that one of the points made by this committee and by the Williams committee as well was the need for accountability for all officials throughout the system. I think accountability will be improved by means of a pilot project of the type that we announced for this year, which will include a direct reporting system to our regional office.

I would add that last year, we had no permanent regional director general. Since January, Mr. Sprout has been in this position. I am very pleased, and I trust him.

I will let him continue.

•(1205)

[English]

Mr. Paul Sprout: The other thing I was going to add is that when the committee reviewed this matter you actually recommended that we make an organizational change. It was your first recommendation in fact. I think you recommended this because you felt there was a leadership issue, that we needed to have effective control and direction provided to the conservation and protection branch. We

took into consideration quite seriously your recommendation, and we thought that on a test basis we should make an organizational change. So what is being proposed in 2005 is that the fishery officers, who presently report to an area director, will now report to a director of conservation and protection, and that individual will report directly to me and that person will be on the regional management executive team. Through that practice we believe we may be able to increase the leadership issue that I think you had pointed out was at fault.

The second area you raised is the point the minister has already noted. You noted that there had been a turnover in the RDG level; there had been a number of actors over a series of years. You also remarked on other senior positions as well. Since your report we have stabilized both of those areas. I am now the RDG for the Pacific region, and that's a permanent appointment. Similarly, we have now stabilized the lower Fraser area director position, which also had a series of rotating individuals. So I think we've responded fully to the intentions of your recommendation.

[Translation]

Mr. Jean-Yves Roy: Thank you, Minister and Mr. Sprout. I have another question for you.

You are not at all reassuring, Minister, regarding the budgets earmarked for enforcing the regulations, and so on. You announce a budget of \$5.2 million. However, we cannot be sure that it will be possible to keep this amount, given the constant, almost permanent cutbacks to the Department of Fisheries and Oceans.

How can we be sure that what you are announcing will last for more than one year and will make it possible to improve things? A one-year budget is not what it takes to improve the situation in an ongoing, permanent way. The department's budget must be increased, and that does not seem to be the case. In fact, the department's budget has actually decreased.

I am not at all reassured about this investment of \$5.2 million. It is for the year 2005, but what will be available for 2006?

Hon. Geoff Regan: First of all, Mr. Roy, I am very pleased that Treasury Board agreed to increase our budgets for this year, and that we can go back in the fall to receive \$15 million more. This constitutes recognition that my department needs more money for major systems.

I am here today primarily to discuss our response to your report, and to the way in which that response will be implemented this year. We are responding to it this year, as of now. Will things be different in the future? We will see. I hope that the changes we want to make to the Pacific fisheries management system will help us and alter the situation. If they do, we will determine what resources we need to meet the needs.

As I said in my opening remarks, I am ready to go before cabinet in the fall to request a permanent increase in core funding for my department.

Mr. Jean-Yves Roy: I hope so. Thank you.

[English]

The Chair: Merci, Monsieur Roy.

Mr. Stoffer, four minutes.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Thank you, Mr. Chair.

Sometimes I think I'm at an AA, meeting where you get people from the department who say, "Hi, I work in the management side of DFO and we have a problem." And that's nice, Mr. Minister. You're the first minister to recognize, in the eight years I've been here, that there actually is—although you didn't say the word "major"—a major problem within management on the west coast. I thank you for that, although some of your solutions in this report here beg the question as to whether or not you have any meaningful teeth behind what you say.

In relation to what my colleague, Mr. Cummins, said about people who illegally sell fish and you're doing absolutely nothing about it, I remind you that a few years ago when some hand-liners down in Shelburne County went out and put a hand line into the water, they were met by four fisheries officers' boats and six armed officers. They were all corralled in, they were sent to court, and they were fined. They were treated rather harshly in that regard because they broke the law.

Yet it appears that when aboriginal people are illegally fishing, or selling fish that's illegal...it says right here on page 19 of 27 of this report, "Officers have already begun to record illegal catch information". So you know it's happening. What are you doing to stop it from continuing? If somebody is illegally fishing in the Fraser River, regardless of race, are the officers going in there and putting a stop to it immediately, or are they just going to continue to monitor and work with various organizations to see if we can get them to stop on their own?

• (1210)

The Chair: Just to be clear, you're referring to page 19 of the document, "Building Capacity and Trust", which is the minister's response to the Williams' report?

Mr. Peter Stoffer: Yes, and the response is, Mr. Chairman, as we spoke on our committee, that if somebody is breaking the law, we anticipate that DFO would enforce the law and not allow it to continue under any circumstance.

Hon. Geoff Regan: Mr. Chairman, I did say that the response we have is comprehensive, that we are changing the way we do things, and that is the case.

At the same time, I think it's important that we look at the history of this fishery. We must look at what has worked in the past, at what has worked well and what hasn't. We should increase our enforcement, including prosecuting the law, but we should also examine what works and what doesn't, and make sure we work effectively to improve compliance through deterrents as well as through other efforts toward compliance.

I think you look at each instance and determine what will create the effective result you want. It may be that the department some years ago, in the case you mentioned, felt that was the appropriate response to create the result desired in that case for the surrounding area. I can't respond now to whether this worked in that particular case—it's several years ago—but you have to look at each situation and respond accordingly.

I'm going to ask Paul Sprout to add to my comments.

Mr. Paul Sprout: First of all, we take the point that our job is to enforce the Fisheries Act, and in fact this year, 2005, we've already seized a number of nets in the Fraser River where fishing has occurred outside of an open fishing period. So it is our intention to enforce the Fisheries Act.

The other point I want to make is that the problems of illegal fishing are not confined to first nations. We have illegal fishing in both native and non-native fisheries. So our responsibility is to take measures in all fisheries in a reasonable way.

The second point I want to make is that it's important for us to work with the parties, first nations and non-natives, to try to minimize or avoid illegal fishing, because that in the end might be the most cost-effective solution to achieve the goal, and the goal is compliance. So if we can achieve compliance through agreements and understandings, that's how we would like to achieve it. But in the end, your point is well made; if there are infractions, we will take action. I can demonstrate that in 2005 at this point in time we've already taken action in this case in the lower Fraser River.

Mr. Peter Stoffer: We received an in camera report called the Melvin report, which indicated very seriously that DFO officers were watching but were unable to do anything to prevent the illegal fishing from happening. Are you saying that effective today, if anybody, regardless of race, is illegally fishing in the Fraser River, your department will put an immediate stop to it?

Mr. Paul Sprout: What I'm saying is we're going to put into place a strategy that we think makes sense for that particular circumstance. So if it makes sense to seize the net, we will. If it makes sense to do something else, we'll leave that to the discretion of the fishery officers. They will have the responsibility and authority to carry out the actions appropriately. What that strategy will be will depend on the circumstances and the individual cases that may be present in front of them.

The Chair: Mr. Stoffer, you're out of time.

Mr. Murphy, nine minutes.

Hon. Shawn Murphy (Charlottetown, Lib.): Thank you very much, Mr. Chairman.

I'd like to continue on with Mr. Sprout.

We've had the three days of hearings in British Columbia, and I agree with a lot of what's been said here today, but one concern or one issue that I find there is a tremendous lack of clarity about is this whole issue of the food, social, and ceremonial purposes given as a right to the aboriginals in Canada. A number of court decisions gave this right to the aboriginals, but again, there's a tremendous lack of clarity. What does it mean?

We heard the evidence from the members of the Cheam Band in Vancouver and they basically said it means they have the right to catch fish whenever they want to catch fish. It means they have the right to use whatever gear methodology they want to use—in this case, that would mean their method of choice, the gillnet—and it also means they have the right to sell the fish to anyone they want at any time and under any circumstances. You can see the difficulty this leads to. There's a tremendous lack of understanding, of clarity, in this whole fishery, and I really, honestly, think it's at the root of the problem.

Could you provide us with your understanding of how the department proposes to manage the food, social, and ceremonial fishery this year? Can it be done by a so-called quota? Can it be done through other management regimes? And do you see any changes this year as opposed to the fishery that occurred in 2004?

• (1215)

Mr. Paul Sprout: First of all, with respect to food, social, and ceremonial, the departmental view is that this fish is used for personal consumption. It cannot be used for sale; it cannot be sold. I realize some first nations members have indicated they believe differently; they believe they have the right to sell it. That is not a view the Department of Fisheries and Oceans has. We don't endorse that view.

In terms of the actual management of the fishery, on an annual basis we negotiate food, social, and ceremonial numbers with the first nations. Normally we can arrive at an agreement on that number, but when we cannot arrive at an agreement, we're obligated to impose a number, and we will do that.

We then monitor the fishery to determine if the number has been achieved and regulate the fishery in a manner to achieve that number. Where there are deviations around the number or inconsistencies with respect to the fishing arrangements that have been agreed to, then we need to take action to try to bring them into compliance with those fishing arrangements. That is the approach we will take and now have in place for 2005.

Hon. Shawn Murphy: I take it the season is upon us—if not now, very shortly. Can you provide us with the number that's been negotiated with the Cheam Band for this year?

Mr. Paul Sprout: I don't know the precise number. It's also divided between ceremonial fisheries and food fisheries, but I could provide it to you later, if you'd like.

Hon. Shawn Murphy: Is the objective of the department to negotiate a separate number for all 97 bands on the Fraser?

Mr. Paul Sprout: Well, ideally we prefer to have aggregations of first nations, and if we can get organizations such that the first nations are organized and a number of communities are part of that organization and we can negotiate with that organization, we will. If we are not able to do that, then we will work with each individual community, but our preference is to work with aggregations if it's possible.

Hon. Shawn Murphy: Next is this whole issue of public education on the unauthorized salmon harvest. If you believe the evidence we've heard, a whole host of other players are involved. There are truckers, there are people who run storage outfits, there are the processors, there are the middlemen, there are the wholesalers and retailers—and probably among the biggest offenders are the people who are buying these illegal salmon. If Mr. Cummins is correct, they're selling them right now in Port Alberni.

Is there any thought to having a public education process to show that there are a lot of other people involved in this unauthorized fishery, and that they are harming the fishery on behalf of everyone in British Columbia? Is there a way to try to deal with it on a comprehensive basis, not only at the aboriginal point but right down the food chain? Of course, the most important person there is the person who goes to the side of the road and pays \$10 for a salmon

that they really know, or ought to know, is an illegally harvested salmon.

Hon. Geoff Regan: Mr. Chairman, I think my colleague Mr. Murphy is correct in thinking this is an important challenge for us in terms of education and making sure people understand the impact these decisions have. I'm going to ask Paul, in a moment, to add more about the education process and what our approach is to it, but I think it's also important to be aware that we're going to be increasing our surveillance of the various groups and locations Mr. Murphy just described—for example, in storage facilities, in processing plants, and in places of that sort.

Would you comment, Paul?

• (1220)

Mr. Paul Sprout: I think your suggestion is a good one. I think compliance can be achieved through a variety of measures. I think education is one of those, and I believe that in a number of instances people are simply not knowledgeable. They are purchasing salmon under circumstances that, when pointed out to them, will surprise them. So I think education is and will be an important feature in trying to improve compliance. I believe your point is well made.

Hon. Shawn Murphy: Has there ever been any thought—and with today's modern technology, I think it's not that difficult—to have a procedure so that if a salmon is caught legally, it's stamped? They can do that now—bar-code live fish. It would be an easy thing to do for the commercial harvesters and it would also be easy to do for the food and social and ceremonial purposes—a different bar code altogether. I don't think it would be that complicated and I don't think it would be that expensive, and it would end the whole thing.

Mr. Paul Sprout: That's a very interesting suggestion.

Several years ago we developed a tag system for the recreational fishery that did exactly that. It was strongly resisted at the time by the recreational fishermen. However, having said that, I think there are arguments for re-examining how we can ensure traceability of the fish that are caught for sale versus fish that are not for sale.

This is an issue that I think we have to reflect on in the future. As the technology improves, our ability to mark fish and the technology to do so may allow us to pursue it, along the lines you've suggested. I think at this point it's an idea for thought and something we should be reflecting on for the longer term.

Hon. Shawn Murphy: My last question gets back to you, Mr. Sprout.

Do you think you have sufficient sanctions? You have prosecuted a number of people for violations on the Fraser River. Do you think there are enough sanctions under the Fisheries Act, as it is presently written?

Mr. Paul Sprout: As you know, we are examining the merits of modernizing the Fisheries Act, and we think there is room to make improvements. Without speaking to that in any detail, I think the department believes there is room to improve and modernize the act and allow us to increase the tools we require to make good management decisions.

Hon. Shawn Murphy: Mr. Chairman, thank you.

I just want to make one final statement. I think Mr. Sprout has probably one of the most difficult jobs in Canada.

The Chair: Mr. Sprout, we would like those figures you mentioned and we would ask to have them.

Just in passing, I think the Government of Canada is the largest advertiser in the country in terms of getting its message out. I'm thinking of public health on anti-smoking and that kind of thing. Funding is always a challenge, but I'm wondering if there's been any thought to approaching the appropriate provincial authorities.

We heard about the nature of salmon and its relationship to the people of British Columbia. If what we heard is true, perhaps the people of British Columbia, through their appropriate minister, might be able to work with your department to develop an advertising campaign to educate the public on television, or perhaps in newspapers, to link the sale of salmon on the side of the road to the collapse of the resource in general.

I simply throw that out—no response is required—as an idea: some way of educating the public in a larger fashion. Obviously the market would be targeted to British Columbia clearly.

Hon. Geoff Regan: Mr. Chairman, I think that is an interesting idea and one we could talk about through the Pacific Salmon Forum, for example. Discussing it with the provincial government of British Columbia is certainly something worth considering. Thank you for the idea.

The Chair: Round two.

Mr. Kamp, you'll have five minutes. Actually, we'll make it four minutes and try to get another person in.

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): Thank you, Mr. Chair.

Thank you, Minister, for coming and for this report. I for one appreciate the response.

I'll say for the record that I wish we had time for the technical briefing, because often the devil is in the details.

Let me ask, if I have time, two perhaps technical questions.

In your opening comments it sounded to me as though you were predicting, or at least foreseeing the possibility, that we could have similar environmental conditions to last year's, which have been blamed by some at least for some of the problems: high water, or high temperatures, low water, those kinds of things. Those of us who looked at it, at least from the outside, still are having trouble understanding the department's decision, in light of the high water temperatures, not to close the fishery at certain times to all fishing.

When we asked about it before, the department attempted to justify that decision. I wonder if it's still your position, after some reflection, that the right decision was made and how you are going to approach the decision-making process this year.

•(1225)

Hon. Geoff Regan: Mr. Kamp is looking at both Paul Sprout and me, so I'm guessing he's looking for both of us perhaps to respond to this.

First of all, I talked about the fact that we're again going to use the environmental management adjustment model we used last year, but we want to improve it. I talked about the fact that we're going to be putting more temperature loggers in the river so that we have more information about temperature. As you know, it can take anywhere from two to four weeks or thereabouts from a time a salmon enters the Fraser River to the time it reaches its final destination—or at least where it wants to get to, because sometimes, as you know, the final destination may be a net or a hook or your dinner plate. But we are working toward improving the way this is done, and increasing the number of loggers in the river is important and making sure we watch them very carefully is important.

If you look at the west coast, not just of Canada but of the U.S. as well, and at what's happened in past decades, we see rivers on that coast gradually losing their salmon. For instance, the Columbia not that long ago was a major salmon river on the west coast, and it's not today, unfortunately. The argument I hear consistently, and I think it's an accurate one, is that one of the factors in that regard—and it's a factor we have to be concerned about—is temperature. To me, this is clearly one of the factors; it's not by any means the only factor. The other factors that you've identified and that the Williams report has talked about are clearly factors as well that we have to find effective ways to deal with.

Paul.

Mr. Paul Sprout: I think this is a very good question. We think that with the information we had at the time we made the decision, we made an adjustment for the temperature that we felt would be satisfactory to address the environmental conditions being faced on the Fraser at that time. Having said that, we're going to make adjustments to our environmental management model. That model will be adjusted based on the experience of 2004. So my short answer to your question—if we see conditions in 2005 such as we saw in 2004, will we be in a position to close all fisheries—is yes.

Mr. Randy Kamp: I have one other question. In our report, we raised the question, at least, of whether we had all the information we needed about the impacts of drift nets above Mission. I think we recommended a couple of things: one, that a study be done; and that until the results of that study were clear, drift nets not be used in the 2005 and following seasons. I think you've responded that the study will be done, but you are still going to let them use drift nets. I'm interested in the rationale behind that.

Hon. Geoff Regan: Mr. Chairman, first of all, let me point out that we've heard a lot about the Cheam Band, as we know. There's been a lot of attention given, Mr. Kamp, by your colleague Mr. Cummins to the question of the Cheam Band, and others as well have been concerned about it. But the fact is there are drift nets used by that first nation, and yet just below it there are also drift nets being used by non-natives that we don't hear very much about, and I don't quite understand that, Mr. Chairman.

The point is it's important to understand that the reason we are doing this study is to assess the impact, and there's a reason for doing that. The fact is the courts have made it very clear that first nations people have the right to fish, and if you're going to restrict that right, you have to show a basis for doing so. You have to have strong scientific evidence to show the basis for your action. If we were to decide to ban drift nets, we would have to have a strong basis for doing so. We're doing a study comparing the effect of drift nets to set nets, which may give us that kind of information.

Paul, do you want to add to that?

•(1230)

Mr. Paul Sprout: I don't think I can add, Minister. That's consistent with my understanding.

Mr. Randy Kamp: My response would be, if I have a few more seconds, that there were no drift nets used above Mission for over a hundred years, and presumably for a good reason. Now, for the last year or two, they've been used, or maybe for a year or two longer than that. If the result of this policy is that the resource is threatened, it doesn't seem like a good, wise policy to me to just wait for this response.

Hon. Geoff Regan: Well, Mr. Chairman, I don't think it's wise either to act without legal authority or legal basis for doing so.

The Chair: Thank you.

I will say two things, and then I want to go to Monsieur Blais.

One, everybody must have legal authority when they act, so I'm sure we all agree with that. But we also have something called the precautionary principle, which everybody in the Department of Fisheries and Oceans, including the minister, agrees is a good principle.

You have to balance those interests, and one of the things in our report was our concern that the precautionary principle was not being looked at in relation to practices that had never occurred on the Fraser River prior to one to three years ago.

Monsieur Blais.

[*Translation*]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Thank you, Mr. Chairman. Good morning Minister, ladies and gentlemen.

I would like to talk about how the cct actually applies. I would like you not only to reassure me but also to persuade me that, in 2005, legislation will be applied to deal with the issue of salmon in the Fraser river. As far as I know, there is enough history there to support the fact that the Fisheries Act is simply insufficient for the current problems. There are people who violate the cct and we know who they are. There is a history. The issue remains applying the legislation. This is why you will never convince me that what you are announcing today, or your response, will lead to concrete action ensuring that the legislation is actually applied.

Hon. Geoff Regan: Mr. Chairman, I do not know whether I will be able to persuade my honourable colleague, the honourable member of the Bloc Québécois, of what we wish to do, or satisfy him. Nonetheless, I can assure you that we are absolutely serious. Mr. Sprout has already stated that nets have already been seized. We

are already taking concrete action in the Fraser Valley. That is extremely important. We will find the means to take concrete action.

Mr. Raynald Blais: I would like more details on the concrete measures taken this year. We have been told about immediate measures, and about an alleged \$2.5 million in interim funding to stabilize application of the legislation in the region. What exactly does that mean?

[*English*]

Mr. Paul Sprout: I can respond to that question.

First, it means we're going to provide more overtime to the fishery officers. One of the areas of concern the community pointed out last year was doing enforcement work during the evenings. Sometimes illegal fishing takes place at night, and we've not had the effort during the evenings we would like to have. So with the additional overtime in place, we can actually do additional patrols in the evening.

Second, you're generally familiar with the Fraser River, but in the Fraser River there's a large canyon area, and it's difficult to access that area by foot. So one of the ways we can get at that is through fixed-wing overflights and helicopter flights to observe fishing nets in the area. If we observe them outside of an open fishing time, we can take action to remove those nets. So those are two specific examples of how we will augment our program over 2004.

•(1235)

Hon. Geoff Regan: I just want to be clear. I think when Mr. Sprout refers to the evening, he means the night, the hours of darkness, not just the ones before midnight.

[*Translation*]

Mr. Raynald Blais: What type of cooperation will you get? How will you succeed? It is all very well to say that there are violations, provide supporting evidence and write it all up in the next fine report, but the point remains to put an end to those violations. What measures will be taken in 2005 to put an end to those violations?

[*English*]

Mr. Paul Sprout: I think this is the real question, in my opinion and in that of the department. Ultimately we need to build a relationship between first nations, non-natives, and the department. We need to address the underlying problem that creates the symptoms, which is illegal fishing. We need to stabilize access arrangements, because right now people don't know what their share is. They tend to compete for their share and fish in a way they shouldn't. The minister announced reform in April of this year to get at those underlying problems.

Further, today we are announcing specific measures in 2005 to augment the enforcement, but it's in combination with tackling the underlying problems and the operational issues. If we work at them together, we feel more confident we can actually find a long-term sustainable solution to the Fraser River issues.

[*Translation*]

Mr. Raynald Blais: Good luck.

[*English*]

The Chair: Mr. Stoffer, please.

Mr. Peter Stoffer: Thank you again, Mr. Chairman.

I'd like to go back to the issue of enforcement. If a DFO officer knows illegal fish are being sold at the back of a vehicle, be it aboriginal or non-aboriginal, if that's happening this afternoon in Port Alberni, for example, and is being witnessed, what does the DFO officer do right now?

Mr. Paul Sprout: The first thing the DFO officer would do would be to determine whether there is an agreement that permits that sale, because we do have agreements where sale is permitted. So his first course of action will be to verify that the sale is valid. If the sale is valid, he will observe it but he will take no action, because it is legal, it is constituted, and it is within the terms of the Fisheries Act.

If he's apprised that a sale is occurring, there is no agreement in place, and in fact it's illegal, he will have to decide what the best strategy is to respond to that particular action. It may be to move in immediately and stop it, it may be to carry out surveillance and then carry out action afterward, or it may be some other measure, but it would be at the discretion of the fishery officer, his supervisor, to decide what the best strategy is to respond to that circumstance.

The reason I make this point is because it's not just about first nations that violate the Fisheries Act or create problems. We have problems in both native and non-native fisheries. The fishery officers have to make choices about where to put their resources, where to put their effort. That's why we want to have something a bit more flexible that allows the officers to respond under the circumstances that make the most sense. So he or she will assess that circumstance, decide what the best course of action is, and then pursue it.

Mr. Peter Stoffer: Mr. Minister, in terms of the overall plan for restructuring and managing the west coast fishery, is the department moving to an ITQ system?

Hon. Geoff Regan: I think if you look at what we have released, our blueprint for change, on April 14, you see where we're going. You see that we're looking at a variety of options, but I'm not committed to moving necessarily to ITQ.

We are, for instance, trying some things this year in the north coast troll fishery. We're trying a number of different things in a number of fisheries, as you know, to see what works best. We have a clear majority of the fishermen involved in that troll fishery wanting to go that route. So we're looking at individual cases and what works best.

There's no question that we need reform in the way the fishery is managed in British Columbia. We need restructuring. We're looking for ways that will work to do that. That may or may not be ITQ.

I'm going to ask the deputy if he wants to add a comment to that.

No? Okay.

Mr. Peter Stoffer: In terms of the reallocation of \$5.2 million, where is that money coming from within the department?

We heard in previous testimony that DFO officers are being reduced or cut from the central and Arctic regions and you're going to more of a monitoring system in those areas. Is that where some of it is coming from?

•(1240)

Hon. Geoff Regan: I'll ask the deputy to answer that, or perhaps George or David.

Mr. David Bevan (Assistant Deputy Minister, Fisheries and Aquaculture Management, Department of Fisheries and Oceans): There's a mixture of new money and reallocation from within our sector. I can tell you that none of it is coming from any of the expenditure review committee decisions. That's not the source. Some of it is the money the minister noted. As well, we have decided on certain things within the region or within the sector to move cash to the front-line operations, away from deferred training, away from some deferrals on other centrally controlled budgets. So we're postponing some of these things and moving it into the front-line operations to augment it.

Hon. Geoff Regan: Mr. Chairman, the deputy would like to add a word, if he could.

Mr. Larry Murray (Deputy Minister, Department of Fisheries and Oceans): The \$40 million, plus the \$15 million that the minister talked about, is all going to things like enforcement, like science, like this committee has talked about.

For example, of the \$40 million, \$11.5 million is going to enforcement across the country. A portion of that \$11.5 million is part of the \$5.25 million—all of that. In fact, we're under very clear constraints to ensure that that's the way the money is spent, so it is going to those things entirely.

Mr. Peter Stoffer: My last comment—because this will be the last time I get a chance to say this—is that you're pretty soon about to make a decision on the Taku River watershed.

Mr. Sprout, if I were you, I'd recommend to the minister not to allow that penny-stock company to build that road through that wonderful area.

Thank you.

The Chair: That was totally bootlegged.

Mr. Peter Stoffer: Absolutely, it was bootlegged. That's the last chance I'm going to get.

Thank you.

The Chair: Mr. Cuzner, please.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Thank you, and I'd like to thank both the minister and the officials for making this a priority. I know you have a very busy schedule; your response in coming to appear before the committee is recognized and appreciated.

I want to get more clarification on the restructuring, the enforcement efforts, and what we're going to be doing this year. For clarification, have we used overflights in past years?

Mr. Paul Sprout: Yes, we have, but the issue was on how many overflights we were doing and our access to helicopters. Helicopter overflights are the most expensive type. In 2005 we'll have additional money. We'll be doing more overflights; we'll have more flexibility to use helicopters, which is probably the most effective technology, particularly in some sections.

Mr. Rodger Cuzner: I recognize resources are limited, and it's the best expenditure of those resources, but, for example, on this 16-man unit you've referred to, where would those 16 officers come from and how would their place of deployment be determined? Will their performance be assessed at the end of the season? Will the changes being made be permanent, or will they be assessed at season's end?

Could you comment on that?

Mr. Paul Sprout: The officers will be relocated temporarily from other locations in British Columbia. For example, we have officers on Vancouver Island, on the central coast, on the north coast, and so forth. These are all trained officers. They are very experienced. We'll monitor the situation, in this case, on the Fraser. If we believe we need to augment the number of fishery officers on the Fraser for some reason, we'll have the flexibility to call on these officers. We'll move them onto the Fraser, into the area of concern, for a period of time. It might be a week, two weeks, or a few days. Then, after the incident or issue in the area has been addressed, they'll return to their home units. That is the intention.

At the end of the year, we'll evaluate both the decision to rotate officers in the way I've just described and the organizational structure that I referred to. We'll look at how efficiently the structure worked, at its effectiveness, and whether we felt in the end we had better delivered the true objective, that being compliance.

Mr. Larry Murray: If I might just add to that, this pilot is not just in terms of the Pacific region. If it works in the Pacific region, we'll be looking at rolling it out nationally, across the country; in other words, a line reporting relationship to an RDG through a director of C and P across the country. It is not just a Pacific trial; it's a trial for the entire fisheries renewal process.

• (1245)

Mr. Rodger Cuzner: I know there has been success on the east coast with some concerns about overfishing. When there's a focus taken on the processors and when CCRA, or whatever, officials go in and determine the amount of resource purchased by the processor and correlate it with the amount sold—with the related revenues—and when a disproportionate amount is recorded as being purchased and it is out of whack with what they're actually selling, is there a relationship there now? I see the processors as being one of the major culprits. What about selling ceremonial salmon? I don't see that as being the biggest source of concern here, but when it becomes commercially viable to take illegal resource, process it, and sell it, then you are looking at a significant amount of resource. How are we dealing with the processors on this?

Mr. David Bevan: You are referring to the forensic audits we do in Atlantic Canada. We take the records when we have reasonable grounds to suspect there's been misreporting on the commercial catches.

As Paul noted in the Pacific situation, the officers are going to be exercising their discretion in deciding whether it's best to go down that route or another route.

Clearly, the best solution is not to have the fish taken in the first place. The forensic audits are dealing with overfishing after the fact. What we'd really like to do in the Pacific context is improve the relationships between the various user groups, get a better under-

standing of sharing, and have a more cooperative and collaborative process to utilize those stocks in a sustainable way.

If there's a large-scale operation going on—and that's what these forensic audits are really designed to deal with—that would be after the fact, obviously, but it's a tool that's available to us. Obviously, we would prefer not to have a large-scale operation under way. We prefer to prevent the problem from happening in the first place.

Mr. Rodger Cuzner: And I agree with you fully. I think if there is a strong incentive on the part of the processors not to enter into this game and not to empower the people who are selling the illegal product, it's incumbent on us that we pursue it as well.

Have forensic audits been done on the west coast before?

Mr. Paul Sprout: To a limited extent, yes. But as David has said, usually we would prefer to stop the fishing at the front end, where it actually takes place. The forensic audits are exceptionally expensive to do, and you're draining resources away from the front end if you decide to do it like that.

In the case of salmon, in contrast to groundfish, we think we can better use the resources we have at the front end, basically stopping the fishery before it occurs, or taking measures if it does occur to curtail or constrain it. However, having said that, there are instances when people have taken fish and are selling them, and we think there are issues around traceability, which this committee actually raised in December when we met, and we are going to be looking at these as part of this overall package—issues of how we can better track fish so that we can then deal with processors who are selling fish illegally.

The Chair: Thank you, Mr. Cuzner.

Colleagues, because of the truncated nature of our committee meeting due to votes in the House, we really haven't had the opportunity we'd like to have. But the minister has another engagement that he must get to, and it will take him at least seven to eight minutes to get to it, and he has to be there. So I'm going to excuse the minister. He's assured us that his officials will be able to stay. We've had two rounds with the minister. I'd suggest a lightning round with his officials.

Thank you very much, Minister.

By the way, I should say thank you very much for responding to our report in under 120 days. We would have liked it in 60, but hey, we'll take whatever we can get, and certainly it was under 120. I know it was an effort, so thank you.

Hon. Geoff Regan: Thank you, Mr. Chairman. Let me make it very clear that if you want officials to come back for a technical briefing, they're certainly available to do it, whether next Tuesday is good or... Obviously, that's at your discretion.

The Chair: Well, I guess whether Tuesday is good is really not up to us.

Thank you, Minister. We'll just go the lightning round so that everybody gets a chance.

Are you ready to fire some lightning, Mr. Cummins?

•(1250)

Mr. John Cummins: I must admit, Mr. Chairman, that I'm not exactly encouraged about prospects for the Fraser from what I heard this morning. The minister and others have talked about a comprehensive plan for dealing with enforcement; they talked about leadership, and so on.

One of the areas addressed in the documents we received this morning is the commitment to improvement in catch monitoring. I would like to ask if someone over there, perhaps Mr. Sprout, could explain how the installation of two precast washroom facilities at the Cheam fishing site at a cost of \$20,000 improves catch monitoring.

The Chair: That is something we asked before, and we had an undertaking to get back to us on it. I know the deputy minister was here when that question was raised. Can either of you answer it now? Mr. Sprout?

Mr. Paul Sprout: I can start, and the deputy may wish to add. I think what Mr. Cummins is referring to is that we have landing stations on the Fraser River, and at the landing stations we establish what we call "catch validators". Those are people who are at these sites on a full-time basis, and as the fishermen catch their fish and land them, they're responsible for recording the catch, documenting it by species, by number, and so forth. Over the course of the day, they may occasionally have to go to the washroom. As a consequence of that, we did construct, I believe, a couple of washroom sites or facilities to accommodate this.

Beyond that, though, is the question of catch monitoring. In 2005, as this report lays out, it is our intention to augment resources for catch monitoring. We'll do it by increasing the number of validators, of whom I just spoke.

The second thing we're going to look at is the ability to do real-time catch monitoring. Right now, the fishery takes place over 24 hours, or 48 hours, or whatever the time period is. We determine the catch over that time period; then that's provided in advance of the next opening. What's being contemplated in 2005 is real-time reporting, so that we'll actually be exchanging the catch information between the different fishing sites while the fishery is occurring.

Mr. John Cummins: I appreciate that, Mr. Sprout, but you did answer my question, and I think you're going on a little bit on something else.

The issue on this washroom facility I think is a little bit more troubling, because in fact we've had instances where fisheries officers who entered the Cheam reserve to enforce the law were suspended for doing that. These poachers have operated out of there illegally for God knows how long, and it's really unconscionable that you would see fit to spend taxpayers dollars in that way.

But on the same kind of issue, you found surplus funds last year in your budget, \$12,500 worth in surplus funds, that were directed to the Tsawwassen Band for the purchase or replacement of an existing unreliable vehicle. Yet we heard from fisheries officers here who had 10,000 square miles of territory to cover, and they had only two vehicles with under 250,000 kilometres on them. So who's getting the priority here, how do you justify, and how could you label funds as surplus in 2004? You didn't have money for overflights or to replace your own vehicles.

The Chair: Mr. Sprout, a real quick answer, if possible.

Sorry, Deputy, go ahead.

Mr. Larry Murray: I believe I've answered the original question by letter, Mr. Chairman. I remember signing it, and I think it gives the explanation Mr. Sprout gave.

In terms of vehicles, there is new money for vehicles, but I'll ask Mr. Sprout if he has specifics around the Tsawwassen. I don't. If he doesn't, then we'll answer by letter.

Mr. Paul Sprout: My response is, yes, we believe we do need to replace our vehicles. That's the officers' opinion. It's certainly my opinion, and I'm delighted to say that in the money we have announced this year for 2005, there are substantial new moneys for us to replace vehicles.

The Chair: Thank you.

My table officers are not sure whether we saw that letter.

Mr. Larry Murray: No. I'll check at my end as well.

[*Translation*]

The Chair: Mr. Roy.

Mr. Jean-Yves Roy: Thank you, Mr. Chairman.

Mr. Sprout, in answer to Mr. Cuzner's question earlier, you stated that you did not intend to invest in monitoring processors. I find that surprising. Even though you may have a higher number of fisheries officers on the Fraser River, the problem will remain if you do not deal with the issue of processors. Fisheries officers cannot be everywhere all the time, 24 hours a day. Poaching will continue, and fish will still be sold to the processors. I think that measures applying to the processing system should be taken.

How many salmon processors are there in British Columbia? Certainly not 2000. Is that correct?

•(1255)

Mr. Larry Murray: Mr. Chairman, I will answer, then pass it over to Mr. Sprout.

[*English*]

We have a national study on compliance under way for the very reasons raised by Mr. Cuzner and Monsieur Blais. In that study we're having a look at things like, do we have the balance right? Do we have the forensic audit capability we need? Do we have aerial surveillance right? Do we have all the tools in the right balance?

At a national level, it's part of our look at compliance. We're having a look at that issue, because in reality you may be absolutely right that we need to focus more on that side of it in order to nail the really bad actors.

So we're looking at it in terms of a national study, and we could come back to the committee and give an overview on the fisheries renewal piece and the compliance part of it.

Mr. Paul Sprout: The other thing I would add is that we're not ruling out doing work with processors this year, but it is true that we want to focus on the front end, the fishery, the fishermen, and try to see if we can address it most effectively from that point of view.

We recognize that there are issues with, in some cases, people selling fish illegally, inappropriately. We think that's something that does have to be addressed, but what we're trying to do is take the resources we have and concentrate in the areas that I think you and others have pointed out for 2005. That said, though, we are not ruling out the flexibility to look at the processing end, where that's a valid issue.

The Chair: Thank you.

We'll have one question from Mr. Stoffer and one question from Mr. Murphy.

Mr. Peter Stoffer: Thank you, Mr. Chairman.

Mr. Sprout, I know it's going to be a difficult decision on the Cultus Lake sockeye, because either way, you're probably not going to have very many friends. But if indeed the department shuts the fishery down because of the fragile nature of those stocks, my question is quite simple: will you shut the fishery down for all fishing activity? That includes commercial, recreational, aboriginal, food, social and ceremonial, the whole kit and caboodle; if you shut it down, nobody, under any circumstance, will have access to that fishery.

The problem the commercial side has is that they'll be shut out and other sectors will have access to that. That will be a big problem for them.

So my question is quite simple. If you close it because the species are endangered, will you shut it down for everybody?

Mr. Paul Sprout: It's a simple question, but my answer is not simple, because of the fact that you're dealing with Pacific salmon.

First of all, we are not contemplating shutting down the fishery in 2005. We are contemplating fishing for Fraser sockeye in 2005. Having said that, commercial fishermen and others would like us to fish more, and environmentalists and first nations on the Fraser River would like us to fish less. That's the dilemma. But at some point, we'll make a decision about fishing.

When we actually fish, the fish is apportioned among the various commercial, in some cases sport, and first nations groups. Depending on how they've achieved their proportion, it may be that some groups are not fishing, but another group is fishing to catch their share. That's a possibility.

The final point I wanted to make is that in the scheme of this, access to social and ceremonial food for first nations is the highest priority after conservation. It's possible that you could have other fisheries stop but still fish for food, if conservation permits.

It's a long answer to your question. The first answer is that we contemplate fishing. It's going to be challenging to find the balance among the diverse views. We will fish consistently with the allocations among the parties and the different groups. There may be

good reasons and rationale for why some groups are fishing and some aren't, but it's consistent with their share arrangements.

The Chair: Mr. Murphy.

Hon. Shawn Murphy: I would like one point of clarification on what we discussed. Mr. Cummins made the allegation that there are illegal sales going on now, as we speak, in Port Alberni. You were questioned on it, and you said these could be legal sales. Could you explain that?

Mr. Paul Sprout: Yes. In the case of Port Alberni, we've entered into agreements with the first nations in previous years that will permit sales under certain circumstances. Those sales would define the number of fish or the share they could harvest. It defines where they would fish. It also describes the type of gear they would use and the reporting requirements.

In Port Alberni, depending on the year and the time, it is possible those fish could be fished and sold under legally constituted arrangements.

● (1300)

Hon. Shawn Murphy: Are none of these agreements for the Fraser River?

Mr. Paul Sprout: Yes, those agreements also take place for the Fraser River.

Hon. Shawn Murphy: Mr. Sprout, having practised law for 25 years, my point is that for all these agreements where you give them a number, and you don't know if they've exceeded the number and the people who are fishing wouldn't know, I would think it would make prosecution almost impossible.

Mr. Paul Sprout: We've successfully prosecuted illegal sales. Admittedly, it is challenging. The test is very high, and you're familiar with that, but we have been able to do it.

The Chair: First of all, let me thank the officials for coming.

Let me congratulate Mr. Sprout, or whomever is responsible, for getting rid of the word "acting" before your name, Mr. Deputy Minister. Good for you.

In our letter to the minister, the committee was clear that we would listen to what you had to say and to what the minister had to say. We would then decide what, if any, further action we were going to take vis-à-vis our report. Obviously, we haven't had a chance to digest what was tabled this morning. We'll see where we go from there.

We thank you. We will take up your invitation, if the committee so decides on more technical briefings or further questions.

Good luck, Mr. Sprout. Let's hope it isn't a repeat of 2004.

Thank you, everyone.

We're adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.