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—
Chair

Mr. James Bezan

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•(0905)

[English]

The Chair (Mr. James Bezan (Selkirk—Interlake, CPC)): We'll call this meeting—meeting 24—to order.

Before we get to our witnesses, we do have a notice of motion from Mr. Scarpaleggia. It has been circulated, I believe. Everybody has it.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Thank you, Mr. Chair. Do you want me to speak to it briefly?

The Chair: Perhaps you can first read it into the record.

Mr. Francis Scarpaleggia: Do you want me to read the whole thing, or can we dispense with that?

The Chair: Sure, dispense; you can move to speaking to it.

Mr. Francis Scarpaleggia: Okay.

So far we've had some very constructive hearings on the subject of oil sands and water. As you know, this whole idea has been on the books for more than a year. I would just like to finish with it so that we can move on to Bill C-311, among other things, and give our researchers something to do during the summer—namely, draft a report.

I am proposing that we hold a maximum of three meetings to hear the last witnesses on this issue and be done with it so that we can come back in the fall and consider a draft report.

The Chair: Does anyone wish to speak to this?

Ms. Duncan.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): I would like to propose an amendment, whether it's acceptable or not.

I would like to propose that the orders be reversed, and that we proceed on the 9th to review Bill C-311, the proposed Climate Change Accountability Act. That would be consistent with the rules that we previously adopted to give priority to the legislation. It's recognized worldwide that we need critical action on climate. To keep deferring this matter just seems inappropriate.

Secondly, I would like to recommend that we reduce the further list of witnesses. I'm open to persuasion, but as we sit here, the province is continuing to issue permits for the expansion of the oil sands facilities, including permits for the withdrawal of water.

We have already heard from a good number of witnesses, highly qualified science, industry, NGO, first nations witnesses, and I feel

compelled to be expediting our recommendations to the federal government rather than making this more of an academic exercise.

I am fully supportive of hearing Dr. Jim Bruce, who, we had agreed, was a priority; he just wasn't available to come to Alberta. The same with Dr. John O'Connor.

It is, by the way, Dr. John O'Connor, not Dr. Jim O'Connor.

I am open to persuasion on the other witnesses, but I need to be convinced that they would add anything additional that would be of substance and necessary for us to deliberate on the matter.

The Chair: What's the exact wording of the amendment, Ms. Duncan?

Ms. Linda Duncan: My amendment is that the meeting date set forth in the tabled motion be reversed; that in fact the review of Bill C-311 occur on the 9th, 11th, and 16th; and that the continued deliberations on the impacts of the oil sands on water proceed after that, on the 18th and 23rd.

The second part is that, in the need to come forward with timely recommendations for the federal government to deal with the impacts of the oil sands on water, we give consideration to reducing the witnesses we hear, and we instead spend the time remaining on coming forward with recommendations.

The Chair: Okay.

We have an amendment on the floor.

Speaking to the amendment, Mr. Warawa.

Mr. Mark Warawa (Langley, CPC): Chair, I could have raised this as a point of order, but instead I'll raise it to you as a question: is this amendment in order?

The reason for my question is that at our last meeting, the exact opposite happened. The Bloc and the NDP had proposed to begin Bill C-311. I moved an amendment that we deal with the completion of the oil sands. It was deemed to be not in order. The exact opposite is happening today.

So this is my question to you: is their amendment in order?

The Chair: The amendment is in order on the basis that this motion does mention Bill C-311 and assigns dates to it. What we are doing is just changing when the studies are going to be held. Since both the oil sands study and Bill C-311 are mentioned in this motion, and all Ms. Duncan is doing is reversing the schedule of what's been proposed by Mr. Scarpaleggia, it is in order. We are speaking to the amendment.

Mr. Mark Warawa: Thank you, Chair.

I'll respect that decision and I will be voting against the amendment. I know we had a very clear and thorough discussion as recently as a couple of weeks ago. We have an agenda that was approved at the last meeting. There was an attempt by the NDP to change that, and now there's an attempt again to change that, so I will not be supporting that.

The Chair: Okay.

Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Chair, I will support the NDP's motion. I think there is a clear desire that is usually expressed by committees and the House. And that is to ensure that bills take precedence over all other issues, especially when those bills have been endorsed by the House at second reading. It seems to me that Bill C-311 should be a priority for us. That is what the NDP's amendment is trying to do. That is what committees have always tried to do when studying various bills and issues. So, we will wholeheartedly support this amendment by the NDP, which aims to make Bill C-311 a priority.

● (0910)

[*English*]

The Chair: Mr. Woodworth.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Thank you very much.

I must say I'm a little bit surprised that the NDP is proposing this motion. By my count we have spent about two full meetings discussing whether or not to bring Bill C-311 ahead. That's two full meetings that we could have spent hearing witnesses and deliberating, and here we are back at it again.

Now I well understand that the NDP has an agenda. It's their agenda to get their bill heard ahead of other things. They think their bill is more important than the water in the Athabasca River system. Their bill is more important than the concerns that were raised in Fort Chipewyan and other places about the oil sands. And their bill is more important than some of the other issues we've had in relation to the oil sands. But there surely has to be a limit to the amount of time one can spend debating the same thing over and over and over again.

An hon. member: Hear, hear!

Mr. Stephen Woodworth: I would venture to think that if members of the public were aware of how much time has been spent debating bringing Bill C-311 ahead, they might consider it to be a waste of time. We could have been spending the time more productively doing other things. I suppose I'm disappointed that we're going to be wasting another meeting debating this same thing all over again.

Thank you.

The Chair: Let's hope it's not the entire meeting.

Madam Duncan.

Ms. Linda Duncan: I have just a quick reply, Mr. Chair.

I think the public is quite aware of the seriousness of my party with regard to the impact of the oil sands on water, air, and health. That's well known. I don't think that's a matter of dispute as much as some other parties might think.

If you look at what I said when I proposed my amendment, given the agenda that was proposed in this motion, there's absolutely no intention, if we accept that motion, to move expeditiously on recommending any action on addressing the impact of the tar sands on water. That is precisely why I raised my motion.

I am simply putting forward the proposal to be consistent. Of course, the NDP thinks that our bill on climate change action and accountability is important, just as the Conservative Party thought their enforcement bill was important. Our party had the courtesy to allow that bill to move expeditiously and bounce everything else on the agenda. So, as I said previously, I'm simply asking for consistency in the committee. All bills should be treated equally. That's the way other committees operate. I realize we can make up our own rules as we go along.

So I don't want to belabour it any further. I put forward the proposal and I would simply suggest that we vote if there are no further comments.

The Chair: No other speakers? Okay, we're voting on the amendment.

Monsieur Bigras.

[*Translation*]

Mr. Bernard Bigras: It will have to be a recorded vote, please.

[*English*]

Ms. Linda Duncan: I would like to call for a recorded vote, Mr. Chair.

(Amendment negatived: nays 8; yeas 3)

The Chair: The amendment is defeated. It's back to the main motion. It's circulated. Is there any further discussion?

Mr. Warawa.

Mr. Mark Warawa: I'd ask for a friendly amendment. After "Dr. Jim O'Connor" I would also like to add "and the Alberta Cancer Board". I think it would be a good balance to have them both at the same meeting.

● (0915)

The Chair: Okay.

Mr. Francis Scarpaleggia: I would accept that.

The Chair: It's accepted. Okay.

Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: Can we discuss the motion before voting? I want to explain why I am going to vote against this motion.

First of all, it sets a strange precedent for this committee, meaning we decide to put other issues even before bills under review. I would remind the government that when Bill C-16 came before committee, the opposition committed to giving the bill priority because we believed that government bills and private bills should take precedence over all other matters. I would also remind the government that it, too, committed to giving priority to Bill C-311 because it believed that private bills should come before other matters.

Therefore, I think this motion sets a dangerous precedent within this committee, by putting other matters ahead of private bills. So if this applies to Bill C-311, I would like it recorded in the blues of this committee so that it will apply to all other matters and all other bills sponsored by the government or even the opposition.

[English]

The Chair: Are there other comments? Discussion?

(Motion as amended agreed to)

The Chair: Okay. We're going to continue on with our agenda.

We're going to welcome to the table the Species at Risk Advisory Committee, as we continue on in our study of the Species at Risk Act and the statutory review of the legislation. We have joining us, Patrick McGuinness from the Fisheries Council of Canada, Julie Gelfand from the Mining Association of Canada, Rachel Plotkin from the David Suzuki Foundation, and Sarah Wren from Nature Canada.

Welcome all.

Who else do I have here? Lorra Thompson. I guess she's not with them.

Anyway, I'll turn it over to you, Ms. Gelfand, if you can bring your opening comments.

Mrs. Julie Gelfand (Mining Association of Canada, Species at Risk Advisory Committee): Thank you.

Thank you very much to the members of the committee for inviting the Species at Risk Advisory Committee to be your first non-governmental comprehensive look at the Species at Risk Act.

I want to first indicate to you that the fact that we've come to a consensus is quite a remarkable achievement. If you look at the back of our brief, it enumerates the groups that have agreed to this brief that we are presenting to you. I would like to draw your attention to it because I think it's quite important that you note which groups there are and the variety of groups.

We have the Forest Products Association of Canada, the Mining Association of Canada, the Electricity Association, the Association of Petroleum Producers, the Fisheries Council of Canada, the Cattlemen's Association, the Canadian Federation of Agriculture, and the Canadian Energy Pipeline Association.

On the environmental side, we have the Canadian Wildlife Federation, Nature Canada, the David Suzuki Foundation, Ecojustice, World Wildlife Fund, and the Quesnel River Watershed Alliance.

Finally, on the academic side, we have a University of Ottawa professor from the Telfer School of Management.

The important thing for you to understand as we do our presentation is that this is a consensus document. Therefore, we can only take questions on this document and what is in the document. We will all be appearing in front of you, for the most part, as individual organizations. For now we're here as a group presenting our consensus recommendations to you. I think that's just something we need to say up front, which is quite important.

We do consider it, though, a big success that this variety of groups has been able to come together to agree on a set of recommendations. For that reason, we need to stick very closely to our brief, and we will be reading it and trying to shorten it as best we can over the next 10 minutes or so.

So I'll begin.

[Translation]

Thank you for inviting us to give our opinion on the Species at Risk Act. As I already mentioned, our group is made up of industry stakeholders, environmentalists and academics, who have reached a consensus. Therefore, we will answer only questions pertaining to our presentation.

The Species at Risk Advisory Committee (SARAC) provides advice to the Minister of Environment, the Parks Canada Agency, and the Minister of Fisheries and Oceans, especially on the implementation of the Species at Risk Act (SARA).

SARA advice is discussed by individual committee members with a view towards collegiality, cooperation and consensus. However, in recognition of the diverse nature of SARAC membership, consensus is not a pre-requisite to providing advice.

Therefore, this brief is representative of discussions that have occurred within SARAC since it was established in 2005. This brief highlights issues that have been discussed at SARAC meetings that members feel are important to bring to your attention even though there may not be consensus on all these issues by all SARAC members. It is important to note that federal employees are not members of SARAC. Our membership is made up solely of industrial groups, environmentalists and academics.

Overall, SARAC is very disappointed with the implementation of the Species at Risk Act. SARAC remains frustrated that key policies and operational guidelines and practices essential to the effective implementation of the act are taking too long to finalize and implement. The process to obtain and use SARAC advice is not being fully utilized by members of the government.

The basic SARA framework is workable. SARAC is of the view that once the act has been reviewed, there may be specific sections that may need to be amended in order to make the act more effective. However, efforts to improve the protection and recovery of species at risk and their habitats will also require a focus on improving the implementation of the act. SARAC is strongly of the view that regulatory certainty is in everyone's interest.

SARA appreciates the hard work to date by federal government personnel in implementing the act. SARAC stresses, however, that all interested parties, including federal, provincial and territorial governments, must cooperate, learn and adjust species at risk principles, policies and practices to ensure the ongoing protection and recovery of species at risk, their residences and their critical habitats.

We encourage federal departments to ensure fully effective and appropriate cooperation and consultation with aboriginal organizations, including the National Aboriginal Council on Species at Risk, and in appropriate circumstances, with wildlife management boards on assessment and listing decisions, recovery planning and other matters.

The preamble of the act states that:

the Government of Canada is committed to conserving biological diversity and to the principle that, if there are threats of serious or irreversible damage to a wildlife species, cost-effective measures to prevent the reduction or loss of the species should not be postponed for a lack of full scientific certainty.

SARAC believes that the application of this precautionary principle must be applied across the full spectrum of the SARA risk conservation cycle—assessment, listing, protection, recovery planning, implementation, and monitoring and evaluation.

My colleagues will give the rest of our presentation, so I will pass the floor over to Sarah Wren from Nature Canada.

• (0920)

[*English*]

Ms. Sarah Wren (Nature Canada, Species at Risk Advisory Committee): Thanks, Julie.

Thank you, Mr. Chair and committee, for having us.

I'd like to start briefly speaking about assessment challenges. SARAC supports efforts to ensure that COSEWIC receives adequate resources to achieve more vigorous and comprehensive scientific analysis.

I'll move on to listing challenges under the act.

Within SARA, the issue of socio-economic analysis and where it is most applicable must be addressed. SARAC urges Environment Canada, Fisheries and Oceans Canada, and Parks Canada Agency to form a joint committee with the objective of developing, finalizing, and publicly posting a consistent framework for the application of socio-economic analysis in SARA. The development of this framework requires consultation with all interested parties.

The entire socio-economic analysis process must be fully transparent. All interested parties must have timely opportunity to participate in the development of socio-economic analysis, regardless of where in the SARA conservation cycle socio-economic analysis—

• (0925)

The Chair: Ms. Wren, could you just slow down a little bit for our interpreters?

Ms. Sarah Wren: I'm sorry.

Moving on to the extended listing process, the Governor in Council must make a decision on whether to list a species within nine months of receiving a COSEWIC assessment. Decisions to list species often require extensive consultations with stakeholders, other jurisdictions, aboriginal peoples, and wildlife management boards. As a policy matter, the federal government has determined that under a normal listing process, GIC receipt of a COSEWIC assessment will begin within three months of posting the response statements on the SARA public registry. Under an extended listing process, GIC receipt occurs once consultations with affected parties have been completed. SARAC has discussed the extended listing process and would like to point out that this process may involve considerable time lags between completion of the COSEWIC assessment and receipt of the assessment by the GIC. While appreciating that in certain situations emergency listing provisions may be applicable, SARAC recognizes that time lags delay efforts to protect and recover species and could in fact jeopardize protection and recovery efforts.

Moving on to protection challenges, under certain circumstances, if the laws of a province or territory do not effectively protect a federally listed species or its residence or critical habitat located within that province or territory, SARA provides the federal government with the authority to take action. This authority is referred to as the federal safety net. SARAC stresses that full, ongoing effective coordination and cooperation across federal, provincial, and territorial jurisdictions is essential and should be the primary means of fulfilling the purposes of SARA to protect and recover species and their habitats. SARAC recognizes the possible need to apply the safety net provisions by the federal government in a timely manner in cases where provinces or territories are judged not to provide effective protection of a listed species. To date, the safety net provisions have not been implemented.

Within SARAC there are differing views on when the safety net should be applied, but SARAC members agree that this reflects the necessity for further work to expeditiously define "effective protection". SARA does not define "effective protection". SARAC believes that SARA should provide clear definition of this term. The federal government should also finalize operational guidelines to assist all interested parties on what providing effective protection entails for provincial and territorial laws and for ensuring effective protection for individual species.

Moving on to incidental effects and permitting, existing normal operational procedures and activities will sometimes result in incidental harm of individuals of the listed species or damage or destruction of their habitat. Under certain conditions, agreements and permits under SARA could authorize the project proponent to carry out activities that would otherwise violate the act if they do not jeopardize the survival or recovery of the species. The assessment of whether an activity jeopardizes survival or recovery of the species should be based on best available scientific information, including that provided in the recovery strategy, and should be made publicly available.

To date, some parties requiring permits or agreements have attempted to resolve the uncertainty associated with SARA permitting and agreement processes with limited success. SARAC believes that the policies to guide the granting of such incidental effect permits and agreements need to be finalized and need to promote clarity, predictability, and transparency in the process. The lack of comprehensive finalized policies has frustrated permitting and agreement procedures in a number of instances.

SARAC is of the view that several words and phrases vital to the effective implementation of SARA need to be defined in the act or need to have much clearer definitions. These words or phrases include terms such as “critical habitat”, “residence”, “recovery”, and “effective protection”, and associated terms such as “survival”, “damage” and “destroy”. More clarity and certainty will facilitate the practical implementation of these concepts by all interested parties and better protect listed species and their residences and habitats.

SARAC stresses that in the spirit of the precautionary principle, seeking clarity with respect to these terms should not prevent, disrupt, or slow down effective action. SARAC agrees that clear operational guidelines must clearly address and finalize key definitions to ensure consistent understanding by all interested parties and more certain implementation of the act.

Now I would like to pass it over to my colleague Rachel.

Ms. Rachel Plotkin (David Suzuki Foundation, Species at Risk Advisory Committee): Thank you, Sarah. Thank you, Mr. Chair, and thank you, committee members.

I'm going to be talking about recovery planning challenges.

Strict, mandated timelines are imposed for the preparation and posting on the SARA public registry of recovery strategies and management plans for listed species. As of December 31, 2008, completed and posted recovery strategies were required for 278 species at risk. In addition, management plans were due for 56 species of special concern. In total, recovery strategies for 106 species were completed by that date.

The identification and consequent protection of critical habitat are necessary to the recovery and/or survival of most listed species. The purpose of identifying critical habitat is to ensure that human activities are managed in a way that is consistent with maintaining the biological functions of the habitat necessary to ensure the survival or recovery of the species. Effective protection guidelines can be used to define appropriate management activities.

SARA states that “to the extent possible” the identification of critical habitat must be included in all recovery strategies and in all

action plans “based on the best available information”. Of the 106 recovery strategies posted to date, critical habitat has been identified for 22 species.

SARAC strongly urges that the federal government dedicate adequate financial and human resources to clear the backlog of incomplete recovery strategies as expeditiously as possible. An effective approach must be developed in concert with interested parties to clear the backlog. This approach should also ensure the timely development of recovery strategies upcoming in the future. The finalization of the numerous policy and operational guidance documents that are being developed in consultation with partners will be instrumental in moving forward on this initiative.

SARAC strongly emphasizes that the composition of recovery strategy teams include both governmental and non-governmental experts. In this regard, SARAC believes that recovery teams would benefit from more proactive and inclusive composition of teams. More focused and consistent mandates for recovery teams are essential.

At times, recovery strategies suffer from disjointed, all-inclusive approaches that seem to have been patched together by several authors. The quality and usefulness of recovery strategies would be improved through independent scientific review and through posting the results of those reviews.

I am now going to talk about action plans.

SARA states that a timeline for the completion of each action plan must be specified in each recovery strategy. Core departments have fallen short of the deadlines specified by the act for the preparation of recovery strategies, thus impeding the completion of action plans. To date, there are very few action plans in development, due in part, it would appear, to the lack of human and financial resources available to complete the recovery strategies and the guidance documents needed for their development.

Finally, I'm going to touch on ecosystem approaches.

Recovery planning efforts to date have focused primarily on individual species approaches. SARAC urges a review of the recovery planning provisions in the act, as well as implementation policies, to allow for the more effective use, in appropriate circumstances, of ecosystem, multi-species, and species assemblages approaches as part of the recovery planning process. To this end, the core departments, in concert with non-government experts, need to finalize and implement uniform working definitions for the terms “ecosystem approach”, “species assemblages approach” and “multi-species approach”.

I'm now going to turn you over to my colleague, Mr. McGuinness.

● (0930)

Mr. Patrick McGuinness (Fisheries Council of Canada, Species at Risk Advisory Committee): Thank you very much.

Regarding implementation challenges, federal core departments need to finalize consistent and unambiguous policy documents and operational guidelines to assist in the implementation of SARA across its conservation cycle. However, in addition to these “overarching” policy papers, I want to stress the need for developing and finalizing detailed “second tier” operational guidelines. The lack of these final policies and operational guidelines greatly hinders and confuses efforts to protect and help recover species at risk, their residents and critical habitats.

Notwithstanding financial challenges, SARAC believes increased federal funding is essential to ensure the full and effective delivery of SARA. To assist in implementation and to develop useful learning tools, SARAC urges the core departments, with inputs from interested parties, to establish best practices and case studies regarding the listing process, recovery strategies, and action planning.

Regarding the minister's round table, SARA requires the Minister of the Environment to convene at least every two years a round table of persons interested in matters respecting the protection of wildlife species. The 2006 minister's round table was inclusive and transparent. However, the 2008 minister's round table fell considerably short of the 2006 meeting.

SARAC wants the minister's round table to be inclusive, comprehensive, and transparent. Round table recommendations and ministers' responses should be posted on the SARA registry in a timely manner. SARAC should be invited to help shape the topics, identify witnesses, and participate in the round table.

Thank you very much for your attention. Our crew here is ready for questions.

• (0935)

The Chair: Thank you very much. We're going to start with our seven-minute round.

Mr. McGuinty.

Mr. David McGuinty (Ottawa South, Lib.): Thanks, Mr. Chair.

Bonjour, tout le monde. Thanks for coming here this morning.

It would be very helpful for my perspective if SARAC were able to distill this document down to one page of recommendations. It would be very helpful going forward as we look at SARA in the full review.

Repeatedly throughout the brief there are challenges raised around definitions, clarity of meaning, and words to be expanded. You have it not just on page 5 of your brief when you talk about protection challenges, but under a number of different headings. I assume that a big part of what you're recommending here is that, as legislators, we move to make more precise the understanding of certain terms in the actual act itself. Is that correct?

Mrs. Julie Gelfand: Yes.

Mr. David McGuinty: Okay. Could I make a plea to distill this to one page and sort of make it helpful for us? Is that possible?

Mrs. Julie Gelfand: I think we could come up with one page of recommendations quite easily. Are you asking us to come up with the recommended definitions as well?

Mr. David McGuinty: That would be helpful.

Mrs. Julie Gelfand: We could bring that back to our committee and see if we think we could provide that to you.

Mr. David McGuinty: It would be helpful. You're on the front lines of this—

Mrs. Julie Gelfand: Absolutely.

Mr. David McGuinty: —of the administration.

Mrs. Julie Gelfand: It's whether we can get consensus that will be the issue, but we could give it a try.

Mr. David McGuinty: Well, if you can get consensus, it would help us get consensus.

Mrs. Julie Gelfand: Absolutely.

Mr. Patrick McGuinness: Could I just add to that comment?

Mr. David McGuinty: Please.

Mr. Patrick McGuinness: To a certain extent, we're challenging the departments to respond to those issues in the sense that you do have the act. The departments, by and large, have tried to bring forward, if you will, policies and so on and so forth. What we're criticizing, to some extent, is the lack of speed or lack of movement on that.

I don't know if it's the question that we need additional legislative words, but it seems to be that we certainly need some sort of evolution within the departments as to what their interpretations are—along with interested parties—of some of those definitions.

Mr. David McGuinty: I hear both of you: we need clarity and we need speed.

Mrs. Julie Gelfand: Absolutely.

Mr. David McGuinty: Maybe you can put that for us in two pages, from one to two.

Mrs. Julie Gelfand: The list of recommendations on one and the definitions on another.

Mr. David McGuinty: Perhaps.

I remember the debate that went on years ago when SARA was first being deliberated.

Ms. Gelfand, I think we worked a little on that together at the time. You were in another life at the time.

There was a lot of discussion at the time around scientific listing processes and mandatory habitat protection. There was even a lot of debate about an effective and fair compensation regime. Has SARAC addressed those kinds of questions, and do you have any recommendations to make in that regard?

Mrs. Julie Gelfand: I'm aware that we have discussed the first two issues. I'm not sure if compensation has come up as a SARAC...

Can any of you comment?

Ms. Sarah Wren: I think our discussion around compensation has certainly been that we are anxious to see a uniform policy being developed and uniformly applied. I think all of us at the SARAC table would like to see certainty around the implementation of the act, and compensation is certainly one of those things that many of us support.

I think those questions that had been debated at the time of the development of the legislation are still many things that we've talked about at SARAC and that are strongly supported.

Mr. David McGuinty: Can you help everyday Canadians understand what you mean by compensation? What are the implications of compensation now? Are we talking about rural Canadians here, taking certain actions that are in support of SARA and the protection of species at risk, being compensated? What do you mean by this?

• (0940)

Ms. Sarah Wren: To my knowledge, there hasn't been a compensation policy or implementation guidelines that have been developed, so I can't speak to the use of the concept on the landscape at this point in time. As far as I know, it's not being used yet.

Mr. David McGuinty: Ms. Gelfand.

Mrs. Julie Gelfand: I don't think it has come into effect at this point. The way most Canadians understand compensation would be the opposite of what we're worried about. When rural Canadians find a burrowing owl on their land, the big worry is the shoot, shovel, and shut up. To prevent this, and to encourage people to delight in having an endangered species on their land, we would have to provide them with some assistance as they continue to manage and use their land, while at the same time protecting the habitat of a critically endangered species. The originators of the legislation 10 years ago were hoping to encourage people to be happy about having an endangered species on their land. They are providing a public good and should therefore be compensated. Remember, they are providing a good for the world, not just for Canada.

Mr. David McGuinty: Rural landowners are on the front lines of stewardship. It's a pretty well-established property principle that you cannot expropriate without compensation. If you're asking landowners to do away with certain uses of their lands without compensating them, there is an issue there.

How far did the conversation go? Was it about tax credits? Was it about cash compensation?

Mrs. Julie Gelfand: At this point it has not gotten any further. You need to go back to the act. We're barely getting listed species approved. We have very few recovery plans or strategies in place, hardly any action plans. We're nowhere near the compensation question at this point in the implementation of the act. We are way up at the front end of the act. We haven't gotten to that, because the government hasn't gotten there.

Ms. Rachel Plotkin: It is a common misconception that once a species is listed, habitat protection applies to every species. One of the things that we touched on in this act is that it requires the use of a safety net for the federal government to step on a landowner's rights. We haven't seen any instances where that has even begun to happen. The fear that most landowners have is often not appropriate in the context of the act. The act applies to federal land, unless a safety net

is invoked. So the federal government is not sitting on people's fence posts watching to see whether they're protecting habitat. It can only be invoked if they invoke the safety net order.

Mrs. Julie Gelfand: Right now, the act applies to federal lands, like the House of Commons, or any national park or national wildlife area. But it applies only to land owned by the Government of Canada.

The Chair: Thank you.

Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: Thank you, Mr. Chair.

I heard the answer that you just gave Mr. McGuinty regarding the safety net. However, on page 4 of your brief, you said that:

[...] there are differing views on when the safety net should have been applied, but SARAC members agree that this reflects the necessity for further work to expeditiously define "effective protection".

I take that to mean that no consensus on the safety net has been reached. Views differ. When you say that there are differing views, that means that your group is not unanimous in its position on how and when the safety net should be applied. Am I right?

Mrs. Julie Gelfand: I just want to check.

Mr. Bernard Bigras: It is on page 4.

Mrs. Julie Gelfand: I just want to make sure that the French and English versions are the same.

[*English*]

Ms. Rachel Plotkin: There is a wide diversity of members within the species at risk advisory group committee. Some members feel that the safety net should have applied, and a number of them are involved in a legal challenge. That was on behalf of the spotted owl. The environmental community tried to invoke the safety net to end the logging in spotted owl habitat when there were less than 20 spotted owls in British Columbia.

• (0945)

[*Translation*]

Mr. Bernard Bigras: I want to come back to a point that I find very interesting and that you mentioned in your brief on page 3: the role of socio-economic analysis in listing. I took the time to reread the 2006-2007 annual report related to the Species at Risk Act and especially the April 2006 order in council. The order in council states that:

[...] the Newfoundland and Labrador population, the Laurentian North population, the Maritimes population of Atlantic Cod [...] and the Interior Fraser population of Coho Salmon [...]

were not added to the list because of the potential significant socio-economic implications of doing so.

Does it happen often that certain species are not added to the list because of socio-economic implications, thus resulting from the socio-economic analysis? Is it a frequent occurrence? What is the consultation process? How does it work? How is that kind of decision made?

[*English*]

Mr. Patrick McGuinness: Thank you very much, Mr. Bigras.

Basically what happens in those situations is that you have to remember you have two acts out there, which are complementary. That is SARA and the Fisheries Act.

With respect to fisheries, the federal government does have, if you will, a range of tools that can address issues, and in those instances where analysis shows there's going to be significant social and economic impacts—for example, on coastal communities involved in fisheries—then the government at that point in time takes a wide look at what tools are available.

Under SARA, it's a relatively blunt tool—that is, prohibition. Under, for example, the Fisheries Act, you could introduce measures in terms of closures and things of that nature. So in those instances where there has been, if you will, a decision on the fisheries not to apply SARA in terms of prohibitions, fairly stringent fisheries management regimes have been introduced that try to address the species at risk issue.

[Translation]

Mrs. Julie Gelfand: Mr. Bigras, within SARAC, there is no consensus on where and when socio-economic implications should come into play.

Should it be when the species is determined to be at risk? Should it be when the strategy, the action plan, is being implemented? When should it come into play? There is no consensus on those questions. Clearly, industry associations would prefer to see the socio-economic analysis done earlier in the cycle, and environmental groups, I believe, would prefer that socio-economic interests be taken into account later in the cycle.

[English]

Is that about right?

[Translation]

I want to make sure that...

Mr. Bernard Bigras: ...there is a consensus.

Ms. Julie Gelfand: Yes, there is.

[English]

Ms. Rachel Plotkin: Can I add something, Mr. Chair? I think there's also an inconsistency within departments about how the socio-economic framework is applied to listings. So you'll see the majority of species that aren't listed are under DFO's jurisdiction or within the jurisdiction of Nunavut. But I also think there was agreement within the SARAC that the types of socio-economic valuations need to be expanded upon. So instead of just looking at what the socio-economic impacts are to a fishing fleet of listing a certain type of marine species, it's broadened to what the long-term socio-economic impacts are if this species becomes extinct because it's still allowed to be fished. What are the impacts on other species that are co-occurring within this ecosystem? What even are the impacts of degrading this ecosystem to the point that the functions and services it provides are no longer functioning?

[Translation]

Mr. Bernard Bigras: That is good.

Why is it that critical habitats are hardly taken into account in recovery plan strategies? According to the figures you gave us today,

which have been made public, 106 of the 278 recovery strategies were carried out to completion. So there is a problem when it comes to completing recovery strategies.

There is also another problem. The recovery strategies do not take into account critical habitat. We have subsequent, cumulative problems. As a result, if I understand correctly, species are not protected, and there is no recovery plan.

Why is there such a long delay in terms of recovery plans?

● (0950)

Mrs. Julie Gelfand: The government does not focus enough resources on developing recovery plans. There is a shortage of staff, with too few biologists working on strategies.

You asked why we had not defined critical habitat. First, the definition set out by the federal government is not good enough. Second, they often tell us that they just do not have enough information. Some groups accept that explanation, and others do not. That is why legal proceedings have been initiated with respect to certain species.

[English]

The Chair: *Merci beaucoup.*

Mr. Patrick McGuinness: Could I just add to that?

The Chair: Be very brief. Mr. Bigras' time has expired.

Mr. Patrick McGuinness: One of the problems with recovery strategies is this fact that if we have, say, industry and environmental groups coming together and they can't agree, what then is recovery? That's why our brief also mentions that what we should be looking at are best practices. There are some recovery strategies out there that have worked very well, and those types of templates have to be developed and communicated. I think they will resolve some of these issues.

The Chair: Thank you very much.

Ms. Duncan.

Ms. Linda Duncan: Thank you, Mr. Chair.

I was simply going to give you my time and ask for your recommendations, but since you did such an excellent brief in providing recommendations, I'll quiz you on them.

I do notice that throughout your brief there's a running theme. It's resources, resources, resources. I guess my question would be, is it really an issue of lack of political will? How would you recommend...? Is it simply an issue that there's not the political will to actually give attention to this, or it's not seen as a very popular act to enforce? Or would you recommend that the focus should be on coming up with a strategy on how to resource this, possibly within the government, using external people, such as the community, plus NGOs, plus scientific experts, and so forth?

Mrs. Julie Gelfand: I think most of the members of the SARA Committee would agree that Environment Canada simply does not have the resources. And probably within Environment Canada it is not seen as the highest priority. You had mentioned at the beginning of this session that there are issues around climate and issues around toxics. My experience over 25 years tells me that Mother Nature always takes a second step to Doctor Death.

So pollution is easy to fix. We think technology will fix everything, but when it comes to ecosystem services, biodiversity, and nature, they always get short shrift. That's my personal opinion, not the SARA Committee's opinion, and I apologize for that. But maybe everybody agrees with me.

So it's not a lack of political will, I don't think. I think it's a lack of resources. The political part would be the lack of resources for the entire Department of the Environment for all issues. They're dealing with life on the planet, right? Yet they are the third smallest department in the Government of Canada.

Ms. Linda Duncan: Okay, but in your brief you raise the issue of resources over and over and over again, but you also make recommendations along the line that there needs to be more transparency and participation and engagement. So I would really welcome more of a concrete suggestion. Maybe you're suggesting that what the government needs to do is to get all of the parties at the table—representatives of landowners, NGOs, communities, first nations peoples, and the Inuit—and come up with the framework of how you're going to carry out these plans or implement the act. Or do you think it simply should be 100% the responsibility of the officials who work for Environment Canada?

Ms. Rachel Plotkin: There is a component under the act that is supposed to bring in multi-stakeholders, and that's the action planning. So the way the act was intended is that under the recovery strategy, the science is pulled together to identify what a species needs to survive and recover from. Then the action plan pulls together all affected stakeholders and landowners and interested parties and says, now that we have the science, how do we best move forward in a way that has the least economic impact?

But I think part of the answer to your question is that there is truly a lack of an appropriate policy framework to move forward on the act. There was an independent review done by Stratos, as commissioned by the federal government, looking at the failure to identify critical habitat. I think there are some instances where there isn't enough science, and there are some instances where there clearly is enough science and it is still not being identified—although, again, I should say that's my personal opinion, which might not be shared by SARAC.

But the people who were interviewed for that review by Stratos said that not knowing what effective protection meant, or the lack of a policy framework to know what it would mean to protect a habitat once it was identified, made them reticent to identify it. So I think the absence of completed policies is a significant component of why the act is not being effectively implemented.

• (0955)

Ms. Linda Duncan: I understand this is the first review of SARA, right? With CEPA, we had five-year reviews on and on and on for two or more decades. I'm wondering what your recommendation would be to our committee? What should the focus of this first review be? Should we be looking for people to tell us how to amend the act, which seems to be what happened to CEPA? Over and over and over again it was amended. I'm getting the impression, and correct me if I'm wrong, that you seem to be looking more pragmatically: yes, maybe the act can be perfected, but let's concentrate on actually applying what the letter of the law says right now. We're not actually applying it, including the community

consultations, including the transparency and resourcing and so forth.

Mrs. Julie Gelfand: I think the SARAC members would agree that where we came to consensus was on implementation. The implementation of the act is the key issue. Make no mistake, it is about resourcing. They simply don't have enough bodies. Think about the number of recovery strategies. We're off by 150 or something like that. It's pure human power we need to help get this off the ground.

I think some SARAC members will come to you with some recommendations for tweaking and some small legislative changes, but overall, the consensus of SARAC is that the law is workable. We really need to focus on implementation.

Ms. Linda Duncan: As a lawyer, I'm delighted that you've identified the need to define terms. While I think that Mr. McGuinty is making an interesting suggestion, I frankly don't think it's necessarily your role or responsibility to come up with those. What I would certainly recommend is your recommendations on the framework and how to do it. I think you've done that to an extent in here.

When I worked in Indonesia—I think it was also in Bangladesh—I saw that when they table a law, they actually have an interpretation document. It actually tells you what is meant by those terms. I'm wondering if you think that kind of document might be useful, rather than going back and opening up the act and clarifying those definitions. Over time we may well have to. If it was done transparently, which, unfortunately, has not been the history of lawmaking in this current government, and we actually had an open, transparent process with academics and landowners and NGOs and so forth, do you think that would be a good way to come up with that definitions document? It could be seen as a public document for reading the statute.

Mrs. Julie Gelfand: I guess my answer would be that we need that, whether it's part of the law or part of the policy implementation. It doesn't make a lot of difference to the species at risk or to the people trying to protect them. We just need those definitions to have clarity on both the industrial and environmental sides.

Ms. Linda Duncan: I've been provided information by some of the Inuvialuit who have been participating in the community consultation on the polar bear recovery. They very clearly commend the minister for taking seriously the issue of the fate of the polar bears. But they have very strong criticisms of how the community consultation is proceeding. Interestingly, they seem to concur with exactly the issues your organization has raised. They can't get access to the full report. They're saying that if they're going to generally give input on whether they think it's going to have a socio-economic impact, they should have a right to see the science that COSEWIC looks at, and so forth.

They also raise an interesting issue. They would prefer that the provincial or territorial and federal processes occur in tandem so that they're not overwhelmed with consultations. I'm wondering if you have talked about that kind of process?

Ms. Sarah Wren: We have certainly talked about the need, with regard to listing decisions, for timely consultations. SARAC fully recognizes that there is a suite of consultations that needs to occur. Certainly, with northern species, those can be expensive. I think SARAC understands that what we'd like to see is a process that's consistent and transparent. Anything that can make the most of multiple consultation processes to make sure they are as streamlined as possible is going to mean that decisions are made as quickly as possible. When it comes to species at risk, time is of the essence. So I think SARAC would support that.

• (1000)

The Chair: Thank you. Time has expired.

We'll go to Mr. Warawa.

Mr. Mark Warawa: Thank you.

Thank you for being here today. It's very interesting.

At the beginning of your brief you said that consensus is not a prerequisite to providing advice. If advice is being given, and you do not have consensus, whose advice is it? If you do not need consensus to provide advice, then whose advice are you providing?

Mrs. Julie Gelfand: When SARAC operates, it operates on a couple of meetings a year. Usually, the Government of Canada will be providing us with some documents to respond to, at which time individual members are providing advice from their own association or from their own group. It's not always a prerequisite that we all agree on what we're saying altogether before we send it back to the government. It's not the way SARAC works in real time. The government will come up and say, "Here's our policy on X. What do you think?" Everybody will just respond back. Then they'll come up with the next one: "Here's our policy on Y. What do you think?" It's not that the government presents the policy and then we go away and try to figure out what our consensus is and then come back.

What you have in front of you today is actually a time where all the committee members have agreed on a very short timeline in order to get it into you. They have agreed on the major issues that we think you need to be looking at when you're looking at the Species at Risk Act.

Mr. Mark Warawa: Thank you.

In the brief you say SARAC appreciates, SARAC stresses, SARAC believes, SARAC strongly urges, SARAC strongly emphasizes. When you have some of these stronger descriptives, is this a strong consensus or is it because SARAC as a group, as a committee, feels strongly? Both?

Mrs. Julie Gelfand: As a committee, we feel strongly that these are areas where the consensus is quite clear and where we believe you need, as a committee, to spend your time looking at. On those "strongly emphasize" comments, when Ms. Duncan asked where you should spend your time, it's in those areas.

Mr. Mark Warawa: The first testimony we heard in the legislative review of SARA was from the department officials. You

do have some department officials that are part of SARAC but not part of this brief today. What role do those officials play in their involvement with SARAC?

Ms. Sarah Wren: They play a role in providing us with contacts when we have questions about the development of policies or how things are being conducted within the core departments. They provide us with feedback, analysis, and presentations on progress to date. They certainly sit back and let the SARAC members, who are non-governmental members, debate, discuss, and reach conclusions as need be.

Mr. Mark Warawa: Do they provide any input on the consultation process? One of your frustrations is how long this is taking. Do they provide any input on why things are taking so long?

Ms. Sarah Wren: We get regular updates at our SARAC meetings, and certainly by e-mail, about where things are in the timeline and the development of draft policies. We've certainly seen the policy suite in draft form on several occasions. Yes, we do get updates from them regularly.

Mr. Mark Warawa: Good.

SARA is a relatively young piece of legislation. The first testimony was from the department, and we heard that the beginning stage of the implementation of the act was slow, but it is now accelerating. They're optimistic that it will continue to become more and more effective in its applications.

On page 2, under "Overarching Perspectives", and during your testimony, you said that SARAC is disappointed that it's taking too long to finalize and implement. Then on page 3, halfway through the second paragraph, you say:

SARAC is of the view that these consultation and cooperative efforts are fundamental to the effective implementation of SARA and can often take considerable time, which can risk putting government out of compliance with statutory timelines...

Here's the balance. Do you have recommendations on how to properly consult and get that needed consultation, that input from the government to meet these timelines? Yes, I've heard loud and clear—we all have—about your recommendations and making sure that it's properly resourced, but how do we get that balance on proper consultation too and those timelines?

• (1005)

Mr. Patrick McGuinness: Maybe I can comment. That is a critical issue primarily with respect to the fishing industry, and also to the aboriginal peoples, in terms of consultations, because both our sectors, aboriginal peoples and the fisheries, have a widely dispersed number of fishing communities.

Our fishing cycle generally is very intense, for example, from April right through to October. If you have, for example, a consultation cycle from SARA that comes into conflict with that type of fishing season, it creates a difficulty. So you're absolutely right. One aspect in terms of the SARA is that the nine-month window was put in there arbitrarily, but in certain segments—the fishing industry and the aboriginal peoples—it's very difficult if the cycle doesn't match what, in our case, is the fishing season. So you're right, it's a dilemma, and it's not solvable at this point in time.

Ms. Rachel Plotkin: I think “young” is a fairly subjective word. It's like saying the older I get, the more 40 seems young. Six years can be seen as young, but six years is also a fairly significant amount of time for a species that's in peril and is threatened with extinction.

For a number of the places in the act, there are consultations that are required. One of the main things this report highlights is the lack of completion of recovery strategies. Again, there were 101 recovery strategies completed out of 307, which is about one-third of the recovery strategies that have met their statutory deadline, and 21 out of the 101 have identified critical habit. Again, sometimes it's a matter of consultation and sometimes it's a matter of using the best available science. So I do think we need to differentiate. There are times when consultation is appropriate, and it might take a long time. There are also times when the information is out there, and to ignore it or to delay it jeopardizes the survival of many of Canada's species at risk.

The Chair: Thank you very much. Time has expired.

We're going to go to our five-minute round.

Mr. Scarpaleggia.

Mr. Francis Scarpaleggia: Thank you very much.

And welcome to the witnesses.

I'm quite interested in the safety net provisions and recovery strategies and the lack of enough data or scientific evidence to make decisions. It all seems related to me. We can't have recovery strategies because we don't know enough, maybe, about habitat or the state of the species itself. The safety net provisions, I imagine, are quite radical in terms of asserting federal authority.

As an aside, I would imagine that authority is constitutional, yet you can't take drastic action if you don't have the evidence to support your drastic action.

Am I correct that this is one big ball of wax, really related to the absence of scientific data? Am I understanding correctly, or am I just—

Ms. Rachel Plotkin: One of the conundrums of the safety net is that it is a discretionary tool. So the minister must invoke the safety net if the minister is of the opinion that a species is in peril or that its habitat is not being effectively protected. Again, under all of this, science for some species is going to be difficult, and there are other instances where there might be science. Any time the safety net would be invoked, it would be because there is a clear case that the species' numbers are very low and it might face imminent extirpation, or because the habitat is not being effectively protected.

•(1010)

Mr. Francis Scarpaleggia: Are you aware of any cases that are so clear-cut that in your opinion the safety net provisions should have been invoked?

Ms. Sarah Wren: It's not a consensus position of SARAC, but certainly there have been instances where various groups have brought forward examples. One example is the tiny cryptanth, which is a small plant that is found in grassland habitats in Alberta and Saskatchewan. A request was made that the safety net provision be applied because various groups were of the opinion that the laws of Alberta did not protect the tiny cryptanth, which is quite an

endangered plant and in fact has been quite threatened, for example, by residential development in Medicine Hat. However, no action was taken on the tiny cryptanth in terms of the—

Mr. Francis Scarpaleggia: And it was pretty clear that something needed to be done scientifically?

Ms. Sarah Wren: Yes, there aren't very many of the plants. Some of their habitat was being bulldozed to put in a subdivision.

Mr. Francis Scarpaleggia: So I guess the government would have invoked socio-economic considerations. It is allowed to do that, of course, as I think Mr. Bigras mentioned.

In other words, what was the response you got from the government to your request?

Ms. Sarah Wren: The groups that were involved didn't receive a detailed response, but our understanding was that the federal government was attempting to work with the Government of Alberta to make sure they recognize their responsibilities under the national accord for the protection of species at risk.

Mr. Francis Scarpaleggia: Did anything come of that consultation? That seems to be the default answer of governments, that they can't act but they'll consult with each other, and then it sort of gets lost.

Last week, or two weeks ago, the Commissioner of the Environment issued a report in which he said DFO really lacks proper baseline data on fish habitat, for example. Would that be a factor in terms of the future effectiveness of the Species at Risk Act? Is that an impediment to determining which fish species should be protected? Is that part of the larger equation you're talking about today?

Ms. Rachel Plotkin: I think one really excellent piece of that information was provided by the last witness before the committee, Dr. Jeff Hutchings. His evidence describes a number of species that have declined by more than 80% since the 1960s. So again, for some species we have plenty of data.

If you look at these species, it's really an interesting example. These are species that are, basically, critically imperiled for the most part. The Peary caribou is not yet listed. It's a mammal that has declined by more than 80%. There was an emergency order petitioned to the then federal minister to help protect the spotted owl, which has declined by more than 80%. It was not acted upon. The greater sage grouse has declined by more than 80%, but its critical habitat—

Mr. Francis Scarpaleggia: What answer did you get in terms of the request to protect the spotted owl? What was the answer there?

Ms. Rachel Plotkin: The response we got was that the minister was not of the opinion that the spotted owl faced an imminent threat to its survival.

The Chair: Your time has expired.

I just need a clarification on that. That request was put in by SARAC?

Ms. Rachel Plotkin: No.

The Chair: So we're just talking about a specific organization—

Mrs. Julie Gelfand: We're talking about specific groups, a specific subset.

The Chair: Okay, but not SARAC itself. I see.

Mr. Calkins, you have five minutes.

Mr. Blaine Calkins (Wetaskiwin, CPC): Thank you, Chair.

I certainly appreciate you folks coming and presenting before the committee today as we go through the legislative review of the Species at Risk Act. One of the concerns I have, and I've worked for a while in the environmental law enforcement/conservation field...

I recall one time—and I'm just going to set a preamble for this—I was commissioned by City of Edmonton Parks and Recreation to do a biophysical inventory of the Whitemud River ravine in the city of Edmonton. I laid out ten plots. I hired a botanist, Dr. George Scotter, to go in and conduct an assessment of basically just the biophysical inventory of what was there. They identified some 80 species of plants that were not known to exist—whether it was an orchid or whatever the case might be—inside the city limits of Edmonton, or even inside that particular geographic range. This led me to the conclusion that, given the fact that Canada consists of 32 million people and is the second largest land mass on the planet, there's a lot we don't know. Throw in factors such as climate change, the fact that our climate is evolving, and the natural landscape evolves along with that climate change, and everything we know about the natural range of a species, in my opinion, is a moving target.

When we have those ranges constantly moving and we have an act that basically defines extinction or extirpation within the ranges known in Canada—ranges that are constantly moving—what recommendations do you have that could strengthen the act or make the act more applicable or easy to administer? Your foremost criticism is not of the legislation itself but of the ability of the Department of Environment, whether or not it's through resources. I would also argue that perhaps there just isn't the capability—it doesn't matter how many resources you apply—to constantly try to hit a moving target.

My question to you is, what could be changed in the act? That really is the purview and the terms of reference of what we're trying to do here. The purview of auditors is to assess whether the department is able to live up to its requirements, and I appreciate your feedback on it. That's helpful. But what could we do to the act to make it more achievable, whether it's through a simplification or a clarification of certain provisions? Is there something specific you would like to see changed in the legislation?

• (1015)

Mrs. Julie Gelfand: I'll start. I need to say in advance that we have not talked about this at SARAC, so these will be some general thoughts about what could be done. It's not necessarily a consensus position. Maybe it would be once they hear the ideas.

One is that generally in Canada, if you think about the Geological Survey of Canada, it exists, and we know where all of our minerals are. We do not have a similar biological survey of Canada, which would provide a lot of the information that we are constantly looking for about where species are and where they're moving. That would be a fantastic new thing the Government of Canada could do that

would help all of us as we adapt in a new environment, in a new climate.

On the multi-species approach that is being promoted by many ecosystem biologists, I think looking at a suite of species is going to be a way of dealing with the changing—and rapidly changing—ranges and the changing habitat. Looking at ecosystems and at a multi-species approach would be another way of doing it.

Third is taking a precautionary principle approach. So if we're at risk, make sure that we protect in order to be able to possibly have them move. Most of the species will move as the habitat moves. Some species are not going to be able to move as fast. Some species will have nowhere to move to, if you think of the top of a mountain.

Mr. Blaine Calkins: But I think therein lies the crux of my question. Existing ranges known today can trigger an assessment. If we don't know where the biomes are, or whatever term you want to use, if we don't know where that moving target is, then we're simply doing an assessment of modern-day anecdotal or perhaps even scientific counts or surveys of what we deem to be an existing, a previous, or a known range. We're comparing today's facts with yesterday's knowledge. It might not be relevant.

I think this is the difficulty with the act. It's one of the things that I'm trying to figure out for myself in order to make any recommendation. I appreciate your help. How do we compare today's information to yesterday's known information and make an assessment as to whether or not a species, and particularly the genetic biodiversity of that species, is at risk?

I think it's like throwing a dart from 100 feet away at a moving balloon. It's a tough thing to do, but I would appreciate any further input from any of the panellists here.

The Chair: I'd ask for a quick response, since Mr. Calkins' time has expired.

Ms. Sarah Wren: The quick response might be in terms of the cycle that a species goes through. Certainly, as you've heard from Dr. Hutchings, COSEWIC has to reassess its species every 10 years or earlier if information warrants. Within SARA, there can be changes to recovery strategies or action plans as new information arises.

I think it's important to make sure we have the necessary capacity to get the baseline information now and to not just sit back after we've done that, but continue to work to refine, improve, and recalculate as often as we need to for a species whose future is in question, and to use the tools under the act to revisit things.

• (1020)

[Translation]

The Chair: Thank you very much.

Welcome, Ms. Beaudin. You have five minutes.

Mrs. Josée Beaudin (Saint-Lambert, BQ): I will give my time to Mr. Bigras.

Mr. Bernard Bigras: Mr. Chair, I want to come back to the action plans and recovery plans.

In your brief, you say that the resources needed to set up these recovery programs are clearly inadequate. Like Mr. Scarpaleggia, I would like to refer to the environment commissioner's report. I reread the March 2008 report, in which the commissioner notes that the "...Canadian Biodiversity Strategy clearly indicates that comprehensive and reliable inventories are a fundamental requirement for the conservation of biodiversity...." He goes on to say that "there is no comprehensive inventory of species at risk to provide the baseline information needed for the development of science-based recovery strategies and action plans".

Does the lack of a comprehensive and reliable inventory, just like the lack of resources, largely explain why there are no appropriate and effective recovery plans and action plans?

Mrs. Julie Gelfand: The two are related. There is not enough information because there are not enough resources allocated to the file.

Mr. Bernard Bigras: After asking officials questions about the inventory, the commissioner indicated that:

Department officials told us that with the passage of the Species at Risk Act, which came into full force in 2004, it is not appropriate for Environment Canada to apply resources to a comprehensive inventory for all the species for which it now has accountabilities.

Do you think that, because we have the Species at Risk Act, which came into force in 2004, there is no need to allocate resources to this area?

Mrs. Julie Gelfand: I think we would all agree that it is very important to allocate resources to the entire species protection cycle. We need basic data, data on socio-economic implications and habitats. And we need to focus resources on the Canada-wide biological database to help species currently at risk and to keep other species from being at risk later.

Mr. Bernard Bigras: As soon as a critical habitat is designated in a plan, what obligations does the government have?

[English]

Ms. Rachel Plotkin: The obligations of the federal government are to protect critical habitat within federal jurisdiction and invoke the safety net if the minister is of the opinion that the critical habitat is not being effectively protected outside its jurisdiction.

[Translation]

Mr. Bernard Bigras: What does that mean? I understand what you just said. It is the principle. The government has to take the necessary measures. That is what you are saying.

What are those measures, those obligations? We take all the measures necessary, and we are all responsible, but that does not tell us what we have to do. What are the obligations as duly set out?

[English]

Ms. Rachel Plotkin: There is an order under the act. I think the government's first step would be to work with the province to see if a collaborative agreement could be reached wherein the province would make a commitment to sufficiently change its measures of protections and effectively protect the habitat. If not, the federal government has the jurisdiction to apply measures to effectively protect the habitat over top of cooperation of the province.

• (1025)

[Translation]

Mr. Bernard Bigras: Okay.

[English]

The Chair: Mr. Braid, the floor is yours.

Mr. Peter Braid (Kitchener—Waterloo, CPC): Thank you very much, Mr. Chair.

Thank you to all of our witnesses for their attendance today and their presentations.

I'll start at a very high level. On the membership of SARAC, it seems to me it is quite representative and inclusive. Do you agree? Do you have any thoughts or recommendations on the membership of SARAC? Is there anyone missing?

Mrs. Julie Gelfand: SARAC reviews its membership on a periodic basis. It has just gone through that review. At least one member on this list has stepped down. There are two new ones. I believe the Canadian Hydropower Association will be joining. Ducks Unlimited has decided to leave. And the Canadian Parks and Wilderness Society will be joining.

That's something SARAC does as an operating committee. It reviews its membership. It also receives requests from associations and groups, and then we look at those requests. There's a process the government has set out to accept or not accept a new group.

Mr. Peter Braid: It sounds as if that's an ongoing process.

Mrs. Julie Gelfand: Yes.

Mr. Peter Braid: Thank you.

Moving on to the recovery strategy process and recovery strategy teams, it sounds as if there's a fair bit of opportunity for improvement with that process.

Mr. McGuinness, in one of your responses I believe you indicated there are a number of models out there that have worked well. Could you please elaborate on those and give us some examples of best practices?

Mr. Patrick McGuinness: I don't think there are a number of models that have worked well, but at least in the fisheries—and I think most of the recovery strategies that are ongoing right now are in the fisheries—we have had some good ones come forward in Atlantic Canada, wherein we've had good cooperation between industry members and environmental NGOs, and also with Department of Fisheries and Oceans personnel, who have all come together. The essential point is that they came together and identified what they felt was a recovery target. A recovery target in that instance was simply to get the species back up to a level at which it would be deemed no longer a species at risk. Just that simple type of agreement got people to start working together and trying to figure out what would be a recovery plan to meet the target.

On the other hand, for example, we've had issues in British Columbia on which there's absolutely no meeting of minds concerning what recovery is. Is it as the previous questioner put it, to bring that species back to the highest level that's recorded in history? Unless you get over those types of humps and come to an agreement as to what a target is, then the recovery team seems to wander quite extensively.

Mr. Peter Braid: It might be helpful for this committee to receive a summary of that case study that you think worked well, so that we understand what worked well within that process.

Going to a more precise level of detail, let's consider section 27 and the nine-month timeframe. Your presentation seemed silent on that section. Why is that? Are there any specific thoughts that you have?

Ms. Sarah Wren: The short answer is that it's a silence due to lack of consensus.

Mr. Peter Braid: Okay.

Finally, on the issue of stewardship, you indicate in your presentation that stewardship has taken a bit of a back seat with respect to SARA. What types of stewardship measures do you think should be more fully developed?

Ms. Sarah Wren: SARAC feels that stewardship needs to take a more prominent role. It's enshrined in the preamble of SARA, and everyone around the table at SARAC sees its importance as a tool. We talked a little bit about the habitat stewardship program within our brief, but we recognize that this is not the only tool that could be employed. There's certainly the potential for section 11 agreements, which would be stewardship types of agreement with resource users or land owners, which would allow a much more fulsome stewardship arrangement under the act. But we have yet to see implementation of those measures. SARAC thinks there's potential within such agreements to deliver significant stewardship measures.

• (1030)

The Chair: Thank you very much.

Mr. Patrick McGuinness: I'll just add that, for example, one of our fleets in Atlantic Canada had a very good stewardship arrangement with Environment Canada, in terms of funding, for developing a live release of bycatches of wolffish, which was identified as threatened. So there are opportunities of working with groups that have an issue and don't want to be the problem, but nevertheless are interacting. Those stewardship types of arrangement have proved to be very beneficial.

The Chair: I'm sorry, but I'm going to cut you off there, because I have to be fair to all my members at the committee so that they get their share of the time.

Mr. Trudeau, you have the floor.

Mr. Justin Trudeau (Papineau, Lib.): Thank you, Mr. Chair.

Of the species at risk, what are most of the species at risk from? Where is the risk? Is it overhunting, overfishing? Is it habitat encroachment? Is it pollution? If there is a sense of what really is imperiling our species, what would it be?

Ms. Rachel Plotkin: For 85% of Canada's species at risk, the primary reason they're at risk is habitat loss and degradation and destruction.

Mr. Justin Trudeau: I guess that would be mostly land species—or, would it be higher for terrestrial?

Ms. Rachel Plotkin: That includes marine species.

Mr. Justin Trudeau: That was my assumption, which is why I ask how important identification of critical habitat is in being able to protect a species. Can you move forward on protecting a species that is in danger of habitat encroachment and disappearance if you're not identifying what habitat is important to them?

Ms. Rachel Plotkin: It's here in the SARAC brief, so I will just reread it, because it is an area of consensus: that the identification and consequent protection of critical habitat is necessary to the recovery and/or survival of most listed species.

Mr. Justin Trudeau: If I look at the numbers, of 106 species that have been listed—

Mrs. Julie Gelfand: There are more that are listed. There are more than 500 species at risk on the endangered species list.

Mr. Justin Trudeau: Okay, there are more than 500 on the list, but recovery strategies were required for 278 of them.

Mrs. Julie Gelfand: That is right.

Mr. Justin Trudeau: Of those, 106 species had recovery strategies completed.

Mrs. Julie Gelfand: That is right.

Mr. Justin Trudeau: So already we are significantly down on the list. But of those 106, only 22 have had critical habitat identified. Do the rest of the 106 need to have critical habitat identified?

Mrs. Julie Gelfand: Yes.

Ms. Rachel Plotkin: It is mandated under the act: to the extent possible, based on the best available information.

Mr. Patrick McGuinness: I have a quick comment. In the fisheries, critical habitat is often extremely difficult.... As you well know, fish swim, and habitat is moving quite considerably because of migration and things of that nature. But there's no question that for fish such as salmon that go into a river or down the Fraser River, that critical habitat is well identified. Here again it is a combination of pollution plus urbanization that is causing demise in those cases.

Mr. Justin Trudeau: Okay. So we have 106; 22 have been identified; of those 22, only eight have been even properly completed, or even partially completed. I think five and three were the numbers: “for all of the geographic extent of critical habitat of five of these species”, and part of it for three of these species.

So it is safe to say we're really not there in terms of identifying habitat, which, as you've said in your brief, is the first basic step toward protecting species at risk.

The bottom line is that SARA is not being implemented in such a way that is protecting Canadian wildlife in a way that it is supposed to.

• (1035)

Mrs. Julie Gelfand: That is correct.

Mr. Justin Trudeau: Your recommendations therefore focus on implementation, on—and I pulled out some of the words—looking at best practices for some of them that have been successful; allocating more resources to the people who have to do the job; making sure that it is both transparent and rigorous; and creating clarity around what the expectations and what the tools are.

Is that a sense of where we need to go and where we simply aren't now?

Ms. Rachel Plotkin: One of the things that's also implied by our recommendations, if I might say so on behalf of SARAC, is that we are highlighting the challenges of incompleteness. So one of our recommendations would be completion.

Mr. Justin Trudeau: To go specifically to one of the issues around fisheries, Environment Canada is responsible for much concerning the terrestrial species, but DFO, I think, is more responsible for marine issues.

How effective has DFO been in implementing SARA, given the difficulties around habitat in oceans?

Mr. Patrick McGuinness: From our fishing industry's point of view, we feel it has been a responsible type of response. For the species that have been identified as listed, they are very responsible in terms of organizing consultations, getting the fishing fleets together, introducing mitigating measures, and trying to address the issues.

From the fishing industry point of view, we generally try to work collaboratively with the department, and so far the working relationship is satisfactory to us.

The Chair: Let's have a very quick response, Ms. Plotkin, because time has expired.

Ms. Rachel Plotkin: I will just add that DFO has the significantly lowest rate of listing species that have deemed to be at risk by COSEWIC.

The Chair: Thank you very much.

Mr. Woodworth, it's your turn.

Mr. Stephen Woodworth: Thank you.

I'm grateful for the attendance of the witnesses today. I have to comment on the poetry of Sarah Wren's name. It is appropriate to have her with us today.

Mrs. Julie Gelfand: We love it, too.

Mr. Stephen Woodworth: Also, I wish to thank Ms. Gelfand for expressing something earlier that has been bothering me for quite some time, and that is the disproportion that we seem to have developed in our approach to the environment toward balancing issues like habitat preservation and wildlife protection against the greenhouse gas issue. The greenhouse gas issue is the headline-grabbing, political point-scoring issue. It's a sad irony that Canada produces something in the order of 2% of the world's greenhouse gases, yet has such a wealth of biodiversity, and that the political chase is driving us into putting so many resources into greenhouse gases, perhaps at the expense of biodiversity.

Having said that, I want to begin with a question that may seem a little out of left field for you, because you haven't spoken at all about

the issue of enforcing SARA. I don't know whether your committee has considered that or whether your committee is familiar with Bill C-16, the environmental enforcement bill, and the fact that it specifically did not comment on SARA because SARA was going to be before this committee. I wonder, if you are familiar with the environmental enforcement bill, if you might feel that the kinds of legal powers that were given to judges and the kinds of increases in penalties and other provisions that were contained therein, might be usefully adapted to SARA.

Mrs. Julie Gelfand: This has not been discussed within SARAC. I don't think we can provide you with any comment. I invite you to ask some of the specific witnesses. The folks here are experts on SARA. Enforcement of SARA really hasn't been an issue yet because we're still at the very front end of implementation of the legislation.

Mr. Stephen Woodworth: Thank you.

Is there any other comment on that?

The other thing I was most interested in from your report has to do with the possibility of emergency listing. I take that to be distinct from the safety net issue, which has to do with federal-provincial relations. What I am imagining is that when COSEWIC recommends a listing, if they believe there is an emergency situation, COSEWIC would be recommending an emergency listing.

Am I getting that right?

• (1040)

Ms. Sarah Wren: Yes, or if the time lag is too long, there are provisions to have an endangered species looked at more quickly. The situations in which we might want to do that are, for example, if field biologists find new information from their field work that a population has declined by a significant percentage over the past year, or if a new species is found in Canada that we didn't know we had and it seemed to be critically endangered—a small population, very small numbers or a restricted range. There is the ability, then, to take speedy action to make sure the species doesn't decline while we're doing the necessary work in terms of consultations.

Mr. Stephen Woodworth: Good. That's what I was hoping to hear.

Would it be possible for that kind of recommendation to come from SARAC, or is that where it mainly would come from? I don't know where these recommendations come from.

Mrs. Julie Gelfand: We'd have to come back to you on that. My response is that I believe that's already in the legislation. It's not a recommendation of SARAC; that's what the law says. But we have to double-check.

Mr. Stephen Woodworth: I'm really just trying to get some background about how the emergency listing process works, because to me it's a key piece of the puzzle if we have a mechanism that will permit exactly what Ms. Wren just said a few moments ago. I'd like to just understand how it works and who originates the emergency listing recommendation.

Ms. Sarah Wren: If I may, to our knowledge it hasn't been invoked, but it's covered in subsection 29(1):

If the Minister is of the opinion that there is an imminent threat to the survival of a wildlife species, the Minister must, on an emergency basis, after consultation with every other competent minister, make a recommendation to the Governor in Council that the List be amended to list the species as an endangered species.

Presumably, groups such as ours might make the suggestion to the minister that this be done. I don't think it's been done in the past.

Mr. Patrick McGuinness: My understanding is it would be a COSEWIC issue, for them to look at the species, and if they believe it requires emergency-type actions, that's their recommendation. It goes in to the government for consideration. The Minister of the Environment makes a determination as to whether he agrees or does not agree on whether it requires an emergency-type process.

The Chair: Thank you very much.

Your time has expired, Mr. Woodworth.

Mr. Watson, you get to bat cleanup.

Mr. Jeff Watson (Essex, CPC): Thank you, Mr. Chair.

Thank you to our witnesses for appearing.

This committee undertakes the review of the Species at Risk Act. Of course, I represent an area where we have the most species at risk in all of Canada, down in Essex County. I think in large part it's because we have severely fragmented habitat down there, unable to sustain some of the various species there.

I want to ask a couple of questions. One, you're suggesting that... which, for a starting point, is very good when we're undertaking a review. Your report says essentially that the basic architecture of SARA itself is fine. It needs some fine tuning, and you've made some recommendations on how to fine-tune the architecture of the act.

I want to zero in on one thing more specifically. You've urged a review of the recovery planning provisions in the act to allow for more effective use of ecosystem approaches to recovery planning. I think largely the act takes a primary focus on individual species.

Is your recommendation with respect to ecosystem approaches to capture more species, perhaps, or is that a more effective way of capturing more species than the individual approach in defining habitat? It's always an individual approach; can we make some progress with respect to an ecosystem approach? As well, what would SARAC like to see as part of such an ecosystem approach?

• (1045)

Mr. Patrick McGuinness: I think one of the rationales behind that is simply resources—human resources. As you say, you have recovery teams in the fishing industry. Take the Cattlemen's Association or whatever; there are only so many people in that community who are really going to volunteer to be part of recovery teams.

What we have to do is keep those people in tune, keep them involved and so forth. For example, let's say you have a recovery program for a particular species in a particular area—in Essex County and so forth—and another species becomes listed. The object of the exercise is to wrap that new species into the recovery plan for the other species. You look at it in terms of an ecosystem approach, and you start to make this type of program here in SARA

workable on the ground in terms of the limited resources of humans to participate in these types of activities.

You can see how many recovery strategies are required. For a lot of those, we have only so many people who are competent and who have the interest to participate in these types of activities when in fact they probably should be out fishing and earning money, right?

So from my perspective, that is the theme: just try to make it workable.

Ms. Rachel Plotkin: I think it's important to note, as you did, Mr. Watson, that SARAC did not make any significant recommendations to change the component of the act that requires that critical habitat be identified for each individual species.

I think it's hard to move forward in an ecosystem-based approach that ensures that all species will be adequately protected if we don't know what their basic habitat needs are. But there is room, again, in the action planning stage of the Species at Risk Act to then say, okay, I live in southern Ontario, or the Carolinian range; let's put it all together, and then when we develop our action plan, we can look at what's the most cost-effective way to move forward that captures protecting the ecosystems upon which these species depend and ensures that their individual habitat needs are met.

Mr. Jeff Watson: In light of that, a program like the natural areas conservation program from Budget 2006, in partnership with the Nature Conservancy of Canada, is the type of mechanism that can then be applied where we begin to address a particular ecosystem.

In terms of one of the other challenges, we are located, of course, on an international boundary. Now, ecosystems don't know a political boundary on a map. SARA currently has no mechanism for prioritizing different species in terms of action.

For example, there may be in Essex County a species whose range in Canada is only in Essex County, but it may in fact be thriving in a larger ecosystem down into the United States. Yet it's given, under the act, the same importance as a species whose habitat is entirely in Canada.

Do you think SARA should contain mechanisms to help prioritize species?

Ms. Sarah Wren: I'll give you an answer as a biologist. I hope the act intentionally maintains that focus on species in Canada for the very reason that we need to make sure we're preserving biological diversity across the range of species. So certainly the species at the edge of range in Carolinian Canada have characteristics that are different from those of species that might be found throughout the U.S. And I think it really behooves us as Canadians to make sure we're protecting that biological diversity, the genetic diversity, the population diversity. There is an important role to be played in making sure we're keeping those species at risk in Canada, or keeping them off lists where we can, and then doing what we can to protect the ones that are already on the list.

SARAC overall hasn't talked about the issue of whether species prioritization should occur, so I can't speak to the committee in general, but the biological reality is that we have a responsibility to make sure we're protecting all of our diversity in Canada.

The Chair: Thank you very much. Your time has expired.

We do have about ten minutes left, so we're going to go to our third round, but we're going to do it in about two and a half to three minutes for those who want to ask questions. We'll entertain at least four questions, one from each political party. I ask witnesses to keep their comments very succinct and brief.

Mr. Trudeau.

• (1050)

Mr. Justin Trudeau: Thank you.

I'd like to follow up on DFO and the species at risk. I will take the example of the orca specifically. Was the Fisheries Act protecting the orca and species at risk before SARA was implemented?

Ms. Rachel Plotkin: I think this might be outside of the purview of the SARAC committee. I think a number of our organizations have initiated legal challenges about the orca, and when we're here as individual environmental organizations, we'd be happy to talk about that.

Mr. Justin Trudeau: Fair enough.

I'll pass my time on to my colleagues so they can continue.

The Chair: Madam Duncan.

Ms. Linda Duncan: Thank you, Mr. Chair.

I'd like to follow up on this issue of the safety net and the issue raised by Mr. Scarpaleggia. I'm aware that section 38 provides very clearly that action is to be taken regardless of the fact that we may not have "full scientific certainty". We recently witnessed what happened with the tiny cryptanthe, and I am pleased to say I've been involved in the field work on that. It's a tragedy that we haven't protected it. We've seen this also with the woodland caribou. I am wondering if you could comment on whether there is a greater priority on maintaining friendly federal-provincial relations than there is on actually exercising the power of the safety net.

The act also says that the government must, to the extent possible, consult the provinces, but it is not bound to follow what the provinces recommend.

Ms. Rachel Plotkin: I think, Ms. Duncan, that it's hard for us to interpret the motivations of the government. I think what we can say as a committee that's here to protect the species at risk is that in the case of the caribou, for example, their recovery strategy, which was supposed to include critical habitat identification, was due in 2007. Now it's delayed, and it's supposed to be released in 2011. I think one of the things that's implied in our act with regard to all these species for which critical habitat identification has been delayed or action planning has been delayed is that for the most part, the activities that have caused these species to decline in the first place are still occurring. So it is of tremendous concern that the activities are still happening while all of these recovery measures that are supposed to be implemented under the act are delayed.

Ms. Linda Duncan: Thank you.

The Chair: Do you have anything else, Madam Duncan? You have a little bit of extra time.

Ms. Linda Duncan: I just wanted to offer one comment and get your perspective. It's been suggested that it's far more cost-effective—and of course in this day and age, in this major recession, the departments of environment and fisheries will likely be cut back as well in the next budget—to protect the habitat of a threatened or endangered species in the first place than it is to rely on inefficient and costly recovery operations. I'm wondering if you would agree with that.

Mrs. Julie Gelfand: I hope most of the committee members would probably agree with that.

Ms. Rachel Plotkin: There is a measure under the act for a species of special concern, so that before their critical habitat needs to be identified, you can plan to ensure that they don't get uplisted to being threatened or endangered.

Ms. Linda Duncan: Can I just ask something quickly?

The Chair: It has to be quickly.

Ms. Linda Duncan: What department is dealing with endangered marine species? I don't mean fisheries; I mean endangered mammals and other species. The Fisheries Act, of course, doesn't deal with marine mammals.

Mr. Patrick McGuinness: It does.

Ms. Linda Duncan: So DFO is responsible for all of those—

Mr. Patrick McGuinness: Exactly.

Ms. Linda Duncan: Okay, thank you.

The Chair: Thank you very much.

Mr. Woodworth.

Mr. Stephen Woodworth: Thank you very much.

To follow up on my questions regarding emergency listing, do you know of any case where an emergency listing has been requested?

Ms. Rachel Plotkin: We think an emergency listing was requested for the Cultus Lake and Sakinaw Lake species of sockeye salmon.

Mr. Stephen Woodworth: By whom?

Ms. Rachel Plotkin: COSEWIC.

Mr. Stephen Woodworth: What was the result?

Ms. Rachel Plotkin: They were denied listing.

Mr. Stephen Woodworth: Is that the only case you're aware of?

Ms. Sarah Wren: That's the only one I'm aware of, yes.

Mr. Stephen Woodworth: Do you know the reason for the denial of listing?

Ms. Rachel Plotkin: Economic impacts.

Mr. Patrick McGuinness: The other issue, of course, is...in terms of Pacific salmon, basically, the runs are coming back as a combination of sockeye, pink salmon, salmon from Cultus Lake, salmon from Sakinaw Lake, and all that sort of stuff. So what you have is a stream of fish coming from the open seas off British Columbia into the Fraser River. In that stream down there, there's maybe a sockeye salmon here, a Cultus Lake salmon there, so it really became extremely difficult: how do you do it with respect to stopping the whole salmon fishery in order to isolate, if you will, a couple of subspecies in the run? Basically, what was introduced were conservation measures that pretty well duplicated, if you will, what the SARA would do, except for the prohibition.

• (1055)

Mr. Stephen Woodworth: Mainly to get into the process, my next question is this: at what point in the process was the emergency listing requested?

Mr. Patrick McGuinness: When COSEWIC made the assessment of those two subspecies, in making the submission to the Minister of the Environment they identified the fact that, in their opinion, the emergency action was required.

Mr. Stephen Woodworth: Has there ever been an emergency listing requested as a result of the process having gone on too long?

Ms. Rachel Plotkin: Not that we know of to date.

Mr. Stephen Woodworth: Thank you very much.

The Chair: Thank you, Mr. Woodworth.

Our time has about expired. I do appreciate SARAC for coming in. You do have some homework. I believe it was Mr. McGuinness who requested that you put together a list of recommendations to clarify some of the verbiage you have in your documentation. We do ask that you forward those to the clerk as quickly as you can.

I've always appreciated the work you guys do at SARAC, how you've been able to bring together a diverse group of organizations representing environmental and wildlife advocacy along with resource-based industries. I think it's fantastic that you're able to sit together and have a productive discussion about how to deal with something that's so near and dear to all of our hearts, which are the species that are at risk.

Thanks for coming in. With that, I'll entertain a motion to adjourn.

Ms. Duncan, on a point of order.

Ms. Linda Duncan: Mr. Chair, on a point of order, I'm advised that some of the public members were requested to leave the room, and that they weren't allowed to sit on this side of the room. Given the lack of chairs, I'm concerned, because the meetings are supposed to be open and they are supposed to be transparent.

The Chair: No, actually, all that was requested was that they move down or find other seats.

Ms. Linda Duncan: But there weren't any other chairs, as I'm aware.

The Chair: Behind you there are still some chairs at the end.

Ms. Linda Duncan: I want clarification that we provide for the public and that they're not asked to leave.

The Chair: My understanding is that they chose to leave. They aren't to be sitting behind members of Parliament and affecting their work at the table. We simply asked them to move down or to relocate to the other side of the room. That was the request that was made.

Mr. Mark Warawa: I move we adjourn.

The Chair: I have a motion to adjourn. We're out of here.

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