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## **Standing Committee on Fisheries and Oceans**

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**EVIDENCE**

**Thursday, November 25, 2010**

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**Chair**

**Mr. Rodney Weston**



## Standing Committee on Fisheries and Oceans

Thursday, November 25, 2010

• (0905)

[English]

**The Chair (Mr. Rodney Weston (Saint John, CPC)):** I call the meeting to order.

We have with us here this morning Mr. Bevan, from the Department of Fisheries and Oceans.

Mr. Bevan, welcome. I know you're no stranger to the proceedings of the committee. I'm not sure if you want to make any opening comments. If you do, you're certainly more than welcome. I know members of the committee have some questions they'd like to ask you as well.

If you'd like to make some opening comments, please proceed at this time.

[Translation]

**Mr. David Bevan (Associate Deputy Minister, Department of Fisheries and Oceans):** Mr. Chairman and honourable members, good morning. It is a privilege and an honour to be here with you today in my new capacity as Associate Deputy Minister of Fisheries and Oceans Canada.

[English]

This is my first time here before the committee in my new function. Hopefully I will be able to maintain the good working relationships we've had in the past.

I've spent most of my career with the department, since I first joined the public service in Halifax in 1975. I worked in Nova Scotia until 1983 and then moved to the Pacific region, first as director of inspection and later as director of operations branch, where I was looking after fisheries and habitat management.

Most of my career, however, has been here in the national capital region, where I have had the pleasure of working as director, inspection services; director general, conservation and protection; director general, resource management; and from 2004 until 2010, assistant deputy minister, fisheries and aquaculture management.

From my years out in the field, through more senior management roles, I can truly say that I have learned the business of the department from the ground up. I believe that this has provided me with a unique perspective on how DFO has evolved over more than three decades, a perspective that I hope will be helpful to my departmental colleagues and to this committee.

Earlier this year I served as senior assistant deputy minister, ecosystems and fisheries management. I was named to my current

position in October. I am excited to be taking on this new role at a time when there is so much change and so much we have to do.

Knowing where we have been and the lessons learned through those experiences I hope will serve me well in taking on these new challenges.

As you know, there is no standard definition of what an associate deputy minister does, but in general, the position calls for senior-level oversight of key files and a coordinating function when files are multi-sectoral.

DFO is a large and dispersed regional operational department that has programs and staff in every region of the country. For the senior management team, this means that there is no one-size-fits-all approach. The requirements of the industry in the east, the west, the north, and on the inland waterways are as varied as the regions themselves. The issues we deal with, as committee members well know, are complex and involve economic, social, and environmental considerations, to name only a few.

I look forward to a continued productive and close working relationship with the deputy minister, obviously, and with the whole management team as we tackle the opportunities and challenges of the department together. And those will be numerous in the coming three years.

The deputy minister has asked me to assume responsibility for several key files, including chairing the finance and human resources committees. In addition, I will oversee our activities related to the management accountability framework, values and ethics, and other files, as required.

My new job also includes providing leadership on all aspects of seal management. As committee members know, the mandate of Fisheries and Oceans Canada focuses on the regulation, management, and enforcement of the seal harvest to ensure that it is carried out sustainably, safely, and humanely.

We are also committed to supporting domestic and international market development efforts and to working with our provincial and territorial counterparts to address issues faced by the industry.

In fact, earlier this month federal, provincial, and territorial ministers endorsed a strategy that will contribute to a sustainable seal fishery. It will include market development—broadening the array of seal products available for the market—and engaging the seal industry in strengthening its professionalization.

I will provide critical support to the deputy and the minister on the implementation of the Canadian shellfish sanitation program, as well. This is a program that is under increasing pressure to both improve and deal with newly identified product risks. Environmental challenges are creating challenges for us as well. Working with industry, the provinces, and the territories, the challenge will be to continue to improve the CSSP and to help producers provide the food safety assurances they will need to maintain access to domestic and foreign markets.

I will also be working on two deputy minister committees: social trends, policies, and institutions; and public service management committee. The former examines trends and develops scenarios with respect to social issues and it examines the impact of policy interventions for addressing these issues. The latter provides a forum for discussion of the public service management agenda.

Let me conclude by noting how pleased I am and proud I am to be able to continue my career with Fisheries and Oceans Canada and to have the opportunity to look at and support the department through a somewhat different lens. Even though I've only had five weeks on the job, I can assure you that it's very different from being assistant deputy minister.

Thank you for the opportunity to appear before you today.

**The Chair:** Thank you very much, Mr. Bevan.

Mr. Cuzner.

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** Thank you very much.

Congratulations, David, on your appointment. The only one who trumps you on time in front of this committee would be Claudia, in the interpreters' booth, I think. You have a broad view and understanding.

We're in the midst of assembling the report on the crab fishery. We hear, through the presentations by the witnesses, that the template for presentation of advice to the minister is a concern within the industry, certainly with the outcome of the decision on the TAC in 2009. I'm just wondering if you could walk us through how the advice is portrayed to the minister, how that comes to the minister's office from the regional advisory process meetings forward. The period of time is of concern; when the decisions are announced are of concern; and then the final announcement and the judgment on the part of the minister is of concern. So could you walk us through that?

• (0910)

**Mr. David Bevan:** And those decisions, of course, are informed by science.

The science work is conducted in the fall, in terms of the field work. That is then analyzed and goes to the science RAP, the regional advisory process, where there's a discussion as to what advice would be most appropriate regarding the TAC for the coming year. So the analysis takes place between the fall survey and the RAP. That's done internally, the science. The RAP, as you're aware, is a peer review process involving academics from outside the department and sometimes involving people from other countries, etc., depending on the nature of the decision that has to be taken and

the circumstances that are faced. So it's a very open and inclusive process, and indeed the provinces and the fishing industry are included in that process.

That then leads to advice that has to be considered by the fishing industry, which is then discussed at the consultations involving the advisory committees, and that process then leads to a memo to the minister. The memo to the minister is not just four or five pages; there's a lot of documentation affixed to it. That would include the stock status reports and the issues, in that case, of what the precautionary approach means and where the stock is relevant to conservation limits, etc. That advice is then provided to the minister in the briefing of the minister's office as well as the minister, and then a decision is taken and communicated back to the department through the notes of the minister on the memo. Then that would be communicated immediately to the fishing industry, and licences, with the appropriate conditions, would be issued shortly thereafter.

**Mr. Rodger Cuzner:** I guess the part we're not getting squared away is that, reading back through the testimony, it states that once the note is done to the minister, industry doesn't know what's in the note. So there's no interface with industry before the note goes—the input is there and the note goes. So they would like to be part of that note going up.

That being said, on the decision in 2009, the minister contends that it was industry that drove the decision to have the increased harvest in 2009, which warranted the reduction in 2010. So do you see? Industry is saying it doesn't have any impact on the final decision or doesn't know the note that goes to her, yet it was industry that drove the decision. She's sort of dumping it back on industry for the decisions she made in 2009.

**Mr. David Bevan:** Clearly the minister has, under the act, the authority and the obligation to take the decisions. As you're aware, the act does not provide any legal guidance as to how those decisions should be taken and what should be taken into consideration in making those decisions.

Now, having said that, of course there's case law and natural justice, which would also guide decision-making of ministers, but there's a tremendous amount of discretion available under the act for those decisions. We provide advice to the minister and have discussion with the minister, but we aren't the only ones who provide advice. Industry can express views, etc.

Now, we don't share the memo to the minister with industry because of the fact that it is advice to the minister and is confidential in that regard, but ministers can be approached and have been approached to take into consideration other views from those that may be expressed in the memo.

We always attempt, in our advice to the minister, to reflect the views of provinces and stakeholders as we go forward. And we receive those views throughout the consultative process. They are reflected, to the best of our ability, in the memos, but sometimes individuals or groups wish to come forward and approach the minister prior to the decision being taken and after the minister may have received the advice. That's what happened in 2009.

**The Chair:** Go ahead, Ms. Murray.

•(0915)

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Thank you.

Mr. Bevan, my understanding, from what you just said, is that the memo would combine the science and the other perspectives, and the memo would come forward with a specific recommendation.

**Mr. David Bevan:** That's correct. The memo comes forward always with options and with a recommended option. So it doesn't come forward with one choice only; it comes forward with usually two or three options for the minister to consider. The minister then would be able to consider those options and the advice provided by officials, as well as the points of views of other people.

**Ms. Joyce Murray:** In a process like this, are you permitted to give an opinion about the process? Do you view the process to be acceptable that there can be lobbying by certain interest groups after the peer review process, the consultation, the advisory committees? That's distilled into a memo, but then the minister can still open the door to lobbying by certain groups. Do you see that as a flaw in the process, or is that not a problem?

**Mr. David Bevan:** That's democracy. And in terms of the current structure of the act, the act provides no process whatsoever for the exercising of the minister's absolute discretion under section 7 of the act. It doesn't say what kinds of procedures should be followed or what kinds of obligations would be put upon a minister for the exercising of that, outside of case law and outside of the fact that the minister must have reasons for taking decisions, and those reasons have to be relevant to the management of the fisheries. Outside of that, there are no constraints placed on the minister's discretion in the act.

The view of officials goes forward, and it's a synthesis of the best advice we have from science and our understanding of the circumstances, but there are other considerations.

**Ms. Joyce Murray:** Thank you. I'm sorry to interrupt.

May I ask, is it unusual, in your experience, that a minister knowingly makes a decision that is predicted to steepen the decline in a stock, against the scientific advice of the experts in the department?

**Mr. David Bevan:** Well, I think it was clear that the stock was going to go down, notwithstanding what was done in 2009. It was going to go to the trough that was expected and that we anticipate will exist again next year. That's the consensus that I think existed.

What wasn't there was a consensus on the interpretation of the science. Science isn't absolute. It's a dynamic process. There are a lot of different views within the scientific community. The results of the RAP are essentially the best collective view, but not necessarily the absolute truth. So there are people who had different views, and they came forward with them.

**Ms. Joyce Murray:** That didn't answer my question, though.

What I understand from the briefing is that there was almost a 50-50 probability, according to the scientists, that there would be a steeper decline than a 25% decline. In fact, the decline was double that.

When you make a decision when given that a 50% probability will steepen this decline, you are knowingly taking that gamble. Is that

unusual from your perspective, that a minister will essentially pick the advice of interest groups to benefit over conservation?

**Mr. David Bevan:** I'd argue that they didn't benefit, in retrospect.

**Ms. Joyce Murray:** In the short term.

**Mr. David Bevan:** In the short term, one year they did, but certainly not when they have to look at the declines they're facing this year and next year.

The ministers may have to make decisions. Nobody can make those for them.

•(0920)

**Ms. Joyce Murray:** Is it unusual to pick that?

**Mr. David Bevan:** No. It's happened in the past. It's not unique and it's not unusual that there are different views on science. There are different views on the status of the stock, and the minister has to take those views into consideration as well as the views of the recommendations of the department.

**The Chair:** Monsieur Blais.

[*Translation*]

**Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ):** Thank you, Mr. Chairman.

Good morning, Mr. Bevan. Congratulations on your appointment. Some might say that it is high time that you were appointed to this position, given your vast experience.

Before meeting with you this morning, I was wondering which issues I would want to raise with you. Indeed, there is the matter of the crab, which we are currently studying, the issue of aquaculture as well, but when you mentioned the seal hunt, you awakened a beast in me which told me to take advantage of the door you opened.

However, before I get to that, I cannot help but bring up the decision taken in 2009. Or rather, I'd like to talk about the years before that. Unless you can prove the contrary, I believe it is impossible for the department not to have known, in 2007, 2008, well before 2009, that the quotas had to come down at all costs.

Ever since I've been in politics—it's been about 7 years now, even 10 years—I have been hearing about the snow crab cycle. Therefore, this was nothing new; this was something which was known. So we all knew that, at some point, the cycle would dip, as far as the biomass was concerned.

In 2009, there absolutely should have been a reduction, but why was the quota not reduced before? Were there any signs of what was going to happen or none at all? You held that position at the time.

**Mr. David Bevan:** The snow crab biomass follows a cycle in the Gulf of St. Lawrence. Once in a while, ministers are faced with tough decisions. I said "ministers", because this matter does not only concern the current minister. Other ministers preceded him, and they all faced the same question: there had to be a reduction, but how big would it be, how many snow crabs could be caught in one year?

In the past, sometimes a minister's decision was different—it was higher—from what the government would have wanted, from what the Department of Fisheries and Oceans would have wanted, and that would have been his choice. This is usually what happens when this kind of decision has to be taken. Indeed, fishermen, scientists, ministers and departments don't always share the same opinion, and the minister must make a tough call.

**Mr. Raynald Blais:** Could we therefore conclude that no minister, since 2007, applied the basic precautionary principle, which is based on vigilance?

**Mr. David Bevan:** We developed a preventive approach regarding the snow crab fishery in 2010. Previously, this was not the case. Scientists have not told us about the dangers or any long-term problems that might arise as a result of the decrease in the crab population.

**Mr. Raynald Blais:** Because of the cycle, we knew this would happen. We also knew how much was caught in 2007-2008. We had all that information. We also knew that we were playing a dangerous game. In other words, we were playing with fire. Indeed, sooner or later the normal cycle is complete, landings are extremely high, and when both coincide, based on the precautionary principle, if you continue that trend, you will have to make a draconian decision, that is, impose significant reductions, which are going to be very painful.

Why was this decision not taken sooner? If the biomass was healthy, well, so much the better! However, according to the basic precautionary principle, when everything goes well, you want it to go well for a long time; you do not want to wait for the elastic band to snap, and then be forced to impose a reduction of 63%.

• (0925)

**Mr. David Bevan:** It was only in 2010 that we set conservation limits to maintain the population at the necessary level and avoid major problems and crises. It was only in 2010 that we developed a preventive approach. Before then, there were indeed cycles, but we did not have the information we needed about limits and ways of helping the minister make more prudent decisions.

**Mr. Raynald Blais:** I just have a few seconds left. Let's talk about the grey seal. When will the harvest plan be announced?

**Mr. David Bevan:** We now know, according to the scientists—and there is consensus on this—that there is a big problem in the Gulf of St. Lawrence with respect to the grey seal and the groundfish population. We are going to have to find a way to fix that problem.

[English]

**Mr. Raynald Blais:** When, when?

[Translation]

**Mr. David Bevan:** We are in the process of looking for a solution. I hope that we will find it.

[English]

**Mr. Raynald Blais:** When, when?

[Translation]

**Mr. David Bevan:** I can't say, because we need to find the money to deal with this major challenge.

**Mr. Raynald Blais:** I can go on and on asking you this question: when will it be announced?

**Mr. David Bevan:** I can't tell you because I can't predict decisions by the government.

[English]

**The Chair:** Mr. Kamp.

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

Thank you, David, for being here. Congratulations on the new appointment. It's well deserved. It's good to hear that you're enjoying it so far, but it's early days.

**Voices:** Oh, oh!

**Mr. Randy Kamp:** I might be sharing my time with Mr. Allen.

I think we would like to understand a little bit more just what your job entails and some of these key files you have, but let me just return to the snow crab issue, because that's what we've been thinking about in the last number of days. I appreciate the questions being asked by my colleagues about the process, because it's a bit difficult for us to understand.

When the science advice says there is a 46% probability that there will be a greater than 25% decline in the commercial biomass with a 20,000-tonne total allowable catch, how are we to understand that?

You said, and we've come to understand, that the stock is on a decline, a sort of natural decline. Do we understand that to mean that it's on the slope, this decline, and, as Ms. Murray said, that if we maintain the TAC at the same level as 2008, this decline could be steepened beyond the trajectory it was on?

If you chose that option, if the minister chose that option, or even if that was the recommended option—I'm not sure what was recommended by the managers and yourself—how do we see that as being within a precautionary approach? How does that fit in with the whole process?

**Mr. David Bevan:** Again, at the time of the decision in 2009, we didn't yet have the framework around the precautionary approach. That's an approach where you establish conservation limits, below which you have to be very cautious with the stock, and below which, if you hit the real limit, you must have a very cautious approach and very limited catches. That didn't exist in 2009 at the time of the decision.

And science isn't absolute. We come forward through the RAP process with a stock status report and an estimate of the biomass. And then there's an estimate of what the biomass can be and what the harvest rate can be. It's not absolute, and there were differing opinions that were relevant to the scientific work that formed the basis of the advice going to the minister in 2009, including of the fishers, who were of the opinion there were more fish than the scientists had found and there were some problems with the way the survey had been conducted.

Those views were taken into consideration during the whole process of the RAP. But at the end of the day, we went forward with advice to the minister, and the fishers then came forward and said that advice was not founded on the appropriate science and they presented an alternative view, and the minister had to make a decision.

● (0930)

**Mr. Randy Kamp:** So the fishers had this alternative view that they could maintain the 2008 TAC without it being a serious risk?

**Mr. David Bevan:** That's correct.

**Mr. Randy Kamp:** Did the department share that view?

**Mr. David Bevan:** No.

**Mr. Randy Kamp:** So the department thought it would be a risky thing—however we define that—to have a TAC as large as 20,900 tonnes.

**Mr. David Bevan:** The department provided advice for a lower TAC than that. The fishers had very strongly supported advice, by the way, with lots of technical work on their part, in coming forward with an alternative view, and the minister had to decide where to land on the issue.

This happens, and can happen, in many cases, especially when you don't have the precautionary approach and agreed upon decision rules for a particular fishery. Those now exist in this fishery, but in 2009 they didn't, and there were conflicting views—strongly held—by the fishers, and the minister had to take those into consideration.

That's the obligation and burden ministers face. They have no framework. They can't offload that decision to anybody else and they can't have a technocracy of views coming forward from a group that does not have accountability through Parliament and to the people of Canada. They have to make those decisions themselves. They don't always get consensus and they don't always get the same views, and they may not have hard lines drawn in the sand with respect to the science. So those are the cases the ministers often face and have faced in the past.

**Mr. Randy Kamp:** Well, that's interesting. I'm not sure this was as clearly known to us as you've stated here, that when industry made their case it wasn't simply that “We want to keep fishing because this is our livelihood”, but actually was based on the scientific evidence they had marshalled as well.

**Mr. David Bevan:** They marshalled a critique of the DFO science and pointed out what they felt were serious flaws in it. Unfortunately, in retrospect, it turns out that wasn't the case. Obviously, in retrospect, things were more accurately reflected by the science from DFO.

But having said that, the minister of the day has to make a decision with what's before him or her. In this case, there were alternative views and those were not just that “I want to keep fishing”, but that “We don't believe the advice provided to you is accurate, for the following specific reasons”.

**Mr. Randy Kamp:** Okay, that's interesting.

I guess my other question would be with respect to the status of the stock. This was a question that my colleague Mr. Shory was going to ask if he had the opportunity. If you're in 2009 and make a

zero percent reduction in the current TAC from the previous year, and then we get to 2010 and make the 63% reduction from the 2008 TAC—and then I'm not sure where we're going in 2011.... But if the minister had made a 30% reduction in 2009 and then another 30% reduction in 2010, will we end up in the same place at the end of the declining part of the cycle? I guess that's my question.

● (0935)

**Mr. David Bevan:** I couldn't answer that. We'd have to ask the scientists. They do retrospective analyses to try to understand what happened so they can make better predictions in the future. It's not clear that we'd end up in the same spot in that kind of scenario, because there was going to be a decline regardless of the decision taken in 2009. There would have been a decline into 2010. The question is, what would have been different in 2009 from what we did? Would we have ended up with less of a dip or not? I think you'd have to ask the scientists and they might have to do some retrospective analysis.

We were going to go down, in our opinion, and we are probably going to stay down in 2011 in the same general vicinity. I'm speaking out of turn here, because the science advice is only now being analyzed. But that's the circumstance. Whether we would have hit the same level had we taken a lower TAC in 2009, I'd have to ask the scientists to make that kind of a call.

**Mr. Randy Kamp:** It will be interesting to see that.

Mr. Allen, do you have anything?

**The Chair:** You have time for one quick question.

**Mr. Mike Allen (Tobique—Mactaquac, CPC):** Following up on that, not having seen this advice to ministers, you indicated in there that you presented options and then the department's preferred approach as to how you would do that. With those presented options, do you do a risk analysis of each of those options? If the minister were to take a different decision, is there a risk analysis with each one of those options?

**Mr. David Bevan:** Often a risk analysis is associated with it. But again, in 2009 we didn't have the framework. We hadn't done enough of the work at that point to provide the minister with as clear recommendations as we did in 2010, regarding a precautionary approach and what the critical levels of population would be, where we'd be very concerned that we would have long-term damage to the stocks. That didn't exist in 2009; it does now.

We do provide some risk assessments. Where we have the capacity to do so, we provide that information. While obviously a higher TAC in a downward cycle is more inherently risky than a lower TAC, having said that, there are people who bear that risk, and that's the industry. They have very strong views, and we did not, in 2009, have a view that the decision would lead to an irreversible crash of the stock. That wasn't the case.

There was a decision to be taken by the minister. It had to be based on all the information, and the decision that was taken was not one that would lead to an irreversible crash of the stock. So it is a decision the minister must take, has very little time to take.

There was a question on timing. Those are the difficult decisions. The more divisive the views and the more difficult the decisions, the more the minister may have to consider a wide variety of views on which to make those decisions at the same time the season is fast approaching.

We do risk analysis, but I would say that there was no advice to the minister that any decision that would be taken in terms of those options that were available to the minister would lead to the inevitable collapse of the stock.

**The Chair:** Mr. MacAulay, we'll move to a five-minute round now.

**Hon. Lawrence MacAulay (Cardigan, Lib.):** Thank you very much.

Mr. Bevan, it's good to see you. Congratulations. You're where you should be, and that's good.

First, in one of the statements you made you said the minister does not have the option to offload the decision. I can assure you that I never would agree that the minister should ever have the option to offload the decision. It's a decision for the minister and the minister alone. Would you agree?

**Mr. David Bevan:** That's the law.

**Hon. Lawrence MacAulay:** That's the law, and if you take it away, it takes the democracy away.

**Mr. David Bevan:** I believe that's a parliamentarian's—

• (0940)

**Hon. Lawrence MacAulay:** Number one, when a minister makes a decision, the minister has to stand on the decision. If an offloaded group makes the decision, it's into your realm, but the fact is then we get no chance to deal with the people who made the decision.

You've talked about 63% reduction, I believe, since 2008. In 2009, it's certainly clear to me that the minister had pretty clear scientific information from the department. From your experience in this fishery—we're in a cycle in which there was a major decline—she made the decision to follow the views.... Whether you would call it a political decision, a decision that satisfied the industry over the view of science, looking at the situation that we knew she knew and the scientists knew we were in a major decline, she made the decision herself to go with the TAC in 2009 that in the end had a damaging effect on the biomass. Would you agree?

**Mr. David Bevan:** We've had these decisions taken by a variety of ministers every time we're on a downward cycle.

**Hon. Lawrence MacAulay:** Yes, but I'm talking about this one. Not to be inconsiderate, Mr. Deputy, but this committee is trying to find out, we're trying to be in a position to give advice to the minister and to the government. And our understanding is that she was given the advice that the fishery was in a decline, it was in that cycle. But she made the decision at that time, over the advice of the scientists, to go with the advice of the fishery. And are you telling us, sir, that this fisheries advice and the industry advice were based on science?

**Mr. David Bevan:** It was based on their view of science. They had a critique that was based on their interpretation of the science. Yes, they had a view that was not just "I want to fish".

I would point out, as you pointed out, that ministers have to make these decisions, and do make these decisions. On numerous downward cycles, we've seen ministers take decisions higher than the advice of the scientists. And in those cases they got away with it in terms of the following year; the predicted declines were less than what were anticipated. So that's the history. In this case, it didn't necessarily work out. But we have seen ministers having to take the advice of the department, the views of the industry, and the views of provinces into consideration, and they make a decision at the end of the day. We have had decisions that were above the advice provided by the department on previous downward cycles, and the consequences did not turn out to be as dire as had been predicted.

**Hon. Lawrence MacAulay:** Thank you very much.

The problem, of course, is that people involved in the fishery, people concerned about the fishery, or people concerned about the biomass are always going to think of what happened with the cod fishery. Do you not agree that she made the decision not based on conservation but rather on the highest level of the TAC she could allow to be taken?

**Mr. David Bevan:** The advice to the minister was that this level would not lead to an inevitable collapse of the stock.

**Hon. Lawrence MacAulay:** You're telling me it wouldn't mean the stock would collapse but it would certainly hurt the biomass. Would I be understanding that correctly? Would the advice that science gave your department, gave to the minister, have indicated to her that this would have an effect on the biomass? That's all I'd like to know.

**Mr. David Bevan:** That was the advice. She had contrary views—

**Hon. Lawrence MacAulay:** Thank you, sir. I just wanted to know that this was the advice, that it would affect the biomass. It's important for this committee to know that.

**Mr. David Bevan:** That was the advice at the time. But I would point out that this advice had been there in previous cycles, and ministers had taken the decision to go above that advice and it didn't lead to the predicted decreases. So it's happened in the past.

**Hon. Lawrence MacAulay:** Not to be inconsiderate, but what you're telling us is when science gives advice to the minister, then it.... Knowing the cycle the fishery is in, understanding the fishery pretty well—there's lots of information—would you agree she did not make the decision on conservation; rather, she made a political decision in favour of the industry that was a threat to the biomass? Or would you say it was not a threat to the biomass?

**Mr. David Bevan:** I would say, as I pointed out earlier, it was absolutely clear to the minister that the decision would not lead to the collapse and eradication of that stock.



**Hon. Lawrence MacAulay:** But there's an awful difference between collapse and survival. And there are a few cod still swimming around. But we do not want to destroy the fisheries.

• (0945)

**The Chair:** Your time has expired.

**Mr. David Bevan:** The population will increase.

**Hon. Lawrence MacAulay:** He should answer that question.

**The Chair:** I'll allow him to answer it.

**Mr. David Bevan:** The population of crab is predicted to increase again. It's not like the cod, where it went down and hasn't been able to recover in any reasonable timeframe. We anticipate the crab will increase.

We informed the minister that the decision of last year would not create a situation where there'd be a long-term and continuing collapse of that population.

**The Chair:** Thank you very much.

Monsieur Blais.

[Translation]

**Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ):** I will be very brief, before Mr. Blais raises his concerns with you.

I would like to congratulate you on your new duties and your promotion.

We will come back a little later to a species that may be less endangered: the beluga whale. Inuit in the north are going to have problems because of the new Nutrition North Program.

Thank you.

**Mr. Raynald Blais:** Thank you, Mr. Chairman.

Mr. Bevan, I want to come back to the seal issue. What is the department's budget in this area? What will the budget be next year?

**Mr. David Bevan:** It is hard to answer those questions, since we do not have budgets specific to one species or another. Of course, we can provide information on the costs connected with scientists and our studies of the seal population. I believe that we can provide that kind of information.

When it comes to conservation, protection and therefore fisheries officers, it is a little more difficult to say, because the officers do a lot of investigation and monitoring work as well.

Just for the seal harvest, it is possible, because they are [Inaudible—Editor].

**Mr. Raynald Blais:** I would like to focus more on advocacy and promotion. Yes, studies have been done, and there is a cost for that. Yes, there are fisheries officers involved, which entails costs. We can identify and determine the educational and other work that needs to be done if we look at what the abolitionists are doing right now on the seal hunt.

Is there a budget set aside for an information campaign? Is there a budget to help with a travelling exhibit? Is there a budget to enable groups, in particular seal hunters, to travel again to the places they

need to go? Is money being provided to organizations that can raise awareness and provide information through a website?

**Mr. David Bevan:** There are budgets for those sorts of activities, but it is just a small part of government spending on the seal harvest. Major costs are obviously incurred by having fisheries officers and managers, for example. It comes down to a choice. We need to focus our efforts on priority species. I can say that this is a major spending area for us. I need to look at the situation in order to find the information, since I don't have it with me today. I can ask—

**Mr. Raynald Blais:** You can provide this information to committee members?

I have a concern. I know very well that the abolitionists continue to be very active. We see them here and elsewhere. They are also advertising in certain specialty magazines, etc.

I wonder how you are responding and what budget the department has for this. How does it work? I support and acknowledge the effort being made, compared with what was done in the past, when there was practically nothing done. At least there is something happening today.

That said, I would like to know how much work is being carried out and what is planned for next year.

• (0950)

**Mr. David Bevan:** The seal harvest is a priority of the government, the department and the ministers. We are devoting a great deal of time, effort and activity to the seal harvest. Minister Hearn has spent a lot of time in other countries trying to avoid the problems in Europe, but he had no budget for that. He had only the minister's budget and the departmental budget. We have chosen to focus our efforts on major challenges related to the seal harvest.

I need to find the information to be able to answer your question, but I cannot promise that I will be able to provide you with an answer. Where have we chosen to focus our efforts? From time to time, there was a dedicated budget for this. The decision we need to make is where to spend our budgets. That is the current situation concerning the seal harvest. The problems with the markets were and still are a government priority.

I cannot say if I will be able to find how much money we have spent or how much we will spend in the future, but I can try to get you the information and, if it is available, I will provide it to the clerk.

[English]

**The Chair:** Mr. Shory.

**Mr. Devinder Shory (Calgary Northeast, CPC):** Thank you, Mr. Chair.

This fisheries committee is a new committee for me. As a matter of fact, fishing itself is new for me. I don't know much.

I guess Mr. Bevan is the kind of person with all the experience, who explained in layman's language today and helped me to understand this process, how it works in any decision-making matter. As I understood, the way it works, the minister has a science-based opinion, on the one hand, and the industry provided its critique of the science. At the same time, the minister had some recommendations from the department officials, but the minister is not bound to follow that recommendation in that given time.

Moreover, no specific advice was given to the minister that if you take this decision against the science-based opinion, then the industry will collapse.

Now, on top of that, I heard from you, Mr. Bevan, a few times that this was not the only time a decision was made against a recommendation. I'm interested to know a little bit if you can give some examples within the last ten or fifteen years, if you know. When were the times when a decision in this manner was made against the recommendation freely by a minister?

**Mr. David Bevan:** Certainly. On previous downward cycles there had been recommended TACs that were not taken or not followed, or the minister considered other points of view and took a decision to have slightly higher TACs in the past on downward cycles in the crab fishery in the Gulf of St. Lawrence.

That's been the case, and in those cases there were continued downward trends, but those were predicted, and the minister did not have to face the same kinds of choices as the minister had to face in 2010. We should also point out that the science advice is a synthesis of different views. It comes out of the RAP. The RAP doesn't mean that everybody in the room agrees with the absolute number and the advice. There is a range of views that boil down to a view that is best reflecting the collective view.

It doesn't mean everybody shares that. We've seen, for example, in some groundfish, where we're recommending a level, and an alternative science view comes forward from this credible scientist. It might be three times. I've seen as much as three times or more being the view coming from another scientific source.

We had it currently in the turbot stock in the NAFO regulatory area, where an alternative science view was considerably higher than that of the scientific council of the NAFO organization. It's not that science is absolute; it's not. It's a very difficult question put to the scientists and views come forward. It's a collective view, on the one hand, of a scientific council or a DFO science RAP process—the regional advisory process—that comes forward with a particular view. But it doesn't mean it's absolute and it doesn't mean it's perfect. It's the collective view, and ministers have to look at the broader picture. In the case of 2009, the minister was presented with a whole alternative interpretation of the surveys and strongly held views that the department was being far, far too conservative and had to make a decision in the face of that divergent and strongly held view.

We don't have all the answers in the department. We strive to have the best information we can, but often groups come forward with completely different interpretations and provide an alternative view that ministers have to look at, and accept, dismiss, not act on, or take into consideration, as the case may be.

● (0955)

**Mr. Devinder Shory:** Would you remember any examples? I'm just interested in knowing about previous years—2008, 2005, 2003, 2001.

**Mr. David Bevan:** It was on the previous downward cycle. I can't remember the specifics, but it was a couple of thousand tonnes more than had been recommended, that kind of scale. I'd have to go back into the records and memos to respond accurately.

**The Chair:** Time has expired. Thank you, Mr. Shory.

Mr. Bevan, this wasn't asked today, but it has come up in some of our discussions on the snow crab report that the committee is undertaking. Was there a peer review of the recalculation protocol? The recalculation protocol has been a topic of much discussion throughout our hearings. Has there been a peer review of that recalculation?

**Mr. David Bevan:** I'm not sure I understand.

**The Chair:** When we go back to the information that was provided by the department, the graph of the biomass, there was a significant jump in the biomass in....

**Mr. François Côté (Committee Researcher):** In 1993.

**The Chair:** In 1993 there was a significant jump in the biomass. Some scientists have attributed it to a recalculation done at that time. There seemed to be significant discussion about that recalculation. Has there ever been a peer review of it?

**Mr. David Bevan:** I know there's what's called retrospective analysis done on a variety of stocks. They look at the current data and then look back to see if they had it right when they were providing advice in the past. But I can't say whether they've done that for the snow crab stock since the analysis in 1993.

**The Chair:** It's important for the committee to have a clear understanding of this. If the recalculation is correct, it shows a significant decline in the biomass. This could have a significant impact on the committee's work. I'm wondering if I could ask you to take it upon yourself to provide that information to us. It would have a noteworthy impact on what our report finally says.

Another question I'm asking for François has to do with the 40% exploitation rate dictated by the precautionary approach. Do you think that's too high?

● (1000)

**Mr. David Bevan:** I would remind the committee that the way the fisheries manage it, it targets only males of a certain size, so the population is protected by excluding the females and leaving enough large males to breed with them. So the exploitation rate is a subset. It's only on the fishable biomass of large males. That strategy provides a significant safety net for the population.

I'd have to defer the question on whether it's too high. According to our scientific advice, this level of exploitation on that subset of the population will not lead to a problem for the population.

**The Chair:** Thank you, Mr. Bevan.

Mr. Bevan, on behalf of the committee, I want to thank you for appearing before us. As always, it's been very informative. Also, I want to congratulate you on your appointment. Thank you again, Mr. Bevan.

You had a point of order, Mr. Cuzner.

**Mr. Rodger Cuzner:** This has been referred to over the course of our discussions with Mr. Bevan. It has to do with the information and advice that was presented to the minister prior to making the decision. Could we ask the researcher to supply us with any exchanges of information that took place after the note was presented to the minister—that's to say, exchanges of information between industry and the minister with regard to an increase in the TAC? Is that possible?

**The Chair:** I would say that's something the committee can ask for from the department. If we're able to obtain that information we can provide it to all the members.

**Mr. Rodger Cuzner:** Thanks.

**The Chair:** Thank you.

We'll take a short break while Mr. Bevan departs, and then we'll continue with our meeting.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

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• (1005)

**The Chair:** I call the meeting back to order.

The clerk is distributing copies of a motion by Monsieur Blais. He served notice at our last meeting, and we set aside this part of our meeting to discuss his motion.

Monsieur Blais, I turn the floor over to you at this time.

[*Translation*]

**Mr. Reynald Blais:** Thank you, Mr. Chairman.

I do not necessarily have much to add to what I have already said. I think that the motion as it stands is sufficiently detailed and clear for us to be able to make a good decision.

I would, however, like to point out one thing. When we made the decision to undertake the studies on crab and aquaculture, which are getting underway, we said that we wanted to make this work our priority, but if special issues or particular situations arose—it can happen—it would be useful and appropriate to allow for consideration of unexpected events and special circumstances.

This event falls into that category. That is why I invite committee members to agree unanimously to allow us to have a meeting with these people.

I have concerns about many aspects of the seal policy or issue. For example, this morning I attended a talk by Daniel Pauly, from the University of British Columbia, on fisheries, climate change, overfishing, etc. What he presented is useful because it opens up new horizons for our work.

I also have concerns about ecocertification, as well as subsea oil and gas drilling. Committee members have acquired great wisdom over time about the need to expect the unexpected and to allow for the committee to focus on certain things and take the time to do priority work, like finishing up the crab issue. But we need some flexibility as well for things we can't predict, since there are all sorts of issues that may come at us. A disaster can always happen. I am not saying that this event is a disaster but rather something that should be of concern to us.

I think that the integrity of the department and the coast guard are at stake. Serious questions must be asked, and I imagine that we will also get serious answers about the situation.

So I invite committee members to give their unanimous support to this motion.

Thank you.

• (1010)

[*English*]

**The Chair:** Thank you, Monsieur Blais.

You all have the motion in front of you. I don't need to read it.

Is there anything further on Monsieur Blais's comments, any questions or concerns?

Mr. Cuzner.

**Mr. Rodger Cuzner:** Obviously it sort of runs into the concern of our time management and what we have and wanting to clean up the crab report and the aquaculture report as well. But I think it's legitimate enough, and there's enough concern around Arctic drilling and the government's role in where we're going with Arctic drilling that I think it could warrant questions being asked by those involved. So I think we'll tend to support the motion.

**The Chair:** Thank you, Mr. Cuzner.

Mr. Kamp.

**Mr. Randy Kamp:** Thank you, Mr. Chair.

What I haven't heard in the discussion so far, or in the presentation from Mr. Blais, is support for the content of the motion. He supported the notion that we should be able to do other stuff, and on this side we certainly agree with that. Issues will come up that we need to interrupt our work plan to do. That's fair enough. The question is whether this is one of those and whether it merits that. I'm not opposed to bringing in whoever we like, just as long as we understand the content of the issue at play in this motion.

I know he's receiving some input from Équiterre, which is mentioned in this motion. This question has been answered a couple of times by the minister already this week. And because there is some misunderstanding.... This is a consortium of scientific interests called ArcticNet, which is coordinated by the University of Laval—I think our analyst's alma mater.

They have access to this coast guard ship for 152 days of the year, I think, during the non-icebreaking season, and they do research that's coordinated by ArcticNet. They will do research for a variety of interests, whether they be scientific agencies like universities or industry folks who want research done. BP is one of them. That research was not exploration; it was scientific research that they wanted done. Then, as I understand it, that research is then available to that whole ArcticNet consortium community, so it's public.

We can bring these officials in to clarify how the coast guard relates to them, as long as we bring the right people in.

These are the facts, as I understand them. The minister will be here on December 2 with her officials. The coast guard commissioner I assume will be one of them. We could certainly raise the issue then, if Mr. Blais thinks we need to bring in the other ones mentioned here.

We're not opposed to that, but I think the issue has been clarified significantly since he first raised this issue the other day, through the answers the minister made in the House.

• (1015)

**The Chair:** Thank you, Mr. Kamp.

Mr. Weston.

[*Translation*]

**Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC):** Mr. Chairman, I am not sure about the position of our working committee. I know that we have three issues. There is the report that we received some information about this morning. There is also the aquaculture report. And we may also be working on the new fisheries and oceans bill.

I do not know which is the priority and how much time needs to be invested in the report being suggested by Mr. Blais this morning. I feel that the other three tasks should be done first. Then we could study something else.

[*English*]

**The Chair:** Thank you, Mr. Weston.

The subcommittee would determine where on the agenda this would be placed and then report back to the main committee, if the

motion were adopted, to ask these individuals to appear before the committee. What transpires beyond that obviously is within the realm of the committee's prerogative. The committee would determine that.

But the issue here today is the motion on the floor that Monsieur Blais has brought forward: that the Standing Committee on Fisheries and Oceans ask Dr. Louis Fortier, scientific director of the research icebreaker the *Amundsen*, the Commissioner of the Canadian Coast Guard, representatives from the BP and Esso oil companies, and a spokesperson for Équiterre to appear before it to give details about the lease of the coast guard vessel the *Amundsen* to Esso and BP for petroleum exploration activities in the Beaufort sea.

That's the question before you here today.

Are there any other questions, comments, or concerns? If not, I'll call the question.

(Motion agreed to) [See *Minutes of Proceedings*]

• (1020)

**The Chair:** All right, so we'll send this off to the meeting of the subcommittee.

I believe Ms. Murray would like to provide notice of motion to the committee as well.

**Ms. Joyce Murray:** Thank you, Mr. Chair. I'd like to provide the committee with notice of a motion as follows:

Given conservation concerns regarding Atlantic bluefin tuna, that the Standing Committee on Fisheries and Oceans, at its earliest opportunity, study Canada's response to the proposals for sustainable management of Atlantic bluefin tuna made by the International Commission for the Conservation of Atlantic Tunas and Canada's response to the CITES proposal to suspend international trade in Atlantic bluefin tuna until stocks are no longer threatened with extinction.

**The Chair:** Thank you, Ms. Murray. Ms. Murray has provided notice to bring forward a motion. The clerk will circulate that motion at his earliest opportunity. How's that?

Thank you.

There being no other business for this committee, this committee stands adjourned.







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