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

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**EVIDENCE**

**Tuesday, December 10, 2013**

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**Chair**

**Mr. Rodney Weston**



## Standing Committee on Fisheries and Oceans

Tuesday, December 10, 2013

• (1535)

[English]

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

I'd like to thank the officials for coming back. You could say they're back by popular demand. The committee members have further questions for you, and I believe we're going to move right into questions.

Mr. Bevan, you don't have any opening statement today.

**Mr. David Bevan (Associate Deputy Minister, Department of Fisheries and Oceans):** Not today. I think we can go right into the questions.

Thank you.

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

I think we're all familiar with our witnesses.

We'll start off with Mr. Kamp.

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

Thank you to the officials for returning.

I have two areas I want to discuss with you, if I have time. Maybe I'll begin with the easier one.

In our most recent aquaculture report on closed containment, you'll recall that we commented on the fact that there's quite a patchwork of aquaculture regulations in Canada. There's British Columbia on the one side, where the federal government is responsible for the management of the operations and the tenures are granted by the province. There's P.E.I. on the other hand, where the federal government does it all. In New Brunswick, Nova Scotia, and Newfoundland and Labrador basically the provincial government does almost all of it.

We talked about the need for some sort of new approach to regulation and even suggested perhaps an aquaculture act. The response we got, I think I can say, was fairly non-committal. Could you tell us where you think you're going on this, the direction of the department in terms of solving this problem that's been identified by many, including this committee?

**Mr. David Bevan:** As you correctly pointed out, the spectrum of federal involvement goes from 100% in P.E.I. as a result of a 1928 arrangement, whereby in P.E.I. we look after leases as well as the licensing and control of the operations, through British Columbia

where there is a lease by the province and regulation by the federal government, and through to a mix.

There are federal tasks that are done in other jurisdictions relevant to the use of feeds and drugs, etc., so that's still a federal role. You pointed out correctly that there is quite a mix of involvement, and there are a lot of different departments involved, federally and provincially.

We've been asked to come forward with some options for consideration that would range from cleaning up the regulatory varieties and trying to have a more one-stop-fits-all approach through to contemplating what the process might be if we were to consider an aquaculture act. The act itself, if that would be considered by government, would be a fairly complex process, because it would have to touch upon numerous other statutes. That's much more of a time-consuming and complex arrangement.

The other end of that spectrum would be to clean up our regulatory processes with a view to trying to make that more efficient, in order to reduce the burden on industry while still having a sustainable aquaculture program.

We can't speculate on where we're going to end up. That's not a decision for officials; that's a decision for the government. Our task is to provide options for consideration.

**Mr. Randy Kamp:** Thank you for that.

Let me go to the other area, and that's the amendments to the Fisheries Act and the new fisheries protection program.

You probably know that there have been some reviews of those changes, some positive and some more negative, I think. One was by Jeffrey Hutchings and John Post, both reputable fisheries biologists. They make a couple of claims that I need to get your input on.

First of all, they make a claim something like this, that 80% of the 71 fish species that are currently threatened or under the Species At Risk Act will no longer have habitat protection because of this change of law. Can you tell me what the facts are in this case?

**Mr. David Bevan:** I'll turn this over to Kevin shortly, but I think those papers were based on a couple of assumptions. First off, when you have a species at risk, there is a requirement under the Species at Risk Act to protect critical habitat. That has not changed with the changes to the Fisheries Act. That level of protection is expected and is an obligation that government has under the Species at Risk Act.

The other assumption that I think was made in the underpinning of that paper was that if there were no fishery in an area, there would be no protection. Now, that would assume that this is how we would be administering the new act, and that's not necessarily the case. If there is a licence that covers that area, then that is a possible fishery. Therefore, I think the basic premise of the paper was perhaps not based on where we're going.

I'll turn it over to Kevin.

• (1540)

**Mr. Kevin Stringer (Senior Assistant Deputy Minister, Ecosystems and Fisheries Management, Department of Fisheries and Oceans):** Thank you. You've summarized it well, David.

The challenge is that without our definitions that we now have out in the public domain on our website, there were some assumptions because we're now saying that we're protecting fisheries. If you define exactly where fishing takes place, that's one thing. The reality, as David said, is that if you look at the Ontario regulations, the Manitoba regulations, the Saskatchewan regulations, etc., they say that all areas are licensed for fishing and all areas require a licence to be able to fish. Therefore, in terms of where there is a fishery, that's basically what we will be using.

Now, if you look—

**Mr. Randy Kamp:** May I just interrupt here, as my time is short.

They make the claim that if humans don't fish in a given place, then the habitat isn't protected there. Is that a wrong assumption?

**Mr. Kevin Stringer:** No, it's not. It's basically saying that if an area is licensed for fishing, and that's the law that we have to follow, then we're covering it.

Our website does note where the exceptions are and it talks about, not in exactly these words, farmers' fields, ditches, man-made ponds, and those types of things as the areas that are not covered.

**Mr. Randy Kamp:** Okay.

Thank you very much.

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

Mr. Chisholm.

**Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP):** I'm pleased you're back before the committee. I think we continue to benefit from having a dialogue with officials from the department. There is a lot going on, and we appreciate the opportunity to engage with you and try to get a better sense of what the Department of Fisheries and Oceans is doing.

I want to cover a few different areas. These might be quick questions for you.

First, Mr. Grégoire, what is the expected delivery date for the new icebreaker?

**Mr. Marc Grégoire (Commissioner, Canadian Coast Guard, Department of Fisheries and Oceans):** The polar icebreaker?

**Mr. Robert Chisholm:** Yes.

**Mr. Marc Grégoire:** It has been delayed. The joint supply ship of DND will be built first. We're now expecting to have it in 2021-22.

**Mr. Robert Chisholm:** Does that delay affect the ability to deliver that icebreaker under the budget that was granted?

**Mr. Marc Grégoire:** This new polar icebreaker is to replace the current *Louis S. St-Laurent*, which is the flagship of the Canadian Coast Guard fleet.

The *Louis S. St-Laurent* is in pretty good shape, so the government has set aside an amount of money sufficient to extend the life of the *Louis S. St-Laurent*. We were to retire it in 2017, but because of the JSS going first in the shipyard, we're going to use the money to extend the life of the *Louis S. St-Laurent*, which will be good to about 2024.

Are we losing capacity? No. We'll be able to continue to use the *Louis S. St-Laurent* in the Arctic and to do the necessary work outside of the key seasons.

**Mr. Robert Chisholm:** My question was for the replacement vessel for the *Louis S. St-Laurent*. One of the problems that has come up repeatedly with procurement issues is that the government announces that they're going to build this ship or whatever for a particular delivery date, they set a budget, and then, because of delays, they have to scale back what's eventually going to end up being built.

I guess that's my question to you.

**Mr. Marc Grégoire:** Okay.

No, we won't scale it back. We haven't changed the operational requirement for the vessel at all. In fact, we are just about finishing now the design of the polar icebreaker. The delivery date will not affect the scope of the work to be done.

• (1545)

**Mr. Robert Chisholm:** What is the status of the new coast guard helicopters?

**Mr. Marc Grégoire:** With regard to the coast guard helicopters, we have received money in budget 2012 to replace the whole fleet of helicopters, up to 24 helicopters.

We have grouped them into three groups of helicopters. The first one is the light helicopter to basically replace the light helicopter we have now. The second one is the medium helicopter. The third one is two helicopters to go on the polar icebreaker.

We are just about ready to issue the request for proposal for the medium helicopter. We're finalizing that now. Hopefully, early in the new year we'll publish the request for proposal.

On the light helicopter, we went through the route of a request for proposal already. We have received a compliant proposal, but another company that has not set forth a bid has taken us to court. It is complaining about the requirements we had established, so pending the outcome of that court case, we have put on ice the next steps, if you want, for the light helicopters.

**Mr. Robert Chisholm:** How long do you project the delay is going to be?

**Mr. Marc Grégoire:** I hope it's going to be short. We're going through the legal process now, so all the parties have done their affidavits, and the rest is in the court.

I understand that all the parties, the company that is suing us and the others, wish for an early outcome. Everybody is pushing the legal system, the judge basically, to have an early judgment. Whether it is going to take one month from now or three months, I couldn't tell. It's out of our hands entirely. Hopefully, it won't be too long because the coast guard is anxious to acquire those new helicopters.

We have now the oldest fleet of 105s in the world. We lost one recently, a CG364, as we mentioned two weeks ago, so we're rather anxious to proceed with the acquisition. We're buying off the shelf, basically. The only thing we're asking the manufacturer to do is to paint it red and white. That's all. There are no specific requirements to the acquisition at all. They are off-the-shelf helicopters. The colour is not political.

**Mr. Robert Chisholm:** I wanted to go to Mr. Stringer regarding the transboundary watershed for northern British Columbia and Alaska.

There have been some serious concerns raised mainly out of Alaska, but it does affect the whole question of the mining projects there and proposed for there and the cumulative impact on the environment of some of those major rivers. I'm wondering if DFO has taken a look at this, and whether the IJC is involved.

**Mr. Kevin Stringer:** Sorry, is what involved?

**Mr. Robert Chisholm:** Is the IJC involved?

**Mr. Kevin Stringer:** Did you want to start, Dave?

**Mr. David Bevan:** We have arrangements with the U.S., as you're aware, on transboundary rivers through the Pacific Salmon Treaty process, and we manage jointly with respect to the fisheries. That creates a fairly close contact process for us on any kind of mining projects. Clearly, there are aboriginal, recreational, and commercial fisheries in those rivers, so we're going to look at protection of the habitat in those systems.

In any kind of decision on mines or any project, there's always an issue of who gets the benefit from taking a risk and who gets to bear the risk without the benefit. You really write that kind of process very clearly with a transboundary river. We are looking at whether or not the mine project is going to pose a risk to the fishery. We bear the benefit but we also bear the risk in terms of mitigating the risk on fish. The Alaskans bear all of the risk without the benefit, so there's going to be a dialogue needed in that kind of process. That's what will be expected through the relationship we have had over the years with them.

I don't know if you want to add anything.

•(1550)

**Mr. Kevin Stringer:** I don't know if the IJC is involved.

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

Mr. Weston.

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

Dickens wrote, "It was the best of times, it was the worst of times", and depending on what attitude you take, one could say it was the best or the worst. I have people in my office today from the sports fishing world who say that the fisheries department has the highest level of consultation of any department of Canadian

government. I certainly see it in my riding. All of you probably know that we have some very activist people who care passionately about the fisheries.

I want to ask you to comment on two stories. One is Cohen and one is the coast guard.

With regard to Cohen, there are some who have said it's the worst of times, because the Government of Canada is not responding one by one to the 75 recommendations. Then there are others who say this government is integrating into its operations the recommendations of Cohen. Instead of trying to spread itself too thinly, they're taking specifics and actually working on them.

Similarly on the coast guard or on our operations generally, there are those who say the government is reorganizing things, and they have expressed some anxiety about that. But I've heard it said by a fisheries officer that this is the first time in a generation that the coast guard is being bolstered with long-term capital funding, and that the helicopters you're talking about and the 10 coast guard vessels that are being built in the riding I represent are all part of a bolstering of the coast guard that has really been unprecedented in decades.

Would you like to comment on those two tales, Cohen and what we're doing in our fisheries in terms of long-term funding?

**Mr. David Bevan:** I can start with Cohen and then turn it over to the commissioner on the coast guard.

On Cohen, I think it is pretty clear that we've taken to heart the recommendations. We are continuing with the Qualark Creek monitoring. We're doing the work that it was suggested be maintained. We've maintained vigilance on the river. We're spending a lot of money, probably in the range of \$20 million a year, on sockeye in the Fraser River alone, in terms of science, monitoring, control, surveillance, etc.

We are not looking at extension of any activities in the Discovery Islands with respect to aquaculture. We are looking at a number of science projects and at investigating through a Genome B.C. program the possible distribution of disease organisms in wild and aquaculture fish and whether or not they're there, and if they are there, whether or not they are a problem. All those activities are under way with respect to our management of fisheries, in particular salmon fisheries in B.C.

When I was working in the region in the 1980s for a little while and also in the 1990s, we had a totally different approach to fisheries management at that time. You looked at stock aggregates. You had high harvest levels based on those stock aggregates. You looked at abundance as a group of populations went by, and you targeted based on that abundance.

We don't do that anymore. We look at the specific stocks that are involved in those migration patterns, and we target based on the weak stocks that are there. If we need to have a lower level of harvest notwithstanding the abundance, we take that into consideration. That's reflective of the wild salmon policy. Again that's something which Cohen looked at.

There were specific suggestions on organizations and on targets of time, etc. We didn't go down to that level of specificity, but we are in the spirit of where he was suggesting the department go. We are looking at that kind of approach to our management and are continuing in that direction.

**Mr. John Weston:** So it's anything but an ignoring of Cohen. It's a specific approach on implementing Cohen.

**Mr. David Bevan:** Yes, it's general.

The wild salmon policy, for example, is integrated into how we do our business in integrated fish management programs. What I'm saying is I think it's part of the way we do our business now. That's reflective of the advice Cohen was giving as a result of his report.

• (1555)

**Mr. Marc Grégoire:** You're right to mention that the coast guard is cherished by this government. One of the first things I did when I became commissioner of the coast guard was I read the history of the coast guard that was published in a book for the 40th anniversary of the coast guard, which was created in 1962.

Never in the life of the coast guard have we seen such a massive investment at one time. In the last few years, the government has invested over \$6 billion, and just in budget 2012, \$5.2 billion. I described the helicopters. You mentioned the 10 big ships that will be replaced. We also received a significant amount of money for vessel life extensions. We have good ships that are well maintained, but we are now investing massively in the extension of the life of about 16 of those large vessels. Also, you didn't mention the up to 21 small vessels we're going to acquire. Quite soon we will issue the first draft of a request for proposal for the acquisition of up to 10 new lifeboats.

Yes, it's extremely encouraging to see all those investments in the coast guard, but it doesn't stop there. The government announced investment in the coast guard last winter. In March, Minister Lebel announced that the coast guard would implement an incident command system. The government has approved the funding for that initiative. That was great news for the coast guard.

The coast guard was facing significant problems this year with a shortage of money for fuel. The government recently awarded us up to \$16 million in fuel money. That shows significant, and frankly fantastic, support of the coast guard.

Some of the things I mentioned you will see in supplementary estimates (C), because they were approved recently by Treasury Board, so they will come here for approval.

**Mr. John Weston:** Monsieur Grégoire, do you want to comment on the fisheries science vessel?

**The Chair:** Mr. Weston, your time is up.

**Mr. John Weston:** He does want to, but he can't. Is that what you're saying?

**The Chair:** He can't.

Thank you, Mr. Weston.

Mr. MacAulay.

**Hon. Lawrence MacAulay (Cardigan, Lib.):** It's a pleasure to have you back.

It's certainly wonderful to hear that the government is supplying fuel for the coast guard vessels. That's helpful. We're certainly moving forward.

**Voices:** Oh, oh!

**Hon. Lawrence MacAulay:** I think they deserve credit for providing fuel.

I asked a question last week about the ELA scientists at the Freshwater Institute in Winnipeg. I asked if they were declared surplus, and one of the witnesses indicated they were not, but I'm hearing they were and were offered other jobs with no job description. They don't even know what is being offered, if anything. Is that the case?

**Mr. David Bevan:** I think what are called workforce adjustment letters were provided.

**Mr. Kevin Stringer:** I checked, because the ADM for science isn't here today, and I wondered if that was going to come up. What he said, as I recall, sitting right there, was, "No, not yet, but very soon." What I got today from him and Verdon was that it was that day. It was indeed the day that we were here when those letters were issued.

I don't know their specific nature, but the process is, as David was about to explain, you get an affected letter and then you get an opting letter. My understanding is that in some cases—and this is the way the whole system works, not just at ELA—a job offer is made. In other cases you have four months to decide what to do, and then usually a year to still be with the government. So far, we've managed, and the hope is we will with the ELA staff as well, but I believe those letters went out on the day we were here.

**Hon. Lawrence MacAulay:** Thank you very much, Mr. Stringer, but I understand they have to make a decision by January 8.

**Mr. Kevin Stringer:** I may be wrong about that, but I believe they have four months from when they receive it about which approach they want to take.

**Hon. Lawrence MacAulay:** So is January 8 not the proper date? If they continue working at the ELA under a new operator, will they be penalized by receiving a smaller severance package?

**Mr. Kevin Stringer:** As I understand it, our folks are in discussions with IISD, who would hopefully become the new operator, and I'm not sure what arrangements they would be making.

• (1600)

**Hon. Lawrence MacAulay:** Will the Department of Fisheries and Oceans have any input whatsoever in this institute after?

**Mr. Kevin Stringer:** The decision was that it should be operated by a third party. Ontario is the crown owner of that area and we are talking about what the arrangements might be going forward. That hasn't been finalized.

**Hon. Lawrence MacAulay:** Is there any possibility the federal government could still be involved in this?

**Mr. Kevin Stringer:** As I say, we haven't resolved things, but the idea is to make the new operator IISD. We're talking to them about what the arrangements would be between Ontario and them, and any ongoing engagement for the federal government, but the idea is IISD is the operator and they make the decisions.

**Hon. Lawrence MacAulay:** I hope your information is correct on the four months, but my understanding is January 8 is the date and that they've asked for an extension. Hopefully, your information is correct.

**Mr. Kevin Stringer:** We'll check that.

It's generally four months, right, David?

**Mr. David Bevan:** That's correct. It's part of a collective agreement through the workforce adjustment. These are not things that can be altered by us. It's part of a collective agreement, and therefore we have to adhere to that process.

There is four months, but you're asking a question about an end date, and I have to be absolutely sure we know what the start date was, because if the start date was not a week or so ago, then it could be true that it could be January 8. If they got an opting letter last week, then they have 120 days to make a decision as to what they're going to do, and then after that they'll have whatever their choice is. It's either to leave with a transition measure available, or to go on educational leave, or to stay with the public service and be on a priority list for a period of time. Those are the choices they would have to choose from within that period of time.

We'll have to get back to you on the exact timing of those letters, because if they got them last week or so, then they should have four months.

**Hon. Lawrence MacAulay:** It's your understanding, Mr. Bevan, that they got the letters last week and they have 120 days following that.

**Mr. Kevin Stringer:** That is my understanding, and we'll double-check. If we're wrong about that, we'll let you know, but that's our understanding.

**Hon. Lawrence MacAulay:** I'd like you to elaborate in general on how the cuts and the changes in the department affect the mood of the public service at DFO. Is it affecting the output of the department? Basically, would some of the scientists be living in a bit of fear, or would they feel like they're safe? What's the climate? I think it's so essential that we have these scientists. We do not want them to be fearful they're going to get these slashing letters.

**Mr. David Bevan:** Clearly, when we were going through the process it was a difficult time. People who had worked with colleagues over a period of many years either were getting letters, or their colleagues were getting letters. It was a difficult time.

We have been managing our vacancy patterns for a number of years in order to try to have a soft landing for people, and I think we've had a pretty good track record in looking after our folks. They've seen that over the course of the last three budgets. I think the people in programs that were not impacted, because in the last 2013 budget we didn't touch any front-line staff, no science staff. Anybody delivering service to Canadians was not impacted. They've seen that, and I think they've seen it's time to get on with the job.

There's been a bit of a rebounding in morale as they've seen how we're taking care of people.

In organizations that were pretty heavily impacted that's been a tough time. If you're in that kind of an organization, it has been difficult, but I think we're through that and we're on the other side of it. For the people giving services to Canadians, I think they're back in full production.

**Hon. Lawrence MacAulay:** I appreciate that.

**The Chair:** Thank you very much, Mr. MacAulay. Your time has run out.

Mr. Chisholm, we'll move to a five-minute round now.

**Mr. Robert Chisholm:** I want to try to clear up a matter that seems to be getting bounced between committees. It was brought up at the official languages committee and it was suggested there that it should be dealt with here.

This is the decision to shut down the search and rescue centre in Quebec a couple of years ago. There was concern about putting the lives of French-speaking fishermen, sailors, and boaters in danger. The official languages commissioner got involved and recommended delaying the closure of the centre until the language requirements are consistent.

I wonder if you could give us some indication of the status of that decision.

• (1605)

**Mr. Marc Grégoire:** Certainly.

Do you want that in English or French?

**Mr. Robert Chisholm:** There's translation here, so I'd be happy to

**Mr. Marc Grégoire:** It's your wish.

The status is that we agree entirely with the Commissioner of Official Languages. We have said publicly that we would delay this transfer until such time as we are totally confident that the Halifax staff can offer totally bilingual service.

To put this into concrete terms, when the Commissioner of Official Languages sent an investigator into the Halifax station, what they noticed is that we have three stations, or three desks. There were three officers working at the same time, one of whom was totally fluently bilingual, to use our jargon. That person was talking at a verbal C level, which is fluent—I am a C level, for example—and totally able to handle any situation in the other official language rather than the mother tongue. One was fully bilingual; one was at level B; one was English only.

The conclusion that the investigator drew from that visit and an interview with all staff was that if there is a situation where the JRCC, the joint rescue coordination centre in Halifax speaks to one shift in French, there's no problem. That is covered. There is no issue.

However, they found out through speaking with people, both in Quebec City and Halifax, there are situations where you could have to speak to two different shifts at the same time, so therefore, we should have two desks. We agreed, and therefore we delayed until such time as we have completed the training of the oral competency of the operators to level C. We are now in the phase of training a number of people to achieve that level of competency.

I don't know exactly where we are today, but we're not there yet. We're talking of at least three to four more months to go. We would have to go back to the region to have the latest assessment of their training. But we are training people to have two fluently bilingual desks at once, out of the three.

**Mr. Robert Chisholm:** Okay.

The commissioner also concluded that the decision to close the library at Maurice Lamontagne Institute, and the library at the Gulf Fisheries Centre in Moncton, had not been the subject of an impact assessment that would have allowed them to measure the impact of the decision in recognition of French in Canadian society. He recommended that DFO reconsider its decision.

Have you followed the recommendations of the commissioner in this regard?

**Mr. David Bevan:** Our objective there, and what we are going to do, is to make sure there is bilingual service provided for people wishing to access our libraries, no matter where they're from. Most of—

**Mr. Robert Chisholm:** Sorry, Mr. Bevan, I'm almost out of time.

You didn't follow the recommendation?

**Mr. David Bevan:** No, we're going to proceed with the savings as planned.

**Mr. Robert Chisholm:** I have another question. I have many questions.

The department recently signed the MOU with first nations in B.C., the Union of B.C. Indian Chiefs, the First Nations Summit, and the British Columbia Assembly of First Nations.

I'm wondering if DFO has received a mandate to commence negotiations on these matters.

**Mr. Kevin Stringer:** The minister signed.... It had been a request. We've had a long-standing relationship with the B.C. first nations, and particularly with the First Nations Fisheries Council. It's always been at the officials level. There's something called the First Nations Leadership Council, which is sort of the political representative of first nations. It includes the First Nations Summit and the B.C. Assembly of First Nations—

**Mr. Robert Chisholm:** —and there's a fisheries council.

**Mr. Kevin Stringer:** —and I've forgotten the third one.

In any case, it's AFN's B.C. wing. They had asked that the minister sign an MOU, which enabled the relationship that we had at the officials level to operate at the political level. It really is a commitment to have a meeting at least once a year, or a couple of times a year, to talk about fisheries issues and other issues related to Fisheries and Oceans.

That's what it is. It was signed in September by the minister.

• (1610)

**The Chair:** Thank you, Mr. Chisholm. Your time is up.

Mr. Kerr.

**Mr. Greg Kerr (West Nova, CPC):** Thank you, Mr. Chair. I'm very pleased to participate.

I want to talk about the whole regime dealing with oil spills and where you're going, but before that, I have to comment on a comment that Mr. Chisholm made.

I am glad that Mr. MacAulay has noticed that this government believes they should have sufficient funding for fuel and should no longer have to have crew bring their own jerry cans and keep the boats floating—

**Voices:** Oh, oh!

**Mr. Greg Kerr:** As well, I know that Mr. Chisholm is genuine in his support. I know that from his Nova Scotia involvement.

But you hear this repeated suggestion that there's not budget enough to deal with the support and programming for the whole replacement regime you have in place for the coast guard. I would like to see you expand on that just a little, on what you are going to accomplish when you're all through with the investments that are being made, because they are substantial.

I know that you refer to one as a lifeboat. Down in our neck of the woods in Nova Scotia, that lifeboat looks like a pretty able ship when the storms are out. Maybe you could fill us in a bit more on what the commitment is and what the timetable appears to be. I know there are challenges, and I think you probably started to talk about that, but if you wouldn't mind just expanding a bit....

**Mr. Marc Grégoire:** Do you mean just for ships themselves?

**Mr. Greg Kerr:** Well, the ships were the first. You can talk about the whole thing, whatever way you want to put it.

**Mr. Marc Grégoire:** Okay. I can't resist adding a few remarks on the fuel, though, before I go further. It is not like we were running short of fuel before; it's just that the price of fuel is volatile. Our budget is based on a fuel value of about 75¢ a litre, and now we pay a dollar a litre, so—

**A voice:** [*Inaudible—Editor*]

**Mr. Marc Grégoire:** Yes, it's cheaper than gas for cars for sure, but as you know, we can't control the fluctuation in the cost of fuel.

On the investments in fleet, when I joined the coast guard back in June 2010, the coast guard had not seen a new ship for a very long time. Some new ships, some lifeboats, for instance, five lifeboats bought through economic action plan 2008, started to be delivered in the fall of 2010.

The last new ship that the coast guard had seen before that was the *Henry Larsen*, an icebreaker located in St. John's, Newfoundland. It was the newest ship, and it was from 1987 or 1988, I think, by memory. That's a long time without a new ship.

Since then, we have taken delivery of five new lifeboats and a number of small science vessels.



We have taken delivery now of six midshore patrol vessels. We're expecting delivery of three more midshore patrol vessels. These are very able vessels. We have three based in the Great Lakes and one in the St. Lawrence River. Two were delivered in your area. These are ships that measure about 160 feet and can reach 26 knots, so they're a very capable ship for the coast guard. They are called the "hero class" ships.

We also took a delivery a few weeks ago of a brand new hovercraft, a large hovercraft, the *Moytel*, which is based at the Sea Island base.

Vancouver Shipyards were awarded the contract to build all of the future large ships. The first new ships to be built will be the science vessels—therefore answering the question you never got to ask—the science trawlers, three of those, and one offshore science vessel to replace the 50-year-old *Hudson*, which is based in Dartmouth.

This is all good news. Also, there's an announcement to replace 10 big ships. That will come after the polar icebreakers.

That's it in a nutshell. Again, it's investment in 21 new ships: specialty ships and 10 lifeboats, and they are speciality ships that will be either hydrographic ships or science vessels.

That's a large investment that will have benefits throughout the country, but will also bring new technology and new ships to the coast guard. It will help us recruit folks, because in this domain it's difficult to recruit people to come and work at the coast guard. Everywhere, the shipowners and the pilotage authorities have difficulties in recruiting kids to come to the marine centres. Having new ships will also help the coast guard in recruiting the best out there to come to government.

• (1615)

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

Mr. Kerr, you've used up your time.

**The Chair:** Go ahead, Mr. Donnelly.

**Mr. Fin Donnelly (New Westminster—Coquitlam, NDP):** Thank you, Mr. Chair.

When DFO officials appeared the other week, the deputy minister admitted the department will not implement recommendation 4, and I'm talking about Cohen, which was to appoint a wild salmon policy associate regional director general. I think this is very disappointing, given that a number of other recommendations rely on this position. I'm hopeful the department is correct in its belief that under its current structure it can still accomplish what's set out in the report.

I'd like to look at some other key recommendations contained in the report, for which DFO has missed deadlines. By my calculations, there are at least 13 missed deadlines to date that Cohen has outlined. This is very concerning and is causing many to believe the government has turned its back on this report and its commitment to protect Fraser River sockeye salmon.

While the government claims it's addressing the report through its day-to-day operations, Cohen's report clearly calls for more significant changes. The status quo is what actually led us to needing the commission in the first place.

Justice Cohen also commented that it was regrettable that changes to the Fisheries Act couldn't wait until the government had the opportunity to consider his report. He also noted concerns over Canada's officially withdrawing from the Kyoto protocol through Bill C-38. He writes, and I quote, "climate change and warming waters present perhaps the most daunting long-term threat to the Fraser River sockeye fishery, and leadership in addressing root causes at the national level is critical". I couldn't agree more with him on that.

Just diving into some of the specific recommendations, looking at recommendation 5, with a deadline of March 31 of this year, I'm wondering if there are some quick responses on these. Will DFO publish a detailed plan for implementation of the wild salmon policy?

**Mr. David Bevan:** I can't speak to the Kyoto protocol because that's a much broader context, beyond DFO's competency.

I can say that we have changed the way we have been looking at how we manage fisheries. In particular, we're taking a much more risk-averse approach. We're trying to reduce the stress we put on stocks through fishing mortality. We've changed our way of managing groups of fishermen by having them coordinate and cooperate in projects that involve having them share access. Instead of having multiple boats, you can reduce it by a factor of five in seines and some other fisheries.

We've changed a lot of how we've approached the fisheries. We've continued our investments in science, etc. We didn't want to go ahead with the structural change that is contained in recommendation 5. It's expensive in terms of it's an investment in senior staff and we think we can get the result without having that expenditure. We're looking at our structures, obviously, in terms of budget requirements. We're trying to keep our focus on the front lines, on our ability to deliver what's needed, and not to add more weight to our overheads at a time when we need the money where it needs to be spent, which is out on the front lines.

We don't have a list of all of the things specifically. What we are doing is changing our general approach. We are having built in, for example, into our fish plans, a factor where now if the river is warm, if the migratory conditions are poor, that reduces our harvesting accordingly. We take all those kinds of things into consideration relevant to the warmth. Yes, there are some serious things happening to the north Pacific. We're seeing changes all the time. We have to factor that into our thinking and into our management of the fisheries. We have to keep that at the forefront of our thinking when we're making decisions on the harvesting, and when we're working with the Pacific Salmon Commission on that.

Did you want to add anything?

• (1620)

**Mr. Fin Donnelly:** Mr. Bevan, just to clarify, did you say that it's beyond the mandate of DFO to address climate change issues?

**Mr. David Bevan:** It's beyond the mandate to talk about decisions regarding the Kyoto protocol, but not beyond our issue.

We are responding to it by factoring temperature into our harvest levels, by factoring in management decisions, etc. We're looking at that very much when we do our decisions on our responsibilities to manage the fisheries.

**Mr. Fin Donnelly:** In terms of recommendation 6—

**The Chair:** Ms. Davidson.

**Mrs. Patricia Davidson (Sarnia—Lambton, CPC):** Thanks for being back with us once again. We should soon be getting most of our questions answered, I hope. I'm going to ask you a couple of questions on the oil spills, since my colleague didn't get enough time to do that.

It's my understanding that the coast guard is responsible for ships or oil spills. In one area it says in spills of unknown origin. I wonder if you could comment on that.

I know there was supplementary funding. Could you talk about how that's going to help in your response regime?

I'm also wondering what your success is in identifying vessels when there is a spill, if that's quite difficult to do sometimes.

Perhaps you could start with those ones.

**Mr. Marc Grégoire:** Okay, it's a good group of questions.

The first question is about the unknown sources. I'll start with the last one because if you cannot identify the vessel, then it's an unknown source.

The first one would be how do we identify the vessel? If it's a good behaviour vessel, the captain will inform the coast guard that a spill has been caused by his or her ship. That's the first thing. I would say that in most cases the vessels themselves report the spill. The trigger is the polluter must pay for its own spill. A vessel that is polluting must call the response organization. Depending on where the vessel is in Canada, it must call one of the four response organizations to come and clean up the spill. Then the coast guard goes to the site as well to monitor the response and to ensure that the response is being done as per the standards. That's the vast majority of cases.

How do we identify vessels if the vessel itself does not call? It's a matter of either somebody else reports that so and so did a spill and then left the premises, so to speak, or we have the Transport Canada surveillance program with the aircraft. They use three aircraft with very sophisticated equipment whereby they can detect a drop of oil from 20,000 feet and it's solid evidence in court. There's a Dash 8 based in Moncton, a Dash 8 based on the west coast, and a Dash 7 based in Iqaluit. They fly around the waters, evidence is taken, and then fines are given to the ship.

The others are the unknown sources. We respond to about 1,200 of those. Somebody may call the coast guard saying they have seen a little drop of oil; it could be the size of that glass here, but the fisherman will see that and call the coast guard. The coast guard responds to between 1,200 and 1,400 of those a year, from a small one like this to 10 to 20 gallons. It could be in a port, in a recreational port, whatever; we respond to those.

The money you've seen in the supplementary estimates (B) is twofold. First of all there's the money we get from the oil spill

response regime. If there is an oil spill somewhere and we have responded, we go to the ship-source oil pollution administrator and we collect the money that we have spent. We provide evidence of the money we have spent to respond to the oil spill. The administrator determines what money should come back to us because we helped prevent a larger spill, and we get the reimbursement. The mechanism to do that is through the supplementary estimates.

• (1625)

**Mrs. Patricia Davidson:** If there is an incident at a refuelling dock, for example, is that your responsibility?

**Mr. Marc Grégoire:** If it's in the water, yes. If gas or diesel or oil goes into the water, we have to be called.

**Mrs. Patricia Davidson:** Thank you.

**The Chair:** Mr. MacAulay.

**Hon. Lawrence MacAulay:** Thank you very much, Mr. Chair. I'll try to behave better.

My question would be for Mr. Bevan.

How many people involved in science have you lost at DFO? You indicated that the delivery to clients has not been affected, and it would make me wonder how valuable these people were, or were they just not needed?

**Mr. David Bevan:** I think I qualified the latter by saying that in the last round of cuts—that's the cuts as a result of budget 2013—there were no front-line staff cut who were involved in delivery of services to Canadians directly. It was based on a combination of existing organizations, to remove duplication, to look at increasing spans of control, to deal with the management overhead, etc. While staff did get cut, obviously, most of them were located away from the front lines. The heaviest cuts came to our executive cadre as we streamlined our management. That was in 2013.

We did lose scientists in the previous budgets. We looked at where we could focus our attention. We wanted information in support of decision-making. In terms of ELA or that kind of thing, that doesn't support regulatory decision-making, and that's one place we focused. We also looked at obtaining service differently for contaminants.

Scientists were impacted in the initial rounds, but not recently, as we focused on our core. That meant we wanted to avoid cuts to anyone who was helping fisheries science and stock assessment and ecosystem evaluation, etc.

**Hon. Lawrence MacAulay:** Did you lose any of the people who were involved in that over the last three years?

**Mr. David Bevan:** We always have churn. At this point in time, we have over 1,000 people who could retire without penalty and about 300 who could retire with a full pension. We have churn.

**Hon. Lawrence MacAulay:** But they're not replaced. That's my concern.

**Mr. David Bevan:** We're keeping our focus on the front line at this point. I'm not saying that this is the way it's going to be all the time. We live by appropriations. If they go down again, we'll have to deal with that.

At this point we're controlling our vacancies. Generally speaking, we're trying to avoid anything that would impact on service delivery, so we are hiring technicians, ships' crews, and fisheries officers, etc. People doing core work are still being hired, but we are looking at our intake.

**Hon. Lawrence MacAulay:** But there's less of them.

**Mr. David Bevan:** No, we're still hiring.

**Hon. Lawrence MacAulay:** In the science field.

**Mr. David Bevan:** In the science field, I'd have to get back to you with specific data.

**Hon. Lawrence MacAulay:** I'd like to have that.

**Mr. David Bevan:** Okay.

**Hon. Lawrence MacAulay:** You would agree that the delivery on the front lines is important, but getting to the front lines comes from the back lines. It takes research in order to deal with the people on the front line.

**Mr. David Bevan:** No, I'm saying that the front line is based on research. Research is part of my understanding of the front line.

**Hon. Lawrence MacAulay:** Okay.

**An hon. member:** We're the back line.

**Mr. David Bevan:** It's the people on ships, fisheries officers, ships' crews, resource managers, etc. Those are the guys we're trying to protect as we move forward.

• (1630)

**Hon. Lawrence MacAulay:** I'd like you to comment on the CETA, and looking at what the WTO has done, also what the WTO attempted to do a number of years ago.

I think you would recall how they dealt with the proposal that was on the table, the tax cards for fishermen, the small craft harbours issue, the EI. If you recall, it was a red light, amber light, green light type of thing, and all these issues were in the green light area.

Looking at the WTO and at CETA now, do you see that becoming a problem? Do they look at it as a subsidy in the fishery? Could you elaborate on that?

**Mr. David Bevan:** I think the subsidies that are really of concern to trading partners are the direct subsidies. You can't have subsidies to price. Price support would be a problem.

We've had that with the U.S. as well. People have looked at all of the programming around fisheries. You have small craft harbours

and fishermen's EI and so on. That has been investigated and has been found not to be a direct subsidy.

Every jurisdiction has something similar, so we're all in this kind of situation together. We're an exporter. We export 85% of our seafood, the wild fish, and we export a significant amount of our aquaculture. As long as we're not involved with direct subsidies that impact the price and competitiveness of our fish on the foreign markets, I think we're all right.

**Hon. Lawrence MacAulay:** But you would agree that—

**The Chair:** Thank you very much, Mr. MacAulay. Your time is up.

Mr. Cleary.

**Mr. Ryan Cleary (St. John's South—Mount Pearl, NDP):** Thank you, Mr. Chair.

Thank you to the officials for appearing before the committee.

My first question is for Mr. Grégoire.

Your answer to one of the questions from across the way was about the number of spills you deal with in the run of a year. I believe you estimated that it was between 1,200 and 1,400.

I want to talk to you about a specific spill, one off the northeast coast of Newfoundland, off Change Islands, back in 1985, 28 years ago. It's been mentioned a number of times in the House of Commons. It was a ship called the *Manolis L*. Are you familiar with the ship?

**Mr. Marc Grégoire:** Yes.

**Mr. Ryan Cleary:** There have been a number of attempts since July when that oil leak was discovered to stop the leak, including doing repairs to the hull, using neoprene gaskets to seal the hull, and this sort of thing. There were reports as late as last week that the oil is still leaking. Oil-covered birds have been found, and that sort of thing.

Can you elaborate on what's being done and what can be done to stop that fuel from leaking? There's 500 tonnes of oil aboard that vessel, so it's a fair amount.

**Mr. Marc Grégoire:** First of all, we're taking this situation extremely seriously. When we were apprised of the first leak, we took action. We hired experts and they recommended that to stop the leak, the process we have used was the best course of action. It's a cofferdam basically—

**Mr. Ryan Cleary:** I'm sorry to interrupt.

I'm familiar with what's been done in an attempt to stop the leak, so you don't need to go through it. I have limited time.

What are you going to do now, since what's been tried hasn't worked?

**Mr. Marc Grégoire:** We're not at the point of concluding that it hasn't worked.

We were there last week and we didn't observe any leak. We have the birds, so we sent the birds to the laboratory to find out if the oil from the birds is actually the oil from the *Manolis L.* We do have oil samples from the *Manolis L.* We will see after the laboratory has investigated the birds whether it's the same oil. It's premature to conclude yet that it is the same thing.

We are arranging to send an ROV, remotely operated vehicle, down to examine the ship to see visually if there is still an oil leak. It's a matter of finding an ROV and a ship to do it. We're organizing that in the short term, in the near future. That is the action we are taking.

We don't want any leaks, and we're taking whatever action is needed to prevent leaks.

**Mr. Ryan Cleary:** Thank you very much for that.

My next question is for Ms. Bouffard.

Ms. Bouffard, you appeared before this committee last week, and I asked questions about CETA. I asked about the compensation package from the federal Government of Canada, \$280 million to Newfoundland and Labrador, for compensation for the elimination of minimum processing requirements. At the time I asked the question, the response I got back was that the federal Department of Fisheries and Oceans didn't have anything to do with that compensation package and that it was the Department of International Trade that arranged that.

I have a question that follows that question from the last meeting. Are there plans to have any meetings with the department that allocated the funds to see how they can be best allocated to poise the Newfoundland and Labrador fishery to take advantage of opportunities in Europe?

• (1635)

**Ms. Nadia Bouffard (Acting Senior Assistant Deputy Minister, Strategic Policy, Department of Fisheries and Oceans):** There are none to my knowledge. We're not involved in that arrangement.

**Mr. David Bevan:** As I pointed out, just to add to that, our responsibility is the management of the fisheries. We really don't want to lose our focus on what our responsibilities are. We do want to work in partnership through CCFAM and ACFAM, under the governmental arrangements. We want to work in cooperation with the provinces, but we want to stick to our knitting, which is the management of the fisheries. We're going to leave to other government departments the issue of that fund and how to handle it.

**Mr. Ryan Cleary:** DFO is not going to have any input whatsoever on this money that's been set aside for the Newfoundland and Labrador fisheries.

**Mr. David Bevan:** We have no plans to get engaged in that at all at this point.

**The Chair:** Thank you.

Mr. Leef.

**Mr. Ryan Leef (Yukon, CPC):** Thank you, Mr. Chair.

I'd like to thank you all for coming today. It's good to see everyone again.

Mr. Kamp talked a bit about the Fisheries Act changes earlier, and I'd like to go back to that.

When this was being undertaken, the opposition coined a very cute phrase, "gutting the Fisheries Act". Is that a fair characterization of what was done to the Fisheries Act?

**Mr. David Bevan:** The act in the past was designed to protect habitat for habitat's sake, not linked to the productivity of fisheries, etc.

It put us into some fairly strange circumstances where we would be preventing somebody from draining flooded land, where if you cleared a ditch and some fish showed up, your property was all of a sudden part of fish habitat and you couldn't deal with it. That seemed to be a loss of focus. We were also dealing with thousands of referrals each year that were related to those kinds of projects that didn't relate to productivity of fisheries.

The idea of the Fisheries Act changes was to really focus on the actions needed to protect productive habitat that supported fisheries and to avoid wasting people's time, and wasting our time, dealing with something where we got onto farmers' lands, onto ponds that were created, onto various other kinds of "fish habitat", that really weren't of any relevance to the protection of fish for the purposes of recreational, aboriginal, and commercial fisheries.

As my colleagues pointed out, that covers off a large amount. If a province licenses people to fish throughout the jurisdiction that they're responsible for, then that's a fishery.

Therefore, I think we can demonstrate that we are taking some pretty good steps to protect the habitat that's important and to focus our efforts in a way that doesn't get us into somebody's personal property for the purpose of protecting habitat for habitat's sake, and not for looking after the fisheries that we are responsible for, or that are administered by others.

**Mr. Ryan Leef:** The act, in fact, still has the term "habitat" in it.

**Mr. David Bevan:** Yes, and it has stronger provisions and gives us better authorities.

Kevin, did you want to add detail? I know you have a lot more.

**Mr. Kevin Stringer:** What it says is you can't cause serious harm to fish that are part of a commercial, recreational, or aboriginal fishery, or to fish that support such a fishery.

"Serious harm" is defined. "Serious harm" is defined as the death of the fish or the permanent alteration or destruction of the habitat. "Habitat" is defined. It's still in there.

"Serious harm" is different from what it had, "Harmful alteration, disruption, or destruction", but "habitat" is still in there.

• (1640)

**Mr. Ryan Leef:** Part of that expanded definition talks about the life processes of fish.

There are a million scenarios out there but the anecdotal one is always easier for people to grasp onto. If you can picture a storyline, then people understand this more clearly.

If you have a body of water that's a creek that doesn't have a single fish in it at all, but it flows into a creek, a river, or a lake that has a viable fishery in it, that upstream water, because it influences the life processes of fish, would also be protected.

**Mr. Kevin Stringer:** It depends on the circumstances, but in your anecdote, yes.

If there is a headlands that is very important to a fishery downstream, that's protected. Habitat, as you pointed out, is very broadly defined. It's defined as anything that's supportive of the overall life processes. We've done some work with our science community to be able to better understand what that means on a practical day-to-day basis. It will mean different things in different places, but it is meant to ensure that we are genuinely protecting fisheries and not just the fish.

**Mr. Ryan Leef:** Thank you.

I have a two-part question on this.

I spend a lot of time talking to my constituents in Yukon about the changes that were being undertaken and articulating the need for them and where we thought we were going with them. In large part, and I'm not going to be kind here, the opposition doesn't help anything at all when they fearmonger and throw that kind of thing around without actually giving it the due care and attention it deserves. I'm not expecting you to wade into a political debate here with this. When your staff are trying—

**The Chair:** Ask your question very quickly.

**Mr. Ryan Leef:** Okay.

Does that impact your operations negatively when you're trying to fight that off? How have you been able to work positively with those changes?

**Mr. David Bevan:** That's a communications issue for us. It's not an operational issue. The operational staff deal with the proposals that come to them. The proponents are generally focused on their job and our people are focused on their job, respectively.

I don't see that as impacting on operations. It does impact on communications, but that's a different situation.

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

Mr. Sopuck.

**Mr. Robert Sopuck (Dauphin—Swan River—Marquette, CPC):** I'm going to ask a series of short, quick questions, hopefully, and also get some short answers.

Mr. Bevan, you talked about the number of reviews under the old Fisheries Act and compared it with the situation now. How many annual habitat reviews would you have done under the old Fisheries Act, and how many reviews do you anticipate will be done under the new act?

**Mr. David Bevan:** In the past we were doing 12,000. We reduced that to 8,000 by changing policies.

I don't think we have enough water under the bridge right now to give you a number for the new act.

**Mr. Kevin Stringer:** Fifteen years ago it was about 12,500, as David said. Then we did the operational statements and it went down

to about 8,000. This has been designed so that we think we will be looking at 1,000.

I know you want to go to other questions here, but the reality is that we know, from the years of experience, what types of projects are likely to cause serious harm. You will see it on our website now. Hopefully, we'll move forward with regulations on this in the future, but we'll be able to say we're confident that we have....

We ended up doing about 400 or so authorizations: so 8,000 projects, 400 authorizations. We're now going to look probably at about 1,000. We might start with something higher in the first year, and then probably less than 400 authorizations, but not an enormous amount less than 400.

**Mr. Robert Sopuck:** Are you confident that under the new regime, Canada's overall fish production and fish utilization, out of the fish populations that people actually care about, nothing will change in terms of a decline in fishing quality?

**Mr. Kevin Stringer:** I think the objective is actually to have better fisheries protection results. With the new recreational fisheries partnership program, with the partnership provisions of the act, with us looking at the most significant impacts on fisheries of projects, and with new offsetting guides and funds from environmental penalties to the environmental damages fund, the objective overall is better results.

**Mr. Robert Sopuck:** That's a really interesting point. In terms of those offsets, do we have the potential of unleashing millions of dollars from, let's say, natural resource companies who are doing habitat offsets to offset any habitat changes that they have made? Do we have that potential?

• (1645)

**Mr. Kevin Stringer:** Yes. It's not called an offsetting policy. It's called a fisheries productivity investment policy, but it includes an offsetting guide. Basically the new regulation says that if you're planning to cause a negative impact to the fishery and to fisheries productivity, you need an offsetting proposal. There's a set of guidelines in the new policy that enables....

Again, we hope to partner the folks who are causing this damage with the local proponents who are working on watershed work to get the best results.

**Mr. Robert Sopuck:** In terms of major projects, I think Mr. Chisholm talked about projects in northern B.C. Let's focus on pipelines and roads for a minute.

Are you confident that we have the standards in place, the design criteria and the engineering expertise to design and construct stream crossings, both road crossings and pipeline crossings, that will be very environmentally safe and will conserve fish and fish habitat?

**Mr. Kevin Stringer:** We have good standards, good best practices. It's not just us; the world does. One of the objectives of the new act is to put those standards into regulation. That will come with time, but those best practices are there.

**Mr. Robert Sopuck:** In terms of the Cohen commission, it ended in 2009, but in 2010 there was a record sockeye run in the Fraser, as I recall. That tells me that the system as a whole is capable of producing that record run and that other things limit fish production. It varies, whether it's ocean or whether it's smolt survival and so on.

Basically, the conclusion is that the system is capable of producing a heck of a lot of fish.

**Mr. Kevin Stringer:** Yes, it was a record run in 2010. This last year, there have been low numbers of sockeye in some areas, but very high numbers of pinks and chum in some other fisheries. It is variable each year.

**Mr. David Bevan:** The sockeye passed us by.

**Mr. Robert Sopuck:** I understand that.

**Mr. David Bevan:** That's my short answer.

**Mr. Robert Sopuck:** I have one last quick question, if I may.

Given that net-pen aquaculture, especially on the east and west coasts, produces primarily Atlantic salmon, it's conceivable that if the production is allowed to increase, we will never have to fish wild Atlantic salmon stocks ever again. Is that a fair conclusion?

**Mr. David Bevan:** At this point in time we don't want to fish wild Atlantic salmon stocks, because they are not capable of supporting a commercial fishery. But that is a fish that supports a tremendous recreational fishery and an industry, so we want to derive wealth from those populations. We'd like to stop the commercial fishing that other jurisdictions are continuing to do.

**Mr. Robert Sopuck:** You mean by other countries.

Excellent. Thank you very much.

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

Mr. Chisholm.

**Mr. Robert Chisholm:** Thank you very much.

I want to go back to the last point I discussed before, and that was the MOU with the B.C. first nations. I want to ask you specifically about negotiations with the Nuu-chah-nulth on the west coast of Vancouver Island. The B.C. Supreme Court has ruled that DFO should negotiate with them on their claim to have access, and DFO has been saying, "We don't have a mandate." I'm wondering whether this MOU that was signed with political organizations and first nations organizations now means that you have a mandate and that you will commence negotiations with the Nuu-chah-nulth.

**Ms. Nadia Bouffard:** The negotiations have been ongoing with the Ahousaht groups that have been part of litigation with the departments, where the courts have determined that to date they have a constitutionally protected right to fish and sell their fish. We've been under negotiations with these groups for at least two years now, since the court decision. The negotiations to date have fallen within the mandate of the Minister of Fisheries and Oceans. We have accommodated their rights as well as we have been able to within our mandate through our various Fisheries programs with aboriginal groups, including PICFI on the west coast.

• (1650)

**Mr. Kevin Stringer:** So negotiations have been taking place—

**Mr. Robert Chisholm:** Are you saying that everything's good?

**Mr. David Bevan:** No, but negotiations have been taking place over the past couple of years. The MOU doesn't change that.

**Mr. Robert Chisholm:** It doesn't change that. Okay

I'm curious. The plans and priorities and the departmental performance review mentioned that the department had 23 conflict management workshops across the country last year. I know there was a bit made of that. A reporter that I know in Nova Scotia had some fun with that, but it's very serious. I'm wondering if you could elaborate on what that was all about.

**Mr. David Bevan:** We have a centre for values and ethics and conflict resolution that's designed to prevent problems rather than to come in and fix them afterwards. The workshops are not there to say that we have a horrible problem; they're there to prevent problems and to have a more harmonious workplace. If friction starts between employees or between management and an employee, we want to have a process whereby we can defuse it and keep things on an even keel.

**Mr. Robert Chisholm:** Was this number less or more than your previous one?

**Mr. David Bevan:** I think what they were trying to do was to just get out there and say, "Here's the kind of process you can follow. Here's how to contact us. If there's friction building in the workplace, here's how to resolve it."

**Mr. Robert Chisholm:** It didn't have anything to do with the contact with the community and with the stakeholder groups?

**Mr. David Bevan:** No, it's not to deal with that. It's to keep a healthy organization going.

**Mr. Robert Chisholm:** I want to ask you about the Maritime Lobster Panel and whether the department supports its recommendations. Will you be, or are you, involved with the LFAs to help them organize? I'm thinking particularly about 34. That was, I think, something specifically following the recommendations.

**Mr. David Bevan:** I would point out that the organization of fishers and all of those kinds of on-land issues do rest with the provinces. They are the ones who help with the structures, such as the FFAW in Newfoundland, the MFU in New Brunswick, etc.

**Mr. Robert Chisholm:** Are you telling me that DFO is not at all involved with those organizations on that issue?

**Mr. David Bevan:** We will be involved. What we would like is to have a way to talk to fishermen in LFAs where they're organized by some structure that would be approved by the province, so that we could have a conversation without having to deal with multiple different voices within one LFA.

**Mr. Robert Chisholm:** I agree, and are you not involved? Are you not involved in trying to help that?

**Mr. David Bevan:** We're supportive of it, but the responsibility is with the province and they are taking action, as I understand it.

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

**Mr. Kevin Stringer:** We should add about the Maritime Lobster Panel, which you asked about, that it was to the three maritime provinces. We've worked with the maritime provinces to see what their response is going to be. There were about five specific recommendations for DFO, even though it wasn't our panel. We are looking at those.

We will work with provinces, but also with industry, in terms of responding. There are five specific ones for DFO, but a number of others that really affect us when they're talking about seasons and management approaches, etc. We do see it as a really good opportunity to work with industry and with provinces in terms of addressing what is a major fishery and a challenge.

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

Mr. Sopuck.

**Mr. Robert Sopuck:** I want to address some of the SARA issues that the department is dealing with. The question of what a species is, I think, fairly relevant, because it's sliced and diced so far that eventually every single individual will be its own species.

One in particular is the sucker. I took the trouble to look up the scientific name and it's *catostomus catostomus*, which is the longnose sucker which, if you look at Scott and Crossman, is distributed all across the country.

How could that particular species be a SARA-listed species when going by its scientific name it's distributed almost right across the country?

**Mr. David Bevan:** I think COSEWIC is the body that determines it. They're not looking at, for example, a species being limited to the Latin name, the taxonomy, that way.

They're saying that if you have discrete populations.... For example, there's the sockeye issue with Cultus Lake and Sakinaw Lake. Those were deemed to be discrete because they were genetically differentiated from the other stocks. Even though they're all sockeye, they were treated as a separate population. That's how the act works.

• (1655)

**Mr. Robert Sopuck:** Yes, but that gets into a hell of a box because there are thousands of lakes in Canada where there are discrete populations of pike that do not interact with any other populations of pike. So are we now saying the northern pike is potentially, given that the fish is, again, abundant right across the country.... We could potentially have listed species, listed pike sub-section species, all across the country. That's clearly ridiculous, isn't it?

**Mr. David Bevan:** I think it's to differentiate between populations. The scientific view was that the Sakinaw Lake and Cultus Lake populations had been persistent in those areas even through the ice age. They were in ice shadows in terms of being protected by mountains, etc., so the view was that they were separate. That doesn't apply to everything.

I don't know if you know more scientifically on this, Kevin.

**Mr. Kevin Stringer:** Another example is cod, where you've got different "species" of populations of cod. Some of them are

threatened and some of them are endangered as proposed by COSEWIC, and it is a challenge.

I do think it comes back down to genetics and population areas. Some would say it's an art more than a science, but there apparently is a science to it and COSEWIC establishes those things.

**Mr. Robert Sopuck:** The problem is listing species under SARA, or a subspecies or a subpopulation of subspecies, can have devastating community impacts on people, real people and real jobs. I don't think we can afford the arbitrariness any more.

What's the status of the Asian carp exclusion program in the Great Lakes? Where are we with it, given that this committee did a study on aquatic invasive species?

**Mr. Kevin Stringer:** Government provided \$17.5 million, I think, over five years for Asian carp. You asked what we are doing with the funding—we've talked about that in the past—and what we actually think is happening with respect to Asian carp. There are concerns. There's been a number of cases where an Asian carp is picked out of the lake, or in a river that's near the lake, which is part of—and this is Lake Erie, by the way—the Great Lakes basin.

We've done tests to see.... There was one that was 41 inches, but it was triploid which means it was sterile, which means it was used for aquaculture purposes.

There are some that have been reported on the U.S. side, in Ohio's Sandusky River, that there are concerns about. There are eDNA tests that we do constantly which suggest that we do not believe there's evidence that it's been established.

I was at the Great Lakes Fishery Commission meetings last week, and I was asking the scientists whether they believe it's established. There's no evidence that it has been established, but there is more and more concern. There's more and more concern, not about the Chicago sanitary canal, but other vectors that they may be able to get in on.

We are ever vigilant, working closely with the U.S. It's a major topic at the IJC and the Great Lakes Fishery Commission and Great Lakes Executive Committee, but it remains a challenge.

That's basically where we are. Lake Erie is the current challenge, I would say.

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

Mr. Donnelly.

**Mr. Fin Donnelly:** Thank you, Mr. Chair.

On November 28, the DM mentioned he would report back to this committee on the action the department is taking on the seven specific Cohen recommendations. I'm wondering if we can expect that report before the year end.

**Ms. Nadia Bouffard:** Before the year end? Yes, that's possible.

**Mr. Fin Donnelly:** Thank you.

The fall 2012 report of the Commissioner of the Environment and Sustainable Development noted Canada's slow progress in establishing marine protected areas, or MPAs. The scientists indicate that Canada needs to protect at least 30% of our ocean ecosystems. I find it unacceptable that less than 1% of Canada's oceans are protected under an MPA.

We need a comprehensive plan to move forward on this important file. In fact, this weekend I attended a conference on oceans where a scientist indicated there was no reason that Canada couldn't protect 10% of our oceans under MPAs in the next two years without affecting a single fisherman or industry.

I'm specifically interested in the development of MPAs on the west coast. Currently, there are two MPAs: the Bowie Seamount MPA, and the Endeavour Hydrothermal Vents MPA. There are at least two areas of interest: Race Rocks in the Hecate Strait, and Queen Charlotte Island Sound Glass Sponge Reef. The Glass Sponge Reefs are truly amazing. They're considered one of the greatest wonders in Canada's oceans.

I have two questions. Will the \$2.6 million appropriation that we saw in the supplementary estimates go towards establishing these two MPAs, and will Canada strive to meet the goal of covering at least 10% of our oceans under MPAs by 2020?

• (1700)

**Mr. Kevin Stringer:** We have signed up. It's a CBD, which is a convention on biological diversity. That established, internationally, objectives for all countries that signed up to try to get to 10% protection by 2020. Race Rocks, Hecate Strait are moving forward. When it comes to MPAs—small *m*, small *p*, small *a*—there are our formal MPAs, but also on the west coast, marine parks like Gwaii Haanas count toward that MPA list, and the work that Environment Canada is doing on Scott Islands just off Vancouver Island. There's a number of them that actually count toward MPAs.

There's been 15, I think, done federally at this point; eight of them are DFO MPAs; four of them, I think, are marine parks, and the others are established by Environment Canada's wildlife preserves. We are seeking to do more.

There are some areas where we've set aside large areas of fisheries. We've had fishery closures for 20, 30, 40 years, in some areas. We think those should effectively count toward areas we're protecting. We're seeking to do that as well.

With all of that, we're still concerned about being able to get to that 10%. It's still an aspirational objective. There is an attempt to have an overall plan.

The final thing I'd mention is that MPA networks are sort of the next big thing. Working with the Province of B.C. in particular, but also first nations and others, who are also working on protecting areas in ensuring that you have all the players at the table: DFO, Parks Canada, Environment Canada, the province, others.... We're looking at what's being protected now, what the gaps are, and who should be moving forward in the next area of protection. That's kind of the next big step, but also moving forward with Race Rocks, Hecate Strait, etc.

**Mr. Fin Donnelly:** In the remaining time I have, I want to ask the commissioner a quick question.

Commissioner, when you appeared before the committee two weeks ago, I believe you mistakenly characterized my comments as acknowledging that the system is working. In fact, I outlined a number of concerns I've heard that indicate there are unexpected challenges and perhaps unexpected costs in relation to the shutdown of the Kitsilano coast guard station.

I understand that the coast guard base at Sea Island responded to 225 search and rescue incidents between March 1 and October 1 of this year. According to records I previously obtained under the Access to Information Act, the four-year average of search and rescue incidents responded to by Sea Island was about 50.5, and Kitsilano responded to an average of 161.5 incidents. This is a total of 212 incidents. In six months this year, Sea Island responded to more than 225, more than the both Sea Island and Kits responded to on an annual basis, 212.

In your opinion, has this increased in terms of incidents and has this resulted in increased costs?

**Mr. Marc Grégoire:** Yes, it has increased costs for Sea Island, but as I also mentioned last time, this is part of our net savings of \$700,000. We have increased the budget of Sea Island. Obviously, Sea Island, from the numbers you're listing, was underutilized, which is not surprising if you have two search and rescue stations close by.

The exact number I have here, if I amalgamate the Sea Island base and the Discovery seasonal base, is 405 search and rescue distress incidents in the greater Vancouver area from the time we close.... So from February 19 to today, we have handled 405 search and rescue incidents successfully, and within the standards agreed upon for the rest of the country and the world, for that matter. We're still satisfied that we took the proper action in closing Kitsilano.

• (1705)

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

Mr. Weston.

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

I'd like to comment on our report that we did on closed containment aquaculture and then move to ways in which British Columbians may see that habitat protection has actually improved under the recent changes.

This committee is quite proud that we got through a unanimous report. One of the recommendations was that there would be a closed containment salmon aquaculture centre of excellence created. The government's response reflected some of the fiscal realities, and that recommendation was acknowledged.

I'm just wondering if you have any suggestions for people who have looked at that recommendation, in the private sector or elsewhere, and who may be taking that seriously. Is there anything they should be doing?

Then I'll move on to some habitat protection questions.



**Mr. David Bevan:** On closed containment, there are pilot projects under way now, as you may be aware, on the west coast. Some first nations are working on closed containment and determining whether or not they can scale to a commercial level. That has also been looked at by other private sector companies.

At this point, they haven't determined that it can still meet the same kind of competitiveness as the net pens can, but that has not been something that's been ignored by the private sector. We're continuing to provide advice as requested.

I don't believe that we have any plans at this point to fund those kinds of studies further than what has already been done.

**Mr. John Weston:** But there's a continued offering of expertise—

**Mr. David Bevan:** Yes.

**Mr. John Weston:** —and responses to inquiries.

**Mr. Kevin Stringer:** Yes, there is, and we have two programs in our science world, the aquaculture collaborative research and development program and the program for aquaculture regulatory research, which continues to have expertise around this and continues to work with people in the private sector and be available to them.

I remember appearing before this committee when you were doing your study. We were talking about demonstration projects that were in their early stages. They seem to have moved along, and the industry continues to develop in this way. My sense is that the report you provided has been very helpful in that regard.

**Mr. John Weston:** Let's turn to fisheries protection in the province of B.C.

There was certainly a desire to provide enhanced compliance and protection tools, provide greater clarity, certainty, and consistency of regulatory requirements through the expanded use of standards, regulations, and time limits. This has come up before, but can you respond to the changes in the definition of “permanent alteration”, how we may have actually stepped forward in enhancing our protection? I'd also like someone to comment about the definition of “serious harm” and “death of a fish”, whichever one of you would like to deal with those things.

**Mr. Kevin Stringer:** Sure. The definition of “serious harm” is permanent alteration or destruction of habitat. It's one of the challenges that's being put out there. It's different from a HADD, which is harmful alteration, disruption, or destruction of habitat, and it is indeed a different level. We have ensured that permanent alteration or destruction of habitat is linked to the definition of habitat, which is very broad, as I said earlier, and it covers all the life processes of the fish. We're ensuring that it's addressed.

The other thing is that we are focusing our application of this definition, and this is now in our policy statement on our website, on the productivity of the fishery. The permanent alteration is addressing.... If the impact on the fishery is permanent in terms of the productivity, that's the key.

The other thing, in terms of enhanced compliance, enhanced protection, is that there's a number of other pieces. I'd point to the penalties, which are much stronger than they were previously. The Fisheries Act was known for weaker penalties. We've now got much

stronger penalties. We're able to identify ecologically significant areas and set them aside in regulations. We haven't done it yet but I believe we will. That is the plan, to give them enhanced protection. We've got new regulations coming forward and new powers in the act that are enabling new regulations on aquatic invasive species. We're trying to broaden the set of threats that we're protecting against, and there's a number of other pieces as well that we are hoping will have a positive impact.

• (1710)

**Mr. John Weston:** In the prohibition—you're cutting me off again, aren't you, Mr. Chair?

**The Chair:** Thank you very much, Mr. Weston. No, I'm just telling you when your time's up.

Go ahead, Mr. MacAulay.

**Hon. Lawrence MacAulay:** Thank you very much, Mr. Chair. I'm pleased to be back in the game.

I'd like you to expand a bit, on the lobster fishery issue, Mr. Stringer. On the maritime lobster report, you indicated there were, I think, five specific recommendations that you were dealing with. Also, in your answer, perhaps you or somebody in the panel could comment on the question I asked previously with respect to WTO and the CETA, looking at where we were a number of years ago with the WTO with the small craft harbour repairs, tax cards, EI, and that type of thing.

Also, I would like you to add into the answer, if you could, whether the subject of fleet separation and owner operator policy has raised its ugly head in your department again. Where are we on that? I'd like to have an answer.

**Mr. David Bevan:** I think the previous minister made it pretty clear as to the position of the government regarding fleet separation and owner operators. That was reinforced in the House and that is the direction we are taking on the subsidies, etc., that were raised quite a number of years ago relevant to fishermen's EI, small craft, etc. That wasn't an issue that was raised through CETA, and we haven't wanted to—

**Hon. Lawrence MacAulay:** Or the WTO.

**Mr. Kevin Stringer:** —no, and it hasn't been brought to us in any recent time. I think the last time that was dealt with was quite literally decades ago, if I recall correctly.

**Hon. Lawrence MacAulay:** No, it wasn't. Anyhow, it was a while ago.

The chairman indicated I had one question, so I had my question. I would like you to respond to the lobster management question.

**Mr. Kevin Stringer:** Yes. Overall, it was a very comprehensive report. The P.E.I. one was also quite comprehensive. They spoke to the requirement for better organizations, or more organizations for the LFAs themselves, the harvesters, to marketing, to quality in handling, to a lobster market institute, to price-setting mechanisms, and to industry-funded levy. These things are largely in provincial areas of jurisdiction, but they are things that we'll have to work with them on.

Where it spoke to DFO, it said to continue to rationalize fleets where that's possible, and move away from consensus-based decisions.

**Hon. Lawrence MacAulay:** Could you explain the phrase “continue to rationalize fleets”?

**Mr. Kevin Stringer:** The idea is, and as you know, we had the Atlantic lobster sustainability measures initiative, whereby we—

**Hon. Lawrence MacAulay:** That does not mean combining licences. It means removing licences from the water.

**Mr. Kevin Stringer:** It can be. It says, “rationalizing”. It wasn't specific. You could combine them. In the Maritimes region, for example, we have an arrangement whereby you can put two sets of traps on one vessel, but with 50% less of the second licence.

Those types of initiatives are promoting us to work with industry. It was suggested and we've said that we'll work with industry when industry asks us to do stuff, and they're saying a consensus base is not sufficient; we should in fact develop the change guidelines to say what type of input will be required to be able to make changes. It's also to develop a modern data collection system for catch and effort. That's something we have to look into as well.

Those were specific to DFO, but there were a couple of others that really affect us. They talked about seasons, trap plans, and those types of things that we're going to have to work on with industry.

**Hon. Lawrence MacAulay:** Was there any discussion on seasons and quality of fish that's been harvested at the time?

**Mr. Kevin Stringer:** Yes. All those things are in play. It really is quite a comprehensive report, as is the other one.

**Hon. Lawrence MacAulay:** I'd like to wish you a Merry Christmas.

**The Chair:** Thank you, Mr. MacAulay. That's the longest one question I ever heard.

I want to thank our guests for being here today. We do appreciate your taking the time to come before the committee to answer our many questions. It certainly is appreciated by the committee members. I echo those comments on behalf of the entire committee.

Members, I had circulated a letter from provincial ministers with respect to our request for them to appear with respect to the maritime lobster panel report, so take that with you and we'll have a look at that when we return after the Christmas break.

On that note, I want to take this opportunity to wish everyone a Merry Christmas, happy holidays, and we'll see you again in the new year.

The meeting is adjourned.

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