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

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**EVIDENCE**

**Thursday, November 2, 2017**

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**Chair**

**Mr. Scott Simms**



## Standing Committee on Fisheries and Oceans

Thursday, November 2, 2017

• (0845)

[Translation]

**The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)):** Good morning, everyone.

[English]

It's nice to know we're all in a good mood this morning despite the terrible weather.

I understand you're not making an opening statement.

**Mr. Kevin Stringer (Associate Deputy Minister, Department of Fisheries and Oceans):** That's correct.

**The Chair:** You're just going to face the firing line and that's it. That's brave, noble, and all the rest.

We are continuing our analysis of Bill C-55. Following this, in an hour from now, we'll do some committee business. We'll discuss Bill C-55 in detail and any other committee business that members would like to bring up. That part will be in camera.

Joining us this morning from the Department of Fisheries and Oceans are Kevin Stringer, the associate deputy minister; Philippe Morel, the assistant deputy minister, aquatic ecosystems sector; and Jeff MacDonald, the director general of oceans and fisheries policy.

My goodness, Mr. Morel, it seems your title gets longer every time you appear here.

We're going to start right away with our questions. Who will begin for the Liberals?

**Mr. Ken McDonald (Avalon, Lib.):** I'm going first.

**The Chair:** You most certainly are. Mr. McDonald, you have seven minutes, please.

**Mr. Ken McDonald:** Thank you, Mr. Chair.

Welcome to our guests, and thank you for coming back again on such a short turnaround visit.

For decades, and maybe since the beginning of time, we've used the ocean to some regard improperly. With successive governments, not this one or the last one, but governments going back to when Canada was formed, probably, it seems that for all that time we haven't paid close attention to what we're doing with regard to what we're taking out of the water and what we're allowing to go into the water and the activities associated with that.

I refer back to the cod moratorium in Newfoundland some 25 or 26 years ago. A year or so before the moratorium came into place, we were still issuing large quotas. We knew that everybody was saying the stock was in desperate shape, yet we were still issuing huge quotas to be taken from the water. How does this act address all that neglect and mismanagement? Mismanagement is probably the wrong word, but it's a word that fits for now.

**Mr. Kevin Stringer:** It's a big question. Bill C-55 and the amendments proposed to the Oceans Act in particular are part of a set of initiatives. The cod issue, back in the early 1990s, was a siren call for many. We have adjusted how we manage effectively. The Oceans Act actually came five years after the closure of the cod fishery in the early 1990s. It was passed in 1997. It was part of a response. The other piece that was part of a response is a precautionary approach. We're late to the game on that, but we have an enormous set of tools.

One of the tools that we have now to address managing the oceans is the Oceans Act, and specifically marine protected areas. It is one of the tools. There have been assessments done. The objective is to protect biodiversity. The objective is to say we know what the sensitive species are, the key species, the key habitats, and we need a tool to protect those key habitats and species. Marine protected areas are one of those tools, and Bill C-55 speaks directly to improving how we use them.

I'll go a little further. Ecologically and biologically significant areas have been identified. Usually we say what the key species are that we need to protect, the key habitats, corals, sponges, seamounts, and so on, that we need to protect. That work is being done. Bill C-55 gives us the tools to provide the protection where we've identified what needs protection. It is part of a set of tools, a really important part. The objective is to protect biodiversity, and frankly, to get more out of the ocean over time, to help recover oceans and to ensure that fisheries and other important ocean products can do well into the future.

• (0850)

**Mr. Ken McDonald:** In your opinion, is this a strong enough move in the right direction to attain what you're trying to attain?

**Mr. Kevin Stringer:** The main objective of this is to enable us to move faster. We think the MPA, the marine protected area established under the Oceans Act is an important tool, but what we were finding is that it took too long. It took five to seven years to establish an MPA. A number of groups said, "This is important; you've identified there's a coral and sponge that need to be protected, and then seven years later you protect them."

We think it's an important tool to be able to move quicker, to provide at least interim protection or a measure of protection, to identify it and let all stakeholders know that we're serious about it and are going to provide the protection. It's thus an important addition. It's a surgical change, but it is an important addition to the tools we have.

**Mr. Ken McDonald:** On that note, you spoke about identifying a species and protecting it. I'll go back again to the northern cod and the massive seal population. We haven't addressed this. Whether it's the government's choice not to really do what needs to be done....

I know people have appeared before and have said there's no concrete evidence that the seals are the problem, that they're eating the cod or eating what the cod eat, the capelin or whatever. They're not eating the salmon, but they're eating something. They're such a huge population. They're feeding. They haven't gotten to the point that they're starving to death. We don't see many skinny seals around the coast of Newfoundland.

Will that be addressed under this? Is this a tool that will allow that issue to be addressed?

**Mr. Kevin Stringer:** I don't think it's addressed under this particular initiative. We have other initiatives through which we address it. You're correct that it is a very complex ecosystem, but there are millions of harp seals, and there are hundreds of thousands of grey seals. There is science that indicated back in 2010 that it's a significant factor in cod recovery in the southern gulf. We don't have that same kind of formal statement concerning northern cod or in the northern gulf, but we have a number of measures that we're taking to address seals.

This committee will be very familiar with the ban that existed and the work we've done under WTO to address seals and also to try to develop the market for seals. It has been hit and miss, but when we're talking about whether MPAs are the whole solution, the answer is absolutely not. There is a set of other initiatives that we need to take to ensure that we have an effective, robust fishery, and seals form part of that.

• (0855)

**Mr. Ken McDonald:** Thank you.

**The Chair:** Mr. Doherty is next, for seven minutes, please.

**Mr. Todd Doherty (Cariboo—Prince George, CPC):** Thank you to our guests for being here again today. I'll get right into the questions.

Northwest Territories Premier Robert McLeod is in Ottawa this week. He has criticized the government's one-sided and ill-informed decision-making, which has basically put everything they have built in the Northwest Territories in jeopardy. He's on record as saying:

The rest of Canada needs to realize we have people that live in the North as well, with dreams and aspirations and hope for a better future and we shouldn't be penalized because of where we live....

We shouldn't have to stop our own development so the rest of Canada can feel better.

The minister appeared before the committee earlier in this study. Time and again we have heard the same testimony from witnesses, that the consultation process has been inadequate. We have first

nations in British Columbia who are coming out against this government's consultation process.

My question for you, Mr. Stringer and the department, is why is it that you're refusing to listen to our stakeholders?

**Mr. Kevin Stringer:** When we were here last, the minister answered this. I think I spoke to it as well.

Consultation is hugely important in this regard. These are important issues for local communities. The minister spoke to some of our engagement in the north—he spoke with respect to Nunavut—but I can speak to a couple of points and say a couple of things.

One is, we have had extensive engagement. We were asked by the committee to table the record of engagement on Bill C-55 in particular, and so we're about to do that. We've pulled it together. It is an extensive engagement.

These are important issues to local communities and to people who live in the north and elsewhere. You mentioned B.C. first nations. We work closely with them.

I would also point, in the north, to the NWT, which you mentioned. One of the MPAs that we established last year was the Darnley Bay one. There's a better way to pronounce it, but I can only say Darnley Bay. That MPA was established with the community, with its engagement and support. They actually spoke to the boundary, they spoke to the objectives of it. They spoke to how we're going to move forward on it, and that's how we've done it and how we will continue to seek to do it.

**Mr. Todd Doherty:** That had the community's input and blessing. Isn't that correct?

**Mr. Kevin Stringer:** Yes.

**Mr. Todd Doherty:** On this one you're getting backlash, because arbitrarily the Government of Canada or the departments are making decisions and rushing the process without true consultation. We are hearing time and again from witness after witness that the process is flawed.

I'll read another one:

The process DFO used to approach harvester associations and consult on the areas of interest for designation was unorganized and totally not transparent.

That's from the managing director of the Gulf of Nova Scotia Fleet Planning Board, Leonard LeBlanc. I know you're familiar with him.

The reason we have the concern we have is that Bill C-55 gives more ministerial powers to the Minister of Natural Resources, the Minister of Indigenous and Northern Affairs, and the Minister of Fisheries, Oceans and the Canadian Coast Guard.

As you can hear, there are some very real concerns, and regardless of whether you feel, or the minister feels, that the consultation process has been adequate, we're getting testimony after testimony from witnesses saying that they are not being truly consulted on a piece of legislation as fundamental as Bill C-55, which will have major issues.

For our colleagues across the way who are on the coast and who are in those provinces that are going to be impacted, and for us on the Pacific coast, these are areas—you mention it in your own testimony.... For those communities that truly depend on the waters for their livelihoods and their economy, we should be getting this piece of legislation right and not rushing it.

**Mr. Kevin Stringer:** Thank you for the question. I'd make a couple of comments.

Probably the main objective of the key piece in Bill C-55 is around interim protection. We were finding with the MPA process that it was taking too long, but we do need to take the time to engage local stakeholders. We need to take the time to ensure that fisheries groups, local community groups, and so on, are involved.

Rather than rush to establish something, let's say that we've identified the science and we've done enough work to say that we are going to provide the protection. If we freeze the footprint and then take the time—because it is so important that we get it right.... That's the idea of the five years after you've established the initial protection: to work with stakeholders, to do further science, to work with communities, to work with fisheries groups, to work with ENGOs, indigenous groups, and so on to make sure that we are getting it right. The process really is important.

● (0900)

**Mr. Todd Doherty:** Would you say that marine protected areas are going to be very difficult to enforce?

**Mr. Kevin Stringer:** I don't think they're difficult to enforce. It depends where they are, and it will be different in different areas. I know that's a facile answer, but it's actually the case. There are overflights. There's satellite. There's VMS, the vessel monitoring system. There are also partnerships. There are partnerships with indigenous groups. Bill C-55 gives us the authority to partner more effectively with them to do some of the monitoring, and so we think enforcement.....

As I said last time, at the international level, people are paying more attention to enforcement and effectiveness. We can't just be drawing lines in the water and saying, "There, it's protected." We actually have to make sure it's being effectively monitored. We've paid significant attention to that. It's challenging, but it has to be part of it.

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

Mr. Donnelly is next, for seven minutes, please.

**Mr. Fin Donnelly (Port Moody—Coquitlam, NDP):** Welcome to our departmental officials. Thank you for being here on Bill C-55.

I'd like to turn to minimum protection standards. The Canada National Parks Act sets a high bar of maintaining ecological integrity in all national parks. Marine protected areas, however, lack the clear minimum protection standards that terrestrial parks benefit from. The federal government recently announced that a national advisory panel would be established to provide the Minister of Fisheries, Oceans and the Canadian Coast Guard with advice on minimum standards for future Oceans Act MPAs.

This year, a coalition of environmental non-government organizations and 59 scientists requested that the government include strong

minimum protection standards in legislation to protect marine biodiversity. Without minimum protection standards, MPAs may be highly ineffective.

How will the new national advisory panel help establish minimum protection standards? Will their recommendations be binding on ministerial discretion in any way? Will their recommendations require additional legislation to ensure minimum protection standards are adhered to?

**Mr. Kevin Stringer:** Minimum protection standards have been discussed for 20 years. When we were here last time we talked about the various tools. We have the Canada National Marine Conservation Areas Act, which establishes national marine conservation areas. It's done by Parks Canada.

There is a piece in it which says there can be no oil and gas extraction. It says there must be a certain area that's a no-take zone. That is not in the Oceans Act for MPAs. Some people have said that you should be looking at that.

With MPAs the idea has been, for marine protected areas under the Oceans Act, to identify what needs protection for biodiversity purposes and provide the appropriate protection for it without specific standards.

As we've gone through the past couple of years—and we have moved quickly—that issue has come up. The minister has said and announced a few weeks ago that we actually need to look at this. Should we have no-take zones? Should we have some basic minimum rules that this sort of activity or that sort of activity can't take place?

More than that, should there be a standard around monitoring and enforcement, around timelines for establishing them, around reviewing for effectiveness and every five years deciding whether you're going to review the act, or change it, or whatever? There are a number of things that could be in those standards. The thought was, rather than saying this, this, and this, let's have a panel of experts give some thought to it, engage with Canadians, and provide some advice to the minister.

Now, what happens afterwards in terms of whether legislation is required and whether it is binding depends on what we get. It could be done by policy, could be done by regulation, could be done by other means, but we don't want to take years to do this, so probably months, and it hasn't been decided. In any case, we think it's a really important issue and so a panel will consider it and provide advice.

● (0905)

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

Just to follow up on the activity, establishing marine protected areas involves extensive consultation and research, as we know. Can we agree that the following activities should be prohibited from marine protected areas: oil and gas—you mentioned oil and gas and mineral exploration and development—wind farms and tidal power development; open-net pen aquacultures; bottom trawling; and ocean waste dumping?

**Mr. Kevin Stringer:** Those are many of the things that have been raised concerning why we should be looking at minimum standards. That is exactly what the minister is going to be asking the panel to take a look at. It would be a little early for me to comment on whether they should or shouldn't be included.

Jeff, do you want to add to that?

**Mr. Jeff MacDonald (Director General, Oceans and Fisheries Policy, Department of Fisheries and Oceans):** I was just going to say that in terms of the current practice of the establishment of MPAs, it's important to know that the way the Oceans Act is structured, all activities are considered not allowed until it's been determined that they are not incompatible with the conservation objectives.

It's probably not fair to say of the legislation that there aren't minimum standards; it's just that the approach is on a site-by-site and risk basis. Kevin is correct concerning whether this could be done through policy or regulations or other means.

I would draw your attention to section 353 of the act, which allows for the Governor in Council to make regulations that prescribe the restriction of certain activities in marine protected areas. The policy that informs this is extremely important, and the panel hopefully will be able to provide some guidance to the minister on that question.

**Mr. Fin Donnelly:** It allows the minister but doesn't necessarily ensure that this is the case. Isn't that right?

**Mr. Jeff MacDonald:** Yes, the Oceans Act as currently written allows the Governor in Council to prescribe regulations on classes of activities, but as of yet there have been no regulations passed under the Oceans Act in that regard.

**Mr. Fin Donnelly:** How does mining and oil and gas exploration enhance an MPA's ability to preserve ecological integrity?

**Mr. Kevin Stringer:** It doesn't necessarily enhance the ability to maintain ecological integrity. What an MPA does is look at—

**Mr. Fin Donnelly:** Is it possible that it could be allowed?

**Mr. Kevin Stringer:** It could be allowed at present, and in some areas it is. The idea at the moment is that you look at what needs protection. We've identified that a certain habitat or a certain species needs protection, so we're going to apply that identification in an MPA. We look at the potential impacts on those things, and that is how we apply the protection.

The discussion around minimum standards is about whether we should be looking at a number of issues across the board. At the present time there isn't that approach, but it is the approach that Jeff talked about, which is that nothing is okay until we've identified that it is okay.

**Mr. Fin Donnelly:** I think I'm going to run out of time. I want to talk about first nations co-management and enforcement, but I'll leave it until another round.

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

Mr. Morrissey, you have seven minutes.

**Mr. Robert Morrissey (Egmont, Lib.):** Thank you, Mr. Chair.

In the interim MPAs that were recently announced—I'm referring to the east coast—am I correct that existing fisheries on the east coast will continue to occur? I am referring to lobster and crab fishing.

**Mr. Kevin Stringer:** I think we're talking about St. Anns Bank in particular.

**Mr. Jeff MacDonald:** In the most recent MPA that was established off Cape Breton, yes, there is a 75% core as a protection zone, which is restricted to all fishing. Then in the other parts of the zone it is restricted to mid-water trawl. The intention of that particular MPA is to protect the general biodiversity of St. Anns Bank. It is a very sensitive ecological area. It covers quite a bit of bathymetry, from shallower waters where there are—

**Mr. Robert Morrissey:** For the new ones coming forward, the minister, I think, was clear that the fishing activities that were taking place in those that are proposed or anticipated will continue to occur.

**Mr. Jeff MacDonald:** It may be that we're talking not about marine protected areas but about marine refuges, which are the other effective area-based measures, some of which were announced in the Gulf of St. Lawrence. The fishing activities that are not incompatible with the objectives of those particular closures are still allowed to continue.

• (0910)

**Mr. Robert Morrissey:** Thank you.

Does the department know of any fishery or community that has been detrimentally impacted by an MPA? We know, as my colleague pointed out, the impact of doing nothing or standing by and watching a fishery collapse. We've seen it in evidence in Newfoundland.

Briefly, do you know of any?

**Mr. Kevin Stringer:** I don't think—and I'll look at Jeff for this—that we know of any that have been specifically detrimentally impacted. One thing we would point out is that the MPAs are very focused in terms of the area we're protecting, and the total allowable catch that anybody is allowed to catch is not impacted by the MPA. In other words, you can still catch your quota or participate in the fishery, just not in that particular area.

**Mr. Robert Morrissey:** I wonder whether it's specific, because of all the evidence, I'm personally not aware of a fishery or a community that has been negatively or detrimentally impacted.

My final question, because I'm going to share my time with my colleague Mr. Finnigan, is on protection. One issue we heard about loudly and clearly is that while there's support for MPAs, there is a question about the adequacy of protection and enforcement and about enforcement generally across fisheries. Could you briefly...?

**Mr. Kevin Stringer:** Enforcement really is a key to making this effective. If we have announced measures and don't actually enforce, they just don't have the same effect. We have stepped up our enforcement in the last while on MPAs. I think the most recent statistics I saw were 1,500 hours of enforcement in MPAs this year so far as against fewer than 1,000 overall last year.

We are trying to increase our enforcement and ensure that the measures are being effective and respected.

**Mr. Robert Morrissey:** Thank you.

**The Chair:** You are going to have about three and a half minutes.

**Mr. Pat Finnigan (Miramichi—Grand Lake, Lib.):** Thank you to my colleague for sharing his time, and thank you to the witnesses for appearing.

My question today may or may not be relevant to Bill C-55, but I want to talk about CAST, Collaboration for Atlantic Salmon Tomorrow. In my riding, of course, it has a major effect on determining whether we can help the salmon survive.

As you surely know, CAST is in trouble right now. There have been some issues, and it's very hard to know exactly where the issues lie. Tomorrow I will be meeting with two of the chiefs in my riding about this.

I would like to have some information about where we are and why this is stalled at this time. A lot of investment has been put in there, including private money, government, scientific research, universities. We're almost at a point at which some might pull the plug on this.

I would like information on where this stands and what the real issue is.

**Mr. Kevin Stringer:** I have forgotten what CAST stands for. It's Atlantic Salmon....

**Mr. Pat Finnigan:** It's Collaboration for Atlantic Salmon Tomorrow.

**Mr. Kevin Stringer:** In an initiative that started two or three years ago with a number of stakeholders coming together on six projects—DFO has supported a number of them—there has been one that has been a challenge. It's about adult rearing. The idea is to grow fish, basically, in a hatchery and then release them as adults into the river. It's something that has been done in some areas. It's been done in areas in which there are basically no fish left. They're extirpated. It has not been done in an area we're trying to recover.

We have talked to the CAST proponents and worked closely with them, and there are two issues. One is around making sure that we've done the thorough science assessment and peer review of the plan, and the second is working with first nations to ensure that the first nations are fully engaged and fully consulted. They have more than an interest in this.

The discussions have been challenging with everybody over the past few months and we appreciate and are paying attention at the moment to them. I'm glad to hear that you'll be meeting with them as well.

**Mr. Pat Finnigan:** So it's both: first nation consultation and also science. Have any of the requirements not been met by the CAST organization?

• (0915)

**Mr. Kevin Stringer:** Our view is that peer review assessment of the project needs to be done, and how much of the project can be done before the full peer review assessment is something about which we're in active discussions with them. It is an important initiative and one that we're taking seriously and working closely with them on.

**Mr. Pat Finnigan:** What would be the danger in having them spawn in the river? What is the worst that could happen?

**Mr. Kevin Stringer:** The issue is crowding out of the wild species, effectively changing the genetic nature, over time, of that species. It's not quite the same.

**Mr. Pat Finnigan:** You'd think we could capture those smolts in that river, and we would probably—

**Mr. Kevin Stringer:** It's the impact of not knowing what they're actually going to do at the time and ensuring that the wild stock we have is protected. That said, this is one conservation tool that has been identified as a potential way forward.

We have approved a piece of this initiative, as I understand it, or at least we're looking at that, but it is an important thing. You more than anybody know the importance of that river and the Atlantic salmon fishery in that river, in other rivers as well, but in the Miramichi. We take it very seriously.

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

Mr. Arnold, you have five minutes, please.

**Mr. Mel Arnold (North Okanagan—Shuswap, CPC):** Thank you, Mr. Chair.

Thank you to the three of you for being here this morning.

My first question would be for Mr. MacDonald.

How is the MPA establishment process going? How would you classify it?

**Mr. Jeff MacDonald:** The MPA establishment process is one that has been ongoing for quite some time. The program initially, after the Oceans Act's passage, invested a tremendous amount in ecosystem science, and the most important output of that research was the identification of ecologically and biologically significant areas, which Kevin spoke about earlier. That's the basis upon which we start to identify areas of—

**Mr. Mel Arnold:** How's it going? Would you say it's going well now as compared with previously?

**Mr. Jeff MacDonald:** I would say that we're starting to see the fruits of our labour over the past 10 or 15 years of investment in science and in consultation. There's been a lot of work done at the federal, provincial, territorial, and community levels on the development of networks of MPAs. The idea is that the networks identify sites linked ecologically on an ecosystem basis that provides overall protection to an area.

**Mr. Mel Arnold:** Is it going better over the last few years, or is it a little more rocky?

**Mr. Jeff MacDonald:** I don't know that I could characterize it that way, Mr. Chair. I would just say that—

**Mr. Mel Arnold:** One of the department's people on the west coast referred to it as a scramble. They're scrambling to meet the requirements.

**Mr. Jeff MacDonald:** We certainly received a lot of investment in the program over the past couple of years, and in terms of turning that investment into results there has been a lot of effort by people across the department, not just in the oceans program but in our fisheries management sector, as well as our policy sector, to help the government achieve its mandate commitment of 5% protection.

Some people have been scrambling, that is true, including the three of us here, but we've been committed to—

**Mr. Mel Arnold:** Let me move on to the next question, because we're short on time.

You mentioned—and Mr. Stringer, I believe, backed it up—that with the Bill C-55 process, areas are closed unless there are exceptions made. This has fishermen in Atlantic Canada terrified. We heard this in testimony over the past few weeks while we were out there. They are concerned that once an area is closed, it's never reopened.

What are you telling their families? What are you telling fishermen on the Atlantic coast?

**Mr. Jeff MacDonald:** The risk-based approach is one that involves a lot of communication and a lot of consultation. It's not a one-off transaction. When we go forward and say that these are the areas we know are sensitive, we are not only sharing what we know, but we're also receiving a lot of useful information from people who are on the water all the time concerning what they've observed as important areas. That is all important information that goes into it.

The second point, and the one we have heard a lot of concern about and are very conscious of, is there's a feeling that we don't understand the social and economic impacts of a marine protected area. That is a necessary step in the process. It just comes after we've started to identify what our conservation objectives are, so that when we provide advice to the government as to a protected area we're not just saying that this is an area of ecological significance, but that we have also taken into account the anticipated impacts on people's livelihoods as well as the cultural importance of those areas. It's not just what the negative impact is, but what positive attributes the area could also bring as a protected area.

• (0920)

**Mr. Mel Arnold:** Why are we hearing from witness after witness, fisherman after fisherman, family, and organization, that they're not being heard in the consultation process? They're telling us about meetings that are held that are basically informational meetings, not consultation meetings. They've put that term on it repeatedly, that they are told what's happening, but they're not able to provide input.

Why is there a difference between what they're saying and what the department is saying?

**Mr. Jeff MacDonald:** I would say that the way we go about establishing marine protected areas is an ongoing dialogue, in terms of going from an ecologically and biologically significant area all the way through the process to establishing an MPA through regulations. There are many points of intervention, but it's often the case, when we're first introducing the subject in areas in which there haven't been efforts to do marine protection, that there's a lot of concern that we will not take into account the social and economic impacts on their livelihoods.

I can understand that there's a degree of suspicion and fear at the outset, because people are used to using the ocean as a way of gaining their livelihoods. I think the dialogue is important, however, in ensuring not only that it is achieving a protected area but that there's a greater degree of information sharing and better knowledge about the health of the oceans on the part not only of the

government, but also on the part of the community sharing the information with us.

**Mr. Kevin Stringer:** One thing that Bill C-55 should help with is to ensure that we have the time. You're identifying that we have enough information to say that an area is going to be protected; then we freeze the footprint, which basically means fishing that was going on before and other activities that were going on before can continue, but no new activities.

We take the time. We give ourselves five years to engage to do the socio-economic analysis—there has to be some done ahead of time as well—and to engage communities, etc.

We need to take the time. We understand how important this is to communities and are as concerned as you are as fishermen express concerns.

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

Mrs. Jordan is next, for five minutes, please.

**Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.):** Thank you, Mr. Chair.

Thank you to our officials for being here this morning.

Going back to the bill, Bill C-55 says specifically:

This enactment also makes amendments to the Canada Petroleum Resources Act to, among other things,

—and (c) is what I'm interested in—

provide for compensation to the interest owner for the cancellation or surrender of such an interest.

Can you explain that to me, please?

**Mr. Kevin Stringer:** Do you want to answer that, Jeff?

**Mr. Jeff MacDonald:** Sure.

The Canada Petroleum Resources Act is administered by the Minister of Natural Resources south of 60, more or less, and north of 60 it's by the Minister of Indigenous and Northern Affairs. In that context, the proposed amendments to the legislation outline a process to deal with legacy permits that are in place on the west coast and in the north, for which there has been, for example, on the west coast, a moratorium on oil and gas activities for 45 years.

Those permits still have a legal status. The amendments allow for the competent minister to propose, in the establishment of an Oceans Act MPA, a process with the permit holder to either surrender them or, as the case may be, to end up extinguishing those permits and then offer a path for compensation for what their value may be.

**Mrs. Bernadette Jordan:** If we're willing to do that for oil and gas, why aren't we willing to do it for fishermen?

**Mr. Jeff MacDonald:** It's a permit that has been issued by the government, so it has a legal status. The fisheries are considered a common property resource, and therefore the ownership of the fish is once it's landed on the vessel, rather than when it's swimming in the water.



**Mr. Kevin Stringer:** I would add to this that unlike the case with oil and gas where, if you can't get your oil and gas where you have the lease, that's it, you can get your fish elsewhere. We're saying that this area is a no-go area for this type of fishery. That doesn't mean you can't go elsewhere and catch fish elsewhere.

**Mrs. Bernadette Jordan:** I was fortunate enough to be on the trips to the north and west and also to the east. One of the things I found quite interesting is that in the north and the west there seems to be less concern about the process. They felt engaged. They felt part of it. They felt they weren't as negatively impacted. On the east coast it was different. Why do you think that was?

**Mr. Kevin Stringer:** I don't know. We heard it last week from this committee. We've heard it this week from this committee. We need to reflect on that. We need to make sure we're fully engaged. You'll see when we table, that we've done a lot of engagement, but we need to reflect on that and make sure we are. Again, Bill C-55 gives us some tools to be able to do that effectively, and some comfort that we're going to engage before things get locked down. The fishery groups and community groups are our partners in stewardship, and we need them on board for these things to be as effective as they can. We need to make sure we are doing that.

• (0925)

**Mrs. Bernadette Jordan:** I'm going to go back to Mr. Morrissey's point because it's an important one. To the best of your knowledge, has there not been a community negatively impacted by an MPA?

**Mr. Kevin Stringer:** We have said, "You can't fish in this area. You can't do certain types of fisheries in this area." We haven't said, "You can't do that anywhere." In other words, that fishery can take place elsewhere.

**Mrs. Bernadette Jordan:** I'm going quite quickly because I have a list here.

One of the things we heard was that you don't need an MPA if you have a well-managed fishery. Do you want to comment on that?

**Mr. Kevin Stringer:** We have many tools on conservation. It goes back to the original question from MP McDonald. What do we do to ensure that we're effectively managing oceans? We apply the precautionary approach. We have harvest control rules and limit reference points. We have a number of tools. We have dock-side monitoring. We have many initiatives. MPAs are one key tool that we can apply, and we think it is an important part of a broad set of tools around conservation and effective management.

**Mrs. Bernadette Jordan:** Finally, I have a question with regard to the minimum protection standards, because we've heard a lot about that from environmental groups and other organizations. How do you start that process? I know you talked about a board, but where is the baseline and how do you find the baseline at this point where we're looking at areas that already have depleted resources?

**Mr. Kevin Stringer:** There's a lot of information out there. Other jurisdictions have looked at it. There are different pieces of legislation that do different things. There's a lot of material. Over the past two years, as we have moved very quickly in terms of protection standards, we've heard repeatedly from stakeholders that we need to look at this. It has come together, and that's where the minister has landed in terms of saying we need someone to look at this set of things to see what people have said about it, engage them

further, and look at the body of materials and evidence around those standards.

**The Chair:** Thank you, Mrs. Jordan. I appreciate it.

Now to Mr. Miller for five minutes, please.

**Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC):** Thank you, Mr. Chair.

Gentlemen, thanks very much for being here.

I love to hunt and fish, so in the concept of protecting resources and what have you, I have no problem with that, and I don't think anyone would. I have some real concerns with the process, though. Mr. Doherty and Mr. Arnold—and I think even Mrs. Jordan has skirted around the issue in mentioning the process without actually saying there was a problem. It appears the government has made a unilateral decision to protect  $x$  amount of... That's all well and good if they have a plan in mind, but it's almost like a game of pin the tail on the whale, and we'll just point to an area and say we're going to protect that without any real justification, science, or what have you.

I note that Mr. Morrissey got on the record, of course, to satisfy the fishermen in his area, but the one thing he failed to mention—or Mr. Stringer failed to tell you, Mr. Morrissey—is that section 2.1.1 says the fishing allowed is not going to affect that, but it's what happened in the last year. It doesn't go beyond that. I have it right here in black and white. Mr. Stringer, you talk about another tool in the tool box to be able to deal with this thing, but you already have 13 federal statutes that you can work under.

Again, it's about the process. It doesn't seem to be science-based, and I don't think we're being up front with our stakeholders. Mr. Morrissey, I don't have any stakeholders in my riding who are affected like this, but a lot of you do over there, and we're not being up front and honest with them. How do you respond to that?

**Mr. Kevin Stringer:** Thank you for the question.

There absolutely has been a plan, and we have talked to stakeholders about it. It's a five-point plan for meeting our 5% and 10% targets. Many stakeholders are getting tired of hearing it, but they have heard it often.

One is to finish what we started. We had a number of MPAs that we had been working on, so let's get those over the finish line.

Two is to use large, pristine areas—some people don't like the term "pristine", but large areas—as MPAs.

Three is to form MPA networks. Develop MPA networks in five priority areas, and now we're looking at increasing that number.

Four is to take other effective area-based measures. Those are fisheries closures and other measures, and we've developed guidance to see what can count toward that 5% and 10%.

Five is to amend the Oceans Act to give us the time to provide the interim protection. We've talked about that to many people.

The second thing I'd say is that it is all science-based. We have made a big point, as we've gone through this, of saying that we will not simply draw lines in the water and say, "There's our 5%." It's about protecting corals and sponges, seamounts, sea pens, and species that we've identified as important species that need protection, and applying the measures that are appropriate for conservation.

The third thing is we have made sure that we've had full engagement.

We're hearing some concerns here. We need to reflect on them. That's really important, because at the end of the day, we will do it. It is, though, science-based. There is a plan, and we need the partnership of communities and fisher groups for this to be effective.

● (0930)

**Mr. Larry Miller:** I think it's obvious from the testimony that was heard, especially during the most recent consultations on the east coast—and consultations by the committee, not by the government or the ministry—that the transparency in this whole thing, Mr. Stringer, is what has always....

The minister was here one week ago today exactly—right about now a week ago—and said that in the future they're going to make some announcements. He went right out the next day and did this—not transparent at all, and nobody can question that.

I have one last thing here, or maybe it's not the last. You talked about no-take zones. In one breath you tell us that everything is going to stay the same under an MPA, that fishing is going to happen. Being the devil's advocate, I would say that if fishing is going to stay the same, and every other thing, what's the idea? What's the advantage of the MPA? I'm not saying that I want to see fishing reduced, but it contradicts itself. Can you speak to that?

**Mr. Kevin Stringer:** The types of minimum standards that people have talked about and that have been raised at this table already—the sorts of things we've heard about that the panel could turn their mind to—are that there be no bottom trawling in any MPA, no oil and gas, or no mineral extraction, or that those are the types of things that could take place.

The idea of the marine protected areas under the Oceans Act is that we have identified something that needs protection. Then you identify the measures that would protect that thing, but you allow other activities to take place.

Yes, some fishing will take place, but it may be that there's no bottom contact fishing, or no longlining, or no oil and gas. It really is surgical, but it's meant to be surgical but comprehensive protection for what you're trying to protect.

The minimum standards effort is to say that we should look at whether there should be no-take zones in all of them, or no oil and gas in any of them, or no bottom trawling. These are the types of things that have been raised.

**The Chair:** Thank you, Mr. Stringer. Thank you, Mr. Miller.

Mr. Hardie, you have five minutes, please.

**Mr. Ken Hardie (Fleetwood—Port Kells, Lib.):** At the freeze moment, the moment that the announcement comes down, we could

have a variety of agencies and ministries, etc., involved in granting an approval for something. If people aren't talking to each other, you could have oil and gas approved one week, and then three weeks later, all of a sudden we have this minister using these new powers, and the people who had their approval may be looking for compensation.

That's a potential scenario, isn't it?

**Mr. Kevin Stringer:** A big part of the purpose of Bill C-55 is to ensure that we're actually applying a legal protection, so that it wouldn't be possible to move forward with other regulatory measures, regardless of which department, whether it's Transport or whatever department—

● (0935)

**Mr. Ken Hardie:** The point is that it's a moving target. If somebody who feels that they've now had approval to do something all of a sudden sees somebody coming from someplace else, coordination here is going to be—

**Mr. Kevin Stringer:** —very important.

**Mr. Ken Hardie:** How, then, would you go about it in advance of declaring an area off limits for certain activities? How much in advance would you signal that this is probably going to happen, in order to prevent the other agencies from getting tangled up?

**Mr. Kevin Stringer:** That's a really good question. First of all, it's incumbent upon us to ensure that we are working with the other agencies. Particularly in the last two years, as we've launched the process to get to 5% by this year, we have had close coordination between DFO, Parks Canada, and Environment and Climate Change Canada. Also, CIRNA—the department formerly known as INAC—NRCAN, and Transport Canada are all involved, working closely together on these things.

One of the purposes in Bill C-55 is to provide clear direction: this is an area that we are going to protect, and the Government of Canada will not look at any other new developments that aren't currently taking place during the period in which we're reviewing it over the next five years.

**Mr. Ken Hardie:** From this side of the table, I want to reflect what we have heard, either implied or stated directly: that the state and quality of the consultation is something that you really do need to be concerned about.

It's fairly common for people who get an adverse outcome to say that the process wasn't good, but at the same time, there's a whole school of thought around fair process. I really have to impress upon you the need to go back, right down to the field level, and ensure that the people who are exchanging with the local community really have their act together on this one.

We heard from Parks Canada, which has, to be honest with you, a much better reputation in this regard than DFO. For the purpose of public confidence and fair process, it has to be something that really needs attention, and I dare say, from what I've heard, more on the east coast than the west coast.

You said that this bill will give you authority to partner more effectively. Can you expand on that a little bit?

**Mr. Kevin Stringer:** One of the elements—maybe I'll ask Jeff to speak to this—is around partnering with guardians locally. We mentioned that enforcement, monitoring, and effectiveness are all really important to getting the results we need out of MPAs. It gives us the ability—and we have other areas in which we have this ability—to partner with local communities and with Indigenous groups in monitoring.

Jeff, do you want to add to that?

**Mr. Jeff MacDonald:** Yes. This is exactly one of the points envisioned in the amendments to the administration and enforcement section of the Oceans Act, section 39. The bill proposes that the minister be able to “designate persons or classes of persons” for the administration and enforcement of the act. It's not just going to be federal or provincial; we could work with communities as well in monitoring and enforcement of marine protected areas.

**Mr. Ken Hardie:** Is there any time left?

**The Chair:** You have 30 seconds.

**Mr. Ken Hardie:** Oh, good.

Quickly, in the regulations that follow, what clarity can we expect to see through the regulations that are developed to back this up?

**Mr. Jeff MacDonald:** I'll go back to the point you were asking about earlier concerning coordination. This is one reason the interim protection MPA is subject to the Statutory Instruments Act. We work closely with other departments and agencies, not just federally but also with provincial and municipal authorities and Indigenous governments, because they too can authorize activities in the marine environment. The idea of freezing the footprint is really to identify, in the area under question, what is actually taking place.

We will obviously work on that and identify it, but there is a final formal process through the gazetting whereby we say, “This is what we know is permitted.” Prior to the interim protection's being applied, there's an opportunity for that last chance to say that we may have missed something, and so we know that this is also an ongoing activity.

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

Mr. Donnelly is next, for three minutes, please.

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

On the topic of first nations co-management, the federal government's commitments to implementing the United Nations Declaration on the Rights of Indigenous Peoples and working in true nation-to-nation relationships with Canada's Indigenous peoples, consistent with the Canadian Constitution, should be reflected in the Oceans Act. Marine protected areas are an opportunity to advance reconciliation. Bill C-55, however, fails to include specific provisions to accomplish this.

There are already successful examples in Canada of co-management that the government can look to for guidance and inspiration, for example, the co-management agreement between the Haida Nation and the Government of Canada over Gwaii Haanas National Park Reserve, or Parks Canada's co-operative management model in the Arctic.

Is the government considering including in Bill C-55 recognition of indigenous governance rights and co-governance models, appropriate recognition of indigenous protected and conserved areas, and—I think you've spoken to this—the delegation of monitoring and enforcement authority to indigenous guardians?

● (0940)

**Mr. Kevin Stringer:** I'll jump in.

There are three things to mention. First, Jeff spoke to the final point about working with indigenous communities in terms of guardians, monitoring, and enforcement. We see that as a really useful tool. Second, the Oceans Act, at section 2.1, is one of the first pieces of federal legislation to include a section that says “nothing in this Act shall...abrogate or derogate from...aboriginal...rights”. That piece is there. Third, moving forward on managing oceans with indigenous communities is a huge initiative, and one that we continue to work on. You mentioned the Haida. We are working with the Haida and hopeful of advancing discussions with them.

We're working with others on the west coast as well. To be candid, 15 years ago, we used to talk about fisheries. We're now talking about fisheries and oceans and the management of ocean spaces. There is no question that indigenous communities are partners in that regard and stewards with us. We are working on new initiatives to be able to do that. The west coast, the Arctic, and the east coast are all a bit different, but all have some of the same principles and we are seeking to make advances there.

**Mr. Fin Donnelly:** You spoke to two out of the three. What about the indigenous-identified protected areas?

**Mr. Kevin Stringer:** There's work under way on indigenous-identified protected areas, led by Parks Canada and Environment and Climate Change Canada and working with indigenous groups. It's going to be a very interesting new area. We have all the tools we talked about: the national marine conservation areas, the Oceans Act MPAs, and the wildlife areas from Environment and Climate Change Canada. We have other effective area-based measures, and we will have indigenous protected areas. That is an element that is still being developed as a concept but is hugely important.

Some of the protected areas we're looking at, regardless of whether they end up being an IPA or not, are about protecting an area in the north for walrus haulout. It's protection from other activities that are taking place for traditional harvesting. Work is under way on that. It's an exciting new concept and one that will be part of the overall protected network. Regardless of whether it counts towards the 5% and 10%, it will be an important initiative, and we're moving forward on it with colleagues and government.

**The Chair:** Thank you, Mr. Stringer. Thank you, Mr. Donnelly.

We have a bit of time left. We're doing committee business and we have an hour to do it, which is quite a bit of time. If you would like to keep this going, not that I want to prolong the agony by any stretch of the imagination, I'm looking for quick questions and anything you want to clear up. I'm not going to use the time. I just want you to ask one quick question and get a quick answer, if you could. We'll do it by party. I see Mr. Arnold, Mr. Donnelly, Mr. Morrissey, and if we have time, we'll come back to Mr. Doherty. I'll get to you, Mr. Doherty. Don't worry.

Mr. Arnold, go ahead.

**Mr. Mel Arnold:** Thank you, Mr. Chair, for the indulgence here.

The recent announcements on the west coast—by my calculations, and I may be slightly off—actually account for 35% of the 5% target for 2017. Because of the area involved, that one announcement accounts for 35% of the 5% target. Even by 2010 at 10%, that will still be 17% of the entire goal tied up in one identified area.

How does that speak to biodiversity that may be as or more important than other areas that need to be protected? How much more of that area is going to be locked up on the west coast, disproportionate to the rest of the country?

• (0945)

**Mr. Kevin Stringer:** That was a significant closure. It protected 11 seamounts, and it's 1.44% of the 5.22%, which is what we're currently at. If you looked at our five-point plan to get to the 10%, it is absolutely considered as part of that. The next phase is going to be largely about marine protected area networks and ensuring that we have the connectivity, duplication, and the right things protected in all the different areas. That is where we're going to need to be engaging effectively with environmental, indigenous, and fisheries groups, etc.

We have protections that make up the 5% on the west coast, on the east coast, and in the Arctic. We all know Lancaster Sound was 1.9%. Then there was 1.44% for the west coast, plus Hecate Strait was a small amount—that was a fairly recent announcement. On the east coast, there's St. Anns Bank. There are fisheries closures that we talked about here that we know are on their way. We have made sure and will make sure that we have a genuine balance, and that we are protecting things we've identified through the science as needing protection.

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

Mr. Donnelly, very quickly.

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

I am going to switch to enforcement for a second.

There was a report in 2014 that I was going to mention. It said that around the world, MPAs can't be distinguished from other areas if you don't have the basic threshold for management. It went on to say that they lack staffing and funding to accomplish the effective monitoring and enforcement. Funding and staffing were found to be the biggest predictors of conservation outcomes.

Mr. Stringer, you mentioned that last year 1,000 hours, and this year 1,500 hours have gone to enforcement so far. Will the government be expanding the number of resources required to

enforce and protect and monitor these MPAs, and how are you looking at doing that? Those 1,500 hours seem pretty inadequate to cover 5% of our oceans.

**Mr. Kevin Stringer:** That's for MPAs in particular, not other effective area-based measures. We'd have to look at that together.

We are looking at that. We are taking the enforcement and monitoring of it seriously. One of the objectives that we would take at the time, once we freeze the footprint, is to ensure that we have an appropriate management plan, monitoring plan, and enforcement plan. That goes as part of the regulatory process going forward.

As I said, internationally and domestically, that is becoming more and more the focus. As people are starting to meet their targets, people are now saying, "Okay, so you've identified it. How do we make sure we have the enforcement?"

Canada is going to make sure we are at the forefront of making sure they are effectively enforced.

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

Mr. Morrissey.

**Mr. Robert Morrissey:** Thank you, Chair.

I would like to start by making a comment. As a marine country, let's put things in perspective. We're talking about fishers having access to 95% of the marine resource in this large country.

The east coast fisheries, primarily the most lucrative ones, crab and lobster, are recognized internationally as marine sustainable because of the extensive work done by DFO and fishery communities on the sustainability of those two fisheries. That depends a lot on the extensive science of DFO, something the former government didn't pay a lot of attention to.

We recognize the science and the ability of maintaining those lucrative fisheries going forward. Could you comment on that, and how the marine certifiability of those two fisheries would factor into any decision-making on marine protected areas?

**Mr. Kevin Stringer:** Again, it speaks to the broad set of conservation tools that we have.

One of the most important things that we advertise to the world is that Canada's lucrative fisheries, Canada's most important fisheries, are certified by the MSC. We're very proud of that. We work closely with the fisheries groups. It is an industry-led process, but one that we support with our management tools, with our science, etc.

All of that work contributes to where we apply protection, where there are MPAs, where there are other effective area-based measures, and where there are closures. No doubt our work on MPAs and protected areas also contributes to our ability to achieve certification or help industry to achieve certification. It really is a significant piece. I think over 75% of our landed value is “certified” by MSC, and we have more percentage than I think any other country in the world. Our industry has a good record on that.

● (0950)

**Mr. Robert Morrissey:** Thank you.

**The Chair:** Thank you, Mr. Morrissey and Mr. Stringer.

Mr. Doherty, to end.

**Mr. Todd Doherty:** Mr. Stringer, I'm going to rattle off a few names for you to begin with.

You've mentioned that there will be fisheries closures coming up. If we're going to be partisan here, I'll take a shot as well, thanks to Mr. Morrissey's comment about a previous government. It is shameful that our colleagues across the way are throwing softballs at you, and the minister previously, when there are going to be fishery closures in their neck of the woods, job losses, and potentially economic losses.

George Zinck, president of the Prospect Area Full-Time Fishermen's Association in Nova Scotia is talking about the MPAs. They're not clear about the the process. At the Cape Breton Snow Crab Fishermen's Association, Basil MacLean and Bill MacDonald are worried.

There is Peter Connors, president, Eastern Shore Fisherman's Protective Association is worried about the MPAs. We also have Ian MacPherson, executive director of the P.E.I. Fishermen's Association; Leonard LeBlanc and Veronika Brzeski, Cape Breton Fish Harvester Association; Jim McIsaac, Canadian Independent Fish Harvester's Federation; Keith Colwell, Nova Scotia fisheries minister; Andrea Paul, chief of Pictou Landing First Nation; and Gord MacDonald, fisherman in Nova Scotia, and the list goes on. There are concerns from fishermen who are going to be impacted from here. If they're not going to stand up for the fishers in their neck of the woods....

Mr. Stringer, when you say there are going to be fisheries closures and your message to them is, “Well, there are going to be fisheries closures here, but you can just go to the next site”, we know there are costs associated with that. They may need a bigger boat. They may need different gear.

It is unacceptable that we have so much concern with stakeholders. I see that the parliamentary secretary has handed a note for you to follow. This is unacceptable that this consultation.... You have messages from stakeholders that you've said are key stakeholders in the process. Our first nations on the west coast, the premier of the Northwest Territories, are all saying the same. The consultations are a sham. They're all saying the same.

If our colleagues across the way won't stand up for them, we're going to. What do you have to say to the fishers who are worried about their livelihoods—and those families who are worried—and the economy, and the jobs that they're going to lose?

**Mr. Kevin Stringer:** Our job is to ensure that we're providing the appropriate protection where it's required, so that we can grow biodiversity so that there are more fish. The world will need more fish, and our objective and our job is to make sure that there is a robust commercial and recreational fishery that is supported by MPAs.

It has been a busy two years. We have sought to meet the target. We have engaged extensively, and we hear you that people are nervous about it. We do talk to them regularly. We will need them as we go forward as partners in this, and we are committed to making sure that we continue to work with them on those things. They too are expressing to us concerns about the ocean and what we're doing in the ocean. They expect us to move forward on oceans protection as well. We need to make sure that as we go forward from 5% to 10%—it took us two years to get to 5% and we have three years to get to 10%—that we're working closely with them, so that when you're engaging with them, you're hearing different things than you're telling us you're hearing so far.

We need to do that.

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

Thank you, colleagues.

We appreciate your time, Mr. Morel, Mr. Stringer, Mr. MacDonald. You've been very generous with your time, and we appreciate that. We bid you a good day in this wonderful Ottawa weather.

Colleagues, take a few minutes, and when I see that we're ready to go again, we'll be in camera.

*[Proceedings continue in camera]*





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