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Chair: Mr. Ken McDonald



Standing Committee on Fisheries and Oceans

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• (1535)

[English]

The Chair (Mr. Ken McDonald (Avalon, Lib.)): I now call this meeting to order. Good afternoon.

Welcome to meeting number 32 of the House of Commons Standing Committee on Fisheries and Oceans.

Today's meeting is taking place in a hybrid format, pursuant to the House order of June 23, 2022. Members are attending in person in the room and remotely using the Zoom application.

For those participating virtually, I'd like to outline a few rules to follow.

You may speak in the official language of your choice. Interpretation services are available.

I think it's only members attending via Zoom, so I think they know how to use the Zoom features, so I won't go too much into that.

Before speaking, please wait until I recognize you by name. If you are here via video conference, please click on the microphone icon to unmute yourself. For those in the room, your mike will be controlled as normal by the proceedings and verification officer.

I will remind you that all comments by members should be addressed through the chair. When speaking, please speak slowly and clearly, and when you are not speaking, your mike should be on mute.

Pursuant to Standing Order 108(2) and a motion adopted by the committee on January 20, 2022, the committee is commencing its study on North Atlantic right whales.

With us today are witnesses from the Department of Fisheries and Oceans: Mr. Adam Burns, acting assistant deputy minister, fisheries and harbour management, and of course no stranger to the committee; and Brett Gilchrist, director, national programs, fisheries and harbour management.

Thank you for taking time to appear. You have five minutes for an opening statement when you're ready.

I would also like to welcome Mr. Bezan by Zoom; he's a new member to the committee. As well, I'd like to welcome Mr. Drouin, who is joining us in person as a substitute today.

Again, five minutes are yours.

Mr. Adam Burns (Acting Assistant Deputy Minister, Fisheries and Harbour Management, Department of Fisheries and Oceans): Thank you, Mr. Chair.

Hello to members of the committee.

First, I should take a moment to acknowledge the very difficult situation in Atlantic Canada resulting from hurricane Fiona. The department is working diligently to respond to this crisis as quickly as possible.

[Translation]

As for today's topic, all whale species in Canada, including North Atlantic right whales, face threats directly attributable to human activity.

[English]

In Canada, 19 whale populations are now listed under the Species at Risk Act, of which eight are assessed as endangered.

Species like North Atlantic right whales and others listed under the Species at Risk Act face a complex and interrelated mix of threats from human activities that affect their survival and recovery. These threats include entanglement in fishing gear, disturbance from and interaction with vessels, and decreased prey availability.

Threats are becoming even more acute as a result of climate change and its impact on ocean ecosystems and whale distribution. As committee members will know, North Atlantic right whales have shifted their late spring and summer foraging grounds to the Gulf of St. Lawrence, where they face a greater risk of vessel strike and entanglement in fishing gear.

Over the past several years, Fisheries and Oceans Canada, Transport Canada, Environment and Climate Change Canada and Parks Canada have worked together to make targeted investments to address immediate threats facing North Atlantic right whales and other endangered whale species, including \$167.4 million under the whales initiative announced in budget 2018.

The whales initiative was the the first targeted national whale fund to protect key species. It was further supported by additional funds found in the oceans protection plan and the nature legacy initiative. These investments started a shift in the way fisheries operate, with a focus on innovative tools that protect North Atlantic right whales and other species, while also demonstrating the role of fisheries in a blue economy and Canada's leadership in sustainable seafood.

The North Atlantic right whale population is in decline and is estimated at approximately 336 animals. Over the past several years, Fisheries and Oceans Canada has been working with harvesters to implement a range of measures to halt the decline of this species and in turn allow our important fisheries and fishing communities to coexist with them. Our priority is to support the recovery of this population by preventing entanglements.

To do this, we've implemented changes to the seasonal open and close dates of fisheries to avoid interactions with right whales. This includes targeted icebreaking operations in the Gulf of St. Lawrence to help harvesters get out on the water as early in the spring as possible. We've also implemented one of the world's most advanced and near-real-time area closure programs to remove fishing gear, such as lobster and snow crab gear, where and when right whales are detected in Atlantic Canada and Quebec. This includes temporary and season-long fishing area closures. These measures are supported by a comprehensive monitoring regime to detect the presence of whales in our waters, including flights, vessels and acoustic monitoring.

To reduce the threat of serious injury in the event that a whale is entangled, the department is working with the fishing industry and partners in Atlantic Canada and Quebec to develop whalesafe fishing gear. This includes systems that fish without vertical lines, which prevents whales from becoming entangled in the gear, as well as other innovations that incorporate low-breaking-strength links. These links are designed to fish under normal conditions, yet break if a large whale should become entangled. Trials of such gear have been under way over the past few years. The department's \$20-million whalesafe gear adoption fund is providing support to nearly three dozen projects this year. The expertise developed by harvesters and experts under the whalesafe gear adoption fund has been central to the development of our approach to implement requirements for whalesafe gear in commercial fisheries. An implementation is beginning in 2023, focusing on protecting whales, respecting the operational realities of the fishing industry and ensuring the safety of harvesters.

Also, since 2019 the department, through its ghost gear fund, has invested \$16.7 million through contribution agreements to assist indigenous groups, fish harvesters, the aquaculture industry, non-government organizations and communities to take concrete action in the fight against ghost gear. Through budget 2022, the ghost gear fund received \$10 million to continue retrieval activities, support responsible disposal and pilot new technology to reduce ghost gear.

The fishing gear reporting system was developed and launched in 2021. It allows commercial harvesters to conveniently input a description of their lost gear and its location from any online device. Canada just recently became the first country in the world to share its lost and retrieved gear reporting data through the Global

Ghost Gear Initiative's global data portal, which is the world's largest freely available repository of ghost gear data. This again showcases Canada as a world leader in conservation strategies.

The government also continues to build the marine mammal response program, which aims to assist marine mammals, including North Atlantic right whales and sea turtles in distress. In collaboration with conservation groups and non-governmental organizations, the department supports marine mammal incident response networks in all regions through this program.

● (1540)

Our investments in the marine mammal response program include \$4.5 million in contributions to build capacity for safe and effective marine mammal response across Canada, as well as \$1 million annually in operational support for our response partners.

With our ongoing and regular engagement of harvesters, industry groups, right whale experts, our counterparts in the United States and others, we've seen positive signs. For example, there have been no reported North Atlantic right whale mortalities in Canadian waters over the past three years. At the same time, there have been new right whale entanglements identified in both Canadian and U.S. waters, including four new entanglements first observed in Canadian waters this year. I should note that until a full investigation is conducted by the department of the gear when it is retrieved, the origin of the gear cannot be determined and could therefore be of Canadian or American origin.

Fisheries management will continue to evolve and adapt to protect and conserve North Atlantic right whale populations, as well as other populations that are at risk. Recent analysis by one of our research partners, the Canadian Wildlife Federation, has estimated that our temporary closures to protect right whales have reduced the threat of entanglement by about 65% for the southern gulf snow crab fishery alone. Adding this to other measures we have implemented in this fishery, including the retrieval of lost and abandoned fishing gear, further reduces the risk of entanglement of right whales by about 82%.

Our world-class adaptive management measures, which incorporate the best available science, are developed through close collaboration between our department, the fishing industry, indigenous communities and leading scientists to protect and rebuild the endangered whale populations while upholding Canada's reputation for sustainably sourced seafood.

We recognize there's more work to be done and that it's not easy. We need to recognize the significant work and innovation that has happened to date to protect right whales by our fishing industry.

At the same time, we will only see long-term recovery of the population when there are no entanglements or deaths over multiple years. The strength in Canada's strategy to protect right whales is in our ability to adapt and evolve based on science through working with harvesters and experts.

I'm happy to take your questions.

The Chair: Thank you, Mr. Burns. That was a little bit over, but I wanted to make sure you got your statement on the record.

We'll now go to our rounds of questioning. Before I recognize the first questioner, I will say we will be going in camera for the last 30 minutes and will need time to switch over and do some committee business after that.

We'll now go to Mr. Perkins for six minutes or less, please.

Mr. Rick Perkins (South Shore—St. Margarets, CPC): Thank you, Mr. Chair.

Thank you, witnesses, for coming on what is relatively short notice in our determination to do this important study.

Can the witnesses—and I'll just say “the witnesses” because I'm not sure whom to direct this to—tell me how many right whales in the Gulf of St. Lawrence or off of Nova Scotia have been entangled in lobster gear since 2017?

Mr. Adam Burns: Thanks for the question.

We have not identified any entanglements resulting from lobster gear.

Mr. Rick Perkins: Thank you. How many in crab gear?

Mr. Adam Burns: I have the data....

Brett, do you have the total number?

Mr. Brett Gilchrist (Director, National Programs, Fisheries and Harbour Management, Department of Fisheries and Oceans): Entanglements, when they do occur, require an investigation to determine what the origin of the fishing gear is. We are adamant that unless that investigation is conclusive, we believe that it can't be identified or linked to a particular gear type.

Snow crab fisheries have been linked to one entanglement formally, which was last year with right whale number 4615. It was snow crab gear.

• (1545)

Mr. Rick Perkins: I'll go on to my next question while you search for the numbers, or is that the number?

Mr. Adam Burns: It's a question of how many entanglements we've observed in Canadian waters versus how many we've conclu-

sively determined to be of Canadian origin. Those would be two different numbers.

Mr. Rick Perkins: I do appreciate the evolution of the policy so that we have this moving transit zone prohibition that doesn't completely close the fishing season, and we do support that policy, but in the summer when you rightly closed the Bay of Fundy near Tiverton when there was a sighting, the policy announcement said that all commercial fishing gear—lobster, fixed line—should be removed, except indigenous gear.

Can you indicate to me how a right whale knows not to get itself entangled in indigenous fishing gear but is exposed to being entangled in commercial gear?

Mr. Adam Burns: That was specifically related to food, social and ceremonial activities. Regional colleagues are currently working with indigenous communities in the Bay of Fundy to ensure—

Mr. Rick Perkins: Food, social and ceremonial fishery, under law, cannot be done if there is a conservation measure being put in place. The department put in a conservation measure to protect the right whales but still allowed food and ceremonial fishery as an exposed risk for right whales.

Mr. Adam Burns: Regional colleagues are currently—well, not at this moment—actively working with indigenous communities in the Bay of Fundy on this issue.

Mr. Rick Perkins: It doesn't help the commercial fishers who were told to stay off the water while indigenous fishers were exposing the right whales.

I will move on to my next question.

I understand that you have had one instance over four or five years that you can confirm of crab gear being entangled.

Your former colleague in DFO, Allan Billard, lives in my riding. He's been a DFO scientist for over 30 years on whale science. He has written that right whales fall asleep quite often. That's part of their habit. They fall asleep, and they float when they do.

In determining the ship strikes that you've claimed are the reason for the deaths, are the scientists aware that right whales sleep on the top of the water?

Mr. Adam Burns: In terms of our specific numbers and the accounting in terms of identifying blunt force trauma as the source of mortality, that would only have been made following examination of a carcass. We would have, in that process, confirmed that the animal in question is indeed dead.

Mr. Rick Perkins: One of the right whales that was examined several years ago, in the year when 12 right whales died over two years, I think had lived for 40 years and had evidence of numerous ship strikes. I'm wondering why, in some cases, the necropsy shows ship strikes that didn't kill them and supposedly, somehow, further determination is that ship strikes did kill them. They also do follow their food path up into the Labrador Strait. They do get frozen in the ice when they can't surface.

How do you determine, when a whale dies, whether it was one that already had multiple collisions or one that had basically died by being frozen into the ice?

Mr. Adam Burns: The necropsies are conducted, when it's feasible, when the animal is able to be brought to shore to be necropsied in a location that's safe. Those necropsies are conducted by veterinarians. Those are professional, trained, scientific opinions of the cause of mortality, which is intended to identify the specific cause of death. In the case of those animals from 2017, many were undetermined in terms of the specific cause of death. In other cases, there was some, for example, suspected blunt force trauma.

• (1550)

The Chair: Thank you, Mr. Perkins.

We'll now go to Mr. Cormier for six minutes or less, please.

[*Translation*]

Mr. Serge Cormier (Acadie—Bathurst, Lib.): Thank you, Mr. Chair.

I wish I could have been with you in person today for the start of this study, but I'm glad you're all here.

I, too, want to take a few minutes to say hello to my colleagues in the Atlantic region and Quebec who have been affected by the hurricane. Our hearts go out to them. I myself come from the Atlantic region and we were lucky in my riding, because the hurricane passed us right by. Again, our hearts go out to you.

Mr. Burns and Mr. Gilchrist, I thank you for being with us today. I have many questions, and please feel free to answer them in English or French.

As you know, right whales have been a part of my landscape since 2017. In my riding, there is a large fleet of crabbers and lobster boats. In the last few weeks, several environmental groups, one from the United States in particular, have said that our measures regarding right whales are not adequate and they were recommending outright that people no longer buy crab, lobster and other fish, I believe, from our regions.

What do you tell your fellow U.S. officials or even environmental groups about the measures we have put in place since 2017?

What are your communication channels? How do you explain to everyone how forward-thinking we are, both in government and across industry, and that we've been doubling down to put measures in place for years?

[*English*]

Mr. Adam Burns: Thank you. I will respond to this one in English just so that I get it clearly stated.

We work very closely with colleagues in the U.S., as well as with various environmental groups, to make sure that Canada's measures are clearly understood. We continue to do that both here in Canada and in the United States. In particular, the consulate in Boston and the consul general there are actively involved as well, reaching out to Congress and to the U.S. Senate to make sure we are doing everything we can to ensure that our measures are well understood.

When it comes to the Monterey Bay Aquarium Seafood Watch findings recently, Canada worked to ensure that they had the necessary information to make a fair and balanced assessment of Canada's management regime. Unfortunately, we do not believe that they took all of that into consideration in their findings, and they did not recognize the differences between Canada's regime and that of the U.S.

However, we continue to reach out to all of those organizations to ensure that the great work that the Canadian industry—and, indeed, Canada—has done to protect North Atlantic right whales in Canada is well understood by those groups.

[*Translation*]

Mr. Serge Cormier: Thank you for that reply.

Since 2017, I have been working very closely with stakeholders in my area, including fisheries and environmental groups. A lot of great work has been done since 2017 and there is also a better understanding of the migration of the right whale, which is increasingly present in our regions and has had a huge impact on the way our fisheries work. The model that we had for many years has been shaken from all sides, and many people have had to adapt.

In your opinion, are the measures that we currently have and have been implementing since 2017 superior to those currently implemented in the United States to protect right whales?

Are we still behind the measures that are in place in the United States for the protection of whales?

Mr. Adam Burns: I am not a scientific expert who can analyze the American measures, but I can tell you that the Canadian measures meet world standards and are exceptionally good.

[*English*]

However, I can say that, for example, The Pew Charitable Trusts, a U.S. ENGO, in 2021, I believe, when Canada announced its measures, did note that the U.S. measures could benefit from trying to mirror some of the measures put in place in Canada. I can point that out, but I wouldn't want to be evaluating those measures myself.

[*Translation*]

Mr. Serge Cormier: Thank you.

If I'm not mistaken, we've been trying to do several things since 2017. The first one is certainly to protect right whales and make sure that there are no more deaths or at least as few as possible.

The second thing we are trying to do, and we are trying harder every day and every year, is to make sure that our measures are in line with or, rather, on a par with what the Americans would like us to adopt.

Am I wrong in saying that?

• (1555)

[English]

Mr. Adam Burns: The member is referring to the U.S. Marine Mammal Protection Act, which requires that any country that exports seafood products to the U.S. demonstrate comparability to the protections in place in the United States to protect marine mammals. It's not specific to North Atlantic right whales, but in the case of snow crab and lobster, the U.S. has identified them as the key risk to North Atlantic right whales, and while we don't have to have the same measures in place, we do need to have measures that have a comparable outcome in terms of protecting North Atlantic right whales.

That is the basis of some of the numbers I made reference to in my opening remarks. In the case of the gulf snow crab fishery, we've reduced the risk of entanglement by at least 82%. That's based on some modelling that certainly has its own limitations, but it's what the U.S. looks at, among other things, in determining that comparability.

Indeed, the statement that one of the drivers for the protections we've put in place is the U.S. Marine Mammal Protection Act is absolutely true.

The Chair: Thank you, Mr. Cormier. Your six minutes are up. We'll get to you again, I'm sure.

We'll now go to Madame Desbiens.

[Translation]

Ms. Desbiens, you have the floor for six minutes.

Mrs. Caroline Desbiens (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, BQ): Thank you very much, Mr. Chair.

Mr. Burns, I'm going to ask you some questions that might seem to be related to Mr. Cormier's, because I was very sensitive to the facts he shared with us recently about the United States. We have all seen that certain groups in the United States have a tremendous amount of influence on the environmental front.

I was wondering if there is a counter-propaganda tool at DFO and a marketing mechanism, specifically, to highlight our ability to be good environmental collaborators.

Is there a specific marketing tool in your department to promote our good measures?

Mr. Adam Burns: That was said by the Monterey Bay Aquarium representatives who did the Canadian fisheries review. We work closely with our colleagues in the U.S. government, who certainly don't make such an assessment of our measures. We believe we have measures that are at least equivalent to those of the United States.

With respect to marketing, we are working with people in the industry, including the Canadian Lobster Council, to help them find

ways to do marketing that is similar to what is being done at the Monterey Bay Aquarium.

Mrs. Caroline Desbiens: In your opinion, would it be beneficial to budget for this, insofar as we are comparing ourselves to a giant called the United States, which has different means than us?

Would increasing budgets for this improve our marketing performance and how our good measures are perceived?

Mr. Adam Burns: We have programs that could help the Canadian industry, like the Atlantic Fisheries Fund. It would depend on the project for which funding is being sought.

However, our main approach is to work with industry people so they can do their own marketing based on their particular priorities.

Mrs. Caroline Desbiens: With regard to the measures applicable for the protection of mammals, I imagine that there are good behaviour endorsements given to certain fishermen.

Is this something that is in place or should be in place? For example, it could be said that crab fishermen have behaved in an exemplary way, which has reduced the risk of right whale entanglement by 82%.

Is there such a thing as reward mechanisms for good behaviour? I'm a layperson in this area. If not, could we set that up?

• (1600)

Mr. Adam Burns: We work closely with all sectors of the fishing industry, including crab fishermen and lobster fishermen. I couldn't tell you if one is better than another; it's going very well all around.

However, we are working hard, of course, to try to get the exceptional measures that we have here in Canada understood by different groups in the United States.

Mrs. Caroline Desbiens: I would like to come back to the behaviour of the fishermen, which seems exemplary. They are trying very hard, but they are under a lot of stress.

Have you assessed the human impact of these efforts?

Mr. Adam Burns: The measures certainly have an impact on fishermen. It costs them money too. We can't deny that. However, we are trying to reduce that impact by working with them. Each year we hold a roundtable discussion with industry representatives to identify the measures that affect them most and find different approaches to continue to protect right whales while reducing the impact on the industry.

So it is really the industry that is best placed to identify the measures that affect them most and find different ways to proceed.

[English]

The Chair: Thank you, Madame Desbiens.

We'll now go to Ms. Barron for six minutes or less, please.

Ms. Lisa Marie Barron (Nanaimo—Ladysmith, NDP): Thank you, Mr. Chair.

First of all, it's timely that we're looking at the study with our friends to the east, where hurricane Fiona recently hit, and I want to express my thoughts as somebody who was born and raised in Newfoundland and is now a proud west coaster. I am sending my thoughts out to everybody on the east coast.

With regard to the topic at hand, I want to thank the witnesses for being here today and sharing with us updates around this important topic.

I'm looking at a chart in front of me. In it, there are some numbers laid out around the mandatory reporting of lost gear to the DFO. That reporting has been implemented in all areas since 2020. I'm hoping you could help me understand some of the pieces here. I'm looking at, for example, Newfoundland and Labrador, where it says that the number of lost gear reports filed is 33. The number of gear units reported lost is 263, and the number of gear units retrieved is 181.

I'm wondering if you can highlight the process that a fisher or whoever would take to file a report, the process of reporting lost gear, and the barriers in retrieving that gear because, as you can see, the numbers don't align.

Mr. Brett Gilchrist: Thank you.

We have a tool that's available to fish harvesters electronically to allow them to easily report lost fishing gear promptly. When that report is done or submitted by a fish harvester, the department receives that report, and we process that report as soon as possible to determine if there's a retrieval activity by the department or through our partners that can happen in the near term.

As my colleague Adam Burns mentioned, we've had a ghost gear retrieval program that's been in place for the last two years. There was another announcement for \$10 million to retrieve additional gear with our partners, including indigenous harvesters, commercial harvesters and experts in retrieving gear, and once those reports are submitted, we use them to retrieve gear. The challenge is that sometimes the gear can't be retrieved and sometimes it can be, and in some cases the harvesters are, in season, able to retrieve the gear themselves, so sometimes the amount of gear reported lost doesn't end up being the amount of gear that's left in the water.

Our goal is to retrieve all of that gear, of course, because lost gear—and this is something Canada has mentioned in the international community as well—is a major source of impact for marine mammals, including endangered whale species, so working with our industry to retrieve that gear is a priority.

● (1605)

Ms. Lisa Marie Barron: Thank you.

Because there is quite a low number—although it's all in perspective, I guess, but it appears to be a low number—of those who are reporting the lost gear initially, I'm wondering what the incentives are for them to report it.

Also, are there any accountability mechanisms in place to follow up? One thing I'm hearing over and over is that accountability is missing in many of these ghost gear initiatives.

Mr. Brett Gilchrist: We do have accountability at this point, but it is a relatively new program. The fact that Canada is the first one in the world to share lost gear reporting suggests that it's a developing program, and in fact we are ahead of the game.

When it comes to the reporting of lost gear, our harvesters are focused, obviously, on not losing their gear, but the reporting tool itself is relatively new, so those numbers have been increasing annually. There are incentives for harvesters to report lost fishing gear. A perfect example is market bodies like Seafood Watch and the Marine Stewardship Council. They are watching very closely what our harvesters do and taking note of lost gear reports and the impact on their bottom line, on their ability to sell their product.

The other incentives are, for example, that our fishing gear for lobster and crab is marked, so if we lose the fishing gear and someone comes across, say, an entangled whale, that gear is marked based on the fishery it came from. We want to do that because we obviously want to take note of gear that's been lost, and harvesters know that. They know the gear has been marked. They want to contribute to the lost gear reporting system. That is in particular for lobster and crab fisheries and fixed-gear fisheries like that.

It's also marked because we want to distinguish between Canadian gear and U.S. gear. It's not uncommon for whales to be entangled and to transit both borders, so we don't want to be identified as a source of gear in Canadian waters when the entanglement may have happened elsewhere.

The marking of gear, of course, is a motivating factor as well for the industry to realize they should report the loss, and we are seeing an increase in numbers in reporting. The uptake has been relatively quick, considering the program has been in place for a very short time in the fisheries world.

Ms. Lisa Marie Barron: Thank you.

I forgot to set my timer, Mr. Chair. How much time do I have left?

The Chair: You have a minute and 10 seconds.

Ms. Lisa Marie Barron: It's a minute and 10 seconds. Okay, let's see.

Can you provide high-level...? I know you spoke about the consultation process that's happening with first nations, with harvesters, with fishers and so on. What have been the impacts on these closures? With regard to the most recent closures, what are, say, the top four impacts that you've been hearing that you could share?

Mr. Adam Burns: Broadly speaking, we would note that particularly in the crab fisheries that tend to be most impacted, the vast majority of the quota continues to be caught each year. That's not to say that there aren't additional economic implications for harvesters who may have to travel further to complete their quotas and what have you. As I say, it's those types of impacts that we're continuing to work on with the industry. We want to hear other innovative solutions they might have—clearly, though, ones that won't reduce the level of protection for North Atlantic right whales. Really, it's about working with the industry to find that sweet spot.

The Chair: Thank you.

We will now go to Mr. Arnold for five minutes or less, please.

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

Again, with my colleagues, I've been watching from the west coast what's happening on the east coast, and our thoughts go out to everyone affected by the storm.

I have a series of about eight or nine questions that I'd like to go through. I'll keep my prologue short, and if you could keep your answers as short as possible, hopefully we can get through them.

What type of DFO and Coast Guard vessels are used to observe right whale-related measures in the Gulf of St. Lawrence?

Mr. Brett Gilchrist: For our detection program, we use aerial platforms like planes from Transport Canada, DFO science and DFO conservation protection. We also have acoustic monitoring devices, buoys in the water to constantly listen for right whales. As well, the DFO, the Coast Guard and the DFO conservation and protection program have vessels on the water, so that's all hands on deck.

Mr. Mel Arnold: Okay. I asked about the types of vessels. If you could provide details in a written response later, that would be appreciated.

As right whale measures have been increased, has there been a corresponding increase in the DFO's budget allocations for the conservation and protection branch to enforce the new measures?

Mr. Brett Gilchrist: Yes, there has been. Under whales initiative 1.0, \$167.4 million was allocated to the protection of right whales and two other species. Of that, approximately \$700,000 is allocated to our conservation protection officials for surveillance—for example, the use of planes to monitor right whales.

• (1610)

Mr. Mel Arnold: Okay. Thank you.

In 2019, the federal government awarded PAL Aerospace a five-year contract to provide aircraft assistance in the enforcement of right whale measures. Is that correct?

Mr. Brett Gilchrist: That is likely linked to that \$700,000.

Mr. Mel Arnold: Okay. Thank you.

What other nations have performed surveillance flights over or around the Gulf of St. Lawrence or other Canadian waters to observe whether right whale measures are being complied with?

Mr. Brett Gilchrist: Only one, and that would be NOAA in the United States.

Mr. Mel Arnold: Okay, so NOAA has been doing surveillance flights.

Does the DFO have adequate resources to perform the surveillance and enforcement of right whale measures?

Mr. Adam Burns: We do believe that we are deploying a sufficient number of assets to see a large number of the right whales, especially with the acoustic monitoring now in place as well.

Mr. Mel Arnold: Okay. If that is the case, then why would the Americans also have surveillance over our waters?

Mr. Adam Burns: The U.S. undertakes surveillance for other reasons as well. It's not specifically to administer our program. They have a very active scientific program of tracking each individual animal for other purposes, other than just protecting them in this way. Indeed, the methodologies that they use when they're in our waters are meant to identify all of the animals in a particular aggregation, which isn't information that we need to administer our closure protocols. If we see one whale, we act the same as if there are 10.

Mr. Mel Arnold: Okay. Are you aware of anywhere else that the Americans perform overflight surveillance of Canadian waters or territory to observe whether Canadians are abiding by regulations?

Mr. Adam Burns: Again, they're not undertaking this surveillance for that purpose. They're doing it for scientific collaboration purposes. I believe that from time to time Canadian scientists are part of that work as well.

Mr. Mel Arnold: Does the DFO or any other branch of the Canadian government perform surveillance flights over U.S. waters or territories to observe their regulatory compliance?

Mr. Adam Burns: We do indeed perform some aerial surveillance—for example, in the north Pacific, looking for IUU activity there—so yes, we do that as well.

Mr. Mel Arnold: Is that in international waters or in U.S. waters as well?

Mr. Adam Burns: I don't believe it would be in U.S. waters, but again, the surveillance that's being conducted in Canadian waters by the U.S. NOAA plane is not for enforcement or surveillance purposes. It's for scientific activities.

Mr. Mel Arnold: Thank you.

I have a little bit of a different subject line now. What other Canadian fisheries operations are you aware of that have been targeted by foreign ENGOs like this one from Monterey Bay?

Mr. Adam Burns: Certainly the seal harvest is another one that often gets attention from various groups in other countries.

Mr. Mel Arnold: Is the government taking any counter-communicative action against these activities that are impacting our Canadian fisheries?

Mr. Adam Burns: Yes, absolutely.

As I noted, we are working to make sure that various groups in the U.S., including, for example, The Pew Charitable Trusts, which last year put out something in support of Canada's measures—

Mr. Mel Arnold: What about the European ban on pinnipeds?

The Chair: I'm sorry. Your time is up.

We'll now go to Mr. Cormier again, for five minutes or less, please.

Mr. Serge Cormier: I want to go back to the MMPA for just a second.

Mr. Burns or Mr. Gilchrist, I think we've all known since 2017 that a couple of things we want to achieve include no more dead whales and protection of the habitat and everything like that. It's also to comply with the MMPA. Is that right?

Mr. Adam Burns: Yes, that's correct.

Mr. Serge Cormier: We're talking about the measures we put in place in 2017. I think you said you are not sure if the U.S. has stricter measures compared to us.

How are we going to comply with the MMPA? Is it a process of having a discussion with our counterparts in the U.S., saying that these are our measures, this is what we've done since 2017, and we think we should be able to continue fishing under compliance with the MMPA?

I just want to make sure everybody understands the process around complying with the MMPA.

Mr. Adam Burns: Part of it is indeed ensuring an appropriate and complete understanding of the measures Canada has put in place.

In specific terms, though, the U.S. MMPA legislation also requires that the level of mortality—and they attribute partial mortality to an entangled whale, even if it is subsequently successfully disentangled—needs to be below what the U.S. terms the “potential biological removal”, which is a scientific calculation based on the population. It's not a metric we use domestically for management purposes, but it is one that we have calculated because it is central to the Marine Mammal Protection Act.

In the case of this species, because the species goes from the U.S. to Canada, it's a single number that is revised each year, but it is below one. What that means—

• (1615)

Mr. Serge Cormier: In your opinion, Mr. Burns, if I'm using the right term in English, do we “comply”? Are we going to be okay under the MMPA with the measures we have in place so far?

Mr. Adam Burns: Yes, we're very confident that we will.

We're not taking anything for granted. We continue to undertake outreach to the U.S. administration as well as to environmental groups in the U.S., but we're confident that our measures are world class and certainly meet the comparability standard.

Mr. Serge Cormier: I know the industry is working closely with all of you in different meetings. One thing we also hear is that the reasons—I'm not going to say “excuses”—you give most of the

time for not relaxing the measures is that we will not comply with the MMPA and maybe other issues like that.

Is it true that if we're not complying with the MMPA, NOAA has to give us advice before they can shut down the fishery? It seems that we're using a lot of excuses not to relax the measure, but if we relax the measures, will NOAA in the U.S. look at us and say that maybe this is something we should not have done and give us advice to put the measures back in place? Is it true that NOAA has to give us advice before that?

Mr. Adam Burns: Canada maintains its sovereignty over the management of its fisheries. We do not seek permission or approval from the U.S. for the measures we put in place.

That being said, if we were to relieve or reduce measures and an entanglement were to occur or we were to have a year like 2017, when a number of animals were killed, some of them as a result of fishing gear entanglements, that would certainly be detrimental to Canada's engagement with the U.S. on the MMPA front. We believe we've worked very carefully with industry as we've worked to administer these measures.

I will note that we're not just guided by this U.S. legislation. The North Atlantic right whale is an animal that is endangered and listed under the Species at Risk Act as well. We are not just implementing these measures because the U.S. has told us to do so; we are implementing these measures because our own domestic legislation requires us to do so under the Species at Risk Act requirements. Even if it weren't for the U.S. MMPA, we would certainly still be required by Canadian legislation to implement these protections.

The Chair: Thank you, Mr. Cormier.

We'll now go to Madame Desbiens for two and a half minutes, please.

[*Translation*]

Mrs. Caroline Desbiens: Thank you, Mr. Chair.

I too forgot to say hello to all our friends in the Magdalen Islands, in particular, who were affected by Hurricane Fiona. Our hearts go out to them, of course, and to all those in the other regions.

In the St. Lawrence River, we follow, among other things, the beluga whales, because they are also in danger of extinction. Several whales come to feed here, including rorquals and those beautiful giants, the blue whales. Most of them are now identified and tracked. We know their behaviour and most of them even have a name. We're trying to track their behaviour.

Is this an approach you use?

We met with fishermen from the Magdalen Islands. They talked to us about traceability, which would provide more predictability for fishermen.

Has this been considered?

[English]

Mr. Adam Burns: The measure we have in place to observe North Atlantic right whales also identifies other species of whales. Certainly that information is feeding into our scientific understanding of their behaviour and their distribution as well, and even, I would add, the seasonal closures that we implement as a result of—

• (1620)

[Translation]

Mrs. Caroline Desbiens: In fact, I wanted to draw a parallel with the right whale.

If we are able to track beluga whales in the St. Lawrence and predict, roughly, when they will arrive, when we will be able to observe this or that whale, are we able to better understand the behaviour of right whales and determine whether it is sometimes the same whales that pass through the same places?

Mr. Adam Burns: I think that question needs to be put to my colleagues in the scientific field.

The information we have is from 2017. Every year we have a better understanding of right whale behaviour. The level of understanding is going to increase every year.

Also, their distribution is a little bit different every year. So it's still necessary to have adaptation measures that respond to this year's distribution.

Mrs. Caroline Desbiens: Thank you.

[English]

The Chair: We'll now go to Ms. Barron for two and a half minutes, please.

Ms. Lisa Marie Barron: Thank you, Chair.

To the witnesses, I was just googling to try to make sure my information was up to date. What I'm trying to understand is the Seafood Watch statement that both Canada and the U.S. management measures do not go far enough in protecting North Atlantic right whales. Can you elaborate on that statement and perhaps clarify, because it doesn't coincide with the information that I'm hearing from you today.

Mr. Adam Burns: I won't sit here and explain their finding. We disagree with it. We believe that the protections that we have in place in the snow crab and lobster fisheries in Canada are world class and do indeed achieve an absolutely high-quality level of protection of North Atlantic right whales.

It's not just me who's saying that. Our statistics, which show that we have dramatically reduced the rate of entanglement and mortality in Canadian waters, speak for themselves.

Equally, it's easy for me to sit here and say that the work that we have done is excellent, but so have other groups, like The Pew Charitable Trust that I mentioned before. Many Canadian ENGOs have also independently said that Canada's measures are indeed exceptional.

We disagree with their findings and we think that in part they have painted us with a single brush. For example, the Canadian and U.S. lobster fisheries are very different in terms of the season

length. Ours is a few weeks long. The U.S. has a much longer season. The amount of gear is different by orders of magnitude. The location where the fishing occurs is largely in waters where we almost never see North Atlantic right whales. We do occasionally, so we need measures to protect them should they show up in those shallow waters.

All of those attributes are extremely different from the U.S., and we believe that had those differences been fully understood, a different outcome would have been achieved. Let me assure you that we did everything we could to ensure that they understood that. Unfortunately, I think their focus was on the attributes of the U.S. fisheries, and those appear to have been applied more broadly to us as well.

The Chair: Thank you, Ms. Barron.

We'll now go to Mr. Zimmer. You have five minutes or less, please.

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): Thank you, Mr. Chair.

Some of your comments about the ENGOs and the Pew foundation, which you've mentioned several times now, really raise more questions about how DFO works with ENGOs. Meanwhile, we've wanted the Department of Fisheries and Oceans to be working with our anglers to have a seat at the table, but they're being ignored.

I'll get into this study here. The part that we're referencing is a Monterey Bay Aquarium Seafood Watch report, of all things. What are our American colleagues are saying about it? One news site said of an American ENGO, Seafood Watch, "The California-based Monterey Bay Aquarium Seafood Watch gave a red rating to the U.S. and Canadian lobster industry, saying they aren't doing enough to protect the North Atlantic right whale", as we've been talking about.

What concerns me always, especially about marine protected areas, is when it's politicized. We've seen it politicized on the west coast. We've seen it politicized on the east coast. What are the Americans saying about this particular report? I'm citing an article from the Spectrum News from just a few weeks ago. It says:

Maine Democrats and Republicans blasted Seafood Watch for its rating.

"Seafood Watch is misleading consumers and businesses with this designation," Gov. Janet Mills, a Democrat, said in a statement. "Generations of Maine lobstermen have worked hard to protect the sustainability of the lobster fishery and they have taken unprecedented steps to protect right whales—efforts that the Federal government and now Seafood Watch have failed to recognize."

It goes on to reflect on a Republican's opinion. Governor Paul LePage also said this in a statement: "As Governor again, I will push back at organizations falsely attacking our lobster industry as well as the Biden Administration's destructive regulatory policy aimed at destroying the livelihoods of our fishermen over the false notion they are harming whales."

It sounds eerily similar to what's happening to our anglers on the west coast around salmon. We know they are plentiful in the water, but there are still closures that have been mandated by this Department of Fisheries and Oceans.

What do our Canadians have to say about this? I'm quoting an article called "Blaming Canada's lobster industry for North Atlantic right whales' plight unfair", which says, "It is a plain fact that there has never been a single, documented right whale death linked to Canadian lobster gear in recent history." This was reflected by my colleagues before.

It goes on to say, "There are several reasons why lobster fishing presents a lower risk in Canada. It's an inshore fishery conducted mostly in shallow waters of less than 20 fathoms"—a fathom is six feet, so do that math—"where the right whales are rarely observed."

We're talking about 120 feet. You referred to that. We already know that. The whales just aren't there.

The article continues:

For more than 150 years, North America's lobster fishery has proven itself to be one of the most sustainable wild fisheries on the planet. For all of us on both sides of the Canada-U.S. border who care deeply about its future, the path forward is clear.

I'll remind the people listening today that there are people connected with these jobs that are lost a result of a poor scientific report put out by this organization. It's tens of thousands of fishing families. I'll repeat that. As the article says, "Tens of thousands of fishing families, plant workers and hundreds of coastal communities depend on setting the record straight and winning this fight."

Lastly, it states, "Second, we need to stand up and push back on what Seafood Watch represents: activism masquerading as science."

We just had a whole study talking about that exact thing.

The article goes on to say:

They lumped all fixed-gear fisheries into one basket, with blatant disregard of the facts and lacking peer-review validation.... Cooler heads must prevail. We need more science, and less politics; more bi-national collaboration, less finger-pointing. Ensuring a sustainable future for the right whale—and addressing the threats facing them—knows no borders and needs to be addressed bi-nationally.

I guess my question to you is this: Why would the Department of Fisheries and Oceans be working with ENGOs like the ones mentioned, and that you even referred to, rather than the anglers themselves?

● (1625)

Mr. Adam Burns: Thanks for the question.

We absolutely do work very closely with the fishing industry on these issues. We have regular consultation with them. We're engaged with them in various whalesafe gear trials. We work with

them on our ghost gear initiative. Indeed, they participate in some instances in marine mammal response activities—

Mr. Bob Zimmer: I can speak as a person from the west coast. When we talk to the angling community, we ask what the relationship is like with the Department of Fisheries and Oceans, and they say it's non-existent.

They used to have a seat at the table and be consulted regularly. Now they're completely disregarded, and it appears that the place at the table at DFO is now taken up by the ENGOs, as you've mentioned.

The Chair: You've gone over your time. I'm sorry.

Mr. Bob Zimmer: Thank you, Mr. Chair.

The Chair: We'll now go to Mr. Cormier again. You have five minutes or less, please.

[*Translation*]

Mr. Serge Cormier: Thank you, Mr. Chair.

There was talk earlier about all the things we needed to do to have strong enough measures to curb the whale deaths and not hurt our markets and our relationship with the Americans.

In 2018, the first year, from April 28, an entire static area was going to be closed to fishing. In 2019, the measures were relaxed and the static zone was reduced by 63%. In 2020, there was no longer a static zone, and there were dynamic zones thereafter. In 2021, there were again a few changes here and there.

What makes you say that we can't still relax the measures in a very responsible way? If my colleagues around the table would look at the briefing paper that we received yesterday from the Library of Parliament and look at the map from this year, they would see that the Gulf of St. Lawrence was virtually closed to fishing.

I know that the crab quotas have been met for the most part, but what makes it very difficult is all of this uncertainty that it creates, early on and during the season, both for the fishermen and the plant employees and the communities.

What makes you think that we couldn't relax the measures even more to give these people a bit of a break and have a somewhat more normal season, while protecting the right whales?

● (1630)

Mr. Adam Burns: We are prepared to make changes to our measures, working with people in the industry and everyone affected by right whale protection measures. We will, of course. This fall we will be holding meetings with industry to see where we can make improvements without reducing the level of protection for right whales.

If there are steps we can take to help them supplement their fisheries in an efficient and economical manner, we are prepared to do so.

[English]

Mr. Serge Cormier: Mr. Burns, just for my colleagues around the table, can you explain briefly how do we do dynamic closures when one or two whales come in? I know about them, but can you explain to our committee members how we do them when the whales enter a particular area?

Mr. Adam Burns: I absolutely can, and I will note that the change from the earlier years when we had the static closure to what we have now, which I will explain, is—

Mr. Serge Cormier: Maybe explain what we have now, Mr. Burns.

Mr. Adam Burns: Yes, and it is an example of how we have changed our measures to respond to the industry. Now, if we see a North Atlantic right whale or have a confirmed acoustic detection of a North Atlantic right whale, we close an area of about 2,000 square kilometres around that whale for 15 days. During the second week of that closure, if we spot another whale in the same area, then the implicated zone becomes a seasonal closure and is closed until November 15. Otherwise, those areas reopen and the harvesters can return to those areas.

When we cite that closure and initiate it, we obviously can't have harvesters snap their fingers and have their gear out of the water, so they're given a minimum of 48 hours, but it's often longer if weather conditions require it, because obviously human safety is the paramount consideration.

Mr. Serge Cormier: Perfect.

We use acoustic buoys to detect whales. We also use planes to detect whales when they enter the area, and you mentioned DFO Coast Guard boats and other types of vessels we use.

Why can't we also use those devices, those tools, to reopen a zone? For example, a whale came in, and I think the acoustic buoy can detect a whale 40 or 60 kilometres away from it. From my knowledge, I think a whale swims and doesn't stay in the same place. I think for a couple of years we've had a good sense, though it's not precise, of where they all gather together. Why don't we use those same devices to reopen some zones? We close some of the zones all season long, and whales are not even coming back to that zone, so why don't we use those same tools to reopen the zone? This would be a solution.

The Chair: Okay. Thank you, Mr. Cormier.

I will ask the officials to supply that answer in writing, as your time is up.

We'll now go to Mr. Perkins for five minutes or less, please.

Mr. Rick Perkins: Thank you, Mr. Chair.

Mr. Burns, in your opening statement I think you said that there are 336 animals and that their numbers are in decline. In the early 1970s, DFO was reporting that there were 250 right whales, and that was the first time that DFO and the industry worked together to change things. They changed the season dates. The Coast Guard

moved major shipping lanes to direct shipping to Saint John, New Brunswick, because they were mainly feeding around Brier Island. That feeding pattern has obviously changed now.

If you take the longer-term view, I'm not sure that it's fair to call them a species in decline. That's a 34% increase in the species since the 1970s because of all of the various things and the monitoring that has happened. I wouldn't say it's a species in decline. Perhaps it has been declining in the last couple of years, but it hasn't been declining over the time from when we started to implement measures to protect them.

• (1635)

Mr. Adam Burns: Certainly over the longer term, this population has become significantly smaller than it has been historically. In recent years, for example, the population had been increasing, and then it started to decrease again. That's why we would characterize the current trend as decreasing.

Mr. Rick Perkins: What has it decreased from and in what period of time?

Mr. Brett Gilchrist: In 2017, when we had the increase in mortalities and the new distribution in the Gulf of St-Lawrence and that magnitude of aggregation, it was around 400 animals. After 2017, it dropped to 356 in 2019. It's approximately 336 now.

Mr. Rick Perkins: How many of those have died in U.S. waters?

Mr. Adam Burns: We could provide you with that information. It's primarily the New England Aquarium that does a lot of this tracking. Sometimes an animal is essentially declared dead because it hasn't been observed for a number of years. The level of surveillance in Canadian and U.S. waters is sufficient to justify a scientific assumption that the animal is deceased after a certain amount of time.

These are obviously estimates. We don't see every animal every year. It's not a hard number like a census, but it is a fairly accurate assessment.

Mr. Rick Perkins: There is a natural mortality. They can live 40 years or longer. In all the science you've done, do you have a sense of what the natural mortality rate is?

Mr. Brett Gilchrist: Unlike other species, the known life history of right whales is not actually well known, because they are not known to die of natural causes. They are typically dying at around the 40-year mark because they typically get killed by entanglements or a ship strike.

Mr. Rick Perkins: The majority of the causes of death, though, over the last few years, as per your earlier testimony and the necropsies that have been done, have been undetermined.

Is it not possible, because of the decomposition, that by the time we notice them, find them and do the necropsies, they could have died of natural causes from other things that happened during their long lives, in spite of the fact that they may have scars like you or I may have?

Mr. Adam Burns: You know, we're not veterinarians. We're not experts to speak to that. I wouldn't want to speculate on the potential causes for undetermined cause of death.

Mr. Rick Perkins: I appreciate that. Thank you.

I do think it's a concern, though. The biggest category is "undetermined", and there's only been one entanglement in crab gear that was a cause of death over the last five years.

I will move onto the Monterey Bay Aquarium.

This is probably more of a statement than anything. As you've testified and as others have testified, they were provided with the information on what we're doing. Obviously, from the report, they chose to ignore it, for whatever their political reason. I'm not sure that anyone in Canada or the U.S. should take any lessons from them. They are an aquarium and they do have a shark pen where they keep sharks. They do keep sea otters. They do keep seals and sea lions. Perhaps somebody should be doing an investigation into the ethics of what they're doing and whether or not anybody should attend that aquarium or fund their supposed research.

The Chair: Thank you, Mr. Perkins. Your five minutes have expired.

We'll now go back to Mr. Cormier for five minutes or less.

Mr. Serge Cormier: Actually, Mr. Chair, I'm going to give my time to Mr. Morrissey

• (1640)

The Chair: That's very kind of you.

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

I want to go back to the question my colleague raised, which you did not get a chance to answer. Because you have very sophisticated sighting technology that has been very effective at closing a zone for fishing, why do you not use the same very sophisticated technology and sighting mechanism to reopen a zone?

Mr. Adam Burns: I'll preface my answer once again by saying I am not a marine biologist. However—

Mr. Robert Morrissey: With all due respect, I did not ask you as a marine biologist. I asked you as the assistant deputy minister of fisheries why you used the data to allow you to make a very informed decision—and fishers want to see the department continue in that way—but you will not use the same very sophisticated technology to reopen an area when it's obvious there are no whales present.

Mr. Adam Burns: It does relate to North Atlantic right whale behaviour. As I understand it, North Atlantic right whales' vocalizing, their singing, is a behaviour that is not something they do all the time. While the presence of singing, the detection of singing, is a clear and positive confirmation of their presence, the absence of it is not confirmation of their absence. That is to say, in many instances whales can be present in an area and not be vocalizing. It's the nature of the North Atlantic right whale behaviour, so it is—

Mr. Robert Morrissey: You're saying it's only one of your detection methodologies. You do not—

Mr. Adam Burns: That's correct, and so—

Mr. Robert Morrissey: —rely on one method. You rely on multiple—

Mr. Adam Burns: That's correct, so the reopening of the area under the dynamic protocol is based on aerial surveillance. If we do the overflights and determine that whales are no longer present in the area, as long as it hasn't resulted in a season-long closure, those areas would be reopened. The areas that are under the dynamic—

Mr. Robert Morrissey: Why would you stick with the season-long closing when it becomes obvious to you through your detection sources that the whales had already moved? I'm questioning this. No one today has a higher awareness than fishers that we must take all steps to protect the whales, and really, because of the situation in the U.S., that awareness has gone even higher, and we're doing that.

By the same token, the department has access to very sophisticated technology, paid for by the taxpayers of Canada, and that methodology should be used to allow the fishers to reduce their fishing effort and reduce their carbon footprint by not sending them all over the place to avoid these zones. The department has access to this, so why are you not using it for the benefit of the fishers?

Mr. Brett Gilchrist: The aerial assets dedicated by both Transport Canada and Fisheries and Oceans Canada's conservation, protection and science branches are targeting areas in which there are closures. The first step is a dynamic closure. Just to be clear, seasonal closures don't kick in right away. They occur only if there are repeated detections or aggregating of right whales in a given area.

What our comprehensive surveillance program has determined is that there are areas in the Gulf of St. Lawrence, for example, where they aggregate for extended periods of time, and they'll move and come back throughout the summer. The right whale period in the Gulf of St. Lawrence is largely between May and November, and in that period they are moving around and aggregating in various spots in the Gulf of St. Lawrence.

Our Transport Canada colleagues also base their measures on aggregations and how often the whales aggregate. The challenge is that aggregation changes every year, but we do see high numbers of aggregations in given spots in the Gulf of St. Lawrence. That's largely where the seasonal closures end up, not surprisingly, because there are repeated detections of right whales there by our assets, both acoustically and through aerial surveillance.

Mr. Robert Morrissey: By accessing the aggregation information you have, you determine when to do the first closure. The same criteria are being used. I do not believe you've adequately addressed why you could not use the same information to reopen zones and allow fishers to fish closer to home and reduce their fuel consumption. That's an issue, and I simply ask you to take that idea into consideration.

The Chair: Thank you, Mr. Morrissey.

We'll go on now to Madam Desbiens for two and half minutes. Go ahead, please.

[Translation]

Mrs. Caroline Desbiens: Thank you, Mr. Chair.

I have before me the website of the Group for Research and Education on Marine Mammals, or GREMM. This non-profit organization, which studies whales in the St. Lawrence River, does really advanced and forward-looking research. It studies the behaviour of marine mammals.

Mr. Gilchrist, does DFO work with a number of such organizations in the Gulf of St. Lawrence?

• (1645)

Mr. Brett Gilchrist: Thank you. That is a good question.

[English]

GREMM is an organization, along with several others, such as Campobello Whale Rescue Team, Tangly Whales in Newfoundland, the Marine Animal Response Society in the Atlantic as well as the Pacific, with which we have partnerships under the marine mammal response program, the national response program in Canada to deal with marine mammal incidents. We have a very close working relationship with GREMM and work with them on response on an annual basis, and we have a budget to work with those organizations to make sure they have the resources to do that safely.

[Translation]

Mrs. Caroline Desbiens: I want to come back to the tracking methods, which will perhaps finally allow us, from a predictability perspective, to reduce the areas and frequency of fisheries closures. It is not a question of telling anyone what to do, but GREMM has experience in predicting the passage of the blue whale, in particular, which is an important whale.

As you know, there are what are called whale cruises in the St. Lawrence. We want to reduce the consequences that these cruises could have on the arrival of the blue whale, its feeding, and so on.

Couldn't this kind of exercise be done more, or at least more seriously and assiduously, so as to reduce the zones and improve predictability?

I know this is more of a question for the scientists, but I'd like to get your thoughts on it.

[English]

Mr. Adam Burns: I will say this in English, because some of the words I don't know in French.

One of the things that DFO science is engaged in is studying predictive factors for the distribution of calanus, the food source for the North Atlantic right whale. The whales are huge animals, but they eat really small organisms in the water. One of the reasons our scientists are doing that work is to see if there are ways we might better predict where the aggregations of North Atlantic right whales will develop. That work is not at a point where we can align management measures with that, but it is certainly one of the many pieces of work we're looking at doing over the mid-term to long term that might result in greater predictability, greater certainty and fewer impacts on the fishing industry. That work will obviously, hopefully, continue.

The Chair: We'll go to Ms. Barron for two and a half minutes.

Go ahead, please.

Ms. Lisa Marie Barron: Thank you, Chair.

I want to hold a little bit on some of the questions that were asked by my colleague Mr. Perkins.

Specifically for some context, we know that many of our fisheries practices, both present and past, but hopefully not future, are based on very colonial practices. We know that the right to fish for food and for social and ceremonial purposes is protected under section 35 of the Constitution. This is information we all know.

We also know it's important that through a process of reconciliation with first nations, we purposely are not pitting first nation fishers against non-indigenous fishers and vice versa. I want to ensure that we have an opportunity to hear from you a little more around the work being done to ensure that these processes are being done effectively, alongside first nations, ensuring that we're not reinforcing a narrative that can create more division at a time when we need to come together.

Mr. Adam Burns: Thanks for the question.

Indigenous communal, commercial and moderate livelihood fishing activities in our Maritimes region are subject to the same closure protocols as other commercial activities. In terms of FSC fishing, our regional colleagues are currently working with first nations to better understand their needs and ultimately to further integrate the FSC harvesting with the department's overall approach to protecting North Atlantic right whales and other marine mammals. That meaningful consultation needs to be undertaken in advance of applying the same closure protocols to those FSC fisheries.

The nations certainly were informed when these whale sightings occurred so that they could respond appropriately, based on their determinations. That meaningful consultation is under way so that we can better understand their particular circumstances and work with them to find a path forward.

• (1650)

The Chair: Thank you, Ms. Barron. You have about 10 seconds left, so we'll move on now to Mr. Arnold for five minutes or less, please.

Mr. Mel Arnold: Thank you, Mr. Chair.

I'll go back to my earlier question for both of you when I asked about other Canadian fisheries operations you are aware of that have been targeted by foreign ENGOs.

You mentioned the seal hunt. What other fisheries operations have been affected by messaging activities by foreign ENGOs?

Mr. Adam Burns: Well, I don't have a list in front of me to speak to that, so I wouldn't want to mislead the committee, but certainly the seal harvest is a good example of that. I'm sure that there have been other transboundary fisheries in Canada that the U.S..... Perhaps Pacific salmon and perhaps the mackerel fishery on the east coast are two that come to mind that may have been subject to that as well. It's not something that we would have a specific listing on, so again, I don't want to mislead you on it.

Mr. Mel Arnold: How long have you been in this role with the department?

Mr. Adam Burns: I've been at DFO for a fair amount of time. I've given you the examples that come to mind today.

Mr. Mel Arnold: Okay. Thank you.

Further examples on the west coast are recreational fisheries and our salmon aquaculture. They certainly come to my mind as well.

How can Canada better combat those attacks, if you want to call them that, on the sustainable fisheries here in Canada, when we see local fish harvesters—commercial, indigenous and recreational—all being impacted by media spins that are put out there?

Mr. Adam Burns: We're working very diligently to try to ensure that Canada's world-class management regime is understood by these organizations. Unfortunately, sometimes their approaches might not be fully informed by fact, so we can't always prevent all of those sorts of assertions from being made.

Our strategy is to work with Canadian representatives in the U.S., such as the consulate in Boston, which is actively engaged with political leadership, as well as with other groups to ensure those facts are well understood by all involved and they can have a fair understanding of the great work that Canada is doing and the Canadian industry is doing to have sustainable fisheries that are aiming to coexist with, among other things, marine mammals.

Mr. Mel Arnold: Are there activities from other countries that are impacting Canadian fisheries operations that you're aware of?

Mr. Adam Burns: I'm not sure I quite follow that.

Mr. Mel Arnold: With regard to the ENGOs, you mentioned the U.S. and that you're working closely with U.S. counterparts. Are there any other countries that you're working with on similar issues?

Mr. Adam Burns: Oh, for sure. For example, in the European Union and in Scandinavia a few years back, there were concerns around the humane treatment of lobsters in cooking practices. We undertook significant advocacy work there to make sure those realities were understood by those groups, and that appears to have largely worked. That's not a communications line that we tend to hear of more recently.

Mr. Mel Arnold: In the fall 2018 report from the commissioner of the environment and sustainable development on the protection of marine mammals, recommendations were made to Fisheries and

Oceans Canada. Have the recommendations made in the audit been implemented, and has the increased funding been spent?

Mr. Adam Burns: In short, I don't have the full list of recommendations in front of me to give you the accurate details, but absolutely that's an audit that we're acutely aware of. We have a management action plan associated with it and are in the process of implementing measures, or have implemented them, to respond to all of those recommendations.

Mr. Mel Arnold: Has the increased funding that was provided been spent?

Mr. Adam Burns: If it hasn't...?

Mr. Mel Arnold: Has it been spent, that increased funding that was provided?

Mr. Adam Burns: That would be linked back to the whales initiative, for example, and the \$167 million there. All of those investments are under way. We've spoken of things like the whalesafe gear adoption fund and the ghost gear fund, both of which are in use now, with funding going to various groups, absolutely.

• (1655)

Mr. Mel Arnold: Good. Thank you.

The Chair: Thanks, Mr. Arnold.

To finish this off this line of questioning today, Mr. Cormier, go ahead for five minutes or less, please.

[*Translation*]

Mr. Serge Cormier: Thank you, Mr. Chair.

I would like to thank the people in the industry, the fishing groups, and all the fishermen who are listening to us right now for making superhuman efforts over the last few years to ensure the protection of whales.

I should point out that not all environmental groups are against the measures we have taken. There are a number of environmental groups in my area that are working hand in hand with the industry. We will probably have a chance to hear from them in committee. They are doing a great job.

I think everyone understands that we have to work together. Fishermen are certainly part of the solution in this regard. They can help us protect the whales, have responsible fisheries and ensure that we can continue to practise this wonderful trade in the years to come.

[English]

Mr. Burns or Mr. Gilchrist, I don't want to go back to those measures or tools that we use—we're certainly going to come back to that at some point—but one thing that will be problematic in the near future is, as you said, that we're using traps with no ropes now. It's a great tool that we have still in development. There are still some hiccups here and there, but I think we're going to get there.

However, there's the weak-rope policy that we want to put in place for the next season. I think you know—and I hope you know—that there are some groups that are testing those ropes, and almost everybody said that we're not ready for those ropes. We're not ready to use those ropes. If we use these ropes, they're going to break and we're going to have more ropes in the water. Where are you at with this situation right now?

My point of view, and the point of view of the industry and also of the environmental groups, is that we should put a pause on that and make sure we have good ropes that will not break, instead of having something that will maybe present some more entanglement and damage, and then we'll see more of what we're seeing coming from the U.S. saying that we don't have good measures in place.

What are you hearing on that, and what are your thoughts on that?

Mr. Adam Burns: Certainly as far as having an informed decision on the approach to implementing a whalesafe gear program and requirements goes, that is the reason we've been working with industry. We've had almost 100 engagement sessions with the fishing industry. We've funded various research initiatives—weak-rope initiatives, ropeless-gear initiatives and that sort of thing—and certainly all of that information is what we're currently assessing and looking at.

There's no doubt, though, that despite our massive surveillance program, we don't know where each whale is at all times, and certainly that is good reason to make sure that the gear that is in the water is as safe as possible for North Atlantic right whales. As we mentioned, the potential biological removal identified by the U.S. is less than one. We do need to look at these measures, and we'll do so in a manner that is informed by all of the work that we've been doing in recent years with industry so that we can limit the level of unintended consequences.

Certainly we've heard things about the risks of ghost gear and that sort of thing. We are acutely aware of that, and we are assessing all of that information.

Mr. Serge Cormier: Thank you for that.

A little bit earlier, I was glad that I heard you say—and I don't want to quote you incorrectly—that we're maybe going to look at softening the measures for next year. I think there's a possibility that we could do that without compromising any of the measures we've put in place so far and without more deaths or entanglements, and we'd be helping the industry and some communities at the same time.

What are you seeing, as of now, in terms of changes to some of those measures? For example, we just talked about using those same tools to reopen some zones. Maybe instead of having one

whale in a particular spot, maybe we can have two or three whales. I know the industry is proposing that to you. I know also that some environmental groups are proposing that to you. When all those zones close, I think you know how chaotic it is sometimes. Everybody has to remove their traps, and they're fishing in the same place, so it may be more dangerous for entanglement. What are you seeing in terms of some of those measures that we can soften and still, I think, be complying or still be viewed as a country that wants to protect right whales and at the same time wants to have a responsible fishery?

• (1700)

Mr. Adam Burns: In terms of softening measures, I think, hopefully, that what I said was more in the line of modifying measures—

Mr. Serge Cormier: That's good for me.

Mr. Adam Burns: —keeping in mind the need to maintain the level of protection for the North Atlantic right whales.

I wouldn't want to prejudge the process. Each year we go through a process of evaluating what worked, what didn't work, and what measures we might be able to adjust to better respond to industry observations and comments. That process will be undertaken again this fall.

We will be holding our North Atlantic right whale advisory committee later this fall. It is one of the multiple touchpoints with the fishing industry, where they have the opportunity to speak with us about—as I say—what's worked and what could work better. We will do that, and we will assess all of that information. As has been the case for the past several years, the minister will make her determinations around what the appropriate measures would be for next year, following the analysis of all of that information.

The Chair: Thank you, Mr. Cormier.

Of course, as previously mentioned, we will end this particular meeting to take time to go in camera.

I want to say a special thank you to Mr. Burns and Mr. Gilchrist for their appearance here today. It's great knowledge for the start of this particular study.

Go ahead, Mr. Morrissey.

Mr. Robert Morrissey: There's an item I'd like to bring up when the witnesses are cleared.

The Chair: Yes, we can do that in committee business, if you like, if it has to do with the committee.

We'll suspend now for a few minutes to go in camera. When the clerk tells me it's good to go, then we'll start up again.

The meeting is suspended.

[Proceedings continue in camera]

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