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Chair

Mr. James Bezan

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● (1535)

[*English*]

The Chair (Mr. James Bezan (Selkirk—Interlake, CPC)): We're running a little behind schedule, so we'll get this meeting called to order.

We're going to continue with our studies on the Species at Risk Act. To discuss the Species at Risk Act today, we have a number of witnesses here who are bringing with them their expertise and educational backgrounds.

I'd like to welcome to the table Dr. Scott Findlay, associate professor at the University of Ottawa.

You didn't have to come that far, but I'm glad that you did take time out of your schedule to join us.

From the Vancouver Aquarium Marine Science Centre, we have with us Lance Barrett-Lennard, who is the head of the cetacean research program.

Welcome.

As an individual, we also have with us Dr. Michael Pearson, registered professional biologist at Pearson Ecological.

From the Scientific Committee on Species at Risk, SCOSAR, we have Dr. Arne Mooers, associate professor of biological sciences at Simon Fraser University.

I want to welcome all four of you and thank you for taking time out of your schedules to give us your interpretation of the act and tell us where we need to be going as we go through this review.

With that, Dr. Findlay, could you kick us off with your opening comments?

Dr. C. Scott Findlay (Associate Professor, University of Ottawa, As an Individual): Thank you very much.

Thank you for the invitation.

As was said in the introduction, my name is Scott Findlay and I'm a professor of biology at the University of Ottawa. One of my areas of expertise is conservation biology. For the last few years I've been working with my colleague, Professor Stewart Elgie, of the Faculty of Law, in doing an assessment of SARA's performance to date.

Before we begin with the substance, I'd like to make a parenthetical comment. The first comment I would have is simply that, as a scientist, I regard SARA, like any law, as an experiment, and the purpose of the exercise is to evaluate that experiment and then use the evaluation to suggest ways in which the subsequent experiment can be improved. So the tenor of my comments is to try to see what we have done so far and to suggest ways of improving this particular piece of legislation.

Let us see how we've done so far. If you look at my brief, you will see figure 1. I think it tells the real story about SARA. If you look at the proportion of species we have thus far had available for listing, for subsequent production of recovery strategies and for critical habitat identification, it's fairly clear: we start off with 380 species that could have gone the full route of that process thus far and we're left with six for which we've thus far had complete critical habitat identification. I think it's fairly clear from these numbers that we have a little way to go in terms of the design of the instrument.

The first problem relates to listing. About 85% of species recommended for listing have indeed been listed. If you look at the ones that have not been listed and contrast those with the ones that have been listed, some patterns emerge.

The first is that the species that have not been listed tend to be those for which the Department of Fisheries and Oceans is the responsible authority, tend to be species that are harvested either commercially or for subsistence or through bycatch, and tend to be northern species. These are three general findings that tend to differentiate species that have been listed from those that have not

In regard to what we call the responsible agency effect, it seems to be fairly clear that with respect to listing, the Department of Fisheries and Oceans, Environment Canada, and Parks Canada Agency are using different processes for listing. In particular, it would appear that they're using socio-economic analysis at the listing stage to support listing decisions in a different manner. So we have this difference between the institutions that are responsible under the act for listing.

The second problem occurs at the recovery planning stage. The bottom line is that about one third of the species that ought to have had recovery strategies by now have indeed had recovery strategies, but very few of those were completed within the legislated timeframe.

So we have two problems: one being that recovery strategies are not being produced on time, certainly not within the timeframe mandated under the act, and the other that, thus far, relatively few of those that ought to have been produced have indeed been produced.

The third problem we've identified in our analysis involves critical habitat identification. As I showed in that first figure, to date, very little critical habitat has been identified. Most critical habitat that has been identified has been identified within existing protected areas. If you compare those species for which we have critical habitat identification in recovery strategies versus those for which we don't, it's fairly clear that there are some patterns that emerge.

Those patterns are shown in the third figure in my presentation. It looks to be the case that if you're a species that's found in a protected area, you're much more likely to have critical habitat identified, and if you're found on lands that are municipally owned or for which urbanization is considered an important threat, you're less likely to have critical habitat identified. In particular—and this is very interesting—in terms of the schedule of studies, which is a mandated component of recovery strategies under the act, landowner consultation is often an important element in the schedule of studies for those species that have not had critical habitat identified, so it appears that critical habitat identification is being held up because of the need for consultation.

Finally, there is the problem associated with timelines. Under the act, we have the possibility of the minister allowing for extended consultation before the recommendation is forwarded to the Governor in Council. It seems fairly clear that many species are being held up at this stage of the process. What happens is that you have species stuck in what amounts to listing purgatory for years, up to four or five years, before a decision is actually made.

Based on this analysis of SARA's performance, we have a number of specific recommendations.

The first recommendation is that, regardless of the responsible authority, they should all be following the same process for listing decisions. It shouldn't matter whether you are a bird or a reptile or a fish or a mammal; the process should be the same for all species.

The second is that there be explicit timelines imposed for extended consultations. Certainly the way this extended consultation is occurring now is not in keeping with the spirit of the act, particularly section 27, which imposed, at least notionally, a nine-month consultation period.

When the GIC proposes not to list a species, we suggest that this trigger a well-informed and transparent evaluation process and consultation process.

We recommend that the recovery planning process adhere closely to statutorily mandated timeframes.

We suggest that SARA include a specific timeline for implementation of recovery strategies—that is, action plans, for which there is no timeline within SARA now.

Sixth, we recommend that the predisposition to identify critical habitat at the recovery stage under SARA, which takes as its justification the precautionary principle, both in the preamble and in section 38, be comprehensively implemented. This has not happened up until now.

Finally, we recommend that critical habitat identification be based solely on biological criteria. Our analysis suggests that there are other factors working into that decision, and we would recommend that critical habitat identification be based solely on biological criteria.

In the final part of my brief, Professor Elgie has communicated from Papua, New Guinea, where he is now, unfortunately, and has provided some specific wording recommendations for amendments to the act that are in keeping with these recommendations.

Thank you.

● (1540)

The Chair: Thank you, Dr. Findlay. I appreciate you respecting your time.

Dr. Barrett-Lennard, would you bring us your comments, please?

Dr. Lance Barrett-Lennard (Head, Cetacean Research Program, Vancouver Aquarium Marine Science Centre): Thank you very much, and good afternoon.

I'm a research scientist specializing in the ecology and genetics of marine mammals. I head the Vancouver Aquarium's cetacean research program.

The aquarium's mission is to effect the conservation of aquatic life through display and interpretation, education, research, and direct action. As such, it has a direct and abiding interest in the successful implementation of the Species At Risk Act.

I've been co-chair of the resident killer whale recovery team on the west coast since 2005, and I've worked on recovery strategies for six other marine mammals in Canada and one in the U.S. I also serve as an adjunct professor of zoology at UBC.

Today I'll discuss two ways in which lack of clarity, in my opinion, in the Species At Risk Act has led to confusion and inconsistency in species recovery planning, and I'll present some recommendations for improvements.

As committee members will know, SARA specifies that the plans for recovery must be developed in two discrete stages: formulation of a recovery strategy and formulation of an action plan. The act doesn't make clear why it specifies this two-stage process. Indeed, there's considerable confusion on the part of government managers about why such a system exists.

In my opinion, the drafters of SARA were correct in specifying this two-part process, because recovery really does involve two rather different sets of considerations.

The first step, preparation of a recovery strategy, is the strictly objective and scientific process of understanding and describing why a species is at risk and determining what general kinds of things would need to be done to alleviate that. It contains a description of critical habitat, if known; threats to the species; general measures that would reduce threats and protect critical habitat; and criteria for determining when recovery has occurred. The important point is that it should be a scientifically defensible document, a point the act fails to mention.

The second step, the preparation of an action plan, is the process of compiling a specific set of pragmatic recommendations about what in fact should be done to achieve the strategy, and that's given the constraints imposed by other laws, treaties, socio-economic factors, the imperative to minimize cost, and so on. This second step isn't strictly scientific, nor should it be. It brings lawyers, economists, stakeholders, and so on into the mix.

SARA, as I mentioned, doesn't clearly distinguish between the function of these two steps—between the separation of science and policy. Indeed, by requiring that recovery strategies be prepared in cooperation with stakeholders, it fails to recognize a fundamental need for scientific objectivity and it muddles the distinction between the two, that is, between strategies and action plans.

I'll talk a little bit about scientific advice. SARA specifies that COSEWIC must carry out its functions—the assessment of listing of species—using the best available scientific, community, and aboriginal knowledge. However, once COSEWIC has finished its job, the act is silent about using scientific expertise in recovery strategies or action plans.

It does specify that critical habitat must be determined based on the best available information, and in practice this has been interpreted as primarily scientific. However, based on my experience, I can say for the record that acquiring and incorporating scientific and other advice in recovery strategies is inconsistent at best. There are no built-in safeguards against bias or perceived bias in the choice of experts from whom advice is sought.

Let me explain how the process of working in this advice works at present. Recovery strategies are usually drafted by recovery teams, including government and non-government members. This membership is determined on an ad hoc basis, but generally includes species experts, representatives of NGOs and aboriginal groups, industry stakeholders, and representatives of other provincial governments and federal departments.

However, SARA doesn't specify that a recovery team must be used. In the last few years, DFO in particular has moved instead to using working groups of government staff. In some cases, these working groups invite external experts to technical workshops to hear the professional opinions, but they draft the recovery strategies themselves.

Recovery teams have been used in Canada for many years, and also in the U.S. Because they include non-governmental members, their deliberations are transparent—or tamper-resistant, if you like.

In contrast, these internal working groups may well engage in spirited debate behind closed doors—I'm sure they do—but at the end of the day the members are bound by internal directives and aren't free to express concerns to the public about the process or its outcome. The use of internal working groups removes transparency from the recovery planning process, limits the input of non-government scientists, restricts public and scientific scrutiny, and, as such, is less likely to produce objective recovery strategies than are teams.

To illustrate the strengths of recovery teams over internal working groups, I'll refer to my own experience as co-chair of the resident killer whale recovery team. We had 23 members, of whom about one quarter were federal government employees.

● (1545)

In May 2006, we completed a draft of the strategy and submitted it to DFO for the minister's consideration. The draft contained a description of critical habitat, as required by SARA, and was completed within the specified timeframe.

As Dr. Findlay has mentioned, and as Dr. Pearson will reiterate, critical habitat is essential to recovery planning. Without a description of critical habitat, little can be done to conserve a species.

DFO didn't post the document by the legal deadline, but it began a process to amend it by removing the critical habitat section. This was done in accordance with a draft policy, which the team was not allowed to see. Nor were we allowed to see the amendments, which were simply described to us. We expressed concern and requested an explanation, and when that wasn't forthcoming, we resisted the change by requiring that our names be removed from the document.

DFO took no action until the following spring, when it restored the critical habitat section but revised another key section in response to a request from the Department of National Defence. That section was also restored after the team objected. Shortly thereafter, DFO made a third amendment, without explanation, by removing a section listing threats to critical habitat. This, too, was withdrawn after strong objection by the non-government members.

The strategy was finally posted in March 2008, more than a year and a half after the legal deadline.

The Minister of Fisheries and Oceans posted a critical habitat protection statement in September 2008 saying, in effect, that no protection of critical habitat was necessary. This led to the launching of a lawsuit by a large and influential group of NGOs. The statement was rescinded in February 2009 and was replaced, at last, with a critical habitat protection order.

My point in detailing this litany of roadblocks is that without a recovery team with independent members, the killer whale strategy would not contain the essential elements for recovery.

In light of these experiences, I have two simple and clear recommendations for amendments to SARA. First, the revised version should clearly describe the reasons for separating recovery strategies and action plans by noting that the former must be science-based and objective, and the latter must be subject to social and economic constraints.

Second, SARA should specify that the competent minister must seek the best available scientific advice in the preparation of recovery strategies; should use recovery teams and commit to a transparent process for determining their membership; and should ensure that teams include independent species experts.

Thanks again, and please feel free to look me up at the Vancouver Aquarium the next time you come to British Columbia.

The Chair: Thank you, Dr. Barrett-Lennard.

Dr. Pearson, the floor is yours.

Dr. Michael Pearson (Registered Professional Biologist, Pearson Ecological, As an Individual): Good afternoon.

I'm a self-employed biologist. I specialize in species at risk and habitat restoration in British Columbia. My Ph.D. dissertation was done at UBC and focused on the ecology of two SARA endangered species, the Salish sucker and the Nooksack dace. I am a member of the recovery team for the species and lead author of both recovery strategies, and I've worked on them continuously since 1997, which is to say that I've spent 14 years talking and negotiating with landowners about species at risk and habitat protection.

I would like to speak today about the identification and protection of critical habitat under SARA, drawing upon my experience in dealing with landowners, in producing recovery strategies, and in a lawsuit that resulted from the publication of one of them. Let's start there, with the Nooksack dace recovery strategy.

SARA requires that recovery strategies identify critical habitat "to the extent possible, based on the best available information". For the Nooksack dace, we were able to produce maps showing the specific areas of stream containing critical habitat. SARA's definition also explicitly includes "any other areas on which aquatic species depend directly or indirectly". Since there's a large literature saying that streamside vegetation or riparian areas are critical to the health of aquatic habitats, we included such streamside areas.

To define the width of those buffer strips, we adopted methods already in use in British Columbia in the riparian area regulation. We did this because these methods are scientifically sound and because they had already been agreed to by both the provincial and federal governments for use in areas that are slated for land development.

We submitted the recovery strategy containing these maps in August of 2005. More than a year later, when the draft recovery strategy was posted on the public registry, the maps of critical habitat had been removed, our definition of critical habitat had been removed, and the list of activities likely to result in its destruction was also absent. The recovery ream had not been consulted on any of these changes although our names remained on the strategy as its authors.

Subsequent negotiations between the team and DFO resulted in the reinsertion of some of the deleted material, although not the maps, and in the inclusion of a disclaimer in the critical habitat section stating that the habitat portion of the strategy had been altered to conform with government policy.

Soon after its publication in July 2007, a coalition of environmental groups launched a lawsuit claiming that the strategy failed to identify critical habitat in accordance with SARA. I was one of three recovery team members to provide them with an affidavit.

Over the next two years, the lawsuit proceeded through a series of legal machinations, including an attempt to strike much our affidavits, the redaction of e-mails describing the government's reasons for removing the critical habitat, and an attempt to get the lawsuit dismissed as moot through the belated inclusion of the critical habitat maps.

Ultimately, the Federal Court found in the environmental groups' favour. In his decision, Justice Douglas Campbell described the government's actions. He said, "This is a story about the creation and application of policy by the Minister in clear contravention of the law, and a reluctance to be held accountable for failure to follow the law".

To its credit, the government has responded positively and appears since then to have adopted policies in recovery planning aimed at identifying critical habitat to the extent possible, but other problems have emerged.

The belated inclusion of the maps for critical habitat triggered a requirement for the minister to either make an order under SARA to protect the critical habitat or release a habitat protection statement explaining how it was already protected. In December 2008, a protection statement, rather than an order, was released, and I was quite disappointed in its contents.

● (1550)

It claims that most of the threats to critical habitat are already addressed by section 35 of the Fisheries Act and dismisses other threats as not being to habitat but to individuals. Now, from 14 years of working in these streams, I know this isn't true.

Section 35 of the Fisheries Act states, "No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat". But for this section to be applied, it requires that some person must be identified and presumably charged as the culprit.

But who's the culprit when a hundred wells and 20 irrigation pumps spread over 50 square kilometres collectively suck a stream dry? Who's the culprit when runoff from rooftops and from roads combine to produce flash floods that damage habitat, or when erosion from dozens of properties lacking riparian vegetation combines to clog a spawning bed?

These are cumulative impacts, often from non-point sources of pollution. They are what most threaten Nooksack dace and a variety of other species, yet they remain completely unaddressed, and the reason is that the Fisheries Act cannot address them—SARA can.

Consequently, the habitation protection statement, in my opinion, continues a pattern of delay and attempted avoidance of effective action to protect species at risk and is certainly insufficient to protect Nooksack dace critical habitat.

So what to do?

I work regularly in about 15 watersheds in the Fraser Valley and I have spoken with scores of landowners about habitat and species at risk over the years. Most have been farmers who perceive that they may have to give up some land or some agricultural practices on land adjacent to waterways if habitat protections are adopted and enforced.

Not surprisingly, most are hostile to this notion, but only because they fear that the costs of such protection are going to be borne by them alone. Farmers are not by nature anti-conservation or anti-environment and most will readily accept a scenario in which society pays for society's benefits from their land. A little money on the table goes a long way.

The circumstances provide a rather instructive example of how this might work. Three of the four Canadian streams containing Nooksack dace flow south across the U.S. border into Whatcom County, Washington. I can stand on the O Avenue bridge, the border road on the Canadian side, and look at a recently reforested riparian area in Whatcom County along Bertrand Creek. It is one of the many stretches of previously denuded farmland that the state has leased from farmers for its ecological services, in their case the preservation of water quality and the protection of endangered salmon stocks.

This brings up an important point. These ecological services of critical habitat extend far beyond species at risk. Nooksack dace are always found with salmon, British Columbia's most iconic and economically important native species.

Healthy aquatic and riparian habitats purify water. They store carbon. They function as primary pathways in the landscape through which water and nutrients and organisms move. They're essentially the circulatory system of an ecosystem, and it's in our interest to protect them.

There's another sort of potential cure. In B.C., landowners of small rural properties can pay low agricultural taxes if they show a few thousand dollars in gross agricultural income. This promotes the clearing and farming of very marginal lands by people who have little knowledge of sound agricultural practices or incentives to practice them, often on small hobby farms. If those people were offered tax relief in the form of grants to offset the municipal taxes in the same way that is done with agricultural taxes, this practice would be alleviated.

To conclude, I have three specific recommendations.

First, the regulations regarding compensation should be developed immediately, as provided for under section 64 of the act, to facilitate the protection of critical habitat on private land.

Second, use SARA protection orders or conservation agreements to take meaningful steps to protect critical habitat, rather than claim, without scientific support, that the existing laws protect species adequately. I mean, if existing laws were working adequately, these species would not be on the endangered list.

Third, to reiterate what my colleagues have said, recovery teams should be given statutory life under SARA and directed to use the best available knowledge in developing recovery strategies to restore species in their habitat.

Thank you for your time and attention.

● (1555)

The Chair: Thank you very much.

Our final presenter is Dr. Mooers.

[*Translation*]

Dr. Arne Mooers (Associate Professor, Biological Sciences, Simon Fraser University, Scientific Committee on Species at Risk (SCOSAR)): Good afternoon. My name is Dr. Arne Mooers and I work at Simon Fraser University. I am accompanied by my colleague Dr. Jeannette Whitton, who is with the Faculty of the University of British Columbia.

I am speaking on behalf of the Scientific Committee on species at risk. This committee is composed of a dozen professors and scientists from across the country. We met for the first time in November 2008. Our purpose is to assess how science is used in the Species at Risk Act, and how science can be used more effectively.

Thank you for giving us the opportunity to speak to you today.

● (1600)

[*English*]

The data you heard about and the stories you heard just now informed our deliberations in the Scientific Committee on Species at Risk.

The main higher-level recommendation we make is that law-makers—you—ensure a clear separation between scientific information delivery, which is what we make, and subsequent government action at all stages of the SARA process. Such a separation would clarify the tough decisions and trade-offs that Canadians, through you, have to make when managing their natural heritage.

We made a couple of figures. I hope you have them in front of you.

Figure 1 is a schematic of how we see SARA constructed in the law and where science feeds into the law. The top box represents the stage where the Committee on the Status of Endangered Wildlife in Canada, COSEWIC, uses the best available information and internationally agreed-upon criteria to decide whether a wildlife species merits legal protection. Now that white box, you'll notice, is not embedded in any grey policy-plus-science box. It stands alone. The COSEWIC decision is made public, and the government—you—subsequently responds publicly to the scientific assessment by accepting it, rejecting it, or referring it back.

We, SCOSAR, are in favour of this clear delineation. We support COSEWIC's specific recommendation made to you about a year ago: that the separation between an independent, publicly available assessment and government decision-making be clarified and strengthened. We think this is a strength—perhaps the strength—of SARA as it's written now.

Now, as we move to the later stages in that flow chart, which involve the actual listing process, the recovery, and the planning, the separation between independent science and policy does not exist anymore. Here, science is embedded within a policy framework.

Dr. Findlay's presentation highlights the issue concerning which species get listed and which do not following assessment. We worry about institutional conflicts of interest, and we worry about perceptions of such conflicts of interest, whether they are there or not. We believe that clear best practices should be followed here, as anywhere else.

Here's our first recommendation, and it includes lots of important modifiers, so I apologize, because it's a long sentence. If a species may not be legally listed—if there's a chance—then a more formal, independent, transparent, consistent, and complete process should be followed. That is not the case at the moment, as Dr. Findlay pointed out. The scenarios used in the listing analyses should be clear and open to independent scrutiny. And both the long-term and short-term considerations and the costs and benefits of legal listing should be included. Those costs and benefits should be to all Canadians.

You heard, from Dr. Barrett-Lennard's experience, that the stages following listing—now we're moving on to what to do—do not always work smoothly either. While it is our view—and the law, I think, is clear—that independent science will be but one of the voices that contribute to the drafting of recovery strategies, in the current chorus that emerges, the input of independent science is unclear.

Recent lawsuits and threats of lawsuits related to the failure to, for example, identify the habitat necessary for survival and recovery, as you've heard, represent one costly negative outcome. Such legal action might have been avoided if independent scientific oversight had been part of the recovery planning process. Those draft strategies, the ones that were posted, would likely have included at least partial critical habitat.

Consequently, our second formal recommendation is that an independent scientific committee, which we have nicknamed COREWIC—Committee on the Recovery of Endangered Wildlife in Canada—be called upon to evaluate recovery strategies and action plans. Such a body would offer clear advice as to whether a set of policies on how to achieve the stated aims of the legislation could be met with a particular recovery strategy and a particular action plan.

You have sections 40 and 11 that can be used. The COREWIC reports would be made public in the same way COSEWIC reports are. Elected officials, speaking on behalf of Canadians everywhere, would then respond publicly, just as they do regarding listing. There may even be possible models for such a set-up already in existence at the federal level in Canada.

Given political realities, we do not think this step would slow draft recovery strategies and action plan production. In any case, as you know, a strategy or plan that does not meet its stated goals is a waste of tax money.

● (1605)

Overall, we believe that the general approach of separating scientific data collection and analysis from policy decisions, as outlined above—the separation—could be extended to all phases of the SARA process. We outline this in a second figure, which you have before you, that simply moves the science boxes out that feed in, so that Canadians can see what goes in and what comes out.

Such a separation of scientific input from government response mitigates against conflict of interest and allows Canadians to see how difficult decisions are made on their behalf. Canadians may well decide that a particular wildlife species is not worth protecting and recovering. However, it is unhelpful to suggest to Canadians that such a wildlife species will be protected and recovered if the data suggests otherwise.

We submitted a formal brief, where we outline our reasoning further. We also highlighted a few other issues, including some definitions of difficult terms that are not now defined in SARA but that could be.

[*Translation*]

We would be happy to discuss these matters with you if you are interested.

Thank you very much.

[*English*]

The Chair: Thank you very much.

I appreciate your opening comments, all of you, and now we're going to go to our seven-minute round.

I'll ask the witnesses to keep their responses as brief as possible when answering questions from our members so that the members can get the most out of their time.

Mr. McGuinty, you'll kick us off.

Mr. David McGuinty (Ottawa South, Lib.): Thank you very much, Chair.

First of all, I want to thank all the panellists for their briefs. This is just a terrific and coherent set of briefs, and is really helpful, so thank you for the time you took to whittle them down to just a few pages.

In all your presentations, the golden thread that seems to be woven through them is that you want to see a much clearer distinction between science and the application of policy decision-making.

I just want to ask a couple of quick questions, if I may. On the Nooksack dace case study, this took place in 2006, is that correct? Was the timeline roughly 2006-07?

Dr. Michael Pearson: The strategy went from the recovery team to DFO in 2005, and then it was posted in 2006 on the SARA registry.

Mr. David McGuinty: And this ultimately led to litigation?

Dr. Michael Pearson: Yes, it certainly did.

Mr. David McGuinty: Who was the minister at the time? Who were the ministers involved at the time?

Dr. Michael Pearson: I don't know the names of the ministers.

Mr. David McGuinty: July 2007.... Does anyone recall? No? Okay.

In the killer whale case study, it was more explicitly made, I think.... What became very clear here is that.... What you're saying here is that there was interference. Is that too strong a word to use?

Dr. Lance Barrett-Lennard: Sorry, in the killer whale case...?

Mr. David McGuinty: Yes.

Dr. Lance Barrett-Lennard: I don't know if it was interference or not. All we know is that our initial document was amended to remove critical habitat. My understanding—and this is what the team was told at the time—was that it was in adherence with this draft policy that we were unable to see, and that was a policy for the inclusion of critical habitat and recovery strategies.

Mr. David McGuinty: And this led to litigation—

Dr. Lance Barrett-Lennard: I don't know the origin of that policy.

Mr. David McGuinty: Okay. But this ultimately led to litigation as well.

Dr. Lance Barrett-Lennard: No. Really, in the killer whale case, litigation didn't come about until the minister issued a critical habitat protection statement. At that point, NGOs litigated, feeling that there was very good evidence that an order in fact should have been issued.

Mr. David McGuinty: Who was the minister who issued that statement?

Dr. Lance Barrett-Lennard: Sorry. Like Dr. Pearson, I don't remember.

Mr. David McGuinty: Okay.

So in two case studies here, we see clearly that this nexus between science and so-called policy decision-making is not working; this overlap, this crossover, is not working. As scientists, you're here to make a plea, I guess, that the essential reform to SARA should be that we have a much clearer distinction between where the beginning, the middle, and the end of science are, and where other questions are applied to the overall decision-making, such as socio-economic, policy, and other considerations.

Is that right? You want to see a clearer delineation or demarcation in the framework to make sure that there is a more robust respect for science.

Dr. Mooers, you actually say in your brief, “Such a separation of scientific input from government response mitigates against conflict of interest...”. What do you mean?

● (1610)

Dr. Arne Mooers: What does “conflict of interest” mean or...?

Mr. David McGuinty: Yes. What do you mean by that conflict of interest?

Dr. Arne Mooers: Obviously we all know what conflict of interest is, but specifically in regard to this situation, if you are sitting in a ministry that has many jobs to do, there may be a conflict of interest when you're asked to do something related to SARA if it may have an effect on some of your other responsibilities.

Mr. David McGuinty: Do any of you know whether there have been other case studies that have predated these and that gave you the same kind of concern about the relationship between scientific evidence and findings and the overlay of—your grey boxes here—policy considerations and decisions? Is this something that's been happening since the act was brought into force?

Dr. Arne Mooers: One of my colleagues might be able to speak to that. But you have to remember that it was 2002 and 2003 when the act came in, and there are these timelines, so these are some of the first ones that were coming through. I stand to be corrected if I'm wrong.

Mr. David McGuinty: Could you describe them as natural and normal growing pains, then, with a regime that needs to be improved, or is there something we're missing here?

Dr. C. Scott Findlay: Perhaps I can address that issue. The issue of the demarcation between science and policy, or science and implementation, is a pervasive issue, and it's not unique, by any stretch of the imagination, to the SARA case.

You see this, for example, in the context of chemicals assessment in the CEPA context. You have on the one hand the more scientific notionally component, which is the risk assessment, and then you have the less notionally component, which is the risk management, and under CEPA, under the chemicals management plan, that is very clearly, in principle, demarcated.

I think that in response to your question on whether these are normal growing pains, I'd respond yes. As I said in my introductory comments, we're engaged in an experiment here, and we should not expect to get it right at the outset. I think that would be unrealistic and verging on the unreasonable.

Mr. David McGuinty: It's a work in progress.

Dr. C. Scott Findlay: It's absolutely a work in progress and our task is to improve that work.

Mr. David McGuinty: Can I ask you—and maybe the whole panel can respond, if you wish, or whoever wants to—how independent should scientific bodies be?

For example, Dr. Mooers, I think you said you recommended an independent scientific body to scientifically review SARA recovery strategies and action plans. Would this be an improvement over existing oversight, for example, for recovery planning?

Dr. Arne Mooers: That is correct. That would be an improvement over existing oversight, yes.

Mr. David McGuinty: How independent should “independent” be?

Dr. Arne Mooers: I don't understand; you're either independent or you're not. I'm not sure exactly what you mean by “how independent”.

Mr. David McGuinty: Should it be all third party science expertise? Should it be all at arm's length? Should it be all science from the departments or should it not?

Dr. Arne Mooers: I see. I think you could look at COSEWIC as an example. It's not who you work for, it's who you represent, so a lot of the scientists can be DFO scientists or Environment Canada scientists or provincial scientists—it's what they're doing when they're there.

The Chair: Thank you.

[*Translation*]

Mr. Bigras, you have seven minutes, please.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Thank you very much, Mr. Chairman. Thank you to our witnesses for their presentations.

First, I found your presentations troubling. It seems to me that, within a framework of healthy environmental governance, we need to have as much scientific independence as possible, particularly in the decision-making process. That is how I would summarize your four presentations.

Second, another thing struck me, particularly as regards critical habitat. I may have seen the numbers before, but the ones we presented caught my attention. As for the species on the list, Mr. Findlay, you said that only 19% of recovery programs designate critical habitat, and that the remaining species are basically already on protected territory. We can only conclude that the concept of critical habitat is far from being applied as set out in law, and that economic considerations seem to have priority. I would like to know what you think about this.

We knew this is the way things were at the beginning of the process. That is what is dangerous, in my view. I understand that it is important to ultimately take science into account. Thank you for having shown us this diagram, which assesses the situation based on the registration process. However, don't you think that, generally speaking, socio-economic considerations have gained the upper hand?

● (1615)

[*English*]

Dr. C. Scott Findlay: Thank you for the question. I think there are a couple of issues there.

I think all of us here would agree that, in keeping with the spirit of SARA, the identification of critical habitat ought to be based on biological criteria. In the analysis that Stewart and I have done over the last several years, and which I presented in my brief, the disinclination thus far to do so for a relatively small proportion of the species, which in principle, at least, under the act could have had critical habitat identified and recovery strategies but did not, suggests that there are these socio-economic issues percolating into that decision.

I would suggest that this is probably not in keeping with the spirit of the act. Critical habitat identification, at the very least, should be based on biological criteria.

[*Translation*]

Mr. Bernard Bigras: Fine.

You said that scientific considerations are indeed taken into account, but mostly only during the first stage, that is, when a situation is assessed. However, with each successive stage, science seems to be taken into account to a lesser degree.

Under sections 41 and 49 of the act, which deal with the recovery plan and the action plan respectively, do you believe that there should be more independent scientific monitoring, not only during the assessment stage, but also when the recovery plans are being developed? In other words, scientific monitoring and advice must not only happen at the assessment stage, but also when the recovery plans are being developed.

The danger is that, ultimately, when the recovery plan is implemented, only economic considerations will prevail. Do you believe that sections 41 and 49 of the act should be amended to ensure independent scientific monitoring?

[*English*]

Dr. Arne Mooers: I can't speak to those two paragraphs specifically, but I think, at the minimum, there has to be a separation.

I'm not sure what the direct translation of “supervision” is. I don't think any scientist wants to make a call about what society will do and how much they should pay to do it, but there has to be the clear separation so that nobody pretends they're doing something that they're not. Maybe I don't quite understand the question, but that's at a minimum.

If that's what you mean by supervision, then I would agree, but if you mean more than that, then I think we would have to have a longer discussion.

Someone else might want to comment.

Dr. Lance Barrett-Lennard: I think I'd take the question a little bit more at face value. Particularly as far as section 41 is concerned, dealing with recovery strategies, it would be very helpful for somebody with experience on the ground, working on recovery strategies, to have explicit language in there about scientific input. In fact, that scientific input is perhaps what you mean by supervision being the primary focus.

That section is confusing because it says the minister must prepare this recovery strategy in cooperation with a number of groups, including stakeholders, aboriginal groups, and so on. It doesn't specifically mention scientific expertise. In actual fact, generally speaking, certainly in the strategies that I'm familiar with, scientific expertise or scientific experts have been part of the process. They've been consulted.

But there is considerable confusion, really, particularly about what should be done with stakeholder input at that level. If a stakeholder comes to a recovery strategy deliberation and says that the actions, or at least a set of methodologies to protect this species, are going to hurt his or her livelihood, we, as recovery team members, don't have clear instruction about whether we should include that in the strategy or not. I think this group is saying that it's appropriate to address those sorts of things in the plan, but not in the strategy.

● (1620)

[*Translation*]

Mr. Bernard Bigras: Mr. Pearson, in your brief, you suggest that we should increase the number of conservation agreements as a way to bring land owners on board. However, in reality, no such conservation agreement has been signed until now. Since that's the case, how can we actually reach such agreements? What obstacles have stood in the way of signing these agreements? How can we establish a process, a partnership or a contract?

I suppose all this is part of what you are proposing, including when you refer to recovery plans. You would like these plans to be based on science, I believe. However, when the time comes to draw up an action plan, you believe that there should also be a contract. How can we ensure that many such conservation agreements are actually signed?

[*English*]

Dr. Michael Pearson: Well, much of that question, or the answer to it, is beyond my expertise. A question on contracts would be better put to a lawyer than myself. As to how, I can only point to the need and, in my experience, the apparent openness of landowners to this kind of thing.

I don't know what specific barriers there are within the bureaucracy or the legislation to doing it. I just know that it's not being done and that it needs to be done.

The Chair: *Merci beaucoup. Votre temps est écoulé.*

Ms. Duncan, you're up.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Thank you.

I also want to thank all four of you for these incredible briefs; I think they're the best I've seen. Because you've grounded them in your experience on the ground as scientists, they're really very helpful, and then they're tied into the court cases.

There's a quote provided, which I believe is in Dr. Pearson's brief, about Justice Campbell saying, “This is a story about the creation and application of policy by the Minister in clear contravention of the law, and a reluctance to be held accountable for failure to follow the law”. I have to say that is a pretty stunning statement about the government.

What's so interesting about your testimony is that you've been involved in separate instances of preservation of species, yet you come here and you present, across the board, very similar recommendations.

First, what further actions do you think are required to prevent the need for communities or scientists or organizations to resort to the courts? Do you feel that you've seen progress, at least in your species protection? Is there a shift in what's going on?

Second, I would tie that back to your testimony about the fisheries department. We did hear from the Fisheries Council of Canada, which was trying to convince us that in the matter of protection of fish species under SARA, it really can be handled just under the Fisheries Act, and there's no need for it to be handled under SARA. Yet your testimony seems to say completely the opposite.

Would you like to respond to both of those questions, together or apart?

Dr. Michael Pearson: Sure.

With respect to the Fisheries Act, it's very good at what it does or is a very useful tool for what it was intended to do, which is, in very clear instances, where you can point to the pipe spewing something or point to the person who's done something and say that “this has destroyed habitat”.

But in this day and age, certainly for the fish that I work on—and I would say for most other species—a lot of the problems are non-point source pollution, and they are cumulative. It's death by a thousand cuts. There's no one that you can point at, so the Fisheries Act is just not up to the job.

SARA, in my understanding of it, certainly can be used in that way and should be.

● (1625)

Ms. Linda Duncan: Okay.

Dr. Mooers or Dr. Findlay. No?

Dr. Barrett-Lennard.

Dr. Lance Barrett-Lennard: I'll respond to the part of the question where you asked about whether there had been any improvement that we could see.

First, we've now been discussing for some time the considerable apparent reluctance to identify critical habitat and recovery strategies. Whether this is growing pains or whether it's a more consistent policy is something that I could speculate on, but it would only be speculation.

As far as improvement is concerned, after the Nooksack dace case judgment, we're seeing at least the Department of Fisheries begin to pull up its socks in relation to recognizing that describing critical habitat is not optional—it's in the act.

The reason that has been used in many cases, that of insufficient evidence, is not supported by the scientists and not supported, in many cases, by the recovery teams. We are seeing more progress being made in this area and new draft recovery strategies coming out with critical habitat in them.

Dr. C. Scott Findlay: Perhaps I could make three quick comments.

The first one is with respect to the DFO effect on listing. This analysis has yet to be updated, but it's very clear that hitherto, at least up until the fairly recent past, there were different processes being followed by DFO on the one hand and Environment Canada and Parks Canada on the other to support listing decisions. As a scientist, I'm not about to pass judgment, necessarily, on which of those is better. What I can say is that they ought to be the same. That's point number one.

The second point relates to the Fisheries Act. If the Fisheries Act did everything that SARA does for marine mammals and marine and aquatic fish, then you could argue that we don't need a SARA for anything that lives in the water or the oceans. Clearly, SARA and the Fisheries Act have two different purposes, and insofar as the instrument has been designed to try to achieve the stated purpose, I would argue that you need both of them. I think the argument that we can do everything under the Fisheries Act says that, in essence, the Fisheries Act is like SARA for marine or aquatic species, when it is clearly not.

The third point, which relates to critical habitat, is that the reason that critical habitat hitherto has not been defined very well or has not been identified at the recovery stage is probably because it has been interpreted with maximum ministerial discretion. This problem plagued the early days of the Endangered Species Act in the United States. They had exactly the same problem because the issue was critical habitat designation “to the extent possible”. That was interpreted as allowing what amounted to tremendous ministerial discretion under the U.S. Endangered Species Act.

So what we've seen very recently is that because of the court decisions, that particular section of the act is now being interpreted differently. I think my colleagues have summarized it appropriately by saying that there does seem to be a movement now in what we would consider to be the correct direction, insofar as there's now more emphasis being placed on critical habitat identification at the recovery stage. Whether there is still some way to go is, of course, a different issue.

Ms. Linda Duncan: Okay. I notice two themes. One is that you talked a lot about the need to infuse science, and I wonder if one of you could just summarize this. It's my understanding that you're recommending that there also be a COSEWIC type of committee of scientists for the recovery strategy and critical habitat area. One of you also recommended that it's actually missing from the statute, and that they're consulting with everyone except scientists, which I thought was a really good thing to point out.

We've heard a lot from people who are saying that we should have socio-economic considerations in that second stage of recovery, and then there are others who are saying no, they shouldn't be there. I'd like to hear your opinion on that.

● (1630)

Dr. Arne Mooers: I could speak to the first part of that question. Our recommendation is for a body that might look something like COSEWIC—or it might look like something else. There is something called the Challenge Advisory Panel that deals with toxins, which works in an advisory capacity but is public. Dr. Findlay actually sits on it and he could speak to that as a possible model.

But part of the motivation for this recommendation that there be some sort of oversight panel is the feeling that because recovery teams are not in SARA, and because they have no legal basis, they may disappear. Up till now, independent scientists have been invited, and that's great, but they don't have to be invited. So then what happens? If you want to learn more about a possible model, perhaps Professor Findlay could tell us.

The Chair: Thank you. The time has expired.

We will move to our last questioner in the seven-minute round.

Mr. Warawa.

Mr. Mark Warawa (Langley, CPC): Thank you, Chair.

Thank you, witnesses, for being here. It's very nice to see that three of our scientists here are from British Columbia, including one from my beautiful riding of Langley. Thank you so much for being here and making these efforts.

I have more questions than I have time for, so I'm going to ask that your answers be somewhat short.

I want to focus on consultation. Is there enough time being given, particularly for aboriginal traditional knowledge? It seems as if that is being excluded from your recommendations. You've touched on socio-economic factors being considered, particularly when identifying critical habitat. It sounds to me like you're not in support of that.

I'd like to start with Mr. Pearson. You did work on the Salish sucker and the Nooksack dace. On page 4 of your brief, you indicated that you've done work on:

> ...about 15 watersheds in the Fraser Valley and have spoken with scores of landowners about habitat and species at risk over the years. Most have been farmers who perceive that they may have to give up land or some agricultural practices on land adjacent to waterways...Not surprisingly they are hostile to the notion...because they fear that the costs of such protection will be borne entirely by them.

Then you shared a recommendation, or something to think about, wherein property tax relief in the form of a grant could be given in return for the land that was dedicated.

To this point, we've been looking at critical habitat that has not primarily been in urban or suburban areas; it has been in boreal forests and federal lands. So we haven't really gone into the area of compensation, but you brought that up and I'm going to ask you to elaborate a little on that.

If a farm has a stream that's going through it, or there's a ditch going around it, or even if local government is wanting to maintain its ditching systems, these are all issues that local government has to deal with in dealing with DFO in British Columbia, both provincially and federally. So where would these grants come from to pay compensation? There's also the question of how big the setbacks should be. It depends on the topography, the historical watercourses.

Again, I have too many questions to ask for the short period of time I have available, but could you focus on where the grants will come from and how you see this being worked out? Have you talked to local government, too? Because it sounds like this will be downloaded onto local government?

Dr. Michael Pearson: I'm not sure about the downloading. In my mind, the grants would need to be federal grants because it's federal legislation and a federal imperative that's being dropped on them.

I work quite a bit with municipalities on things like drainage and those kinds of issues. Really, there's not much of a conflict with the drainage issues that we found. The same things that create problems for fish habitat create problems for drainage as well.

There are culverts that block migration and raise water levels behind them at the same time. The grass that plugs drainage ditches and impedes drainage is no different from the mechanism that occurs when that grass dies and rots, because it then robs the oxygen from the water and degrades a critical habitat.

We've found that there's a lot of room for common ground. I've done a lot of work on those issues in Langley, the District of Kent, and Chilliwack, all areas that I'm sure you know.

With respect to the ATK, aboriginal traditional knowledge, I certainly would not want to be interpreted as wanting to discount that or not use it that. I think "the best available knowledge" would certainly include that.

● (1635)

Mr. Mark Warawa: Okay.

So on setbacks for streams going through farms, that would limit what the farmer or landowner could do with their land; they can't farm up as close as before. If it's identified as a critical habitat, what you're suggesting is that it would include private lands and that there should be compensation for it. Am I interpreting your views correctly?

Dr. Michael Pearson: That's correct.

Mr. Mark Warawa: Okay. On the setbacks, because it's federal legislation, there still is only one taxpayer from whom the dollars are actually being taken in providing compensation. You're suggesting that compensation would be at fair market value. Is that correct?

Dr. Michael Pearson: The way it's done in the example I used is that they lease the land. They assess the land for its agricultural value, because, of course, all farmland is not equal. There is some excellent farmland and some that is very marginal. They classify the land and assess its fair market value, and the lease pays the full fair market value over a period of 15 years. They've had very good uptake with that from the farmers in Whatcom County.

Mr. Mark Warawa: Are local farmers you've consulted with receptive to this idea?

Dr. Michael Pearson: Sure. As soon as you ask them what they would do if they were paid a grant just to let it go, there are a lot of questions and details, but it's curiosity in negotiation as opposed to hostility.

Mr. Mark Warawa: Okay.

Is there any time left?

The Chair: Yes. You have a minute.

Mr. Mark Warawa: Consultation with first nations appears to be the common thread through your testimony. Am I misinterpreting that?

It seemed that you wanted to have the nine months, the nine months...that we need to meet the timelines and that consultation should be done in that. We've heard from first nations that they want to be consulted in an adequate fashion. They don't want to be repeatedly asked the same question by the same people. They want it to be genuine consultation.

Could you comment on that?

Dr. Lance Barrett-Lennard: I wonder if you could just clarify. Are you speaking of the recovery planning stage, the listing stage, or the action planning stage, or...?

Mr. Mark Warawa: After a species has been identified—and first nations are part of the COSEWIC recommendations—it goes to government and then, as part of that process before critical habitat is identified, there has to be proper consultation with first nations. They want to be consulted throughout the whole process and participate in the whole process.

Yes, you need to have a scientific biological critique, and criteria have to be based on science, but first nations traditional knowledge has to be part of that, too.

Dr. Lance Barrett-Lennard: I certainly agree. I didn't detect a common thread amongst this group suggesting that we thought anything other than that, and certainly when I refer to species experts and the scientific information that we use to inform recovery strategies, or for that matter, COSEWIC listings, that would include traditional aboriginal knowledge. It would also include community knowledge.

I run a program at the Vancouver Aquarium, a citizen science program, where we acquire information from the public about the sightings of whales, dolphins, and porpoises throughout the province, and we amass this into a huge database and perform scientific analyses of it. We wouldn't have a prayer of doing that without community involvement, including a large component of aboriginal involvement.

So I'm sorry if we've given that impression. I don't think it's a concern.

The Chair: Time has expired. That ends our seven-minute round.

Before we kick off the five-minute round, committee members, I want to try to save some time at the end of the meeting so we can go in camera to talk about some conflicts that some members have with next Thursday's meeting—not this Thursday, but next Thursday. We need to talk about the schedule a bit.

With that, I'll kick off our five-minute round.

Mr. Scarpaleggia.

● (1640)

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Thank you, Chair.

I was just hoping to clarify a couple of statements that I didn't quite grasp. I think it was you, Dr. Mooers, who said that we shouldn't protect wildlife if data suggest otherwise. Did I understand correctly?

Dr. Arne Mooers: We shouldn't protect wildlife if the data suggest otherwise...? No, I didn't say that. I did say something that has some of the same words. I said it is unhelpful to suggest to Canadians that a certain wildlife species will be protected and recovered if the data suggest that what's being proposed would not do that.

Mr. Francis Scarpaleggia: Oh, I understand. Thank you.

Someone said that we need to give recovery plans statutory status under SARA. Could you just elaborate on that a bit?

Dr. Michael Pearson: At present, recovery teams don't exist in SARA, in the legislation. It just talks about preparing recovery strategies.

Mr. Francis Scarpaleggia: So it's just policy things.

Dr. Michael Pearson: Right. It's the way it's done now, but I believe Dr. Mooers said that there is nothing in the legislation that means a recovery team with independent members has to be the way to go. We think it should be, so the point is that getting it enshrined in the act would ensure that happens.

Mr. Francis Scarpaleggia: It's a process as opposed to an actual plan. Is it the process you mean?

Dr. Michael Pearson: It's the existence of recovery teams with independent scientists on them.

Mr. Francis Scarpaleggia: Someone was talking about wetlands and the importance of wetlands for protecting species. Have you heard of the Canadian wetland inventory initiative? It was a process that was begun with Ducks Unlimited, the Canadian Space Agency, Environment Canada, and some other groups, and the idea was to map wetlands using satellite technology. The second stage of the initiative never got off the ground.

Is that something useful from the perspective of making SARA effective? Do you already have the information you need?

Dr. Michael Pearson: I'm sure it would be very useful for some recovery teams and some species. I don't know if any of us talked specifically about wetlands. I spoke about streamside and riparian buffer strips, which are a bit different, but certainly any inventory on habitat, particularly broad-based things like that, would be very useful to some groups.

Mr. Francis Scarpaleggia: Then you weren't referring to wetlands. I thought you might have been in an indirect way, but you weren't.

Dr. Michael Pearson: No.

Mr. Francis Scarpaleggia: Okay. I understand.

I think it was Dr. Pearson who was saying that it's really very, very hard to pinpoint the source of pollution when you're applying the Fisheries Act, and that really is a discouraging remark, because how can we apply the Fisheries Act if, as you say, you can't point a finger at one particular farmer or one particular industrial source? Is this an intractable problem?

For example, we've been studying the oil sands and the impact the oil sands may be having on fish habitat. It sounds as if you're telling us to give up because we're talking about cumulative impacts and you can't find a point source of pollution.

Dr. Michael Pearson: The Fisheries Act is very useful in some circumstances, and those circumstances might even include some farms where you have, say, a pipe coming from a dairy, with milk waste going into the stream. You can say “that pipe and that farmer, that's a problem”, but many of the pollution issues that freshwater fish face are non-point source pollution. It's too much fertilizer applied over large areas of farmland, it's large numbers of farms, or it's erosion from multiple places. So yes, the Fisheries Act is nearly useless for those kinds of problems.

● (1645)

Mr. Francis Scarpaleggia: Those are big problems.

Dr. Michael Pearson: They are big problems, but—

Mr. Francis Scarpaleggia: They're some of the most major problems we face.

Dr. Michael Pearson: So the way to address those is through legislation and policy that, rather than trying to find an individual source, takes a broader view. So how we can limit the amount of nutrients being applied across the Fraser Valley? How can we encourage farmers to...?

Mr. Francis Scarpaleggia: Then we're getting into provincial jurisdiction.

The Chair: Your time has expired. Thank you.

Mr. Woodworth, it's your turn.

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

Thank you to the witnesses who have come to speak with us today. You have certainly provoked some thought on my part about some of the fundamental issues before us. I regret that I have only five minutes, so there isn't much time to have a conversation of any subtlety with you.

But I will, if I may, address some remarks to Dr. Mooers, because I was intrigued by the very clear comments you made, Dr. Mooers, about the necessity of distinguishing science from policy. In fact, I agree with you in theory that we shouldn't use confusing language and tell people that we're doing one thing when we're not, or when we're doing another thing. That separation between science and what I would call democratic decision-making, rather than “policy“, is sound in theory, but you may have heard the old saw about the fact that in theory, there's no difference between theory and practice, but in practice there is.

I'm coming at this from the point of view that pure science, if we could ever achieve it, has nothing to do with democracy. It's observational, it is descriptive and predictive, but it is not prescriptive; that is to say, science doesn't tell people what to do.

The difficulty I'm having is with matching that point with what needs to happen with species at risk. I'll give you two examples, the first regarding the listing process.

In theory, it is quite true to say that listing should be observational only, in the sense that if we're going to say that a species is threatened or endangered, that statement has a strictly observational quality to it. But in practice, under the act, listing carries with it prescriptive demands that are inevitably going to involve democratic decision-making, or what you might refer to as policy.

So, Dr. Mooers, can you give me your take on that dilemma? Because I'm having trouble understanding how we can tell people that they can't do this or they can't do that without democratic decision-making being involved at that stage.

Dr. Arne Mooers: I'd like to answer quickly and then let Professor Findlay have a word.

Mr. Stephen Woodworth: With your permission, I'd like to stick with you for the moment, because I also have another question for you.

If there's time, we'll go back to Professor Findlay.

Dr. Arne Mooers: That's fine.

I don't think SCOSAR has suggested that listing be scientific, so I'm not quite sure where you're coming from. The assessment is made by COSEWIC. That is the predictive or observational side of it. That's the white box at the top that it then goes into.

What we're suggesting is that the regulatory impact assessment statement—which the Treasury Board makes the government do every time it makes a regulation like a listing—should be open to peer review and be transparent. Then, after that peer review, the government can respond to that peer-reviewed document. So the actual listing is still done within the democratic process.

Mr. Stephen Woodworth: I guess I am somewhat confused by the reference to peer review, because I usually think of that as a scientific process, not a policy process as such—although I agree with you that policy determination should be transparent and that there may be more that could be done in that respect.

The point at which this comes into play is at the recovery stage. I am having difficulty with the concept that even a strategy can be done simply on a scientific level without democratic decision-making being involved which takes account of what people need to do from a democratic point of view. So can you help me out with what you envision for the recovery process?

● (1650)

Dr. Arne Mooers: I think our brief suggests that recovery strategies have scientific oversight, so that the scientific components of that strategy meet the criteria of science. That would be peer-reviewed. The recovery team would sign off on that recovery strategy, and then the government would have a response section at the bottom, wherein they respond and include those aspects of the democratic process that they think are important for making the decision.

Mr. Stephen Woodworth: So then I'm misinterpreting—

The Chair: Thank you, Mr. Woodworth.

I'm sorry. Time goes by too quickly.

[*Translation*]

Welcome, Mr. Paillé. You have five minutes.

Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ): Thank you very much.

I would like to ask several short questions, but as is often the case, in the course of a discussion other questions come to mind, so perhaps we will have a discussion which will be longer than expected.

This is a very technical subject. I am simply replacing someone on the committee. I am more interested in the international aspect of this issue. How does Canada stand, with regard to its current standards, as compared to other countries of the G20? Do we have a good image? Is our legislation on a par with that of the other countries, or is Canada doing better? Are we leaders internationally? Is there a country which serves as a model in the area of protection? Perhaps you can enlighten us on these issues.

[*English*]

Dr. Arne Mooers: I can't answer the entire question.

Canada was the first major industrialized country to ratify the Convention on Biological Diversity, in 1992, and SARA flows directly from that. There were island states—the Marshall Islands—and Monaco, very small countries, and then we ratified in 1992, so we took a lead at that time, for whatever reason.

Ours is a very new law. We think there are on the order of 36 such federal statutes around the world now. We have not done a full evaluation of which ones work better or are better or what the differences are. The listing process we have, whereby we have an independent scientific committee that assesses, and then a government decision on whether to list, is better than that of some other jurisdictions because of that clarity or that separation.

After that, I don't know where we stand. I don't know whether anyone else here has a comment.

[*Translation*]

Mr. Pascal-Pierre Paillé: That certainly clears things up in my mind.

Further, we know that some species which are protected in Canada, are not protected in the United States. Do both countries really work together, or do they meet regularly to harmonize their respective laws?

[*English*]

Dr. Lance Barrett-Lennard: Yes, there are. I think it's fair to say that on almost all Canadian recovery teams, if not all, there are U.S. representatives. This is another advantage of having teams; I like the opportunity to hark back to that point.

There's nothing to stop them from inviting U.S. government members or species experts from the U.S.—in fact it's encouraged, really, in an operational sense—to join Canadian recovery teams to help develop recovery strategies. The same sort of cooperation exists the other way.

For example, I serve on a U.S. recovery team, an Alaskan sea otter recovery team, at this point. So yes, there are at least some attempts being made to harmonize these initiatives between the two countries.

[*Translation*]

Mr. Pascal-Pierre Paillé: I have a final question, and you will have to decide how you will answer.

As far as your work is concerned, what major change do you think would really bring about significant change? This might be a very general question, but I know that many things could be improved or changed. So, if you could make one issue a priority in your area, in your work, what would that be?

● (1655)

[*English*]

Dr. Arne Mooers: How many paragraphs do you get to change?

Voices: Oh, oh!

Dr. Arne Mooers: It's a work in progress.

I'm going to pass.

Dr. C. Scott Findlay: I think that the view of the scientific community.... I would say there are two things. The first thing is that when you put together this type of experiment, you need to be clear about where particular elements fit in.

In my view, and I think this is shared by a number of my colleagues, a bunch of things are being conflated or brought together in SARA, so it's is difficult to know exactly what is going on. I think first and foremost we need more clarity about particular steps in the process.

The second thing, which is potentially as important and maybe even more important, has to do with the question of values. I want to return to this, because this is hugely important.

SARA's purpose is to protect species at risk. We as a society have identified in that purpose that we value species at risk. That's not a scientific decision. It's a social and societal decision.

What science can do and what we around this table can do is say: if you as a society have decided that you value species at risk, we can give our best shot at telling you what we think you need to do in order to protect them and recover them; that's our job. If in the final analysis you decide that there are other values that are more important than species at risk, then that's a social and societal decision. All we would ask as scientists is that it be clear what the decision actually is.

The case in which we get very irritated is where we find that there are issues that have to do with science and the way science is portrayed that tend to be folded into value issues. We would like those two things to be made abundantly clear. That speaks to the transparency issue.

The Chair: Thank you very much.

Mr. Armstrong, you're on.

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): Dr. Findlay, further to that, you stated in your opening remarks that the identification of critical habitat should primarily be biological in nature—this is an extension of what you just talked about—and you said that there were socio-economic decisions creeping in.

Could you elaborate on that briefly?

Dr. C. Scott Findlay: Especially under the two court decisions that have been rendered—this was failure to identify critical habitat in both cases—the finding was that it was not in keeping with the spirit of SARA that those kinds of considerations were creeping into the ministerial decision—ultimately, the ministerial decision not to identify critical habitat at the recovery stage.

It's my position that the identification of critical habitat is a scientific issue. The scientific community has asked: given that we want to recover this species, what do we need in terms of critical habitat? That determination is done, to the extent that we can do it, with the best available knowledge. Then the decision about whether or not you proceed in an action plan to do hat gets back to the issue of social values.

But I think it's pretty clear that the spirit of SARA is that the identification of critical habitat is a job for science.

Mr. Scott Armstrong: For sure. At some point, socio-economic concerns have to be considered, though. We as politicians.... You've stated that here in your recent statements.

Dr. C. Scott Findlay: Absolutely.

Mr. Scott Armstrong: If it doesn't happen during the designation of critical habitat, at what stage in the process of SARA do you think socio-economic considerations should be looked at?

Dr. C. Scott Findlay: I think perhaps Professor Mooers can speak to that, but I would say given that for any regulatory decision you have to prepare a regulatory impact statement, it's appropriate to have a socio-economic analysis as part of that statement.

Mr. Scott Armstrong: Basically what you're saying is that we don't want to put the cart before the horse; we have to first establish the critical habitat and at a later point take a look at the bigger picture.

Dr. C. Scott Findlay: I guess I would get back to the point I made before, about the clear demarcation between the scientific question to hand, which is the identification of critical habitat, and then the less scientific or non-scientific value-based decision as to whether we are going to proceed to protect it.

● (1700)

Mr. Scott Armstrong: Thank you.

Dr. Pearson, returning to compensation again, from your years of experience in this area, how many cases—I'm just trying to get my head around how much this would be—have you encountered in which you would suggest that compensation would be required, for example, to protect the Nooksack dace? How many of these issues of compensation would you have encountered?

Dr. Michael Pearson: Do you mean how many properties? I don't have an exact count of properties.

Mr. Scott Armstrong: Just make a rough guess.

Dr. Michael Pearson: A hundred? That's probably generous.

Mr. Scott Armstrong: So it would be over 50 for sure and that's to protect only one species. So to protect all the species at risk, we could be, in private areas, looking at an immense number of properties or cases.

Dr. Michael Pearson: Well, it's not just one species. If you include all the Nooksack dace, you would probably—I don't know the percentage—capture a third to a half of what was required for Salish sucker. Then there's a whole list of other species SARA listed that use the same habitats. There's tremendous overlap, especially in riparian areas: Pacific water shrews, red-legged frogs...they're all in the same places.

Mr. Scott Armstrong: Terrific. That clears a lot of that up for me.

The last question I have is again for you, Dr. Pearson. You've stated that you can stand on the bridge and look across the border and see what the United States has done for compensation.

What process did they use to establish compensation? Is it similar in that it's the value of the property, or the agricultural value of the property? Do you have any knowledge of how they do this?

Dr. Michael Pearson: My understanding is that it's based on exactly that: on the agricultural value of the property. We have a system, at least in British Columbia, of class 1 farmland and so on, so it would be based on that.

Was there a first part to your question?

Mr. Scott Armstrong: It was just about the fact that you looked across at the United States and you established that. How do they dole out the grants? Is it done by the federal government of the United States or by state?

Dr. Michael Pearson: It's done by the State of Washington.

Mr. Scott Armstrong: So it's done on a state-wide basis.

Dr. Michael Pearson: I'm not sure it's on a state-wide basis, but it's—

Mr. Scott Armstrong: A state-by-state basis.

Dr. Michael Pearson: Yes, it's a state-by-state basis. What's been driving it there is their Endangered Species Act. They have listed salmon stocks and they were sued by a native band at the estuary because there were too many nutrients coming down and fouling the shellfish beds.

The Chair: From your knowledge, because I have no knowledge of the process in the United States, has this been an effective way to do that, to have the states administer it?

Dr. Michael Pearson: I can only speak to what I've seen in Whatcom County. There, it has been highly effective. A very high percentage of dairy farms, which is the primary land use there, are signed on to it.

The Chair: Your time has expired.

Dr. Pearson, I just want to follow up on Mr. Armstrong's question. Do you think that may have been part of the federal CRP, that program? They run a conservation range program down in the U.S., which is done through—

Dr. Michael Pearson: Is that CREP? Is that the program?

Yes, it is—

The Chair: So it is a federal program. It pays landowners to actually take land out of production.

Dr. Michael Pearson: That could be.

The Chair: Mr. Trudeau, you have the floor.

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

Like my colleagues, I want to congratulate all of you for the quality of the briefs you've brought in. I think you've really managed to highlight some of the challenges we have and that have made our hearings on SARA so complex. You've managed to make it—for me, anyway—much simpler and much clearer.

One of the big reasons that SARA hasn't been as effective over the past while as we would like it to be is that the science and the socio-economic and democratic policy decisions are interfering with each other a little bit.

All four of you made varying degrees of calls to separate the science from the decision-making and to highlight as well the need for clarity, transparency, and consistency, which are all hallmarks of successful science but should also stand as hallmarks of successful policy and successful decision-making.

I particularly liked, Dr. Findlay, your framing of the entire thing as: “Yes, we're using science in SARA, but we're using it because there is a political decision to value species at risk and to say that this is something we need to do”. I'd therefore like very much to try to combine a little of the essence of some of the different recommendations.

I think it was Dr. Barrett-Lennard who brought forward the idea—and Dr. Pearson supported it—that we look at the scientific aspects of it only in the recovery plan aspect and that as soon as we get into the action plan we then involve consultations. My concern, which I think was brought up by Mr. Mooers, is that this might be a little late in the process to bring in socio-economic concerns. One of the really important things we want to do around SARA is get it right.

I'd like to hear from Dr. Mooers and Dr. Findlay where we should be drawing the line between science and politics, or where we should interlace in a clear manner throughout the process.

I'll leave it up to you to respond in the remaining time.

● (1705)

Dr. Arne Mooers: Our deliberations were done in a background where we knew that regulatory impact assessment statements were going to be made any time a regulation, such as a listing or a regulation under critical habitat identification off a federal land, etc., was going to be made. So we didn't feel that we should make any strong statements about how those should be done, except that they should be clear. The science in them should be clear, and they should be peer reviewed, etc., so that people can see how those decisions were made. We remained agnostic as to what the ideal might be.

When the law was being drafted, some of us who were also involved in reading those drafts and commenting on them in the early 1990s thought the action plan was the time when those hard decisions would be made, and that the recovery strategy would be, in a sense, blind to how it was actually going to be done on the ground. But when we realized, even at the listing stage, that a RIAS was going to be performed and that socio-economics was simply there, we realized that at the very least we wanted that to be as transparent and as clear and consistent as possible.

Dr. C. Scott Findlay: Thank you for the question.

This is a very problematic issue and there is no easy answer. The problem with leaving all of that to the action plan stage is that it is fairly late in the process and there's a lot of investment that has gone in, a lot of resources that have been allocated, and so on and so forth. Given that there is a RIAS that is required for any kind of regulatory decision all along, right from, as Dr. Mooers pointed out, the listing stage, it would seem reasonable to have what we're notionally calling a socio-economic analysis as part of that through the entire process.

A little redundancy never hurt anybody, but I would echo Dr. Mooers that we need to make sure that those analyses are done appropriately and comprehensively, because one of the problems we've had collectively is that we've looked at these analyses that have been done early on in the process, and we were not sure those analyses were done as comprehensively as they perhaps ought to have been. That's the basis for the recommendation that if you decide not to list because of other values, then that should be very carefully scrutinized indeed.

The Chair: Thank you.

Time has expired. It goes by fast when you're having fun.

Mr. Watson, you're up.

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

Thank you to our witnesses.

I would like to echo our colleagues. We've had some quality submissions today, with a lot of food for thought for the committee as we review the Species at Risk Act and whether there should be potential changes.

Time is of the essence when it comes to protecting species at risk, obviously, and there are a lot of implementation bumps along the way. We're trying to look at how we get faster action on the ground, so to speak. Of course, that brings with it I think what we've heard at this committee an awful lot: some of the conflicts come into play.

I think Mr. Woodworth was heading in a pretty important direction. Science has a role to play,and at the end of the day, the government of course has a balance of interests beyond that. There are obligations that the crown has, treaty obligations, and if you're looking at compensation issues for a farmer, we could be looking at WTO obligations, for example, because presumably that would be a yearly compensation that farmer. There are also constitutional considerations in our relationships with other levels of government.

So how do we balance the socio-economics and those types of things with getting faster action on the ground? How do we make it more efficient?

One of the other things we're facing is the request from a number of stakeholders for more input, which it seems would add more time to the process, theoretically.

Mr. Mooers, I'm going to ask you a question, because you were talking about what you affectionately called “COREWIC”, where there would be a scientific panel or input with respect to the draft recovery strategies and action plans. Is there a concern? Can you talk me through how that would lead to faster action on the ground, if that's possible? Or is there concern that it could add time to a process that already seems slow? Is there any concern there or should we have some concern about that?

● (1710)

Dr. Arne Mooers: Could I call on my colleague, Dr. Whitton, to answer that?

Mr. Jeff Watson: Yes, that would be fine.

Dr. Arne Mooers: Thanks.

She has some experience on COSEWIC.

Dr. Jeannette Whitton (Associate Professor, Botany, University of British Columbia, Scientific Committee on Species at Risk (SCOSAR)): I am a member of COSEWIC and I think COSEWIC works pretty efficiently.

What we envisioned when we came up with this concept and nicknamed it COREWIC is a fairly parallel organization, though of course it doesn't have to be exactly parallel. An independent oversight body has the ability to draw on the broad scientific expertise that exists within the country, not just from academic scientists but from government scientists.

As we said, the independent part is the independence that they have when they're at the table to make things happen, to develop policies and procedures to streamline the process, to help develop norms, to help support recovery teams in getting their documents through, to help in reviewing them, to help provide independent advice on how to get those documents polished up, and to put them out there for public scrutiny and for peer review. That's sort of the process we envisioned.

Mr. Jeff Watson: So you're not concerned that you're adding another step in process. Are you suggesting that this would simplify the process and speed it up? I'm trying to get a sense of this, because everybody is asking how we can do this more quickly.

I want to be sure, when I'm looking at your proposal: are we simply adding another step in the process that would add more time or are you arguing here that this would actually make it quicker?

Dr. Jeannette Whitton: Obviously we are suggesting that there be another body created, and that's a little scary because it tends to suggest that things could slow down.

Mr. Jeff Watson: We had representatives of our first peoples here who are looking for additional input at every step of the way, which is, again, another process, more steps in the process. What I'm concerned about is how we get more efficient or how do we get to a place where...?

Dr. Arne Mooers: In my brief and my notes, we did make the point that it's not efficiency but getting it right that's the most important part, and that a lot of these things are slowed down probably not because of people having to do more work, but because people are sitting on them for other reasons.

Mr. Jeff Watson: I appreciate that the goal is to get it right; I'm hearing that from the science community. We're not hearing that from other stakeholders, particularly, who are concerned about the time it's taking.

As time is moving on or dragging on, they're concerned about the survival of species, so efficiency does become a consideration, as does whether we make any potential improvements to get the time moving.

I think my time is up.

The Chair: Your time is up.

Mr. Jeff Watson: Thank you. I don't know if that was efficient use of time.

The Chair: Thank you, Mr. Watson.

You're batting cleanup, Mr. Calkins.

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

I just wanted to get a point of clarification. I think there might be some confusion at the table between the definition of the agricultural value of land and the commercial saleable value of land. I want to be very clear and I want the record to be very clear.

Are you talking about the agricultural value of land or the commercial resaleable value of land? Because those, I would suggest to you, are widely different numbers.

● (1715)

Dr. Michael Pearson: My understanding is that it's the agricultural value.

Mr. Blaine Calkins: Okay.

I agree with your statement, Dr. Pearson, that farmers, for the most part, do want to do their part; they are sound stewards of the land. It's not about a species issue or about a wildlife issue. I think it's just a genuine distrust that most people in rural Canada have when somebody from the government comes knocking on the door.

Voices: Oh, oh!

Mr. Blaine Calkins: That aside, I do want to ask a couple of questions. I like certain parts of the act. Certain parts of it frustrate me, as I'm sure they do you.

Just to give you my background, I have a zoology degree. I worked a number of years as a technician for various organizations. I'm not going to profess to be a professional biologist, by any stretch of the imagination, but for me, the definition of "species" is a bit different from what I was used to from a biological sense, in terms of the legal sense in the act. I have some of those kinds of concerns.

In 1991, I was commissioned by the City of Edmonton's parks and recreation branch to do a biophysical inventory of the Whitemud/Blackmud Ravine. In that work, I hired Dr. George Scotter, who was a botanist, to identify plants. I'm a zoologist; I can't identify plants all that well. He identified 88 species of plants that existed in the City of Edmonton's river valley, outside the known geographical range of those particular species of plants.

Section 4 of SARA says, "This Act also applies to sedentary living organisms on or under the continental shelf of Canada outside the exclusive economic zone". When it defines a "fish", it talks about "fish, as defined in section 2 of the Fisheries Act," which is strictly within the exclusive economic zone and the laws that govern the boundaries of Canada's waters.

So we're protecting fish within a zone, we're protecting sedentary species in a broader zone, and in the little bit of experience I've had, we've identified species in the City of Edmonton outside their known geographic range. I would suggest to you that we don't even know what we have in Canada.

So I'm asking you—it's a general question—in the scientific community, how often is it that a new species is defined? How often is it that a new species is found? How often is it that a new species is found extending its range into Canada? How often are these things happening? I think these are critical things to know when deciding legislation that specifically mandates....

Whether it's extirpation, whether it's the geographic range and the definition of species that exist in Canada, how often are we finding new species? How much do we know about the current biophysical inventory of species in Canada?

Dr. Jeannette Whitton: There are new species being found in Canada; at exactly what rate, I don't know. It varies a lot by taxonomic group. I don't think we're going to find a whole lot of new mammals, but we find new lichens, new plants, and new insects especially. So it varies by group, it varies by region, and it varies according to the density of taxonomic expertise in particular groups of organisms as well.

Mr. Blaine Calkins: We used to taxonomically or phylogenetically classify, based on phylogeny. Now we're into an area of genomics, and I think this is adding a whole new dimension to the definition of what a "species" actually is. The old definition of "species" that I grew up with or that I went to school with was basically two organisms that could produce fertile offspring.

Is that still the scientific definition of a "species"? That's not what the definition is in the act.

Dr. Jeannette Whitton: No. That's right.

There are a variety of some 30 species concepts that are out there to address a variety of different priorities, but the biological species concept that you referred to, the ability to interbreed, is still one that's quite important in the scientific community.

But the act refers to "wildlife species" and it has a very specific definition of "species", which is as defined in the act. It can include what we would call "biological species", but it can also refer to specific sets of differentiated populations or units within a species, subspecies, or groups of populations that are in a particular region.

These are decisions that are made...well, I don't want to say they're made at the COSEWIC table, but they're decisions that are discussed intensely in the assessment of species. That's where those judgments are made on the basis of the best available scientific information.

● (1720)

The Chair: Your time is up, Blaine.

Mr. Mooers, you can respond.

Dr. Arne Mooers: I would just make the point that, under the Convention on Biological Diversity that we signed in 1992, we do have to protect species and populations in situ. That's the wording in that convention. That's just appealing to higher authority, but it's there.

The Chair: Thank you. That ends our second round.

I have a couple of questions, because I do want to adjourn so that we can save some time to talk about our agenda for next week.

Dr. Mooers, in the last flow chart in your brief, you talked about separating out government action and independent science. Are you suggesting here that the socio-economic analysis be done by science?

Dr. Arne Mooers: The socio-economic analysis is done by social scientists, yes.

The Chair: It's done by social scientists, but you're not suggesting biological scientists.

Dr. Arne Mooers: God forbid, no.

The Chair: Okay. I just wanted to make sure.

Dr. Pearson, I am a landowner myself and involved in agriculture, so I appreciate your comments. I have always believed that we're a bit further ahead to use a carrot rather than a stick in getting participation in the conservation movement by landowners.

As you said, farmers have always been proud to be stewards of the land. They take great pride in making sure they protect the species that they get to enjoy every day on their farms.

I would suggest that the program they have running down in the States, CREP, isn't quite the exact model we want to adapt here in Canada, because I believe there needs to be more of a joint management of those lands, whereas what they're doing in the States essentially becomes “hands off”. It even becomes hands off from a biologist's standpoint.

I hear from scientists in Minnesota and North Dakota, where there are a lot of CREP lands, and essentially those lands become biological deserts. They actually become at risk because they're not utilized in any way, shape, or form. They're left to go completely wild without any utilization of the grass species.

In riparian zones, that can become a problem in itself. Because there is no competition on those grass species, undesirable species start to exist, which could essentially cause more soil erosion and have more waste products—nutrient values that are harvested and removed from the site. They get into the waterways and add nutrients, which causes greater difficulty with species recovery.

There needs to be a balance, and I think, as you said, some compensation needs to be identified. I know that a number of farm organizations have been talking for quite some time about how we go about that. So any ideas that you see working on the Canadian side versus the United States side would be worthwhile.

Dr. Michael Pearson: What I've seen on the United States side isn't quite like that either, in that they have forged partnerships with Whatcom Conservation District and with non-profit NGOs. In fact, those lands that are taken out of production are promptly reforested and planted. Some of them have been there up to 10 years now, and they are far from biological deserts; they are thriving with native species and doing a good job of protecting the habitat next to them.

I would certainly agree with you that it should be a broad approach involving other people and groups that bring other things to the table, such as NGOs, producers' associations, or whatever. I'm sure it's not an exact model we want to follow, but I'm also fairly convinced that there are some things we can learn from it.

The Chair: I want to thank all our witnesses today for bringing their scientific and practical experience to the committee and suggesting changes to the Species at Risk Act. We're going to take that information into careful consideration, of course, as we start our deliberations on our study and finalize a report over the next few weeks.

With that, I'm going to ask for a motion to suspend, and I'll ask all witnesses and anyone in the room who's not tied to a member of Parliament to please vacate as quickly as possible so that we can have a quick in camera discussion.

The meeting is suspended.

[*Proceedings continue in camera*]

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