House of Commons
CANADA

Standing Committee on Fisheries and Oceans

FOPO • NUMBER 022 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Monday, June 7, 2010

Chair

Mr. Rodney Weston

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● (1535)

[*English*]

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

I'd like to thank the officials from the Department of Fisheries and Oceans for coming and joining us here this afternoon.

Mr. Bevan, I'm sure you're well aware of the process and the time allotments here, so I won't spend a lot of time going through them. I'll ask you to introduce your associates with you this afternoon and to please proceed.

Mr. David Bevan (Senior Assistant Deputy Minister, Ecosystems and Fisheries Management, Department of Fisheries and Oceans): Thank you.

To my left is Marc Lanteigne, who is the manager of the aquatic resources division in the gulf region. To my right is Sylvain Paradis, who is the director general of ecosystems sciences.

This afternoon I will speak very briefly about snow crab management. I believe you've been provided with a deck that has a much more detailed description of the biology of the snow crab, a description of some of the management processes we're using, and an overview of the economics of the fishery.

The most distinctive element about this fishery is its cyclical nature. Since DFO began annual surveys in 1988, we have seen two periods of abundance followed by declines, and then a rebound to productive stocks. Science has determined that this is simply a part of the natural cycle of this species and has little to do with fishing activity, but its amplitude could be influenced by the intensity of fishing, particularly the harvest rate.

What this means in terms of management is that quotas need to be adjusted to parallel the natural fluctuations in biomass. When stocks are low, it is especially important to adopt a precautionary approach to enable the normal rebuilding cycle to commence.

Management decisions and quota levels are guided by the best available scientific assessment and advice. That science has proven to be very accurate over the last couple of cycles. We have good predictions provided to us by science that we can respond to. In conjunction with science, consultations are held by industry on management measures and total allowable catches. It's the role of science to assess risks and to provide information to managers and to decision-makers, and those decisions are taken in consultation with those people who will be directly affected by them. In the past, stakeholders have been willing to accept higher levels of risk, resulting in limited reductions in quota, with the understanding that in the future, at low parts of the cycle, difficult decisions would be required.

We are applying the precautionary approach to this fishery. That's the method we are using for many of the key fisheries in Canada, and we intend to continue to develop a precautionary approach for our management of Canadians' natural resources.

A fishery that follows this precautionary approach demonstrates a management strategy that is based on sustainability, thereby fulfilling eco-certification guidelines and providing a fishery with a competitive market advantage. We now have a clearer picture from other years of where the fishery sits in relation to biological reference points, which are the key indicators that determine whether the stock is in healthy, cautious, or critical zones. It is clear that the estimated biomass for the 2010 fishery has decreased compared to 2009 and is now in the cautious zone. We have the benefit in this stock of going through very healthy times, but when the stock is in the lower part of the cycle, we must ensure we take a cautious approach to avoid going into the critical zone.

The science peer review conducted in February 2010 confirmed a 46% decline in biomass for the southern Gulf of St. Lawrence from the previous year's level. It also indicated that recruitment to the fisheries is expected to remain low in 2011. That can be determined by the trawl survey results. If juveniles about to enter the fishery are not present in large numbers, we know that the recruitment for next year, for example, will be low. However, we would expect the recruitment to pick up from 2012 onward.

Therefore, using the reference points, it was important to establish more stringent management measures to protect the reproductive portion of the stock, reduce the risk of falling into the critical zone in the following years, and avoid extending the current period of low biomass. This conservation concern was a primary driver that led to the decision to set the TAC or quota at 7,700 tonnes for area 12. That quota provides the best balance between providing some economic benefit to stakeholders and helping to ensure that the stock is able to rebuild.

We know how this lowered quota has affected the harvesters and plant workers in provinces such as New Brunswick and Quebec. However, the federal government has provided funding to the provinces for such adjustments in all industries, and hopefully they would use some of that to assist the onshore processing sectors.

● (1540)

In past years, the willingness for harvesters to accept a higher risk when setting quotas has equated to an average gross revenue of $500,000 per licence holder. That would be in the traditional fleets and not the inshore fleets. Now that we are situated at the bottom of the natural abundance cycle, harvesters must concede to conservation concerns and accept the consequences, recognizing that this is not a permanent long-term situation. The stock is expected to rebound if adequate measures, such as the ones implemented this year, are taken to allow the stock to grow from its current lower level.

In order for crab harvesters to reduce operating costs and maximize their efficiency, the department has introduced flexibilities around quota transfers between enterprises and partnering operations that will allow harvesters to make business decisions and arrangements based on their individual needs. Approximately 22% of licence holders have taken advantage of the quota transfer option, and several new partnerships have been formed. Those all allow much lower costs for the harvesters.

I'll stop there, Mr. Chairman. I note that many are interested in the deck we provided. If there are any questions, I or my colleagues would be glad to respond to them.

The Chair: Thank you, Mr. Bevan.

Go ahead, Mr. Byrne.

The Honourable Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Thank you, Mr. Chair.

Thank you, Mr. Bevan, for the deck. It's a pretty solid piece of business you have here. It's very informative.

I want to zero in on the relationship between some of the science efforts and the dramatic decreases in overall understanding of biomass.

The disconnect out there in the industry is a feeling that it's not actually plausible for biomass or stock estimates to decrease that much in one season. They're not disputing necessarily that there has been a reduction; what they're disputing is that it occurred in just one season, the inference being that the overall biomass—and I say biomass, but I'm generalizing it to various indices—or the true stock abundance levels were actually lower in previous years, but either it just wasn't picked up by science per se, or else the science did indeed indicate that information to managers, but the managers didn't pick up on it.

Could you comment to the committee on those kinds of reactions? Is what science is telling us always accurate, and are managers always acting on it?

Mr. David Bevan: I think we've had a long-time series of data in this fishery that indicate the science is accurate. The predictions, the trends in particular, are generally spot-on with respect to whether we are in the declining part of the cycle or at the bottom of the trough, as we believe we are now, etc. We do have discussions with the stakeholders, and they have views about the accuracy of the science.

The other thing, as noted in the deck, is that we take advantage of the difference in size between males and females and the fact that we can manage the fishery to catch only the mature males and leave the juveniles and females in the population and not have them subject to fishing mortality. As well, we have closures of the spawning areas when spawning happens, so there's more than just one safety net here. It's not just the TAC and quotas that help conserve it.

A clear debate was held over the last two years. The fishermen were saying, “Look, let us take a bit more harvest rate and let's keep the harvest rates fairly high; we know we'll have to adjust later.” They preferred to take the fish over the last two years, knowing that this year there would be an adjustment.

I think it's fair to say that the adjustment turned out to be higher than anybody wanted, but it's necessary to prevent the stock from getting into a situation from which it can't be rebuilt. It wasn't as if people were going blindly into the situation; there was an awareness that the risk of a bigger adjustment was there in the event that we didn't do it as deeply as was possible if we'd taken another course. That was done in conjunction with the stakeholders, provinces, fishermen, etc., knowing that the risk of the larger adjustment that is necessary now was one of the consequences of such an action.

● (1545)

Hon. Gerry Byrne: Thank you very much for that.

While we were at our Moncton meetings, we did indeed hear some testimony from some stakeholders who argued the point that science had redirected or redefined its benchmarks after the fact. That caused them some concerns, because, in terms of representation of those peaks and valleys, science had taken an earlier position of a particular biomass using a particular formula-based approach. When they later adjusted their formula, the mathematical calculation of the biomass changed dramatically. They're indicating that this indeed caused some serious concerns. The sense that I picked up, and I think most of the committee picked up, was that science either had it wrong then or they have it wrong now, but it's one or the other.

Maybe, Marc or Sylvain, you'd be able to comment on where that comes from, and explain to the committee what happened there.

Mr. Marc Lanteigne (Manager, Aquatic Resources Division, Gulf Region, Department of Fisheries and Oceans): Yes.

As was mentioned before in this committee in Moncton, the survey started in 1988. They had a trial survey, the annual science survey. Over the years we've refined the tool to assess the biomass. At the beginning of this survey, in 1988, there were about 150 stations throughout the southern gulf. Science was focusing the survey on the fishing grounds at that time, and the fishing areas were smaller than the entire southern gulf. We continued that methodology until roughly the late 1990s. At one point, we started to increase the number of stations as the fishery was expanding into the margin areas of the fishing ground. In 2010 there are 350 stations, so we are covering a lot more area.

The point the stakeholders are making is probably that in 2005 we had what we called a scientific framework, through which we reviewed the recipe that we used to do the stock assessment. At that time, the scientific experts around the table came to the conclusion that starting in 2005 we were covering all the areas for snow crab in the southern gulf. So we do sample the 35,000 square kilometres of the areas in which you can find snow crab. As a matter of fact, since 1999 we have had 35,000 square kilometres of coverage in the southern gulf, but prior to that the coverage was about 25,000 square kilometres. This is the difference.

At that time we decided to do some back-calculations. If we wanted to make a comparable biomass estimate from the present to the past, we had to do a back-calculation from 1988 until 1998 for a comparable biomass. It's probably this element the stakeholders are talking about when they say that science has changed its methodology. The methodology has not exactly changed, but there has been an adjustment. When this happened, somebody estimated the number of crabs in areas that we did not survey. It was the best estimate to be comparable with the present. So it did not change the quality of the survey from 1999 until now.

● (1550)

Mr. David Bevan: I would just add that I think there was an issue relevant to the risk assessment and not the biomass.

The biomass was constant throughout the 2010 process, through the RAP, the regional assessment process, and the advisory process, but there was a change in the risk assessment relevant to various harvest rates after it was revealed that there had been a typo or some kind of error that then required us to go back and call all the stakeholders and say that the risks had actually been understated.

So that was what happened in the spring of this year, but there was no dramatic leap one way or the other with respect to the biomass estimate.

Mr. Sylvain Paradis (Director General, Ecosystems Sciences, Department of Fisheries and Oceans): Sorry to add more to this.

I guess that biomass is one of the indicators we use, but we also use other indicators, like the CPU, the catch per unit effort. If we didn't have the same trend for many indicators, we could say that the biomass itself was wrong. But suddenly when the catch per unit effort is also decreasing, you can actually correlate the fact that there is less crab. The biomass assessment gives you one trend, and then the operation gives you a similar trend. There's not just one indicator, and it can be seen in the different measures.

Hon. Gerry Byrne: I'll direct this to Marc or Sylvain.

Would you take it then that complete coverage is better than partial coverage? Your earlier efforts were at 25,000 square kilometres of coverage, directed mostly at the strongest habitat areas or fishing effort areas, but you decided to expand that to 35,000 square kilometres. Whether or not an error was made, the bottom line is that the results dramatically changed. Would you say that bigger is better?

Mr. Marc Lanteigne: I would say that in the 1980s and 1990s we were covering all the fishing grounds that were fished. We were not going into areas that were not fished. We were covering all the biomass that was harvested by fishermen, so it was not wrong. We were covering the fishing grounds. And as the fishery expanded—areas E and F were not created at the time—as we created these areas, we went into these areas to survey, so we expanded with the expansion of the fishery.

The Chair: Thank you.

Monsieur Blais.

[*Translation*]

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

Good morning.

I would like to continue in the same vein because this is extremely important, in my opinion. Of course, I'm not going to ask you the same questions as I did in Moncton, because I'm likely to get the same answers. So then, I'll focus on other issues.

No doubt you are aware that very soon, we will be examining ways of collecting the scientific data on which you base decisions such as the ones you made this year. I'm interested in knowing whether this scientific data has limitations. You mentioned a 25,000 km^2 zone that you have expanded. You talked about a method that has been adjusted over the years. It's a well known fact that this data is collected at a specific time during the summer. Analyses and scientific data have their own limitations. While the objective is to collect the best possible scientific data, the process will not be 100% accurate.

I'd like to know, from a scientific standpoint, what limitations your approach may have and if it does have limitations, can they be quantified? If not, are there other ways of doing this analysis? Do you encounter people who maintain that a different approach could be taken? There are other crab fishing zones around the world. Is this method exclusive to Canada? Is it used only in Atlantic Canada or do we see it used everywhere else?

● (1555)

Mr. Sylvain Paradis: I will start to answer your question and then I will let the expert address the specifics.

First of all, it is important to understand that the snow crab program is one of the most robust and comprehensive scientific fishing programs that we have. Of all the programs, it has the most resources to get the job done.

As you pointed out, the same approach is not taken everywhere. Conditions come into play. Different approaches were taken in Newfoundland and in the southern part of the Gulf, based on the way the operations are funded. In Newfoundland, a different method is used instead of trawling. Our regional researchers also work together extensively to improve methods and monitor operations.

Three or four years ago, after funding was cut to research activities, the case of *Larocque v. Canada (Minister of Fisheries and Oceans)* made its way through the courts. The government moved quickly to reinvest in the snow crab fishery, because the need was the greatest in this sector. Our research team in this area is very skilled and enjoys a very good reputation.

Perhaps Mr. Lanteigne could talk to you more specifically about the activities carried out in the field. In any event, this is certainly one of our more robust programs.

Mr. Raynald Blais: Before Mr. Lanteigne speaks, I would like to say something. Your credibility must have taken a hit this year. I would imagine that if the scientific data were really as accurate as that, then quotas would not need to be reduced by 63% all at once.

Mr. Sylvain Paradis: Let me just say that this is not the only stock to have declined significantly. Shrimp stocks have also declined dramatically. Stocks of norther gulf cod are also down significantly this year. Some environmental conditions are beyond our control. One of the limitations we must contend with is surely the ability to assess the impact of all of the different environmental conditions on various stocks.

Mr. Raynald Blais: I'm willing to concede that the situation may be different elsewhere, but if your scientific data on snow crab were that accurate, then I'm sure that, as a good manager, you would not decide all of a sudden to lower the quota by 63%. Since we all know that such a move will have some ramifications, the quota should be lowered gradually instead. That's why I'm saying that one way or another, data has its limitations. I want to know what those limitations are, in order to understand how a good manager can decide to cut the quota by 63% for a given year.

Mr. Sylvain Paradis: If we take into consideration biomass variability, we see that around 1996, stocks totalled 103,000 tonnes. Levels have declined to 58,000 tonnes. We do not control the extent to which stock levels vary. Scientific evaluations may or may not allow us to gauge these variations. Something may have happened this year to cause stocks to decline. Over time, we have observed a gradual decline, but this year, levels dropped dramatically. No one was expecting this to happen.

Mr. Raynald Blais: Over the years, we have seen stocks decline. Let's assume that we are confident about the accuracy of the data and that we are seeing a trend here. Certain things are noted the first year, but after the second and third years, we can see a trend emerging. Somewhere, someone decided to defy logic. If stocks decline for two or three years and then, all of a sudden, in 2010, a decision is made to cut the quota by 63%, it means that people did not really believe what was happening in previous years. This is where I have a problem with the department's logic. All of a sudden, it makes a decision on the strength of data it believes to be sound. While it knew the trend showed declining stocks, this year, it decided to take action.

Mr. Marc Lanteigne: I'd like to comment on the credibility or accuracy of the scientific data collected each year. I can tell you that the annual stock measurement is very accurate. Mr. Paradis alluded to the unique situation in the southern part of the gulf. Stock levels are sufficient to allow trawling and an annual count to be done. However, that is not the case in many areas. This is probably the only area on the Atlantic coast where this is possible. This vast area provides a very unique habitat.

Regarding stock measurement, we do a projection for the following year. In the case of two-year projections, the margin of error is greater, unlike one-year projections, where the margin of error is about 10%. Perhaps that is why people have the impression that scientific evaluations are not valid.

We conduct a yearly evaluation to ensure that we have a good estimate of the biomass for the following season. While many people were surprised by the 47% decline in stocks, this result was well within the 10% margin of error of our projection. It was in the lower range, which surprised people somewhat. Nonetheless, it was within the standard deviation or confidence interval, statistically speaking.

● (1600)

[*English*]

The Chair: Mr. Donnelly.

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Thanks, Mr. Chair.

I have two questions for the department representatives. I'll just mention both of them, and then you can spend the rest of the time responding to those.

You mentioned the precautionary principle in your remarks. I'm wondering what year the department first employed the precautionary principle in the management of snow crab. That is the first question.

Secondly, I'm wondering, if the department could foresee, even as much as a few years ago, that we were heading into the bottom of the cycle, meaning the snow crab biomass would be low, why then you didn't act sooner—even last year, say, or sooner than that—to recommend a drop in the quota. It's my understanding that last year's TAC in, for instance, areas 23 and 24 was higher than the scientifically recommended allotment. I can be corrected if that's not the case.

In other words, why leave it to this year to announce such a huge drop in the TAC?

Mr. David Bevan: Perhaps I can start on the latter question.

If you look at the TAC over the last number of years, I think you'll see that it has been going downwards from the peak of about 30,000 tonnes on this cycle. The trajectory has been known and the reductions have been taking place. There was a request put forward over the last couple of years that we try to slow down that reduction, as we were going through it, and we indicated that it would have the risk of making the subsequent reductions more. You can't catch it twice, obviously, so if you took crab last year, it means that you can't take it again this year. To that the stakeholders said, “Well, that's what we're prepared to accept.”

So we could see this coming. We knew we were in a downward trend and we were reducing the TAC. That said, there are a lot of safety nets in this fishery because of the fact that we only take a portion of the population, and even that portion that we do take actually has the chance to reproduce before it is removed from the population in the fishery.

So it was seen. We knew it was coming. We had talked to fishermen about the need to adjust and there were adjustments taking place. In hindsight, obviously, perhaps people would have said to themselves, “Maybe I shouldn't have asked for that extra couple of thousand tonnes last year”, and we should have moved more quickly. But we do have a process that engages them in helping the decision-makers come to a conclusion.

As long as the risks were acceptable, we could heed that input. This year—

● (1605)

Mr. Fin Donnelly: Can I just clarify something? At the end of that process where you say they agreed to essentially take a higher quota than what was being recommended, was there some kind of sign-off? Are you saying that everybody in that area agreed?

Mr. David Bevan: No. Not everybody will agree. I would imagine the committee has heard a great deal of views from people who were in rooms with decision-makers last year saying, “Don't cut it.” It's fine to say that then and to now have a different view of what should have happened, but....

The reality is that we have advice from science. It tells us where we are in the trend. We talk about that at the advisory committee. While the advisory committee is not a decision-making body—the minister is the one who makes the decision, because that's the responsibility of the minister—the minister will take into consideration input from a wide variety of sources.

At that point, the population could take the harvest levels; what we're saying now is that it's too risky, at this point, to continue that practice. We really have to get through this downturn quickly and get on the rebuilding for the benefit of everybody. We want it to be short and not be of long duration, and any kind of slow process....

We've had rules like that in the past, when 50% caught was the maximum and there were other kinds of limits, and the stocks that those rules applied to are not with us now. We've learned from those things that you have to take the decisions when the conservation imperative is there.

I believe this is the first crab stock we've applied the precautionary process to, but it's not the first stock that's been subject to it. We've done numerous stocks before this.

The Chair: Thank you.

Mr. Allen.

Mr. Mike Allen (Tobique—Mactaquac, CPC): Thank you very much, Mr. Chair.

Thank you, gentlemen, for being here today again.

I'm going to follow a line similar to Mr. Byrne's and talk on the assessment and the recalculation of the biomass.

When Mr. Moriyasu gave us the numbers that day, he started with some pretty significant numbers for 1985. For 1995 they were a little lower, and for 2005 they were a little bit lower. I guess I twigged to that, because it makes me wonder if we're going to see a continual decline in peaks every ten years. When you start at 150,000-and-some tonnes in 1985, and all of a sudden we're down to a significantly lower peak in 2005, it makes me wonder what kind of signal that's sending and what message DFO is taking away from that. That's my first question.

The second one is that Mr. Haché gave us some numbers from Moncton, as Mr. Byrne mentioned, and he sort of suggested that in the last number of years the harvesters have felt that DFO has been pretty close in its numbers. They believe that back in the mid-1990s the extrapolation that you did back was much higher, so that we're really not seeing that declining. Can you help me understand? I guess when you plot these two numbers, they end up being quite different on the graph. Can you explain that difference? And are you concerned that, if we believe DFO's numbers, there's a hugely declining peak every ten years?

Mr. Marc Lanteigne: First, regarding the difference from the past, when we recalculated based on the increased surface area from 25,000 square kilometres to 35,000, it meant that our estimate was biased on the low side because the area we covered was smaller and we then expanded. It also means that the exploitation rate during that fishery at the time was not 40% but was more like 30%. Although we calculated a 40% exploitation rate at that time, it would have been a 30% exploitation rate based on the new biomass, the expanded biomass. So it was good news that the exploitation rate was not as high at that time.

We also looked at other indicators to see if that would make sense. We looked at the percentage of old crabs in the catch, and we saw that there was a high percentage of older shell crab in the catch at that time, so it kind of matched the fact that the biomass, as we expanded, did give a true estimate of the entire population of crab, although the fishery was targeting only a small portion of it. That's why there's a difference between the two peaks.

● (1610)

Mr. Mike Allen: I understand that, but at the end of the day you had a large amount in 1985 and in 1995, but in 2005 it was lower. What am I supposed to extrapolate for 2015 from the same thing? Is it going to be 65,000 or 60,000 tonnes because the exploitation rate has gone up? I'm getting concerned here that we're going to be seeing a decline in peak every ten years, as opposed to a cyclical stock.

Mr. Marc Lanteigne: Yes, and your point is taken. We've seen these two cycles: a high peak and a lower peak. Maybe there's a potential that we'll be having a smaller peak in the future. Other fisheries have shown similar declining cyclical peaks. This is why we adopted the precautionary approach, by the way. This is one of the reasons we embarked on having limit reference points and having the cautious, healthy, and critical zones with defined stock levels, to try to avoid this kind of situation of cascading decline over the years. This is the objective, but that will have to be adjusted as we go along.

You have to realize that the science is evolving all the time. We're doing research not only on stock status, but also on sexual maturity and how many bearing females you need to produce a good healthy stock. That kind of research is going on, and will probably help in the future to better adjust that precautionary approach.

Mr. Mike Allen: At the Moncton meeting, Mr. Moriyasu indicated he was going to give the committee a table of everything. I don't know if that's been submitted yet. If it hasn't, if you could take action to submit it to the committee, that would be helpful for us.

In both Sydney and Moncton we talked about the process, and one of your slides, slide 33, talks about management and conservation:

> One of the most successful aspects of this fishery is the consultation process. Comprehensive harvest plans and joint stewardship arrangements were first developed with the snow crab industry.

And they talk about an open dialogue.

The testimony we heard in Moncton was a little bit to the contrary. They said some things go into a black hole, and in the fall they provide information to DFO. Really, they don't see much of the process after that.

Could you elaborate a little bit on the information that you have and your timelines for making those decisions? And when you have these consultation meetings with the fishers, what makes up the advice to the minister? Is there input involved in the advice to the minister? There was some question as to whether that was happening as well.

Mr. David Bevan: Yes. The process we have right now, of course, is that under the Fisheries Act, the minister is responsible for deciding who gets to fish, when they fish, how much they fish, how they fish. All of these details rest with the minister. All the major fish plans are sent to the minister for a decision.

To get to that point, we go through what's called a RAP, a regional assessment process, where the science advice is discussed in public with peers and with stakeholders present. So there's a very public process to establish the stock status report.

The stock status report then is moved from that process to one in which we have an advisory committee. The advisory committee will discuss the stock status. They'll look at the management of the fishery and provide advice as to how they think it should be managed, what the TAC should be, what the approach should be, what the conservation measures should be, and so on. That then goes into a decision memo for the minister to consider. Their advice is reflected in the memorandum to the minister. Then there will be briefings of the minister. Following that, there will be a decision.

Obviously at that point, when we take the points of view of the stakeholders and move to the decision-making, there is no process described in the Fisheries Act for this to take place. How the minister's discretion is used is not described under the current Fisheries Act. That's one reason the government has proposed to move ahead with the new Fisheries Act, to make that whole process more transparent. Making these processes more transparent is a goal of the department and the minister. But if you're on the receiving end of this, certainly you can understand why they would have that view from time to time. They'd make their points, and then they'd wait for the decision to be announced. There's no clarity on the process.

● (1615)

Mr. Mike Allen: When the stock status report is at the advisory committee, what is the timeline for that advisory committee to start preparing a decision memo for the minister?

Mr. David Bevan: The decision memo is prepared by the departmental staff at the advisory committee. They'll start the process of preparing the memo right afterwards. There are discussions between science and the managers, and between the various regions engaged in the fishery. So the memo would take a couple of weeks, or perhaps a bit more or less, depending on the nature of the issues being put to the minister. Then there are briefings with the minister, and the minister seeks input from a variety of sources prior to or in the course of making that decision.

It's fairly tight. The science is done earlier in the year. I think it was done around February this year. Then following that, there's an advisory committee meeting in March. The intention is to get the memo to the minister in early April. Then a decision is made, and then people get on with the fishing.

Mr. Mike Allen: When does the information come in? You have your catch per unit effort, you have your pot surveys, and you have your post-trawl. When do you get those data points, from a DFO perspective?

Mr. David Bevan: The trawl survey is in the fall. The fishery provides the information on the catch per unit effort, etc. So in the fall they come in. Then the scientists do the analysis. That all goes to the RAP. The RAP will then evaluate it and peer-review it.

Mr. Mike Allen: So there's about a six-month window until you get to the actual report with your data points.

Mr. David Bevan: These are all established by the staff well in advance—the process that is planned out and the schedules for all of this—to ensure that people know when it's going to happen and they can make themselves available to participate if they so desire.

Mr. Mike Allen: Okay. Thank you.

The Chair: Thank you.

Ms. Foote.

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Thank you.

I want to pick up on some of Mike's comments. I guess we all know that there are questions from time to time about science when it comes to the fishery, no matter what the species. I'm just curious about how long science is indicating, at this point in time, the downturn will be with respect to the snow crab.

Mr. David Bevan: It's expected to be down into 2011, with possible rebuilding in 2012 in this particular population.

We're also seeing shifts, of course, in other populations. In the Newfoundland fishery there were lower TACs in some areas and higher in others. The Scotian Shelf went up a little bit.

We are noting the significant ecosystem shifts in the north Atlantic. The temperature and the oceanographic regime—they're changing. We no longer think we're managing a constant where fishing is the only knob you have to dial up or dial down in order to control outcomes. Clearly, in something like shrimp, with a 15% or less harvest rate, the change in abundance there is caused by recruitment. We're concerned about where that's going, because we're seeing the shifts being reflected in lower TACs in some areas.

It's too soon to tell whether the very different—very different—conditions that were present in the Gulf of St. Lawrence this year will have an impact on productivity, and, if so, on what species, and how it will be manifest. We are not dealing with a constant: ecosystems go through big cycles in terms of the populations that rely on them.

So it's anything but 100% predictable when it will happen, but we're making the conditions ripe for rebuilding in 2012.

Ms. Judy Foote: I'm curious.... When you talk about the industry viability, and you list all the different factors that affect the viability of the industry and you list what needs to be done here to ensure the long-term viability, what type of consultation is there with those who are on the front line? Sometimes we hear, of course, that this happens in isolation from the people who are actually engaged in the fishery. Sometimes the fishermen will tell you that they're not consulted.

I know what happened with the cod fishery. Some people will tell you that the cod was rebounding and yet they were told that they shouldn't be out there catching them, or that they couldn't, or that the TAC wasn't being increased.

So I'm just wondering what type of consultation process is taking place. You identify what needs to happen to ensure the long-term viability, but who is coming up with this list, and are you in fact consulting with the fishers themselves?

● (1620)

Mr. David Bevan: Following the 2007 announcement by Minister Hearn about “ocean to plate”, in terms of trying to build value into the fishery, creating stability of access and allocation—that's the shares, essentially—and trying to have fishermen focus not on fixing their problems by getting somebody else's fish to fish, which is a zero-sum game, but rather seeking ways to add value, we had a series of so-called summits. We had a crab, shrimp, and lobster summit that looked at the characteristics of the industry, not just with fish harvesters but also with buyers, processors, and, more importantly, I think, with the people who market the product and who buy the product on the receiving end. They looked at the characteristics of the fishery and looked at where we were not getting the best value and how we might change.

That's where these things come from. They come from those kinds of discussions with a group of people from the industry—not just harvesters but also processors, provinces, marketers, buyers in foreign countries, and so on.

Ms. Judy Foote: Is that an ongoing process?

Mr. David Bevan: That was a special process that we conducted at the time. We did not get the uptake on the kinds of changes... which is unfortunate. That was before the real economic crunch hit. Had we started down the road of changes, we may have been able to mitigate some of the difficulties that everybody is now going through as the prices have fallen and costs have gone up.

So no, it wasn't a constant. We are looking at trying to promote change through considering such things as eco-certification and how we are marketing our fish, but that is not a constant process where we have these large gatherings of a great number of people to discuss things like the structure of the industry.

The Chair: Thank you.

Monsieur Lévesque.

[*Translation*]

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Thank you, Mr. Chair.

Good day, gentlemen.

Apparently, some topics were discussed in Moncton and questions were put to you. Unfortunately, one of the problems with small committees is that not everyone can attend the meetings. I'm likely to ask you questions that you have already fielded, but I would still like to hear your answers.

You stated that the fishery operates in cycles. You showed us a graph of landings since 2001. However, most likely you had to go as far back as 1990 or 1992 to establish the crab fishing cycle, irrespective of the zone involved.

I'm going to ask you a series of questions and if you don't have enough time to answer them right now, I would appreciate your sending us a short, written response.

I'm curious about the impact of certain factors, percentage-wise. For example, what is the impact of the number of fishing licences and quotas allotted per licence? Does the natural cycle of the crab factor into the equation? I'd like to know which of these factors impacts the crab population and to what extent, percentage-wise.

I'm also wondering if, based on these cycles, we could establish a median line. We're told that the minister is the one who issues licences and allocates quotas, which is quite normal. Could a median line not be used to agree on a certain number of licences per zone and, if we see that crab stocks increase, whether marginally or significantly, could we not then agree on the quotas per licence, while maintaining the same number of licences? Would that be feasible?

I believe Mr. Bevan mentioned that conditions in the gulf were different this year from those in previous years. This seriously exacerbates the fishers' problem. In 1992, for example, in the northern part of the gulf, 500 licenses were issued. In 2009, 750 licences were issued. This is not a significant difference. However, in Newfoundland and Labrador, the number of licences issued increased from 750 in 1992 to 3,400 in 2009. Were we not inviting problems by allowing such discrepancies between the number of fishers, the number of boats and the quotas allotted? I'd like to hear your views on this subject.

● (1625)

Mr. David Bevan: I do not believe the number of fishing licences is a problem or that it has an effect on conservation. A decline in crab stocks or in prices will lead to economic problems. The management of this fishery is predicated on total catches, on the size of each crab and so forth. The problem is not that there are more or fewer traps, Economic conditions are the problem.

If too many fishers cannot earn a living, if they earn too little, this will probably affect their actions. They have to find a way to cover their costs and to make ends meet. Newfoundland fishers have exhibited a range of problems in terms of their actions. Fines in the order of $400,000 have recently been imposed. This has nothing to do with crab conservation.

Mr. Sylvain Paradis: I'd like to tell you a little about the precautionary approach that has been embraced. Getting this approach applied to fisheries management decisions has been an amazing victory for us because historically, there were no so-called critical, cautious or healthy stock status zones. By working with the fishers, we were able to note variations in stock levels over time, establish the boundary and determine the level at which crab stocks would no longer be threatened and would be able to regenerate, thereby turning a critical or cautious zone into a healthy zone. I believe that level was determined to be approximately 38,000 tonnes.

Mr. Marc Lanteigne: That would be in zone 12, the southern part of the Gulf of St. Lawrence.

Mr. Sylvain Paradis: In other words, if stock levels remain at a minimum of 38,000 tonnes and never fall below that threshold, there are no limits on the amount of fishing that can be done, provided this threshold, or boundary, is respected. This year, since stock levels moved into the critical zone status, the minister announced that if strict measures were taken, any further decline could be arrested and stocks could be given a chance to regenerate and recover to acceptable levels.

There was no such boundary established for cod stocks, which continued to decline. We can always blame the situation today on grey seals or on some other factor, but the reality is that stock levels may have fallen to such a low point that they may never recover.

The precautionary approach has enabled us to view the fishery in a whole new light. We now know what constitutes a healthy stock and we can manage the fishery to exploit optimum economic potential, while practising long-term conservation. As a result of this approach, we have reversed the trend and are aiming to bring stocks back into the healthy zone.

You were wondering how, given variations over time, we can determine a sound reference point. I think we now have a good reference point. In any event, this approach has certainly proven to be an amazing tool for us.

[*English*]

The Vice-Chair (Hon. Lawrence MacAulay (Cardigan, Lib.)): Thank you very much.

I believe, Mr. Lévesque, you'll have to write a book for him and make sure that he gets all the information that he requested.

Mr. Donnelly.

● (1630)

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

I have three more questions. I just want to pick up where I left off and get clarification about the decision for last year versus this year on the TAC.

Am I correct in saying that last year, with the precautionary principle in place and the science providing guidance, the minister made a decision to go with a higher than recommended TAC, and this year she decided to go with a lower than recommended TAC? I'm just wondering if that's fair to say. Or did the minister's decision reflect the department's scientific recommendations?

Second, given what this committee heard on our Quebec and Atlantic provinces tour on snow crab, many fishers and their associations didn't feel included in the process—or at least what I heard was they didn't feel included in the decision-making process. I'm wondering what elements of the community consultation process you think could be improved so that they don't have that feeling of disengagement, and so on.

Finally, Mr. Bevan, you mentioned in your remarks that the ocean temperature and conditions are changing in the southern gulf, and I'm wondering if you can put your finger on what you attribute those changes to.

Mr. David Bevan: Last year, if I recall, the precautionary approach was not in place for that decision. There was advice. It doesn't come in as an absolute number; it comes in as a range, with what the risks are and so on with that advice. But it was not against the backdrop of moving the stock below conservation limits. The limits are set according to the size of population necessary to prevent long-term damage to the stock or danger that the stock will crash.

That's what they have now. They've defined the healthy, cautious, and critical zones. And the response this year was necessary to keep us out of the critical zone and move us from the cautious back towards the healthy. That wasn't there last year to help guide decisions—

Mr. Fin Donnelly: But was last year's decision within that range?

Mr. David Bevan: It was within a range that the science provided us, which indicated that if you go here you're going to have a possible risk of a larger decline than if you go at this point. But there was no question that we were in for a decline. There was no question about that whatsoever. It was a matter of looking at the risks and the probabilities of having to take a more difficult decision in 2010.

The decisions were informed by science, but this year the risks were just too high to not take the action needed to keep the stock out of the critical zone.

I think as far as the associations feeling they are not included goes, clearly we go through a long process involving the science and the advice, but I think it's a question of the transparency of the decision-making process. As I said, there's no process under law that defines how these things should take place and how they should be communicated, etc.

We're also dealing with very short timelines, especially this year with no ice in the gulf, which meant the fishery had to proceed early in order to avoid white crab. Had we not done that, it would have been difficult to prosecute the fishery this year, because we were running into the moulting process very early in the year as compared to in past years.

Why it's much warmer this year than in past years I'd have to leave to climatologists and oceanographers. We just have to deal with the reality we're faced with. We were trying to manage a seal hunt with no ice in the gulf. All the herd was way off Labrador and unable to be reached by people, and that's just the reality we're facing.

Mr. Fin Donnelly: Does the department have access to science in order to determine why the temperatures are going up?

Mr. Sylvain Paradis: We have all kinds of monitoring activities to look at salinity, temperature, currents, and so on. The big challenge is that while the department embraced an ecosystem approach about four or five years ago, to be frank, it's a worldwide effort. Everyone's trying to start to understand the multitude of factors affecting the stocks, the productivity, the reproduction, and so on. We're just at the stage where we're developing models to understand those dynamics.

● (1635)

The Vice-Chair (Hon. Lawrence MacAulay): Thank you very much, Mr. Donnelly.

Mr. Kamp.

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

Gentlemen, thank you for appearing. As always, you provide some good information. I just want to follow up on some odds and ends.

First of all, I'm assuming that you're quite or very confident in your catch information. Or is there any possibility that there's some illegal or unreported or unauthorized catch going on with snow crab in the gulf?

Mr. David Bevan: In the gulf, I don't want to talk about ongoing investigations; I'll just refer to historical ones.

We have seen, not necessarily in the southern gulf but certainly in the gulf, situations of collusion between skippers, observers, dockside monitors, and plants, similar to what was observed to have taken place recently in Newfoundland and Labrador. These are issues.

We do have a good monitoring, control, and surveillance system. We have high levels of observer coverage. We have vessel monitoring systems, dockside monitors, and a number of other mechanisms to keep control on it. We're confident that we have pretty good control on the catch, and we are monitoring closely. But I would also say that whenever you have these kinds of circumstances—you do get a lot of pressure on people to pay the bills, and they try to find ways to do so—we end up with investigations taking place and with legal proceedings.

Mr. Randy Kamp: If you have a commercial TAC of 20,900, for example, what do you think the catch might be in reality? What's the degree of accuracy there, do you think?

Mr. David Bevan: I think we're within a few percentage points, so it's pretty accurate, but there are going to be people who try to take advantage of it. The individual cases can add up to a substantial amount when you're looking at whole companies and groups of fishermen working to avoid it. But we're pretty confident that we're providing the right kind of deterrence. When you see fines that approach a half-million dollars, and more to come, I would point out that you're looking at a system that should provide some reasonable deterrence.

In addition to that, if they want to sell to higher-end markets, certainly in Europe now, they're all going to have to be subject to catch certification to verify that the catch was legal, etc.

Those things are going to contribute to compliance in the future.

Mr. Randy Kamp: To follow up on what Mike was talking about, I assume that the advisory committee produces some kind of document at the end of...or as part of the process. Would there be anything in the current legislation or policy that would not allow that document to be provided to the minister along with your advice?

Mr. David Bevan: The advice we give usually will include reference to, obviously, the stock status report. We summarize it in the memorandum and in the briefing material, but there is reference to the stock status report.

On the outcome of the advisory committees, generally that takes longer to publish than the time we have—i.e., between the time the advisory committee takes place and the time we need to get the fishery open. So it does get published, but it's not something that can be used to help inform the minister to the same degree as a scientific stock status report.

Mr. Randy Kamp: I'm asking that because I think it's one of the things we heard in testimony; they told us that they never knew for sure that the information they provided didn't get filtered in some way that they wouldn't have liked. I think they said it was very difficult for them to ever go and find out what the minister really did hear in terms of advice from her managers as opposed to this advisory committee, and just how different it looked at the end of day. But we can talk maybe more about that.

The other issue that was raised out there is one that I'm not even sure I know how to explain. One fisherman talked about the commercial biomass, which I assume you estimate through your trawl survey and so on. And then you go out and fish—say, 20,900.

I see in one column in this chart that was provided something called “residual” biomass. I'm not sure how you estimate that.

This individual talked about lost crab, that every year there was lost crab. Can you try to help me understand what he might have been referring to there?

● (1640)

Mr. David Bevan: We do a fall survey in the bulk of the area. The fall survey will estimate the number of males that are over 95 millimetres across the carapace. That would be the commercial biomass that would be available to the fishery. Then the fishery is prosecuted, and they'll remove or they'll ask for almost 21,000 tonnes. Some people would look at the biomass before the fishery, subtract the fishery, and the biomass that results from that should be a numerical value. It's just straightforward math.

Crabs in their terminal moult live about six years, and that's without fishing. They're going to die. The age structure and so on will give you some idea, but you also get natural mortality caused by a number of different factors. That's not easily predicted by science, because you have trends, but that's the “lost crab”. It's the crab that will normally die over the course of the time period between surveys. Not every crab that's not killed in the fishery is there to carry on. They have a natural life cycle.

Did you want to add to that?

Mr. Marc Lanteigne: I would just add that there is also residual biomass when the survey is conducted after the fishery. We assess the crab that is not being caught in the fishery, as David Bevan just mentioned. That crab is not lost, by the way. Managing a resource is about sex and kids. You need some crab to have sex to have kids. You need to leave some animals on the bottom to reproduce. It's important that these crabs be there, so they're not lost animals.

The Chair: Thank you very much.

Mr. Byrne.

Hon. Gerry Byrne: Marc, one of the things you've impressed upon us as a committee is that you have been refining the scientific process and that this refinement has led to greater certainty, even though there has been some uncertainty in recent years. What you're suggesting to us, which I think we're absorbing, is that the refinement of the scientific process allows for better decision-making.

Could you tell us, in an ideal world, what you would do differently to improve science over its current practice?

Mr. Marc Lanteigne: The science that we do for snow crab at the moment—

Hon. Gerry Byrne: If you did not have financial resource limitations or restrictions, if you could do something that would really markedly improve the actual understanding of the circumstances of these stocks or species, what would you like to see happen?

Mr. Marc Lanteigne: It would probably be to maintain the research we do on the crab movement and the relationship between the males and females—vis-à-vis how many females and males we need. That work is going on, but it's not something that can be achieved within a few years. We'd need probably five to ten years of research to achieve this.

In terms of stock assessment for snow crab, I still believe it's one of the best you can find in Canada, and probably around the world. Our crab assessment methodology is the envy of many countries.

Hon. Gerry Byrne: Through the mobility studies, we're picking up new information now, and it's very helpful to us. Is that an expensive process? You say you have a resource commitment for a short period of time, but if you could have an extended data set it would be more helpful. Just describe that to us. What would be required?

Mr. Marc Lanteigne: We would probably require some additional resources, as usual, and probably more communication with fishermen, because they become our samplers. We have to rely on fishermen to return these crabs with the information on position and all the data that goes with it. That's what would be required.

● (1645)

Hon. Gerry Byrne: Is that study currently occurring for all of eastern Canada, or is it limited to a particular stock or region?

Mr. Marc Lanteigne: It has been done in the past on a small scale, but we would like to expand it. This is my wish, to expand it more across the southern gulf to not only explain movement but also to have a better estimate of the natural mortality of crab. That can also help us to measure that component of the life cycle.

Hon. Gerry Byrne: Sylvain, can I put you on the seat? Is there anything you'd like to add or delete or modify in terms of that recommendation?

Mr. Sylvain Paradis: No, there isn't. You know, the experts are in the field, and they know exactly what would be required to do more. We certainly know that understanding more about natural mortality and reproduction and growth processes would be of benefit, but those are all additional studies that could be useful.

Hon. Gerry Byrne: Marc, the otter trawl survey has been under some criticism or concern as to whether or not it's an effective method of determining abundance. Do you put much stock or strength in the otter trawl survey? We heard testimony to the effect that it seems like an odd way to catch a crab.

Mr. Marc Lanteigne: I think it's a very good tool to sample crab. Because the southern gulf in particular has a soft bottom, it's probably the only area in which we can use that tool more efficiently throughout the entire distribution of the biomass. One thing I've noticed, which is kind of a cycle too, is that it seems that science has been criticized on the cycle. When we talk about going up, we're not criticized, but when the stock is going down, the criticism regarding the validity of the science starts to increase. The technique that we use is still the same. We're still using the same trawl, and it has been used efficiently during the peaks, and is still used efficiently during the valleys of the stock, the fluctuations.

Hon. Gerry Byrne: Marc, you don't have expertise or personal experience in areas other than the southern gulf, but Newfoundland has a different sort of—

The Chair: The time is gone. Sorry.

Monsieur Blais.

[*Translation*]

Mr. Raynald Blais: Thank you, Mr. Chair.

A witness in Grande-Rivière, Quebec, asked us a question, or rather, mused out loud about the fact that Fisheries and Oceans Canada does not take into account the scientific advice it receives. In 2007, 2008 and 2009, DFO was advised to reduce quota levels. Why did it not lower quotas at that time?

Mr. David Bevan: Total catches have declined over the past five years. We have heeded the advice of our scientists and we have taken steps to reduce catches.

Last year, however, fishers asked that the quota be maintained at 22,000 tonnes and that difficult decisions be deferred. That is what they asked us to do. We sought the advice of scientists. They told us that the risk was not too great, but that we could encounter problems later. Obviously, that's what happened.

We listened to the advice and reduced catches, but the fishers were not interested in major reductions. We tried to strike a balance between their needs and the need for stock conservation. This year, we had to take much stronger action.

Mr. Raynald Blais: I'd like to come back to the scientific advice you received from your own officials at DFO. They advised you in 2007, 2008 and 2009 to lower quotas. Why was their advice disregarded?

Mr. David Bevan: In 2009, the fishers asked that...

Mr. Raynald Blais: I'm talking about the scientists, not about the fishers.

Mr. David Bevan: The scientists said that fish stocks were clearly declining a little. We were in a cycle in which stocks were declining. There are a number of ways to manage risk and we resorted to these approaches. However, given the precautionary approach, this year we had to make some decisions that were more difficult. And we did.

● (1650)

Mr. Raynald Blais: So then, let me ask the question once again. Why was the advice given by scientists in 2007, 2008 and 2009 not heeded?

Mr. David Bevan: Their advice did not include specific figures. They pointed out that if total catches reached a certain level, then there would be a certain element of risk. It was clear that stocks were declining. We had to make a choice. The scientists said that the risk would increase if catches were highers, and clearly, if the situation became more critical, more difficult decisions would then have to be made later. The fishers asked the minister to find a way to lessen the impact. Other persons made a similar request. It was possible to do that, but the current precautionary approach is aimed at minimizing future repercussions. It is impossible for us not to take action. We must...

Mr. Raynald Blais: Excuse me for interrupting you. I don't want to be impolite, but time is rapidly running out.

New Brunswick's Minister of Fisheries did in fact say that he learned of the 63% reduction in the quotas through media reports. You talk about cooperation and partnership with the provinces, but this incident is symptomatic of the problem. Clearly, the provincial fisheries ministers are being treated discourteously.

Mr. David Bevan: The provincial ministers were on hand for the meetings with the fishers and the scientists. We had to make some calls, because there were changes made after the meetings. We were pressed this year to come to a decision because the fishing season was due to start very early as a result of high water temperatures.

I will admit, however, that we could do better as far as the provinces are concerned. However, we were quite pressed for time, given everything that happened.

[*English*]

The Chair: Thank you.

Mr. Donnelly.

Mr. Fin Donnelly: Thanks, Mr. Chair.

On the recent snow crab tour that we were just on, one of the things I heard was that in some areas, or even in parts of some areas, there seems to be too many fishers chasing too few crabs. I wonder if that's a common refrain that you hear or if that's something that you agree with.

Can you comment on that?

Mr. David Bevan: I think there's tremendous pressure on governments when these cycles go up. For the people in the neighbourhood—when the groundfish were collapsing, especially—what do we do with them? It's one reason why there's a number of people in the fishery. It does create economic pressure on the low part of the cycle, but on the high part, there's room for everybody and they can all make a good living.

We now have low abundance and low price because of the economic circumstances. That does create a very difficult time for harvesters, processors, etc. It's not a conservation issue. It's just that, at this part of the cycle, they're not able to make the kind of money they need to make to pay the bills and to live well. We hope they will get that opportunity once it starts going up again.

● (1655)

Mr. Fin Donnelly: Isn't there a multi-species issue as well? Is it not a factor that they're now fishing different species in order to make a living?

Mr. David Bevan: Most enterprises have a number of licences associated with them. Some crab fishermen have lobster licences, some have pelagics, and so on. If there are hardships in one fishery, they may start looking at using their licences in others.

That perhaps is something that we should be considering more, as part of the normal process, because to have people dependent on one fishery means, in the crab fishery, a $2-million boat could be used for four weeks and then it's on the beach. That's not very good use of your capital, and you have people with short-term employment. Having longer operations based on multi-species may be something that we would like to consider in the future.

Mr. Fin Donnelly: It seems from the comment, if I'm hearing you correctly, that with the number of fishers we have in all areas, when the biomass is high it is okay, but when it's low it's not okay.

Mr. David Bevan: I think from an economics point of view, obviously there are hardships. We used to have people come in and out and in and out. There was a great deal of controversy, conflict, and confrontation around that whole process. A decision was made some years ago to say you're all in, you're going to ride it up, and you're going to have to live through the lean times. Instead of having some people in and some people out, we took a decision years ago that everybody would have to try to make it through the cycle on their own resources.

At the top end of the cycle this last time, there were average incomes that were very good. That's why now, even with lower incomes, if you look at the overall cycle there are still a half a million dollars per enterprise. That's not based on what's going on now. That was based on $800,000 plus at the top, and averaged out with the lower at less than $200,000 at this time.

Mr. Fin Donnelly: There seem to be some examples of good management. At least it appears to me that through area 19, Fogo Island, there are some shining examples that could be expanded upon, built upon, and supported in other areas.

Do you have a comment on that?

Mr. David Bevan: We used to have co-management agreements in all of area 12. There was a great deal of controversy. As we go through these parts of cycles, it gets very difficult. As we went through the upswing part of the cycle, there was a lot of controversy around introduction of new players and participants and how they were handled as things went down.

We essentially lost our co-management arrangements because of access and allocation issues in area 12. That was further exacerbated by the fact that we had to respond to the Larocque decision and to other court decisions. Our flexibility on how we entered into those was reduced, particularly under the old fisheries act. That's why in the subsequent drafts of acts that were considered there were provisions to allow for that to continue.

The Chair: Thank you.

Ms. O'Neill-Gordon.

Mrs. Tilly O'Neill-Gordon (Miramichi, CPC): Thank you very much, Mr. Chair.

I want to thank you for being with us again today.

You mentioned along the way that it's because of the cycle, and we're very much aware of that. We've heard that when we have visited the different fishermen in different areas.

You also mentioned you are predicting that in the year 2012 we'll probably see a much better year and things will be better. I'm wondering if you can elaborate on some reasons why. What are some things that make you predict that for 2012? Is it just the cycle?

Mr. Marc Lanteigne: As regards the annual survey, I mentioned that we are very good at predicting with good accuracy what's coming in the following year. When we do the survey we monitor the number of crabs that will be in the fishery in two years, three years, and four years time. After that it becomes pretty foggy. We cannot catch these very small crabs in the trawl.

Our prediction for 2012 is based on the crabs we see in the trawl survey that we predict will enter into the fishery. We see the spike of small crabs getting ready to enter the fishery in two years. Again, we see that, but we'll have a better evaluation of the quantity of crab the year before they enter the fishery. We can see a good signal for young crab coming into the fishery in two years.

● (1700)

Mrs. Tilly O'Neill-Gordon: You would say then that by next year, 2011, you will be able to predict what there will be for 2012.

Mr. Marc Lanteigne: Yes, we'll have a better picture for the two coming years.

Mrs. Tilly O'Neill-Gordon: Are fishermen aware of this? They always claim they are kept in the dark. They must be aware of this as well.

Mr. Marc Lanteigne: Fishermen in the southern gulf are aware of this. They were part of the assessment, and the information was also distributed to the other representatives. It's also available on the web. In the southern gulf, science and fishermen have a good relationship. They contact us directly to get the copies of all the assessments, the reviews that are published on the web, and also maps of our survey—where the distribution of crab is for 2010 or the following season.

Mrs. Tilly O'Neill-Gordon: Do you have something to add, Mr. Paradis?

Mr. Sylvain Paradis: No. But as he mentioned, all this information is provided when we do the peer review meeting. The industry is participating, so they have a chance to see the number, ask the questions, so they see the same trends we're predicting. And all this information is tabled publicly before it's brought to the minister for a decision, so there are a lot of opportunities for the industry to see all this information.

Mrs. Tilly O'Neill-Gordon: Earlier you mentioned trying to slow down the reduction. I'm just wondering what you were doing in that set. What were some of the means?

Mr. David Bevan: The advice was we were in a downward trend, and the risks were that we would see the need for further reductions. If we didn't take the reductions earlier we'd see the need for bigger ones later. Those were the risks, and the view of the stakeholders was pretty clear. We had reductions that were larger than they had asked for, or they had asked for fewer reductions in some of the points leading up to this part of the cycle. As I mentioned, we did come from a high—and I can't recall the TAC in 2005—at the last part of the—

A voice: 36,000.

Mr. David Bevan: It went from 36,000 down to 20,000, so we have had lots of reduction. It's just that they were concerned that we were going too fast, and at that point there wasn't a huge risk of saying if you're prepared, if you want us to do that you can, but you'll have to be prepared for the bigger reduction later on. And I think with the precautionary approach now, we know where we are relevant to the limits, and we are going to have to take it more based on conservation.

As you go through the cycle, as well—and this is the same for many fisheries in the precautionary approach—if you're in the green zone, the healthy zone, there's a lot of flexibility as to what the market looks like, what the opportunities are, to set your TAC with more flexibility. As you move from that down into the cautious zone, you lose that flexibility. We can't rely on what the stakeholders want and the market wants. You have to set it to get out of that place and back into the healthy zone. So that's where we are right now, and in the past we weren't there.

The Chair: On behalf of the committee, thank you very much, Mr. Bevan, Monsieur Lanteigne, and Monsieur Paradis, for taking the time today to come and appear before the committee to answer a lot of the questions we've had from our travels here in the last few weeks.

Committee, we will take a short break and then we will move in camera for committee business.

[*Proceedings continue in camera*]

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