HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Environment and Sustainable Development

ENVI • NUMBER 069 • 1st SESSION • 41st PARLIAMENT

EVIDENCE

Thursday, April 18, 2013

Chair

Mr. Harold Albrecht

Standing Committee on Environment and Sustainable Development

Thursday, April 18, 2013

● (0850)

[*English*]

The Chair (Mr. Harold Albrecht (Kitchener—Conestoga, CPC)): I'd like to call meeting number 69 of the Standing Committee on Environment and Sustainable Development to order.

I want to welcome our guests. We have with us this morning, Chief Byron Louis, representative of the Okanagan Indian Band. I checked with him and he said his name is indeed pronounced with an *s* at the end. I'm glad to clarify that.

We also have William David, senior policy analyst for environmental stewardship. We have, from the Maritime Aboriginal Peoples Council, Josh McNeely, executive director of Ikanawtiket. Finally, from the World Wildlife Fund Canada, we have Mr. Peter Ewins, senior species conservation specialist.

I want to welcome our witnesses to the table today. We'll begin with the Assembly of First Nations, and we'll open with Chief Byron Louis.

Chief Byron Louis (Representative, Chief, Okanagan Indian Band, Assembly of First Nations): Good morning, everyone.

I'm here on behalf of the Assembly of First Nations. One of the questions we were looking at is how the national conservation plan can complement or enhance habitat conservation.

There were previous submissions by the AFN on the national conservation plan, which focused on the relationship between conservation, first nations, traditional knowledge, and customary and sustainable use of biological resources. Specifically, the AFN's main point was for the NCP to be successful, the AFN recommended three points. First, we need involvement at national, regional, and community levels to ensure a coordinated approach—that's a very important point. Second, we need opportunities to apply and share traditional knowledge and practices through our traditional territories. Third, the NCP should encourage a rights-based approach to first nation partnership with industry, NGOs, etc.

Within this context, we would like to address the following topics. The first one has to do with the most effective groups and organizations. The most effective groups and organizations are those that engage a broad variety of interests, that are driven by first nations, and that allow the application of traditional knowledge by first nations. The other one is to provide a space for customary and sustainable use exercises: harvesting rights by first nations, resource users, conservation, and protecting habitat without singling out individual species for special consideration. One of the most important things is the use of the right tools in the right situations so that environmental economic benefits and burdens are distributed fairly to ensure positive environmental and economic outcomes. That came from the report on the national conservation plan.

When we look at defining conserved lands, one of the things is the issue of working landscapes. It's very important to look at this issue, especially in a first nations context. When we're looking at the amount of lands available to first nations—this is using old data—or talking about a working landscape for first nations, there's an average of 1,176 hectares, which is the average size of a reserve in Canada. When we're talking about needs for economic, social, and cultural use, this is a fairly small land base. Conservation has been proven, under the current regime, to affect our ability to effectively use those lands.

The other part is looking at conserved lands versus conserved species. First nations' traditional knowledge-holders have long advocated the importance of habitat protection as a key strategy to preserve and enhance ecological integrity. One of the things that's absolutely critical is that the NCP recognize the difference between conserving habitat and conserving species.

Specific protection initiatives that do not provide for protection of habitat are unlikely to succeed. What we mean by that is that you can't look on a land base and protect one single species; you have to look at it in the context of a whole unit. If you're only protecting fish, you can't avoid the other species. In British Columbia, you look at birds, bears, other mammals, all uses. In this particular instance, you can't specifically look at protecting one single species.

The other part is the question of first nation management versus prescriptive federal action for species recovery—habitat versus species. The government must show a willingness to work with all Canadians, using a proper set of tools and rights and circumstances, in order for conservation efforts to succeed.

Collaboration is not an option but a necessity, and the government must promote and support it. This came under section 30 in the national conservation plan. This is true, especially when you're looking at things like conservation in the context of the Species at Risk Act.

● (0855)

One of the things in the Species at Risk Act is that how it's been used and how it's applied are two different things. When you're looking at application in British Columbia, there are instances where the act is partially applied to the detriment of first nations' economic use. This came up in the instance of the Osoyoos Indian Band. One of the things in there was a failure to use specific pieces of the Species at Risk Act. They protected the area but they didn't provide adequate compensation to that particular first nation when they were developing their lands. It resulted in a loss of nearly 80% of the most productive lands that were available to that community specifically for development.

There's another instance in there, but that's not the only one. When you're looking at the use of these prescriptive measures, you know what they are. You can't just pick and choose which one applies and which one we're not going to apply. It has to be done in a full sweep. SARA does apply a number of useful tools, many of which are more useful if the act is completely implemented. When you're looking at that act, it took a lot of work. A lot of different first nations that actually worked on that through the aboriginal working group. There was a lot of specific...from the start to the finish of the act. It can work but it has to be followed.

Again, you just can't use specific pieces of it to meet whatever objective. If it's conservation, you can't overlook the economic components of land development, especially on reserve lands and especially when you're looking at an average reserve size of 1,174 hectares. That does not give you a lot of room to actually work with. It's more important to look at how the relationship is going to exist, especially in terms of conservation with regional, municipal, provincial and also federal. It has to be a partnership or else it's simply not going to work. You cannot put the conservation burden on a single part of society and expect success, either in the conservation or in the ability of those people to actually succeed economically or socially.

Another one in there is that the recovery strategy for species at risk needs to include direct communication with the first nations that will be impacted most, as it was with the boreal caribou recovery strategies. Many communities were not notified and were unable to participate in the recovery strategy. Again, when you're looking at sustenance and changes to that, you just can't drop it on people and expect them to be able to accept or participate in whatever is being planned.

Improvement on how first nations are involved in the habitat conservation in Canada is required specifically to protect Canada's most endangered ecosystems and biodiversity hot spots.

Funding for the invasive alien species partnership program was terminated in 2012. There's one thing that should be understood. When first nations look at alien invasive species, we take the position that anything that preys, displaces, or competes against an indigenous species is an infringement of our aboriginal rights. The result can be either curtailment of that activity or extinction of a native species. It is very important that invasive alien species programs continue, especially for that reason, because they do actually infringe upon our rights.

Improving habitat conservation.... First nations' role in habitat conservation derives from constitutionally protected, inherent aboriginal rights and title, and that's supported. Again, when you're looking at species conservation, there is an aboriginal rights' component that is attached to that, and more specifically, if this species goes extinct, that's an extinguishment of the right. That's been identified under numerous court cases, with regard to having a very rigid process for the extinguishment of a right. I think that needs to be looked at, especially when you're dealing with conservation, planning, or protection.

Policies and practices need to be in place to ensure ITK and ATK are promoted, integrated, and protected. There are a number of examples of how indigenous traditional knowledge is actually applied.

● (0900)

On the west coast of Vancouver Island, you have raised clam beds that go back 5,000 years.

The Chair: You're actually out of time. If you could begin to wrap up quickly.

Chief Byron Louis: I can do that.

With regard to how the national conservation plan will complement or enhance conservation, I think I'll have to end by saying that first nation involvement at national regional community levels is important. Having not only first nations participating but also regional and provincial governments in conjunction with federal initiatives is very important because conservation will not succeed without these. Whether it's from habitat corridors to planning or for economic or social needs, it's very important and that needs to be underlined.

The Chair: Thank you very much, Chief Louis.

I apologize that we're out of time, but maybe you can weave some of the concluding comments into the responses to questions later on in the presentation.

We'll move now to Mr. Joshua McNeely, executive director of Ikanawtiket.

Mr. Joshua McNeely (Ikanawtiket Executive Director, Maritime Aboriginal Peoples Council): Good morning, and thank you, Mr. Chair.

Thank you, committee members, for inviting the Maritime Aboriginal Peoples Council to speak on the very important matter of complementing and enhancing habitat conservation in Canada through a national conservation plan.

Mr. Chair, please forgive me for forcing you to attempt to say Ikanawtiket. That is a Mi'kmaq word for a leader's path toward environmental respect.

I apologize for not being able to provide my seven-page brief in advance. However, it has been delivered to the clerk for translation. I also have with me two books that have already been distributed, which are a more detailed submission on the subject matter. Those were made to the 11th Conference of the Parties to the Convention on Biological Diversity this past October in Hyderabad, India. English and French copies have been delivered to the clerk for distribution.

On our website, www.mapcorg.ca, you can also find several other submissions on very similar topics, such as the implementation of the Species at Risk Act. Unfortunately, I do not have hard copies of those to distribute today.

I'm here representing the Mi'kmaq, Maliseet and Passamaquoddy aboriginal peoples continuing on traditional ancestral homelands throughout the maritime provinces. Unfortunately, I do not have the time to give you a background of our family of organizations, but I do have with me a detailed brochure and audio CD. It is only in English, unfortunately, so I can't distribute it to you, but if you want a copy in English, it's here. The website and the brochure should broach your questions you may have for the study about the "who" and the "what".

Respecting the standing committee's wishes, I'll try to keep my presentation to 10 minutes. I apologize if I go over a minute. I encourage the distinguished committee members to read our full seven-page submission in the red and blue booklets. I respectfully suggest that if committee members do not appreciate our history and plight as a collaterally damaged people, then we are talking to each other in different languages, with no translator.

To start, the term "conservation", at least in the colloquial western definition of the term, is a foreign concept to aboriginal peoples. Also the term "habitat", to us, means our home, the home of our ancestors, and the future home of our children's children. From the aboriginal eco-centric world view, it is impossible to consider the protection of something to be separate from using it and sharing it.

We have been trapped before by the settler's use of words. Although on its face a national conservation plan seems obvious, terms such as "habitat" and "conservation" can be tricky, sticky, and icky, to our way of understanding. Answering your six questions can quickly become a trap, if we are not first conversing in a common language or understanding. Rather than at this time supporting, or not supporting, the recommendation to develop a national conservation plan, I respectfully suggest that the questions posed lead us away from the reality that conservation and sustainable use are inseparable.

The state authors of the Convention on Biological Diversity clearly went out of their way to ensure that the term "conservation" would not be used on its own. In fact, the term has never been defined under the convention. This is for a very good reason. Throughout the convention the words "conservation" and "sustainable use" are used side by side, intending to express a single term, "conservation and sustainable use", so that no party to the convention would emphasize the preservation of something over the use of it, or attempt to draw lines on maps or in the law between what is conserved or preserved, and the rest of the world governed by business as usual.

To us, the English term "conservation" is misleading because it suggests that the natural world is something separate from our home and ourselves, and that it needs protection from a foreign being that does not belong. Because of this distinction, I dare say it is extremely difficult today for aboriginal peoples with an eco-centric world view, to talk with non-aboriginal peoples with a homocentric world view about conservation. After many generations of settlers living within our homelands on Turtle Island, we are still not talking the same language.

To that thinking, I must add the pivotal preambular aspect of the convention, which affirms that the conservation of biological diversity is a common concern of humankind. That in itself wipes away any notion that the use of natural resources solely falls within the limits of national jurisdiction without regard to other international conventions, accords and protocols, and indeed, internal state supreme laws—in this case the Constitution Act of 1867 and the Constitution Act of 1982.

● (0905)

My presentation is also derived from the fundamental reality just recently manifested in the international community in September 2007, that there is:

> ...the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources....

That is from the United Nations Declaration on the Rights of Indigenous Peoples.

Even with this recent declaration we raise an unfulfilled principle in Canada, which was agreed to 20 years ago in Rio de Janeiro. It reads:

> Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

We note that in some presentations before the standing committee, the common statement was repeated on how important it was for the government to find opportunities to support local initiatives and link those initiatives into a greater whole, thus providing a basis for long-term and robust solutions.

But what opportunities will the Government of Canada demonstrate as support for the full and effective participation of aboriginal peoples in conservation and sustainable use of natural resources, when Bills C-38 and C-45 strip away vital protections and no thought is given to invite or consult with aboriginal peoples; when aboriginal peoples continue to be denied access to lands, water, and resources due to massive clear-cuts, mega-mining, hydroelectric projects, and other large resource exploitation projects; when Canada does not show respect for the inherent rights of aboriginal peoples and continues to posture at international forums that aboriginal peoples do not have rights to the resources or genetic resources found within their traditional ancestral homelands and territories; when in the majority of instances where indigenous knowledge is invited, decision-makers consider it lesser or an afterthought, or a plug to fill in a few remaining information gaps that western science has not yet answered; when in this past decade, informative and inclusive round tables, stakeholder committees, advisory bodies, and other forums have been reduced to updates-only tables, or are cancelled altogether under the guise of austerity budget slashing—can't this Government of Canada negotiate appropriate royalties to at least accrue money to fund basic public forums?—when the Government of Canada has knelt before corporate resources to allow the abuse of the Metal Mining Effluent Regulations by subsidizing mining companies with capital cost savings, by not requiring the construction of multi-million dollar, engineered, metal mining effluent-holding ponds by virtue of orders in council, which designate natural lakes to be added to a schedule and be listed as a company metal mining effluent-holding pond; and when in 2012, the Government of Canada has taken aboriginal artifacts from our territories against our will and shipped them to Ottawa for deep storage?

The promise to support, respect, preserve, and maintain the knowledge and world view of aboriginal peoples was made by the Government of Canada in 1996 with the release of the Canadian biodiversity strategy. Seventeen years later we are still waiting for Canada to begin to fulfill its promises to aboriginal peoples.

Last week I learned, as many other Canadians did, that Canada has withdrawn from the United Nations Convention to Combat Desertification. A spokesman suggested that the convention was costly for Canadians and showed few results, if any, for the environment. May I respectfully suggest that the Right Hon.Prime Minister and his cabinet take an introductory course on the United Nations as a multilateral discussion forum to learn that the United Nations conventions and protocols represent a culmination of the discussion and discourse of the representatives of seven billion people to formulate a common humankind approach to a problem.

● (0910)

In a global environment and global economy, it is ludicrous to think that Canada, responsible for the second largest land mass in the world, can act alone or not respond to a global call for action, a call that reverberates throughout the Canadian public and most definitely has been raised time and again by generations of aboriginal peoples.

The Chair: Your time is up. Perhaps you could wrap up, Mr. McNeely.

Mr. Joshua McNeely: I have three recommendations, which I'll read very quickly.

Canada must recognize that conservation and sustainable use is a single term, and that it must be our number one goal and public policy.

Canada must support the reality that Canadians are striving for sustainable development and are looking for strong political leadership.

Canada cannot keep renouncing or minimizing important international work at home.

Mr. Chair, distinguished members, I hope that when you read our submissions you will see why we approach this new national conservation plan with hesitation. We would like to answer your six questions, but to what end?

We want to believe this new plan can harness the power to complement and enhance conservation and sustainable use of resources in Canada. However, until the executive branch of our government shows a commitment to conservation and sustainable use of resources in a meaningful and tangible way, the use of a national conservation plan will yield no new meaningful results to meet the need and call of aboriginal peoples, Canadians, and the international community.

We have much more detail in our reports.

Thank you very much. O'weliaq.

The Chair: Thank you, Mr. McNeely. Thank you, as well, for the written submissions that committee members can look at in more detail following our meeting today.

We'll move now to the World Wildlife Fund and Dr. Peter Ewins, senior species conservation specialist.

Dr. Peter Ewins (Senior Species Conservation Specialist, Arctic Conservation Program, World Wildlife Fund (Canada)): Good morning.

Thank you, Mr. Chairman.

I'd like to build today on the presentation that my colleague Linda Nowlan, from our Vancouver office, gave to the committee on May 15 of last year on the national conservation plan, and refer you to some of the specifics in there. I'm specifically tailoring my presentation to the six questions that the committee asked us to address.

I will give you a tiny bit of background on me. I joined WWF 17 years ago. Before that, I worked for the U.K. and Canadian governments very much in the field of applied nature conservation and science, often working with local landowners and managers on workable solutions to conserve biodiversity in settled landscapes. So I have pretty much a career of experience in what works and what doesn't work in this regard.

I still serve on the minister's advisory committee on species at risk, SARAC. We'll highlight today some of those recommended solutions that are forged with people of my age and stage—who essentially represent the industry and the stakeholder sectors across the nation—which I believe are those working solutions that we all desperately need, including the conservation and sustainable elements of our society.

The important point overall is that those kinds of plans and solutions will bring much-sought increased certainty and resilience to both wildlife and natural habitats, as well as people who have to make their living off the land.

For those of you who don't know, WWF's global mission is to stop the degradation of the planet's environment and to build a future in which humans live in harmony with nature. That essentially is why I love working for World Wildlife Fund, because my job is to help create, put in place, and then implement those plans and solutions that provide the balance between what people need and what wildlife need for the long term.

Firstly, the overall frame necessary to achieve that kind of effective balance must be through smart plans set at the right scale—that's both the temporal scale and the spatial scale. Everyone seeks reduced risk for things they value, including valued components of the ecosystem. Most progressive industries and local people welcome long-range plans that prescribe this, bringing greater certainty both for capital investors and for people involved in those projects and in the custody of those areas. This is just what natural ecosystems and biodiversity, including species at risk, require too. But we have to have those progressive, landscape-level, ecosystem-based, well-crafted plans, which is obviously where the national conservation plan and initiatives like that come in.

There is considerable global experience with these planning approaches. This has been done in different countries for 20 or 30 years. Some of the most progressive are strategic environmental assessment, ecosystem-based habitat conservation plans, and of course, multi-zoned regional plans at different scales, right down to municipalities and counties.

On the first question of who must be involved, much as my colleagues have been emphasizing, the engagement of all stakeholders is crucial. Currently there are a few good land stewardship initiatives under way in Canada. Some of the ones you're probably familiar with are Ducks Unlimited, Nature Conservancy, local species at risk projects, and Environment Canada's habitat stewardship program. But obviously the job at hand requires far more extensive use of these models.

Of course, I agree totally that no government alone can do the job. No individual company can do the job. Clearly what is needed is a series of appropriate tools that foster and sustain much stronger, more effective, and more cost-efficient stewardship of our natural resources, including habitats. I believe that with incentives, monitoring, and appropriate ecosystem-based plans in place, those plans can be implemented through strong working partnerships at all scales. That's just a no-brainer must-have.

For your second and third questions, which I've lumped together as "knowledge and expertise", there is substantial expertise collectively across Canada regarding habitat conservation measures, but the information is rather scattered, and perhaps understandably so, due to the diversity of Canada's ecosystem types and the huge geographic scale of our nation.

There are also some significant gaps. For example, ready access to easily understood information on the health of aquatic ecosystems is a challenge for groups seeking to monitor, protect, and restore habitats and species, and come up with these plans. To that regard, one of the things WWF is doing is developing the freshwater health assessment for Canada, which will draw together existing data into a science-based, transparent, and understandable assessment index for freshwater ecosystems, beginning with Canada's world-class riverine systems.

● (0915)

Regarding the fourth question—how is conserved land defined?—I'm not going to volunteer a definition, but of course, the concept is all about allowing persistence of values in an area, what society values. Our species has the ability to manage what we do in a given place, armed with knowledge of impacts and risks, to sustain what we value there. For some people, it's access to wildlife for hunting or for growing food. For some people, it's the simple natural processes and biodiversity in an area without any human activities. For others, it is about economic development of renewable or non-renewable resources in that same area.

With over 50 years of experience around the world, it's very clear to the WWF that what's called the two-pronged approach is the best working model. For both marine and aquatic systems, and the terrestrial landscape, a strong representative network of the highest conservation value areas is afforded the highest level of protection. Essentially, this is protection from the cumulative adverse impacts of human activities. It is planned at the regional and ecosystem-based scale with other areas in that region, and managed for sensitive economic development through best-management practices and other tools. All this happens under an adaptive management regime, which is generally regarded as the way to come up with the plan, then monitor and modify it as necessary, informed by that information.

In times of relatively rapid change—social, economic, and climatic conditions—there is little reason to expect the old approaches to be well-suited to the new and future conditions. New ecosystem-level plans rooted in this two-pronged approach will afford the very best chances of maintaining sufficiently resilient ecosystem habitat function, which will allow nature and people to adapt as best they can to those new conditions.

As for recovering species, this includes a basket of stewardship management practices and government measures, beyond the recommendations the species at risk advisory committee and the World Wildlife Fund have made to you over the past two or three years—all of which I fully support as do my industry colleagues. It's very clear now that responsible governments must utilize the tools that are already available for increasing local stakeholder involvement in and implementation of those ecosystem-based plans for survival and recovery of species, and the habitats they need. Species recovery strategies and action plans under SARA, if they are scaled correctly, both spatially and temporally, to the habitat and species needs, will provide the blueprint for species recovery with local people in the equation.

For example, in the marine context, DFO leads an integrated management approach in the large ocean management areas of Canada. These pilot areas in Canada's three oceans are applying innovative management approaches that provide certainty to ocean industries for project development and designated conservation areas, and using ecological thresholds on an ocean-wide scale to manage activities appropriately. At the same time, it enables long-term jobs and economic prosperity for local communities.

In other countries, conservation management agreements and regional strategic environmental assessments are supported widely by industry groups, landowners, and other tenure holders, as credible, powerful tools to elevate this strong land stewardship. These tools, obviously, bring the much-sought increased certainty—reduced chances of nasty and costly surprises to projects, legal actions, project showstoppers, etc.—concerning human access and operations across the landscape or seascape.

Canada, however, has yet to use these tools extensively. I find it quite remarkable, having worked for 20 years in Britain, how those lessons just simply aren't imported.

Overall, how can the Government of Canada improve habitat conservation efforts? There are three main ways, beyond what we've suggested already in our submission last year. Number one is to take a very strong lead and embed the above suggestions into a robust and well-resourced national conservation plan, and proudly celebrate the concrete nature conservation results and economic successes with an increasing number of diverse stakeholders.

● (0920)

Secondly, we need complete strategic environmental assessments at regional and ecosystem scales across all of Canada's terrestrial, freshwater, and marine systems, as has been done in some other countries, so as to provide the most resilient frame for planning and decision-making regarding social, economic, and environmental values.

Finally, we should require adequate ecosystem-scale conservation measures, often regarding habitat safeguards, before or at the same time as major new approvals are made for economic development projects.

Thank you.

The Chair: Thank you very much, Mr. Ewins.

We'll now move to Ms. Rempel.

Ms. Michelle Rempel (Calgary Centre-North, CPC): Thank you, Mr. Chair, and my thanks to all the witnesses this morning for your presentations and for your time.

I'd like to start this morning with Chief Louis.

Some of the points that you brought up we started to hear in the original study on the national conversation plan. I'd like to tease them out a little bit, given that I think you wanted a little bit more time during your presentation.

The first concept that I wanted to talk about was how we as a government can leverage and incorporate indigenous traditional knowledge into habitat recovery and species management. We know that aboriginal peoples were the first conservationists, and still are. I'm just wondering if you could speak a little bit about this. After that, I'll turn the floor over to Mr. McNeely to speak about opportunities for leveraging that knowledge and about possible friction points.

● (0925)

Chief Byron Louis: One of the examples of the application of traditional knowledge took place within our traditional territories in the Okanagan Basin. The Okanagan is a sub-basin of the Columbia Basin. In the past, there were arguments with DFO, and also the province, about having sockeye or other anadromous species in the Okanagan system. A lot of this, to get over the hurdle of recovery, was to say that these salmon were in the Okanagan system, and the evidence was primarily based on aboriginal traditional knowledge of place, sites, and usage.

What this knowledge did was raise the profile of this species. One year we had something like 600 sockeye return to the Okanagan system, and last year, I think we had over Wells Dam in the United States close to 340,000 salmon. Aboriginal traditional knowledge played a large role in refocusing energies—by the province, the federal government, and the Okanagan nation—to preserve and enhance the number of salmon that were in there.

The beauty of this whole relationship was that a majority of the money for that recovery came from Washington state and not from Canada. Canada had a very small portion. The majority came from PUDs, or public utility departments, and other funding sources in the United States. They had done this to meet their mitigation obligations under U.S. law.

This is an example of the use of aboriginal traditional knowledge. We increased what was probably a zero-sustenance take on these salmon to a take of somewhere around 20,000 last year, or higher. When you look at our diet, especially in the Columbia Basin, it's been proven, through studies in the U.S., that each indigenous person in the Columbia Basin consumes roughly 1.2 pounds of aquatic species per day, which could be salmon or other resident species. So in that context, aboriginal traditional knowledge played a very important role.

Ms. Michelle Rempel: Sorry to interrupt. So what you did was identify a deficiency in a species of salmon that hadn't been previously identified in other data sets, and then you contributed this to the recovery strategy. Is that kind of what you're saying?

Chief Byron Louis: Yes.

Just to end, with the next stage of this reintroduction, once you actually get into Okanagan Lake, there are estimates that there is enough for about 4 million returning salmon. In economic terms, that's quite significant.

Ms. Michelle Rempel: Absolutely.

Mr. McNeely, I give you the opportunity to answer the same question.

Mr. Joshua McNeely: It comes back to respect, discourse, and dialogue. I think that's what definitely was happening in the Okanagan Valley. Once you have people speaking to each other, then you learn the traditional knowledge. It's impossible to understand one knowledge system when you're only trained in another knowledge system.

For example, in the east there is the Unama'ki Institute of Natural Resources, which does a lot of work in training people both in traditional western science and traditional indigenous knowledge, and the integration happens at the personal level. When you have that common understanding, that is when you see results. You can't just take data sets and throw them together. You have to support the institutions that are currently growing, such as the aboriginal aquatic resources program for the Department of Fisheries and Oceans, and institute other institutions to develop those similar institutions to look at both traditional knowledge and western science together.

● (0930)

Ms. Michelle Rempel: When you're talking about best facilitating that dialogue with a different data set, what are some of the best practice principles that you would suggest that we look at, as far as specific actions on....

Mr. Joshua McNeely: Always having an invitation. Always having an open forum. To present a native council or a band council with a document that is done from a science perspective and then say do you agree or disagree with it, totally misses the point. They have to sit across the table or next to each other at the table and share the knowledge and then craft the recovery strategy or the development plan from that.

Ms. Michelle Rempel: Great.

The Chair: You have 30 seconds.

Ms. Michelle Rempel: I have 30 seconds and I'll go quickly back to Chief Louis. Could you maybe expand a little bit on the whole ecosystem concept that you brought up and why it's so important for us to look at whole ecosystem management, as opposed to just a single species?

Chief Byron Louis: When you concentrate on a single species there are some things that may be overlooked. These are things such as economic impacts or not having the ability to look at the ecosystem as a whole because there's a difference between what we would consider recovery, where you concentrate on a single species and protect that, and it could be simply for meeting legal obligations or meeting other obligations internationally.

But from the context of aboriginal people everything in the ecosystem is linked. I have provided the example of salmon, but when you look at salmon, not only is this sustenance for a number of different species but in fact if you look at a salmon from a biological perspective what you have is basically a living sack of fertilizers and different other things that enhance the ecosystem.

When you're looking at that there are a number of things that should be taken into consideration. What's the importance of the species to the overall environment? What's that species in terms of economic terms? What's that species' value for sustenance for health? There's no argument in this room or anywhere that salmon aren't important to a diet, especially when you look at omega 3-6-9 and what has been proven for heart health and things like that.

The Chair: Thank you very much, Chief Louis and Ms. Rempel.

Mr. Choquette.

[*Translation*]

Mr. François Choquette (Drummond, NDP): Thank you, Mr. Chair.

Thank you to the witnesses for being here today.

Two important points from your comments stood out for me.

First of all, Chief Louis, you mentioned the holistic approach. Our study, however, runs completely counter to a holistic approach, a fact that I have criticized since the beginning. We are dealing only with terrestrial habitat, when we should be adopting a holistic approach. As you mentioned, a bear needs fish to survive, for example. So it's not possible to simply address one aspect of a national conservation plan.

The second thing I took away is a point you made, Mr. McNeely, about how we define certain words, like conservation. That's an important consideration if we are going to apply these concepts properly.

The second question our study is designed to answer, at point b, is whether Canada has publicly available knowledge and expertise on habitat conservation. And yet, there have been tremendous cuts to science in recent years. In your publication, which I have started reading through, you say that “Canada has laid off 1,047 employees at Natural Resources Canada, Environment Canada, and Fisheries and Oceans Canada since April 2012”.

With that in mind, I want to ask all of you this question. Do you think the federal government is making adequate efforts to establish sound and appropriate science to meet the challenges of conservation?

I am not sure whether Mr. McNeely would like to go first.

[*English*]

Mr. Joshua McNeely: Thank you for the question.

Yes, if you do read our submission, it does question the level of science we have in Canada. I'm sure everybody here is familiar with protests that were done by scientists about the slashing and burning of jobs and budgets for science, and the requirements to have science only meet the needs of industry or of some sort of technological advancement.

I'll let the submission speak for itself, because I could go on for days on this sort of subject. I think the media, and the protests from first nations and from scientists and from many others speak volumes by themselves.

To get back to the first part, you were talking about terms, about conservation and the use of that word, and understanding it. I would just simply answer with this. In Mi’kmaq we have a word, *netukulimk*. *Netukulimk* is very difficult to translate into English or French. It means to use, to conserve, to respect, to share, to leave for future generations, to leave some, just because that needs to stay and we shouldn't touch it. That is one word in Mi'kmaq, and it encompasses all of that. The precautionary approach, ecosystem-based management, and all these things we're trying to define—we're using mountains of papers trying to define it in English just because we have a hard time understanding that.

In Mi'kmaq we understand that with one word.

● (0935)

[*Translation*]

Mr. François Choquette: Mr. Ewins, there hasn't been much discussion around science or climate change, even though those are key concerns when you are trying to conserve terrestrial habitats.

Could you comment on that?

[*English*]

Dr. Peter Ewins: Thank you. That is a great question.

I would answer it framed by risk, because in our personal lives, right up to nations and even our planet, as we heard yesterday at the carbon pricing event held by the Canada 2020 organization, this is now beyond a doubt.

Of course there will always be information gaps, whether it's science or collated local indigenous knowledge. We always try to inform best, and to upgrade our basis for decision-making. Right now we have organizations like the International Monetary Fund, the World Bank, and the International Energy Agency releasing reports. The United Nations and the IUCN have as well. These are the best organizations that humanity can use to synthesize available information with well-informed models.

You can always find a few people who think the world is still flat, of course, but the point is that this isn't environmentalism. It's not any industry association advocating for one thing. These are the best our species across the entire planet can come up with. It says that given all the facts available, all the information and the models, this is where we're trending. We're already needing 1.8 planets at the current lifestyle we all enjoy here, so we have a problem ahead. It's all about how we choose today, at all scales, to manage the risks.

The risks are very clear. We should be leaving two-thirds of that fossil fuel reserve in the ground. That's the best information the world can synthesize. If we choose not to, then all we're doing is shunting that risk onto our children and grandchildren to deal with. Nicholas Stern, one of the world's top economists, has pronounced on this.

You know, arguably, from a habitat point of view and the livelihoods of local people, it's almost as if the current paradigms that drive our species and our economy are essentially Victorian, and we are disregarding the legacy of the risks that we're pushing onto future generations.

[*Translation*]

Mr. François Choquette: Thank you.

Chief Louis, I don't have much time left, but could you tell us a bit more about how you see the holistic approach?

[*English*]

Chief Byron Louis: To more or less quickly elaborate on what you just asked, when you look at the environment, you can't just separate that from economics, but you also can't separate economics from the environment.

If you look at the effects of one thing, on the one hand it may be economically viable to do something, but on a health level, it may not be a viable alternative, with long-term health effects—diabetes, heart disease, different other factors in there—or if you lose a single species but gain that one year or that bottom line on your business.

For some of those things in there, I think it's very important, when we're looking at that.... You know, we went from an age of technology to knowledge, and I think all forms of knowledge are necessary in order for us to actually achieve what's considered a sustainable economy and a sustainable environment.

● (0940)

The Chair: Thank you. Our time is up again.

Mr. Sopuck, you have seven minutes.

Mr. Robert Sopuck (Dauphin—Swan River—Marquette, CPC): Thank you very much.

I'd like to drill down and see if I can tease out some specifics here. There were a lot of general comments, which is fine. That sets the stage, but I'd like to get some specifics. If we are about to craft public policy that actually works, we need specifics.

Chief Louis, you alluded to the deficiencies of how the Species at Risk Act is being implemented or of the act itself. Do you think we need to go into that act and make some changes to it so it answers some of the concerns you've raised?

Chief Byron Louis: What's required is not so much to make changes to the Species at Risk Act as to implement what's there. When you look at the Species at Risk Act, it provides opportunities for identification of species and some collection of traditional knowledge, but it also provides opportunities through the levels of recovery, planning, and other different aspects of that to actually have sound socio-economic analysis being conducted. I think that's the failure from an aboriginal standpoint. If you're familiar with the Statutory Instruments Act, you know that one more or less looks at the implication of a regulation or of not implementing that. In there, it also calls for a socio-economic analysis.

They'll do an analysis of pharmaceuticals. They'll do an analysis of impacts to industry and local economies, but there is nothing in there that provides for socio-economic analysis of aboriginal interest. A lot of these interests are economic, yet there's this pushing of the listing of the process, where you just pick and choose which ones you want to apply so that, for example, Environment Canada meets its obligations of conservation without actually implementing those points of analysis of socio-economic impacts.

Finally, there are things in there that talk about compensation for extraordinary impact, for example, under subsection 64(1). In order for that to be operable, there must be development of subsection 64 (2), which hasn't been done. That act was passed in 2004. It's now 2013, and subsection 64(2) remains inoperable. That has affected places like Osoyoos, which has areas with high levels of species. It impacted some of the ability of a locatee to actually develop their land, and the loss of about 80% of their most valuable lands in that instance.

So I'm saying what's there needs to be followed, and there shouldn't be picking and choosing of whichever one is beneficial to whatever federal agency is looking at implementing it.

Mr. Robert Sopuck: Thanks. I appreciate that.

Mr. Ewins, the term biodiversity targets is thrown around a lot. What I never see is a definition of biodiversity. When you write a law, you better have definitions. For example, the Canadian species mix is composed of native species, indigenous species, migratory species that come in and out, and many introduced species. Many of the introduced species are here to stay.

So does biodiversity mean the maximum number of species, period? Does it mean indigenous species only? Keep in mind that it's tempting to go to indigenous species only. I can see why people would go there. However, we humans have moved around a number of species that are actually quite beneficial to us. I'm thinking of species like pheasants, rainbow trout in the Great Lakes, and so on. Those so-called good species have settled in just fine.

If we're going to write any laws or develop policies to achieve biodiversity targets, could you please define biodiversity for me? Be as specific as you possibly can.

Dr. Peter Ewins: There are international definitions available. I would point you to the International Union for Conservation of Nature and Natural Resources, and the Convention on Biological Diversity. They have a definition.

Everybody in this room may have a different understanding about what biological diversity includes. Mine, the WWF's, is that it is the range of living organisms and the diversity of the variability within and among different species, right from the amoeba up to the elephant.

● (0945)

Mr. Robert Sopuck: So introduced species would count?

Dr. Peter Ewins: Yes. There are different layers and values that people can put on, and you categorize things as alien, exotic, introduced. There are also translocations, which involve people actually moving species to get ahead of climate change. In the forestry sector, of course, they have to do this. They're planting things using 50-year climate models.

Essentially, the smartest thing is to maximize the amount of variability you have in your area, whether or not you assist some of the species that are actually less mobile or less responsive. There are winners and losers. Canada geese are one of the winner species. Endangered species clearly have a tougher time hanging on.

Mr. Robert Sopuck: But there are clearly species that we are trying our best to eliminate. I'm thinking of species that introduce agricultural pests, like wild oats, like quackgrass, that are such a problem in my area. Would they fall under your biodiversity targets, those introduced pest species that we want to eliminate?

Dr. Peter Ewins: Sure. Your management target might be to remove that thing from a given place. Had they not been all removed with careful, expensive programs, rats on Langara Island in British Columbia essentially would have wiped out, removed all of the nesting sea birds. That's a value-based thing that humans do on top of what nature....

Mr. Robert Sopuck: Now we're getting somewhere, because the human value-based criteria I think are very important. I don't think we can evade our responsibility to manage this place. We basically steward nature. We actively intervene on behalf of species that we want. I think it can be done within the bounds of ecosystem sustainability.

Mr. Ewins, I was really interested in your experience. You said that you work on the landscape that's being used, for example. One word that I didn't hear you say was property rights. I represent a rural constituency. Most of the land is privately owned farmland, and it's owned by people with a fierce attachment to their property. Many families, including mine, came from eastern Europe, and you only have to threaten an eastern European's property to see pure rage in action.

Many of the provisions and many of our acts do threaten property rights. The Species at Risk Act, in its habitat provisions, for example, is a disincentive to conserve species on the private landscape because if you have an endangered species on your own privately owned land, all of a sudden the heavy hand of government is potentially brought to bear on your use of the land that you own.

The Chair: Mr. Sopuck, we're running out of time.

Mr. Robert Sopuck: Can you respond to that?

Dr. Peter Ewins: In essence I disagree with that, because some of the critical provisions in the Species at Risk Act, certainly the ones regarding agreements and permits, sections 11, 12, 13, 73, etc., have not been used. For some baffling reason, the Government of Canada has chosen not to use them. In my experience at the farm gate with crofters and farmers—property tenure holders—in the U.K., it's different legislation but the imposition is solved through multiple conservation agreements, involving, where necessary, financial incentives and compensation.

The Chair: Thank you very much, Mr. Ewins.

We'll move now to Ms. Duncan.

Ms. Kirsty Duncan (Etobicoke North, Lib.): Thank you, Mr. Chair.

Thank you to all our witnesses for your powerful, impactful testimony. You've given us so much.

Chief Louis, I'm going to go to the specific recommendations that you have made. You mentioned you would like to see funding for alien invasive species. Is that correct?

Chief Byron Louis: Yes.

Ms. Kirsty Duncan: Thank you.

Mr. McNeely, you were very clear. You said always have an invitation, an open forum; share knowledge; and, you said, have money for these forums.

Is that correct?

Mr. Joshua McNeely: That is correct.

Ms. Kirsty Duncan: Thank you. That's another recommendation, so those are two recommendations we've had.

Now to Mr. Ewins. You've been very clear. A recommendation should be strategic environmental assessments. You've also mentioned incentives and monitoring. Could you give very specific recommendations for the committee regarding those two issues, please?

Dr. Peter Ewins: The one that ties them together would be, as I've just mentioned, using conservation management agreements with people who have rights on the land, including companies, to frame the necessary monitoring to do adaptive management—collectively people monitor things to make better decisions as you go through the management of human activities in that area—and to provide the mechanism for incentives and stewardship measures, which everybody needs—

● (0950)

Ms. Kirsty Duncan: Can you give us examples of incentives that you would like to see? Make your wish list to this committee, please.

Dr. Peter Ewins: Incentives framed within a conservation agreement would be things like money to help somebody who can't otherwise pay for it to change their regime; reduce the headage, the number of cattle per hectare; change the timing.... Because they have a mortgage and a bank account, someone has to help this person out with their annual budget in order to modify their practices. So financial incentives of course are the big one. If you want to be very specific, that's the most powerful one.

Ms. Kirsty Duncan: I want it as specific as you can. So, financial incentives—do you have any other incentives you want to make to this committee? This is your wish list. The committee wants to hear your recommendations.

Dr. Peter Ewins: I'll just stay focused.

Ms. Kirsty Duncan: Okay.

Can you give the committee your definition of what adaptive management means? I understand that this is one of your recommendations.

Dr. Peter Ewins: The simple version to me is an agreed plan for the management of human activities, which, collectively, is monitored and reviewed regularly and adjustments are made in light of the information you're gathering. Essentially, you hold hands and sign in blood, and say, okay, that's how we're going to manage things in that area. We're going to adapt when things change. It could be climate, it could be species distribution, or it could be some new economic resource that wasn't understood at the beginning. That's what adaptive management is about, generally.

Ms. Kirsty Duncan: Thank you.

You talked about a two-pronged approach. Being as specific as you can in your recommendation to the committee, can you talk about these networks and cumulative adverse impacts? This is your wish list.

Dr. Peter Ewins: In the 1990s, Canada was committed to having a representative network of terrestrial and freshwater areas across the country for all the reasons laid out. Canada got about one third of the way there. My wish would be that the network of representative high-conservation-value areas—well planned, with greater certainty for economic development in between—be completed for the other two thirds of the land and freshwater, and for our enormous marine shelf. At this point, the exercise hasn't even started. That is the smart way to go; complete that network on the basis that was set up in the 1990s.

Ms. Kirsty Duncan: That is, to actually follow through on the commitments on terrestrial and marine protected areas?

Dr. Peter Ewins: Yes.

Ms. Kirsty Duncan: Excellent.

Thank you.

What about cumulative adverse impacts?

Dr. Peter Ewins: Because that's a reality, the strategic environmental assessment tool—there's a cabinet directive refreshed in 2010 here. It's used in Europe extensively and there are equivalent things in the U.S.A. That needs to be done to incorporate projected cumulative impacts beyond the present. The strategic part is essentially your multi-values plan for the future. If Canada completed those for all of its biomes, future generations would not be experiencing such great risk.

Ms. Kirsty Duncan: Is one of your recommendations to look at cumulative impacts?

Dr. Peter Ewins: Within the frame of strategic environmental assessment, yes.

Ms. Kirsty Duncan: Thank you.

Chief Louis, I think you've been clear. You're saying SARA should be implemented. Is that correct? Is it your recommendation that SARA be implemented?

Chief Byron Louis: In its entirety?

The Species at Risk Act has mechanisms to deal with that. The thing about that is, at the end of the day, it still requires a political decision to be made on a listing of species, which as long as it's followed through with each stage or step of the Species at Risk Act, should be fairly straightforward in that decision.

Ms. Kirsty Duncan: Thank you.

Just implement it. I appreciate that.

Mr. Ewins, I have one last question.

In a recent report by Ecojustice, “Failure to Protect: Grading Canada's Species at Risk Laws”, which argues that governments have failed to implement the tools they need to protect endangered species in their habitat, no jurisdiction received a mark higher than a C.

Would you also agree that SARA needs to be implemented?

● (0955)

Dr. Peter Ewins: Yes.

Ms. Kirsty Duncan: Thank you.

The Chair: Thank you, Ms. Duncan.

Now we're going to Madam Quach, for five minutes.

[*Translation*]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Thank you, Mr. Chair.

Thank you all for coming here today to impart your wisdom on the subject of habitat conservation.

My first question is for Mr. McNeely.

You discussed how you define habitat. The notion includes the sustainable use of land resources with consideration for the limits of those resources.

You also discussed the devastating impact of Canada's withdrawal from a number of international agreements. One of those is the United Nations Convention to Combat Desertification, which addresses countries that are severely affected by drought and/or desertification, particularly those in Africa.

On Tuesday, a conference that brought together numerous experts was held. The topics of discussion included climate change, the two-degree-Celsius increase in global temperature and its effects on food security.

In your view, how does Canada's withdrawal from certain international agreements undermine habitat conservation and security in that regard, which affects humans, nature and all aspects of life?

[*English*]

Mr. Joshua McNeely: We will lose our glorious past. In the 1960s and 1970s, we had people such as Maurice Strong; we had Jim MacNeill and others—Canadian ministers and diplomats and advisers—promoting and indeed starting the international movement on biodiversity and environment.

Pulling out of conventions now, when the talks start to get tough, is sending a very strong signal that Canadians don't care about the environment. That's not true: we do care, very strongly, about the environment. So it damages us as a people, and we become lesser as a result of it. We lose our worth and our merit at the international level.

These conventions and these convention bodies are a lot more than just pieces of paper. They are a discourse and a dialogue, of humankind trying to avert “the scourge of war” and the denial of people and the removing of people's merit and worth. These are in the preambular words to the United Nations charter. That's the reason they are there.

This is a matter of great concern to us as aboriginal peoples, because we are part of the international community as well. Our environment suffers from it also, because our environment in Canada is part of the world environment. We have three oceans. We have massive bays. We have three mountain ranges. We have massive rivers. We have the second largest country in the world. People look to Canada.

How can we expect a little country in Central America or in Africa or in a Pacific island to do something, when they have no resources and we are sitting on top of the richest deposits and forests and waters in the world and are pulling out? We don't think that is right.

[*Translation*]

Ms. Anne Minh-Thu Quach: Thank you.

My second question is for Mr. Ewins.

You talked a lot about the need for a long-range outlook and smart plans, an approach that includes environmental assessments. How do you think Bill C-38 and Bill C-45, two omnibus bills introduced in the House, could change the various pieces of legislation addressing habitat conservation?

[*English*]

Dr. Peter Ewins: I don't claim to know all of the details of those two bills, but in general I think they add significant further challenges to what already has been a pretty lacklustre implementation of past commitments. They would make it even harder to achieve what we are after, which is greater certainty.

I'm not saying it's impossible. I think many of the initiatives at the local, regional level, including aboriginal land claim agreement settlement areas, are great examples of people working together with long-term sustainability and conservation in mind, and with significant say, through the co-management process, concerning planning and deciding on long-term things. Just because there's one economic project there right now.... Of course, our industrialized urban society is in a big rush.

Even if you were not to have environmental assessment, I think local people—and certainly my organization and I personally—will continue to push the point that the long-term considerations are absolutely paramount, ideally framed by a vision and a plan at the ecosystem level.

Some things are possible despite such bills as Bill C-38 or Bill C-45, I think. I'm an optimist.

● (1000)

The Chair: Thank you, Mr. Ewins, Madame Quach.

Mr. Lunney.

Mr. James Lunney (Nanaimo—Alberni, CPC): Thank you, Mr. Chair, and thanks to all of our witnesses.

We're down to five-minute rounds now, so we'll try to move fairly quickly. I want to start with Mr. Ewins, picking up on where Mr. Sopuck was—and Kirsty Duncan, a few moments ago—about conservation involving private land.

I wanted to ask you briefly whether you prefer the incentive approach over a regulatory approach, when you're dealing with private land and are trying to get private landowner cooperation.

Dr. Peter Ewins: Yes, always.

Mr. James Lunney: Thank you for that clarification. You have experience in the U.K., and it seems to me that you were puzzled about why certain provisions haven't been implemented. Anyway, thank you for that.

Chief Louis, I want to come back to you. You started your remarks and ran out of time when you were making a comment about west coast Vancouver Island clam beds—5,000-year-old raised clam beds. I'd like to give you an opportunity to complete your remarks.

Chief Byron Louis: I was just providing examples of how aboriginal traditional knowledge is actually used outside of what you would call “pristine”. In that instance, there were societies on the west coast that needed an increase of foodstuffs, just like any other society that's growing, and they came up with an innovative process of raised clam beds that were literally kilometres long along the west coast of Vancouver. I think I read that they were pretty much five thousand years old.

There are other incentives when you actually look at the use of corn. Corn is a man-made product and it would not survive without human intervention. That was an invention in the western hemisphere, along with other foods and different other things.

Aboriginal traditional knowledge is also used in the propagation of species like salmon, and a lot of people at the turn of the century criticized aboriginal people heavily for having weirs that shut off the entire river. But if they actually looked at those weirs, they would have found an opening in the middle that actually allowed.... In years when it was recognized that there were lower runs of a particular species, aboriginal people would concentrate on harvesting the male species because with the drift and the milt coming down, it could cover a number of little nests for females and also would not, overall, impact the biodiversity.

Aboriginal traditional knowledge is science-based because it's based upon observation. If you're standing beside a stream for ten thousand years, you must have learned something.

Mr. James Lunney: I want to jump in and just say thank you for that because, of course, observation is the foundation of science. I appreciate your drawing that out.

Because you brought up west coast Vancouver Island—that's, of course, the area that I'm from—national chiefs from that area were talking about the point you just raised, about intervening to enhance natural species for human use, which has been going on for a heck of a long time. In the Nuu-chah-nulth language—the national chief, of course, is Nuu-chah-nulth—they have a word as well. I know our friend Mr. McNeely mentioned a word from the Mi'kmaq, but in the Nuu-chah-nulth language they use the word *hishuk ish tsawalk*, which literally means “everything is one". We're part of nature and nature is part of us.

Just as an example of management strategy, recently we introduced a species at risk. It was re-introduced on the coast, the sea otter, which has been on the west coast of Vancouver Island. It's very prolific and is actually doing quite well over there. However, the word for this animal in the Nuu-chah-nulth language literally translates, “he only eats the best” and they are devastating clam beds. In cultured clam beds they always eat the biggest ones, the most sexually mature, and the same is happening with the Dungeness crab, which is, of course, an important species economically on the west coast.

So just to talk about SARA, we have to be wise on how we implement some of these things. I don't know if you'd be aware, but in the same area, with the Bamfield Huu-ay-aht, we had an abalone project with a species at risk, where, with the science institute, they developed, through investments with DFO and working painstakingly, a way to actually grow them in an aquaculture setting for a high-value market, but it's costly to do this and they're slow growing. COSEWIC could not get their heads around a way to market these things, even though you could feed them a different coloured kelp. So we actually lost a first nation's economic opportunity with a lot of science invested in it because of the processing, the permitting. They could not allow them, even though you could grow them on a different coloured kelp so the shells could be stained differently, and if you released them into the wild, they could go back into the native kelp.

When we're talking about SARA and implementing it, we also have to implement these things with the sense that we don't cut our nose off to spite our face.

I just wonder if you're aware of that and if you'd care to comment on that.

● (1005)

Chief Byron Louis: Yes, I'm very well aware of both instances. Also, if you were to go back and look at photos about a hundred years ago, you would see the hereditary chiefs on the west coast with sea otter. It's like any other species; there's a level of intervention that should be required, especially when they don't have the predators. Probably in the past it was killer whales and other uses that probably kept their levels quite in check.

I think the other one that you mentioned was with the abalone. I'm very familiar with that. One of the things in there is that SARA does provide an opportunity for that, but that was an administrative decision on that regulation. It should have actually looked at it also from an economic perspective, which would have allowed some activity to go ahead, like you just mentioned, because you could manage the species and you could also provide an economic opportunity that would have benefited the local community.

SARA does provide that, but it's how SARA is implemented. I think it has to be with the involvement of local, regional, provincial, federal.... It's a partnership, and that's the only way you're going to actually succeed.

The Chair: Thank you, Chief Louis.

I can guarantee you that we didn't set you up to always be the one that I'm cutting off. I apologize.

We had our fourth witness here today with Mr. Lunney. Thank you, Mr. Lunney. That was great input.

Monsieur Pilon.

[*Translation*]

Mr. François Pilon (Laval—Les Îles, NDP): My first question is for Mr. McNeely and Chief Louis.

There can be no conserved land without measures to protect the environment: biodiversity, forests, wildlife, vegetation, rivers and streams. In the case of first nations, that also includes compliance with treaties by both the Canadian government and aboriginal peoples in Canada.

Do you think the current approach to environmental protection adheres to those treaties? If not, what can the government do to remedy that?

[*English*]

Chief Byron Louis: Well, my personal perspective is that I come from an area where we are non-treaty. There is no treaty signed in British Columbia and in particular where we come from in the south Okanagan.

But I think treaties are also in the context of international agreements between two nations, which in this particular instance were the first nations and the European powers that came in. Underneath that, it was looked upon as existence in parallel, that there would be a partnership, and there was agreement because no matter where you go in North America, Europeans, when they first entered into our lands, were welcomed.

In some, they were welcomed with conditions. Today those conditions are not being fully respected or fully implemented in their original context, and I think that is something that needs to be looked at. When you look at the original agreement saying that we work in parallel, parallel also means “in cooperation”, because we were supposed to be going in the same direction, as two peoples.

With the implementation of treaties, the respect of treaties, and the understanding of that, there are a lot of things that can be achieved, including conservation, economic prosperity, and all these other things. But the way it is now, it's basically the conflict between those two that now is limiting both, conservation and economic prosperity. There needs to be a general understanding that those were international agreements that are no different from the ones Canada signs today with France, the EU, or anywhere else.

● (1010)

Mr. Joshua McNeely: In the east we have 18 pre-Confederation treaties of peace, friendship, and trade, not land claims or land succession treaties.

I understand Mr. Sopuck's concern about private property, but in the east those lands are still Mi'kmaq lands, Maliseet lands, Passamaquoddy lands. There is a discussion that needs to happen about the use of lands, and the rights to those lands, waters, and resources.

Certainly we are very much for conservation and sustainable use of those resources. We want to be a part of that discussion, but it also has to include the discussion and recognition that those lands are still our lands through treaty and have never been ceded. We have people who have come and lived among us that we have welcomed to *Ka-na-da*, “the place there”.

There is a place here for everybody in *Ka-na-da*. That's the philosophy that we have taken, and that's the hand that we still extend, which is on the Nova Scotia crest, the hand extended between the settler and the Mi'kmaq.

[*Translation*]

Mr. François Pilon: Do I still have some time?

[*English*]

The Chair: You have another minute.

[*Translation*]

Mr. François Pilon: Fine.

My next question is for Mr. Ewins.

Your Web site lists climate change, water and humans as your top priorities. Do you think the government is doing enough to help you with those priorities?

[*English*]

Dr. Peter Ewins: Obviously not, not yet.

Mr. François Pilon: That's it.

Dr. Peter Ewins: I think most of you know, without even visiting our website, what kinds of things need to be done to actually build the future that we can, to look after our great nation.

[*Translation*]

Mr. François Pilon: Chief Louis, first, I would like to know whether you have access to the program—

[*English*]

The Chair: Just to remind you, I don't want him to be cut off again.

Voices: Oh, oh!

Mr. François Pilon: It's just a little question.

[*Translation*]

Is the federal government's habitat conservation program accessible to you?

[*English*]

Chief Byron Louis: Yes, we do, and for our own reasons we do not access that program. Again, it goes back to the implementation of the Species at Risk Act. That's a real concern for us, because the collection of information has been proven, especially on wildlife assessments and like things, to have been used against us, and through that, have actually impacted us economically. So we keep an eye on it, we look at it, but we do not participate in those programs.

The Chair: Thank you very much.

Go ahead, Mr. Toet.

Mr. Lawrence Toet (Elmwood—Transcona, CPC): Thank you, Mr. Chair.

Thank you to all our guests today.

I want to start with Mr. Ewins.

In your introduction, you mentioned something about there having been a few good stewardship programs. You mentioned the Nature Conservancy and a couple of others. I was hoping you could expand on that a little bit and explain why you see them as good, effective programs and how we could actually leverage the knowledge from those particular programs to be able to expand into some of the other areas, and to build on the knowledge that we've derived from those.

Dr. Peter Ewins: As Jean Charest said at the end of that session yesterday evening, if there's one thing you want to achieve, it's for people to be motivated to do something. The characteristic of those programs that work is that the people who have the power to make a change in the interest of long-term conservation want to do it.

Ducks Unlimited, I think, would be the best example. They took an ecosystem, before I ever came to Canada, and said, “Oh, we have all these wonderful ducks, which are hunted by aboriginal people, hunters, etc., in the summer on their way and in the winter. Let's plan it according to scale to those ducks' needs.” So, okay, there's the plan —the North American waterfowl management plan—cooperating across political boundaries, putting in what the ducks need.

Then of course they are good at fundraising. Federal dollars are put in there with the mix to actually come up with elevated protection for a network of the habitat that the waterfowl need, and of course, those same areas that are good for snow geese and widgeon are actually very good for many of these frogs and other organisms and plants in those freshwater systems. So it's about looking after the habitat, really, but it's done through the lens of the ducks because the value component is the meat and the duck.

I'm a bird watcher. I love to see flocks of ducks and geese heading north in the spring, but they can only do that because they have the habitat in place. So the people who value the resource are motivated and they need incentives, as we were saying earlier, including some money to help them manage these expensive water regimes to improve the amount of habitat and to restore wetland habitat in some areas where mistakes were made.

● (1015)

Mr. Lawrence Toet: Basically what you're saying is that we can use that as a model as we go forward with other organizations.

Dr. Peter Ewins: Yes. As I say, hopefully everybody is so motivated, it would just need to be tooled up to achieve what we're after.

Mr. Lawrence Toet: Chief Louis, I have a question for you with regard to the identification of critical habitat. Obviously, aboriginal groups and organizations do an assessment and they identify critical habitat. I'm just wondering if you could share with us how you go through that process and how you determine what the threatened species are and the process of protection—how you would set up the protection. Obviously, there's great input from your community on that. I'm just wondering if you could share with us a little bit how you would see that.

Chief Byron Louis: If you're looking at identification, I think it goes overall, it's a combination. You can't get away from the fact that western science in conjunction with aboriginal traditional knowledge provides a very powerful mechanism for recovery and protection. I think there are some of those things in there—of having just baseline information on what species are on a particular land base and looking at what type of activity is being proposed, either present or future on that particular land base, then more or less arriving at a decision from there.

Since in our particular area there are presently no threats to the species, we're collecting that information for future use, because eventually what we would like to do is develop our lands for economic purposes. But with that information, I think, the goal is to use it sustainably. So that's it in a nutshell, and we're quite limited on it. However, through our traditional knowledge, we're well aware of the species that are on our land base.

Mr. Lawrence Toet: Go ahead, Mr. McNeely.

Mr. Joshua McNeely: The identification of critical habitat under the Species at Risk Act is a very cumbersome and hard process for government to get their minds around. It's easy to identify it in a park, a wildlife habitat, on DND land, or on something that's owned by the federal government. But I'll share a simple story with you. Inner Bay of Fundy Atlantic salmon recovery team members undertook this process to identify critical habitat in the marine environment. We had 30 to 40 scientific experts on salmon together in a room saying that the entire Bay of Fundy was critical habitat for the salmon, and they had volumes of information to prove it.

In the end, DFO was saying, no, we can't identify the entire Bay of Fundy as critical habitat. We're going to have to call it something else. We're going to have to call it important habitat or some other type of habitat. We do not want to identify the Bay of Fundy as critical habitat. We only want to identify a small portion.

But in a biological sense and an ecological sense for the salmon, it needs the entire bay.

The Chair: Thank you, Mr. McNeely, and thank you, Mr. Toet.

Ms. Leslie, you have five minutes.

Ms. Megan Leslie (Halifax, NDP): Thank you, Mr. Chair.

Thank you to all for your testimony. You all gave great opening statements, and you've been answering our questions—questions driven by us, with an agenda by us. Now that you've heard each other's testimony and answers to questions, I want to turn it over to you for closing statements on anything you've missed or anything you've drawn from each other's testimony.

Before I do that, Mr. McNeely, I have one very specific question for you. I'd ask if you could respond in writing to us. It's not obligatory—you don't have to—but if you could, that would be wonderful.

You appeared before this committee almost exactly two years ago on species at risk. That's correct?

● (1020)

Mr. Joshua McNeely: Yes.

Ms. Megan Leslie: In those two years, I wonder if you could tell us how or if the relationship between your organization and the government has changed, and if in that time it has affected the ability of Ikanawtiket to carry out its mandate with regard to the preservation of natural habitats and biodiversity.

Again, it's not obligatory for you to do that, but if you could, it would be appreciated.

Mr. Joshua McNeely: Yes, I can definitely make a submission.

Ms. Megan Leslie: Thank you. I appreciate that.

I'll now turn it over to you, to whoever would like to start first, for any closing thoughts or things that we missed.

Chief Byron Louis: One question came in from the South Okanagan Similkameen environment committee—namely, how does Canada ensure that its international commitments under the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on Biological Diversity are upheld in the course of its work to carry out the national conservation plan and complementary legislation, regulations, or policy processes? That's a question that's put forward, and I think that's one of the closing statements on that.

Just based on my particular experience over the years, and working on this particular file, it goes right down to this comment that came out of the national conservation plan, that we should "use the right tools in the right situations so that environmental and economic benefits and burdens are distributed fairly to ensure positive environmental and economic outcomes".

There are a lot of examples out there where this has not been done and the outcome has been detrimental to first nations and to the environment. I think there needs to be a lot more concentration on that. We need to start looking at how we can actually use those right tools in the right situations. They could be regulatory. They could be cooperative. There are all types of tools, but we need to work collectively to identify those tools.

As a closing statement, then, that's one I'd like to underline.

The Chair: We have two minutes left in this round if any of you would like to respond.

Dr. Peter Ewins: I'd like to suggest that time is the key thing that unites what we're talking about. None of this was scripted, but I agree with absolutely everything my fellow presenters say.

It's not about four months, or four years. It might be about four decades. Habitat conservation, healthy ecosystems, functioning habitats with species in them, livelihoods that will be sustained across generations of humans—that will only happen when we actually think and act and plan in those kinds of timeframes.

Our paradigms right now are short-term ones, driven by the way we've structured our economy and our political landscape. We seem to have lots of rhetoric around the long-term things, but really the only things that count are actually thinking and acting for the long term. We have to get out of the philosophical and into the real 40-year-plus timelines with everything that we do.

Mr. Joshua McNeely: The question was raised about incentives for people to be involved in conservation and sustainable use. I think the biggest incentive for Canadians and aboriginal peoples right now is political leadership, strong political leadership, to constantly be saying, "Yes, we want to develop this resource but we need to do it this way. These are the checks and balances we put in. These are the people we're inviting to the table to determine how to sustainably develop that resource and how to conserve that resource. This is how we're going to respect aboriginal and treaty rights."

It is also important to understand that when we're talking about biodiversity, we're talking about life and all aspects of it. You follow the international arena. Mr. Ahmed Djoghlaf, the previous secretary to the Convention on Biological Diversity, was very eloquent in stating that biodiversity is all about life and we are part of life. At least, I am part of life, and I hope everybody in this room is part of life.

The Chair: Thank you, Mr. McNeely.

We have at least three rounds left.

Mr. Sopuck, go ahead.

Mr. Robert Sopuck: Mr. Ewins, I would like to follow up on the whole stewardship issue on managed landscapes. We see for example in southwestern Saskatchewan that cattle ranching has replaced the bison, but would you agree that extensive cattle ranching can be very beneficial to the conservation of biodiversity?

● (1025)

Dr. Peter Ewins: Yes, the right level of grazing, informed by the right information.

Mr. Robert Sopuck: My own farm is in a managed landscape right outside Riding Mountain National Park, and of course, that's a living laboratory comparing a completely unmanaged area, the national park, with a pastoral landscape outside the park. My own personal observations, from having lived there for some 30 years, are that the biodiversity in the numbers of species and productivity of the land is actually higher outside the park than inside the park.

What in active management inside national parks can we do to improve biodiversity conservation? In many of our parks there's fire suppression, no agriculture, no forestry, and a tendency towards senescent, old-growth forests.

Dr. Peter Ewins: In general, this is where the network comes in because we don't know everything. We can't engineer everything, so what you want to do is leave a network of natural areas alone so that nature, Mother Earth, is really the one that works out which species are going to thrive and which ones are really not suited to these new conditions, and whatever. So even if humans are not managing anything, we have to have enough space and connectivity in place to let nature do her thing.

Where we're managing it, of course, then, the values get laden in and we can decide, for example, whether we want to trade off three species of little arable weeds, plants, for some enhanced crop productivity through certain pesticide use. We do that all the time. It's about values. That's why the landscape effect or plan is really important, so that we leave enough space for Mother Nature to do her thing.

Mr. Robert Sopuck: Perhaps we'll have a discussion offline but I would argue very strongly that there's no place on earth that's unmanaged by humans right now. When we make a decision, for example, in Riding Mountain National Park or Banff to actively suppress fires, which we do, that is a managed environment. It's how we do it, and I think that's a very sterile debate, natural versus unnatural, managed versus preserved.

It's the ecosystem function that's critical.

Mr. Ewins, under the Species at Risk Act, the lawyers tell us that even if an organization enters into a conservation agreement with the authorities, they are actually at risk of prosecution if something happens to that species while they're undergoing active conservation work. A specific example—it happens to be a fish but it's irrelevant what the species is—the white sturgeon in the Columbia. The hydroelectric people have hatcheries there. They're stocking the fish. They're rehabilitating the species and so on, but if one of their stock fish becomes entrained on the water intakes, the lawyers say that they're actually under legal jeopardy.

Don't you think that's a fairly ridiculous section of the Species at Risk Act, or interpretation of the Species at Risk Act, which needs to be looked at?

Dr. Peter Ewins: I agree it's a ridiculous interpretation. Yes, I know that example very well and that's exactly why I and the Columbia hydro association and others are working on this permitting component tied to watershed-level, in this case, ecosystem-level planning, so that those silly lawsuits—just because two fish got caught up in the old turbines—are not the focus for everyone's activities. In fact, the net benefits, including possibly biodiversity offsets, which at that scale are used.... I totally agree that the hydro company, which is putting, I think, five to ten million dollars a year into conservation measures, isn't penalized through the courts for having done that. Of course that's a disincentive. You have to remove that by using the other provisions in the act.

Mr. Robert Sopuck: Really quickly, because I know my time is tight, then you would agree that they should be indemnified from legal action if they are in good faith and are undertaking sound, scientifically based conservation to bring back that species?

Dr. Peter Ewins: In implementing the plan at that scale, yes.

Mr. Robert Sopuck: Right, and they should be indemnified?

Dr. Peter Ewins: Within the frame of that plan—

Mr. Robert Sopuck: I understood.

Dr. Peter Ewins: —yes.

Mr. Robert Sopuck: Of course.

Thank you.

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

We'll move to Ms. Rempel.

Ms. Michelle Rempel: Thank you, Mr. Chair.

I wanted to continue along the line of questioning about how we can best incorporate indigenous traditional knowledge into habitat conservation methodology in any policy that we put forward as government. I want to go back to the concept that Chief Louis introduced around how aboriginal groups may assess and select a species or habitat that might be at risk.

Chief Louis, perhaps you could expound a little bit on how your group identifies critical habitat, what criteria you use, and then what are some of the best practices for acting on those findings.

● (1030)

Chief Byron Louis: I think that again I have to base my answer on experience in regard to what you just mentioned, and again I have to go back to aquatic species and salmon. I think there was one of those areas in there that we looked upon as traditional knowledge.

Some of those things in there were not only on the species itself, but on the timing of that species. One of those things going through there was an argument over DFO saying that there was no early timed run, yet in what we call our *captik*, our traditional knowledge, there was identification of an earlier run that was larger, fatter, and arrived around the end of June and early August.

Well, some of those things in there...and one of the things that actually proved us right in that particular instance was the natural flow of water. The Okanagan Lake is actually a reservoir. It's not a natural lake anymore due to channelization. One of the things in there was a natural level of water that came through there, and what appeared was these particular timed salmon.

So one of the things with our traditional knowledge is looking at the management of water flows. I don't have the time to explain this, but what we did in conjunction with the DFO, the PUDs, and the province was that we implemented a water management tool. It's a water management tool that's a computer-operated program, but it mimics the natural hydrograph that was there prior to contact and was proven to do that.

Prior to that, if you were to get that, the province would pull the plug—like in a bathtub—drop the lake level down, expose kokanee reds along the lakeshore, and push out damned near 30% of the reds in the Okanagan River. With the implementation of that freshwater management tool, we cut the mortality from 30% to roughly zero.

Ms. Michelle Rempel: On that note, first of all, did you share that practice of how you came up with that information with local conservation groups or other levels of government? Is there a role for us in facilitating that knowledge transfer?

Chief Byron Louis: Yes, there is. With that whole thing on conversation, it has areas where, when you're doing the actual study or assessment, it calls for aboriginal traditional knowledge. That is a point where information can be entered. I forget what the actual name of it is, but it's collection of data on species right across Canada. That's a collection point for knowledge on species. SARA is a collection point. All federal departments have a point where traditional knowledge can be collected and can be used and implemented.

Ms. Michelle Rempel: Are there any specific local conservation groups that you work with in achieving some of these ends? How do you best manage that interface?

Chief Byron Louis: Well, we support a lot of local conservation groups. OCEOLA is one, which is located out of the Lake Country in the Okanagan. A program they're looking at is water flows that change from Duck Lake. What we really push is the aboriginal right to assist them in measures to protect that system. It's actually been a very good relationship.

We also work with some of the wildlife federations in other places in the province. It's pretty adversarial, but with the federations we've actually gotten to some levels of understanding. We may not agree on everything, but we do agree on important points.

Ms. Michelle Rempel: How did you get to that point, if you care to expand?

Chief Byron Louis: Well, it started out by just sitting down and gaining an understanding of some of our initiatives and programs and how they complement some of their goals and activities in the wildlife federation. It was a sort of a meeting of the minds, but it's the communication that's most important.

The Chair: Thank you very much.

Ms. Duncan, go ahead.

Ms. Kirsty Duncan: Mr. Ewins, we're hearing that stakeholders are very concerned about the weakening of SARA. Two main changes to the act were proposed under the budget implementation act, 2012. First, there was no maximum term for SARA permits, which were intended to ensure that exempted activities did not jeopardize species survival or recovery, and second, no assurance that impacts on the critical habitat of species at risk will be minimized for a national energy board pipeline and other major infrastructure approvals.

Can you comment on that and give your recommendations for the committee?

● (1035)

Dr. Peter Ewins: Both are not desirable but they are examples of two components within an act that hasn't yet been fully implemented. I liken it to a toolkit. So far, you've been pulling out a couple of screwdrivers and a hammer, but you have 17 other tools in there, which if you want to build that house, a smart builder will build it best and it will stand up if he uses all the tools available. I am a perennial optimist. That's unfortunate but it's not the end of the world, because the other tools that really count, in terms of an efficient, effective implementation, haven't been used yet.

Ms. Kirsty Duncan: Okay, so give us your wish list for that toolkit. You've mentioned it many times, as has Chief Louis.

What is the toolkit, the recommendation to this committee, please?

Dr. Peter Ewins: I mentioned it before, but I'll say it again. Just focusing on one, which is the full use of the agreement provisions within the Species at Risk Act, sections 11, 12, 13, 73, and there's a pile of others. Those are the incentive-based vehicles where there is discretion. The minister doesn't have to, but he or she may, and that's what works elsewhere because that's the vehicle to frame the landscape-level solutions with local people in it and remove all the likelihood of lawsuits, etc., just because you have critical habitat. You can have critical habitat here, and through the agreement, you can permit all sorts of activities that are really low risk to the survival of the multiple species in there.

That's the certainty in it. The single recommendation is to get on with the act of using the conservation agreement provisions in the Species at Risk Act.

Ms. Kirsty Duncan: So, implement it.

Dr. Peter Ewins: To this point, the advisory committee has been advising the minister and the ADMs, etc., for about four years. We're told we can't see the very first draft conservation agreement, which is in your neck of the woods with the first nations, but we're not allowed to be—it's at Justice being assessed. I mean, Canada has taken nearly 10 years to even try to do one and still the people who are advising the minister can't see it.

Ms. Kirsty Duncan: What is your recommendation, very specifically?

Dr. Peter Ewins: Use conservation agreements, across all habitats for species at risk in Canada, with all the tenure holders.

Ms. Kirsty Duncan: You mentioned freshwater assessments. Can you talk about that and make a recommendation to the committee, please?

The Chair: I want to remind the committee about the terrestrial focus of this. I know there's some overlap but let's make sure we focus on terrestrial application.

Dr. Peter Ewins: I don't think I can for that one. I was just using that as an example in the context of filling an information gap. It is a riverine health assessment. Again it will be the freshwater example of watershed planning, including managing the adjacent riparian areas and agricultural woodland areas to make sure that the flow rates for that system are beneficial to all species living in the watershed. I don't have a specific recommendation on that one.

Ms. Kirsty Duncan: Elaine Williams, Wildlife Preservation Canada said:

> By the time the situation is serious enough to put a species on the threatened list, it often takes intensive, hands-on work to save them.... And each year, more animal species in Canada get added to the list.

Is SARA a good law? Does it help endangered species survive and recover when it's actually applied?

Dr. Peter Ewins: In some cases it does. The good examples would be the white pelican and peregrine falcon. Peregrines I know well. I'm a bird guy. For 30 or 40 years we looked at the threats. We did captive breeding. We worked to protect critical nest sites, and we put captive-reared peregrines back in, a process called hacking. Eventually the endangered peregrine was bumped down to threatened. They're doing fine. They've responded. We had there an example of the main threat, which was toxic chemicals—the dirty dozen chemicals that caused their eggs to thin—being addressed through regulation and industrial practice, and because we sustained the full spectrum of efforts in the recovery strategy for 30 plus years, which is the ecological timeframe that counts for that particular species, and we succeeded.

Sure, it's costly, because when you let species slide down almost to the edge of the cliff, the longer you leave the preventative measures, the more costly—politically, economically, and ecologically—it is to actually bring them back up again.

● (1040)

The Chair: Thank you very much.

We're going to move to Mr. Woodworth for our last question.

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

My thanks to the witnesses for devoting their time to be with us today. I want to particularly thank you for the comments, which were respectful and informative.

Chief Louis in particular, I found your comments to be very refreshing and helpful. Actually, when the question was asked, “How did you get to the point of working with others the way you do?” I can see it in your approach today. It is about good communication and people skills and I really appreciate that.

I also appreciated your comments about the importance of socio-economic factors. I recall very well in the hearings we had on SARA that there was some push from some parties to try to write out and get rid of the socio-economic impacts of matters in SARA.

I do want to ask you about one item, though, that concerns me in SARA. I assume you know that as soon as a species is listed, there are automatic prohibitions against destroying the residence of even one individual of a species or killing even one individual of a species or doing anything to critical habitat. You're aware of that I assume?

It has sometimes occurred to me that it isn't helpful, because it results in delays in listing species until some of those socio-economic items can be worked through. It has sometimes seemed to me that it would be better if we could list a species as endangered or threatened without those prohibitions automatically kicking in and shutting down all of those socio-economic uses that are required, and then give the appropriate time to studying the recovery plans, which take into account socio-economic uses. Am I off track on that? Do you understand my concern about the automatic and immediate prohibitions being somewhat inconsistent with the need to respect the socio-economic uses of the land?

Chief Byron Louis: I understand completely what you are mentioning there. One of the things that's in there when we look at the decline of a species from threatened to endangered and right down to extirpated is that you're also talking about the extinguishment of a right that's attached to that species. In certain cases, prohibition from an aboriginal perspective would be necessary.

The other part of that is that SARA allows for the development of a recovery plan in those cases, and each stage of that has a requirement for a socio-economic analysis. Again, if SARA were actually implemented in the way it was laid out and intended, those things could be dealt with during the stages of that. For prohibition and those types of things, when you're doing the assessment based upon ATK, and all these other things, there's a socio-economic analysis that should actually identify the impacts that would threaten that species.

I'll give you an example of how having prohibitions without doing the socio-economic analysis was a complete disaster. Again, that was in the south Okanagan. One particular individual wanted to look at putting in a vineyard. They came back and said that a black cottonwood forest in the south Okanagan had been identified by the province and by the federal government as being, I think, threatened or endangered. That placed a prohibition on this person's ability to actually do that without looking at a full plan. This individual turned around and basically he just went in there with a Cat.

When you're looking at some of the things in there, you have to have an understanding that the use of prohibitions, as you said, can be detrimental. The other part of that is that it's a necessity given the importance of the species in relation to rights. Again, at the end of the day, SARA allows a political decision to be made on any given listing.

● (1045)

Mr. Stephen Woodworth: Just to be clear, then, I understand that if it isn't in SARA that socio-economic impact should be considered in the course of determining whether or not a species is threatened, or you would like it to be.

Chief Byron Louis: Socio-economic analysis is required throughout the act. I think—

Mr. Stephen Woodworth: May I interrupt you? I'm not sure that's so, but in any event I would take it as your recommendation that it should be required throughout the act, if that isn't so. Is that right?

Chief Byron Louis: I'd have to look at some of those things you're making mention of because I'm under the impression that it is in the process of listing.

Mr. Stephen Woodworth: I don't mean to disagree with you. I'm just saying that if it isn't, you would think it should be.

Chief Byron Louis: Yes.

The Chair: Our time is up. Thank you, Mr. Woodworth.

I want to thank all of our witnesses for appearing today. It's certainly been very helpful dialogue. I also want to inform the committee members that I intended to table the urban conservation report yesterday. I was not able to do that, and obviously I can't today because we're here. I plan to table that report tomorrow shortly after noon.

Thank you everyone for your participation today.

The meeting is adjourned.