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Chair

Mr. Harold Albrecht

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● (0845)

[*English*]

The Chair (Mr. Harold Albrecht (Kitchener—Conestoga, CPC)): I'd like to call the meeting of the Standing Committee on Environment and Sustainable Development to order. This is meeting number 78 continuing our study on habitat conservation.

We're pleased to have with us today, from the Mining Association of Canada, Mr. Pierre Gratton, president and chief executive officer, and Mr. Ben Chalmers, vice-president of sustainable development. From the Canadian Electricity Association we also have Mr. Jim Burpee, president and chief executive officer, and Dan Gibson, senior environment scientist, hydro environment division, at Ontario Power Generation. From the Canadian Wildlife Federation we have Mr. Rick Bates, executive director, and James Page, manager, species at risk program. From the Forest Products Association of Canada we have Mark Hubert, vice-president, environmental leadership, and Kate Lindsay, advisor, conservation biology.

Welcome to our witnesses. I know that some of you also have support staff behind you. We will open with 10-minute statements from each of the groups, and following that each of our committee members will have questions to ask. They will direct the questions to specific witnesses.

W e will begin with the Mining Association of Canada, Mr. Pierre Gratton and Mr. Ben Chalmers. I understand that you'll be splitting your time between you.

Please proceed.

Mr. Pierre Gratton (President and Chief Executive Officer, Mining Association of Canada): Thank you, Mr. Chair, members of the committee, clerk, and fellow attendees. As you've just mentioned, I'm Pierre Gratton, president and CEO of the Mining Association of Canada. We're the national voice of the mining and mineral processing industry. Ben Chalmers, who is with me, is our vice-president of sustainable development and is responsible for implementing our “towards sustainable mining” initiative. Thank you for the opportunity to appear before you today and share some of our perspectives on habitat conservation in Canada.

For a bit of additional background, I sat on the B.C. species at risk task force a few years ago while president of the Mining Association of B.C. The task force was a multi-stakeholder group that included Peter Robinson, president of the David Suzuki Foundation. Established by former premier Gordon Campbell, the task force reached consensus and submitted both a description and an analysis of the shortcomings of the federal Species at Risk Act as well as a suite of recommendations for the province on how to improve its approach to species at risk protection. I encourage the committee to read the task force's report if you haven't done so, as well as the government's response, which was recently published.

In 2011, the mining industry employed 320,000 workers, paid $9 billion in taxes and royalties to provincial and federal governments, and accounted for 23% of Canada's overall export value. Mining is proportionately the largest private sector employer of aboriginal people and an enabler of many successful aboriginal-owned businesses. Critical to many rural and remote communities, mining also generates prosperity in our major cities, notably Toronto, Vancouver, Montreal, Edmonton, Calgary, and Saskatoon. Each of which serves as a centre for global mining excellence for various types of mining.

Looking forward, proposed, planned, and in-place mining projects in Canada amount upwards of $140 billion in investment over the next five to 10 years. Across the country, major projects are seen in mined oil sands, coal, copper, gold, iron ore, and diamonds, among other sectors, with large investments also occurring in environmental and processing areas.

To enable the industry to become an even stronger contributor to Canadian prosperity, industry needs an effective, enabling regulatory environment. In the brief we submitted to you, however, we focused not just on what we need government to do but also on what we are doing. We describe in our brief our members' commitment to biodiversity conservation demonstrated through implementation of our towards sustainable mining initiative, or TSM. TSM is a condition of MAC membership and involves public reporting and third-party verification of performance against a suite of performance indicators, including three that address biodiversity conservation. We also highlight for you a few examples of how some of our member companies are putting TSM into practice on the ground.

We focus on TSM because we would like you to understand how mining operates today and the kinds of systems that are in place to address issues such as biodiversity conservation. It is important context to guide government legislative and regulatory action.

When it comes to issues such as habitat conservation or species at risk protection, we believe that regulation that enables collaboration between different stakeholders will be the most effective. It's a different operating environment from, for example, pollution control where the source is clear as is the responsibility. When it comes to decisions involving land use there are multiple players and shared responsibilities. Hence, the regulatory approach should be different. Approaches that are too prescriptive and force land users into silos run a serious risk of failure and potential conflict.

The Fisheries Act, for example, has in the past compelled mine sites to create artificial and expensive on-site fish habitat that contributes little to enhanced fish populations and biodiversity, and may, in fact, work against both. We are cautiously optimistic that a new, more flexible approach to offsets by Fisheries and Oceans will enable more creative solutions to compensate for the, at times, temporary loss of fish habitat caused by new mining projects. Recently, for example, we are aware of Fisheries and Oceans accepting the repair and replacement of blocked and/or damaged culverts near the mine site as part of an offset plan. These actions, simple and cost-effective, will contribute to healthier fish populations overall, even though this activity is outside the mine lease. By allowing such flexibility, the government also enables industry to work more closely with local communities, including first nations, to identify and collaborate on local priorities, which also helps to foster social licence.

We also comment in our brief on the shortcomings, and frankly, the disappointment of the Species At Risk Act. When originally conceived, SARA was intended to foster stewardship and collaboration on the ground. Indeed, the front end of the act outlines the opportunities for concluding conservation agreements to enable industry, aboriginal, and local communities and governments to protect species and enhance their habitats. This is section 11.

● (0850)

Regrettably, the implementation of SARA has failed to capitalize on these aspects, at least to date. It has always been our view that collaboration involving land users, be they private land owners or tenants, will be the most effective approach to protect species and assist in their recovery.

A founding principle of the Species at Risk Working Group, an independent multi-stakeholder coalition of which MAC was a part—and I note we have two other organizations here today that were also part of this group a number of years ago—was that for species at risk protection to succeed, actions must work for species and for people. Conservation efforts should not place an undue burden on land users, as species at risk protection is a public good.

Instead, government resources have been directed almost entirely to the development of recovery plans, identification of critical habitat, and prescriptive critical habitat protection. Furthermore, a failure to meet the act's timelines for recovery plans has led to litigation. There is a concern that the avoidance of litigation is now driving decision-making, detracting from the act's real objective, which is to protect species at risk and support their recovery.

SARA's single-species approach has also precluded a more integrated ecosystem-based approach that would recognize and plan for the fact that species do not exist in isolation. A species-by-species approach, which adds to the financial cost of administering the act, also limits the potential for more landscape-, multi-species-, ecosystem-based approaches that hold the promise of greater effectiveness, lower costs, and lower impacts on land users.

"Single-species approaches can also have perverse outcomes, with society picking "winners" based on visibility or iconic status while ignoring "losers" that could be equally or more functionally important." I lifted that line from B.C.'s Species At Risk Task Force report, which I thought was a really compelling one.

There is clearly a need for better federal-provincial coordination on species protection and recovery. For many resource sectors, including mining, the provinces are the primary regulator. The provinces are typically better placed to manage land-based decisions, which could be informed and enabled by federal legislative requirements under SARA.

Finally, we are concerned that a narrow focus on critical habitat protection as the only tool for protecting species at risk will needlessly sterilize the land base from responsible economic development, when other options might be available of equal or potentially superior effect. We recognize that at times critical habitat protection or no-go zones may be the only tool available to ensure survival of a species at risk, but blunt instruments such as this should be used sparingly and selectively.

Major projects, such as mines, are subject to full environmental reviews at both federal and provincial levels. Recent reforms to the Canadian Environmental Assessment Act have not reduced the application to mining, although there have been meaningful and effective improvements to process and timelines. Today, mining represents some 70% of current federal environmental assessments.

CEAA requires consideration of impacts of a mining project on listed species at risk; thus environmental assessment ensures that mines are developed with knowledge of potential impacts on species and their critical habitats as well as of other environmental considerations. This process also ensures that mines are built with appropriate mitigation and compensation measures, if required. Mines are heavily regulated at the provincial level, with permits required for all aspects, including road construction, water use and release, tailings and waste rock management and disposal, and reclamation. Further, mines built by members of MAC will include implementation of TSM.

In this context, what becomes important is ensuring sufficient legislative and regulatory flexibility to encourage sensible and creative approaches to environmental management. Objectives-based rather than overly prescriptive legal instruments encourage better outcomes and foster collaboration with other stakeholders.

Our industry willingly partners with other groups active on the land base, in particular with aboriginal communities. Collective approaches reach farther and combine the traditional knowledge and scientific expertise of different partners. In our experience, local communities of interest, including habitat conservation groups with an interest in the outcome and with a connection to the land and its resources, can—given time, resources, and an enabling environment—form the strongest and the most effective and enduring partnerships.

The federal government can create conditions that enable and foster positive biodiversity outcomes by pursuing an outcomes-based approach. Rigid, prescriptive legislation and regulations have in the past contributed to perverse outcomes that should be avoided. An outcomes-based approach would support and enhance efforts by the mining industry to positively contribute to biodiversity conservation through initiatives such as TSM, would foster local collaboration and partnerships, and would reduce conflict.

● (0855)

Thank you, we look forward to your questions.

The Chair: Thank you, Mr. Gratton, you're honouring our time very well. I had understood you wanted to split your time.

Mr. Pierre Gratton: No. I said he's the guy who's going to answer all your questions.

The Chair: Great. I thought I was going to have to illustrate our rigidity by not allowing your partner to give his five minutes. Thank you for letting me off the hook for that.

My colleagues are not very good at measuring how to split their time when they want to split a 10-minute question. Usually they give the other person about a minute, so I was expecting that.

With all that behind us, let's move to the Canadian Electricity Association, Mr. Jim Burpee.

Mr. Jim Burpee (President and Chief Executive Officer, Canadian Electricity Association): Thank you, Mr. Chair. For clarity we will be splitting our time and we have allocated our 10 minutes.

Thank you, committee members, for inviting us here today to discuss habitat conservation and the many ways in which Canada's electricity sector is a leader in this area. Canadian Electricity Association members generate, transmit, and distribute electricity to residential, industrial, commercial, and institutional customers on a daily basis. We represent all aspects of the electricity system, or grid, which is the largest and most complex interconnected machine in North America.

As you can imagine, operating such a massive system means that our service territory is pretty large, likely larger than any other industry you've heard from today. As such, our members have extensive experience and expertise operating within all types of geography and habitat across the country.

For CEA members, species and habitat conservation goes beyond individual initiatives being undertaken by a utility in a specific part of the country. Rather, it is an industry-wide culture of stewardship, of which we are very proud. This stewardship culture is a key part of our commitment to a holistic approach to managing impacts that include environmental, societal, and economic considerations. CEA's sustainable electricity program is the embodiment of this approach. It is a mandatory, sector-wide sustainability initiative that measures and rewards performance.

In 2012, Ontario Power Generation earned the highest honour available under the program—sustainability company of the year—for their exemplary commitment to minimizing their environmental footprint through innovative environmental initiatives and partnerships, including innovative solutions to wildlife and habitat restoration and biodiversity.

I'm pleased to be joined today by Dan Gibson, senior environmental scientist in Ontario Power Generation's hydro environment division, who is here to tell you about some of the excellent conservation work being undertaken by OPG. Following his remarks, I will outline some specific policy recommendations put forward by the industry as a whole, related to the national conservation plan.

● (0900)

Mr. Dan Gibson (Senior Environmental Scientist, Hydro Environment Division, Ontario Power Generation Inc., Canadian Electricity Association): Thank you, Jim.

My name is Dan Gibson. I'm a senior environmental scientist with the hydro environment division of Ontario Power Generation.

As Jim alluded to, OPG's biodiversity programs demonstrate that industry has a clear role to play in conserving and restoring Canadian natural landscapes and ecosystems. OPG has invested in significant habitat conservation and restoration efforts in the communities where we operate, through our working landscapes, and in strategic locations across southern Ontario, which include some of the most biologically imperilled regions of Canada. I'll start by outlining for you some of our regional or off-site conservation work.

OPG's corporate environmental policy states that we will work with community partners “to support regional ecosystems and biodiversity through science-based habitat stewardship”. Our tree-planting initiative is a great example of this policy in action. Since 2000, OPG, through our conservation partners, has planted over five million native trees and shrubs on over 2,500 hectares of land. These plantings target the expansion of core forest habitat and regional landscape connectivity to promote the recovery of wildlife at risk as a result of habitat fragmentation.

Site identification is done collaboratively using regional-scale natural heritage systems, such as the Carolinian Canada Coalition's Big Picture, and is often supported by local refinement on the ground. However, the cumulative benefits of these programs extend well beyond conserving and restoring habitat for at-risk wildlife. They also serve to support climate change initiatives through natural sequestration of carbon dioxide and to strengthen the resiliency of woodland ecosystems to withstand the effects of climate change.

Another off-site initiative that we are very proud of is our sponsorship of Earth Rangers projects to bring back the wild American badger and the spotted turtle. These species are listed as endangered, both provincially and federally. The goal of the partnership among OPG, the Earth Rangers, and the Nature Conservancy of Canada is to not only restore and improve habitat, but to also conduct research studies to support recovery. Through these partnerships, we also engage the public through youth education programs that teach youth about the importance of biodiversity and protecting species and their habitats.

A third off-site initiative is our bring back the salmon campaign, a program designed to reintroduce and restore the extirpated Atlantic salmon into Lake Ontario by 2020. OPG is the lead corporate partner in this program that also includes the Ontario Ministry of Natural Resources, the Ontario Federation of Anglers and Hunters, and many other partner organizations. The program has four primary components, all of which rely heavily on community involvement, volunteers, and corporate partners for its success.

The first, obviously, is fish production and stocking. The second is water quality and habitat enhancement, which includes our riparian tree- and shrub-planting programs. The third, which is a really fun one, is outreach and education for school kids and includes classroom rearing of juvenile Atlantic salmon. The fourth is research and monitoring.

These initiatives are examples of the on-the-ground conservation work that we are doing with partners, with our stakeholders, to conserve and restore habitat.

Now I'll turn to some of our on-site efforts and some of the programs that are ongoing on our locations. Our work with the Wildlife Habitat Council is a great example of these.

The Wildlife Habitat Council certification is an internationally recognized biodiversity standard that guides our ongoing commitment to biodiversity on our working landscapes. OPG has more than a dozen wildlife at work sites, and numerous corporate lands for learning sites, which I'll talk about in a moment. They're all certified under the Wildlife Habitat Council.

The wildlife at work program seeks to foster corporate-driven cooperative efforts among management, employees, and community members to create, conserve, and restore wildlife habitats on corporate lands. These working landscapes provide excellent opportunities for conservation, protection, restoration, and community engagement, while maintaining some economic benefits. OPG believes that the community engagement aspect of these efforts provides the greatest opportunity for building healthy, resilient ecosystems, which allow Ontarians to enjoy our natural spaces. We believe that our approaches are consistent with some of the proposals we're hearing about with regard to a national conservation plan.

Secondly, the corporate lands for learning certified sites also offer experiential, place-based learning opportunities that use habitat conservation as a tool for teaching Ontarians to explore ecological concepts and the human role in conservation.

● (0905)

In addition to certifications, I'll end with highlighting two additional awards that OPG has received in the last few years.

First, in 2012 OPG once again received recognition from the Wildlife Habitat Council when our Pickering nuclear generating station became the first Canadian organization to be recognized with the Pollinator Advocate Award. This award was in recognition of our efforts to improve habitat for pollinating insects on OPG lands and other community locations.

Second, also in 2012, our Lambton generating station received the Regional Corporate Habitat of the Year Award, which recognizes the station's biodiversity management plan, including work in managing its operations in a way that encourages the existence of native species and ecosystems.

Thank you for your time, and I'll pass it back to Jim.

Mr. Jim Burpee: Thanks, Dan.

As you can see, OPG has undertaken numerous initiatives that are achieving real results in conserving species and habitat, not only on site but across the province. This is just one of our members. Similar initiatives are under way across the country by other CEA members. Though I have many other examples of that, because of limited time, I can't share them. But I would be happy to address them during the Q and A, or after the meeting.

What I hope is clear to you is that CEA members are committed to, and actively engaged in, species and habitat conservation activities. I think it's safe to assume that this will be consistent with what most of us envision as the goals or principles of a national conservation plan.

That being said, I'd like to close by addressing some of the specific questions the committee is looking at: first, comparing various conservation and stewardship initiatives already under way with prescriptive government-mandated measures; and second, how the federal government can improve habitat conservation efforts.

For the electricity sector, the Species at Risk Act presents significant challenges, primarily because of the disconnect between industry conservation and stewardship activities and the act's compliance mechanisms. While we fully support the purpose and intent of SARA, and participate as members of the Species at Risk Advisory Committee, the disconnect in the current act hinders our ability to meet our responsibilities to Canadians and at the same time comply with the act. That is to say, many of the positive measures that our members are undertaking, when they relate to a SARA-listed species, are not acknowledged by the act. To date, no electricity facility has been able to obtain compliance under SARA for operations—not one. No permits have been issued, nor have any companies been able to enter into a conservation agreement.

In the most concerning cases, measures taken by a utility to help a species or habitat can actually result in greater legal risk and uncertainty for the utility. An act intended to protect species and habitat should encourage these types of initiatives, not act as a disincentive. In that scenario, neither species at risk nor industry are well served. We believe parts of SARA can be modified to remedy these challenges without compromising the act's effectiveness. We are confident that our proposals in two specific areas—compliance mechanisms, and better consideration of socio-economics in SARA decision-making—will improve federal species protection and lower commercial risks to industry.

As you consider the elements of a national conservation plan and how it could enhance current species and habitat conservation efforts, we encourage you to consider the current challenges with SARA that in our view cannot be ignored. An NCP that is intended to encourage conservation will not be effective if many of the initiatives it seeks to encourage continue to be discouraged, or left legally unclear, by SARA.

If a national conservation plan were tied to SARA in a way that addressed current challenges, we would be very supportive.

Thank you, and I look forward to your questions.

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

We will now move to the Canadian Wildlife Federation, with Mr. Rick Bates.

Welcome, Mr. Bates.

Mr. Rick Bates (Executive Director, Canadian Wildlife Federation): Good morning, committee members and guests.

I'm Rick Bates, executive director of the Canadian Wildlife Federation. My colleague, James Page, is our manager of the species at risk program.

The Canadian Wildlife Federation is the largest conservation organization in Canada by membership, with more than 300,000 supporters. Our board of directors includes the presidents of the provincial wildlife federations in all 10 provinces and two territories. These provincial federations have an additional 260,000 supporters.

We do three things. We do education to foster our conservation ethic, advocacy to ensure government policy incorporates wildlife interests, and stewardship to research or apply solutions to issues facing wildlife. CWF leads implementation of some of Canada's most important wildlife education programs, including Project Wild, Project Wet, and Below Zero. These programs are approved teacher curricula resource material in every province and territory in Canada.

We are the leading non-government organization in species at risk conservation, having invested approximately $500,000 per year over the past several years on support for species at risk projects.

Some of our current conservation work includes identifying critical habitat for grassland songbirds, developing a status report on aquatic invasive species in Canada, implementing a unique lake-stewardship program across Ontario, and developing a unique land-use model encompassing the western boreal forest that will help improve public discourse on development in an area under intense development pressure, as well as provide strategic guidance on conservation planning in the area. We also provide analysis and input on important policy issues, such as the Fisheries Act and the Species at Risk Act.

We work at both the species level and at a very broad landscape level. We do high-concept planning and research. We also get our hands dirty in implementation.

We are pleased on behalf of all our supporters to contribute to the committee's study on ways in which a new national conservation plan can strengthen habitat conservation in Canada. We'd like to congratulate the government on the initiative to create a national conservation plan, and the work of this committee in reaching out to others for ideas on how to best strengthen habitat conservation.

We have focused our comments on two of the committee's questions to which we feel we can best contribute. They are: “How can the federal government improve habitat conservation efforts in Canada?” and “When it comes to recovering a species, how do best management practices and stewardship initiatives compare to prescriptive, government-mandated measures?”

We will provide both general guidance as well as specific recommendations in the areas we are commenting on.

First, how can the federal government improve habitat conservation efforts in Canada? Natural resources, of course, are primarily a provincial responsibility. Areas of federal responsibility are migratory birds, fish, species at risk, and oceans. The federal government's national conservation plan should focus on these areas, and in particular, the underserved gaps in these areas.

For example, good-quality fresh water is important for human health, energy production, industrial processing, tourism, agriculture, and many other foundations of our economy, health, and social well-being. Of the total amount of water in the world, surface supplies of fresh water hold less than 0.01%, but the critical freshwater aquatic areas are under severe threat by drainage, pollution, and overuse. In Canada, approximately 147 aquatic species are listed as being at some form of risk. Global warming will continue to strain supplies of fresh water and aquatic ecosystems.

Among freshwater ecosystems in Canada, wetlands have had and continue to receive excellent support through the 25-year commitment from governments and non-government organizations to the North American waterfowl management plan. We support the government's continued support of that program.

The Great Lakes have been the focus of an excellent bilateral effort over 25 years to clean up contaminated sites in the lakes. We also support the government's continued commitment to that program.

The government recently announced a commitment of $10 million over two years for fisheries projects. That help notwithstanding, aquatic areas like streams, rivers, and lakes across Canada are under tremendous stress. They supply most of our fresh water, and we have seen serious declines in salmon and collapses of fisheries in some lakes, yet these areas receive relatively little attention in terms of long-term financial support. There is also a lack of strategic vision, associated planning, and partnerships with non-government organizations for conservation of aquatic habitat.

An important recommendation, therefore, is that we urge this committee to take action to correct that situation by supporting the development of a national plan for fish habitat conservation as a component of the overall national conservation plan.

● (0910)

Habitat programs within a national conservation plan should capture some of the characteristics of our most effective conservation programs. Some of the most successful conservation initiatives in Canada have shared some commons characteristics. These include providing a compelling vision, identifying high-priority habitat areas, establishing clear and numerical targets, and establishing long-term, 25-plus year, commitments. They are integrated with other levels of government, partnered with NGOs and industry, and focused—for example, having targets such as the number of ducks, the full flight target, in the North American waterfowl management plan, or the cleanup of specific polluted sites in the Great Lakes agreement. Lastly, they are landscape- and ecosystem-based. We recommend that the component programs within the NCP, national conservation plan, incorporate these principles.

The NCP has referred to creating a network of protected areas that were initially talked about as parks. These have their place, but many other tools can also be effective in conserving habitat. We believe that it is important to take a broader definition of conservation management and therefore recommend that land conserved through other tools, such as purchased property, easements, management agreements, tax incentives, or other mechanisms that provide long-term habitat security, be included in the network of conserved areas.

By mapping the full range of conserved areas, the government could gain a better understanding of where these areas line up spatially, where corridors of connectivity exist, and where high-value properties are. This will help increase the impact of conservation investment by ensuring that funds are targeted to the most important areas.

Another important step of the conservation plan should be to help transition conservation programs, and for the federal to be more proactive. Proactive planning and actions can help achieve positive outcomes as part of a plan that helps wildlife and that also helps industry and society. For example, in areas where there is much crown land, this could be achieved through the support of regional conservation plans. These would likely have to be watershed-based and done in association with provinces, since the federal government is responsible for fish and fish habitat, but not most terrestrial habitat or species that aren't endangered.

Regional conservation plans like this can achieve several goals including greater clarity for industry, improved conservation outcomes in areas of development, and improved understanding of shared goals such as maintaining market access or perhaps acquiring new market access for industries in the area. An important step in being less reactive would be for the national conservation plan to support a net gain approach to habitat management in which the principles of avoid, minimize, and mitigate loss of habitat are applied. In other words, first avoid loss, then minimize any loss, and when loss is unavoidable, mitigate it by compensating to restore and conserve a greater amount of similar habitats so that there is a net gain of habitat achieved.

The CWF reviewed economic incentives and programs aimed at promoting stewardship in Canada, Australia, and the United States in preparation for this hearing. The most common instruments were grants, tax reductions, easements, conservation auctions or tenders, and various combinations of those tools. These are all also common in Canada. However, there are three things we observed about these programs that we believe are important to consider in the development of a national conservation plan.

Our first observation is incentive levels. Although not a comprehensive analysis, one observation of the programs' review to date is that the programs providing incentives or payments of some type in the U.S. appear to pay landowners a higher amount of the cost for the conservation action being encouraged. For example, the U.S. wildlife habitat incentive program, which is aimed at improving, protecting, and restoring habitat of significant and important areas, pays up to 90% of the incurred cost to implement conservation practices. This is up to $50,000 per year for individual landowners. Through the U.S. wetlands reserve program of permanent easements, 30-year easements, and restoration cost-share agreements, payments range from 75% to 100% of restoration cost. That also allows compatible uses of the land, so it includes industrial agriculture. Similarly, the tax credits for donations of land easements in the U.S. are often greater than those allowed here.

● (0915)

Second is market-based approaches. There are two market-based habitat conservation tools that we'd like to bring to the attention of the committee. We are not endorsing these programs. We have not done a really serious review of the implications. However, they are unique and worthy of examination for potential application in Canada.

The first is a tax credit transfer. This tax credit system differs from other conservation easement or property donation tax credits common in Canada in that the tax credits can be sold by the landowner to a third party. That's either an individual or a corporation.

● (0920)

The Chair: You have about a minute, if you could wrap up please.

Mr. Rick Bates: Yikes, okay.

The Chair: I'm sorry about that.

Mr. Rick Bates: The second is a transfer of development credits. In those, basically, you can trade credits where development takes place. It helps ease pressure in areas of high development.

Third is innovation. In Australia there's a program that provides grants specifically for innovative conservation programs.

In species-at-risk, we have a couple of recommendations. I'll jump directly to the specific ones. First, improve the implementation of the act. There are four things there. One is that it is important to clarify what effective protection means in the policy, and in so doing be clear that legally protected is not the standard to be met, but rather, be clear that voluntary actions can also achieve the standard of effective protection. The language of this policy should recognize that a voluntary action may not be perfect, but with a clear goal and monitoring of progress we can determine whether the measure is effective. For example, if a business, municipality, or an individual has a plan that is being applied and having a positive effect, that's important progress.

Conservation agreements are a tool that have been underused but hold much promise. There are opportunities for umbrella agreements —

The Chair: We're two minutes over. I encourage you to try to weave in some of your concluding statements in some of your responses to our committee members. This is to give all our other members equal time. I'm sorry about that.

We'll move now to Mr. Mark Hubert, Forest Products Association of Canada.

Mr. Mark Hubert (Vice-President, Environmental Leadership, Forest Products Association of Canada): Thank you, Mr. Chair, and thanks to the committee for the invitation to be here today.

I'm here representing the Forest Products Association of Canada, the national voice of the wood, pulp, and paper sector, and the 19 members we specifically represent. I am joined by my colleague Kate Lindsay, who is a wildlife biologist, or a conservation biologist, with the Forest Products Association as well.

The forest sector employs about 230,000 in 200 communities across the country, mostly in rural communities, from coast to coast. Managed lands in Canada total about 230 million hectares across the country, and FPAC members sustainably manage about 90 million of these. To give you a bit of context, that is about two and a half times the size of Germany and about double the size of Sweden. That's just for some geographic positioning.

Given the nature and the breadth of forestry and the way forestry is practised in Canada, the sector is uniquely positioned to play an important role in the discussions related to sustainable resource management, and particularly to conservation and social sustainability.

Examples of what I often talk about as reflecting the conservation ethic, which was referenced earlier here, that exists in the Canadian forest sector include the following: sustainable forest management certification; initiatives to develop conservation planning principles that acknowledge the importance of both fully protected areas and a managed landscape in the context of habitat conservation; our work as signatories to the Canadian Boreal Forest Agreement, an agreement built on the recognition of the importance of both conservation and a vibrant forest sector; and FPAC's forward-looking vision 2020.

I'll touch on each of these briefly.

First is certification. As a condition of membership in 2001, FPAC became the first industry association in the world to mandate that each of its members certify their forestry operations to one of three sustainable forest management certification systems applicable in the North American context. These are the systems administered by the Canadian Standards Association; the Sustainable Forestry Initiative, which is based out of the U.S.; and the Forest Stewardship Council, which actually had its roots in Canada but is broadly an international system as well. All three certification programs are comprehensive and certify comprehensive environmental, social, and economic standards in forest management.

Canada is the world leader in sustainable forest management certification. We have about 150 million hectares certified across the country. That equals about 40% of the world's total of sustainable forest management lands around the globe. Certification bolsters an already strong regulatory framework that exists in Canada. In fact, Canada's forestry regulations and laws have been cited in a study by Yale University as being among the most stringent in the world.

Of the many requirements to become certified, perhaps the most significant or most relevant to this discussion today is the requirement to conserve biological diversity. The exact language among the three certification standards differs, but the fundamental consistency exists around maintaining naturally occurring ecosystems, habitat for species at risk, and habitat with high conservation value. Through certification, the concept of conservation is de facto built into the way we practise forestry in Canada, across the country.

Additional requirements within certification address the protection of riparian areas, or areas around waterways; the protection and maintenance of biologically or culturally significant sites; the use of ecosystem-based management practices; and the development of long-term research programs focused specifically on biodiversity. All of these elements of certification provide for the conservation of important habitat.

A few words about conservation planning specifically.... Over the past decade we have worked both as industry and with partners—some at the table here today—such as the Canadian Boreal Initiative, the Canadian Forest Service, specifically, Ducks Unlimited, just to name a few, on issues that have helped to ensure that necessary and proper attention is given to conservation and stewardship.

Protected areas and sustainable resource management are complementary approaches to maintaining ecological integrity. Protection helps to sustain poorly known and sensitive species and functions, and provides an ecological baseline for comparisons. Because protection occurs on a landscape with resource development, sustainable resource management is also an essential part of comprehensive conservation. Sustainable management helps to support wildlife populations, to facilitate movement of species and populations between protected areas, and to maintain the integrity of aquatic systems.

● (0925)

Conservation plans then inform land use planning processes, where social choices are made with respect to land use allocations in order to achieve ecological, economic, and cultural values. Conservation planning in the forest sector is integral to our operations on a daily basis, and is in effect an exercise to identify strategies to maintain ecological integrity in a way that also addresses socio-economic considerations.

Issues with respect to certification and conservation planning, which I mentioned earlier in my remarks here, are encompassed in some of the work taking place within our activity under the Canadian Boreal Forest Agreement. The CBFA is an historic agreement that was intended to signify a new era of collaboration between the forest sector and the environmental community. It covers 76 million hectares of land across the country, making it the largest conservation and business agreement ever reached in history anywhere in the world.

Implementation has not been without its challenges, and we continue to have them. But developing something as large and complex as an agreement that touches on everything—from forest practices to species conservation, to protected areas, to climate change, to the economic diversity and prosperity of the sector, and recognition for the practices that occur in Canada—is something that was not expected to be anything but hard work. It has been and will continue to be. That said, some of the most challenging work in life can also often be the most rewarding.

Achievements to date include a jointly developed blueprint for caribou action planning. At the national level this is very relevant in the context of SARA, and we believe it is the most comprehensive work of its kind done anywhere. A similar framework has been developed for developing recommendations for protected areas. It's supported by joint science and recognizes that governments, at the end of the day, are the ultimate land use decision-makers.

A win-win conservation plan has been developed in northeastern Ontario that protects caribou while increasing wood supply to northern communities and to mills. So far it has been endorsed by signatories, by communities, and by first nations. We're awaiting provincial government support for implementation and hope to see that soon.

These are just a few examples of the work that's taking place under the CBFA. As I say, it has taken time and will continue to take time, but we're confident we will continue to produce results.

With respect to species at risk, consistent with the rationale behind the initiatives mentioned so far, FPAC continues to participate in activities related to federal legislation. This includes work aimed at effective implementation of the Species at Risk Act. In this context we're keenly interested in the creation or clarification of policy regarding the use of compliance mechanisms such as, for example, conservation agreements, permits, offsets—all of which are contemplated or referenced within the context of the act.

FPAC is also supportive of a stronger and clearer relationship between species recovery strategies and socio-economic considerations as federal government work moves forward.

It's worth noting, as has been stated by others at the table here, that the forest sector operates primarily on provincial crown land. We absolutely see a benefit in creating national conservation objectives, but would highlight the importance of engaging in the process those involved with land management decisions.

I'll finish with a reference to our vision 2020 campaign. The forest sector is actively transforming, and last year we launched vision 2020 to help articulate how we intend, as the forest sector, to reach our full potential as a dynamic and future-oriented contributor to the Canadian economy. Vision 2020 sets out ambitious goals in three specific areas: products, people, and performance.

With respect to products, the goal is to generate an additional $20 billion of economic activity from new innovations and growing markets. With respect to people, it's to renew our workforce with at least 60,000 new recruits, including women, aboriginal people, and immigrants. With respect to performance, most relevant to the conversation we will have here today, it's to deliver a 35% further improvement in the sector's environmental footprint.

FPAC has identified 12 parameters by which we will measure ourselves. They relate, for example, to greenhouse gas emissions, energy, water, and of course, management practices. It so happens that both metrics, with respect to the forest management practices we have identified, have to do with habitat conservation.

With that, I'll conclude and say thank you. I look forward to the discussion.

● (0930)

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

We're going to move now to the questions from committee members. The first round is seven minutes each.

We'll begin with Mr. Sopuck.

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

I want to compliment our presenters on the quality of their presentations. What I appreciated about all four of them was your focus on delivering environmental results. This is most refreshing. Too often these days the environment debate is a generalized, partisan, emotional debate, with an inordinate focus on process.

Mr. Gratton, quickly, what is the environmental footprint of hard rock mining and the traditional mining sector in Canada in the area you affect, excluding the oil sands and open-pit mines?

Mr. Pierre Gratton: I think the total footprint over the history of mining in Canada is 0.03%

Mr. Robert Sopuck: So it's an extremely small area?

Mr. Pierre Gratton: It's a small area.

Mr. Robert Sopuck: I was interested, Mr. Gratton, in your comments on the flexibility of mitigation measures. Having worked in the oil sands myself, I have seen the effects of very rigid mitigation policies. Can you expand on what you would like to see in terms of federal mitigation policies, so that you would get the flexibility you would need but also deliver even better environmental results?

Mr. Ben Chalmers (Vice-President, Sustainable Development, Mining Association of Canada): I think when we're talking about conservation objectives we often default to land protection and taking habitat out of use in some way, shape, or form. In some cases that's the right course of action. However, there are also instances where habitat is not necessarily the critical factor and there are other actions that could be included, such as population enhancement or predator control, activities that are often oriented to be maybe a little more creative than just solely taking habitat out of functional land use for development.

Mr. Robert Sopuck: Go ahead.

Mr. Pierre Gratton: In our brief, one of the examples was on fisheries, where until recently the opportunities to look at ways to compensate and to adhere to the no net loss principle was really restricted to the mine lease. It narrowly circumscribed the opportunities to actually achieve those outcomes.

There was one example, I recall, with the Ekati diamond mine in the Northwest Territories where they spent tens of millions of dollars on a creek diversion on the mine site. They did it to provide the fish a route around the project. The company at the time was thinking that what they could have done for conservation with this money off property would have been so much more valuable.

We're starting to see more openness towards not just looking narrowly at the physical footprint of where the mine is but to look a little more broadly. I think that opens up a lot more possibilities. For our sector, particularly where we operate where there's a lot of first nation communities or aboriginal communities, that also opens up the possibility of working with them to identify conservation options, to achieve those kinds of objectives to compensate for the impacts the mine might have.

● (0935)

Mr. Robert Sopuck: Thanks.

Mr. Burpee, I think Canadians would be quite surprised at what you were saying in terms of the unintended consequences of environmental laws that were written without being clearly thought through.

You made the point about how current conservation agreements actually increase the legal risk to a developer or a company, and with the inevitable result that species conservation, habitat conservation efforts are actually diminished because of that ostensibly sound conservation policy. Can you expand on that and give some specific examples?

Mr. Jim Burpee: There were a few. We submitted a brief to Minister Kent last month with the Canadian Hydropower Association that had a number of actual examples of where we're working on conservation agreements with communities and other stakeholders. Especially in the hydroelectric context, there are many users of a river system. There are cases of white sturgeon on the Columbia River where under the act, basically, you cannot harm one sturgeon, whereas in reality it's the type of thing in terms of offsets or other ways of either offsetting or replacing habitat, or other actions to help promote the reintroduction or the health of sturgeon in general.

You're spending a lot of money working with a lot of people, but if you're not getting that recognized within a species at risk context and having that compliance, at some point you ask is it worth doing all that if you still have some risk of being charged under the act or sued by someone because there was some incidental harm to a sturgeon.

We're looking at improving the lot of white sturgeon on the Columbia River as opposed to specific harm to a single sturgeon that was incidentally hurt at the place.

There are other examples. Lake sturgeon with Manitoba Hydro on the Nelson River you're probably familiar with. There are the inner Bay of Fundy salmon in Nova Scotia and the work Nova Scotia Power is doing. On the bird side, there is the piping plover in Saskatchewan. All those utilities involved have been working with numerous stakeholders and have really good working plans, but they're wondering why they are doing all these efforts if they still have the risk of violating the Species At Risk Act as it currently stands.

Mr. Robert Sopuck: Mr. Bates, as the head of a conservation group, would you support efforts to indemnify companies who in very good faith enter into conservation agreements and are seen delivering real, on-the-ground conservation results?

Mr. Rick Bates: I think there are ways of using some of the existing pieces within the legislation, like conservation agreements, that would facilitate that. There are also other options. In the United States, for example, they have what are called “safe harbor agreements”. They are similar to conservation agreements under section 11, but they allow a landowner or a project developer to enter into an agreement with an NGO, where the property owner or developer receives assurances that if they fulfill the conditions of that agreement, they won't be required to do any additional management activities.

The Chair: Thank you very much. Thank you, Mr. Sopuck, for those questions.

We move now to M. Choquette.

[*Translation*]

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

My thanks to our guests for their wonderful presentations today.

I would also like to congratulate the witnesses from the Canadian Electricity Association and the Forest Products Association of Canada for talking about the fight against climate change and for highlighting the importance of a national conservation plan, more specifically a terrestrial habitat conservation plan.

Let me point out that it would be really embarrassing if the final report didn't include a whole chapter on the importance of our responsibility to continue the fight against climate change. I think climate change has a direct impact on habitats. Just think of droughts, floods and other climate change-related phenomena.

That is why I would like to tell you a little story about the fight against climate change.

In 2006, the late hon. Jack Layton introduced a bill, which had to be reintroduced in 2009. Unfortunately, that bill, introduced by a democratically elected man, was defeated by the Senate whose members were not elected. That is a major concern for the NDP. The result was completely anti-democratic. That is why, even today, we are very upset with the Senate.

Recently, my colleague Megan Leslie did a great job introducing a motion that explains how an increase of 2°C could be very dangerous for companies like yours. An increase like that can have an impact on your production and productivity. Unfortunately, the other parties still voted against the motion once more.

I would like to hear what the witnesses from the Canadian Electricity Association have to say and how the fight against climate change is important to them. For instance, I am thinking about basins that need a reasonable level of water. Because of climate change, I think the levels of water are going down more and more and it is more difficult for you to make projections. The same goes for Mr. Hubert. How can floods and draughts affect your activities?

Please go ahead.

● (0940)

[*English*]

The Chair: Mr. Choquette, may I interrupt you for a second?

I simply want to remind you and our witnesses that our study is based on habitat conservation and terrestrial habitat. I understand there's a tenuous connection, but I would urge you and encourage our committee witnesses to confine their remarks to habitat conservation.

[*Translation*]

Mr. François Choquette: Mr. Chair, I don't think you quite understood my question for the witnesses. Let me reword it.

How is the fight against climate change important for habitat conservation and for your companies' productivity? Of course, you are also concerned about productivity. In that respect, the fight against climate change is crucial. Go ahead.

[*English*]

Mr. Jim Burpee: It's hard for me to draw a direct connection on the adaptation issues of dealing with climate change and on the operation of our facilities. Again, weather patterns change, precipitation patterns change, and the hydroelectric side is a risk, and I think the jury's out as to what that actually is. Most of our issues dealing with adaptation are more on how infrastructure is designed to withstand storms, whatever.

It's hard to see a direct connection between our habitat restoration or protection activities and climate other than, as Dan pointed out, there are a lot of co-benefits. A lot of the OPG—not from what Dan said but I know from my own experience when I worked there. A lot of our work in habitat was promoting biodiversity. There are related co-benefits in terms of there being a carbon sink and preserving biodiversity as well at the same time. But to say this is a huge risk area to conservation plans, I have a hard time drawing the connection.

Mr. Mark Hubert: This is one particular area where as a forest sector we're in a slightly different position in that we are working with trees that are directly affected by the climates in which they live. It's important for us to be mitigating and adapting in such a way to ensure that the areas where we are operating continue to maintain viable and productive forests. To the degree that the climate warms the forest, as it moves further and further north, species change, and areas that are currently productive may no longer be productive or may have different tree species or areas. That impacts the industry both from a productivity and an investment perspective.

There are a number of activities that the sector and companies specifically are undertaking to identify ways to mitigate the impacts of climate change based on actual different forest management practices taking place in operations. Those range from testing different tree species to also employing improved environmental procedures at the mills themselves. There are steps we're taking that are important for us to do in the forest. There's stuff that's important for us to do in the mill sites as well, to both mitigate and adapt to climate change.

[*Translation*]

Mr. François Choquette: I will continue with you, Mr. Hubert.

I would like to talk about habitat conservation. That is your main concern. It is therefore very important. You talked about Vision 2020 and the 12 parameters. Have you assessed the potential financial impact of climate change on your industry? I am thinking of forest fires, droughts and floods, for example. Have you looked at that?

● (0945)

[*English*]

Ms. Michelle Rempel (Calgary Centre-North, CPC): To my colleague's point, certainly looking at the methodology on habitat conservation best practices in the context of climate change would be an appropriate line of questioning. But I believe his question was specifically to the economic impact of climate change, which I think is outside of scope.

The Chair: Thank you, Ms. Rempel.

Mr. Choquette.

[*Translation*]

Mr. François Choquette: Mr. Chair, I will let you make your comment.

[*English*]

The Chair: I have requested that you focus your remarks on the clearly defined scope with which the committee all agreed prior to entering the committee. I would just ask your cooperation to use our time to the best benefit. That's the concern of all our committee members.

So proceed.

[*Translation*]

Mr. François Choquette: Thank you very much, Mr. Chair.

[*English*]

The Chair: You have 30 seconds.

[*Translation*]

Mr. François Choquette: Unfortunately, I was interrupted. I would still like to thank you for your excellent testimony.

Let me remind you that the fight against climate change is essential for habitat conservation. I know that the Conservative government does not agree with us. Let me remind you that this is a priority for the NDP and for future generations. That is why I am going to use my remaining 30 seconds to reiterate its importance.

Thank you for talking about it in your presentations and I hope, once again, that it will be included in the final report. Otherwise, it would be a total shame and an embarrassment for all Canadians.

Thank you, Mr. Chair.

[*English*]

The Chair: Maybe in the future we can do a study, Mr. Choquette, but right now we're....

We're going to move now to Ms. Rempel.

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

Perhaps what my colleague opposite was trying to get at...and I would only be so presumptuous as to try to paraphrase some of his comments. He sort of set a very macro-level view but didn't talk about specific actions or a specific impact on your industry, or how specific practices affect the management of habitat, which is really the core of what our study is today.

So I'm going to ask a question that I would like each of you to answer. I'm going to be interested to hear the answer from the Canadian Wildlife Federation as well.

You all spoke in different terms about what I would characterize as programs that may be part of your corporate social responsibility directive. In your opinion, what are some of the best practices for habitat conservation that you've employed in terms of what my colleague Mr. Sopuck mentioned as actual environmental outcomes? Could you speak a little bit to some of the indicators that you use for that?

Then as a follow-on to that, is there anything that government can do to promote the adoption of those activities or perhaps go a little further to incent industry to take that next step, perhaps going beyond the envelope of where we're at right now?

I think it was the Forest Products Association that spoke about the 35% increase in performance. What can government do to basically incent industry to perhaps be a better performer in habitat conservation, and what's working right now?

I'll start with Mr. Burpee.

Mr. Jim Burpee: Our 2012 sustainable electricity annual report has lots of examples of things that are actually happening, because it's not specifically just in conservation plans.... That crosses over a number of our principles, including aboriginal relations, which is a key component as well. We're working on a lot of the facilities and plans with the aboriginal community, especially where we have joint use of the water. For some of the specifics we already heard from some of OPG's specific, on-the-ground action.

Every province has an example. Nova Scotia Power has done a lot of work on inner Bay of Fundy salmon. I forget the name of the river, but it's one of the internal rivers that goes into the Bay of Fundy. As I said, we could submit these afterwards. We have fairly long, detailed information of all the actions being taken.

Ms. Michelle Rempel: That would be really helpful because as a committee we're trying to look at ways where we can either advance or close gaps in certain policy areas. Specific examples of where things are working or where we could perhaps assist are what we're looking for.

Mr. Jim Burpee: Within that submission we had specifically what we're doing and also where we're at risk. It's not just, as you mentioned, whether we need an incentive. Our first incentive is not to be failing to meet an act.

● (0950)

Ms. Michelle Rempel: Right.

Mr. Gratton.

Mr. Pierre Gratton: I'd like to reinforce a point made by Mr. Bates earlier, when he referenced the North American waterfowl management plan, which I think is an incredible initiative that's been going on successfully for years. As I referenced in our brief, a number of our members have been able to get involved in that, some very directly, through the intermountain joint venture in B.C.

Teck Resources has become a part of the intermountain joint venture. But we have other members, whether it's Rio Tinto or BHP Billiton, who have gotten involved on specific projects with other conservation partners, and of course, with governments.

I guess Mr. Bates' comment was that here's an area that's being well looked after—wetlands, ducks, and so on—but there are gaps. You might want to look at how one could replicate that model, which has been so successful. It really brings multiple partners to the table and leverages money, which is always important. It leverages knowledge and skills, and the capabilities of many different groups, including industry, to achieve conservation outcomes. Done that way, I think you avoid conflict and you make everybody work together towards better outcomes.

Ms. Michelle Rempel: I have two minutes left. I'll go to Mr. Bates and then Mr. Hubert.

Mr. Rick Bates: Some of the things that have been said are right on point. The North American waterfowl management plan is a great example we can learn from, in that it could be applied in areas like freshwater aquatic habitats.

I think there are some things specifically that government could do to help. One is long-term regional conservation planning. When I say regional, I mean vast areas, typically multi-province or certainly large watershed area planning that is typically beyond the scope of a private business or a conservation organization to take on.

Another would be improving incentives, such as a tax credit system that would apply to individuals and all people participating in conservation.

Ms. Michelle Rempel: Thank you.

Mr. Mark Hubert: I like some of the things that have been said here. One is that the focus should be less on the monetary incentives and more on incentives that allow companies or industries to focus on things along the lines of stewardship agreements and multi-stakeholder arrangements, such as the ones Pierre was referring to. In those you have science, industry, academia, and government coming together in a way that is able to produce an actual result on the ground. You focus the conversation more on the results as opposed to avoiding the litigation, as was earlier mentioned.

Some of the things within the forestry sector related to certification would dovetail well with those multi-stakeholder initiatives that can be easily supported or engaged in by government. So it's allowing the flexibility to focus on results as opposed to focusing on avoiding litigation.

Ms. Michelle Rempel: Thank you.

The Chair: Thank you very much, Ms. Rempel.

We'll move now to Ms. Duncan.

Ms. Kirsty Duncan (Etobicoke North, Lib.): Thank you to everybody for coming and sharing your success stories.

I would like to begin with Mr. Burpee. You mentioned that you'd like to see some changes to SARA. Could you specify what they are, please?

Mr. Jim Burpee: We have submitted some proposed legislative changes. The biggest element is getting proper recognition for the conservation agreement. Some exist that we can't get agreement on today.

Ms. Kirsty Duncan: If you've submitted them, that's okay. Could you submit them to the committee?

Mr. Jim Burpee: Yes. The other issue having to do with recovery strategies is consideration of the socio-economics. While science determines what a species at risk is, we think that science should not be the sole determiner of public policy. You have to consider much broader ecosystem and social aspects as well.

● (0955)

Ms. Kirsty Duncan: Thank you.

Now I'm going to ask each of the industry organizations whether you believe in evidence-based decision-making.

Mr. Hubert?

Mr. Mark Hubert: Yes, absolutely. When you compare and contrast that with things such as the precautionary principle, we all need to be proceeding with a measure of caution as we implement policies or regulations, given that science is sometimes inconclusive and always developing. But when we take a look at what we're trying to achieve, which are outcomes and results, the degree to which we can be taking information and learning from what has worked and what hasn't, that should shape our approach forward.

Ms. Kirsty Duncan: So, yes. Thank you.

Mr. Burpee, does your organization support evidence-based decision-making?

Mr. Jim Burpee: I think that's what we do today. All our plans would have that in there.

Ms. Kirsty Duncan: Terrific.

Mr. Gratton, I put the same question to you.

Mr. Pierre Gratton: Yes.

Ms. Kirsty Duncan: My next question is to the three of you again. What evidence is there to compare the effectiveness of stewardship initiatives with government-mandated measures?

Mr. Mark Hubert: Do you mean with respect to some of the work?

Ms. Kirsty Duncan: We'll use SARA as the example.

Mr. Mark Hubert: With respect to the work taking place on caribou, some of the science is still developing and inconclusive.

Ms. Kirsty Duncan: Is there evidence to compare the effectiveness of stewardship initiatives with government-mandated measures?

Mr. Pierre Gratton: I have trouble with the question because SARA stewardship initiatives would also be government-mandated. They would be built through stewardship agreements.

Ms. Kirsty Duncan: This committee is being asked to compare the effectiveness of the two. So what I'm asking—and I'm glad you have a problem with the question—is what is the evidence for comparing the effectiveness of the two?

Mr. Pierre Gratton: We haven't seen any conservation agreements concluded yet. It's in section 11 of SARA, but the whole act I think has largely been driven more by the development of recovery plans than by action.

Ms. Kirsty Duncan: Mr. Gratton, that's not the question I'm asking.

Mr. Pierre Gratton: Then I don't know if any of us understand it. I don't understand your question.

Ms. Kirsty Duncan: Yes.

Ms. Kate Lindsay (Advisor, Conservation Biology, Forest Products Association of Canada): If we're speaking of SARA specifically, we only have seven action plans in place for over 300 species that are listed. So it's yet to be determined if there will be evidence from those government-mandated measures. I think we can say that there is evidence of stewardship initiatives working for species.

Ms. Kirsty Duncan: I've asked a very specific question. We all believe in evidence-based decision-making. I'm asking you to compare what evidence exists...to compare those two things. I think we're all struggling with “there isn't”. What studies have been undertaken to determine which is better?

The Chair: I think Mr. Chalmers wanted to answer.

Mr. Ben Chalmers: I think the best way we can answer it is to build on what Kate just said. There are only seven action plans, which is the method that SARA has mandated to implement recovery strategies.

This is a very small number. You can contrast it with the number of examples that each of the associations here gave. With voluntary action taking place on the ground, I think there is ample evidence to suggest that real gains can be made through voluntary collaborations between multi-stakeholders groups, with industry, and with groups such as the Canadian Wildlife Federation.

Ms. Kirsty Duncan: I think you're getting your message out. I don't think you're answering my questions. I have asked a very specific question.

The Chair: You may not like the answer to the question, but I think they have answered the question. I would ask you to move on to your next question as soon as possible.

Ms. Kirsty Duncan: I thought my time was mine to use as I would choose.

The Chair: It is. We'll be sure to add it.

● (1000)

Ms. Kirsty Duncan: The question I've asked you is: what studies have been conducted to determine which is better?

Mr. Mark Hubert: I guess what we're leading up to is to—

Ms. Kirsty Duncan: —and how far away are such studies from being developed?

Mr. Mark Hubert: I guess what we could commit to is to provide examples of the stewardship-based results that we see as a result of work that has taken place. Whether or not we can contrast that with what has taken place under SARA so far may be a little difficult at this stage, but to provide evidence of the results that have taken place as a result of the agreements in place at the moment, we think—

Ms. Kirsty Duncan: I guess my point is.... Where are these studies, and how far away are we from developing them? If we say we believe in evidence-based policy, this is a fundamental question.

I think I'm out of time.

The Chair: No, you have another 30 seconds. I took 30 seconds of your—

Ms. Kirsty Duncan: Oh, okay, then I do have a question.

Mr. Bates, we've heard from a number of people about no net loss policies, and today you mentioned net gain.

Could you share with us your wish list?

Mr. Rick Bates: There are net-gain systems in place that typically involve some kind of habitat banking system to make them work. We've looked at those a bit. There is lots of controversy around that habitat-banking approach. Some people are very much in favour of it; some less so.

We're not convinced that these systems aren't a good thing. We think there is possibility there. We don't have a specific program model in place that we believe would work yet, and I don't know of anybody in Canada who has one that everybody else is in agreement with.

The Chair: Thank you very much for that response.

We'll move now to Ms. Leslie, for five minutes, please.

Ms. Megan Leslie (Halifax, NDP): Oh, great. Thanks. For some reason, I thought we went back....

Anyway—

An hon. member: I thought we did, too.

Ms. Megan Leslie: Is it really me?

The Chair: It's really you.

Ms. Megan Leslie: Okay.

Thank you for your testimony. This has been a good conversation.

I have a number of questions. Where should I start? I think I may start with the Forest Products Association. First of all, I'm a huge fan of the work the Forest Products Association has done. I think it's a model of how industry can work with the community to come up with the best solutions. It's not just about value added. It's about real value extraction. I'm a huge fan.

You mentioned the success you've had on the northeastern forest management plan. I'd really like to hear about what that is and who the stakeholders are. How did this all unfold?

Mr. Mark Hubert: It's an example of the conservation planning that's taking place on all of the tenures, particularly if we're talking in the context of SARA, with respect to the development of action plans to comply with SARA.

The provincial government in Ontario in this case had a caribou approach. The environmental community that was involved in the conversation happened to be the Canadian Parks and Wilderness Society, the Ivey Foundation, Ontario Nature, David Suzuki—am I forgetting anybody? In the case of the industry, Tembec, Resolute Forest Products, and Weyerhaeuser thought there might be a better way to both preserve or conserve caribou habitat and at the same time increase wood supply going to mills.

So we based it on two methodological frameworks. I'll focus on one, a methodological framework that has been put together by all parties at the table to identify the best way to put together a caribou action plan, which was a model that was used to come up with something that would meet those twin pillars. The twin pillars aren't referenced in the agreement specifically. You won't see that language in the agreement anywhere, but it is the understanding that we've both come to the table with: the twin pillars of economic viability of the sector and conservation of species.

So it was just through hard work—for about three years under the agreement and for a couple of years before the agreement even existed—between Tembec and a couple of those conservation organizations that I mentioned. Independent science, joint GIS work, joint analysis, wood supply work, and joint caribou habitat studies put together a package they thought would work, and took it to government. The government is in the process of evaluating it right now, and we—

● (1005)

Ms. Megan Leslie: So the final piece is government?

Mr. Mark Hubert: Yes.

Across the land base it's well understood that government is the final decision-maker so we're hoping for something very soon coming out of Minister Orazietti's office.

Ms. Megan Leslie: Good luck.

I have a question for the electricity association and the Canadian Wildlife Federation, but I'll start with the electricity association. It's a controversial topic, but we're here to explore ideas, so why not? I have the Ontario power authority here.

When it comes to large-scale hydro, there is a lot of tension there about what is the best way to go. I am of the personal opinion that if we're taking greenhouse gases offline by displacing coal plants for example—as with Muskrat Falls—that's a positive step for the environment. But there are a lot of environmental organizations that would slap my hand over that statement because there are some pretty big environmental impacts, particularly to habitat, when you're looking at large-scale hydro and the land mass you're actually eating up with those projects. There is a real tension, a real balance there.

I wonder if you can share with us some of your thoughts on habitat conservation when it comes to new hydro projects. How are you handling this? What are the best practices?

Mr. Jim Burpee: I think part of it goes to where we're talking about the ability to offset and create other habitat and to understand the balance between the changes you're actually creating.

Some of the current large ones.... For Muskrat Falls, for example, there is not—to use our word—a "significant" amount of flooded area. It's the same if you look at the map of the hydro...there is not.

Ms. Megan Leslie: People would disagree with you.

Mr. Jim Burpee: From projects that were done in the forties, fifties, sixties, and seventies, there was more impact. Even in those cases the ecosystem actually adjusts and you might be changing from more river base to a lake base. You create a different kind of habitat, but if you consider the whole scheme of things, you're still in balance.

I think the most important consideration for large-scale hydro is the ability to store water and manage it. The fact of how it works compared to other renewables, such as wind and solar, which are non-dispatchable...nothing works. The best battery possible is large hydro.

The Chair: We'll have to maybe add to that later on.

We're going to move now to Mr. Lunney.

Mr. James Lunney (Nanaimo—Alberni, CPC): Thank you very much.

I thank the witnesses all for being here and contributing your expertise to this important discussion.

We've covered a lot of territory already, but I want to go back over a few things to try to clarify a few points. We've had some discussion about prescriptive government mandates that create a certain set of challenges. I think I heard that most clearly from the Mining Association, where you have a relatively small footprint. If there happens to be a species at risk, trying to mitigate that on the footprint of the mine site is a significant challenge.

I think I heard you say, give us an example of an enormous amount of money spent trying to mitigate something on a small footprint that might have been much better utilized if a broader application or a little more flexibility had been in place.

First of all, I want to congratulate you on the work that's gone towards a sustainable mining program. But what kind of a role do you think the mining industry can and should play in habitat conservation in Canada? Second to that might be, what tools would be necessary to achieve that in terms of the best ecosystem outcomes?

Mr. Pierre Gratton: There are a couple of points. If you're developing a mining project and there's a species at risk in the area, that's going to be captured through the environmental assessment. It actually may be a showstopper, depending on the nature of it, to be honest, but it will be captured through the environmental assessment process one way or another.

Typically, if mines get through and they're built, one can presume that through the subsequent permitting process they have developed mitigation measures for species at risk. My comments in terms of the mining industry and regulatory approaches towards habitat conservation and mining were largely in relation to the broader footprint, whether it's species at risk or not.

The example I gave of the Ekati diamond mine, where they built this large creek diversion, that was not in response to a species at risk, that was simply to address the loss of some fish habitat as a result of the mine. It was felt at the time that significant amounts of money could have been better used not far from the mine site to actually enhance fish populations. But the way in which the Fisheries Act was applied in that particular instance, it had to be on the mine site itself.

In terms of what our sustainable mining initiative does, it builds in and helps companies develop systems for integrating biodiversity conservation into their planning, and that includes looking at your mine site and beyond, to look at opportunities to contribute to biodiversity enhancement and biodiversity protection, working with other partners. So we helped build it into the way in which mines think about their impact on the landscape.

Programs or initiatives or legislation that tie into that already built-in instinct to look at what the opportunities are around the mine would be very helpful. That's where initiatives like...and we mentioned one in here with the Rio Tinto mine in Labrador, where they've been able to partner with Ducks Unlimited and others, to actually take what was a legacy of tailings deposition into a lake and re-form it and transform it into something that could contribute to biodiversity enhancements, improved duck populations, new habitat for fish, etc. But it's allowing that to occur, to think a little outside the box, that's needed.

● (1010)

Mr. James Lunney: I think positive environmental outcomes are what we're all looking for. How do you redefine the box in order to allow that to happen? Maybe your other partners might have a comment on that.

The Chair: A short response, we're running close to the time.

Mr. Ben Chalmers: I think how you re-form that box is that you look at, what towards sustainable mining would call, the high end of performance; that is, you work with the local communities to identify where the real values are. What are the significant aspects of the local habitat that are important to protect?

Before I joined the Mining Association I worked for a small zinc and copper mine on Vancouver Island called Myra Falls, which is in the middle of Strathcona park, and one of the most valuable parts of the ecosystem in that park was the Roosevelt elk herd. So as a mine, we worked with a local parks advisory committee that was multi-stakeholder. We monitored the herd and we were in a unique position to do that, as the mine and the employees, because we were always there. We were able to keep very close tabs on the health of that herd and work with the park to ensure the health of that herd.

I think that's the kind of thing that can be done when you work with local communities to identify what the important aspects are.

The Chair: Thank you.

Thank you, Mr. Lunney.

We'll move now to Madam Quach for five minutes.

[*Translation*]

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

I would like to thank all our witnesses for being here.

It is always interesting to see that it is possible for companies to make efforts to protect the planet, to fight against climate change and, at the same time, to continue to make a profit. We need to find a balance between resource development and sustainable development. We have some very concrete examples today.

I would first like to direct my questions to the representatives from the Canadian Electricity Association, Mr. Burpee and Mr. Gibson.

You talked a great deal about projects, education programs, research programs and on-the-ground monitoring programs that are effective. Thanks to those programs, you get tangible results in terms of habitat protection. It is important to explore some concepts to understand that conservation involves human intervention. Could you tell us about the usefulness of these measures, these education and research initiatives, and the conservation results you have obtained?

● (1015)

[*English*]

Mr. Jim Burpee: Thank you.

Dan, do you have a comment, since you've done the actual program on the education side?

Mr. Dan Gibson: Sure. I'll speak quickly.

First and foremost, OPG always looks for partners with expertise in this field. We generally do not like to reinvent the wheel.

I'll use the Atlantic salmon reintroduction as a prime example. Education is fundamental to the program. On classroom involvement, I think there are over 100 schools that are raising juvenile Atlantic salmon in the classrooms. It hit the news in the last few weeks that there was a large release of the juvenile fish into the creeks throughout Toronto and southern Ontario. Each individual classroom is having each student release a single fish and is fostering that sort of long-term vision for stewardship.

It is not going unnoticed. I can't give you concrete paper facts, but I do know that it's fostering a lot of interest and it's passing on that legacy of conservation stewardship, which OPG doesn't own. We are happy to identify our partners as having important roles in that.

[*Translation*]

Ms. Anne Minh-Thu Quach: Thank you very much.

You talked about a key aspect. You indicated that all your research relies on outside expertise. We are talking about scientists and experts. You need their expertise. We must continue to encourage and fund their research to be able to base our decisions on facts.

I will now turn to Mr. Bates. You did not have time to talk about all your recommendations. I would like to give you the opportunity to do so. You used most of your time to talk about the lack of will in enforcing and implementing the law. You talked about effective protection and the measure of progress. You talked about specific numerical targets. You said that it was important to have long-term, 25-year commitments. Could you elaborate on those three aspects?

[*English*]

Mr. Rick Bates: I'm sorry, you drifted off at the end there. I didn't hear the last bit of your question, but with regard to the long-term commitment, it is a hallmark of some of the most successful conservation programs, certainly in Canadian history and in most other countries around the world. A couple of years or a handful of years just is not adequate. The long-term, 25-plus, years are what's needed.

Concerning some of the other things you've asked me to comment on that I missed, I think they were covered. Some of the things we did not get to were the use of conservation agreements. We share a lot of the same concerns and see the same opportunity around conservation agreements facilitating development and protecting species.

[*Translation*]

Ms. Anne Minh-Thu Quach: You also talked about the importance of protected area networks so that you can continue mapping activities and work on connectivity corridors. Could you give us more examples of how increased mapping and increased information flow through connectivity corridors would improve habitat conservation?

[*English*]

Mr. Rick Bates: One of the greatest difficulties in habitat conservation is that it's just very expensive. Land is expensive, and good land is even more expensive, because it tends to be in areas that are near water, which is recreational property. Good regional planning helps identify the most important areas, and that, in turn, helps conservation organizations invest their money most wisely. Planning like that is an important thing. On a big, regional basis like that, it takes a lot of time and money, and so it's not something an individual organization can typically take on.

The Chair: We're going to have to move to our next questioner.

Mr. Storseth, go ahead for five minutes, please.

Mr. Brian Storseth (Westlock—St. Paul, CPC): Thank you very much, Mr. Chair.

I'd like to start out with Mr. Gratton. You talked about an enabling regulatory environment ensuring better outcomes when it comes to conservation of habitat. You gave the example of Rio Tinto. I know of examples with Goldcorp and Teck, and many others in Canada that have had some good results.

In your experience, with your association and your stakeholders, have you had better results with mandates prescribed by government or with those that have some flexibility and more results-based outcomes?

● (1020)

Mr. Pierre Gratton: I think our brief was pretty clear that it's always better when there's some flexibility.

I also want to be clear that flexibility doesn't mean no regulation. We're not suggesting there's no role for regulations or that it's a question of voluntary versus legal. We say this in our brief as well. It's a combination of good and effective government regulation, good practice, and flexible tools that, I think, achieves the best outcomes.

I used the example of reclamation in our brief. It's a requirement today, if you're going to build a mine, that you post assurance that the mine can be reclaimed in the event that the company ceases to exist or something like that. It's a requirement, before you start building, to have a closure plan developed and approved, which will later be revised periodically—every five years, typically.

The actual details and the implementation of that closure plan can be left to the company to allow them to work with local communities to identify the best ways to close the property afterwards and to reclaim. Local communities might have interest in the land and how it's reconfigured. There are examples in British Columbia where there's an interest in returning mines to farmland. To do that, you need that kind of information up front in order to actually plan for it down the road.

Governments can set broad parameters. You have to meet certain requirements, but you have to create the opportunity to do that in a way that leaves some room and some flexibility for the company working with local stakeholders in order to achieve that. At the end of the day, you're going to want to make sure you have a reclaimed property that meets core environmental objectives.

Mr. Brian Storseth: When we talked with the Nature Conservancy of Canada, particularly when it came to the mining sector, they talked about not just on-site reclamation or making sure we had habitat success and conservation on site, but also that we had it in the offsets and in, say, helping with some of the projects so they could help preserve wetlands, in regard to urban sprawl in certain urban areas. Because lots of times the footprint of the mine is only 40 or 50 years, they're actually able not just to adhere to a no net loss policy but also to reclaim all that plus help out with wetlands. You're actually moving ahead.

Is this something your industry has looked at?

Mr. Ben Chalmers: Yes, it is. We're certainly seeing a growth in the kinds of corporate commitments around not only no net loss but net positive gain.

In fact, I was just in Calgary yesterday at a workshop that was hosted by Shell. Shell is one of our members because of their oil sands operations. They had invited about 50 representatives from about 30 different organizations, cross-sector and multi-stakeholder, including environmental groups, to come and spend the day talking about biodiversity offsets, to try to understand what could be incorporated into an offset framework that would allow them to do just the kinds of things you were talking about.

Mr. Brian Storseth: Thank you.

To the Canadian Electricity Association—

The Chair: You have 12 seconds, Mr. Storseth, so....

Mr. Brian Storseth: Thank you very much.

The Chair: I was being generous.

Mr. Brian Storseth: You know, I yearn for the days when Ms. Leslie is the chair.

Voices: Oh, oh!

The Chair: There's always a coup.

We'll move now to Monsieur Pilon.

● (1025)

[*Translation*]

Mr. François Pilon (Laval—Les Îles, NDP): Thank you, Mr. Chair.

I am going to share my time with Ms. Leslie.

[*English*]

Ms. Megan Leslie: Thanks very much.

I want to put that hydro question to Mr. Bates. It's a really complicated issue, and we have the expertise here. I'd love to hear if the Wildlife Federation has particular thoughts on large-scale hydro and how it relates to habitat conservation, and if there are some best practices from your point of view.

Mr. Rick Bates: You know, it's not something I've looked at recently in terms of best practices around large hydro development.

Ms. Megan Leslie: Okay. Thanks very much.

The Chair: Monsieur Pilon.

[*Translation*]

Mr. François Pilon: My question is for Mr. Burpee.

Since we started this study, many of the witnesses who appeared before the committee have expressed the same desire to minimize losses and to support recovery. More specifically, how can the federal government help you to reduce the footprint of your industrial activities on biodiversity and the ecosystems in which your industry operates?

[*English*]

Mr. Jim Burpee: What we're really looking for is an acknowledgement of what current practices are the right way to go, to go forward with, which would be an encouragement to do more of that.

Most of the work we do is really driven because we live and work in communities, some of them very broad communities. Some of these things are driven by provincial requirements as well, such as water management plans and water use plans, where we consider interacting with a very broad number of stakeholders who sometimes have competing interests for the same use of water.

All we are looking for is the laws and regulations that facilitate and that don't restrict us from doing that.

[*Translation*]

Mr. François Pilon: I have a rather personal question. If a project were to have a major and irreversible environmental impact, could your association go so far as to recommend that the project be cancelled?

[*English*]

Mr. Jim Burpee: First of all, there is no way to produce, transmit, or use electricity without an environmental impact. It becomes a question of what's an acceptable impact and the extent to which you can mitigate that.

If there is a certain aspect or an environment attribute that is critical to a large number of stakeholders that cannot be avoided, then I would not expect a project to go ahead. Not everything that's ever proposed does go ahead.

[*Translation*]

Mr. François Pilon: My next question is for Mr. Bates.

Together with businesses and scientists, you have developed a land-use model to help elected officials achieve a compromise between development in the western boreal forest and habitat conservation. What lessons have you learned from this program?

[*English*]

Mr. Rick Bates: Our boreal project is in the planning stage right now. It has not yet been implemented. The work of it is just under way.

[*Translation*]

Mr. François Pilon: The federation also provides information to private landowners to promote habitat stewardship. What is the outcome of your efforts? Is the project still underway? Has it been completed?

[*English*]

Mr. Rick Bates: No, it's an ongoing process. One of our most important projects right now is a lake stewardship project in Ontario that is working with individual landowners on ways in which they can manage their property, providing incentives to them to manage their property and minimize impact on the nearby aquatic ecosystems.

[*Translation*]

Mr. François Pilon: My next question is for Mr. Gratton.

Each of your organizations has developed and implemented an industry-wide sustainability program with guiding principles that include biodiversity conservation. Both programs include tracking of performance indicators, reporting and independent audits. Do your members partner with conservation groups or other stakeholders to reach conservation goals?

Mr. Pierre Gratton: The program is based on a system with five levels of performance. The objective of each mining site is to be at level 3 at least and, in principle, to go up to level 5. I am talking about level A or AAA. We have replaced the number system with the letter system. When you reach level A, which we think is good practice, that means engaging with communities of interest, including environmental groups.

I just wanted to tell you how the system works. My answer is basically yes.

● (1030)

[*English*]

The Chair: Thank you, Mr. Pilon. Your time is up.

We'll move now to Mr. Woodworth.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Thank you very much, Mr. Chair, and my thanks to all of the witnesses for their presence with us today.

It's important for us to hear and receive your evidence about what works and what doesn't. At the end of the day, we hope our study will be able to collate your evidence and enable the government to proceed on the basis of that evidence, in an evidence-based way.

I'd like to begin with some questions for Mr. Bates. You mentioned the lake stewardship program. I would expect there are other stewardship programs and voluntary conservation efforts that you partner in. Is that correct?

Mr. Rick Bates: Correct.

Mr. Stephen Woodworth: I imagine that you keep track of and study the consequences or benefits of those stewardship efforts and voluntary conservation programs. Would that be correct?

Mr. Rick Bates: Yes.

Mr. Stephen Woodworth: Could you tell the committee what evidence you have accumulated on the benefits of the stewardship arrangements or voluntary conservation agreements that you have participated in?

Mr. Rick Bates: First of all, there's no doubt that voluntary stewardship can have a very positive effect. For both the Canadian Wildlife Federation and other conservation organizations I have been associated with, there's lots of evidence of that. The crux of the issue I think depends on how long and how important that particular piece of habitat may be.

Different tools are useful in different areas. Communication can help with some landowners. Different incentives work with different landowners, for example, financial incentives. Joint planning can help share values and help people become more committed. There's a wide range of potential stewardship tools. All work in some situations better than others.

Mr. Stephen Woodworth: Would it be safe to say that your organization would not be partnering in stewardship and conservation programs and projects unless you felt there was evidence that they could be successful?

Mr. Rick Bates: Correct.

Mr. Stephen Woodworth: You don't operate without an evidence-based premise to go forward on, do you?

Mr. Rick Bates: Correct.

Mr. Stephen Woodworth: All right. Thank you.

There may be a lack of a rigorous Canada-wide scientific database on these projects, but that shouldn't stop us from encouraging conservation and stewardship arrangements, should it?

Mr. Rick Bates: Correct.

Mr. Stephen Woodworth: I think you said there could be greater use of conservation agreements at the federal level. Is that correct?

Mr. Rick Bates: Yes.

Mr. Stephen Woodworth: I'm interested in hearing from you what obstacles you think are out there that might be preventing more use of conservation agreements at the federal level.

Mr. Rick Bates: James has all kinds of experience working in that area, and I think you'd be best served if he spoke on that.

Mr. James Page (Manager, Species at Risk Program, Canadian Wildlife Federation): In the context especially of private landowners, a major obstacle is just entering into a conservation agreement. Each individual landowner is likely not going to approach the government or work with a specific conservation agreement. So one thing we've suggested would work well is to have an umbrella organization, such as a farmers association, be able to be a third party and be able to deliver the conservation agreements to each individual landowner. Not only does this facilitate your landowners' being able to enter into it, but it also promotes compliance. One landowner won't as easily break the conditions of that agreement because they know that may result in the loss of the agreement for all their neighbouring landowners as well.

● (1035)

Mr. Stephen Woodworth: That's very helpful. I would just observe that another benefit is that it would enable a more ecosystem-based approach, rather than having one-offs here and there.

I know that in Ontario, under the Endangered Species Act, 2007, there are provisions that allow people who enter into conservation agreements to be exempted from some of the prohibitions, where that's appropriate to do so.

Are you familiar with those provisions?

Mr. James Page: Yes.

Mr. Stephen Woodworth: Are you aware that there are really no similar provisions in the federal legislation, the Species At Risk Act?

The Chair: Mr. Woodworth, your time is up.

I'll give you time to respond to that question, Mr. Page.

Mr. Stephen Woodworth: I wanted to ask whether you think that provision should be in the Species At Risk Act.

Mr. James Page: Well, in speaking with the people who developed the act, I would say it wasn't designed such that a section 11 conservation agreement would be tied to an exemption. Where it can fit, though, is that such a conservation agreement can be linked with permitting, and there can be a parallel process in that sense.

There was a first part of that question as well, I believe.

Mr. Stephen Woodworth: We're out of time. If there's a chance, I'll come back.

Thank you.

The Chair: If you could respond to that, either in writing or later on, that would be great.

We may have a bit of time, but I don't think so—based on the committee's performance today.

I'm just trying to increase the love here.

Mr. Toet.

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

At least I'm going to get my time. I'm appreciative of that.

I want to start with Mr. Hubert from the Forest Products Association of Canada.

We've heard quite a bit today about flexibility within regulation and the need for some flexibility. I think there's an example of that in my background, and I'm sure you'd be very familiar with it. It has to do with FSC. I was in the print communications business for many years before I came to Parliament. FSC is a great example of where flexibility.... I know it's not a government regulation, as such, but it was a body that created regulations, regulations that actually made it very hard to adapt.

An example of that was when they initially brought forward FSC certification, the paper that was made at the mill was kept separate at the mill, but the initial regulations forced the shipper of that product to actually ship it on separate vehicles. It had to be separated out into a separate train car. When it got to the warehouse at the paper house, they would actually have to store it in a completely separate warehouse from all the other paper in the warehouse. If I had a truck come into my printing company and I had fifteen skids of paper and five of them were FSC-certified skids and 10 of them were not, they would actually have to send two separate trucks out, because they couldn't contaminate the FSC product. Then when it got to my shop, I actually had to have a separate warehouse area for the FSC-certified papers so that they wouldn't be contaminated. They were all wrapped. They were all skidded. I don't think there were any bugs going back and forth between the papers.

But that was an adaptation that FSC made as we worked with it as printers. It made it very cost-prohibitive. It added a lot to the cost of the product. It made it very hard to sell to corporate Canada and corporate North America that this was a great alternative. It was coming from stewardship practices in the forest that are actually very good, but it added 25% to 40% to the cost of the product.

I wonder if you can comment on whether that adjustment has had a great effect. I know when we made those adjustments, when we talked to FSC and had those conversations and said that this was very prohibitive, that adjustment in regulation actually created a huge uptake in the use of FSC product.

Could you comment on that?

● (1040)

Mr. Mark Hubert: I'm familiar with the challenges of it.

It started with FSC, or FSC was a big part of it, and then chain of custody and product tracking became a conversation that has become part of the vernacular, so to speak, of all certification programs. It's to some extent being requested or demanded by the marketplace.

The challenges associated with it have been put to all of the certification standards. At the end of the day, we want to be able to highlight the fact that we are conserving habitat and doing the right thing for species, but not in a way that is so prescriptive that it makes costs go through the roof or that is just a process that feeds on itself. It's something that we're continuing to work on as an industry as we deal with each of the certification standards, and it's something that is germane to the conversation with respect to species at risk.

Certification still is a voluntary activity. Chain of custody is voluntary to the extent that it's not government legislated, but the parallels exist. We're working with organizations such as the voluntary standards organizations in a similar vein to the way that we would be thinking about the application of legislative pieces such as SARA.

Mr. Lawrence Toet: My point is exactly that. It was the outcome.

The outcome that the FSC wanted to see happen wasn't taken up by corporate Canada to actually use those products in their print work. There was virtually zero uptake. I think we were under 1% of uptake, and that went up probably to about 25% to 30% in a very quick period of time, within a year, when some of these regulatory adjustments were made.

It's just an example of the flexibility that you talked about, and the need for flexibility and how that can correlate in some of our legislative work—which sometimes we have to look at and ask if we are really accomplishing the outcome we want—and to be focused on outcomes rather than the process. That was a case where the process was actually killing the outcome.

The Chair: Thank you, Mr. Toet.

We've come to the end of your time.

Even the clocks in our room don't agree, but we have about three minutes left. I'm going to give Ms. Duncan the last three minutes.

Ms. Kirsty Duncan: Thank you, Mr. Chair.

I hope I have time to ask for this. If not, I may just ask if you could table it.

It's SARA's given purpose to prevent wildlife species from becoming extinct and to secure the necessary actions for their recovery. It provides for the legal protection of wildlife species and the conservation of their biological diversity.

Mr. Burpee, I'll ask that you table with this committee how your proposed changes, which you've made to the minister, will increase the likelihood of these objectives being realized—that would be preventing species from extinction, the necessary actions for their recovery, and the legal protection—how this will increase the legal protection of wildlife species and the conservation of their biological diversity.

With that, I'll say thank you.

The Chair: That concludes our committee time for today.

I want to thank each of our witnesses for being here and for the work that each of their associations do in terms of protecting our environment and enhancing our habitat conservation efforts.

Thank you to our committee members for your great cooperation today.

The meeting is adjourned.