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## **Standing Committee on Fisheries and Oceans**

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**EVIDENCE**

**Thursday, November 23, 2017**

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**Chair**

**Mr. Scott Simms**



## Standing Committee on Fisheries and Oceans

Thursday, November 23, 2017

• (0845)

[English]

**The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)):** Good morning, everybody. Pursuant to the order of reference of Tuesday, October 17, we are here to study Bill C-55, an act to amend the Oceans Act and the Canada Petroleum Resources Act.

I have just a bit of committee business before we introduce our guests. If members recall, we moved clause-by-clause from December 5 to December 7. That leaves December 5 open, which I think was addressed by Ken McDonald before we shut down.

What I'm proposing is that on December 5 we should do the subcommittee, the steering committee, to discuss future business. I know that in the past we didn't use the subcommittee that much and just used the whole committee, but it was suggested that we should go back to the subcommittee. I'm suggesting December 5, and instead of 8:45 a.m., let's say 9:45.

I know Todd isn't here.

Fin, are you okay with that? Okay.

Are you on it, Bernadette?

**Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.):** Yes.

**The Chair:** Who else is on it?

**Mrs. Bernadette Jordan:** Ken and me and—

**The Chair:** You, Ken, Todd, and Fin...? All right. I want to get it straight. It's been a while since we've had one of those meetings. My apologies.

Let's move along, shall we? There are other things to discuss, too, but in the meantime, let's get to what's germane to today's session.

Before I do that, I want to welcome Mr. Blaine Calkins this morning. He's from the beautiful riding of Red Deer—Lacombe. Did I pronounce that correctly?

**Mr. Blaine Calkins (Red Deer—Lacombe, CPC):** Yes. It's not a hard one, Mr. Chair.

**Some hon. members:** Oh, oh!

**The Chair:** To our guests, if you've noticed, the chair is usually on the receiving end of some harsh business from my colleagues here. That's okay. It's well accepted here, and almost encouraged, actually.

**Mr. Blaine Calkins:** It's nice to be back, Mr. Chair.

**The Chair:** It's nice to have you back, Mr. Calkins.

He is, of course, an experienced member of this particular committee.

That being said, let's introduce our guests.

First I want to introduce, from the Aquaculture Association of Nova Scotia, Mr. Tom Smith, who is joining us in person. Joining us by video conference from one of the most beautiful places on the planet, if I do say so, St. Andrews, New Brunswick—I'm a little biased—we have Maria Recchia, who is the executive director for the Fundy North Fishermen's Association. We also have with us Lois Mitchell, the designated board representative from the Fundy North Fishermen's Association.

We're going to start with you, Mr. Smith. Your group gets up to 10 minutes for an opening statement.

• (0850)

**Mr. Tom Smith (Executive Director, Aquaculture Association of Nova Scotia):** Thank you very much.

Good morning, Mr. Chair, members of the committee, and ladies and gentlemen.

Thank you for the opportunity to speak today. My name is Tom Smith. I'm the executive director of the Aquaculture Association of Nova Scotia. I've worked in the food industry both here in Canada and internationally with land farmers, sea farmers, food and drug retailers, and food processors for over 20 years.

At the Aquaculture Association of Nova Scotia, the AANS, our mission is to support the production of quality food in the cool, clean waters of Nova Scotia, creating wealth based on a renewable resource. We represent land- and marine-based seafood farmers in more than 14 farmed species, such as salmon, trout, and striped bass, and in the shellfish sector, oysters, clams, quahogs, and mussels, all of the products that we love to enjoy. We represent those farmers throughout Nova Scotia, from the south shore of Nova Scotia and the Annapolis Valley to the north shore and the Bras d'Or lakes in Cape Breton. More than 100 members strong, we represent sea farmers, industry suppliers, academia representatives, and aquaculture processors.

The AANS is proud of its work with Nova Scotia sea farmers to assist in the development and growth of the aquaculture industry in Nova Scotia. Our organization's community outreach and research and development initiatives, we believe, are integral to our collective aspirations of developing greater economic opportunities for our Nova Scotia rural and coastal communities.

We were very pleased over the past number of years to have had the opportunity to work closely with the Nova Scotia Department of Fisheries and Aquaculture in assisting and collaborating in the development of the new Nova Scotia aquaculture regulatory framework that was introduced over the past year. We are also pleased to have worked with Fisheries and Oceans Canada over the last number of years on recommendations to the federal aquaculture activities regulations, the AAR.

I am here today at the invitation of the standing committee to provide our comments and insights on Bill C-55, an act to amend the Oceans Act and the Canada Petroleum Resources Act.

Let me begin by stating that the aquaculture industry is deeply committed to the protection of our environment and the responsible and sustainable management of our natural resources. We believe environmental protection and economic development can both be part of a thriving Nova Scotia community.

Aquaculture development is a key priority for all of us in the province of Nova Scotia. Over the past 50 years our history has shown that aquaculture is a sustainable activity in our waters.

Nova Scotia has tremendous potential for aquaculture expansion in all regions of our province. I was very pleased to have been on the podium last June when Premier Stephen McNeil, and Keith Colwell, the Nova Scotia Minister of Fisheries and Aquaculture, announced that following years of government and industry collaboration, the Province of Nova Scotia was now accepting applications for new aquaculture leases and licences.

In collaboration with the provincial government, we believe that Nova Scotia has the most robust, transparent, and modern regulatory framework for aquaculture management in Nova Scotia, if not the world. In my presentation that day, I was proud to state that the industry had worked closely with important stakeholders, first nations communities in Nova Scotia that are actively involved in aquaculture development, and with the public, as we participated in the regulatory reform in Nova Scotia.

We believe that all the pieces are in place for the responsible and sustainable development of the aquaculture industry in Nova Scotia. We are now ready to go. With this momentum, there are significant private sector investments being made in aquaculture right now in Nova Scotia, with many more developments being planned.

However, we believe that the current approach to MPA identification and development in the coastal waters of Nova Scotia represents an immediate and significant risk to present aquaculture operators and to future development. To date, engagement on MPA identification and development with the aquaculture industry, in our opinion, has been inadequate.

DFO has not directly provided any indication on what types of aquaculture, if any, would be permitted in an MPA. DFO has met

with other stakeholder groups, without engaging the aquaculture industry, and indicated that certain types of aquaculture would not be permitted in an MPA. We believe that this is unacceptable, and we believe this further perpetuates negative attitudes toward the aquaculture industry.

DFO has not supplied any science, to date, to support the exclusion of aquaculture from MPAs. Areas identified for potential MPAs currently have several types of aquaculture that DFO wants to exclude and these are areas of high interest for future developments.

● (0855)

DFO's current approach will affect existing operators and significantly dampen investor confidence. We are asking DFO to slow down the next phase of MPA identification and development, properly engage the aquaculture industry of Nova Scotia, and make decisions based on sound science.

The Nova Scotia aquaculture industry supports the protection and conservation of our marine resources, as evidenced by our progressive codes of best practice, support for the new Nova Scotia aquaculture regulations, and the way we run our farms every day of the year.

Nova Scotia has also made significant contributions to the MPA process already. We believe, as does the International Union for Conservation of Nature, IUCN, that sustainable aquaculture should be considered and included in any MPA development. "Promoting synergies between multiple-use MPAs and identified compatible activities, such as sustainable aquaculture production is essential", according to the IUCN.

A clear understanding of what will be allowed in any MPA must be determined before our industry can provide any feedback on proposed areas for consideration. The careful inclusion of aquaculture in MPAs, as has been done in Australia and Scotland, could allow DFO to fulfill its MPA objectives without denying Nova Scotians a future in aquaculture.

I do want to be clear, though, that we enjoy a good relationship with Fisheries and Oceans Canada. We work closely with DFO on many files and share many common interests and goals. The AANS is a long-standing member of the Canadian Aquaculture Industry Alliance, CAIA, and I am joined here today by Tim Kennedy, executive director of CAIA. Working with Minister LeBlanc and his senior staff, CAIA and DFO are fully engaged in discussions around the creation of a national aquaculture act, a process the AANS fully supports.

Just as an aside, yesterday was the opening conference for CAIA, and Minister LeBlanc was very gracious to be there, open the conference, and express his appreciation for the work we are doing.

We've also worked very closely with DFO on improvements to the Canadian aquaculture activities regulations, coordinating this development with industry and the Atlantic provincial governments. As well, we continue to work closely with all federal and provincial regulators to ensure the safe and progressive development of our aquaculture industry, an industry that we strive to ensure will grow and prosper.

Finally, before I finish, I want to extend a warm invitation to all of you to attend our Aquaculture Association of Nova Scotia annual Sea Farmers Conference, January 24 to 26. The theme of this year's conference is "Making Waves: Aquaculture's Next Chapter", and we believe that, as a result of all the work and collaboration between industry, government, and the public over the last number of years, aquaculture's next chapter will indeed be very bright.

Ladies and gentlemen, thank you very much for the opportunity to appear. I look forward to any questions you might have.

**The Chair:** Thank you, Mr. Smith, for your time and for your opening remarks.

Now we go to the Fundy North Fishermen's Association.

I'm not sure who is doing the speaking. Ms. Recchia, it looks like that would be you.

**Ms. Maria Recchia (Executive Director, Fundy North Fishermen's Association):** Yes, I am going to speak for five minutes, and then Lois for five minutes.

**The Chair:** Perfect. Thank you very much.

**Ms. Maria Recchia:** I also represent the Fundy association of weir fishermen who are herring weir fishermen in southwest New Brunswick, in the Bay of Fundy. Between the two associations there is a total of 180 members, all small boat, inshore, independent, multi-species fishermen, fishing lobsters, scallops, herring, ground-fish, river fisheries, and more.

I'm going to focus on the legislative amendments and then Lois is going to expand on some of our other issues.

We agree that the pace of establishing MPAs has been quite slow. It took 10 years for the Musquash MPA in our region, and that is problematic. Fishermen are deeply concerned about the health of the marine ecosystem they work in. There are occasionally big industrial development projects that threaten the environment they work in, and it would be very helpful if MPAs could go in more quickly. However, we do have some concerns with the legislative amendments as they're written.

One of our concerns is that we feel there may be better opportunities for corporations to work with governments under these amendments. For instance, if an MPA were put in by the minister quite quickly, inshore fishermen associations with very little resources and without lobbyists would have to, very quickly, try to lobby the minister around some of these areas. Whereas corporations are very well placed to do that kind of work quickly, we are not.

We have a couple concerns about freezing the footprint. Freezing the footprint, as it is today, is not a big problem, but when I read how the ongoing activities are defined, there is a great emphasis on activities that were done in the past year. That could be a problem, for instance, for our scallop fishery, which is a dragger fishery that would not be allowed in an MPA, most likely. Scallop fisheries move from fishing ground to fishing ground, so some of the most important scallop fishing grounds are not fished every year. They're fished maybe every three years or five years. They might fall through the cracks. There wouldn't be a lot of time for fishermen to change their fishing strategy or to replace the income from that segment of their livelihood if an MPA were put in very quickly.

We also have a sea cucumber fishery here. There is an area of interest—it's actually not officially an area of interest yet, but we found out yesterday it's in the draft network plan—where we have scallop dragging and sea cucumber fishing, and it is one of our most heavily fished areas in our whole district. The challenge we face is that the amount of fishing that happens there is going to make it very difficult for us to adjust to losing those fishing grounds. In the sea cucumber fishery, 90% of their fishing grounds are within the area in which there is an interest in having an MPA. It would be very difficult if they got word very quickly that they had to find a new source of livelihood.

As far as the amendments around oil and gas, our association and our members feel that oil and gas development should be prohibited categorically in a marine protected area. Not only are we concerned about the footprint of the MPA, but we're concerned when we hear oil and gas companies talk about directional drilling going down outside of an MPA, going horizontally, and then doing their work actually underneath the MPA. We feel there needs to be stronger wording on that. It should be completely prohibited, in our opinion.

● (0900)

There is also the compensation aspect of the amendment for oil and gas. We have concerns that fishermen in the sea cucumber fishery, for instance, who don't have a lot of other licences to draw on, could lose their whole livelihood with an MPA in their area, and there's no discussion of compensation. In fact, we were told that this will not be an option for them, yet the oil and gas industry will receive compensation. So we have some concerns there.

In general, the speed at which this can happen could be a problem for us, but we think there need to be standards. We agree with Dr. Rashid Sumaila that there should be some clear standards as to what's allowed and not allowed in an MPA. That will help us adjust and know what to expect. We also think that there needs to be a more adaptive management approach.

I'll hand it over to Lois now.

● (0905)

**Ms. Lois Mitchell (Designated Board Representative, Fundy North Fishermen's Association):** Good morning, and thank you for this opportunity to speak to this issue, which I think is very important to fishermen and to the families and communities in our area.

To give you a bit of an introduction, I am part of a fishing family. My husband, son, and son-in-law all fish together. They fish lobster, scallops, and herring. My husband and I have four grandchildren, all of whom we hope will want to stay in their home community and carry on the family tradition of the fishing way of life.

I've also studied the fishery academically as a sociologist when I did my Ph.D. research on the Deer Island fishing economy, and I'm currently serving as a director of international studies at a small university here in New Brunswick called St. Stephen's University. I speak from personal interest and experience, lived experience. I speak on behalf of the fishermen of Fundy North. My husband is the vice-president of Fundy North, and we're just one and a half weeks into the fall lobster season, which is a huge part of our annual income, so he's out fishing. Most of the fishermen in our part of Fundy North are out fishing and aren't available to speak for themselves.

As I've read through the legislative summary, I am almost persuaded that the MPA network framework is a sensible, and maybe even necessary, approach to protecting the marine ecosystem on which so many of us directly or indirectly depend. I believe and I think I'd be remiss if I didn't at least mention in this short time that there are some gaps and flaws in the approach.

In respect of the process and your time, I'm going to try to frame my responses around Bill C-55. Maria mentioned the length of time that consultation takes, and I know that consultation is a challenging process, but it's an important one insofar as it aims to combine scientific, anecdotal, and industry wisdom and best practices with the regulatory systems that are already built into the marine environment. We all need to come to the table, I think, with a sense of humility in recognition of the challenges before us when it comes to respecting biodiversity on land and in the water. I'm constantly reminded that we know so little about the marine environment, and what we know for sure is literally, quite literally, a drop in the ocean.

I'm going to address three specific things in my comments.

First is a trial period. If there is one thing I am drawn to in this amendment, it's the fact that there would be a five-year period before a permanent MPA is established. Making any MPA permanent is a bit problematic from my perspective, so any delay in doing that may be a positive thing. The reason I am concerned about the permanence of MPAs is that the science on which the proposed network is based is fairly old. Even with the current baseline, which I understand is being established, how do we define the health of marine habitat, and how do we know if fisheries efforts in or around an area are actually detrimental to its long-term biodiversity?

The marine environment is wonderfully dynamic and incredibly resilient. Human activity can certainly be destructive of marine habitat, to be sure, and if we want to survive within the system, we need to manage our activities appropriately.

Second, I want to quickly raise the issue of enforcement. Enforcement of current regulations has been hugely problematic in our area due to lack of resources. There are too few officers and no appropriate boat for enforcement purposes. I think the issue of increased enforcement expectations in the establishment of MPAs, especially if they're introduced quickly, could be a problem.

Finally, there is the precautionary approach. To argue for a precautionary approach, which could be loosely translated as "we think an MPA will be a good thing but we don't actually know that it will be", and to take it a step further, that it's quite likely we will never know with complete certainty that any outcome is a result of

the establishment of an MPA in a specific area, may be sufficient for those of you who are tasked with the enormous responsibility of making laws.

Speaking from the perspective of fishermen, their families, and communities, they—and we—are less enthusiastic about potentially being collateral damage in an experiment of this magnitude. Telling fishermen that they will be able to fish within an MPA under certain conditions or that their current activities will be permitted is a dangerous proposition, I think, and perhaps reminiscent of the way indigenous people lost huge parts of their culture. I don't have time to explain that, but I think there are cultural similarities between indigenous people and fishing communities.

● (0910)

As the marine environment changes over time, so do the fisheries. In 32 years, I've seen enormous changes in fisheries in our area and I expect that they will continue. Whatever we do or don't do affects the marine environment. Fishermen really see themselves as part of the ecology, not as separate from it. I think we have to take that into account in all of these deliberations.

Thank you.

**The Chair:** Thank you, Ms. Mitchell.

Now, we go to our round of questioning. We're going to start with the government side. Mr. McDonald, you have seven minutes, please.

**Mr. Ken McDonald (Avalon, Lib.):** Thank you, Mr. Chair.

Thank you to our presenters for making themselves available to the committee this morning.

I'll start off with some questions to Mr. Smith.

How much product is actually produced by the aquaculture industry in Nova Scotia?

**Mr. Tom Smith:** The latest numbers for 2017 are going to be estimated at \$65 million to \$68 million. The total size of the fishery in Nova Scotia is now \$1.87 billion, which is now the largest export community in Nova Scotia. Of that, we make up about \$68 million or \$70 million of the fisheries.

**Mr. Ken McDonald:** What do you see as the economic benefit to the province with the industry at the level it is now? Do you operate in certain areas of the province or is it widespread throughout?

**Mr. Tom Smith:** That's a great question. It's actually very widespread around Nova Scotia, from coast to coast to coast.

Right now, according to the latest stats, we probably employ around 600 direct jobs and these are high-paying direct jobs.

The other thing that's really interesting is that the industry is evolving. Everybody thinks about aquaculture as a manual labour job where someone is out on a feed barge and walking around a pen and feeding fish, but now it's researchers, technologists, and engineers who work in this industry. The other estimate is around 1,500 to 1,800 indirect jobs through trucking, supplies, feed, and all of that sort of stuff.

We have finfish operations in most areas of Nova Scotia, particularly on the south shore of Nova Scotia in Bernadette's riding. Also, we have trout farming on the south shore, as well as in the Bras d'Or lakes in Cape Breton. Oyster farming is widespread around the province of Nova Scotia, from the north shore of Cape Breton, to the south shore in Annapolis Valley, to the north shore of Nova Scotia.

**Mr. Ken McDonald:** With regard to your operation, have you had any major incidents, like escape incidents happening?

**Mr. Tom Smith:** Yes.

**Mr. Ken McDonald:** What are the results of that? How do you go forward after you see a major escape happening?

**Mr. Tom Smith:** There are two sides to that. The first answer is yes. Last year, there was an escape from a trout farm on the south shore of Nova Scotia. There is some humour in it that there was some wonderful trout fishing going on in Shelburne Harbour for a number of months. However, with the 2015 aquaculture regulatory framework in Nova Scotia, automatic timely reporting is in place for any escapes from finfish farms. There is an obligation for remediation and cleanup and there are fines that the province can impose if there is an escape. In that particular instance last year, the fine was assessed.

**Mr. Ken McDonald:** In the escaped trout instance, what would happen if they end up breeding with wild trout in any of the areas of the rivers or in the ocean, for example?

**Mr. Tom Smith:** Obviously, that's not a good thing. Through work with the Nova Scotia government, we have a committee that the minister chairs. We call it the salmon traceability committee. We are looking at DNA marking for all finfish aquaculture in the province of Nova Scotia, so that we can trace any salmon or trout that escape into the wild and identify it back to the farm where it came from.

To date, we haven't seen any salmon go back up the rivers in Nova Scotia, under that policy, but we are committed right now, as an industry, to putting that traceability program in place.

• (0915)

**Mr. Ken McDonald:** Thank you.

To Fundy North, I guess to Maria because you spoke about offshore oil and gas exploration and mentioned the directional drilling rig. I'm somewhat familiar with it because I have a family member who works on the Hebron platform that just went out off the coast of Newfoundland. I was surprised to hear when they put the rig in place that it's stationary. That's where it stays, but they can do directional drilling to the extent that whatever direction they're going in, if they hit something like solid bedrock or something they can't go through, they can actually go around it and then continue on the same path.

With the depths they're doing that drilling at—and you were saying you'd be worried about that happening in an MPA—what would be the ill effects of that happening 100, 200, or 300 metres below the ocean floor to something that is being protected above?

**Ms. Maria Recchia:** I'm definitely not an expert in this realm at all, but I believe we're not clear on what could happen. I've heard things about cracks and gases being released and that sort of thing.

Yes, maybe it's 200 metres down, but if we don't really know what the potential impacts are.... If you're talking about an MPA where you've removed a good chunk of the fishing in that area, so people have lost their ability to fish there, yet you're allowing oil and gas extraction underneath, it could have all kinds of unknown effects on wildlife. It doesn't seem appropriate to me.

**Mr. Ken McDonald:** I don't recall anyone from the oil and gas industry presenting to us yet on Bill C-55 to enable us to ask them what happens when they're doing that directional drilling. I know it takes place, and I know they have the capability to do it, but I don't know.... As well, I know we've had people—I've met with them—from, say, Nalcor Energy in Newfoundland. They did a lot of seismic work and whatnot to figure out where there may be oil and gas off our shores. They've said that one of the ways they find it is that oil actually comes to the surface of the salt water, so there are natural cracks and escapes, whether they be gases leaking naturally over the years or small amounts of oil coming to the surface.

Like you, I don't know what that directional drilling would do or what it would cause to open up, but I can see how it would be a concern.

With regard to fisheries, I know you mentioned the scallop fishery, which I guess is bottom dragging—

Am I done?

**The Chair:** Pretty much. Do you want to continue very quickly and I'll let them respond?

**Mr. Ken McDonald:** If an MPA area is trying to protect something, most of the protection, I would think, is on the bottom of the ocean, whether it's a sponge, or habitats, or whatever. For the scallop fishery it would be dragging-related: to fish it, you drag, and it would be devastating to what you're trying to protect.

How do you see the government bringing in that MPA and protecting this area, given how the scallop fishery is being affected? How do you see being able to make it work for the fishermen? Do we give them something else to fish or...?

**Ms. Maria Recchia:** It's a difficult question. In our area, the place they want to protect is because of what's growing on the bottom, but it's also a very active scallop fishing area. The reason there's all this beautiful biodiversity on the bottom is that there are a lot of pockets of places where they can't drag because of the topography.

Something we've been asking for is a limitation to the kinds of gear that could be used, so that no new gear would be allowed to be used in the scallop fishery that would allow them to go into those areas. In fact, a new gear is out right now. We've asked DFO to ban that gear and they haven't yet. The reason we want it banned is that we don't want to go into these areas, because they're also a refuge for scallops. They allow the scallops to reproduce and seed the other areas.

It's fairly complicated, and there's talk of closing down both areas where we fish and those where we don't fish. There really isn't any new bottom that can be opened up to us, I don't think, because we're scallop dragging everywhere we can in the Bay of Fundy, where it's physically possible.

● (0920)

**The Chair:** Thank you, Ms. Recchia. We appreciate that.

Actually, Mr. McDonald pointed something out that I encourage all members to do, and that is, when we have people by video conference, please address the question to someone directly by saying their name and then the question. It makes it easier for those coming in by video conference. Thank you, Mr. McDonald.

I neglected to welcome Mr. Ted Falk, by the way. Mr. Falk is from the riding of Provencher.

Thank you for joining us, sir. You're in the next round.

Mr. Arnold, you have seven minutes, please.

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

Thank you to our guests this morning.

It's been an interesting process. The MPA study that we started early this year through a motion that I put forward to the committee has evolved now into studying Bill C-55, which is very much interrelated.

Mr. Smith, you talked about some of the current process. We're aware that the current process to establish an MPA is anywhere from five to seven to 10 years.

Would you comment, has that process produced efficient and effective MPAs? I will ask the others on the video conference as well.

**Mr. Tom Smith:** I think the process itself should be able to produce efficient and effective MPAs. I think that our concern, and again I speak for Nova Scotia, is that the collaboration has not been there to date. From our industry perspective, we've had two presentations directly on the idea of MPAs and this is going back six, seven, or eight months ago, but as information has started to get into the public domain, that's where we have identified a problem. Some of the information that has been released about specific parts of MPAs in Nova Scotia, what are being considered, and the products that are going to be compatible with those MPAs has not been clear.

For us, as I stated in my presentation, MPAs are going to be a very important part of the Nova Scotia landscape. We believe the collaboration among all the partners is important so that all the different ideas and all the different opportunities are explored.

**Mr. Mel Arnold:** Thank you to both our guests on the video conference. Can you comment on whether the former process has been effective and efficient or created effective and efficient MPAs?

**Ms. Maria Recchia:** Yes. We have an experience with one MPA in the Bay of Fundy, Musquash, and Fundy North Fishermen's Association, along with an environmental group proposed the establishment of this MPA. It took 10 years to be fully established. It did involve some protected land on the provincial side as well, so

that was part of the holdup, but we were very happy with that process.

There's one glitch with it. One very sustainable fishery, a dive fishery, is not allowed in there because it hadn't been conceived of when it was established. I understand that now MPA establishment is a bit more flexible and these kinds of low-impact activities are being allowed later on.

I think the big difference there was that Musquash was an area where we did fish but not as extensively as the MPAs they're looking at right now in our region, where literally they're picking the one spot that has the very highest level of fishing. DFO did a study on the number of days of fishing for the whole Bay of Fundy, and that area shows up red, which is the highest, so that's going to be a big challenge for us.

**Mr. Mel Arnold:** Okay. Thank you.

Mr. Smith, you mentioned in your comments just a few minutes ago that you had a couple of presentations. Would you consider those meetings as presentations or consultations on MPAs? Were you able to provide feedback?

**Mr. Tom Smith:** Those were early on in the MPA process, and I would consider those presentations.

**Mr. Mel Arnold:** Our guests on video conference, have you been involved in meetings on MPAs and would you consider them to have been presentations or consultations with two-sided conversation?

● (0925)

**Ms. Maria Recchia:** We've been involved in many meetings. I was at one yesterday with DFO on MPAs, and they've been more consultative than some other meetings we've had with DFO, which were definitely just presentations, but still not, I think.... They seem to be locking us into drawing lines on the map in our local area as to where we could live with an MPA. Because that area is so highly fished, we just can't do it and not really hurt people's livelihoods, so it's been a bit difficult, but I've been involved in so many MPA meetings with DFO over the last year and a half, I couldn't even count.

**Mr. Mel Arnold:** Thank you.

Ms. Recchia, you mentioned something that you'd just heard yesterday about a new potential area of interest. Could you, and then Mr. Smith, tell us how you learn about areas of interest or proposed MPAs? From what I'm gathering, it seems that there isn't a consistent way of everyone finding out at the same time. Am I correct in assuming that?

**Ms. Maria Recchia:** I can't speak for how they're engaging with the aquaculture industry.

As for the fishing industry, I'm on the fisheries round table for the Scotia-Fundy region and I'm also on the MPA working group for that, which is open to all members of the round table and that working group has a huge membership. As we've known for a long time, there has been a map of the ecologically and biologically significant areas. It had a huge number of areas, and yesterday they showed us the draft network plan, which pared it down to much fewer areas that they're considering. Our region is not an official area of interest yet, but we're told that it might be coming in the future.

I don't know why they wouldn't be engaging with the aquaculture industry as strongly as they are with the fishing industry.

**Mr. Mel Arnold:** Mr. Smith.

**Mr. Tom Smith:** In our presentations, and as I said before, they were presentations from seven and eight months ago, what alarmed us, to be perfectly candid, was a meeting held with fisheries communities in one of the areas of Nova Scotia no more than five or six weeks ago that was the first outreach of specific information about a specific proposed MPA and the specific products that might be either compatible to be fished or grown, or non-compatible to be fished or grown. That concerned us, but just in the last two days I've had two meetings with DFO on specifically that topic.

I've been very satisfied this week with the response to our concerns. As a matter of fact, in a meeting with the deputy minister just this week, the response to our concerns was, in my opinion, very adequate. We're very satisfied that they are going to take a look at the information that was provided, how it was provided, and do a review of that process. That's a positive development, but leading up to this presentation, we were concerned about the process. We were looking for more transparency and more candid conversation. We got that type of commitment this week.

**The Chair:** Thank you, Mr. Smith. I appreciate it.

Mr. Donnelly, you have seven minutes, please.

**Mr. Fin Donnelly (Port Moody—Coquitlam, NDP):** Thank you, Mr. Chair, and thank you, witnesses, for your testimony on Bill C-55.

Mr. Smith, can I start with you in asking if your association has a position on oil and gas in MPAs?

**Mr. Tom Smith:** No, we do not.

**Mr. Fin Donnelly:** Okay.

As you know, I'm from the west coast. We have salmon aquaculture, as well as finfish and other aquaculture as well, but certainly the salmon or finfish aquaculture has been somewhat contentious in terms of issues with parasites and disease management common to farming practices. You mentioned world-leading regulatory management.

**Mr. Tom Smith:** Yes, I believe we have that.

**Mr. Fin Donnelly:** How do you deal with sea lice and disease management in your operations?

• (0930)

**Mr. Tom Smith:** Speaking specifically for Nova Scotia, for the past 11 years the province of Nova Scotia has not treated for sea lice.

**Mr. Fin Donnelly:** How do you deal with disease?

**Mr. Tom Smith:** It starts out at the hatchery. All fish in all categories are now vaccinated right from smolt level. There is a lot of conversation about biomass, about how many fish are in the water in Nova Scotia right now. We haven't treated for sea lice in 10 or 11 years now.

**Mr. Fin Donnelly:** That's parasites, but do you have no issues with disease?

We just had an issue on the west coast. Again, I'm more familiar with the west coast. Whether it's PRV, HSMI, or kudoa—

**Mr. Tom Smith:** Yes, or salmon anemia..... We don't have those issues in Nova Scotia.

**Mr. Fin Donnelly:** You have none of those.

**Mr. Tom Smith:** No.

**Mr. Fin Donnelly:** This is common around the world, but—

**Mr. Tom Smith:** Yes. The other thing is, in terms of the use of any antibiotics, there is only one opportunity for the issuance of any of those, and that is the provincial veterinarian. He has to sign the order. It's not in a practice where the farmer can make those decisions. It's the provincial veterinarian who makes those decisions in the province of Nova Scotia.

**Mr. Fin Donnelly:** You spoke about sustainable aquaculture.

**Mr. Tom Smith:** Yes.

**Mr. Fin Donnelly:** Can you give us a definition? You were saying that should be a practice. I think you referenced the IUCN saying that they feel that should be an allowed practice.

Can you give us a definition of what you think a sustainable aquaculture operation or practice looks like?

**Mr. Tom Smith:** Sure. In our opinion, it really is the production of quality seafood, the cultivation of the seafood, the growing, farming, harvesting, and reproduction of quality seafood, and the management of the operations in a profitable manner.

**Mr. Fin Donnelly:** Thank you.

To the Fundy North Fishermen's Association, thank you for your presentation. Either Ms. Recchia or Ms. Mitchell, I think you have mentioned in your presentation ways you feel your members could best protect the ocean.

What do your members think are the best ways to protect ocean ecosystems?

**Ms. Maria Recchia:** We would really like to see a kind of protection that is about humans living sustainably in nature. I think we have a number of inshore, small-scale fisheries that are that.

It's very problematic for us. It takes something like the herring weir fishery, which is an extremely sustainable fishery. It has been done that way, or similar to that, for thousands of years. In an MPA that protects bottom, driving the stakes into the substrate to create the weir would not be allowed, we believe. That's what we've been told in the past.

I think some of these strict rules about contact with the bottom are problematic. We have a lot of examples of where the inshore fishery is a really good model of humans living with the marine environment. Instead of having an MPA that pushes the fisheries, for the most part, out of the area completely and causes more impact outside the area in squeezing people together, I would rather see something where you have fishermen working with the environment in a sustainable way with the kinds of gear that are not destroying bottom.

**Mr. Fin Donnelly:** It's more fisheries management and gear type that the government could focus on.

**Ms. Maria Recchia:** I think so.

The other part of this, too, is that there has been a huge emphasis on protecting biodiversity on the bottom, these beautiful places to go diving. Here there's very little diving recreationally because the water is frigid and the currents are unbelievably strong.

There are a lot of places we have asked to be protected, whether it's a spawning ground or a nursery ground, and it's very difficult to get those things protected. We would like to see more protection for the life processes of the species that are important to the livelihoods of our membership.

• (0935)

**Mr. Fin Donnelly:** Thank you.

A quick response in the remaining time...you spoke about agreeing with the process of speeding up designations of MPAs, but then you also were cautious of how quickly. What's the right balance? What do you think that right time frame looks like?

**Ms. Maria Recchia:** It's really difficult, and to be truthful, our membership is really concerned about MPAs and loss of access to fishing grounds. They would prefer to not have to deal with it all, because it's something that keeps them up at night.

Our biggest concern is that the small boat inshore independent fishery is going to be harmed by MPAs much more so than corporations. We've been talking about aquaculture today. Government can negotiate to give aquaculture another site outside the area, but they're not going to negotiate to give us more fishing grounds.

I think the inshore small boat fishing industry is going to lose the most when they put MPAs in areas that are very heavily fished and very important to our fishing economy. When we can have a relationship where we do something like the Musquash protected area, where we're protecting a nursery ground and a salt marsh habitat, it's important to our membership to see those life cycles protected. We can work with that, but when it's really about pushing us out while still allowing other industries to be compensated or access elsewhere, it's going to be hard on our coastal communities.

**The Chair:** Thank you, Ms. Recchia, I appreciate it.

Thank you, Mr. Donnelly.

We're going to split time here. We have both Mr. Finnigan and Mr. Morrissey. I'm going to give you three and a half minutes each. Mr. Finnigan is first.

**Mr. Pat Finnigan (Miramichi—Grand Lake, Lib.):** Thank you, Mr. Chair.

Thank you to the panel here this morning to talk about Bill C-55 and the marine protected areas.

Mr. Smith, I'll start with you. I'm from New Brunswick. I'm from the Miramichi area, home of the beautiful salmon river.

How far offshore does your industry usually go?

**Mr. Tom Smith:** Not very far offshore. I would separate it out between finfish and shellfish aquaculture. Shellfish aquaculture is traditionally very close to shore. Particularly in the north shore of Nova Scotia, a lot of bottom culture oyster farming and cultivation is going on right now, and it's very close to shore. Bottom culture is in its natural habitat.

Finfish farming is a little bit different, because I would suggest that, for the most part, you may be a kilometre offshore. It may be a kilometre or two offshore. That's both in the salmon farms in southwest Nova Scotia as well as in the trout farms in the Bras d'Or lakes.

**Mr. Pat Finnigan:** Would it be fair to say that most MPAs would probably be outside your industry area?

**Mr. Tom Smith:** This again comes back to part of the problem of the process to date, where I believe one of the MPAs that's being discussed—although not with us, and as I said, we discussed this with our DFO colleagues this week—would affect current oyster and mussel operations in one region of Nova Scotia.

**Mr. Pat Finnigan:** If I remember correctly, I think the Atlantic Salmon Federation would be opposed to aquaculture, especially with the salmon.

**Mr. Tom Smith:** I don't think so. We have a good relationship with the ASF and Jon Carr, and I think they support.... As a matter of fact, I talked earlier about the salmon traceability committee. ASF is on that committee in Nova Scotia to identify ways to ensure that farmed salmon and trout, if there is an escape, can be traced back to the operator and don't get into the rivers, and if they are in the rivers, they can be identified and taken out of the rivers.

Obviously, Jon would have his own comments, but I don't think the ASF is against the industry. They certainly are in favour of a really robust regulatory framework that ensures that responsible and sustainable farming practices are maintained.

• (0940)

**Mr. Pat Finnigan:** Thank you.

I have a quick question to Ms. Recchia or Lois. Is there any way to harvest scallops in a sustainable way? I think it's the MSC that certifies the fisheries. I think that's the acronym. Do they certify scallops or sea cucumbers? Is it possible to sustainably fish those species and be certified or sustainable?

**Ms. Maria Recchia:** I don't know about sea cucumbers. I don't believe they're MSC-certified. I'm not sure about this, so I hesitate to say. I know that our scallop fishery is not certified just because we don't have the money to go through MSC. The full bay scallop fishery, which is the larger-scale, slightly more industrial scallop fishery, may be certified. I'm not certain.

**The Chair:** Thank you.

Mr. Morrissey, you have three and a half minutes, please.

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

My question is to Mr. Smith. It's a follow-up to my colleague Mr. Donnelly's. Who should define "sustainable" as it relates to aquaculture?

**Mr. Tom Smith:** Sorry, did you say who?

**Mr. Robert Morrissey:** Who should define "sustainable"?

**Mr. Tom Smith:** That's an interesting question. How can I answer that question?

**Mr. Robert Morrissey:** There's a lot more to it.

**Mr. Tom Smith:** I think that who defines it is the user, who defines it is the stakeholder, and who should define it are the people who—in any respects—are affected.

**Mr. Robert Morrissey:** Is there no role for DFO?

**Mr. Tom Smith:** DFO is absolutely a stakeholder.

**Mr. Robert Morrissey:** What science should be used in the determination of "sustainable"—the science of DFO?

**Mr. Tom Smith:** I'm not sure that I can answer. DFO has loads of science. I think that the one activity that is currently robust at DFO is the aquaculture activity regulations, the AAR, which define the use of the waters, how the industry is going to be regulated from the federal level, and try to—I say "try" because it's a continuous process—coordinate with all of the provincial bodies to ensure that the provincial regulations and the federal regulations are coordinated, if that is the right word.

**Mr. Robert Morrissey:** Thank you.

My question is to Dr. Mitchell.

A number of presenters before this committee have expressed—I believe it was you who raised this—the concern that, when an MPA is established, there can be no changes in that. How do we put in place regulations or criteria that will accommodate for changing environmental conditions and the changing, for lack of a better term, geography of the area? We're in a period of moving climate change, and what was intended to originally be protected may move.

It has been expressed in different ways by a number of presenters, and I think it's an important part. For trust in the system, there has to be a trust from the fishers that, at a set period of time, the definition of an MPA can be re-evaluated based on current science and data and on fishing experience.

Could you comment on that?

**Ms. Lois Mitchell:** That's a really important point, and I think it's one of the main points of resistance to the MPA concept in general, at least among fishermen in our area.

Fishing activity, the productivity of different fisheries, is constantly changing in this area. When I did my Ph.D. research 32 years ago, there was a lot of similarity in terms of species being harvested, but it has completely flipped. In those years, the weir fishery was doing well, and the lobster fishery and the scallop fishery simply got fishermen through from one season to the next. Now, it's so completely reversed. The lobster fishery is completely dominant and is just unbelievably lucrative.

● (0945)

**The Chair:** Thank you very much. I'm sorry, I have to cut it off right there. I have one question left and I'm really running out of time.

Mr. Calkins, go very quickly please.

**Mr. Blaine Calkins:** Thank you, Chair.

My questions are going to be for Maria and Lois, for the most part, in the amount of time I have left.

Would you say that the MPA would be better served protecting benthic, pelagic, or the sunlit zone of the ocean?

**Ms. Maria Recchia:** I think a variety of things probably need to be protected, but right now I feel there's a much bigger emphasis on benthic than anything else. I think that needs to shift.

**Mr. Blaine Calkins:** Would the vast majority of the fishers you represent be fishing benthic species, pelagic species, or in the sunlit zone?

**Ms. Maria Recchia:** They would be fishing benthic and pelagic species, but right now mostly benthic as well as lobster.

**Mr. Blaine Calkins:** I would argue, personally, that the MPA would do a very good job of protecting benthic zones, but I'm not sure that it would have a very positive effect on pelagic zones or on the sunlit zone and the fish and species that live there. I think this is why the argument is being made that perhaps MPAs' boundaries should shift over time. I'm not sure we're finding that right balance.

You did mention that you're concerned about some of the locations of the marine protected areas. There's a 10% target by 2020, and if it's going to be representative, then it should represent areas of deep water and areas of shallow inshore water. Have your fishermen had the conversation about what percentage of their boats they expect will be lost, should there be a 10% target achieved by 2020?

**Ms. Maria Recchia:** It's very spotty. A 10% target, if it's not in our most fished areas, is not a problem.

However, when you're talking about an MPA in our most heavily fished area, which has a huge amount of fishermen and fishing in a small area, we really have to look at what the boundaries are to see how many vessels and families are going to be impacted by it.

We don't know what the boundaries are going to be. We're probably not going to be in the 10%. We'll probably come after that, so that's another concern. How high is the percentage going to go? We don't know. DFO bureaucrats are telling us that we're going to go beyond 10%, but we don't know how high that will be, so that's a lot of insecurity for our people.

**Mr. Blaine Calkins:** Is there any schism between the fishermen who primarily fish in the benthic zone and those who fish in the pelagic waters, given the fact that a marine protected area would, in theory, provide more refugia for the benthic zone and create an area of high productivity and good fishing immediately surrounding the marine protected area, and would not necessarily have the same positive effects for pelagic or sunlit fisheries?

**Ms. Maria Recchia:** What we have found in the research from around the world that we have read on this is that MPAs have to be extremely large to have the spillover effect you're discussing. None of them in the Bay of Fundy would be large enough for that. Even in places where they are that large, those places are finding that the increase of activity around the MPAs from kicking all the fishing out is causing some problems too. The spillover effect is something that, in theory, was expected to happen, but it's not panning out in most of the MPAs around the world.

**Mr. Blaine Calkins:** I see. That's very interesting.

I used to be a national park warden, so for me a marine protected area is simply an aquatic version of a national park. I think that in theory the concept is great. Like you said, if the park isn't large enough, natural systems don't have the ability to have their full effect.

I'll give you an example. There used to be a herd of caribou that migrated through Jasper National Park where I was a warden. That herd is no longer viable. As a matter of fact, it's not even present anymore. Some would argue that because of their migration route they were killed due to habitat loss outside the park boundary, but the reality is that most of those caribou were lost because wolves, grizzly bears, and other predators had ultimate protection inside the confines of the national park. As a matter of fact, if you go to Jasper National Park, go to town if you want to see an elk or a deer, or if you want to see a wolf, go outside of town—you might be able to find one there.

How do your fishermen feel about predator control inside a marine protected area, should these marine protected areas come to pass?

• (0950)

**Ms. Maria Recchia:** In the ocean, things really move. Most of the species we were talking about are migratory. Even lobsters migrate huge distances in our area. Something like scallops are going to stay put. The predators are going to be moving in and out, though.

Personally, I think our fishermen would much rather see a more robust management system where we're keeping out the really destructive industrial practices. Even in the fishing industry, the advantage to the sustainable fishing practices, the low-impact ones.... Then I think we'll have a healthy ecosystem all around and allow for the migration through areas that they need to go through.

However, we don't really have that. We have all kinds of industrial activities in the area or coming into the area at any time, whether it's oil and gas or shipping oil through. Tidal power is a big concern for us. We are in the main migration quarters, which is where they want to put it in our region. I think a more robust management of the marine space in general would be much preferable to a patchwork of MPAs that—

**The Chair:** Thank you, Ms. Recchia. Thank you very much, I appreciate that. Sorry to cut you off, but we're way over time, and I'm going to extend this whole thing by five minutes.

I want to thank you very much. Actually, the fact that we ran over time is a testament to your testimony.

Thank you, Mr. Smith, Ms. Recchia, as well as Ms. Mitchell. We appreciate your joining us from St. Andrews, New Brunswick.

Colleagues, we'll take literally two minutes. Thank you.

• (0950)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (0950)

**The Chair:** Welcome back, everybody.

Colleagues, if you noticed, there's a pattern emerging here that takes us over time on occasion. I'm going to stretch this by five minutes each meeting simply because I think it's equitable. Here's what the formula looks like right now. If you want to split your time, here's what's happening.

The first four questions of the first round are being asked fully and completely, that's fine. In the second round, I'm going to go with two questions. Given that we only have an hour, that seems to be about the best we can do. What that provides is 14 minutes for the Liberals, 12 minutes for the Conservatives, seven minutes for the NDP. That is the best I can make it with the number of witnesses we have and the time that we have within an hour. I say that because this is why we're stretching this meeting beyond five minutes, because I want to get that equitable formula in. There is another committee after, so you get the idea.

Nevertheless, in our second round here today, in the second hour of today's meeting on Bill C-55, joining us by video conference from Vancouver we have Linda Nowlan, who is the staff counsel at the West Coast Environmental Law Association, certainly a group that is no stranger to this committee; and from the International Union for Conservation of Nature, joining us here in Ottawa is Stephen Woodley, who is the vice-chair of science and biodiversity for the World Commission on Protected Areas. I hope I got your titles correct.

• (0955)

You get up to 10 minutes for your opening remarks. You don't have to use the whole 10 minutes for your opening remarks. We're going to start with Mr. Woodley.

Mr. Woodley, you have up to 10 minutes, please.

**Dr. Stephen Woodley (Vice-Chair of Science and Biodiversity, World Commission on Protected Areas, International Union for Conservation of Nature):** Thank you very much for the chance to be here today and the invitation. I work with the International Union for Conservation of Nature on one of the commissions, the World Commission on Protected Areas.

I think you all know about the IUCN, so I'll spare you a long introduction to it. I'll only say that it is a unique institution and it has government members and NGO members. Canada is a member, and DFO is a member, recently returned actually to the IUCN.

We welcome this bill to amend the Oceans Act and facilitate the creation of new marine protected areas in Canada. It's good news. We have a few recommendations to strengthen the act.

The first is to use an internationally accepted definition of MPAs, and put that in the act. The IUCN has spent a lot of time defining what a protected area is. It has a definition that has wide global currency, which defines a protected area as “a clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values.”

As I said, this definition is globally recognized. It was voted on, including by Canada. It applies equally on land or sea. The definition is equivalent to the one used in the Convention on Biological Diversity. Given the widespread currency of this definition and the fact that Canada has already agreed to it, our suggestion is to use this definition in the bill for MPAs.

There is other value in doing this. We report on our protected areas system through the United Nations Environment Programme World Conservation Monitoring Centre, and we report to a system that is jointly managed by UNEP and IUCN, according to this definition. There's real value in doing that.

The second point is, after we have a definition of “protected areas”, we need a management purpose. I think this is lacking in the act. What are these places being managed for? Establishing a management purpose allows us to measure whether we're being successful in that management purpose.

Other organizations, including Parks Canada, including the United States' national park system for their land as well as marine parks, use the term “ecological integrity” as a management goal, so you know what you're managing for. It's an ecosystem-based approach. It's measurable, it's science based, and it's been shown to be applicable to a range of different ecosystems.

We could easily take the definition out of the Canada National Parks Act and adapt it to the Oceans Act as follows: “Ecological integrity means, with respect to a marine protected area, a condition that is determined to be characteristic of its marine region and likely to persist, including abiotic—or non-living—“components and the composition and abundance of native species and biological communities, rates of change and supporting processes.”

If we have that as a management purpose, the additional suggestion is to add a clause—and this would be consistent with the Canada National Parks Act—to say that maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, should be the first and overriding priority of the minister when considering all aspects of the management of marine protected areas.

This just clarifies a “nature first” protection role for marine protected areas, as it does for other kinds of protected areas. It's unambiguous and clear.

The final point I wanted to make is that it's important to provide clarity on the permitted activities within marine protected areas, and I know you've been debating this since you started this committee, including this morning.

A point I'd like to make is that marine protected areas provide benchmarks. When we manage the oceans or the land, it's an

experiment. We say, “If we do this management action, this is what the likely outcome will be.”

•(1000)

A basic scientific idea is that you need a benchmark for your experiment. Marine protected areas or protected areas on land provide a scientific benchmark so that we can understand the impacts of our management. It's part of a larger sustainable management system.

As well as playing this key role in fisheries management, MPAs conserve representative ecosystems and rare ecosystems. They can do a range of things. They protect fish nursery and there are countless other benefits. Just before the break, I know you were talking about the spillover effect. The spillover effect is real. It's true that it comes more from larger protected areas, but there is demonstrated spillover from smaller protected areas. On the east coast, if you look at the haddock box, which isn't yet a marine protected area but is another effective area-based conservation measure, the best place to do haddock fishing there is right outside the haddock box. The catches, because of the spillover effect, are phenomenal.

At the last World Conservation Congress, which is IUCN's meeting and where resolutions are passed, there was a resolution passed on industrial activities in protected areas. I'm going to read this resolution because I think it's relevant here, and suggest it could be included in the language. The IUCN resolution, also passed by both the government house and the NGO house, said:

Calls on governments to prohibit environmentally damaging industrial activities and infrastructure development in all IUCN categories of protected area, and to take measures to ensure that all activities are compatible with the conservation objectives of these areas, through appropriate, transparent and rigorous pre-emptive appraisal processes, such as international best practice environmental and social impact assessments, strategic environmental assessments, and appropriate regulation....

This resolution applies to all categories of protected areas on land and sea. I'll note there are certain categories of marine protected areas that are open to locally based benefit fishing, but it prohibits large-scale industrial commercial fishing, seabed mining, and oil and gas extraction.

To conclude, in the current management systems that we employ we're trying to do sustainable development on the entire ocean, not only within protected areas. Protected areas are part of a sustainable management solution for the larger ocean. We've been generally failing to do sustainable development on our oceans. We've had declines in biological diversity and productivity in ocean ecosystems. Global fish catches have declined consistently since 1989. This downward trend is projected to continue.

In Canada, despite DFO having some great scientists, we know that 45% of Canada's fish stocks can't be determined because of lack of data. We know that only 24% of fish stocks are considered healthy. To move to an era of successful ocean management, we need to be brave in charting a new course, and well-managed protected areas are a bright beacon on that course.

Marine protected areas are globally recognized—there's no debate about this—as being key tools to protect important habitats and representative samples of marine life, and they can assist in restoring the productivity of the oceans to avoid further degradation. However, in order for them to work, they must be well managed, well designed, and well protected.

In closing, the IUCN-WCPA strongly asserts that MPAs are a necessary part of oceans management. Let's get this Oceans Act amendment right so MPAs can play a role in conserving Canada's ocean ecosystems and help support Canada's \$6.6-billion fishing industry.

Thank you.

• (1005)

**The Chair:** Thank you, Mr. Woodley.

Now we go to Vancouver and Ms. Nowlan for up to 10 minutes, please.

**Ms. Linda Nowlan (Staff Counsel, West Coast Environmental Law Association):** Thank you, and good morning. I'm happy to see you again. It's pretty dark out here. It's early in the morning. It's been about six months since I testified to you about this very subject.

I'm really pleased to be here again to celebrate all the action on marine protection of the past six months, to talk about the good features of Bill C-55—which we support—and also to go through key points from our written brief that outline ways to improve the bill even more so that your government will leave an even greater lasting legacy for marine protection.

As you have our brief, I won't go through it in detail. I'm going to highlight some key points, and I would be happy to answer questions later.

As you know, the oceans provide every second breath we take and are essential to who we are as Canadians. Our history, culture, diet, transportation networks, recreational activities, and spiritual beliefs revolve around the ocean. Yet cod, the lifeblood of so many of your communities, have still not recovered, 25 years after commercial fishing was halted. Wild salmon are in danger on both coasts. Whales are dying in alarming numbers, and moratoria are in place for too many previously commercially fished species.

We want to celebrate the leadership of the government because marine protected areas, as you've just heard, are one solution, which this bill recognizes. The bill has some very good innovations, like the interim marine protection area designation, freezing the footprint of activities in the areas, and especially, a timeline to make sure we can designate areas a lot quicker than we currently do.

Bills like this don't come up very often for amendment, so now is the time to improve our flagship ocean protection law even more while the global momentum on oceans is so high, as we saw with the UN meeting in June on oceans, the Our Ocean conference in Malta, the upcoming leadership of Canada on the G7 with the blue economy theme, and while Parliament is looking at the details of the best feature of ocean protection law.

Our brief outlines very specific recommended amendments with legislative language to strengthen the bill even more, and the main

area of improvement is on these minimum protection standards. This was a key message from the workshop we held in June in Ottawa with many government members, experts from different countries, and representatives including stakeholders from all three coasts, the IUCN, first nations leaders, and industry representatives.

To be effective, MPAs must be truly protected, and that's why we need these minimum protection standards. Your government is on top of the quantity issue for marine protected areas and has made a lot of progress. Now it's time to address quality of protection. Your government's environment committee made a unanimous recommendation about this topic in its recent report on federal protected areas—recommendation 26.

Our brief recommends a number of amendments to enshrine standards in law. The law is currently very inconsistent. As you've heard and will probably continue to hear, people are astonished to learn that oil and gas exploration, undersea mining, and damaging fishing activities are all possible in the tiny fraction of the sea that we call marine protected areas. That's why an unprecedented 70,000 Canadians, members of the public, spoke out about one of the proposed new MPAs, Laurentian Channel, and said that we need to keep harmful activities out of these areas.

Right now, the act creates inconsistent protection standards. We did send an expanded version of our brief to all of your offices this week, and appendix 2 of that brief has a chart of all the MPAs designated under the Oceans Act, and lists which activities can take place. You will see that there are a lot of activities allowed, and some of them are harmful. That really shouldn't happen.

These are straightforward amendments to achieve the goal of minimum protection standards, and there are precedents that exist now already in Canadian law that can be transferred into the Oceans Act. Now is the time to do that. We point particularly to the outright prohibition in the Canada National Marine Conservation Areas Act and its section 13. The environment committee unanimously recommended that this should happen. We hope your committee can also make this proposed amendment.

• (1010)

You may be told that these simple standards prohibiting damaging activities can't go into the act because of legal barriers, but I'm here today to tell you that it's both possible and straightforward to make these amendments, whether for oil and gas in all parts of Canada or for bottom trawling in fishing. Our brief has details on these legislative options.

Requiring the ecological integrity of MPAs to be the top priority for designation and management is an easy and straightforward amendment—we've just heard from Stephen Woodley about this—and we also recommend it and the legislative language from the Canada National Parks Act.

Both the 10-page brief you have before you today and the longer version we sent to you sets out language for these standards. You have the power to make this happen right now. We don't expect the Oceans Act to come up for amendment again very soon. Right now really is the time to get it right.

We also recommend an amendment to increase accountability by amending section 52 of the act to require an annual report to Parliament on how many MPAs are designated and whether they're meeting their conservation objectives. We already have such a reporting obligation in the Fisheries Act. We have a sort of strange one in the Oceans Act, which requires a one-time report, which already happened, but not regular ongoing reporting. This would be a good amendment to make.

We commend your government's commitment to reconciliation, and our brief sets out a number of proposed amendments related to indigenous rights, jurisdictions, protected areas, and co-management. We recommend that you engage on a nation-to-nation basis with first nations on these amendments.

In conclusion, Australia is famed for its Great Barrier Reef, Ecuador for the Galapagos, and the U.S.A. for marine protected areas like California's Monterey Bay, Alaska's Glacier Bay, and all of Hawaii's amazing undersea wonders that are protected. Here in Canada, we want our marine areas to equally be a source of pride for all Canadians and bastions of nature's wonders unaffected by industrial activities. From our seamounts to our glass sponge reefs, to our whale breeding grounds, we're blessed with rare wild places that deserve the best protection we can imagine and the strongest laws to make that happen.

You have the power to again make the Oceans Act a world-leading law by enshrining minimum protection standards. I think we all want our grandchildren to experience the wonder of nature and our blue planet.

I'm happy to answer any questions you may have about proposed amendments or any other matters in our brief. We strongly support this bill as do many of our colleagues in the conservation sector, and we are working to encourage you and your colleagues to make it even stronger.

**The Chair:** Thank you very much.

Mr. Hardie.

**Mr. Ken Hardie (Fleetwood—Port Kells, Lib.):** Thank you, Mr. Chair, and my thanks to the guests for being here.

I think we have to reel this conversation in a little bit, because we're talking about Bill C-55. Really, what it's all about is the authority for a ministerial order to be issued that would designate an interim MPA and prohibit certain activities. We're dealing with something we think might be sensitive. We would not necessarily have all of the science ducks in a row, to say yes, for sure, this, that, and the other. In fact, the language in the bill specifically says that

the minister can act even in the absence of conclusive scientific information.

The other thing, which seems to have escaped quite a number of people who have appeared before us so far, is that this bill would allow activities that have been under way for at least the last 12 months to continue, or alternatively, to compensate activities, particularly oil and gas extraction, if we decide in this interim order that we want to prohibit those activities from continuing.

I want both Mr. Woodley and Ms. Nowlan to be thinking about this on an interim basis, absent all the science, and tell us, now, what you think the minister should be thinking about and who the minister should speak with before he comes in with an interim order that would sunset within five years.

Mr. Woodley, we'll start with you.

• (1015)

**Dr. Stephen Woodley:** Thank you.

My understanding is this bill provides for interim rapid protection of areas, which will lead to longer-term protection.

**Mr. Ken Hardie:** May lead....

**Dr. Stephen Woodley:** Yes, it may lead to longer-term protection, but an interim order will never be issued without any information. We understand that the area's value is to be protected for some reason. There may be high levels of uncertainty, and there are always high levels of uncertainty when it comes to nature and certainly marine areas, so I think we have to assemble the best available information. That includes scientific information, of which there is a considerable amount. It includes knowledge from fishers, which is vast, and traditional knowledge as well from the indigenous communities.

**Mr. Ken Hardie:** Ms. Nowlan, what should the minister be looking for before issuing an interim order? I emphasize that it may have to come in the absence of conclusive science, if that even exists anyway.

**Ms. Linda Nowlan:** I'll give you an example. Out here in British Columbia, up on the north and central coast, we have the marine planning partnership, or MaPP area, which you've heard about before. There are 102,000 square kilometres that have been under study for more than a decade by all levels of government and for millennia by first nations, who all have their own marine use plans. Over half of this area is designated as an ecological and biologically significant area using international criteria.

The science is there. The consultation is there. It's in a huge area. I think the minister could go right to that area and make some ministerial orders for many of the proposed protection management zones in that area, which have been the subject of study and consultation for so many years. There are places all over Canada where that information exists, so that's where the minister should go. I think there's ample information out there on which to base these orders.

**Mr. Ken Hardie:** One of the things we've heard continually is that, whether it's an interim order or a full-fledged marine protected area, certain destructive industrial activities shouldn't be allowed to take place, and everybody points a finger at oil and gas extraction. For the purpose of an interim order like this—I want to play off something that Mr. Calkins introduced in the last round of witnesses—would you both consider bottom trawling to be a destructive industrial activity?

**Dr. Stephen Woodley:** Yes. I think there's a considerable amount of published information to show that bottom trawling is a damaging activity.

**Ms. Linda Nowlan:** Yes, I agree, and it's interesting to note that in New Zealand over 30% of its exclusive economic zone is closed to bottom trawling, just as one example of the many places in the world where this activity is curtailed in protected areas, not all over the sea but in protected areas. Yes, it's a damaging industrial activity. The IUCN recognizes that, as Mr. Woodley said.

**Mr. Ken Hardie:** Mr. Woodley, you spoke about having a management purpose in mind. Again, thinking of an interim order, what the previous government, in looking at protection, earmarked for protection were commercial stocks, stocks that could be commercially viable, to keep them commercially viable. Is that far enough or would you go further than just looking at commercial stocks?

**Dr. Stephen Woodley:** Protected areas can do lots of things. They can protect many different aspects of nature, including stocks that we harvest now or maybe stocks that we may harvest in the future, but the important thing is that we're protecting ecosystems. The suggestion to use ecological integrity as a management end point, and really a planning end point, is so that we get these areas right, so that we actually are protecting areas that are going to have a high chance of persisting through time. It gives us a planning tool and a measurement tool in setting these things up.

• (1020)

**Mr. Ken Hardie:** I'll have a quick comment from Ms. Nowlan, and then I'm out of time.

**Ms. Linda Nowlan:** I agree.

**Mr. Ken Hardie:** There you are.

**The Chair:** Thank you, folks.

Now we'll go to Mr. Arnold for seven minutes, please.

**Mr. Mel Arnold:** Thank you, Mr. Chair, and thank you to both of our guests this morning for being here, especially Ms. Nowlan from the B.C. side. I know how early you have to get up, travelling from that area myself all the time.

I have just a little bit more on the bottom trawling. I've heard some describe it as similar to furrowing a field after the harvest in a mud area that really has limited rock, a lot of clay and mud bottoms, and that with trawling over a period of time, the area replenishes itself. Is it always a detrimental effect?

**Dr. Stephen Woodley:** You're quite correct in that the impact varies depending on the benthic community in question. Most benthic communities have old-growth species on the bottom. These are things that don't pick up after five or 10 years. They take a long time to grow. They're nursery areas. They're biodiversity in their own

right. It's bit like taking an air balloon and dragging it through the forest, and then picking out the deer from what you've hauled up. It's almost that type of analogy for many ecosystems. In many of the rich ones, we don't even know what we've lost, because—

**Mr. Mel Arnold:** However, not all....

**Dr. Stephen Woodley:** However, not all. There are some gravel beds that are scoured and have a limited amount of benthic communities on them, where scallops are harvested, where arguably dragging the bottom certainly has some but less than other ecosystems for sure.

**Mr. Mel Arnold:** Okay. Thank you.

Ms. Nowlan, could I get your comments on that?

**Ms. Linda Nowlan:** Again, I'll agree.

**Mr. Mel Arnold:** Thank you.

We've heard a lot of conversation during this study, and again in our study on MPAs in general, about the benefits of large areas being a production area with spinoff effects that spread outside. What are your thoughts on the positive or negative impacts of that? We've seen that on the land base. Take as an example the pine beetle explosion in B.C., which really started out within a provincial park where logging was prohibited. It managed to continue to grow and spread outside the park. It devastated a lot of forest in B.C. and Alberta.

We're seeing aquatic invasive species coming into Canadian waters, such as the green crab. Should we be able to manage those areas and include activities to harvest predators, and so on, within those MPAs if they're found to be sinks or population growth areas for those problem species?

**Dr. Stephen Woodley:** First of all, on the question of the pine beetle, you'd be hard-pressed to make the argument that the pine beetle erupted because it erupted in a protected area and spread outward. It was a massive eruption because of even-aged class distribution and, likely, climate change. Those were the drivers of the pine beetle in B.C., not that one area was protected.

On the larger question of whether some management activities should be allowed to occur in a protected area that has impacts on the broader landscape or seascape, the answer is yes. They should be allowed to occur, with lots of caveats on that, and it would depend. Look at Riding Mountain National Park where there's an outbreak of bovine tuberculosis. There has been really active management, and successful management, there to eradicate bovine tuberculosis from that national park.

You have to take it in context. You also have to remember that these are our benchmark ecosystems. These are where we understand processes occurring on our managed landscape.

**Mr. Mel Arnold:** Ms. Nowlan.

**Ms. Linda Nowlan:** I'll talk about large marine protected areas. They have been shown scientifically to be really effective. To take the example of probably the best known MPA in the world, Australia's Great Barrier Reef Marine Park, it's about 330,000 square kilometres and it is zoned. It has different uses in different zones, but over one third of that area is "no take", so you can't take anything out of it. It faces stress still, mainly from climate change affecting coral. However, it is possible to take a large area of the sea and designate parts of it as core no-take zones, and then allow activities in some of the other parts of the area but with a lot of caveats. I agree with that proviso as well.

We don't have too many really large MPAs in Canada at all. We have one under another act that is not before you right now. I can talk about Gwaii Haanas, if you wish, and Haida Gwaii, but we definitely need more MPAs that are bigger.

● (1025)

**Mr. Mel Arnold:** What about the management of problem species within an interim or permanent MPA? How do we manage that? I don't see anything in this amendment to the Oceans Act that would allow those types of activities. Do we need that type of amendment to this act to allow the pre-emptive measures to take place?

**Ms. Linda Nowlan:** If it's about removing alien species or taking steps in that regard, I think the minister already has the ability to do that. I don't know if we need a specific amendment, but I could look into that more.

**Mr. Mel Arnold:** Okay. Thank you.

We talk a lot about needing the science to know what's being protected, what's there. What would you say when we have science that indicates that human activity could actually enhance the balance or restore the diversity in an area, rather than absolutely no-take? If we had science that indicates that certain human activities could actually assist or improve the recovery of a species, what would you say?

**Dr. Stephen Woodley:** I am not aware of specific examples of that in marine systems. I know a couple from terrestrial systems. The key question is that we want all of the ocean to be sustainable. Sustainability is our goal. There is no question that when we interact with these systems, we change them. Sometimes we like those changes and we call them better, and sometimes we don't and we call them negative.

Again, these protected areas, these MPAs, are benchmark systems. They are representative systems. They protect the rare stuff. Because we are so active on the rest of the oceanscape, it's hard to think of examples where we should also be doing this inside protected areas. They are protected for a reason, and there has to be a difference or delta.

**The Chair:** Thank you, Mr. Woodley. I appreciate it.

Mr. Donnelly, you have seven minutes, please.

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

Thank you to both of our guests, who have provided testimony to this committee before, and specifically for their submissions on Bill C-55.

Mr. Woodley, I'll start with you, if I could. We were talking earlier about the spillover effect in protected areas. You also referenced the idea of adding a management purpose to the act. I'm wondering if you could talk about both of those things, the purpose and the spillover effect—and you have touched on this—and add to that the complication of particular activities. I'm thinking specifically of fishing and how often that can be contentious. We just heard from representatives, fishermen and associations, on the east coast, and they seem to be in favour of certain amounts of protection but concerned about protecting where they can't fish.

You made reference to a spillover effect of a protected area, but there seems to be an issue of scale. The fishermen were saying, the larger, the better, and spillover effects happen more effectively, but you were providing examples of smaller protected areas still giving this spillover effect.

How do we balance all this? How does the government balance and come to a decision? We are even hearing, to add to that mix, about changing ocean conditions. It seems like a lot of change is happening. I know one thing the fishermen want. I spoke to a number of fishermen yesterday, and the Fisheries Council of Canada. The one thing they want is certainty.

How do we provide certainty in a very changing world, provide the purpose you're talking about, as well as look at whether the spillover effect works?

● (1030)

**Dr. Stephen Woodley:** That's a big question with many parts. If you went back to the history of the haddock box, when it was first established as a no-take area, it wasn't a very popular measure. Now I think you would be hard-pressed to stop it from being a no-take area, because it's so popular.

The literature on spillover effect is pretty messy. There are some clear examples where it works, and some clear examples where it doesn't work. It's pretty messy scientifically.

It's pretty clear it works for many different kinds of species, and sometimes it works for surprising species. There are small enclosures in the gulf islands off California, where you get really surprising spillover effects. People said it would never work for that species because it's a migratory species, but you see spillover effects outside these rather small protected areas.

There is no uncertainty that it's a changing and dramatic world. If you look at the elements of sustainability: social, economic and ecological. The ecological part of that is the most brittle. The social one is the most highly adaptive. We've changed on a dime with changing economic conditions. Fishers have been good at doing that for a long time. In the Bay of Fundy, they're fishing lobster now where they used to fish herring weirs.

I know it's hard to be displaced and I recognize that significance, but I think there are benefits to fishers in having marine protected areas. I wouldn't be arguing for it so strongly if there weren't. There are real benefits in managing oceans sustainably.

I don't know if that's a good answer to your question, but—

**Mr. Fin Donnelly:** It's helpful. I think it's still going to prove difficult for the government to make decisions using this legislation, which is an interim measure, as pointed out, that could increase uncertainty, but the overall effect is that we're trying to provide certainty in the long run.

Also, your comment about the science being messy certainly doesn't help. It's a difficult challenge. You also pointed out, rightly I would say, that if you look to the past, we're not doing a good job of managing our oceans. We have to do better. We have to do something different.

You gave a number of specific recommendations. Have you submitted those in writing to this committee, or could you?

**Dr. Stephen Woodley:** Yes, I have.

**Mr. Fin Donnelly:** You have, great.

Ms. Nowlan, you've submitted very specific recommendations, and thank you for doing that. That's extremely helpful. I think your testimony, your summary, was excellent. In your submission you talked about minimum standards, public support, public reporting requirements, indigenous law, co-governance, and enforcement.

In the two minutes that I have left, could you highlight anything from that, that you want to speak to? I was quite interested in minimum standards and public support.

**Ms. Linda Nowlan:** Polling by WWF shows that a really high proportion of the public supports this strong protection. I think the numbers are in the 80% or 90%. The poll was from last year.

In the legislative history of this act, when Minister Tobin, Captain Canada, brought it in, he spoke about minimum standards. Seventeen years ago, a B.C. scientist working for DFO talked about minimum standards that were going to be in the B.C.-Canada agreements. This has been going on a long time. We need to get it in the law.

In terms of certainty for industry, this is a great way to do it; put a prohibition right in there, the same as we have in another marine conservation law. Just make it clear that in that small part of the sea that we're calling protected, you can't do certain things. I think that's the best way to get certainty.

I understand quite well that the purpose of this law is to create this new interim marine protected area ministerial order. That's because we've had this law for 20 years, and we haven't done a very good job of implementing it. We've heard repeatedly.... We've heard from the Royal Society of Canada expert panel on sustaining Canada's marine biodiversity from 2012, that this was a real problem. We've heard in two commissioner of the environment and sustainable development reports that this is a big problem.

We know it's a problem. That's why the government promised to change it. The interim MPA power in the new bill is great, but we're just saying, why not take one step further and create this certainty that we want, and stop this really long process of negotiation over each particular area? People have been consulted. They're aware of which areas are really productive and viable, which can provide benefits to fishing and provide benefits to coastal communities in the long term.

The Great Barrier Reef Marine Park in Australia provides \$6 billion of economic benefits each year to Australia.

• (1035)

**The Chair:** Thank you very much, Ms. Nowlan. I appreciate it.

Ms. Jordan, you have seven minutes, please.

**Mrs. Bernadette Jordan:** Thank you, Mr. Chair.

Thank you to our witnesses for appearing today.

Mr. Woodley, first of all, you mentioned members in IUCN. You said it has government members and NGO members. Are there any other stakeholders in terms of industry?

**Dr. Stephen Woodley:** There are some industry associations associated with the IUCN, but the members are only NGOs and governments. At the last World Conservation Congress, there was a third house opened, and that's for indigenous communities.

**Mrs. Bernadette Jordan:** With regard to indigenous communities, we've talked a lot about what makes an MPA successful, and one of the things is a no-take zone. Can we in Canada actually enforce a no-take zone with our indigenous fisheries?

**Dr. Stephen Woodley:** No, and we don't have to, I don't think, because categories of protected areas—and these are all established, written down, and agreed to—do allow for indigenous take, both on land and sea. I don't see that as an issue.

**Mrs. Bernadette Jordan:** I would like you to give me a bit of clarity on a couple of your comments. You said that industrial activities in MPAs should not be allowed—

**Dr. Stephen Woodley:** Environmentally damaging industrial activities, yes.

**Mrs. Bernadette Jordan:** Okay. But then you went on to say that a locally based fishery would be acceptable. However, a locally based fishery is a commercial fishery in a lot of cases. I'm just wondering how you marry those two.

**Dr. Stephen Woodley:** The IUCN guidance is global, so it needs to be interpreted in a northern developed country. In many cases in the world, the fisheries are local. They just provide for local needs, and that could be the case in Canada. It's all about scale, really. All of these impacts are about scale. If it has a very large scale, it becomes commercial.

We're not talking about commercial fishery, but neither in the IUCN world are we too concerned if somebody is selling a few fish to a neighbouring village.

**Mrs. Bernadette Jordan:** Where I come from, the local fishery is a huge exporter.

**Dr. Stephen Woodley:** Then it's a commercial fishery.

**Mrs. Bernadette Jordan:** Yes, it's a commercial fishery.

I want to just go a bit more to Mr. Donnelly's points on spinoff effects because you used the haddock box as an example. Do you see spinoff effects in the scallop industry? Scallops really don't move. We've talked about bottom trawling and the challenges, but scallops kind of sit on the bottom. The only way they move is through currents, so I don't see a huge spinoff or spillover effect within the scallop industry. Am I wrong?

**Dr. Stephen Woodley:** I think so because scallops spawn, and those spawn travel a huge distance before they settle again. In many cases, the scallops that are being fished aren't from there; they're from up current. Actually, it's pretty well demonstrated that these sessile or in-place communities can have huge benefits long distances away.

**Mrs. Bernadette Jordan:** We heard from the previous witnesses that there's certain gear that they would like to see banned, but they are still trawlers. The group they represent are trawlers, but there is certain gear in the trawling industry that they would like to see banned. Do you see a gear definition being part of this? Is there a way to allow for a fishery with gear that is maybe more acceptable?

• (1040)

**Dr. Stephen Woodley:** Certainly gear is important. It's hard to legislate gear because gear changes very rapidly. If we're talking about certain ways of catching fish, such as longlining, they can be relatively benign and relatively targeted at some fisheries, and they can be relatively destructive in others. If you look at albatross declines in the southern oceans, that's all been from longline fisheries. They've been able to mitigate that with changes in gear. I think your point is extremely well taken that gear is fundamental, but I'm not sure how you would legislate it.

**Mrs. Bernadette Jordan:** My final question to you is about the predator, about allowing for some management of predator species. If we have something that's a no-take zone or a sensitive benthic area or whatever, and there's a species that's causing damage, do you see that as something that we should be able to go in and deal with?

**Dr. Stephen Woodley:** There are a lot of examples around that. You can look at the crown-of-thorns starfish on the Great Barrier Reef. There are active controls on crown-of-thorns starfish because of their ecological impact on the Great Barrier Reef. It is true that management actions within protected areas are acceptable, and they occur all around the world.

If you're talking about seal management or something like that, we could get into the details of it, if you would like. I'm not sure if that's your question.

**Mrs. Bernadette Jordan:** That would be one.

**Dr. Stephen Woodley:** I actually took part in the seal ZAP, as it was called, the zonal advisory process on grey seals. We were not able to determine that grey seals were having a significant impact on any fishery off coastal Nova Scotia. It's highly speculative that it has an impact on the southern gulf cod population, so where and when you would have to control seals to allow for recovery of southern gulf cod is still a highly complex question, and it wouldn't necessarily impact any MPA.

**Mrs. Bernadette Jordan:** Thank you.

**The Chair:** Thank you, Ms. Jordan.

Mr. Calkins, please, you have five minutes.

**Mr. Blaine Calkins:** Thank you, Mr. Chair. I really appreciate the testimony from the witnesses who are here today.

I have a question for you in regard to the comparison that Mr. Woodley made as a former Parks Canada employee, much like I am. I think there's an agreement from Ms. Nowlan as well that we should take a look at the maintenance of the ecological integrity aspect of the MPAs. While in theory I have no problem with that either—I actually stand behind that—I also understand that we can't save or protect large enough tracts of land or large enough tracts of the benthic ocean to allow 100% completely ecological activity to remain in whatever state of balance that actually is.

It's naive to think that homeostasis is a reality, because that's not the reality of the living world. Homeostasis is something that Mother Nature always strives to find but never does. My question, then, getting back to the national parks or the terrestrial comparison between MPAs and national parks or protected areas on land, deals with the aspect of economic activity.

Ms. Nowlan, I think you highlighted the fact that the Great Barrier Reef in Australia provides significant economic activity as a result of being protected. I'm not aware of any formal structures like that in and around Canada's coasts. I stand to be enlightened if that's the case, but I want to talk a bit about economic activity. When we talk about having a national park with ecological activity, we still provide massive tourism opportunities inside our national parks.

Should seal watching or whale-watching or any other type of activity upon the creation of a marine protected area result in a significant wildlife bloom that was thought to be worthy for the tourist industry to pursue, would it be reasonable to ask how your organizations would feel about that?

• (1045)

**Dr. Stephen Woodley:** Do you want to answer, Linda?

**Ms. Linda Nowlan:** Sure.

I think I'll take whale-watching as an economic activity. It is more valuable economically than hunting whales, and there are studies that show that. It's much more valuable to keep whales alive and to let people go to see them. It's an industry that's blossoming and blooming around the world. It's not a damaging activity if the right safeguards are in place and if the right distances are kept from the whales that you're watching.

Yes, I think that is definitely the type of activity that would be and should be allowed in marine protected areas. We have Gwaii Haanas in the southern half of Haida Gwaii, which is a national marine conservation area. It's a huge source of economic activity for those islands, and whale-watching and wildlife viewing are definitely a part of that.

I think the reason we don't have any equivalent to the statistics or numbers about places like the Great Barrier Reef park in Australia is that we don't have any huge marine protected areas in Canada that allow a lot of tourism. We just don't have those big areas in place right now.

**Dr. Stephen Woodley:** The Saguenay–St. Lawrence Marine Park, jointly run by Canada and Quebec, would probably be the best example. Forty years ago, we thought that beluga whales were a predator on cod and were decreasing cod. We licensed people to shoot belugas. We even bombed belugas from the air as a management tool. We now know that was incorrect. That park now is a global tourist attractor with huge economic opportunities. The village of Tadoussac has gone from being a poor fishing village to being a vibrant tourism community.

**Mr. Blaine Calkins:** Would it be unreasonable for me to presume that an inshore marine protected area, upon its establishment, could create enough of a fisheries bloom—whether it's benthic species, pelagic species, or whatever the case may be—that it might actually attract seals? I think it's a real possibility. As a matter of fact, I fully expect it. Should we actually put some marine protected areas out there?

Seals are the wolves of the sea. It's no secret. I'm a hunter and former park warden. I know where the guides and outfitters like to set up their camps. They set them up along the park boundary for bighorn sheep. They know they're going to get some spillover from that park. However, I also know that after about 20 years of the change in the management strategy, in zone 429 in Alberta, I can't find an elk anywhere because of the spillover from wolves and other predators that have moved out of the national park and into the forested areas, onto the eastern slopes of Alberta. Whether Alberta has properly managed that is another question, but I see more wolf

and cougar tracks than I see elk tracks on most of the eastern slopes of Alberta.

Would your organizations be prepared to come back to this table in 20 years? I can tell you right now that Parks Canada has the ability to cull wolves inside a national park. They don't do it because of the political pressure. Would your organizations be prepared to come back in 20 years and say it's time to kill the seals in this marine protected area, if it were necessary?

**Dr. Stephen Woodley:** IUCN is a science-based organization. We develop all of our policies on evidence-based decision-making. If that were the evidence, and I'm not aware if it is, then certainly.

**The Chair:** Ms. Nowlan, would you like to respond to that?

**Ms. Linda Nowlan:** Yes. For seals it's not an area that I'm really aware of, so I'll just agree with my colleague Stephen Woodley on this. Laws should be based on science—environmental law in particular. It's hard to answer that hypothetical without knowing the science involved 20 years from now.

**The Chair:** Okay. Thank you very much to our guests.

Linda Nowlan and Mr. Stephen Woodley, we appreciate your being here today, and we thank you, Ms. Nowlan, for getting up at this ungodly hour, as we say, early in the morning. I hope the rest of your day goes quite well. Thank you very much for joining us.

Colleagues, before we leave, let's not forget that next week there will be no Tuesday morning meeting. It is Monday afternoon. It's this coming Monday afternoon in room 310, we think. Look for your notice when it comes out, but just as a reminder, our meeting is Monday afternoon at 3:30 to accommodate some of our witnesses from the west coast.

Thank you, everyone. Have a good weekend.

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