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Chair

Mr. Scott Simms

Standing Committee on Fisheries and Oceans

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• (0910)

[English]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): Good morning.

[Translation]

It is a nice day today.

[English]

I first want to apologize for the delay. These things happen, of course. We were able to get a room in the same building, which makes it that much easier. We've missed about 25 minutes, but we'll hear from both groups and have two rounds of questioning.

As a reminder, this is the last day of our questioning before we delve into a discussion of our recommendations. After that, of course, we'll have the report finalized.

We'll start with Randy Jenkins, the acting senior director, integrated resource management. We also welcome Brett Gilchrist, acting assistant director, fisheries national programs.

The people you see this morning are no strangers to you, because they've been here before.

Will one or two of you speak? Just Mr. Jenkins.

You have up to 10 minutes, sir. Please proceed.

Mr. Randy Jenkins (Acting Senior Director, Integrated Resource Management, Department of Fisheries and Oceans): Good morning, everyone. It's great to be back again after such a short absence. As you recall, on this Thursday past we discussed commercial indigenous licensing. Today is the fisheries management side, so you're stuck with us again for a bit.

I'd like to start by saying that for the fisheries management component, our contribution to achieving Canada's targets is largely through the other effective area-based conservation measures, or the creation of marine refuges. We use Fisheries Act tools to evoke various closures for certain aspects of oceans, whether we're protecting the ocean bottom or there's a particular species of fish, or some combination thereof.

In that capacity, we have been quite active in helping Canada achieve in December the 5% target for marine and coastal protection. We've had several high-profile or good examples of where we've had a lot of engagement with the fishing industry, communities, and indigenous groups. For example, the Disko Fan conservation area in

the eastern Arctic, Baffin Bay, would be a good example of where we're protecting not only the corals but also the narwhal feeding source.

From that perspective, we'd be happy to answer any questions that you may have today. I would also point out that, as you're aware, the next session will include be Oceans Act professionals and the persons who are leading on the MPA component. If there are any specific questions on MPAs or something beyond what we would normally be covering as fish managers, certainly they would be more than happy to answer those questions for you.

With that, Mr. Chair, thank you for welcoming us back. We'd be pleased to answer any questions you may have.

The Chair: It's great to have you back, Mr. Jenkins.

Ms. Jordan, for seven minutes, please.

Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.): Thank you, Mr. Chair.

Thank you to the witnesses for appearing again today.

We're coming to the end of a very long study on marine protected areas. We've heard a lot of testimony on all sides—from stakeholders, from environmental groups, and from the officials, including the minister's office.

One of the things we heard a few times that I'd like to get your take on is that there seemed to be a lack of communication between the fisheries management branch and the oceans branch when it came to designating MPAs and what they were going to protect. It seems that when the fisheries management branch was actively involved, there was better communication within communities and stakeholder groups, but if it were the oceans branch was leading on the MPA, that was not necessarily the case. Can you comment on that? Do you feel there's good communication between the two branches, that when an MPA is being discussed or being determined, both branches are well versed and onside when it comes to designating MPAs?

Mr. Randy Jenkins: Thank you for the question.

I know from my experience in national headquarters—Brett works in my shop and I'll let him speak in a few minutes—we worked hand in glove with our oceans colleagues. It is not an individual silo approach. It is a cohesive, collaborative approach. There are many people we're consulting and many individuals involved, but I think, as a program, we certainly are in touch with one another and we work collaboratively to achieve the goals.

I'll let Mr. Gilchrist speak to it. He participated in a lot of our consultations and was our national lead at headquarters.

Mr. Brett Gilchrist (Acting Assistant Director, Fisheries National Programs, Department of Fisheries and Oceans): Thank you.

As my colleague, Randy, indicated, I've had an opportunity to go cross-country—I think it was four times, the last time I checked—to participate in consultations on the other effective area-based conservation measures, which are under the Fisheries Act. On each occasion, we had representatives from our oceans branch. We had representatives from the science branch too. We also had representatives in individual spots from other departments, like Environment Canada. I think there's definitely communication between our sectors, but I would say that, obviously, we have the benefit in resource management of having a regular process of engaging stakeholders through our regular advisory committee, so we have an ongoing relationship with a lot of our stakeholders. In my experience, we've had good interaction with our other colleagues, as well.

● (0915)

Mrs. Bernadette Jordan: We've heard from several stakeholders that MPAs seem to be most successful when they're driven from the ground up. When we talk about places like Baffin Bay; Eastport, Newfoundland; and Darnley Bay, they were actually MPAs that were initiated within the community. Is there more of a movement to have those kinds of grassroots organizations involved from the start, as opposed to a top-down approach, whereby Fisheries and Oceans or Environment determines where it's going to be and says, "This is what we're going to do", as opposed to asking, "Where should it be?"

Mr. Randy Jenkins: I think it's fair to say that if an area or concern has been identified already by the fishing industry or communities at large and they're behind it, and are advocating for more measures to protect the area or species, then those will likely be the most successful and the easiest to deliver. That doesn't mean that others would not be. It just might mean that you need a lot more consultation to arrive at an end point, if the communities or user groups are not already familiar with the plan.

In the case of the marine refuges that we've created, some were already under consideration or had some closures in place for various reasons, and we've leveraged those to help move forward. Others are the result of science, academia, NGOs, and others pointing out specific areas of concern. We can then work with them and the communities in the fishing industry to define a footprint that needs to be protected and to invoke the fisheries closures.

Mrs. Bernadette Jordan: We've heard a lot regarding consultation and what it looks like. One of the main concerns we've heard is that stakeholders often feel that it's not actually a consultation

process, but an information session. They feel that officials come in from the departments and basically say, "This is what we're going to do."

What does real consultation look like? We've struggled with this one a lot because we're not getting good feedback from a lot of communities, because they feel like they weren't consulted but were told what would happen. I'm going to ask for your opinion on what a consultation process looks like.

Mr. Randy Jenkins: I guess whether you've been adequately consulted is in the eye of the beholder. I do know that with the areas we've closed.... I'd like to pick an example, simply because it's easier to visualize in my mind.

I'll go back to the Disko Fan conservation area in the north. That one started out with an existing narwhal "box", as we called it, that was protecting the food for the narwhal. We thought that area would be a good candidate for other closures. We worked closely with the fishing industry, NGOs, and academia to help define the actual footprint. In this case we had a predefined geographic area that we can outline to say there are corals or sensitive bottom areas and there's a feeding area. From that perspective, yes, there was a preconceived image of the general area. But with feedback from the user groups, including the indigenous groups—because we ran this through the Nunavut wildlife boards and the Nunavik wildlife board—we were able to shape and define the footprint so that it would achieve its overall objective while still allowing for some economic and social activity that was...I guess, I would use the word, "compromised". I don't know if that's the proper term. There was some give and take, shall we say. We arrived at a final area that was perhaps not satisfactory to everybody, depending on whom you ask, but it achieved the objective: it allowed the fishing industry to still carry out some of its objectives, and it met the indigenous objectives.

I think that would probably be an example of consultation that was effective. Even in that case there will be individuals who will come out of the woodwork to say, "I wasn't consulted", or "My community wasn't consulted", or "My fishing group wasn't consulted". However, I think there was an opportunity for everyone to participate in the consultation. At some point there has to be a finite end date to the consultation process.

I don't know if my colleague would like to add anything to that.

● (0920)

The Chair: Actually, he can add to it during the next round of questioning, if he so desires.

Mr. Arnold, you have seven minutes, please.

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

Thank you both for coming back today on a slightly different topic than we had last week.

Mr. Jenkins, I'm glad to hear you say that Canada is using other protected areas as part of achieving the targets. Are those other protected areas being considered or accepted by NGOs, the UN organizations that are part of the Aichi targets, and outside organizations?

Mr. Randy Jenkins: I'll let Mr. Gilchrist respond.

Mr. Brett Gilchrist: We had a range of stakeholders from across the country from all different communities—indigenous communities, industry groups, recreational harvesters, commercial harvesters, and a range of non-governmental organizations. As my colleague noted, in some cases there were individuals and communities that were struggling a little bit with the closures, but we did have a lot of support. In many cases—and for one of the first times in my career—we had stakeholders working together: commercial industry working with NGOs to help the government land on something and putting forth proposals that the government could work with. I would say it was a really good example in 2017 of acceptance from a broad group of individuals. Our industry is very aware of the growing demands in the market for this kind of evidence of helping protect areas.

From an international perspective, I think my colleagues from the aquatic ecosystems sector, who are speaking next, might be a little more familiar with that. My understanding is that some of the discussions on the criteria are ongoing at an international level, meaning the criteria for how areas would be assessed in meeting the Aichi targets. To my understanding so far, Canada has been ahead of the game, because the Aichi targets are, I believe, 10% for 2020, and it was a Canadian target for the 5%. There have been some Canadian examples put forward.

Mr. Mel Arnold: Are those other protected areas being accepted by the international groups: the UN organizations, the NGOs? Yes or no?

Mr. Brett Gilchrist: Again, I'm not sure on the international side. That would be for my aquatic ecosystems colleagues to answer.

Yes, there has been acceptance by a number of the ENGOs on our area closures.

Mr. Mel Arnold: Due to the time constraints, are we able to pose that question to the science branch to get an answer back to us before Thursday?

The Chair: We can try. That's all I can tell you.

Mr. Mel Arnold: Okay, thank you.

Again, along the line of questioning that Ms. Jordan began about coordination between different branches and so on, is there an economics branch within both the fisheries and oceans branches? Do they each have their own economics analysts?

Mr. Randy Jenkins: There is a single economics branch within the department, and both of us can leverage whatever types of reports or requests we may have for their input.

Mr. Mel Arnold: Is there good coordination between the oceans branch and the fisheries branch on those economic impacts when it comes to MPAs or areas of interest?

Mr. Brett Gilchrist: I would say that our aquatic ecosystems branch was the lead for the MCT process, so we certainly worked a lot with them to get an understanding of the various issues they've reviewed, including economic impact analysis. I would say that, obviously, resource management has, again, a day-to-day engagement, from a regional perspective, with stakeholders, so we probably hear a lot of the potential impact and the benefits of individual initiatives.

Mr. Mel Arnold: How much time do I have? Two minutes.

We've heard a lot during our field trips and so on about the different approaches to the MPAs: areas of interest, the development, and the consultation. Why would there be such a difference even within some of the areas in the Maritimes: the gulf region versus the Atlantic region? From the harvesters we spoke to, there seemed to be a notable difference in the approach that was taken. Can you explain that, and is there an effort to, I guess, equalize the approach that's taken in the different regions?

● (0925)

Mr. Brett Gilchrist: Certainly, it was part of my job to help ensure there was some level of consistency in engaging stakeholders across the country. Every region has a very different perspective and client group when it comes to ENGOs and industry, and management partners like indigenous communities. The consultations wouldn't have been exact because, again, you're dealing with very different areas. The areas don't impact the fisheries the same way across the country, because we focus on the ecosystem features themselves, so it might have a different impact on this fishery versus that fishery or this community. We did try to make sure there that was a level of consistency in our delivery across the country.

Mr. Mel Arnold: I have one minute left? Actually, I'll pass it to Mr. Miller, if he's ready.

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Okay. I don't probably have enough time here to get into the main guts of my questions, but again, it's about consultation, and we talked about this the last time. I know there was consultation, but we also heard many, many times from stakeholders that basically there wasn't, or it was so minimal that they were barely given lip service. Can you comment on that? Do we believe them, or do we not believe them?

Mr. Randy Jenkins: I guess what I would say, to repeat what I said earlier, is that consultation is in the eye of the beholder to a certain extent. I think the department and our partners have carried out adequate consultation. We've made ourselves available. Have we stopped in every little community? Perhaps not, but individuals have the opportunity to submit written comments as well as appear if there's a public hearing. I've heard from the fishing industry—as we mentioned, we get a lot of feedback from them—that sometimes lack of consultation is translated as their perhaps not having enough time to arrive at the same conclusion. It's not that they are not consulted. It's just that they'd like to have perhaps more time to carry out an activity or more time before changes are brought into play. I think it's a bit of both. I certainly can't say that the individuals who say they don't feel they were adequately consulted are not speaking the truth from their perspective, but I can say that the department has made many endeavours to consult, to the extent possible within the time frames, on each of the MPAs.

The Chair: Thank you, Mr. Jenkins.

Mr. Donnelly, please.

Mr. Larry Miller: On a point of order, Mr. Chair, Mel was asking them about the economics branch, and Mr. Gilchrist indicated that there might be somebody here from the economics branch. I would just suggest that we invite them to the table, so that if another question comes up on that, at least it can be answered.

The Chair: It's not a point of order, but let me look at the time. I understand your request.

I'll go to Mr. Donnelly first, and we'll deal with it.

Mr. Fin Donnelly (Port Moody—Coquitlam, NDP): Thanks, Mr. Chair; and thanks to our departmental officials for being here again with us this week.

I think last week we were talking about fisheries management, tools, and practices. In that vein, about best fishery management tools, to ensure commercial fisheries flourish, I wonder if you could talk about or give some real examples on each of the three coasts about which management practices work best. In your opinion, if the goal is a flourishing fishery, what on the west coast, the Arctic, and the east coast work the best?

Mr. Randy Jenkins: I guess it depends on the objective of the closure.

In the case that we heard last week, the Eastport example, where the objective was to try to increase the biomass of lobster in a very finite area to benefit the communities that are alongside, a total closure or ongoing closure would allow the reproductive animals in that area to reproduce and their spawn would spread throughout the ecosystem and benefit the fishers who were alongside. At the same time, in terms of fishery management actions, and not necessarily directly related to the closure, the department took other measures so that only certain fishers could fish in the area. Those were the ones who were adjacent to the coast, so there was a double angle.

Maybe I'm not understanding your question well, but to take a west coast example of what's effective, if we look at the offshore Pacific seamounts and vents as an example of a closure, we're primarily protecting the bottom. Therefore, any bottom-type fisheries would have to be close to obtain the objective of the closure.

However, at the same time, for surface fisheries such as tuna fishing, there's no reason in the world why tuna fishing can't continue.

We try to zero in on what we're trying to protect and minimize the impact that would have on the fisheries. If we're protecting bottoms and corals, then fisheries that don't impact the bottom, in theory or in reality, can still be allowed to continue, whereas those that do, won't.

When you're talking about a management measure in localized areas particularly—maybe they don't work as well in large offshore areas—if you have a fishery going on that impacts the bottom currently, and that's the activity we wish to stop, it is possible that a similar fishery could continue, or a fishery for that species, as long as there's a switch to gear that's less harmful to the environment.

Brett, do you have any other example to add?

● (0930)

Mr. Brett Gilchrist: I'll be very quick.

I think my colleague has summed it up. Start from the best available science, and then focus on the ecosystem feature, the objectives for an area that you want to protect, and then work from there on identify the gear types that have a direct impact or that don't have a direct impact.

That was the case for areas across the country, such as the area in the Pacific that my colleague mentioned where we were protecting hydrothermal vents and seamounts in deep water. Bottom-contact fishing was the focus, but allowing fishing gear that does not have a direct impact to continue, and that's based on the best available science.

That's a key part of our other effective area-based measures tool: the ecological component of interest is effectively protected.

You have the gulf coral and sponge areas as well, where a series of areas were closed to bottom-contact fishing. Again, that's based on protecting coral, so the last thing we want to do is to have fishing activity that will move through that and have a direct impact on that area, but other activities that are known not to have an impact can continue.

Mr. Fin Donnelly: What about the Arctic? You mentioned both coasts.

Mr. Brett Gilchrist: The Disko Fan is actually in the Baffin Bay area. That's an example of protection that looks at both the narwhal and their food source, and coral in the area as well. It's a multifaceted protection.

There's another one in the Davis Strait that does the same, for coral and sponge. Hatton Basin, which straddles the Newfoundland area and the eastern Arctic, has a similar benefit for coral and sponges.

Again, the focus is based on the best available science, restricting fishing activity that has a direct impact on that ecosystem feature.

Mr. Fin Donnelly: In short, it's about closures, restricting fisheries, and gear types. Those are the kinds of management tools your branch talks about—

Mr. Brett Gilchrist: Based on the best available science....

Mr. Fin Donnelly: Okay.

In your opinion, just as a general question, what species' fishery is hardest to protect and conserve, from rockfish, to lobster, crabs, salmon? What is the hardest thing to protect, and why?

Mr. Randy Jenkins: Well, that's a good question, and I'm not sure I really know the answer.

A lot of it depends on the complexity. If you're talking about species protection, if you have a species you're trying to protect that's in very limited quantity, or is a mixed species, then it is a bit more complex to protect, in the sense that you can't allow many other fisheries because you could then have a bycatch issue or a problem such as that.

A single species in a single area is perhaps easier to protect because you can have a closure in effect that would only implicate that one fishery, as opposed to multiple fisheries.

Again, it's not necessarily the hardness; there's the complexity issue.

Mr. Fin Donnelly: That's probably good.

The Chair: Mr. Hardie, for seven minutes, please.

• (0935)

Mr. Ken Hardie (Fleetwood—Port Kells, Lib.): Thank you, Chair.

In your experience so far with MPAs, is there a scenario where the benthic zone doesn't need to be protected, or is that pretty much a common denominator across the MPAs that we have?

Mr. Randy Jenkins: It's frequently a common denominator, but it's not the sole source.

There are two in Newfoundland that I can mention. We've already discussed the Eastport example, which is really about protecting an area for lobster reproduction. In Gilbert Bay, in Labrador, it's a type of red cod that's being protected, so it's not the bottom features. Those would be two examples, and there may be others.

I think it's fair to say that quite often there is a sensitive benthic area as well.

Mr. Ken Hardie: Would that also apply to the rockfish conservation areas in B.C.?

Mr. Brett Gilchrist: I'm sorry, I didn't hear the first question.

Mr. Ken Hardie: The first question was, are there scenarios where a marine protected area wouldn't include protection for the benthic zone, the bottom?

Mr. Brett Gilchrist: Okay.

There are areas that aren't exclusively focused on bottom features, such as corals and sponges—the narwhal example in Baffin Bay.

Mr. Ken Hardie: I was actually specifically asking about the rockfish conservation areas, the relatively small in-shore areas.

Mr. Brett Gilchrist: This is an area that I am somewhat familiar with. It doesn't count towards our current area closures, but it is an area that was considered. It's an example of one that was more complicated for a number of reasons. Again, I'm not as familiar with the dynamics of that fishery, but it's an example of an area that we reviewed and need to do more work on to consider it as a potential candidate for marine conservation targets in the future.

Mr. Ken Hardie: A number of people we spoke to mentioned the adaptive management framework as a preferred way of going forward. Are you familiar with that framework? Do you know if it's being employed? “No” is a good answer, but it is something that came up a few times.

Mr. Brett Gilchrist: I'm sure my other colleagues are probably more familiar with that. Off the top of my head, I'm....

Mr. Ken Hardie: All right. We'll ask them when our time comes. It gives them a chance to look it up.

What's the state of the fish stock assessment process at the DFO? How are we doing?

In other hearings on other studies, we've heard that we're far behind and certainly not up to date. Are we making progress there?

Mr. Randy Jenkins: That's a question best directed to our science branch, regarding the status of any particular stock. As a general statement, I can say that science has done a lot of hiring in the past few years, so there is a lot more effort being directed into various fisheries. Depending on which particular fishery you're concerned about, we'd have to specify and we can take it back.

Mr. Ken Hardie: Good.

Let's go back to consultation because when we were out speaking with people, we heard a lot about that. That was the process we were undertaking at the time. You mentioned that adequate consultation is in the eye of the beholders, so what have the beholders been telling you?

Mr. Brett Gilchrist: I've had a lot opportunities to hear directly from NGOs and industry. Some of the decisions were challenging from an industry perspective, but I've also heard and participated in discussions where industry was aware of need to do this. At the Boston seafood show, some of them actually mentioned that they see MPAs, and their involvement in MPAs, as an opportunity to promote how they're also managing their stocks responsibly from a commercial perspective. I've heard from several ENGOs that were very supportive of the area closures, for example, in the north and some in the Newfoundland area. There are others that have had challenges with our proposed approach. I think that's probably to be expected in all scenarios, especially when such a large undertaking happens, as we had last year.

Mr. Ken Hardie: I wonder if we've learned a few things along the way as we've gone through these processes. When our committee went up to the Far North, for instance, we went to Paulatuk, because we wanted to talk to the community, only to find out that it was the time of year when they were out on the land, so we missed connecting with people. We've heard similar stories. In fact, my colleague, Ms. Jordan, was mentioning that there have been times when we wanted to talk to them, but they were out. They were doing things. Is this one of the things we've learned: to choose the appropriate time when the people are actually available?

● (0940)

Mr. Randy Jenkins: I think it's fair to say that availability of the core group is important. I think it was raised last week, as well, with regard to the fishing industry. If the crab fishery is open and you're trying to target crab fishers, there's a greater likelihood that some or all of the crab fishers will be at sea, so I think that is a consideration. As I mentioned before, there are targeted consultations, but there are also other opportunities for groups or representatives of groups to make their views known through written submissions or by attending other meetings.

Mr. Ken Hardie: I think there's at least a perception that the approach to consultation is a "once and done" thing, whereas perhaps an ongoing dialogue is going to be more important. Similarly, it seems that it's not necessarily going to be just about buying a box of doughnuts and some coffee, opening the hall, and seeing who shows up. It's going to be about making more of an effort to proactively go out and speak to the people who are actually trying to make a living. The NGOs have an agenda—good for them. That's why the process is there, but it's the balance that counts. It's hearing the people—and in some cases chasing them down at the right time when we can actually get to them—that will give us a fuller sense of what is going on out there. It will also contribute to the whole issue of fair process so that more people will understand that they've had their say. Even if they don't like the outcome totally, or at all, they at least know that somebody has gone out and looked for their opinion.

That was just a comment, not a question.

The Chair: Thank you, Mr. Hardie.

Mr. Miller, before we start, you mentioned that you wanted someone from the economics branch who is here. It's my understanding that nobody is here from the economics branch, per se. However, our next round of questioning deals with the oceans crew, and they can speak to some of the issues because they deal quite frequently with the economics branch.

Mr. Larry Miller: Very good. I was under the understanding that they were here, and I thought they might as well be at the table, but that's fair.

The Chair: Go ahead, sir. You have five minutes.

Mr. Larry Miller: Thanks again, gentlemen, for being here.

Last week, some of my questioning was about science-based selection of MPAs. You've indicated, Mr. Jenkins, that, yes, it is science-based—meaning how, why, and where MPAs are established—and I asked you for some information. What I'm trying to get at here is the 5% and the 10%. I think you'd have to agree that, from a logical standpoint, it would be very doubtful if some kind of study or science came out and said that the two targets should be 5% and

10%. I'm trying to establish if those targets were based on science—somebody said that, hey, this is the exact amount—or if they were based on a political decision.

Can you respond to that?

Mr. Randy Jenkins: The overall target of 10% is an international target that was established and accepted by the members who are party to the Convention on Biological Diversity.

Mr. Larry Miller: The international target.

Mr. Randy Jenkins: It was established in 2010.

Perhaps my colleagues in the oceans' group can shed more light on the background in 2010 as to how they arrived at the target. Was it purely political, or a combination of political choices and science, or whatever?

It's my understanding that the 5% target was a Canadian commitment to help us benchmark our progress to achieving the 10%. I can't say with any certainty that 5% by 2017 was the target for all countries that are party to the convention. I do know that 10% is the target for all of the countries that were party—

Mr. Larry Miller: Then let's concentrate on the 10%. That 10% sounds like it was a decision made somewhere, and by whom you haven't said. Was it the UN? Was it NATO? Was it some other group? It was a target not based on science, but delivered to us from external organizations. Is that correct?

● (0945)

Mr. Randy Jenkins: I can't concur with what you said. I can confirm that it is the UN that set the target, and I was remiss not to mention that at the beginning. To say that just because the UN established a target, it's not based on science, I think would be folly.

Mr. Larry Miller: I suppose—

Mr. Randy Jenkins: What I said is I'm not sure how they arrived at the 10%, if it was a negotiated process or partially science, or partially considerations of the longer term gain. Again, my colleagues from oceans are likely much more familiar with the activities that led to the 10% being established back in 2010.

Mr. Larry Miller: Okay. I think it's pretty clear that if it were done by the UN it wasn't based on science, and it certainly wasn't done by Canada, so I'm not going to dwell anymore on that.

We talked a bit about the economic consequences, and maybe we'll find out a little more from the next witnesses on that.

On the consultations, I do want to thank my colleagues, Mr. Hardie and Ms. Jordan, for bringing up the point that in many of the consultations we heard from the fishermen and other stakeholders that they were out doing what they do—fishing—instead of consultations in the off-season. I do hope that we learned something from that because it's a pattern, and it doesn't seem to matter what department we're dealing with in government.

There's one last thing I want to mention. On the Great Lakes, there's a strip of land on a map that I've seen, and basically all of the north shores of Lake Erie and Lake Ontario pencilled in as potential MPAs. The reason I find that absurd is that the fisheries in both of those have never been better. If you remember back in the seventies and eighties, the fishery in Lake Ontario was pretty near gone because of chemicals or what have you, whether it was from Hamilton, Toronto, wherever. However, they've cleaned that up and the fishery in Lake Erie is actually second to none now. Compare it to the south Georgian Bay area where I'm from, and the fishery there is almost ruined. The aboriginal fishers have basically fished it out, and I think that's their intent. Why would there be plans or even thoughts to put in MPAs on the north shores of Lake Ontario and Lake Erie when the fishery is obviously very healthy and actually improving?

Have you seen those maps that I've seen?

Mr. Randy Jenkins: I'm going to have to defer your question to the next group, oceans. I'm not familiar with any plans for the Great Lakes. Sorry.

Mr. Larry Miller: Mr. Gilchrist, do you have anything on that?

Mr. Brett Gilchrist: In our resource management branch, our areas of jurisdiction have been marine and coastal fisheries, so we haven't dealt with the inland lakes and water bodies. Again, my colleagues may be able to answer that.

The Chair: Thank you, Mr. Miller.

Okay, folks, that concludes this part. We have to move very quickly to the next panel, so I'm going to break for a very short time to bring in our next guests.

Thank you.

• (0945) _____ (Pause) _____

• (0945)

The Chair: Welcome back, everyone. This is going to be our very last round of witnesses for this study.

I want to thank, for coming here again, Jeff MacDonald, director general, oceans and fisheries policy; and Mr. Philippe Morel, assistant deputy minister, the aquatic ecosystems sector.

Mr. MacDonald, I understand that you have to leave at around 10:15, and so Christine Chute will also be here.

Ms. Chute, I'm sorry, but I don't have your title here. What is your title?

• (0950)

Ms. Christie Chute (Manager, Marine Conservation Programs, Department of Fisheries and Oceans): I'm the acting director of marine conservation programs.

The Chair: Okay, thank you very much.

As you know, we usually start with a statement, and I'm assuming that you have one statement.

[*Translation*]

Mr. Morel, you have the floor for 10 minutes.

Mr. Philippe Morel (Assistant Deputy Minister, Aquatic Ecosystems Sector, Department of Fisheries and Oceans): Thank you very much.

[*English*]

Good morning. You'll have to excuse Mr. MacDonald, who has to leave around 10:15 or 10:20 to act in support of the minister.

Good morning and thank you for inviting us today. We appreciate the opportunity to come back before you and support your interest in the government's efforts to protect the three oceans.

We have made significant progress since I was here last April, and we thank you for the hard work that you put into Bill C-55, and look forward to your MPA study report.

When I was here on April 4 last year, I outlined DFO's approach to meeting our target, as mandated by the Prime Minister in 2016. Our five-point plan has been the driving force behind our collective achievement, and I would like to take the time today to share them with you.

Since 2015, we have moved from 0.9% of protection of the coastal and marine areas to 7.75% as of December 21, 2017. The success brings us well beyond our target of 5% by the end of 2017.

The breakdown of that 7.75% protection of marine and coastal area is as follows: 11 Oceans Act marine protected areas; three national marine conservation areas; 51 marine refuges, also referred to as "other effective area-based conservation measures", or other measures; and a suite of areas protected by the provinces.

Through hard work since 2015, we have established the following increases in marine protection. DFO has added a total of 5.12% through three new ocean MPAs: Anguniaqvia Niqiyuam in the Northwest Territories, in November 2016; the Hecate Strait and Queen Charlotte Sound Glass Sponge Reefs in B.C., in February 2017; St. Anns Bank in June 2017; and 51 marine refuges, or 4.78% were added.

In addition to the work by DFO to establish Oceans Act MPAs and marine refuges, other protected areas have been established by Parks Canada. I'm referring here to the Tallurutiup Imanga, or Lancaster Sound, national marine conservation area established by Environment and Climate Change Canada, and also provincial governments.

The federal MPAs and marine refuges are found across our bioregions, and we are guided by science-based decision-making in identifying areas of our oceans that require protection due to their significance. This achievement would not have been possible without the hard work of our regional counterparts, provinces and territories, and indigenous partners and stakeholders who have worked with us to identify areas of protection.

With the current protection in place, there are an additional 129,000 square kilometres of protection to be put in place to reach 10% by 2020. Our approach of achieving the final amount is to continue to advance the five-point plan and utilize other ongoing activities.

To achieve our interim target of 5%, we worked to designate areas already under way and identify existing and establish new other measures.

[Translation]

In 2018, we will continue work to designate previously identified areas by finalizing the proposed Laurentian Channel and Banc des Américains marine protected areas, or MPAs.

Work has already begun to protect large offshore areas such as the Offshore Pacific Area of Interest, which was announced in May 2017, as well as additional areas possibly in the High Arctic and Labrador Sea.

Within this area of interest, the Offshore Pacific Seamounts and Vents marine refuge, which is more than 82,000 km² and represents 1.4% of protected oceans, was announced to quickly protect the most sensitive areas. Upon designation of the Large Pacific Offshore MPA, this marine refuge will be included within that area.

Our focus is also on the development of MPA networks in five priority bioregions. These networks will identify areas in need of protection by 2020, and those that will be prioritized for future protection.

We are also continuing to identify existing "other measures" and establish new other ones using the science-based guidance and criteria developed by DFO.

Thus far, to identify "other measures", an inventory of more than 1,000 existing fisheries area closures has been assessed against our five criteria.

● (0955)

First, the measure must be spatially defined with a clear geographic location. Second, the measure must have a conservation or stock management objective. Third, the measure must contain at least two ecological components of interest, which are habitat and species of regional importance that uses that habitat. Fourth, the measure must be long-term, either in legislation, regulation or clearly intended to be in place for at least 25 years. Fifth, the ecological components must be effectively conserved, with no human activities that are incompatible with the conservation objectives.

Our criteria were developed based on science and in consultation with the provinces, territories, indigenous groups, conservation organizations, scientists, the International Union for Conservation of

Nature, and parties to the United Nations Convention on Biological Diversity.

The location, management approaches, and size of future measures will be determined in consultation with our partners and stakeholders.

[English]

This week in Montreal, Canada is hosting an international workshop on other measures for the Convention on Biological Diversity. This is an opportunity for Canada to align these criteria and guidance with international processes.

Lastly, as you are aware, Bill C-55, an Act to amend the Oceans Act and the Canada Petroleum Resources Act, is proceeding through the legislative process. Once Bill C-55 comes into effect, interim protection MPAs may be established in an area where more time is needed to consult with stakeholders and gather science to finalize a long-term protection approach.

In addition to following our five-point plan, other concurrent initiatives that will contribute to our efforts to identify and establish MPAs and other measures to support co-governance efforts with indigenous people will be pursued.

DFO's approach to establishing MPAs and other measures is aligned with the whole-of-government reconciliation agenda. For example, DFO is working with other federal departments on a whole-of-government approach to Inuit impact and benefit agreements for federal MPAs. Our department is also working with these partners to identify and coordinate federal government contributions to the development of ongoing management of MPAs in the Arctic consistent with the emerging Arctic policy framework.

As we work toward and beyond the 10% objective, extensive scientific peer-reviewed processes will continue to provide the foundation of our decision-making. We continue to improve coordination with indigenous peoples and the use of local knowledge to inform broader understanding of marine protection.

As well, consultation and engagement continues to remain a core principle as we rely on provinces and territories, indigenous organizations, and other stakeholders to identify and establish protections. DFO sees this as a collaborative effort that needs everyone on board to ensure that the protections established are meaningful and effective.

As I mentioned before, DFO is conscious that protecting our oceans is a long-term but necessary investment in renewing our marine natural capital to support future generations and a balanced ecosystem. We are laying the foundation to advance broader ocean management to better manage our ocean resources for an ecologically and economically sustainable future.

Thank you once again for the opportunity to provide an overview of our progress to date and our approach moving forward with MPA establishment in Canada.

I look forward to your questions.

[*Translation*]

The Chair: Thank you, Mr. Morel.

Mr. Finnigan, you have the floor for seven minutes.

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

I would like to thank the witnesses for being here today. As indicated earlier, marine protected areas have been a topic of discussion for some time, and that will no doubt continue in the future.

Something occurred to me recently. Some people say it would take a catastrophe, a scourge, for us to start protecting our oceans. Yet people with the most basic knowledge know that our oceans are in trouble. They are polluted by plastics and contaminants of all kinds. There are some very serious problems. Fortunately, our governments—the previous government and the current one—have made a commitment to protecting our oceans, that is, 10% of our oceans in 2017.

Is protecting our oceans a political issue?

Does the science truly support what we are doing?

●(1000)

Mr. Philippe Morel: Thank you. I do not think protecting our oceans is a political issue. Political support is needed to enable scientists and organizations to indicate the areas to be protected. You said it is not like you get to the office one day and draw boxes or circles on a map of the oceans. Our work is based on science, and on what we know about protected areas in particular. That can include coral, sponges, species of fish or species at risk. It can also include regions subject to multiple human and ecological pressures which then become priorities.

Our approach also involves using the science that DFO has and drawing on the science of other organizations if necessary. We also draw on traditional knowledge to determine the priority areas for protection. We give priority to areas where stress factors are the most obvious, such as human or historical factors or climate change. That means we have to designate locations. This approach then leads to the whole designation process. This can include the closure of fishing areas, for instance, or marine protected areas.

Mr. Pat Finnigan: Thank you.

I would like to return to the process through which various groups have been involved in many consultations. I do not necessarily mean consultations about marine protected areas. I am thinking in particular about a project in our region, the Collaboration for Atlantic Salmon Tomorrow, or the CAST coalition.

We heard that indigenous persons had been consulted, but in many cases they were not at the meeting. In my opinion, that is not a consultation. We should never simply say that people were consulted if they were just called and were not physically present. We have to find a way of making sure real consultation takes place. Whether the groups are off fishing or elsewhere—I am not referring only to indigenous persons, but to all the groups involved—, if they are not physically present to take part in the process, it should never be called a consultation.

I would like to hear your thoughts on that.

Mr. Philippe Morel: I completely agree with you and think we are well enough informed at the department to know when the fishing or hunting season is or other traditional indigenous activities. They same applies to other groups. We do not consult crab fishers during crab fishing season. Our objective is to communicate with as many people as possible.

I would like to point something out, however. We invite people to consultations, but some are not interested or do not consider it a priority to attend one consultation or another. The fact that they are not present does not mean that we have not held consultations. If their absence is justified and we hold consultations when they are not available and we know it, then I agree with you. You are right in saying that does not constitute appropriate consultation.

We often invite people who say that are not active in the sector or do not have any rights to assert. They say then that they will not take part in the consultations. Some simply do not reply. In those cases, I would say that we have made the effort to consult them. Moreover, we cannot consult everyone. Our intention is to consult the people affected by the policies or measures we put forward.

Mr. Pat Finnigan: Thank you. I have more questions for you, but I would like to turn to Mr. MacDonald now.

[*English*]

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

Thank you, Mr. Finnigan.

I just have one question. DFO did some outreach meetings throughout Newfoundland and Labrador over the past month or several months. During constituency week, three of them were done in my riding, and I attended them.

At each of those meetings I was asked about an area that was recently identified offshore of Newfoundland as a marine protected area or to be considered for one. Fishermen were concerned that they were being told they would not be able to drop a hook but that the oil and gas industry would be able to continue its seismic and oil exploration work.

Can you confirm for me if those are the actual facts or not? Why would we allow that sort of activity to take place but yet fishermen or a fishing enterprise can't take a fish out of the water in the same area?

●(1005)

Mr. Philippe Morel: Mr. MacDonald will respond.

The Chair: You have one minute.

Mr. Jeff MacDonald (Director General, Oceans and Fisheries Policy, Department of Fisheries and Oceans): Very good.

The marine refuges that were put in place and announced by the minister in December are fisheries closures under the Fisheries Act. Oil and gas activity is regulated in Newfoundland and Labrador under the Canada-Newfoundland offshore petroleum act, and as a result, it's a different regulatory regime. Where the two have overlapped in the sense that there is a fisheries closure but oil and gas permits still exist in the area, we still close the area to fisheries because what we are protecting in that area is the bottom species—more specifically, corals, sponges, and sea pens. The area is closed to fishing, but we are not counting the entire area as contributing to our targets.

The criteria that Mr. Morel outlined in his opening remarks are the ones we're following. In an area where we have a fisheries closure but other human activities taking place, we're closing the area to protect the benthic areas, but we're not counting it towards our targets because it doesn't meet the criterion specifically that there are no other human activities in the area. Human activities are being defined on a permit basis, so even if the permits are valid but not being exercised, we're still not using that particular geography as contributing towards our targets.

The Chair: Thank you.

Mr. Arnold, for seven minutes, please.

Mr. Mel Arnold: Thank you, Mr. Chair; and thank you to all three of you for being here today.

There's a 2005 DFO document, *Canada's Federal Marine Protected Areas Strategy*. Is this document still being used by the department as the strategy, or has there been another strategy developed that we haven't seen yet?

Mr. Jeff MacDonald: It was the first strategy related to marine protected areas, coming out of the Oceans Act adoption in 1997. We have other more specific strategies that have been developed more recently. One that is guiding us is one that was signed by provinces, territories, and the federal government in 2011, which is our MPA network strategy. It's one that's been guiding a lot of the actions that we have been undertaking since the adoption of the national conservation plan in 2014 and the marine conservation targets in 2015.

Mr. Mel Arnold: Are these further strategies available to the committee and the public? Where would we find those?

Mr. Jeff MacDonald: Yes, they're on our website. We might have supplied it to the committee in the past, but if not, we'll make sure that it is brought to your attention.

Mr. Mel Arnold: Okay. I ask because in part of this strategy paper, consultation and collaboration are mentioned, and it states that the success of the MPAs “depends on how well various interests are able to work together” and that “ensuring participation of those with an interest or role to play in marine protected areas planning and management will be established to improve collaboration and co-operation amongst partners.”

I was just going through a briefing document we received earlier today from the Groundfish Enterprise Allocation Council and the Canadian Association of Prawn Producers. They are referring to an area in the Scotia-Fundy region. The “haddock box” is the specific area they're referring to. The briefing says, “Although industry has

generally accepted this closure for the last three decades, everyone knew it was not achieving the outcomes for which it was established—namely the protection of juvenile haddock to promote the recovery of the 4VW haddock stock.” It goes on to explain that it “was clearly an unsubstantiated and false claim” that it's protecting the area and that it “continue[s] to be inconsistent with science on the matter” and yet is being considered as one of those other areas of protection. Can you explain that?

Mr. Jeff MacDonald: I can start, and perhaps Ms. Chute can finish with regard to more specific elements of the establishment of the conservation objectives.

As Mr. Jenkins mentioned earlier this morning, when we were identifying the other effective area-based conservation measures to help meet the 5% target, we looked initially at areas where there had been closures under the Fisheries Act. Obviously, the fishing industry had already been making a contribution to marine conservation, but it just wasn't necessarily being counted because there weren't any criteria to count them as other measures.

The haddock box, which we're now calling the Western/Emerald Banks conservation area, was one of those areas that we looked at. Through the several phases of consultation we did with the fishing industry, as well as with first nations, the Province of Nova Scotia, and others, the conservation objectives were changed and updated such that it wasn't just about protecting haddock anymore; it was also integrating some of the new information we had with regard to the benthic environment. As a result of the information we received from the fishing industry, as well as the new science, we updated the conservation objectives, and then we also looked at how we would delineate, much as with the previous example, the areas that would count towards the target, with the areas that would be incompatible because of, in this case, scallop fishing, which affects the bottom. That's the history of that particular one.

With regard to the correspondence you're referring to, that's the perspective of the department. We did work very closely with the fishing industry, but they may have a different opinion on what the conservation objectives ultimately became.

I'm not sure if Christie wants to add to that.

• (1010)

Ms. Christie Chute: Just to add to that, this area, which we refer to as a marine refuge, meets DFO's operational criteria for what constitutes another effective area-based conservation measure. It does so because we have specific conservation objectives in this case that have been brought in to increase protections and to protect the coral concentrations that are present.

We also have prohibited any human activity or fishing activity that poses a risk to those conservation objectives. By doing so, we meet our criteria, and we count this towards our marine conservation targets as a result.

Mr. Mel Arnold: Everybody who has looked at the targets that were originally set—fisheries and even the science—indicate that it didn't achieve those targets, but you kept the same boundaries and added new targets so that it fitted would work.

Mr. Jeff MacDonald: We updated the conservation objectives. In the examination of closures that had been in place historically under the Fisheries Act, some of the areas were areas that we knew right away did not meet the criteria for biodiversity purposes. They're useful as fisheries management measures—for example, protecting a particular stock—but just protecting a stock doesn't necessarily protect biodiversity. There have to be other elements to it, and one of those elements is the benthic habitat.

By combining those two objectives and updating the purpose of the closure, we were able to say, yes, this does count towards biodiversity.

The reason that we would look at the existing areas is partly taking into consideration the economic impact on the fishing industry. If it was an area where they had traditionally not been fishing, then by expanding the conservation objectives but maintaining the boundaries, we were having less of an economic effect than if we were to pursue a closure in a different area where there was fishing activity.

Mr. Mel Arnold: Thank you.

I want to go back to your presentation this morning. You said that since 2015, we've moved from 0.9% protection of our coastal marine areas to 7.75% as of December 21. A lot of that increase in protected areas was through the incorporation of these other protected areas, was it not?

These aren't new creations of this government. They were simply adaptations from existing protection that was out there. Is that a correct statement?

Mr. Philippe Morel: Yes, most of the protection of the 7.75% comes from other measures that are not the creation of the government. They are internationally recognized measures to protect either land or marine areas.

We use different tools. These could be Parks Canada tools for the national marine conservation areas, the Canada Wildlife Act, the Oceans Act, or the Fisheries Act.

Other measures are meant to expand protection to reach the 5% and 10%, not only through the Oceans Act, which is more restrictive, but also through other tools within certain boundaries that are credible to the international community. Thus Canada can claim that yes, the fisheries closures that were announced as of December 21 are meeting protection objectives, and we believe they meet the international criteria of CBD and IUCN.

• (1015)

The Chair: Thank you, Mr. Arnold.

Mr. MacDonald, thank you for helping us out in this study thus far.

It's now 10:15, and I'm now going to go to Mr. Donnelly for seven minutes, please.

Mr. Fin Donnelly: Thanks, Mr. Chair, and again, thank you to our departmental officials for being here with us and providing input on this important study.

I want to go back to protection targets for a minute. In 1992—that's over 25 years ago—the international community set the goal of 10% by 2020. There has been some question as to whether that's

been science-based or based on science, setting aside 10% of the world's oceans.

I would argue right now that in the last 25 years, we've had more pressures on our oceans, not fewer, and we've had more of a problem with ocean acidification and other habitat loss and pollution issues. My colleague mentioned plastics and so on, so we have more problems, and maybe with management and other techniques there have been some successes.

Overall, would it not be safe to say that the best available science now says we need to protect more than 10% of our oceans to see our oceans flourish or be conserved into the future?

Mr. Philippe Morel: Thank you. I'll start and Christie, who has participated in several international fora, will follow.

I think we're still at the 10% target, given that it was credibly established at the international level and agreed upon by countries, such as Canada, and we're working towards that. You're right that some emerging issues and pressures are there. In an international forum, we heard that we should look at how to protect the ocean, not only in jurisdiction, but also outside of jurisdiction. Also the percentage should be higher and we should determine the kind of protection.

However, right now, I don't think any of these discussions has concluded. Maybe Ms. Chute wants to add something.

Ms. Christie Chute: We are indeed working towards the 10% target, but we view that as a floor rather than a ceiling. One of the reasons why we're pursuing marine protected area networks in our priority bioregions is to develop a long-term strategy to increase protection and the percentage of the area protected is really guided by the conservation objectives of those networks.

In other words—

Mr. Fin Donnelly: Is this target science-based or science-driven? That's what I'm after, because there has been some discussion about whether this is politically driven or whether this is based on science.

Ms. Christie Chute: There is a range of scientific views in scientific publications, but there's not one definitive view within the scientific community that 10% is the right number. There are certainly scientific papers that support 10%, but there are others that support different percentages. Therefore, we are working towards the 10%, but we are developing these marine protected area networks as a way to develop a long-term strategy to achieve greater protections, which are greater than the 10%.

Mr. Fin Donnelly: In your presentation, you mentioned a five-point plan. I couldn't find them in the presentation. Are they available on the website easily, or could they—

Mr. Philippe Morel: Yes. They are available on the website.

Mr. Fin Donnelly: Could you supply the five points to the committee, so that we get them and know what they are.

Mr. Philippe Morel: Sure. I can maybe share a presentation summarizes our approach and provides the details of the five-point plan.

Mr. Fin Donnelly: Great. Thank you.

What percentage of the 7.75% satisfies criterion 5 and is in no-take zones? The question is for both of you.

Criterion 5 refers to ecological components that must be effectively conserved with no human activities that are incompatible with conservation objectives occurring or likely to occur in the foreseeable future.

Mr. Philippe Morel: They all comply. All of the 7.75% comply with the five criteria, so I don't know if that was your question—

• (1020)

Mr. Fin Donnelly: Well, yes, but there are some that allow oil and gas and other human activities that are harmful, so they can't all be satisfying that criteria. I was wondering what percentage is strictly that. For instance, there are some areas that are no-take, in terms of fishing or any other activity—and I would assume there are no other human activities, which are defined as harmful, that are allowed in those no-take zones, but they constitute a very small percentage of our MPAs.

I'm wondering if you could shed some light on whether it's five, 10, 20—

Mr. Philippe Morel: I don't have the exact number, but I can say that most marine protected areas, except one, have no oil and gas activity. For national marine conservation areas, under Parks Canada legislation, there's no take, except for indigenous harvesting or fishing, and no oil and gas activities in these areas.

Mr. Fin Donnelly: So you'd say a large percent, 80%, 90%, maybe higher, satisfy this criteria, but what about no take? Are we looking at less than 25%—

Mr. Philippe Morel: No take will be probably between 2% and 3%, so one-third of the 7.75% is no take, because the different tools that we use are used for different purposes or meaning. For example, for fisheries closures, the conservation objectives are not at the same level as the conservation measures under a national marine conservation area or under the MPA. Our role is to find the best legislative or regulatory tool to address the protection that is needed and a no-take or a no-activity area is not necessary or not essential to every protection or conservation objective.

Mr. Fin Donnelly: You mentioned about 30% or so.

Mr. Philippe Morel: It's a guess. It's the best guess I can give you.

Mr. Fin Donnelly: Okay.

The Chair: You have two seconds.

Mr. Fin Donnelly: I was going to ask about minimum standards in monitoring enforcement, but I'll do that another time.

The Chair: I don't know if you'll get the chance, so go ahead very quickly.

Did you hear his question?

Mr. Philippe Morel: On the minimum standards, the minister, when he was in Malta, announced the composition of a panel to make some recommendations to him on minimum standards. This panel will be constituted and announced shortly. The role of the panel will be to provide some advice to the minister on categories of MPAs or what the minimum standards should be for each protection objective.

The other was monitoring. For every MPA or every fishery closure or every protection measure, we have to have a management plan in place. The management plan includes monitoring activities from monitoring by satellite, by the Coast Guard, or by other boats to enforcement activities by planes, by our C and P officers.

The Chair: Mr. Morrissey, go ahead for seven minutes, please.

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

During the process of this study into MPAs, various witnesses, whether from the academic or scientific community or the fishing industry, used the term "sustainable" but did not define it or defined it weakly. What's the definition that DFO uses for sustainability? Do you have one? If so, could you provide it for the committee?

Mr. Philippe Morel: Do we have one? We probably have 10.

Mr. Robert Morrissey: That's what the witnesses said. That's the problem. Everybody wanted to base their position on sustainability, but it meant different things to everybody.

Mr. Philippe Morel: In establishing protection areas, the way we incorporate sustainability in the area is to find a balance between the conservation objective, the economic activity, the ecological component of the ecosystem, and the social use of the area. When we make a recommendation at DFO to create an MPA or close a fishery, we provide that information to the minister, based on the conservation objectives or ecological objectives we're trying to reach.

• (1025)

Mr. Robert Morrissey: And that decides your interpretation of sustainability at that time?

Mr. Philippe Morel: I wouldn't say that.

Mr. Robert Morrissey: Okay. I have some other questions. It's as unclear as it was before.

Mr. Philippe Morel: It's certainly contributing to the sustainable management of our oceans.

Mr. Robert Morrissey: I have a question. I reviewed my notes. Of all of those who presented before this committee on MPAs, nobody presented evidence or documented facts that an MPA had a detrimental impact on a fishery or a fisher. Am I correct on that?

Ms. Christie Chute: It did not?

Mr. Robert Morrissey: There was concern raised, but there was no evidence presented or documented that the establishment of an MPA had a negative impact on a fishery or a fisher.

Ms. Christie Chute: Our approach to MPA establishment is to take it site by site. We identify our conservation objectives and we understand the human uses, and we prohibit those human uses that are posing a risk to the conservation objectives. In some cases there will be impacts to fishers. They may have to be displaced to the area outside or may not be allowed to continue to fish because that particular activity is posing a risk.

I wouldn't say there are no impacts to fishers as a result of MPA establishment.

Mr. Robert Morrissey: Has there been anything documented within DFO that the establishment of an MPA has had a negative impact on a fisher or fishing community? We've had positive ones. The fisher from Newfoundland talked about very positive impacts of that MPA.

I'm not aware of any. I looked back through my notes. I did not hear any presentation. I was curious as to whether you did.

Mr. Philippe Morel: The only thing I can say to that briefly is that when there are fishing activities in an area we designate as an MPA, we look at other ways to compensate and to have fisheries brought elsewhere in the area. It doesn't mean that because fishermen use that specific area that they cannot fish outside of the area. It has an impact on the way they fish but not on the end result of their fishing.

Mr. Robert Morrissey: Okay, thank you. So you are not aware of any case?

Mr. Philippe Morel: No.

Mr. Robert Morrissey: You're in ecosystem biodiversity, so you use this term. With the establishment of MPAs, does the department have a policy on how it would react to a predatory species that may encroach on an MPA? How would you monitor it?

Everybody talks around the issue of regrowth of the seal population on the east coast. They talk all around it, but nobody seems to acknowledge that its population growth has been, and I'll use the term, "explosive". We also have now a growing indication of sea bass in the Northumberland Strait and these areas. How does the department view predatory species within potential MPAs? If you have a no-take zone, I'm assuming you also cannot take the predatory ones.

Ms. Christie Chute: Again, it's on a site-by-site basis, and we look at the science in the area to understand the predatory nature of the species that are there. We're looking not only at how the ecosystem is functioning but also at how humans are impacting on the conservation priorities.

Mr. Robert Morrissey: What are you doing about it? When you establish them, what do you do about it?

Ms. Christie Chute: Where there are issues with predatory species, we might take additional measures to better understand the dynamics occurring within that ecosystem. We may undertake additional science to understand whether a particular species is having an impact on another, and should science support the interaction, we might curtail the harvesting of a particular species or allow for more. Again, it's really that site-by-site approach and it's dependent on the specific conservation objectives of the area.

Mr. Robert Morrissey: So you would acknowledge then that if the science indicated that a species was becoming a predatory species even within an MPA zone, with the science backing it up, the department would take a look at putting management measures in place that would utilize that predatory species?

• (1030)

Mr. Philippe Morel: I think we will acknowledge that and we have a management plan that we review for each of our MPAs, and if the science tells us that the management plan should be adjusted, we will adjust the management plan.

Mr. Robert Morrissey: Thank you.

The Chair: Thank you, Mr. Morrissey.

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

Mr. Larry Miller: Thank you, Mr. Chair.

Thank you again, Ms. Chute and Mr. Morel, for being here.

I want to touch on what Mr. Finnigan asked about, namely decisions being based on politics versus science. I would ascertain that when the decision is made to protect our oceans or whatever, of course that's a political decision. I'll use the Grand Banks as an example. When the Grand Banks were being overfished and the fishers were telling everybody, "Look, it's depleted here. Our catches are way down. There's a problem. We don't know what it is yet, but there's a problem," a political decision was made to put, I believe, an interim moratorium on it until they figured out what to do. That is where science comes in.

I'm okay with that political part of it. There is a time for political process, but, ultimately, I am convinced, because no information I have from any witnesses has made me change my mind that when it comes to the amount or when or where we protect or implement an MPA, it's not all based on science. It's based on some number that somebody grabbed out of the air. I just want to clarify that and what have you.

I asked the previous witnesses and they said to refer my question to both of you. I saw a map that has all of the northern shores of Lake Ontario, around Toronto, and Lake Erie, between there and Windsor in the St. Clair River, pencilled in for protection. Both of those shores have fisheries that have rebounded so terrifically it's amazing. Especially in Lake Erie but also in Lake Ontario, they are catching 40 plus-pound salmon there, etc. Could one of you tell me why that area would be a possible MPA when the fishery has never been better?

Ms. Christie Chute: The first point I would make is that the marine conservation targets and the work we're doing with marine protected areas apply to the marine environment and not to the Great Lakes. That said, Parks Canada does pursue national marine conservation areas and they do have national marine conservation areas within these Great Lakes, but we wouldn't be in a position to comment on the extent of the protections provided.

Our focus is on the marine environment, the ocean environment, and it doesn't apply to the Great Lakes.

Mr. Larry Miller: Given the fish in Lake Erie or Lake Ontario, would you not call it a marine environment? It's certainly not a land environment.

Mr. Philippe Morel: It's not salted water, so it's not marine.

Ms. Christie Chute: It's aquatic.

Mr. Larry Miller: Can you explain to me why salt water counts as marine life and fresh water doesn't? Does that make sense to anyone here? It doesn't to me.

Mr. Philippe Morel: From a fisheries management perspective, it's different. What we're talking about here is the mandate of the Minister of Fisheries and Oceans in regard to the protection and management of oceans, not inland waters.

Mr. Larry Miller: Then why does DFO have control and input into freshwater areas like the Great Lakes and Georgian Bay?

Ms. Christie Chute: The Minister of Fisheries and Oceans still has the authority to manage fisheries within areas designated under Minister McKenna's authority, thus the national marine conservation areas. We do have the authority to manage those fisheries in NMCA's.

Mr. Larry Miller: But you more or less said a few minutes ago that they're treated—

Ms. Christie Chute: But we are not pursuing Oceans Act marine protected areas in fresh water, because our legislation restricts us to the marine environment.

Mr. Larry Miller: Okay, but somebody's got it on a map.

Mr. Philippe Morel: Yes: Parks Canada.

Mr. Larry Miller: So it's a case of, "We don't know who's doing it, but it's not us".

Ms. Christie Chute: It's Parks Canada.

Mr. Philippe Morel: It's Parks Canada. It's a national marine conservation area under Parks Canada, not Fisheries and Oceans.

The Chair: Can I just stop it there for one second? When someone gets the floor to ask a question, he gets the floor. It's between him and the panel. Thank you very much.

Carry on, Mr. Miller.

• (1035)

Mr. Larry Miller: Well, I guess I apologize for getting a little frustrated, but I thought we were going to get some answers on this, and really we're not. Passing the buck is not an answer, with all due respect.

I'll have to take it up with Parks Canada. I wonder when they're coming to this meeting and can be part of the study.

I don't even know where to go from here. It's so frustrating, because there has to be value on why we do these things. I am all for MPAs if it's done right. I don't have a problem with that. But when you just start labelling areas where there is no problem, I don't care who does it—it's all part of the MPA process—it's not right.

How much time do I have left, Mr. Chair?

The Chair: You have absolutely zero, sir.

Mr. Larry Miller: That's what I figured.

Thank you.

The Chair: That said, here's what we'll do. As you may recall, usually when we have an abbreviated meeting, I like to get the first round done and get past the first question for the Conservatives. By doing that, we get 14 minutes for the government, 12 minutes for the official opposition, and seven minutes for the NDP. We've now fulfilled that.

Since this is the last witness round, I'll steal a phrase from your typical game show and suggest a "lightning" round. If you have something that is very specific—I'm asking you, please, very specific—you can ask one question. Put up your hand if you're interested in doing just that.

Okay, let's go in a circle and start with Ms. Jordan. Then we'll go to Mr. Arnold and Mr. Donnelly. We have about nine minutes left, so be very, very precise in your questioning.

Ms. Jordan, go ahead.

Mrs. Bernadette Jordan: We have now reached 7.75% of our target. We have heard continually that in order for an MPA to be effective it has to have enforcement. Have more resources been geared to enforcement now that we've had an increase in our targets and we've reached those? Has enforcement been funded properly?

Mr. Philippe Morel: There are more enforcement resources. They have increased a little bit over the last years. I don't have the numbers, because this is not in my sector, but for every MPA we designate, the appropriate monitoring and enforcement will be identified, whether it comes from a guardian or a province or from DFO.

Mrs. Bernadette Jordan: Thank you.

The Chair: Thank you.

Mr. Arnold.

Mr. Mel Arnold: Thank you, Mr. Chair, for the extra time here.

There's been some discussion around a mediation process within the development of the MPAs or areas of interest so that extreme conflicts between one side and the other can be mediated. What sort of conflict resolution process is there? Or is that something that needs to be improved?

Mr. Philippe Morel: There's no formal conflict resolution, and thus no administrative tribunal or something like that. What we're trying to do is share science with all stakeholders. We do listen to stakeholders and communities and indigenous people, and we try to reach consensus. In some cases, the explanations make it happen and we have consensus. In others, a fisheries association, for example, in the narwhal box or the haddock box, provided a lot of information that actually increased protection given the science we received from the fisheries industry.

All of that brings a consensus, and we try to have the support of the most people when doing an MPA or a protected area.

The Chair: Mr. Donnelly.

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

Thank you for the additional points. I'm glad a question was asked about enforcement and resources, because that was a follow-up question. My follow-up question will be on minimum standards.

In the department's opinion, wouldn't bringing in a minimum standard increase efficiency and certainty for the industry, for instance, about where those protection areas are and how they're, hopefully, going to work?

•(1040)

Mr. Philippe Morel: Yes, totally. I think it will bring certainty for stakeholders when we consult them on what the protection could be. That's also part of the discussion, and when we talk about minimum standards, it's also part of the categorization of MPAs, and some may have different protection than others do.

We heard a lot of comment that the first category should have one or two minimum standards, and we're looking for the panel to give us some recommendations. They will have some hearings and make recommendations to the minister on whether there should be minimum standards and what they should be for MPAs.

The Chair: Mr. Finnigan.

Mr. Pat Finnigan: We have been consulting, of course. That's been the word here this morning. We've done a lot, whether it was done right or not. Once we have all these MPAs established, are we going to keep the consultation process going and update it and have benchmarks, and can we inform the stakeholders as to whether we've been able to accomplish the goals and whether we need to do more?

Mr. Philippe Morel: Maybe I'll answer the first part and ask Ms. Chute if she wants to add something.

We've been consulting extensively and I also heard testimony previously and last week that some may think that Ocean Group is not consulting the fishing industry and vice versa. It's not true.

First of all, last year I was ADM for both sectors, and Kevin Stringer was there before, and we made sure that the consultations happened among all the sectors.

That collegiality remains, and I have to say that the work we did with Mr. Gilchrist's team for the marine conservation target and that the fisheries closure was very good collegial work, in which we consulted the stakeholders. We do have our stakeholders. Each program has its own natural stakeholders, but we also reached out to other stakeholders to make sure we had a broad consultation.

As for what we will do afterwards, management plans are established for the MPA or fisheries closures. Part of that is the consultation and part is the monitoring.

Maybe, Christie, you want to add something.

Ms. Christie Chute: For every MPA we establish, we create an advisory committee, and that advisory committee not only supports the work we do to establish the site, but also remains in place throughout the long-term management of the area. We use that committee as the venue to bring drafts of management plans. We work together to finalize those. We work with that advisory committee to establish monitoring plans and to implement monitoring and research in the area. We will review the management plans on a cyclical basis, typically every five years, review any new science that comes along, and we might make changes based on the new science.

The advisory committee that's there, which has representation from a broad spectrum of Canadian society, is the venue we use to continue to check in and to develop a management regime that is successful for the long term.

The Chair: Thank you, Ms. Chute.

Go ahead, Mr. Hardie.

Mr. Ken Hardie: Can you quickly differentiate between an area of interest and the new authorities under Bill C-55 for the interim MPAs?

Mr. Philippe Morel: Sure. The process to establish an MPA starts with the EBSAs, or ecologically and biologically significant areas. After that, it may lead to an area of interest.

Under the Oceans Act, the process now is to wait to implement some protection, from the moment the areas of interest are announced until the regulatory process, which usually takes seven to ten years.

What the proposed amendments in Bill C-55 will do is to enable the minister to freeze the footprint for a certain period, likely when the area of interest is announced. It will freeze the footprint during the consultation that will lead to the regulatory process. It's a process that will make sure that no harm or additional activity takes place in the area that is designed to meet some conservation objective, so it's really about the protection. It's not limiting the consultation. It's not changing the consultation. It's just freezing the footprint while the regulatory process happens.

•(1045)

[*Translation*]

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

[*English*]

Thank you, Ms. Chute, as well, and that ends it.

Before I put down the gavel, I want to ask everyone to remain in their seat for a couple of minutes. I have a couple of quick questions. I don't think there's any need to do this formally, so perhaps you could just hang on.

In the meantime, I want to thank Ms. Chute and Mr. Morel for their input here today. As I said, that sums up our witness testimony.

Do not forget that our deadline for recommendations is this Friday at noon. I'd love to have your recommendations, folks, so that Thai, our analyst, can start working on version one.

Yes, Mr. Arnold.

Mr. Mel Arnold: I have a respectful request, that there be a soft extension of that deadline. Whether it be by design or not, we're going to have a pretty extensive workload for the next few days, with the Fisheries Act being announced today. In recognition of staffing resources and our time, may we extend that deadline possibly to Monday?

The Chair: Is there any input on that?

Mr. Fin Donnelly: I would concur with that request.

The Chair: Does anybody else wish to weigh in on that request before I make a ruling?

Go ahead, Ms. Jordan.

Mrs. Bernadette Jordan: I'd like Thai's opinion on that.

The Chair: I thought you might because I was going to go there too, so thank you.

Do you have any words of advice, Mr. Analyst? Keep in mind that we're still public.

Mr. Thai Nguyen (Committee Researcher): Monday is okay.

Mr. Mel Arnold: We'll get as much as we can early, but having an extension to Monday would greatly appreciated.

The Chair: How about I propose Monday at 5 o'clock, the end of that working day?

Mr. Mel Arnold: Thank you.

The Chair: That is 5 p.m. eastern time. Are we all good with that? Okay, great. We now have a deadline for recommendations, which is this coming Monday, February 12, at 5 p.m. eastern time.

Again, thank you to our guests. Perhaps I could get everyone to stick behind for just a couple of minutes.

Thank you, everyone.

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