



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

43rd PARLIAMENT, 2nd SESSION

---

# Standing Committee on Fisheries and Oceans

EVIDENCE

**NUMBER 012**

Wednesday, December 2, 2020

---

Chair: Mr. Ken McDonald





## Standing Committee on Fisheries and Oceans

Wednesday, December 2, 2020

• (1615)

[English]

**The Chair (Mr. Ken McDonald (Avalon, Lib.)):** I now call this meeting to order.

Welcome to meeting number 12 of the House of Commons Standing Committee on Fisheries and Oceans.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Monday, October 19, 2020, the committee is resuming its study of the implementation of Mi'kmaq treaty fishing rights to support a moderate livelihood.

Today's meeting is taking place in a hybrid format, pursuant to the House order of September 23, 2020. The public portion of the proceedings will be made available via the House of Commons website. So you are aware, the webcast will always show the person speaking, rather than the entirety of the committee.

To ensure an orderly meeting, I would like to once again outline a few rules to follow.

Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice, at the bottom of your screen, of either "Floor", "English" or "French".

For members participating in person, proceed as you usually would when the whole committee is meeting in person in the committee room. Keep in mind the directives of the Board of Internal Economy regarding masking and health protocols.

Before speaking, please wait until I recognize you by name. If you are on the video conference, please click on the microphone icon to unmute yourself. The microphones of those in the room will be controlled as normal by the proceedings and verification officer. I don't think we have anyone in the room today.

As a reminder, all comments by members and witnesses should be addressed through the chair. When you are not speaking, your mike should be on mute.

With regard to a speaking list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

Before I go to our witnesses, I'd now like to call upon Nancy to update us on some issues we may be facing this evening.

[Translation]

**The Clerk of the Committee (Ms. Nancy Vohl):** Thank you, Mr. Chair.

The chair asked me to update you on the situation following Monday's meeting. I'll also provide details on the tests, on what has been done and on what will be done today.

The witnesses who joined us on Monday and who were there when the technical and interpretation difficulties arose have all been invited back. They're the same witnesses. I want to confirm that the tests were conducted with the team today. I received an email saying that the tests were very successful and that the team made sure to check the sound, the connection and the equipment with the witnesses. I'm told that the witnesses who are appearing also understand Zoom and the various features of the system, and that everything was working during the test today.

That said, this doesn't stop the technology from being what it is. While you were voting, we had sound difficulties with some of the witnesses.

The tests have all been successfully completed. If any difficulties arise during the meeting, it will be due to circumstances beyond our control.

Regarding the in camera meeting scheduled for later, I'll be sending you an email with the password and the link. The password is different for the in camera meeting. There will be a note attached to the email for you as well.

Mr. Chair, I think that I've covered everything.

If you have any questions or comments, please let me know.

• (1620)

[English]

**The Chair:** No problem, Nancy. Thanks for that.

I'd like to welcome back the witnesses, of course. Welcome back, Michael Dadswell, retired professor of biology. Mr. Hutchins, retired detachment supervisor for the Department of Fisheries and Oceans, is back with us again. Of course, Melanie Sonnenberg is back with us again as president of the Canadian Independent Fish Harvesters Federation.

We've heard their testimony already, so they won't be giving more testimony or repeating it again this evening.

We have one new witness this afternoon. We couldn't get the right connection the other day to get him on. We have Mr. Sterling Belliveau, retired fisherman and former minister of fisheries for Nova Scotia.

Mr. Belliveau, we'll start off with you, giving you five minutes or less for opening remarks, please.

**Mr. Sterling Belliveau (Retired Fisherman, Former Minister of Fisheries and Aquaculture of Nova Scotia, As an Individual):** Thank you very much, Mr. Chair. I want to thank you for the opportunity to appear before the fisheries standing committee.

I would like to present my perspective on the lobster dispute that is ongoing within our province and soon to be Atlantic Canada-wide. My involvement has been since the initial Marshall decision in 1999, when, with my colleagues, we arrived at the first interim agreement between non-aboriginals and aboriginals. Both parties agreed upon this agreement for the first few years—same seasons, same rules and training.

After the first few years, the commercial industry was not invited to the discussion table. This is where the breakdown started. If you're not at the table, you're on the menu. The gap has increased from then to the present day.

Fast-forward to 2020, with the commercial lobster industry not at the table. We have witnessed the evolution of DFO in allowing the leasing of commercial lobster licences by aboriginal chiefs. The chiefs in turn have control of the distribution of them to aboriginal fishermen, but instead are leasing them to non-aboriginals. These licences have been paid for by Canadian taxpayers. This is why I have called for an audit of licences issued to native bands from 1999 to 2020 to determine who is receiving the benefits from these licences. The licences are being leased out, not in the spirit of the Supreme Court Marshall decision or the present-day owner-operator policies that are being enforced by DFO on the commercial inshore lobster industry.

Our current DFO minister, the Honourable Bernadette Jordan, created this mess. She is responsible for creating this policy of segregation in a two-tier system of managing our Atlantic inshore lobster fisheries. We heard her announce that there would be no—I repeat, no—commercial season outside of the existing lobster seasons. After two years of investigation, she actually prosecuted the illegal sale of lobsters in St. Marys Bay with the use of microchips hidden in the lobsters. In addition to the CBC story posted October 5, 2018, the province revoked the company's buying and processing licence.

These past few weeks, she has allowed Chief Mike Sack to establish a moderate livelihood in St. Marys Bay, which is clearly in violation of the Supreme Court of Canada's Marshall 2—also, with clarification, from the fisheries standing committee, dated 1999, which states that conservation comes first. The minister has the authority to regulate and the aboriginals have access to the fishery, but they must comply with adjacency to their band's territory.

Mr. Sack has jumped over two bands and is fishing illegally in St. Marys Bay. He has taken over a small craft harbours wharf and has a Nova Scotia Supreme Court injunction protecting him to participate in an illegal fishery. Small craft harbours membership has

taken a leave of absence. To further confuse the situation, the Honourable Jordan, this month, is enforcing and seizing illegal lobster traps in Cape Breton and again in St. Marys Bay—a double standard, with segregation for southwest Nova.

Clearwater Seafoods has a monopoly on the offshore lobster licences and are in the final stages of an agreement to sell two of these licences to the aboriginal bands. This sale needs to be put on hold until the inshore commercial lobster industry is at the negotiating table. This is all interconnected, because the band chief is going to lease these licences back to Clearwater. I am suggesting a one-year pause to any activity outside the commercial set seasons for the inshore lobster fishing so that both sides can come together to the table to find a peaceful path forward. Our forefathers created these seasons for reasons.

• (1625)

I'd like to caution both sides: Segregation, setting fishing interests apart, and building a two-tier system will be chaotic, and 150 years of regulations and conservation will now be put in jeopardy.

Mr. Chair, I want to conclude my opening remarks by saying that I met with Mr. Allister Surette last week and requested, through him, that the commercial lobster industry must have a panel or a mechanism to have their voices heard, for we are part of this nation called Canada.

Thank you.

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

You're just a little bit over your time, but I wanted to make sure you finished your statement when you were so close to the end.

Now we'll go to questions from committee members. I will say that we actually started the committee meeting a couple of nights ago and ran into problems, of course. I did reach out to the vice-chairs, and it was an agreement among us that we would start off where we ended on Monday night with regard to the order of questioning.

I'll go now to Madame Gill for six minutes or less, please.

[Translation]

**Mrs. Marilène Gill (Manicouagan, BQ):** Thank you, Mr. Chair.

I want to thank all the witnesses who are joining us today.

My question is for Mr. Dadswell.

What factors significantly affect the reproduction of lobster? Can a lack of clear, consistent and coherent regulations affect the sustainability of the stocks?

[English]

**Dr. Michael Dadswell (Professor of Biology (Retired), As an Individual):** Ms. Gill, the reproduction of lobster is pretty much dependent on what happens to the females. The females are quite sensitive to factors in the environment and are also slower growing and reproduce less often than most other species.

Female lobsters only reproduce every second year, and the other problem is that when they reproduce, they have to attach the eggs to the abdomen, and that means the size of the abdomen is important in how many eggs they produce.

Here we have a female organism that is in a population that can only reproduce every second year, and for most of the lobsters in the fishery—the first 10 years or so that they're there—they can only produce between 8,000 and 32,000 eggs. You can compare that to something like a cod. A mature female cod can put out a million eggs, or a sea scallop can produce up to 10 million eggs, and they both do it annually, rather than every second year.

Females are fragile in terms of their recruitment potential, and they should be carefully protected.

• (1630)

[Translation]

**Mrs. Marilène Gill:** Thank you, Mr. Dadswell.

My question had two parts. You gave a very good answer to the first part, which concerned the fragility of the species.

Can a lack of clear regulations affect the sustainability of the lobster stocks?

[English]

**Dr. Michael Dadswell:** Yes, that's the whole reason that seasons were created in the first place.

Oceanographic situations in, say, the Gulf of Saint Lawrence are different from what they are in southwest Nova Scotia in St. Marys Bay. The differences drive the life history of the lobster in each of those places.

In the Gulf of Saint Lawrence, where you have a very warm summer, the lobsters go into soft-shell stage earlier, and that's when they can join with the males to collect sperm. They then carry the sperm for a couple of months or so. That happens in the gulf by early August.

By contrast, in the area of St. Marys Bay, they don't go into the soft-shell stage until sometime in late July or early August, because of the colder temperatures. They then do not extrude their eggs until October or November, meaning that during that period when you take a female that will potentially extrude her eggs, it's the same thing as taking a berried female that's protected, and you really can't tell whether they're carrying sperm or whether they're going to extrude eggs.

It's critical that the seasons are adhered to in order to conserve the lobster stocks.

Is that enough? Did I answer your...?

[Translation]

**Mrs. Marilène Gill:** It's up to you. You're the one giving the answer.

Thank you, Mr. Dadswell.

I also have a question for Mr. Belliveau.

Mr. Belliveau, you spoke earlier about “chaos”. That's a very strong word. I would have liked to hear you talk a bit more about solutions.

Of course, a number of people want the fishers to also have their voices heard in a location that suits all parties. This may not be the framework for the nation-to-nation relationship, but it isn't for me to judge.

How could non-indigenous fishers have their say so that they feel that their voices are being heard?

[English]

**Mr. Sterling Belliveau:** I appreciate the question.

The chaos is what I'm referring to. If you look over the last two months, you'll see the chaos I'm referring to is that the commercial sector is feeling that it has been abandoned by the present system. I can go into great lengths here, but I'll refer to my opening remarks and say that there needs to be a mechanism, a panel or some form of whatever you want to call it, by which the inshore fishers, the commercial sector, can have a voice and be heard by the minister.

Apparently, right now there's a very strong theme throughout the commercial sector that its members' voices are not being heard. We need to have this mechanism so they have an opportunity to bring their concerns forward.

The frustrating point, if I can get into it, is that Mr. Sack is basically not in his jurisdiction, and I can't point this out clearly enough. If you have access to a map, you will see it. If we get back to the Marshall decision, it talked about adjacency to the band's territory. If you look at the Nova Scotia map, you will see that Mr. Sack has jumped over two territories: Bear River and Acadia. That's a two-and-a-half-hour drive by car, if not three hours. It's two days' journey by vessel, by lobster boat, to get to that particular area.

• (1635)

**The Chair:** Thank you, Mr. Belliveau. We've gone way over time. Hopefully you'll get your point across in some other questioning.

We'll now go to Mr. Johns for six minutes or less, please.

**Mr. Gord Johns (Courtenay—Alberni, NDP):** Thank you, Mr. Chair.

Thank you first to the witnesses for coming back, and also to you, Mr. Chair, for suspending the meeting to ensure that everybody's languages were in place and translation was there for all members in this committee.

Mr. Dadswell, we heard Robert Steneck from the University of Maine. He told this committee that there is no concern for overfishing or damages from fishing outside the season in regard to what's taking place with the Sipekne'katik. In Maine they fish year-round, he cited, and have a much higher fishing rate, but stocks remain stable.

What data is this committee missing if DFO, Professor Steneck and Maine say that the stocks are healthy? Maybe you can help us better understand the differences there.

**Dr. Michael Dadswell:** You have to realize that Maine is a little bit of a special case. What happens in lobster biology is there are what are called "recruitment cells". The recruitment cells are the current systems that run along the coastline. In the Maine area, the recruitment cell is what I call a western Bay of Fundy cell, and it runs from up at the head of the Bay of Fundy all the way down to Maine.

What happens is that Maine lobsters—and you might not believe this—migrate all the way from Massachusetts and Maine up into the inner Bay of Fundy to release their eggs. Then those larvae drift downstream.

What happens is that Maine more or less gets the advantage of all the Canadian lobsters as well releasing their eggs in that area, and they get huge numbers of larvae arriving in Maine. That's one of the things that has allowed their fishery to remain stable and highly productive.

The other thing is that the Mainers have been at it a longer time, with fishermen involved in the management of the fishery. What they do in Maine is they notch every female they catch that is berried and that is carrying eggs.

This started back in the 1970s. Now we've had 50 years of notching, and a huge number of females in the Maine population are now protected by that notching characteristic. We can do that in Canada, but it's going to take some time.

**Mr. Gord Johns:** I really appreciate your feedback and I would have loved to ask you more questions, because I'm sure we could have a whole panel just on that.

Ms. Sonnenberg, we've heard during this committee several times that there are obviously existing barriers for first nations fishers to enter the existing labour market in the Atlantic market. Can you speak about what you believe some of those barriers are and what efforts you think the federal government can make to help with these barriers to existing commercial harvesters?

**Ms. Melanie Sonnenberg (President, Canadian Independent Fish Harvesters Federation):** I think it would be inappropriate for me to speculate on what those barriers are. We certainly have many member organizations in the federation that work locally with different first nations communities, and they would be more in a position in their own backyards to talk about that. I don't feel comfortable trying to speculate on what that might be.

I do know that there is interest from our membership to continue some of the good work that's been done on the ground to help. Over the last 21 years, for example, on the east coast, many of our members have talked with the groups, and we have helped to integrate

some of the Marshall access, but at this point in time, as I said, I wouldn't care to speculate on what some of those barriers are. I think it would be for those communities to do that.

**Mr. Gord Johns:** Okay.

We've heard in this committee, actually, that many harvest leaders are dealing with the pressures from their members to respond to rumours, and obviously an aggressive posturing has been happening, especially on social media, at the docks. It's apparent that much of the problem is one of communication from the federal government. We've heard that today from several of the witnesses from first nations and from fisheries organizations.

Can you talk about the efforts you think DFO and the federal government should take to improve communication channels on the ground, and also the responsibilities organizations like yours have in improving the communications and supports that you need from us?

I think about West Coast Aquatic on the west coast, which I'm sure you're very well aware of. They have that management board with all fishers at the table and they were talking about management issues, working collectively, and then the government slowly started pulling money out of the board, which would have been a great model from coast to coast to coast. What do you see, moving forward, that would help everybody?

● (1640)

**Ms. Melanie Sonnenberg:** I think Mr. Belliveau alluded to—he didn't allude to it; he said it. We need a table. We need to come to that table collectively and work through this instead of doing it through the press, where we have a light shining.

You talked about aggressive behaviour. I think that aggressive behaviour is from a very concentrated reaction to a situation, but overall the reactions have been very low-key. I think that people are to be commended on all sides of this discussion for maintaining cool heads generally. I think the aggression is a small pocket, but I think coming to a table and having DFO facilitate that.... Maybe we step outside of DFO and do it ourselves, but certainly coming to a table where all parties can talk respectfully and put concerns on the table and try to work through them is a good start. There would be very few things on the agenda to be worked through, and then we'd see how we do.

Dividing us up among different tables is not working. That's clear to everybody, I think, from all sides. I think a start is to get a table together where we have cooler heads, where we can sit down and discuss the issues of the day and try to work through them together.

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

We'll now go for five minutes to Mr. Arnold, please.

**Mr. Mel Arnold (North Okanagan—Shuswap, CPC):** Thank you, Mr. Chair, and thank you to the witnesses for coming back today.

Through the course of this study, something has become apparent to me, and I believe all Canadians would agree. It is that the government owes a duty to the public—indigenous and non-indigenous—to explain and be transparent with the steps that have been taken, whether they were successful or not, at accommodating what was set out in the Marshall decisions, Marshall 1 and Marshall 2.

We've heard about the transfer of licences from the buy-up of the existing commercial licences transferring over to indigenous fisheries, and I don't think the public or the indigenous people are very clear on what was actually attempted or attained through that.

Mr. Belliveau, would you be able to comment on that? Also, could you keep it fairly short, as I'd like to hear from Mr. Hutchins as well?

**Mr. Sterling Belliveau:** Okay, I'll keep it short.

First of all, in the first five years of the Marshall decision, the federal government spent over \$600 million acquiring licences and purchasing licences from retirees. Just this last summer they gave out to the native bands in New Brunswick and Nova Scotia an additional 322 licences.

The question I raised in my opening remarks, Mr. Arnold, was that these licences now are being leased out—or a portion of them—and are not in the hands of the Mi'kmaq people. To me, all Canadians must see this for what it's worth. It's not in the spirit of the Marshall decision and it's not in the spirit of the owner-operator policy on the Atlantic east coast.

We need this mechanism. Both witnesses here in the last few minutes referred to a table or a mechanism. These issues need to be brought out, and I want to ensure that the Mi'kmaq have access. We need to do it in the spirit of the Marshall decision. If we can create this mechanism or table and abide by the adjacency rule, we can easily solve this situation if we have level-headed people in a position of authority giving advice to the minister. We just need to make this happen.

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

Mr. Hutchins, would you care to comment?

**Mr. Gary Hutchins (Retired Detachment Supervisor for the Department of Fisheries and Oceans, As an Individual):** I believe what Mr. Belliveau has said is correct, so I won't repeat any of that.

In my experience as a law enforcement officer for the last 32 years, I have met many obstacles when it comes to enforcing the FSC fishery in St. Marys Bay. There is a belief that this is a rights-based fishery, and it's not. There is no treaty right associated with the harvesting of lobsters. This is a policy that DFO created to give the Mi'kmaq people access to the lobster fishery. In doing so, the DFO failed miserably to provide officers with the resources to start an enforcement plan and to keep the fishery in check.

This fishery, because it was not a rights-based fishery, had quotas assigned to each band. My goal was to enforce those quotas. That never happened. We were not allowed to enforce them. That caused major issues with the indigenous fishers, because when we went to check them, they told us we had no right because their chiefs told

them that they were allowed to do this. There was a lot of miscommunication there.

There was an absolute, total miscommunication between the Department of Fisheries and Oceans and its own people. I experienced that for years, and it was very frustrating. It's one of the reasons I left. It was because I could not do my job effectively anymore.

I want to talk about St. Marys Bay really quickly, if I can.

At the end of the lobster season every May, a huge number of lobsters move into that shallow, warm bay. At any given time in the summer, you can get as many as 50 lobsters in a trap. Those lobsters are loaded with eggs. They're soft; they die. They smother and they cannibalize each other. Imagine 50 lobsters in a trap.

What happens is when they land those lobsters, a lot of them are dead. When they sell them to the buyers, they die shortly after that. We did an investigation in which we found thousands of pounds of discarded lobsters in the woods near Weymouth, Nova Scotia. It's either the buyers or the indigenous fishers dumping those. That is a blatant disregard for the stock, and that's unacceptable.

The problem is that we cannot sit down and have a conversation with Sipekne'katik, because they were the only band in the area that I couldn't develop a relationship with and they never wanted to talk to me. That was very unfortunate, because we did many things to open that dialogue and to start a meaningful friendship. Those were very disappointing times for me.

Right now there is a 50% decrease in the amount of lobsters that the commercial fishermen are catching from one year to the other. That's huge.

● (1645)

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

We'll now go to Mr. Battiste for five minutes or less, please.

**Mr. Jaime Battiste (Sydney—Victoria, Lib.):** My question is for Dr. Dadswell.

We've heard testimony from a Ph.D. candidate, Shelley Denny, that was consistent with what a Canada research chair, Dr. Megan Bailey, had said. They suggested that the seasons, in a reasoned argument, exist just as much for reasons of economics as for conservation.

They both have suggested that what we're really talking about is preserving the molting season rather than the health and the viability of the stocks, because there is a better market for hard-shell lobsters than for soft-shell lobsters.

How would you respond to the inconsistency within what you're telling us compared to what those learned doctors told us at committee?

I'm not hearing anything. Is he on mute?

**Mr. Chris d'Entremont (West Nova, CPC):** I don't see him, Mr. Chair.

**The Chair:** He has his video off.

**Dr. Michael Dadswell:** Strange things are happening—good old computers.

**Mr. Jaime Battiste:** Did you hear my question?

**Dr. Michael Dadswell:** No.

**Mr. Jaime Battiste:** Mr. Chair, can I get my time back? Can I ask again?

**The Chair:** Ask again. I may give a little bit of leeway on the end, but your time is your time. If a witness is not ready to answer the question, I can't be responsible for that.

**Mr. Jaime Battiste:** We heard testimony from Ph.D. candidate Shelley Denny that was consistent with the report from Dr. Megan Bailey, a Canada research chair who suggested that the reason for seasons is not just about conservation but about economic concerns as well. They both suggested that what we're really talking about is preserving the molting season, because there's a better market for hard-shell lobster than soft-shell lobster, and that it's not about the health and viability of the stocks.

How would you respond to those doctors?

**Dr. Michael Dadswell:** Basically, two considerations went into the original season choices. One was the biology of the lobsters. The idea was to keep as many females protected as possible that were going to be carrying eggs, and to protect soft-shell lobsters. The second consideration was in relation to the timing. The idea was to not have all the lobsters from all the Maritimes entering the market at once. They spaced it out so that you could get a smooth flow of lobsters into the system.

Then also, the oceanography is different. You can fish in the gulf in the summer, but you can't fish in the gulf in the winter, because it's ice-covered, whereas down in Southwest Nova you can fish in the winter. These were the considerations that went into the system, and they make sense.

• (1650)

**Mr. Jaime Battiste:** But you would agree that it's not just about conservation—that it's also about markets and economic principles, correct?

**Dr. Michael Dadswell:** It's probably 75-25. It's more important to preserve those females and to look after them, really, than to focus on the marketing.

The other problem is soft-shell lobster. Number one, they don't taste that good. Number two, they get killed very easily in the traps with other lobsters, which can kill them and eat them, and number three, they don't handle well, so you have a problem both with soft shells and with females.

**Mr. Jaime Battiste:** Okay.

My next question is for Ms. Sonnenberg.

The 1999 Marshall decision didn't create a right. It recognized that a right had existed all along that the Mi'kmaq were deprived of, based on the historical evidence from Dr. William Wicken in about 1778.

Based on that, what do you think would be reconciliation or justice around providing Mi'kmaq access to a fishery that they rightfully had a part of but were denied access to for centuries?

**Ms. Melanie Sonnenberg:** That's the big question, Mr. Battiste. I think that we have seen some efforts to satisfy the Marshall decision as we received it in 1999. I was a young fisheries rep at the time when it came, and certainly what happened following that started that process.

I think there are other things. I think the concern in the industry is that we do help satisfy that right but that we make sure that it isn't just the fishery that bears the burden of changing the landscape about how things happen in our coastal communities. I think that's a huge talking point for all of us—that we don't go down a road that upends everybody. To satisfy it, I think that's a conversation for that table for all of us to talk about and to make sure that the Government of Canada can fulfill that need, that we're part of that process and that we do it in a way that's constructive.

**Mr. Jaime Battiste:** If the Mi'kmaq were to, say, fish within the same season as everyone else—which is not what their rights say under Donald Marshall Jr.—and they made that compromise, what would the fisheries associations be willing to do to involve them in the fisheries so that Mi'kmaq communities weren't filled with poverty?

**Ms. Melanie Sonnenberg:** In all fairness, Mr. Battiste, I think in the first round of Marshall, with regard to access we did step up after the dust settled and people came to grips with the rights and what that meant. It was all new to everybody on the fishing industry side.

I think that we have an opportunity to work together, and we've done that. These flare-ups that we see have been few and far between since the initial announcement came out in September of 1999. I would go—

**Mr. Jaime Battiste:** I have one last question, just in terms of—

**The Chair:** Sorry, Mr. Battiste, I've given you a wide—

**Mr. Jaime Battiste:** Mr. Chair—

**The Chair:** I've given you a lot of leeway there, sir, so we're going to have to move on.

**Mr. Jaime Battiste:** All right. I said I'd be nice and I will.

**The Chair:** I'm being extra nice.

We'll now go to Madam Gill for two and a half minutes.

Go ahead, please.



[Translation]

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

I could ask Mr. Belliveau to expand on what he was telling me earlier about the mechanism that he referred to, but I have another question for him.

In a future full of hope, do you think that it would be possible to hold a meeting? Ms. Sonnenberg spoke about a forum. We know that you depend on the fishing seasons, but when would be the right time to hold this type of meeting with all the stakeholders?

[English]

**Mr. Sterling Belliveau:** Thank you very much, Madam Gill, for your question. You're getting right to the core of the issue.

Certainly I believe the mechanism is our hope, our early Christmas present, if, hopefully, a recommendation will come from the standing committee to the minister to create such a mechanism.

In my opening remarks, I pointed to the initial interim agreement in which we found an agreement between both parties. We created a way in for the Mi'kmaq back in 1999, and there was a balance. There was a balance of effort coming in with new licences for the Mi'kmaq spread out in LFA 34 in southwest Nova Scotia, but right now we see this chaos that I referred to. We're seeing communities like Saulnierville and Meteghan being ground zero or a lightning rod for the ministers and the Mi'kmaq's transition for moderate livelihood. We have to have a mechanism, a table where level-headed people can resolve this thing.

Put one word out there: "adjacency". If we can accomplish that, if there's a compromise there.... To me it's very clear in the Marshall decision that it referred to Mi'kmaq territories, and I point out again that Mr. Sack has travelled over two bands. We would not be having this discussion right now if Mr. Sack would honour that word, "adjacency".

I have letters here in my files saying that the two territories, Acadia and Bear River, had never been consulted on this moderate livelihood by Mr. Sack. It's unfortunate, and we do not have to put communities like Saulnierville and Meteghan through this.

I hope I answered your question.

• (1655)

**The Chair:** Thank you, Madam Gill. Your time is up.

We'll now go to Mr. Johns for two and a half minutes. Go ahead, please.

**Mr. Gord Johns:** Thank you, Mr. Chair.

Mr. Hutchins, we've talked a lot about enforcing conservation efforts and trying to let cooler heads prevail on the ground and ensuring the safety of not only the public but also DFO officials and the RCMP on the ground.

We heard that DFO wasn't prepared for protecting the safety of fishers on the water in 1999. I think all of us want to see DFO officials and officers being able to do their jobs safely and with pride. Can you talk about what it's like for enforcement officers today on the ground? What resources are needed to support officers in doing their jobs effectively?

**Mr. Gary Hutchins:** Certainly in order to do the job effectively, we need more manpower. When it comes to resources, we need more capital to put into officers. When it comes to training, I think we're pretty well trained. However, if we don't have the resources—the boots on the ground, as it were—to monitor compliance and make sure that it exists within a fishery, then we're doing a disservice to the people involved in that fishery, whether they are indigenous fishermen or commercial fishermen.

We have seen over the years in all aspects of the fishery that at times we have no resources for anything. Sometimes we've even been told to park our vehicles because we can't put gas in them.

**Mr. Gord Johns:** You said that in your testimony, and that was pretty alarming to hear.

You talked about training just now. Did you receive much training around anti-racism or treaty rights or ways to cross-cultural understanding? Was there much training from DFO?

**Mr. Gary Hutchins:** No.

We do have cross-cultural training now—I believe they have a different term for it—but no, there's not enough of that. There's not a great understanding by the average fishery officer when it comes to indigenous rights and the treaty rights and the rich culture that the indigenous people bring to this country. I can assure you that nobody that I know of has ever complained about supporting treaty rights. We all support them. We just want to know how to manage them.

**Mr. Gord Johns:** Do you see that as an inherent bias from the department, and that not providing that training is systemic racism? It's resources, really.

**Mr. Gary Hutchins:** It is, but it's not just that fishery. It's the commercial fishery. It's the inland fishery. It's the fishery where little kids can go out to fish with their fathers. Those are all problems. Without resources, you cannot effectively do your job, so you become ineffective. Because of that, we have seen such an expansion of illegal activity in the Saulnierville, the Meteghan and the Digby areas when it comes to this food, social and ceremonial fishery, and we have spent years getting the commercial fishery under control.

Here's my belief: Enforcement starts with education. My goal was always to educate people before I took enforcement action. Then, if they fail to do that, you take enforcement action. Because of that, we need to have better dialogue with everybody involved, both indigenous sides and commercial sides. In order to do that, we have to come to the table.

It's like Mr. Belliveau and Ms. Sonnenberg said: We need a committee. We need a—

**Mr. Gord Johns:** Yes, education's a key component, absolutely.

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

Thank you, Mr. Hutchins.

**Mr. Gary Hutchins:** Absolutely.

**The Chair:** We've gone way over.

We'll now go to Mr. Williamson for five minutes or less, please.

**Mr. John Williamson (New Brunswick Southwest, CPC):** Thank you, Mr. Chair.

Mr. Belliveau, I'm led to believe that you're a lobsterman. Is that right?

• (1700)

**Mr. Sterling Belliveau:** Well, I was a lobsterman for 38 years.

**Mr. John Williamson:** Once a lobsterman, always a lobsterman.

You're also a former fisheries minister for the Province of Nova Scotia. Is that right?

**Mr. Sterling Belliveau:** Yes. For full disclosure, I was a municipal warden for seven...nine years at the municipal level. I spent 11 years at the House of Assembly as an MLA. I can tell you right now that I have no affiliation with any political party, and I am in retirement mode.

**Mr. John Williamson:** Fair enough.

You're also a former NDP politician. I always say that fishermen are a bit like politicians, in that you have to watch and hang on every word, so I don't know what to make of you. I'm going to keep you on a tight leash here because I suspect you have the gift of the gab and then some.

Have you noticed—taking all your experience—that the debate that we've seen play out in Parliament and in the popular press has become unmoored from the Marshall decisions? The court decision that came down 21 years ago does not look very much like what we're seeing proposed today by some of the first nations communities, some of their advocates in the media and many of the voices coming out of Parliament. Do you agree with that?

**Mr. Sterling Belliveau:** I agree with part of it, Mr. Williamson. I think you're getting right to it here.

What frustrates me the most is that this here is a discussion or disagreement over a court decision. If you go back to 1999, they talked about adjacency and issues like that; to me, it's clear. Where we are at now in the last three months, between the media and both sides of this dispute, is that there's been very little focus on the actual Marshall decision.

I keep bringing up the word “adjacency”. If we had this mechanism or this table, we could get this thing resolved.

**Mr. John Williamson:** That's my next question. I think you need to explain that the adjacency is important because the Marshall decisions, which came from the Supreme Court, indicate that the right exists if the band was nearby, and it had to be nearby. Could you talk about that a little more? I think it's a very important point that's being missed. Why does it matter, this jumping over bands? Why is that important?

**Mr. Sterling Belliveau:** It matters if you.... I hope that your members have a map there. If you don't, I hope you take notes. If you look at the Sipekne'katik band, you see that Mr. Sack's band is basically northeast of Halifax and between Halifax and Millbrook,

while if you look at Bear River and Acadia, as I pointed out in my opening remarks, you see that Mr. Sack is a two-and-a-half-hour to three-hour car drive from his territory. It's roughly one day or two days in a fishing boat away from his territory. If we go back to the Marshall decision and the clarification by your fisheries standing committee, I have documents clearly defining that it has to be adjacent to the individual chief's territory. We would have this resolved within this hour framework that we're dealing with right now.

**Mr. John Williamson:** This means, therefore, that this first nations fishery that came from so far away doesn't fall within the Marshall decision. Is that your belief?

**Mr. Sterling Belliveau:** That's my interpretation. That's my perspective on the decision, yes. I'm not that far from all other commercial stakeholders in this area.

**Mr. John Williamson:** Thank you very much. I appreciate it.

I'd like to turn now—I only have 30 seconds left—to Mr. Hutchins.

We've heard from the minister that her office does not direct DFO officers. I think you have said something different in the press.

Is the minister correct that there is no interference from the minister's office in enforcement on the waters?

**Mr. Gary Hutchins:** That's absolutely incorrect. She had officers stand down from conducting a lawful enforcement of an illegal fishery. That is direct interference into what a fishery officer does.

She has no authority to do that, by the way. She cannot. I've talked to some learned people. She has no authority to interfere in an enforcement operation by telling them to stand down.

I can tell you that fishery officers are embarrassed and deflated and disillusioned. They have no faith in their department anymore because of this. That's a serious situation.

• (1705)

**Mr. John Williamson:** Thank you.

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

We'll now go to Mr. Morrissey for five minutes or less, please.

**Mr. Robert Morrissey (Egmont, Lib.):** Mr. Chair, I'm going to switch my time with my colleague Mr. Battiste.

**The Chair:** Mr. Battiste, you're up for five minutes or less, please.

**Mr. Jaime Battiste:** I just want to make a point. The Marshall decision was about a treaty of 1760, when no band councils existed. Band councils didn't exist until 1960.

I want to ask about this whole adjacency argument. If adjacency was the argument in court and what the court went with, then why was Donald Marshall Jr.—a member of the Membertou band, which is a two-hour car drive away from Pomquet Harbour, where he was harvesting eels—found innocent, not guilty, of fishing out of season because of the treaty of 1760 or 1761?

Mr. Belliveau, I'm listening to your legal argument on adjacency.

**Mr. Sterling Belliveau:** I've had access to lawyers and counsel over the 21 years here concerning adjacency, and it clearly defines that. I can't get back into the mindset of the Supreme Court judges on Donald Marshall, but I can get into the mindset of the Supreme Court when they talked about adjacency. It's very clear; it spells it out. I've had lawyers give me that same interpretation.

We're getting to the crux of the matter here. If we can define it and come to an agreement that this is the interpretation, I can assure you that the interpretation of adjacency is in the minds of the commercial fishers and the stakeholders in Nova Scotia.

**Mr. Jaime Battiste:** But we've heard testimony that the Mi'kmaq nation, which I'm a part of, traditionally has seven districts. Donald Marshall Jr. wasn't fishing within his district. How was he not guilty? I keep coming back to that. If that's the law, then how was he not guilty?

**Mr. Sterling Belliveau:** I'm not talking about Donald Marshall. I'm talking about a Supreme Court decision that talked about—

**Mr. Jaime Battiste:** —that Donald Marshall Jr. was a part of, yes.

**Mr. Sterling Belliveau:** —the right for the Mi'kmaq to have access to a fishery. That statement is very clear. It talks about the territories of the bands. We have 13 in Nova Scotia. If we respect that decision, 13 bands with adjacency, we would have this solved by 90% tonight, sir.

**Mr. Jaime Battiste:** But the bands didn't exist when the treaties were signed. They were a construct of the government in 1960. I'm asking you about an agreement in 1760 between districts, and you're talking to me about a federal construct. I'm wondering how you reconcile those.

**Mr. Sterling Belliveau:** I can reconcile it by what I say: that the wording is very clear. It's adjacency. If you live by the decision of the Supreme Court in 1999, it talks about it very clearly. It is also in a clarification of the standing committee.

Twenty-one years ago, the same committee that you're sitting on now gave clarification to Marshall 2. It went through the standing committee, the same committee that you're on, sir, 21 years ago. It did a clarification, and it talked about the importance of adjacency.

It can't get any clearer than that. These were elected officials who dealt with that word, and here we are 21 years in the future having the same discussion.

What I'm suggesting to you is that hopefully your standing committee can make a recommendation to the Minister of Fisheries to create this mechanism, and we'd have an opportunity to be heard and have a good discussion by level-headed people that could get this thing solved almost within hours.

I was hoping I'd get a question from you about the offshore. That would be an interesting scenario. I just want to plant this seed in your head, and I hope you'll have a chance to understand it.

If we were to remove the partnership whereby the Mi'kmaq are going to buy Clearwater and were to remove the B.C. firm with the Atlantic Canadian inshore fishermen—just visualize that—and

partner with the Mi'kmaq, we would have a stepping stone to get this thing resolved within hours.

I just want to leave you with that question, and I hope you have a chance to reflect on that possible scenario, because this can be easily done. Put that sale on hold and just visualize a partnership. The word in itself will have a lot of solving power to get this issue resolved. I hope you have time to reflect on that.

• (1710)

**Mr. Jaime Battiste:** I'll make time. Thank you.

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

We now go to Mr. d'Entremont for five minutes or less, please.

**Mr. Chris d'Entremont:** Thank you, Mr. Chair, and to all our presenters today, welcome.

I want to go to Professor Dadswell for a second.

In your opening remarks you seemed to say that the Government of Canada will likely cause large-scale damage to lobster stocks in the Maritimes and cause a decline in lobster landings in this region.

Some of the current concerns we are hearing are that catch rates during the summer are substantially higher than in the fall. In your opinion, what would catch rates be for summer fishing vis-à-vis seasonal fishing? Also, how important, as I think you've said already, is St. Marys Bay to lobster production for Southwest Nova, the Bay of Fundy and the Gulf of Maine?

**Dr. Michael Dadswell:** I'll start right at the beginning. The biology of the lobsters is that they're cold-blooded organisms—poikilotherms—and that they feed and grow based on the temperature they're living in. If the water is warmer, they move around more, they eat more, and so forth.

The fishery in southwest Nova Scotia is really run in the winter, when the lobster slow down because it's colder. The temperatures are between 5° and 10° centigrade instead of 15° to 20°. When you open up out of season in St. Marys Bay, you're dealing with much warmer temperatures, and so you're going to get a much higher catch rate because of it.

**Mr. Chris d'Entremont:** What would that catch rate be? Would it be two times higher, 10 times higher? What would the number be?

**Dr. Michael Dadswell:** Basically, activity doubles for every 10 centigrade degrees, so if the temperature in, say, December is 5° and in St. Marys Bay in the fall it's 15° or higher, then you'll get a doubling of movement and a doubling of catch. Particularly in a situation in which you put a few lobster traps in with bait, you're going to draw lobsters from all around, in contrast with having a lot of traps with a few lobsters in each one.

**Mr. Chris d'Entremont:** All right. That rolls me over to Mr. Hutchins.

When we talk about the FSC fishery that has been going on in St. Marys Bay for a very long time—and, I would say, the illegal fishing that goes on around the FSC fishery, or around taking advantage of the FSC fishery—how many traps do you think are actually in the bay at this point? We've heard numbers as high as 4,000. What would your opinion be of how big that fishery actually is?

**Mr. Gary Hutchins:** I can only base it on my experience and the knowledge that I have. I know that this year—because I'm in touch with fishermen all the time—there were in excess of 3,000 traps removed from the bay that were supposedly involved in an FSC fishery.

Now, we're supposed to have the understanding that there were 250 traps set for this moderate livelihood fishery to start. That was initially what we'd been told.

I want to give you a little bit of clarity here. When this started, from September 17 to October 3, when they started hauling their traps, Mr. Sack himself said that they caught \$1.2 million worth of lobsters. If we extrapolate that backwards and look at the price that they were getting for poor-quality lobsters, that's roughly 300,000 pounds of lobster in that short period of time. It takes a commercial fisherman three to four years to catch 300,000 pounds of lobster, depending on the size of the vessel and how far the fisherman would have to travel to set the gear.

That gives you an idea of how many lobsters are in that bay in the summer and how vulnerable they are. Most of them—I would say 50% of them—die when they're taken out of the water. That's why we found thousands of pounds in the woods that were discarded because they weren't marketable.

**Mr. Chris d'Entremont:** I think that's why people are frustrated; it's because they see that going on.

I hear from the community that the indigenous group was taking out somewhere close to 60,000 pounds of lobster per evening or per day. Would that be a reasonable number? I mean, would that be a realistic number?

• (1715)

**Mr. Gary Hutchins:** I'm not sure exactly how much per day, but I know there is in excess of one million pounds or more per year coming out of there. I was in the middle of doing some investigations on exactly how much lobster was coming out. I had put a proposal through to our regional office that I wanted to go down and to check every vessel that came in. I wanted to weigh the lobsters because I wanted to deal with the quota situation that each band had been allocated. I wanted to shut the fishery down when that was achieved. However, my department would not let me do that, so I cannot tell you exactly what was taking place as far as the removal of lobsters goes. However, I can tell you that on many occasions we've seen one little boat bring in as high as 12 to 15 crates of lobsters in a 15-hour period. That's astronomical. If fishermen could do that, they'd be catching a million pounds of lobster each a year themselves.

**Mr. Chris d'Entremont:** That's a lot more than the 500 traps—

**The Chair:** Thank you, Mr. d'Entremont.

We'll now go to Mr. Morrissey for five minutes or less, please.

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

It's been most interesting testimony given during this committee during this important study. One thing is clear: Minister Bernadette Jordan did not create the problem that we're dealing with today. This situation has evolved on a department that was ill-equipped to deal with a court decision, as the evidence shows. At the same time, it was a department that faced years and years of cutbacks in the key enforcement area that Mr. Hutchins is speaking about.

If we're going to move forward in this area, then we have to develop a regulatory regime that is going to regulate effectively both the indigenous fishery—which will take place because the Supreme Court of Canada ruled that the first nations community have the right to access a fishery.... It is the same court and legal system that protects the value of the commercial fishing industry in Atlantic Canada. It's the same court system. If we did not have the ability to enforce the commercial fishery through the courts, then those licences would not be worth what they are and the industry would not be worth what it is to the coastal communities and the commercial industry.

There's enough blame to go around, but it did not all occur within the last few weeks. I just wanted to make that comment regarding my colleague, Minister Bernadette Jordan, who is attempting to deal with a situation that simmered for 20 years because it was unresolved and it wasn't dealt with.

My question goes to Melanie Sonnenberg, who is the one person representing the lobster fishery. It's important when we get witnesses using comparisons to other areas—such as a comparison to Maine—as a justification that you can fish when you want to, because if we allow this industry to be destroyed, as the chair can speak to in this committee, we'll have a situation like the cod fishery in Newfoundland, where nobody has anything. The only way that the first nations are going to have a moderate livelihood is if this resource continues to be managed as it has been over the past 20 years, during which it was successfully managed into a very lucrative industry.

I will ask Melanie if she would speak to the difference with Maine. Mr. Dadswell referred to it a bit. However, you cannot apply the Maine fishery to maritime Canada in the same equations, because they are very different scenarios.

Can you speak to that, Melanie?

**Ms. Melanie Sonnenberg:** I can certainly try, and given that I live in an area that is neighbouring the Maine fishery, I certainly can give a little insight.

We heard from Professor Dadswell about what some of those differences are. We have a very robust management system that you've referenced. It plays out in terms of the landed value of the product that we're bringing in, and the seasons are set up for reasons. The industry itself, the harvesters that I would represent, take the roles that we have very seriously, and generally, I would say, are very supportive. Certainly there are always bad apples in every lot, but for the most part people believe in them, and that's what got us to where we are.

When you look at the economic value of the lobster fishery and the increase that it has seen in the last number of years through the reproductive cycles that we've seen, you see that it's been extraordinary. We've all benefited from it, from the access that came from Marshall and from the non-native harvesters. Everybody has seen better days out of that.

I think we need to take a good long look before we start making any changes to be like the Maine fishery, in which they fish a soft product, which comes with problems.

For us, I don't hear anybody suggesting we switch over to the main program. I'm working with a lot of groups that fish lobster, and that just doesn't seem to be on the menu on any particular day, Mr. Morrissey.

• (1720)

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

Chair, what's my time?

**The Chair:** You have 30 seconds.

**Mr. Robert Morrissey:** Thank you, Melanie. It's important to have that on the record, because some people from an academic side will make comparisons when, quite frankly, they don't know what the hell they're talking about.

Thank you.

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

We'll now go to Madame Gill for two and a half minutes.

Go ahead, please.

[Translation]

**Mrs. Marilène Gill:** What would be the main topics, the independence of the—

**The Clerk:** Mrs. Gill, can you lower the microphone on your headset, please?

**Mrs. Marilène Gill:** Yes, sorry.

May I continue, Mr. Chair?

My question is for Ms. Sonnenberg, Mr. Hutchins and Mr. Belliveau. It concerns the mechanisms that we discussed earlier.

What key topics do they want to urgently address?

It may be land management, fleet independence or the centralization of the Department of Fisheries and Oceans.

I'll give you the floor.

[English]

**Ms. Melanie Sonnenberg:** In the short term, Madame Gill, I think the best approach would probably be to pick a couple of items that are key to the industries on both sides. We have to have some objectives that collectively all parties could agree on. One of those would certainly be how to come together respectfully. I think that's the first and most important thing that we do, as well as that we have rules of engagement. That will not come in a day, but that's something that we should look at.

Then maybe we should look at the successes we've had in the last 21 years—and there are lots of them to look at as examples—and go from there to build out some kind of a plan forward.

[Translation]

**Mrs. Marilène Gill:** Mr. Hutchins and Mr. Belliveau, do you also want to respond?

[English]

**Mr. Gary Hutchins:** I would say that Melanie is on the right track.

We can download 10 or 12 items or agenda topics that we'd like to have solved, but we have to deal first and foremost with the way in which the fishery is managed and the resource to do that. Coming together to talk with transparency and to have a dialogue has to come from the fishers, and it has to come from the Department of Fisheries and Oceans. I will tell you that there hasn't been a lot of transparency from Fisheries and Oceans. I have that experience.

I think the first thing we can do is to seriously look at getting all the necessary people together to discuss these things at a rational level. We must keep in mind the spirit and the intent of the Marshall decision, and as we move forward, we need to honour what is written, but we must also make sure that the commercial industry has a say in how things unfold as well, since they are so largely invested. So far, what we've seen from the minister has been a little bit one-sided.

**The Chair:** Thank you, Madame Gill. I allowed a little bit of extra time for you.

We'll now go to Mr. Johns for two and a half minutes or less, please.

**Mr. Gord Johns:** Thank you, Mr. Chair, and thank you again to the witnesses for your testimony today.

I am concerned that I've heard a lot of unproven allegations and speculation today in this round at this committee. I think it's really important that we talk about facts. At this meeting, we've also heard competing testimony on the matter of data collection, protocols and science assessments.

Ms. Sonnenberg, do you think that DFO has a data collection problem, and if so, what do you think DFO should do to improve its data collection? We've heard lots of different testimony here on this panel around enforcement, around allegations that are unproven against a certain segment of fishers, and now we've heard data that is different.

Can you tell me what you'd like to see, moving forward, when we study issues such as we're studying today?

• (1725)

**Ms. Melanie Sonnenberg:** DFO has a system in place for commercial harvesters that involves the submission of log books and records of catches. It ties into all of the provincial licences that are issued, in terms of the quantity of lobster coming ashore. It's a program that has been in place in the Maritimes DFO region for, I would say, probably 15 years. On the gulf side, it has been in play for quite a while as well.

Sometimes the information is slow to be processed—we find that on our side—but I think it's been an opportunity for us to have better data, and it has evolved. It's not perfect, Mr. Johns, but we on the industry side work with harvesters to make it better, more efficient and accurate. DFO is working at it as well.

Sure, there are imperfections, but it has come a long way, and I think that it has been an important feature in our fishery. I don't think we need any more of it, however; I think what we need to do is use what we have wisely.

**Mr. Gord Johns:** Mr. Hutchins, you shared your story about the dumping of lobster. You made some pretty strong allegations in speculation, I would say. Can you explain why you shared that story with us, since nobody was charged?

**Mr. Gary Hutchins:** I shared that story because it has a level of importance. It talks about the disregard for thousands of pounds of lobster that had a major value to the resource and to the industry—

**Mr. Gord Johns:** No one was proven to have done that, so why would you speculate?

**Mr. Gary Hutchins:** Well, it's because it just goes to show you that the fishery in St. Marys Bay is unregulated, and our hands as DFO officers were tied because we were not allowed to do the necessary checks. We did a last-minute investigation. We did not have the time or the resources to complete the investigation to prove whether it was indigenous fishers who dumped the lobsters or the fish buyers who were buying the lobsters. We know it was one or the other, because we did get that far.

The problem is that if you can't have the resources and the time to do these investigations.... I can tell you that in the Digby detachment, we were overwhelmed. We have a huge amount of fisheries there—

**Mr. Gord Johns:** Yes, I imagine some non-indigenous fishers committed biased attacks too—

**The Chair:** Thank you, Mr. Johns—

**Mr. Gary Hutchins:** Yes, absolutely—

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

Mr. Johns, you've gone way over. We'll now go to Mr. Bragdon for five minutes or less.

**Mr. Richard Bragdon (Tobique—Mactaquac, CPC):** Thank you, Mr. Chair, and thank you again to the guests who are here this evening. We really appreciate your time and valuable insights and perspectives.

I want to state this right off the bat. Tomorrow, I understand, in area 34, the season starts at 9 a.m. We want to take this opportunity to make sure that the fishers and the fish harvesters of area 34 have a very safe and hopefully very productive season on the waters.

Hopefully things go really well. I know it's always a big day in these regions, when it's starting day. We wish them well.

We're coming to the conclusion of this committee meeting. We're in the last round, and I want to give you an opportunity to speak to us about the pathway forward. Some of you have made points on this already in the testimony we've heard.

Going forward, could you summarize your thoughts about what areas you feel need the most focus and the most attention right away to get to a peaceful resolution of this situation and make sure we have the fishery on a solid footing? We've heard a variety of testimony, but coming from your perspective and through your lens, what would be your top-ranked priority for this committee to hear?

I think that is the way I'd like to wrap up my time of questioning with you.

We'll start with you, Ms. Sonnenberg, and then go through the other guests. Thank you.

**Ms. Melanie Sonnenberg:** Well, in the interest of time, I'll say it very quickly again.

We need to have a table to go to, we definitely need better communication for all parties, and we need transparency for all parties. Those are my three key things to put to the committee.

That's where we have to start. There's lots of work to do, but the transparency and the communication are key to a better relationship for all involved.

**Mr. Sterling Belliveau:** What I see is that we need that panel or a mechanism.

We need to put the Clearwater sale on hold.

Personally, I would like to have the opportunity to talk about that offshore decision in the Hague. It was established by witnesses and testimony from Southwest Nova. There was a mechanism in place to get their testimony, and that decision was won by our historical attachment to the offshore. Two hundred miles was established as a limit.

Now the Mi'kmaq have an opportunity to have that. I'm not denying them that, but I really believe we should have an opportunity to be in partnership on that particular deal. We're dealing with this, sir, under a pandemic across our nation. With all that in consideration, we should surely have a recommendation from the fisheries standing committee just to put the brakes on this and address the word "adjacency" and establish a mechanism. I think you would give every commercial fisherman and the Mi'kmaq an early Christmas present.

Thank you.

• (1730)

**Mr. Richard Bragdon:** Thank you, Mr. Belliveau.

Now we'll hear Mr. Dadswell and then Mr. Hutchins.

Please be quick. I don't know how much time I have here.

**Dr. Michael Dadswell:** What I would like to add is that it seems to me there should be more involvement from the lobster biologists in DFO. They should come out and say what they know about the biological conservation of stocks—something that didn't happen in Newfoundland and in some other situations—and about how quickly a fishery can collapse when people do not pay attention to the recruitment process that goes on.

As long as there's good recruitment, then high exploitation can usually be handled. However, as soon as something happens to the recruitment because of the environment or because of bad fishing practices, the stocks can collapse very quickly.

**Mr. Richard Bragdon:** Thank you, Mr. Dadswell.

Mr. Hutchins, would you comment?

**Mr. Gary Hutchins:** It's paramount that we have a level of enforcement that allows officers to make sure they get out and collect the information. You were talking about the need for numbers and statistics. If we don't know what's coming out of the water and we don't know where it's going, we have inherent problems already. If we have those resources put in place, I think we would be further ahead.

The other thing is that I hope there's no rush to judgment and that the minister doesn't decide to create a fishery without hearing all the information.

We have to understand that although there is a perceived right here, I will tell you again that there is not when it comes to lobsters, this one species. The Crown may limit or infringe the right to a moderate livelihood, but there must be an overriding purpose, of course, for limiting the exercise of that right, such as conservation or public safety or other interests. We need to clearly think about those terms as we move forward.

The last thing I want to see is another conflict between the commercial fishermen and the indigenous fishers. Here, a couple of years ago, we had an incident in Cape Breton in which some fishermen caught a man poaching—hauling his lobsters—and they shot him. He's at the bottom of the ocean.

I can tell you that tensions will run high if the wrong decisions are made, and somebody will die. I don't know about you, but I certainly wouldn't want that blood on my hands. That's a very serious thing.

**The Chair:** Thank you, Mr. Hutchins, and thank you, Mr. Bragdon.

We'll now go to Mr. Morrissey for five minutes or less, please.

**Mr. Robert Morrissey:** I would like to go back to Melanie to elaborate a bit more on Mr. Bragdon's question—which was quite good—because you represent the industry.

There was a reference that we need to find common ground. What would be your advice to this committee on those areas in which you feel there is common ground between the commercial industry and the first nation community?

**Ms. Melanie Sonnenberg:** Judging from some experiences I have had in my time in the fishery, our common ground is that the people who have access to the fishery want to earn a living. For

those who are exercising either that privilege or that right, the common ground is to bring home a lobster so that you can make a livelihood, whether you be indigenous or non-indigenous. I think that's one thing.

When we get to the wharf, Mr. Morrissey, the operational side of it, it is very clear that everybody is working off the same kind of platforms, and there are a lot of commonalities that can be looked at. People generally bond over those things.

I think some of those things are really important. We tend to spend a lot of time looking at the negatives we've heard in the press. Really, though, when we go into communities and to the wharves, there's a lot to be seen and heard and learned from the people who are living this every day.

That might not be a strong answer, but it's the best answer I have tonight.

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

Here is a new question to Mr. Hutchins.

Mr. Hutchins, you were in the enforcement and regulatory field for some time. What do you see as the challenges that would come into play in enforcing a livelihood fishery?

• (1735)

**Mr. Gary Hutchins:** That is very simple. It would be another fishery, and if it's at another time of year, other than the commercial—

**Mr. Robert Morrissey:** It might not necessarily be at another time of the year.

**Mr. Gary Hutchins:** Well, then, we have a greater access and a larger number of people participating in a fishery. That takes more time, more effort, more equipment. Simply, it takes more dollars. Unless we have a plan in place to move forward so that we can enforce all fisheries equally, fairly and justly, then I think we're putting the cart before the horse, sir.

**Mr. Robert Morrissey:** You would agree, then, would you, that the key decision that has to be made is to ensure that there is a regulatory regime in place that fairly protects the fishery and has clear parameters for those who are participating in it? That should be the fundamental premise we would look at to go forward. Am I interpreting you right?

**Mr. Gary Hutchins:** Yes, absolutely. We cannot proceed without that, because as I testified, in my experience in the FSC fishery, we've never been able to enforce it properly, and that's a disservice to the indigenous people and the people of Nova Scotia.

**Mr. Robert Morrissey:** You raised a point that has been touched on at the periphery. You've been in enforcement, so it's important for me to ask you this question. Is there lobster caught under the food and ceremonial fishery that is making its way into commercial sales?

**Mr. Gary Hutchins:** Ninety per cent of it is. We know that's the case through years of investigation, and there are a number of buyers in Southwest Nova who are buying lobster and haven't hidden it from any of their community members. They are buying it and selling it, and we've been trying to track it for years. I've been involved in several cases. In the last one, charges were laid and a conviction was upheld, and that was because they were buying indigenous lobsters and selling them.

**Mr. Robert Morrissey:** You say a charge was laid and a conviction was upheld. Who was the charge against, the buyer or the seller?

**Mr. Gary Hutchins:** It was against the buyer.

**Mr. Robert Morrissey:** Mr. Chair, what's my time?

**The Chair:** You have 40 seconds from now.

**Mr. Robert Morrissey:** I want to thank the witnesses.

To Mr. Belliveau, that was an intriguing observation you made on the sale of Clearwater—really intriguing, and most interesting. To have an opportunity to have a partnership between the commercial industry and our first nations community here on the east coast is a great concept. Thank you.

**Mr. Sterling Belliveau:** I hope I have a few seconds to respond to that.

I hope you and your committee members have the opportunity to reflect on that word “partnership”. I can go into great detail about how that fishery was established. It was from, I can assure you, the commercial sector.

I'd like to have some time to expand on that. It was brought about by the commercial sector's historical attachment, but we have not even had the opportunity to be involved in this possible sale. Just the word of a partnership with the Mi'Kmaq in that sale would go a long way and get a lot of people thinking, right across Canada, that we're on the path of resolving this.

I can conclude my remarks here with the common ground that the early witness talked about. We have people in P.E.I. in district 33 who are fishing commercial licences as we speak, in the same seasons. After the dust of this is all settled, both sides—Mi'Kmaq and the commercial sector—have to live in the same community.

This was the overall impact back 21 years ago. That was what everybody agreed upon—that yes, we have our agreement, but we have to live in the same community and we want to live in peace and harmony.

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

I want to again reiterate, with all my colleagues, a big thank you to Mr. Hutchins, Mr. Dadswell and Ms. Sonnenberg for coming back this evening, and to Mr. Belliveau for being here as well. It has been a very interesting committee meeting.

I'll allow the witnesses to leave now before we close the meeting completely.

**Ms. Melanie Sonnenberg:** Thank you, Mr. McDonald.

**Mr. Gary Hutchins:** Thank you, Mr. McDonald and all the committee members. I appreciate your time.

**Dr. Michael Dadswell:** Thank you very much.

• (1740)

**Mr. Sterling Belliveau:** Thank you, Mr. Chair and committee members.

I wish you all a very early Christmas. Take care of yourselves and be healthy.

**The Chair:** The same to you. Thank you.

**Mr. Robert Morrissey:** Chair, do we have technical issues? Should we go into another meeting or not?

**The Chair:** Actually, there are technical issues, but the other issue is that we only have about 30 minutes left. By the time we sign off from this one and go on to another one, I don't think it does justice to our analysts to be able to hear what the committee members want to instruct with regard to drafting instructions. I think it would be better for us to reschedule that to possibly at the end of the next meeting, if we can do it at all. Doing one set of witnesses for the salmon and then going into drafting instructions might be a better choice.

There were technical issues. They may be straightened out now, but I'm afraid to go in even for 30 minutes and have it fail, and then we lose everything we're doing.

I just want to say, on one of the statements earlier, that everybody's time is their time. What you do with that time is up to you. I try to be as generous as I can at times to allow witnesses to finish an answer, but when it comes to getting unmuted or being heard, that's on your time. Everybody has to be aware of what they're doing as the time rolls around to their particular questioning slot. That way there'll be no time lost in it.

I did allow some free leeway on that this evening, but sometimes it takes away from being able to get to all the questioners. Then we'll have another member probably upset with the chair for allowing others to go over, and they don't get a chance to speak with their questions. I try to be as fair as I can, and I'll continue that, but I would ask everyone to be aware of when their time is up and when their time is about to start. Basically, that's it.

I thank everybody for their co-operation again this evening. Thank you to Nancy, the analysts and all the staff and the interpreters for putting up with us again this evening. I know we're later than usual, but votes were the biggest cause of that.

Again, we'll see everybody Monday evening.

**Mr. Chris d'Entremont:** Ken, I'm on a couple of committees and you're more than fair.

**The Chair:** Thank you, sir. I appreciate that. I don't want anybody to be mad.

Good night, everyone. The meeting is adjourned.









Published under the authority of the Speaker of  
the House of Commons

---

### **SPEAKER'S PERMISSION**

---

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

---

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

---

### **PERMISSION DU PRÉSIDENT**

---

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

---

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :  
<https://www.noscommunes.ca>