

**GOVERNMENT RESPONSE TO THE 16th REPORT OF THE STANDING COMMITTEE ON
FISHERIES AND OCEANS, ENTITLED: ATLANTIC CANADA'S MARINE COMMERCIAL VESSEL
LENGTH AND LICENSING POLICIES: WORKING TOWARDS EQUITABLE POLICIES FOR
FISHERS IN ALL OF ATLANTIC CANADA**

**Theme 1: Interdepartmental Collaboration between Fisheries and Oceans and Transport
Canada (addressing recommendations 3 and 4)**

- The Government of Canada recognizes the ongoing importance of ensuring that fisheries management practices do not have unintended negative consequences for the safety of those operating and working on commercial fishing vessels. While continuing to meet their individual responsibilities and commitments, Fisheries and Oceans Canada and Transport Canada acknowledge that and will pursue further opportunities for collaboration in areas including, but not limited to, commercial vessel registration and on-board vessel safety.
- In this regard, the collaborative relationship between Fisheries and Oceans Canada and Transport Canada is managed, in part, by the *Memorandum of Understanding Regarding Safety at Sea of Commercial Fish Harvesters*. The Memorandum was originally signed in 2006 and updated in 2015 and commits the two departments to coordinate the exchange of information with the objective of improving safety and establishing principles that promote a safety culture among commercial fish harvesters. Safety culture and vessel safety has also been established as a standing item for all meetings of the Canadian Marine Advisory Council, of which Fisheries and Oceans Canada actively participates and Transport Canada chairs. In addition, both Departments are presently drafting Terms of Reference to guide the creation of a senior management oversight committee. This oversight committee will serve as the national body to further strengthen the collaboration between the two departments with regard to promoting safety at sea of commercial fish harvesters. The Terms of Reference will identify new and existing opportunities for both departments to coordinate information and discuss current and future developments concerning vessel safety.
- In addition to the Terms of Reference, Fisheries and Oceans Canada and Transport Canada are each drafting departmental action plans that will outline specific actions intended to meet the Memorandum's objectives. The action plans will include items intended to: facilitate collaboration between Fisheries and Oceans Canada and Transport Canada; improve engagement with non-federal entities such as provincial and regional governments, safety councils, and industry; assess regulations and policies as they relate to vessel safety; support the collection and sharing of best practices; enhance data-sharing, and explore new approaches to harmonize and improve commercial licencing and safety practices.
- Fisheries and Oceans Canada and Transport Canada will provide the Standing Committee on Fisheries and Oceans with copies of the oversight committee's finalized Terms of Reference and departmental action plans by December 2018, or shortly thereafter.

Theme 2: Use of Best Practices when Consulting with Stakeholders
(addressing recommendations 5, 6, and 7)

- The Government of Canada fully supports these recommendations, and they are well aligned with existing and ongoing Fisheries and Oceans Canada practices of engaging directly with harvesters. Fisheries and Oceans Canada will employ the consultation tools and practices outlined in the Report's recommendations during its planning and delivery of consultation and engagement sessions. These tools and practices include, but are not limited to: engaging in full consultations with all affected stakeholders, conducting consultations on an ongoing basis, establishing in-person dialogues with enterprises and licence holders, proactively reaching out to stakeholders, and scheduling consultations at times that ensure maximum harvester participation.
- Fisheries and Oceans Canada works to ensure that any proposed policy changes with the potential to impact harvesters are consulted on extensively, as required. Fisheries and Oceans Canada strives to maintain a balance between direct, in-depth consultations and efficient and other cost-effective consultation methods. Fisheries and Oceans Canada regularly engages directly with inshore harvesters, as well as with fleet and industry representatives. Regional Fisheries and Oceans Canada staff have developed working relationships directly with licence holders and industry representatives, thereby allowing Fisheries and Oceans Canada to keep abreast of the most recent and pressing needs facing a particular fleet, fishery, or area.
- The Government of Canada agrees that direct consultations with harvesters are important, not only in relation to vessel length restrictions or vessel registration rules, but for all elements of fisheries management. Fisheries and Oceans Canada is committed to ensuring that there are ongoing opportunities for direct public engagement and consultation with harvesters and will continue to build its ability to do so. The following examples highlight Fisheries and Oceans Canada-led consultations and public engagement opportunities that employed a variety of best practices, including those identified by recommendations 5, 6, and 7:
 - Recent consultations in the Quebec region allowed Fisheries and Oceans Canada officials to engage directly with harvesters to discuss proposed marine protected areas. Fisheries and Oceans Canada staff and harvesters engaged in face-to-face discussion and collaborative mapping exercises in order to identify critical fishing areas and potential sites for future marine protected areas.
 - Fisheries and Oceans Canada's Maritimes Region undertook a licencing policy review in 2017. Open invitations were sent to licence holders to attend open engagement sessions to discuss licencing policy. Over 550 individuals participated; vessel replacement policies were not identified as a significant concern.

- Fisheries and Oceans Canada's Newfoundland and Labrador Region hosted a series of province-wide public outreach meetings to provide inshore harvesters with a forum to discuss broad ranging matters of concern in current inshore fisheries, including fisheries management measures and licencing policies. These meetings, to which all inshore harvesters and industry stakeholders were welcomed, provided strategic forums during which the departmental objective of Fisheries and Oceans Canada was to both listen to harvesters' concerns and to seek opportunities to explore feasible solutions. A total of 570 people from the fishing industry participated in meetings across 21 communities from the coast of Labrador and all around the island of Newfoundland between November 06, 2017 and February 13, 2018. This relationship-building exercise was positively received by stakeholders and a similar outreach approach is being planned for 2019.
- As the Committee has recommended, Fisheries and Oceans Canada will continue to consult directly with harvesters on licencing policy issues that affect their activities.

Theme 3: Requests for Consultations and Policy Review
(addressing recommendations 1, 2, and 8)

- The Government of Canada supports robust commercial licencing policies that are reflective of regional needs and fleet-specific accommodations. The recommendation to consult on and review matters relating to vessel length and licence reissuance policies is well aligned with initiatives previously completed by, and currently underway at, Fisheries and Oceans Canada. Fisheries and Oceans Canada regularly engages with harvesters and fleets on matters relating to policy standardization and streamlining where appropriate, and when requested by harvesters, fleets, and/or industry representatives. Recent examples of such engagement includes:
 - Fisheries and Oceans Canada's consultations on the 2012 changes to the *Fisheries Act*. Consultations took place across Canada from 2016 to 2018 and involved groups and individuals such as harvesters, Indigenous groups, industry associations, and non-governmental organizations. Participants were engaged both online and in-person and provided input on a wide range of *Fisheries Act* issues, including provisions which acknowledge the ability of the Minister of Fisheries and Oceans and the Canadian Coast Guard to consider a number of factors that may be taken into account when making fisheries management decisions.
 - Fisheries and Oceans Canada initiated consultations in the summer of 2018 with harvesters and industry stakeholders in Atlantic Canada and Quebec to enshrine elements of the inshore fisheries policy suite into regulation. Strong harvester, fleet, and union support has been expressed for the strengthening of the inshore policy suite through force of law, which has prompted Fisheries and Oceans Canada to

organize community and online consultation opportunities to discuss which elements to enshrine in the *Atlantic Fisheries Regulations*.

- Fisheries and Oceans Canada recognizes that consultation processes represent a cost to stakeholders, both in terms of time and effort. In an effort to be as effective as possible, to avoid consultation fatigue among stakeholders and to minimize the expenditure of valuable resources on non-priority areas, the Department of Fisheries and Oceans does not intend to initiate a separate, new consultation exercise specific to vessel length restrictions at this time. However, the Department will continue to regularly conduct direct consultations with licence holders on all areas related to the inshore commercial fishery and will continue to take explicit note of opinions raised regarding vessel length and licencing policies. The aforementioned opportunities for public engagement on a wide range of inshore policies, should provide ongoing opportunities for input on vessel length.
- Fisheries and Oceans Canada's vessel length restrictions are set out in the 1996 *Commercial Fisheries Licensing Policy for Eastern Canada*. This policy outlines region-specific provisions concerning maximum vessel length, measurement standards, and replacement rules. These regional differences were initially established in order to accommodate regional needs and fleet-specific requirements and continue to be relevant because many inshore harvesters still hold and regularly fish licences for competitive fisheries.
- While vessel length restrictions and replacement rules differ from one region to another, in part due to regional exemptions for certain fleets, the Government would like to clarify that the eligibility criteria upon which exemption requests are considered is standardized throughout all regions. In 2003, a pan-Atlantic consultation across the four Atlantic regions yielded an agreement between Fisheries and Oceans Canada and industry representatives supporting the implementation of ten principles upon which to consider requests for modification to vessel lengths for fleets. Standardized principles such as conservation, vessel safety, consistency with regional licencing policy, and enterprise viability could be used by fleets as a basis for requesting exemptions. The Government believes that these principles have allowed Fisheries and Oceans Canada to effectively balance national standards with regional needs.
- In addition, Transport Canada has extensive consultation practices working closely with the fishing industry. The Standing Committee on Fishing Vessel Safety, a subcommittee of the National Canadian Marine Advisory Council that is jointly chaired by Transport Canada and representatives from the East Coast fishing industry, has advised on vessel safety issues since its creation in 2000 and has served as the on-going mechanism for a strong Government/Industry partnership on navigation safety issues. Transport Canada undertakes extensive consultation with stakeholders, including fishing vessel owners, provincial safety groups and representative of fishing safety associations from coast to coast. Comments received from stakeholders are taken into consideration as part of any policy or regulatory proposal and include analysis of costs and benefits in accordance with Treasury Board of Canada Secretariat regulatory policy.

In closing, on behalf of the Government, we would like to thank the Standing Committee members once again for their diligence and commitment to preserving Canadian commercial fisheries for current and future generations. Fisheries and Oceans Canada and Transport Canada remain committed to ensuring safety at sea and modernizing the fishery through strengthened policy, regulations and legislation, supported by ongoing involvement with harvesters and vessel owners in Canada's inshore commercial fishing industry. Together, Fisheries and Oceans Canada and Transport Canada will continue to support a safety culture among commercial fish harvesters and ensure coastal communities benefit from marine resources.