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Chair

Mr. Scott Simms

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• (0845)

[English]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): I call the meeting to order. Good morning, everyone.

Before I get to the business at hand, the reason we are here today, since we have the minister here, I just want to bring up something that was discussed in our study regarding marine protected areas, particularly over the trip that we took to the Northwest Territories. If you recall, colleagues, we had an issue in Tuktoyaktuk about the abandoned buoys that were there and what to do about them. The minister has written me back. I'll read this for the record, as briefly as I can.

The Coast Guard recently completed a reconnaissance flight of the Tuktoyaktuk area to assess the number and location of buoys washed ashore. The flight between Tuk and Kittigazuit Bay located 22 buoys beached in the Kugmallit Bay area of Tuktoyaktuk. These buoys were subsequently recovered and taken to the Coast Guard's Hay River base for disposal.... [The] Coast Guard...reached out to the...community, specifically the Tuktoyaktuk Hunters and Trappers Committee (THTC), to provide confirmation of the flyover team's findings. Conversations between Coast Guard and the THTC are ongoing to confirm locations of other buoys in [the 80-nautical-mile area].

Minister, thank you for the correspondence. This is just an update for our committee on that. We appreciate that. I'm sure the hunters and trappers committee of Tuktoyaktuk appreciates that as well.

Hon. Dominic LeBlanc (Minister of Fisheries, Oceans and the Canadian Coast Guard): Hunter...? You said Hunter and who?

The Chair: No, I said “the hunters and trappers committee”, as opposed to an MP who is with us this morning. That would be the Honourable Hunter Tootoo, just so that confusion is put aside.

Now, this is the reason we are here today: pursuant to the order of reference of Tuesday, October 7, Bill C-55, an act to amend the Oceans Act and the Canada Petroleum Resources Act.

Today, we have, of course, the honourable minister, Mr. Dominic LeBlanc, and the parliamentary secretary to the minister, Terry Beech. We also have Philippe Morel, Kevin Stringer, and Jeff MacDonald, who is director general, oceans and fisheries policy.

That said, we are going to start as we normally do.

Honourable Minister, you have up to 10 minutes.

Hon. Dominic LeBlanc: Mr. Chairman, thank you.

Thank you for inviting me. Thank you for this opportunity to colleagues at the table. It's great to see you again.

I won't repeat the introductions that you offered, Mr. Chair, but the senior officials of the department and, of course, our colleague, the parliamentary secretary, are with me. If I am not able to struggle through an answer, I hope that you will indulge them and allow them to provide the information that all of you may be seeking.

Mr. Chairman, as I think you understand, or as we indicated, I am happy to stay here for about an hour, probably an hour and 10 minutes. I think we have a vote perhaps coming up a little later. If there is a bit of time before you adjourn for the potential vote, the officials have indicated that they would be happy to stay as well.

Colleagues, as all of you know, the ocean is extremely significant to our heritage, our culture, and certainly our economy. Our government, like previous governments, is committed to meaningful marine conservation measures that will protect both the environment and coastal communities and their economies. In our view, these are not, and should never be, incompatible principles. One of the reasons we would want to protect our oceans is precisely to protect the long-term sustainable economy that depends on them.

We know that our ocean is a vital part of the future of our country—ecologically, clearly, but economically as well. We also know that climate change is real and our ocean is under stress at many levels. We believe that it's time to act, together. It's time to act collectively, and we are asking Parliament to make amendments to the Oceans Act with that specific objective in mind.

Canada supports the objective of a marine-based economy that provides social and economic benefits for current and future generations and is based, as I said, on the twin principles of conservation and sustainable economic growth. By virtue of our unique geographic situation, Canada will be a leader on a marine-based economy that provides social and economic benefits for current and future generations.

Marine conservation will be achieved through working across all orders of government, alongside indigenous peoples, the industry, academia, and environmental groups.

Canada is helping to shape the international agenda as we move towards and beyond the 2020 targets, sharing our extensive work on guidelines, for example, for other effective area-based conservation measures, and working with other countries to advance criteria that can be used by all states that share our conservation goals.

Our government takes the commitments made in 2010 to the Aichi target 11 extremely seriously. We are making strong progress in increasing protections of our oceans. I am confident that we will surpass our interim target of protecting 5% of our marine areas by the end of this year. Obviously, we are on track to meet the commitments we made for 2020 as well.

Mr. Chair, Bill C-55, in our view, is an important step in achieving these marine conservation goals, and I am pleased to have the opportunity to discuss this with you as you prepare your review of this legislation.

● (0850)

[Translation]

To clarify, the 10% target is being implemented by the 196 countries that are parties to the Convention on Biological Diversity. Canada has an opportunity to demonstrate its commitment to this goal and demonstrate global leadership.

Bill C-55 is an important element of our marine conservation agenda. While the proposed amendments provide another tool for us to meet our marine conservation targets in a timely manner, our government's objective is, first, foremost and always, to protect sensitive and vulnerable marine and coastal areas for present and future generations of Canadians.

Years of experience in developing marine protected areas, or MPAs, have shown us that too many delays occur during the establishment process. Through this experience, we have also learned that there are some circumstances where greater harm can occur during these delays, and, in these circumstances, there needs to be protection sooner. The interim protection MPA proposed under Bill C-55 addresses this gap in conserving our oceans' biodiversity. This new tool would give us the option to establish interim protection where initial science and consultation tell us we need to act in a precautionary manner.

These MPAs provide a clearly defined geographical space that is recognized and managed through a new legal mechanism called a ministerial order, and are developed to achieve the long-term conservation of nature with associated ecosystem services and cultural values.

Respecting this definition, Bill C-55 provides good policy by taking a precautionary approach and enabling interim protection while science and consultations continue to establish a permanent MPA.

This new ministerial order will be formalized by publication in the *Canada Gazette*.

I have heard wide interest in Canada adopting protection standards across all MPAs.

The inclusion of standards in the Oceans Act, such as core protection zones and prohibited activities found in national marine

conservation areas, requires careful consideration of the need to balance ecological integrity with the sustainable use of our marine resources.

As I announced at the Our Ocean conference on October 5, in Malta, work is under way to establish a national advisory panel to provide this expert advice on protection standards for future MPAs.

● (0855)

[English]

Mr. Chairman, we are also investing in enforcement capacity for marine protected areas as part of the marine conservation targets initiative and the oceans protection plan. As of June 1 of this year fishery officers have undertaken 1,482 hours in the monitoring and protection of marine protected areas. Before April 2018, enforcement plans for each marine protected area will be put in place to ensure compliance within those marine protected areas.

During second reading debate in the House, Mr. Chair, I also heard remarks on the importance of consultation in meeting our marine conservation targets. Consultation and seeking the knowledge and views of other governments, indigenous groups, other communities, marine resource users, and stakeholders are cornerstone principles for marine protected area establishment.

Bill C-55 does not take away from the requirement to consult and engage throughout the development of an interim protection MPA. Part II of the Oceans Act, which frames the strategy for managing oceans, is based on a collaborative approach with provinces and territories, indigenous organizations, and stakeholders who depend on the oceans. The Oceans Act is one of the first federal statutes to enshrine a non-derogation clause. Bill C-55 does not need to include provisions relating to indigenous rights and titles. This provision is already enshrined in the act and will obviously stay that way.

As I mentioned earlier, establishing interim protection is subject to the same standards for public consultations as Governor in Council regulations and follows the *Canada Gazette* process. Bill C-55 does not include sweeping changes to the Oceans Act. Aligned with the March 2017 recommendations of the Standing Committee on Environment and Sustainable Development, Bill C-55 strengthens the Oceans Act by enabling interim protection of MPAs prior to the formal establishment. The bill also strengthens the Oceans Act by adopting the precautionary principle and modernizing the enforcement provisions to align with other modern environmental legislation.

Mr. Chair, by way of conclusion, according to a 2016 World Wildlife Fund report, 98% of Canadians support designating parts of Canadian waters as marine protected areas. I hear, and I'm sure many of you hear, that support every day. This bill, Bill C-55, is one aspect of our government's broader suite of ocean protections being established since we took office two years ago, and obviously we'll continue to do that work in the coming months. The tools proposed will improve our ability to protect our ocean and fulfill the commitments we have made to Canadians, the international community, and the environment.

Once again, Mr. Chair, I thank you for having the chance to discuss this legislation. I look forward to the questions. I also look forward to the testimony of other witnesses who you will, in your judgment, decide to hear from and would work collaboratively with committee members. Obviously you have suggestions around amendments, and my department will be available to all of you as you contemplate amendments or want to understand further details of the legislation. All you need to do is let us know, and we'll be happy to be here and happy to accompany you on the work you're going to do.

Thank you, Mr. Chair.

The Chair: Thank you, Minister.

We appreciate the offer of any words of clarification or consultation.

Before we go to our questions, we'd like to welcome our new people, as we normally do.

We want to welcome Richard Cannings from the stunningly beautiful riding of South Okanagan—West Kootenay. Equally as beautiful, I'm sure, is the riding with all its splendour that is represented by the Honourable Hunter Tootoo from Nunavut.

Thank you very much, sir.

We now go to our first questioner for seven minutes.

Go ahead, Mr. Morrissey, please.

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

I'll start with a statement to the minister. As the son of a fisher, I'm extremely aware of the value of our fishery resource to small communities, and I'm always supportive of government putting in steps to manage and control the resource.

Minister, I'm sure you are aware, as are some of my colleagues, of examples of what happens to coastal communities when government fails to provide leadership and take those decisions. I've referenced the collapse of the cod industry off Newfoundland, which the chair is quite familiar with. Coastal communities there and the people impacted are still paying a price for that.

When I look at our government's objective of extending marine protected areas, generally it's a philosophy that I support, because we cannot allow total access to a resource wherever the industry wants to go.

I've dealt with an issue in my own riding in which government was looking to control the management of a resource. When you looked at the key science, you saw it supported the direction that the government was taking, while the fishers themselves were opposed to it, so it is extremely important for the department to have readily available and detailed data when it comes to the science part of it.

The other part we heard from the fishing side is the ability to enforce the regulations that the government puts in place.

I would like you to speak on the ability of the department to better provide the scientific data as it manages the resource and the protection of the resource, as well as on the importance of traditional knowledge. We heard very clearly from our first nations community

about the important dialogue they had with Parks Canada on a similar collaboration on marine protected areas and about Parks Canada's use of traditional knowledge. I would simply urge you to put a heavy emphasis on the traditional knowledge acquired by fishers when we're looking at expanding these protected areas.

Could you expand on that?

● (0900)

Hon. Dominic LeBlanc: Thank you, Mr. Chair.

Thank you, Mr. Morrissey, for your question.

I had the chance to be in your province on Friday evening. I met with the P.E.I. fishermen's federation on Friday in Charlottetown, and you're absolutely right. I heard from them the importance economically of a sustainable fishery, in lobster principally, but in other species as well. The fishers in your district or in mine have had, in recent years, I think, some economic success, and they are proud of it. They have had difficult years previously.

They talked to me, exactly as you said, about the importance of having the best scientific information that the government can have when making management decisions, and the importance also of sharing that scientific information in the most transparent and open way. Our department, as you know, has increased by a couple of hundred million dollars and by 135 permanent scientists and technicians across the country, many in the gulf region, looking at some of the species that would be significant to your district and mine. Right across the country we've hired these remarkable women and men, and I've had the chance to meet many of them.

I've urged them to speak publicly about their findings, their concerns, and their ideas, and to share with fishermen's organizations, with other industry groups, with the public, and with universities. The more discussion we can have and the more we challenge different views and opinions, I think the better the decisions that governments and Parliament and others can make on these matters. I totally share that view.

I think we can continue to do more. We've made a good start, but I hope it's not the end of our story.

On the ability to enforce, Mr. Morrissey, you're absolutely right. We can change the law and we can change regulations. If we don't have the internal capacity to apply those regulations and that law, over time it becomes *désuet*, in French, or it becomes *functus*, which I think might be the legal term in English.

From the fisheries conservation and protection officers in my department I heard this all summer, frankly, a lot when I was around all the coasts in our country. People want to see more fishery officers in communities, on the water. There are a whole bunch of positive reasons that these women and men provide an essential service, but they also provide the enforcement that people reasonably expect of our government.

Those services had been cut very considerably over the last number of years. As the legislation, for example, the Fisheries Act, which your committee and Parliament may deal with in the coming months, had been changed, so too was the capacity to enforce.

I recognize we need to do both. We need to improve the legislation, but we need to reinvest in the women and men who can effectively and fairly apply the regulations that our Parliament adopts.

Finally, Mr. Morrissey, you mentioned traditional knowledge. You're absolutely right. Indigenous groups talk to me about that often. They express it in terms of traditional indigenous knowledge, which can and should form part of the scientific assessment that governments are required to make and that we would share transparently.

I also think we can incorporate the traditional knowledge of non-indigenous fishers. We tend to think of these issues in the context of indigenous peoples, and they often get defined that way, and for good reason, but the fishers I talk to and that you would talk to, and your family would have talked to, also have significant knowledge that should and can benefit scientists working in laboratories or on Coast Guard research vessels. The more voices and the more experience we can add to the decisions, the better are the decisions we can make.

•(0905)

Mr. Robert Morrissey: I'm going to pass my remaining time to my colleague from Nunavut.

The Chair: You are handing him 30 seconds.

Hon. Dominic LeBlanc: That would be my fault, Mr. Chair.

The Chair: No, we're all at fault here.

Here is what I'm going to do. Near the end I will seek unanimous consent to allow Mr. Tootoo to address us or ask a question, if that is okay.

The ruling is this. Our motion dictated that we divvy up the questions among the parties, not the independents; however, that doesn't preclude him from being involved. I have to seek unanimous consent to get around that order in order for Mr. Tootoo to contribute.

Go ahead, Mr. Miller, very quickly, please.

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): I would suggest, Mr. Chairman, that we move on and give the 30 seconds that Mr. Morrissey had left, and maybe one of the other members across the way would give Mr. Tootoo some time. I wouldn't have any problem with that.

The Chair: If I were to seek unanimous consent, I gather you would not be in favour.

Mr. Larry Miller: I think there is a way to deal with—

The Chair: I just told you the way, but I'm just wondering if you'd help me out.

Mr. Larry Miller: I'd like to have some questions, too.

The Chair: Sure.

Mr. Tootoo, you have 30 seconds.

Hon. Hunter Tootoo (Nunavut, Ind.): Thank you, Mr. Chairman.

Thirty seconds is not enough time, but I look forward to more time, hopefully.

Thank you, committee members, for giving me the chance.

Thank you, Minister LeBlanc, for being here.

I know there have been some concerns about the bill's potential conflict with the Nunavut Land Claims Agreement. As we all know, Inuit have constitutionally protected rights regarding access to wildlife and conservation area development within the Nunavut settlement area.

I'm just wondering, if any of these issues do arise, how you would plan to resolve them with NTI, Nunavut Tunngavik Incorporated.

Thank you, Mr. Chair.

Hon. Dominic LeBlanc: Thank you, Mr. Tootoo, for being here.

We absolutely recognize the importance of respecting the land claims agreements. We've had considerable discussions as a department and as a government with the Government of Nunavut, with the Inuit people, and with NTI. We'll continue those conversations.

We're working now with NTI to develop a MOU that will clarify how the Oceans Act in Nunavut territory will be applied in our land claims agreements. Inuit communities and regional associations have identified areas of the ocean in Nunavut as potential MPAs, marine protected areas. We're going to work closely with them, with the NTI, and with the government of the territory to identify and prioritize these sites. I would be happy to work with you and anybody else who wants to make sure that we get this right.

The Chair: Thank you.

Mr. Doherty is next.

Mr. Todd Doherty (Cariboo—Prince George, CPC): Thank you, Mr. Chair, and my thanks to our guests today.

Minister, over the years successive governments have endeavoured to make sure that our oceans are pristine and our rivers, lakes, and streams are the same. Indeed, in 2010, the previous government committed to 10% by 2017. Why did this government feel that there was a need to meet a self-imposed deadline of 5% by 2017?

Hon. Dominic LeBlanc: I agree with you. I think previous governments of all political stripes, for economic, cultural, and environmental reasons, have recognized the need to protect the oceans. It was Mr. Harper's government that signed Canada on to the 2020 targets. You said 2017 for the 10%, but it's 2020.

Mr. Todd Doherty: Okay, it's 2020, but why did your government feel the need to fast-track the 5% by the end of 2017?

•(0910)

Hon. Dominic LeBlanc: As politics will tell us, governments are elected for a four-year time frame. We made a commitment two years ago in the election that we would take a significant step towards the 2020 target—

Mr. Todd Doherty: That's great—

Hon. Dominic LeBlanc: Mr. Doherty, you asked me question, but you keep interrupting the answer.

Mr. Todd Doherty: Mr. LeBlanc, you've managed to prove that you can rag the puck very well and use up all of our time with one question.

Hon. Dominic LeBlanc: Just as you're doing now.

Mr. Todd Doherty: I have a few.

Minister, we have heard in testimony from indigenous and non-indigenous groups, stakeholders, NGOs, and scientists that the goals and objectives of this government's initiative on marine protected areas have not been communicated. The consultations have not been truly listened to and the feedback has not been adhered to. Would you agree with that?

Hon. Dominic LeBlanc: No, I would not agree with that statement. If your previous government made a commitment in 2010 to reach 10% by 2020, we don't think it's unreasonable to get to half of that target in seven years of the 10.

Mr. Todd Doherty: Witness after witness has said the consultation process has been inadequate. Why are you refusing to engage with stakeholders? Furthermore, why are you refusing to listen to stakeholders?

Hon. Dominic LeBlanc: I wouldn't agree with either of those premises. My parliamentary secretary and I, together with our department, spend considerable time talking to stakeholders right across the country.

Mr. Todd Doherty: To your comment—

Hon. Dominic LeBlanc: Mr. Doherty, you're interrupting again.

Mr. Todd Doherty: Minister, countless stakeholders, including indigenous groups—

Hon. Dominic LeBlanc: Absolutely.

Mr. Todd Doherty: —and territorial MLAs, have come forward to say that this government is moving forward without listening to the consultations that have been put forth.

Hon. Dominic LeBlanc: I wouldn't agree with that characterisation at all. We talk to these people. We listen to these people. We work with these people. I discussed marine protected areas with two of Canada's first ministers last week. It's part of the ongoing conversations we have all the time—

Mr. Todd Doherty: Would you say they are offering misleading comments?

Hon. Dominic LeBlanc: No, I don't think they are the ones offering the misleading comments.

I recognize that people may feel strongly about these issues, and we endeavour to work with all of them. We are always open, Mr. Doherty, to making adjustments where we can. We think we can grow the economy in a sustainable way and also meet the targets that Canadians expect of us.

Mr. Todd Doherty: Minister, you are moving forward on some aggressive targets. We all agree that we want to see our oceans protected. We have indigenous leaders who are saying they have not had the opportunity to sit before DFO and we have indigenous leaders who have said that when they have had the opportunity to sit with DFO, they are not being listened to. Minister, you're before us today testifying, now saying you believe that the consultations have been fruitful.

You also mentioned in your presentation to us the importance of consultation. In your presentation on Bill C-55 in the House, you said that once Bill C-55 is passed, you will announce the further consultation process. Is that not putting the cart before the horse? Should you not follow through with drafting appropriate legislation? If you truly believed that you wanted to work with the stakeholders and you wanted to get it right the first time, should that feedback not be included in Bill C-55 before we actually pass this legislation?

Hon. Dominic LeBlanc: I would agree with that premise, Mr. Doherty. The feedback of stakeholders and indigenous groups is critical to getting this right. That's why every month and every week our department nationally, in regional offices, and me as minister, and our parliamentary secretary and others, have these ongoing conversations.

I would remind you that nobody should be surprised that Canada is moving toward these targets if seven years ago a previous Conservative government signed Canada up to those targets, if two years ago we made a very formal commitment to Canadians in an election platform that's still on our party's website that we would get to 5% by the end of this year, if the Prime Minister made that public in a mandate letter to me. I think people know we are serious and respect and appreciate that the government is serious, but in no way do I accept the false dichotomy that we can't meet those targets while at the same time working with and respecting the views of indigenous—

• (0915)

Mr. Todd Doherty: Mr. Minister, would you say that your goals and objectives for your marine protected area initiative have been clearly defined and communicated?

Hon. Dominic LeBlanc: Yes, I would.

Mr. Todd Doherty: Time?

The Chair: You have 20 seconds.

Mr. Todd Doherty: I'm good.

The Chair: Thank you, Mr. Doherty.

Go ahead, Mr. Cannings, for seven minutes, please.

Mr. Richard Cannings (South Okanagan—West Kootenay, NDP): Thank you, Mr. Minister, for being here this morning and for your comments.

I think of marine protected areas, and perhaps I'm mistaken, as kind of the marine version of national parks and their conservation goals to preserve ecological integrity and biodiversity and endangered species. I'm wondering, to start with, if you agree that there are some activities that shouldn't happen in these protected areas, as they wouldn't happen on land. I'm thinking of things like petroleum and mineral exploration, wind farms, tidal power, open-net pen aquaculture, bottom trawling, waste dumping. Would you agree that those should simply be prohibited from MPAs?

Hon. Dominic LeBlanc: Thank you, Mr. Cannings, for your question, and thank you for describing the way that I think a lot of Canadians, when they talk to me, think of marine protected areas. They think of them as sort of national parks in the ocean. The support for national parks, as we know, is extraordinary across the country. It's the way that many Canadians understand the concept of a marine protected area, so I don't disagree with that characterization at all. I share your view.

In my own personal view, I've said publicly that we should get to minimum standards in marine protected areas. Obviously, I have considerable concern around creating future marine protected areas and having an oil and gas industry operate in those particular areas. I understand that Canadians properly ask whether that's the appropriate concept of a marine protected area. That's why—and I've had this conversation with your colleague, Fin Donnelly—I think we need to have, quickly, a group of experts to look at what those minimum standards would be and to consult with a whole series of industries, many of which you enumerated.

I would welcome your views on who, perhaps, could serve in that group. I want us to have a quick and transparent process that would, I hope, build a consensus in Canada on what those minimum standards are. Things like bottom trawling are obviously, and can be...and I'm not a scientist, and that's why I think we should ask these people the best way to achieve it. I certainly share your objective and I'd welcome the best way to get—

Mr. Richard Cannings: I wondered why that wasn't part of Bill C-55. It would seem like a very logical procedure to start with some minimum standards and then work out from there.

Hon. Dominic LeBlanc: I totally get that objective. I'm not sure that to legislate them is necessarily the best way to do it—it could be done by regulation—but I really wanted to have scientific experts and others offer an opinion on what those standards would look like. I would welcome, obviously, the work of this committee or others. I clearly want to get to that point very quickly. I've said so publicly and I'm happy to repeat it today.

Mr. Richard Cannings: Sure.

I want to follow up on some of the points that Mr. Doherty was making.

I had a conversation a couple of weeks ago with an Inuvialuit leader. He was talking to me about MPAs, and he was saying that his group was very much in favour of protected areas. They had proposed a couple even before this process started, but then they were blindsided, he felt, or whatever word he used. The consultation process just wasn't there, or if it was there, it was entirely inadequate, so I'd like to back up some of the comments that Mr. Doherty made

about groups in the north especially, or at least his group, being very concerned about the lack of consultation in the Beaufort Sea.

Hon. Dominic LeBlanc: I've read those comments. I take them to heart. This is a critical part of the conversation. How do we ensure that we've discussed, with the greatest possible number of people, their constructive views on how to achieve these targets? I think there's a consensus that we can get to these targets. It's how to get there now, and what's the right way. That's why the consultations are so critical.

Mr. Chair, I'd be happy to share with the committee, and to send as quickly as I can, a detailed list of the dates and all the different groups that were consulted. These include industry and provinces. I'd be happy to share that with respect to these MPA targets but also in the discussion heading to Bill C-55.

This doesn't mean that those consultations are over. I don't want people to misunderstand that—i.e., that should Parliament adopt Bill C-55, it means that somehow we will stop consulting, that we will do less consultation, that we will be less open to ideas. In fact, we see it as a way to bring attention to this issue and to ensure that we have a very open and transparent dialogue with Canadians. In my view, it's very much part of the process to get to these targets.

I would remind colleagues that we were not on track in any way to get to the 2020 targets. That's one of the reasons we thought setting a 5% target by the end of this year, to get to half of a 10-year commitment in seven years, didn't seem unreasonable. It really focuses the collective efforts of Canadians. We were in no way on track a couple of years ago to hit that target in 2020. I'm proud to say that this is no longer the case.

● (0920)

Mr. Richard Cannings: Can I quickly ask you about the possibility of co-management of these areas with first nations and Inuit groups? Parks Canada has some very good models for co-management in Haida Gwaii and the north. Have you thought of that possibility?

Hon. Dominic LeBlanc: Mr. Cannings, absolutely. You mentioned some of the best examples of these self-governing nations that absolutely want to and rightfully expect that our government can co-manage these areas. We're open to all of those conversations. I've had them with some of the groups you mentioned. By no means should people think that our government, when we say we want a renewed nation-to-nation relationship with these communities...

One of the best examples is in your province. Unfortunately, one of the frequent areas of concern is around the management of fisheries and fish stocks and marine areas. We, along with our colleagues at Environment and Climate Change Canada and Crown-Indigenous Relations and Northern Affairs, are making every effort possible to put us exactly on the road to that relationship you described.

Mr. Richard Cannings: Okay. Thank you.

Hon. Dominic LeBlanc: Thank you.

The Chair: Thank you, Mr. Cannings.

Ms. Jordan, you have seven minutes, please.

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

Thank you, Minister, for being here today.

As you know, this committee has been studying MPAs for a number of months now. We've been hearing different testimonies from all sides of the argument, for lack of a better word, but one thing we haven't heard about that the legislation talks about is "interim protection" MPAs. I'm wondering if you can elaborate on that a little bit. I'm concerned about what that looks like in terms of the process, the consultation, and making sure that if we do have an interim MPA, we will still meet those standards that a regular MPA has in terms of making sure that people are consulted on that process.

Hon. Dominic LeBlanc: One of the key elements of this legislation is to provide a degree of protection for a particular area that would otherwise not be protected for the many years it takes—on average seven—to work through the scientific, regulatory, and consultative process. The idea is that the interim protection we're asking Parliament to enable in this legislation would protect areas deemed to be of very significant biological or ecological importance, while the final process of Governor in Council approvals and consultations under the regulatory process would continue. Obviously the final decision would reflect those consultations and views, and might therefore differ from the interim order.

It's sort of like freezing the footprint, Ms. Jordan. The idea is we'd look back for a year and say that certain practices currently taking place in that particular area that we're seeking to protect in an interim way would be permitted, but we would freeze other practices—additional practices or uses of that particular marine area—because of its ecological and biological significance, and then we would go through the regulatory process.

We're not unscrambling the omelet; we're basically turning the stove off—freezing the footprint. In our view it's the best way to offer the appropriate protection while we go through the full regulatory process, and ultimately the final regulatory decisions would be open to reflecting that consultation.

• (0925)

Mrs. Bernadette Jordan: Just to be clear, because I want to make sure this is on record: an interim protection does not stop what is already existing in a possible MPA, correct?

Hon. Dominic LeBlanc: That is correct.

Mrs. Bernadette Jordan: Good. Thank you.

The other question I have is with regard to enforcement. One of the things we've heard time and again in this study is, why bother doing this if there isn't going to be adequate enforcement? I know Mr. Morrissey brought that forward, but.... People hold up the U.K. as a standard in MPAs, but when we had witnesses from the U.K., they actually said, "Yes, it's great that we've got these, but nobody monitors them and nobody watches them." In order to make sure we're going ahead with this in the right way, you mentioned that there will be adequate resources. What does that look like?

Hon. Dominic LeBlanc: That is a critical question, something I'm sure we hear about all the time in your constituency, mine, and many others. By way of example, in 2006 my department had 700 fishery officers. By 2017 it had dropped to 600 fishery officers. The whole habitat protection branch had gone from 60-some offices down to fewer than 20, I believe. We can get those precise figures if it's of interest, but there had been a very significant reduction; we see and hear it all the time.

One of the things we needed to do—and we have done, but can continue to do more, particularly if Parliament looks at some Fisheries Act changes in the coming months—is reinvest, not only in the scientific capacity but also in exactly that enforcement capacity. I was in northern New Brunswick this summer, and fishery officers there told me they used to have eight people in a detachment but are now down to three. There have to be two when they're on patrol, so three doesn't make sense; four would be better. All over the place, that's been the case.

We also need to use modern tools. If we're talking about marine protected areas, some of them far offshore, it's not only fishery officers and rigid-hull Zodiacs that can do it. The Coast Guard needs to be equipped. We need to increase aerial surveillance, which is something that we want to do and that we believe can be improved as well. There are some great technologies coming from your province, and there are Newfoundland and Labrador companies that have done terrific work for successive governments. That can be increased.

The more deterrents we have and the more charges we can lay.... If somebody is thinking about committing a particular crime, seeing a police officer sitting in a car at the corner tends to be the best deterrent. We need to do that with respect to protecting these MPAs, and we're working on a plan to do exactly that.

Mrs. Bernadette Jordan: I'm not sure how much time I have left, but I would like to turn it over to Mr. Tootoo.

The Chair: Colleagues, before I start, if you wish, you can request to split the time, which would probably be advisable in this case.

Mr. Tootoo, you have one minute.

Hon. Hunter Tootoo: Thank you, Mr. Chair.

Thank you, Ms. Jordan.

Minister, as you know, the Inuit are a coastal people, and we rely on the waters and the life in them to survive. On this piece of legislation, I know there have been some suggestions made in the House and in our legislative assembly about the lack of consultation and the importance of indigenous consultation in general.

Although I'm confident that appropriate consultations will take place, the Government of Nunavut is concerned with the interim protection provision of the act. From their perspective, any decision made without consulting the Government of Nunavut could potentially have a drastic impact on future devolution talks and economic benefits from which Nunavummiut will benefit. I just want to know what assurances the Government of Nunavut can have that they will be consulted prior to any interim protected MPA.

Thank you, Mr. Chair.

Hon. Dominic LeBlanc: Thank you, Mr. Tootoo.

I can assure you and, through you, the government of your territory that we intend to continue those conversations in a robust way.

As you know, our government recognizes the rights of Inuit to access wildlife and knows it's essential for food security and to maintain the traditions of Inuit people. We have been in regular dialogue—and you are a constructive part of a lot of this discussion—with Inuit leaders, with the government of the territory, and with the NTI, obviously, to ensure that the planning and establishment of future marine protected areas under the Oceans Act is consistent with the treaty obligations, including negotiations of Inuit impact benefit agreements.

The draft land use plan, with which you are obviously very familiar, calls for many parts of the ocean in the Nunavut settlement area to be protected. Our commitment is to work—

• (0930)

The Chair: Minister, I'm going to have to ask you to wrap it up.

Hon. Dominic LeBlanc: —with the territorial government and all others to ensure we're applying the right tools in the right areas.

The Chair: Thank you very much.

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

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

Thank you, Minister and deputy minister and staff, for being here today. It's good to see you. We haven't seen you as much as we would like at this committee, so it's good to have you here.

I put forward the motion for this committee to study MPAs back in December of 2016. We began this study early in the year. In June of

2016 Bill C-55 was introduced. I'm thinking we both saw red flags or warning signs, but for different reasons.

I was concerned, when I saw the mandate letters of two ministries, that we would try to reach the target of 5% by 2017 or that you were committing to reaching the targets of 5% and 10% by 2020. My concern was that the consideration of the coastal communities and what was being protected and for what reason might possibly not have been looked at carefully enough before those mandate letters went out.

It was interesting to see Bill C-55 come out in June, possibly to hit those somewhat.... Where is the push coming from to reach those 5% and 10% targets? Those were targets; they weren't must-do issues. It certainly wasn't from coastal communities. You say from 98% of Canadians, but what about the 2% of Canadians who may fish or rely on the coast for their economic survival? Where was the push coming from?

Hon. Dominic LeBlanc: Thank you for the question, Mr. Arnold.

In your preamble to your question, you correctly recognize the importance that coastal communities attach to the sustainable use of the oceans, its fisheries, its other industries, and its marine tourism. All kinds of jobs and economic opportunity properly depend on the sustainable and safe use of our oceans. We don't disagree with that; we hear it all the time. We try to work with these groups over and over again, as often as we can, to ensure that we get it right. I think that if we properly protect our oceans, reaching 5% by the end of this year or even 10% by the end of 2020 is, in our view, a reasonable target to ensure the long-term sustainability of those very resources that these coastal communities depend on.

You asked where the push came from for the 2020 or 2017 targets. The push for 2020 came from a global consensus that Mr. Harper's government signed on to in 2010 that countries would get to the 2020 target within 10 years. There's a broad consensus on that. As I said, we believe that showing Canadians that we can achieve the significant progress of 5% this year was reasonable and attainable.

I don't want to pre-judge Parliament's work, but it's unlikely that Bill C-55 will make it through the House of Commons and the Senate in the next couple of months, so it won't be available as a tool to reach the 2017 targets. We think that if this legislation is passed, it'll be critical to getting the country to the 2020 10% target, and that's why we're asking Parliament to consider this bill.

Mr. Mel Arnold: Thank you very much.

That leads me to my next question. Right now we're sitting somewhere around the 3% mark, or just over 3%. We have to increase that amount by 40% in the next two months. Do you still expect to be able to achieve that 5%? That's going to take some rather significant announcements.

We've heard continuously from coastal communities that we visited and had in as witnesses that they haven't been consulted. The so-called consultation sessions have been information sessions where they were not able to ask questions or get answers.

How are you going to reach that 5% in the next two months, and where, and have those communities been consulted?

• (0935)

Hon. Dominic LeBlanc: The answer is yes, we believe those communities have been consulted. I would respectfully disagree with your characterization of the consultations as information—

Mr. Mel Arnold: I have many notes in my books from the last few months of witness testimony that say they have not been consulted.

Hon. Dominic LeBlanc: I wouldn't think that a consultation session that we would set up on something as important as this should be characterized as an information session. We share the information that the government has, we ask people for their input and their feedback, and we take that into consideration as we move forward.

You asked about the 5% target. I think and believe we can be at that 5% target by the end of this year. I'm going to be in your province of British Columbia on the weekend with our colleague Terry Beech, talking about that exact issue with my colleague Catherine McKenna.

Mr. Mel Arnold: You're telling me here—

The Chair: I'm sorry. I have to cut it off there. We're over time.

Go ahead, Mr. Hardie, for five minutes, please.

Mr. Ken Hardie (Fleetwood—Port Kells, Lib.): I have to start with a quick reflection. I think the members across the way, most of whom are new, can be given credit for helping their party finally find religion when it comes time to consult with first nations. I had the opportunity to examine the changes to the Navigation Protection Act and the Fisheries Act, and what was remarkable was that the things that we were trying to undo happened because there hadn't been any meaningful consultation with indigenous people.

With respect to the program that you want to bring in and the ability to bring in interim protections, I want to confirm that it would basically freeze current activities and freeze out anything that people may be thinking about, such as oil and gas extraction, in a given area.

Is that basically how that would work?

Hon. Dominic LeBlanc: Yes, basically, Mr. Hardie, and thank you for your question, and thank you for your characterization of one of the challenges on the road to meeting these targets. I don't necessarily disagree with your assessment.

The idea of freezing the footprint—and this would be based obviously on scientific advice and on consultations with commu-

nities, with provinces, and with territories—is that it would give us as a government, and also future governments, the opportunity to say, in a very sensitive biological or ecological area where there is reason to think that the lack of protection could lead.... Let's take examples of endangered species. As examples, let's take the iconic southern resident killer whales and the North Atlantic right whales. Canadians are deeply concerned, for very understandable reasons, about those kinds of issues.

In this case, if a particular area was determined to be a critical feeding area for southern resident killer whales, for example, is there a way to provide an interim protection for something as important to Canadians as that iconic species and help it recover? These protections would give us the tools to do that. It would say that if we freeze the footprint, existing practices—things that had been lawfully and properly taking place in the previous year—would be allowed to continue for the five years of the interim protection, but in the interim, further erosion or accelerated or continued erosion through the introduction of new practices or new human activities would be frozen, pending the consultation and the work that the final regulatory process would enact.

Mr. Ken Hardie: What would be the trigger? You say that you become aware of a sensitive area. What would actually trigger a move by a minister to come in and establish, on an interim basis, a protected area? What would you be looking for, especially in the absence of a lot of science, as it may not be in place by the time you need to make that decision?

Hon. Dominic LeBlanc: It's a critical question, Mr. Hardie. I would think that the main reason a government would want to act in an interim way would be the provision of scientific advice, governmental or other scientific advice from universities or all kinds of industry groups that are looking at different scientific indicators. If there was a body of scientific advice that said a particular area required protection for a particular biological or ecological reason, I think that would be the starting point of a government's action to consider using one of these interim measures as part of a longer-term process for a marine protected designation.

I used the examples of marine mammals, of whales, but there would be other critical fish species. I think of some in the chair's province of Newfoundland and Labrador. If we try to look back 20 or 30 years, perhaps there were opportunities at certain moments in history, based on what I hope was some scientific analysis at the time, to make different decisions. Some of the coastal communities that our chair and others at this table represent might have survived a horrible economic circumstance differently, perhaps, had some of those decisions been made.

We would be guided basically by scientific advice, but also by the views of industry, of provincial and territorial governments, of indigenous groups. We would welcome people working with us to identify those areas, but we would want a rigorous scientific process to indicate that this was an area that should benefit from this interim protection.

● (0940)

The Chair: Mr. Miller is next. You have five minutes, please.

Mr. Larry Miller: Mr. Minister and staff, thanks for being here.

I'm also concerned about the rush being put on some of these MPAs. While your targets would have them in place in the next two months, if communities feel, as we've heard, that they haven't been consulted and had everything taken into consideration, are you willing to put it off for three or four months, or whatever, if that is what is called for in order to get it right?

Hon. Dominic LeBlanc: Thank you, Mr. Miller, for your question. It's great. You and I had a chance to serve together in previous parliaments, so I'm happy to see you and happy to see you working on this committee.

I agree with part of your characterization, in the sense that communities and people affected need to be heard and need to be included in the process. I wouldn't purport to disagree with that at all.

However, I think we can get to the 5% target this year by protecting areas and using, for example, other effective area-based conservation measures, as the international consensus would allow. We can use a suite of measures to get to 5% this year, with communities and partners that recognize that those areas are in fact worthy of protection, and we'll continue in the next three years on that next 5%.

Mr. Larry Miller: I'm quickly running out of time here, as you know.

Having said that, then, you must have some areas in mind. Could you enlighten us today? The committee members here, we hope, would be the first ones to hear of these places that I know you must have in mind.

Further to that, has an economic feasibility study been done on those areas that I know you have in mind? Could you tell us what the results have shown, if that's the case?

Hon. Dominic LeBlanc: Sure. Thank you, Mr. Miller.

None of these protected areas comes as a surprise. It's not something that comes out of a cabinet meeting at one point on a Tuesday at lunchtime and, bingo, there's a new marine protection area.

Take, for example, the Laurentian Channel, which my colleagues from Newfoundland and Labrador and Nova Scotia would know well. This has been in the works for a number of years. It's gone through a *Canada Gazette* process and public consultations. There's an example of a real opportunity to bring significant protection to some very critical species in an area of the Atlantic that governments have talked about for years, so when I had a chance—

Mr. Larry Miller: That's one you're about to announce, then? Is that what you're saying?

Hon. Dominic LeBlanc: It's not announcing it in the sense that it has been announced as an area of interest and has gone through a regulatory process for a number of years. There are many that successive governments have been working on very publicly and transparently for a long time, so when we do get to 5% this year, and I think in a very constructive way, nobody can be surprised, I would argue, that a particular area or zone is suddenly protected. We—

● (0945)

Mr. Larry Miller: Has there been an economic study done on that? There are obviously going to be impacts—some definitely negative—so has that kind of study been done there? If so, what are the results for that particular area you've just mentioned?

Hon. Dominic LeBlanc: Mr. Miller, on your characterization of impacts, I think we need to be careful. There also can be very beneficial impacts from getting the protection right.

Mr. Mel Arnold: I mean economic impacts.

Hon. Dominic LeBlanc: There can be economic impacts. There can be very beneficial economic impacts. I would argue that if we don't responsibly get to these protections, there can be very negative economic impacts across the board.

Mr. Larry Miller: Have you done that?

Hon. Dominic LeBlanc: Mr. Miller, we continue as a government to work with stakeholders and provinces and to understand the economic impacts of all of these decisions. The Laurentian Channel was one that I mentioned and that you picked up on. I had a conversation with Premier Ball of Newfoundland and Labrador when he was in Ottawa a couple of weeks ago on exactly that.

For example, in a particular fishery, we set a total allowable catch based on scientific advice. If a particular area were to be closed to a particular activity as part of the protection, it doesn't always mean that a particular fishing fleet, to use a common example, wouldn't have access to that stock or those species in another area. Nobody is slamming the door on economic opportunities. I would argue that if we don't get this right, we're potentially closing the door on long-term sustainable economic benefits over time.

Mr. Larry Miller: That's why I asked that question, Mr. Minister. With all due respect, I'm getting the very distinct feeling that the work hasn't been done, and in order to get it right, as you seem to be intent on doing.... I have no problem with your getting it right, but if you haven't done that economic impact study, how can you get it right? That's all I'm saying.

Hon. Dominic LeBlanc: Mr. Miller, we would not purport to make these important decisions that obviously would affect coastal communities without understanding the economic and environmental impacts. I want to be careful that we don't leave a characterization that we're proceeding in particular areas or around particular marine protected areas without understanding and discussing the economic impacts that a particular decision would have with those who would be affected.

Mr. Larry Miller: Could he provide that—

The Chair: Thank you, Minister.

Thank you, Mr. Miller. Sorry.

Mr. Larry Miller: I just wondered if he could provide that study to the committee, Mr. Chair.

The Chair: In both official languages, Mr. Minister, are you able to provide the information that was requested?

Hon. Dominic LeBlanc: Sure. We'd be happy to share that with the committee, Mr. Chair.

Mr. Larry Miller: Thank you.

The Chair: Thank you, Minister.

Thank you very much. We appreciate you being here, both you and Mr. Beech, and of course Mr. Morel, Mr. Stringer, and Mr. MacDonald.

Of course you're sticking around, albeit not for a long time. Nevertheless, I suppose we could do one round.

Hon. Dominic LeBlanc: Not a long time, but it could be a good time, though.

The Chair: That opens so many doors, Mr. Minister. I should probably leave it at that.

We're going to break for a minute or so to set up for the next round.

● (0945) _____ (Pause) _____

● (0950)

The Chair: Can I ask our witnesses to come back, please?

We have approximately 20 minutes. We can stretch it to a little more than that.

Thank you very much.

I want to introduce our three guests: Kevin Stringer, associate deputy minister; Philippe Morel, assistant deputy minister, aquatic ecosystems sector; and Jeff MacDonald, who is the director general, oceans and fisheries policy, whom we introduced earlier.

We afford all guests 10 minutes for an opening statement if you so require.

Mr. Kevin Stringer (Associate Deputy Minister, Department of Fisheries and Oceans): The minister read the opening statement. We'll be happy to continue with questions.

The Chair: We're trying to be overly generous. Nevertheless, we're going to start with our questions with Mr. Finnigan for seven minutes.

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

Thank you to our guests for being here to answer questions. Some of them I would have liked the minister to answer, but of course time is limited.

I want to use the minister's opening remarks.

[*Translation*]

The Oceans Act...also was one of the first federal statutes to enshrine a non-derogation clause. Bill C-55 does not need to include provisions relating to indigenous rights and titles—this provision is already enshrined in the act and will stay that way.

Are we to infer, then, that indigenous communities will see no real change in terms of the rights they had previously?

Could you elaborate on that for us?

[*English*]

Mr. Kevin Stringer: I'll start, and Jeff, you may want to add.

Section 2.1 of the Oceans Act says that "...nothing in this Act shall be construed so as to abrogate or derogate from any existing aboriginal or treaty rights..."

I think this was one of the first examples of Canadian legislation to include that proviso, so that is already there. With respect to some of the indigenous groups, we are working on MOUs with them to ensure that their specific rights are addressed in how we move forward, but that general consideration is already in the Oceans Act of 1997.

Mr. Pat Finnigan: Thank you.

Also, when we're talking about interim protection, I want to have an idea of exactly how broad that can be. Could that be applied in an emergency situation? For instance, could that be applied in the deaths of all the whales this past summer? Could an MPA suddenly be applied there? Could other parts of the act come in, or is there a benefit in doing that?

● (0955)

Mr. Kevin Stringer: I think you could apply a suite of tools in that circumstance.

As you know, we've already taken a number of measures when it comes to whales. Certainly this is one you could do.

A big reason for wanting the interim protection is we now know from 20 years' experience that it takes around seven years to do a full MPA, because we have to do the economic analysis and the consultations. It's so very important to do all that. Some groups, ourselves included, have said that we can't wait that long and that we should at least provide some interim protection quickly by ministerial order while we're going through the broader consultation and the economic analysis, etc.

In other words, if there's something we know needs protection in the short term, let's give ourselves the tool to provide at least interim protection so that nothing else happens while we're working these things out. It is one such tool, but there are many other tools under the Fisheries Act, and under other legislation, to be able to do that. The Species at Risk Act, as well, has an emergency protection order as a possibility. This does provide one additional tool for short-term protection.

Mr. Pat Finnigan: Thank you.

Sometimes it's a bit confusing, because you have Parks Canada and others. Is there an overlap? How would MPAs go inland? Where would the overlap be?

For instance, talking about the Miramichi, whatever happens there eventually flows into the ocean. If ever there is an MPA in that area, how would that affect the—

Mr. Kevin Stringer: That's a really good question. We have many different tools for conservation. With respect to specific marine conservation areas, I'll just list a few of those tools.

We're talking about the Oceans Act, which establishes marine protected areas. The purpose of that is to protect biologically significant areas: species that need protection, corals and sponges, habitat, and so on.

The national marine conservation areas are Parks Canada. Parks Canada's objective is to establish 29 representative national marine conservation areas. Some people call them national parks.

Environment Canada has specific authorities to be able to establish national wildlife areas, and those can be done in marine areas as well.

One of our objectives in this proposed legislative change is marine protected area networks, or MPA networks. Now that we have a number of these MPAs, we want to be able to effectively bring together all those conservation measures done by the different jurisdictions, by the provinces and territories, by indigenous groups, and by others, with MPA networks on the Eastern Scotian Shelf and on the north part of B.C., and make sure that we're effectively applying all those measures together, identifying the gaps, and filling those gaps with the most appropriate measures. It is a complex thing.

You have Bill C-55, which does two things. One is its MPAs, which are a big part of this. The other is that it enables us to move forward on marine protected area networks, which brings all the players together to ensure that we are connecting all the tools.

Mr. Pat Finnigan: I have a final question. The minister said that since our government has been in office, we've hired new scientists and we really want that information to be out there. We want to be able to question scientists. I think some of the people on board haven't gotten the message, because we still have a hard time when we request information or meetings. I don't know if it's a political wall or what it is.

I'm there to help, but even today I have a hard time accessing timely information and just communicating with that. In other words, we need that wall to come down.

Mr. Kevin Stringer: I hear what you're saying, and we will endeavour to do so.

We have had a very significant investment in science in the last two budgets. In the last, budget 2016, it was \$40 million a year, which increased our science sector's budget by 22%. In terms of making sure that the information is available, we have taken important steps to be able to do that. I hear you saying we need to do more, and we will do that.

Mr. Pat Finnigan: Thank you.

The Chair: Thank you, gentlemen.

Given the time, folks, we're anticipating votes to be called in 10 minutes. Of course, those are just the 30-minute bells. The light you're seeing right now signifies that the House is just opening.

They'll go off again in 10 minutes, and as the bells ring, we'll do one round of three questions. That's all we'll have time for.

In advance of that, however—and I'm probably overstepping my boundaries—I'm going to ask that our three witnesses, or at least representation from DFO, return to this committee. It's very important. We're dealing with some very important legislation, as I'm sure it all is. Nevertheless, I don't think just one round of questions to our experts here from DFO really will suffice.

I'm seeing agreement around the table, so we are inviting you back again for at least one more round. It will probably not be a full hour. It will be towards the end of our witness segment on this legislation so that we can talk to you again.

● (1000)

Mr. Mel Arnold: It could be earlier.

The Chair: Right, or whenever. When we would do it is up to you; I'm just saying we should.

Go ahead, Mr. Doherty, please, for seven minutes.

Mr. Todd Doherty: Thank you, Chair, and thank you to our guests.

Mr. Stringer, I want to go further on Mr. Finnigan's question in terms of inland areas and other protective measures. Is it your testimony today that inland fishery closures would also contribute to marine protected area plans?

Mr. Kevin Stringer: I don't think inland would contribute to the 10% targets, but we do link up the oceans protection with inland protection as well, particularly in the coastal zone.

The Fisheries Act deals generally more with inland areas and the Oceans Act deals with oceans. We need to make sure that those are linked up as well.

Mr. Todd Doherty: Do the two groups talk? Does the Department of Fisheries and Oceans talk? Do they share information back and forth collaboratively? I believe our colleagues during the testimony on the road trip last week heard time and again that there seems to be a disconnect between the two groups.

Mr. Kevin Stringer: The answer is yes. If you're talking about the people responsible for inland protection in our department and the people responsible for oceans protection, they are part of the same sector. We do ensure that they work together. It continues to be a challenge to make sure that everybody is connected. They have different tools, but we're committed to making sure there is comprehensive protection and that those groups are working together.

Mr. Todd Doherty: Bill C-55 empowers the ministers of Crown-Indigenous Relations and Northern Affairs, Natural Resources, and Fisheries, Oceans and the Canadian Coast Guard to be able to immediately step in and designate areas or have influence on areas in terms of interim protection. Could you give an example of how the Minister of Crown-Indigenous Relations and Northern Affairs or the Minister of Natural Resources would step in to designate an interim marine protected area, and perhaps some suggestions or criteria as to what would allow them to do that?

Mr. Kevin Stringer: I think it's our minister that would be able to designate the marine protected area. The authorities for the NRCan minister and the...I guess it's now the CIRNA minister, Crown-Indigenous—

Mr. Todd Doherty: They have the authorities to stop activity.

Mr. Kevin Stringer: That's correct.

Mr. Todd Doherty: Is that without consultation, or immediately?

Mr. Kevin Stringer: I think it requires a regulatory process. The regulatory process requires that there be consultation and that there be a resource assessment, an assessment of the economic impact.

Mr. Jeff MacDonald (Director General, Oceans and Fisheries Policy, Department of Fisheries and Oceans): If I could add to this discussion, I would say that in the normal development of marine protected areas, we work with Natural Resources Canada and INAC, especially with regard to resource assessments. That's part of the process prior to the establishment of an area of interest.

Mr. Todd Doherty: In terms of interim protection areas and marine protected areas designated as no-take zones, are they 100% no-take?

Mr. Kevin Stringer: We have different tools. Right now there's no requirement for no-take. There's no requirement in the MPA. The minister spoke to establishing a panel to talk about standards. Some people have said they think there should be a standard with respect to oil and gas or with respect to various elements, or what percentage we need to protect, or what management standards to use, etc., but right now there's no requirement for no-take in the Oceans Act for the MPAs.

In the national marine conservation area legislation, a certain percentage of it needs to be no-take, but it doesn't say what that percentage is.

•(1005)

Mr. Todd Doherty: In testimony we've heard from first nations and non-first nations groups. As a matter of fact, our colleague, Mr. Morrissey, brought up a great point earlier this week, which was that we have non-first nations and first nations that have lived side-by-side for generations. Both consider themselves to be traditional. This is their traditional livelihood. I appreciate that this is a delicate subject, but I know we are being inundated with letters and I would assume our colleagues are also being inundated with letters and comments. How do you assure that both sides are being weighted favourably so that our traditional fishers, both non-first nations and first nations, have the opportunities to continue?

Mr. Kevin Stringer: We have to do it through process. It is a challenge as the process is moving along. We have regular processes where we engage. We have our own protocols in terms of consultation, where we engage with indigenous groups, and we

also engage with local fishers and local fishery groups. There is traditional knowledge—traditional ecological knowledge or indigenous knowledge—that we take into consideration that needs to be considered seriously. There is also local knowledge from people who have fished in an area for generations that also needs to be taken into account.

Mr. Todd Doherty: My remaining time will go to Mr. Arnold, please.

Mr. Mel Arnold: Thank you, Mr. Chair and Mr. Doherty.

Earlier this morning we heard the minister refer to the belief or perception that a marine protected area is basically a national park in the ocean. There are similar beliefs among the public that in a national park the same issues or the same guidelines apply as in a marine protected area.

National parks are basically no touch, no take, no wildlife management. They are totally hands off, even for park staff. How do you propose to manage MPAs under those rules when we have issues such as burgeoning seal populations that are impacting other fish stocks in and outside the MPAs and when striped bass populations are exploding in certain areas? How do you propose to manage within the MPAs if the public's vision is that an MPA is a national park on the water?

Mr. Kevin Stringer: That's partly why it takes, on average, seven years to complete a marine protected area. It is a hugely complex ecosystem. There are many activities that take place. We need to understand what it is that we are trying to protect and to have a good sense of whether it is corals and sponges, a sensitive spawning area, an important area for various species, and what the impacts are that could impact that and, therefore, what we need to protect.

Mr. Mel Arnold: How do you deal with that if those species move?

Mr. Kevin Stringer: MPAs can be established and MPAs can be changed. It's a regulatory process, but we've generally sought to identify areas that we believe are going to be important—corals and sponges and spawning areas—that we've known about for generations and that are going to be there for the long term. That is an issue.

We have to make sure we have a suite a tools to be able to deal with areas that have a changing distribution of species as well.

The Chair: Thank you, Mr. Stringer.

The bells have just begun to ring.

I think we have enough time here, folks. Are we okay with seven minutes?

Mr. Cannings, go ahead for seven minutes, please.

Mr. Richard Cannings: Thank you, Mr. Chair.

Thank you for sticking with us here. I'd ask one question of Mr. Stringer or whoever wants to answer it.

I will pick up on this idea of minimum standards, which I asked the minister about earlier. We are setting these MPAs aside for biodiversity, conservation, and endangered species protection. I think everybody would agree there have to be some minimum standards, or why bother doing it?

One of the things you would have to exclude—and I think if you walked down the street and talked to anyone, they would agree—is bottom trawling, which would be like going into a national park with a bulldozer and removing everything from the forest or wherever. We have very small no-take zones in existing MPAs. Scientists tell us that at least 75% of an MPA should probably be a no-take zone. We have evidence from around the world that a lot of the MPAs can't be distinguished from fished areas because they're so poorly managed. I'm wondering why these minimum standards aren't put into Bill C-55.

I'm not talking about things that we need to decide. These are egregious. There might be some resources that we could use, but I think everybody would agree that something like bottom trawling should be excluded from a marine protected area, or why are we doing this in the first place?

What are your plans around that? What would it take to do that? We've heard a lot about enforcement. There are a lot of questions around that and about why we're not setting these minimum standards right off the top.

•(1010)

Mr. Kevin Stringer: The minister spoke to the issue of minimum standards since it has become an issue as we've moved forward with a focus on the 5% target and then the 10% target. As we've done that, we've realized exactly what you've raised. It has been raised as well by environmental groups and others for the last 20 years that standards need to be in there.

Interestingly, in the international forum, the minister was at the UN. He was at the Convention on Biological Diversity annual meeting last year. He was in Malta. In the discussion around marine protected areas, the focus continues to be on percentages—5% and 10%—and getting beyond those, etc., but the focus is becoming more on effectiveness. There is more of a focus on monitoring, evaluation, and standards.

That is something, as the minister has said, that we need to take a look at. We will have a group take a look at whether we already have some tools to address standards in the Oceans Act. We probably do. Should it be up to the committee and Parliament to decide whether standards should be in there? It is certainly something the minister is taking seriously, and we're also taking seriously the idea of determining appropriate standards.

It is complex, so we think it's going to take some time to look at, but that panel can't take a long period of time, because we do need to make sure we're addressing those concerns as we're establishing new marine protected areas.

Mr. Richard Cannings: I have one further question, then, and it is about the advisory panel that's being set up. What kind of legal force would that advice have? I used to sit on COSEWIC, and in the Species at Risk Act, there was language around the advice from

COSEWIC. I'm wondering if this advisory panel would have a similar role.

Mr. Kevin Stringer: It's still to be determined, but my sense is—and correct me if I am wrong here, Jeff and Philippe—that this is an advisory panel to advise the minister of what we should be doing on standards, what types of standards we should have in place, what types of approaches, who should be brought, what legal means, what policy means, etc., as well as what areas for standards. It would just take a look at it and then provide advice to the minister and to parliamentarians. Is this right?

Mr. Jeff MacDonald: Yes. The authority in the Oceans Act is under section 33, which envisions consultations broadly and includes the opportunity to seek advice from experts on this particular matter.

Mr. Richard Cannings: Okay. Then it's not envisioning an advisory body that would say, "In this marine protected area, you should have so much of a no-take zone here" and—

Mr. Kevin Stringer: I think it would look more broadly at standards. It may say, "This is what we think should happen with respect to no-take zones generally, and here's what the science advice says. Here's what we think the standards should be with respect to this or that type of extractive activity. Here's what timelines should be." There are a number of different types of standards that they can take a look at.

Jeff, do you have anything else to add?

Mr. Jeff MacDonald: No. I would just say that we would go back to some of the remarks that the minister made this morning when it came to aboriginal rights as well, especially the example he used for wildlife in the Arctic, which is constitutionally protected. There are certain constitutional rights, so to establish a no-take zone across the board wouldn't necessarily be congruent with that. Those are some of the things that he's obviously seeking advice on in terms of establishing it in the correct way.

•(1015)

Mr. Philippe Morel (Assistant Deputy Minister, Aquatic Ecosystems Sector, Department of Fisheries and Oceans): I think it may be important for this panel to look at... Each MPA is established based on conservation targets or objectives. Minimum standards may be different for all of them or for some categories of MPAs, and certainly expert advice would be welcome. Are we protecting habitats? Are we protecting sponges or corals, or are we protecting the whole area from some human activities? I imagine the minimum standards would be different, although some minimum standards can be applied to all MPAs and some cannot.

The Chair: Okay. Thank you.

We now have exactly 22 minutes and 30 seconds to get over to vote.

I do want to thank Mr. MacDonald, Mr. Stringer, and Mr. Morel for joining us. Hopefully, we can talk to you again soon as we go through this legislation.

At that, I'll call it to an end. Thank you, everybody.

The meeting is adjourned.

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