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Chair

Mrs. Bernadette Jordan

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● (0845)

[English]

The Chair (Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.)): Good morning, everyone.

Pursuant to the order of reference of Monday, April 16, 2018, we are studying Bill C-68, an act to amend the Fisheries Act and other acts in consequence.

Before we begin today's meeting, I would like to ask the committee to observe a moment of silence, please, for the victims of the tragedy yesterday in Toronto.

[A moment of silence observed]

Thank you.

Today, appearing before committee in our first hour this morning, we have the Honourable Dominic LeBlanc, Minister of Fisheries, Oceans and the Canadian Coast Guard. Welcome, Minister LeBlanc. We also have with us, from the Department of Fisheries and Oceans, Philippe Morel, assistant deputy minister, aquatic ecosystems sector, and Mark Waddell, acting director general, fisheries and licence policy, fisheries and harbour management.

Mr. LeBlanc, I believe you have 10 minutes for your opening statement.

Hon. Dominic LeBlanc (Minister of Fisheries, Oceans and the Canadian Coast Guard): Thank you, Madam Chair. Thank you, colleagues.

[Translation]

Thank you for inviting me to appear before the committee again. I am always pleased to be here with you.

If you are having a hard time understanding me, it is because I have had a cold for about two weeks. My apologies.

Madam Chair, I want to congratulate you on being elected chair of the committee. You are very familiar with fisheries issues since the fishing industry is so important in your riding.

My sincere congratulations. I look forward to working with you and the members of the committee.

[English]

As you said, Madam Chair, I am joined today by two senior officials of our department, Philippe Morel and Mark Waddell. When you have very technical questions on particular sections of the

legislation, rather than my trying to answer in a way that may mislead you, I would obviously want them to join in and provide you with that information.

On February 6, our government introduced in the House of Commons an anticipated piece of legislation that will bring some much-needed changes to one of Canada's oldest environmental laws.

Once again, I'd like to thank this committee for the study they did on the 2012 changes to the Fisheries Act. I have said before that I believe that a great deal of what our government has suggested as amendments was inspired by the work of this committee, so I want to thank you. Your hard work helped shape the legislation you have before you today, which was voted on at second reading in the House of Commons, and as a government, we look forward to working closely with this committee.

We reached out to all Canadians to hear their ideas about how to restore and modernize the Fisheries Act and I think we listened. The response was incredible. We received thousands of letters and emails and held hundreds of meetings with partners, stakeholders, and indigenous groups. Tens of thousands of Canadians participated in online surveys through two phases of public consultation.

● (0850)

[Translation]

We have worked very closely with our provincial and territorial partners and with indigenous groups across Canada to make sure we hear their concerns and take them into account.

In addition to protecting fish and their habitat, we recognize that certain fisheries management measures have to be modernized for the long-term survival of our fisheries. The amendments proposed in the bill before you are as follows:

[English]

new tools to conserve and protect important species and ecosystems through modernized fisheries management measures; measures that will help rebuild depleted fish stocks and make habitat restoration a priority prior to the development of major projects; and amendments that will help clarify, strengthen, and modernize enforcement powers under the act.

If passed, the proposed amendments will also provide the power to implement regulations on owner-operator and fleet separation policies in Atlantic Canada and Quebec and will give force of law to these essential policies, which have existed for over four decades. This in turn, as you all know, will support the independence of inshore and midshore harvesters, which is critical to their economic livelihood as well as that of the families and coastal communities who depend on these important economic actors.

Our government promised to listen to Canadians about how to update the Fisheries Act, and I believe we've kept that promise. We've also listened to the concerns expressed by our parliamentary colleagues, with an aim to further improve, clarify, and strengthen this legislation. During the debate in the House on February 13, I took note of some of the concerns that were raised by our colleagues in the House of Commons. They included but were obviously not limited to a heavier regulatory burden placed on industry and major natural resource development projects; a need to protect environmental flows, which refers to the quality and quantity of water in rivers and how it contributes to the ultimate protection of fish; an unease about DFO's dual mandate to conserve wild salmon while promoting salmon farming, especially on the Pacific coast; and once this legislation is passed, the need for strong regulations around the rebuilding of fish stocks that have clear definitions and also consider the impact of climate change and species interactions.

I'd like to express my hope that we can work together again in the spirit of co-operation that I think this committee has always exhibited. Your committee did, we think, important work in improving Bill C-55, an act to amend the Oceans Act and the Canada Petroleum Resources Act, in which five opposition amendments were accepted and passed by this committee. Those, in my view, made the legislation better.

I hope the legislation you currently have before you proceeds in the same spirit of collaboration. Obviously I would be happy to work with all members of the committee, if you have particular suggested texts of amendments. If there's any way that our department and the Department of Justice can work with you beforehand to ensure that, from our perspective, the text achieves what a particular member hopes, it's sometimes easier than having at the last minute some confusion whereby the Department of Justice says to us that a particular text, for whatever reason, is technically not achieving what the particular aim is. If any colleagues at this table want, in the spirit of co-operation, to share with us some ideas and we can help in any way, obviously we would be happy to do so.

• (0855)

[Translation]

As you have seen, Madam Chair, the proposed amendments in this bill that will have an impact on fish and their habitat are intended to better protect our natural resources for future generations, while preserving economic opportunities for the many individuals and their families and the communities that depend on those resources.

The proposed amendments will help reduce the regulatory burden on the industry while giving major project proponents greater certainty, which will improve the transparency and predictability of federal environmental assessments.

For small projects, the codes of practice will be published in part I of the *Canada Gazette* and will provide clear direction on how to avoid harmful effects on fish and their habitat. The same is true for agriculture and small municipal projects. People often say that they do not want to harm the fish and their habitat, and that they want to obey the law. So we are trying to find a simple way of balancing those aspects.

[English]

Another example is DFO's commitment to rebuild fish stocks. In 2017, our department launched a plan to put into effect rebuilding plans for 19 fish stocks on a staggered basis over four years. We have policies that set out requirements regarding stock rebuilding plans, including objectives and timelines aimed at rebuilding these stocks that take into account factors such as ocean conditions, species interaction, and habitat.

I believe that there are a lot of positive elements in this legislation that reflect input from numerous parties, including this committee, indigenous groups, industry, environmental groups, provinces and territories, municipal organizations, and the fishers themselves.

I've always thought that our collective responsibility as parliamentarians is to steward our environment with care and in a way that is practical, reasonable, and sustainable. I believe that the proposed amendments strike that important balance by safeguarding environmental protections for fish and fish habitat, something that Canadians are deeply concerned about, while also ensuring that mechanisms are in place for sustainable economic growth, job creation, and resource development.

As I look around the table, I see many colleagues here, Madam Chair, yourself included, who represent communities that depend, in some cases overwhelmingly, on the economic impact of Canada's fisheries. That's why this legislation, from our perspective, is an important piece of environmental legislation. It's also an economic piece of legislation in the sense that if we get that balance right, we can ensure the long-term economic prosperity of the communities that many of you represent, for generations to come.

Thank you, Madam Chair. Those are just a few opening comments, but obviously, I look forward to questions from colleagues.

The Chair: Thank you, Minister.

You still had two and a half minutes left.

Hon. Dominic LeBlanc: I'm sure that somebody at this table would be happy to take up that time, Madam Chair.

The Chair: I'd also like to welcome Mr. Sopuck to the committee today.

Thank you for coming.

We'll go to the government side for the first seven minutes.

Mr. Rogers.

Mr. Churence Rogers (Bonavista—Burin—Trinity, Lib.): Thank you, Madam Chair. I'll indicate now that I'm going to split my time with MP Finnigan.

Welcome, Minister. Welcome, officials.

It's my first opportunity to ask a question, I guess, at this committee.

I was not here earlier, but in 2017, this committee undertook a comprehensive study of the 2012 challenges to the act. One of the recommendations was that ministerial discretion be subject to public disclosure in an effort to improve the transparency of decision-making.

Minister, in that vein, will there be a public disclosure of factors that you consider in decision-making?

Hon. Dominic LeBlanc: First of all, Mr. Rogers, congratulations on joining this committee. I've had the privilege also to visit your constituency in your province of Newfoundland and Labrador. I think you'll bring a great deal of insight to the work of this committee, and I look forward to working with you.

We have thought for a number of years, and Canadians have told us, that one of the challenges in managing ecosystems, fish stocks, and allocations is the issue of transparency. That's why, for example, we put in the legislation what we call modern safeguards. For example, should the legislation be passed, if a minister in our government or, obviously, a future government wanted to make decisions around commercial fisheries of a stock or the harvesting of a stock that was in the critical zone, that was under threat, there would be a positive obligation on the government to provide information to Canadians on rebuilding plans.

We think that a way to increase public confidence in these issues is to show Canadians the important work that our scientists do and the vast consultations that take place through advisory committee mechanisms and other meetings that industry has with our department. Anything, from our perspective, that would bring greater public confidence to those decisions would be positive.

• (0900)

Mr. Churence Rogers: Madam Chair, I have one further question if I have time.

Proposed subsection 34.2(3) indicates that standards and codes of practice may be developed collaboratively with the provinces, indigenous governing bodies, and other stakeholders.

What do you envision this collaboration looking like, and how extensive will it be?

Hon. Dominic LeBlanc: That question is one that I have heard discussed in every part of the country. I had the privilege to be in Regina some weeks ago where I met with the Saskatchewan Association of Rural Municipalities and agricultural producer representatives. That was an area of huge concern for them.

These codes of practice, we believe, represent the right, flexible, common-sense approach to complying with fisheries legislation,

without repeating some of the mistakes of a decade ago where fisheries conservation officers were enforcing the Fisheries Act in the middle of a farmer's field in Saskatchewan. We heard those horror stories and we recognized that this concern is real. That's what I have assured these Saskatchewan producers.

The same thing would apply to small municipalities undertaking small municipal works. Where they can comply with these codes of practice, which will be publicly known, and where they want to comply with them, as everybody would, it would not represent a regulatory burden. I have said to people around the country, to these rural municipalities in Saskatchewan, to municipal representatives I've met, and to my colleagues here today that we would welcome input. To this end, we will be reaching out directly to these organizations to ensure that their views are taken into consideration when we develop these codes of practice. We have scientists and other experts who can provide advice, but to make sure we have the right balance, we need to hear from those who would ultimately be affected, the people who would be using those codes of practice. We would welcome any and all suggestions on how to get that right.

Mr. Churence Rogers: Thank you.

The Chair: Mr. Finnigan.

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

[*Translation*]

Thank you, Mr. Leblanc, and welcome to the Standing Committee on Fisheries and Oceans.

[*English*]

As you mentioned, Minister, a lot of us are in communities that depend on the fisheries and oceans economically and recreationally. Also, in my riding, as in yours, which is just below mine, I have four first nation communities, and you have a couple in yours, along the same coast, that also depend on the fisheries for economic and ceremonial purposes as well as for food. One of the proposed changes to the act is a requirement that the traditional knowledge of indigenous people will be considered in habitat decisions.

Could you elaborate on what traditional knowledge is and its importance in further reconciliation?

Hon. Dominic LeBlanc: Mr. Finnigan, you and I have had a chance to talk about this, and we have also talked with indigenous leaders from our province in New Brunswick. I have thought, as part of our government's framework for the recognition of rights and a nation-to-nation approach to reconciliation, that we should acknowledge, when making decisions on the management of ecosystems and fisheries resources, that one of the important inputs has to be the traditional knowledge that indigenous people have held for, in many cases, thousands of years. That can and should form part of the considerations that, in our view, ministers and governments must take into account when making decisions on the sustainable management of ecosystems.

We thought it would be important to clarify in the law an obligation on the government to consider traditional knowledge. It is also important to safeguard that traditional knowledge because, in the traditional intellectual property sense, that knowledge doesn't belong to us. It belongs to the indigenous nations. We wanted to have provisions to assure them that, if their knowledge was shared with governments as part of a scientific exercise in understanding ecosystems, this knowledge would be respected and also protected. We wanted to have that clearly spelled out in the legislation.

● (0905)

Mr. Pat Finnigan: Would we have concrete examples? When you're talking about protection, how could this work so that we also protect their knowledge, rights, patents, or whatever you want to call it? How would that work? Can you give us an example?

Hon. Dominic LeBlanc: I'm not a patent or trademark lawyer. I used that as a public policy example, Mr. Finnigan. I've had the privilege of meeting indigenous communities on all of our coasts who talked to me about their impressions of resources, changes in water temperatures and ecosystems, and what they're seeing over time. That to me should form part of the scientific analysis that governments and other public policy institutions take into account. I think this can be done in a very collaborative way.

The Chair: Thank you, Minister.

Mr. Arnold.

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

Thank you to the department for being here today. This is an important act and it deserves great scrutiny.

I was interested to hear the question from the member from Newfoundland, Mr. Rogers. I think he was alluding to something that he's probably a little bit apprehensive to bring out directly because he's afraid of suffering the fate of our former chair here, but recently there were some decisions made with the reallocation of the surf clam quota. You spoke a great deal about transparency in decisions, that they should be open, that there should be consultation.

It appears that decision, the reallocation or award of that allocation, was made to a non-existent corporation at the time. They had no indigenous partners at the time and they had no boat at the time, apparently not meeting any of the criteria that were set out by the department to be able to qualify for that reallocation.

Do you consider that transparent? Can you be more transparent about why that decision was made?

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

I'm more than happy to be transparent about why that important decision was made.

In your question, I think one of the key words was "apparently". One of the challenges...and members of the former Conservative government would appreciate this. When you have an open process where you invite industry and indigenous partners to provide proposals and submissions on an issue like this, it is very similar to what former minister Shea did in 2014 when 14 different proposals were received, as I am told—I haven't seen those. I returned those proposals unopened to the proponents because, as we said before, they didn't include any indigenous participation in that particular process.

We followed a process very similar to that. We asked companies with experience in offshore fisheries to partner with indigenous communities, but one of the challenges is commercial confidentiality, and the commercial information that governments receive in these proposals is not made public. That's a very normal thing. It's a practice followed by previous governments, so when people—

Mr. Mel Arnold: Excuse me, Minister. The corporation wasn't incorporated until after the actual reallocation was made. How does that meet the criteria?

Hon. Dominic LeBlanc: Again, we can go into the details of particular proposals, and some people who were not successful in a proposal because in our view they didn't provide the necessary economic benefits that we were seeking to achieve have been offering all kinds of comments that have inaccurate information with respect to who.... I can tell you this without talking about specific proposals because that would be inappropriate.

In the proposals we received, should some of the suggestions you made be accurate, this particular proponent would not have been alone in some of those circumstances. You said, "apparently," so I think you would acknowledge that perhaps some of them or not all of them are as precise. It's not public information because it's commercially protected.

What I am trying to say is that industry partnered with indigenous communities, and to say, by the way, that this particular proponent—

Mr. Mel Arnold: Were you just—

Hon. Dominic LeBlanc: Mr. Arnold, I'm answering your question.

To say that perhaps this particular proponent, as you asserted, did not have indigenous partners at the time of their proposal is, I can tell you, on the face of it, absolutely inaccurate. It's just an example of some of the inaccuracies that are contained in this conversation, and as I say, one of the challenges is to respect the confidentiality of the commercial information we received from the nine proponents. I don't think it's fair to compare, in theory, one particular proposal to another proposal when in fact none of those facts are—

● (0910)

Mr. Mel Arnold: If I can interject, Minister, did you imply just a few moments ago that there were other applications that had similar flaws to the one that was actually accepted?

Hon. Dominic LeBlanc: No. First of all, I wouldn't have characterized them as “flaws”. That's your word. What I did say was that some of the inaccurate or misleading stories I have seen with respect to this proposal—

Mr. Mel Arnold: You were talking about the other actual applications, not the stories.

Hon. Dominic LeBlanc: —would not be unique to one particular proposal.

Mr. Mel Arnold: Thank you, Minister.

Minister, I would say, in looking at campaign platforms, election promises, and statements that were made, that the overall goal in this revision of the Fisheries Act is so that you can claim you've restored lost protections. Is that correct?

Hon. Dominic LeBlanc: Again, “claim” has a negative connotation that I certainly wouldn't ascribe myself to. I don't think it's a claim that, when we were in third place in the House of Commons, we made a series of commitments to Canadians and went from third to first with a majority government. We intend to honour those commitments that we made, Mr. Arnold. In fact, many of the people who looked at this legislation when it was introduced in February commented positively on how the lost protections that were deleted by the previous Harper government in 2012 were not only restored effectively but modernized. That's why I think this legislation strikes the right balance.

Mr. Mel Arnold: This is where I'll interject, Mr. Minister, with all respect. In 2016 I submitted an Order Paper question, which your government answered, and your signature is on it. In that question, one of the sections, section (b), was this: What harms or proof of harm to fish and fish habitat, attributed to the previous government changes to these two acts, exist? I'm referring to the Fisheries Act and the Navigable Waters Act. The answer to that was “The department has not been either resourced or mandated to conduct this type of comprehensive monitoring and has not undertaken specific monitoring or analysis to compare the impacts of the changes to the act.”

You had no proof of any harm. You could not provide it, even when I asked for it in an Order Paper question. There was no proof of any harm from the previous changes. Now you've embarked on a 60-plus page bill chasing ghosts. How do you consider that to be efficient use of parliamentary time?

Hon. Dominic LeBlanc: I never thought that it was particularly useful to chase ghosts, Mr. Arnold. I don't know if other people are doing that. I'm certainly not doing that.

What I'm doing is saying to Canadians that the previous government not only deleted legislatively and weakened legislatively the environmental and fish and habitat protections in legislation, but the previous government also proceeded to massively slash the budgets available for enforcement, for conservation and protection officers, for science, for habitat protection—

Mr. Mel Arnold: We're talking about loss of protection.

Hon. Dominic LeBlanc: Mr. Arnold, I'm trying to answer your question and you're interrupting me again.

One of the things that makes it hard to quantify... Although massive public opinion and expert evidence was that those changes were negative in terms of protecting fish and fish habitat, if you proceed to massively reduce the ability of habitat protection officers, conservation and protection officers, and slash the budget also for scientists, then necessarily it makes quantifying what would be an abstract concept more difficult.

What I can tell you, Mr. Arnold, is that Canadians responded extremely negatively to those changes, and our government committed to restoring the protections, but also to modernizing those protections. I would submit that this is exactly what we've tried to do in this legislation.

The Chair: Thank you, Minister.

We go for seven minutes to Mr. Donnelly, please.

Mr. Fin Donnelly (Port Moody—Coquitlam, NDP): Thank you, Madam Chair, and thank you to the minister and his officials for being with us today. We certainly appreciate Bill C-68 and the fact that the government and you have led the charge on strengthening the Fisheries Act.

I have a series of short, specific questions.

You welcomed amendments to the act, so I want to ask you a few questions about that.

Minister, are you open to amending Bill C-68 to address cumulative effects and specifically broadening the information base so that the public registry captures all projects, and to provide compensation for residual harm to fish habitat caused by smaller, low-risk projects?

Hon. Dominic LeBlanc: Mr. Donnelly, thank you for your support of this legislation. You and I have had a chance to discuss it. I think the New Democratic Party can and should be an ally for us in trying to get the right balance and improve this legislation. Your support at second reading certainly was important for us. I want to honour that support by working with you if you have specific suggestions like that one.

As I said, I don't sit as a voting member of this committee, so I want to be careful when you ask if I'm open to amendments when this committee ultimately does its clause-by-clause work and considers amendments. It's more a question that should and can be put to your colleagues on the committee.

On the specific suggestion of the specific element you raised with respect to cumulative effects, I think one of the challenges in the past—and I saw this when I sat in that very seat on previous committees in the last Parliament—was that when colleagues had suggestions to improve the legislation and amendments, necessarily because of the legislative process and the House of Commons Library of Parliament staff who work with MPs to draft the text of amendments and so on, they often arrived at the last minute.

The Department of Justice, in advising my department of the government, identify technical problems, and then colleagues—colleagues in this room—may decide that because of a technical problem a particular amendment shouldn't be considered or supported at that time. What I'm saying to you, and I'm saying to all members, is that I certainly am sensitive to strengthening those provisions if it can be done in a proper way, as you and I have talked about before. If there's a way that we can work with you, I will be able to ask the Department of Justice to give me, and I would share it with you, that technical advice on how a particular amendment may interact with other clauses of the bill, and then you can consider, obviously, how you want to factor that advice into whatever amendments a colleague would choose to propose. If it, in a sense, short-circuits that last-minute confusion, where amendments may be defeated or not considered in a proper context, and if I can in any way work with you and other colleagues in a transparent way before the clause-by-clause process would begin, or notice has to be given, I would be happy to do so.

• (0915)

Mr. Fin Donnelly: That's great.

In terms of getting to Bill C-68, the ministry went further than what this committee even recommended. There were more recommendations included in the legislation than were actually proposed through this committee, so that's good to hear.

Hon. Dominic LeBlanc: As I say, Mr. Donnelly, a lot of those came from environmental groups, industry groups, and the fish harvesters themselves. I'm hoping that all of us receive some of those encouraging suggestions from myriad different groups as well.

Mr. Fin Donnelly: Definitely. We certainly have and we'll put those in, in a timely manner, and get the wording, obviously, through the standing committee, but in other ways as well.

Following-up on that, Minister, would you support amending the Fisheries Act to strengthen provisions around environmental flows and fish passage?

Hon. Dominic LeBlanc: The top-line answer, Mr. Donnelly, would be yes, but obviously—

Mr. Fin Donnelly: That's great. That's fine.

Hon. Dominic LeBlanc:—when I say yes, it's subject to the right language. That would be an example where perhaps the committee can make some suggested improvements.

Mr. Fin Donnelly: We'll do that.

Are you open to amending Bill C-68 to strengthen rebuilding provisions, which would bring Canada in line with other leading fishing nations such as the U.S. and the European Union?

Hon. Dominic LeBlanc: Again, I don't want to be technical. Whether I'm open or not to amendments is really irrelevant, because I won't actually be voting at this table on those amendments. I just want to be clear. I'm interested in those amendments. As minister, with the benefit of departmental staff, the Department of Justice, I would support looking at ways to strengthen that exact provision, the third item you mentioned around rebuilding.

I want the committee to properly be seized of its own work and do its work separate and apart from what personal views I might have.

Mr. Fin Donnelly: Fair enough.

Hon. Dominic LeBlanc: I would be happy to work with you on that if, again, we can provide advice, and you'll decide how you want to dispose of it.

Mr. Fin Donnelly: Fair enough. I know the committee will do its good work. I'm sure you have some influence over the legislation.

Hon. Dominic LeBlanc: I wouldn't presume, Mr. Donnelly, to have that whatsoever.

Mr. Fin Donnelly: I'm going to continue in that vein.

Minister, are you open to amending the act to bring the owner-operator policy to the west coast, since you've strengthened it on the east coast?

Hon. Dominic LeBlanc: Whether I'm open or not will not be relevant when your committee is voting on these amendments.

I'm very proud, obviously, of owner-operator fleet separation policies, and the impact it's had on Canada's Atlantic coast. I've said before that it applies in Quebec. Politics has made Quebec a central Canadian province. Geography makes it an Atlantic Canadian province as well. I often say that to our colleagues from Quebec.

You're a member of Parliament from British Columbia, and we have colleagues at this table, as well, who serve from that province. I'm open to understanding how we can create the circumstance for the industry. Harvesters who have spoken to me from your province are interested in benefiting from those policies.

I want the legislation—and that was our suggestion in the amendments you have before you—to be permissive if the circumstances in your province are appropriate for those policies to apply or to be phased-in over time. The legislation contemplates that, because it would be a regulatory provision made under the act.

In a sense, we have contemplated that, but we wouldn't presume that it would be the first place we'd apply it. We'd apply it where it has existed, I would argue, successfully, namely on the Atlantic coast. I'm wide open to figuring out how some of those benefits, which would be appropriate to British Columbia, could be applied to your province as well.

• (0920)

Mr. Fin Donnelly: With the short remaining time I have left, thank you, Minister, for your responses.

Would the government be open to amending Bill C-68 to include free, prior, and informed consent? You have included aboriginal information, which is strengthening the act. The next is FPIC, and that would move toward the UN Declaration on the Rights of Indigenous Peoples.

Hon. Dominic LeBlanc: Thank you for raising that, Mr. Donnelly.

As you know, our government is committed, and the Prime Minister spoke in the House of Commons in February about a rights recognition framework. I know that my colleague the Minister of Justice and cabinet are working on exactly how that would be rolled out.

Free, prior, and informed consent is a necessary part of that conversation. I want to be a bit prudent in saying, on behalf of the government, how amendments with respect to that in the Fisheries Act... I would want to make sure they're concurrent—and *concordant* is the word in French—with other contemplated actions by the government in that respect.

Certainly, the policy thrust of your question and its application to this legislation is something to which we're enormously sensitive. There again we could work with you and other colleagues on if and how that would properly, in my view, be incorporated into the legislation. There's a lot of common ground we could achieve on that.

The Chair: Thank you, Minister.

We'll now go to Mr. Hardie for seven minutes. I've been quite generous, going over the time. I'll have to tighten up on that.

You have seven minutes, please, Mr. Hardie.

Mr. Ken Hardie (Fleetwood—Port Kells, Lib.): Just my luck, the generosity ends.

Mr. Minister, thank you for being here. It was a real pleasure to go through the past acts, to look at some of the reasons why things were done, to see if there are good things that should be maintained, and to use at the same time, obviously, whatever experience we've gathered over the last number of years to make some adjustments and in some cases some major improvements.

One major improvement that isn't referenced in the legislation is the oceans protection plan, which of course is really big out on the west coast. It's a pivotal piece of work that isn't as well understood on the west coast as it should be, especially given the whole matter of the Kinder Morgan line, etc.

My question is kind of an open-ended one, but I have a follow-up question. Give me some time at the end, because I know you'll just get going here.

Hon. Dominic LeBlanc: You're not suggesting, Mr. Hardie, that I would rag the puck. I wouldn't filibuster your question.

Mr. Ken Hardie: You wouldn't?

Hon. Dominic LeBlanc: No. Never.

• (0925)

Mr. Ken Hardie: Okay. Good.

Can you talk about Bill C-68 and the complementary aspects between Bill C-68 and the oceans protection plan?

Hon. Dominic LeBlanc: You're right, Mr. Hardie, that the oceans protection plan from our perspective is a very significant historic investment. A great deal of the work is obviously focused on the west coast. The same thing would apply on all of Canada's coasts.

In terms of the proper development of industries that necessarily use, for example, marine navigation and ocean transport, we think Canadians and the global community expect us to have world-leading safeguards to protect coasts, to prevent any environmental damage, but also to, for example, improve access of indigenous communities to search and rescue assets, to environmental response circumstances, and to improve the Coast Guard's capacity to respond to a whole series of incidents. There are search and rescue examples from the west coast and Newfoundland and Labrador, with real concerns expressed around search and rescue capacity that we've sought to improve.

All of those things, from our perspective, might... The "cross-walk", to use the bureaucratic phrase that my colleagues at the table will be pleased to hear me use, would probably be around modern safeguards. If we say that the legislation should have modern safeguards, we think that the government needs to have the tools to make those modern safeguards real for Canadians. It necessarily involves expenditures, and \$1.5 billion in the oceans protection plan is a significant investment.

I would point out to colleagues that almost \$300 million in additional dollars were also assigned to Bill C-68 and Fisheries Act modernization, so this legislation necessarily comes with an investment as well of almost \$300 million.

Mr. Ken Hardie: We have heard from the Premier of British Columbia, Mr. Horgan, that he has identified some gaps, or what he perceives as gaps, in the OPP. Has he provided you with any details, and if so, are there evident remedies that you're going to pursue?

Hon. Dominic LeBlanc: That's a very important question, Mr. Hardie, not only in your province but also, I would argue, nationally as well.

I know there are discussions between senior officials. Deputy ministers from your province were in Ottawa yesterday and met with our deputy minister, Catherine Blewett. Those discussions were around exactly that: how can priorities identified by the Government of British Columbia be reflected in oceans protection plan spending? The province is working with us on the concerns they have and the suggestions they have. There's a very active high-level discussion going on between our government and the Government of British Columbia. My colleague Terry Beech and others have been involved in those discussions on how we can respond to those concerns in the best way possible.

I'm confident that those suggestions from the Government of British Columbia can improve and strengthen a plan that we think is very important to all Canadians.

Mr. Ken Hardie: The very first study that this committee undertook after the election was to look at the Coast Guard operations on the west coast. Of concern to us was the closure of the MCTS station at Comox. We have since been getting regular updates as to the performance of the newly amalgamated operation centre in Sidney, and there does still seem to be a significant number of outages and some gaps, particularly in staffing. A lot of the issues we identified in the study don't appear to have been resolved.

I'm wondering how closely you have been able to follow that and whether or not we did make the right decision in closing Comox.

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

I remember some of the discussion. As you say, in the months that followed the election, I think Mr. Tootoo was Minister of Fisheries and Oceans at the time. I remember those discussions around Comox and colleagues from your province certainly raised it in our caucus and spoke to me about it. I have insisted that the Canadian Coast Guard respond to the concerns of British Columbians and ensure that the facilities that I visited in Sidney are able to provide the highest level of service necessary for people navigating on the west coast. I acknowledge there were some concerns around outages or service gaps, radio towers or electrical outages, in some circumstances. These were raised as perfectly understandable concerns.

The Coast Guard has assured me that the investments they're making, have made, and are committed to continuing to make, will provide the highest level of service possible and it will be a better level of service and reliability than would have existed with the technology in the previous MCTS circumstance.

Mr. Hardie, we don't have a senior official from the Coast Guard here, but I'll ask Philippe Morel to make sure that the commissioner of the Coast Guard gives you the details of the circumstances, the investments we're making, and how we believe the Sidney facility can provide the appropriate coverage in British Columbia. If you have specific questions or concerns, obviously, I would ask the commissioner of the Coast Guard to be available to respond to them, but we'll get back to you with specific examples of concerns we've heard and what we've done to remedy them. If you would like to have a further conversation, I'd be happy to do so.

Mr. Ken Hardie: That's excellent.

The Chair: Mr. Donnelly, do you have a point of order?

Mr. Fin Donnelly: Very quickly, the minister has mentioned that he would pass on information. Would he make that available to the committee?

Hon. Dominic LeBlanc: I'd be happy to do so, Madam Chair. We'd be happy to send it through you.

Thank you, Mr. Donnelly.

The Chair: Thank you.

You're finished, Mr. Hardie? You have 30 seconds.

Mr. Ken Hardie: I'll have other questions for the officials later.

The Chair: Okay.

We will now go to Mr. Sopuck for five minutes, please.

Mr. Robert Sopuck (Dauphin—Swan River—Neepawa, CPC): Thank you.

I want to correct the record, Minister. I was on the fisheries committee when the review took place, and many people and groups were very much opposed to changing our Fisheries Act. Ron Bonnett, the president of the Canadian Federation of Agriculture, said,

The experience that many farmers had with the Fisheries Act, unfortunately, was not a positive one. It was characterized by lengthy bureaucratic applications for permitting and authorizations....

He went on to point out how much better the new Fisheries Act was. I was pleased to hear you talk about the sensitivity to rural areas, and that you want to do a better job.

The other thing that was discussed at that time was the need for quick reviews of damaged infrastructure to ensure this infrastructure could be repaired. However, I'm going to bring up a specific matter to you, a specific issue, because talking in generalities is not as helpful as bringing a specific example.

The Assiniboine River flows through Manitoba and the community of Portage la Prairie. That area is represented by the Manitoba Minister of Education, the Honourable Ian Wishart. He was doing some constituency work regarding an obstruction on the Assiniboine that, because of the low water now, the water is going around this obstruction and tearing away at the banks and has the potential to damage a housing development there. He called your department on September 29, 2017, and was told that the landowner in this particular case had to fill out a request for review form from the Government of Canada.

Being good citizens and because it is in-stream work to pull this obstruction out, they wanted to do the right thing. As of April 20, there has not been a response from your department whatsoever. That is shocking to me to have all those months go by with a serious infrastructure issue in place right now and your department has not responded to a Manitoba cabinet minister who is personally involved in this constituency issue. How can you let that happen under your watch?

• (0930)

Hon. Dominic LeBlanc: The initial part of your question was instructive, and I'll respond to the specific circumstances in a second.

We value the input of agricultural producers in rural municipalities. As I said, when the committee considers its work, we should be alert to and listen to some of the voices we've all heard. I certainly was and want to be and will be. We recognize some of the very legitimate concerns that existed in the past. We think the solutions we've proposed strike the right balance but we would be open to continuing to listen.

Obviously, you'll appreciate I'm not familiar with the particular application on the Assiniboine River in Manitoba on September 29. I haven't been briefed on that specific issue. Obviously I will be informed on that and be happy to get back to the committee with details on that particular application. Our government is investing massively in improving infrastructure, particularly around climate change mitigation. I've heard, and your province—

Mr. Robert Sopuck: I'm not asking about climate change, Minister. You're ragging the puck again.

Hon. Dominic LeBlanc: You asked about infrastructure improvements.

Mr. Robert Sopuck: Except that this is a specific case. You've come to the committee, you're bragging about how well the department does and so on, and I'm pointing out a shocking level of bureaucratic incompetence that is not addressing a specific issue in a Manitoba cabinet minister's constituency.

Obviously, Minister, I did not expect you to know the specifics of this case, but I'm mostly speaking to your officials. This is shocking to not have a response to an ongoing issue that is threatening infrastructure. Your department is dragging its feet. I would recommend, Minister, that you send a very strong message to your department that rural communities are to be treated with respect and that politicians, provincial MLAs, are given that respect. I would respectfully request that you look into this issue.

Hon. Dominic LeBlanc: Mr. Sopuck, obviously I wouldn't ascribe to the phrase about the shocking incompetence of the bureaucracy. I don't view that as the appropriate way to characterize the work that almost 11,000 men and women do in my department every day to serve Canadians.

You've identified a specific project, as I said. I would point out to the committee that this project would have been considered under the 2017 Fisheries Act, as amended by the previous Conservative government in 2012, so that particular proposal would be looked at in the context of the previous legislation.

I do believe that the—

Mr. Robert Sopuck: So look at it. That's what we're asking.

Hon. Dominic LeBlanc: I didn't interrupt your question. I don't know why you would interrupt the answer.

I would point out that the codes of practice are precisely the best way to resolve some of the smaller-scale infrastructure projects. If this committee and Parliament ultimately support this legislation, the codes of practice that we're proposing will remove the very heavy bureaucratic and regulatory process that necessarily must take place

with respect to the more significant—in terms of environmental impact, fish habitat, and so on—projects. What we're trying to do is to find a path that's appropriate for the smaller, more local projects. If ultimately—

• (0935)

Mr. Robert Sopuck: On a point of order, Madam Chair, this has gone way over time. If we're to be given seven—

The Chair: Mr. Sopuck, everybody was given at least another minute over time. That was why.

Mr. Robert Sopuck: Okay.

The Chair: I will cut off the minister now and move to the next person, but almost everyone was given an extra minute.

We're going now to Mr. Morrissey for five minutes.

If we can keep it to five minutes, I can get to Mr. Morrissey and Mr. Miller before the minister has to leave.

Mr. Morrissey, please, you have five minutes.

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

Minister, to follow up on my colleague Mr. Sopuck's situation, in your opening comments you addressed the fact that the legislation has to be workable for communities and that it has to be workable for the agricultural community. It's ironic that the situation we have just been listening to occurred under the legislation as it exists, as it was introduced by the former government.

This is an area that's very sensitive to me as well. How, for the legislation we're looking at now, would its code of practices alleviate that type of situation, ensuring that it will not happen?

Hon. Dominic LeBlanc: Thank you, Mr. Morrissey. I think your question is germane in the sense that the codes of practice.... There are other jurisdictions—municipal organizations—that have successfully used this approach.

For the smaller municipal works projects and agricultural drainage operations, and where somebody wants to extend a particular dock by a few feet in an existing structure, we all have in our minds and our imaginations examples of what we would think of as small low-risk projects that necessarily need to be looked at in terms of ensuring that fish and fish habitat are protected. Canadians want to do the right thing when they're undertaking these kinds of works, as we've heard with respect to the minister from Manitoba.

We think that codes of practice, developed collaboratively with Canadians, with groups that have experience and interest in these particular structures, would say to Canadians that if they follow publicly available codes of practice...and we're looking at a way to ensure that we would be available to offer advice and support to people who say, "I want to undertake this particular local work project and I want to make sure I understand how a particular code of practice applies." We need to be transparent and available to provide that advice and support, but if Canadians follow these codes of practice, then they're entirely compliant with the legislation, and the regulatory burden of requiring the authorizations, which necessarily take more time, would be alleviated.

We think that's the right balance between respecting the environment, fish, and fish habitat and also acknowledging that extending a dock or fixing a drainage facility in an agricultural operation in your province of Prince Edward Island or in western Canada is not necessarily the same thing as expanding a \$200-million port operation on a particular river that has some of the most sensitive habitat and spawning grounds in the country. They're necessarily different discussions.

Mr. Robert Morrissey: I agree. Thank you.

Minister, you made reference to a part that I most look forward to. The legislation comes with funding. I would like you to expand on the section of restoration of fish habitat. We all have habitat that was destroyed whether through natural forces or changing environment. I have a couple in my own riding. We heard a lot of that when the committee was reviewing loss protection.

Can you give briefly your overview of how this new budgetary item will address these issues?

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

You will also be aware that in the oceans protection plan, as Mr. Hardie raised earlier, there was a \$75-million coastal restoration fund as part of the previous \$1.5-billion oceans protection plan. We thought that was a good start, but that Canadians and communities expect us to go further and have a sustained role, as you said, in restoring habitat. It's one thing to protect habitat, but if we're protecting habitat that has already been degraded or destroyed, it's much less significant than working with myriad community groups, organizations, volunteers, and provincial governments, that all have terrific ideas around how we can restore habitat and better protect it.

We want to make sure we have the funding as a government to partner with these groups to be able to support what is already happening, and enhance and accelerate that in terms of habitat restoration. Part of the investment in the Fisheries Act—almost \$300 million of additional money as well to support this legislation—would be available to work with these community groups and others. We're also adding the legislative requirement that the government has a positive obligation to work to restore the habitat and not simply protect degraded habitat. That would not be as beneficial as restoring it. The support for that is massive. We just need to be able to come to the conversation with resources.

• (0940)

The Chair: Thank you.

I have allowed you to go over time to allow the minister to answer the questions because often we've run out of time right before he answers.

We have Mr. Miller for the final five minutes.

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Thank you, Madam Chair.

Thanks for being here, Minister, and staff.

On your response to Mr. Rogers at the start about staying out of farmers' fields, I'm very happy to hear that. That's one of the reasons the changes in the Fisheries Act were made. It started at previous rural caucus with concerns brought forward by SARM, the Saskatchewan Association of Rural Municipalities.

Mr. Minister, I have a question specific to my riding. I gave you a letter about three weeks ago, through Mr. Beech. The Municipality of Meaford leases a harbour off of DFO or the federal government. They have an agreement in writing that says for any damage to that harbour, the government or DFO is responsible for 100% of the repairs. A big storm took out a wharf last fall, in September, and DFO is coming back to my municipality saying they'll cover 50% of the costs up to \$40,000, which means for anything over \$80,000, in total, the municipality is supposed to pick up 100% of it. It's wrong. It's in writing.

Mr. Minister, if you haven't already, are you going to order DFO to follow the agreement they have with the Municipality of Meaford?

Hon. Dominic LeBlanc: Thank you for the question.

I want to make sure I understand the precise question. Are you referring to the Cabot Head lighthouse?

Mr. Larry Miller: No, Cabot Head is way up the Bruce Peninsula. Meaford is—

Hon. Dominic LeBlanc: You're referring to the harbour, the wharf structure itself.

Mr. Larry Miller: In the Municipality of Meaford, which is halfway between Owen Sound and Collingwood....

Hon. Dominic LeBlanc: You and I know that the lighthouse was also an issue and we're working on resolving, I hope, the environmental contamination there so that tourism—

Mr. Larry Miller: That would be a welcome.

Hon. Dominic LeBlanc: Based on the discussion you had with Mr. Beech, I hope we'll be making progress on that and we'll be happy to keep you informed. I've asked us to find options quickly.

With respect to the wharf, the harbour infrastructure, one of the things we have done is invest considerably in improving our capacity to respond when there is storm damage, which is unfortunately an increasing phenomenon, to many of these structures. One of the challenges across the country is that a number of these structures have been divested in the past. They're owned by municipalities, by community groups. I have some in my own riding. Obviously the challenge—

Mr. Larry Miller: That's not the case here, Mr. Minister.

Hon. Dominic LeBlanc: Obviously, the challenge, Mr. Miller, is that in those circumstances, we never have enough resources to repair the harbours. I have been told that we're working on options with respect to the one you identified, recognizing its importance. We haven't finalized the expenditures for this particular fiscal year. I hope we'll do so in the coming days, and I'd be happy to get back to you with specific options for that particular harbour.

Mr. Larry Miller: Okay, Mr. Minister. I get that and I understand, or I hope you can understand, why Mr. Sopuck is frustrated, as I am.

This is a yes-or-no answer, Mr. Minister, with all due respect. There is an agreement. There has been a breach in the wharf and it needs to be fixed. The sailing season starts traditionally in early June, but definitely it's going full blast by July 1. If we get any kind of a major storm at that time, millions and millions of dollars' worth of sailboats and other pleasure craft are going to be damaged because of it, and the federal government is going to end up being responsible for it.

For the bureaucracy to.... You know, all it needs, I think, is to rattle some chains. This needs to get done. It's urgent. It happened last September, so I guess I'm asking you to tell DFO to quit ragging the puck on us.

● (0945)

Hon. Dominic LeBlanc: Again, I wouldn't share the characterization of ragging the puck. Rattling the chain is something I'm happy to do if it's helpful to you—

Mr. Larry Miller: I'm glad to hear it.

Hon. Dominic LeBlanc: —so I'll look into that.

With respect, though, Mr. Miller, expenditures in a limited budget context, as small craft harbours necessarily are, are not yes-or-no answers. If you say yes to a particular project, you've perhaps said no to another one. That's why the calculation is necessarily a bit time-consuming. We want to make sure as we look at those expenditures, recognizing that there will always be more pressures than there are resources—

Mr. Larry Miller: Respectfully, I understand that the financial—

Hon. Dominic LeBlanc: If we say yes to one, we're saying no to another, so it is a yes and no, but it's a yes and no with consequences, and I want to make sure I have the best picture of those consequences before I say yes or no.

Mr. Larry Miller: And I get that and—

Hon. Dominic LeBlanc: I'll make a huge effort to say yes in your context, Mr. Miller. I'm happy to do so.

Mr. Larry Miller: Okay. I have just one last comment.

There's a difference between repair or upkeep of a facility that hasn't been breached and your saying maybe you'll wait until next year because you don't have the money. But when there's a flaw or a break in a facility, it has to be fixed, Mr. Minister. I think you would agree with that.

Hon. Dominic LeBlanc: I recognize that, Mr. Miller, but as I say, unfortunately, that's a circumstance across the country that necessarily exceeds the budget capacity even if we add a quarter of a billion dollars over two years to the budget. But I'll make every effort to ensure that we can be as supportive as we can to that project, as I do for all of them.

Mr. Larry Miller: I suggest you pull some money out of the Asian Infrastructure Investment Bank. I think there'd be lots there.

Thank you.

The Chair: Thank you, Mr. Miller. Your time is up.

Mr. LeBlanc, Mr. Waddell, Mr. Morel, thank you very much. That's our one hour.

We're going to take a short break and suspend for a couple of minutes while we change to the other officials.

Mr. Minister, do you have a last comment?

Hon. Dominic LeBlanc: Madam Chair, thank you for this opportunity.

As I say, we have a cabinet meeting that started 15 minutes ago, so I will excuse myself. Mr. Waddell and Mr. Morel are here. They're going to be joined by other colleagues who have intimate knowledge of the details of this legislation, and if I can ever be helpful and come back at a time that your schedule would allow, I would obviously be happy to do so. I thank you for this opportunity.

The Chair: Thank you very much. We'll pause for a two-minute break, please.

● (0945)

_____ (Pause) _____

● (0950)

The Chair: Continuing on with our Department of Fisheries and Oceans officials, we have with us Adam Burns, director general, fisheries resources management; Darren Goetze, director general, conservation and protection; Philippe Morel, assistant deputy minister, aquatic ecosystems sector; Mark Waddell, acting director general, fisheries and licence policy, fisheries and harbour management; and Nicholas Winfield, director general, ecosystems management.

Welcome, gentlemen. Thank you for appearing today. I understand there is no opening statement and that you will go directly to questions. Is that correct?

Mr. Morel, go ahead for two minutes, please.

Mr. Philippe Morel (Assistant Deputy Minister, Aquatic Ecosystems Sector, Department of Fisheries and Oceans): I will just take two minutes. You introduced my colleagues, and we are pleased to be here with you today and will devote most of the time to respond to your questions.

We circulated a presentation yesterday to committees. The presentation is also available on the website. We used it with all stakeholders, NGOs, industry, and fisheries associations to present the act after it was tabled. I hope it's providing you good context.

You see, given the number of DGs around the table, the complexity of the Fisheries Act. We consulted over 16 months, received a lot of comments, starting with SCOFO, the Standing Committee on Fisheries and Oceans, and we really appreciate that it was the foundation of the work we did in listening to Canadians. We were able to integrate almost all the comments we received from Canadians.

We also want to point out that this work was done in collaboration with the three other departments undergoing environmental reviews at the same time and are being studied by the environment committee at the moment. We have also tried to bring some consistency with the legislation put forward by government.

I'll stop there. We're open for questions and I'll direct the traffic with my colleagues.

The Chair: Thank you, Mr. Morel.

Before we go to questions, I want to remind you that I will be keeping time. I did allow us to go over to allow the minister to answer in the last round, but this time we will be keeping a close watch on time. I would also like to ask for the committee's consent to end this meeting about 10 minutes early, simply because we have our next committee meeting over in the Wellington Building. We have to move over to Wellington for the next fisheries meeting.

I would appreciate it if I could have the committee's agreement to end this 10 minutes sooner. Do I have consent? Is that fine? Thank you.

There's a large demonstration outside so it might take a little bit longer.

Mr. Mel Arnold: Madam Chair, if there are any adjustments to times because of the 10-minute shortage, I just ask that the time allotment be appropriated accordingly.

The Chair: That's noted. Thank you, Mr. Arnold.

We're going to start with our first round of questions. We will be going to Mr. Morrissey for seven minutes, please.

Mr. Robert Morrissey: Thank you, Chair.

I want to follow up on the topic that was started by my colleague, Mr. Sopuck, and that the minister spoke to.

One of the most frustrating aspects for farmers, or for small municipalities, is the unknown. One of the criticisms I heard so often in the past, as related to altering, whether in fishery or habitat, was that it was difficult to understand what the expectations were and what had to be done. I would ask whoever can speak to this issue to address how these changes under your code of practice are going to clearly.... If I'm a farmer or a small municipality, I can go to a section and say, "Here's what it is, and I understand what has to be done", so that I'm not going through this lengthy process that gives the department a bad eye in the public and takes months and months to get through and deal with it.

It's important we get that right, that this committee be able to improve that. We heard a lot of evidence on this on both sides. Could you speak briefly to how you see the code of practice being modernized and made more efficient for the person who would be impacted as well as the department enforcing it?

●(0955)

Mr. Philippe Morel: The codes of practice are exactly made for that. The previous regime knows that the self-assessment on the website also brought to light uncertainty.

Codes of practice are best practices to conclude a work. As the minister described earlier, it could be a culvert, it could be a small municipal work, or it could be farm drainage. Everything is confined, in consultation with the potential users, in a document that becomes regulation. It's a regulation that will provide some due diligence. If you follow the code of practice, you, in a certain way, will get the due diligence you need and won't have to ask for Fisheries Act authorization.

Therefore, you will have some certainty, if you follow what's in the codes of practice—which are built on best practices, the best ways to execute some work—that you have done your due diligence and you don't need to ask for Fisheries Act authorization.

The certainty it brings.... We will need to build those schools of practice. Some of them are already—

Mr. Robert Morrissey: Will it be in everyday language or bureaucratese? It's one thing having it there, but it's the ability to understand.

Mr. Philippe Morel: A good example would be a dock that has interaction with a fish habitat. The code will describe the kind of analysis you need to provide before starting the work and how the work should be done in a way that it does not impact the fish or the fish habitat. That code will be developed with DFO officials and stakeholders, including best practices in the code, and the code will be regulated. It will be published in the *Canada Gazette*, and people will be able to comment.

Mr. Robert Morrissey: Read it and understand it.

Moving on, one of the criticisms I have heard on numerous occasions from the commercial fishing industry references suspension and cancellation. It's under these sections. When fishermen are caught violating and doing something wrong, the imposed penalty and fine is getting out of step with the benefit of the infraction that they're doing. Am I making myself clear? That's especially as it relates to the lucrative lobster fishery and crab fishery.

I know there's money in the budget to hire more conservation and protection people, but you can't have enough. There must be enough of a deterrent through the court system when somebody is proven guilty and charged with an infraction to ensure that fishermen follow regulations.

Could you speak to that part of the legislation? I know it depends on the courts, but I'm hearing more and more from fishers that the fines, the suspensions imposed when fishers are found guilty of violating the Fisheries Act, are barely a slap on the wrist in some cases.

• (1000)

Mr. Philippe Morel: Darren, do you want to answer?

Darren is the DG for enforcement.

Mr. Darren Goetze (Director General, Conservation and Protection, Department of Fisheries and Oceans): Thank you.

In terms of the fines, of course those are levied by the courts and they're not within our areas of responsibility.

We are working with the Public Prosecution Service of Canada to improve the information that is provided to the courts that informs the sentencing, but of course I can't comment on—

Mr. Robert Morrissey: No, I realize that the courts do it, but how much interaction is from the department to the courts to educate them to the fact that the fines are not current?

Mr. Darren Goetze: We provide information to the courts. Through the Public Prosecution Service of Canada, we will provide information on the extent of damages or impacts that a particular violation has caused to a community or to fisheries in a particular area.

That is up to the courts to consider accordingly, but we are doing our best to provide the information as required.

Mr. Robert Morrissey: Could you give me an example of what has changed in the past year? Take one example.

Mr. Darren Goetze: Sorry, I cannot off the top of my head.

Mr. Robert Morrissey: Could you provide that to me?

Mr. Darren Goetze: I'll attempt to do so, yes.

Mr. Robert Morrissey: Thanks.

The Chair: Thank you, Mr. Morrissey.

Mr. Arnold, please, you have seven minutes.

Mr. Mel Arnold: Thank you, Madam Chair.

I was hoping to get to some of these questions while we still had the minister here, but I will direct my questions to the assistant deputy minister.

Mr. Morel, last week, there was a major court decision by the Supreme Court of British Columbia with the Nuu-chah-nulth first nations on the west coast of B.C.

Have you studied that 400-page decision and referenced it to how it may impact this bill?

Mr. Philippe Morel: Of course, there are many people in the department who are studying the Ahousaht decision. It's a very important decision on how we will manage the fisheries and also our relationship with indigenous people. We are looking at all the impacts, but right now I don't have an analysis of how this decision will impact the Fisheries Act.

More from the fisheries management perspective, I don't know, Adam, if you wish to respond. We are at the same place, so we're studying it right now. We're still in the period of a potential appeal, but we're not waiting for that to look at the decision. It is very complex and detailed, but a very useful decision for us. We will look at it and see if there's some adjustment needed.

Mr. Mel Arnold: We still don't know if that decision may impact this act. We are here today to study the act, possibly make amendments to it, and send it back to the House, yet you haven't finished analyzing the court decision to see whether it's going to impact the bill in any work we're doing.

Mr. Philippe Morel: We have a court decision every week that impacts DFO's operations, so we always take into consideration the decisions made by courts and we adapt. Even in the Fisheries Act, there are some amendments that we call "housekeeping" because they incorporate some changes that were required by previous court decisions. When we have that opportunity, we do adjust. Right now, if we need to adjust, we will see what we need to do in the short term, but I don't think we should wait to proceed with the Fisheries Act.

Mr. Mel Arnold: Do you have an estimated time frame for when you will finish reviewing the Nuu-chah-nulth or Ahousaht decision?

Mr. Philippe Morel: We don't have a precise one, but we're on it right now.

Mr. Mel Arnold: I see this release from the minister saying, "As an immediate step, I have directed Fisheries and Oceans Canada to review the Pacific Salmon Allocation Policy. We will work in collaboration with Indigenous groups and all stakeholders to renew and co-develop this policy."

Looking at the managing factors in that allocation policy, the first concern is conservation. The second is first nations, I believe, concerning food, social, and ceremonial uses. Third is common property resource. Fourth is recreational allocation. Fifth is commercial allocation. Sixth is selected fisheries, and seventh is other allocations.

Where will the Ahousaht or Nuu-chah-nulth decision place those commercial fisheries on that list of priorities?

• (1005)

Mr. Adam Burns (Director General, Fisheries Resource Management, Department of Fisheries and Oceans): To answer your question, I wouldn't want to prejudge the outcome of the review of that. I think the court spoke clearly to the fact that the salmon allocation policy did need to be changed, but in terms of what the resulting policy would say, I wouldn't want to speak to that.

Mr. Mel Arnold: Why did it say it needed to be changed? Can you be a little more specific?

Mr. Adam Burns: Unfortunately, I don't have the court ruling in front of me, so I'm working from my recollection of the ruling, but I think it spoke to the priority structure of allocations within the policy and the fact that for certain—

Mr. Mel Arnold: That was the list I just gave you, so I'm asking what specifically it said is not right.

Mr. Adam Burns: I think it was the priority to recreational fishing for certain species over indigenous access. Again, I'm saying it based on recollection, but I think that was the general observation of the court. The department will be working with all those stakeholder groups you identified to—

Mr. Mel Arnold: Are you indicating that a commercial indigenous fishery may supersede a recreational or a public fishery?

Mr. Adam Burns: Again, I wouldn't want to prejudge the outcome of that work. As the minister said, the department is working with indigenous communities, stakeholders—

Mr. Mel Arnold: Does that appear to be what may be needed?

Mr. Adam Burns: I wouldn't want to speculate on what the outcome of the review will result in.

Mr. Mel Arnold: Another piece I have here is a review from a legal review paper stating that the changes to the Fisheries Act would be a “bonanza for lawyers who advise on environmental and other regulatory matters” because of the uncertainty that's being created here. Can you comment on that?

You must have seen that report. It came out February 7, 2018, in *The Lawyer's Daily*. It said, “Bill C-68 introduced by the Trudeau government on Feb. 6 would also create a bit of a bonanza for lawyers who advise on environmental and other regulatory matters.”

Mr. Philippe Morel: I haven't seen that particular legal advice, so it's a difficult for me to say what it is. Certainly one of the objectives of the modification was to bring certainty to investors and proponents and clarity for other stakeholders in how we manage fisheries. Is that referring to the way we manage major projects, or is it referring to fisheries allocation? I don't know. It's difficult for me to comment.

Mr. Mel Arnold: Again, your opinion seems to differ from those of lawyers, and I'll stick with a lawyer's legal opinion.

The Chair: Mr. Donnelly, please, you have seven minutes.

Mr. Fin Donnelly: Thank you, Madam Chair.

As we know, the environment commissioner just finished her lock-up. There was information there that has to do with salmon aquaculture, among other things. Her report seems pretty scathing with respect to how the department is handling aquaculture.

I want to read out a couple of quotes. In their audit, they examined whether Fisheries and Oceans Canada and the CFIA oversaw the salmon farming industry “to protect wild fish”. They said that this industry creates risks for wild fish, including exposure to diseases, drugs, and pesticides.

Specifically, she said that “the Department had completed only 1 of the 10 risk assessments” for key known diseases, and it was not addressing new and emerging diseases at all. She says, most importantly—

The Chair: I have a point of order.

Mr. Donnelly, has that report been released now?

Mr. Fin Donnelly: Yes.

The Chair: The lock-up is over.

Mr. Fin Donnelly: That is correct.

The Chair: Thank you.

Mr. Fin Donnelly: She said, most importantly, they found that the Department was not monitoring the health of wild fish. As a result, Fisheries and Oceans Canada had no way of knowing what impacts salmon farming has on the health of wild fish.

Do you have any comments on this disturbing analysis?

● (1010)

Mr. Philippe Morel: It is disturbing. The reinvestment made in science two years ago in budget 2016 provided the department with some resources for support to research the aquaculture impact on the ocean and on wild fish. There's a series of 10 risk assessment studies being done right now. One was released. All the risk assessments are planned and will all be delivered by 2020, as expected by the Cohen report. We anticipate issuing a new risk assessment study in the near future and throughout the period. The department is pretty confident that all these risk assessment studies will be issued before 2020.

Mr. Fin Donnelly: The environment commissioner goes on to say, “These findings led [her department] to conclude that Fisheries and Oceans Canada had not managed risks from salmon farming in a way that protected wild fish.” That's a pretty strong statement.

Turning to the Fisheries Act, when referring to the purpose of the act, is there any reason not to put a stronger focus on the conservation, restoration, rebuilding, and sustainable use of fish populations in the act?

Mr. Nicholas Winfield (Director General, Ecosystems Management, Department of Fisheries and Oceans): The purpose statement does provide for the first time the opportunity to focus the act. As the minister said, we're open to any comments that you may have on that point. Right now, it's pretty focused on giving meaning to the legislation, so we're open to your input on that.

Mr. Fin Donnelly: That's great. I think it's to be commended that you have a purpose statement like the Oceans Act, so this is a really positive move.

In terms of environmental flows and fish passage, how will environmental flows and fish passage needed to protect and restore fish habitat be factored into authorizations under proposed section 35?

Mr. Nicholas Winfield: Proposed section 35 requires that all of the factors laid out in section 34 are met, and those factors include whether restoration of fish habitat has been duly considered prior to issuing an authorization.

The sections related to fish passage and flow have been revised to really take into account the fish habitat requirements, which include flow needs and temperature needs. The framework for decision-making and the factors section, linked to the authorization requirements and the changes to fish passage and flow, are intended to be more holistic in nature and to address fish conservation issues.

Mr. Fin Donnelly: Do they anticipate climate change or a changing climate?

Mr. Nicholas Winfield: Climate change is not specifically referenced in the act. Cumulative effects are, but we do take into account ecosystem conditions and we will need to document that.

Mr. Fin Donnelly: That's a big issue with a lot of creeks, streams, and rivers warming now with less water and higher temperatures. You mentioned temperatures. That's something now that, I think, with the changing climate, we're going to be all faced with.

Do I have a little bit of time left?

The Chair: You have one minute and 46 seconds.

Mr. Fin Donnelly: Okay.

I'll just turn to residual impacts. Can you explain how the cumulative impact of small or low-risk projects will be addressed under the amendments to the act that are proposed in Bill C-68?

Mr. Nicholas Winfield: One of the biggest issues that's come up in both Bill C-68 and Bill C-69 is addressing cumulative effects. All the federal departments are investing time and effort to think through more holistically how each of the pieces of legislation can be gathering information that supports better cumulative effects assessment.

The Fisheries Act provides an opportunity, first off, with issues like codes of practice and standards development, the ability to notify DFO that projects are taking place on the landscape, and also then the ability to have information available to assess cumulative effects over time.

This is only one of the opportunities that exist. There are more opportunities just in terms of investing more time and effort in looking at trends in ecosystems, as compared to only looking at projects and site-specific impacts. That's part of our investment towards science and looking at ecosystem changes.

• (1015)

Mr. Fin Donnelly: In the short remaining seconds that I have, can you briefly tell the committee a little bit more about types of projects for which information will be captured in the public registry?

Mr. Nicholas Winfield: The public registry will list all projects that require authorizations. It will also list the standards that have been codified and provided publicly. The proposed section on the public registry actually lists all the kinds of documents that will be gathered and made publicly available. That is the starting point. Once we have the registry in play, it will be easier to look at how we can best use that for other pieces of public information.

The Chair: Thank you.

Mr. McDonald, you have seven minutes, please.

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

Thank you to our witnesses for appearing here today. I know that some of you have been here several times before committee.

The fisheries is no doubt a complicated file and a complicated department. When you look at what our fisheries have done, especially on the east coast.... I'm from Newfoundland, and 26 years ago, it was the northern cod moratorium. Today we still look at that stock, and it's well below the critical zone 26 years later. I didn't know much about the fishery until I came here in October 2015, and it was a quick learning curve. It seems to me that for decades—and I don't know how many to go back—successive governments have done a very poor job of, one, managing fishery stocks, and two, implementing a rebuilding plan.

Other areas around the world.... I'll use Norway as an example. It had an issue with its cod stock, and it rebuilt it in six or seven years. We seem to not catch up or something, or we just think it will do it on its own without any help. Part of the bill is to provide better certainty for industry. What's that certainty going to look like? What are we going to do to provide better certainty for the people involved in this industry?

Mr. Mark Waddell (Acting Director General, Fisheries and Licence Policy, Fisheries and Harbour Management, Department of Fisheries and Oceans): Part of the move towards better certainty begins with the identification that the proposed considerations section of the act would now outline the factors that the minister will consider when he's making a fisheries management decision or any other decision under the act. Those are not exhaustive lists of considerations, and they won't apply in all circumstances.

With regard to rebuilding, there's now the inclusion in the proposed amendments that the minister shall consider whether a rebuilding plan is in place when he's making a decision on a depleted species. I'll carry through on your example for northern cod. Northern cod was one of the stocks that was identified by the commissioner of the environment and sustainable development in 2016, and it was identified as part of the work plan by the department to develop 19 rebuilding plans going back to the stock sheet identified in her audit. We are working on a rebuilding plan for northern cod.

Mr. Ken McDonald: It's a little bit late, but hopefully it will work because it was only, I think, a couple of years ago that some organizations were lobbying to have the northern cod listed as an endangered species. I hope that going forward we do a much better job of it.

The other thing I'd like to talk about is this. We read that traditional knowledge is going to play a big role in this. In my riding, I don't have any indigenous groups or indigenous fisheries, but what I do hear from fishermen in the communities and on the wharfs is that the officials don't take into account the knowledge that they have, especially even on the fishery of the previous season: the catch rates, where they were catching, and whether they were poor catch rates or good catch rates. We don't take that into account.

Are we saying that with traditional knowledge, we'll also include local fishermen who take part in the various fisheries and the knowledge and experience that they have from fishing any particular stock?

Mr. Philippe Morel: Yes, the section, the proposed amendment, does include traditional knowledge or indigenous knowledge, but it also includes community knowledge. It's another knowledge that the minister, on top of science, needs to consider before taking any decision.

When there's no indigenous knowledge that has been provided to the minister, the minister doesn't have to take any consideration. For every decision the minister takes, he does consult indigenous groups but also communities and he has to take into consideration the information that is provided to him to support the decision-making process.

• (1020)

Mr. Ken McDonald: Okay, thank you.

I was pleased to see owner-operator put into the act. On the east coast, in Newfoundland especially, a lot of people pushed hard to make sure that's in there. Previously I think it was regarded as a policy that would be in force, but it was never in the act itself and I don't think it had any teeth in it to enforce it at all previously.

How will that look going forward and how will you enforce it, because people tell me all you have to do is look up the registration of a particular vessel and you'll see who it's registered to, who's the actual owner. Are we going to start checking to make sure people are abiding by the owner-operator policy, and how will we go about doing that and enforcing it?

Mr. Mark Waddell: As a first step, the amendment is an enabling amendment so we will be developing regulations to develop principles for moving our policies, for inshore policies, owner-operator, fleet separation and preserving the independence in the Canadian fleet of Atlantic Canada, into regulation. We will be consulting with stakeholders on that, getting their feedback on the regulatory development, and then once we have regulations, our fisheries officers will be able to enforce those regulations.

Mr. Ken McDonald: Thank you.

I want to bring to the attention of committee commercial vessel registration policy just to show the contrast of how it's managed from one area to the other. I had a fisherman ask for a copy of the policy, one of them who appeared before committee recently. They checked, and in the response they got back one part was particularly interesting. It said that registered vessels may be specified as a condition of the licence and registered in the licence-holder's name for a minimum period of one month, except in the Newfoundland region, where the minimum period is 12 months.

Can anyone explain why there's a difference? Why would there be such a vast difference from one province to the other? To me, DFO is coast to coast to coast, yet you have these little differences from as close as one province to the other. Can anybody explain that policy to me or that regulation?

Mr. Mark Waddell: I believe that the committee has been reviewing that over the last several meetings and the rationale for that at the time was the consultation with fleets in Newfoundland. I look forward to the report coming out of this committee and providing us guidance on how to proceed going forward.

The Chair: Thank you.

We've been watching what's going on on the Hill. It's not quite as busy as we thought it was going to be, so we're going to try to get to everybody on the list. Could we keep it within the time?

Next up, we have Mr. Sopuck for five minutes, please.

Mr. Robert Sopuck: I want to thank my colleague, Mr. McDonald, for bringing up the point that we don't have to be aboriginal to have traditional knowledge. I have many aboriginal communities in my constituency and I also have many farmers, ranchers, anglers, hunters, and trappers who are as knowledgeable as anybody about the natural world, so I appreciate, Mr. Morel, that their knowledge is going to be given equal consideration.

In my first iteration, I had a specific case in mind, but I'm going to talk about other things. I just hope you heard about the case I referred to on the Assiniboine and will look into it.

On a more positive note, I must say, I really like the idea of codes of practice. I think that's a smart move, but I would urge you to make them as clear as possible. For instance, culvert design is something I've been involved with so that fish can go through culverts. They can be designed a certain way, so just make sure that project proponents know exactly what they need to do in terms of water velocities and so on. I really like the codes of practice.

I also like the introduction of habitat banking. It has the potential to replace this no net loss idea. No net loss almost implied you had to recreate something that maybe was altered. It's almost impossible to recreate nature exactly. In terms of habitat banking, will you offer a flexibility to proponents and allow for off-site mitigation? Let's say some habitat was damaged in point A and point B happens to be 40 or 50 kilometres away but there's a place there where you could really do significant fish enhancement work to take care of what happened, to compensate for what happened at point B. Will you be flexible in the implementation of habitat banking and off-site mitigation?

● (1025)

Mr. Nicholas Winfield: In answer to your question, yes, it's a very flexible scheme. The idea, as set in the statute, is to enable proponents to identify early opportunities to restore habitats and create a habitat bank. Those banks are maintained, and the credit ledger is maintained in such a way that it can be used in other areas.

The objective is to try to keep it within a service level area—that's the terminology used—so it is within an ecosystem type but not necessarily at the same site as an impacting project.

Mr. Robert Sopuck: My advice would be to make the service area as large as possible and to take into consideration what people want in terms of fisheries. When I look at Alberta, for example, the mitigation I saw there in the oil sands was miles away from most communities, whereas southern Alberta is starved for fish, given how many people there are and the lack of water bodies.

If you also use fish production as a metric in addition to habitat and are very flexible, you have the potential to unleash millions of proponent dollars to do some very creative fish enhancement in places where people actually want it to be done.

If you could make a comment about what I just said, I'd appreciate it.

Mr. Nicholas Winfield: I concur. I think we agree in terms of the design. The statute simply provides the framework, but in terms of the policy direction we are very much open for input.

Mr. Robert Sopuck: There are cases where significant habitat alteration can result in significantly increased fish production. For example, when you look at prairie reservoirs, a dam is constructed and a reservoir is made. The most popular fish in that neck of the woods is the walleye, and when a reservoir is made, the walleye population just booms. The productivity skyrockets. It's called the reservoir effect, as you well know. A single-minded focus on just habitat, habitat, habitat also has to reflect fish production, if you know what I mean. I'm not saying it quite as clearly as I should, perhaps.

Could you comment on that last point? Then I'll stop.

Mr. Nicholas Winfield: The factors to consider, which previously were section 6, have been amended to include a broader set of objectives. One of them is fisheries management objectives. If the provincial and federal governments and other fishery managers agree that the objective for the area would be walleye, this would be something we would support in terms of using it for enhancement capabilities.

However, the act is not built upon a habitat-for-habitat equation. It's built upon a fisheries objective setting, and then our decisions are intended to achieve those objectives.

Mr. Robert Sopuck: Great. Thank you very much.

The Chair: Thank you, Mr. Winfield. Thank you, Mr. Sopuck.

Mr. Finnigan, please, you have five minutes.

Mr. Pat Finnigan: Thank you, Madam Chair, and thank you to the witnesses for being here today.

I just want to talk about the code of practice. I've been involved in farming all my life, and I had a personal experience where we had to

build a little bridge over a brook to get to another field. At the time—I'm talking about seven years ago—the permit was issued by the province. It was very accommodating. I was able to do it without an engineering plan. I just had to follow some of the basic steps. It was given by the province.

Now, this river ends up flowing into the ocean. I just wonder where the overlap is between the province and the federal government, because after that I had to get permission from DFO to finalize my permit. I would like you to elaborate on how this all works with the provincial permitting.

Mr. Nicholas Winfield: DFO has collaborative arrangements with the provinces. They vary from province to province with respect to who goes first. In the eastern provinces in particular, for any watercourse alteration permit, the province leads, and we have established advice that the province uses that meets the federal requirement.

Our long-term objective is to ensure that we develop codes of practice that can be communicated by either a provincial, municipal, or federal department. The idea is that, at the end of the day, fisheries are protected. We're not trying to create more bureaucracy to achieve the same outcome.

The general objective for any stream crossing is to allow passage of fish and protection of fish habitats. They often do not require a federal authorization, because if designed correctly, they allow fish to pass and don't cause harm to habitats. Our end goal is to achieve the objective of conserving fisheries, not to create paperwork to permit and authorize these things.

Permits for stream crossings are very, very rare. They're typically for large-scale projects that cause harm. Our goal is to avoid harm to fish and fish habitats, and the best way to do that is to provide standard advice and guidance as early as possible in collaboration with provincial and municipal regulators and permit issuers.

● (1030)

Mr. Pat Finnigan: In my case they just came at the end and made sure that everything was there. Is that generally how it works? You again work with the province on standard practices but...

Mr. Nicholas Winfield: Yes. The federal government typically only gets involved if there is unavoidable harm to fish and fish habitat.

Mr. Pat Finnigan: Okay.

Following on from Mr. Sopuck and the habitat credits, in New Brunswick, they have been working with Ducks Unlimited, for instance, where there is no wetland or any habitat loss. I think it's still the case and they have been doing that for a long time. The way it has worked, even when the provincial government has had to cut a road through the forest, they have been working with them. Again, they have to recreate another habitat. You can also, if I'm correct, buy your way. They will say, for \$50,000 we will use that and we will recreate another habitat somewhere to make sure that provincially we don't lose any habitat.

Are you aware of that, and is that what we're moving into compared to the Province of New Brunswick?

Mr. Nicholas Winfield: The Fisheries Act does not permit the exchange of money for habitat loss. The only opportunity is the habitat banking scheme that MP Sopuck referred to. Essentially a proponent can create habitat and pay for it. There is no exchange of money with the federal government. In some jurisdictions they have an environmental damages fund. We don't have that as a scheme for permitting approvals of projects.

Mr. Pat Finnigan: Thank you.

Quickly, we have talked about the traditional knowledge and community knowledge a bit. At the end of the day how much weight do you give that compared with our science-based knowledge? If the two should ever clash, either community knowledge or traditional indigenous knowledge, how do you work around that? How is that all going to work out?

Mr. Philippe Morel: There's no priority. The minister has to take into consideration everything that is on the table. He has to take into consideration and make his mind up about which one he thinks prevails according to the objective of the act to protect fish and fisheries and fish habitat. There's no priority or listing of any kind in the act.

The Chair: Thank you, Mr. Morel.

We will now go to Mr. Miller, please, for five minutes.

Mr. Larry Miller: Thanks, Madam Chair.

Thanks, gentlemen, for being here.

One of the alarming parts of Bill C-68 is the return to HADD. I'm sure you're all familiar with that. I've heard from a number of groups that are concerned that these changes will actually slow down development and recreate the confusing and quite inconsistent process that was in place prior to the changes being made in 2012. The confusing part about all of this is that the government hasn't really explained what specific protections are being lost.

Mr. Arnold referred earlier to an Order Paper question that he had, and the minister in the department has said that he has heard concerns from outside groups about lost protections, but you don't actually give any sort of explanation of what is actually being lost here. How can you explain that?

You basically ignored his question, or didn't answer, ragged the puck—I'll use whatever term—but you haven't given any examples.

I only have five minutes, so I ask you to be brief.

Mr. Nicholas Winfield: Sure. The main point of clarification is that in the 2012 changes there was a focus on commercial, recreational, and aboriginal fisheries, so the Fisheries Act is being amended to capture all fish that may contribute to a fishery. The way in which species are used by humans changes over time. First of all, commercial, recreational, and aboriginal were perceived to be quite static. It was, which fish are fished at this period in time? The amendments to the act cover all fish and it allows for more consideration of emerging fisheries, for example.

The second issue is around active fisheries versus fisheries that may not have been harvested, or have not had a history of harvest. When we look at northern lakes, for example, where there may have been no activity, under the current act there is some question around whether or not those areas are protected because of the active fishery versus the future potential fishery. This act seeks to ensure conservation of fisheries for the future.

The third issue, in terms of the question around evidence, is that the department has not been looking at projects that have not been referred to the department. There has been a reduction by several thousand projects that the department simply doesn't look at to be able to answer your question.

• (1035)

Mr. Larry Miller: You still haven't given examples. The minister wouldn't give them, either. I guess we're not going to get them.

I want to move back to issues being dealt with that are brought to DFO. We heard Mr. Sopuck's example, where a minister of the crown in Manitoba contacted DFO five months ago and still has not even had an acknowledgement or a response. That's totally unacceptable—I think you have to agree with that—yet it was brushed off by the minister as to getting a response.

I believe you were here when I mentioned the situation in my riding, in Meaford, where a storm knocked out part of the wharf last September. Here we are now, in April, almost May, seven or eight months from then, with sailing season approaching us, and the best DFO can say is, "We'll pay for some of it, up to a certain amount."

Do you really think that this is dealing with people in a respectful and proper way? It's a pretty simple, short answer.

Mr. Philippe Morel: I see hundreds and thousands of responses from the department—

Mr. Larry Miller: I respect that.

Mr. Philippe Morel: —that we provide on time, in the best way we can to provide information to Canadians. I don't know about this particular letter that MP Sopuck referred to, but we will look at it and see why there are delays. There are always reasons for delays. Is it that the information provided was incomplete? Did we need to investigate? I cannot provide you with the answer on this particular case, but we certainly have standards—

Mr. Larry Miller: Could I just stop you there? Mr. Morel, these are my five minutes.

On a point that you made, I don't expect you to personally know all of them—of course not, you can't possibly—or the minister. The minute Mr. Sopuck brought that up there should have been people sitting in here, there should have been emails flying, saying, "Get that minister a response this afternoon."

The Chair: Thank you, Mr. Miller. Your time is up.

Very quickly, please, Mr. Morel...

Mr. Philippe Morel: If I could...because it's to the credibility of my team. With due respect, I didn't take my BlackBerry to send an email, but Nick was sitting there and he told me that he already sent an email to follow up. I did also put a big X next to Mr. Sopuck's comments. We're taking that seriously. Sometimes it takes more time to answer the question because we want to provide the right answer. It's not because we're not respecting Canadians, or MPs, or MLAs.

The Chair: Thank you, Mr. Morel.

Because we are down to the last five minutes, I'm going to give Mr. Rogers one question and Mr. Donnelly one question, and then everyone will have had their turn. Then we have to go over to the Wellington Building.

Mr. Rogers, you have one question, please.

Mr. Churence Rogers: All right, I have just a brief question. I'm not sure how long the answer will take. It's a direct question. Have sections 32, 35, and 36 been re-examined for the purpose of environmental assessment triggers?

• (1040)

Mr. Nicholas Winfield: As it stands, they are not triggers of the Canadian Environmental Assessment Act. Bill C-69 is the act that deals with that. I would note, though, that fisheries are a significant trigger for environmental assessment. Not in the way that it was prior to 2012, with a trigger coming from a law list regulation, but fisheries are still a major issue that triggers an environmental impact assessment. It's just not defined in the way that it was prior to 2012 in those three sections.

Mr. Churence Rogers: I asked that question specifically because I sit on the environment committee.

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

Mr. Donnelly, you'll have the final question, please.

Mr. Fin Donnelly: Thank you, Chair.

Just to follow up on Mr. Rogers' question, could we get the difference between the two pieces of legislation sent to the committee? I'd be very interested in knowing how the Fisheries Act is a trigger or not.

I want to come back to Mr. Sopuck's question about habitat banking. He's talking about opening up damage in one watershed to compensation and enhancement in another watershed, potentially kilometres away, which for me is also very distressing. At a local level, we want to see that watershed intact for fisheries.

Mr. Winfield, you were referencing that you were open to the idea of broadening that idea of basically allowing one watershed to be totally destroyed and then sometimes enhancing another watershed, and it could be beyond capacity in some issues.

Mr. Nicholas Winfield: What I referred to is a service level area, which is essentially an ecosystem within the general area of the activity. It's not to say going from one province to another province or thousands of miles away. It's simply to say that it's broader than the site of the impact and it has to be on a scale that addresses the types of fish populations that are being impacted by a project within that vicinity.

Mr. Fin Donnelly: Are there maps or are there...?

Mr. Nicholas Winfield: This is all to be developed.

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

I want to thank our officials for being here today.

We will reconvene in 15 minutes in room 320, Wellington Building, in a new meeting.

The meeting is adjourned.

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