

## Written answers to questions following the Department of Fisheries and Oceans' appearance on June 21, 2023

Question 1: Conservative Party of Canada (CPC) Member of Parliament (MP) asked if the department agreed with the Fasken legal opinion on structural conflict of interest. The Department of Fisheries and Oceans (DFO) witness indicated that the Department is not in agreement. The MP asked that DFO table legal opinion that counters the Fasken advice.

**Response:** The Department of Justice's (DOJ) legal opinion in response to the Fasken opinion cannot be provided as it is subject to solicitor-client privilege. Solicitor-client privilege is the cornerstone of the relationship between the DOJ and the departments it serves within the executive branch of the Government of Canada.

With regard to the assertions of the Fasken opinion, it is important to note that neither the Government of Canada nor DFO has entered a contract with the GLFC for DFO to provide services to the Commission, and there is no transfer of funds to DFO from the GLFC. The Government of Canada provides funds to DFO in fulfillment of Canada's obligations under the Convention with respect to sea lamprey control and Great Lakes fishery management more generally.

Likewise, there is no conflict between the interests of the GLFC and those of the Government of Canada or DFO because those interests in the context of controlling sea lamprey and managing the Great Lakes fishery are, by definition, the same. DFO is well equipped to deliver and support Canada's GLFC mandate, and analogous examples of this are abundant across other similar bilateral and multilateral fisheries treaties.

**Question 2:** CPC MP requested the date that the Machinery of Government change matter was raised with the Prime Minister's Office.

**Response:** DFO does not provide advice on Machinery of Government changes and therefore is not in possession of this information.

**Question 3:** CPC MP asked if the department has done an analysis of potential flow of funds instead of going through DFO through Global Affairs Canada (GAC) or another department. The Chief Financial Officer confirmed that the department has provided advice. The MP asked that the advice be tabled with the committee.

**Response:** DFO has been the Canadian delivery agent for the Great Lakes Fisheries Commission (GLFC) since the inception of the treaty in 1954, and has been an integral part of the success of the Commission's efforts to control sea lamprey. DFO's administration of the Canadian portion of the sea lamprey control program (SLCP) has been, and continues to be, seen as an important effective contribution to the implementation of the Treaty.

Since the inception of the SLCP, DFO has put in place a robust program delivery infrastructure that currently includes 46.5 full time equivalents, and a program hub located in Sault Ste. Marie, Ontario. Further, DFO officials participate in a number of governance mechanisms to oversee the delivery of sea lamprey control, including the GLFC's Sea Lamprey Control Board, which is

tasked with developing and implementing strategies, policies, and programs related to sea lamprey control.

At present, there is no other entity, public or private, that would have the resources (both financial and human) and expertise in place to undertake sea lamprey control efforts across the Great Lakes. Further, there are legal restrictions on the training of lampricide applicators and that lampricides can only be sold to and applied by DFO and United States (U.S.) Fish and Wildlife Service.

Departmental officials and the Treasury Board Secretariat have expressed concerns that a direct transfer of funding to the GLFC Secretariat to 'contract back' the work to DFO would lead to program integrity issues, given DFO's lack of financial control over the resources required to implement Canada's obligations to the GLFC.

**Question 4:** Bloc Québécois MP asked if DFO has the necessary tools to preserve a balanced ecosystem in Canada's waters, in regards to aquatic invasive species (AIS). The department offered to provide the member with information on activities in the St. Lawrence regarding aquatic invasive species.

**Response:** Aquatic invasive species are fish, invertebrate or plant species that have been introduced into a new aquatic environment that can harm fisheries and the aquatic habitats that support fisheries. While there are a number of tools that the federal government uses to prevent introduction of AIS, like Transport Canada's ballast water regulations, the *Fisheries Act's* Aquatic Invasive Species Regulations, partnerships with provinces and territories and outreach and awareness, the threat is large and multi-faceted.

- DFO – Ontario and Prairie region has begun early discussions with the Province of Ontario regarding concern about the Tench species with a view to developing an early detection capability.
- DFO – Quebec region is also developing and implementing, as needed, response plans for priority species such as Green crab and Tunicates.
- In the Quebec region, DFO is focusing its resources and efforts on activities to prevent the spread of aquatic invasive species, in particular through outreach and education campaigns directed at those who use our water bodies. We develop and distribute AIS identification books and other communication tools, and we conduct boat washing demonstrations.
- Detection activities are also carried out annually in the St. Lawrence and in some of its watersheds, in particular by using environmental DNA).
- In addition, a new AIS Prevention Fund will be used to equip and support local groups in their efforts to deal with aquatic invasive species.
- DFO is also collaborating with the provinces and other partners as part of the St. Lawrence Action Plan (<https://www.planstlaurent.qc.ca/en/stakeholders>) which includes:
  - Raising awareness of AIS
  - Improving detection and monitoring of AIS
  - Implementing response plans to address AIS