



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Environment and Sustainable Development**

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ENVI • NUMBER 017 • 1st SESSION • 42nd PARLIAMENT

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**EVIDENCE**

**Tuesday, May 17, 2016**

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**Chair**

**Mrs. Deborah Schulte**



# Standing Committee on Environment and Sustainable Development

Tuesday, May 17, 2016

•(1110)

[English]

**The Chair (Mrs. Deborah Schulte (King—Vaughan, Lib.)):** I call the meeting to order.

We have five great witnesses with us today. We have the Canadian Wildlife Federation, the Mining Association of Canada, the Canadian Boreal Forest Agreement, the Forest Products Association of Canada, and the West Coast Environmental Law Association by video conference.

Actually, there are a few by video conference.

Some of you have come back after your scheduled appearance was moved last week, so we're going to start with those who are here from last week.

I'm wondering, with agreement from the committee, if we can shorten the witnesses' statements down a bit so that we make sure we have enough time to have a proper discussion with them. I was thinking of moving to eight minutes for witness statements. I know it will rush your statements, but I want to make sure we have a good chance to have time for this.

Is there anyone on committee who would have opposition to my moving to eight minutes on witness statements? Okay, let's make that eight minutes. I have agreement.

The first up will be the Canadian Wildlife Federation. We have Rick Bates, the acting chief executive officer and executive vice-president, and David Browne, the director of conservation.

It's all yours. Welcome.

**Mr. Rick Bates (Acting Chief Executive Officer and Executive Vice-President, Canadian Wildlife Federation):** Thank you.

First I'd like to point out that the timing of this conversation is very auspicious. It is now 100 years since the signing of the Migratory Birds Convention Act between Canada and the U.S. It's also the 100-year anniversary of the creation of the first migratory bird sanctuary, which was done at Last Mountain Lake, Saskatchewan, very close to my home in Regina.

Canada's first national park in Banff was created in 1885, but despite that early start, we're still far from achieving conservation goals, such as Aichi target 11, so today we will make three recommendations and some subpoints within each recommendation.

The three general recommendations are, first, that Canada urgently needs an implementation strategy to achieve the Convention on Biological Diversity Aichi target 11 of protecting 17% of

Canada's land and fresh water and 10% of our coastal and marine areas by 2020. Second, Canada must also continue to work to support other countries in achieving their biodiversity targets, especially those countries within our hemisphere and those with which we share migratory wildlife. Third, an important role of protected areas is to maintain these great areas and to share these great areas with Canadians as a way to maintain support for ongoing work to meet protected areas objectives.

In terms of recommendation one, the implementation strategy, Canada has a lot of work ahead of it to meet those targets. Without complicating it a whole lot, I'll just say that what we're doing hasn't been working. An important part of the reason we haven't met these goals is weak political commitment. That's your job, and we hope and expect you will make this a priority going forward.

For Canada to reach these targets, we need to be creative and flexible in using the existing tools and if necessary in developing new ones to help achieve biodiversity goals.

Tools like migratory bird sanctuaries and national wildlife areas provide a bit more flexibility in that they are quicker to negotiate and easier to establish, and they can be focused on small areas of critical importance to a single species or for multiple species. Bird sanctuaries can be located on private land. The Species at Risk Act includes provisions to provide incentives to landowners for habitat conservation, though these need to be applied more often. National wildlife areas do not exclude traditional activities such as hunting, trapping, and fishing. These tools can be more easily tailored to meet the needs of specific communities, interest groups, and local landowners.

Greater flexibility may be needed in these individual tools, such as provisions to provide incentives to landowners for habitat conservation or to allow for compatible multiple uses in some tools that don't presently allow those things. This type of flexibility will allow for more creativity in meeting overall conservation goals but will be particularly important in conserving small areas that may be critical to conserve biodiversity in areas of intensive agriculture or urban development to address connectivity needs, to maintain ecosystem services such as pollination, or to maintain quality of such key habitat areas as rivers and streams.

Programs to plan, negotiate, and establish these types of areas will also need to be adequately resourced to achieve our goals.

It will also be important to align conservation objectives with the Paris agreement on climate change guidance to include long-term adaptation to build resilience into national climate change plans.

For example, fresh water is the most important resource in the world. It provides habitat for a wide range of species and water supplies for communities and industry, but impacts of climate change are putting increasing pressure on it. We therefore encourage the committee to set targets specifically for conservation of important freshwater rivers, wetlands, and lakes, and the biodiversity associated with them. We appreciate that this has many challenges, so this will be another area where creativity and flexibility are critical.

A point to consider when looking at targets is that many countries appear to be just now heading towards setting fresh water conservation goals. South Africa is one of the first, and it has a fresh water conservation target of 20% for each freshwater ecosystem. The federal government is currently undertaking a review of the Fisheries Act and its related policy. This presents an opportunity to commit to enhanced fresh water and marine biodiversity conservation targets and to the tools to achieve them, such as the designation of ecologically significant areas under the Fisheries Act.

Our second recommendation is to support other countries in achieving their biodiversity targets. It's important to remember that wildlife doesn't recognize political boundaries. While our work here to meet conservation targets is important, unless other countries that our wildlife migrates to also protect important habitats, we will lose some of our biodiversity.

Canada is a very fortunate nation in the world. We have an important role in working with and supporting less fortunate countries in the management of local habitats to achieve biodiversity goals. Parks Canada does some important work on behalf of Canada and the World Parks Commission and with the International Union for Conservation of Nature. It is very important that this work continue to be supported, particularly with countries in our hemisphere, or we may achieve our local targets of protected area but lose the larger battle, the real purpose of these targets in the first place, which is to conserve our biodiversity. There may be opportunity for the global affairs department to co-operate in supporting objectives of this type.

Our third recommendation is to establish objectives to share these great areas with Canadians. In addition to the obvious economic, environmental, social, and cultural benefits, time outdoors also helps to improve student academic performance and contributes to personal health. Parks Canada should be congratulated on its work for the IUCN's Nature for All initiative, which encourages and supports getting people outdoors. Establishing targets and metrics on the participation and impact of this work would also help align biodiversity conservation with a broader range of government objectives, such as health, education, tourism, and youth, which is a priority of Prime Minister Trudeau.

Thank you to the group for our time. We at the Canadian Wildlife Federation, and our 300,000 supporters across the country, look forward to seeing the committee's action items following this review.

• (1115)

**The Chair:** Thank you very much for coming back and sharing that with us. Thank you for being brief. I appreciate it.

We're going to hear from all the speakers before we start asking questions.

Next is Ben Chalmers, with the Mining Association of Canada.

Welcome, Ben.

**Mr. Ben Chalmers (Vice-President, Sustainable Development, Mining Association of Canada):** Thank you, Mr. Chair and committee, for the opportunity to speak here today.

The Mining Association of Canada, MAC, is the national organization representing Canadian mining. We represent all major commodity types of mining in Canada, including base metals, precious metals, iron ore, uranium, diamonds, metallurgical coal, and mined oil sands.

Our industry is active across all of Canada, and I want you to keep in mind a couple of points as I go through my remarks today.

First, while exploration activity covers a wide area, it tends to have minimal impact. Once a mine is developed, the impact is more significant, but it is across a very small part of the land base. Second, there are clear opportunities to use land held by mining companies around active mine sites to help achieve wildlife goals, including the recovery of endangered species, as not all land in mining leases is used for active mining operations.

Our members strive to contribute to building a strong, sustainable, and internationally competitive industry. An important means for us to do so is through our Towards Sustainable Mining initiative, or TSM for short. TSM is a set of performance indicators that require mines to report on social and environmental performance in several areas, including biodiversity, and then have those results independently verified and publicly reported.

As part of TSM, we espouse our values for conservation of biodiversity and species protection. Among our TSM indicators are three indicators focused on biodiversity conservation. Part of our commitment here includes respecting protected areas, including world heritage sites and parks, and working with communities to identify important biodiversity aspects that need to be managed.

Once we have done that, some of the indicators we measure are about setting good practice standards for biodiversity conservation. Examples of what is considered good practice include making a public commitment to biodiversity values by each company at the facility or mine site level. Companies are also obliged to engage with key communities of interest, including government, aboriginal communities, and conservation organizations, to understand what elements of biodiversity are important for them to conserve. Examples of these would include endangered species, keystone or indicator species, and culturally significant species. Once those are identified, the facilities are obligated to put in place mechanisms to assess the impacts of their operations and implement mitigation and compensation measures to address those impacts. Then there are public reporting obligations that go along with that. All of this can be found in our annual TSM progress report.

I want to highlight a couple of examples out of many, and some of the things our companies are doing around conservation.

First, in 2014, Teck Resources purchased approximately 7,150 hectares of private lands in the Elk Valley and Flathead River Valley as part of conservation efforts, representing one of the largest conservation investments in British Columbia history. This protected land provides important habitat for numerous species, such as grizzly bear, wolverine, badger, elk, lynx, mountain goat, bighorn sheep, westslope cutthroat trout, and bull trout. This land is also culturally significant for the Ktunaxa first nation and local communities.

Another B.C. example is New Gold's New Afton mine, which has been working with the University of Guelph and Thompson Rivers University to deploy innovative genomics tools for DNA mapping and bar-coding. Through this work, they have managed to identify a minimum of five new species of spider, which have now been added to the provincial registry. This has also helped them build a tool for a more accurate and timely assessment of the quality of their reclamation work to allow them to make adjustments in quicker order.

Another example is the Diavik diamond mine and the Ekati diamond mine, which have been using a similar DNA approach to map and monitor grizzly bear populations in the north.

MAC was involved in the very early days of the development of the federal Species at Risk Act, and it continued to be involved through participation in the Species at Risk Advisory Committee up until its disbandment in 2014. We support the government's efforts to conserve species and SARA's objectives to foster stewardship and collaboration on the ground.

We do, however, have a few concerns about the way in which SARA has been implemented and some of the potential impacts on our industry.

We are seeing several mining projects facing SARA-related barriers during the federal environmental assessment process. The narrow application of the Canadian Environmental Assessment Act, 2012 means that mining projects are held to account for cumulative effects on species and habitat caused by ongoing non-mining activities that are not subject to the same environmental assessment standards and not prohibited by SARA, because they are on provincial crown land.

SARA obliges projects undergoing federal assessment to comply with SARA and all relevant species recovery strategies, but without long-term compliance and permitting mechanisms, it is not clear how a proponent can demonstrate compliance.

•(1120)

There's a need for effective policy tools that would allow Environment and Climate Change Canada to recognize mitigation measures for proponents, which would allow projects to proceed through EA. For example, finalizing the critical habitat effective protection policy would be helpful. Implementation of conservation agreements, as laid out in section 11 of the act, is one of the few options under the act with a potential to reconcile the challenges of EA and, at the same time, recovering species, using tools beyond the protection of critical habitat.

In order to realize the potential of these agreements, one of the most important actions that could be taken to facilitate project approvals would be developing a template for conservation agreements using CEAA decision statements as a place to enshrine mitigation measures for affected species.

We're also concerned about the capacity of the government to effectively implement SARA.

For example, Environment and Climate Change Canada's efforts to work through the backlog of outstanding recovery species and action plans in the absence of adequate capacity is spreading resources too thinly to realize the effective recovery of species.

Strategies are often released without the necessary research being completed, particularly in identifying and defining critical habitat. There's been an overreliance on the protection of critical habitat, when it is defined, regardless of the actual threats to the industry, and it's imperative that the recovery planning processes be supported by sound science and that decisions be informed by the best available information. As one example, during a recent review that we conducted of recovery strategies for three bat species, we found that a statement related to the potential threat of the mining industry came from an anonymous reference on a web blog comment forum, and the statement proved to be erroneous.

Recovery strategies are developed without regard to the practical costs or implications of socio-economic needs, local communities, or other species. Those burdens on rural communities are without evidence that the current recovery strategies are affecting species recovery. As more recovery strategies are developed, it is becoming evident that a species-by-species approach can create pitfalls in cases where species share ranges but have different habitat requirements. A good example is the contrasting assessment of the impact of fire suppression on caribou and the olive-sided flycatcher. We expect more of these conflicts as more strategies are developed.

We would very much like to see the reinstatement of the species at risk advisory committee. We feel it's an important multi-stakeholder body that can help inform the practical application and implementation of SARA. We also further encourage the government to continue to work with provincial and territorial governments, as this is a shared area of jurisdiction.

Thank you.

**The Chair:** Thank you very much.

Again, thank you for shortening your comments to make sure we get everyone in.

Mr. O'Carroll, you are with the Canadian Boreal Forest Agreement. You are here with Kimberly as well. You're up. Go ahead, please.

**Mr. Aran O'Carroll (Executive Director, Secretariat, Canadian Boreal Forest Agreement):** Thank you, Madam Chair. Thank you, committee members.

I must say that over the last two attendances at your sessions, seeing you sprinting into this room twice gives me a new appreciation for the demands on parliamentarians. Thank you for all you do.

Again, my name is Aran O'Carroll. I'm the executive director of the Canadian Boreal Forest Agreement. This is an initiative working with over 30 organizations in the Canadian forest industry, in the Canadian conservation community, and in the marketplace, both in the United States and globally, on solutions to integrate the environment and the economy.

We work on six specific goals, ranging from forest practices to action on climate change to species at risk, sectoral and community prosperity, and marketplace engagement.

Our sixth goal is on protected areas. Ms. Kim Lisgo, who is joining us via video conference, is our conservation planning team leader. She's in Whitehorse, deep in the Yukon.

I'm going to turn this presentation over to her. She's going to take you through some remarkable work we've been doing in looking at the science of gap analysis across Canada's boreal forest.

• (1125)

**Ms. Kimberly Lisgo (Conservation Planning Team Lead, Canadian Boreal Forest Agreement):** Thank you.

**The Chair:** Carry on, Kim.

**Ms. Kimberly Lisgo:** Thank you very much, Aran.

The work I'm going to present to you today was led by the BEACONS project in collaboration with the CBFA. BEACONS is a collaborative research project with academics from the University of Alberta, Laval, Memorial, and Simon Fraser University. Many of the concepts and methods I will speak to were developed with the support of Environment Canada.

Before I dive into the assessment, I will provide some background on this work.

Protected areas have been established for a number of reasons, but I'll focus on conservation planning. To date, protected areas have been the primary tool used by conservation planners to conserve biodiversity. Much effort has been dedicated to design efforts, yet despite these efforts, biodiversity continues to decline, which raises the question of why.

There are a number of reasons that protected areas can fail to achieve biodiversity objectives, and I'll speak to three.

The first is the use of policy-based targets. Given their lack of biological foundation, they have a high likelihood of failure with regard to maintaining biodiversity.

The sole reliance on protected areas for conservation action often leads to the erosion of landscape surrounding protected areas. If protected areas are not well designed, the effects of human development can infiltrate and negatively impact the ability of the protected area to conserve biodiversity.

So what does this mean for biodiversity conservation?

Within the CBFA there is recognition that protected areas have an important role to play in maintaining biodiversity, but that protected area networks alone will not conserve biodiversity and that all elements on the landscape have a role to play.

For example, as illustrated in the figure to the right, large-scale processes such as the movement of wide-ranging species such as caribou often extend well beyond protected area boundaries. How we manage landscapes around protected areas is just as important as how we manage within.

By managing these landscapes carefully, we can maintain functioning ecosystems throughout and have flexibility when responding to unexpected events. In other words, we plan proactively rather than reactively, which requires the application of ecologically sustainable land use practices.

Identifying sustainable land use practices can be a challenge, given a number of uncertainties: our knowledge of ecosystems is incomplete, the response of biodiversity to human development is largely unknown, and climate change compounds the issue.

However, rather than ignore this uncertainty, we can address it head-on by treating human development as an experiment. This requires controls and monitoring. Without controls, we cannot distinguish the effects of human development from climate change. We refer to these control areas as ecological benchmarks.

Ecological benchmarks are controls for understanding boreal systems and the response of biodiversity to management practices. Benchmarks are protected areas designed to be functional systems in and of themselves, with design specifications based on the best available science. They are designed to be large, intact, resilient to natural disturbances such as fire, and they capture both terrestrial and aquatic systems.

So how does the experiment work?

In this illustration, the matrix in brown represents the spaces between protected areas. Within the matrix we have a forest tenure outlined in blue where we would like to undertake sustainable land use.

If we detect a population decline within the tenure, we do not know if the decline is due to forestry practices or an external influence. However, if we add ecological benchmarks, we now have an experiment.

• (1130)

**The Chair:** Kimberly, just to interrupt you briefly, I need to make the committee aware that the bells just started ringing, which means we have 30 minutes to get back in the House for a vote.

I was wondering if all of you were willing to just stay about 15 minutes. I think we can make it back. Is that cutting it too tight? They just started ringing, so we're going to go for another 15 minutes.

**Mr. Mark Gerretsen (Kingston and the Islands, Lib.):** I think we should leave about five minutes ahead of the Conservatives.

**Some hon. members:** Oh, oh!

**The Chair:** Let's get back to the witness statements. Please carry on, Kimberly. Ignore the back-and-forth here. You have our full attention. Please carry on.

**Ms. Kimberly Lisgo:** Thank you.

The point I was getting to is that if we add ecological benchmarks, we now have an experiment.

If the population declines in both the tenure and the ecological benchmarks, the decline is due to external influences such as climate change, rather than the forestry practices. However, if the population declines in a tenure only, then can we draw the conclusion that the forestry practices are not ecologically sustainable and they must be adapted.

To support the protection of biodiversity and the identification of sustainable land use practices, the CBFA has committed itself to the establishment of ecological benchmarks and the implementation of adaptive management. To this end, the CBFA has supported the BEACONS project in undertaking a pan-boreal assessment of existing and proposed protected areas.

The pan-boreal assessment has two primary components. The first is the evaluation of protected areas with regard to the representation of 25 biodiversity surrogates, which includes biophysical features, freshwater systems, songbirds, and species at risk. The second component is the identification of ecological benchmarks, which starts with the evaluation of existing protected areas and the identification of new areas.

The tool overall is flexible, and additional data sets can be easily incorporated. It is a decision support tool that can be used to evaluate protected areas and conservation proposals, including indigenous conservation areas.

Now I'll share some of the results with you.

I'm not sure if the slides are advancing or not, but hopefully they are. This figure highlights in black—

**The Chair:** We're keeping up with you.

**Ms. Kimberly Lisgo:** —protected areas with the ability to function as ecological benchmarks. Regions in the boreal, highlighted in dark green, are adequately benchmarked by existing protected areas. Regions in lighter green have protected area benchmarks, but they are not sufficient, and additional benchmarks are needed. Areas shown in grey do not have benchmarks.

**The Chair:** Kimberly, you have one minute to just wrap it up, if you don't mind.

**Ms. Kimberly Lisgo:** Okay. Thank you. I'll just wrap it up with this last slide, then.

The following slide illustrates an example of the application of the pan-boreal assessment tools and concepts in the Saskatchewan River delta. The CBFA planning exercise involved direct engagement with the Saskatchewan government, including alignment with provincial protected area initiatives and conservation objectives, such as the protection of species at risk.

The conservation matrix model and the concepts within the pan-boreal assessment have been applied elsewhere, including the Ontario far north and Plan Nord in Quebec, as well as through collaborative work with the U.S. Fish and Wildlife Service in designing benchmarks in Alaska, Yukon, B.C., and the Northwest Territories.

In conclusion, the pan-boreal assessment and the underlying conservation matrix model is a decision support tool that can assist with the design of a protected areas network for Canada. By expanding the role of protected areas to include ecological benchmarks, we can plan proactively, address uncertainty head on, and identify truly sustainable land use practices.

Thank you.

**The Chair:** Kimberly, thank you very much to both you and Aran.

We really appreciate it. We do have these presentation slides in our possession, and now we have a better understanding of what the slides are trying to tell us. Thank you for that.

We're going to try to hear from one more witness. These are the four witnesses we had to put off last time, and we'll try to make sure that we hear from them today.

Up next is the Forest Products Association of Canada. Kate Lindsay, you can go ahead, please, for eight minutes; that's the maximum we have before we have to go.

Thank you.

**Ms. Kate Lindsay (Director, Conservation Biology, Forest Products Association of Canada):** Thank you for the invitation.

I am here today representing the Forest Products Association of Canada, or FPAC, which is the voice of Canada's wood, pulp, and paper producers.

The forest sector employs more than 230,000 Canadians in 200 rural communities from coast to coast and is uniquely positioned to play a significant role in conserving biodiversity and species at risk.

FPAC members sustainably manage approximately 90 million hectares of land in Canada. That's an area approximately twice the size of Sweden or two and a half times the size of Germany. FPAC members manage forests in a manner that supports economic, environmental, and social sustainability, and work closely with indigenous communities across Canada.

I am going to tell you about three current forest sector activities that directly relate to the conservation of biodiversity and species and help Canada meet its conservation objectives. The first is certification, the second is conservation planning, and the third is FPAC's climate change challenge.

Regarding certification, for over 15 years, all FPAC members have had a third party certify their forest operations under at least one of three certification standards: the Canadian Standards Association, CSA; the sustainable forestry initiative, SFI; or the forest stewardship council, FSC.

Canada is a world leader in this area, with about 160 million hectares, or 43%, of the total certified forests in the world. Certification bolsters an already strong forest regulatory environment. In fact, Canada's forestry regulations and laws were cited in a study from Yale University as being among the most stringent in the world.

Of the many requirements for certification, perhaps the most relevant to this discussion is the requirement to conserve biological diversity, or biodiversity. All certification standards require the maintenance of naturally occurring ecosystems and habitat for species at risk. Conserving biodiversity is built into forest management planning.

Additional relevant certification requirements include the protection of riparian areas, which are those areas adjacent to permanent waterways; the protection of biologically or culturally significant sites; the use of ecosystem-based management approaches, or EBM; and the development of biodiversity research programs. All of these certification requirements are voluntary and significantly contribute toward Canada's conservation objectives.

The second activity I want to talk to you about is conservation planning. Conservation planning contributes to Canada's conservation objectives by helping to identify areas that require some form of conservation. The principles of conservation planning are incorporated into the multiple scales of forest management. For the past five

years, the Canadian boreal forest agreement, or CBFA, has been one of the primary vehicles for conservation planning.

The CBFA is a collaboration among forest companies and the environmental groups in Canada. It's built on recognition of the importance of both conservation and a vibrant forest sector. The agreement covers over 70 million hectares of public forests and addresses everything from forest practices to recognition in the marketplace.

While the CBFA has six goals, the major achievements under the first three of these goals are most relevant to this committee.

Under our first goal, we have completed jointly developed guidance and auditing requirements for forest companies to implement practices that fall within the natural range of variation, or NRV, essentially mimicking nature and natural disturbance patterns.

Under goal two, we have jointly developed a protected areas planning framework, which is the basis for our conservation planning approach. Our regional planning tables also utilize a pan-boreal assessment tool that provides national context for existing protected areas and ecosystem representation. We look at the existing legally protected areas and set-asides and determine how we as CBFA signatories can contribute and build off of them to create additional protected areas, or conservation areas, that benefit ecosystem representation and provide habitat for species at risk. In addition, we seek to provide corridors between protected areas when it is beneficial for migratory species.

Under goal three, we have jointly developed a CBFA caribou action planning framework, which we are using in multiple regional planning groups across Canada as we speak. The caribou framework references the federal recovery strategy and looks for solutions that work for both species recovery and the maintenance of a viable forest sector.

● (1135)

In addition to these three goals, the CBFA acknowledges the critical importance of inviting indigenous communities, provincial governments, and other interested parties to our planning tables. We have been able to find creative win-win solutions and together have made significant contributions to conservation objectives, including guidance and approaches to help Canada in its conservation objectives and targets.

The last thing I want to talk about is FPAC's recently announced "30 by 30" climate change challenge.

This substantial commitment aims to improve the forest sector's carbon mitigation by 30 megatonnes of CO<sub>2</sub> equivalent per year by 2030. This is a significant contribution to Canada's emissions reduction target. Reaching this target will require action on the part of many partners, including all levels of government.



Improvements can be found in the way we utilize harvested trees, in increased use of wood in buildings, and in further energy efficiencies at our facilities.

As part of our commitment, we will be implementing adaptation practices to help preserve functioning and healthy ecosystems. This includes using climate change predictions and best available information in our long-term forest management planning so that areas set aside for conservation will be providing those benefits, whether by carbon sequestration or preservation of habitat, well into the future.

The forest sector is uniquely positioned to contribute to Canada's conservation objectives, utilizing both protected areas and conservation measures built into sustainable forest management. This includes implementing the initiatives I touched on today.

Thank you for the opportunity to speak with you. I look forward to your discussion today and to answering any questions you may have.

Thank you very much. *Merci beaucoup.*

• (1140)

**The Chair:** Thank you all very much. Thank you so much for shortening up your presentations and giving us the chance to at least hear those four right now. We have one more to come.

We're going to go to the House to vote. We're going to come back as soon as we can. While we're all off voting, can you consider extending this meeting? I have a subcommittee meeting that goes for another half hour. We may be able to extend the meeting, if the committee is prepared to continue sitting and if our witnesses are able to stay.

I'll let you all think about that and work on it as we go for votes.

Thank you.

• (1140)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (1220)

**The Chair:** Good afternoon. I'm going to reconvene the meeting and get started, because we want to make sure we make best use of all the time we have.

Thanks again for the patience of everyone waiting for us while we were running back and forth to the House.

I would like to ask Linda Nowlan of West Coast Environmental Law to start with your deposition.

Welcome. Thanks for your patience while you waited for us.

**Ms. Linda Nowlan (Staff Counsel, West Coast Environmental Law Association):** Thank you very much. Thank you to all the members of the committee for running back and being back with us.

I'm pleased to be here to speak with you today on this critical topic, and I commend the committee for tackling this issue.

West Coast Environmental Law is an environmental public interest non-profit organization, and we've been operating in Vancouver since 1974. We currently work on marine protected areas, and that's what I will speak about today.

I've also filed a brief with the committee that has much more detail. Our written brief contains two main recommendations. I'll talk about those and some subtopics in one of the recommendations.

We ask you to first see what we can learn from other countries and their experience in creating marine protected area networks, especially their laws. Second, we ask the committee to determine how to fill the gap in our marine protected area legal regime.

We believe that new and amended legal provisions can provide you with the jet fuel that's needed to reach these very ambitious targets that you've heard so much about.

First, when looking at progress on MPAs in other countries, what can Canada learn? Witnesses you've heard from have outlined the glacial pace of progress on MPAs and the complex policy and social environment in which MPAs are created. Many witnesses to this committee have pointed out that the MPA creation lags far behind terrestrial conservation area creation and far behind Canada's legal commitment, which exists not only under the Convention on Biological Diversity but also under the United Nations sustainable development goal as well as the UN Convention on the Law of the Sea.

Some witnesses have underscored the need to go beyond the ambitious targets in Minister Tootoo's mandate letter so that our targets can match the growing body of scientific evidence demonstrating that 30% or 35% coverage is needed to retain the incalculable benefits of the ocean's ecosystem services.

Progress on MPAs has been remarkably slow. Where there is a will, however, there is a way. Other countries have made astonishing progress in a short time frame. Australia, California, the United Kingdom, the European Union, and South Africa are all examples.

Many of these places with successful records of MPA network expansion share a key feature: they've introduced a bold new law that compels action. Law can be a force for change. Canada can learn from their experiences.

A strong legal foundation is one of the enabling conditions for marine protection. The brief goes into a number of examples from Australia, California, the U.K., Scotland, the tiny island nation of Palau, and South Africa. There are also Chile and New Zealand.

A number of countries are racing to meet these legal targets to create MPAs. While no single factor can be pinpointed as the most effective way to a secure marine conservation, law does play a significant role. Careful study of the features of these laws that enabled rapid progress is warranted, and we encourage you to look in detail at features of laws that have proved successful.

Turning to the second point, our brief provides an overview of some gaps in the existing Canadian legal framework for MPAs, with examples of provisions from other places that suggest possible solutions to modify and adapt into law in Canada.

I will go through a few of those.

The first is to designate multiple marine protected areas at once instead of using the ad hoc one-by-one approach that has proved so slow and cumbersome. The evidence suggests that the ad hoc approach to marine protected areas has not worked well. An alternative approach is to designate multiple sites at once, following examples of other countries.

•(1225)

A legislated Canadian framework that ties together the various agencies responsible for MPA creation while setting common goals and objectives could be a foundation for a successful new approach. In the interim, all agencies with responsibility for MPA designation could agree to approach key geographic areas en masse and designate a series or a network of MPAs at once.

What better place to start than in British Columbia? We urge you to look at the exciting and innovative example of the B.C. marine planning partnership, also known as MaPP, as a place where the federal government can make rapid progress in expanding a network of marine protected areas on B.C.'s north and central coasts.

In April 2015, MaPP, the partnership between the Government of British Columbia and seventeen first nations, in a laudable example of co-governance, formally approved marine plans for an area of 102,000 square kilometres, a huge area of our central and north coasts. These plans create large-scale zones in the ocean, similar to the types of zones that we use on land.

To take one example from Haida Gwaii, the planning team identified protection management zones based on important ecological, economic, cultural, and social values. Ten per cent of the area is zoned for high levels of protection to protect eelgrass, kelp, forests, rockfish habitat, seabird colonies, estuaries, herring spawn, and salmon-rearing, areas with mixed human and ecological values. There are also lower-level protection zones corresponding to IUCN categories III and IV, for example. There are special management zones and general management zones as well.

These zones were adopted after years of scientific evidence-gathering, consultation with communities, and a unique partnership between these first nations and the Province of B.C.

**The Chair:** You have one minute.

**Ms. Linda Nowlan:** Okay.

MaPP received the transformative award at the Vancouver Aquarium's 21st Annual Coastal Ocean Awards dinner this past February.

It's an example of indigenous reconciliation in the oceans as well, and we commend you for deciding to focus part of your study on indigenous mechanisms for conservation, because there's a great opportunity in Canada to increase our marine protected areas using mechanisms such as indigenous community and conserved areas, or ICCAs. A recent study shows through empirical evidence that laws

that authorize indigenous co-management end up protecting a greater area than laws that do not have those features. We recommend that you look in depth at indigenous mechanisms in co-management.

We also recommend—

•(1230)

**The Chair:** I hate to do this, but you're over the eight minutes. I want to make sure that we have as much time for questioning as we can. Could you do one more very quick wrap-up statement?

**Ms. Linda Nowlan:** I will indeed.

I will finish up by saying that government can act quickly when the will is there. There are numerous examples of speedy parliamentary action on protected areas. We have listed some of those in the brief. Where there's a will, there's a way. Law can be a force for change.

We'd be happy to answer any questions or go into more detail about some of these innovative legal provisions that can guide you as you continue your study.

Thank you very much.

**The Chair:** Linda, I really appreciate your patience.

I'm sorry to have to keep cutting everybody off, but we're going to begin a round of questioning now. We have six minutes each, and I'm going to be kind of strict.

Mr. Fast, you're up first.

**Hon. Ed Fast (Abbotsford, CPC):** Thank you very much to all our witnesses at the table.

My first question is to Linda Nowlan, just for clarification.

You referred to international legal commitments we have for setting aside terrestrial and marine protected areas. What do you mean by legal commitments? Are those binding, enforceable legal commitments, or are you suggesting that these are aspirational targets that we as Canadians should be enshrining in the law within Canada?

**Ms. Linda Nowlan:** The legal targets are binding. We are a party to the Convention on Biological Diversity, and the Aichi targets that you've heard so much about are a legal commitment.

We also have commitments under the UN Convention on the Law of the Sea. Article 192 requires all states "to protect and preserve the marine environment", with no qualification to that duty.

There's further guidance about creating networks of protected areas in both the biodiversity treaty and the UN sustainable development goals.

**Hon. Ed Fast:** I'm assuming those international agreements don't have any enforceability provisions.

**Ms. Linda Nowlan:** When Canada signs a treaty, it means it to have legal effect in Canada. The Oceans Act is one of our vehicles for translating international commitments into law in Canada.

**Hon. Ed Fast:** Yes, but I think you understand what I'm saying. No enforceability mechanisms are incorporated into those international agreements. The reason you're here at the table is at the very least to encourage us to enshrine those commitments in Canadian law. Is that correct?

**Ms. Linda Nowlan:** Yes, that is correct, but even if the targets are not put into our legislation, the fact that we've committed to them in international treaties does make them binding on us.

**Hon. Ed Fast:** Right.

I have a broader question. I'll ask Mr. Bates to start with his answers, and the rest of you can jump in.

Over the course of this study on conservation, we've heard a range of testimony on the degree to which Canadians should be able to use parkland, whether it's protected areas or national parks. CPAWS was in here giving testimony, and the general direction of their comments was that interaction between humans and the parks and protected areas themselves should be limited as much as possible.

I also noted that the minister's mandate letter highlights two things: one is to protect areas and the other is to significantly increase the interaction of Canadians with nature within our parks and our protected areas. There's a natural tension there between the use of these facilities by Canadians and the imperative to protect those areas to ensure biodiversity is maintained and that the activities we undertake within those areas do not in any way measurably degrade our environment.

Mr. Bates, how do you reconcile those two? You speak for a broad range of users of our parks, including the anglers and hunters.

• (1235)

**Mr. Rick Bates:** There are important degrees of designation that allow flexibility for compatible use. If we're too strict in defining and limiting use, it will make it harder for us to achieve our goals of conserving biodiversity. If we are flexible around the degree of protection in different areas, some areas that are extremely important to the survival of a particular species or multiple and very sensitive species may be less able to deal with certain types of human interaction, but there are other areas where activities like ranching and all kinds of other activities would be very compatible with a lower level of protection. We're quite open and happy and supportive of multiple use in most situations.

**Hon. Ed Fast:** Mr. O'Carroll.

**Mr. Aran O'Carroll:** Our presentation focused on the concept of ecological benchmarks in the design of the protected areas network, particularly for the boreal area of Canada. Their intention is to be a control, if you will, that helps us better understand how we're managing the whole landscape of the boreal. As such, it is critically important maintain these controls, these ecological benchmarks, close to their natural condition and preserve the ecological integrity of those systems so that they're an effective reference that can help guide our management of the wider landscape.

Protected areas are there as our controls for management on the wider landscape. They need to be managed with ecological integrity

as a priority, which isn't to say that human use is incompatible, but it just needs to be secondary to that overarching objective of ensuring we preserve the ecological integrity of those systems.

**Hon. Ed Fast:** Thank you.

**The Chair:** Mr. Fast, I'm sorry to say you're out of time.

We have Mr. Aldag.

**Mr. John Aldag (Cloverdale—Langley City, Lib.):** I'd like to thank all of our guests today for their patience through a bit of a challenging morning. I really appreciate that.

I'm trying to make sense of my notes, with the disruption we had.

I'm going to start with Mr. Chalmers. A few days ago we heard from the prospectors and developers, who talked about the need for transparent and inclusive decision-making processes. I'm interested in hearing from the mining sector as to what your thoughts are.

I take the comment from Mr. Fast. I spent my career in Parks Canada trying to strike that magical balance between use and conservation. We always had a bit of a saying. It was trying to get the right people or activities in the right place at the right time, and it's really about that balance.

I'm wondering, from the mining industry's perspective, how we get the right activities into what are often pristine or untouched wilderness areas. What's the right activity in the right place at the right time, and what processes does the mining industry use to guide that?

**Mr. Ben Chalmers:** Thank you.

Earlier my colleagues raised the notion of flexibility in land use, and I think it's really important when we make decisions about the kind of land use conservation we're going to be putting in place to understand which critical ecosystem values we need to protect and to identify the actions necessary to address those threats. Also, I think that understanding the value of the land on an economic basis and understanding the subsurface mineral potential are pretty critical.

A number of years ago we worked with the Nature Conservancy to negotiate some park boundaries for the park on Bathurst Island up north, and part of that process involved weighing the ecological values versus the mineral values. In some cases mineral tenure was given up, and in some cases mineral tenure was protected. I think it was a real multi-use process that came up with a responsible order for the park.

**Mr. John Aldag:** Would you say that the existing processes that you work with seem to be effective in helping find that balance?

• (1240)

**Mr. Ben Chalmers:** One of the things we have been observing recently is that we represent 75% of the workload of the Canadian Environmental Assessment Agency. There's a disproportionate focus on mining in terms of environmental assessment, which, in our view, is a really important tool for making decisions around land use.

To your point around making decisions with multiple voices at the table, that's fairly limiting, and I think it's something that could be addressed.

**Mr. John Aldag:** Speaking of decision-making and multiple voices at the table, I think what we've heard with Aran's and Kim's and Kate's presentations is that there's been some great work done within the forestry industry. I'm really intrigued with the work that's going on.

I'd like any of the three of you to comment about what has worked in the model you've been developing, as well as any limitations. I was reading a document in which one of the criticisms or concerns was that aboriginal communities haven't been as involved. In these multi-party discussions related to boreal forest conservation and maintaining a healthy forestry industry, what's working and what's not?

**Mr. Aran O'Carroll:** Maybe I'll lead off with a few comments and then turn to my colleagues. I'll just make a couple of quick observations.

The first thing is that generally, in advancing protected areas across the country, collaboration is the key, by which I mean cross-sectoral collaboration with governments, industry, conservation groups, and indigenous communities all involved in a conversation. That's clearly the approach we need to foster. We are stumbling our way, as part of the CBFA, towards that, working with the provinces across the boreal and dozens of first nations communities in the landscapes where we're applying some of the protected areas principles that Ms. Lisgo showed to you.

The key to it is collaborative planning, being at the table together and searching for solutions. The fact that we can find the solutions together, in dialogue and discussion, is really the Canadian difference.

**Mr. John Aldag:** Perhaps—

**The Chair:** You have one minute.

**Mr. John Aldag:** Kate, could we hear from you about what you feel has worked and if there are things you would like to see strengthened as we try to find that balance between industry uses and conservation?

**Ms. Kate Lindsay:** Thanks for the question. I'll build a bit on what Aran said.

Where we've seen success has been, I believe, where we brought parties to the table early. I've been involved in some work in Newfoundland. We invited the provincial government and the indigenous communities to the table right from the beginning. Often these processes are complex and they take more time, but I think having the right people at the table leads to a better outcome, and it achieves that broad-based support, which I think is important.

There's not much to add to that. We've had challenges, but I think it's about collaboration, relationship-building, and building that trust. It's an understanding that although protected areas provide some conservation outcomes, what the forest sector can do from an adaptive management perspective to build on those protected areas is quite key. It will take more than protected areas to provide these conservation outcomes.

**The Chair:** Thank you. You're out of time. My apologies.

Mr. Stetski is next.

**Mr. Wayne Stetski (Kootenay—Columbia, NDP):** Thank you. I'm Wayne Stetski, from the riding of Kootenay—Columbia. I'd like to start by recognizing Teck's contribution to conservation in my riding.

For questions, I'll start with West Coast Environmental Law and the Canadian Wildlife Federation. We've heard fairly consistent messaging from witnesses that we need a national long-term vision for Canada beyond the 10% and 17% targets, so where do we want to be with conservation in the long term in Canada? We've also heard that we'll need federal government leadership and coordination on reaching the 10% and 17% targets, so we need a coordinating model that will get us there. It could be similar to the health accord model we have in place.

The third thing is the challenge in deciding what should be in and out for reaching those targets. Should it be quantity or quality, and how do we decide what should be in and out? We've heard a bit about IUCN classifications. The Canadian Council on Ecological Areas has a classification system.

I'm interested, and I'll start with the environmental law association. Is there a model out there that you've seen that you think we could be applying to decide what should be in and out of the total targets of 10% and 17%?

●(1245)

**Ms. Linda Nowlan:** Thanks for the question.

I think you've heard from other witnesses that the IUCN currently has a task force looking at these other effective area-based conservation measures, and it should be reporting soon. The Canadian Council on Ecological Areas has provided a lot of input into the IUCN task force. That report will probably provide some good guidance for Canada about what should be counted and what shouldn't be counted.

I did note that the indigenous community conservation areas are one particular type of protected area that could, if their primary goal is to protect biodiversity, qualify as another effective area-based conservation measure.

**Mr. Wayne Stetski:** To the Canadian Wildlife Federation, I ask the same question.

**Mr. Rick Bates:** I agree that the IUCN recommendations will be helpful. My understanding is that they should be out soon, and that will be helpful.

Your question about what should be included in terms of quantity and quality is a bit of a struggle for many countries. I think it would vary for each ecoregion and ecosystem in terms of the amount of threat and the type of threat. I don't know that there's a general answer. I think it would be specific to a particular area.

**Mr. Wayne Stetski:** For the Canadian Boreal Forest Agreement, you mentioned pan-boreal assessment as a tool you've used for deciding what counts. Is that related somewhat to the IUCN or Canadian Council on Ecological Areas system? That's for the Canadian boreal forest group.

**Ms. Kimberly Lisgo:** I'll respond to that.

The pan-boreal assessment includes quantitative measures for determining the amount of additional area that's required to be protected. That provides science-based numbers rather than the more policy-based numbers we have coming out of IT, for example. There hasn't been any particular alignment with any type of international agreement or suggestions for the amount of area to protect, other than the science-based numbers we're coming up with.

**Mr. Wayne Stetski:** We should measure those as well as have a quantity measure, then.

**Ms. Kimberly Lisgo:** Yes.

**Mr. Wayne Stetski:** I have a quick question for the West Coast Environmental Law Association again. As you know, the government is committed to restoring ecological integrity as a priority in our national parks system, which includes national marine conservation areas, and currently national parks only spends about 7.9% of its budget on conservation.

What is your assessment of where things are currently in terms of ecological integrity in marine protected areas? What are some of the challenges? How do we mitigate them, and are there other models from around the world that we should be looking to?

**The Chair:** You have one minute.

**Ms. Linda Nowlan:** The written brief provides a lot of information on this topic. I think we can put conservation objectives directly into law. We can put the ecological overriding goal directly into law for the marine side of the equation. It is there in the Canada National Parks Act, but is not there in the Oceans Act or the Canada National Marine Conservation Areas Act, so there are things we can do to use our law to make sure that ecological integrity is protected, and I urge you to look at the written brief for more examples.

**Mr. Wayne Stetski:** Thank you.

**The Chair:** Thank you very much.

Now we have Mr. Bossio.

**Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.):** Thank you, Chair. Thank you all for being here today.

This has been enlightening and enlightening from the standpoint that we struggled with this in the last report we were working on around sustainability and reaching the 17 SDGs and how to establish a legislative framework and then give it teeth to bring about accountability and enforcement. This is a similar type of situation we're dealing with now.

We have targets. We have goals that have been out there for decades that have never been met. I refer to Einstein's comment that if you keep doing the same thing over and over again and it doesn't work, you are insane. It's the definition of insanity.

I'd like to throw it out there, first to the West Coast Environmental Law Association.

I like what you're saying around a legislative framework and putting these targets into legislation, but once again, do you define this legislation around targets—10%, 17%—or do you first identify threats, identify areas through an assessment process or whatever the case might be, and then put the protection into the law? Once again, how do you build accountability and enforcement into that?

● (1250)

**Ms. Linda Nowlan:** I don't know if you actually need to put the numerical targets into the law. I think you need to put their conservation objectives into the law. I think you need to put timelines for completion of things into the law. I think we could do a better job of creating legislated procedures that would get us past this painful, laborious one-by-one site selection that can drag on for 10 or 20 years.

New Zealand, for example, is currently amending its marine protected areas law. They're proposing to use a collaborative approach as one approach, or if that's not going to work, to create a board of inquiry headed by one of their environmental court judges to actually make a ruling about what the scope of the protected area will be.

All the agencies you've heard from are doing a wonderful job of identifying all the places that we need to protect, the priority areas, the EBSAs, the marine bioregions. There's so much scientific knowledge, and in B.C., as I mentioned, we have these MaPPs, these protection management zones, that could be turned into protected areas almost overnight.

They have the huge evidence base already there. It's a long story of why the federal government wasn't involved in that process, which I don't have time for, but I am happy to provide follow-up information on how MaPPs' protection management zones could easily be converted into marine protected areas.

**Mr. Mike Bossio:** Do you see the same, though, for all protected areas, whether marine or land-based terrestrial ones?

**Ms. Linda Nowlan:** I think there are legislative changes that can speed up our progress. You have heard that the marine side lags far behind the terrestrial side, so I think it's more urgent to address legislative renewal for the marine side of our protected areas equation.

**Mr. Mike Bossio:** Thank you.

Aran O'Carroll and Rick Bates, because I'm running out of time, could you very quickly also comment on that? You've gone through the assessment process and you've gone through the collaborative process. You've had some success, if not nearly enough success, so do you think that a legislative approach would speed things up and accelerate the process?

Then I'd like to put it to the mining and forestry people whether they feel it would provide more certainty for them moving forward in reaching these targets without creating too onerous a process.

**Mr. Rick Bates:** It's important to look at the Species at Risk Act, for guidance because that is one area where there's been awfully slow development in the listing of species. While there is a law there that compels action around listing, we're way behind the appropriate listing and recovery strategies for species at risk.

That may be a place to look as a way to significantly improve on that process if we do head down the path of law.

**Mr. Mike Bossio:** We have the Oceans Act. We have the Fisheries Act. We have the Navigation Protection Act. We have the Species at Risk Act. We have CEPA. There are many different acts and regulatory regimes out there. Do you not feel that we should try to combine some of these regulatory oversight mechanisms into one overarching mechanism that is focused purely on protected areas?

**The Chair:** You have less than one minute.

**Mr. Mike Bossio:** Sorry. There is never enough time.

Please, go ahead, Rick or Aran.

• (1255)

**Mr. Aran O'Carroll:** I tend to agree with what Ms. Nowlan is saying.

We need clear objectives and processes that get us towards these commitments we've made. A law is but a tool, and it needs leadership. To Mr. Stetski's point, we do need federal leadership, either to implement a new law that is perhaps more focused on these things or in fact for some of the existing legislative mechanisms we have.

**Mr. Mike Bossio:** Could I quickly get an answer from Ben or Ms. Lindsay?

**The Chair:** I'm going to have to cut you off there. Sorry, Mike.

We have just finished one round. We're going to move into the second round. We did get the okay from the witnesses to stay on.

Is everybody okay to stay on for another half hour?

Okay. We'll maybe move our subcommittee meeting to the beginning of next Thursday. We'll work that out later.

We'll move into the second round.

Go ahead, Mr. Fisher.

**Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.):** Thank you very much, Madam Chair.

Thank you very much to all the folks here for being so patient. To those of you who have come back after being displaced last week, I certainly appreciate your putting up with our hectic schedules.

This question would be for Ben. I'd like to know more about the Towards Sustainable Mining program.

**Mr. Ben Chalmers:** Sure.

**Mr. Darren Fisher:** I read about the program. It focuses heavily on self-assessment and it seems that there are very few external assessments. The external assessment data that we can find is based on previous self-assessments, which I find interesting.

If you look at one company's last TSM progress report, they don't have any formalized reporting or communications around biodiversity at all. They admit to having conservation management as part of their closure plans, but nothing really for the duration of the operations. In all of the reports, "biodiversity conservation management" is extremely vague.

During your comments, you spoke about performance indicators and public reporting. Do you feel this is good enough? Are you getting better?

**Mr. Ben Chalmers:** TSM is based on a foundation of self-assessment. Every year, every mine that participates self-assesses. Every third year they are required to undertake an external verification. You see a third of the membership verified each year.

Part of that process also includes the role of a national advisory panel that's made up of aboriginal interests, environmental NGOs, social NGOs, and the financial community. There are about 12 individuals on this panel who also have a role in inviting a small number of companies each year to go through a post-verification review. It's a multi-layered verification process.

The biodiversity indicators are new. The program itself has been around for ten years. We've been reporting on performance around biodiversity for three years. The initial results were relatively low in terms of measuring the systems in place that companies have for managing their biodiversity conservation obligations. We've seen that doubled in the last three years from between 20% and 30%, depending on which of the three indicators you're talking about, to over 60% in some cases. We're making progress.

I admit that we have a way to go, but I think one of the important parts is that we're not afraid to put out into public view that in some cases we don't have these systems in place but we're working towards it.

**Mr. Darren Fisher:** Let's say a mining company is given permission to mine in a protected area. We have closure plans that are mandatory prior to mining. The TSM program looks at the tailing plans, waste water, and more. Have there ever been issues with closure plans not going through—for instance, if a mining company were to go out of business before they could kick off their closure plan in a federally protected area? Are there any example of something like that?

**Mr. Ben Chalmers:** In a federally protected area? I can't think of a case in a federally protected area.

**Mr. Darren Fisher:** So what would happen, then, if a company went bankrupt prior to kicking off...? It seems one of the strengths is the closure plan, but not necessarily the plan while they're actually in operation.

**Mr. Ben Chalmers:** In these eventualities, one of the key parts of regulation that covers all of Canada is bonding requirements. Companies are required to post reclamation bonds so that if they are not in a position to fund their reclamation obligations themselves, that money is already put up, with a plan in place so that someone can come in and address that.

**Mr. Darren Fisher:** What kind of bond would be there? Would it be multi-millions of dollars?

**Mr. Ben Chalmers:** In some cases, it is hundreds of millions of dollars.

**Mr. Darren Fisher:** That happens every time?

**Mr. Ben Chalmers:** The amount depends on the plan, what has to be done. A mine that requires very little reclamation at the end of the day will have a smaller bond. A mine that has a very large reclamation obligation will have a large bond.

•(1300)

**Mr. Darren Fisher:** As more land is federally protected, there's a possibility that's going to mean less land for mining exploration. Do you believe that there can be uniformity there? Do you feel that you can do sustainable mining successfully in a protected area?

**Mr. Ben Chalmers:** From my own personal experience, I started in the mining business working at a small mine called Myra Falls out on Vancouver island. This mine was located in the centre of Strathcona Park, which was the first provincial park in Canada. The mine and the park coexisted very well for over 40 years. We were partners. The mine undertook a lot of the activity to help support the park, such as keeping roads open and whatnot through the winter, helping to repair bridges, and that sort of thing. It was an unusual arrangement, but it worked in that case.

More broadly to your point, in determining what lands to protect, I think it's important to also make sure that we're investing in geoscience to understand where the mineral opportunities are, the high-value mineral areas. That's not to say we should always decide that a piece of land with mineral value should be a mine, but it's to say that when we make these decisions, we should understand both the ecological value and the economic productive value and make decisions based on complete information.

**The Chair:** You have 45 seconds.

**Mr. Darren Fisher:** Were there sustainable mining practices in the last 40 years? You talked about the mine from your town coexisting well for 40 years.

**Mr. Ben Chalmers:** Yes, there's been a lot of learning and evolution as that particular arrangement progressed. There have been changes in tailings practices over the 40-year history, and changes in safety. I talked about our national advisory panel. That mine had a provincially mandated advisory panel made up of park stakeholders who helped oversee how the two interacted.

**Mr. Darren Fisher:** That's a provincial park?

**Mr. Ben Chalmers:** Yes.

**Mr. Darren Fisher:** Thank you, Madam Chair.

Thanks, Ben

**The Chair:** Thank you.

Mr. Shields.

**Mr. Martin Shields (Bow River, CPC):** Thank you, Madam Chair.

I appreciate all the people being here today.

To Kate Lindsay from the Forest Products Association, one of the things is the technology that's involved in biodiversity. As the Forest Products Association looks at an area, could you briefly describe, for example, the satellite technology that's used in defining biodiversity areas as you do extensive research into possibilities for forestry harvest?

**Ms. Kate Lindsay:** Thank you for the question.

The technology would differ across Canada, but typically a detailed forest inventory is collected. Sometimes it is in collaboration with the province and sometimes a private company will do it themselves, and you are exactly right: they will use satellite technology, and lidar is starting to be used in many cases. That provides a very detailed analysis of what biomass is on the ground: tree height, volume, species composition, ecosystem classification, etc.

**Mr. Martin Shields:** It details wetland areas and the whole scope of it so it's a really detailed process, and there's much science-based research going into these products.

**Ms. Kate Lindsay:** Exactly. It has wetland classification, etc. This information is used in our long-term forest management planning. Often there is a 20- to 50-year plan for what forest type will be harvested and how it will be harvested sequentially, and then to set out the regeneration silvicultural practices, meaning the species that are planted to regenerate promptly after harvest.

Also, multiple expertise goes into a forest management plan. I'm a biologist, so I would go in pre-harvest and plan to identify areas for retention, whether they're for species or for water or for different constraints on the land base. That's through provincial forest management regulations as well as certification.

Then there are the voluntary collaborative initiatives we're taking on to do a broader holistic approach to land use planning and conservation planning.

**Mr. Martin Shields:** Thank you.

To Aran O'Carroll, I'm not sure whether it was you or your partner who mentioned that goals with policy, not science, create a problem. Do you want to elaborate on that?

**Mr. Aran O'Carroll:** Ms. Lisgo was explaining the science-based approach that we're using to analyze the status of the protected areas network across Canada's boreal and to identify potential new conservation areas. Her point was that in the CBFA, we're committed to a science-based, science-informed approach to identifying priorities for newly protected areas.

•(1305)

**Mr. Martin Shields:** We're sort of in the world of policy, so if you say that policy leads to bad decisions, what are you telling us?

**Mr. Aran O'Carroll:** We didn't mean to besmirch the policy process. We're just talking about the critical importance of science to inform implementation of policy objectives.

**Mr. Martin Shields:** Good. I think that's the point, because when we got to West Coast Environmental, they were talking about going in a hurry, and I get a little reticent when somebody wants us to go in a hurry, get policy, and implement things. I say, "Where's the science? Let's take the time." When you say to go in a hurry, I get a little nervous about that when you say policy can lead to bad decisions if it's not science-based. The science has got to be important here, right? West Coast?

**Ms. Linda Nowlan:** Yes, the science is incredibly important. There's no doubt about it whatsoever. What I was saying is that there has been a lot, a lot, a lot of science done in the marine field identifying important areas that are worthy of protection, and we can go fast by speeding up the designation, because the science is there.

For these zones I was talking about [*Technical difficulty—Editor*] the science data collected, and using tools such as Marxan and SeasSketch, you can zone in and out and see that you're protecting, for example, over 50% of eelgrass, which is needed for salmon beds. The science base is there in a lot of places.

**Mr. Martin Shields:** I think that's the challenge. The science is there in a lot of places, so when you develop policy, how do you relate the policy to science in a lot of different places? That's the challenge.

When you refer to policy, the policy I think you're referring to in the science-based decisions creates a problem because there's lots of science-based knowledge out there in pieces. We've talked a number of times about a holistic approach, and I think that's what mining industries are moving to, right? Are you using a more holistic approach to dealing with your operations, your business?

**The Chair:** You have 45 seconds.

**Mr. Ben Chalmers:** Yes, I think that's absolutely right, and part of our Towards Sustainable Mining initiative is to take a broad look at all of the key issues, whether they are environmental or social, and measure performance in each of those areas.

**Mr. Martin Shields:** Good.

Thank you, Madam Chair.

**The Chair:** Thank you.

Mr. Amos is next.

**Mr. William Amos (Pontiac, Lib.):** Thanks to all our witnesses. It's a pleasure to have you with us. I apologize for the delays.

My first question goes to Ms. Nowlan at West Coast.

Your presentation and your written brief focused on marine protected areas, but you don't mention marine conservation areas, which are within the purview of Environment Canada.

Do you have submissions to make with regard to the marine conservation area aspect?

**Ms. Linda Nowlan:** Yes, it wasn't covered in the brief. You're right. The brief focused more on the Oceans Act marine protected areas.

A national marine conservation area is a really important tool. As you know, the southern Strait of Georgia proposed NMCA is under way, and it could move more quickly toward designation. It's a

complicated place near a lot of populations and with a lot of overlapping indigenous territories, but it's a very important tool.

I would like to point out that I think we need stronger timelines in that act as well, or in regulations or policy. We have Gwaii Haanas, which is an amazing area, but actually only 3% of that large area is protected right now. There's a committee working on a management plan to try to increase that level of protection. The Haida are saying that at least 30% and probably more like 50% of Gwaii Haanas NMCA should be protected. The act doesn't give us much guidance in that regard.

**Mr. William Amos:** Thanks for that.

I would invite further written comments. Since you have extensive written comments on the MPA aspect, if you'd like to make further written comments on the NMCA aspect, we would welcome that. I mentioned that to all of our other witnesses, and it applies to those who may be reading the transcript as well.

To go to the issue of legislative tools that make up what I call the wardrobe of federal mechanisms that enable protection, we have a whole series of them that are related to marine protection and even more of them for land. I think one of the motivating factors behind this study was an evaluation of the state of the wardrobe. I think the reason Mr. O'Carroll and other witnesses are correct in saying that we have to adopt a consultative approach is that we know there will be different circumstances in different parts of the country. Ms. Nowlan, with respect, it is very difficult to do things very quickly and all at once, because you're dealing with a whole bunch of different wardrobe items.

I wonder if our witnesses could comment on whether they feel we have the wardrobe items or the legal tools in the box that are necessary to achieve the kind of large-scale conservation advances that we want to achieve, or do we need some different approaches? We're in a kind of contemplative mode of looking at whether we have all the tools we need and whether we need to be inventing different ones.

• (1310)

**Mr. Aran O'Carroll:** I'll make a quick response to that.

Thinking about the federal wardrobe, we need to pull together to achieve these ambitious targets. One of the challenges is that the wardrobe is very diverse and siloed. We have federal departments with partial responsibility, arguably, towards these objectives. There's not as much collaboration inside the federal government as is needed for us all to be pulling in the same direction.

I don't know whether anyone else wants to comment.

**Ms. Kate Lindsay:** I would.

Mr. Amos, I agree that there are a lot of tools.



To build on Aran's point as well, a lot of the terrestrial conservation objectives are a shared responsibility between different governments. What I would like to see is a more coordinated approach to what is being approved. Forestry, for the most part, is approved by the provincial government. There could be a more coordinated approach in species management in what the province is doing and what the federal government is mandating or asking for through federal recovery strategies.

Ben touched on it as well. One of the key missing policy suites of tools is under SARA. Within the current act, there are tools such as conservation agreements and permitting tools. We could have more guidance from Environment Canada on the development of those and how those might be implemented. We're definitely willing to work on them. There are some willing proponents who want to invest resources in the best way possible.

There are also opportunities to look at what other jurisdictions are doing. For instance, Australia is looking at a kind of threat management approach. Where there is a piece of geography with multiple species at risk listed, they work in a coordinated fashion to find recovery efforts that would benefit multiple species. It's a move towards a multi-species, area-based approach and it utilizes some of the flexible tools, such as conservation agreements and stewardship initiatives, that I know the forest industry would be happy to work towards.

**The Chair:** I know Mr. Browne wanted to say something.

You have just a few seconds.

**Mr. David Browne (Director of Conservation, Canadian Wildlife Federation):** This is where the federal government could, with the departments, lay out a framework—essentially a protected areas policy framework—specifying how these tools should work together. I don't believe how the tools should work together is clearly laid out, or which tools apply to which types of conservation goals or how the departments should use them. That's the kind of leadership that Parliament and the government can take and direct the departments with.

**The Chair:** Thank you.

We'll go over to Mr. Eglinski.

**Mr. Jim Eglinski (Yellowhead, CPC):** Thank you, Madam Chair.

Thank you to all the witnesses who are here today.

I'd like to start with Ben Chalmers of the Mining Association of Canada.

If my information is correct, I believe the mining association probably employs one of the largest numbers of indigenous people in Canada. In my own experience in my riding of Yellowhead, where there are several mines, I had the good fortune for two years to drive a bus and take miners back and forth, and we used to have a lot of conversations on conservation. The largest elk herd in British Columbia is located on the Coal Valley Resources mine. They work quite closely with the aboriginal community in the area to protect the animals there, to make it a better environment, and they've adapted very well to the environment of working machinery and mining.

We'll go on next door to Teck Coal, which has one of largest sheep herds. They wander among the working employees. They love to sit on the side of the hills that have been the tailings, for example.

I wonder if you could highlight other examples like that. In my riding I could give you a lot, but I wonder if you could highlight some of your other experiences in Canada.

• (1315)

**Mr. Ben Chalmers:** Sure. Again, from my own experience at the Myra Falls mine that I worked at, we used to keep track of the Roosevelt elk, which often would hang around the mine site because it was easy for them to see predators.

It goes back to one of the points I made in my remarks that when you look at a mine site, it has usually a fairly large holding of land that is often undisturbed around the active mine site, and so, in our view, there are real possibilities around making use of some of the tools that we discussed today, like conservation agreements and CEAA decision statements.

There is also, as you pointed out, our relationship with aboriginal communities. We have more agreements signed with aboriginal communities in Canada than any other industry and in any other country, and many of those agreements are increasingly building in environmental stewardship elements. Just the other day I was up at the Red Chris mine in northwest B.C., and they were in the process of hiring, from the Tahltan, someone who would be reporting to both the mine and the Tahltan leadership, and who would be responsible for doing environmental monitoring around the mine site. There are a number of really innovative and interesting things that our industry is doing.

There was another example around a closed mine that was brought up earlier. I referred to bats in my remarks. There is some really interesting work in the interior of B.C. where some old, abandoned mining adits have been turned into bat habitat to help some of the bat species that are recovering.

**Mr. Jim Eglinski:** Do I still have time, Madam Chair?

**The Chair:** You have two minutes.

**Mr. Jim Eglinski:** Okay. I'll go to the forest products and Kate Lindsay.

Kate, on SARA, when I read through the act—

**The Chair:** Sorry; we lost Kate, but now we have her back.

**Mr. Jim Eglinski:** When I read through that act, I see that it talks about land use, especially in relation to endangered species, and they have a 95% land use formula in there. I'd like you to comment on this.

What I found in my area was that when that act was written, they never took into consideration the history and they never took into consideration provincial programs. Most of the provinces in western Canada run cut lines through their forest areas for eventual forest fires, such as the one we had in Fort McMurray. When you bring SARA into consideration, any time there is a cut line, you have to go 1,500 feet on each side of that cut line, which is said to be disturbed land, and if you start taking cut lines going right and left, a lot of the land that is not occupied and has not been occupied and is owned through forestry tenures cannot be used because SARA has been brought into play.

Would you like to comment on that, Kate?

**Ms. Kate Lindsay:** I was just disconnected for a bit.

Are you talking about the caribou recovery plan with the 500-metre buffer?

**Mr. Jim Eglinski:** Yes, I am.

**Ms. Kate Lindsay:** Actually, through the Canadian Boreal Forest Agreement, we're looking at implementing the federal recovery strategy. There were a couple of opportunities within the federal recovery strategy and the scientific assessment which talk about perhaps some regional variation and how that federal recovery can be implemented.

One of our groups in Saskatchewan is looking at variable buffer distance, so in some instances where it is beneficial, the buffer could be expanded. In other instances it could be lessened without impacting the integrity of the objectives of that habitat protection. Some flexibility in how that's applied across Canada is helpful, and using a science-based approach to making those decisions is the approach we're taking.

• (1320)

**The Chair:** Thank you very much. That's great.

Mr. Stetski is next.

**Mr. Wayne Stetski:** I have a quick comment on mine sites. One of the reasons there are sometimes significant populations on mine sites is that they're often no-hunting zones as well.

I have a little different approach and I'll address my question to the Canadian Boreal Forest Agreement, Aran or Kimberly, and then to West Coast Environmental Law.

In the end, one of the things we have to do is convince Canadians the targets that are set are appropriate, whether they're 10%, 17%, or, in the case of the boreal forest, 50%, and from West Coast Environmental Law, the 30%-35% for marine. What sort of messaging do you use to convince Canadians these are the right targets?

**Mr. Aran O'Carroll:** Thank you for your question.

The point we're trying to make is that we're taking a science-based approach and looking to the science to help us inform what the conservation outcomes should be in particular landscapes across the boreal. A focus on that science is critically important, not just for decision-makers but also for the public, to understand that the approach we're taking is science informed and that we're engaging with aboriginal communities in those landscapes and working

collaboratively with industry to find solutions that are going to ensure continued prosperous sustainable development in those landscapes.

**Mr. Wayne Stetski:** The marine target is 30% to 35%. What sort of messaging do you think we should be using with Canadians to convince them that those are appropriate targets?

**Ms. Linda Nowlan:** I echo Aran. It would be the scientists saying that these targets are necessary to sustain the ecosystems on which human and natural life depends.

Oceans provide climate regulation, the oxygen we breath, food and food security. They are a source of wonder, culture, and spiritual strength. Also, of course, you've got to include in your message the importance of a healthy ocean for ocean-dependent economies. A UBC fisheries economic research unit calculated the value of industries on the north coast that depend on a healthy ocean and came up with over \$1 billion of revenue being generated annually from industries that rely on a healthy ocean. That definitely has to be part of the message as well.

**The Chair:** Mr. Browne wants to throw in a quick word, and then we're going to have to cut it off.

**Mr. David Browne:** From our perspective, both those goals recognize the intrinsic value of wildlife and our natural areas, so they're aspirational. As somebody mentioned earlier, we need to set strong aspirational goals regardless of science; ethically, we want to be protecting wildlife and habitat.

Some of those goals are targets to shoot for. It's not just a science. I'm a scientist, so I may be shooting myself a bit here, but it isn't just a scientific argument. It's difficult to make the argument, because it varies from place to place, that 50% is absolutely enough. It may not be, it may be, but from a public perception, as an aspiration of what Canada is doing, we need to set those kinds of goals that are likely to achieve good benefits and try to meet them. That's more the kind of messaging we would use with Canadians: that this is a great thing for Canada and for you, and it's going to ensure wildlife for future generations here in our country.

• (1325)

**The Chair:** We've come to the end of our second round of questioning. We have a few minutes until half past. If the committee wants, we can do three minutes each side to go at it one more time. Because the witnesses have been so patient in coming back, I'm willing to do that if you guys would like that.

Does anybody want to ask any more questions?

Go ahead, Mr. Amos.

**Mr. William Amos:** This is a question that need not be answered now unless you have a prepared answer. We've asked other witnesses to comment on how they feel federal leadership could or should be exercised, whether through coordination or through the structuring of a pan-Canadian approach to protected areas.

This idea has come up, and we have invited other witnesses to comment on what the federal government could do to show leadership and to help guide multiple levels of government, including indigenous, municipal, and provincial governments. How could the federal government lead, not to take over the discussion but to bring it to more frequent and large-scale successful conclusions?

**Mr. Aran O'Carroll:** I'll jump in there.

I think the convening capability of the federal government is very important. A couple of the speakers spoke about the species at risk advisory council, for instance, which was a council specific to the question of species at risk and was widely respected and did good work. That's one example of the convening function that the federal government can play to pull those parties that you named together to enable conservation and to support a conversation. That is one particular mechanism, I think.

**Mr. Ben Chalmers:** I'll add to that. I completely agree with Aran. I think convening is important. We saw this government do it so far fairly effectively on climate change. A similar approach here would be good. This is an area of shared jurisdiction with the provinces, so bringing the provinces and the federal government together to address this issue in a collaborative approach would be important.

Aran mentioned the species at risk advisory committee. I mentioned it in my remarks earlier in regard to bringing back multi-stakeholder bodies like that. Another one was the former regulatory advisory committee, which provided a multi-stakeholder dialogue space for other environmental protection acts like CEAA. Reinstating those would be a really important thing to do.

**Mr. Darren Fisher:** Could you please repeat the first part? Just kidding.

**Voices:** Oh, oh!

**Mr. William Amos:** Could I ask for just a simple yes or no? Does it seem like a reasonable idea to contemplate combining inter-governmental efforts around species and habitat with intergovernmental efforts around conservation and protected areas?

**Mr. Aran O'Carroll:** Absolutely.

**Mr. Ben Chalmers:** Yes.

**Mr. David Browne:** Yes.

**Ms. Linda Nowlan:** Yes.

**The Chair:** That's yes all round. Thank you.

Mr. Shields.

**Mr. Martin Shields:** Thank you, Madam Chair.

I think we understand that the position from West Coast Environmental is "Quick, do it now." Just quickly going around, though, on this consultation, to get to what Mr. Stetski said, if we want to move to that bigger number, can you do that in a hurry, or do you need to undertake consultation? If we're talking about multiple levels and getting everybody in the room to buy in, can you do it tomorrow?

**Mr. Aran O'Carroll:** Collaboration takes work. It's hard work and it takes time. but it's important to motivate collaboration through aspirational targets. Certainly that's part of what we've done in the

Canadian Boreal Forest Agreement by setting out very ambitious timelines that helped motivate our progress.

**Mr. David Browne:** I think there are different options for meeting those targets. Some have had a lot of collaboration and a lot of talking and are ready for some action. For others, as you say, I don't know if the time frame to meet the target is sufficient to even get through the beginning of the discussion.

I think it's definitely a challenge on how to have appropriate consultations and discussion about new protected areas and meet the targets, but there are certainly a lot out there that have had ongoing discussions for a long time and are probably ready to move forward.

● (1330)

**Mr. Martin Shields:** Somebody would have to make a judgment on where to go first.

**Mr. David Browne:** That's what one of the witnesses was proposing: clarity on who makes the judgment.

**Mr. Martin Shields:** Yes.

**The Chair:** What about Ben?

**Mr. Ben Chalmers:** I agree.

**The Chair:** What about the ladies in the video? Would you like to chime in?

Go ahead, Kate.

**Ms. Kate Lindsay:** I'll echo what Aran spoke to. I think collaboration is key. We thought the SARAC was very valuable, as were some of these multi-stakeholder committees on regulatory development. Absolutely, you need to sit down with the people who might be impacted by these policy decisions and hear from them. It takes time, but I think the end result is better.

**Ms. Kimberly Lisgo:** I agree with what Kate and Aran have said, and there are other mechanisms that can be brought in during that consultation process.

For example, the CBFA did put aside some deferral areas for caribou while they were working on developing a caribou action plan. There are mechanisms to mitigate that delay when considering protected areas.

**Ms. Linda Nowlan:** I too think collaboration is absolutely essential. We have lots of examples when there have been years of collaboration between different levels of government, such as, for example, the marine planning partnership once again. There have been years and years of collaboration, and now it's time to move on with getting the designation in place.

One thing I wanted to mention is that under the Oceans Act, we don't have a mechanism for interim protection of important marine areas that need protection, so if it's going to take 20 years, for example, to put a protected area in place, you need to be able to put in something as an interim protection measure.

We have a provision for emergency orders, but that's very different from interim protection. While the collaboration is going on, let's put in some interim protection for these important ecological areas in the ocean.

**The Chair:** Excellent. Thank you very much.

Mr. Stetski, you have three minutes.

**Mr. Wayne Stetski:** I have a quick question for all of you.

What timeline target would you like to see for achieving these 10% and 17% objectives? As you know, the longer we wait, the harder it gets, so give us an idea of realistic time frames for reaching these targets.

We can start with Aran and go around.

**The Chair:** We put you on the spot.

**Mr. Aran O'Carroll:** Thank you.

Actually the target does come with a timeline on it. I'm not intimately familiar with what that is, but I'm sure one of my colleagues will inform us.

**Mr. Wayne Stetski:** I'm interested in your personal view as well. Should this be a five-year objective? Would you be happy if 15 years from now we're still trying to get to 10% and 17%?

David.

**Mr. David Browne:** The objective was set many years ago, so it certainly gave us the time frame, hopefully, to achieve it. Right now we're looking to 2020 and being able to report. I think we want to get as far along as we can by 2020.

I'm not in a position to have done an analysis of what's on the table and what can be.... I think the departments have done that and have given to the government what they have on the table and whether that adds up to the targets or not, and what that would mean.

Presumably the departments are trying to make that add up to meeting the targets, because that's what parliamentarians are probably asking.

The timeline is set by our treaty, so I think we have to stick to that.

**Mr. Wayne Stetski:** Ben, the mining industry always wants certainty, so the sooner the better, I assume.

**Mr. Ben Chalmers:** I would say one of the challenges is even understanding where we're at. We heard some commentary around various interpretations of classification.

I know my colleagues in the exploration sector have long been looking to try to understand all the various tools that are in place and what kinds of protection there are from a species-specific and a landscape perspective, and what that adds up to.

Even making progress towards understanding where we're at now would be helpful.

**Mr. Wayne Stetski:** Linda, do you want to comment?

**Ms. Linda Nowlan:** Sure. Thanks.

I think the targets that are put in the ministers' mandate letters are achievable. You heard from Kevin Stringer from DFO that these

targets have actually ignited a lot of passion and enthusiasm within DFO and across the country among conservation groups, indigenous communities, and different levels of government that are going to work to achieve them.

It's going to be a stretch to get from 1% to 5% next year on the marine side, and then to double that by 2020, but because of all the years and years of work that have gone on, I think it's possible, and we should definitely go for it.

As you know, Prime Minister Trudeau and President Obama said in relation to the Arctic that's it's not the end point. We fully support reaching those targets within the time frame and the ministerial mandate letters.

●(1335)

**Mr. Wayne Stetski:** Kate, do you want the last word?

**Ms. Kate Lindsay:** Similar to what others have said, with regard to Canada's 2020 goal of 17% terrestrial, I think it would be interesting to know where we stand now.

My understanding is that the federal government is working towards meeting that target. One thing we would emphasize is a broader definition of conservation or protected areas outside of the IUCN categories I to IV, as well as conservation measures as part of forest management in the form of long-term deferrals, set-asides, riparian areas, etc. Some recognition of achieving those conservation outcomes could be embedded, perhaps, outside of a protected area.

**The Chair:** I'm sorry, Kimberly, but we don't have any more time to do more discussion.

I want to thank all of our witnesses again for taking the time to come back and be with us and for being patient while we were running back and forth.

Before I close the meeting, I want to make sure the committee knows that we did have a subcommittee meeting. We are now moving that subcommittee to a half-hour before the committee on Thursday so that we can then pass what we come up with in committee. Otherwise it goes another week, and we'll be in a bit of trouble. We're going to try meeting half an hour beforehand, so it's 10:30 back here for the subcommittee.

I'm seeing shaking heads. If you can't come, can you find someone on the committee who might be able to stand in for you?

I know we've given out some planning documents, and you'll have those to help you come prepared.

Thanks again to everybody. It was a great meeting.

The meeting is adjourned.







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