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

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**EVIDENCE**

**Tuesday, October 4, 2016**

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**Chair**

**Mrs. Deborah Schulte**



## Standing Committee on Environment and Sustainable Development

Tuesday, October 4, 2016

• (1540)

[English]

**The Chair (Mrs. Deborah Schulte (King—Vaughan, Lib.)):**  
Good afternoon. Welcome. It looks like we have everybody in the room, so we'll get started.

Sorry for the delay. We had a small delay with votes.

I would like to introduce all of those who are here to present to us today.

I'll start with the Department of the Environment: Sue Milburn-Hopwood, assistant deputy minister, Canadian Wildlife Service; Grant Hogg, director, stewardship and regional operations, Canadian Wildlife Service; and Olaf Jensen, manager, protected areas coordination, stewardship and regional operations, Canadian Wildlife Service.

From the Parks Canada Agency we have Nadine Crookes, executive director, natural resources conservation branch. We also have Rob Prosper, who is on a teleconference with us. He is vice-president, protected areas establishment and conservation.

From the Department of Fisheries and Oceans we have Philippe Morel, assistant deputy minister, ecosystems and fisheries management; and Jeff MacDonald, director general of oceans and fisheries policy.

From the Department of Indian Affairs and Northern Development we have Mark Hopkins, director general, natural resources and environment branch, northern affairs.

There you are. Thank you. Welcome to you all and thank you for joining us today.

I understand that the Department of the Environment is going to go first.

Thank you so much.

We'll turn it over to Ms. Milburn-Hopwood. Thank you.

**Ms. Sue Milburn-Hopwood (Assistant Deputy Minister, Canadian Wildlife Service, Department of the Environment):**  
Thank you very much.

Good afternoon, members of the committee. It's my pleasure to be back here with you.

[Translation]

My name is Sue Milburn-Hopwood. I am the Assistant Deputy Minister of the Canadian Wildlife Service.

I appeared before this Committee in May when I outlined the full range of federal protected areas and how they are integrated to achieve national and international conservation targets.

[English]

I am here today with my colleagues from Parks Canada, Fisheries and Oceans, and Indigenous and Northern Affairs to build on that presentation and to answer your request to describe the progress that has been made in establishing protected areas, as well as to give you an update on our plans to meet Canada's protected areas target:

By 2020, at least 17 percent of terrestrial areas and inland water, and 10 percent of coastal and marine areas, are conserved through networks of protected areas and other effective area-based conservation measures.

With regard to the other questions we received from the committee, I anticipate that my remarks will answer those directed at Environment and Climate Change Canada, and I'll be happy to answer any follow-up questions you may have.

Since I was last here in May, the department published the third edition of "Canadian Protected Areas Status Report", which covers the period from January 2012 to December 2015. I think the report was distributed to you with the remarks. I have a copy here. That's a really valuable document, with a lot of information in it. This report details the extent of protected areas across the country. It summarizes actions taken by governments to protect representative ecosystems, conserve biodiversity, safeguard ecosystem services, and improve connectivity. It also describes how we both plan and manage protected areas in co-operation with indigenous peoples and stakeholders. I would like to highlight some of the main findings from the report.

Protected areas have been established nationwide and can be found in each province and territory, as well as in all three oceans. The distribution of this protection varies across the country. For example, Canada comprises 18 terrestrial ecozones, 12 marine ecozones, and one freshwater ecozone, all of which have been protected to some degree. The percentage of protected terrestrial or marine area varies by ecozone, and in general terrestrial ecozones are more protected than marine ecozones. Additionally, southern regions of Canada have a higher concentration of small protected areas, while those in the north tend to be larger and more widely dispersed.

The establishment of protected areas continues to fall predominantly under government purview, with approximately 95% of Canada's terrestrial and marine protected areas being governed by federal, provincial, or territorial governments. At the end of 2015, 10.6% of Canada's terrestrial area and 0.9% of its marine territory were recognized as protected. According to the report, Canadian governments have made firm commitments that are expected to increase these numbers to 11.8% and 2.3%, respectively.

For both terrestrial and marine areas, there are other opportunities to make further progress, but we don't yet have firm commitments. Since December 2015, new commitments have been made by the federal government with respect to marine protected areas. Philippe Morel of Fisheries and Oceans Canada and Rob Prosper will speak to these later.

The report shows that over half of the reporting jurisdictions had strategies in place to guide the development and implementation of a network of protected areas. At the national level, there is a framework to guide the development and implementation of a network of marine protected areas; however, no such equivalent national framework exists for a terrestrial network. Rob Prosper will speak to efforts being made to develop such a framework for the terrestrial network.

- (1545)

Management planning, which is the setting of objectives and plans for achieving conservation targets within a protected area, is an important component of protected areas management. The report found that most governments made progress on the development and implementation of protected areas management, but the number of areas with up-to-date management plans remains low. Nearly all organizations identified challenges related to the management of protected areas, with the top challenges being a lack of staff for site management and a lack of resources for site monitoring in both the terrestrial and marine biomes.

Last, all governments emphasize the importance of collaboration with other governments, including indigenous governments and indigenous peoples, as well as with local communities and stakeholders in the establishment of protected areas. Notably, most had formal arrangements in place to engage these groups in the planning and management of protected areas.

At Environment and Climate Change Canada, we are continuing to work to establish two protected areas: the Edézhíe national wildlife area in the Northwest Territories and the Scott Islands marine national wildlife area off the northern tip of Vancouver Island.

Once established, the 14,250 square kilometre Edézhíe will be managed in co-operation with the Dehcho First Nation and the Government of the Northwest Territories.

Scott Islands will protect 11,546 square kilometres of marine habitat in one of the most productive and biologically diverse marine ecosystems, particularly for seabirds, on the Canadian Pacific coast.

While traditional protected areas such as ours play an important role in conserving Canada's biodiversity, actions taken by other sectors of society should not be overlooked. We recognize that other effective conservation measures could and should be counted toward

Canada's terrestrial target, if these areas can be shown to effectively conserve biodiversity. For example, the conservation of privately owned land remains an important strategy, and it can be effective in conserving high-value land that is rich in biodiversity.

Environment and Climate Change Canada oversees the natural areas conservation program, which provides funding to the Nature Conservancy of Canada and other qualified organizations to acquire land for conservation purposes.

The government's habitat stewardship program for species at risk provides approximately \$17 million every year to a number of organizations, including land trusts, to conserve, manage, and restore habitat.

The ecological gifts program offers tax benefits to land owners who donate land, or a partial interest in land, to a qualified conservation organization.

In addition to efforts of other sectors of society to conserve biodiversity, there is a global movement to create and recognize indigenous and community conservation areas, and Canada is well-positioned to make progress in this area. Since 1973, Canada has signed approximately 26 comprehensive land claim and self-government agreements, resulting in indigenous ownership of approximately 587,409 square kilometres of land, which is an area almost the size of Manitoba.

Indigenous peoples are increasingly playing a leadership role in the creation and management of protected areas. For example, the Wehexlaxodiale was established as a protected area in 2012 through the Tlicho land use plan law. Its 976 square kilometres are governed by the Tlicho people of the Northwest Territories and counts toward Canada's terrestrial targets.

At Environment and Climate Change Canada, all eight migratory bird sanctuaries and five national wildlife areas in the Nunavut settlement area are co-managed with Inuit people under the terms of the Nunavut Land Claims Agreement Act and the Inuit Impact and Benefit Agreement.

In addition, the Nisutlin River Delta national wildlife area in Yukon was established as a result of the Teslin Tlingit Council Final Agreement, and it is co-managed with the Teslin Tlingit people. We collaborate because of our mutual interest in wildlife conservation.

- (1550)

The 2020 biodiversity goals and targets for Canada were developed collaboratively with the federal, provincial, and territorial governments, with input from national indigenous organizations, non-government organizations, businesses, scholars, and individual members of the public. Reaching these targets will require contributions by all of these groups, and more. When we look forward to 2020, it is evident that a concerted effort by governments and other sectors will be needed to reach our protected areas biodiversity targets.

On that note of collaboration and collective action, I will now turn to my colleagues with the Parks Canada Agency, who will, among other topics, inform you of a federal, provincial and territorial process to develop a pathway to achieve target one of the 2020 biodiversity goals and targets for Canada.

Thank you, committee.

• (1555)

**The Chair:** Thank you.

Ms. Crookes, please proceed.

**Ms. Nadine Crookes (Executive Director, Natural Resource Conservation Branch, Parks Canada Agency):** Sorry, I think Rob is on the phone.

**The Chair:** Rob, you're up.

**Mr. Rob Prosper (Vice-President, Protected Areas Establishment and Conservation, Parks Canada Agency):** Madam Chair, thank you for the opportunity to appear again before this committee.

[Translation]

Our presentation will provide further details on the pathway to achieving target 1 of the 2020 Biodiversity Goals and Targets for Canada, and a status report on Parks Canada's work to expand the national park and national marine conservation area systems.

[English]

**The Chair:** Can we have you stop for a minute? It looks like we've lost the translation. Hold on a moment.

Try that again. Just start from the top, please, and let's see if the translation is working.

[Translation]

**Mr. Rob Prosper:** Our presentation will provide further details...

[English]

I think I'll just continue in English, because I hear the translation coming back at me.

**The Chair:** Actually, we have the translation. It's now working, so please, whatever language you'd like to proceed in would be fine. Thanks.

**Mr. Rob Prosper:** Okay.

Our presentation will provide further details on the pathway to achieving Canada target one of the 2020 biodiversity goals and targets for Canada and a status report on Parks Canada's work to expand the national park and national marine conservation area systems.

I will first summarize the key points made to the committee during your visit to Jasper National Park on the development of a pathway to Canada target one, including protecting 17% of Canada's terrestrial areas by 2020. As noted in our Jasper presentation, six of 13 provinces and territories, plus Parks Canada, have almost completed their park systems, and yet only 10.6% of Canada's terrestrial and inland waters are currently protected. Clearly, much work is urgently required to reach the 17% target and to develop the next set of conservation targets for beyond 2020.

The vast majority of this percentage will need to come from provincial and territorial jurisdictions—this is where the opportunities lie—in the form of traditional protection means, as well as potentially new area-based tools that contribute to biodiversity, such as the emerging emphasis on indigenous protected areas. Federal, provincial, and territorial deputy ministers responsible for parks have established a national steering committee to develop a pathway to

Canada target one, which is also known as Aichi target 11. This initiative will address the terrestrial target, while Fisheries and Oceans Canada will lead the work on the marine target of 10%.

Parks Canada and Alberta Parks are co-chairing the national steering committee, whose membership also includes directors from Ontario, Nova Scotia, and Environment and Climate Change Canada. We will complete the membership of the committee with representatives from three national indigenous organizations and one municipality. The national steering committee recognizes that other effective area-based conservation measures and indigenous protected areas could contribute significantly to achieving the 17% target and a national network of conservation areas.

The committee understands that the solutions to achieve Canada target one will only be found through collaboration and collective action. Governments, indigenous organizations, communities, and organizations across Canada have a significant interest in the outputs from this process. Accordingly, the national steering committee hopes to consult broadly with individuals who can provide a spectrum of perspectives, including indigenous organizations, academia, youth, industry, and non-governmental groups, perhaps in the form of a national panel.

As mentioned before, the pathway will include implementation guidance that will address the qualitative themes associated with Canada target one, Aichi target 11, including other effective conservation measures, indigenous conservation areas, ecological representation, important areas for biodiversity and ecological services, effective and equitable management, and connecting conservation areas and integrating them into the wider landscape. We can envision the need for expert groups to undertake targeted analysis to be considered by the steering committee and form part of the broader engagement with the spectrum of interested and implicated parties. The pathway will make full use of existing guidance prepared by the Canadian Council on Ecological Areas, the International Union for Conservation of Nature, IUCN, and by provinces and territories.

The national steering committee is aiming to deliver the pathway to Canada target one by the end of March 2018, but we also expect that this collaborative federal, provincial and territorial process will build the necessary momentum to generate the action required to achieve the target.

Finally, I want to affirm that we believe formal recognition of indigenous protected areas could contribute significantly to Canada target one. We are confident that the process we have described would support a renewed nation-to-nation relationship with indigenous peoples based on respect, co-operation, partnership, and the recognition of rights.

• (1600)

I will now turn to the status of Parks Canada's terrestrial and marine systems plans.

Under the Parks Canada Agency Act, Parliament directed Parks Canada to maintain long-term plans for establishing systems of national parks and national marine conservation areas, NMCAs. The act confirms that Parks Canada is responsible for negotiating and recommending to our minister the establishment of new national parks and NMCAs. When it comes to expanding the national park and NMCA systems, Parliament was clear that we are to pursue new national parks under the Canada National Parks Act and NMCAs under the Canada National Marine Conservation Areas Act. Thus, Parks Canada has not pursued other forms of protected areas to represent the 39 park regions and the 29 marine regions.

We have, however, adopted new ways of doing business, in particular with indigenous governments and organizations within the legal framework of our park and NMCA legislation, as well as with land claim agreements. This has allowed us to make substantive progress over the last 15 years, including establishing seven national parks totalling 82,437 square kilometres, establishing two new NMCAs totalling 14,380 square kilometres, and significantly expanding several existing parks by almost 32,000 square kilometres.

With respect to the national park system, 30 of 39 natural regions are represented by one or more national parks. Negotiations for the proposed Thaidene Nëné national park reserve, once concluded, will result in representation of the northwestern boreal uplands natural region. We are close to completing establishment agreements with the Lutsel K'e Dene First Nation and the Northwest Territory Métis Nation, and we have started negotiation of an establishment agreement with the Government of the Northwest Territories.

Budget 2016 announced funding to establish Thaidene Nene as Canada's 47th national park. To that end, we hope to achieve the signing and celebration of these three establishment agreements in 2017 as a gift to Canadians in our sesquicentennial year. Parks Canada is also advancing work on a proposed national park in the Manitoba lowlands. Should we secure the support of provincial and territorial governments and indigenous groups, we hope to engage on three additional proposals in the interior dry plateau of B.C., the northern interior plateaux and mountains region that straddles the B. C.-Yukon border, and the Southampton plains in Hudson Bay. If new national parks are achieved in all five of these regions, they will contribute up to 0.5% toward the 17% target. Currently, Parks Canada has no plans to abandon the existing national park system plan, but we may investigate how the system plan could be updated through the work of the target one subcommittee in "Beyond 2020: Setting the Stage for Future Conservation Targets".

With respect to the NMCA systems plan, five of the 29 marine regions are represented by NMCAs. We have identified potential NMCAs in the 24 remaining regions, except for one on the west coast, and we have confirmed candidate sites in 11 of the 24 unrepresented marine regions. Of these 11, three are in the feasibility phase, and we are in discussions with the Cree Nation government with respect to a potential NMCA project in James Bay.

Budget 2016 also announced funding to establish an NMCA to protect the internationally significant Lancaster Sound. Parks Canada is working with the Nunavut government and the Qikitani Inuit Association to finalize recommendations on this proposal, including a proposed boundary.

● (1605)

In a significant development, on World Oceans Day this past June 8, Shell Canada Limited announced it had voluntarily relinquished a block of 30 exploratory permits covering more than 8,600 square kilometres to the Nature Conservancy of Canada, which then returned them to the Government of Canada. These permits were located east of the 2010 federal boundary proposal, but within an area that Inuit communities want to see added to the NMCA.

We are working toward a substantive announcement in 2017 to mark Canada's sesquicentennial and to contribute to the government's goal of protecting 5% of Canada's marine estate by 2017.

That concludes my remarks, Madam. Thank you.

**The Chair:** Thank you very much, Mr. Prosper.

We'll turn it over to Mr. Hopkins, with Indian Affairs and Northern Development.

**Mr. Mark Hopkins (Director General, Natural Resources and Environment Branch, Northern Affairs, Department of Indian Affairs and Northern Development):** Thank you very much for the opportunity to appear here today.

When my colleague Allan MacDonald appeared here last May, he acknowledged that indigenous peoples' relationships to Canada's lands, waters, and natural resources are integral to their cultures and livelihoods. You've heard from a broad cross-section of witnesses, including government, industry, environmental non-governmental organizations, and indigenous organizations, and I have no doubt that a recurring theme has been how closely we all need to work with indigenous people in ensuring Canada's conservation goals are met.

Some of my colleagues here today are speaking to how they're engaging with indigenous peoples as they move forward on conservation initiatives within their own mandates. They're not only fulfilling the obligations they have under the Constitution and treaty agreements to consult with indigenous peoples, but they're also seeking for those consultations to be a meaningful and respectful dialogue that recognizes the importance of protecting aboriginal rights and balancing indigenous interests with other societal interests. It is in the development of that respectful relationship and dialogue that reconciliation between the crown and indigenous peoples is being advanced.

Each department with the responsibility for the creation and management or co-management of protected areas has, through their own practical experience with indigenous communities, developed the mechanisms and processes that work for those departments and communities.

INAC can provide advice to departments with respect to indigenous communities that may have rights or interests in their proposed protected areas, and where appropriate can advise on consultation requirements or expectations for a particular community. On-the-ground support for engaging with indigenous peoples may also be provided through regional offices, but each department is encouraged to work directly to develop their own relationships with indigenous communities.

I'd like to detail for the committee some of the work going on in the north that can contribute to Canada's conservation goals.

The north, as you've heard today and previously, is special, in no small part because most of the territories are covered by modern-day treaty agreements. These agreements modify how the federal government implements its own tools. They also provide tools for indigenous groups, in co-operation with territorial and federal governments, to plan for conservation and development through regional land use planning.

Under the Gwich'in and Sahtu agreements of the Northwest Territories and the Nunavut Land Claims Agreement, regional planning is carried out by a planning board that includes appointments from the indigenous groups, the federal government, and the territorial government. The board prepares a draft plan, and the two governments and indigenous organizations consider whether to approve it. Once the plan is approved, it is required to be implemented by federal and territorial regulators and landowners, including indigenous landowners.

To give you a sense of the importance of regional land use plans to achieving conservation goals, in the Sahtu region of the Northwest Territories, an approved land use plan is in place that covers almost 284,000 square kilometres of the central part of the Northwest Territories, which is an area almost four times the size of New Brunswick. In that area, roughly 30,000 square kilometres are zoned for conservation, which is 10.5% of the Sahtu region that is identified through the land use plan as significant traditional, cultural, heritage, and ecological areas, and where land uses, such as mineral and oil and gas development, power development, forestry, and quarrying are not permitted.

In the Gwich'in region of the Northwest Territories, slightly to the north, the approved land use plan has also zoned roughly 10% as conservation for similar reasons and with similar restrictions on the activities that can take place in those zones.

A land use plan for all of Nunavut is under development that covers over two million square kilometres, or 20% of Canada's land mass. The plan is still being reviewed by stakeholders and indigenous communities.

It's important to note that the development and approval of the Nunavut-wide land use plan involves a complicated discussion of socio-economic and environmental interests with the intention of securing the long-term health of this land and its people.

To this end, it must be noted that land use prohibitions in the land use plan are only part of the environmental management system. The Inuit, the territorial government, and the federal government must ultimately agree concurrently on the right balance of conservation

and economic activities for this land as demonstrated through the approval of the land use plan.

Regional land use plans are periodically reviewed and amended. This means they can also be responsive as new scientific or traditional knowledge comes to light that could indicate the amount of protection that is required for ecological or cultural values.

The plans can also be amended to account for the establishment of new federal conservation areas.

• (1610)

In short, in the territories where regional land use planning is established under modern treaties, the result has been and will continue to be a significant contribution to conserving lands and waters for ecological and cultural protection. Indigenous people, working in co-operation with governments, have identified significant tracts of land and water for effective protection.

On a broader scale, I would like to mention briefly the process established by the minister through a special representative. In March 2016, Prime Minister Trudeau and President Obama issued a joint statement on climate, energy, and Arctic leadership, on the occasion of the state visit. In response to the commitments made in that statement, the Government of Canada has launched a process to engage partners in the development of a shared Arctic leadership model, part of which constitutes a new, ambitious conservation goal for the Arctic.

In August 2016, Canada appointed Ms. Mary Simon to provide advice on how to meet Canada's commitments under the joint statement. Ms. Simon is currently undertaking an engagement with a broad range of Arctic partners, including indigenous groups, territorial and provincial governments, industry, academia, and non-governmental organizations. This fall, the first phase of Ms. Simon's work will focus on developing advice on a new, ambitious conservation goal for the Arctic. In the winter, the second phase of Ms. Simon's work will continue in order to reach a final consensus on conservation goals and the development of a shared Arctic leadership model to address broader social, economic, and environmental issues raised during the engagement process.

Thank you very much for the opportunity to speak to you today.

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

You actually went quite quickly. There is quite a bit of time left, but if you're willing, we'll move to Mr. Morel, from Fisheries and Oceans Canada.

**Mr. Philippe Morel (Assistant Deputy Minister, Ecosystems and Fisheries Management, Department of Fisheries and Oceans):** Thank you, Madam Chair and members of the committee.

[Translation]

Good afternoon. I would first like to thank you for inviting us today. We are pleased to support your interest in the government's efforts to protect our three oceans.

As you are aware, on June 8, 2016, as part of World Oceans Day celebrations, Ministers LeBlanc, McKenna and Bennett announced the government's five-point plan to meet its targets to increase marine and coastal protection to 5% by 2017 and 10% by 2020.

The background presentation circulated to you outlines how we will meet the targets and responds to several of the questions we were asked in advance of today's session regarding the Government's plan. You have also been provided with a written presentation to support my presentation today.

[English]

Before I outline the five elements of the plan, I would like to respond to many of your other questions regarding how we work with government partners, indigenous groups, marine industries, and others. To do so, let me take you on a quick tour of the country with a few examples of how we work with others.

In the Pacific, a major consultation was held in Richmond, B.C., in September to advance discussions about MPA, marine protected area, network development on the Pacific north coast to work towards identifying areas that will be protected by 2020.

In the Arctic, we held preliminary discussions with the co-management partners and local communities to gauge support for pursuing new sites in the Beaufort Sea by the 2020 target.

In the eastern Arctic, the department is meeting with Nunavut Tunngavik Incorporated to discuss MPA establishment. This is an important step because MPAs will be subject to provisions in the land claim agreement. The department also worked with the INAC minister's special representative who will identify a new conservation target for the Arctic.

In the Newfoundland and Labrador shelves marine bioregion, we are discussing potential sites to support the 2020 target with the province's energy company, Nalcor Energy, with provincial officials and the fishing industry.

The department is consulting widely on the development of the MPA network on the Scotian Shelf which will produce two new MPA sites by 2020.

The department is also working closely with Quebec through the *groupe bilatérale* to advance MPA network development in the Gulf of St. Lawrence, and to establish the proposed Banc des Américains MPA and possibly the proposed St. Lawrence Estuary MPA.

Nationally, we continue to engage with indigenous organizations, provinces and territories, conservation groups, and others.

Now I would like to outline the five areas of our plan under which all of this robust collaboration takes place.

My colleague from Environment and Climate Change Canada has explained the important contribution of the Scott Islands marine national wildlife area, and my colleague from Parks Canada has explained also the important contribution of the Lancaster Sound

national marine conservation area to this element as the 5% and 10% contributions.

First, in addition to these two initiatives, we are advancing a suite of five proposed marine protected areas under the Oceans Act. They are Hecate Strait and Queen Charlotte Sound glass sponge reefs in the Pacific, Anguniaqvia niqiqyuam, also known as Darnley Bay in the Arctic, St. Anns Bank in the eastern Scotian Shelf, the Laurentian Channel in the Newfoundland-Labrador shelves, and Banc des Américains located in the Gulf of St. Lawrence.

In addition to finishing what we started, we will also pursue the establishment of new large Oceans Act MPAs in pristine offshore areas. This is the second element of our plan. Large is considered to be more than 100,000 square kilometres.

Science is showing that there are benefits to protecting large pristine areas in a proactive and precautionary manner. While these areas are not currently facing significant pressures from human activities, the future interest in and future technological capability of marine industries to access offshore resources is likely.

Marine protection in such areas is a new avenue for Canada. Therefore, we are looking at international best practices from the United States, New Zealand, Australia, and the United Kingdom.

•(1615)

We will determine the exact location and size of these areas in consultation with our partners, indigenous groups, marine industries, and other stakeholders.

Through continued work to advance the MPA network in priority bioregions, we will establish additional Oceans Act MPAs in areas under pressure from human activities.

The international marine conservation target allows countries to count the contribution made to marine biodiversity by other effective area-based conservation measures that we call "other measures". Our approach for this fourth pillar of our plan to "other measures" is based on the 2016 Canadian science advisory secretariat advice, and considers guidance from the Canadian Council on Ecological Areas under the International Union for the Conservation of Nature, IUCN, task force on "other measures".

We are currently finalizing our science-based criteria to assess how current measures, such as fishery closures, contribute to biodiversity conservation and to meeting our targets. "Other measures" may also include certain area-based species at risk critical habitat, and they may include some indigenous and community conservation areas.



As you may be aware, on September 16, at the Our Ocean Conference in Washington, Parliamentary Secretary Serge Cormier announced two new fishery closures that protect sensitive benthic areas that are home to deep sea coral species. These closures, Corsair and Georges canyons and Jordan Basin, are located in the Scotian Shelf bioregion. There are currently no oil and gas activities in those two areas. These areas are only lightly fished due to their difficult terrain and depth.

We recognize that the MPA establishment process under the Oceans Act from start to finish often takes more than five years. Therefore, for the last element of our plan, we are exploring how the Oceans Act can be updated to speed up the designation process for marine protected areas without sacrificing sound decision-making.

We will also look at how to improve the act's ability to implement the precautionary approach while incorporating the best available science. We are looking to streamline the current MPA designation process to create process efficiencies.

Consultations on the proposed amendments to the Oceans Act are planned for later this fall, with a view to tabling a draft bill in the spring of 2017.

• (1620)

[Translation]

Once again, thank you for the opportunity to provide this briefing on the Government's plan to meet its marine conservation targets.

We are pleased to respond to any questions you may have.

[English]

**The Chair:** Thank you very much to all of you.

We'll open it up to questions, starting with Mr. Amos.

**Mr. William Amos (Pontiac, Lib.):** Witnesses, it's wonderful to have you here, and in some cases, again.

Thank you, Ms. Crookes, for taking the time during our tour out west to meet with our group.

I have so many questions, I'll just jump right into it.

I'm thinking particularly of the complementary role that the Canadian wildlife service can play as regards the development of a representative series of protected areas across the country. Of course, the Canadian Wildlife Service doesn't deal with national parks. They deal with other protection mechanisms.

I wonder what specific steps have been taken by CWS to develop a proactive conservation protected area program. Is there a desire to put in place a more aggressive approach to achieve protection using the mechanisms that CWS is responsible for, recognizing that it's much easier to establish a national wildlife area than it is a national park?

**Ms. Sue Milburn-Hopwood:** Thank you for your question.

There are a variety of things that I think we're doing that goes to the point you're getting at. First of all, we are working hard to get the Scott Islands and the Edézhíe established, and it's our top priority to get those into the system formally. Of course, the Scott Islands will be our first marine national wildlife area.

There are a number of other things we're doing that are outside of the national wildlife migratory birds area that are also contributing, but perhaps not on the same kind of scale, through programs like the aboriginal fund for species at risk, the habitat stewardship program, our ecological gifts program, and the natural areas conservation program. We are also investing in protection, largely on private lands, but not only on private lands. Perhaps that is some of the highest quality biodiversity that we're protecting.

Our future steps are going to be guided by two pieces moving forward. One will be the pathway to 17%, and the work we do with provinces and territories. We are also engaging stakeholders and indigenous people to figure out where we need to go to make sure that the appropriate parts of the country are covered, that we have the right quality, and that we have the connectivity that we need. That 17% process will be one of the important vehicles we look at to figure out where we need to go from there.

The second area relates to our fulfilling our mandate, which is related to migratory birds and species at risk. Within the Canadian wildlife service, we became a branch last spring. We are developing a strategic plan that is going to guide our future endeavours and particularly where we're going to focus our work. That will be going to areas that have high value for preserving species at risk or migratory birds. It will be a bit different to our approach with the south and the north because of the different situations.

The 17% along with our own strategic plan focused on migratory birds and species at risk will guide our future activities.

• (1625)

**Mr. William Amos:** As a follow-up to that, this question is budgetary in nature. It's my understanding that the amount provided in budget 2016 for national park establishment was somewhere in the neighbourhood of \$25 million. I'm not sure what the budget for the establishment of a national wildlife area or a migratory bird sanctuary area is, but I am aware that the amounts for the natural area conservation plan, the NACP you mentioned before, are far more significant.

Number one, is that, in your opinion, the appropriate weighting of investments?

Number two, is it fair to say that with more significant federal investments, whether it's in NWAs, migratory bird protected areas, or national parks, that we could move more quickly, more expeditiously, and more successfully toward protected areas across the board at Environment Canada?

**Ms. Sue Milburn-Hopwood:** I think what we need to do is very much the process we've laid out here of a large federal, provincial and territorial process to figure out the plans, and to develop that framework for terrestrial area protection. Then I think it's time for us to think about the investments that we need, but I think we need the plan first.

**Mr. William Amos:** I'm just thinking what my constituents would tell me. They would probably tell me that you can plan all you like, but there's a parks establishment plan that's in place, and has been for years, so let's get going and let's invest more. I know the parks don't happen overnight, but there are many protected areas we visited where they simply said that if there was money there and enough civil servants available to work with them toward achieving this, then they could go ahead. Would you disagree with that characterization, that the issue of resources is in...? Would you suggest that resources are in no way constraining park establishment, NWA establishment, or migratory bird area establishment?

**Ms. Sue Milburn-Hopwood:** I'll repeat my point. We need to plan. We have enough resources to establish the two ones that we have.

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

Mr. Sopuck.

**Mr. Robert Sopuck (Dauphin—Swan River—Neepawa, CPC):** Ms. Milburn-Hopwood, you used the phrase “recognized as protected”. Should private lands that are part of conservation programs such as the NACP, the habitat stewardship program, and the North American Waterfowl Management Plan be recognized as protected?

**Ms. Sue Milburn-Hopwood:** We currently have a database where we are counting the areas that are what we consider protected. Those are the numbers that are in the report. That's a bit of a work in progress. We're increasingly working toward getting the private lands into that database, and the extent to which they're in it depends on the jurisdiction.

Many of the private lands is a very small contribution. They're very important contributions but in terms of a percentage, we haven't got all of them, and we're in various stages of working on that with the different provinces and territories.

I do think—

• (1630)

**Mr. Robert Sopuck:** If I could interrupt as I don't have much time, and I apologize.

I vehemently disagree with your conclusion that private land, although small in area, contributes a small amount. Some of these in the southern working landscape are the most valuable and endangered landscapes in the entire country, so I think you might want to rethink that.

As to the management practices in these protected areas, what management practices are currently in place or do you envisage to protect ecological values? I'm thinking of things like burrowing owls, which require grazed lands. Do you see active management as being part of the protected areas program?

**Ms. Sue Milburn-Hopwood:** Let me refer to the first point. I don't want to in any way dismiss the value of private lands. They're absolutely very important. One of the things we will be doing as part of this process, this road map to 17%, is we will be doing a very careful definition of what is in and out, and how we define other effective conservation measures. I think there is huge potential there in terms of counting the numbers but also the quality.

Your second point I think was related to the value of working landscapes and—

**Mr. Robert Sopuck:** What kind of active management do you envisage? There could be controlled burns and grazing to protect certain biodiversity values. Do you envisage that as being part of a protected areas program?

**Ms. Sue Milburn-Hopwood:** Certainly our national wildlife areas need to have active management, so we see that as part of the suite of activities.

**Mr. Robert Sopuck:** I was surprised that in the your testimony and Mr. Prosper's, I did not hear the word “farmers” once. Throughout your testimony I was listening very carefully for the word “farmers”.

Farmers control 150 million acres of the southern working landscape in this country. As we all know, in terms of ecological values and threatened and endangered habitat, it's the farmers who control these lands.

Why were farmers and rural communities omitted from both your testimonies?

**Ms. Sue Milburn-Hopwood:** There was certainly no intention to omit farmers. We actually see them as a very important partner, particularly in the conservation of species at risk, but also in protecting important landscapes in order to get to the 17%. We have a number of programs in Environment and Climate Change Canada that are focused specifically on working with the ranching and farming communities.

**Mr. Robert Sopuck:** I know. Some of my own farmers are enrolled in these programs. However, I was listening intently for the word “farmers”. I have found it to be a consistent pattern in my six years as an MP, on the environment committee and the fisheries committee, that when it comes to the list of people who are consulted, farming communities, agricultural communities, and natural resource communities are never mentioned. I want it on the record that I want to see those communities equal to all the other people who are consulted.

As this program unrolls, I would like to ask both you, Ms. Milburn-Hopwood and Mr. Prosper, will you commit to ensuring that farmers, ranchers, and rural communities are equal partners in any consultation process?

**Ms. Sue Milburn-Hopwood:** I have no problem in making that commitment. We very much work with farmers and ranchers all the time. It's very much a part of our existing work. We will continue to do so.

**Mr. Robert Sopuck:** As someone who represents a farming community, I notice that farming and ranching were not mentioned in any of your testimony. That was a very important point for me. Now that it's on the record, I'm looking forward to this happening.

Mr. Morel, you were talking about the marine protected areas. The angling community in Canada is some four million to five million strong. Will you commit to ensuring that the angling community, the sport fishing industry, is an equal partner in all of the consultations that occur in the development of marine protected areas?

**Mr. Philippe Morel:** I can certainly commit that we will consult everyone when we create marine protected areas so that they're all equal partners and we're not excluding anyone.

**Mr. Robert Sopuck:** As I said, I'm also on the fisheries committee, so I assume you'll be before us when the marine protected areas issue comes up.

Thank you very much.

**The Chair:** Mr. Stetski.

• (1635)

**Mr. Wayne Stetski (Kootenay—Columbia, NDP):** It's good to have all of you here together. I appreciate your taking the time.

Trying to get to 10% and 17% by 2020 means you don't have very much time. I'm curious regarding a couple of aspects and how you are working together to reach those targets and whether that work is sort of parcelled out by agency. Have the different agencies been asked to contribute specific amounts towards those targets? Have you set up targets by year so that you can measure your progress towards 2020? I just don't want to get to the end of 2020 and have departments pointing fingers and saying that they would have made it if it weren't for such-and-such department not following through on what it could have done.

Describe to me what working together looks like and what the targets look like moving forward, if you could, please.

**Mr. Rob Prosser:** I can start, if that's possible.

As I mentioned in testimony, I think that working together is going to be absolutely key. There is no one authority responsible for protected areas or other types of areas that can contribute to biodiversity. I think we all recognize that there are going to be a number of different ways to reach this target, and we need to collectively determine which new tools in the tool box will help us and give us some flexibility to take advantage of other ways of bringing areas into protection for the sake of biodiversity that are different from the traditional ways of establishing protected areas.

Provincially, territorially, and federally, we are in the business of developing protected areas or parks, but I think we all agree that other types of measures are going to be required. It's going to be really important in the pathway development to explore what these other opportunities are, to bring some definition to them that we can hopefully reach consensus on, and then to apply them for a national approach rather than an approach that's simply broken up by individuals. I think we would be remiss if by the end of this process we didn't have a series of commitments from the potential authorities as to what they're going to do.

**Mr. Wayne Stetski:** At this point, do you have targets laid out by years heading towards 2020, or is it going to be like university, when you wait until the end and then cram to try to meet the objectives?

**Mr. Philippe Morel:** Maybe I could jump in, and Sue can continue.

Each of us has a work plan. Ours is to meet the target in 2017 and the 10% target in 2020. We share our work plan with colleagues in other departments, at all levels—the director, DG, and ADM levels. You saw in my presentation that I referred to some activities or marine protected areas that have been contributed by Environment or by Parks Canada, and we integrate those into our target.

We don't necessarily have a certain percentage for one year or anything like that. Our target is, for 2017, to reach the 5%. We have some measures that already exist and we're progressing through those. Also, we take into consideration the length of the new marine protected areas or other measures that we can implement and put those into a plan to make sure we can meet our target in 2020.

**Ms. Sue Milburn-Hopwood:** I would just add that the three departments are working very closely together, with DFO leading on the marine side and Parks leading on the terrestrial side. I think we all have to contribute in all three of them, so it's a very close connection.

On the terrestrial side, there are some areas of the country that have more potential than others, particularly in the north, but not only in the north. Both Ontario and Quebec have also made commitments to their northern parts for larger tracts of land. We are going to have to work very closely with the provinces and territories, and the various planning processes within, to enable that potential. It's more about looking at where the potential is and taking it from there.

• (1640)

**Mr. Wayne Stetski:** Of course, you are the group that knows best how to deliver on the target. We heard earlier that the Oceans Act might need to change. I am wondering what other legislation we might see coming before Parliament, if there is any, that would need to be changed in order to reach these targets by 2020.

**Mr. Philippe Morel:** For marine protected areas, no other legislative changes are anticipated, other than the Oceans Act. That's the only one.

**Mr. Wayne Stetski:** Is there anything terrestrial?

**Ms. Sue Milburn-Hopwood:** Nothing at this point. I think the Canada Wildlife Act and the Migratory Birds Convention Act give us sufficient scope to create them. There may be some tweaking that could be done that might speed up the process, but I think we have lots of scope within the existing legislation. Actually, some things may be able to happen without legislation, particularly when you look at things like the other effective conservation measures.

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

**The Chair:** Next up is Mr. Fisher.

**Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.):** Thanks, folks, for being here. I appreciate it.

My first question would probably be for Mr. Hopkins.

Last week, we had a prominent indigenous leader appear before the committee, Steven Nitah. I asked him whether he had any suggestions on how the federal government might do things differently when we are negotiating for the establishment of protected areas. He said:

One of the biggest challenges we had at the negotiating table was fettering the minister's authority. When we're talking nation-to-nation discussions, the minister has to be able to get into a partnership relationship with indigenous governments and be able to share responsibility and authority over those areas.

If you are the right person for this, Mr. Hopkins, can you explain the legal significance of “fettering the minister's authority” and how this legal hurdle could potentially impede negotiations? What are our options in the future of perhaps finding better ways to negotiate?

**Mr. Mark Hopkins:** I'm sorry. I cannot explain the legal implications of “fettering the minister's authority”, but we can pursue an answer for you.

**Mr. Darren Fisher:** All right. Thank you.

Will we get something like that in writing?

**The Chair:** Yes, we can get that in writing.

**Mr. Darren Fisher:** All right.

I have a question for Mr. Morel.

How does DFO work with other departments, agencies, or indigenous groups in the creation or management of a marine protected area? We've heard some commentary that DFO doesn't really have a great reputation when it comes to engaging with anyone outside of DFO. Is anything being done to change that culture? Do you think that's an accurate or an inaccurate statement?

**Mr. Philippe Morel:** I hope it's an inaccurate statement.

**Mr. Darren Fisher:** I didn't get to go on the trip, but numerous people said that this was what they heard.

**Mr. Philippe Morel:** I can answer, and then I'll turn it over to Jeff, who has more experience than I do in the department.

Certainly, the plan that we have and the money we received in budget 2016 support an in-depth consultation and engagement of all stakeholders. We have the MPA network supported by that, to make sure that all stakeholders are involved in the consultations, and we also have some resources to support the consultation with indigenous groups.

Every step of a marine protected area, or eventually other measures we will implement, will be done through extensive consultation. We are putting in place a team that I am confident will have the appropriate resources to do consultations in the regions, and also with staff in NCR, to support that process. It is not something that we'll do in isolation.

**Mr. Jeff MacDonald (Director General, Oceans and Fisheries Policy, Department of Fisheries and Oceans):** To elaborate a bit on your question on how we go about establishing marine protected areas, in Sue's opening remarks she referred to broad policy frameworks that were established. For marine protected areas, that

was in 2011, where the Canadian council of fisheries and aquaculture ministers approved the MPA network policy.

The work we've been doing in marine bioregions over the past five years has been based on that framework. It has involved provincial governments, territorial governments, as well as indigenous groups, and marine industries, including the fishing community, oil and gas, and the transport sector.

We have sometimes been accused of taking too long because our consultations are quite lengthy. It's a bit surprising to hear that people think we don't consult enough. In fact, we've been accused of the opposite as well.

The main point is, as Philippe said, it is extensive, in the sense that we need to consult in terms of identifying the conservation objectives for a marine protected area. Beyond that, once they are established, there is a management aspect, a planning aspect, to our approach, which involves identifying which human activities are compatible with the conservation objectives and which ones are not.

In those circumstances, it also involves a great deal of interaction with marine industries and the users of the oceans. That is how we go about this.

The network approach is one that is very useful, in the sense that it allows us to integrate the different tools that the departments here today have at their disposal through different legislative authorities. It also allows us to link sites ecologically, so that we actually are achieving a biodiversity outcome while using the appropriate tool for the conservation objectives that were identified network-wide and not just on a site-by-site basis.

• (1645)

**Mr. Darren Fisher:** Thank you very much, Mr. Morel, for your information on Jordan Basin.

You may have said this, but I kind of missed it. There was a lot of information there. Do areas that are protected under the federal Fisheries Act count towards our Aichi targets?

**Mr. Philippe Morel:** Yes, they can, as “other measures”.

That's what we are defining, how “other measures” can contribute to the protection of marine areas. They're not necessarily designated under the Oceans Act, but fisheries closures, in some cases, can provide sufficient protection for the area so it can be counted as a protected area.

**Mr. Darren Fisher:** It counts towards the targets.

**Mr. Philippe Morel:** Yes.

**Mr. Darren Fisher:** Okay. Thank you.

**The Chair:** I just want to mention this. Mr. Eglinski and I were the only two in the room this morning when the commissioner tabled her reports. In her report, in some of her comments, she mentioned—because she did one on the fisheries—that you have a history of being a fairly siloed department. There are many different groups that are working across the country on different fisheries stocks.

When we were in Haida Gwaii, we heard a similar story. They were working—I'm trying to remember if it was herring—on trying to protect their stocks. There was a discussion between two separate areas. DFO was saying, “No, no, they're separate.” Haida was saying, “No, no, they cross-pollinate.”

I was pleased to hear that you're talking about improving the process of sharing of information, because it was mentioned this morning in the commissioner's report.

I don't normally talk, but I thought I'd throw that in.

Next up is Mr. Shields.

**Mr. Martin Shields (Bow River, CPC):** Madam Chair, what we heard out there was a lot more blunt than that: You may show up, but you do not listen and you had nobody there that could make any decisions. We heard that very bluntly. That was their side.

Going back, quality and quantity are important things to hear about when we talk about this. It's all right to sort of claim half the country, but if there's no quality in what you're claiming.... I think that was important as well.

I'll ride another horse that I've often mentioned, and that's municipalities. I think municipalities have quality in their protected areas. However, they never get included and you don't talk to them.

You mentioned that you're going to include them on that committee. That's great. I'm glad to see it. There are a lot of protected areas within municipalities that aren't accounted for, and I appreciate that.

I'll go back to capacity. I was listening very carefully to the question that was asked. I'm sitting here, and we have four guys, four departments sitting here—

**The Chair:** My apologies for dropping—

**Mr. Martin Shields:** I thought I had done something and was going to get shot.

**Mr. Robert Sopuck:** I've got your back.

**Mr. Martin Shields:** I think we heard in different situations the need for people who can actually make decisions to be there. If you're working together, and there are targets, but I think we still have a huge issue with silos. We don't have people at the senior level, and I'm talking deputy ministers, who are willing to say, “Let's get it done. We will take this decision. We will make sure it happens.” I think I'm still listening to siloed departments at a different level. I didn't hear anything when that question was asked that said, “We have the backing to get this done at the most senior level.” I mean deputy ministers saying, “Minister, we have to get this done.”

Do you want to respond to that?

• (1650)

**Mr. Philippe Morel:** I can tell you that my deputy minister asks me almost every day how we are advancing on the plan for a marine conservation target. She asks me this question because the minister asks her that question every day. I think the sense of urgency is very present in our department for the target of 2017 and 2020. We have a lot of work to do and we're under pressure. The change to the Fisheries Act will be necessary and the normal process to designate

an MPA is about five years, and we have four years before meeting the target. At all levels of the department, we are being creative and focused on meeting those targets.

I engage also with the RDGs in the regions, because they have a role to play in talking to the stakeholders in every community where we envisage areas of interest to protect or conserve areas.

**Mr. Martin Shields:** Then it comes to a question of capacity. Do you have the capacity? What we heard was there's a different body that shows up at every meeting, and there's no consistency whoever shows up. It's a different body. Somebody has gone this way. Somebody has transferred over there. There's a challenge in the sense of when you consult, it's a different person in the room every time. It's like if you came next time and we're having the same conversation, you have a different bias and context for that conversation. That's one of the challenges out there.

Is there going to be consistency at the senior level? Is there a commitment at the senior level in regard to who is going to be there six months from now, or a year from now, or long enough so that the context in conversations stays the same? That's a challenge out there. Is that a capacity issue? Do you have the capacity to keep consistency in the senior decision-makers at the table?

**Mr. Philippe Morel:** I think we built that consistency within the budget allocation in budget 2016. We built the capacity to have staff, both in the regions and in the national capital region to support a consultation process that is oriented on local and regional communities and stakeholders, but also having a national consistency in achieving the goals so it's not done in isolation. It's a challenge in a department like ours where 85% of staff is based regionally, but we have networks at different levels of management capable of delivering consistency, and I think it's working.

**Mr. Martin Shields:** That's one.

**Ms. Sue Milburn-Hopwood:** I can speak on behalf of Environment and Climate Change Canada. I speak to the deputy minister about this issue every time I meet with him. It's very much a live topic, and our minister speaks about this issue and this challenge on a very regular basis. I think it's very much a top-of-mind issue.

With respect to capacity and consistency, in the last year within Environment and Climate Change Canada we have elevated the Canadian wildlife service from being a directorate to being a branch with an ADM and three directors general. We are actually increasing the capacity to have senior-level discussions and presence at meetings.

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

**Mr. Rob Prosper:** At Parks Canada we have a unique perspective on the management of our sites. We have park management plans that are consulted on and then endorsed and signed by the minister. It sets the framework for what will happen in any given national park. This allows our superintendents to be active in decision-making. You don't have to be at the deputy level to have authority to make decisions. As long as the decisions are underneath the umbrella of those management plans, the superintendents have full authority to make decisions. So that's a benefit in our organization.

•(1655)

**The Chair:** Thank you very much for sharing that.

Up next is Mr. Bossio.

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

I'm going to try to get this out as quickly as I can.

We had the opportunity to meet with the Haida people about the 50/50 partnership in Gwaii Haanas. We also met with the Parks Canada people. Everywhere we went we met fantastic individuals who were very committed.

Would you agree that the Haida feel that the 50/50 partnership is working exceptionally well?

**Ms. Nadine Crookes:** Yes. Absolutely.

**Mr. Mike Bossio:** Over 50% of the people you hired to work at Parks Canada as part of that relationship are Haida. Do you feel that was a wise move?

**Ms. Nadine Crookes:** Absolutely.

**Mr. Mike Bossio:** I'm now going over to DFO.

The Haida people are now looking for this relationship of a 50/50 partnership managing the one area that you put forward, which is the Hecate Strait-Queen Charlotte Sound glass sponge reefs going from northern Vancouver Island all the way up to the Arctic coast. They've talked about DFO missing in action in this plan, and they have started creating their own system plan for an MPA in that area.

Does DFO feel that a 50/50 partnership would also be a wise move to work with the Haida people?

**Mr. Philippe Morel:** That's a broad question. I would say mostly yes, but I have to put that in context.

Based on a reconciliation perspective, I totally support the 50/50 partnership. The question we have to take into consideration, and it's more related to fisheries management than marine conservation targets or a marine protected area, is that when we manage a species, we have to take care of not only a certain area, but also sometimes a larger area. We see the impact of fishing in one area versus the impact on another area and the impact of climate change with fish moving from one season to another. To say that we can isolate in a certain area and have co-management totally 50/50 will be difficult. On the other hand—

**Mr. Mike Bossio:** This is a large and extensive area. The Haida have proven themselves to be efficient and effective at managing protected areas. They have developed what seems to be a comprehensive plan to manage this area.

Is DFO in a position to allow the Haida to continue to develop this system plan and at some point come in and partner on developing this plan, or are they going to let them just go ahead with it and then absorb that plan?

You have a short window to get to 10% by 2020. I would think that you would want to use every resource available to achieve those targets.

**Mr. Philippe Morel:** Yes, and—

**The Chair:** May I interrupt for a minute?

**Mr. Mike Bossio:** Sure.

**The Chair:** We have to be careful here in our questioning.

We cannot be asking them to decide policy. They are there to implement—

**Mr. Mike Bossio:** I'm asking if they're open to it.

**The Chair:** I hear you. Just be careful, because you can't ask them to be doing something that they haven't been asked to do by the minister. You have to be careful with that questioning, and with the answer you have to be mindful of your constraints.

**Mr. Philippe Morel:** I'll just say a few things.

Thank you for that clarification.

To respond about being open to talk to the Haida, yes, totally. We are talking to them, and we are working toward solutions where we can co-manage the resources of our areas.

Maybe Jeff can add a little more on this.

**Mr. Jeff MacDonald:** Yes.

Just to clarify, the plans you're referring to are broader than just for marine conservation. The plans that first nations in British Columbia and the Province of B.C. developed were more of a marine spatial planning exercise, which includes a layer of conservation to it, but it is by no means exclusively about marine conservation. That's a process they embarked upon without the involvement of the federal government. Nevertheless, the work that was done is interesting for what would be required for a proper marine spatial planning with all three levels of government.

With marine conservation targets coast-wide on the west coast, we do operate under the parameters of an MOU we have with the Government of British Columbia that did come out of the broader CCFAM national framework that I referred to earlier. That involves the indigenous peoples all along the coast for the identification of sites and also our involvement in the MPA network planning. That is specific to the Pacific north coast as far as DFO is currently involved, but it is coast-wide with regard to our MOU with the province.

•(1700)

**Mr. Mike Bossio:** Okay, that's fine.

You say it takes five years to establish a marine area. We have to establish our coastal waters to 10% by 2020. How are we going to compress that?

**Mr. Jeff MacDonald:** One of the benefits of the investment in the oceans program over the last 20 years has been that we do have a much better idea, in terms of our scientific research, regarding which areas of the ocean are ecologically and biologically significant. We use that data we've collected and continue to collect, and we refine it in order to really identify the question of quality, which one of the other members asked about earlier. We're picking sites that can make the best contributions to biodiversity. A lot of that work has been done already, whereas perhaps in earlier days it was one of the reasons the process was quite lengthy. There is that element to it. We do have a good idea through the network planning process of where the candidate sites should be.

**Mr. Mike Bossio:** I apologize for cutting you off.

You've selected five areas so far. What percentage are those going to actually achieve? How far are those going to get us to our target?

**Mr. Jeff MacDonald:** The five areas that have been under development since 2010 would contribute around 0.36% of Canada's EEZ. The other measures that Philippe mentioned would represent a much more significant contribution, as well as, of course, the Lancaster Sound national marine conservation area that Mr. Prosper mentioned earlier. It by itself would represent 1.75% of Canada's EEZ.

**The Chair:** You have a lot of work to do for sure.

Mr. Eglinski.

**Mr. Jim Eglinski (Yellowhead, CPC):** Thank you to all of our guests who are here today.

I was just looking at the MPA network for fisheries. When you see it on a piece of paper, it looks like a pretty short time frame. I think it might be a lot easier to reach our goals on the sea than it is on the land. I'm more concerned with the land, although I'm also concerned with the sea.

You say you're going to meet with indigenous groups and negotiate and talk to them about different things. Has the national indigenous group been informed of what our national goal is? Do they know at the present time across Canada what our goals are for the 10% for oceans and 17% for land? Are they aware that you're going to be coming to them with proposals or are you leaving this on an ad hoc basis? Each time you want to look at a piece of land, are you going to start negotiating there or are they aware and have you talked to them in a very serious tone about where you need to go to get their co-operation upfront before you have to start? You have a very, very small time frame.

**Mr. Philippe Morel:** They are aware of our targets. They are aware of our plan. We're engaging also at the regional and local levels when necessary to support our objectives. When we present some potential areas of interest, it's always for their consideration and to add their comments, so they're engaged.

**Mr. Jim Eglinski:** What is the feeling of the national indigenous community, if you can tell me, regarding our goals? Do they think they're obtainable?

**Mr. Jeff MacDonald:** I would say that they reflect the general interest in conservation objectives that we hear about at the regional and local levels, as Philippe said. Certainly opportunities have been identified by groups such that this can contribute to the reconcilia-

tion agenda of the government in the sense that there may be opportunities for monitoring of MPAs, especially if they're located in areas that are next to indigenous communities, for example. But there's also a lot of indigenous and traditional knowledge that we collect as part of our MPA network design process, and they make a very valuable contribution to that. Certainly that's part of the programming we have at DFO under the AAROM, aboriginal aquatic resource and oceans management, program, for example.

• (1705)

**Mr. Jim Eglinski:** Thank you.

Madam Chair, if I may, I'm going to give the last part of my questioning time over to Mr. Sopuck.

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

**Mr. Robert Sopuck:** This is just a suggestion. When it comes to traditional ecological knowledge, I would include farmers and ranchers in that category as well.

I think it was in the mandate letter to the minister that I saw freshwater MPAs such as Lake Winnipeg and some of the Great Lakes mentioned. Do you see that ever happening given that freshwater is largely under provincial jurisdiction, at least in the provinces?

**Mr. Jeff MacDonald:** In the context of Aichi target 11, it is ocean-based, not freshwater-based. That doesn't mean we don't do marine protected areas in freshwater areas.

I would defer to Rob to talk a little bit about what Parks Canada has done in the Great Lakes and perhaps in other parts of the country.

**Mr. Rob Prosper:** Yes.

We do have marine conservation areas in the Great Lakes, and they actually count, strangely enough, towards the terrestrial target. For example, with the recent work in establishing Lake Superior national marine conservation area, it was for a short time the largest freshwater marine conservation area in the world, only to be bumped out, very closely, by a similar marine park area by the U.S. in Lake Superior.

They can actually contribute quite significantly to the terrestrial target.

**Mr. Robert Sopuck:** Again, the issue is jurisdiction.

Ms. Milburn-Hopwood, can biodiversity objectives be achieved on land that is actively farmed or ranched, in your view, and would those lands count as part of the protected areas? I'm thinking of species—I go back to the burrowing owl, the bobolink, and so on—that do well under certain farming practices.

Do you folks acknowledge those farming practices?

**Ms. Sue Milburn-Hopwood:** Absolutely.

In fact, for some species you need to have the farming practices. For bison, for example, you need to have that manipulation of the landscape to allow those species to move forward.

This is what we get to as we move forward with defining the other effective conservation measures. I think there are many examples of farming practices, perhaps modified slightly, that can very much seek conservation goals.

**Mr. Robert Sopuck:** I have one question about SARA. SARA was promulgated in the early 2000s. Can you name a species that was brought back, taken off the SARA list, since SARA was promulgated? Can you name a species?

**Ms. Sue Milburn-Hopwood:** With some of the DFO ones, I think there's the humpback whale. I'm not quite sure where it is in the formal delisting process, but that's certainly one that's designated to move forward.

**Mr. Robert Sopuck:** I want names of species.

**Mr. Philippe Morel:** We can provide you with names of some that were either downgraded or completely delisted. There are a few.

I think the humpback whale was the most recent one. It was published in the registry just a few months ago.

**The Chair:** Ms. Milburn-Hopwood.

**Ms. Sue Milburn-Hopwood:** I would add that there are the ones that have formally gone through the delisting process, but then there are also the ones that COSEWIC has reassessed and moved to a better category.

We could provide you with a list of those.

**The Chair:** Okay, thank you.

Mr. Gerretsen.

**Mr. Mark Gerretsen (Kingston and the Islands, Lib.):** Madam Chair, I'm going to yield my time to Mr. Amos.

**Mr. William Amos:** Thank you, Mr. Gerretsen.

My question if for Mr. Hopkins.

Previous witnesses have suggested that INAC's mineral and energy resource assessment, MERA, processes, which are a condition precedent to a number of conservation issues that might be undertaken, have impeded expeditious conservation.

Could you give us your opinions on that issue?

**Mr. Mark Hopkins:** Well, I don't have access to that testimony, so I don't know which particular instances they're referring to.

It's policy practice that part of the designation of areas is that there be an assessment undertaken, so that there's an appreciation of what the opportunity costs of the establishment of that conservation area might be. It is policy.

**Mr. William Amos:** What would the average time be for the undertaking of a MERA?

**Mr. Mark Hopkins:** I couldn't pull a number out of my head.

**Mr. William Amos:** Perhaps you could give a ballpark number. Are we talking months or years?

**Mr. Mark Hopkins:** Well, it really can vary. It depends entirely on the particular case, the landscape involved, whether there's science in place already that can be accessed and used to assess oil and gas potential.

• (1710)

**Mr. William Amos:** I have a question on a separate topic.

I think the starting point for the comment is that a number of us believe that INAC can be a fundamentally positive partner going forward in terms of achieving not just the 10% and 17% objectives, but going far beyond those figures. We are looking forward to INAC collaboration across the federal family.

However, I guess I have another tough question for you.

To what degree would you say that the Government of Canada's past failure to implement the terms of modern agreements, such as, for example, the Nunavut Land Claims Agreement...? I'm sure you're aware that the Nunavut Court of Appeal indicated that article 12 of the NLCA wasn't adhered to, and that aspect required the setting up of a general environmental monitoring plan. There's a summary judgment saying that the federal government, in 2013, had not fulfilled its commitments.

To what degree does that kind of non-fulfilment of legal requirements pursuant to modern day agreements impede broader initiatives with first nations or indigenous peoples across Canada from achieving conservation goals that are jointly done?

**Mr. Mark Hopkins:** Implementation of those treaties is a vital and important aspect of the department's work. A branch has been established, and subsequent to the particular case you're referring to in Nunavut, a lot of effort has been applied to ensuring that the terms in particular of the Nunavut Land Claims Agreement are implemented. There is now a Nunavut general monitoring plan in place. These kinds of monitoring plans, which are also in place elsewhere such as in the Northwest Territories, are an important part of building a picture of the landscape that will contribute towards the identification of areas for potential protection.

**Mr. William Amos:** Thank you, sir.

[Translation]

If I have some speaking time left, I would like to ask Mr. Morel a question.

I was very pleased to hear the presentation you made to us and the written presentation you provided.

To go back to the Gulf of St. Lawrence, there are groups that have been calling on the federal government for quite a few years to establish a process for designating protected areas or conservation areas everywhere in the gulf, before governments or departments decide to permit any kind of development.

Where does the department stand on this issue?

**Mr. Philippe Morel:** The department sits on a bilateral committee — federal and provincial — on protected marine areas that Environment Canada and Parks Canada and three provincial government departments also sit on it. The objective of the committee is to designate marine areas of interest and make progress on things in that regard.



Recently, the American Bank and another marine area, in the Îles-de-la-Madeleine, were designated through that process. There is a third, but I have unfortunately forgotten what it is. The governments divide up the work of determining what the best mechanisms or legislative tools are for protecting the marine space. There is also the Saguenay–St. Lawrence Marine Park, which is managed jointly by the Société des établissements de plein air du Québec and Parks Canada. This marine area is considered to be of interest for protecting the beluga, a species that is now at risk. The possibility of this park being used to protect that species' habitat is being studied.

So we are working with those departments and with interest groups, environmental groups and the fishing industry. That collaboration, which is becoming increasingly official, has been in place for 25 years and is improving every year.

• (1715)

[English]

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

Mr. Stetski.

**Mr. Wayne Stetski:** I want to go back to the concept of indigenous protected areas for just a moment. Over the course of our trip, we heard a lot from a variety of indigenous people and in witness testimony about the shared values around conservation. I'm wondering whether you would consider actually going out to first nations across Canada with a question and asking them what they would like to see protected in their areas, and doing it both in the spirit of reconciliation and in the spirit of helping to meet these targets coming up.

**Mr. Philippe Morel:** I can start by maybe pointing out to colleagues from other departments that it's difficult to account for the contributions of indigenous people where they have treaty rights based on land and to determine how they can contribute to marine protected areas. There are some initiatives to conserve or protect maybe some migratory birds, which could be extended to some marine areas, and if there were any contributions we would certainly welcome those as part of a contribution to our objectives.

**Mr. Wayne Stetski:** My question is about being proactive and actually approaching first nations across the country and asking them that question.

**Ms. Nadine Crookes:** I think that's a very important question, and it would be a very important process to have that conversation with indigenous communities across the country. Certainly in Parks Canada's experience, we've learned over the course of our 125-plus years of being around that our parks and protected areas work really when we work closely with indigenous communities and we have those shared objectives and they're enabled through the management of the landscape. Learning from those experiences certainly will contribute to the thinking around the pathway work and the conversations that likely will need to occur.

**Mr. Rob Prosser:** It's actually the reason we have identified that three members of our steering committee need to come from national indigenous organizations. We're going to be exploring the potential opportunities for indigenous protected areas; those are ill-defined at this point. I think it would be very beneficial for Canada to come to some consensus on what these could be. Having representation on a

steering committee as well as hearing from other groups that we will no doubt be consulting with will help us to get there.

**Mr. Wayne Stetski:** You have targets to meet for 2020. We've heard from many witnesses that looking ahead—

**The Chair:** I'm sorry but you're out of time.

We're sitting here trying to understand how we can help you to reach the targets. What can we do as a committee? What barriers or constraints can we help with and recommend changes to in order to expedite this process?

We sent you a bunch of questions, some from the Conservatives, some from us, and some from the NDP. I know we got some feedback in answer to those questions. I know you changed your introductory remarks to try to address some of them, but a lot of the questions we sent you haven't been touched on. We obviously want that information from you.

In the 10 minutes remaining, is there anything you can share with us in order to get on the record something about the barriers or the constraints that we could present to the government to help expedite things? We've heard over and over not only from you but also from many others that time is of the essence. Even the ones you've mentioned adding are minute. They represent very small percentages, and we need large percentages to get to the targets. I just want to open that up to see if there's anything else that you could share with us so that we could help you.

• (1720)

**Mr. Philippe Morel:** I think the questions we had today were very helpful with regard to how to better engage everyone. I think part of our success has to do with not how fast but how well we will be consulting and engaging stakeholders at all levels towards our targets.

For example, when we're talking about marine protected areas, some may think that all activities including fishing by first nations will be prohibited, and that's not necessarily the case. When we declare that an area is a marine protected area, we protect it from what it needs to be protected from. To do that, we need to consult and adjust and to make sure that everyone understands why sometimes we need to have partial fisheries closures or partial access or why we designate different types of gear that can be used so that sponges and other seabed treasures we're protecting are not destroyed.

I think you are contributing to that understanding through your work here and also as members of Parliament, and that helps us.

**The Chair:** Our report is going to be making recommendations. That's what we're trying to dig out here. What are the recommendations that can be helpful to moving the government forward in achieving these targets? That's what we're trying to get.

Does anybody else want to share anything on that point?

**Mr. Rob Prosper:** I would like to reflect on something that I think Steven Nitah said in testimony, and that was on the importance of working with indigenous groups and recognizing the need for support and capacity in order for communities to participate in protected area establishment.

Finally, I think it takes time, and I don't know if there's any way of getting around the fact that to build a trusting relationship takes time. I think we all have to turn our minds to how we can build better relationships and make that time shorter.

**The Chair:** That's a good point.

Does Ms. Milburn-Hopwood want to say anything before we close up?

**Ms. Sue Milburn-Hopwood:** I have nothing to add other than I think the fact that this committee is actually undertaking this study has generated a lot of discussion. We're very much following the

developments of this committee and the testimony at your hearings. I think that push, that buzz, and the probing questions that you're asking are very helpful in terms of moving forward, but I think we need to just get on with it.

**The Chair:** Thank you all very much for coming, and to some of you for coming back, to help us explore a little deeper. There are obviously questions here that we are looking to get some written responses to. If we could get those within a week and a bit, we would really appreciate it. If we are going to move forward and do our drafting instructions, we would like to make sure we have those included. Thank you very much again.

I just want to let the committee know we are going to go into subcommittee shortly but we will end this meeting now.

The meeting is adjourned.

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