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Chair

Mr. Scott Simms

Standing Committee on Fisheries and Oceans

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• (0845)

[English]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): Good morning, everyone. Welcome to meeting number 54 on Tuesday, April 4, 2017. We're continuing with our study.

Pursuant to Standing Order 108(2), the committee commences its study on the Oceans Act's marine protected areas and a motion of the MPA study. This morning we have some very special guests.

We expect this to be a fairly lengthy study. We're planning on travelling to the Northwest Territories as well as British Columbia in the next few months. We're also going to have several witnesses over that time.

I'll introduce our guests.

Philippe Morel is the acting senior assistant deputy minister, ecosystems and fisheries management.

Mr. Morel, you'll be doing the speaking this morning for the opening 10 minutes. Is that correct?

Mr. Philippe Morel (Acting Senior Assistant Deputy Minister, Ecosystems and Fisheries Management, Department of Fisheries and Oceans): Yes, that's correct.

The Chair: Everyone else will remain for questions and comments.

We also have with us Jeff MacDonald, director general, oceans and fisheries policy; Robert Elliott, director general, economic analysis and statistics; and Annette Daley, director, oceans management, Maritimes region.

Ms. Daley, a special request was made for you to come here. Thank you very much, as we all feel really special about that. We're glad you could join us. You're at the Bedford Institute right now, correct?

Ms. Annette Daley (Director, Oceans Management, Maritimes Region, Department of Fisheries and Oceans): Yes, I am.

The Chair: Alejandro DeMaio-Sukic is a manager, economic analysis. Thank you for joining us this morning. There was a special request for you to come in to talk about this.

Mr. Morel, please proceed.

Mr. Philippe Morel: Good morning. 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 the World Oceans Day celebrations, Ministers LeBlanc, McKenna, and Bennett announced the government's five-point plan to meet its target to increase marine and coastal protection to 5% by 2017 and 10% by 2020, as mandated by the Prime Minister.

Our plan is the result of a long-term science investment and extensive collaboration with provinces, territories, indigenous groups, coastal communities, fisheries groups, and other marine sector and environmental groups.

I would like to briefly outline the five-point plan, which is further detailed in the background presentation circulated to you. I do not intend to go over the presentation that was circulated. It was sent to you for future reference.

Since the committee has expressed a specific interest in various aspects of how we develop Oceans Act MPAs, I would also like to briefly outline the MPA process, which is also further detailed in the background presentation.

• (0850)

[Translation]

Our first objective is to make progress on and complete the designation of marine protected areas under way. In some cases, the process to protect these areas began more than 15 years ago. We develop our marine conservation objectives at the national level; they are not broken down by region or ocean. Instead, we work in areas in need of protection, when the scientific community alerts us to a need or when stakeholders and communities call for conservation measures.

In November, we designated Anguniaqvia niqiqyuam—which is equally difficult to pronounce in English and French—also known as Darnley Bay, in the Arctic. In February, the Hecate Strait and Queen Charlotte Sound Glass Sponge Reefs, in the Pacific region, became our 10th designated MPA.

We are making good progress on the designation of three other proposed MPAs: St. Anns Bank off the eastern Scotian Shelf; the Laurentian Channel in the continental shelf off Newfoundland and Labrador; and the American Bank in the Gulf of St. Lawrence.

The Parks Canada Agency is currently working on establishing the Lancaster Sound national marine conservation area. In December, Environment and Climate Change Canada published, in part I of the *Canada Gazette*, the government's intent to designate the marine area around the Scott Islands as a marine national wildlife area. These two protected areas will help us achieve our conservation objectives for 2017.

[English]

The international marine conservation target allows countries to count the contribution made to marine biodiversity by other effective area-based conservation measures, also called "other measures". We developed criteria on other measures last year, based on scientific advice and the guidance emerging from the Canadian Council on Ecological Areas and the International Union for Conservation of Nature, IUCN. These criteria are also found on our website and in the presentation on slide 9.

We needed to advance our approach on other measures so they could contribute to our 2017 target, and we are now international leaders in this area. We are working closely with the IUCN and other international partners on this front, and they have been interested and supportive.

The background presentation includes a map outlining these areas as well as future fishery closures for the 2017 target, which we are currently exploring with provinces, territories, indigenous groups, fisheries groups, and environmental groups.

We are also pursuing the establishment of new, large Oceans Act MPAs in offshore areas that are greater than 100,000 square kilometres. We are determining the exact location and size of these areas in consultation with our partners, indigenous groups, marine industries, and other stakeholders.

We are also exploring how the Oceans Act can be updated to speed up the designation process for MPAs without sacrificing science or the public's opportunity to provide input.

We will also look at how to improve the act's ability to support application of the precautionary principle while incorporating the best available science.

We noted that the March 24 Standing Committee on Environment and Sustainable Development report recommends that the government "explore more effective and innovative mechanisms to expedite protection for marine and coastal areas". The ENVI report also calls for Oceans Act amendments that enable interim marine protection before areas are formally established, and shortened time frames to develop our network of marine protected areas.

Work is currently under way to prepare a proposed bill for the Oceans Act, and is well aligned with these recommendations. Consultation on the proposed amendments is ongoing.

For our 2020 target, work continues to advance MPA networks in priority bioregions. Through these processes we will establish additional Oceans Act MPAs in areas under pressure from human activities.

Now I will talk a little bit about the MPA development process. This is detailed starting on page 24 of the presentation.

Over the last 20 years, extensive science has identified ecologically and biologically significant areas in our three oceans, also called EBSAs.

Through the MPA network planning processes, which are under way in five key marine bioregions, most candidate areas for Oceans Act MPA establishment, also known as areas of interest, AOIs, are already identified. These AOIs are not selected in a vacuum. Using the ecosystem approach and applying precaution, these AOIs are selected based on information about their ecological and biological significance, much of which was developed through the EBSA process. Once an AOI is selected, ecological and socio-economic data are compiled and analyzed for the effects a conservation action may have, both positive and negative. Indigenous traditional knowledge is important, particularly for areas in which scientific information is limited.

Biophysical and ecological overview reports are compiled and include the ecological importance and key physical, ecological, and biological information for the area. Traditional and local ecological knowledge is also included as appropriate.

Conservation objectives are then developed using risk-based tools to determine what human activities are compatible with these objectives.

Socio-economic overview and assessment reports are also produced and include the variety and intensity of economic activities and current use of resources for the area. These reports may also describe potential future economic activities where the probability and level of confidence is high that the activity will occur. Fisheries and Oceans has produced guidance for completing and integrating socio-economic analysis into marine protected area development. This ensures that the analysis undertaken is rigorous and consistent across the country, and meets professional standards.

A management approach and proposed MPA regulations are then developed. At this stage, every effort is made to understand, analyze and minimize the economic impact on marine user groups while respecting the conservation objectives.

Once the MPA is designated, we work with indigenous and local communities to implement the management plan in an adaptive way, including ecological and compliance monitoring and research. MPAs are created on a permanent basis, and we ensure that all affected and interested groups and parties are engaged and included in a collaborative manner through the entire process.

In conclusion, DFO is conscious that protecting our oceans is a long-term but necessary investment in renewing our marine natural capital, and supports balanced ecosystems. These outcomes help secure long-term productivity and economic opportunities for many maritime sectors, including fisheries. Our work on meeting our marine conservation targets also helps to lay the long-term foundation to advance marine spatial planning to better manage our oceans' resources.

●(0855)

Once again, thank you for the opportunity to provide you with this briefing on the government's plan. We are pleased to respond to your questions.

The Chair: Thank you for being exactly 10 minutes.

Now we start our seven-minute questions and comments.

Ms. Jordan, for seven minutes, please.

Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.): Thank you all for being here today and for your presentation.

My headpiece wasn't working when you were speaking in French, so I missed some of the translation on the areas you're working on now. You talked about one on the Nova Scotia coast. Where exactly is that, and where is it in the process?

Mr. Philippe Morel: It's at St. Anns Bank.

It has been published in the *Canada Gazette*, part I. We received comments, and now we're analyzing the comments to prepare for a process with the *Canada Gazette*, part II.

We are also in the process of consulting on the different comments. Maybe Annette can add information. She's leading the consultation and engagement in the region.

●(0900)

Ms. Annette Daley: We've looked at and analyzed the comments, and we've made some adjustments to one of the zones in the MPA. We're going back to consult with some of our stakeholders who had comments in the *Canada Gazette*, part I, to communicate what our planned changes are and with a view to moving to *Canada Gazette*, part II.

Mrs. Bernadette Jordan: Could you walk me through the process of consultation, then? We've heard that you do consultations with all of the partners involved, including your fishermen and the indigenous groups. Can you walk me through how you actually do that? How do you reach out to those people? How do they provide feedback? Is it just a matter of publishing in the *Gazette*, or is it a bigger process?

Ms. Annette Daley: If that question is directed toward me, I can start by going back to, for example, St. Anns Bank. It's actually quite an extensive consultation process that starts very early on in the identification of an area of interest for us.

In the case of St. Anns Bank, probably about 2008 or 2009 we would have started to focus in on several areas of interest for us that had biological or ecological interest. Through consultation and discussion with stakeholders, in the case of St. Anns Bank, I think we narrowed it down to about three candidate sites, and then further consulted much more directly with stakeholders, narrowing down those sites and choosing the one that had interest for us from an ecological and biological standpoint, a scientific standpoint, and for the stakeholders perhaps minimized the impacts on the industry and other stakeholders' interest in those sites.

We eventually narrowed it to St. Anns Bank. When we did that, we, again, held open houses throughout the region. We had a multi-stakeholder advisory committee that was established using academia, the provinces, the indigenous communities, industry groups, and

fisheries groups. We used that advisory committee through the process of further identifying the conservation objectives, for example, for St. Anns Bank. That process went right through to 2015.

As part of our ongoing process for marine protected area planning, we also have processes outside of that specific site to talk to provinces, indigenous communities, and other stakeholders.

For example, on the MPA planning process right now, I meet monthly with the province and other federal departments as we work through the identification of other potential sites. I meet regularly with the indigenous communities, through the KMKNO consultation process here in Nova Scotia. We meet quarterly with environmental NGOs and with the Department of Fisheries and Oceans to go through discussions on this and other fisheries issues. We brief some of our fisheries advisory committees regularly.

Mrs. Bernadette Jordan: You said you started this process for St. Anns Bank in 2009 and did the consultations. It was a six-year process, basically; you said it finished in 2015. My question is this. We're shooting for a target of 5% by the end of 2017. Is that a realistic target, based on the fact that sometimes it takes six years to go through just the consultation process?

Mr. Philippe Morel: It is a target that is certainly ambitious, but a target that we believe we can meet through different measures.

There's not only the MPA process. That's a small contribution to the overall 5%. We're looking at other measures and how they can contribute to the protected area objectives. The Scott Islands wildlife marine area and the Lancaster Sound parks are also two major contributors to the 5% target.

Mrs. Bernadette Jordan: I remember that one of the department officials, when we were talking about MPAs before, described it as both exciting and terrifying to try to reach these targets, but they felt that it was very doable.

So you see the 5% as ambitious, but doable.

Mr. Philippe Morel: Yes.

Mrs. Bernadette Jordan: What about the 10% by 2020?

Mr. Philippe Morel: The 10% is where the MPAs.... There are the larger MPAs that we're working on for 2020. By modifying the Oceans Act to make it faster, we anticipate we will be able to meet the 10% by designating more MPAs. There is also the MPA network, which is a combination of different sites in one ecosystem and will also contribute to the 10%. It's the addition of all that.

Now we're working on the low-hanging fruit, I must say. We're also working to prepare to be able to deliver on the additional 5% between 2018 and 2020.

●(0905)

Mrs. Bernadette Jordan: I come from the South Shore of Nova Scotia. It has a huge fishing and lobster industry. One of the concerns we've heard is that we're trying to shut down industry.

I know that's actually not the case. Just because you designate something as an MPA does not mean you cannot commercially fish. Is that correct? It depends on the MPA, I guess.

Mr. Philippe Morel: Exactly. It depends on the conservation objectives that the MPA sets. If we're protecting fish habitat, and the science tells us that we can continue to have shipping or certain commercial fisheries that will not affect the MPA conservation objectives, then yes.

We always look at what we can authorize and what we should not authorize, depending totally on the conservation objectives.

The Chair: Thank you very much, folks.

I have just a couple of reminders for everybody, as we haven't had witnesses in a while. When we reach the time expired, the seven minutes or five minutes, whatever the time may be, I won't allow anyone else to ask a question; however, I will allow our guests to finish their answers going beyond the seven minutes, if that's okay with everybody. I find that's probably a lot more sensible.

Also, let's not forget, when we're directing a question to someone, to mention them by name in the beginning. That's better for our people who are recording this, and it's much better for those joining us by video conference.

We're now going to Mr. Doherty, for seven minutes, please.

Mr. Todd Doherty (Cariboo—Prince George, CPC): Thank you Mr. Chair, and thank you to our guests for being here today.

Mr. Morel, on average how much time elapses between an area of interest being considered as an Oceans Act MPA and its becoming one?

Mr. Philippe Morel: Jeff may have more details, but on average it takes between five and seven years—more towards the seven-year time frame—to designate an MPA.

Mr. Todd Doherty: Is it your testimony today that economic analyses have been done on the five protected areas, the Hecate Strait and Queen Charlotte Sound glass sponge reefs, Darnley Bay, St. Anns Bank, Laurentian Channel, and banc des Américains in the St. Lawrence?

Mr. Philippe Morel: Jeff.

Mr. Jeff MacDonald (Director General, Oceans and Fisheries Policy, Department of Fisheries and Oceans): Yes, we do an economic analysis in terms of the impact for all of these, in all five protected areas.

Mr. Todd Doherty: What were the results of the economic impact analyses?

Mr. Jeff MacDonald: It's on a site-by-site basis. Each one of the economic impact analyses is done as part of the regulatory impact analysis statement. When we put forward a site for publication in the *Canada Gazette*, we need to do an analysis not only of the economics, but also of the social impact. Each one will vary—and we can provide the detailed information on that to you—but of course, it also depends on what human activities are taking place in that area.

For example, Darnley Bay in the Northwest Territories was a marine protected area that was very much community initiated. The community of Paulatuk was very interested in protecting the food sources for their community. The economic impact in terms of other activities was rather minimal, because the area was essentially an area for food security.

In regard to other areas such as the Gully or St. Anns Bank or Hecate Strait, there were some potential impacts on the fishing industry. Mr. Elliott and his staff are the ones who quantify that, and that forms part of the—

Mr. Todd Doherty: Mr. Chair, can we get that information?

The Chair: Can you forward it to us in both languages, please?

Mr. Todd Doherty: Again, I'll direct this to Mr. Morel, and if he can't answer it, maybe another one of our guests can.

We know that crab quota cuts were just implemented in Newfoundland and Labrador. When you do an economic impact analysis, does it take into consideration the potential impact on industry in the adjacent landscape? For example, if we know that a certain catch like crab is already limited, do you then analyze how further restrictions will put a strain on the other areas where the catch may be available?

• (0910)

Mr. Philippe Morel: Yes, we do, and I'll ask Robert to add more. When we do an economic analysis and we see some impact, for example on a fishery more specifically, we also look at whether these fisheries allocations can be relocated outside of the area. If it's possible, we provide that. It's always based on what the impacts are and what measures we can take to mitigate them.

Robert, do you want to add something?

Mr. Robert Elliott (Director General, Economic Analysis and Statistics, Department of Fisheries and Oceans): When we do the economic analysis, it's very comprehensive. It all starts with the area-of-interest process, and we will consult with and get information from all sources to make sure that the analysis that we do is as robust and as informed as possible.

When there is something that happens within an area, for example the crab quota cuts, we would do that even outside of the area-of-interest process. Part of our job is to make sure that we understand, when there's a reduction, that we know what those potential impacts would be. That would be folded into the analysis that we do.

Mr. Todd Doherty: I have one final question. When marine protected area restrictions are in place, does it apply to all fishers, all people?

Mr. Philippe Morel: No, not necessarily. As previously mentioned, we can, for example, permit some fisheries depending on the gear or the method of fishing and forbid other types of fisheries. It really depends on the conservation agenda. For example, if you're trying to protect sponges, bottom trawling usually has more impact than if you're trying to protect other species that are not groundfish. It depends on the conservation agenda.

Mr. Todd Doherty: I'll share my time with Mr. Arnold.

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

The development of restricted areas for conservation of nature is one of the criteria for a marine protected area. Is total restriction from activities necessary for it to be declared a marine protected area? If not, what are the variables?

Mr. Jeff MacDonald: The way we've proceeded with the development of marine protected areas recently is with a combination of a core protected zone, where all human activity is restricted, and then we have what we call adaptive management zones, which tend to be around the core area, where, as Philippe said, depending on the conservation objective, certain human activities will be allowed. A good example for the committee to perhaps look at in greater detail is the Gully off Nova Scotia where we created a very large core protective zone, the objective there being to protect the habitat of an endangered species, the northern bottlenose whale. But then there were other activities, such as mid-water trawl and some sword fishing, that were allowed in the adaptive area outside of the core area.

We've established this type of concept in other areas as well, such as the Hecate Strait glass sponge reefs where we have a core protected area and then an adaptive management area around it. That is really the type of design we do in terms of establishing the area and what types of activities are permitted and not.

Mr. Mel Arnold: Can a marine protected area protect, say, the ocean bottom and still allow other activities on the surface, fishing and so on, or vice versa, close surface fishing to protect a certain species and still allow other activities, for example offshore drilling, that type of thing? Is it possible to have an MPA that would allow one but not the other?

Mr. Jeff MacDonald: It is possible to have that. Hecate Strait is one example where in the vertical adaptive management zone—that is the area between the top of the reefs and the surface of the water—some midwater trawling is allowed, or long-lining, safe in the knowledge it is not going to reach a depth that is going to affect the sponge reefs, but the activity can still take place.

The Chair: Thank you.

Mr. Donnelly, you have seven minutes, please.

• (0915)

Mr. Fin Donnelly (Port Moody—Coquitlam, NDP): Thank you, Mr. Chair.

Mr. Morel, could you have DFO provide this committee with a list of the new large Oceans Act MPAs in pristine offshore areas that are under consideration?

Mr. Philippe Morel: Right now we're talking with provinces and stakeholders. We have several potentials and when they are sufficiently advanced with the stakeholders, we'll have the potential impacts and they will be designated as areas of interest. Yes, sure, we can do that.

Mr. Fin Donnelly: Can you provide the list in writing this week for what you have so far?

Mr. Philippe Morel: Right now we're looking at two potentially serious ones: the west coast offshore and in the northeast, north of Newfoundland, but we're also looking at other potentials so I cannot provide you with the boundaries or the scope right now because we are still talking to stakeholders.

Mr. Fin Donnelly: But just the names—I have two so far, and there may be others.

Mr. Philippe Morel: We are looking at several but we're not necessarily looking at turning them all into MPAs. We're looking at what the priorities should be.

Mr. Fin Donnelly: Also DFO is ultimately responsible for coordinating Canada's national MPA system, but you're obviously integrated with Environment and Climate Change Canada and Parks Canada, so can you tell the committee how you're integrated and how the departments are working together on establishing the 5%?

Mr. Philippe Morel: We have several working groups at different levels and some permanent governance structures. The interdepartmental ocean committee is chaired at the DG level by Jeff, and at the ADM level by me, and it's also integrated. Some of those discussions also happen at the DM level through the oceans protection plan structure where we report on the targets and the impact of protecting marine areas on the ocean.

Mr. Fin Donnelly: What about provinces and territories?

Mr. Philippe Morel: They are also coordinated through CCFAM, Canadian Council of Fisheries and Aquaculture Ministers subcommittee. It's called the ocean task group. Jeff is co-chairing that committee for DFO. All provinces are there, also ocean directors from DFO, and someone from Parks Canada, someone from ECCC, and I think we needed someone from NRCan for the oil and gas claims.

Mr. Fin Donnelly: A third point of Canada's plan involves the protection of areas under pressure from human activity. Can you provide the committee with a list of these areas under pressure?

Mr. Jeff MacDonald: The areas under pressure refer to the marine protected area network planning, which is a process that's been ongoing in our five priority bioregions since 2011. Under the national conservation plan, additional funding was put into the development of MPA networks in 2014. Each network in those bioregions is expected to report their plan over the next year or two and the sites that would be emerging from those networks could be identified as MPAs to meet the 2020 target. They could also be protected under other tools such as those of Parks Canada, Environment Canada, or the provinces and territories.

Mr. Fin Donnelly: What kind of pressures are these areas under?

Mr. Jeff MacDonald: The priority bioregions are the ones where there is significant human activity: fishing, oil and gas exploration, aquaculture development, shipping, etc., so when we talk about those five priority bioregions—and we can provide a map to the committee—we're talking about the Pacific north coast, the Gulf of St. Lawrence, the Scotian Shelf, Newfoundland and Labrador, and the Beaufort Sea.

Mr. Fin Donnelly: What factors affect the rate of progress in designating MPAs in Canada?

• (0920)

Mr. Philippe Morel: I'm not sure I get what exactly you want to ask.

Mr. Fin Donnelly: Why do they take so long?

Mr. Philippe Morel: Well, it's due to consultations, very diverse interests, of course, that up front may be perceived as conflicting interests between the conservation and use and the economic impact, or the sustainability of fisheries and the economic activities.

It takes time to engage and to make sure we get it right. When we designate, we look at the conservation objectives, and sometimes we have to adapt the zone or the measures that we use to protect the area.

Mr. Fin Donnelly: If we compare marine protection to terrestrial planning and protection, do we have a very similar timeline in terms of how long it takes and what activities are allowed and not allowed? For instance, I think of a national park. Do we allow commercial activities that are the equivalent of what we would allow in marine protected areas?

Mr. Jeff MacDonald: I'm not well versed enough in terrestrial park planning to really be able to provide a comparison. What I can say is that, in terms of planning for marine protected areas, we do need to be thorough in terms of our consultations, because what is being proposed is something that is fairly permanent in nature. It's intended, obviously, to increase biodiversity, and so we don't want to allow any activities that would affect that objective.

At the same time, the purpose of the Oceans Act MPAs is to support the sustainable use of oceans. Therefore, any activity that is compatible with the conservation objective is supported.

I'm not sure if the tools that are used to create parks or other terrestrial protection measures are similar. I'm just not familiar with that particular methodology.

The Chair: Thank you.

Mr. Hardie, you have seven minutes, please.

Mr. Ken Hardie (Fleetwood—Port Kells, Lib.): Thank you, Mr. Chair, and thank you to the guests for being here.

Throughout the conversations we've seen so far on marine protected areas, the words that keep coming are "integration of area ecosystems" and "network".

I would really like somebody to put the term "network" into a little bit more context. Obviously, the marine protected areas that we have or that have been designated are quite distant from each other. Could somebody just give me some background on the term "network" and what it really means in this context?

Mr. Jeff MacDonald: "MPA networks" is a term that we use. It's a more current term. I think you'll find in the Oceans Act that the actual term that was used 20 years ago was a "system".

The idea of a network is that you're identifying areas of an ecosystem. In our world those would be bioregions. These are areas that have been scientifically identified as contained areas within which there are a number of activities that complement each other. What we're attempting to do with a network is identify those areas that are linked in an ecological sense. Think about that.

For example, with a species at risk you may identify the area where the species spawns, then another area where it feeds, and then another area of the ecosystem where it seeks shelter. By following the life cycle of that species, you're able to identify the different areas

in that bioregion that are worthy of protection for that species. That's what we call a "network".

It may mean that when we identify an area it could be a marine protected area because we know that it's important for the ecology, but there may be multiple human activities taking place there, in which case you would want to use an instrument that can regulate them all.

In other circumstances, there may be only one human activity, such as fishing, in which case you might use the Fisheries Act to create an area closure to protect a particular part of that ecosystem. Therefore, you're only using that statutory instrument instead of a full-blown Oceans Act MPA. The idea is that by putting all these sites together, and looking at the entire map of the bioregion, you're able to identify the network of MPAs and together that is what we call a "network". It's a system or areas that are linked ecologically.

Mr. Ken Hardie: Thank you for that.

I wanted to refer to a study on protected areas that was just released by the environment committee. I'll just read recommendation 6 and ask for comment.

The Committee recommends that the Government of Canada develop a "corridors of connectivity" and "buffer zone" strategy to protect and enhance ecologically valuable networks of protected areas and regions on the periphery of protected areas.

I take from this that you could have a marine protected area, but then there would be perhaps a surrounding area of interest. Would that be essentially managed in the same way as a marine protected area?

• (0925)

Mr. Jeff MacDonald: The concept of corridors of connectivity is one that you also find on land, when we talk about protecting a wilderness for a species that has a large range.

We have approached MPA network development along the lines that Annette outlined in terms of establishing an MPA. We are partners with the provinces, the territories, and indigenous organizations. We have representatives from non-governmental organizations and from the industry that conducts human activities in that area. When we are talking about the development of the network, we can say that we have done that with those groups, those levels of government, and those organizations so that the connectivity of the areas is well understood.

It is not only because of its permanent nature that we need to have a very thorough understanding; it's also very educative, because, as we go through the process, we are learning more about the oceans. As Philippe said, we've made an investment over the past 20 years and we have a better understanding, but by no means does that mean we understand everything about what's taking place. The idea of identifying and establishing networks is fairly new, but how we would manage them, to answer your question, is really along the lines of establishing an advisory system that looks at the entire bioregion and allows for exploring the concepts of corridors of connectivity and buffer zones along the lines of what we were calling "network planning".

Mr. Ken Hardie: I wanted to talk about the consultation. Ms. Daley, you seem to have been quite involved in some of the east coast activities. Can you give me a sense of what kind of conflicting visions, if you like, came up? Where were the rubs, and what did you do, through the process of consultation, to hopefully resolve those conflicts among the various interests around a marine protected area?

Ms. Annette Daley: There certainly are a lot of diverse views, and I will give the example of St. Anns Bank. When those regulations were published in *Canada Gazette*, part I, we had a lot of feedback. The highest number of responses we had were from the ENGO community. They were highly supportive of marine protected areas and of the high-protection zone we have in the centre, which minimizes the level of activity that occurs in that zone.

There were other interests. On the east coast, for example, we have a lot of oil and gas interests, and obviously very active fisheries, so we do get comments around considering the types of use that could potentially be within the marine protected area. Some of those users have different requests of us and in a way they are competing requests, so we try to balance that as best we can. We meet with them, and we try to accommodate their requests to the extent possible, balancing the interests of others. In effect, that is why we have these multi-stakeholder advisory committees, so they can hear each other's views and we can help balance those views as we design the MPA.

As Jeff indicated, the design of the MPA allows for some zones to have some level of activity, so again, we try to balance the users' needs by using those other zones to accommodate some of the activities they request.

Mr. Ken Hardie: On a scale of one to 10, what is the level of satisfaction with the results among the whole range of groups?

Ms. Annette Daley: We aim for the highest level of satisfaction that we can. Certainly, there are going to be people who are impacted by having areas that are protected, and we try to minimize the impacts. Obviously, we aim for 100%, but maybe we get in the range of 90%. That is likely.

• (0930)

The Chair: Thank you very much.

Mr. Sopuck, you have five minutes, please.

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

One point I'd like to make is that I'm getting tired, quite frankly, of the rural communities being marginalized in these presentations here. When I see the list of people who will be consulted, the word "community" shows up from time to time. There's the usual group that's always consulted. I made the same request in the environment committee when I sat in on the issue about parks. Again, rural communities are rarely specifically mentioned in the list of groups to be consulted. I am strongly requesting that from now on, in all presentation materials, rural communities are mentioned as stakeholder groups.

My second point is that I was very pleased to hear that the national conservation plan budget is still in place. Again, that was started under our government. The marine protected area program was started under the national conservation plan.

Just quickly, is the funding under the national conservation plan still in place?

Mr. Jeff MacDonald: Yes, it is. It's a five-year program—

Mr. Robert Sopuck: Excellent. Great. Thanks.

Another issue coming from Manitoba, the issue of jurisdiction, is extremely important. I was quite shocked to see in the recent federal budget under the environment component—again, we're not talking about national parks here, but I think the point is germane—that "Manitoba Lowlands", mentioned as a new national park, is wholly owned by the Province of Manitoba as provincial crown land, where the federal government has no jurisdiction.

As well, under the national marine conservation areas, there was a mention of the Churchill and Nelson rivers as potential national marine conservation areas. I guess nobody in Ottawa knows that those rivers are extensively developed for hydroelectric, with a number of dams and diversions on both. They have been very significantly modified by human activity—all for the right reasons, I might add.

When I checked with my colleagues in the Manitoba government, where I have an extensive network, nobody had been consulted on either of those items by the federal government. They showed up in the budget and surprised the Manitoba government completely.

How could it ever occur, given that these two regions are clearly solely under provincial jurisdiction, that there was no consultation before they appeared in the budget?

Mr. Philippe Morel: I will have to give you a short answer, sorry. This is Parks Canada's jurisdiction. I'm not aware of any consultations—

Mr. Robert Sopuck: Okay, then, you can specifically refer to the national marine conservation area that's mentioned in the budget. The Churchill and Nelson rivers were mentioned. That's clearly a DFO issue.

Mr. Philippe Morel: Marine conservation areas are also under Parks Canada legislation. They're not under the Oceans Act. The MPAs that are under our responsibility are the MPAs that we do in the oceans, not on the rivers.

Mr. Robert Sopuck: What are the plans for marine, or so-called marine...? I use the term advisedly in terms of the difference between marine and non-marine. What are the plans by DFO? Do you have any plans for these protected areas within the freshwater regions of Canada?

Mr. Philippe Morel: No. We don't have freshwater jurisdiction under the Oceans Act.

When we designate an MPA—this is the process we outlined earlier—it starts from an ecologically and biologically significant area, and we consult at that stage. After that, before it becomes an area of interest, we consult at that stage with everyone. When we consult, it's with the larger groups that have national interest or regional interest, but it's also with the community. That includes the rural communities that are impacted, the fishermen, and the users, such as the tourist associations that use that area. We also do that through the designation of the MPA process. We also receive their comments during the formal *Canada Gazette* process.

There are all sorts of consultations at all levels throughout the process. Mr. Arnold asked earlier why it takes so long, and that's one reason why. To do it right, we need to consult on the conflicting interests and try to reconcile them.

Mr. Robert Sopuck: I guess this message is better delivered to Parks Canada, then, given what happened with both of the examples I used.

I'm a strong supporter of the notion of fish sanctuaries. In Australia about 6% of the marine area has been designated for them. Do you see the creation of fish sanctuaries, where very important breeding, spawning, and nursery habitats are completely off-limits to everybody, with a resultant core of a very high-producing area—I'm not saying it well, but you know what I mean—and then the surrounding area benefiting from these fish sanctuaries?

• (0935)

Mr. Jeff MacDonald: It is a concept that we have been following not only in Australia but also in New Zealand, where the term that's become common is to determine whether there is a spillover effect.

Mr. Robert Sopuck: Right.

Mr. Jeff MacDonald: So if you create a protected area, can you profit from the stocks that have benefited from the protection? In what Philippe announced in terms of other measures, we are looking at existing area closures and we've brought in a map for you in the presentation that shows areas where we have closed fisheries in the past, and we believe that they can actually count as other measures towards our target because they were ostensibly put in place for protecting the spawning areas of a particular species, or also to protect the habitat. They may call them fish sanctuaries there; we're calling them right now "other measures".

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

I just want to remind our committee members that we're going to have 15 minutes of committee business at the end of this meeting. So that would be from 10:30 to 10:45.

Mr. Morrissey, five minutes please.

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

My question is to Mr. Morel. Have there been any MPAs where commercial fishing existed and that commercial fishery is not allowed there today?

Mr. Philippe Morel: There are some Jeff knows of.

Mr. Jeff MacDonald: Some examples would be the Gully off eastern Nova Scotia. Another example would be the Hecate Strait and Queen Charlotte sponge reefs. They are examples of where we've restricted fishing in the core area.

Mr. Robert Morrissey: Have those fishers been compensated for their loss of resource?

Mr. Philippe Morel: In the case of Hecate Strait there's no compensation because we're moving the fisheries opportunity outside of the area so there's no need for compensation. We have never compensated with money or contributions a fishery. We try to adapt to provide them with other opportunities.

Mr. Robert Morrissey: On page 21 of your document there are six areas of interest identified. Explain how you develop an area of interest.

Mr. Jeff MacDonald: As Philippe said, we start with oceanographic information on areas that are ecologically and biologically significant. So as we've been doing ocean research through our science program either specifically to research the ecosystem and the area, or as a result of stock science that we do, we gather that data and we refine it. So we have a good idea of what the ecologically significant areas are and then, as we've explained, through some of the consultation processes initially we look at more refined...in a particular area. We may do additional science or surveys in that area.

For example, we may do a sonar reading of the ocean bottom and identify areas where we know that it is important habitat for a particular species. There comes a point where we say, we think this sub-area of this broader ecological area is what we call an area of interest. When we get to that point that's when we begin to design an advisory committee to really start to explore how can we protect this area in a way that minimizes the socio-economic impact, but at the same time protects what needs to be protected.

It is an educative process that comes out of our consultation. It starts with a scientific foundation, but then when we designate an area as an area of interest it's because we're satisfied that this is an important area worth protecting, and it's worth bringing our different interests together to begin understanding what can and can't be permitted in the area.

Mr. Robert Morrissey: I'm going to be specific; on your map area of interest you have identified the Shediac Valley. What is DFO's interest in the Shediac Valley?

• (0940)

Mr. Jeff MacDonald: The Shediac Valley is an important area for groundfish in the Gulf of St. Lawrence. It was identified as an area of interest quite some time ago.

It does not necessarily mean that every area of interest is going to proceed to becoming a marine protected area. Another example is the Race Rocks area of interest off British Columbia. That area is protected under provincial legislation, and as a result, it was determined that is the sufficient tool to fulfill the conservation objectives. Similarly, with the Shediac Valley, we know that's an important area, but it could be protected through other means, either fishery closure or other types of protected area tools. It doesn't necessarily need to be an Oceans Act marine protected area.

That's where the question earlier about networks is important, because this area is identified as part of the Gulf of St. Lawrence network, so we know there are areas that are important, that need to be protected. The Shediac Valley is one of them. Through our discussions with the Province of New Brunswick and with the fishing industry, etc., we'll determine whether or not the Oceans Act is the right tool for protecting that area or whether we can use other statutory instruments to achieve the conservation objective.

Mr. Robert Morrissey: The Shediac Valley is a significant lobster fishing area in New Brunswick, in Mr. Finnigan's area, as well as mine and in some parts of Prince Edward Island. When you look at a map like this, you see that it's an area of interest. This would cause a lot of concern within the lobster fishing areas, and probably with crabs as well. There's a significant crab fishery.

How do you see those two relating, because I believe from your comments you're identifying it because of the concern on groundfish?

Mr. Jeff MacDonald: That's right.

When we talk about compatible activities, one of the things we look at is the nature of the activity that takes place. There are examples in other protected areas where we would allow a passive technology such as a lobster trap or a crab pot, because it doesn't really affect the ocean bottom. In other cases, we would restrict it to bottom trawling where it does have an effect, so the nature of the technology that is used is part of the analysis that we do when we determine what activities would be permitted and what activities would not.

In the specific case of the Shediac Valley, we have not proceeded to the Oceans Act MPA designation because we do know that more work is required in terms of understanding what the potential impacts are, and so right now it's staying as an area of interest and not necessarily proceeding as an MPA.

The Chair: Thank you very much.

Now we're going to Mr. Arnold for five minutes, please.

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

Mr. Doherty shared his time, so I'm going to turn this first question back to him and then I'll carry on when it's my time.

Mr. Todd Doherty: Thank you.

Mr. Morel, what is the expected impact of the recently announced PNCIMA or proposed MPAs on the marine shipping traffic and industry on the Pacific coast, i.e., Port of Prince Rupert, Port Metro Vancouver?

Mr. Philippe Morel: The PNCIMA is not an MPA, it's....

Mr. Todd Doherty: An oceans protection plan. But it has measures in place, correct?

Mr. Philippe Morel: Measures will be developed by the stakeholders around the table, so for now it's a governance to be developed where we hope to implement the marine spatial planning. The objective of PNCIMA is not to necessarily create an MPA. It could end up adding some MPAs or adding a network, but the objective is not that. The objective is to have a better management of the ocean.

Mr. Todd Doherty: So what would be the impact of MPAs on the shipping traffic, marine traffic, on the west coast?

Mr. Philippe Morel: It all depends on the conservation agenda and where the MPAs are. Shipping is permitted in most of the MPAs unless there is some direct impact. Usually the measures to stop the shipping in one area, where there is an MPA, or, for example, where there are other measures like a critical habitat order, are voluntary and negotiated with the shipping industry; and they change their route to avoid impact on the conservation—

• (0945)

Mr. Todd Doherty: Then how do you balance the economic impact of, again, shipping, i.e., fisheries where an MPA is going to be had? We've just heard a concern from our colleagues from the east coast, but we also have communities that depend on fishing and

depend on those routes for shipping. How do you balance the economic impact of MPAs?

Mr. Robert Elliott: Frankly, it depends on the conservation objectives of the area of interest in the MPA. There are certain measures that can be undertaken in terms of mitigating economic consequences where—

Mr. Todd Doherty: What would those be?

Mr. Robert Elliott: For example, as Jeff indicated, you could switch the type of fishing gear. That would mitigate the impact on the MPA.

Mr. Todd Doherty: That would come at a cost to the fisher as well, correct?

Mr. Robert Elliott: That would be incorporated into our analysis. When we take a look at what the overall impact is going to be, all of those considerations would be taken into place in terms of identifying what the options are for mitigating the socio-economic impacts. For the change in gear and the change in the navigation routes, we will work very closely with Transport Canada on that—

Mr. Todd Doherty: There would be financial measures put in place for fishers and for companies that would be affected?

Mr. Philippe Morel: Usually no. We analyze everything, but no, there's no program to compensate for the impact of these measures.

We're trying to accommodate the industry for the impact they may have, as I mentioned earlier, maybe by just changing the fisheries from one area to another and buying back some licences, and to provide opportunities to other fisheries, to some other fishermen.

The Chair: Thank you.

Mr. Arnold.

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

I believe I've interpreted this correctly, but correct me if I'm wrong. For previously protected areas that were closed for fishing—for example, I know there are rockfish closures off the west coast of British Columbia—are those closed areas now being incorporated into the MPAs to reach the targets of 5% and 10%?

Mr. Jeff MacDonald: Yes, that is correct, in the sense that the criteria for other measures that we described in the presentation are being applied to each of the existing areas. What we're determining is whether they meet the criteria or not, and those that do, we would count towards the target.

Mr. Mel Arnold: Meet the criteria of an MPA?

Mr. Jeff MacDonald: Of another measure.

Mr. Mel Arnold: Of another measure under the criteria for MPAs?

Mr. Philippe Morel: Well, no, not exactly. The criteria of protection that are not under the Oceans Act protections.... On page 9 of the presentation, you have the five criteria that are used, which we believe are criteria that will enable us to designate some of the fisheries closures as protected areas, but not necessarily under the Oceans Act.

Mr. Mel Arnold: Thank you.

The Chair: Thank you, Mr. Arnold.

Mr. Finnigan, please, for five minutes.

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

[Translation]

I'm going to pick up on Mr. Morrissey's question, with respect to fisheries in the Gulf of St. Lawrence, an area of interest that runs along my region. I am curious as to the reason for the interest, since the area is home to numerous fisheries—including crab, lobster, and all groundfish—and is already intensely monitored by DFO. The department knows exactly which resources are there and does a yearly evaluation, so I wonder what the benefit of making the region a marine protected area would be.

Mr. Philippe Morel: I'll say a few words and then turn the floor over to Mr. MacDonald.

An area of interest may become a marine protected area if we believe that additional protection measures are needed to ensure the resource remains sustainable. Overfishing and climate change can have an impact on marine resources, potentially resulting in long-term declines.

In such cases, protection measures such as fishery closures and the creation of marine protected areas can be applied to ensure the continued growth of the resource. Fishing in other areas may then be possible. These areas are more relevant to the proliferation of the resources used by fish harvesters.

• (0950)

Mr. Pat Finnigan: Is that not a measure the Department of Fisheries and Oceans can already apply?

Normally, it reduces the quotas when it sees the resource declining.

Why is this measure needed?

[English]

Mr. Jeff MacDonald: I'll answer in English if that's all right. The difference, I think, is that with marine protected areas and the other measures that we use for protection, the objective is biodiversity, and not just specifically that particular fish stock in question. So, yes, we would use measures to protect the health of the fish stock, but marine protected areas writ large are intended to protect the aquarium, if you will. It's not just the fish itself; it's the environment within which the fish lives and has its life cycle.

For example, in the Gulf of St. Lawrence, le banc des Américains is an example of where we have identified a sanctuary, if you will, for groundfish. In developing that particular MPA, we would create a core zone where no one would go. We know that's a spawning area for that particular species, so we would allow that to take place so that there would be a greater productivity of the stock. They're intended to complement each other. We use mainly the fishing measures to manage the particular commercial fishery, but the MPAs are intended to complement that and to create areas that protect the broader ecosystem.

Mr. Pat Finnigan: We have areas that have been of interest for the last 20 years. Why are they still on the list or what are the plans for those areas?

Mr. Jeff MacDonald: The plans largely have to do with the development of marine protected area networks, so that we begin to understand not just why this particular area is interesting but also its relationship with the other areas in the same ecosystem.

When the network plans come out, then we'll be able to say we understand that all of these areas are ecologically linked. The next question would be about finding the right tool to protect them while at the same time minimizing the socio-economic impact. That's a public conversation and not one that's determined by just officials or just ministers. It's one that's done through the process we've described this morning.

Mr. Pat Finnigan: We have 10 MPAs in Canada, so how many would you say are “no-take” or totally out of use commercially?

Mr. Jeff MacDonald: We have developed some information we could provide to the committee that describes not only the no-take areas in each of the MPAs but also what activities are permitted and not permitted. We could provide that to the clerk.

For the most part, all of our MPAs have an area that is a core protection zone. They also include an adaptive management zone on the outside. There are the examples I mentioned—the Gully, the Hecate Strait, Darnley Bay, etc. Those are ones for which we can provide that detail, but in our design, each one has a core protected zone.

Mr. Pat Finnigan: I know Canada has a massive land mass, but some people would say that we're trailing behind other countries, such as the U.S. and the U.K. Is there a plan to catch up or are we kind of pressured to move in that direction to make more MPAs?

Mr. Philippe Morel: The Aichi targets set 10% for marine protected areas in country, and Canada subscribes to that. By 2020 we should meet the criteria, the international target. Some countries are more aggressive, but we believe we can meet the 2020 target and be comparable to other countries.

The Chair: Thank you, Mr. Finnigan.

Mr. Donnelly, go ahead for three minutes, please.

Mr. Fin Donnelly: Thank you, Mr. Chair.

Maybe I'll start with Mr. Morel.

Could you describe MPAs as having a long-term economic benefit to fisheries?

Mr. Philippe Morel: Certainly they can. If you consider, for example, what they can provide as protection for habitat and reproduction of certain species that could be endangered or just have lower stocks, MPAs—because fish do swim and go outside of the MPAs—can provide other opportunities elsewhere where there's no protection needed, according to our analysis.

• (0955)

Mr. Fin Donnelly: To date, the existing MPA collectively protects only 1% of Canada's oceans. I'm not sure if you've said this before in response to any of the questions being asked today by the committee members, but do you feel that the government's five-point plan will achieve 5% by the end of this year?

Mr. Philippe Morel: Yes, and it is challenging because it's fast; we're already in 2017. It is an exciting challenge that I think we will meet with all the measures we were able to put in place with our partners: parks, and environment, and also other stakeholder provinces and the fisheries closure. But I think we will meet the 5%.

Mr. Fin Donnelly: How are OECMs being integrated into marine area network planning? That's the other effective area-based conservation measure.

Mr. Philippe Morel: How they're integrated in the target?

Mr. Fin Donnelly: Yes, to the overall plan, the network, the marine protected area plan.

Mr. Philippe Morel: The way we do it right now is that we develop the criteria. We have consulted on these criteria with science, with a council of academics—it was a CSAS process—and with other stakeholders, while we were defining those five criteria.

We are in the process of looking at all the existing fisheries closures to see if they meet the criteria and whether we have the proper information to count them as protected areas toward our target. There will be some of the areas—not all of them—that will meet the target, for sure.

Mr. Fin Donnelly: So they will be included.

Mr. Philippe Morel: They'll be included.

The Chair: Thank you, Mr. Donnelly.

Folks, that ends two rounds, much earlier than we anticipated.

What I'd like to do, if it's okay with everyone, is to have you put up your hand if you have an interest in asking a question.

Oh, my, this is how popular you've become today. You have been very gracious with your time.

Why don't we do five-minute rounds? If that is okay, we'll go with three parties, five minutes each. Then, if we have time at the end, we can apportion some time if you have to ask a question.

I'd also like to do something different. At the end, if any of our guests would like to add something you didn't get a chance to add—we have department officials only once to start this study—something you feel you missed, we'll give you that opportunity, since we have the time.

So, it's five, five, and five, and we'll go to Mr. McDonald first, for five minutes, please.

Mr. Ken McDonald (Avalon, Lib.): Thank you, Mr. Chair. I'll share my time with Ms. Jordan.

I have one question. There might be a couple of questions in one, but my question is around enforcement.

We have marine protected areas now, or ocean protected areas. We're looking at increasing that.

How are we doing with regard to enforcement on activities that are not permitted in these areas, whether it be fishing or shipping or drilling or exploration, or anything else? Have we been doing a good job of enforcement? Do you see taking on an aggressive increase in the areas that are going to add to the problem of trying to provide the proper enforcement?

Mr. Philippe Morel: It's part of the mandate of the fisheries officers to also look at the protection offered under the Oceans Act. It's part of their duties.

However, the proper answer to your question is that every time we designate an MPA, we also have to put a management plan in place. It's in this management plan that the enforcement activities are included. They can be shared among fisheries officers or DFO staff, but they could also be shared with provincial authorities or indigenous guardians, or other monitoring organizations that can help reach the target. That's done in the management plan for each of the MPAs that are negotiated.

Mr. Ken McDonald: Thank you.

Mrs. Bernadette Jordan: I have a question that is twofold. Recently Corsair Canyon, Georges Bank, and Jordan Basin were designated benthic areas, protected areas.

Is that the same process for an MPA in terms of the community consultation, which is my big concern, and who was asked the question about that? Second, is this the first step in moving to make that a total MPA?

• (1000)

Mr. Philippe Morel: Do you want to answer that?

Mr. Jeff MacDonald: Yes. I can start, and then we can move to Annette if she has more specific details on the process. But certainly, yes, the way we proceeded in identifying those areas was along the same lines as the one we use for establishing an MPA. Certainly it was through research that we did with the United States where we identified not only the importance of canyons but a lot of the coral and sponge concentrations that led to those particular designations.

The fishing industry itself also provided us with a lot of information. They know where higher concentrations are, so we used that information as well.

Specifically as to whether or not this is going to proceed to be a marine protected area, right now these are areas where we would consider other measures for the purpose of saying that the only human activity that's taking place in those areas is commercial fishing, and as we reach an agreement with the industry these would be closed areas; it's not necessarily going to go forward as a marine protected area. If we feel that the conservation objective is being met and that they can count toward our target, then we don't necessarily need to proceed to an MPA.

Annette, did you have any more detail on the consultation?

Ms. Annette Daley: In the case of Fisheries Act closures, our colleagues at resource management would usually meet directly with licence-holders who are impacted in a particular area, and they also have what we call species advisory committees. So they might have committees on haddock or snow crab and that type of thing. So they have those advisory committees, which they would also meet with quite regularly and brief on any changes that are coming for Fisheries Act closures or potential discussions of other types of conservation measures.

Mrs. Bernadette Jordan: Does that area fall into your 5%?

Mr. Philippe Morel: Yes.

The Chair: Thank you.

Mr. Doherty, you have five minutes, please.

Mr. Todd Doherty: Thank you, Mr. Chair.

The Standing Committee on Environment and Sustainable Development recently tabled their study, "Taking Action Today: Establishing Protected Areas for Canada's Future". The report recently made recommendations on MPAs and included this:

The Committee recommends that the Government of Canada ensure that no federal policy or legislation, such as the Mineral and Energy Resource Assessment and the Canada Petroleum Resources Act, slows the process of establishing protected areas. Further, no federal policy or legislation should impinge on minimum standards of protection established for that type of federal protected area....

My question is twofold, Mr. Morel. If this recommendation were implemented, how would this be written into legislation, and what would this mean for existing oil and gas rights?

Mr. Philippe Morel: It's a good question. I'm not sure this necessarily needs to be legislated. I think it could be in the policy. I don't know exactly in detail how this recommendation from the environment committee can affect us. I think the intent of the recommendation is to make sure that we don't use other legislation to slow the process of achieving marine conservation targets as we are right now. The way we manage that now is more through collaborative work with industry and other departments to align, for example, Lancaster Sound with NRCan and with Shell on the existing oil and gas licences that were there and were given back by the company after negotiations.

Mr. Todd Doherty: If such a recommendation were made, would you agree that the way it is written could impinge on existing oil and gas rights?

Mr. Philippe Morel: It all depends on how it's written and how it's implemented. So, of course, just reading the wording of it, yes, but I don't think the intent is necessarily to target one industry more than another, but to make sure that when we have conservation targets, all the tools that are adopted by the government are respected and are not stopped by other legislation. I think that's the main objective.

• (1005)

Mr. Mel Arnold: I understand that the oceans plan MPAs deal with only marine MPAs, not freshwater inland MPAs. Is that correct? You're not able to discuss inland fisheries and what the impact might be there.

I just wanted to be clear on that one. We'll have to go down another avenue for information on that.

What are the priority designations for fisheries that might be allowed within an MPA? For example, in British Columbia we have regimes for fish and wildlife management that recognize conservation as a first priority; first nations food, social, and ceremonial as a second priority; B.C. resident as a third priority; and then commercial or non-resident. Now we also have the first nations cultural, which is somewhat of a commercial fishery that's fitting in there at certain different levels.

With the fisheries part of it, there could be recreational fisheries, first nations fisheries, also catch-and-release fisheries that would have very low or negligible impact. What are the priorities? How are they set and recognized within the MPA process?

Mr. Jeff MacDonald: First of all, conservation is the number one priority. That informs how we proceed with our consultations. In areas where there is aboriginal fishing, either food, social, ceremonial, or commercial, we obviously need to consult with them in terms of infringing on their rights, but the justification would be that this is for conservation purposes. Where we have consulted properly, we can use conservation as a reason for restricting all fishing activities.

Once the conservation objectives have been fulfilled, we would proceed in the same policy framework we currently have insofar as the order of priority as it relates to aboriginal rights is concerned, and then of course, non-aboriginal access to a public resource. That's the methodology we use.

For example, if a recreational fishery activity is compatible with the conservation objective, then it can be permitted. But if it isn't, then it isn't. That's how we do it. We use conservation first, because it is within our authority to restrict all activities for conservation purposes. But we do have the honour of the crown and the due diligence that we must follow when it comes to infringing on aboriginal rights.

The Chair: Thank you.

Mr. Donnelly, for five minutes, please.

Mr. Fin Donnelly: Thank you, Mr. Chair.

I just wanted to go back to enforcement and ask Mr. Morel how often DFO finds illegal fishing activities within MPA no-take areas.

Mr. Philippe Morel: I don't have that information right now, but I can provide it to you afterwards.

Mr. Fin Donnelly: Have there been instances?

Mr. Philippe Morel: I don't know if, in the recent past, there have been, but we are monitoring—

Mr. Fin Donnelly: Does that mean you're not aware of them, or that you don't think there have been?

Mr. Philippe Morel: I'm not aware.

Mr. Fin Donnelly: Okay.

Mr. Philippe Morel: I can provide you with that information.

I know that fisheries officers are monitoring the fishery closures and the MPAs, but I don't have the exact number, for example, in the last three or five years, that we did enforce....

Mr. Fin Donnelly: If you could submit that in writing to us, it would be helpful.

Mr. Philippe Morel: We will.

Mr. Fin Donnelly: It might apply to a couple of my follow-up questions, as well.

Do you know what penalties are imposed on those who violate the fishery closures?

Mr. Philippe Morel: I don't have those details, but we can provide them.

Mr. Fin Donnelly: Obviously, there are penalties.

Are all no-take areas monitored by DFO for illegal fishing and other prohibited activities?

Mr. Philippe Morel: Yes.

Mr. Fin Donnelly: Can you explain a little bit about how they're monitored?

Mr. Philippe Morel: They're monitored through the information we get from fisheries officers. Another source of information comes from other stakeholders that monitor the oceans. It could also be through fishery associations or fishermen who provide information that is useful for us to gather and to then implement enforcement actions.

• (1010)

Mr. Fin Donnelly: I was wondering if you had a few examples. I understand the fisheries officers would play a role in that.

Mr. Philippe Morel: We can find some and provide them to you.

Mr. Fin Donnelly: Do you have any examples right now about how they would? How do they cover such an extensive area, and MPAs being part of that ocean network?

A voice: By boat.

Mr. Fin Donnelly: I get that it's people by boat.

Mr. Philippe Morel: By boat and by plane, also.

Mr. Fin Donnelly: And planes.

Mr. Philippe Morel: We do have planes.

Mr. Fin Donnelly: How do you get it all?

Mr. Jeff MacDonald: Some of our marine protected areas are right next to the coast and as part of the management plan there is a community monitoring and reporting. Examples of that would be Basin Head in Prince Edward Island or Musquash in New Brunswick. For MPAs that are further offshore, as Philippe said we integrate that into our conservation and protection program. We do use tools such as aerial surveillance, but I think more important are the vessel monitoring systems, so all fishing vessels above a certain length have transponders on board and we're able to monitor them. We use that mainly for search and rescue purposes but we can also use it for enforcement purposes. If we find that a fishing vessel is in an area that's ostensibly closed under the Oceans Act we can use that data and inform our enforcement actions.

Mr. Fin Donnelly: The reason I'm asking is, over the last 10 years or so there has been quite a significant reduction in resources to allow monitoring and enforcement. It wasn't a rhetorical question, it was an actual question of how do you with fewer resources cover the expanse of three coasts of oceans and pick out MPAs and fine-tune and keep those areas...ensuring that that activity isn't happening?

I think an answer a little more descriptive than boats and people is what I'm looking for. Any information you can provide would be helpful, thank you.

Mr. Philippe Morel: We have also modern tools to do that, but I think Annette wants to add something to that.

Ms. Annette Daley: I just wanted to say that when we do our annual planning in regional offices, what we do here in the Maritimes is we meet with the compliance and enforcement group, the conservation and protection officers. We talk about what the MPA design is, and what the different zones are permitting, and we look for them to provide monitoring as they would in their normal

patrol activities. They would report back to us anything that they find. So we actually do go through an annual planning process.

It's not that we necessarily send them out to an MPA, but what we do is look at the areas that they will be patrolling and indicate where those MPAs and zones are that we're looking for feedback on, so that they're aware when they're patrolling that they're entering into and out of MPAs. We've used it as part of our annual planning process in terms of building in the compliance and enforcement component of their work, to look at MPAs when they're going through.

Mr. Fin Donnelly: Thank you very much.

The Chair: As I mentioned earlier, at this point, if any of our guests would like to add something else that they forgot to mention or something they would like to clarify, now is the time to do that.

I think, Ms. Daley, you looked like you wanted to get in on the last conversation, so you just did, are you okay?

Ms. Annette Daley: Yes, that was it, thanks.

The Chair: Would any of our guests here like to add something else?

On that note, we would like to thank you very much for coming here.

There are two things to clarify. There were two things that were requested. From Mr. Doherty's question, there was economic analysis for each of the MPAs.

Is that correct, Mr. Doherty?

Mr. Todd Doherty: That's correct.

The Chair: If we could get that in both languages, that would be great so we can distribute it to the committee.

The second thing is that following Mr. Donnelly's questioning there was a map that Mr. MacDonald mentioned he could provide.

Mr. Jeff MacDonald: It's a map that identified the bioregions of Canada, which is how we do our MPA work.

The Chair: There's also no-take information, including the penalties, that was also talked about from Mr. Donnelly's questioning. Could we get that as well?

Mr. Philippe Morel: We have a list of all the MPAs and what is allowed and what is prohibited in each of them.

The Chair: Could you provide that in both languages, Mr. Morel?

Mr. Philippe Morel: Yes. We will do that. Also, there were some questions from Mr. Donnelly on enforcement actions in MPAs—

• (1015)

The Chair: Okay, so that's four things.

Mr. Philippe Morel: —and penalties that would apply to MPAs. We will provide that.

The Chair: Sorry, could you repeat the last one?

Mr. Philippe Morel: The last one is the penalties that apply for fishery closures.

The Chair: Okay, in two languages. Thank you very much.

To our guests from the Department of Fisheries and Oceans, and of course those joining us by video conference, again we thank you. We really appreciate this.

We're going to break for a few minutes so we can go to committee business.

[Proceedings continue in camera]

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