



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Fisheries and Oceans

FOPO • NUMBER 080 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Thursday, November 30, 2017

—
Chair

Mr. Scott Simms

Standing Committee on Fisheries and Oceans

Thursday, November 30, 2017

• (0845)

[English]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): Good morning, everyone.

Pursuant to the order of reference of Tuesday, October 17, we are studying Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act, after successfully going past second reading.

First of all, I want to say hello to our guests who are here with us today, not our witnesses but our colleagues. We have Mr. Stetski again. Mr. Blaine Calkins is also joining us today. Last but not least is Mr. Robert Sopuck. Thank you for joining us.

Now let's go to our guests.

We are joined this morning by video conference by an associate professor from the school of environmental studies, University of Victoria. Dr. Natalie Ban. We also have Dr. Rodolphe Devillers, professor, department of geography, Memorial University of Newfoundland. Last but not least, again, a gentleman we know and who certainly is no stranger to this committee, whose name also comes up quite a bit, is Dr. Boris Worm, professor of biology, Dalhousie University.

Thank you to all our witnesses for getting up this morning and joining us at this early hour, especially Dr. Ban. It's viciously early on the west coast.

As you know, we do up to 10 minutes for opening statements, and then we start with our colleagues asking questions.

Dr. Ban, would you please start.

Dr. Natalie Ban (Associate Professor, School of Environmental Studies, University of Victoria, As an Individual): Good morning. It's an honour to have been invited to present to you today.

I've been working on the science of marine conservation for about the past 14 years, with a focus on the design and effectiveness of marine protected areas, or MPAs. I also presented to this committee back in May about MPAs. Thanks for having me again.

Today I'm going to reflect on the proposed amendments and recommend some additional changes to the Oceans Act. I'll mention some scientific evidence supporting my comments, and I'll follow up with a written submission that includes the peer-reviewed scientific papers that support my point.

First of all, I'd like to commend this government for the proposed amendments outlined in Bill C-55 to improve the Oceans Act. I support the main changes that the bill would make to the Oceans Act. In particular, adding interim measures or freezing the footprint is very important so that consultations about studies, and studies about proposed MPAs, can take place without additional ecosystem degradation.

Clarifying fines and enhancing enforcement capacity are very welcome, especially in creating the opportunity to provide a role for indigenous guardians. Amendments to the Canada Petroleum Resources Act would allow the minister to prohibit new oil and gas activities and cancel existing interests. This is excellent because oil and gas activities are inherently unsustainable and not compatible with biodiversity conservation. Similar amendments would be needed for the accord acts to allow for a consistent approach across Canada.

Finally, having the precautionary principle enhanced in the act is also a great step forward.

I'd like to make five key additional recommendations for changes to the Oceans Act that would once again make Canada a leader in this area, as it was when the Oceans Act was first created.

The first of these is to add minimum protection standards to the Oceans Act. I know the committee has already heard from many witnesses about the importance of minimum protection standards. I won't belabour this point but wanted to add my support and one additional point. Opportunities to amend acts do not come up very often, and hence it would be a missed opportunity to delay discussing minimum protection standards. Also, there's a fear that not having minimum standards would lead to a decline in protections throughout Canada's protected area systems, on land and in the sea.

I'm a director on the board of the Canadian Council on Ecological Areas, a not-for-profit organization that facilitates and assists Canadians with the establishment and management of the comprehensive network of protected areas that are representative of Canada's terrestrial and aquatic natural diversity. On the board are federal, provincial, and jurisdictional representatives who work on protected areas in those jurisdictions, and some others who are academics like me. Those working in terrestrial jurisdictions fear that weak protection in the ocean could have the unintended consequence of lowering the bar for protections on land as well.

My second recommendation is to add a requirement for fully protected zones. You've also heard about this already, and there's documented scientific support for biodiversity benefits of strongly protected MPAs. My own recent work shows that MPAs that permit varying levels of fishing and other damaging activities are less effective at biodiversity conservation than are fully protected areas. Fully protected MPAs are also needed so that we can understand the impact of fishing and other activities on marine ecosystems. In other words, they can become a control site for understanding the impacts that humans have on the ocean.

My third recommendation is to add the ability to establish networks. As you know, best practice in MPA design is to establish networks rather than individual MPAs, and indeed many regions in Canada are working toward this. Thus encouraging establishment of networks of MPAs also means recognizing that representation is a legitimate and indeed essential rationale for MPAs. The Oceans Act should facilitate implementation of networks of MPAs by having provisions to establish a network rather than having to do each MPA in a network individually.

My fourth recommendation is to add a mechanism for co-management with indigenous peoples and recognize indigenous protected areas. There's an unprecedented opportunity to use MPAs to work toward reconciliation with indigenous peoples. There's a grave concern about the state of the oceans among the indigenous peoples I've worked with, and a keen interest to explore MPAs to engage in marine management. Joint management of MPAs, or co-management, means sharing of power equally, and this is seen as an opportunity both to revitalize cultural practices and to recover culturally important species.

• (0850)

The Oceans Act can provide for true joint management of indigenous marine territories on a nation-to-nation basis where desired by indigenous peoples. The planning toward a network of MPAs in the northern shelf bioregion in British Columbia is a great step in that direction. If done in partnership with indigenous peoples, MPAs can provide ecological conservation, cultural opportunities, and food security, and play a role in reconciliation. Additionally, the Oceans Act should also be amended to explicitly recognize indigenous-led protected and community conserved areas. Currently there is no legal tool for implementing marine indigenous protected areas. Those areas would rest decision-making with indigenous peoples.

My final recommendation for an addition to the Oceans Act is to ensure sufficient funding to manage and enforce MPAs. Implementing MPAs is only the beginning of managing our oceans for protection of biodiversity. Once established, MPAs need resources and staffing to ensure that they are managed properly, including enforcement, education, and outreach. A recent study found that MPAs with adequate staff capacity had an effect almost three times greater than that of MPAs with inadequate capacity. The rockfish conservation areas, or RCAs, in B.C. are illustrative. While they're not MPAs, they have a similar spatial management mechanism.

About a quarter of people interviewed in a recent study by one of my students admitted to unintentionally fishing illegally inside these rockfish conservation areas. The main reason for this non-

compliance was lack of knowledge. About a quarter of the people had never heard that these places existed, and less than 1% knew all the rules of permitted and prohibited activities inside those areas. Most had never seen an enforcement officer, and this is in the southern Gulf Islands region in southern British Columbia, which is very populated. Outreach and education are thus essential for successful MPAs. Enforcement officers, be they DFO or other designated parties, need to have the resources to do their jobs properly or these areas will not protect biodiversity.

Another important resourcing issue is to compensate ocean users for lost livelihood opportunities, and not just oil and gas, as currently in the bill. This point was brought home to me by my terrestrial colleagues on the Canadian Council on Ecological Areas board, who work on protected area establishment and management federally, provincially, and in the territories. Compensation is simply an everyday reality for a terrestrial protected area establishment. Agencies buy land, compensate timber licence-holders, forgive property and capital taxes, while land trusts buy land, issue charitable gift receipts, and even buy out subsurface rights, and the Canada Revenue Agency writes off tax revenue, all to facilitate protected area establishment.

A key benefit ecologically is that, if you have such compensation or a structural adjustment, it can facilitate better protection of better sites. The political reality is that it's hard to achieve community support for well-protected MPAs where they are most needed because of the fear of loss of livelihoods. Communities can't always look past the near-term negative impacts to the potential long-term benefits. Compensation thus embodies an implicit recognition that protected areas benefit all of us, but sometimes put a disproportionate burden on a few.

One model that's worked well to engage communities in conservation-related activities is the coast fund in the Great Bear Rainforest, which provides a funding source for activities that support a sustainable economy in conservation. A similar fund could be established in regions where MPA networks support indigenous and non-indigenous coastal-dependent communities' engagement in marine conservation.

I thank you for the opportunity to present to you today, and I look forward to your questions.

• (0855)

The Chair: Dr. Ban, thank you very much.

Colleagues, we're now, quite literally, going practically halfway around the world, if you consider Victoria to St. John's, Newfoundland, halfway around the world. Some would, and I am one of them.

Dr. Devillers, you have up to 10 minutes, please.

Professor Rodolphe Devillers (Professor, Department of Geography, Memorial University of Newfoundland, As an Individual): Thank you, Mr. Chair and members of the committee, for the invitation to contribute to your study on the proposed amendments to the Oceans Act and the Canada Petroleum Resources Act.

I am a professor of geography at Memorial University of Newfoundland. I've been a scientist for about 20 years, specializing in geographic methods that can help us to understand and manage our oceans. One of my areas of expertise is conservation science, specifically the design of marine protected areas and area networks, and the assessment of their effectiveness.

When I testified in front of this committee last June, I was also in Ottawa for a workshop that focused on this exact topic: potential revisions to the Oceans Act. This workshop involved representatives from Fisheries and Oceans Canada, from the Canadian industry, and from environmental non-profit organizations. A lot of excellent recommendations came out of this workshop, and I strongly encourage you to review the report that was recently released by one of the organizers, the West Coast Environmental Law Association.

Let me start my statements by reiterating a warning I gave you in my previous testimony. Do not confuse the goal of meeting the Aichi 10% target with the real goal of protecting marine biodiversity. They can be very different things. As a matter of fact, a paper published only two weeks ago by Dr. Venter, a scientist at the University of Northern British Columbia, has shown that, globally, terrestrial protected areas tend to be placed in locations characterized by little economic value, and fail to protect areas that show high concentrations of threatened species. Canada's oceans are no exception to this trend, including a lot of areas that contributed to the recent 5% interim target.

We often put MPAs in places of low economic value and are not ready to make the hard choices required to make it right. Our government cannot only be driven by an area-based target. It needs to monitor Canada's progress using a more complex set of metrics.

Marine protected areas have been shown to be a useful management tool to help maintain healthy oceans. I understand the concerns some members of this committee shared about impacts on the economy and employment. Those are valid concerns, but let me remind you what happens when ocean health is not maintained.

In 1992, over 20,000 people from Newfoundland and Labrador were put out of work due to the cod moratorium—20,000 people. This was the single largest mass layoff in Canadian history. This is what happens when decisions favour short-term growth over long-term sustainability. The health of our oceans is declining globally, including in Canada. We have to make sure that what happened in Newfoundland and Labrador will not happen again, and effective marine protected areas have an important role to play in this.

With regard to Bill C-55, you may remember the letter that I co-signed last June with all the marine scientists from across the country, including Dr. Ban and Dr. Worm, who are present today. This letter was sent to Ministers LeBlanc and McKenna.

Our first recommendation was to amend the Oceans Act to include minimum protection levels for MPAs, similar to terrestrial parks. I cannot overstate how important it is to review the Oceans Act in more depth. While the Oceans Act was novel legislation 20 years ago, it has many gaps that have to be filled if we want Canadian MPAs to be useful for protecting marine ecosystems and biodiversity.

The changes proposed in Bill C-55 are a good start and aim to help the government meet its targets, but those changes are not sufficient in the long term. I will focus on four main areas I think should be addressed.

First, the Oceans Act should start by providing a clearer definition of what an MPA is. As mentioned in my earlier testimony, I believe the only logical choice would be to adopt the existing definition from the International Union for Conservation of Nature, IUCN, the international authority on the topic.

The Oceans Act should explicitly list activities that should be prohibited in all Canadian Oceans Act MPAs, something mentioned by Dr. Ban in her last testimony. This is what has been called "minimum standards". Minister LeBlanc, I believe, is establishing an advisory committee on this topic. I hope that academic scientists with expertise on MPAs will be involved in this process to help review the scientific evidence that supports this advice.

● (0900)

There are already many recommendations from the IUCN that could be explored, and there is no shortage of literature on negative impacts from many human activities on the marine environments. Possible activities that can be reviewed include oil and gas activities, bottom trawling, and seabed mining.

My first point is that the Oceans Act, like the Canada National Parks Act, should require MPAs to maintain ecological integrity. In short, they should be considered marine parks. The Oceans Act should also require a minimum amount of no-take areas for each individual MPA and for the entire network, in order to reflect international recommendations.

My earlier testimony was supported by a number of scientific studies demonstrating that no-take areas tend to provide much higher benefits to marine ecosystems.

Finally, and this may be my most important point, the Oceans Act should have a clear process to support adaptive management of those MPAs. Once created, Oceans Act MPAs are generally not modified, even in cases where there is ample scientific evidence that an MPA does not work in its current design. We need to learn, and we need to leave room for improvements. The current culture and context makes those changes very hard to make in practice.

A study published earlier this year by the World Wildlife Fund of Canada showed that half of Canadian species have declined over the past 45 years. Those species have declined by 83% on average. This is alarming and clearly shows that current management measures are not sufficient to prevent this rapid decline in Canadian wildlife. As mentioned by Kevin Stringer, associate deputy minister for Fisheries and Oceans Canada, during our workshop, this is a once-in-a-generation opportunity to advance ocean protection and management. I strongly encourage you not to miss it.

Thank you for the opportunity to present my view on the key challenges I see with the Oceans Act and the Canada Petroleum Resources Act. I look forward to your questions.

• (0905)

The Chair: Thank you, Dr. Devillers.

We now go slightly west of you, to Halifax.

Dr. Worm, you've been here before, so please don't be nervous. Thank you again for joining us.

Dr. Boris Worm (Professor, Biology, Dalhousie University, As an Individual): Thank you, Chair, and my thanks to the committee for inviting me again to talk to this panel.

As I had presented in May, I wanted to take a slightly different angle today. I always enjoy showing a piece of data, because it gives us a grounding in which our discussion can be based.

I want you to look at the second slide of my presentation, "Human impacts on land and in the sea". This is a map that was created last week, and this is the first time that, at a very fine spatial resolution of about 50 kilometres by 50 kilometres, we can map out all human impacts on the land and the sea. If you will, it's the environmental footprint that human activity has on land and sea.

I want you to notice two things. One is that, in the ocean, when you overlay our impacts—and this includes various impacts, from fishing to oil and gas to mining, and even to climate change and pollution—they tend to be much more evenly distributed than on land. On land, they tend to be more spatially concentrated in the areas where lots of people live. In the ocean, we have them more spread out, and that requires a different conservation strategy.

The second thing I want you to notice is that, in the ocean, there are very few places that have low impact, in contrast to land. In the ocean, most places have medium to high impacts, necessitating protecting the biological and socio-economic assets we have in the ocean against damage.

Although we have, for the first time, this unprecedented spatial detail that allows us to intelligently plan our use of the ocean, we have great uncertainty about what those impacts have been for those assets we're trying to protect. Because of that uncertainty, that is the

very reason we need a global insurance policy to protect those assets. Just as we insure any other valuable assets we have, we need to do the same with the ocean.

Marine protected areas or other spatial management that effectively removes certain impacts from the ocean, or constrains them in sensitive areas, forms such an insurance policy. As you can see from the map on the next slide, Canada is still lagging behind in contributing to that insurance policy. Fortunately, we have made a commitment internationally to protecting 10% by 2020, and so to catch up with the rest of the world.

If you will allow me to bring this analogy of an insurance policy a little further, you may want to consider the next slide, where I list the key traits of an effective and reputable insurance policy like one you would personally choose for your home or car. This policy would be timely. It would allow you to insure your car as soon as you buy it. It would, of course, be cost-effective, as you are trying to minimize cost. You are trying to have it be comprehensive, so that all possible damages, such as liability for injuring others or damage to your car are covered.

You will want to have a well-managed and reputable company, staffed and funded to do the job of insuring your assets. You want it to be transparent and to have clear standards. You want to know exactly what you are signing.

Also, the very reason we sign an insurance policy is so that it accounts for the inherent uncertainty we all encounter in living our lives. Whether or not your house will burn down is very uncertain—it's actually extremely unlikely—yet we buy house insurance to prepare for that uncertain case.

What makes Bill C-55 effective, or what would make it even more effective? Building on this analogy, I think it allows the MPA process to be timely. Therefore, as soon as we find out that an area has large biological value, and/or that biological value or that asset is unduly threatened or harmed by various activities, we can take steps to protect it. That's a very important feature.

What's the most cost-effective approach of pursuing marine conservation? It's to protect large areas of biological value. In terms of economies of scale, it's more cost-effective to protect larger areas than smaller areas, and the 10% target allows just that.

It has to be comprehensive. Drs. Ban and Devillers brought up that a network or ecosystem approach to planning, not a piecemeal protective approach, would be very advantageous to having a comprehensive plan. This currently is not explicitly stated in the Oceans Act.

• (0910)

We talked about properly resourcing these to make it well managed. That's clearly something that still has to be improved, but what Bill C-55 offers is that it makes the whole affair more transparent by establishing clear ground rules and processes for establishing MPAs. However, we're still, as the other speakers have pointed out, missing minimum standards that we would demand from any insurance policy that we personally purchase. Finally, there is accounting for uncertainty, again the very reason we are doing this, and I was extremely happy to see the precautionary approach implemented in Bill C-55.

Generally, I think this is a big step forward. In conclusion, it takes overdue steps towards greater efficiency, transparency, and clarity in the MPA process. I want to point out this is something that everybody who's involved in this process was asking for, including resource users who, of course, need planning security to know what an MPA actually is and is not. To this end, I think that comprehensive minimum standards are needed so that there's no question what an MPA actually stands for, at a minimum, whereas that's currently not well defined in the Oceans Act.

I really want to talk about the ecosystem approach, which generally should underpin ocean management and which is not explicitly mentioned in Bill C-55, or in marine protected area management. Just to give you a quick example, here at the Ocean Frontier Institute at Dalhousie, we're working on a project to future-proof marine protected areas by accounting for climate change and how climate change may affect our protected area networks and the assets that we're trying to ensure. When those assets move or change in response to climate change, some of which is foreseeable, some of which is uncertain, we need to have both the legal and the scientific...and the planning tools to account for now. This is something we currently don't have, and to have such an ecosystem approach, I think, is sorely needed and it should be mentioned in the Oceans Act.

Then, finally, I think what we're also lacking is the commendable effort to protect 10% of Canada's waters as marine protected areas. It needs to be better integrated with other tools for ocean planning, fisheries management tools, and other ocean planning tools that are specified in the Oceans Act, the Fisheries Act, and other relevant acts. That comprehensive or integrated marine spatial planning is currently not happening nearly to the extent it could. We still have a siloed approach to marine conservation and marine planning, and I think as we're considering the ocean as a whole and we're trying to protect assets against a variety of threats or potential compromises or problems, this integrated marine spatial planning approach is needed and should be specified in the Oceans Act.

With that, I thank the committee again for including me in today's panel and I'm looking forward to your questions and discussion.

The Chair: Thank you, Dr. Worm.

Thank you to all.

Again, colleagues, before we start the questioning, all of our guests, as you can plainly see, are in by video conference. It would avoid a lot of confusion when you ask your questions, if you could

please point out to whom you're asking your questions so that they know.

That being said, Mr. McDonald, you have seven minutes, please.

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

Thank you to our three witnesses for appearing by video conference this morning.

I have a question, and all of you can probably answer this because each one of you hinted at it or mentioned it to some degree. You can probably answer in the order that you each presented this morning to make it easier to know who's going first, second, and third.

You talked about the marine protected areas, increased enforcement, substantial fines for people who break the rules or go against this. How do we properly do this on a marine protected area when some may be close to shore, some could be a great distance out, and it's not like a terrestrial protected area where you can put a fence around it? You have an imaginary line on the water saying that you can't do this inside this particular line. How do we properly do this?

If increased enforcement is part of the answer to maintain that protected area, how do we do that properly going forward with marine protected areas specifically?

• (0915)

Dr. Natalie Ban: I have a couple of ideas on that, which I'm sure my colleagues can add to.

The first is that you're striving for compliance rather than enforcement, ideally. You want people who are using the ocean to know where those MPAs are. That's relatively easy for commercial fisheries because they're already used to having spatial fisheries closures. In their systems, they can see where those lines are. It's much harder for recreational fishers and other small fishers, who might not have those particular boundaries, and other potential users. There are increasing technologies available to assist with that. In the study I mentioned, on rockfish conservation areas, what we heard repeatedly from sports fishers is that they'd like to see an app that tells them when they're inside one of these closures and when they're not. That technology easily exists to be able to do that.

Second, for enforcement, in addition to having adequate capacity, technologies are available to know when boats—via satellites, automatic identification systems, various other technologies, like vessel monitoring systems—are inside and outside those areas. You can also tell, by their movement patterns, when they're likely to be fishing or doing other activities that they're not supposed to. Our increasing technologies are really facilitating the enforcement of marine protected areas.

Dr. Boris Worm: I can second that.

We've actually done work on nothing but global patterns of fishing and other human uses. You can do this in Canada and you can do this in the rest of the world via the automatic identification system. Enforcement today actually happens from a desk. It doesn't happen with boats and helicopters as much anymore because we can visualize pretty much everything that's going on. Just in the last two to three years, that technology has matured. It's now globally available. It's used in developing countries even. It's something that is routinely used here. The world is different now that we can see all of these activities. It's different from even three or four years ago.

Mr. Ken McDonald: Do you have anything to add, Dr. Devillers?

Prof. Rodolphe Devillers: My colleagues covered most of it, but [*Technical difficulty—Editor*].

I worked on this a few years ago, on a project in collaboration with DFO, and the technology is progressing very rapidly. Maybe what I can add that my colleague did not discuss is that many boats are not equipped with those technologies at the moment. AIS is mostly for large boats. VMS, which is used in fisheries, is a certain portion of the fleet. Moving forward, maybe DFO will have to revisit some of those regulations and try to see if there is a need to cover larger swaths of boats or a better representation of their fleets.

Mr. Ken McDonald: Thank you.

Dr. Devillers, you mentioned the cod moratorium in 1992 being the biggest layoff in Canadian history, which was 20,000 people. Being from Newfoundland, I've witnessed it and I still see the effects of it in many of the communities that were tied heavily to the cod fishery. Next spring, it will have been 26 years since the cod moratorium was announced. Why hasn't that stock rebounded or what have we done wrong to prevent it from rebounding?

Obviously, we did something wrong to get it to the state it was in when we declared the moratorium, but why haven't we done something right to get that stock back to a viable commercial fishery over the last 26 years?

Prof. Rodolphe Devillers: That's a very complex question. I'm not a cod scientist. Dr. Worm may have a better answer for that.

What I can say is that fishing was a major cause in the collapse, but maybe not the only cause. The recovery was limited by environmental conditions. There have been a number of years where the ocean was not in the same favourable condition for cod, which would prevent that. From what I understand of the problem, there are a number of causes, including environment, bycatch in some fisheries, and some prey that cod were reliant on that were also not recovering in the ecosystem.

The important lesson it taught us is that when we stop putting pressure on the system, it doesn't come back right away. I think that's the important lesson we have to see. When we stress an ecosystem, we cannot expect it to come back to its natural state in five or 10 years. Sometimes we just screw it up and sometimes it may take decades to come back. That's why we want to be very careful with what we're doing currently across the country, since we know that the ecosystem is very fragile.

• (0920)

Dr. Boris Worm: If I could just add to that briefly, I think it's a good case study. Because the fishery was on 100% of the fishing

grounds the stock collapsed to a low level that did not allow for recovery immediately. We actually had a talk by Jeff Hutchings on this very topic last night here. He won the Huntsman award this year. He pointed out there's a strong correlation between how far the species is depleted and how quickly it recovers, and that there is a threshold at about 10% of the biomass. If it goes below that threshold it may not recover or it may take a very long time to recover. If we stop to impact it before 10%, it may quickly recover and there's general evidence for that.

I want to point out that if we had insured this incredibly valuable asset through a network of marine protected areas at the time, that collapse wouldn't have been as complete and recovery would most likely have been much quicker because part of the stock would have been protected in a protected area.

The Chair: Thank you, Dr. Worm.

Now we go to Mr. Sopuck, for seven minutes, please.

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

Dr. Ban, you made the statement that oil and gas development offshore is not compatible with biodiversity conservation. Can you give me a specific example to back up that statement?

Dr. Natalie Ban: Sure, and I will send along one of the scientific papers used for that.

For example—let me just look it up—there was a paper by Ellis and colleagues in 2012 that was examining the discharge drilling waste from oil and gas and some of the problems that it has for benthic communities. It showed there is an effect that's seen up to six kilometres from the actual drilling site, just from the regular discharge drilling waste as part of the oil and gas process. There's a big concern that a lot of these oil and gas activities are going to have impacts beyond just where the actual drilling rig is, affecting the marine communities around them, especially the benthic, the communities on the bottom of the seabed.

I will send that paper along so that you can take a look.

Mr. Robert Sopuck: Of course, we all know these drilling rigs can also be refugia for certain species who use them as habitat.

Dr. Ban, just to continue on this line, would you recommend the complete elimination of oil and gas development off the coast of eastern Canada?

Dr. Natalie Ban: In the long run, especially with the problems of climate change, I think we need to move towards a fossil fuel-free system, so in the long run I would say, yes. In the short run, I think we need to be more practical to see how we can change towards an economy that does not rely on fossil fuels. There will be, of course, some continued use of oil and gas going on, but I do think—

Mr. Robert Sopuck: Excuse me. Yes, most people don't have the luxury of being employed in the public sector like some of us. I'll give some statistics from eastern Canada. There are almost 10,000 full-time jobs in a very job-scarce area in Atlantic Canada directly related to oil and gas development, and in Newfoundland and Labrador and Nova Scotia \$2 billion in royalties are paid each year by the oil and gas industry. Presumably some of that money goes to support universities.

I'm very glad that you were quite honest and up front, and I applaud you for that, about your desire to see the long-term elimination of oil and gas development off eastern Canada. I think that's a courageous statement to make. I vehemently disagree with it, but I commend you for your honesty.

You made the point that fishing is a damaging activity. As an avid angler myself, and there are some four million anglers in Canada, many of whom fish in salt water and the ethos of catch and release has taken hold, what earthly damage could a catch-and-release recreational fishery do inside a marine protected area?

• (0925)

Dr. Natalie Ban: That would really depend on the species. Let me go back to the example for rockfish that I mentioned. Rockfish, for example, are fish that have a closed swim bladder. When they get pulled from the depth, where they live, say, 40, 60, even 30 metres, their swim bladder expands and they cannot go down again. For the example of rockfish, there's actually about a 90% to 95% mortality even if their release is attempted. There are studies on various species that show what the mortality rate is, and in some cases that's not such a problem and for other species it is.

Mr. Robert Sopuck: Of course, for a recreational fishery, gear can be regulated. For example, the kind of gear used to catch rockfish could be banned, and there could be surface trolling for salmon, for example, off the B.C. coast.

I happen to be a fisheries biologist myself. The hooking mortality for Atlantic salmon, in particular, is almost zero, and for other salmonid species, it's in the 5% range, so I think these kinds of blanket statements need to be supported by fact. We had an earlier witness last year on this who was aware of the situation in California, where there is a great number of MPAs, and they are all in very prime fishing areas, and remote and rural communities that depended on tourism were severely affected by this kind of policy.

Dr. Ban, you also talked about co-management with aboriginal communities, and that's fine, yet you completely ignored the other coastal communities and whether they should be part of a co-management program. Don't you think they deserve the same kind of consideration?

Dr. Natalie Ban: I believe that all of the ocean stakeholders should be involved in management of marine protected areas. My point about indigenous peoples was that they do have constitutional rights in Canada that are protected, which make them particularly

important to engage at the level of a government, not simply as stakeholders.

Mr. Robert Sopuck: Of course, as a person who represents a number of first nation communities in my own constituency, I represent all citizens, and I think all citizens deserve consideration.

Dr. Devillers, one of the witnesses—I think it was last year—from Simon Fraser University talked about the proponents of migratory pelagic species and how a marine protected area could protect a pelagic, highly migratory species by having a designated area, for example, in the middle of the ocean where certain species would be there for only a short period of time and then gone.

Prof. Rodolphe Devillers: That's an excellent question. It's a question that is actively researched currently in Canada and internationally. Obviously some species cover a range that is far greater than the size of the protected areas, but that does not mean that you cannot identify specific sites that are important for the life cycle of those species—nursing, spawning, and all that. That's currently the strategy, trying to aim for places that are specifically important for the life cycle of some species, acknowledging that you cannot necessarily cover the entire range of the species.

Mr. Robert Sopuck: Going back to you, Dr. Ban, what about protection of the benthic environment? I gather there's an MPA dealing with the sponge reefs off the coast of B.C. I strongly support directed conservation that has very clear goals. This benthic community is obviously worthy of protection, but why wouldn't, for example, commercial shipping be allowed in that area? I don't know what the depth of the water is, but it's probably fairly obvious that commercial shipping is very important to the economy of B.C. and indeed the economy of Canada. My own province ships all kinds of wheat and canola from ports off B.C., and the shipping is absolutely critical.

So why couldn't you have both in a marine protected area, have the benthic community be protected and at the same time commercial shipping be allowed to continue in order to support the economy?

Dr. Natalie Ban: As far as I understand, that's exactly what is happening with those sponge reef MPAs. I don't think shipping is restricted there because it does just, as you say, pass over the surface of the area.

It would really depend on the purpose of the MPA and whether noise from shipping could be an issue for some species. It isn't for sponges, so in that case, I don't think that's actually an issue.

• (0930)

Mr. Robert Sopuck: Thank you very much, and I very much agree with your answer.

The Chair: Thank you, Mr. Sopuck.

Mr. Stetski, you have seven minutes, please.

Mr. Wayne Stetski (Kootenay—Columbia, NDP): Thank you.

Thank you very much for being with us today.

A lot of your testimony actually reflects what we heard on the environment committee when we put together the report on achieving the 10% marine and 17% terrestrial.

I was the regional manager with the B.C. Ministry of the Environment for the Kootenays, and we had rivers where there were no-take zones, protected areas, and so on, to the point where we had conservation officers from Alberta who refused to come fishing because they were sure they were going to break the law.

From a regulatory and an ecological perspective, what's the advantage of having large marine conservation areas, rather than a whole series of small ones?

I'll ask that to Ms. Ban, please, to start with.

Dr. Natalie Ban: Sure.

One of the advantages of large areas is that they do encompass more species, just by virtue of the area being larger, so you're going to be protecting more spaces, more species, and more types of habitats. You're also going to be protecting more of the continuity and the connectivity within that particular area because it is large.

I should add, though, that in many countries, even very small, fully protected areas have been shown to be quite effective. For some particular habitats, actually, those small areas, even though they might be more of a challenge to enforce if you had many of them, can also be effective ecologically.

Mr. Wayne Stetski: Thank you.

Mr. Devillers, Canada's fisheries minister has implemented no-take zones in only five marine protected areas to date. Those areas that are no-take zones are tiny in comparison to the overall size of the marine protected area.

You mentioned earlier that healthy oceans are the objective. I wonder if you could talk a little bit about the benefits to the economy of having no-take zones in marine protected areas.

Prof. Rodolphe Devillers: Yes, no-take zones have been the focus of a lot of attention in the scientific literature in the last 15 or 20 years. There have been a number of papers showing multiple benefits, including, for instance, a significant increase in biomass, so the weight of the fish inside the no-take area is significantly larger than for an area that has partial protection. At some point, those fish can leave the area and then fuel the surrounding waters. That is something called spillover, which has been studied and is taking place in many environments. If you establish stronger protection using no-take, you have more probability, more chances, that your

population is going to grow and create a higher biomass. Hence, it is going to be contributing to a healthy ecosystem that will benefit the surrounding waters.

Mr. Wayne Stetski: Do you think that could have helped prevent the cod collapse?

Prof. Rodolphe Devillers: It's a difficult question. Again, we can hypothesize. I certainly think a number of well-placed protected areas with higher-level protection would have done some good, yes, because there was knowledge from fishery scientists of the important places for cod. Would it have prevented the collapse? That's a more complex question, which I can't answer.

Mr. Wayne Stetski: Mr. Worm, perhaps you could address the same question, and then I have a follow-up question in a global sense.

Dr. Boris Worm: I definitely think, to stay with the insurance policy, it's not a foolproof insurance policy. It depends on the placement of those areas. If they're placed in areas where no cod occurs, of course they have no effect on cod. If they're placed in some of the habitats that cod uses and maybe where some of the spawning happens, the critical habitats where the species aggregates and where all of the life stages occur, it will definitely have a positive effect.

To my knowledge, in Atlantic Canada, the protected area networks that are currently planned do protect some of the important spawning and breeding habitats for cod for that very reason—to avoid another collapse, should it happen. This is definitely a tool that would insure that valuable asset.

Mr. Wayne Stetski: I was interested in your global map of marine protected areas. From a terrestrial perspective, one of the ecological concepts is to try to get corridors linking protected areas on the land.

Is that a concept that would work in a marine environment, and is there something Canada should be doing to work with other nations from that perspective?

• (0935)

Dr. Boris Worm: That is a fantastic question. I absolutely agree that this is the cutting edge of protected area planning right now.

I just returned from the Galapagos Islands where that very idea is entertained. They had smaller protected areas that are now linked together, and they are talking to Colombia and Costa Rica to link corridors towards the Cocos and Malpelo islands' protected areas, which are used by a lot of the same species, many of them very much depleted and highly vulnerable to extinction, like whale sharks, for example.

This is an idea from terrestrial conservation that is now being applied in the marine conservation areas as well, in other countries—not yet in Canada.

Mr. Wayne Stetski: I would like to go back to minimum protection standards. As you know, that's something the minister is looking at. There's a group that has been put together that's looking at that as well.

Prohibitions have been suggested, and I'll just run down the list because I'm curious as to whether there's anything you think should be added to the list. This is around minimum protection standards for MPAs.

The current suggestions are prohibitions around oil and gas and mineral exploration, seabed mining, wind farms and tidal power development, open-net pen aquaculture, bottom trawling, and ocean waste dumping.

Is there anything from any of you, in terms of what you think should potentially be added to that list and considered under minimum protection standards, or is that pretty thorough?

We can start with Natalie, if you want.

Dr. Natalie Ban: Yes, I think that's a pretty thorough list. I would go by the idea that those things that should be prohibited are the ones that damage the structural integrity of those ecosystems. The list you provided is what that is. You might need to look at other types of fishing gear to see if there's enough evidence of potential damage. For example, an area with sponges and corals, even traps when they are put down on the bottom, can break those corals and sponges.

Some other gears may also need to be looked at carefully to see if they needed to be included in minimum protection standards.

The Chair: Thank you, Mr. Stetski. I'm sorry we have to stop right there.

Ms. Jordan, you have seven minutes, please.

Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.): Thank you, Mr. Chair.

Thank you to our witnesses for appearing today. I know it's awfully early on the west coast. Dr. Ban, thank you particularly for getting up early to talk to us today.

I have questions for all three of you. I'm going to start with Dr. Ban.

When you talked about your five recommendations, number two was fully protected zones with no fishing. My understanding with marine protected areas is that it depends on what you're protecting. If you're protecting a sensitive benthic area, why couldn't you long-line, or fish tuna? Other fish can be caught in an area that is not going to touch the bottom.

I'm a bit concerned about that number two. I would like you to expand on it a bit, please.

Dr. Natalie Ban: There are a lot of linkages between the different depths in the ocean. Even if you're only protecting the benthic system, only the sea floor from fishing, some of the activities that happen in the water column, in the top part of the water, have the potential to affect the integrity of the whole ecosystem. If you're taking out a lot of biomass, some of those might be predators or the bigger fish that eat fish in the benthic area. A lot of these

interconnections might be interrupted by allowing fishing in parts of the water column, even if you're protecting the benthos.

That's what the scientific evidence points to. The areas that have no fishing at all, no extractive activities in addition to fishing, have been shown scientifically to be more effective at increasing biomass, protecting biodiversity, and so on.

It doesn't mean that all MPAs have to be fully no-take, it just means that we need to have a portion of our MPA system fully protected.

Mrs. Bernadette Jordan: Okay. Thank you.

We've heard a lot about rockfish conservation areas over the course of the MPA study and now on Bill C-55. My understanding is that they aren't included in the targets that the government has set, the 5% by the end of this year, the 10% by 2020, yet it seems to be a very effective means of conservation.

Do you know why they haven't been included in those targets?

• (0940)

Dr. Natalie Ban: I don't know the details

I know they are currently protected under fisheries closures, which are much easier to undo than marine protected areas. That might be one of the reasons. They do allow different activities within them. I don't know the specific rationale of Fisheries and Oceans Canada for not including them.

Mrs. Bernadette Jordan: Okay.

Dr. Devillers, I'm going to you next.

You stated that you'd like to see a clearer definition of MPAs and using IUCN's definition.

Do you think in Canada with our indigenous populations that we could adopt that definition? I'm not sure how you can justify the two. Could you expand on that a little, please?

Prof. Rodolphe Devillers: I'm no lawyer, but I believe that the IUCN captures a lot of indigenous rights. The different categories of MPAs that are recognized by the IUCN do recognize the rights of indigenous people to fish in some contexts. I don't think the two are in opposition.

Mrs. Bernadette Jordan: I believe the IUCN definition that's currently on the books would disallow fishing by indigenous people as well. Has that changed?

I see all three of you shaking your heads, so thank you for that. I was under the impression that the IUCN did not allow for any kind of fishing. That is why I was worried about it.

Dr. Worm, this might be something that a few people can weigh in on: climate change.

My concern with MPAs is that species are moving because of climate change. We see that on the east coast with lobsters going to colder waters. If we designate an MPA with climate change we may be losing a very lucrative fishing area that's moving in to or out of an MPA, how do we adjust for that in the future?

Dr. Boris Worm: I think that's an excellent question, and as I said, I'm studying this in collaboration with DFO because everybody recognizes this problem. It's a problem we haven't scientifically solved, per se. I will point out that only some assets will move. Others will stay the same. For example, the Gully Marine Protected Area is an underwater canyon that will not move in a million years, so we were fine protecting that. There are certain habitat structures that will stay in place, but then, you're absolutely right, others will move. Industry recognizes this as well. It's adapting to this in a flexible manner. We're currently studying how it can adapt, how the fish species that we're studying adapt themselves, and then how we can build contingency into the system.

There's no appetite in DFO and internationally to make MPAs flexible in a way that the boundaries of the MPA move, so I think we'll have to work with static MPAs and buffer zones or other management tools, such as flexible critical-habitat designations that are moveable. I will point out that there's also a governance challenge here because some of these changes can happen very rapidly.

A very poignant example is the movement within a year of almost the entire right whale population on the east coast in the Bay of Fundy to the Gulf of St. Lawrence. In the Bay of Fundy they're well protected, but in the Gulf of St. Lawrence they're not. There were catastrophic consequences this year for that population. Governance has to react to these very rapid changes that we're now seeing on the water. It's the same on land, of course, but in the water it's particularly visible these days. A planning process needs tools to account for that, and those tools are currently being developed here and elsewhere.

Mrs. Bernadette Jordan: A few of you mentioned sufficient funding. I'm not really sure how you put that in legislation because what we're doing right now is looking at Bill C-55. If you talk in terms of programs, you have to have the proper resources to fund what you're putting in the legislation, so putting funding in legislation is very difficult to do. I just wanted to make that point because I don't think you can actually put in legislation and designate certain programs without actually having the proper resources for it. That's just a point.

The Chair: Thank you.

Conservatives, I only have about three minutes here if you want to chime in.

Mr. Blaine Calkins (Red Deer—Lacombe, CPC): Sure. Thank you, Mr. Chair.

Mr. Devillers, you mentioned a number of issues pertaining to the rationale of why the cod stock is not coming back, but I didn't hear you say predation. Was that an oversight, or did you actually mean that predation is not preventing the replenishment of the cod stocks?

• (0945)

Prof. Rodolphe Devillers: Again, I'm not an aquatic biologist. I can't quantify the cod predation. This is a factor that has been mentioned. It has been studied. What I know is that there are different arguments for and against, so I do understand that it's part of the problem. It's part of the reason why cod are not recovering, but I certainly do not, as an expert in conservation, think that is the main driver.

Mr. Blaine Calkins: You also mentioned that 83% of species have shown decline in the last number of years. Could you give us a breakdown on whether those are benthic species, pelagic species, mammals, fish stocks, or shellfish? I think a little bit more quantified information might be helpful for the committee.

Do you have that level of detail for that information?

Prof. Rodolphe Devillers: I don't have those numbers, but I can clarify. The 80% decrease was for.... In Canada, we have a number of terrestrial and marine species, and 50%, more or less, of them have shown a decrease. Amongst those, there was a decrease of 83% on average.

That's the summary finding of a report from the World Wildlife Fund published in 2017. This report—I read it a few weeks ago—provides detailed statistics per region and per type of species. For instance, I believe that for fisheries on the east coast and that region it was about a 47% or something decrease. I cannot provide the exact numbers as I don't have the report with me, but those numbers exist.

Mr. Blaine Calkins: We can find them as well.

The next question is for all three of you. Answer quickly if you can. How satisfied are you with the designation of the ecozones that are broadly accepted either by the Department of Fisheries and Oceans or by other members of the scientific community? In your opinion, is Canada's outline of marine ecozones adequate?

Dr. Ban.

Dr. Natalie Ban: As far as I'm aware, they're fine. I haven't heard any arguments that counter them, but it's not an issue that I've looked at in any detail.

Mr. Blaine Calkins: Dr. Worm, go ahead.

Dr. Boris Worm: I've been following the planning process strictly here on the east coast. I'm not aware of the planning process on the west coast. I will say this is about 15 years of work, taking into account more than 100 layers of biological and socio-economic information.

Mr. Blaine Calkins: A quick yes or no would be really helpful. I know you guys know what.... I'm just looking for a quick yes or no. Are you generally satisfied that the...?

Dr. Boris Worm: Yes, I am.

Mr. Blaine Calkins: Okay.

Mr. Devillers, what about you?

Prof. Rodolphe Devillers: I'm satisfied with the ecozones at the national level. I'm not that satisfied with the ecozones within each region of DFO.

Mr. Blaine Calkins: This is just a quick follow up to that. Do you believe when the 10% target is reached for the marine protected areas that it should be divided up among the ecozones as they exist now, making sure that 10% of each ecozone is reflected in the protection?

Dr. Natalie Ban: Yes, I do.

Mr. Blaine Calkins: Okay.

The Chair: Dr. Worm and Dr. Devillers, do you want to make a very quick comment on that?

Dr. Worm, go ahead.

Dr. Boris Worm: I think representation is important and any marine-protected area network that tries to insure all the assets we have needs to be represented and stretched across the ecozones. Yes.

Mr. Blaine Calkins: I only had a slight amount of time. Thank you very much. I appreciate your answers.

The Chair: Okay, folks. That ends it right there.

Dr. Worm, Dr. Ban, and Dr. Devillers, I want to thank you so much.

Very quickly, go ahead, Ms. Jordan.

Mrs. Bernadette Jordan: Dr. Worm, could you pass our congratulations on to Dr. Hutchings on his win for the Huntsman award, please?

Dr. Boris Worm: I will do that very gladly.

The Chair: On behalf of all of us, please pass on our congratulations to Dr. Hutchings

We'll be back in a few minutes after a very short break. As soon as we get our guests on video conference, we're going to start right away.

Thank you again to our witnesses.

• (0945)

(Pause)

• (0950)

The Chair: Welcome back, everybody, to the second hour of analysis of Bill C-55. Thank you, everybody.

Don't forget, at the end of this we have five minutes of committee business. If you notice, we're running a little over time. I'll explain that a little bit later, but first let's get to our witnesses.

First of all, they are both from the west coast of this country, so as I've said before, and I'll say again, to our two witnesses, thank you so much for getting up at this viciously early hour to join us here in eastern standard time. You have accommodated us greatly and we will always appreciate that.

That being said, from the Council of the Haida Nation, we have Peter Lantin, president. You are joining us from Skidegate. Thank you for that.

Also, from the Heiltsuk Tribal Council, Chief Marilyn Slett, chief councillor. Thank you for joining us from Bella Bella this morning.

Chief Marilyn Slett (Chief Councillor, Heiltsuk Tribal Council): You're welcome. *[Technical difficulty—Editor]*

The Chair: I'm sorry, Chief Slett, could you repeat that? You broke up there for a minute.

Chief Marilyn Slett: I'm in Vancouver at the moment.

The Chair: You're in Vancouver. I see. Very good, but you are from Bella Bella, correct?

Chief Marilyn Slett: Yes, but I'm calling in from Vancouver, just to let you know.

The Chair: Perfect.

What we do is we allow you up to 10 minutes for an opening statement. You don't have to use the whole 10 if you don't wish to. Then we do questioning from our members of Parliament here.

We're going to start with you, President Lantin, for up to 10 minutes, please.

Mr. Peter Lantin (President, Council of the Haida Nation): Good morning, everybody. The sun isn't even up here in Haida Gwaii yet, but it's always a great opportunity to provide some perspective on behalf of my nation and here on the west coast of British Columbia.

My name is kil tlaats 'gaa Peter Lantin, and I am the president and official spokesperson for the Haida Nation. The Haida Nation supports Bill C-55. We have a unique experience to share, having established two protected areas in the ocean portion of our territory, and later, jointly working to manage these areas with the Government of Canada. We will also propose changes to strengthen the bill to protect Haida interests and rights, but before I do that, I want to provide a brief introduction to Haida Gwaii and to the Haida Nation.

The Haida Nation's territory includes the islands of Haida Gwaii, the surrounding waters, which include the entire Dixon Entrance; a half of Hecate Strait, north and south; Queen Charlotte Sound, halfway to Vancouver Island; and westward beyond the 200-nautical-mile exclusive economic zone.

The land and sea of Haida Gwaii has been our homeland since time immemorial. Haida oral traditions tell of our origin from the oceans surrounding Haida Gwaii. As an elder said, "We came out of the ocean all over Haida Gwaii. We can point to it and say this is where our ancestors came out of the ocean."

Our name for these islands, Haida Gwaii, means "islands of the people". Living in this territory of more than 150 islands, we are never far from the ocean in our daily lives. More than 25% of the island's interior is within one kilometre of salt water, and no place is further than 20 kilometres from the sea. We have over 4,000 kilometres of inlet and island shorelines. The seamless sea to mountaintop connection is an integral part of the Haida heritage and cultural identity.

The influence of the ocean on the land base of Haida Gwaii is pervasive in Haida life, culture, and history. Every Haida village is carefully selected, based on the abundance of seafood and its marine geography. Well-protected harbours are selected for year-round or winter sites, and more exposed locations for seasonal summer camps. The bounty of the sea provides many Haida foods and medicines. Sea creatures, from the most common to the supernatural, figure prominently in Haida art, design, and our family crests.

For all of these reasons, the protection of our marine territory and the species within our marine territories has been one of the key mandates of the Council of the Haida Nation since our inception over 40 years ago now, in 1974. Haida designations of protected areas, such as Gwaii Haanas, Duu Guusd, and Sgaan Kinghlas-Bowie Seamount, as well as provincial conservatories, were subsequently designed in parallel by Canada and British Columbia. We worked with Canada and the Province of B.C. to protect sensitive areas within Haida territory. We have engaged in marine planning since 2006, first with Canada, and more recently with the Government of British Columbia, under both the Haida Gwaii marine plan and land use plans.

Co-operative management has provided a mechanism to balance crown and Haida interests by allowing both parties to co-operate on management and planning, and work toward mutually agreed upon objectives, while maintaining individual jurisdiction and authority.

Now I'm going to provide some of the Haida Nation's recommendations in terms of amendments to the bill. We support the proposed amendments to the Oceans Act and the Canada Petroleum Resources Act, but we make seven sets of recommendations to strengthen the proposed bill, based on our experience with co-operative management of the two marine areas within our territory. Both the Sgaan Kinghlas-Bowie Seamount and Gwaii Haanas marine areas would have greatly benefited from interim protection and an accelerated timeline, which are not possible under the existing Oceans Act.

The Sgaan Kinghlas-Bowie Seamount Marine Protected Area, or SK-B MPA, was identified as a DFO pilot project for MPA designation about 1998, but there was no federal protection until the area was established as an MPA under the Oceans Act in 2008. It took 10 years. Part of the delay was due to the need to develop a co-management agreement between the Haida Nation and Canada.

● (0955)

The Gwaii Haanas terrestrial and marine area has been called “one of the world's ecological and cultural treasures”. The crown's intention to protect the Gwaii Haanas marine area was identified when the South Moresby agreement was signed in 1988. The reinforcement of Gwaii Haanas was not protected under federal legislation until 2010, when the Gwaii Haanas Marine Agreement was signed, and an interim management plan was approved by Canada and the Haida Nation.

A final integrated land, sea, and people management plan is anticipated in 2018. Gwaii Haanas is not an Oceans Act designated MPA, but our co-operative management experience in Gwaii Haanas has relevance to our recommended amendments to the Oceans Act.

I'm going to get into the seven recommendations.

The first recommendation, which is a critical challenge for our marine protected area co-managers right now, is the lack of authority to manage, restrict, and close fisheries. We need to enable co-operative management boards to manage marine protected areas. Under both national marine conservation areas and marine protected areas, fisheries continue to be managed under the Fisheries Act. Instead, fisheries' activities must be consistent with management objectives and, in the case of Haida Gwaii, accountable to the

agreement between Canada and the Haida Nation. This will avoid future litigation, curtailing fisheries that are unsustainable or that result in degradation to sensitive habitat. The ability to manage fisheries must be explicit in the Oceans Act and should not be circumvented by regulations.

Our second recommendation is that the bill include separate sections on sustainability principles, including ecosystem-based management and the precautionary principle. While a precautionary approach is mentioned in the recital of the current Oceans Act, there is no definition or guidance on how it should be applied. The precautionary approach should be applied in the assessment of all activities occurring within the marine protected area. Both of these principles and others are expressed in traditional Haida laws and our marine use planning processes.

The third recommendation is that we welcome new provisions from the Minister of Natural Resources Canada or the Minister of Indigenous and Northern Affairs Canada to prohibit oil and gas activities or to cancel a company's oil and gas interests in an interim marine protected area. However, restrictions should go further.

In our fourth recommendation, we support the recommendations of West Coast Environmental Law in areas that coincide with mandates from Haida citizens to prohibit specific activities. We seek minimum protection standards under the Oceans Act from oil and gas, mineral exploration and development, wind farms and tidal power development, open-net pen aquaculture, and trawling in high protected zones, meaning International Union for Conservation of Nature, IUCN, categories one, two, three, and four.

On our fifth recommendation, we also support the further recommendations of West Coast Environmental Law such as recognizing ecological integrity as the top priority for marine protected areas and interim protection MPAs. Second, assign IUCN categories to marine protected areas for consistency. The Haida Nation in British Columbia used these categories in the Haida Gwaii marine plan. Finally, we recommend that a significant portion of marine protected areas with a high level of protection be closed to extractive activities, including commercial and recreational fishing.

Our sixth recommendation is that we echo the recommendation of both West Coast Environmental Law and the Heiltsuk nation that an explicit statement be incorporated into the bill confirming that nothing in the bill limits the constitutionally protected rights of indigenous people.

Finally, we agree with the recommendation by West Coast Environmental Law that the bill require explicit recognition of indigenous governance rights and co-governance of marine protected areas. There is an international precedent for this in addition to the United Nations Declaration on the Rights of Indigenous People. The IUCN provides a mechanism for recognizing indigenous and community conserved areas.

•(1000)

There's also support for this in Canada. Indigenous protected areas were identified as an opportunity for Canada in the report "A "new Shared Arctic Leadership Model" by Mary Simon, the minister's special representative on Arctic leadership. According to Ms. Simon, "Indigenous protected areas are based on the idea of a protected area explicitly designed to accommodate and support an Indigenous vision of a working landscape."

In conclusion, the Haida Nation has breathed life into and has taken the first steps toward implementing our vision for a working seascape. A mechanism to recognize indigenous protected areas through the Oceans Act or other Canadian legislation would provide an additional stepping stone to begin reconciliation of marine spaces while also meeting and exceeding targets for marine protection.

I want to thank you for your time this morning.

The Chair: We thank you for yours, sir. Thank you very much. We'll get back to you in just a moment.

In the meantime, we'll go, for an opening statement, to Chief Marilyn Slett, please.

Chief Marilyn Slett: Good morning. My name is Marilyn Slett. I am the chief councillor for the Heiltsuk Tribal Council, which is the elected leadership for the Heiltsuk First Nation. Heiltsuk thanks the committee for this opportunity to talk about the proposed amendments to the Oceans Act.

Heiltsuk peoples have lived on the central coast of B.C. and harvested marine resources for thousands of years. Archaeological evidence dates our fisheries back 14,000 years. Harvesting is central to our health and well-being, and lies at the heart of our culture. We depend on the fish and the health of their waters.

Heiltsuk supports increased powers for government to create marine protected areas, MPAs, including interim MPAs, but only if they are used to create interim and permanent MPAs to protect marine areas, especially nearshore areas that have been prioritized by our own marine use plan areas. The former federal government, despite having powers under the Oceans Act to create MPAs, did not do so in a meaningful and transparent way. Heiltsuk trusts that the federal government will not only seriously apply interim MPAs to freeze activity levels, but also seriously consider additional restrictions for interim MPAs.

Immediate additional restrictions will help curtail harms that are arising from existing activities. Many marine resources are being overfished by commercial and recreational fisheries, such that they will need more than a mere freeze at current levels of activity.

Heiltsuk has seven recommendations for improving Bill C-55. They deal mainly with the role of indigenous nations like Heiltsuk in making decisions under the Oceans Act, combined with their role in enforcing what we hope to be many more MPAs within our traditional territories. Heiltsuk also recommends increased transparency in the federal government's processes.

In a briefing note that Heiltsuk filed yesterday, we set out two examples that illustrate the fragility of our traditional harvesting areas and how they are being damaged by industrial and commercial activity. The first example is recent damage to one of our

breadbasket harvesting areas. In October 2016, the *Nathan E. Stewart* sank and spilled about 110,000 litres of diesel and lubricant oils. We harvest at least 25 food species from the spill area. A year later, Heiltsuk's harvesting closures and DFO's bivalve closures are still in place.

A second example is the impact of the commercial and recreational fisheries on our traditional crab harvests. In the last several decades, and especially in the last few years, crab harvests have declined dramatically. We are harvesting only a fraction of what we have caught in the past. Many traditional harvesting areas are fished by commercial vessels—which can run about 200 traps at a time—and are simply stripped of crabs.

In 2008, the four central coast first nations, including Heiltsuk, told Canada that we could not harvest enough crab to meet our basic needs. We have been requesting crab closures from DFO for about nine years. It took many meetings, and eventually talk of litigation, before DFO agreed to close only one area, Troup Passage, in late 2016.

Crabs are just one species that are under pressure. Industrial and commercial activities are decimating stocks that have been a part of our way of life for thousands of years. The time has come for the federal government to use different tools, such as MPAs, to safeguard marine resources.

At present, only one marine protected area is close to Heiltsuk. That is the Hecate Strait and Queen Charlotte sponge reefs area. However, Heiltsuk has been pressing the need for more areas. I understand that other speakers have referred to the central coast first nations marine use plan, which was developed with the Province of B.C. It already identifies 17% of its area for protection.

•(1005)

What Heiltsuk needs is action. Heiltsuk looks forward to a process of reconciliation that includes self-government, including co-management of our marine resources. Until that occurs, we have seven recommendations for improving Bill C-55.

First, Heiltsuk seeks recognition that Heiltsuk and other coastal nations have never ceded their jurisdiction over their marine territories. Heiltsuk recommends that the power of the government to designate MPAs be exercised with the consent of directly impacted indigenous nations.

Second, Heiltsuk recommends that the Oceans Act expressly state that it does not take away from the inherent jurisdiction of indigenous nations over their traditional marine territories.

Third, Heiltsuk recommends that the many grounds for MPAs under subsection 35(1) expressly include the conservation and protection of indigenous fishery resources.

Fourth, Heiltsuk recommends that the power of government to make regulations under subsection 35(3) be extended to allow for rules. The rules must require transparency and the involvement of indigenous nations in the MPA process. The current Oceans Act does not require transparency and does not require any sort of government-to-government approach in how the government may consider or investigate or to designate MPAs.

Heiltsuk recommends an express power of government to make regulations governing how the minister receives and assesses information relating to potential and other MPAs; governing how the minister discloses information relating to potential and other MPAs to indigenous communities and to the public; giving effect to co-management agreements between the federal government and indigenous communities; governing decisions about making and working with MPAs; governing how the minister may establish advisory or other tribunals to investigate, assess and make recommendations about potential and designated MPAs; and requiring that the government consult with and obtain consent of coastal indigenous communities in relation to designating or altering potential or other MPAs.

Such regulations would be a step forward such as in article 18 of UNDRIP, the United Nations Declaration on the Rights of Indigenous Peoples, which affirms that:

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves...

Fifth, Heiltsuk supports many measures recommended by West Coast Environmental Law. Heiltsuk supports minimum content for MPAs, such as automatic restrictions on exploring for and exploiting oil or minerals.

Heiltsuk supports some degree of automatic restriction on commercial and recreational fisheries. Our ability to engage in much traditional harvesting is impaired by overfishing due to commercial and recreational fisheries. Conservation by the federal government on a discretionary basis has been, in our opinion, totally ineffective.

Heiltsuk supports a statement of first priority for ecological integrity. Heiltsuk further recommends a statement that the second priority of government be to protect indigenous fisheries. This would be consistent with the legal principle that the first priority after conservation be indigenous fishing.

Sixth, Heiltsuk recommends an express provision that authorizes the minister to designate any indigenous organization as an enforcement officer under the Oceans Act. This would recognize the role of indigenous nations enforcing MPAs that are within their traditional territories.

Seventh, Bill C-55 provides for fines but this would depend on prosecution by Canada alone. As part of a larger role for indigenous nations in managing their marine territories, Heiltsuk recommends that indigenous nations be permitted to engage in private prosecutions or alternatively have the right to bring civil action against

violators with a right to seek sums comparable to the fines proposed in Bill C-55.

Civil fines could be paid into local and regional environmental funds to pay for past and future enforcement proceedings by indigenous nations for conservation activities such as impact assessments and restoration projects and for research into the baseline conditions of various MPAs. Indigenous rights of enforcement, funded by polluters and other violators, would allow for rigorous enforcement by the peoples who are most interested in protecting marine resources.

• (1010)

I'm just closing right now.

• (1015)

The Chair: Sure.

Chief Marilyn Slett: May I continue?

The Chair: Yes. Go ahead, please.

Chief Marilyn Slett: The amending of the Oceans Act is an opportunity for Canada to implement its commitment to UNDRIP, not only by allowing government to protect marine resources but also by recognizing the role of indigenous nations in managing their own marine territories and enforcing protective measures.

Giaxsixa. Thank you.

The Chair: Thank you, Chief Slett. I appreciate that very much.

Now we go to our round of questions. We're going to start with Mr. Hardie for seven minutes, please, from the government side.

Mr. Ken Hardie (Fleetwood—Port Kells, Lib.): Thank you, Mr. Chair. Thank you to everybody for getting up very early out on the west coast. Mind you, I guess if you were going out in the boats you would be up just about now, anyway, wouldn't you?

I want both of you, President Lantin and Chief Slett, to imagine that you are the Minister of Fisheries and Oceans. What would you want to be thinking about before you deemed an area for interim protection? What would trigger your decision to exercise the powers that would be given to you under Bill C-55? Who would like to start?

Chief Marilyn Slett: Perhaps Peter should start.

Mr. Peter Lantin: That's a very interesting question. I'm trying to say that, if I were minister, I would be an indigenous minister, of course.

From our point of view, historically it's boiled down to where infringements take place, where we believe that indigenous rights are being infringed upon within our traditional territories. Those are the areas where, from our point of view, we work with the Government of Canada, with the crown, on establishing these protected areas.

But on the Haida Nation side of it, we have our own process of establishing protected areas. It's more based on our cultural history and the presence we had in these areas for perpetuating our culture moving forward. Over history, a lot of these areas get infringed upon by commercial fishing interests and other interests, and our rights aren't regarded in those decisions. Making decisions on which areas should be protected, from my point of view, is really based on that.

Mr. Ken Hardie: Thank you, President Lantin.

Chief Slett, what are your thoughts?

Chief Marilyn Slett: If I were the minister of fisheries I would be thinking about the impact to fisheries and the ecosystems, and working together with indigenous communities, working toward that renewed relationship and reconciliation.

Mr. Ken Hardie: It's a fairly common belief that, once something gets put in place on an interim basis, it's devilishly hard to get it out. Just a couple of days ago, we celebrated the 100th anniversary of an interim measure called personal income tax in Canada. Again, here's the same question, only turned inside out. What would you think about, if you were the minister, before taking an area out of interim protection, and not necessarily going the other way and making it a full marine protected area? What would you want to see happen?

We'll start with Chief Slett this time.

Chief Marilyn Slett: Definitely it goes back to why we're designating those areas as interim or permanent MPAs. We need to look at the impact to fisheries. We need to make sure that area's healthy and the ecosystem can maintain any other impacts to it.

Mr. Ken Hardie: Go ahead, President Lantin.

Mr. Peter Lantin: I'm not sure. If you can, clarify the question again. I'm a little bit confused on what you were trying to get at.

Mr. Ken Hardie: Bill C-55 allows a minister to create interim protected areas, so on an interim basis for up to five years. What conditions would you like to see present in order to come to the end of the five years and open it up again to, basically, the way it was before the interim measure was put in place?

•(1020)

Mr. Peter Lantin: I can't even wrap my head around that scenario. I'm not really understanding—

Mr. Ken Hardie: Fair enough, we'll move on. One of our witnesses the other day included bottom trawling as a destructive industrial activity. Do you both agree with that definition?

I see nodding, okay.

Mr. Peter Lantin: Yes. We could elaborate. Go ahead, Marilyn.

Chief Marilyn Slett: We do definitely, and certainly within the MPAs.

Mr. Ken Hardie: Okay.

Mr. Peter Lantin: A lot of the ecological damage that happens from these industries and these practices are not very well known. These are very remote areas. A lot of the time, having a presence in these areas and understanding what is happening in the area has historically been undervalued. I think that where we, as the local members that call these places home...

Presence in these areas is everything. Understanding what damage is being done by these activities is everything. It is happening somewhat in our backyards. Why not come into a partnership with us and get a better understanding of what we're seeing and what we're feeling here?

Mr. Ken Hardie: If we look at the prospect of an interim measure, currently the legislation as drafted would permit most activities to continue that had been under way for the previous year. But we've also heard from some witnesses that some fisheries are quite rotational, so you may have a fishery that hasn't taken place for two years or maybe even more.

Is that pattern evident in your areas? Are there fisheries that are quite rotational, that might not happen for two or three years?

Go ahead, President Lantin.

Mr. Peter Lantin: I think we both share some of the same situations with the rotational fishery. Primarily it's in the sedentary species, geoduck being one of the more prominent ones. Every three years, they cycle in and out of Haida Gwaii. I know it's the same in the Heiltsuk territory. There are examples of that in our territories, for sure.

Mr. Ken Hardie: One of the challenges that a federal government has is to make laws that apply evenly across the country, but we're becoming more and more sensitive to the fact that conditions aren't the same in every region of the country. Do you have any advice for us on how best to reflect those differences in legislation or in the application of the legislation, if we look at east coast, west coast, north coast, Great Lakes, etc.?

Chief Slett.

Chief Marilyn Slett: In terms of your previous question, if the restrictions are still required in the interim areas, then they should apply to those interim areas.

In terms of your second question, whether or not it's east coast, west coast, and something applies nationally, DFO should be talking to our communities. We've done a lot of work around planning, and we know our areas. They need to apply to the regions, to our coastal regions, and that gives more reason to consult and collaborate more directly with our communities.

The Chair: Thank you, Chief Slett.

We're now going to move on to our next questioner, Mr. Calkins.

Mr. Blaine Calkins: Thank you, Mr. Chair.

I've heard very interesting testimony from you, and I want to thank you for that. I had the privilege of travelling up north with the committee when it was doing a study before the legislation was tabled. We heard very similar testimony from some of the Inuit communities up there with regard to preserving their traditional use of resources within the context of a potential marine protected area being put in place.

The main issue I heard was the consultation side. Generally speaking, to each of you, if you can briefly give me your personal opinion.... I don't need you to repeat the legal side of consultation or what's enshrined in the Constitution. I want to know what consultation means to you personally or to the majority of the people you represent.

We can start with President Lantin.

•(1025)

Mr. Peter Lantin: On Haida Gwaii we have a very storied history around consultation. I think we all know the Haida decision that's laying out the duty to consult and accommodate first nations. For us consultation is an ongoing spectrum. We're seeing that spectrum of consultation move along its course. It goes down the road of actual decision-making. The Haida Nation, we have these co-operative management agreements where we're not being asked to be consulted with, we're actually sitting at a table with two authorities and we're jointly making collective decisions. For us, that's really what UNDRIP is about. That's what free, prior, and informed consent is all about. It's really about decision-making. That's a spectrum of consultation that's an ongoing thing in our world.

Mr. Blaine Calkins: In other words moving from consultation to the right to be involved.

Mr. Peter Lantin: Absolutely.

Mr. Blaine Calkins: Okay.

Would you agree with that, Ms. Slett?

Chief Marilyn Slett: I would. It would be talking with us in a meaningful way, not just talking at us but having that respectful dialogue that takes our views and our entitlement rights into consideration in the work that we do together.

Mr. Blaine Calkins: Recently I believe the Heiltsuk Tribal Council actually received some participant funding program money for some consultations. The report that was submitted came to this committee long after the decision had already been made. I'm just wondering how that made folks around your table feel.

Are you not familiar with that?

Chief Marilyn Slett: Yes, I'm just....

Mr. Blaine Calkins: This was part of the Coastal First Nations-Great Bear Initiative. It was distributed by the fisheries committee to members on January 3, 2017, three weeks after some members of the committee here submitted their recommendations for the report. The brief was distributed 17 days later, on January 20. The money that was actually sent to you for the participant program, and the brief that was sent back, actually wasn't allowed to be used even though attempts were made to extend the committee's study to incorporate it. It must be a source of frustration, I'm sure.

Chief Marilyn Slett: It is, for sure. We work really hard to pull together the information in a meaningful way that represents our communities, as we've set out today, both Heiltsuk and Haida, our importance and the role that our marine resources have on our communities. We are a seafaring people, and the work that we do is so connected to that. When we have the opportunity to provide information back to Canada, as Canada is making their decisions around the work they're doing, we very much would like to see the work that we provide be incorporated into that.

Mr. Blaine Calkins: I think you're absolutely right on that. I know it's frustrating because it's a far cry from the right to be involved to not even be able to have the report you submitted be included. But these things happen I guess from time to time.

I do have some broader questions.

In situations where a first nation does not actually have a territorial dispute resolved, the creation of a marine protected area in some of the disputed territory area creates some potential perplexing problems. How would you guys or the people you represent feel, or how would some of the other first nations along the Pacific coast deal with the creation of an MPA in an area of dispute? How do you see the relationship working between the Government of Canada and first nations in that context?

Chief Marilyn Slett: We've been working with our neighbours. Coastal first nations have been working together as an aggregate for the last 17 years and we've since developed and formed a central coast aggregate called the Central Coast Indigenous Resource Alliance. We work together on marine use planning and we work together with our neighbours.

Mr. Blaine Calkins: Okay.

Mr. Lantin.

Mr. Peter Lantin: I think for the Haida Nation we're fortunate to be living in an isolated archipelago and we don't have any territorial disputes per se on Haida Gwaii. But we also have an active title case, where we actually are getting prepared to go to court for title to Haida Gwaii, which has required us to engage with all the coastal nations, the Tsimshian primarily. We have to reconcile differences. It's no different from reconciliation between Canada and first nations. We, as first nations, have a storied history. We and the Heiltsuk have a long history of warring together. We just recently in the last few years have signed a peace treaty in a modern context to say that is our history, but we're going to reconcile our differences today for a common goal. I think protecting our environment has always been a common denominator everywhere we go.

Reconciliation has to happen amongst first nations as well, and that's proactively being done by us and the Heiltsuk.

•(1030)

Mr. Blaine Calkins: Are any members of either of your nations currently commercial fishing licence or quota holders, or do the bands themselves hold quota?

Mr. Peter Lantin: Maybe I'll start this one.

We have a few licences that are managed by the Haida Nation. In terms of our individual fishers, it has been a very tragic story. The north side of Haida Gwaii was predominantly a fishing community and fishing nation, and we've been displaced from the industry for probably 20 or 30 years now.

We can't change who we are. People still use the water, so there still are ambitions to get back on the water and train and increase the capacity for a whole new generation of fishers. We're trying to change that whole story that displaced us from the industry.

There is very little ownership of licences within the Haida Nation at this point.

Mr. Blaine Calkins: Am I out of time?

The Chair: Yes, you're out of time. Did you want Chief Slett to quickly respond to that?

Mr. Blaine Calkins: I wanted to follow up, but why not?

The Chair: No, you can't do that.

Mr. Stetski, please go ahead.

Mr. Wayne Stetski: Thank you.

I've been involved in conservation in provincial parks, in fish and wildlife management in British Columbia, for 37 years, and I want to start by thanking you and the other first nations for your leadership around conservation in many aspects of British Columbia, whether it's the Ktunaxa and Jumbo in my riding of Kootenay—Columbia, the protection of Moresby Island, the creation of the co-management agreement for Gwaii Haanas, or the Great Bear Rainforest and the fact that indigenous guardians are the people on the ground who are making sure that conservation continues there. I really want to start with a sincere thank you to both of you.

Now, to go to my question, there's a 2014 report, done by a Mr. Edgar, regarding marine protected areas that concluded that many marine protected areas around the world can't be ecologically distinguished from areas that are fished. It found that 79% of the global sample of protected areas weren't meeting thresholds for basic management. They lacked staff and funding to accomplish effective monitoring and enforcement. While it may sound good that we're establishing marine protected areas in keeping with our international commitment, without proper resources, these designations quite frankly could be meaningless.

As we expand the number of marine protected areas and perhaps even in the ones that you're already involved in, what resource will be required to help enforce marine protected area regulations within your territories? In your opinion, should Bill C-55 be amended to provide explicit options for the delegation of monitoring and enforcement authority to indigenous guardians in those areas?

I'd like both of you to respond.

Chief Marilyn Slett: Great.

Definitely in our community we have our guardian watchmen work along with our coastal first nation neighbours. To enforce these MPAs and make them fully realized in our traditional territories, we need to work and have our indigenous guardian watchmen have that enforcement power. We've been doing a lot of work in terms of providing training to our watchmen, but it would require more resources as well to implement that in a real, meaningful way.

• (1035)

Mr. Peter Lantin: The lack of resources to really do the job is absolutely a concern. We've been managing our protected areas for

quite some time now, and you're right that there aren't a lot of resources to actually get out there and do the job.

What needs to be realized is that the first nations are going to do the job anyway. We find a way to allocate our own-sourced resources. That's the balance that we don't really hear in the Canadian context. You hear about first nations that want to protect their territories and conserve them, but what actually happens on the ground here is that we're trying to find that balance and we realize that we do need resources to do the job.

For the last 20 years, that has been our goal, to identify through our own-sourced revenues the resources needed to actually do the job. Sgaan Kinghlas-Bowie Seamount is very far offshore. In terms of getting out there to do the monitoring, the science, and all the work required to actually manage a protected area, we can't say that because the resources aren't there we're not going to do the job, so it's up to us to identify those resources.

It has been challenging, but you have to get creative with it. If there were amendments to the bill to identify that resources should be allocated to actually fulfill the job requirements for marine protected areas, then absolutely we would support that.

Mr. Wayne Stetski: What do you think the Department of Fisheries and Oceans needs to do differently, or better, to make marine conservation areas successful on your part of the coast?

Mr. Peter Lantin: I really believe it boils down to leaning on us. This whole co-operative management approach that we've taken is supposed to be two parties coming together, but rely on the local knowledge. Rely on the local evidence that we've been compiling.

The Haida Nation, because we have a title case, has been basically compiling evidence for the last 15 years to prove title. What's in that is this unbelievable history from our elders, which is being captured in depositions of their oral history. I think that relying on those who understand it is the key for us.

Mr. Wayne Stetski: Chief.

Chief Marilyn Slett: Certainly the resources to adequately implement an indigenous guardian watchman program with the enforcement powers....

Our communities have also been talking about the indigenous-led marine response centre capacity and our communities have been looking at different ways to improve upon that, so that's another area to be considered.

Mr. Wayne Stetski: Are indigenous marine protected areas a pathway to reconciliation, which is one of the priorities of the government today?

Chief, you can start.

Chief Marilyn Slett: Yes. If we can do them collectively, collaboratively, as we set out in our statements here today, and in our briefs, in collaboration with us, and not for us, it would be definitely a way forward.

Mr. Wayne Stetski: Good.

President Lantin.

Mr. Peter Lantin: Yes. Reconciliation, to us, is interpreted as co-existence, so I think that's what we're trying to move forward with, this co-existence model about how we can all do it together, and it's really about recognizing each other's authority. I think it's been imposed on us historically, but over the course of the last 40 years of our Haida Nation, we are reconciling differences. There are portions of Haida Gwaii where we are making a difference and it's about acknowledging each other as equals, and I think that's what reconciliation is truly about.

Mr. Wayne Stetski: Thank you, and again, thank you for your leadership over the centuries.

The Chair: Thank you, Mr. Stetski.

Mr. Finnigan.

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

Thank you to both chiefs for being here this morning with us.

Maybe as a follow-up to one of the questions that was asked earlier, we're talking about consulting with the first nations, and it's never enough. We've heard that throughout the testimony in this study. We know there needs to be an improvement on that side.

With the minister here, how would you rate the consultation compared with the past? Are we going in the right direction, in other words?

I would appreciate both of you answering that question.

Mr. Peter Lantin: Yes, I believe it's improving. I think consultation requires meaningful consultation, and I think Chief Slett has talked about it. I like that example where you check your box and then make your decision anyway, but I believe it's going the right way. I think we need a lot more time in terms of how much time we're provided to do the consultation. I think what's not really known is how much work goes into our preparing to engage in consultation.

Over the course of our history, building the capacity to do the job is first and foremost, and for us, giving us more time to prepare ourselves...because we have technical teams and we have lawyers. We're a very robust government that isn't really known to the world.

I think it's going in the right direction but it definitely needs to go further.

• (1040)

Mr. Pat Finnigan: Thank you.

I'll just jump in again because I have a very short time.

Would you see a food and ceremonial cache being compatible with the MPA-designated territories, so no-take MPAs?

Chief Marilyn Slett: We wrote that into our submission—if it is sustainable, yes.

Just to your earlier question around rating consultation, I don't think it's really something that we should be rating at this point. But I do agree with President Lantin that there have been improvements but there is always room for improvement. I think we've clearly articulated in our submissions what we would like to see in terms of consultation.

The Chair: Thank you very much, everybody.

Sorry, Mr. Finnigan, I have to leave it at that. We didn't get around to a full round. We ran out of time.

I want to thank our guests. From the Council of the Haida Nation, president Peter Lantin, thank you very much.

From the Heiltsuk Tribal Council, Chief Marilyn Slett, thank you very much. I hope the next time that I see you, it will be in person, as my niece is a teacher there. She's been troubling me to get there very quickly. I guess I will see you at that point. I look forward to going to Bella Bella.

Chief Marilyn Slett: Thank you.

The Chair: Thank you both very much and thank you for getting up at this ungodly hour. Take care.

Folks, in just a few minutes, we have to take care of some committee business.

[Proceedings continue in camera]

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its Committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its Committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <http://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante : <http://www.noscommunes.ca>