



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

43rd PARLIAMENT, 2nd SESSION

Standing Committee on Fisheries and Oceans

EVIDENCE

NUMBER 005

Thursday, October 29, 2020

Chair: Mr. Ken McDonald



Standing Committee on Fisheries and Oceans

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• (1840)

[English]

The Chair (Mr. Ken McDonald (Avalon, Lib.)): I call this meeting to order.

Welcome to meeting number five of the House of Commons Standing Committee on Fisheries and Oceans. Pursuant to Standing Order 108(2) and the motion adopted by the committee on Monday, October 19, 2020, the committee is resuming its study of the implementation of Mi'kmaq treaty fishing rights to support a moderate livelihood.

Today's meeting is taking place in a hybrid format. I would like to start the meeting by providing you with some information following the motion that was adopted in the House on Wednesday, September 23, 2020.

The committee is now sitting in a hybrid format, meaning that members can participate either in person or by video conference. Witnesses may appear by video conference. All members, regardless of their method of participation, will be counted for the purpose of quorum. The committee's power to sit is, however, limited by the priority use of House resources, which is determined by the individual party whips.

All questions must be decided by a recorded vote unless the committee disposes of them with unanimous consent or on division. The committee may deliberate in camera provided that it takes into account the potential risks to confidentiality inherent to such deliberations with remote participants.

The proceedings will be made available via the House of Commons website. Just so you are aware, the webcast will always show the person speaking rather than the entirety of the committee.

To ensure an orderly meeting, I would like to outline a few rules to follow.

Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice, at the bottom of your screen, of "Floor", "English" or "French". Before speaking, click on the microphone icon to activate your own mike. When you are done speaking, please put your mike on mute to minimize any interference.

This is a reminder that all comments by members and witnesses should be addressed through the chair. Should members need to request the floor outside of their designated time for questions, they should activate their mike and state they have a point of order. If a member wishes to intervene on a point of order that has been raised

by another member, they should use the "raise hand" function. This will signal to the chair your interest in speaking and create a speakers list. In order to do so, you should click on "Participants" at the bottom of the screen. When the list pops up, you will see next to your name that you can click "raise hand".

When speaking, please speak slowly and clearly. Unless there are exceptional circumstances, the use of headsets with a boom microphone is mandatory for everyone participating remotely. Should any technical challenge arise, please advise the chair. Please note that we may need to suspend for a few minutes in that case, as we need to ensure that all members are able to participate fully.

For those participating in person, proceed as you normally would when the whole committee is meeting in person in a committee room. Keep in mind the directives from the Board of Internal Economy regarding masking and health protocols.

Should you wish to get my attention, signal me with a hand gesture, or at an appropriate time call out my name. Should you wish to raise a hand on a point of order, wait for an appropriate time and indicate to me clearly that you wish to raise a point of order.

With regard to a speaking list, the committee clerk and I will do the very best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

I would now like to welcome the witnesses for our first panel. From the Potlotek First Nation, we have Chief Wilbert Marshall, and from the Mi'kmaq Rights Initiative, we have Justin Martin, fishery coordinator.

We will now proceed with opening remarks.

Chief Marshall, you have five minutes or less.

Chief Wilbert Marshall (Potlotek First Nation): Good evening, Mr. Chair, members of the committee, fellow witnesses and guests.

The Chair: Chief, could you hold the mike close to your mouth for the translators, please?

Chief Wilbert Marshall: Can you hear me now?

The Chair: Yes, we can hear you now with the mike held up.

Chief Wilbert Marshall: Good evening, Mr. Chair, members of the committee, fellow witnesses and guests.

My name is Chief Wilbert Marshall. I represent Potlotek First Nation. Thank you for the opportunity to discuss what's been taking place in Nova Scotia in regard to a fishing for a moderate livelihood.

For months we have worked, highly motivated, on our fisheries in Potlotek and our community. Our community demonstrated support of the assembly statement of standards, and we have developed a *netukulimk* livelihood fishery management plan which involves initial species and specific conditions for fishing lobster for our local LFAs. We were transparent in our work. We engaged with our community members and we successfully came to a consensus on a *netukulimk* livelihood fisheries plan.

We have shared our work with the federal government and local fishing associations. In fact, we posted our plan publicly so everyone could see and access our rules on conservation, safety and harvesting. We have tried to work nation to nation, but we have been met with DFO slamming doors in our face. It has become clear that DFO seems to think the only way forward is their way. This isn't a meaningful dialogue. This isn't reconciliation. This is the top-down approach, one that meets the needs of only one party.

The Mi'kmaq of Nova Scotia want to realize the vision that the late Donald Marshall Jr. had with respect to our inherent treaty right to a fishery surrounding Mi'kma'ki. We have the right to fish for our livelihood. As Mi'kmaq, we have the responsibility to protect this right. We are trying to demonstrate responsible leadership and governance of our fishery. Our people want to better their lives by earning a moderate livelihood in an honourable way, one that has been part of our whole way of living since time immemorial.

Canada's approach has continued to fail us. We expect better and we demand better. DFO continues to look at a treaty right to a moderate livelihood through a colonial lens. They have continued to maintain their position that we should fish under their rules, using their licences and their reasons. We have the right to self-govern, and that includes the right to govern our fisheries and to develop our own sustainable livelihood fisheries, separate from the commercial fisheries.

Wela'liog. Thank you.

• (1845)

The Chair: Thank you, Chief Marshall.

We'll now go to Mr. Martin for five minutes or less.

Go ahead, please.

Mr. Justin Martin (Fishery Coordinator, Mi'kmaq Rights Initiative, Potlotek First Nation): Good evening, Mr. Chair, members of the committee, fellow witnesses and guests.

I'm Justin Martin from Millbrook First Nation. I'm the Mi'kmaq fisheries coordinator for the Assembly of Nova Scotia Mi'kmaw Chiefs, operating through the Mi'kmaq rights initiative. I'm here supporting Potlotek First Nation.

I would like to reiterate the opening statement of Regional Chief Prosper that it is beyond the scope of this committee to provide any legal definition of the legal concepts of what is a moderate livelihood and what is a moderate livelihood fishery. We must first un-

derstand our people's needs and empower them to develop what truly is a livelihood for them and their families.

Over the past 20 years, DFO has attempted to assimilate the Mi'kmaq livelihood fishery into the DFO management system, a colonized system that is not only not historically or culturally relevant to Mi'kmaq values and principles but is also a system that focuses on creating wealth from our dwindling resources. Over and over, this system has failed to protect the resources our indigenous peoples have sustainably used for thousands of years. We are the rightful stewards of our resources.

Mr. Chair, this is not a regulatory issue; this is a rights issue. This is about the Mi'kmaq nation managing our fishery in accordance with our cultural values and principles, which is our inherent right. This government must change how they view the primary function of this control when addressing the rights of indigenous peoples. We must decolonize that control by providing mandates to work with our indigenous peoples—not to control them, but to co-manage the fisheries and codevelop the lands to empower the indigenous peoples of this country.

Quantifying what a moderate livelihood is has never been my intention; it is, rather, to demonstrate what our grassroots members' interpretation of that treaty right is through implementation. This method has provided the critical data to begin to understand what our members believe is a "moderate livelihood". Our level of harvesting is being managed in accordance with *netukulimk*, taking only what we need to sustain our families and communities. We do not harvest to create wealth for individuals. If there is a conservation issue, it is not one that rests on the shoulders of the livelihood harvesters but one that rests on the shoulders of the commercial fishing industry.

Currently, there is very little language in the DFO-managed commercial lobster fishery directed towards sustainability. Here is an excerpt from the *netukulimk* livelihood plan regarding this topic:

Sustainability involves five distinct factors: environmental, social, economic, cultural and spiritual. Each of these are principal factors for the sustainability of a Mi'kmaq fishery livelihood.

Each of these sustainable factors is defined alongside *netukulimk* to form the baseline management values for the livelihood fishery.

I would like to close with a quote from Grand Chief Norman Sylliboy: "Let us do what we have always done."

Thank you. *Wela'liog*.

The Chair: Thank you both for that presentation.

We'll now go to questioning.

Up first, for the Conservative Party, is Mr. d'Entremont, for six minutes or less.

Mr. Chris d'Entremont (West Nova, CPC): Thank you very much, Mr. Chair.

Chief Marshall and Mr. Martin, it's a pleasure to see you here tonight to provide us with a little context. As you know, I represent the area that has St. Marys Bay in it, so I have been spending a lot of time talking to lots of folks in regard to the fishery issue with Sipekne'katik.

The Department of Fisheries and Oceans has been very inconsistent with its approach to fisheries management in general, whether it be indigenous or not. We just have to look as far as your moderate livelihood fishery to see that. On the one hand, the DFO went and hauled your traps, but here in St. Marys Bay the DFO didn't haul Sipekne'katik's traps. Why are the two bands being treated so differently in the same management zone by DFO?

Would either Chief Marshall or Mr. Martin want to comment on that?

• (1850)

Chief Wilbert Marshall: That's a good question. We don't know, either. That's the question we'd like answered. Why is DFO treating us differently?

Mr. Chris d'Entremont: Could it be the size of your fishery versus the size of what's happening with Sipekne'katik? I know your size was a little smaller than what it was doing. Maybe it's the zone you're in. LFA 29 is a smaller zone. I'm trying to figure it out too, and I know a lot of people are asking me the same question.

Chief Wilbert Marshall: What DFO is telling us in letter form is that it doesn't recognize livelihood fishers. We have no licence. We're not authorized. That's what DFO keeps telling us. It's the second letter that we've had within maybe three weeks.

DFO took our traps out of the water, and they were confronted by our fishermen. The last thing we need is another Burnt Church. We don't want that. We want to work side by side.

Maybe Justin could answer some more.

[Translation]

Mrs. Marilène Gill (Manicouagan, BQ): Mr. Chair, I have a point of order.

[English]

The Chair: Go ahead, Madame Gill.

[Translation]

Mrs. Marilène Gill: The interpreter is telling me that Mr. Marshall's microphone is not close enough to his mouth and that he has been unable to interpret since the witness started talking.

[English]

The Chair: Chief Marshall, please keep the microphone closer to your mouth when you're speaking. We will be able to get the interpretation done properly.

Mr. d'Entremont, please continue.

Mr. Chris d'Entremont: We're trying to show the inconsistency of DFO in general. The example we had between Sipekne'katik and Potlotek is a good example of that inconsistency.

Let me move on to my next issue, the issue of adjacency. Chief Carol Potter of Bear River First Nation, which is one of the bands in southwest Nova Scotia, in West Nova, has written an important letter to the Minister of Fisheries and Oceans underlining the current lobster conflict between commercial fishers and native fishers taking place in their traditional territory. They want to exercise a moderate livelihood fishery as well, and they feel it should include principally St. Marys Bay.

Have you put some thought into it, or do you support Bear River in their efforts?

Chief Wilbert Marshall: I'll ask Justin to answer.

Mr. Justin Martin: You're giving me the hard one, Chief, thanks.

First and foremost, I believe all the Nova Scotia Mi'kmaq chiefs support all moderate livelihood fishing activity. The main issue I perceive, being at that table, is the communication on the sharing of areas. If there is an overlap of fishing within one area.... Personally, I know that we've been developing policy at the assembly level to provide some context and fluid communication between the two communities to ensure impacts are minimalized.

Mr. Chris d'Entremont: An important part of that letter says that the band wasn't consulted when Sipekne'katik was going to be coming down to do fishing in that area. I believe there was a letter from Chief Robinson as well that pretty much said the same thing. They were not necessarily aware of the Sipekne'katik plan or of the management plan for St. Marys Bay.

The next question revolves around the work of the Assembly of Nova Scotia Mi'kmaw Chiefs and maybe some of the work, Justin, that you do. How is that conversation going among the chiefs? Maybe you can throw in a little bit on why you feel Chief Paul left the group.

Chief Wilbert Marshall: Let me answer that question for you.

We've been pretty transparent with our plan right from the start, even before this, about six months prior. Everybody knew what we were doing. I wasn't hiding it. The assembly knew about it. We also support each other. The assembly also played a big hand in coming up with our plan.

We went to the community. We went to our fishermen on Zoom. At the end of it, we had a community meeting with all the protocols we had to follow for COVID.

Chief Terry was saying it's just a little slow for him, a little redundant. We know it's a slow process, but it's not our fault. I don't want to lay blame, but DFO, the minister's office, didn't know what was going on at the local office. That was a big factor.

We just want to do the right thing. We want to go fishing. We didn't back down. We're still fishing. I hope that pretty soon we'll keep fishing one year until December 1.

I can't speak to other communities and their plans and what they're doing. We're going to support them, though. We'll be there for them.

• (1855)

The Chair: Thank you. Your time is up, Mr. d'Entremont.

Mr. Chris d'Entremont: Oh, gee. I had all kinds of questions.

The Chair: Six minutes aren't long when you're having fun.

We'll now go to Mr. Battiste for six minutes or less, please.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): Thank you.

I want to get into the Potlotek community management plan on the fisheries a little. Can you tell me how important conservation is in that plan?

Mr. Justin Martin: Do you want me to go ahead, Chief?

Chief Wilbert Marshall: Yes, go for it.

Mr. Justin Martin: Conservation is a primary management value that was developed from the beginning of this plan's development. "*Netukulimk*" is the definition we use. It's the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community by achieving adequate standards of community nutrition and economic and spiritual well-being without jeopardizing the integrity, diversity or productivity of the natural bounty. It was very clear early in our development of these plans, in meeting with the assembly and with chiefs and councils, with the grand council, that *netukulimk* was the core principle around all the development.

Our concept of conservation is *netukulimk*. We go as far as to speak to the spiritual well-being of the person and of the environment to ensure that not only is the species conserved but the people who are harvesting are also taken care of at all levels.

Mr. Jaime Battiste: In terms of conservation, is there a trap limit to what Potlotek can put in the water in that area?

Mr. Justin Martin: Currently the trap limit per individual is set at 70. That number was derived from an economic analysis that we did as a community to ensure not only the sustainability of the area but also the protection of our treaty right to a moderate livelihood.

It was perceived and understood that this is a very new fishery for Potlotek. The capacity was somewhat less than in other communities. It will be a very big endeavour to find resources to get vessels, traps, etc. The fishery will have not only a high learning curve but high expense. Potlotek settled on 70 traps per individual for those reasons.

Mr. Jaime Battiste: Give me a sense of how many individuals you think are out there.

Mr. Justin Martin: I believe around 27 Potlotek individuals are fishing across six or seven vessels.

Mr. Jaime Battiste: Okay.

For my last question, Chief Wilbert, you said you were totally transparent and you've involved the fisheries associations. Can you tell us a little about how you went about doing that?

Chief Wilbert Marshall: It was through conversations, through phone calls, talking to—

The Chair: Put your mike up closer, please.

Chief Wilbert Marshall: It was conversations, through phone calls with some of the guys in the association.

That's why you didn't see a turnout from the non-native fisheries. They weren't there protesting. They were in the waters. We talked to them a couple of nights before, and it's ongoing. I didn't tell my fishermen what I was doing. I was scared it might backfire on me, but it worked out, though. At the end of the day—

• (1900)

Mr. Jaime Battiste: Can you confirm that you actually met in person with the fisheries associations?

Chief Wilbert Marshall: No. It was on the phone.

Mr. Jaime Battiste: What was their response?

Chief Wilbert Marshall: It was the president at the time, who was the go-between between Blaire Martell and Gilbert Boucher. They were going to put out a media release. I wouldn't believe it until I saw it in the media or in the newspaper or something. The next day it was in the newspaper. They said they wouldn't retaliate or anything like that, and he had it right in the paper, but the next day after that, I think they let them go also.

Mr. Jaime Battiste: Do you feel that total transparency in your plan on what you're taking out of the water is a good way to keep relations good with the other fishermen who aren't Mi'kmaq?

Chief Wilbert Marshall: I was just doing it for everybody to see. I wasn't picking sides. It didn't make a difference who it was. I just wanted the whole world to see what we were doing and I was being completely transparent about our catches.

Mr. Jaime Battiste: Thank you, Chief. I have no further questions.

The Chair: Thank you, Mr. Battiste.

We'll now go to Madam Gill for six minutes or less, please.

[Translation]

Mrs. Marilène Gill: Thank you, Mr. Chair.

I thank the witnesses who are joining us, Chief Marshall, Mr. Martin, and, of course, all the committee members and our entire support team.

I would like to ask a question about the notion of urgency contained in the motion proposed by Mr. Battiste, which was passed.

I would like Mr. Marshall and Mr. Martin to share their assessment of what has been done by the appropriate authorities urgently to find a solution, not only over the past few weeks, since the beginning of this crisis, but in a much broader way.

[English]

Mr. Justin Martin: Do you want me to do that one, Chief Marshall? I'm waiting for a signal. I can start.

Chief Wilbert Marshall: Go for it. I didn't understand what she was saying.

Mr. Justin Martin: Turn your translation on. It's at the bottom of the screen..

Thank you, Ms. Gill, for the question.

Working specifically with Potlotek in the Unama'ki or the Cape Breton area of Nova Scotia, the situation has been dealt with very differently from St. Marys Bay. The coordination between Chief Marshall's community and the RCMP in the local area of St. Peter's is a stark contrast to that in St. Marys Bay. I've been in both areas personally, and I can vouch for that.

I can't speak too much to the situation in St. Marys Bay, because we're not specifically involved with that directly, but I can assure you that there has been a change in presence, and the mood and the environment have definitely been further secured, shall we say.

Chief Wilbert Marshall: Let me add a little bit on it also.

It's like night and day. We have a very good relationship with the RCMP at home. Not too many people brag about that, but we do, we actually do. One time you used to run from the RCMP at home, but we don't anymore. They're some of our good friends now. Also, there's more presence there today. For anything you really need, they're always there. That's the demographics where we are.

Even the non-native fisheries also haven't bothered us. I know they look at us and they take videos, but they don't say anything, which is good. You hear some grumbling in the background from other people and you don't know if that's true or not, but that's third party. So far, it's been going great.

The only thing we have is that DFO is harassing us every few days by taking our traps.

• (1905)

[Translation]

Mrs. Marilène Gill: Thank you, Mr. Martin and Chief Marshall.

I will be completely honest with you. A motion is being moved in committee that talks about urgency. I know that you say you're not directly concerned, but how can the committee help you in a more concrete manner?

We know very well that anything to do with negotiations does not come under you, and you have said this often. Mr. Martin used the word outcast regarding moderate livelihood, and the committee has returned to that issue often. Of course, there is the Department of Fisheries and Oceans, the crown and first nations. This must be a nation-to-nation negotiation. You are telling me that things are going relatively well right now, but I would really like to know how the committee can support you over the short, medium and long terms, so that we would have regulations and true negotiations, and so that all the parties involved would be satisfied as much as possible—we are human. That is mainly what I wish. We have to be equipped, even if we are not the ones participating in the negotiations, of course.

You are saying that things are going relatively well, aside from a few clashes. You talked about the RCMP, Chief Marshall. I would still like to know how we can help you in a concrete way. Should part of this committee's work be passed on to the Standing Committee on Indigenous and Northern Affairs?

I would be very happy to hear both of you on this. It would help me expand on my knowledge.

[English]

Chief Wilbert Marshall: I can't answer that one because I'm trying to get the translation here and [Technical difficulty—Editor].

Mr. Justin Martin: Okay. I can cover you, Chief.

Thank you, Ms. Gill. I can appreciate the question.

I believe that the situation in Potlotek is still considered an emergency, from my understanding. The tensions are still very high, directly between the harvesters and DFO and C&P enforcement. If there is something that can be done to potentially address the independence of C&P policing activity... They steer very clear of the negotiation and consultation tables. I've witnessed this. It's very frustrating that we can't talk directly to those enforcement officers who are putting themselves and our harvesters at risk.

That would be my primary consideration for this committee: if there is something that they could address at that specific level. I can assure you that the tensions are very, very high between the harvesters and DFO enforcement officers since the October 17 enforcement action that was taken against Potlotek and Eskasoni. For the record—

[Translation]

Mrs. Marilène Gill: I don't mean to interrupt you, but I just want to let you know that you are right to say this should probably come under the Standing Committee on Indigenous and Northern Affairs.

You can continue. I think I have a bit of time left.

[English]

The Chair: No. You've gone way over time, actually, Madame Gill. I'm sorry about that.

We'll now go to Mr. Johns for six minutes or less, please.

[Translation]

Mrs. Marilène Gill: I will listen, I'm interested.

[English]

Mr. Gord Johns (Courtenay—Alberni, NDP): First, it's an honour to be joining you today from Nuuchahnulth territory. I want to thank you, Chief Marshall and Mr. Martin, for your important testimony today at this committee.

Where I live, you might have heard, the Nuuchahnulth have been in court. They won a Supreme Court decision for the right to catch and sell fish, primarily around wild salmon, which is a foundational species here. The government has spent \$19 million fighting them with government lawyers. One of the judges in the Supreme Court, on an appeal from the government back in 2017, Judge Garson, cited that the government, the Department of Fisheries and Oceans, knowingly sent their negotiators to the table "empty-handed".

Do you feel that the government is being honest in their reference to reconciliation and they're sending their negotiators to the table with a mandate and supporting reconciliation? Could you speak to that, Chief Marshall?

Chief Wilbert Marshall: Especially the negotiators they've picked out right now...it's from that area.

The Chair: Your mike, Chief Marshall.

Chief Wilbert Marshall: We're not consulted right off the bat. It's still the same ones, the same way. They're dictating, and that's not the way you do business nation to nation. You have to work with us. We're there. We talk to them almost daily. They do it behind closed doors, and we want to be there in the forefront.

• (1910)

Mr. Gord Johns: Do you feel that there's systemic racism in the Department of Fisheries and Oceans?

Chief Wilbert Marshall: There is. Right off the bat, they don't recognize our livelihood fishery. We won that one in court already. Donald Marshall was charged with fishing out of season and with no licence, and that's exactly what you're doing to us now. There's no reason why. You should just let us be. We only have October 1 to December 1. It's not a big fishery; there aren't too many people fishing.

[Translation]

Mrs. Marilène Gill: Mr. Chair, I have a point of order.

[English]

The Chair: Yes, Madame Gill.

[Translation]

Mrs. Marilène Gill: The interpreter is struggling a lot and has asked me to say that the microphone is too close to the witness's

mouth. So we are hearing a nearly robotic voice that is making the interpretation impossible.

[English]

Chief Wilbert Marshall: How do you adjust the headset? I don't have the translation on my thing, and I'm trying to find it.

The Chair: Okay, Chief, if you could make any adjustments you can to make it much easier, we would appreciate it.

Continue on.

Chief Wilbert Marshall: As I was saying before, they have to leave us alone. Just let us fish. It's only two months: October and November. We're done December 1.

It's causing such a stir in the community, and nobody wants to be like that. It's bad enough that people suffer from anxiety and mental health issues. You know, all we want to do is fish. If I had 173 houses today, they'd be filled up. Right now, I see all these young people fishing. Even the young girls are fishing. It makes you proud. There are four to a boat also.

I saw a non-native fisherman fishing at Lac [Inaudible—Editor] the other day. He was watching. "Where are you from?" I said. "I'm from Quebec." I explained to him what our guys were doing. I said, "Oh, yeah, these guys share their catch. Sometimes there are three or four people in a boat, and they all share equally. The guy who owns the boat usually gets a little bit more." He says, "What do they do with their catch? Do they sell it? Do they give it away or whatever they want to do with it?" It just so happened that a boat arrived. One guy came off the boat, took a crate of lobster and said, "Does anybody want some lobster?" You could see a tear coming down this guy's face, and he started helping the guys load up the truck.

That tells you right there.... This is the kind of fishery we want. That's what he said. "I wouldn't mind doing something like this in our community," he said.

I was blown away by that. He was blown away also. He couldn't hold back his tears, and this was a grown man—a young guy, actually.

Mr. Gord Johns: Thank you for sharing that story.

The Mi'kmaq Rights Initiative is seeking consensus—that's my understanding—on the best ways to implement the aboriginal treaty rights for the Mi'kmaq. Can you talk about what progress has been made in the last 20 years? Do you believe that the study by FOPO—our committee here today—has any benefit to add to the work you do, or could it undermine the progress that you've made or the process that you're in?

Chief Wilbert Marshall: It wasn't [Technical difficulty—Editor] with our plan. They helped out quite a bit. [Technical difficulty—Editor] the process also, and our plan. You'd have to write, kind of, literature on it.

I told the guys—

[Translation]

Mrs. Marilène Gill: Mr. Chair, I have a point of order.

[English]

The Chair: Yes, Madame Gill.

[Translation]

Mrs. Marilène Gill: I apologize for speaking up again. However, as the interpreter is saying, there is a problem with the sound.

[English]

The Chair: Now I'm not getting any translation.

[Translation]

Mrs. Marilène Gill: The interpreter cannot hear, even though he is an anglophone.

[English]

Chief Wilbert Marshall: [Technical difficulty—Editor] translation here [Technical difficulty—Editor]. Sorry about that.

The Chair: We have to be really careful with that mike, Chief. It's good to have it close to your mouth but not covered with your hand or your finger or whatever you're holding it with.

I'll let you finish your statement.

Chief Wilbert Marshall: I'm doing my best.

I forget what I was saying now.

Oh, yeah, the fisheries.... They work closely with the communities doing not just that, but other stuff also [Technical difficulty—Editor]. My portfolio is culture and heritage. We started doing the graveyards—graves and the process for all that. What do you do when you find a gravesite? That's all done now. Actually, we just had a ceremony not that long ago. Prior to that, you wouldn't have even been involved. That's only two [Technical difficulty—Editor] fishery. There's a bunch more and I could keep going on.

• (1915)

Mr. Gord Johns: How much time do I have, Mr. Chair?

I was interrupted a couple of times.

The Chair: I know. I let you go on for that reason.

Now we'll go to the five-minute round.

Mr. Williamson, you have five minutes or less, please.

Mr. John Williamson (New Brunswick Southwest, CPC): Thanks very much, Mr. Chair.

Chief Marshall and Mr. Martin, thank you for joining us tonight.

I'm relatively new to the committee so I feel like a lobster thrown into the boiling pot. But Chief, listening to you, you sound an awful lot like traditional or commercial fishermen in Atlantic Canada who similarly complain about DFO and their stubbornness and inaction and sometimes communication that goes one way. So there are some common elements already.

Following up on some questions that Mr. d'Entremont asked about conservation, which was put in place during the 1970s by scientists to ensure the lobster fishery remained viable, to save it as well or at least to turn it around and to ensure that the lobster fish-

ery was there in the future and would continue to be there and remain prosperous. Can you talk to me about the importance of fishing seasons and whether you see a role for fishing seasons in the conservation of the lobster catch in Atlantic Canada?

Chief Wilbert Marshall: I could talk about where we're at, where we're fishing at. It's very minimum that we're taking out of the waters right now [Technical difficulty—Editor]. I don't know if you are familiar with the area or not, St. Peter's Bay and [Technical difficulty—Editor] and Arichat. That's where they're at, but they are not just taking lobster out of one little area. They're taking out the very minimum. Not everybody is fishing 70 traps either. There are guys fishing 10, 15, 30 traps. They only take what they want. Some guys come past you with the little boats they have.

Mr. John Williamson: Mr. Martin, did you have a comment? Go ahead.

Mr. Justin Martin: I'll speak directly to conservation and how the community came to the conclusion that they would like to fish two separate seasons, one in the fall and one alongside the commercial industry in the spring. Through a number of community sessions, we have analyzed conservation-based practices, including the commercial seasons, and the reasons why those seasons have been implemented by DFO with recommendations from the lobster associations.

We came to the conclusion, as a community, that they would like to follow conservation-based practices only. They would not like to follow marketability and market access-type reasoning, so they supported the common understanding that the summer or the highest water temperatures increased lobster trapability and vulnerability during the spawning cycle and the moulting cycle, and they chose to start fishing October 1, which is common in other areas of the province. There is an August-September season in the gulf, which is northern Nova Scotia. Southwest Nova Scotia season starts in the middle of October.

They understood that conservation should be a factor when they developed their plan, and they did provide seasons that they believed followed conservation-based practices to the best of our knowledge. We have yet to justify the latter to DFO.

• (1920)

Mr. John Williamson: Thank you.

Mr. Martin, I have two questions, just to clarify.... Because I'm running out of time, I'll just ask them one after the other and let you answer.

Is it 70 traps per fisher or per boat? I'm curious, just to get a sense of the operation.

I might have misunderstood you, so please correct me, but did you imply that you felt conservation rests on the shoulders of the traditional commercial fishermen? If you could clarify that, I'd appreciate it. Thank you.

Mr. Justin Martin: Conservation is a management position by DFO.

Going back to your first question, it is up to 70 traps per individual with a vessel maximum of 200. That is a starting point to develop this fishery, understanding the minimal capacity for this community.

Conservation lies with the harvesters in general. By understanding the fishery, developing capacity and understanding, with experience and knowledge and using traditional indigenous knowledge, we're going to develop Mi'kmaq capacity and understanding for conservation-based practices.

Mr. John Williamson: That's for all harvesters—all global harvesters.

Thank you, Chair.

The Chair: Thank you, Mr. Williamson. Your time is up.

We'll now go to Mr. Morrissey, for five minutes or less, please.

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

I must compliment Chief Marshall on his opening comments. He is correct; it's not the committee's mandate to attempt to define "moderate livelihood".

In your presence, I also want to acknowledge the work of my colleague MP Battiste on educating those of us on the committee and myself in particular—I can only speak for myself—on recognizing more of the first nation traditional approach to resource.

My question would go back...and I take the boat as a reference to Potlotek. You reference using two seasons and you established why. The summer is warm and we understand that you move into the fall. Could you also expand on.... You have a seasonal approach to it and you have a trap limit set by yourself. How do you respond to the carapace size of lobster within your fishery?

Mr. Justin Martin: I can handle that one, Chief.

Knowing that very well, the Mi'kmaq are developing a science-based practice just to support conservation. We've adopted numerous commercial-type conservation measures.

Mr. Robert Morrissey: Are you using the same carapace size as the commercial fishery?

Mr. Justin Martin: We actually adopted conservation measures that supersede the commercial industry.

Mr. Robert Morrissey: Okay, that's good to know.

I have a question on Potlotek. Since 1999, has your first nation community participated in any of the acquisition of licences from DFO that were transferred to some first nations communities following the first Marshall decision, or is the only fishery that you're involved in the one that you referenced, Chief?

Chief Wilbert Marshall: No, we did [*Technical difficulty—Editor*].

The Chair: It's the mike.

Mr. Robert Morrissey: Outside of the fishery you described with 27 people using up to 70 traps, is your first nation community also exercising a fishery with access to the fishery that was transferred by DFO?

Chief Wilbert Marshall: We do have a commercial fishery, but we only employ 23 fishermen, which is not enough to go around the community.

Mr. Robert Morrissey: So there are two. So your first nation community had access to lobster from true licences that were transferred by DFO prior to the fishery that you are now—

Chief Wilbert Marshall: Yes.

Mr. Robert Morrissey: You did. Okay.

You spoke quite a bit about even young women participating in the fishery, which is great. In your first nation community, do I take it that all of the fishers involved in your fishery are first nations fishers?

Chief Wilbert Marshall: They are, yes.

Mr. Robert Morrissey: You do not participate in the practice of leasing out your resource to non-indigenous?

Chief Wilbert Marshall: Not the livelihood, no.

• (1925)

Mr. Robert Morrissey: What about the licences that were acquired through DFO?

Chief Wilbert Marshall: The commercial, we fish almost everything except the shrimp and [*Inaudible—Editor*].

Mr. Robert Morrissey: They're offshore. I understand that. For the lobster fishery on the commercial side through licences that were acquired through DFO, is it first nations people who are fishing those?

Chief Wilbert Marshall: It's all of our community members, yes.

Mr. Robert Morrissey: Okay, that's very good.

I was impressed with how transparent.... You talked about transparency, which seems to be the issue that we arrive at in these confrontations, when there's no transparency. I must say I am pleased to hear you speak on behalf of your first nation that you are very clear up front and moving forward with commercial fishers and everybody involved.

To me, it appears that you're approaching your position from a very practical perspective. I'm pleased to see that your first nation community is using the resources of your people. We've heard from earlier chiefs with high unemployment in the first nation community and poverty, yet in some areas some of the value of the resource is being leased out to non-indigenous people.

Do you think that's acceptable?

Chief Wilbert Marshall: Not everybody's a fisherman. Some people are going to fish; some people aren't going to fish.

Mr. Robert Morrissey: But do you think it's acceptable to be leasing out access to the fishery to non-indigenous people?

Chief Wilbert Marshall: With our fishery, the only ones [*Technical difficulty—Editor*] are the groundfish and the shrimp.

Mr. Robert Morrissey: That's offshore. I understand that. I want you to focus on the lobster.

The Chair: Thank you, Mr. Morrissey.

We'll now go on to Madame Gill, for two and a half minutes, please.

[*Translation*]

Mrs. Marilène Gill: Thank you, Mr. Chair.

I would first like to use my time to suggest that the committee look into committee business at its next meeting, next week.

Would that be possible?

[*English*]

Chief Wilbert Marshall: Justin, can you get this?

[*Translation*]

Mrs. Marilène Gill: I think I will help Chief Marshall at the same time. I hope he will be able to hear the translation. When I put a question to Mr. Martin earlier, I was not done hearing what he had to say, and I was really interested. We talked about urgency and the RCMP.

I would like to hear him on what it would be important to do for Mi'kmaq communities urgently and over the short term, but also over the medium and long terms.

[*English*]

Mr. Justin Martin: From my understanding, working closely with a number of first nation communities, the implementation of our right is the most important thing, and doing so from a Mi'kmaq management value. The way DFO has tried to implement this right in the past was done top-down without understanding the Mi'kmaq side.

Provide us an opportunity to implement, to demonstrate and to fish for our livelihood, and then let's have a conversation about how we can manage the sustainability of the overall resource.

[*Translation*]

Mrs. Marilène Gill: If I understand correctly, it is not this committee's responsibility to look into that. It is rather a matter of nation-to-nation negotiations.

I would like us to help you, but we are unable to do so. This is why I am putting all these questions to you. What I am seeing is that the same work is often being duplicated, and that does not help you move forward nor does it resolve the current situation in Nova Scotia.

[*English*]

Mr. Chris d'Entremont: I have a point of order, Mr. Chair.

I'm getting a lot of complaints about ParlVU. We have a number of people who wanted to watch this on the streaming service, and they're having trouble, so I just wanted to bring that to the attention of the chair and the clerk. I don't know if technology is letting us down tonight.

The Chair: Thank you.

We'll go to Mr. Johns, for two and a half minutes. The most important thing is that we hear the testimony and the questions and answers, versus the TV. I know people are interested in it, but we

have to get the testimony on record. That is the most important part of it.

Mr. Johns, you have two and a half minutes, please.

• (1930)

Mr. Gord Johns: Thank you, Mr. Chair.

Thank you to the witnesses for their important testimony tonight.

It's my understanding that several Mi'kmaq bands are landlocked due to the relocation plans of previous governments, and all first nations in the *Mi'gma'gi* have been nomadic harvesters. My understanding is that camps were set up near the coast for fisheries during the fall and summer—

[*Translation*]

Mrs. Marilène Gill: Mr. Chair, I have a point of order.

Is it normal for us not to have access to the image?

[*English*]

Mr. Gord Johns: I didn't even know I was off. Thank you so much.

Then they went inland during the fall and winter seasons for hunting. I understand that the *Mi'gma'gi* is an unceded territory. There are sacred agreements before Confederation, and even after, when Donald Marshall Jr. fished in another territory, which led to the decision. Do you believe nation-to-nation protocols are important, and that this needs to happen without government intervention?

Chief Wilbert Marshall: Yes, for sure. Our plan discusses that. It shows you that. It talks about the seven districts of our fisheries, especially where we fish right now. Our main community was in that area, the St. Peters area between the two villages on either end of Bras d'Or Lake, on the canal side and on the St. Peters side also. That's where our main village was way back in the day. I remember hearing stories from elders going back and explaining how this was.

Our plan talks about the seven districts and co-operating with all *Mi'gma'gi*, right from Cape Breton up to Quebec, and also parts of Maine. The grand council played a big role back then because we talked to each other and we shared the resources also.

There's such a big disconnect with the DFO officials. They don't know our traditional ways. Even with this fishery, we follow the moons and everything—

[*Translation*]

Mrs. Marilène Gill: Mr. Chair, I apologize for interrupting you to raise a point of order once again. I do so reluctantly.

Once again, you will understand that the interpreters are really struggling to hear and that it is difficult for them to do their work in these conditions. I wanted to let you know.

[*English*]

Chief Wilbert Marshall: Justin, you'll have to get that. I can't figure this out. I'm sorry about that.

The Chair: Remember to put the mike close to your mouth, Chief Marshall, and try not to muffle it too much if you could, please, just for another 10 to 15 seconds.

Chief Wilbert Marshall: I will get Justin to answer that.

Mr. Justin Martin: I think you provided an adequate answer.

Essentially, Ms. Gill, he spoke about the traditional ways of the Mi'kmaq people where they had traditional governance systems, traditional seven districts that were governed by grand council members, hereditary members. That played an important part in distinguishing the areas for understanding within the Potlotek plan.

It will be important moving forward, as I mentioned earlier, to develop relationships among communities at that nation-to-nation level. I think that's where the question came from. Thank you.

The Chair: Thank you, Madame Gill. With that, our first hour of testimony expires.

We'll suspend for a moment now to allow the witnesses to depart. I want to thank them for their testimony here at committee this evening and wish them all the best.

Mr. Justin Martin: *Wela'liog.*

Chief Wilbert Marshall: Thank you. *Wela'lin.*

The Chair: We'll go for the next hour. We'll suspend for a couple of minutes while we change out our witnesses and get to the second hour of our committee.

• (1930) _____ (Pause) _____

• (1940)

The Chair: We will now resume the second part. Welcome back.

I would like to repeat a few comments for the benefit of the new witnesses.

Before speaking, please wait until I recognize you by name. When you are ready to speak, you can click on the microphone icon to activate your mike. As a reminder, all comments should be addressed through the chair. Interpretation in this video conference will work very much like in a regular committee meeting. You have the choice at the bottom of your screen of floor, English or French. When speaking, please speak slowly and clearly. When you're not speaking, your mike should be on mute.

I would now like to welcome our witnesses in the second panel. From the Eastern Shore Fisherman's Protective Association, we have Peter Connors, president. From the Maritime Fishermen's Union, we have Martin Mallet, executive director; and Kevin Squires, president, Local 6.

We will now proceed to opening remarks.

Mr. Connors, it's over to you for five minutes or less, please.

Mr. Peter Connors (President, Eastern Shore Fisherman's Protective Association): Thank you, Mr. Chairman and members of this committee, for inviting me to testify on behalf of the Eastern Shore Fisherman's Protective Association this evening.

I'm Peter Connors. I'm the president of the Eastern Shore Fisherman's Protective Association, an association of approximately 200

harvesters of a small-scale, multispecies fishery that has sustained the eastern shore communities for generations.

I would like to address what I would describe as the misunderstanding of the position and the concerns of the fishing industry on the eastern shore especially, east of Halifax.

I am sure the majority of the fishing industry, the Canadian public and indigenous people seek truth and reconciliation. We regret that those taking provocative action and those responsible for the inappropriate response to it have taken the lead and are providing the environment and context for this negotiation. The federal government's response to the Marshall decision saw the first nations integrate into the commercial fishery and receive some 10% to 13% of a fully subscribed industry, double the proportionate per capita share to provide for moderate livelihood. That approach was applauded by industry and agreed to by first nations. The subsequent 20 years of integrated management of a shared resource served to propagate and enhance the relationship between indigenous and non-indigenous participants, seeing several indigenous harvesters and their representatives elected or chosen to represent industry within the broader fisheries management consultative process.

All access to areas and allocations granted through the present licensing regime is based on recorded historic fishing participation and activity. The proficiency and capacity of the fishing industry make harvest control rules and regulations absolutely necessary. The fishing industry infrastructure co-operates or partners with DFO science and conservation and protection. The industry supports the food, social and ceremonial fishery to protect indigenous culture and tradition without reservation.

There can be only one integrated commercial fishery for more reasons than I have time to explain here in five minutes, but here is an outline: conservation and protection proficiency and efficiency; integrity of industry harvest control rules and practices developed to address Marine Stewardship Council sustainability assessment, including market demands and ecology science; equal opportunity for access to the resource; and optimal timing of harvesting and better co-ordination of and opportunity in marketing, as recommended by industry lobster commission studies.

The potential for a massive competing non-compliant fishery is the real threat to our multi-billion dollar industry and resources. Without the support of the existing compliant participants within industry, conservation and protection will be threatened. The operative terms here are “competing” rather than limited or regulated, and “compliant” rather than non-compliant. Moderate livelihood is best achieved through the existing framework for both indigenous and non-indigenous fishermen. Insecurity and instability are created in the absence of a permanent settlement and clarification of the department's authority or capacity to regulate the resource. The ambiguity as to the level of necessity required by the Badger test creates the danger that the level of necessity required for the department to act may prevent the authorities from taking pre-emptive action, and allow a situation to spiral out of control.

I would like to read the following points into the record.

The eastern shore community derives variably \$20 million annually from the fishery. First nations derive approximately \$160 million. This is a huge disparity per capita. I'm talking about the eastern shore here.

- (1945)

First nations just bought \$5 million of eastern shore access at prices far exceeding the commercial value, prices far out of reach for the shareholders of the resources here on the eastern shore or the heirs and successors of those who prosecuted the fishery here to provide the basis for the economy in these local communities for generations.

There is no willing seller here. There is no other option. We feel government is leaving us here, our community, vulnerable.

There is a large body of support for the original DFO approach on this file, from 1999, which has to be respected if any resolution is to endure and the recommendations of the Truth and Reconciliation Commission are to be implemented effectively.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Connors.

We'll now go to the Maritime Fishermen's Union.

I don't know which one of you will be speaking, or if it's one or two, but you're good to go for five minutes or less.

Mr. Martin Mallet (Executive Director, Maritime Fishermen's Union): We'll be splitting our time as much as possible, Mr. Chair.

Good evening. Thank you, on behalf of the Maritime Fishermen's Union, for giving us the opportunity to speak here tonight. Our organization represents over 1,300 independent inshore owner-operator fishermen in New Brunswick and Nova Scotia.

The current upheaval in our fisheries gives us a definite sense of déjà vu. Post Marshall decisions one and two, our fishermen and communities were significantly affected, especially during the Burnt Church crisis. Back in November 1999, Michael Belliveau, our then executive director, gave a presentation to the FOPO committee that still resonates with us 21 years later.

Many of the recommendations emanating from the committee were applied by subsequent governments and, as indicated in the Macdonald-Laurier report by Ken Coates last year, “have resulted in a wide range of important benefits for the region, including” for indigenous groups across the Maritimes and the Gaspé Peninsula. Amongst others, one benefit was a significant increase in “on-reserve fishing revenues for the Mi'kmaq and Maliseet growing from \$3 million in 1999 to over \$152 million in 2016”. This has been the result of a successful commercial fisheries integration for many indigenous groups, which the MFU and other organizations also helped foster following meaningful dialogue and understanding. However, despite these positive impacts, many challenges remain for both the indigenous and non-indigenous groups.

The “moderate livelihood” definition, and its implementation, remain at the top of the list. However, our understanding of past and current processes was, and still is today, that this implementation would be done through DFO-regulated commercial-communal access.

In our communities, the tensions that have occasionally arisen between indigenous and non-indigenous fisheries have been about out-of-season fishing and illegal sales of fish harvested for FSC purposes. The development of new moderate livelihood fisheries without the same seasons and rigorous regulation and enforcement as commercial fisheries will exacerbate such tensions. The expansion of first nations participation in commercial-communal fisheries does not, however, carry the same risk.

Over many decades, fishing organizations across Atlantic Canada have worked diligently with the federal government to establish a co-management approach that is often cited internationally as a model for nations to strive for. This model, based on an ecosystem and precautionary approach, seeks to balance fishing output with the ecosystem's ability to regenerate and sustain itself—for example, the use of effort- or quota-based management and fishing seasons protecting reproduction periods, etc. It also must consider socio-economic and traditional input from fish harvester and indigenous groups. These DFO-administered advisory committees provide the basis for meaningful representation and dialogue for fisheries management across Canada.

Our Canadian lobster resource management is a resounding example of this model's success. It currently generates tens of thousands of fisheries-related moderate livelihood jobs for indigenous and non-indigenous folks alike. Therefore, any additional access needs to be considered through the lens of this well-managed management system while also taking into consideration the socio-economic importance and the dependence of our coastal communities on this particular fishery.

Our organization supports the basic principles of the Marshall decisions and indigenous commercial access to fisheries under federal management. However, one of our greatest critiques of the decision is that it did not establish a timeline for government to implement the said decision. Therefore, I would like to suggest that this committee reflect on this issue.

In closing, I would also like this committee to revisit the lessons learned from the past and help celebrate the successes from the last 20 years, but also identify the remaining issues and gaps and look to resolve them.

On this, I'll pass the mike to my friend and colleague, Kevin Squires.

• (1950)

The Chair: You have 40 seconds, Mr. Squires.

Mr. Kevin Squires (President, Local 6, Maritime Fishermen's Union): I will skip then to the main concerns that our members have indicated to us. The first is the need to regulate appropriate levels of fishing. We have a limited effort, and the fishery has delivered a valuable, sustainable fishery. The other one is to conduct the fishery according to common, mutually agreed upon rules and seasons. These are important. They're based on what's best for the fishery, not necessarily best for who is removing the fish from the sea. It's the fishery that matters here. Having mutually agreed upon rules helps maintain compliance among our members.

One of the things our members have been saying, and all organizations have been saying repeatedly, is that we need some communication here. We don't feel that we've been heard. We have significant problems with the fact that DFO has failed to figure out a way to include us. We understand the nature of nation-to-nation negotiations, but there has to be a place for commercial harvesters.

The Chair: Thank you, Mr. Squires.

We'll now go to our rounds of questioning.

We'll begin with Mr. Bragdon, for six minutes or less, please.

Mr. Richard Bragdon (Tobique—Mactaquac, CPC): Thank you, Mr. Chair, and thank you to our special guests, Mr. Mallet, Mr. Connors and Mr. Squires. Thank you so much for taking the time to join us this evening to provide valuable insight into the discussions that are taking place at this critical time.

Obviously, we've gotten to this point, and there are so many factors that led up to this over years and years. I think all of the witnesses that we're hearing from want to get to some sort of peaceful resolution and understanding, which is encouraging.

I'd like to ask you for your input, and hear your perspective in regard to the role that the government and the minister have played thus far. Do you feel it's been an adequate response by the federal government? In the nation-to-nation talks, do you feel the government is adequately incorporating other parties that have a tremendous stake in the industry and in the future of the fishery?

I'll open that up. That would be the first question I have for you. Do you feel that the response of the minister to date and this government has been adequate?

• (1955)

Mr. Martin Mallet: As an association we've been working with other groups over the last several months—actually, for over a year now—sending some communications directly to the Minister of Fisheries' office stating the fact that there were a number of issues that were coming to a head in the management of indigenous access to the fisheries. Unfortunately, we have had no response to any of our requests, or any of our main concerns.

One of them was to create a dialogue table where everybody could speak together and talk about fisheries management. That was a serious issue for us, and it's part of the reason that things got out of control over a month ago in St. Marys Bay. We are now trying to fix things, but unfortunately, there's been a lot of bad blood created because of these issues.

Mr. Richard Bragdon: Mr. Connors.

Mr. Peter Connors: Yes, I've thought about this a long time. There should have been action taken long before it was. I think there was a standoff or breakdown in communications or negotiations between the government and first nations, and that was allowed to stagnate. In an effort to push things ahead, we had the incidents we saw there.

I have a little bit of sympathy for the government, in that there's ambiguity around the law. When I read some of the media reports, how the government is not laying charges and not taking action because it doesn't think it can get a conviction when it thinks the regulations are being violated, that's a big concern to me when the government is stuck that way.

That's why I put in there about the test the government has to justify to fetter the right. I know there's a lot of difference of opinion around that, but there's no definition around necessity with regard to the Badger test. At what point can the government enforce its regulation? Then, if it lays charges, it may or may not.

That ambiguity puts the government in a very awkward position. It's a big concern to me when the government can't lay charges in order to enforce its regulations, especially in this fishing industry, because regulations are so important in the marketing of our product.

Mr. Richard Bragdon: Thank you, Mr. Connors.

I'll just ask Mr. Squires quickly one final portion of the question, because I suspect my time is getting short.

In regard to the special representative being appointed at this time, do you feel like that could get to a solution here? Do you feel hopeful that this measure and this take...? Do you feel like you're getting indications that you will be heard from or you'll be able to have input?

I'll start with you, Mr. Squires.

Mr. Kevin Squires: I think at this point it's very hard to be optimistic that the special representative is going to accomplish very much, because, as my colleagues have mentioned, we have been asking for information or an explanation.

We haven't asked to be directly involved in negotiations. We understand that's not appropriate for us and not a place for us.

It's very important as industry organizations that we try to explain to our members what is happening as best we can. We haven't been receiving any information or explanation or any support from DFO to deal with our members. Understandably they're very worried about their own livelihoods and the fishery that they've put a lot of efforts into developing good stewardship.

Mr. Richard Bragdon: Thank you, Mr. Squires.

The Chair: Thank you, Mr. Bragdon.

Before I go to Mr. Cormier, I will say to the committee members that things would flow better if you identified who you want to answer a particular question. That way there'll be no confusion in-between, and you'll get a better flow and perhaps more time to ask an extra question.

Mr. Cormier, it goes to you for six minutes or less, please.

• (2000)

Mr. Serge Cormier (Acadie—Bathurst, Lib.): Thank you to everybody for being on this committee.

Tonight my question will be for Mr. Mallet.

It's good to see you again, Mr. Mallet. Let's go right to it, Mr. Mallet.

In your opinion, what do you think will be the solution to this problem, a solution that not only respects the Marshall decision for first nations but also makes sure that conservation is at the top of the considerations?

Mr. Martin Mallet: My view on that, and the view of many of my colleagues, is that there is space within the commercial fishery to provide enough access to what is needed by indigenous groups, as we speak right now. By doing so, we also need to see that needs access follows existing commercial fisheries rules. This is why we have, for instance, as I've mentioned, seasons and different ways of managing the resource that respect conservation and sustainability principles.

I think there are ways to match indigenous needs with ours. I think that if some indigenous groups or individuals need to fish with fewer traps, well, that can be done within the band's management system to allow maybe fewer trap fishermen per indigenous fishermen, but traps that are mandated by the federal government.

Mr. Serge Cormier: In terms of conservation, what are your fears of having a season outside of the regular commercial fishing season that was there for so many years? What is the fear about that if there is a small fishing...going on? I know at the same time that you're doing a lot of conservation efforts with Homarus, I think, restocking the ocean with lobster throughout the years. I think you're doing that in collaboration with first nations also. What is the fear of having a season outside the commercial fishing season?

Mr. Martin Mallet: It's all a question of effort. At the end of the day, the fishing effort is the actual trap; it's not the number of fishermen on the water. The traps fish with different efficiency depending on the timing of the season.

To fish in the spring or the fall, there are some major differences in terms of catchability rates of these traps. These need to be analyzed. In many cases, these seasons that we have to date have been put in place with very limited time frames to make sure that the effort is limited through time.

I think we need to have the dialogue. We need to have a discussion. This is why I've been asking for many months now—we've had these dialogue tables—to get fishermen and indigenous groups together to understand each other on what our common needs are.

Mr. Serge Cormier: Regarding collaboration, I'm going to talk more about my zone here. The collaboration has been going on with first nations for a number of years in my area. I think we all recall the 2003 incident in Shippagan. That is way behind us now, and the collaboration since then has been very good.

There are two fish plants in my riding that are owned by first nations. What collaboration have you seen in my zone here, on the waters and outside the waters, with the commercial fishermen and the first nations fishermen over the last couple of years, and as of today?

Mr. Martin Mallet: Collaboration within the MFU with indigenous groups, let's say, for your area in New Brunswick is significant. It's basically in our DNA and it's been there for many decades.

More recently, we've participated through the Marshall 1 and 2 decisions to get the integration of indigenous groups in the commercial fisheries done with the fewest issues as possible. Also, we've been part of the mentorship programs that were set up back in the day to train individuals who wanted to partake in the fishery. We collaborate on science and lobster enhancement projects. Many of the groups have invested. We are actually increasing our collaborations as we speak. Fortunately, recent events hopefully will not derail these beautiful initiatives.

• (2005)

Mr. Serge Cormier: I think my time is almost up, Mr. Chair.

Thank you, Mr. Mallet.

The Chair: We'll now go to Madame Gill for six minutes or less, please.

[*Translation*]

Mrs. Marilène Gill: Mr. Chair, my question is for Mr. Mallet, Mr. Squires and Mr. Connors.

Relative to your requests, of course, this situation persists. We are now facing an urgent situation. However, this appears to be a pretty long story.

Let's imagine you heading the Department of Fisheries and Oceans and having to respond. What would be your requests and your action plan in the short, medium and long terms to provide your assistance in the current situation while keeping the future in mind?

[English]

Mr. Kevin Squires: Perhaps I can begin to answer that question.

As I mentioned at the opening of our presentation, the basis of management and sustainability of the lobster industry has been limited entry. We'd like statements of principle from DFO stating that whatever resolution was achieved over time, that the level of effort that's currently applied to the fishery be maintained on that basis. Obviously as well we'd like to see some statement of principle that rules that were negotiated and developed would try to adhere as well as possible to the lessons that have been learned over a long time in a well-established industry. Those could be the starting point.

I suppose the other most important one when it really comes down to it at this point is a guarantee that there be some good communication.

I personally went to meet the regional aboriginal fisheries manager about three years ago. It turns out it was the day after he had had discussions with his manager about the need to improve communications with the commercial industry. That was three years ago. We have yet to see any effort made in that direction to try to really let us know what's happening with implementing a modern livelihood issue.

So, it's communication and statements of principle adhering to what we see as valuable to the industry.

Mr. Peter Connors: If I could follow up on that, I really think, as I said in my opening statement, that the response by the federal government in 1999 and the agreements that were reached then addressed the issues. We've had a very peaceful, co-operative commercial fishery that's profitable for everybody.

Personally—and I know I will get some feedback on this—I don't see the need for this second competing fishery, and I see it as a competing fishery. That has a lot of implications and potential problems attached to it. I think the FSC fishery was put in there to address the culture and traditions of the indigenous people so that they could have their own recognition for that, and it recognizes their right.

As far as the moderate livelihood goes, there certainly is enough access within the commercial fishery there for first nations to provide the moderate livelihood as well as the rest of it, so I don't see the purpose of setting up this second commercial fishery.

You have to understand that the fishing industry partners with DFO, with conservation and protection and science and hydrographic work. They do a lot of work. If we get a second fishery and it becomes a competing fishery, and I'm talking about non-compliance.... When we talk about the FSC fishery, I think that has been demonstrated. There has been a lot of testimony to the fact that there has been a lot of extracurricular and illicit fishery taking place under the cover of that.

We're running into a problem now with the sale...because there can't be any sale of that. A second commercial fishery will provide an avenue for the sale of an illicit fishery. I don't mean any disrespect by that. The FSC fishery is more or less the first nation fishery, but the commercial fishery has to remain under a single regula-

tor, under a single set of regulations for marketing, and would provide better relations in the long run. That's my opinion.

I think that the federal government is getting to the point where if there can't be some kind of agreement, they are going to have to enforce the regulations that are in place now, and the agreement that's acceptable.... I'm not going to suggest whether this isn't a legal fishery or it is a legal fishery. I'm suggesting that there is a very fine line there whether it's a legal fishery or not.

I think that we have to have a single fishery, and I think the federal government is going to have to have the authority to implement that and regulate it.

• (2010)

The Chair: Thank you, Mr. Connors. Thank you, Madame Gill.

We'll go now to Mr. Johns for six minutes or less, please.

Mr. Gord Johns: Thank you, Mr. Chair.

Thank you, all, for your testimony.

Mr. Connors, do you support the Sipekne'katik's assertion of their section 35 constitutional rights to self-govern themselves with their rights implementation lobster fishery management plan?

Mr. Peter Connors: Well, I think that in the statement I just made, I recognized the authority of the federal government to manage the fishery.

Mr. Gord Johns: You understand and respect that it is the government that is to negotiate nation to nation and that the commercial industry is under the purview of DFO and represented by the Crown at the table there.

Do you respect that?

Mr. Peter Connors: Yes, I understand that.

Mr. Gord Johns: Okay.

You talked about the disparity in share of the quota on the east shore. I want to thank you for sharing those stats. It's greatly appreciated. I want to thank you for recognizing the disparity and the inequality that's happening there.

Do you believe that DFO is going to the table in good faith to negotiate with the nations?

I just want to give you an example. Where I live in Nuu-chah-nulth territory, where they have been in court—they won a Supreme Court decision in 2009—the government has appealed it and appealed it. They have wasted \$19 million in taxpayers' money on the right to catch and sell fish. That money could obviously be better spent supporting the fishery and getting them out on the water instead of into court.

Do you think that the government is going to the table with a meaningful mandate to negotiate? I ask because the judge in that case said they are knowingly sending their negotiators to the table empty-handed. Do you think that Canada is going there in good faith?

Mr. Peter Connors: I pretty well answered that question. The negotiators went to the table in 1999 and came up with the best possible solution at that time. That's our opinion. I'm not a legal expert—

Mr. Gord Johns: Do you believe the government is going to the table to help accommodate the decision and the right of the nations to take part in the fishery? Mr. Squires talked about sustainability. Do you think it's sustainable to have them excluded or for them to have a small share of access to this fishery? Do you think that's sustainable?

Mr. Peter Connors: I don't really think they have such a small access to it. The figures show that there's at least a proportionate amount, and maybe double the proportionate amount, of access to the fishery. We do have a limited and a fully subscribed fishery.

Mr. Gord Johns: When we look at the income levels and the average income in those communities and look at the court decisions and the constitutionally protected rights, do you believe the government has done its job in supporting the court decisions and the constitutionally protected rights? That's the duty of the government.

What efforts have been taken by your organization in terms of reconciliation? You talked about reconciliation, and I appreciate that. What have you done in building those relationships and educating your fishers, as other unions have done internally, to help better understand the decision, and also section 35, the constitutionally protected rights for indigenous people?

• (2015)

Mr. Peter Connors: I'm going to make it clear—and I'm not a constitutional expert—that I see some of the activity that has taken place, and the self-implementation of the fishery, as a challenge to the jurisdiction of the government. It's not agreed to. It's not agreed to by either the federal government, as far as I know, or industry.

Mr. Gord Johns: These are constitutionally protected rights and court-protected rights as well. The Marshall decision made that very clear.

In terms of the fishers who have gone out and, in the name of conservation, cut traps, burnt a lobster pound, destroyed lobster, brought shame not only to Nova Scotia but also to commercial fishers across the country and Canada, what do you say to those fishers? Do you think they were out of step?

Mr. Peter Connors: Yes. As I said in my opening statement, that action and response was inappropriate. It was certainly premature. There was a lot of education—

Mr. Gord Johns: Do you believe the minister and her department bear the responsibility for going to the table, likely without a mandate, and knowingly not negotiating in good faith with the nations to allow them to exercise their right to a modern fishery?

Who do you think is responsible here?

Mr. Peter Connors: There is a lack of information and there's a question over jurisdiction within this country that has to be settled. We're dealing with an issue here on which the federal government has supremacy. That's my opinion.

Mr. Gord Johns: The courts and the Constitution have the supremacy.

Do you believe the government's honouring the constitutionally protected and treaty-protected rights? These decisions have been reaffirmed by the courts. Do you believe the government is going to the table with a mandate, and directing its staff to accommodate those rights?

In mitigating situations like this, the division that's being created falls at the feet of the minister for not going to the table and not sending negotiators with a mandate. Do you not agree?

The Chair: I am sorry, Mr. Johns, but your time is up.

We'll now go to Mr. Arnold for five minutes or less, please.

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

Thank you to the witnesses.

This is certainly developing into an interesting process. I have a series of questions, so please keep your answers fairly short. I'll ask Mr. Mallet to answer first, and then Mr. Connors and Mr. Squires.

For years now, and especially in the last five years when I've been on this fisheries committee, the committee has repeatedly heard witnesses describe that trust has been broken by DFO in its relationships with harvesters of all types, meaning indigenous, commercial, public and recreational harvesters. Many dedicated officers and staff out there, I believe, are working to deliver in their roles, but even DFO officials have been undermined in their efforts to keep good relations with harvesters.

Can you describe your relationship with DFO? If you have experienced breakdowns in communications, what level do you think is the source of the breakdown?

Mr. Martin Mallet: Our experience with DFO has been a relationship over many decades. We've had some issues in the past. We've had issues more recently, but at the end of the day, we try to work together and try to come to some kind of common ground.

As my colleague Kevin Squires mentioned earlier, the number one thing to consider is communication, dialogue. As soon as these break down, that is when you get issues in whatever fisheries management problems you're working on, whether whales or anything else related to species management.

• (2020)

Mr. Peter Connors: I think up until now we've had a really acceptable relationship with DFO. We appreciate that there are various sectors and various interests in the fishery. Over the years I've always thought they did a relatively good job at managing. We had a good working relationship with the department.

Mr. Mel Arnold: Has that been the case recently?

Mr. Peter Connors: As I said, everybody thought they had a perfect solution to this issue in 1999. This is causing a lot of problems. There also seems to be some restructuring taking place there now.

Mr. Kevin Squires: As Martin mentioned, I've already given the example. I asked a direct question, and the intention within the department regionally was to improve communications, but nothing has happened. Our assumption has to be that superior management quashed that communication. The starting point should have been to establish that rapport and then give us, as industry reps, something to report to our members. In the absence of good information or honest attempts to provide information, people fill in the blanks. Sadly and unfortunately and reprehensibly, really, it manifested itself in a violent act. It's completely unacceptable, but when people don't know what's going on, then unfortunately, they fill in the blanks.

Mr. Mel Arnold: In your view, Mr. Squires, how could a ministerial special representative foster better dialogue between the Mi'kmaq and non-first nations commercial fishers in the area?

Mr. Kevin Squires: I don't know, frankly, but we have hope.

When I responded earlier to a similar question, I said that at this point it's hard to be optimistic. I suppose that's unfair for someone who has just started the job.

Obviously this is very difficult. Peter mentioned the hesitation on the part of the department to proceed with charges if they thought they couldn't get convictions. There are great difficulties in understanding what moderate livelihood" might mean. It means a lot of things to a lot of people. There are a lot of questions to be answered here. Obviously people have to start talking about how we might get to solutions.

A lot of us fear. You can tell by the colour of my hair that I've been in the fishery for a long time. We can remember the history of boom and bust within this fishery, and the limited entry has managed to largely eliminate those killer cycles. We have a stable fishery, but how are we going to move forward towards reconciliation? Obviously we have to discuss it.

The Chair: Thank you, Mr. Squires, and thank you, Mr. Arnold.

We'll now to go Mr. Battiste for five minutes or less, please.

Mr. Jaime Battiste: My first question is for Kevin Squires.

I've heard from fisheries reps within the fisheries associations, and they tell me the greatest concerns are around transparency and making sure of the sustainability of the lobster in the long term. Do you think those are the only two concerns that are affecting fishermen?

Mr. Kevin Squires: No, I don't think they're the only concerns. They're obviously very important. The questions have already been raised or mentioned about exactly how the FSC fishery is conducted and the amounts of lobster that are being landed.

Because it's an input-managed fishery and not an output-managed fishery, it's very different from the quota systems we see in other harvests. We need to have ideas of what's being landed, where it's being landed and when it's being landed. The catch per unit effort is really important. That's part of the concern over the small fisheries, but there are other concerns. Knowing what's going on and knowing how to plan for our future is a big concern.

• (2025)

Mr. Jaime Battiste: Wouldn't you say that transparency, total transparency of the Mi'kmaq fisheries, as well as ensuring that it's sustainable through conservation methods would both be covered by what you just stated?

Mr. Kevin Squires: Transparency would be a huge and important step. I'll give you that.

The question of conservation on one limited fishery obviously doesn't address the question of the whole fishery, but the problem is going to be moving towards negotiating what the limits are to a moderate livelihood fishery. The question we wonder is, is there a limit? What are the limits? How will they be managed? That's the open-ended question for us.

Mr. Jaime Battiste: Okay. Thank you.

Mr. Connors, we heard testimony that in that area, LFA 34, the catch per unit over the past two years has been lower but has been basically consistent with the way it has been historically over the past 10 to 20 years. During this period, Sipekne'katik has been involved in that fishery and has been operating out of season, meaning that they are accounted for in the data. The data is showing no clear impact on sustainability.

With that in mind, can you help me understand what the commercial fisheries are seeing right now that is causing the alarm?

Mr. Peter Connors: I think the main concern of the fishing industry is the capacity of the fishing industry and the regulations that have been brought in to limit the amount of stock coming out.

As has been proven, the fishing industry has the capacity to clean the ocean out. The reason there's a great stock of lobsters there now is that they're left in the water because of the regulations that are in place.

We took a lot of pains in building egg production. A lot of the lobsters are left there to build a stock and a brood stock. Our concern is enforcing regulations and maintaining the quotas that are coming out, the harvest control rules.

Mr. Jaime Battiste: Mr. Connors, we heard testimony from Shelley Denny, who said that fishing in the spring or fishing in the fall was not jeopardizing things for conservation. She's a marine biologist. Are you saying she's incorrect?

Mr. Peter Connors: What I can say is that we're under a lot of pressure from the Marine Stewardship Council. We have certification and all the assessments of our fishery that have been done. The harvest control rules had to be adjusted in order to pass that certification. It's important that we have that certification. I'm taking the advice of the DFO science on that, and the process that was gone through to assess the lobster and put the measures in place that are in there now.

Mr. Jaime Battiste: I have one last question.

You said earlier, regarding the shocking things we saw on the news—pounds being burned, and all of that—that the violence was “premature” and “inappropriate”. Don't you feel that it was not only premature and inappropriate, but wrong and criminal?

Mr. Peter Connors: Yes, it was.

Mr. Jaime Battiste: Then the wording was a little bit wrong when you said the violence against the Mi'kmaq was “premature”, correct?

Mr. Peter Connors: Yes, for sure.

The Chair: Thank you, Mr. Battiste.

We'll now go to Madame Gill for two and a half minutes, please.

[*Translation*]

Mrs. Marilène Gill: Thank you, Mr. Chair.

Mr. Connors and Mr. Squires, you mentioned several times the lack of information, transparency issues and the fact that information was being imagined. You are saying that the lack of information will cause problems.

In light of the testimony we have heard today—of course, you don't have access to other testimony—do you think the committee has enough information to carry out its work in everyone's best interest?

For example, rule of law issues have been brought up often. Is complete data on all fishing activities in and out of season required? What about the division of powers? Who has the power to decide?

Regarding the work history of the Department of Fisheries and Oceans, you have often raised concerns about questioning fishers both in nation-to-nation negotiations and in consultations.

So do you believe we have all the required information, based on the testimony we have heard, or do we need more information from the DFO to do our work?

• (2030)

Mr. Martin Mallet: May I answer, Ms. Gill?

Mrs. Marilène Gill: Of course, Mr. Mallet.

Mr. Martin Mallet: This would also partially answer Mr. Battiste's question.

Mrs. Marilène Gill: Of course, I would like to hear from Mr. Connors and Mr. Squires, who have mentioned this, as well. Given the amount of time I have, I would prefer they answer first. Of course, I want to hear from everyone, and you could surely also provide your answer to the committee.

[*English*]

The Chair: We have a minute left, so whoever wants to go first, please go.

Mr. Kevin Squires: I'll try to do this very quickly.

I don't know how much information the committee has. If you are confident that you have an understanding of how localized the fishery is and the local effects of the fishery, then that's a good start, but the committee is a better judge of how much information to have on hand.

[*Translation*]

Mrs. Marilène Gill: Mr. Connors, do you want to add anything?

[*English*]

Mr. Peter Connors: I agree. I think that there's a lot of information out there, but I still think the whole aspect of the partnership between the fishing industry and the federal government in conservation and protection is not being taken into account.

Generally speaking, as Kevin says, it's up to the committee to decide when it has enough information.

The Chair: Thank you, Madame Gill. Your time has gone a little bit over.

We'll now finish up with Mr. Johns for two and a half minutes, please.

Mr. Gord Johns: Thank you again, all of you, for your testimony.

Mr. Squires, do you believe that there's systemic racism in the Department of Fisheries and Oceans?

Mr. Kevin Squires: I'm quite honestly in no position to know that.

Mr. Gord Johns: Have they done much in terms of educating fishers around rights and reconciliation? Do you believe that the department has reached out to the different representatives, groups and stakeholders to ensure that they're well educated about indigenous rights?

Mr. Kevin Squires: I think probably not enough. I think more can be done there, but it has to be done in a way that harvesters don't feel they're being preached to and feel included in discussions.

Obviously when tensions manage to build up to the level they are now, if people are just delivered a message about something that they generally fear, they're not going to be terribly receptive. We've lost important time.

Mr. Gord Johns: Do you think there should be a national reform in terms of DFO conservation and protection, and addressing systemic racism as well, within the regulations and operational policies to protect treaty rights and the right to harvest and sell fish?

Mr. Kevin Squires: It's very difficult for me to answer whether you need that in the entirety. I guess an explanation for some of the decisions that were made to prosecute or not prosecute would help us understand how the department's working, but at this point we have more questions than answers.

Mr. Gord Johns: As a last question, given the situation when we knew for weeks that the tension was building, do you believe the RCMP were adequately prepared to deal with the conflict that was there? Do you think that it would be the same situation if it were the other way around?

Mr. Kevin Squires: You're asking me to speculate, and, of course, isn't it the rule that you shouldn't speculate on stuff?

We have known for more than a couple of months or a couple of weeks that this was building and that there were tensions and questions. We've known for years. Our organization and others have been asking questions of DFO on how they were managing and regulating the fishery, and those questions really built up—

• (2035)

Mr. Gord Johns: Do you think the government adequately protected the fishers who were there?

Mr. Kevin Squires: I wasn't there. I saw the press. It's really unfair for me to try to decide about what somebody who was on the spot did and how they did it.

Mr. Gord Johns: If you were there, would you condemn the behaviour of those fishers?

The Chair: Thank you, Mr. Johns. Your time has more than expired.

That uses up our allotted time for this evening.

Mr. Morrissey, did you...?

Mr. Robert Morrissey: I'm sorry, Chair. There were still two on the list, Mr. d'Entremont and me. I wonder if we could get agreement... This is a very interesting panel. Could we consider the last two questioners, if Mr. d'Entremont wants to go as well?

Mr. Chris d'Entremont: I'm good. Yes.

The Chair: Okay. First of all, I'd have to check with the clerk to see if the interpreters and staff are available for an extra two slots of questioning to complete the full round.

I'm not hearing any dissent, and I see a nod and a yes, a thumbs up, from the clerk, so we'll go to Mr. d'Entremont for five minutes or less, please.

Mr. Chris d'Entremont: I'll definitely go for the less than five minutes to make sure we get it all in.

This is more for Martin, I think.

This has been something that's been talked about for the last number of years. There were challenges, especially in St. Marys Bay, but we're seeing it in other places, when it comes to the idea of an illicit fishery going on in and around the FSC fishery that was taking place. There have been examples of that at different places. Could you talk a bit about the concerns you were hearing from your members, especially in St. Marys Bay?

A voice: [*Inaudible—Editor*]

Mr. Martin Mallet: I was just about to say that.

I'm also a marine biologist by trade. I've been in this position for about four years now. Before that, I worked on resource management and development for lobster. What I've been seeing in the last few years in the Baie Sainte-Marie area is a fishery going on in a time of year where the catchability of lobster is four or five times higher per trap than if you were fishing in the late fall or winter.

At the end of the day, I think it would be really interesting to have on this panel a DFO biologist who's actually studying this area of the bay and LFA 34. LFA 34 is a huge area, but Baie Sainte-Marie is extremely small, and it has its own particular ecosystem, so the effect of this—quote, unquote—“illicit” fishery is signifi-

cant. From what I've heard, there are some numbers out there stating that there is a decrease of about 60% of the commercial lobster population in that area.

Mr. Chris d'Entremont: In the biology of the area, catch rates are far different during a certain time of the month. At the August point, at the September point, catch rates can be two to three to four times more than what they would be in the normal fishery.

There's also the issue of what kind of lobster is being found in the trap. Sometimes it's not just what is being marketed; it's also what is at the bottom of the trap that doesn't survive. Talk a little bit about the survivability of lobster within a very full trap.

Mr. Martin Mallet: There are many issues that will affect survivability. There's the density, but also the time on the bottom, and whether lobsters stay there for several days, and also if it's a warm day or a warm week out on the water. I mean, you have many of these lobsters staying on the boat for a while before going back in the water. The death rate is high. That's for sure.

Mr. Chris d'Entremont: Mr. Chair, I'm good with that. Let's share it around a bit.

The Chair: You have just under two minutes left.

Mr. Chris d'Entremont: It's not like me not to share some of these things.

I think Mr. Connors alluded to this. I was going to ask a little bit about the original Marshall response from the Chrétien government, which bought a lot of different licences for different bands on the Atlantic. Can you tell me about the challenge of what commercial fishers are seeing as an opportunity to fish on behalf of the bands that are leasing them out, versus providing employment for band members in the area? I don't know if Mr. Connors or Mr. Mallet wants to take that question.

• (2040)

Mr. Peter Connors: Yes, I can respond to that.

Part of the premise of my presentation was that there's access within the bands that could provide a moderate livelihood. I don't see the need, because most of this access is being leased out and fished by people outside of the bands. Then there has to be a second competing fishery, but there are a lot of people in my community here who wanted to get access to the fishery and couldn't get access to it. There were some who couldn't get access to even be crew members on boats, not to say licences. I think it is a concern, yes, for some of the band members.

Mr. Chris d'Entremont: Thank you.

The Chair: Thank you, Mr. d'Entremont.

We now go to Mr. Morrissey to bring it home for the evening. You have five minutes or less.

Mr. Robert Morrissey: Thank you, Chair. My question is to Martin Mallet.

I first met Martin in 2004, and I've always been impressed with your impeccable biological knowledge of the fishery and what you have done over the years.

For the record, our government inherited a department that had that faced years and years of budget cuts in key areas of conservation, protection and enforcement, which is a big part of where we're at today.

In two particular areas.... You referenced illegal sales of lobster. Can you elaborate quickly? Do you see that as part of some of the background in the current dispute in Nova Scotia and its growing influence within the industry as a whole?

Mr. Martin Mallet: That's a good question.

This situation is going on in some areas, I think in the St. Marys Bay area in particular. We're talking to many of our members down there. It's been going a while, since even before the Marshall decision—since the Sparrow decision, actually, before that. There has been a summer fishery—illegal, illicit, call it what you want—going on in the summertime.

Mr. Robert Morrissey: When you say “illegal,” are you referring to the sale of product for cash?

Mr. Martin Mallet: Yes, absolutely.

Part of these fisheries sometimes are done under the guise of the food, social and ceremonial fisheries. There's nothing wrong with the FSC fishery, but when it comes time for selling the product, things get out of hand. You need to have control over the volumes that are taken out of the water. The timing is important too. If you do these fisheries in the summer months when the lobster is reproducing, when the berried females are ripe with fragile eggs, you're multiplying by many factors the impact that you're having on the resource.

Mr. Robert Morrissey: Could you expand a bit more from your background as a biologist? You've worked in the industry. You were key in developing lobster larvae-production in northern New Brunswick, in the Shippagan area, which had a lobster fishery that was devastated at that time. Am I correct in that?

You built it up through following conservation measures and key biological information in key season areas and carved the size to a very stable, strong fishery today. Could you expand a bit on the impact of fishing lobster off season from the commercial fishery in small, restricted key areas with warm water?

Mr. Martin Mallet: To cite your example, we went from a fishery where lobster fishermen would catch about 5,000 to 8,000 pounds in the Caraquet area back in the early 2000s—Mr. Cormier could testify to that—to a fishery that's gone up tenfold because of the conservation measures that fishermen have put in place—

Mr. Robert Morrissey: They're following science conservation and all the key critical areas. That's crucial to the long-term road at this fishery.

Mr. Martin Mallet: Absolutely.

Mr. Robert Morrissey: With the time I have left, would you comment briefly.... There's been an impression nationally that nothing has occurred since Marshall, that there's been a vacuum, that there's been no outreach from the Government of Canada to first nations communities vis-à-vis access to a lobster fishery.

As you wrap up on your time, can you give us a picture of what has occurred in your part of Atlantic Canada vis-à-vis where your first nation fishery is today versus 1999?

● (2045)

Mr. Martin Mallet: There have been significant advances. I think that the Ken Coates report that I mentioned in my presentation accounts for that. We've gone from almost zero commercial fishery revenues for most of the indigenous groups on the east coast to many of these groups today thriving because of the fishery.

It's also the indirect revenues from other activities that have been generated because of the fishery. Some of the bands are buying processing plants and processing their own lobster and snow crab and other fisheries. These employ many people from their groups, as well as local non-indigenous workers in the coastal communities. In some instances, about 10% to 15% of band members participate in jobs related to fishery, either directly on the water or at the plants.

The Chair: Thank you, Mr. Morrissey.

Thank you to our guests for this evening and the information that they've provided to the committee through their testimony and through questioning this evening. We appreciate it.

I will tell Madame Gill that we will carve out some committee business time at the next meeting of the committee. We'll make sure that's done as requested.

I want to say thank you to the clerk and the analysts and the translators, and of course to all of our staff for their help in making this evening a success.

[*Translation*]

Mrs. Marilène Gill: I would have liked a full meeting. I think that a number of motions have not been moved. We have to see when we will call in witnesses from the department and the minister. Much work remains to be done, and I don't know what the committee will be able to do.

[*English*]

The Chair: I don't know if we can allocate an entire committee meeting, but I will check with the clerk ahead of time to see what's actually scheduled with regard to witnesses.

From what I hear, I think it was the intent of the committee to get this particular study done as quickly as possible, based on what was happening at this time. We will carve out a bit of time for committee business, but I don't know if we can give a full meeting to it at this point.

Mr. Robert Morrissey: Mr. Chair, it's more important for this committee to hear from witnesses on this critical issue that is demanding everybody's attention at the moment. I disagree with spending two hours on committee business.

The Chair: That's fine. We'll work it out along the way.

Good night, everyone. Thank you for your participation. Enjoy the constituency week coming up next week.

Mr. Gord Johns: No, it's not riding week—

The Chair: The meeting is adjourned.

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