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Standing Committee on Fisheries and Oceans

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• (1545)

[English]

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

Welcome to meeting number 37 of the House of Commons Standing Committee on Fisheries and Oceans. This meeting is taking in place in a hybrid format, pursuant to the House order of June 23, 2022.

Before we proceed, I would like to make a few comments for the benefit of the witnesses and members.

Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mike. Please mute it when you are not speaking.

For interpretation for those on Zoom, you have the choice at the bottom of your screen of floor, English or French. For those in the room, you can use the earpiece and select the desired channel. Please address all comments through the chair.

Finally, I'll remind you that taking screenshots or photos of your screen is not permitted. The proceedings will be made available via the House of Commons website.

Pursuant to Standing Order 108(2) and the motion adopted on January 20, 2022, the committee is resuming its study of the North Atlantic right whale.

I would now like to welcome our first panel of witnesses. I may get the names of the associations wrong, but I'll give them a try.

Representing the Association des crabiers acadiens, we have Robert Haché, general manager. Representing the Brazil Rock 33/34 Lobster Association, we are joined by Daniel Fleck, executive director, and Shawn Muise, director and captain. Representing the Coldwater Lobster Association, we have Heather Mulock, executive director.

Thank you for taking the time to appear today. You will each have up to five minutes for an opening statement.

I will invite Mr. Haché to go first, please.

[Translation]

Mr. Robert Haché (General Manager, Association des crabiers acadiens): I would like to know whether people have access to my tables.

[English]

The Chair: Mr. Haché, give me one second. I have to ask the committee something.

Mr. Haché has a PowerPoint that he wanted to put up on the screen. It's basically some diagrams and pictures to help him with his presentation and to help us understand what he's talking about. It's in both official languages but it hasn't passed linguistic review, so I need unanimous consent in order to allow it.

I'm not hearing any objections, so Mr. Haché, you can start when you're ready.

[Translation]

Mr. Robert Haché: I assume that people have the slides in front of them. I invite you to refer to them as we go along.

Good afternoon. My name is Robert Haché and I am speaking on behalf of the Association des crabiers acadiens, an organization of 44 midshore fishing companies that receive 61% of the traditional crab allocations held in New Brunswick.

The map you see on the monitor represents fishing area 12. The numerous rectangles that cover the area each measure 14 kilometres by 21 kilometres.

[English]

The Chair: You've gone on mute.

Mr. Robert Haché: I'm sorry about that.

[Translation]

When an area is ordered closed, the Department of Fisheries and Oceans, the DFO, closes nine rectangles, thus creating...

[English]

The Chair: Turn on your video.

Mr. Robert Haché: Okay. I'm sorry about that.

[Translation]

That creates a 42 kilometre by 63 kilometre exclusion zone. The pink dots represent the traps fished in 2013. The distribution of the traps over the sea bottom delineates the preferred snow crab habitat in area 12. As you can see, snow crab are not found everywhere in area 12.

The distribution of traps in 2021 is comparable to what it was in 2013. That is also the case for the fishery composed of 38 fishers who belong to our association in 2022. The 2022 data provided by those fishers was analyzed by Marcel Hébert, a biologist specializing in the snow crab stock in the southern Gulf of St. Lawrence. Mr. Hébert is now part of our team, having worked for 30 years in the snow crab scientific branch at the Department of Fisheries and Oceans in Moncton.

The next slides were produced by Mr. Hébert.

Here, you can compare the changes in area closings between 2021 and 2022 and observe that the fishing exclusion zone in 2022 covered virtually the entire preferred habitat of snow crab.

We will now look at the distribution of vertical ropes in the water between May 1 and May 7, between May 22 and May 28, and between June 24 and June 30.

A small blue circle represents 15 ropes in the water, a medium-sized circle contains 75 cables, and a large circle contains 150 ropes. We can see that during the seven days preceding the first area closing, our fishers were working in the preferred crab habitats.

Let's look at the May 28 map, which shows the distribution of ropes during the previous seven days. Note the large presence of ropes in the red striped rectangles, which close on May 28 and our fishers will have to leave within 48 hours.

Last, on the June 30 map, we see that fishing is now concentrated in two small sectors of area 12 and virtually the entire preferred habitat of snow crab is excluded from at least mid-June.

Does the preferred whale habitat coincide with these closures?

Do the whales observed justify the extent of these closures and excluding fishers from productive fishing grounds?

To understand this better, let's look at the changes in whale movements in area 12 in 2022.

To do that analysis, Mr. Hébert examined the changes in closures in area 12 between April 24 and May 7, between May 14 and May 28, and between June 16 and June 30.

The first closure took place on May 7 at the entrance to area 12.

On this map, we see the distribution of whales, the green dots, observed during the 15 days preceding May 28. We see that they are concentrated toward the centre of the area, where food is abundant. Note that the blue dot in the middle of the red striped rectangles does not represent a whale, it represents the position of an acoustic buoy that heard a whale singing somewhere within a radius of several kilometres. The Department of Fisheries and Oceans is going to close nine rectangles surrounding that buoy in 48 hours, and our fishers will have to leave the site.

On that map, we see that during the 15 days preceding June 30, all of the whales observed were already concentrated in the centre of the area, in their preferred habitat, and that a very large number of rectangles stayed needlessly closed on the periphery, thus barring access by fishers to the preferred snow crab habitats.

• (1555)

[English]

The Chair: Mr. Haché, I'm going to have to end it here. We've gone well over the five minutes of allotted time. I let you go somewhat over because of the little delays in between.

We'll now go to Mr. Fleck and Mr. Muise for their joint statement, please, for five minutes or less.

Mr. Daniel J. Fleck (Executive Director, Brazil Rock 33/34 Lobster Association): Thank you, Mr. Chair.

Good afternoon, committee members. I wish to thank you for permitting me to appear before you to share my experiences regarding the North Atlantic right whale and how it relates to lobster fishing in southwestern Nova Scotia.

Members are licensed to fish from Dartmouth, Nova Scotia, along the south shore to Digby, Nova Scotia, in lobster fishing areas 33 and 34. Lobster fishing areas are commonly referred to as LFAs.

The lobster fishery in LFAs 33 and 34 is conducted from near shore in shallow waters to a distance of 50 miles offshore, at depths of greater than 100 fathoms or 600 feet in waters that experience the world's highest and strongest tides.

Brazil Rock Lobster Association, in collaboration with staff from Acadia University, has been involved with and is still conducting at-sea testing of whalesafe gear, which is intended to reduce potential harm to whales. Four vessels with staff from Acadia University have been experimenting with various apparatus during the closed season and are scheduled to continue these trials within the open season. To date, none of the whalesafe gear has offered any measurable successes. In fact, the gear has demonstrated a risk to crew on board the fishing vessel when it fails.

Captains configure their lobster traps in various manners that typically range from individual traps on a buoy to trawls that are groups of traps on a ground-line that may contain up to 20 lobster traps with anchors at each end, and each individual has their preferences.

There are 1,662 commercial lobster boats in areas 33 and 34. The commercial season in both areas is the same. It runs from the last Monday in November to the following May 31. This is a winter fishery conducted when whales are not present in these areas.

The use of ropeless gear would not be practical in LFAs 33 and 34 because the fishery is conducted during Atlantic standard time, when the sun sets at 4:30 in the afternoon and rises at 7:30 a.m. With long winter nights, the fishery is largely conducted during hours of darkness. With such limited visibility and with no ropes or buoys to indicate the locations of gear previously set by other captains, the trawls would be set over one another. This situation would make it difficult if not impossible to retrieve the tangled trawls, leading to the establishment of ghost gear, which are traps that are lost, remain unattended at the bottom and ultimately kill lobsters of all ages and sizes, including egg-bearing females. The suggested use of vertical lines with breaking strength of 1,700 pounds or less is also impractical and inadvisable in such situations, as the rope would break under the strain of trying to retrieve the combined weights of entangled gear.

In short, since whale safety is not a concern at this time of year because the whales are not here during the season when fisheries are conducted, to legislate a preventative measure for a situation that does not exist in an area only serves to place a tremendous financial burden upon small, independent, self-operating fishing enterprises. It is not required in this situation.

I will defer the remaining time to Mr. Muise.

Thank you, Mr. Chair.

Mr. Shawn Muise (Director and Captain, Brazil Rock 33/34 Lobster Association): Good afternoon, Mr. Chair. I'd like to thank you for having me.

I've been involved in testing whalesafe gear throughout the summer in the most perfect conditions, which is not what we will be seeing this fall. I can honestly say that I've been able to break everything they have told me to test at well under the 1,700-pound breaking strength, with no consistency. Some gear may break. We have numbers that we will give out in our statement when we write it, but one may have broken at 500 psi and the next one may have broken at 1,100 psi, so the same piece of equipment didn't break at the same strength, which was concerning.

The big concern to me and my crew was safety. When gear broke as it came out of the water and my crew was standing at the rail, some of the plastic would break and shatter. We didn't find it safe. Also, the real concern is the amount of ghost gear. It will be significant if we don't get this right with all the trapped lobsters in the traps that can't escape for quite some time.

Thank you, Mr. Chair.

• (1600)

The Chair: Thank you.

We'll go to Ms. Mulock for five minutes or less, please.

Ms. Heather Mulock (Executive Director, Coldwater Lobster Association): Thank you, Mr. Chair.

Good afternoon, everyone, and thank you for the opportunity to speak before the Standing Committee on Fisheries and Oceans.

My name is Heather Mulock, and I'm the executive director of Coldwater Lobster Association. Our association represents approximately 200 captains throughout lobster fishing area 34, the largest

LFA in eastern Canada, with 979 licence-holders, the most licences of any LFA.

Since 2018, Coldwater Lobster Association has worked closely with DFO, ENGOs and private companies to seek out mitigative measures to reduce the potential for marine mammal interactions. You'll notice that I'm using the term "interactions" rather than "entanglements". This is due to the fact that there are no confirmed cases or documented evidence of North Atlantic right whales ever being entangled in lobster fishing gear in LFA 34.

It is important to note that LFA 34 is a winter fishery. Our season is six months in duration and begins in the last week in November, when North Atlantic right whales have already left Canadian waters and are well on their migratory path to warmer American waters.

Coldwater Lobster Association has exhibited a strong commitment to science-based research and applied research testing, particularly with the testing of whalesafe fishing gear. Our association has tested various innovations, including two versions of "rope on demand" systems, or ropeless gear; variations of weak rope; plastic in-line weak links; hollow braided sleeves; braided weak links and loops; various splices and tucks; and non-buoyant ground-line. We've even deployed passive acoustic hydrophones to monitor the presence or absence of baleen whales in our waters.

Industry buy-in for any gear innovation is critical if solutions-based partnerships and trust are to continue. How the gear is constructed, its practical usage, safety concerns and so on must be taken into consideration throughout the evaluation process. Because of the unfavourable results from some of our at-sea gear trials, most of the whalesafe gear types have only amplified our grave concern for the safety of our crew and the risk of increased gear loss.

LFA 34 is primarily a trawl-based fishery, with the average trawl having between 15 and 18 pots per string. This alone significantly reduces the vertical lines in the water column. Aside from our gear trials, ghost gear retrieval initiatives, mandatory rope marking and reporting of lost gear, fish harvesters in LFA 34 have adopted regulatory measures of their own accord, including a 3:1 ratio for their end lines, as well as a maximum rope diameter in our ground-line. Most recently, the LFA 34 advisory committee put forward a proposal to DFO to further reduce the maximum ground-line diameter to 9/16 of an inch, a measure that, if adopted, would exceed what is currently enforced by NOAA.

As my industry colleagues have pointed out in previous testimonies, every fishing area in Atlantic Canada is different. Lobster fishing areas and crab fishing areas fish at different depths, different bottom topographies and varying tide strengths. The sea state of some of these fisheries is considerably different due to the time of year the fishing activity takes place. What may work as an innovative solution in one area may not work in another area. LFA 34 presents unique challenges that cannot be overlooked.

This uniqueness was evident when one of our collaborative engineering partners from the gulf region came to southwest Nova to accompany one of our captains during our at-sea trials. He saw first-hand the largest surface buoys used in our fishery—an LD-4—not only pulled under the water's surface but dragged by the strength of the tide, after which he said he had never seen that happen before. To add to this, a representative from one of Canada's top rope manufacturers admitted to us during our trials, "Even with extensive R&D, we likely won't be able to develop a low breaking-strength rope for your region given the tide strength, the hard bottom, and significant gear conflict". Our captains now face the underlying fear that innovative gear changes will be introduced in 2023 or 2024 with an unrealistic timeline for implementation.

While I'm appreciative of the opportunity to speak to you today on this topic, I fear that we'll most likely meet again in the very near future, but this time to discuss the ever-increasing concern for lost fishing gear in Canadian waters—the unintended yet anticipated consequence from implementing gear changes. We must ensure that the fishery management measures put in place to protect North Atlantic right whales are appropriate for the fishing area in which they are being implemented, and that they're not counterproductive. Introducing management measures that do not work will create economic hardship for thousands of harvesters, exponentially increasing the amount of gear lost annually, all while putting other species at risk with further entanglements.

• (1605)

Thank you for your time today. I welcome your questions.

The Chair: Thank you.

We'll now go to our questioning round.

We'll start with Mr. Perkins, for six minutes or less, please.

Mr. Rick Perkins (South Shore—St. Margarets, CPC): Thank you, Mr. Chair, and thank you, witnesses, for attending today.

My first question is for the three folks from southwest Nova Scotia.

Ms. Mulock mentioned the tides. For the sake of the knowledge of those watching and for the members here, we're talking about the tides related to the Bay of Fundy, the highest tides in the world. The strength of the tides is so immense, which poses a challenge to any of these items.

Ms. Mulock, could you explain a little more about the proposal you've made to DFO for a reduced line diameter and why that would be helpful?

Ms. Heather Mulock: Yes, certainly.

In 2020, the LFA 34 advisory committee, which comprises lobster licence-holders within LFA 34, along with DFO representatives, introduced into their fishing conditions a maximum diameter of their ground-line. They put forward that the maximum diameter would be five-eighths of an inch, and that would be for their ground-line and their end lines. That was to meet, to put it into perspective, the Marine Mammal Protection Act, the comparability findings of the U.S. Five-eighths is what the American fishermen are using currently. That's what's in their regulations.

About two months ago, the same LFA advisory committee went one step further and put forth another proposal to DFO to increase that again. They put forward a maximum diameter of 9/16 of an inch, with allowance for a small section of rope at five-eighths of an inch near the anchor. This proposal was forwarded to DFO, and we await, hopefully, approval of it.

Mr. Rick Perkins: Thank you.

Mr. Fleck, you mentioned that none of the gear worked, neither the ropeless gear nor the weak rope gear. Do you have any idea how much that ropeless gear costs?

Mr. Daniel J. Fleck: I've been quoted a figure of approximately \$4,000 for one end of the ropeless gear.

Mr. Rick Perkins: Would that \$4,000 be for each one of the 400 traps the licence-holders in LFA 34 would have?

Mr. Daniel J. Fleck: Yes, sir, that is correct. That is the potential between that and the equipment required to auto-coil the rope when it comes back on board to repair it so it can be reset.

Mr. Rick Perkins: It didn't work either.

Mr. Daniel J. Fleck: No, sir. It was a tremendous failure.

Mr. Rick Perkins: What is the primary reason for that failure? Were you testing it in the summer, or in the winter during the actual season?

Mr. Daniel J. Fleck: I've been involved in both at different times, in the summer and into the fall, but not really in the winter season. It was impossible to get the gear to come back. It would not auto-deploy when triggered. We suspected that, so we had a traditional line on the other end so that we could recover it when it would not deploy automatically when actioned to do so.

Mr. Rick Perkins: Ms. Mulock is right. We've heard from officials that from southwest Nova Scotia all the way around to the gulf, no lobster gear in the last five years has been found wrapped around a single right whale, and there was only one incident with crab gear.

Mr. Muise, you said it was dangerous for your crew. Could you explain a little more about what happened?

Mr. Shawn Muise: Yes. I was retrieving the end with the whale-safe gear on it. Whether it is a plastic weak link or a nylon sleeve, when it comes out of the water and goes around the block—the pulley that's over the side of the boat before it gets to the hauler—that's where the majority of the failures occur. The explosion of that plastic was right where my crew would be standing. It would have exploded in their faces. We made sure they were far enough away from that. However, that's just gear that made it to the surface. The majority of what I hauled didn't even make it to the surface.

This past Monday I was out in our offshore depths of 100 to 115 fathoms, and I didn't retrieve anything. We tried 10 times and didn't retrieve any of the gear. Fortunately, the other end didn't have any of those devices and I was able to retrieve the traps. That would have been a 100% failure. The cost and the amount of ghost gear would be alarming.

● (1610)

Mr. Rick Perkins: When you did this in the conditions you were in, how did those conditions compare to what you would normally fish in in January, February or March?

Mr. Daniel J. Fleck: They were nothing like that. They were all ideal summer conditions with the biologists aboard. We tried to pick the days they could do their work, but we won't see those conditions in the fall. That's another concern.

Mr. Rick Perkins: The cost is \$4,000 plus a trap for 400 traps. How does that work for you as a fisherman?

Mr. Shawn Muise: With the margins we're looking at this fall with the rising fuel costs and everything else, I don't want to lose a single trap.

Mr. Rick Perkins: Thank you.

I have a question for Mr. Haché.

The Chair: Thank you, Mr. Perkins. You have about 10 seconds left. I don't think you'll get in a question or answer in that length of time, so I'll unfortunately cut you off there.

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

[*Translation*]

Mr. Serge Cormier (Acadie—Bathurst, Lib.): Thank you, Mr. Chair.

Mr. Haché, my first questions will be for you.

I would first like to thank you for the work your association has been doing since 2017, particularly concerning the protection of right whales and innovation in fishing methods.

We heard from other witnesses before you, with whom we discussed seasonal and temporary closures. Some of them also told us that these closures were excessive, since, as you said, the whales are sometimes in a certain location to feed, and certain areas are closed when they do not need to be.

We also talked about the tools used, such as acoustic buoys or overflights.

Do you think there is a way to improve the decision-making process concerning seasonal and temporary closures?

How can we do it?

Mr. Robert Haché: There is obviously a way to improve it. Some of the slides in my presentation clearly show that.

At the beginning of the season, the whales migrate and are concentrated in the centre of the gulf. During the migratory period, however, the department applies the same measures everywhere. Because of certain measures, areas that the whales left several weeks earlier are closed, so we will not be able to go there to fish.

Concerning the peripheries of the closure areas, some locations could be reopened, remain open, or be closed for much shorter periods. For example, when the whales migrate toward the centre of the gulf, the area could be closed for 10 days rather than 15 days. Those locations should not be closed for the entire season since we know the whales do not stay there. They go toward the centre of the gulf to feed and then leave for the United States.

Mr. Serge Cormier: We know the whales change location, because they will go where the food is.

Concerning the acoustic buoys, do you agree that if they are used for closing the areas, they could be used for opening the areas? The same could be true of overflights.

Mr. Robert Haché: Concerning the acoustic buoys, we think they should not even be used for closing areas unless there is visual or aerial observation of the whales. All the acoustic buoy does is hear the sounds within a 40 kilometre radius. The department then closes around the buoy.

The other problem, which is even worse, is that the department closes the area based on the sound from the buoy, but does not open it based on the sound from the buoy.

Obviously, if they want to continue using the acoustic buoys, then at a minimum, the sound of the whales has to be used to open and close areas.

● (1615)

Mr. Serge Cormier: Many people, including biologists, have concerns regarding weak-link ropes. They are afraid that these ropes, which are less resistant, cause more damage and remain in the water longer.

The department seems to want to move forward quickly because of certain measures in the Marine Mammal Protection Act, the MMPA, in the United States.

What do you think about that? Are we ready to put these weak-link ropes into use?

Mr. Robert Haché: No, that would be putting the cart before the horse, unlike what was done with ropeless fishing, where the department took the time to do testing and wait for the results.

This summer, we did tests on weak-link ropes. We have not yet seen the results, while the department is talking about putting it in place next spring. That is much too fast.

Concerning the tension we want to apply to these ropes, all the tests that have been done on this show that the ropes are going to create a ghost gear problem.

Mr. Serge Cormier: Right.

I don't know whether the other witnesses, Mr. Fleck, Mr. Muise and Ms. Mulock, talked about weak-link ropes or ropeless gear.

In our region, Mr. Haché, ropeless gear has actually been working relatively well so far, if I am not mistaken, according to the tests that have been done. I am talking about ropeless traps with an electronic system. Do they work relatively well?

Mr. Robert Haché: Yes. They work relatively well in fishing area 12, because the southern Gulf of St. Lawrence is kind of like a big pond. There are not a lot of very strong currents in that part of the gulf, unlike in other places, like the Nova Scotia region that other witnesses have mentioned.

Of course, in the areas that are closed to fishing, ropeless gear is becoming a really useful tool for fishers.

As always, this is not a recipe that can be applied in the same way everywhere. There are some places where certain tools work and other places where they do not work. We have to take the time to look at the situation and analyze it properly so as not to create undesirable situations.

Mr. Serge Cormier: Right.

I would ask you to answer my next question briefly.

Ms. Lyne Morissette and Ms. Moira Brown, who testified at the last meeting of the committee, said that our measures...

[English]

The Chair: Mr. Cormier, your time is up. I'm sorry. You have four seconds left, so I don't think you have time for a question or an answer.

We'll now go to Madame Desbiens for six minutes or less, please.

[Translation]

Mrs. Caroline Desbiens (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, BQ): If you allow me, Mr. Chair, I am going to let Mr. Cormier finish asking his question. I am going to support his efforts again. I do not want to stop his momentum.

Mr. Cormier, finish asking your question about Ms. Morissette and Ms. Brown.

Mr. Serge Cormier: Thank you, Ms. Desbiens. I invite you to have dinner with me next time I am in Ottawa.

Mr. Haché, at the last meeting, Ms. Moira Brown and Ms. Lyne Morissette, and also Mr. Sean Brillant, I believe, seemed to say that the measures taken in Canada in 2017, which have changed since then, were better and even exceeded the measures taken by the United States.

Do you agree with that statement?

Mr. Robert Haché: Yes. I agree completely with that statement. We have the evidence.

Now, the message that is circulating in the media, instead, is one that cultivates fear and conveys misinformation.

Mr. Serge Cormier: Right. Thank you.

Thank you, Ms. Desbiens. I turn the floor back over to you.

Mrs. Caroline Desbiens: Thank you, Mr. Chair.

Thank you, Mr. Cormier.

I'm going to address you, Mr. Haché, because at the last meeting, Ms. Morissette and other witnesses talked to us about dynamic management of whale behaviour and dynamic closing of fishing areas using various tools.

Do you think this is a good option?

Mr. Robert Haché: Yes, it is a good option.

Unfortunately, since the measures for the whales started to be put in place, the Department of Fisheries and Oceans has focused a lot of effort on protecting whales, without really looking at the possibilities to enable the fishery and the whales to coexist. However, measures could be put in place to do that.

We have been observing the whales' behaviour for five years and we know that the whales are concentrated toward the centre of the Gulf of St. Lawrence, in fact. We could therefore put more dynamic measures in place that take the evidence into account, as we go along.

The same applies to the Department of Fisheries and Oceans, which currently requests closing of areas whenever it sees a whale. All fishers have to have left the area within 48 hours.

We can use the same kind of approach, that is, a flexible, rapid and immediate approach, to take measures that are sometimes more stringent, because the risks associated with fishing activities are higher, and sometimes less stringent, because the risks are lower. The risks are lower when the whales are all alone and moving in one direction, that is, toward the centre of the Gulf of St. Lawrence; the risks are higher when they are concentrated in an area and are moving among the ropes, if there are ropes there, to feed.

• (1620)

Mrs. Caroline Desbiens: We have also been told that there are certain kinds of fishing that is not done in deep water, but the fishers are victims of the same closure procedures as for other kinds of fishing. This may not be the case in your region and correct me if I am wrong. The purpose is to classify very specific areas in order to delineate the warmer and colder areas for the areas where whales are found.

Is that an idea that might be worth considering?

Mr. Robert Haché: These measures already exist. For example, places that are 20 fathoms deep or less are the best places for lobster fishing. Those measures are not really the same as the measures established for places that are 20 fathoms deep or more.

I am sure that some of my colleagues will be better able to inform you than I am about these measures, because they are people engaged in lobster fishing. That is actually one of the good options that the department chose, to show that, in fact, they can be flexible in managing these measures. It is an example that works.

Mrs. Caroline Desbiens: To summarize, there could be actions taken in the areas based on the presence of whales. As I understand it, we are starting to get a better understanding of their behaviour.

What do you think about the more fragile ropes and ghost gear that will be added at the bottom of the gulf?

Mr. Robert Haché: As I was saying earlier, we are currently testing weak link rope. We will have to wait for the results of the tests before we can analyze that gear objectively. However, we already know that, as the test show, this rope is probably completely inappropriate for raising traps the size of crab traps, for example, or that it is inappropriate in places where there is high pressure on the ropes because of weather conditions. We are sure about that. In addition, we believe that the tests funded by the department have to be done, and then we will wait to see the results and act based on the results obtained.

Mrs. Caroline Desbiens: Thank you.

[English]

The Chair: Thank you.

We'll now go to Ms. Barron for six minutes or less, please.

Ms. Lisa Marie Barron (Nanaimo—Ladysmith, NDP): Thank you, Chair, and thank you to all the witnesses for being here today.

My first question is for Mr. Muise.

I was very concerned listening to you share how the plastic was exploding in fishers' faces as the traps were being pulled up. You were also commenting on the number of traps lost and that only some were coming to the surface. It's all very problematic and concerning to me.

I'm wondering if you're seeing, or hearing from others who are seeing, an increased amount of plastic or ghost gear found in the ocean as a result of what you're describing.

Mr. Shawn Muise: No, not at this time, as we haven't implemented this weak rope or these weak links yet. I can say that every piece of plastic that made it to the surface and exploded into the block or hauler fractured and has the potential to hurt one of my men.

I think this will only get worse as the water cools off and that plastic becomes more brittle. Keep in mind that I was hauling this type of gear last week in 60-degree water. As our winter fishery gets going, that water will drop to 38°F or below, and I believe that plastic will then be even more compromised and more brittle. I'm just going by what I have tested.

My colleagues have been testing all summer as well, and they had already determined that some of it was not going to make its

way to my boat because of safety. We chose not to test some of the stuff because of danger to my crew.

● (1625)

Ms. Lisa Marie Barron: That is very concerning; I would agree. There's the safety of your crew, and then of course, as you're stating, there's the increased amount of plastic in our oceans and the impacts on our marine ecosystems. It's all very concerning.

I'm wondering if you're being provided with a mechanism to give feedback on this around your experience and what you're seeing. Other than sharing with us today, is there a mechanism for you to be able to share your concerns?

Mr. Shawn Muise: Not me, no. We have an association that has partnered with a university and we'll be writing a report as soon as the testing is done. I plan to test the weak rope and weak links during the season and, further to that, get some more data from those trials.

Ms. Lisa Marie Barron: Do you have any suggestions at all, based on your experience, on how this whalesafe gear could be improved upon to make it more functional and safer for your crew?

Mr. Shawn Muise: I've given it some thought throughout the summer, and from everything I've seen, I think we can't be hauling plastics and weak links like that. We could develop a rope, as Heather spoke about earlier, but it's hard for a rope manufacturer to design a rope that's going to work in our LFA because of the time of year, the tides and the size of the sea. In my opinion, that's the only way I see this moving forward.

Ropeless gear will not work in our LFA because of the tides and because I need a visual. We're a thousand fishermen in LFA 34, and I have to see my colleagues' traps and the end of the trawl. We mark our northern end with a red balloon and our southern end with a yellow balloon. That's information I need; I have to see that. If I can't see that, I'll be setting my traps over top of theirs. The chance of not retrieving the trawl is great, or we could hurt someone. We try to avoid setting on top of people's traps, so we need to see the traps.

Ms. Lisa Marie Barron: Do you think it's worthwhile...? We spoke to and heard from witnesses in our previous study who were talking about the whalesafe gear adoption fund and the importance of continuing that fund so that we can better understand what gear is working and how it's best working.

What are your thoughts on that? How can we continue to better understand the implementation of whalesafe gear while also considering the impacts on people who are on the water trying to make a living?

Mr. Shawn Muise: We should extend the fund or extend the timeline in which it will be implemented. I think we've heard across the testimony that none of it has worked so far. I'd hate to try something and risk having all this ghost gear.

When I say significant, I mean significant. The potential of losing 50% of your traps on the first day is a real possibility, not to mention the thousands of pounds of trapped lobster and the impact on the economy. This has to be done right.

• (1630)

The Chair: Thank you, Ms. Barron.

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

Mr. Mel Arnold (North Okanagan—Shuswap, CPC): Thank you, Mr. Chair, and thank you to the witnesses today.

I think everyone involved wants to see the right whales protected and to end these entanglements and other causes of death.

I want to start off with Mr. Haché, if I could.

Mr. Haché, has the department shared any information with your organization regarding real-time tracking of whales in order to reduce the closure times or area closures that are taking place?

Mr. Robert Haché: No, we haven't had much discussion on this because from what I understand, it's very difficult to put a device on the whales that will stay on them so you can follow them. That's one of the points.

We've been testing some intelligent buoys. If those buoys get entangled in rope with a whale, they send real-time messages. That is an improvement in terms of mitigating the entanglements and allowing rescuers to liberate a whale.

Mr. Mel Arnold: If I understand that correctly, those buoys would be triggered if they were being towed by an entangled whale, and that would set off a signal. Is that correct? Could you elaborate further?

Mr. Robert Haché: No. The buoys themselves communicate constantly or maybe every five or 15 minutes. They send a signal that the skipper gets on his phone. For instance, he knows that if the buoy is moving more than, let's say, 300 feet from its mooring, there's something happening with it. It's being pulled by either a boat or a whale. That's a tool that exists but it's still at the testing stage. It is a very expensive little ball. Let's put it that way.

Mr. Mel Arnold: I'll carry on with you, Mr. Haché.

We've heard that protection measures will need to be permanent and ongoing. With that, what are the estimated values of reduced harvests between 2021 and 2022? With these larger closure zones, how much of that impact would be felt, and how much of it would be ongoing if these permanent measures are put in place?

Mr. Robert Haché: I can only speak for the midshore fleet, because it is the main fleet with the highest allocation of quota. It is the fleet that has problems catching its quota when there are very large, extensive closures.

In 2022, there were about 35 midshore enterprises that left snow crab in the water, and the amount was maybe between 10% and 20% of their allocation. However, this is something that varies from

year to year, and we cannot put a definite amount on it. We've seen problems with catching the quota—

Mr. Mel Arnold: Thank you. I want to try to get one more quick question in for some of the others, if I can.

This is for Ms. Mulock and possibly Mr. Fleck.

In looking at how the U.S. and Canada are addressing the issue of protecting right whales, can you give me any indication of what Canadian harvesters are being required to do that U.S. harvesters may not be required to do?

• (1635)

Mr. Daniel J. Fleck: Presently in LFAs 33 and 34, there are tracers that identify the rope that's unique to LFAs 33 and 34. I know that is being done here. I am not sure if that is being performed in the U.S.

Ms. Heather Mulock: I can add a bit to that as well.

I'm not sure if I can compare what we do to what is being done in the U.S., but right now in LFA 34, which, as I mentioned, is the largest LFA, we have a maximum distance between our pots of 30 fathoms, which is 180 feet. We have a 3.5:1 ratio, so the length of rope used to attach the fishing gear—the anchor to the trap to the primary buoy—cannot exceed the 3:1 ratio. That's based on the depth you're fishing. We have also introduced a maximum distance, 10 fathoms, between the buoys—the primary buoys to the vertical line.

Again, I'm not sure if I can compare that accurately to what the U.S. is doing, but those are some of the regulations within our fishing conditions at this moment.

The Chair: Thank you, Mr. Arnold.

We'll now clew up this first hour with Mr. Kelloway for five minutes or less.

Mr. Mike Kelloway (Cape Breton—Canso, Lib.): Thank you, Mr. Chair.

My first question is for Ms. Mulock, and my second question will be for each one of you, so it will have to be short answers. We'll try to make that work.

Ms. Mulock, I just saw a story in The Canadian Press on the North Atlantic right whale. It showed that the trajectory of the loss of the species has slowed but the trend is still worrisome.

With that in mind, what more can be done, do you think, to protect this endangered species? We've heard about this a lot in the testimony we've had so far, but how do we do it in a way where we're working with harvesters to ensure their success?

Ms. Heather Mulock: Well, I think the whalesafe gear fund that DFO announced last year is a good start.

Harvesters are the end-users of these products, and we need to make sure they're safe for everyone on the water. Some of the safety concerns we've seen during our trials are quite scary. We had to pull some of the innovations very early on because there was a fear that the crew would be severely injured or, unfortunately, killed. Those are two of the innovations. Some of the captains actually had their crew hiding behind plastic fish boxes for additional protection.

We really can't stress enough that every area is different. At least in LFA 34, for cold water, I've listed everything we've tested. We've come up with one thing that we think may work, but there are still underlying issues.

One of the weak ropes we're using, which NOAA does not acknowledge or approve as a gear innovation because it doesn't consistently break between 1,700 pounds, is leaded, and as it goes through the hauler, lead is shattered and goes in every direction. It's not just a safety concern. There's also an ecological concern. Here in Nova Scotia, if I'm doing recreational fishing, I'm not permitted to use a lead weight on my line, yet we're going to potentially introduce a leaded rope. These fishing boats were covered in lead. If any of that lead gets in the live wells—most of our boats in LFA 34 have live wells—it would kill the catch.

I think a continuous fund for whalesafe gear is the way to go, with further monitoring as well. We have gliders out there in real time. I'm not sure how accurate they are, but having other hydrophones is not useful because they're not giving us accurate data in real time. That data has to be extracted and then provided to data analysts.

I think allowing harvesters to continue trying is the way we have to go forward.

Mr. Mike Kelloway: Thank you for that, Ms. Mulock.

The next question I have will be very quick. It's for each of you. I know you'll have to give a short answer.

When we're talking about the North Atlantic right whale, we're talking about a lot of things, but in particular the MMPA.

I wonder if each of you can speak to what it would mean if Canada didn't have access to the American market for your industry?

We can start with Ms. Mulock, go to Mr. Fleck and so forth.

Ms. Heather Mulock: I can't even think of a word. It would honestly cripple Atlantic Canada if we were excluded from snow crab and lobster in our U.S. market. They're still our primary importer, followed by China. It's always great to diversify our markets but we're not there yet. This would have dire consequences to the entirety of Atlantic Canada.

Mr. Mike Kelloway: Thank you.

I think we probably have a little time to go around the horn with Mr. Fleck.

Mr. Daniel J. Fleck: My short answer to that is it would be devastating.

• (1640)

Mr. Mike Kelloway: Let's go to the next person.

Mr. Shawn Muise: I'd like to say the same. I don't want to imagine not having the American market.

Mr. Mike Kelloway: Finally, let's go to Mr. Haché.

Mr. Robert Haché: We export over 70% of our crab to the States. It's obvious that we need that market.

Mr. Mike Kelloway: Thanks very much.

The Chair: Thanks, Mr. Kelloway.

Thank you to Mr. Haché, Mr. Fleck, Mr. Muise and Ms. Mulock for your presentations here at committee today and for sharing your knowledge with us.

We're going to recess for a minute now to change out the panelists. We'll be back very quickly. We do have a small bit of committee business to do right at the end.

We'll recess for a couple of minutes.

• (1640)

(Pause)

• (1640)

The Chair: I'd like to welcome our second panel of witnesses.

Representing the Maritime Fishermen's Union, we have with us Martin Mallet, executive director, and Mathieu Noël, director of Opilio. Representing the Regroupement des pêcheurs professionnels du sud de la Gaspésie, we have Jean Côté, scientific director.

Thank you for taking the time to be with us today. You will each have up to five minutes for an opening statement.

I invite Mr. Mallet and Mr. Noël to begin with their joint statement, please, for five minutes or less.

Mr. Martin Mallet (Executive Director, Maritime Fishermen's Union): Thank you very much, Mr. Chair, and thank you to the committee members for allowing us the opportunity to present today.

My name is Martin Mallet. I'm the executive director at the MFU. As you just mentioned, I am accompanied today by Mathieu Noël, who in recent years has been our lead on the right whales file, as well as being our snow crab fisheries coordinator.

I'll do my brief introduction in French.

• (1645)

[Translation]

The Maritime Fishermen's Union, or MFU, is an organization that represents more than 1,300 owner-operator inshore fish harvesters in New Brunswick and Nova Scotia. Since its foundation in 1977, the MFU's mission has been to represent, promote and defend the interests of the inshore fishers of the Maritimes and their communities.

Concerning the North Atlantic right whale, in the southern Gulf of St. Lawrence, our organization was in the forefront of the crisis that struck our industry a few years ago, in 2017. That year, the snow crab fishing industry was faced with large numbers of deaths and entanglements of right whales.

The years that followed were difficult for our industry, especially in 2018, when the first protection measures were put in place without the industry really being consulted. Fortunately, after that, there was some reconciliation among all the actors from the industry, science, and management at Fisheries and Oceans Canada, so they were able to work together toward a common goal: to come up with effective measures for protecting right whales while allowing for coexistence between whales and fishers.

It goes without saying that the measures to protect the right whales has had a significant impact on the conduct of inshore fisheries since 2018, particularly for the snow crab fishery, but also for the lobster fishery. However, generally speaking, those measures have had a positive effect on protecting the whales, and the facts speak for themselves. For several years, we have had no deaths or major entanglements in the gulf and in eastern Canada. We believe the work must now focus on how to optimize those measures in order to reduce their impact on fishing operations. We now have some recommendations to make in this regard.

First, we have to be extremely cautious in implementing additional protection measures, so as not to create new risks for either the whales or the industry. For example, the idea of adding weak links to lobster and crab fishing ropes might create major problems involving the loss of fishing gear and thus contribute to the ghost gear problem. In the case of the lobster fishery, it is important to consider that the dynamic inshore closure protocol seems to be working well and that adding these kinds of measures would not necessarily increase protection for the whales. On the contrary, it might increase the risk of entanglement associated with lost gear.

Second, it is very important to consider that the whale protection measures only have an effect when there is a real risk of interaction between the whales and the fishery. The report by Lyne Morissette published in 2022 highlights the critical period during the crab fishery when the risk of interaction is highest. It is a period that generally begins in late May, when the whales arrive in the gulf in large numbers. There is one important fact to note: the more impact the measures have on slowing the crab fishery, which is a quota fishery, the longer the fishing season will last, thus extending the period of overlap between the presence of fishing gear in the gulf and the arrival of the whales in the sector. This means that if we want to continue to improve the protection for this species, it is essential to ensure that management measures are improved in order to minimize their repercussions on the conduct and length of the fishing season, particularly at the beginning of the season.

Third, we have to recognize that certain measures in place have a negative impact on the fishery without offering any real protection for the whales. The first is the seasonal closure protocol, where fishing grounds are closed seasonally even if there may no longer be any whales there, and the second is the closings with acoustic buoys, where more precise acoustic buoys are used to close fishing grounds where, once again, there may no longer be any whales there.

Fourth, Canada has to adopt a communication strategy on the international scene regarding this issue. We have a fine story to tell in connection with our efforts to have the fishing industry and right whales coexist here in Canada. Let's talk about it, and let's respond quickly to the attacks from certain international NGOs, as was the case a few weeks ago with the announcement by Seafood Watch in the United States disparaging our lobster fishery. Our international markets depend on maintaining our good reputation concerning our work on coexisting with the whales.

Thank you. We will be pleased to answer your questions.

• (1650)

[English]

The Chair: Thank you.

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

[Translation]

Mr. Jean Côté (Scientific Director, Regroupement des pêcheurs professionnels du Sud de la Gaspésie): Thank you, Mr. Chair.

Good afternoon, members of the committee. Thank you for the time you are allowing me.

My name is Jean Côté. I have been the scientific director of the Regroupement des pêcheurs professionnels du Sud de la Gaspésie, the RPPSG, since 2010. I have a bachelor's degree and a master's degree in marine biology from the Université Laval. Since 2017, I have been working on the protection of right whales in the Atlantic and on implementing measures to protect this endangered species.

The lobster fishers of Gaspésie fish in an area between 20 fathoms in depth and the coast is less than a kilometre away. To date, they have never observed right whales in these shallow depths. However, implementing measures to protect right whales and the impact of the lobster fishery on this species present a fundamental problem for our organization. With the implementation of the Marine Mammal Protection Act, the MMPA, by the United States, which determines the status of a country to be able to export to the American market, Canada must put measures in place to protect right whales that are equivalent to those in the United States. In addition, a single right whale death caused by a fishing trap or by ropes could cause those markets to be closed, and this would have immediate consequences for fishers, for whom it would be impossible to sell their catches to the processing plants, which are oriented mainly to the United States, as my colleagues said earlier.

In spite of the implementation of existing protection measures that are superior to those in the United States, identification of ropes, and the absence of whales in the lobster fishers' fishing grounds in Gaspésie, the members of our organization do not know whether they will lose access to the American market if there is a right whale death caused by a Canadian fishing trap or ropes elsewhere in the Atlantic.

In addition, right whale protection measures implemented by Canada can have major socioeconomic repercussions. In 2018, the application of right whale protection measures by the Department of Fisheries and Oceans, which were initially to be for the snow crab fishery in the Gulf of St. Lawrence, caused the closure of the lobster fishery in Gaspésie for 67 members of our organization when one whale was seen 18 kilometres offshore. The small RCM of Rocher-Percé then suffered a loss of indirect economic benefits amounting to several million dollars. As well, 67 fishers who were captains and owners lost three weeks' income and more than 100 members of seasonal crews were at risk of not accumulating the necessary number of weeks to be able to claim employment insurance. As a result of the speedy reaction by the province of Quebec and the Regroupement itself in response to this urgent situation, the helpers were able, through a vocational training program, to get the number of weeks needed to live from one season to the next. However, none of the 67 fishers received compensation for the losses suffered, which were estimated at over \$2 million. The next year, fortunately, the Department of Fisheries and Oceans agreed to put different measures in place for the snow crab fishers and lobster fishers in Gaspésie by recognizing the exclusion areas we are all familiar with below the 20-fathom depth line, and this is an improvement. As well, just now, Mr. Mallet too acknowledged [*technical difficulties*].

The RPPSG has implemented a whale watching program in the inshore areas under 20 fathoms. We are actively engaged in researching modifications to fishing gear with low breaking-strength links.

We are also working on expanding our knowledge of right whales with the renowned expert everyone is talking about, Lyne Morissette [*technical difficulties*]. We have tested various mechanisms to allow the whales to free themselves if they become entangled.

We do believe that there is no single solution to address the unique features of each of the fisheries. In addition, the testing we want to do is complicated because of the limited availability and quantity of the gear, such as weak-link ropes [*technical difficulties*].

I think there is still a lot of work to do to find solutions that reflect the reality of the various fisheries that use fishing traps everywhere in the Atlantic. We have seen some excellent examples [*technical difficulties*].

• (1655)

If the solutions currently being considered were put in place by the Department of Fisheries and Oceans starting in 2023, the manufacturers and suppliers would not be able to supply all the fishers with the necessary gear. In addition, I think other solutions need to be tested that address the unique features of the terrain and the specific fishery.

We at the RPPSG recommend that the DFO put different measures in place.

First, a program should be created to protect fishers' and helpers' income, in the event that the fishery is closed because of the presence of a right whale and the American markets are closed after the death of a right whale caused by Canadian traps or ropes located very far from our own fishery.

We think it is important to conduct a socioeconomic impact study in relation to the implementation of right whale protection measures and to put measures in place to mitigate the consequences that will have on the fishery sector.

[*English*]

The Chair: Thank you, Mr. Côté. We've gone well over the five-minute mark. I'll have to ask you to stop there so we can get to the questioning.

We'll start off with Mr. Small, for six minutes or less, please.

Mr. Clifford Small (Coast of Bays—Central—Notre Dame, CPC): Thank you, Mr. Chair.

My question is for Mr. Côté. Are any threats of market closures coming as a result of the recent USMCA negotiated by Minister Freeland? Are we being held hostage here, do you think?

Mr. Jean Côté: I would say yes. I would say we are a hostage in that. You're right.

Mr. Clifford Small: Would you like to elaborate on that?

Mr. Jean Côté: The point is that it seems as though we are all in the same basket. The reality is different from one fishery to another, and everything seems to be depending on the U.S. deciding whether or not all the fisheries will be good. I must say that, at this point, we're not sure what they will do, so it's hard to argue more than that.

Mr. Clifford Small: Are you satisfied with the department's response to the recent listing of lobster and crab from Atlantic Canada by the aquarium association? Are you satisfied?

Mr. Jean Côté: I'm not sure I understand what you mean.

Mr. Clifford Small: I meant Seafood Watch. I'm sorry.

Are you happy—

Mr. Jean Côté: I think they're completely unhappy.

Mr. Clifford Small: —with the minister's response?

Mr. Jean Côté: Oh. You mean with the minister's response.

Mr. Clifford Small: Has there been a response?

Mr. Jean Côté: I think the minister has done what she could. It's not enough yet. We have to be more clear [*Technical difficulty—Editor*].

The Chair: Mr. Côté, could you repeat that answer? You froze up for a few seconds and part of your answer wasn't audible.

Mr. Jean Côté: I was saying that DFO did answer, but I think the answer is not strong enough yet, especially [*Technical difficulty—Editor*] is going through media right now and there's not enough information about the real facts, that we are doing [*Technical difficulty—Editor*].

The Chair: You froze up again, Mr. Côté. For that answer, if you could provide it to the committee in writing, that would be great.

I will ask Mr. Small if he has questions for another witness. It seems you're having a bit of connection trouble there.

• (1700)

Mr. Clifford Small: Thank you, Mr. Chair.

I do have a question for Mr. Mallet. How many pots would they have on...? I know in the Maritimes sometimes it's referred to as a trawl. In Newfoundland we call it a fleet. How many pots would be coming up on one vertical rope? Are there multiple or are they using single pots in this region?

Mr. Martin Mallet: Is that in the U.S. or here in Canada?

Mr. Clifford Small: I'm asking about your area and the fishermen you represent.

Mr. Martin Mallet: We represent fishermen in many areas in Nova Scotia and New Brunswick, and it depends, I would say, on the LFA. The standard would be between six pots per line, but there are two double lines and one line on each end. That's the maximum we're seeing in some of our areas. In some areas, we have some single traps per line as well.

Mr. Clifford Small: Is that for crab or lobster?

Mr. Martin Mallet: That's for lobster. For snow crab, it's typically one pot per line.

Mr. Clifford Small: I know that in Newfoundland and Labrador, it's completely about fleets, with anywhere from 40 to 70, so the number of vertical lines is dramatically reduced.

Would it be an option to use a Japanese-style crab pot to mitigate the risk to right whales? You're going to take a lot of vertical lines out of the water if you don't fish with single pots.

Mr. Martin Mallet: These are the smaller snow crab pots. I think that's what you're alluding to. With our science team at MFU, we've done some trials in the past few years, and they are ongoing. We've tried to work with multiple pots per line for the snow crab fishery. We have some limits in terms of how many we can use, because we use smaller boats than the midshore fleet. We typically use 45-foot lobster boats for our snow crab fishery.

Mathieu, I don't know if you want to add something to that, but that's basically where we're at.

Mr. Clifford Small: They use a similar sized boat in Newfoundland and stack 300 pots on it when they leave to go out.

If you had a fishery closure for a couple of weeks because of right whale sightings, what would the approximate cost be in one of your areas?

Mr. Martin Mallet: For lobster, it would be disastrous if we were forced to take all of our traps out of the water for two weeks.

We mentioned the shallow water protocol, which seems to be working very well. There have been a few instances in the Magdalen Islands where the shallow water protocol pushed fishermen closer to shore—within 10 fathoms—so they could continue fishing as normal. However, as my colleague Jean Côté mentioned, back in 2018, we did not have that protocol and they had to live through such an event.

For snow crab, we have to move around. As soon as these zones are closed, our fishermen are obligated, within a few days, to take all of their pots out of that area and move to an open area, which in itself is extremely difficult operationally. It increases the cost of operation probably twofold, and at the end of the day there are risks to our fishermen's safety at sea as well, as they are forced sometimes to go in very nasty seas to do these operations.

It's difficult to put a price on it cost-wise, but for two weeks, depending on the number of fishermen, you can easily go into a few million dollars' worth of lost revenues.

The Chair: Thank you, Mr. Small.

I let you go over a small bit there because we had connection problems and so you wouldn't have the opportunity to complain about your time.

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

[*Translation*]

Mr. Serge Cormier: Thank you, Mr. Chair.

I would like to thank all the witnesses for being with us.

Mr. Mallet, I am going to start with you.

I think you said at the beginning of your presentation: we have come a long way since 2017. That was a situation that was virtually unknown in the industry. What we have done is truly extraordinary, if we compare our measures to those in the United States. According to several witnesses who have appeared before our committee in recent weeks, our measures exceed those in the United States.

Mr. Mallet, since you also have expertise in biology, I am going to ask you the following questions.

Do you think, on the question of temporary and seasonal closures, it is possible to modify these closures, given that the whales will move around to feed, whether we like it or not?

In your opinion, in 2022, five years later, do we have a better understanding of the situation?

Can we modify these measures to let everyone catch their breath?

We know the closures are hard. Even if we say that the quotas were all reached and the fishing season was still profitable, it is unbelievably stressful for the industry, the fishers, the processors, the plant workers, and the communities.

Do you think it is possible to modify these measures without there being harmful effects on whale protection?

• (1705)

Mr. Martin Mallet: I am going to answer part of the question and then turn the mic over to my colleague, Mr. Noël.

Yes, of course, as a biologist, I can confirm that since 2017 alone, we have learned a lot about whale behaviour. We now know that when they are in a feeding phase, they tend to congregate in a region where food is plentiful. Given that, we should maybe prioritize those areas, when it comes to closures.

I think it was Mr. Haché who said earlier that when the whales were really in transit and looking for food, we should maybe be cautious in considering the idea of closing fishing areas for the entire season.

I don't know whether Mr. Noël wants to add something.

Mr. Mathieu Noël (Director, Opilio, Maritime Fishermen's Union): As the saying goes, the devil is in the details. Given the measures that are in effect, we have to work on optimizing and take a broad view in order to see what we can do to improve the situation.

Each rectangle that is closed during the fishing season is very important. Sometimes, we look at the map and think the gulf is big and there are lots of places where people could move to, but when we really see what fishing grounds are active and productive, we realize that it is fairly limited.

Each rectangle is important. I think there is certainly a way to modify the measures to reach a solution that is more effective for everyone.

Mr. Serge Cormier: Very good. I would like to ask two or three more questions.

We have heard a lot about low breaking-strength rope. Do you think we are prepared for that or will we again be adopting a method that will instead be disastrous?

I am thinking about the fact that the Species at Risk Act is in force. People want to protect these mammals, these whales, but they want to put measures in place that are maybe going to put these species at more risk.

Are we prepared to adopt low breaking-strength ropes or should we wait a bit?

Mr. Martin Mallet: I think we are not entirely ready. Take the example of depth limits that we managed to put in place a few years ago. There is an entire process of peer review through DFO's review system. I am talking about the Canadian Science Advisory Secretariat, the CSAS.

In this case, I think we should go a bit further on the science. We must never forget that this entire controversy about weak links arises out of a study conducted in the United States. A careful reading of that study, whether about the gear, the methods or the protocol, leads me to doubt its conclusions. In my opinion, we should study the reason why there is a maximum of 1,700 pounds for the ropes a bit more closely.

What we notice in the study is that one of the reasons why no lower-resistance ropes are found on the dead whales was that it is not common, for fishing, to use ropes with resistance lower than 1,700 pounds. They are not used in regular operations. For questions like that, it is really worth studying the details and then looking at the operations at sea. We have to see whether, for starters, these new methods are safe for our fishers. We also have to make sure we are not going to create an ecological disaster. I am thinking about ghost gear and, possibly, more whale entanglements.

Mr. Serge Cormier: Earlier, Mr. Côté was asked a question about the markets. I do not know whether he clearly understood the question in the context of the Canada–United States–Mexico Agreement. I would like to point out that it has nothing to do with right whale protection, nor do I think it affects our markets. The crux of the issue, however, is our markets in the United States. As you know, we depend on them when it comes to lobster and crab.

There is everything we have right in front of us, in particular the Marine Mammal Protection Act and the measures that the United States is trying to impose on us. As we now know, the issue goes beyond all these measures.

In your opinion, how can we communicate that to the United States?

Do you think we are doing enough to make our measures known, and why should we be exempted in order to protect these markets?

• (1710)

Mr. Martin Mallet: On the subject of communications, I think that in the case of this issue, we need to have a full-time strategy. As soon as there is an attack on the Canadian industry, whether it be snow crab or lobster, a team should be ready to respond quickly, based on facts, obviously. In my presentation, I did mention that there is a positive story to tell here in Canada, about everything we have done.

Regarding the results, 2017 was obviously a disastrous year for the whales, but since that time, all the conservation and protection measures we have taken have had a significant impact, and we have to talk about that.

Mr. Serge Cormier: Thank you.

[*English*]

The Chair: Thanks, Mr. Cormier.

We'll now go to Madame Desbiens for six minutes or less, please.

[*Translation*]

Mrs. Caroline Desbiens: Thank you, Mr. Chair.

I would like to thank the witnesses, whose remarks have been very useful.

Earlier, Mr. Côté, who was unfortunately having connection problems, did not have time to finish his recommendations. If the situation has not improved for him, if I may, I am going to list the following recommendations on his behalf: the creation of an income protection program for fishers and helpers in the event of a fishery closure; a socioeconomic impact study of the implementation of right whale protection measures and measures to mitigate the repercussions on the fishery sector; putting protection measures in place that take into account the unique geographic and technical features of each fishery; and postponing the mandatory application of additional measures, such as weak links and specialized ropes, as long as feasibility research on the ground has not been completed and as long as sufficient quantities of gear are not available on the markets for fishers.

I have taken the liberty of completing the reading of those recommendations.

I am going to address Mr. Mallet or Mr. Noël, who are not having connection problems, and so who will be able to answer my questions.

It is the question I asked earlier, Mr. Cormier, about communications.

Could we make a recommendation that would look like this?

DFO makes use of many measures, resources and protection methods. It takes a very technical approach. Are there enough expert opinions of a socioeconomic nature regarding the indirect benefits in the communities and the economic impact, on the ground, for fishers, and so on?

Could we ask DFO to put more emphasis on the socioeconomic repercussions of its measures?

Might that be a useful recommendation?

Mr. Martin Mallet: Yes, absolutely.

Really emphasizing the social and economic consequences of all these measures will perhaps be part of the next steps, in my opinion. Our various fisheries have been affected for several years, since 2016, 2017 and 2018.

One effect it would have is to emphasize the importance of the sacrifices the fishing industry in general has had to make to try to coexist with the whales. At DFO, there is a science and ecosystems branch, but it has very few resources, from what I understand. It might be wise for the committee to ask DFO to provide us with relevant information so as to promote what we are doing here in Canada even more on the international scene.

Mrs. Caroline Desbiens: A concrete communication plan should therefore be established in order to improve the perception on the part of certain American observer groups that have a tendency to throw shade on fishers in Quebec and Canada.

Do you think this communication campaign should recognize the fragility, the lack of foreseeability, that fishers have to deal with, and so should support them, a bit like in agriculture?

When I sat on the Standing Committee on Agriculture and Agri-food, there were programs like AgriInvest and AgriInsurance. But

there was no financial support to help fishers reduce their stress a bit.

Do you think that if we guaranteed them an income in the case of situational distress and created a communication campaign to set the record straight and promote the exceptional actions that have been taken, these would be two measures that could significantly improve the situation?

• (1715)

Mr. Martin Mallet: Absolutely. I think Mr. Côté's idea is excellent.

In some cases, we have gone beyond the way things were in 2018 in terms of the inshore lobster fishery. There are still risks that a similar situation will recur, even with the inshore closure protocol.

This summer, on one or two occasions, the fishers from Îles-de-la-Madeleine had to go and fish closer to shore, where the water is less than 10 fathoms deep. If a whale had been in that area because it was sick or dying, for example, fishing would have been shut down completely for at least two weeks. Various factors can lead to that kind of situation, and a support program would be very useful if it happened.

With respect to communications, we are not doing a good job at all. We wait too long before reacting to attacks from the international NGOs. We have all the information needed for developing a communication plan that would allow for speedy reaction, based on the various scenarios that are likely to occur.

Take the example of Seafood Watch. Unfortunately, we waited too long, several weeks, to get an answer from the Department of Fisheries and Oceans and its minister. In contrast, the Lobster Council of Canada made the facts public in the press within just a few days. The goal was not necessarily to attack the United States, but to defend ourselves using facts. We do have them.

Mrs. Caroline Desbiens: Do I have any time left, Mr. Chair?

[English]

The Chair: Thank you, Madame Desbiens.

We'll now go to Ms. Barron for six minutes or less, please.

Ms. Lisa Marie Barron: Thank you, Chair, and thank you to the witnesses.

My first question is for Mr. Mallet. This might be a bit of a bigger question, but I'm trying to understand clearly, based on the testimony we're receiving, how best to put together recommendations for the government once this study is concluded. I've been hearing quite a bit about the measures being taken to protect the North Atlantic right whale and about having processes in place that are both responsive and versatile while also being specific and clear, but there seem to be some contrasting descriptors about how we would like to see these measures carried out.

I was just wondering if you could clarify your thoughts on how best to move forward. What do fishers on the water need so they can be successful in the important work they're doing while we also ensure that we are protecting the North Atlantic right whale and our marine ecosystems?

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

I think when we started putting measures in place in 2018, we basically started by using a sledgehammer to kill a fly. Now year after year we've been trying to optimize our measures and refine them so that as we move forward, we continue protecting the right whales as best we can. As I mentioned before, we've done a great job on that in the last few years.

By refining through knowledge and science and through collaborative science with industry, fishermen and DFO, we are finding tailored approaches and sometimes area-specific approaches to mitigating risk for right whales. A bunch of solutions are proposed year after year, as has been mentioned to this committee in presentations over the last few days. Every few months an advisory group sits down and talks about potential ideas and things that don't work and things that work better.

As we move forward, I think new technologies may appear that may be interesting to work on as we study these new approaches, but, again, we need to take our time with every new protection measure. This is currently the case with the weak rope. We lack too much information at this point, so to have it forced on industry could potentially have a catastrophic effect on the ecosystem.

• (1720)

Ms. Lisa Marie Barron: Thank you very much.

How do you provide feedback, outside of talking to us today and sharing with us what you're seeing? Are there any mechanisms for you to provide feedback around what you've been experiencing?

Mr. Martin Mallet: Mathieu, do you want to answer that one?

Mr. Mathieu Noël: Yes. There is a technical working group, which regroups the different people working in the industry. The mechanisms are there for people in the industry to share the work they're doing on different measures and share ideas on where we could go. The challenge is always that if we want to improve everything, the different zones and the different areas have different challenges, and we certainly need to be flexible on the measures. Basically what needs to be done is to make sure that we protect the whales where they actually are.

Just as an example, on the weak links measure that is proposed by DFO, we tried to implement that in the lobster fishery in New Brunswick, where there hasn't been a whale seen. There have been no whales seen inside the 20-fathom line in New Brunswick, but we are still trying to put in measures for that fishery. Basically, we're not resolving anything. The whales are not there. We're trying to put on extra layers there to protect an animal that is not there. I think that's the focus we should put on it: to make sure we protect the whales where they actually are.

Ms. Lisa Marie Barron: Just building off what you're saying, have you been seeing any increase of plastic in the waters or experiencing any safety issues with fishers on the water as a result of the

gear being used in an attempt to minimize impacts on the North Atlantic right whale?

Mr. Mathieu Noël: Well, not yet, as they are only in the testing phase right now.

Ms. Lisa Marie Barron: I think I'm going to quickly try Mr. Côté. I don't believe he has the Internet capacity to answer this question, but I was wondering if he might be able to share a bit more with us, perhaps in writing—because I think I'm going to run out of time—around the socio-economic impacts he was speaking to.

Mr. Mathieu Noël: Yes, I'll do that.

Ms. Lisa Marie Barron: That's great. Perhaps you can build off what you were talking about before around the socio-economic impacts, and then perhaps the top thing that you think we could do better to ensure we are considering the economic impacts of our decisions.

The Chair: Thank you, Ms. Barron.

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

Mr. Richard Bragdon (Tobique—Mactaquac, CPC): Thank you, Mr. Chair, and thank you to the witnesses.

It's good to see some of you again. It's been a little while. It's good to see you back on the fisheries committee.

Perhaps I'll start with Mr. Côté. The other witnesses can confirm this too.

You mentioned, Mr. Côté, in response to my colleague's question—and I thought it was quite telling—the USMCA being one of the key factors in why we're where we are right now regarding the failure of negotiations as they related to the interests of the harvesters and making sure that the concerns of the harvesters were heard, just as it is the responsibility of the organizations you folks represent to ensure their voices are heard in these things.

I just want to ask you if you were ever consulted, or if the harvesters you know of were consulted, during the new NAFTA or USMCA negotiations, and how this may potentially affect your industries.

Go ahead, Mr. Côté.

Mr. Jean Côté: I'm so sorry. I missed half of the question.

Mr. Richard Bragdon: That's no problem.

It was just in regard to the USMCA portion, Mr. Côté. You said that obviously we're dealing with the consequences of the failed negotiation as it relates to the harvesters and the impact the negotiation is now having, which pertains to the issue we're dealing with here at this committee today.

Can you speak to whether or not your organization or other organizations you're aware of were brought into the consultation process? Were your voices heard at the table during that negotiation?

• (1725)

Mr. Jean Côté: I'm not sure if I understand well. If you want to know if we were involved in those initial negotiations, my answer would be no. The decisions were just put in front of us and were negotiated much higher than us, and we have to live with the consequences right now.

Mr. Richard Bragdon: Those consequences are having a pretty major impact from what we're seeing.

Mr. Mallet, do you want to comment on that as it relates to the USMCA?

Mr. Martin Mallet: No. I think the U.S. MMPA is a U.S. initiative only and it is being imposed on all countries except the U.S.

Mr. Richard Bragdon: This is having devastating consequences here.

We know the financial implications of this and of some of the regulatory changes being put onto the industry and harvesters here, and as we just heard in testimony, some of these zones have not had a sighting of a right whale ever—that we're aware of or that's on record—but the cost and the potential cost of this to our harvesters is significant.

Would you like to comment on that as well?

Mr. Martin Mallet: Just to go a bit further, I think what the U.S. MMPA protocol brings us into now—and this is going to be online, I think, in 2023—is that there's going to be a constant threat. It's kind of like a sword of Damocles hanging over our head with regard to all the fisheries across Canada and any potential issues we may have in terms of interactions with all kinds of marine mammals.

It could be an issue on the west coast as much as on the east coast. It just so happens that the new U.S. MMPA threat started appearing for us here in Canada back in 2017 or 2018 when we had this serious interaction event in 2017 with right whales in the gulf in Canada.

Mr. Richard Bragdon: It seems there are two sets of regulations, one for the U.S. and one for Canada, as far as enforcement goes.

Mr. Martin Mallet: Yes, for sure. If you look at data comparing the way we are handling the right whale issue in Canada with how things are going right now in the U.S. with respect to the situation in the lobster fishery, the industry in the U.S. and NOAA are looking at us, even as we speak, for examples of how they could go about maybe decreasing potential dangers for their whales down there.

Mr. Richard Bragdon: In your estimation, were the harvesters in your area adequately consulted before the government decided to move to weak ropes and other measures they are suggesting here? Do you feel as though there has been adequate consultation with the harvesters?

Mr. Martin Mallet: I think the weak rope discussion is a discussion that started a few years ago. We feel as though we are part of a conversation and part of a consultation process, but we will see, when things come down to the actual decision at some point, whether or not these measures are imposed.

Again, we should not have measures imposed on us at this point in time. If you look at all the good work we've done in the last few years and the recent impacts that this has had on the survivability of right whales here in Canada, before anything else is imposed, we should seriously consider what we have done already and maybe just focus on optimizing what we're doing now.

The Chair: Thank you, Mr. Bragdon.

You have gone way over your time, and I let you get away with it because you're new.

Mr. Richard Bragdon: Thank you, Mr. Chair. I appreciate the accommodation.

The Chair: Mr. Morrissey, go ahead for five minutes or less, please.

• (1730)

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

A number of trade agreements and treaties have been thrown around in the conversation. The U.S.-Mexico-Canada trade agreement, negotiated by Minister Freeland, had no negative impact on the Canadian seafood industry. If anybody appearing as a witness has verification that it has, I would like you to submit it to the committee.

We're referring to, then—and at the same time interchanging—the U.S. government's Marine Mammal Protection Act, which they brought in at the same time and will use against any country. The trade agreement that this government signed with the European Union reduced duties significantly on Canadian seafood exported there, increasing the price to fishers.

A number of agreements have been interchanged in the testimony, and it appears we're confusing two different things. One is a trade agreement and one is an act by the U.S. government totally covering their own area. If any witness has documentation contrary to that, I would like them to submit it to the committee.

The testimony given has been consistent among all the witnesses who have appeared. One said that any trade retaliation by the Americans or any closing of the border would be devastating to the east coast crab fishery and lobster fishery. We're all in agreement that fishers must take all measures to protect the North Atlantic right whale.

There has been criticism of some of the measures being put forward by DFO, but I have heard very little on the solutions being offered concretely. I would like the witnesses to comment on that.

One comment was made that we should optimize the measures we now have, and I believe Martin may have made reference to that. How can we optimize measures that would enhance the ability of the fishing industry to pursue lobster and crab but still protect the whale?

Another comment was made—and I'm not sure by whom—that we have to provide more solutions. What more solutions could the industry provide to this committee that could work their way into recommendations?

I will start with you, Mr. Mallet.

Mr. Martin Mallet: I'll give part of the answer and then I'll pass it to my colleague Mathieu.

I'll give you an example. There is no better risk mitigation measure than not having any lobster traps or snow crab traps in the water when whales are around. We know that our fishing seasons for lobster, for instance, and the closeness to shore, help us 99.99% of the time to not be in the way of any whales.

Now, for snow crab, the idea is to try to increase the intensity of our fishery before whales appear. Any whale mitigation measures that are in the way of our finishing up in that fishery as early as possible are right now actually increasing—to my knowledge anyway—the risk to right whales.

Mathieu, do you want to add to what I just said?

Mr. Mathieu Noël: Maybe I'll fine-tune that point of view.

We have seasonal closures. When two whales are observed in the same area within a certain amount of time, they will close until November. They'll go through the season and close the area for the full year.

A lot of times no whales are seen. For instance, a week after the last sighting there were no whales, but we will still keep those areas closed for the full season. We're slowing down the fishery and are not actually protecting the whales.

For those kinds of things, optimization can be done to help.

Mr. Martin Mallet: I'll just add to that. We have the capacity within our snow crab industry to finish most of our quota in about six weeks. By imposing these closures, we're extending the season by one or two weeks in general. This is from the experience of the last few years.

There is a way to tweak it a bit. I think that in the next few weeks and months, we're going to have these conversations with DFO. However, there needs to be an openness to modifying these protocols and optimizing them with what fishers are seeing as a potential solution.

• (1735)

Mr. Robert Morrissey: Thank you.

The Chair: Thank you, Mr. Morrissey.

That's going to clew up our witness presentations for today.

I want to say a big thank you to Mr. Mallet, Mr. Noël and Mr. Côté for sharing their knowledge with us here today at committee. I'm sure it will help when the report finally gets written.

We have a small bit of committee business to do, but we won't even go out of public to do it because it will take too long to come

back in camera. We'll allow the witnesses to sign off and then we'll deal with committee business. It's a very small issue.

Yes, Mr. Cormier.

Mr. Serge Cormier: Do we stay on this Zoom link?

The Chair: Yes, stay on this Zoom link. This is only going to take a couple of minutes. I wanted to make sure we had five minutes to get it done and over with.

I believe, Mr. Perkins, that you have something to say.

Mr. Rick Perkins: I always have something to say.

The Chair: Yes, it's just a matter of whether somebody listens.

Some hon. members: Oh, oh!

Mr. Rick Perkins: Mr. Chair, as I've taken on another shadow minister job and I'm now doing double duty on two committees, I would like to vacate the vice-chair position of FOPO and propose and nominate MP Mel Arnold for the role.

The Chair: Thank you for that. I don't know how we'll ever get by without you as vice-chair, but I'm sure we'll struggle through it as best we can.

There's a nomination on the floor for Mr. Arnold to be vice-chair, seconded by Mr. Bragdon.

Is there any dissent? Hold back your thoughts.

Mr. Robert Morrissey: Does he have to make a speech convincing us to support him? We want to hear it.

Mr. Mel Arnold: I'll accept the nomination and pledge to live up to the performance of Mr. Perkins and beyond.

Mr. Robert Morrissey: You've set the bar very low, Mel. You can do much better than that.

Some hon. members: Oh, oh!

Mr. Rick Perkins: I agree with Mr. Morrissey.

The Chair: I think Mr. Perkins probably set the bar low.

Some hon. members: Oh, oh!

The Chair: Congratulations, Mr. Arnold, on being elected vice-chair. I look forward to working with you.

Some hon. members: Hear, hear!

The Chair: That will conclude our meeting for today.

I want to say thank you to our clerk, analysts and our great interpretation team that keeps us informed as to what's being said in one language or the other, all at the same time.

The meeting is adjourned.

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