



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Fisheries and Oceans

EVIDENCE

NUMBER 130

Monday, November 25, 2024

Chair: Mr. Ken McDonald



Standing Committee on Fisheries and Oceans

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• (1100)

[English]

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

Welcome to meeting number 130 of the House of Commons Standing Committee on Fisheries and Oceans. This meeting is taking place in a hybrid format, pursuant to the Standing Orders.

Before we proceed, I would like to make a few comments for the benefit of witnesses and members: Please wait until I recognize you by name before speaking. Those in the room can use the earpiece and select the desired channel. Please address all comments through the chair.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Thursday, February 8, the committee is resuming its review of the Fisheries Act.

Welcome to the Department of Fisheries and Oceans and the Department of the Environment. Thank you, officials, for being here today.

From the Department of Fisheries and Oceans, we have Miriam Padolsky, acting director general of ecosystems management; Gorazd Ruseski, director general of indigenous affairs; Bernard Vigneault, director general of the ecosystem science directorate; and Todd Williams, senior director of resource management operations.

From Environment and Climate Change, we have Jacinthe David, director general of the industrial sectors and chemicals directorate.

Thank you for taking the time to be here today.

You will have five minutes or less for your opening statement.

Mr. Williams, you have the floor.

Mr. Todd Williams (Senior Director, Resource Management - Operations, Department of Fisheries and Oceans): Good morning, Mr. Chair and committee members.

My name is Todd Williams, and I am the senior director of resource management operations at Fisheries and Oceans Canada.

My colleagues and I appreciate the opportunity to appear before this committee on behalf of the department regarding the study of the 2019 changes to the Fisheries Act.

I would like to begin by acknowledging that the land on which I speak is the traditional territory of the Algonquin Anishinabe.

I would also like to acknowledge the diligent work conducted by this committee more than five years ago in reviewing the act. Your comprehensive report recommendations, coupled with the extensive consultations conducted by the department with thousands of people across the country, played a pivotal role in informing the creation of Bill C-68 in the 42nd Parliament.

I would like to express my appreciation for your continued dedication to protecting and conserving Canada's fish and fish habitat for future generations. The current examination of the act will help inform directions on how we can continue to advance efforts to protect and sustain Canada's fisheries, maintain vibrant coastal communities, continue to advance reconciliation and promote the long-term health of our aquatic ecosystems.

I want to highlight some of the key changes that were put in place in 2019.

First, we expanded the scope of protection to all fish and fish habitat to make it clear that commercial fisheries productivity was inextricably linked to a healthy aquatic ecosystem.

Next, we removed the prohibition against serious harm to fish and reintroduced the previous prohibition against the "harmful alteration, disruption or destruction of fish habitat". We also prohibited causing the death of fish by means other than fishing.

[Translation]

The 2019 amendments initiated early steps to advance reconciliation, including requiring that indigenous knowledge in fish and fish habitat be taken into account in decision-making and that opportunities be offered to explore how indigenous law may be deemed equivalent to provisions of Fisheries Act regulations.

The 2019 amendments also introduced the fish stocks provisions, which established Canada's first legislative requirements to manage major fish stocks at levels necessary to promote sustainability and to develop and implement rebuilding plans if they become depleted. This significantly strengthened our fisheries management framework.

[English]

In April 2022, we listed the first group of 30 stocks under these provisions and also set out regulatory requirements for rebuilding plans for those stocks among the 30 that required a plan. I am pleased to note that this past spring 11 rebuilding plans were approved and are now being implemented by the department.

We are pursuing a regulatory process to list more stocks over the long term, including the recent proposal to list another 65 stocks through the publication of the Canada Gazette, part I, on October 12, 2024. The 2019 amendments also helped to ensure that the economic benefits of fishing remain with licence-holders and their communities by enshrining regulations regarding owner-operator requirements and fleet separation in Atlantic Canada and Quebec to support the independence of inshore harvesters.

I would like to thank the many owner-operators who were instrumental in the passage of the amended act.

Finally, the updated act phases out the practice of keeping whales and other cetaceans in captivity for display purposes, while providing exceptions for rescue and rehabilitation. Clear prohibitions against the import and export of shark fins that are not naturally attached to the carcass were also introduced.

The passage of Bill C-68 marked a significant step forward. However, we recognize that there is always room for improvement.

In this spirit, we are looking forward to hearing from the witnesses who will be appearing before this committee and welcome the committee's final report and recommendations. Your expertise and commitment to Canada's fisheries and oceans will be crucial in guiding our efforts to improve the Fisheries Act and ensure it continues to serve the interests of all Canadians.

Thank you.

• (1105)

The Chair: Thank you, Mr. Williams.

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

[Translation]

Mrs. Jacinthe David (Director General, Industrial Sectors and Chemicals Directorate, Environment and Climate Change Canada): Thank you, Mr. Chair.

Good morning, Mr. Chair and members of the committee.

I am the director general of the industrial sectors and chemicals directorate at Environment and Climate Change Canada.

Thank you for the opportunity to appear before the committee to discuss the Fisheries Act and Environment and Climate Change Canada's role in its implementation.

[English]

I would like to acknowledge that I'm speaking to you today from the traditional territory of the Algonquin Anishinabe nation. I am often reminded of the work we do related to fisheries and water protection that helps to make us all better stewards of the land, an important value held by indigenous people.

Let me start by describing the role that Environment and Climate Change Canada plays in the Fisheries Act.

Environment and Climate Change Canada is responsible for the pollution prevention provisions of the act. This is one of the most important pieces of legislation to protect Canada's fisheries resources and waters from pollution.

The department leads the administration and enforcement of these provisions, except for their application to aquaculture and the control and eradication of aquatic invasive species and aquatic pests. Those areas fall under the responsibility of Fisheries and Oceans Canada.

ECCC administers these provisions in two ways.

The first is by administering and enforcing an important provision on water pollution. It prohibits the release of substances that are deleterious to fish in the water. It is a broad requirement that applies to all Canadian fisheries waters. There are only a limited number of ways to allow for the release of pollution under the act.

This leads to the second way in which the pollution prevention provisions are administered, which is by developing and enforcing regulations that allow the release of deleterious substances to water frequented by fish. Current regulations under the Fisheries Act authorize the release of deleterious substances for industrial or municipal activities under strict conditions. These regulations provide environmental protection while allowing socially or economically important activities to take place.

Since regulations authorize the release of pollution, they establish systematic oversight and scrutiny of pollution releases to monitor the effluent quality and understand the impact of the authorized release. To date, seven such regulations have been developed, including regulations for the metal- and diamond-mining sectors, the pulp and paper sector and municipal waste water.

ECCC is responsible for several activities related to the implementation of the prohibitions and regulations. These include verifying compliance with the requirements, providing effective enforcement to ensure those who violate the law are held accountable and conducting compliance promotion to inform stakeholders of their obligations, as well as providing science-based advice to prevent, prepare for, respond to and recover from environmental emergencies.

[Translation]

Now I would like to quickly review with you what the 2019 amendments meant for our department.

The 2019 amendments to the act did not significantly alter the requirements of the pollution prevention provisions. This means that the prohibition on the release of pollution and the regulations making authorities were largely unchanged. Nonetheless, some of the changes made elsewhere in the act have influenced the department's implementation of the act.

The 2019 amendments provide that the minister must consider any adverse effects that a decision may have on the rights of indigenous peoples in Canada. For example, in 2021, the Crown-indigenous working group on oil sands tailing ponds water was established to serve as a mechanism for collaboration on the development of the potential oil sands mining effluent regulations.

Environment and Climate Change Canada is committed to protecting Canada's environment in ways that benefit future generations while supporting today's growing economy.

• (1110)

[English]

I look forward to hearing your views and recommendations as you undertake this review of the act.

[Translation]

Thank you very much.

[English]

The Chair: Thank you for that.

We'll now go to our rounds of questioning.

We'll start with Mr. Arnold for six minutes or less.

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

Thank you all for being here today.

You started speaking about the regulations that were developed from the changes. Can you explain a little further how those regulations are rolled out and provided to proponents of projects so that they understand what is expected of them?

I'm not sure who would be best to answer that.

Mrs. Miriam Padolsky (Acting Director General, Ecosystems Management, Department of Fisheries and Oceans): Thank you. I can answer that question.

Since the amendments to the act were made in 2019, DFO has rolled out a number of policies, tools and guidance documents to help explain to proponents and others what the requirements are. For example, we developed and published six policies and 17 guidance documents for staff and proponents, as well as a number of codes of practice and standards.

Mr. Mel Arnold: Thank you for that.

We recently heard from some hydro proponents and others from the mining sector that the application process is still so onerous. There's no process to proceed with minor works without inspections. There are incredible delays in getting inspections or applications processed.

Can you explain why that is, and how you're going to change that?

Mrs. Miriam Padolsky: Thank you for the question.

Mr. Chair, we appreciate hearing the feedback from stakeholders and others. We are looking forward to receiving any recommendations from the committee about how we can improve our processes.

We have been working to streamline our processes and make them clearer and more predictable for proponents and others. As I mentioned, we developed a lot of guidance documents, hoping to make the process clearer. We also developed a couple of plain-language tip sheets, such as a tip sheet related to applying for a Fisheries Act authorization.

We have service standards set out in the regulations. Regarding our regulated service delivery standard for determining whether authorizations are complete within a 60-day time limit, we have a 92% compliance rate. We are in 100% compliance for processing those applications within the regulated 90-day time limit.

That being said, we recognize there's always room for improvement. We welcome feedback and hearing recommendations about how we can further improve.

Mr. Mel Arnold: Thank you.

The feedback we heard is that the processes are extremely slow and onerous and are holding up significant projects, and even minor projects that really should be approved under minor works.

I believe both of you who presented talked about the reconciliation component of the changes to the Fisheries Act.

Has the reconciliation component been defined, and can you describe how it has been communicated to non-indigenous harvesters and the industry sector out there so that they understand what that section means to them and their work?

Mr. Todd Williams: Perhaps I'll respond first, then pass it over to Mr. Ruseski for further comment.

With respect to reconciliation and managing the fisheries, ensuring that we have open and transparent communication with all harvesters and licence-holders is critical. We engage all fishers through our advisory committee processes. We work with groups and first nations to ensure we can advance the goals of reconciliation in a meaningful way.

Perhaps Mr. Ruseski wishes to add to that.

• (1115)

Mr. Gorazd Ruseski (Director General, Indigenous Affairs, Department of Fisheries and Oceans): I would like to add a little bit of flavour to my colleague's response to your question in terms of some of the other engagement that's gone on over the last few years with non-indigenous industry around advancing rights and reconciliation in the fisheries.

Over the last few years, in my experience, in the engagement that's taken place at more of a national level—and there's always engagement that goes on at the local and regional level with some of my regional colleagues, local harvester associations and the like—we have undertaken various workshops with the likes of the Canadian Independent Fish Harvester's Federation, less with an orientation around the specific provisions of the Fisheries Act than with regard to the intentions behind rights and reconciliation, some of the past Supreme Court decisions and other directives that the government has been implementing. Those workshops took place a few years ago, and the discussions at the national and regional levels are continuing on an ongoing basis.

Mr. Mel Arnold: They're still lacking or not as—

The Chair: Thank you, Mr. Arnold.

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

[*Translation*]

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

The new measures in the Fisheries Act have been very beneficial to the fishing industry in our regions, but I have a few questions about the owner-operator provisions.

People in the industry are telling us that despite the new owner-operator regulations, there are still some concerning loopholes that allow entities or plants that aren't even in the region to buy licences at very high prices, sometimes using nominees. As I'm sure you know, in recent years, the cost of fishing licences, whether for the crab fishery or the lobster fishery, has skyrocketed in our regions. I think you've heard about the famous case of a young lobster fisherman in P.E.I. who bought a snow crab licence for over \$10 million.

How do you ensure that these transactions are done properly and in accordance with the law? We still see suspicious transactions. What kind of checks do you do in that regard? When I was 24, I was still borrowing \$50 from my parents to buy a pack of smokes and a few beers for the weekend. How did a young 24-year-old lobster fisherman get a \$10 million crab licence?

Are there any laws or strict rules that make it possible to know where that money comes from? That's the number one concern of stakeholders on the ground, despite the changes to the Fisheries Act.

[*English*]

Mr. Todd Williams: Certainly the provisions within the Fisheries Act strengthened the existing policy that we had with respect to owner-operators. Fisheries and Oceans Canada is committed to providing and promoting viable and independent operations and harvesters in the inshore fishery in Atlantic Canada.

I can tell you that we do have a robust regime in place that does look at the acquisition of licences and licences that may be subject to controlling agreements. To be clear, not all agreements for financing are controlling agreements; it's only ones in which the beneficial benefit is transferred.

I will add—

• (1120)

Mr. Serge Cormier: On that, I want to make sure.... Let's say I want to buy a crab licence. It's \$15 million. I go to the DFO and say, "Look, I want to buy this crab licence. It's \$15 million." Do you look at my bank account at all? Do you look at all those things? What do you look at? This is what I want to know: What do you look at before I can actually have my name on the permit?

It seems a little bit odd sometimes that a person can buy a crab licence for that much money, and with high prices.... What are you looking at in terms of investigation, if I can say it that way?

Mr. Todd Williams: Thank you very much for the supplementary question.

With respect to this type of investigation, we have a number of tools. Certainly, if we are made aware of something, or if something does look oddly suspicious, we can in fact request further information—and we have—from those harvesters, which can be the paperwork that would look at whether or not this was a controlling agreement.

Since these provisions have been put in place and the regulations have been adopted, 3,600 questionnaires have been completed, and we've looked at those questionnaires for these licence-holders. Of those, which we would classify as administrative reviews, we required additional information from 1,600 of the 3,600, and for 220, we worked with those individual harvesters to take them out of those controlling agreements. We consider that a success.

Mr. Serge Cormier: Okay.

Before my time runs out....

[*Translation*]

One of the problems we have with the sale of licences is the differences that exist between provinces. In the case I mentioned, for example, a person who wants to buy a licence in New Brunswick can be authorized to do so after living in that province for only six months. To buy a licence in Quebec, you have to have lived there for two years.

Are you aware of this problem? Why are we still unable to change these criteria?

We are told that it is up to the associations to request a change to the criteria, but the associations will certainly never ask us to do so.

I think we should add some standardized criteria to the Fisheries Act, because the purpose and spirit of that act is to keep licences in our regions so that neighbouring communities can benefit from the economic spinoffs. However, in my province, we see permits going to Quebec or other provinces because the residency criteria are not the same.

Are you aware of this problem? Also, can these residency criteria be easily changed?

[English]

The Chair: Mr. Williams, if we could get an answer in writing—

Mr. Serge Cormier: Yes, please.

The Chair: —it would be good, because the time has expired for Mr. Cormier.

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): I can still give you 30 seconds to respond to Mr. Cormier, if you wish, Mr. Williams.

[English]

Mr. Todd Williams: Thank you very much.

In short, we would add that yes, as a regulator, we do—

[Translation]

Mrs. Caroline Desbiens: He's answering your question right now, Mr. Cormier.

[English]

Mr. Todd Williams: I'm sorry.

Yes, as regulators—Fisheries and Oceans—we do work very closely with harvesters and their associations.

Sometimes the policies around the issuance of licences, such as residency, may vary from region to region and locality to locality, and certainly, if it's a recommendation of the committee, we would take that under consideration very seriously.

Thank you.

[Translation]

Mrs. Caroline Desbiens: Thank you.

I'll continue with you, Mr. Williams.

Members of the Bloc Québécois went out into the field a few days ago, actually it was a few weeks ago. Our party held a symposium to consult all fishers in the Maritimes. We learned some important points that I am raising now as part of this study on the Fisheries Act.

We heard about broad-ranging issues and factors that are also relevant to our committee's study, including the fact that fishers' science is not being taken into account. I could give you several examples. For at least six years, we have been calling on DFO to reopen the redfish fishery. In the meantime, the redfish population is free to eat all the shrimp. We are obviously calling on DFO to increase the scope of the seal hunt and to work on the PR front. Seals are destroying the biomass. I could go on and on. Then there's the striped bass. Your data is still based on the old striped bass population, whereas the new population is eating everything. The striped bass is moving upriver and even eating the salmon.

When your department makes decisions, does it take into account the scientific knowledge of the people working in the field?

• (1125)

[English]

Mr. Todd Williams: Certainly science and the information brought forward from harvesters are very important, as is the indigenous knowledge.

I will turn it over to my colleague Mr. Vigneault to speak further on the science.

[Translation]

Dr. Bernard Vigneault (Director General, Ecosystem Science Directorate, Department of Fisheries and Oceans): Thank you for the question.

In fact, the science advice is based on a number of factors, including observations and data reported by fishers on-site. However, you have to take into account the fact that a scientific stock assessment is based on systematic observations. This means there are other considerations, but a lot of effort is made to make as much room as possible for fishers to participate in the committees. We have developed products to better train them, so that they understand the process—

Mrs. Caroline Desbiens: I'm sorry to interrupt you, Mr. Vigneault, but I think fishers understand the process quite well.

They also mentioned the fact that your department's methodology doesn't track the movement of fish stocks, so some of the data you gather is always taken from the same place and at the same point in time, whereas fish are likely to move, depending on climate change and other factors. That's one of the reasons the fishers are saying their input is not being considered. They say that their observations vary from yours at times.

Dr. Lyne Morissette talked to us about environmental mediation in the context of ecosystem management.

Is that something you could look at?

Dr. Bernard Vigneault: In terms of the science part of your comment about the movement of fish, the same argument could very well be applied to the fishery, given that it focuses on areas where the fish are, which skews the outcome of the observations a bit. It's the sum total of all available information, including information gathered on the ground, i.e., science in the field, that contributes to the completeness of our scientific opinions.

In terms of environmental mediation, I think that's more of a fisheries management issue. For science as such, we currently have tools to encourage the participation of fishers and take their data into account.

I don't know if my colleague Mr. Williams wants to add anything about the proposed environmental mediation.

Mrs. Caroline Desbiens: Ms. David and Mr. Williams may have an opinion on that.

I'll leave it to both of you to answer my question.

[English]

Mr. Todd Williams: I have nothing further to add.

[Translation]

Mrs. Caroline Desbiens: Ms. David has nothing to add either.

And yet Dr. Lyne Morissette is an eminent scientist who gave a very interesting presentation on environmental mediation. I would invite you to consider that.

We were even told that politics should be dissociated from ecosystem management. We learned that there are issues that shouldn't be used for political purposes, such as the survival of our ecosystems.

What are your thoughts on separating politics and ecosystem management? What does your department think?

Dr. Bernard Vigneault: From a science perspective, we don't engage in politics. Ours is an independent process that has been launched to provide scientific advice.

Mrs. Caroline Desbiens: Nonetheless, we were able to see that the minister had made decisions that were not necessarily in line with your scientific advice.

Dr. Bernard Vigneault: The science portion that goes to the minister is essentially what is published in our science advice. There are other considerations.

Once again, I will ask my colleague Mr. Williams to comment on the other factors that come into play.

[English]

Mr. Todd Williams: Thank you very much.

It's very important to note that in decision-making with respect to fisheries, there are many considerations that a minister may take into account, with the science, of course, being one of those. One also has to consider the socio-economic considerations, existing policies, indigenous and cultural considerations and feedback from harvesters, including indigenous harvesters.

[Translation]

Mrs. Caroline Desbiens: That was going to be my next question.

Apparently, there aren't a lot of sociologists and economists involved in decision-making at the Department of Fisheries and Oceans. That came up as well.

Do you have any experts in local economics, for example, who could give you their opinion on benefits at the regional level? Do you have sociologists who can give you their specialized opinion on your decisions?

[English]

The Chair: I have to move on, Madame Desbiens. Hopefully we can get an answer to that question in writing, please, to the committee.

Now we have Ms. Barron for six minutes or less, please.

Ms. Lisa Marie Barron (Nanaimo—Ladysmith, NDP): Thank you, Chair.

Welcome to the witnesses here today.

I'll put my first question out to the best person here to answer it. I'm trying to understand how to better incorporate the precautionary approach into the act.

We know that when the science is inconclusive or unclear, the precautionary approach is a particularly vital tool as we deal with the consequences of the climate crisis. It's also vital for the minister to be able to make sound decisions and to be able to take a cautious approach. In the act, there are certain provisions outlined in the decision-making process.

How do we more clearly place within the act the tool of the precautionary approach and the ability for the minister to be able to better utilize that tool when needed? Do you have any thoughts on that?

● (1130)

Mr. Todd Williams: Thank you very much, Mr. Chair. It's an excellent question.

What we've seen over the past 30 years is a progression or an evolution in the way we manage fisheries. What came out of the collapse of the cod stocks is the precautionary approach. That is then reflected in the modified Fisheries Act through the fish stock provisions in section 6.1 and section 6.2. Those provisions and the regulations that support them directly align with the precautionary approach, but they also provide some level of flexibility for the minister to make a decision—going back to a previous question—in light of socio-economic considerations or other considerations, such as those related to indigenous rights or fisheries.

As a department, we certainly welcome further recommendations with respect to how those provisions, specifically, might be strengthened, clarified or further enhanced. Certainly, those provisions were and are a reflection of the precautionary approach.

Ms. Lisa Marie Barron: Thank you.

Another thing that comes up quite frequently at our committee is a recommendation for the formation of an independent science committee that is separate from all of the political components we are immersed in day to day so that recommendations can be brought forward directly to the minister without political influence being involved in the information provided.

I'm wondering if you have any thoughts as to how the act could support the necessary work of our improving the process of providing science to the minister in a non-partisan, independent way.

Mr. Todd Williams: It should be very clear that the science advice that comes to me and that I use as a fisheries manager has gone through an independent peer-reviewed process. The peer review process is reflected, in a very clear format, in the memorandum that goes to the minister. Perhaps the Fisheries Act could be more prescriptive to reflect existing practice, but the advice that we incorporate is certainly independent advice.

Perhaps Mr. Vigneault wishes to add something.

Dr. Bernard Vigneault: Quickly, for context, Fisheries and Oceans has one of the most comprehensive and transparent processes for ensuring that there's an independent science advice process. We're still implementing new measures to further those independencies.

For example, there's the new expert identification committee that was created this year, in collaboration with the chief science adviser, who independently selects external participants for key science advice meetings. We also have policies on conflict of interest and participation. Everything we provide in science advice is published in the open literature.

Within the current Fisheries Act, there are a lot of provisions to ensure the independence of the science.

Ms. Lisa Marie Barron: Thank you.

I will follow up on that.

Some of the concerns that have been brought forward were about who is making decisions around what science is made available to the minister and what science is not. That's where the bigger problem seems to come out in that process. That's why, among other things, we are hearing from many witnesses who come to the table seeking an independent, separate committee.

I understand there is some good work happening and that there's an attempt to be more transparent. However, I think that until we move that committee outside and make it independent, we're going to inevitably continue to have these same problems, over and over again.

I'm wondering if you have any suggestions as to how we can embed a more independent process or committee in the act if there were a decision to move forward in that way.

• (1135)

Dr. Bernard Vigneault: Thank you for the question—

The Chair: I'd ask for that to be sent in in writing, please, because Ms. Barron's time has expired.

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

Mr. Richard Bragdon (Tobique—Mactaquac, CPC): I'm yielding my time to Mr. Small for this round. He's on screen, Mr. Chair.

The Chair: That's so generous when he's not in the room.

Go ahead, Mr. Small.

Mr. Clifford Small (Coast of Bays—Central—Notre Dame, CPC): Thank you, Mr. Chair. I'm sure you'll miss my presence there in the room.

The Chair: Absolutely.

Some hon. members: Oh, oh!

Mr. Clifford Small: My questioning, Mr. Chair, is going to be for Mr. Williams.

I heard him speaking to Mr. Cormier about the robust regime that's in place for enforcing owner-operator policy effectiveness. Given that there hasn't been one charge laid since this new Fisheries Act came into effect, can he explain to the committee how ef-

fective that is when we haven't had any enforcement of that policy under the act?

Mr. Todd Williams: I think we should look at the measurement of success with this.

It's very important from our departmental perspective that we have had 3,600 administrative reviews. We have requested, in those cases, 1,600 harvesters to provide us with more information, and then in 220 cases, we identified those who were not exactly compliant, so we worked with them.

Under subsection 19(3) of the regulations, they have 12 months to become compliant. That's our goal. It's not to take harvesters necessarily out of their livelihoods, but rather to ensure they're compliant with that measure in the Fisheries Act.

Mr. Clifford Small: Thank you.

If police officers hauled over 1,600 people who were thought to be in an infraction on the highway and no one got a fine, how would you explain the effectiveness of the police officers on the highway?

Mr. Todd Williams: Unfortunately, as I'm not a police officer, I wouldn't want to speculate on that case. I think that when safety is a concern, they might have different priorities.

In this particular case, the department is working within the legislative and regulatory framework that has been provided to us by Parliament.

Mr. Clifford Small: I have a constituent with whom I'm sure you're familiar. As far as I know, clear evidence that the owner-operator policy was breached went as high as the minister's level.

Are you familiar with a fisherman by the name of Jimmy Foss?

Mr. Todd Williams: I won't speak to individual harvesters or cases that might be before the department for consideration.

Mr. Clifford Small: Well, it was before the department this summer for consideration, along with two others. In fact, Mr. Foss's licence was basically taken away. While this was under review and while the quota was supposed to have been frozen, it was just taken away, and the gentleman was basically forced into bankruptcy.

Is it possible that DFO is breaking its own laws? It doesn't appear to me that your owner-operator policy is very effective at all.

Mr. Todd Williams: I won't speak to whether or not the department might not be following the laws. I think I can say with some certainty that we are implementing the legislative and regulatory framework as it's been provided.

• (1140)

Mr. Clifford Small: If a bank becomes in control of a licence that was formerly in the hands of an owner-operator because of the judgment made inside your department, how can owner-operators feel that the act is protecting them?

Mr. Todd Williams: I think it's important to recognize that this policy—and as it's reflected in legislation and regulation—is very widely supported by the inshore sector. We know that this is the backbone of the inshore fishery.

I'm not going to speak to specific instances, but overall we do have a robust regime in place that ensures compliance and has helped hundreds to extract themselves from controlling agreements.

Mr. Clifford Small: Your department exercised at least one search warrant in this case, and there was an investigation ongoing. Is it not true that while there's an investigation as critical as this one going on, a quota is supposed to be frozen instead of being released?

The Chair: Thank you, Mr. Small. Your time has gone over.

If the department has an answer to that, you can send it in writing.

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

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

My question is about the ability of the department to control illegal and undocumented fishing. It goes to the section on the powers of the fishery officer.

Could you outline to the committee on whether seeing inadequacies in this section of the act could assist the department in getting a better handle on this?

Mr. Todd Williams: Indeed, there are provisions within the act, supported through regulation, that are related to enforcement and to ensuring that harvesting is compliant with the laws.

With respect to specific aspects that could be enforced, I'm probably not the person best placed to speak to that matter today.

Mr. Robert Morrissey: That's fine.

Could you explain to the committee why this practice is growing in multiple species, with unreported and undocumented fishing and transactions with cash?

I'll be candid: Your department does not appear to have control of this.

What is missing in the bill and in the regulations that the bill allows you to put in place?

Mr. Todd Williams: You raise an important aspect with respect to unreported sales, often using cash—

Mr. Robert Morrissey: We're hearing and seeing various news-casts and credible reports of it, and it's growing. From my information on the ground, it's growing dramatically. It's one of the biggest threats to the fishery on the east coast. I'll just reference the east coast.

Mr. Todd Williams: I think that perhaps there are two points. We do have a lot of tools in place right now with respect to our enforcement officers on the ground and with respect to looking at those sales. It's a lot of accounting and working with our provincial counterparts—

Mr. Robert Morrissey: I do not want you to divulge any investigative aspects, but your tools are either not adequate or not working, because, again, it is a practice that is growing.

Mr. Todd Williams: I understand the question, but I'm—

Mr. Robert Morrissey: I would expect you to. Yes, I do.

Mr. Todd Williams: —not sure if I'm best placed to articulate what specific or even general aspects of the act could be—

Mr. Robert Morrissey: No, but with all due respect, you're here appearing before this committee as a senior person within the department. We're reviewing the act.

My question is genuine, because I'm really concerned about this practice undermining what has been a very lucrative industry to small, rural east coast communities, and it is growing. Now we're reviewing the act, and the regulations flow from the act. I understand that.

I'm asking you what is missing, because at this stage, I have not seen what I would describe as action taken by the department that is going to stop this growing trend.

• (1145)

Mr. Todd Williams: I can speak to the fact that there is action being undertaken. We have worked very closely with our counterparts at the Canada Revenue Agency and have shared information.

If we are to expand on that, that could be one area. I'm not sure if it's necessarily reflected in the act or supporting regulation or if it's just the broader issue of capacity between the two departments—and the provinces—working together to identify—

Mr. Robert Morrissey: In reading the act, I see that it's mostly related to protection personnel on the water, in the boat. It's heavy there.

We do know that a lot of this occurs because of a lack of enforcement at the processing on the dock, the buying, which is controlled by the provinces.

Could you expand on...? Obviously, between both jurisdictions of government, there has to be a better way of providing that protection or deterrent.

Mr. Todd Williams: I think this perhaps comes down to a question of whether or not the legislation is the appropriate tool to deliver that solution. Are there other solutions available through a memorandum of understanding, for example, between the department or the Government of Canada and the provincial governments implicated?

Mr. Robert Morrissey: That's fair.

My final question—

The Chair: Thank you, Mr. Morrissey. You have gone a bit over.

Mr. Robert Morrissey: Oh, it was five minutes. I'm sorry.

The Chair: We will now go to Madame Desbiens for two and a half minutes or less, please.

[Translation]

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

I will try to be fairly concise, but it will be difficult because the topics are broad.

The shrimpers are in dry dock in Quebec, as are the pelagic fishers' boats.

All the fishers in this type of fishery warned the department about certain problems, and now they are paying the price for its inaction. David Vardy, who was deputy minister of fisheries in Newfoundland and Labrador, told us that we absolutely have to review the stewardship fisheries and breathe new life into them, avoid over-harvesting through legislation, licences and quotas, and encourage offshore boats to return to the sea. I think Ms. David will agree with me when I say that these boats pollute more.

How is it that our decisions don't lead to the same action, for example, as those made in Norway or Finland, countries that are seeing some success? Witnesses have told us that the schemes in those countries are not set up by the federal government, and that this is why they are seeing better results, something which is very much appreciated by separatists.

That said, how could we improve the situation and enjoy better results, similar to those of Norway and Finland?

[*English*]

Mr. Todd Williams: Certainly, fisheries management and the fisheries sector are complex. There are a number of actors with respect to the management, the processing and the selling, including the export, of that product. It requires all of those departments, provincial governments and harvester associations to work together in that regard. How that can be reflected in the act is a very good question.

Certainly, from a fisheries mandate perspective—

[*Translation*]

Mrs. Caroline Desbiens: I'm sorry to interrupt.

Do you think the notion of transparency is important? We could include provisions in the act to ensure greater transparency.

[*English*]

Mr. Todd Williams: Yes. I will speak of personal experience.

When I chair meetings with harvesters, they often ask how their advice will be transmitted to the minister. I explain it to them, and then they ask if they can see that information or that advice. The answer is no. It is protected under the Access to Information Act. Advice to the minister is protected.

I think your question of transparency is a good one, and that has impacts on other areas and on our relationship with harvesters, but there are ways to be more transparent and to communicate why we make decisions and how we make decisions. Having our science independent and transparent is a key aspect of that.

• (1150)

The Chair: Thank you, Madame Desbiens.

We'll now go to Ms. Barron for two and a half minutes or less, please.

Ms. Lisa Marie Barron: Thank you, Chair.

Following up on my question—perhaps Mr. Williams or Mr. Vigneault are best suited to answer this—I was talking about the importance of science remaining independent.

There are a couple of examples that I wanted to provide quickly.

We know that recently the Public Sector Integrity Commissioner launched an investigation into whether or not senior DFO officials were muzzling scientists—those are the words that were used quite often at that time—regarding the research into the threats posed by open-net salmon farms in B.C. waters, and we know the work of Dr. Kristi Miller-Saunders and of others was suppressed for 10 years.

With just these two examples that are handy in front of me right now, do you agree that there is a problem and that science needs to be independent from political influence?

Dr. Bernard Vigneault: I cannot speak to those two specific examples because they are outside of my areas of responsibility, but generally speaking, to your earlier point of the need to get broader science for the decision-making, that's exactly what we're undertaking with broadening to the fullest extent possible the participation of experts at the committee. It's very important for the minister to get not just one expert or one journal article, but to have consensus-based science, so it needs the participation of several science schools of thought and so on.

That's the process that's in place.

Ms. Lisa Marie Barron: Thank you Mr. Vigneault.

Although I agree in some ways, I think that some of the issues, some of the things that you're bringing up, are also part of the problem when you have a consensus-based model and there are players who may be looking at politically intended outcomes or even beneficial financial outcomes. There's a bit of a problem around the consensus model as well. There are some bigger problems here.

Mr. Williams, would you be able to agree that there is a problem here and that we should be looking at having a more independent science advisory panel?

Mr. Todd Williams: I think, just to echo Mr. Vigneault's comments, that the process that we currently have is inclusive. It is public. It is attended to by experts, and it does provide independent expert advice to the department.

Whether or not there could be changes to that model would be for discussion, but, again, we're incorporating that information and that science that we deem independent and peer-reviewed

Ms. Lisa Marie Barron: Then if—

The Chair: Thanks, Ms. Barron, but your time has gone over.

We have eight minutes left, so I'm going to go to Mr. Arnold for four minutes and then Mr. Weiler for four minutes.

Mr. Mel Arnold: I'm going to give one question to Mr. Stewart here beside me, and then I'll take my other two minutes back.

Okay, he says no.

Mr. Small would like just one question, but I do need my two minutes at the end.

Go ahead, Mr. Small.

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

Thank you, Mr. Chair.

To Mr. Vigneault, the European Union has a very strong anti-dumping policy. In Canada, as you're no doubt aware or you should be suspicious of, when fish harvesters go over their quota a little bit, they're basically being forced to discard that catch, and it's probably not even being recorded in logbooks for fear of being charged for minuscule amounts of quota overrun.

Why is that not addressed in the Fisheries Act? You don't know how much discarding is happening because of this. You know the charges that have been laid, but fishermen can't even share the extra catch they have with someone else who has a legitimate quota. They can't even bring it in and donate it to a food bank or have it simply taken off their next year's quota.

Why do we have this policy that's failing fisheries management and harvesters?

Dr. Bernard Vigneault: From a science perspective, we have several tools in place so that we can account for those discarded fish, including at-sea monitoring and the logbook, as you mentioned, and some of our models are allowed to account for that. Obviously that's from a science perspective, but there are other considerations, primarily from an enforcement perspective, about discarding useful fish.

I'll pass it to Mr. Williams.

• (1155)

Mr. Todd Williams: Indeed, there are enforcement issues with respect to that. In some cases, we would consider flexibilities. If a harvester, for example, does not use their entire quota in a season, they can carry forward some of that into the future, so we do provide flexibilities as much as possible, or transferable quota.

Mr. Clifford Small: Why not forgive them for quota overruns and take it from next year?

I'll turn it over to Mr. Arnold, and I'll take the rest in writing from you.

Thank you, Mr. Williams.

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

Mr. Chair, I want to thank the witnesses for being here today.

As you and other members of the committee might recall, especially those of us who were here in 2016, the committee studied changes to the Fisheries Act. During that study, the committee received testimony from the Minister of Fisheries, the parliamentary secretary, the deputy minister, the associate deputy minister and the senior assistant deputy minister. The committee's work benefited from those appearances, and I believe that we must hear from the Minister and senior officials in this study of the Fisheries Act.

We heard today how Mr. Morrissey presented questions that weren't able to be answered by the individuals here, and there's no issue with that. I understand that you have a certain level. In that regard, I move the following motion:

That the committee plan an additional two-hour meeting for the current review of the Fisheries Act and invite the following to appear for two hours: the Minis-

ter of Fisheries, Oceans and the Canadian Coast Guard; Deputy Minister Annette Gibbons; Assistant Deputy Minister Adam Burns; and the director general of the conservation and protection branch.

I don't have a name for that position, because it's not filled right now, apparently.

I move that motion.

The Chair: All right.

Do we have that in both official languages?

Mr. Robert Morrissey: Can we get that in writing?

The Chair: Yes, it's coming. It's being sent to everyone now.

Does everyone have it?

Mr. Mike Kelloway (Cape Breton—Canso, Lib.): Mr. Chair, can we quickly take a few moments to look at it as a team?

The Chair: Yes.

We'll suspend for a moment while they do their little get-together to talk about the motion.

• (1155) _____ (Pause) _____

• (1155)

The Chair: Okay. I'll now ask the clerk to record the vote.

Mr. Mike Kelloway: No, we're good—unless you want to.

The Chair: Go ahead, Ms. Barron.

Ms. Lisa Marie Barron: Thank you, Mr. Chair.

First of all, I support the motion.

I just want to add an amendment to the motion: “The study is not complete until the following witnesses appear”.

Mr. Mike Kelloway: Okay.

The Chair: Is it unanimous?

(Amendment agreed to [*See Minutes of Proceedings*])

The Chair: Is everybody in favour of the motion as amended?

(Motion as amended agreed to)

The Chair: I want to thank the officials for being here today and for answering questions from the members.

We'll suspend for a moment as we switch to our next panel.

• (1155) _____ (Pause) _____

• (1155)

• (1200)

The Chair: Welcome back.

For our second panel, we have, from the Canadian Wildlife Federation, Mr. Nick Lapointe, senior conservation biologist, freshwater ecology. From the Mining Association of Canada, we have Pierre Gratton, president and chief executive officer, and Danielle Morrison, director, regulatory affairs.

Thank you for taking the time to appear today.

Each group will have up to five minutes for an opening statement.

I believe, Mr. Lapointe, that you will go first.

Mr. Nick Lapointe (Senior Conservation Biologist, Freshwater Ecology, Canadian Wildlife Federation): Thank you for inviting me to appear before the committee.

The Canadian Wildlife Federation, or CWF, is a national conservation charity. We work to conserve Canada's wildlife and habitats for the use and enjoyment of all through education, action and outreach. We work in collaboration with hunting and angling groups, indigenous communities, environmental partners, industry and our more than 250,000 supporters to accomplish these goals.

CWF was deeply engaged in both the 2012 and 2019 changes to the act and believes that both helped improve it.

Examples from 2012 include adding duties to report violations, a new prescribed works tool to regulate common projects, and expanded prohibitions to include activities that cause harm.

In 2019, a key change was restoring the prohibitions against the harmful alteration, disruption or destruction of fish habitat and the death of fish by means other than fishing. Other amendments improved inclusion of indigenous rights and knowledge and required consideration of cumulative effects. The purpose of the act—to protect and conserve fish and fish habitat—was also clarified. The legislation is strong, and CWF doesn't believe further amendments are needed at this time.

Despite the strength of the Fisheries Act, after five years the department is not achieving its purpose. Major challenges remain, stemming in part from DFO's limited implementation of their tools and obligations under the act. We work closely with the department on conservation solutions and we recognize many excellent programs, including DFO's fish habitat science and the Pacific region's salmonid enhancement program. At the same time, small projects continue to harm fish habitat. Little is being done to enforce or otherwise address known violations of the Fisheries Act, particularly for barriers to fish passage.

The first concern I want to highlight is the cumulative effects of small projects. Each year the department reviews thousands of projects, but issues only 100 to 200 authorizations, dismissing harm from the others as low risk. The footprint of the other projects is definitely smaller, but they do cause harm. Because there are so many, the accumulating harm is a major issue. Small projects are individually reviewed, which takes a lot of DFO staff time and results in only informal approval by letters of advice. This inefficient process delays projects and creates costs and uncertainty for industry. The worst part is that this system is not leading to good outcomes for fish and fish habitat.

We don't think the solution is to make small project management more complex. Tools added in 2012 and 2019 were designed to address these issues, but they are not being implemented. Small projects would be better managed by prescribed works regulations, which could create an automatic permitting system to reduce DFO costs, cut red tape, provide speed and certainty for proponents and enable compensation models when harm is accumulating.

For big projects, proponents need to provide offsets to compensate for harm, but this happens for only a small number of the projects reviewed. For small projects that do cause harm, a fee-in-lieu system should be implemented through prescribed works regulations. This would allow DFO to combine fees from multiple small projects and dedicate them to fund communities working to address restoration priorities. This solution can be implemented now. In the long term, a third party habitat banking system would provide expanded conservation and economic opportunities. Work to develop that system should begin immediately.

The second point I'd like to highlight is the need for a national fish passage strategy to address the fragmentation of our waterways.

With DFO's support, CWF has led assessment of fish passage issues in Canada and developed a national database of all dams and other barriers to fish. We found that on average, there's a potential barrier every three kilometres on our streams.

Most of the economically, recreationally and culturally important fish in Canada rely on migration paths between bodies of water. Wild salmon, American eel and other migratory species have disappeared from much of their traditional range because of barriers. The department has appropriate powers under the Fisheries Act to address this, but they are not fulfilling their obligations. We documented over 35,000 dams in Canada. Fewer than 300 of them have fishways.

Other countries, including the U.S. and in Europe, are far ahead of Canada in fixing this problem. In recent decades, more than 10,000 fish barriers have been removed in Washington state alone, as compared with fewer than 300 in B.C. Fish responses to these projects have been incredible, with salmon recolonizing their habitats and herring populations increasing from hundreds to hundreds of thousands in just a few years. A national fish passage strategy would include removing barriers and requiring fish passage at such active facilities as hydroelectric dams.

CWF is eager to support the committee and department in achieving the purpose of the act.

I look forward to any questions. Thank you.

• (1205)

The Chair: Thank you, Mr. Lapointe.

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

Mr. Pierre Gratton (President and Chief Executive Officer, Mining Association of Canada): Thank you. It's a pleasure to appear before the committee.

Like my colleague, we too have been involved with the Fisheries Act and the various reforms over the last several years. In part, what I want to share with you is the history of that engagement and the struggles we've had with the implementation of the Fisheries Act through the various reforms, because implementation problems cost everyone.

When the 2012 reforms were put in place, we were assured by officials at the time that any sort of section 35 or authorization in process would be grandfathered, that we wouldn't have to worry, and that we wouldn't lose time and have to restart. Sure enough, a couple of years later, we were told, "Well, actually, we weren't right about that. You have to restart." We had to go back to the beginning. That delayed the development of authorizations.

The process of getting officials familiarized with the new legislation in 2012 took a while. However, I will say that after a few years, it actually started to work pretty well. While there was a perception that the protection of fish under that regime was weakened because of the inclusion of commercial, recreational and aboriginal fisheries—aboriginal, at least where we work, is pretty much a catch-all—none of the protections for water bodies containing fish wherever we operated were in any way weakened.

What we did find is that the department eventually figured out how to implement the new act and did so pretty effectively. For a few years, we found that we had a pretty efficient regime, which is why we did not support the reversal to what was essentially the pre-2012 regime, when the government came forward with Bill C-68. We accepted it. It was obvious it was going to happen, but we cautioned them very strongly to prepare for implementation. We also emphasized that the act should not be brought into force until they had the compliance tools developed and put in place. That advice, unfortunately, was not heeded. We are now five years later and still waiting for those tools to be put in place.

Why is this a problem? Project reviews and authorizations are time-consuming for proponents and the department. Without a core set of compliance tools in place, DFO will be caught in a vicious spiral of not having enough capacity to respond to project-specific reviews for larger projects, thus not being able to spare resources to put the tools in place. Demand will exceed the department's recently increased resources. The result will be growing complaints and delays and overwhelmed officials struggling to deal with too many applications at one time.

It's in the best interest of fish, fish habitat and Canada's economy to adequately prepare for coming into force, which they did not.

This came into being. Five years later, we have very few draft codes of practice. The prescribed works and waters regulations have still not been put in place. We continue to be told by the department that it's complex. Well, if it were so complex that five years later they're not in place, why did you put this into the act in the first place? You should have thought of that before doing so.

For such things as culvert replacements, beaver dam removal and the installation of low-span bridges, we've started to see some codes of practice put in place, but we're still lacking an awful lot. Frankly, it's frustrating for proponents, but it's not good for fish either. If it takes months to get an approval to replace a culvert, those are months during which fish may not have access to spawning grounds. This harms fish habitat. It harms fish productivity. Nothing benefits from this.

As we look at your review, we caution, again, that the focus really has to be on good implementation. The department has to start doing its job, and doing it effectively. They need to accelerate the development of compliance tools and codes of practice, develop a plan with timelines to implement the prescribed works and waters regulations, and increase coordination among provincial and territorial governments and with federal departments, since, for example, the transport and navigation provisions and Fisheries Act provisions can intersect and sometimes contradict, so they need to be talking to one another.

What's probably most important—and the hardest thing to do—is driving culture change that reflects the urgent action required to accelerate clean growth. Transport Canada has done a good job since Bill C-68 of putting in place the measures that affected them. DFO has not. However, it can be done. We found that Transport Canada has a culture of "We have to get this done. We can't be a barrier to responsible growth."

DFO has to change its approach, because fish and the economy depend on it.

• (1210)

Thank you very much.

The Chair: Thank you.

We'll now go to rounds of questioning.

Mr. Arnold, you have six minutes or less.

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

Thank you, all of you, for being here today.

Mr. Lapointe, you talked about cumulative effects and the impacts of them. Could you elaborate a bit further on where you see those impacts?

Mr. Nick Lapointe: Yes, I can, absolutely.

I think there's a challenge because the department, so far, has seemed to interpret that addition of cumulative effects into the act to mean consideration of the broader effects on the landscape when it issues an authorization.

The part we're concerned about is the accumulating effects of all of the projects with small footprints that the department allows to happen. It doesn't use the authorization process.

The department works to minimize that harm, but it happens regardless. They're not considering, managing or addressing that accumulation of harm. That's what we're concerned about.

• (1215)

Mr. Mel Arnold: Okay. Thank you.

You also recommended that no further changes be made, but the regulations out of the act haven't been implemented properly. Could you give an example? Where is this holding up projects or impacting fish?

Mr. Nick Lapointe: As one example, I think my colleague Pierre outlined that there have been no prescribed works regulations passed since 2019.

I think only one was passed after 2012. This is an efficient system that would, for the vast majority of projects, eliminate the need for project review and allow proponents to immediately implement their projects after registering them. It would also follow best practices so that a culvert is replaced with a full span bridge that passes fish. It would really focus those resources not in the bureaucratic review of projects but in the implementation of things that work for fish and fish habitat.

That's one of those key regulations that remain mired in consultation and engagement without progress and without any implementation.

Mr. Mel Arnold: Can you give us an example, or a rough average, of the time frame that is required to do a project now, five years after the act actually came into force?

Mr. Nick Lapointe: My understanding is that it can be three to nine months for the smaller projects that are informally, and I would say improperly, managed by the department, so there's a moderate delay. I'm less familiar with the larger projects and the delays that Pierre was referring to, but those are significant projects and they can be complicated to manage.

Mr. Mel Arnold: I believe a lot of these projects can only be done at specific times of the year because of fish spawning movement and so on. Is that correct?

Mr. Nick Lapointe: That's right. There are timing windows.

Mr. Mel Arnold: You really have a small timing window once a year, so if the project application passes that point, you're done for another year.

Mr. Gratton, I want to switch to you. You mentioned focusing on good implementation. I think you're probably going to say a lot of the same things that Mr. Lapointe has said, but can you give examples of how much time might be expected for a larger project to be approved?

Mr. Pierre Gratton: Section 35 authorization can be two to three years, generally. We've been hoping that for our sector, for example, some of that work can take place in parallel to the Impact Assessment Act.

For projects that aren't under the IAA and don't have that potential, you don't have to worry about the IAA, so I guess I can't say it's a potential advantage, but it's about two to three years, generally, depending on the complexity of the project.

Mr. Mel Arnold: What was it prior to the 2019 changes?

Mr. Pierre Gratton: It was getting better. It was getting closer to 18 months to two years for a section 35 authorization. It was starting to get more efficient.

You have to keep in mind that what's happening is that resources and expertise are being drawn away from these major projects to routine authorizations like culvert replacements and so on, and that's the problem. There isn't enough to go around, and the department is burying itself in paperwork.

Mr. Mel Arnold: The department's budget has grown exponentially over the last nine years, but you're saying there are actually fewer people doing the project approval work, or there are fewer resources.

Mr. Pierre Gratton: We observed that it didn't grow so much on the permitting side of the department. There's a lot more science. Human resources grew. I guess it was to manage the extra people. We did not see that the number of people responsible for permitting necessarily grew, and even so, even if there are more bodies, they're doing so much more minor works work that they don't have enough to go around.

Mr. Mel Arnold: Okay. It's simply not efficient use of the resources or the department to keep our economy running.

• (1220)

Mr. Pierre Gratton: It's not an efficient use at all, no.

Mr. Mel Arnold: Okay. Thank you.

I'll go back to Mr. Lapointe.

Mr. Lapointe, I believe in a submission or at some point you mentioned habitat banking. It's only able to be done, I believe, through proponents right now. You are promoting the idea that it be able to be done through third parties. Can you expand on that a little bit in a few seconds?

Mr. Nick Lapointe: Yes, that's a model that's been used in the U.S. It would really create an opportunity for any party to invest in a large, meaningful restoration project and use that to sell credits. It could be a good solution for small sales of credits for those small projects. It would help industry, because then the offsetting is done in advance, so they can simply buy in. That's not enabled right now.

Our understanding is that it's fairly complex, but the department has not been working to solve that or to build that system so that it could be implemented. We're hoping to see work towards that beginning soon.

The Chair: Thank you, Mr. Arnold.

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

Mr. Serge Cormier: Thank you.

Mr. Lapointe, you've talked about some salmon issues. Look, I'm a hunter. I'm a fisherman. Since my younger days, it's been my passion. Every time I have time, I go out.

You've talked about the state of the salmon population right now in Canada and probably also in the U.S. Of course, the Fisheries Act itself—the piece of paper, the legislation—can certainly do things to protect those species at risk.

Beyond that—before going back to what's in the act—you talked about fish passage and things like that. Don't you also think that there's some overfishing in some areas? For example, Greenland still has a quota of, I think, 25 tonnes. I know that the government did some great negotiation with them a couple of years ago. What will we need in the Fisheries Act to make sure that those species can rebound? Fish passage is all good. Look, fish habitat protection, of course.... I'm putting that out there because this is what we are here for.

You talk about first nations. Of course they have a right for food, social and ceremonial purposes. I have a first nation community in my riding that does very well when it comes to protecting the habitat and everything. However, when the state of a population like salmon is in danger, do you also think that first nations, for example, should be able to still fish for food, social and ceremonial purposes, or should the resources be the number one priority?

I'll go back to my other question: Can we do something else? Can we put something into the act that will satisfy a group like you, making sure that salmon, other species at risk and other species can rebound from what we're seeing right now?

Mr. Nick Lapointe: Yes, it's a complicated question.

Mr. Serge Cormier: I know.

Mr. Nick Lapointe: When we have a fish species in decline, it is usually a combination of habitat issues, overfishing and broader habitat issues, such as land use and climate change. All of those need to be addressed.

My expertise is not in commercial fisheries management, so it's difficult to say to what extent there's overfishing occurring internationally versus in Canada. There are also challenges with mixed-stock fisheries being overharvested. Certain parts of that population are healthy, and other parts are endangered. If you're harvesting them together, you may be overharvesting the endangered parts.

We have a real challenge in the fact that commercially listed endangered species that should be considered by the DFO and recommended for listing under the Species at Risk Act are not. I work a lot on American eel, and that species has now been waiting 12 years for the DFO's decision as to whether or not it should be listed so that we can get on with either protecting it as a listed species or managing it outside of that. I do think that more quickly addressing endangered species under the Species at Risk Act when they are commercially harvested would help us to decide how to manage limited harvest of those species.

Mr. Serge Cormier: Okay.

You've talked a little bit about the difficulty that you have for approval for a project like the fish passage, for example. Is that what you were saying—that it's difficult to deal with the DFO on those initiatives that you want to do?

Mr. Nick Lapointe: It can be a little difficult. It depends on where we work.

We have great partners in the Pacific region that have helped us streamline those restoration projects. Prescribed work for restoration projects would help streamline that as well.

My bigger concern is the smaller projects that aren't restoration projects and are causing harm. Those projects are being managed in a way that's not good for fish habitat and not good for industry either. It's sort of a lose-lose approach.

• (1225)

Mr. Serge Cormier: Mr. Gratton or Ms. Morrison, you're also saying the same thing, which is that it's difficult sometimes to deal with something like culvert replacement when we should be doing that in 24 hours.

What is it that's making this so difficult? Is it the delay on everything, on waiting for appropriation? What did you encounter when dealing with this? Was it dealing with officials? Was it dealing with some other agency?

What is the biggest issue you have when it comes to dealing with some of those small things that you were telling us about?

Mr. Pierre Gratton: It's hard to know what goes on inside the department, but it's almost like what we went through with passports a few years ago: You send in your application and then you wait.

Mr. Serge Cormier: Yes.

Mr. Pierre Gratton: How long could it be? It could be three months. It could be nine months. You could miss a season.

Also, it depends on the region. As we know, DFO has different regions, and different regions have different pressures. Delays in some regions can be greater than in others.

That's the problem. It goes into a bit of a black box, and you can keep following up, but you're in a queue. When you think of culvert replacements or beaver dam removals or some of the more elementary activities on the land base, there are lots of them. It's the pure volume, and you're just one on a list of items that are waiting to be attended to.

Mr. Serge Cormier: Is there something that maybe we can do as a template for a group like you? For example, "This is what you need to do if you want to replace a culvert", blah-blah, and then maybe there's an investigation or someone can go and see what happened, and if you did it wrong, you're fined at a high level—

Mr. Pierre Gratton: That's exactly what the act is supposed to be doing.

Mr. Serge Cormier: Yes.

Mr. Pierre Gratton: It's just that it hasn't been done. That's the problem.

Mr. Serge Cormier: Okay.

Mr. Pierre Gratton: If I could just piggyback on what Nick said as well on habitat banking and third parties, we'd really like that power extended to indigenous peoples. As our partners on the land base, they could be the proponent. We may be the project proponent, but they could be the ones who lead the habitat banking initiative. That would be a potential amendment to the act as well that might also accelerate these types of activities. It's to build on what Nick was saying.

The Chair: Thank you, Mr. Cormier.

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

[*Translation*]

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

Thank you to our witnesses for being here. It's always most enlightening.

I'm glad you're with us, because you've raised some issues that we often hear about.

With regard to our study on the Fisheries Act, you said earlier that we need to include more species under the Species at Risk Act in order to be able to react more effectively and quickly.

Dr. Lyne Morissette, an eminent scientist whom I'm sure you've heard of, holds a Ph.D. as well as two post-doctoral degrees and is very interested in species at risk, including right whales. She recently told us that the situation is extremely urgent when it comes to protecting our wildlife and everything related to it.

According to her, environmental mediation could be used to oversee a process that can sometimes be complex, what with delays in dealing with requests, as well as all kinds of steps that overlap and lead to more steps. As a result, there is a lack of efficiency in solving urgent problems. All of us here are of the opinion that the environment is a priority.

Could environmental mediation be an important tool in solving a number of pressing issues?

Mr. Nick Lapointe: Yes, perhaps. This is a concept I was not familiar with until very recently. I'm not knowledgeable enough to comment on it, but it's an area that I want to delve into in the future.

Mr. Pierre Gratton: This is also the first time I'm hearing about the concept of environmental mediation.

Mrs. Caroline Desbiens: Actually, it was a study that she just completed, which concluded with environmental mediation. She presented this to us last year at the symposium we organized on fisheries, which brought together all the stakeholders from the Maritimes and Quebec.

We've also heard a lot about transparency. We have to understand why we are doing one thing rather than another. In the absence of transparency, doubts creep in. When there is doubt, we start having

reservations and look for ways out. So transparency seems to be a very important value, which fishers want, among other things.

Did you come to that conclusion in your thinking as well?

• (1230)

Mr. Nick Lapointe: Yes, certainly.

[*English*]

In the 2019 changes to the act, one of the requirements was to establish a registry. This is less on the fishing side and more on the habitat management side. All the authorizations issued by DFO should be posted on that registry. To date, five years later, all that is posted is the names of those authorizations. We still can't obtain the authorizations themselves.

I'm still waiting, since 2021, on the offsetting plans for the set of authorizations issued in 2020, the first year of the new act. Despite legally mandated transparency on the authorizations and other parts of the act, the department is not implementing that. Five years later, that's not happening.

Transparency on the decision and the rationale for those authorizations and other Fisheries Act decisions would be very helpful to have as well, but I don't believe that's legally mandated.

[*Translation*]

Mrs. Caroline Desbiens: Thank you for enlightening us on this, because it's really important. We can't learn anything if we don't know the steps, the criteria and the factors that lead us to make one decision rather than another. This comes up a lot in our discussions with stakeholders.

In terms of transparency, Dr. Lyne Morissette told us that everyone agreed on environmental mediation, which is an open process. We've also heard that there should be no political involvement in certain fundamental resource decisions, as resources should not be politicized, especially in the pre-writ period.

Do you think that taking politics out of the resource management process could be a solution?

[*English*]

Mr. Nick Lapointe: I think one reason—

[*Translation*]

Mrs. Caroline Desbiens: I'm talking about politicking. I'm not talking about politics in general.

Mr. Nick Lapointe: I appreciate that.

[*English*]

One of the reasons authorizations can take a long time is if there's not a lot of alignment between, say, industry, the department and affected indigenous communities. If that work was done in collaboration and in advance of applying for an authorization, it would likely help to streamline the authorization process.

I think there's a question about how much DFO would accept alternative negotiated solutions between industry and affected indigenous groups that don't quite follow the act but lead to good environmental and social and economic outcomes. I don't think we're anywhere close to out-of-the-box alternative thinking like that.

[Translation]

Mrs. Caroline Desbiens: Thank you.

[English]

The Chair: Ms. Barron, you have six minutes or less, please.

Ms. Lisa Marie Barron: Thank you, Chair.

Welcome to all the witnesses.

Mr. Lapointe, I'm happy you're bringing up the recommendation of a national fish passage strategy. Some of the stats you provided to us are very alarming. There were 10,000 fish barriers removed in Washington and only 300 in British Columbia. This brings me to something that comes up over and over again in our work: Our waterways are interconnected, and yet the responsibilities associated with these same waterways are siloed.

Can you speak a little bit more about this national strategy and about how important it is that we have not just federal leadership but also have the provinces, municipalities, organizations, industry, first nations and everybody on board and at the table in developing a sound strategy for us to move forward with?

Mr. Nick Lapointe: We absolutely need those other jurisdictions. They're either groups that benefit from the fisheries and would benefit from the restoration of fish passage or they're groups that own those structures.

These aren't just major dams; they're often municipal dams, municipal crossings and culverts that block fish passage. A lot of them are provincial infrastructures, such as highways, or provincially regulated industries, such as forestry, that create this network of barriers to fish passage.

Certainly, a collaborative approach is needed. It needs to involve all those sectors.

Ms. Lisa Marie Barron: Do you have any recommendations for us, or for the government—I'm in an opposition party, of course—on how they can more effectively work with other levels of government and other individuals in the communities?

• (1235)

Mr. Nick Lapointe: Yes. I think there's a lack of strategic engagement in this project-by-project review, as opposed to officials or managers at DFO sitting down and talking with the provinces about, for example, the future direction for the road network and how we manage that in a way that is cost-effective and improves and protects our industry from washouts. Undersized crossings tend to wash out and be a hazard to human health and the economy. How do we work together to install appropriate road crossings and avoid or remove barriers to fish passage?

Those conversations at that strategic level are not happening today.

Ms. Lisa Marie Barron: Thank you very much.

Mr. Lapointe, you also mentioned compensation models when harms occur. Can you tell us a little bit more about your thoughts on that?

Mr. Nick Lapointe: Yes, there's certainly concern about such models in the environmental community. There are worries that “pay to slay” models may not be appropriate when the amount of habitat being destroyed is large and can be restored or replaced in an equivalent or improved way. Our interest in that sort of model is for those small projects for which an individual offset wouldn't make sense. You couldn't do an offset the size of this table here to build something that's going to be beneficial to fish.

In that situation, what's happening right now and why there aren't good outcomes of this lengthy review process for small projects is that the harm is allowed: This amount of habitat can be destroyed, but nothing is done to compensate for it or to gradually build some sort of restoration fund to address it.

Some way of collecting fees, pooling them and dedicating them to restoration would help to ensure that there's a bit of a trade-off between allowing that project to proceed and being able to restore habitat in a meaningful way that's beneficial to fish and fish habitat.

Ms. Lisa Marie Barron: My colleague Mr. Arnold asked you questions, through the chair, about the information you're providing around the cumulative effects of small projects. I'm wondering if you could speak a little bit more about how the knowledge of those impacts plays into that national strategy that you're recommending.

Mr. Nick Lapointe: The challenge there is that there isn't a lot of knowledge of those impacts, because the department does not track them and does not report on the footprint of all the small projects that they're allowing to occur, so it's very difficult to assess, map and identify which of those projects are accumulating harm and which are happening at a scale that's probably not concerning and could be streamlined more. There really is a need for transparency in understanding which of those projects are approved.

We're doing our best to map all of the barriers to fish, such as road stream crossings, and to support community members in reporting information on that to us. That exercise is independent from the approval and management process that's occurring right now within the department.

Ms. Lisa Marie Barron: Thank you.

I forgot to set my timer. Could you clarify how much time I have?

The Chair: You have one minute and two seconds.

Ms. Lisa Marie Barron: That's perfect. Thank you very much. It sounds like this will be my last question to you, Mr. Lapointe.

You talked about the importance of inclusion of indigenous rights and knowledge in these decisions that are being made. That was something you talked about in the last round.

Can you please clarify from your role and experience how important that is, and some key areas that we should be considering?

Mr. Nick Lapointe: I think it's extremely important, because that is what can lead to collaboration and support for these development projects. I think we've seen projects quashed because indigenous people weren't involved in them until the last minute and the projects didn't align with their priorities.

The challenge with the smaller projects is that by not formally reviewing and approving these and using these letters of advice, the department is shirking its duty to consult with indigenous people. They're not notified that those projects are occurring. They're not consulted on them, and they're not being involved in the development or the consultation on a regulation that could allow those projects to move forward.

There is a pathway to consulting with indigenous people on those that doesn't involve project-by-project consultation, but that's not being pursued either at this time.

The Chair: Thank you, Ms. Barron.

We'll now go to Mr. Bragdon for five minutes or less, but he's not here.

Mr. Mel Arnold: Mr. Small will take it.

The Chair: Mr. Small will take his time. Okay.

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

I have a question for Mr. Lapointe.

Mr. Lapointe, you spoke of the harm to salmon stocks from barriers to migration and the destruction of habitat and about the success that north Pacific states in the United States have had in growing their ocean-run fish stocks by reducing barriers.

Do these fish migrate into Canadian waters, these stocks that have had successful growth? Are they coming into B.C. waters?

• (1240)

Mr. Nick Lapointe: Some do, particularly along the Columbia River.

There is a great success story in Canada from the Okanagan Nation Alliance, an indigenous group there that has restored hundreds of thousands of sockeye to the Okanagan River by restoring habitat and removing barriers. That would benefit from some of the work done in the U.S. on fish passage, but not necessarily those smaller barriers.

The 10,000 in Washington state are mostly road stream crossings, and they would typically be on the smaller streams that don't go all the way up into Canada. It's the large dams that need fish passage to get fish into Canada through transboundary waters.

Mr. Clifford Small: Would those fish overwinter in Canadian waters? For example, would they migrate to Canadian waters to feed in the ocean?

Mr. Nick Lapointe: No. On the west coast, those salmon don't do a two-way migration. They return to land at the end of their life to spawn once and die. I guess some steelhead might return to the ocean, but I don't believe many steelhead would be directly affected by those 10,000 projects in Washington state.

Mr. Clifford Small: What I'm asking is this: When the smolts and fry leave those rivers, would they migrate through Canadian waters as they head to their feeding grounds?

Mr. Nick Lapointe: For those transboundary rivers, if the adults make it to Canada and lay their eggs, the smolts will be migrating downstream. Some of them will move up into, for instance, those small side tributaries that may have barriers. Chinook salmon will do that, in order to overwinter in those side tributaries. There would be some benefits in that case, but not all salmon species have that behaviour.

Mr. Clifford Small: Okay.

Where I was going was here: Do these salmon, which go into the Pacific Ocean, ever come into Canadian waters, where they would come into contact with fish farms?

Mr. Nick Lapointe: That's a good question.

Again, most of my focus is on freshwater habitat. There are certainly out-migrating salmon from Canadian waters that pass fish farms, as well as the adults as they move back in. That is a concern. Disease transfer and the habitat effects of those fish farms are conservation concerns, but I'm not positive about those affected by the fish passage projects directly.

Mr. Clifford Small: In British Columbia, there has been very little work done, compared with the U.S. What do you think might have the most positive impact on growing wild salmon stocks? Would it be habitat restoration in the magnitude of what the Americans have done, or would it be removing salmon farms?

What would the most positive impact be on growing wild salmon stocks in B.C.?

Mr. Nick Lapointe: I think that's a challenging question.

There's an example in the central coast region of British Columbia. Indigenous organizations there and the Pacific Salmon Foundation looked at the question of what the best things would be to create the best benefits for salmon and what threats could be addressed most cost-effectively. I know that addressing barriers is one of the three. I don't recall what the other two are, so I can't compare how it ranks alongside those other two.

I can send you that report and follow up on that question.

Mr. Clifford Small: Thank you.

I have a question for Mr. Gratton, who spoke of the desire of the mining industry to improve fish habitat.

With a 50% increase in personnel at DFO and a 100% budget increase since 2015, are you finding any swifter response to habitat restoration? We had that massive increase in budget and personnel at DFO.

Mr. Pierre Gratton: To Nick's point, the department is not providing any evidence one way or the other. We don't know.

We do know things are taking longer. We know that because it's taking longer.... Certain things like that would help habitat. To Nick's earlier point, some minor projects might have a negative impact on fish, but some actually benefit fish. However, we don't know, because they're not reporting this information.

We have a bit of a black box, so I can't say one way or the other. One must assume that, in the absence of.... I'm not optimistic.

• (1245)

The Chair: Thank you, Mr. Small.

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

Mr. Ken Hardie (Fleetwood—Port Kells, Lib.): Thank you, Mr. Chair.

Welcome, everybody.

Mr. Gratton, I'll start with you.

The oil and gas sector presented us with the ongoing problem of orphaned and abandoned oil wells. We had a similar situation up in the Yukon with the Eagle Mine, which apparently failed and dumped arsenic into the Yukon River.

Can you speak about the challenge of old mines that are mined out and just left there? What kinds of ongoing protections do you think we need to see reflected in the Fisheries Act?

Mr. Pierre Gratton: The Eagle Mine is not an old mine. It's a new mine that failed.

Current regulations do not allow for new mines to be developed without providing some form of insurance to allow for proper reclamation once the mine is closed. All provinces will impose varying forms of bonding and so on to ensure that if a mine were to fail, the province would have the resources for reclamation in their absence.

Of course, mines themselves have an obligation to reclaim. They have to develop closure plans, which are reviewed every five years. There's a practice in our industry called "progressive reclamation", which is that you try to reclaim as you go.

Prior to the 1970s or 1980s when these measures started to come into place, we used to build mines and then leave them, so there is a legacy of old and abandoned mines across the country. There have been efforts over the years to go back and restore some of them. One of the best examples is the Britannia Mine in British Columbia. I don't know if you're familiar with what's been done there, but it's an amazing story of how Howe Sound has really bounced back.

Mr. Ken Hardie: Thank you, Mr. Gratton.

Yes, I'm quite familiar. I used to live in Squamish, so I travelled back and forth by it every day.

Mr. Lapointe, I have a similar question for you, actually, in a way.

When we look at protecting wild fish stocks, particularly salmon stocks, what is your organization's position on the management of the pinniped population in B.C.?

Mr. Nick Lapointe: We don't have a position statement on that, so I can't really comment on behalf of the Wildlife Federation on that.

Mr. Ken Hardie: Well, you should maybe work one up, because we may come looking for some support as we try to deal with a very difficult situation that involves our international relationships with the States and with Europe, where they do manage their pinniped populations, but they don't want us to, for some strange reason.

Let's talk about, basically, the focus that the DFO takes. They have two different things that they do. One involves a lot of attention to fishing effort. They put limits on catches. There's also, of course, the enforcement aspect. The enforcement aspect is seen to be underwhelming in terms of its efficacy on the west coast particularly. Then there's also habitat protection, which has already been alluded to. It's been mixed up with provincial responsibilities, etc.

What's a good balance there? Should we actually look at the kind of investments to do it all, and what do you expect the province to do as we modify the Fisheries Act?

Mr. Nick Lapointe: Whatever the balance is, it doesn't exist right now.

Mr. Small mentioned fishermen being charged for minuscule quota overshoots. When we look at the habitat protection provision enforcement of the Fisheries Act, we see that until two years ago, over the last 10 years, there had been fewer than 10 charges or about 10 charges laid in total. That's not per year, but in total over those 10 years, across Canada, for habitat protection violations or habitat violations. Commercial fishers are frustrated that they're getting charged for having the wrong mesh size or catching a few extra fish. Meanwhile, the people who are destroying the habitat that supports those fisheries are not being charged.

The last two years have seen that increase to 10 to 15 charges per year, but there's a concept in environmental management that any sort of environmental law without enforcement is meaningless. Really, right now, there's no concern and there's no fear for anyone who's developing in and around water that they're going to be charged under the Fisheries Act.

• (1250)

Mr. Ken Hardie: Do you think that—

The Chair: Thank you, Mr. Hardie. You only have three seconds left, so you can hardly get a question in or an answer.

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

[Translation]

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

Mr. Lapointe, I listened to the answers you gave to my colleagues. They were most interesting. It is important that the bill we are working on provide for tighter oversight of offences and an increase in penalties for violations. That's my understanding.

In your opinion, would this be the sole remit of the Department of Fisheries and Oceans? Should other departments be involved in your process?

Mr. Nick Lapointe: That's the other half of Mr. Hardie's question.

Mrs. Caroline Desbiens: Yes.

[English]

Mr. Nick Lapointe: I don't really have the expertise to respond to that question. I know there are equivalencies with the province, and those powers can be delegated. I don't know, province by province, where those enforcement powers have been delegated.

There is certainly an opportunity, with the emergence of a lot of now-successful first nations guardians programs or indigenous guardians programs, for those guardians to be given those enforcement powers. As an example, one of our partners, Nuxalk Nation in British Columbia, has been given enforcement powers through BC Parks. That's a model that could be explored by DFO.

[Translation]

Mrs. Caroline Desbiens: Quebec is currently experiencing a problem with salmon. Salmon numbers are falling dramatically. We're seeing capelin disappear as well, even though we fought tooth and nail to prevent that. In addition, we are seeing the comeback of striped bass, a species which, presumably, is still considered to be on the verge of extinction by the Department of Fisheries and Oceans, or DFO. However, in weir fisheries and in rivers, our fishers are seeing only striped bass.

A new species of striped bass seems to have made its way into the system, but DFO does not take it into account in its data. It only keeps data on the old species and insists that the striped bass is on the brink of extinction when everyone on the ground is saying the opposite.

We also see on the ground that there are no more salmon. And yet we have photographic evidence of striped bass with bellies full of baby salmon.

In your opinion, what kind of provision could be included in the Fisheries Act to force DFO to lend more weight to what people on the ground are seeing?

[English]

Mr. Nick Lapointe: I'm not sure if that needs to be in the Fisheries Act, but perhaps having clearer end requirements for timelines for making these decisions could be under the Species at Risk Act. I think in that situation, species that have been assessed as being at risk are not being listed in it or the decisions aren't being made in a timely manner. This situation is the opposite: The situation has changed, but the previous decision hasn't been undone.

Managing our species at risk can't take decades. By definition, they're in crisis, and these decisions need to be made quickly.

The Chair: Thank you, Madame Desbiens.

We'll now go to Ms. Barron for two and a half minutes or less, please.

Ms. Lisa Marie Barron: Thank you, Chair.

Thank you, Mr. Lapointe, for being here. Mr. Gratton, if I have time at the end of this, I will certainly ask you a question as well. Thank you for being here.

I want to take the opportunity to use my time here today, Mr. Chair, to bring forward a motion I had previously brought forward on October 30, 2024, for the committee to consider.

I brought forward this motion, Mr. Chair, for many reasons, but we saw it again today when the Conservatives were continually diminishing the impacts of open-net fish farms on our B.C. waters. We hear the argument over and over again about which harms are most important, which is really irrelevant. If there's a harm, it needs to be removed. We don't need to be talking about or diminishing the impacts of one harm by bringing forward another.

It seems particularly timely that I bring forward this motion, given that the parliamentary restaurant and food and catering services only serve farmed salmon. We know also the Liberal government has made clear its stance that they are transitioning away from open-net pen fish farms.

It's for those reasons I would like to move this motion today and have a vote on this motion.

I'll read it out. The clerk does have it, if any of the members would like to have it resent for their review.

I will read it one more time:

That, given that the House of Commons Administration serves only farmed salmon in its food and catering services, and that open net pen fish farms pollute our waters and spread diseases in the surrounding marine ecosystem, and that the government has committed to a transition away from open net pen salmon farms, the committee write a letter to the Speaker of the House of Commons calling for the House of Commons administration to end the practice of purchasing farmed salmon from open net pen salmon farms.

With that, Mr. Chair, I hope I will get support from my colleagues to write this letter to highlight our concern and to ask the Speaker to end this practice so that we can see the purchasing of our food being done in a more sustainable way.

• (1255)

The Chair: Okay.

I'll go to Mr. Small first and then over to Mr. Hardie.

Mr. Clifford Small: [Inaudible—Editor] Hamas too. Don't forget.

Ms. Lisa Marie Barron: Excuse me?

I have a point order. Sorry, to my colleague, Mr. Small, I have a point of order.

The Chair: Yes, go ahead.

Ms. Lisa Marie Barron: Thank you, Mr. Chair.

I would like to highlight the conduct of my colleague in the Conservatives, who just made a very insulting and untrue comment. I would like to ask him to please apologize for his comment today, as it is completely not in line with the conduct we have for one another and respect for one another we have around the table.

The Chair: I'm not seeing any response.

Mr. Small, you had your hand up.

Ms. Lisa Marie Barron: Mr. Chair, is there any process in place? Perhaps to the clerk, when a member outright insults another member at the table, how can this be addressed?

The Chair: There's not a process that I know of, and the clerk is not telling me anything. It might be something you might want to bring up in the House itself and see if it'll get dealt with through the Speaker that way.

Ms. Lisa Marie Barron: Thank you, Mr. Chair.

I would like us to please make sure that when something like this happens, we have all the information we need to address it and to hold members to account when their behaviour is disrespectful to their fellow colleagues.

The Chair: That's heard loud and clear.

Next we have Mr. Weiler.

Mr. Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): I want to agree with what Ms. Barron said. It's completely unacceptable for members of a committee to mention under their breath that a member of this committee is a supporter of a terrorist organization—

Mr. Jake Stewart (Miramichi—Grand Lake, CPC): Her entire party is.

Mr. Patrick Weiler: —and it is completely unparliamentary. There's no place for that at this committee or in this House.

The Chair: Mr. Stewart, please don't speak unless you're recognized. You've done it often enough today during the committee study. You were blurting at the witnesses or saying something to the people opposite. We don't normally have that at this committee, where we operate based on motions and studies and everything else. We don't argue with the Conservative side over bringing forward a motion. If it's a good motion, everybody supports it.

I would ask you not to interrupt until you're recognized. I'm not recognizing you right now, so you can keep your hand where you like.

Go ahead, Mr. Kelloway.

Mr. Mike Kelloway: I'm going to reiterate what a couple of folks have said around the table.

I'm very proud of this particular committee. We often have our disagreements on policy, but this is really uncalled for. It's unnecessary. I expect better.

Do I still have the mic, Mr. Chair?

Ms. Lisa Marie Barron: [*Inaudible* —*Editor*]

Mr. Jake Stewart: I have a point of order.

The member from the NDP just referred to me with a term that's unparliamentary.

Some hon. members: Oh, oh!

Mr. Jake Stewart: We can use the tape if we have to. That's—

The Chair: Do you want to tell us what the term was?

Mr. Jake Stewart: I'm not sure I'm allowed to repeat it.

Ms. Lisa Marie Barron: Mr. Chair, the comment I made to the member was that he's a jackass. I would like to take back that comment, as it is unparliamentary, but I stand by the sentiment behind it.

The Chair: She has withdrawn that comment.

Mr. Jake Stewart: I appreciate it.

Mr. Mike Kelloway: Do I still have the mic?

The Chair: Yes.

Mr. Mike Kelloway: Thank you for that moment of whatever that was.

The bottom line is that I actually think we're better than this. This just feeds into the cynicism that's out there about politicians being really super-silly. We're here to touch upon the Fisheries Act. We're here to talk about the motion that Lisa Marie Barron has moved, but my God, come on, folks—get it together.

The Chair: Go ahead, Mr. Small.

Mr. Clifford Small: Thank you, Mr Chair.

Ms. Barron mentioned me as being unparliamentary, or whatever. I don't know what I said. She called me out. I have no idea what she was talking about.

● (1300)

Ms. Lisa Marie Barron: I have a point of order.

The Chair: I didn't hear anyone call you out, Mr. Small.

Mr. Clifford Small: I thought she said, "Mr. Small".

The Chair: No, she didn't.

Mr. Clifford Small: I had my hand up to speak to her motion and I didn't get a chance to speak to it.

Ms. Lisa Marie Barron: I did call a point order, however.

The Chair: All right. Go ahead.

Ms. Lisa Marie Barron: Thank you.

I will definitely allow my colleague to continue, as I do respect my colleague and I want to hear what he has to say, but I want to reassure him that I did not call him by name. I hope he did not mishear that. I did make a comment about the Conservatives making comments. I did not name him as an individual MP, however.

The Chair: Thank you for that, Ms. Barron.

That ends the time for testimony by witnesses for the committee.

We're going to—

Ms. Lisa Marie Barron: I have a point of order.

The Chair: We're going to suspend for a moment and go into committee business.

Ms. Lisa Marie Barron: I actually have a point of order, Chair.

The Chair: I want to say thank you to Mr. Gratton, Ms. Morrison, and Mr. Lapointe.

Ms. Lisa Marie Barron: I have a point of order.

I have a motion on the floor. My understanding is that it has to go through the process and go to a vote prior to going to committee business.

The Chair: All right. I will let our witnesses go.

Ms. Lisa Marie Barron: I'm happy for the witnesses to be released.

The Chair: I will let our witnesses go, and we'll continue on with committee business. We'll ask the clerk to do that actual vote now.

Mr. Small, you had your hand up to speak to the motion by Ms. Barron.

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

I ate in the parliamentary dining room last Thursday, where I had wild char. There was no Atlantic salmon of any type on the menu, either farmed or wild. Given that Norway, a leader in ecosystem protection and management, produces 18 times more farmed salmon than Canada and that its goal is to increase that by five times by 2050, I have a tough time with the rationale of my colleague's motion. I urge the committee not to support this motion.

We're supporting Canadian livelihoods. We heard everything today about habitat destruction. We heard about pinniped predation. We heard about all these factors and so many others that would positively affect the rebound of wild salmon stocks.

It really puzzles me why we'd be voting on this and what message it will send to the coastal people who depend on the salmon farming industry for their livelihood, especially given that great strides are being made to increase environmental protection at these farming sites. I've visited them myself. They're continuing to increase their efforts to protect the surrounding environments.

I won't be able to support the motion of Ms. Barron.

Thank you.

The Chair: Thank you, Mr. Small.

We'll now go to Mr. Hardie.

Mr. Ken Hardie: Thank you.

I understand, in some respects, the symbolism behind Ms. Barron's motion, but I think it's misaimed, for two reasons.

First, particularly for anybody tuning in from Atlantic Canada, the motion to dispense with open-net aquaculture operations is only in British Columbia. It is not in Atlantic Canada. This is not a nationwide initiative, but it has basically been proven that because of the damage done by open-net aquaculture in B.C., something has to be done to clean up that situation.

However, I would also reflect that the salmon served in the parliamentary dining room or in restaurants all over Ontario and Quebec most likely comes from Atlantic Canada, not from B.C. To assume that we're bringing in farmed fish from B.C. is probably mis-

aimed, given that there is a very active salmon aquaculture industry in Atlantic Canada, which, again, to go back to my first comment, is not subject to the open-net fish farm ban that's coming in in British Columbia.

To use an old prairie expression, I think Ms. Barron's barking up the wrong tree on this one.

• (1305)

The Chair: I see Mr. Bragdon and then Mr. Arnold.

Mr. Richard Bragdon: Thank you.

I appreciate what Mr. Hardie just said on this. It is very clear that in Atlantic Canada, aquaculture is under the jurisdiction of the provinces. To me, to make some kind of motion regarding this and to have the committee take this up would be beyond our scope and really overreach into an area of provincial jurisdiction.

It has repeatedly been made clear by all of the premiers and the ministers of fisheries in our region that this is one area we should not be weighing in on. British Columbia is a situation in and of itself, but Atlantic Canada has been very clear on this, and it is not something we need to be taking up.

The Chair: Mr. Arnold is next.

Mr. Mel Arnold: I have to echo some of my colleagues' previous comments on this point. We don't know where the salmon in the restaurant is sourced from. This is partly because we don't have the seafood traceability program that was promised by the current government. I just want to point that out. To ban salmon from the House of Commons restaurant doesn't make any sense when everything, I would assume, has to be approved by the CFIA as being edible and safe.

I would tend to agree that the motion seems to be out of line.

The Chair: Madame Desbiens is next.

[*Translation*]

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

I do understand what Ms. Barron is saying, and it is true that people are worried. However, based on my 35 years of experience as a restaurant owner, I can tell you that the manager of a restaurant takes direction from his or her employers. For example, I would tell my chef in charge of purchasing that we had to prioritize local and environmentally friendly products, but I would leave it to their discretion to manage the menu, because there are a host of other factors that affect the final version of the menu, such as value for money, vegetarian requirements, and so on.

For all these reasons, you can't give a directive to a restaurant manager. I understand Ms. Barron's concern, but we have to solve the problems related to aquaculture through legislation and look at good and bad practices, not by imposing directives on a specific restaurant, even if it's the parliamentary restaurant. There are too many factors at play.

[English]

The Chair: Mr. Bragdon is next.

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

Again, I think we've heard pretty clear testimony, even as of the last meeting, about impacts on coastal communities—devastating impacts. With this study that we're on right now, we're dealing with the Fisheries Act, and I think we have a lot on our plate to get covered off, a lot to deal with.

To take valuable time from this committee's efforts to get into something that obviously has massive jurisdictional questions surrounding it would not be prudent. It would not be prudent for us to spend time on something like this. I don't know about the rest of the committee members, but I know for a fact that some of our provincial counterparts would be very clear on how they'd feel about our taking up something like this and entertaining this type of motion.

I strongly urge the committee to make sure that we're not going into this fray and dealing with areas of provincial jurisdiction that are clearly marked out and have been clearly defined.

They've made their voices abundantly clear to all of us, I know, here on the east coast. I know that the west coast has a different perspective and advantage, and I respect that, but I think it would behoove this committee and wise for this committee to not go down this particular road at this particular time.

• (1310)

The Chair: Thank you, Mr. Bragdon.

Go ahead, Ms. Barron.

Ms. Lisa Marie Barron: Thank you, Chair. I just wanted to add some final comments to the comments that were made, if I could.

First of all, I completely agree around the point of how this highlights again that we don't have a sound labelling system in place. I agree with that completely.

The other thing is around the “devastating impacts”. I think that there are devastating impacts from the open-pen net fish farms from coast to coast. We're seeing research that's now coming out on the impacts on the east coast as well. I do appreciate that there are differences between the coasts, but the impacts are noted on all coasts of these open-pen net fish farms.

The reason I bring this forward is that we're seeing advertisements from the open-pen fish farmers that are promoting the fish as being available through the parliamentary restaurant here on Parliament Hill. I think it does make a big difference for us when we have the knowledge of the impacts on our coastal communities and we have the parliamentary restaurant being used as a form of advertisement for fish farms that are, unfortunately, polluting our water. I do think it speaks to a bigger issue here of our taking a clear stance.

My hope was that we would take a clear stance together to make it clear that we want to see a sustainable future for our coasts, not one with open-pen fish farms whose profits are not even remaining within our country—and they're polluting our waters—and that we would be uniting together on this.

It doesn't sound like I have that support from my colleagues, which I'm not overly surprised by, to be honest. I think it speaks to both the Conservatives and the Liberals again putting the profits of these companies first, at the expense of our coastal communities.

With that, I look forward to seeing the vote results, Mr. Chair.

Thank you to my colleagues for taking the time to have this important discussion.

The Chair: It seems that Mr. Small has his hand up on the screen.

Is that from before, Cliff?

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

I echo the sentiments of MP Desbiens in terms of the responsibility of chefs and whatnot to look at sustainability and eco-certification of various fish products, as has been done extensively over the last 10 to 20 years all over North America and all over the world.

To tie the hands of chefs and experts in the culinary field and food service industry is the wrong thing to do when we have people proud of the field they work in and proud of their work. To dictate to them the products that they have to use, I think, is a bit wrong.

I think that this bit of creativity and the responsibility and rewards from making decisions like that should be left with the culinary folks in the precinct, as with everywhere, in all fields and all aspects of food service. I think it should be up to the people who operate food services to make the decisions on the sourcing of their food.

As my colleague Mr. Arnold said earlier, we don't have traceability of seafood products in the way that we would like to have it. First of all, maybe it'd be good to get some traceability, in fact, to see if we're actually being served that kind of fish. As I said earlier, I eat in the parliamentary dining room and in the cafeteria all the time. Once in a while, I'll have a meal with you, Mr. Chair, out of our ecumenical spirit as Newfoundlanders and Labradorians, and I've yet to see any of the fish that Ms. Barron has alluded to in her motion, so I find it a tiny bit...I can't say irrelevant, out of respect for Ms. Barron, because we have such an amicable working relationship around the table, but I think this motion is not the right motion, especially at this point in time, Mr. Chair.

Thank you.

• (1315)

The Chair: Thank you, Mr. Small.

We'll now finish up with Mr. Weiler and get to a vote.

Mr. Patrick Weiler: Thank you, Chair.

I appreciate the motion that's been brought forward. The government here has made a pretty clear commitment to transition away from open-net salmon aquaculture in British Columbia. I think it is important to be able to practise what you preach and to take leadership in that regard.

Having said that, there is an inaccuracy in this motion. It says that the government has committed to transition away from open-net salmon farms. That's true, but it's only in British Columbia.

Were this motion to be amended to say that the government has committed to transition away from open-net salmon farms in British Columbia and then at the end, to call "for the House of Commons administration to end the practice of purchasing farmed salmon from open net pen salmon farms in British Columbia", then I would support this one.

I think it would address some of the issues that other members have brought up about a different framework being in place for Atlantic Canada. I would certainly support that.

Accordingly, I would put forward an amendment to make those changes. Then we might, hopefully, be able to find some agreement around this table.

The Chair: Okay.

Mr. Small, your hand is still up. Is that from before, or is that a new hand?

Mr. Clifford Small: I only have two hands. There are no new hands.

The Chair: Okay. There's a yellow one showing on your screen.

I'll go to Ms. Barron and then Mr. Arnold.

Ms. Lisa Marie Barron: Thank you, Mr. Chair.

I want to ask my colleague Mr. Weiler if he is moving an amendment to my motion specifically. If so, I'd be happy to support that amendment.

Mr. Patrick Weiler: I am, yes.

The Chair: Go ahead, Mr. Arnold.

Mr. Mel Arnold: I'd like clarification from Mr. Weiler.

Is that an amendment? Could he read it again, please?

Mr. Patrick Weiler: I will, gladly.

The amendment I put forward adds to "that the government has committed to transition away from open net salmon farms" the words "in British Columbia". Then, at the end of the motion, it would say, "to end the practice of purchasing farm salmon from open net salmon farms", and I would add at that point "from British Columbia".

The Chair: Go ahead, Mr. Arnold.

Mr. Mel Arnold: I'll speak to that.

As I mentioned earlier, and I believe Ms. Barron even agreed, the government promised a traceability program back in 2019, I believe. I'd have to take a look and see.

[*Translation*]

Mrs. Caroline Desbiens: We did the traceability study.

[*English*]

Mr. Mel Arnold: Because we don't have a traceability program in Canada for seafood, which was promised, how can we determine where the salmon that comes to the parliamentary restaurant might be sourced from?

It's an approved and accepted industry in Atlantic Canada. To have this committee try to determine what the House of Commons serves in the restaurant, food that has obviously gone through all the inspection and approval processes required to be served commercially.... Any food that is sold in a restaurant or café has to go through very stringent processes that determine, number one, where the salmon may have come from, and number two, whether it is safe or not, which is another thing. I can't agree with trying to pin this down when I really doubt that the source of the salmon could be pinned down.

We've heard from groups like Oceana, which did the survey of traceability, intake or origin of seafood in retail outlets in Canada. They found, I believe, that 75% to 78% were not as they were labelled. To try to amend this motion somehow to make it applicable and workable.... I think we need to reject both the amendment and the premise that we can direct the House of Commons on what they serve.

As I stated, the industry in Atlantic Canada is promoted and welcomed by many of the provincial jurisdictions there. We don't know that the food and the salmon being served doesn't originate in those provinces.

With that, I'll turn it over to my colleagues, who may have comments on this amendment as well.

Thank you.

● (1320)

The Chair: Go ahead, Ms. Barron.

Ms. Lisa Marie Barron: Thank you, Mr. Chair.

First of all, thank you to my colleague MP Weiler for his amendment.

I want to respond to some of the concerns that were brought forward by my colleague MP Arnold.

First of all, two things can be true at the same time. I absolutely agree that a traceability program is not in place to effectively label seafood in order for us to have a good understanding of what it is. I agree with that statement 100%.

Also, we have a House of Commons parliamentary restaurant that knows full well that they are serving open-pen farmed fish from British Columbia. It's advertised as such. It is sold as such. We could go on about how legitimate that is. I'm pretty sure that you have a pretty direct line to know that what you're purchasing is farmed.

The other thing to put my colleague's mind at rest is that the amendment that's been made specifies now that we are talking about B.C. farmed fish only, so the argument around the east coast no longer applies to this motion.

I hope that puts my colleague's mind at ease when he votes.

The Chair: Thank you.

I will go to Mr. Bragdon, but I will say that we have eight minutes left. We have two votes to do—the amendment, the vote and so on.

Go ahead, Mr. Bragdon.

Mr. Richard Bragdon: Thank you for that point of clarification, Mr. Chair. It's as clearly defined as it can be. I appreciate that.

However, there is a concern, and the concern is this. Whether it is the traceability aspect or the importance of the vitality of this industry to the east coast of Canada, the message it would send back home, back to Atlantic Canada, would basically be that, no, we don't want anything to do with farmed fish or farmed salmon in the people's House. The last time I checked, this was a very important part of the confederation. As surely as British Columbia is part of the confederation, and rightly so, so is Prince Edward Island, so is New Brunswick, so is Newfoundland and so is Nova Scotia.

I think that stating the priorities of one region in this manner and sending a direct message to basically anyone in that business across the country that there are huge concerns around this or that salmon being offered in the people's House dining room isn't legitimate is the wrong message to send at this time.

Furthermore, as part of the conditions on what was happening on the B.C. west coast, it was made very clear that there would be a full transition plan put in place. There would be employment and alternative sources of employment made available for those in the aquaculture industry. We've heard direct testimony that this was not the case at all. The agreement has not been lived up to. The imple-

mentation plan has not been followed through. We're moving through to a back-end type of approach to this issue, at best, without any of the steps having been put in place on the front end.

I think it sends entirely the wrong message, Mr. Chair. Obviously, I think this motion should be defeated based on that premise. It muddies the water, it confuses it, it sends mixed messages to Canada and it's the wrong approach for this committee to take at this time.

The Chair: Thank you, Mr. Bragdon.

I hope we can get to the vote before we're cut off.

All those in favour of the amendment by Mr. Weiler?

(Amendment negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

(Motion negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

The Chair: We've exhausted just about all of our time. All I will say is that we were going to proceed to instructions to the analysts for the drafting of the report on the northern cod. I want to confirm that the written drafting instructions and recommendations, as well as written briefs, are to be submitted to the clerk no later than Friday, December 6, at 5 p.m.

We also have to adopt the budget before the clerk has to pay it out of her own pocket. I have a budget here requiring \$500 for a study. It's small enough that perhaps the clerk could look after it if we turn it down.

Voices: Oh, oh!

The Chair: I presume we're all in favour of adopting the budget.

Some hon. members: Agreed.

The Chair: The meeting is adjourned.

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