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# Standing Committee on Fisheries and Oceans

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Chair: Mr. Ken McDonald





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Wednesday, December 11, 2024

• (1630)

[English]

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

Welcome to meeting number 135 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 the witnesses and the members.

Please wait until I recognize you by name before speaking. For those in the room, you 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, 2024, the committee is resuming its study of the Fisheries Act review.

Welcome to our witnesses for the first panel.

We have, in person, from the Forest Products Association of Canada, Mr. Scott Jackson, director of conservation biology, and Kate Lindsay, senior vice-president and chief sustainability officer.

We have with us Mr. Darren Porter, spokesperson for the Fundy United Federation.

On Zoom, we have Mr. Larry Thomas, manager, environment and sustainability, from the Canadian Cattle Association.

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

Yes, Mr. Perkins.

**Mr. Rick Perkins (South Shore—St. Margarets, CPC):** On point of order, Mr. Chair, I'm curious about when you're going to rule on the procedural issue around the question of privilege.

**The Chair:** It won't be today.

**Mr. Rick Perkins:** It won't be today.

With that, I'd like to just give notice of a motion. It is as follows: "That the committee ask the Speaker to investigate the potential breach of privilege by the Minister of Fisheries and Oceans and the Canadian Coast Guard in providing misleading information during the appearance before the committee on December 4, and that the committee report this issue to the House."

It's just notice of a motion.

**The Chair:** Okay. Thank you.

Ms. Lindsay, you have the floor.

**Ms. Kate Lindsay (Senior Vice President and Chief Sustainability Officer, Forest Products Association of Canada):** Thank you, Mr. Chair.

Thank you to the members of the committee.

The Forest Products Association of Canada, or FPAC, is pleased to have the opportunity to appear before you on this important topic.

Just to provide a little context, when it comes to forestry and the activities that we do across Canada, particularly when it comes to fish and to fish habitat, the vast majority of forestry-related activities include building and deactivating roads to access operations. This requires the installation, maintenance—and, in the case of temporary roads, removal—of culverts and bridges. That's really what we're here to talk to you about today.

Prior to the act changing in 2012, we were under the HADD provisions, which we're back to now. DFO had been working quite diligently with natural resource sectors to develop compliance support tools, particularly for routine activities that were considered low risk to fish and to fish habitat. These tools included operational statements, and they were developed back in the 2000s. They were focused on avoiding harmful alteration, disruption or destruction of fish habitat, otherwise known as HADD.

In 2012, as you know, the federal government made revisions to the Fisheries Act, and despite allegations to the contrary, the 2012 version of the legislation did not reduce the operating standards employed by our sector—the forestry sector. Instead, forestry companies continued to implement a high degree of rigour in activities in and around water, in large part due to provincial standards, which did not change, and due to independent certification systems and company-specific operating procedures.

When the act was subsequently revised again in 2019, it was done under the premise of restoring lost protections. What this resulted in was essentially a return to the previous version of section 35 HADD provisions. However, unfortunately, we lost all of the compliance support tools for routine activities that were developed prior to 2012. We had raised concerns that there would be delays in developing all of these new compliance tools, which unfortunately has been our experience in the last five years. This has resulted in a lack of predictability for our industry, costly delays and an unforeseen administrative burden. These delays are not resulting in better outcomes for fish and for fish habitat.

I raise these concerns to emphasize a key point. The lack of progress on behalf of DFO in implementing the 2019 Fisheries Act is really not acceptable, and it falls short of commitments made by the government when the new act came into force. We believe that the department has the institutional knowledge and experience to develop these codes and regulations. We appreciate that DFO has been engaged quite broadly, for five years, in talking to people through its Let's Talk Fish Habitat platform, but it's time to move from talking about it to taking action on tools to support fish habitat.

I will allocate the remainder of our time to my colleague, Scott Jackson, who can elaborate.

Thank you.

• (1635)

**Mr. Scott Jackson (Director, Conservation Biology, Forest Products Association of Canada):** Thanks, Kate.

I'd like to add my thanks, Mr. Chair and committee members, for the opportunity today.

Specifically I'd like to draw your attention to two commitments that DFO provided back in 2019, when the legislation was revised, and these are increased certainty for industry and reduced regulatory burden on industry.

Unfortunately, after five years, we find ourselves in a position in which neither of these commitments has been met. I do want to be clear that the revised legislation does have some very important tools that can be used if, and I underscore if, properly implemented. These include codes of practice that are avoidance measures. If you follow a preset series of conditions, there is no harmful impact on fish or fish habitat and therefore no need for an authorization.

The second one, as Kate mentioned, is the prescribed works and waters regulation. This is essentially a class authorization and, in DFO's own words, would help identify routine classes of works that would be allowed to proceed without a site-specific review from DFO, providing proponents comply with mandatory enforceable conditions. It is an efficiency mechanism.

Now, while there has been some progress with regard to the codes of practice, it has been insufficient, and, unfortunately, it appears as if there has been no progress whatsoever on the prescribed works and waters regulation. Again, I want to emphasize that it has been five years. Now these—

**The Chair:** Thank you for that. You can submit the rest of your statement in writing, because the time is up.

**Mr. Scott Jackson:** Yes, absolutely.

Thank you, Mr. Chair.

**The Chair:** We'll now go to Mr. Porter for five minutes or less, please.

**Mr. Darren Porter (Spokesperson, Fundy United Federation):** Thank you, Chair, and thank you to the committee.

Good day. My name is Darren Porter. I'm a commercial fisher representing the Fundy United Federation, a group of commercial fishers for multispecies. I am recognized for my work in collaborative science initiatives, as a consultant to tidal power, Mi'kmaq and commercial fisheries. I work over 300 days a year in the marine environment. I bring a deep understanding of the waters.

Thank you for the opportunity to address this committee. It is important to note that much of this review has involved input from lobbyists representing industries other than fishing, many seeking unrestrained access to the ocean resources.

I have a few important things I want to highlight today. The first and most important is that the purpose of the act must be updated to ensure the protection of the fisheries, not just the management and control of the fisheries.

Second, we want "the fisheries" to be added to the factors that the minister "shall" consider, specifically within the subsection 34.1(1) factors. The current reference to fisheries "productivity" among the factors that the minister shall consider is insufficient on its own to protect the fishers who may be negatively affected.

We want the bias removed from how the Fisheries Act is applied and enforced. It is my understanding that there have been only a handful of habitat convictions made under the act across Canada over the last decade. Where habitat-related convictions are almost non-existent, activities other than fishing essentially have the equivalent of impunity. A couple of examples of the lack of enforcement in the area I represent include tidal barriers on the Halfway River and at the Avon River causeway. Many of these unenforced activities have major negative conservation impacts. In contrast, commercial fishers are regularly convicted and treated as criminals for minor clerical errors, when their mistakes have no conservation impacts at all.

We request consistent and clear enforcement tools for habitat provisions, which can likely be achieved only if a dedicated group of conservation and protection officers are assigned to focus solely on fish and fish habitat provisions under the Fisheries Act.

The charge review process needs to be unbiased at all levels, from conservation officers to PPSC. The minister should be prohibited from interfering with the enforcement of the Fisheries Act.

The treatment of commercial fishers by DFO fisheries management should be investigated. The commercial fishery should be treated the same as all other clients of the Department of Fisheries and Oceans. A good place to start is the recent discriminatory roll-out of the new management of the elver fishery in the Maritimes region.

The growing misuse or abuse of safety is emerging as a means to bypass protections for fish and fish habitat under the Fisheries Act. This needs to be addressed. One suggestion would be to establish a tool to challenge and review these situations as they arise to ensure that they are truly an emergency.

The death of fish from activities other than fishing is not currently being enforced, and neither is the duty to notify on the death of fish. We are adamant against changing the death of fish provisions from the current definition to the threshold of population-level effects that “works, undertakings and activities” by groups other than fishing are requesting. These groups have continued to enjoy impunity at the expense of our fishery for a very long time. Most are completely unauthorized, such as in my province with Nova Scotia Power.

We do not want “climate change” explicitly written into the factors the minister shall consider. The minister already has discretion for that under the factors. An important phrase to remember, especially in our area, with the Fundy FORCE and the problems between us and the fishery, is this: Just because it’s green doesn’t mean it’s blue. Not all green energy projects are equal when it comes to their impacts on fish and fish habitat. Ultimately, their effects are all deferred to the fisheries. The push to create a “pass” for the energy industry to allow them to circumvent fish and fish habitat protections has gone far past the legislative “path” that these industries already have been provided.

Further, commercial fisheries appear to be Ottawa's new sacrifice to keep the public, including rights holders and the international community, distracted while new investable industries are beginning to lease the ocean with zero effective protections in place to manage their negative effects on fish and fish habitat. The cumulative impacts of other industries disproportionately burden commercial, rights-based, recreational fisheries and the communities that depend on us, undermining the intent of this legislation.

The biggest issue with the Fisheries Act today is not the failure of the law itself but the inconsistency in its application and enforcement. I urge you to prioritize consistent, equitable enforcement of the Fisheries Act to protect our fisheries, uphold treaty rights and ensure the long-term sustainability of our marine ecosystems and coastal communities.

Thank you.

• (1640)

**The Chair:** Thank you, Mr. Porter.

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

**Mr. Larry Thomas (Environment Manager, Environment and Sustainability, Canadian Cattle Association):** Thank you Mr. Chair, and hello committee members.

As noted, I'm Larry Thomas, manager of environment and sustainability for the Canadian Cattle Association. I'm pleased to share some of our views on the act and to provide some clarity about our members and their typical day-to-day activities as they relate to fish habitat protection. Hopefully, this will help the committee understand how the impacts of this legislation on our members can pose significant burdens as you proceed through this Fisheries Act review process.

The CCA is the representative organization of Canada's 60,000 beef farmers and ranchers. The vast majority, 98%, of beef cattle farms and ranches are small to medium-sized. They're family-owned and -operated, with an average herd size of 69 head of cattle.

These are typically tight-margined operations that are located in every Canadian province. Some of these families have been on these working landscapes for well over a century. Our producer members take care of over 35 million acres of what's left of an endangered natural native grass ecosystem, and overall, Canadian beef producers manage more than 44 million acres of tame and native grasslands.

Access to surface fresh water and water bodies is critical for the viability and sustainability of many of Canada's beef farms and ranches. Water is conveyed and used on these operations for irrigation, livestock consumption and general farm and ranch operations. In many situations, man-made agricultural structures are important features in enabling the conveyance and use of surface water supplies. These can include irrigation or livestock watering infrastructure, man-made reservoirs and ditches and more.

That often means that our members create and manage on their lands what could ultimately become fish habitat. In many cases, farms and ranches conduct their routine low-impact works and activities in and around surface waters, and thus fish habitat.

CCA has been active in the consultations with DFO since prior to the act's coming into force in 2019. Our ongoing concerns centre in part around DFO's lack of pace on the implementation regarding regulations, standards and new, expanded and improved codes of practice.

We were encouraged when DFO revised the code of practice for beaver dam removal to allow for dismantling by heavy equipment rather than by hand, as noted in the initial draft release of that code. We were unsuccessful in getting DFO to include in the code the ability to remove a beaver lodge. It should be clear that if you remove the beavers and then remove the dam but leave the beaver lodge intact, that lodge will be populated soon enough, and you're back to the costly and time-consuming business of beaver dam removal fairly soon.

We also see the need to add other codes of practice, including culvert removal and installation, not just maintenance and shoreline stabilization. With effective communications with stakeholders, we believe that even more codes can be created that would improve efficiencies across the board. The CCA continues to encourage DFO to work with provinces and territories in coordination to ensure that regulations avoid duplication and contradictory requirements and to reduce the need for landowners to hire costly consultants to help wade through a matrix of regulations.

With regard to the time and costs to acquire an authorization, we suggested that DFO create an online mechanism that is easy to understand and use. DFO recently launched a zone on their “projects near water” website, with sections on requesting a review and applying for authorization. We feel this tool remains far too complex for many of our members to utilize, and it would likely require hiring a specialist to help, again adding cost to what is usually a low-impact activity.

The CCA has conceptualized a potential process to streamline the authorization permitting process for low-impact routine works and activities as they relate to beef farms and ranches, based somewhat on what is known as the safe harbours approach.

We would be happy to provide details on that proposal if the committee desires. We have provided a summary of our recommendations in the notes the committee has, but for the sake of time, I'll stop here.

The CCA appreciates this opportunity to relay our concerns and recommendations to the committee.

Thank you very much.

• (1645)

**The Chair:** Thank you.

We'll now go to our first round of questions.

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

**Mr. Mel Arnold (North Okanagan—Shuswap, CPC):** Thank you, Mr. Chair, and thank you all for being here, and online as well.

I'll start out with the forestry sector. You talked some about the changes to the act in 2019 in the legislature, but the regulatory process hasn't followed from that. Has that impacted the operational sustainability of mills and forest companies? Can you elaborate on how?

**Mr. Scott Jackson:** Absolutely, it has had a significant and negative impact. It's created undue process that results in unnecessary delays to forestry operations, as Kate mentioned, primarily to access roads and water crossings.

I just want to be clear that even a very small delay in getting an authorization can have a very significant impact. A lot of forestry operations are seasonal in nature. With winter roads, when the ground has been frozen to reduce environmental impact, you may have a very short window to remove a temporary water crossing. If you're delayed by even a few weeks in getting that authorization, you could lose the entire season, and now you need to come back the next year. You need to bring the machinery back and you need to keep the roads open. That's not good for business. That is not ideal for the environment either, so, yes, there are very real and far-reaching impacts.

• (1650)

**Mr. Mel Arnold:** I'm familiar with some of the forestry operations in British Columbia. There are a lot of places where there are bridges and culverts in place—bridges, in particular—that were built from wood, logs and materials that were there. Those bridges would be very critical in a time of a wildfire outbreak.

Is that correct?

**Mr. Scott Jackson:** Absolutely. There are many forestry and non-forestry communities that are remote, with single access in and out. Any delays or inefficiencies with regard to even the upkeep of those water crossings could have significant impacts should an evacuation be necessary.

**Mr. Mel Arnold:** Are there cases of those bridges not being replaced because of the regulatory burden that could limit heavy equipment from getting into the backcountry to access those wildfires?

**Mr. Scott Jackson:** We know there have been instances when water crossings have not gone in. I'd have to get back to you on whether I can draw a direct line to an evacuation in the instance of a wildfire, but the potential is there.

**Mr. Mel Arnold:** Okay. It's not so much communities, but even just access for early—

**Mr. Scott Jackson:** Yes, absolutely.

**Mr. Mel Arnold:** Okay. Thank you.

Moving on to the Canadian Cattle Association now, if your members' operations create a new fish habitat that was never there before, whether it be in an upland water storage dam or in a new stream, pond or dugout that becomes fish habitat, are they then under the regulations of the Fisheries Act for the protection of the fish?

**Mr. Larry Thomas:** That's my understanding, sir.

**Mr. Mel Arnold:** Even though they've created a new habitat, once there are fish in there, they're under all of the regulations and laws of the Fisheries Act. Is that correct?

**Mr. Larry Thomas:** Yes. Man-made agriculture-related infrastructure that ultimately becomes a fish habitat.... It was likely never a fish habitat, in a lot of these cases.

There's a well-documented case out of southern Saskatchewan on the Prairie farm rehabilitation administration and the creation of the Newton reservoir, which was completed in 1938. That dam was specifically to irrigate forage and cereal crops and to get things going again after the dirty thirties. We have been witnessing some issues in the past four years, with DFO officials coming in and seemingly arbitrarily reducing the level of water to keep fish from coming into the irrigation canal. It's worrying, at the very least, for a lot of the ranchers and farmers in that area.

**Mr. Mel Arnold:** If an association or someone held a range lease, for example, in an upland area, where they may be able to create water storage to help combat drought situations later in the year, would that even be achievable? How difficult would it be now under the current regulatory regime with these minor works?

**Mr. Larry Thomas:** It varies a bit with the impact. What I was getting at with the need to coordinate with the provinces is that in your province of British Columbia, there are a lot of rules put in place at the provincial level, and producers also have to abide by the federal act. It can be quite daunting to wade through that to get, say, a dugout or a reservoir, like you were saying, established upstream, in the high country or wherever, quite frankly.

I have a couple at my place here in Alberta. I got those done before any kind of permitting. It would be much more difficult for me to get those done now, but they are in place.

**Mr. Mel Arnold:** You could create—

**The Chair:** Thank you, Mr. Arnold.

We will go on now to Madame Desbiens for six minutes or less, please.

Oh, it's Mr. Hardie. I tried again, Madame Desbiens, to get you up on the list earlier, but they're correcting me.

Mr. Hardie, go ahead for six minutes or less, please.

**Mr. Ken Hardie (Fleetwood—Port Kells, Lib.):** It's my responsibility. I was wearing my blank look at the time.

I appreciate everybody for being here.

How complementary are provincial regulations?

Speaking specifically to forestry, which, as Mel mentioned, is a big thing in British Columbia, are the provincial regulations, etc., including things like setbacks from streams and rivers, helpful or do they complicate things for you?

• (1655)

**Ms. Kate Lindsay:** We've done a review. Every province has forestry regulations that provide riparian setbacks from waterways. Essentially, there's a lot of compatibility with the avoidance of HADD under the Fisheries Act, but what we've seen—I've been through maybe two revisions of the Fisheries Act—is that prior to 2012, we had one-window agreements whereby if provinces could meet or beat the Fisheries Act, DFO would actually utilize the provincial regulatory system for bridges, culverts and riparian setbacks. Essentially, it could be a one-window, so it's a very streamlined regulatory approach, which we very much appreciate in forestry.

Since the changes with Fisheries Act to go away from HADD and then back to HADD, we're not in that position right now. There are a couple, particularly in east coast Canada, that still have a one-window provision. We have asked DFO to prioritize looking at the provincial regulatory frameworks and where they could provide that equivalency and that efficiency in processes, because that equivalency is there in most jurisdictions.

**Mr. Ken Hardie:** There are obviously quite a few hoops that you have to jump through to get even reasonably simple projects approved and done.

You do all of that, and then is there any monitoring or any review of the actual physical work that has been done?

**Ms. Kate Lindsay:** Yes. There are auditing programs in place by provinces, but I'll turn to Scott.

**Mr. Ken Hardie:** Auditing sounds like somebody just checking things off on a piece of paper.

Does somebody actually come out and see what happened to that culvert or that bridge?

**Mr. Scott Jackson:** Every province will have its own compliance system, which involves field visits. When we say audit, that includes field audits.

It's impossible to go out and see everything, so from a statistical standpoint, you pick a representative sample, and the government will go out and assess.

**Mr. Ken Hardie:** Which government is that?

**Mr. Scott Jackson:** Right now it's both levels of government—provincial and federal.

Then, on top of that, as Kate mentioned, there are independent certification bodies, which is a voluntary audit. There are voluntary standards that the forestry industry and forestry companies adhere to in order to access international markets, so that's a third layer.

**Mr. Ken Hardie:** Is it safe to say that there are some bad actors out there that know the seams, if you will, between one set of rules and another set of rules, or one set of monitoring and another set of monitoring?

**Mr. Scott Jackson:** I wouldn't say that there are bad actors. Mistakes happen, and that's the reason for these audit systems and compliance programs. What we're asking for is not a removal or a lessening of the oversight or the enforcement. We're asking for much more streamlined processes to allow for the activities to take place in the first place.

**Mr. Ken Hardie:** I would mention at this point that—and I'm sorry if this annoys my friends across the way—the housing accelerator fund may have an application here in the permitting process, because municipal permitting has been kind of—

Yeah, I know; you're shaking in your boots.

Municipal permitting has been long held up as a barrier to getting homes built. It sounds like when it comes to the electricity sector or your sector that, again, simple things have to go through the same hoops as the more complicated things. One thing that the housing accelerator fund is helping municipalities do is turn to AI to deal with those really simple things. Things that would otherwise take months through the regular permitting process can be done in a week.

That's one of the things that I'm going to put down on my list of recommendations that the DFO look into to alleviate what you've been talking about, because you're not the only ones who've been talking to us about that.

Mr. Porter, when we reviewed the act back in 2019, one of the things we noted from the 2012 one was that Mr. Harper's government offered protection for commercially important stocks of fish. If that stock became degraded to the point that it was no longer commercially viable, then our understanding was that those protections were removed.

Was that your feeling at that time? If so, have the 2019 changes brought a bit more clarity and, if you like, a little more effectiveness to the whole regime around protecting stocks?

• (1700)

**The Chair:** Give a very short answer, please.

**Mr. Darren Porter:** I love the changes. They're just not being enforced.

**Mr. Ken Hardie:** I see. Thank you.

**The Chair:** Thank you, Mr. Hardie. Now I'll go to Madam Desbiens for six minutes or less.

[*Translation*]

**Mrs. Caroline Desbiens (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, BQ):** Thank you, Mr. Chair. I also want to thank you for looking to give me the floor earlier when it wasn't my turn. One day, you never know, I may be second to speak.

Thank you to the witnesses for being here.

What the witnesses are telling us is interesting. When we in the Bloc Québécois talk about sovereignty or handing certain powers back to the provinces, people sometimes look at us a little baffled, as if we weren't seeing straight. What I'm hearing today is that, in actual fact, there's duplication in what the federal and provincial governments do, and that can sometimes undermine key structure-building development. They seem to think that, on their own, the provinces can't make decisions and equip themselves with organizations, tools and levers to do the right thing for the environment while also enabling development, whatever that may be.

Therefore, here's my question: Is the federal government actually taking up too much space in this duplication of red tape? Couldn't the Fisheries Act provide for the federal government withdrawing to some extent so the provinces can get a foothold or greater control over their own environment, their own territory and their own development? In Quebec, we have the Bureau d'audiences publiques sur l'environnement, or BAPE, that does this kind of work, so sometimes we can keep the federal government from jumping with

both feet into our business. Sometimes we can't, but sometimes we can.

What do you think about this, Mr. Jackson and Ms. Lindsay?

[*English*]

**Ms. Kate Lindsay:** It's an excellent question.

I think what I mentioned earlier to Mr. Hardie is that if DFO prioritizes outlining with clarity the outcomes they are looking for, then it's a process of asking, "Who is best to deliver those outcomes? What systems are already in place that provide the structure, provide the oversight and provide the monitoring?"

That's where we think that having codes, and a broader set of codes.... It's like, "If you're going to do a culvert installation, these are the outcomes we want to see." If we see that the Government of Saskatchewan has a very good process in place for the installation of culverts and the monitoring, and there are no habitat alterations and there is no destruction to fish and fish habitat, DFO could then essentially delegate some of those provisions. That could be done through an agreement.

What we need is the prescribed works regulation, which identifies those sets of works or classes that could move forward, and then an expanded list of codes. Then, I think, we can work together to say, "Who is best? Where is the provincial government on this? Where is the territorial government best placed to provide that oversight?" I think we used to have that.

Essentially, what that would do is that if you focus on low-risk or routine activities and activities that are being done very systematically, with well-trained contractors and habitat biologists on site, then DFO can actually spend its time working on projects that are larger—case-by-case projects that are a medium or higher risk to fish and fish habitat.

It's an excellent point and something that we would very much want to see move forward.

Thank you for the question.

• (1705)

**Mr. Scott Jackson:** The only thing I would add is that those tools exist. It's just a matter of DFO getting on with it and initiating those processes.

Thank you very much for that question.

[*Translation*]

**Mrs. Caroline Desbiens:** Thank you.

How about you, Mr. Porter?

[*English*]

**Mr. Darren Porter:** Thank you. It's a very interesting question and very complicated, especially in Nova Scotia. We're not represented as well in our province as Quebeckers are by their province. We don't even have a provincial structure that looks after inland fisheries and aquaculture and fish buyers. We don't have anybody provincially representing commercial fisheries—nobody. Federally, we have Ottawa, and that's disconnected.



Nova Scotia's biggest independent industry is commercial fishing. We have an expanding rights-based fishery, which is a beautiful thing as well.

I don't know who would be better, but somebody's got to start doing it. We don't have the representation that we need from either one. I don't think right now that either one is any better than the other.

[*Translation*]

**Mrs. Caroline Desbiens:** So, as a nation, you don't have this recognition as equals with the federal government that would allow you to develop your own environmental management methods, whatever the case may be.

[*English*]

**Mr. Darren Porter:** I don't believe so.

[*Translation*]

**Mrs. Caroline Desbiens:** Thank you.

Mr. Chair, do I have enough time to hear Mr. Thomas's answer?

[*English*]

**The Chair:** You have one minute and eight seconds.

[*Translation*]

**Mrs. Caroline Desbiens:** Did you hear my question, Mr. Thomas?

[*English*]

**Mr. Larry Thomas:** Is it the same question? Yes.

Thank you.

Actually, Kate and Scott hit on what I would say. I would just leave it. I don't have anything more. It was very succinctly answered.

[*Translation*]

**Mrs. Caroline Desbiens:** So, when it proves to be more effective, decentralizing power and directing it as much as possible to the field would be an asset.

[*English*]

**Mr. Larry Thomas:** Yes.

[*Translation*]

**Mrs. Caroline Desbiens:** Thank you.

[*English*]

**The Chair:** Thanks for that.

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

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

Thank you to all of our witnesses for being here today and for providing their expertise in this important discussion.

My first question is going to be for Mr. Porter.

Mr. Porter, just from our short conversation, it's clear that there's a lot more you can provide to us as a committee in terms of infor-

mation that will help us in determining the best way forward with the Fisheries Act.

One item that you talked about in your opening statement was around having “consistent, equitable enforcement of the Fisheries Act”. Can you expand on that and provide us some examples of what you're seeing?

**Mr. Darren Porter:** Today in the Maritimes—this is pretty good news—the fisheries officers walked off due to political interference, an unsafe workplace and a bunch of other things. They're treated very similarly to the commercial fishers in Nova Scotia, which isn't very well, to be honest with you.

PPSC, the Public Prosecution Service of Canada, constantly interferes with all cases to do with commercial fishing. Commercial fishing officers can charge us any time they want to, which is necessary in many cases. If fishermen are out of line, they need to be charged, but often the fishermen I look after are charged with clerical errors, right down to dockside monitors not entering their reports on time. Fisheries officers come down, convict them and treat them as criminals. Yet, on the contrary, we have no strictures on our biggest power producer, Nova Scotia Power, for not wanting to comply, and a blind eye is turned every day.

They kill fish on a constant basis. We report it; they don't report it. They don't get charged for not reporting it. It's in the act. It's very clear, so there's a discrepancy in the application of the act. There's a big discrepancy. Anything other than fishing has to go through a different process, and anything rights-based has to go through a different process. They just drop the hammer on commercial fishermen, regardless of what it is for.

There are no conservation concerns on many things but, at the end of the day, there's a big discrepancy in how this act is administered. Fish and fish habitat protection in Nova Scotia is non-existent. There hasn't been a charge in 13 years that I'm aware of. We ATIPed this six months ago. There may have been a charge in the last six months, but the last one was a logger—those guys are low-hanging fruit, like we are—and they think it's acceptable to do that.

You don't even have to listen to me; you just have to look at the facts. Look at what's going on. A simple ATIP will show who's being charged, and Canadian prosecutors are not putting forward these charges to convict people. It's very out in the open if you start looking.

● (1710)

**Ms. Lisa Marie Barron:** Thank you.

Through the chair, can you clarify a bit any leadership you've seen on the part of the minister, or anybody in any leadership positions, around this discrepancy that you're seeing—in particular, perhaps, in relation to Nova Scotia Power?

**Mr. Darren Porter:** It's not just Nova Scotia Power. For example, the minister is constantly interfering in the area I represent. The Windsor causeway is a perfect example. This is a structure where the Mi'kmaq and a commercial fishery stand side by side on trying to get fish passage put through, and she is constantly interfering. It's not just her but the ones before as well in this government. They are constantly interfering with the fish passage and in the enforcement of that structure. It's constant.

**Ms. Lisa Marie Barron:** Could you share what the impact is when we have the minister interfering with this work?

**Mr. Darren Porter:** The beautiful thing about this one is that it's all recorded. We have an integrated science program with the Mi'kmaq and the commercial fishers at Acadia University, as well as with the Province of Nova Scotia. Everything I'm talking about when it comes to the Windsor causeway is absolutely recorded on a database for 10 months of the year. These are facts, and there is nothing else.

They show that right now there's zero fish passage in Windsor—as of this week there's zero fish passage—and it's being allowed. It's an unauthorized structure, which means that it's out of compliance. They pulled the safety card, and of course I have the province in court over that right now, because it's just a mess. It's really showing that we have no protections other than on the commercial fishery right now.

**Ms. Lisa Marie Barron:** Thank you.

Through the chair, you also spoke about expanding rights-based fishery around indigenous treaty rights. Can you tell us a bit more about your experience? You mentioned the big mine in Nova Scotia. I think it would be some good information for us to consider as we move forward with improving the Fisheries Act.

**Mr. Darren Porter:** It's a story you never hear about. The fishers I look after.... None of us fight with the Mi'kmaq. We fish side by side, and we work side by side. It's the untold story of the upper Bay of Fundy.

I believe that the moderate livelihood has potential to save the commercial fishery and vice versa. Without a strong commercial fishery, the Mi'kmaq don't have the leverage they need to get access to the resources for their communities. We have infrastructure, we have knowledge, and we are the largest independent industry in Nova Scotia, so we have economic power, within reason. We have a lot to teach the new entrants as well.

I believe that, if we ever work side by side, we can start getting the politicians and governments to start working on these other activities and perhaps, instead of shutting fisheries down and taking from one to give to the other, you could start improving the habitat, implementing the act and creating more fish and more fish habitat to enable all fishers to fish side by side, in harmony.

**Ms. Lisa Marie Barron:** I think I'm out of time. Thank you very much.

**The Chair:** Thank you.

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

**Mr. Rick Perkins:** Thank you, Mr. Chairman.

My questions will be for Mr. Porter.

I got an email today from the former chief of enforcement for DFO in southwest Nova Scotia. He's retired, but he was in enforcement for 35 years, and he said, "I'm ashamed of the DFO I worked for for 35 years."

This is about the work stoppage we have today and the result of two enforcement officers being cleared and found to have done nothing wrong, but the department has still suspended them for 10 days, which is why we now have no enforcement on the water in Nova Scotia.

He said that having to have DFO's management findings overturned and ordered to be addressed was embarrassing, and that having an internal review into that conduct overturned by the DFO minister was insulting. He has little doubt.... He no longer recognizes the department he spent 35 years helping to build.

Do you find that's the attitude and the feeling of the enforcement officers, who are just trying to do their job and are being prevented from doing it?

**Mr. Darren Porter:** They're absolutely demoralized. This case is perplexing. I mean, I try to study it from both sides. I work with the Mi'kmaq; I work with commercial fishers, and I work with fisheries officers all the time. I've been trying to understand it to the best of my abilities. One independent review went one way, and one review went the other way. I don't really understand.

I just know that the officers are demoralized completely, and I know they're looking for other work currently. I've been trying to get my son, one of the only African-Canadian fishers in the province, to join the force—fisheries—and right now I'm thinking I shouldn't do that.

You know, the political interference.... I don't know about this case. I know about a bunch of other cases. In this case, I'm not quite sure yet, but the political interference on these officers and the stress on them and the danger.... This is real. Somebody's going to die in Nova Scotia this year, I'm assuming. It's going to be an officer, an indigenous person, a commercial fisher or somebody. Somebody's going to die. These people are under major duress, and it's being ignored.

● (1715)

**Mr. Rick Perkins:** Thank you.

I'd like to move on. You're an adult eel licence-holder and harvester.

**Mr. Darren Porter:** Absolutely.

**Mr. Rick Perkins:** Obviously, you're very aware of the minister's expropriation of 81% to 90% of the elver business, announced a week ago, which was given, in some sort of socialist thing, to employees, who will all earn less. A part of that is the conversion; out of the 239 adult eel licence-holders, there will be 30 opportunities to convert to elver, for a total of five kilograms per adult eel licence.

Do you think you can run a business on five kilograms of elvers?

**Mr. Darren Porter:** No. It's worse than that by far. It's a slap in the face.

I've been 20 years with my licence. I own three-quarters of the large eel fishery in Hants county, the county I live in, and I've been walked over steady. You know, I tried every.... I'm a legal fisher and have never been charged. I've been boarded dozens of times, and I'm very well known for being a legal fisherman. My children are legal fishermen. My daughter is a fisher as well.

You know, the minister had many options. She gave these licences to groups that didn't want them. The employees did not want these—they voiced that very clearly—but the big eel fishery did.

This is one species. This is the American eel. Somehow they've separated this from juveniles to adults. We have 239 large eel fishers who have been displaced by the elver fishery. Many of us—150 of us—want entry. We have something to give back, as well, for conservation and precaution. I have 300 pots I can give the minister and say, "Okay, allow me a fair shake at this."

The employees don't want this. They've voiced—

**Mr. Rick Perkins:** That would save.... Isn't that right? When you don't fish adult eels, it's actually good for conservation.

**Mr. Darren Porter:** Absolutely, and the kicker is that we have all the adult eel science, and she won't take it from us.

**Mr. Rick Perkins:** The minister said that, yes, adult eel harvesters, as well as the elver harvesters, have paid for science too, which shows that the stock is healthy.

The minister said in her letter to licence-holders and adult eel harvesters that she took the feedback into consideration. I've had lots of feedback, and I haven't had one person, one employee, one licence-holder or one fishing group who supports this. In fact, they're emotionally, very vehemently opposed.

Do you know of anybody who would have told the minister that this is a good thing?

**Mr. Darren Porter:** No, and we were not consulted prior to this decision-making. It appears we were, but the same thing I was told was going to happen happened before the big eel fishers were even brought into the room. We were told exactly how many kilograms we were going to have by some of the elver group, and it turned out to be completely true. There was—

**Mr. Rick Perkins:** They consulted you like this: "Would you like this? Oh, we want your opinion." Then, when it came out, none of your opinions were taken into account.

**Mr. Darren Porter:** Absolutely not.

It goes against conservation, period. We could have given back thousands of traps and potential access for this species. It's not two species. It's one species. They shouldn't be managed separately.

**The Chair:** Thank you, Mr. Perkins.

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

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

Thank you to the witnesses, here and online.

Mr. Porter, you made a comment. I want to give you some time to unpack it, because I found it very interesting. You talked a little about how moderate livelihood can save the fishery.

Sir, through your experience working side by side with Mi'kmaq, and as a commercial fisher, it's very important that you have time to unpack this in the context of what we're doing, which is...the Fisheries Act. I'm looking to see whether you can unpack that for us.

**Mr. Darren Porter:** I'm a very fortunate man. I'm the father of mixed-race children, so I've learned to have a perspective different from that of many people. I've worked with Mi'kmaq from grass-roots to KMKNO, in the consultation room and outside the consultation room. I'm friends with many chiefs. I don't agree with everything they do—I'll tell you that right now. However, at the exact same time, I agree with a lot of things.

Moving forward, if we had a healthy environment in which we weren't constantly being pitted against each other, proper enforcement to clean up the bad apples on both sides, and a situation fostered by reconciliation.... You've never even heard of the upper Bay of Fundy and what we do there. We work extensively...but because it's not a bad story, it doesn't make it to the media. Many fishermen don't understand this. I have fishermen apologize to me all the time. They tell me off, because they don't understand what I'm doing when I'm sticking up for the Mi'kmaq in certain situations. Then they write me back a year or two later, saying, "Listen, I didn't understand, but I understand now."

If you had a rights-based fishery where it came down to the individual, that individual would become reconnected to the environment they were always connected to throughout history. Once they become connected to it, they're like me. This is my church. I spend 300 days a year on the ocean environment. It is my place of worship, basically. I protect it. I will protect it to the end of my life, and so will they. If they protect it, their politicians will listen to them. Their politicians have a right. We have economic power. They're starting to get economic power. They have the rights. I don't have section 2.3 or section 2.4 of the Fisheries Act, or section 35 of the Constitution, but they do.

I would like to have protection under the Fisheries Act for all fishers, because I think we are Canada's second-largest exporter. We need to be treated better, and we need to foster unity. There needs to be an environment created by our government—we need to do our part, as well—that fosters that relationship. It's not that hard, because I've done it. You can research this. I've been at this for a long time, and I've done it with the chiefs. I'm the only white fisherman in the country who is in the consultation room, probably, so it can be done. I can share part of my resource. Well, it's not my resource. It's our resource. There are peace and friendship treaties in this country. These things need to be taken more seriously.

• (1720)

**Mr. Mike Kelloway:** I appreciate it. I asked that question given your relationship over the years, as a commercial fisher who works with Mi'kmaq.

I think there are some interesting bylines in what you just said, in terms of the importance of...and you highlighted it in a different context, to a degree. You were talking about fishing habitat, but I think it's the same type of milieu. We need consistent enforcement, and there needs to be a line of sight for everyone on that.

In a couple of months, we'll have recommendations. You'll get a report. You'll look through it. All of you will. You highlighted some of the recommendations you would like to see.

Let's say you have seven. What are one or two that you think are essential, in terms of building blocks for a modern Fisheries Act that needs to evolve, grow and adapt?

**Mr. Darren Porter:** That's very easy to answer. It's two things.

The purpose of the Fisheries Act is to protect the fisheries. I don't mean just the commercial fisheries. I mean the rights-based, commercial and recreational fisheries. It's not an energy act. It's not other acts. It's the Fisheries Act. We need to be protected, not just managed and controlled.

Number two, we need to add fisheries to the subsection 34.1(1) factors, because there's no tool for the FFHPP—the fish and fish habitat protection program—to use, when any project comes down, to protect a fishery. They have to assess offshore energy. They have to assess that project as that project. They don't have a single tool they can use to say, “Okay, are there any fishermen fishing there? Can we just move them a little this way?” They'll displace us.

Add those two things in. They're very simple. Just add fisheries to the factors, not just fisheries' productivity. I mean all fishers. Just

re-justify the purpose. It had a brand-new purpose last time, so it can't be perfect. Add fisheries to protect the fisheries.

This is very important to Canada. What would happen to Nova Scotia if you crashed the fisheries? What would happen to Halifax? It's a big question.

**Mr. Mike Kelloway:** What happens to the entire province?

**The Chair:** Mr. Kelloway, we've gone a bit over your time.

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

[*Translation*]

**Mrs. Caroline Desbiens:** Thank you very much, Mr. Chair.

We're listening, Mr. Porter, and this brings us back to a very important reality. We're very interested in what you have to say.

What I seem to be hearing in your testimony, Ms. Lindsay, Mr. Jackson, Mr. Thomas and Mr. Porter, is that there's a need for clear and appropriate organization in the projects you initiate.

Other testimony we've heard on this committee has been along those lines. Wouldn't it be a good idea to take the politics out of the resource and fisheries management exercise a little, include fisheries in it and have a kind of apolitical mediation that would call on sociologists or economists, for example? These individuals would be able to argue in favour of some very important variables, which would ultimately lead to more suitable and realistic directives and directions.

• (1725)

[*English*]

**Mr. Darren Porter:** I think politics is important, but I think politics should be pulled from the enforcement.

The politician's job is to fix the act, change the act and move the act. As soon as the politicians start interfering with the enforcement of the act, that's a problem. If we could remove that from the situation.... You go back in four years. Your job is to change the act, not to enforce the act. That's the enforcement officer's job.

That's my opinion.

**Mr. Scott Jackson:** I see a lot of merit in establishing processes that do bring in a political expertise. We've seen this with the Fisheries Act, and we've seen it with the Species at Risk Act. I bring that up simply because DFO is involved in the implementation and application of the Species at Risk Act.

We find often there is a lack of consultation. At times, we guess it's politically motivated. It would also be very welcome to have much more robust, informed, transparent, accountable cost-benefit analyses that accompany decisions. It seems that a lot happens behind the curtain, in the black box, and we're not privy to it. When we ask to be part of it, we're told no, or maybe, or the situation that was alluded to before, "Here's what we're going to do. Do you like it?" The cake has already been baked, and we don't have a real opportunity to influence it.

I think the principles that you outlined would be very much welcomed.

Thank you.

**The Chair:** Thank you.

I'll now go to Ms. Barron for two and a half minutes or less, please, to clew up this first hour of testimony.

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

First of all, I want to say that so much of what Mr. Porter said, I really appreciate. There are a lot of points that you made, Mr. Porter, that I'll be making sure to put stars next to in my recommendations.

It just got me thinking, and perhaps this is a big question with not enough time, but it's a question for Ms. Lindsay and Mr. Jackson.

Mr. Porter was talking about, and I'm sure you'll agree, the importance of protecting our marine ecosystems for generations to come and how that's all interconnected. Of course, we know the same applies to forest products. We want to make sure that we have sustainable, healthy, biodiverse forests that are interconnected, and we want to protect our streams and oceans.

Is there one recommendation that you could provide for us today to help us in our recommendations as we move forward? What do you think would be something that could help us make sure we're putting out forestry products not just for today, but for generations to come?

**Mr. Scott Jackson:** I would go back to my previous comment. I think there is a need for much more holistic thinking within government. I think a lot of decisions are made in silos. Notwithstanding that there are very specific purposes behind the Fisheries Act, I think it's important to understand how the implementation and application of that legislation—or any legislation, for that matter—affect other societal priorities. We find that that's very much a shortcoming within the federal government today.

We do touch on many societal priorities: indigenous reconciliation and economic self-determination, low-carbon buildings, green jobs and an emerging middle class. I'm not making these up. They're in ministers' mandate letters. They're spoken to all the time in federal politics.

If I could have one wish, it would be for much more holistic approaches to how the federal government gets involved.

• (1730)

**The Chair:** Thank you, Ms. Barron.

We'll now say thank you to Ms. Lindsay, Mr. Jackson, Mr. Porter and Mr. Thomas for sharing their knowledge with us, as a committee, as we go through this particular study and write a report on it.

We thank you for that.

We'll suspend for a moment now, to bring in the next panel.

• (1730)

(Pause)

• (1730)

**The Chair:** I now call this meeting to order.

We welcome our witnesses for our second panel.

In the room, we have Mr. Alberto Wareham, chair of the board of directors for the Fisheries Council of Canada. He also operates a really nice fish plant in Arnold's Cove that has been in the family for many years.

On Zoom, we have Mr. Carl Allen, New Brunswick executive member and treasurer for the Canadian Independent Fish Harvesters Federation.

**An hon. member:** He's not on Zoom. He's sitting right there.

• (1735)

**Mr. Carl Allen (New Brunswick Executive Member and Treasurer, Canadian Independent Fish Harvesters Federation):** I'm fast.

**Voices:** Oh, oh!

**The Chair:** How did you get from there to here without my seeing you? Welcome.

Of course, on Zoom, we have Dwan Street, inshore member representative of area 3Ps and president-elect for the Fish, Food and Allied Workers Union of Newfoundland and Labrador.

Thank you for taking the time to appear today.

You will each have five minutes or less for your opening statements.

Mr. Wareham, you have the floor.

**Mr. Alberto Wareham (Chair, Board of Directors, Fisheries Council of Canada):** Thank you, Mr. Chair. Good afternoon, and thank you for the opportunity to speak before you all today.

I'm Alberto Wareham, FCC chair, and president and CEO for Iceswater Seafoods. As the national voice for commercial fishers in Canada, the Fisheries Council of Canada represents a diverse group of enterprises, from small family businesses to large processors and indigenous organizations, that are all contributing to the harvesting and processing of seafood across our three coasts. Collectively, our sector employs nearly 90,000 Canadians, contributes close to \$9 billion annually to the GDP, and holds a global reputation for excellence in sustainable fisheries management, with Canada ranked second worldwide in sustainable certifications.

The Fisheries Act is the primary legislation affecting our members, and we appreciate the opportunity to contribute to the committee's review of the 2019 amendments. The Fisheries Council of Canada and its members were actively involved in the discussions leading up to the 2019 amendments to the Fisheries Act. These amendments were the product of extensive dialogue and compromises among all stakeholders.

A key outcome of these discussions was the inclusion of ministerial discretion, which allows for flexibility in adapting to changing environmental conditions and socio-economic factors. For instance, under the fishery stock provisions, fisheries are managed using the best available science. However, there are instances in which the science may be incomplete and ministerial discretion enables common sense decision-making to address such gaps.

With this context in mind, I would like to centre my remarks today on the importance of stability in the fishery sector and the pivotal role that thoughtful, collaborative and science-based policy-making plays in ensuring the long-term sustainability of this critical industry. Our members, like so many Canadians, have experienced the challenges that come with uncertainty. Inconsistent policies or abrupt changes can destabilize access, undermine investment and disrupt the livelihoods of thousands of individuals in sensitive coastal and indigenous communities.

Stability is not just a policy reference; it is a necessity for maintaining the resilience of our fishery sector and ensuring the socio-economic prosperity of the communities we serve. To this end, stability in access and allocations is foundational. Secure access enables businesses to invest with confidence in their operations, creating jobs, supporting local economies and advancing environmental sustainability.

Recent uncertainties in allocation decisions have eroded this stability for some stakeholders. FCC strongly advocates for transparent, consistent frameworks that recognize the importance of predictability in fostering long-term success.

Equally essential is the need for rigorous, well-funded fishery science. Science is the bedrock of effective fisheries management, ensuring that decisions are informed by robust data and evidence. It supports not only sustainability, but also market access, as our international reputation depends on science-driven stewardship. Addressing gaps in stock assessments, integrating ecosystem-based approaches and fostering indigenous co-management are all critical areas requiring attention and investment.

Marine conservation and sustainability are cornerstones of Canada's global leadership in fisheries. With 95% of our fisheries

already managed sustainably, we must continue to balance conservation goals with the economic realities of those who depend on the ocean for their livelihoods. Policies should be guided by sound science and developed in close consultation with industry to avoid unintended consequences that could harm the communities they aim to protect.

Finally, the stability of our sector depends on its people. Labour challenges, including an aging workforce and shortages in remote areas, require immediate attention.

Effective policies are essential for fostering a healthy and vibrant Canadian fishing industry. They help attract and retain skilled workers while also enhancing the industry's resilience and long-term productivity. Getting this right requires ongoing dialogue and collaboration between all stakeholders.

In closing, FCC urges the government to prioritize collaboration with industry stakeholders in every step of the policy-making process. Stability and sustainability in Canada's fishery sector can be achieved only when policies are thoughtful, informed by science and designed to balance environmental, economic and social goals.

Consider us your boots on the ground. FCC members are ready and eager to help ensure that the Canadian fisheries industry thrives in these uncertain times. Thank you for your time and your commitment to advancing Canadian fisheries. I look forward to your questions.

**The Chair:** Thank you, Mr. Wareham.

We'll go now to Mr. Carl Allen, who is in the room, for five minutes or less.

● (1740)

**Mr. Carl Allen:** Mr. Chair, committee members, I'd like to thank you for the opportunity to present today to the fisheries committee on the review of the Fisheries Act on behalf of the Canadian Independent Fish Harvesters Federation.

As we examine potential revisions to this important legislation, the federation would like to focus on four key areas that are crucial for the continued health and sustainability of Canada's fisheries, as well as the communities that rely on them.

The first is strengthening the owner-operator principle in the Fisheries Act. The concept of owner-operator has been a cornerstone of fisheries policy in Canada for decades. However, the 2019 amendments to the Fisheries Act raised concern among stakeholders that the principle, which aims to ensure that fishermen own and operate their vessels rather than leasing or selling licences to absentee owners, does not provide the necessary strength to protect this important component of Canada's inshore fishery. The current wording in the Fisheries Act does not provide a concise level of protection for the owner-operator principle, which leads to a situation in which the sustainability of small boat harvesters and coastal communities is at serious risk.

**The Chair:** Mr. Allen, have you provided a copy for the translators?

You might want to slow down a little, because they're trying to translate it as you're saying it. No, I'm not telling you to go very slow.

**Mr. Carl Allen:** I'm trying to stay under the time, but I'll keep that in mind.

In section 2.5 of the act, additional wording that provides harvesters from coast to coast the protections that we believed would come from the 2019 review is urgently required.

We will include written suggestions and a more comprehensive response to the committee.

We strongly urge the committee to strengthen owner-operator requirements in the Fisheries Act to ensure that only those who actively participate in the fishery with boots on the boats and a real financial stake in their operation are granted access to licences. This would help prevent corporate consolidation, foreign ownership and absentee ownership to ensure that coastal communities remain at the heart of fisheries management. Additionally, stronger owner-operator provisions will ensure that the benefits of the fishery remain local and that connection between harvesters and their resources is maintained, thus protecting the resource for future generations.

Second is incorporating harvester knowledge into scientific assessments. It is vital that the Department of Fisheries and Oceans continue to enhance the integration of traditional knowledge and harvester expertise in scientific assessments and studies. Harvesters, particularly those who have worked in the industry and on water for decades, possess invaluable insights into the ecology, behaviour and social patterns of fish populations that cannot easily be captured through standard scientific methodologies.

We recommend that the Fisheries Act be revised to explicitly require the inclusion of harvester knowledge in all scientific assessments and studies conducted by DFO. This could be accomplished by fostering more formalized partnerships between DFO and harvesters, particularly through the use of collaborative research networks. By recognizing the importance of this on-the-water experience and knowledge, we can ensure that fisheries management decisions are based on a more holistic understanding of ecosystems, leading to better, more sustainable outcomes.

Additionally, this inclusion would help bridge the gap between the scientific community and the harvesters themselves, fostering

trust and collaboration and ensuring that the management strategies are grounded in both scientific and traditional knowledge. This is essential for making informed and effective decisions that are reflective of the realities on the water as well as adapting to the rapidly changing ocean environment.

Third are socio-economic considerations in fisheries decision-making. The Minister of Fisheries and Oceans must be explicitly mandated to consider socio-economic factors when making decisions regarding fisheries management. In particular, when DFO makes a decision that affects specific fisheries, the socio-economic impacts on local communities, harvesters and related industries must be fully accounted for. These considerations include the impact on local employment, the livelihood of harvesters and the broader community economy, including dependent industries such as processing and support industries such as boatbuilding, machine shops, rigging companies and the like.

In some cases, well-intentioned conservation measures can disproportionately harm the livelihoods of coastal communities if socio-economic impacts are not sufficiently considered. Examples are changing of fish quotas and closing of fishing areas, or restrictive regulations that may have unintended consequences for local economies. It is crucial that the Fisheries Act require the minister to assess the socio-economic effects of decisions with a focus to ensure that communities most impacted by these decisions are supported in their transition to new practices or alternatives, should those be necessary.

A more integrated approach to decision-making, one that balances ecological sustainability with social and economic considerations, will help ensure that the Fisheries Act remains a tool that supports vibrant, resilient fishing communities.

Finally, the fourth is about strategic assets. The federation recommends that the Fisheries Act include criteria to protect our public resource by declaring it a strategic asset. This could be done by mirroring recent action taken around the Canadian critical minerals strategy. In the interim, we recommend that the federal government freeze licence transfers to any entity other than independent harvesters.

The continued erosion of our independent fleets living in coastal communities depends on strong action by the Government of Canada. This strategy would focus on the importance of resource protections to ensure sustainability and include the value to Canada of food security.

In conclusion, the Fisheries Act is an essential framework for managing one of Canada's most important natural resources, and its review presents an opportunity to improve the way we manage and protect our fisheries, ensuring the long-term sustainability and prosperity of the communities that depend on them. By strengthening the owner-operator principle, incorporating harvester knowledge into scientific assessments, declaring this important resource a strategic asset and ensuring that socio-economic considerations are integrated into decision-making, we can create a more inclusive, effective, balanced fisheries management system from coast to coast.

• (1745)

We urge this committee—

**The Chair:** Mr. Allen, you're over on your time now, but for anything you didn't get out, hopefully it will come out in questioning. I'm sure you'll send in a copy of your speech to the clerk, and we'll be able to have a look at it if you don't get through it.

We'll now go to Dwan Street from the Fish, Food and Allied Workers Union of Newfoundland and Labrador.

You have five minutes or less, please.

**Ms. Dwan Street (Inshore Member Representative of Area 3Ps and President-Elect, Fish, Food and Allied Workers Union):** Thank you, Mr. Chair and esteemed members of the committee, for the opportunity to address you today on behalf of the Fish, Food and Allied Workers Union.

As president of the FFAW, I'm here today on behalf of the over 13,000 fisheries workers our union represents in Newfoundland and Labrador. From owner-operators to crew members to processing plant workers, our union has dedicated the last five decades to fighting for the preservation of community-based fisheries. These are inshore fisheries. They are the lifeblood of our coastal communities.

There are the over 3,000 under-65-foot vessels, which are owned, operated and crewed by over 10,000 professional fish harvesters, who fish sustainably and support over 500 rural coastal communities. This dependence cannot be understated, and I beg each of you here today to consider the effect that recent decisions have had on continued sustainability within our coastal communities. Our union fully supports the comments of our colleague and partner, Carl Allen, and the work of the Canadian Independent Fish Harvesters Federation.

I'll focus on two key areas today: number one, protecting the owner-operator from controlling agreements; and number two, adjacency and socio-economic considerations in ministerial decision-making.

Corporate entities—multinational processing companies—have a long and clearly documented history of subverting owner-operator and fleet separation. They illegally buy up inshore licenses, take advantage of financially vulnerable individuals and take control of the resources and industry, one small vessel at a time. In 2007, PIIF-CAF was announced because controlling agreements were recognized as a threat to the viability of the inshore. PIIFCAF had no teeth, and controlling agreements continued to proliferate. That led to 2019, when Bill C-68 was passed successfully through the House

of Commons, providing important modernizations and improvements to the act.

The legislation officially came into effect in 2021, but very little has been done by the DFO to utilize these new provisions. It's clear that additional strengthening is desperately needed. The owner-operator policy is the backbone of our coastal communities and the foundation of a sustainable, equitable fishing industry. It ensures that the benefits of our resources flow directly to the hard-working fishers and their communities, rather than being concentrated in the hands of large corporations or absentee owners.

We strongly recommend adopting recommended improvements to the wording around owner-operator to ensure a more robust legal framework to protect independent fish harvesters and to prevent the corporatization of our fisheries. To ensure compliance, we also propose increasing penalties for violations of the owner-operator policy, allocating more resources for monitoring and enforcement, and implementing a transparent reporting process for infractions. We also urge the committee to reinforce fleet separation within the act, explicitly prohibiting vertical integration of harvesting and processing sectors in the inshore fishery.

Honourable members, we ask that you enshrine the principle of adjacency directly in the act, ensuring that coastal communities have priority access to nearby fish stocks. While this may seem obvious, the ministerial practice in recent years has been quite the contrary. Specifically, Minister Leboathillier has defied adjacency and socio-economic considerations by allocating primary shares to corporate dragger fleets in the new redfish fishery, meaning that the owner-operator fleet, which depended on that transition, is now facing bankruptcy.

Similarly, Minister Leboathillier and her Liberal colleagues were pleased to break a 40-year commitment to our province by allowing domestic and international dragger fleets back into a struggling northern cod fishery. This decision not only harms the owner-operators who rely on that fishery but also directly threatens the continued rebuilding of that historical stock, and it was contrary to advice provided to the minister by DFO science.

The federal Fisheries Act must protect Canadians from these kinds of ministerial blunders that threaten the very future of our economic sustainability. When ministers are permitted to bend to lobby groups and corporate interests in the name of votes and international clout, something else must be done. We cannot let our community-based fisheries be destroyed by unethical decision-makers and political agendas. The Fisheries Act must be amended to include references to adjacency and to the socio-economic considerations of those adjacent economies.



While we advocate for these changes, we also recognize the importance of maintaining certain aspects of the current act. The consultation processes with stakeholders, including fish harvesters and indigenous groups, should be preserved and protected from the inclusion of extremist environmental groups as stakeholders. The review of the Fisheries Act presents a crucial opportunity to strengthen the foundation of our industry. By protecting and enhancing the owner-operator policy and by making adjacency a part of the act, we can ensure a sustainable, prosperous future for our coastal communities and the next generation of fish harvesters and plant workers.

• (1750)

We at FFAW-Unifor stand ready to work with this committee to craft legislation that will serve the best interests of our fishery, our communities and our marine resources for generations.

Thank you again for your time. I welcome any questions you might have.

**The Chair:** Thank you, Ms. Street.

We'll now move on to the questioning.

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

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

I'd like to welcome the witnesses and thank them for taking the time to contribute to this study.

My first question is for Ms. Street. Earlier today, we had a witness, Mr. Porter, who said the act wasn't the problem; it was the inconsistency of its application. Do you have anything to add on this as it relates to owner-operators and the enforcement of that policy?

**Ms. Dwan Street:** We were very hopeful when owner-operators were introduced into legislation that we were finally going to see some action, but unfortunately, I don't feel we've seen it, especially in Newfoundland and Labrador. We've seen a number of investigations, especially into folks we know are in controlling agreements and into buyers who have folks in controlling agreements, and there just has not been any action.

One example that I'm sure most folks are aware of is of young Jimmy Lee Foss in La Scie. Mr. Foss is the perfect example of how the current regulations have so many loopholes that corporations are able to manipulate. We have a young harvester who is passionate about the industry and was headhunted and manipulated into signing a terrible agreement by a corporation. Now, rather than following his passion for the industry and having his family participate in it, he's facing bankruptcy. His vessel, which was the dream of his family, is rotting on dry dock and will be repossessed in La Scie.

The fact that his case was able to get to the level that it has and where it has, and to see a young harvester, who has a very young son who wants to be a fish harvester, just lose his passion for the industry and see no future in it is, I think, a perfect example that something's just not working. Nobody is being held accountable for what's happened to Mr. Foss.

**Mr. Clifford Small:** Ms. Street, how widespread do you think a situation like Mr. Foss's could become if the crab quotas were to be slashed in half? What would happen in Newfoundland and Labrador?

Would you see more and more cases like Mr. Foss's?

**Ms. Dwan Street:** I don't even think it's a matter of it becoming the case. Jimmy Lee has been very vocal, and a lot of folks just aren't.

We've known since the nineties and the early 2000s, before PIIF-CAF, that there's a problem when it comes to controlling agreements. It's no secret that you can go to certain wharves and everybody knows the company vessels. There's no question.

The fact is that DFO has been handed envelopes of evidence and cases to investigate, and we still see those vessels sailing. We still see companies and certain individuals concentrating licences and vessels. It's a problem with access.

We keep saying we have a recruitment and retention issue for young folks in the Newfoundland fishery, but we do not. We have individuals who are interested. The problem is corporate concentration, and that goes for fishing licences as well as in the processing industry.

It's a severe problem, and until the act reflects penalties and deterrents for this to occur and we actually see action, it's just going to continue. If you're going to go and speed on the highway and you know there are no cops, what's stopping you from putting the pedal to the metal?

• (1755)

**Mr. Clifford Small:** Thank you, Ms. Street.

I have a question that I'm going to put to Mr. Allen and Mr. Wareham.

Many of your members have expressed concerns about the interests of groups that are showing up as stakeholders at stock advisories. Can you summarize some of those concerns, Mr. Allen? How can the Fisheries Act make sure that stock advisories are made up of valid stakeholders?

**Mr. Carl Allen:** That's very good question.

Ms. Street alluded to that a bit. My vision of a stakeholder is somebody who actually has a stake in the fishery. I am a harvester, so I am a stakeholder. When I arrive at an advisory table, it is my livelihood that is at stake.

Over the past number of years, we've arrived at many stakeholder tables and seen entities at the table that have no stake in the fishery whatsoever. When you ask them whom they may represent, they say, "Well, we represent the fish." No. It's the Department of Fisheries and Oceans' job to represent the fish at these tables.

It begs the question as to how their advice to the minister is weighed against my advice to the minister. As the person who is on the water... I personally spend more time on the water than I would dare to wager most people at 200 Kent Street do. There are fishermen who spend a lot more time on the water every year than I do.

That's why we want to see the harvester knowledge reinforced. Right now, I believe the wording is something along the lines that the minister may take into consideration "community knowledge". What is community knowledge? We'd like to see that the minister "shall take into consideration harvester knowledge". It's as simple as that.

**Mr. Clifford Small:** Mr. Wareham.

**Mr. Alberto Wareham:** Thank you.

At FCC, we've had some members who experienced quota cuts very recently resulting from the involvement of ENGOS, and other members have not seen a big impact on their business. We were concerned when they got involved in advisory committees, but overall for FCC, I guess, we haven't had a firm position on where we would stand. For some it's been impactful, and for others, not so much.

**The Chair:** Thank you, Mr. Small.

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

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

Mr. Allen, you were talking about strengthening the owner-operator principle, and I know that your association.... Well, as some of us have seen, you're part of so many associations that we don't know which one you're representing—I'm just kidding.

For example, the MFU, which you're part of, was very happy back then with owner-operator. Now we're talking about maybe adding more strength to it. What kinds of measures do you think we should add to the Fisheries Act that would tighten the rules a bit more around all of that?

**Mr. Carl Allen:** Well, I would say to Mr. Porter's point earlier in the committee meeting that he's partially right in saying the act in and of itself around owner-operator is not so bad as much as the application of it is.

However, from a federation point of view, and even from the point of view of the Maritime Fishermen's Union in New Brunswick, we'd like to see those same provisions added to the west coast, because, as it exists today, it's only for the Atlantic coast and Quebec. I don't understand how you can have a law and a regulation that is applied to only one coast of a country. Why doesn't it apply to the other?

If you look at what has happened to the broader fisheries economy in B.C. as a result of harvesters that are paying 75¢ on the landed value of fish to the licence-holder, who might be living in a condo in Vancouver, it has destroyed the fisheries economy abroad. You yourselves would know that in your backyard, the fish itself is only a very small part of the fisheries economy, right? There's the processing, the boatbuilding, the ship rigging, the equipment—all that other stuff that fish creates—so that when I have the entire benefit of my enterprise, I can reinvest in my community.

We'd like to see that brought in for the west coast, and then there's the actual enforcement. As Dwan said, if you have a speed limit, it's great, but if nobody's there to enforce it, it's not worth the paper it's written on.

• (1800)

**Mr. Serge Cormier:** In your opinion.... I know this case is probably familiar to you, because it's in your area. There was a crab licence that was bought from a P.E.I. person for \$10 million or \$15 million. There was some question about where the money came from. Are you familiar with the case I'm talking about?

**Mr. Carl Allen:** I am, vaguely, yes—not in very much depth, but—

**Mr. Serge Cormier:** I think my question is, do you think that for Atlantic Canada, for example, we still have some of those controlling agreements, even with what we have in place?

**Mr. Carl Allen:** I think so, because the department in and of itself has turned a blind eye to the enforcement of it. In reality, the perception is that the Department of Fisheries and Oceans would just like to have the entire fishery operated by five or six big companies. They're easy to deal with.

You know, I have a thousand members in New Brunswick, and they're prickly at the best of times, but they're good people. They're good and honest people who contribute to the vitality of their communities, and that's what we're trying to support here.

**Mr. Serge Cormier:** You also were talking about "boots on the boats". I totally get what you're saying with that. As you know, my dad was a fisherman all his life.

Don't you think that sometimes those rules are a little strict? For example, you get sick. Sometimes it's very difficult to get a substitute captain. Do you still have this kind of problem, even with the act, when your members try to get a substitute captain for that? Can I say it that way? Is this a good word in English?

**Mr. Carl Allen:** Yes. There are provisions there for substitute operators. I think we really have to take a deep dive and look into those. Where can we create some flexibilities? I see that recently we've added some for maternity leave. Also, there are short-term ones, short-notice ones. You know, we'd like to see something, whether it's in NOLS or elsewhere, for what happens to me on Sunday evening if I slip and break my leg and can't go Monday morning. Right now, I have to find a fisheries officer on Sunday night who might grant me permission to let somebody take over.

I think we need to really maybe take a deeper dive into how we can look at the system as it is and create some flexibilities that do not put into jeopardy the owner-operator principle.

**Mr. Serge Cormier:** Okay.

On fines, quickly, I met with a couple of wharf representatives during the past couple of weeks. They were saying that some of their own fishermen at their own wharf were poaching once in a while. They got caught. Fines are so low that they just did it again.

Do you think those fines should be increased, and increased very drastically, so that we can prevent this kind of poaching?

**Mr. Carl Allen:** Not to put my neck on the line, but yes.

**Mr. Serge Cormier:** Do it. That's what we want.

**Voices:** Oh, oh!

**Mr. Carl Allen:** Yes, I do.

It comes down to the judiciary. It's up to the judge and the Crown prosecutor. The problem is that it's different from province to province.

I think the fines should be very stringent. Once upon a time, if you got caught, you lost time off your next season. When the poacher does the cost-benefit analysis, the cost of poaching has to be way more than the benefit, so that he says, "No, I am not going to do this." Right now, it's the opposite. The cost-benefit analysis says, "Yup, it's a slap on the wrist," and that's if you get caught in the first place.

**Mr. Serge Cormier:** Quickly, Mr. Wareham, in the previous panel, we talked about collaboration.

When it comes to discussing all of those changes, we have the reconciliation piece, and we want to make sure we involve everybody, but don't you think that, as part of reconciliation, if first nations and commercial fishers talk to each other around the table, we will get to a better result in the end on what we want to accomplish? Instead of having nation to nation, just have a whole group focus on what comes next.

**Mr. Alberto Wareham:** It's always better to have everybody in the room. Then you hear what their concerns are, and you have an opportunity to work with them. It would be better for everyone if we collaborated as an industry, across all sectors.

Thank you.

**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.

We took exactly the same approach not so long ago when we tried to bring together all stakeholders in the issues relating to the Gulf of St. Lawrence and the Maritimes. Several points you raised today also came up at that meeting.

I'm going to elaborate on the next generation. I'm very concerned to see that succession is far from guaranteed because people are facing such stark realities in the fishing world. I'm thinking in particular of the industry shifting to a model that benefits large commercial enterprises. I won't go through the list of realities experienced by harvesters, because you've already mentioned them.

What can we do in our review of the Fisheries Act to encourage young people to stay in the fishery? What can we do to encourage them to remain harvesters like their fathers or to attract young people who would like to become harvesters?

The issue of succession is certainly a major concern for you, Mr. Allen and Mr. Wareham, as well as for you, Ms. Street, because you all represent fisheries workers. I'd therefore like to hear your

opinion on what could be added to the Fisheries Act as a mechanism to attract a significant number of young harvesters.

• (1805)

[*English*]

**Mr. Carl Allen:** I'll go first.

[*Translation*]

Thank you for the question.

[*English*]

I think that in the act itself, if it's applied strictly as it's written, we'd add provisions for the west coast that we do not have corporate money trying to buy inshore licences. This jacks up the price of licences beyond where new entrants can access them, even if they have access to capital. The other part is access to financing as well.

We at the Maritime Fishermen's Union worked very hard over a number of years, and we have a program in place now with the province and with Unifor whereby new entrants have access to a very reasonable amount of money to purchase an enterprise with very favourable terms.

We've talked at the federation about the possibility of there being a national fisheries loan board, the same as the farmers have, to give independent owner-operators access to capital to be able to buy those and, in the meantime, exit the big players, who will bid up the price of a licence way beyond what even a bank may be willing to give for it.

**Mr. Alberto Wareham:** From our side, it's stability of access, as I said in my opening remarks. As Mr. Allen said earlier, if you know you have, whether it's inshore, midshore or offshore stability of access, you can plan your business, and you can finance the business. You can then also provide workers in plants like we have when you know that you have the allocation coming.

For us, stability of access is key. Including the fisheries sector needs to remain as a cornerstone of fisheries management in Canada.

**Ms. Dwan Street:** I agree with Carl. What's really prohibitive right now for young people is access to licences and the finances.

Our province introduced an initiative this year that was a loan program. It seems to be working in some instances. It definitely needs some improvements, but it is a good first step.

What we are seeing is that lack of enforcement by DFO when it comes to controlling agreements and companies buying up licences.

In my previous life as a staff rep in 3Ps, I couldn't count the number of people, young harvesters, who would call me and say, "Look, I had this licence lined up; I had financing lined up through the bank, and this company just outbid me by \$50,000."

It's so disheartening for a young harvester to try to get into the industry. That just keeps happening, because, at the end of the day, somebody in their twenties or early thirties trying to get their footing in this industry cannot compete with a corporation worth millions of dollars.

[*Translation*]

**Mrs. Caroline Desbiens:** Mr. Allen, you were saying that permits should be issued primarily to people who are fishing, with boots on their feet, not to big corporations that have never seen water rise above their overshoes, as my father used to say. That way, we could build young people's confidence as well.

Fisheries and Oceans Canada doesn't listen very closely to people in the field, they work in silos, they don't have an open and transparent approach to managing the ecosystem, and they lack predictability. These are things that should be corrected to attract the next generation of fishers.

Is that a fair statement?

[*English*]

**Mr. Carl Allen:** Yes, that's exactly correct.

To Dwan's point about... When we talk about inshore licences, what happens in a situation with that individual who may have been outbid by corporate entity X is that at a certain point in time, he may say, "Well, I guess I'll do the deal with the devil." He becomes a Jimmy Lee Foss who says, "I'll do the deal with the devil, because that's the only option I have. I just want to fish."

I tell a lot of people that fishing is something you are; it's not something you do. Therefore, you put these kids and young people.... Now the average entrants are in their thirties, so I guess they're not really kids, but you put them in this situation where they say, "The only deal that I can do is the one with the devil," and that's not a good situation to be in. It's a modern feudal system. It's like the days of the merchants of the 1800s, when they were just subsisting.

● (1810)

**The Chair:** Thank you, Madame Desbiens.

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

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

Thank you to our witnesses who are here. Lots of good information has come out.

Mr. Allen, you were talking about the identity of people who fish, and I was reflecting on how, in Newfoundland, it's standard to get people to kiss a cod when they come to visit and get married into families. I think that's a good example of how entrenched that identity is and how important fishing is to people in these coastal communities.

I have questions for Ms. Street, and others, of course.

Ms. Street, you talked about enshrining the principle of adjacency. You had said that this is something you think would be a given. Can you expand on this and, perhaps, give us some thoughts on how this could be better enshrined in the act?

**Ms. Dwan Street:** Absolutely.

We've preached for a long time that the resources on our shores should benefit our province—and that goes for any province, really—and the value of those resources shouldn't be shared, whether it be with a Crown corporation of Denmark.... We've been dealing with that here in Newfoundland and Labrador; we are certainly having our troubles with that company that moved in and completely tried to monopolize the processing industry as well as the harvesting side. If we enshrine these principles, whether it be historical dependence or adjacency, then we're going to make sure that value is supporting our coastal communities.

In the 3Ps I represented, we had issues with controlling agreements and vessels from Nova Scotia coming over. Harvesters were very upset about what that was doing to their resource, because, at the end of the day, that's all they have. When they see vessels and harvesters owned by corporations coming from other provinces to harvest that resource, it's obviously going to have an impact on their future.

I think we need to be clearer about who benefits from what resource and where that goes.

**Ms. Lisa Marie Barron:** Thank you, Ms. Street.

When I was last in Newfoundland, representatives from FFAW actually introduced me to some fishers who were experiencing much of what you were talking about. You were talking about the corporatization of fishing and about the large corporations that are taking control, one small vessel at a time.

I spoke to a father who had been quite happily fishing for many years and was training his son to take over the business. He was in the position, when I spoke to him, of it not even being a possibility that his son could take over. Despite having the willingness and despite wanting to, he just couldn't afford to do so. Instead, they were having pressure applied to them to sell their business to one of these large corporations.

You talked about the importance of protecting the owner-operator policy and this being the backbone of coastal communities, and I totally agree with you, but examples like the one you just shared are being used in discussions with me about why the owner-operator model doesn't work, in particular on the west coast.

I'm wondering if you can share some insights as to how, when there is an owner-operator policy on the east coast, we're still seeing the corporatization of the fishing industry and small fishers being pushed out of the industry. What can we do differently?

**Ms. Dwan Street:** I think it just goes to show that, when PIIF-CAF was introduced in 2007, it was a policy, and it didn't really have any teeth. I remember because, in my home community back then, we were starting to see corporations buying up fishing licences. I remember seeing the seven-year time limit that folks were going to have to get out from underneath these agreements, but there was really no mechanism there to do so. That's why it was so important to us.

We worked with the federation and served the federation to ensure that Bill C-68 became a reality. We were very hopeful that, when it did, we were going to see some enforcement and action that were finally going to hold some people accountable, and we'd start seeing some of this ridiculous implementation, when it came to the price of fishing licences, start to come down. We just haven't seen that, for many of the reasons that I and Mr. Allen just discussed. There just hasn't been the attention on it that we feel is necessary.

The department is definitely under-resourced as well. We hear that when we talk to our department here. They have only so many people who can focus on so many files, and it just doesn't seem like the mechanisms are there to really do what needs to be done, because people are being given time to go to lawyers, get crafty with these arrangements, come back and say, "No, look," and the department can't do anything about it. I dealt with one personally, in 3Ps, that I and everybody in the community know is a controlling agreement. At the end of the day, the licensing officer at DFO—I mean, she's fabulous, and she did her job—had to throw up her hands and say, "There's nothing else I can do." The lawyers were just too good, so there's clearly something not working.

I don't think that the owner-operator principle is the issue. I think, again, it's the application and enforcement of it, and when somebody can't access the capital because, realistically, a bank is going to look at an enterprise and lend you the money that the vessel and the enterprise are worth, and that's not some overinflated amount that only a corporation can front.... There's no business plan in the world that's ever going to show that you can actually pay this off, but that's what's happening. It's very unfortunate, because, for those corporations, it's the cost of doing business, and, for a lot of young harvesters, the only way to do that is to become hamstrung to one of these corporations.

• (1815)

**The Chair:** Thank you, Ms. Barron. You have six seconds left. You're not even going to get out a question.

**Ms. Lisa Marie Barron:** Well, if I could use those six seconds, just very quickly, Chair, I would appreciate it.

I was just going to say thank you very much to the witnesses. I agree with everything that you're saying. I think this is what happens when we see a government bending to lobby groups and corporate interests.

**The Chair:** All right.

We now go to Mr. Arnold for five minutes or less, please. He's giving me the stink eye.

**Mr. Mel Arnold:** Thank you, Mr. Chair. I run a clock here as well, to keep track of my own time more than anything else.

Thank you all for being here and online today for testimony.

What we're doing for this committee study is reviewing the Fisheries Act of 2019—the act, not the regulations and the pieces that should have flowed out of the act—but what we're hearing consistently, again and again, is that there were things in the act that were enabled by the act, but after five years they're yet to be rolled out.

We heard from the previous group about how, after five years, they're still waiting for standards of practice, codes of operation and

so on. We heard from you three today about the owner-operator issues, the adjustment of appropriate fines, the lack of enforcement and the stock assessments that are not complete. These are core responsibilities of this department. For each of you, just quickly, would you say that the department has been able to fulfill its core responsibilities?

I'll start with Mr. Allen and then go to Mr. Wareham and Ms. Street.

**Mr. Carl Allen:** Not holistically, no, I don't think so. I don't know whether the issues that are being thrust upon them, with the rapidly changing environment, are too much for them to grasp, but we have this running gag in the industry that, if you want something from the department, then you'd better figure out what it is, draft it up and present it to them, because if you wait for them to design it, that's not going to happen. I don't know why that is, but that's just the perception that, I think, is reality.

**Mr. Mel Arnold:** Thank you.

Mr. Wareham, go ahead.

**Mr. Alberto Wareham:** One major issue that we've had, as you know, is core fishery science. We are seeing some improvements in the last year, but we had a two- to three-year period when we didn't get surveys done. We were not able to do the assessments. We can't make science-based decisions without the assessments, and that was a major problem. We are making some progress now—it's good to see—but fisheries science is definitely an area where we haven't been meeting our expectations.

**Mr. Mel Arnold:** What about you, Ms. Street?

**Ms. Dwan Street:** I agree with Mr. Wareham. We definitely have gaps in fisheries science. There were some concerns even this year that the northern cod survey wasn't getting done. Luckily, those hiccups seem to have been rectified.

One big concern that we have in Newfoundland and Labrador as well is that there used to be a time when it seemed like the DFO officials here locally had a lot more autonomy on decision-making than they do currently. What we're seeing now is that it seems like every single decision has to come from Ottawa. We used to have very good working relationships, and it seems like—

• (1820)

**Mr. Mel Arnold:** Thank you.

I'll pass the remainder of my time to Mr. Perkins.

Thank you, Mr. Chair.

**The Chair:** Mr. Perkins, you have one minute and 55 seconds.

**Mr. Rick Perkins:** Thank you.

I have a quick question. I take it that all three witnesses have been following the minister's decision to expropriate 90% of elver quota for what I'll generously call social policy reasons and not conservation reasons. I would like a comment from each of you on that issue and whether or not you think the minister's ability to alter licences for things other than conservation should be restricted.

I'll start with you, Mr. Allen, and then go to Mr. Wareham and Ms. Street.

**Mr. Carl Allen:** That's a good question. That decision on elvers was very concerning in terms of what the potential beyond that may be. That's the thin edge of the wedge, as you would say. That's a very complex question.

There have been times, though, when the minister has made very good decisions around those licensing decisions, beyond conservation, that have served well. I just think that one there was definitely not one of them.

**Mr. Alberto Wareham:** For us, it goes against stability of access, as we said in our opening remarks and as you've heard me say at committee before. I think you'll have a presentation from someone from the elver industry early next week. They'll take you through it in much more detail than I can.

That decision is definitely a concern for the Fisheries Council of Canada.

**Ms. Dwan Street:** It's definitely a concern with us as well. As I referenced in my opening remarks, we question at this point what is driving ministerial decision-making. Even the lifting of the northern cod moratorium this year flew in the face of what was recommended by DFO science. That clearly wasn't a decision that was made in the best interest of conservation.

We do question exactly what is behind some of these decisions. The one on elvers is certainly a concern.

**Mr. Rick Perkins:** Thank you, witnesses.

**The Chair:** Thank you, Mr. Perkins.

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

**Mr. Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.):** Actually, it will be Mr. Morrissey.

**The Chair:** Okay.

Mr. Morrissey, go ahead. You have five minutes or less.

**Mr. Robert Morrissey (Egmont, Lib.):** Then I'll give it to Mr. Cormier.

**Voices:** Oh, oh!

**The Chair:** Don't go arguing about it. Come on. Time is running out.

**Mr. Robert Morrissey:** Yes. Thank you, Chair.

I have one question, and it's for Mr. Allen.

I do agree with you on the fisheries stock assessment, but how do you protect from the fact that fishers will always say there's more fish there than is maybe the reality until it's all gone, and then it's the department's fault that they didn't manage it well? I agree that fishers should have input. Just quickly, what would you recommend that to be, so that it protects but also gives fishers the input they should have?

**Mr. Carl Allen:** I think, if you put it into the act that the minister "shall" take into consideration harvester knowledge, and you make fishermen partners in the scientific process, you can come together with science and agree on what is there.

I will say that inshore harvesters are like the canary in the coal mine. If you go back to the 1980s, the inshore harvesters in Newfoundland were the first ones to say that there was something wrong in this fishery. It was the inshore harvesters who said that.

I think you could put fishermen right in the mix of science and make them partners, just as we've done in the lobster industry. If you look at the lobster science in the Gulf of St. Lawrence and at what we've done at MFU with Homarus, and what PEIFA and other groups have done, then it's easier to understand and believe what it all says. When you're shut out and you're not able to give input, and what you're seeing with your eyes doesn't correlate, then it's hard to accept. You get this disconnect between science and harvesters.

**Mr. Robert Morrissey:** Thank you.

I'll pass it to Mr. Cormier.

**Mr. Serge Cormier:** I'll be giving some time to Mr. Hardie right after this.

**The Chair:** It's the season of giving.

**Voices:** Oh, oh!

**Mr. Serge Cormier:** I'll be really quick.

We see in fisheries that some stocks are lower now in the gulf or someplace else. I'm not sure if this is feasible, but I'd like to ask you to tell us what you think about that. Perhaps I can start with Mr. Allen.

Let's say we close a fishery because there's no more shrimp or lobster whatsoever. Do you think we should also have some measures to make sure that...? Yes, of course, we want to rebuild the stock, but there are some communities that will be affected by the closure—fishers, deckhand men and women, fish plant workers and community businesses.

Do you think we should put something in the act that will kind of say that if this happens, then we need programming in place to support this community? Of course, the act is to protect the resources, but what do you think about it being in the act that we also need to protect the community?

• (1825)

**Mr. Carl Allen:** I think that goes to the socio-economic aspect of that. As I said, my statement earlier was very brief. We're going to submit a more in-depth presentation to the committee, dialing down into those nuts and bolts of the act itself and how you would put that in there, take into account those considerations and make the provisions for how we transition this community from X to Y. Is it an emerging fishery? Is it something beyond a fishery?

Again, I think the industry itself has to be a partner in that process to be able to get it right in the end.

**Mr. Serge Cormier:** Okay. Thank you.

Mr. Hardie, it's your time.

**Mr. Ken Hardie:** Thank you.

Let's be a devil here. This is a big country. Things are different up north from how they are in the east or out west. Do you think we actually need three DFOs and not one big one trying to do everything for everybody right across the country?

That's for Mr. Allen and Mr. Wareham—

**Mr. Carl Allen:** That's a very complex question. I don't know.

I think you do need DFO Ottawa. I honestly think you need that. I just think it needs to be better put together. I think the regions need some autonomy in their actions, but when you look at international policy and stuff like that, which the country is signing on to, you need that central agency to organize and coordinate, and to understand how it affects regions A, B and C.

**Mr. Ken Hardie:** I have a couple of seconds, so I'm going to sneak one more in here.

Out of 10, where one is horrible and 10 is excellent, how do you rate DFO science?

**Mr. Carl Allen:** Overall, I rate it at five, but there are places where it's a one, and there are places where it's a nine.

**A voice:** Thank you. That's a good answer.

**Mr. Alberto Wareham:** That's a very good answer.

I think most of you know, as I've said, in the Newfoundland region, we definitely have some challenges that we don't seem to have in other regions. For example, we have a collaborative agreement on Atlantic halibut in Nova Scotia. The industry has done extremely well in the Maritimes for Atlantic halibut, but we seem to have an issue in the Newfoundland region.

**Ms. Dwan Street:** I agree.

**The Chair:** Okay. Thank you, Mr. Hardie.

I want to go to—

**Mr. Clifford Small:** Me.

**The Chair:** You? I'm not going to you.

I'm going to Madame Desbiens now for two minutes, so that Ms. Barron can have two minutes before we finish up—that's two minutes each.

**Ms. Lisa Marie Barron:** Wow. Thank you, Chair.

**The Chair:** Madame Desbiens.

[*Translation*]

**Mrs. Caroline Desbiens:** Thank you, Mr. Chair. I'll be brief, to leave two minutes for my colleague as well.

You touched on something interesting when you talked about three different approaches that would be managed through an organization model based on a more decentralized structure. That model would leave a lot more room for other scientists, who could then have a say in decisions that would be made differently, because sociological, economic and ecological factors would play a role in making them.

What do you think of the idea of having an environmental mediation body that would handle Fisheries and Oceans Canada's decision-making process rather than the politics? I'm thinking here of

environmental mediation where everyone is fairly represented and has a say. Could this be a reassuring option that would restore confidence in the fishing industry and its economy? You were talking about an agency, and I liked that idea.

[*English*]

**Mr. Carl Allen:** It definitely wouldn't hurt.

I think the other part is the actual collaborative nature. Part of the problem with the regions, the central organization and how it works is that there's a bit of compartmentalization. They don't really speak with one another.

I had a DFO person working the gulf who said that she'd like to come on a boat. I think it should be a prerequisite or part of their employment contract that they have to spend time on a vessel. Somebody at 200 Kent Street should have to spend time in each of the six regions, because that's the problem. The problem with 200 Kent is that they don't understand the implications of their decisions in the Gaspé, in New Brunswick, on Prince Edward Island or on the West Coast. You have to get them out there, into those communities. That's why the federation does its summer meetings in a fishing community, to try to get those people out to understand the implications of their decisions.

**The Chair:** Thank you, Madame Desbiens.

We'll now go to Ms. Barron for two minutes.

• (1830)

**Ms. Lisa Marie Barron:** Thank you very much, Mr. Chair.

Thank you to the other witnesses here as well.

My last question is for Ms. Street.

Ms. Street, can you please share the number one way you feel we can make sure that we're keeping the benefits of fisheries in coastal communities and protecting coastal communities against the corporatization, in particular, of Newfoundland's fishery? What would be the number one thing we can do in relation to the act?

**Ms. Dwan Street:** We have preached this for 25 years. It all comes down to the owner-operator policy. Owner-operator is the pillar, and that's how we protect it. When we speak to our colleagues on the west coast, they look at what we have, and they look around themselves and see the deterioration of their industry. They know that if they had an owner-operator policy that was held up and actually enforced, then they'd probably have fisheries with the same value as ours.

We have a demographic issue right now. We have a lot of young folks [*Inaudible—Editor*] of young harvesters wanting to get into the industry and hold enterprises. That's increasing, but we need to really enforce the owner-operator policy, ensure that we take down some of those barriers and allow access. Until the department is fully resourced to do so, until there's enforcement and somebody's held accountable—until one of those companies loses a full-time crab licence in 3L—it's just not going to happen, and nothing is going to change.

**Ms. Lisa Marie Barron:** Thank you, Ms. Street.

I'm going to give you back those few seconds that I took last time, Mr. Chair.

There you go.

**The Chair:** Thank you.

Would anyone mind if I used the last 30 seconds of Ms. Barron's for a question?

My question would be for Ms. Street.

Years ago, when the union was formed, whether it was Father Des McGrath or Richard Cashin, they had the thought that they had to form a union for people to have a voice. We're talking about corporate concentration now entering into it, buying up licences and that.

How can we, as a government, through regulation, stop that?

You've said it: Lawyers can make something look like something that it's not, in the courts. By tracking that, following it and following the money, so to speak, you'll find out who, at the end of the day, actually owns that particular entity.

What do we do to solve that better than what we're doing now?

**Ms. Dwan Street:** Thank you, Chair.

I think you just said it. I'll credit Brian Guptill with the Grand Manan Fishermen's Association as well.

Follow the money. We've been saying that for years. It's a matter of...if you look at the financial records of an enterprise and 50% of that money is unaccounted for, you know it went somewhere. It's

not on the share sheet. It's not rocket science, but we're just not seeing it.

I think there needs to be much more collaboration with fish harvester organizations on how to do this, not just centralized decision-making in Ottawa.

On the ground, it's resources. I don't envy the department locally here in Newfoundland and Labrador, because whether it's in licensing, resource management or science, we need more resources. It's unfortunate that you can't go down to White Hills now, walk in and just speak to somebody. I know those relationships are lost.

I think DFO and government need to get on the ground and work with our organizations on how to fix this, because we know how to do it. We've been saying it for years. I just don't think it's being heard.

**The Chair:** Thank you.

That concludes our meeting for today.

I want to say a huge thank you to Mr. Allen and Mr. Wareham for being here again. Welcome to Dwan Street here. I think this is the first time we've had her for this length of time before the committee.

Again, congratulations to everyone. Thank you for sharing your knowledge with the committee as we go forward to write the recommendations that will come from this.

On that note, I will wish a merry Christmas to everybody, and happy new year.

We'll probably be here Monday. There's a good chance of that, but we don't have anything lined up yet. The clerk is trying to reach some witnesses, and they're not anxious to come on that particular Monday.

**Mr. Rick Perkins:** I think we should put you in the witness chair.

**The Chair:** You can do that too, if you like.

All right, the meeting is adjourned.

Thank you, everyone.









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