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Chair: Mr. Ken McDonald



Standing Committee on Fisheries and Oceans

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• (1620)

[English]

The Chair (Mr. Ken McDonald (Avalon, Lib.)): I call this meeting to order. Welcome to meeting number 94 of the House of Commons Standing Committee on Fisheries and Oceans.

This meeting is taking place in a hybrid format, pursuant to the Standing Orders. Before we proceed, I would like to make a few comments for the benefit of witnesses and members.

Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mic, and please mute yourself when you are not speaking. For interpretation for those on Zoom, you have the choice at the bottom of your screen of floor, English or French. For those in the room, you can use the earpiece and select the desired channel. Please address all comments through the chair.

Before we proceed, I simply want to remind members to be very careful when handling the earpieces, especially when your microphone or your neighbour's microphone is turned on. Earpieces placed too close to a microphone are one of the most common causes of sound feedback, which is extremely harmful to interpreters and causes serious injuries.

Pursuant to Standing Order 108(2) and the motion adopted on January 18, 2022, the committee is resuming its study of illegal, unreported and unregulated fishing.

I would now like to welcome our witnesses. We have on Zoom Mr. Greg Witzky, executive director, Fraser Salmon Management Council. We have Murray Ned-Kwilosintun, executive director, Lower Fraser Fisheries Alliance, and representing Coastal First Nations-Great Bear Initiative, we have in person Trevor Russ, director, policy and programs.

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

I will start with Greg Witzky to begin, please, for five minutes or less.

Mr. Greg Witzky (Executive Director, Fraser Salmon Management Council): Thank you, sir. Thank you again to the committee for inviting me to speak. I did back in 2020 as well.

As I said, my name is Greg Witzky. I'm the executive director of the Fraser Salmon Management Council. We're a mandated assembly of 76 first nations in B.C. who work along with DFO to try to create and support nation-to-nation government structures for management, governance and conservation of all Fraser salmon.

I also worked closely as the project director when the Big Bar landslide occurred back in 2019. Funding from the government helped us do that. It was a success. Additionally, I'm a mid-Fraser indigenous delegate on the international Pacific Salmon Commission's Fraser River panel.

Today, I'm going to go over some key priorities with you and then offer a few proposed solutions to address those priorities.

Most of the illegal, unreported and unregulated fishing that gravely concerns the indigenous peoples in B.C. occurs in the marine and the approach to mixed-stock salmon recreational fisheries—or “rec” for short.

DFO enforcement monitoring of the rec fishery does not effectively cover the vast open waters where over 300,000 of these rec fishers are free to roam as they see fit. There are many anecdotal reports of sport fishers never even seeing a single fisheries officer or a dockside observer during the entire season, which can be open for 12 months in many cases and in many areas.

Krill surveys along with the iREC electronic surveys are utilized by DFO as a primary catch-monitoring program. The program relies on the rec fishers to report their catch voluntarily and accurately. However, human nature shows us how voluntary reporting behaviour does not work out as planned.

Fishing for the larger-bodied salmon, along with the broader introduction of mark-selective fisheries in recent years, has meant that many small salmon or unmarked fish are disregarded, resulting in massive amounts of unreported mortalities. There are currently no regulations in place that limit the amount of chinook that the rec fishers are allowed to catch and release. In recent years, that amount has significantly increased, yet DFO insists upon giving increased access to rec fishers without having the appropriate technical data and monitoring activities needed to support those openings.

It begs the question: Why would high-level DFO decision-makers support this knowing that most Pacific salmon stocks have been steadily declining over the past 25 years?

We work closely and collaboratively with DFO, but our voice is getting lost when it gets to the federal level in Ottawa. Hopefully my opinion will be viewed as an important step forward to help us cease these unreported and unregulated fisheries.

I do have some solutions to propose. Considering the enormous area of B.C.'s Pacific coast and the inability of DFO to effectively manage and monitor the fisheries, additional time and area closures are needed to conserve and protect endangered salmon populations from becoming extirpated. There should be outright closures, meaning no fishing for salmon in a lot of areas.

Currently DFO has allowed most areas to remain open to fishing for salmon. However, rec fishers are not allowed to keep the salmon. The salmon are still harmed when they're released.

Rec fishing activity in the main migration corridors of stocks is subject to conservation research. It should be reduced and allowed only in certain coastal areas where the local wild stocks are strong or there are some small hatcheries that can support it. There must be adequate stock assessment programs within the main migration corridors to ensure that any targeted harvest of these stocks is sustainable. Currently on the south coast inlet fjords populations, the data is limited, so we really have no idea what the populations status is and whether it can sustain any amount of targeted harvesting.

- (1625)

Doing this will allow for easier monitoring by fisheries officers. If everybody is more or less crowded together in an inlet, it will give cost reductions for the rec fishery monitoring if DFO can be in a place where the fishers are not spread along a vast expanse of ocean front.

I would say the length of time the rec fisheries are open must be reduced. For example, in Washington State chinook rec fishers are limited to two or three days opening at a time during the whole season. They're not open without adequate enforcement either. The catch monitoring and test fishery data programs need to be in place in order to monitor those pockets of fisheries that occur during the whole season.

The Chair: Thank you, Mr. Witzky. We're now going to have to go on to the next presenter for five minutes or less.

I'd ask Mr. Ned-Kwilosintun to go for five minutes or less, please.

Mr. Murray Ned-Kwilosintun (Executive Director, Lower Fraser Fisheries Alliance): Good afternoon, Mr. Chair and everybody. Thank you for having me.

My name is Murray Ned, executive director for the Lower Fraser Fisheries Alliance. My ancestral name is Kwilosintun, and I'm a member of Sumas First Nation.

Our organization provides advocacy and technical support related to fish, fisheries and fish habitat to 30 first nations along the lower Fraser River in British Columbia.

In preparation for today, I inquired about the definition of "illegal, unreported and unregulated fisheries". What I got back was broad and general, so it seemed the meaning of these terms is more a matter of interpretation rather than a formal legal definition. I'll

offer my interpretation through the lens of articles 4, 5, 18, 19 and 26 of the United Nations Declaration on the Rights of Indigenous Peoples.

At the international scale, I've been a commissioner for the Pacific Salmon Commission since 2013. I was appointed by the Minister of Fisheries and not my own nation or the first nations of British Columbia. At that venue my formal obligation is to Canada, not first nations.

The integrated fisheries management plan is the instrument used by the DFO in the Pacific region to manage salmon fisheries. First nations are only recognized as advisers who can make recommendations, not decision-makers. Similarly, the Pacific Salmon Treaty process doesn't recognize first nations as representatives with authority over their own territories and resources.

There are many examples in the past year of decisions made through these regimes that did not respect UNDRIP and our own indigenous laws, and I'll share a few here.

U.S. commercial pink fisheries intercepted Fraser-bound sockeye, while at the same time there was no Canadian commercial total allowable catch or FSC due to conservation concerns. The U.S. initially retained sockeye, including stocks of concern, and then discarded dead or live sockeye in subsequent fisheries, compromising both conservation priorities and our own first nation priority access.

Licence conditions for the lower Fraser first nations targeting chinook for FSC made it mandatory to discard all sockeye bycatch, dead or alive, even though there were provisions for some sockeye retention through DFO's low abundance exploitation rate modelling. Discarding and wasting fish is against the historical and current laws of our lower Fraser first nations.

The international Alaskan District 104 fisheries continue to intercept Fraser River sockeye, including stocks of concern. These are all the points given here. Fraser River chinook stocks of concern were intercepted domestically in marine mixed-stock recreational fisheries, while conservation of these stocks and overall FSC needs were unmet. Canadian commercial trawl fisheries intercepted Fraser River juvenile chinook, including stocks of concern. Countless salmon redds were damaged by recreational fisheries that allow hundreds of people access to tributaries of the lower Fraser during critical salmon migration periods. Recreational catch and release fisheries resulted in significant chinook and coho mortality, the very same fish we're trying to conserve for the Fraser River.

Our nations acknowledge that there are challenges with our members, who may be involved in illegal, unreported and unregulated fisheries as defined by Canada. However, we also know that Canada's governance and management systems are not protecting salmon from much more significant impacts, even while regulating them. The reality is that DFO is the only body with the Canadian legal authority and capacity to enforce their own laws, many of which are inconsistent with our inherent laws and construed now as illegal, unreported and unregulated.

In closing, I invite you to review our revitalizing indigenous law for land, air and water project to learn more about the legal traditions of the people of the lower Fraser as they apply to watershed management and fisheries governance.

I also invite you to partner on our lower Fraser centre of co-operation and collaboration, which we are developing. It will be a venue for all levels of government, stakeholders, NGOs, academia and industry to convene. Currently all of these parties operate in silos, and we believe a central complex is needed to address the salmon crisis and climate change and to improve management of the lower Fraser region and of salmon in general.

• (1630)

Thank you for your time. *Hoy chexw Siyam.*

The Chair: Thank you for that.

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

Mr. Trevor Russ (Director, Policy and Programs, Coastal First Nations - Great Bear Initiative): Thank you, Mr. Chair.

My name is Trevor Russ, and I am the director of policy and programs for Great Bear Initiative Society, also known as Coastal First Nations with the acronym CFN.

I'm also a member of the Haida nation and have been a fisherman my entire life. I have fished commercially in many federally regulated fisheries and continue to fish under my rights to provide food for my family, friends and community.

I'd like to take the chance to thank the committee for inviting me here to speak on the study of illegal, unreported and unregulated fishing. The Haida nation, Metlakatla First Nation, Gitxaala Nation, Gitga'at First Nation, Kitasoo Xai'xais Nation, Heiltsuk first nation, Nuxalk Nation and the Wuikinuxv Nation, whose territories include over 40% of the marine waters and coastline in British Columbia, are the member nations of CFN.

Approximately 23,000 people live here, with close to 50% being first nations peoples. Our organization has been together for over 20 years and has had great success in working with federal and provincial governments on key land and marine policy issues.

We read through some of the previous evidence that has been given to this committee, and there appears to be a basic misunderstanding of the economic and other rights of first nations and how those rights relate or contribute to illegal, unreported and unregulated fishing in Canada. We wish to clear up these misunderstandings.

For all our member nations, fishing has always been integral to our way of life, including sustaining our food security, culture and thriving economies. Under section 35 of the Constitution Act, 1982,

first nations' food, social, ceremonial and commercial rights are protected. One of our member nations, the Heiltsuk first nation, had their constitutionally protected right to trade herring spawn on kelp on a commercial basis affirmed by the Supreme Court of Canada in *R. v. Gladstone*.

The United Nations Declaration on the Rights of Indigenous Peoples, which recognizes rights that constitute minimum standards for the survival, dignity and well-being of the indigenous peoples of the world, recognizes the inherent right of first nations to own, use, develop and control the lands, territories and resources they possess and imposes an obligation on Canada to give legal recognition and protection to those lands, territories and resources with due respect to the customs, traditions and land tenure systems of the first nations concerned.

As you're all aware, the United Nations Declaration on the Rights of Indigenous Peoples Act affirms the UN declaration as a universal, international human rights instrument with application in Canadian law and requires that the federal government, in consultation and co-operation with indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the UN declaration.

Against this backdrop, first nations have shown time and time again that it is not the exercise of our inherent and aboriginal rights that is illegal. It is Canada's efforts to deny and suppress them. The notion that any fishery we undertake pursuant to and in accordance with our laws, legal systems and systems of governance is illegal and unregulated, whether authorized under the laws of Canada or not, is demonstrably false.

Our member nations have always governed ourselves, our territories and our economic and other relations pursuant to and in accordance with our robust and complex laws, legal systems and systems of governance. This has enabled our member nations to live prosperously and sustainably within our respective territories since time out of mind.

Our member nations have always patrolled, monitored and defended our territories against those individuals and entities, first nations and non-first nations, who violate our laws and seek to illegally exploit and profit from our territories and resources.

Until recently, our inherent and constitutional rights went unrecognized, and the laws, legal systems and systems of governance of our member nations were denigrated and disrespected. In violation of our inherent and aboriginal rights, Canada has historically taken the incorrect and deeply offensive position that, if our member nations' fisheries were not conducted with their blessing and under their laws, they were illegal and unregulated and that, if Canada did not regulate or monitor fisheries within our territories, there would be anarchy.

Despite this, we and our member nations have remained ready and willing to work with the federal government on a nation-to-nation, government-to-government basis to reconcile the rights and jurisdictions of our member nations with those asserted by Canada.

In July of 2021, our member nations together with CFN signed a transformative fisheries resource reconciliation agreement, known by the acronym FRRA, that commits Canada and our member nations to collaborative governance and management of fish, fish habitat and fisheries, including financial support to increase access to commercial fishing licences and quota for our member nations.

We see approaches such as the FRRA as one avenue that first nations and the federal government can take to begin reconciling their respective asserted jurisdictions.

• (1635)

The federal government itself has recognized this through its UNDRIP Act action plan, which, among other things, calls for Fisheries and Oceans Canada to pursue fisheries-related collaborative governance opportunities through nation-to-nation, Inuit-to-Crown and government-to-government negotiations.

Ultimately, how indigenous nations will choose to exercise their inherent and aboriginal rights and reconcile their rights and jurisdiction with those asserted by Canada will be up to them as an aspect of their inherent right to self-determination. The federal government must ensure that any related efforts are supported administratively and are sufficiently and predictably resourced.

In the interim, it is in the best interest of reconciliation for the federal government and stakeholders to avoid inaccurate and sensationalist accusations involving first nations in illegal, unreported and unregulated fishing in Canada. The further criminalization and vilification of first nations looking to exercise their most basic inherent and aboriginal rights is not the answer.

First nations—

• (1640)

The Chair: I'm going to have to interrupt you there, Mr. Russ. You're over by almost a minute.

We'll now go to our rounds of questioning.

Before we do that, I want to remind members that we have to leave some time at the end to approve some budgets and do some committee business, so we'll probably end around quarter to six. We only get to go until six o'clock. That's all the time we have available to us.

I will tell members now that I will try to be very strict on the time, because if I let one go over, somebody else will lose their time on the other end.

We'll go to the questioning now 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 thank the witnesses for coming today to our study.

My first question, Mr. Chair, is for Mr. Ned.

Your website states that DFO was “failing salmon and the people who love and depend on them.” Would you mind explaining that statement to the committee, so we can get a better understanding of that, please?

Mr. Murray Ned-Kwilosintun: I'll try to be brief.

I have a lot of DFO colleagues who have a genuine interest in protecting salmon, so I'll start with that. However, I think the structures that I shared with you have been not very conducive to protecting salmon. I'm talking about the integrated fisheries management plans. I'm talking about the Pacific Salmon Treaty. These are mostly processes and structures that are all about harvest and all about socio-economics. It's pretty hard to protect and conserve salmon when the main focus is on socio-economics in harvest.

What else would I say about that?

Frankly, as I mentioned in some of my comments, first nations have not been privileged to have decision-making authority in these processes. Maybe with the United Nations' declaration, this would be a provision to advance our opportunity to have those rights and be decision-makers with the Province of B.C. and the federal government.

Mr. Clifford Small: I listened to your opening remarks, Mr. Ned. You talked about the U.S. interception of salmon bound for B.C. rivers.

Is there any way of knowing and quantifying the amount of salmon headed for B.C. rivers that are taken by U.S. fishermen?

Mr. Murray Ned-Kwilosintun: Absolutely. That's what the Pacific Salmon Commission was established for. That's what the Department of Fisheries and Oceans was established for. They can provide those statistics.

I didn't want to bore you with those in my speech. I could have put those together for you, and I'm willing to do that for you if you like.

Mr. Clifford Small: Based on your experience with the Pacific Salmon Commission, is there a solution to fish that may be taken in an IUU manner across the border? Is there anything that can be done to bring it under control, if that's the problem?

Mr. Murray Ned-Kwilosintun: I believe so, but there has to be political will between Canada and the U.S. and Alaskan fisheries to make change and make conservation a priority over interception of those fish, while trying to target others that are getting bycatch. There is a significant interest and concern there.

Mr. Clifford Small: What have been some of the roadblocks to sorting out this issue in the past? Would you be able to fill the committee in on some of the struggles you face with the Pacific Salmon Commission in ironing out these issues?

Mr. Murray Ned-Kwilosintun: There's a pretty large context of regulation and legalities under the Pacific Salmon Treaty. Each decade, there's an opportunity to negotiate the Pacific Salmon Treaty. Because there are five or six chapters to be negotiated, the challenge is the trade-off between the chapters and the specific species. Unfortunately, there will likely always be a loser and that loser will likely be salmon in most cases.

What I'm trying to tell you is that there is opportunity, but it's very marginal in terms of being able to protect all five salmon species for Canada in the Pacific Salmon Treaty as part of those negotiations. There's always going to be a trade-off, unfortunately.

Mr. Clifford Small: In your opinion, are British Columbia's first nations adequately represented on the Pacific Salmon Commission?

• (1645)

Mr. Murray Ned-Kwilosintun: No. Currently, there are approximately 30 first nations participants. They're not all aboriginal, but they contribute the aboriginal interests. Frankly, they're funded about \$185,000 annually for their operations to convene at two of the annual Pacific Salmon Commission meetings, so that in itself doesn't provide the capacity necessary for nations to participate effectively.

As I mentioned earlier, we're only obligated to meet Canada's interest at this time. We're only obligated to report to Canada. We don't have a formal method to engage with the 200-plus nations in the province of B.C. Do we want to? Yes. We believe we have an obligation to do that, but in the current regime we are operating under, there's no provision for resourcing and not enough personnel to do that work.

Mr. Clifford Small: Before I finish off, my last question is also for you.

Do you have a percentage by species of all five species of salmon that are destined for Canadian rivers, B.C. rivers or rivers in the nations being taken by American fishermen? Do you have that stat? What you would estimate that amount to be?

Mr. Murray Ned-Kwilosintun: I can't articulate that with good clarity right now, but I'm certain we can do that work with either the Canadian caucus of the Pacific Salmon Commission or with the Department of Fisheries and Oceans. As an indigenous person, I wish I could grapple with those numbers right now, but I would have to work with our Department of Fisheries and Oceans and salmon commission colleagues.

The Chair: Okay. If you could supply that to the committee in writing, it would be a great help.

We'll move on now to Mr. Hardie for six minutes or less.

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

Thank you, witnesses, for being here, because you represent a very critical public stakeholder we need to hear from.

I'll begin with Mr. Witzky.

You are advocating for more closures to deal with the IUU issue. Draw the line. Connect how more closures of fisheries will help deal with illegal, unreported and unregulated fishing.

Mr. Greg Witzky: Thank you. That's a good question.

The reason I'm advocating for more closures is.... As I mentioned, right now, it's so wide open across a vast amount of area that DFO cannot effectively monitor. In order to know what's being caught, they need to interview people and approach fishers, which you can't do.

To me, by putting everybody into a closed area in an inlet that groups people together who are fishing, DFO can easily stick with in those inlets, produce the results it needs and get the catch allocations, because not everybody out there is truthful and honest. There's a lot of bycatch. We're talking so much bycatch that the smaller fish are dying from mortalities such as being wounded when they're hooked, dragged around by their mouth and bleeding. An orca eats them, or they just die from bleeding out.

Even with all of our wanting to reduce.... When first nations erect fisheries, it's a holistic approach. We need the habitat taken care of, along with the water temperatures and drought levels. The fish don't stand a very good chance anyway. One more step to help is knowing exactly what's being caught and reported.

Mr. Ken Hardie: Thank you for that.

Mr. Greg Witzky: We don't have that information.

Thank you.

Mr. Ken Hardie: Mr. Ned, you mentioned the rules from UNDRIP and what we understand about the FSC fishery. When it comes to enforcement, are you convinced that enforcement officers are well enough aware of indigenous rights under UNDRIP and FSC to be able to separate illegal activities versus activities that are in fact quite permitted? Have there been areas of confusion there, or is everybody pretty rock solid on the rules?

• (1650)

Mr. Murray Ned-Kwilosintun: I think what you're asking is whether or not the Department of Fisheries and Oceans' enforcement understands our inherent rights and obligations, and I would say no. That will take some time in terms of educating and bringing enough awareness. I think there's some interest there, but the answer is no. We'd love to provide them with that opportunity. I mentioned the revitalization of our indigenous law for land, air and water project. That's some of the work we're doing with indigenous knowledge right now. We'd love to share that information with anybody who's willing to listen.

Mr. Ken Hardie: Thank you for that.

Mr. Russ, being from Haida Gwaii, you're probably out in the open ocean doing what you do. I wanted to talk about any observations you have of foreign fisheries coming in, usually with the big factory ships that we hear about. What evidence have you seen that this kind of activity is happening, which constitutes a pretty major illegal fishery?

Mr. Trevor Russ: Thank you for your question.

From where I reside in the northern part of Haida Gwaii, I wouldn't say that we've seen illegal vessels come into our territory, but there definitely are ground trawling vessels that come in as well as factory-sized trawlers that fish in Haida Gwaii waters and are regulated by the Department of Fisheries and Oceans. As far as my understanding is concerned, from reports that I have had and in talking with the Haida nation, in their monitoring system they haven't flagged any that are foreign.

Mr. Ken Hardie: That's hopefully good to know. Hopefully that's an accurate picture of what's actually going on or, more importantly, what's not going on.

Sticking with you, Mr. Russ, we have the whole issue of the illegal, unreported and unregulated fishery. I think we can all easily see that provisions for indigenous fisheries could be on a collision course with UNDRIP and FSC. We've already had some references to destructive activities as a result of some of this. Are you comfortable that conservation is going to be maintained, observed and respected within both the UNDRIP rules and the FSC fishery?

Are you quite confident that we're catching the right fish at the right time of the year for purposes of, obviously, protecting stocks and making sure that there's an abundance off into the future?

Mr. Trevor Russ: Thank you. That's a good question.

As long as we continue to work together to ensure that there is a fair and proper allocation to first nations communities based on their right to access, and we continue to work together in managing that access.... I believe that conservation is one of the top priorities from both a first nations perspective and what I believe the Crown's to be as well, at the same time. We're not there, but I think as we progress forward, similarly to the agreement that I mentioned under the FRRA, although it doesn't address rights, it does address commercial access. I believe the path forward can show us working together government to government. We can make that a priority.

Mr. Ken Hardie: Until we get there—

The Chair: Thank you, Mr. Hardie. You've gone a little bit over.

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

[Translation]

Mrs. Caroline Desbiens (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, BQ): Thank you, Chair.

I'll now turn to you, Mr. Witzky.

You spoke of the importance of further restricting fisheries in order to protect the resource.

Quebec is also experiencing all kinds of resource problems. These days, we're hearing a lot about the shrimp fishery. Twenty-five years ago, it was cod. Certain pelagic fisheries, such as herring

and mackerel, were also shut down. This time around, we're hearing that shrimp boats will remain docked, and that the solutions provided are neither sufficient nor adequate to ensure the very survival of our region's fishing economy.

Are you also concerned by this situation on the Pacific Coast? I'm talking about this sort of nonchalance or lack of responsiveness, when the Department of Fisheries and Oceans is faced with conditions like those you and the fishermen of the St. Lawrence are experiencing. There's a failure to provide a sufficiently focused and seasoned response, which means that time passes and resources end up collapsing before we can react.

Is what I'm talking about also important on the Pacific Coast?

• (1655)

[English]

Mr. Greg Witzky: Thank you. I thought I heard my name when I was switching over to English from French, so I'll offer an answer to that question.

I definitely find that the salmon depletion is primarily due to economics. You can't eat money. It's nice to have some money, but it's not the end-all of everything. Until we get our priorities straight as people of this one earth, we'll always be struggling.

Indigenous people have known what to do for 10,000 or more years, since time immemorial. Western science has really, in 150 years, brought us to the brink of extinction and extirpation in a lot of runs. Let's give indigenous people their rightful chance to help bring back this resource, which is resilient. They can recover. We just need to give them the chance. Indigenous peoples have in our spirit to make a movement to bring back the salmon. We just all need to do it together.

One example for me would be to have an observer who's indigenous sitting in a room when the sport fisher advisers or commercial fishery advisers are telling DFO what they think so that we can counter what they're saying, because what is produced and brought forward to the decision-makers is not always true and real. We need to be in the room, because we aren't. Hopefully, that helps.

[Translation]

Mrs. Caroline Desbiens: Do you think you are being consulted enough? Are your observations given sufficient consideration by the Department of Fisheries and Oceans, in your opinion?

[English]

Mr. Greg Witzky: I'd like to think they are. The younger generation of DFO employees and scientists are slowly starting to come around. The old school "Indian fighters", as we like to call them, are slowly retiring and not involved in the systemic problems that happened for a number of decades, so I'd like to say that we are.

We do have a great opportunity with the Fraser Salmon Management Council, where I'm the director. We have signed an agreement, and the minister has signed an agreement, but it's so painstakingly slow to implement. There's not enough funding, and there are three staff, me and two others, who are doing the work of eight to 10 staff. We're woefully in need of capacity building and funds. The minister has agreed to work together with indigenous people in B.C. on the Fraser to manage and conserve salmon. We want them to hold that promise up. By doing that, it's going to call for resources.

[Translation]

Mrs. Caroline Desbiens: Thank you very much, Mr. Witzky.

Mr. Russ, do you feel that the government and DFO are paying enough attention to your assessment of the situation and the solutions you feel are best to protect the resource on your end?

In Quebec, the terrain, the environment, the fishermen themselves and their knowledge are not always taken into proper consideration. Is this also the case on the Pacific Coast?

[English]

Mr. Trevor Russ: Thank you.

I believe that it's still a place we need to get to. As I mentioned in my opening comments, we have a fairly new agreement, where we've agreed to come to the table to codevelop and comanage fisheries in our region. That's yet to get under way.

What history tells us is, no, it hasn't done that, but there is some optimism that going forward there is a good path we're trying to lay out to continue to work together.

• (1700)

The Chair: Thank you, Madame Desbiens.

We'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 the witnesses, both virtual and in person. This is a really important part of this study. I'm happy to have you all here.

My questions for this round, if I have more than one, will be for Mr. Russ.

Mr. Russ, I'm wondering if you can share with us a little bit about the coastal guardian watchmen program through the Coastal First Nations. How is that operated and how might that interconnect with what we're talking about?

Mr. Trevor Russ: I can give you a brief snapshot.

For our guardian program, essentially each of our member nations has a guardian program that monitors each respective marine territory. They basically go out and keep an eye out for anybody within the territory who's doing illegal activity. They also do a lot of research in partnership with some of the other agreements that we have, both with B.C. and with Canada.

It's supported through the agreements we have with B.C., which lead to the ability to sell atmospheric benefits. We've also created a

small fund that's managed by the coast opportunity fund, which has some sustainable funding for us over time.

There's very minimal support for our communities. They're always challenged to find the financial resources to carry out the entirety of the work, but they work very hard with the limited access to resources they have.

Ms. Lisa Marie Barron: Thank you.

In your opening remarks, you also talked about the often inaccurate and sensationalized accusations involving first nations surrounding illegal, unregulated and unreported fishing.

I'm wondering if you can share a little bit about what you're seeing and about the impacts on first nations and in the fishing community.

Mr. Trevor Russ: I guess a lot of what I've seen is that the enforcement in my area typically has a lot of focus around rights-based access and enforcing that more so than in other fisheries. I've witnessed, first-hand, individuals having their product confiscated, but then never going through the court system. It kind of gets tossed aside fairly quickly afterwards.

Those are some of the situations we've seen. I know it's been mentioned by previous speakers as well that there's very little enforcement out there, in reference to the sport sector as well.

The focus on the rights-based fishery being an illegal activity is somewhat challenging, I believe. The chair mentioned a bit of that earlier as well. It's a challenging piece of the educational piece, and I think it's part of what needs to come.

Ms. Lisa Marie Barron: Thank you.

Just to clarify, you were saying that there are fishers getting their catch confiscated with no follow-up. Can you just clarify that a bit more, please?

Mr. Trevor Russ: In the past, I've witnessed fishers who have been trying to make a moderate livelihood through social ceremonial harvest have it confiscated by DFO officers with some charges allocated to them. Then it never goes to the court system afterwards. It typically gets thrown out.

In recent years, at least on Haida Gwaii—I can't speak for all the other communities—I've witnessed in my own community that there's more of a communal approach to it. The officers who confiscate some of the fish turn around and work together with the Haida nation to distribute that fish amongst the community, so it doesn't go to waste.

Ms. Lisa Marie Barron: To clarify, is that process of communal redistribution of the catch happening or not happening?

Mr. Trevor Russ: It happens in Haida Gwaii, but I'm not sure about our other communities at this moment.

Ms. Lisa Marie Barron: Thank you.

You also mentioned, in your opening comments, the fact that, "The federal government must ensure that any related efforts are supported administratively and are sufficiently and predictably resourced."

I'm wondering if you can share more of your thoughts on that.

Mr. Trevor Russ: What I can speak about is the past aboriginal fishing strategy agreement. It's a very old agreement. It was allocated a certain administrative number for implementation over time. That number hasn't changed over time. With the growth of administrative work, there's no increase for financial resources allocated to that.

We're just entering year three under the FRRA arrangement. The work is still getting going. Our staff are already starting to bring awareness to us that there is some concern about being under-resourced in carrying out the work we committed to under that arrangement. In that agreement, there is a commitment to do a review after three years. We're just trying to get the governance structures up and running so we can proceed forward.

• (1705)

Ms. Lisa Marie Barron: Thank you.

Can you clarify the impacts on this program if it's under-resourced and on the ability to follow through?

Mr. Trevor Russ: Yes. It leaves us in a very difficult place in terms of being able to carry out a lot of the work on the ground that our field officers are carrying out—and the office folks as well.

Ms. Lisa Marie Barron: Thank you.

It looks like I only have 10 seconds left. Instead of asking my big question, I'll just say thank you very much. Hopefully, I'll get more in after.

Thank you.

The Chair: Thank you, Ms. Barron.

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

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

Thank you to the witnesses for being here today.

Mr. Ned, I'll start with you, if I could.

You mentioned during your opening that government management systems are not protecting salmon. Have you raised this concern with DFO? If you have, what was their response?

Mr. Murray Ned-Kwilosintun: Thank you for the question.

We do it regularly through the integrated fisheries management plans. We submit papers upon papers and pages of recommendations. They're rarely responded to effectively in terms of our interests to conserve and protect the fish, and also our access for food, social and ceremonial, and economic opportunities.

I would view that instrument as the main challenge in our way in our ability to protect the fish and have opportunities for harvest.

Mr. Mel Arnold: Thank you.

I'll turn to Mr. Russ now.

I'm hoping you might be able to help the committee better understand which monitoring enforcement protocols are in place for west coast fisheries.

Under the fisheries agreements that exist today between the Crown and the organizations you represent, I understand there are provisions for comanagement and co-governance. Part of governance is regulation, and regulations need to be enforced.

Do the fisheries agreements between the Crown and the organizations you represent provide the organizations with authorities to enforce the regulations determined by your organizations and members?

Mr. Trevor Russ: No, there are no authorities given to our guardians to enforce under the federal regulation system.

Mr. Mel Arnold: Has the Crown made commitments to provide funds to support the development of activities essential to the fisheries' management and governance?

Mr. Trevor Russ: There has been some funding supported for training opportunities. As I mentioned in my previous responses, staff are working on stats to bring back to us, in order to have discussions with the department about the lack of resourcing currently in place to carry out the work.

Mr. Mel Arnold: Perhaps, Mr. Ned or Mr. Witzky, if you heard those questions, do you have any further responses to those questions?

Have the organizations you represent been authorized to monitor and enforce regulations?

Mr. Murray Ned-Kwilosintun: Unfortunately not. There was an organization called the Lower Fraser Fisheries Authority in the early 1990s, which was afforded aboriginal fisheries officers, or AFOs. Unfortunately, the government decided to take that program away. There wasn't enough funding or political will to continue to support it.

Would we entertain it again? Absolutely. We want to be able to administer and implement guardianship and stewardship programs in our territories.

Thank you for the question.

Mr. Mel Arnold: Mr. Witzky, go ahead.

Mr. Greg Witzky: The organization that I work for and represent does collaborative management, governance and conservation of Fraser salmon, so we're more like a governance political body. We don't do fieldwork, so the answer is no to providing support for guardians.

We're growing. We're a very young organization—now four years old—and it's going to take us a while to build to the point where we're actually managing fish along with DFO. We want to do the job with them; we just need the ability given to us.

• (1710)

Mr. Mel Arnold: Have any of the organizations the three of you represent received any commitment from the Crown to provide resources for enforcement?

Mr. Russ, go ahead.

Mr. Trevor Russ: For enforcement, I think nations that perhaps have the aboriginal fisheries strategy agreement in place are provided a small amount that supports their guardian programs, or whatever title their field staff use. It's more of a monitoring process. I wouldn't call it "enforcement" at this stage.

Mr. Mel Arnold: Have any of the other two, quickly—

Mr. Murray Ned-Kwilosintun: The answer's no for the lower Fraser, but we'd love to implement and support the DFO officers, who I believe are under-resourced themselves. There's not an opportunity for them to fully enforce the lower Fraser and other territories.

Mr. Greg Witzky: Out of our 76 first nations in B.C.—many of them are on the coast—who have a BCR signed on to our agreement, they would love to do the same. It makes sense for indigenous people who are on the land to monitor the land and enforce the jurisdiction.

The Chair: Thank you, Mr. Arnold.

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

Mr. Brendan Hanley (Yukon, Lib.): Thanks, first of all, to all three of you for being here.

Mr. Witzky, I'll begin with you about the Fraser Salmon Management Council. The way you describe it, I think, is that this agreement—and I think you called it a historic agreement with DFO—to put you at the decision-making table is a good concept, but the implementation is slow to actually get you to that practical decision-making or collaborative decision-making. Is that an accurate way to describe it?

Mr. Greg Witzky: You said it exactly. We started without an implementation plan. We were rushed in because of an election coming up, and at the time Minister Wilkinson did sign it, along with our president, and then we decided afterwards we didn't have a plan. We dove in head-first, and you know what happens with that: Sometimes you hit the bottom.

Now we're trying to fix those hurts and implement it as best we can. With a lack of adequate funding and staff, we're struggling with that. DFO is coming along ever so slowly, but we need help on our end to help DFO.

Mr. Brendan Hanley: In a practical sense, what would that help look like? I guess resources are one thing—and maybe attention is another, given the broad mandate of DFO—but in practical terms, what would you like to see?

Mr. Greg Witzky: Putting aside all the resourcing and capacity and staffing needs, we'd like to see DFO.... When it's time for them to bring our message—which is a joint, collaborative message—forward to the high-level decision-makers, and then on to the minister and the minister's staff, we'd like to know that the message being delivered is what we agreed to. Right now it's a black box for us when it goes that far. We get to a certain point and then they say, "Sit back and we'll take care of you Indians." That's where we're struggling, and that seems to be not just with fisheries but with a lot of programs throughout the government.

Mr. Brendan Hanley: Another theme that I'm hearing, and correct me if I'm wrong, is that overall IUU per se—illegal, unregulated,

unreported fishing—is less of a concern than, really, proper regulation and support of salmon conservation.

Mr. Greg Witzky: Well, I wouldn't say that. There's a lot of unregulated, unreported rec fisheries. I'm focusing on the rec fishery because that's what I know about, but it's unreported and unregulated because there aren't the programs and processes in place to enforce it and monitor it.

Mr. Brendan Hanley: Okay. Again that circles back to resources, implementation and support for the implementation of the objectives of the council.

I want to now move to Mr. Ned-Kwilosintun. You've talked a lot about knowledge and applicability of indigenous law, but you also have this RELAW project about how indigenous laws relate to watershed management and several documents in that regard.

I wonder if you could describe RELAW for us and its relevance to this conversation.

• (1715)

Mr. Murray Ned-Kwilosintun: I'll give it a try, but we do have experts in that field who would be much better at articulating that. Essentially we're going back to our historic and oral stories and documenting them. We're going to our leadership. We're even going to current knowledge holders as well as elders who can articulate our connectivity to salmon, our connectivity to the Fraser River and the tributaries and waters in this territory. We're articulating that into this RELAW project.

Essentially DFO and other regimes in the province of B.C. have been asking what indigenous law really means. This is our way of articulating our oral stories into written form and translating that for public consumption.

Mr. Brendan Hanley: That sounds like a pretty good description.

Do I have 15 seconds left?

The Chair: You have 20 seconds.

Mr. Brendan Hanley: Is there a way that this would help identify or apply to IUU?

Mr. Murray Ned-Kwilosintun: Absolutely. It would give us the opportunity, and we'll translate that for you.

Mr. Brendan Hanley: Thank you.

The Chair: Thank you, Mr. Hanley.

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

[Translation]

Mrs. Caroline Desbiens: Mr. Chair, since my colleague is more familiar with this area than I am, I will yield my time to her.

[English]

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

Thank you to Caroline for allowing me to have some extra space.

I'm going to start with Mr. Russ.

Mr. Russ, you talked about the importance of collaborative governance around the nation-to-nation, Inuit-to-Crown and government-to-government negotiations.

I'm wondering, given what you were talking about around the sensationalization and inaccurate accusations that are happening around first nations rights as they relate to fishing, if you're seeing any examples of the government providing the space for indigenous and non-indigenous people to be able to work together, to be able to share information or to be able to bridge the gap of inaccuracies so that we're not seeing first nations and non-first nations being pegged against each other.

Mr. Trevor Russ: I would say that it is the objective of the co-management agreement under the fisheries resources and reconciliation agreement that we recently signed with our nations and the Department of Fisheries, but we haven't seen it play out fully yet today.

There's one example that I would give, but it's restricted to an indigenous-only fishery. It is the razor clam fishery on Haida Gwaii. It's been co-managed for a number of years. In recent years it's been declining, but I think it sets the example of government-to-government working together to set a fisheries management plan.

Ms. Lisa Marie Barron: Thank you.

Perhaps I could ask the same question to Mr. Ned-Kwilosintun.

Could you share if you've seen any examples of DFO providing an avenue for indigenous and non-indigenous people to be able to have these bigger discussions around the path forward and to ensure that there's a clear understanding around indigenous rights amongst everybody?

Mr. Murray Ned-Kwilosintun: They provide it through the integrated fisheries management plans and the Pacific Salmon Treaty, but it has always provided challenges, mostly because first nations, as I mentioned in my opening comments, are considered advisers with the stakeholders versus decision-makers. In those general terms, we're only, as first nations, making recommendations to either the minister or those who are at the Pacific Salmon Commission and the Pacific Salmon Treaty.

There's a format for it, but it's not very conducive to the government-to-government relationships that first nations aspire to.

I'll finish by saying that, even though that's not happening in the lower Fraser, what we've decided to do is to take government out of the process. We've established what's called the lower Fraser collaborative table with 24 of our first nations, seven recreational agencies and the area E commercial fishery. We've established a relationship mostly out of crisis. The fact is that we are managing what's left, and there's a need to work together. We've taken government out of the equation. We've established a table. The challenging thing is that we don't have the resources from government to keep the table going, but hopefully one day....

• (1720)

Ms. Lisa Marie Barron: Thank you.

Perhaps I'll continue on that for a moment.

I'm trying to understand what the path forward is to reduce the amount of.... We're seeing a lot of information being shared that's not factual, or there's a lack of understanding around first nations' constitutional rights and so on.

Do you have any insights around what might be a good way to have all those who are heavily invested in our fisheries be able to work together on the same page to understand first nations' rights, rather than having any animosities? We are seeing acts of racism as a result.

Do you have any thoughts on how we can move forward?

Mr. Murray Ned-Kwilosintun: If I could share a model that is in my mind from the lower Fraser first nations, it would be government-to-government relations, but with the provision that there's still opportunity for stakeholders to be at that table as advisers and have a technical table with western science and indigenous knowledge.

In my mind, and in our minds as nations, we have it ready to go. We just need UNDRIP and reconciliation as part of that implementation.

As I mentioned earlier, stakeholders and first nations are always going to be competing unless we can get into the same room. That's why there's the interest in the lower Fraser for having a centre for collaboration and co-operation that deals with all things lower Fraser first nations, with all the parties able to join in that venue to deal with the salmon crisis that we have.

I'm probably taking some of Greg's time, so I'll stop there.

The Chair: Thank you, Ms. Barron.

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

Mr. Rick Perkins (South Shore—St. Margarets, CPC): Thank you, Mr. Chair.

Thank you, witnesses, for coming. It's an important study. I appreciate your contribution.

I'm from the east coast, so forgive me if I'm not as fully knowledgeable about all the agreements that you have in B.C.

As part of this study, some of that IUU is unreported. We have some issues with that on the east coast with our commercial fishermen too, but I'll come to that in a minute.

In the processes of the first nations that you represent in your alliances and associations, how do you collect data on the actual catches for the species you're fishing—both commercially and for FSC—and record them? Also, do you also record a bycatch in both FSC and the commercial fishery?

Perhaps I could start with Mr. Russ since you're in the room, and then I'll ask the other two.

Mr. Trevor Russ: Thank you.

Again, I'm fairly new to my position at CFN, but I've worked for the Haida in the past. I can elaborate a bit on what the Haida do in Haida Gwaii.

If the commercial fishers are coming in, typically the guardians will attend the off-load, and they'll record the catch that's coming in. If it's a dual fishery, they'll record both the commercial catch and the rights-based access catch.

The other part that is monitored is more on a voluntary basis, which is referenced on the recreational side. Because they don't have any enforcement authorities, it's really just a question that's asked and the fisher has to be willing to share their information.

Mr. Rick Perkins: Mr. Ned.

Mr. Murray Ned-Kwilosintun: Thank you for the question.

In the lower Fraser, DFO has supported catch monitoring through its AFS program. We have at least five or six first nations and then an aggregate of about 23 first nations and independent organizations that do the catch monitoring, including the bycatch.

From my understanding, it's at least 60% of sampling for the fishery, which is probably the highest in B.C., if not Canada.

Mr. Rick Perkins: Mr. Witzky.

Mr. Greg Witzky: I probably don't have a whole lot to add to what was already said.

I would like to mention one important fact. First nations do have some unreported fisheries, which are mainly in the river.

DFO enforces the ocean first nation fisheries very closely. It's 100% in a lot of cases. For some reason, for those unreported and illegal catches in mid-river, mainly around small, traditional and communal dip-net fisheries, there's no enforcement. It kind of gives a bad message to those who are willing to be monitored and other small groups who aren't. It's mixed messaging.

• (1725)

Mr. Rick Perkins: That's an interesting point.

I just have a quick follow-up for all of you. Do you share that data with DFO?

Mr. Trevor Russ: Yes, I believe the information is shared on our end.

Mr. Rick Perkins: Okay, good, because—

Mr. Murray Ned-Kwilosintun: Yes. It's shared with DFO as well.

Mr. Rick Perkins: Okay. Thank you.

On the resources, which both MP Barron and MP Arnold raised, I just have a question on the agreements. Where you have agreements in place, has DFO provided your organizations or members with any support for that catch monitoring process you do—financial, training or anything else—or is that something you've had to fund and do all on your own?

Mr. Trevor Russ: I believe they've used some training dollars in the past, and obviously some of the contributions to salaries, to staff, contribute to some of that effort.

Mr. Rick Perkins: It's the same as well for the others...?

Mr. Murray Ned-Kwilosintun: Yes. For our organization, we don't oversee it. It's all done independently by a few nations and one organization in the lower Fraser.

Mr. Rick Perkins: Before Mr. Witzky answers, maybe I can do a double question. There's that answer, and you mentioned a mark-selective fishery. Though a mark-selective fishery is mainly American, do you believe we should not be having a mark-selective fishery on raised Pacific salmon in B.C. as a requirement?

Mr. Murray Ned-Kwilosintun: That's a pretty big can of worms.

We don't support mark-selective fisheries because we believe there's already enough compromise on conservation. The very fish we're trying to conserve, they're being intercepted in marine waters in mixed stock fisheries.

I think I'll stop there in case Greg has a comment.

Mr. Rick Perkins: I thought I'd have more questions for you.

The Chair: Actually, Mr. Perkins has gone a little bit over on his time, so if anybody does have an answer to that question who didn't get a chance, you can certainly submit it in writing.

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

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

My question would be to whichever witness wants to answer, because this committee has had witnesses appear and there's been some alarming, concerning testimony given to the committee as it relates to illegal and unreported fishing. My question would be to whomever wants to answer. Can you identify for the committee whether there is a stock on the west coast—because like Mr. Perkins, I'm from the east coast, so I'm not fully familiar with the west coast—that you can point to that is in good shape and is well managed?

I'll start with Mr. Russ, and possibly....

Okay, it's taking a really long time, so that tells me there's not a lot.

My follow-up question would be this: Is the Department of Fisheries and Oceans putting too many resources into protection, management and conservation?

Mr. Trevor Russ: You're asking if the department is putting too many resources into protection and enforcement?

Mr. Robert Morrissey: Yes, and it's a sincere question, because I have a follow-up.

Mr. Trevor Russ: That almost feels a bit loaded.

Mr. Robert Morrissey: Actually, nobody has jumped at the answer, but why I posed the question is that our government has put a lot of resources into DFO and we're constantly being criticized as spending too much money. However—and I go back to your comment—the stocks in Canada are under pressure in most places.

We've had years and years of cutbacks in DFO on science and in the area of conservation. Are we—excuse the term—reaping that harvest today? If I look at the demographics of fisheries and the data, it's coming down. That relates to my question. Can you point to a resource that is abundant, well managed and thriving, where there is no illegal or unreported activity occurring?

Is that fair?

• (1730)

Mr. Murray Ned-Kwilosintun: That's fair. I'm happy to chime in....

I'm sorry. Go ahead.

Mr. Robert Morrissey: I'm going to run out of time before I get an answer.

My questions are sincere and genuine, because everybody who has appeared before the committee says the department doesn't have enough resources and they're not putting enough into protection and conservation. I'm adding some commonality to the positions given, but that's the basis.

Mr. Trevor Russ: I'll give a rebuttal to the question, Mr. Chair.

Are the resources being directed in the right way? Is the approach to management being—

Mr. Robert Morrissey: That's why I want. Are they?

Do you have advice for this committee on where the department's resources are not properly allocated and could be moved to other areas?

Mr. Trevor Russ: I wouldn't say I have advice on how to allocate dollars to your managed programs—

Mr. Robert Morrissey: No, I said, “resources”—manpower.

Mr. Trevor Russ: For the resources, I wouldn't say that.

What I would say is that, as I mentioned in my opening comments regarding the opportunity for comanagement—and I believe some of my colleagues online referenced traditional knowledge—if we try to bring in more traditional knowledge from people who have survived in these territories off of these resources and try to bring some alignment between that and DFO's approach to management currently, perhaps there may be some success going forward into the future.

Mr. Robert Morrissey: Is there a specific success you could point to and give to this committee where acquired first nations knowledge and management tools were put into effect in a fishery that is sustainable and successful?

Mr. Trevor Russ: Not currently.... Regarding any minor areas, perhaps some of my colleagues may have something to say.

Mr. Murray Ned-Kwilosintun: I'm happy to try to respond briefly to your question about resources.

In short, I have two words: salmon crisis. It's been happening for the last four decades, and it's just coming to a head now. There are not enough resources either way. I think devolution and decentralization to first nations is the way to go, because you have to get down to the nation and region scale to make this money effective.

Mr. Greg Witzky: I can point to a success.

There's one large stock of chinook salmon that many people on the coast depend on. It's the summer 4-1 chinook that spawn in my neighbourhood in the South Thompson-Shuswap rivers. A record number came back this year. There's a lot of indigenous knowledge in how we looked after those runs well up into the interior. DFO does the management of that run, so it's pretty strong. They consult with first nations and even try to comanage.

Mr. Robert Morrissey: They're managing one stock well on the west coast. Is that what you're telling us?

Mr. Greg Witzky: One very well....

The Chair: You've gone over time, Mr. Morrissey.

We still have about 10 minutes left. We can carve it up as a five-minute round for each, or two and a half for everyone.

Mr. Rick Perkins: Ten minutes...?

The Chair: Yes, you have a total of 10 minutes left.

Mr. Rick Perkins: I'll take all 10.

The Chair: Good luck with that.

First up is Mr. Small.

We'll do two and a half minutes for each party.

Mr. Clifford Small: I'm going to pass this over to Mr. Arnold.

The Chair: Okay, go ahead, Mr. Arnold.

Mr. Mel Arnold: Thank you.

I want to start out again with Mr. Russ, but maybe all three can answer.

Who loses, or what is lost, when illegal, unreported and unregulated fisheries happen?

Mr. Trevor Russ: I would say it's more so the species and the ecosystem, if it's going unreported.

Mr. Murray Ned-Kwilosintun: I concur. The resource loses. Ultimately, we lose as first nations. When the salmon disappear, so do our culture and identity.

Mr. Greg Witzky: I agree with both of them. Also, human nature loses, because we try to be truthful people in our lives and spirits.

Mr. Mel Arnold: Thank you for all of that.

Who and what would benefit the most if we were able to restore the stocks to the plentiful numbers they were at?

• (1735)

Mr. Trevor Russ: I think everybody benefits. As my colleagues mentioned, the communities that have relied on these resources since time immemorial...definitely.

Mr. Murray Ned-Kwilosintun: Yes, it's a similar answer. It's all about the ecosystem and the beings who rely on salmon and our water. That's first and foremost for me. We don't have a salmon problem. We have a people problem. If we disappeared from the earth today, I think the fish would be fine.

Mr. Greg Witzky: I totally support that and agree. It's the ecosystem.

Also, the government will benefit, because when the salmon are resilient and healthy and come back, you won't have to deal with us anymore. You'll be working on housing and all the health problems.

Mr. Mel Arnold: Okay. Thank you all for at least having a little bit of humour with that. I think we can agree on that.

Maybe we'll start the same circuit again.

Do you believe that the department has made conservation of fish stocks a priority, or has it become a fishery management department rather than a conservation priority department?

Mr. Trevor Russ: It feels like the latter, for sure. The industry definitely provides a lot of their input into management to maximize the number of fishing days and the opportunities that are there to their fisheries.

Yes, I would say it's become more focused on the economic opportunity than on conservation.

Mr. Murray Ned-Kwilosintun: When the integrated fisheries management plans and the Pacific Salmon Treaty—and DFO's ability to manage within those confines—were established maybe in the 1980s, there was a lot of fish to be found. There was not too much argument. Everybody had their piece of the pie, so to speak. Now that we find ourselves managing what's left, we are literally, I would say, in a place where people are fighting over what's left. That's not a place to be.

Socio-economics plays a big role in this. It is about the money. It is about the industry. It is about people's livelihoods, tackle shops and such, which Greg spoke to. We have to find out now that we can't eat money. It's time to abolish those rules and regulations that allow socio-economics to lead the way.

Thank you.

The Chair: I have to try to get around the table to everybody.

We'll now go to Mr. Hardie for two and half minutes, please.

Mr. Ken Hardie: Thank you.

Mr. Ned, is there a role that the provincial government could be playing much more effectively, especially upriver?

Mr. Murray Ned-Kwilosintun: Absolutely. It's everywhere. I'll take a run at the province and I'll take a run at Canada, because all of them work in silos. You have ministries that do not collaborate in both the province and Canada—as much as I would like to see, anyway.

Mr. Ken Hardie: All right. I appreciate that.

I have another question and a very short time. You've lit up the right thing for us here.

I've heard the word “fair” a few times with respect to access to the fishery. Mr. Russ, maybe you can comment on this—or Mr. Witzky.

Is part of the problem we have with an illegal fishery, particularly among indigenous communities, just a reaction to a lack of fair access to the fishery, particularly on the commercial side?

Mr. Witzky, maybe we'll start with you.

Mr. Greg Witzky: I don't know if I can say a lot about the commercial side, but on the traditional interior fisheries that occur in the canyons, sometimes that's the only run they have. They don't have the big ocean with a whole bunch of mixed stocks. They'll fish when they need fish to feed their families. That's why it goes—

Mr. Ken Hardie: Is it an illegal fishery when they do that?

Mr. Greg Witzky: Yes, there are times when there are no openings at all, but they still fish because it's the only run they have. Our tradition tells us, if you don't fish, there are no fish.

Mr. Ken Hardie: That's fair enough.

Does anybody else in the time available want to weigh in on this access to fishery? No. Okay, that's fine.

• (1740)

The Chair: Thank you, Mr. Hardie.

We'll now go to Madame Desbiens for a quick question.

[Translation]

Mrs. Caroline Desbiens: Thank you, Chair.

I have a question for all three witnesses.

I'd like to thank them for being here. It's been very enlightening.

In your respective communities, have you had discussions with Quebec's Indigenous communities about illegal fishing and other fisheries-related issues?

Mr. Russ, please go ahead.

The other witnesses may respond afterwards.

[English]

Mr. Trevor Russ: Thanks for the question.

I would say, no, I haven't personally. I don't know, within the nations I represent, if we have had those conversations. We would definitely be open and willing, if we had the contacts to be able to have some conversations.

Mr. Murray Ned-Kwilosintun: Thank you for the question.

The answer is no. Similar to my colleague, I'm interested in collaborating as required, for sure.

Mr. Greg Witzky: Thanks for the question.

There's only one indigenous person from Quebec that I've ever met in the fisheries. He was one of the 26 executive directors for the AAROM organizations across Canada. I forget his name. He attended an online meeting where he only spoke in French and he had an interpreter as well.

That's the only contact that I've ever had with Quebec indigenous fishers.

[*Translation*]

Mrs. Caroline Desbiens: Thank you.

[*English*]

The Chair: Thank you.

It's over to Ms. Barron.

Ms. Lisa Marie Barron: Is it two and a half minutes?

The Chair: Yes.

Ms. Lisa Marie Barron: I have so many questions, so I need to prioritize.

Thank you, Mr. Chair.

I think the question I'm going to focus on is for Mr. Ned-Kwilosintun.

Can you please help me understand and perhaps give a little bit more information around the mark-selective fisheries that you were talking about and why you're not in support of them?

I'm just trying to understand all of the pieces around that and what the rationale is behind that.

Mr. Murray Ned-Kwilosintun: I'll try. I almost need a biologist for that; I pretty much do.

The way I see it is that there are mass marking occurrences happening, say in the territories of nations in the Fraser watershed. They could be at a given hatchery. In the lower Fraser we have three or four. We'll mass mark however many thousands of fish. What is the intent? I'm not sure. Who benefits from that mass marking?

They go out to sea and of course as indigenous first nations, we do not have access to those fish until they return. In the meantime,

mark-selective fishing occurs in the ocean in mixed-stock fisheries. The recreational community, the commercial community and maybe some of the first nations communities in the marine waters have access to them.

Now, do those fish return to the nations for access to the terminal waters? Sometimes, maybe they do.

That's our concern. Who are we producing fish for and for what purpose? Is it for conservation, or is it just for harvest?

Those are our challenges with the mark-selective fisheries. There's a lot of controversy over it. There has been for a number of years. We don't believe it's good science or a good benefit to the nations.

Ms. Lisa Marie Barron: I have only 30 seconds.

Can you share any thoughts on what the best path forward would be then, if this method is not being used?

It's a big question.

Mr. Murray Ned-Kwilosintun: Yes, it is a big question and we only have 30 seconds.

We need to manage more terminally. We cannot continue with these mixed-stock fisheries if stocks of concern are continually being accessed.

Primarily, our concern is conservation first. Let those fish get back to where they belong. Then, if there's opportunity for harvest, so be it.

The Chair: Thank you, Ms. Barron.

Thank you to our witnesses for being here for the committee today, both in person and electronically by Zoom, and for sharing your knowledge on this very important topic. We'll let you sign off now as we change up and go in camera for a few minutes to do some committee business. Again, thank you for your participation here today.

We'll suspend for a moment while we switch over to in camera.

[*Proceedings continue in camera*]

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