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# Standing Committee on Fisheries and Oceans

EVIDENCE

**NUMBER 033**

Wednesday, April 22, 2026

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Chair: Patrick Weiler





## Standing Committee on Fisheries and Oceans

Wednesday, April 22, 2026

• (1615)

[*English*]

**The Chair (Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.)):** Colleagues, I call this meeting to order.

[*Translation*]

Welcome to meeting number 33 of the House of Commons Standing Committee on Fisheries and Oceans.

[*English*]

I want to start by acknowledging that we are gathered on the ancestral and unceded territory of the Algonquin Anishinabe people and by expressing gratitude that we're doing the important work of this committee on lands they've stewarded since time immemorial.

Pursuant to Standing Order 108, the committee is meeting to continue its study of Atlantic mackerel and Atlantic herring fisheries.

[*Translation*]

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders. Members are attending in person in the room and remotely using the Zoom application.

[*English*]

Before we continue, I would like to ask our in-person participants to consult the guidelines written on the cards on the table. These measures are in place to help prevent audio and feedback incidents and to protect the health and safety of all participants but particularly the interpreters.

Pursuant to our routine motions, I can advise the committee members that all witnesses appearing virtually have successfully completed the required technical testing.

I have just a few comments for the benefit of members and witnesses.

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. Please mute yourself when you're not speaking.

[*Translation*]

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.

For members in the room, if you wish to speak, please raise your hand. For members on Zoom, please use the “raise hand” function. The clerk and I will manage the speaking order as best we can, and we appreciate your patience.

[*English*]

Before I welcome the witnesses, I will note for members right from the start that we probably won't have time to go in camera today, because we're ending the committee at 6 p.m.

With that, I'd like to welcome our witnesses.

Participating by video conference, we have Barry Darby; Dylan MacIntyre, fisherman; and Dr. Erin Carruthers, senior fisheries scientist from the Fish, Food and Allied Workers Union.

From the Maritime Fishermen's Union, we have Martin Mallet, executive director, and Louis Ferguson, assistant director, Homarus. They are both here in person.

With that, we will begin our opening statements from witnesses.

We will start with you, Mr. Darby. You have five minutes or less.

**Barry Darby (As an Individual):** Good evening, and thank you for this opportunity.

I'm Barry Darby. I'm a former harvester and retired college educator, formerly from the fishing community of Burin, Newfoundland.

For years my main focus has been doing research and advocacy on fishery management policy with my partner, Helen Forsey. Our policy initiative, Changing Course, recommends a shift to input-based management for our fisheries. This is directly relevant to the subject of your current study.

I want to address primarily the science and the analysis of our mackerel and herring stocks, and current management and rebuilding efforts.

In our view, three major factors severely limit the science, management and rebuilding plans for these stocks. First, there are huge, inherent uncertainties in attempts to measure stock biomass, to regulate removal and to predict their effects. Those interlocking uncertainties render largely invalid the calculations and resulting operational decisions based on them, such as spawning stock biomass, total allowable catch, limit reference points, rebuilding plans, etc.

The second factor is confusing fishing with catching. Catches in biomass are quantities that can be measured or estimated in kilotonnes. Fishing, on the other hand, is an activity involving many different variants and units of measurement. Trying to measure fishing or overfishing in kilotonnes is unscientific, gravely misleading and diverts our focus from managing the fishing itself.

The third factor is a false assumption that humans can rebuild fish stocks. Restoring ecosystem balance is done by nature, not by humans. We can only help with rebuilding and stop hindering it. To do so, we must understand the complexity of the ecosystem and our role as apex predators in it.

How can we help rebuild and maintain Atlantic mackerel and herring stocks and harvest them optimally? As we said in our Changing Course brief to this committee in 2022, DFO should stop focusing on how much fish we harvest, that is, the TACs and the quotas, and start focusing on how we go about harvesting. Instead of relying on output controls, trying to predict the unpredictable using highly uncertain data and error-prone computer modelling, DFO should shift to a system of input controls. Input-based management, IBM, regulates the inputs involved in the actual fishing activity. Those are: what fishing gear is allowed, how much of it can be used, by whom, when, and where.

To put into practice this slow-fishing IBM approach, DFO would mandate selective harvesting of mackerel and herring using low-impact gear like hook and line and gillnets. Specifications, that is, limits, would cover numbers, size and depth of gear and its use only by qualified commercial harvesters in designated areas and during specified times. This seemingly less efficient way of fishing would catch mainly mid-sized and middle-aged fish, leaving the younger recruits to grow and the largest spawners to continue replenishing the stocks.

It would also result in higher-quality product and would, in many cases, permit continuous fishing across a range of species year-round, which would benefit harvesters, processors and communities.

Under IBM, built-in feedback loops make the system largely self-adjusting, thus preventing overfishing. For example, if mackerel were scarce, the regulations for gear and other inputs would make overcatching impossible. If the fish were plentiful, harvests would be correspondingly large.

Proper monitoring and assessment would of course indicate success and problems in real time informing specific changes to be made for the following year. The proof of this is in the pudding. Newfoundland and Labrador's quotaless lobster fishery has been using input-based management with great success for almost a century, and many successful invertebrate fisheries in the U.S. also use it.

In closing, I'd like to say that perhaps we could suggest to our American neighbours that they apply input-based management to their mackerel and herring stocks as well.

Thank you for the opportunity, and I look forward to your questions and comments.

• (1620)

**The Chair:** Thank you very much, Mr. Darby.

With that, we're going to turn the floor over to Mr. MacIntyre for five minutes or less.

**Dylan MacIntyre (Fisherman, As an Individual):** My name is Dylan McIntyre. I'm 31 years old and from Souris, Prince Edward Island. I'm a commercial fisherman. I own a lobster, mackerel and bluefin tuna licence.

My first experience with lobster fishing happened when I was just a young boy. I spent a full day on the water with my grandfather and uncle. After that day of fishing I knew I wanted to be a fisher person, be a captain and own a licence of my own I quickly realized that for me to accomplish this goal, it was going to take a lot of sacrifice and hard work. That was something I was okay with.

At the age of 18, I jumped on a plane and went to work in the Alberta oil sands to start saving money to buy a licence. I would work there all fall and winter and come home in the spring to work on the back of a lobster boat. I continued this cycle of life until I saved up enough money for a down payment on a licence of my own.

In the fall of 2018, at 22 years old and after many trips back and forth between P.E.I. and Alberta, I accomplished the goal I'd always dreamed of since I was child: owning my own lobster licence.

Then I began to prepare for the 2019 fishery. There were a lot of highs and lows in learning experiences in my first year as a captain. I made my annual payment, but just barely. I was very thankful there was a mackerel fishery to participate in as soon as the lobster season ended.

I was able to fish mackerel all summer and fall. This mackerel fishery allowed me to have a paycheque every week for myself and a crew member. It was hard work, but when you love what you do, it doesn't feel like work.

This mackerel fishery enabled me to catch and freeze enough mackerel for lobster bait. I took great care of the fish to make sure I had the best possible bait. At a cost of approximately 75¢ a pound, I was able to freeze the bait at Eastern Cold Storage and pay a crew. Being able to catch my own bait and store it was a huge savings for the upcoming season. I continued to do this for the next three years.

Then DFO shut down the fishery. This was crippling news to me and lots of other fishers who not only relied on this fishery for another income to help pay the bills, but also relied on this fishing to catch their own good-quality bait, which saved tens of thousands of dollars. When this happened, it took away part of our independence, because now we would have to rely on getting bait from a packer or buyer.

Fishermen now have to buy mackerel that comes from other countries, like the United States, Norway, Spain and Ireland, to name a few. The cost now ranges between \$2 and \$3 a pound, depending on the size and quality. Now fishermen from all over Quebec, New Brunswick, P.E.I., Nova Scotia and Newfoundland have to sit at home knowing there are plenty of fish in their own waters that they are not allowed to catch. Fishermen from all the provinces I mentioned are sitting at home wishing they could be on the water doing their job.

We see an abundance of mackerel feeding on lobster larvae on top of the water every day in June when we are on the water fishing lobsters. I believe we will see a decline in the lobster fishery in years to come if we aren't allowed to start harvesting mackerel again.

In the summer and fall when we go tuna fishing, we see mackerel schooling on top of the water everywhere. There's just no need....

The closure of this fishery not only affects the fishermen. It affects the processors who buy mackerel, the individuals who work on the wharfs, truck drivers, local fishing stores, fuel suppliers, grocery store owners, plant workers and processing facilities like Eastern Cold Storage, which operates in my community.

Last summer, a 200 metric ton bait fishery was open for three days, and then it closed because the quota was caught. That tells me there are plenty of fish in the water. This winter the American fishery put their quota up 7,300 metric tons, on top of the 3,200 metric tons they had in the 2025 season.

It's a hook and line fishery, which means no bycatch. It means it's the cleanest fishery in the world. It blows my mind that DFO and scientists say the stock isn't healthy when fishermen from all over are saying they see many mackerel schooling on top of the water and are marking them on their fish finders. It feels like our voices aren't being heard, which is very frustrating for people like me who rely on this fishery and love to participate in it.

I would like to thank the committee for this invitation. I would be pleased to answer any questions you may have.

- (1625)

**The Chair:** Thank you very much, Mr. MacIntyre.

Next we're going to Erin Carruthers from FFAW for five minutes, or less.

**Erin Carruthers (Senior Fisheries Scientist, Fish, Food and Allied Workers Union):** Good evening. Thank you for the opportunity to speak with the committee as part of your study of Atlantic mackerel and Atlantic herring.

As introduced, my name is Erin Carruthers, and I'm a fisheries scientist with the Fish, Food and Allied Workers Union. As many of you know, the FFAW represents close to 10,000 fish harvesters in addition to membership working in fish plants, manufacturing, hospitality and other sectors.

FFAW presented to this committee in November 2022 with respect to the mackerel closure. All of our observations and comments from our 2022 submission still stand. Harvesters continue to report an abundance of mackerel throughout Newfoundland and Labrador waters.

In 2023, FFAW presented results from a survey of 185 harvesters with an average of 31 years of fishing experience each, 85 of whom reported that mackerel are "more abundant" or "much more abundant" than five years ago. We repeated this study last year, and 111 harvesters responded, 90% of whom reported that mackerel are "more abundant" or "much more abundant".

Those survey results give a sense of the overall scope and consistency of observations across NAFO divisions and over the years, but it's also important to document the rationale that harvesters provide for their assessment of mackerel abundance.

When discussing the abundance of mackerel, harvesters describe the spatial extent of mackerel schools. Harvesters describe the size and frequency of the aggregations. Harvesters relate those observations to what they've seen over their fishing careers. Harvesters' assessment of the health of the stock is not simply because you can see mackerel on the top of the water, as was suggested earlier in this study. This mackerel behaviour has not changed over time. Harvesters' assessment is based on extent, timing, duration and number of aggregations, and on comparisons with their observations over a lifetime of fishing.

Harvesters are frustrated. What do we do? We have more than a gap in understanding. We have more than a difference in assessment of the health of the stock. The recent DFO stock assessment states that the stock is in the critical zone, with a projected recovery time of 18 years. Harvesters throughout Newfoundland and Labrador are reporting that mackerel are abundant. To quote, "It's the most I've seen in 30-plus years," or "It's the best I've seen since the 1980s." How do we begin to reconcile these vastly different perceptions of stock status? We have a problem here.

In my job as a fisheries scientist and working within a fishing union, one of the most important questions I learned to ask is, why do you think that is? Asked another way it's, how do you know what you know? The same questions asked within a scientific or assessment meaning are, what are the assumptions and the data used to build your model and understanding, and how do you know what you know?

In the case of the mackerel stock assessment, the contentious issue seems to be estimating adult or spawning stock biomass from the egg survey. The question is not whether or not egg surveys are a scientifically defensible approach. Rather, the question is, is this approach working here for this species at this time? Are there external data and observations that challenge that assessment? In the case of the northern contingent of Northwest Atlantic mackerel, there are.

What do we do? Dr. Vigneault mentioned two collaborative data collection projects in his presentation to this committee. The first started after the fishery was closed, with collection done by harvester organizations, including the FFAW. As part of this project, FFAW worked with six harvesters to provide four or five samples per season. This project provides data on the sizes and ages of mackerel, but it's not comparable to commercial data. It's not comparable to the information you would get from a commercial fishery. There are differences in gear type. For one, there's no seining, and sampling is really limited in space and time.

The second project, which we're just starting, is designed for broad sampling of a migratory fast-moving and fast-growing fish. It involves opportunistic sampling from harvesters on the water throughout the fishing season and throughout Newfoundland and Labrador waters and honestly could be an example for other parts where mackerel are.

The first project was designed to fill gaps in sampling following the commercial fishing closure. The second, we hope, is designed to address some of the differences between DFO's stock assessment of Atlantic mackerel and harvesters' assessment of stock health. The project is designed to document the extent as well as the sizes and spawning stage of mackerel throughout Newfoundland and Labrador waters.

Just as a note, unfortunately, my colleague Richard Gillett, a long-time pelagic fish harvester, was unable to attend. He knows far more about herring and Newfoundland herring fisheries than I do or ever will. In his absence, I will make a few comments.

Many of the issues for Newfoundland herring are the same as with mackerel. There is a vast gulf between harvesters and DFO's assessment of stock health. As an example, the mobile gear TAC

for Trinity Bay was almost all landed within two hours. There were only 12 or 13 boats at it. They do not fish throughout the bay, but were located near ports and the pumps required to offload the fish. Still, the Trinity Bay mobile gear allocation was almost entirely landed within two hours.

• (1630)

Data collection for Newfoundland herring on the northeast and south coasts provides detailed information on the age composition but, again, has issues with estimating the overall biomass or the scale of the stock.

**The Chair:** Ms. Carruthers, I'm afraid we are over time, so could you wrap it up? I know you're speaking for your colleague who couldn't be here, but if you could come to a conclusion, that would be appreciated.

**Erin Carruthers:** For both mackerel and herring, the contentious issue is the estimate of the stock biomass.

I think we're going to have to work together to develop indices or surveys, working with commercial fish harvesters, to better estimate the scale of the biomass. I don't know how else we're going to solve this problem.

Thank you.

**The Chair:** Thank you very much.

Of course, there will be more time in questions to go through some of those details.

With that, we're going to conclude with the opening remarks from the Maritime Fishermen's Union.

You have the floor for five minutes or less.

**Martin Mallet (Executive Director, Maritime Fishermen's Union):** Thank you, Mr. Chair.

Thank you to the committee for allowing us the opportunity to come here today to present on this important study.

My name is Martin Mallet, and I'm the executive director of the Maritime Fishermen's Union. I am accompanied today by my colleague, Louis Ferguson, an assistant director for our R and D branch, Homarus.

I will be speaking in French for my opening statement.

*[Translation]*

The Maritime Fishermen's Union, MFU, represents over 1,300 inshore owner-operator fish harvesters in New Brunswick and Nova Scotia. Since the MFU was established in 1977, its mission has been to represent, promote and defend the interests of Maritime inshore fish harvesters and their communities.

In 2022, the MFU appeared before this committee and spoke out against an unjustified fishery closure. Four years later, we are forced to conclude that, over time, we have been proven right on several critical points. Mackerel and herring are very important forage species in the food chain, but they are also integral parts of the economic engine of inshore fisheries. Currently, our members are forced to import these fish from other countries that often have less stringent management standards. The bait and commercial fisheries are also tightly woven into our culture, and having to import bait fish currently swimming around our docks in large numbers is inconceivable.

Given these observations, it is natural for us to question the assessment of Atlantic mackerel and spring herring. Since 2022, the increase in biomass should also have been observed in the science documents. According to the Department of Fisheries and Oceans scientists, without a fishery, there was a very high likelihood that stocks would improve. However, assessment after assessment, the situation is still no better according to the department's scientists.

Fish harvesters are facing dramatic increases in their operating costs, particularly for bait. In 2022, the talk was about the price of mackerel, which had increased from \$1.25 a pound to \$1.65 a pound. Now, in 2026, the price has increased to nearly \$3 a pound. Protecting stocks is essential, but must not be done at the expense of the economic survival of the fish harvesters in our coastal communities. Our fish harvesters cannot wait any longer.

We have a few recommendations for this committee.

First, needless to say, we ask this committee to recommend to the Minister to implement a plan to reopen the fishery for these two species as soon as possible.

Second, for mackerel, as recommended in 2022, a co-management agreement with the United States is critical. The significant increase in their 2026 quota is one indicator of this. In Canada, the assessment update, expected next month, in May, will include this figure and potentially keep us tied up at the dock. The opening of the bait fishery last year was greatly appreciated, but the resource can actually withstand a greater fishing effort using more selective fishing gear. This has also been mentioned by other witnesses.

The level of abundance noted all along the coast of Atlantic Canada in fall is also a key indicator of the species' abundance. What fishers see has to be taken into consideration. I attest to that, fishers attest to it and other associations say the same thing, all along the Atlantic coast.

Third, in reopening the commercial mackerel fishery, sustainable capture methods that improve size selectivity must be prioritized to better protect the juvenile age classes.

Fourth, regarding spring herring, our organization and the nine other associations concerned in the southern Gulf of St. Lawrence

are all in agreement on a sound management approach. Although we were all surprised by science's most recent assessment, we agree that all forage species in the critical zone of the precautionary approach must have an integrated sentinel fisheries plan or even a scientific one, which is not currently the case. For example, the removal of 5% of the spawning biomass, which would provide us with additional scientific data, would be a minimal effort. That would be equivalent to the typical statistical error in science. The sentinel fishery could be spread over four weeks. Therefore, we propose that a fishery reopen next May to allow sampling for the stock assessment. However, there isn't much time left for that to happen.

Here is the fifth recommendation. We request that the rigidity of the precautionary approach framework be re-evaluated in order to integrate an adaptive ecosystem approach. We propose that an adaptive proportional allocation system be adopted, giving the fisheries a fixed, ecologically reasonable percentage of ecosystem productivity, independent of short-term fluctuations in stock biomass. Such a system, by integrating catches with current ecosystem production, rather than with biomass thresholds linked to sometimes distant historical data, could reduce socio-economic disturbances while maintaining conservation performance.

Thank you.

• (1635)

**The Chair:** Thank you very much.

*[English]*

That concludes our opening remarks.

We'll go right into our first round of questions, starting with Mr. Small.

You have six minutes.

**Clifford Small (Central Newfoundland, CPC):** Thank you, Mr. Chair.

Ms. Carruthers, have you seen the NOAA document that outlines how the United States set their mackerel quota at nearly 11,000 tonnes this year?

**Erin Carruthers:** I've heard people talk about this assessment. I do not have a copy of it in hand.

**Clifford Small:** Are you aware that they held their quota back by approximately 500 tonnes because of the bait fishery in Canada?

**Erin Carruthers:** Yes.

• (1640)

**Clifford Small:** Historically, the Canadian mackerel quota matched that of the United States. It was a key recommendation in the report that came as a result of the study you referenced earlier.

Mr. Carney said he listened to what he heard at the wharf when he was making those fisheries management decisions, or when his government was making those decisions. Do you think his government has so far carried through on that election promise when it comes to mackerel?

**Erin Carruthers:** With respect to mackerel, no. With respect to snow crab, yes.

**Clifford Small:** Thank you.

Monsieur Mallet, I think you were a witness at that 2022 study. You saw the all-party recommendation to match the American quota. Do you think DFO would heed that recommendation at this time for the coming season?

**Martin Mallet:** I would hope it would be strongly considered, just by the fact that if we don't fish the fish that are there, it gives the onus to the Americans to raise their own quota. That's my perception, anyway.

**Clifford Small:** Is it looking to you like we are practising conservation so that Americans can exploit this biomass?

**Martin Mallet:** We have an issue. We need to have a co-management group on this species with the Americans. If I were in their place, that's what I would do: If the Canadians are leaving the fish in the water, well, we might as well raise our own access.

**Clifford Small:** The estimates on the mackerel biomass are based on various egg counts over the years. That's how they come up with their estimate on the mackerel year classes. If scientists didn't find eggs that were existing but not where they were looking, it's possible that we see this bloom in mackerel biomass right now and science is completely blindsided by it.

**Martin Mallet:** I mean, there's certainly an issue between what we're seeing on the ground and what's reported by the science. If you don't have enough indices or data entry points going into your model, you can have the best model in the world, but what will come out of it will be missing a lot of good information.

I'll give you the example of eggs. If you use egg count to estimate the eventual spawning stock biomass of any species, nobody knows, with the changing ecosystem from year to year, how the survival of the eggs will change. We've seen this in lobster, for instance, over the last 20 years. The ecosystem for lobster has been very positive for egg survival but also larval survival to juvenile size.

There are a lot of changes going on in the ecosystem right now that might explain why mackerel are in abundance. They're not necessarily there at the time you're looking for them at the egg level, juvenile level or adult level.

**Clifford Small:** Thank you, Monsieur Mallet.

Mr. Chair, I have a motion I'd like to move, if possible.

**The Chair:** Okay.

**Clifford Small:** Shall I read it out? You have it already.

**The Chair:** I think it would be helpful if you read it out. Which motion is it?

**Clifford Small:** The motion states:

That,

(a) considering the concerns around the publishing of the report: Four Wind Energy Areas (WEAs) in the Offshore of Nova Scotia: A Description of the Primary Marine Ecosystem Features, Significant and Protected Areas, At-risk and Depleted Species, Fish and Fisheries, Science Surveys, and Other Human Uses that May Occur In and Around the French Bank, Middle Bank, Sable Island Bank, and Sydney Bight Areas (Report) in the Canadian Manuscript Report of Fisheries and Aquatic Sciences 3312;

(b) pursuant to Standing Order 108(1)(a), the Department of Fisheries and Oceans be ordered to provide to the committee, within 30 days of the adoption of this motion, the following:

(i) all documents, including but not limited to memoranda, briefing notes, and internal communications, related to the decision to produce this report, including any requests for its preparation and associated allocation of resources,

(ii) all documents related to the timing of the report's public release, including any correspondence or briefings concerning its publication in relation to announcements on offshore wind development for the Scotian Shelf,

(iii) all documents relating to internal review processes for the report, including any peer review, inter-branch consultations, or assessments conducted within the Department of Fisheries and Oceans, including Science and Fisheries Management,

(iv) all documents relating to consultations, or lack thereof, with the fishing industry in the preparation of the report,

(v) all documents relating to the omission of Integrated Fisheries Management Plans (IFMPs), Recovery Potential Assessments (RPAs), or SARA-required recovery strategies in the report,

(vi) all internal communications, records of decision, briefing materials, analyses, and other documents relating to the use of this report in departmental decision-making; and

(c) pursuant to Standing Order 108(2), the committee undertakes one two-hour meeting with the Department of Fisheries and Oceans, to be held one week after all requested documentation is received by all members of the committee, and the scope of the meeting be on the report.

Thank you, Mr. Chair.

• (1645)

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

Mr. Small has moved the motion he provided notice of two days ago, on April 20. It was just recirculated by the clerk, so all members should have that in front of them if they don't have the hard copy as well.

We're keeping a speaking list here. I see, first, that Mr. Morrissey would like to speak to that.

If any other members would like to speak to the motion, please be sure to raise your hand and I'll recognize you.

After that, we'll go to Mr. Klassen. We'll be keeping a speaking list for that.

Mr. Morrissey, the floor is yours.

**Robert Morrissey (Egmont, Lib.):** Mr. Chair, I realize the motion is in order to be moved today, but my question for the mover is, why did he choose to move it today, in the middle of a key mackerel study with a clear timeline and for which we brought in witnesses to hear? We could discuss this for the next hour and a half.

What the motion refers to is a study. I have a question for the member who moved it. He can answer, but I still want to go on, Chair.

Has he read the details of this report that he is asking us to do a study on now?

**Clifford Small:** Mr. Chair, the report isn't public. That's why we're asking for the production of documents on behalf of various stakeholders. Some of them are, in fact, mackerel harvesters who won't be able to harvest mackerel because these wind farms will take over their fishing grounds. They're very concerned.

We could get this out of the way really quickly. We could have a vote. We could say yea or nay and get right back to our meeting.

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

Yes, Mr. Morrissey.

**Robert Morrissey:** Mr. Chair, we do have the option to debate motions put forward. Clearly, with that answer, the member did not read the report that his study motion is referencing. I want to read a section of the report so that it's clear for anybody:

The description presented herein is intended to be a means for DFO to inform regulatory decision-makers, industry, and members of the public of the primary marine ecosystem features, significant and protected areas, at-risk and depleted species, fish and fisheries, science surveys, and other human uses that may occur in and around each of the WEAs. The description does not assess the WEA sites for offshore wind suitability nor evaluate the risk of offshore wind energy development on the marine ecosystem, marine species, or human uses in each area. As such, it may inform the scope of future risk assessments, but additional detail and analyses on marine ecosystem components, species, and human uses would be needed to inform project-specific assessments.

This is not a decision document from the ministry. It is a compilation of a number of reports' highlights so that the relevant ministries that may approach offshore wind development could use it simply as a resource to identify that if you're looking in this area, what you should be aware of.

Again my question is, why would we devote today, of all days, to debate a motion and then to do a study motion that is a lot to do about naught? That's why I cannot support the motion put forward. I believe it's simply a distraction to take us away from the issue which we brought in the witnesses for. It's a very real issue, and I believe it actually falls more in line with what I suspect probably came out of the office of the leader of the official opposition, who has shown no support for projects in eastern Canada, offshore of eastern Canada, that lead to economic development, so I cannot support this motion.

I don't know why... I look to my colleague from the Bloc. Wind energy is something that is embraced in Quebec, on the east coast and the Gaspésie.

This document referenced by the member is not a decision document from DFO. It doesn't impart any opinion. Within it is simply a compilation of the marine areas that could be looked at.

With that, Mr. Chair, this is, in my opinion, simply a distraction to take us away from focusing on key issues, decisions that have been made on what's going to happen to the mackerel fishery as well as some of the herring fishery this coming spring. These are priorities that all members of this committee put forward.

• (1650)

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

Next on the speaking order I have Mr. Klassen. Then we'll go to Mr. Small, then Mr. Cormier, and then we'll have Monsieur Simard.

Mr. Klassen, the floor is yours.

**Ernie Klassen (South Surrey—White Rock, Lib.):** Thank you, Mr. Chair.

I would just echo what Mr. Morrissey said. I'm wondering whether Mr. Small could let us know which specific parts of the report he has any concerns with. He talked about a report that wasn't printed, but we have a copy of the report right here. I'm just wondering what areas specifically he has any concerns with.

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

Next on the speaking order, I have Mr. Small.

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

Unless there's something to hide here from the fishing industry on the eastern shore of Nova Scotia, I don't see the point for Liberals to be filibustering. We can get on with it. If the motion passes, it passes, or if it fails, it fails, and the witnesses can get back to providing their valuable testimony. It should only take a couple of minutes. It's your study.

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

Next we're going to Mr. Cormier.

[*Translation*]

**Serge Cormier (Acadie—Bathurst, Lib.):** Mr. Chair, I've been listening to my colleague Mr. Small for a while now. What disappoints me is that, although there are people from my region here at the committee who have come to talk about a study on mackerel and the possibility, we hope, of reopening the fishery, Mr. Small is moving a motion that has almost nothing to do with what we're currently studying. There are also witnesses from his region, Newfoundland and Labrador, who are here. We want to hear their comments.

For the witnesses who are listening, I would like to point out that Mr. Small just said he has never seen the report. I would remind you that the report in question was published a year ago. I think we can see what is happening here. My colleague Mr. Small is not proposing this motion today to hear what the witnesses have to say at all, but rather to serve political tactics and play political games.

Personally, I find it very disappointing that we can't hear from the witnesses who are here today. I had some very good questions for them. I find it very disappointing that someone would try to thwart the committee's work by proposing a motion like this, which has almost nothing to do with what we're studying today.

• (1655)

**The Chair:** Thank you very much, Mr. Cormier.

Mr. Simard, you have the floor.

**Mario Simard (Jonquière, BQ):** Thank you, Mr. Chair.

I understand that it's never ideal to debate a motion while we're conducting a study, but that's the principle of democracy; committee members have the right to debate these motions.

I would just like to point out to my colleagues that, yes, I am in favour of wind energy projects, but I am also in favour of having as much information as possible in the decision-making process. What I see in the motion is a request to make public information that can be used in a decision-making process. I think it's entirely natural that the committee would want that kind of information.

The issue that my colleague Mr. Cormier raised earlier can be resolved very quickly. We just have to vote on this motion. We'll move on immediately after we do that. Personally, I'm ready to vote on this motion. Then we can return to the witnesses.

Moreover, if this discussion were to drag on, I encourage the witnesses to provide the committee with written answers to the questions that might be sent to them.

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

[*English*]

Next we're going to Mr. Morrissey, and I see that Mr. Connors would like to be next on the list.

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

I heard the comment “something to hide”, and this report simply analyzed existing structures that would be looked at in the ocean. It's descriptive. It doesn't pass any opinion from DFO on wind farms or anything else. All the information in it is public. It was compiled by the department and outlines the key areas from public expressions on developing wind farms off the Atlantic coast of Nova Scotia.

The department compiled a list of the sensitive areas in this area. Anybody who was doing planning, looking into the area, would be able to reference the area they would be going in. However, it doesn't identify obstacles. It doesn't indicate any support measures from the Ministry of Fisheries or indicate any impact on any particular fishery.

Again, why we would devote time to.... I don't know what we're going to hear, because it's a non-decision document. We could bring in the same people to go over it and they would tell us what's in the document, because this reference report does not recommend any direction to the ministry or recommend anything that may relate to any species in that area.

Chair, again, that's the democratic right that was identified as correct, but it's not a study motion that I could support.

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

Next we'll go to Mr. Connors and then Mr. Calkins.

**Paul Connors (Avalon, Lib.):** Thank you, Mr. Chair.

We've done this a number of times. We bring witnesses in to do a study, in this case, on mackerel. We have people here who have prepared to come in for this and now all of a sudden a motion is moved. In my opinion, this is wasting the time of the people we brought in. We could have discussed this later on.

I'm not sure what the urgency is exactly, but I do know what the urgency is for the mackerel season for this year. We have fishermen who have come forward today who would like to see the season open this year. Time is slowly slipping away on getting the season open this year for a lot of people.

As I read through this and look at all the documents that need to be prepared—internal review processes, peer reviews, many documents that need to be reviewed and presented—I think that even the timeline of when it can be presented is very short.

It only asks for one two-hour meeting with DFO to be held one week after all of the requested information has been received. We're not going to bring in any other witnesses to provide testimony or to talk about what's in the report. Is it just going to be DFO representatives? I've only been here a year, but I've been involved with FOPO for a number of years in my previous job. I don't think it's ever only been DFO brought in as the witness, with just one meeting.

I honestly can't see what the urgency is for this. As Mr. Morrissey said, there's no decision to be made in this report. It's a collection of data. We should probably look at how we should appropriately review the data if we're going to do a study on it.

Thank you very much.

• (1700)

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

Is there anybody else who would like to speak to the motion? We'll go to a vote.

(Motion agreed to: yeas 5; nays 4)

**The Chair:** With that, we are going to return to our questioning. We're going to continue with a six-minute round with Mr. MacDonald.

You have the floor for six minutes.

**Kent MacDonald (Cardigan, Lib.):** Thank you, Mr. Chair.

Thanks to the witnesses who have taken time out of their busy schedules to come in here. I particularly want to thank Mr. MacIntyre, because he comes from the eastern end of P.E.I. That's the riding I represent.

Mr. MacIntyre, I knew your grandfather. He worked in the fishery his whole life. He was a fisheries officer for many years, so conservation was key in his approach to fishing. He also worked with the wildlife federation as a volunteer. I know that if you started working with him at the age of six, you would have learned a lot of good life lessons in regard to conservation and protecting the fishery for the future.

In your opening statement, you described the effects of the mackerel closure in 2022. You had been fishing mackerel commercially prior to that, according to your testimony.

Can you give us an analysis of how this has hit your bottom line, if we look at the difference between that 75¢ bait and the bait you're catching today, and if there was no bait fishery, where that would end up costing you additional dollars?

**Dylan MacIntyre:** If we hadn't had a bait fishery last year, I don't think I would be able to make my annual bank payment. The cost of bait is outrageous right now. It has to be over 50% more what everything cost back in 2022. The price of every gaspereau, redfish, silverside and clam has skyrocketed since the closure of mackerel.

Bait is harder to get, and good bait is very hard to get. You buy bait now that's not taken care of. The quality is not good. This reflects on your catches at the end of the day.

• (1705)

**Kent MacDonald:** I'll ask you something in regard to the U.S. decision to increase their tack. You and your fellow fishers in eastern P.E.I. and indeed all of Atlantic Canada are obviously frustrated by that. We need some type of co-operation agreement that is fair for both countries.

What do you think a practical change would be going forward?

**Dylan MacIntyre:** We could have a bait fishery open at a certain time, so harvesters could go out and harvest bait to be frozen in cold storage for their personal use. Then, have an opening for a commercial fishery, so you could make a profit and sell the bait to packers, buyers and other individuals who don't want to participate in a bait fishery.

**Kent MacDonald:** Many of the fishers I've met with in the year I've been a member of Parliament have talked to me about the real data that could be realized by having a commercial fishery that was on a limited basis. That would allow for dockside monitoring and the recording of catches. This would have to be integrated with scientific data to help make better management decisions.

Would you agree with that? If you had a limited commercial fishery, would it give better data to the outcomes?

**Dylan MacIntyre:** It would give better data to the outcomes because it would show that there are fish all across the region, as fishermen are saying now. You'd see from different provinces that there is an abundance of fish out there.

Having good-sized fish is the biggest thing. There are big fish out there. When you go out tuna fishing, in just 40 or 50 feet of water, you can stop the boat. You get the mackerel you need to proceed with for your day. They're there at all times of the day, at any point.

**Kent MacDonald:** That's interesting. As a young man, I worked in the back of a boat as a cork. I did mackerel seining, which I know you guys don't do anymore. It's hand lines and drift nets, but mostly hand lines in eastern P.E.I. As you described, it's a clean fishery. There's no bycatch. It's a controlled fishery.

I'm wondering about your experiences when you're out tuna fishing. I've heard from a lot of tuna fishermen about the size of the schools. Would that compare with what you saw when you first got into the fishery? In the 1980s, when I was mackerel seining, we could walk on the schools of mackerel off Naufrage and North Lake.

I just want a comparison.

**Dylan MacIntyre:** In the last two to three years, I've seen a substantial amount of mackerel schooling on top of the surface of the water as far as the eye can see, especially in the later months of the year, September and October. It ranges from 30 feet of water all the way out to 150 feet of water. There's mackerel everywhere.

On size, they are big mackerel.

**Kent MacDonald:** Thank you.

**The Chair:** I'm afraid I'm going to have to jump in. We're over time here.

Thank you, Mr. MacDonald.

[*Translation*]

Mr. Simard, you have the floor for six minutes.

**Mario Simard:** Thank you very much, Mr. Chair.

Ms. Carruthers, I really enjoyed your opening remarks. You talked about the discrepancy that can exist between scientific models and observations made on the ground by fishers.

I assume that you, as a scientist, are familiar with the hypotheses and models used. I would like you to tell us more about why there is a discrepancy between the findings of the Department of Fisheries and Oceans and the observations made on the ground by fishers. What explains this discrepancy? It would be helpful for us if you could tell us more about that.

• (1710)

[*English*]

**Erin Carruthers:** There were two parts to the question. One was more about the current models as they're being used in the mackerel stock assessment. The second was on the difference between the mackerel stock assessment and what harvesters throughout the Atlantic provinces are seeing on the water.

There's an ongoing concern with Newfoundland harvesters that we're missing part of the mackerel because of how the egg survey is focused in the southern Gulf of St. Lawrence.

Mackerel are in Newfoundland waters in May, June, July and August. They don't just arrive here after the spawning season. They arrive in Newfoundland waters in May and June. One of our concerns is that those mackerel that are in Newfoundland waters within the spawning season are not being captured in the spawning stock biomass, which then affects the estimate of the biomass.

I have lots of different species on my desk, so I'm not necessarily going to go into the details of how the stock assessment is done. You have a total egg production estimate, and then you have to scale that up to the overall abundance that's out there.

There are two pieces. One is the egg survey. The second is the steps it takes to estimate out to what you think the biomass is.

Some of our contention is that the egg survey might be missing part of the fish. The second step is how you estimate that out to the overall biomass. That's the tricky part. You need to be able to scale it. When you have a small commercial fishery, you have more data that allows you to be able to scale the egg survey to what is out there in the water.

Right now, we have a few samples coming in, but it's really not enough to help scale to the size of the fishery.

I'm sorry. That's a partial answer.

[Translation]

**Mario Simard:** Thank you very much. That was very informative.

In your opening statement, you also referred to data used by Mr. Vigneault from the Department of Fisheries and Oceans. The last time I attended a meeting of the committee, I think we had a discussion on the method for focusing egg surveys.

In your opinion, is this approach appropriate? Isn't this a methodological limitation that adds to what you just said about the missing period?

[English]

**Erin Carruthers:** You can do a couple of things there.

You need to check before and after the spawning period to make sure you're not missing it.

Also, DFO has looked at where the habitat is. Mackerel like to spawn in a particular range of temperature. When they look at where that habitat is, some of the earlier work they have used uses projections of when the temperature is going to change in 10 to 15 years. What would be a really big help is to look at the current upper water temperature and to build our understanding of mackerel spawning habitat from contemporary instead of projected water temperature. That's one easy and doable addition to the current stock assessment.

The main concern with respect to the egg survey has two parts. Is it covering all of the areas? Are we missing something? Is southern Newfoundland a spawning area? We're not sure. Has it progressively been changed? For each of these models, if you're more or less on average but you go up and down, then it's not so much of a problem. If you sequentially end up with more or less of a given input into the model, then that's when it really starts to screw up your

model. Has there been a trajectory of fewer eggs in the survey area? A lower proportion of the spawning population in the survey area would have a big impact on the model.

Those are the types of questions I would like us to talk about at the upcoming assessment.

• (1715)

[Translation]

**Mario Simard:** To your knowledge, is there a model or approach that would enable the Department of Fisheries and Oceans to better integrate the knowledge that fishers have on the ground into their analyses and decision-making processes?

I don't know if you know how this works and how the department manages to take fishers' knowledge into account. Is there a grid or a way to interpret the data provided by fishers?

**The Chair:** I'm sorry, but I have to interrupt you, as your time is up. That's a good question, and I hope the witness will provide us with a detailed answer in writing.

[English]

That finishes our first round of questioning.

We'll start the second round with Mr. Gunn for five minutes.

**Aaron Gunn (North Island—Powell River, CPC):** Thank you, Chair.

Mr. Mallet, do you believe the decisions at DFO surrounding the Atlantic mackerel are currently being based on abundance and core science, or are they being based on something else entirely?

**Martin Mallet:** That's a good question. I think the main focus of the decision-making process right now is on the science that is being given to the department and the minister's office. I would hope that with the new government, and with the new minister we've had since last year, there would be more consideration of the socio-economic importance of these fisheries and better consideration of the input fishermen can give to further enhance the science that we have. All the witnesses have talked about data gaps and the potential issues with the information going into the models. I would hope that moving forward, and in a short time frame, this would be considered.

**Aaron Gunn:** Do you believe the United States is doing a better job at managing this resource than we are?

**Martin Mallet:** No.

**Aaron Gunn:** No? What is your vision? Correct me if I'm wrong, but you mentioned in your earlier remarks the importance of having co-management. Do you have a vision for what that would look like?

**Martin Mallet:** I think co-management has to involve fishermen information coming from surveys and from the catch per unit effort. Let's say a stock is in the critical zone. Well, we should never close a fishery. We should adapt our fishery in terms of a percentage of access that would gain access and gain information for our science that we need, but at the same time keep fishermen on the water for the culture that's associated with these fisheries and the economic importance of them.

For instance, there's the spring herring in southeastern New Brunswick. The spring herring fishery for us down there is important socio-economically but also culturally for the region. I mean, the town of Cap-Pelé was founded on herring and the herring smokers. Right now there's none of that going on in the spring. I think there needs to be more room for fishermen input. We used to have the fisheries resource conservation council, the FRCC, which would bring together an ad hoc committee of scientists from DFO but also external scientists and fishermen. They were around the same table. The recommendations that would come out of these committee reports were not only excellent; they also had a lot of buy-in from the industry groups around the table. That should be something to consider as well.

• (1720)

**Aaron Gunn:** I want to make sure I'm understanding you correctly. You believe there needs to be balance between the socio-economic and cultural upside that harvesting brings versus conservation concerns, but right now that balance isn't being struck. Is that what you're saying?

**Martin Mallet:** We've gone too far toward the precautionary. Within the precautionary approach, there's a difference, I think, between having zero risk and taking some risk but also, at the same time, having fishing activity being preserved. Hopefully, we're going in a better direction, but time will see. For mackerel and herring right now, we've been waiting long enough on that.

**Aaron Gunn:** Thank you very much.

Mr. Chair, I'd like to move the motion that I put on notice two days ago respecting a production order for ISED's report and consultations on the aquaculture transition plan for British Columbia.

I'm sure we all enjoyed Mr. Small reading his. I know everybody got it in their inbox, so I would like to speak to it briefly.

The minister promised thousands of Canadian workers in the aquaculture sector an answer by this past fall about what the federal government's so-called transition plan would mean for them. Workers have been left to wonder if a government decision or directive is about to be issued which will cost them their jobs and make them unable to pay their mortgage or rent or put food on the table to feed their families. This committee deserves to know if the government is planning to put 4,000 Canadians out of work, destroy an entire industry and compromise Canada's food security.

This government produced a report, by their own admission, detailing their vision for what this aquaculture transition would look like for British Columbia. The minister said that this report was completed and that she would read it. That was months ago, in October.

I hope some members across the way can relate to this. As the member of Parliament for the riding most affected, who was elected to represent these individuals, these families, in the House of Commons and to be their voice, I have been remarkably patient, some might say uncharacteristically patient, on this issue until now. It's now April and we still have not heard anything from the minister, nothing from the department.

Canadians deserve answers. This committee deserves answers. Most importantly, the workers in the industry deserve answers. Workers in Port Hardy, Campbell River, Port McNeill, Klemtu, Gold River and Zeballos deserve to know if the department is planning to take their jobs.

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

Mr. Gunn has moved the motion that was put on notice on April 20. We're going to move into debate on this motion. I'll be keeping a speaking list.

The first person I have on the list to speak to this is Mr. Klassen.

**Ernie Klassen:** Thank you, Mr. Chair.

The member is seeking to undermine years of formal consultations and concrete work on aquaculture and wild salmon to call for documents related to a report that has been neither finalized nor published. This directly undermines nation-to-nation consultations with first nations and undermines consultations with the industry.

I'd like to read some comments here:

In November 2009, the Governor General in Council issued Order in Council 2009-1860, establishing this Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River and appointing...Bruce Cohen, sole Commissioner under Part 1 of the Inquiries Act. The report of this Inquiry consists of three volumes. I describe the Terms of Reference of this Commission in Volume 1, Chapter 1, and set them out in full in Appendix A to each volume of this report.

In Volume 1, the Sockeye Fishery, I set out the background information necessary for the reader to understand the complexity and breadth of the Fraser River sockeye salmon fishery. The chapters in Volume 1 cover several topics:

an overview of the Commission's mandate;

a description of the life cycle of the Fraser River sockeye salmon;

an overview of the legal framework governing the Fraser River sockeye fishery;

an overview of the organizational structure of the Department of Fisheries and Oceans (DFO);

a description of the management of the Fraser River sockeye fishery;

a description of the management of the Fraser River sockeye habitat;

a description of DFO's enforcement activities related to the fishery and fish habitat;

an overview of the management of salmon farms—an activity that may affect Fraser River sockeye;

an overview of fish health management related to wild and cultured fish;

a discussion of DFO's Wild Salmon Policy; and

a case history of the Cultus Lake sockeye salmon.

Some subject matter is repeated among the chapters and volumes. Often, to describe aspects of how the fishery is managed...it is necessary to describe the technical and scientific information upon which management decisions are based. That scientific evidence may be repeated in Volume 2 in discussing the causes of the decline.

In Volume 2, Causes of the Decline, I focus on that section of the Terms of Reference (section C(I))—

• (1725)

**Robert Morrissey:** Chair, can we have order in the committee?

**The Chair:** Yes. Mr. Klassen has the floor here.

Again, as I mentioned, I reminded members at the beginning of the meeting that I will recognize you by name before you begin speaking. There's only one person speaking at a time, please.

Mr. Klassen, I'll turn the floor back to you.

**Ernie Klassen:** Thank you, Chair. I will continue:

—directing me to investigate and make independent findings of fact regarding the causes of the decline of Fraser River sockeye. I summarize the public submissions I received regarding the causes of the decline, other investigations into the decline, as well as the scientific reports prepared for the Commission exploring the different possible causes of the decline. I also discuss the testimony of numerous witnesses, many of whom were qualified as experts in their fields. Volume 2 includes a summary of the findings of fact I make regarding the possible causes of the decline of the Fraser River sockeye salmon.

Volume 3 contains my recommendations based on my review of the evidence and my findings set out in volumes 1 and 2. I also discuss Bill C-38, an act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, which was introduced on April 26, 2012, after this Inquiry's evidentiary hearings had concluded, and which received royal assent on June 29, 2012. Bill C-38 amends the Fisheries Act and enacts a new Canadian Environmental Assessment Act, 2012. I summarize the provisions most relevant to the works of this Inquiry, record the views of the participants, and comment on the possible implications of Bill C-38 for Fraser River sockeye salmon and my recommendations respecting them. Volume 3 also provides an executive summary of this Report and a description of the Commission process.

Each volume includes appendices related to that volume. All three volumes contain the Terms of Reference, a glossary, and a list of abbreviations and acronyms.

I refer to many views and opinions submitted by members of the public and participants in this Inquiry, to the testimony of witnesses, and to the documents and reports put before me. The issues dealt with in this Inquiry were the source of differing points of view. In many cases, the issues were matters of significant concern to the speakers or authors. In my effort to convey the intensity of these perspectives, I have quoted submissions and evidence that may strike the reader as incorrect, and perhaps extreme. It's important for the reader to understand that I have been clear in the Report where I have made findings. The recitations of evidence and submissions are not findings. The reader should not interpret the reproduction or summary of evidence or submissions as my endorsement of any particular view.

Throughout this Report, I've tried to provide the reader with—

[Translation]

**Mario Simard:** I have a point of order, Mr. Chair.

[English]

**The Chair:** Mr. Klassen, there's a point of order here.

Go ahead, Mr. Simard.

[Translation]

**Mario Simard:** I find what Mr. Klassen is doing fascinating. However, if he thinks he'll have something to say until 6 p.m., we might not needlessly waste half an hour of the witnesses' time. It would be nice to let them go. That's up to you.

**The Chair:** Thank you very much, Mr. Simard.

Do the committee members agree on that?

It seems so.

[English]

Okay.

Before giving the floor back to Mr. Klassen at this point, this is a discussion that's going to continue for some time and at this point, we'll excuse the witnesses.

Thank you.

With that, I'm going to turn the floor back to Mr. Klassen.

• (1730)

**Ernie Klassen:** Thank you.

I quote: "Throughout this report—

**Some hon. members:** Oh, oh!

**The Chair:** Colleagues, order.

Mr. Klassen has the floor here. There's only one person speaking at a time.

I'm going to hand the floor back to Mr. Klassen.

**Ernie Klassen:** I'll continue:

Throughout this Report, I have tried to provide the reader with references to the sources of information I relied on by including a list of endnotes following each chapter. The sources are primarily documentary evidence...and the testimony of witnesses.... I also refer to public submissions, which will be archived on our website.... Occasionally, I refer to legislation and judicial decisions, as well as policy and practice reports prepared by Commission staff. In exceptional cases where the evidence was insufficient to explain something, such as an aspect of DFO's organizational structure, I refer to websites. Although they are up to date as of June 30, 2012, it must be kept in mind that websites change over time or become unavailable.

This Report is accompanied by a DVD that includes the transcripts from the hearings along with exhibits, technical reports, legislation, case law, and policy and practice reports relevant to this Report. The DVD also includes my rulings on issues that arose during the hearings, the participants' submissions, and the Interim Report and Final Report. Detailed maps included in the Report are also on the DVD and can be enlarged when viewed electronically.

Where it might be useful, I have tried to provide the page numbers of the transcripts and exhibits that I rely on. For most documents—

**The Chair:** Mr. Klassen, there's a point of order.

Mr. Small.

**Clifford Small:** I'm wondering if the images that Mr. Klassen is talking about are also available on microfilm.

**The Chair:** That's not a point of order, Mr. Small.

With that, I am going to turn the floor back over to Mr. Klassen.

**Ernie Klassen:** I'll continue:

For most documents, the page number corresponds to the original pagination. If the original document was unpaginated but pagination was applied through the process of its disclosure to the Commission...or by virtue of its being a PDF file, I have provided the corresponding page number.

Now I'll go to chapter 1:

The sockeye salmon of British Columbia's Fraser River are iconic in Aboriginal and non-Aboriginal communities. They have sustained numerous Aboriginal communities and have been at the centre of Aboriginal traditions in this province for millennia. As well, Fraser River sockeye are an important resource in the province's economy, and a key component of its freshwater and marine ecosystems.

Thirty years ago, the Government of Canada established a wide-ranging inquiry to examine all Pacific coast fisheries, including Fraser River sockeye salmon.\* Since then, the landscape has changed dramatically. Warming marine and river temperatures and changing snowpack-melting patterns have added to other stressors affecting the health and productivity of Fraser River sockeye salmon. The Supreme Court of Canada and lower courts have made pronouncements on Aboriginal fishing entitlements under the Canadian Constitution, and on other aspects of fisheries management. Management of the Fraser River sockeye fishery has become more complex given competing claims by First Nations and stakeholders, changing policies and practices, and dozens of investigations and reports containing hundreds of recommendations.

Fisheries managers and fish biologists have identified a decline in Fraser River sockeye abundance and productivity since the early 1990s. In terms of abundance, Figure 1.1.1 illustrates that decline and places it in a broader historical context.

**Jacob Mantle (York—Durham, CPC):** I have a point of order.

I'm just wondering if the chair could make a ruling on whether a report from 2009 is relevant to Mr. Gunn's motion.

**The Chair:** Mr. Mantle, it's not for the chair to make a ruling on whether something is relevant, but I would advise Mr. Klassen to make his best efforts to ensure that his comments are relevant to the matter at hand.

• (1735)

**Ernie Klassen:** I believe this is very relevant to the motion. I'll continue:

In terms of productivity, a think tank of scientists organized by Simon Fraser University and the Pacific Fisheries Resource Conservation Council expressed the decline by comparing the number of adults returning to spawn...to the number of spawning adults four years previously... If the number of recruits is lower than the parental numbers, the stock would appear to be in decline. Between the early 1990s and 2009, there was a steady and profound decline, to the point where the number of recruits per spawner was well below the replacement level.

The steady decline of this resource over the past several decades has put enormous pressure on Aboriginal and non-Aboriginal communities that depend on the sockeye salmon, whether for Aboriginal food, social, and ceremonial purposes, recreational pursuits, or livelihood.

In 2009, a record low number of sockeye salmon returning to the Fraser River led to the closure of the fishery for the third consecutive year, despite favourable pre-season estimates of the number of sockeye salmon expected to return. However...there was a dramatic improvement in both abundance and productivity in 2010 and, to a lesser extent, in 2011.

In November 2009, the Governor General in Council issued Order in Council 2009-1860 establishing this Commission of Inquiry and appointing me as sole Commissioner under Part 1 of the Inquiries Act to investigate this decline of sockeye salmon in the Fraser River.

The same Order in Council set the Commission's Terms of Reference. The Order in Council with complete Terms of Reference appears as Appendix A. In brief, the Terms of Reference direct me

(A) to conduct the Inquiry without seeking to find fault on the part of any individual, community or organization, and with the overall aim of respecting conservation of the sockeye salmon stock and encouraging broad cooperation among stakeholders,

(B) to consider the policies and practices of the Department of Fisheries and Oceans (the "Department") with respect to the sockeye salmon fishery in the Fraser River – including the Department's scientific advice, its fisheries policies and programs, its risk management strategies, its allocation of Departmental resources and its fisheries management practices and procedures, including monitoring, counting of stocks, forecasting and enforcement,

(C) to investigate and make independent findings of fact regarding

(I) the causes for the decline of Fraser River sockeye salmon including, but not limited to, the impact of environmental changes along the Fraser River, marine environmental conditions, aquaculture, predators, diseases, water temperature and other factors that may have affected the ability of sockeye salmon to reach traditional spawning grounds or reach the ocean, and

(II) the current state of Fraser River sockeye salmon stocks and the long term projections for those stocks, and

(D) to develop recommendations for improving the future sustainability of the sockeye salmon fishery in the Fraser River including, as required, any changes to the policies, practices and procedures of the Department in relation to the management of the Fraser River sockeye salmon fishery[.]

Although there have been several dozen examinations, investigations, and reports on various aspects of the Pacific fishery during the past three decades, this Commission's mandate is broader than the mandates of previous examinations. It calls for a consideration of all aspects of the policies and practices of the Department of Fisheries and Oceans (DFO)\* in relation to the management of the Fraser River sockeye salmon fishery and an investigation – not limited to any one year's return – of the biological, ecological/environmental, and other causes of its decline. It is also the first Commission of Inquiry established under the authority of the Inquiries Act dealing with the Fraser River sockeye fishery since the 1982 Pearce Commission on Pacific Fisheries Policy.

Several aspects of the Commission's mandate warrant preliminary comment.

• (1740)

One of the provisions of the Terms of Reference unique to this Inquiry was the direction "to conduct the Inquiry without seeking to find fault on the part of any individual, community or organization." Rather, I was mandated to encourage broad co-operation among stakeholders. I am pleased to report that throughout the Inquiry's proceedings, counsel for the various participants, while vigorously advancing their clients' interests, acted with a high degree of professionalism in adopting a collaborative and co-operative approach. This enabled the Commission to gather information and evidence upon which to build a better and clearer understanding about the past declines to place the Commission in a position to recommend the necessary steps and solutions for ensuring the future sustainability of the Fraser River sockeye salmon fishery.

Early in my mandate, an application was made to interpret the direction "to conduct the Inquiry without seeking to find fault..." In my ruling, I found that those words clearly directed me to conduct the Inquiry without focusing on assigning fault to any individual, community, or organization, and to encourage co-operation among the stakeholders. However, I also found that the direction did not preclude me from making any particular findings. In the event that the evidence led me to the conclusion that any individual, community, or organization had engaged in conduct that directly or indirectly was a factor causing or contributing to the decline of Fraser River sockeye salmon, or in conduct that was the basis for recommendations to change policies, practices, or procedures in relation to management of the fishery, the direction did not limit the scope of the findings or recommendations that I was able to make.

The Terms of Reference direct me to investigate and make independent findings of fact regarding the causes of the decline of Fraser River sockeye salmon. Various biological and ecological issues are enumerated, but the words "including, but not limited to" invite me to consider other possible causes as well.

The manner in which Fraser River sockeye stocks have been managed during the period of the decline is an important matter that warrants examination, for several reasons. First, the preamble to the Terms of Reference acknowledges that the decline "has been attributed to the interplay of a wide range of factors, including environmental changes along the Fraser River, marine environmental conditions and fisheries management." Second, the Terms of Reference specifically direct me to consider the policies and practices of DFO with respect to the sockeye salmon fishery in the Fraser River, including:

the department's scientific advice;

its fisheries policies and programs;

its risk management strategies;

its allocation of departmental resources; and

its fisheries management practices—

**Aaron Gunn:** I have a point of order.

**The Chair:** There is a point of order, Mr. Klassen.

Mr. Gunn, go ahead on a point of order.

**Aaron Gunn:** Chair, it has been half an hour now. Mr. Klassen is just reading. I don't know how this is relevant to the production of documents.

This is my first year as a member of Parliament. I know there are Canadians watching. What is happening right now? Can a member just talk forever about something that has nothing to do with the motion at hand while we just listen?

**Robert Morrissey:** Chair, I have a point of order.

**The Chair:** On the same point of order, go ahead, Mr. Morrissey.

**Robert Morrissey:** If Mr. Gunn read his motion, he would know it references everything that my colleague is speaking about. That's what it's questioning. To now question through a point of order what my colleague is speaking to, I'm not sure of the basis of it. When the mover moved his motion, it was on the very topic that is being discussed now.

**The Chair:** Thank you.

With that, I'm going to turn the floor back over to Mr. Klassen.

**Jacob Mantle:** Sorry, but I would like to speak to the same point of order, Mr. Chair.

**The Chair:** Mr. Mantle, go ahead on a point of order.

• (1745)

**Jacob Mantle:** There's clearly disagreement on the relevance here, and you can make a decision on that. I'm sorry, but I disagree with Mr. Morrissey. The motion is about the production of documents, not about the fishery itself, so I don't think he's correct in his logic there.

Maybe you could give us your decision.

**Robert Morrissey:** Chair, I have a point of order.

**The Chair:** Mr. Morrissey, go ahead on the same point of order.

**Robert Morrissey:** We could have a wonderful debate on logic that comes from the other side.

**The Chair:** There's a wide latitude in the debate on motions. As I mentioned before, all members make their best efforts to make sure their comments are relevant to the motion.

I'm going to turn it back over to Mr. Klassen to continue with comments that are relevant to the motion.

**Ernie Klassen:** Thank you, Mr. Chair.

I'll continue:

its risk management strategies;

its allocation of departmental resources; and

its fisheries management practices and procedures, including monitoring, counting of stocks, forecasting, and enforcement.

The only matter on which I am invited to make recommendations to the Government of Canada relates to improving the future sustainability of the sockeye salmon fishery in the Fraser River. I must interpret that directive in a manner consistent with the other paragraphs of the Terms of Reference, which direct me to consider DFO's policies and practices with respect to the Fraser River sockeye fishery and to make independent findings of fact regarding the causes of the decline of the Fraser River sockeye stocks.

The scope of my recommendations for improving the future sustainability of the Fraser River sockeye fishery will be informed by the breadth of my fact-finding mandate, and by the context in which that mandate was created—the decline of Fraser River sockeye stocks since the early 1990s. It is that decline that the Government of Canada seeks to reverse by instituting measures to improve the future sustainability of the Fraser River sockeye fishery. I am invited to make recommendations to that end. The Terms of Reference specifically invite me to recommend changes to DFO's policies, practices, and procedures in relation to the management of the Fraser River sockeye salmon fishery. However, the word “including” leaves open the possibility of making recommendations on other matters as well.

Although the Terms of Reference are silent on the matter of Aboriginal rights and title, this Commission of Inquiry respectfully acknowledges the special relationship that many First Nations have with Fraser River sockeye salmon. They have fished these waters for sustenance for millennia and, through their traditions, ceremonies, and traditional ecological knowledge, bring a unique perspective to bear on this Inquiry's work.

Aboriginal people also possess a unique legal status in relation to Fraser River sockeye, based on section 35 of the Constitution Act, 1982, which states “[t]he existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.” For example, in 1990 the Supreme Court of Canada recognized for the first time...an Aboriginal right to fish for food, social, and ceremonial purposes, and stated that such a right would be treated with priority, subject only to conservation.

In addition, several historical and modern treaties negotiated between the Crown and First Nations refer to Aboriginal access and participation in fisheries, and therefore must be considered as part of the legal framework underlying the management of Fraser River sockeye.

Aboriginal and treaty rights are discussed in more detail in Chapter 3, Legal framework.

In order to develop an evidentiary basis for making the findings of fact and recommendations mandated by the Terms of Reference, this Commission acquired information from a variety of sources.

Taking direction from the Terms of Reference, I published an Interim Report in October 2010, setting out my views on any previous examinations, investigations, or reports deemed relevant to the Inquiry, and on Canada's responses to them. Previous reports were an important source of information. Over the past three decades, there have been dozens of reports on the Pacific fisheries, primarily focusing on DFO's management of the fisheries and its activities respecting harvesting, protection of habitat, protection of wild salmon stocks, and aquaculture. Some, such as Dr. Peter Pearce's 1982 report, were sweeping in nature, examining the condition, management, and utilization of all Pacific coast fisheries. Others, such as the Honourable Bryan Williams' 2005 report, which examined only the 2004 Fraser River sockeye salmon return, focused on a single event.

• (1750)

In my October 2010 Interim Report, entitled *Fraser River Sockeye Salmon: Past Declines. Future Sustainability?*, I discussed 26 of those reports, and summarized the recommendations contained in them and the federal government's initial responses to them. Under the Commission's Terms of Reference, I may consider the findings of these previous reports, as I consider appropriate and relevant, and give them any weight, including accepting them as conclusive.

In my Interim Report, I also discussed the input received by the Commission in response to its June 2010 discussion paper, which outlined the salmon management and technical and scientific issues the Commission intended to investigate, as well as our public forums in 10 coastal and Fraser River communities and our 14 site visits in 12 British Columbia communities. A more detailed description of the Commission's activities before and after the release of the Interim Report can be found in Volume 3, Chapter 5, Commission process.

Throughout the Inquiry, members of the public were invited to express their views on issues related to the Commission's mandate by mail, by making a public submission on the Commission's website, or by commenting on another person's submission. The Commission received approximately 900 submissions, which are referred to throughout this Report.

The Commission undertook a scientific research program, directed by our in-house fisheries research consultant, to investigate possible causes of the decline of Fraser River sockeye. Terms of reference were developed for a series of technical reports, which were contracted out to technical researchers knowledgeable in the respective fields on which they reported. In total, the researchers produced 15 technical reports. Under the Commission's Rules for Procedure and Practice...I may consider these technical reports in making my findings of fact and recommendations. The technical reports are discussed in Volume 2 of this Report; executive summaries are included as Appendix B to Volume 2; and each report is reproduced in full in the DVD accompanying this Report.

In April 2010, I made 21 grants of standing for participation in the Commission. Many of these grants of standing were shared among applicants who originally applied individually. In total, 53 individuals, groups, and organizations were included in these grants of standing.

Between October 2010 and September 2011, I conducted the evidentiary hearings, which were open to the media and public. Most of the hearings were held at the Federal Court in downtown Vancouver, BC. Hearings were reopened in December 2011 to consider emerging evidence on infectious salmon anemia (ISA) virus. Each witness testified under oath or affirmation, either alone or as a member of a panel. Each was questioned by Commission counsel and cross-examined by participants or participants' counsel. Witnesses included DFO senior management and employees, officials from the Province of British Columbia and local governments, independent scientists, conservationists, representatives of the aquaculture industry, and representatives of the commercial, sport, and Aboriginal fisheries. The authors of the Commission's technical reports were also questioned and cross-examined on their reports.

The Commission held 133 days of evidentiary hearings, during which 179 witnesses testified, 2,145 documents were filed as exhibits, and 14,166 pages of transcript were generated. Exhibits and transcripts were posted on the Commission's website, giving the media and public full access to our proceedings. All hearing transcripts and the exhibits referred to in this Report are included in the accompanying DVD.

Commission counsel also prepared 21 policy and practice reports on a wide range of legal topics and on numerous salmon management policies and practices. These reports were circulated to all participants in advance of evidentiary hearings on the corresponding topics, and were also filed as exhibits. They are part of the DVD included with this Report. Under the Commission's Rules for Procedure and Practice, I may consider these reports and the documents they reference in making my findings of fact and recommendations.

- (1755)

At the conclusion of the evidentiary hearings, I received extensive written and oral final submissions from participants respecting the matters into which I have been directed to inquire, including recommendations for improving the future sustainability of the Fraser River sockeye salmon fishery. In April and May 2012, I invited participants to provide supplementary submissions, if they wished, on how their submissions were affected by proposed changes to a number of pieces of legislation relevant to the work of the Commission contained in Bill C-38...

All the sources of information and evidence discussed above have formed the basis of this Report, including my findings of fact and recommendations.

My Terms of Reference direct me to develop recommendations for improving the sustainability of the Fraser River sockeye fishery. I interpret this as direction to consider the Fraser River sockeye fishery as a whole. However, this fishery is multifaceted and comprises three distinct harvest sectors: the Aboriginal communal fishery, the general commercial fishery, and the recreational fishery. Here, I provide a brief introduction to each of these harvest sectors; they are discussed in greater detail throughout my Report.

Aboriginal communities have been fishing Fraser River sockeye for all of living memory. While British Columbia is home to a diverse population of Aboriginal cultures, I heard that many groups share a sense of cultural identity deeply rooted in the salmon fishery. This identity includes a profound respect for salmon, which are sometimes viewed as relatives or kin as opposed to simply as fish. Respect for salmon is passed down from Aboriginal elders to younger generations and is instilled in the laws of Aboriginal nations. Several witnesses told me that Aboriginal participation in the Fraser sockeye fishery is a vital means to preserve Aboriginal cultural practices and traditions. For example, Councillor June Quipp of the Cheam Indian Band told me that the salmon fishery is a part of her community's "spirit," and Chief Fred Sampson of the Siska Indian Band told me that his community's cultural, physical, and spiritual well-being are all dependent on the salmon fishery.

Aboriginal communal fishing licences authorize fishing for food, social, and ceremonial purposes. In respect of fishing for these purposes, Aboriginal groups enjoy a priority of access to Fraser River sockeye, subject to conservation.

**An hon. member:** I have a point of order.

**Ernie Klassen:**

In addition, some Aboriginal communal fishing licences may authorize fishing—

**The Chair:** Mr. Klassen, there's a point of order.

Mr. Gunn.

**Aaron Gunn:** Mr. Chair, I think this is now the third time we've asked for relevance. I know you've asked the member to make sure his remarks are relevant. He keeps reading from the same report from 17 years ago.

Is this the standard for relevance we want to apply for the rest of this Parliament at the committee?

**The Chair:** We'll go to Mr. Morrissey on the same point of order.

**Robert Morrissey:** On a point of order, Chair, the precedent has been set in other committees about the relevancy to debate material within committees. My colleague is speaking to the context of the motion put forward by the member. If he did not want to hear it, then he could have chosen another topic to move on. The subject matter is the salmon, the open pen and the whole context of that on the west coast of British Columbia, which is an extremely important period, so it is very relevant.

- (1800)

**Jacob Mantle:** I'd like to speak to the same point of order, Mr. Chair.

With respect to Mr. Morrissey, the practices of other committees don't bind this committee. You as chair are the master of this room. I think you decide what standard of relevance you want to apply, and that will reflect on this committee.

**The Chair:** Thank you.

As I said before, it's important to keep the comments relevant to the topic at hand, to the motion that Mr. Gunn brought forward, Mr. Klassen. I want to provide that recommendation again. That recommendation is for all committee members to make sure we are keeping our comments to the matter at hand.

Mr. Morrissey.

**Robert Morrissey:** Could you then tell us what the subject matter is that's currently being discussed? Is it west coast salmon and the conditions of it, the whole open end? It's pretty broad.

**The Chair:** Mr. Gunn did read the matter of the report. It's related to documents on the aquaculture transition, which, of course, for members who may not be aware... I know that the Cohen commission was, in fact, recommending actions related to aquaculture.

I don't want to get into that myself, but I understand it's connected from that point of view.

I'll go to Mr. Small on the same point of order.

**Clifford Small:** Mr. Chair, you cautioned Mr. Klassen to stay relevant. It seemed that you questioned his relevance yourself by the tone of your voice.

Do you agree or disagree that what Mr. Klassen has been reading is relevant, and if it's not, will you shut him down?

**The Chair:** I wasn't going to comment on what is and isn't relevant to it, knowing from what is in the report myself.... I just want to make sure that all members are going to keep their comments relevant to the motions that we have at hand.

With that, I'm going to hand the floor back over to Mr. Klassen.

Actually, seeing that the clock is at 6:01 p.m., as mentioned before, I'm going to adjourn the meeting.

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