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Chair

Mr. Ken McDonald

Standing Committee on Fisheries and Oceans

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• (1550)

[English]

The Chair (Mr. Ken McDonald (Avalon, Lib.)): Good afternoon, everyone. Welcome to our regular fisheries and oceans committee meeting. I want to try to get started as quickly as possible because time is very limited, and I want to try to make sure we get all the statements from everybody who is appearing, both by video conference and here in person, on the record.

First of all I would like to, of course, welcome some new members sitting around the table. On the Conservative side I would like to welcome Ms. Rosemarie Falk to the committee.

Mrs. Rosemarie Falk (Battlefords—Lloydminster, CPC): Thank you.

The Chair: It's great to see you.

As an observer for now, we have Ms. Karen Ludwig from the Liberal side.

We have witnesses representing various organizations here today. From Association des crabiers acadiens, we have Robert Haché, general manager. From the Fisheries Council of Canada, we have somebody who is no stranger to the committee, of course, Paul Lansbergen, president. From the Grand Manan Fishermen's Association, we have general manager Melanie Sonnenberg and, I believe, project manager Bonnie Morse. From the Maritime Fishermen's Union, we have the president, Carl Allen, and the chief executive officer, Martin Mallet.

By video conference, we have from the Fundy North Fishermen's Association, Maria Recchia, executive adviser, and as well by video conference representing Fédération régionale acadienne des pêcheurs professionnels, we have Jean Lanteigne, director general.

Everybody has a presentation to go with, and hopefully they won't take too long so we don't have to miss out on any of the presentations.

With opening remarks, we'll start off with Association des crabiers acadiens and Mr. Haché.

[Translation]

Mr. Robert Haché (General Manager, Association des crabiers acadiens): Thank you, Mr. Chair.

My remarks today represent the position of all partners in New Brunswick's snow crab industry as regards the problem of right whales, including fishermen's and processors' associations.

The fishermen's associations include the *Association des crabiers acadiens*, the *Association des pêcheurs professionnels crabiers acadiens*, the *Crabiers du Nord-Est*, the Maritime Fishermen's Union — my colleague Martin Mallet who is here is one of its representatives — and the *Association des transformateurs de produits de la mer du Nouveau-Brunswick*.

This position is based on our experience in the snow crab fishery in the Southern Gulf of St. Lawrence in 2018. It reflects our analysis of the situation and explains how we hope right whales will be managed in 2019. In short, we are hoping for better management of right whales to ensure that the snow crab fishery can operate smoothly, and that the whales are effectively protected in the 2019 season.

We drew a number of lessons from the events in 2018, when we faced major logistical challenges and an extremely difficult fishing season. These events had negative social and economic impacts on our region. In particular, the processing plants had a hard time with the crab catches being unloaded so quickly, which sometimes led to backlogs. In many cases, this shortened the working period for factory workers, thereby reducing their eligibility for employment insurance. That is the most significant negative impact on the fishing industry in 2018.

Last year, we had another problem, when industry members were excluded from the Fisheries and Oceans Canada decision-making process. There was very little communication between that department and the fishing industry from late fall 2017 to the time the decisions were made. This of course seriously undermined the confidence of the fishing community stakeholders.

In making these recommendations to your committee and to Fisheries and Oceans Canada, we hope to encourage real cooperation with the department. Our primary motivation is to achieve peaceful coexistence between right whales and crab fishers.

Not everything was bad in 2018, far from it. Certain management measures that were implemented at the start of the crisis last fall, following good consultations between the department and the industry, were very effective and should be maintained.

The first was setting a common date for the start of the fishing season.

The second was restricting ship speed.

The third was labelling the ropes and buoys, so we can now determine the origin of a rope in which a whale is caught. If the rope is from the Southern Gulf of St. Lawrence, we can know that now, which is important in managing the situation. In the whole of the Maritimes, however, ropes only have to be labelled in the southern Gulf of St. Lawrence. This is unacceptable to us and we are taking this opportunity to tell you that.

The fourth is the requirement to declare any equipment loss to Fisheries and Oceans Canada. We lose traps every year. Until last spring, however, we were not required to report losses to the department and we do not really make any effort to recover them. This year, the regulation requires us to declare the loss of those traps, and that is a very good step.

The weekly meetings with Fisheries and Oceans Canada during the season are the fifth measure. These meetings have been useful, and we think they should be maintained.

Last but not least is locating and removing the ropes floating in the water. In 2017, there was a very high biomass of crabs in the Southern Gulf of St. Lawrence, leading to a marked increase in fishing, and therefore much greater use of traps. Since this was unplanned, the quality of the ropes used and the way they were laid was not the best. As a result, there were a lot of ropes floating in the water that year, and since whales feed on the surface, they picked up the ropes on their way. So it is extremely important for there to be as few ropes as possible or for them to be vertical in the water.

• (1555)

In addition, in the Southern Gulf of St. Lawrence, it is important to start the fishing season as early as possible in the year. That means freeing the seaports in northern New Brunswick of ice as soon as possible and not opening the fishery until all fishermen and fleets can put out to sea safely. This is problematic because it involves compromise. It would be possible to start fishing earlier in some places than in others, but the important thing to us is for all fishermen to begin the season safely.

The closure areas are managed according to the presence of whales. In 2018, certain areas were closed arbitrarily, when there were clearly no whales to be protected. What we would like going forward is to make sure there is more than one whale in a given area before fishing is closed, which would be a more flexible strategy for managing closure areas.

Whales concentrate in some very important crab fishing areas. Here is what we are dealing with: the whales feed where the crabs are located. So we have to deal with that and try to please everyone. Whales tend to go to certain areas to feed and stay there for several days, if not several weeks. The whales arrive and hunt, looking for the best source and highest concentrations of food. It can take three to five weeks for the whales' movements to stabilize until they find the best place.

These movements can be tracked and used to ensure that the right fishing areas are closed, that is, those where the whales are in need of protection. To this end, we are asking the department to use the additional data gathered in 2018 as soon as possible to model the movements and presence of whales in the gulf this year. Unlike last year, the department now has much more data on the presence and

real movements of whales in the Southern Gulf of St. Lawrence. What we would like is for that data to be used to model how and when the whales entered a given area, and what they did there. These models could then be used to verify other possible closure scenarios for 2019.

We believe there is more than one way to manage this effectively, and we have to find a way to verify various hypotheses.

[English]

The Chair: We're going to have to cut it off there. We're over time. Hopefully in the questioning round you'll get across any points that you didn't....

I'll remind all witnesses that they can submit a written submission as well.

Mr. Robert Haché: Sorry.

The Chair: That's fine. It's not a problem.

• (1600)

[Translation]

Mr. Robert Haché: That is essentially it for my presentation.

The Chair: Thank you.

[English]

Next up for presentation by video conference is Jean Lanteigne, director general at Fédération régionale acadienne des pêcheurs professionnels.

[Translation]

Mr. Jean Lanteigne (Director General, Fédération régionale acadienne des pêcheurs professionnels): First of all, thank you for inviting us here today to provide our suggestions and comments on this very worrisome topic.

Since beluga whales are mostly in the St. Lawrence estuary, which is not a usual fishing area for us, are recommendations do not pertain to that species.

It is very clear to us that the mass movement of whales is attributable to climate change. In our opinion, water temperature and food sources are the two factors accounting for the significant presence of these mammals in the gulf. Given the behaviour of these mammals, any kind of human presence on the water is a risk to them. The easy solution would be to ban all human activity on the water, but we all know that is unrealistic. So we have to find approaches that allow for coexistence.

Marine activities include shipping and the traffic from cruise ships, ferries and pleasure craft. There are also oil extraction activities, and of course commercial and sport fishing.

How do these activities affect the behaviour of each species? We are just beginning to learn that. In 2017, 12 right whales died in Canadian waters. Because two of them died after getting caught in fishing gear, fishermen have taken much of the blame for the possible disappearance of the right whale. No need to look further, dear Watson, we have found the culprits!

It is not that simple though. Why did the other 10 whales die? The committee must learn why those whales died and the results of those necropsies. Without getting into a debate about who did what, let us look closely at what the fishing industry can do.

The first idea is very simple: fish only when there are no whales present. In the early spring, when the ice melts, we fish for snow crab. Can this practice be improved? We say it can. But the government has to want to work with the Coast Guard or private companies to free the fishing ports of ice.

Those opposed to this idea argue that this would entail additional costs. Our position is that it would allow us to stop fishing earlier, which would substantially decrease aerial surveillance costs. The costs would probably be the same in the end, but the possibility of incidents would be significantly reduced.

[English]

The Chair: Mr. Lanteigne, the bells have started ringing and the lights are flashing, but to keep going I have to ask for unanimous consent. We will go for a certain amount of time before we have to leave to get back to vote.

Some hon. members: Agreed.

The Chair: Okay, please continue.

[Translation]

Mr. Jean Lanteigne: First, to preserve the economic benefits for each community, a single opening date for everyone must be maintained. Opting for different dates depending on which ports are ice-free would lead fleets to leave their usual home ports.

Second, still with a view to maximizing fishing activities before the right whales arrive, we maintain, as do the other zone 12 crab fishermen's associations, that static or dynamic closure areas should not be imposed before the right whales arrive. While there is room for improvement, the monitoring strategies are effective enough to detect the arrival of the right whales in our fishing areas. Within 96 hours, the fishermen can move their traps to areas where there are no whales.

Third, further study and documentation is needed regarding the coexistence of marine activities—in our case, fishing in the presence of marine mammals. Each species behaves differently in the presence of boats and fishing gear. To allow for this coexistence, we have to train fishermen and educate them about these new realities. In our opinion, there is very little such training at this time, and educational institutions must be encouraged to create such programs. The more fishermen understand the importance of protecting not only marine mammals, but biodiversity in general, the more easily and the more quickly we will secure their cooperation.

Fourth, what would have happened if one or more whales had died this year? Would we have lost our markets? Do we have a plan?

Many people applaud the fact that no right whales died this year as a result of the very strict measures taken. In our opinion, we were just very lucky, as we were very unlucky in 2017. We need a real action plan and strategies to deal with a potential incident. In this regard, it is extremely important for Fisheries and Oceans to work quickly with the industry to regain the Marine Stewardship Council certification that was lost this year. That would send a signal to markets that we take the situation seriously, and above all that we have taken corrective measures to retain it. We must have one or more strategies to deal with potential whale mortalities. We cannot simply cross our fingers and hope for the best.

Fifth, we have to look out for fishermen's safety. The measures implemented this year forced some fishermen to change their fishing practices a number of times. Many of them had to move their traps often. You have to understand that the resource at the bottom of the sea is not like vegetables in a garden that grow everywhere equally. In addition to lower catch rates at the start of the season, the inclement spring weather forced fishermen to step up their fishing activities and to work in dangerous conditions. We are lucky there have been no tragedies at sea. Any strategy must consider fishermen's safety, which we consider non-negotiable.

I would like to point out in closing that we endorse the recommendations to be presented later on by our colleagues from the Maritime Fishermen's Union — Mr. Mallet will be making a presentation — and the *Association des crabiers acadiens*.

Thank you all for giving us this opportunity to submit our ideas and comments.

• (1605)

The Chair: Thank you.

[English]

Mr. Colin Fraser (West Nova, Lib.): Mr. Chair, in order to make sure we get to the vote on time it's probably a good time to leave it there for now.

Mr. Todd Doherty (Cariboo—Prince George, CPC): What is the vote time?

Mr. Blaine Calkins (Red Deer—Lacombe, CPC): What's the countdown clock at?

Mr. Todd Doherty: We have guests who have travelled a long way and we've already delayed them.

The Chair: We have no control over that, Mr. Doherty, you know that. There's 22 minutes left before the vote.

Mr. Colin Fraser: We'll come back as soon as we can after the vote.

Mr. Blaine Calkins: We can hear from one more, and I'd like to hear from somebody at the table not video conferencing, if that's okay.

The Chair: I need unanimous consent to continue.

Do I have unanimous consent?

Mr. Ken Hardie (Fleetwood—Port Kells, Lib.): You can have it for one more, yes. Go ahead.

We can hear from somebody at the table.

The Chair: All right.

Next up on my list, of course, is the Fisheries Council of Canada. We have Mr. Paul Lansbergen, whenever you're ready.

Mr. Paul Lansbergen (President, Fisheries Council of Canada): Thank you. I was planning on shortening my remarks because we're tight on time.

I thank you for the invitation to appear today. FCC shares the standing committee's interest and concern about our endangered whales. They're amazing creatures and an important element of Canada's marine biodiversity.

Canada boasts a large percentage of third party certification in the fisheries. Two-thirds of our fisheries are certified, versus an average of only 14% globally. Our certifications require us to consider impacts on the marine ecosystem, including marine mammals.

The sector supports science-based measures to protect endangered species, including whales, and measures are most effective if targeted to the specific threats to the species and structured to accommodate the broader context of socio-economic considerations.

According to the threat assessment for the southern resident killer whale, they prey primarily on chinook salmon, so the question then becomes, what are the factors affecting the abundance of the chinook? Fisheries harvests of chinook are not having a measurable impact on the abundance of the chinook availability for the killer whales, and one reason for this is the massive change in the commercial fishing fleet over the last 20 to 30 years.

For the right whale, according to the progress report on the recovery of the North Atlantic right whale, as of 2007, 50% of the right whale mortalities were caused by vessel strikes. The report also indicates that the total number of deaths from vessel strikes is considered to be higher than the observed number and that entanglement in fishing gear is also another major source of injury and mortality.

Across the fisheries affected by the right whale, there is a broad consensus, as you heard from Robert, that the actions taken in 2018 were implemented hastily, with little consultation and seemingly without a long-term view that allows for real industry innovation. While the measures were successful in mitigating entanglement and ship strikes, their overall effectiveness in terms of minimizing the socio-economic impacts on the sector and the communities is in question.

The fisheries sector agrees that it must act responsibly and mitigate its impact on the whales. FCC is pleased to hear that DFO is evaluating its 2018 measures and consulting the sector before deciding on what actions to take in 2019, and in terms of the minister's round table in Dartmouth on Tuesday, it's reassuring that the government is looking for longer-term objectives and options. The fisheries sector has expertise to offer and assist in mitigating the risk while minimizing the socio-economic implications for those mitigation strategies.

In conclusion, I'd like to offer three recommendations. The strategies developed and the actions taken to protect Canada's iconic whale species are laudable, but we have to do a better job.

Overall, DFO needs to find a better balance between risk and protection. Focus the protection efforts where there are the greatest risks among the documented threats, and then focus the individual and suite of measures to address the specific risk profiles in a manner that minimizes the socio-economic impacts.

For the southern resident killer whale, clearly the abundance of the chinook salmon is important to the recovery of the killer whale; however, predation is a much greater threat to chinook than fishing harvests. The proposed amendment to the recovery strategy and any subsequent actions must take this into consideration.

For the right whale, the evaluation of the 2018 measures is critical to ensure that future mitigation strategies minimize the socio-economic implications on the fisheries sector and the Atlantic communities it supports.

We're pleased, as I said earlier, that DFO and the minister himself are consulting the industry, and we encourage this engagement to continue.

I'll leave it at that. Thank you.

• (1610)

The Chair: Thank you.

I do apologize to the witnesses. We have to go out for a vote. As a committee, we don't have much control of those things. We're required to show up for it.

I would ask all members to try to get back as quickly as possible immediately following the vote so we can finish off the testimony and have some questioning.

Mr. Doherty.

Mr. Todd Doherty: Mr. Chair, if it's at all possible, if the committee could find the time in the coming days and weeks, I'd like to have this group appear before us again by video conference. I think it's important that we hear from them directly. Clearly, they haven't been consulted. This is the first opportunity where they get a chance to actually voice their concerns. I think it's really important that we do this.

The Chair: I'm hoping that we'll get to hear from each one of them, Mr. Doherty. Thank you.

The meeting is recessed.

• (1610)

(Pause)

• (1650)

The Chair: Welcome back, everyone. I appreciate everybody's co-operation in getting here as fast as they could after the vote.

I want to welcome my guest, Mr. Richard Cannings, who is subbing in for Mr. Donnelly on the NDP side.

Welcome, sir.

Mr. Richard Cannings (South Okanagan—West Kootenay, NDP): Thank you.

The Chair: I think you're no stranger to this committee. You've been here before.

Mr. Richard Cannings: On occasion, yes. It's always interesting.

The Chair: I believe Ms. Ludwig is subbing in for Mr. Morrissey.

Ms. Karen Ludwig (New Brunswick Southwest, Lib.): Yes.

The Chair: Thank you.

We'll get started again. We're at the presentations by guests.

Next, by video conference, from the Fundy North Fishermen's Association, we have Maria Recchia.

Whenever you're ready—

Ms. Maria Recchia (Executive Advisor, Fundy North Fishermen's Association): Thank you for this opportunity to speak to you today. I'm here representing the members of the Fundy North Fishermen's Association. Our members fish primarily for lobster, scallops, herring and halibut in the Bay of Fundy.

First I want to talk about our experience with ghost gear. In our region, it is rare to see an endangered whale during our lobster season. For us, the major threat to these whales is ghost gear. That's gear that has been lost and is therefore present in the waters during the summer and fall when the whales are present.

Fundy North has been retrieving and working to minimize the creation of ghost gear for over 10 years in our region. We collect information on where gear has been lost, retrieve it using large grapples, and reuse, repurpose and recycle what we find. We also collect end-of-life fishing gear from our members, give traps to landscapers to build retaining walls, and rope and nets to crafters and recyclers.

We have spent a huge amount of time educating neighbouring industries about how to avoid destroying lobster gear. These industries include the shipping industry, the salmon aquaculture industry and tourism. Together we have developed protocols and legal agreements to govern how we work together on the water to prevent the creation of ghost gear. Although we have had many successes, these industries have little incentive to follow the agreed-to protocols.

When ghost gear entangles a whale, it is seen as the fault of the fishing industry. Although the fishing industry is at fault for some gear loss, we bear the blame for the entire ghost gear problem. If we are ever to adequately deal with this, we need DFO to work with us to reduce or eliminate gear loss from neighbouring industries.

To date, we have been alone in trying to convince these industries to do the right thing. We have protocols in place, but when they are not followed, there are no repercussions. We submit compensation claims to the companies, but they are never paid. We need government's help with this if we are ever to be successful.

We are also trying to set up an ongoing fund for ghost gear retrieval, with contributions from the fishing industry and these neighbouring industries. It would be great if government could assist us in managing this fund, and perhaps match the funds that we raise. The money would be used to build grapples, and to pay fishermen to retrieve large snarls of ghost gear, which is a very dangerous and highly skilled job.

I also want to say a few words about data collection on gear loss. It is now mandatory for fishermen to report all lost gear to DFO. While this is an admirable initiative, there are some serious problems with this protocol.

Firstly, there is no mechanism to report lost gear that has been retrieved. In our region, fishermen lose gear during the fishing season, but most of that is recovered. Much is found during scallop fishing and returned to the owners. Believe it or not, it is illegal for scallop fishermen to bring the found lobster traps ashore. They do it anyway, because it's the right thing to do.

We also have a program where fishermen can retrieve their own lost gear just after the season ends, if they register with our association and communicate with our local C and P officers. We also do targeted cleanups of ghost gear hot spots, periodically. The vast majority of our lost gear is retrieved within six months in our district, but DFO is only collecting numbers on gear that is lost. This will artificially inflate the ghost gear problem and gives us a further blemish on the world stage.

There are already inflated ghost gear estimates in the public view. For example, an ENGO from Nova Scotia did a study estimating the magnitude of the ghost gear problem. They used data on replacement lobster tags. They made the assumption that every replacement lobster tag was a lost trap and came up with an obscenely high number of annual gear loss.

What they did not realize was that fishermen request replacement tags for many different reasons. They may be moving into deeper water mid-season, and instead of taking the time to re-rig traps with longer ropes, they get new tags and switch to other traps already rigged with longer lines; or they may get new gear between the spring and fall season. The vast majority of replacement tags are not because of lost gear.

● (1655)

If we are going to collect data on this, it must be good data that represents the situation; otherwise, we will only damage our reputation and potentially our markets.

As a final word on box closures, around 2010 a very unusual event occurred here. We had two right whales in our district just before the start of our fall lobster fishery. Luckily, they moved out before the season began, but we were told that if they did not move out, the start of our lobster season and that of the neighbouring district would be delayed.

In this instance DFO was considering closing two lobster fishing districts to protect two whales. The box closures are much preferable to this, but they must be done appropriately and effectively. There is no reason to impact the fishing industry if the measure is not helping to protect the whale. This can only be achieved by working closely together with the fishing industry.

In my opinion, Canada and the Canadian fishing industry have done an awful lot to protect endangered whales and should be commended for it. We can always do better, but that will only be achieved if we work together on solutions that make sense.

Thank you for this opportunity to speak to you today.

The Chair: Thank you, Ms. Recchia.

I will remind witnesses that, of course, the opportunity to submit a written submission is also available. I'd encourage each one of you to do that if you feel anything is missed. We're a bit pressed for time today.

Next we have the Grand Manan Fishermen's Association. I don't know, Ms. Sonnenberg, if you're going to be presenting, or if you're splitting your time.

Ms. Melanie Sonnenberg (General Manager, Grand Manan Fishermen's Association): We'll split our time. Thank you.

The Chair: Okay, go ahead.

Ms. Melanie Sonnenberg: Good afternoon, and thank you for the opportunity to speak to our history of sharing the waters of the Bay of Fundy with North Atlantic right whales.

First, I'll give a little bit about our organization. The Grand Manan Fishermen's Association represents fishermen on Grand Manan and White Head islands. These islands are at the mouth of the Bay of Fundy in southwestern New Brunswick. Our connection to the mainland is a one and a half hour ferry ride, so we are quite isolated.

Our economy is dependent on the traditional fishing industry. Our 200 members participate in lobster, scallop, groundfish and herring fisheries. They are mainly multi-licensed owner-operators, which creates less dependence on any one species, though lobster has been the backbone of our industry for the past decade.

Landed value for our community averages over \$70 million in the past five years. We have a healthy and vibrant fishery. What makes our fishery so successful is the ecosystem of the Bay of Fundy. This ecosystem is also attractive to not only commercial fishing species but to marine mammals as well.

Notably, the Grand Manan basin in the Bay of Fundy has been identified as critical whale habitat for North Atlantic right whales. For decades, our fishery and right whales have coexisted in the Bay of Fundy. We have watched as their population dipped to below 300 in the 1990s and surged to over 500 a few years ago. Throughout that time our fishery continued to flourish.

Our lobster season runs from the second Tuesday in November until June 29. North Atlantic right whales traditionally frequented the Bay of Fundy from July to early October. Except for the occasional outlier, there is very limited overlap between our lobster fishery and right whales.

A notable exception was 2006. During that November, about 30 right whales were lingering in the Bay of Fundy. The Department of Fisheries gave notice that they were considering delaying the opening of our season until the whales left, unless we could develop a plan that would protect them.

The most lucrative time of the fishing season is the first few weeks. We open about two weeks before the large districts in Southwest Nova. Our price tends to drop as soon as they open, so there was a huge financial incentive for our fishermen to find a solution. With less than 24 hours' notice, we held a meeting that over 90% of license holders in our district participated in. From that meeting we developed what would become our right whale mitigation strategy, which is still in place today.

The concepts were simple but effective. Notify fishermen where the whales were and fishermen would not set in those areas. We set up a call-in telephone line with a recording that would give the latest sightings, as well as provide an opportunity for fishermen to report if they sighted a whale. Throughout the years, we expanded and modified the plan. We talked to right whale researchers who suggested that if we see a right whale, the best plan is to leave the gear in the water until the whale leaves, thereby reducing the risk of entanglement.

While we maintain the call-in line, we now text the locations to fishermen so they receive them as soon as possible. We've worked with the department to have the locations broadcast on notices to mariners. It is truly an evergreen plan into which industry has invested a great deal of time, effort and money.

Our season did open in 2006 after a one-day delay due to weather. That storm broke up the feed and the right whales left within a few days. Two important lessons were learned. First, fishermen fished with right whales, and none were harmed or entangled. Second, the same scenario in 2018 would likely result in fishermen missing the first two weeks of the season and not be able to fish long after the whales were gone from the area, causing undue economic hardship to the industry.

Since 2010 there has been a significant reduction in right whale sightings in the Bay of Fundy, even during times when they are traditionally there. There are a lot of theories about why that is, but no one knows for sure. Regarding the area that was identified as critical right whale habitat and therefore subject to more stringent management measures, an ongoing question for our fishermen is, if critical whale habitat is no longer being used by right whales, does it still apply?

What happened in the Gulf of St. Lawrence in 2017 appears to have been a perfect storm. We're certainly not experts on what went wrong, but we did recognize that there would be impacts throughout the entire fishing industry. We had many discussions last winter with our colleagues about moving forward, and we all recognize that the answer is going to be different from area to area and fishery to fishery. One size will not fit all.

● (1700)

Ms. Bonnie Morse (Project Manager, Grand Manan Fishermen's Association): That brings us to June of this year. On June 16, one right whale was spotted in the Grand Manan basin right whale critical habitat. We found out later that the scientist who spotted the whale identified it as likely transiting. Throughout many conversations with departmental staff on June 18, we begged that there be another sighting attempt before a decision to close was made, and also that our fishermen would continue to follow the mitigation strategy that had been so successful to date. However, the department felt that because of the rigid protocol that was established in the Gulf of St. Lawrence, they had to follow the same procedure in the Bay of Fundy.

The result was closure of about a quarter of our lobster district. Around 30 boats were impacted, with an estimated loss of around \$1 million from our economy. To add insult to injury, water and air surveillance took place after the decision was made. The whale was not spotted again.

Our fishermen are clear. They do not want to harm right whales. They are very aware of the potential market implications if it happens, but there also needs to be a recognition that there may be other ways to achieve protection for animals while also protecting the economies of coastal communities.

One of the key components of the sighting in June was that the whale was likely transiting. It is understood by right whale researchers that there is a different level of risk based on the activity of the animal. North Atlantic right whales that are feeding tend to gather in groups of more than three. They stay in the area to feed. Feeding means that they are moving with their mouths open, and because of the biology of the species, with the eyes in the back of the head, they do not see what is around them. North Atlantic right whales that are searching for food do not linger in the area. They tend to travel in small groups of less than three animals, and because they are not feeding they have more situational awareness.

We believe there needs to be more than one sighting before such a dramatic closure takes place. There also needs to be recognition of what the activity indicates, particularly in instances where the number of whales is small.

One of the lessons for our group in June was that we're not doing a good job of talking about the things we are doing, and doing well, to protect right whales. We mentioned the timing of our season, that it doesn't overlap with their presence, as one thing. Another thing is the method we are currently using to fish. Much of our fishery, particularly in the deeper water where the whales do frequent, is conducted using trawls, significantly reducing the up-and-down lines in the water. The evolution of the fishery itself has reduced the amount of gear and lines in the water.

There are 136 lobster licences in our district, and they have the potential to fish 375 traps each. That means there could be up to 51,000 up-and-down lines if they were all fished as single traps. Based on the number of partnership licences—where two licensors are combined into one, reducing the gear—and on an informal survey of our fishermen, we believe the total number of vertical lines being used in our district is actually less than 11,000, or around 20% of the potential usage. The amount of traps in that area is much less than what could be fished in that area.

We're working with scientists now on testing other types of gear—"ropeless" gear, for instance, which is not actually ropeless. It has operational challenges. We'd be willing to talk about that as we move forward.

We have developed an alternate mitigation strategy that the department accepted this week. It reduces the amount of rope in the water and limits the distance between traps. We have a "watch and warning" system that will allow us to continue fishing based on one sighting. We're very pleased with the co-operation with the department.

● (1705)

The Chair: Thank you. The time is up.

Our next witnesses are from the Maritime Fishermen's Union.

Mr. Allen, will both of you be speaking?

Mr. Carl Allen (President, Maritime Fishermen's Union): I'll make a couple of quick statements, and then Monsieur Mallet will take over.

For me, in order to move forward in the future and come up with a balanced approach to be able to coexist with these animals, where we can have the right whales survive and the fishery survive, we need to take a step back. We need to have an honest look at 2017 and at what actually took place that led to such a horrific summer.

I am a fisherman, and from a fisherman's standpoint, we're out there for one species. It is our target species. We're not there to harm any other species. I can tell you that there was quite a sickening feeling within the industry to know that we had played a part in the deaths of those whales, but the approach for 2018 was an overreaction without really having an honest discussion about what went wrong.

That leads me to the fear that if we don't know what went wrong in 2017, how are we going to know what went right in 2018? How are we going to be able to develop a balanced approach to move forward from there? These are some of the things we need to see.

At the end of the day, as I said before, we want to be able to coexist with these animals. We know we can, especially from a lobster point of view, in the southern Gulf of St. Lawrence. When you look at the history, we have had zero instances of encounters with these animals. We've had zero instances of entanglement in the lobster fishery in the southern Gulf of St. Lawrence. We got slapped with a whole bunch of restrictions this spring, and some are in our fall fisheries, on which we were not consulted. We were not even informed until two weeks before our fishery started that we were getting these. We feel they were unjustified.

I'll turn it over to Mr. Mallet to continue.

[Translation]

Mr. Martin Mallet (Chief Executive Officer, Maritime Fishermen's Union): Thank you, Mr. Allen.

I will be repeating some of what Mr. Allen said. Our position was submitted in writing and I think our brief can be distributed.

[English]

I'll just do a summary.

[Translation]

You will certainly have the opportunity to read the brief. It is our preliminary proposal to the Standing Committee on Fisheries and Oceans.

With regard to the Atlantic right whale in the Southern Gulf of St. Lawrence, our presentation to the committee will focus on the lobster fishery. As to the snow crab fishery, our recommendations are included in the joint industry proposal, which was submitted for the meeting about the right whale that was held in early October, in Moncton, with Fisheries and Oceans in attendance. The document is from the *Association des crabiers acadiens*, the *Fédération régionale acadienne des pêcheurs professionnels* and the *Association des transformateurs de produits de la mer du Nouveau-Brunswick*.

This is a preliminary proposal by the MFU to improve management measures in the 2019 season so that fishery operations can run smoothly while also effectively protecting right whales in the Southern Gulf of St. Lawrence. The purpose of our proposal is to foster real cooperation with Fisheries and Oceans, the primary goal being coexistence of the right whale and the fishing industry. As I said, we will be making a much more official proposal in the coming weeks. We will sit down with representatives of other lobster coastal fishing associations in the Southeastern Gulf with a view to making a joint proposal.

In our view, the measures that our industry will propose will further facilitate fishing activities while also preventing major social and economic losses, and without affecting the degree of protection of right whales. In fact, we think these measures will increase their protection immediately and for a number of years. Mr. Allen provided some background a few moments ago, but I will go over some of the details.

To fully understand the issues, we must look back to 2017. The industry was hit with significant mortalities and entanglements of right whales, but we know that these incidents cannot be entirely blamed on the fisheries. We will not dwell on the cause of these

deaths. In 2017, there were particular conditions that affected the crab fishery. Ms. Sonnenberg referred to that.

First, there was a TAC—a total historical allowable catch—for snow crab. It was 43,822 tonnes versus 19,393 tonnes in 2016, which is more than double. In addition, according to many, the increase in the number of traps meant that some equipment was installed with more rope than normally required. This would have contributed to a significant increase in floating rope at the surface. As the Grand Manan Fishermen's Association pointed out, this species has the interesting characteristic of feeding at the surface, which is also unfortunate.

In short, there were problems in 2017 that led to significant mortalities of whales. In 2018, the elimination of much of the floating rope was one of the major changes to fishing practices for snow crab and other coastal species, particularly lobster. Despite the area closures, if we had simply measured the impact of eliminating floating rope, we could have seen impressive results. The problem is that all these measures were taken at the same time so it is difficult to assess now.

As to the MFU's position for 2019, we have already heard a few examples from Mr. Haché. We want changes to the dynamic closure area, whereby an area would be closed only if three whales are present.

As to the static closure area, you all saw the big yellow box that all the Canadian media showed. That was before the start of the fishing season. No fishing was allowed in that area after the start of the season. That is totally unacceptable. We should have access to fish in that area until the whales arrive in the gulf. What we will propose is an evolving system of static closures under which there would have to be at least six whales, perhaps fewer, in areas for them to be closed.

• (1710)

[English]

The Chair: Thank you, Mr. Mallet.

Anything that didn't get said will hopefully be drawn out in some of the questioning or in your written submission, if you would submit it.

[Translation]

Mr. Martin Mallet: Okay.

[English]

The Chair: We'll go right to questioning on the government side.

Mr. Finnigan.

Mr. Pat Finnigan (Miramichi—Grand Lake, Lib.): I think I will give my time to Karen.

The Chair: Ms. Ludwig, go ahead when you're ready. You have seven minutes.

Ms. Karen Ludwig: Thank you.

Thank you, all. I am very pleased to be here, sitting on the fisheries committee.

Certainly I want to thank all the witnesses here today. As you know, this was a motion that I put forward. Particularly for Melanie, Bonnie and Maria, living on the Bay of Fundy, this is a really personal one.

Certainly when we saw the one whale that was entangled in the herring weir over by the lighthouse in 2016, that was one of those ones that I thought could have been prevented. Again, it was a fisherman who stepped in and dropped the twine.

One of the other messages I just want to put forward is to thank everyone here, as stakeholders, at this table, because we can't do this without you. A clear message I heard throughout when I was gaining support and asking people regarding the motion was the need for consultation. Clearly that is a common theme that I have today—the need for further consultation—because you are just as much an important partner in what happens with the right whale as the scientists and as DFO as well.

I'm going to get started.

When we look at the measures that have been put in place, one of the things I've heard is that there wasn't a lot of notice regarding the measures. That's something I would actually like to delve into more deeply, listening to your experiences with the measures that were introduced for the protection in this particular area of the North Atlantic right whale. How could that have been done differently? I ask that one of all of you.

The other one is specifically with Bonnie and Melanie. Could you explain further the work you've done, first, from 2006 where there were no right whale incidents in terms of death, and second, the work you've recently had approved for your pilot project?

Thank you.

• (1715)

Ms. Melanie Sonnenberg: I'll let Bonnie take the work that we've done, and we can work backwards to your first question.

Ms. Bonnie Morse: A little bit about our pilot project is that we had a meeting with our fishermen earlier this fall. The solutions came from the fishermen, and I think that's really important to remember, that they were the ones who developed this.

They went to the department and we asked for things to be included in our conditions. They include that we will limit the amount of distance between trawls, so that limits the amount of rope in the water. We have put a limit on the amount of rope on the surface, the trailing rope between the main buoy and the secondary buoy that they use to gaff the trawls. In trawls that are fished in deeper water—in more than 30 fathoms of waters, we're using 65-fathom end lines, which is about average in that area—they're putting in a section of weak rope that will break if there is an entanglement, so it would reduce the risk of entanglement.

I always get caught up on the fourth one....

Ms. Melanie Sonnenberg: Maximum distance between....

Ms. Bonnie Morse: It's the maximum distance. They're doing a minimum number of traps on the end line, so they have to have a minimum number of traps per trawl.

The second feature of what they're doing is looking at a watch and warning system, so that if we see one whale, as we did this spring, fishermen will automatically drop the floating line, the trailing line that's on the surface. It will eliminate that immediately out of the water. If a whale is sighted for a second time, particularly in the critical habitat, they will double the minimum number of traps on their trawls so it will further reduce the amount of line in the water.

We are still working on some other measures. There has been discussion about other things that we'd like to do, but this, we feel, is a really good first step to allow us to at least continue to fish in a situation like we had this spring with one whale being sighted.

Ms. Melanie Sonnenberg: I will just add to it. I think—to go back to Karen's question—in terms of the pilot project, it came from fishermen, but I think one of the things I'd like to suggest to the committee is that the department and the industry need to be agile to deal with these whales, because we don't have a timeline of when they're coming and when they're going. I think we've all learned to be a little more agile, but I would like to see the department be more agile in the way in which it responds.

Some of the delays we felt this winter, when we couldn't really get a keen sense of what was going to happen, dragged on for quite a while, and some of it was because it was such a sharp learning curve for everybody.

We have an example where we would like to do something that the regulation won't allow us to do, and we need to work with the department to get out of the box that confines us. If fishermen want to take an end line down, which is a reduction of vertical lines in the water, then we have to get beyond the regulatory measure that constrains us from doing that.

I put that forward as an example. I know the department is frustrated as well, and we're looking for solutions, but regulatory change takes time, as you are all very well aware, so I put that forward.

In terms of the time question, Karen, I think these gentlemen here from the gulf are in a better position to talk about that question.

Ms. Karen Ludwig: Thank you.

Mr. Carl Allen: As far as the consultation leading up to our fishery, I'm going to speak to the lobster fishery first off and foremost. I'll leave it to Martin to talk more about the crab fishery. In the lobster fishery, there was zero consultation going into the spring fishery. The North Atlantic right whale round table was last year in November. We all know it focused on the snow crab fishery, because it was snow crab gear the whales were entangled in. Traditionally we fish lobsters inside the 120 line, inside 120 feet of water, and when you look at the historical data of the North Atlantic right whales, which have been in the gulf long before 2017, you see they very seldom, if ever, venture into that shallow water, because the feed is more out in the deeper water.

We went all winter thinking that we were kind of... I don't want to say off the hook, but we weren't given any indication that we would be part of the mitigation measures. About two weeks before our fishery started, we started to get a bit of a sniff of wind that—wait a minute—it's not just the crab fishery that's going to be implicated in all of this. It's also going to be the lobster fishery and all other fixed-gear fisheries.

Then our conditions came out about 10 days before the fishery, maybe a week before. That's the other part of the issue. This whole year the timeliness of conditions being released to us has been a nightmare. I mean everything and all species. One prime example is our mackerel gillnet fishery, where my harvesters received their condition 12 hours before they started fishing. You try to plan for a fishery with 12 hours' notice.

• (1720)

The Chair: Thank you, Mr. Allen. I apologize for cutting you off but I'm trying to give each party a chance to ask some questions.

We'll move over to the Conservative Party and Mr. Doherty.

Mr. Todd Doherty: Thank you.

My questions are going to be rapid-fire, but I want to give each member an opportunity. I really appreciate your being here. I apologize for the vote. Sadly, it was on the 50th or 51st time of closure on debate that the government had levied on us. Similar to you industry people not being able to have a word, the opposition doesn't always get a chance to go into debate either.

To my colleague, Ms. Ludwig, welcome to the fisheries committee—

Ms. Karen Ludwig: Thank you.

Mr. Todd Doherty:—where consultation is just a word and not really an action. It's something that they dreamt of and hopefully someday we can achieve it.

Mr. Haché, how much consultation has been given with your industry?

Mr. Robert Haché: Basically, there was very little consultation in November.

Mr. Todd Doherty: Mr. Mallet, very little as well?

Mr. Martin Mallet: Very little, but for lobster, none.

Mr. Todd Doherty: Mr. Allen, I know your points are very well made.

Ms. Melanie Sonnenberg: We consult amongst ourselves in the Bay of Fundy. I think therein lies the difference. We have not waited for government to weigh in since 2006, and we've continued that dialogue with our colleagues in district 36.

Mr. Todd Doherty: Mr. Lansbergen, what about your membership?

Mr. Paul Lansbergen: For the right whale, we're being supplied by the fishermen here, so I'll leave it to them.

Mr. Todd Doherty: One question comes to mind. This gear that is causing the entanglement, can we tell whether it's from a Canadian industry or a foreign industry?

Mr. Robert Haché: In the southern Gulf of St. Lawrence, it's Canadian industry according to the numbers we had last year. You

have to understand that there were two or three entanglements, and there were six or seven caused by ship strikes.

Mr. Todd Doherty: Ms. Recchia, how much has your organization been consulted?

Ms. Maria Recchia: We were consulted very little, especially when all of this started. There was the minister's round table that we weren't invited to. In the consultations before, sometimes we found out things on Facebook and not from the government itself. So that's a big....

Mr. Todd Doherty: With respect to the foreign fishing, are our U.S. counterparts facing the same restrictions as our Canadian industry?

Mr. Carl Allen: When you look at the U.S. MMPA, there is a lot of stuff that the American fishing industry is starting to face, but the largest trap fishery there is the Maine lobster fishery and the Maine lobster fishermen are still fighting over all of this. They're not even compliant and they're out there the year around, which means the whales have got to run the gauntlet going in both directions.

Mr. Todd Doherty: Mr. Lansbergen, or whoever would like to speak to this, how much of this issue could be attributed to predation on the whales' food source and the whales going into a different area?

Mr. Paul Lansbergen: I'll let Melanie speak to the right whale, but for the killer whale, which we've looked at a little more closely, the seals and the sea lions are taking more of the chinook than the commercial fishery, and the unfortunate part is that the Species at Risk Act is mandated to look at anthropogenic issues, not natural issues. In the recovery strategy it talks about—

• (1725)

Mr. Blaine Calkins: It presumes anthropogenic causes.

Mr. Paul Lansbergen: Yes, that is part of the challenge. I'm hoping that in the action planning and the discussion around critical habitat the natural causes will start to be recognized.

Mr. Todd Doherty: Ms. Sonnenberg.

Ms. Melanie Sonnenberg: As you heard from my colleagues, the right whales in the Bay of Fundy never went to the Gulf of St. Lawrence, and then in 2010 we saw a decline in the population hanging around in the summer as they would traditionally do. There are no really good answers as to why the feed has dropped, but I think we need to spend some time on it because it's a canary in a coal mine.

Mr. Todd Doherty: Mr. Mallet.

Mr. Martin Mallet: That's a good point. That's one of the places where the science is lacking at this point. In the gulf and in the Bay of Fundy these whales are looking for zooplankton. Is it climate change? Is anything else happening in the ecosystem that's affecting the presence or non-presence of this feed? The whales seem to be chasing food, but as I just mentioned, the science is lacking.

Mr. Todd Doherty: Okay, to that point, on the closures earlier this spring, the former fisheries minister used the reason that it was a science-based decision to do the closure.

Mr. Allen, I wonder if you have a comment on that.

Mr. Carl Allen: I have trouble hiding behind the science-based decision-making process because you can only make a decision based on the quality of the science you receive. I can get science to tell me anything. I'm sure oil executives in Calgary can give you science that says global warming doesn't exist. Even I can argue that the science justifies my argument that the North Atlantic right whales don't traditionally cross paths with our lobster fishermen.

Another one of the reasons they closed the fishery right to the shore on the Gaspé side is that calves and their mothers have been observed in less than 30 feet of water in the U.S. and the Bay of Fundy, but no calves were born this year so it's just—

Mr. Todd Doherty: I have one final comment; I believe my time is short.

When the minister starts talking about new training for your workers, does that lead to some concern over what lies in the future for your industry?

Mr. Carl Allen: Yes, we had that discussion with the minister. My first point is, what are we training them for? If we're going to train people right out of the industry, I have a flag on the play with that because I'm here to promote and sustain an industry, and one of the troubles we're having in the industry is finding employees at all levels, whether on the boats or at the dock or in the processing sector, so we have to be very cautious about what we are training them for. We had better make sure we're not training them right out of the industry because I need to do whatever I can to retain my employees.

Mr. Todd Doherty: To all the guests, in your opinion, do MPAs make sense if the environment of the sea they are to protect is so dynamic?

Ms. Melanie Sonnenberg: The answer to that from where we sit on Grand Manan is no. Whales do not know where lines are.

The Chair: Thank you, Mr. Doherty.

Now we'll go to Mr. Cannings from the NDP for the remainder of the time.

Mr. Richard Cannings: How much time?

The Chair: You have two minutes.

Mr. Richard Cannings: Okay, I'll be quick.

Thank you all for being here.

I'm an MP from a desert in British Columbia, although I do have a bit of an ancestral Newfoundland fisheries background. It's wonderful. I've learned a lot here in the short time I've been here today.

In my two minutes, I'll go to Ms. Sonnenberg and Ms. Morse to talk about possible solutions, to give you more time to describe, to me at least, the solutions you talked about with weak ropes. You mentioned some things that sounded like temporary fixes. Would those be solutions that your industry could live with: more traps per line, getting rid of the weak rope? I don't know whether you could get rid of the extra rope on the surface that you would haul up the line with. Things like that are what I was interested in.

Ms. Bonnie Morse: I think that's what's critical to this plan. It was developed by fishermen, and it's something they feel they can live with and continue to fish with. By getting rid of the rope on the surface of the water, it's more complicated to haul the traps. Especially when there's bad weather and a lot of seas, it's that much more challenging to do it. They feel that for a short period of time, if there is a whale present, they can make allowances to do that. Over the long term, it's probably not the most practical part.

The fishermen have been fishing more traps on a trawl. It's just grown as a natural course of the industry. As they go into deeper water and the boats get larger, the traps are larger. It's just how the fishery has developed. With the numbers that they've set, they feel it's a very realistic plan for the guys who are fishing in those areas. They'll be able to do this with relatively little expense.

As part of our plan, we still need to do some work on the weak rope part of it. They have breakaway links in the U.S. that they use in the main fishery, but they're not practical for some of the ways that our people are fishing. We want to do some work with some of the right whale researchers to look at the strength of the rope we're using, the size of the rope, to see if we can have a better determination about whether three-eighths is the correct size, or if there's a better solution.

That's why I said this is a start. It's a one-year pilot. We'll see how it looks at the end of the year, but it's a beginning. For us and the department going forward, we knew we had to start somewhere. That's what this is. It's really a good starting place for our people.

● (1730)

The Chair: Thank you, Mr. Cannings.

A special thank you to our guests who appeared before committee today, both in person and by video conference.

The clock is now actually past 5:30.

The meeting is adjourned.

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