



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

## **Standing Committee on Fisheries and Oceans**

---

FOPO • NUMBER 076 • 1st SESSION • 42nd PARLIAMENT

---

**EVIDENCE**

**Thursday, November 9, 2017**

—  
**Chair**

**Mr. Scott Simms**



## Standing Committee on Fisheries and Oceans

Thursday, November 9, 2017

• (0845)

[English]

**The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)):** Good morning. We're continuing on with our study of Bill C-55, an act to amend the Oceans Act and the Canada Petroleum Resources Act.

This is where I normally say welcome to our guests, but I guess it's more an issue of welcome back, because you were both with us for the MPA study back in May, I think it was. Joining us again we have Robert Lewis-Manning, the president at Chamber of Shipping, and Susanna Fuller, senior marine conservation coordinator at the Ecology Action Centre.

Susanna, you were with us on April 11, is that right?

**Ms. Susanna Fuller (Senior Marine Conservation Coordinator, Ecology Action Centre):** Yes.

**The Chair:** It's good to have you back on this study of Bill C-55.

As you know, we normally do 10 minutes to start, and after that we have rounds of questions from our colleagues.

Susanna, we'll start with you for up to 10 minutes, please.

**Ms. Susanna Fuller:** Thank you for inviting me to speak to you again on another important topic related to Canada's fisheries and oceans. I know you have all had a full agenda over the past year, and your work is critical to ensuring that Canada has world-leading laws, policies, and practices to ensure a healthy and prosperous future for our oceans.

I'm going to precede my comments on Bill C-55 to express the need for the urgency of modernizing our laws, for the purposes of environmental protection, and as part of our collective agenda toward reconciliation with our indigenous peoples, and finally, to ensure that our three oceans are part of the future for our coastal communities.

There are issues like climate change and plastic pollution that are pervasive in our ecosystems, but we can set the stage to address these through strong coherent legislation. I do know that my organization and myself personally are very committed to achieving triple bottom-line outcomes for our oceans and coasts. That includes economic sustainability, environmental sustainability, and social and cultural sustainability. One of our primary objectives, and through my work, is to ensure that coastal livelihoods into the future are increasing their capacity to benefit from and protect the marine environment.

With regard to Bill C-55, I have a few points to make that I hope will inform your deliberations and discussions. First, the current Bill C-55 is a good first step toward increasing the efficiency with which marine protection happens in Canada. We know that the current state of affairs, where it takes six to eight years to establish a marine protected area, is not acceptable to anyone. It wastes valuable time and engagement for all stakeholders, and we need to be able to identify areas and protect them well together with coastal and marine resource users. An excellent example of that is St. Anns Bank, where there was quite broad stakeholder engagement but because of the long time that it sat, really, on the minister's desk, people and staffing changed with the Fishermen's Association, so while there had been quite a bit of engagement by the time it got around to actually announcing it, the same people were no longer employed or at the table and felt they hadn't been asked, so it's an important time to make this process more efficient.

We also support the changes to the Canada Petroleum Resources Act, but would like to acknowledge that in Atlantic Canada, where there is active oil and gas drilling, those changes don't apply here as we have the accord agreement, which is something else that also needs to be looked at.

Second, there's a real opportunity to get things right and introduce amendments to the bill. I know you've heard from others on the concept of minimum standards, and I will speak to this again. From my experience in working with fishermen, there is a fear that marine protected areas will be used to remove fishing from an area and allow other extractive or destructive industries, like oil and gas or open net-pen aquaculture, both of which pose threats to traditional fishing areas and species. It makes no sense not to prohibit open net-pen aquaculture, for example, in a protected area that includes an important river for wild Atlantic salmon. It makes no sense to allow seismic testing and oil and gas drilling in areas that are important for marine mammals, or that are closed to bottom fishing to protect deep-sea coral and sponges. Essentially, our Oceans Act MPAs are lacking in some key ground rules that, perhaps, could not have been foreseen when it was drafted 20 years ago.

Third, the current lack of standards in this Oceans Act, and more broadly the lack of standards across all of the tools used to protect the marine environment—National Marine Conservation Areas, Fisheries Act closures—means that there is confusion at the ground level, which is not necessary. Canadians expect that in our terrestrial protected areas industrial activities will not be permitted. In the marine environment—and I think you've received our brief already that we put together with several other NGOs from across Canada—we're strongly advocating that activities like bottom trawling, oil and gas exploration and development, open net-pen aquaculture, and seabed mining should simply not happen in our marine protected areas. This does not preclude other low-impact human uses, like fishing with low-impact gear, ecotourism, and marine transportation.

I urge you to consider these specific prohibitions within the Oceans Act now, so there's no longer uncertainty on what is or what is not allowed in a marine protected area. This would be another important part of the efficiency in establishing these areas, because right now every MPA has to look at what the particular threats are, what things should be prohibited, and what the regulations are. We could do this much more quickly. To this point and following, there is a need for broader marine spatial planning so that the focus is not on planning uses within protected areas, but that protection is actually an important use and management factor. What is done with this bill will set the stage for coherency across legal tools to protect fish and fish habitat in Canada. These minimum standards will allow for certainty for resource users, and will ensure that energy is put towards co-governance, co-management, monitoring, and enforcement, rather than constantly seeking clarity on what is and what is not allowed in a marine protected area.

● (0850)

Finally, I just barely got out of Labrador yesterday. It was quite an adventure. The airport in Goose Bay has been shut down for three days. I was there to learn about and discuss a new marine planning initiative led by the Nunatsiavut government to establish the first land claim-based marine plan in Canada, possibly the world.

It is extremely exciting, and will ultimately include protected areas, but will also help to establish values and certainty for further marine uses under indigenous law.

Right now, our Oceans Act does not explicitly recognize indigenous protected areas declared under indigenous law, and has insufficient provisions to allow for meaningful ocean co-governance. We have an opportunity with Bill C-55 to ensure that we fix these defects. I would encourage the government to amend the act or at the very least embark on a nation-to-nation consultation on both of these critical topics. Doing so will enable the use of both Canadian law and indigenous law to manage, use, and protect vital food sources for indigenous peoples and allow for sustainable livelihoods.

In closing, I want to re-emphasize the importance of getting this right. I made this point to Minister LeBlanc and Minister McKenna a couple of weeks ago in Victoria.

For Canada to be a world leader on oceans, which I think is the direction we're heading in, doing things well is actually an incredibly important part of that leadership. There's momentum right now in Canada to achieve our internationally agreed target of 10% protection, but in actual fact to do more than that. Canada can lead

on meaningful protection and engagement of Canadians in protecting and caring for our oceans, and the biodiversity they contain. Ensuring management of our oceans is a source of national pride.

It's less about the percentage than it is about doing it properly. Getting the process in protected areas right will contribute to our blue economy agenda, will provide certainty for the people who live and work by and on the sea, and will help to protect our vital marine species, habitats, and ecosystems.

It will ensure that coastal communities can use their resources to be proactive, rather than reactive, against industries they feel threaten renewable resources like fisheries.

I know many of you care about our wild salmon, the future of our cod fisheries, and about the people on our coasts. We cannot protect these or ensure their future existence unless we get our protected areas right and embed the concept of stewardship in the establishment, management, and monitoring of these areas.

We're moving quite quickly, and I think reasonably well, in terms of achieving our international targets. In many ways, we've done the easy stuff. The offshore areas are relatively easy. As we move towards the coast, there's going to have to be a bit of a different process and more of a bottom-up process of engagement. I think you all heard that during the MPA study, but there is a real opening and opportunity to do that.

Today, in New Brunswick, I have a colleague at the ministerial round table on right whales. That is what I really hope to be the beginnings of a collective stakeholder engagement on how we figure things out and make sure we have right whales into the future. Those kinds of processes, and collective thinking and action are going to be incredibly important as we move toward coastal marine protection.

Thank you for the opportunity. I am happy to take questions.

● (0855)

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

Mr. Lewis-Manning, you have up to 10 minutes, please.

**Mr. Robert Lewis-Manning (President, Chamber of Shipping):** Good morning, Mr. Chair and members of the committee.

Thanks again for the return invitation.

Of course, my comments will be from the perspective of marine transportation and trade, both internationally and domestically in Canada, and how that interacts within both the world of marine protected areas and, potentially, this legislation.

My organization represents the interests of shipowners, agents, and service providers responsible for approximately 60% of Canadian international trade by ship. It can also include some coastal domestic trade within Canadian waters. This includes everything from people in ferries and cruise ships to much larger bulk ships and container ships exporting grain to places like Asia. Our members' vessels can include the largest of vessels, but also some smaller vessels like tugs and barges, and there is an incredible amount of diversity in that fleet.

Needless to say, marine transportation and its many spinoff benefits affect everybody's life in Canada. I've been involved with marine conservation initiatives on all three coasts and the Great Lakes for many years. Just like Susanna, I'm also supporting the national species at risk advisory committee and advising the Government of Canada.

As one would assume, our sector is very involved in and supportive of Canada's efforts to protect our pristine coasts in a variety of ways, including through the Oceans Act, but also through legislation and programming that is coordinated by Transport Canada, Environment and Climate Change Canada, and Parks Canada. The oceans protection plan is a positive step in coordinating this effort amongst the three key federal departments and with external stakeholders. We are pleased that Canada is on a progressive path to reaching the Aichi target of protecting 10% of coastal waters by 2020. This is no small accomplishment, and I applaud the efforts of the departmental teams in Fisheries and Oceans and the Canadian Coast Guard and in Environment and Climate Change Canada. It's taken a lot to get to the interim protection levels, and it will continue to be a lot of work to get to the 10%.

In fact, it's clear to see how Bill C-55 will support achieving these targets. Nonetheless, the proposed legislation must be considered in the context of coastal protection beyond 2020 and the 2020 targets, and how to best implement coastal protection and management. In doing so, some critical elements emerge.

When I last appeared before the committee in May, I highlighted a number of existing weaknesses in the process of establishing marine protected areas. I'm not going to repeat them, but some of these could actually be exacerbated by Bill C-55 in its current version. In this regard, I'm going to address three aspects of the bill: the proposed powers of the minister, the definition of an ongoing activity, and the proposed offences and punishment section.

Proposed subsection 35.1(2) provides the minister with the authority to establish an interim marine protected area and then define the classes of activities permitted and prohibited in the interim MPA. Clearly, there is a need to accelerate the development of meaningful management plans that have a positive influence on the areas they're designed to protect. While establishing an interim MPA might be viewed as a progressive approach to achieving this, we actually consider proposed subsection 35.3(1) as the truly transformational piece in this legislation, as it demands that the minister make a recommendation for a regulation to designate a permanent marine protected area within five years of designating an interim MPA.

The potential risk to the marine transportation sector is likely up front in this process, in the initial establishment of an interim MPA.

Without the appropriate checks and balances, there's a real risk of the minister making a less-than-informed decision about the activities that should or should not be included in an interim MPA.

Ships, both large and small, operate in a diverse and frequently demanding environment. You all know that very well. Their capacity to operate safely is influenced by a number of external and on-board factors that include, but are not limited to, things like weather, hydrography, cargo loading, and human elements such as fatigue. The spatial constraints or limitations that might arise from legislative framework built around Bill C-55 could limit a vessel's ability to mitigate the impacts of these factors and to therefore be able to transit safely. Certain flexibility must be built into the legislation and related regulations that takes this need for nimbleness and practicality into account.

With respect to ongoing activities, the bill proposes that the minister will list activities that are permissible in a specific interim MPA and define such activities as those that were lawfully conducted or authorized in the previous year. Proposed subsection 35.1(1) continues to lack sufficient definition, in our opinion, to provide a reasonable level of predictability for commercial marine transportation in all of its forms. This level of legislative vagueness leaves considerable latitude for the minister to define ongoing activities. Does this include consideration for Canada's commitments to the United Nations Convention on the Law of the Sea? Will classes of activities be applied with a broad brush, or will they be divided into further subcategories that are applicable to the intent of an interim MPA?

● (0900)

How will this be managed when this impact could have binational implications? All of this remains exceedingly vague at the moment.

My last observation pertains to proposed section 39.6, offences and punishment. This aspect of the proposal is not associated only with the establishment of interim MPAs, but also with the entire act.

A robust monitoring and enforcement regime is certainly a key aspect of a strong legislative framework. Notwithstanding, some of the provisions in the proposed legislation are inconsistent with those found in the Canada Shipping Act today and do not reflect a coherent, integrated approach among the relevant departments. On the face of it, the scale of punishments for some infractions appear extreme, which is especially the case for small vessel operations, and could result in undue harm to coastal businesses and many of the communities they serve.

Although we have a good idea of how MPAs will probably evolve in the next three years, I think this concern is very valid beyond that. In an effort to improve the proposed legislation, we hope that you will consider the following recommendations.

The first is to include a provision in the legislation that requires the minister to publish his or her intent to establish an MPA in advance within a reasonable period. By doing so, it would not only provide awareness and focus within federal and provincial governments, but would also provide visibility to external stakeholders and coastal communities most directly impacted by a new MPA.

The second is to include a provision in the bill that requires the minister to consult with other key ministers as well as relevant regulated industries prior to establishing an interim MPA. In doing so, this would avoid unintended consequences or incongruence between different pieces of legislation. Don't think for a second that this process should be lengthy because it should not be. That is certainly not the intent of my recommendation.

The third is the definition of an "ongoing activity". Restricting it to a lawful activity that occurred in the past year does not necessarily reflect the realities of commercial marine transportation and it places unnecessary constraints on initiatives that may be progressing more quickly than the five-year restriction found in proposed subsection 35.3(1). Just because an activity has not happened in a proposed area previously does not necessarily mean that this activity would be harmful to the area or inconsistent with the protection objectives of an interim MPA.

The fourth is a formal association with Transport Canada in the legislation to implement a monitoring and enforcement regime. This could include additional harmonization in approach.

Overall, we are absolutely supportive of the intent of this legislation but we caution that some significant change is associated with it that demands both engagement and consultation with stakeholders and also engagement of other levels of government across the country. MPAs need to deliver results driven by tangible benefit. While the proposed legislation may demand a schedule for completion, it does not replace the need for positive stakeholder engagement and input.

Thanks very much, and I look forward to your questions.

**The Chair:** Thank you, Mr. Lewis-Manning.

We have seven minutes for our opening round.

Ms. Jordan.

**Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.):** Thank you to our witnesses for appearing again.

Dr. Fuller, I have a number of questions on your testimony. I found it interesting when you were talking about St. Anns Bank. Were you involved in the stakeholder negotiations there, the consultation process?

**Ms. Susanna Fuller:** Yes, I was.

**Mrs. Bernadette Jordan:** We just came back from St. Anns Bank. We met with a number of the fishers and some community members and they felt there wasn't any engagement.

Can you tell me the process you went through because you stated the boards had changed, people had changed, and therefore the people who were now in those positions didn't feel they had been consulted enough? Can you walk us through the process quickly?

**Ms. Susanna Fuller:** Yes, I was involved from the very beginning, and one of the things I felt that DFO did quite a good job at was that all the meetings were held in Cape Breton. Being from Cape Breton, I fully understand how important that is. You have to get across the causeway.

There was quite a broad stakeholder engagement. I think the issue was that at the time the independent Cape Breton Fish Harvesters Association did not exist in its form. It did not have paid staff, so at the time there were individual fishermen who were invited to participate on the stakeholder advisory committee. They did not always have the capacity to attend. I went to many meetings that had a lot of broad stakeholder engagement, but the individuals who are now employed by the Cape Breton Fish Harvesters Association were not there at the time.

I fully understand that they don't feel that they were consulted, because they weren't there, and they were not consulted. However, there was a five-year process of many meetings and negotiating on boundaries and management and understanding uses that did in fact happen on a very regular basis.

It was then sent to the minister's office, and it really did sit for 18 months to two years with nothing. At that time there was a big change in the capacity of the LFA 27 management board. In Nova Scotia, the FHOSA legislation ended up increasing the membership of some of the fishing associations.

That on the ground thing did change, and then all of a sudden, it was approved, and I totally understand. That's why I say the timelines need to be shorter, and the right people need to be there.

● (0905)

**Mrs. Bernadette Jordan:** When you say the timelines need to be shorter, you said, though, that you consulted for five years roughly before this was then sent to the minister's office, is that correct?

**Ms. Susanna Fuller:** Yes.

**Mrs. Bernadette Jordan:** So what is a shorter timeline to you?

**Ms. Susanna Fuller:** I don't think we should take more than two years of community meetings. That's maximum. I understand the regulatory impact assessment takes some time, so there shouldn't be more than two years of community meetings. However, I really do think a whole new process needs to be established for coastal marine protected areas, where we establish community-based marine conservation working groups that then get to put forward their information, because they are going to be the communities that are managing and monitoring these areas.

I just think we need to flip it on its head, where science is a key part, but having the right people on the ground in the beginning is very important. I'm hoping that kind of process gets established on the eastern shore of Nova Scotia. We need to reset the button on how we do coastal marine protected areas.

**Mrs. Bernadette Jordan:** With regard to your brief, you've signed on with a number of organizations, and you talked about it a little. You said you wanted prohibitions on oil and gas and mineral exploration and development, wind farms and tidal power development, open net-pen aquaculture, and bottom trawling. You said those things when you were doing your presentation. But also on this, it says "a requirement for significant no-take zones that are closed to all extractive activities".

That's where we run into problems, because when we talk about no-take zones, and we talk about coastal communities that rely on our fisheries, that's where there's a challenge. I thought it was interesting that when you were talking about it, you didn't mention that one thing. I'm just wondering why you left that one off the table when you were talking.

**Ms. Susanna Fuller:** In Atlantic Canada—so you will note that that's a national brief, it's high level—there is a very active lobster fishery, and sometimes it's the only major industry. I honestly don't know how we're going to get long-term spatial no-take. I can see that in some of our coastal communities where there's a very short lobster season, maybe two months, having 10 months where there's no activity should in some ways be equivalent to a significant no-take. I will say this is my opinion only. It is not that of any other NGO, but we need to look at some of the low-impact fishing, because what I hear from fishermen is that you're trying to close these areas to them, and they're the ones who need to be protected. I hear that. I am listening. I take it seriously.

I do think that we need to look at what the threats are, and how those fishermen are stewards of the area are at the end of the day. It's their livelihood, and if their values are to continue this into the future, then they can be much more helpful in terms of stewardship, and we can't alienate them.

**Mrs. Bernadette Jordan:** Okay. I have a minute left.

When I'm looking at the interim powers of the minister in Bill C-55, being able to designate something on an interim basis and being able to review it in five years, do you think that's a positive movement, or should it just be a case of speeding up the process and getting it done?

**Ms. Susanna Fuller:** Personally, I think we need to speed up the process and get it done. I think there needs to be some flexibility, because I feel very strongly about stakeholder engagement and people feeling like they're part of something, and that it's proactive.

In some places that might take longer. Maybe it's across very distributed coastal communities, and people can't always get to the meetings, but I really do think we need to do it more quickly, and having the outcomes.... I guess that's why we get to minimum standards. We shouldn't have to have discussions around whether or not oil and gas are allowed in our MPA. Just don't have that discussion. Speed things up, right?

• (0910)

**Mrs. Bernadette Jordan:** Right.

**Ms. Susanna Fuller:** So I think the more certainty we can give to the types of activities, the more quickly we will be able to go, and the regulatory process will happen more quickly. People forget in five years. It's a long time. I think quick but right is important.

**Mrs. Bernadette Jordan:** Thank you, Dr. Fuller.

**The Chair:** Mr. Doherty, for seven minutes, please.

**Mr. Todd Doherty (Cariboo—Prince George, CPC):** Thanks to our guests for being here today.

Dr. Fuller, you were involved in the St. Anns Bank study on the MPAs right from the start. Is that what you mentioned?

**Ms. Susanna Fuller:** Yes.

**Mr. Todd Doherty:** How many meetings would you say you've attended, not only for St. Anns Bank but for our MPA process and Bill C-55? I know that we've been doing this study for months, which we should be, because it's the right thing, but you are very involved, correct?

**Ms. Susanna Fuller:** Yes, and in answer to your question, it was over a time period of about a decade, because we also sit on the Gully advisory committee, and, if you include marine planning and the eastern Scotian Shelf integrated management plan, which I include in the marine protected area work because of the network plan coming out of that, I would probably say over 100 meetings over 10 years.

**Mr. Todd Doherty:** Wow.

**Ms. Susanna Fuller:** Sometimes you have a bunch of meetings, but between 75 and 100.

**Mr. Todd Doherty:** Mr. Manning, how many meetings have you been in regarding MPAs and Bill C-55?

**Mr. Robert Lewis-Manning:** I don't have a number for you. It wouldn't be as many as Dr. Fuller, but it would be dozens, and it's growing. I'm doing that because I see the Oceans Act becoming the main management tool for our coastlines, and that's a big change for my sector.

**Mr. Todd Doherty:** Would you say that industry has been afforded the same opportunity to be at the table as much as, say, Dr. Fuller has?

**Mr. Robert Lewis-Manning:** I think probably yes, but we're learning as well, so as we learn, we get more involved.

**Mr. Todd Doherty:** I appreciate that comment, because we're hearing, through Ms. Jordan's questioning, and Dr. Fuller has mentioned it as well, that stakeholders and those who are on the ground, those who make their living from the ocean and our waterways and depend on them, feel that they haven't been adequately consulted.

I don't know if it's after five meetings, 10 meetings, or 100 meetings that you get that, but, for those people on the ground, would you not agree that they most likely are the ones who care about the ocean the most? They're there. They make their livelihoods from that, and they should be involved, and if there are concerns, until they get some assurances that their concerns are going to be taken....

We need to get this right.

**Mr. Robert Lewis-Manning:** There's no question we need to get it right, and Dr. Fuller had a very good point. There are different levels of awareness for different communities.

I'm fortunate. I have the ability to understand and know what's going on, so if it's not happening, I can provoke it. There are certain stakeholders who probably don't have that luxury and are at a disadvantage.

**Mr. Todd Doherty:** I'm a coach. I do a lot of volunteer work back in my community, and I always say that our team is only as strong as our weakest member.

If we have folks around the table who do not understand what this is going to mean to them, we should be doing everything in our power to get them to fully understand how this can impact them.

Would both of you agree with that?

**Mr. Robert Lewis-Manning:** One hundred percent.

**Ms. Susanna Fuller:** Absolutely.

**Mr. Todd Doherty:** Thank you, Dr. Fuller.

Mr. Manning, there was a statement that came out from you in May of this year about the tanker moratorium that was announced by the government:

...we do not support the moratorium announced today. Firstly, it contradicts a crucial pillar of the federal government's stated approach to environmental protection: evidence-based decision making. It also flies in the face of the OPP, which commits to focusing resources on determining and addressing real safety and environmental risks identified through scientific research.

In this article, you very clearly articulate your industry's concerns about that process. I'm wondering if you feel that you have been consulted enough on this. Obviously, you have some clear concerns, and we share them with you. We need to get this right out of the hopper. Correct?

• (0915)

**Mr. Robert Lewis-Manning:** That's correct.

I think your question was directed at Bill C-55, if I'm correct.

**Mr. Todd Doherty:** A little bit of both. You have concerns over the moratorium, because we're hearing the same concerns on Bill C-55 and the MPA process as well.

**Mr. Robert Lewis-Manning:** I testified on the moratorium last week, so that is certainly available to the committee.

On Bill C-55, I don't think the consultation was as robust as it could have or should have been. I think there needed to be some more intergovernmental work, which would be a strong message. And that's not to be critical to departments; it's that with the amount of work that's going on at the moment, we could be making mistakes.

**Mr. Todd Doherty:** I think you've said one hundred per cent. I think you said earlier that this is much bigger than what we actually see. It's going to have far-reaching impacts, and not just in the immediate future, but down the road, correct?

**Mr. Robert Lewis-Manning:** There's a reason that I'm here personally today, because it is that important.

**Mr. Todd Doherty:** I guess our point is this. We've always said that we want to make sure we're getting this right as we go, but we don't know why this has to be rushed through. Has there been any indication to you as to why the government is actually pushing this legislation through without getting you here to fully discuss this?

**Mr. Robert Lewis-Manning:** There's been no indication. It would be completely speculative on my part to give you a reason.

**Mr. Todd Doherty:** Okay.

You're familiar with the precautionary principle.

**Mr. Robert Lewis-Manning:** I am.

**Mr. Todd Doherty:** One of your concerns was about the vagueness of the legislation and that it gives the ministers some pretty overarching powers of authority to designate marine protected areas, or interim protected areas, without proof of evidence-based science that would lead to that. Do you agree that's a concern?

**Mr. Robert Lewis-Manning:** I think there are two things there, if I could break them down. The precautionary principle is fully supported, and we're never going to have perfect science. So—

**Mr. Todd Doherty:** But it's used by governments, in the absence of science, to make that decision, correct?

**Mr. Robert Lewis-Manning:** Well, that hasn't been my experience in Canada. My experience is that with committed stakeholders, and even some limited science, we can take smaller steps. I don't want to be negative about that. I would say, on some of the powers that are in this bill for the minister, it's the vagueness that concerns me. There are aspects to my sector. I'm sure there are aspects to commercial fishing. I'm sure there are conservationists who would say that unless we understand what we're trying to achieve, we could make some mistakes along the way, and making a mistake when you have a five-year commitment is a big mistake.

**Mr. Todd Doherty:** People are making decisions today on trade, right?

**Mr. Robert Lewis-Manning:** Absolutely, and companies are planning their investments based on the predictability of the regulatory environment.

**The Chair:** Thank you.

Mr. Donnelly, for seven minutes, please.

**Mr. Fin Donnelly (Port Moody—Coquitlam, NDP):** Thank you, Mr. Chair, and thank you to our witnesses for again appearing in front of this committee for Bill C-55.

I'll start my questions with Dr. Fuller.

As you know, there's scientific evidence demonstrating that bottom trawling significantly damages sea floor ecosystems, and that no-take fishing zones are key components of effective MPAs. Research shows that "MPAs that permit varying levels of...fishing and other activities, are less effective at biodiversity...than fully protected areas".



You previously mentioned to the committee that you believe that the core no-take zones of MPAs should encompass 75% of a given MPA. So, Canada is nowhere near reaching that high bar. The minister has the discretion to determine what activities are allowed in an MPA and how restrictive each zone in an MPA can be. So far, Canada's fisheries minister has implemented a no-take zone in only five MPAs to date, and those areas are tiny in comparison to the overall MPA. I'll add that I think Canada should follow international examples and make no-take zones the rule in core areas, or zones of marine protected areas, rather than the exception. Some core protection zones have irregular borders that require adaptive management, and this has the potential to make education and enforcement a challenge. Can you share your views on how mapping out core protection zones and adaptive management zones can increase and decrease the effectiveness of MPAs?

• (0920)

**Ms. Susanna Fuller:** Sure.

I will say a lot of my experience in terms of fishing has been to work closely with the fishing industry on closing down areas to all bottom fishing. I actually think some of the Fisheries Act closures that are happening, particularly on Atlantic Canada's east coast are, in some cases, more protective than our marine protected areas because there is no bottom fishing whatsoever. There are no traps, no longlines, no gillnets, no bottom trawls whatsoever, to protect areas for corals, and sponges and sea pens. That work is being done largely in collaboration with the fishing industry, and there are some areas in the eastern Arctic that are just making their way through approvals, which are truly groundbreaking in terms of progress in Canada. And that's being done with the industry, I will reiterate.

I do feel from a scientific perspective absolutely that we need large no-take areas. I also am a realist and I think that when we get to coastal communities we are either going to have incredible anger... and Bernadette will understand, she knows the south shore of Nova Scotia. We're going to cause a lot of anger in coastal communities that we don't need to do by saying it's got to be 75% no-take, because what do you do in Atlantic Canada when lobster fishing is the thing that keeps us going? It is it.

I would say on core protection zones, absolutely, when it's in marine protected areas, understanding the biodiversity we need to protect or the biodiversity processes we need to protect is very important. I also think that we can be a little adaptive.

Recently, there's an amendment on the table for the Gully marine protected area to slightly amend the zone that allows for halibut fishing because they found more deep sea corals and they want to slightly amend it. I think that's important. I think with climate change, we're going to have to have some flexibility.

I also think that as we have a network of marine protected areas, better understanding connectivity will be critical. We need to know why one area is linked to the next area in terms of connectivity of life history processes in spawning grounds.

I'm practical. I think it's very important that Canadians are involved in marine protected areas, that coastal communities and fishermen feel that these are a benefit to them ultimately and they can be fishermen. They've set aside areas for spawning. They've set

aside areas that are just voluntary closed areas. This has happened in the past.

How do we make sure that we're not saying, it has to be 75% no-take or it doesn't count? We're just not going to get coastal marine protected areas in Atlantic Canada. That is the reality, or we're going to get them in areas where nothing is happening and hasn't happened for a very long time. I don't think that's acceptable, either, because I think there's a human component to this.

I hope I answered your question.

**Mr. Fin Donnelly:** Thank you.

In your testimony you spoke about broader marine spatial planning. You talk about nation-to-nation consultation and then you also mention bottom-up processes, essentially engaging the community in the MPA process.

Do you feel there's adequate departmental funding and resources currently in place to address these areas that you've identified?

**Ms. Susanna Fuller:** No, I don't. I think what's happened in the last two years is more than has happened in marine protection in Canada in the last 150. It's happened very quickly. A lot of resources have gone into it, but attention to process... We really do need to dig down into that as we lead up to 2020, both for indigenous communities and coastal communities and having a real sense of the why of marine protection. Again, I did just come from Labrador and I cannot tell you how important it is to make sure there's marine protection so there's food security for those communities. It is incredibly important.

I see what's happening on the eastern shore of Nova Scotia right now where there is a willingness to really consider how the communities engage in conservation. They've done amazing work on protecting 100 wild islands. The community is fully on board. They're ready and open, and broad stakeholders are open, to getting engaged, but right now, despite our pushing for a real meaningful bottom-up process and a bit of funding for our marine conservation working group, there hasn't been a lot of openness to that from DFO. There hasn't been not openness, but I would say that as we move to the coast and as we move toward a nation-to-nation relationship, we need to have adequate funding for that process and we will be the better for it.

• (0925)

**Mr. Fin Donnelly:** Just very quickly, you spoke about specific prohibitions and minimum standards. Can you just elaborate very quickly on the importance of minimum standards?

**Ms. Susanna Fuller:** Yes, I can reiterate them, but in alignment with international recommendations, industrial activity should be prohibited from marine protected areas. Again, that's why we have marine spatial planning so we can understand where those industrial activities take place. They don't have to be zoned within an MPA. I think bottom trawling, oil and gas exploration... Renewables is an increasingly fraught issue in Atlantic Canada with tidal and offshore wind. I think that needs to be addressed. Then there's deep seabed mining. We don't accept mining in our national parks, we shouldn't have mining in our marine protected areas. And open net-pen aquaculture is also something that fishermen are very concerned about.

I would say just say no to those things, and it's very clear. We don't have to have meeting after meeting about what could happen in the MPA. We're very clear that, actually, no, these things aren't going to happen. These are the industrial activities that aren't going to happen. Now let's talk about what does conservation and sustainable use mean to achieve [*Inaudible—Editor*] conservation objectives.

**Mr. Fin Donnelly:** Thank you.

**The Chair:** Now we go to Mr. Hardie, for seven minutes, please.

**Mr. Ken Hardie (Fleetwood—Port Kells, Lib.):** My colleague Mr. Morrissey has a quick question to lead off, because it connects to the conversation that has just happened.

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

Dr. Fuller, you are making a very impressive presentation here. I agree with a lot of the points you made.

However, my question is for Mr. Lewis. There is a direct link between commercial shipping and the fishing industry. We saw on the east coast of Canada this summer the unacceptable high level of fatalities of whales. The United States and Europe have already put the industry on notice that if there is no acceptable plan to come up to protect the whales against this, there could be embargoes on the east coast fisheries of lobster and crab. There have to be protected regions.

Could you comment briefly on the fact that if we do not move on commercial shipping in some of these areas, it could have a very negative impact on commercial fishing and the communities it supports? Give a quick answer, please.

**Mr. Robert Lewis-Manning:** Thanks. I'll try to be quick with a complex topic. I'll leverage some of the things Dr. Fuller said.

Absolutely, there is a connection, and Oceans Act tools, including marine protected areas, can be a way of managing some of that impact from industrial activity, whether it's shipping or commercial fishing.

**Mr. Robert Morrissey:** That's fine. Thanks.

**Mr. Ken Hardie:** Dr. Fuller, when Mr. Doherty and Mr. Lewis-Manning were discussing process, etc., I detected that you might want to have a word in on what has been going on, and what should be going on, with respect to the consultation process. Is there anything you want to add to that discussion at this point?

**Ms. Susanna Fuller:** Yes. I was a bit worried that Mr. Doherty was intimating that only environmental groups get consulted. When I gave my number of 75 to 100 meetings, that's over 10 to 15 years,

and it included a marine spatial planning process. For the most part, those meetings are multi-stakeholder meetings: multi-stakeholder advisory committee meetings, multi-stakeholder planning meetings.

I am a very strong advocate for multi-stakeholder and not bilateral meetings. I feel that we can find common ground, and we often do, when given the place for a good process. That has borne a lot of fruit in terms of our work in the eastern Arctic and the Newfoundland Shelf. We are working directly with industry on marine conservation working groups. We have achieved far more, and far more quickly, than could ever have been done through bilateral meetings or not having all the interests at the table.

**Mr. Ken Hardie:** This leads to a reflection that somebody passed on to me, that the Minister of Fisheries and Oceans probably has more discretion than any other minister in cabinet. He can come in, make decisions, and make things happen, so obviously process becomes very critical. Whom does that minister listen to, and how collaborative is the decision-making process?

Spinning off your earlier comment about the fact that things are always in a state of flux—the players change—I detect that what we may be suffering from is really a lack of institutional knowledge. Every cycle we go through, we are dealing with new people, perhaps even new governments, and we seem to be spending a lot of time re-covering the same sort of fundamental ground and not really moving forward very well.

Do you have any thoughts as to how we could restructure things so that we can build on what we have learned in the past instead of just repeat processes?

• (0930)

**Ms. Susanna Fuller:** Yes. We can't underestimate the budget cuts and the staffing cuts made to DFO over the past decade. That significantly altered the ability and the institutional memory of the department.

I think co-governance and co-management are a way forward on that, because then it's not tied to political cycles, and you download more of the decision-making power to a regional and community-based approach. I think that this can work. It's not easy, and it does require capacity at the local level, but it can provide a much more long-term view and stability that is less reactive to discretion, because there is constancy in the process and in the co-management. Yes, people will change over time. Staff changes over time—that always happens everywhere—but I think there are ways of protecting the process, the institutional history, and the trust at the table. Trust is absolutely the most important thing in all of these things. By having that co-management, you are not tied to the political cycle.

Unfortunately, what happens is that if things get changed in budgets, you no longer have the infusion of the federal government's capacity. That is important in terms of science as well. I think we saw that on the west coast, where the province and the first nations got involved in a marine planning process, but the federal government was not involved. Now, they are getting reinvolved. If they had been involved from the beginning, that planning process would have probably happened more quickly.

**Mr. Ken Hardie:** Mr. Lewis-Manning, I can understand the challenge facing the shipping business, like any other large commercial activity, where you're making big capital decisions and all the rest of it. You need some sort of consistency and a really clear look at what the future looks like so you can make reasonable decisions.

You used a couple of words that present the challenge. I want your comments on how you balance nimbleness with practicality. How do you balance the need for consistency with the fact that stuff happens and needs to be reacted to?

**Mr. Robert Lewis-Manning:** There's no perfect answer, but I think that a balance of predictability and advance notice and exchange of information provides that. It's not looking for an entire coastline that isn't protected. That's not the intent of my comments. It's the ability to understand where the network is going. Currently, on the west coast of Canada, there's a network planning process for the north coast. It's both an accelerated process and a very engaged process, and it's going very well. It will be completed well within a five-year timeline. That isn't a legislative requirement. It's the leadership of the people and the accountability of the people leading it and involved in it that are making it happen. To Dr. Fuller's point, it's the right people at the table engaged and accountable for the solution.

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

We'll have Mr. Arnold for five minutes, please.

**Mr. Mel Arnold (North Okanagan—Shuswap, CPC):** Thank you to both of our witnesses this morning. It's good to see you both again.

It's been an interesting process. We started studying the MPAs almost a year ago, I believe. Now, with Bill C-55, it's almost a continuation, but it's somewhat different, because we're dealing with some specifics.

The first question would be for Ms. Fuller. You seem to have been able to be all over Canada, and probably outside of Canada, dealing with the MPA process. You seem to be racking up a lot of Air Miles with these meetings. Have the fishermen or the commercial sector been able to attend as many of these meetings or participate as fully as you have?

**Ms. Susanna Fuller:** I would say that one of the things I am most proud of in the last year was that during the UN ocean meeting, which was in June, I advocated very strongly and hard to ensure that Melanie Sonnenberg, from the Canadian Independent Fish Harvester's Federation, was also on the delegation.

Some of the processes I'm engaged with internationally are things that have been ongoing for a long time, such as the high seas agreement. Now the industry is starting to get engaged. I'm presenting at the world ocean conference at the end of this month in Halifax. The World Ocean Council has always been there.

• (0935)

**Mr. Mel Arnold:** Have they been able to participate as much?

**Ms. Susanna Fuller:** Yes. At the ground level, when it comes to where the boundaries are and what the process is, absolutely.

**Mr. Mel Arnold:** Ecology Action Centre is receiving funding from DFO for some of your programs. How can Canadians feel confident that the Ecology Action Centre's participation and presentation is unbiased, when you're actually receiving money from DFO, which is making policy that may affect your operations?

**Ms. Susanna Fuller:** There's no money from DFO that goes towards any of the work we do on MPAs. We have less than \$1,000....

**Mr. Mel Arnold:** The organization is receiving funding from DFO.

**Ms. Susanna Fuller:** I think it's quite important that you understand that it's for our living shorelines and climate change adaptation work, which does not cross over with our policy on marine protected areas work.

**Mr. Mel Arnold:** But it would be some of the the same offices, some of the same people, all under one big umbrella.

**Ms. Susanna Fuller:** They are totally different staff members. I think in some ways, the mandate letter that said collaboration with Canadians and broad stakeholders ended up meaning that there has been much more funding going to a whole lot of stakeholders.

**Mr. Mel Arnold:** Okay, thank you.

**Ms. Susanna Fuller:** We're very careful that there is never any conflict. We have a small bit of funding for species at risk work, which I think is very important in terms of—

**Mr. Mel Arnold:** You are receiving funding from DFO. Thank you

**Ms. Susanna Fuller:** Yes, but it is a very small amount.

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

Mr. Manning, do you receive any funding from DFO?

**Mr. Robert Lewis-Manning:** No, it all comes from our members.

**Mr. Mel Arnold:** Mr. Manning, do you feel there's enough flexibility in the act to address changing conditions, whether changing shipping markets or changing trends, market trends, or emergent situations? With these interim MPAs, they're basically locked in for five years.

**Mr. Robert Lewis-Manning:** At the moment I'm unsure, because there's vagueness in how the activities will be classified within the proposed legislation. I would say overall, in the Oceans Act there is not enough flexibility yet, mainly because the Oceans Act was never designed to manage commercial shipping, so it's evolving as a main coastal management tool.

**Mr. Mel Arnold:** There's reference to permitted activities, but only dating back one year prior to the implementation. Do you feel that should be amended to include a longer time frame consideration, whether it would be for shipping or for other activities?

**Mr. Robert Lewis-Manning:** If the qualifier for activities is going to be based on time, I think it should be longer. It's not so much for the large-ship commercial activity, which is fairly predictable at this point in time, but it's actually for some of the coastal traffic that I won't say is less predictable but has a larger variance because it's serving communities on the coast.

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

Given that the proposed designation of interim protection over MPAs is at the discretion of the minister—and I'll ask this of both of you—should the science that's considered during this decision-making process be made public, or should it be locked up within the minister's decision?

**Ms. Susanna Fuller:** I absolutely think it should be made public.

**Mr. Robert Lewis-Manning:** I think transparency is always important.

**The Chair:** Thank you.

Mr. Finnigan, for five minutes, please.

**Mr. Pat Finnigan (Miramichi—Grand Lake, Lib.):** Thank you both for appearing in front of us today to help us with these new laws.

On our trip to the east coast a couple of weeks ago, we were in the Gaspé area and met with a group of fishers' organizations. I'm referring to the current section 2.1 of the Oceans Act. It ensures that indigenous rights are always respected in the process of establishing MPAs: "...nothing in this Act shall be construed so as to abrogate or derogate from any existing aboriginal or treaty rights of the aboriginal peoples of Canada".

We met with one group that was moving away from bottom harvesting, like scallop fishing and so on, because it did damage the bottom. But right next door we met with a first nation and they had just been granted a licence to harvest sea cucumbers, for instance. How do we get around these different views and different approaches, one act being protected over the other?

Can you comment on that, Dr. Fuller?

• (0940)

**Ms. Susanna Fuller:** I think we have a lot of work to do with indigenous fisheries and first nations. It's a very difficult and interesting topic right now. I think the balance between livelihoods and FSE fisheries and rights to earn a living for our first nations is paramount right now, and I think that's where it should be. It's going to result in some conflicts, and it is resulting in conflicts on the water.

I do think what we can do is probably have some more capacity building, both in our settler fishing communities and indigenous fishing communities, about best practices, about monitoring—you can fish sea cucumbers through diving, we don't have to drag for them—about zoning, and about sustainability of the resource. There's not going to be any fishermen, first nations, indigenous or settlers, unless we have sustainability of the resource. We're just starting to get going on it and I think it's going to get harder before it gets better. All I can say is that we need to commit to a process in listening. It's not going to be easy.

I would say in terms of the two acts, the Fisheries Act and the Oceans Act, the Fisheries Act will always trump the Oceans Act on the specifics, but I think there are ways in the amendments to the Fisheries Act that we can start really looking at the protection of fish habitat properly, protecting of ecologically sensitive areas. On the work that's been done in the Gaspé in terms of closing many areas to bottom fishing, they just closed 11 areas and that's quite amazing. They've moved very quickly, and I think there hasn't been much

backlash by the fishing community, but maybe I haven't been reading the French news enough.

We're in an interesting, difficult time on the road ahead in terms of indigenous rights and the right to livelihood and food; we're just embarking on that and it's going to be not easy but very important.

**Mr. Pat Finnigan:** Regarding enforcing, Bill C-55 would empower the Minister of Fisheries and Oceans and the Canadian Coast Guard to designate any person or class of persons as enforcement officers for the purposes of administration and enforcement of the Ocean Act and regulations. Could you talk about how you see that? I know with the indigenous communities we have the guardians. Hopefully, we would be employing people from the communities, and that could be a way to work with them. Could you elaborate on how this could be done? I assume there would be training involved with that. Can you elaborate on that?

**Ms. Susanna Fuller:** I haven't thought a great deal about this, but I do think learning from the indigenous guardians program and building that will be important. As we move towards having marine protected areas in coastal areas, making sure that fishermen and the fishing associations that have the vessels are deeply engaged in the monitoring, reporting, and enforcement will be very important. We all know that fishermen have done enforcement over time on each other, sometimes not in the best ways, but I really do think that's where this bottom-up approach will allow us to get buy-in, but then also will allow fishermen to see the benefits over time. I think that one of the things that is in flux right now in Canada is under the national catch monitoring policy, which is being developed.

In terms of training technicians, not just on fishing, but also in monitoring a marine protected area, I think that can be useful if done properly. I think there's a lot of scope for doing things a bit differently, like learning from indigenous guardianship programs and helping fishing associations with capacity to monitor and collect data on their own. There are some very good examples. The LFA 27 management board does a great job on collecting bycatch in the lobster fishery. The Guysborough County Inshore Fishermen's Association has a very good science program. I think the more that we can increase the capacity of these coastal communities and fishing associations to collect data, the more empowered they will be and we will no longer be in the "science against fishermen" world, but we will be doing it together.

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

Mr. Miller, the floor is yours for five minutes, please.

**Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC):** Thank you to both of you for being here.

Mr. Lewis-Manning, the questions I have are on your recommendations. We had the minister here—I believe it was two weeks ago—and we were asking about potential MPAs and what have you. The minister had every opportunity to fill the committee in a little bit, but the next day, he announced an MPA that I'm sure you're quite familiar with. You mentioned in your comments that there should be provisions in there for the minister to publish details of an MPA in advance. Obviously, what the minister did a couple of weeks ago is probably a good example of what you were referring to. Could you comment a little bit more on what you would have liked to have seen in advance?

• (0945)

**Mr. Robert Lewis-Manning:** I knew about that MPA, so that was not a surprise. I think my concern is that all of government is working in the same direction. If an interim MPA were to be established, yet Transport Canada, for example, wasn't aware of it because they're working on other pieces of their programming, there could be a concern, right? You need the checks and balance, such that this minister is well-informed and doesn't make that mistake. I think that's why some advance notice is important.

**Mr. Larry Miller:** That leads into my second question. You commented that you thought the minister should consult with other ministers, whether it be transport or whatever. Are there other ministers, other than the Minister of Transport, that you think should be involved whenever these kinds of decisions are being contemplated?

**Mr. Robert Lewis-Manning:** Yes. I think Environment and Climate Change Canada needs to be part of that. Absolutely, International Trade and probably some of the agencies that support those departments, as well. They need a good understanding of what else is potentially going on because a five-year period is a long period for other initiatives. They could be very positive initiatives, so you don't want to put the government or the stakeholders, that are making investments, in a place where they're making poor choices or uninformed choices.

**Mr. Larry Miller:** You also commented—and I was writing this down as you were speaking, so I may not have it in the right order—that the process need not be lengthy. I think you were referring to the process where other ministers were kept involved or informed. Have I got that right?

**Mr. Robert Lewis-Manning:** Yes. I would say that prior to the establishment of an interim MPA, there does need to be a brief period of consultation, in order to figure out what classes of activities are going to be allowed or prohibited within that interim MPA. I think that's a vital piece for any MPA.

**Mr. Larry Miller:** You also talked about having a definition of lawful activity. I think you said that it should include new activities that could happen. Could you expand a little bit on what you were talking about?

**Mr. Robert Lewis-Manning:** At the moment, it's not an issue but let's say we expand our MPAs beyond the 10%. That's a safe assumption. At some point we will see more marine protected areas in places where there's a significant amount of human activity, so my perspective of MPAs might be different from Dr. Fuller's, for example. I'm not putting those words in her mouth, but I can see that day coming. As you draw boxes on our coasts, understanding how

they interact with each other is really important. What we're learning as a sector, through the MPA network planning, is that none of this is stagnant.

Climate change is changing how things react, so we need to be nimble in how we approach all of this. What North Atlantic right whales did 10 years ago is not what they're doing today. The same goes for southern resident killer whales on the west coast. Things are changing, so the way we manage that coast has to change with it. It has to be nimble and it has to be engaging.

**Mr. Larry Miller:** To take this future potential lawful activity, could you comment on this? I want to tie this in with the moratorium on tankers off the west coast. While there's obviously a lot of ship traffic through that area now, there potentially could be in the future as well. Is that the kind of lawful activity that you're implying we shouldn't totally rule out?

• (0950)

**Mr. Robert Lewis-Manning:** I think having management tools that are harmonized and similar is really important. Every time we introduce a new tool, it gets to be more and more complex. That does make it difficult for stakeholders, not just my sector but stakeholders in general, to operate in. As much as possible, I will always support harmonized tools in legislative frameworks to manage our coasts. That's from both a protection side and a human activity perspective.

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

Thank you everybody. That brings us to the end. We have a little bit of time to play with here. Does anybody have a very quick question?

Mr. McDonald, go ahead.

**Mr. Ken McDonald (Avalon, Lib.):** Thank you, Mr. Chair.

Thank you to our guests.

Dr. Fuller, in earlier questioning it almost seemed like, because it receives money from DFO, your organization's reputation would be tarnished for the work you do.

In my home province, we have FFAW, which partners with the union that represents fishers. It partners with DFO on many programs. I don't think they're not going to speak their mind simply because they're partnering with DFO on something. We've recently had a partnership with WWF, and some reinstatement of habitat in my riding—millions of dollars—so I guess they shouldn't be doing that either.

If the department can partner with experts out in the field, they'll get a better result at the end of the day. I don't know if you can explain exactly what work your officials do for the money you receive from DFO. I'd like to give you an opportunity to explain that.

**Ms. Susanna Fuller:** Sure. I really can't be bought. I think that should be clear. I don't do this work for the money. I do it because I care and it's important.

I absolutely believe that more collaboration and delivery on the ground with diverse stakeholders is the way we're going to achieve change in this country. The FFAW states their mind, just as I do, and as many other fishing associations do.

We have money from DFO to work with municipalities on the coast that are losing infrastructure because of sea-level rise. We're doing critical public education on that. We can deliver much cheaper and, quite frankly, better programming. We have a level of trust in coastal communities that might not [*Technical difficulty—Editor*].

I would say on our species-at-risk work—and I was supposed to be at the SARAC meetings with Robert, but I had to be in Labrador for a couple of days—we are working very closely with fishermen on how to better monitor species at risk and how to build tools that work for them, so that we don't have to list marine fish on the Species at Risk Act, which would shut down pretty much all of Atlantic Canada, and so that we can help them when they're trying to work on how to disentangle right whales and how to avoid areas. I think that's very critical work in achieving not just the mandate of the government but the mandate for Canadians on marine biodiversity.

**The Chair:** Thank you, Dr. Fuller.

I have to leave it that.

Mr. Doherty, go ahead very quickly, please.

**Mr. Todd Doherty:** Mr. Chair, it will be more of a comment than a question to Mr. Lewis-Manning.

Our comment earlier was this: Ms. Fuller's testimony is that she's been involved in the process from the beginning. Nobody doubts or is casting aspersions as to what her or her organization's intent is. We're only saying that the stakeholders, the local fishers...I believe Mr. Lewis-Manning's testimony was that your organization never received any funding from the Department of Fisheries.

**Mr. Robert Lewis-Manning:** No.

**Mr. Todd Doherty:** The comment was we are having stakeholder after stakeholder, the local fishers, the first nations, appearing before our committee and giving testimony about the importance of getting it right. Then an organization comes before us that receives funding from the department. The public may say perhaps this testimony has been purchased.

Again, it wasn't to belittle Ms. Fuller in any way. She's very capable. We've had a number of conversations over the last year. She is at a lot meetings we have. I was at the Ocean Conference in New York. Ms. Fuller was there. She provided great testimony.

Again, at some of the other meetings, I didn't see any of the fishers who make their living off the shores of Canada's coasts. I didn't see the shipping companies that make their living off Canada's waterways. I didn't see the tourism operators who make their living off Canada's coasts and shipping lines. Maybe Ms. Fuller was representing them as well. I have no idea.

At times it does not seem there is a level playing field. That was solely what we are trying to mention.

Thank you.

● (0955)

**The Chair:** Was that a question or did you just want to leave it there?

**Mr. Todd Doherty:** Mr. Lewis-Manning answered my question, that his company has not received funding.

**The Chair:** Mr. Donnelly.

**Mr. Fin Donnelly:** Thank you, Mr. Chair, for allowing one final question.

It's to Mr. Lewis-Manning.

Bill C-55 gives the minister increased powers, as you noted. The federal government seems intent on achieving its international commitments of 10% ocean protection. You mentioned that you could foresee the day of perhaps going beyond that 10%.

In general, do you see the importance of protecting our ocean ecosystems while still accommodating marine transportation?

**Mr. Robert Lewis-Manning:** The simple answer is yes.

The devil is in the details on how we do it well. We need to figure that out.

**Mr. Fin Donnelly:** I think you brought some balanced points for the committee to look at. The concerns you raised are well within what we should be looking at in how we achieve ocean protection while still accommodating industry.

Thank you for that.

**The Chair:** Thank you, everybody.

I want to thank Dr. Susanna Fuller for being with us again. We also want to thank Mr. Robert Lewis-Manning for joining us on Bill C-55.

We have a bit of committee business to do. I suspect it won't take long.

We'll break for a few minutes.

[*Proceedings continue in camera*]









Published under the authority of the Speaker of  
the House of Commons

---

### SPEAKER'S PERMISSION

---

The proceedings of the House of Commons and its Committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its Committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

---

Also available on the House of Commons website at the following address: <http://www.ourcommons.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

---

### PERMISSION DU PRÉSIDENT

---

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

---

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante : <http://www.noscommunes.ca>