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Chair

Mr. Scott Simms

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• (0845)

[English]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): Good morning, everybody.

Pursuant to the order of reference of Tuesday, October 17, we are considering Bill C-55, an act to amend the Oceans Act and the Canada Petroleum Resources Act. Here we are at committee, after the passage of second reading, and onwards and upwards we go.

To our witnesses, thank you for being with us. I'm not sure if you're on the west coast or not, but if you are, welcome to the early morning hours.

Welcome to Paul Crowley, vice-president of the Arctic program of World Wildlife Fund Canada—it's good to see you again, sir—and Mark Brooks, Arctic oil and gas specialist, also from World Wildlife Fund Canada.

From the Lax Kw'alaams Band we have Mayor John Helin. Thank you very much, Your Worship, for joining us here today.

As well, welcome to Dean Allison, our colleague from Niagara West. It's nice to see you this morning, Dean. Thanks for joining us.

We have up to 10 minutes to hear from each group.

Mr. Crowley, go ahead, sir. Thank you.

Mr. Paul Crowley (Vice-President, Arctic Program, World Wildlife Fund-Canada): Thank you.

Good morning, everyone. Thank you for the invitation. I just want to start by acknowledging that the work you're doing is critically important to ensuring that Canada has the necessary laws and policies in place to protect the health of our oceans. We have submitted written comments, which I trust you've received.

Just quickly, I'm sure you're familiar with the World Wildlife Fund. We're one of the largest independent conservation organizations in the world. We have projects in 100 countries. WWF-Canada creates solutions to the environmental challenges that matter most to Canadians. We work in places that are unique and ecologically important so that wildlife, nature, and people thrive together.

With respect to our marine conservation work, WWF-Canada believes healthy oceans depend on a network of marine protected areas that account for ocean currents, species migration, and other ecological connections. We are working in partnership with coastal communities, indigenous peoples, and groups to advocate for MPAs

and sustainable oceans management. WWF is pushing to have stronger conservation standards, including better management, and to exclude industrial activities, oil and gas, and mining within MPA boundaries.

I would like to begin by emphasizing the position of our organization on the need for modernizing the laws governing environmental protection of our oceans, including the need to review and reform the rules governing offshore oil and gas activities, which have not been substantially updated in decades and which, certainly in the Arctic, tend to favour industrial development at the expense of other alternatives.

With regard to Bill C-55, WWF-Canada does support the proposed amendments to the Oceans Act and the Canada Petroleum Resources Act in favour of expediting the MPA designation process, and we commend the government for its ambitious conservation targets. We agree that the process to establish new MPAs in Canada is much too long. The proposed legislation should help expedite this process.

Marine protection designation must be meaningful, however. Bill C-55 is a step in the right direction but it will not ensure that new MPAs in Canada effectively protect marine biodiversity. Setting an ambitious conservation target is commendable, yet the government must also do the right thing to ensure that marine protection is meaningful and effective.

WWF-Canada believes the goal of all of Canada's environmental legislation should be to modernize the Canadian economy to meet the sustainability challenges of the 21st century. To effectively meet this goal, a set of unifying objectives should be followed.

First, maintain and restore vital ecological goods and services upon which communities and species depend. Uphold Canada's international climate commitments and decarbonize energy production and consumption. Uphold the rights of indigenous peoples to access to and stewardship of our natural wealth including the crown's duty to consult. Finally, uphold the right to a healthy environment.

With regard to the Oceans Act amendments, the proposed Oceans Act and CPRA amendments will streamline the process of creating new MPAs. However, the absence of minimum standards for MPAs that would include prohibitions on certain activities is a significant shortcoming. Lack of minimum standards for MPAs leads to weaker protection and uncertainty if restrictions must be determined on a site-by-site basis.

Industrial activities are not permitted in terrestrial parks. We need the same level of protection for our marine protected areas. Minimum standards must include prohibitions on oil and gas and mineral exploration and development, bottom trawling, open-net pen aquaculture, tidal power development, and wind farms.

Subject to indigenous rights in Canada, minimum standards should also include a requirement for significant no-take zones that are closed to all extractive activities but that would not preclude low-impact fishing, ecotourism, and recreation activities as well as marine transportation.

● (0850)

Our Oceans Act does not explicitly recognize indigenous protected areas declared under indigenous law and has insufficient provisions to allow meaningful ocean co-governance. The Oceans Act must be amended to recognize indigenous law for all indigenous groups to achieve food security, allow for sustainable livelihoods, recognize IPAs—indigenous protected areas—and achieve meaningful oceans co-governance.

Finally, the ongoing activities exception in the bill when a new MPA is given interim protection is overly broad. In some cases, it may not be clear whether an activity will be prohibited or allowed once interim protection is given.

With regard to the CPRA, the Canada Petroleum Resources Act, it needs to be amended, and the fact that it needs to be amended demonstrates a fundamental weakness in this legislation. The CPRA is over 30 years old, and its guiding policy focuses almost exclusively on expediting the development of petroleum resources at the expense of other possible alternatives, such as marine conservation. Full modernization of the CPRA, along with the entire oil and gas regulatory regime, is long overdue.

For now, the three following amendments to the CPRA could be implemented through Bill C-55 to help balance conservation priorities with industrial development.

First, ensure the provision allowing for cancellation of oil and gas interests applies to all permits and is not limited only for the purposes of MPA designation. The revocation of a licence must also be permitted if unexercised rights interfere with the public good. Next, add a guiding policy section or preamble that explicitly sets out the policy intention of the legislation within the context of important contemporary issues, such as marine conservation. As well, include a statutory requirement to conduct an environmental assessment before an exploration licence is granted to a company.

With respect to Bill C-55 amendments specifically, it should be noted that the CPRA does not apply to the Atlantic accord areas. Regulatory solutions therefore need to be considered for the accord areas in the same context as the CPRA amendment to ensure the

ability to restrict oil and gas from MPAs, and therefore would be applied Canada-wide.

In addition, when an interim MPA is to be designated, the minister will be given discretionary powers to prohibit oil and gas activities and/or cancel a company's interest. This should be a mandatory—not discretionary—prohibition.

As noted, Bill C-55 must also allow for the cancellation of all oil and gas interests in areas where MPAs are designated, including permits that are subject to boundary disputes and/or prohibition orders, some of which have been held for decades. If not, these licences could remain an impediment to MPA designation in the future.

With regard to the public review of Canada's offshore oil and gas regulatory regime, in the Arctic offshore, where CPRA rules apply, Canada's oil and gas regime consists of multiple pieces of legislation. The government completed a review of the CPRA last year and is currently carrying out a review of CEAA, the National Energy Board modernization review, and the frontier and offshore regulatory renewal initiative, yet it's not clear how all of these various reviews are connected, if at all.

A comprehensive public review of the entire regulatory regime governing oil and gas development in Canada's offshore Arctic areas is required. This review should consider how the various pieces of legislation work together and which elements should be improved or modernized.

Oil and gas development, particularly in the Arctic, is only one outcome amongst a number of possible alternatives and should not be seen in isolation from other priorities. Fully modernizing the regulatory regime will help ensure that the priorities and concerns of Canadians are adequately considered if new licences for oil and gas activity in Canada's offshore Arctic waters are issued by any government at some point in the future.

● (0855)

To bring us to a conclusion, I will say that Bill C-55 is a step in the right direction, but it will not ensure that MPAs in Canada effectively protect marine biodiversity. We encourage the government to take this rare opportunity to consider further amendments to both the CPRA and the Oceans Act, which are necessary to ensure that both are fully modernized and updated to reflect contemporary sustainability challenges.

Thank you again for your invitation.

The Chair: Thank you, Mr. Crowley.

Mayor Helin, before we get to you, we did meet with your band when we were in Prince Rupert. I don't think you were there at the time, but it's good to welcome you back officially once again. That was about marine protected areas. Similarly, we're on Bill C-55. It's good to have you back, sir.

You're up for 10 minutes or less, please.

Mr. John Helin (Mayor, Lax Kw'alaams Band): Thank you.

I thank the committee for allowing me to speak before it here today. I think it's important that I travelled all the way from northwestern B.C. to Ottawa, because I feel that we're left out on the northwest coast of B.C. I say that because a lot of policies and regulations have been put in place without our input. You talk about informed consent, and there are some buzzwords we keep hearing. I'll point to the Great Bear Rainforest that was put in place without a lot of consultation with our members.

I was out here a few days ago speaking before the standing committee on the tanker moratorium. I found out that you have an Atlantic fishery fund for the east coast of the country. My community, which has over 3,800 members, has the biggest gillnet fishing fleet on the B.C. coast. We can't afford to put fuel in those boats because we don't get the fishing time. We don't have the ability to get the quotas that are worth money from the halibut, the geoduck, and all those fisheries that people make good money from when they fish them. Our members don't have access to them.

All the plans that were put in place in the past, like the Mifflin plan and all these fisheries plans that were going to improve how we access the fish on the coast, are just not working. We went through a court procedure with the government a few years ago and lost. Through that court procedure, DFO enforcement started a program called "Operation Laundry List", through which they targeted our fishermen on the fishing grounds. It's frustrating when I have to write to the Prime Minister and the fisheries minister and say that we're being racially profiled on the coast because we lost that fisheries case. And it's real. A few days ago I met with RDG Rebecca Reid in Prince Rupert. Hopefully we are turning the page on the ugly past that we share. How do we improve that?

There's a PICFI plan in place. I met with Minister LeBlanc here last year. He said we were the poster child of that program. We were following all the guidelines and doing what we were supposed to do. Then we found out that some of the quota we could have gotten went to other bands, and that when they get it, all they do is flip it to non-native fishermen. We have the biggest fishing fleet on the coast, and we don't have that access.

There are a lot of problems. I'm here to point them out, but I'm also here to work with the necessary people to improve.... Our members have been living there for thousands of years. You talk about looking after the ocean. That's what we do. The environment is always first, but we should be allowed to make a decent living in our territory. We've done it for years on fish resources as well as on forestry. It's important that I bring this message to Ottawa. It's frustrating for me to come out here and talk to people, and then go away and not be heard from again.

I met with Minister Tootoo when he was the minister, Minister LeBlanc, and a whole bunch of ministers on LNG and on some other

issues that we were dealing with. To have NGOs come into our traditional territory and divide us.... I'll just mention that because of what happened with LNG out there. People come into our territories and spread false information, and it's a hard job for me to go to our membership and correct that, through meetings that I have to hold. But they have to get the real story, not the stuff that is disseminated by some of the groups that don't want to see things progress in our area. It's very frustrating.

We hear about the Atlantic fishery fund. When I go to a lot of our docks in B.C. and see how we're.... There are some improvements, but look at east coast Canada. The docks they have compared to what we have on the west coast show how we're treated out there. I'm here to make some noise and say that I don't like being treated like that, especially when we have the biggest fishing fleet in B.C., a gillnet fleet, and we can't make a living.

● (0900)

People are desperate. Some of our elders have to make a choice between hydro and food, and that's a reality in Canada in my community.

I come here with that message. How do we improve that? Policies and regulations are made in Ottawa, and hopefully you'll come to meet with us and understand who we are so we work together to improve those situations.

Thank you.

The Chair: Thank you, Mayor Helin.

We're now going to our questions, but before we do, there are just a couple of things to point out.

Over the next little while, colleagues, and this is just a suggestion on my part.... If you recall, a few meetings ago, we passed a motion to incorporate testimony from MPAs into this study of Bill C-55, where we spoke to bands such as those on the west coast. It occurred to Thai, our analyst, that it would be helpful if we could convert or take some of the testimony here and put it into our MPA study as well, so the flip of that.

Have a think about that, because we need a motion to do that, and we can't do it in public, of course, unless we have 48 hours' notice. Would anybody like to bring forward a motion to have evidence from this testimony regarding Bill C-55 included with our MPA study down the road in the next few months? It was his idea, not mine.

Okay, folks, now we go to our questions.

Mr. Hardie, you have seven minutes, please.

● (0905)

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

Thanks to the people who are here.

John, you and I sat across the table talking about the tanker moratorium on the other committee that I sit on. Just for the purposes of this group, can you quickly give us your take on the tanker moratorium, where you sit on that, and the reasons?

Mr. John Helin: I think I am of the mind that we should be consulted in a meaningful fashion when decisions like that are made.

I know I did meet with Minister Garneau. Somebody said we met 50 times or something over the previous two years, but only two of those meetings were on the tanker moratorium.

Mr. Ken Hardie: Do you support the tanker moratorium?

Mr. John Helin: I support our looking after the environment, looking at any project that comes along, whether it's oil or gas, and making a decision based on science and fact. I think the opportunity for us in northern B.C. for a pipeline for oil is real.

The reason I say that is that when I sat in this chair I was with Eagle Spirit Energy, where we went from Alberta to my community on the coast, and got all those bands on board for that energy corridor. I think they should have an opportunity to look at proposed projects to see if we can benefit from them.

Mr. Ken Hardie: Thank you, John.

Mr. Crowley and Mr. Brooks, with reference to how you came to your position and your recommendations, I'm going to ask some devil's advocate questions of you.

Did you spend some time up in the north? Did you spend some time speaking with indigenous bands and coming up with the recommendations you have offered here?

Mr. Paul Crowley: I'm based in the north, so I speak with northerners and Inuit every day when I'm in the north. I've been based in the north since 1995, and since joining WWF three years ago, we have an office in Iqaluit and also in Inuvik. We also work in Labrador and in other parts of Newfoundland claim areas.

Mr. Ken Hardie: I understand that part, but did you talk to them specifically about the recommendations you have for amendments?

Mr. Paul Crowley: We have engaged with communities on a number of issues, including MPAs, and on Bill C-55 as well. I have had some discussions with Inuit organizations about these issues.

Mr. Ken Hardie: When you talk about unifying objectives in consultation with indigenous groups, particularly as an advocacy group, you have the freedom to take a very firm position at either extreme, but at the same time, you're trying to influence government. I guess the question is this. When we hear what you have to say, does it reflect a consensus or does it really reflect, as I said, an advocacy position that you want to establish very strongly?

Mr. Paul Crowley: In my experience, and in recent consultations that I have attended—that includes consultations on the Nunavut land use plan; consultations on the Pikialasorsuaq, the North Water Polynya; as well as consultations with the Department of Fisheries and Oceans on the creation of MPAs—the desire for conservation in the north is strong. There is no place where I think it could be considered stronger. At the Nunavut land use planning hearings, from the Baffin region there were representatives from each

community, and each person representing their community spoke about the desire for further conservation.

Mr. Ken Hardie: We heard the same thing when this committee went up north.

I am not aware of any petroleum extraction activities going on up in the Arctic. Are you?

Mr. Paul Crowley: Currently, there are not. As some committee members may know, there was a desire to do seismic, which the community of Clyde River took exception to and went to the Supreme Court of Canada to defend its right to be consulted appropriately. In the eastern Arctic, over the last decade, there have been applications for seismic activity and seismic research, and the communities have opposed them vehemently.

● (0910)

Mr. Ken Hardie: John, with respect to sustainable fishing practices, you mentioned that you have probably the largest gillnet fleet on the coast. Are you aware that if, for instance, you are currently gillnetting in a particular area, even if it is designated as an area of interest, you would be able to continue to do that if the minister exercised the authorities this bill would provide? Are you aware of that?

Mr. John Helin: I am not aware of the particulars. I am aware of some of the conservation areas they have in place already. One of our main fishing places was around Dundas Island. We are completely shut out of that area now, and it's filled with sport fishermen. They are allowed to go and fish in an area where we can't for commercial purposes.

Mr. Ken Hardie: Mr. Crowley or Mr. Brooks, you can answer this. If the minister establishes an area for a five-year period, the intention is to allow whatever has been going on, at least in the previous 12 months, to continue. Do you have any thoughts or concerns about that?

Mr. Paul Crowley: Yes. As stated in the testimony earlier, when it comes to industrial activities, such as oil and gas, we believe they are just not compatible and they should stop. They should not continue in that—

Mr. Ken Hardie: Is it just that, or are there fishing practices that you would not agree with?

Mr. Paul Crowley: Yes. In addition, we would like to see prohibited bottom trawling, open-net pen aquaculture, tidal power development, and wind farms. There should be no-take zones considered in those areas as well, eventually, when they are turned into marine protected areas.

Mr. Ken Hardie: What would you say to John, then, and his big fishing fleet?

Mr. Paul Crowley: Pardon me?

Mr. Ken Hardie: What would you say to John and the big gillnet fishing fleet he has?

Mr. Paul Crowley: I would say that everything is subject to indigenous rights and the duty to consult, and that there should be meaningful discussion, dialogue, and consultation.

The Chair: Thank you, Mr. Hardie.

Thank you, folks.

We have Mr. Doherty, for seven minutes, please.

Mr. Todd Doherty (Cariboo—Prince George, CPC): Thank you, Mr. Chair.

Thank you to our guests who are here.

I want to acknowledge that we have some members in the gallery from the Fisheries Council of Canada. We met with them yesterday, and they are sharing some of the exact same conversations—

Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.): I have a point of order.

Mr. Chair, I believe that you are not supposed to recognize people who are in the room, outside of the witnesses.

The Chair: We'll let this go for now, but it is not common practice to point out people who are not....

Mr. Todd Doherty: Fair enough.

Again, Mr. Chair, we do have members of the Fisheries Council of Canada who are listening—

The Chair: Okay, I think we noted it the first time, Mr. Doherty. Thank you very much.

Continue, please.

Mr. Todd Doherty: Mr. Crowley, does the World Wildlife Fund receive any funding from the Canadian government?

Mr. Paul Crowley: Yes, we do on occasion receive from certain programs.

Mr. Todd Doherty: Thank you.

Mr. Helin, it was the testimony of the World Wildlife Fund that they work closely with coastal communities, stakeholders, and indigenous communities. Have you worked with the gentleman beside you?

Mr. John Helin: No.

Mr. Todd Doherty: There's much in the media about Lax Kw'alaams in terms of the economic opportunity that has been seemingly lost, perhaps because of outside interests, as your testimony noted.

For your background knowledge, Mr. Helin, I live in Prince George and I'm very familiar with our opportunities in the north and how sporadic they are as well. We need to be able to seize every opportunity we can.

Can you inform the committee about the economic opportunities that have potentially been lost because of the government's decisions and perhaps outside interests weighing in?

Mr. John Helin: I don't know if you've read the papers lately. I've been very reluctant in the past to go to the media on internal issues with our band. You get tired of the noisy people and the naysayers coming into your community and getting all the press. I spoke out about what we negotiated with that PNW LNG proposal on the coast that was over \$2 billion dollars in benefits over the 40-year life of that project. It's huge for us, you know.

● (0915)

Mr. Todd Doherty: You did a lot of work with Eagle Spirit Energy.

Mr. John Helin: Yes.

Mr. Todd Doherty: You did a lot of work with other indigenous communities making sure that they understood the opportunities that were presented to them to really lift our indigenous communities out of abject poverty. Is that correct?

Mr. John Helin: Yes.

Mr. Todd Doherty: I have read the newspapers. I've heard your message loud and clear.

Your testimony earlier was that you did meet with Minister Garneau a number of times, but really only a couple times on the tanker moratorium.

Is it more information sessions that you are getting rather than two-way dialogue?

Mr. John Helin: Yes.

Mr. Todd Doherty: Mr. Crowley, you mentioned about modernizing the Canadian economy.

What does that mean?

Mr. Paul Crowley: Primarily, for me, that means taking into account such things as climate change and greenhouse gas emissions. For instance, if you look at the Canada Petroleum Resources Act, it's really about promoting oil and gas exploration and exploitation. It doesn't take into account other economic values, such as tourism, cultural values, food security, or climate change, for instance.

It means bringing contemporary issues into the mix and ensuring that those issues are aired properly.

Mr. Todd Doherty: Are you based in the north?

Mr. Paul Crowley: Yes, I am.

Mr. Todd Doherty: Are you aware that Premier McLeod, from Nunavut, said that the relationship with this government is paternalistic and patronizing, the opportunities for the north have been cut out from underneath of them as well, and that dialogue has not been as engaging as they would hope.

Mr. Paul Crowley: Premier McLeod, from the Northwest Territories, has made those remarks. In the case of oil and gas and the moratorium that is there, the price of oil and gas has had a bigger impact than anything else. Arctic oil and gas is break-even at \$150 a barrel. We're a long way from that.

I do believe that there is a point of equity between urban and rural and the rest, and that we need to look at. However—

Mr. Todd Doherty: How do we balance that?

Mr. Paul Crowley: How do we balance that?

Mr. Todd Doherty: How do we balance opportunity?

We have Mr. Helin that has a community of 3,800 where the opportunities are few and far between. We have coastal communities where we have traditional fisheries and economies that are both non-first nations and first nations.

How do we balance that, as we move forward?

Mr. Paul Crowley: It's interesting because in terms of balance, of course, it's in the eye of the beholder. At the recent Nunavut land use planning hearing in Iqaluit, one group representing Métis said that their balance is conservation. The two are not necessarily compatible. It really depends on each case. It depends on meaningful dialogue. These are complex questions that I can't give you a ready set....

Mr. Todd Doherty: Okay.

Mr. Helin, I ask the same question of you.

How do we balance that?

Mr. John Helin: I think you have to look at every proposed project individually.

Our people would not agree with something that we thought would harm our environment. That's the last thing we want to do. We want it there for generations to come.

Mr. Todd Doherty: Would you say that the final word should come from those who truly have a stake at the opportunities, so that, whether it's fishing as well as exploration, those who are actually on the ground should have the final say?

Mr. John Helin: I don't know if it's the final say, but yes, I think in conjunction with experts that can give us good advice.

The Chair: Thank you, Mr. Doherty.

Mr. Donnelly, you have seven minutes, please.

Mr. Fin Donnelly (Port Moody—Coquitlam, NDP): Thank you, Mr. Chair.

Thank you to our witnesses for being here and providing your testimony on Bill C-55.

I wanted to start off with Mr. Hardie's comments about consulting coastal communities and, first of all, ask our clerk if we have travelled to any of our coasts to consult on Bill C-55.

The Chair: The committee has not, no.

The Canadian MPA study was when we met with the bands.

Mr. Fin Donnelly: How many committee meetings have we dedicated to Bill C-55?

The Chair: This is now our third one, technically, because we had the two halves. Remember?

● (0920)

Mr. Fin Donnelly: I know we have had more than that, though.

The Chair: We've had five.

Mr. Fin Donnelly: We have five more, so we have about....

The Chair: No, not five more. It's five in total.

Mr. Fin Donnelly: We haven't travelled to any coasts, any coastal communities, and we're dedicating five committee meetings to Bill C-55?

The Chair: That is correct, yes.

Mr. Fin Donnelly: Putting the consultation in context, Mr. Crowley, you talked about minimum standards. You've submitted recommendations here, and I'm wondering. You mentioned in your testimony a lack of minimum standards in Bill C-55, which you feel is a serious shortfall. I think this is tricky because you're saying you support Bill C-55, you support the intention to speed up the process, but at the same time there is an issue of minimum standards, which obviously requires consultation when you're talking about impacting the types of things you've identified.

Could you talk a little more about how you strike that balance of enough consultation, yet saying these are harmful activities we want to exclude in a marine protected area?

Mr. Paul Crowley: Yes. I think looking to the terrestrial cousin is important. We have these standards set, and the national park people do not expect to see an oil rig or heavy industrial activity. On many of these things absolutely there needs to be consultation. However, we're not starting from ground zero on them.

That these concepts, the marine protected areas, are created and a network is created to ensure that our oceans are replenished, to ensure that communities can continue enjoying the fruit of the ocean, I don't know how controversial that is. In its application in individual cases, absolutely it's controversial and it can be in certain cases and that requires an appropriate consultation, deep consultation, particularly with indigenous communities. Is that helpful?

Mr. Fin Donnelly: Yes. I think this is probably what the government is struggling with, and what I know the committee struggles with. How do you strike that balance? How do you look at protecting Canada's oceans? At the same time, how do you enable or allow economic activity to happen for coastal communities, for other communities in Canada?

It's obvious to me that if you look over the past 150 years anyway, and you see how we've been doing, I think there's a reason we need to protect our oceans because we haven't been doing a good job of that in the past. We're now looking for different ways to do that.

I guess more specifically, and the consultation is important, but in the aims of the government in Bill C-55 we still need to set a limit of how much time we consult or else we won't make decisions and continue.

You've identified a number of things, like bottom trawling, oil and gas and mineral exploration and development, open-net pen aquaculture, tidal power development, and wind farms. Does WWF Canada have expertise or can you cite evidence, documents, or studies that back up how these are harmful activities to the ocean and the ocean marine ecosystem?

Mr. Paul Crowley: Yes. To put this in context, I would start by saying that the government's goal of 10% protection is not 100% protection of the oceans, although we certainly should be planning carefully in 100% of our oceans. When it comes to marine protected areas and the goal of the government currently at 10%, let's keep in mind that these are areas that are important for a variety of reasons, including ecological replenishment. It's important to have these refugia in some cases.

We have based our positions on scientific evidence. For instance, we know of the impacts of bottom trawling on the ecosystem. If the goal is to reduce the threat to that ecosystem, then bottom trawling is unlikely to be compatible.

• (0925)

Mr. Fin Donnelly: Mayor Helin, could you also talk a little bit about consultation and what an appropriate consultation would look like with your nation, with your band?

Mr. John Helin: I think it's a combination of things, us sitting down face to face. It's not only information sharing. It's getting into the real information where we can make decisions going forward. It's not me meeting with the minister for 10 minutes and simply sharing information. It has to be in-depth.

Mr. Fin Donnelly: On the question of veto, what's the difference between veto and consent?

Mr. John Helin: I think that's a fine line and you have to balance a whole bunch of things. You listen to the court cases that have come out recently. Tsilhqot'in is one I'll point to, and it says you should be able to make a decent living where you live. I think that's a good guideline if you're not harming the environment. I mean, you should be allowed to look at different opportunities as they come along, or create new ones.

Mr. Fin Donnelly: Thank you.

The Chair: Mr. Finnigan, you have seven minutes, please.

Mr. Pat Finnigan (Miramichi—Grand Lake, Lib.): Thank you, Mr. Chair, and thank you to the panel for being here with us today as we study Bill C-55.

To maybe follow up, Mr. Crowley, on a question that was asked earlier, could you elaborate on the funding that you receive? Are you getting special funding, or are you simply getting funding from different programs? Could you elaborate what funding you're getting from the federal government?

Mr. Paul Crowley: At WWF Canada we get funds from multiple sources, from individual Canadians in many cases, from the philanthropic world, and from government programs. It's a variety of funding sources.

Mr. Pat Finnigan: We've heard concerns that with the new regulations the minister might have powers to act, especially when we're talking about on an interim basis, where he could come in and regulate a certain area. Could the opposite be true, that perhaps when

there's been some identified area in the past a new minister comes in and just shuts that down? We've seen in the past with a conservation area, looking at the experimental lakes area in Ontario, where a previous minister shut everything down. Should we have more legislation to make sure that what we've built in the past does not disappear at the whim of a minister?

I would ask any one of you to comment on that.

Mr. John Helin: What I'd point to is a recent article that just came out about Alaska. The past year they had 225 million salmon return. In my brief that I have here, and I'll give it to members who want it, one of the proposals we've been looking at for years is ocean ranching. It's so successful right next door to us in Alaska, and the federal government to date has not agreed to look at it. I was encouraged by my last meeting with Minister Leblanc, but since then I got a letter from somebody beneath him that says they don't want to look at it.

Mr. Pat Finnigan: All right, Mr. Helin. Did you say ocean ranching?

Mr. John Helin: Yes.

Mr. Pat Finnigan: How is that different from aquaculture? Could you explain?

Mr. John Helin: Fairly simply they take native salmon, in this case chum salmon native to the area, the rivers and creeks where they originally spawned, and they take the eggs and implant them into every river and creek that they want those fish to return to. When the salmon get to a certain stage, they go out to the ocean, and they come back to those same rivers and streams when they return to their systems. It's hugely successful.

Mr. Pat Finnigan: Are there any comments on my question?

Mr. Paul Crowley: I agree with your comment that certainty is provided when there's clear legislation and that, particularly when there has been deep consultation in the process, undoing that process at whim should not happen. Only under certain conditions should it be undone, and legislative framework will allow that certainty to exist.

• (0930)

Mr. Pat Finnigan: Mr. Helin, I heard you talk about flipping the licence when it's allocated to indigenous communities. They would flip that to private interests outside your community. On the east coast, we're looking at the owner-operator licence, where the licence has to remain within the community. Would you see advantages if we could legislate that those rights remain in the community? Is that something that...?

Mr. John Helin: First you have to own it. You have to be able to afford to buy the quota, so yes, I agree. I also think that in the past we went through phases where some of that was in place.

I remember when my dad was a commercial fisherman, one of the best in our community for years. When he had a licence, he was able to go out and get the salmon, halibut, and different species under one licence. Now it's all segregated. At one time, to buy halibut quota, it cost about eight dollars a pound. Now, to buy one pound of halibut quota, it's about \$130, so the big corporations and the rich fishermen get richer and the little guys starve.

Mr. Pat Finnigan: I read a statement in the bill that says that activities carried out “by a foreign national, an entity incorporated or formed by or under the laws of a country other than Canada, a foreign ship or a foreign state” may be exempted from restrictions imposed in a proposed interim protected area. That to me is a bit concerning.

Can I have comments on that, where even though we have laws, certain ships could just drive through or do other activities in that area? Could any one of you comment on that?

Mr. Paul Crowley: I'm sorry. You would have to repeat some of the question, please.

Mr. Pat Finnigan: With regard to restricted MPAs, foreign ships or a foreign state may be exempted from restrictions imposed in a proposed interim area. Did you know that, first of all, and are you concerned about that?

Mr. Paul Crowley: That does sound concerning, but I don't have the information to be able to respond.

Mr. Pat Finnigan: It was news to me, and I was concerned.

With regard to the treaty rights, you're saying you have not been consulted. However, you do have protections with the court case in the past and everything. Those already exist, and they're not going to be changed by MPAs. What more can be done to make sure your needs are looked after?

Mr. John Helin: We're not in a treaty process, and I wouldn't go into a treaty process where we go in to negotiate to give our land and our rights away. I would look at different proposed projects that come into our traditional territory and work with them for benefits, jobs, and everything we want.

It's not an easy question to answer. You have to look at all the moving parts. Again, a treaty would not be suitable for our members. We've pulled out of it.

It keeps coming back to this question: what is meaningful consultation? I don't think we've ever been meaningfully consulted. You talk about marine protected areas. They were just done without our consultation on the coast: Dundas Island, Great Bear Rainforest, and down the list. We weren't part of that process, but it's in place now and it's harming our community members.

The Chair: Mr. Finnigan, thank you very much.

Mr. Arnold, you have five minutes, please.

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

I'd like to thank our witnesses for being here this morning.

I believe this Bill C-55 is important to Canada's future, and I think it's important that we get it right.

We've heard time and again that MPAs typically take five to seven years to implement and be put in place. Targets were set. They may have been admirable targets, but maybe they weren't quite achievable at the time.

However, we seem to have some hard timelines put in place now: the 2017 target of 5% and now the 2020 target of another 5% on top of that. We only have basically two years left. I'm not sure whether the targets end at 2020, so maybe that's three years for what is normally a five- to seven-year process.

I guess I would ask this next question to each one of you. Do you feel that this process may end up being too rushed, passing Bill C-55 and trying to meet these targets?

● (0935)

Mr. Paul Crowley: I think it can be done correctly in a timely way. The speed at which it's being done means that the consultations need to be meaningful right off the bat, but it's not impossible to do. It should not take five to seven years to create a marine protected area. In my region, for instance, the Tallurutiup Imanga/Lancaster Sound national marine conservation area, the community has been asking for it for over 30 years. It's finally coming toward a conclusion, and that shouldn't be the case where communities have a strong desire for protection, for instance. It shouldn't take so long.

Mr. Mel Arnold: What would you say is the reason for those long delays? Bureaucracy, policy, community consultation are just a few of the ideas I'm throwing out there.

Mr. Paul Crowley: I would say some of it in that case.... The community desire was to protect against oil and gas exploration. There was exploration in the region in the seventies that literally traumatized people. I would say it was a continuous belief in other parts of the country that surely they couldn't want protection there, yet they did, and so steadfastly they continued asking for protection. It's a combination of a number of things. It's also that there were some oil and gas permits there that had not been acted on that were blocking the creation of the larger boundary, which the local communities wanted, to protect the integrity of the ecosystem. There are a number of issues.

Mr. Mel Arnold: Thank you.

Mr. Helin, I'll go back to my first question. Do you feel we're going to be too rushed? Is there enough time for consultation to get the additional 5% in place?

Mr. John Helin: I think you have to understand the different programs out there. We talked about the oceans protection plan. How does this fit into that and marine protected areas and everything else? What overlaps with what? I know in the past we spent a lot of money on land use plans and marine use plans in our territory, so we have all that information there locally. We've been studied to death. There's a lot of money that has gone into these plans.

Meet with us and let's understand it going forward. It shouldn't be difficult. You talk about bureaucracy. Sure, it's there. Politics are there. However, I think if we sit down and be up front and honest about what we want out of things, we'll get there much quicker.

Mr. Mel Arnold: Thank you.

I haven't met you before, but I have met your brother in my previous role with the wildlife federation. Your brother, Calvin Helin, wrote the book *Dances with Dependency* and I understand he has another book coming out. I look forward to reading that as well.

It seems your community has been able to, or is maybe looking to, strike the balance between ecological requirements and economical requirements. I applaud your organization, your band, your community for going down that path.

You said earlier in your testimony that you see NGOs coming into your territory and spreading false information or dividing you. Could you elaborate on that a little bit further, please?

Mr. John Helin: Again, I'll point to Lelu Island, which was the flashpoint of a lot of controversy for the PNW LNG project up there, because they infiltrated some of our community members, and not the right ones, by going onto the island and building a house there without consideration of the right people for that territory. We know who funded them, and they're still being paid today. They lost a court case, but they're still appealing that. It's coming in and dividing people with false information.

After the election I had to go to our membership with the real information. I wasn't pulling one way or the other for the project, but I had to get information to my members so they could make an informed decision on what was really happening there. After doing that, we went to a vote, just like voting for my position, and we got a two-thirds vote to agree with the project. It's real. There are people coming into communities to stop development. That's coming to light and we're tired of it.

● (0940)

The Chair: Thank you, Mayor Helin and Mr. Arnold.

Ms. Jordan, please, you have five minutes.

Mrs. Bernadette Jordan: Thank you, Mr. Chair, and thank you to our witnesses for being here today.

Mr. Crowley, one of the things we've heard time and time again is that you wouldn't expect to see this type of work happening in a national park, or you wouldn't expect this in a national park. We've heard that a lot. My question is, can you name any national park where the surrounding communities were reliant on what was happening in the park before it was a national park?

When you're looking at an MPA, you have communities that are reliant on the fishing industry and possibly reliant on oil and gas. I

get concerned when we're comparing national parks, because I personally.... I guess that's why I'm asking you if they've ever shut down an industry in a national park, an industry that had sustained a community. Can you give me any examples of where that may have happened?

Mr. Paul Crowley: I don't doubt that it has been the case when national parks have been created that communities have been affected, but I can't bring a specific example to your attention, I'm afraid.

Mrs. Bernadette Jordan: Thanks.

I also want to comment on Mr. Donnelly's point that we have five meetings for this study. I would like to point out that for this one as well we have agreed to take into effect all the testimony we heard when we did MPA studies, and we actually travelled to the coasts to do that. I wanted to put that on the record since Mr. Donnelly thought it was important to put his point on the record.

There's another question I would have for you, Mr. Crowley, I guess, or for World Wildlife. You said not to include "low-impact fishing". Could you give me your examples of low-impact fishing?

Mr. Paul Crowley: Low-impact fishing is fishing that would not

Mrs. Bernadette Jordan: Specific examples: which fishing industry? Lobsters, gillnet, longline...?

Mr. Paul Crowley: In some cases, for instance, lobster, depending on.... You would have to look at it very specifically in each case, but I would give lobster fishing as an example, where the impacts on the ocean bottom could be minimal.

Mrs. Bernadette Jordan: Okay. When we were in, I think, Shippagan, on the east coast, one of the concerns people had when they talked about an MPA was that you can't bottom-trawl there because it destroys the ocean bottom, but literally right next to the MPA, you could, because it doesn't obviously take in that area. There is concern as to why that invisible line should be allowed to separate what is allowed to be done on the ocean floor and what is not.

Mr. Paul Crowley: The creation of MPAs would then also create refugia and also areas where the ecosystem can regenerate. It's imperfect, and a line will get drawn. I would also put out that around a strict line, there needs to be management beyond that line as well.

Mrs. Bernadette Jordan: One of the things that I think we've heard in every testimony is about the consultation process, and what real consultation looks like.

Susanna Fuller, from the Ecology Action Centre, testified that seven years is too long. You would do a consultation and it would sit on someone's desk, and then whenever the MPA was going to be designated, the people would have changed. They wouldn't think that they had been consulted, but they had, so shutting it to a lesser time would be advantageous. Then there are people who feel that the consultation process isn't happening at all.

I'm wondering how we find that balance. How do you define what meaningful consultation is?

Mr. Paul Crowley: You know it when you see it. That's for sure.

Voices: Oh, oh!

Mrs. Bernadette Jordan: If the people change in the interim and they haven't seen it, then they feel they haven't been consulted.

Mr. Paul Crowley: Absolutely, hence, as Susanna Fuller suggested, bringing it into a shorter time frame makes sense. It's about ensuring that whoever is representing the broader public interest—the government that's there—is also there to listen and to take back and meaningfully adjust from what they've heard.

Also, we have to take into account the national interests. For instance, we do need to decarbonize our economy. If we go above 1.5°C in terms of global warming, our Arctic is going to change quite considerably. There are some things that are maybe less negotiable than others, but overall when you go into a community, you know. Thirty years ago, the community of Pond Inlet wanted protection up in their area, and I just don't think they were believed—or people thought they knew better.

It's as much about the attitude with which you present it. You can set it out in law, but you can't guarantee it in an individual.

• (0945)

The Chair: Thank you very much, everybody, for this hour.

I want to say thank you to our witnesses, as well. Some of you have come a great distance to be here, and we appreciate that. Mayor Helin from Lax Kw'alaams Band, thank you again; and of course, Mr. Crowley and Mr. Brooks, from the World Wildlife Fund, we also thank you as well.

Colleagues, this is going to be a very short break

• (0945)

_____ (Pause) _____

• (0950)

The Chair: Welcome back, everybody. I have a couple of things before we get to our witnesses.

It has been brought to my attention that there may be a vote at 11:10 eastern time, which of course means that the 30-minute bells may start ringing at 10:40.

Do I have the permission of the committee to continue until 10:45 a.m., missing out on five minutes? Are we okay with that, everybody?

Some hon. members: Agreed.

The Chair: Okay, let me just go back to an earlier point that was made about referencing people in the gallery. We've done some checking here.

I appreciate the point made by Ms. Jordan about the fact that we are an extension of the House of Commons. However, according to the Standing Orders—and really it's O'Brien and Bosc that I'm referring to—it is the right of the Speaker to identify people in the gallery. It's more for decorum, for diplomatic reasons, and so on and so forth. When people from within debate in the House of Commons point out people in the gallery, they would be overruled.

However, there's no precedent or ruling per se—a hard ruling—about pointing out people in the gallery. I have done it in the past, but I suppose you could argue that I am an extension of the Speaker and able to do so. Some of us have also done it in the past with some contention. Therefore, we will refer to the clerk in the House to see what the rule has been, because we can't seem to find a precedent for it.

In the meantime, my personal opinion, as chair, is that I'll use my own discretion to do that. Colleagues, if you wish to point out somebody's presence in the audience, it's your seven minutes or five minutes, and you can do that if you wish, as long as it doesn't disrupt the debate. Okay?

In the meantime, we will refer to the Clerk of the House of Commons, and I'll come back with that.

Meanwhile, let us return to our regularly scheduled program.

Ms. Macdonald, nice to see you. Nikki Macdonald is a Ph.D. candidate at the University of Victoria who wrote us directly, and with the permission of committee, we are glad you could make it here today.

We also have, joining us by video conference, Mr. Bill Wareham, who is a science projects manager for the western region of the David Suzuki Foundation.

That being said, Ms. Macdonald, we're going to go with you first. You have up to 10 minutes for your opening statement.

Ms. Nikki Macdonald (Ph.D. Candidate, University of Victoria, As an Individual): Thank you, Mr. Chair, honourable members. I really appreciate being here today to speak about Bill C-55. Before I get into the substance of my remarks, I have just a quick, few personal notes. Some of you I've met in the past, through my work with the University of Victoria and with Ocean Networks Canada, but today I'm here as an individual and as a Ph.D. student at the University of Victoria's school of public administration. I have focused my research on ocean policy, and specifically on Canada's Oceans Act.

I really compliment the government on the initiative to amend the Oceans Act. As has been mentioned here in committee and in the House, it's been 20 years since the act was written and it's due time to ensure that we're meeting our international obligations, as well as the challenges of oceans management, and take another look at the act. I also applaud the government for seeking to meet the target of 5%, in 2017, of designated marine areas, as well as 10% in 2020. Designated marine parks or marine areas are important ocean management tools, but my objective here is actually to talk about the other 90% of the water. That's where I have focused my research.

Canada's Oceans Act was created as a foundation to ensure the wise development of Canada's oceans' waters. When I began my research three years ago, I was addressing the question of how we go about, as a country, making decisions about ocean use. I began my research by looking at that through the public consultation process that was under way for the northern gateway project. I'm a west-coaster, so that's part of the reason behind that. I was puzzled as to why there did not appear to be a framework through which the government was making decisions around ocean use. That puzzlement led to research, which led me back to Canada's Oceans Act.

I've also been investigating the public narrative that was exposed through that public consultation process that the joint review undertook as part of the northern gateway project. The intent of my research is to compare that public narrative around ocean use with the normative frame that is underpinning the Oceans Act.

There are three key observations that I want to share with you today. The first is that the Oceans Act contains, in its preamble, a set of principles that are intended to guide Canada in managing its ocean resources, and these principles remain relevant to today's challenges.

The second observation is that the act was a promise of a solid foundation upon which Canada would build its ocean management strategy, as the minister of the day described it, to address the "piecemeal, fragmented and scattered" character of Canada's ocean policy prior to 1996. From the evaluations conducted by this committee in 2000, by the Auditor General's office in 2005, and further government evaluation in 2006, the act has largely failed to meet this objective.

The third observation arising out of my review of the public consultation around the northern gateway project is that the public expectation around decision-making on ocean use has changed in 20 years. While the expectations are mostly in alignment with the founding principles of the act, there is a broader definition of what is "ocean". It is no longer simply, to quote, the "gravel pit for fish", as described in the Senate hearings in 1996, nor the transportation route for shipping. Instead there is a clear public awareness of the interconnectedness of the ocean within its own systems to the relationship with climate and human activity.

When Canada's Oceans Act was first passed 20 years ago, it was the first of its kind to put in statutory form the key principles of ocean management that had been developing through international law and agreement. During the same period, Australia had proposed an ocean policy that included many of the same elements as Canada's Oceans Act, but it was not given legislative form.

A key aspect, as I mentioned, of the act was the preamble that sets out the core principles to guide Canada's ocean management strategy. The two founding principles were sustainable development and integrated management.

• (0955)

The definition of "sustainable development" was drawn from the Brundtland commission that had in its 1992 report brought the concept to international stage. The concept of integrated management, according to the testimony provided to this committee at that time, was intended to be implemented at a federal level through better co-ordination and collaboration under the leadership of the Minister of Fisheries and Oceans, and at a regional level through the creation of integrated regional plans. Other principles that were added to the preamble following the committee hearings included the recognition of the common heritage of the oceans, the importance of the ecosystem-based approach to maintain biological diversity, and the application of the precautionary principle.

These principles remain the guides of the ocean policy according to the broader literature. There's little evidence to suggest they cannot continue to guide Canada's decision-making around ocean use. They have, however, been evolving. One example of the evolution in the concept of sustainable development is that Canada's Federal Sustainable Development Act was amended recently by the Minister of Environment and Climate Change. It's important, in the interpretation of the Oceans Act, that it mirror the definition of principles outlined in the Federal Sustainable Development Act.

The real challenge with the principles, however, has been with the implementation. As noted, the act and the subsequent oceans strategy and oceans plan called for the creation of integrated regional marine plans that would incorporate aspects of coastal zone management. Five plans were initiated, and it took almost 20 years for them to be completed. It is worthwhile to note that Australia initiated a similar process, and after a decade, they vacated it.

Similarly, within the federal government there has been little success in moving away from sectoral-based decision-making towards a holistic and integrated approach. Explanations that have been given as to why that was not achieved include the lack of resources to enable implementation, the lack of political will to champion an integrated approach, and that the act lacked the prescriptive detail to direct the bureaucracy in its implementation. The good news is that today, the current government, through its mandate letters and the oceans protection plan, has demonstrated a commitment to a collaborative approach to oceans management.

The question for the committee is whether there's any need to amend or improve upon the act to ensure that future governments continue to promote this approach.

As I noted earlier, the public expectation around ocean use has been evolving over the past 20 years. As one official from Transport Canada noted to me several years ago, marine safety used to mean getting a vessel from point A to point B without collision or accident. Today marine safety includes evaluating the impact of freighter traffic on marine mammals in their habitat through such programs as the eco-project under way in Port Metro Vancouver.

It is a combination of science and technology that has fuelled this change in public expectation. Science, defined here to include natural and social science as well as the humanities, has exposed the important linkage between the ocean, climate change, and the impact of human behaviour. Technologies such as improved hydrophones allow us to pick up not only the different dialects among the orca, but also the distress that they exhibit around marine traffic.

Infrastructure such as Ocean Networks Canada and the Ocean Tracking Network are opening up the ocean in ways we were not able to see 20 years ago. The consequence in policy terms is that we can no longer make decisions about ocean use on a sectoral basis. We need to explore new mechanisms to support more holistic approaches to decision-making at a federal level, a regional level, and a local level.

Therefore, my question to the committee is whether the act should be amended to include a commitment to capacity building to meet this need—a suggestion made by the Brundtland commission 20 years ago.

I would like to thank the committee for providing me with this opportunity to share my observations regarding the Oceans Act and the impact on decision-making around ocean use, and I look forward to your questions and comments.

•(1000)

Mr. Todd Doherty: Thank you, Ms. Macdonald.

Now, for 10 minutes, we have Mr. Wareham from the David Suzuki Foundation.

Mr. Bill Wareham (Science Projects Manager, Western Region, David Suzuki Foundation): Good morning, honourable members, and thanks again for inviting me. I've spoken to many of you before, and I always appreciate this opportunity. This particular issue is one that is dear to me and one I've worked on for many years.

I've been with the David Suzuki Foundation for 15 years and was previously with the Sierra Club of British Columbia for five years. I've lived the life of the Oceans Act, I guess, in my work on the west coast, as well as working nationally with different governments and people in the agencies to try to realize the terms of the Oceans Act and apply them as they were intended. I've worked in this field for 30 years in total, with the last 10 years of my career focusing specifically on marine conservation.

I was involved in many advance planning processes, consultations, discussions, and dialogues with government over the implementation of the Oceans Act. That goes back to the development of Canada's ocean strategy and the oceans action plan. As many of you know, the description in the act that required the establishment of these large ocean management areas—one of which was the PNCIMA area off the central north coast of British

Columbia—was one of the most robust examples of where the act was applied in the context of integrated management.

There are a lot of examples that I could give on how that was developed, the consultation process that occurred, and the engagement of a variety of federal agencies, stakeholders, and first nations. To me it was moving towards a very prominent model of how integrated management could and should be done. Unfortunately, that process failed in the end. I'm happy to answer questions about that, and I think it's worth revisiting because, as our previous speaker said, there's an expectation now about integration. There's so much information, more science, more participation by people, and more use in our ocean. There are people wanting to participate at another level.

To speak to the earlier question about consultation, it's moved to a range of consultation processes that need to be engaged. That's something that could be articulated in more detail in the act. The Oceans Act overall was a very bold document with good moral intentions, and it's provided a real focal point in Canada to look at marine conservation. Prior to its enactment, we really didn't have as much opportunity. Much of the conservation effort, much of the non-profit organization effort was on terrestrial conservation. I was part of that. I worked for many years on land use plans and planning throughout western Canada, but moved to the marine because it was always the poor cousin that wasn't getting the attention and wasn't getting resolution.

In the wake of much of the land use planning in British Columbia, where many of the stakeholders and government people learned a lot about process and about opportunity to get some positive outcomes, we start working on the marine area. When the federal Oceans Act integrated management plan was taken down, we moved to a process with the provincial government and first nations called the marine planning partnership. This embodied many of the objectives and principles of the Oceans Act, and carried on to try to identify planning opportunities and outcomes for the B.C. coast. That took us part of the way, but as you know, the federal jurisdiction over much of the ocean really requires the federal agencies to be involved.

Again, that's where the Oceans Act is the driver. There are some things I'd like to see changed there, and I'll speak to two main elements of the act. One is the integrated management provision, and the other is protected areas.

First, on the integrated management piece, there's a clause that is very specific about directing the minister, saying that he or she shall lead the development and implementation of integrated management plans. That was done, and large ocean management areas were defined—there are five of them—but they only cover a portion of Canada's oceanscape, and I believe we should amend the act in some way to require that.... It implies that we do this in all of Canada's ocean, but there are no timelines and no targets, so we could be another 20 years down the road without having defined action.

• (1005)

One of my concerns is that in some of the most developed areas of our coast, some of the ones that have been most heavily impacted, we don't have a planning process. We don't have a large ocean management area established. The Strait of Georgia, on the west coast, is an area that needs planning. It's the area that gets so much of the activity and would benefit from an integrated management plan. Somehow, I would like to see us mandate this work in a broader scale across Canada's landscape.

For the other component in the act to be effective, I propose the insertion of targets and timelines around protection as well. I think these timelines should ideally line up with those reflected in the international commitments that Canada signs, including biodiversity targets under the Convention on Biological Diversity, known as the Aichi targets, or the United Nations sustainable development goals. These are provisions that Canada has signed on to, and they continue to be a forum for conversation and developing the thinking and anticipated outcomes for biodiversity conservation.

I'm sure many of you have seen the international report by the World Wildlife Fund that defines the ongoing decline of wildlife on the planet, both marine and terrestrial. Granted, some species are doing well—some fish stocks are doing very well, including some Canadian fish stocks—but many are not.

On some, we're losing both the number of species and, also, the overall abundance of species. As long as that trend is moving in a negative way, my proposal is that we need to find ways to implement the Oceans Act provisions in a more timely manner and stem the loss of species diversity and abundance.

We know that other climate impacts and things like that affecting the oceans are having previously unseen consequences to ocean biodiversity, so a higher level of intensity of management is needed, both to track and maintain what we hope will be productive ecosystems that serve our communities, serve the fishing industry, and serve our opportunity to maintain a food supply from our oceans.

I also think the act would be improved by enabling a legal requirement for the implementation of the plans so that they can guide decision-making across all agencies that share the regulatory management space in our oceans.

We know that DFO has a lot of power under this act, but it doesn't have all the power necessary, given what the other agencies have in their statutory powers as well. Having Indigenous and Northern Affairs, Transport Canada, and Environment and Climate Change Canada actively involved, and mandated through the act to be part of realizing the outcomes driven by the act, is an important piece.

We've had some effort in the past through ministerial committees, deputy ministerial committees, and management groups across the agencies, but I think it needs to be embedded more solidly so that it isn't an option for an agency to participate or not.

The requirement for integrated management planning does not stand alone, rather, it helps to accommodate the second part of the act, which is the protected areas piece. Through the establishment of comprehensive marine plans, we have the opportunity not only to identify specific areas for conservation, but to achieve efficiencies in time, cost, and conservation by establishing networks of MPAs. I'll refer back to the Pacific north coast integrated management area.

We had many good objectives developed for that region, including a network of MPAs, and we were getting into the analysis where we were looking at the entire seascape there. We were looking at the high biodiversity values, looking at the economic values, looking for ways to maximize conservation and maintain the productivity of fisheries, while at the same time maintaining those opportunities for economic activity.

I think the act should be amended in a couple of ways to more specifically provide direction and authority to designate a collection of protected areas through one designation process. This would identify a suite of protected areas, and instead of having to go through a very rigorous timely process around each one, you could have a network of areas that become one package of protection, similar to what we've done in the national parks system, where we have things like the Gulf Islands National Park Reserve, which is a consolidation of many pieces.

I think the other area of the act that needs strengthening is the area of indigenous protected areas. Many indigenous peoples have a long-standing interest in conserving resources and protecting areas of their traditional territory, and there's an opportunity to enable the government to accommodate indigenous protected areas, which are determined, managed, and governed by indigenous people. This amendment would not only facilitate additional conservation of natural resources, but would take Canada further down the path of reconciliation with indigenous communities.

• (1010)

There is a lot of discussion—

The Chair: You have a few seconds left so please clew up your remarks.

Mr. Bill Wareham: Yes.

Given that Canada has a wide range of statutory tools for protecting the ocean, it's my view that the Oceans Act marine protected areas should be designated in ways that have a high level of conservation. I think we need minimum standards established in the act, and you've heard about those from many other people. I won't repeat those, but we really need to find a way to have a designation that truly protects the biodiversity and reduces the risk to loss of marine species.

I thank you for that, and I look forward to questions.

The Chair: Mr. Wareham, thank you so much.

Now we move to the second phase of this.

Just for the sake of our colleagues, time allocation was moved in the House. They are currently debating that. At 10:40 the bells are likely to ring, so we'll go to the conclusion of the meeting at 10:45.

That being said, Mr. McDonald, you have seven minutes, please.

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

A special thank you to our guests, Ms. Macdonald and Mr. Wareham, for being here in person or by video conference this morning.

My first question would be to both of you, so Ms. Macdonald, you can probably answer first and then Mr. Wareham can follow up.

I've said it in this committee before while doing this study, "Do we have the ability this time to get it right?"

For anyone familiar with the geography of Newfoundland and Labrador, my riding takes in about 90% of the land mass of the Avalon Peninsula. All but one community in that riding has a direct connection to the ocean and what takes place there. Whether it be fishing, oil and gas, you name it, they're connected to it. I've said before that I don't believe successive governments of all stripes have paid enough attention to what's going on in the ocean, what's coming out of it, what's happening to the habitat, as well as what is going into the ocean.

My fear is that we'll go through this process again now and we won't get it right. So much depends on it, whether it's the individual fisherman who has a very small quota, or whether it's like the people at Ocean Choice International who export 100 million pounds of product to 35 countries around the world. They have just as much in the game here as anybody does, regardless of size. I think everybody would like to see the fish stay for quite a long time, for generations to come, and for the habitat to be protected to enable that to happen.

Do we have the ability to get it right?

Ms. Macdonald.

•(1015)

Ms. Nikki Macdonald: If anyone says there is a single answer to that question, then I can tell you they're wrong. The simple response I have is, yes, we have the ability to get it right. This is enabling legislation. This is very broad legislation. It's not prescriptive and for some they may see that as a barrier. For me, I see that as an opportunity because it means that what you really want to focus on is the implementation, how this act is going to be implemented.

In that regard I'd say there are a couple of elements. One of them is that we've put a significant investment in understanding our ocean, and that's absolutely important, the focus on ocean sciences and on marine sciences. We've put a certain amount of effort on the legal side of it, which is understanding the definition of Canada's ocean territory.

Where in Canada we have been less active is on the broader policy side, which is really focusing on making the investments and the research to understand how to engage with community, how to engage on a regional level, and how we get federal departments talking to each other in a way.... I wouldn't use the term "integrated"

anymore. I'd use the term "holistic", and I can clarify why that's the case. But we need to invest more in that.

One of the things I found surprising in my research was that Canada really does lag behind the U.S. in terms of building capacity around ocean policy, whether that's more broadly on the government side, or whether that's on the third party side. There is a need for investment there, so decision-makers like yourselves, as you're going through these kinds of deliberations, have the capacity to understand what the different models of consultation are that could work, and what the distinction is between consultation and decision-making, because I do hear those two being overlaid on top of each other. Then there's what decision-making is, and how that's made transparent back to the community and back to stakeholders so that they are more comfortable with how those decisions are being made.

Mr. Ken McDonald: Mr. Wareham.

Mr. Bill Wareham: Thank you.

I absolutely believe that we can get it right. I think there are a lot of examples. We have good science on planning. We have some good social science on decision-making with communities. There have been examples.

In British Columbia 20 years ago, when we were at 3.5% of our terrestrial landscape protected, people said there was no way we could get to 10%, 12%, or 15%, but over a period of 12 years we did that. We now have over 14.5% of the province protected on the terrestrial landscape. The forest industry didn't collapse. The mining industry didn't collapse. The agriculture industry didn't collapse.

We put reductions of risk to species, and we have some areas that will be legacies for hundred of years for our communities, so I think we know how to do this. It does take resources. It takes that commitment, but I also think we have ways now with technology to create a lot of efficiencies in the process. We have ways of bringing information to the table that we didn't have before. I strongly believe we can do that.

We set an example on the west coast as well in the fishing sector with the groundfish fleet. The fleet was closed for three years because of problems with overfished stocks. This was many years ago. Through the groundfish integration program, we managed to come up with a closure system and a planning system to reduce impacts on corals and sponges. After that closure was set in place, the fishing industry has managed to maintain its quota on that fishery, yet we have protected large areas of the ocean.

There are ways to do this. It just needs the investment and a commitment from government. As I saw with the PNCIMA process, when we were in that effort, the stakeholders came with great energy to that table, and I think we can repeat that.

•(1020)

Mr. Ken McDonald: Thank you.

The 5% by supposedly 2017 is coming to an end. The previous government had committed to 10% by 2017. We came to power two years ago and said we'll get to 5% by 2017 and 10% by 2020. Some argue that we're moving too fast. Which side of this equation would you fall under, too fast or too slow?

Ms. Nikki Macdonald: I think you have to set targets and push hard for them. It's been 20 years that we've had these targets almost in play, and they haven't been achieved. To some of the testimony that took place earlier, consultation.... Again, this is why I think having a better definition of some of these terms is important. Some of the communities have been thinking and talking about it.

I'm from a coastal community. I live off Saanich Inlet. Certainly, in the south islands, the Gulf Islands, there has been a strong conversation for a long time about how to protect that unique environment.

I don't think 5% is unrealistic. I think it's important to be ambitious with your targets. At the same time, make sure that you're not abbreviating the process or contorting the process in such a manner that you're really not serving the broader need.

The Chair: Thank you, Mr. McDonald.

Mr. Doherty, you have seven minutes, please.

Mr. Todd Doherty: Thank you, Mr. Chair.

Thank you to our guests who are here. We really appreciate the time that you take, the effort that you put into not only being here today but also your efforts in your industry working with stakeholders and government to protect our oceans.

I'll ask both of you straightforward questions. Is Bill C-55 an important piece of legislation?

Ms. Nikki Macdonald: Absolutely. One of Canada's ambitions is to be a world leader in ocean management, and without the act, I don't think you could make that claim.

On a domestic level, we need some structure, a founding framework upon which we're making decisions around the ocean.

Mr. Todd Doherty: Thank you.

Mr. Wareham.

Mr. Bill Wareham: Yes, I agree. It's a very important piece of legislation, and with the amendments that have been proposed by many people, I think we can take it to that place where the escalating use and management of our oceans will be served by a better process.

Mr. Todd Doherty: Okay. Thank you.

You know, it's interesting. Time and again we have witnesses coming before the committee saying that this is an important piece of legislation. There's no doubt about that. It's interesting to hear our colleague across the way ask if there's a concern that we won't get this right, yet it's this side of the committee that has been pushing for a longer period of time, one where we can actually get out to the communities and consult and meet with those who are feeling that they haven't been consulted.

I'll use this as an example. We had the Fisheries Council of Canada yesterday. We had Mr. Helin here from Lax Kw'alaams. Time and again they're saying about the consultations that really they're just being told what's going to happen, or they're not being engaged at all in the case of some of those from the Fisheries Council of Canada—not engaged in the oceans plan, in the Fisheries Act review, in the MPA process. Now with Bill C-55, we're hoping we can see some of those witnesses come forward.

In your testimony today, Mr. Wareham, you said that you've been engaged for a very long time on these processes. Is that correct?

Mr. Bill Wareham: Yes, I have, for well over 20 years.

Mr. Todd Doherty: Okay.

Ms. Macdonald, is it the same—in your previous career as well as now with your Ph.D.?

Ms. Nikki Macdonald: Correct.

Mr. Todd Doherty: Would you say that there seems to be a little bit of an imbalance in terms of the stakeholders—those who actually live in the communities, or who make their living off the communities or off our waterways, versus those who are perhaps not in the communities or those who are in other groups? Would you say that perhaps there's a bit of an imbalance in terms of who's at the table?

•(1025)

Ms. Nikki Macdonald: Again, I live in the community. I live in a coastal community, which is what brought me to the ocean.

Mr. Todd Doherty: I can appreciate that, but given the testimony we've heard—

Ms. Nikki Macdonald: I can't speak to the testimony of other stakeholders, but I'd say two things in response. First, keep in mind that it's enabling legislation. It's legislation. A lot of good work needs to be done on the implementation side. I encourage this committee to stay active on that aspect of it.

Second, the broader oceans stakeholder community, particularly at least on the west coast—I'll let others answer—is a very vibrant and active group.

Mr. Todd Doherty: Thank you.

To both of you, would you say the use of the—

Mr. Bill Wareham: Could I just...?

Mr. Todd Doherty: Perhaps in this next question you can follow up with that, Mr. Wareham.

Is the use of the precautionary principle one that you're glad to see in this legislation or one that causes concern?

Ms. Nikki Macdonald: I think it's a basic international standard today.

Mr. Todd Doherty: Okay.

Mr. Wareham?

Mr. Bill Wareham: Yes, I think the precautionary principle is essential. There's so much we don't know about ocean science. I wanted to raise the issue of adaptive management. We need this act to engage the opportunities for adaptive management from the process point of view, so that people can revisit this and look at this. We also need to understand that we have to try things, learn more, and do more science to understand the effects. As I said earlier, some of the global effects on our oceans are unprecedented. We don't know what's going to happen.

I also wanted to briefly speak to your previous question. In all the processes I have been in around this act, the industry sectors and communities have been involved through representation. Granted, that has its flaws, but they have been there. When you look at the lobby records in government on who's been talking to government about these issues, the industry and communities of all sorts have been in to government many, many times to raise issues.

I think the opportunity is there. I think we have to find ways to accommodate it in a more transparent process.

Mr. Todd Doherty: Your testimony today would be, then, that when those coming before us, whether it's Mr. Helin or the Fisheries Council of Canada or others we're meeting with, are saying that they haven't been fully engaged, and that rather than being engaged they're actually being told what's going to happen, that's not true?

Mr. Bill Wareham: That's, again, something that we could all claim at some level, that things happen to all of us from government announcements and that we weren't involved in that exact conversation, but through representation, those sectors have been invited to every table I've been at.

Mr. Todd Doherty: Okay. Thank you.

I'm sorry to cut you guys off. I'm trying to get in as many questions as possible.

Would you both agree that Canada has the longest, most geographically diverse shoreline in the world?

Ms. Nikki Macdonald: Technically, in geographic terms, yes.

Mr. Todd Doherty: Your testimony, Mr. Wareham, was that we need to make sure we're meeting our international timelines, and I would rather say that we need to make sure that we're looking after our home and those in the communities, the Canadian stakeholders, rather than trying to push forward something that's looking after international timelines.

Did I misunderstand you when you said that?

Mr. Bill Wareham: No, it's a factor. If we as a country have objectives that we've signed on to that we are going to try to maintain biodiversity and meet other global objectives that nation—

Mr. Todd Doherty: How do we balance local versus international?

Mr. Bill Wareham: I think the two play off. As an example, where I live on the south coast of British Columbia, I can't go fishing. I can't catch a lingcod. I can't catch a rockfish. I can't catch a salmon. There's no more salmon charter businesses on the Sunshine Coast where I live. They're all gone. In my lifetime I've seen fishing disappear from where I live, and I think my community suffers from that. I think it's because we didn't take good care of the ocean and

didn't manage it properly, so there's a reverse onus, I think, on industry and everyone to make sure that we maintain those resources for communities.

We haven't protected enough, we haven't managed well enough, and I think that's where the act gives us the power to do better.

The Chair: Thank you, Mr. Doherty.

Mr. Donnelly you have seven minutes, please.

Mr. Fin Donnelly: Thank you, Mr. Chair, and thank you to both our witnesses for being here and providing your testimony on Bill C-55.

I think both of our witnesses have referenced Canada's international commitments. There's been some comment at this committee that this has been a rushed process, but Ms. Macdonald, you point out now, and rightly so, that Canada committed to our international agreement back in 1992, so Canada, essentially, has had 25 years to get to 5%, not a couple of years. We're looking at 28 years to get to 10%. Some would now argue that these targets are actually quite low, when you look at other countries around the world and what they've been achieving in terms of protecting their oceans.

I want to talk about two things, the consultation process and the idea of sectoral versus holistic. Starting with Mr. Wareham, on the consultation process, you've outlined what that process might look like. You talked about defined timelines, defined targets, and a defined planning process.

First of all, can you or have you written or provided those recommendations or your testimony in writing, or could you provide this committee with those recommendations or suggestions in writing?

• (1030)

Mr. Bill Wareham: I have not at this point. We have done some post-mortem analysis on the previous PNCIMA process and the MaPP process on the B.C. coast, but I'd be happy to write down our thoughts on best practices and positive elements of the process that we learned from those initiatives and provide that to you.

Mr. Fin Donnelly: I think it would be very helpful. I think you've outlined quite specifically defined timelines, defined targets, and the consultation process, and you also referenced minimum standards. Having those outlined in writing and providing them to this committee, I think, would be helpful in terms of informing any kind of amendments when we review the legislation clause by clause.

Mr. Bill Wareham: I'll be happy to do that.

In the context of minimum standards and protection, I think one of the key things to ensure in these processes and through the act is that objectives are set. This is where it relates back to our CBD targets or biodiversity targets, or other things where the minimum standards are affected by what you're actually trying to protect. It's a case-by-case initiative on many levels, but I think when you put people together logic will prevail on what you're trying to protect and how to best do that and to maintain accommodation for other sectors to continue to do business that don't affect those objectives.

Mr. Fin Donnelly: I'll look forward to the written submission. Thanks, Mr. Wareham.

My second question is to both Ms. Macdonald and Mr. Wareham. In terms of the sectoral versus holistic approach—I hear, Ms. Macdonald, your comments about holistic is not necessarily capturing integrated management processes or plans—IMPs—but do you see evidence...? I mean, you also talked about a lack of resources, a lack of political will and other things, and Mr. Wareham, you referenced a need for investment, which is similar to resources, and commitment, which is political in nature as well as to the process.

I'm more familiar.... I'll cite, for instance, wild salmon policy. I'm familiar with aquaculture where we're actually not achieving the integrated processes. Even under the wild salmon policy there was reference and evidence that the government is not achieving what its intended statements are. You've referenced the Oceans Act and this Bill C-55 is enabling and is not as specific, so it's....

Can you comment about how we can achieve or move toward IMPs or a holistic approach versus this sectoral...? How do we have that significant commitment and put those resources to it to succeed?

Ms. Nikki Macdonald: The reason I make the distinction between holistic and integration is from the work of Joanna Vince from Australia. She's taken a look at the Australian example around their success, or not in their case, with regional integrated management plans. She's asking the question of what is integration and whether that's what we should be looking forward to. From my point of view, the reason I use "holistic" is that it encourages us to take a broader view of what we mean by ecological systems and bringing in human systems, ecological environmental systems, socio-cultural as well as economic systems, so we're broadening the framework, if you will, through which we're making our decisions.

I think in the past, certainly if you talk to folks over at DFO, a large part of their methodology has really been confined to the environmental and the economic aspect and putting those two systems together. Whereas, more and more we're seeing in the literature an encouragement to expand that so decision-makers are getting a better and broader perspective, whether it's in how you make decisions around MPAs or regional plans.

I want to make a distinction as well between what we're asking of federal departments. Fourteen federal departments have ocean-related activities in their portfolios. Getting them to work together versus the work that needs to take place at a regional level, recognizing the diversity of our three coastlines, and then within those three coastlines, as well as at a local level, again recognizing the diversity of the various communities....

Much of my work has been thinking more on the federal level and how you get the federal family working together. As noted, in the past interdepartmental committees have been chaired by the deputy minister. I would like to see those committees having more force. I'd like to see whether there should be some kind of mechanism where, if a decision is going to cabinet and it has an ocean-related impact, some kind of assessment is carried out to understand that impact on oceans.

Again today, as this committee is probably aware, environmental assessments around oceans are divided between the Minister of the Environment and DFO. There's a split jurisdiction there, if you will. Perhaps there's a need to really look at that split and ask if we are doing the oceans and ourselves any favours by keeping them in two separate jurisdictions.

•(1035)

The Chair: Thank you, Mr. Donnelly.

Mr. Morrissey, you have seven minutes, please.

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

I want to go back to the last time the Fisheries Act was changed. It was changed as part of the omnibus legislation in 2012, and I believe two witnesses were called and there was one meeting with the committee to review that. This committee is doing substantially more analysis of the current act. I fully support science-based decision-making. We cannot allow the activities that we have been doing in our oceans to continue if we're going to sustain those oceans going forward. The people who take the brunt of inaction by government are those in coastal communities and the fishers who depend on the ocean.

I have a question for each of the witnesses.

Of the two, is land-based activity or ocean-based activity more detrimental to the health of the oceans, just in general?

Ms. Nikki Macdonald: According to the literature, yes, human activity on land has a greater impact on the ocean today.

Mr. Robert Morrissey: Thank you.

Mr. Wareham.

Mr. Bill Wareham: On the macro scale the biggest impact we're having on the ocean is through climate change warming oceans and acidification, so you could say that's land-based; it's human activity. Aside from the pollution element of what we do to our oceans the single largest affect on our oceans is the removal of biomass from the system. We take hundreds of millions of tonnes of biomass out of the ocean on a regular basis. As we know, we've done that to great extremes. That's a massive impact that we have to temper if we're hoping to maintain functioning ecosystems.

Mr. Robert Morrissey: I agree with you on that point.

I have a question, because I do believe in science-based decision-making and decisions that are based on evidence-based data. There was an earlier presenter who made the case that industrial activity should not take place in the oceans or in marine protected areas, but I'll use one example.

If we applied that same reasoning, the Confederation Bridge between Prince Edward Island and New Brunswick would never have been constructed, because it did have an impact on the ocean bottom and habitat, but the decision made was based on all the science at the time. All the data said it would have no detrimental impact, and time has proven it has not. In fact, it can be shown that the impact has been positive on some species and habitat. It hasn't been shown to be negative on any.

The earlier presenter said wind farm development should be excluded. Wind farm development would follow construction activity similar to that for the Confederation Bridge. If the science and the evidence-based data say that industrial development can proceed, what's your opinion on that?

• (1040)

Ms. Nikki Macdonald: Science doesn't replace decision-making. Remember you're bringing—

Mr. Robert Morrissey: But I said the decision is based on science.

Ms. Nikki Macdonald: Science is an input into decision-making. It sounds to me as though what you're really asking is how we go about making the trade-offs between industrial use and protection of the environment.

Mr. Robert Morrissey: Wait now, no. I know what I asked. I was not stating that there's a trade-off. Where the science and the evidence-based data say this industrial development, whatever it may be, will have no detrimental impact on habitat or the environment, should it automatically be excluded from marine protected areas?

Ms. Nikki Macdonald: Science is only one input into that decision.

Mr. Robert Morrissey: I said evidence-based fact as well.

Ms. Nikki Macdonald: Again, define what evidence would be put in there. I'm being hesitant there, because I think that in the past, one, science has been very narrowly defined in these processes and, two, I think it's important to take broader impacts into the evidence and those include the social, cultural, traditional, and ecological impacts, and to bring that knowledge as evidence into this decision-making.

Mr. Robert Morrissey: Mr. Wareham, I'd be curious to hear your point of view.

Mr. Bill Wareham: I believe we have to look at this from a risk-assessment point of view. In the context of fisheries, we could have a bottom-trawling fishery that we know has a high probability of damaging bottom habitats. It may not always go to—

Mr. Robert Morrissey: I'm talking about an industrial activity, that science and the evidence base say would have no negative impact. Should it be automatically excluded?

Mr. Bill Wareham: We view fisheries as an industrial activity. If you're looking at mining or oil and gas or those other things, we've looked at them through the lenses, and we know there is a probability of risk of a catastrophic event if it does go wrong. As we've seen with recent oil spills of the XL pipeline, which was built only seven years ago and which we were told had no risk, when a catastrophic risk from the major industry happens, you have to

decide whether you want to bear that risk in the context of a marine protected area or not. That's where the precautionary principle—

Mr. Robert Morrissey: I don't think I was advocating for oil. It was a reference to including wind farms within the category as well. When I look at the construction technology of wind farms in Europe, it's similar to the construction methodology that was used in the Confederation Bridge, and no negative effect of that has been documented. In fact, the documented evidence would show that it enhanced the habitat of certain fish species.

Mr. Bill Wareham: In the marine context, it depends on what your objectives are. If you're in an area of a high intensity of marine birds, those windmills may not be very amenable to the long-term survival of marine birds that migrate through those areas.

In the marine context, we found that with regard to windmills, the biggest challenge came from the fishing sector, from the crab fishing sector, which felt that its biggest challenge was that operating in the context of those wind farms would impede its fishing opportunities at a level that was unacceptable. There are various socio-economic considerations as well.

Mr. Robert Morrissey: Thank you.

The Chair: Mr. Wareham, thank you very much.

Now, I'm pushing the envelope here. Mr. Arnold, you have five minutes. We have 23 minutes until the vote. We agreed, so you have five minutes, quickly. Go ahead.

Mr. Mel Arnold: Thank you, Mr. Chair. I'll be as quick as I can. If I get cut off, I get cut off.

Quickly, to both of you, do you feel there's been enough time to identify specifically what it is that we need to protect and want to protect in order for Bill C-55 to move forward to reach these targets in 2020? Has there been enough time to identify what needs to be protected or what we want to protect?

• (1045)

Ms. Nikki Macdonald: Again, I remind you that, from my perspective, Bill C-55 is enabling legislation that sets out a framework through which we make decisions on what we intend to protect. To use again the term "adaptive management", for me it's implementation. What exactly are we going to be protecting? That's an ongoing process that will be decided upon separate of the passage of Bill C-55.

Mr. Mel Arnold: Mr. Wareham.

Mr. Bill Wareham: Yes, I can speak most specifically to the west coast where we've done extensive analysis with both government, non-profit organizations, and other sectors on opportunities for protection. A lot of that information is there. What we're lacking are the drivers to get the process to analyze those in a decision context and move forward.

Mr. Mel Arnold: One part that we've heard is troubling about Bill C-55 is proposed section 35.2:

The Governor in Council and the Minister shall not use lack of scientific certainty regarding the risks posed by any activity that may be carried out in certain areas of the sea as a reason to postpone or refrain from exercising their powers or performing their duties and functions under subsection 35(3) or 35.1(2).

This is why I asked if we have the science. Do we know what's there that we're needing to protect? This bill would seem to want to give power to the minister to be able to impose these protected areas with a lack of science.

Ms. Nikki Macdonald: My reading of that particular clause is that it's an expression of the precautionary approach. That was my understanding of it.

Mr. Mel Arnold: Mr. Wareham.

Mr. Bill Wareham: I don't think we as a nation or any nation has the money to do all the science that will answer all the questions. At some point we have to play that assessment of risk and what our objectives are in conservation and make decisions based on risk and probability. In some cases we won't know everything, but we know enough, I propose, that we can move forward on many areas in a productive way.

Mr. Mel Arnold: Part of the act also talks about freezing the footprint, allowing activities that happened in the previous year, but that's all. As we move forward through the five-year process, should an area be closed to fishing, closed off to any harvest, and so on?

I'm just going to throw a hypothesis out there. We've heard of the exploding seal populations on the east coast and the possible negative impacts on the fisheries out there. Earlier we talked about higher levels of management being needed and so on.

Would that include all levels of management including predator control?

Ms. Nikki Macdonald: I'll let Mr. Wareham answer.

Mr. Mel Arnold: I'd like both of you to answer.

Ms. Nikki Macdonald: I'm not qualified to answer about predator control. I'm sorry, that's not my area of research expertise.

Mr. Mel Arnold: That would certainly be heavily impacted by Bill C-55.

Mr. Wareham.

Mr. Bill Wareham: I think in the context of closures for the purpose of establishing a protected area, I believe that in the act, as it's written, the proposal now is that the minister can choose to cap an activity at a current level. I think whether it goes beyond that should really be tested against what the objectives for that marine protected area are.

Mr. Mel Arnold: Okay.

Thank you, Mr. Chair. I know everyone is rushing to get out of here. I will stop it there.

The Chair: Thank you very much, sir. I appreciate that.

Mr. Wareham, thank you very much for joining us.

Ms. Macdonald, thank you again.

Unfortunately, we have to go vote. I thank you for your testimony. This meeting is adjourned.

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