



CANADA

Standing Committee on Fisheries and Oceans

Minister Questioned on His Response to Committee's Fraser Report

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[*English*]

The Chair (Mr. Tom Wappel (Scarborough Southwest, Lib.)): I'd like to call the meeting to order, pursuant to Standing Order 108(2), we're continuing our study on the 2004 Fraser River sockeye salmon harvest.

Just before I welcome our witnesses for today, I just want to advise members that even though we are starting 35 minutes after the time we should have started because of votes in the House, we will conclude at exactly 1 o'clock. I have another meeting I have to attend on behalf of the committee.

I also want to remind members of what this meeting was originally scheduled for. On June 2, I wrote a letter on your behalf to the minister, and we had asked that the Deputy Minister and his Assistant Deputy Minister David Bevan appear before the committee on June 9 in order to explain how enforcement will be conducted on the Fraser River during the 2005 season. That was the purpose of the meeting. The minister wrote back and said that his officials would be unable to attend but that he would be pleased to be here today to discuss the matter. In the meantime, as I'm given to understand that the minister or

someone on his behalf, because I wasn't in the House, tabled the Government of Canada's response to our report today. I understand the minister's going to make some remarks, so we could expand the purpose of the meeting as far as that, but no further.

Now, please to welcome the Minister of Fisheries and Oceans, the Honourable Geoff Regan, together with officials from his department, Larry Murray, Deputy Minister; David Bevan, Assistant Deputy Minister, Fisheries and Aquaculture Management; Paul Sprout...Oh, hello, Mr. Sprout! Hi. Regional Director General, Pacific Region; George Da Pont, whom we know well, Assistant Deputy Minister, Human Resources and Corporate Services, and expert on small craft harbours; Wendy Watson-Wright, Assistant Deputy Minister, Science; and Sue Kirby, Sue, hi, Assistant Deputy Minister, Oceans and Habitat. So welcome to all, and I understand, minister, you have an opening statement.

Mr. John Cummins (Delta—Richmond East, CPC): Mr. Chairman, I'm not exactly overwhelmed by the response here this morning. The minister suggested that there was urgency in the Fraser River situation, and I agree. He suggested that the urgency was intensified by the low returns of Fraser salmon last year. Well, there were pretty good returns to the river. The problem was an issue of enforcement.

What I'd like to know is just what the commitment to enforcement is. I understand what you've said in your remarks, Minister, but, in particular, how many more fisheries officers can we expect on the Fraser River this year compared to last year?

Hon. Geoff Regan: First of all, Mr. Chairman, it is very important to recognize that there are a number of factors that affected the salmon returns. When I speak of returns, I speak of returns to the headwater, to the home waters, to the lakes where they started. That is what the reference is to in the document the member has.

One of those factors was illegal fishing. One of them was temperature, and if you look at the Williams report, for example--

Mr. John Cummins: It doesn't--

Hon. Geoff Regan: Let me just finish. I'll certainly answer the question and we'll get into that, but it is important—and actually I have the right to respond, Mr. Chairman—to point out that there are a number of factors, but this member has consistently focused on one issue, and that is enforcement. I appreciate that, and we are moving on enforcement, Mr. Chairman, in a number of ways.

He asked the number of people who will be on the Fraser. In fact, on the lower Fraser there will be 29 officers. On the upper Fraser it is 27 officers. Those numbers are the same as last year, but we will also have available 16 additional officers to move into the Fraser if necessary in the crucial periods. For instance, Mr. Chairman, it doesn't make sense, in my view, to have extra officers on the Fraser for 10 months of the year when

they aren't doing anything. The point is, as we all know, the salmon migrate and they pass through different areas at different times. We have made it possible to bring fisheries officers into the Fraser during the key months.

The other thing we've done, Mr. Chairman, that's very important, is we're increasing patrols.

Mr. John Cummins: I'm not interested in ramblings. I've asked a specific question and I'd like a specific answer.

Hon. Geoff Regan: I am answering the question.

The Chair: Mr. Cummins, excuse me, I think he gave you a specific answer.

Mr. John Cummins: I got it. Now I'd like to go on to my second question.

Hon. Geoff Regan: It is very important to understand the context and that is--

The Chair: Let's let him bring his remarks to a conclusion and I'll add some time for you.

Hon. Geoff Regan: It's very important to understand that we are increasing our patrols and we are going to have more overtime. The fact that we have the same number of officers doesn't mean we have the same number of patrols or activities as last year. We are in fact significantly enhancing those activities. We'll have more overflights, more by fixed wing and more by helicopters etc.

I know the member is anxious to get on to other questions.

The Chair: You have one more question.

Mr. John Cummins: Minister, the issue here is the numbers, and I don't know where you're going to get these extra 16 from because, in fact, I don't know of an area in British Columbia where there's a surplus of fisheries officers, especially during the summer.

The point is that to improve enforcement requires commitment, and currently in Port Alberni they're selling fish all over the place and DFO is not doing anything about it, and the response from DFO locally is "Well, we're waiting for the band to sign an agreement". While there is no agreement in place fish are being sold all over the place and the department is doing nothing.

What we talked about in our committee report is leadership. You're still failing to provide leadership. That's the issue here.

Hon. Geoff Regan:

Mr. Chairman, in my view leadership is working toward an effective solution to these problems. That's what we're doing, Mr. Chairman, through increased enforcement--

Mr. John Cummins: Enforcing the law.

Hon. Geoff Regan: --through working with people in the area, not just as my honourable colleague, I know he's interested in First Nations issues, but not just with Natives, but non-Natives as well. There are enforcement issues among various people, as we know, and we're working on that. Part of that is enforcement. Part of it is compliance. Part of it is education. There are a number of aspects to this, and I don't think that a simplistic approach to this is the way to go or really helps us move forward toward a solution.

Do we need to do our job on enforcement? Yes, we do. Do we also need to build better relationships on the west coast? Yes, we do, indeed.

If you compare the Fraser River, for example, to the Skeena River, you see many of the same issues in the Skeena River, but there isn't the same kind of high tension around these issues. It's a question, very much, in many cases, of relationships between people and groups. We have to work out those relationships.

Part of my announcement of the blueprint for change in April is about how we need certainty in terms of access, certainty in terms of shares. We have to move forward, because that's the uncertainty now. The competition now that results from that uncertainty creates real tensions and problems. We have to respond to those problems with change in the way we manage the fishery, and move forward as we're doing it.

Mr. John Cummins: You need to enforce the law.

The Chair: Thank you, Minister.

I'm sorry, Mr. Cummins, your time is over. Your time is over, but of course, I'm sure we would all agree, Minister, that you can't have certainty without the rule of law.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Thank you, Mr. Chair.

Sometimes I think I'm at an AA meeting where you get people from the department who say "Hi, I work in the management side of DFO and we have a problem." And that's kind of nice, Mr. Minister, you're the first minister to recognize, in the eight years that I've been here, that there actually is--you didn't say the word "major", but--a major problem within management on the west coast. And I thank you for that, although some

of your solutions in this report here kind of question whether or not you have any meaningful teeth behind what you say.

In relation to what my colleague, Mr. Cummins, said about people who illegally sell fish and you're doing absolutely nothing about it. I remind you a few years ago when some Hamliners down in Shelburne County went out and just put a hamline into the water. They were met with four fisheries officers' boats, six armed officers, they were all corralled in, they were sent to court and they were fined, and they were treated rather harshly in that regard because they broke the law. Yet it appears that when aboriginal people are illegally fishing or selling fish that's illegal, it says right here on page 19 of 27 of this report, it says:

Officers have already begun to record illegal catch information.

So you know it's happening. So what are you doing to stop it from continuing? If somebody is illegally fishing in the Fraser River, regardless of race, are the officers going in there and putting a stop to it immediately? Or are they just going to continue to monitor and work with various organizations to see if we can get them to stop on their own?

🕒 (1210)

The Chair: Just to be clear, you're referring to page 19 of the document, "Building Capacity and Trust", which is the minister's response to the Williams' report?

Mr. Peter Stoffer: Yes, and the response is, Mr. Chairman, as we spoke on our committee, if somebody is breaking the law, we anticipate that DFO would enforce the law and not allow it to continue under any circumstance.

Hon. Geoff Regan: Well, Mr. Chairman, I did say that the response we have is comprehensive, but we are changing the way we do things and that is the case.

At the same time, I think it's important that we look at the history of this fishery. We look at what has worked in the past and what has worked well and what hasn't. But we increase our enforcement, including prosecuting the law, but we also examine what works and what doesn't and make sure we work effectively to improve compliance through deterrents as well as through other efforts toward compliance.

I think you look at each instance and determine what will create the effective result you want and it may be that the department some years ago, in the case you mentioned, felt that was the appropriate response to create the result desired in that case for the surrounding area. I can't respond now to whether that worked in that particular case now that it's several years ago. But you have to look at each situation and respond accordingly and I'm going to ask Paul Sprout to add to my comments.

Mr. Paul Sprout: First of all, we take the point that our job is to enforce the Fisheries Act and in fact this year, 2005, we've already seized a number of nets in the Fraser River where fishing has occurred outside of an open fishing period. So it is our intention to enforce the Fisheries Act.

The other point I want to make is the problems of illegal fishing are not confined to first nations. We have illegal fishing in both native and non-native fisheries. So our responsibility is to take measures in all fisheries in a reasonable way.

The second point I want to make is that it's important for us to work with the parties, first nations and non-natives, to try to minimize or avoid illegal fishing, because that in the end might be the most cost effective solution to achieve the goal; and the goal is compliance. So if we can achieve compliance through agreements and understandings, that's how we would like to achieve it. But in the end, your point is well made, if there are infractions, we will take action. I can demonstrate that in 2005 at this point in time we've already taken action in this case in the lower Fraser River.

Mr. Peter Stoffer: We received an in camera report called "The Melville Report" which indicated very seriously that DFO officers were watching, but were unable to do anything to prevent the illegal fishing from happening. Are you saying that effective today, if anybody, regardless of race, is illegally fishing in the Fraser River, that your department will put an immediate stop to it?

Mr. Paul Sprout: What I'm saying is we're going to take or put into place a strategy that we think makes sense for that particular circumstance. So if it makes sense to seize the net, we will. If it makes sense to do something else, we'll leave that to the discretion of the fishery officers. They will have the responsibility and authority to carry out the actions appropriately. What that strategy will be will depend on the circumstances and the individual case that maybe present in front of them.

The Chair: Mr. Stoffer, you're out of time.

Mr. Peter Stoffer: Thank you, again, Mr. Chairman.

On the issue of the enforcement again, I'd like to go back to if a DFO officer knows that illegal fish are being sold at the back of a vehicle, be it aboriginal or non-aboriginal, if that's happening this afternoon and is being witnessed, say, in Port Alberni, for example, what does the DFO officer do, right now?

Mr. Paul Sprout: The first thing the DFO officer would do would be to determine whether there is an agreement that permits that sale. We do have agreements where sale is permitted. His first course of action will be to verify that the sale is valid. If the sale is valid, then he will observe it, but he will take no action because it is legal, it is constituted, and is within the terms of the Fisheries Act.

If he's apprised that a sale is occurring and there is no agreement in place, and in fact it's illegal, then he will have to decide what the best strategy is to respond to that particular action. It may be to move in immediately and stop it, it may be to carry out surveillance and then to carry out action afterward, or it may be some other measure, but it would be to the discretion of the fishery officer and his supervisor to decide what the best strategy is to respond to that circumstance.

The reason I make this point is that it's not just about first nations that violate the Fisheries Act or create problems, we have problems in both native and non-native fisheries. The fishery officers have to make choices about where to put their resources, where to put their effort. That's why we want to have something a bit more flexible that allows the officers to respond under the circumstances that make the most amount of sense. He or she will assess that circumstance, decide what the best course of action is, and then pursue it.

Mr. John Cummins: Thank you, Chairman. I must admit, Mr. Chairman, that I'm not exactly encouraged about prospects with the Fraser with what I hear this morning. The minister and others have talked about a comprehensive plan for dealing with enforcement. They talked about leadership and so on. One of the areas that are addressed here in the documents we received this morning where commitments to improvement in catch monitoring and so on. I would like to ask if someone over there, perhaps Mr. Sprout could explain how the installation of two precast washroom facilities at the Cheam fishing site at a cost of \$20,000 improves catch monitoring.

The Chair: That is something we asked the minister and we had an undertaking to get back to us on that. I know the deputy minister was here when that question was raised. Can either of you answer that now? Mr. Sprout?

Mr. Paul Sprout: I can start and the deputy minister wishes to add. I think what Mr. Cummins is referring to is that we do have landing stations on the Fraser River, and at the landing stations, we establish what we call "catch validators". Those are people that are at these sites on a full-time basis, and as the fishermen catch their fish and land them, they're responsible for recording the catch, documenting it by species, by number and so forth. And over the course of the day, they may occasionally have to go to the washroom, and as a consequence of that, we did construct I believe a couple of washroom sites or facilities to accommodate that. Now beyond that though, the question of catch monitoring, in 2005 as this report lays out, it is our intention to augment resources into catch monitoring. We'll do that by increasing the number of validators that I just spoke of.

The second thing that we're going to look at is the ability to do real time catch monitoring. Right now what it is, is that the fishery takes place over 24 hours or 48 hours or whatever the time period is, we determine the catch over that time period, and then that's provided in advance of the next opening. What's being contemplated in 2005 is real

time reporting, so we'll actually be exchanging the catch information while the fisheries occurring between the different fishing sites.

Mr. John Cummins: I appreciate that, Mr. Sprout, but you did answer my answer and I think you're going on about something else.

The issue on this washroom facility I think is a little bit more troubling, because in fact we've had instances where fisheries officers who entered that Cheam reserve to enforce the law were suspended for doing that. These poachers have operated out of there illegally for God knows how long and it's really unconscionable that you would see fit to spend taxpayers dollars in that way.

But on the same kind of an issue, you found surplus funds last year in your budget, \$12,500 worth in surplus funds that were directed to the Tsawwassen Indian bands for the purchase or replacement of an existing unreliable vehicle and yet we heard from fisheries officers here who had 10,000 square miles of territory to cover and they only had two vehicles with under 250,000 kilometres on them. So who's getting the priority here? And how do you justify and how could you label funds as surplus in 2004? You didn't have money for overflights or to replace your own vehicles.

The Chair: Mr. Sprout, a real quick answer if possible.

Oh sorry, deputy, go ahead.

Mr. Larry Murray: I believe I've answered the original question by letter, Mr. Chairman. I remember signing it and I think it gives the explanation that Mr. Sprout did. In terms of vehicles, there is money in the new money for vehicles.

But I'll ask Mr. Sprout if he has specifics around the Tsawwassen. I don't. If he doesn't, then we'll answer by letter.

Mr. Paul Sprout: Well, my response is that yes, we believe we do need to replace our vehicles. That's the officers' opinion. It's certainly my opinion and I'm delighted to say that the money we have announced this year for 2005, there are substantial new moneys for us to replace vehicles.

The Chair: Thank you.

My table officers are not sure whether we saw that letter.

Mr. Larry Murray: No, I'll check my end as well.

Mr. Peter Stoffer: Thank you, Mr. Chairman.

Mr. Sprout, I know it's going to be a difficult decision, one way on the Cultus Lake sockeye, because either way, you're probably not going to have very many friends. But if indeed the department shuts the fishery down because of the fragile nature of those stocks, my question is quite simple.

Will you shut the fishery down for all fishing activity? That includes commercial, recreational, aboriginal, food, social ceremonial, the whole kit and caboodle, that nobody, under any circumstance, if you shut it down, will have access to that fishery. Because the problem the commercial side has is that they'll be shut out and other sectors will have access to that and that will be a big problem for them. So my question is quite simple. If you close it because of the endangeredness of the species, will you shut it down for everybody?

Mr. Paul Sprout: It's a simple question, but my answer is not simple because of the fact you're dealing with Pacific salmon. First of all, we are not contemplating shutting down the fishery in 2005, we are contemplating having fishing on Fraser sockeye in 2005. Having said that, commercial fishermen and some others would like us to fish more, and environmentalists and first nations on the Fraser River would like us to fish less, and so that's the dilemma, but at some point we'll make a decision about fishing.

When we actually fish, the fish is a portioned between the various groups: commercial, in some cases sport, and first nations. Depending on how they've achieved their proportion it may be that some group is not fishing, but another group is fishing to catch their share--that's a possibility.

The final point I wanted to make is that in the scheme of this first nations access to food, social and ceremonial, is the highest priority after conservation. It's possible you could have other fisheries stop, but still be fishing for food if conservation permits.

It's a long answer to your question. The first answer is we contemplate fishing; it's going to be challenging to find the balance between the diverse views; we will fish consistent with the allocations between the parties, between the different groups; there may be good reasons and rationale why some groups are fishing and some aren't, but it's consistent with their share arrangements.

Hon. Shawn Murphy: Mr. Cummins made the allegation that there is illegal sales going on now as we speak in Port Alberni. You say these could be legal sales. Could you explain that?

Mr. Paul Sprout: Yes, because in the case of Port Alberni in previous years we've entered into agreements with the first nations that will permit sales under certain circumstances. Those sales would define the number of fish they could harvest, or the share; it defines where they would fish; it also describes the type of gear they would use; and, the reporting requirements. In Port Alberni, depending on the year and the time, it is possible those fish could be fished and sold under legally constituted arrangements.

⌚ (1300)

Hon. Shawn Murphy: There are none of these agreements on the Fraser River are there?

Mr. Paul Sprout: Yes, those agreements also take place on Fraser River.

Hon. Shawn Murphy: My point, Mr. Sprout, is that having practised law for 25 years all these agreements they have where you give them a number and you don't know if they've exceeded the number, the people that are fishing wouldn't know, it would make a prosecution almost impossible I would think.

Mr. Paul Sprout: We've successfully prosecuted illegal sales. It is challenging, admittedly, the test is very high and you're familiar with that, but we have been able to do that.

The Chair: First of all let me thank the officials for coming. Let me congratulate Mr. Sprout, or whomever is responsible, for getting rid of the word “acting” before your name, Mr. Deputy Minister--good for you.

In our letter to the minister, the committee was clear that we would listen to what you had to say, listen to what the minister had to say, and then we would decide what, if any, further action we were going to take vis-à-vis our report. Obviously we haven't had a chance to digest what was just tabled this morning and we'll see where we go from there.

We do thank you and we will take up your invitation if the committee so decides to get more technical briefings or further questions.

Good luck, Mr. Sprout. Let's hope it isn't a repeat of 2004.

Thank you, everyone.

Adjourned.