



Legislative Assembly of Alberta

The 28th Legislature  
First Session

Standing Committee  
on  
Resource Stewardship

Bill 205  
Fisheries (Alberta) Amendment Act, 2012

Tuesday, May 14, 2013  
6:16 p.m.

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The 28th Legislature  
First Session**

**Standing Committee on Resource Stewardship**

Kennedy-Glans, Donna, Calgary-Varsity (PC), Chair  
Anglin, Joe, Rimbey-Rocky Mountain House-Sundre (W), Deputy Chair

Allen, Mike, Fort McMurray-Wood Buffalo (PC)  
Barnes, Drew, Cypress-Medicine Hat (W)  
Bikman, Gary, Cardston-Taber-Warner (W)  
Bilous, Deron, Edmonton-Beverly-Clareview (ND)  
Blakeman, Laurie, Edmonton-Centre (AL)  
Calahasen, Pearl, Lesser Slave Lake (PC)  
Casey, Ron, Banff-Cochrane (PC)  
Fenske, Jacquie, Fort Saskatchewan-Vegreville (PC)  
Hale, Jason W., Strathmore-Brooks (W)  
Johnson, Linda, Calgary-Glenmore (PC)  
Khan, Stephen, St. Albert (PC)  
Kubinec, Maureen, Barrhead-Morinville-Westlock (PC)  
Lemke, Ken, Stony Plain (PC)  
Sandhu, Peter, Edmonton-Manning (Ind)  
Stier, Pat, Livingstone-Macleod (W)  
Webber, Len, Calgary-Foothills (PC)

**Bill 205 Sponsor**

Calahasen, Pearl, Lesser Slave Lake (PC)

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## **Standing Committee on Resource Stewardship**

### **Participants**

Ministry of Environment and Sustainable Resource Development  
Shannon Flint, Assistant Deputy Minister, Policy  
Travis Ripley, Executive Director, Fisheries Management



6:16 p.m.

Tuesday, May 14, 2013

[Ms Kennedy-Glans in the chair]

**The Chair:** I think we're going to start, in order to be finished at 7:15, so I'd like to call the meeting to order. Welcome, everyone. This is our first meeting since budget estimates. We're in the Standing Committee on Resource Stewardship. As you well know, my name is Donna Kennedy-Glans, chair of this committee and MLA for Calgary-Varsity.

I'll invite everyone who's here and those joining the committee at the table – and I would ask the SRD folks to come to the table and perhaps sit right there at the end – to introduce yourselves for the record, and if you're sitting in as a substitute, make note of that. Mr. Lemke, I'll start with you.

**Mr. Lemke:** Thank you, Donna. Ken Lemke, Stony Plain.

**Mr. Anglin:** Joe Anglin, MLA, Rimbey-Rocky Mountain House-Sundre.

**Ms Calahasen:** Pearl Calahasen, Lesser Slave Lake.

**Mr. Webber:** Len Webber, Calgary-Foothills.

**Ms Fenske:** Jacquie Fenske, Fort Saskatchewan-Vegreville.

**Ms L. Johnson:** Linda Johnson, Calgary-Glenmore.

**Ms Kubinec:** Maureen Kubinec, Barrhead-Morinville-Westlock.

**Mr. Casey:** Ron Casey, Banff-Cochrane.

**Mr. Khan:** Stephen Khan, MLA, St. Albert.

**Ms Flint:** Shannon Flint, assistant deputy minister with the policy division in Environment and Sustainable Resource Development.

**Mr. Ripley:** Travis Ripley. I'm the director of fisheries management for ESRD.

**Mr. Stier:** Pat Stier, MLA, Livingstone-Macleod.

**Mr. Barnes:** Drew Barnes, MLA, Cypress-Medicine Hat.

**Mr. Bikman:** Gary Bikman, MLA, Cardston-Taber-Warner.

**Dr. Massolin:** Good evening. Philip Massolin, manager of research services.

**Mr. Tyrell:** I'm Chris Tyrell, committee clerk.

**The Chair:** Thank you. Just for the benefit of *Hansard*, remember that the microphones are operated by *Hansard* staff. If you've got a cellphone, if you can move it off the table at least for the beginning of the meeting because it does interfere with the audiofeed.

As we all know, the audio for the committee is streamed live on the Internet and recorded by *Hansard*. We understand from Ms Calahasen that there may indeed be some people listening here, so if they are, we're grateful for that.

Mr. Hale, I'd like you to introduce yourself.

**Mr. Hale:** Yeah. Jason Hale, Strathmore-Brooks.

**The Chair:** Thank you.

You've all had a chance to look at the agenda. If I could ask a member to move that the agenda for the May 14, 2013, meeting of

the Standing Committee on Resource Stewardship be adopted as circulated. Ms Johnson. Thank you. All in favour? Any objections? Mr. Lemke?

**Mr. Lemke:** Agreed.

**The Chair:** Thank you. Okay. Motion carried.

Approval of the minutes. Are there any corrections to note? If not, I'd ask a member to move that the minutes of the March 11, 2013, meeting of the Standing Committee on Resource Stewardship be adopted as circulated.

**Ms Calahasen:** I do.

**The Chair:** All in favour? Mr. Lemke?

**Mr. Lemke:** Agreed.

**The Chair:** All right. Thank you. That is carried.

As you all know, we are here today to discuss what is now known as Pearl's Bill. Bill 205, the Fisheries (Alberta) Amendment Act, 2012, was referred to the Standing Committee on Resource Stewardship on April 22, 2013, according to Standing Order 74.1(1).

Tonight we have Shannon Dean, Senior Parliamentary Counsel and director of House services, on hand to give us a little bit of background on the process surrounding this bill review as this is the first bill that we have reviewed.

Before doing that, though, I would invite Mr. Allen to introduce himself.

**Mr. Allen:** Thank you, Madam Chair. Mike Allen, Fort McMurray-Wood Buffalo.

**The Chair:** All right. Ms Dean.

**Ms Dean:** Thank you, Madam Chair. I don't have lengthy briefing notes for the committee today. I just simply want to highlight Standing Order 74.2 and the authority by which this bill was referred to this committee. I think the key thing for committee members to know is that the bill has not yet received second reading, so the committee has a broad scope of review. It's entirely up to the committee how long it wants to take for its review. It's entirely within the realm of the committee's purview to decide if it wants public hearings or not, whether it wants to advertise, et cetera.

When the committee is at a point where it's ready to report back to the House, the standing order states that the committee may "report its observations, opinions and recommendations with respect to the Bill to the Assembly." You know, the committee may report that it recommends that the bill not proceed or proceed. But eventually the House will have to concur in the report, and then the bill will either go forward or not go forward.

**The Chair:** Any questions to Ms Dean on that process? Okay.

If not, then I'd kick off the examination of this bill by having the bill's sponsor, Ms Calahasen, speak to the committee about why she brought the bill forward and what she hopes to accomplish. You've got about five minutes. Then we'll turn it over to Ms Flint and Mr. Ripley for another five minutes, and then we'll have questions.

If everyone can keep that in mind. We do have a few items at the end of our agenda that shouldn't take a lot of time. So this is the heart of the meeting; it's to get a sense of what we do now and where we'd like to go.

With that, I'll turn it over to you, Ms Calahasen.

**Ms Calahasen:** Thank you very much, Madam Chair. Colleagues, fishery quotas in Alberta are currently managed by Environment and Sustainable Resource Development, and the authority for this is sanctioned by the Alberta fishery regulations, 1998. As such, the director of the fisheries management branch has the authority to determine and to alter quotas, closing times for lakes, or any other limits placed on the fisheries.

The regulations oblige the department to communicate with and to inform commercial fishermen of significant changes to their industry that may affect their livelihood; however, there is no legal requirement for them to consult with commercial fishermen. So what I did was I proposed Bill 205, which would provide a formal mechanism by which concerned stakeholders could contribute to the determination of commercial fishing quotas each year. It would mandate a consultation process whereby commercial fishermen have an opportunity to be involved in decisions that affect their industry. This amendment would expand and formalize the process by writing it into the Fisheries (Alberta) Act.

The consultation process would consist of the department informing commercial fishermen of potential changes to the commercial fishing quotas for any lakes in the province for the upcoming fishing season. Should commercial fishermen wish to initiate the consultation process, they would be required to submit a request for consultation following any notice. Department officials would then need to consult with the affected stakeholders.

Following the establishment of fishing quotas, department officials would be required to publish the report, the document that outlines the criteria by which the commercial fishing quota was determined, and the final quota online. This report would include information such as but not limited to scientific indicators concerning the health of fish populations. The report should also demonstrate that meaningful consultation has occurred and that stakeholder concerns have been seriously considered and addressed. Subsequent to the publication of the report document, commercial fishermen would be given a 30-day period during which they could submit final written comments.

Even though we have the best minister of ESRD as well as the best DM that I know of in this department, there are still some inconsistencies that have occurred in different areas in terms of determining what the quotas would be. What I wanted to do with this bill is put regulations in place that necessitate consultation with commercial fishermen when making decisions that affect them and their livelihoods.

Decisions are made ad hoc in differing zones even though we have these regulations in place. In many zones the consultations are conducted in such a nice way that there are no conflicts that arise if they're applied well and consistently. Since there's no formal legislation currently to entrench a standardized way of working with the fishermen in a transparent way on the consultations that set quotas in all areas, the result has been discrepancy and inconsistency in meeting the requirements of regulations regardless of how appropriate and well intentioned those regulations are, and of course some areas are left wanting.

As there is no legislation to standardize the regulations, as I said, there are instances where stakeholders, especially commercial fishermen, are not consulted in a direct and timely way. As a consequence, individuals and groups that make their living from this commercial fishing industry are sidelined in the decision-making process. The result, of course, is exclusion and frustration on all sides as misunderstandings and the loss of earning potential ensue.

6:25

It appears that there is some movement in many areas where there's a lot of discussion that happens, and the round-table has brought some people to the table to be able to determine how it's going to be done. I am hoping the round-table will be able to provide that opportunity for all those individuals to be part of that decision-making all across the province and not only in certain areas. I'm asking to entrench and standardize the consultation process in this legislation so that we don't make the issue far more complex and frustrating than it needs to be for all parties involved.

The department has been very, very co-operative. Now we just need to make sure that we can see this in a way that the decision-making would be transformed and the involvement of the commercial fishermen on decisions that affect their lives and their livelihood be entrenched in legislation so that it can be formalized in a very consistent and, of course, standardized model.

Thank you, Madam Chair.

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

Ms Flint, did you want to do the presentation, or do you want to do it together?

**Ms Flint:** I'll do some opening remarks and then turn it over to Travis to see if he has any additional comments. Then we can respond to questions.

**The Chair:** Thank you.

**Ms Flint:** At this point in time the department doesn't see a need for an amendment to the fishery regulations to legislate consultation. We have many processes and procedures in place, and we undertake a number of initiatives to make sure that we take into consideration not only the commercial fishermen that operate in the area but other folks that enjoy the lakes as well, such as anglers.

We have been trying to improve information that is provided to the general public and fishermen as well. We've included posting a lot of the information that is used to make decisions around quotas on the government of Alberta website so that people know the processes that we use and the information that's used to assess that. Often we use information that's provided by the commercial fishermen themselves.

We do continue to work quite closely with fishermen in the area through our fisheries staff in the region as well as in head office on their concerns regarding quotas, tolerances, openings of lakes, status, amongst others. At this point in time we continue to improve that process and feel that we have enough processes and policies in place to deal with the issues that MLA Calahasen has raised.

Travis, did you have anything to add?

**Mr. Ripley:** No, I have nothing more to add.

**The Chair:** I think it would be helpful for us if you would share a little bit more information about the existing processes because I don't think it's clear to all of us here.

**Mr. Ripley:** Sure. Typically, the existing process revolving around consultation with commercial fishermen begins at the beginning of the year. But prior to the fishing season we engage with the commercial fishermen, and at the same time we engage with the recreational anglers of Alberta. During that period of time, based on the index netting that we do, we evaluate how many fish are available in the lake for harvest, with the baseline

being the conservation and the long-term sustainability of the fish stocks.

We begin to enter into discussions with commercial fishermen and with other users of the lake to establish what recommended allowable harvest there is over and above that baseline conservation stock, and then we send out a synopsis. The synopsis is usually available for the fishermen to review, and then they provide their comments back to our field staff. Our field staff assess their comments and take those into consideration when determining the final allocations for the quotas.

Then we set out the quotas for the commercial fishermen through a variation order under our regulations, as explained very well by MLA Calahasen. Then from the recreational fishing side we set our annual sport fishing regulations, which puts a quota, in a sense, on the recreational angler in terms of how many fish and what size he or she may keep from the lake.

That's typically the process. It's an ongoing, back-and-forth discussion with the fishermen. It occurs throughout the year to make sure that we're using their information in the decisions as well as providing the information that we have from our index netting.

**The Chair:** I think we do have some questions. Maybe I'll start with Mr. Allen.

**Mr. Allen:** Thank you. Thank you for that response, and thank you, Ms Calahasen, for a very in-depth discussion on your bill. I guess my first question is to the department regarding consultation. I have a bit of a background as to how the community consultations work from a municipal perspective and all too often have seen situations where – and I think it's actually embedded in the Municipal Government Act in certain places – the requirement under the consultation is just a matter of posting an ad in the paper within two weeks prior to a decision being made. Do you have some type of guidelines as to your consultation processes? Are we talking verbal? Do you have letters that go out to stakeholders? Are you using social media? You know, what types of processes are there?

I do know that sometimes there are different processes used that are deemed to be adequate by those that are using them in terms of gathering information, but all too often those that are feeling they were left out are seeing some deficiencies in how the consultation process is working. I'm just curious. Can you comment on what types of consultation you are doing now?

**Mr. Ripley:** Is that in respect to commercial fishing or all matters related to fishing?

**Mr. Allen:** I guess all matters related to all stakeholders with the fishing. I'm assuming you would use different things with different areas within your ministry.

**Mr. Ripley:** Yes. Under our current policy we give notice of the variation to the persons affected or likely to be affected through one or more of the methods. The methods are, as you have suggested, radio broadcasts, phoning, posting notices in the vicinity, orally delivered through fisheries officers, electronic transmission, and publishing in a newspaper. More specifically, we do verbal communication with the commercial fishermen. We have several zones in the province, and each zone typically has a president, and we would operate through verbal communication with the president on a back-and-forth basis either through telephone or fax.

From the perspective of recreational fishery, at the beginning of the year, which is typically now, we advertise the proposed

regulation changes that are likely going to be up for discussion throughout the year, and then those are posted locally in newspapers. We have open houses to invite people to come to our regulation-setting meetings and discuss any concerns they have.

**Mr. Allen:** Thank you.

Obviously, you go through a great amount of effort, and I know that no matter how much effort you go through, there's always someone that's going to say: well, you never talked to me. My only thought is that the mere fact that MLA Calahasen is bringing this forward is because there obviously is a feeling that the consultation is not sufficient. Has anyone ever identified to the department itself that they felt there could be a better job done? Is there something different we could be doing?

**Mr. Ripley:** Well, certainly, you know, through the consultation process there is a chance that we could miss a concerned public that might be interested in having their voice heard. We do our best to try to capture that as well as we can. There are occasionally times when people feel that they weren't involved in the decision-making process and would have preferred to be, in which case we typically try to rectify that by making sure that they are involved on an ongoing basis after that.

**Mr. Allen:** Thank you very much.

**The Chair:** Mr. Barnes.

**Mr. Barnes:** Thank you, Madam Chair. First of all, I'd just like to ask the people from the department: can you give me an idea, please, of how much the variance may be from year to year in the commercial fishery or what some of the maximum variances have been? Balancing the environment with people's livelihoods can be very, very tricky, but obviously the stakeholders have a lot of capital and their livelihoods invested in this.

Then my second question. MLA Calahasen mentioned that sometimes, even though there were tremendously good efforts, the process didn't always seem to be working. I wonder if you could talk on the times you felt it didn't work and could have been better.

Then I would ask MLA Calahasen to answer that question as well. Give me some specifics, please, of when you think consultation could have made this process better for all Albertans.

**Ms Calahasen:** Did you want to go first?

**Mr. Ripley:** Sure. Could you repeat your first question, please?

**Mr. Barnes:** Yeah. I'm just kind of curious about how big the variance can be. Obviously, people's incomes are on the line.

6:35

**Mr. Ripley:** Our fisheries in Alberta are very – how should I say it? – highly allocated. Because we only have on average about 1,100 lakes compared to other provinces neighbouring us such as Saskatchewan and Manitoba, where they have 90,000-plus lakes, it's often very difficult to balance the needs of all of the fishermen, the commercial fishermen and the competitive users, and First Nations and aboriginal rights on single lakes, which is why the variations can swing. The variations are typically set through the fluctuation in the population levels of the fish and also the demands placed on the fishery by recreational anglers.

The commercial fishermen typically harvest lake whitefish, and the recreational anglers typically harvest – and I say typically because it's not always the case – other species such as walleye and northern pike. When we set the quotas, we set the quotas

usually as high as sustainably possible for the lake whitefish, and sometimes the quotas, which we call tolerances – the tolerance quotas set on northern pike or walleye tend to be lower because we do have to make sure that those species are available for the recreational anglers.

In terms of swings it can go from on average a very low quota of almost zero. If we can develop ways to allow the fishermen to set their nets or use alternative gear to allow them to fish better through season setting, when sometimes the walleye are separated from the whitefish – either they're up the channel spawning in the spring, or they're in the shoals – we try to do that. Then we also adjust the gear to make sure that they don't try to catch the smaller walleye and make sure that those are available for the recreational anglers.

I'm fairly long-winded here, but I think the short answer is that the fluctuation in the quotas can swing from close to zero up to as high as 25 per cent of the recreational take, which could be 3,000 to 4,000 kilograms.

**Mr. Barnes:** How does that affect the viability of these commercial operations? How would you say our fish stocks are in our lakes? Has this been working environmentally and sustainably?

**Mr. Ripley:** Yes, it has been working. We've seen an increase in our fish stocks from a walleye perspective, and we have more and more anglers entering the fishery as there are more and more Albertans showing up in the province. The quotas can change, but it's usually within the sustainable limits of what the fishery can provide.

**The Chair:** Did you want Ms Calahasen to answer the question?

**Mr. Barnes:** If I could, please. You'd mentioned in your opening remarks about some instances where in spite of good efforts and some consultation or strong consultation there were some holes or things being missed or where things could have been better. Could you detail that a bit more for me, please?

**Ms Calahasen:** Sure, I can. I know there are some really good processes within the department, and they've really done some great things in different areas. Unfortunately, I think it depends, in terms of how the decision is made, on what kind of fish stock can be taken out of various lakes.

I'll give you an example. Lesser Slave Lake has probably – I don't know what the tolerance is right now for the walleye. I would rely upon Travis to give us that information. When you talk about fishing on Lesser Slave Lake, there are certain tolerances that allow them to take only so much fish out of the lake. It will depend on where the tests occur. So when they go out and do the test and find out whether or not there is the availability of the fish, sometimes that decision doesn't get to the fishermen, so they don't know the reason why they're being told they can't fish in certain lakes. What's happening, I think, is that there's a disconnect in the communication.

In different zones I think that in many instances you don't have to follow all the rules because it's not legislated. What happens is that you can give whatever you need to give in order for you to make that decision. Therefore, it leaves the fishermen at a point where they don't really get that information as to what's happening in a timely way. Even though I think the ADMs and the DMs have really tried to work with the fishermen, it has been very wanting in many instances, not from them but just the information flow.

**The Chair:** I'll just share my list with you. I've got Anglin, Fenske, Casey, and Bikman.

**Mr. Anglin:** Thank you, Madam Chair. I'm just going to ask a series of questions.

**The Chair:** We have to make sure that we have time for everybody else, too, though. Right?

**Mr. Anglin:** Well, I'm going to be shorter than everybody, I'm hoping. If I get my questions out there, you might be able to get them all answered.

If I understand you correctly, you say that you have adequate consultation methods in place, and I'm going to make the presumption that that is based on rules and regulations. As I look at the act, there is no mandate in the act to state that you must consult or what the criteria are for you to use to consult. I'm just trying to go point by point. As I read the proposal that's coming forward in this bill, it's going to mandate that you determine what the criteria are. Of course, we can always go back and change the legislation, but it is a bit more laborious. You'd be required to set the criteria of consultation by legislation. Then there's a provision that says that you'll have to allow a minimum of 30 days for responses, so that would be legislated also.

Now, when I heard you give your presentation, it sounded to me that you're satisfied with your consultation, which would fit pretty much within the scope of this bill anyway except that we would know by legislation what the criteria are. The only added mandate that I see is the 30-day window for some sort of response to come back from these commercial fishermen. When I look at the simplicity of the bill, I don't see a lot of problems for the ministry in this, and I see some value for the fishermen. My question is: with regard to the ministry where is there an issue to comply? What kind of problems do you see that this would create for you administratively that maybe the minister would not want to have this in legislation?

**Mr. Ripley:** Thank you. I believe you are correct. We do provide the consultation, and the responses that we get from the commercial fishermen, in fact, are typically received well in advance of 30 days. The one factor that I was thinking about, because this is covered in policy rather than regulation right now, is that we have the same sort of working policy when we consult with other aspects of users of our public resource such as the recreational angler and the competitive fishing events holders.

We typically have the same sort of criteria to meet a consultation standard with those user groups across the province, which is why one of the big consultation medias we have is our provincial fisheries management round-table, that we hold twice a year to make sure that we are adequately consulting with all of those people as well. It could be seen as an extension if the consultation provided to the commercial fishermen was put into regulation. By extension, we could see that the consultation would be regulated for the public and for competitive fishing events. Right now we feel that all of those consultations are handled under policy and are working effectively.

**Mr. Anglin:** The bill doesn't present a problem for you. It's just consistent with what you're doing except it would be legislated. Is that correct?

**Mr. Ripley:** Yes. This is consistent with what we're doing.

**Mr. Anglin:** Okay. I'm going to vote for this, you know? Just thought I'd tell you.



**The Chair:** All right. Thank you. There were only two questions there, by the way. You had me nervous.

**Mr. Anglin:** I know. You think I'm going to go on for a long time. You got nervous?

**The Chair:** Yes. It's your preamble.  
Ms Fenske.

**Ms Fenske:** Thank you. The term "consultation" has been bandied about here, and I'm trying to draw from what you've said what you consider consultation. The opposite, of course, that I've heard is communication, which to me is just a one-way street, seemingly, that you're communicating what's happening. Let's just review. Consultation you have twice a year. You have a round-table. Are commercial fishermen invited to that?

**Mr. Ripley:** Yes.

**Ms Fenske:** Is it just the presidents of these different associations or these areas that are invited?

**Mr. Ripley:** The round-table is open to all participants, but typically only a few show up.

**Ms Fenske:** Are they held in a convenient spot? Are they accessible by conference call or anything along those lines to make it more desirable to attend and participate?

6:45

**Mr. Ripley:** The provincial round-tables are held typically in Calgary, Red Deer, or Edmonton. The location is usually chosen by the membership that shows up because they're coming from all parts of the province.

**Ms Fenske:** So not too many lakes in any of those three locations.

**Mr. Ripley:** No.

**Ms Fenske:** With Red Deer, I guess, maybe we could find some.  
Then you said that there is a meeting held. Is that the same as this round-table meeting? How are those held, and where are they held?

**Mr. Ripley:** The meeting with the commercial fishermen?

**Ms Fenske:** I guess so. You had mentioned it earlier in your presentation.

**Mr. Ripley:** We meet at the beginning of the year, of the commercial fishing season, with the fishermen. Outside the round-table, which is a collective group of all of our stakeholders represented in the province, we meet separately with the commercial fishermen, and we work with them in consultation – get their feedback, provide our information, receive their information – to develop the quotas. That is done over a process of probably a couple of months.

**Ms Fenske:** Is it three or four people that represent everyone that come together in these, I guess, meetings that continue on?

**Mr. Ripley:** In the case of the zones it would typically be the zone president and maybe a few other fishermen from the zone and our staff.

**Ms Fenske:** Pardon my ignorance, but how many zones do we have?

**Mr. Ripley:** A through G.

**Ms Fenske:** A through G. Okay.

**Mr. Ripley:** Eight, I think.

**Ms Fenske:** All right. So I guess that's something that we need to discuss. What is consultation? I think that sometimes for meetings that are held that way, people don't regard them as actual consultation. It seems more often that we're just imparting information.

**Mr. Ripley:** Right.

**The Chair:** All right.

**Mr. Casey:** Really, I think Jacquie pretty well touched on it for me. To me, consultation is something you do prior to making a decision. I was unclear in your opening statements whether, in fact, the decision had been made on the quotas and you were then informing people, and there's a big difference between that and consultation. I think that in the bill itself the one piece that isn't clear is, in fact, that the consultation occur prior to a decision being made for the quotas for the specific year. I think that if this committee is thinking about where we're going with this, if we have the ability to recommend or to agree upon some kind of an amendment, truly, in my mind, it sounds like you're already doing a lot of consultation. In fact, it sounds like you may truly be doing consultation, which would be somewhat unique in many cases.

**Mr. Bikman:** That's such a cynical comment.

**Mr. Casey:** Well, truthful but cynical.

So, in fact, if we had an amendment to this that would simply state that prior to the quotas being set in a given year, a consultation process needs to be involved – there's nothing in this that tells you anything about consultation.

**The Chair:** Mr. Casey, we're just chatting down here at this end of the table about section 2 of the bill, which amends 13.1(2). "Before the Minister sets or amends a quota . . . the Minister shall ensure that appropriate public and stakeholder consultation with respect to the proposed quota has been carried out."

**Mr. Casey:** Yeah. The question is on the consultation piece, you know. I read that, but I'm not sure I felt that it was solid enough. But if other members feel it is, that's fine.

**The Chair:** It's on the table. That's the goal of this meeting.

Mr. Bikman and then Mr. Stier.

Just for the committee's purposes, I think, then, we're going to have to do a little bit of a discussion here on what we would like to do going forward. Dr. Massolin will go through some of the research that he's able to provide, but we will have to direct him, so have that in your minds.

Back to you, Mr. Bikman.

**Mr. Bikman:** Thank you. Two questions. Do either of you like to fish?

**Mr. Ripley:** I do, yes.

**Ms Flint:** Sometimes.

**Mr. Bikman:** Second question: if this amendment passes, how many more people will you have to hire?

**Ms Flint:** That would be difficult to answer.

**Mr. Bikman:** It's relevant, though, so please try.

**Ms Flint:** Well, because it would be legislated and you'd be under legislation to respond to it in a timely manner, not that we don't respond to things in a timely manner, it may provide for the department to provide more resources to consultation.

**Mr. Bikman:** Thank you.

**The Chair:** Mr. Stier.

**Mr. Stier:** Yes. Thank you, folks, for coming. I actually have a question for the sponsor of the bill, Ms Calahasen. I'm not quite familiar with this process – as everyone knows, I'm new – but it seems to me that this is a piece of business that could have been dealt with in the House. We looked at a lot of bills this year, and they've been much more complicated without having gone to committee. You must have had a reason, specifically, to take this to the committee. I'm wondering if the committee would like to discuss whether or not this is something this committee should be dealing with. That's my question. Please give me the experience that you have to enlighten me as to why we're dealing with this.

**The Chair:** Actually, I'm just going to interject here a little bit. We don't have a choice in that. When an issue like this is referred, when a bill is referred to our committee, we have to respond. We can't say: no; we're not interested in that. We have to respond. That's a mandate we have.

**Mr. Stier:** Okay. I just still wanted to get an answer to that somehow by putting that question forward. Perhaps it's not appropriate, but that's my feeling here.

**The Chair:** We have many answers that we can come up with in response, but we can't choose not to deal with it.

**Mr. Stier:** Thank you.

**Ms Calahasen:** On that point, when the bill first came forward, it was to be able to look at the transparency component. As you guys know, you've been harping on our transparency for a long time, and so have we. The Premier's vision is that we have to be very transparent in decisions that are made that affect people's lives. As a result, this bill was to be able to look at the commercial fishing industry and the people who are involved in commercial fishing and how their industry has been impacted as a result of the inconsistency of the application of the regulations or policies that are in existence. Therefore, we're trying to find out whether or not the transparency component will be able to give us that opportunity to look through that window so that we can see what is really, actually happening and how decisions are made.

Our Premier is very, very strong in terms of the transparency component. Of course, I'm very happy to see that this bill is the first bill to see how it can be so transparent so that nobody asks the questions as to why things are being done.

**Mr. Stier:** Well, thank you for that. As I've said, we had a lot of complex bills.

**Ms Calahasen:** This is complex.

**Mr. Stier:** It certainly is curious to me, anyway. Thank you.

**The Chair:** I'm going to grant one quick indulgence.

Mr. Allen, you said that you had a two-second question.

Mr. Casey, you look like you have a two-second question.

**Mr. Allen:** Thank you. Very quickly, in response to Mr. Bikman, yes, I like to fish, and as I look outside, I want to fish soon.

Back to the staff, though. Can you explain if there would be any problems in your department if the Assembly decides to approve this bill? You say that it's already embedded in your policy.

**Ms Flint:** The problem might be that it may require additional resources for the department to respond under the time frames that have been proposed. Just to be clear, there are consultations that are ongoing between fisheries management, biologists, staff, and commercial fishermen right now.

With respect to transparency, in the last four months we've actually posted all the information that we've had over the last 12 years on which we base the decisions, so we are trying to make sure that information is provided in a timely manner, and that information is used to make decisions.

**Mr. Allen:** Your efforts are appreciated. Thank you.

**The Chair:** Mr. Casey, do you have a quick question? Really quickly.

**Mr. Casey:** Yes. This is maybe to MLA Calahasen. The three-column document that we have:

The consultation process would consist of [the] department informing commercial fishermen of changes to the commercial fishing quotas for the upcoming fishing season. Should commercial fishermen wish to initiate the consultation process, they would be required to submit a request for consultation following the notice. Department officials would then need to consult with the affected stakeholders.

That's quite a statement, but there's nothing in the bill to suggest that that's what occurs. I'm just wondering if anyone knows – and maybe no one does know – where that statement would have come from.

**Ms Calahasen:** What you have before you is actually our own research before a bill comes forward, remember?

**Mr. Casey:** Yes, I know. But this piece that I just read you is just simply not consistent with what's in front of us unless there's a whole bit of this that's missing.

6:55

**Ms Calahasen:** Maybe it is, but basically what we're trying to look for on the consultation side is just to figure out what we need to do. Remember that in a bill like this . . .

**The Chair:** I think we're getting off track, folks. I think we are getting off track here.

**Ms Calahasen:** Yeah. You don't get the information fully in here in terms of what the bill's intentions are.

**The Chair:** Off track is not the right word, Mr. Casey. I think it's on the record. I think we need to progress the question of what we do.

You have a two-second question.

**Mr. Anglin:** It's for you and our legal. If this bill comes back and gets submitted back, does it come back as a government bill, a private member's bill, or one or the other?

**Ms Dean:** Assuming it doesn't go through the same process that Mr. Webber's bill just went through, it would come back as a private member's bill. It has not yet commenced second reading, so it would have two hours at second reading, two hours at committee, and one hour at third reading.

**Mr. Anglin:** Thank you.

**The Chair:** All right. I apologize to those of you who have more questions. I feel like we need to move on, and if you are really offended by me doing that, send me a note or scream at me. It's okay.

Dr. Massolin, can you go through what is possible for us to do here going forward within this committee framework in terms of research or bringing stakeholders forward?

These are for us to evaluate. I'm not suggesting for a minute that this is what we're going to do. That's your decision, okay?

**Dr. Massolin:** Yeah. I won't take up much time, Madam Chair, but I just wanted to point out to the committee that as with the hydroelectric review that this committee conducted prior, research services is here to support this committee in its research requirements, and we're here to do that again.

I would say that one of the things that the committee may wish to look at is to invite stakeholders, and we can certainly assist in identifying those stakeholders. Another thing that the committee may wish to consider is something of a cross-jurisdictional comparison although that might be a little bit more limited in terms of seeing what commercial fisheries in other provinces, the western provinces specifically – I think specifically of Manitoba and Saskatchewan but potentially Ontario and others – do in terms of policy, in terms of legislation. We could prepare something like that and for any other requests, of course, the committee would have.

Thank you.

**The Chair:** I open it up to everyone. We've got another 15 minutes here, so we probably have 10 minutes to thrash around what we would like to do going forward.

Mr. Casey, your comment about clarity on what we're trying to achieve here might be something we need to talk about.

But my question to you is: whom would you like to hear from? How much time do you think we should be spending on this? What's the process going forward? It is ours to decide. The maximum amount of time we have is six months, which I am sure we don't need.

Yes?

**Ms Fenske:** Thank you, Madam Chair. I would certainly like to hear from a commercial fisherman. I'm not a fisherman, so I'd like to hear from at least someone or maybe one of the zone presidents to see if they perceive there to be an issue. I would hope that it would be less time rather than more time. I don't think that we need meeting after meeting. We could probably set aside some time for a consultation and then get back to the business of making some decisions.

**The Chair:** All right.

**Ms Kubinec:** I agree with that. I'd like to hear from some affected stakeholders, but I'd also like to see what other provinces do, how they handle it and have that information to put into a decision. Again, a shorter rather than longer time frame. We might be able to do it in a couple of hours in a meeting. If you had stakeholders

in and then if there was research done on how other provinces handled it, we might be able to do it in one meeting.

**The Chair:** You're suggesting, Ms Kubinec, that we would have some research done on a defined number of provinces that are relevant and that that be shared in writing rather than have presentations?

**Ms Kubinec:** Yes. Right.

**The Chair:** Okay. Anybody else?

**Ms L. Johnson:** I see in our briefing material that the department has commissioned an independent third-party review. Are we expecting that report sooner rather than later?

**Mr. Ripley:** That report is complete and has been accepted by our department. It could be made available.

**Ms L. Johnson:** Is it a public document yet?

**Ms Flint:** It has been shared with some of the commercial fishermen, so we can certainly make it available.

**Ms L. Johnson:** That may be helpful to our discussion as well.

**The Chair:** I would have thought you would have shared it today, I guess. Is that something you can speak to here? Wait. I better ask the permission of the committee. I don't think you should give me a gavel.

Did you want to ask your question or make your comment before we do that?

**Mr. Anglin:** Yeah. All I wanted was the current criteria that you use for consultation, if you could provide the committee with that, particularly the details surrounding that. You did talk about time frames also. What are those time frames that you're currently utilizing and adhering to? That information would be valuable to me and, I think, to this committee.

**The Chair:** That's something we could get in writing.

Do you want to speak first, Ms Calahasen?

**Ms Calahasen:** Well, actually, you know, the commercial fishermen are commercial industry people. They do sell to a group called FFMC, Freshwater Fish Marketing Corporation, so I would like to hear from them in terms of what the impact has been as a result of some of the decisions we've made.

**The Chair:** We'll add them to the list.

Okay. Mr. Allen, and then we'll hear from ESRD on the research that's been done.

**Mr. Allen:** Thank you, Madam Chair. We've spent 45 minutes talking about consultation, and I think it would be incumbent upon this committee to actually engage in some consultation in order to determine our next step. I would support that.

I'm not sure we want to actually go out and invite a whole bunch of people to come and present to the committee. Rather, if we had some type of request for information from all affected stakeholders. I'm talking about the commercial fishermen, the anglers. I wasn't mentioning your family there, Joe.

**Mr. Anglin:** I'm a fly fisherman.

**Mr. Allen:** Yeah. And any affected in the recreational as well. If we could just find out what their perspective is on where they feel there may be deficiencies in our consultation process in regard to this act.

**The Chair:** So you're suggesting an invitation to provide a written submission to us?

**Mr. Allen:** I think that may be sufficient rather than getting into scheduling meetings. If people aren't available for a specific date, we get back into that process of, "Well, you didn't ask me" or "That wasn't convenient for me" – perhaps our own consultation process is flawed there – whereas if we just ask for some written submissions as to where they feel there may be some improvements or some deficiencies, that may be helpful in the committee's deliberations here.

**The Chair:** Okay. I'll turn it over now to Ms Flint and Mr. Ripley to talk on the research that you've just conducted.

**Mr. Ripley:** Thank you. We did an independent third-party review of our commercial fisheries management in Alberta. The third-party reviewer was Dr. Peter Colby out of Ontario. He was jointly selected by the zone E commercial fishermen as well as by our department. Dr. Colby requested a series of information that came from the commercial fishermen and some information that came from our department based on the historical management of our fisheries. All of that information was compiled into a report which he reported back to the department on and which we've shared with the commercial fishermen.

The executive short summary of that report is that due to the intense pressure on our lakes he was requesting that the commercial fishermen in Alberta find an alternative, unique way to catch their target species, lake whitefish, while maintaining survival of the other species like walleye or northern pike. One of the selected methods was alternative gear such as a trap net. A trap net, while difficult to fish, allows for the commercial fisherman to release fish that he's not targeting and that the anglers would like and to keep the fish that he is targeting for marketing through the Freshwater Fish Marketing Corporation. I can certainly make that report available, for sure.

**The Chair:** Any comments, feedback? Okay.

Do people feel comfortable that we're on the right track here in that kind of direction?

**Mr. Casey:** I haven't heard that there's any question about whether we should be consulting on this. The question is: really, what does that consultation mean? I think several people said in different ways that it's unclear. Any time I see "appropriate" in a bill, what's appropriate to me is going to be different for everyone in this room. To me, it's a matter of getting some, I would say, legal help and help through the department to understand, number one, what their current policies are – what is the current policy driving consultation right now? – and trying to draft a definition of consultation in this context. Right now this, to me, is an open door. It just is completely unclear as to what consultation really is going to encompass here.

7:05

**The Chair:** Is that something the department could include in the information that you provide us in writing, then?

**Ms Flint:** We certainly can provide detail and criteria on the consultation process that we currently have in place.

**The Chair:** Anything else that folks here would like to see? It looks like we're going to have a big ask for some written submissions and solicitation to third parties to offer up. Personally, I'm a little bit uncomfortable about asking – this feels like a commercial fishermen issue, not angling. I'm just wondering if we want to go that wide with our reach out. That feels wide to me. Maybe we'll limit that.

Is it okay, then, Dr. Massolin, if you create a list of what we would be seeking and then if you will share it with the group? Maybe we should get a motion on the record. If somebody else has another idea in the next few days, please provide it to Dr. Massolin. If you would prepare a plan and then, with your indulgence or with your preapproval, provide it to myself, I'll consult with you and the other two caucuses, that aren't represented here, and get sign-off. Then we can proceed forthwith and assume that we can get this wrapped up by the end of June at the latest. Does that make sense to people?

**Ms Calahasen:** Sure. I'm okay with that.

**The Chair:** Okay. But we do need a motion, don't we? What I would suggest is if I can get a draft motion – I've got about five motions sitting here – that

a draft stakeholders list be compiled by committee research services based on suggestions from committee members of the Standing Committee on Resource Stewardship and that the committee delegate final approval of the stakeholders list to the chair in consultation with the working group.

Okay. All in favour? Mr. Lemke, are you there?

**Mr. Lemke:** Agreed.

**The Chair:** All right. Thank you. It's carried.

Thank you very much to the folks from ESRD. Thank you.

We have another few minutes before we all rush back, and I just wanted to put on the table the concept that we're going to be doing other work. It's very, very clear from the standing orders – it's Standing Order 52.04 – that this is our priority right now. When we're referred a bill, that's what we have to focus on, so this is our absolute priority. I'm not suggesting we supplant that priority, but I would like to just let you know that I'm sure all caucuses are thinking of ideas and that what I'm going to suggest is that a working group meeting be held fairly soon to start to progress some of those ideas and then come back to you as a full committee and make recommendations. I'm just sharing that with you. It's probably fairly obvious, anyway.

Nobody wants to do this work in August – right? – and I suspect July might even be pulling a few teeth, so we'll kind of make sure we focus on June, getting this progressed, and then hopefully we can get something started so we can start really strong in September.

Our secretary has also suggested that we need a motion about the crossjurisdictional research, so here is another motion. We need a motion that the committee research services compile a Canadian crossjurisdictional analysis with respect to fishing quota practices. I think we should define that as not all of Canada.

**Dr. Massolin:** Yeah. If we could just say select or relevant Canadian, whatever.

**The Chair:** Mr. Casey, would you like to move that?

**Mr. Casey:** Well, I guess my question on that is: are we really going to get into the setting of the quota and the setting of the practices, or are we talking about the consultation processes that

are involved? I don't want 600 pages on why Saskatchewan gets 5,000 whitefish a year.

**The Chair:** Could we limit the scope of the review to simply the consultation process with commercial fishermen?

**Mr. Casey:** That would make me feel a lot better.

**Mr. Allen:** Information relative to the amendment that is being proposed.

**The Chair:** Yeah. Okay. Can we wordsmith that?

**Ms Kubinec:** I will.

**The Chair:** So you move that

the committee research services compile a relevant Canadian crossjurisdictional analysis with respect to consultation and processes involved in commercial fishing quota practices.

Don't ask me to repeat that. I'm thankful for *Hansard*.

All in favour? Anybody opposed? Okay. So moved.

All right. The date of our next meeting. The committee clerk will contact you concerning the date of our next meeting. It looks like we've got probably some information to receive before that.

If there are no other issues, I would move that the meeting be adjourned. All in favour? Carried. Thanks.

[The committee adjourned at 7:11 p.m.]





