

THE LOBSTER FISHERY: STAYING ON COURSE



Report of the Standing
Senate Committee on
Fisheries and Oceans

May 2013

The Honourable Fabian Manning, Chair
The Honourable Elizabeth Hubley, Deputy Chair

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MEMBERS

THE STANDING SENATE COMMITTEE ON FISHERIES AND OCEANS

Current members of the Committee:

The Honourable Fabian Manning, Chair
The Honourable Elizabeth Hubley, Deputy Chair

and

The Honourable Senators:

Lynn Beyak
James S. Cowan
Mac Harb
Sandra Lovelace Nicholas
Thomas Johnson McInnis
Rose-May Poirier
Nancy Greene Raine
Carolyn Stewart Olsen
Charlie Watt
David Wells

Ex officio members of the Committee:

The Honourable Senators James S. Cowan (or Claudette Tardif) and
Marjory LeBreton, P.C. (or Claude Carignan).

Other Senators who have participated from time to time to this study:

The Honourable Senators Chaput, Cochrane, Cordy, Enverga, MacDonald, Martin,
Oliver, Patterson, Poy and Unger.

STAFF MEMBERS

*Analyst from the Parliamentary Information and Research Service
of the Library of Parliament:*

Odette Madore

Committee Clerk:

Danielle Labonté

ORDER OF REFERENCE

Extract from the Journals of the Senate, Thursday, March 8, 2012:

The Honourable Senator Manning moved, seconded by the Honourable Senator Martin:

That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and report on the lobster fishery in Atlantic Canada and Quebec;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the Second Session of the Fortieth Parliament be referred to the committee; and

That the committee report from time to time to the Senate but no later than March 31, 2013, and that the committee retain all powers necessary to publicize its findings until June 30, 2013.

The question being put on the motion, it was adopted.

Extract from the Journals of the Senate, Monday, March 25, 2013:

The Honourable Senator Manning moved, seconded by the Honourable Senator Meredith:

That, notwithstanding the order of the Senate adopted on March 8, 2012, the date for the final report of the Standing Senate Committee on Fisheries and Oceans in relation to its study on the lobster fishery in Atlantic Canada and Quebec be extended from March 31, 2013 to May 31, 2013.

The question being put on the motion, it was adopted.

Gary W. O'Brien

Clerk of the Senate

EXECUTIVE SUMMARY

Lobster is the most lucrative fishery in the Atlantic Provinces and Quebec, with landings valued at some \$620 million and exports generating over \$1 billion. Since 2008, this fishery has been facing economic and structural challenges on a scale never seen in the past. With support from federal and provincial governments and the collective commitment of all industry participants, the lobster fishery has embarked on a number of initiatives to ensure its viability. The Committee believes that these initiatives are going in the right direction, but these efforts must be sustained. The lobster fishery must stay on course and continue to make needed changes to ensure stability and sustainability in the future. This is the overarching objective of the Committee's recommendations.

The Committee's first recommendation relates to the Atlantic Lobster Sustainability Measures (ALSM) program. By the end of the program in March 2014, some 600 licences will have been retired and over 200,000 traps will have been removed from the water. Several witnesses stressed that the process of rationalization of the lobster fishery must continue to reduce over-capacity where appropriate, limit fishing effort and ensure a decent income for harvesters who remain in the fishery. Accordingly, the Committee calls on the Department of Fisheries and Oceans Canada (DFO), in collaboration with the fisheries departments of the Atlantic Provinces and Quebec, to consider a program similar to the ALSM.

The second recommendation addresses the issue of service delivery changes implemented by DFO and which became effective in April 2013. One change requires that harvesters now obtain their fishing licences online instead of at DFO regional offices. Another change is that harvesters are now responsible for obtaining and paying for their gear tags. Harvesters argued that insufficient time was given to allow them to develop workable alternatives to these programs. They also contended that this has exerted extra pressure and added cost at a time of much uncertainty for the fishery. To address these concerns, the Committee recommends that DFO and other participants in the lobster industry assist harvesters in increasing their familiarity with the new licensing system and the purchasing of gear tags.

The Committee's third recommendation pertains to the Lobster Council of Canada. The Council was established in 2009 with support from federal and provincial governments. Over the years, the Council has been recognized as the organization that represents all segments of the lobster industry, and that is best suited to develop a coordinated marketing strategy for domestic and international markets. Work is underway by the Council to secure funding from the industry but, given the economic context, not all industry participants can make a contribution. Representatives from provincial fisheries departments told the Committee that they will continue to support the Council, but stressed that federal government funding was set until March 2013. Accordingly, the Committee recommends

that DFO, in collaboration with the fisheries departments of the Atlantic Provinces and Quebec, undertake to support the work of the Council as it transitions from a public-private entity to a fully private organization.

The fourth recommendation addresses issues subject to debate in Lobster Fishing Area (LFA) 25. The area is shared between New Brunswick, Prince Edward Island and Nova Scotia. The minimum legal carapace size is currently set at 72 mm. At this size in this region, the lobster is fully mature. Prince Edward Island has developed niche markets for this small lobster and it wants to continue to supply these markets. Witnesses from New Brunswick would like to see the minimum legal carapace size increase to 76 mm in response to new preferences from their processors for a larger lobster. There was also disagreement between witnesses from the three provinces which share LFA 25 with respect to the fishing season, which runs from 9 August through 10 October. Some would like to adopt an earlier start date in order to harvest the hard-shell lobster. Others prefer to keep the current start date as landings are high at that time and their plants are ready to process the catch; however they would like to see the fishing season extended due to the frequency of storms in the latter part of the fishing season. Still, others explained that they had expressed interest in the possibility of closing part of the season when there is less fishing. The Committee was pleased to hear that a working group was set up to examine these issues. The recommendation calls on DFO to continue to work with LFA 25 participants to find a solution for the carapace size and the fishing season.

In the fifth recommendation, the Committee calls on DFO and the fisheries departments of the Atlantic Provinces and Quebec to consider a program similar to the Atlantic Integrated Commercial Fisheries Initiative which will expire in March 2014. This initiative has been successful in supporting First Nations communities involved in the lobster fishery. The Committee believes that continued support is needed to enhance the skills and abilities of First Nations communities in the lobster fishery.

The Committee's last recommendation is intended to advance research on lobster biomass. There is an increasing need for science to better understand the lobster resource and its environment, to improve conservation and management, and to contribute to the sustainability of the fishery. The recommendation calls on DFO, the fisheries departments of the Atlantic Provinces and Quebec, the lobster industry and research institutes to undertake to develop a research program on lobster biomass and the factors by which it is affected (i.e. predation, weather, fishing effort, disease, etc.).

RECOMMENDATIONS

Recommendation 1

That Fisheries and Oceans Canada, in collaboration with the fisheries departments of the Atlantic Provinces and Quebec, consider a program similar to the concluding successful Atlantic Lobster Sustainability Measures program in developing and implementing an industry-led, LFA-wide sustainability plan for the Canadian lobster fishery.

Recommendation 2

That Fisheries and Oceans Canada work with the lobster industry to acquaint harvesters and participants with the changes to the Department's service and support delivery programs slated to begin 1 April 2013.

Recommendation 3

That Fisheries and Oceans Canada, in collaboration with the fisheries departments of the Atlantic Provinces and Quebec, undertake to support the work of the Lobster Council of Canada as it transitions from a public-private entity to a fully private organization, while assuring that the Council has the appropriate framework necessary to carry forward a successful marketing and industry supportive mandate.

Recommendation 4

That Fisheries and Oceans Canada work with LFA 25 industry participants to find a solution based on science or other evidence for the minimum carapace size and the fishing season in the fishing area.

Recommendation 5

That Fisheries and Oceans Canada, in collaboration with the fisheries departments of the Atlantic Provinces and Quebec, consider a program similar to the concluding Atlantic Integrated Commercial Fisheries Initiative in supporting First Nations communities involved in the lobster fishery.

Recommendation 6

That Fisheries and Oceans Canada, in collaboration with the fisheries departments of the Atlantic Provinces and Quebec, the lobster industry and research institutes undertake to develop a research program on lobster biomass and the factors that can affect biomass (i.e. predation, weather, fishing effort, disease, etc.).

INTRODUCTION

Lobster has been an important fishery in Canada for more than a century. Following the collapse of the groundfish fisheries in the early 1990s, the lobster fishery has become the single most important source of income for thousands of harvesters, and it remains one of the economic pillars for many coastal communities in the Atlantic Provinces and Quebec. Today, lobster is Canada's most lucrative fishery, with landings valued at \$620 million in 2011.

The fishery is the first segment of the broader lobster industry or "lobster value chain" which also involves buyers/shippers, brokers/distributors, processors, food service and retail. Each segment of the industry incurs cost and adds value to lobster and lobster products that are sold both in Canada and abroad. Alone, the exports of lobster and lobster products generated over \$1 billion in 2012.

Since 2008, however, the lobster fishery has been facing challenges on a scale never seen in the past. The global economic downturn, combined with a strong Canadian dollar, has resulted in a decline in the demand for lobster products and has led to depressed landing prices. Many harvesters have responded to declining shore prices and higher operational costs by intensifying their landings of lobster in order to maintain their revenues, thereby saturating the market. These economic problems have unmasked structural problems inherent to the fishery and have highlighted the need for restructuring and rationalization. In response, the federal government has put in place several programs to support harvesters severely harmed by the collapse in market demand for their products due to the global recession, and to address longer term challenges in the fishery and the industry. Given current economic conditions, however, there is fear that the lobster fishery will likely continue to struggle in the near future.

In this context, the Standing Senate Committee on Fisheries and Oceans (the Committee) agreed to undertake a study on the lobster fishery in Atlantic Canada and Quebec, and an

We are truly facing a perfect storm in the lobster industry, with our strong dollar, our increasing volumes of landed product, the warming of the oceans and the continuing global recession that has kept demand for our products weak, at pre-recession levels. It is a challenge.

*Geoff Irvine, Executive Director,
Lobster Council of Canada ([11:8](#))**

* Senate, Standing Committee on Fisheries and Oceans, [Minutes of Proceedings](#), 1st Session, 41st Parliament, Issue No. 11, 6 November 2012, p. 8. In this report, the testimony received by witnesses printed in the Committee proceedings is referred to only by issue number and page number.

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order of reference to study the matter was received from the Senate on 8 March 2012.¹ A total of eight public hearings took place in Ottawa and two full days of hearings were held in Moncton. The Committee heard from 50 witnesses, representing officials from federal government and provincial fisheries departments (including three provincial ministers), harvesters (including First Nations representatives), buyers and processors, as well as researchers.

Throughout its hearings, the Committee heard about the challenges and the opportunities facing the lobster fishery in Canada. We learned about issues common to all regions and lobster fishing areas, as well as matters specific to some regions and areas. The Committee heard repeatedly that the lobster fishery is too important to rural and coastal communities and to the overall economy of the Atlantic Provinces and Quebec to go forward without a clear vision, long term solutions, and adequate support. With support from federal and provincial governments, the entire lobster industry has embarked on a set of initiatives to ensure its viability. The Committee believes that these initiatives are going in the right direction, but these efforts need to be sustained. The lobster fishery and the whole lobster value chain must stay on course and continue to make needed changes to ensure stability and sustainability in the future. This is the overarching objective of the recommendations contained in this report.

¹ Senate of Canada, [Journals of the Senate](#), 1st Session, 41st Parliament, 8 March 2012, p. 950.

THE LOBSTER SECTOR

A. Biology

There are several species of lobsters throughout the world. However, *Homarus americanus*, commonly known as American lobster, occurs only along the Canadian and American coasts, from the Strait of Belle Isle between Labrador and Newfoundland to Cape Hatteras in North Carolina (see Figure 1). In Canada, American lobster can be found in the four Atlantic Provinces – New Brunswick, Nova Scotia, Prince Edward Island

You have to understand that Homarus americanus is a species. There are no American or Canadian lobsters. They have no passports. It is a species, and the lobster industry, Canadian and American, is integrated.

Gilles LeBlanc, Senior Processing Development Officer, Business Development Branch, Department of Agriculture, Aquaculture and Fisheries, New Brunswick ([12:22](#))

and Newfoundland and Labrador – and Quebec. It is more abundant in the southern part of the Gulf of St. Lawrence and close to Nova Scotia. In the United States, it is found primarily in the Gulf of Maine.²

Adult American lobsters prefer rocky habitat where they can hide from predators. They tend to stay close to the coast at depths less than 40 meters, although some are also found offshore at depths to 450 meters. In the spring, they move towards shallow waters to take advantage of the warmer water – to shed their shell (“moult”), reproduce and hatch eggs – and then migrate to deep waters in the winter to escape the turbulence. Exchanges

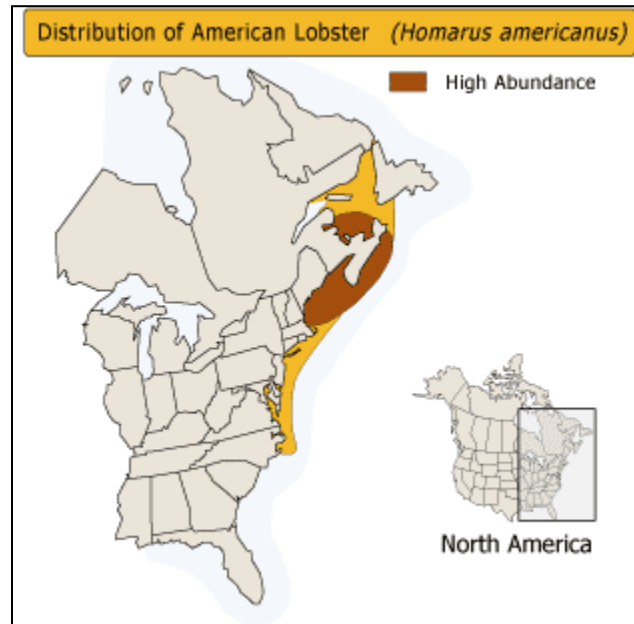
between large geographical areas due to adult migrations are also possible.³ In comparison, young lobsters stay generally close to the coast at depths of less than 10 meters. They do not migrate to open water in winter; they remain hidden in their shelter during this season.⁴

The life cycle of the American lobster begins with the planktonic phase, following the hatching of the eggs (see Figure 2). During this phase, the larva is free-swimming on the ocean surface for one to two months, depending on environmental conditions, such as water temperature, currents and predation. There, it will moult three times before entering the next step of life – the benthic stage. At that stage, it resembles a miniature lobster (carapace length measuring less than 13 mm) and begins to search for shelter in

² Fisheries and Oceans Canada, [Underwater World, North American Lobster, Northwest Atlantic](#) [accessed 7 January 2013].

³ Siddika Mithani, Assistant Deputy Minister, Ecosystems and Oceans Science, DFO ([8:41](#)).

⁴ St. Lawrence Global Observatory, [American Lobster](#) [accessed 9 January 2013].

Figure 1 – Distribution of American Lobster

Source: St. Lawrence Global Observatory, [American Lobster](#) [accessed 7 January 2013].

a suitable habitat on the ocean bottom. During the benthic phase, the newly settled lobster progresses through several juvenile stages before reaching adulthood, which occurs after five to eight years depending on the region. During the first few years of benthic life, natural mortality is high due to predation. In comparison, large adult lobsters are less susceptible to predation and, if not caught in the fishery, they can live 50 years or more.⁵

Mating occurs during the summer when the female has moulted and her carapace is still soft. The female lobster carries the eggs inside for about a year and then for another nine to 12 months externally under her tail (“berried female”). The number of eggs produced increases exponentially with size and multiple spawners produce eggs of higher quality than first-time spawners. Up to 50% of the eggs may be lost during the incubation period. These losses can be caused by disease, parasites, predation, or by harvesters repeatedly catching, handling, and then releasing egg-bearing females.⁶

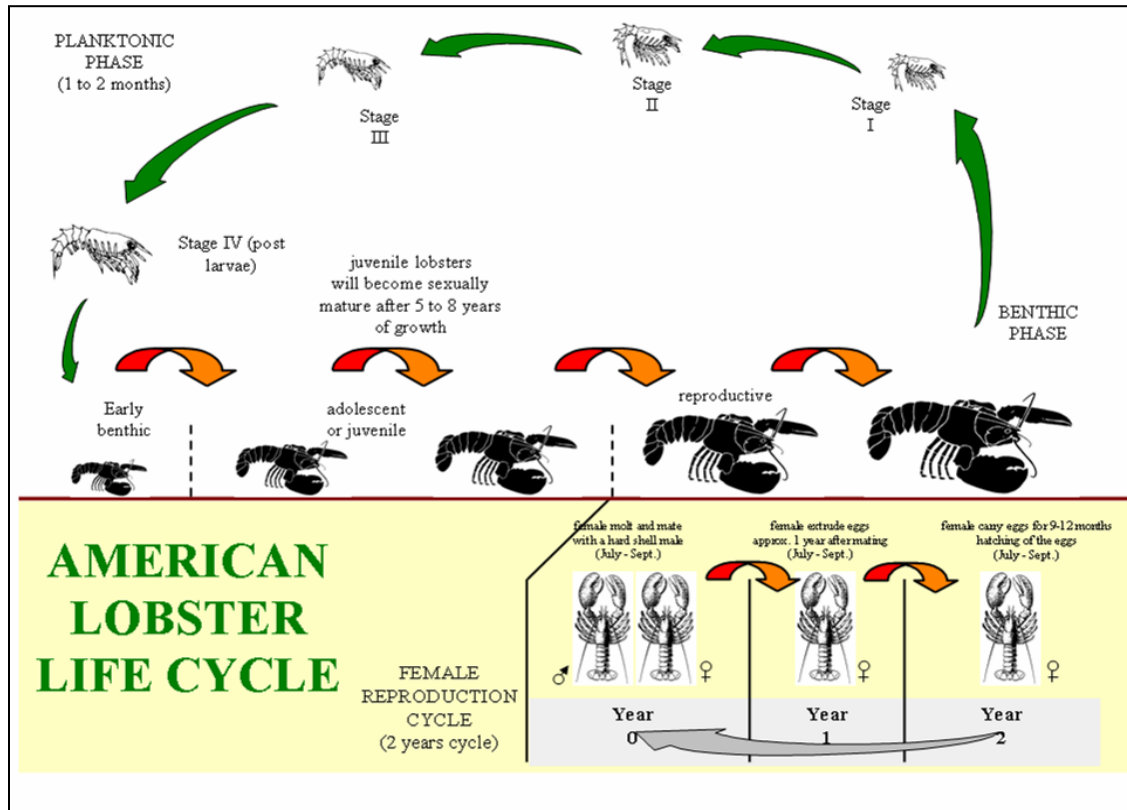
To grow, lobsters must shed their shell, a process that typically occurs in the summer. In the beginning, the new carapace is very soft. The lobster fills itself with water to make the hardening shell larger. After about a month, the new shell is as hard as the old one

⁵ Siddika Mithani, Assistant Deputy Minister, Ecosystems and Oceans Science, DFO ([8:40–42](#)).

⁶ St. Lawrence Global Observatory, *op. cit.*

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Figure 2 – American Lobster Life Cycle

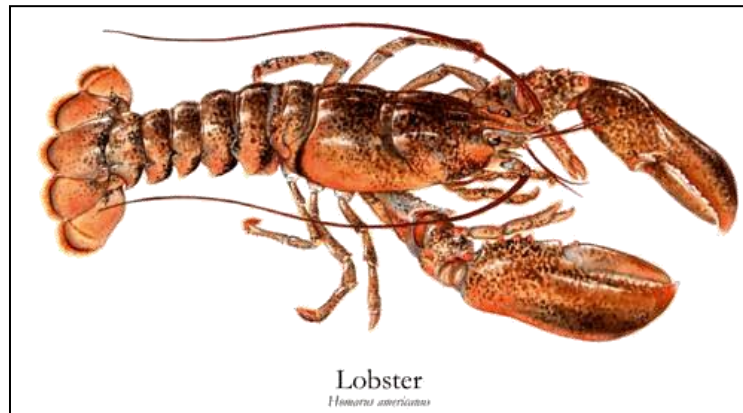


Source: Fisheries and Oceans Canada, *Canadian Lobster Fishery*, Brief presented to the Committee, 8 May 2012, p. 5.

was. As noted above, very young lobsters moult 3 to 4 times a year. Older lobsters moult less often. Once females begin reproducing, they moult only about once every two to three years.⁷ It is estimated that with each moult the lobster will increase about 15% in length and 40% in weight. The Committee was told that male lobsters mature at a smaller size than do females and that growth/moult is greatly influenced by temperature. Lobsters moult more often, grow more rapidly and reach sexual maturity sooner in warmer waters. The Committee also learned that, in the fishery, the legal size of the lobster is determined by the length of its carapace, from behind the eyes to the beginning of the tail.

The American lobster has a long body and five sets of legs, including two front claws, one of which is large, flat and heavy while the other is smaller and thinner (see Figure 3). As noted above, there are several species of lobsters throughout the world. Some greatly resemble American lobsters, in that they have claws. This is the case of the European lobster, which can be found in the waters of the North-Eastern Atlantic, from

⁷ Fisheries and Oceans Canada, [Underwater World – North American Lobster – Northwest Atlantic](#) [accessed 7 January 2013].

Figure 3 – *Homarus americanus*

Source: Fisheries and Oceans Canada, *Canadian Lobster Fishery*, Brief presented to the Committee, 8 May 2012, p. 1.

Norway to Morocco, as well as in the North Sea, the western and central part of the Mediterranean, and the western part of the Black Sea. Other lobsters have no claws, including the Rock lobster (scattered around the world and in particular in Australia and New Zealand) and the Slipper lobster (in the Mediterranean and the eastern Atlantic).⁸

B. Fishery

Canada is the world's leading harvester of all lobster species, accounting for 23% of total landings in 2010 (see Figure 4). Canada is also the largest harvester of American lobster. American lobster (Canada and the United States combined) is the primary lobster species by volume on the global market with 43% of the total supply in 2010.

Fisheries and Oceans Canada (DFO) is the main regulator of the lobster fishery in Canada. It manages 41 distinct Lobster Fishing Areas (LFAs) throughout the Atlantic Provinces and Quebec (see Figure 5): 39 inshore with small-boat harvesters (under 45 feet in length), one offshore with one company (Clearwater) and eight larger vessels (LFA 41), and one closed

The responsibility of the Department of Fisheries and Oceans is focused on the proper management of the fishery and securing its conservation and sustainability. It does not have a mandate in terms of markets, market promotion, market development, product development or anything of that sort. That is a role that is generally taken on by the provinces to assist the industry.

David Balfour, Senior Assistant Deputy Minister, Ecosystems and Fisheries Management, DFO ([8:50](#))

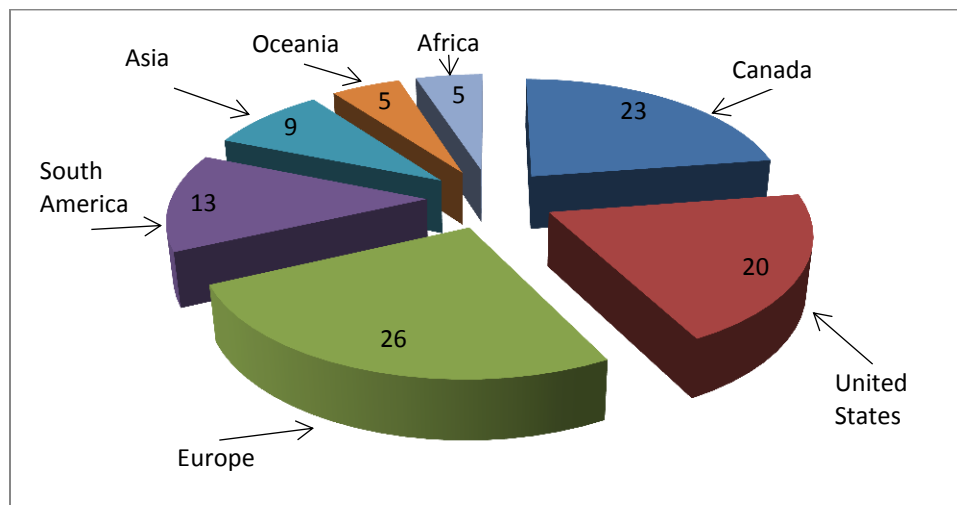
⁸ St. Lawrence Global Observatory, *op. cit.*

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for conservation (LFA 40). Some of the inshore LFAs have been subdivided as the result of requests from harvesting groups. Wooden or wire traps that are baited with herring, mackerel or crab are deployed individually or in multi-trap trawls.

Both inshore and offshore fisheries are closely regulated. A limited number of licences are issued by the Department for each LFA; each licence has a defined fishing season and trap allocation (see Appendix A). Lobster licence fees are stipulated in the *Atlantic Fishery Regulations, 1985*. They vary from area to area, and range from \$30 to \$2,830 annually. The licence fee for the offshore LFA 41 is \$280,000.⁹

Figure 4 – Percentage of Lobster Landings Worldwide, 2010



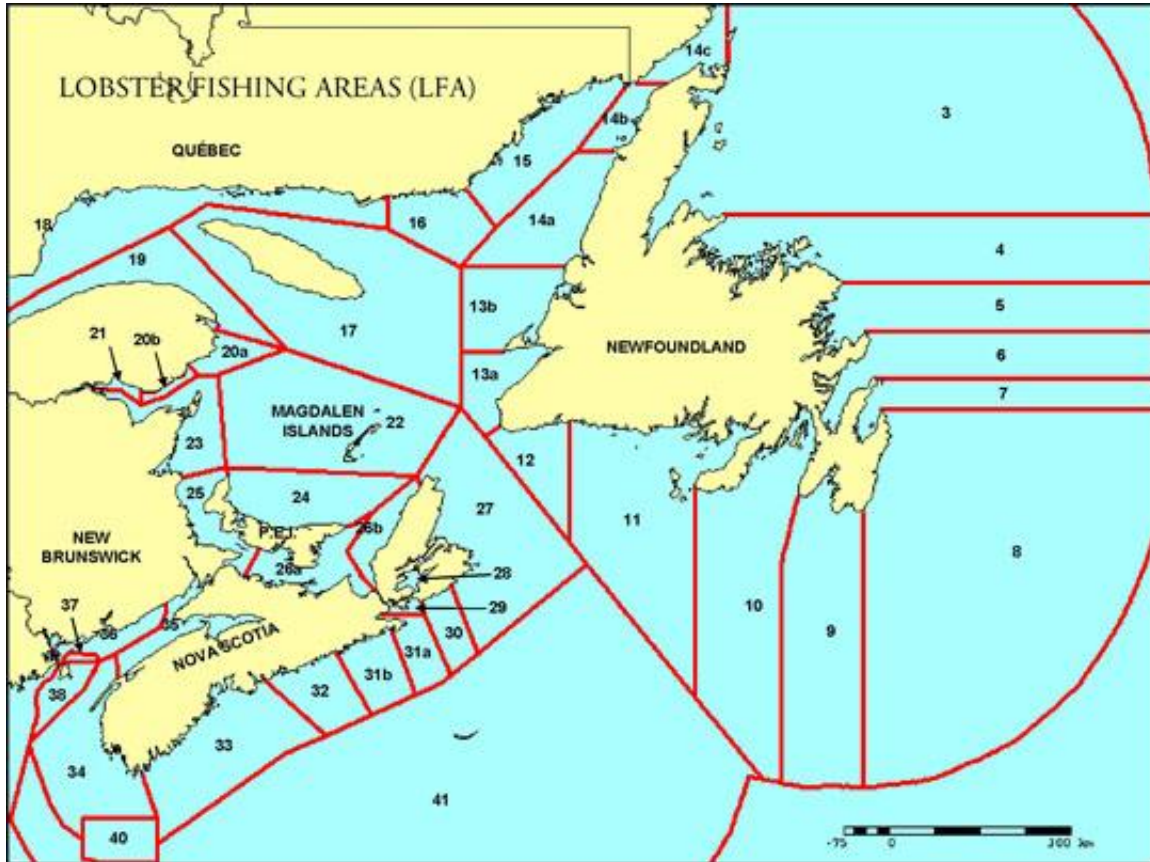
Source: Library of Parliament; data from the Food and Agriculture Organization of the United Nations, Fisheries Statistical Collections, [Global Capture Production – 1950–2010](#), [accessed 9 January 2013].

In addition to input controls, which are intended to limit fishing effort, the management of the inshore lobster fishery involves escapement measures which also vary by LFA (see Appendix A). These include legal minimum carapace size, prohibition against the landing of egg-bearing females, and voluntary v-notching of berried females (putting a notch in the tail to ensure that the lobster will not be harvested when the eggs have been hatched). There are no catch limits in the inshore lobster fishery. The offshore fishery has similar management measures as the inshore fishery, but is subject to an upper catch limit, known as the Total Allowable Catch (TAC). The annual TAC is 720 metric tonnes (up to 10% of uncaught quota from the previous year is permitted to be carried over into the new season).¹⁰

⁹ Fisheries and Oceans Canada, *Canadian Lobster Fishery*, Brief presented to the Committee, 8 May 2012, p. 11.

¹⁰ Fisheries and Oceans Canada, [Underwater World, North American Lobster, Northwest Atlantic](#) [accessed 23 January 2013].

Figure 5 – Lobster Fishing Areas in Canada



Source: Fisheries and Oceans Canada, *Canadian Lobster Fishery*, Brief presented to the Committee, 8 May 2012, p. 3.

In 2011, there were over 10,000 licensed lobster harvesters in Canada employing some 15,000 deckhands. The highest numbers of lobster harvesters were in Nova Scotia and Newfoundland and Labrador (see Table 1). Total landings from lobster harvesting came to 66,500 tonnes, and landed value amounted to \$620 million. Nova Scotia accounted for 59% of Canada's lobster landings, followed by New Brunswick (18%), Prince Edward Island (14%), Quebec (6%) and Newfoundland and Labrador (3%).

Witnesses told the Committee that the lobster fishery varies greatly from one province to another, as well as from one LFA to the next. In Newfoundland and Labrador, for example, the fishery is dispersed over a wide geographical area, resulting in higher costs for harvesting and transport to market. The province has 15 LFAs (3-12, 13a, 13b, 14a to 14c). LFA 11 is the largest, with the highest number of active licences, volume of landings and landed value. The province holds about 28% of all lobster licences in Canada, but a high proportion of them are inactive. The fishing season (spring to summer) varies slightly by

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area and averages 10 weeks. The minimum legal carapace size across the province is 82.5 mm. Most of the lobster goes to the live market.¹¹

Table 1 – Lobster Licences, Landings and Landed Value by Province, 2011

Province	DFO Region	Number of Licences ¹	Commercial Landings	
			Quantity (metric tonnes, live weight)	Value (\$ thousands)
Nova Scotia	Maritimes ²	2,895	36,348	344,824
	Gulf ³	671	2,902	28,828
New Brunswick	Maritimes	414	5,396	51,316
	Gulf	1,328	6,921	55,414
Prince Edward Island	Gulf	1,287	9,277	84,515
Quebec	Quebec	617	3,721	37,947
Newfoundland and Labrador	Newfoundland and Labrador	2,866	1,934	16,895
Total		10,078	66,500	619,739

- Notes:
1. For the year 2010.
 2. DFO's Maritimes Region includes regions of New Brunswick and Nova Scotia fronting on the Bay of Fundy and Atlantic Ocean.
 3. DFO's Gulf Region includes Prince Edward Island and regions of New Brunswick and Nova Scotia fronting on the Gulf of St. Lawrence.

Source: Library of Parliament; data from Fisheries and Oceans Canada, "[2010 Number of Licences Issued by Type by Province and Region](#)," 17 February 2012; "[2011 Atlantic Coast Commercial Landings, by Region](#)," 2 January 2013; and "[2011 Value of Atlantic Coast Commercial Landings, by Region](#)," 2 January 2013 [all documents accessed 21 January 2013].

In comparison, the New Brunswick lobster fishery covers a smaller area that encompasses 5 LFAs (23, 25, and 35 to 37); LFA 25 is shared with Prince Edward Island and Nova Scotia, while LFA 35 is shared with Nova Scotia. Each LFA has different fishing dates covering most seasons of the year. The minimum legal carapace size ranges from 72 mm in LFA 25 to 82.5 mm in LFAs 35 and 36. The province holds some 17% of all lobster licences. Canner lobsters (weighting between ½ and one pound) represent some

¹¹ Patrick McDonald, Acting Assistant Deputy Minister, Marketing and Development, Department of Fisheries and Aquaculture, Newfoundland and Labrador ([13:7-8](#)).

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20% of all landings in the province; 80% of the landings are market lobsters (a size category weighing one pound and up and usually destined for the live market).¹²

There are three LFAs in Prince Edward Island – 24, 25 and 26a – and two fishing seasons. As mentioned above, LFA 25 is shared with two other provinces, while LFA 26a is shared with Nova Scotia. Harvesters in the province hold some 13% of the lobster licences. The minimum legal carapace size in all the LFAs surrounding the province, which was 71 mm in 2012, was increased to 72 mm in 2013. On average, canner lobsters comprise 65% of the province’s lobster landings.¹³

Nova Scotia is surrounded by 15 LFAs, including 13 inshore, one offshore and one closed area. Three LFAs (25, 26a and 35) are shared with other provinces. The fishing season varies from one LFA to the next, but there is always at least one district open. The minimum legal carapace size ranges from 72 mm to 82.5 mm. The province holds 35% of all lobster licences. The lobster fishery is one of the largest single employers in the province.

Quebec has eight LFAs (15 to 22). The fishing seasons vary slightly from one area to the other and occur between April and August. The minimum legal carapace size ranges from 82 mm to 83 mm depending on the fishing area. The province holds only 6% of all lobster licences, but its landings are twice the volume caught in Newfoundland and Labrador.

For Canada as a whole, lobster landings in 2010 and 2011 were the highest on record. They peaked at 67,277 in 2010 and went down by 1% in 2011. In contrast, landed value increased by over 7% in 2011, compared to \$576 million in 2010 (see Figure 6). The global landed value for 2011 was equivalent to that of 2008.

The Committee learned that one recurring issue common to almost all LFAs in the Atlantic Provinces and Quebec is the rate at which lobster comes ashore once the fishing season opens. There is intensive fishing at this time of the season and landings are usually highest. This results in important landing gluts; buyers and processors cannot handle the high volume of lobster in a short time frame. As stated by Michael Gardner, President, Gardner Pinfold Consultants Inc.: “The harvest is about double what the market wants at

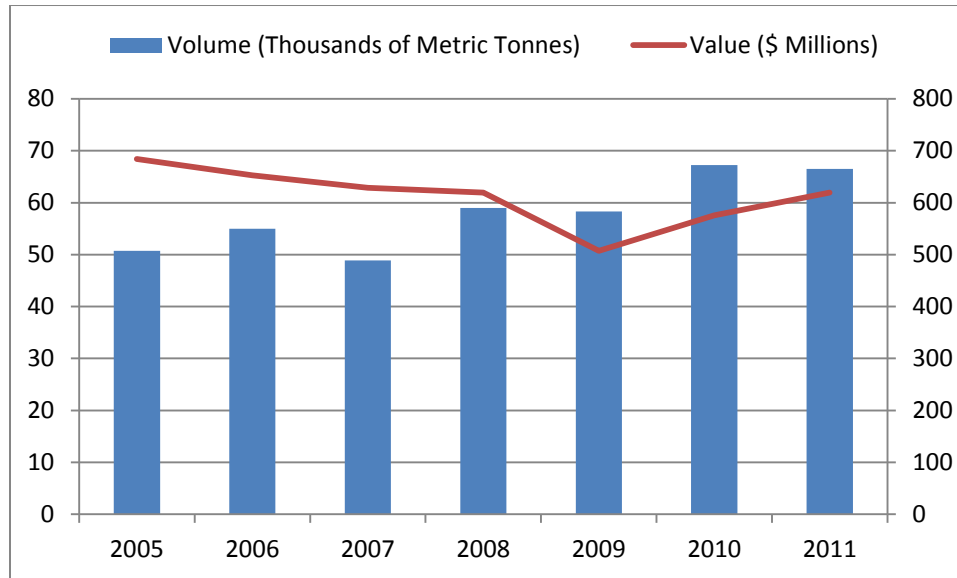
¹² The Hon. Michael Olscamp, Minister of Agriculture, Aquaculture and Fisheries, New Brunswick ([12:9-10](#)).

¹³ The Hon. Ron W. MacKinley, Minister of Fisheries, Aquaculture and Rural Development, Prince Edward Island ([12:31-32](#)).

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that time of the season.”¹⁴ He added: “Last year in particular, literally millions of pounds were destroyed because there was too much volume (...).”¹⁵

Figure 6 – Lobster Landings in Canada – Volume and Value



Source: Library of Parliament; data from Fisheries and Oceans Canada, “Landings,” [Commercial Fisheries](#), 2005–2011 [accessed 21 January 2013].

In response to gluts, the Prince Edward Island government assisted the industry in May 2009 by purchasing 40,000/50,000 pounds of lobster that were held in live holding tanks until landings declined and processors could buy them back and process them in an orderly manner. The Committee was told that this was a pilot project, not a permanent program.¹⁶ In the fall 2012, one of the co-ops on the Island told harvesters to bring only 800 pounds per day so that they have an orderly flow of product into the plant.¹⁷

In order to avoid gluts, the Committee was told that harvesters had two options: leave the lobsters in their traps or bring them in and store them temporarily in holding facilities. However, it was explained that leaving lobsters in their traps is not the perfect solution since lobsters are cannibalistic and will eat each other unless they are banded. Also, harvesters would have to re-feed the lobsters that stayed in the traps, adding

¹⁴ (11:50).

¹⁵ Ibid.

¹⁶ Richard Gallant, Deputy Minister, Department of Fisheries, Aquaculture and Rural Development, Prince Edward Island (12:49).

¹⁷ Richard Gallant (12:50).

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cost.¹⁸ According to Mr. Gardner, there are currently enough storage facilities in Canada, but “[t]he challenge is to get the lobster when it is in the trap out of the fisherman’s hands and into those holding facilities.”¹⁹

The Hon. Michael Olscamp, Minister of Agriculture, Aquaculture and Fisheries (New Brunswick) explained that landing gluts generate additional problems: “Landing gluts can lower the market price and significantly increase the working capital requirements to meet a few weeks of peak landings. Landing gluts also negatively influence the condition of lobster brought to market.”²⁰

Table 2 – Lobster Shore Prices (\$ per pound) for the Maritimes

Lobster Product	2005	2006	2007	2008	2009	2010	2011	2012
Canner	5.00	4.25	4.25	3.75	2.50	2.75	3.00	2.75
	–	–	–	–	–	–	–	–
Market	6.30	6.00	6.00	5.00	3.50	4.00	5.25	6.00
	3.50	4.00	3.50	3.00	3.00	3.00	3.25	2.75
	–	–	–	–	–	–	–	–
	9.00	7.50	10.00	8.00	8.00	5.10	5.50	4.75

Source: Library of Parliament; data from the Department of Fisheries, Aquaculture and Rural Development (Prince Edward Island), [Weekly Fish Price Reports](#), as of 29 December 2012.

Given the peaks and lows of the fishing seasons, shore prices for lobster vary within the year. The lowest and highest shore prices for the Maritimes for the years 2005 to 2012 are set out in Table 2. They are provided for both the canner and the market lobster. Trends suggest very modest price increases for cannery in recent years, but price decreases for market lobsters. The gap between the two prices has narrowed over the past few years. In 2012, harvesters received between \$2.75 and \$6.00 per pound for cannery, and between \$2.75 and \$4.75 per pound for markets. According to Mr. Gardner, current prices are as low as they were 20 years ago. In response to relatively lower shore price for lobster in recent years and relatively higher operating costs, harvesters have increased landings in order to maintain their revenues. High lobster landings and low demand for lobster products exacerbate the downward pressure on prices.

¹⁸ Ibid.

¹⁹ (11:55).

²⁰ (12:12).

C. Value Chain

As noted previously, the lobster fishery is the first component of what many witnesses referred to as the “lobster value chain,” which also involves buyers/shippers, brokers/distributors, processors, food service and retail. In contrast to the fishery, which is federally regulated, these other segments of the industry are subject to provincial legislation.

The lobster value chain involves two main segments – the live market and the processing sector. Lobster is sold live shortly after being landed or after a period in holding tanks or pounds. Lobster sold for processing is briefly stored in refrigeration units until it is processed (cooked and frozen whole or shelled, or shelled and canned). The quality of the landed lobster varies and somewhat dictates whether it will be marketed live or processed. In general, however, market lobster is destined for the live market, while the canner lobster is processed. The Committee learned that different business models exist for the lobster processing sector in the Atlantic Provinces and Quebec.

In Newfoundland and Labrador, some processing is done by a few plants, but most of the landed lobster is collected by different buyers and then shipped to other companies; a high proportion goes to the live market, while the rest is transported to New Brunswick and Nova Scotia for further processing.²¹

In Quebec, legislation exists requiring that lobster be processed in or close to the fishing area where it was caught. The legislation also requires that some processing takes place before the product can be sold outside the province. There are currently 19 plants processing lobster in the province. Two other plants are authorized to process lobster coming from outside the province. Almost 60% of lobster landings is processed in the province. About 56% of processed lobster is exported, primarily to the United States.²²

The industry has suffered considerably as a consequence of a number of factors – not just the economy or the global economy, but factors that are also a function of the way the industry is structured and how it operates.

*Michael Gardner, President,
Gardner Pinfold Consultants
Inc. (11:40)*

²¹ Patrick McDonald, Acting Assistant Deputy Minister, Marketing and Development, Department of Fisheries and Aquaculture, Newfoundland and Labrador (13:12).

²² Ministère de l’Agriculture, des pêcheries et de l’alimentation, *Monographie de l’industrie québécoise du homard d’Amérique*, 2012.

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Prince Edward Island has 48 companies holding buying licences for lobster, as well as 36 peddlers: 19 fishermen and 17 non-fishermen who go from place to place to sell fresh lobster. There are 19 processing plants eligible to process lobsters, of which nine were active in 2012. About 95% of the lobster landed in the province goes to processing plants. The processing industry is concentrated on whole cooked lobsters and popsicles (cooked, packaged in sealed bags and frozen). Two of the processing plants in Prince Edward Island also process lobster from Maine. For its part, the Acadian Fishermen's Co-op processes lobster from LFA 25 (fall fishery) and LFA 24 (spring fishery), as well as lobster from Nova Scotia, but not Maine lobster. The Committee was told that Prince Edward Island has a unique lobster product – the canner size lobster – for which it has developed a niche market. The smaller lobster from Prince Edward Island is popular on cruise ship lines, casino business and buffet business. Witnesses explained that the smaller weights produce a package that is easy to ship.²³

New Brunswick is one of the major processors of lobster in Canada, with 18 processing plants in which 3,000 people work. The province processes between 65 and 70 million pounds of lobster; of this, 21% comes from New Brunswick and 79% comes from outside the province. Maine imports represent 30–40 million pounds. New Brunswick also processes lobster landed in Prince Edward Island. With wide sourcing, the processing season extends from April to January and beyond. Minister Olscamp stressed: “It is important to note that if we were forced to rely only on locally landed lobster, or if for some reason Maine lobster was no longer available, the effect would be a substantial reduction in the number of processing plants in our province. Without the processing plants, current gluts would worsen as product currently channelled to processing plants would have to find markets on the already overtaxed live market.”²⁴

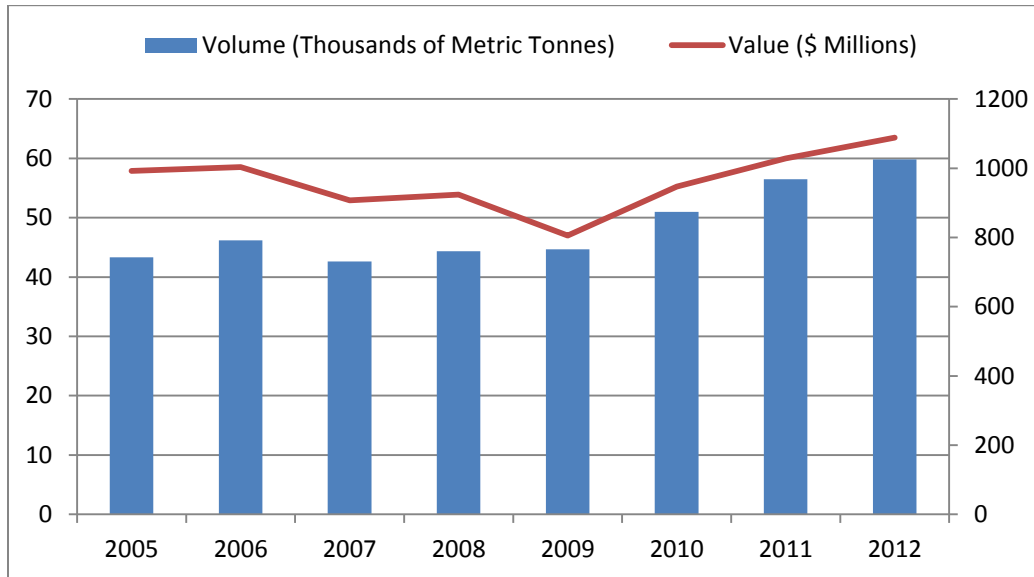
In 2012, Canada exported 59,807 tonnes of lobster products, for an estimated export value of over \$1 billion (see Figure 7). Between 2009 and 2012, the volume and value of lobster exports increased by 34% and 35% respectively.

About 80% of these exports (value) went to the United States. Another 9% went to the European Union, 10% to Asia and less than 1% to other countries. Witnesses told the Committee that Canada has increased its exports of lobster to China sharply in recent years (“virtually doubled”). They stressed that, while it is still a small fraction of the exports, there is huge potential for that market.

²³ Richard Gallant, Deputy Minister, Department of Fisheries, Aquaculture and Rural Development, Prince Edward Island ([12:35-38](#)).

²⁴ ([12:10](#)).

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Figure 7 – Canadian Lobster Exports – Volume and Value


Source: Library of Parliament; data from Fisheries and Oceans Canada, [Canadian Trade Exports by Species Group and Species](#), 2005–2012 [accessed 11 March 2013].

According to data provided by DFO, the vast majority of lobster is exported fresh/frozen; less than 1% of the lobster exported is in the form of canned products. In terms of overall prices, fresh/frozen lobster exports to the United States averaged \$19 per kilogram from 2010 to 2012, compared to \$15 and \$18 in Europe and Asia respectively during the same period.

It is estimated that about 40% of lobster landed in the United States is exported to Canada where it is processed and then shipped back to the United States. The Canadian processing industry relies heavily on lobster landings from Maine. Usually, the processing of Maine lobster occurs at a time when the Canadian fishery season has more or less finished. Accordingly, the United States is Canada's major competitor on the global market for American lobster and, at the same time, it is its most important trade partner.

Numerous witnesses told the Committee how important it was for the lobster industry to engage in market diversification. For example, Minister Olscamp stressed: "Increasing our sales into the Asian and the EU markets will lessen our reliance on the traditional US market and provide more protection against economic cycles in individual countries and against currency fluctuations."²⁵

²⁵ (12:13).

RECENT FEDERAL GOVERNMENT INITIATIVES

In recent years, the federal government has implemented several programs in support of the lobster industry (see Table 3). Some of these initiatives were established in collaboration with provincial governments. These programs and initiatives are discussed in more detail in the following sections.

A. Community Adjustment Fund – Lobster Initiative

Funding under the Community Adjustment Fund (CAF) – Lobster Initiative was provided through the Atlantic Canada Opportunities Agency (ACOA) and the Canada Economic Development Agency for Quebec Regions (CEDAQR). Between 2009 and 2011, CAF provided a total of some \$10 million to 38 projects throughout Atlantic Canada and Quebec. Investments were also made by provincial governments and other stakeholders, for a combined investment of approximately \$19 million. ACOA received \$8 million and funded 28 projects under CAF: five were Pan-Atlantic in scope, nine supported sustainability plans, six assisted in the marketing of lobster in Canada and abroad, six encouraged innovation in lobster facilities, and three fostered research and training. The other \$2 million were allocated to CEDAQR which funded 10 projects: three supported sustainability plans; two dealt with eco-certification; one assisted a traceability pilot project; and four supported the upgrading of infrastructure.

Wade AuCoin, Director General, Community Development (ACOA), told the Committee that projects under CAF had to be incremental, start quickly and be completed by 31 March 2011, and that the focus of the initiative was to create jobs and employment opportunities in communities affected by the global recession. He stressed that: “the short timeframe of this program forced industry players who were not in the habit of collaborating to roll up their sleeves and partner in ways that they probably should have always been doing, but never got around to doing. I always felt that if the program had been longer term or spread out over a longer period of time, the pressure to get those players working together probably would not have been there and we would not have seen as much collaboration as we did.”²⁶

The Committee requested information on the number of jobs generated under CAF. Unfortunately, ACOA did not track employment creation as a specific indicator, but focussed instead on dollars leveraged and projects completed. It was noted, however, that a number of projects are still ongoing even though the funding from ACOA has

²⁶ (11:73).

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Table 3 – Federal Programs in Support of the Lobster Fishery Since 2009

Program Name	Program Description	Spending to Date	Program Start and End Date
Community Adjustment Fund – Lobster Initiative	The objective of the initiative was to improve marketing, assist in innovation, and develop products and technologies to support the lobster industry. ¹	\$10 million	2009–2011
Short-Term Transitional Measures	Grants of up to \$5,000 were provided to qualified low-income lobster licence holders who experienced financial hardship due to the global recession. ²	\$8.5 million	10 months over 2009–2010
Atlantic Lobster Sustainability Measures	Funding was made available to projects that were part of a sustainability plan for lobster fishing areas for conservation and stewardship; restructuring and rationalization of the harvesting sector; or harvester organization governance. Funding proposals under this program were accepted up to 30 September 2011. ³	\$50 million	2009–2014
Lobster Council of Canada	The Council was created by the four Atlantic Provinces, Quebec and the federal government to enhance the value of the Canadian lobster sector in a sustainable fashion. ⁴	\$535,000 (federal and provincial combined)	2009–2013

Source: 1. Fisheries and Oceans Canada, "[Canada's Economic Action Plan – Harper Government Delivers Support for the Lobster Industry: \\$10 million to be provided to Atlantic Canada and Quebec through the Community Adjustment Fund](#)," News Release, 22 May 2009.

2. Fisheries and Oceans Canada, "[Canada's Economic Action Plan – Harper Government Delivers Support to Fishers and Families in the Atlantic Lobster Industry](#)," News Release, 10 June 2009.

3. Fisheries and Oceans Canada, "[Atlantic Lobster Sustainability Measures](#)" [accessed 15 January 2013].

4. Fisheries and Oceans Canada, "[Fisheries Ministers Support Newly-Launched Lobster Council of Canada](#)," News Release, 15 October 2009; Fisheries and Oceans Canada, *Canadian Lobster Fishery*, Brief presented to the Committee, 8 May 2012, p. 19.

ended (e.g. traceability) and that other projects that led to the implementation of innovative processes will have a long term impact.

We are here today to stress the importance of the federal government's role as a partner to support our lobster fisheries while the market recovers and industry restructures. The provinces cannot assume responsibility for all the work needed to support the sector through these difficult times.

Hon. Ron W. MacKinley, Minister of Fisheries, Aquaculture and Rural Development, Prince Edward Island (12:35)

Another objective of the CAF initiative was to try to develop new export markets for both live and frozen lobster, with a particular focus on China. In this context, the Committee enquired about the evaluation of the trade missions. ACOA representatives spoke of the difficulties in providing an adequate assessment of the impact of these trade missions. They indicated that those who took part in these missions made good business contacts and established opportunities. They also noted that the value of exports in these markets has increased in recent years.

B. Short-Term Transitional Measures

In June 2009, the federal government announced \$15 million over a 10-month period for Short-Term Transitional Measures (STTM) for lobster harvesters in Atlantic Canada and Quebec. Assistance under this program, which ended on 31 March 2010, was provided to qualified low-income lobster licence holders (individuals) who experienced financial hardship due to the global recession. In the case of Aboriginal Communal Licences, assistance was provided to the Aboriginal organization licence holder authorized to fish lobster. The program compensated eligible lobster-dependent fishers for a portion of their lost income caused by reduced landings. A total of 1,705 applications were approved for a combined funding of more than \$8.5 million (see Table 4).

The Committee enquired as to why there was over \$6 million of unspent funding remaining at the end of the STTM. DFO officials explained that lower-than-expected uptake was the result of early expectations that lobster prices at the shore would fall to about \$3 per pound, and they did. However, harvesters mitigated this price drop by increasing their lobster landings. This resulted in higher revenues from lobster fishing

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than anticipated. Therefore, fewer than expected lobster licence holders qualified under the program. Unspent funds were returned to the Consolidated Revenue Fund.²⁷

Table 4 – STTM Funding and Applications by Region

Region	Approved Applications	Funding
Gulf Region	636	\$3,422,344
Maritimes Region	418	\$2,112,822
Newfoundland and Labrador	564	\$2,630,144
Quebec	87	\$418,097
Total	1,705	\$8,583,407

Source: Library of Parliament; data from Fisheries and Oceans Canada, [Short-Term Transitional Measures Program](#).

C. Atlantic Lobster Sustainability Measures

The Atlantic Lobster Sustainability Measures (ALSM) program was announced in June 2009 as a follow-up to the STTM program. Funding proposals under the program were accepted up to 30 September 2011. DFO committed \$50 million to the ALSM over a five-year period (ending 31 March 2014).

The objective of the program is to support the development and implementation of LFA-wide sustainability plans. The implementation of the various plans must be completed by the program end date. Under the ALSM program, DFO provided partial funding; lobster harvester organizations also had to obtain other sources of funds (i.e. bank loans, provincial government grants and loans, other federal departments or agencies, in-kind from harvesters, etc.) in order to participate in this program.

Acquiring funding under the program was a two-step process. First, a responsible harvester organization had to develop a sustainability plan for an entire LFA and obtain DFO approval. Second, once DFO approved a sustainability plan, commercial lobster harvesting groups in the LFA could submit project proposals to DFO for funding to implement the plan. The level of funding was based on a LFA's lobster dependency and landings.

Proposed projects were only funded if they fell into one of the following three types:

²⁷ Adam Burns, Director, Resource Management – Atlantic, Ecosystems and Fisheries Management Sector, DFO ([10:8](#)).

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- Restructuring and rationalization: projects involve licence retirement and trap removal; the goal may be to improve the sustainability of the resource or the economic viability of the fleet/fishery.
- Conservation and stewardship: projects include increase in the minimum carapace size, closed areas, reporting of by-catch and lost gear, and quality handling.
- Governance: projects that lead to the establishment or improvement of lobster harvester organizations.

A total of 17 sustainability plans covering one or multiple fishing areas were submitted, incorporating 33 funding proposals which were approved, covering 34 LFAs. When he appeared before the Committee, David Balfour, Senior Assistant Deputy Minister, Ecosystems and Fisheries Management (DFO), indicated that, by the end of the program, close to 600 licences will have been retired and over 200,000 traps will have been removed from the water as part of the restructuring and rationalization projects. Of the \$50 million, \$15 million was specifically allocated for sustainability plans developed by those who work in low-income areas and have experienced significant losses due to chronically low lobster landings. About 90% of the funding under the ALSM program focuses on restructuring and rationalization. Table 5 provides the distribution on ALSM funding by DFO Region/province since the establishment of the program, as well as information on licence retirement and trap removal.

Table 5 – ALSM Program: Spending, Licence Retirement and Trap Removal by Province

DFO Region	Province	DFO Funding ('000) ¹	Number of Licences Retired ²	Number of Traps Removed ²
Maritimes	New Brunswick	344	0	0
	Nova Scotia	678		
Gulf	New Brunswick	12,160	280	100,460
	Nova Scotia	7,219		
	Prince Edward Island	12,590		
Quebec	Quebec	4,843	29	11,690
Newfoundland and Labrador	Newfoundland and Labrador	9,052	282	90,566
Total		46,885	591	202,716

Source: 1. Fisheries and Oceans Canada, *ALSM Status Report Prepared for Senate Committee*, 14 January 2013.

2. David Balfour, Senior Assistant Deputy Minister, Ecosystems and Fisheries Management, DFO (8:45).

D. Lobster Council of Canada

In October 2009, the federal government, the four Atlantic Provinces and Quebec committed \$370,000 over two years to support the establishment of the Lobster Council of Canada (the Council).²⁸ Since then, federal and provincial governments have agreed to support the Council until the end of 2012–2013 with an additional combined contribution of \$165,000.²⁹ Work is underway by the Council to secure funding from the industry.³⁰

The membership of the Council includes representatives from the harvester sector, shore dealers, the processing industry and the live shipping sector from the five provinces, as well as representatives from First Nations communities. Representatives from federal and provincial fisheries departments sit as ex officio members of the Council. Currently, the Council has only one remunerated staff, its Executive Director. Industry members volunteer numerous hours to the work of the Council.

Once established, the Council commissioned a study to examine the state of the lobster sector and propose a long term value strategy. The study, released in October 2010 and entitled *From Trap to Table*,³¹ stated that the lobster sector is highly fragmented and structured to under-perform. Thereafter, the Council held several meetings and working group sessions to discuss the economic and structural challenges and opportunities facing the lobster industry. Following consultations with a wide range of stakeholders, the Council released in October 2012 a draft discussion paper that

The Lobster Council of Canada is an initiative that is addressing the broad-based concerns of the industry as a whole. By bringing together all parties within the fishery we are trying to effect change with broad strokes. The work must be allowed to continue with government's continued support. It must continue to be an industry-driven part of the solution process where industry groups and associations could bring their vast and varying concerns to a forum where people understand each other's language, share ideas and rebuild the value of this important resource.

Marc Surette, Executive Director, Nova Scotia Fish Packers Association ([12:137](#))

²⁸ Fisheries and Oceans Canada, "[Fisheries Ministers Support Newly-Launched Lobster Council of Canada](#)," News Release, 15 October 2009.

²⁹ Fisheries and Oceans Canada, *Canadian Lobster Fishery*, Brief presented to the Committee, 8 May 2012, p. 19.

³⁰ Lobster Council of Canada, [Smart Competition and Disciplined Co-operation](#), Presentation to the Prince Edward Island Fishermen's Association, Annual General Meeting, 25 February 2012.

³¹ Gardner Pinfold Consultants Inc., [From Trap to Table – A Long Term Value Strategy for the Canadian Lobster Industry](#), Final Report, prepared for the Lobster Council of Canada, October 2010.

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presents an action plan to build a sustainable future for the lobster sector.³² The action plan proposes three key tactics that involve all segments of the industry:

- Quality standards: to establish a consistent method of grading with defined quality levels for live and processed lobster;
- Price-setting: to determine different prices to be paid for different qualities and markets; and
- Brand-building: to promote the superior quality of Canadian lobster and to make it valuable to the buyer.

In the fall 2012, members of the Council reached consensus on quality standards and brand building. The Committee was told that the Council has received funding from the New Brunswick and the Nova Scotia governments to hold handling workshops that highlighted lobster biology, quality and handling to ensure top quality product from boat to plant. The Council has also led a lobster traceability pilot project (discussed in more details below) and has undertaken work in relation to branding.³³

³² Lobster Council of Canada, *Building an Integrated Plan for the Canadian Lobster Industry*, Draft Discussion Paper, October 2012.

³³ Geoff Irvine, Executive Director, Lobster Council of Canada ([11:9-10](#)).

SUSTAINING CHANGE

A. Rationalization of the Fishery

The Committee heard positive comments regarding the recent federal government initiatives to support the lobster fishery. In particular, several witnesses who spoke about the ALSM program noted that they appreciate the fact that restructuring and rationalization initiatives are being led by the lobster sector itself and not achieved through a top down approach. However, they reminded the Committee that the program operates until 31 March 2014, by which time all approved sustainability plans will have been implemented, and stressed that federal support should continue. For example, the Hon. Ron W. MacKinley, Minister of Fisheries, Aquaculture and Rural Development (Prince Edward Island), indicated that more licences could be retired and more traps removed with more funding from the federal government. Similarly, Keith Sullivan, Market Analyst with Fish, Food and Allied Workers (Newfoundland and Labrador), stated: “Both levels of government partnered with the fish harvesters to support a program that is a good first step in looking toward long-term stability and increased incomes for harvesters, who remain committed and continue to invest in the fishery and contribute to the local economies primarily in rural regions. (...) [T]hat program will pay dividends in the future for us. However, it is really imperative that we look for ways to continue this rationalization in areas where it is needed. I do not necessarily advocate that for all areas but in areas where it is needed government should be certainly willing to discuss options with harvesters and look for solutions to the problems. Like I said, that was definitely a good first step.”³⁴

The Committee concurs with witnesses that the process of rationalization of the lobster fishery must continue. We also agree that licence retirement and trap reduction should continue to be led by harvesters themselves, and be tailored to the needs of their communities. This will contribute to reduce over-capacity where appropriate, limit fishing effort and ensure a decent income for harvesters who remain in the fishery. In view of the success with the current ALSM program and the potential for further rationalization of the lobster fishery, we believe that consideration should be given to the possibility of establishing a program with similar goals.

³⁴ [\(12:62-63\)](#).

Recommendation 1:

That Fisheries and Oceans Canada, in collaboration with the fisheries departments of the Atlantic Provinces and Quebec, consider a program similar to the concluding successful Atlantic Lobster Sustainability Measures program in developing and implementing an industry-led, LFA-wide sustainability plan for the Canadian lobster fishery.

Another option to reduce over-capacity in the lobster fishery that was briefly discussed during Committee hearings related to the implementation of quotas or ITQs (individual transferable quotas). The idea of quotas was discounted by most witnesses who spoke about them. For example, Peter Connors, President, Eastern Shore Fisherman's Protective Association (Nova Scotia), said: "We discount the whole concept of quota management as a tool for either conservation or flow controls. It has been proven by experience that quotas are neither enforceable nor accurately reported and are totally rejected by harvesters even as a consolidation method. Effort controls such as seasons and gear limits are endorsed by harvesters because it leaves us with accurate information. We must not confuse theoretical solutions with applicable solutions that have real effect in practice."³⁵ Similarly, Keith Sullivan, Market Analyst, Fish, Food and Allied Workers (Newfoundland and Labrador) stressed: "There are no options for wheeling and dealing in quotas (ITQ or similar schemes by other names) and nor should there be. Input controls have worked. Don't listen to advocates of ITQs as conservation tools. Every groundfish stock that was placed under moratorium was managed in part, some entirely, under ITQs."³⁶

Two other concerns were raised with respect to quotas. First, it was suggested that a quota system would jeopardize the independence of the fishery, erode small business enterprises, reduce competition and lead to concentration in the fishery. And second, it was stressed that the idea of quotas was presented without any input from lobster harvesters and at a time of much uncertainty for the fishery.

The Committee heard similar complaints with respect to a number of service delivery changes announced last year by DFO and aimed at improving the cost-effectiveness of its programs. These changes became effective on 1 April 2013. One change requires that harvesters now obtain their lobster licences online instead of at DFO regional offices.³⁷ Another change is that harvesters are now responsible for obtaining and paying for their

³⁵ (12:110).

³⁶ (12:62).

³⁷ Department of Fisheries and Oceans, [Getting a Licence](#) [accessed 14 January 2013].

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gear tags.³⁸ Witnesses argued that insufficient time was given to allow harvesters to develop workable alternatives to these programs and requested, at the time of the hearings, that the deadline be moved further. The Committee also heard that these changes would exert extra pressure on the fishery and add cost. Harvesters also contended that these changes were inconsistent with the objective of the ALSM program. For example, Bobby Jenkins, President, Southern Kings and Queens Fisherman's Association (Prince Edward Island), stated: "A major challenge for LFA 26a is ensuring that the success and efforts resulting from the ALSM remain intact and not be compromised by the downloading of services and financial cutbacks of DFO."³⁹

A number of harvesters questioned the move to an online licensing system. They explained that they were not sufficiently computer literate to renew their licence online. They recommended that it be possible to renew the licence over the phone. In response to these concerns, DFO staff in the Gulf Region told the Committee that online tutorials as well as a telephone-based support system are available to assist harvesters who encounter difficulty in obtaining/renewing their licence online. They also stated that those harvesters with no access to the Internet can designate someone who can act on their behalf to renew their licence.

The Committee agrees with witnesses that DFO should, in the future, endeavour to communicate decisions regarding changes to service delivery in sufficient advance prior to the opening of the fishery season to give harvesters enough time to adjust to the forthcoming changes. In the meantime, we believe that DFO should, in collaboration with industry, assist lobster harvesters in getting familiar with the new licensing system and the purchasing of gear tags.

Recommendation 2:

That Fisheries and Oceans Canada work with the lobster industry to acquaint harvesters and participants with the changes to the Department's service and support delivery programs slated to begin 1 April 2013.

³⁸ Department of Fisheries and Oceans, [Gear Tags and Tabs](#).

³⁹ [\(12:112\)](#).

B. An Industry-Driven Organization

Throughout the hearings, there was strong consensus among witnesses that the Lobster Council of Canada represents all segments of the lobster industry. Witnesses stated that discussions relating to the restructuring of the lobster sector need to happen from the bottom up or within the industry and that the Council is the forum in which these discussions can take place.

Further, witnesses shared the view that the Council is the organization best suited to develop a coordinated marketing strategy to position the lobster industry in domestic and international markets. Most of them were in favour of generic promotion of Canadian lobster, from which the whole industry can benefit.

Financial support, however, is an issue. Several witnesses stated that the Council is underfunded and that it needs stable and long-term funding. As stated by Patrick McDonald, Acting Assistant Deputy Minister, Marketing and Development, Department of Fisheries and Aquaculture (Newfoundland and Labrador): “The Council brings together a lot of willing people to try to work together. However, as of right now they do not have the resources required to do some of the things you are talking about, whether it is marketing or branding.”⁴⁰

As noted previously, work is underway by the Council to secure funding from the industry. Geoff Irvine, Executive Director of the Council, told the Committee that currently, membership fee is voluntary and that the Council raised \$50,000 from the industry last year. He explained that, given the economic context, not all segments of the lobster industry can make a contribution.

It is important that all levels of government join us in the strategy. The industry by itself cannot do it on its own. We need financial commitments from the provinces, the federal government and the industry to arrive at a solution. The industry by itself, in the financial crisis it is in, cannot commit the entire portion of the money that is necessary to do this job. It will take a substantial investment to do it right, because we may have just one chance to fix it. It is kind of a small opportunity that is before us right now. We have a little window of opportunity, with all industry sitting together, and the last thing we need is to have governments putting up roadblocks that would stop us from succeeding. We need the cooperation of all levels of government.

Leonard LeBlanc, Chairman, Lobster Council of Canada (11:33)

⁴⁰ (13:19).

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Recently, the Council has proposed a “one penny a pound” funding scheme, with one cent contributed on each pound landed, shared equally by harvester and buyer. This would amount to approximately \$1.5 million annually. Mr. Irvine told the Committee that the industry was surveyed and the response was that there is a general consensus on this funding scheme. As stated by Jeff Malloy, General Manager and CEO, Acadian Fishermen’s Co-operative Association Ltd. (Prince Edward Island): “(...) at the end of the day there needs to be some money injected into this industry. We are hoping it would come from the industry itself. I do not think it is healthy that it all comes from government. In order to own it the industry itself should be paying for it. That is where the whole idea of a penny a pound came from to begin with.”⁴¹ There is, however, no mechanism to collect this money at the present time. There is no legislation in place in any of the five provinces or at the federal level where it can be done.

With respect to public funding, representatives from provincial fisheries departments told the Committee that they will continue to support the Council, but stressed that federal government funding was set until the end of the 2012–2013 fiscal year. They, along with several other witnesses representing the industry, stressed that the federal government must sustain its support.

The Committee received sufficient testimony to conclude that the Lobster Council of Canada is highly respected by all segments of the lobster industry and provincial fisheries departments, and that it has shown its ability to engage the industry in restructuring itself and moving forward. The Council places the direction of industry stakeholders firmly in their hands. We strongly believe that this work must continue and that wider financial contribution from harvesters, buyers, distributors and processors will be made as the industry recovers. In the meantime however, the Committee feels that transitional financial support is necessary to sustain the work of the Council. We believe that the federal and provincial governments, along with industry representatives, can decide on the funding scheme that best suit the Council’s needs.

Recommendation 3:

That Fisheries and Oceans Canada, in collaboration with the fisheries departments of the Atlantic Provinces and Quebec, undertake to support the work of the Lobster Council of Canada as it transitions from a public-private entity to a fully private organization, while assuring that the Council has the appropriate framework necessary to carry forward a successful marketing and industry supportive mandate.

⁴¹ [\(12:140\)](#).

It is the view of the Committee that the Lobster Council of Canada can play a leading role in lobster quality, as well as in traceability and eco-certification. These topics are discussed in more detail in the following sections.

C. Work on Quality

There was strong consensus among the witnesses that the lobster from Canada is of high quality. Nonetheless, the Committee heard repeatedly that poor handling all along the value chain is detrimental to lobster products. What can be done? The Committee was told that handling workshops organized by the Lobster Council of Canada were a good step towards better quality; they are intended not only for harvesters, but for all the other segments of the value chain. The Lobster Academy was also presented as a

Our Canadian-quality lobster is demonstrably superior to American lobster, and that is our great competition. (...) Our quality is a superb hard-shell lobster, a fine dining experience because the meat content of that lobster is greater, and a survivable lobster, both in terms of air freight internationally and air freight on location in Europe or Asia. (...) The Canadian brand is an underutilized asset.

*Stewart Lamont, Managing Director,
Tangier Lobster Company Limited (11:11)*

new and innovative training institution; located on Huntsman Marine Science Centre campus in St. Andrew's, New Brunswick, it provides education seminars on *Homarus americanus* – its life cycle, sustainability, harvesting, processing, packing, shipment, etc.⁴² Geoff Irvine, Executive Director, Lobster Council of Canada, stated: "The Lobster Academy is happening now and it is very positive. The idea and plan is to use that facility to educate our industry, ourselves, dealers, buyers and harvesters."⁴³

It was explained to the Committee that ensuring quality will help recapture the lobster's lost value and improve the prices of lobster products. Witnesses also said that

lobster quality standards will need to be established from the wharf through the end product, both for the live market and the processed lobster. Quality standards should also encompass the reliability of distribution and supply.⁴⁴

The Committee was pleased to hear that efforts are being made to improve the handling of lobster in all segments of the industry through workshops provided by the Lobster Council. We are also encouraged by the education seminars organized by the

⁴² For more information, see the Lobster Academy [website](#).

⁴³ (11:27).

⁴⁴ Joseph LaBelle, Director, Policy, Advocacy and Strategic Projects Branch, Department of Agriculture, Aquaculture and Fisheries, New Brunswick (12:16).

Lobster Academy. In our view, the industry is making great strides in enhancing the quality of its fundamental asset – lobster.

D. Work Towards Traceability and Certification

The Committee heard repeatedly that there is a growing global demand for traceable and eco-certified lobster products. For various reasons – food safety, fishery sustainability, verification of product authenticity, etc. – consumers want to be able to track lobster from the initial harvester or landing area through all the steps of the value chain.⁴⁵ From the perspective of the industry, traceability can contribute to enhance the accountability of all its segments, identify higher quality products, build market trust and lead to higher market prices.⁴⁶

Work on the development of a lobster traceability system in Canada has begun. An initial analysis to measure the state of readiness of the lobster industry relative to full traceability, funded by the Canadian Council of Fisheries and Aquaculture Ministers and undertaken for the Lobster Council of Canada, was completed in August 2011. This analysis identified processes and procedures to put in place to fully support traceability, including new computerized data collection systems, additional equipment and electronics, etc.⁴⁷ In November 2012, the federal government contributed \$37,597 to assist the Lobster Council to build on its ongoing work in creating a traceability model for lobsters. With this investment, the Council will launch a multi-staged roll-out and testing strategy that will seek the participation and input of industry stakeholders across the four Atlantic Provinces and Quebec.⁴⁸

The Committee also heard about “ThisFish,” another system of traceability for fish and seafood, which is being developed by EcoTrust, a non-profit organization, in collaboration with Canadian harvesters, processors and retailers. The system works as follows: harvesters attach numbered tags to their catch, which consumers can input into the ThisFish website to see who caught the fish, and where and when the fish was caught. Consumers are able to send messages to the harvester and ask questions about the products and fishing techniques.⁴⁹ According to the report by Revenue Management Ltd. prepared for the Lobster Council of Canada, pilot projects in Nova Scotia where

⁴⁵ Cube Automation, [Lobster Traceability Pilot Project – Analysis Phase](#), prepared for the Lobster Council of Canada, 29 August 2011.

⁴⁶ Revenue Management Ltd., *Building an Integrated Plan for the Canadian Lobster Industry*, Draft Discussion Paper, prepared for the Lobster Council of Canada, July 2012.

⁴⁷ Cube Automation, *op. cit.*

⁴⁸ Atlantic Canada Opportunities Agency, “Government of Canada Invests to Advance The Work of Lobster Fishermen, Processors and Exporters,” [News Release](#), 8 November 2012.

⁴⁹ For more information, see: [ThisFish](#) website.

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lobster is tagged with the ThisFish traceability tag have led to higher prices for harvesters.⁵⁰

Traceability is often a requirement for eco-certification. Eco-certification, in turn, is a way of providing assurance that a product, process or service conforms to specified sustainability requirements or standards. The Committee was told that, in the capture fisheries, the Marine Stewardship Council (MSC) is a world-renowned certification and eco-labelling organization. MSC-certified fisheries must demonstrate that they meet standards for sustainable fishing, which are based on three core principles: sustainability of exploited fish stocks, maintenance of the ecosystem on which the fishery depends, and responsible management.

Nova Scotia's offshore lobster fishery (LFA 41) was the first to obtain MSC certification for American lobster in June 2010. The Magdalen Islands Fishermen's Association (LFA 22) is seeking MSC certification. The lobster sector of Prince Edward Island has also completed the MSC pre-assessment. In the United States, the Maine lobster fishery became MSC certified in March 2013.

The Committee was told that the cost of obtaining MSC certification is high and that it is unclear what impact certification will have on prices. In his brief, Leonard LeBlanc, President, Gulf of Nova Scotia Fishermen's Coalition, wrote: "Harvesters understand that if their catches cannot be certified as coming from a sustainable and well managed fishery, they risk losing their traditional markets and being shut out of new ones. What are we to do when a MSC pre-assessment can cost upwards of \$25,000 and a full assessment another \$100,000 and, at the end of the day, MSC certification does not guarantee a price differential in the market place?"⁵¹

Ian MacPherson, Executive Director, Prince Edward Island Fishermen's Association, told the Committee that the Fisheries Council of Canada, with financial support from Agriculture and Agri-Food Canada, is working on a pilot project that could lead to the development of a Canadian certification program for lobster. The project is based upon the Food and Agriculture Organization's responsible fisheries management guidelines and aims to develop a Canadian standard that would be as well respected and as high profile as the MSC certification.

Based on the evidence received, the Committee acknowledges that the implementation of a lobster traceability system is an essential first step towards eco-certification, along

⁵⁰ Revenue Management Ltd., *op. cit.*, p. 27.

⁵¹ Leonard LeBlanc, President, Gulf of Nova Scotia Fishermen's Association, Brief presented to the Committee, 29 November 2012.

with the proper management of the resource. We are pleased to see that progress is being made in this area by the industry, through the Lobster Council of Canada, with support from federal and provincial governments.

With respect to certification, the Committee understands that it may be an important factor in expanding access in global markets and increasing demand. We believe that the decision to pursue certification is a voluntary one made by the industry in response to market demand. Therefore, the Committee encourage harvesters' organizations, other segments of the industry or entire LFAs that pursue third-party eco-certification. In our view, the Lobster Council of Canada could develop expertise in this area. For its part, DFO – as the regulator and manager of the lobster fishery – already supports those in the industry that choose to pursue third-party certification by providing the required information (science and management) for individual assessments. The Department also works with the industry to make changes to management practices in the lobster fishery to meet conditions for certification.

E. The Need to Address Some Fishery Management Issues: Carapace Size and Fishing Season

An important conservation measure that has been in place for several decades in the lobster fishery is the regulation over the minimum legal size, or the smallest carapace length that is permitted to be fished. The minimum legal carapace size is based on the “size at the onset of maturity,” that is, the size at which 50% of female lobsters are sexually mature. Marc Lanteigne, Manager, Aquatic Resources Division, Gulf Region (DFO), explained: “If you take 100 females at that [legal] size, 50% are sexually mature and 50% are immature. The 50% that are sexually mature have an opportunity to produce eggs. (...) The minimum before harvesting any stock should be to allow at least 50% of your stock to become sexually mature.”⁵²

The current minimum legal carapace size required for each of the LFAs varies by area because the size of lobster at the onset of sexual maturity varies from one area to another (see Appendix A). The estimated size at which 50% of the females mature ranges from 72 mm in the Gulf Region (LFAs 23, 24, 25 and 26a) to 81 mm in Newfoundland and Labrador (LFAs 3 to 14) through 104 mm in some areas of the Maritimes (LFAs 35, 36 and 38). The minimum legal carapace size for the 2012 year ranged from 71 mm to 84 mm.

⁵² [\(12:190\)](#).

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In several LFAs, minimum legal carapace sizes were increased over the years to reach or even surpass the size at the onset of maturity (thus giving females the opportunity to breed more than once). In contrast, the minimum legal carapace size remains below the size at 50% of maturity in a number of LFAs. It was explained to the Committee that other measures were introduced in these LFAs to try to increase the proportion of sexually mature females that remain in the waters, including maximum sizes and v-notching.

In some areas of the Gulf Region (LFAs 23d, 24, 25 and 26a), the minimum legal carapace size was increased from 71 mm in 2012 to 72 mm in 2013. There were proposals to increase the size limit even further in order to gradually reach 76-77 mm and this was the subject of considerable debate during the hearings, particularly between New Brunswick and Prince Edward Island, which share LFA 25. The issue was not about resource conservation; rather, it dealt with economic considerations.

Witnesses from Prince Edward Island did not agree with increasing the legal size limit beyond 72 mm. They stressed that, at that size, the canner is a fully mature lobster that is smaller than the other LFAs. They explained that they have developed niche markets for the canner lobster and they want to continue to supply these markets. They also envisioned new market opportunities for the canner as a result of recent trade missions and promotions. Overall, they feared that increasing the minimum legal carapace size would be devastating for the economy of the Island, given that the processing industry is concentrated on the canner lobster.

In contrast, witnesses from New Brunswick told the Committee that they would like to see the minimum legal carapace size increase to 76 mm. They explained that they are seeing increasing market resistance to smaller lobsters. For example, they noted that

I would think that the whole idea of being able to see that lobsters have the opportunity to spawn at least once before being harvested is probably the most critical challenge or issue that we are working on together with industry about securing, in terms of the sustainability of the resource into the future. We have seen some significant progress achieved in establishing increases in minimum carapace sizes, all in aid of seeing that we are achieving those objectives. Frankly, the increases in carapace size also result in a larger frequency of lobster that would be of a size amenable to the live lobster market, which normally offers a premium in price compared to lobsters that go into processing.

David Balfour, Senior Assistant Deputy Minister, Ecosystems and Fisheries Management, DFO (8:51)

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Darden Restaurants, which own Red Lobster, no longer buy lobster tails inferior to 4 ounces (which corresponds to a lobster with a carapace of 76–77 mm). They further stated that the market for the small canner lobster has difficulty absorbing the supply, putting downward pressure on the price of all lobsters, a statement reinforced by one witness representing Quebec harvesters. The Hon. Michael Olscamp, Minister, Agriculture, Aquaculture and Fisheries (New Brunswick), told the Committee that current size regulations reflect past preferences and that the market has changed: “An increase in minimum size to reflect new market preferences will improve market performance, and contribute to better resource sustainability.”⁵³

A number of options were discussed during the hearings. One option would be to divide LFA 25 in three subzones, one for each province, and set different minimum legal carapace sizes for each subzone. However, this could create some confusion as harvesters currently fish everywhere and not simply along their own coasts. This would require a change in the regulations. Another option that would not require any regulatory change would be “to let the market dictate what the market wants” and let New Brunswick harvesters fish bigger lobsters (which would require adjusting the escape mechanism), while those from Prince Edward Island would continue to fish smaller lobsters. Doing so, however, could leave one province benefiting in recruitment at the expense of another which has adopted stricter conservation measures. As explained by Carl Allen, a New Brunswick harvester with the Maritime Fishermen’s Union: “Just because a lobster lays her eggs here does not mean that those lobsters grow up here. When those larvae hatch, they go up in the water column, float along and settle somewhere else. So the lobsters that they are catching on the north side could have actually been hatched in the Magdalen Islands, whereas the lobsters that I catch in Cap Pelé could have been hatched in Richibucto or Bouctouche. There is no set guarantee that where they hatch is where they land. So there are reaping benefits of the measures that others have taken (...).”⁵⁴

The fishing season is another issue of concern for some LFAs. Fishing seasons for lobsters are currently set under the *Atlantic Fishery Regulations, 1985* according to fixed calendar dates. As shown in Appendix A, the timing and length of the fishing season tend to vary from one LFA to another. It was explained to the Committee that these various fishing seasons were introduced in response to conservation concerns and public safety issues including: limiting exploitation rates; protecting lobsters during egg-laying, moulting and hatching; and fishing in good weather conditions.

⁵³ [\(12:12\)](#).

⁵⁴ [\(12:96\)](#).

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During the hearings, several witnesses from New Brunswick, Prince Edward Island and Nova Scotia debated whether the lobster fishing seasons need to be adjusted. This issue was important for stakeholders from LFA 25, which fishing season runs from 9 August through 10 October.

In particular, a number of harvesters and processors told the Committee that, in recent years, warmer water temperatures have caused lobster to start moulting earlier. As such, one solution proposed was to adjust the fishing season slightly to avoid the warm summer months. Lobsters would be caught before their moult cycle which would lead to a better quality lobster for the processing plants.

Targeting seasons when lobsters are at their best was an option considered by the Fisheries Resource Conservation Council in both its 1995 and 2007 reports.⁵⁵ New Brunswick Minister Olscamp concurred with this option: “One issue is that our fishing seasons do not always coincide with when lobster is at its best in terms of size and quality, especially in Zone 25. (...) So what is to be done? Fish when conditions are at their best. Fishing seasons should be set according to market demand and optimum lobster quality and condition, rather than on fixed calendar dates. There needs to be recognition that ‘optimum quality’ may vary for different products and sectors. For example, the requirements for processing versus live market are different.”⁵⁶

Other witnesses did not agree with the suggestion of adopting an earlier start date. For example, Lee Knox, President, Prince County Fisherman’s Association in Prince Edward Island, told the Committee that the catch in his county is very high at the beginning of the season, that harvesters land high quality lobster (before moulting), and that the processing plants are ready to process the catch. However, his association would like to see the fishing season extended due to the frequency of storms in the latter part of the fishing season. Mr. Knox explained that in the past four years high wind storms forced harvesters to land one week early. Many traps were damaged and those who ventured had their lives put at risk. In Mr. Knox’s own words: “An early August start is better weather, better lobster quality, calmer weather and longer fishing days.”⁵⁷

⁵⁵ Fisheries Resource Conservation Council, *A Conservation Framework for Atlantic Lobster*, Report to the Minister of Fisheries and Oceans, November 1995, p. 39; [Sustainability Framework for Atlantic Lobster 2007](#), July 2007, p. 23.

⁵⁶ Hon. Michael Olscamp, *Sustainability of the Lobster Industry in Atlantic Canada and Quebec*, Brief presented to the Committee, 29 November 2012, pp. 8 and 10.

⁵⁷ [\(12:88\)](#).

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Carl Allen, a young harvester from New Brunswick with the Maritimes Fishermen's Union, stated that the majority of harvesters in LFA 25 in his province would like to see the start date season remain in early August. They would not want to fish in the latter part of October. In his view, the request to postpone the start of the season to September 1 or 17 originally came from the processing plants which would like to be given sufficient time to process all the lobster coming from Maine at this time of the year.⁵⁸

Marc Surette, Executive Director, Nova Scotia Fish Packers Association, told the Committee that the fishermen's management board in his area attempted to change the fall season starting date but that this was not appealing to dealers because they needed the lobster on time for supplying the Christmas markets. While changing the season start date was not necessarily a correction at that end of the province, Mr. Surette however indicated that closing part of the season in the middle of winter where there is a lot less fishing is something that has been discussed.

The Committee was told that work is underway to address the issues related to fishing season and carapace size. More precisely, the three provinces that share LFA 25 have established a working group made up of industry (both harvesters and processors), provincial governments and DFO, and which explores solutions on sizes and starts of seasons.⁵⁹ Minister Olscamp stated: "As we sailed through the crisis last summer, Minister Ashfield made a commitment that he would have staff investigate the changing of the season and the measure. (...) We as a province are certainly expecting that the federal government will come to us with some recommendations. We see those two areas as being very, very important to the good health of our fishery, in LFA 25 in particular."⁶⁰

The Committee was pleased to hear that a working group was set up to examine these issues and we hope that DFO will continue to work with the industry to find a solution.

Recommendation 4:

That Fisheries and Oceans Canada work with LFA 25 industry participants to find a solution based on science or other evidence for the minimum carapace size and the fishing season in the fishing area.

⁵⁸ [\(12:100\)](#).

⁵⁹ Gilles LeBlanc, Senior Processing Development Officer, Business Development Branch, Department of Agriculture, Aquaculture and Fisheries, New Brunswick ([12:15](#)); Richard Gallant, Deputy Minister, Department of Fisheries, Aquaculture and Rural Development, Prince Edward Island ([12:41](#)).

⁶⁰ [\(12:14\)](#).

F. Supporting the First Nations Lobster Fishery

Following a 1999 Supreme Court of Canada ruling (*R. v. Marshall*), 34 Mi'kmaq and Maliseet First Nations across the Atlantic region and the Gaspé region of Quebec entered the commercial fishing industry, including the lobster fishery. Today, First Nations hold 3% of lobster licences and operate three processing plants. The Committee was told that the lobster fishery represents an important source of income for First Nations communities and that First Nations harvesters face challenges similar to non-Aboriginal harvesters.

It was explained to the Committee that First Nations licences are communal, rather than individual. The revenue generated from the fishery goes to the community rather than to a single person or family.

It is no understatement to say that First Nations share in the same struggle as the rest of the fishing industry. Lobster, for example, represented over 25% of all First Nations fishery income in 2007. (...) However, our First Nations members also struggle to develop the knowledge and experience necessary to our industry. The challenge is immense. Government support programs are essential.

*Rick Simon, Director of Fisheries,
Atlantic Policy Congress of First
Nations Chiefs ([12:163](#))*

Rick Simon, Director of Fisheries, Atlantic Policy Congress of First Nations Chiefs, told the Committee that First Nations are fully supportive of, and actively participating in, the Lobster Council of Canada. He also spoke about the ALSM program and stated that it had been of marginal benefit to First Nations, partly because of the difficulty in securing funding from other sources as required under the program.

Other federal programs, however, support the participation of First Nations in commercial fisheries. The Committee heard about the Atlantic Integrated Commercial Fisheries Initiative (AICFI) which offers training in business planning, management and harvesting in the commercial fisheries. This five-year initiative (2007-2008 through 2011-2012), which was renewed for one year and was set to expire at

the end of March 2013, has been extended by one more year in the last federal budget. According to Mr. Simon, there was a lot of interest for this training and that the AICFI was of critical importance in helping First Nations communities develop successful fisheries.

Mr. Simon stated: “First Nations are a part of the lobster industry and are prepared to be part of the solution.”⁶¹ He also stressed that First Nations envisioned undertaking innovative projects, such as creating an Aboriginal brand with superior quality product that would increase demand for First Nations lobster or establishing intertribal trade with Aboriginal organizations in the United States. He noted, however: “We are not there yet.”⁶²

The Committee understands that First Nations harvesters and processors are relatively new to the lobster industry. We also acknowledge that they are facing difficult economic and financial challenges while at the same time they try to build capacity in the fishery. We are pleased to see that First Nations are fully supportive of the Lobster Council of Canada and we hope that they can make use of the Council’s expertise as much as needed. We also welcome the extension of the AICFI as we believe that continued support from DFO is needed to enhance skills and abilities in the First Nations lobster fishery.

Recommendation 5:

That Fisheries and Oceans Canada, in collaboration with the fisheries departments of the Atlantic Provinces and Quebec, consider a program similar to the concluding Atlantic Integrated Commercial Fisheries Initiative in supporting First Nations communities involved in the lobster fishery.

G. Fostering Research

During its study, the Committee learned that lobster landings are a primary indicator of the biomass. There has been a general, upward trend in landings in recent decades, with historical record catches in 2010 and 2011. For some scientists, the increase in landings is a sign of strong and healthy biomass and, accordingly, there is no conservation concern at the moment. For example, Marc Lanteigne, Manager, Aquatic Resources Division, Gulf Region (DFO), stated: “Right now the lobster population is in high production. Conservation is not the issue. It is more impact on the resource. It is not of a big concern because it seems that the population is still thriving although we harvest 50% of immature females.”⁶³

⁶¹ [\(12:167\)](#).

⁶² [\(12:168\)](#).

⁶³ [\(12:190\)](#).

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Other witnesses wondered whether the increase in lobster landings may be due to increasing fishing effort; in this case, there could be a risk that the resource is being overfished.

A number of harvesters and processors told the Committee that, in recent years, warmer water temperatures have caused lobsters to start moulting earlier and that this has an impact on lobster quality in terms of meat yield. They also said that warmer waters tend to increase the volume landed. However, it is unclear why more lobster is being caught. One witness questioned whether lobsters enter the trap to eat the bait because there is not sufficient food in the ocean. If so, this could have a dramatic impact on the resource in the medium and long terms.

The Committee learned about the Lobster Resource Monitoring Program, which was initiated in 1998 in Prince Edward Island in partnership with DFO and industry. The objective is to obtain information on commercially caught lobsters in order to monitor changes in the population. The research involves over 100 harvesters who collect daily information on lobster catches, including size composition, abundance, bait, water temperature and egg bearing females. Without this program, little or no information would be collected. Since 2001, only the province provides funding, although data is shared with the federal government. It was noted that knowing more about the resource helps manage the lobster industry in a sustainable, long-term way.⁶⁴

A number of witnesses explained that it is difficult to properly conserve and manage a resource that we do not fully understand. They explained that Canada needs to have a clear picture of the current state of the resource, what is affecting it and how it is being affected. In their view, this information would help to predict what could happen in the coming years. Some witnesses noted that funding for science has decreased in recent years and

Lobster is Canada's most important fisheries resource, topping the lists year after year for landed value, export earnings, and jobs. We are the world's top lobster producer and the lobster fishery has been the economic mainstay of many Atlantic Canada fishing communities for generations. Yet, despite its importance, there is still a lot we need to learn about this valuable resource if we are to ensure its long term sustainability.

*Patty King, General Manager,
Fishermen and Scientists Research
Society, Brief presented to the
Committee, p. 4.*

⁶⁴ Richard Gallant, Deputy Minister, Department of Fisheries Aquaculture and Rural Development, Prince Edward Island ([12:37](#)).

stressed that there is a need for a renewed commitment to lobster science on the part of the federal and provincial governments.

Given the importance of the lobster industry for the Atlantic Provinces and Quebec, the severe economic challenges it is facing and the uncertainties due to a changing environment, the Committee concurs with witnesses that there is an increasing need for science to better understand the lobster resource and its environment, to improve conservation and management and to contribute to the sustainability of the fishery. We believe that DFO can enlist a wide range of collaborators – harvesters, provincial fisheries departments, research institutes, etc. – to participate in a research program on the lobster biomass.

Recommendation 6:

That Fisheries and Oceans Canada, in collaboration with the fisheries departments of the Atlantic Provinces and Quebec, the lobster industry and research institutes undertake to develop a research program on lobster biomass and the factors that can affect biomass (i.e. predation, weather, fishing effort, disease, etc.).

H. Issues Related to Aquaculture

The Committee heard from representatives of the Traditional Fisheries Coalition (Fundy North Fishermen’s Association, Grand Manan Fishermen’s Association, and Fundy Weir

I must express our concern with the proliferation of open pen finfish aquaculture. The prospect of our area losing its image as pristine waters could affect marketing, and we fear the use of pesticides in these operations could also be to the detriment of the lobster stocks.

Peter Connors, President, Eastern Shore Fisherman’s Protective Association, Nova Scotia ([12:111](#))

Fishermen’s Association) who raised concerns that the pesticides used to control sea lice in open-net salmon aquaculture may potentially be lethal for lobsters in their infancy. Given the life cycle of lobster, they noted that it could be eight years before an impact of pesticides could be felt in the fishery. They further stressed that Bay of Fundy is unique: “It is the only place in the world where we have a very lucrative, productive lobster fishery right alongside the aquaculture industry. Everywhere else in the world where there is a big aquaculture industry, there is no lobster fishery.”⁶⁵ They acknowledged the importance of the aquaculture industry for their communities and

⁶⁵ Maria Recchia, Executive Director, Fundy North Fishermen’s Association ([8:9](#)).

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advocated for a more environmentally sustainable aquaculture sector.

Peter Connors, President, Eastern Shore Fisherman's Protective Association (Nova Scotia), stated that the use of pesticides could result in the loss of the Bay of Fundy's image as "pristine waters." For his part, Stewart Lamont, Managing Director, Tangier Lobster Company, indicated that open-net salmon aquaculture also generates excess feed and fish waste that can affect the habitat of the benthic community. Mr. Lamont asked for a moratorium on further expansion of open-net pen salmon aquaculture until such time as adequate scientific and economic analysis can be done, to ensure that aquaculture is developed in the best manner possible. Other witnesses also recommended that the expansion of open-net salmon fishing be monitored.

DFO officials informed the Committee that there had been some instances of improper use of treatments for sea lice in southwestern New Brunswick and that, consequently, the Department was working in collaboration with Environment Canada, Health Canada and the Pest Management Regulatory Agency in the development of a set of aquaculture substance regulations. These regulations are "intended to support the responsible treatment and control of fish pathogen and pests in aquaculture facilities, to manage release of biologic oxygen demand matter and settling solids and provide for fish and fish habitat protection. This regulatory initiative is intended to be able to establish the basis to ensure that there is a responsible approach taken to the operation of aquaculture facilities, and it is mindful of ensuring that it is done in a way that does not harm other fish, such as lobster."⁶⁶

DFO officials also told the Committee that research is currently being undertaken on the interactions between pesticides and lobster and other crustaceans. The Program for Aquaculture Regulatory Research examines two areas of research: the toxicity of these chemicals, with a focus on juvenile and adult-size lobster; and, the dispersion around the release site to better understand the concentration of the chemical (or "therapeutant").⁶⁷

The Committee is aware that aquaculture plays an important role in the economic development of several regions across the country. However, based on the testimony received during our lobster study, we also realize that serious environmental concerns exist about this industry. Accordingly, the Committee will examine these issues in more detail as part of a broad study on aquaculture initiated in April 2013.

⁶⁶ David Balfour, Senior Assistant Deputy Minister, Ecosystems and Fisheries Management, DFO (8:46).

⁶⁷ Siddika Mithani, Assistant Deputy Minister, Ecosystems and Oceans Science, DFO (8:66).

I. Issues Related to Employment in the Lobster Industry

Leonard LeBlanc, President, Gulf of Nova Scotia Fishermen’s Coalition, told the Committee that lobster licence holders are aging and that part of the long term sustainability of the fishery should also be to ensure that new entrants are successful, both in the short and long term. However, low prices at the shore and high start-up costs make it difficult for new entrants to succeed, and some end up deeply indebted. One solution he proposed is to reform DFO’s licensing policy.⁶⁸

The Committee heard about the Future Fisher Program established in Prince Edward Island since 2009. The program provides mentoring and financial support to new lobster harvesters. Training involves all aspects of the lobster fishery; quality handling, biology, marketing, processing, fishery management, value chain, business practices and marine safety. Small scale financial support is tied to fishing loans at recognized financial institutions.⁶⁹

Workers in processing facilities are also aging. The Committee was told that the average age of employees in these plants is about 55 in New Brunswick, as well as in Prince Edward Island and Newfoundland and Labrador. Richard Gallant, Deputy Minister, Department of Fisheries, Aquaculture and Rural Development (Prince Edward Island) told the Committee: “It has often been said that the last generation of fish plant workers are working in the plants now. The younger generation does not aspire to those kinds of jobs. We are very much at a crossroads where the processing sector needs some significant change in direction to greater automation. Some strides have been made, but many of the processes that the plants use are very similar to what they used 25 or 30 years ago. There needs to be a significant investment in automation recognizing that the labour force is not there.”⁷⁰

The Committee was also told that New Brunswick, Prince Edward Island and Nova Scotia employ temporary foreign workers in their processing plants. In addition to these, many plants in Prince Edward Island are hiring on a temporary basis workers from Newfoundland and Labrador and Cape Breton.

Further, a number of witnesses spoke about the recent changes in the Employment Insurance (EI) program. They stated that these changes could have important

⁶⁸ Leonard LeBlanc, President, Gulf of Nova Scotia Fishermen’s Coalition, Brief presented to the Committee, 29 November 2012.

⁶⁹ Richard Gallant, Deputy Minister, Department of Fisheries, Aquaculture and Rural Development, Prince Edward Island ([12:39](#)).

⁷⁰ ([12:46](#)).

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consequences on the lobster industry across the Atlantic Provinces and Quebec because of its seasonal nature and because the government is requiring longer periods of work. In their view, these changes could have an impact on both the fishery and the processing sector as workers will move out of their region and find work elsewhere. For example, Keith Sullivan said: “The recent changes will make it hard for the small business people, the enterprise owners to maintain these professional crew members. These skills are not easily replaced. You do not just pick up good crew members on the street, pay them low wages and have a successful enterprise. That stuff does not happen.”⁷¹ Similarly, Jeff Malloy stated: “The new employment insurance reforms we anticipate coming through will certainly have an impact on the processing sector, which is a seasonal industry. Some of those reforms will make it very difficult for us to keep many of our main employees that we need in key positions such as engineers and those types of things that we only need at a certain time of the year.”⁷²

The Committee believes that there is some misunderstanding surrounding the recent changes to the EI program. The new rules will assist EI beneficiaries in finding another job by providing information about work opportunities that are in their skill range and in their geographic area. This is intended to generate a longer period of employment for seasonal workers throughout the year. If there is no work for them locally in areas related to their skills, however, the EI system is still available to them, as it has been in the past.

⁷¹ [\(12:120\)](#).

⁷² [\(12:140\)](#).

CONCLUSION

The Committee is aware of the importance of the lobster fishery in the Atlantic Provinces and Quebec. We are very much encouraged by the collective commitment of all industry stakeholders to undertake the sometimes painful but necessary changes that address both the cyclical and structural challenges in the lobster sector. With assistance from governments, change has been effected in important ways in terms of fishery rationalization, quality, branding, marketing, traceability, eco-certification, etc. The evidence heard by the Committee suggests that this transition still needs to be sustained with government support. The Committee's recommendations aim towards this direction. Some of our recommendations also address the knowledge gap in terms of biomass, and the need to better understand the factors that affect the lobster resource. In the Committee's view, the lobster fishery must be both economically and ecologically sustainable.

APPENDIX A: LOBSTER – INTEGRATED FISHERIES MANAGEMENT PLAN SUMMARY TABLE

Region	Lobster Fishing Area ³	Harvesting Season	Number of Licenses	Number of Traps	Minimum Carapace Size	Maximum Carapace Size	Additional Conservation Methods
NL	3	May 19 – July 14	57	200	82.5 mm		Voluntary V-notching Mandatory logbooks Use closed areas (LFAs 4a, 4b, 5, 6, 11, 13b, 14a) No fishing on Sundays (LFAs 4a, 4b, 10, 13b, 14a, 14b, 14c)
	4a	May 26 – July 14	211	200	82.5 mm		
	4b	May 12 – July 7	398	200	82.5 mm		
	5	May 8 – July 11	245	150	82.5 mm		
	6	April 28 – July 8	204	100	82.5 mm		
	7	May 2 – July 5	145	150	82.5 mm		
	8	May 5 – July 8	78	100	82.5 mm		
	9a	May 5 – July 1	35	200	82.5 mm		
	10	April 21 – June 30	331	200	82.5 mm		
	11	April 21 - June 23	298	185	82.5 mm		
	12	April 18 - June 27	44	135	82.5 mm		
	13a	April 23 – July 4	131	180	82.5 mm	127 mm	
	13b	April 23 – July 5	150	220	82.5 mm		
	14a	May 5 – July 2	188	250	82.5 mm		
14b	May 5 – July 2	226	250	82.5 mm			
	14c	May 12 - July 9	5	300	82.5 mm		
Quebec	15	May 22 – August 13	66	250	82 mm		
	16	May 18 – August 9	10	conventional or 175 large	82 mm		
	17a	May 2 – July 17	1	300 conventional or 210 large	83 mm		Mandatory hail-In to a local dockside monitoring company
	17b	May 2 – July 17	15				
	18b	May 2 – July 17	1	250	83 mm		
	18c	May 16 – July 31	1	conventional			
	18d	May 16 – July 31	1	or 175 large			

Quebec (cont.)	18g	May 16 – July 31	1				
	18h	May 16 – July 31	4				
	18i		LFA 16 licensees				
	19a2	May 12 - July 21	8	250	83 mm	145 mm	Electronic logbook mandatory; Hauling and baiting of traps permitted only once per day
	19a3	May 5 - July 14					
	19b	April 21 - June 30					
	19c1	May 12 - July 21					
	19c2	April 28 - July 7					
	20a	April 28 - July 5	91	235	82 mm	145 mm	
	20b	April 21 - June 28	69				
	21a	April 28 - July 5	12	235	82 mm		
	21b	May 5 - July 12					
	22	May 5 – July 7	325	279	83 mm		
Gulf	23a	April 30 – June 30	674	300	75 mm		Window/Maximum females 115- 129 mm; Maximum hoop 152 mm
	23b				75 mm		
	23c				72 mm		
	23d				71 mm		
	24	April 30 – June 30	637	300	71 mm		Window/Maximum females 115- 129 mm
	25	August 9 – October 10	714	NB 250 NS 250 PEI 240	71 mm		Window/Maximum females 114; Max hoop 152 mm
	26a1	April 30 – June 30	705	280(GNS)/26 3(PEI)	71 mm		Window/Maximum females 115- 129 mm
	26a2			275	73 mm		
	26a3			250	76 mm		
	26bsouth		218	250	79 mm		
26bnorth	250			81 mm		Max hoop 152 mm	

Maritimes	27	May 15 - July 15	524	275 ¹	81 mm		
	28	April 30 - June 30	16	250 ¹	84 mm		Max hoop 153 mm
	29	April 30 - June 30	67	250 ¹	84 mm		Max hoop 153 mm
	30	May 20 - July 20	20	250 ¹	82.5 mm		Max CL-135 mm (female)
	31a	April 29 - June 30	73	250 ¹	82.5 mm		Closed window (female), 114-124 mm
	31b	April 19 - June 20	71	250 ¹	82.5 mm		V-notching ²
	32	April 19 - June 20	161	250 ¹	82.5 mm		V-notching ²
	33	Last Mon. Nov - May 31	707	250 ¹	82.5 mm		
	34	Last Mon. Nov - May 31	985	375/400 ¹	82.5 mm		
	35	Oct 15 - Dec 31; March 1-July 31	95	300 ¹	82.5 mm		
	36	2 nd Tues Nov - Jan 14; March 31-June 30	177	300 ¹	82.5 mm		
	37	Shared between LFA 36 and 38					
	38	2 nd Tues Nov - Jun 30	136	375 ¹	82.5 mm		
	38b	June 30 - Nov 6	''	375 ¹	82.5 mm		
	40	CLOSED					
	41	January 1 - December 31			82.5 mm		Observer coverage (Quota fishery)

- (1) Trap limit is for "A" licence holder. Part-time or "B" licences are allowed 30% and Partnerships 150% the limit of a single full-time licence.
- (2) V-notching means there is an active program to V-notch female lobsters. There is a possession restriction of V-notched lobsters in all LFAs except in LFA 27 and LFA 31a.
- (3) The *Atlantic Fishery Regulations* include LFAs 1, 2 and 39. Areas 1 and 2, located off the coast of Labrador, still exist in the regulations but there is no commercial abundance of lobster in these areas. The two areas are beyond the northern temperature limit for lobster and, as a result, there are no – nor has there ever been – active lobster fisheries there. LFAs 1 and 2 were instead created to align with boundaries for other commercial fishing areas for other species (such as mackerel, herring, and capelin). Establishing these areas in regulations was also regarded as a tool for future management areas should lobster fisheries one day be possible off the Labrador coast. LFA 39 was a thin strip geographically located between areas 34 and 38. In 1991, after consultations with industry, an amendment to the *Atlantic Fishery Regulations, 1985*, saw most, if not all of area 39, becoming part of LFA 34.

APPENDIX B: WITNESSES

Name of Organizations and Spokesperson	Date
Fundy North Fishermen's Association: Maria Recchia, Executive Director; Sheena Young, Program Director.	
Grand Manan Fishermen's Association: Melanie Sonnenberg, Project Manager; Bonnie Morse, Project Coordinator.	2012.04.24
Fundy Weir Fishermen's Association: Peter Holland, Manager.	
Fisheries and Oceans Canada: David Balfour, Senior Assistant Deputy Minister, Ecosystems and Fisheries Management; Morley Knight, Director General, Resource Management, Ecosystems and Fisheries Management; Siddika Mithani, Assistant Deputy Minister, Ecosystems and Oceans Science; David Gillis, Director General, Ecosystem Science, Ecosystems and Oceans Science.	2012.05.08
Fisheries and Oceans Canada: Nadia Bouffard, Director General, Fisheries and Aboriginal Policy, Program Policy Sector; Adam Burns, Director, Resource Management – Atlantic, Ecosystems and Fisheries Management Sector.	2012.10.30
Lobster Council of Canada: Leonard LeBlanc, Chairman; Stewart Lamont, Managing Director of Tangier Lobster Company Limited; Geoff Irvine, Executive Director.	2012.11.06
Gardner Pinfold Consultants Inc.: Michael Gardner, President.	2012.11.20
Atlantic Canada Opportunities Agency: Daryell Nowlan, Acting Senior Vice-President; Wade AuCoin, Director General, Community Development.	2012.11.27

Government of New Brunswick:

The Honourable Michael Olscamp, MLA, Minister of
Agriculture, Aquaculture and Fisheries;
Joseph LaBelle, Director, Policy, Advocacy and Strategic
Projects Branch, Department of Agriculture, Aquaculture and
Fisheries;
Gilles LeBlanc, Senior Processing Development Officer,
Business Development Branch, Department of Agriculture,
Aquaculture and Fisheries.

2012.11.29
Moncton,
New Brunswick

Government of Prince Edward Island:

The Honourable Ron W. MacKinley, MLA, Minister of Fisheries,
Aquaculture and Rural Development;
Richard Gallant, Deputy Minister, Department of Fisheries,
Aquaculture and Rural Development;
Barry MacPhee, Director, Department of Fisheries, Aquaculture
and Rural Development.

Prince Edward Island Fishermen's Association:

Mike McGeoghegan, President;
Ian MacPherson, Executive Director.

Fish, Food and Allied Workers:

Keith Sullivan, Market Analyst.

Alliance des pêcheurs professionnels du Québec:

O'Neil Cloutier, Vice-President.

Maritime Fishermen's Union:

Christian Brun, Executive Secretary;
Reginald Comeau, Regional Coordinator.

2012.11.29
Moncton,
New Brunswick

LFA 24 Lobster Advisory Board:

Norman Peters, President, North Shore Fisherman's
Association;
Peter Boertien, President, Eastern Kings Fisherman's
Association.

LFA 25 Lobster Advisory Board:

Lee Knox, President, Prince County Fisherman's Association.

Maritime Fishermen's Union:

Carl Allen, Fisherman;
Réjean Comeau, Fisherman.

Regroupement des pêcheurs professionnels du sud de la**Gaspésie:** O'Neil Cloutier, Executive Director.**Eastern Shore Fishermen's Protective Association:**

Peter Connors, President.

LFA 26A Lobster Advisory Board:Bobby Jenkins, President, Southern Kings and Queens
Fisherman's Association.**Western Gulf Fisherman's Association:**

Craig Avery, President.

Gulf of Nova Scotia Fishermen's Coalition:

Leonard LeBlanc, President.

Nova Scotia Fishpackers Association:

Marc Surette, Executive Director.

Acadian Fishermen's Co-operative Association Ltd.:Jeff Malloy, General Manager and C.E.O. and President of the
Prince Edward Island Seafood Processors Association.**Atlantic Policy Congress of First Nations Chiefs:**

Rick Simon, Director of Fisheries.

2012.11.30

Homarus Inc.:

Martin Mallet, Director.

Moncton,
New Brunswick**Fishermen and Scientists Research Society:**

Patty King, General Manager.

Fisheries and Oceans Canada:Marc Lanteigne, Manager, Aquatic Resources Division;
Stefan Leslie, Regional Director, Fisheries Management;
Alain Hébert, Director of Resource Management - Gulf Region.**Government of Newfoundland and Labrador:**Patrick McDonald, Acting Assistant Deputy Minister, Marketing
and Development, Department of Fisheries and Aquaculture.

2012.12.04

Government of Nova Scotia:The Honourable Sterling Belliveau, MLA, Minister of Fisheries
and Aquaculture;

2013.02.12

Leo Muise, Executive Director, Department of Fisheries and
Aquaculture.

APPENDIX C: BRIEFS AND CORRESPONDENCE

Brief submitted by the Traditional Fisheries Coalition .	2012.04.19
Letter submitted by the Fundy North Fishermen’s Association on behalf of the Traditional Fisheries Coalition .	2012.05.01
“Canadian lobster fishery”, Presentation prepared by Fisheries and Oceans Canada .	2012.05.08
Presentation prepared by the Lobster Council of Canada .	2012.05.11
Presentation prepared by Gardner Pinfold Consultants Inc.	2012.11.20
“Funding provided by ACOA to the fishing industry in Atlantic Canada”, Presentation prepared by the Atlantic Canada Opportunities Agency .	2012.11.27
Letter submitted by the Government of Quebec .	2012.11.28
“Sustainability of the lobster industry in Atlantic Canada and Quebec,” Presentation prepared by the Government of New Brunswick .	2012.11.29
Presentation prepared by the Government of Prince Edward Island .	2012.11.29
Presentation prepared by the Gulf Nova Scotia Fishermen’s Association .	2012.11.29
“Collaborative lobster research, Brief prepared by the Fishermen and Scientists Research Society .	2012.11.30
“Lobster Conservation Plan (December 2009)” submitted by the Regroupement des pêcheurs professionnels du sud de la Gaspésie .	2012.12.05
Additional information provided by the Government of Newfoundland and Labrador .	2012.12.06
Letter submitted by Mr. Donald Martin, fisherman (as an individual).	2012.12.08
Additional information provided by the Atlantic Canada Opportunities Agency .	2012.12.12
Letter submitted by Grand Manan Fishermen's Association Inc.	2012.12.20
Additional information provided by Fisheries and Oceans Canada .	2013.01.14
Letter submitted by Clearwater .	2013.01.28
Brief prepared by the Economic Development Agency for the Regions of Quebec .	2013.02.07
Letter submitted by Mr. Omer Duplessis, fisherman (as an individual).	2013.02.25