

If, however, the construction of the diversion were to be detrimental to navigation, we could perhaps prevent structures from being built or have them modified. Or, if they were to have a detrimental effect on the fishery by drying up the lower Churchill, we could, in that case, rely on federal law. Unless it is a case of flooding across an international boundary, the flooding of a national park or that kind of thing, the federal government is not usually involved in the clearing of a reservoir or in the passing of regulations for the clearing of a reservoir. The federal government does not have the power to act, but it can recommend certain actions that ought to be taken.

Mr. Haliburton: Mr. Chairman, I realize that the committee is anxious to finish its deliberations with respect to the department now being considered, and I will not delay it longer than necessary. The hon. member for Gander-Twillingate last night spoke about the fishing industry and the comments he made applied generally to my area.

• (1240)

There is one area of particular concern in Southwestern Nova about which I would like to obtain a statement from the minister. I refer to the scallop fishery in the Digby and Digby Neck area, that is the Bay of Fundy scallop fishery. When the minister was in that area last fall, he announced that the season would remain open, presumably subject to some limitation on the size of scallops in the future. At a meeting the fishermen in that area unanimously agreed that the appropriate means of preserving the scallop fishery would be the imposition of a season similar to that which had been in effect prior to that time. Will the minister state whether this matter has been reviewed, whether his department has come to a decision and, if so, what that decision is.

Mr. Davis: Mr. Chairman, when I was in the area last fall, I saw a large number of fishermen at different locations. They were divided in their opinion, at least the opinion they expressed to me, as to whether or not there should be a limited season. The hon. member tells me that they have since voted in favour of a limited season instead of no season or open fishing at any time of the year.

The fundamental problem is that the scallop resource has been heavily overfished on the United States side and in Canada as well. The sizes of the remaining scallops is already small. This is in itself evidence of overfishing. In order to help bring back the resource, we set a lower limit on the size, a limit which will be raised as time goes by. The industry is already restricted because of the condition of the resource which is general on the Atlantic coast. Whether we should also introduce a short season is a matter which we are prepared to review at any time. I will inquire as to the nature of our discussions between officials and the fishermen to see what can be done to meet the latter's requests.

Mr. Harding: Mr. Chairman, I have two or three questions I would like the minister to answer before we complete our study of this department. I listened with a great deal of interest to his answers concerning the jurisdiction of his department in connection with some of the projects about which we have been talking, such as the James Bay project and the project in Manitoba. Is the minister trying

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to tell this House that his department does not have jurisdiction, for example, when the diversion of a river is at stake? Have you no jurisdiction in this respect? I understand that it is completely within the confines of federal jurisdiction. A province might say it is going to divert one river into another and another and another. As far as I can understand, that proposal is subject to federal jurisdiction. In connection with this, I wish to ask the minister whether the province of Quebec applied to his department for the right to divert any of those rivers involved in the James Bay project.

Mr. Davis: Mr. Chairman, the province of Quebec has not applied to Environment Canada or any other federal government department for authority to divert one river in Quebec into another river in Quebec. The hon. member suggests that the diversion of rivers or streams from one to the other inside a province is a matter of federal jurisdiction. I am sure if he were speaking in a provincial legislature, he would say it was totally within the provincial jurisdiction. He undoubtedly knows of many instances where diversions have taken place solely under provincial jurisdiction and without federal law being abridged in any way. Unless there are effects outside the province, effects on the fishery, navigation or a substantial effect on human health, and there are a few other conditions I might add, unless those things happen, one or several in combination, there are no legal grounds for federal intervention. This is a fact of life in Canada.

Mr. Harding: Mr. Chairman, here we have major rivers running into James Bay in which there are fisheries and with deltas at the mouths of them. The whole picture is going to be changed. This is federal jurisdiction. Damage is being done. As far as I can make out, such a situation comes within the prerogative of the federal government. I am not talking about a little stream being diverted here, there or somewhere else. I am talking about a major river being diverted into another major river and so on, where you are bound to destroy fish runs. This directly affects the fisheries department. I again ask the minister, have there been any discussions between his department and the province of Quebec with regard to the diversion of these rivers and with regard to the damage that might be done when diversion takes place?

Mr. Davis: Mr. Chairman, this is a different question that the hon. member has raised. We have a number of our top people, experts in the area of fisheries, involved in the environmental appraisals on the effects of the James Bay project or series of projects. They have already published their preliminary findings. They are now involved in a more extensive examination of the new construction schedule which the James Bay Corporation is studying.

We will have all of that information. If there is a substantial effect on the fishery, of course there is a case for federal intervention. But the preliminary report of our fisheries exports was not all that conclusive as to damage to the fisheries. I recommend that the hon. member read the published reports on this subject before he says that there will be substantial damage to fish in this case.

Mr. Harding: Mr. Chairman, I have one more question. The minister spoke earlier about the environmental