



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

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# Standing Committee on Fisheries and Oceans

EVIDENCE

**NUMBER 088**

**PUBLIC PART ONLY - PARTIE PUBLIQUE SEULEMENT**

Tuesday, November 21, 2023

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Chair: Mr. Ken McDonald





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• (1205)

[English]

**The Chair (Mr. Ken McDonald (Avalon, Lib.)):** Welcome.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on January 18, 2022, the committee is commencing its study on illegal, unreported and unregulated fishing.

Joining us today, from the Department of Fisheries and Oceans, we have Mr. Adam Burns back again as assistant deputy minister of the programs sector; Mr. Marc Mes, director general of fleet and maritime services at the Canadian Coast Guard, here in person; Doug Wentzell, regional director general of the Maritimes region, by video conference; Mr. Lloyd Slaney, acting director general of conservation and protection, by video conference; and Mr. Neil Davis, regional director of the fisheries management branch, Pacific region, by video conference.

Welcome to the committee.

Mr. Burns, you have five minutes for your opening statement.

**Mr. Adam Burns (Assistant Deputy Minister, Programs Sector, Department of Fisheries and Oceans):** Thank you, Mr. Chair.

Good afternoon, everyone.

My name is Adam Burns. I'm the assistant deputy minister of the Fisheries and Oceans programs sector.

Mr. Chair, I'll note that Yves Richard, director of conservation and protection for the Quebec region has also joined us virtually.

I'd like to begin by acknowledging that the land on which we gather is the traditional territory of the Algonquin and Anishinabe people.

My colleagues and I appreciate the opportunity to appear before this committee regarding your study of illegal, unreported and unregulated fishing, or IUU fishing.

[Translation]

I'd like to start by clarifying that the term "illegal, unreported and unregulated fishing" is the general term that the Food and Agriculture Organization of the United Nations uses to describe a wide variety of fishing activities carried out in violation of laws and national and international obligations, or in the absence of monitoring. In that context, we use the term to describe violations of international obligations on the high seas and foreign vessel incursions into the 200-mile exclusive economic zones.

[English]

Canada has strong controls against the threat of incursion into Canadian fisheries waters by foreign vessels, including co-operative monitoring of vessel activities across federal departments through the marine security operations centres and active patrols by the department's fisheries aerial surveillance and enforcement program and by fishery officers who, every day, in our coastal communities, monitor across Canada.

The department's fishery officers are mandated to enforce the Fisheries Act and associated regulations, as well as the Coastal Fisheries Protection Act. That includes conducting inspections to verify compliance and taking appropriate enforcement action when individuals are fishing without a Fisheries and Oceans Canada-issued authorization.

[Translation]

Fishery officers work with other federal partners and local law enforcement as necessary to ensure safe and orderly fisheries management and when they become aware of violations outside the scope of legal conservation and protection authorities.

[English]

Our oceans, however, are connected and IUU fishing is a significant threat to the world's marine resources. It can impact Canadians in many ways, including the potential for direct interception of migratory species, such as salmon and tuna, and trade in IUU caught seafood can undermine the legitimate seafood sector. IUU fishing can also result in harmful impacts to marine ecosystems and to the economic and food security of developing countries and vulnerable coastal communities that rely on small-scale fisheries for survival.

We know that IUU fishing can be connected to global organized crime networks, and it is often associated with forced labour and the mistreatment of crews.

• (1210)

[Translation]

Canada plays an active role in the global fight against IUU fishing on three fronts: making international rules more effective, enforcing those rules, and forming partnerships to bring concrete solutions to the problem.

[English]

Canada has leadership roles in seven regional fisheries management organizations, or RFMOs, which collaboratively manage fisheries resources in specific areas of the high seas. These include the critical work of strengthening, monitoring, control and surveillance measures. Through these organizations, Canada has led the implementation of key new measures within these RFMOs, including the introduction of high seas inspection authorities, greater oversight of the transshipment of fish at sea, and the banning of shark finning and plastic pollution.

Canada works to enforce these rules by conducting compliance and enforcement activities in international waters. These include monitoring from sea, air and space. This past summer, Canada enhanced its monitoring of international waters by conducting its first high seas inspection operations in the north Pacific, patrolling over 12,000 nautical miles and detecting 58 violations of international agreements and over 3,000 illegally harvested shark fins. Given the large scale of high seas fleets operating in the north Pacific and the risk that IUU fishing poses to vulnerable stocks, including migrating Pacific salmon, Canada is working closely with its partners, including the United States, Japan and Korea, to uphold the rule of law at sea.

[Translation]

IUU fishing is a major threat to developing nations, which typically don't have the resources to monitor fishing activities in their national waters, let alone on the high seas, or to enforce laws.

We are actively working to strengthen the capacities of those countries.

[English]

Canada recently announced the launch of its Indo-Pacific strategy. As part of this strategy, Canada will establish a new shared ocean fund, which will invest \$84 million over five years within the Indo-Pacific region by increasing maritime co-operation, supporting a healthy marine environment and promoting measures against IUU fishing. This fund will enable partnerships with world-leading non-governmental organizations that can help overcome the complex jurisdictional challenges posed by IUU fishing.

The government recently announced that Canada will become a founding partner of the joint analytical cell, a group of non-governmental organizations that will work together to deliver high-quality fisheries intelligence, data analysis and capacity support alongside authorities in developing countries.

Canada has implemented its dark vessel detection platform and state-of-the-art satellite surveillance system to support vulnerable developing states in the detection and tracking of potential IUU fishing vessels. The DVD platform is currently helping protect the Galápagos Islands in partnership with Ecuador, and is deployed to support 15 Pacific island states.

Under the Indo-Pacific strategy, the dark vessel detection platform is being expanded to support the Philippines to support their effort to detect and track vessels that may be engaged in IUU fishing, and to strengthen their maritime security.

**The Chair:** Thank you, Mr. Burns. We've gone over the five minutes allotted.

We'll get to rounds of questioning. Hopefully, anything you didn't get to say will come out in that.

We'll now go to Mr. Small for six minutes or less, please.

**Mr. Clifford Small (Coast of Bays—Central—Notre Dame, CPC):** Thank you, Mr. Chair.

It was great to hear Mr. Burns report on the tremendous work the department has been doing globally. However, right in our own backyard, we've had numerous lobster fishers who have reached out to members of this committee, like me, Mr. Perkins, Mr. Kellogg, the Minister of Fisheries, as well as to the officials we have here today, about last summer's out-of-season lobster fishery in area 34, which was being conducted in an unregulated fashion and not in accordance with standard conservation measures.

My question is for Mr. Wentzell.

Mr. Wentzell, how many complaints do you have documented? How many charges were laid? How many convictions have occurred as a result of the lobster fishery in area 34, particularly in St. Mary's Bay, this past summer? Do you have those numbers available, Mr. Wentzell?

**Mr. Doug Wentzell (Regional Director General, Maritimes Region, Department of Fisheries and Oceans):** I do.

Last summer, in area 34, and particularly in southwest Nova Scotia, we put a lot of effort into making sure that the fishery was managed. We seized over 1,200 traps. I can also report that we seized 3 vessels. We conducted 15 arrests, and we have six active investigations.

We're currently working to move those files forward. While we don't have prosecutorial outcomes at this point, that work is under way on all of those case files.

• (1215)

**Mr. Clifford Small:** Thank you, Mr. Wentzell.

Marshall II outlined that moderate livelihood fisheries are to provide for the necessities of life. It's been widely reported that semi-trailers were loaded onto piers in St. Mary's Bay, and this was overseen by biker gangs. Does this sound like the principles of Marshall II were being followed?

Mr. Wentzell.

**Mr. Doug Wentzell:** What I can say is that any fishing activity that's not authorized by the Minister of Fisheries and Oceans is subject to enforcement. We work closely with our partners, whether it's the Canadian Coast Guard, RCMP or other agencies, to work to address any incidents of unauthorized fishing.

**Mr. Clifford Small:** Thank you, Mr. Wentzell.

Does your department know how many lobsters were harvested in St. Mary's Bay this past summer, where they were sold and if this catch has been accounted for in stock management?

**Mr. Doug Wentzell:** We are working with indigenous partners on reporting coming out of the FSC fishery. There are typically delays in those catch reports coming into departments, similar to the commercial fishery; but that's a key priority for us, to make sure that those removals are accounted for, in addition to the observations that our fishery officers have on and off the water.

**Mr. Clifford Small:** Thank you, Mr. Wentzell, for that answer.

Tim Kerr, the director of enforcement in Nova Scotia, told CBC in July that DFO had the capability to monitor the compliance of lobster fisherman in southwest Nova Scotia. If that were the case, given that DFO typically stringently enforces the law, were any directives issued by the minister, or to the minister by other government departments? As Mr. Burns stated in his preamble, your department works with other federal partners. Were any directives issued that would prohibit RCMP employees from doing their job?

**Mr. Doug Wentzell:** I can confirm, Mr. Chair, that there were no such directives issued in the region. In fact, we meet with other enforcement partners on a regular basis to help ensure that we're bringing all of our intelligence and capacity to bear on the management of all fisheries.

I can confirm that there were no such directives issued.

**Mr. Clifford Small:** Thank you.

After eight years of this Liberal government, is it possible that it has come to a point where the hands of DFO's C and P are so tied that the PMO, because of its directives, is inadvertently supporting IUU lobster fishing and organized crime? I ask because that's what we're getting from stakeholders in that region. It has been put to us many times. I have numerous emails outlining that; those are the thoughts of the lobster industry stakeholders in southwest Nova.

**Mr. Doug Wentzell:** Sorry. My colleague may want to jump in.

**Mr. Adam Burns:** I can, for a moment, just to reiterate what my colleague, Doug Wentzell, did say. We can confirm that no direction was given to the conservation and protection organization. Their responsibility is to enforce the Fisheries Act, and, in instances where unauthorized fishing is occurring, they take the appropriate action.

**Mr. Clifford Small:** I have a question on the 200-mile-limit patrolling.

Prior to 2015, 786 patrol days were provided by DFO vessels in NAFO waters near the 200-mile limit. After eight years of this current Liberal government, how many patrol days were provided for DFO vessels in that area of the 200-mile limit, the nose and tail of the Grand Banks, in this past year?

**Mr. Adam Burns:** Mr. Chair, we will have to return with a written response to that question.

**The Chair:** That would be great.

Thank you, Mr. Small. There are only four seconds left, so your six minutes has expired.

We will now go to Mr. Morrissey, for six minutes or less, please.

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

I believe I will be sharing my time with Mr. Cormier or Mr. Kelloway.

I have one question. One of the regulating bodies that plays a big part in determining whether illegal fishing occurs and the sale of that product is the buyer and the processor.

The buyers and the processors of lobster and crab are provincially regulated. Am I correct, Mr. Burns?

• (1220)

**Mr. Adam Burns:** Yes. That's correct.

**Mr. Robert Morrissey:** Could you advise the committee on this? I ask because that's where they are controlled, whether you're a first nation or a commercial fisher. There's no value in ignoring the rules and participating in what would be considered an illegal activity if there's not a buyer for the product. The buyer is only a provincially licensed buyer or a provincially licensed processor.

What steps have the provinces taken with the federal department to put penalties in place that would ensure that activity stops there—which would go a long way, probably well over 90%, towards curbing illegal activity, whether by a first nation or a commercial entity?

Could you comment?

**Mr. Adam Burns:** I'm sorry. I wouldn't be able to speak to the specific measures that have been implemented by provincial governments.

**Mr. Robert Morrissey:** Sure. I was simply asking you to advise the committee on any discussions that are taking place between the federal government and the provinces to ensure that they step up and do what they have constitutional jurisdiction to do.

**Mr. Adam Burns:** In particular, I can speak to ongoing work with provincial counterparts related to addressing the unreported cash sales issue—predominantly in the lobster fishery—to ensure that all lobster catches are being reported to the department and that the provinces are then able to track the onward movement of that product in the supply chain.

**Mr. Robert Morrissey:** Could you briefly provide a little more detail to the committee in writing? Are the provinces aware of this, and are they prepared to take the action that they have the authority to do, to ensure that this does not continue?

With that, Chair, I expect to get a written answer to the committee. I will turn my time over.

**The Chair:** Mr. Cormier.

**Mr. Serge Cormier (Acadie—Bathurst, Lib.):** Thank you, Mr. Chair.

[Translation]

My questions are for Mr. Wentzell as the regional director general for my region. I just want to make sure everyone understands the situation. People on the ground have a number of concerns, especially when it comes to the lobster fishery.

Let's look at my region, where lobster fishing area 23 is located. During the fishing season, which is from May 1 to June 30, if fishers other than commercial and indigenous fishers placed their pots in that area without the proper licence or if they didn't tag their pots, what would happen? Would fishery officers seize those pots? Would those people be arrested? Would you please comment on that?

**Mr. Doug Wentzell:** Thank you for the question.

[English]

I want to speak directly to members of the committee in terms of the role of conservation and protection. There are a range of tools that fishery officers employ to follow up on any unauthorized fishing. That includes a spectrum ranging from education up to and including seizure and arrest and charges.

Similar to the example I offered for southwest Nova Scotia, those tools are used in any given season to address unauthorized fishing. In addition to that, we do work with our enforcement partners, as the committee noted, to deal with aspects of unauthorized fishing that do fall outside of our jurisdiction from time to time. We have a range of tools, and those are employed at any time there's unauthorized activity.

[Translation]

**Mr. Serge Cormier:** Okay.

Say there's a first nations group other than those who already have community fishing licences or proper licences, and they decide to put 2,000 pots in the water in area 23 during the fishing season. What law enforcement measures would you take? Would those pots be seized? Would the people be arrested? What interventions would happen?

• (1225)

[English]

**Mr. Doug Wentzell:** In response to the question, obviously it would be case specific, because officers do take a number of factors into account. Any number of those tools that the member noted could be used, and would be used as required. Obviously, officers want to make sure that we foster compliance in any fishery. The use of those tools would work to facilitate that level of compliance. There could be a mix, and different tools could be used depending on the situation.

**Mr. Serge Cormier:** We hear many fishery officers in the area saying that they tend to close their eyes sometimes on certain rules. Is that something that you've heard, or is it something that you think is happening? Are they closing their eyes in some incidents?

**The Chair:** Thank you, Mr. Cormier.

I will have to ask the witness to probably submit something in writing as the time has expired for your allotted question time.

We will now go to Madame Desbiens, for six minutes or less please.

[Translation]

**Mrs. Caroline Desbiens (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, BQ):** Thank you, Mr. Chair.

I thank the witnesses for being here with us.

This question is probably for Mr. Burns.

There are fishers in Quebec whose fishing activities have been suspended—mackerel and herring fishers, specifically. These people have told us that only mackerel fishers in Quebec are required to report their catches. Obviously, the closure of that fishery caused major inconveniences and distress in many Quebec communities that depend on fishing. Apparently, mackerel is still being fished elsewhere, such as in the United States.

I'd like to know why Quebec fishers are the only ones who have to report their catch.

Then I'd like you to tell me what your department can do to change what's happening in the United States, which is hurting mackerel fishers in Quebec.

**Mr. Adam Burns:** I'll start with the question about the United States, and then I'll hand it over to my colleague, Doug Wentzell, who can answer the question about catch reporting in other regions.

We're working closely with the United States to manage the mackerel fishery. We are well aware that some of the mackerel fished by Americans comes from Canada. We're glad the Americans have considerably reduced their mackerel quotas. It is down a lot from previous years. We will keep working with the Americans to ensure the measures we've put in place to protect mackerel in Canada are not in vain because the Americans can still catch them.

**Mrs. Caroline Desbiens:** Obviously, all species can be fished illegally. Is there a way to impose more penalties? We know that money has a lot to do with it and that the people who engage in illegal fishing typically have a lot of money. To get the point across, couldn't we impose really high penalties and then use that money to support fishers who have been impacted by the closure of certain fisheries?

We're looking for some kind of financial assistance that doesn't necessarily come from the government. For example, we could increase penalties on fishers who break the rules and use that money to help fishers impacted by the closure of certain fisheries because of illegal overfishing. Do you understand what I mean?

**Mr. Adam Burns:** Yes, I understand the question.

That's not how the Fisheries Act is set up right now. Money from fines goes into the consolidated revenue fund. That is government revenue that's used to implement existing government policies. The money isn't earmarked for anything in particular.

• (1230)

**Mrs. Caroline Desbiens:** Is the government open to that idea? Even a law that has been around for a long time can be reconsidered. This seems like a sensible idea to me. Does the government sometimes consider sensible options?

**Mr. Adam Burns:** All I can tell you is that using revenue from fines to support fishers is not something that's in the Fisheries Act right now.

**Mrs. Caroline Desbiens:** That's how it works in other situations. For example, in Quebec, when drugs are seized, any money collected is used to help people trying to escape addiction.

I think something similar could be done for fishers negatively impacted by overfishing, such as mackerel fishers. This is more of a proposal than a question.

How widespread is illegal fishing, anyway? How big is it compared to regular fishing in Quebec and Canada?

**Mr. Adam Burns:** I don't have a specific response to that question. I can tell you that our conservation and protection officers work very closely together to enforce the laws and minimize unauthorized fishing in Canada as much as possible.

When our scientists write their reports, they take into account catches that aren't recorded in logbooks or counted as part of our processes. They take all catches into account. They want to make sure their reports contain all the information we need to manage fisheries properly.

[English]

**The Chair:** Thank you, Madame Desbiens.

We'll now go to Ms. Barron for six minutes or less.

**Ms. Lisa Marie Barron (Nanaimo—Ladysmith, NDP):** Thank you, Mr. Chair.

Thank you to the witnesses for being here today.

My first question, I believe, might be best for Mr. Davis. Is Mr. Davis here?

I'm just making sure.

Just over a year ago, the B.C. Wildlife Federation called to attention the illegal sale of salmon, which they said was rampant in British Columbia. The executive director Jesse Zeman said they were "seeing reports of dumping involving thousands, possibly tens of thousands of fish, which is a symptom of illegal sales on a massive scale". He went on to say that "The fish have spoiled suggesting that there are far more fish on the black market than there are buyers."

My question for Mr. Davis is, what is DFO doing to protect wild Pacific salmon, a keystone species, from illegal, unreported and unregulated fishing?

**Mr. Neil Davis (Regional Director, Fisheries Management Branch, Pacific Region, Department of Fisheries and Oceans):** We have a variety of enforcement and compliance activities and assets in the region that all support oversight and ensure compliance. Those range in from the high seas. You may have heard about our operation north Pacific guard, which Mr. Burns spoke to earlier.

More into domestic waters, we have overflights monitoring fisheries. We have officers in midshore patrol vessels, and in smaller coastal vessels. As we move towards the coastline, we have at-sea and dockside monitoring programs that fishers themselves are expected to adhere to. All of those things give us some oversight.

**Ms. Lisa Marie Barron:** Thank you, Mr. Davis.

How would you explain what was being reported by the B.C. Wildlife Federation, based on the information you've just provided?

**Mr. Neil Davis:** I don't think I can speak to what was reported per se, without some specifics about the incident. However, I think the assets we have in place, and the enforcement resources are the things we would use to ensure the proper oversight and compliance.

• (1235)

**Ms. Lisa Marie Barron:** Thank you.

I had two separate incidents over the summer that I wanted to highlight, and perhaps this would be for Mr. Davis again.

For the safety of the people involved, I won't confirm the location, but I did have a fisher who brought me out to a wharf and very clearly pointed out to me people who were illegally fishing. His frustration was that despite many reports, and ongoing reporting, nothing was being done. Right in front of fishers, there was illegal fishing happening repeatedly with a lack of enforcement, and that just continued on.

That is versus a very different scenario in which an indigenous fisher, because of a clerical error in paperwork, had his entire \$20,000 worth of catch seized, auctioned off, despite this clerical error being resolved quite quickly.

It seems like there are two different extremes here where we have an indigenous fisher being very harshly penalized for a clerical error, versus the ongoing illegal fishing that we're often seeing in front of us at wharfs.

Can you speak to that contrast we're seeing? How can we best move forward to ensure there are accountability mechanisms in place to avoid illegal fishing?

**Mr. Neil Davis:** Maybe I'll offer a couple of thoughts.

With respect to avoiding or preventing illegal fishing in the first place, one of the things I think is important, which we support across all of our fisheries, is a process through which we build management plans— which hopefully have understanding and, ideally, support within the fisheries being regulated by those plans—to prevent or mitigate the potential in the first place for what you're describing with regard to illegal fishing.

In the incidents where other harvesters, or the public, observe what they believe to be a violation, we do have an observe, record and report line by which members of the public can submit information about what they hear and see. That can support the ability of our conservation and protection officers to respond.

I can't speak to the individual cases you are describing in terms of what might have explained the response the department took, but as my colleagues have described earlier, there is a range of tools and approaches available to our enforcement officers for how they deal with any specific incidents or violations.

**Ms. Lisa Marie Barron:** Thank you.

Just following that, I am hearing from people on the water that there is just not enough capacity to be able to respond, despite their making those phone calls. Can you perhaps speak to that?

Why would there be such a difference in responses where it appears we already have a lack of capacity to follow through on reports of illegal fishing? Yet, we have such a large response requiring many different enforcement officers around a clerical error. How do we navigate an appropriate response to an appropriate circumstance? Are there enough individuals hired to ensure that the accountability mechanisms are followed through?

**Mr. Neil Davis:** Thank you for the question.

With respect to capacity, there are various assets in the region that we think support effective enforcement. As I was describing earlier, those include both overt forms of enforcement that are visible to people who may be harvesting, and covert forms, where we are not necessarily visible, but using other means to effectively collect information and be able to pursue cases that we think warrant further action.

I think that blend and combination of assets is what we use to ensure compliance and be able to follow up where there are instances of non-compliance.

In terms of what might inform the types of response—

**The Chair:** Thank you, Mr. Davis. If we could get that response in writing, it would be appreciated. We've gone over the time. I'm trying to get everybody's questions in.

We'll now continue on to Mr. Arnold for five minutes or less, please.

• (1240)

**Mr. Mel Arnold (North Okanagan—Shuswap, CPC):** Thank you, Mr. Chair. Thank you to the officials for being here.

According to information provided by the Library of Parliament on DFO's definition of "illegal, unreported and unregulated fishing", IUU has three distinct features. The definition of these features of IUU appear to be centred on foreign vessels and international obligations. Your presentation this morning seemed to be centred on that.

Is it only foreign vessels and international obligations that are included in your IUU work? If not, what other forms of IUU are monitored and enforced by DFO?

**Mr. Adam Burns:** Mr. Chair, it is true that generally when we speak of IUU we're speaking of those activities occurring on the high seas. Certainly, as my colleagues have pointed out through their various responses today, the department's C and P program is actively involved in ensuring compliance with our domestic fishery rules, regulations and laws as well. There's ongoing, active enforcement every day by C and P officers across the country.

**Mr. Mel Arnold:** Thank you.

Mr. Slaney, could you provide the committee with a written response on how many dollars and personnel hours are dedicated, on an annual basis, to fighting IUU domestically in Canadian waters and internationally outside Canadian waters?

Could you just give a yes or no if you could provide that in writing?

**Mr. Lloyd Slaney (Acting Director General, Conservation and Protection, Department of Fisheries and Oceans):** Yes, sir, I can do that.

**Mr. Mel Arnold:** Thank you.

From the outset of this study, I think it's important that this committee hear why DFO needs to enforce the laws and regulations and to counter IUU.

Mr. Burns, briefly, why is it essential for DFO and other agencies to do that?

**Mr. Adam Burns:** In terms of countering IUU on the high seas, there are important conservation implications related to illegal fishing. As I mentioned in my opening remarks, it's related to four examples—not only salmon and tuna, but also the implications for the broader ocean ecosystem, and the impacts that some of the illegal and unreported fishing can have on the ecosystem itself.

Those have direct links to impacts to Canadians and to important fish stocks for Canadians as well.

**Mr. Mel Arnold:** So there would be significant impacts if the IUU were not addressed by DFO and enforcement personnel

**Mr. Adam Burns:** Yes, we believe so, and that is why the government has made the investments that it has recently.

**Mr. Mel Arnold:** Mr. Burns, when DFO is calculating the total allowable catch, or TAC, of a particular fishery, does DFO factor in an estimate of how much is removed from that fishery resource by IUU activity before calculating TAC?

**Mr. Adam Burns:** Chair, I'll interpret that question as referring to both high seas IUU and also to what we would refer to as unauthorized fishing domestically. Varying definitions use different terms for that.

The answer to that would be largely yes. Our science advice takes into account as much information as it can, and often does include estimates of unreported catch as well in the advice we're provided.

**Mr. Mel Arnold:** Thank you.

Could you provide us in writing how those calculations are made specific to fish stocks, especially Pacific coast salmon stocks, and how those calculations go into calculating legal allowable harvests?

**Mr. Adam Burns:** I can't speak for my colleagues in science. My understanding of the process they use is that that estimation is different from fishery to fishery based on the available information. We can provide some examples, if not a more general answer.

**Mr. Mel Arnold:** Thank you.



In recent years there have been several fisheries-themed agreements that the federal government has finalized with indigenous-governing bodies, which have given those bodies authorities to manage and regulate their own fisheries.

Mr. Burns, are all harvests managed and regulated by indigenous-governing bodies reported by those bodies, and reported to DFO?

**Mr. Adam Burns:** There are a variety of shared decision-making processes that have been established in the pursuit of advancing reconciliation, but generally, in virtually every instance, the minister's decision-making remains intact in making those final decisions based on that collaborative work with the particular nation or indigenous group.

**Mr. Mel Arnold:** In those RRAs, rights and reconciliation agreements, do the requirements include that all harvest and fish management regulated by the authority be recorded and reported to DFO?

• (1245)

**Mr. Adam Burns:** The recording and monitoring of removals varies from fishery to fishery, so I'd want to be careful in how I answer that question, Mr. Chair, in the sense that there absolutely is variability within the reporting requirements in both commercial and rights-based fishing activities. The department works on a fishery-by-fishery basis to ensure an appropriate level of monitoring to inform the variety of activities we're responsible for in fisheries management, in scientific activities and otherwise, including working with implicated harvesters in a particular fishery to meet their international market access requirements as well.

**The Chair:** Thank you, Mr. Arnold.

We'll go to Mr. Hardie for five minutes or less, please.

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

Thank you to you all for being here.

My focus throughout these hearings will be on unregulated fishing in the Fraser, Thompson, Skeena, Nass and maybe even the Columbia river systems. I have lived experience in a lot of these areas, and I have to tell you that there's a long-standing perception, which I hope to pop—if it can be done—that our indigenous groups are over-involved in illegal and unregulated fishing.

Mr. Davis, is there a lack of clarity around indigenous fishing rights for enforcement officers?

**Mr. Neil Davis:** If you mean whether enforcement officers themselves have a misunderstanding of fishing rights, I don't think so. We have training programs that attempt to keep our fishery officers up to date. It is also a topic that is evolving. Rights can be defined through court cases that are in turn interpreted and implemented either through agreements we may make or through collaborative work with the nations themselves.

**Mr. Ken Hardie:** That would indicate that there indeed is a degree of lack of clarity.

Mr. Burns, in your position, you'd be able to speak to the issue of indigenous protocols that are brought in when enforcement actions

involve a first nations or indigenous group. What are indigenous protocols? What do they look like?

**Mr. Adam Burns:** Mr. Chair, I'm not quite sure specifically what the member is asking, but I can speak to the fact that, when our conservation and protection officers seek to enforce various rules, whether they be licence conditions or otherwise, in the context of a rights-based or a fishing activity that is being undertaken on the basis of rights, it's important for the government to understand the nature of those rights and the asserted rights in that context.

**Mr. Ken Hardie:** Sir, you're kind of guessing, and if nobody here has a firm grasp of what this protocol looks like, I would appreciate somebody getting back to us with those details. I think they'll be quite important as we try to put into context and perhaps deal with some perceptions out there that are grossly incorrect, because there are community and social issues involved that, unless we're sensitive to them and know the realities of them, we're likely to come up with recommendations that won't work very well.

In the investigation of illegal fishing, has there been any reporting done on the impact of that fishing on stocks or on habitat? To what degree are they considered to be destructive or damaging to stocks or habitat? Does anybody have any background on that?

**Mr. Adam Burns:** That would be an appropriate question for DFO science. As I've mentioned before, they certainly do, in their scientific advice, take into account unreported catches, so any impact related to that would at least be considered in the scientific assessment of the stocks.

**Mr. Ken Hardie:** Again, some background on that would be useful.

Can we talk about first nations guardians, because we've quite often heard that setting up first nations to actually monitor... I don't know if enforcing is really part of the mandate. What role do you see the guardians playing now versus, potentially, what they could do to address the situation?

• (1250)

**Mr. Adam Burns:** Aboriginal fisheries guardians are an important part of reconciliation, and, certainly, we have some really good examples where that system is working well. It is an area that the department is seeking to expand.

There are a variety of roles that aboriginal fisheries guardians can play in a full spectrum, from, as you noted, enforcement type activities, but we also have other arrangements wherein it's more of a co-management type of approach. There are various activities related to the monitoring of the harvest to inform science activities, and other management activities are also undertaken.

**Mr. Ken Hardie:** Right. I appreciate that.

Again, back to Mr. Davis, B.C. is a big province with lots of very important river systems. Are there enough resources between the province and the federal government to adequately enforce?

**Mr. Neil Davis:** I think we always have choices to make about where we direct resources, but we do have an effective complement of assets that we can deploy to provide coverage across the region. We make choices about how and when to deploy those based on our understanding of where there may be issues or trends that need addressing. There is some prioritization work that happens within the department, and it's reflective of our understanding of areas or particular fisheries that need attention.

**The Chair:** Thank you, Mr. Hardie.

We'll now go to Madame Desbiens, for two and a half minutes or less, please.

[*Translation*]

**Mrs. Caroline Desbiens:** Thank you, Mr. Chair.

I'd like to ask two questions.

First, I'd like Mr. Richard to explain to us why mackerel fishers in Quebec have to report their catches, but those elsewhere in Canada do not.

According to the table we got that lists charges since 2015, there have been about 11,000 convictions, both guilty verdicts and deemed convictions. I'd like to know if these penalties are mainly financial and, if so, how much money has been collected since 2015.

**Mr. Adam Burns:** We can provide a written answer to that question.

Regarding mackerel catch reporting, I think Mr. Wentzell can answer your question better than I can.

**Mrs. Caroline Desbiens:** Go ahead, Mr. Wentzell.

**Mr. Doug Wentzell:** To my knowledge, all catches have to be reported.

**Mrs. Caroline Desbiens:** Is that for Quebec and the rest of Canada, or just for Quebec?

**Mr. Adam Burns:** As far as I know, when the fishery is open, fishers are required to report all mackerel catches as a condition of licence. We can check that and get back to you with an answer.

**Mrs. Caroline Desbiens:** In the interest of our fishers, I'd like a written response.

Thank you.

[*English*]

**The Chair:** Thank you, Madame Desbiens.

We'll now go to Ms. Barron, for two and a half minutes, please.

**Ms. Lisa Marie Barron:** Thank you, Chair.

First and foremost, I want to acknowledge, and thank my colleague, MP Hardie, for his questions, specifically around indigenous treaty rights and some of the misinformation that we hear circulating. It's a really important topic, and I just wanted to loop back to that.

Perhaps this question can be for Mr. Burns. Specifically, can you expand a bit about how illegal, unreported...? Actually, how is DFO

engaging with indigenous communities and organizations in relation to illegal, unreported and unregulated fishing?

**Mr. Adam Burns:** We have relationships with first nations from coast to coast. We work with each one of them in a manner that is appropriate for that nation. We work with them in terms of their vision for how they would want to be exercising their rights in the context of an orderly managed fishery. That work is really important in order to understand the vision they have for their rights, and to work with them to implement an approach that helps them achieve those objectives.

That's ongoing work. It's led by our regions. It makes sense for that work to be done at the local level. It's an ongoing piece of work by the department.

• (1255)

**Ms. Lisa Marie Barron:** Thank you.

I have another question for Mr. Burns. It is actually on one of the things my colleague Mr. Arnold was asking about.

I was reflecting on a previous study that we did on appropriate labelling of fishing products. One of the witnesses talked about the lack of access to technology for fishers to self-report and to monitor the fishing as it's occurring, the lack of consistency and availability of the technology and how it's reported. I'm wondering if you can expand on that a little bit, because I do feel it's an essential piece of this discussion and of understanding what's available for fishers to appropriately monitor and report so we can better utilize that information as it relates to illegal, unreported and unregulated fishing.

**Mr. Adam Burns:** Yes, the government recently made an investment to enhance the work the department is undertaking to implement our fisheries monitoring policy to achieve greater coherence across our fisheries. An important part of that is expansion of our electronic logbook program, which is currently largely voluntary. There are a few examples in Quebec of fisheries for which it is now a requirement, but over the next year or so we're looking to expand the available technology so that we can move to a system in which logbooks are entirely electronic so that we have real-time data coming from harvesters to better understand the state of play of a particular fishery and also to make it easier for them to provide us that information.

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

We'll now go to Mr. Perkins for the four minutes that are left.

**Mr. Rick Perkins:** Four minutes: I can't say my name in four minutes.

Thank you.

My first question is for Mr. Slaney.

Do you have enough resources to enforce the Fisheries Act?

**Mr. Lloyd Slaney:** Well, sir, the program has a national cadre of officers—close to 500 across the country—and in enforcing the act, of course, we utilize a lot—

**Mr. Rick Perkins:** I'm sorry to interrupt. We have limited time. Is it yes or no?

**Mr. Lloyd Slaney:** I believe so, sir. I think—

**Mr. Rick Perkins:** Thank you. You said yes.

Tim Kerr, who's your local director in the Maritimes, before the elver fishery started this year, said he had adequate resources—as you just said—to enforce the fishery, a 45-day fishery.

The year before and the year before that, DFO was getting complaints from licence-holders about illegal poaching, and almost nothing was done about it. They were told by C and P that there was nothing they could do about the poaching going on in the rivers of Nova Scotia.

In the lead-up to this, which was led by a lot of illegal poaching in the lobster fishery in the last few years, since 2020, DFO was warned about this. Then, of course, what we saw was that you didn't have adequate resources, obviously, contrary to what you said, to actually enforce the law. Why did C and P not bring in the RCMP to help enforce the law?

**Mr. Lloyd Slaney:** Well, sir, I'm not exactly sure about the incident you're referring to, but we do work with local law enforcement officials when there's—

**Mr. Rick Perkins:** In the 18 days of legal fishery and the one month of illegal fishery that happened in the elver fishery in Nova Scotia, not once, when our office called the RCMP, did they say they had been called by DFO for RCMP to support them. Why did you not call the RCMP as the backup to deal with the poaching by the one thousand illegal poachers that were there?

**Mr. Adam Burns:** I might suggest, Mr. Chair, that Mr. Wentzell respond to the question from a management perspective.

**Mr. Rick Perkins:** Sure.

**Mr. Doug Wentzell:** Thanks.

A quick response to the question, Mr. Chair, is that we did engage colleagues—including the RCMP—on a number of different incidents involving the elver fishery. Officers made over 100 arrests last year alone, and we have about 29, I believe—

**Mr. Rick Perkins:** Mr. Wentzell, with all due respect, I did not ask for your listing of statistics, which have all been in the media. It's a very mediocre level of enforcement.

There was violence and there were guns just two minutes from my house, all the way down. I was out most weekends at midnight when the elver fishery happened, and there was nobody on the rivers, especially the most important river, the East River—which is in Chester, which is one on which science is done—to the point that DFO didn't do any science this year.

I'm asking you again how you enforce, deal with and estimate the illegal fishery if you can't even enforce a fishery that is along the rivers, let alone out in the ocean?

• (1300)

**Mr. Doug Wentzell:** This elver fishery, while it is along the rivers, presents a number of unique challenges given how lucrative it is and how the elvers are shipped out of the country.

We are doing a management review of the elver fishery right now to figure out if there are additional tools we need to manage, given how unique this fishery is.

**Mr. Rick Perkins:** Mr. Wentzell, the same official said in July they had adequate C and P resources to enforce the lobster fishery this summer. Yet, the lobster fishery in southwest Nova Scotia was overrun with poachers. You've seen the pictures of thousands of pounds of dead lobsters being dumped on the side because they were illegal and undersized.

You've seen all of that and yet you listed a small number of traps out of the tens of thousands of illegal traps in southwest Nova Scotia that were put....

Most docks never saw a C and P enforcement officer. Why?

**Mr. Doug Wentzell:** I can confirm that we've dedicated significant capacity to the lobster fishery in southwest Nova Scotia. We're going to continue to do that.

We have a number of cases that are working their way through the courts now to hopefully get those outcomes that we need for prosecutions.

**Mr. Rick Perkins:** Videos and licence plates of those involved in the elver fishery and illegal lobster fishery this summer were sent to the office of the minister, and there was lots of reporting from licensed fishers about the illegal fishery. Yet C and P failed to show up at any of those complaints. Why?

**Mr. Doug Wentzell:** I can't speak to the individual complaints, but I do know, given the hours and time that officers have put into this around the social work in Nova Scotia—

**Mr. Rick Perkins:** Did the C and P team tell the officers on the rivers and on the docks to observe and not arrest, as they were told—because I have the emails of this—in 2020 with the illegal lobster fishery then?

**Mr. Doug Wentzell:** Again, officers will make their decisions on how to enforce the act, but there was certainly no directive to not enforce and uphold the Fisheries Act.

**Mr. Rick Perkins:** All the emails within the department—

**The Chair:** Thank you, Mr. Perkins.

**Mr. Rick Perkins:** I'm just getting to the tabling of the documents.

Can you table all of those emails, please?

**The Chair:** Thank you, Mr. Perkins. Your time is up. You've gone over the time, actually.

Thank you to our witnesses for appearing today, everybody from the department. You're always quite available when we request it. We certainly appreciate that and the information you provide to the committee.

I want to remind everybody that on Thursday we will be resuming the study on illegal, unreported and unregulated fishing. The Canada Border Services Agency will appear in the first hour. However, the minister of the Department of National Defence is not available for the second hour. We are waiting....

I'm being told now that Canada Border Services won't be appearing. They're not available.

I guess instead of having the second hour as committee business, we will have committee business for two hours.

**Mr. Rick Perkins:** We'll have committee business for two hours? That's a lot.

**The Chair:** Yes, it will be two hours. We will get a lot done, won't we?

The clerk will keep an eye on whether there will be any witnesses available for Thursday. Hopefully there will be and we'll split the time up as we see fit.

Again, thank you to everyone for their participation today.

The meeting is adjourned.

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