

**STANDING COMMITTEE ON  
FISHERIES AND OCEANS**



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

**COMITÉ PERMANENT DES  
PÊCHES ET DES OCÉANS**

17 June 2024

The Honourable Diane Lebouthillier, PC, MP  
Minister of Fisheries, Oceans and the Canadian Coast Guard  
Confederation Building, Suite 207  
Ottawa, Ontario K1A 0A6

Dear Minister Lebouthillier:

I am writing to you in my capacity as the Chair of the House of Commons Standing Committee on Fisheries and Oceans (the Committee) to convey the Committee's concerns related to the closure of the elver fishery for the 2024 season and the violence and illegal activity that has occurred in this fishery.

When the Committee adopted the motion to study these issues, it was in the context of preventing violence for the elver fishery in 2024; you had not yet given notice that the fishery might not open. The first meeting on the study was held on 13 February 2024, only a few hours after you issued a statement that you were considering not opening the fishery and would make that decision after a 10-day comment period. On 11 March 2024, you announced that you would not be issuing elver licences or opening the elver fishery in 2024.

The Committee heard from witnesses, including the Canadian Committee for a Sustainable Eel Fishery Inc. (CCSEF), who raised serious concerns about inadequate enforcement of illegal elver harvesting in the last decade, the absence of ministerial engagement with stakeholders about the fishery, and the economic impact of not opening the fishery in 2024. The Committee also heard from departmental officials from Fisheries and Oceans Canada (DFO), the Canada Border Services Agency (CBSA), the Canadian Food Inspection Agency (CFIA) and the Royal Canadian Mounted Police (RCMP). Representatives from DFO and the various agencies that appeared discussed their respective roles to prevent illegal fishing and exports and to manage violent incidents, including how they collaborate and share information with each other.

The turmoil and criminality that has become associated with the elver fishery is well known. Your Deputy Minister told the Committee that “[t]he elver fishery has become the scene of unacceptable behaviour: harassment, threats and violence among fishers and towards fisheries officers, with a number of confrontations and violent incidents even posing an immediate threat to public safety and the management of this fishery.” The Committee heard that there is a clear perception that illegal elver activity is widespread, and it is disheartened that the number of arrests, charges and prosecutions do not seem proportional to the high level of illegal activity. DFO officials assured us that they allocate significant resources to monitor the fishery and enforce the *Fisheries Act* and advised us that there were 107 arrests and 60 charges last year relating to elvers but had no knowledge as to whether these charges resulted in any convictions. In addition, fishery officers from other regions have been brought in this year to support enforcement. However, given past experience with managing this fishery, we are concerned that the number of enforcement officers is insufficient and, as a result, unable to respond in a timely manner.

Witnesses representing the CCSEF shared moving testimony about the impact that not opening the elver fishery will have on the 1,100 Maritimers who have lost their jobs as a result. Stanley King told the Committee he thought it was “cruel to take 1,100 jobs from 1,100 families in one of the worst economies we’ve seen in decades. These are rural communities. We need these jobs.” He told the Committee that fishers are “in a tough position.”

Zachary Townsend, who manages the eel holding facility for the Shelburne Elver Cooperative, shared moving testimony about how the closure of the elver fishery has affected families:

I lost my partner to cancer a few months ago. It's been hard—unbearable at times—but to now be unemployed and facing an uncertain financial future is simply a challenge I didn't need. I don't share such sad news to evoke your pity, but instead to remind you that each of us 1,100 Maritimers has a story and a unique set of circumstances now made worse by the minister. Then, to read her tweets from Boston this past week, talking excitedly about how she's protecting Canadian fishing jobs, was just too much for me. To tweet that, just hours before 1,100 of us found out that we no longer had jobs, was just so hurtful. Her lack of awareness and empathy cuts deep, and I wanted you all to see that today.

High levels of frustration were evident as stakeholders told the Committee that they had limited time to discuss the issue with your Deputy Minister and had no time to meet with your office. Stanley King stated that you had refused to meet with elver

fishers, explaining that “the deputy met with us in January before this decision to close. We got half an hour of her time. She showed up 10 minutes late and cut us off at the stroke of the hour. First [N]ations have not been consulted. Industry has not been consulted. [The Minister] just has to listen.” Genna Carey, President of the CCSEF, stressed how important it was that you meet with industry representatives to discuss their plans and the work that they have done “to improve the safety, traceability and overall conditions of the fishery.” She told the Committee that “[w]e have concrete ways DFO can use their rules and their set of already existing regulations to save this fishery. They don’t need new regulations. They just need to enforce the regulations they already have.”

Stanley King questioned the advice that you were receiving in relation to not opening the fishery, particularly from the regions, emphasizing that regional civil servants are not listening to the subject matter expert stakeholders and are not reporting their ideas back to you.

While recognizing the challenge in monitoring and enforcing the elver fishery, the Committee has heard on many occasions that the fishery is not properly monitored nor adequately enforced, and it notes that while conservation does not yet appear to be an issue, illegal elver fishing needs to be addressed before it leads to conservation issues. Genna Carey and Stanley King told the Committee that DFO representatives did not respond to poaching incidents that were reported to them, with Stanley King specifying that “[f]or the first 31 days after the closure [in 2023], when nobody should have been on the river, I emailed 30 times over 31 days to report poaching every night on six rivers concurrently. I received no emails back.” Genna Carey told the Committee that when she was threatened on the river and sought assistance from the RCMP, she was told that the RCMP does not respond to elver calls. As a result, she was forced to leave the river, which is her workplace. The Committee notes that, in the Maritimes, the RCMP are the police of jurisdiction. Genna Carey also questioned the statement by Sue Black, Criminal Operations Officer with the RCMP in Nova Scotia who stated that there had been only six reports of trespassing. Genna Carey told the Committee: “I know landowners on rivers that we fish, and I can speak to their calling more than six times.”

Stakeholders voiced that, in their opinion, there were significant shortcomings with how illegal activity in the elver fishery was being addressed, whether it be on the water by Conservation and Protection officers, by the RCMP when there were safety issues and threats of violence, or at the border when illegally caught elvers were being shipped out of the country. Proper enforcement by Conservation and Protection officers from your own department as well as support from the RCMP is of paramount importance. The Committee heard from officials that new regulations are needed to support enforcement. Your Deputy Minister told the Committee that DFO has “clearly identified an area where we need a more fulsome regulatory approach

than we currently have,” and that regulations were being developed that would require “a licence to possess elver all along the supply chain.” Minister, you referred to these regulations when you appeared before this committee for our study of the *Supplementary Estimates (C) 2023–2024*, promising “that the fishery will be open in 2025,” and that “we are going to make sure we have a fishery that will be responsible and safe.” Genna Carey, however, doubted that the issues the elver fishery has faced for years will be addressed by DFO by next year. Given that your Deputy Minister advised that “[r]egulatory processes typically take more than two years,” and in light of your department's past reluctance to implement traceability programs proposed by the CCSEF, the Committee shares Genna Carey's concern and questions whether regulations will be in place in time for the 2025 elver fishery season.

While recognizing how intricate addressing the elver fishery is, the Committee was concerned by what appear to be gaps in DFO's collaboration with the CBSA and CFIA. Doug Wentzell, Regional Director General for the Maritimes Region, told the Committee that DFO collaborates closely with enforcement partners, including RCMP and CBSA, as well as local police and their provincial counterparts, and the Committee recognizes the efforts that are being made by departments and agencies to address elver fishery issues. However, the Committee believes that more needs to be done. With respect to exporting illegal elvers, the Committee notes that when officials from the CBSA appeared in November 2023 during the Committee's study on illegal, unreported and unregulated fishing, they were not aware that the elver fishery had been shut down in 2023. In addition, Daniel Anson, Director General of Intelligence and Investigations at CBSA, told the Committee that in 2023, CBSA did not make any seizures of elvers, and that CBSA had “effected a variety of different examinations to ensure compliance and have not found anything that was illicit or destined abroad that had been harvested illegally or was the result of unreported fishing.” The Committee heard that illegally fished elvers are exported by comingling them with elvers that are in transit through Canada, and that there are currently no licences or permits required to export fish, including elvers. With respect to community safety and the elver fishery, the Committee is aware that in some communities, there are periods of time when there are no law enforcement officers that are able to respond to calls. This means that, in addition to needing to adopt an interdisciplinary approach within government to work fully with your cabinet counterparts to address elver fishery issues, discussions need to be had, through the appropriate forum, with the provinces to address this gap in policing.

While Doug Wentzell told the Committee that relevant information is shared regularly with relevant government departments and agencies, the Committee believes that departments and agencies need to improve intelligence gathering and sharing to address illegal fishing and exporting of elvers. This is particularly important given that we heard that transnational organized crime is profiting from the illegal fishing of

elvers and contributing to violence. This highlights the importance of providing additional enforcement resources to coastal communities, including investigators, as this is clearly beyond the mandate of fisheries officers. Even RCMP officers in small communities, who frequently handle calls on their own, may lack sufficient tools and supports to deal with the scale of illegal activity and violence that this Committee has heard about.

Finally, the Committee wishes to highlight that alongside tackling the turbulent, illegal aspects of the elver fishery is the need to address First Nations' participation in the fishery. In addition to the licences held by First Nations, the ability to participate in the fishery needs to be based on their treaty right to fish in pursuit of a moderate livelihood. The Committee continues to hear that there is a lack of clarity around the Supreme Court of Canada's finding in *R. v. Marshall*. First Nations' licence holders and communities are negatively affected by the decision to not open the fishery this year, and are also affected by the slow progress in clarity around exercising their treaty rights in a manner that does not invite suspicion or confrontation. While your Deputy Minister shared that DFO is consulting with First Nations about the allocation of the fishery, the Committee notes that discussions have been taking place for the past 20 years in the wake of the *Marshall* decision. Stanley King said that the CCSEF supports greater First Nations access to the fishery and has reached out to First Nations partners, but he feels that attempts to bring everyone together instead of taking a siloed approach has not been supported by DFO.

At the time of her appearance, Genna Carey emphasized that it was still possible to open the fishery and that there was still time to "save 1,100 jobs." While the Committee acknowledges the complexities involved in managing this highly lucrative fishery and commends the efforts that have been made so far to tackle illegal activity, it is clear that more needs to be done to enforce the law so that legal fishers, including First Nations seeking to exercise their treaty right to fish in pursuit of a moderate livelihood, can fish in safety. For these reasons, the Committee recommends:

- 1) That DFO increase enforcement efforts in coordination with other enforcement agencies and increase the severity of the charges laid and penalties levied against poachers and illegal traders, while also collaborating with other government departments (both provincial and federal) to improve enforcement efforts and change regulations to allow other departments to enforce the *Fisheries Act*.
- 2) That DFO listen to and consult with licensed elver harvesters before making any decisions regarding this fishery to ensure it is safe and well managed.

- 3) That, given the seriousness of the violence, the Government of Canada make every effort to protect the lives of licensed elver harvesters through its designated authorities, who must act accordingly.
- 4) That DFO, in collaboration with industry and Indigenous harvesters, work to set up a rigorous traceability system within one year.
- 5) That you reopen the elver fishery in 2025 so that licensed harvesters can legally and safely make a living.
- 6) That DFO collaborate with various stakeholders, such as Transport Canada, the Canada Border Services Agency, the Canadian Food Inspection Agency, the Royal Canadian Mounted Police and any other relevant federal department or agency to draft an identification and inspection plan for transporters and elver fishing boats. Collaboration should include establishing a crisis response team which would address markets for illegally caught elvers as part of a safe rebuilding plan for elver fishing.
- 7) That the Government of Canada ban the import and export of elvers until elver harvesters with licences issued by DFO are permitted to fish.

On behalf of the Committee, I would like to thank you for taking our concerns under advisement. The Committee looks forward to your response to its recommendations.

Yours sincerely,

A handwritten signature in black ink that reads "Ken McDonald". The signature is written in a cursive, slightly slanted style.

Ken McDonald, Member of Parliament  
Chair, House of Commons Standing Committee on Fisheries and Oceans