

From: [Scott Hamilton](#)
To: [Lisa Slomke](#)
Subject: [External] Re: Letter from Marcus Powlowski to Federal Government
Date: Thursday, September 10, 2020 2:35:20 PM

[EXTERNAL] Don't click links or attachments unless you recognize the sender and know the content is safe. You can forward suspicious messages to support@fortfrances.ca.

Lisa

Here is the draft letter to the powers that be in the federal government in charge of our borders and enforcement.

I am hoping to gain the support of our Mayor and Counsel on this issue.

Thanks

Scott Hamilton

Dear Minister Blair,

I am writing today in order to request additional border control measures on Rainy Lake and Lake of the Woods to help prevent illegal fishing in Canadian waters by American citizens.

Under the changes made to S.5(a-b) of the Customs Act in 2017, individuals entering Canadian inland waters from waters in the United States of America are not required to present themselves at Customs Offices so long as they do not land, anchor, moor, or make contact with another conveyance when in Canada. While this section of the Customs Act may make sense as a way to avoid having to investigate and penalize individuals who accidentally cross into Canadian waters while enjoying a day on the lake, the conversations myself and my predecessor, Don Rusnak, have had with local fishermen and businesses indicate that this change has been encouraging the illegal fishing of the boundary waters in my riding.

As I have been told, since 2017 Canadian fishing guides in Rainy Lake and Lake of the Woods have been repeatedly coming into more contact with American fishing guides operating and parking their boats in Canadian waters without first having passed through a Customs Office or having their clientele obtain a non-resident fishing license. These Canadian guides are aware of these circumstances as they routinely interact and speak with their Americans counterparts. They have indicated to me that these excursions are done regularly, openly and prevent themselves and other Canadians from accessing certain fishing locations. Due to the lack of patrolling done by the Canadian Border Patrol Service in these waters – as well as by the provincial Ministry of Natural Resources – this illegal crossing is generally done with impunity.

The unlawful flouting of the Customs Act by these fishing guides is not the only problem in these waters, however. Given that the Customs Act allows for entry into Canadian waters without anchoring, mooring, or landing, many American fishermen are also now crossing onto the Canadian-sides of Rainy Lake and Lake of the Woods and trawling while they fish – something that is even being encouraged by certain American fishing and tourism websites (.....). Given the isolation of these lakes and the lack of patrolling by federal and provincial authorities, this fishing “loophole” is primed for abuse by individuals that do not have non-resident fishing licenses.

Both these forms of illegal fishing are causing serious problems in my riding. First, they are hurting Canadian jobs. American tourists traveling into Canadian waters with American guides under S.5(a-b)’s allowances – either to fish legally or illegally – mean that Canadian guides are losing an important part of their customer market to their American counterparts. If they are fishing Canadian resources, there should be some benefit to Canada.

This is doubly true when we consider the stress that illegal fishing has the potential to put on fish stocks in Rainy Lake and Lake of the Woods. The most recent Ontario-Minnesota Boundary Waters Fisheries Atlas from 2017 states that the populations of walleye in many parts of the Canadian-sides of both lakes are either being overharvested or are at a significant risk of being overharvested, resulting in significant reductions in walleye biomass. This is further supported by a report by the Ontario Ministry of Natural Resources in 2018 that roughly 50% of lakes with walleye in the Rainy Lake and Lake of the Woods Fishing Management Zone are either “exploited” or “stressed” due to overharvesting. Since walleye is a very popular fish for recreational anglers and subsistence harvesters, unregulated fishing in these waters is a significant threat to this population and the jobs and communities that depend on them.

There is also a potential Section 35 Aboriginal Rights component to this exploitation. Grand Council Treaty #3 has told my office that its member communities have been experiencing for years significant reductions in the fish stocks they traditionally harvest due to over-exploitation. They believe this is an infringement of their constitutionally protected treaty rights and have been advocating for years for redress on this issue. As our Government works to improve its relationship with First Nations, we should be cognizant of the effect that the changes made to the Customs Act last mandate is having on traditional harvesting in Canadian Boundary Waters.

I understand that legislative change takes time, and that there may be some positive aspects to the changes made to the Customs Act embodied in S.5(a-b) that benefit Canadians. However, it appears from my perspective – and those of a number of my constituents – that this law is having a detrimental effect on Canadian jobs, fish stocks and potentially Section

35 Aboriginal Rights.

That is why I wish to request at this moment that additional border measures be taken on Rainy Lake and Lake of the Woods in the short term to help stem the amount of illegal fishing occurring in these waters, while a more long-term legislative change can be developed and reviewed. These measures could include, from my perspective, more patrols by the Canada Border Service Agency of these waters and/or more public notices stressing the illegality of entering Canada through the S.5(a-b) regulations and anchoring or mooring your boat in order to fish. If we can increase the presence of Canadian law enforcement on these waters, I believe we can help decrease the incidences of illegal fishing that are happening there.

Thank you for your time. I am hopeful that I can work with your Ministry to help address this issue.

Sincerely,

Marcus Powlowski
Member of Parliament
Thunder Bay-Rainy River

CC.

The Honourable Carolyn Bennet, Minister of Crown-Indigenous Relations
The Honourable Chrystia Freeland, Deputy Prime Minister and Minister of Finance