



Maw-lukutijik **Saqmaq**
Assembly of Nova Scotia
Mi'kmaq Chiefs

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September 29, 2020

Jacinta Berthier
A/Regional Director, Fisheries Management
Fisheries and Oceans Canada
PO Box 1006
Dartmouth, NS B2Y 4A2
Via email: Jacinta.Berthier@dfo-mpo.gc.ca

Ms. Berthier:

Re: Consultation Regarding Food, Social and Ceremonial Fisheries:

I write as the Co-Chair of the Assembly of Nova Scotia Mi'kmaq Chiefs and as the Lead Chief for the Fisheries Portfolio with respect to your June 25th, 2020 letter seeking to consult under the Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process (TOR). More specifically, your letter looks to understand the views of the Mi'kmaq of Nova Scotia specific to American eel FSC license conditions.

We further understand that you would also like an opportunity to discuss the Fisheries Management Order (FMO) issued on April 27th, 2020 and renewed for an additional 45 – day period on June 11th, 2020. While the FMO is an important issue requiring further consultation, this letter is intended to provide general comments/recommendations regarding the American eel FSC license conditions.

Firstly, the protection and conservation of American eel is of great concern for the Mi'kmaq Nation. It is further not our intention to impede direct discussions you may have with any of our Mi'kmaq member communities. Each Mi'kmaq community has specific requests to meet the needs of their communities. It is our intention to support those needs and work with your department to address a number of overall comments/recommendations:

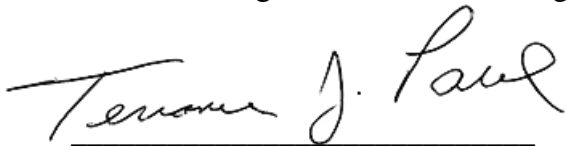
In our discussions we have heard the following:

- There should not be further restrictions. Given the continuity of the recreational and commercial American eel fisheries, further restrictions to the harvest of American eel are unjustified. Thus, there should not be further restrictions on the harvest of American eel by Mi'kmaq communities.
- Each Food, Social and Ceremonial (FSC) license should reflect that the community can fish any species as needed and as required, while respecting concern for conservation as outlined in *Sparrow*.
- Mi'kmaq require a *Sparrow* line in the precautionary approach to ensure the protection of our FSC fishery. The *Sparrow* line can be considered a limit incorporated in data models that takes into consideration the FSC needs in fisheries. This would offer a level of protection to both DFO and the Mi'kmaq whereby FSC needs become part of the scientific models used to generate advice to fisheries management.
- Mi'kmaq will consider exploring current FSC fisheries to better understand our fisheries as they are implemented by community harvesters.
- Mi'kmaq need to be part of American eel data collection and research. DFO and the Mi'kmaq need to co-develop strategies to gather and analyze data for a variety of species that are of cultural significance, and to address gaps in scientific data where Mi'kmaq knowledge could provide information on species status and abundance.

While these items are intended to start the discussion, we expect that there will be further consultation regarding the American eel FSC. Additionally, we also recommend establishing an overall FSC Table.

Your letter further identifies a number of items pertaining to the FSC fisheries which require further consultation. We also would like to further these discussions. Meetings can be arranged with Twila Gaudet, Director of Consultation.

Yours in Recognition of Mi'kmaq Rights and Title,

A handwritten signature in black ink, reading "Terrance J. Paul". The signature is fluid and cursive, with the first name "Terrance" and last name "Paul" clearly legible. The middle initial "J." is smaller and positioned between the first and last names.

Chief Terrance J. Paul
Co-Chair and Fisheries Lead
Assembly of Nova Scotia Mi'kmaq Chiefs

cc.

Paul Gentile, Area Director, Director of Fisheries and Oceans
Tom Howe, Co-Management Development Officer, Director of Fisheries and Oceans
Janet Langile, Senior Advisor, Director of Fisheries and Oceans
Vera Piero, Area Aboriginal Program Coordinator, Director of Fisheries and Oceans
Sophie Pitre-Arsenault, IRP Manager, Director of Fisheries and Oceans
Scott Philips, Fishery Officer, Director of Fisheries and Oceans