



Kwilmu'kw Maw-klusuaqn Negotiation Office

Mi'kmaq Rights Initiative

Our Rights. Our Future.

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December 18th, 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 (FSC) Fisheries:

We have received copies of the letters sent to each of the Mi'kmaw communities in Nova Scotia with respect to their Food, Social and Ceremonial Licences. The previous letter dated September 29th, 2020, from Chief Terrance Paul, recommended establishing an overall FSC Table. We hope this will be actioned early in the new year.

With respect to your request seeking specific information that would indicate that the inclusion of a minimum size will impact community's ability to access eel for FSC, we have the following comments/recommendations to offer.

We have consistently heard clearly from communities that they do not agree with any restrictions to FSC conditions and that all restrictions should be removed from the license conditions. Our communities should not be placed in a position which limits Mi'kmaw rights. Given the continuity of the recreational and commercial American eel fisheries, further restrictions to the harvest of American eel are unjustified. It is DFO's legal responsibility to justify these limitations and it is not clear what actions DFO has taken to address conservation concerns.

It further appears that DFO is attempting to address fisheries management and enforcement issues with the commercial elver fishery by limiting the Mi'kmaw FSC fishery. Elver is a viable food source for the Mi'kmaq and with food security in our Mi'kmaw communities in Nova Scotia approaching crisis levels, DFO needs to address conservation concerns in all other areas of access before removing a potential food source from any Mi'kmaw community in Nova Scotia. FSC access should not be limited when there is an ongoing commercial industry removing tens of thousands of kilograms from the waters throughout Nova Scotia annually.

Changes to the Elver commercial industry have been “static” since 2005, we therefore request up to date stock assessments, and river catch limits for both eel and elver, and information on what DFO has recently done to address the conservation concerns in the large eel and elver commercial fishery. As stated in the DFO Elver IFMP Objectives, DFO has prioritized accurately; “*Culture and Sustenance; Respect Aboriginal and treaty rights to fish*” above “*Prosperity; create the circumstances for economically prosperous fisheries*”.

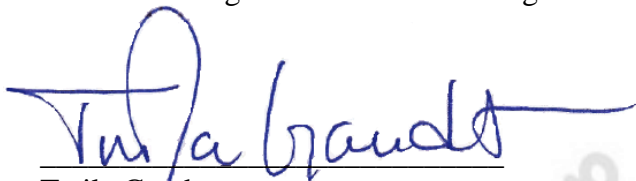
We are willing to facilitate and discuss management measures the Mi’kmaq could undertake without formalizing further FSC licence restrictions to support the conservation and improved science of this important species.

We have said, on several occasions, that each community should be able to ***fish any species as needed and as required***, while respecting concerns as set out in *Sparrow*. The *Sparrow* line takes into consideration the FSC needs in fisheries.

Lastly, DFO has indicated that the FSC licences can be amended at any time to reflect the needs of the community. These needs are not being met by further limitations and amendments are not being made in a timely manner. All Nova Scotia Mi’kmaq FSC licences and the process for meeting with communities requires improvement and an overall re-evaluation.

Again, we must reiterate that the protection and conservation of American eel is of great concern for the Mi’kmaq Nation and 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 develop tools to meet those needs.

Yours in Recognition of Mi’kmaq Rights and Title;



Twila Gaudet
Director of Consultation
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