

SEPTEMBER  
13, 2023

# Treaty Rights Protected Fishery Update



Maw-lukutjijik **Saqmaq**  
Assembly of Nova Scotia  
**Mi'kmaw Chiefs**

A message from  
the Co-Lead  
Chiefs of  
Fisheries for the  
Assembly of Nova  
Scotia Mi'kmaw  
Chiefs, Chief  
Gerald Toney and  
Chief Wilbert  
Marshall.

## A message for Mi'kmaw community members

Dear community members,

Last Friday, we sent a letter to the Department of Fisheries and Oceans Canada (DFO) to outline the challenges faced by Mi'kmaw harvesters who want to earn a livelihood out on the water. A copy of that letter is posted along with this update. We want you to know that we hear your struggles, we read the one-sided narratives in the news, and we are working to create a world where you can exercise your rights as Mi'kmaw to support your families and communities.

To keep everyone informed, we want to talk to you about some of the challenges we've seen with lobster fishing in our area. We are writing to you on behalf of several Mi'kmaw communities involved in the Treaty Rights Protected fishery, including Annapolis Valley, Bear River, Glooscap, Eskasoni, Pictou Landing, Potlotek, We'koqma'q, and Wasoqopa'q. We are all working to protect your right to fish for a livelihood in our traditional lands and waters, but the numbers paint a clear picture of how the challenges we face continue to prevent us from succeeding.

Here are the main points that we covered in our letter to DFO:

1. **Too few traps:** In our communities combined, there were only 149 Mi'kmaw using 10,954 lobster traps in the Gulf & Maritimes Regions.
2. **Small % of fishery:** Our 10,954 traps are equal to just 42.44 commercial lobster licenses - which is less than 1% of all licenses in the region.
3. **Not catching enough lobster:** Between October 2022 and July 2023, Mi'kmaw harvesters only caught 193,273 pounds of lobster. This is much less than the expected amount of 1,548,600 lbs. for that number of traps.
4. **Comparing to others:** In 2016, commercial fishermen in our area caught 168,510,000 pounds of lobster. We caught less than 0.12% of that with the same amount of time this year.
5. **Not a big impact:** Even if we catch our expected amount, it would still be less than 1% of all lobster caught in our area.

What we would like the public to know is that as Mi'kmaw fishing for a livelihood, what we are taking has little impact on the lobster population, if any. Although participating in conservation-based data collection and reporting, we continue to face challenges from the government and non-Indigenous fishers regarding our efforts.

We recognize that many who are out fishing to earn a livelihood are continuing to struggle because of the number of traps allowed and because you're having to fish in a mature, highly competitive space, alongside larger commercial vessels. Mi'kmaw Treaty harvesters are being harassed on wharf and water, and often find their equipment destroyed or tampered with. All these factors pose a safety risk to our harvesters and makes their already difficult job much harder. It is important to us that you know that we are voicing these concerns to DFO and pressing for change.

***We will continue to tell DFO that our harvesters must be allowed to fish when it is safest for them to do so, and lobster is most accessible for our fleet; this is essential to supporting a productive fishery.***





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

Kwilmu'kw Maw-klusuaqn  
Negotiation Office  
75 Treaty Trail  
Millbrook, NS B6L 1W3

**Tel:** 902.843.3880  
**Fax:** 902.843.3882  
**Toll Free:** 1.888.803.3880

September 8th, 2023

Jacinta Berthier  
Regional Director, Fisheries Management  
Maritimes Region  
Department of Fisheries and Oceans Canada  
P.O. Box 1006  
Dartmouth, N.S., B2Y 4A2

Mario Gaudet  
Regional Manager, Indigenous Affairs  
Fisheries and Harbour Management  
Gulf Region  
Department of Fisheries and Oceans Canada

**RE: Data demonstrating Challenges Implementing Rights-Based Lobster Fisheries “in-season”**

Ms. Berthier & Mr. Gaudet,

I am writing to you on behalf of Annapolis Valley First Nation, Bear River First Nation, Glooscap First Nation, Eskasoni First Nation, Pictou Landing First Nation, Potlotek Mi'kmaw Nation, We'koqma'q First Nation and Wasoqopa'q First Nation (formerly Acadia) regarding the persistent challenges in implementing a Treaty Right Protected (TRP) approach to lobster fisheries management within Mi'kma'ki, particularly within the Gulf & Maritimes Regions (LFAs 26a, 26b, 27, 28, 29, 30, 31a, 33, 34 & 35). We acknowledge the Department of Fisheries and Oceans (DFO) as having a role in the realization of our TRP Rights and appreciate the opportunity to engage in constructive dialogue.

Our objective is to inform, with statistical information, some of the demonstrated impediments that have hindered the effective implementation of rights-based fisheries management. While recognizing the complexity of the issues involved, it is crucial that we confront these challenges in earnest to ensure the rightful exercise of our inherent rights in the stewardship of our traditional fisheries.

In this context, we wish to emphasize certain critical points:

1. Current DFO trap allocation:

- 10,954 traps fished throughout the Gulf & Maritimes Regions, utilized by 149 harvesters.

2. Trap allocation equivalent to Commercial Licences:

- 10,954 traps are equivalent to 42.44 commercial lobster licenses, operated by only 51 vessels across Mi'kma'ki, less than 0.75% of all licence access
- Total licences issued in the Gulf and Maritimes Regions- 5939

3. Lobster removals from a combination of all 51 TRP vessels between October 2022 - July 2023:

- **193,273 lbs.**

4. Expected Average Annual Removals:

- *Expected commercial landings based on the DFO report "Mapping Inshore Lobster Landings and Fishing Effort on a Maritimes Region Statistical Grid (2015–2019)", 42.44 Commercial Licences are projected to yield an average annual removal of **1,548,600 lbs.** Actual removals equaled less than 13% of expected landings.*

5. Comparison to Regional Lobster Removals:

- In 2016, the combined lobster removals by commercial license holders in the Gulf/Maritimes totaled **168,510,000 lbs.**
- In the period October 2022 - July 2023, the entire TRP fishery accounted for less than **0.12%** of all lobster removals in the Gulf and Maritimes regions.

6. Potential Impact of TRP lobster removals:

- Should TRP operations reach their projected annual removals of 1,548,600 lbs., the effect would still be minimal, at less than **0.92%** of all lobster removals in the DFO regions.

As we have repeatedly advised, the equivalent of 42.44 commercial licences to the TRP fishery is not a moderate livelihood. The systemic limitations placed on our TRP fishery cannot be justified. We will return to those vital points in future communications.

In the meantime, these statistics clearly indicate that the DFO-sanctioned TRP fishery's overall impact is negligible. As per the Honourable Minister's requirement, DFO authorized TRP lobster fishing must occur within the commercial season. This restriction has significantly constrained our ability to achieve the projected annual removals. It is crucial to recognize some of the root causes behind the underperformance of TRP landings.

We have observed, and reported, instances of harassment and continuous gear tampering by non-Indigenous persons, which are a primary obstacle that has hindered the optimal utilization of TRP allocations. This continues after three seasons attempting to fish alongside the commercial licence holders in the DFO seasons.

It is disheartening to note that despite the negligible impact of TRP operations, the path towards full recognition and implementation of our TRP Rights remains fraught with difficulties, and Ministerial and regulatory barriers. This is indicative of systemic issues that inhibit the meaningful exercise of our rights as Indigenous peoples. Reconciliation cannot be approached until those systemic Rights violations are rooted out.

We call upon the Minister and the Department to examine and address these obstacles with the utmost seriousness and urgency. Our collective aspirations for sustainable fisheries management and the meaningful involvement of the Mi'kmaw communities in our traditional fisheries are contingent on addressing these DFO structural impediments.

We request that DFO engage in a focused, rights-based dialogue with us, aimed at identifying and rectifying the challenges that have, to date, thwarted the full realization of our rights as a Nation. We remain committed to constructive engagement and collaboration in the pursuit of a just and equitable fisheries management regime.

We look forward to your response and to the opportunity to work together to ensure the sustainable management of Jakej populations within our traditional territories.

Bear River reminds DFO that they have never signed any fisheries agreements or licences with respect to their fisheries.

The following information is protected as Mi'kmaq Knowledge (MK), owned, and maintained by the First Nations referenced. MK is shared with the department in the spirit of Two-Eyed Seeing, and collaborative conservation-based management of Jakej (American lobster- *Homarus americanus*).

NETUKULIMK TREATY RIGHT PROTECTED FISHERIES JAKEJ (LOBSTER) removals for the following Mi'kmaw communities during the period of October 2022 - July 2023, harvesting under communally authorized NETUKULIMK TREATY RIGHT PROTECTED FISHERIES SPECIES-SPECIFIC INTERIM JAKEJ (LOBSTER) FISHERIES MANAGEMENT PLAN(s):

*Annapolis Valley First Nation*  
*Bear River First Nation*  
*Glooscap First Nation*  
*Eskasoni First Nation*  
*Pictou Landing First Nation*  
*Potlotek Mi'kmaw Nation*  
*We'koqma'q First Nation*  
*Wasoqopa'q First Nation (formerly Acadia)*

Yours in Recognition of Mi'kmaw Rights and Title,

*Original letter sent was signed by all 8 Chiefs*

---

Chief Gerald Toney  
Annapolis Valley First Nation  
Assembly of Nova Scotia Mi'kmaw Chiefs  
Fisheries Co-Chair

---

Chief Wilbert Marshall  
Potlotek First Nation  
Assembly of Nova Scotia Mi'kmaw Chiefs  
Fisheries Co-Chair

*Original letter sent was signed by all 8 Chiefs*

---

Chief Sidney Peters  
Glooscap First Nation  
Assembly of Nova Scotia Mi'kmaw Chiefs  
Justice Co-Chair

---

Chief Carol Potter  
Bear River First Nation  
Assembly of Nova Scotia Mi'kmaw Chiefs  
Environment Co-Chair

---

Chief Annie Bernard-Daisley  
We'koqma'q First Nation  
Assembly of Nova Scotia Mi'kmaw Chiefs  
Justice Co-Chair

---

Chief Deborah Robinson  
Wasoqopa'q First Nation  
Assembly of Nova Scotia Mi'kmaw Chiefs  
Governance Co-Chair

---

Chief Leroy Denny  
Eskasoni First Nation  
Assembly of Nova Scotia Mi'kmaw Chiefs  
Natural Resources Co-Chair

---

Chief Andrea Paul  
Pictou Landing First Nation  
Assembly of Nova Scotia Mi'kmaw Chiefs  
Environment Co-Chair

<b>TRP Lobster October 2022- July 2023</b>	<b>Self reported Sold lbs</b>	<b>Self-use "Not sold" lbs</b>	<b>TRAPS Fished</b>	<b>Manually reported lbs</b>	<b>Adjusted Removals Total lbs</b>	<b>CPUE Lbs</b>
<b>TOTAL</b>	<b>178430</b>	<b>3731</b>	<b>72297</b>		<b>193273</b>	<b>2.66835</b>
<b>LFA 26a</b>	<b>1730</b>	<b>0</b>	<b>165</b>	<b>7401</b>	<b>9131</b>	<b>N/A</b>
<b>LFA 26b</b>	<b>11153</b>	<b>268</b>	<b>7159</b>		<b>11421</b>	<b>1.595335</b>
<b>LFA 27</b>	<b>20551</b>	<b>0</b>	<b>6197</b>		<b>20551</b>	<b>3.316282</b>
<b>LFA 28</b>	<b>503</b>	<b>0</b>	<b>421</b>		<b>503</b>	<b>1.194774</b>
<b>LFA 29</b>	<b>22027</b>	<b>0</b>	<b>16800</b>		<b>22027</b>	<b>1.311131</b>
<b>LFA 31a</b>	<b>22973</b>	<b>1</b>	<b>4253</b>		<b>22974</b>	<b>5.401834</b>
<b>LFA 33</b>	<b>9765</b>	<b>95</b>	<b>3895</b>		<b>9860</b>	<b>2.531451</b>
<b>LFA 34</b>	<b>52405</b>	<b>3074</b>	<b>20671</b>		<b>55479</b>	<b>2.683905</b>
<b>LFA 35</b>	<b>22864</b>	<b>273</b>	<b>8116</b>		<b>23137</b>	<b>2.850789</b>

cc.

Doug Wentzall, DFO  
Michael Leonard, DFO  
Arron Atkins, DFO