

**NETUKULIMK TREATY RIGHT PROTECTED FISHERIES
SPECIES-SPECIFIC INTERIM KATEW
(ELVERS, AMERICAN EEL, ANGUILLA ROSTRATA)
FISHERIES MANAGEMENT PLAN**

As declared by:

Annapolis Valley First Nation

Bear River First Nation

Eskasoni First Nation

Glooscap First Nation

Pictou Landing First Nation

Potlotek Mi'kmaw Nation

Wasoqopa'q First Nation

We'koqma'q First Nation

MARCH 2025

1 PREAMBLE

The Members of Mi'kmaq First Nations in Nova Scotia are beneficiaries of the Covenant Chain of Treaties made with the Crown between 1725 and 1761, including the Treaties of 1760-61 that were the subject of the 1999 Supreme Court of Canada decision in the case of Donald Marshall, Jr.

In accordance with these Treaties, Mi'kmaq in Nova Scotia have the constitutionally defined rights to harvest and sell natural resources, including fish. Accordingly, Mi'kmaq Band Councils in Nova Scotia recognize the obligation to manage fisheries activities of the Mi'kmaq communities' members in Nova Scotia.

The Netukulimk Treaty Rights Protected Fisheries Protocol (the "Protocol") is now in effect. That Protocol does not apply to Food, Social and Ceremonial ("FSC") Harvest in the exercise of Aboriginal Rights.

The Protocol provides for the development of Species-specific Harvest Plans and Conditions.

This Species-specific Interim Fisheries Management Plan deals with the harvest of Katew – Elvers.

This Interim Fisheries Management Plan is a living document and may be amended from time to time based on experience, dialogue, and communication with our members.

This Interim Fisheries Management Plan must be read in conjunction with the Protocol. Certain terms used in this document are defined in the Protocol.

2 SPECIES CONDITIONS – KATEW (ELVERS, AMERICAN EEL, ANGUILLA ROSTRATA) LESS THAN 10 CM

- 2.1 All Treaty Right Protected (“TRP”) Fishing activity for Katew - Elver, American Eel (Anguilla Rostrata) less than 10 cm under this exploratory interim management plan must comply with all the following conditions. This is an interim exploratory management plan. The results of this plan will be evaluated and re-considered in discussion with our members and harvesters.

This plan does not apply to the TRP harvest of adult Eels. The potential for a future TRP harvest of Eels may be considered in the future in a separate process.

DEFINITIONS:

- 2.2 **Authorization**- A document issued to the harvester by the Band Council or designate indicating that they are fishing under the authority of a Nova Scotia First Nation in accordance with a TRP Netukulimk Fisheries Management Plan.
- 2.3 **Designated Holding Facilities** means one of the pre-approved holding facilities designated by a Band Council or designate.
- 2.4 **Harvester** – A Band member who is registered and authorized to fish under a Netukulimk TRP Fisheries Management Plan.
- 2.5 **Maritimes Region** – The region of Eastern Canada consisting of the waters adjacent to the coastal areas of New Brunswick, Nova Scotia, and Prince Edward Island.
- 2.6 **Cod end** – the eel capture section of the net.
- 2.7 **Daily Report** – will consist of the information required daily from the harvester to support proper management, oversight, preservation, and conservation. For this Species Specific Elver plan, the information required will consist of the Date of harvest, harvest location (River), landing/removal estimate at time of landing (prior to leaving location), actual weight landed (at time of transfer to holding or sale).

- 2.8 **Transportation Manager**– a Band Council(s) authorized individual or harvester to work for and with harvesters, to support the following (but not limited to) objectives: recording individual harvesting weight, professional handling, transportation, holding and monitoring of live elvers in preparation for sale.
- 2.9 **Dip Net** – a single person, hand held net.
- 2.10 **Wet Weight** – weight is taken of elver placed in a mesh bottomed container, until water no longer drips from that container, for a period not exceeding 2 minutes.
- 2.11 **TRP Leadership Fisheries Committee** –is a community delegated body established as a Mi'kmaq governance process to oversee, administer, advise, and lead the implementation of the NETUKULIMK TREATY RIGHT PROTECTED FISHERIES.
- 2.12 **Fisheries Implementation Team (FIT)** –is established to oversee, administer, advise, and manage the implementation of the NETUKULIMK TREATY RIGHT PROTECTED FISHERIES.

COMPLIANCE

- 2.13 In the event of any violation of the provisions outlined in this policy, the matter shall be referred to the respective Band Council or delegation for resolution through a community justice process. Notably, any breaches related to the Fishery Monitoring Plan in Appendix 1, established to oversee fishing activities under this SPECIES-SPECIFIC INTERIM FISHERIES MANAGEMENT PLAN, will be addressed through the specific protocols defined in the monitoring plan.
- 2.14 All harvesters, monitors, and participants, and any other individual operating under this document must adhere to the Zero Tolerance Harassment and violence Policy outlined in Appendix 2. Any and all forms of bullying, harassment, or intimidation toward harvesters, members of the Fisheries Implementation Team (FIT), monitors, or community liaisons will be treated as a serious violation of this management plan. Failure to comply with this policy will result in referral to community justice processes, or other disciplinary actions deemed appropriate by the Band Council, delegate, or law enforcement as applicable to the situation.
- 2.15 Each designated harvester must be registered and authorized under the Netukulimk TRP Elver Fishing Plan before engaging in fishing activities.
- 2.16 Fisheries Implementation Team (FIT) monitors will conduct periodic site checks to ensure compliance with the harvester limits.

2.17 Harvester authorization will be subject to fulfilment of harvesting duties, responsibilities and obligations from all authorized TRP harvesting activities.

REGISTRATION & IDENTIFICATION:

2.18 All harvesters must register, by set registration deadline, with and be approved by their Band Council to harvest Elvers under the terms and conditions of this Fisheries Management Plan. This registry will include if applicable:

- a) Band member's name
- b) Band number
- c) Tag numbers issued
- d) Fishing area/ Watershed/ River system
- e) Gear Type
- f) The vehicle or vehicles information which the Harvester intends to use to transport the Elvers to the Designated Holding facility or buyer.

2.19 The Band Council designate will issue to the harvester a certificate of registry with the harvester's name, tag numbers issued, and gear type used for fishing and will provide the Harvester with a list of the Designated Holding Facilities. The Harvester will confirm to the designate which of the Designated Holding Facilities he or she intends to use and may amend that by notice in writing from time to time.

2.20 The Band Councils may require a registration fee or another form of compensation to cover cost of administration or to ensure responsible management practices are maintained.

2.21 Harvesters may be subject to criteria, as established by the Band Councils, including reduction in access or locations, that supports fair and equitable access for all approved harvesters.

- 2.22 Elver fishing will be by hand dip net. That written authorization will specify the harvester's name and Band number, an individual authorized total allowable catch, description of the permitted gear type, amount of said gear that is permitted, and specific fishing period that said gear can be used.
- 2.23 Harvesters employing a method of fishing elvers other than those listed in s.2.33 must always carry authorization documents with them while fishing and transporting eel caught with the gear for which permission was granted, and show said documents to a Band designated monitor, DFO Enforcement or Guardian upon request.
- 2.24 All harvesters will indicate in writing their agreement and commitment to the terms and conditions of this Plan upon receipt of the authorization card and/or tags. The harvester's Band or designate may provide a form letter for signature by the harvester.
- 2.25 Harvesters are not permitted to check nets or haul traps other than those with tags issued in their name.

SAFETY:

- 2.26 The minimum age for access to this Netukulimk Livelihood Fishery will be 18 years of age at the time of registration.
- 2.27 All Harvesters must wear a PDF or lifejacket when engaging in all harvesting, fishing, or work on or in relation to the elver fishery.

PRESERVATION, CONSERVATION AND CATCH PROHIBITIONS

American Eels are a species that has a Committee on the Status of Endangered Wildlife In Canada (COSEWIC) Status as Threatened (2012), but regionally eel densities have been increasing since the late 1980s (COSEWIC Assessment and Status Report 2012). Abundance studies of Elver (juvenile Eel) supporting steady increases in levels, and record catch levels in 2018, indicate that this species can support some level of Mi'kmaq TRP harvest. Currently, DFO supports an "experimental" commercial elver fishery with a Total Allowable Catch (TAC) of 10,000KG, comprising of 9 commercial licenses utilizing only a small geographical area of Nova Scotia's watershed (approximately 30% of available fishable habitat).

Our First Nations have traditional knowledge and current experience with Eels and Elvers, especially in Mi'kma'ki. We hereby establish an experimental Elver fishery as an interim management plan. The purpose is to observe and document the upstream migration of elvers on selected rivers in Nova Scotia to identify potential locations and appropriate gear types for a future Elver fishery on those rivers. Netukulimk harvesters will retain a small amount of those Elvers for a TRP fishery and establish an Elver index for the rivers that do not have an established Elver fishery.

- 2.28 Effort or harvest levels, preservation and conservation practices will be determined collectively by our Band Councils based on community, science, and co-management recommendations.
- 2.29 Band Councils may request harvesters support science, research or restocking methods as opportunities are made available.
- 2.30 When moving between watersheds, harvesters must wash, dip, or spray or otherwise treat boots and all fishing gear with iodine-based or similar disinfectant before entering or placing fishing gear in another watershed.

AUTHORIZED FISHING GEAR:

- 2.31 While fishing under the authority of their Band Council, the harvester is prohibited from fishing with more nets at any one time than the maximum number specified in their registration and certification documents. Electro-fishing is prohibited.
- The harvester is only permitted to use the number of dip nets authorized by their Band Council. dip net(s) as required
- 2.32 All actively fishing gear must be checked within a 24-hour period unless prohibited by the weather.

AUTHORIZED HOLDING FACILITY(S):

- 2.33 The Band Councils may issue a harvester a special designation as “transportation manager”, or “possession only” to ensure the quality and health of harvested elvers during transportation and temporary possession requirements.
- 2.34 The Band Councils may designate and authorize a temporary holding facility to support proper handling and quality control of harvested elvers.
- 2.35 While fishing under the authority of their Band Council, the harvester is prohibited from holding elvers for any length of time, other than for transporting directly from harvesting location to authorized holding facility, or mobile buying location, at the end of fishing activities daily.

BUOYS and MARKINGS

- 2.36 All floats and buoys must clearly indicate the harvester's name, community and contact number.

OTHER

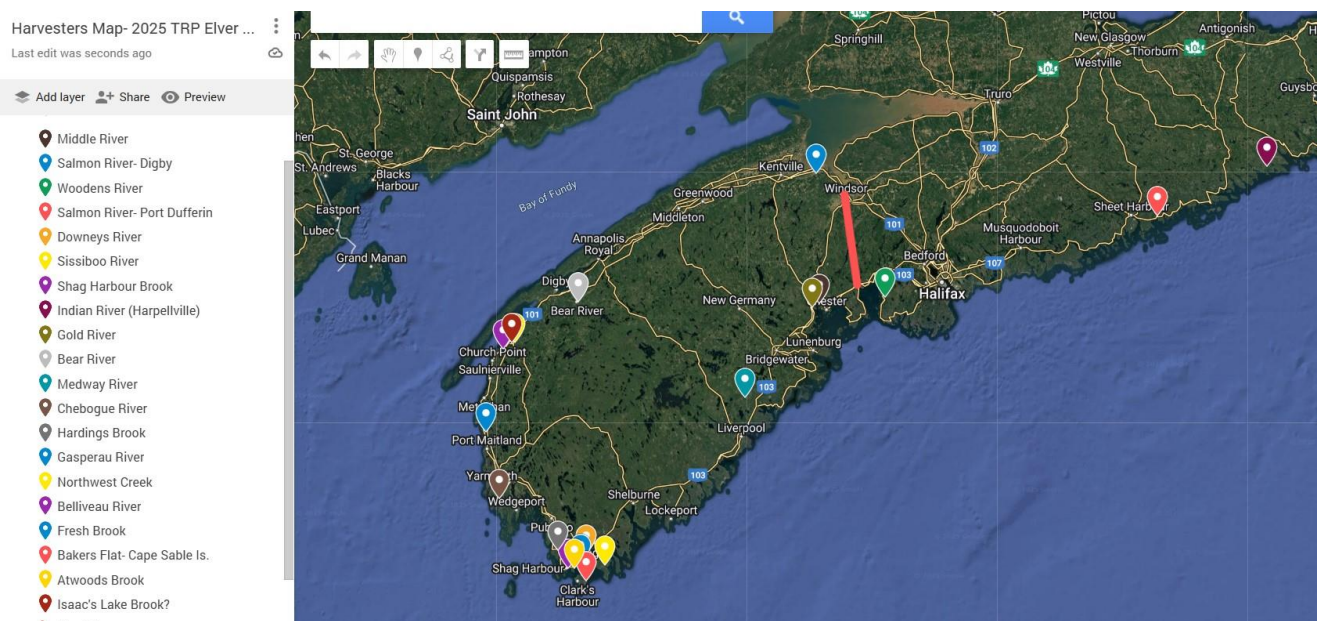
- 2.37 When fishing for elvers one-third of the width of any river or stream and not less than two-thirds of the width of the main channel at low tide in every tidal stream must be left open.

FISHING AREAS

2.38 To ensure conservation objectives are met and sustained, TRP harvesters are only permitted to fish for Elvers in the waters set out in the following table in 2025 and use only the types and quantities of gear set out in s.2.34 at the specific locations set out in this table. Interactive map found here:

<https://www.google.com/maps/d/u/0/edit?mid=1fSbOVb6zoBdyXE9u1v8l5pl7xXJAlfo&usp=sharing>

DFO Feb 25th Proposed Rivers			Region	DFO Limits
Bear River	400.00 kg	Large	South	44
Gold River	400.00 kg	Large	South	44
Indian River (Harpellville)	147.75 kg	Medium	North	31
Medway River	800.00 kg	Large	South	75
Northwest Creek	25.00 kg	Small	South	18
Salmon River (Port Dufferin)	207.33 kg	Medium	North	31
Shag Harbour Brook	46.83 kg	Small	South	18
Sissiboo River	400.00 kg	Large	South	44
Belliveau River	66.78 kg	Small	South	18
Chebogue River	36.38 kg	Small	South	18
Cornwallis River	373.41 kg	Medium	South	31
Downeys River	59.39 kg	Small	South	18
Fresh Brook	18.00 kg	Small	South	18
Gaspereau River	400.00 kg	Large	South	44
Hardings Brook	28.94 kg	Small	South	18
Bakers Flat (Cape Sable Island)	46.73 kg	Small	South	18
Atwoods Brook	12.00 kg	Small	South	18
Isaac's Lake Brook (Sissibo)	9.08 kg	Small	South	18
Salmon River (Digby)	351.11 kg	Medium	South	31
Middle River	273.20 kg	Medium	South	31



2.39 Designated Harvester Limits by Watershed Classification

The number of **designated harvesters** fishing at each authorized watershed at any given time must not exceed the following limits based on the watershed size classification. This is subject to management discretion by the Collective Fisheries Committee based on conservation considerations and limitations.:

- **Small** Watersheds (0-99 kg TAC) - Maximum of **25 designated harvesters** permitted at the watershed at one time.
- **Medium** Watersheds (100-399 kg TAC)- Maximum of **50 designated harvesters** permitted at the watershed at one time.
- **Large** Watersheds (400 kg+ TAC)- Maximum of **75 designated harvesters** permitted at the watershed at one time.

2.40 Harvesters will be designated in the form of a harvester authorization certificate, including a watershed from the s.2.45 table, which may include a specific geographical location on a river or tributary within that watershed, in which harvesting may only take place.

Harvesters may re-apply for a harvest location change in extenuating circumstances or if their designated river system is closed under section 2.49.

2.41 Harvesting efforts will not exceed Spawner Per Recruitment (SPR) 70 of sustainable removals of any watershed based on the current scientific per KM² calculation. * See appendix X. The Committee may also establish a total TAC for the TRP Elver fishery as a whole, and may close the Elver fishing season when that total TAC is achieved.

2.42 Harvesting will cease on any watershed that reaches the SPR70 sustainable removal threshold. Watershed closure will be recommended by Committee and communicated to all Harvesters within 24 hours. Any closure of the Elver season due to the harvest of the total TRP TAC will be communicated to all harvesters within 24 hours.

2.43 **The maximum Total Allowable Catch (TAC) per harvester is 12kg.** Individual TAC is subject to the management discretion and equitable distribution of effort by the Collective Fisheries Committee based on conservation considerations and limitations.

2.44 Multiple elver harvesters (more than one) may conduct fishing activity from a single authorized location, or fyke net if authorized, provided the TAC does not exceed the maximum allowable individual authorization TAC of 12 kg per individual or combined SPR70 of the sustainable removal for any given river or watershed. ***Individual TAC is subject to the management discretion and equitable distribution of effort by the Collective Fisheries Committee.***

- **Rotational harvesting schedules** may be implemented at high-demand watersheds to ensure equitable access for harvesters while adhering to conservation-based principles.

- 2.49 Prior to leaving a watershed, or river, Harvesters will be required to create a riverside weight estimate, to the first decimal place (0.0 kg or 0oz) accuracy.
- 2.50 If the harvester, at any time, transfers possession of elver, the harvester is to report an accurate wet weight and indicate the name of the holding facility or buyer in which possession is transferred to utilizing indicated reporting methods.

*Additional reporting requirement may be added upon review by the Committee, and as capacity increases.

LOST GEAR REPORTING

- 2.51 The harvester must report any lost tagged fishing gear to their Band Council designate within 24 hours of discovering that gear has been lost.
- 2.52 The harvester must report the retrieval of any of their own previously reported lost gear to their Band Council designate within 24 hours of retrieving gear previously reported as lost, or within 24 hours. Retrieval can only occur by an authorized harvester.

BYCATCH

- 2.53 The harvester is required to return all incidentally caught fish.
- 2.54 It is mandatory to release all bycatch species to control unintended mortality for all species.

SPECIES PRESERVATION

- 2.55 Harvesters may be required to relocate a portion of their catch upriver to support the migration, to contribute to the sustainability of the elver fishery and continued preservation of this important species. *This is currently under review.

DESIGNATED ELVER BUYERS

- 2.52 The Committee will designate approved elver fish buyers who will be eligible to acquire elvers from TRP Netukulimk Elver Harvesters.

Appendix 1:

Fisheries Monitoring Plan

1. Stewardship Keeper (FIT) Role and Activities

The Fisheries Implementation Team (FIT) will include a designated **Stewardship Keeper(s)** responsible for overseeing day-to-day monitoring of the fishery. Their duties include:

Monitoring Compliance: Ensuring all harvesters adhere to the management plan, including registration, TAC limits, safety protocols, and conservation measures.

Daily Logs: Collecting daily logs from harvesters using standardized logbooks or the Vericatch app, with information on location, catch data, and gear used.

On-site Monitoring: Conducting periodic riverside inspections to ensure compliance with gear regulations and safety measures.

Lost Gear and Bycatch Reporting: Recording lost gear incidents and ensuring the proper procedures are followed, including the reporting of marine mammal interactions and species at risk encounters.

2. Vericatch App Monitoring

The Vericatch app will be used as the primary tool for digital monitoring, allowing real-time data collection and reporting:

Harvester Compliance: Each harvester is required to input daily catch and effort data, including location, catch details, and weights, using the Vericatch app.

Data Management: The app will provide the FIT with a centralized database to monitor individual and aggregate catches, ensuring that the fishery remains within agreed conservation limits.

Lost Gear Reporting: Harvesters must report lost gear incidents directly through the app, and retrievals will be tracked by the FIT to maintain updated records.

3. CMM Science Monitoring Activities

Collaborating with CMM science teams will be essential to enhancing the monitoring and conservation.

Environmental Impact Assessments: FIT and CMM scientists will coordinate to gather data on environmental factors affecting populations, such as ocean temperature and habitat conditions.

Species at Risk Monitoring: The FIT and CMM will work together to document interactions with species at risk (e.g., Northern Wolffish, Leatherback Sea Turtles), ensuring compliance with conservation requirements.

4. FIT Complaint Process

In the event of non-compliance or complaints, the following steps will be taken:

Investigation by FIT: Upon receiving a complaint (e.g., gear misuse, bycatch violations), the Stewardship Keeper will initiate an investigation by collecting data from the Vericatch app and conducting interviews with the involved parties.

Reporting to Band Council or delegate: If a breach of the fisheries management plan is confirmed, the issue will be escalated to the Band Council for resolution.

Community Justice Resolution: Violations will be addressed through the Band's community justice process, which may involve mediation, educational measures, or penalties.

5. DFO C&P Liaison Process Overview

The Fisheries Implementation Team (FIT) will maintain a **liaison process** with the Department of Fisheries and Oceans (DFO) Conservation and Protection (C&P) division to ensure transparency and compliance with broader regulatory frameworks. This process will include:

Regular Communication: The FIT Stewardship Keeper will act as the primary liaison between the Mi'kmaq fishery and DFO C&P, facilitating regular updates and open communication on monitoring efforts and compliance issues.

Joint Monitoring and Inspections: Coordinated at-sea patrols and inspections with DFO C&P to verify trap limits, tag compliance, and gear specifications while ensuring Mi'kmaq governance protocols are respected.

Incident Reporting: FIT will promptly report any significant incidents or potential violations, such as boundary encroachments or gear conflicts, to the DFO C&P to mitigate enforcement actions and maintain cooperative relationships.

Complaint Resolution: The FIT complaint process will involve collaboration with DFO C&P when necessary, ensuring that any escalated issues or disputes are resolved in accordance with both Mi'kmaq protocols and federal regulations.

This liaison process aims to foster cooperation between Mi'kmaq fisheries governance and DFO, supporting the ongoing exercise of treaty rights while ensuring conservation and protection measures are met.

Appendix 2:

Zero Tolerance harassment and violence Policy

The Netukulimk Treaty Right Protected Fisheries Management Plan enforces a zero-tolerance policy on harassment, violence, and bullying to ensure a respectful, safe, and collaborative environment for all individuals involved in the fishery including harvesters, members of the Fisheries Implementation Team (FIT), monitors, community liaisons, and all other current and future roles to which this policy applies.

Any form of bullying, harassment, or intimidation—whether verbal, physical, or online—directed at other harvesters, FIT members, liaisons, monitors, or any other individuals engaged in the implementation and oversight of this management plan will not be tolerated.

Violations of this policy will be addressed immediately through the community justice process and may result in disciplinary actions. This may include suspension of fishing privileges, or other sanctions deemed appropriate and issued by the Band Council. Severe cases of harassment or violence may necessitate the involvement of law enforcement.

This policy is in place to promote the health, safety, and well-being of all participants and to maintain the integrity and harmony of the fishery.

Defining, and examples, of harassment, violence, and bullying

Harassment and violence, are related to bullying but the three can be thought of in the following ways:

- **Harassment** involves unwanted behavior that demeans, humiliates, or intimidates someone. It can be verbal, physical, or psychological and is often persistent.
- **Violence** refers to physical force intended to hurt or damage. In the workplace, it can include physical assaults or threats of harm.
- **Bullying** is a form of aggressive behavior where someone repeatedly and intentionally causes discomfort or harm to another person. It can be physical, verbal, or psychological.

Workplace violence and harassment encompass a wide range of behaviors beyond physical assault. It includes any act where a person is abused, threatened, intimidated, or assaulted in their employment. Here are some key definitions and examples:

Types of Workplace Violence and Harassment

- **Threatening Behavior:** Actions like shaking fists, destroying property, or throwing objects.
- **Verbal or Written Threats:** Any expression of intent to cause harm.
- **Verbal Abuse:** Swearing, insults, or condescending language.
- **Physical Attacks:** Hitting, shoving, pushing, or kicking.

Harassment

Harassment involves any behavior that demeans, embarrasses, humiliates, annoys, alarms, or verbally abuses a person, and is known or expected to be unwelcome. This includes:

- Words
- Gestures
- Intimidation
- Bullying
- Other inappropriate activities

Workplace violence or harassment can include:

- Spreading rumors
- Swearing
- Verbal abuse
- Pranks
- Arguments
- Property damage
- Vandalism
- Sabotage
- Pushing
- Theft
- Physical assaults
- Inflicting psychological trauma
- Anger-related incidents

Beyond the Traditional Workplace

Workplace violence or harassment is not confined to the traditional workplace. It can occur:

- At off-site business-related functions (e.g., conferences, trade shows)
- At social events related to work
- In clients' homes
- Away from work but related to work (e.g., a threatening phone call to your home from a client)

Examples of Bullying

Bullying is a form of aggression that can be both obvious and subtle. While the following list does not cover all forms of bullying, it provides examples of such behavior. Bullying is typically a pattern of behavior, but even a single incident can have a lasting impact.

- **Spreading Malicious Rumors, Gossip, or Innuendo:** Sharing false or harmful information about someone.
- **Social Exclusion or Isolation:** Deliberately excluding someone from social activities or groups.
- **Intimidation:** Using threats or fear to control or influence someone.

- **Undermining Work:** Deliberately impeding someone's work or efforts.
- **Physical Abuse or Threats:** Engaging in or threatening physical harm.
- **Unjustified Removal of Responsibilities:** Taking away someone's duties without a valid reason.
- **Constantly Changing Guidelines:** Frequently altering work rules to create confusion.
- **Setting Impossible Deadlines:** Establishing deadlines that are unrealistic and set someone up to fail.
- **Withholding or Providing Incorrect Information:** Not giving necessary information or giving wrong information on purpose.
- **Offensive Jokes:** Making jokes that are clearly offensive, whether spoken or via email.
- **Intruding on Privacy:** Pestering, spying, or stalking someone.
- **Unreasonable Workload:** Assigning duties that are excessively burdensome to create undue pressure.
- **Underwork:** Assigning too little work, leading to feelings of uselessness.
- **Yelling or Using Profanity:** Shouting or using offensive language.
- **Persistent Criticism:** Constantly criticizing someone.
- **Belittling Opinions:** Dismissing or mocking someone's views.
- **Unwarranted Punishment:** Punishing someone without justification.
- **Blocking Opportunities:** Preventing access to training, leave, or promotions.
- **Tampering with Belongings:** Messing with someone's personal items or work equipment.

Examples of Internet Harassment or Cyberbullying

Internet harassment, also known as cyberbullying, involves using the Internet to bully, harass, threaten, or maliciously embarrass someone. Here are some common behaviors associated with cyberbullying:

- **Sending Unsolicited and/or Threatening Emails:** Sending unwanted or threatening messages to the victim.
- **Encouraging Others to Harass:** Urging others to send unsolicited or threatening emails to the victim, or to flood the victim with messages.
- **Electronic Sabotage:** Sending viruses via email to harm the victim's computer.
- **Spreading Rumors:** Disseminating false or malicious information about the victim.
- **Defamatory Comments:** Posting harmful or defamatory statements about the victim online.
- **Direct Negative Messages:** Sending hostile or negative messages directly to the victim.
- **Impersonation:** Pretending to be the victim online and sending inflammatory or controversial messages to provoke negative responses towards the victim.
- **Live Chat Harassment:** Harassing the victim during live online chats.

- **Abusive Online Messages:** Leaving abusive comments on social media or other online platforms.
- **Sending Offensive Material:** Sending pornography or other graphic content that is knowingly offensive to the victim.
- **Negative Online Content:** Creating and sharing online content that portrays the victim in a negative light.