

## **EXPLORATORY INTERIM NETUKULIMK KATEW (ELVER)**

### **MODERATE LIVELIHOOD FISHERY**

**ACADIA FIRST NATION AND BEAR RIVER FIRST NATION,**

**of the KESPUWITK DISTRICT of MI'KMA'KI**

**Effective APRIL 13, 2021**

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 right to harvest and sell fish for the purpose of earning a moderate livelihood (MLF harvest). Accordingly, Mi'kmaq Band Councils in Nova Scotia recognize the obligation to manage fisheries activities of the Mi'kmaq communities' members in Nova Scotia under the principle of Netukulimk.

Netukulimk is the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community by achieving adequate standards of community nutrition and economic and spiritual well-being without jeopardizing the integrity, diversity or productivity of the "natural bounty".

The principle of Netukulimk has been the foundation of sustaining Mi'kmaw families, communities and society since time immemorial.

The First Nations of Acadia and Bear River are committed to working together in a Kespuwitk District Policy and Protocol which, when finalized, will apply to this Exploratory Interim Elver fishery.

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

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- 1.1 All Moderate Livelihood Fishing (“MLF”) 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 MLF harvest of Eels.** The potential for a future MLF harvest of Eels may be considered in the future in a separate process.

*DEFINITIONS:*

- 1.2 **Authorization**- A document issued to the harvester by their Band Council clearly indicating that they are fishing under the authority of the Band in accordance with this Fisheries Management Plan.
- 1.3 **Elver** – American Eel less than 10 cm in length.
- 1.4 **Harvester** – A Band member who is registered and authorized to fish for a livelihood under this Fisheries Management Plan.
- 1.5 **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.
- 1.6 **Cod end** – the eel capture section of the net.
- 1.7 **Dip Net** – a single person, hand held net.
- 1.8 **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.
- 1.9 **Dry Weight** – the total Wet Weight minus 25%.

*COMPLIANCE:*

- 1.10 Any violation to any provision of this Plan recorded by duly appointed personnel shall be placed before the applicable Band Council for resolution through a community justice process.

*REGISTRATION & IDENTIFICATION:*

- 1.11 All harvesters must register 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:
  - a) Band member's name
  - b) Band number
  - c) Tag numbers issued
  - d) Fishing area/ Watershed/ River system
  - e) Gear Type
- 1.12 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.
- 1.13 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.
- 1.14 Elver fishing will be by hand dip net, fyke net, elver pot and elver traps unless otherwise permitted in writing by the harvester's Band Council or designate. That written permission will specify the harvester's name and Band number, description of the permitted gear type, amount of said gear that is permitted, and specific fishing period that said gear can be used.
- 1.15 Harvesters employing a method of fishing Elvers other than those listed in s.1.14 must always carry permission 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 or Guardian upon request.
- 1.16 All fyke nets, traps must be clearly marked with a tag issued by the harvester's Band Council or designate. Each tag will be distinctly numbered and will be recorded against the name of the harvester.
- 1.17 All harvesters will indicate in writing their agreement and commitment to the terms and conditions of this Plan upon receipt of the tags. The harvester's Band designate may provide a form letter for signature by the harvester.
- 1.18 Harvesters are not permitted to check nets or haul traps other than those with tags issued in their name.

*SAFETY:*

- 1.19 The minimum age for access to Netukulimk Livelihood Fishery will be 18 years of age at the time of registration.
- 1.20 All harvesters must wear a personal flotation device (PFD) at all times while fishing Elvers.

*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 support level of Mi'kmaq Livelihood 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 the Kespuwitk District. We hereby establish an experimental Elver fishery as an interim management plan. The purpose is to observe and document the upstream migration of the Elvers on selected rivers in Southwest Nova Scotia to identify potential locations and appropriate gear types for a future Elver fishery on those rivers. Our District harvesters will retain a small amount of those Elvers for a livelihood fishery and establish an Elver index for the rivers that do not have an established Elver fishery.

- 1.21 Effort or harvest level conservation practices will be determined collectively by our Band Councils based on community, science and co-management recommendations.
- 1.22 The Band may request that harvesters support science, research or restocking methods as opportunities are made available.
- 1.23 When moving between watersheds, harvesters must wash, dip, 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:*

- 1.24 While fishing under the authority of their Band Council, the harvester is prohibited from fishing with more fyke nets, dip nets, traps or pots at any one time than the maximum number of traps specified in their registration and certification documents. Electro-fishing is prohibited.
- 1.25 The harvester is only permitted to use the number of fyke nets, dip nets and Elver traps authorized by their Band Council.
- a maximum of 2 fyke nets, opening of each net is not to exceed 2.4m in width and height, with each wing (2 wings per net) is not to exceed 6m in length;
  - the openings of each fyke net cod end must have an excluder panel mesh ½” or smaller;
  - a maximum of 6 Irish style elver traps, and the openings of each trap is not to exceed 18” in width and height; and
  - dip net(s) as required; can be fished in conjunction with a stationary wing not exceeding 10m in length.
- 1.26 All actively fishing gear must be checked within a 24-hour period unless prohibited by the weather.

*BUOYS and MARKINGS:*

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

*OTHER:*

- 1.28 Elver traps/fyke nets must be set not less than 30.5 m (100') apart (i.e., no part of a trap/net may be less than 30.5 m from any part of another trap) in any of the waters set out in item.
- 1.29 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:*

- 1.30 Harvesters are only permitted to fish for Elvers in the waters set out in the following table and use only the types and quantities of gear set out in s.1.24 and 1.25 at the specific locations set out in this table.

<u>Fishing District(s)</u>	<u>Watershed</u>	<u>Total Allowable Catch per Watershed (Elver)</u>	<u>Total Allowable Catch per Harvester (Elver)</u>
Kespukwit	Annapolis Annis Medway Mersey Bear Roseway/Sable Meteghan Tusket Barrington Gold Lahave Chebogue Clyde Jordan Salmon River  Petite River  Argyle River  Sissiboo  Martins	115kg	35Kg

1.31 Harvesters will be designated a watershed from the table in section 1.30, and specific geographical location on a river or tributary within that watershed, in which harvesting may take place. Harvesters may apply for a harvest location change in extenuating circumstances.

1.32 Multiple Elver harvesters (more than one) may conduct fishing activity from a single location, with authorization, provided the maximum TAC does not exceed the total of 35 kg per individual. The maximum TAC fished from any watershed with multiple harvesters shall not exceed a total of 115 kg.

*REPORTING, MONITORING:*

- 1.33 Harvesters will be required to provide reports on the location and date of harvesting activity, selling activity and catches to their Band Council or their designate.
- 1.34 Monitoring may be conducted through the collection of log sheets, logbooks or online applications that are provided by our Band Councils or other methods determined by our Band Councils.
- 1.35 The Kespuwitk Bands or their designate may work with other communities, organizations and DFO science to ensure watersheds TACs are maintained.

*Lost Gear Reporting:*

- 1.36 The harvester must report any lost fishing gear to their Band Council's designate within 24 hours of discovering that gear has been lost.
- 1.37 The harvester must report the retrieval of any of their own previously reported lost gear to their Band Council's designate within 24 hours of retrieving gear previously reported as lost, or within 24 hours. Retrieval can only occur by an authorized harvester and only in relation to the specific type of gear authorized to be used.

*Bycatch:*

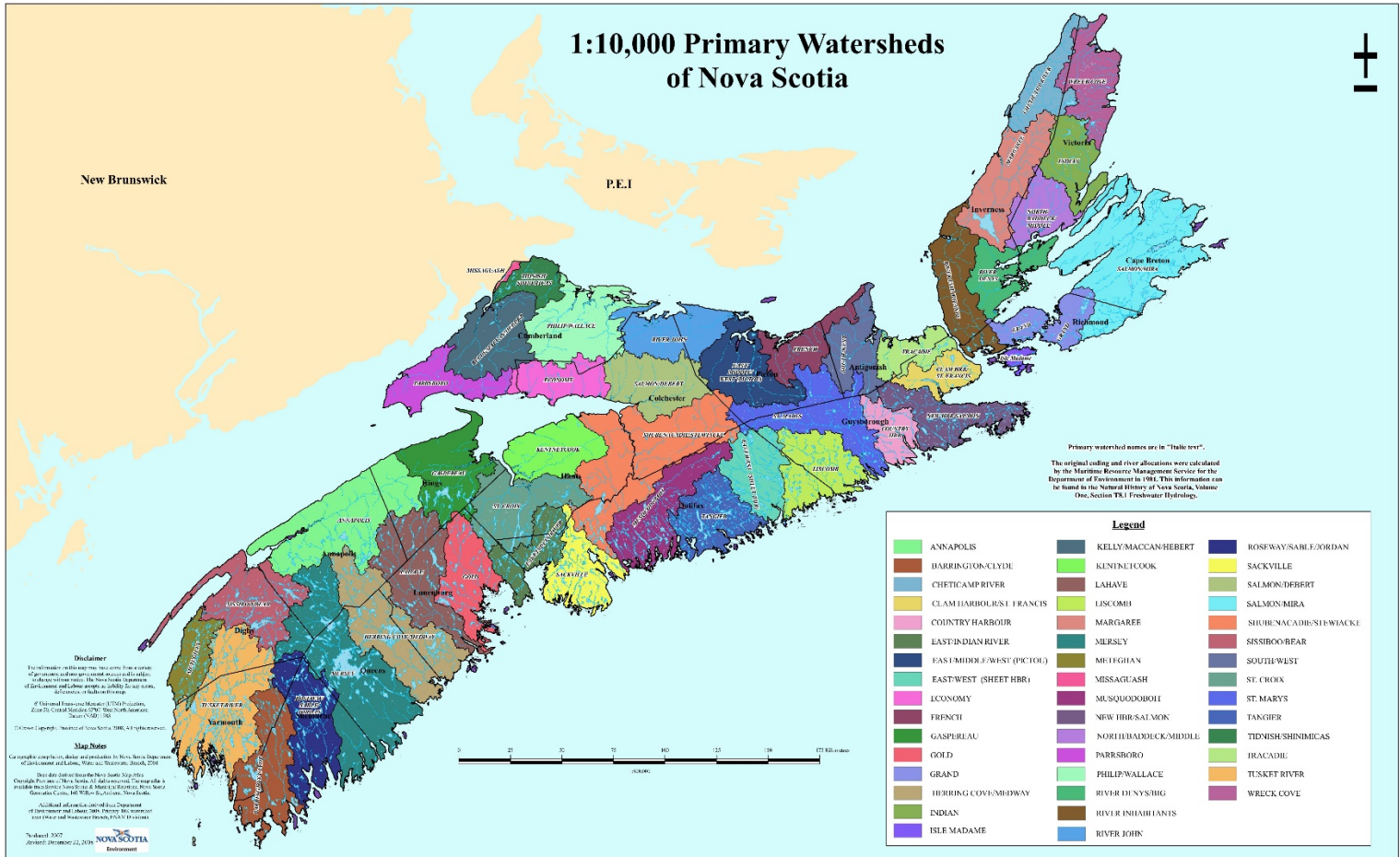
- 1.38 The harvester is required to return all incidentally caught fish.
- 1.39 It is mandatory to release all bycatch species to control unintended mortality.

# 1:10,000 Primary Watersheds of Nova Scotia



New Brunswick

P.E.I.



Primary watershed names are in "italic text".  
 The original coding and river allocations were calculated by the Maritime Resource Management Service for the Department of Environment in 1981. This information can be found in the Natural History of Nova Scotia, Volume One, Section 7.3, Freshwater Hydrology.

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**Map Notes**  
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NOVA SCOTIA  
 Environment

Legend		
ANNAPOLIS	KELLY/MACCAN/HEBERT	ROSEWAYS/SABLE/FORDAN
BARRINGTON-CLYDE	KINTING/COOK	SACKVILLE
CHETICAMP RIVER	LAHAVE	SALMON/DEBERT
CLAM HARBOR/LUST/FRANCIS	LISCOMB	SALMON/MIRA
COUNTRY HARBOUR	MARGAREE	SHUBENACADIE/STEWACKE
EAST INDIAN RIVER	MERSLEY	SISSIBOO/BEAR
EAST MIDDLE/WEST (PICHOU)	MICHEGHAN	SOUTH/WLST
EAST/WEST (SHEET HBR)	MISSAGUASH	ST. CROIX
ECONOMY	MUSQUODOBOLI	ST. MARYS
FRENCH	NEW BRB/SALMON	TANGIER
GASPEREAU	NORLID/BADDECK/MIDDLE	TIDNISH/SHINMICAS
GOLD	PARRISBORO	IRACADIE
GRAND	PHILIP/WALLACE	TUSKET RIVER
HERRING COVE/SHADWAY	RIVER DUNYS/SHIG	WRECK COVE
INDIAN	RIVER INDIAN/LANTS	
ISLE MADAME	RIVER JOHN	