

## ACADIA FIRST NATION

### 2017/18 NETUKULIMK FISH HARVEST PLAN

Netukulimk is a cultural concept that encompasses Mi'kmaq sovereign law ways and guides individual and collective beliefs and behaviours in resource protection, procurement and management to ensure and honour sustainability and prosperity for our present and future generations.

The Mi'kmaq relationship with the land, water and all wildlife in Mi'kma'ki laid the foundation for how we interact with and respect all life, as an expression of Mi'kmaq law ways. The principles of netukulimk are embedded in a value system that shaped the interaction between the Mi'kmaq and nature as a set of rules and obligations based on respectful gathering from the land and water in a manner that discouraged resource waste.

Thus, through netukulimk, a human and animal relationship formed that allowed the survival of both in a sustainable manner.

This Fishing Plan deals with food, social and ceremonial ("FSC") fishing harvest by members of the Acadia First Nation as an aspect of netukulimk and as an exercise of Mi'kmaq self-government protected by section 35 of the *Constitution Act*, Canada.

Access for the exercise of the FSC rights of the Mi'kmaq are a first priority in the fishery, after the needs of conservation have been met.

This Netukulimk Fishing Plan is an evolving document and will be updated or amended by Chief and Council as required. It does not exhaustively define our Aboriginal right to fish or its scope; however, for the 2017/2018 fishing season, it is intended to provide a mechanism for the exercise of those rights within a system of proper management of the fisheries and the conservation and protection of fish.

This Netukulimk Fishing Plan does not apply to or define our "moderate livelihood" Treaty fishery.

## Definitions

“**Jigging**” means fishing by manipulating one or more hooks so as to pierce a fish in any part of the body instead of luring the fish to take the hook into its mouth.

“**Length**”, except where otherwise indicated within the conditions of this licence, means:

- (a) in relation to a lobster, the distance from the rear of either eye socket to the rear end of the carapace, measured along a straight line parallel to the centre line of the carapace of the lobster;
- (b) in relation to a clam, mussel or oyster, the distance measured in a straight line through the longest part of the shell;
- (c) in relation to a landlocked salmon, the distance measured in a straight line from the tip of the nose to the fork of the tail; and
- (d) in relation to striped bass, the distance measured in a straight line from the tip of the nose to the tip of the tail.

“**Shell height**”, in relation to a scallop, means the distance from the outer edge of the shell at the midpoint of the hinge to the farthest point on the outer edge of the shell opposite to the hinge, measured in a straight line.

## Dates and Times

This Netukulimk Fishing Plan is for the period from June 1, 2017, to May 31, 2018; it is for management purposes only, and is without prejudice to future decisions of Chief and Council.

## Disposition of Food Fish

Fish harvested under this Netukulimk Fishing Plan are for food, social and ceremonial purposes, and may be sold, traded or bartered for bait, fishing supplies or other food for the family.

## Designation

This Netukulimk Fishing Plan applies to all members of the Acadia First Nation.

Band Members under the age of 18 are not authorized by this Plan to fish in marine or tidal waters. Fishing by minors in inland waters is to be decided by their parent/guardian and should be under the supervision of an adult.

All persons fishing under the authority of this Plan should carry with them, or be able to show on reasonable notice, their status card and produce it on request of a Fishery Officer or a Fishery Guardian.

### **Catch Reporting**

Members of the Acadia First Nation will report to our AFN Fisheries their catch under this Fishing Plan. The Acadia First Nation will use that information to improve the Netukulimk Fishing Plan in the future.

### **Other Provisions**

This Netukulimk Fishing Plan does not provide to any member of the Acadia First Nation any authorization to trespass on any property.

This Netukulimk Fishing Plan does not allow fishing by jigging in inland waters or assisting in fishing by jigging in inland waters. Any designated fisher who catches a smallmouth bass, landlocked salmon, salmon or trout by hooking it in a part of its body other than the mouth shall immediately return the fish to the water from which it was caught and, where the fish is alive, release the fish in a manner that causes the least harm to it.

Where this Netukulimk Fishing Plan requires a fishing tag, the tag must be an Acadia First Nation tag and be attached in the manner in which the tag was designed.

Any salmon caught incidentally while fishing for other species under this Netukulimk Fishing Plan shall be immediately returned to the water in a manner that causes it the least harm.

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 shall be always left open, and no kind of net or other fishing apparatus, logs or any material of any kind shall be used or placed therein.

Item	Species	Quantity	Location	Dates and Times	Gear, Methods and Other Conditions
1.	<b>Lobster</b>	3 tags per member in LFA 32, 33, 34 or 35	Lobster Fishing Areas (LFA) 32, 33, 34 or 35.	June 01 to May 31	<p>The only acceptable method of fishing for lobster is by lobster trap and/or hoop nets and/or diving. Any designated fisher fishing for lobster must have a valid tag issued by Acadia First Nation.</p> <p>No person under of the age of 18 will be issued lobster tags.</p> <p>The food fishing can be conducted throughout the year unless otherwise closed by the Band Council for conservation purposes.</p> <p>Trap tags are not transferable. No individual harvester may be in possession of more than 3 tags for the purpose of food, social, and ceremonial fishing.</p> <p>Tag holders will not allow any non-native individuals to participate in the lobster food fishery.</p> <p>Lost tags must be reported to the Director of Fisheries immediately.</p> <p>No person shall fish with or have on board a vessel a lobster trap or hoop net unless a validate tag is securely attached to the frame of the trap or hoop net in the manner for which the tag was designed and in such a manner that the tag is readily visible when the trap is not in the water.</p> <p>No person shall fish with or have on board a vessel a lobster trap or hoop net where the lobster tag has been tampered with or where the tag number is illegible.</p> <p>All lobster traps being fished or on board a vessel must have in the exterior walls of each parlor in the trap and not more than 25 mm from the floor of each trap at least:</p>

					<p>(a) Two unobstructed circular openings the diameter of each of which is not less than 57.2 mm; or</p> <p>(b) One unobstructed rectangular opening the height and width of which is not less than 44 mm (height) by 127 mm (width).</p> <p>No person shall fish with or have on board a vessel a lobster trap that exceeds:</p> <p>(a) 125 cm in its greatest length;</p> <p>(b) 90 cm in its greatest width; or</p> <p>(c) 50 cm in its greatest height.</p> <p>No person shall fish with, or have on board a vessel a lobster trap unless the trap:</p> <p>(a) Has in one exterior wall of each parlour an escape panel that provides, when removed, an unobstructed opening not less than 89 mm in height and 152 mm in width and that is fastened to the lobster trap with:</p> <p>(i) Untreated cotton or sisal twine that does not exceed 4.8 mm in diameter, or</p> <p>(ii) Uncoated ferrous metal wire, other than stainless steel, that does not exceed 1.6 mm in diameter; or</p> <p>(b) Is a wooden lobster trap that has in one exterior wall of each parlour two softwood laths that are adjacent to each other and that are not treated with a wood preservative.</p> <p>All keeper pots and/or holding crates used to store lobster in the water must be tagged with one of the lobster trap tags or a gear tag. The tag must be securely attached in the manner for which it was designed.</p>
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					<p>No person shall possess, in a Lobster Fishing Area, any claw, tail or meat that has been separated from the thorax or carapace of a lobster.</p> <p>No person shall have in their possession any female lobster with eggs attached.</p> <p>No person shall have in their possession any female lobster from which eggs have been washed or removed in whole or in part, or any female lobster that has egg cement or glue on its swimmerets.</p> <p>In LFA's 32, 33, 34 and 35, the minimum size is 82.5 mm.</p> <p>These regulations cover the use of lobster food fishery activity by individuals. In addition, the Band will conduct a food fishery in order to provide lobster on a regular basis to Band members. Lobsters will not be provided to members who have been issued lobster trap tags.</p>
2.	<b>Striped Bass</b>	As required for food, social and ceremonial purposes	<p>In all tidal waters</p> <p>In inland waters</p>	<p>No closed season in tidal waters.</p> <p>The tidal portion of the Annapolis River from grid reference 16716671 at Hebbs Landing upstream to the highway bridge at Lawrencetown (refer to map of Bridgetown 21 A/14) the open season is July 1 , 2017 to September 30, 2018.</p>	<p>Angling, snaring, spearing.</p> <p>Only striped bass of between the sizes of 68 cm and 150 cm in length may be retained.</p>

				In all other inland waters in Nova Scotia, the open season is June 1 to May 31.	
3.	<b>Trout (Brook Trout, Rainbow Trout, Brown Trout, Lake Trout and Artic Char)</b>	As required for food, social and ceremonial purposes	Inland and tidal waters of the Province of Nova Scotia	June 1 to May 31	Angling, snaring and spearing. No one shall retain a trout with the minimum size as follows: - Arctic Char 10 cm - Brook Trout 10 cm - Brown Trout 10 cm - Lake Trout 10 cm - Rainbow Trout 10 cm
4.	<b>Smallmouth Bass</b>	As required for food, social and ceremonial purposes	Inland and tidal waters of the Province of Nova Scotia	June 1 to May 31	Angling, snaring and spearing. No one shall retain a smallmouth bass less than 10 cm.
5.	<b>Herring</b>	As required for bait, food, social and ceremonial purposes	Inland and tidal waters of the Province of Nova Scotia	June 1 to May 31	Angling, spearing, jigging, seine net and gillnet.
6.	<b>Mackerel</b>	As required for bait, food, social and ceremonial purposes	Inland and tidal waters of the Province of Nova Scotia	June 1 to May 31	Angling, spearing, jigging and gillnet. It is prohibited to possess any mackerel that is less than 25 cm in length.

7.	<b>Bar Clams</b>	As required for food, social and ceremonial purposes	Inland and tidal waters of the Province of Nova Scotia	June 1 to May 31	Hand held tools and diving. Minimum shell height 76 mm.
8.	<b>Quahaug</b> <i>(Arctica islandica)</i> <b>Cherry Stone Clam (<i>Mercenaria mercenaria</i>)</b> <b>Arctic Surf Clam</b> <b>Stimpson's Surf Clam</b>	As required for food, social and ceremonial purposes	Inland and tidal waters of the Province of Nova Scotia	June 1 to May 31	Hand held tools, drag rake, diving, mechanical device, hydraulic dredge and diving. Minimum shell height 38 mm.
9.	<b>Razor Clams</b>	As required for food, social and ceremonial purposes	Inland and tidal waters of the Province of Nova Scotia	June 1 to May 31	Hand held tools and diving.
10.	<b>Soft-shell Clams</b>	As required for food social and ceremonial purposes	Inland and tidal waters of the Province of Nova Scotia	June 1 to May 31	Hand held tools and diving. Minimum shell height 44 mm.
11.	<b>Mussels</b>	As required for food social and ceremonial purposes	Inland and tidal waters of the Province of Nova Scotia	June 1 to May 31	Hand held tools and diving.

12.	<b>Gaspereau (including blueback herring)</b>	As required for bait, food social and ceremonial purposes	No restrictions	June 1 to May 31	Angling, jigging, dipnet and gillnet in all waters.
13.	<b>Eels</b>	As required for food, social and ceremonial purposes	No restrictions	June 1 to May 31	Eel spearing, angling, eel pots and eel traps.
14.	<b>Elvers</b>	As required for food, social and ceremonial purposes	No restrictions	June 1 to May 31	Dipnet, fyke net and weir.
15.	<b>Smelt</b>	As required for food, social and ceremonial purposes	No restrictions	June 1 to May 31	Angling and dipnet in all waters.
16.	<b>Scallops</b>	As required for food, social and ceremonial purposes	Scallop Fishing Areas 28 and 29	June 1 to May 31	Diving, dipnet, tongs, drag and hand. <u>In SFA 28</u> Only scallop with a shell height greater than 75 mm may be retained. <u>In SFA 29</u> Only scallops with a shell height greater than 110 mm may be retained.

17.	<b>Landlocked Salmon</b>	As required for food, social and ceremonial purposes	Inland and tidal waters of the Province of Nova Scotia.  OPEN ALL YEAR. Lake Charles, Lake Williams, Lake Thomas, Fletchers Lake, Shubenacadie Grand Lake, Little Grand Lake, Scraggy Lake, Lake Charlotte	June 1 to May 31	Angling and spearing.  Only landlocked salmon greater than 35 cm in length may be retained.
18.	<b>Shad</b>	As required for food, social and ceremonial purposes	No restrictions	June 1 to May 31	Angling, dipnet, squarenet, trapnet and gillnet in all waters.  Shad harvested as incidental catch while fishing for gaspereau may be retained.
19.	<b>Rock Crab</b>	As required for food, social and ceremonial purposes	Lobster Area 32, 33, 34 or 35	June 1 to May 31	No person under the age of 18 will be issued crab tags.  Properly tagged lobster traps, by hand and dipnet.  Crabs harvested as incidental catch when fishing for lobster may be retained. All female crabs must be released with exception of green crabs.  A minimum carapace width for male rock crab of 102 mm.
20.	<b>Jonah Crab</b>	As required for food, social and ceremonial purposes	Lobster Area 32,33, 34 or 35	June 1 to May 31	No person under the age of 18 will be issued crab tags.  Properly tagged lobster traps, by hand and dipnet.  Jonah crabs harvested as incidental catch when fishing for lobster may be retained. All female crabs must be released with exception of green crabs.  A minimum carapace width for male only jonah crab of 130 mm.
21.	<b>Snowcrab</b>	As required for food,	Snow Crab Area 24 W or 24 E	June 1 to May 31	No person under the age of 18 will be issued crab tags.  Snowcrab traps.

		social and ceremonial purposes			No person shall have in his possession any snow crab that is less than 95 mm in width. Snowcrab harvested as incidental catch when fishing for lobster may be retained. All female crabs must be released with exception of green crabs.
22.	<b>Green Crab</b>	As required for food, social and ceremonial purposes	Lobster Area 32, 33, 34 or 35	June 1 to May 31	No person under the age of 18 will be issued crab tags. Properly tagged lobster traps, by hand and dipnet. Green crabs harvested as incidental catch when fishing for lobster may be retained.
23.	<b>Seals</b>	As required for food, social and ceremonial purposes	The tidal waters adjacent to the Province of Nova Scotia	June 1 to May 31	Firearm, club and hakapik.
24.	<b>Periwinkle</b>	As required for food, social and ceremonial purposes	The tidal waters adjacent to the Province of Nova Scotia	June 1 to May 31	Handheld tools, modified crab traps and diving.
25.	<b>Groundfish (Cod, Haddock, Pollock, Halibut, Redfish, Flounder, Plaice, Red Hake, White Hake, Monkfish and Catfish)</b>	As required for food, social and ceremonial purposes	Division 4X, 5ze, 5y and 4WVN Unit 2, Unit 3	June 1 to May 31	Angling, handline, gillnet, drag and longline. Note: It is not permitted to retain northern wolffish or spotted wolffish. Fish are considered undersized if smaller than the following: Cod, haddock, and pollock - 43 cm. Redfish - 22 cm in all areas. American plaice, yellowtail - 30 cm in all areas.

					Witch and flatfish - 30 cm in all areas except 33 cm in 4VWX. Halibut - 81 cm in length.
26.	<b>Squid</b>	As required for Bait, food, social and ceremonial purposes	The tidal waters adjacent to the Province of Nova Scotia	June 1 to May 31	Jigging, angling and seine net.
27.	<b>Tomcod</b>	As required for food, social and ceremonial purposes	Tidal waters of Nova Scotia	June 1 to May 31	Box net, bag net and spear.
28.	<b>Perch (Yellow and White)</b>	As required for food, social and ceremonial purposes	Inland and tidal waters of the Province of Nova Scotia.	June 1 to May 31	Angling, snaring and spearing. No one shall retain a perch no less than as follows: - White Perch 10 cm - Yellow Perch 10 cm
29.	<b>Sharks (Blue Shark, Porbeagle, Mako, and Thresher)</b>	As authorized by the community for food, social and ceremonial purposes	Tidal waters of Nova Scotia	June 1 to May 31	Angling and longline. A Pelagic Shark Receiving Tally must be filled out and sent to BIO as indicated on report. All sharks must have their fins naturally attached through offloading.
30.	<b>Chain Pickerel</b>	As required for food, social, and	No Restrictions	June 1 to May 31	Angling, snaring and spearing. No one shall retain a chain pickerel no less than 10 cm.

		ceremonial purposes			
31.	<b>Marine Worm</b>	As required for personal Bait, food , social and ceremonial purposes	Inland and tidal waters of the Province of Nova Scotia	June 1 to May 31	Hand held tool.
32.	<b>Oysters</b>	As required for food, social and ceremonial purposes	No Restrictions	June 1 to May 31	Hand held tool and diving. No person shall catch and retain or possess an oyster that is less than 76 mm in length.
33.	<b>Skates</b>	As required for bait, food, social and ceremonial purposes	Division 4X, 5ze, 5y and 4WVN	June 1 to May 31	Angling, handline, drag and longline.
34.	<b>Sculpin</b>	As required for bait, food, social and ceremonial purposes	Division 4X, 5ze, 5y and 4WVN	June 1 to May 31	Angling, handline, drag and longline.

35.	<b>Dogfish</b>	As required for food, social and ceremonial purposes	Division 4X, 5ze, 5y and 4WVN	June 1 to May 31	Angling, handline, gillnet and longline.
36.	<b>Marine Plants (Nori, Irish Moss, Rock Weed, Sea Weed)</b>	As required for food, social and ceremonial purposes	Inland and tidal waters of the Province of Nova Scotia	June 1 to May 31	Rake and diving.
37.	<b>Sea Cucumbers</b>	As required for food, social and ceremonial purposes	Division 4X, 5ze, 5y and 4WVN	June 1 to May 31	Drag and diving. No one shall possess sea cucumbers less than a legal size of 116 mm.
38.	<b>Bluefin Tuna</b>	As authorized by the community for food, social and ceremonial purposes	Division 4X, 5ze, 5y and 4WVN	June 1 to May 31	Angling, drail, harpoon, trap and longline. The catch and retention of bluefin tuna weighing less than 30 kg (round weight) and/or in the alternative having a flank length of less than 115 cm is prohibited. All Bluefin tuna having a flank length of 115 cm or greater must be brought on board the vessel immediately.
39.	<b>Big Eye and Yellow Tail Tuna</b>	As authorized by the community for food, social and ceremonial purposes	Division 4X, 5ze, 5y and 4WVN	June 1 to May 31	Angling, drail, harpoon and longline No person shall have in possession any bigeye or yellowfin tuna that weighs less than 3.2 kg.

40.	<b>Albacore and Skip Jack Tuna</b>	As authorized by the community for food, social and ceremonial purposes	Division 4X, 5ze, 5y and 4WVN		Angling, drail, harpoon and longline.
41.	<b>Swordfish</b>	As authorized by the community for food, social and ceremonial purposes	Division 4X, 5ze, 5y and 4WVN	June 1 to May 31	Angling, drail, harpoon and longline.  No person shall be in possession of any swordfish that is less than 125 cm in length.  Dressed swordfish of 79 cm or greater in length or if it weighs 17.2 kilograms (38 pounds) or greater when dressed can be retained.
42.	<b>Whelks</b>	As required for food, social and ceremonial purposes	Division 4X, 5ze, 5y and 4WVN	June 1 to May 31	Traps and dive.
43.	<b>Slime Eels (Hagfish)</b>	As required for bait, food, social and ceremonial purposes	Division 4X, 5ze, 5y and 4WVN	June 1 to May 31	Trap.
44.	<b>Sea Urchin</b>	As required for bait, food, social and ceremonial purposes	Division 4X, 5ze, 5y and 4WVN	June 1 to May 31	Hand and diving.  Minimum size of 51 mm (2 inches) shell measurement only, spines not included.

45.	<b>Shrimp</b>	As required for bait, food, social and ceremonial purposes	Division 4X, 5ze, 5y and 4WVN	June 1 to May 31	Shrimp net.
46.	<b>Sturgeon</b>	As required for bait, food, social and ceremonial purposes	Inland and tidal waters of Nova Scotia	June 1 to May 31	Angling, dipnet and gillnet. No person shall catch and retain or possess any sturgeon that is less than 120 cm in length.

Acadia – DFO

Update for fishers:

The Acadia First Nation has prepared its own Food, Social and Ceremonial (“FSC”) fish harvest plan for 2017-18. If you intend to engage in FSC fishing over the next year, please review it carefully to ensure you are in compliance.

Chief and Council have mandated a consultation process with DFO on this issue. To date, DFO has not accepted our FSC fish harvest plan. We can not prevent DFO from charging harvesters. Acadia is not in a position to mount a legal defence for everyone if our members are charged.

Our FSC plan permits a minor amount of barter/sale of fish harvested, to allow members to acquire fishing supplies, bait and other kinds of food. As you know, our parents and grandparents often sold axe handles, baskets, etc. to acquire other items that they needed.

This is not intended to be a commercial harvest right – commercial harvest is done under our Treaties. This right to trade in FSC fish is for very small amounts where you can demonstrate a need to acquire fishing supplies, bait or food for your family.

We will update our members from time to time on these important issues.

Lloyd Mac Dougall