



Acadia First Nation

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April 13, 2021

Dear Members of the Acadia First Nation:

Acadia First Nation has a longstanding tradition of approaching access to our lands, waters and resources through community-based dialogue and planning. This approach has allowed us, as a community, to stay true to our Mi'kmaw beliefs and promote the well-being of our community members without ever compromising those ideals.

For some time, Acadia First Nation has been looking to our traditional Mi'kmaw laws and customs as the basis for accessing the livelihood fishery. Imbedded in those ancient laws and customs is the stewardship responsibility that local communities and Districts have to the lands, waters and resources in their area on behalf of the Mi'kmaq Nation.

As you all know, in 1999, the Supreme Court of Canada rendered a decision in the case of Donald Marshall, Jr. It found that Junior had treaty rights to fish for a moderate livelihood as a result of the treaties entered into between the Mi'kmaw and the Crown between 1725 and 1761, specifically the Treaties of 1760-61.

In accordance with these Treaties, Mi'kmaw in Nova Scotia have the right to harvest and sell natural resources, including fish, for the purpose of earning a moderate livelihood. Mi'kmaw Band Councils in Nova Scotia have the self-governance power and obligation, individually or collectively if they so choose, to manage the moderate livelihood fisheries.

The Treaties apply to all of Mi'kma'ki, including the ancient district Kespukwitk. The Kespukwitk District includes all the lands and watersheds within that traditional district, together with all rivers, streams, brooks, lakes, bays and adjacent ocean space.

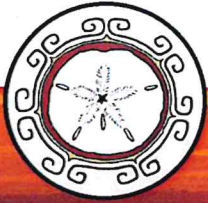
In the years since the *Marshall* decision, we have been struggling to get the Department of Fisheries and Oceans to recognize our rights-based moderate livelihood fishery. They have refused to do so.

It is in keeping with traditional Mi'kmaw law that each District in Mi'kma'ki has a responsibility to protect and be stewards of the resources for the benefit of their communities and for the Mi'kmaw Nation as a whole, both now and for generations into the future. *Our world view principles are rooted in traditional Mi'kmaw law and are based on honour, cooperation and respect.*

Some of the Acadia First Nation reserves are in the Kespukwitk District, and many of our members live there. However, we are not the only First Nation in the District and it is in keeping with Mi'kmaw law for us to work in collaboration with other Mi'kmaw communities in the District.

To date, Acadia First Nation and Bear River First Nation have agreed to work together in *the stewardship of the District through a collaborative collective approach, to govern according to Mi'kmaw custom and law, and to demonstrate respect for all Mi'kmaw. Other First Nations may choose to join with us in that District approach. We know that all Mi'kmaw communities respect Netukulimk values and the role that local communities play as stewards of the District lands and waters.*

As a starting point, Bear River First Nation and Acadia First Nation have developed a draft Policy and Protocol for the district. A copy can now be found on our website. Once it is known whether other First Nations wish to join in that District



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Plan process, that document will be finalized and then applicable to all of the Kespukwitk First Nations that have joined in it.

That Kespukwitk District approach is not an attempt to create an exclusivity zone or to deny other Mi'kwaw the right to harvest within the District. If members of First Nations outside of Kespukwitk wish to moderate livelihood harvest in our District in a manner outside of our Netukulimk livelihood fishery plans, their Chief and Council would consult with us to develop protocols, policies or processes to reflect any changes.

Similarly, if members of the Kespukwitk First Nations wish to seek moderate livelihood fishing opportunities in districts outside Kespukwitk, you would abide by the livelihood fishery plans applicable to that District or as we might arrange with the First Nations of that District.

In the meantime, Acadia First Nation has now approved an exploratory interim Elver Plan, a copy of which can now be found on our website. The Acadia First Nation consulted with its known Elver harvesters in developing the plan. This Elver Plan is now in effect.

Elvers are eels smaller than 10 cms. At the moment, we have not collected adequate Mi'kwaw science and traditional knowledge of the Elver populations in our District river systems. We have therefore decided to conduct an exploratory interim Elver fishery on selected river systems. This will allow us to be able to control and spread out the fishing effort over a range of river systems, with personal catch limits (35 kilograms per harvester) and overall river limits (115 kilograms per river).

The information from that exploratory interim Elver fishery will be used to develop a finalized Elver harvesting plan in the future.

There will be other Kespukwitk Netukulimk livelihood fishery plans in the future, including one for lobster and other species of importance. We will be consulting with our members and harvesters on those upcoming plans.

Our work on these important issues has been done without influence from the Department of Fisheries and Oceans. We will be providing DFO with a copy of the Plans and are open to discussing with DFO any potential improvement of those Plans. However, these are rights-based fisheries and are not dependent on a DFO license. Our moderate livelihood harvest is not occurring under DFO licenses, imposed or otherwise.

For clarity, all of the moderate livelihood fishing is in addition to the harvest authorized under Acadia First Nation's Food, Social and Ceremonial harvest plan, which has been in existence for some years now.

If you have any questions or suggestions in relation to our moderate livelihood plans or processes, please contact Curtis Falls at (902) 742-7214.

Sincerely,



Chief Deborah Robinson