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OCT 3 1 2024

Ms. Penny Smith
Warden of the Municipality of Shelburne

Mr. Eddie Nickerson
Warden of the Municipality of
Barrington

His Worship Rex Stoddard
Mayor of the Town of Clark's Harbour

His Worship Cory Nickerson
Mayor of the Town of Lockeport

His Worship Harold Locke
Mayor of the Town of Shelburne

c/o Ms. Nicole Blades
< nicole.blades@municipalityofshelburne.ca >

Dear Wardens Smith and Nickerson and Mayors Stoddard, Nickerson, and Locke,

Thank you for your correspondence of July 11, 2024, regarding treaty fishing rights and future allocations for the Maritimes elver fishery. I have been asked to respond on behalf of the Minister. I regret the delay in responding.

Conservation, reconciliation, and the orderly and safe management of Canada's fisheries are top priorities for Fisheries and Oceans Canada (DFO). To this end, decisions that are difficult and not universally supported are often required. In recent years, the elver fishery has faced a pattern of escalating challenges leading to significant instability, as well as conservation and safety concerns.

Since the closure of the elver fishery in 2023, the Department has been working with licence holders, First Nations communities, and other stakeholders to chart a path forward. These efforts have included workshops, regular engagement meetings with licence holders and other ongoing collaboration. While progress has been made through these collaborations and consultations, there is still more work to be done.

As you noted, as part of ongoing work, DFO is currently consulting on a potential reallocation of 50 per cent of the overall total allowable catch (TAC) to support fishing in pursuit of a moderate livelihood through communal commercial licences issued to First Nations. There is also consideration of a potential further reallocation (in addition to the 50 per cent) which could be used to accommodate other new (that is, non-communal commercial) individual entrants to the fishery.

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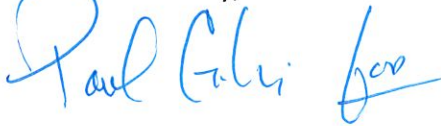
Additionally, a proposed new regulation under the Fisheries Act to manage the possession and export of elvers was officially pre-published for public comment in the Canada Gazette, Part I, on June 29, 2024. After the 70-day public comment period, DFO will work diligently with its partners to advance the final regulations for approval by the Governor in Council as expeditiously as possible.

With respect to the Nova Scotia Supreme Court's decision to adjourn trial dates and encourage mediation until December 12, 2024, the Department is respectful of the Court's decision and will be pursuing mediation on a Nation-to-Nation basis as an ongoing commitment to uphold Indigenous rights and collaborate with First Nations in hopes of advancing reconciliation. While we recognize the interests of the other fisheries participants in this process, like negotiations, mediation with First Nations is a Nation-to-Nation process, considered confidential.

The Department remains committed to ongoing engagement with industry, through regular and frequent communication, to support transparency related to the implementation of Aboriginal and treaty rights. We will continue to engage regularly with the commercial industry to help the Department understand industry's perspectives with respect to the implementation of Indigenous rights.

Thank you for your consideration of these matters. Additional questions or concerns that you may have regarding potential changes to the elver fishery can be directed to the Maritimes Region Elver Review team by email at DFO.MARElverReview-RevuedelaCivelleMAR.MPO@dfo-mpo.gc.ca .

Yours sincerely,



Doug Wentzel
Regional Director General
Maritimes Region

c.c.: Distribution List

Distribution List:

c.c.: Office of Mr. Chris d'Entremont, M.P.
West Nova
Office of Mr. Mike Kelloway, M.P.
Cape Breton—Canso
Office of Mr. Rick Perkins, M.P.
South Shore—St. Margarets
Office of Mr. Nolan Young, M.L.A.
Shelburne
Office of His Worship Ben Cleveland
Mayor of the Town of Digby
Office of Her Worship Pam Mood
Mayor of the Town of Yarmouth
Office of Mr. John Cunningham
Warden of the Municipality of Yarmouth
Office of Ms. Linda Gregory
Warden of the Municipality of Digby
Office of Mr. Yvon LeBlanc
Warden of the Municipality of Clare
Office of Mr. Danny Muise
Warden of the Municipality of Argyle



July 11, 2024

Honourable Diane Lebouthillier
Minister of Fisheries, Oceans and the Canadian Coast Guard
House of Commons
Ottawa, ON K1A 0A6

Subject: Concerns Regarding Mediation in Treaty Fishing Rights and Elvers Quota Allocation
Email: diane.lebouthillier@parl.gc.ca
min@dfp-mpo.gc.ca

Dear Minister Lebouthillier,

On behalf of the five municipalities of Shelburne County, we write to express our concerns regarding two significant issues currently impacting our region's fisheries management: the mediation process in treaty fishing rights disputes and the recent decision concerning the elvers quota allocation.

The Nova Scotia Supreme Court's recent decision to adjourn trial dates and encourage mediation until December 12, 2024, has raised considerable concerns. We support the Unified Fisheries Conservation Alliance's (UFCA) assertion that mediation must include all affected stakeholders, particularly commercial fishers, and must operate transparently to ensure fair representation and just outcomes.

Additionally, we are troubled by the Federal Government's consideration to allocate up to 50% of the elvers quota to First Nation groups without transparent methodology or consultation with the local commercial fishing community. This approach not only deviates from the commitments to transparency and inclusivity made by MP Mike Kelloway last year but also risks exacerbating tensions between commercial fisheries and First Nations.

The exclusion of commercial fishers from these critical discussions not only undermines the fairness of the process but may also lead to solutions that are not comprehensive or sustainable. It is essential that all changes to quota distributions or rights interpretations are preceded by thorough consultations and clear communications to avoid further conflicts and ensure the long-term health of our fisheries.

As you know, decisions relating to fishing rights and allocation of fishing quotas can directly affect the income of local fishers and the broader economic stability of communities reliant on the fishing industry. Fair and balanced decisions can enhance economic growth and ensure sustainable fishing practices, benefiting the entire region. Conversely, perceived inequities in quota allocation can lead to economic hardship,

exacerbating tensions between Indigenous and non-Indigenous fishers. These tensions often escalate when decisions are announced, posing substantial risks to public safety through potential conflicts and confrontations. Effective and transparent decision-making is essential to mitigate these risks, ensuring both economic stability and community harmony.

We urge the Department of Fisheries and Oceans to advocate for a mediation process and quota management decisions that are inclusive, transparent, and respectful of the rights and responsibilities of all stakeholders, including the commercial fisheries. These issues must be approached with a commitment to fairness and sustainability to ensure the enduring prosperity of our fisheries and the communities that depend on them.

Thank you for considering our position. We look forward to your support in ensuring that future government actions in fisheries management are transparent and involve all necessary stakeholders; thus, truly representing and respecting the diverse interests at play.

Yours Sincerely,

Warden Penny Smith
Municipality of Shelburne



Warden Eddie Nickerson
Municipality of Barrington



Mayor Rex Stoddard
Town of Clark's Harbour



Mayor Cory Nickerson
Town of Lockeport



Mayor Harold Locke
Town of Shelburne



- Cc: Mike Kelloway, MP – Cape Breton-Canso
Chris d'Entremont, MP – West Nova
Rick Perkins, MP – South Shore-St. Margarets
Nolan Young, MLA – Shelburne
Warden Danny Muise - Municipality of Argyle
Mayor Pam Mood - Town of Yarmouth
Warden John Cunningham - Municipality of Yarmouth
Mayor Ben Cleveland - Town of Digby
Warden Linda Gregory - Municipality of Digby
Warden Yvon LeBlanc - Municipality of Clare

From:
Sent:
To:
Cc:

Subject:
Attachments:

You don't often get email from nicole.blades@municipalityofshelburne.ca. [Learn why this is important](#)

Good Morning Minister Lebouthillier,

Please find a letter attached from the five municipalities of Shelburne County, expressing concerns regarding mediation in treaty fishing rights and elvers quota allocation.

Thank you,

Nicole Blades

Executive Assistant
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***My regular office hours are Tuesday through Friday, 8:00 am – 4:30 pm