



Plamu/Salmon FSC Harvest Plan



Background and Principles

Netukulimk is a Mi'kmaq understanding of our interconnectedness with every life form that brings with it a cultural responsibility to engage in and with the world in a respectful, caring, and sustainable manner. Netukulimk recognizes our reciprocal relationship with the natural world and demands that we take only what we need from the natural environment without compromising ecological integrity today and seven generations from now.

Millbrook First Nation (MFN) community members are united that any food, social and ceremonial fisheries must be guided by the concept of Netukulimk. They've also expressed concern with the Department of Fisheries and Oceans (DFO) approach to date, which attempts to regulate a constitutionally protected Aboriginal Right to fish and imposes unjustified restrictions on aspects of the food, social and ceremonial fishery (FSC) for Millbrook community members.

Back in October 2013, a community meeting explored the existing arrangement with DFO. A Millbrook Harvest Committee, comprised of the members of the Millbrook Community and Millbrook Chief and Council began to explore how access to food, and social and ceremonial fisheries could be improved. A survey was circulated early in 2014 to determine the level of interest in certain species among Millbrook Community members and this survey has helped focus our efforts in identifying priority species and any potential conservation concerns that may shape a plan of access to that species.

This plan is an interim step and is not meant to be the final say in how we harvest food social and ceremonial species. The work of the Millbrook Harvest Committee is ongoing and will take some time. The Chief and Council have firmly declined to sign an AFS agreement with DFO since 2018 and are moving forward instead under a self-governance approach to community fisheries management.

With substantial community input, we intend that this proposed plan will eventually serve to re-establish all our food, social and ceremonial (FSC) fisheries on the concept of Netukulimk, to ensure the protection of our natural life resources. Millbrook implemented the Salmon/Plamu Harvest Plan outside of an Aboriginal Fisheries Strategy signed Agreement with the DFO. This Plan addresses the priority access, conservation and management issues associated with our community accessing the Salmon/Plamu for FSC purposes.

In the meantime, and through community authority, this Plan will be the guide by which Millbrook First Nation community members will harvest salmon/plamu for sustenance for themselves, their families, and their community.

I encourage all Millbrook Community members to carefully read this Plamu/Salmon Harvest Plan and if you have any questions, be sure to get in touch with the Millbrook Fisheries office immediately for answers to your questions at (902) 897-0435.



Jonathan Lowe
Director of Fisheries

Contact Information

Fisheries Admin. Co-ordinator / Admin. Assistant

The Fisheries Admin. Co-ordinator/ Admin. Assistant works with each Millbrook Community member to get started on the Millbrook Multi-Species FSC Harvest Plan, the Millbrook Atlantic Salmon/Plamu Harvest Plan, and the Millbrook Lobster/Jakej Harvest Plan. The Fisheries Administrator Coordinator also supplies the harvester registration cards, harvester report cards, and tags for all species. Please contact the Fisheries Administration Coordinator at any time if you have questions.

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Food, Social and Ceremonial Fisheries and Your Rights

Section 35. (1) of the Constitution Act states that the *existing Aboriginal and Treaty Rights of the Aboriginal peoples of Canada are hereby recognized and affirmed*. When the *Constitution Act* was passed, section 35 was included after some intense political wrangling. Though section 35 marked a turning point for the recognition of Aboriginal Peoples in Canada, the provision did not explain much about what those Aboriginal and Treaty Rights were.

It was intended that Aboriginal and Treaty rights would be defined through further constitutional amendments, but that did not happen and instead, interpretation has fallen to the courts. *R v. Sparrow* was a seminal case dealing with the issue of whether a practice is a treaty or Aboriginal Right and whether a government could justify infringing that right, based on certain factors.

The facts of the *Sparrow* case are perhaps familiar to us in Mikma'ki: The Musqueam inhabited the Fraser River delta and depended on this river and fishing for sustenance for generations, but their rights were infringed upon as non-aboriginal fishers and various levels of government took increasing control of the fishing industry. The provincial and later federal government introduced fishing licenses & restricted Aboriginal peoples to "food fishing," which means fishing strictly for their consumption. Despite these restrictions, Musqueam continued to fish - for food - as they always had.

In 1984, Ronald Sparrow was arrested for fishing with a drift net of 45 fathoms in length, 20 fathoms longer than permitted by the Band's fishing license under the

Fisheries Act. Sparrow defended himself on the grounds that he was exercising his Aboriginal Right to fish under section 35(1) of the Constitution Act, 1982.

Though *Sparrow* is important because it confirms the right to a food social and ceremonial fishery for First Nations peoples, it also says that the government can infringe those rights under certain conditions, the most significant of which is conservation.

You need to understand as you harvest and as we go forward in designing our food, social and ceremonial fishery plans that our collective right is not absolute and will always be subject to conservation concerns. So, if a Millbrook community member was caught fishing in an area closed for conservation & these conservation

issues were made known to the community member, arguing you were simply exercising your rights will not likely help in your defense.

Msit No'kmaq - Msit No'kmaq is another key Mi'kmaw belief. It has been translated as "all my relations". The Mi'kmaw viewed the entire created world as members of his/her own family or kin; be it birds, trees, insects, fish, water or the four-legged ones. We are all related. They are not just things or inanimate objects. There are living beings with their own life and spirit within them, a life we all share. If we harm them, we harm ourselves. (Former Senator Dan Christmas)

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Netukulimk – A Mi'kmawey concept which includes the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community at large.

Netukulimkwe'l – Refers to the practices, customs and code of conduct governing the way Netukulimk is exercised.

Netukli'tite'wk – Refers to the hunters, fishers, gatherers, trappers, and those others exercising Netukulimk.

Two-Eyed Seeing - Two-Eyed Seeing refers to learning to see from one eye with the strengths of Indigenous ways of knowing and from the other eye with the strengths of Western ways of knowing and to using both of these eyes together. (Bartlett, Marshall, & Marshall, 2012, p. 335) Two-Eyed Seeing intentionally and respectfully brings together our different ways of knowing, to motivate people to use all our gifts so we leave the world a better place and do not compromise the opportunities for our youth (Bartlett, Marshall, & Marshall, 2007). The concentration on the common ground between Indigenous and Western ways of knowing means that one does not have to relinquish either position but can come to understand elements of both.

I want to fish Plamu (Salmon) for my family. What do I need to do?

All Millbrook Community members who request to be issued tags to harvest FSC Plamu (Salmon) under this plan must first complete a 2024 MFN FSC Harvester Registration Card and be approved to harvest Salmon by the Millbrook Fisheries to be issued tags. *Millbrook Community members who register to harvest Plamu (Salmon) and who are issued tags are responsible for a Plamu (Salmon) Record Report Card that was provided to them at the time of tag issuance.*

This report card must be submitted at the end of each month, even if the harvester was not successful in their harvest efforts. If a community member fails to submit a report card after each month, their tags could be cancelled. If a harvester requires more report cards throughout the year, they must contact the Millbrook Fisheries office.

In addition, if a community member refuses to submit a report card, he or she will not receive any further tags from Millbrook Fisheries for any future food social and ceremonial fisheries, until such time they become compliant with these guidelines, and all currently issued FSC tags may be cancelled.

2. When can I catch Plamu for my family?

The harvest seasons for Plamu (Salmon) for all Millbrook Community members are listed at the end of these guidelines within Appendix 1 – Salmon Fishing Seasons, Amounts, and Exceptions. Appendix 1 lists the species, quantities of harvest per river, location of harvest, dates and times of harvest, and the permitted species and gear types. If any MFN Salmon harvester has questions regarding the attached Appendix 1, they should contact the Millbrook Fisheries Office immediately for clarification.

These MFN Salmon harvest guidelines will be reviewed annually, and harvest access will be adjusted as required to meet priority FSC community needs with due regard to Netukulimk, conservation, and management.

3. Where can I fish for Plamu?

Please see attached Appendix 1 - Salmon Fishing Seasons, Amounts, and Exceptions. Other River access that is pending and requires additional conservation data collections before harvests can responsibly occur by Millbrook members are attached as Appendix 2 - Salmon Fishing Other Rivers. Any Millbrook member who requires access to any of these rivers listed in Appendix 2 for FSC purposes must first make a request to MFN to review the current river conservation status and based on this review will be advised if a harvest at that time can occur.

4. How many tags can I receive under the interim plan?

Please see attached Appendix 1 and 2 for the total tags to be issued per river per year. The number of Salmon tags issued to each Millbrook community member for each river will depend on the total amount of tags permitted for each river. For example, if Millbrook First Nation is allowed 140 tags for a river, a harvester may receive 5 tags for

that river, if a river only allows for 10 tags, 1-2 tags will be issued per member and under 10 only one tag per member. It is important to check with MFN fisheries throughout the year if a member requires more tags. If tags remain for a certain river and the season is nearing closure, additional tag requests will be reviewed and possibly approved.

5. What if I lose my tags or my tags are stolen?

Plamu (Salmon) replacement tags will be issued to community members who report their tags lost, destroyed, or stolen to the Millbrook Fisheries office. The member must first request and complete a Plamu (Salmon) Replacement Tag Application and agree to not fish the reported lost or stolen tags as these tags will be voided when replacement tags are issued, with notice to the Millbrook Fish and Wildlife Conservation Team.

6. What if my family or friend cannot fish their tags because they do not have a boat or because they can't do the physical work associated with harvesting Plamu? Am I allowed to fish for them?

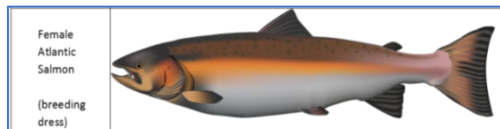
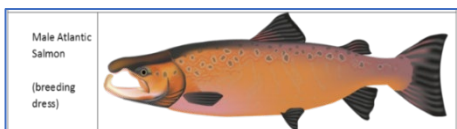
Some Millbrook Community Members have noted certain limitations when FSC Plamu (Salmon) harvesting such as not having a suitable boat, having certain medical conditions that require a companion present, and/or not having proper fishing gear or knowledge.

To address these safety and other harvesting issues, MFN is open to developing a community harvest and distribution process for FSC Salmon, under certain criteria and with some limits. *For the 2024 Plamu Harvesting Guidelines, no individual "harvest on behalf of" or a "special circumstance" will be developed and permitted for Plamu (Salmon) harvesting.*

7. How can I tell the difference between a male and female Atlantic Salmon?

Male and female Atlantic salmon have different shapes, especially as mature adults and during spawning. A male salmon develops a large "kype" which is a bony hook-like projection from the lower chin. Females only have minor changes to the chin, so their upper and lower jaws look more symmetrical. Males and females also have differences in color during spawning time, with the male becoming more vivid. Females have darker or duller colors, a deeper body shape, and a soft belly full of eggs.

Males and females are harder to tell apart when they are newly returning from the ocean. A difference between males and females is still visible if the jaw is examined. Females have the normal head shape with only a tiny kype while males have the hook-like lower jaw. Kelts are post-spawning males or females. Males lose some of the distinctive male features such as the kype.



How do I measure an Atlantic Salmon?

Length

These methods are for measuring the length of a salmon you plan to keep for food. If you plan to release a salmon, keep it in the water while removing it from your fishing gear and release it without measuring. The less a salmon is handled before release, the more likely it will survive. To measure the fork length of an Atlantic salmon, place the salmon on a ruler or measuring tape. Measure the salmon from the tip of the snout (upper lip) to the center of the tail fin. You will notice that especially in the male fish, the lower jaw protrudes below the upper jaw. You should be extra sure to measure from the tip of the upper lip, not the lower. Record the length and the units (centimetres, millimetres, and inches).

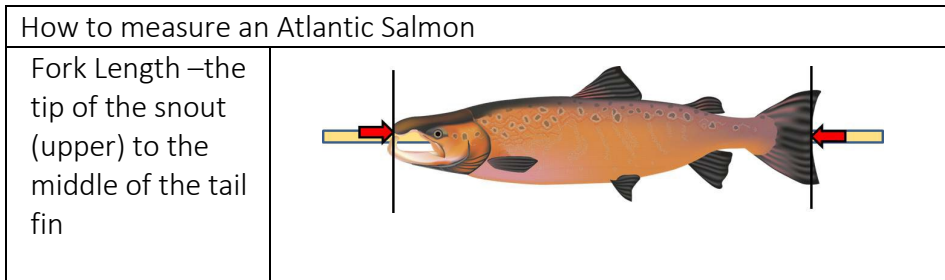
**When filling in the harvest card, a Salmon is small (grisle) when the fork length is less than 63 cm (25 in)

When filling in the harvest card a Salmon is large (multi-sea-winter/ MSW) when it is 63 cm (25 in) or larger

Weight

To weigh the Atlantic salmon, hang from a scale in a net or cradle. Please weigh before gutting or cleaning the fish. Remember to record the weight and the units (such as grams, kilograms, or pounds). These methods are for measuring the weight of a salmon you plan to keep for food. **Do not weigh the salmon that you plan to release.** This is important because holding a fish from the jaw or gills can injure or kill it.

Identify a Kelt Salmon?
salmon that spawned. They silver color, a and often a soft

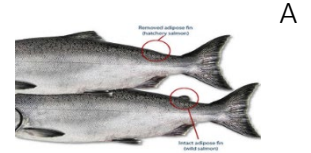


8. How do I (Black or Spent Kelts are have already have a dull skinny shape, “baggy”

texture. They can “brighten” in the spring making them harder to distinguish from fresh-run salmon. Look at the vent in front of the anal fin, if it is distended it is probably a kelt. Also, kelts are more likely to have torn or damaged fins and gill maggots. Kelts are in the rivers after the spawning period is completed, so kelt harvest is usually in late winter and spring (Feb. 15-May 31).

8. What is the difference between a multi-sea-winter Salmon versus a Grilse?

multi-sea winter salmon is a salmon that spends more than one winter at sea before returning to spawn. A grilse is a salmon that spends a single year at sea before spawning. While a grilse may be smaller, sometimes the two kinds of salmon are indistinguishable except through scale analysis. Often grilse is small salmon (under 60 cm) and multi-sea-winter or repeat spawners are large salmon (over 60 cm). For this harvest guideline, the terms grilse and small salmon will be deemed equivalent, and the terms multi-sea-winter salmon and large salmon will be equivalent.



8. What is the difference between a wild Salmon and a hatchery Salmon?

Wild salmon have all their fins. Fish that have been raised in a hatchery have had their adipose fin removed. Also, hatchery-raised salmon often have worn fins from being raised so close to one another in a confined space.

9. Is there a size limit and certain Plamu (Salmon) that I can harvest under this plan?

Yes, Millbrook Community members who harvest a Plamu (Salmon) must pay close attention to the size and type of salmon that can be harvested from each river, such as when the harvest of only Grilse, Salmon, or Kelt is permitted. Please see numbers 7,8, 9, 10, and 11 above to assist you in telling the difference between a male and female Salmon, how to measure a Grilse or a Salmon, how to measure a Salmon (length indicates Grilse or Salmon), how to identify a Kelt Atlantic Salmon, and a multi sea winter Salmon or a Grilse Salmon. The minimum size of the salmon to be retained is 14 inches or 35.6 cm.

10. Why do I need to report my harvest?

Netukulimk and sustaining salmon for future generations are important. Under this plan, a list of all Plamu (Salmon) harvest tags issued or replaced and harvest data reports will be shared collaboratively with DFO in a format and time frame that may be agreed to in the future.

Also, as a condition of receiving tags for food social and ceremonial fisheries, such as Atlantic (Salmon), you must report your harvesting efforts even if you do not catch anything. This will assist Millbrook in developing Millbrook-specific data on our food, social and ceremonial fisheries. For example, the time spent fishing and

the number of salmon caught can be used to figure out whether salmon populations are increasing, decreasing, or staying the same. We also need to strengthen our reputation and capacity for self-management. By doing, so we will address any lingering misconceptions about our management and conservation of Plamu (Salmon).

11. What if I do not report my catch?

MFN community feels that there should be a penalty for this and in addition to the reporting responsibilities of community members covered above in #12, additional sanctions for lack of reporting may need to be included within these guidelines if non-reporting by members becomes a pattern.

12. Do I have to tag all harvested Plamu (Salmon)?

Yes. Millbrook Community members shall immediately tag a harvested Plamu (Salmon) with a valid tag issued to them by Millbrook in a manner that the tag was designed.

13. What if I only like part of the Plamu? Can I catch one, take the parts I like, and then throw the rest back?

The Plamu (Salmon) catch in your possession must remain intact until you get home or process the fish for consumption. Possessing Plamu (Salmon) parts is not permitted. The Conservation Team or anyone designated under this plan to monitor your catch would not be able to determine what you had in your possession was legal (i.e., size, male, female, grilse, Salmon or Kelt, etc.) if they cannot see the Plamu (Salmon) itself. Additionally, the principles of Netukulimk dictate that we use what we need, but that we are mindful of the need to not harvest with unnecessary waste.

Commercial Fishing - Millbrook First Nation has had access to communal-commercial and commercial fishing licenses for over 25 years. These are commercial licenses, many of which the Millbrook First Nation has bought with its source revenue and fishes through various arrangements. The commercial fishery we operate is not based on nor is intended to have any bearing on collective Aboriginal or Treaty Rights to fish.

Treaty Livelihood - You may have heard much about our right as Mi'kmaw to fish for a "livelihood" stemming from R v. Marshall. While Mi'kmaw won this right over 24 years ago, DFO has not yet fully acknowledged their legal obligations or what this right means in the lives of Mi'kmaw people. There is consultation forthcoming on this matter but the Food, Social and Ceremonial fishery will not be part of this discussion.

14. Is a food, social and ceremonial fishery part of my right to fish for a moderate livelihood?

Food, Social and Ceremonial fishery will allow you to fish for yourself and your family, for food, social, and ceremonial purposes only. This does not permit the sale, purchase, or barter of your catch, and doing so could have an impact on the ability of the entire community to fish. As such, Plamu (Salmon) harvested under these guidelines cannot be sold, traded, or bartered by any member in any manner.

15. Breaching Community Guidelines

When harvesting under a plan approved by the Millbrook Community, the harvester consents to routine inspections by Millbrook's Fish and Wildlife Officers or their designees of the vessels, cars, catches, and logbooks/paperwork. A major violation of the Community Plan will result from noncompliance, in which case all information will be sent to the Director of Millbrook Fisheries and handled appropriately.

- If a Millbrook Community Member is accused under reasonable grounds of harvesting contrary to these community guidelines or where the reported conduct of a Community Member in the exercise of their food, social and ceremonial harvesting, amounts to a breach of these guidelines, the Millbrook Harvest Committee shall strike a panel of its members to investigate such allegations. The panel shall make recommendations to the Harvest Committee as to any sanctions against the community member, including, but not limited to, suspension or cancellation of tags, restorative, and educational measures to ensure the community member understands and remains in compliance with these guidelines.
- MFN is currently collaborating with the Millbrook Fish and Wildlife Conservation Team to develop a process to ensure all required information on such incidents is reported in a formalized and timely manner so that a reasonable and timely resolution can be reached. MFN in the interim will follow the below process:
 - A Millbrook Community Member is accused under reasonable grounds to be harvesting contrary to these community guidelines or reported conduct of a community member in the exercise of their food, social and ceremonial lobster harvesting, which amounts to a potential breach of these guidelines.
 - Millbrook First Nation Fish and Wildlife Conservation Team personnel who identify the potential breach will complete a written report of the incident detailing all details (date, time, those involved, tags, area, alleged activities, etc.)
 - The incident details are then forwarded to the Millbrook Harvest Committee.
 - The Millbrook Harvest Committee will then immediately strike a panel to review the alleged community guideline breach details.
 - The panel will make recommendations to the Harvest Committee as to any sanctions against the community member including, but not limited to, suspension or cancellation of tags, restorative, and educational measures to ensure the community member understands and remains in compliance with these guidelines. External parties, including DFO as resource co-managers, input into such recommendations will be welcomed at this stage.
 - As a last resort, MFN reserves the right to proceed with any court action regarding the incident deemed necessary under a competent court of jurisdiction.

Appendix 1 – Salmon Fishing Seasons, Amounts, and Exceptions

#	Location	Quantities	Season	Method and Gear Considerations
1	River Phillip	MSW 1- 70 Grilse 71-140	Sept.1 to Nov.30	Fishing with gillnets is <u>NOT</u> permitted for Salmon and Grilse at this time. Angling, spin gear, fly fishing, snare, and spear are permitted. All Salmon and Grilse caught and retained MUST be tagged by a VALID Millbrook First Nation (MFN) FSC tag.
2	River Phillip	MSW and Grilse (black/slink/spent: As required for FSC purposes	Feb. 15 to May 31	As per MFN's members preferred means of harvest with due regard for conservation. Tagged with a VALID Millbrook First Nation (MFN) FSC PLAMU KELT tag.
3	Pugwash River	MSW 1-10 Grilse 11-20		Fishing with gillnets is <u>NOT</u> permitted for Salmon and Grilse at this time. Angling, spin gear, fly fishing, snare, and spear are permitted. All Salmon and Grilse caught and retained MUST be tagged by a VALID Millbrook First Nation (MFN) FSC tag.
4	Wallace River	Grilse 1-20	Sept.1 to Nov.30	Fishing with gillnets is <u>NOT</u> permitted for Salmon and Grilse at this time. Angling, spin gear, fly fishing, snare, and spear are permitted. All Salmon and Grilse caught and retained MUST be tagged by a VALID Millbrook First Nation (MFN) FSC tag.
5	Wallace River	MSW and Grilse (black/slink/spent: As required for FSC purposes	Feb. 15 to May 31	As per MFN's members preferred means of harvest with due regard for conservation. Tagged with a VALID Millbrook First Nation (MFN) FSC PLAMU KELT tag.
6	Wagh River	Grilse 1-20		Fishing with gillnets is <u>NOT</u> permitted for Salmon and Grilse at this time. Angling, spin gear, fly fishing, snare, and spear are permitted. All Salmon and Grilse caught and retained MUST be tagged by a VALID Millbrook First Nation (MFN) FSC tag.

7	Waugh River	MSW and Grilse (black/slink/spent: As required for FSC purposes)	Feb. 15 to May 31	As per MFN's members preferred means of harvest with due regard for conservation. Tagged with a VALID Millbrook First Nation (MFN) FSC PLAMU KELT tag.
8	French River, Colchester County	MSW or Grilse 10	Jul.1 to Oct.31	Fishing with gillnets <u>NOT</u> is permitted for Salmon and Grilse at this time. Angling, spin gear, fly fishing, snare, and spear are permitted. All Salmon and Grilse caught and retained MUST be tagged by a VALID Millbrook First Nation (MFN) FSC tag.
9	West River, Pictou Co.	MSW or Grilse 20	Jul.1 to Oct.31	Fishing with gillnets is <u>NOT</u> permitted for Salmon and Grilse at this time. Angling, spin gear, fly fishing, snare, and spear are permitted. All Salmon and Grilse caught and retained MUST be tagged by a VALID Millbrook First Nation (MFN) FSC tag.
10	West River, Antigonish Co.	MSW 1-10 Grilse 11-20	Jul.1 to Oct.31	Fishing with gillnets is <u>NOT</u> permitted for Salmon and Grilse at this time. Angling, spin gear, fly fishing, snare, and spear are permitted. All Salmon and Grilse caught and retained MUST be tagged by a VALID Millbrook First Nation (MFN) FSC tag.
11	Shinimicas River, Col. Co.	MSW or Grilse 10	Jul.1 to Oct.31	Fishing with gillnets is <u>NOT</u> permitted for Salmon and Grilse at this time. Angling, spin gear, fly fishing, snare, and spear are permitted. All Salmon and Grilse caught and retained MUST be tagged by a VALID Millbrook First Nation (MFN) FSC tag.
12	Margaree River	MSW or Grilse 10	Jul.1 to Nov.15	Fishing with gillnets is <u>NOT</u> permitted for Salmon and Grilse at this time. Angling, spin gear, fly fishing, snare, and spear are permitted. All Salmon and Grilse caught and retained MUST be tagged by a VALID Millbrook First Nation (MFN) FSC tag.
13	All Rivers	Plamu Kelt		As per MFN's members preferred means of harvest with due regard for conservation. Tagged with a VALID Millbrook First Nation (MFN) FSC PLAMU KELT tag.

Appendix 2 – Salmon Fishing in other Rivers

Item #	River	Quantity	Description on Tag	SFA
1	Cheticamp River	4	2024 PLAMU CHETICAMP	18B
2	Mabou River	4	2024 PLAMU MABOU	18B
3	Barney's River	3	2024 PLAMU BARNEY'S	18A
4	Pomquet River (AM)	5	2024 PLAMU POMQUET (AM)	18A
5	South (AC)	2	2024 PLAMU SOUTH (AC)	18A
6	River John	3	2024 PLAMU RIVER JOHN	18A
7	Merigomish (PH)	2	2024 PLAMU MERIGOMISH (PH)	18A
8	Middle (PC)	4	2024 PLAMU MIDDLE (PC)	18A
9	Sutherlands	4	2024 PLAMU SUTHERLANDS	18A
10	Wright	4	2024 PLAMU WRIGHT	18A
11	North	2	2024 PLAMU NORTH	19
12	Middle	2	2024 PLAMU MIDDLE	19
13	East (PC)	10	2024 PLAMU EAST (PC)	18
14	French (PC)	3	2024 PLAMU FRENCH (PC)	18

