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Tensions rise between Ottawa and Mi'kmaq ahead of lobster season

Michael Tutton

Ottawa and a small Mi'kmaq community appear to be headed toward renewed tensions on the **waters** off southwest Nova Scotia as the First Nation plans another self-regulated lobster season.

The federal Fisheries Minister said Thursday that enforcement officers will be in place in St. Marys Bay to "uphold the Fisheries Act" if Sipekne'katik fishers harvest lobster beginning on June 1.

Bernadette **Jordan's** comment came shortly before Chief Mike Sack held a news conference to say his band will operate a five-month season that will occur outside of the commercial season.

Mr. Sack said the plan envisions 15 to 20 boats setting 1,500 traps, with a midsummer closure during the moulting and reproduction season and its own enforcement officials.

The band argues that a 1999 Supreme Court of Canada decision affirms its right to fish for a moderate livelihood when and where they wish, including outside of federally regulated commercial fishing seasons. That decision was later clarified by the court, however, which said Ottawa could regulate the Mi'kmaq treaty right for conservation and other limited purposes.

Ms. **Jordan** said during a news conference she had negotiated agreements with other bands for a moderate livelihood fishery, and that she expects Indigenous fishers to have a federal licence before harvesting lobster this year.

"We have conservation and protection officers who are on the **water** ... making sure people are doing things within the conservation lens. They have a job to do and that's to uphold the Fisheries Act, and they will be there to do that job," Ms. **Jordan** said.

The band launched a moderate livelihood fishery last fall in St.

Marys Bay, outside of the federal season and against the strong protests of inshore fishing groups, who fear the stock will be depleted as a result of the fishing.

Members of the band encountered violence from non-Indigenous residents, resulting in the destruction of a lobster pound and the burning of a band member's van.

Ms. **Jordan** released a plan in March outlining conditions for an Indigenous moderate livelihood fishery during commercial seasons.

The minister has repeatedly noted the principle of closed seasons exists for conservation purposes and has said her department will negotiate the distribution of commercial licences, which occur within existing seasons, tailored to the needs of each First Nation.

Listuguj First Nation, an Indigenous community in eastern Quebec, recently signed a five-year agreement with Ottawa last week to develop a collaborative approach to governing the band's fisheries.

However, in his announcement Thursday, Mr. Sack said talks with Ottawa had failed, and he said his band is relinquishing commercial licences issued by the Fisheries Department, preferring its own system of allocating licences and determining fishing effort.

Mr. Sack says having a self-regulated fishery allows for more band members to fish, on a smaller scale, creating more work for the community 65 kilometres north of Halifax, which struggles with high rates of poverty. He also said he expected that federal fishery officers might intervene.

Asked about an offer from Ottawa to allow the band to fish in the neighbouring fishing district, known as lobster fishing area 35, in the spring and fall seasons, Mr. Sack said he rejected that proposal because it was unsuitable to his band.

"They wanted our people to fish within that season and that season wasn't going to work. For our people to go out there with 50 traps and try and compete with much bigger boats and 375 traps, there's no way that's going to work," he said.

Inshore, commercial fishing associations have said that the second part of the Marshall decision makes it clear that Ottawa retains the right to regulate for conservation purposes.