



Acadia First Nation

10526 Highway #3 Yarmouth, Nova Scotia B5A 5J7
Bus: (902) 742-0257 Fax: (902) 742-8854
Toll Free : 1-866-670-8086
www.acadiafirstnation.ca

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Dear Band members,

As many of you may know, Acadia First Nation (AFN) developed its own Food, Social and Ceremonial (FSC) Netukulimk Harvest Plan some years ago. This is, and always has been, AFN's plan, not anything imposed by or negotiated with DFO. It is strictly an AFN Harvest Plan, based on Netukulimk principles.

Our FSC fishery is separate and apart from our Treaty Fishery, which has different Harvest Plans, developed on a Kespukwitk District basis.

The AFN Netukulimk FSC Plan for 2023-2024 can be found on our website.

By way of legal background, in 1990, the Nova Scotia Court of Appeal, in *Denny, Paul and Sylliboy*, found that Mi'kmaq have Aboriginal Rights to fish in Nova Scotia, a priority FSC fishery subject only to the needs of conservation. Those cases involved salmon and cod, but the principle applies to all fish in and around Nova Scotia waters.

Also in 1990, the Supreme Court of Canada decided *R. v. Sparrow*, which provided a framework for the exercise of these Aboriginal Rights, including:

- putting an onus on the Crown to justify any infringement;
- that any infringement be as minimal
- as possible to meet a valid conservation objective;
- that any discretion be exercised within a valid legislative or regulatory frame;
- that the honour of the Crown was to be met in all such dealings.

Despite this law, DFO has continued to send us an imposed FSC licence every year. We are posting a copy of the most recent "DFO imposed licence" on our website with this letter. We do not consider the "imposed licence" to be valid. Only our AFN Plan is valid for our members.

There is a risk, however, that DFO officers could at any time target AFN harvesters and harass them for non-compliance with the "imposed licence". That harassment can include seizure of items such as boats, vehicles or gear, or the laying of charges. DFO C&P officers are not acting in accordance with the honour of the Crown.

AFN cannot prevent DFO harassment from occurring, and cannot afford to provide legal advice or assistance to everyone. If a Band member is charged while lawfully in compliance with the FSC Plan, Acadia First Nation will assist to the best of its ability but is not liable if a Band member is convicted, or if assets seized are not able to be returned.

We wish each of our harvesters a successful and safe fishing season.

Chief Deborah Robinson

