

Media Lines/Key Messages

Moderate Livelihood – Summer & Fall Activity in Maritimes Region

Issue:

A number of different Indigenous communities have indicated that they will engage in “moderate livelihood” fishing activity. There have been some indications that there have already been recent increases in various parts of Nova Scotia in activity of this nature. Some Indigenous groups have indicated that they plan to notify media of their activity and encourage media to cover this issue.

Various approved media lines and Qs and As have already been developed on different aspects related to the moderate livelihood treaty right of the Mi'kmaq in Nova Scotia. This document consolidates the media lines that could support a response to questions from media who are inquiring about fishing activity that has been brought to their attention by indigenous groups. For example, in late 2019, a CBC reporter was present for what appeared to be the sale of lobsters wharf side by the Sipekne'katik First Nation and the Department was then asked for reaction to the event. A response to broader question on moderate livelihood treaty rights will be supported by other approved media lines and Qs and As.

Media Lines/Key Messages:

- Fisheries and Oceans Canada is responsible for the ongoing management of all fisheries.
- Fishery officers work with Indigenous organizations, industry groups, and individual harvesters to ensure compliance with the *Fisheries Act* and regulations, and for peaceful and orderly fisheries that are accessible to all licence holders.
- Managing Canada's fisheries includes enforcement. Fishery officers work to educate harvesters and to promote compliance with the *Fisheries Act* and its associated regulations.
- Fishing without a licence is a violation under the *Fisheries Act*. Anyone fishing without a licence may be subject to enforcement action.
- Fishing activity to meet the Aboriginal right to fish for Food, Social and Ceremonial (FSC) purposes is authorized to occur outside of the commercial season. The Department evaluates harvesting management measures to ensure fishing practices do not cause harm to the long-term sustainability of a species.

- DFO has not authorized the sale of fish caught under a Food, Social and Ceremonial licence. Therefore, it is illegal to buy, sell, barter or trade fish unless it was caught and retained under the authority of a licence that permits the sale of fish.
- The Supreme Court's *Marshall decision* affirmed a treaty right to hunt, fish and gather in pursuit of a 'moderate livelihood'. The Department is working with First Nations through the Rights Reconciliation negotiations process to implement this right. We encourage all those wishing to participate in Indigenous fisheries not currently authorized, to work with their community to discuss access at these negotiation tables.

IF PRESSED on a Moderate Livelihood fishing plan publicly announced by a community:

- Fisheries and Oceans Canada works with Indigenous communities to ensure that harvesting activities are aligned with the *Fisheries Act*, associated regulations and broader fisheries management considerations.
- The Supreme Court's *Marshall decision* affirmed a treaty right to hunt, fish and gather in pursuit of a 'moderate livelihood'. The Department is working with First Nations to implement the right to fish in pursuit of a moderate livelihood through negotiation of rights reconciliation agreements (RRAs).
- We encourage communities wishing to access fisheries included in their fishing plans that may not be currently authorized, to discuss access at these negotiation tables. / We encourage all those wishing to participate in Indigenous fisheries not currently authorized, to work with their community to discuss how these fisheries may be considered as part of these negotiation tables.
- While each agreement will differ, the overall goal is to provide clarity and stability in the fishery, while implementing the rights as defined by the *Marshall decision*.

IF PRESSED on activity that a reporter witnessed and reporter perceived DFO/fishery officers were not present:

- Our staff are working closely with Indigenous and non-Indigenous harvesters, industry members and associations to monitor activities happening in the region. Fisheries and Oceans Canada and Indigenous and non-Indigenous harvesters share a common goal – that all fisheries be orderly, safe, and sustainable. **(previously approved and shared with media)**
- Fishery officers in ***insert name of area*** were on regular patrols today and carrying out their normal, prescribed duties. Officers were actively monitoring activities at the wharfs throughout their patrol area

IF PRESSED on a particular on-going investigation:

- As this is part of an ongoing investigation, no comment will be offered.