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MAY 29 2015

Chief Terrance Paul & Councillors
Membertou First Nation
111 Membertou Street
Sydney, NS
B1S 2M9

Dear Chief Paul & Councillors:

You will find enclosed the communal licence for food, social and ceremonial (FSC) fisheries for the period of June 1, 2015 to May 31, 2016 pertaining to Membertou First Nation. This licence, 2015-FSC-MEMBERTO-U-01, is intended to provide the legal mechanism to fish for these purposes.

An administrative change to the wording of the v-notch clause has been included to reflect the wording of other licences harvesting in LFAs 28 and 29 (v-notching restrictions do not apply to LFA 27). The intent of the clause remains the same as demonstrated in the changes underlined below:

Previous clause:

No person shall catch and retain or possess, in Lobster Fishing Areas 28 or 29, any female lobster marked with any mutilation to the bottom outside edge of the right flipper (uropod) next to the middle flipper (telson). The right flipper shall be determined when the underside of the lobster is lying underside down and its tail is toward the person making the determination. For the purpose of this licence condition, mutilation means any man made or natural wound on any part to the right flipper of a female lobster, with or without setal hairs. Any female lobster with the right flipper next to the middle flipper removed is considered an illegal lobster.

Current clause:

No person shall catch and retain or possess in Lobster Fishing Areas 28 or 29, any female lobster with *an impression (with or without setal hairs)* on the bottom outside edge of the right flipper (uropod) next to the middle flipper (telson) that affects the natural shape of that flipper. The natural shape of the flipper would also be altered with the removal of all or a portion of the bottom outside edge of the right flipper. The right flipper shall be determined when the underside of the lobster is down and its tail is toward the person making the determination.

Although consultations on the 2015-16 Atlantic Salmon Management Proposal for Nova Scotia are ongoing under the Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process, this licence is being issued so that the FSC fishery is not delayed.

The salmon allocations presently in the licence represent last year's allocations, and may change depending on the outcome of the ongoing consultations. In addition, as always, requests for amendments to the licence will be considered at any time during the season.

Thank you for providing DFO with your correspondence dated May 25, 2015 designating all Membertou First Nation members to fish for FSC purposes. This has been reflected in the designation clause of the attached licence.

I hope that your fishery operations are doing well this year and that the 2015-16 fishery will prove to be successful and safe for your community. If you have any questions concerning this licence, please contact Vera Pierro, Area Aboriginal Coordinator at (902) 564-2976.

Yours sincerely,



Morley Knight
Regional Director-General
Maritimes Region

Enclosure

cc: Area Director, ENS
Director, C&P
Regional Manager, Aboriginal Fisheries
Area Aboriginal Coordinator
Central Records

Licence No.: 2015-FSC-MEMBERTO-U-01

2015 ABORIGINAL COMMUNAL FISHING LICENCE

This licence is issued under authority of the *Fisheries Act* and sub-section 4(1) of the *Aboriginal Communal Fishing Licences Regulations*.

This licence does not define an Aboriginal right to fish or its scope; however, for the 2015/2016 fishing season, it is intended to provide a mechanism, for reasons of proper management and control of the fisheries and conservation and protection of fish, requiring compliance with the provisions of this licence.

Access to other species and gear type not included in the attached schedules and access to fishing areas not specified in the attached schedules is open to negotiation.

Nothing in this licence affects any applicable federal requirements under the *Species at Risk Act S.C. 2002, c-29*.

This licence confers on the Membertou First Nation, subject to the *Fisheries Act* and regulations made thereunder, the authority to fish under the following conditions:

Definitions:

“DFO” means Fisheries and Oceans Canada

“First Nation” means Membertou First Nation.

“Fishery” means fishing under the authority of this licence.

“Grilse” where used in this licence means less than 63 cm from the tip of the nose to the fork of the tail.

“Jigging” means fishing by manipulating one or more hooks so as to pierce a fish in any part of the body instead of luring the fish to take the hook into its mouth.

“Tag(s) Validated by DFO”, for the purpose of this licence, means only those tags approved and identified by DFO in this licence during the period from the date of issuance to May 31, 2016.

Species, Quantities, Locations, Gear and Methods, Dates and Times, and Other Conditions

Subject to amendments to the conditions of this licence and subject to close times as may be varied by the Regional Director-General, Maritimes Region, DFO, in accordance with the *Fishery (General) Regulations*, the species of fish set out in Column I of an item of the attached Schedule I are permitted to be taken;

- a) in the quantities set out in Column II of that item;
- b) in the location set out in Column III of that item;
- c) during the dates and times set out in Column IV of that item;
- d) using the gear or method set out in Column V of that item; and
- e) in accordance with any other conditions set out in Column V of that item.

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Where a Regional Director-General has reason to believe that fish of any species in any area are contaminated, the Regional Director-General may issue an order prohibiting fishing in that area for that species and, notwithstanding any other regulations made under the *Fisheries Act*, where a Regional Director-General issues an order in respect of an area, no person shall fish for or catch and retain any species of fish specified in the order in that area.

Any nets authorized for use under the Schedule shall be set at least 200 meters apart, and at least 200 meters away from any fishery gear previously set.

Any salmon caught incidentally while fishing other species under the Schedule shall be immediately returned to the water in a manner that causes it the least harm.

Subject to the period of time set out in the attached Schedule, the authority to fish under this licence is valid from the date of issuance and will expire on May 31, 2016.

Disposition of Fish:

Without prejudice to future arrangements or regulations, fish harvested under this licence are for food, social and ceremonial purposes, and shall not be sold, traded or bartered.

Designation:

All persons fishing under the authority of this licence shall carry proof of designation and shall produce it on request of a Fishery Officer or a Fishery Guardian.

For the purpose of these licence conditions, proof of designation includes a certification or card indicating membership in the Membertou First Nation, and, for individuals who are not members of Membertou First Nation, it means any document that can verify his or her identity against a list of designated individuals provided by Membertou First Nation to DFO. The list of designated individuals must be the list in effect at the time of the fishing.

Documents that constitute proof of designation are personal and non-transferable.

Monitoring and Catch Reporting:

Catch monitoring will be conducted by DFO and the Membertou First Nation. Where, in any month, fishing is carried out under this licence, the Membertou First Nation will provide DFO with trap counts and catch information on the fishing activities before noon on the first Monday of the following month. The information will include the total number of traps used in the fishing, the total hours fished and the total catch. The information will be forwarded to Vera Pierro, DFO ENS Area Office by fax at (902) 564-7398 or email at vera.pierro@dfo-mpo.gc.ca.

Salmon harvested while fishing in the Margaree River shall be reported to Fisheries and Oceans Canada – Gulf Region staff in Cheticamp, Nova Scotia at (902) 224-2017 or by fax at (902) 224-2579 on a weekly basis once the fishery for salmon in the Margaree River commences.

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Other Provisions:

This licence does not provide to any member of the Membertou First Nation any authorization to trespass on any property.

This licence does not allow fishing by jigging in inland waters or assisting in fishing by jigging in inland waters. Any designated fisher who catches a fish by hooking it in a part of its body other than the mouth shall immediately return the fish to the water from which it was caught and where the fish is alive, release the fish in a manner that causes the least harm to it.

All salmon and/or grilse caught and retained from the Margaree and North Rivers must be tagged immediately with valid 2015 tags issued by DFO.

All fishing gear must be tagged with a tag validated by DFO and attached in the manner in which the tag was designed.

All gillnets, trap nets and fishing gear must be set in a manner so that one-third of the width of any river or stream and not less than two-thirds of the width of the main channel at low tide in every tidal stream shall be always left open, and no kind of net or other apparatus, logs or any material of any kind shall be used or placed therein.

All references in this communal licence to fishing areas and to length, width, shell height, size and weight of fish must be determined in accordance with the relevant provisions of the *Fisheries Act* and the regulations made pursuant thereto.

Compliance with the *Fisheries Act* and the regulations made thereunder is a condition of this licence with the relevant provisions of the *Fisheries Act* and the regulations made pursuant thereto.

Dated: MAY 29 2015



Morley Knight
Regional Director-General
Maritimes Region