

Community Harvest Guidelines 2023

“Food, Social & Ceremonial”



**Native Council of Prince Edward Island
Kelewatl Natural Life Harvesting Commission**

“The N.C.P.E.I. Kelewatl Commission is the Natural Life Management Authority for the Large Community of Mi’kmaq /Aboriginal Peoples who continue to reside on Traditional Mi’Kmaq Territory in Prince Edward Island undisplaced to Indian Act Reserves”



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“Our Collective Rights”

The Governments in Canada have come to recognize that the Mi’kmaq Aboriginal peoples of Canada and more particularly those in Atlantic Canada have Aboriginal and Treaty Rights and Other Rights which are protected under the Canadian Constitution Act 1982.

THE COURTS of this land have affirmed these rights, as existing rights. In November 1985, THE SUPREME COURT OF CANADA, in the decision of Simon vs the Queen, affirmed that the Treaty of 1752 is a valid treaty still in force and that among other rights contained in the treaty, the right to the free liberty of Netukulimk as usual, is a treaty right which cannot be restricted by Federal and/or Provincial legislation or regulation.

THE SUPREME COURT OF NOVA SCOTIA, APPEAL DIVISION in DENNY et al vs the Queen, has recognized and affirmed that Mi’kmaq have an Aboriginal right to fish for themselves, their families and community in waters outside of Indian reserves.

THE SUPREME COURT OF CANADA, in Sparrow vs the Queen, held that an Aboriginal subsistence fishery constitutes an Aboriginal right protected by the Canadian Constitution Act of 1982. An Aboriginal fishery is constitutionally entitled to priority over other interest groups, subject only to vital conservation measures developed after detailed and complete consultation.

Community Harvest Guidelines are necessary to resolve problems that arise regarding conservation of the fishery.

“Netukli’tite’wk (Harvester) Duties and Responsibilities”

Q. What is Netukulimk?

A. It is a Mi’kmaq worldview 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, to achieve adequate standards of community nutrition and economic well-being, without jeopardizing the integrity, diversity or productivity of our native environment”*.

Q. Who can Exercise the Right of Netukulimk?

A. The free liberty to harvest under Netukulimk applies to any person who is a Mi’kmaq /Aboriginal person and is independent of any fishing privileges under Federal and/or Provincial regulation.

These guidelines apply to Mi’kmaq Aboriginal Harvesters who are in possession of a valid Harvesters Identification Card issued by the Native Council of Prince Edward Island (N.C.P.E.I.), and who exercise their right to harvest outside of Indian Act Reserves throughout traditional Mi’kmaq territory in Prince Edward Island through the N.C.P.E.I. Kelewatl Commission Harvest Management Office, the natural life management authority for the large Community of Mi’kmaq/ Aboriginal Peoples who continue to reside on traditional Mi’kmaq territory in Prince Edward Island undisplaced to Indian Act Reserves.

The Aquatic Natural Life Harvester so authorized under the N.C.P.E.I. Kelewatl Commission, **shall carry** a Harvesters Identification Card at all times while harvesting. The Harvesters Identification Card **shall be produced** to a D.F.O. Fisheries Officer, a Conservation Officer or an R.C.M.P. Officer upon request.

Q. Can Mi’kmaq /Aboriginal Children Exercise Netukulimk?

A. Mi’kmaq /Aboriginal children of a N.C.P.E.I. Kelewatl Commission Harvester who are under the age of 16 are eligible to harvest under the Harvester Identification Card of their Parent or Guardian. Which shall be shown to a D.F.O. Fishery Officer, Conservation Officer or an R.C.M.P. Officer upon request.

Q. What Can I Harvest while Exercising Netukulimk?

A. Kelewatl Commission Harvesters harvesting Aquatic Natural Life adhering to the concept of Netukulimk and these Community Harvest Guidelines, enjoy the complete liberty to harvest all species of fish, shellfish, crustaceans, marine animals and marine plants, in all waters, fresh, brackish and marine, including non-tidal, tidal and off-shore, within the traditional Mi'kmaq territories in Prince Edward Island, to provide nutritional sustenance for themselves, their families and Community's well-being as required, subject only to the **enclosed “Seasons, limits, Methods and Equipment”**

Aquatic Natural Life harvested under these guidelines is for **food, social, ceremonial and personal bait use purposes only**, and **shall not be sold, traded or bartered** for any reason.

These Community Harvest Guidelines do not cover any form of Commerical Fishery activities.

Presently, the Native Council of Prince Edward Island community conducts an Aboriginal Communal Commercial Fishery under the auspices of its commercial fisheries management entity – L'nu Fisheries Limited. Questions concerning our community's Aboriginal Communal Commercial Fishery are to be directed to the N.C.P.E.I. Kelewatl Commission Harvest Management Office.

Q. Where can I Exercise Netukulimk?

A. Kelewatl Commission Harvesters have the free liberty to exercise Netukulimk as a Mi'kmaq /Aboriginal Person in all waters, fresh, brackish and marine, including non-tidal, tidal and off-shore, throughout all traditional Mi'kmaq lands and waters in and around the Province of Prince Edward Island.

As an Mi'kmaq/Aboriginal Person, you have the right to go on foot along the banks or shores of any body of water including any river, stream or lake, and upon and across any uncultivated lands and Crown Lands to Netukulimk (harvest). You also have the right to use a boat or canoe on or across any body of water, river, stream or lake.

“N.C.P.E.I Kelewatl Commission Harvesters Shall Not Netukulimk (Harvest) in the Following Areas:”

- X** in any river, stream or lake forming part of the water supply (reservoir) of any city, town or village;
- X** on land surrounding or adjacent to any city, town or village water supply (reservoir);
- X** in fish sanctuaries, private aquaculture sites and private fish ponds (except with the owner's written permission);
- X** in waters closed to all fishing for vital conservation or health reasons as indicated in "Advisory Bulletins"
- X** in designated spawning areas or beds;
- X** within 75 feet downstream of a recognized fish ladder;
- X** in areas "Posted" by DFO as being closed to all harvesting because of health and or conservation reasons.

Q. What are my Duties and Responsibilities for the Conservation and Management of the Aquatic Natural Life Resources?

- A. Harvesters Harvesting Aquatic Natural Life Following the Concept of Netukulimk and These Community Harvest Guidelines, Shall Provide the N.C.P.E.I. Kelewatl Commission's Harvest Management Office with the Following:**
- ✓ A monthly record and report of their monthly Netukulimk (Harvest) efforts and activities on the forms supplied. All species of Aquatic Natural Life that are kept/retained shall be recorded in the N.C.P.E.I. Kelewatl Commission's **Monthly Conservation/Harvest Effort Record**" booklet provided to each authorized Harvester. "Hours of effort" to harvest Aquatic Natural Life, **whether successful or not**, shall also be recorded

where requested. When “no harvesting activities” occur for any particular month, this “no harvest activity” shall also be recorded and submitted on a monthly basis.

- ✓ Where Netukulimk (Harvest) tags are provided for a **particular** species of fish or for **specific** types of fishing gear, Harvesters **shall** attach the applicable Netukulimk (harvest) tags securely to the fish and or gear. The Netukulimk (Harvest) tags shall remain affixed until the fish species or fishing gear is transported to the residence of the Harvester, or to his/her family, or to the place where the harvest will be shared in a Mi'kmaq/Aboriginal societal, cultural or customary gathering;
- ✓ Lost, stolen or damaged Netukulimk (Harvest) tags **shall be reported immediately** to the N.C.P.E.I. Kelewatl Commission office and replacement Netukulimk (Harvest) tags can be requested at that time;
- ✓ From time to time certain harvest areas and or certain fish species may be **closed or restricted** to harvesting due to conservation or health and safety reasons. Special advisory bulletins will be issued by T.V., Radio, DFO the Province of P.E.I. or by the N.C.P.E.I. Kelewatl Commission.
All Harvesters shall abide by these closures or restrictions.

Q. What should I know about Trespassing and Building Fires on Private Lands?

A. As a responsible Harvester, in the spirit of Peace and Friendship with others who share our lands and waters, **Harvesting should be exercised with due regard to the safety and rights of others.** Your rights do not in any way limit or restrict an owner or occupant of the land to compensation for actual damages caused by anyone going upon or across such lands in order to Netukulimk (Harvest), and do not give anyone Harvesting the right to build fires upon those lands.

Q. What happens To Harvester's Who Do Not Follow the Spirit and Intent of Netukulimk and these Community Harvest Guidelines?

A. The N.C.P.E.I. Kelewatl Commission has the right and obligation to administer and enforce the “Community Harvest Guidelines and Policies”, to protect the Aboriginal and Treaty Rights of the N.C.P.E.I. Community. The Commission will investigate all alleged breaches of the Community Harvest Guidelines **and impose “Community Sanctions” against those Harvesters for**

breaches of those guidelines or policies. Community sanctions may be imposed against a Harvester regardless of any legal Court action that Federal or Provincial law enforcement officials may take against that Harvester.

Also, the Commission **will not defend** these persons in a Court of Civil Judicature of Her Majesty in the Right of Canada. **Lifetime expulsions, short and long-term suspensions, or compulsory education** to instill the proper knowledge and practices of Netukulimk, may be directed to satisfy the N.C.P.E.I. Kelewatl Commission that the person will be a responsible Harvester.

“Responsible Harvesting Methods and Equipment”

N.C.P.E.I. Kelewatl Commission Harvesters are conservation and management minded and are aware of the growing pressures on the diminishing Aquatic Natural Life resources. In order for the resources to remain for our future generations of children yet unborn, it is the responsibility of each Harvester **to use methods and equipment which are reasonable for the purpose intended, do not result in unnecessary by-catches or over fishing, and are not harmful to the environment and to the needs of vital conservation.**

Methods and equipment are not to be avoided based on their high catch efficiency, as long as a Harvester can adequately monitor the **number, the type (and in some cases, the size and or the gender) of Aquatic Natural Life** being harvested.

“The Following are Some Methods and Equipment That are Considered to be Reasonable for the Responsible Harvest of Aquatic Natural Life:”

Methods of Live Release:

It is important that “**live catch and release**” practices are exercised when **restricted** species or **excess** Aquatic Natural Life are harvested so that our future generations of Harvesters can continue to exercise Aboriginal and Treaty Rights in the years to come!

Harvested Aquatic Natural Life that are **released alive** are not considered as part of the reported harvest [**except for Atlantic Salmon**]. The following is a recommended method for the **release** of “live” Aquatic Natural Life back into their natural environment:

- ✓ Do not play the fish until it is belly up. Release fish as rapidly as possible.
- ✓ Keep the fish in the water as much as possible. It may fatally injure itself by flopping about on the shore or in a boat. Scale loss may result in infection.
- ✓ Handle fish gently. Avoid touching the gill areas and the eyes. Do not squeeze small fish.
- ✓ Unhook the fish quickly and efficiently. Long-nosed pliers work better than numb slippery fingers. Cut the line and sacrifice the hook rather than the fish.
- ✓ Revive the fish if necessary. Hold the fish upright and move it backwards and forwards in the water, so that water flows through its gills. Release the fish when it can swim normally.
- ✓ Live bait (worms, etc.) causes fish to be hooked deeply and lowers its chances of being released alive. Filing off or squeezing the barbs on hooks helps.

Permitted Methods and Equipment:

Valid gear tags issued by the N.C.P.E.I. Kelewatl Commission **shall** be attached to **all** lobster traps, eel pots and gill nets used in the harvest of Aquatic Natural Life;

Valid Atlantic Salmon tags issued by the N.C.P.E.I. Kelewatl Commission **shall** be attached to **all** kept/retained Atlantic Salmon;

Valid Grey Seal tags issued by the N.C.P.E.I. Kelewatl Commission **shall** be attached to **all** Harvested Grey Seals;

- ✓ Jigging in tidal waters only, but **not** for Salmon, Striped Bass or Trout;
- ✓ Angling;
- ✓ Gill Nets;
- ✓ Hand Spear, Artificial Light or Flame but **not** for Salmon;
- ✓ Rifle and bullets (for **Grey Seal Only**);
- ✓ Eel Pots, Lobster Traps;
- ✓ Hand Held Dip Net;
- ✓ Hand Tools for harvesting Shellfish;
- ✓ Other usual or traditional methods and equipment, appropriate to the species being harvested, with due regard to vital conservation and management, **having the ability to release live any unwanted or restricted Aquatic Natural Life.**

Note: *Harvesters wishing to use a gill net, eel pot, lobster trap, or harvest Atlantic Salmon, or Grey Seal must first contact the N.C.P.E.I. Kelewatl Commission office and obtain a “Special Gear Tag” before using these types of fishing gear and methods.*

**Irresponsible, Non-Permitted Fishing Methods
and Equipment:**

- X** Fishing with a **voided** N.C.P.E.I. Kelewatl Commission Netukulimk (Harvest) tag;
- X** Dynamite or other explosive devices;
- X** Electric Shock Devices;
- X** Seine;
- X** Gill net, except **permitted** in tidal waters
- X** Poison;
- X** Crossbow, firearm or spear gun, except in the case of Grey seal where a firearm is **permitted**;
- X** **Untagged** lobster traps, eel pots, gill nets and **untagged** kept/retained Atlantic Salmon, and Grey Seal;
- X** Harvesting (fishing) within 75 feet downstream of a recognized fish ladder; and
- X** Any other method or equipment that causes unnecessary destruction of fish and or fish habitat or negatively impacts and jeopardizes the integrity, diversity or productivity of our native environment.

“Species, Seasons, Limits, Methods and Equipment ”

Abiding by the concept of Netukulimk, Harvesters shall abide by the following guidelines when Harvesting these Aquatic Natural Life species:

For: Mntmu’k, E’s and Nkata’laq
(Oysters, Clams and Mussels)

Netukulimk (Harvest) Season:

Open April 1st until November 30th inclusive throughout the Province of Prince Edward Island.

Exceptions:

Netukulimk (Harvest) areas may be closed from time to time due to conservation or health reasons. DFO will sign post these closed areas and/or Special “**Advisory Bulletins**” will be issued from the N.C.P.E.I. Kelewatl Commission Harvest Management Office to each Harvester.

Restrictions: No more than 600 clams of all species combined may be harvested and retained in any one day.

Netukulimk (Harvest) Amounts:

For Individuals:

| | |
|-------------------|---------------------------|
| Oyster - | 50 Limit per designation |
| Soft shell clam - | 350 Limit per designation |
| Bar clam - | 150 Limit per designation |
| Quahogs - | 150 Limit per designation |
| Razor clams - | 300 Limit per designation |
| Mussels - | No Limit per designation |

For Community Events: as authorized by a permit issued from the N.C.P.E.I. Kelewatl Commission Harvest Management Office.

Netukulimk (Harvest) Methods and Equipment:

Clam - Hand/hand held tools for harvesting shell fish

Oyster - Tongs operated from a vessel

Mussel - Hand/hand held tools for harvesting shellfish

Netukulimk (Harvest) Minimum Sizes:

| | |
|------------------|------------------------|
| Oyster - | 76 mm in shell length |
| Soft shell clam- | 50 mm in shell length |
| Bar clams - | 102 mm in shell length |
| Quahogs - | 50 mm in shell length |
| Mussels - | No size limit |

For: *Elapagnte'mat Ji'ka'w*
(Striped Bass)

Netukulimk (Harvest) Season:

Open April 1st to and including October 31st throughout the Province of Prince Edward Island.

Netukulimk (Harvest) Maximum Amounts:

For Individuals: a maximum **three (3)** per day. **Maximum size 65 cm.**

For Community Events: as authorized by a permit issued from the N.C.P.E.I. Kelewatl Commission Harvest Management Office.

Netukulimk (Harvest) Methods and Equipment:

Angling

All catch information will be submitted to the **NCPEI Kelewatl Commission** within one month of catch.

For: Atoqwa'su
(Trout, all types)

Netukulimk (Harvest) Season:

Open January 1 to and including October 31st throughout the Province of Prince Edward Island.

Netukulimk (Harvest) Maximum Amounts:

For Individuals: a maximum **twelve (12)** per day, with a total maximum of **one hundred(100)** per season.

For Community Events: as authorized by a permit issued from the N.C.P.E.I. Kelewatl Commission Harvest Management Office.

Netukulimk (Harvest) Methods and Equipment:

Angling

Hand Spear, Artificial light or flame

Other usual or traditional methods with due regard to conservation.

All catch information will be submitted to the **NCPEI Kelewatl Commission** within one month of catch.

For: Jakej (Lobster)

The traditional Mi'kmaq territory in the province of Prince Edward Island is being managed by three N.C.P.E.I. Kelewatl Commission **Jakej (Lobster) Netukulimk (Harvest) Areas** and the corresponding **DFO Lobster Fishing Areas (LFA's)** (See map on page 16).

Netukulimk (Harvest) Season:

LFA 24, LFA 25, LFA26

| | |
|--------------------|---|
| Season - | LFA 24 and LFA 26a - 6am April 30 th - June 30 th LFA 25 – 6am August 9 th – October 10 th |
| Season Exception - | LFA 26a Point Prim to Victoria, May 7 th to July 8 th (See map on Page 16) |
| Quantity - | 3 (three) lobster tags per member |
| Method - | lobster trap with tag, one trap hauls with buoy attached and properly marked (NCPEI & ID#) |
| Harvest size - | Minimum carapace size of 72mm |
| Restrictions - | All egg bearing lobster are to be returned to the sea as soon as possible in manner that ensures the survival of the lobster. |

While fishing in LFA 24 and 26A, you must measure all lobster immediately after removal from the trap; lobster less than 72mm in length or female lobsters of a length of 115 mm but not more than 129 mm must be returned to the water immediately.

While fishing in LFA 25, you must measure all lobster immediately after removal from the trap: If the length of the lobster is less than 72mm in length or is a female lobster greater than 114mm, this lobster must be returned to the water immediately.

You shall not possess in any Lobster Fishing Area any claw, tail or meat that has been separated from the thorax or carapace of a lobster.

You are required to return to the water all ground fish incidentally caught.

In respect to other fishermen we recommend no fishing on Sundays.

All catch information will be submitted to the **NCPEI Kelewatl Commission** within one month of catch.

Jakej (Lobster) Trap “Escape Hatches and Biodegradable Escape Panels”:

Escape Panels: (LFA 24 and 26A). You are prohibited from fishing with or having on board a vessel a lobster trap unless that lobster trap has two unobstructed rectangular openings of a height not less than 42 mm and a width of not less than 127mm in each parlor, or two unobstructed rectangular openings of a height of not less than 41 mm and a width equal or greater than 254 mm in each parlor. One of the rectangular openings in each parlor referred to above must be located in the exterior wall of the parlor and not more than 76 mm from the floor of the trap.

While fishing in LFA 25, you are prohibited from fishing with or having on board a vessel a lobster trap unless that lobster trap has, in the exterior wall of each parlor, and not more than 76 mm from the floor of the trap, at least one unobstructed rectangular opening with a height of not less than 42 mm and a width of not less than 127 mm, or at least one unobstructed rectangular opening with a height of not less than 41 mm and a width equal or greater than 254 mm.

Also, while fishing in LFA 25, no person shall fish with or have on board a vessel a lobster trap that has an entrance (commonly referred to as a hoop) which has an inside diameter which exceeds 152 mm at the widest point.

Biodegradable Panels: (LFA 24 and 26A). You shall not fish with or have on board a vessel a lobster trap unless the lobster trap has on the exterior wall or top of each parlor a biodegradable panel that provides when removed, an unobstructed opening that meets the requirements set out in either item (a) or (b) below.

- (a) When using a trap with a rigid parlor (e.g. wire mesh), the biodegradable mechanism, when removed, must provide an unobstructed opening not less than 89 mm in height and 148 mm in width. The mechanism shall be attached to either the outside or inside of an exterior side wall of each parlor and it shall only be fastened at a maximum of four points (looped once) and may be interlaced once through each mesh using only 100% natural

untreated cotton not greater than 2.5 mm in diameter. The mechanism shall not be hinged at any points of contact;

(b) When using a trap with a non-rigid parlor (e.g. nylon mesh), a minimum of five meshes must be cut and the biodegradable mechanism, when removed, must provide an unobstructed rectangular horizontal opening not less than 89 mm in height and 148 mm in width. The mechanism to fasten the opening must be made of 100% natural untreated cotton twine not greater than 2.5 mm in diameter fastened at each end (looped once) of the opening and interlaced once through each mesh of the opening.

For LFA 25, you shall not fish with or have on board a vessel a lobster trap unless the lobster trap has on the exterior wall or top of each parlor a biodegradable panel that provides when removed, an unobstructed opening that meets the requirements set out in either item (a) or (b) below.

(a) When using a trap with a rigid parlor (e.g. wire mesh), the biodegradable mechanism, when removed, must provide an unobstructed opening not less than 89 mm in height and 148 mm in width. The mechanism shall be attached to either the outside or inside of an exterior side wall of each parlor and it shall only be fastened at a maximum of four points (looped once) and may be interlaced once through each mesh using only 100% natural untreated cotton not greater than 3.5 mm in diameter;

(b) When using a trap with a non-rigid parlor (e.g. nylon mesh), a minimum of five meshes must be cut and the biodegradable mechanism, when removed, must provide an unobstructed rectangular horizontal opening not less than 89 mm in height and 148 mm in width. The mechanism to fasten the opening must be made of 100% natural untreated cotton twine not greater than 3.5 mm in diameter fastened at each end (looped once) of the opening and interlaced once through each mesh of the opening.

No material or device of any kind shall obstruct the hoop entrance of the trap.

Jakej (lobster) "Floating Rope":

You shall not fish with or have on board a vessel a lobster trap that exceeds:

- (a) 125 cm in its greatest length;
- (b) 90 cm in its greatest width; or
- (c) 50 cm. in its greatest height.

Fishing Gear: Reducing the amount of rope floating on the surface of the water.

- a) No rope attaching a lobster trap to a primary buoy shall remain floating on the surface of the water after the lobster trap has been set.

If fishing with a primary and secondary buoy, the following condition of this licence would apply:

- a) A maximum of 3.7 meters of ropes shall be used when attaching a primary buoy to a secondary buoy.
- b) No rope attaching a lobster trap to a primary buoy shall remain floating on the surface of the water after the lobster trap has been set.

Jakej (lobster) Trap “Tagging”:

Kelewatl Commission Harvesters **shall not** fish with or have on board a vessel (boat) a (lobster) trap unless **each** (lobster) trap has a **valid** N.C.P.E.I. Kelewatl Commission (lobster) trap tag securely attached to **each** (lobster) trap. (lobster) trap tags shall be securely attached to the frame of **all** (lobster) traps in the manner for which the tag was designed. The locking mechanism of the tag shall not be tampered with. The numbers on the tag shall not be made illegible.

Jakej (Lobster) “Window Lobster ”:

Kelewatl Commission Harvesters **shall not** have on board a vessel (boat) a Female lobster greater then 114mm in carapace size.

Species at Risk Act

In accordance with the recovery strategy for the Northern Wolffish (*Anarhichas denticulate*), Spotted Wolffish (*Anarhichas minor*), and for the Leatherback Turtle (*Dermochelys coriacea*) the licence holder/operator is permitted to carry out food, social and ceremonial fishing activities authorized under the Fisheries Act that may incidentally kill, harm, harass, capture or take the Northern Wolffish, the Spotted Wolffish or the Leatherback Turtle, as per subsection 83(4) of the Species At Risk Act (SARA).

Pursuant to the subsections 73(2) to (6.1) of the Species at Risk Act, the licence holder/operator is permitted to carry out food, social and ceremonial fishing activities authorized under the Fisheries Act that may incidentally kill, harm, harass or capture a White Shark when fishing under the authority of these licence conditions.

The following conditions apply:

- a) This authorization is only valid while food, social and ceremonial fishing is conducted under the authority of the licence issued under the Fisheries Act in all authorized waters under this licence.
- b) The licence holder/operator is required to ensure that, while the fishing activities are conducted, every person on board the vessel who incidentally catches a Northern Wolffish, a Spotted Wolffish, a Leatherback Turtle and a White Shark forthwith returns it to the place from which it was taken, and where it is alive, in a manner that causes it the least harm.

SARA reporting requirements:

- a) Only the Species at Risk Logbook and Species at Risk Logbook - Instructions documents that are provided with these licence conditions must be utilized. See Schedule C.
- b) All interactions with a Northern Wolffish, a Spotted Wolffish, a Leatherback Turtle and a White Shark must be indicated in the Species at Risk Logbook.

- c) The Species at Risk Logbook must be completed as per the Species at Risk Logbook - Instructions document PRIOR TO ENTERING PORT.
- d) The Species at Risk Logbook must be signed by the licence holder/operator.
- e) The Species at Risk Logbook must be returned no later than 7 calendar days after the closure of the fishing season, even if there was no interaction with a species at risk, at the following address:
Fisheries and Oceans Canada, Statistics Division
P.O. Box 5030
Moncton, N.B. E1C 9B6

Marine Mammal Interaction Reporting

- a) The licence holder/operator must provide information regarding all lethal and non-lethal marine mammal interactions during fishing trips;
- b) For the purpose of subsection a), lethal and non-lethal interactions include bycatch, collision and all sightings of marine mammals entangled in fishing gear;
- c) The licence holder/operator must complete the DFO Marine Mammal Interaction Form listed in Schedule D and it must be submitted as per the instructions provided on the form.

Lost Gear Reporting

The licence holder/operator must report any lost fishing gear to Fisheries and Oceans Canada (DFO) by completing and submitting the Lost Fishing Gear form available online at <http://www.dfo-mpo.gc.ca/fisheries-peches/commercial-commercial/index-eng.html> or in Schedule E of these licence conditions within 24 hours of entering to port after noticing the loss of gear.

Retrieved Gear Reporting

The licence holder/operator must report the retrieval of any of their own previously reported lost gear to DFO by completing and submitting the Retrieval of Previously Reported Fishing Gear form available online at <http://www.dfo-mpo.gc.ca/fisheries-peches/commercial-commerciale/index-eng.html> or in Schedule F of these licence conditions within 24 hours of entering to port after retrieving gear previously reported as lost. Retrieval can only occur during the validity period of these licence conditions and only in relation to the specific type of gear authorized to be used by these licence conditions.

Jakej (Lobster) Netukulimk (Harvest) Areas



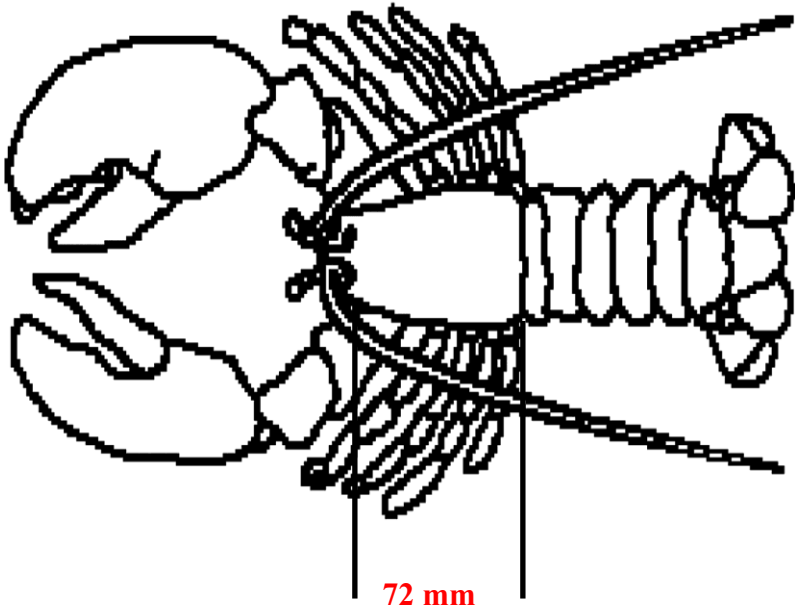
LFA 24 - North Cape to East Point

LFA 25 - North Cape to Victoria

LFA 26a - Victoria to East Point

Netukulink (Harvest) Minimum Sizes:

Minimum Jakej (Lobster) Carapace (Body Shell) Length
Measurement for Jakej (Lobster) Netukulink (Harvest)
(DFO LFA's 24, 25 & 26a) (see map on page 16):



The Jakej (Lobster) shall be measured perpendicular from the back of the eye socket to the back of the body shell.

Egg Bearing / Berried Jakej (Lobster):



*This is a
V-notch*

Fig. 2: Egg-bearing/berried Jakej (lobster) with a V-Notch



Fig 3: Close-up section of Egg-bearing/berried Jakej (lobster).

Jakej (Lobster) Body Parts (Tails, Claws, and Meat):

Kelewatl Commission Harvesters shall not possess on board a vessel (boat) any claw, tail or meat of a Jakej (Lobster) that has been separated from the thorax or carapace (body shell) of the Jakej (Lobster).

**For: American Ka'tew
(Eels)**

Summer Netukulimk (Harvest) Season:

May 1st – June 30th throughout the Province of Prince Edward Island.

Netukulimk (Harvest) Amounts:

For Individuals: a 5 Eel limit per day with a 25-eel limit maximum per season

Netukulimk (Harvest) Size:

The Minimum harvest length for eels is **53 centimeters**.

Netukulimk (Harvest) Methods and Equipment:

Angling

Hand Spear, Artificial light or flame

Other usual or traditional methods with due regard to conservation.

Summer Net Netukulimk (Harvest):

For the Community:

A total of 3 fyke nets to be fished by NCPEI or their designate. The season will be from August 26th to October 25th, inclusive in the tidal waters of PEI. The minimum length for eels will be 53 centimeters. The harvest method will be fyke net with a trap leader of a maximum length of 31 meters and trap wings with a maximum length of 4 meters.

Winter Netukulimk (Harvest) Season:

December 14th – January 24th inclusive throughout the Province of Prince Edward Island.

Netukulimk (Harvest) Amounts:

For Individuals: a 6 Eel limit per day with a 25-eel limit maximum per season

Netukulimk (Harvest) Size:

The Minimum harvest length for eels is **53 centimeters**.

Netukulimk (Harvest) Methods and Equipment:

Hand Spear, Artificial light or flame
Other usual or traditional methods with due regard to conservation.

All catch information will be submitted to the NCPEI Kelewatl Commission within one month of catch.

For: Anakwe’i
(Flounder)

Netukulimk (Harvest) Season, Methods and Equipment:

10 flounder limit per designated person per day with a maximum of 100 flounder per designation per season. The season will be from April 1st to September 30th inclusive in NAFO Division 4T and inland/ tidal waters throughout Prince Edward Island. The harvest method may be any or all of the following:

Angling

Other usual or traditional methods with due regard to conservation.

All catch information will be submitted to the NCPEI Kelewatl Commission within one month of catch.

For: Atlantic Peju
(Cod)

Netukulimk (Harvest) Season, Methods and Equipment:

5 cod limit per designated person per day. The season will be from August 1st to October 15th inclusive in NAFO Division 4T. The harvest method may be any or all of the following:

Angling or Hand lines with due regard to conservation.

All catch information will be submitted to the **NCPEI Kelewatl Commission within one month of catch.**

For: Atlantic Putomaqanej
(Halibut)

Netukulimk (Harvest) Season, Methods and Equipment:

1 halibut limit per designated person per day. The season will be from August 1st to October 15th inclusive in NAFO Division 4T. The harvest method may be any or all of the following:

Angling or Hand lines.

with due regard to conservation

All catch information will be submitted to the **NCPEI Kelewatl Commission within one month of catch.**

For: Pelagic Netukulimk (Harvest)
Amlmew and Alanj
(Mackerel and Herring)

Netukulimk (Harvest) Season, Methods and Equipment:

| | |
|--------------------|--|
| Season - | April 1 st until December 31 th inclusive |
| Harvest Method - | Angling and gill nets (maximum of 90 feet per net). Other usual or traditional methods with due regard to conservation |
| Harvest location - | Herring and Mackerel Fishing Area 16 in tidal waters of Prince Edward Island |
| Harvest limit - | A total of 50 gillnets per NCPEI; 1 net per designated person. |

Netukulimk (Harvest) is for Food, Social, Ceremonial and Bait Purposes.

All catch information will be submitted to the **NCPEI Kelewatl Commission** **within** one month of catch.

For: Atlantic Kaspalaw
(Smelt)

Netukulimk (Harvest) Season, Methods and Equipment:

60 smelt limit per designated person per day. The season will be from April 1, to October 6, and January 1, to March 31, inclusive in the inland and tidal waters of PEI except privately owned ponds and facilities (water located on private property). The harvest method may be any or all of the following:

| |
|------------|
| Angling |
| Dip net |
| Hand Spear |

All catch information will be submitted to the **NCPEI Kelewatl**

Commission within one month of catch.

For: Waspu
(Grey Seal)

Netukulimk (Harvest) Season, Methods and Equipment:

| | |
|-----------------|--|
| Season- | Open Year Round |
| Harvest Method- | A rifle and bullets |
| Harvest Limit- | 1 tag per member with a maximum of 20 tags in total for the NCPEI membership |
| Restrictions- | Rifle must have a muzzle energy of not less than 1,100-foot pounds and Bullets that are not full Metal jacketed and that produce a muzzle velocity of not less than 1,800 feet per second |
| Other- | All other Federal and Provincial legislation and guidelines regarding the usage of firearms are applicable |

All catch information will be submitted to the **NCPEI Kelewatl Commission** within one month of catch

For: Atlantic Plamu
(Salmon)

Atlantic Plamu (Salmon) Netukulimk (Harvest)
Inland & Tidal Waters
Of Prince Edward Island:

Prince Edward Island Kelewatl Commission Harvesters are requested to Netukulimk (Harvest) Atlantic Plamu (Salmon) near the mouth of the river to reduce the impact on any particular pool or tributary of that river system. It is also recommended that Atlantic Plamu (Salmon) be taken from large river systems to reduce the impact on smaller stocks.

Atlantic Plamu (Salmon) Tagging:

All proper sized kept/retained Atlantic Plamu (Salmon), shall be immediately tagged with a valid N.C.P.E.I. Kelewatl Commission Plamu (Salmon) tag, securely attached and locked through the gill area in accordance with the design of the tag.

Note: Harvesters **shall not** remove the head or tail of any Atlantic Plamu (Salmon) **until** the Atlantic Plamu (Salmon) is at the Harvesters place of residence and is prepared for consumption.

Atlantic Plamu (Salmon) Distinctions:

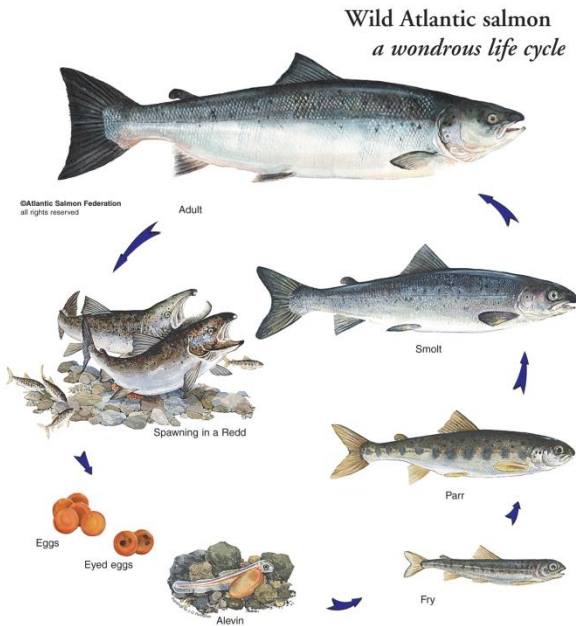
- ⇒ Any Atlantic Plamu (Salmon) that is less than fourteen (14) inches in **fork length** is classified as a **Smolt, Parr or Fry**.
- ⇒ Any Atlantic Plamu (Salmon) that is fourteen (14) inches in **fork length** and up to and including twenty-five (25) inches in **fork length** is classified as a **Grilse Atlantic Plamu** (Salmon).
- ⇒ Any Atlantic Plamu (Salmon) that is over twenty-five (25) inches in **fork length** is classified as a **Multi Sea Winter (MSW) Atlantic Plamu (Salmon)**.
- ⇒ Any Atlantic Plamu (Salmon) that has completed its “spawning cycle” and usually remains in the river system until the spring is classified as a:

Female Slink/Spent Atlantic Plamu (Salmon)

“Or a”

Male Slink/Spent Atlantic Plamu (Salmon)

Growth stages of the Atlantic Plamu (Salmon):



ATLANTIC PLAMU (Salmon) PARR



Similar markings to a Brook Trout.

Points of Difference are: BLACK SPOTS ON BACK AND SIDES and a FORKED TAIL. No markings on fins or tail. LARGE EYES.

ATLANTIC PLAMU (Salmon) SMOLT



A silvery fish lacking or with only a shadow of the vertical side bars of the Atlantic Plamu (Salmon) Parr or Brook Trout.

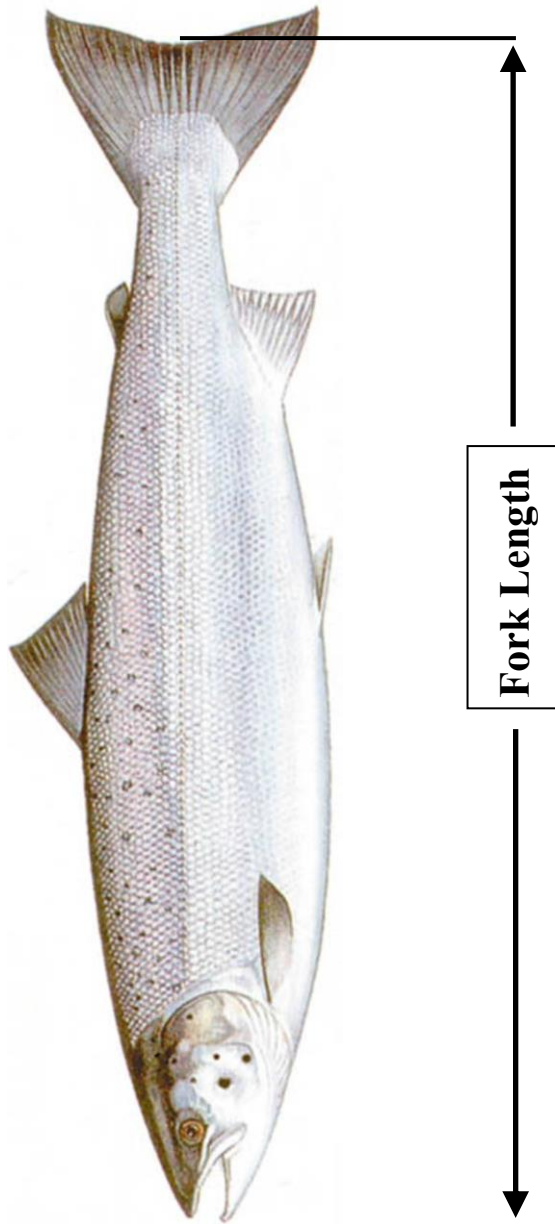
Points of Difference are: BLACK SPOTS ON UPPER SIDES AND CHEEKS and a FORKED TAIL. LARGE EYES. Less than 14 inches in **fork length.**

ATLANTIC PLAMU (Salmon) GRILSE/MULTI SEA WINTER (MSW)



SLIGHTLY COMPRESSED, STREAMLINED BODY with a relatively small head and LARGE SQUARE TAIL FIN. BRIGHT SILVER SIDES AND BELLY. After spawning the “spent” salmon or “slink” are NEARLY BLACK, sometimes with reddish spots on the head and body. A “Grilse**” Salmon is between 14 inches and 25 inches in **fork length**. A “**Multi Sea Winter (MSW)**” Salmon is over 25 inches in **fork length**.**

How to Measure the “Fork Length” of an Atlantic Plamu (Salmon):



Measure it from the “Tip of the Nose” to the “Fork of the Tail”

Distinctions between “Wild” and “Hatchery” raised Atlantic Plamu (Salmon):

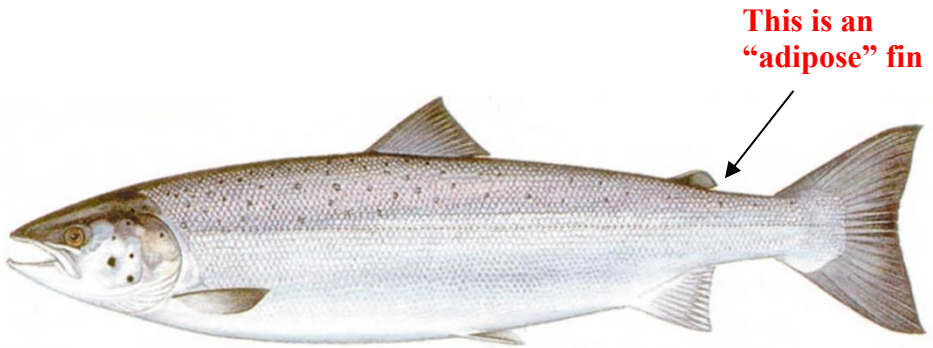


Fig. 4: A “**Wild**” Atlantic Plamu (Salmon) **with** its “adipose” fin.

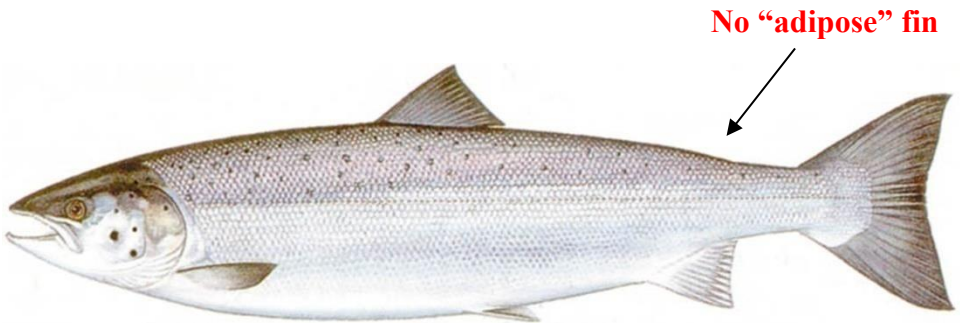


Fig. 5: A “**Hatchery**” raised Atlantic Plamu (Salmon) **without** its “adipose” fin.

**Differences Between Female and Male Slink/Spent
Atlantic Plamu (Salmon) Grilse and MSW:**

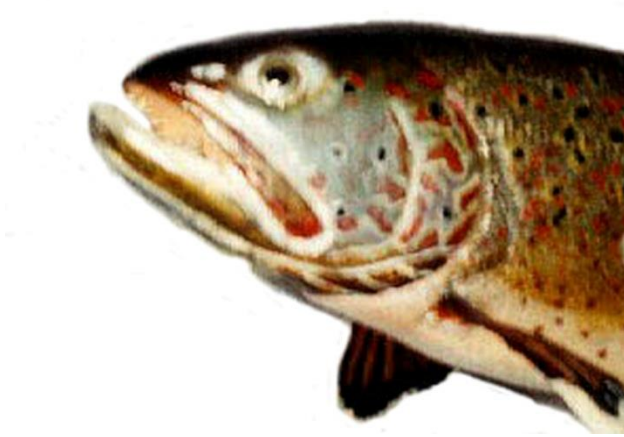


Fig. 6: Head of a **Female** Slink/Spent
Atlantic Plamu (Salmon)
“small hooked lower jaw”.



Fig. 7: Head of a **Male** Slink/Spent
Atlantic Plamu (Salmon)
“large hooked lower jaw”.

Atlantic Plamu (Salmon)
Netukulimk (Harvest) Season, Methods and Equipment:

The Atlantic Plamu (Salmon) are reaching the levels of being considered an “Endangered Species”. It is vital that you follow a limited harvest of Atlantic Plamu (Salmon) as per the following:

| | |
|-------------------|--|
| Quantity - | up to 10(ten) salmon tags per member |
| Size - | Required release of all females regardless of length and of males 25 inches and over. |
| Possession Limit- | 1 Salmon per day with a maximum of 10 per season |
| Method - | Angling |
| Season - | April 1 st till November 30 th |

- ⇒ “Fry, Parr or Smolt” (under 14" in fork length):
NO HARVEST PERMITTED.
- ⇒ “Male Grilse” Atlantic Plamu (Salmon) (14" to and including 25" in fork length, : **AS PER TAG ISSUED.**
- ⇒ “Multi Sea Winter (MSW)” Atlantic Plamu (Salmon) (over 25" in fork length): **NO HARVEST PERMITTED.**
- ⇒ "Female Slink/Spent" Atlantic Plamu (Salmon):
NO HARVEST PERMITTED.

Hopefully, if everyone plays their part, the Atlantic Plamu (Salmon) will build up as a stable fishery once again, and increased harvest levels may then be considered.

Special Note: It is extremely important that Kelewatl Commission Harvesters harvesting or attempting to harvest Atlantic Plamu (Salmon), that they submit their Harvest Effort Report Cards on a monthly basis even if you did not catch anything!

“The Unique Atlantic Plamu (Salmon)”

The Atlantic Plamu (Salmon), is eastern Canada’s premier anadromous fish species. It was once found widely in coastal rivers in and around the traditional territory of the Mi’kmaq.

After entering the sea, the Atlantic Plamu (Salmon) may remain near their home stream or they may travel as far as Greenland undertaking a feeding migration that involves many hundreds of miles and lasts 1 to 2 years.

Most Atlantic Plamu (Salmon) return to the same river and tributary in which they were hatched. During the latter part of October, and early November, the female selects her spawning site, digs a shallow depression or “redd” with her tail and deposits her eggs. The eggs are immediately fertilized by the male and covered with a layer of gravel. The eggs, lying protected in the gravel, hatch and become “alevins” in the spring.

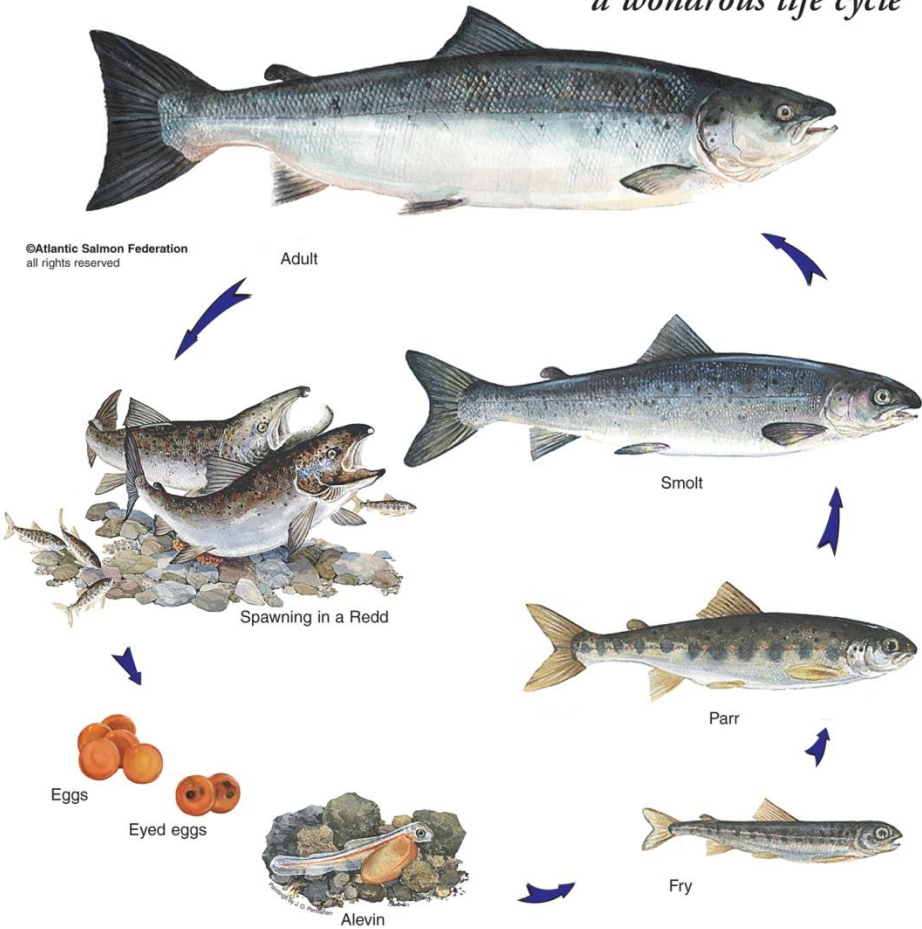
After the yolk sack is absorbed in late May or early June, the young Atlantic Plamu (Salmon) emerge from the gravel and begin to feed on the small insects in the stream. At this time the Atlantic Plamu (Salmon) are about 2cm - 3cm long and are known as under yearling **parr** or fingerlings.

Migration to the sea takes place in May and June after the Parr has achieved a length of about 15 cm. At this time, the parr takes on the silvery appearance of its parents and is called a **smolt**. The rate of smolt mortality at sea is very high. Only a small fraction of the smolts which leave fresh water return to their home rivers to spawn.

Atlantic Plamu (Salmon) which have spent one winter at sea before returning to spawn are called **Grilse** Atlantic Plamu (Salmon) and are usually 14” to 25” in fork length and weigh up to 2.5 kg when they return to the river. Atlantic Plamu (Salmon) which have spent two or more winters at sea are over 25” in fork length and return to the river to spawn are called **Multi Sea Winter (MSW)** Atlantic Plamu (Salmon) and usually weigh over 2.5 kg.

Life Cycle of the Atlantic Plamu (Salmon)

Wild Atlantic salmon
a wondrous life cycle



“Fishing and Water Safety”

1. Impaired boating is just as serious as impaired driving. It is an offence under the Criminal Code to operate a boat when one has a blood alcohol level exceeding 0.08 mg. Penalties for impaired boating include fines, imprisonment, prohibition from operating a boat, and loss of your vehicle operator’s license.

Any kind of boat, including a canoe, must be operated with DOT approved personal floatation devices (PFD) or life jackets for each occupant, a bailer, a sound-signaling device such as a whistle, and two oars with oarlocks or two paddles on board the boat or canoe.

2. Several deaths each year in Canada are attributed to Fishing in Waders and Ice Fishing. Harvesters are to ensure that sufficient ice thickness exists (i.e. at least 8”) before commencing ice fishing. Extreme caution must be exercised during thaw periods, around open water, moving water and during the spring of the year. Harvesters should carry a long pole while ice fishing and never ice fish alone.
3. Over 90% of all anglers who die in water related accidents are not wearing life jackets or personal floatation devices (PFD).
4. Alcohol is a contributing factor in almost 1/3 of all fishing fatalities.
5. Most fishing deaths result from capsizing or falling overboard from a boat.
6. More people die while fishing than from all hunting and trapping activities combined.

7. OPERATOR COMPETENCY REQUIREMENTS

The Competency of Operators of Pleasure Craft Regulations require operators of pleasure craft fitted with a motor and used for recreational purposes to have proof of competency on board at all times.

Operator Competency Requirements:

| How this applies to operators of pleasure craft fitted with a motor and used for recreational purposes. | Date at which proof of competency required on board |
|---|---|
| All operators born after April 1, 1983 | September 15, 1999 |
| All operators of craft under 4 m in length , including personal water craft | September 15, 2002 |
| All operators | September 15, 2009 |

Proof of Competency can take 1 of 3 forms:

- A. Proof of having successfully completed a boating safety course in Canada prior to April 1, 1999; or
- B. A pleasure craft operator card issued following the successful completion of a Canadian Coast Guard Accredited test; or
- C. A completed rental-boat safety checklist (for power driven rental boats)

The operator card is good for life. Boaters can obtain their card after receiving a mark of 75% on a Canadian Coast Guard Accredited test; or Boaters have the option of taking the test without completing the course.

AGE - HORSE POWER RESTRICTIONS:

Age-horsepower restrictions prohibit operators under the age of 16 years from operating water craft above specified horsepower limits. This applies to the operation of pleasure craft fitted with a motor and used for recreational purposes. If an operator is accompanied and directly supervised in the pleasure craft by a person 16 years and older , the age power restrictions do not apply. These restrictions also prohibit persons under the age of 16 years from operating personal watercraft regardless of whether they are accompanied by an adult.

How this applies to operators of pleasure crafts fitted with a motor and used for recreational purposes:

| Age | Horse Power Restrictions |
|---|---|
| Under 12 years and directly supervised** | can operate a vessel with no more than 10 hp(7.5 KW) |
| 12-16 years and directly supervised** | can operate a vessel with no more than 40HP(30KW) |
| under 16 years of age and not directly supervised** | not allowed to operate a personal water craft |
| 16 years of age and older | no power restrictions |

** Directly supervised means: accompanied and directly supervised in the boat by a person 16 years of age or older.

Note: These restrictions are made under the Boating Restrictions Regulations and are not affected nor superseded by the Competency of Operators of Pleasure Craft Regulations. The Boating Restriction Regulations and Competency of Operators of Pleasure Craft Regulations are entirely separate regulations and their respective requirements should be looked at separately in order to avoid confusion.

If you have any questions please contact the Canadian Coast Guard or the Kelewatl Commission for a complete explanation about how these Regulations will apply to you.

Please call the Kelewatl Commission at 1-902-629-1541 or the Canadian Coast Guard at 1-800-267-6687.



What Do You Do When Approached by A D.F.O. Fishery Officer, P.E.I. Conservation Officer or an R.C.M.P. Officer? Follow This Outline:

You **ONLY** have to give the following information if the official identifies him/herself as a D.F.O. Fishery Officer, P.E.I. Conservation Officer or an R.C.M.P. Officer and that official gives you their name and/or badge number.

The Kelewatl Commission Harvester can then:

1. Tell him/her your “name”.
2. Tell him/her your “address”.
3. Tell him/her: “I am an Harvester who has been authorized by the N.C.P.E.I. Kelewatl Natural Life Harvesting Commission to exercising Netukulimk (Harvest) under their Community Harvest Guidelines ”.
4. Show him/her your “Harvester’s Identification Card”.

What Do “You” Ask the Official?

- If the Official is taking your gear or property,
- If the Official stops to check your vehicle,
- If the Official is giving you a ticket or charge;

It is **important** for you to **tell the Official** the following:

(NOTE: You should write down the answers given to you for the following questions. Try to have a witness present when you are asking the following questions. Take your time and write down the answers or have your witness write down the answers to these questions for you.)

Tell the Official:

1. “Before you proceed to do anything, I want you to contact the N.C.P.E.I. Kelewatl Commission and tell the Commissioner what you are doing.”

Official’s Answer: _____

If the Official does **not** contact the N.C.P.E.I. Kelewatl Commission, **tell the Official:**

1. “I object that you are seizing my gear/property” **and**
2. “I want you to answer the following questions”;

Ask the Official:

- 1.) “What is your title?”

Official’s Answer: _____

- 2.) “What is your name?”

Official’s Answer: _____

- 3.) “What is your business address?”

Official’s Answer: _____

- 4.) “What is your badge number?”

Official’s Answer: _____

- 5.) “Why are you seizing my property?”

Official’s Answer: _____

- 6.) “What offence or violation are you charging or accusing me of?”

Official’s Answer: _____

- 7.) “Where are you taking my property?”

Official’s Answer: _____

8.) “Where will it be kept?”

Official’s Answer: _____

9.) “Do you know that you are on traditional Mi’kmaq territory?”

Official’s Answer: _____

Finally, tell the Official: “I am exercising my Aboriginal and Treaty Rights as an Aboriginal Person throughout the traditional Mi’kmaq territories.”

Immediately record and report all confrontations directly to the N.C.P.E.I. Kelewatl Commission (no matter how minor it may be).

Contact:

Office
Jordan Crane
email

1-902-629-1541 (Business hours)
1-902-439-1053 (cell 24 hours)
fisheries@ncpei.com



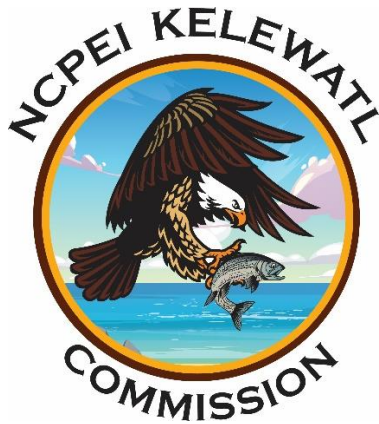
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Notes:

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N.C.P.E.I. Kelewatl Commission
614 North River Rd, Suite 5, Charlottetown
Tel: 902-629-1541
After Hours: 902-439-1053
fisheries@ncpei.com



Native Council of PEI
6 F.J. McAulay Court, Charlottetown
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www.ncpei.com