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Fishermen hope for calm autumn

Communities optimistic that Burnt Church deal will end tensions on Miramichi Bay

Plagued by nearly a decade of discontent, Miramichi Bay fishing communities are hoping a so-called truce with Burnt Church reveals new co-operation this autumn.

Yet the guarded optimism with which non-native fishermen are watching things unfold may have as much to do with the sense things simply can't continue as they have, says Sandy Siegel of the Maritime Fishermen's Union (MFU). "I think there's a lot of fatigue and tiring.

"The fishermen and their families and the communities on our side are quite tired of the conflict."

The crux of the dispute lies in the Supreme Court's Marshall decision of 1999 - a ruling that upheld treaty rights of Mi'kmaq, Maliseet and Passamaquoddy bands to earn a "moderate livelihood" from year-round fishing, hunting and gathering.

However, Mr. Siegel said the tension has really been building since the earlier Sparrow decision in

1993, which confirmed aboriginal rights to fish for food and ceremonial purposes.

"Every autumn, there's been that kind of conflict over what our communities see as an out-of-season

fishery, which is undermining the stock and livelihood in the spring that they work so hard to create,"

he said. "It has been difficult over the years."

Non-native fishermen contend the fall fishery has hauled on average 400,000 pounds of lobster

annually from the bay over the last 10 years. Their concern has always been that will ultimately

destroy the capacity of that stock, as rich as it may be, to reproduce itself.

Indeed, last year's much-vaunted Caddy Report, a study by international scientist John Caddy into

the conservation of lobster in the region, suggested the "fall fishery is so efficient, it risks catch

overshoot and stock decline."

"We have seen drops in the spring catches in the last number of years," said Mr. Siegel. "We know there has been very little enforcement of conservation . . . which doesn't make us feel very good about what kind of negative impact may have already occurred."

He added there have been significant impacts on various businesses in the region - something many attribute to reduced catches, as well as the buy-out of non-native fishermen. Native integration into the commercial fishery "can't mean a negative impact on the other communities to the extent that it interferes with their own ability to have some sense of stability in their own economic future," Mr. Siegel said.

In announcing Ottawa's recent agreement with Burnt Church, Robert Thibault, minister of Fisheries and Oceans said he believes reaching the consensus will be a positive development for the entire region.

"I am hopeful this agreement will mean peace on the water this fall in the Miramichi Bay," the minister said.

Key elements of Ottawa's estimated \$20-million agreement with Burnt Church include: Enhanced commercial fishery access, including an additional 21 multi-species lobster licences, boats and necessary gear.

Funding for the upgrade of existing vessels, replacement of lost gear and equipment of vessels.

A fall fishery of 25,000 pounds of lobster for food and 5,000 pounds of lobster for ceremonial use.

Sale of lobster will be prohibited. Fishery is limited to six weeks or until quota filled.

One trap tag per person with a maximum four traps on one boat. One haul allowed per day and no

nighttime fishing. Joint monitoring patrols, mandatory dockside monitoring, two designated landing sites and conservation requirements.

No quota on spring fishery, which opens from May 1 to June 30. One trap per member, with a

maximum of 10 traps per boat. Sale of lobster will be prohibited.

Training and mentoring programs in the classroom and at sea.

Economic development funding for a study to assess the feasibility of a resort on the Tabusintac River.

Funding for a two-year lobster science program in the Miramichi estuary, as well as employment for

20 people in the research program. Funding for salmon assessment in the Tabusintac River.

Fisheries management funding to enhance activity in the community and expand existing fisheries building.

Employment for eight seasonal community fisheries guardians, two full-time supervisors and a

manager, in addition to funding for two trucks and two patrol vessels.

Development of a joint DFO-Burnt Church conservation protocol.

Funding for unspecified community outreach projects.

To date, the DFO has signed fisheries agreements with 30 of 34 First Nations in Atlantic Canada

affected by the Marshall decision. Since Marshall, the federal government has spent about \$425

million on native fishing agreements that provide boats, equipment and licences to bands throughout

the region. Ottawa will spend another \$143 million in the coming fiscal year to help East Coast

natives access the fishery.

Bob Allain, regional director of the DFO's fisheries management branch, says the federal government

is satisfied it has sufficient controls in place to provide "the appropriate degree of oversight and

accountability" in the management of the Burnt Church agreement. An implementation committee,

comprised of DFO and native representatives, and independently chaired by former New Brunswick

fisheries minister Bernard Theriault, is designed to ensure the process evolves quickly and efficiently, he said.

"Negotiated agreements aren't be-alls and end-alls," Mr. Allain warned, however. If there's no

support whatsoever in a community - never mind whether it's aboriginal - if there's no support for a

management plan of any kind in a community, you can expect to see some problems.

"In the case of Burnt Church, there is support, there are some significant benefits that are taking place

for the community," he said.

"The dialogue and the relationship between Fisheries and Oceans and the council is much better now

than it's been in the last three years. We'll deal with issues of non-compliance."

Though not unanimous, support from non-native fisherman is also on Ottawa's side, Mr.

Allain
added.

"When you negotiate agreements, you don't go in thinking you need 100-per-cent support for this to work. And you certainly don't come out of a negotiation process thinking you have it," he said.

"It's foolhardy to think that everybody's just going to belly up and fish in accordance with what's been agreed to."

Support for the fisheries agreement from non-native communities may be there, but it's just as important to those communities that something more profound emerges from the deal, Mr. Siegel said.

The fisherman's union maintains its position there needs to be an end to any kind of fall fishery. But non-native lobster fishermen are at least viewing the new deal as a way toward a new level of relationship in the region.

"The whole manner by which the Department of Fisheries has tried to implement Marshall, in many ways, has a great deal to do with the kind of tensions and conflicts that have been created between communities," Mr. Siegel said.

"The way it has developed very clearly has to be laid at the door of the government."
"Even fishermen who are quite adamant in their position also understand there's a real need for a different way," he said.

"There is a real hope and a real desire among fishing communities in the area - and, I think, in Burnt Church - to turn a new page and get beyond this.
"People want to get to a better place."