

*From Jim Jones the regional director to the Chief at Burnt Church
Sept 21, 2000*

Chief Dedam and Council
Esgenoôpetitj First Nation
R. R. 2
Burnt Church, NB
E0C 1K0

Dear Chief Dedam and Council:

I am hopeful that discussions can lead us to a successful resolution of the current situation and provide a basis for improved relations among all parties. Certainly, all parties must work together if we are going to effectively ensure the sustainable use of the valuable lobster resource.

The purpose of this letter is to share with you our most recent scientific estimates related to the recent fishing effort. In the absence of catch data provided by your First Nation, DFO has accumulated data from surveys conducted in previous years, and catch statistics gained through recent trap monitoring and enforcement activities. The calculation of the number of traps fished by your community and the catch from those traps justifies a serious conservation concern.

The information newly available produces an estimate of your actual catch to September 15, 2000 of approximately 165,000 lbs. which is far in excess of the maximum of 40,000 lbs. provided in the licence issued by DFO for the food, social and ceremonial fishery. At the current rate of exploitation, conservation is a serious concern in the local area. This situation cannot continue. To be more precise, we have calculated additional catches if your community were to fish until October 1, 2000 with over 1,700 traps that we estimate you are now using, the estimated catch would be 172,000 lbs. Adding that to the poundage already caught gives a total of 337,000 lbs. This would have a serious detrimental effect on the stock. For this reason, the removal of a substantial number of traps is a key to ensuring conservation.

It is clear that the fishing effort provided for in the Esgenoôpetitj First Nation fishing plan (a combination of a spring fishery of 15,000 traps plus a 5,600 trap fall fishery) is not sustainable on a long term basis. Although the Miramichi Bay stocks might provide good catches for a short period of time, such effort over more than a few years would deplete the stocks. Such a fishery plan would constitute a serious threat to the resource, even if there was no non-Native commercial fishery in Statistical District 70-73 (obviously not the current reality, nor contemplated by the Supreme Court or DFO).

Moreover, because of the effect of such extensive effort on the mature stock biomass and its productivity, it would also result in a short-term fishery at the expense of a long-term, sustainable income source for your community.

Should you wish to have this information verified by your own scientific experts, or assessed by an independent expert, we would be pleased to discuss with those experts the information collected and the calculations made.

Following the Marshall decision, DFO has been providing First Nations in the Maritimes and Gaspé with increased access to the commercial fishery. However, the level of access outlined in the EFN fishery plan is not a viable solution. DFO is prepared to discuss not only increased access, but an increased role for First Nations in fisheries management. As we have said a number of times previously, we would like to begin discussions on the EFN fishery plan. In addition, the Minister of Indian Affairs and Northern Development is heading a strategy to address the broader issues raised by the Marshall decision.

I remain hopeful that we can attain an accommodation that will ensure conservation and an orderly fishery.

Yours sincerely,

Jim Jones
Regional Director General