

Listuguj Mi'gmaq Government Order-In-Council



Chronological no.: 2404	Subject: LMG Intervention in Appeal of Ahousaht v Canada 2018 BCSC 633	Originated by:
The Council of the Listuguj Mi'gmaq Government		District Gespe'gewa'gi
Date of duly convened meeting	D 1 0	M 1 0
	Y 1 8	Province Gepeg

WHEREAS the Listuguj Mi'gmaq First Nation is a Mi'gmaq community indigenous to Gespe'gewa'gi with a sacred, inherent responsibility for the stewardship of the land, waters, and living things of Gespe'gewa'gi;

WHEREAS the Mi'gmaq, including the Listuguj Mi'gmaq First Nation, have existing treaty and Aboriginal rights with respect to fisheries, including commercial rights;

WHEREAS, in 2009, the Ahousaht, Ehattesaht/Chinekintaht, Hesquiaht, Tla-o-qui-aht, and Mowachaht/Muchalaht First Nations (the "five First Nations") won a major court victory when the British Columbia Supreme Court recognized and formally declared that the five First Nations have the right to fish for any species of fisheries resources in their territories and sell that fish into the commercial marketplace;












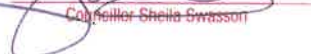

WHEREAS, in 2016, Canada used the trial concerning possible justification for infringements of the five First Nations' fishing rights to persuade the Court that it should re-interpret the proven right to something much narrower;

WHEREAS the justification decision (*i.e.* *Ahousaht v Canada* 2018 BCSC 633) has significant implications for the Mi'gmaq, including the Listuguj Mi'gmaq First Nation, as it will set a precedent regarding the interpretation of commercial fishing rights and possible justification of their infringement by the Crown;

WHEREAS the five First Nations are appealing the justification decision and are seeking support from other First Nations to intervene in support their appeal;

Moved: Calvin Barnaby
Seconded: Chad Gedeon
Abstain: -
Opposed: -
Status: Passed Defeated Tabled

Quorum 7


 Chief Darcy Gray

 Councillor Calvin Barnaby

 Councillor Dolly Barnaby

 Councillor Lloyd Alcon

 Councillor Chad Gedeon

 Councillor Gordon Isaac Jr.

 Councillor George Martin

 Councillor Scott Martin

 Councillor Gary Metallic Sr.

 Councillor Sky Metallic

 Councillor Wendell Metallic

 Councillor Sheila Swanson

 Councillor Marsha Vicaire

Mi'gmaq Nation

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NOW THEREFORE THE LISTUGUJ MI'GMAQ GOVERNMENT MAKES THE FOLLOWING ORDER-IN-COUNCIL:

- 1) The Listuguj Mi'gmaq Government will seek leave to intervene in the appeal of *Ahousaht v Canada* 2018 BCSC 633 and, if leave is granted, intervene in the appeal to support the Ahousaht, Ehattesaht/Chinekintaht, Hesquiaht, Tla-o-qui-aht, and Mowachaht/Muchalah First Nations; and
- 2) The Listuguj Mi'gmaq Government will retain Pape Salter Teillet LLP to represent it in all matters related to its application for leave to intervene and intervention in *Ahousaht v Canada* 2018 BCSC 633 on terms to be set out in a retainer letter.