

Mi'gmaq Law  
(Fisheries Law)

WHEREAS

the Listuguj Mi'gmaq First Nation Government has considered the *Listuguj Mi'gmaq First Nation Law on Fisheries and Fishing* in its entirety;

NOW THEREFORE

the Listuguj Overseers' Tribal Council jointly with the Council of the Listuguj Mi'gmaq First Nation Government pursuant to Mi'gmaq custom and in the exercise of their inherent jurisdiction hereby enact the *Listuguj Mi'gmaq First Nation Law on Fisheries and Fishing*.

**LISTUGUJ MI'GMAQ FIRST NATION LAW  
ON FISHERIES AND FISHING**

**Preamble**

- WHEREAS** we the indigenous peoples of Gespe'gewa'gi are vested by Gisiteget with sacred responsibilities for stewardship of the land, waters and all living things;
- WHEREAS** we are duty bound to protect, conserve and respect all things which Mother Earth supports within our territory;
- WHEREAS** we have agreed to co-exist with other peoples as recorded in the wampum;
- WHEREAS** our agreements with the French and British Crowns are also recorded in treaties;
- WHEREAS** we intend to promote a harmonious relationship with all our relations;
- WHEREAS** the Listuguj Mi'gmaq have been consulted throughout the development of the Fishing Plan annexed as a Schedule A to this Law and have indicated their full support of the Fishing Plan;
- WHEREAS** the Listuguj Mi'gmaq First Nation Government and the Listuguj Overseers' Tribal Council, the traditional governing body of the Listuguj Mi'gmaq First Nation, the Seventh District of the Mi'gmaq Nation, are both responsible for the protection of the Listuguj Mi'gmaq fisheries and the harvesting rights of the Listuguj Mi'gmaq;
- WHEREAS** the Listuguj Mi'gmaq First Nation Government has consulted with other governments involved as well as with interested user groups on the management of fish resources in the Restigouche River Watershed;
- WHEREAS** the present Listuguj Mi'gmaq First Nation Law on Fisheries and Fishing is enacted pursuant to Mi'gmaq custom and in the exercise of the inherent jurisdiction of Listuguj Mi'gmaq First Nation and without prejudice to the Aboriginal and Treaty Rights of the Listuguj Mi'gmaq First Nation, the Listuguj Overseers' Tribal Council, the Listuguj Mi'gmaq First Nation Government and the Listuguj Mi'gmaq;
- NOW THEREFORE,** the Listuguj Overseers' Tribal Council jointly with the Council of the Listuguj Mi'gmaq First Nation Government pursuant to Mi'gmaq custom and in the exercise of their inherent jurisdiction hereby enact as follows:

**PART I      Short Title**

1.            This Law may be cited as "the Listuguj Mi'gmaq Fishing Law".

## **PART II Definitions and Interpretation**

### 2. (1) In this Law:

"Council" means the Council of the Listuguj Mi'gmaq First Nation Government;

"Fishing Plan" means the Fishing Plan set out in Schedule A as amended from time to time;

"Listuguj Mi'gmaq" means a person who is a direct descendent of the Mi'gmaq, normally resides within the traditional territory of Gespe'gewa'gi and whose immediate family remains affiliated with Listuguj;

"Mi'gmaq Rangers" means the division of the Aboriginal and Treaty Rights Directorate established as such by the Listuguj Mi'gmaq First Nation Government; and,

"Tribal Council" means the Listuguj Overseers Tribal Council, the traditional governing body of the Listuguj Mi'gmaq First Nation which is the Seventh District of the Mi'gmaq Nation.

(2) In this Law, words referring to male persons include female persons and words referring to female persons include male persons, as the context requires. The singular includes the plural.

(3) The Schedules form an integral part of this law.

## **Part III Development of the Annual Fishing Plan and coming into force of the Fishing Plan**

3. Prior to the month of March of each year, the Aboriginal and Treaty Rights Directorate of the Listuguj Mi'gmaq First Nation Government shall prepare a draft Fishing Plan to govern fisheries management and fishing activity for the current year.
4. The Draft Fishing Plan shall be published in the Listuguj Wi'gatign or another Community newspaper during the month of April.
5. The Council and the Tribal Council shall call and hold at least two community meetings or general assemblies in order to consult the membership of the Listuguj Mi'gmaq First Nation and to obtain the informed consent of the membership.
6. When the Council and the Tribal Council are satisfied that the membership of the Listuguj Mi'gmaq First Nation has been fully consulted and has consented to a Fishing Plan, the Listuguj Mi'gmaq First Government may by Order-in-Council adopt the Fishing Plan for the current year and may by order replace or amend the Schedule to this law to incorporate the Fishing Plan for the current year.
7. After adopting the Fishing Plan for the current year, the Council shall ensure that the adopted Fishing Plan is published in the Listuguj Wi'gatign or another community newspaper and is communicated to the membership of the Listuguj Mi'gmaq and to such interested governments and interested user groups as the Listuguj Mi'gmaq First Nation Government considers appropriate prior to the first day of fishing.

**Part IV Territorial Application**

8. This law and the Fishing Plan annexed as Schedule A shall apply in and throughout the Restigouche River Watershed which includes Listuguj (Restigouche) River, Pijgogoloatig (Kemp) River, Patapegiag (Patapedia) River, Matapegiag (Matapedia) River, Upsalquitch River, Apsetgoetig (Southwest) River, Metamgetjoig (Kedgwick River) and all tributaries contiguous thereto the whole as appears in Schedule B.

**Part V Management Regime**

9. The Listuguj Mi'gmaq First Nation Government together with the Tribal Council shall be solely responsible for the implementation of the Fishing Plan as provided in this law.
10. The Listuguj Mi'gmaq First Nation Government may enter into co-management arrangements with adjacent governments in the interest of conservation and management of fisheries resources.
11. The Listuguj Mi'gmaq First Nation Government shall exercise its responsibility in respect of the Fishing Plan through the Aboriginal and Treaty Rights Directorate.
12. The Aboriginal and Treaty Rights Directorate shall have responsibility to monitor the fishing activities of the Listuguj Mi'gmaq community.
13. In the fulfilment of its mandate the Aboriginal and Treaty Rights Directorate may:
- (a) conduct stock assessments;
  - (b) engage in scientific activities for the purpose of establishing harvesting limits;
  - (c) identify special protection zones;
  - (d) conduct restoration and enhancement activities as required;
  - (e) examine alternative harvesting techniques; and,
  - (f) develop commercial components to the Listuguj Mi'gmaq fishery.
14. The Aboriginal and Treaty Rights Directorate may employ the necessary personnel to coordinate scientific activities and to coordinate initiatives with agencies outside of the Listuguj Mi'gmaq First Nation Government conducting similar activities.
15. The personnel of the Aboriginal and Treaty Rights Directorate must include Aboriginal persons at the professional level.

## **Part VI Compliance**

16. The Mi'gmaq Rangers Division of the Listuguj Mi'gmaq First Nation Government shall have the responsibility to ensure compliance with this law.
17. The Mi'gmaq Rangers Division may:
  - (a) conduct monitoring activities in areas managed by the Listuguj Mi'gmaq First Nation Government;
  - (b) conduct patrols, surveillance, investigations; and
  - (c) develop and promote fish and wildlife education programs.
18. The rules respecting monitoring of fishing activity are set out in Schedule C to this law.
19. The Listuguj Mi'gmaq First Nation Government may establish by Order-in-Council rules concerning monitoring and other measures that the Mi'gmaq Rangers shall apply in situations of non-compliance with any provision of this law and may by Order amend Schedule C to incorporate those rules.
20. The Listuguj Mi'gmaq First Nation Government jointly with the Tribal Council may establish a Local Committee to monitor and oversee the implementation of this law.
21. Any violation to any provision of this law recorded by Mi'gmaq Rangers shall be placed before the Local Committee for resolution.
22. No person or agency other than a duly appointed Mi'gmaq Ranger shall interfere with or molest the Mi'gmaq in fishing and conducting fishing related activities, including landing, storage, transport, use and disposal of fish by sale or otherwise.

## **Part VII Resource Allocation**

23. Subject to the other sections in this Part, no quotas shall apply to fishing by Listuguj Mi'gmaq for any given year.
24. No resource allocations shall be established unless it is determined by the Aboriginal and Treaty Rights Directorate that the harvesting activities of the Listuguj Mi'gmaq are exclusively responsible for endangering fish stocks.
25. Fishing days and areas to be fished to ensure that the prescribed escapement and deposition levels of salmon stocks are achieved are set out in Schedule A of this Law.
26. The Listuguj Mi'gmaq First Nation Government may for conservation purposes alter the established fishing days or areas to be fished and by order amend Schedule A to incorporate such changes.

## **Part VIII Use of Resource**

27. All Listuguj Mi'gmaq are at free liberty to use or dispose of at best advantage any fish caught in compliance with this law and any applicable orders-in-council.

28. Any Mi'gmaq not a resident of Listuguj may upon giving notice to the Listuguj Mi'gmaq First Nation Government harvest salmon in accordance with the Fishing Plan and any further rules established by Order-in-Council by the Listuguj Mi'gmaq First Nation Government with the approval of the Tribal Council.

**Part IX Special Protection Areas**

29. There shall be no fishing for any purposes other than for scientific purposes in the following areas:
- a) those areas designated in Schedule D; and,
  - b) Conservation Protection Areas that may be designated from time to time by the Aboriginal and Treaty Rights Directorate in conjunction with the conservation authorities of adjacent governments if public notice of such designation has been given in accordance with Section 31.
30. The Listuguj Mi'gmaq First Nation Government may by Order-in-Council establish any areas to be placed under special protection and by order amend Schedule D accordingly.
31. When additional areas are placed under special protection by the Listuguj Mi'gmaq First Nation Government, public notice shall be made through local newspapers or public meetings to ensure that Mi'gmaq harvesters are made aware of the designated areas.

**Part X Coming into force**

32. The present law shall come into force on the date of its adoption by the Listuguj Overseers' Tribal Council and the Council of the Listuguj Mi'gmaq First Nation Government.
-