

# Listuguj Mi'gmaq Government Order-In-Council



Chronological no.: 2495	Subject: Commercial Lobster Fishery 2019	Originated by:
The Council of the Listuguj Mi'gmaq Government		District Gespe'gewa'gi
Date of duly convened meeting	D 2 3 M 0 9 Y 1 9	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 of Gespe'gewa'gi, including the Listuguj Mi'gmaq First Nation, have inherent, aboriginal, and treaty rights with respect to fisheries;

**WHEREAS** in *R. v. Marshall* the Supreme Court of Canada affirmed that the Peace and Friendship Treaties of 1760-61 and the Canadian constitution guarantee the Listuguj Mi'gmaq First Nation's right as a Mi'gmaq community to fish commercially;

**WHEREAS** on November 12, 2018, Listuguj Mi'gmaq Government and Canada signed the *Framework Agreement on Reconciliation and the Fishery*, which established a table to pursue negotiations regarding our fisheries governance and fishing rights;

**WHEREAS**, under the auspices of the *Framework Agreement on Reconciliation and the Fishery*, the LMG negotiated licence conditions for our 2019 fall lobster fishery with representatives of the Department of Fisheries and Oceans that would, among other things, allow the lobster we fish this fall to be sold;

**WHEREAS**, without justification, the Department of Fisheries and Oceans has refused to issue a licence for our 2019 fall fishery with the conditions we negotiated and has refused to issue a licence allowing us to conduct a commercial lobster fishery this fall;

**WHEREAS**, on June 17, 2019, the Listuguj Mi'gmaq Government Chief and Council adopted the *Listuguj Lobster Law* in order to govern the conduct of our lobster fishery;

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Moved: Dolly Barnaby  
 Seconded: Marsha Vicaire  
 Abstain: -  
 Opposed: -  
 Status:  Passed  Defeated  Tabled

Quorum 7

	 Chief Darcy Gray	
Councillor Lloyd Alcon	 Councillor Calvin Barnaby	 Councillor Dolly Barnaby
 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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**WHEREAS**, pursuant to the *Listuguj Lobster Law*, on September 9th, 2019, the Listuguj Mi'gmaq Government Chief and Council adopted the *Conservation Harvesting Plan (Lobster – Area 21B (Listuguj Mi'gmaq Government) Season 2019-2020)*, which establishes a management regime for our 2019 fall lobster fishery;

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

- 1) The Listuguj Mi'gmaq Government authorizes a commercial lobster fishery in the fall of 2019 to be conducted in accordance with the *Listuguj Lobster Law* and the *Conservation Harvesting Plan (Lobster – Area 21B (Listuguj Mi'gmaq Government) Season 2019-2020)*.