

Listuguj Mi'gmaq Government Order-In-Council



Chronological no.: 2505	Subject: Judicial Review of Licence Conditions for Licence # LMFN-2019-FF01	Originated by:
The Council of the Listuguj Mi'gmaq Government		District Gespe'gewa'gi
Date of duly convened meeting	D M Y 1 6 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 the LMG co-developed 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 licence issued by the Minister of Fisheries and Oceans for our 2019 fall fishery (Licence Number LMFN-2019-FF01) included conditions prohibiting the sale of lobster;

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

- 1) The Listuguj Mi'gmaq Government will apply to the Federal Court of Canada for judicial review of the decision of the Minister of Fisheries and Oceans in issuing Licence Number LMFN-2019-FF01; and
- 2) The Listuguj Mi'gmaq Government will retain Pape Salter Teillet LLP to represent it in all matters related to the aforementioned legal proceeding.

Moved: Sky Metallic
 Seconded: Wendell Metallic
 Abstain: -
 Opposed: -
 Status: Passed Defeated Tabled

Quorum 7

Chief Darcy Gray

Councillor Lloyd Alcon

Councillor Chad Gedeon

Councillor Calvin Barnaby

Councillor Gordon Isaac Jr.

Councillor Dolly Barnaby

Councillor George Martin

Councillor Scott Martin

Councillor Wendell Metallic

Councillor Gary Metallic Sr.

Councillor Sheila Swasson

Councillor Sky Metallic

Councillor Marsha Vicaire

Mi'gmaq Nation