

Listuguj Mi'gmaq Government Order-In-Council



Chronological no.: 2728	Subject: Listuguj Mi'gmaq First Nation Forestry Activities	Originated by: Fred Metallic
The Council of the Listuguj Mi'gmaq Government		District Gespe'gewa'gi
Date of duly convened meeting	D 1 M 0 Y 6 2 2	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: as expressed in the covenant chain and recorded in the wampum, the Mi'gmaq and the Crown agreed to share Mi'gma'gi, including Gespe'gewa'gi;

WHEREAS: the Mi'gmaq of Gespe'gewa'gi, including the Listuguj Mi'gmaq First Nation, have existing Aboriginal title, Aboriginal rights, and treaty rights with respect to our lands and resources, including our forestry resources, and these rights have never been surrendered or extinguished;

WHEREAS: the Listuguj Mi'gmaq First Nation holds the exclusive right to decide how the lands we hold under Aboriginal title are to be used and the exclusive right to the benefits of those uses;

WHEREAS: in Tsilhqot'in Nation v. British Columbia the Supreme Court of Canada determined that provincial laws governing forestry activity do not apply on lands subject to Aboriginal title;

WHEREAS: it is the longstanding position of the Listuguj Mi'gmaq Government that the Sustainable Forest Development Act, CQLR c A-18.1, unjustifiably infringes the Aboriginal title, Aboriginal rights, and treaty rights of the Listuguj Mi'gmaq First Nation;

WHEREAS: in order to govern the forestry activities of the Listuguj Mi'gmaq First Nation in Gespe'gewa'gi and on the lands we hold under Aboriginal title, the Listuguj Mi'gmaq Government adopted the Listuguj Strategic Forest Management Plan: Community Directions for a sustainable forest 2018-2028 ("Listuguj Strategic Forest Management Plan");

AND WHEREAS: the Listuguj Mi'gmaq Government and the Government of Québec have been negotiating regarding forestry operations towards a temporary agreement for the 2022-23 fiscal year entitled the Agreement Concerning Access to Timber Volumes, Management of Harvesting Operations of the Community of Listuguj and Awarding of Grants (the "Agreement");

Moved: Wendell Metallic

Seconded: Sky Metallic

Abstain: Annette Barnaby, Brian Caplin Jr, Kevin Methot

Opposed: Alexander Morrison

Status: Passed Defeated Tabled

Quorum 7

Councillor Ali Barnaby

Councillor Annette Barnaby

Councillor Brian Jr. Caplin

Councillor Chad Gedeon

Chief Darcy Gray

Councillor Gordon Jr. Isaac

Councillor Dr. Cathy Martin

Councillor George Martin

Councillor Sky Metallic

Councillor Wendell Metallic

Councillor Kevin Methot

Councillor Alexander Morrison

Councillor Sheila Swasson

Mi'gmaq Nation

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

- 1) The LMG's 2022-23 Forestry Harvesting Plan made pursuant to the Listuguj Strategic Forest Management Plan is approved for implementation;
- 2) Chief and Council have outstanding concerns regarding the requirement in the Agreement that the LMG would pay stumpage for timber harvested, notwithstanding the fact that the Government of Québec would offset this requirement by providing the LMG with a grant equivalent to the stumpage payable on 50,000 m³ of harvested timber;
- 3) Chief and Council direct that the following clause be added to the Agreement:

3.3 For greater certainty, this agreement is without prejudice to any position COUNCIL may take in future negotiations or litigation regarding the validity and applicability to the LMG of the Sustainable Forest Development Act, CQLR c A-18.1, and in particular the requirement that as a permit holder the LMG be required to pay dues;
- 4) The Agreement, including the aforementioned additional clause, is approved for signature; and
- 5) Any payment of forestry dues made by the Listuguj Mi'gmaq Government in implementing the Agreement is done under protest and without prejudice to the Listuguj Mi'gmaq First Nation's Aboriginal rights, Aboriginal title, and treaty rights or to the positions the Listuguj Mi'gmaq Government may take in future negotiations or litigation