

MEDIA RELEASE

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Maw-lukutijik **Saqmaq**
Assembly of Nova Scotia
Mi'kmaw Chiefs

Potlotek Files Notice of Intended Action on Livelihood Fisheries

Today, Chief Wilbert Marshall, on behalf of Potlotek First Nation, and Potlotek community harvester, Michael Basque, filed a Notice of Intended Action against the Province of Nova Scotia on their *Fish Buyers Licensing and Enforcement Regulations*.

The Assembly of Nova Scotia Mi'kmaw Chiefs have worked with the community of Potlotek in the launch of their Netukulimk Livelihood Fishery Plan and now, in their action against Regulation 19 of the *Fish Buyers Licensing and Enforcement Regulations*. In their Notice, Potlotek states that Regulation 19 infringes upon the Mi'kmaw Treaty Rights, protected under the *Constitution Act*, to sell, purchase and process fish harvested pursuant to their moderate livelihood fishery. Nova Scotia's regulations also prevent Mi'kmaw harvesters from meaningfully exercising their Treaty Right to fish for a moderate livelihood, it also breaches the Honour of the Crown and violates Section 15(1) in the *Canadian Charter of Rights and Freedoms*.

"Our Right to a moderate livelihood was affirmed by the Supreme Court of Canada, yet Nova Scotia's Regulations prevent us from fully exercising our Rights," said Chief Wilbert Marshall, Potlotek First Nation. "We developed and launched a community netukulimk livelihood harvesting plan, yet our harvesters have barriers to selling their catches because of Nova Scotia's regulations."

Attempts have been made to work with Nova Scotia on their regulations, at the Rights Implementation Table, and through formal Consultation under the *Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process*. Those requests have gone unanswered.

"It is clear that the Mi'kmaq have the Right to harvest for a moderate livelihood," said Chief Gerald Toney, Fisheries Lead for the Assembly. "Regulation 19 restricts the sale or purchase of our harvests, which is unconstitutional and discriminatory. Nova Scotia must realize that changes are required to their Regulations, based upon the 1999 decision of the highest courts in the country."

As per the *Proceedings Against the Crown Act*, RSNS 1989, c. 360, once a Notice of Intended Action is sent to the Province, the Notice of Application can be filed with the Court 60 days later.

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