

MEDIA RELEASE

FOR IMMEDIATE RELEASE

May 11, 2021



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

Potlotek First Nation sues DFO

Since the launch of Potlotek's Netukulimk Livelihood Fishery, Mi'kmaw Harvesters, exercising their Supreme Court affirmed, and Constitutionally protected Treaty Right to fish for a moderate livelihood, have continued to be met with obstacles and challenges at the hands of the Department of Fisheries and Oceans Canada (DFO).

The community of Potlotek First Nation has now filed a legal proceeding against DFO challenging the validity of the DFO regime in its limitations of Mi'kmaw livelihood harvesting activities.

"We are filing for a declaration that the *Fisheries Act* and Regulations are invalid as against authorized Mi'kmaw harvesters who are in compliance with our community's Livelihood Plan," said Chief Wilbert Marshall, Potlotek First Nation. "Our harvesters have a right to be out on the water and that right was affirmed by the highest court in the country. DFO continues to put limitations on our livelihood fishery, when they have no justification or position to."

The Assembly of Nova Scotia Mi'kmaw Chiefs agree that DFO's *Fisheries Act* and *Regulations* unjustifiably infringe upon the Treaty Right affirmed in *R. v. Marshall*, [1999] to fish for a moderate livelihood and they are supporting Potlotek First Nation in their efforts to fight this.

Potlotek is also asserting that DFO's Conservation and Protection (C&P) Branch have no jurisdiction to take any steps against approved community livelihood harvesters, yet authorized community harvesters were met with continued harassment and seizures, yet again, on opening day of Potlotek's 2021 spring fishery.

"Our harvesters are exercising their Treaty Rights and should be able to do so without C&P harassing them. DFO continues to try to keep our harvesters from creating a livelihood – which they are legally entitled to do to get themselves and our communities out of poverty. At this point, it appears that DFO only wants to continue to oppress our people." said Chief Marshall.

-30-

For more information contact:

Crystal Dorey
Communication Manager
Kwilmu'kw Maw-klusuaqn Negotiation Office
902-843-3880
crystaldorey@mikmaqrights.com