

<b>Title:</b>	<b>Métis Harvesting in Alberta Policy (2018)</b>
<b>Number:</b>	
<b>Program Name:</b>	
<b>Effective Date:</b>	<b>September 1, 2019</b>
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## Introduction

The following Policy is designed to ensure that Métis people who might be beneficiaries of Aboriginal harvesting rights, as guaranteed by s. 35 of the *Constitution Act, 1982*, have the ability to hunt, fish and trap for food. The Government of Alberta aims to continue to ensure the protection and sustainability of these harvesting rights for eligible Métis individuals, while showing cultural sensitivity to the importance of this practice when enacting the Policy.

## Métis Harvesting Context

Métis are included as one of three Aboriginal peoples of Canada in s. 35 of the *Constitution Act, 1982*, in addition to First Nations and Inuit. Métis people have played an integral role in Alberta's history, society and economy. Hunting, fishing, and trapping are important to many Métis peoples' way of life throughout history, and remains important to the culture today.

In 2003, the Supreme Court of Canada released a decision, in *R. v. Powley*, finding that members of the Métis community in Sault Ste. Marie, Ontario have an Aboriginal right to hunt for food protected under section 35 of the *Constitution Act, 1982*, in the Sault Ste. Marie area and its environs. In that case, the Supreme Court of Canada set out the test to be applied to determine whether a Métis collective has an aboriginal right. This test forms the basis of how this policy is applied.

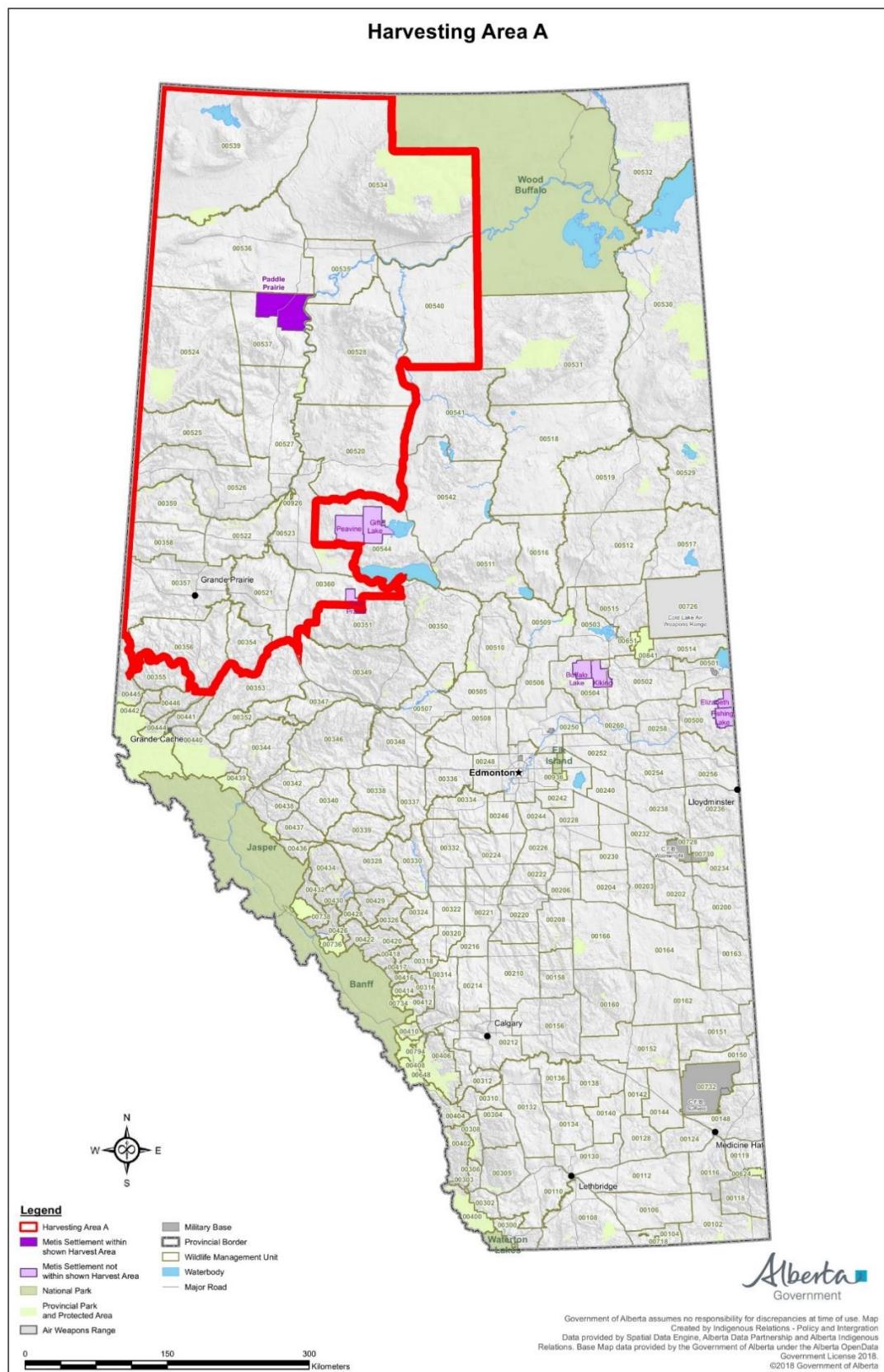
Métis harvesting for the purposes of this policy refers to individuals recognized as potentially having Métis rights to hunt, fish and trap for subsistence (food) purposes within defined Métis Harvesting Areas in Alberta. The Government of Alberta considers these specific areas for the purposes of Métis harvesting. These activities must be conducted in accordance with safety regulations and should consider the conservation of fish and wildlife populations.

## Policy Parameters

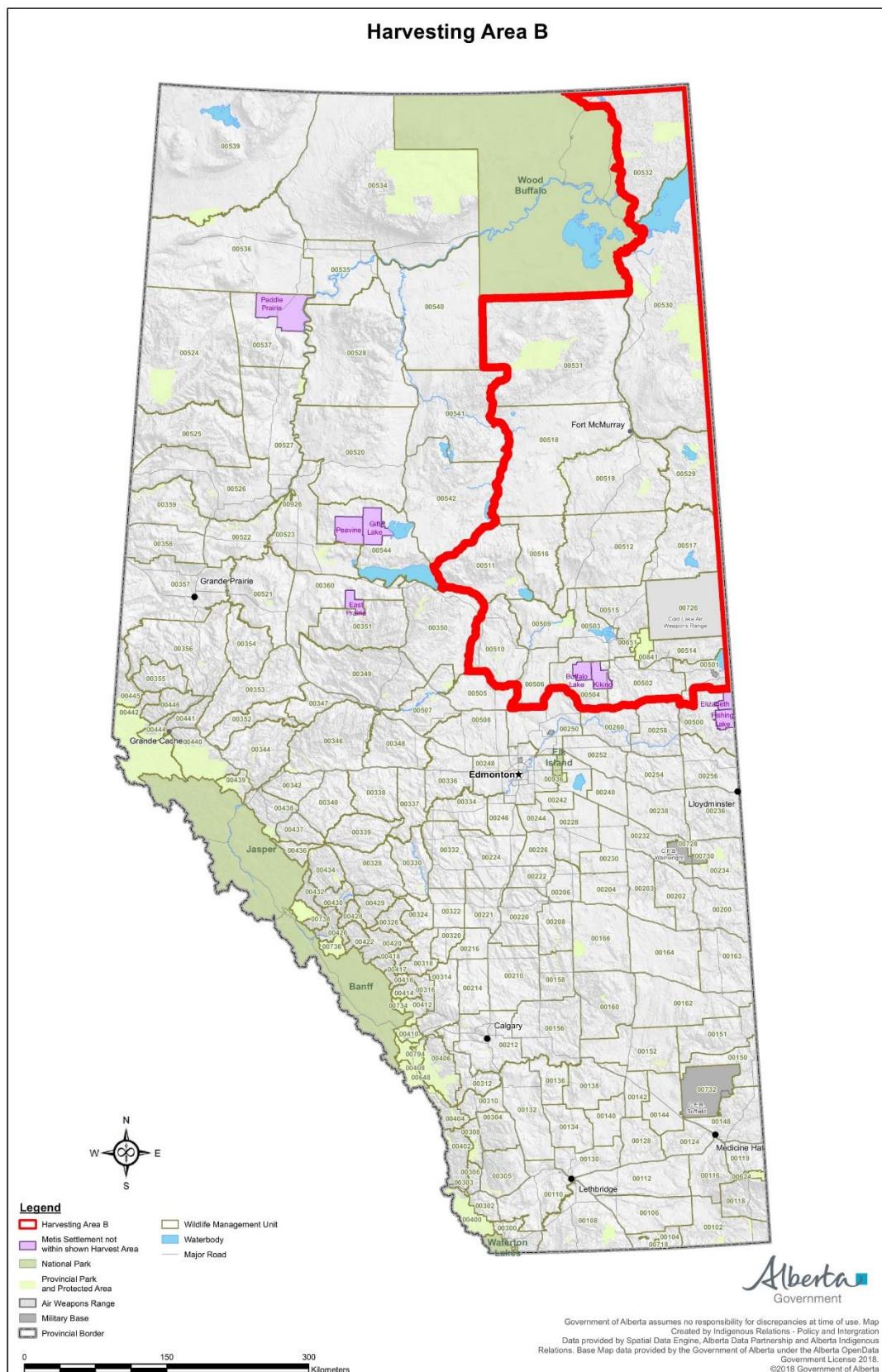
### Registration Process

To determine eligibility to be recognized as a Métis harvester, applicants must demonstrate a historical connection to one of four **Métis Harvesting Areas in Alberta**, as well as a contemporary connection to the same community. Alberta considers these Areas for the purposes of Metis harvesting, as shown in figures 1-4 below.

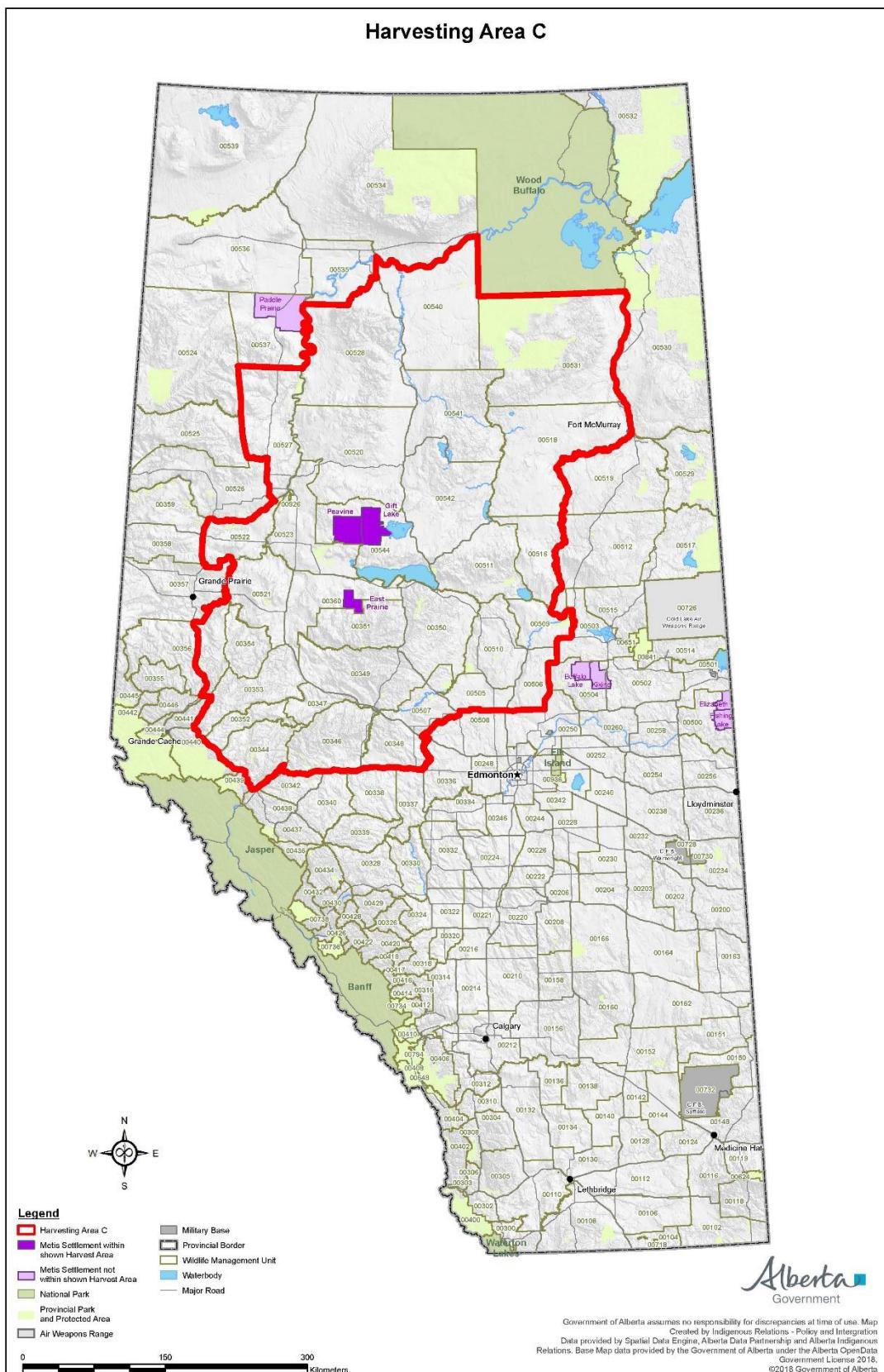
**FIGURE 1:**



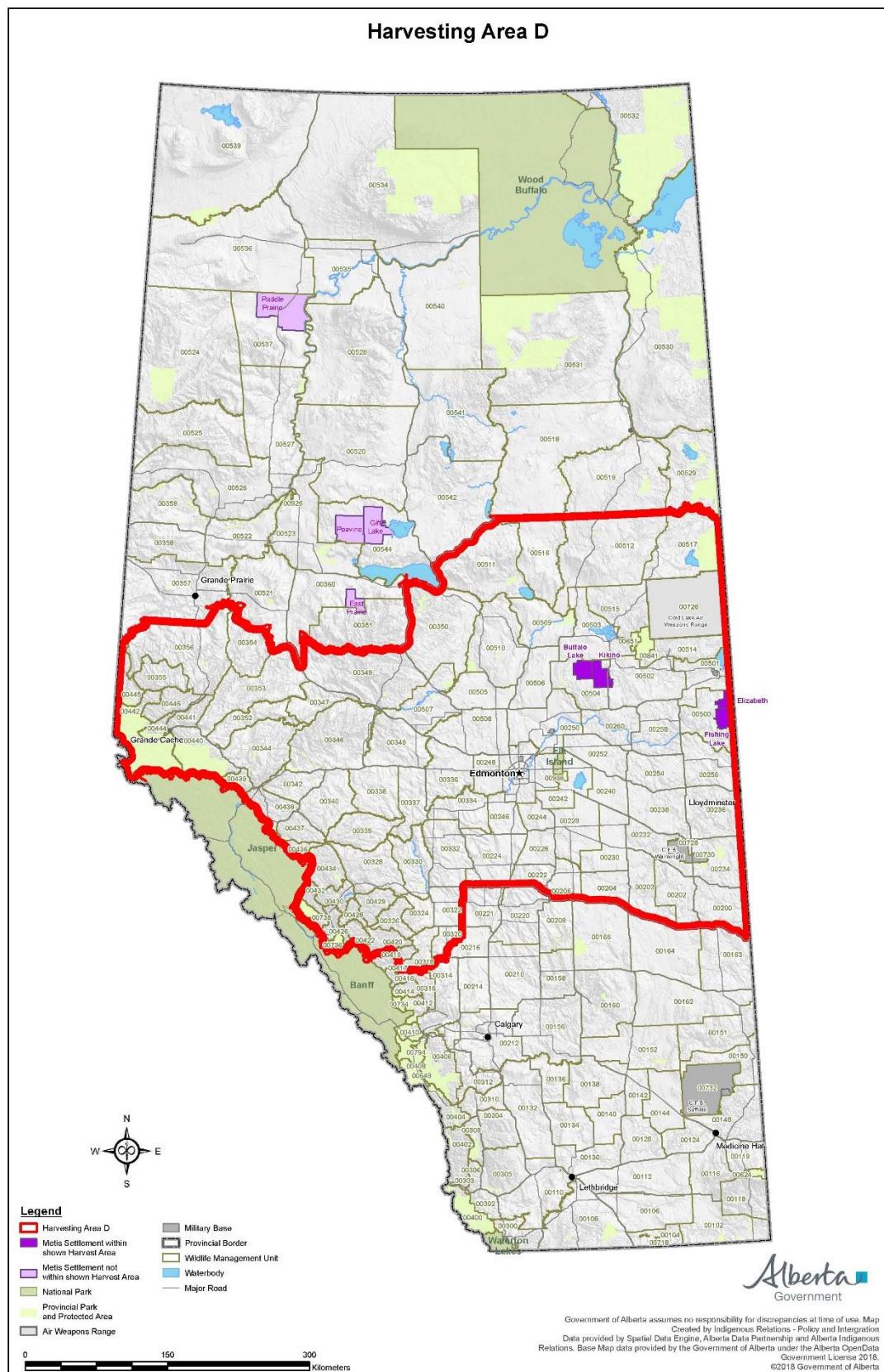
**FIGURE 2:**



**FIGURE 3:**



**FIGURE 4:**



In order to be compliant with existing case law, and establish that a person has potential *Powley* rights to harvest for subsistence (food) in one of the four Métis Harvesting Areas in Alberta, applicants must meet three requirements:

1. Self-identify as Métis and state for how long they have self-identified;
  - This can be shown by, one of the following things:
    - Membership in the Métis Nation of Alberta (MNA), or
    - Membership to a Métis Settlement or a Métis settlement card<sup>1</sup>, or
    - A statutory declaration confirming self-identification
2. Show an ancestral connection to the Métis Harvesting Area in Alberta they are applying for;
  - This is shown by:
    - Genealogical history, including where ancestors lived and when they lived there. Applicants must show a pre-1900 connection to the Métis Harvesting Area where they are applying.
3. Show a contemporary connection to the same Métis Harvesting Area;
  - This is shown by:
    - Showing a current address in the Métis Harvesting Area or describing your acceptance by and involvement in the Metis Harvesting Area.

## **Métis Harvesters**

Recognized Métis harvesters may:

- Hunt for food within the specified Métis Harvesting Area for which they have been recognized.
- Fish for food on waterbodies for which they acquire a Domestic Fishing Licence within the specified Métis Harvesting Area, subject to restrictions on the licence(s).

## **Hunting**

Within their Métis Harvesting Area, a recognized Métis harvester may hunt for food only within the Harvesting Area, and within that area, a Métis harvester may hunt on unoccupied Crown land and other land to which they have a right of access for hunting. Please refer to the annual Alberta Guide to Hunting Regulations<sup>2</sup>, for further information on land access for hunting as well as other regulations related to hunting safety and conservation.

## **When Hunting Can Take Place**

Métis harvesters may hunt for food at all times of the year, subject to specific conservation closures.

## **Laws that Apply to Métis Harvesters**

Safety - laws dealing with hunting safety apply to Métis harvesters. For example, a Métis harvester is not permitted to hunt in a dangerous manner, illegally discharge a weapon or firearm (such as from a provincial highway, or within 200 yards of an occupied building, or at night), discharge a weapon from a vehicle or have a loaded firearm in a vehicle. Local municipal bylaws that prohibit the discharge of weapons in some areas may also apply.

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<sup>1</sup> Metis Settlements include: Buffalo Lake, East Prairie, Elizabeth, Fishing Lake, Gift Lake, Kikino, Paddle Prairie, Peavine

<sup>2</sup> <http://albertaregulations.ca/huntingregs/>

Wastage of Meat - laws that require that the edible meat of any game animal or bird not be wasted, destroyed, spoiled or abandoned apply to Métis harvesters

Sale of Wildlife (Trafficking) - selling, buying, bartering, soliciting or trading in wildlife or wildlife parts, and offering to do so, are activities governed by the *Wildlife Act* and regulations. Many of these activities are strictly prohibited, while others are regulated. Hunting for the purpose of unlawful trafficking in wildlife, including parts such as meat, trophy heads, antlers, horns, or skins, is prohibited. However, the incidental sale of skins from deer, elk, moose or pronghorn antelope that were lawfully hunted (including by a Métis harvester) is permitted under the *Wildlife Act*.

Registration - for the purposes of conservation and management of the following species, all persons, including Métis harvesters, must register the kill of each of these animals in person and submit certain parts. Refer to the annual Hunting Guide for information on registration.

Export of Wildlife from Alberta - the export of wildlife from Alberta is governed by both federal and provincial laws. Certain types of wildlife and certain wildlife parts cannot be exported from Alberta by any person, including a Métis harvester; this includes bear paws and bear gall bladders.

Migratory Birds - certain federal laws including the *Migratory Birds Convention Act* and the *Migratory Birds Regulations* apply to all hunters, including Métis harvesters. A Métis harvester may hunt migratory game birds at all times of the year, however bag limits, permit requirements and other laws concerning migratory game bird hunting do apply. Environment and Parks defers to the Canadian Wildlife Service to provide details of the application of these laws to Metis harvesters.

## Fishing

Recognized Métis harvesters are able to apply for a Domestic Fishing Licence within their harvesting area<sup>3</sup>. Domestic Fishing Licences permit recognized Métis harvesters to harvest fish for food from specified water bodies, following specified conditions on the licence.

Domestic Fishing Licences allow for:

- the use of rod and reel; and,
- the use of one gill net of no more than 95 meters in length, and of a specified mesh size at specified waters.

Both of these opportunities are subject to the conditions on the Domestic Fishing Licence. Commercial fishing is not permitted in Alberta. All commercial fisheries in Alberta were closed as of August 1, 2014.

For more information please see the Alberta Environment and Parks, Fish and Wildlife website<sup>4</sup>

## Trapping

The use of traps in harvesting animals for food is permitted under this policy, within the same access provisions discussed under Hunting, above. The commercial trapping of furbearers, however, is not enabled by this policy. All commercial harvest of furbearers in Alberta must conform to Alberta's obligations under the Agreement on International Humane Trapping Standards (AIHTS). This requires trappers to possess a Fur Management License and to use traps certified to be humane under the AIHTS.

<sup>3</sup> <http://aep.alberta.ca/about-us/contact-us/fish-and-wildlife-area-office-contacts.aspx>

<sup>4</sup> <http://aep.alberta.ca/fish-wildlife/default.aspx>

For more information on commercial trapping please see: the Alberta Guide to Trapping Regulations<sup>5</sup>

## **Conservation**

Many Métis harvesters value the importance of conservation and ensuring the sustainable management of fish and wildlife populations in Alberta.

## **Review**

The Government of Alberta has committed to a review of this policy in three years, in 2021.

Original signed by: \_\_\_\_\_ Date: \_\_\_\_\_

Travis Ripley  
Executive Director, Fish and Wildlife Policy  
Environment and Parks

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<sup>5</sup> <http://albertaregulations.ca/trappingregs/>