Introduction

The Updated Procedures for Meeting Legal Obligations When Consulting First Nations – Interim, notes that:

the Province does not recognize a legal obligation to consult with Métis people as the Province is of the view that no Métis community is capable of successfully asserting site specific Section 35 rights in B.C.

This paper clarifies and further defines British Columbia’s approach to the Métis peoples of British Columbia in relation to land and resource decision-making, harvesting of resources and assertions of Aboriginal rights and title.

The Approach

Consistent with case law

This information is based on existing case law as of July, 2011 and is intended to reflect the current legal situation in British Columbia. Staff should ensure that any communication with or about Métis in British Columbia is consistent with the Key Messages set out below.

Key Messages

- The Province does not participate in "rights based" discussions with the Métis at this time.
- The Government of British Columbia does not consult with the Métis because it is of the view that no Métis community is capable of successfully asserting site specific Section 35 rights in British Columbia. It is important that staff do not waiver from this view. This view may be challenging for staff to uphold at times as the federal government recognizes Métis assertions across Canada and by policy, allows Métis people to hunt in national parks.
- When engaging Métis communities, staff are to take care to engage Métis as any other stakeholder community, not as a group entitled to be consulted and accommodated based on Section 35 assertions.
- The Province will continue to work with the Métis Nation British Columbia (MNBC) and Métis communities to close the gaps in education, health, housing and economic development to reach the goals of the Métis Nation Relationship Accord.
Métis Nation Relationship Accord

In 2006, the Province and Métis Nation British Columbia (MNBC)** signed a bilateral agreement called the Métis Nation Relationship Accord (MNRA) to formalize their relationship and jointly commit to address social and economic issues for Métis people.

As the Province does not recognize the existence of rights-bearing Métis communities in British Columbia, the MNRA does not address land based rights, nor does it include any Aboriginal rights commitments.

The substance of the MNRA addresses socio-economic disparity issues and has many of the same objectives outlined in the Transformative Change Accord with First Nations including strengthening existing relationships based on mutual respect, responsibility and sharing, and improving engagement, coordination, information sharing and collaboration.

As a result of the collaboration between several provincial ministries as well as the federal government, progress is being made in each of the following MNRA priority action areas as well as on employment and urban-related issues:

- Collaborative renewal of Métis tripartite processes
- Health (community, family, individual)
- Housing
- Education (lifelong learning)
- Métis identification and data collection and
- Economic opportunities

**MNRA Accomplishments**

The Province supported MNBC in the purchase of a building that will provide significant economic development opportunities as a training and education centre in Abbotsford

The Province supported MNBC on implementing the Grade 4 Métis Cross-Curricular Unit in elementary schools to reinforce and regenerate Métis identity, culture and history in the classroom

For more highlights, visit the New Relationship website at: [http://www.newrelationship.gov.bc.ca/success_stories/metis.html](http://www.newrelationship.gov.bc.ca/success_stories/metis.html)

** For more information on the MNBC, see Appendix 3.
Who are the Métis?

The Government of British Columbia recognizes the Métis as distinct from other Aboriginal peoples as noted in Section 35(2) of the Constitution Act, 1982, which states that the Aboriginal peoples of Canada includes the Indian, Inuit, and Métis people of Canada.

As described by the Supreme Court of Canada (SCC) in the 2011 case Alberta v. Cunningham, the Métis have a unique history in Canada:

The Métis were originally the descendants of eighteenth-century unions between European men — explorers, fur traders and pioneers — and Indian women, mainly on the Canadian plains, which now form part of Manitoba, Saskatchewan and Alberta. Within a few generations the descendants of these unions developed a culture distinct from their European and Indian forebears. In early times, the Métis were mostly nomadic. Later, they established permanent settlements centered on hunting, trading and agriculture. The descendants of Francophone families developed their own Métis language derived from French. The descendants of Anglophone families spoke English. In modern times the two groups are known collectively as Métis.

In the 2003 case R. v. Powley, the SCC laid out a test to evaluate whether an individual can be considered "Métis" and thus enjoy constitutionally protected, site-specific Aboriginal rights under Section 35. The SCC noted that the term "Métis" does not encompass all individuals with mixed Indian and European heritage.

A Métis community is defined as a group of Métis with a distinctive collective identity, living together in the same geographic area and sharing a common way of life separate from their Indian or Inuit and European ancestors. Section 35 protects the practices that were historically important features of these distinctive Métis communities, prior to the time of effective European control (which vary in different parts of Canada). This differs from the evaluation of aboriginal rights of other aboriginal peoples of Canada, which is based on practices held by aboriginal communities at the time of contact.

Legal Context

Powley Case

The Powley Case - R. v. Powley, [2003] 2 Supreme Court Registry 207 - The Powley decision was the first SCC judgment to address the question of whether Métis groups can possess Aboriginal rights pursuant to Section 35(1) of the Constitution Act, 1982.

On October 22, 1993, Steve Powley and his son Roddy, of Sault Ste. Marie, set out hunting. After shooting a bull moose they transported it to their residence. Neither of them had a valid Outdoor Card, a valid hunting licence to hunt moose, or a validation tag issued by the Ontario Ministry of Natural Resources. In lieu of these documents, Steve Powley affixed a handwritten tag to the ear of the moose. The tag indicated the date, time, and location of the kill, as required by the hunting regulations. It stated that the animal was to
provide meat for the winter. Steve Powley signed the tag, and wrote his Ontario Métis and Aboriginal Association membership number on it.

Later that day, two conservation officers arrived at the Powleys’ residence. The Powleys told the officers they had shot the moose. One week later, the Powleys were charged with unlawfully hunting moose and knowingly possessing game hunted in contravention of the Game and Fish Act, R.S.O. 1990, c. G-1. They both entered pleas of not guilty. "

In September of 2003, the SCC ruled the Powleys had an Aboriginal right to hunt in their local area. The SCC stated that not all individuals with mixed Indian and European heritage are Métis for the purposes of Section 35 of the Constitution Act, 1982. Métis Aboriginal rights can only be held by Métis communities, not by Métis individuals.

In determining whether the prohibition to hunt moose without a licence unconstitutionally infringes the aboriginal rights to hunt for food of these individuals, the court set out the following three, broad factors as indicators of Métis identity for the purposes of claiming Métis rights under Section 35:

1) **Self identify as a Métis**
   The SCC noted that an individual’s self-identification as a member of a Métis community should not be of a recent vintage. More specifically, claims that are made belatedly in order to benefit from a Section 35 right will not satisfy this requirement.

2) **Ancestral connection to a historic Métis community**
   The individual must provide some proof that his/her ancestors belonged to a historic Métis community by birth, adoption or other means.

3) **Community acceptance**
   The individual must demonstrate that he/she is accepted by a modern community, which is linked to a historic Métis community. This component includes demonstrating past and ongoing participation in a shared culture, in the customs and traditions that distinguish Métis communities from other groups. There needs to be objective evidence of a solid bond of past and present mutual identification and recognition of common belonging between the individual and the other members of the Métis community. Membership in a Métis political organization may be relevant but is not conclusive; it will depend on what criteria is applied by that organization in determining membership and what role that organization has in the Métis community.

Where an individual can meet these three factors, known as the “Powley Test”, a court will likely conclude that there are constitutionally protected Métis rights that can be exercised by a particular Métis community within a specific geographic location utilized by the historic and modern Métis community.

In addition, the Powley decision addresses only Métis harvesting for the purpose of food; it does not extend to commercial harvesting.

**Court Cases in British Columbia**

There have been several court cases relating to assertions of Métis rights in British Columbia. In each of these cases, the courts have rejected the claims of Métis rights in various regions of the province, for the following reasons:
• **Falkland Area**
  There was insufficient evidence of a historic Métis community in the Falkland area, as well as insufficient evidence to establish a modern day Métis community in this area (R. v. Willison, BC Supreme Court, 2007).

• **Okanagan Valley**
  There was insufficient evidence supporting the existence of a historical Métis community in the Okanagan Valley, as well as insufficient evidence supporting that a modern Métis community existed in that area (R. v. Nunn, BC Provincial Court, 2003).

• **Kooteny Area**
  There was no convincing evidence of a Métis historic community in the Kootenay area, and none of the individuals claiming Métis rights in that case had any historical familial connection to the Kootenay area. There was also no evidence of a modern Métis community or that the individuals were sufficiently connected to it. Although there was reference to various Métis organizations, this is not sufficient to demonstrate the existence of a contemporary Métis community (R. v. Howse, BC Supreme Court, 2002).

Based on existing case law and historical research to date regarding any potential historic Métis communities in British Columbia prior to the date of effective European control, it is unlikely that any community in BC can meet the factors set out in the SCC Powley case.

**Provincial Approach**

The Government of British Columbia does not consult with the Métis in relation to asserted Aboriginal rights, and there are no negotiations on Métis harvesting of resources, because the Province does not believe the conditions of the Powley test can be met in British Columbia.

The Province is not aware of any Métis communities that were established prior to the creation of the colonial governments in 1849 (Vancouver Island) and 1858 (British Columbia mainland), and it is of the view that no Métis community is capable of successfully asserting site specific Section 35 rights in British Columbia.

See Appendix 1 for the EAO draft Métis guidance policy.

**Hunting in British Columbia**

At present, the Government of British Columbia has not acknowledged any Métis right to harvest within British Columbia and Métis hunters have been advised by MNBC to not pursue rights based hunting.

The Province requires any Métis hunters claiming Section 35 aboriginal rights to abide by British Columbia legislation (i.e. *Wildlife Act*) and possess a valid provincial hunting license to hunt in British Columbia.

**Federal Hunting Agreement:** Following the 2003 Powley case, in January 2005 the federal Cabinet adopted its *Federal Interim Guidelines for Métis Harvesting* (*Federal Guidelines*). Currently, Métis in possession of a valid Harvesting Card (issued by MNBC – see Appendix 3) do have the ability to hunt migratory birds without a federal permit on federal crown land in
British Columbia, for instance in National Parks. Pursuant to the federal policy, resource enforcement officers will ask for specific information from any individual harvesting resources on federal lands claiming to be a Métis and asserting Section 35 aboriginal rights.

The Federal Guidelines facilitate a consistent approach to investigating and evaluating Métis claims, and taking appropriate enforcement action. Métis hunters must abide by British Columbia legislation and hold a valid provincial hunting license to hunt wildlife, including migratory birds, in British Columbia.

Unique, Kelly Lake area issues:

Two organizations in this area - the Kelly Lake Cree Nation, and the Kelly Lake Métis Settlement Society have raised land and resource issues. Neither is acknowledged by either the Federal or Provincial governments as a Band or as a Métis community. They have each claimed to speak for the whole of the Kelly Lake community.

While it may be appropriate to engage representatives of these groups as stakeholders during reviews of land or resource applications, and to encourage their representatives to participate in and take advantage of regional economic development initiatives, the Province is of the view that a duty to consult or accommodate is not owed to these groups in respect to any assertions of Aboriginal rights.

The Kelly Lake Métis Settlement Society (KLMSS) is a registered society under the Society Act. The KLMSS are asserting Métis rights through legal action launched in 2006. The Government of British Columbia’s position is that the KLMSS are not capable of holding Section 35 rights as described in Powley. KLMSS are to be engaged as a stakeholder; not as a rights claimant entitled to be consulted and accommodated based on Section 35 assertions.

The Kelly Lake Cree Nation (KLCN) is not a band as defined by Canada under the Indian Act; rather, it is a registered society under the Society Act. This non-Métis group purports to hold Aboriginal rights and title, which the Province rejects. As with the KLMSS, the KLCN are to be engaged as a stakeholder; not as a rights claimant entitled to be consulted and accommodated based on Section 35 assertions.

In 1994, the KLCN commenced a comprehensive claim litigation against the federal government. In July, 2010, they launched a further suit against the Province, seeking recognition as an Aboriginal group and asserting Aboriginal rights. The Government of British Columbia is taking the position that the KLCN is not an Aboriginal collective capable of holding Section 35 rights.

Staff need to ensure that any engagement with the KLCN is conducted in the same manner as with any other stakeholder group or interested community. Caution is required to ensure that provincial government employees do not act in a manner inconsistent with the Province’s view.
Response Recommendation

When requests are received from Métis members to consult on potential aboriginal rights or title, ministries/agencies should respond directly to the request, using appropriate wording from the Key Messages; e.g.:

- The Province does not participate in "rights based" discussions with the Métis at this time.
- The Government of British Columbia does not consult with the Métis because it is of the view that no Métis community is capable of successfully asserting site specific Section 35 rights in British Columbia.
- When engaging Métis communities, staff are to engage Métis as any other stakeholder community, not as a group entitled to be consulted and accommodated based on Section 35 assertions.
- The Province will continue to work with the MNBC and Métis communities to close the gaps in education, health, housing and economic development to reach the goals of the Métis Nation Relationship Accord.

Staff should seek legal advice where there may be information that may support the existence of a historic or modern-day Métis community.

Ministries/agencies are welcome to contact Ministry of Aboriginal Relations and Reconciliation, Strategic Initiatives Division, Lands and Resources Branch staff, for assistance.

Appendices:

1. Environmental Assessment Office Policy Draft Métis Guidance October 2010
2. Current BC engagements with Métis
3. Métis Communities in British Columbia
4. Other Provincial Approaches
Appendix 1:
Environmental Assessment Office Policy
DRAFT Métis Guidance October 2010

Purpose:
The purpose of this guidance is to clarify how the Environmental Assessment Office (EAO) engages with Métis during the Environmental Assessment process of a proposed Project.

EAO’s Understanding of Metis Rights:
- The Supreme Court of Canada, as a result of R. v. Powley (in which a Sault Ste. Marie father and son were charged with possession of a moose they had shot out of season and without a license), laid out a test for the purposes of an individual being considered “Métis” and thus asserting Aboriginal rights under s.35 Constitution Act. The individual must:
  1) Self-identify as a Métis;
  2) Be a member of a present-day Métis community; and
  3) Provide proof of an ancestral and ongoing connection to a historic Métis community.

The test also indicates that the rights may be exercised by a particular community specific to that community and within a specific geographic location.

- British Columbia does not believe the conditions of the Powley test can be met in BC, so no agreements have been discussed with Métis in the Province.

- British Columbia is not aware of any Métis communities that were established prior to the creation of the colonial governments in 1849 (Vancouver Island) and 1858 (British Columbia mainland).

- The government of British Columbia does not recognize Métis as having any inherent rights and there are no negotiations on Métis harvesting of resources.

- The Canadian Environmental Assessment Agency is required to consult with Métis groups on the same basis as other Aboriginal groups.

- The Government of Canada’s policy is to look at the assertions, and not to take any position in regards to whether rights do or do not exist.

Guidance:
Consistent with how British Columbia engages with Métis, EAO will only engage Métis as stakeholders. EAO will no longer list Métis on our s.11 Orders, nor will EAO extend an invitation to Métis to participate in working groups. EAO will no longer send notification letters to the Métis or name the Métis in any of our orders in any capacity.
Lands & Resources

The Province encourages opportunities to gather information and undertake informal engagement with the Métis and all Aboriginal communities and organizations within the Province as stakeholders where social and economic development opportunities may exist. For example:

Archaeology Branch consistently deals with the various Métis groups in the province as stakeholders and ‘interested parties’ through face-to-face discussions and in their correspondence. The branch does not engage any Métis as rights holders.

The BC Oil and Gas Commission (OGC) notifies community groups of activities in the vicinity of Kelly Lake. They do not consult on Aboriginal rights and title with any of these groups. Notification actions are guided by the OGC Public Involvement Guidelines.

Two OGC publications identify Kelly Lake communities among those to whom information “notice” packages are issued:


As stated in these manuals, they were created to guide users through OGC processes and procedures and serves to highlight changes in process, procedure, requirements and terminology resulting from the Oil and Gas Activities Act.

The manuals specifically characterize ‘notice packages’ as different from the “notification” that is provided to First Nations, and both include the following statement:

Notice packages are different from, and must not be confused with, notification as defined within the consultation agreements with First Nations.

OGC staff are also recommended to seek legal advice before engaging in further dialogue with the KLCN.

Social Ministries

Although the Government of British Columbia does not consult with Métis groups or individuals, the Province does engage with Métis Nation British Columbia (MNBC) on socio-economic issues, such as economic development and training opportunities. Provincial ministries such as Education, Health, and Children and Family Development work with the MNBC in accordance with the provincial commitments under the Métis Nation Relationship Accord.

- Ministries of Education and Advanced Education include MNBC as a partner at their Aboriginal K-12 and post-secondary education tables
- Ministry of Children and Family Development signed a historic child and youth partnership with MNBC and the Métis Commission on culturally appropriate child and family services
Alberta Métis Communities

In July, 2010, the Métis Settlements General Council (MSGC) in Edmonton, Alberta notified British Columbia (via the Ministry of Energy and Mines) of the MSGC requirement for consultation regarding any project within the 160km radius area of any Alberta Métis Settlement.

The provincial response, sent in October 2010, is as follows:

In reviewing the Métis Settlements General Council Consultation and Accommodation Protocol, which documents the location of each of the eight Métis Settlements in Alberta, it is evident that there are no settlements located near British Columbia’s border. Therefore, it appears impossible for the Province to be engaged in activities or approvals that coincide with Métis Settlement lands. This would include buffers to those lands. It is the view of the Province that no duty of consultation arises in this situation.
Métis Nation British Columbia (MNBC)

The MNBC is a political organization representing 35 Métis chartered communities in British Columbia. It is mandated to develop and enhance opportunities for Métis communities by implementing culturally relevant social and economic programs and services.

In 2006 there were 59,455 Métis people living in British Columbia, predominantly in urban areas, representing almost one third of the Aboriginal population in the province. According to the 2006 Canadian Census, self-identified Métis are primarily urban people, with nearly seven out of 10 (69%) living in urban areas.

Based on statistics developed from the 2006 census, the Métis now represent 34% of the total Aboriginal population in Canada; one quarter of the Métis population is under the age of 15 and two thirds of the Métis population live in urban centers.

The MNBC represents a portion of the Métis population of British Columbia; extending citizenship cards to Métis individuals who satisfy their eligibility criteria.

For the purposes of self identification, the MNBC used the Métis National Council (MNC) citizenship definition which has been adopted by affiliates in Ontario, Manitoba, Saskatchewan, and Alberta, i.e.:

1) Self identify as a Métis;
2) Be a member of a present-day Métis community; and,
3) Provide proof of an ancestral and ongoing connection to a historic Métis community.

The MNBC adds the term "Metis/Michif/Apeetha'kosian" to the MNC definition. The term means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation ancestry and is accepted by the MNBC.

Despite British Columbia’s perspective, the MNBC continues to assert aboriginal rights. For example, in 2008 the MNBC passed a Natural Resource Act and in 2009 the MNBC Ministry of Natural Resources issued a consultation guidebook. Government of British Columbia natural resource sector ministries and agencies received copies of this document, as did many corporations/proponents.

According to the MNBC website, the purpose of this guidebook is to identify a consistent approach to consultation to be applied by MNBC and its relevant ministries where actions and activities on provincial and federal crown lands (or towards crown resources) have the potential to “infringe on Métis rights and traditional land-uses”. They define MNBC’s role in the consultation process and set out their expectations of government and industry. These guidelines address the manner in which MNBC will advocate and conduct consultation on behalf of the Métis of British Columbia.

Government of British Columbia staff may receive requests for advice from proponents regarding the MNBC consultation position and about requests they may receive from Métis individuals or organizations for funding, e.g., for “traditional use” studies. Please refer to “Response Recommendation” on Page 7 to prepare this advice.
Harvesting

The MNBC has a Harvesting Card program in place for MNBC citizens. The MNBC website (http://mnbc.ca/bcmanr/hcard.asp) advises that at this time, the MNBC Harvesting Card may only be used to replace the Federal Migratory Bird licence and that Métis must continue to purchase all other government licences or face charges from enforcement officers. The site further advises that if Métis harvesters attempt to use the card for unauthorized harvesting, they are committing an offence and will be open to charges by government enforcement officers.

Engaging with Métis communities in BC

While supporting the governance needs of its 36 charter communities, the MNBC also works in a variety of ways that promote economic development opportunities for Métis people residing throughout the province. For example, the MNBC is implementing a three year Economic Development Strategy that helps to promote training for employment, business partnerships and economic venture investment that will benefit Métis people.

The strategy builds upon an existing core of activities that MNBC has been pursuing for the past decade in the form of demonstrated expertise in employment training programming, formal partnerships with private sector corporations, establishing formal agreements that help promote economic opportunities for Métis people and growing a self sustaining Métis economic venture.

Some examples:

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Appendix 4
Other Provincial Approaches

Alberta

In September 2004, the Métis Nation of Alberta (MNA) and the Alberta Government entered into an Interim Métis Harvesting Agreement (IMHA) to accommodate Métis harvesting rights. The agreement remained in effect until July 2007, when the Province of Alberta adopted a new policy, restricting year-round Métis harvesting (hunting and fishing) to small areas around eight traditional Métis settlements and 17 communities in northern Alberta.

In August 2007, the MNA Assembly rejected this policy. Métis people of Alberta, now without an agreement with the Alberta government, continued to exercise their asserted harvesting rights in the province.

In early December, 2010 an Alberta provincial court judge convicted a Métis man for hunting without a licence in the southern part of the province when he took part in two hunts in southern Alberta in 2007.

This case is considered a test case in Alberta, as since the restrictions came into effect, 25 individual Métis have been charged with illegal hunting. Alberta Métis appealed the verdict; the Alberta Court of Queen’s Bench was scheduled to hear the appeal in late June, 2011.

Manitoba

Policy

In September 2010, the Government of Manitoba released its Métis policy: “From The Past Into The Future”. The Government of Manitoba and the Manitoba Métis Federation (MMF) formally agreed to work together on the policy in 2008. Both agreed that the goals of the policy would be to strengthen the capacity of the Métis people in Manitoba to address current and emerging economic and social issues, and achieve greater self-reliance and socio-economic well-being.

The policy is not based on any evaluation or assessment of Aboriginal rights. The principles contained in the policy are not intended to define any Aboriginal rights of the Métis in Manitoba and do not affect any Aboriginal rights of Métis people in Manitoba. The policy is on line at: http://www.gov.mb.ca/ana/mbmetispolicy.html.

Manitoba Case Law

In February, 2011 the Supreme Court of Canada (SCC) agreed to hear a land claim launched by the MMF claiming land grants promised to Métis children in the Manitoba Act of 1870 had not been carried out as required. This hearing is tentatively scheduled for December 13, 2011.

The Manitoba Act brought the province into Confederation. It included provisions to provide about 7,000 Métis children with land. While most of the children ultimately received land or financial compensation in lieu of it, the MMF argues the land was not distributed as promised. The MMF case claims it took far too long to complete the land distribution; that prime lands were kept out of the process; and that new settlers and speculators were able to get some of the best land ahead of the Métis.

The organization has requested compensation for the 1.4 million acres of promised land, much of which is along the Red River, including all of present-day Winnipeg. The claim
had been rejected by the Manitoba Court of Queen's Bench in 2007 and in July 2010, the Manitoba Court of Appeal upheld that decision.

To date, the Manitoba government has taken the position that it will let the courts decide on the legality of the hunts.

In 2003 in *R. v. Blais*, a Métis hunter was convicted of hunting deer out of season; he had been hunting for food on unoccupied Crown land. His appeals to the Manitoba Court of Queen’s Bench and the Manitoba Court of Appeal were based solely on the defence that, as a Métis, he was immune from conviction under the *Wildlife Act* regulations in so far as they infringed on his right to hunt for food under para. 13 of the *Manitoba Natural Resources Transfer Agreement (NRTA)*. Both appeals were unsuccessful. The SCC dismissed the appeal declaring that the Métis were not “Indians” under the hunting rights provision of the NRTA.

In the 2009 *R. v. Gooden* case, the court found that Métis have the right to hunt in a specific area, including the ‘Turtle Mountains’ and environs. This area in southwest Manitoba includes the City of Winnipeg, south to the United States border, and west to the Saskatchewan border.

**Saskatchewan**

**Policy**

The *Government of Saskatchewan First Nation and Métis Consultation Policy Framework* was released in June, 2010. It outlines the process the Saskatchewan government will use to fulfill its obligation to consult with First Nations and Métis communities on decisions or actions that may impact Treaty or Aboriginal rights. This policy can be found at: [http://www.fnmr.gov.sk.ca/Consultation-Policy-Framework/](http://www.fnmr.gov.sk.ca/Consultation-Policy-Framework/).


In 1998 the Saskatchewan Ministry of Environment and Resource Management implemented a policy whereby Métis living in the Northern Administrative District have been able to conduct self regulated Métis hunts. Saskatchewan has not reversed its decision to allow Métis across the province the Aboriginal right to hunt and fish.

**Saskatchewan Case Law**

A number of cases have found that Métis harvesting rights exist in selected areas:

- In *R. v. Laviolette* (2005), the Provincial Court argued that Métis living in north-western Saskatchewan constituted a right-bearing community and could harvest fauna.
- In *R. v. Norton and Samuelson* (April 2005), the Provincial Court rendered a decision which maintained that the Métis living in the Qu’Appelle Valley represented a rights-bearing community, and therefore had an Aboriginal right to hunt and fish.
- *R. v. Belhumeur* in 2007 the Saskatchewan Provincial Court ruled that the appellant, from Regina, had an Aboriginal right to fish without a licence as he belongs to an historic Métis community, which includes Regina and the Qu’Appelle Valley. This case used the 2003 *Powley* ruling test, whereby Aboriginal harvesting rights could be implemented in a region if a Métis appellant could prove connection to a historic Métis community.