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.

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.