



Métis Nation of Alberta Harvesting Policy

WHEREAS a new Aboriginal people – the Métis Nation – emerged in west central North America prior to Canada’s crystallization as a nation;

AND WHEREAS the Métis Nation of Alberta represents the Métis Nation within what is now known as the Province of Alberta.

AND WHEREAS for generations, the citizens of the Métis Nation, in what is now known as the province Alberta, have harvested resources off their Homeland in order to sustain themselves, their families and their distinctive culture and way of life;

AND WHEREAS the Métis Nation has long asserted it has inherent rights, as an Aboriginal people, including the right to harvest for food;

AND WHEREAS section 35 of the *Constitution Act, 1982*, recognizes and affirms the Métis are one of the Aboriginal peoples of Canada and that they have constitutionally-protected Aboriginal rights;

AND WHEREAS on September 19th, 2003, in *R. v. Powley*, the Supreme Court of Canada confirmed that s. 35 protects existing Métis harvesting rights;

AND WHEREAS the members of the Métis Nation of Alberta recognize that with rights come responsibilities, including, a responsibility to preserve and protect renewable resources for the benefit of future generations;

AND WHEREAS the members of the Métis Nation of Alberta support the development of a self-governed management regime that facilitates the Métis harvest in an orderly and accountable manner while respecting Métis harvesting rights, traditional knowledge, conservation and public safety;

NOW THEREFORE the citizens of the Métis Nation of Alberta declare the following to be the *Métis Nation of Alberta Harvesting Policy*:

1.0 Policy Name

1.1 This policy shall be called the *Métis Nation of Alberta Harvesting Policy*.

1.2 The short title of this policy shall be *MNA Harvesting Policy*.

2.0 Interpretation

2.1 In this policy the following definitions shall apply:

- a) **“Métis harvest” or “Métis harvesting”** means the taking, catching, fishing (with rod and reel or net) or gathering of renewable resources for reasonable personal or community use by MNA members. Such harvesting includes plants, berries, fish, wildlife, wood and water, taken for subsistence, food, medicinal, social or ceremonial purposes and includes donations, gifts and exchange with other members of the Métis community. For greater certainty, for the purposes of the *MNA Harvesting Policy*, the Métis harvest is for reasonable personal or community use only and does not include harvesting for commercial purposes or trophy harvesting.
- b) **“Métis community”** means the citizens of the Métis Nation living in Alberta;
- c) **“MNA”** means the Métis Nation of Alberta or the Métis Nation of Alberta Association;
- d) **“Métis harvester” or “MNA harvester”** means a member of the MNA who has been issued a MNA Harvesters Identification Sticker under the *MNA Harvesting Policy*;
- e) **“MNA member”** means a person who:
 - i) self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation ancestry, and is accepted by the Métis Nation;
 - ii) who is a resident of the Province of Alberta for a minimum of ninety (90) consecutive days or is considered ordinarily resident in the province of Alberta;
 - iii) is not registered as an Indian under the *Indian Act*;
 - iv) has not had their membership suspended or repealed by the Métis Judicial Council; and
 - v) whose application for MNA membership has been verified by the MNA Registrar and is registered as a member of the MNA.
- f) **“MNA Harvesters Council”** means the Harvesters Council established by the Métis Nation of Alberta under the terms of the *MNA Harvesting Policy*;
- g) **“ordinarily resident”** means a person who lives or has lived the majority of the past year in Alberta excluding temporary absences for reasons including but not limited to, travel, education, medical treatment, military service or incarceration, provided the person was ordinarily resident prior to such temporary absences;

- h) **“reasonable personal” or “community use”** means ensuring that the Métis harvest will be used by a Métis harvester, his or her family or by the Métis community (i.e. harvesting what can and will be used, avoiding waste of Métis harvest, etc.);
- i) **“tradition of harvest” or “tradition of harvesting”** means the geographic area or territory where the Métis community has historically relied on and continues to rely on for the Métis harvest;

2.2 In this policy, unless the content otherwise requires, words importing the singular shall include the plural, and vice versa.

2.3 This *MNA Harvesting Policy* does not create any new Aboriginal or treaty harvesting rights, nor does it limit, define, negate or expand the existing Aboriginal or Treaty rights of the Métis community or MNA members.

2.4 This *MNA Harvesting Policy* does not apply to MNA citizens who harvest outside the Province of Alberta.

2.5 Nothing in this policy precludes an MNA member from purchasing a hunting or fishing license from the Government of Alberta if they so desire.

2.6 This *MNA Harvesting Policy* only applies to MNA members.

3.0 Objectives

Conservation

3.1 It is an objective of the MNA to encourage conservation practices during the Métis harvest so that the species are preserved for future generations. MNA members who participate in the Métis harvest will:

- a) make best efforts not to destroy or damage fish or wildlife habitat;
- b) not harvest vulnerable, threatened or endangered species;
- c) not waste or spoil wildlife or fish; and
- d) not harvest in fish sanctuaries or in waterfowl sanctuaries or in game sanctuaries.

Safety

3.2 It is an objective of the MNA to develop wildlife management practices based on traditional Métis values of cooperation and respect and to encourage MNA members to harvest in a safe manner. MNA members who participate in the Métis harvest will:

- a) practice safe hunting by taking special care and consideration of other persons, wildlife and property in the area in which they are hunting;
- b) use firearms safely at all times; and
- c) take particular care near road corridors, forestry or mining operations.

- Teaching Younger Generation** 3.3 It will be an objective of the MNA and MNA harvesters to teach the younger generation traditional harvesting practices and traditions in order to ensure the continuation of the Métis harvest.
- Building Relationships** 3.4 It is an objective of the MNA to support and build positive working relationships with the Government of Alberta, First Nations and other stakeholders in order to facilitate the Métis harvest, promote understanding and respect for Métis rights and Métis harvesters as well as sustain the renewable resources for future generations.
- Private Property** 3.5 It is an objective of the MNA to respect the private property rights of landholders. MNA members who participate in the Métis harvest will not harvest on posted, fenced or visibly occupied private property unless they have received the prior written or oral consent of the landowner or leaseholder.
- Consultation** 3.6 The MNA Harvesters Council is appointed to enable the effective regulation and management of the Métis harvest. The MNA believes that community consultation is a key element of our Métis self-management regime. MNA Harvesters Council members shall consult with the MNA harvesters in their region annually in order to bring forward input and recommendations to the MNA through the MNA Harvester Council.
- Commercial Harvesting** 3.7 This policy does not apply to MNA members who are harvesting for commercial purposes.
- 3.8 All other parts of this policy are to be interpreted consistently with the objectives in this part.
- 4.0 Métis Harvester Identification**
- Harvesters Stickers** 4.1 For purposes of participation in the Métis harvest, the MNA will issue a MNA Harvesters Identification Sticker to eligible MNA members.
- 4.2 The MNA Harvesters Identification Sticker shall be affixed to the back of the MNA's Membership Card and shall be considered proof that the holder has been verified by the MNA Registrar as being able to participate within the Métis harvest.
- Eligibility** 4.3 All MNA members shall be eligible for a MNA Harvester Identification Sticker.
- No Cost** 4.4 A MNA Harvester Identification sticker shall be provided to MNA members at no additional cost to the member.

**Applying for a
Harvesters Card**

- 4.5 An MNA member shall make their request for a MNA Harvester Identification Sticker, by way of a completed application, to the MNA. In order to receive a MNA Harvester Identification Sticker the following criteria must be met:
- a) are a registered member of the MNA and have been verified by the MNA Registrar as meeting the membership criteria of the MNA;
 - b) that he or she has been a resident of the province of Alberta for a minimum of ninety (90) consecutive days or is ordinarily resident in the province of Alberta
 - c) that he or she intends to participate in the Métis harvest in an area where there is a Métis tradition of harvesting;
 - d) that he or she intends to participate in the Métis harvest in an area where they have a tradition of harvesting; and
 - e) that they agree to follow the *MNA Harvesting Policy*.
- 4.6 For the Métis harvest of 2007, the *MNA Harvesting Policy* will cover Métis harvesters who meet all of the criteria set out in section 4.5, but have not obtained a MNA Harvester Identification Sticker. The MNA will provide support to all Métis harvesters who meet the criteria set out in section 4.5 and are in compliance with the terms of the *MNA Harvesting Policy* when harvesting. This section will expire in one year. Following that expiration, all MNA members will be required to obtain a MNA Harvester Identification Sticker in order to be in compliance with the *MNA Harvesting Policy*.

Validation

- 4.7 A MNA Harvester Identification Sticker shall be issued for a two year period, or such other period as determined by the MNA Provincial Council.
- 4.8 MNA members who hold a valid Harvester Identification Sticker shall harvest in accordance with the objectives in section 3 of this *MNA Harvesting Policy* and with other guidelines as determined from time to time by the MNA and publicly published.

5.0 The Métis Harvest

- Parameters of Métis Harvest**
- 5.1 The Métis harvest includes harvesting for food by MNA members for personal, family or community usage such as providing for elders and the handicapped or community events. This harvesting can include hunting, fishing (with a net or a rod and a reel), trapping and gathering.
- Seasons**
- 5.2 Subject to closures or restrictions for conservation or safety purposes, a MNA Harvester Identification Sticker holder may hunt, trap or fish for food at all seasons of the year.
- Métis Harvest Lands**
- 5.3 The Métis harvest shall take place on designated lands. These designated Métis harvest lands include:
- a) all unoccupied provincial Crown lands in Alberta;
 - b) provincial protected areas and other occupied provincial Crown lands in Alberta that have a designation or area designation for hunting, trapping or fishing);
 - c) any privately owned lands in Alberta which the MNA Harvester Identification Sticker holder has been given permission by the owner or occupant to hunt, trap or fish.
- Additional Limitations**
- 5.4 The MNA Harvesters Council may recommend to the MNA that:
- a) the season for any species, be abridged in his or her region for conservation or safety reasons; or
 - b) allocations or limitations on the Métis harvest be made for conservation reasons.
- Party Harvesting**
- 5.5 MNA Harvester Identification Sticker holders may harvest with persons who have lawfully obtained licenses and tags issued by the Government of Alberta.
- Obligation of Métis Harvesters**
- 5.6 A Métis harvester is obligated to be in possession of all legally required training and/or licenses to operate a motorized vehicle or boat, or to use a tool or device such as a rifle or bow in order to be covered by the *MNA Harvesting Policy*.
- 5.7 The onus is on the Métis harvester to harvest in a safe manner and be knowledgeable in traditional Métis harvesting practices and values.
- 5.8 The onus is on a Métis harvester to provide the MNA with any information and documentation required for the MNA to assist the Métis harvester in connection with any investigation, violation ticket or charge related to their Métis harvesting. If information and documentation is not forthcoming the MNA will take no further action in relation to the Métis harvester's situation.

Violations of the Policy	5.9	Métis harvesting which is carried out in violation of this policy may result in withdrawal, suspension, or refusal to renew a Métis harvester's MNA Harvesters Identification Sticker.
	5.10	The MNA will not support or defend any Métis harvesting that is deemed to be outside the scope or spirit and intent of the <i>MNA Harvesting Policy</i> .
	6.0	Harvesters Council
Composition	6.1	The MNA shall establish a Harvesters Council consisting of a Chair, 6 Regional Members and a Métis Elder.
Chair	6.2	The MNA Minister of Métis Rights, as appointed by the MNA President, shall be the Chair of the Harvesters Council.
Elder	6.3	The MNA Provincial Council shall appoint one elder to sit in the Harvesters Council in non-voting position.
Meetings	6.4	The MNA Harvesters Council will meet, at a minimum, once every 12 months in order to discuss undertake its role and mandate outlined in section 6.5 as well as evaluate the progress of the Métis harvest.
Role and Mandate	6.5	The Harvesters Council shall: <ul style="list-style-type: none">a) where appropriate, make recommendations to the MNA Provincial Council for implementing guidelines, that are consistent with the <i>MNA Harvesting Policy</i>, in relation to the Métis harvest, including, limitations on seasons or taking of species where conservation concerns are at issue,b) make recommendations to the MNA Provincial Council in relation to changes or amendments to the <i>MNA Harvesting Policy</i>, andc) provide advice and make recommendation to the MNA in relation to Métis harvesting issues in the province.
	6.6	MNA Harvesters Council members shall make best efforts to consult with Métis harvesters in their region and share relevant information with the MNA Minister for Métis Rights and the MNA Harvesters Council.
Notice of Métis Harvest Guidelines	6.7	Any Métis harvest guidelines adopted by the MNA Provincial Council shall be communicated to Métis harvesters in a timely manner. The dissemination of these guidelines or regulations will be through the MNA Head Office, MNA Regional Councils, MNA Locals, Otipemisiwak and the MNA's website.

7.0 Reporting on the Métis Harvest

Information Collected on Métis Harvest

- 7.1 In order to better preserve renewable resources for the future, it is an objective of the MNA to gather information on all aspects of the Métis harvest. Métis harvesters are responsible, upon request, to report to the MNA on their activities including but not limited to the following:
- a) areas and species harvested;
 - b) the health and numbers of the species harvested;
 - c) any encounters with Enforcement Officers;
 - d) any problems or observations which may be relevant to the species, habitat or other Métis harvesters; and
 - e) environmental concerns which may affect the species, habitat or Métis harvesters.

Reporting Intervals

- 7.2 Métis harvesters shall report their harvesting activity once every twelve to eighteen months to the MNA by responding to telephone survey, written survey or other means identified by the MNA.

Types of Information Shared

- 7.3 Information collected on the Métis harvest will be confidential and only used for statistical purposes. It may be used for research and assessments undertaken by the MNA. Information will only be shared externally in an aggregated form (i.e. where individual Métis harvester cannot be identified).

Privacy Laws Apply

- 7.4 All federal and provincial privacy laws regarding the use of personal information will apply to the information collected on the Métis harvest.

8.0 Ratification and Amendments

- 8.1 The *MNA Harvesting Policy* shall be effective upon acceptance and ratification by the MNA Annual General Assembly.
- 8.2 Amendments to any part of the *MNA Harvesting Policy* shall be made through recommendations brought before the MNA Provincial Council and ratified at a duly constituted meeting of the MNA Provincial Council.