



Sent via ELECTRONIC MAIL only

December 31, 2013

Pierre River Mine Joint Review Panel Secretariat

160 Elgin Street, 2nd Floor,
Ottawa Ontario, K1A-0H3

Email: Shell.Reviews@ceaa-acee.gc.ca

Attention: **Jill Adams, Panel Manager**

Dear Ms. Adams:

Re: Interested Party Application from Fort Chipewyan Métis

Per the Public Notice released on December 5, 2013 the Fort Chipewyan Métis (FCM) submit that they should be granted 'interested party status' to participate in any Hearing convened to consider Shell's Pierre River Mine application because:

- They will be directly and adversely affected by the Shell's project and
- FCM has relevant information that will provide assistance to the Panel in their considerations and deliberations about the subject mine application and
- FCM has members who are elder, trappers and other traditional, active land users that will provide expertise and assistance to the Panel.

In your Notice you ask FCM to address several direct questions. Our responses are below, including some discussion about our attachments to this communication.

1. [Your name or your organization's name, address, phone number, and email address.](#)

The organization I represent is legally known as Fort Chipewyan Métis Local 125, also colloquially known as the Fort Chipewyan Métis (FCM).

2. [If you are applying on behalf of an organization, the purpose of the organization and its membership.](#)

FCM's organizational purpose is to work for the preservation of Métis lifestyles and culture, and represent the Métis people of Fort Chipewyan, Alberta.

The exact number of people represented by FCM is currently unknown because FCM do not know how many Métis can trace the origin of their rights to the historic and contemporary community as recognized by Alberta (see correspondence from FCM dated August 27 2012 page 1 & 2 for a more complete explanation). The law currently provides that Métis rights are tied to either communities (Powley case) or regional Métis communities (Laviolette case). Therefore, any Métis person who was born, adopted, accepted by FCM would be represented by FCM Local 125.

3. A brief explanation of the relevance of the project to you, your specific connection with the project area or activities, and how the project may affect your interests.

FCM have included 4 pieces of correspondence that is relevant to the Secretariat's consideration of FCM's Interested Party Status.

- Letter- Alberta Environment and Sustainable Resources Development (ESRD) dated July 19, 2012 asking FCM to explain why their Statement of Concern should be considered
- Letter- from FCM to ESRD dated August 27, 2012 explaining their interest , collectively and individually
- Letter- from ESRD to FCM dated October 10, 2012 informing FCM that their Statement of Concern is recognized officially
- Letter- from Alberta Energy Regulator (AER) dated July 9, 2013 to FCM indicating that FCM had passed the AERs 'standing test' and had officially been invited to a Hearing called by the AER to consider Teck's Winter Drilling Program, a project associated with Teck's Frontier Resources Project Application filed at CEAA.

We submit that all the above correspondence is relevant because the Teck Frontier Resources Project is next to the Shell Jackpine and Pierre River Mine Projects. FCM were recognized by both CEAA (at the Jackpine Hearing- 2012) and AER (the Teck Hearing – Winter Drilling- 2013) as (1) directly and adversely affected and (2) possessing land interests. ESRD, CEAA and now the AER all recognize that FCM have real interests and relevance to regulatory proceedings in northeastern Alberta.

The Shell Pierre River project falls in FCMs traditional territory. The enclosed map shows the 160 km boundary. Alberta's Métis Harvesting Policy (June 2010) notionally creates a 'deemed traditional' territory in the absence of any studies. FCM receives no resources from any Crown to undertake TLU or other studies. In the absence of any studies, FCM have had to rely on Alberta's deemed traditional territory to protect and assert their interests.

Collectively, FCM are active harvesters and land users. The Shell Pierre River Mine project will impact their ability to undertake traditional activities on the lands and waters, like hunting, trapping, fishing, gathering, teaching, and other cultural pursuits, all of which are protected by s. 35 of the Constitution Act, 1982.

Individually, some members of FCM have very specific land interests in the area, like Trapline #1274. Ms. Hermansen's eldest son is a junior trapper on RFMA #1274. Ms. Hermansen further indicated to the writer that it was their intention to pass the Trapline onto their grandchildren, also members of FCM Local 125.

4. A summary of the relevant information or expertise that your organization can provide to assist the Panel.

The FCM will bring information to the Panel that will inform their consideration of Shell's Application including proving recommendations that will assist in the Panel's consideration of conditions and alterations to the proposed project. FCM will not have the ability to produce scientific information because they have no capacity for such studies. However, FCM have very active land users and many Elders that can inform the work of CEAA and the Panel. Métis traditional knowledge is not captured substantially anywhere in Shell's submissions per the evidence given by Mr. Goodjohn at the Shell Jackpine Hearing.

5. A brief statement describing how your group intends to participate in the environmental assessment process:

FCM have been engaged by Canada in consultation. Further, as our limited capacity allows, FCM have been reviewing and commenting on all aspect of the information exchanges coming to and from the Panel Secretariat.

6. A brief statement describing the issues that your group intends to address and why those issues are relevant to your interests.


FCM intend to raise 'Métis content' or lack of Métis content all through the regulatory process. We also intend to raise the issue of differential treatment of right-bearing Aboriginal peoples and lack of consultation. We intend to talk about the impacts of this project on us collectively and individually. We would also hope to propose mitigation and other measures, if the Panel deems to project is in the public interest.

Conclusion:

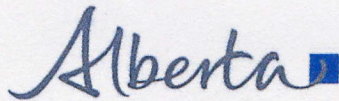
FCM submit that we should be entitled to full participation at a Hearing of the Shell Pierre River Project. If CEAA accords standing to our neighbors, either that Athabasca Chipewyan First Nation or the Mikisew Cree First Nation, then logically FCM should also be granted standing. We all share the same lands and harvesting rights. We are available to address any further questions the Secretariat may have about our application for 'interested Party' status.

Sincerely,

<original signed by>

Cynthia Bertolin, President
 Sunrope Consulting Services Ltd.

cc. Linda Jefferson, Shell
C. Dunn, Canada Consultation
Fort Chipewyan Métis



E-File No. 4101-01-00247548-01-001-0103

July 19, 2012

Fred Fraser
President
Fort Chipewyan Métis, Local 125
Métis Nation of Alberta

<contact information removed>

Dear Mr. Fraser:

**Re: Statement of Concern Submission
Teck Resources Ltd. Frontier Oil Sands Mine Project
Environmental Protection & Enhancement Act Application No. 001-00247548
Water Act File No. 00303079**

Thank you for your letter dated May 28, 2012 expressing concerns about the subject applications for approval under the *Environmental Protection and Enhancement Act* and the *Water Act*. The letter was not received by our Department by the specified due date of June 4, 2012; however, it was received by the Canadian Environmental Assessment Agency by fax on May 30, 2012. Therefore, we will consider the specified due date for submission to have been met.

In order to determine whether your submission constitutes a statement of concern for the Fort Chipewyan Métis Local 1925, under the *Environmental Protection and Enhancement Act* and the *Water Act*, we require further information from you. Please respond to the following as soon as possible, and no later than August 31, 2012:

- Please identify how many members of the Fort Chipewyan Métis Local 1925 are directly affected by the proposed project. Please reply with particular reference to the nature and location of their individual activities relative to the location of the proposed project.
- Please identify how you anticipate the proposed project will directly affect specific members of the Fort Chipewyan Métis Local 1925.
- Please provide a breakdown of the Fort Chipewyan Métis Local 1925 membership in terms of the communities that the members currently live in (e.g. how many reside in Fort McMurray, Fort Chipewyan, Fort McKay, etc.). Please include documentation allowing us to verify the information provided.

Please note that if you do not respond by **August 31, 2012**, we will not consider your submission as a statement of concern. If this occurs, you will not receive an official notice of the decisions taken with respect to these applications and you will be precluded from appealing to the Environmental Appeals Board on any decisions taken with respect to this application.

Attachment 1

- 2 -

If you have not already done so, you may obtain a copy of the application from Teck Resources Ltd. as per the notice of application advertisement.

If you have any questions regarding the process that is being followed in our review of these applications, please contact Tanya Richens at (780) 415-9630.

Yours truly,

<original signed by>

Patrick Marriott, P. Eng.
District Approvals Manager
Northern Region
(Designated Director under the Act)

cc: Ian McKenzie, Teck Resources Ltd.
Tanya Richens, AESRD
Ken Bullis, AESRD
Tim Burggraaff, Aboriginal Affairs

Amanda Black, ERCB
Valerie Collins, AESRD RAC
Tracy Utting, CEAA

Attachment 2



Fort Chipewyan Métis Local 125
Métis Nation of Alberta
<contact information removed>

August 27, 2012

Mr. Patrick Marriott
District Approvals Manager, Northern Region
Alberta Environment, Sustainable Resource Development
111 Twin Atria Building, 4999 – 98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780-427-7617

Dear Mr. Marriott

Re: July 19th letter, SOC Submission, Teck Resources' Frontier Project, EPEA Application No. 001-00247548, Water Act File No. 00303079

A Impact on the Fort Chipewyan Métis Community and Métis Tracing their Rights to Fort Chipewyan

Regarding your July 19, 2012 letter's first bullet, specifically:

- Please identify how many members of the Fort Chipewyan Métis Local 125 are directly affected by the proposed project. Please reply with particular reference to the nature and location of their individual activities relative to the location of the proposed project.

The first argument we submit is that the Teck Resources Ltd. Frontier Oil Sands Mine Project will have an impact on our entire community and our Aboriginal rights to harvest, navigate or use the waters, transmit cultural and religious practices. Aboriginal rights have two very important characteristics: (1) they are communal in nature and, (2) they enjoy constitutional protection.

We currently have 173 members of Local 125 (110 adults, 46 youth and 17 seasonal presence). I estimate that the Métis population of Fort Chipewyan is between 350 - 400 men, women and children. Not everyone registers into the Métis Nation's community-based governance institution because so far there are no real benefits beyond harvesting (e.g. like education, health, or housing). Also, people in our community may have membership status in the provincial Métis Nation of Alberta registry but may not have concurrent membership in our Local. That does not make them less Métis or seen to be Métis.

Additionally, we must consider other Métis peoples whom have moved out of Fort Chipewyan for work, school, or other reasons. We must represent those Métis who trace the origin of their Métis Aboriginal rights to Fort Chipewyan. I would estimate that our Métis community-specific origin group numbers in over a thousand.

So, we submit that Métis who:

- are currently members of Local 125; and,
- are residents of Fort Chipewyan, but not current members of Local 125; and,
- are residing elsewhere, whose birthplace or place of adoption is Fort Chipewyan,

will all experience direct and adverse effects to their Métis rights from the proposed project.

Most of our members are avid harvesters out of choice, but they also use the resources gained from such activities for subsistence. In Fort Chipewyan, this is something of a necessity (i.e. cost of food, fly-in community, availability of healthy food choices). We understand that the Frontier Project will convert an additional 290 square kilometers of boreal forest to mining, with associated tailings ponds and water withdrawals. Our members continue to use the Athabasca River for both harvesting and travel (shopping or travel to Fort McMurray) as well as for commercial barging operations. Navigability and access have both been serious ongoing issues in the Delta and on the Athabasca River for Métis for some time now. We therefore view any additional developments along the Athabasca as having an impact on our Métis rights.

Fort Chipewyan is a downstream community. All the negative effects resulting from the Frontier project in the watersheds upstream of us will affect our community.

B Métis Land Interest

Even though we cannot present a Traditional Land Use Study, Alberta acknowledges we have a 'land interest'. Alberta, via its June 2010 Métis Harvesting Policy (enclosed) acknowledges the Fort Chipewyan Métis as both a historic and contemporary rights bearing community. Further, the Policy specifically outlines that Fort Chipewyan Métis have Alberta recognized, bonafide harvesting rights and creates a 160 km deemed traditional territory in the absence of any Traditional Land Use Study. We note that the Frontier Oil Sands Mine Project falls within this territory.

C No hierarchy in Section 35 Aboriginal rights

As our second argument, we submit that there is no hierarchy in section 35 Aboriginal rights. Alberta should treat the First Nations and Métis communities in Fort Chipewyan equally. We are both rights-bearing people. We both have expressed concerns and filed on the Teck Resources Ltd. Frontier Project. We both have land interests. And we note that you have corresponded with Athabasca Chipewyan First Nation that their Letters of Concern are now official. We ask for the same treatment. If Athabasca Chipewyan First Nation have filed a very capable submission, then it is only logical that the impacts of the proponent's project will be the same for us. After all, we all live in the same community.

D Impacts on Specific Fort Chipewyan Métis

Regarding the July 19, 2012 letter's second bullet, specifically:

Please identify how you anticipate the proposed project will directly affect specific members of the Fort Chipewyan Métis Local 1925.

The characterization of harvesting and the exercise of constitutionally protected Métis rights as being 'individualistic in nature' is inaccurate and narrow (as argued above). In the absence of capacity to conduct an assessment of project-specific impacts to our individual members, we can share the following:

D.1 Hermansen (permission obtained): The Frontier mine overlaps RFMA#1275. This trapline was purchased by one of our members, Barb Hermansen, and her husband in the early 1980s. The trapline is still in the family. Barb raised her two boys on this trapline and it was the intent of her and her husband to pass this trapline onto the oldest grandson. This grandson has been getting his 'first' animals on this trapline since he was a young boy. Barb's grandchildren are all members of the Fort Chipewyan Métis. Teck has supported the creation of an oral history booklet detailing Barb's life on the Athabasca River. (She grew up on RFMA#2331 across the river, and taught her Norwegian husband how to make a living on the land.) The legacy, heritage and livelihood that is hers as a Métis person and hers to pass on to her grandchildren will disappear as a direct result of mining projects along the Athabasca River. (It should be noted that the oral history work completed with Barb was never proposed to be an assessment of project-specific impacts for the Teck mine, and cannot be considered as such.)

D.2 Ladaouceur (permission obtained): Elder Ray Ladaouceur is a member of our Métis Local and an avid bushman. During informal discussions regarding upstream development, he has indicated that he and other Métis members have long witnessed the downstream effects of upstream oil and gas development on water quality and quantity in particular. He shared that he and other Métis members are still actively pursuing traditional harvesting and other activities along the Athabasca River and in the Delta downstream, including, but not limited to: moose and waterfowl hunting, fishing, food and medicinal plant harvesting, trapping as well as travel to Fort McMurray to obtain supplies. Mr Ladaouceur lives at least half the year at his trapline at Big Point in the Peace-Athabasca Delta. (He 'gave up' part of this trapline as part of land lease granted to the Métis by the Alberta government several years ago.) Mr Ladaouceur's constitutionally protected rights to harvest as Métis person are being directly and adversely impacted by upstream oil and gas activities.

D.3 Other Fort Chipewyan Métis Members: As shared by Elder Ray Ladaouceur, and by my own knowledge of our members activities on the land, we have many active and current users who use the Athabasca River for harvesting, camping and travel. As just one example, in close proximity to the Frontier project, we currently have an adult member who is 'staying' at the ACFN reserve at Poplar Point. ('Staying' is a term used by northern peoples to indicate a seasonal or occasional dwelling place.) His activities in that locale have the potential to be directly and adversely affected by the Frontier project.

D.4 Barging: We currently have three members who use the Athabasca River for their commercial barging operations. . Except in winter, the only way to ship goods in and out of Fort Chipewyan is by airplane or boat. Métis peoples have always been independent and entrepreneurial peoples; this aspect of our culture is part of our rights and identity as Métis peoples in Canada. Our freighting operations along the river are being put at risk by ongoing oil and gas activities and continued approval of new mines and water withdrawals. Our ability to continue to practice these entrepreneurial activities as Métis people is being directly and adversely affected by current, ongoing and future proposed industry water use and development.

D.5 Navigability and Access along Athabasca River and in the Delta: In addition to commercial and specific traditional Métis harvesting activities along the Athabasca River, many of our members make use of the Athabasca River to travel upstream to visit relations and friends in Fort McKay and/or Fort McMurray, and to obtain annual domestic supplies. Every single Métis person who travels the Athabasca River has the potential to be directly and adversely affected by the Frontier project.

D.6 Wood Buffalo National Park: The traditional knowledge of our Métis Elders tells us that impacts from upstream oil sand operators are affecting the Athabasca River and our Delta. The Fort Chipewyan Métis have more than 20 active traplines in Wood Buffalo National Park (WBNP). We and they are concerned about upstream activities having an impact in this area. Our Métis members who practice their traditional activities in WBNP have the potential to be directly and adversely affected by the Frontier project.

E Fort Chipewyan Métis Membership

Regarding the July 19, 2012 letter's third bullet, specifically:

Please provide a breakdown of the Fort Chipewyan Métis Local 1925 membership in terms of the communities that the members currently live in (e.g. how many reside in Fort McMurray, Fort Chipewyan, Fort McKay, etc.). Please include documentation allowing us to verify the information provided.

As we have explained, we currently have 173 members (110 adults, 46 youth and 17 migratory). 156 live in Fort Chipewyan. Additionally, we estimate that the Métis population of Fort Chipewyan is between 350-400 men, women and children. Not everyone joins a Métis Nation Local at a community level for the reasons set out. We must also take into account other Métis born or adopted by Métis families whom have moved out of Fort Chipewyan for work, school, or other reasons. I estimate that Métis whose community-specific origin can be traced back to Fort Chipewyan is over a thousand people. A great number of Fort Chipewyan people who leave to pursue opportunities elsewhere, and who end leaving for extending periods of time, often return to either visit or retire back in our community. They view Fort Chipewyan as 'home' and keep close ties to the land and people here.

Regarding verification, we do not have each member's consent (privacy laws or PIPA) to disclose information about them. Please contact the writer to see if you require more on this query.

F Conclusions

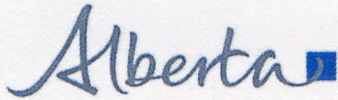
We view the Teck's Frontier Project as having very real, direct and adverse impacts on us as rights-bearing Métis people in Fort Chipewyan, both collectively and individually, as we have aptly set out in this letter. The Canadian Environmental Assessment Agency has indicated that we have standing at the Joint Panel. You have corresponded with our rights-bearing neighbor, the Athabasca Chipewyan First Nation, that they have standing. We ask the Alberta Crown to use 'its utmost good faith' and act 'honorably' in its dealings with us. We look forward to receiving Alberta's confirmation that our Statement of Concern is now official and we have standing. Again, if we are unclear or if you have further inquiries, please do not hesitate to contact me.

Yours sincerely,

<original signed by>

Mr. Fred (Jumbo) Fraser, President
Fort Chipewyan Métis Local 125

Cc: Carolyn Dunn, Panel Manager, CEAA- sent via email
 Tanya Richens, AESRD- sent via email
 Amanda Black, ERCB- sent via email
 Sheila Risbud, CEAA, Crown Consultation Coordinator- sent via email
 Ian McKenzie, Teck Resources Ltd.



Attachment 3

E-File No. 4101-01-00247548-01-001-0103

October 10, 2012

Fred Fraser
President
Fort Chipewyan Métis, Local 125
Métis Nation of Alberta

<contact information removed>

Dear Mr. Fraser:

**Re: Statement of Concern Submission
Teck Resources Ltd. Frontier Oil Sands Mine Project
Environmental Protection & Enhancement Act Application No. 001-00247548
Water Act File No. 00303079**

Thank you for your letter dated August 27, 2012 providing further information regarding your concerns about these applications for approval under the *Environmental Protection and Enhancement Act* and the *Water Act*.

Our letter dated July 19, 2012 requested that Fort Chipewyan Métis Local 125 provide further information in order for us to determine whether your submission constitutes a statement of concern for the proposed project.

The project specific environmental concerns raised by Fort Chipewyan Métis Local 125 will be considered in the review of these applications. Teck Resources Ltd., the Energy Resources Conservation Board, and the Canadian Environmental Assessment Agency have been advised that you have concerns regarding these applications.

Your letter is considered as an official Statement of Concern pursuant to the *Environmental Protection and Enhancement Act* and the *Water Act* and, as such, you will be advised as to the Director's decision pertaining to these applications.

It should be noted that your letter asserts Aboriginal rights for Fort Chipewyan Métis Local 125 to harvest, navigate or use the waters in the region. The statement of concern process does not allow me or my Department to take any position on the asserted claims presented in your letter. We encourage you to contact Mr. Cory Enns at the Ministry of Aboriginal Relations if you wish to notify the Government of Alberta of these assertions.

NB

The contact information is as follows:

Mr. Cory Enns
Director, Aboriginal Consultation
Ministry of Aboriginal Relations
20th Floor, Commerce Place
10155 – 102 Street
Edmonton, Alberta
T5J 4G8
Phone: 780 644-1055
Fax: 780 427-0401

If you have any questions regarding the process that is being followed in our review of these applications, please contact Tanya Richens at (780) 415-9630.

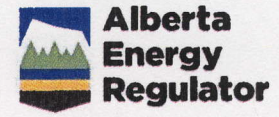
Yours truly,

<original signed by>

Patrick Marriott, P. Eng.
District Approvals Manager
Northern Region
(Designated Director under the Act)

cc: Ian McKenzie, Teck Resources Ltd.
Tanya Richens, AESRD
Ken Bullis, AESRD
Kelly L. Kennedy, SAAB

Amanda Black, ERCB
Valerie Collins, AESRD RAC
Tracy Utting, CEAA



July 9, 2013

Woodward & Co. Lawyers LLP
<contact information removed>

Attention: Jenny Biem

Osler, Hoskin & Harcourt LLP
<contact information removed>

Attention: Martin Ignasiak

Janes Freedman Kyle Law Corporation
<contact information removed>

Attention: Mark Gustafson

Sunrope Consulting Services Ltd.
<contact information removed>

Attention: Cynthia Bertolin

Calgary Head Office
Suite 1000, 250 - 5 Street SW
Calgary, Alberta T2P 0R4
Canada

www.aer.ca

**Re: TECK RESOURCES LIMITED (TECK)
NOTICE OF HEARING
APPLICATION FOR APPROVAL OF 2012/2013 WINTER DRILLING PROGRAM**

Dear Sirs/Madams:

Please find attached a copy of the Notice of Hearing confirming the hearing dates set out in the correspondence from the Energy Resources Conservation Board (ERCB) dated April 17, 2013. Please note that the scope of the hearing will be limited to consideration of the applications currently filed with the AER and noted in the Notice of Hearing.

The AER is prepared to permit the Athabasca Chipewyan First Nation, Mikisew Cree First Nation and Fort Chipewyan Métis to participate in the hearing.

NRB

With regard to the request for an adjournment of the hearing, the AER notes that as early as April 2013, the parties were aware of the AER's intention to hold a hearing in August and that Teck intended to submit further applications for consideration at the August hearing. Those further applications include an additional 40 additional wells which are similar to the earlier submitted applications. Accordingly, the AER is of the opinion that the inclusion of the additional applications does not warrant an adjournment as the hearing is still more than one month away. Further, given that the panel has limited the scope of the hearing to considering the applications before it, no adjournment is required to obtain information regarding conceptual plans which have not yet been applied for.

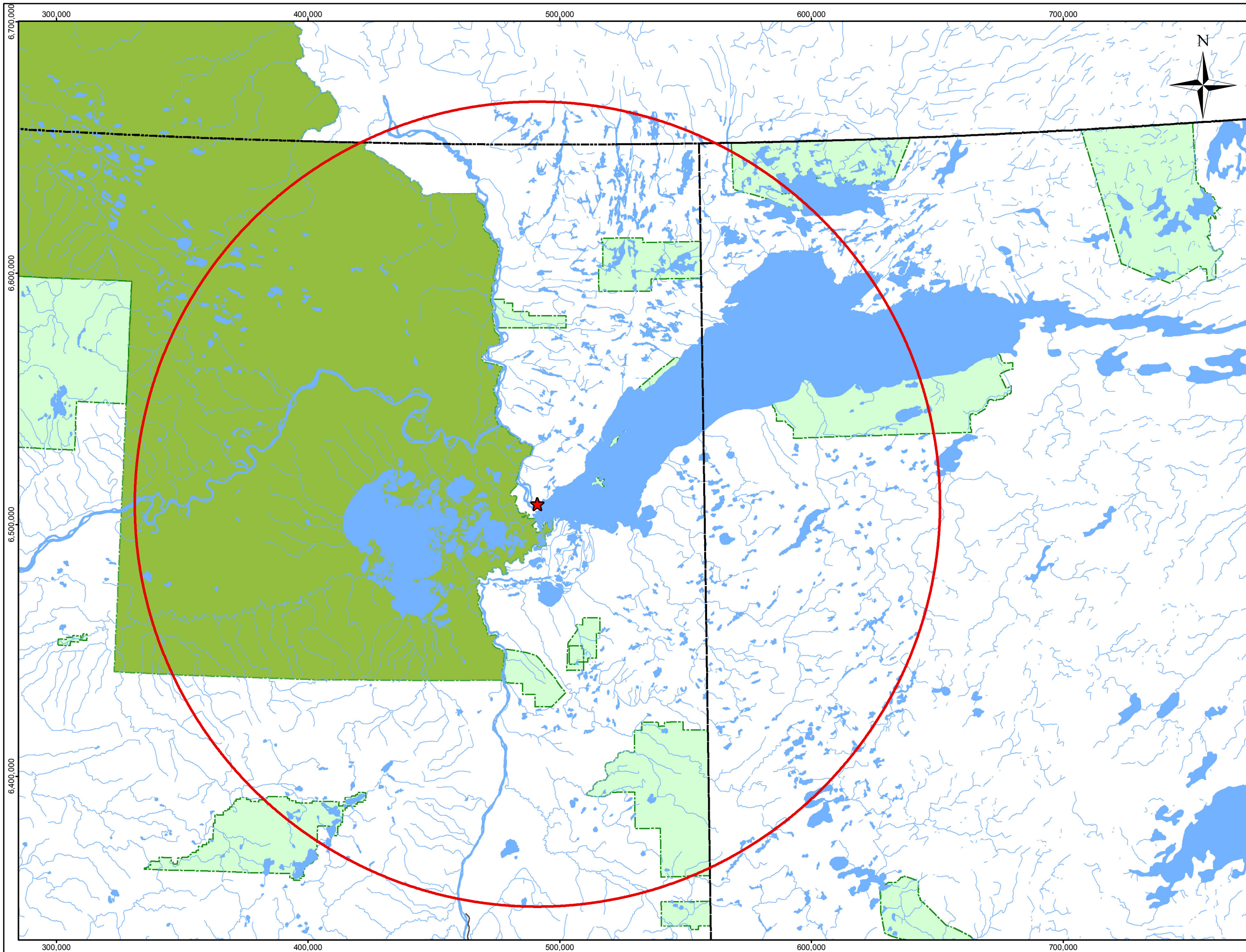
Sincerely,

<original signed by>

(for)

Keely Cameron, Legal Counsel

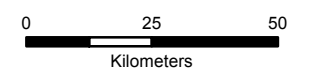
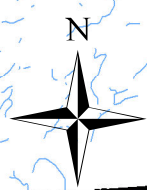
Enclosure (1): Notice of Hearing



**Fort Chipewyan Métis
Alberta Government's Deemed Territory
2010 Harvesting Policy**

Legend

- ★ Fort Chipewyan
- Deemed Territory
- National Park
- Provincial Park



1:1,500,000 Base Data: © Department of Natural Resources Canada. All rights reserved.

PREPARED FOR Fort Chipewyan Métis	PREPARED BY Stantec
SPATIAL REFERENCE UTM Zone 12	DATUM NAD 83
PROJECT 124910221	APPROVED BY SL
DRAWN BY IS	DRAFT DATE 2012 June 14
	REVISED DATE 2013 April 08
	REVISED BY IS

Fort Chipewyan Métis 'Deemed Territory'



Métis Harvesting in Alberta

July 2007 – Updated June 2010

In the case *R. v. Powley* (September 19, 2003), the Supreme Court of Canada found that members of the Métis community in and around Sault Ste. Marie, Ontario have, under s. 35(1) of the *Constitution Act, 1982*, an aboriginal right to harvest for food that was infringed without justification by the Ontario hunting legislation. In reaching its decision, the Supreme Court set out a number of criteria for Métis people in establishing their right.

Some Métis in Alberta are the beneficiaries of constitutionally protected harvesting rights as described in *Powley*. Three elements are essential to government of Alberta's recognition of those rights:

- Determining who are Métis harvesters;
- What comprises Métis harvesting rights; and
- Where those rights can be exercised.

Who is a Métis Harvester?

A person who asserts a constitutionally protected Métis harvesting right has the onus to prove that assertion.

A person who wishes to fish using a net must have a Métis Domestic Fishing Licence; an individual's eligibility for that licence must be established before the licence is issued. A person who wishes to fish by any other legal means must have a sportfishing licence. A person who wishes to hunt must be able to demonstrate that he/she is a Métis harvester as described below. If checked while hunting, the person will be given 60 days to produce evidence of their status as a harvester, and, if unable to do so, may be charged with an offence.

If an individual is uncertain whether they will be able to prove that they possess an aboriginal right they should seek legal advice, as you may be required to prove the existence of such a right in court if you are charged with an offence. Alternatively, individuals may wish to purchase the necessary licences in order to avoid uncertainty.

A person is a Métis harvester only if he or she meets the test set out in the *Powley* case.

To demonstrate that you are a Métis harvester, you must provide evidence that you meet the *Powley* test. You should be prepared to produce evidence that you satisfy the following criteria:

- That you self-identify as Métis, and for how long you have self-identified as Métis
 - membership in the Métis Nation of Alberta or a Métis Settlement or a statutory declaration confirming self identification would assist in demonstrating self identification,
 - membership in either of these organizations, or a Statutory Declaration, is not sufficient to meet the Powley test;
- That you have an ancestral connection to an historic Métis community¹ in Alberta;
 - genealogical history, including where ancestors lived and when they lived there,
 - please go back in time as far back as possible, and in any event, back to the late 1800's;
- That you belong to a contemporary Métis community in Alberta.
 - name that community and demonstrate acceptance by and involvement in that community;
- That you are a resident of Alberta.

Thorough information will help make the decision-making process efficient.

At this time, Alberta is prepared to consider for the purposes of Métis harvesting the eight Métis Settlements and the following 17 communities as both historic and contemporary Métis communities: Fort Chipewyan, Fort McKay, Fort Vermilion, Peace River, Cadotte Lake, Grouard, Wabasca, Trout Lake, Conklin, Lac La Biche, Smoky Lake, St. Paul, Bonnyville, Wolf Lake, Cold Lake, Lac Ste. Anne and Slave Lake.

When Hunting Can Take Place

Métis harvesters may hunt for food at all times of the year.

¹ In light of the unique history of Alberta's eight Métis Settlements, an ancestral connection to a Métis Settlement can be established by demonstrating a pre-1900 ancestral connection to the general geographic area of the settlement, or a pre-1900 ancestral connection to a recognized Métis community within Alberta from which an individual or their family migrated when the settlement was established. Again, when submitting documentation, please go back in time as far as possible, and in any event, back to the late 1800s.

Where Hunting Can Take Place

A Métis harvester **may hunt** for food only within the community harvesting area² of his or her community. Within that harvesting area, a Métis harvester may hunt on:

- unoccupied Crown land; and
- other land to which they have a right of access for hunting (e.g., privately-owned lands if they have first obtained the landholder's permission to enter for the purpose of hunting).

The *Recreational Access Regulation* applies to Métis harvesters.

Where Hunting Can Not Take Place

A Métis harvester **may not hunt** on land that is being put to any other use that is visibly incompatible with hunting. This determination must be made on a case-by-case basis. The safety of other persons, livestock and domestically raised animals is of primary importance. The presence of fences, signs, fields, buildings, domesticated animals or indications of farming or industrial activities all suggest uses that are visibly incompatible with hunting. For example, *unless permission has first been obtained for hunting on such lands*, Métis harvesters may not hunt on lands:

- being actively used for mining, lumbering or other industrial purposes;
- that are fenced, posted, or cultivated;
- that contain buildings that may be used or occupied;
- on which livestock or other domestically raised animals may be present.

A Métis harvester **may not hunt** in:

- provincial parks, recreation areas, ecological reserves or other similar lands where no hunting is allowed;
- wildlife sanctuaries, including road corridor wildlife sanctuaries.

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 primary 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.

² In the absence of a more definitive description of a community's historical harvesting area, Alberta presently considers a harvesting area to comprise the area within 160 kilometres of a community.

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:

- bighorn sheep over the age of one year must be registered within 30 days of the kill (hunter must submit the complete and unaltered skull with horns and eyes intact);
- mountain goat must be registered within 30 days of the kill (hunter must submit the incisor bar);
- grizzly bear must be registered within 4 business days of the kill (hunter must submit the skull and skin, and evidence of sex must be attached to the skin and visible);
- cougar must be registered within 2 business days of the date of the kill (hunter must submit the skull and skin, and evidence of sex must be attached to the skin and visible).

Trapping – the right of Métis harvesters to hunt for food does not include the right to trap animals for the purpose of selling their fur.

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. Sustainable Resource Development defers to the Canadian Wildlife Service to provide details of the application of these laws to Métis harvesters.

Fishing

Métis harvesters must abide by all regulations pertaining to fishing, including holding applicable fishing licences.

Sportfishing licences – these licences authorize fishing by means of angling and other methods permitted by the regulations.

- This licence is available to any resident of Alberta.
- A person who is under 16 years of age or over 65 years old does not require a licence to fish in this manner.

Métis domestic fishing licences – these licenses authorize fishing for food in a specified water body with one gill net that is not over 100 yards in length and of a minimum mesh size. The licenses are issued to Métis harvesters based on the following criteria:

- the person must be eligible as a Métis harvester in accordance with the criteria set out by the Supreme Court in the *Powley* case (Note: in addition, pursuant to the *Métis Settlements Act*, a member of a Métis Settlement is eligible for a licence to fish in a lake that is within or bordering the Métis Settlement in which he or she lives);
- licences are issued only for those waters identified by fisheries managers as supporting domestic fishing; an eligible applicant may be considered for a Métis domestic fishing licence authorizing fishing only in waters that are within their community harvesting area.