



June 2, 1998

Dear MNS members, Local Presidents, PMC members and Senators:

Re: Current situation with respect to Metis hunting and fishing rights.

On Thursday, May 14, 1998 the Saskatchewan Court of Appeal in the Grumbo case set aside Metis hunting and fishing rights and ordered a new trial.

The province of Saskatchewan, through Saskatchewan Environment and Resource Management (SERM), has informed us that they will begin enforcing the province's Wildlife Act where they find Metis people hunting or fishing without a valid Saskatchewan government hunting or fishing licence. Please see the attached Press Release issued by SERM on Friday, May 22, 1998 for the provincial government's written position.

On the other hand, the Metis Nation of Saskatchewan, through its Metis Nation Legislative Assembly in July 1994 passed a *Metis Wildlife and Conservation Act*, with the PMC passing Regulations under that Act. This action was taken on the basis that our people have an inherent right of self-government. However, the provincial government has consistently refused to recognize our Act. Minister Lorne Scott has made it clear, that any Metis hunting under our Metis Wildlife Act will be charged and taken to court. Besides being charged, hunting or fishing equipment could be seized.

The Metis Nation Executive considers this a very serious matter. In this connection, we have approached our Minister of Lands and Resources, Mr. Dale McAuley and have requested that he look at a licensing system which he has the authority to do under our Regulations. It will be our recommendation during the proposed consultations that licenses be only issued on a very selective basis to members of the MNS who would make a good test case after being charged. Because going to court is very costly, the MNS can only fight a small number of cases.

While the licensing system under our Wildlife Act is being worked out, we encourage anyone wanting to fish to purchase a provincial licence. To do otherwise could result in the confiscation of vehicles and firearms causing unnecessary hardship for our

membership. In terms of hunting, the earliest our season could open for big game is July 15th.

In the meantime, we are continuing to have meetings with SERM officials and the Minister of SERM. We are hopeful that some kind of process can be established between the MNS and SERM which will lead to a recognition and accommodation of Metis hunting and fishing practices. As part of this, we are seeking a consultation process where MNS and SERM can jointly consult our people on our rights, practices and cultural activities, in follow-up to the consultations on night-hunting held in January and February, 1998. During those consultations, our people unanimously called for a continuation of that process so that we could come up with mutually agreeable solutions to deal with Metis hunting and fishing rights.

In this connection, our first official meeting was held on Thursday, May 28, 1998 in Regina with the Ministers of SERM, Justice and Northern Affairs (Scott, Nilsen and Goulet). We made oral and written proposals based on the above. While the government was not able to give us an immediate response, there was an expression of interest on the part of Minister Scott. It was agreed by our delegation (Clem Chartier and Dale McAuley) and Minister Scott that we would meet again in two weeks and get the provincial governments response.

While we continue to try and resolve these issues through discussions or negotiations at the political level, we can still proceed through the courts to establish our Aboriginal rights to hunt and fish..

Finally, it is important to note that the Court of Appeal did not say that Metis do not have Aboriginal hunting and fishing rights. They have left the door open on this matter. At a new trial we have to produce the evidence to prove that the Metis around Yorkton have Aboriginal rights to hunt and fish, and that the scrip process did not extinguish or take those Aboriginal rights away. We have a lot of work ahead of us. It is therefore extremely important that all Regions and Locals of the MNS undertake fundraising for test case litigation, to ensure that we put forward our best evidence and legal defences.

We will keep you informed of further developments.

On behalf of the Executive, I remain.

Yours sincerely,



Clem Chartier
President

SUMMARY: METIS HUNTING & FISHING RIGHTS

June 2, 1998

On May 14, 1998 the Saskatchewan Court of Appeal set aside Metis hunting and fishing rights in the Grumbo case.

The Court also ordered a new trial.

The Court did not say Metis do or don't have hunting and fishing rights. A new trial will deal with that question.

SERM has stated they will begin charging Metis who hunt or fish without a licence.

While we have a Metis Wildlife and Conservation Act and Regulations, SERM does not recognize it, and have stated clearly they will charge Metis, regardless of the MNS Wildlife Act.

If you do not want to lose your equipment, vehicles, etc., it may be wise to follow the provincial laws until we can work this out with SERM, or win again in the Courts.

The MNS proposes to conduct consultations, hopefully in partnership with SERM.

The attached letter explains the situation in more detail.

Government of
Saskatchewan

Legislative Building
Regina, Canada
S4S 0B3

Media Services/
Media Relations

(306) 787-6281

News Release

IMMEDIATE RELEASE
May 22, 1998

Environment and Resource Management 98-383

PROVINCIAL HUNTING AND FISHING LAWS APPLY TO MÉTIS

Saskatchewan Environment and Resource Management (SERM) Minister Lorne Scott is advising Métis people that they are subject to hunting and fishing laws and regulations. Métis people hunting or fishing without a licence, out of season or otherwise violating *The Wildlife Act* or *The Fisheries Act* will be charged and prosecuted under the appropriate legislation.

"Despite the assertions of the Métis Nation of Saskatchewan leadership, Provincial wildlife and fishing laws apply to Métis people and department officials are advising Métis people of the Appeal court decision and its implications," Scott said. "I expect the Métis will continue their legitimate efforts to define and clarify their rights through the court process and in discussions with the Province. Seeking confrontation or disobeying the law will not help resolve this issue."

On Thursday May 14, 1998 the Saskatchewan Court of Appeal ruled on the Grumbo - Métis hunting rights case. The Court allowed the appeal and has ordered a new Court of Queen's Bench trial for which no date has been set. The Appeal Court's decision overrules the Court of Queen's Bench decision, striking down the judgment that gave Métis the same Aboriginal hunting and fishing rights as Treaty Indians under paragraph 12 of the Natural Resources Transfer Agreement.

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The Province is continuing to study the implications of this ruling and the application of the 1997 Court of Queen's Bench ruling on Morin and Daigneault which recognized Métis in northwestern Saskatchewan have some Aboriginal fishing rights, under Section 35 of the Constitution Act, 1982.

"While discussions with the Métis leadership on these issues will continue, it would be unacceptable for the province not to enforce its laws," Scott said.

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For more information, contact:

Dave Phillips, ADM
Operations
SERM
Regina
Phone: (306) 787-9079

Dave Harvey, Director
Enforcement and Compliance
SERM
Prince Albert
Phone: (306) 953-2993