

2019
Jurisdictional Scan: Indigenous Use Fees

Does your organization have policy/direction regarding use of your parks by Indigenous peoples; and if so, are you willing to share it with Ontario Parks?

JURISDICTION	REPLIED	YES/NO	CONTACT NAME
B.C PARKS	X		
ALBERTA PARKS	X		
SASKATCHEWAN PARKS	<input checked="" type="checkbox"/>	NO	Bruce McCannel bruce.mccannel@gov.sk.ca

COMMENTS:

Saskatchewan Parks Division does not have a specific comprehensive policy that provides direction for use of provincial park land by First Nations and Métis peoples to exercise Treaty and Aboriginal rights. Instead, various policy, legislation and regulations, guidelines, and other management tools administered by the Ministry of Parks, Culture and Sport, Ministry of Environment, and Ministry of Government Relations provide direction for subsistence hunting, trapping and fishing and carrying out traditional activities such as gathering of plants and conducting ceremonial activities on provincial park land. Such management tools include the following:

- o Saskatchewan Parks Division Policy #40.01 – Entry Permits: This policy indicates that a “courtesy entry permit” is issued per vehicle, free of charge, for a variety of reasons, including “allowing access to the park for traditional resource use activities”. This courtesy entry permit does not allow for occupants of a vehicle to use park facilities or provide re-entry to the park. Subsistence hunting, fishing and trapping and traditional activities such as gathering and ceremonial activities are considered to be “traditional resource use activities”. Authority for Policy #40.01 is provided by The Parks Act and The Provincial Parks Regulations, 1991.

- o Provincial Park Zoning: The zoning plan for a park will indicate where hunting, fishing and trapping and other traditional activities (e.g., gathering; ceremonies) can occur in a provincial park. Licensed and subsistence hunting, fishing and trapping activities generally take place in the same locations.

- o Provincial Legislation and Regulations addressing fishing, hunting and trapping: Legislation and regulations administered by the Ministry of Environment provides the basic framework for licensed and subsistence hunting, trapping and fishing in Saskatchewan, including on provincial park lands.

- o Annual Hunting, Fishing and Trapping Guides: Printed annually to provide an overview of basic legislation, regulations and policy guiding hunting, angling and trapping activities, including when these activities are allowed and where they can occur, including on provincial park land. Licensed and subsistence activities generally take place in the same locations, however, licensed activities are restricted to certain times of the year, while subsistence activities, such as fishing and hunting, generally can occur year-round.

- o Treaty and Aboriginal Rights for Hunting and Fishing Guide, December 2018: This guide

specifically outlines who will have Treaty and Aboriginal rights to hunt and fish for food in Saskatchewan. This guide also outlines other considerations for the exercise of Treaty and Aboriginal rights with respect to hunting and fishing. This document is meant to complement the Annual Hunting, Fishing and Trapping Guides and existing legislation, regulations and policy.

o Saskatchewan’s First Nations and Métis Consultation Policy Framework: Provides guidance addressing duty to consult and accommodate when proposed decisions and actions being considered may have potentially adverse impact on the exercise of Treaty and Aboriginal rights. Provincial park land is considered to be occupied Crown land to which there is a right-of-access for First Nations and Métis people.

MANITOBA PARKS	X		
ONTARIO PARKS	Inquiring Jurisdiction		Ryan Large ryan.large@ontario.ca

COMMENTS:

My name is Ryan Large and I am an Indigenous Relations Advisor with Ontario Parks. We were hoping that you would be agreeable in sending a request to your network of colleagues across Canada to obtain information on the application of fees for Indigenous use of parks. We have drafted a response below that we feel would obtain the appropriate level of information that we are requiring. Please let me know if you have any questions! Thank you and have a great weekend! – Ryan

July 26, 2019

REQUEST FOR INFORMATION – Application of fees for Indigenous park users

Dear Colleagues,

Ontario Parks is undertaking a review of their approach with respect to use of provincial parks by Indigenous persons. To inform this review, Ontario Parks is requesting information pertaining to the application of fees for Indigenous peoples from parks agencies across Canada. At this time, Ontario parks does not charge a fee for access into a provincial park or conservation reserve to First Nation or Métis community members within their traditional territory to exercise their Aboriginal or treaty rights (such as hunting, fishing, trapping, gathering, ceremonial activities).

Fees are applied to First Nation or Métis community members and their families for recreational day use of parks and their facilities, services and programs. Fees are also applied to First Nation or Métis community members and their families for recreational camping on developed campsites. Developed campsites include those campsites in organized campgrounds, back country campsites and group campsites. Fees are set for car camping, roofed structures (e.g. yurts, cabins, etc.), interior camping and extra vehicle parking to cover the use of infrastructure and services (e.g. roads, campsites, comfort stations, trails, beaches, natural heritage programs, washrooms and potable water) in those operating parks which provide for camping.

If you could please answer the following questions below by August 23, 2019 and send it to ryan.large@ontario.ca, I would sincerely appreciate it. If you are interested in receiving a follow-up email about information collected through this request, please let Ryan know in your response back.

1. Does your organization have policy/direction regarding use of your parks by Indigenous peoples; and if so, are you willing to share it with Ontario Parks?
2. Do park entry fees apply to Indigenous peoples who enter a park for activities not related to Aboriginal or treaty rights, such as camping, day use, etc. (If so, for what purposes)?
3. Does your organization have legislative provisions or policies that specifically address the exercise of Aboriginal or treaty rights in parks?
4. Do park entry/camping fees apply to Indigenous peoples who enter a park for the purpose of exercising of Aboriginal or treaty rights (If yes, please explain)?
5. If fees are waived/discounted for Indigenous peoples, is the discount applied universally or is it only applied for parks within the Indigenous person's treaty/traditional area? Additionally, if a discounted fee is applied, how do your staff determine if an individual qualifies for the discounted fee?
6. Is there any other information regarding use of your parks by Indigenous people that you would like to share with us?

SEPAQ (QUEBEC)	X		
NEWFOUNDLAND & LABRADOR PARKS	X		
NOVA SCOTIA PARKS	<input checked="" type="checkbox"/>	NO	
COMMENTS: We have no policy direction			
PARKS NEW BRUNSWICK	X		
P.E.I PARKS	X		
GOVERNMENT OF NORTHWEST TERRITORIES PARKS	X		
NUNAVUT PARKS	<input checked="" type="checkbox"/>	NO	Linda Vallancourt Lvallancourt@gov.nu.ca
COMMENTS: To date, Nunavut Parks does not charge any fee to anyone (Inuit or non-Inuit).			
YUKON PARKS	X		
PARKS CANADA	X		
Do park entry fees apply to Indigenous peoples who enter a park for activities not related to Aboriginal or treaty rights, such as camping, day use, etc. (If so, for what purposes)?			
JURISDICTION	COMMENTS		

SASKATCHEWAN PARKS	Yes. · As per Policy #40.01 (see response to Question #1), at those parks where entry fees are charged, First Nations and Métis people must pay entry fees when the purpose of the park visit is not to solely exercise Treaty or Aboriginal rights. If camping or other park facilities are used, then entry and/or camping fees must be paid.
NOVA SCOTIA PARKS	Any park fees do apply to Indigenous Peoples
NUNAVUT PARKS	N/A

Does your organization have legislative provisions or policies that specifically address the exercise of Aboriginal or treaty rights in parks?

JURISDICTION	COMMENTS
SASKATCHEWAN PARKS	Please see the response to Question #1.
NOVA SCOTIA PARKS	Nothing specific
NUNAVUT PARKS	N/A

Do park entry/camping fees apply to Indigenous peoples who enter a park for the purpose of exercising of Aboriginal or treat rights (If yes, please explain)

JURISDICTION	COMMENTS
SASKATCHEWAN PARKS	At those parks where entry fees are charged, park entry fees are not charged when entering a park for the sole purpose of exercising Treaty or Aboriginal rights. However, if camping and other park facilities are used, entry and camping fees are charged.
NOVA SCOTIA PARKS	NS does not have entry fees, however camping fees would currently apply
NUNAVUT PARKS	N/A

If fees are waived/discounted for Indigenous peoples, is the discount applied universally or is it only applied for parks within the Indigenous person's treaty/traditional area? Additionally, if a discounted fee is applied, how do your staff determine if an individual qualifies for the discounted fee?

JURISDICTION	COMMENTS
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SASKATCHEWAN PARKS	<p>Saskatchewan Parks Division policy does not address if park entry fees are waived only for First Nations and Métis peoples for a park in their treaty/traditional area. Instead, hunting and fishing guidelines provided by the Ministry of Environment provide direction.</p> <ul style="list-style-type: none"> · The Treaty and Aboriginal Rights for Hunting and Fishing Guide, December 2018 outlines who may exercise Treaty and Aboriginal rights for hunting, trapping and fishing in Saskatchewan. This Guide notes the following: Who Can Exercise Treaty Rights to Hunt, Fish and Trap in Saskatchewan: § “An individual exercising the Treaty right to hunt, fish and trap for food in Saskatchewan must be a registered Indian as defined by the Government of Canada’s Indian Act and carry a valid Certificate of Indian Status, which identifies membership in one of the First Nations listed in this guide, regardless of their present province of residence. These are the First Nations that are signatory to Treaty 2, 4, 5, 6, 7, 8 or 10 that fall within the provincial boundary, as well as those First Nations located within Saskatchewan that have not signed a Treaty.” § “Treaty rights in Saskatchewan can be exercised on unoccupied Crown lands and other lands to which there is a right-of-access, throughout the province, subject to the land provisions set out in this guide.” (ASIDE: Saskatchewan’s provincial park land is occupied Crown land to which there is a right-of-access.) May Exercise Aboriginal Rights, and Where, in Saskatchewan: § Certain historic and contemporary Métis communities may exercise Aboriginal rights to hunt, fish and trap for food in some areas of Saskatchewan, especially in the Northern Saskatchewan Administration District. (ASIDE: Provincial park land would be found in these areas.)
NOVA SCOTIA PARKS	N/A
NUNAVUT PARKS	N/A
Is there any other information regarding use of your parks by Indigenous people that you would like to share with us?	
JURISDICTION	COMMENTS
SASKATCHEWAN PARKS	Park Advisory Groups: In addition to recognizing Treaty and Aboriginal rights, Saskatchewan Parks encourages

	<p>First Nations and Métis to be members of Park Advisory Groups (PAG). Membership of a PAG can include municipal, First Nations and Métis communities, interest groups, voyager associations, campers, and recreation clubs that have interest in a park and its surrounding area. A PAG provides insight and recommendations for a park manager to consider for planning, management and operational matters.</p> <ul style="list-style-type: none"> · Education and Interpretation Activities: Many parks work with First Nations and Métis people in the park area to develop and deliver education and interpretive programs. · Partnerships; Working Groups: A park may partner and work with First Nations and Métis to carry out a specific project.
NOVA SCOTIA PARKS	The department published a document entitled Story Circles, which identified areas of collaboration to tell the Indigenous story
NUNAVUT PARKS	N/A

Response Rate: 3/13 for **23%**

Key Findings:

- Responding jurisdictions did not charge use fees for anyone. Camping fees apply to everyone.

Future Questions to Ask:

- What can be done to increase and promote visitation and participation by Indigenous visitors in parks?

Links to Resources:

- None