

2018
Jurisdictional Scan: Traditional Use Policies

Does your jurisdiction have shareable traditional land use policies?

JURISDICTION	REPLIED	YES/NO	CONTACT NAME
B.C PARKS	<input checked="" type="checkbox"/>	YES	N/A

COMMENTS:

PDF attached

- Aboriginal rights can be exercised anywhere within parks and protected areas given justifiable limits of conservation and public health and safety.
- However, as Aboriginal harvesting rights are tied to a First Nation's traditional territory, outside of that traditional territory there is no Aboriginal right to hunt, trap, or fish. Other Aboriginal rights such as gathering and plant harvesting can also be exercised in parks and protected areas, subject to justifiable limits of conservation, public health and safety or other valid legislative objectives.
- The current approach of the Province is not to participate in "rights based" discussions with the Métis at this time. Historical evidence to date has not identified any Métis communities in BC that were established prior to the creation of the colonial governments (as required to successfully assert site specific Aboriginal rights). As such, BC Parks staff should not engage a Métis community as a group entitled to be consulted and accommodated based on section 35 of the *Constitution Act*.

ALBERTA PARKS	X		
SASKATCHEWAN PARKS	Inquiring Jurisdiction		Robin Campese

Original Email:

Hey Dawn,

We'd like to ask jurisdictions to share with us if they're willing they're traditional use policies. Ours is outdated and we're looking to bring it up to date and ensure it's on track with other jurisdictions.

Thanks,
Robin

MANITOBA PARKS	X		
ONTARIO PARKS	<input checked="" type="checkbox"/>	YES	Amanda Schroeder

COMMENTS:

- Many of Ontario's provincial parks may be located within the traditional territory of one or more local Indigenous communities. The Constitution Act, 1982 recognized and

affirms existing Aboriginal and treaty rights. Ontario Parks respects the protections provided for these rights, and is committed to honouring constitutional and other obligations in respect of Indigenous people.

- Access to provincial parks at no charge is available for individuals and/or groups of Indigenous people (status and non-status Indians, First Nations, Inuit and Metis) who are exercising existing Aboriginal or treaty rights in a provincial park within their community's traditional territory. This may include activities such as hunting, fishing, trapping, gathering, and spiritual ceremonies. It is important to recognize that the exercise of these rights may be limited in circumstances where there are concerns regarding public safety or conservation; Ontario Parks asks that individuals or groups contact the Park Superintendent to discuss these activities further.
- Access to provincial parks for recreational purposes including the use of campsites, beaches or other facilities would be subject to the applicable fees for the use of park facilities and services. HST is charged on entry fees since the service (i.e. providing campsites and associated facilities) is rendered off of the reserve.

SEPAQ (QUEBEC)	X		
NEWFOUNDLAND & LABRADOR	X		
NOVA SCOTIA	✓	NO	Matt Parker

COMMENTS:

We don't have a formal policy yet. In the mean we deal with them case by case.

PARKS NEW BRUNSWICK	X		
P.E.I PARKS	X		
GOVERNMENT OF NORTHWEST TERRITORIES	X		
NUNAVUT PARKS	X		
YUKON PARKS	X		
PARKS CANADA	✓	YES	N/A

COMMENTS:

PDF attached: Reconciliation and Indigenous Harvesting: Best Practices at Parks Canada

- Parks Canada works with Indigenous groups to implement harvesting rights within the boundaries of corresponding national parks in accordance with relevant modern treaties.
- The implementation of Indigenous harvesting within national parks and national reserves is most often managed via a cooperative structure, structured according to the provisions of relevant modern treaties or other legal agreements.
- Many factors contribute to successful Indigenous harvesting, planning, and

implementation including a great deal of communication, planning, and cooperation.

Response Rate: 4/13 for **31%**

Key Findings:

- Responding jurisdictions normally did have some sort of policy regarding traditional use in parks, however too few jurisdictions responded to make larger conclusions.
- Traditional uses of parks were more likely to be free while recreational use had the potential to be treated as normal park usage and therefore charge as such.

Future Questions to Ask:

- Should all activities carried about by Indigenous individuals and groups in parks be free?
- Is there a way to standardize traditional land use policy across jurisdictions?
- How many jurisdictions have successful co-management case studies of harvesting and traditional land use planning that can be shared?

Links to Resources:

- [Reconciliation and Indigenous Harvesting: Best Practices at Parks Canada](#)
- [BC Parks Indigenous Relations: Aboriginal Treaty Rights in BC and Protected Areas FAQ](#)