



Sapotaweyak Cree Nation
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Indigenous Organizations and Hunters Challenge Provincial Moose Management Regulation

“Manitoba can’t take away our hunting rights and claim it is for conservation of moose, when on the other hand, their own actions do more harm to the moose population than we ever could,” says Don Lathlin, SCTC Director. “We need to have policies that make sense, and respect our rights, and if we have to go to court to defend our members, we will.”

On October 3, 2020, Kirk Kematch buried his uncle and then went on a ceremonial hunt, killing a moose and exercising his Treaty and Aboriginal Rights and following the customs and traditions of Sapotaweyak Cree Nation. He was arrested by Natural Resource Officers, who charged him with violating section 4(2) of the Manitoba Moose Conservation Closure Regulation, under the Wildlife Act.

The charges exposed a long conflict between the Province of Manitoba and First Nations, with respect to claims of mismanagement of the wildlife population, and the Province’s interference with treaty rights. Sapotaweyak Cree Nation (SCN) and Swampy Cree Tribal Council (SCTC) have stepped forward to defend Kematch in court, arguing that the regulation is an unconstitutional infringement on Treaty rights.

The Manitoba Moose Conservation Closure Regulation was enacted in 2011 as a temporary hunting closure, terminating Treaty Hunting Rights, for the purpose of allowing the moose population to recover. Treaty Hunting Rights are recognized in the Constitution, and may only be infringed where justified by a valid objective, such as conservation.

SCN and SCTC say that the Province’s development policies have undermined the justification for the regulation. Since the regulation came into effect, the Manitoba has permitted Louisiana Pacific to clear-cut woods and build logging roads, supported transmission lines, licensed exploration, established snowmobile trails and authorized other development, destroying moose habitat and undermining conservation efforts. As a result, the Moose populations have not recovered and only a limited harvest has been allowed.

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SCN and SCTC further say says that the discussions or engagement done when the Regulation was brought in, in 2010, did not reach the standards required for consultation required by the Supreme Court and set out in the United Nations Declaration of Rights of Indigenous Peoples, recently adopted by Canada.

“The Province has a duty to be honest with us, and to deal with us in good faith,” says SCN Chief Nelson Genaille. *“They didn’t share their information; we didn’t have proper discussions. They didn’t listen to what we had to say. We were asking for accommodation. Give us alternatives, that never happened. They said they could do that, but they didn’t. Once they had what they want, they forgot about us.”*

If and SCTC SCN succeeds in its Treaty challenge, the Regulation will be declared invalid and thrown out. Kirk Kematch will get his moose back.

The parties hope that this will force the Province to the table to negotiate a new management framework which will respect Treaty Rights while protecting the Moose population from exploitation and habitat destruction.

- 30 -

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