

Assertion of Rights and Demand for New Consultation-Based Process

***Subject: Assertion of Section 35 and UNDRIP Rights – Demand for
Suspension and Redesign of Caribou Protection Planning Process***

Dear Minister Schulz,

On behalf of the Mountain Métis Community Association, we hereby formally object to the current Upper Smoky Sub-Regional Draft Plan being advanced within our traditional territory. We also assert our constitutionally protected and internationally recognized rights, which have been overlooked throughout this process.

The Upper Smoky Sub-regional Draft Plan, developed and pursued without meaningful consultation or the free, prior, and informed consent of our community, not only fails to meet the constitutional obligations outlined in Section 35 of the Constitution Act, 1982, but also stands in clear violation of Canada's commitments under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Violation of Section 35 and UNDRIP

Our community holds long-standing and deeply rooted traditional harvesting rights, land stewardship responsibilities, and cultural practices across the Upper Smoky Sub-region. These are not theoretical claims, they are constitutionally protected rights that require the Province to consult, accommodate, and meaningfully engage with our community prior to the implementation of any policy or regulation that could infringe upon these rights.

UNDRIP, which Canada has endorsed, and which informs federal and evolving provincial legal obligations, reinforces this through principles such as:

- Article 18: Indigenous Peoples have the right to participate in decision-making in matters affecting their rights.
- Article 19: States must obtain free, prior, and informed consent before adopting legislative or administrative measures that may affect Indigenous Peoples.
- Article 26: The plan infringes on our rights to traditional lands and resources by attempting to restrict their use and access.
- Article 29: Conservation goals cannot come at the cost of excluding Indigenous governance from land stewardship decisions.
- Article 32(2): Provinces shall consult and cooperate in good faith to obtain FPIC prior to approving projects that affect Indigenous lands or resources.

These principles are not being upheld.

Impact on Our Community and the Local Economy

The Upper Smoky Sub Regional Draft Plan does not only impact our access to land and cultural practices but directly affects the economic future of our community. The proposed land-use restrictions threaten local industries, including forestry, oil and gas, coal mining, and land development, which are essential economic drivers in the region.

As a community that actively partners with local industry and depends on those relationships for employment, procurement, training, and long-term economic reconciliation, any damage to the local economy immediately undermines our stability and future growth. These impacts were neither studied nor discussed with us.

Our Position and Immediate Requests

Given these serious concerns, we respectfully and firmly request that the Government of Alberta:

- Immediately suspend all implementation of the current Upper Smoky Regional Draft Plan, including any associated zoning or land-use changes impacting the Mountain Métis traditional territory.
- Formally abandon the existing draft planning process, which was developed without our involvement and fails to meet the legal standard of consultation, consent, or inclusion.
- Launch a new, fully inclusive process that is co-developed with the Mountain Métis Community Association, and which:
 - Ensures full consultation from the beginning
 - Incorporates traditional knowledge and lived experience
 - Balances plan implementation efforts with the economic sustainability and self-determination of our People and the broader region
- Provide capacity and funding resources to allow for proper participation, technical input, and leadership from our community throughout the revised planning process.

A Path Forward Built on Partnership

The Mountain Métis is not opposed to environmental stewardship, we are its original stewards. However, any effort to protect the land or wildlife must also safeguard the rights, well-being, and future of the people who have lived in close relationship with that land for generations. We are calling for a reset. The Province must move forward in a manner that respects the law, upholds our rights, and meaningfully engages our community as a true partner, not as an afterthought.

We request a formal written response to this letter within 21 days, and remain open to meeting directly with your office or ministry staff to begin a new chapter in this process.

Sincerely,
Joshua Hallock
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