

The modernized *Migratory Birds Regulations, 2022*, have been released and came into force on July 30, 2022. The overall objective of the *Migratory Birds Regulations* is the conservation of migratory birds, including their eggs and nests, in Canada. They were implemented in 1918 and were first developed to address the overharvesting and unregulated commerce of migratory birds. This is the first time that the *Migratory Birds Regulations* have been comprehensively updated or revised. The modernization was necessary to better respond to the current challenges facing migratory birds in Canada.

Although there were a few objectives tied to the modernization process, the British Columbia Métis Assembly of Natural Resources (BCMANR) and MNBC were particularly interested in the recognition of existing Aboriginal and treaty harvesting rights of individuals recognized and affirmed under section 35 of the *Constitution Act, 1982*.

The references to Indigenous peoples in the original regulations predated section 35 of the *Constitution Act, 1982*, as well as the Protocol amending the Convention. The original regulations did not reference Métis or non-status who are also “aboriginal peoples of Canada” under subsection 35(2) of the *Constitution Act, 1982*. Additionally, the original regulations did not describe an Aboriginal or treaty rights-based harvest of migratory birds by Indigenous peoples, therefore making the relationship between the regulations and section 35 rights unclear. In order to deal with the issues described above, several amendments were made. These changes expressly acknowledge section 35 of the *Constitution Act, 1982*, and clarify the interaction between the Regulations and section 35 rights.

In order to ensure that Indigenous peoples are accurately represented, the updated regulations, 2022, remove references to specific groups/Nations, and instead refer to “a person exercising a right recognized and affirmed by section 35 of the *Constitution Act, 1982*.” This is inclusive of Métis in BC. The updated regulations, 2022, ensure that section 35 rights are reflected in appropriate sections, specifically the use and gifting of feathers, the rights for hunting, harvesting, and exchanging.

BCMANR and MNBC submitted feedback and comments throughout the entire process requesting inclusive language. We are pleased with the outcome. Métis harvesters are no longer required to purchase a migratory bird stamp in order to harvest migratory birds.

For complete information, refer to the [Canada Gazette publication of the final *Migratory Birds Regulations, 2022*](#)