DATE: November 28, 2016

TO: MNO Harvesters

FROM: Margaret Froh, Chief Captain of the Hunt

RE: Important Information on the Métis Harvest in Ontario

Dear MNO citizens

Ontario’s Denial of Métis Rights and the Powley Case
For many of you who have been with the MNO since its beginning, you will remember the days when the Ontario Government’s official legal position was that it did “not recognize any Métis right to hunt for food, or any ‘special access rights to natural resources’ for the Métis whatsoever.”

During this same period, Ontario put in place an Interim Enforcement Policy (“IEP”) that provided that moose tag requirements and seasonal restrictions were not enforced against “Status Indians”; however, the IEP was not applied to Métis. Therefore, Métis harvesters were prosecuted like criminals even though they were exercising their constitutional rights.

As a part of its Métis rights-based agenda, MNO decided to challenge Ontario’s flawed legal position—all the way to the Supreme Court of Canada. The Powley case was taken as a “test case” for Ontario Métis as well as the rest of the Métis Nation. The MNO called this the “Métis Hunt for Justice.”

Between 1995 to 2003, three levels of Ontario courts, and, finally, the Supreme Court of Canada, all found that Steve and Roddy Powley were exercising a collectively-held Métis right to hunt for food, protected by s. 35 of the Constitution Act, 1982. Specifically, the Supreme Court found that there was and remains a rights-bearing Métis community in the Sault Ste. Marie region.

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1 R v Powley, 2003 SCC 43 at para. 47. This decision can be accessed online at: http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2076/index.do Pape Salter Teillet LLP has prepared a summary of this decision that is also available online at: http://www.pstlaw.ca/resources/Powley%20summary-final.pdf

Métis Nation of Ontario
Secretariat
The MNO Harvesters’ Policy
Since the late 1990s, the MNO has implemented its own Harvester’s Policy to regulate the Métis harvest in Ontario. As a part of this policy, the MNO has identified 12 Métis Traditional Harvesting Territories (“MNO Harvesting Areas”) where it asserts Métis harvesting rights exist.

The MNO did this because it takes the position that if the Métis in the Sault Ste. Marie region could establish Métis harvesting rights protected by s. 35 of the Constitution Act, 1982, so too could Métis communities in these other MNO Harvesting Areas. Based on this approach, the MNO issues Harvester Cards to MNO citizens that ancestrally connect to the historic rights-bearing Métis communities that relied on these MNO Harvesting Areas for food as well as cultural and ceremonial purposes.

A Negotiated Agreement with Ontario
Following the Powley decision, the MNO pursued negotiations with Ontario to develop a harvesting agreement that accommodates Métis rights to harvest in the 12 MNO Harvesting Areas. Less than a year after the Supreme Court released the Powley decision, a four-point Harvesting Agreement was in place (in spring of 2014). The four points of agreement are:

1. MNO and MNR (Ministry of Natural Resources) agree that MNO will issue a maximum of 1250 Harvester’s Cards for this year. The number of 1250 is for this year only. A mutually agreeable process for a change in this number will be developed subject to research and evaluation of the Harvester Cards system.
2. The MNR will apply the Interim Enforcement Policy (IEP) to those valid Harvesters Card holders who are harvesting for food, within their traditional territories and pursuant to the safety and conservation values set out in the IEP in a manner which is identical with its application to First Nations.
3. This Interim Agreement will be for two years with the intention that it will be extended by mutual consent until a final agreement is in place.
4. Both sides agree that an independent evaluation of the MNO Harvesters Card system will be performed based on mutually agreeable terms of reference.

Amendments to the Negotiated Agreement
In September of 2015, Ontario and MNO met and agreed to amend the Harvesting Agreement to allow the MNO to issue an additional 200 Harvester’s Cards. This was subject to some additional terms and conditions which included, for example, data sharing on regarding the Métis harvest to assist in effective natural resource management.

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management and planning.

Under the amended Agreement, Ontario is obligated to share information with the MNO about moose harvesting pressures. The MNO agreed to provide this information to Harvester’s Card holders to enable harvesters to make informed decisions about where/what species to hunt. This communiqué is in fulfillment of this obligation to share information with Métis harvesters about the state of the moose population in Ontario.

This sharing of information in no way prevents those with Harvester’s Cards from harvesting moose in their traditional territory. It is intended to provide harvesters with the information to make a voluntary decision to modify hunting practices in the interests of conservation.

**The State of the Moose Population in Ontario**

Overall, Ontario’s moose population has been in steady decline since about 2004. A variety of factors impact moose population: climate, hunting, predators, parasites and disease, competitors, biological characteristics, habitat, and accidents. The interactions of all of these various factors is complex and not completely understood.

However, the MNR does know that one main contributor to this population decline is lower rates of moose calf recruitment. This decline can be influenced by a number of the factors listed above. In order for the moose population to remain steady, an area must meet a threshold of 30 calves to 100 cows surviving to their first winter. There are several Wildlife Management Units (“WMUs”) spread across the province that are not meeting that threshold and as a result, the moose population is in decline.

Calf tag allocation was implemented in Ontario in four WMUs in 2004 to slow moose declines in those areas. In 2015, the hunting season for calves was shortened in Northern Ontario, and beginning this year, the moose season was delayed by one week in much of Northern Ontario (for non-Indigenous hunters).

Ontario has drafted moose population density objectives for all parts of Ontario, dividing the province into six large zones. Only two of those six zones are within the optimal population density. The other four are currently below the desired moose density, for a variety of reasons, one of which is calf recruitment.

The maps produced below are intended to guide Harvester Card holders’ attention to areas where calf and adult populations are the most robust. It is intended to inform harvesters of the areas where they can choose to harvest in order to promote conservation and a healthy moose population. In the areas
were moose populations are not as robust, harvesters may wish to consider hunting other species such as bear or deer.

Further Resources on Moose Populations in Ontario
If you are interested in more detailed information on moose populations in Ontario, you can visit [https://www.ontario.ca/page/moose-population-management](https://www.ontario.ca/page/moose-population-management). This website contains detailed maps and statistics for moose populations in the six Cervid Ecological Zones as well as the individual WMUs.
Other resources on moose populations include:
[https://www.ontario.ca/page/factors-affect-moose-survival](https://www.ontario.ca/page/factors-affect-moose-survival)
Moose Calf Survival*

- Few calves survive in these areas. Consider reducing or avoiding harvesting calves in these areas.
- Some calves survive in these areas.
- More calves survive in these areas. Consider harvesting calves in these areas.

Other Features

- Parks
- Crown Game Preserves
- Wildlife Management Unit Boundary
- Waterbodies

* Estimates of the number of moose calves per 100 cows is based on the most recent Moose Aerial Inventory information for each wildlife management unit.
Moose Population Changes*

- Estimated moose population has declined substantially. Consider reducing or avoiding harvesting moose in these areas.
- Moose population has shown some decline.
- Estimated moose population is steady or increasing. Consider harvesting moose in these areas.

Other Features

- Parks
- Crown Game Preserves
- Wildlife Management Unit Boundary
- Waterbodies

* Moose population data are based on the two most recent Moose Aerial Inventory surveys for each wildlife management unit.