The MNO Harvesting Policy is based on Métis jurisdiction, customs and traditions—how should it evolve to deal with issues such as co-management, enforcement or the mobility of Métis rights between our communities?
The reason Ontario Métis communities have collectively-held harvesting rights flows from the historic fact that long before Canada became Canada and Ontario became Ontario, our ancestors emerged with their own collective identity, language, culture and way of life along the waterways and lakes of what is now known as Ontario.

The Métis people were born from these lands. This is what makes us an Indigenous peoples. Section 35 of the Constitution Act, 1982 simply reaffirms our existence as a distinct Indigenous peoples. It also constitutionally protected our inherent rights, including our collectively-held rights to hunt, fish, trap and gather for food.

Based on the hard work and determination of Ontario Métis, the Supreme Court of Canada recognized these harvesting rights in R. v. Powley. Consistent with Métis customs, we have developed our own system of laws to protect the lands, waters and the animals we rely on for our continued existence—the MNO Harvesters Policy.
In 2004, we negotiated a *Harvesting Agreement* (the “Agreement”) with Ontario that recognized our Harvesting Policy on an interim basis and provided for the recognition of 1250 Harvesters Cards. In order to increase the number of recognized Harvester Cards, the Agreement committed us to an Independent Review of our Harvesters Card system to verify that our cards were issued to Métis rights-holders.

We anticipate that this Independent Review will soon be completed. If the review is positive, we will finally be able to move beyond the dreaded Harvesters Card cap and we will begin to negotiate a new arrangement with Ontario. In anticipation of this new reality, we have important issues to discuss. We hope this booklet helps to facilitate our discussions.

**Margaret Froh**  
MNO President  
*Chief Captain of the Hunt*  
February 2017
The MNO Harvesting Policy

Harvesting was and remains an integral part of Metis culture. It is a collectively-held right that comes with responsibilities and a commitment to protect the land, water and animals that Métis communities rely upon.

In order to oversee and regulate the Métis harvest in Ontario, the MNO Harvesting Policy was adopted. Harvesters Cards are issued based on our Policy. Both the MNO Harvesting Policy and the system for issuing Harvesting Cards are part of Métis self-government.

The MNO Harvesting Policy encourages and provides guidelines for safe harvesting and good conservation practices. It also supports the collection of information on the Métis harvest. Metis must not harvest on posted, fenced or occupied private property.

The Captains of the Hunt play a central role by providing support in the issuance and renewal of Harvesters Cards, managing the harvest for conservation purposes, talking to harvesters, and dealing with incidents that arise with Ontario’s enforcement officers.

When Métis harvesters are hunting with non-Métis, they must ensure others are properly licensed. The MNO Harvesting Policy does not cover non-Metis harvesters.
Harvester’s Certificate

The Bearer of this card is authorized to harvest plants, fish and wildlife in his/hers Traditional or Treaty Territory, in accordance with the terms and conditions of the Métis Nation of Ontario’s Harvesting Policy, as amended from time to time, under the direction of the Captain of the Hunt.

Margaret Froh
MNO President & Chief Captain of the Hunt

Date of Birth:
Citizenship #: 00-000000FA (0000)
Date of Expiry:
Territory: Lake of the Woods/Lac Seul
Applying for a Harvester Card is a different process than applying for MNO citizenship. The process is administered by the Chief Captain of the Hunt, Deputy Chief Captain of the Hunt, and the Regional Captains of the Hunt, with support from the MNO Registry. The application for a Harvester Card is on the MNO’s website (www.metisnation.org).

To apply for a Harvester Card, an individual must be an Ontario resident. The applicant must be verified as having provided sufficient documentation to support a claim to a Métis right to harvest. This means they must:

- self-identify as Métis and already be a MNO citizen,
- ancestrally connect to a historic Métis community that relates to the MNO Harvesting Area they want a Harvester Card issued for, and
- be accepted by the Métis community by going through the process established by the MNO.

An applicant must also demonstrate knowledge of firearms or bow-hunting including knowledge about safety (this may be evidenced by proof of completion of a firearms safety course).
An applicant for a Harvesters Card must be familiar with and agree to follow the MNO Harvesting Policy. The Harvesting Policy is Métis law. Harvester Cards do not “grant” MNO citizens rights. The cards simply verify that a MNO citizen is a Métis rights-holder based on the criteria set out above, which is consistent with the legal test in Powley.

As a part of our 2004 Harvesting Agreement, the MNO was limited to issuing 1250 Harvesters Cards. This cap was supposed to be for the first year of the Agreement only. The number of Harvester Cards was supposed to be increased based on mutual agreement and the completion of an Independent Review of our Harvester Card system.

It has taken us until now to get to a process to complete an Independent Review based on mutually agreeable terms. As a sign of good will and progress, the number of Harvesters Cards that could be issued was increased to 1450 in September 2015.
The MNO Harvesting Areas Map

The current MNO Harvesting Areas map was internally developed back the late 1990s when the MNO was also developing its Harvesting Policy.

These Harvesting Areas were established based on existing historic research and information the MNO had in its Registry at the time. It was also created based on where the MNO believed it could credibly claim Métis harvesting rights in Ontario (i.e., where MNO believed it could win another Métis harvesting rights test case like R. v. Powley).

It has always been recognized that this map would need to be revised sometime in the future based on additional historical research, Métis traditional knowledge, traditional land use studies, input from harvesters and future legal developments. Over the years, MNO citizens and Métis harvesters have repeatedly brought forward concerns about the existing map.

Ontario has never completely accepted the MNO Harvesting Areas map. Our 2004 Harvesting Agreement simply agreed to rely on the MNO’s map on an interim basis until an Independent Review and longer-term agreement could be negotiated. As such, our 2004 Harvesting Agreement was an interim accommodation, rather than a full rights-recognition arrangement.
Since 2004, there have been disagreements about the nature, scope and very existence of some of our historic Métis communities in Ontario. The MNO has had to go back to the courts in *R. v. Laurin, Lemieux and Lemieux* about the interpretation of the 2004 Harvesting Agreement, all of which led to significant delays in getting to an Independent Review.

**Getting to the Independent Review**

One of the reasons the Independent Review was delayed was because in order for the review to be independent and objective, the MNO and Ontario needed to agree about historic Métis communities in Ontario so that an independent reviewer could assess who made up those communities.

In 2011, the MNO and Ontario started working together with the goal of jointly assessing existing research about historic Metis communities in Ontario based on the Powley criteria. In areas where there were gaps in information, additional research was commissioned (i.e., the Mattawa/Nipissing report).

Over a period of 5 years, the MNO and Ontario jointly assessed existing historic research as well as commissioned additional research in areas where more information was required. During this period, the MNO has also identified many of the Métis root ancestors that made up these historic Métis communities.
As discussed previously, in order to be issued a Harvester Card, MNO citizens must provide documentary proof that they ancestrally connect to a Métis root ancestor that was a part of a historic Métis community. The Independent Review will verify that MNO Harvester Card holders connect to these Métis root ancestors.

Now that this work is done, Ontario and the MNO are ready to move ahead on an Independent Review. The review will likely take place in the Spring of 2017. As directed by the Supreme Court of Canada in Powley, the review will identify Métis rights-holders and be objectively verifiable.

A random sample of MNO Harvesting Cards will be verified in the review. The reviewer will ensure that the sampled files meet the Powley test. Ontario will not have any access to MNO Harvester Card files. The reviewer will ensure the privacy rights of all Harvester Card holders are protected. The reviewer will not copy or keep any of the records from the files reviewed.

Upon completion of the review, a final report will be prepared and made available to all MNO citizens. If the MNO scores high marks in the review, this will put it in a good position for future negotiations with Ontario. Simply put, constitutionally-protected Métis rights cannot be capped.

A positive review will also strengthen the credibility of the MNO Registry system in the eyes of other governments, First Nations and others.
The Road Ahead

Some of the issues we need to discuss are:

- What should our priorities be for our future harvesting negotiations with Ontario?
- How does our Harvesting Policy need to evolve? What are the key issues that need to be addressed?
- How could we develop a revised harvesting map that is consistent with common understandings and what has been learned over the years? What type of process should be followed?
- Should our Harvesting Policy allow for Harvester Card holders from different regions to harvest in other regions? How should these types of mobility issues be addressed? Who gets to decide?
- How do we deal with enforcement issues when a Métis harvester violates our laws in relation to conservation, safety, wastage, etc.?
- How do you see Métis being involved in co-management initiatives with other governments or First Nations?
- Should our Harvesting Policy allow for Métis rights-holders who do not live in Ontario to obtain a Harvesters Card?
- How can we assist MNO citizens in completing the process to obtain a Harvesters Card? What works best? What about people who want to be verified as a Métis rights-holder, but may not harvest?
Timeline

1993  The MNO is established.
1993  Steve and Roddy Powley charged for hunting without a license
1995  The first MNO Harvesting Policy is implemented.
1998  Trial judge ruling in Powley is released.
2000  The Superior Court decision in Powley is released.
2001  The Ontario Court of Appeal decision in Powley is released.
2003  Supreme Court of Canada Decision in Powley is released.
2004  The MNO-Ontario Harvesting Agreement is reached.
2004  Ontario Breaches the Harvesting Agreement and MNO Goes to Court.
2011  The MNO and Ontario begin joint work on assessing existing information about historic Metis communities based on the Powley criteria.
2015  Harvesting Agreement is amended, increasing the number of Harvesters Cards to 1450.
2017  MNO and Ontario agree to a process on Independent Review of Harvesters Card system based on Powley.
We invite you to provide the MNO with your responses and feedback on these issues related to harvesting. Please provide your comments in writing:

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