

# Métis Nation of Ontario

## Registry Policy for Identifying and Documenting Verified Métis Family Lines for the Purposes of Issuing Harvesters Certificates to Citizens

### Overview of Policy

This Policy has been developed by the MNO Registry in order to provide guidance on the implementation of section 4.1 of the MNO Harvesting Policy,<sup>1</sup> which reads,

For the purposes of participation in the Metis harvest, the Chief Captain of the Hunt may issue an MNO Harvesters Certificate which shall be considered proof that the holder has been verified by the MNO Registrar as having provided sufficient documentation to support a claim to an Aboriginal or treaty right to harvest.

The Policy sets out the criteria and requirements a MNO Citizen must meet in order to be issued a Harvesters Certificate for one of the 12 Harvesting Areas where the MNO claims Métis harvesting rights exist—as “aboriginal rights” protected within section 35 of the *Constitution Act, 1982*—throughout various parts of Ontario. These Harvesting Areas are generally depicted in the map that is attached as Appendix A. This map was adopted by the 11<sup>th</sup> MNO Annual General Assembly in July 2004.<sup>2</sup> In addition, the MNO issues Harvester Certificates to MNO Citizens who are the descendants of the “Halfbreeds and Rainy River and Lake” that collectively adhered to Treaty 3—as a distinct Métis collective—on September 12, 1875. These individuals have harvesting rights throughout the territory described in Treaty 3. These rights are protected as “treaty rights” within section 35 of the *Constitution Act, 1982*.

In order to be issued a Harvesters Certificate under the above-described Aboriginal and treaty right claims, a MNO Citizen must provide documentation to the MNO Registry that proves they ancestrally connect to a Métis Root Ancestor in a Verified Métis Family Line. These Verified Métis Family Lines were a part of various Identified Historic Métis Communities across Ontario, which continue to exist as rights-bearing Métis communities today. These historic Métis communities, along with the Harvesting Areas that correlate to these communities, are set out in the chart at Appendix B.

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<sup>1</sup> The MNO Harvesting Policy was officially adopted by the 13<sup>th</sup> MNO AGA (Resolution #06-08).

<sup>2</sup> This map, which forms a part of the negotiated MNO-Ontario Harvesting Agreement, was adopted by the 11<sup>th</sup> MNO AGA (Resolution #04-10).

It is important to note that nothing in this document alters the definition for MNO citizenship as set out in the MNO's Bylaws and Registry Policy. This document only defines what is required in order for the MNO Registry to issue a Harvesters Card to a MNO Citizen consistent with section 4.1 of the MNO Harvesting Policy.

### **Defined Terms for Purposes of Policy**

**“Documented Métis”** means an individual who is expressly identified in the Historic Record as Métis, Michif, Halfbreed (or any variation such as a “Breed”, “Scotch Breed”, “SB”, “French Breed”, “FB”, “Other Breed”, “O.B.”, etc.), chicot, bois brule or métisse. It is important to note, however, that without additional context and documentation, a Documented Métis does not automatically equate to that individual being a Métis Root Ancestor or that individual's family group being a Verified Métis Family Line. Within a Verified Métis Family Line Assessment Document's Genealogy Chart, a Documented Métis is identified with an orange circle.

**“Effective Control”** means the period of time when the Crown likely effected on-the-ground legal and political control within a given region of Ontario. In order to be an Identified Historic Métis Community, the community needed to exist, use and be on the land in that region prior to Effective Control. For the purposes of this Policy, the Forebearers or Métis Root Ancestors within a Verified Métis Family Line needed to be present within the Identified Historic Métis Community prior to the last year of the Effective Control range for a specific region as set out in Appendix B.

**“Forebearers”** means the progenitor couple of a Verified Métis Family Line, which usually includes a non-Aboriginal man (*i.e.*, a voyageur, freeman, fur trade company employee, etc.) and a First Nations woman (*i.e.*, Ojibway, Algonquin, etc.). The descendants of a non-Aboriginal man and First Nation woman are not automatically Métis Root Ancestors unless the requirements set out in this Policy are met. In the same vein, a progenitor couple are not Forebearers unless their children are Métis Root Ancestors and a part of a Verified Métis Family Line. Within a Verified Métis Family Line Assessment Document's Genealogy Chart, Forebearers are identified in light grey rectangles at the beginning of the chart.

**“Historic Record”** means a reliable historic record or source document that is included as part of a Verified Métis Family Line Supporting Documents Collection, which may include a census, fur trade record, payroll, government document, other journal, church document, petition or other credible record. For greater certainty, a verifiable copy of the document must be included as a part of the Verified Métis Family Line Supporting Document Collection.

**“Identified Historic Métis Community”** means a group of Métis who prior to Effective Control in a given region of what is now Ontario:

- 1) developed their own distinct customs, way of life, and recognizable Métis group identity separate from their First Nation and European forebearers (i.e., more than a mere mixed Aboriginal ancestry population), including asserting themselves as distinct and being recognized by others as distinct; and
- 2) lived together in various settlements or locations that were inter-connected and inter-dependent through kinship relationships, mobility, trade or other factors; and
- 3) shared a common way of life as distinct Métis collective, including shared traditions and practices, participation in niche occupations, etc.

Based on existing research, it is the MNO’s position that the Identified Historic Métis Communities described in Appendix B meet the requirements set out above and would meet the criteria for the identification of a historic rights-bearing Métis community as set out by the Supreme Court of Canada in *R. v. Powley*, [2003] 2 S.C.R. 207. It is important to note that the described Identified Historic Métis Communities in Appendix B may not describe the full geographic scope of the community or each community’s traditional territory. In addition, it is recognized that additional and further research may require Appendix B to be amended in the future.

**“Kinship Connections-Marriage”** are marriages between individuals in different Verified Métis Family Lines within the same Identified Historic Métis Community. These marriages (i.e., known as endogamy) demonstrate an inter-connectedness between Verified Métis Family Lines, which demonstrate a sense of community amongst the Métis population. Within a Verified Métis Family Line Assessment Document’s Genealogy Chart, individuals who have married an individual from another Verified Métis Family Line in the community are identified with a red diamond symbol.

**“Kinship Connections-Other”** are the voluntary relationships that the individuals in different Verified Métis Family Lines establish with individuals in other Verified Métis Family Lines (i.e. god-parenting choices, co-habitation, witnessing at marriages, baptisms, funerals, etc.). These actions illustrate who individuals within Verified Métis Family Lines chose to live with, interact with and rely on, which demonstrates a sense of community amongst the Métis population. Within a Verified Métis Family Line Assessment Document’s Genealogy Chart, individuals with these type of documented kinship relations to members of other Verified Métis Family Lines in the community are identified with a green diamond symbol.

**“Métis Citizen”** means an individual who is a MNO citizen as set out in the MNO Bylaws and Registry Policy and/or an individual who has been issued a MNO citizenship number and card by the MNO Registry.

**“Métis Root Ancestor”** or **“Root Ancestor”** means an individual who is:

- 1) a Documented Métis living in the Identified Métis Community or the sibling of a Documented Métis living in the Identified Métis Community; and
- 2) ancestrally connected to an Identified Historic Métis Community through their Forebearers, siblings or themselves living in the community prior to Effective Control, and
- 3) included in a Verified Métis Family Line.

For greater certainty, an individual who may be the descendent of a European man and a First Nation woman (*i.e.*, a mixed Aboriginal ancestry individual), without meeting the criteria set out above and being a part of a Verified Métis Family Line, is not a Métis Root Ancestor for the purposes of this Policy. Within a Verified Métis Family Line Assessment Document’s Genealogy Chart, Métis Root Ancestors are identified in light blue rectangles.

**“Métis Root Ancestor Descendant”** or **“Root Ancestor Descendant”** means a descendant of a Métis Root Ancestor. For the purposes of this Policy, an individual must demonstrate an ancestral connection to a Métis Root Ancestor or any of the Métis Root Ancestor Descendants identified in the Verified Métis Family Line. Within a Verified Métis Family Line Assessment Document’s Genealogy Chart, Métis Root Ancestors are identified in dark blue rectangles.

**“Métis Harvester”** or **“MNO Harvester Certificate Holder”** means a MNO Citizen who has provided sufficient documentation to the MNO Registry that establishes that they:

- 1) self-identify as Métis, and
- 2) ancestrally connect to a Métis Root Ancestor within a Verified Métis Family Line that is a part of an Identified Historic Métis Community, and,
- 3) are accepted by the modern day rights-bearing Métis community, which is a continuation of the Identified Historic Métis Community and represented by the MNO, through completing the MNO Harvester Certificate application process.

**“Verified Métis Family Line”** means a family group that has been determined by the MNO Registry to be a part of an Identified Historic Métis Community because:

- 1) the Forebearers and/or Métis Root Ancestors in the family group are documented as being in an Identified Historic Métis Community prior to Effective Control for that region; and
- 2) there is a Métis Root Ancestor who is a Documented Métis born or living within the Identified Historic Métis Community; and

- 3) between the Forebearers, the Métis Root Ancestor and the Descendants of the Métis Root Ancestor there is a sustained and ongoing presence of the family group in the Identified Historic Métis Community for multiple generations.

It is important to note, however, that the criteria set out above is considered the minimum requirements that must be met in order for a family group to become a Verified Métis Family Line for the purposes of this Policy. The MNO Registry expects that most Verified Métis Family Lines may include multiple Métis Root Ancestors, Kinship Connections to other Verified Métis Family Lines in the Identified Historic Métis Community or other potential evidence showing the Verified Métis Family Line was Métis or was recognized as being a part of the Identified Historic Métis Community (i.e., inclusion in petitions, participation in collective actions, etc.). The rationale for the inclusion of a Verified Métis Family Line will be set out at the beginning of each Verified Métis Family Line Assessment Document prepared by the MNO Registry.

**“Verified Métis Family Line Assessment Document”** means the documents the MNO Registry relied upon to validate a Verified Métis Family Line as well as to identify Métis Root Ancestors for each Identified Historic Métis Community. This package will include:

- 1) the rationale for the inclusion of a Verified Métis Family Line as being a part of an Identified Historic Métis Community,
- 2) a Genealogy Chart for the Verified Métis Family Line, including the Forebearers (if applicable), the identified Métis Root Ancestors and their known descendants born prior to the 1920s so privacy issues are not engaged for publication, and
- 3) relevant references in the Historic Record to the Forebearers (if applicable), Métis Root Ancestors as well as other relevant information.

In order to be relied upon by the MNO Registry, a Verified Métis Family Line Assessment Document must have been reviewed and approved by the MNO Registrar.

## **Practical Application of Defined Terms by MNO Registry**

In order for a MNO Citizen to be issued a MNO Harvester Certificate, the MNO must be provided sufficient documentation that they:

### **1) self-identify as Métis, and**

- *this requirement is met by the MNO Citizen's file including a signed Oath of Allegiance to the MNO, which includes an affirmation that the individual self-identifies as Métis.*

### **2) ancestrally connect to an Identified Historic Métis Community through demonstrating a genealogical connection to a Métis Root Ancestor who is a part of a Verified Métis Family Line that is a part of an Identified Historic Métis Community, and**

- *this requirement is met by a MNO Citizen's file including a verifiable document linking each generation from the MNO Citizen through to a Métis Root Ancestor or a Descendant of a Métis Root Ancestor that is identified in a Verified Métis Family Line.*

### **3) are accepted by the modern day rights-bearing Métis community, which is a continuation of the Identified Historic Métis Community and represented by the MNO, through completing the MNO Harvester Certificate application process.**

- *this requirement is met by a MNO Citizen completing all the requirements of the MNO Harvesters Certificate application package and paying the required fee for a Harvesters Certificate.*

Once the MNO Registry verifies that the above requirements are met, a MNO Citizen shall be issued a Harvesters Certificate based on their ancestral connection to an Identified Historic Métis Community. The Harvesters Certificate, based on the MNO Citizen's choosing, identify one of Harvesting Areas that correlate to the Identified Historic Métis Community they ancestrally connect to as set out in Appendix B.

APPENDIX A



## APPENDIX B

Identified Historic Métis Community	Options for Harvesting Area on Harvesters Card	General Description of the Identified Historic Métis Community for the Purposes of Policy	Effective Control Date Ranges for Regions
Northwestern Ontario/Treaty 3	<ul style="list-style-type: none"> <li>• Rainy Lake/ Rainy River</li> <li>• Lake of the Woods/ Lac Seul</li> </ul>	The inter-connected Métis populations in and around Fort Frances, Rainy River, Kenora (Rat Portage) and Dryden (the “Rainy River/Lake of the Woods Community”) satisfy the <i>Powley</i> criteria for a historic Métis community. Rainy River generally describes the area from Fort Frances to Hungry Hall. The Lake of the Woods area includes Rat Portage, White Fish Lake, Northwest Angle, Wabigoon and Long Sault.	Lake of the Woods/Lac Seul: 1870-1880  Rainy River/Rainy Lake: 1873-1880
	<ul style="list-style-type: none"> <li>• Treaty 3</li> </ul>	The recognized historic Métis community are the “Halfbreeds of Rainy Lake and River.” In order to be designated for the Treaty 3, an ancestral connection to the “Halfbreeds of Rainy Lake and River” at or prior to 1875 must be demonstrated.	Treaty 3 Adhesion:1875
Northern Lake Superior	<ul style="list-style-type: none"> <li>• Lakehead</li> <li>• Nipigon</li> <li>• Michipicoten</li> </ul>	It is highly likely that the interconnected Métis populations north of Lake Superior, including the Métis people who, prior to effective control, worked for periods of time or settled at: Michipicoten, Pic River, Fort William, Nipigon House (on Lake Nipigon) and Long Lake would satisfy the <i>Powley</i> criteria for a historic Métis community.	Lakehead/Nipigon/ Michipicoten: 1850 or potentially as late as 1880
Abitibi Inland	<ul style="list-style-type: none"> <li>• James Bay</li> <li>• Abitibi/ Temiscamingue</li> </ul>	The inter-connected Métis populations at the inland posts between New Post, Timiskaming and Flying Post (the “Abitibi Inland Community”) satisfies the <i>Powley</i> criteria for a historic Métis community. This includes the posts at Frederick House, Abitibi House, Kenogamissi, Mattagami, and the areas of the present day settlements of Timmins, Cochrane and Chapleau. The James Bay area (i.e. Moose Factory post and environs) satisfies the <i>Powley</i> criteria for a historic Métis community, however, much of the Métis population from this community moved into the Abitibi Inland Community prior to effective control. Notably, the MNO does not represent MNO citizens living in an around James Bay area today.	Abitibi Inland: 1905-1906  James Bay: 1905



Sault Ste. Marie and Environs	<ul style="list-style-type: none"> <li>• Sault Ste. Marie</li> <li>• Michipicoten</li> </ul>	<i>Powley</i> confirms a historic Métis community around the Upper Great Lakes, including Sault Ste. Marie and environs, which the trial judge described as including “Batchewana, Goulais Bay, Garden River, Bruce Mines, Desbarates, Bar River, St. Joseph’s Island, Sugar Island and into Northern Michigan.”	Sault Ste. Marie: 1815 to 1850  Michipicoten: 1850 or potentially as late as 1880
Mattawa/Ottawa River and Environs	<ul style="list-style-type: none"> <li>• Mattawa/Lake Nipissing</li> </ul>	The inter-connected Metis populations at Mattawa and environs, along with locations along the Ottawa River from Lac des Allumettes to Timiskaming (the “Mattawa/Ottawa River Community”) satisfy the <i>Powley</i> criteria for a historic Métis community. This community is located east of Lake Nipissing.	Mattawa/Ottawa River: 1870-1890
Killarney and Environs	<ul style="list-style-type: none"> <li>• Mattawa/Lake Nipissing</li> </ul>	The Métis population at Killarney and environs satisfy the <i>Powley</i> criteria for a historic Métis community. This community is located west of Lake Nipissing.	Killarney and Environs: Mid 1870s-mid 1880s
Georgian Bay and Environs	<ul style="list-style-type: none"> <li>• Georgian Bay</li> </ul>	The inter-connected populations in and around Penetanguishene and Parry Sound and environs (the “Georgian Bay Community”) satisfy the <i>Powley</i> criteria for a historic Métis community.	Penetanguishene: 1840-1860  Parry Sound: 1869-1877

## NOTES:

- The Identified Historic Métis Communities described above are based on the map adopted by the 2004 MNO Annual General Assembly as a part of the MNO-Ontario Harvesting Agreement and where the MNO has sufficient historic research and information from within the MNO Registry available to it in order to credibly assert as well as defend a claim to a historic Métis community based on this Policy as well as the legal framework set out by the Supreme Court of Canada in *R. v. Powley*, [2003] 2 S.C.R. 207 for the identification of rights-bearing Métis communities. It is recognized that further historic research or information may require the MNO to amend this chart in the future.
- Since 2004, the MNO has not issued a Harvester Certificate in the Kawartha Harvesting Area because no MNO Citizen has applied to the MNO Registry showing an ancestral connection to an Identified Historic Métis Community in that area. Nor does the MNO presently have sufficient historic research that would support asserting a distinct Identified Historic Métis Community in this area. This is why it is not included in this chart.
- The geographies of the Identified Historic Métis Communities set out above may not define the full scope of these communities. Nor do they define the full scope of the traditional territories of these communities—historically or in the present day. It is also recognized that there are connections and overlaps between these communities, which may need to be addressed internally by the MNO in the future.