

August 22, 2011

Corporate Seal The seal, an impression whereof is stamped in the margin hereof, shall be the seal of the Métis Nation of Ontario Secretariat (“MNO”).

Effective Date This *MNO Harvesting Policy* came into effect on the 27th day of June 2011. As of that date it supersedes any previous versions of the policy.¹



WHEREAS the Métis are one of the Aboriginal peoples of Canada and are recognized as such in the *Constitution Act, 1982*;

AND WHEREAS on September 19th 2003, the Supreme Court of Canada confirmed in *R. v. Powley*, that Métis exist as an Aboriginal people and have existing harvesting rights within the meaning of s. 35 of the *Constitution Act, 1982*;²

AND WHEREAS harvesting renewable resources has traditionally been and continues to be integral to the Métis way of life;

AND WHEREAS harvesting renewable resources has traditionally been and continues to be organized by the Captains of the Hunt for the benefit of the Métis community;

AND WHEREAS in the Statement of Prime Purpose it is an objective of the MNO to ensure that Métis can continue to exercise their Aboriginal and treaty rights;

AND WHEREAS the Statement of Prime Purpose further states that it is an objective of the MNO to work towards developing economic self-sufficiency within the Métis Nation and Métis have traditionally harvested renewable resources for that purpose;

AND WHEREAS the Métis Nation believes that conservation of renewable

¹ The *2011 MNO Harvesting Policy* was approved by the Captains of the Hunt on March 26th 2011 and by the PCMNO on June 27th 2011 and will be presented to the MNO-AGA for its approval in August of 2011. The *2009 MNO Harvesting Policy* was approved by the Captains of the Hunt on March 23, 2009; by PCMNO March 26th 2009; and by the MNO-in July, 2009. The *2006 MNO Harvesting Policy* was approved by the Captains of the Hunt on March 22, 2006; by PCMNO March 29-32, 2006; and by the MNO-AGA on July 8th 2006.

² Added in 2004.

resources is important and that they have a responsibility to preserve and protect those resources for the benefit of future generations;

AND WHEREAS the citizens of the MNO wish to exercise the Métis harvest within a management regime which is self-governed and which recognizes and respects their existing harvesting rights;

NOW THEREFORE the MNO declares the following to be the *MNO Harvesting Policy*:

1.0 Policy Name

1.1 This policy shall be called the *MNO Harvesting Policy*.

2.0 Interpretation

Definitions

2.1 In this policy the following definitions shall apply:

- a) **“Métis harvest” or “Métis harvesting”** means the taking, catching or gathering for reasonable personal use³ in Ontario⁴ of renewable resources by MNO citizens. Such harvesting includes plants, fish, wildlife and firewood,⁵ taken for heating,⁶ food, medicinal,⁷ social or ceremonial purposes and includes donations, gifts and exchange with Aboriginal persons. For greater certainty such Métis harvesting is for reasonable personal use only and does not include harvesting for commercial purposes;⁸
- b) **“Captain of the Hunt”** means an MNO citizen who has been duly appointed by the President of MNO to manage and administer the Métis harvest in his or her region;
- c) **“Métis community”** means a group of Métis who live together in the same geographic area. For greater certainty a Métis community may include more than one settlement, town or village in an area;⁹
- d) **“MNO citizen”** means a person who is interested in furthering the objects of the MNO and who is Métis within the definition adopted by the MNO in accordance with the Métis National Council, and:¹⁰
 - i) self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation ancestry, and is accepted

³ Added “for reasonable personal use” in 2005.

⁴ Added the phrase “in Ontario” in 2002.

⁵ Added “firewood” in 2005.

⁶ Added “heating” in 2005.

⁷ Added “medicinal” in 2004.

⁸ Added in 2005, “For greater certainty such Métis harvesting is for reasonable personal use only and does not include harvesting for commercial purposes”.

⁹ Added in 2004 to reflect the Supreme Court of Canada decision in *R. v. Powley*.

¹⁰ The phrase “interested in furthering the objects of the MNO and who are Métis within the definition adopted by the MNO in accordance with the Métis National Council” was added in 2011.

- by the Métis Nation;¹¹
- ii) is ordinarily resident in the Province of Ontario;
 - iii) is not registered as an Indian under the *Indian Act*, as an Inuk on an Inuit registry, or on another Aboriginal registry whose objects are inconsistent with MNO's;¹² and
 - iv) who's application for MNO citizenship has been registered by the MNO Registrar;
- e) "MNO" means the Métis Nation of Ontario Secretariat Inc;
 - f) "ordinarily resident" means a person who lives or has lived the majority of the past year in Ontario excluding temporary absences for reasons including but not limited to, travel, education, medical treatment, military service or incarceration, provided the person was ordinarily resident prior to such temporary absences; and
 - g) "traditional territory" means the geographic area that a Métis community in Ontario¹³ has historically relied on and continues to rely on for the Métis harvest.
- 2.2 In this policy, unless the content otherwise requires, words importing the singular shall include the plural, and vice versa.
- 2.3 This *MNO Harvesting Policy* does not create any new Aboriginal or treaty harvesting rights, nor does it limit or expand the existing Aboriginal or treaty harvesting rights of MNO citizens.
- 2.4 This *MNO Harvesting Policy* does not apply to MNO citizens who harvest outside the Province of Ontario.
- 2.5 Nothing in this policy precludes an MNO citizen from purchasing a hunting or fishing license from MNR or from applying for and using a harvesting tag issued by a First Nation.
- 2.6 This *MNO Harvesting Policy* applies only to MNO citizens who hold valid Harvesters Certificates.¹⁴

Only Applies in
Ontario

¹¹ The definition was amended in 2004 to reflect the new Métis definition adopted by MNO in 2003. Previously read as follows: "MNO citizen" means a person who: (a) self-identifies as Métis; (b) is ordinarily resident in the Province of Ontario; (c) has at least one grandparent who is or was an Aboriginal person; (c) is not registered as an Indian under the *Indian Act*, or as an Inuk on an Inuit registry, or as a member of the Ontario Métis and Aboriginal Association; and (d) whose application for MNO citizenship has been registered by the MNO Registrar."

¹² In June 2011, deleted the phrase "as a member of the Ontario Métis and Aboriginal Association" and replaced with "another Aboriginal registry whose objects are inconsistent with MNO's." Explanatory note: OMAA is defunct. The intention is to permit registration on other Aboriginal registries, such as, for example an aboriginal women's organization, as long as that organization is not in competition with or ideologically opposed to MNO's objects.

¹³ Added the phrase "in Ontario" in 2002.

¹⁴ Added the phrase "who hold valid Harvesters Certificates" in 2009.

3.0 Objectives

- Conservation**
- 3.1 It is an objective of the MNO to encourage conservation practices during the Métis harvest so that the species are preserved for future generations. MNO citizens who participate in the Métis harvest will:
- a) make best efforts not to destroy or damage fish or wildlife habitat;
 - b) not harvest species of special concern, threatened or endangered species;¹⁵
 - c) not waste or spoil wildlife or fish;
 - d) not harvest in fish sanctuaries or in waterfowl sanctuaries; and
 - e) make best efforts not to harvest lactating sow bears with or without cubs.¹⁶
- Safety**
- 3.2 It is an objective of the MNO to develop wildlife management practices based on traditional Métis values of cooperation and respect and to encourage MNO citizens to harvest in a safe manner. MNO citizens who participate in the Métis harvest will:
- a) practice safe hunting by taking special care and consideration of other persons, wildlife and property in the area in which they are hunting;
 - b) use firearms safely at all times; and
 - c) take particular care near road corridors, forestry or mining operations.
- Private Property**
- 3.3 It is an objective of the MNO to respect the private property rights of landholders. MNO citizens who participate in the Métis harvest will not harvest on posted, fenced or visibly occupied private property unless they have received the prior written or oral consent of the landholder.
- Reporting**
- 3.4 In order to better preserve renewable resources for the future, it is an objective of the MNO to gather information on all aspects of the Métis harvest. MNO citizens who participate in the Métis harvest are encouraged to report to their Captain of the Hunt on their activities including but not limited to the following:
- a) areas and species harvested;
 - b) the health and numbers of the species harvested;
 - c) any encounters with enforcement officers;¹⁷
 - d) any problems or observations which may be relevant to the species, habitat or other Métis harvesters; and
 - e) environmental concerns which may affect the species, habitat or Métis

¹⁵ The term “vulnerable” was replaced by “species of special concern” in 2011.

¹⁶ Added (e) in 2005.

¹⁷ In 2011, the term “MNR compliance officers” was replaced by “enforcement officers” to clarify that it includes MNR compliance officers as well as enforcement officers from Canadian Wildlife Services, OPP, RCMP, and DFO.

harvesters.

- Consultation** 3.5 Captains of the Hunt are appointed to enable the effective management of the Métis harvest. The MNO believes that community consultation is a key element of this effective management regime. Captains of the Hunt shall consult with the MNO communities in their region before making recommendations, which may in any manner limit the Métis harvest.
- Commercial Harvesting** 3.6 This policy does not apply to MNO citizens¹⁸ who are harvesting for commercial purposes.
- 3.7 All other parts of this policy are to be interpreted consistently with the objectives in this part.

4.0 MNO Harvesters Certificate

- Harvesters Certificates** 4.1 For purposes of participation in the Métis harvest, the Chief¹⁹ 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 right²⁰ to harvest.
- Applications** 4.2 An MNO citizen, or a child or youth eligible to be an MNO citizen,²¹ may apply to a Captain of the Hunt for an MNO Harvesters Certificate.²² An applicant shall provide a Captain of the Hunt with demonstrable proof of the following:
- a) if the applicant intends to use firearms or a bow in the Métis harvest, he or she must demonstrate sufficient knowledge of firearms or bow hunting safety or completion of a firearms safety course;²³ and
 - b) that he or she is ordinarily resident in and intends to participate in the Métis harvest in his or her community's traditional territory;²⁴ and
 - c) that he or she is Métis within the definition in 2.1(d)(i).²⁵
- Term of Validity & Fees** 4.3 The term of validity of the Harvesters Certificates and any applicable fees shall be as set out in Schedule "A," which is attached to and forms part of this *MNO Harvesters Policy*. MNO may amend Schedule "A" at its discretion

¹⁸ Amended in 2002. Previously read "Métis citizens ...".

¹⁹ Added "Chief" in 2004.

²⁰ This reference to a "treaty right to harvest" is meant to refer to the *Half-Breed Addendum to Treaty Three* and would also include any future treaties that Métis in Ontario may enter into.

²¹ Added in 2005 "or a child or youth eligible to be an MNO citizen".

²² Amended in 2002. Previously read "...which shall be valid for one year."

²³ Included reference to bows in 2005.

²⁴ Amended in 2002. Previously read "that he or she is ordinarily resident and intends to participate in the Métis harvest in his or her traditional territory which is within the province of Ontario;"

²⁵ Amended in 2004 to reflect the new Métis definition adopted by the MNO in July 2003. Previously read "that a direct ancestor was a beneficiary of an Ontario treaty and that he or she is ordinarily resident in and intends to participate in the Métis harvest in that treaty area." This section was also amended in 2002. Previously read "that a direct ancestor was a beneficiary of an Ontario treaty and that he or she is ordinarily resident and intends to participate in the Métis harvest in that treaty area."

from time to time.²⁶

a) The MNO shall establish a “Métis Rights Conservation Trust”. The purpose of the Trust shall be to fund all activities of the MNO towards conserving and protecting Métis rights. All fees paid for Harvesters Certificates shall go towards that Trust.²⁷

4.4 MNO citizens who hold an MNO Harvesters Certificate shall harvest in accordance with the objectives in section 3 of this *MNO Harvesters Policy*.

4.5 Captains of the Hunt shall advise MNO citizens to carry their MNO Harvesters Certificate along with their MNO citizenship card when participating in the Métis harvest and to show it to enforcement officers.²⁸

4.6 Each MNO citizen who holds an MNO Harvesters Certificate has an obligation to:

a) keep the MNO Registrar informed with up-to-date contact information;

b) in a timely manner report to his or her Captain of the Hunt any incident with a Conservation Officer;

c) on request give permission to the Conservation Officer to speak to the Captain of the Hunt or MNO about all aspects of an incident; and

d) if charged with an offence, report the charge and provide a copy of the summons and/or information to his or her Captain of the Hunt as soon as possible upon receipt of that summons and/or information.²⁹

4.7 An MNO citizen who holds an MNO Harvesters Certificate and who does not comply with the obligations in 4.6 will be deemed to have waived any claim for legal support from MNO in the event he or she faces harvesting charges.³⁰

5.0 Métis Harvest

5.1 The Métis harvest shall be throughout the year with the exception of moose and deer harvesting which shall only be harvested from September 1st to December 31st.

²⁶ Added in 2002.

²⁷ Added in 2005.

²⁸ In 2011, the term “MNR compliance officers” was replaced by “enforcement officers” to clarify that it includes MNR compliance officers as well as enforcement officers from Canadian Wildlife Services, OPP, RCMP, and DFO.

²⁹ Amended in 2009, previously read “Each MNO citizen who holds an MNO Harvesters Certificate has an obligation to: (a) keep the MNO Registrar informed with up-to-date contact information. In the absence of up-to-date contact information, an MNO citizen who holds an MNO Harvesters Certificate will be deemed to have waived any claim for legal support from MNO in the event he or she faces harvesting charges; and (b) if charged with an offence, report the charge and provide a copy of the summons and/or information to his or her Captain of the Hunt as soon as possible upon receipt of that summons and/or information.”

³⁰ Added in 2009, previously was only with respect to 4.6(a) and read, “In the absence of up-to-date contact information, an MNO citizen who holds an MNO Harvesters Certificate will be deemed to have waived any claim for legal support from MNO in the event he or she faces harvesting charges.”

Obligations of
MNO Harvesters
Certificate holders

Seasons

- 5.2 A Captain of the Hunt may recommend to the Chief Captain of the Hunt that:
- Limitations**
- a) the season for any species, be abridged in his or her region for conservation or safety reasons;
 - b) the season be extended in his or her region, for moose or deer; or
 - c) allocations or limitations on the Métis harvest be made for conservation reasons.
- Party Hunting**
- 5.3 MNO Harvesters Certificate holders may harvest with persons who have lawfully obtained licenses and tags issued by MNR or by a First Nation.
- Violations of Policy**
- 5.4 Harvesting which is carried out in violation of this policy may result in withdrawal of the MNO Harvesters Certificate or a refusal by the Chief Captain of the Hunt to renew the MNO Harvesters Certificate.

6.0 Captains of the Hunt

- Chief Captain of Hunt**
- 6.1 The President of MNO shall be the Chief Captain of the Hunt, and shall have the overall management of the Métis harvest within the Province of Ontario and the coordination of the regional Captains of the Hunt. The President may at his discretion delegate the office of Chief Captain of the Hunt to another MNO citizen.³¹
- Deputy Chief Captain of Hunt**
- 6.2 The President of MNO may appoint a Deputy Chief Captain of the Hunt who shall be responsible to implement this policy throughout the province in accordance with the objectives in article 3. The President may at his discretion delegate some or all of the management of the Métis harvest to the Deputy Chief Captain of the Hunt.
- Regional**
- 6.3 The President of MNO shall appoint a Captain of the Hunt in each MNO region who shall be responsible to implement this policy in accordance with the objectives in article 3.
- 6.4 Captains of the Hunt shall determine the appropriate management of the Métis harvest and shall evaluate its progress on an ongoing basis and no less than twice a year shall report to the Chief Captain of the Hunt.
- 6.5 Pursuant to 3.4, Captains of the Hunt shall make best efforts to collect and disseminate harvest information obtained from MNO citizens who are participating in the Métis harvest.
- Harvesters Certificates May Be Withdrawn**
- 6.6 Captains of the Hunt may, after consultation with the Chief Captain of the Hunt, withdraw MNO Harvesters Certificates, on written notice with reasons, to the certificate holder. Persons whose MNO Harvesters Certificates have been withdrawn may appeal such decision to the Chief Captain of the Hunt.
- 6.7 Despite the seasonal limitations in article 5.1, Captains of the Hunt may designate a person or persons to harvest for the benefit of the MNO citizens in a particular Métis community. The proceeds of such harvest may be used

³¹ Amended in 2002. Previously read "... another Métis citizen."

for, among other things, sharing, social or ceremonial purposes

- 6.8 A Captain of the Hunt may appoint a liaison to assist them in managing the Métis harvest. Such liaison shall hold that office at the discretion of the Captain of the Hunt and shall report to the Captain of the Hunt.³²
- 6.9 deleted.³³

7.0 Communications³⁴

Obligations of MNO Citizens to Communicate

- 7.1 Every incident that takes place between an MNO citizen with a Harvesters Certificate and a Conservation Officer should be reported by that citizen to his or her Captain of the Hunt. Such information should include, among other things, the location, date and nature of the incident and the name and badge number of the Conservation Officer.
- 7.2 In the event of an incident between an MNO citizen with a Harvesters Certificate and a Conservation Officer, the MNO citizen should obtain the name and badge number of the Conservation Officer.
- 7.3 If charged with an offence, the MNO citizen should report the charge and provide a copy of the summons and/or information to his or her Captain of the Hunt as soon as possible upon receipt of that summons and/or information. In the event that a Captain of the Hunt is unavailable, the MNO citizen should contact the Deputy Chief Captain of the Hunt. If the Deputy Chief Captain of the Hunt is not available, call MNO at the 1 800 phone number printed on the back of the Harvesters Certificate.

Obligations of Captain of Hunt to Communicate

- 7.4 The Captain of the Hunt should inform the Deputy Chief Captain of the Hunt about all incidents and charges and forward in a timely manner all copies of the summons and/or information to MNO Head Office.

Schedule "A"³⁵

1. Harvesters Certificates shall have a term of validity of 3 years, which term shall begin from the date of issue.
2. The fee for a Harvesters Certificate shall be \$60 (\$20 per year).
3. An Application for renewal of a Harvesters Certificate shall be sent to the applicant's Captain of the Hunt, who shall sign the renewal application form and forward it to MNO for processing.

³² Added in 2005.

³³ Added in 2006. Deleted in 2009 and replaced by 7.4. Previously read, "Captains of the Hunt who receive a summons and/or information from Harvesters Certificate holders who have been charged have an obligation to relay that information as soon as possible to the Executive Director at MNO's head office, with a copy to the Deputy Captain of Hunt and the Chief Captain of the Hunt."

³⁴ This whole section was added in 2009.

³⁵ Revised in 2005.