



**SECTION: Fur Management**

**SUBSECTION: Trapper Licensing**

**SUBJECT: Criteria for establishing a significant Aboriginal family connection to a registered trapline**

**BULLETIN: FWBull.1.1.8**

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### **Introduction**

The criteria below are to be used in conjunction with procedure WilPr.1.1.7 "Allocation of Head Trappers for Registered Traplines" where it is known by the Ministry that an Aboriginal applicant claims to maintain a significant traditional family connection to a registered trapline. These applied criteria are to be applied in relation to commitments contained in the Trapping Harmonization Agreements between Ontario and each of the Union of Ontario Indians and Grand Council Treaty #3.

Documentation received from individuals claiming such a connection should be retained on file by district/area offices indefinitely.

In documenting the existence of a Aboriginal family member/trapper claim/connection to a registered trapline, the following should be considered:

- Only commercial fur harvesting involving the preparation and sale of raw pelts to Fur Dealers requires the issuance of an Ontario Trapping Licence and assignment to a registered trapline area.
- Fur harvesting for food, social and ceremonial purposes by Aboriginal communities who maintain a treaty right is subject to MNR's Interim Enforcement Policy.

### **Specific Criteria**

Aboriginal communities will be provided annual notice in writing of the MNR's intent to update its files in relation to a Aboriginal family member's/trapper's claim/connection to registered traplines. Written documentation of the family claim/connection should include but is not limited to:

- Name of the individual making the claim (the "claimant");
- Name and relationship, to the claimant, of the person upon whom the connection is based;
- Date(s) during which claimant's ancestor is known/believed to have been trapping the area in question;

- Other relevant information evidencing a historic practicing of trapping within the area;
- A letter of support from the Band in which the claimant is a member;
- Rationale for establishing the claim when the claimant is seeking a trapline not associated with their Band.

Where two or more Aboriginal individuals from the same community/band have expressed consideration for the same registered trapline, a decision for allocation of the trapline will be made through a local Band Council Resolution. If there is an expression from two or more Aboriginal individuals from separate communities for the trapline, then the appropriate PTO(s) will resolve.

Where First Nation individuals do not have a documented family claim/connection to a registered trapline, then that member must be a licensed trapper and apply for head trapper designation according to the procedure set out in Step 4 of *WilPr.1.1.7 Allocation of head trappers for registered traplines* as revised on January 20, 2010.

Districts should note that trapping agreements, nor procedure WilPr 1.1.7 do not, in and of themselves, eliminate the need to consider treaty and Aboriginal rights otherwise as allocation and other decisions are made. Once obligations pursuant to the appropriate trapping agreement, and pursuant to applicable MNR policies, have been met, Districts should continue to be mindful of, and appropriately consider, any additional obligations that may exist pursuant to s. 35 of the *Constitution Act, 1982*.

## References

### Legal References

- Environmental Assessment Act Class EA for RSFD
- Environmental Assessment Act Class EA for PPCR
- Fish and Wildlife Conservation Act
  - Subsection 6(1) - no person shall hunt or trap furbearing mammals except with a licence and in accordance with the regulations.
  - Subsection 48(1) - no person shall sell the pelt of a furbearing mammal except under the authority of a licence.

### Related References

WilPo.1.1.1 - Registered trapline trapping - administration and licensing

WilPp.1.1.5 - Authorizing/issuing a secondary trapping licence.

WilPp.1.1.6 - How to assign a trapper's licence number.

WilPo.1.2.1 - District alpha and numeric codes/township codes.

WilPp.1.3.5 - Multiplicity of fur licences/Appeal procedure.

PL 3.03.06 – Trapline Buildings on Public Land

PL 3.03.02 – Unauthorized Occupations – Control and Removal

Form FW1007 – Head trapper application