

GRAND COUNCIL TREATY #3 BULLETIN

Trapping Resource Centre

Presently the Trapping Harmonization Agreement is going through a Program Review and will have a report by mid November 2009

The primary objective of this Agreement is to harmonize the administration of trapping and furbearer management between MNR and the Resource Centre.

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background

September 1992, the Grand Council Treaty #3 began discussions with the Provincial Government (MNR) and the Federal Government (INAC) under the Indian Commission of Ontario process for the purpose of drafting the Trapping Harmonization Agreement. These discussions dealt with trapping issues as a self-government matter. Treaty #3 was represented by a committee of Elders and Trappers who gave direction to the Trapping Coordinator and legal counsel.

Appropriately, community consultations were initiated, in addition to several trapper meetings and conferences, to raise awareness and support and to identify issues of concern from the Treaty #3 communities at large. This process served to set the tone for discussions with Ontario and Canada under the chairmanship and recording services of the Indian Commission of Ontario. At the time ICO was no longer available; all parties agreed to move forward with the negotiations without their assistance.

The overriding principle governing the talks is based on a positive, non-adversarial relationship building process among parties.

After several approaches, based on the issues and concerns of Treaty #3 grassroots, a draft Agreement was developed and went through fourteen (14) drafts. At the time the draft Agreement dealt with the Treaty #3 administration of trapping.

The agreement outlined the day to day administration of trapping and was not an attempt to interpret treaty rights or to amend the treaty.

Treaty #3 Draft Trapping Agreement

The Agreement is mainly between Treaty #3 and Ontario (MNR) with some Federal (INAC) involvement. The objective was to secure Treaty #3 administration of trapping, both on and off reserve.

MNR continue to manage non-aboriginal trapping. The Agreement is in its fifth (5th) and final year of the agreement with the usual amendment options, termination option and dispute resolution processes.

Each Treaty #3 community has the right to design its own system of Trapping Management according to local conditions and keeping with the agreement.

The Agreement created a Treaty #3 Trapping Resource Centre controlled by Treaty #3 Trappers. The centre is focussed on trapping. By creating this agreement it has made it difficult for MNR to question the resource allocation decisions of Treaty #3. In particular, the centre allows Treaty #3 to take a strong stand on activities that have an impact on trapping.

The Agreement creates the opportunity for Treaty #3 and Ontario (MNR) officials to meet on a regular basis to discuss technical issues of mutual concern, such as general conservation guidelines for the setting of harvest levels and seasons at the local communities.

In summary, with regards to structure, the Agreement emphasizes local decision making in the communities. With the potential for the appointment and training of Compliance Officers and the structure of cooperation it is difficult for MNR to impose new guidelines, rules and regulations in a unilateral way.

The Agreement provides for simple procedure for the settlement of past and present Grievances. The Treaty #3 Resource Centre has a mandate to research and identified Grievances files. The Treaty #3 Resource Centre will discuss these files with Ontario (MNR) and will attempt to find resolution for the grievances.

In the future, it will be difficult for Ontario and Canada to avoid clearly established Grievances. There will be early notification requirements for developers that effect trapping and traplines, with consideration for re-allocation, re-training and compensation.

Initially, when the Agreement was first implemented the rules of trapping were to be followed for the ease of transition and convenience. However, it was voluntary only and the system was replaced by Treaty #3 at a pace set by the Elders, the Grand Council and Treaty #3 trappers.

A Trapper's Education program and curriculum has been developed and continued adjustments are being made to ensure that Treaty #3 harvesting values and traditions are passed on.

Treaty #3 Trappers Steering Committee

Before commencing with the Treaty #3 Trapping Agreement discussions, a Working Group of eighteen (18) Elders, Chiefs and Trappers met to consider options.

A Trapping Coordinator was hired in September 1992 to conduct community consultation, hold Trappers meetings, conferences and bring to the table with MNR and INAC, the issues and concerns of grassroots people upon which the draft Trapping Agreement is based upon.

From the working group, a Trappers Steering Committee was formed to direct matters in discussions with Ontario (MNR) and Canada (INAC).

At the time the committee consisted of eight (8) members from First Nations in Treaty #3.

Today, the Trapping Steering Committee consists of five (5) members from the First Nations in Treaty #3. The Trappers Steering Committee has been very committed, stable and aggressive in striving for the Agreement on trapping that was acceptable to the Chiefs of Treaty #3, the communities and the trappers themselves.

Treaty #3 Trapping Resource Centre

As mentioned in the Trapping Agreement it highlights, the Agreement created a Trapping Resource Centre controlled by Treaty #3 trappers and First Nations. In the course of the original trapping discussions between Treaty #3, MNR and INAC, a Pilot Project dealing with the Trapping Resource Centre was established and funded by the Ministry of Natural Resources.

The agreement was ratified by the Treaty #3 Chiefs in Assembly, as well as the Treaty #3 First Nations and Trappers, a full scale Trapping Resource Centre was established that includes all Treaty #3 First Nations.

The Resource Centre is fully operational in the area of administration of the Agreement.

- Issuing of licences to Treaty #3 trappers.
- Collection of harvest data from Treaty #3 trappers.
- Community Trapper's Licensing Agents.
- Maintenance of twelve (12) Qualified Training Instructors so that they could educate interested trapper's in the Treaty #3 area.
- The Trappers Steering Committee continue their involvement with the Resource Centre

- Two (2) Full Time Employees;
 - Director.
 - Geographical Information System Manager/Admin Assistant.
 - Participation in fur marketing and promotion.
 - Participation in the control of nuisance animals.
 - Compliance on standards set by EU.
 - Transfer and allocation of traplines.
- A full databank of trapping information.

Community consultation

During the draft stage of the Agreement, numerous First Nation communities and organizations were visited regarding the Treaty #3 Trapping Harmonization Agreement. Included in the visits were the following communities; Anishinaabeg of Kabapikotawangag Resource Inc., Grassy Narrows, Seine River, Wabaseemoong, Lac Seul, Lac La Croix, and Onegaming.

During the community consultations numerous elders, trappers and community members were in attendance. The grassroots people were better informed on the contents of the Trapping Agreement, and each clause was explained to them along side with what Grand Council Treaty #3 has done since the beginning of the Agreement and how the future will look after the signing of the Agreement. E.g.) What the Resource Centre responsibilities will be and what will go into for the

construction of a Treaty #3 Trapping Law. So in conclusion to these information sessions, the response from the grassroots people was definitely positive.

A Press Release regarding the Agreement was put to work along with several trappers' mail-outs requesting interest for the Trapping presentation to be held in or around their communities, is still in effect. A Laymans' term Trapping Agreement was also distributed through these community consultations and mail-outs. The interest feedback on these mail-outs has not been as productive as the community visits. Starting this fall the Director of Trapping will be making community visits so that the resource centre can continue filing grievances documented by families that have lost traplines over the past 60 years.

conclusion

As the negotiations drew closer to a final Agreement the Steering Committee faced some difficulties in the area of transfer and trapline allocations. The Steering Committee along with the previous Trapping Coordinator and Legal Counsel had come to the conclusion that this is not a Treaty Right or Treaty Amendment exercise. Therefore, the Agreement should be perceived as an administrative and management exercise only.

We are in the process of Reviewing the Trapping Harmonization Agreement. The TRAPPING RESOURCE CENTER is planning to schedule a Trapping Conference in the near future for Community Engagement Strategy.

Mobility Impaired Hunters

The Prohibition from hunting migratory game birds from a vehicle in paragraph 15(1)(e) of the Regulations is important in a general sense because of health and safety concerns, and because some migratory bird species, lacking natural fear of people in automobiles, may be especially vulnerable if hunted from a vehicle. In the case of some mobility-impaired hunters who cannot use more usual hunting method this prohibition can be excessive

The Field and Stream Association for Manitobans with Disabilities contacted the Environment Canada requesting that such an amendment be done. The Association reported that the provincial hunting regulations in Manitoba had been modified to allow a permanently disabled hunter to discharge a firearm from a stationary vehicle while hunting for big game.