



SECTION: Fur Management

SUBSECTION: Trapper Licensing

SUBJECT: Allocation of head trappers for registered traplines

PROCEDURE: WiIPr.1.1.7

ISSUE DATE: August 27, 2010

RATIONALE

The management of wild furbearing mammals on Crown land is regulated through the allocation of registered traplines to head trappers. Traplines are limited in number and there can be considerable interest in acquiring them when they become vacant. To ensure consistency and fairness in allocating registered traplines, this procedure provides provincial direction and criteria for the selection of head trappers for vacant traplines. This procedure is part of a larger program to sustainably manage Ontario's wild furbearer populations (e.g. licensing, quota setting, harvest reporting, monitoring, research, education and training, marketing).

Within the provisions of the *Fish and Wildlife Conservation Act, S. O. 1997* (FWCA), the broader management of Ontario's furbearer populations is in part facilitated by agreements between the Ministry and Provincial Treaty Organizations (Union of Ontario Indians, Nishnawbe Aski Nation and Grand Council Treaty #3) and the Ontario Fur Managers Federation. These agreements provide the basis for Ministry recognition of the importance of trapping and associated organizations as key voices within the fur trapping industry.

INTERNAL OPERATING PROCEDURE

Environmental Assessment Act considerations

Authorizations made under this policy and procedure are considered a disposition of a right to a Crown resource in that they provide for a person to utilize or obtain a right to a Crown resource. These authorizations must comply with the Environmental Assessment (EA) Act. The ministry complies with the EA Act in the disposition of Crown resources by following the requirements of the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects (Class EA-RSFD) and the Class EA for Provincial Parks and Conservation Reserves (Class EA-PPCR).

Section 2.2.13 of the Class EA-RSFD provides some examples of dispositions that are typically requested and the requirements to support these applications. Staff should refer to these Class EA documents and consult their office EA contact for more specific information.

Step 1: Notification

Subject to this step and step 2 below, districts are to provide adequate notice of registered trapline vacancies to give all potential applicants an opportunity to apply. In January of each calendar year, a notice, generally advising of the potential/periodic availability of registered traplines, will be provided to Aboriginal communities, local trapper's councils and local trappers. Consideration can also be given to the placement of advertisements in local media. Districts will then allow 90 days from the date of this annual notice prior to making any allocation decisions. This general notice shall be made once annually.

To address any local concerns (e.g. human/wildlife conflicts) relating to vacant registered traplines, the district may initiate a separate allocation process to assign a trapper on an interim basis. Such an interim assignment will not affect the scoring in a permanent assignment process.

Step 2: Consideration of First Nations' family members/trappers that have a documented family claim/connection to a registered trapline.

Pursuant to the Trapping Harmonization Agreements (THAs) with Provincial Treaty Organizations (and consistent with Section 35 of the *Constitution Act, 1982*) and where a First Nation member with a documented family claim/connection to a registered trapline has notified the Ministry of their interest in acquiring the registered trapline, the Ministry agrees to grant the First Nation member up to six months to exercise their right of first refusal when that registered trapline next becomes vacant.

Aboriginal harvesters benefiting from this provision must be qualified to trap in Ontario through successful completion of the Fur Harvest, Fur Management and Conservation Course prior to being issued a trapping licence.

Where two or more First Nation members from the same community (band) have expressed interest under this step, a recommendation for allocation of the trapline will be made through the local Aboriginal community (e.g. Band Council Resolution). If there is an expression of interest from two or more First Nation members from separate communities for the trapline, a recommendation for allocation of the trapline will be made by the respective Treaty Organization(s).

Step 3: Consideration of recommendation of the head trapper for allocation to an existing helper trapper on the registered trapline.

Step 3 applies if the registered trapline has not been allocated in Step 2 of this procedure.

A head trapper who is relinquishing their interest in a given registered trapline may recommend to the local District Manager that another existing licensed helper trapper currently active on that registered trapline be granted the head trapper designation. Where this recommendation and all other qualification/application prerequisites for licensed trappers are met, the Ministry will allocate the trapline according to the retiring head trapper's recommendation. Head trappers relinquishing their interest in a given registered trapline must advise the District of their recommendation for a successor in writing prior to doing so.

Step 4: Open Competition

Step 4 applies if the registered trapline has not been allocated in either Step 2 or Step 3 of this procedure.

Following consideration of Steps 2 and 3 above, registered traplines that remain vacant will be allocated through an open competition among all interested applicants. Applicants will be ranked based on criteria set out below. A separate application form (Form FW1007) is required for each trapline vacancy that an applicant applies for.

While trapping regulations allow a trapper to potentially be allocated more than one registered trapline, priority for vacancies will be given to applicants who are not currently assigned a trapline (as a head trapper) over those who are already assigned a trapline (see WilPp.1.1.5 Authorizing/issuing a secondary trapping licence). Any and all helper trappers seeking to become the head trapper on a vacant trapline will be considered before an existing head trapper (on a registered trapline) is awarded the vacant line as a secondary head trapping licence.

Despite this, if an existing head trapper indicates at the time of application for a vacant trapline, by signed and dated letter, his/her willingness to forfeit their current trapline if successful in obtaining the vacant trapline they are applying for, then the existing head trapper may be included in the competition for the vacant trapline (where there are also applicants applying for their *first* trapline). Refer to procedure WilPr.1.1.5 – 'Authorizing/issuing a secondary trapping licence' for direction on managing multiple trapping licences issued to individual trappers.

The FURMIS computer program may be used to locate information related to applicants' licensing and harvest activity criteria (Step 4.4, 4.5, 4.6, 4.9 below), while CAVRS can assist in identifying FWCA infractions (Step 4.8). The applicant may be requested to provide copies of actual trapping licences, fur auction house (fur dealer) receipts and other documents to verify accuracy of application information. The Outdoor Card Information System (OCIS) may be used to verify applicant's residency information (Step 4.1).

Where there are multiple applicants for a registered trapline vacancy, applicants shall be awarded points using the following criteria. The applicant scoring the most points will be offered the registered trapline:

Item	Criteria	Points
4.1	Residency (as indicated on applicants' Hunting Outdoor Card or Ontario Driver's Licence): <ul style="list-style-type: none"> • Residency within or in vicinity of trapline (recommend within 80 km 'as the crow flies'): • Beyond 80 km: 	2 points 0 points
4.2	Member of a local trappers council: <ul style="list-style-type: none"> • Valid membership in any local trapper's council/harvesters association 90 days prior to the date of application for trapline vacancy (applicant to provide proof): • Not a member 90 days prior: 	1 point 0 points
4.3	Member of a Provincial Treaty Organization (PTO) (Treaty #3, Nishnawbe Aski Nation, Union of Ontario Indians), or member of Ontario Fur Managers Federation (maximum score: 1 point) <ul style="list-style-type: none"> • Applicant provides proof of membership: • Not a member: 	1 point 0 points
4.4	Number of trapping seasons during which applicant has held an Ontario Trapping Licence beginning with 1998-99 trapping season (no maximum): <ul style="list-style-type: none"> • Each trapping season applicant has held a licence: 	1 point
4.5	Number of trapping seasons of active fur management (i.e. actively harvesting furbearers for commercial trade), beginning with 1998-99 trapping season (no maximum): <ul style="list-style-type: none"> • Each trapping season actively trapping: 	1 point
4.6	Number of seasons the applicant has been a helper trapper on the registered trapline being applied for, beginning with 1998-99 trapping season (no maximum): <ul style="list-style-type: none"> • Each trapping season applicant has been a helper trapper on the trapline being applied for: • Is not a helper on trapline being applied for: 	1 point 0 points
4.7	Successfully completed <i>Fur harvest, Fur Management and Conservation Course</i> (applicant to provide proof): <ul style="list-style-type: none"> • Successful completed course at any time prior to date of application: • Has not successfully completed course: 	2 points 0 points
4.8	Conviction for a fur- (trapping-) related violation with the past five trapping seasons (maximum: 2 convictions/10 points): <ul style="list-style-type: none"> • Convicted of a fur- (trapping-) related violation: 	5 point deduction per conviction
4.9	Number of applicant's registered trapline transfers within past ten trapping seasons prior to the date of application: <ul style="list-style-type: none"> • One (1) trapline transfer within past 10 trapping seasons: • Additional trapline transfers within the ten trapping seasons: 	No deduction 10 point deduction for

In the case of a tie in points, the district will assign the trapline in as impartial manner as possible, including (as necessary) seeking the recommendation of the local trappers council, Aboriginal community, or harvester's association. Anonymity of the applicants shall be maintained so as to preclude any influences arising out of personal biases, and in accordance with privacy legislation.

Further considerations

Prior to the allocation of any registered traplines, consideration must first be given to the existence of treaty and Aboriginal rights protected by Section 35 of the *Constitution Act, 1982*, that may need to be accommodated. As registered traplines become open, districts should consider whether there are Aboriginal communities in proximity to the registered trapline who may have, or assert, a treaty or Aboriginal right to engage in trapping activities and the extent to which notification and accommodation may be required or appropriate.

The ministry has set out criteria to assist in determining an Aboriginal 'significant traditional family claim/connection to a registered trapline' (FWBull.1.1.8 "Criteria for determining an Aboriginal significant family connection"). Additional advice may be solicited from Biodiversity Branch, Aboriginal Branch and Legal Services Branch.

All persons applying for a registered trapline must meet applicable qualifications for holding an Ontario Trapping Licence (including successful completion of the Fur Harvest, Fur Management and Conservation Course within the 5 years prior to the date of application, or have held an Ontario Trapping Licence during the 5-year period immediately prior to the date of application). This requirement applies to both Aboriginal and non-Aboriginal applicants.

This procedure is not intended to be applied to the selection of "helper" ('02') trappers on registered traplines (as helpers are selected at the discretion of the head trapper), nor to selection of farmer, landowner or private land trappers.

Districts may want to consult with Aboriginal communities, local trappers councils, the Provincial Treaty Organizations and the Ontario Fur Managers Federation, in the event that an interim trapper may need to be assigned to a vacant trapline to mitigate human/wildlife conflict situations (e.g. beaver damage) before a decision has been made to assign a head trapper on a permanent basis.

Head trappers are responsible for ensuring that their trapline is actively trapped, and that their trapping licence is renewed annually. Where the head trapper fails to renew his/her licence, or the head trapper has not actively trapped the trapline, without just cause, for three consecutive years, consideration will be given to revoking the trapline, with appropriate notification.

Trapline Buildings/Improvements

Placement approval and transfer of ownership for trapline cabins is subject to *Public Lands Act* policy. Trappers should be provided a copy of the Ministry's policy "Trapline Buildings on Public Land" PL 3.03.06.

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

FWBull.1.1.8 – Criteria for determining an Aboriginal significant family connection

PL 3.03.06 – Trapline Buildings on Public Land

PL 3.03.02 – Unauthorized Occupations – Control and Removal

Form FW1007 – Head trapper application

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SECTION: Fur Management

SUBSECTION: Trapper Licensing

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

BULLETIN: FWBull.1.1.8

ISSUE DATE: August 28, 2010

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