SECTION: Furbearer Management

POLICY: WiPo.4.2 (replaces WilPr.1.1.7)

SUBJECT: **Trapline allocation policy**

DATE: February 2022

1.0 PURPOSE

The purpose of this policy is to provide consistency in the selection of head trappers and resident trappers for licensing on vacant registered traplines and Crown land parcels, respectively. This policy 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).

2.0 POLICY DIRECTION

2.1 CONSIDERATION OF ABORIGINAL AND TREATY RIGHTS

The Ministry of Northern Development, Mines, Natural Resources and Forestry (the ministry) recognizes the existence of Aboriginal and treaty rights protected by Section 35 of the *Constitution Act, 1982* to engage in trapping activities. The ministry will consider how the re-allocation of a trapline or the authorization of a new head trapper on a trapline could potentially impact the exercise of established or credibly asserted Aboriginal or treaty rights and the extent to which notification of and accommodation for Indigenous communities may be required or appropriate. This is to ensure that the ministry consults with First Nation and Métis communities with established or credibly asserted Aboriginal and treaty rights where there is a duty to consult. This includes consideration of Aboriginal and treaty rights when the ministry authorizes a new head trapper on a trapline through a switch of head trapper designation to immediate family, on temporary authorizations on registered traplines, and/or authorizations to trap on other Crown land areas.

The ministry will engage with local Indigenous communities annually (e.g. as part of the annual notification letter) specifically requesting information about the exercise of established or asserted Aboriginal or treaty rights that may need to be accommodated as part of the ministry's decision to authorize a trapping licence on a registered trapline. As part of this correspondence, the ministry shall provide notice to Indigenous communities that new authorizations of a new head trapper on a trapline may occur at any time throughout the year where a head trapper has requested a *switch* of head trapper designation to a member of their immediate family (see section 2.3).

2.2 CONSIDERATIONS FOR IDENTIFYING INDIGENOUS COMMUNITY TRAPLINES (this section remains unchanged, just moved forward in the policy)

Trapping is important to First Nations and Métis communities for the social, cultural and economic benefits that it provides. It is within this context that the ministry continues to work with First Nations and Métis communities to identify registered traplines that can serve as community training grounds for commercial, cultural and technical purposes. Identifying Indigenous community traplines further supports commitments in Ontario's Trapping Harmonization Agreements with Provincial Territorial Organizations (PTOs). Community traplines are assigned to an Indigenous community through allocation to a qualified and licensed community member.

The ministry will work with interested Indigenous communities to identify traplines that are suitable to serve as community traplines and to help identify qualified members of the community for licensing on these traplines. Indigenous communities should express their support in writing to the ministry for a qualified and licensed community member to become head trapper on the community trapline (e.g., Band Council Resolution or letter from the Métis Regional Consultation Committee). Indigenous communities can work with the trapper and the ministry where there is interest in replacing a head trapper on the community trapline. Training and providing experience to community members for the commercial harvest of furbearing mammals should be the primary reason for allocating community traplines. However, the ministry recognizes that communities may also conduct activities in addition to commercial harvest on these traplines to support social and cultural interests.

There are several considerations that can be made to identify registered traplines that are suitable for Indigenous community use:

- Only vacant registered traplines are available for allocation as Indigenous community traplines. Identification of Indigenous community traplines, where possible, should not include traplines where individuals have established Indigenous family connections to the trapline or who have been identified as successors by the outgoing head trapper (according to Steps 2 and 3 of this policy).
- Community traplines should be located in an area that enables easy access by community members.
- Communities may benefit from multiple traplines where significant interest in commercial trapping has been expressed by members of the community. However, it is also important to balance the range of interests of trappers through allocation of registered traplines (e.g., consideration of interest by other communities and trappers). The number of traplines that are identified and available for community use should generally be limited to the extent that it does not reduce opportunities for individual head trappers with interest in commercial harvest opportunities (including both Indigenous and non-Indigenous trappers).
- Districts will maintain records of traplines that have been allocated for Indigenous community use.

- In the event a community trapline is no longer of interest to a community or if no licensed head trapper has been identified for three consecutive years, the trapline may be considered vacant and included in subsequent vacant trapline notifications, with appropriate notification to the community.

2.3 DETERMINING WHEN A REGISTERED TRAPLINE IS VACANT

Only vacant registered traplines (traplines, RTAs) are available for allocation to qualified trappers.

A trapline becomes vacant when the ministry receives notice from a head trapper on that trapline that he or she is no longer able to or interested in acting as the head trapper; this includes notice that the head trapper is deceased. A trapline may also become vacant when the ministry does not renew a trapping licence for a head trapper who was previously allocated the trapline (e.g. trapline not being actively managed).

Head trappers may request that the ministry *switch* head trapper designation of a trapline to a *member of their immediate family* in some circumstances and this would occur without the trapline being considered vacant. Switching head trapper designation on a trapline to an immediate family member may only occur where:

- The family member who is a licensed helper trapper on the trapline has actively trapped and has been licensed on that trapline for 10 years or more,
- The head trapper has actively managed the trapline (e.g., harvested 75% of assigned beaver quota, not exceeded harvest quotas, consistently reported harvest activity, etc.) or can provide appropriate rationale otherwise,
- The head trapper wishes to switch head trapper designation on the line to a member of their immediate family which includes a spouse, siblings, child (includes stepchildren and children in-law), or grandchild of the licensed head trapper,
- Neither the head trapper nor the immediate family member to whom the head trapper designation would be switched has been convicted of a trapping related violation within the past five years,
- The immediate family member maintains qualifications to trap (completed mandatory training and licensing)~~, and;~~
- ~~Trappers whose designation has been switched to head trapper status through this provision may not switch designation to another licensed family member on that line until at least 5 consecutive years of licencing as a head trapper has elapsed~~.

Immediate family members who have been identified for switching of head trapper designation through this provision but are already licensed as a head trapper on another registered trapline shall indicate in writing their willingness to forfeit their primary trapline in order to be considered for head trapper designation on the family member's trapline.

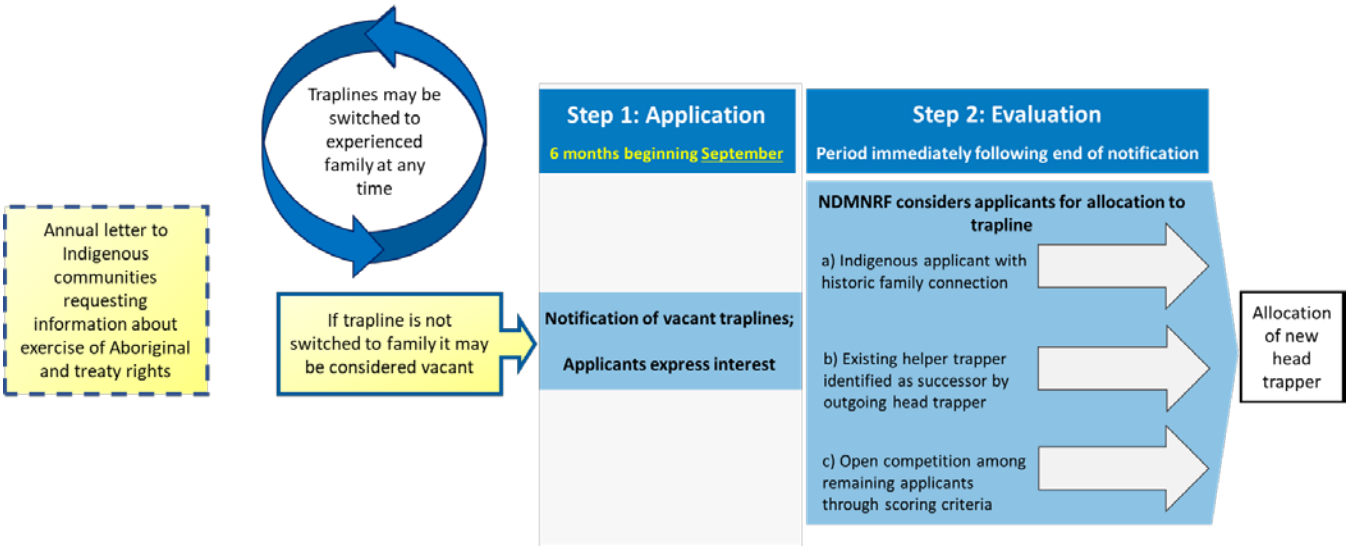
This opportunity does not apply in situations where the ministry revokes or does not renew a trapping licence for a head trapper. All requests for switches of head trapper

designation to family members are subject to the ministry's approval and would not take effect until a new licence is issued to the immediate family member. Head trappers who have switched head trapper status of a trapline to an immediate family member are no longer eligible for designation as a head trapper on vacant traplines in future allocation decisions.

In cases where the above conditions have not been met and the head trapper still wishes to relinquish head trapper designation on the trapline, the trapline will be considered vacant and included in the next vacant trapline notification for re-allocation according to steps described in this policy.

2.4 STEPS FOR ALLOCATION OF A VACANT TRAPLINE

If family switching does not occur, the ministry follows a series of four consecutive steps in trapline allocation decision making. These steps ~~only~~ occur after the ministry has considered potential impacts to Aboriginal and treaty rights and only when a trapline is determined to be vacant. The diagram below provides an overview of the steps for allocating traplines which are described in more detail in the subsequent sections.



Step 1: Vacant trapline notification

The district office is to provide adequate notice of registered trapline vacancies to give all potential applicants an opportunity to apply. In September of each calendar year, a notice advising of trapline vacancies or the potential/periodic availability of registered traplines, will be provided to Indigenous communities, local trapper's councils and local trappers. Consideration can also be given to the placement of advertisements in local media. Vacant trapline notification letters may also be shared with trapping organizations, upon request. The district office will then allow 6 months from the date of this annual notification prior to making any allocation decisions. This notice shall be made once annually.

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

As traplines become vacant, the district office should also consider any interests expressed by Indigenous communities for the allocation of a trapline(s) for Indigenous community use. See *Considerations for identifying Indigenous community traplines* on page 2 above.

Step 2: Consideration of Indigenous trappers that have historic family connection to a registered trapline

The intent of this step in the policy is to support reconnecting Indigenous trappers to areas where historic family members carried out trapping activities.

The ministry has set out criteria to assist in establishing a historic Indigenous family connection to a registered trapline (WiPo.4.3). Additional advice may be solicited from Fish and Wildlife Policy Branch, Strategic and Indigenous Policy Branch and Legal Services Branch.

Where a qualified First Nation or Métis member with established or credibly asserted Aboriginal or treaty rights and a documented historic family connection to a registered trapline has notified the ministry of their interest in acquiring the registered trapline within the 6-month notification period, the district office will grant the First Nation or Métis member a right of first refusal to become head trapper on that trapline. First Nations and Métis members must be qualified to commercially trap in order to benefit from this provision (including successful completion of the Fur Harvest, Fur Management and Conservation Course within the 6-month notification period).

Where two or more First Nation or Métis members have expressed interest under this step and have documented a historic family connection for the same vacant trapline the following approaches will support a trapline allocation decision to one of the individuals:

- Where two or more members have expressed interest from the same band/community, a recommendation for allocation of the trapline will be requested from the local Indigenous community (e.g. Band Council Resolution or letter from the applicable Métis Nation of Ontario (MNO) Regional Consultation Committee).
- Where there is an expression of interest from two or more First Nation members, or two or more Métis members from separate communities for the trapline, a recommendation for allocation of the trapline will be requested by the respective Indigenous organization (e.g., PTOs, the MNO and/or applicable MNO Regional consultation Committees, Algonquins of Ontario, etc.)
- Where First Nations members from two different PTOs, or where both First Nations and Métis members have expressed interest, the district office will work with staff in Fish and Wildlife Policy Branch, Strategic and Indigenous Policy Branch and Legal Services Branch to inform an allocation decision. The district office is also

encouraged to engage with the respective Indigenous organizations/communities to seek a resolution in these situations.

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

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

A head trapper who notifies the district office they are no longer interested in being the head trapper on a registered trapline may recommend a successor to the ministry. A recommended successor must be a licensed helper trapper currently active on that registered trapline. Where this recommendation and all other qualification/application prerequisites for licensed trappers are met, the district office will consider allocating the trapline according to the retiring head trapper's recommendation. Head trappers no longer interested (or able) in a given registered trapline must advise the district office of their recommendation for a successor in writing prior to or concurrent with the trapline becoming vacant, this includes letters of recommendation that are held on file by the ministry when a head trapper is deceased.

Helper trappers that have been recommended for head trapper designation but are already licensed as a head trapper on another registered trapline shall indicate in writing their willingness to forfeit their primary trapline in order to be considered for head trapper designation on the vacant trapline for which they were recommended.

Step 4: Open Competition

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

Priority for allocation of head trappers to vacant traplines will be given to applicants who are not already designated as a head trapper on a trapline. Despite this, if an existing head trapper indicates by signed and dated letter as part of their application for a vacant trapline that they are willing to forfeit their current trapline should they be successful in obtaining the vacant trapline for which they are applying, then the existing head trapper may be considered in the competition for the vacant trapline (where there are also applicants applying for their *first* trapline).

The district office will consider information related to applicants' residency, licensing and harvest activity criteria (Step 4.1, 4.3, 4.4, 4.5, 4.8 below), as well as any infractions under the *Fish and Wildlife Conservation Act* (Step 4.7). 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.

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.

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 trapper's council, Indigenous 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.

Item	Criteria	Points
4.1	**Residency (as indicated on applicants' Outdoor Card or Ontario Driver's Licence):** • Residency within or in vicinity of trapline (recommend within 80 km 'as the crow flies'): • Beyond 80 km: **Source**: FAWLS	 2 points 0 points
4.2	**Member of a local trappers council:** • 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	**Number of trapping seasons during which applicant has held an Ontario Trapping Licence beginning with 1998-99 trapping season (no maximum):** • Each trapping season applicant has held a licence: **Source**: FURMIS	 1 point
4.4	**Number of trapping seasons of active fur management (i.e. actively harvesting furbearers for commercial trade including evidence of harvesting fur in the season-end mandatory harvest report), beginning with 1998-99 trapping season (no maximum):** • Each trapping season actively trapping: **Source**: FURMIS	 1 point
4.5	**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):** • Each trapping season applicant has been a helper trapper on the trapline being applied for: Is not a helper on trapline being applied for: **Source**: FURMIS	 1 point 0 points
4.6	**Successfully completed *Fur harvest, Fur Management and Conservation Course* (applicant to provide proof):** • Successfully completed course at any time prior to date of application: • Has not successfully completed course:	 2 points 0 points

4.7	**Conviction for a fur- (trapping-) related violation with the past five trapping seasons (maximum: 2 convictions/10 points):** • Convicted of a fur- (trapping-) related violation: **Source**: NICHE Records Management System	5 point deduction per conviction
4.8	**Number of applicant's registered trapline transfers within past ten trapping seasons prior to the date of application:** • One (1) trapline transfer within past 10 trapping seasons: • Additional trapline allocations within the 10 trapping seasons: **Source**: FURMIS	No deduction 10 point deduction for each

2.5 CONSIDERATIONS FOR LICENSING

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 Indigenous and non-Indigenous applicants.

This procedure is not intended to apply to issuance of licences for helper ('02') trappers on registered traplines (as helpers are generally issued licences following requests of the head trapper).

The ministry will consult with First Nation and Métis communities should the duty to consult arise, and may consult with trappers councils, or trapping partner organizations, 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 that trapline.

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.

2.6 PROCESS FOR IDENTIFYING TRAPPERS FOR AUTHORIZATION TO TRAP ON CROWN LAND AREAS

The management of furbearers on Crown land is regulated primarily through the allocation of a registered trapline to licensed head trappers. However, some areas of Crown land occur outside of the registered trapline system (i.e., Crown land parcels).

Districts may issue trapping authorizations through a resident trapping licence for trapping on Crown land parcels that are outside of registered traplines to support sustainable management of furbearers and to address nuisance beaver situations.

In most cases, districts should limit the number of trappers licensed on each Crown land parcel to reduce potential conflict between trappers, other Crown land users, and to support sustainable furbearer management. Districts can identify licensed trappers, including multiple licensed trappers, for authorization on Crown land parcels by:

1. seeking a recommendation for an additional licensed trapper from an existing trapper who is already authorized to trap in the Crown land parcel,
2. seeking a recommendation from local Indigenous communities for qualified and licensed Indigenous trappers,
3. authorizing licensed trappers who have expressed interest in trapping on the Crown land parcels, or;
4. selecting a licensed trapper based on scoring criteria provided in Step 4 of this policy (above).

Where districts have identified multiple trappers for a Crown land parcel, the original existing trapper should be given priority consideration in the event of disputes and for future permissions on those Crown land parcels.

In areas where multiple resident trappers are authorized on the same area of Crown land, districts can split (i.e. share) quotas for furbearers. This may include quotas for beaver to help address nuisance beaver situations. Authorizing multiple trappers to the same Crown land parcel helps to increase opportunities for trappers and promotes this heritage activity.

Where licensed resident trappers have exercised good furbearer management (i.e. active furbearer harvest and achieving mandatory beaver quotas) on Crown land parcels, districts may consider renewing permissions to trap on the Crown land parcels for up to 5-year terms. Districts may rescind permissions for trapping on Crown land parcels with written notice at any time.

2.7 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 PL 3.03.06 - Trapline Buildings – Occupational Authority.

3.0 REFERENCES

Legal References:	Fish and Wildlife Conservation Act, 1997 subsection 6(1) Fish and Wildlife Conservation Act, 1997 subsection 48(1) Ontario Regulation 667/98 (Trapping) Public Lands Act, Ontario Regulation 161/17
Forms:	FW1007 – Head trapper application