

Traditional Deer Harvest Management in Treaty #3



Grand Council Treaty 3

Interim Draft Proposal

Submitted to the Ontario Ministry of Natural Resources
November 14, 2006

Prepared by Dr. Richard G. Herbert

Grand Council Treaty 3

Traditional Deer Harvest-Management in Treaty #3

1.0 Introduction

This document outlines a strategy for the Anishinaabe Nation in Treaty #3 to traditionally harvest-manage deer. This strategy is able to harmonize with, and facilitate the development and implementation of, the Ontario government's strategies to prevent and manage human-deer conflicts in Ontario; Environmental Bill of Rights (EBR) Registry, registry # PB06E6017.

Manito Aki Inakonigaawin:

The Anishinaabe Nation in Treaty #3 has been in a process of defining its role and responsibilities for its region's natural resources for a number of years. In 1996 the voice of the Anishinaabe Nation in Treaty #3 spoke and Grand Council Treaty #3 enacted its resource law, called Manito Aki Inakonigaawin. This law is the temporal writing of an oral traditional law on natural resource management as defined by our nation's Elders. Through Manito Aki Inakonigaawin, the Anishinaabe Nation in Treaty #3 has declared its intent to:

- 1. Manage its own natural resources for the benefit of its citizens; and,**
- 2. Harmonize its traditional laws on natural resource management and utilization with other jurisdictions.**

Through Manito Aki Inakonigaawin, the Anishinaabe Nation in Treaty #3 entered into a Trapping Harmonization Agreement with the Ontario Ministry of Natural Resources (MNR) in 2005. This agreement includes the trapping-management of furbearing animals causing damage.

Current Programs:

The Anishinaabe Nation in Treaty #3 also started a process to define its role in wildlife harvest-management within its traditional and treaty-defined territories.

The concept of aboriginal harvest-management and market retail of inspected wild game in Northwestern Ontario was first discussed with the Canadian Food Inspection Agency (CFIA) and the Ontario Ministry of Agriculture and Food and Rural Affairs (OMAFRA) in 2004. One focus of those early discussions was aboriginal harvest of surplus deer. From these contacts, a foundation was laid.

Fundamental to the creation of a traditional First Nation harvest-management system, with any wildlife, was its harmonization with regulations from local, provincial, national, and international stakeholders; including development of protocols for harvest, dressing, inspection, packaging, shipping, and import/export. Central to this harmonization would be temporal writings from our oral Anishinaabe traditional law, commencing with Manito Aki Inakonigaawin.

An intergovernmental animal-related harmonization process would normally be engaged by a government veterinary agency, or infrastructure. This veterinary infrastructure would then develop harmonized protocols to facilitate access to end-stage retail markets. In Ontario, federal and provincial veterinary infrastructure agencies are within the CFIA and OMAFRA.

Grand Council Treaty 3

Traditional Deer Harvest-Management in Treaty #3

Unfortunately, First Nations in Northwestern Ontario have no such veterinary infrastructure. After affirmation from the CFIA that there were no national or international barriers to the sale of inspected wild meat from wildlife species not considered endangered, the nature of the missing veterinary infrastructure, and its ramifications, were introduced into Treaty #3. Later, in 2004, contact with the Department of Indian and Northern Affairs Canada (INAC) and with Ontario Ministries of Natural Resources (MNR) and Northern Development and Mines (MNDM) was made.

At its 2005 fall National Assembly, Grand Council Treaty #3 resolved to develop a veterinary infrastructure for the benefit of the Anishinaabe Nation in Treaty #3. Included in this resolution was a declaration that the absence of a veterinary infrastructure, “leaves the Anishinaabe Nation in Treaty #3 without the management tools to sustain and excel in traditional lifestyles; including the development of an international trade and commerce in wildlife harvest.”

Since the 2005 resolution, framework development of a variety of traditional wildlife harvest-related laws, regulations, infrastructures, harvests, businesses, resource management, and partnerships have been initiated.

Two basic wildlife harvest-management programs emerged during discussion and framework development; nuisance wildlife harvest and surplus wild deer harvest. This strategy paper discusses surplus deer harvest-management. For the purposes of clarity, we have adopted phrasal idioms used by the MNR. We will refer to surplus deer as conflict deer or deer involved in human-deer conflicts.

2.0 Challenges

All animals have an inherent right to life. Their right to live is woven into their role on the land. Human conflicts occur with wildlife when we alter the balance between wildlife and their roles on the land. Ontario's historic and current land use policies for agriculture, urban growth, and logging do not respect the balance of wildlife with the land. These land-use policies, and others, have removed or marginalised nature from the simplistic “Land = Nature + Roles” equation. If we remove predator roles from the equation, prey species will rise. If we plant crops, wildlife that can feed on those crops will increase their populations. So, why are we surprised when we plant feed for farmed ungulates and remove predators, that we cause wild ungulate (deer) conflicts with farmers over the land? It is no wonder that human-wildlife conflicts are increasing dramatically every year in Ontario when we continue to imbalance the land and ignore the reparation of existing imbalances.

No one can own wildlife, they own themselves. And, because of this, no one has the blanket authority to displace or dispose of wildlife for convenience. We all have a stake in re-balancing the land; residents of Ontario, First Nations of Ontario, and wildlife. The Ontario Ministry of Natural Resources has a mandate to manage wildlife in Ontario for the Crown on behalf of its residents. Grand Council Treaty #3 has the mandate to manage its resources within its traditional treaty territory on behalf of its citizens. Wildlife can and have spoken for themselves, if you know

Grand Council Treaty 3

Traditional Deer Harvest-Management in Treaty #3

what their roles are.

Nature of the Problem:

It should be clearly stated that deer are not the source of the problem in human-deer conflicts; humans are. Deer would be fine if humans had not and were not changing the balance of the land. The Anishinaabe Nation lived in harmony with all wildlife while fishing, hunting, and trading in a traditional manner. The imbalance causing human-deer conflict is not of our doing, yet, we have the answer. The answer lies within respect for the traditional value of the land and its inhabitants. Traditional values and roles will stop further imbalances from arising and define specific solutions for current human-deer conflicts. We did not deplete the Grand Banks cod stocks; we did not exhaust the Great Lakes' fisheries; we did not destroy the Pacific fishery; and we did not hunt buffalo to the brink of extinction. The Anishinaabe Nation in Treaty #3, and Ontario's First Nations in general, are not part of the problem, we are part of the solution.

According to data contained within Ontario's, "Strategy to prevent and manage human-deer conflicts in Southern Ontario," (EBR # PB06E6017) the deer population is rising sharply in Ontario. Deer have doubled in the last ten years and continue a rapid 5-10 percent annual rise. Reasons given by the MNR for deer population increases over the last 25 years include:

- A long series of milder winters;
- The selective harvest system introduced in 1980;
- Planting greater acreages with small grains, corn and beans;
- Improved soil conservation leaving more residue and waste grains as winter feed;
- Land restoration programs providing more habitat;
- A growing number of properties which prohibit hunting, providing refuge; and,
- Enforcement efforts that are more successful at controlling illegal deer harvest.

The increased deer population has or will result in:

- Human-deer conflicts (economic, ecological, social);
- Habitat conflict through foraging (e.g. moose, caribou);
- Wildlife conflict through disease transmission (e.g. meningeal worms in moose); and,
- Potential for disease to spread through the herd (e.g. chronic wasting disease).

All of these deer conflict situations are germane but their relative importance varies regionally in Ontario. Agriculture-related human-deer conflicts may be important in agricultural centres, but of no more importance than ensuring a disease-free deer herd for safe traditional food in First Nation reserve areas. The bottom line is that Ontario's white-tailed deer population is mushrooming resulting in conflicts across the province, not just in Southern Ontario. All of Ontario needs immediate deer-conflict solutions. The need for deer conflict resolution is further intensified for human-deer conflicts. MNR reasons for this include:

- Ontario's increasing population;
- Increasing urban encroachment on natural areas;
- Increased traffic volumes; and,

Grand Council Treaty 3

Traditional Deer Harvest-Management in Treaty #3

- Changes in agricultural land use.

The MNR strategy to prevent and manage human-deer conflicts in Southern Ontario concludes that, “it is likely that deer populations will either continue to increase in abundance, or at least remain at their current high levels.” With this in mind and the imbalanced land origin of human-deer conflicts, there can be only three basic solutions:

- 1. Alter the balance of the situation to reduce the frequency of conflict;**
- 2. Increase human tolerance to the conflict; and,**
- 3. Remove the deer involved in conflict.**

There will be continued escalation in human-deer conflicts without the development of strategies to diffuse further imbalances and create a tolerance for sharing the land with deer. Unfortunately, with the current high level of deer conflicts in Ontario, there need to be immediate solutions. Ontario is not about to drastically change its practices in agricultural, urbanization, logging, and a myriad of other areas to re-balance the land. In that regard, there will only be a significant reduction in human-deer conflict levels by removal of at least a portion of conflict deer.

There are no functioning management strategies capable of removing the number of deer in Ontario needed to significantly reduce human-deer conflicts. Short of a catastrophic die-off from disease, fire, or weather, the only method capable of removing enough deer would be through hunting. There are four hunting methods that could be employed:

1. Recreational,
2. Culling,
3. Commercial, or
4. Harvest-management.

Despite dramatic increases in harvest maximums, recreational hunting has not been able to affect any reduction in the deer population. Large scale culls and commercial, corporate, harvests are contrary to the MNR’s mandate and First Nations’ mandates for wildlife resource management. The only viable hunting solution is a conflict deer harvest-management system; both as an immediate and as a long-term management tool. Any deer harvest-management system in Ontario would have to be intimately entwined with aboriginal rights, territories, treaties, claims, issues, and traditions.

The Anishinaabe Nation in Treaty #3 is a stakeholder in developing strategies for solutions to human-deer conflicts. We are in the process of developing a traditional deer harvest-management system that can harmonize with Ontario’s conflict deer needs and strategies.

Economics of Human-Deer Conflict Resolution:

The MNR’s strategies for the prevention and management of both human-wildlife (EBR #PB06E6018) and human-deer (EBR #PB06E6017) conflicts are reasonably detailed in their identification of adverse economic, ecological, and social impacts of human-wildlife conflicts. Unfortunately, these papers do not give current estimates for total economic losses with:

Grand Council Treaty 3 Traditional Deer Harvest-Management in Treaty #3

- Ontario farms; estimated at \$41 million in 1998.
- Reported vehicle-wildlife collisions; increased 86% between 1994 and 2003, to 13,729; insurance, repair, medical, and policing costs.
- Vehicle-wildlife collision-related deaths; claimed 54 lives in the last 10 years; insurance, repair, policing, and bereavement costs.
- Wildlife-plane collisions; costs of insurance, prevention, and loss.
- Infectious disease transmission; loss, monitoring, and prevention costs.
- Urban foraging costs.
- Forest regeneration foraging costs.
- Road department costs for carcass removal.
- Public education costs.

We guesstimate the current cost of human-wildlife conflicts in the province of Ontario to be between \$150 to 250 million dollars each year. Forty to sixty percent of this total is estimated to arise specifically from human-deer conflicts; \$60-150 million and between 2-3 human lives annually.

Human-deer conflicts are escalating. Deer populations are growing annually. Ontario's human population is also growing while urbanization consumes more habitat. There are more vehicles, roads, planes, and airports. A reasonable guesstimate would be that with every year there is a 3-5 percent increase in the cost of human-deer conflicts in Ontario. Harvest-management is the only solution with enough impact to relieve existing human-deer conflicts. With a province-wide harvest-management system we would expect 30-70 percent less human-deer conflicts depending on the nature of the conflict and the location of its occurrence.

Needs of a Harvest-Management System:

The MNR needs to prevent and manage human-deer conflicts in Ontario. A significant portion of this management will involve harvest-management. Ontario needs to develop a deer harvest-management system for:

- Regional "hot spots" and
- Urban, rural, and woodland areas.

The harvest-management system will need to be:

- Able to provide service to all of Ontario;
- Financially self-sustaining;
- Able to market harvested deer;
- Harmonized with deer management systems;
- Human-deer conflict related;
- Inaccessible to business corporate ownership;
- Inaccessible to business corporate control;
- Monitored; and,
- Harmonized with First Nations in Ontario.

Grand Council Treaty 3

Traditional Deer Harvest-Management in Treaty #3

First Nation Role in Harvest-Management:

Costs for a deer harvest-management system are prohibitive without a sustainable revenue generation mechanism. To financially self-sustain, harvest-managed deer products (meat, antlers, hides, etc.) need to be marketed. If markets are international in nature, the value of deer products will be at a premium. Higher selling prices mean less harvest to self-sustain the harvest-management system. There is a clear danger of deer control and ownership falling into corporate board room control if the Ontario government opens the door to commercial harvest. Fortunately, commercial harvest and harvest-management are not the same. We do not need to put Ontario deer up for sale. First Nation people have harvest-managed wildlife since the beginning. First Nations are the only group that:

- Have consistent international rights to harvest deer in Canada and retail deer products internationally.
- Have a consistent right to hunt in Ontario;
- Consistently choose to exercise their hunting right to support their families and communities in Ontario.
- Want to ensure that deer and deer harvest-management will not find its way into corporate ownership and control, aside from the MNR.
- Are committed to ensuring that deer are just as healthy and plentiful today, tomorrow with harvest, and after seven generations of harvest, aside from the MNR.

A traditional First Nation harvest-management system harmonized with Ontario's need to prevent and manage human-deer conflicts will:

- Protect Ontario deer from commercial harvest;
- Be founded in existing aboriginal rights;
- Be able to provide hunting of conflict deer;
- Have access to premium international markets;
- Self-sustain financially;
- Provide sustainable economic development for First Nation communities;
- Provide a traditional lifestyle for First Nation communities;
- Reduce provincial social welfare needs in First Nation communities;
- Create a new industry in Ontario;
- Create a new economy in many regions of Ontario;
- Be accessible anywhere in Ontario;
- Reduce the potential for deer disease transmission in Ontario;
- Help maintain disease-free deer stocks for hunting outfitters;
- Help ensure disease-free traditional deer diets for First Nation communities;
- Harmonize MNR stewardship with First Nation stewardship for conflict deer;
- Reduce human-deer conflict-related human deaths;
- Save Ontario money by reducing the cost of human-deer conflicts and social welfare payments; and,
- Have no direct cost to Ontario, after initial development.

Grand Council Treaty 3 Traditional Deer Harvest-Management in Treaty #3

There are no losing stakeholders with a harmonized First Nation deer harvest-management system for human-deer conflicts in Ontario.

The Anishinaabe Nation in Treaty #3 has chosen to develop and implement a self-sustaining traditional deer harvest-management system to the benefit of its communities and citizens; a traditional system that can harmonize with Ontario deer management strategies and provincial, federal, and international regulations. The guidance for an Anishinaabe deer harvest-management system will come through Anishinaabe Elders.

Traditional Guidance:

In our millennium resolution of January, 2000, the Anishinaabe Nation in Treaty #3 chose to re-activate its traditional governance. Grand Council Treaty #3 is the traditional government of the Anishinaabe Nation in Treaty #3. Grand Council receives its direction through our traditional constitution. Our traditional constitution is a living collection of sacred and traditional laws. These same sacred and traditional laws form the basis of our contemporary laws.

The Anishinaabe constitution comes from the sacred law of the Creator, Kagigewe Inakoniawin. This eternal law governs all life in the universe and has been with the Anishinaabe since the beginning of time. It is our inherent law. The laws of the Anishinaabe Nation come through the sacred law of the creator. These laws have been followed and respected through the ages; they are traditional; they are our traditional law.

Traditional law is unwritten but yet in everything we do, see, write, learn, build, create, teach, sing, dance, eat, walk on, and so much more. Elders are the custodians of sacred and traditional law and are with us to give interpretation to traditional law. Elder interpretations are written down from time to time. These written temporal interpretations can be used to harmonize our traditional law with provincial, federal, and international laws; as was the case with our resource law, Manito Aki Inakonigaawin. However, it must be understood that traditional law is much more than its temporal interpretation. In this regard, temporal interpretations of traditional law must remain open to further clarification and interpretation as the situation for the temporal interpretation changes.

This basic understanding of the Anishinaabe constitution and law should explain the fundamental need for Elder consultation and guidance when new interpretation of traditional law is needed for temporal harmonization.

Traditional Values:

Native culture and traditional law can not be simplified on a flow chart to compare deer to yearling cattle or partridge to chicken. Traditional value is a way of seeing, listening, sharing, and walking. More than a perspective, it is a way of life. Traditional values placed on wildlife are actually placed within the animal as part of life. The traditional value of an animal is a weave of spirit, creator given purpose, and that which is shared from the animal to our people. This is a far deeper relationship than simple extrinsic and intrinsic values. Traditional value is a bidirectional

Grand Council Treaty 3

Traditional Deer Harvest-Management in Treaty #3

relationship from the animal to us, and to us from the animal.

While the Anishinaabe Nation in Treaty #3 may choose to be involved in harvest-management of conflict deer, our hunters are not native deer pest control officers. Whether the Anishinaabe Nation in Treaty #3 is involved or not with the direct management of a particular animal involved in a human-deer conflict, we must insist that all harvested conflict animals be respected both before and after harvest. No one should have the blanket authority to kill-off conflict deer for convenience. Harvest-management should not be the only tool in human-deer conflict resolution.

The Anishinaabe Nation in Treaty #3 traditionally shared with deer for clothing, food, tools, and building materials. In turn, clothing, food, tools, and building materials were used locally or in trade. Nothing was wasted and deer were not property. Both harvest and trade were for the benefit of the community, in respect of the traditional value of the animal. A harvest-management system to reduce human-deer conflicts must place no less value on the animal.

3.0 Guiding Principles

The Anishinaabe Nation in Treaty #3 will receive guidance from Anishinaabe Elders regarding the development and harmonization of a traditional First Nation deer harvest-management system. We can share general guiding principles for this submission.

The following general principles will be part of the guidance for development and implementation of our objective. These are:

- Elders will guide the process.
- The developed First Nation harvest-management system should harmonize with the Ontario strategy to prevent and manage human-deer conflicts (EBR #PB06E6017).
- The traditional First Nation harvest-management system will be a deer management tool in human-deer conflict management within the traditional boundaries of the Anishinaabe Nation in Treaty #3.
- The traditional First Nation deer harvest-management system will be developed for the benefit of the Anishinaabe Nation in Treaty #3.
- Other stakeholders will respect Anishinaabe culture, tradition, and concerns during development, implementation, and maintenance of a traditional First Nation deer harvest-management system.
- The Anishinaabe Nation in Treaty #3 will respect other stakeholders, their needs and concerns.
- No deer shall be owned or confined.
- Only surplus or conflict deer will be harvested through this strategy.
- All hunting, harvest, skins, meat, and byproduct protocols will meet traditional Anishinaabe standards and harmonize with provincial, federal, and international standards.
- Traditional tribal business systems will be developed and utilized, when appropriate.
- Traditional regional resource management systems will be developed and utilized, when appropriate.

Grand Council Treaty 3

Traditional Deer Harvest-Management in Treaty #3

- Traditional national laws and regulations will be developed and utilized, when appropriate.
- All developed traditional business, resource management, and regulatory systems must harmonize with provincial, federal, and international laws and regulations, when appropriate.
- Traditional Anishinaabe deer management and Ontario deer management systems should be harmonized for implementation in the Anishinaabe Nation in Treaty #3.
- The Anishinaabe Nation in Treaty #3 and the MNR should partner and agree upon deer harvest levels and harvest locations for harvest-management of surplus or conflict deer within the traditional boundaries of Treaty #3.

These basic principles will serve as initial criteria to harmonize Anishinaabe strategies with Ontario strategies.

4.0 Goals and Objectives

The overall goal of the Anishinaabe Nation in Treaty #3 Grand Council in developing a traditional deer harvest-management system, is to promote sustainable economic development for its nation communities by providing an environment conducive to creating traditional roles through traditional pursuits. Harmonization of this goal with that of the MNR's to prevent and manage human-deer conflicts should be of great benefit to the Anishinaabe Nation in Treaty #3 and the people of Ontario. The overall goal of the Anishinaabe Nation in Treaty #3 can be further subdivided for clarity. These subdivisions include:

- To create traditional roles and purpose;
- To create prosperity through traditional pursuits;
- To create sustainable economic development;
- To decrease social welfare dependence; and,
- To decrease dependency on outside funding.

Our objective is:

- **To establish partnerships for harvest-management of deer populations within Ontario, in respect of traditional culture, using harmonized laws and regulations.**

Desired outcomes have been broken down to give benchmarks to our objective and progress measurements towards our goal. They are:

- Hold a national Elder consultation for guidance.
- Establish traditional law for harvest and retail of conflict deer.
- Establish regulatory protocols for harvest and retail of conflict deer.
- Establish business structures for harvest and retail of conflict deer.
- Establish resource management structures for harvest and retail of conflict deer.
- Establish marketing structures for retail of conflict deer.
- Harmonize all objectives with provincial, federal, and international laws and regulations.

Grand Council Treaty 3

Traditional Deer Harvest-Management in Treaty #3

- Implement harmonized objectives

5.0 Integrated Solutions Framework

The following strategies are meant to provide a starting point for the harmonization process that will generate a traditional First nation deer harvest-management system in Treaty #3 that can also function as a fundamental tool for the prevention and management of human-deer conflicts in Ontario.

Strategy 1: Establish partnership roles and responsibilities with First Nations by:

- Clarifying First Nation roles in management, harvest, and trade of deer involved in human-deer conflict;
- Clarifying MNR roles in deer management for the resolution of human-deer conflicts.
- Clarifying other stakeholder roles in deer management for the resolution of human-deer conflicts.

Strategy 2: Establish traditional nature of modern First Nation deer harvest, business, and trade systems by:

- Establishing traditional values and roles for conflict deer;
- Consulting Elders, communities, & governance for guidance on oral traditional law and practices;
- Harmonizing traditional law and practices with provincial, federal, & international laws and regulations.

Strategy 3: Gain knowledge from expertise in other global aboriginal wildlife harvests by:

- Dialoguing with jurisdictions and aboriginal Elders involved in Nunavet's caribou and muskox hunts;
- Dialoguing with jurisdictions and aboriginal Elders involved in Australia's kangaroo hunt.

Strategy 4: Establish clear safeguards to prevent ownership of deer resources by:

- Creating guidelines to prevent corporate access to wild deer resources;
- Creating guidelines to prevent corporate control of wild deer resource products.

Strategy 5: Establish safety and monitoring systems for human-deer conflict deer harvest by:

Grand Council Treaty 3 Traditional Deer Harvest-Management in Treaty #3

- Ensuring safety standards are met and monitored;
- Ensuring harvest harmonizes with existing deer management, conservation, and monitoring strategies and systems.

Strategy 6: Establish a pilot program for development and implementation of traditional First Nation deer harvest-management with Treaty #3 by:

- Working with the Grand Council Treaty #3 in a progressive manner to establish a traditional deer harvest-management system that can be used to harvest-manage human-deer conflicts within traditional Treaty #3 boundaries;
- Developing, in a pilot fashion, harmonized laws, protocols, and expertise that can be replicated in other Treaty and non-Treaty Regions for the harvest-management of human-deer conflicts by First Nations

6.0 Implementation

This strategy paper sets the stage for the harmonization and implementation of the established objective. Strategies will continue to develop detail as the harmonization process progresses. Nothing in the strategy paper is intended to or shall be construed so as to abrogate or derogate in any way from any existing aboriginal or treaty right, as recognized and affirmed by Section 35 of the Constitution Act 1982.