



**TEMAGAMI FIRST NATION/  
TEME-AUGAMA ANISHNABAI**

**BEAR ISLAND LAKE TEMAGAMI, ONTARIO P0H 1C0**  
TEL 705.237.8943 ext.101 FAX 705.237.8959  
[www.temagamifirstnation.ca](http://www.temagamifirstnation.ca)

**Backgrounder, September 18, 2023, Media Release**

Aanike Ogimaa John Turner was to meet with Marc Descoteaux on Monday, September 11 at his request, but Mr. Descoteaux suddenly declined. After a second failed attempt to meet, eviction notices were sent on September 14, 2023 to Marc Descoteaux and Peter Descoteaux. The eviction notice is issued under the inherent jurisdiction of the Teme-Augama Anishnabai.

We have met with the Ontario Provincial Police regularly, through its Provincial Liaison Team (PLT), to facilitate and mediate communication with the Descoteaux brothers. The PLT will continue to monitor and mediate.

To no avail, from August 2020 and up to August 2023, our Chiefs and Councils, Lands Managers, and legal representatives sent correspondence to the Ontario Ministry of Natural Resources and Forestry, the Ontario Ministry of Indigenous Affairs, and the Metis Nation of Ontario (MNO); including MNO members Pete Descoteaux and Marc Descoteaux who erected cabin. This correspondence contested the unauthorized cabin at Pond Lake and all MNO claims and encroachments on N'dakimenan.

We have received no response to our letter of June 24, 2022 sent to MNO President Margaret Froh in which we said that we were the sole rights bearers in N'dakimenan and that reasonable requests for permission to access N'dakimenan for harvesting purposes may be granted under our authority.

The Ontario Ministry of Natural Resources and Forests has failed to meaningfully respond to our serious concerns regarding the exercise of asserted métis rights within N'dakimenan. We contend that permitting métis individuals or organizations to hunt, harvest and erect structures within N'dakimenan constitutes an infringement of our section 35(1) rights which Ontario is constitutionally obligated to attempt to justify.

This is not an issue of “overlapping” rights. Temagami holds and exercises rights within N'dakimenan which are protected under section 35(1) of the Constitution Act, 1982. This fact has been confirmed by the Supreme Court of Canada in *Bear Island* and recognized by Ontario.

There are no established rights-holding métis communities within N'dakimenan. We have protections as the holders of established section 35(1) rights. The MNO members have asserted unproven rights. For



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[tfn@temagamifirstnation.ca](mailto:tfn@temagamifirstnation.ca) | [www.temagamifirstnation.ca](http://www.temagamifirstnation.ca)



greater clarity, there are no métis communities who hold established or credibly asserted rights within N'dakimenan. The fact that Ontario and the Métis Nation of Ontario have agreed to recognize the existence of purported historic métis communities does not establish a credible claim for métis rights in our territory.

To be recognized under Canadian law, métis rights must meet the threshold established by the Supreme Court in *R v. Powley*. This includes establishing the existence of a historic métis community which existed in a specific area prior to the date on which Europeans established effective control, and the existence of a contemporary rights-bearing community which is a continuation of the historic community. Unless the *Powley* test has been met, métis individuals and communities cannot hold section 35 rights.

In May, 2022 the Province of Ontario had informed a mining company that it must consult with the MNO and, where appropriate, accommodate the MNO with respect to potential mining activities within N'dakimenan. Any Indigenous individuals with historic ties to the lands and waters of N'dakimenan have been naturalized into the Teme-Augama Anishnabai and the boundaries of N'dakimenan are not disputed by our First Nations neighbours. We are the sole rights-bearing entity within N'dakimenan to whom the Crown owes a duty to consult and accommodate when considering conduct that may adversely impact Aboriginal rights.

We take issue with any claims by “citizens” of the Métis Nation of Ontario (MNO) claiming métis status as descendants of John Turner of N'dakimenan. This is one example of clearly fraudulent identity claims. Oocham (old John Turner), from Moose Factory, arrived in N'dakimenan in the 1860's as an employee of the HBC and built a new post at Bear Island. He was adopted under Teme-Augama Anishnabai laws and provided a trapping ground. (See map.)

In 1975, we exercised our inherent right to determine our “citizens” and all known descendants of the Teme-Augama Anishnabai. Both status and non-status Indians were recognized and confirmed under Teme-Augama Anishnabai law and governance, supported by the Temagami First Nation. Our citizens include all those Indigenous peoples whose ancestors lived within N'dakimenan and are recognized by the Teme-Augama Anishnabai community; this includes non-status individuals who were previously referred to in the colonial record as unregistered Indians or métis.

We oppose the Government of Canada's Bill C-53 on two major grounds: **1.** Fraudulent claims to Indigenous identity and Indigenous rights in N'dakimenan by the Métis Nation of Ontario; and **2.** There has been no consultation by Canada or Ontario with the Teme-Augama Anishnabai and Temagami First Nation as the sole bearers of Indigenous Rights in N'dakimenan. Our Inherent Rights are now recognized - not created - and protected by Section 35 of the *Constitution Act, 1982*. To this end we have applied to the courts to join Wabun Tribal Council's legal challenge of the proposed Act.

