



## TEMAGAMI FIRST NATION/ TEME-AUGAMA ANISHNABAI

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### **Ontario Métis Harvesting Agreement challenged by Teme-Augama Anishnabai and Temagami First Nation**

***Saagihigaansing Beshinaan (Pond Lake Camp), N'dakimenan*** – The Temagami First Nation (TFN) and Teme-Augama Anishnabai (TAA) commenced a legal action against the Province of Ontario and two Métis Nation of Ontario (MNO) members. At issue is the assertion of MNO rights in the Teme-Augama Anishnabai homeland territory, N'dakimenan.

“The MNO does not hold any rights in N'dakimenan. There was never a distinct Métis community in our homeland. The *Indian Act* may have created some ‘non-status Temagami Indians’ but that does not make them ‘Métis,’” said TFN Chief Shelly Moore-Frappier. “All of our people have been recognized as TAA citizens, under our authority to decide who belongs.”

In 1975 and 1976, the TAA exercised its inherent right to determine its citizens. All known descendants of the Teme-Augama Anishnabai were recognized and confirmed under Teme-Augama Anishnabai law and governance, supported by the TFN. TAA 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, métis, or half-breeds. The TAA is currently finalizing a citizenship law to reflect this.

“Only we can genuinely say that the Creator bequeathed N'dakimenan to us. Our Creation Story is in this land, going back to the last ice age,” said TFN Chief Shelly Moore-Frappier, speaking from Pond Lake, where MNO members, Peter Descoteaux and Marc Descoteaux, have constructed a cabin under the claim of Métis rights.

The Statement of Claim contends that Ontario was wrong to conclude that any Métis community hold rights within N'dakimenan; and that the Métis Harvesting Agreement and the Ontario Ministry of Natural Resources and Forests (OMNRF) authorization of the Descoteaux cabin at Pond Lake infringe the TAA's established section 35 rights.

The TAA and TFN seek court declarations that the Métis Harvesting Agreement and the Pond Lake cabin are breaches of the Crown's obligations to justify the infringement of the TAA's established rights; and to consult and accommodate the TAA regarding the potential impacts of



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the Métis Harvesting Agreement and the Pond Lake cabin on the TAA's inherent and constitutional rights.

On September 14, 2023, the TAA and the TFN issued an eviction order to the Descoteaux brothers to remove the Pond Lake cabin and installed a peaceful protection encampment alongside the contested cabin, asserting inherent jurisdiction. The court action seeks an order for the removal of the Descoteaux nuisance cabin at Pond Lake.

"We have to protect our land and our rights. There's too much pressure on the resources of N'dakimenan already. This impacts our harvesting rights. Ontario can't just give our inherent and constitutional rights away to thousands of people with no connection to our people or our land," said TAA Ogimaa Michael Paul. "We are the only Indigenous people of N'dakimenan and the MNO members are basically imposters," he added.

The TAA and TFN continue to oppose Canada's Bill C-53, *An Act respecting the recognition of certain Métis governments in Alberta, Ontario and Saskatchewan, to give effect to treaties with those governments and to make consequential amendments to other Acts*. The opposition is based on fraudulent claims to Indigenous identity and Indigenous rights in N'dakimenan by the MNO and lack of consultation by Canada with the TAA and TFN, who have established and constitutionally recognized inherent and Indigenous rights in N'dakimenan. An application has been submitted to join the Wabun Tribal Council's call for a judicial review against the federal government filed in March 2023, challenging the MNO's self-government agreement with Canada.

The TAA and TFN represent the Indigenous People of N'dakimenan (Our Land), comprising approximately 10,000 square kilometres in what is now called Northeastern Ontario. Our Creation Story informs us that the Creator placed us here at the highest point of land in Ontario, the Ishpatina Ridge, 8,000 years ago. This corresponds to the receding glacier. Six-thousand of those years have been corroborated by science, showing our continuous occupation.

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**For more information:**

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