



MISSISSAUGA FIRST NATION  
*SUSTAINABLE HARVESTING LAW*

Enacted  
Community Meeting  
3<sup>rd</sup> Reading  
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Public Posting  
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## **Preamble**

**Whereas** the Mississauga First Nation (“MFN”) have the inherent right given by the Creator to enact any law necessary in order to protect and preserve our Anishinaabe culture, to protect our lands, our language, customs, traditions and practices;

**Whereas** we the citizens of Mississauga First Nation exercise our inherent aboriginal and treaty rights to govern ourselves through enacting our own laws through our own *Misswezahging Constitution*, duly ratified March 15, 2015;

**Whereas** the Mississauga First Nation has entered into the *Framework Agreement on First Nation Land Management* with Canada (February 12, 1996, as amended: the "Framework Agreement"), which was ratified on behalf of the Government of Canada by the *First Nations Land Management Act* (1999);

**Whereas** the Mississauga First Nation ratified the Framework Agreement and brought its *Land Code* into effect on August 1, 2009;

**Whereas**, pursuant to the Mississauga Land Code, laws may be enacted to protect Mississauga Land, the use and benefit of Mississauga Land, the occupation of Mississauga Land, residence on Mississauga Land, and the creation of offences, penalties and remedies for violations of Mississauga laws; and

**Whereas** sustainability and protecting MFN Lands for future generations are of utmost importance to Mississauga First Nation. The MFN Lands & Resources department and Committee, the First Nations Constables, and Chief & Council will enforce these guidelines.

**And Whereas** the Chief & Council of Mississauga First Nation deems it advisable and in the best interests of Mississauga First Nation to enact a Law to provide for fulfilling our roles in protecting the land and animal harvests for the next Seven Generations.

**NOW, THEREFORE, THIS SUSTAINABLE HARVESTING LAW IS HEREBY ENACTED AS A LAW OF THE MISSISSAUGA FIRST NATION.**

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# 1. DEFINITIONS

1.1. In this Law, unless the context otherwise requires:

<b>Band Council Resolution</b>	Means a resolution passed by a majority vote at a duly called and convened meeting of the Chief and Council of the Mississauga First Nation;
<b>Community Member</b>	has the same meaning as that term has under the Mississauga Membership Code;
<b>Council</b>	means the body composed of those persons elected pursuant to the <i>Misswezahging Constitution</i> and the <i>Mississauga First Nation Custom Election Code</i> ;
<b>Enforcement Officer</b>	includes a Police officer defined under the <i>Police Services Act</i> of Ontario including First Nation Constables, the person or persons appointed by Council, from time to time, to administer and enforce the provisions of Mississauga First Nation laws enacted by Council and includes any delegate and any assisting personnel as required and requested by an Enforcement Officer, or any peace officer as defined, or any other person appointed by the Council for the purpose of maintaining law and order on the First Nation;
<b>Language</b>	Words in the singular include the plural and words in the plural include words in the singular, unless the context demands otherwise;
<b>Member</b>	means a person whose name appears or is entitled to appear on the Mississauga First Nation Band Membership List;
<b>Mississauga First Nation or MFN</b>	means the Mississauga First Nation, also commonly referred to as Mississagi, Misswezahging, Mississauga #8, Mississauga Reserve, Mississauga Indian Band, Mississaugi River Band of Indians or any other commonly referred to names;
<b>Mississauga Land</b>	means Mississauga First Nation Land and has the same meaning as is set out in Section 5 of the Mississauga First Nation Land Code, as amended from time to time;
<b>Mississauga Territory</b>	means MFN Traditional Territory extends northward into the Huron Watershed, to the headwaters of the Mississaugi and beyond;

**Misswezahging Constitution** means the supreme law ratified and adopted by the Mississauga First Nation on March 15, 2015, and as may be amended thereafter, under which all other laws can be created and that we, the citizens of Misswezahging, have created through our inherent Indigenous and treaty rights to govern ourselves and our traditional territory;

**Non-Member** means a person whose name does not appear on the Mississauga First Nation Band Membership List.

## 2. APPLICATION OF THIS LAW

- 2.1. This law applies to all persons on all Mississauga Land.
- 2.2. This law applies to all members on Mississauga Territory.

## 3. REPORTING

- 3.1. Anybody who harvests on Mississauga First Nation land must report any harvest that they have taken and also any other items of interest to the MFN Lands & Resources department.
- 3.2. The following are the methods of reporting any harvesting activities on Mississauga Lands;
  - a. In person: Lands Department, 64 Park Road, Blind River, ON, P0R 1B0
  - b. Mail: Lands Department, PO 1299, Blind River, ON, P0R 1B0
  - c. Phone: 705-356-1621, ext. 2239 or 2259
  - d. Email: [harvesting@mississaugi.com](mailto:harvesting@mississaugi.com)
  - e. Online: [www.mississaugi.com/report](http://www.mississaugi.com/report)
- 3.3. There will be a community database of all harvesting activities published and shared within the community annually.

## 4. LIMITS ON COMMUNITY HARVESTING

What limits on harvesting do we want to impose? Keep in mind these are limits on our own **MFN members**. It requires broad community consensus and support, including a ratification vote. Any infringement on rights should be well thought out before implementation.

- 4.1. Members will harvest only 1 Moose per household.
- 4.2. Members will not set nets on the following lakes;

- a. Nickel & Dime
  - b. Cranberry
- 4.3. Non-members are not permitted to harvest at all on MFN land.
- 4.4. The Chief and Council may, by means of a Band Council Resolution, make orders and regulations with respect to,
  - a. species of fish and wildlife that may or may not be harvested;
  - b. the quantity of any specific species of fish or wildlife that may be harvested by any individual or household over a specified period of time;
  - c. setting any seasons during which harvesting of any specific species of fish or wildlife may or may not take place;
  - d. the location where any specific species may, or may not, be harvested; or,
  - e. the means and methods that may, or may not, be used to harvest fish or wildlife;
- 4.5. All regulations promulgated under section 4.4 shall be posted on-line in a manner makes them available to all members, including, but not limited to, posting on a web site maintained by the Mississauga First Nation.

## 5. OFFENCE - VIOLATION OF LIMITS

- 5.1. Every one who fails to comply with the reporting mechanisms in section 3, section 4 or a regulation of Council made under section 4, commits an offence.
- 5.2. Every Mississauga Member who commits an offence under subsection 5.1 is guilty of an offence punishable on summary conviction and liable to the system of Progressive Discipline outlined under section 6.1.
- 5.3. Every non-member who commits an offence on Mississauga Land under subsection 5.1 is guilty of an offence punishable on summary conviction and liable to the system of Progressive Discipline outlined under section 6.2.

## 6. PROGRESSIVE DISCIPLINE

- 6.1. Upon summary conviction of an offence under this law, a Mississauga Member may be liable to a system of progressive discipline outlined as follows;
  - a. **Compliance Request:** Members will be given notice of what violations to these guidelines occurred and what they can do to remedy the situation. For example, if there is no report given on harvesting activities, the member may give a report to ensure compliance with the guidelines.

- b. **Education:** Members who violate the Harvesting guidelines will be offered an education class run by the MFN Lands & Resources department. Successful attendance at this stage will prevent further action.
- c. **Community Restorative Justice Program:** Members who continue to violate the Harvesting guidelines and wish to restore relationships with the community may participate in a designated circle process. If no process is available, a circle may be mediated with the Lands & Resources Committee.
- d. **Withdrawal of Support & Publishing of Names:** Members who continue to violate the Harvesting guidelines will have a withdrawal of community support for any legal action taken against them by the Ontario or Canadian governments. Furthermore, the names of members and a description of the violations of harvesting guidelines will be published in the newsletter and website.
- e. **Fine:** Members who fail to comply or engage with the Community Restorative Justice Program may be fined not more than \$5000.

**f. Rescinding Right to Access Communal Harvesting Rights: ?**

- 6.2. Upon conviction of an offence under this law, a non-member may be liable to a system of progressive discipline outlined as follows;
  - a. **Compliance Request:** non-members will be given notice of what violations to these guidelines occurred and what they can do to remedy the situation. For example, if there is a tree stand in MFN land and the owners are identified as non-MFN they will be given the chance to remove the structure.
  - b. **Reporting of Offences to MNRF:** If a non-member is found to be in violations of these guidelines or laws that apply to them in the Province of Ontario in regards to harvesting, they will be reported to our counterparts in the Ministry of Natural Resources and Forestry for prosecution.
  - c. **Enforcement of the Community Protection Law:** If a non-member is found to be in violation of these guidelines, Chief & Council may choose to revoke access to Mississauga First Nation land. The authority for this action is found in the MFN *Community Protection Law, 2019*.
  - d. **Fine:** Non-members who fail to comply or engage with the Community Protection Law may be fined not more than \$5,000.00.

## 7. METHOD OF GIVING NOTICE

- 7.1. A notice under this Law may be given,
  - a. Personally orally or in writing; or,

- b. by means of signs posted so that a sign is clearly visible in daylight under normal conditions from the approach to each major point of access to the Lands to which it applies;

## **8. COUNCIL AUTHORITY**

- 8.1. Council may, by resolution, prohibit entry or activity on community land, provided that notice is given that the entry to the land is prohibited or that one or more activities are prohibited on the land.
- 8.2. Council may, by order issued by Council resolution, provide that a non-member who had breached any rule or regulation promulgated under this law, or the terms of any permit authorized under this section, or who is charged with a violation of this law, revoking their right and invitation to enter, attend on, or remaining on any or all MFN Land for such period of time as set out in the resolution.
- 8.3. Council may recommend and direct by resolution, prior to charges being laid, that a person that allegedly committed any offence against this law may participate in specific alternative measures rather than be charged in order to restore the harmony and compliance in the community as outlined in *Community Protection Law, 2019*.

## **9. DAMAGES AND COSTS AWARDS**

- 9.1. Where a person is convicted of an offence under section 4, and a person has suffered damage caused by the person convicted during the commission of the offence, the court shall, on the request of the prosecutor and with the consent of the person who suffered the damage, determine the damages and shall make a judgment for damages against the person convicted in favour of the person who suffered the damage.
- 9.2. Where a prosecution under section 6 is conducted by a private prosecutor, and the defendant is convicted, unless the court is of the opinion that the prosecution was not necessary for the protection of the occupier or the occupier's interests, the court shall determine the actual costs reasonably incurred in conducting the prosecution and shall order those costs to be paid by the defendant to the prosecutor.
- 9.3. A judgment for damages under subsection 9.1, or an award of costs under subsection 9.2, shall be in addition to any fine that is imposed under this law.

## **10. SEVERABILITY**

- 10.1. Should any section of this Mississauga First Nation Law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part has been struck out.



## **11. AMENDMENT PROCESS**

11.1. This law may be amended utilizing sections 15-18 of the Misswezahging Constitution, 2015.