



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



PRESS RELEASE

FOR IMMEDIATE RELEASE:

March 11, 2024

Ontario orders removal of illegal Pond Lake cabin; Legal challenge of Metis Harvesting Agreement continues

Bear Island, ON. March 11, 2024:

The Teme-Augama Anishnabai (TAA) and Temagami First Nation (TFN) will continue their court action to have the Ontario Metis Harvesting Agreement declared illegal with respect to N'dakimenan (Our Land).

On March 5, 2024 the Chiefs and Councils received correspondence from the Ontario Ministry of Natural Resources and Forestry (OMNRF) stating that "the ministry has sent a letter to Marc Descoteaux requesting the removal of the cabin, as well as any other property from the site, and requesting that the site be left in a clean and safe condition, restored as much as possible to its original state."

The OMNRF said its decision was made after receipt of a letter from the Metis Nation of Ontario (MNO) which stated it did not support the Pond Lake cabin: "It is the ministry's position that, absent community support, there is no authority for a cabin at the location in question."

"While our objective to have the nuisance cabin removed is met, the larger issue of the Ontario Metis Harvesting Agreement remains," said TFN Chief Shelly Moore-Frappier. "We have inherent rights to N'dakimenan because of our 7000-year history here. Our identity is tied to this specific place. The Metis do not have that connection. Further, we have naturalized any mixed-blood people as our citizens. It is our inherent right to decide who our people are. We are the only Indigenous people and the only rights-holders in N'dakimenan."

"There were never Metis people here nor was there ever a Metis community in N'dakimenan," added TAA Ogimaa Michael Paul. Ogimaa Paul and Trevor Twain were mainstays at the protection camp established at Pond Lake early last fall. "I will defend our rights against anyone who wants to interfere or take those rights away. That means we have to continue our fight against the Metis Harvesting Agreement."

In its *Statement on Harvesting Rights and the Structure at Pond Lake*, the MNO contends that "The 2018 MNO-Ontario Harvesting Agreement requires the Ontario Ministry of Natural Resources and Forestry (MNRF) to



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tfn@temagamifirstnation.ca | www.temagamifirstnation.ca



treat MNO Harvesters Card holders the same as First Nation harvesters for the purposes of enforcement. The Agreement also sets out future negotiations on key issues, including incidental cabins.”

Also in its statement, the MNO announced that it has instituted a moratorium on “incidental cabins” that are tied to the exercise of Aboriginal and Treaty land-based rights such as harvesting. MNO member Marc Descoteaux describes the cabin he built at Pond Lake as an “incidental cabin.”

“I find it highly questionable that the MNO is putting a moratorium on occupation of land by way of incidental cabins while they maintain that the proposed federal Bill C-53 is not about land,” said Aanike Ogimaa John Turner.

“The whole Metis Nation of Ontario organization is questionable. We have newly created “historic Metis communities” and a whole new category of people basing their Metis identity on a distant ‘non-status Indian ancestor’. If Canada, Ontario, and the MNO have their way, the MNO could have rights that are stronger than ours, and in our own land even.”

On two separate occasions in meetings with Greg Rickford, Minister of Indigenous Affairs and Minister of Northern Development, TFN Chief Shelly Moore-Frappier asked the minister to explain the process by which Ontario identified the six newly recognized “historic Metis communities” in Ontario. He did not provide a direct response, citing the need to gather additional information.

The TAA/TFN Statement of Claim will be amended to remove Marc Descoteaux since the cabin is to be removed. We expect that the removal of the cabin and site restoration will occur by June 1, 2024.

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For more information:

Heidi Jobson, Temagami First Nation Communications Officer

communication@temagamifirstnation.ca

Tel: 705-237-8943 ext. 107

www.temagamifirstnation.ca



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Backgrounder

Chronology of Events

- From August 2020 and up to August 2023, our Chiefs and Councils, Lands Managers, and legal representatives sent correspondence to the OMNRF, the Ontario Ministry of Indigenous Affairs, and the MNO, including MNO members Pete Descoteaux and Marc Descoteaux who had erected a cabin at Pond Lake. This correspondence contested the nuisance cabin 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.
- A Notice of Eviction was issued September 14, 2023 to MNO members Marc Descoteaux and Peter Descoteaux. On September 17, 2023, a peaceful protection camp was established at Pond Lake, according to TAA protocol and law.
- A Notice of Restricted Access was issued to the Descoteaux brothers on October 29, 2023, pursuant to the Notice of Eviction. A locked chain barrier was then installed across the entrance of the roadway to Pond Lake.
- A Statement of Claim was filed at the Ontario Superior Court of Justice on November 17, 2023, by the Temagami First Nation and the Teme-Augama Anishnabai (collectively the "TAA") against the His Majesty the King in Right of Ontario, Marc Descoteaux and Peter Descoteaux regarding breaches of Crown obligations and unjustified infringements of Teme-Augama Anishnabai rights that are protected under section 35 of the *Constitution Act, 1982* in respect of N'dakimenan. Both the Ontario Metis Harvesting Agreement and the "nuisance cabin" at Pond Lake are cited as breaches of obligations and infringements of our rights by Ontario.
- On January 4, 2024 Ontario informed the Teme-Augama Anishnabai that it will represent Peter Descoteaux in his defense.
- On February 11, 2024, we agreed to add the MNO as a defendant in our legal action.
- March 5, 2024, Ontario informed our legal counsel that it has sent a letter to Marc Descoteaux to remove the Pond Lake cabin.
- March 6, 2024, Joint Council met with legal counsel to give direction to stay the course to have the Metis Harvesting Agreement declared illegal with respect to N'dakimenan.

For the full Media Kit including backgrounders, past news releases and media coverage to date, please go to: <https://temagamifirstnation.ca/temagami-first-nation-teme-augama-anishnabai-media-kit/>

