



Subject <b>Trapline Buildings on Public Land</b>		Policy <b>PL 3.03.06</b>	
Compiled by - Branch Lands & Waters	Section Land Management	Date Issued October 1, 2006	
Replaces Directive Title Same	Number PL 3.03.06	Dated February 11, 1997	Page 1 of 8

## 1.0 Definitions

In this policy,

"licenced trapper" means any holder of a licence issued under Regulation 667/98 of the Fish and Wildlife Conservation Act;

"public lands" means lands under the control and management of the Ministry of Natural Resources, but does not include areas regulated as provincial parks or conservation reserves;

"trapline building" means a cabin, an ancillary building, privy or other like structure (e.g. semi-permanent tent frame) constructed and used consistent with the standards identified in this policy;

"01 Trapper" means a holder of a licence issued under Regulation 667/98 of the Fish and Wildlife Conservation Act that bears the designation "01" (i.e. the head trapper).

## 2.0 Introduction

Fur harvesting contributes to the economic well being of Ontario's economy and provides an excellent tool in ensuring the sustainability of this renewable resource. Fur harvesting also represents an important part of Ontario's cultural heritage, particularly for Aboriginal trappers and communities.

Trapline building(s) may be required by licenced trappers to provide for shelter, accommodation, safety and efficient trapline management. The Ministry's Free Use Policy PL 3.03.01 provides that buildings used by a licenced trapper consistent with this policy do not require land use occupational authority (e.g. land use permit, lease) under the Public Lands Act.

Modern fur management practices often require year round use of trapline buildings (e.g. management of nuisance animals, building and equipment repairs), as well as a presence by trappers to protect their financial investments. As a result, the Ministry amended the trapline building policy in 1997 to provide for year round use of approved trapline buildings, for legitimate trapline management purposes.

This trapline building policy is but one small part of a larger program to sustainably manage Ontario's wild fur bearer populations (e.g. harvesting, licencing, education and training, marketing). This broader management of Ontario's fur bearer population is in

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part enabled by agreements between the Ministry and provincial First Nation treaty organizations (Union of Ontario Indians, Nishnawbe Aski Nation and Grand Council Treaty #3) and the Ontario Fur Managers Federation (OFMF).

While these agreements generally pertain to the management of wild fur bearers (i.e. harvesting, licencing, education and training, marketing) and not to matters associated with trapline building size, number, location or occupational authority – these agreements provide the basis for Ministry recognition of these organizations as key voices of the fur trapping industry.

Accordingly, the Ministry will seek to maintain regular dialogue with these organizations, in matters related to this policy including policy development, review and dispute resolution.

For purposes of clarity, this policy applies to all public lands under the control and management of the Ministry of Natural Resources, but it does not apply to public lands regulated as provincial parks or conservation reserves. Trapline building policy direction within provincial parks and conservation reserves is provided for in respective provincial park and conservation reserve policy, procedure and management planning documents.

### **3.0 Program Direction**

#### **3.1 Goal**

To facilitate legitimate trapline building use by licenced trappers and unlicenced individuals accompanying the trapper, to provide for the sustainable and planned uses of Ontario's public lands and to provide the opportunity for policy, conflict resolution and a business relationship dialogue with organizations representing Ontario's fur trappers.

#### **3.2 Objectives and Strategies**

- A) To permit the placement and free use of trapline buildings on public lands to provide for shelter, accommodation, safety and efficient trapline management.**

Trapline buildings are permitted to occupy public lands on approved sites, without the payment of a rent or fee, provided such buildings are for use only by the licenced trapper and any unlicenced individual(s) accompanying the trapper for purposes directly associated with trapline related activities.

There is no limit on the seasonal use of trapline buildings, however, Ministry compliance monitoring will focus on unauthorized uses of the trapline building(s). Trapline building permission may be cancelled and trapline buildings treated as an unauthorized occupation, if trapline buildings are used for purposes other than those directly associated with trapline related activities. No other commercial use of trapline buildings is permitted.

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**B) To ensure that the location of trapline building sites consider environmental suitability and land use compatibility.**

A Public Lands Act work permit is required for the construction or placement of new trapline buildings or for additions or alterations to existing trapline buildings.

The establishment of a new or relocated trapline building represents a disposition of the rights to a Crown resource. Accordingly, like all other forms of disposition by the Ministry, the establishment of a new or relocated trapline building will be reviewed consistent with the *Class Environmental Assessment for MNR Resource Stewardship and Facility Development (RSFD) Projects*. This review will ensure careful consideration of environmental suitability and land use compatibility between the various existing and planned uses of public lands.

To help meet this *RSFD Class EA* goal of environmental suitability and land use compatibility, new trapline buildings should generally not be located in the following areas:

- on waterbodies or relevant portions thereof that are either currently used by or identified in Ministry land use planning documents for cottaging, resource based tourism outpost camps, or other relevant Ministry programs. In some situations, based upon suitable rationale for efficient trapline management provided by the applicant, new and/or relocated trapline buildings may be located on lakes with existing cottaging or commercial tourism uses. In these situations, the impact of new trapline buildings on other land uses shall be minimized through careful site location (e.g. not close/adjacent to other uses, not visible from the lake, etc.);
- immediately adjacent to a highway or waterway;
- on road allowances;
- in areas extensively used by the transient public;
- on a site that does not meet public health requirements (e.g. privy location); or
- on or near a portage.

Secondly, building location setbacks from the above list of environmental and land use considerations is recognized as a useful tool in situating new trapline buildings. A standard or mandatory setback is not provided through this policy though, as these setbacks are best determined on a case by case basis through consideration of the *RSFD Class EA* review and through dialogue with the fur trapper.

Thirdly, building locations should be compatible with preferred travel routing for efficient operations of the trapline, ensure that the trapper's travel patterns are not impaired and ensure that the trapper is not unnecessarily deprived access to potable water.

While the above locational criteria for new trapline buildings may provide useful guidance for consideration for application in the Far North, building locations in the Far North are best determined based upon cooperative dialogue between Aboriginal trappers and the Ministry and upon the traditional harvesting practices of the trapper.

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Note: Locational criteria applied to the consideration of new trapline buildings is not intended to be used by the Ministry as a resource management tool to arbitrarily remove or relocate trapline buildings from existing locations.

**C) To provide standards for the size and number of trapline buildings.**

Trapline buildings may consist of:

- **cabins for accommodation:**
  - one main cabin per trapline shall not exceed 600 square feet (55.74 sq. m);
  - in those situations where there may be need for an additional “line” cabin at another location(s) along the same trapline, any and all other additional line cabins shall not individually exceed 400 square feet (37.16 sq. m) in size.
- **ancillary buildings** for skinning, fur preparation, equipment, fuel and motorized vehicle storage:
  - at the site of the main cabin, two ancillary buildings shall be permitted, with the size of each building not to exceed 200 square feet (18.58 sq. m) One building shall be used for skinning and fur preparation, while the other building shall be used for equipment, fuel and motorized vehicle storage;
  - in those situations where there may be need for additional ancillary buildings at another line cabin location(s) along the same trapline, any and all other ancillary buildings permitted shall be multi-purpose and not individually exceed 200 square feet (18.58 sq. m) in size; and
- **privies** at the site of main and line cabin locations.

This policy recognizes that shelter for trappers may not be limited to the above types of trapline buildings. For example, in the Far North, Aboriginal trappers may use alternate forms of shelter on their traplines, including temporary and semi-permanent tent structures and platforms. Fur trapping in the Far North is also unique, in that it is often family based, includes multiple resource harvesting and traditional gathering and may be multi-season in duration.

These structures may be of varying size and number, in part dependent upon the family based nature of fur trapping and in part based upon other associated and traditional harvesting activities. This policy recognizes these structures as a permitted form of shelter for licenced trappers and their accompanying individuals.

**D) To prevent or discourage unnecessary or expensive improvements to trapline buildings.**

Expensive improvements to trapline buildings may preclude and/or make more difficult, the transfer of the trapline buildings to a new trapline licence holder. These expensive improvements may deter a new licenced trapper, on assignment of the trapline area, from acquiring the trapline buildings of the former licenced trapper.

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Trappers are therefore discouraged from making unnecessary or expensive improvements to trapline buildings, such that the allocation of the trapline licence to the next qualified trapper is not impeded and/or made more difficult.

**E) To identify the location of permitted trapline buildings.**

Trapline buildings on public lands shall display metal trap building identification plates (Form 736). If a new site or building is permitted, trap building identification shall be provided to the licenced trapper with instructions to affix it in a visible location on the new building.

Area Supervisors will identify the location of approved trapline buildings within the Ministry's geographical information system (e.g. Natural Resource Values Information System, control maps).

**F) To ensure that trapline buildings are used only for trapline purposes.**

The use of trapline buildings for non-trapline purposes is inconsistent with this policy and is an unauthorized occupation of public lands. Unauthorized uses of trapline buildings may:

- a) contribute to increased resource pressure;
- b) be inconsistent with land use plans;
- c) lead to resource or land use conflicts;
- d) result in direct competition with commercial tourist outfitters; and
- e) result in lost revenues to the province.

The 01 Trapper is responsible for the use of the trapline building(s). While using the trapline buildings for trapline purposes, the licenced trapper and anyone accompanying them may carry on any lawful activities (e.g. fishing, hunting, berry picking, etc.).

Monitoring and compliance with the permitted uses of trapline buildings for the purposes outlined in this policy, is a shared responsibility and opportunity between the Ministry, individual fur trappers and organizations representing the fur trapping community (e.g. Ontario Fur Managers Federation, Provincial Treaty Organization fur trapping harmonization agreement implementation committees) and is in the best interest of the fur trapping industry.

The use of trapline buildings inconsistent with this policy may result in Ministry permission to use the site being cancelled and the trapline buildings may be treated as an unauthorized occupation. Where this occurs, trapline building identification may be removed and the provisions of Policy and Procedure PL 3.03.02 Unauthorized Occupations of Public Land may be followed.

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Where permission to use the site is to be cancelled, the Area Supervisor shall:

- give the 01 Trapper notice in writing of their intent to cancel permission to use the site, before actually doing so (such notice shall include the reasons for which they intend to cancel the permission);
- give the 01 Trapper an opportunity to express their objection to the cancellation of the permission in a hearing before the Area Supervisor; and
- notify the 01 Trapper, in writing, after the hearing referred to in b) above, of their decision and the reasons therefore and of their entitlement to have the decision reconsidered by the Regional Director or their delegate, by filing written submissions with respect thereto within 15 days of the date of the mailing of the decision.

Where within 15 days of the date of the mailing of the officer's decision and reasons therefore, the 01 Trapper has requested that the Area Supervisor's decision be reconsidered, the Regional Director or their delegate shall review the written submission of the 01 Trapper and advise the trapper and the Area Supervisor of their findings.

**G) To allow the transfer of trapline buildings within the licenced trapping area with the transfer of a trapline and failing transfer, to resolve unauthorized occupations of public land.**

When a trapline is transferred to another licenced trapper, trapline buildings within the licenced area may be transferred with the trapline if, in the opinion of all concerned, those buildings are necessary for effective operation of the line. Upon request, the new licenced trapper will be allowed most of or all of one entire trapping season to fully assess the needs for the trapline building(s) before committing to acquire the building(s).

During the waiting period, if the new licenced trapper is not given permission to occupy the building(s) by the retiring trapper, the trapline building identification plate is to be removed and the buildings are to be posted with Form 869 (notice under section 27, Public Lands Act) to prohibit their use by either of the trappers or any other party.

A financial settlement for the buildings should be worked out between the trappers themselves or, if they wish, with input from members of the local trappers' council or Trapping Harmonization Agreement implementation committee. The new licenced trapper cannot be forced to buy buildings neither needed or wanted.

Where a transfer of the buildings does not take place, or where a trapping licence expires through default or surrender, the buildings are the property of the Crown pursuant to subsection 24(4) of the Public Lands Act. Upon written request of the retiring trapper, the District Manager shall in writing, provide the retiring trapper a reasonable time to remove the buildings and leave the site(s) in a safe and clean condition.

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When determining a reasonable time to remove the trapline building(s), the Ministry shall have regard to seasonal access limitations (e.g. effect of spring break up on access) and any extenuating circumstances that may restrict the retiring trapper's ability to remove the building(s). Except in unusual circumstances, the reasonable period for removal of the building(s) shall not exceed one year.

If the retiring trapper fails to remove the buildings in that time, the provisions of Policy and Procedure PL 3.03.02 Unauthorized Occupations of Public Land shall apply.

Note that in addition to the provisions of this policy related to trapline licence and asset transfer, those provisions of the three fur trapping harmonization agreements between Ontario, Canada and the three provincial treaty organizations (Union of Ontario Indians, Nishnawbe Aski Nation and Grand Council Treaty #3) related to trapline transfer and historical claims to traplines shall also apply.

Procedure PL 3.03.02 (Section 4.4, pp 6) allows for the buildings to be sold, rented, or given by the Crown to someone who is entitled to have the buildings there (e.g. the new trapper).

**H) To provide the opportunity for policy development and review, conflict resolution and business relationship dialogue with organizations representing Ontario's fur trappers.**

This policy recognizes the value of regular dialogue between the Ministry's Land Management program and organizations representing Ontario's fur trappers. Such dialogue provides the opportunity and basis for:

- regular policy review;
- discussion and better understanding of matters related to policy implementation;
- consideration of the use of alternate conflict resolution approaches; and
- discussion of the opportunities to develop new business relationships.

To implement this dialogue:

- the Manager, Land Management Section and representatives of the Ontario Fur Managers Federation will meet on at least an annual basis to discuss the matters addressed above; and
- with respect to the three provincial First Nation treaty organizations (Union of Ontario Indians, Nishnawbe Aski Nation and Grand Council Treaty #3), dialogue on this policy will be pursued through the Management Committee structure established in the respective "Trapping Harmonization Agreements" with these organizations.

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## **4.0 REFERENCES**

### **4.1 Legal References**

- Fish and Wildlife Conservation Act
- Public Lands Act
- Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects (MNR 2003)

### **4.2 Directive Cross References**

- PL 3.03.01 (POL) Free Use Policy
- PL 3.03.02 (POL & PRO) Unauthorized Occupations of Public Land