

# ONTARIO FEDERATION OF ANGLERS & HUNTERS



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OFAH FILE: 352-14/450

August 31, 2012

Honourable Kathleen Wynne  
Minister of Aboriginal Affairs  
160 Bloor Street East, Suite 400  
Toronto, Ontario  
M7A 2E6

Dear Minister:

On behalf of the Ontario Federation of Anglers and Hunters (OFAH), our 100,000 members, subscribers and supporters, and 675 member clubs, thank you for taking time out of your busy schedule to meet with us recently regarding the Algonquin Land Claim.

We wanted to touch on several points that were raised during our discussion with you, or that occurred as a result of your appearance on the Outdoor Journal radio program:

- 1) Despite the fact that a number of very explicit Agreements-in-Principle (AIP) exist elsewhere, we are continually told that the Algonquin AIP will be general in nature, with the intention of “filling in the details” after approval, a fact which you confirmed. Given the very complicated balancing act involved in the fair sharing of natural resources between the aboriginal community and nonaboriginal users, could you explain why the designation of species other than moose, and the presence of a fair sharing formula that exists in other AIP’s, are not being pursued in this case and will not be achieved prior to signing?
- 2) Pursuant to the above, it was confirmed during our meeting that discussions with other First Nations that have competing claims to the area are occurring, despite earlier indications by both government negotiators that those discussions would have to wait until after the final Treaty was settled. No doubt this change occurred due to a recent court case that stipulated that other First Nations that have a valid claim must be consulted before agreements are signed. Given the impact that this could have on the resources, either through sheltering agreements or additional allocations given to other First Nation claimants, the identification of designated species other than moose and a sharing formula are critical to ensure that nonaboriginal anglers and hunters have fair access to these resources and should be included in the AIP. This is particularly true given unregulated hunting by Métis in the Mattawa area, who have not demonstrated the right to hunt or fish in the area according to the Powley test.
- 3) You noted that over the years the OFAH and others have had an opportunity to be consulted and involved in the process through the Committee of External Advisors (CEA), which you repeated during your radio interview on the Outdoor Journal.

While the CEA may have met several dozen times since its inception, it has served nothing more than an auditory function, and as a place where the negotiators have come to provide carefully screened updates, without providing real answers to the questions put to them. At no time have the members of the CEA been asked to submit formal proposals or position papers outlining their respective concerns and issues. As a conduit for informed discussion, and as a forum for PUBLIC consultation, the CEA has failed, but we continue to attend in faint hope that something useful will be achieved through this medium.

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- 4) We would appreciate knowing exactly how the government defines “public consultation.” On the Outdoor Journal radio show you stated that you would make sure that, “everybody is heard from” and that there will be “public discussions.” You also noted that “public consultation is an integral part of the process.” At times it appears that the government views the CEA and stakeholder meetings that started in May as public consultation, while at other times there seems to be a willingness to take this issue to the broader public (i.e. the residents and businesses of the land claim area). Your clarification on this point would be appreciated.
- 5) The timeline for the completion of an AIP is apparently early in 2013, with several chapters apparently already completed, including those relating to land allocations and financial compensation, which will be the focus of discussions in September between Mr. Potts and the broader Algonquin community. The rush to have the entire AIP completed by early January for a vote by the Algonquin later in the spring is unfortunate for a number of reasons:
  - a) consultation with selected stakeholders only began in late May;
  - b) a number of chapters have not been discussed at either the CEA or focussed stakeholder meetings, nor is there an indication if or when they might be;
  - c) comments from stakeholders after the July 26 meeting are still being digested by the provincial negotiator and discussed with the Algonquin;
  - d) there appears to be no intention of holding broader public consultation prior to an AIP being signed, which you confirmed on the Outdoor Journal, although you appeared to agree with the host that PUBLIC consultation would occur BEFORE anything was set in stone;
  - e) we are seeking to ensure that that the comments made by stakeholders will be taken to the table and feedback received;
  - f) the Algonquin Land Claim Update also stated that the public and interested stakeholders would be involved in the land selection process; we have requested involvement in this aspect of the AIP, but Mr. Crane has not responded to date;
  - g) the failure to include designated species and defined fish and wildlife management plans in the AIP undermines the conservation definition included in the preamble, as does the suggestion that the Minister of Natural Resources will only step in when a fish or wildlife species is judged to have reached a crisis point.
- 6) The list of questions that remain unanswered, despite repeated requests, include:
  - what lands are included?
  - will the province maintain responsibility for enforcement?
  - will the province enter into a comanagement arrangement with the Algonquin that will see them have control over natural resources, despite the fact that anglers and hunters, who pay for two-thirds of all fish and wildlife programs in Ontario, will have no say?
  - without details on the land selection process, how can any stakeholder, including municipalities, understand the real or potential impacts on tourism, natural resource management activities, and recreational pursuits?
  - what impact will land selection have on existing tourist operations, Land Use Permits, hunt camps, trail use, etc., and what alternate arrangements will be put in place to accommodate those displaced or affected by the land selection?
  - how will public access to Crown lands be affected?
  - when will the public be informed of the process and details in the agreement as committed to by the chief provincial negotiator on a number of occasions through his Algonquin Land Claim Update (“to keep the public informed on the progress of negotiations”)?

Minister, while we appreciate the opportunity to meet with you and senior staff, including the Deputy Minister and the Assistant Deputy Minister, Negotiations and Reconciliation Division, it would appear that the concerns we expressed, as well as the concerns expressed by our colleagues at the Canadian Sportfishing Industry Association (CSIA) and others, are still outstanding. In fact, it appears from the responses we received that in the Ministry’s view, all is going according to form, in our opinion, is illusory.

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The OFAH and other stakeholder groups that have only recently been involved in “consultation meetings” (three to date), have a number of profound concerns that have not been addressed, and apparently will not be addressed before an AIP is signed. Groups as diverse as the Ontario Trails Council, the Ontario Federation of Snowmobile Clubs, Delta Waterfowl, the Federation of Ontario Cottagers’ Associations and even the Canadian Parks and Wilderness Society (CPAWS) have recently expressed their profound concern over the lack of public consultation prior to an AIP being signed. Natural resources and Crown land, including provincial parks, belong to ALL Ontarians, and it is incumbent on the Government of Ontario to represent the general public at the table. We urge you in the strongest possible terms to ensure that the rush to judgment, and that uncertainty over the signing of an AIP does not occur at the expense of the 1.4 million nonaboriginal residents in the land claim area and the larger population base that uses and enjoys the public resources which lie within the claim area.

We care because natural resources, including fish and wildlife, represent an immensely valuable public trust that belongs to the public of Ontario and Canada. All society must share, or have the opportunity to share in the benefits accruing from this natural resource trust. Resource sharing must recognize that hunting and fishing are an integral part of the heritage and traditions of both aboriginal and nonaboriginal peoples in the province. The ultimate allocation among users must be the subject of negotiation and discussion. All decisions regarding resource use, especially fish and wildlife, must have conservation as their fundamental underpinning. We also urge you to immediately begin an open public consultation in the truest meaning of the term before the opportunity to provide factual information is undermined by rumor and innuendo which will inevitably occur once the broader Algonquin community receives its fall briefing. In our opinion, it is premature for the Algonquin negotiator to have specific discussions with the Algonquin community in early September, when we are still having dialogue on some matters, while others have not been the subject of stakeholder consultation at all, and little feedback on our positions has been received.

Yours in Conservation,



Angelo Lombardo  
Executive Director



Greg Farrant  
Manager, Government Affairs & Policy

AL/GF/jb

cc: Honourable Michael Gravelle, Minister of Natural Resources  
Laurie LeBlanc, Deputy Minister of Aboriginal Affairs  
Doug Carr, ADM, Negotiations and Reconciliation, Ministry of Aboriginal Affairs  
Guy Bethell, Chief of Staff, Ministry of Aboriginal Affairs  
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