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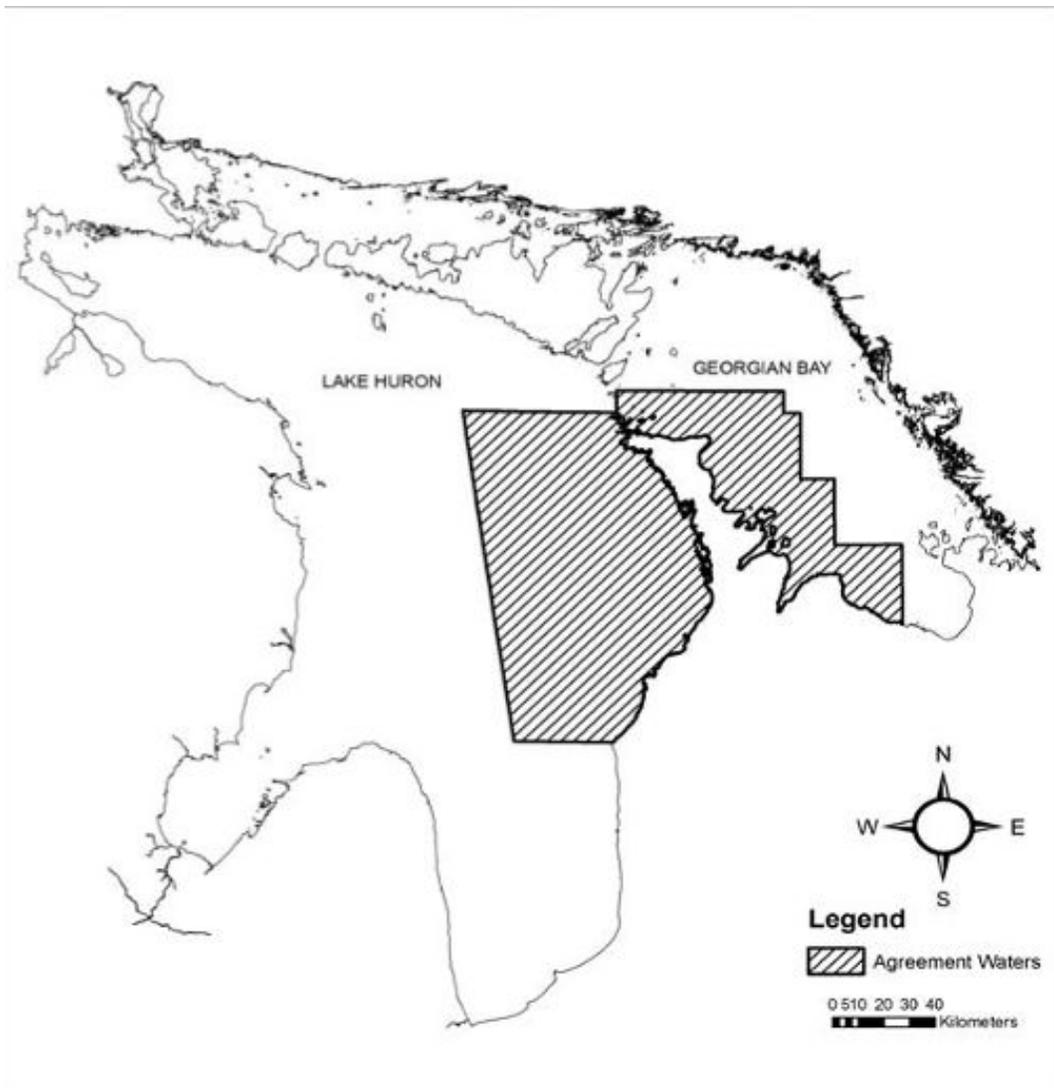
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## NEWS LOCAL

# Chiefs respond to native fishing agreement critics

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The area covered by the new SON native commercial fishing agreement.

Saugeen Ojibway Nation responded over the weekend to sometimes hostile reaction over its renewed commercial fishing agreement with the Ministry of Natural Resources, after nearly seven weeks of public silence from the bands.

Chippewas of Saugeen First Nation Chief Randall Kahgee reiterated in an interview Saturday the local native community's longstanding ecological and commercial fishing concerns about stocking salmon in their court-recognized territorial waters, which include parts of Lake Huron and Georgian Bay.

He also confirmed no decision has been made over whether nets will be set in local bays during the annual Salmon Spectacular sports fishing derby in August, which they've pulled back from in the past.

A meeting with the dozen or so commercial fishermen at Saugeen and the Cape Croker bands will be called to see how they feel about taking that step, Kahgee said.

The agreement allows native commercial fishermen to set nets in Owen Sound and Colpoys bays as of April 26 and from then on, year-round.

Kahgee said once that decision about setting nets during the derby is made "I would hope we can get something out there," he said. "Myself personally, I wouldn't want to leave that type of communication or understanding too long." But internal discussions, including with the fishermen, and with the province and the Crown, he said, must take place first.

If nets are laid, they'll be well marked and fishermen trolling will know how to set their down riggers to safely co-exist with them, Kahgee suggested. "We tried to build a lot of safeguards in there so the two can co-exist."

But it remains to be seen if the native fishermen themselves want to go there, he said. "There is going to have to be a dialogue with our fishermen as well and our communities as we move forward to say is this something you are going to do?"

He said native fishermen have expressed concerns about what might happen to them.

"I'm told they've experienced some of the backlash from this agreement already. Right, whether it's at the dock and the taunting. So now we have to find a way to really work hard to educate the public (about the historical and legal underpinnings of the agreement) because it's not only our fishermen that suffer, it's our people in general that suffer."

But Kahgee stressed regardless of whether they set nets in the bays during the derby or not, the bays are part of SON territorial waters. "I think one of the things that I'm really, that encourages me, is that for the first time you have a Crown standing with you communicating saying there is a right. This agreement is meant to move the relationship."

Kahgee also said remarks by Bruce-Grey-Owen Sound MP Larry Miller and provincial counterpart Bill Walker "have ignited negative and uninformed public reaction to the agreement. Mutual trust and respect have suffered."

That response to Miller and Walker is in a news release signed by Kahgee and Chippewas of Nawash Unceded First Nations Chief Scott Lee, who represent SON. Though it's dated April 9, it only came to The Sun Times Saturday, through someone who'd seen it.

Attempts to reach Kahgee and Lee since the five-year agreement was made public by the MNR Feb. 25 have gone unanswered until Saturday. Kahgee said he went on leave for a serious medical issue in February, was off seven weeks and returned to work last week.

During that time, Miller and Walker have railed against the agreement.

Walker warned that by allowing native commercial fishing nets into Colpoys and Owen Sound bays, local sports fishing and tourism opportunities could be destroyed.

"Not only are vessels being put in the bays where local sport fishers love to fish, but they are being paid to be there. This is very upsetting," Walker said in a subsequent joint release with Miller, adding he wondered where the provincial government would find the money for \$850,000 in funding to the band to implement the agreement over five years.

Miller said in the release "I am deeply disappointed in learning the details and hidden aspects of this new agreement that will no doubt kill local sport fishing in these bays.

"When I found out that commercial fishing rights were being granted I felt it was a slam against local recreational fishers, after reviewing the agreement and finding out that about \$850,000 will be provided by the province, I feel as though this is a complete insult and a shameful act by the ministry."

Miller later specifically directed people upset with the commercial fishing agreement to aim their anger at the Ontario government, not the native community. Miller said he also wanted to make it clear that although he has heard from people who have "suggested violence" in response to the agreement, he "in no way" supports violence "as an option in this or any other matter."

Kahgee said people need to read the agreement and understand its context historically and in recognition of court and Charter-recognized aboriginal and treaty rights. He suggested people read their submissions to the Ipperwash inquiry on the attorney general's website for a better understanding too.

He said money is needed to implement the agreement.

Kahgee said the comment by Miller and Walker "incites panic and that's not always the most conducive way to build a constructive dialogue," he said. When the native leaders saw the kinds of comments being made, they kept own comments to themselves, Kahgee said, further trying to explain the lack of native comment after the agreement was publicized.

"The last thing that I wanted to do was, pardon my French, to be getting into a pissing match with Larry Miller and Bill Walker," Kahgee said. "The agreement doesn't say, hey, we're going (to) forever obliterate the recreational fishery. It says nothing to that effect at all."

The SON news release said SON "understands the importance of the recreational fishery. This agreement will not decimate it. Rather, the agreement provides new and flexible mechanisms so that we can work together with Ontario to protect the waters and ensure safety on them."

But while protecting the health of the fishery is a key priority of the fishing agreement, that doesn't necessarily automatically extend to stocked fish like salmon -- which sports fishing clubs work hard to put in local waters every year is not, Kahgee acknowledged in the interview.

"We've always had concerns about the impacts of stocking, particularly the stocking of non-indigenous species in the waters . . ." to the commercial fishery and the lake ecology, he said. "That's something I think I can't speak to scientifically. I hear a lot of concerns that might be expressed from our fishermen."

So the fishing agreement directly addresses native commercial fishing concerns that stocked fish may be harming the commercial fishery -- at SON's insistence, Kahgee said. The agreement provides for a fish stocking working group to study the science around the claims.

If stocking is harming the commercial fishery, the agreement sets out a mechanism to deal with it, as does the law around the duty to consult, Kahgee, himself a lawyer with experience in using the courts to recognize and enforce native rights.

"Where is the consultation in and around the stocking in general? Right? The law says that if the Crown is proposing to permit or allow something that might have a negative impact on an aboriginal and/or treaty right, then there is a duty to consult. And if there is an impact, then there is a duty to accommodate."

The agreement provides for the creation of a governance committee, working groups which will make recommendations to it, including total allowable catch limits, stocking, communication/ education and economic development.

Data exchange provisions are included, the agreement says, to "ensure the sustainability of the fishery, to ensure the parties' mutual responsibility for fisheries assessment work and to assess the TAC," or total allowable catch.

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