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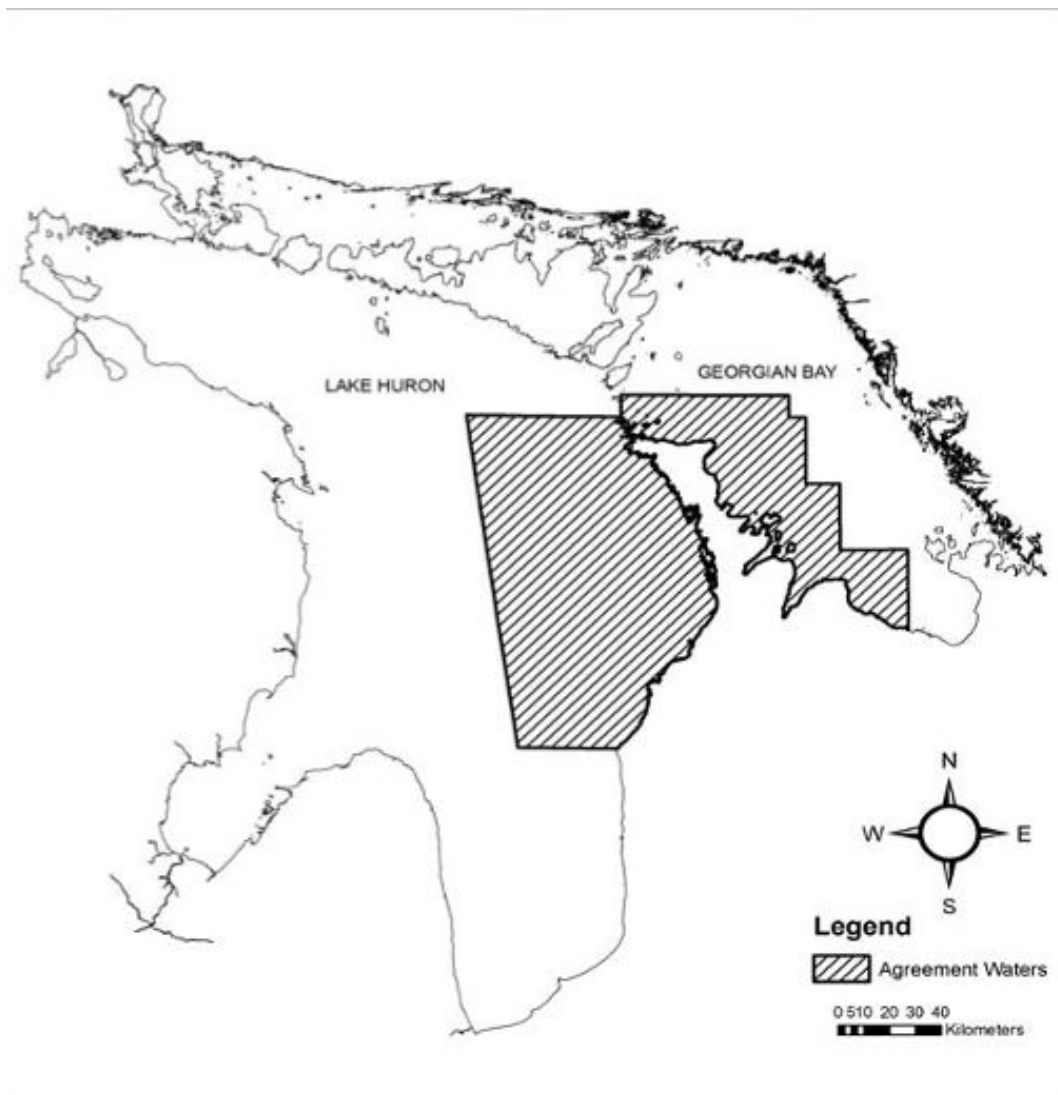
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NEWS LOCAL

Natives, MNR reach commercial fishing accord

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

Scott Dunn
Sun Times staff

The Ontario Ministry of Natural Resources announced a new five-year commercial fishing agreement with Saugeen Ojibway Nation on Monday which permits native commercial fishermen to set their nets in Colpoys Bay and Owen Sound Bay year-round.

“Under the previous agreement, SON had agreed not to fish in the inner waters of Owen Sound and Colpoys Bay year-round and the outer bays during peak times for recreational angling and boating,” MNR minister’s office spokeswoman Jessica Spindler said.

“Under the new agreement, SON will have greater access to these waters and will fish year round,” she said Monday in an interview. This change is effective April 26 — 60 days after the new agreement was signed and will continue to the agreement’s end on Feb. 25, 2018.

Copies of the new agreement are available by calling the MNR Upper Great Lakes Management Unit at 519-371-0420. A copy was not provided as part of the background information Monday but they will be available today.

“MNR and SON will monitor commercial fishing and recreational use in the bays and will meet in October 2013 to make sure that both commercial and recreational anglers can continue to safely co-exist, while maintaining a sustainable fishery,” MNR said in a release.

“MNR will continue to seek input on the management of the fishery through fisheries management zone councils (groups made up of 15-20 volunteers representing a variety of stakeholder and interest groups) and meetings with our partners,” Spindler added by e-mail.

Conflicts between the native commercial fishery and largely non-native recreational fishing groups have arisen during the annual Owen Sound Salmon Spectacular fishing derby in August. Commercial nets have been cut, in one case blades were set on them allegedly in response and tensions grew between sports fishermen who trolled for fish and native fishermen who set their commercial nets in the same waters.

“The SON agreement recognizes the importance of both commercial fishing and recreational activities, such as angling and boating, and will provide certainty and clarity on the management of fisheries in the Bruce Peninsula area,” Minister of Natural Resources David Oraziotti said in a ministry news release.

Ontario Minister of Aboriginal Affairs David Zimmer said “Agreements like this one are significant in advancing the province’s relationship with individual communities so that First Nations can participate in the management of natural resources.”

Spindler said there are provisions in the agreement to help ensure both kinds of fishing can co-exist safely in the bay, including requirements that commercial nets have standardized markings and nets won’t be longer than 300 metres to maximize marker visibility and those in the bays will have mesh of 4.5 inches (11.5 centimetres) or greater.

In March, April, October and November, “commercial fishers will make best efforts” not to set commercial nets within a one-kilometre radius of the mouths of Bothwell Creek, Colpoys Creek, Waterton Creek, Keefers Creek and Gleason Brook, to protect spawning salmon and rainbow trout.

“Ultimately they do have the priority to harvest fish in the area based on treaty rights and that’s recognized that they have rights to a sustenance commercial fishery,” Spindler said. But there could be room for compromise during the derby involving native fishermen exercising discretion, she suggested. “The SON has agreed again, you know, to avoid certain areas during spawning times. I think a request could be made that they perhaps not fish during the derby.”

She also said “I think the groups do want to co-exist peacefully in this area.”

Asked if she thinks this fishing agreement will ensure that happens, Spindler said it's a "positive step towards recognizing the treaty rights that the SON do have to fish in that area while respecting that there is recreational fishing going on in the area that area residents enjoy as well."

The last five-year native commercial fisheries agreement, signed July 12, 2005, between the Ontario Ministry of Natural Resources and both local First Nations, angered the local sports fishing community when it expanded native commercial netting into Colpoys Bay and Owen Sound Bay for much of the year. The commercial fishing agreement allowed native gill net fishing up to the mouths of Owen Sound and Colpoys Bay.

In that old agreement, in August the lines moved back as far as White Cloud and Griffith islands and across to Vail's Point so as not to interfere with fishing derbies. The agreement also permitted native commercial fishing as far east as Craigeleith on Georgian Bay and south to Point Clarke on Lake Huron.

The new agreement was worked out with the help of former Supreme Court Justice Frank Iacobucci, whom the government retained to facilitate discussions. A framework agreement containing the process for negotiation was signed Aug. 23, 2011.

Contents of the new agreement highlighted in government news releases also includes that it "provides clarity and certainty" about the exercise of fishing rights, that fishing will take place in "a sustainable manner, based on sound science and the collaborative setting of total allowable catch."

It "recognizes the importance of protecting and conserving the fishery," sets out "processes for monitoring, assessment, information sharing and determining sustainable harvest limits," "enhances economic development" for SON, "establishes a co-operative approach to compliance" and "commits both parties to effective public education and communications."

Catch limits and other recreational fishing regulations won't be affected by the fishing agreement, an issue some have been curious about, Spindler said.

The agreement covers areas recognized by SON as traditional waters: Waters surrounding the Bruce Peninsula from Point Clark in Lake Huron to the international border and around the Bruce Peninsula into Georgian Bay to Craigeleith.

In 1993, both local native communities, the Chippewas of Nawash Unceded First Nation and Saugeen First Nation, won the Ontario Court of Justice decision *R. v Jones and Nadjiwon*. It recognized that collectively the SON has an aboriginal and treaty right to fish for sustenance commercial purposes in the waters of Lake Huron which is protected under Section 35 of the Constitution Act.

Agreements signed in 2000 and 2005 were not fully made public. Both Bruce-Grey-Owen Sound MP Larry Miller and then-MPP Bill Murdoch went to Ontario's Information and Privacy Commissioner, who ordered in 2006 the Ministry of Natural Resources to make the agreement public. The privacy commissioner approved the FOI request and ordered the MNR to release the document by Sept. 5, 2006. However, at the last minute, the First Nations appealed the ruling, which blocked the release and triggered a judicial review of the FOI order. The First Nations and MNR's refusal to release the agreement has fueled speculation about its contents.

Neither Saugeen First Nation Chief Randall Kahgee nor Chippewas of Nawash Chief Scott Lee were available for comment Monday. They were quoted in the provincial government's news release.

Lee said: "SON looks forward to implementing the fishing agreement. The agreement sets a new and innovative standard for government-to-government relations. It demonstrates what can be achieved through good-faith negotiations based on mutual trust and respect."

Kahgee said: "The new agreement continues to build on the progress that SON and MNR

have made since Jones and Nadjiwon was decided in 1993. SON looks forward to continuing its work with Ontario and other government agencies to ensure that the waters and lands that support our fisheries are protected for future generations. This agreement is a true milestone in our relationship.”

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skyhawk41

How come that the MNR always enters into these fishing agreements,apparently in secret, with the SON people without any prior input from other stakeholders? This BS about coexistence is exactly what it means.....the tail continues to wag the dog based on some obscure age old agreements with the British Crown. Somebody smarter then the MNR should calculate the potential negative economic impact on the Area and send the SON folks the bill, or take it off their transfer payments from the Federal Government.

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