

October 12, 2017

This document is the response of the Lake Clear Property Owners Association to the Draft Environmental Evaluation Report – Proposed Settlement Lands Made Under The Algonquin Land Claim Declaration Order – August 28, 2017.

Firstly, we are compelled to observe an overall generalization. We cannot but note that, notwithstanding the “Disclaimer” on Page x of the Preamble, the absolute predominance of the “Algonquin Perspective” throughout the report, including statements in Tables presented as fact rather than opinion, negatively colours the entire report’s credibility as a fact based, scientifically objective analysis of potential environmental impacts. For example, the EER notes the attendance of 2215 people at 9 “Public Information Sessions” at release of PDAIP in 2013 but fails to detail the “public perspective” voiced at those meetings. Indeed the synopsis of comments ignores the fact that the most controversial issue at those well attended meetings was the draft Harvesting Chapter. We suggest that the absence of objective, scientific analysis by professionals engaged by the Government of Ontario to give unbiased science based conclusions and recommendations on environmental evaluations is a fatal flaw in the report. The substitution of politically correct statements for scientifically based facts leaves the reader to the inevitable conclusion that the report is simply a neat gloss over of the predetermined position of Ontario that there will be almost no environmental impact.

Secondly, the Principles set out in Part III, 5.1 under Assessment Parameters, are seriously undermined and negated by the history of this process where the voices of those who challenged the predetermined positions on such major issues as Land Selection and Harvesting were swept aside by arguments containing statistics on how many “consultation meetings” were held by the negotiating teams. Meetings for the sake of meetings to enhance the accumulation of numbers do not constitute a “fair and transparent process for the parties and ALL stakeholders (ie, the AOO and ALL users of the lands”). (Capitalization ours.)

We turn now to a limited discussion of some of our more specific concerns:

1. Land Selection of Islands and Abutting Land on Lake Clear

The decision was made during the Land Selection process to propose the transfer of almost every Crown Land Island on Lake Clear and all Crown Land abutting the lake to the AOO as part of the minimum of 117,500 acres proposed to be transferred to the AOO in the AIP. This elimination of almost all public ownership (in the name of the Crown) of islands and abutting lands on the entire lake was made without any communication or consultation with the Lake Clear Property Owners Association. We respectfully suggest that there are, in fact, environmental considerations when every island and abutting Crown Land on the lake, excepting according to Provincial officials at the October 5 Pembroke Open House, the tiny island called Salmon, are scheduled to be transferred to a collective ownership of somewhere between the current estimated number of 10,000 AOO members and potentially 15,000 AOO members.

2. Tourism Industry

Our particular area of rural Ontario has been and continues to be severely challenged economically. Tourism along with forestry remains two of the major local employment generators, albeit relatively low paying and certainly faced with ongoing extremely difficult profitability challenges. A key contributor to the viability, such as it is, of our tourism industry is the outdoor recreational aspects of the businesses as particularly found in fishing and hunting. Any reduction in the attractiveness of sports fishing and sports hunting would severely impact the local tourism industry in a seriously negative way. The present unrestricted access of AOO members, pre and post final agreement, to a vast area of no closed seasons for harvesting wildlife or for fishing with no creel or bag limits and no restrictions on gear, technology and harvest methods has major environmental potential. Yet the EER casually sets aside any environmental concerns apparently on the basis that 10,000 to 15,000 people can be trusted to do what is right for “Mother Earth.”

3. Fisheries

In a more “in my backyard” context we note the long standing process of establishing a sustainable walleye fishery in Lake Clear. This commenced in the 1980’s with the then Ministry of Natural Resources stocking a large number of walleye fingerlings in the lake and then closing it to any walleye fishing until the spring of 1992. The fledging walleye fishery has been carefully monitored by the now Ministry of Natural Resources and Forestry ever since. Once again we are compelled to state our deep concern at the sustainability of this fishery in the light of the unlimited harvest methods, including any kind of netting any time of year, available to 10,000 AOO members and potentially up to 15,000 members. Yet the EER flatly assures its readers that “No effects to the fisheries management program are anticipated when lands are transferred” because, the report asserts, “The Algonquins have managed the conservation and sustainability of fisheries populations and habitat for millennia.”

In conclusion we emphatically do not challenge the assertion that many members of AOO are as concerned with, and dedicated to, sustainable conservation as any of us. That does not change the fact that for the report to infer that “all will be well” because the “Algonquins have managed the conservation and sustainability of fisheries populations and habitat for millennia” is surely the height of irrelevance in 2017. The limited equipment and limited population of the time frame quoted for this assurance in the EER makes such an assertion not worth further comment. While recognizing good faith with respect to conservation on the part of many members of the AOO, and also recognizing the constitutional right of Aboriginals to priority allocation where conservation requirements so dictate, the inescapable fact remains that conservation is infraction blind and no wildlife resource can withstand unlimited harvesting. Thus the EER denial of any environmental impact as a result of the transfer of lands on lakes to collective AOO ownership must be challenged.

We would argue that the recognition by the parties in the AIP that fishing rights “shall be exercised in accordance with a fisheries management plan where one has been developed in accordance with this Chapter” (8.2.2) is a clear indication that all parties to the AIP recognize the imperative of the fisheries management plan to a sustainable fishery in the land claim area. We respectfully suggest that a fatal flaw in the process set out in the AIP is that the fisheries management plan is not required to be completed, with full AOO, public and stakeholder meaningful participation, BEFORE the final agreement is inked. Doing this “hard work” prior to finalizing the final agreement would be a major achievement by the three negotiating parties to show good faith with concerned property owners such as ourselves and other like minded organizations and individuals. As well it would meet the commitments made to transparency and openness. Probably most importantly it could serve to head off what has the potential of developing into a highly unfortunate and unwanted confrontational situation between the non Algonquin community and the AOO over harvesting issues. We submit that anything that contributes to the principle of reconciliation, in whatever forum, should be the goal of all of us.

Respectfully submitted.

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