



Asubpeeschoseewagong Netum Anishinabek

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December 19, 2011

Minister Michael Gravelle
Ministry of Natural Resources
Room 6610 Whitney Block
99 Wellesley Street West
Toronto, ON M7A 1W3

Re: Long Term Management Direction for the Whiskey Jack Forest (Crown Unit), 2012-2022

Dear Minister,

We learned last week that MNR released a Long Term Management Direction for the Whiskey Jack Forest, setting out the strategic elements of the 2012-2022 Forest Management Plan.

This document was developed without our participation or consent. It was developed entirely outside the negotiations we have undertaken with your Ministry in good faith under the Process Agreement. It sets the stage for clearcutting throughout our traditional lands, which in our estimation establishes core infringements of our inherent and Treaty rights and will further erode our relations with Ontario on questions of forest management. And we have not given our consent.

ANA has therefore rejected this Long Term Management Direction; please refer to our resolution attached.

We have consistently objected to the planning process that MNR used for this document and Forest Management Plans generally. This process does not approach us within a government-to-government relationship, with mutual respect. Instead, it treats us as a stakeholder, asking merely for our input that can be (and in our experience, has been) easily ignored. Only MNR or a proponent holds the pen. It does not provide adequate resources for First Nation community participation or the studies required to gather crucial environmental and traditional knowledge. It sets the wood supply as the highest objective, and compromises other objectives, those that are most important to ANA, to meet the wood supply targets. MNR has knowingly used the Process Agreement to suppress ANA, as we see little of ANA objectives in the LTMD.

This kind of forest management planning resulted in years of harmful, destructive clear-cuts throughout our traditional lands. Eventually, this led us into a blockade, and later into the Process Agreement negotiations with your government. But now, once again, we find clear-cuts being planned throughout our traditional lands, resulting from the same, misguided planning process.

We raised these concerns with your Ministry many times. For example, our trappers launched an issue resolution procedure and then a “bump up” request regarding logging under the 1999 FMP. So many meetings, letters and actions from our community followed from the 2004 FMP they led to blockades and, finally, the Process Agreement. On October 27, 2008, we wrote to Minister Cansfield objecting to the planning process for the “Contingency Plan” FMP, indicating that any planning should be brought within the government-to-government relationship in the Process negotiations. When this was not honored, we submitted a detailed account of our concerns about the Contingency Plan in January 2009. After local officials approached us about the development of the 2012 plan (i.e. the plan now at issue), we wrote to Minister Jeffrey on March 17, 2010 – once again, indicating our objection and seeking harmony with the Process negotiations.

Without a response, we sought to address our concerns in the mediation of 2010-2011 with Justice Iacobucci. We agreed to go forward with the Process Agreement on the basis of the commitments in a Memorandum of Understanding signed with Ministry Jeffrey on April 7, 2011. In that MOU, MNR committed to providing us with assurance that it would ensure harmony between the Process Agreement negotiations and other forest management planning.

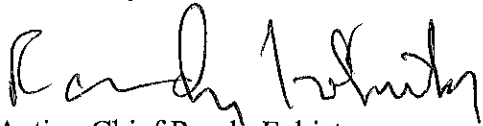
We heard no response to this question all year. I wrote to Minister Jeffrey again on August 17, 2011, and followed up in a letter to you on October 31, 2011. I have not heard a reply.

When pressed, MNR informed us last week that it was taking what our representatives said in the Process Agreement negotiations and considering that information, to some unspecified extent, in its design of the Long Term Management Direction and other aspects of the Forest Management Plan. This is a completely unacceptable approach. It admits to using our confidential discussions for other purposes, without our knowledge or consent. It fails to address whether decisions made through the Process Agreement will be respected, and if so, how. It is a unilateral, stakeholder-type approach that is not in keeping with the principles of mutuality in the Process Agreement. In short, it does not provide assurance of harmony as per the commitment made in the MOU.

This proposed LTMD is unsustainable, and unwise. We have not been consulted, and we have not been accommodated. Economic benefits for our community were not negotiated for this plan as per Declaration Order MNR-71. Our constitutional rights protected under s. 35 of the *Constitution Act, 1982* are under threat, and the mutuality principles established under our Process Agreement and MOU are not being followed.

Therefore, Asubpeeschoseewagong Netum Anishinabek cannot give consent. We urge you not to approve a Forest Management Plan for the Whiskey Jack Forest that includes this Long Term Management Direction. Further, we repeat our request to meet with you as soon as possible to discuss our relationship and find a better path forward.

Yours truly,



Acting Chief Randy Fobister
As per/Chief Simon Fobister
Asubpeeschoseewagong Netum Anishinabek
(Grassy Narrows First Nation)

CC: Minister John Duncan, Ministry of Aboriginal Affairs and Northern Development Canada
Minister Kathleen Wynne, Ontario Ministry of Aboriginal Affairs
Ogichidaakwe Diane Kelly, Grand Council of Treaty #3
Allan Willcocks, Regional Director, MNR
Sarah Campbell, NDP for the Kenora area