

STATUTORY DECLARATION

CANADA)
)
PROVINCE OF ALBERTA)
)
TO WIT:)
)
)
)
)
)


IN THE MATTER of the *Conflicts of Interest Act* of
Alberta, R.S.A. 2000, c. C-23
AND IN THE MATTER OF the investigation by the
Office of the Ethics Commissioner for the Province of
Alberta, in regard to a complaint of an alleged
contravention of the *Conflicts of Interest Act* by the Hon.
Mike Cardinal, Member for Athabasca-Wabasca and
Minister of Sustainable Resource Development.

I, the Honorable Mike Cardinal, Minister of Sustainable Resource Development, of the Hamlet of Calling Lake, in the Province of Alberta, DO SOLEMNLY DECLARE THAT:

1. I have duly personally provided my answers to all of those questions annexed hereto in Schedule "A" which were submitted to me by the Ethics Commissioner for the Province of Alberta.
2. With respect to the answers provided in Schedule "A" hereto, I hereby declare that all facts and details contained in my answers are accurate and truthful and are provided to the best of my knowledge, recollection, information and belief.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath by virtue of the *Alberta and Canada Evidence Acts*.

DECLARED before me at the)
City of Edmonton, in the Province)
of Alberta, this 24th day of)
July, 2002.)


A Commissioner for Oaths in and for the
Province of Alberta

ERIKA C. GERLOCK
BARRISTER & SOLICITOR



Mike Cardinal

Schedule A

INFORMATION TO BE OBTAINED FROM HON. MIKE CARDINAL

1. Please identify by legal description each lot at Calling Lake to which title is held by you, your wife, or you and your wife jointly and when the property was purchased.

Lot 4, Block 8C, Plan 8321845	Purchased: around 1978
Lot 5, Block 8C, Plan 8321845	Purchased: around 1978
Lot 5, Block 3, Plan 3280RS	Purchased: around 1980
Lot 5, Block 4, Plan 3280RS	Purchased: around 1991

2. Please identify which lots are lakefront lots and which are not lakefront lots.

Lots 4 & 5, Block 8C, Plan 8321845 are lakefront lots and Lot 5, Block 3, Plan 3280RS and Lot 5, Block 4, Plan 3280RS are not lakefront lots.

3. Please identify which lots contain cabins or other permanent buildings that may be used as accommodations.

Lot 4, Block 8C contains a permanent residence and Lot 5, Block 8C did have a cabin on it but it burnt a few years ago.

4. Do you or your family use any of the lots as a residence? If so, please identify the lot(s).

Lot 4, Block 8C contains a permanent residence.

5. Do you or your family rent any of the properties to any other individual? If so, please identify which lot(s).

None of the properties are rented.

6. Have you or your family ever rented any of the lots to other persons (non-Calling Lake residents)?

Lot 5, Block 8C was rented but not for the last 10 years.

7. If the answer to item 6 is "yes," to your knowledge, were any of those persons renting the accommodations in order to have access to Calling Lake for recreational fishing?

No

8. Have you had any of the lots to which you or your wife (separately or jointly) hold title at Calling Lake appraised in the last two years? If so, were those appraisals obtained with a view to listing for sale any of those lots?

The properties have not been appraised in the past two years.

9. Have you or your wife ever listed any of your Calling Lake properties for sale? If so, provide information regarding the lot, the date of the listing, and whether offers to purchase were received and accepted or rejected.

None of the properties have been listed for sale.

10. What factors do you believe affect the current values of property at Calling Lake?

1. **Market value of other properties that have been sold in the area**
2. **Crime rate**
3. **Demand for lakefront lots as a result of economic activity in northern Alberta**

11. Please confirm that you have Treaty 8 Status under the *Federal Indian Act*.

I am a Treaty Indian.

12. Are you aware of the sportfishing regulations as they apply to Indians as set out on page 17 of the 2002 Alberta Guide to Sportfishing Regulations?

Sportfishing by Indians

Indians do not need an Alberta Sportfishing Licence or WIN card for general sportfishing; however, they must have a WIN card and Sturgeon Fishing Licence before keeping a sturgeon (see Sturgeon Sportfishing). All sportfishing regulations must be followed. Indians are persons registered as Indians under the *Indian Act* (Canada).

Yes, I am aware of the regulations and I abide by them.

13. Please confirm that neither you nor your wife hold a commercial fishing licence in Alberta.

Neither myself or my wife hold a commercial fishing licence in Alberta.

14. Do you or your wife engage in domestic fishing operations (i.e. the use of nets) at Calling Lake?

Neither myself or my wife engage in domestic fishing operations at Calling Lake. I used a net about 10 years ago.

15. What methods have you used, as the Member of the Legislative Assembly for Athabasca-Wabasca, for gathering information regarding the status of Calling Lake with respect to fishing? In addition to the types of information-gathering methods used, please indicate the frequency and any other information you believe would be relevant to this investigation, including such information as numbers of people with whom you have discussed the issue and the kind of information they provided to you.

I spoke to a number of elders and old time commercial fishermen in my constituency as well as sport fishermen. These were ongoing conversations over the past five years as to the state of commercial fishing, sport fishing regulations, the number of walleye that were in Calling Lake, and the fact that Calling Lake was not collapsed and should be reopened, etc. The people that I spoke to included but were not limited to, Jim McFarland, Ralph Crawford, Ralph Johnson, Jim Bowzaylo and Dave McArthur.

16. Approximately when did you first contact Fish and Wildlife officials regarding a possible change in the status of Calling Lake?

As an MLA, I have discussed the issue of fisheries and commercial fishing rationalization for approximately 10 years but I also started expressing concern on the closure of Calling Lake and other lakes in the constituency approximately five years ago. Constituents had indicated to me that the lake was full of walleye, no matter what our biologists said and asked that I try and find a solution.

17. On what date did you become Minister of Sustainable Resource Development? Please also confirm that it was as of that date that you had responsibility for Fish and Wildlife management.

I became Minister of Sustainable Resource Development on March 19, 2001 and this was the date that I became responsible for Fish and Wildlife management as well.

18. Have you had responsibility for Fish and Wildlife management issues in any of the other portfolios you have held?

This is the first time I have had responsibility for Fish and Wildlife management issues.

19. Please outline with as much detail as possible, your actions as Minister of Sustainable Resource Development with respect to any review, discussion and decision regarding Calling Lake and its status using the Management Status Category system used by Fish and Wildlife.

Approximately one year ago a briefing session was held with departmental officials to review our walleye management strategies and the Management Status Category system. Several discussions occurred between myself and senior management in the department. The status of the lake was not changed but through discussions I made

a decision to move forward with a pilot project on Calling Lake. Part of this pilot project included protection and enhancement of the natural spawning grounds by closing one part of the lake and also the clearing of beaver dams in the mouths of the rivers and creeks.

20. Did the change in the status of Calling Lake require a Cabinet decision? If so, please provide information relating to the date the decision was brought to Cabinet and any Order-in-Council or regulation change that resulted from the decision.

The whole issue went through the process of A & P, SPC, Cabinet and Caucus. Calling Lake was one small part of a package regarding the fisheries revitalization. As we were not bringing forward a change in the status of Calling Lake there were no regulatory changes necessary and no Order-in-Councils prepared. As well, I discussed the issue of Calling Lake in the Legislative Assembly during my estimates and referred to the pilot project in my home community of Calling Lake.

21. Have you at any time advised any person within your ministry of your private interest (your real properties) at Calling Lake? If so, when did you provide that information and to whom? Please provide any documentation on this matter.

The Deputy and the Assistant Deputy Ministers within my department have been aware of the fact that I live at Calling Lake and my residence is on the lake. This was communicated verbally and it was never a secret, it was part of the discussions when we brought up doing a pilot project.

22. Did any official within your department ever raise your private interest at Calling Lake when the issue of the status of Calling Lake was under discussion? If so, who raised the interest and when was it raised? Please provide any documentation on this matter.

There was never any concerns raised by department officials regarding my private interest in Calling Lake.

23. Did you consider any other "collapsed" lakes in Alberta for pilot projects? If so, which lakes were considered and why were they not chosen for a pilot project?

After agreement was reached on Calling Lake we started to look to see if there were any other lakes that were suitable. It was agreed that we would do this pilot project and evaluate it and if we were successful then we would consider moving to other lakes. Staff has prepared a list of lakes that may be suitable for the project to be expanded to.

I have always been aware of what lakes are collapsed, vulnerable, etc. and in fact a map is hung in my office with those lakes designated.

Calling Lake was chosen because I live there, and I am able to see first hand the fishing activity. As a result of having a residence on the lake for almost 25 years, I am more knowledgeable about its dynamics and I was prepared to have a difference

of opinion with the biologists and make a stand; whereas the situation on other lakes I was not as familiar with and I was not on as strong footing.

24. Did you consider having another Minister make the decision to open Calling Lake as part of the pilot project (as the process is described in section 2(4) of the *Conflicts of Interest Act*)? If so, please provide further information. If not, please explain why that was not considered.

- 2 (1) A Member breaches this Act if the Member takes part in a decision in the course of carrying out the Member's office or powers knowing that the decision might further a private interest of the Member, a person directly associated with the Member or the Member's minor child.
- (4) If a matter referred to in subsection (1) requires a decision of a Minister, the Minister may request another Minister to act in the Minister's stead in connection with the decision and the Minister to whom it is referred may act in the matter for the period of time necessary.

No I did not consider another Minister making the decision to open Calling Lake as I did not believe it was a conflict as I had nothing to gain financially or personally with the lake being opened.

25. Did your departmental officials express any concerns to you regarding the pilot project at Calling Lake? Please provide any documentation in which those concerns are set out and your responses to those concerns.

Department officials said they thought the classification and regulations were right. I disagreed with the classification but the department never said to me that they did not believe we should go ahead with the pilot project. There was a healthy debate and discussion over various aspects of the whole issue but I don't recall receiving any documents listing any concerns.

Biologists look at the science while I, as a Minister, have to find a balance and an innovative solution to address the concerns expressed by the biologists and the public.