



Compliance Update

Natural Resources Department

November 2018



Fisheries Law

WHEREAS Nipissing First Nation has been fishing the waters of the lake now known as Lake Nipissing since time immemorial; and

WHEREAS Nipissing First Nation has been managing their fisheries of these waters since time immemorial; and

WHEREAS Nipissing First Nation has the Aboriginal and Treaty right to fish and such right has been confirmed and acknowledged by the Crown by entering into the Robinson Huron Treaty of 1850; and

WHEREAS managing the fisheries of Lake Nipissing is also reasonably incidental to the Aboriginal and Treaty right to fish; and

WHEREAS managing the fisheries of Lake Nipissing is of great importance to the conservation of the fisheries and protection and preservation of the Aboriginal and Treaty right to fish for all Nipissing First Nation band members.

Nipissing First Nation pursuant to its inherent Aboriginal and Treaty right recognized and affirmed by section 35 of the Canadian Constitution hereby enact this fisheries law



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This update summarizes the activities of Nipissing First Nation's Enforcement Officers over the course of the 2018 spring fishing moratorium, open commercial fishing season and fall hunting season.

NFN's Enforcement Officers work closely with the Anishinabek Police Service (APS) and Ministry of Natural Resources and Forestry (MNRF) Conservation Officers to represent and protect NFN fishers and hunters who follow NFN's Fishing and Hunting laws, and to conduct checks on non-Indigenous anglers and hunters to ensure compliance with provincial regulations.

Spring Moratorium

NFN's Enforcement Officers monitored for compliance with NFN's *Fisheries Law* during the 2018 spring moratorium, which was in effect from April 1st to May 19th, by conducting snowmobile, land and marine patrols.

The annual gillnetting moratorium has been in place since 2004. The temporary moratorium on the cultural practice of spear fishing remains in effect to boost the success rate of the spawn and help repopulate the lake.

The spring moratorium is the single most important management tool we have to protect the spawning fish and ensure the long-term health, growth and sustainability of Lake Nipissing and our fishery.

Information Reports – Section 61

We completed several audits in partnership with the MNRF under Section 61 of the federal *Fisheries Act*, which requires anyone purchases fish for the purpose of resale to provide information or to keep records, books of account or other documents of the following:

- The number, sex, size, weight, species or other particulars of any fish caught, transported, sold or purchased;
- The time and place at which any fish was *caught* and the person, enterprise or vessel by which it was caught;
- The time and place at which any fish was *purchased* and the person, enterprise or vessel from which the fish was purchased, as well as the amount paid.



Section 61 orders are placed upon Restaurants and Markets in the surrounding areas to report all fish sold to them that was caught in Ontario. This is another tool NFN uses to determine that fish are being purchased from registered, compliant NFN fishers.

Provincial Liaison Team (PLT)

NFN's Enforcement Officers completed PLT visits with NFN fishers in partnership with the APS. These visits provide fishers with information on the upcoming season, and also help gather information from fishers about the past season and trends they are seeing in the fishery.

This is an opportunity for both fishers and our officers to ask each other questions, and to ensure there is a clear understanding of the laws being enforced, as well as the processes involved and what to expect.

Open Commercial Season

NFN's Enforcement Officers continued to actively monitor for compliance with NFN's *Fisheries Law* during the 2018 Open Commercial Fishing Season, which began on May 20th and closed on September 15th.

During this time, our Enforcement Officers conducted 23 marine patrols and 13 bush patrols, and also responded to 5 reports of lost or abandoned gillnets and 4 reports of net tampering.

Our goal is to work with our fishers to support a healthy, sustainable fishery that our community can continue to enjoy and rely on for generations to come. This will be achieved through the full implementation of our Fisheries Law.



Marine Patrols

These patrols involve stopping and inspecting all vessels that our Enforcement Officers come across – including NFN commercial fishers and all other anglers.

Both commercial and recreational fishing activities are regulated by their respective laws (NFN or provincial) and are subject to inspections for compliance.

NFN fishers are inspected for number of nets, mesh size, number of fish, required safety gear and current catch forms. Anglers are inspected for valid licenses, number of fish, fish size (slot), required safety gear and bait.

Lost/Abandoned Nets

Lost or abandoned nets, also referred to as “ghost nets”, remain an issue on Lake Nipissing. Although reports have decreased over the years due to our season closing long before the freeze up and increased compliance with NFN's *Fisheries Law*, nets can still become lost or abandoned for a number of reasons, including:

- **Poor anchors and/or high winds** can cause nets to drift. Report any occurrences of lost or drifting nets to the Natural Resources Department immediately. We can assist with finding the net(s), and also with ensuring that proper anchors are used to hold nets in place.
- **Net tampering** remains an issue that may be the cause of some nets being lost. Tampering needs to be reported immediately to the Natural Resources Department or MNRF. Reporting these incidents will highlight any trends and help to catch the people responsible for tampering with legally set nets.
- **Illegal commercial netting** after the season closure is another explanation for lost or abandoned nets. These nets are usually not marked and are sometimes left behind once the lake freezes up.

Community members with information about commercial netting during the closed season are encouraged to contact the **NFN Natural Resources Department at 705-753-6991** or the **MNRF Tips line at 1-877-847-7667**.

Of the 5 reports of lost or abandoned nets that NFN received, a total of 12 nets were recovered and disposed of, with fish being live released where possible, and edible fish being donated to the NFN Food Bank.

Net Tampering

NFN received 4 reports of net tampering in 2018. In one case, 3 nets appear to have been stolen, while the other 3 reported cases consisted of nets being cut from their anchors, but all were found. An investigation is underway.

Hunting

Due to increasing reports of trespassing on NFN lands and bush roads during the hunting season over the last few years, NFN's Enforcement Officers conducted regular patrols of these areas with the assistance of the APS.

Our goal is to ensure that unauthorized access is controlled, and that any non-members with permission to hunt on our lands are complying with provincial regulations.

A reminder that anyone who is not an NFN member must have **written permission or a permit** to be on NFN lands, even if they are with an NFN member. Please contact our office for more information.

Recently, our Enforcement Officers assisted MNRF Conservation Officers conduct audits on provincial hunters in various locations throughout our area.

This was valuable training for our Enforcement Officers who came out with a great experience and gained insight into how inspections/safety checks are conducted during the annual provincial moose hunting season.

We plan to have our Enforcement Officers assist with additional audits in the future to expand on their experience and knowledge of resource compliance.



Inter-Agency Cooperation

Other agencies recognize the value of the extensive knowledge our Enforcement Officers have of Lake Nipissing and the surrounding land areas.

As a result, we received 4 calls to assist other agencies in 2018, including locating a capsized boat in the middle of the night during the late spring with occupants in the water and hypothermia setting in, locating a missing person on NFN lands, and assisting the MNRF with a moose blitz in our local area in which 4 moose were seized and many roadside inspections conducted.





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For more information, please contact:

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