



Lake Nipissing Memorandum of Understanding Update

2018-2019

Nipissing First Nation: Continued Successes

Nipissing First Nation (NFN) plays a fundamental role in promoting the health and recovery of the Lake Nipissing fishery. NFN continues to have significant successes in protecting the lake's walleye population and maintaining safe harvest levels within its commercial fishery, consistent with Aboriginal treaty and harvesting rights.

Nipissing First Nation Fisheries Law Regulations

In April 2015, following community consultations that identified concerns of NFN community members about the stressed walleye fishery, NFN put new regulations in place under NFN's Fisheries Law that:

- continued a spring moratorium on gillnetting (in effect since the Fisheries Law was enacted in 2005)
- introduced a temporary moratorium on the cultural practice of spear fishing
- reduced the number of permitted gillnets from 5 panels to 3
- increased minimum gillnet mesh size from 3.5 inches to 3.75 inches

NFN and the Ministry of Natural Resources and Forestry (MNRF) work together to determine safe harvest levels to help in the recovery of the Lake Nipissing fishery. NFN uses standardized processes to collect and analyze harvest data which is used by Chief and Council to set regulations and limits every year to ensure sustainable harvest levels for the commercial fishery. This includes determining when it may be necessary to close the commercial fishery early, as was the case in August 2015, 2016 and 2017, and in September 2018.

While we continue to see improvements, Lake Nipissing's walleye population remains stressed by a number of factors and needs more time to recover. NFN's leadership in the management of the commercial fishery on Lake Nipissing is vital to its long-term health and sustainability.

NFN continues to deliver outreach and education activities to maintain support for its joint efforts (see Communications, Outreach and Education section for more details) with MNRF implementing NFN's Fisheries Law and other related initiatives.



Memorandum of Understanding

The Government of Ontario recognizes NFN's Chi-Naaknigewin (Constitution) and Fisheries Law, a first for Ontario. This recognition supports a new approach to fisheries management and nation-to-nation relationship building.

On March 10, 2016, NFN and MNRF signed a Memorandum of Understanding (MOU). Under this agreement, NFN and MNRF aim to work together toward the common goal of sustainably managing the Lake Nipissing fishery. This cooperative work supports the recovery of the walleye fishery and implementation of NFN's Fisheries Law.

Importance of the MOU

NFN and MNRF successfully implemented the third year of the MOU in 2018-2019. During this time, Lake Nipissing's walleye population continued to improve. MOU activities, combined with continued harvest monitoring and enforcement efforts are having a positive impact on the fishery and the successful implementation of NFN's Fisheries Law.

Fall Walleye Index Netting (FWIN) survey results show the walleye population is improving but is still in recovery. Efforts to protect small walleye are allowing young fish to grow to maturity and reproduce. We continue to see a reduction in fishing-related mortality. Anglers continue to catch larger walleye, however these fish are still rare within the total population. The Lake Nipissing walleye population requires additional time to rebuild their numbers in order to maintain a healthy, strong fishery.

Due to the successes of the 2016-2019 MOU, NFN and MNRF have signed a new three-year agreement to sustainably manage the Lake Nipissing fisheries and support local walleye recovery. The renewed MOU comes into effect March 11, 2019 and ends March 10, 2022.

Working Together

NFN and MNRF continue to work together through a Steering Committee and the Compliance and Enforcement Working Group.

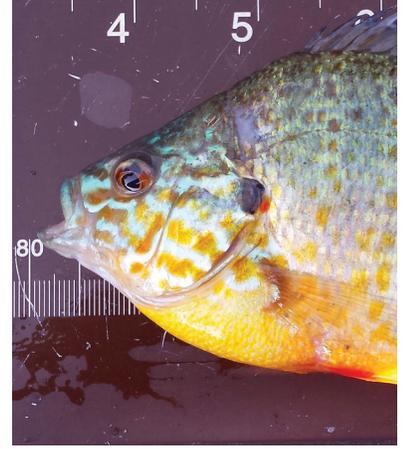
In 2018-2019 we:

- held four steering committee meetings;
- collected, analyzed and shared fisheries data;
- provided training support for NFN enforcement officers (see compliance and enforcement section for details);
- conducted joint fisheries assessments and monitoring surveys to assess the state of Lake Nipissing's walleye population and its



overall fish community. This included 48 net sets for the FWIN survey and 24 Ontario net sets;

- developed joint communication materials; and
- built awareness of our ground-breaking sustainable fisheries partnership and natural resource management efforts



Recognition of a Successful Partnership

NFN and MNRF were recognized for their collaborative efforts by being chosen winners of the 2018 Gold Deloitte Public Sector Leadership Award. We continue to actively promote the success of the MOU through public speaking events and presentations.

Our work on shared resource management and stewardship has attracted the interest of other governments and organizations. NFN's Chief has presented on NFN's Fisheries Law and strategic collaboration with MNRF at fisheries conferences across the country.

Closer to home, NFN highlighted their efforts and successes to over 400 delegates at the All Ontario Chiefs Conference held on Nipissing First Nation in June 2018.

NFN's enforcement officers also helped to coordinate a fishing outing to engage with youth and promote sustainable fishing practices. North Bay MNRF's Area Enforcement Manager attended a Law Enforcement Capacity Building Conference at Rama First Nation to speak about the MOU between NFN and MNRF.



Commercial Fishery Harvest Monitoring

NFN and MNRF achieved the following in 2018-2019:

- hired four technicians to sample commercial fishery catches and conduct fisheries assessment projects
- completed technician training (e.g. Marine Emergency Duties [MED] A3)
- worked jointly on fisheries assessment projects (e.g. FWIN, North American Netting)
- conducted 41 days of commercial fishery assessments
- worked cooperatively with NFN fishers to sample approximately 1,420 fish
- shared fisheries data and conducted joint analyses to determine the health of the fishery and set a safe harvest maximum for the upcoming year
- planned and coordinated project work

Compliance and Enforcement

NFN and MNRF staff continue to meet regularly through the Compliance and Enforcement Working Group to discuss compliance concerns, identify safety issues, and share information.

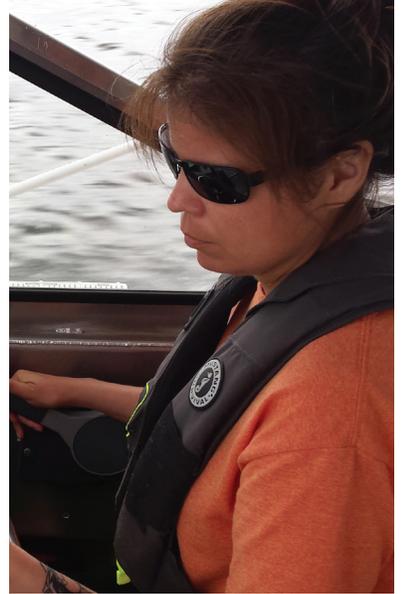
Successful activities during the third year of the MOU included:

- both NFN enforcement officers received Basic Constable Training Certificates from the Ontario Police College
- funded NFN enforcement officer training initiatives, including MNRF psychological and physical testing (for one officer) and Ontario Provincial Police Basic Marine Training and Provincial Liaison Team (PLT) (for one officer)
- visited 13 businesses, including restaurants in the Sudbury, North Bay and New Liskeard areas, to provide information about NFN's commercial fishery regulations and moratorium
- held two formal multi-agency and work planning meetings as well as several informal meetings
- 30 joint patrols were conducted by NFN, MNRF and Anishinabek Police Service (APS). Another nine marine patrols were conducted by NFN
- agencies communicated regularly about cooperative work on shared goals

Communications, Outreach and Education

Activities over the third year of the MOU included:

- support for NFN Natural Resources staff to conduct public outreach and education activities
- NFN and MNRF participated in speaker events (e.g. All Ontario Chiefs Conference, Assembly of First Nations National Fisheries Committee, Rama First Nation Law Enforcement Capacity Building Conference) to share successful partnership experiences
- NFN's enforcement officers coordinated a fishing outing to educate youth on sustainable fishing practices
- NFN's enforcement officers conducted eight PLT visits with commercial fishermen to discuss NFN's Fishery Law and the MOU
- NFN's staff biologist held public presentations on harvest monitoring and how the commercial fishery operates
- 42 on-water contacts with commercial fishers to discuss the MOU and NFN's Fisheries Law and to conduct inspections (this includes multiple contacts with the same fishers)



- NFN’s Communications department continued to provide fisheries management information to NFN’s community through their monthly newsletter and website, and through mailed notices, social media and electronic signs at key locations
- raised awareness of the MOU with other local First Nation communities
- NFN and MNRF provided progress updates on MOU activities through the 2017-18 MOU Update



Next Steps

The MOU Steering Committee will continue to guide NFN and MNRF in implementing the MOU during 2019-20. Goals include:

- continuing to build capacity
- building on the successes achieved over three years of the MOU
- continuing to enhance compliance efforts
- strengthening culturally appropriate adjudication processes to address non-compliance



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 Nipissing First Nation 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

Contact Information

For more information or a copy of the MOU Update please contact NFN or MNRF:

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