



Nipissing Nation Gigoon Naaknigewin (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 the Gichi-Naaaknigewin of Nipissing First Nation authorizes Nipissing First Nation to manage the fisheries of Lake Nipissing and this management is also reasonably incidental to the Aboriginal and Treaty right to fish; and

WHEREAS Nipissing First Nation managing the commercial 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 debendaagziwaad.

THEREFORE, pursuant to its inherent Aboriginal and Treaty rights recognized and affirmed by section 35 of the Canadian Constitution and its Gichi-Naaaknigewin, Nipissing First Nation hereby enacts this fisheries law

Definitions

1. In this Law:

- a. "Permit" means a permit issued under regulations made pursuant to this law;

2. Nipissing First Nation debendaagziwaad shall not commercially fish pursuant to the authority of their Aboriginal and Treaty right in the waters of Lake Nipissing except under the terms of a permit issued under this Law and only in accordance with the regulations enacted under this Law.
3. Nipissing First Nation Chief and Council shall by resolution, on a yearly basis, set regulations that shall as a minimum include the following:
 - a. Fishing Areas;
 - b. Fishing season;
 - c. Species, size and quantities;
 - d. Reporting and Assessment requirements;
 - e. Fishing gear;
 - f. Compliance and enforcement;
4. If in any year Nipissing First Nation Chief and Council does not set regulations under section 3, the regulations from the previous year shall apply for the current year.
5. This law will come into force on the date proclaimed in force by Nipissing First Nation Chief and Council Band Council Resolution.

**Regulations Pursuant to
Nipissing Nation Fisheries Law
March 2019**

These regulations are issued under the authority of Nipissing Nation Fisheries Law.

1. Definitions

“Affiliated Market” is a privately owned business that meets the criteria defined by the Nipissing First Nation Natural Resources Department as per Appendix H.

“Compliance” means the act of conforming to or following the regulations pursuant to the Nipissing Nation Fisheries Law as required.

“Compliance Check” is an audit performed by a Fishery Officer on a commercial fisherman’s gear/equipment, including but not limited to covered tubs, coolers, live wells, and checking fish harvest, fishing permit, fishing location or anything else to confirm fisherman compliance with the regulations pursuant to the Nipissing Nation Fisheries Law.

“Compliance Conference” is a session where an independent unbiased person meets with the Fishermen and fisheries officer to come to an agreement on a non-compliance issue.

“Commercial Fisherman” for the purpose of assuring compliance with the Nipissing Nation Fisheries Law, is a Nipissing First Nation debendaagzid who meets one or more of the following criteria, at the discretion of the Fishery Officer, an:

- Individual that is registered as a commercial fisherman with Nipissing First Nation
- Individual that sells fish;
- Individual that sets two or more panels of nets in a single night without notifying the fisheries department;
- Individual that sets nets more than 3 consecutive nights in a 7 day span;
- Individual known to sell or intends to sell fish;
- Individual that compensates people to fish on his behalf with his equipment; or
- Individual that purchases, trades for, or is given fish for re-sale.

“Commercial fishing benefits” are items or services provided by the Nipissing First Nation Natural Resources Department (hereinafter “Natural Resources Department”) to registered compliant commercial fishermen when available.

These benefits include, but are not limited to:

- Access and use of the fish processing building subject to conditions defined by the Natural Resources Department;
- Purchase of fish for re-sale by the Natural Resources Department;
- Payment of Employment Insurance premiums for off-season income;
- Access to flake ice for packing fish (while supplies last);
- Loaning of equipment such as Global Positioning System, food grade coolers, boat safety equipment (subject to availability);
- Letters of endorsement and promotion to help sell fish to commercial markets; and

- Legal representation should a fisherman be charged while in full compliance with the Nipissing Nation Fishing Law and its Regulations;

“Fishery Officer” means a person who is designated as such by the Natural Resources Department of Nipissing First Nation.

“Justice Circle” is a session where a fisherman would meet with community representatives to discuss non-compliance issues and come to an agreement on the consequences of the non-compliance issue.

“Non-Compliance” means the act of not conforming to or not following the regulations pursuant to the Nipissing Nation Fisheries Law as required.

“Permit” means a permit issued under this regulation.

“Round weight” means the weight of a whole fish before the removal of the entrails, gills and head.

“Subsistence fishing” means an NFN member fishing with one panel of net, or if subsistence fishing with more than one panel of net, the member is registered with the NFN Natural Resources Department. This may also include other fishing activity including but not limited to angling or spear fishing.

“Tampering” is a willful act that causes damage or harmful results.

2. Permits

- (a) All commercial fishermen as defined in section 1 must register with the Nipissing First Nation Natural Resources Department for a Permit prior to fishing.
- (b) A Permit issued under this regulation shall be in the form attached to this regulation and set out as Appendix “A” and shall be valid for a one year period from the date of issue subject to quota availability per section 7 and any suspension, cancellation or revocation as determined by Chief and Council;
- (c) Chief and Council may delegate to an employee of the Nipissing First Nation Natural Resources Department the authority to issue a permit.

- (d) A Nipissing First Nation Member who meets the criteria to be considered a Commercial Fisherman but has not registered as such may be subjected to enforcement action outlined in this law.
- (e) Repeated non-compliance with the fishing regulations may lead to suspension or revocation of their commercial fishing permit at the discretion of Nipissing First Nation.
- (f) Any commercial fishermen will be considered non-compliant if they conduct commercial fishing of any kind contrary to any of the regulations presented herein.

3. Fishing Areas

- (a) No person designated to fish under a Permit shall take fish, set or lift a net in the waters of Lake Nipissing, except in those waters that are all or part of the Lake Nipissing Harvest Zone as described in Appendix "B" which is attached to this regulation and is a part of this regulation.
- (b) Fishing outside of the Lake Nipissing Harvest Zone may lead to enforcement and compliance action outlined in this law.
- (c) All gill nets must be set a safe distance from shore to ensure that outboard motors and/or people swimming do not make contact with gill nets. The float line of the gill net must be at a minimum of three (3) feet below the surface of the water.

4. Dates and Times

- (a) Fishing shall take place, under the authority of a Permit, at any time except for the time periods set out in paragraph 4(b), (c) and (d) of this regulation, and at any time commercial fishing is declared closed by resolution of the Nipissing First Nation Chief and Council.
- (b) No person shall set or lift any net from **April 1 to the third Saturday in May** inclusive in the waters within the Lake Nipissing Quota Zone described in Appendix "B" unless otherwise specified by the Natural Resources Department.
- (c) Net set times shall be no earlier than 5:00 PM and net lift times shall be no later than 9:00 AM for the entire season for all areas of the lake. If nets are set or lifted outside of these designated time periods and/or locations, a Fishery Officer may remove the net

after one documented warning as per section 12. Exception: if high winds have affected net set or retrieval times, please contact the Natural Resources Department.

5. Reporting/Assessment

- (a) All fish taken under a Permit shall be reported to the Nipissing First Nation Natural Resources Department on a Nipissing First Nation Harvest Record (Daily Catch Form), which is attached as Appendix "C" to this regulation and which is part of this regulation.
- (b) A person who is in charge of a fishing vessel which is used to take fish under a Permit shall accurately and legibly complete the form with the requested information along with the permit number, and submit one Nipissing First Nation Harvest Record for each day that the vessel is used to take fish.
- (c) When selling to a fish market operated by Nipissing First Nation or affiliated market (see Appendix "G"), catch forms must be up to date and the daily catch form for the date of sale must accompany that day's catch otherwise fish cannot be purchased by that market.
- (d) When a fisherman chooses not to sell fish to a fish market operated by Nipissing First Nation or affiliated market, these fishermen will submit catch forms to a designated drop box or directly to the Nipissing First Nation Natural Resources Department office (Lands Office). Catch forms must be submitted, either in written or electronic form, on a weekly basis for the duration of the fishing season for a fisherman to be considered 'in compliance' with these Fishing Regulations.
- (e) Failure to report harvest as described could lead to enforcement action as outlined in section 12.
- (f) A Fishery Officer will, with reasonable notice, accompany fishermen and take biological measurements of fish caught from each fisherman throughout the fishing season.

6. Size

- (a) No person designated to fish under a Permit shall catch and retain the following species of fish taken from the Lake Nipissing Harvest zone in excess of the maximum length described below. These fish are contaminated.

Walleye (pickerel) in excess of 57 cm total length.

7. Species and Quantities

- (a) Quantities of fish are expressed in round weight in kilograms (and pounds).
- (b) In the Lake Nipissing Harvest Zone, members of the Nipissing First Nation designated to fish under the authority of a Permit shall not take a species of fish set out in Column A in a quantity that exceeds the quantity set out in Column B:

Chief and Council reserves the right to take management action, including closing of the fishery and cancellation of Permits, if the walleye fishery is seriously threatened. The quantity of walleye harvest, set out in column B below, will be adjusted during the season as outlined in Appendix “F”.

Column A	Column B
Species that may be taken	Total quantities taken.
Walleye (pickerel)	30,000 kg
lake whitefish	11,791 kg (25,940 lbs) + incidental catch
yellow perch	Incidental catch
northern pike	4,511 kg (9,924 lbs.)
silver bass	incidental catch

The commercial quota for Lake Sturgeon is zero (0), as it is designated a species at risk by both the Federal and Provincial Governments.

- (c) Non-identifiable aggregate numbers as determined from Nipissing First Nation Harvest Records may be shared with the Ministry of Natural Resources for the purpose of MNR adjustment of sports fishing.

8. Fishing Gear

- (a) All Commercial Fishermen shall use a gill net with a collapsed mesh size of 3.75 inches or greater under a Permit. No person designated to Fish under Permit shall use a gill net with a collapsed mesh size of less than 3.75 inches.
- (b) No person designated to Fish under Permit shall set, have in the water or lift a net from the water, unless:
 - (i) a buoy, marker or stake is attached to each end of the net;
 - (ii) a tag issued by the Nipissing First Nation Natural Resources Department is attached below the buoy, marker or stake. The tag number will be unique to individual fisherman.
- (c) All unmarked nets will be removed from the water.
- (d) Registered fishermen must be present when their nets are set and lifted and are subjected to the net limits in 8(e).
- (e) No more than three nets totaling a maximum of 300 meters per licensed fisherman is permitted, with a maximum of two licensed fisherman per boat;
- (f) Failure to fish with the specified fishing gear in the specified manner as described in section 8 could lead to enforcement action as outlined in section 12.

9. Experimental Fishing

- (a) If any fisherman wishes to target species other than walleye, they must consult the Natural Resources Department for specified gear, locations reporting requirements and biological sampling assistance. A conditional experimental fishing permit will be issued prior to fishing. Fishermen must abide by all conditions or will considered to be in non-compliance. Results from experimental fishing will be used to assess the feasibility of future commercial harvesting of these species.

10. Net Tampering

- (a) Any registered fisherman found tampering with another registered fisherman's nets in any way will be considered to be in non-compliance and will be reported to appropriate authorities. Any person found tampering with a registered fisherman's nets will be reported to the appropriate authorities.

11. Compliance and Enforcement Officers

- (a) Nipissing First Nation may appoint Fishery Officer(s) for the purposes of compliance with this law.

12. Enforcement During Open Season

- (a) A person shall not knowingly make a false or misleading statement to a Fisheries Officer under this law.
- (b) Compliance Checks. All Commercial fishermen are subject to random on water/land compliance checks. All Commercial fishermen are required to cooperate respectfully with Fishery Officer(s) of the Nipissing First Nation Natural Resources Department during these compliance checks.
- (c) Non-Compliance. If a fisherman is deemed to be in non-compliance, the Fishery Officer will take the following actions:
- Talk to the fisherman about the reasons for the non-compliance; following which the fisheries officer may issue the fisherman a recorded warning; or issue the fisherman a notice of non-compliance identifying the offence incurred and require the fisherman to report to a Compliance Conference and Justice Circle as identified in 12 d and e. A Sample Notice of Offence is attached as Appendix "D".
 - Where the offence impacts directly upon the sustainability of the fishery, the fisheries officer will seize the nets.
- (d) After the Fishery Officer has taken all of the above steps and still encounters non-compliance by that fisherman, any net found fishing in Lake Nipissing owned or used by that fisherman will be removed, cleared, and stored at the owner's expense. The owner

or user of the net will be issued a Notice Card explaining this action (Appendix “E”). Nets removed because of repeated non-compliance can be claimed and will be returned once the situation has been remedied pursuant to a Compliance Conference or Justice Circle.

- (e) In addition to the steps in (d) above, a fifty dollar (\$50.00) service charge per net panel shall be payable by the owner or user of any net to Nipissing First Nation as a charge to lift and clean each net. Nets unclaimed within 30 days will be disposed of by the Natural Resources Department unless other arrangements have been made during this time.

13. Enforcement During Closed Season

- (a) No person shall keep nets in their boats or anywhere other than their owner’s place of residence during the closed seasons specified in section 4.
- (b) Any net found in Lake Nipissing or anywhere other than their owner’s place of residence during this period will be removed, cleared, and stored at the owner’s expense until after the closed netting season specified in section 4. The owner or user of the net will be issued a Notice card explaining this action (Appendix “E”). Any nets removed during this period can be claimed and will be returned after May 10. A fifty dollar (\$50.00) service charge per net panel shall be payable by the owner or user of any net to Nipissing First Nation as a charge to lift and clean each net. Further, any owner or user of the net that fishes commercially and violates this provision shall have their Commercial Fishing Benefits, including sale of fish to fish markets operated by the Nipissing First Nation Natural Resources Department and all affiliated markets, suspended until they have remedied this issue at a justice circle. The service charge for net-clearing shall be increased by fifty dollars (\$50) per panel each time a fisherman repeats the offense within a three calendar-year period. Nets unclaimed within 30 days will become the property of the First Nation and disposed of by the Natural Resources Department unless other arrangements have been made during this time.
- (c) Any owner or user of the net who is not in compliance with 13 (a) or (b) will be issued a notice of non-compliance. This will require the fisherman to report to a Compliance Conference and/or Justice Circle that will be held approximately 10 to 14 business days

following the last day of the closed season. During this time the fisherman will be restricted from commercially netting and registering as a commercial fisherman.

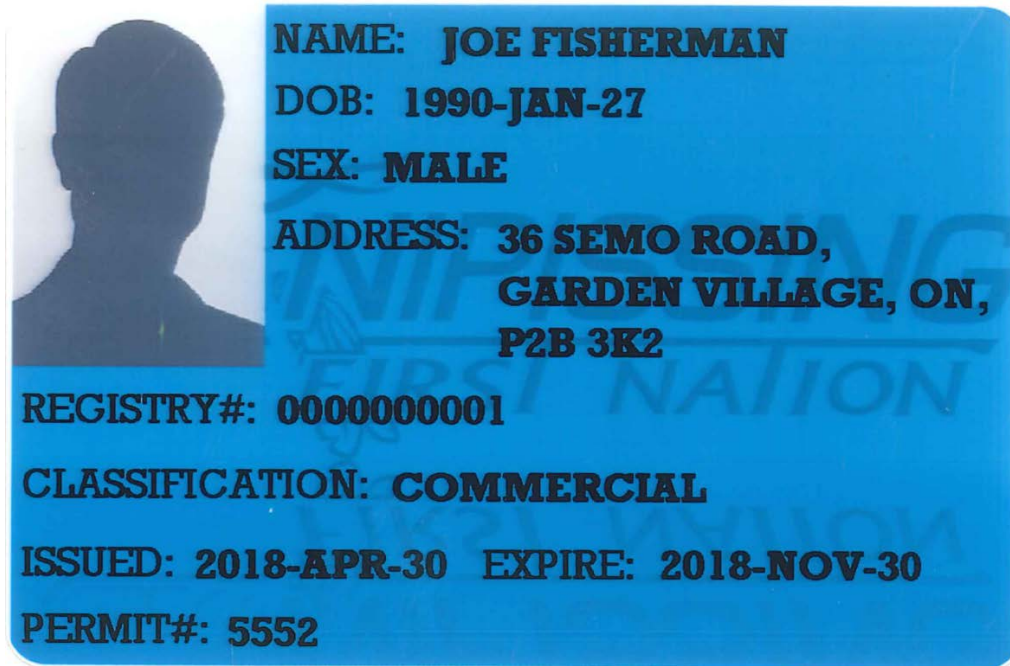
- (d) Anyone found netting or in possession of nets in a boat or in possession of fish caught with a gill net during a closed season specified in section 4 above will be issued a notice of non-compliance. This will require the fisherman to report to a Compliance Conference that will be held approximately 10 to 14 business days following the last day of the closed season. During this time the fisherman will be restricted from netting and registering as a commercial fisherman.
- (e) Any one issued a notice of non-compliance during a closed season will have their matter dealt with at a Justice Circle that will be held approximately 7 to 14 business days following the compliance conference (17 to 28 business days from the last day of the closed season). The fisherman will be restricted from netting or registering as a commercial fisherman until their matter is dealt with at a Justice Circle and an agreement has been signed.

14. Fish Waste

- a) All fish waste must be disposed of at locations approved by the Natural Resources Department ie. Nipissing First Nation Dump, Fish Compost Site, or in approved fish waste bins.

APPENDIX "A"

Commercial Fishing Permit



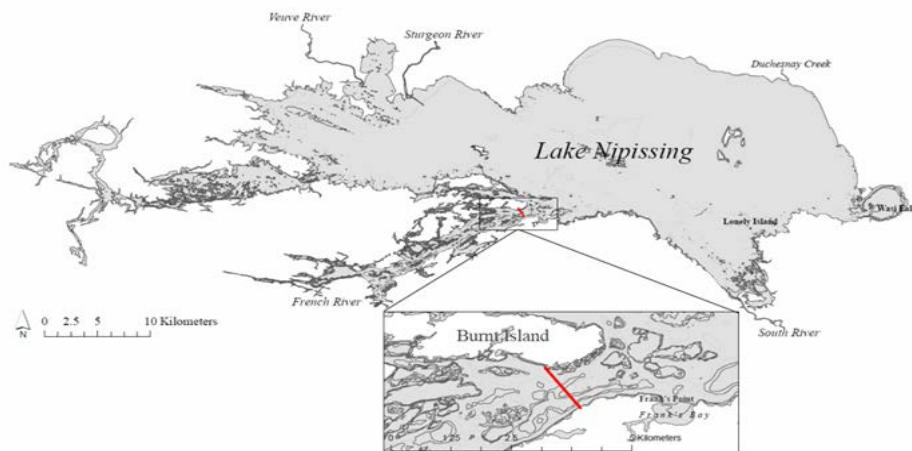
NAME: JOE FISHERMAN
DOB: 1990-JAN-27
SEX: MALE
ADDRESS: 36 SEMO ROAD,
GARDEN VILLAGE, ON,
P2B 3K2
REGISTRY#: 0000000001
CLASSIFICATION: COMMERCIAL
ISSUED: 2018-APR-30 EXPIRE: 2018-NOV-30
PERMIT#: 5552

APPENDIX "B"

1. LAKE NIPISSING HARVEST ZONE

1. The waters of Lake Nipissing not including the following waters of:

- Veuve River
- Sturgeon River
- Duchesnay Creek
- South River
- All waters 250 meters from Lonely Island
- All waters 250 meters from Wasi Falls
- 500 meters from commercial camps
- 30 meters from any dock
- French River between the dates of July 1 to August 31.
 - For the purposes of this document, the French River begins as illustrated by the red



APPENDIX "C"

(Nipissing First Nation Harvest Record (Daily Catch Form))



Fisheries Department Daily Catch Form

Permit #/Name _____ UTM _____
 Date set: _____ Time set: _____
 Date lifted: _____ Time lifted: _____
 Mesh size: _____ Number of Panels: _____
 Length of Panels in Feet: _____

Species	# Harvested	Round Weight (lbs)	# Released
Walleye			
Yellow Perch			
Northern Pike			
Silver Bass			
Common Sucker			
Lake Herring			
Freshwater Drum			
Brown Bullhead			
Smallmouth Bass			
Lake Whitefish			
Lake Sturgeon			

Weather Conditions	
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other _____	
Wind Direction	
<input type="checkbox"/> North	<input type="checkbox"/> East
<input type="checkbox"/> South	<input type="checkbox"/> West
<input type="checkbox"/> None	
Wind Speed	
<input type="checkbox"/> 0 - 10km	
<input type="checkbox"/> 10 - 20 km	
<input type="checkbox"/> 20 - 30 km	
<input type="checkbox"/> Other _____	

Comments: _____

APPENDIX "D"

Notice of Offence



000051

Notice of Offence(s)

Believe and certify that on the day of

YEAR	MONTH	DAY	Time
20			

Name _____
Family Name

Given Name _____ Initials _____

Address _____
Number and street name

Municipality _____ P.O. _____ Province _____ Postal Code _____

Commercial Fishing or Status Card or Drivers License # _____

YEAR	MONTH	DAY	SEX	Witnesses

At _____

Did commit the offence(s) of: _____

Contrary to _____

Signature of issuing NFN Officer: _____

- WARNING
- ATTEND COMPLIANCE CONFERENCE

IMPORTANT:
 You have 3 business days from the day you receive this notice to contact the Nipissing First Nation Natural Resource Department.
 AS A RESULT OF THE DETECTED NON COMPLIANCE, YOU ARE BEING ISSUED THIS NOTICE AND YOU ARE REQUIRED TO CONTACT THE NFN NATURAL RESOURCE DEPARTMENT TO DISCUSS THE OFFENCE(S) IDENTIFIED ABOVE.
 You have three (3) business days from the time of receiving this notice to contact the Natural Resource Department Manager at 705-753-2050 or at the office located at: 17 Philip Ave. Garden Village, ON P29 3K2
 IF YOU FAIL TO DO SO, THIS MATTER MAY BE TRANSFERRED OVER TO THE MINISTRY OF NATURAL RESOURCES AND FORESTRY (MNRF) FOR FURTHER INVESTIGATION.

APPENDIX “E”

(Nipissing First Nation Natural Resources Department Notice Card)



Natural Resources Department

Non-Compliance Notice Card

As per the regulations of the Nipissing Nation Fisheries Law, when repeated non-compliance occurs, Chief and Council have mandated the natural Resources department to lift any gill nets encountered that are set by the non-compliant fisherman.

Nets will be cleaned, packed and securely stored until the fisherman meets with the Chief & Council or delegates to discuss and rectify the situation. At that time, the nets will be returned to the owner once a \$50.00 per panel service charge is received for the lifting, cleaning and storage of nets. Any fish that cannot be released alive will be donated to the Nipissing Food Bank.

Commercial Fishermen in contravention of the Nipissing Nation Fisheries Law shall have commercial fishing benefits that the Fisheries Department is able to provide suspended until they demonstrate two full months of continual compliance with the Fisheries Laws.

The regulations of the Nipissing Nation Fisheries Law are intended to strengthen our Treaty Rights and to ensure that a healthy fishery is passed on to future generations.

Contact number for the Natural Resources Department is 753-2922. Thank you.

Fisherman's Name: _____

Date: _____

Signature: _____

APPENDIX “F”

(Adjustments to Walleye Harvest Quantity)

Beginning Walleye quota: 30,000 kg

Rationale:

APPENDIX “G”

Affiliated Market Criteria

In order to be considered an affiliated market, the following conditions must be met:

1. All fish sold at the market must come from Lake Nipissing and be purchased from a compliant, registered Nipissing First Nation commercial fisherman. A list of these fishermen will be supplied weekly to the affiliated market by the NFN Natural Resources Department; and

The market must clean all fish in a facility and under conditions which meet or surpass the Standards of Compliance for Fish Processors based on the *Fish Inspection Act, 1990 and Quality Control Regulation (Reg. 456)* as determined by provincial auditor.