2019-2020
Lake Nipissing Memorandum of Understanding Update
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 consultations that identified concerns of its 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, and
• Increased minimum gillnet mesh size from 3.5 inches to 3.75 inches.

Memorandum of Understanding (MOU)

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.

To build on the successes of the Memorandum of Understanding (MOU), NFN and MNRF signed a three-year agreement to continue sustainably managing the Lake Nipissing fishery. This cooperative work supports the recovery of the Lake Nipissing walleye population and NFN’s Fisheries Law.
Importance of the MOU

NFN and MNRF successfully implemented the fourth year of the MOU in 2019-2020. During this time, Lake Nipissing’s walleye population continued to show a gradual increase. Fall Walleye Index Netting (FWIN) results show the walleye population is improving but has not reached the target biomass (Figure 1). MOU activities, combined with continued harvest monitoring and enforcement efforts, are having a positive impact on the fishery and highlight the successful implementation of NFN’s Fisheries Law. NFN and MNRF enforcement staff have seen a stronger acceptance of the NFN Fisheries Law in 2019-2020.

With the change in angling regulations beginning in the open water period of 2014 and the implementation of the MOU between NFN and MNRF in 2016, the biomass began to rapidly increase, and fishing mortality declined significantly (the cautious zone) from 2015 to the present (Figure 2).

Results show the MOU and minimum size limit has allowed for an increase in the number of walleye. Figure 3 shows the majority of walleye are still young and small, and that first time spawning female walleye (age 5 and greater) are building in numbers. Lake Nipissing’s fishery remains fragile with fewer larger-older walleye in the population. Additional time is required to rebuild the walleye population in order to maintain a healthy, strong fishery.

Figure 1: Walleye (greater than 350mm) biomass in Lake Nipissing determined through FWIN. Target biomass is illustrated as the top line with biomass almost reaching upper reference point of Maximum Sustainable Yield (MSY).

Figure 2: Walleye stock status trajectory from 1998 to 2018 FWIN fisheries-independent data (boxes show year’s joined by blue line to show trend). 2015 to 2018 data points (blue boxes) show years when restrictions were applied to both fisheries.
Both the NFN’s Fisheries Law and the recreational fisheries’ regulations are helping the recovery of Lake Nipissing’s walleye population. Since 2014, NFN and MNRF have been collaborating to determine safe harvest levels (Figure 4) and support recovery efforts. NFN’s leadership in the management of the commercial fishery and MNRF’s minimum size limit for the recreational fishery are equally vital to the long-term health and sustainability 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.

**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;
- 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 (see Figure 5);
- Developed joint communication materials; and
- Built awareness of our ground-breaking sustainable fisheries partnership and natural resource management efforts. Figure 5: Map of net set locations for Lake Nipissing Fall Walleye Index Netting 2019.
Recognition of a Successful Partnership

Our work on shared resource management and stewardship has attracted the interest of other governments and organizations. NFN’s Chief McLeod continues to highlight NFN’s Fisheries Law and our strategic collaboration at fisheries conferences across the country including the Assembly of First Nations National Fisheries Committee meeting in Quebec in October 2019.

Commercial Fishery Harvest Monitoring

In 2019-2020, NFN and MNRF supported commercial fishery harvest monitoring efforts by:

• Hiring four technicians to collect data from commercial fishery catches and fisheries assessment projects
• Working cooperatively with NFN fishers to meet the 5% sampling target for the seasons catch
• Working jointly on the FWIN assessment; and
• Sharing fisheries data and conducted joint analyses to determine the health of the fishery and set a safe harvest maximum for the upcoming year.

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 completed during the fourth year of the MOU included:

• Providing snowmobile training support for one NFN conservation officer
• Visiting six businesses, including restaurants in the Sudbury, North Bay, Killarney, Temagami and Barrie areas, to obtain fisheries information regarding Lake Nipissing walleye
• Holding four Compliance and Enforcement Working Group meetings (joint with NFN, MNRF, Anishinabek Police Services (APS), and Ontario Provincial Police Provincial Liaison Team (PLT) members).
• Conducting 32 joint lake patrols by NFN, MNRF and APS
• Conducting three land patrols in April 2019 in early open water sites on Lake Nipissing

“NFN and MNRF staff continue to meet regularly through the Compliance and Enforcement Working Group...”
Communications, Outreach and Education

NFN continues to deliver outreach and education activities to support its joint efforts with MNRF in implementing NFN’s Fisheries Law and other related initiatives.

These included:

• Supporting NFN natural resources staff in public outreach and education activities
• Conducting 10 OPP PLT visits (joint with NFN, MNRF and APS) with commercial fishermen to discuss NFN's Fishery Law and the MOU
• Discussing the MOU and NFN’s Fisheries Law through 27 contacts with commercial and subsistence fishers (this includes multiple contacts with the same fishers) and conducting inspections as needed
• Providing 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
• Raising awareness of the MOU with other local First Nation communities
• Providing NFN and MNRF progress updates on MOU activities through the 2018-19 MOU Update

Summary

The Lake Nipissing MOU continues to assist in the recovery of Lake Nipissing's walleye population by protecting the young walleye, doubling the reproductive potential, and increasing biomass. The fishery continues to make progress towards recovery, however with few older fish in the population it continues to remain in a fragile state.

Some key MOU achievements over 2019-2020 included:

• Sharing strategies and relationship successes nationally with First Nation communities
• Cooperation between NFN staff and fishers to meet commercial fishery sampling targets
• Successful NFN Fisheries Law education and acceptance
• The MOU Steering Committee will continue to guide NFN and MNRF in implementing the MOU during 2020-21.
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
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