



Ontario 

**2020-2021**

# **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. In 2020, NFN enhanced their commitment to the Lake Nipissing fishery by hiring a director for their Lands and Natural Resources Program, which adds significant support to the Memorandum of Understanding (MOU).

### 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 five panels to three; 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 MOU, NFN and the Ministry of Natural Resources and Forestry (MNRF) renewed their three-year agreement in April 2019 to continue sustainably managing the Lake Nipissing fishery. This cooperative work supports NFN's Fisheries Law and the recovery of the Lake Nipissing walleye population. NFN and MNRF will begin MOU renewal discussions in early 2022.





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## Navigating COVID-19

With the arrival of the COVID-19 pandemic, NFN and MNRF were faced with making timely decisions on how monitoring, assessment and enforcement activities could take place while ensuring the safety of staff, community members and the public. By following social distancing protocols, along with the use of personal protective equipment (e.g., face masks, gloves, cleaning supplies), NFN and MNRF staff successfully conducted joint patrols and completed the Fall Walleye Index Netting (FWIN) assessment. In addition, NFN staff were able to work with commercial fishers to sample the season's harvest. Working together continues to be beneficial to the Lake Nipissing walleye fishery during the pandemic.

## Importance of the MOU

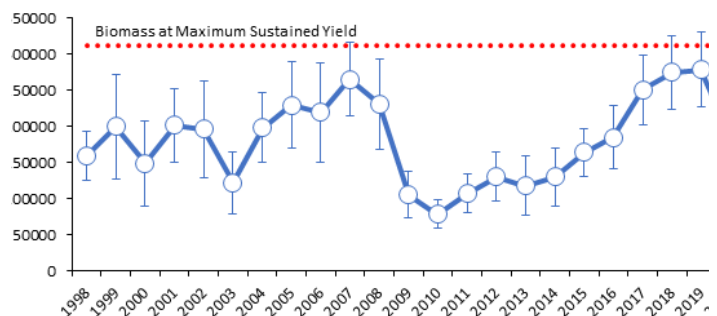
NFN and MNRF successfully implemented the fifth year of the MOU in 2020–2021.

The 2020 FWIN assessment shows the biomass of walleye declining from the previous year but still being on a trajectory for recovery with a low annual mortality, which is attributed to management actions such as the 46 centimeter (cm) minimum size limit and implementation of the MOU.

2020 was a good recruitment year, which is important when rebuilding a population. Trends from the FWIN show that the walleye population is improving but has not reached the Lake Nipissing Fisheries Management Plan's ten-year goal of a target biomass of approximately 400,000 kilograms (kg) (Figure 1). FWIN results show that

management actions implemented by NFN and MNRF have put the walleye population on the path to reaching this goal. The population remains fragile because of slow growth and continues to have few old and large walleye in the population.

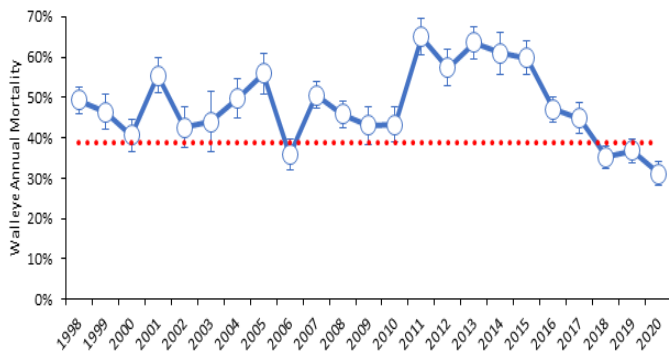
MOU activities, combined with continued harvest monitoring and enforcement efforts, are having a positive impact on the fishery and highlight the successful implementation of NFN's Fisheries Law. NFN and MNRF enforcement staff continued to see a strong acceptance of the NFN Fisheries Law in 2020–2021.



**Figure 1:** Walleye greater than 350 millimeters (mm) biomass in Lake Nipissing determined through FWIN. Maximum Sustainable Yield (MSY) is the red dashed line, and the management target for walleye in Lake Nipissing is 1.3 MSY (approx. 400,000 kg).

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, walleye biomass began to increase rapidly, and fishing mortality declined significantly (Figure 2).

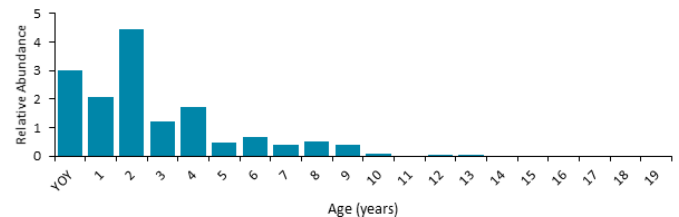




**Figure 2:** Lake Nipissing annual mortality for walleye greater than 350mm, estimated from FWIN. The goal is to be below the dashed red line.

Juvenile walleye continue to be protected so they can reach spawning grounds at least one year before becoming susceptible to the recreational and commercial fisheries. NFN's commercial fishery regulation that increased the minimum gillnet mesh size from 3.5 inches to 3.75 inches has allowed juvenile walleye in the population to rebuild.

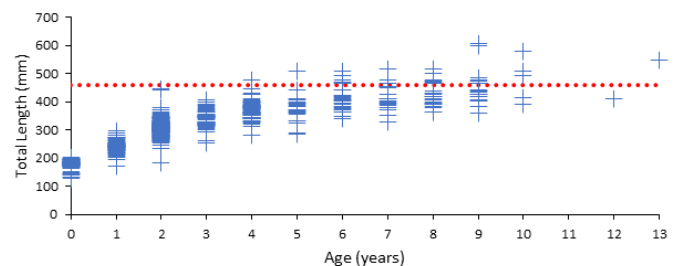
In 2014, fisheries assessments indicated that there were few walleye older than five years, which was concerning because the majority of female walleye mature into spawning adults after five years of age. Management actions have allowed the large year classes of 2011 (currently nine years old) and 2012 (currently eight years old) to be protected and grow into the fishery at an older age (Figure 3). The average age of the population remains 2.6 years as the majority of walleye biomass are juvenile fish which are being protected. The oldest walleye documented is 13 years old.



**Figure 3:** Walleye age distribution from Lake Nipissing FWIN in 2020.

FWIN results show the MOU and 460mm minimum size limit has allowed for an increase in the number of walleye. The majority of walleye are still young and small and first-time spawning female walleye (ages five and greater) are building in numbers (Figure 4).

Lake Nipissing's fishery remains fragile with fewer larger, older walleye in the population, meaning that additional time is required to rebuild the population to maintain a strong, healthy fishery.



**Figure 4:** Walleye total length (mm) at age (years). Red dashed line shows 460mm minimum size limit (MSL).

NFN's Fisheries Law and the MNRF 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 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.





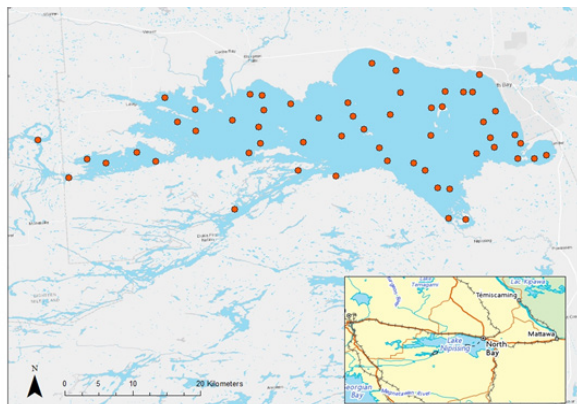
NFN uses standardized processes to collect and analyze harvest data, which is used by Chief and Council to set regulations and limits every year to ensure sustainable harvest levels for the commercial fishery. This included an early closure of the commercial fishery in 2015–2017.

### Working Together

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

In 2020–2021, we:

- Held three 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 58 net sets for the FWIN survey (Figure 5);
- Developed joint communication materials;
- Built awareness of our ground-breaking sustainable fisheries partnership and natural resource management efforts; and
- Supported each other by conducting joint compliance patrols.



**Figure 5:** Map of net set locations for Lake Nipissing Fall Walleye Index Netting 2020.

### 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 and Biologist Nikki Commanda continued to highlight NFN's Fisheries Law and our strategic collaboration.

### Commercial Fishery Harvest Monitoring

In 2020–2021, 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 sample 3.7% of the season's catch
  - The sampling target is 5%; however, sampling began later in the season due to COVID-19;



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



- Working jointly on the FWIN assessment; and
- Sharing fisheries data and conducting joint analyses to determine the health of the fishery and setting 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 fifth year of the MOU included:

- Attending an Ontario Provincial Police Provincial Liaison Team virtual refresher workshop;
- Visiting five known markets to obtain fisheries information regarding Lake Nipissing walleye;
- Holding three Compliance and Enforcement Working Group meetings (joint with NFN, MNRF, and Anishinabek Police Services (APS));
- Conducting 42 joint lake patrols by NFN and MNRF; and
- Conducting four land patrols beginning in April 2020 for early open water sites on Lake Nipissing.

## 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;
- Discussing the MOU and NFN's Fisheries Law through 97 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 2019–2020 MOU Update;
- Joint Provincial Liaison Team visits (NFN, MNRF, APS) were not conducted in 2020–21 due to COVID-19. These visits are normally used to discuss NFN's Fisheries Law and the MOU and will be continued when COVID-19 permits.



## 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.

- Adapting assessment and monitoring and enforcement activities with new COVID-19 safety protocols;
- Sharing strategies and relationship successes nationally with First Nation communities;
- Ongoing cooperation between NFN staff and fishers to meet commercial fishery sampling targets;
- Successfully promoting NFN's Fisheries Law education and acceptance;
- Continuing guidance from the MOU Steering Committee for NFN and MNRF in implementing the MOU during 2021–2022.

## 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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