

**Submission to the Anishinabek News – June 2010**  
**By Nicole Latulippe and Marci Becking**

**Asserting jurisdiction through Treaty Rights**

NIPISSING – The commercial fishery in Nipissing First Nation has always been a contentious issue for some non- natives who don't understand the Treaty right to fish commercially. A Facebook group dedicated to "Saving Lake Nipising Walleye" demonstrated the continued ignorance regarding the treaty right to fish commercially, as well as a lack of awareness of the regulations and conservation measures put in place by Nipissing First Nation.

One of the major regulations is the spring gill net moratorium that is in place to allow adult walleye full opportunity to reproduce. Other regulations include quota levels, season closures, net marking and catch reporting to track harvest levels.

Nipissing First Nation is working to dispel myths and rumours.

According to Richard Rowe, biologist and manager of Nipissing First Nation's Natural Resources Department, public awareness includes educating students at local schools, providing information and social marketing.

"The Natural Resource Department Staff deliver presentations at area elementary and high schools, Nipissing University, the Rotary Club, Anglers and Hunters Club, the Nipissing Stewardship Council and other First Nations," says Rowe.

The *Nipissing First Nation Certified: Responsible Fish Harvesting* label is helping to reduce stigma. The seal guarantees that all fish are harvested legally and responsibly as well as cleaned and processed in a sanitary, government-compliant facility and are part of a long-term plan to keep Lake Nipissing healthy.

Rowe says that the Sudbury and Nipissing Parry Sound Health Units recognize Nipissing First Nation Fishery as providing sanitary conditions to process their catch.

The Fishery is also an example of community economic development through asserting their jurisdiction. Jason Laronde, Lands and Resources Director for the Union of Ontario Indians says that he remembers that prior to 1984 it was not uncommon to see Nipissing First Nation fishermen being harassed by Ministry of Natural Resources enforcement officials while the fisherman exercised their rights. Today, the community is operating a commercial fishery, markets catch in the city of North Bay at the Old Chief Fish Market and sells to local restaurants.

"The community managed to get this far by public education, demonstrating effective management, operating a hatchery, exhibiting a healthy catch and by demonstrating their ability and jurisdiction to convene communal laws," says Laronde.

Rowe says there has been a renewal of community support for the fisheries program. "By setting up and enforcing regulations in accordance to the NFN Fisheries Law the community is behind the moratorium because the law came from the community," says Rowe.

“Fishers have reason to comply with the regulations which ensure they get access to the label. Incentives include becoming eligible for Employment Insurance during the off-season, higher prices for their catch, access to a processing facility, along with other benefits.”

Nipissing First Nation will continue to build their capacity in partnership with the Ministry of Natural Resources. Four citizens of Nipissing have been trained in Level One enforcement which is the first step in becoming recognized as enforcement officers.

Their fish processing facility will be certified by the Canadian Food Inspection Agency once our quality management program plan is finalized and when staff is trained.

*In order to avoid conflict in similar circumstances, the Report of the Ipperwash Inquiry emphasized the need for treaty implementation, resource co-management and benefit sharing, capacity building, public education and highlighted First Nation jurisdiction.*

*This article illustrates progress in these areas and how one community has taken proactive measures to dispel myths, avoid potential conflict and assert their jurisdiction.*

*The Report of the Ipperwash Inquiry was released May 31, 2007. The Union of Ontario Indians (UOI) advocated since that time for the federal and provincial governments to partner with Ontario First Nations to implement the Report's recommendations. Through this effort, a joint implementation process with Ontario was formalized in September 2008, and the UOI continues to be involved in the ongoing process.*

*For more information, please contact Nicole Latulippe, Project Coordinator, at [Ipperwash@anishinabek.ca](mailto:Ipperwash@anishinabek.ca), or at (705) 472-9127, ext. 2253*