

Lake Nipissing Fishery Management Plan Advisory Council

Terms of Reference

Prepared by North Bay District MNR

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Terms of Reference

Background

The Lake Nipissing Interim Fisheries Management Plan 2007-2010 has expired. While recent management activity has focussed on assessing the current status of the walleye population, there remains the requirement to prepare a renewed, holistic fisheries management plan for the lake. The plan will cover the next 20 years (2014-2034), with formal reviews on the trajectory of management actions every 5 years.

General

At 871 km², Lake Nipissing is the fifth largest lake in Ontario (excluding the Great Lakes) and is the seventh most fished lake (including the Great Lakes). Lake Nipissing fisheries are an important economic and social engine within Fisheries Management Zone (FMZ) 11, contributing to a local tourism industry estimated at \$69–125 Million annually. The lake also provides cultural and economic benefits to Nipissing (NFN) and Dokis First Nations (DFN) — both pursue a subsistence fishery and NFN also has a court-recognized treaty right to commercially fish.

There have been recent challenges to the lake ecosystem through the introduction of invasive species such as spiny water flea and common carp, the re-colonization by double crested cormorants and changing climate. These changes make predicting future conditions refractory.

Recent Activities

Initial efforts are underway to address decreasing adult walleye abundance and to initiate a rebuilding of the walleye population due to the findings of a peer reviewed draft report entitled Lake Nipissing Walleye Data Review (1967 – 2011). The report examined all available data back to 1967 for historical context and determined that current adult walleye abundance has declined by about 50% since the early 1980s.

An Advisory Committee was established in the summer of 2012 to advise MNR on the socio-economic effects of any proposed changes to the recreational angling fishery. It is anticipated that that group will form the core of the LNFMPAC, with the addition of other organizations, to assist in the development of a new fisheries management plan.

Harvest reduction through an interim lower walleye creel limit for the recreational angling fishery and on-going dialogue with NFN are anticipated to initiate rebuilding the adult walleye biomass.

FMZ 11 Context

North Bay District is the lead district for Fisheries Management Zone (FMZ) 11. An Advisory Council is in place to advise North Bay District on matters relating to the management of recreational fisheries in FMZ 11.

Lake Nipissing is the largest lake in FMZ 11 and is classified as a Specially Designated Water (SDW). SDWs are created to recognize certain water bodies as being of critical importance to the effective management of an entire FMZ and it is assumed that SDWs will have their own management plans within the context of the broader FMZ plan as a whole.

This project is designed to run in parallel with the initiative to develop a FMZ 11 management plan.

Angling effort on Lake Nipissing has declined by about half since the 1970s, from more than 11500 hours/km² to a current level of just over 5700 hours/ km². Nonetheless, it still is a significant sink for angling effort within FMZ 11 and consideration must be given to the implications of any potential dispersal of effort at the landscape scale.

A representative from the FMZ 11 Council participated on the recent Lake Nipissing Walleye Project Advisory Committee to ensure the FMZ 11 Council was aware of the Lake Nipissing situation and resulting management action.

In recognition of the potential changes to the recreational angling regulations for walleye on Lake Nipissing, FMZ 11 council will need to discuss and evaluate implications of the potential change to zone wide walleye management.

The following Terms of Reference (TOR) describe the purpose, principles, organizational details, roles and responsibilities and operating costs for the Lake Nipissing FMP Advisory Council. It is anticipated that the recommendations of this Council will be derived in consultation with, and having regard to, those of the FMZ 11 Advisory Council.

Purpose

The purpose of the Lake Nipissing Advisory Council is to provide advice to assist the MNR in describing management direction concerning recreational fisheries on Lake Nipissing.

Objectives

- To provide an effective mechanism for the public to become engaged in the management of the Lake Nipissing fisheries.
- To provide a forum where a broad range of stakeholders can work together to develop objectives for the future state of the fisheries.
- To work with MNR and to provide advice to MNR on strategies to achieve the desired future state of the fishery.
- To provide MNR with social and economic perspectives as they pertain to the management of the lake's fisheries.
- To provide MNR with local knowledge of the fishery.
- To help the MNR communicate and consult with the broader public on management strategies and issues.

Principles

1. **ECOLOGICAL APPROACH:** An ecological approach to fisheries management will be followed to ensure conservation and use of the resource in a sustainable manner.

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2. **LANDSCAPE LEVEL MANAGEMENT:** In general, fisheries are managed at a landscape scale. Lake Nipissing, however, is a major component of the fishery resources within FMZ 11 and it has its own unique use patterns and consequential effects, partly rooted in the history of resource development. It is understood that there may be major differences in the resource or objectives between Lake Nipissing and the broader FMZ which may require different approaches to management within the Zone.
3. **BALANCED RESOURCE MANAGEMENT:** Strategies and actions will consider the ecological, economic, social and cultural benefits and costs to society, both present and future.
4. **SUSTAINABLE DEVELOPMENT:** The finite capacity of the resource is recognized in planning strategies and actions for the lake. Only natural resources over and above those essential to long-term sustainability are available for use and development. Only those which exceed the requirements of subsistence fishing are available for other uses such as commercial fishing, recreational fishing or tourism development.
5. **BIODIVERSITY:** Fisheries management will ensure the conservation of biodiversity by committing to healthy ecosystems, protecting and preferring native, natural fish populations and sustaining their genetic diversity. All of the lake's species, including non-sport fish and Species-at-Risk, must be considered.
6. **NATURAL REPRODUCTION:** Priority will be placed on native, naturally reproducing fish populations that provide predictable and sustainable benefits with minimal long-term cost to society.
7. **HABITAT PROTECTION:** The natural productive capacity of the habitats of fish and of the organisms upon which fish depend will be protected and habitat will be enhanced where possible.
8. **VALUING THE RESOURCE:** Stakeholders and other users will be invited to understand and appreciate the value of fisheries resources and to participate in decisions to be made by MNR that may directly or indirectly affect aquatic ecosystem health.
9. **RESPONSIBILITY:** Effective fish management is a cooperative venture with responsibility being shared by local, regional, provincial and federal governments, by First Nations and by citizens generally. Through cooperation and the sharing of knowledge, solutions to challenges will be sought so fisheries can attain and remain at levels from which all parties can derive a sustainable level of benefits.
10. **MULTI-PARTY INVOLVEMENT:** A wide range of stakeholders, Aboriginal peoples, and interested parties will provide fisheries management advice to ensure an open and transparent process that acknowledges their valuable role in the process.
11. **ABORIGINAL INTERESTS:** Ontario is committed to building better relationships with Aboriginal peoples and in involving them in decisions that affect them. It is the responsibility of the government to ensure that the subsistence needs of Aboriginal peoples are met, within the constraints of a sustainable resource base.
12. **DIRECT ACTION:** Before acting upon the resource, the broadest possible constellation of options will be considered and the feasibility of implementing actions will be carefully

evaluated. It is expected that our actions may have to evolve as situations change and our knowledge improves.

13. **KNOWLEDGE:** The best available information will be used when objective setting, in strategy development and in implementation. Monitoring and assessment needs and the sufficiency thereof will be re-evaluated as knowledge improves.
14. **ADAPTIVE MANAGEMENT:** Lake Nipissing will be managed using an adaptive management approach. Objectives will be set, actions implemented and monitoring will occur so that results can be continually compared against objectives. In this way, our management can be adjusted as necessary and as possible to ensure attainment of objectives.
15. **PRECAUTIONARY PRINCIPLE:** When an activity raises threats to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically. Every effort will be made to ensure our systems are robust and fault-tolerant. We should expect that the future is inherently unpredictable and, thus, be cautious in our manipulations of the natural system.

Operating Principles

- The Advisory Council will operate in a manner consistent with the Ecological Framework for Recreational Fisheries Management. Councils will work towards the provincial level objectives of resource sustainability, biodiversity conservation, landscape scale management, enhanced stewardship, streamlined regulations, protected areas management (Provincial Parks, Conservation Reserves and Wilderness Areas) and enhanced angling opportunities. In addition council will consider allied concerns or other fishery-dependent activities such as tourism, commercial fishing and habitat protection.
- The Advisory Council's primary responsibility is to advise MNR on fishery objectives for Lake Nipissing. This will be accomplished under direction from MNR, through consultation with stakeholders and the public and in consideration of the broader public interest. The objectives will clearly describe the desired characteristics (quality and quantity, fish community type) of the fisheries resource and the associated benefits expected from that resource. It is anticipated that there will likely be the need for broader public consultation (e.g. posting on Environmental Registry, public forums) on proposals, particularly the setting of goals and objectives.
- Given the recognized "honour of the crown" and legal obligations to consult with aboriginal communities about management proposals that may infringe on the ability of aboriginal people to access their recognized aboriginal or treaty rights, the Council will recognize that aboriginal peoples have ample and meaningful opportunity for input to the development of fisheries management proposals.
- The Advisory Council operates at the scale of Lake Nipissing but must remain cognizant of and must act cooperatively with broader landscape concerns, as represented by the FMZ 11 Council.
- Meetings and consultative processes of the Lake Nipissing Fishery Management Plan Advisory Council will document both majority and minority opinions and will, whenever possible, strive for consensus. The Council's operations will be conducted in a manner that ensures equality and respect among all members.

Roles & Responsibilities

MNR:

1. Develop and maintain the Advisory Council, including advertising for members and canvassing stakeholder groups to secure candidate members, appointing new members and removing members when necessary, recommending the frequency of meetings and providing approved financial support derived from program funds.
2. Arrange for meetings and ensure minutes of meetings are taken and distributed.
3. The MNR will chair the Advisory Council.
4. With agreement from the LNFMP Advisory Council, MNR may invite representatives from other councils to meet with Council, when appropriate.
5. Appoint a staff member who will be the main contact for supporting the operations and functioning of the council.
6. Provide basic logistical support to the Advisory Council (facilities for meetings, etc.).
7. Increase the understanding and awareness of members of the council regarding the subjects of aquatic resources and their use through presentations and written materials.
8. Distribute information relevant to the meeting and the meeting agenda prior to each meeting. This does not include presentation materials, which will be available to the Council members following the meeting.
9. Ensure that other MNR-affiliated citizens groups and stakeholders not represented on the LNFMP Advisory Council are kept apprised of the business of Council.
10. As an aid to Council's deliberations, MNR will provide or make arrangements for the provision of available science-related expertise, as required or requested by Council.
11. Establish a network of MNR managers whose districts or parks are contained in, overlap or are adjacent to Lake Nipissing to ensure good communications and understanding regarding Council's development, deliberations, decisions and operation.
12. Review advice provided by Council with other responsible MNR managers and make decisions on management actions to be taken.

LNFMP Advisory Council will:

1. Provide advice for consideration by MNR managers on fisheries management, including the setting of fisheries objectives, review of monitoring and reporting results and with implementation of management actions to meet the fisheries objectives for Lake Nipissing.
2. Review any existing fisheries management plan or plans (e.g. Ontario Parks Fisheries Management Plans, Watershed management plans etc.) as required.
3. Work with existing organizations and groups with an interest in Lake Nipissing to ensure that local initiatives are complementary and supportive to objective-setting and management activity at the lake level.
4. Assist with MNR consultation processes by engaging and educating the public on fisheries management using any partnership networks available including Lake Associations, Fish and Game clubs, tourism organizations, etc. with an interest in the fisheries of Lake Nipissing.

Council Chair will:

1. Lead the Council membership through the fisheries management planning process.
2. Ensure Council members are aware of areas where their advice will be solicited with as much notice as possible prior to a council meeting.
3. Ensure that all representatives on the council are given the opportunity to contribute to advice developed by Council.
4. Ensure that Council develops a set of ground rules by which they will operate – run meetings, respond to media contacts, liaise with other groups etc.

5. Keep Council members focused on the stated purpose and role of Council as contained in these ToRs.

Meeting-related duties: LNFMP Council Chair will:

1. Begin meetings on time
2. Maintain meetings on schedule
3. Cut off circular or inappropriate discussions
4. Summarize council discussions as a motion
5. Solicit opinions from non-vocal council members and ensure that everyone has a chance to be heard
6. Voice minority opinions for documentation in minutes

Plan Advisors will:

1. Provide MNR with official positions and perspectives from their respective agencies
2. Present, when asked, the role of their respective agencies with regards to Lake Nipissing.

Organization

Governance

- North Bay District MNR has the responsibility for fish management and for developing and maintaining the Lake Nipissing FMP Advisory Council (LNFMPAC). Advising the MNR on issues related to the fisheries of Lake Nipissing, however, is the combined responsibility of the LNFMPAC and of the FMZ 11 AC. MNR will often, also, solicit input from other agencies of government such as the federal Department of Fisheries and Oceans, the Ministry of Tourism, or Ontario Parks.
- The LNFMPAC Advisory Council will provide advice to the MNR managers. Advice received will be considered when MNR and the government take fisheries management decisions.

Jurisdiction

The Advisory Council has the primary responsibility of advising MNR on the management of Lake Nipissing's fisheries. In order to accomplish this, it is expected that members of the Council will liaise with their constituent organizations or with the general public.

Membership

- The Advisory Council will be a standing committee consisting of 10-15 volunteers representing a broad array of stakeholder groups including, but not limited to:
 - Nipissing First Nation
 - Dokis First Nation
 - FMZ 11 Council
 - Tourist Operators
 - Anglers-at-large
 - Fish and Game Clubs
 - Lake Nipissing Partners in Conservation
 - Greater Nipissing Stewardship Council
 - Local Municipalities

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- First Nations are welcome to and will be invited to participate in the Advisory Council. It is freely acknowledged that having any number of aboriginal people sitting on the Council does not meet the Crown's responsibility for aboriginal consultation.
- Advisory Council members are expected to attend meetings where they will represent the interests of their sector or stakeholder group before their own interests.
- MNR will canvas stakeholder groups to secure candidate members who will be appointed by the lead FMP manager.
- The lead FMP manager may remove members from the council if their continued membership is not in the best interest of the council or the MNR (e.g. poor attendance, promoting personal interests, disruptive behaviour)
- Members will serve for a term equal to the required time to complete the fisheries management plan.
- Members are expected to attend all meetings, and pre-designated alternates will be allowed.
- Where a pre-designated alternate attends along with the primary representative, he or she is welcome to observe the proceedings but will have neither voice nor vote.
- Quorum for the LNFMPAC is defined as 60% of the Advisory Council membership, as of that date, being present.

Advisors

- Advisors to the plan will be representatives from other governmental agencies that have a shared interest in the management of Lake Nipissing. Invitations will be sent to:
 - North Bay – Mattawa Conservation Authority
 - Ontario Ministry of Tourism, Sport and Culture
 - Ministry of Environment
 - Ontario Parks
- It is expected that advisors will represent the official position of their respective agency
- If requested, advisors will present information to the AC on their roles in the management of Lake Nipissing
- Advisors will not be required to attend all meetings, but encouraged to do so. In addition, advisors may be asked to participate in MNR planning team meetings.

Alternates

Any Council member or their constituent organization may wish to designate an alternate member to the LNFMPAC in the event that the primary member cannot attend a particular meeting. Those named alternates must be communicated to the MNR lead manager and the participation of the person so designated is subject to the approval of MNR.

Purpose of the alternates:

The purpose of an alternate member is to ensure that all constituencies have representation at as many meetings as possible. The role of the alternate is to attend a meeting in place of the primary member. Alternates may become full members should the primary member leave the council, if approved by MNR.

Rules regarding alternates:

- All member organizations (or individual members in the case of anglers-at-large) are entitled to appoint an alternate member.

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- Alternate members must be identified to and approved by the MNR.
- Alternates should attend in place of the primary member. When attending in place of a primary member, the alternate has the same rights to voice and vote as would the primary member were she or he in attendance.
- It is the responsibility of the primary member to notify their alternate if he or she is unable to attend a meeting. Notice that an alternate will be attending should be sent to the Council chair and the MNR.
- In the event that the primary member will be leaving the council, a transition period where the alternate and primary member can attend meetings may be helpful, provided:
 - The alternate contributes to the discussion only through the primary member and does not form part of the decisions or consensus of Council.
 - Attendance of the alternate needs to be approved in advance by MNR and the Advisory Council chair(s).
- Alternates will be distributed all materials electronically. The primary member is responsible for maintaining communications with the alternate to ensure they are aware of Council proceedings.
- Alternates only count towards the establishment of a quorum when the primary member is not in attendance.

Chairperson

- Due to the short-term tenure of the Council, MNR will provide a chairperson to lead the meetings.

Council Support

- MNR will provide clerical and logistical support for the Council.

Linkages

- The Advisory Council will be encouraged to develop linkages with other stewardship based initiatives and networks. It is understood that the LNFMPAC will need to maintain a particularly strong link to the FMZ 11 AC.
- A regular opportunity for communication between the LNFMPAC and the FMZ Advisory Council should be provided. Routine liaison and communication is the responsibility of the FMZ 11 representatives to the LNFMPAC.

Meetings

- Meetings will occur on a regularly scheduled basis.
- Attendance at meetings will be limited to members and designated alternates.
- Visitors and observers will be permitted if there is agreement of the council at a previous meeting or at least 6 weeks prior to the date of the meeting the visitor or observer is to attend.
- Council members will be expected to attend other fisheries related public meetings where consultation on fisheries management decisions may occur.
- Additional sessions with the public may be scheduled as the need arises.
- MNR, in discussion with the Council members, will decide on how meetings will be run and decisions will be made, etc. (e.g. consensus, recording of minority opinion)

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- Motions require both a mover, a seconder and discussion before any decision is taken. Consensus is the preferred and first approach to determining advice of council. If consensus can not be reached, dissenting opinion will be documented.

Relationship to other committees

- Sub-committees or task teams of the LNFMPAC may be formed, if required, to deal with specific topics.
- Any sub-committee or task team that may be struck will be provided with direction by the broader Advisory Committee and such direction captured in the meeting minutes.
- The institution of such sub-committees or task teams will be predicated on the efficient and effective use of resources, and must be inclusive of the interests its parent Councils.

Conflict of Interest

Members must consider potential conflict of interest situations and must declare such during their tenure on the committee. Members finding themselves in conflict must declare a potential conflict and remove themselves from participating in all associated Council discussions.

The following are some cues that may indicate that a conflict of interest situation is possible:

- The use of your position on the Council could be construed as of direct or indirect benefit outside of the mandate of your organization, sector or stakeholder group.
- If you are representing the Advisory Council at a related function, do not accept a gift if a reasonable person might conclude that the gift could influence you in the performance of your duties. Never accept a gift, direct or indirect, that could be interpreted as being in exchange for the disclosure of confidential information, in exchange for your representations before Council, or in exchange for the positions you take or the way you cast your vote.
 - You may accept a gift of nominal value given as an expression of courtesy or hospitality if doing so is reasonable in the circumstances.
- Do not disclose confidential information obtained during the course of your council duties to anyone, unless authorized to do so by the Council Chair(s).
- Do not use confidential information in a business or undertaking outside the Council.
- Avoid any actions which could create the appearance of preferential treatment being given to the benefit of any person or entity.

In cases where you are uncertain, potential conflict situations should be identified to the Advisory Council chair(s) for discussion and clarification.

Formalizing Committee Advice to MNR

Although MNR will strive to build consensus in the Advisory Council's advice to the Ministry, this may not occur due to the very nature of the broad interests represented in the AC's membership. However, it is not the intent of MNR to rely on a majority rule approach (i.e., voting) to garner advice. As such:

- In the event that a consensus decision is not reached, MNR will record dissenting opinions.
- All members can contribute their opinions.
- Recommendations will be formally summarized and noted in the minutes

Confidentiality

Members of the LNFMPAC will respect the confidentiality of any information, including personal information, identified as being confidential by MNR during discussions held at council meetings or functions. Minutes of meetings and other documentation of council activities will not be shared beyond the council membership until the minutes or documentation have been approved for release by the council.

LNFMPAC members and alternates are expected to represent their organization or broad stakeholder group. In instances where the council is being asked to generate formal advice, it is reasonable for council members to be provided with an opportunity to consult with their membership prior to providing their input. At this time, it is important that LNFMPAC members are clear to their organization that the information being provided is still in discussion by the Council, that no formal recommendations have yet been made by Council, nor have decisions been taken on the particular subject. Where possible, these discussions should be limited to the executive of the organization.

For members not representing a specific organization (e.g. anglers-at-large), specific recommendations being considered by the Council should not be discussed with the public until formal recommendations have been made. Broader public input will be solicited via public consultation initiatives.

During public consultation, it is strongly recommended that the LNFMPAC develop standard messaging to deal with questions anticipated from the public, and only indicate a Council preference for a preferred management option when such a preference has been formally endorsed by a resolution of Council. The LNFMPAC may wish to identify a media spokesperson(s) to handle media requests.

Advisory Council members may be asked to sign a confidentiality agreement with respect to the protection of personal information under FOIPPA. In any case, if such an agreement is tabled, the Council will be provided appropriate training before signature.

Council Tenure

The Advisory Council will continue until a final Fisheries Management Plan has been submitted and approved. In unforeseen circumstances, the Council may be dissolved at the MNR lead manager's discretion prior to completion of the FMP.

Operating Costs

1. Costs related to meetings (e.g. room rental, coffee, etc.) will be covered by MNR.
2. Council members will be reimbursed for travel, meal and accommodation costs following the principles in the OPS Travel Directive and as approved by MNR.
3. Per diems will not be paid.