

# ONTARIO FEDERATION OF ANGLERS & HUNTERS



*Ontario Conservation Centre*

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April 7, 2011

Mr. Marc Desjardins  
Lake Ontario Management Unit  
Ministry of Natural Resources  
41 Fish Hatchery Lane, RR #4  
Picton, Ontario  
K0K 2T0

Dear Mr. Desjardins:

**Subject: Proposed Regulation Change on Rainbow Trout Catch and Possession Limits for Fisheries Management Zone 20 (Lake Ontario)**

On behalf of the Ontario Federation of Anglers and Hunters (OFAH), its 100,000 members, subscribers, and supporters, and 670 member clubs, we have reviewed the proposed regulation change lowering the sport fishing licence catch and possession limit of Rainbow Trout in Lake Ontario from five to two. Associated with this is a lowering of the conservation licence catch and possession limit from two to one, but in this response we will only be referring to the change in the sport fishing licence limit, understanding that the conservation licence is linked to it.

As you know, as part of the Fisheries Management Zone (FMZ) 20 Council (west/central committee), the OFAH had previously been asked to review this proposal. At the time, we reviewed the proposal among head office staff and our OFAH Fisheries Advisory Committee, which includes Directors from the four OFAH zones which border Lake Ontario. From this review, we did not support the proposed change at the Council, but did support public consultation. Following further review of the public proposal, we continue to not support the proposed change.

We note that this is the same proposal that was brought forth to the FMZ 20 Council in April 2009, at which time it was not supported by the Council. A presentation from the MNR at the time highlighted the following considerations:

- there had been a decline from the 1980's harvest rates in the 1990's and 2000's, although the trend through the period of "decline" was a variation around a new, lower mean harvest rate, not annually lower harvest rates. The new 2009-2010 data added to the time trend figure (in the Fact Sheet) reinforces this assessment, and does not provide evidence of the continued decline in Rainbow Trout boat catch rates referred to in the public proposal;
- a number of scenarios behind the change in catch rates were examined in 2009, and stocking, survival/exploitation of older fish (including angling), Sea Lamprey, and stream production (eggs and juveniles) were eliminated as likely causes;
- the problem with survival in Rainbow Trout was hypothesized to be during the first year in Lake Ontario, specifically predation upon smolts by large salmon and trout;
- stream/shore anglers were more likely to have harvested more Rainbow Trout than boat anglers. Notably, only stream/shore anglers were likely to have more than one Rainbow Trout in their possession when surveyed, and the stream/shoreline fisheries had more impact on stream populations than the open-water fishery;

.....2

Mr. Marc Desjardins  
April 7, 2011  
Page Two

- a two Rainbow Trout limit would have only a minimal (2.2%) and insignificant effect on the annual exploitation rate, and much of the change in exploitation would be through the stream/shoreline fishery, not the boat fisheries of Ontario and New York. Modeling the effect of a theoretical implementation of a two Rainbow Trout limit in 2001 showed little increase in population numbers in subsequent years;
- a reduction in harvest was not considered essential for conservation; and
- the rationale in 2009 was based on apparent social values and harmonization, and at the time, one council member with expertise on natural resources socio-economics commented on the inappropriate use/poor explanation of social measures and values.

Since the April 2009 presentation, the only additional science we are aware of is the nearshore predation study conducted in conjunction with the Atlantic Salmon program, and reports from it indicate that what predators are in the nearshore environment off of river mouths, are not feeding upon smolts of any species to any significant degree.

Therefore, we conclude the science is telling us the leading hypothesis remains an unknown, or at least unquantified, survival issue in Rainbow Trout juveniles in Lake Ontario. Open-water angling is not the bottleneck, yet open-water anglers are being targeted for a cut in fishing opportunities, when the effect of the cut will not address the change in Rainbow Trout abundance from the 1980's to now.

We have also seen no analysis of whether the population can be returned to those 1980's levels. An alternate hypothesis is that in the 1980's, Rainbow Trout, along with Pacific Salmon, showed the typical pulse in numbers and size seen by species introduced into new environments, followed by stabilization at more sustainable levels. For example, Rock Bass, Smallmouth Bass, Zebra Mussels, and Round Gobies also show this initial boom then stabilization. A second alternate hypothesis is that changes to the Lake Ontario ecosystem, principally driven by temperature trends and Zebra/Quagga Mussel invasions (e.g. Casselman, J.M., K.A. Scott, D.M. Brown, and C.J. Robinson. 1999. Changes in relative abundance, variability, and stability of fish assemblages of Eastern Lake Ontario and the Bay of Quinte - the value of long-term community sampling. *Aquatic Ecosystem Health and Management*. 2:255-269.), will not allow Rainbow Trout to return to their 1980's abundances.

The reduction in fishing opportunities from the proposed reduction of catch limits of five to two will impact charter boat operators, casual anglers, and those who fish for food. The reduction should not be undertaken without the sound biological evidence described in the recreational fisheries tool kits. If an adaptive management approach is to be taken, to "try it and see what happens," we would expect to see an outline of potential outcomes versus resulting management decisions (e.g. what happens if the population increases, remains at current levels, or declines further).

Not only do we not have an adaptive framework for the proposed regulation change, we do not see how there could be an adaptive framework, as the Rainbow Trout toolkit recommends catch limits of two or fewer fish in all Great Lakes FMZ's (Lake Erie excepted). We understand toolkits may not always be the only source of options, but they are described as such in their preamble ("the regulatory options contained herein are the only options to be used in the development of any new regulations for Rainbow Trout"). The alternate options of catch limits of three or four Rainbow Trout, which are not part of the toolkit options, were not proposed, and we foresee disagreeing with the toolkit to be problematic for any future discussions on catch limits. This is a province- and species-wide issue, but we bring it to your attention here as well. We simply do not see how catch limits could be increased again should Rainbow Trout abundance increase in response to the proposed regulation or other factors.

ONTARIO FEDERATION OF ANGLERS AND HUNTERS

Mr. Marc Desjardins  
April 7, 2011  
Page Three

We note in the public notice that a social consideration appears to be driving the proposed change, rather than objective, scientific evidence. Specifically we note the sentence: "Excessive fishing pressure is viewed by the public as a stressor on Rainbow Trout populations." We understand the value of social considerations, but only when assessed in conjunction with scientific rationales, and an assessment of fairness, cost, and optimized benefits. If the public considers open-water fishing pressure to be excessive, when the MNR has no evidence this is true, then outreach and education efforts would suggest themselves as a first option to address the public's concern, not a reduction in angling opportunities.

We have other concerns over the rationales as described in the fact sheet:

- per the information provided by the MNR, the proposal would not appreciably reduce harvest of Rainbow Trout, and consequently is unlikely to achieve Lake Ontario's Fish Community Objective related to enhancing the fishery. The proposal would likely maintain the fishery, but we see no evidence the five-fish limit will not maintain the current fishery as well;
- while aligning limits more closely with New York, we note that the New York open-water limit of up to three Rainbow Trout was not considered for Ontario, yet the New York waters of Lake Ontario sustain more angling pressure than Ontario's waters;
- harmonization with the tributaries will only be for as long as the tributaries maintain their current regulations. We are aware of stakeholder pressure to reduce tributary catch limits further. Will that mean another reduction in open-water catch limits to maintain harmonization? In this instance, we don't consider ease of enforcement to be a justification for harmonization. To justify harmonization, we would expect to have science telling us the tributary and open-water fisheries have identical impacts on the sustainability of naturally produced Rainbow Trout; and
- we are also aware stakeholder pressure for even more restrictive open-water catch limits in the future, using the proposed change from five to two as a stepping stone to reductions to one fish, possibly lower. If lowered catch limits are warranted, they should be argued for based on their own merits through assessments of science and social value, not through a process of gradual erosion of expectations.

To summarize, the harvest of Rainbow Trout in the open-water fishery of Lake Ontario has not been responsible for the reduced catch rates observed since the 1990's, and there is no scientific evidence the reduction in catch limits from five to two will significantly improve the fishery. Therefore, the proposal will result in a cost to anglers of lost angling opportunities, with no appreciable benefit.

Yours in Conservation,



Chris Robinson  
OFAH Representative  
Fisheries Management Zone 20 Council

CR/jb

cc: Honourable Linda Jeffrey  
Mike Morencie, Director, Fish and Wildlife Services Branch  
Andy Todd, Manager, Lake Ontario Management Unit  
Great Lakes Fishery Commission  
OFAH Board of Directors  
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