

ONTARIO FEDERATION OF ANGLERS & HUNTERS



Ontario Conservation Centre

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Mr. Derrick Romain
Northeast Region
Ministry of Natural Resources and Forestry
Ontario Government Complex
5520 Hwy 101 East, P.O. Bag 3020
South Porcupine, Ontario
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Dear Mr. Romain:

Subject: ERO Number 013-4578, Fisheries Management Zone 11 Management Plan

The Ontario Federation of Anglers and Hunters (OFAH) is Ontario's largest non-profit, conservation-based organization representing 100,000 members, subscribers and supporters, and 740 member clubs. We have reviewed the Management Plan for Fisheries Management Zone (FMZ) 11 (Draft Version 7; dated March 7, 2019), and provide the following comments for consideration. Though we have several recommendations and proposals, we appreciate the effort and time spent conducting fisheries monitoring and assessments, compiling the data for this fisheries management plan (FMP), and the engagement with key stakeholders. For the plan to be effective there must be continued support and supervision through the FMZ 11 Advisory Council and updates to the FMP as additional data becomes available.

Local anglers and stakeholder groups

We reached out to local representatives and stakeholder groups to seek input on issues and challenges experienced in FMZ 11. Overarching fisheries management concerns that were identified include regulations that are perceived to be too restrictive (resulting in lost angling opportunities), and that lack consistency with neighboring FMZs (leading to confusion and frustration amongst the angling community). Additionally, land use plans and restricted access was a common theme identified, and stakeholders feel that aspects of the proposed FMP may result in negative socio-economic consequences (e.g. reduced Lake Trout season with size restrictions, baitfish ban in all Brook Trout lakes, and continued access restrictions in the Temagami area).

Fishing regulations must evolve, they require adaptive management and are guided in Ontario by monitoring and assessment conducted under the Broad-scale Monitoring (BsM) program. However, it is also critical for the voices and concerns of stakeholders to be heard. Where efficiencies, improved standardization, and greater consistency can be achieved, we recommend that the Ministry of Natural Resources and Forestry (MNRF) investigate all opportunities to benefit resource users while ensuring the sustainability and ongoing productivity of fisheries in FMZ 11.

The MNRF should explore ways to facilitate angling opportunities through strategic access planning. Restrictions should only be considered for a fishery when there is a legitimate conservation concern and all other tools have been shown to be ineffective in achieving fisheries management goals and objectives of the plan. In other words, access planning related to fisheries management should be focused on how to strategically create opportunities in the right places at the right time with the right focus species. This could be achieved through planning of spatial and temporal angling opportunities at the FMZ scale (e.g. FMZ-level stocking plans).

Further consultation and engagement with local businesses should be conducted by the MNRF to gauge the socio-economic effects of the proposed regulatory changes (e.g. modifying the fall Lake Trout season to close Labour Day versus the current September 30th closure).

Brook Trout fisheries, live baitfish and noncompliance

When Brook Trout are considered provincially, there is an ad hoc, inconsistent, and unstandardized approach to their management, because there is insufficient overarching direction. The MNRF must be very careful about putting so much prescriptive emphasis on a species in a single FMZ without first determining contemporary provincial goals, objectives and strategies for managing Brook Trout. Otherwise, the management direction adopted at the FMZ-level may be inconsistent with the broader provincial approach. The OFAH does not agree with the proposed blanket ban on the use of live baitfish in all Brook Trout lakes including “natural and diversionary waters” and “additional opportunity waters.” All Brook Trout lakes should not receive the same level of protection; rather, these fisheries should be further separated and categorized by how natural/wild they are. Where there is purpose, added value and a need to reduce ecological risks, exploring options for the possession and use of live baitfish may be necessary (e.g. lakes with naturally reproducing Brook Trout populations or other priority/at risk natural lakes with no harmful invasive species). Lakes and streams that don’t fall into the described categories, including stocked waterbodies, should permit the possession and use of live baitfish.

Stocked waterbodies, in particular Put-Grow-Take (PGT) fisheries, are designed to create new fishing opportunities by stocking fish for later catch and consumption, while diverting pressure on more sensitive species and locations (for a variety of reasons). A live baitfish ban on PGTs would implement barriers for the very opportunities that we are trying to create. This could have the unintended consequence of preventing diversion from natural/wild Brook Trout lakes, which runs counter to their very purpose. Moreover, we fear it could lead to similar restrictions for all stocked lakes and species (i.e. Walleye, Lake Trout, Splake, etc.). We must also consider the impacts on the 35 active baitfish harvesters and 40 baitfish distributors currently operating within the zone, and the many anglers who use live bait.

Legislation already exists to protect Ontario waters from unauthorized introductions of harmful invasive species. If there are concerns that current regulations are not performing the way they were intended, then layering additional restrictions for already illegal activities will not achieve the desired effect. In FMZ 11 and other zones in Ontario, there is a clear need to increase the number of Conservation Officers to ensure adequate enforcement of existing regulations and to increase the set fine amounts for these violations. Pursuing a variety of other strategies including education, outreach, and awareness is believed to be the “ultimate solution to the problem of unauthorized introductions (Rahel, 2004).”

The level of noncompliance with fishing regulations is poorly understood in Ontario, yet it has the capacity to affect the success of special restrictions and can be a major barrier to achieving fisheries management objectives (Paragamian, 1984; Schill and Kline, 1995). It’s important for managers to accept some level of noncompliance as a permanent component of our fisheries and to have realistic expectations as to what can be achieved through regulations. Sweeping bans on baitfish use, for example, are ineffective if they cannot be adequately enforced and if anglers don’t abide by them. Studies have shown that forty percent of anglers may dispose of their unused bait in surrounding waters due to a misunderstanding of the regulations, uncaring attitudes, or the misconception that they may be doing something ecologically beneficial (Kilian et al. 2012; Litvak and Mandrak, 1993). Noncompliance with current regulations exists and can be further reduced by greater communication efforts. The OFAH wants Ontario fisheries to be conserved in perpetuity, but we also recognize the limitations of legislation, the need to consider innovative and practical solutions to overcome these challenges, while simultaneously achieving management goals and objectives.

Fisheries management planning, implementation and oversight

The most critical component of a FMP is the implementation and effective execution. There must be continued oversight, regular performance reviews and reporting, as well as flexibility for adaptive management. As new data and information becomes available through the proposed long-term fifteen-year plan (an additional three cycles of BsM), the FMP should be reviewed and updated accordingly. This must also include a participatory approach at key stages and involve broader meaningful input by the public and the FMZ 11 Advisory Council including the prioritization of actions.

The OFAH participates on every FMZ Advisory Council in Ontario. Much of this representation comes from members of the OFAH's own Fisheries Advisory Committee (FAC). Roundtable FAC discussions have identified infrequent meetings, general inactivity, and outdated FMPs as primary concerns experienced at other FMZ Advisory Councils. Currently, this may not be an issue for FMZ 11, but we recommend continued consultation and engagement for a variety of reasons, including: 1) facilitating stakeholder input to guide fisheries management; 2) ensuring goals and objectives identified in the FMP are being met; 3) helping to inform future decision making; 4) conducting performance evaluations of regulations; 5) identifying key trends and emerging issues; and 6) guiding FMZ-level stocking plans.

New opportunities - Lake Sturgeon

Adjacent and to the north of FMZ 11 is FMZ 8. In this zone, and others in Ontario, there are catch and release angling opportunities for Lake Sturgeon. Though it appears that Lake Sturgeon in these zones are different designatable units and have differing SARO (Species at Risk Ontario) classifications, using anglers as an instrument to recovery could benefit the species more effectively and efficiently than the current Endangered Species Act (ESA).

Lake Sturgeon should be included in the FMP. The review of the ESA legislation and the Discussion Paper recently posted by the Ministry of the Environment, Conservation and Parks provides the unique opportunity to reconsider how we go about recovery in FMZ 11. Funding for Lake Sturgeon restoration could be generated using a prepaid tag or stamp accompanied by rigorous oversight and a stringent quota system. If needed, other regulatory tools could be considered to further conserve the species. We believe, and demonstrable evidence shows, that this strategy has the potential to channel funds more directly to the species, as well as greatly increase the revenue needed to achieve landscape-level recovery goals and objectives.

BsM for flowing waters and other updates

The BsM program was introduced in 2008 under the Ecological Framework for Fisheries Management (EFFM) in Ontario, and is the primary monitoring and assessment tool for the province. As described in the FMP, the purpose of BsM is to improve information about the health of Ontario's inland lakes and recreational fisheries at the FMZ level. However, there is currently no equivalent system for the monitoring of flowing waters. A complete FMP for FMZ 11, and other zones in the province, must consider flowing waters, as they are critical components to aquatic ecosystems and our understanding and management of fisheries. The OFAH would like to see further development of the MNRF's Aquatic Ecosystem Classification system and the future establishment of BsM for flowing waters.

The MNRF should also investigate alternatives to lethal sampling including trap netting and emerging capabilities through eDNA and hydroacoustics. This is critical for fish species that are long-lived and slow to maturity, such as Lake Trout, or species that are sensitive to exploitation and susceptible to gill netting (i.e. Brook Trout) (MNRF, 2017).

FMZ-level stocking plans

The last published MNRF document on the guidelines for stocking fish in inland waters of Ontario was in 2002, well before the establishment of EFFM and the implementation of FMZs and the BsM program. There is a need to update stocking guidelines and to have a consistent approach that optimizes angling opportunities, but also does a better job at redirecting angling effort and protecting sensitive fisheries. This can be achieved more effectively through FMZ-level stocking plans and the FMZ 11 Advisory Council. For fisheries in FMZ 11 to be truly diversionary there must be a targeted approach and more focused efforts (i.e. stocking inputs) to maintain and produce high quality, high performing, and accessible waterbodies.

Conclusion

Ontario resident licence sales reached its lowest point in 2018 compared to the previous six years. Both Canadian resident and non-resident angling licences have declined compared to levels experienced in 2012. There needs to be a balanced approach to FMPs and an adequate understanding of how the proposed actions impact socio-economics at the FMZ level. Decisions made here impact the revenue contributed to the Fish & Wildlife Special Purpose Account, the mechanism that facilitates regulation development, science, enforcement, licensing, conservation and education. Less participation results in less revenue, which compromises our ability to manage fisheries.

The FMZ 11 Advisory Council should continue to meet regularly and there needs to be a commitment to monitor the outcomes of various actions, regulations, and other aspects of the FMP. Thank you for the opportunity to comment on the FMP for FMZ 11. We would be happy to further discuss any of the recommendations provided in this submission at your earliest convenience.

Yours in Conservation,



Adam Weir
Fisheries Biologist

AW/jb

cc: David Hintz, Manager, Fisheries Section, MNRF
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