

# ONTARIO FEDERATION OF ANGLERS & HUNTERS



*Ontario Conservation Centre*

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OFAH FILE: 420D  
November 14, 2019

Public Input Coordinator, Fisheries Section  
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5th Floor, North Tower  
Peterborough, Ontario  
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Dear Sir or Madam:

**Subject: Ontario's Sustainable Bait Management Strategy**

**ERO: 019-0518**

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. For many years, we have been actively engaged in bait management in Ontario. During the past decade we participated on the Ministry of Natural Resources and Forestry's (MNRF) Bait Review Advisory Group, spoken with countless everyday bait users and commercial operators, attended stakeholder listening sessions, submitted official responses, and continue to advocate on behalf of Ontario anglers. We have reviewed Ontario's Sustainable Bait Management Strategy and provide the following recommendations for consideration.

## **Background**

In February 2017, a draft Strategic Policy for Bait Management in Ontario was made available for public comment by the MNRF. The OFAH believed the proposal to be too restrictive and would make fishing with baitfish and leeches (live or dead) unnecessarily challenging. Moreover, the scale of impact would be substantial considering 840,000 to 1,112,000 anglers in Ontario use live baitfish at some point during the year. If anglers and commercial operators were restricted in this way, it would result in serious supply and demand issues in the province, and overcomplicate the possession, use, and harvest of bait.

Legislation already exists in Ontario to protect fisheries from the spread of aquatic invasive species (AIS) and fish-based diseases through the bait pathway. For example, the Ontario Fishery Regulations (OFR) outlines straightforward regulations on bait and baitfish (section 28): "No person shall release live bait or live baitfish or empty the contents of a bucket or other moveable container to hold bait or baitfish into any waters or within 30 m of any waters."

The MNRF acknowledges that unwanted introductions persist across the landscape and that noncompliance with bait regulations continues to be a problem. If the current regulations are proving to be ineffective, then layering additional regulations will likely underperform in a similar way. This highlights a need to enhance enforcement and pursue non-regulatory mechanisms through education, outreach, and awareness. Here we will highlight a number of our previous recommendations, associated outcomes, as well as providing suggestions to help improve the current bait management strategy with the overarching goal of conserving Ontario's fisheries.

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### **Permitted Baitfish and Species Identification**

In 2017, the OFAH supported the elimination of certain species from the list of legal baitfish, particularly those that can be easily confused with AIS. For this reason, we agree with the MNR's latest decision to remove sculpins and darters from the list of permitted baitfish. We also requested that the MNR conduct a thorough review of the species proposed to be removed from the list of legal baitfish to ensure that they understand the regional significance of each species. Baitfish that do not closely resemble AIS and are regionally abundant should not be removed under the presumption that they are not valuable and/or provide low-quality bait. In addition to sculpins and darters, the former bait management policy also excluded sticklebacks from the permitted baitfish list. We are pleased that the MNR is proposing to maintain Brook and Ninespine Sticklebacks on the list in the latest iteration as they are common, can make up a significant proportion of commercially and personally harvested baitfish, and are easily distinguished from Threespine and Fourspine Sticklebacks.

The MNR states that "anglers in Ontario experience great difficulty distinguishing legal baitfish species from illegal species", and identification skill is variable amongst commercial operators (Drake and Mandrak, 2014). Removing species that can be easily confused with AIS is a simple regulatory change, but this action likely does not get to the root of the problem. There is an obvious need to educate these communities about fish identification, which can be facilitated through online platforms such as the MNR's Fish and Wildlife Licensing Service and Fish ON-line.

Many of the 1.4 million licensed anglers in Ontario access the online licensing service, which provides a unique opportunity to improve angler education and outreach on the ecological risks associated with live bait. It can be used as a platform for disseminating information about specific rules and regulations, associated consequences (e.g. penalties, but also ecological impacts), and the identification of high-risk invasive fish (e.g. a "watch list"). Additionally, Fish ON-Line is a high-traffic website that has waterbody-specific information and could draw attention to various regional and district priorities.

### **Bait Management Zones**

Under the previous draft policy, the province was divided into six Bait Management Zones (BMZs). This configuration was unnecessarily restrictive and complicated for anglers and commercial operators. The OFAH questioned the enforceability of the proposal and recommended that the MNR examine the feasibility of providing more flexibility for the movement of bait. We are pleased with the latest policy direction to simplify the BMZs to four regions (i.e. northwestern, northeastern, central, and southern); however, we would like to suggest that the MNR consider amalgamating both the central and southern BMZs.

There are numerous safeguards currently in place (or being proposed) to prevent unwanted introductions from occurring in Southern Ontario. For example, various pieces of legislation address this risk posed by AIS, including the Fish and Wildlife Conservation Act, OFR, Invasive Species Act, and the federal Aquatic Invasive Species Regulations. This proposal also intends to eliminate inland movement of personally harvested bait from the Great Lakes and the Ottawa River to help reduce the spread of AIS and fish-based diseases. Additionally, the possession and use of live fish and the harvest of baitfish using dip nets and baitfish traps is prohibited in a large portion of the central BMZ (i.e. Algonquin Provincial Park). The proposed central and southern BMZs will create barriers to fishing and overregulate anglers without demonstrable evidence that these restrictions will work. For these reasons, we recommend that the MNR make incremental changes to the harvest and use of bait in Southern Ontario by starting with larger BMZs than are currently proposed (i.e. amalgamating southern and central BMZs).

The MNR's proposal identifies that the purchasing of live bait and the subsequent long-distance overland transport is a concern with the bait pathway. This perceived issue could be addressed by advertising local businesses through an online GIS application like the MNR's Fish ON-line website. Instead of purchasing bait and potentially travelling long distances, anglers would be inclined to get their bait from local distributors (if they are not already doing so). Bait would remain in better condition due to less travel time (a benefit to anglers), and the ecological risks associated with the movement of bait would be reduced.

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Furthermore, retail bait shops are considered an “underutilized opportunity for angler education” (Nathan et al. 2014). Therefore, the MNRF could supplement this non-regulatory strategy with additional signage at the distribution and retailer level to educate anglers about AIS and species identification, bait regulations, and the ecological impacts of unwanted introductions.

#### **Bait Receipts and Resource Wastage**

The MNRF is proposing that anglers in possession of bait outside of the BMZ of their primary residence would be required to purchase the bait in the BMZ they are using it in. Implementing a residence-based regulation would set a precedent in Ontario and would negatively impact the many individuals who fish in a BMZ outside of their primary residence or reside near BMZ boundaries. The need for anglers to travel is a reality in Ontario because of the dichotomy between the locations of highly populated areas relative to fishing opportunities. This does not mean that these anglers travel long distances with bait. There are many cottage owners, Land Use Permit holders, and general Crown land anglers that fish regularly (or exclusively) in a BMZ other than the one that they reside in. Why can't a cottage or camp owner harvest their own bait where they are fishing? How does having a primary residence in a BMZ reduce ecological risk? This is not a risk-based approach. While it may deter some anglers from travelling with bait, it seems that this is simply a blanket administrative approach that will unnecessarily restrict a large number of anglers in an attempt to capture marginal gains in ecological risk reduction. Ultimately, the lack of logic in this proposal is resulting in the perception that this is a deliberate attempt to force anglers to buy bait from a retailer.

Anglers would also have to keep a receipt in their possession to demonstrate that the bait was purchased in the appropriate BMZ, as well as being required to use or lawfully dispose of the bait within two weeks of purchase. Anglers often fish in inclement conditions, which makes retaining a paper receipt for purchased bait inherently impractical. Moreover, implementing a regulation that requires anglers to dispose of their bait sends the wrong message, and promotes resource wastage and spoilage.

The MNRF notes that studies indicate a considerable number of anglers continue to dump their bait into the waterbody they are fishing. By acknowledging angler non-compliance, the MNRF undermines the purpose and intent of the bait management strategy. If anglers have difficulty following the current bait regulations, then additional restrictions and increased regulatory complexity will not address the issue. This highlights the need to prioritize education and outreach initiatives, but also improve the enforcement of existing regulations before layering additional and more complex rules.

One way to enhance enforcement would be to make the release of baitfish or bait bucket contents in or near a waterbody a ticketable offense. At this time, this provision is not ticketable under the Contravention Regulations, and would require conservation officers to have violators of this rule to be processed through the federal court system. This unnecessarily creates barriers and red tape for enforcement.

Increasing enforcement capacity is a critical component needed to ensure the proposed receipt system is effectively administered and, as an additional deterrent, could be supplemented by stiffer set fine amounts for violations. Given the government's current fiscal constraints, it is unlikely we would see enhanced enforcement at the level that would be needed to make these changes operational.

#### **A Provincial Brook Trout Management Plan**

The MNRF is proposing to prohibit the use and storage of bait in native Brook Trout lakes, but the status and distribution of Brook Trout is poorly understood. The proposal states that a list of lakes that would be considered “native” for this policy will be developed, but the MNRF (2017) identifies that specific data regarding the status of Brook Trout throughout Ontario is sparse. For example, in Fisheries Management Zone (FMZ) 15, over 50 percent of broad-scale monitoring trend lakes did not produce catches of Brook Trout. The status in northern portions of their Ontario range is largely unknown and most flowing waters have not been formally assessed (MNRF, 2017).

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The sustainability and ongoing productivity of Brook Trout fisheries is a priority for the OFAH and its members, and requires a multifaceted approach that should initially include the development of a provincial Brook Trout policy and/or management plan. Further consultation and engagement is needed with FMZ Advisory Councils to ensure there is a clear understanding of the scale of the impact this restriction will have on stakeholders and where it will occur. The OFAH would also like to suggest further research and development of the Aquatic Ecosystem Classification system, as well as exploring other methods (e.g. eDNA) to improve the MNRF's understanding of Brook Trout prior to the implementation of one-off regulations (i.e. what is being proposed in this strategy).

#### **Modernizing Commercial Bait Operations**

Drake and Mandrak (2014) discovered nontarget species (gamefish, Species at Risk, AIS, etc.) in retail tanks as a result of imperfect culling and sorting practices following harvest. Though these occurrences are relatively low, the scale and magnitude of species introductions is a significant concern considering that in 2010 alone greater than 140 million baitfish were harvested in Ontario by the bait industry (MNRF, 2017).

The OFAH believes the commercial bait industry must be fully accountable for the use of our natural resources for profit, including a chain-of-possession that effectively tracks the harvest, transport, and sale of all baitfish. As previously highlighted in our 2017 submission, the OFAH fully supports standardized training course requirements for commercial bait harvesters, dealers, and designates. We are also pleased to see improvements to the standardization of gear and the development of a Best Management Practices Guide for bait harvesting and storage. Other aspects we support include increased transparency and accountability using MNRF-prescribed logbooks and the proposed compliance framework for operational and administrative violations.

#### **Blanket Restrictions in Provincial Parks Removed**

The MNRF's previous strategic bait management policy intended to prohibit the harvest, possession, and use of baitfish in all provincial parks (except recreation-class parks). The OFAH opposed this approach and identified examples where it functionally did not make sense (e.g. Rondeau Provincial Park, French River Provincial Park). We appreciate that the government has decided not to include changes to bait harvest, possession, and use in provincial parks. As previously recommended, the MNRF and Ministry of the Environment, Conservation and Parks should review each individual provincial park for ecological risk from the use of bait and apply this approach for determining where it is necessary to make prohibitions before proposing a blanketed provincial policy.

#### **Closing Remarks**

The OFAH shares the province's desire to protect our lakes and rivers from AIS and fish-based diseases, but we believe that Ontario's Sustainable Bait Management Strategy as proposed is not the solution to the problem. Increasing enforcement capacity and set fine amounts for illegal activities, as well as exploring innovative strategies to address noncompliance, will have a much greater impact on the conservation of fisheries across the province. We would like to remind the MNRF about our previous submission on the Bait Roundtable Listening Tour where we outlined various non-regulatory strategies that could be implemented in lieu of this policy framework.

Education, outreach, and awareness are believed to be the "ultimate solution to the problem of unauthorized introductions" (Rahel, 2004). Similarly, the MNRF concedes that education and awareness are critical to helping ensure the effectiveness of the proposed bait management policies. That said, this perspective is only shared as an afterthought in the bait management strategy with no clear direction as to how this will actually be achieved. The OFAH has had a long-standing relationship with addressing the increasing threats posed by invasive species in Ontario. For nearly three decades, and in partnership with the MNRF, we have administered the Invading Species Awareness Program to generate education and awareness, address key pathways, and facilitate monitoring and early detection initiatives.

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Programs such as this are key components of a comprehensive prevention strategy targeting AIS. We recommend that the government restore funding for the long-standing MNRF-OFAH Invasive Species Awareness Program to support targeted education and outreach efforts. This investment would come at a fraction of the cost compared to the resourcing required to adequately support the infrastructure, communication, and enforcement needed for the proposed policies.

The MNRF has adopted many of our earlier suggestions from our 2017 bait management submission, but there are still many unknowns and uncertainty as to whether these restrictions will reduce the spread of AIS and fish-based diseases. It may also be beneficial to consider implementing a tracking and monitoring strategy to help evaluate the effectiveness of the proposal at reducing the spread of unwanted introductions.

We appreciate the opportunity to provide comment on Ontario's Sustainable Bait Management Strategy, but hope that the MNRF considers taking an approach that focuses more on education, outreach, and awareness.

Yours in Conservation,



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