

# ONTARIO FEDERATION OF ANGLERS & HUNTERS



*Ontario Conservation Centre*

P.O. Box 2800, 4601 Guthrie Drive, Peterborough, Ontario K9J 8L5  
Phone: (705) 748.6324 • Fax: (705) 748.9577 • Visit: [www.ofah.org](http://www.ofah.org) • Email: [ofah@ofah.org](mailto:ofah@ofah.org)

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January 18, 2021

Ms. Christie Curley  
A/Director  
Fish and Wildlife Policy Branch  
Ministry of Natural Resources and Forestry  
300 Water Street, 5<sup>th</sup> Floor N  
Peterborough, Ontario  
K9J 3C7

Dear Ms. Curley:

Subject: Seeking feedback on proposal to increase set fines for certain recreational and commercial fishery offences and establish new ticketable offences

The Ontario Federation of Anglers and Hunters (OFAH) is Ontario's largest, non-profit, fish and wildlife conservation-based organization, representing 100,000 members, subscribers and supporters, and 725 member clubs. We appreciate the opportunity to provide comment on the Ministry of Natural Resources and Forestry's (MNRF) proposal to increase set fines for certain recreational and commercial fishery offences and establish new ticketable offences. The OFAH strongly supports the proposal to broaden the use of set fines and we offer the following detailed comments for consideration.

### Increasing set fines

The OFAH supports the MNRF's proposal to increase existing set fines using the federal fine guidelines. We agree that the percentage increase should be reflective of the conservation threat (i.e., the larger the threat, the greater the fine increase), and recommend the MNRF consider applying the largest percentage increase for more serious infractions. This approach to set fines will deter people from engaging in illegal fishing activities, but to be impactful, they must also be broadly communicated so people understand the consequences of bad behaviour. This can be achieved by using MNRF and OFAH media outlets, but we also recommend ads in general media to target a wider audience (newspapers, television). Additionally, to improve the overall effectiveness of the proposal, it must be implemented concurrently with increased enforcement capacity. As such, the OFAH urges the Government of Ontario to follow through on their commitment to increase the number of Conservation Officers to ensure adequate enforcement of existing regulations and the new fines.

### Establishing new ticketable offences

The OFAH supports establishing existing violations under the *Ontario Fishery Regulations* (OFR) as contraventions not currently identified in the *Contraventions Regulations* so that tickets can be issued instead of using the federal court process. Infractions under the *Contraventions Regulations* must continue to be scalable and match the penalty to the severity of the infraction.

We appreciate that the MNRF heard our feedback to *Ontario's Sustainable Bait Management Strategy*, where we identified that the release of baitfish or bait bucket contents in or near a waterbody should be made a ticketable offense. This approach frees up federal court proceedings, decreases the likelihood cases are thrown out, reduces unnecessary barriers and red tape for enforcement, and should have been a first step to addressing unwanted introductions through the bait pathway.

Rethinking the Release of Fish

We would also like to draw to your attention the limitations, ineffectiveness and confusion surrounding section 12 of the OFR (*Release of Fish*). This prohibition should also be made into a contravention under the *Contraventions Regulations*, but we would also like to suggest some additional flexibility in the wording. This longstanding rule makes it illegal to delay the immediate release of fish for the following reasons: a fish is caught during a closed season; a fish is of a prohibited size; a fish is caught during an open season but the catch and possession limits are zero; or an angler has caught a fish but has reached their catch and possession limits. Excluding the first rationale for releasing a fish (i.e., caught during a closed season), it is clear that this is an unreasonable extension that goes beyond the intent of the law. As written, and previously communicated by the MNRF, delaying the immediate release to weigh or measure a fish could be considered illegal.

In the spirit of angling, the MNRF should consider modernizing the regulations to permit an angler to weigh, measure and/or quickly take a photo, but still maintain that fish must be released in a manner that causes the least amount of harm. Other jurisdictions, such as New York State's Department of Environmental Conservation, achieve this by using the following wording: "*Measuring, weighing and photographing of the fish are permitted as long as the fish is not removed from the water for an extended period or handled in a manner that could cause it harm.*" Making changes to the wording in this way, and establishing this prohibition as a contravention, will modernize the regulations in a way that benefits the angling community without compromising the conservation of Ontario's fisheries.

Better funding for Ontario's fish and wildlife

A portion of the fines collected for offences that originate under the *Fish and Wildlife Conservation Act* (FWCA) is shared with the municipalities that administer the courts, but fine revenues also go into the Fish and Wildlife Special Purpose Account (SPA). That said, if the offence originates under the OFR, half of the net fine revenue is returned to the federal government, and the other half of the net fine revenues comes back to Ontario. A portion is shared with the municipalities that administer the courts, while the remaining is deposited into the Consolidated Revenue Fund.

The OFAH takes issue with the fact that set fine revenues under the OFR do not contribute, wholly or partially, to the conservation of our natural resources (where those infractions took place and had the most socio-economic and environmental losses). The SPA is underfunded and the MNRF should explore mechanisms to direct set fine revenue under the OFR into the SPA.

Closing remarks

We support the MNRF's proposals to increase set fines and establish new ticketable offences. This is a step in the right direction, but for similar types of infractions under the OFR and FWCA, there needs to be better continuity and consistency between provincial and federal levels of government. As the MNRF is already engaged in the lengthy process with the federal government to do these changes, it should be looking to address parallel issues at the same time, rather than undertaking another lengthy process in the future. For example, the MNRF should also open up dialogue with Fisheries and Oceans Canada on section 34.3 (4)(e) of the *Fisheries Act* (*Obstruction of free passage of fish*). This prohibition has unintended consequences that could negatively implicate responsible anglers; these issues and others should be explored. We look forward to future discussions on prohibitions within the *Fisheries Act* that should be modernized, and appreciate your consideration of our comments on this initiative.

Yours in Conservation,



Adam Weir  
Fisheries Biologist

AW/jb

cc: OFAH Board of Directors  
OF AH Fisheries Advisory Committee  
Angelo Lombardo, OFAH Executive Committee  
Matt DeMille, OFAH Manager, Fish & Wildlife Services  
Mark Ryckman, OFAH Manager, Policy  
Chris Robinson, OFAH Manager, Conservation Programs  
OF AH Fish & Wildlife Staff