

ONTARIO FEDERATION OF ANGLERS & HUNTERS

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Ontario Conservation Centre

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To Whom it May Concern:

Subject: ERO # 019-3465 Regulating 13 invasive species and watercraft as a carrier of invasive species under Ontario's Invasive Species Act

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 have reviewed the proposal to regulate 13 invasive species and watercraft as a carrier under the *Invasive Species Act* (ISA) and offer the following comments for consideration.

Species Listings

In general, the OFAH is supportive of the species being proposed for listing under the ISA. For over 28 years, the OFAH has worked in partnership with the MNR to deliver the Invading Species Awareness Program (ISAP) and the majority of species included in this proposal have been priority species of the ISAP over those years. The outreach and education efforts of the ISAP can only go so far when many invasive species are still being propagated, sold and released in Ontario. By listing these species under the ISA, the outreach and education work that the ISAP undertakes will be backed up by regulation and legal action for non-compliance.

While the current list will go a long way to reducing the spread of invasive species in Ontario, the OFAH suggests that the MNR regularly reviews invasive species in neighbouring jurisdictions and existing invasives in Ontario for potential listing under the ISA. There are several species that we believe should be prioritized for future consideration for listing: Flowering rush (*Utricularia vulgaris*), Starry stonewort (*Nitellopsis obtusa*), Chinese mysterysnail (*Cipangopaludina chinensis*), Banded mysterysnail (*Viviparus georgianus*), Periwinkle (*Vinca minor*), and Goutweed (*Aegopodium podagraria*). The MNR should be conducting risk assessments for species of concern and actively consult partners on a working list of species to be added to the ISA in order to quickly address existing and emerging invasive species.

While we are supportive of the listing of the proposed species, we have species specific suggestions for improving the implementation of the ISA.

Marbled Crayfish

Many of the species on the list are often seen in the aquarium trade, specifically marbled crayfish, which are a common aquarium pet species. Will there be a grace period or grandfathering program for individuals who already possess marbled crayfish? Individuals who view these animals as pets, and likely have an emotional attachment, may opt to release them into the wild instead of destroying them if they become illegal to possess. We suggest including wording in the ISA to allow for individuals to keep their existing pets while prohibiting any new purchases of the species.

European Frogbit

European frogbit is a widespread aquatic plant throughout Southern Ontario, which makes it likely that a boater will get it caught on their watercraft at some point. As such, we would like to see European frogbit, and any subsequently listed aquatic plant that is in Ontario waterways, included in the current exception for boating under *O. Reg. 354/16 Section 7 Operation of boat – incidental possession or transportation*. This regulation currently exempts a person from portions of the ISA if they accidentally possess or transport water soldier or European water chestnut on their boats while in invaded waters. There are also conditions for this exemption to ensure that possession of the species is solely due to the operation of the watercraft, that the species is removed and disposed of when the watercraft is taken out of the water, and that reasonable effort is made not to spread the species within the waterbody. We want to ensure that these conditions exist for all exempt species to ensure that they are not being transported from one waterbody to another.

New Zealand Mud Snail

The proposal includes an exception for the possession, transport and deposit of New Zealand Mud Snail while carrying out dredging activities. While we do not disagree with the need for this exception, we would like to suggest that the MNRF add wording specific to restrictions on where these dredging materials can and cannot be deposited. Some form of guidance should be implemented to ensure that dredging is not inadvertently spreading New Zealand Mud Snails further than their current invaded range.

Pigs

The OFAH is very supportive and encouraged to see this proposal to list pigs as a restricted species under the ISA, as well as implementing *Section 23 – declaration of an invaded place* and *Section 27 – actions to control or eradicate invasive species*. In previous requests to the MNRF, we recommended taking these actions, as listing wild pigs under the ISA gives the MNRF the clear legal authority to take the steps necessary to prevent wild pigs from becoming established in Ontario. This is critical as the OFAH maintains that due to the threat they pose, wild pigs should be addressed with the same seriousness and dedication of resources that the MNRF currently devotes to fighting forest fires and rabies outbreaks.

The proposed ISA listing will provide the MNRF with the tools to swiftly remove wild pigs from the landscape, but preventing initial escapes will also be crucial. The OFAH commends the MNRF for proposing a phase-out of Eurasian wild boar (and their hybrids) in Ontario. This will go a long way to prevent introductions of pigs to the landscape in the first place. The MNRF should also work with the Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) to reduce the likelihood of escapes from farms by implementing and enforcing mandatory fencing requirements, with the goal of removing the source of wild pigs on the landscape. Additionally, mandatory traceability requirements for all pigs in Ontario and an established reporting mechanism for future escapes will ensure that pigs are reported, dealt with swiftly, and allow the MNRF to lay appropriate charges.

See our response to *ERO # 019-3468 Ontario’s Strategy to Address the Threat of Invasive Wild Pigs* for our detailed stance on how to manage wild pigs in Ontario.

Carrier - Overland Movement of Watercraft

The OFAH recognizes that transient watercraft are a potential vector for the spread of aquatic invasive species (AIS). To help address this concern, we deliver the “Clean, Drain, Dry” message via educational outreach programs (e.g., Operation Boat Clean and Clean Boats, Clean Tournaments) to engage anglers, hunters, recreational boaters and organizations that use watercraft. The ISAP is successful in engaging millions of Ontarians on the issue of invasive species every year. While education and outreach are critically important to preventing the introduction and/or spread of invasive species, we believe that the proposed regulations will improve compliance and allow for enforceability of these actions.

The proposed regulations are reasonable measures to help reduce the potential spread of aquatic invasive species and are unlikely to be overly burdensome to boaters and anglers. The OFAH has suggestions for minor wording changes in the proposal to make the regulations more enforceable. Instead of mandating “all water” and “all aquatic organisms” be removed from watercraft, we suggest using the terms “standing water” and “visible aquatic organism” or something similar. This removes any ambiguity about whether or not there are microscopic aquatic organisms that are being transported, which are not realistically possible for boaters and anglers to remove. The intention of this wording change would not be to preclude aquatic organisms in locations that are not immediately visible (wheel wells, under trailers, etc.), but instead prevent the unintended extension of the law to microscopic aquatic organism. It would also avoid the need for boaters and anglers to ensure that every drop of water is dried from their boat and trailer to be compliant with the law; for example, if a boater drove through a puddle on the way to the boat launch the resulting water droplets should not result in a charge under the ISA. We also suggest expanding on what it means by “take reasonable measures to remove aquatic plants.” What would constitute reasonable measures? What is reasonable for one person may not be reasonable for another person depending on location and physical abilities. From the current wording, it can be interpreted to mean that having all aquatic organisms removed from their boat is only legally required when launching a boat into a new body of water, rather than when removing a boat from a water body. When communicating this regulation, we recommend making it very clear what is expected to be compliant.

The OFAH would also like to ensure that there are no exceptions to this proposed regulation when it comes to commercial, organizational or governmental watercrafts. This includes Conservation Officer (CO) and OPP watercrafts when engaged in non-emergency situations, such as regular patrols and licence checks. There are already exemptions laid out in the regulations under the ISA for persons carrying out emergency response and search and rescue operations that we recommend applying to this proposed regulation. However, it needs to be apparent to boaters and anglers that these regulations apply to every watercraft on the water and not just recreational users.

In an effort to make this regulation easier for boaters and anglers to comply with, the OFAH suggests that the MNRF invest in boat washing stations throughout the province. Installing boat wash stations in key travel corridors between invaded and uninvaded waterways would provide opportunities for more watercraft owners to fully wash and disinfect their boats. Along with the installation of these stations, we suggest that the MNRF advertise the location of these and all other available boat wash stations through Fish ON-Line. Providing individuals with easy ways to comply with regulations is one of the best ways to ensure more people will undertake desired actions.

Enforcement

The success of the ISA and these proposed regulations hinge on enforcement. The OFAH has voiced the need for more COs and were pleased to see the government hire 25 more officers for the province; however, that may not be enough for the level of inspections and enforcement needed for these regulations. Enforcement of the ISA requires that COs are adequately educated and trained on invasive species identification. Many of the newly listed species are found in the aquarium trade, often listed under different species names. We have already seen existing ISA prohibited species being sold online and new populations being found (likely from releases), making the need for increased enforcement clear. In order to prevent more introductions, there must be an increased level of inspection of vendors of aquatic organisms and those that do possess listed species must face fines and penalties. There are tools in place in other jurisdictions that can assist with locating the vendors selling invasive species that the MNRF should consider implementing, such as the Great Lakes Detector of Invasive Aquatics in Trade (GLDIATR). Outreach and education only work to a point if it is not backed-up by on-the-ground enforcement.

Increased enforcement capacity will also be important for ensuring that the boater pathway regulation actually works to reduce further spread of invasive species. COs are already spread thin throughout the province, especially in more remote areas. Without an increase in enforcement on the landscape it is likely that compliance with this regulation will not be sufficient to have a meaningful impact on invasive species prevention.

Response and Management

While the addition of these species and watercrafts as a carrier are great prevention tools, they do little to address the need for increased rapid response and management actions. As mentioned above, the OFAH is extremely pleased to see that this proposal lays out options for the MNRF to respond to pig introductions quickly and decisively; however, there also needs to be improvements to response actions with all other invasive species. The MNRF needs to devote more resources to rapid response of new introductions and to management of expanding populations. This can either be done by increasing their own capacity for response or by enabling partners to be able to adequately manage emerging invasive species threats. Making the release of an invasive species illegal does not necessarily ensure compliance, so the MNRF must have management plans in place for when an introduction is detected. The OFAH would like to see the MNRF develop a protocol, similar to the existing Asian Carp response, for the detection of other high profile invasive species.

Conclusions

The OFAH is supportive of the listing of these 13 species and the overland movement of watercrafts, and we are encouraged to see the expanded use of the ISA. However, any new regulatory efforts should be complemented by increased investments towards education, outreach, and an increased capacity for enforcement and response. We recommend that the MNRF not only increase their own capacity, but also increase investments with partners. Through the OFAH/MNRF partnership delivering the ISAP, there are existing mechanisms in place that can effectively and efficiently support education, outreach, response and enforcement priorities. Therefore, we strongly urge the government to continue their commitment to the ISAP, including restoring previous funding levels and multi-year agreements. We look forward to providing continued input to this discussion and identifying opportunities to utilize the ISAP to support invasive species priorities in Ontario.

Thank you for considering our comments.

Yours in Conservation,



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