

# 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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Mr. Jeff Amos  
MNRF - ROD - Resources Advisory Team  
Ontario Government Complex, 5520 Hwy 101 East  
PO Bag 3020  
South Porcupine, Ontario  
P0N 1H0

Subject: ERO #019-6024 Draft Fisheries Management Zone 10 Management Plan

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. The OFAH deeply values the collaborative fisheries management planning process we have in Ontario, and we are glad to see the Ministry of Natural Resources and Forestry (MNRF) consulting and engaging with the advisory council on the Fisheries Management Plan (FMP) for Fisheries Management Zone (FMZ) 10. We support most of the regulation proposals provided in the FMP with some caveats and offer additional insight and elaboration on strategies for enhancing fisheries management across the zone.

## Walleye

The Ministry is proposing a change to the Walleye regulation and provides three options for public comment including:

- Option 1: Maintain status quo
  - No more than 1 greater than 46 cm.
  - Open January 1<sup>st</sup> to March 31<sup>st</sup>, and 3<sup>rd</sup> Saturday in May to December 31<sup>st</sup>.
  - 4(S) and 2(C).
- Option 2: Modify season and catch and possession limits
  - None above 46 cm.
  - Open January 1<sup>st</sup> to 3<sup>rd</sup> Sunday in March, and 3<sup>rd</sup> Saturday in May to December 31<sup>st</sup>.
  - 4(S) and 2(C).
- Option 3: Modify season and catch and possession limits
  - None between 43-60 cm, no more than 1 greater than 60 cm.
  - Open January 1<sup>st</sup> to 3<sup>rd</sup> Sunday in March, and 3<sup>rd</sup> Saturday in May to December 31.
  - 4(S) and 2(C).

Along with the FMZ 10 Advisory Council, the OFAH also endorses modifying the season and size limit as outlined in **Option 2**. A regulation change is appropriate because the data indicates fishing mortality for Walleye is high, many lakes are below target biomass levels, and most populations could be characterized as unsustainable.

The OFAH has serious concerns with the one-over rule that appears to be underperforming in FMZ 10 and, similarly, may be problematic in other zones as well. For example, modelling results and BsM data suggest the current one-over regulation in FMZ 15 doesn't adequately protect Walleye, simulations using comparable regulations on Lake Nipissing showed poor outputs, and Walleye populations in FMZ 14 are struggling where a one-over rule also exists. The protected slot included in Option 3 likely provides some additional level of protection; however, we are uncertain whether the one-over 60 cm component will adequately conserve mature Walleye. Additionally, regulation complexity with a protected slot coupled with a one-over rule may be difficult for anglers to understand compared to none above 46 cm (i.e., Option 2).

The OFAH is supportive of opening angling opportunities on La Cloche Lake as described in Option 2 (Table 9.3) and streamlining the regulations on the French River by aligning the entire watercourse with FMZ 11 limits as this will help with angler understanding and compliance, as well as enforcement of the rules. The OFAH isn't entirely opposed to the proposal for the Spanish River provided in Option 2 (i.e., retaining the current sanctuary; 2(S) and 1(C); none greater than 46 cm). However, if there is an opportunity to amalgamate the catch limit with the zone-wide limit of 4(S) and 2(C) while still maintaining adequate protection of Walleye populations in the Spanish River, we think there is value in further exploring this option. In other zones, models showed there wasn't a significant impact in changing the catch limit of 4(S) and 2(C) unless it was drastically reduced to 1 fish. Moreover, it isn't clear to us whether the increased pressure on the adult population is related to the catch limit, the current one-over 46 cm rule, or possibly both.

### Northern Pike

The Ministry is proposing a change to the Northern Pike regulation and provides three options for public comment including:

- Option 1: Maintain status quo
  - Not more than 2 greater than 61 cm, of which not more than 1 is greater than 86 cm (S); not more than 1 greater than 61 cm, none greater than 86 cm (C).
  - Open all year.
  - 6(S) and 2(C).
- Option 2: Modify size limits
  - None between 70-90 cm, and not more than 1 greater than 90 cm.
  - Open all year.
  - 6(S) and 2(C).
- Option 3: Modify size limits
  - Not more than 1 greater than 61 cm, none greater than 86 cm (S); none greater than 61 cm (C).
  - Open all year.
  - 6(S) and 2(C).

**Option 3** is our preferred option (supported by the majority of the FMZ 10 Advisory Council); however, we have reservations because there hasn't been convincing justification or evidence that the proposal will be effective across the zone.

Generally, lakes in FMZ 10 are dominated by small Northern Pike and lack quality sized fish. This doesn't come as a surprise considering the Ministry describes waterbodies in FMZ 10 as not being favourable for pike as they are "deep, cold, and clear, with small amounts of littoral habitat." For decades, FMZ 10 has had lower abundance and smaller average size Northern Pike compared to other zones. It appears the inability to produce large, mature individuals might have more to do with a lack of preferred available habitat and low overall productive capacity. Applying more restrictive regulations to overcome this issue may be a longshot considering its ecological variability.

Alternatively, with support from the advisory council, the Ministry could investigate fisheries within FMZ 10 that have the potential to produce trophy calibre pike and, on a pilot program basis, apply more restrictive regulations on these waterbodies. Following implementation, the performance of the regulation should be fully evaluated with sufficient monitoring and assessment and reporting on the backend.

### Smallmouth and Largemouth Bass

The Ministry is proposing two management options to meet bass objectives including:

- Option 1: Retain current recreational angling regulation
  - Open 3<sup>rd</sup> Saturday in June to November 30<sup>th</sup>.
  - Open all year: All waters north of Highway 17 and all waters west of where the east bank of the Serpent River crosses Highway 17.
  - 6(S) and 2(C).
- Option 2: Modify catch and possession limits
  - Open 3<sup>rd</sup> Saturday in June to November 30<sup>th</sup>.
  - Open all year: All waters north of Highway 17 and all waters west of where the east bank of the Serpent River crosses Highway 17.
  - 6(S) and 3(C).

The OFAH has no concerns with the minor increase to the catch limit for bass under a conservation fishing licence from 2(C) to 3(C) and we also feel that the open season could be extended from November 30<sup>th</sup> to December 31<sup>st</sup>.

The Ministry is proposing a change to the French River Smallmouth and Largemouth Bass regulation in FMZ 10 including:

- Option 1: Maintain status quo
  - None between 33-43 cm, not more than 1 greater than 43 cm.
  - Zone seasons apply – FMZ 10 portion: open 3<sup>rd</sup> Saturday in June to November 30<sup>th</sup>. FMZ 11 portion: open January 1<sup>st</sup> to 3<sup>rd</sup> Sunday in March and 3<sup>rd</sup> Saturday in May to December 31<sup>st</sup>.
  - 4(S) and 2(C).
- Option 2: Modify size limits and seasons
  - Remove slot size limits.
  - Open January 1<sup>st</sup> to 3<sup>rd</sup> Sunday in March and 3<sup>rd</sup> Saturday in May to December 31<sup>st</sup>.
  - 6(S) and 2(C).

The OFAH has no concerns removing the protected slot and the one-over 43 cm rule for regulations on the French River but permitting winter fishing and having an early season open date on the 3<sup>rd</sup> Saturday in May, will not provide adequate protection for bass populations. As we see it, in both FMZs 10 and 11, the bass regulations on the French River should be from the 3<sup>rd</sup> Saturday in June to December 31<sup>st</sup> with a catch limit of 6(S) and 3(C).

We can support streamlining regulations that don't compromise the ecological integrity of native fisheries; however, aligning the regulation exception on the French River with the FMZ 11 season is a drastic change and a step in the wrong direction. Unlike many other areas in FMZ 10 where bass have been introduced and the OFAH fully supports more liberalized regulations including targeted removal, it is widely believed both Smallmouth and Largemouth Bass are naturally occurring to the French River via the Great Lakes watershed. Considering other native range regulations within zone 10 (where the bass season is from the 3<sup>rd</sup> Saturday in June to November 30<sup>th</sup>), it stands to reason that the French River population should have winter-time protections and appropriate conservation measures during the spawning and nesting periods.

During the winter, bass are at risk of overexploitation due to their tendency to congregate, while in the spring, angling pressure may threaten their spawning and nesting activities. The largest male bass tend to be best equipped for providing parental care for offspring and typically have the greatest contribution to the year-class. However, they are also susceptible to angling during this period and can easily be targeted due to their more aggressive behaviour.

It is important to note that, across the province, competitive fishing events have been steadily increasing in popularity in recent years. A season change of this nature would undoubtedly attract tournaments, ultimately leading to reduced spawning success as many of the largest bass are removed from their nests and held in livewells. A single tournament boat, angling during the sensitive nesting period, can put a large amount of selective pressure on a bass fishery.

Catch and release angling for bass during the nesting period even has the potential for negative fisheries-induced evolutionary consequences, as evidenced by Philipp et al. (2015). Over time, angling pressure can lead to populations becoming dominated by bass that are less aggressive and less capable of providing parental care. In these scenarios, bass become more difficult to catch, the quality of the fishery diminishes, and recruitment suffers.

In a journal article that looked at the ecology and timing of bass spawning in FMZ 20 (Lake Ontario and the St. Lawrence River), Tufts et al. (2019) highlights, “consistent removal of the reproductive contribution of the largest individuals could have important long-term implications.” While the OFAH acknowledges that aquatic ecosystems are, of course, widely variable, we feel the argument to conserve critical reproductive components of a fish population is fundamental to sound fisheries management regardless of the waterbody. As a notable Ontario researcher once said, “nothing good can come from fishing bass off their nests” (*personal communications*, 2021).

Increasing regulation consistency throughout the French River system is not sound justification for abandoning sustainable fisheries management. Easing restrictions in this way relies on the assumption that the fishery has no conservation concerns at present but, considering the assertion that “no recent monitoring data exists,” this may not be the case. There is an obvious need to gather fisheries data prior to liberalizing the regulations for bass and other valuable sportfish. The French River is a socio-economically important watercourse and popular fishing destination that attracts anglers from across North America. As such, the OFAH recommends appropriate staffing, resourcing, and funding be put towards long-term monitoring and assessment on the French River to better inform future, sustainable fisheries management decisions.

#### Lake Trout

There are no additional management proposals for Lake Trout. The Ministry intends to retain the current recreational angling regulation as follows:

- Open January 1<sup>st</sup> – Labour Day.
- Not more than 1 greater than 40 cm.
- 2(S) and 1(C).

This is not the time to liberalize the management of Lake Trout; as such, we support retaining the current recreational angling regulations.

Since the current regulation was implemented in 2010, there have been signs of improvement with various fisheries indicators; however, historical information and current BsM data suggest Lake Trout populations remain stressed. To rebuild and recover populations more quickly, with council support, the MNRF could explore alternative regulation options (e.g., minimum sizes, protected slots). We recognize this strategy would likely be unpopular with the broader angling community but, in the long term, would lead to more resilient fisheries by increasing the natural productive capacity of Lake Trout fisheries in the zone.

#### Brook Trout

There are no additional management proposals for Brook Trout. The Ministry intends to retain the current recreational angling regulation as follows:

- January 1<sup>st</sup> to September 30<sup>th</sup>.
- 5(S) and 2(C).

The OFAH supports retaining the current recreational angling regulation with a caveat that the MNRF develop and implement a *Provincial Brook Trout Management Strategy*.

FMZ 10 is described as a stronghold for Brook Trout and most indicators show insignificant changes between Broad-scale Monitoring (BsM) Cycles 1 and 2. That said, the FMP also highlights the fact that a considerable number of Brook Trout populations have been lost over the past several decades, in addition to increased community complexity. We feel this is a cause for concern. Planning ahead, developing strategies, policies, and providing guidance for managing Brook Trout fisheries at the FMZ level will be critical to Brook Trout conservation now and into the future.

A comparable concept was kickstarted in 2017 when the MNRF held workshops and published a supporting document that was intended to be the precursor to a provincial Brook Trout management plan. However, the initiative was placed on the backburner and ultimately remained undeveloped. We urge the Ministry to reactivate *Ontario's Brook Trout Management Strategy* and seek out opportunities for: monitoring flowing waters; building off current tools like the Aquatic Ecosystem Classification System; investigating non-lethal sampling methods; strengthening land use policies and practices and providing greater habitat protections towards Brook Trout fisheries and their watersheds; and, exploring in-depth creel surveys to better gauge angler use of resources and potential public response to changes in catch limits and seasons.

Muskellunge

There are no additional zone-wide management proposals for Muskellunge. The Ministry intends to retain the current recreational angling regulation as follows:

- Open 3<sup>rd</sup> Saturday in June to December 15<sup>th</sup>
- Must be greater than 122 cm (S).
- 1(S) and 0(C)

The Ministry is proposing changes to Muskellunge regulations on Great Lakes tributaries.

- Current regulation – See zone-wide seasons and limits above.
- Proposed regulation change:
  - Open 3<sup>rd</sup> Saturday in June to December 15<sup>th</sup>.
  - Must be greater than 137 cm (S).
  - 1(S) and 0(C).

The Ministry is proposing changes to Muskellunge regulations on the Spanish River.

- Current regulation – Closed all year for Muskellunge.
- Proposed regulation change:
  - Downstream from Hwy 6 bridge (also include Aux Sables River from confluence with Spanish River, upstream to Hwy 17).
  - Open 3<sup>rd</sup> Saturday in June to December 15<sup>th</sup>.
  - Must be greater than 137 cm (S).
  - 1(S) and 0(C).

The OFAH supports retaining the current zone-wide regulation for Muskellunge and the proposed regulation exceptions to the Great Lakes tributaries listed in Table 9.21. However, we would like to provide some additional considerations for the future management of Muskellunge in Ontario as well as relevant regulation changes we would like to see implemented in the future.

Two size-based regulations have been used for managing Muskellunge in Ontario, including a minimum reproductive size (MRS) standard of 91 cm and various one-off minimum size length exceptions. We feel there is value in transitioning away from the standard MRS and moving towards a framework based on growth potential of Muskellunge populations. Although this approach would likely have only a minor impact in FMZ 10, it would require a regulation change in zones where MRS has been used. Additional considerations will be needed to assess the overall impact of this approach; as such, FMZ advisory councils (where Muskellunge populations exist) will be instrumental in the process and should be consulted and engaged accordingly.

Another peripheral issue we would like to bring to the MNRF is the need to evolve Section 12 (release of fish) of the *Ontario Fishery Regulations*. This rule makes it illegal to delay the immediate release of a fish if it is caught during a closed season, is of a prohibited size, an angler has reached their catch and possession limits, a fish is not hooked in the mouth (unintentionally snagged), is taken by prohibited gear, or is specially protected. Strict interpretation of this rule would consider any actions that delay a requirement to immediately return a fish would be inconsistent with Section 12 (e.g., measuring, weighing, photo taking).

The OFAH supports amending the wording in Section 12 to allow for picture taking, measuring, or weighing of fish caught only during the open season but can't be possessed due to a size and/or catch limit restriction. It will be important to retain the requirement to immediately release fish after picture taking, measuring, or weighing of fish, and release it in a manner that causes the least harm to that fish.

Other proposals

The OFAH supports retaining the current zone-wide recreational angling regulations for Yellow Perch (Table 9.24), coregonids (Lake Whitefish and Lake Herring (Cisco)) (Table 9.27), and other species listed in section 9.9 of the FMP (i.e., Atlantic Salmon, Pacific Salmon, Splake, Rainbow Trout, Brown Trout, crappie, sunfish, Channel Catfish).

The OFAH is aligned with the FMP and the advisory council with the proposal for Rainbow Smelt and the preferred option to prohibit Rainbow Smelt from being used as bait or possessed for use as bait in FMZ 10. Rainbow Smelt entrails can enter into a waterbody as fertilized eggs and can easily invade new waters.

We have no issues with the proposals provided in the summary of sanctuaries management actions outlined in Table 9.35.

The monitoring data indicates the Lake Trout population on Little Chiblow is healthy and likely can sustain additional fishing pressure. With commitments from the Ministry to ensure ongoing monitoring and assessment, we feel there aren't any major conservation concerns by removing the sanctuary and creating a Lake Trout season exception on Little Chiblow Lake (Option 3).

Fish stocking strategy

The OFAH appreciates the inclusion of a stocking strategy in the FMP as well as specific reference to partnerships with community-led initiatives, involvement with micro-hatcheries, and promoting stewardship of fisheries and the environment. To this, we would like to reemphasize the important role of community hatcheries in supporting locally important fisheries and the worthwhile socio-economic and conservation investment that is the Community Hatchery Program.

We agree that special regulations on stocked fisheries should be further explored, including implementation of size, catch limit, and other special restrictions to create quality or trophy fishing opportunities, where it makes sense. The MNRF states districts have limited resources for monitoring and assessing their stocking programs. We would argue that increasing knowledge about the effectiveness of stocking and the performance of artificial fisheries will improve how investments are being made and free up resources to carry out management actions outlined in the stocking strategy. Doing so will improve artificial fisheries by increasing angler catch rates, enhancing the overall fishing experience, attracting local anglers and people from other areas, and providing an additional source of economic revenue for communities and businesses in FMZ 10.

At the provincial level, there is a need to align stocking efforts with local fisheries management needs and provide better guidance with overarching policies to establish *Inland FMZ Stocking Plans*. The intent would be to have an operational plan that could be broadly applicable across FMZs and could build off some of the information provided in the FMP for FMZ 10. FMZ-level stocking plans would benefit by having updates made to policies and guidelines that are decades old and pre-date the Ecological Framework for Recreational Fisheries Management (e.g., General Policy for Stocking Fish in Ontario (1982), Guidelines for Stocking Fish in Inland Waters of Ontario (2002)). Creating a 'one-stop' stocking strategy will simplify the existing documents, provide consistent decision-making and direction, and will help establish a process that stakeholders can understand; moreover, advisory councils can be used as a platform for additional feedback, input, etc. A similar approach has been successful across various Great Lakes strategies, including the Stocking Strategy for the Canadian Waters of Lake Ontario (2015).

Closing remarks

Generally, the regulation proposals in the FMP are reasonable. Briefly, we support the management actions being proposed for Walleye, Northern Pike, Lake Trout, Brook Trout, and Muskellunge, with some caveats, but have serious conservation concerns for the proposed winter and early season start date for bass populations on the French River. We hope a middle ground may be reached by retaining the current regulation and exploring more conservative approaches to bass management in the French River for both FMZs 10 and 11 (and on Lake Nipissing). There is also a clear need to invest more resources, monitoring, and assessment on the French River because it is data deficient.

The planning process is complete, implementation is on the horizon, and we would like to remind the MNRF the importance of carrying out the responsibilities included in the FMP as well as ongoing collaboration with the FMZ 10 Advisory Council. Thank you for your consideration of our comments.

Yours in Conservation,



Adam Weir  
Fisheries Biologist

AW/jb

cc: OFAH Board of Directors  
OFAH Fisheries Advisory Committee  
Angelo Lombardo, OFAH Executive Director  
Matt DeMille, OFAH Director, Policy & Programs  
Mark Ryckman, OFAH Manager, Policy  
Chris Robinson, OFAH Manager, Programs  
OFAH Policy & Programs Staff

References

Personal communications. 2021. Email correspondence with Dr. Bruce Tufts (05/06/2021).

Philipp DP, Claussen JE, Koppelman JB, Stein JA, Cooke SJ, Suski CD, Wahl DH, Sutter DAH, and Arlinghaus R. 2015. Fisheries-Induced Evolution in Largemouth Bass: Linking Vulnerability to Angling, Parental Care, and Fitness. American Fisheries Society Symposium 82:223–234.

Tufts B; McCarthy D; Wong S; Elliott C; Bridgeman S; Nelson E; Taylor E; Bonsall A; Lindenblatt R; Ridgway M. 2019. Ecology and timing of black bass spawning in Lake Ontario and the St. Lawrence River: Potential interactions with the angling season. Journal of Great Lakes Research 45, 949–957.