

# ONTARIO FEDERATION OF ANGLERS & HUNTERS

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*Ontario Conservation Centre*

OFAH FILE: 440

May 16, 2023

Parks Canada  
NMCA regulations  
PAEC PC-03-A  
30 Victoria Street, Gatineau QC  
J8X 0B3

Subject: Developing general regulations under the *Canada National Marine Conservation Areas 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. For decades, the OFAH has been a key player in policy discussions about the conservation of the Great Lakes and subsequent watersheds. We are a long-standing member of every Great Lakes Fisheries Management Zone (FMZ) advisory council, as well as many other councils, committees, and groups which influence our fisheries (e.g., Great Lakes Fishery Commission, binational subcommittees for the Great Lakes Water Quality Agreement, Ontario's Great Lakes Guardian Council).

Through the *Let's Talk NMCAs* portal, Parks Canada is seeking feedback on general regulation proposals under the *Canada National Marine Conservation Areas Act* (the Act) to help manage national marine conservation areas (NMCAs). The OFAH has flagged opportunities where Parks Canada can collaborate with the Province of Ontario as well as identifying unique differences between marine environments that should be taken into consideration when developing general regulations under the Act.

## **People, coastal communities, and relevant stakeholders**

With the unprecedented rate of global biodiversity deterioration (Kunming-Montreal Global Biodiversity Framework, 2022), the conservation of land and water must be a major priority for us all. Despite the urgency of this issue, however, the means by which we achieve our conservation goals is still important.

For instance, in their 2021 "...global synthesis of peer reviewed evidence," Dawson et al. explain that active involvement of Indigenous peoples and local communities plays a critical role in successful conservation. The paper, "The role of Indigenous peoples and local communities in effective and equitable conservation," draws on case studies from across the world to illustrate how governance strategies which deprive people of their land, property, or resources outright (i.e., "green or blue grabbing") tend to fall short of conservation goals and objectives, whereas strategies which integrate people and communities into not only the process, but also the end result, have a much higher rate of long-term success (Dawson et al. 2021).

The OFAH is not inherently opposed to establishing NMCAs and relevant regulations under the Act; however, we are hesitant to support some specific policies within this proposal due to their seemingly arbitrary nature (e.g., one fully protected zone in each NMCA), as well as their potential implications for stakeholders. We want to ensure that people and communities who live, work, and play in the Great Lakes continue to be part of the decision-making process, given fair and equitable consideration, and are incorporated into the final outcomes.

This means continuing the active engagement of Indigenous peoples, communities, and groups like the OFAH beyond the initial consultation and engagement period. It also means incorporating the interests of those groups into the management planning process. Continued allowance for sustainable resource-use activities like recreational angling, hunting, and trapping, as examples, would be an effective way to maintain support and engagement from various stakeholder groups in Ontario.

Alternatively, in the case of a complete ban on fishing, the loss of angler opportunity could be mitigated through investments and/or creating funding opportunities that directly benefit the angling community. Parks Canada could, for example, invest in access infrastructure (i.e., repairing boat launches, improving parking, constructing recreational fishing nodes, boat washing/fish cleaning stations), in fish culture/stocking initiatives and programs, or by creating funding opportunities for habitat restoration projects (e.g., Recreational Fisheries Conservation Partnerships Program).

Fishing, hunting, and trapping activities foster a connection to the environment, creating a deeper understanding of and drive to conserve the natural world. These traditions are important aspects of Canada's natural and cultural heritage in marine ecosystems. Canadians have the right to harvest legal and sustainable fish and game species, and implementing a blanket prohibition where healthy populations exist within NMCAs is not sound science or good resource management, nor does it instill support from the local communities for such an NMCA, especially in more remote areas where sustenance harvest activities are paramount to people's ways of life. Allowing the continued practice of sustainable activities such as these within NMCAs should be a consideration during NMCA designation, zone planning, and regulation development process.

#### **Differences between ocean environments and the Great Lakes**

Parks Canada is proposing to standardize regulations for NMCAs across oceans and the Great Lakes; however, lumping marine areas in this way may be disadvantageous because of the unique differences between these environments. The expansiveness of oceans and, in some instances, its remoteness, makes the selection process for fully protected zones more straightforward compared to designating "no-go" zones in the Great Lakes. The smaller geographic scale, combined with more than 40 million people that live in the Great Lakes basin, will result in greater socio-economic conflict.

While the OFAH acknowledges the need to establish a nationally consistent system of marine protection, we feel that significant differences between oceans and the Great Lakes may warrant further consideration of standalone regulations. Doing so would provide greater regulatory flexibility and enhance the management of NMCAs while respecting the diversity of marine environments and the people and communities that inhabit these areas.

#### **Research and community conservation initiatives in the Great Lakes**

Parks Canada is proposing regulations that will require researchers to apply for and obtain a permit to conduct studies in NMCAs. In Ontario, the Ministry of Natural Resources and Forestry (MNRF) already administers permits in this way through a licence to collect fish for scientific purposes. Additional permitting processes can be circumvented by working with the MNRF to avoid duplicating applications and reviews by Parks Canada and the NMCA management board in the Great Lakes.

The Great Lakes are a hub for research including collaborative networks like the Great Lakes Acoustic Telemetry Observation System. Research projects and conservation initiatives often lean heavily on support from community science partnerships (e.g., Lake Ontario Atlantic Salmon Restoration Program, Muskellunge research in the St. Lawrence River). This has improved the understanding of fish behaviour and has guided management decisions for the conservation of Great Lakes fisheries. Zoning and area-based management regulations that could result in any unnecessary red tape or regulatory burden for researchers or potentially stall community science involvement should be avoided. The same or similar concerns would apply to habitat restoration projects and volunteer stocking initiatives (e.g., Community Hatchery Program).

### **Fish stocking and considerations for fully protected areas**

Ontario's Fish Culture Program raises and stocks millions of fish into the Great Lakes each year and is funded through the sales of provincial fishing and hunting licences. Thus, establishing regulations that prohibit fishing in at least one zone within an NMCA could be seen as taking access away from a publicly paid resource.

Losses could be minimized by selecting no-go zones that are less impactful to anglers. For example, in some instances, there could be significant cultural features and/or sites within the Great Lakes that could be fully protected within NMCAs (e.g., petroglyphs, shipwrecks). Parks Canada could investigate fishing sanctuaries that currently exist in the Great Lakes or within their tributaries and establish protected zones and regulations at these locations.

Another potential neutral strategy could involve protecting special features and/or areas (e.g., spawning/nursery grounds, places of significant activity/abundance) for species at risk (SAR) within the Great Lakes (i.e., Lake Sturgeon, American Eel, Spotted Gar). Threatened, endangered, or extirpated species are already off-limits to anglers, so the overall impact of added NMCA protections would be relatively minor.

### **Interagency collaboration and fisheries management**

NMCAs in the Great Lakes will require final authorization and sign-off by Ontario's Minister of Natural Resources and Forestry. As such, the Ministry must endorse at least one fully protected zone within each NMCA and, in turn, will inevitably be held accountable for any socio-economic losses.

Although anglers and commercial fishers may be impacted by fully protected zones, a variety of other outdoor activities will also potentially be affected by the proposed regulations and permitting requirements including hunting, trapping, camping, boating, motorized vehicle use, and making a fire. Any regulatory decisions, therefore, must be scientifically defensible and justified to receive buy-in from the Minister, Indigenous peoples, local communities, and relevant stakeholders.

Fisheries management in the Great Lakes has been delegated to the Province of Ontario and, according to Parks Canada, extends to NMCAs; however, Parks Canada is seeking out authorities to prohibit recreational and commercial fishing. Ontario has already designated FMZ advisory councils to assist in fisheries management planning processes to help ensure our fisheries are managed sustainably in the Great Lakes. These councils rely on data collection and assessment that is carried out on a regular basis to enable sound management and best practices for the angling community.

Various regulatory tools are already available to the Ministry including seasons, sanctuaries, catch/size limits, gear/equipment restrictions, quotas, and management areas. Similarly, regulating the installation of fishing huts to "...manage impacts on natural and cultural heritage or other national marine conservation area users" is unnecessary because an ice hut registration system and associated regulations already exist in Ontario. Any duplication of these authorities is redundant and could be more effectively achieved by interagency collaboration between Parks Canada and the MNRF.

Prohibiting hunting/trapping could also be counterproductive by resulting in spillover and overcrowding to other areas. We often rely on hunting and trapping for species management, including the management of more vulnerable species and habitats. In certain situations, prohibiting these tools could be a disservice to the overall long-term ecological function of an NMCA.

### **Closing remarks**

Moving forward with policies, regulations, and zone planning for NMCAs, we recommend the following approaches for Parks Canada to consider:

- Engaging and integrating Indigenous peoples, local communities, and stakeholders like the OFAH into the NMCA process including having a greater presence at the FMZ advisory council level.
- If resource-based activities are being taken away, consider "giving back" to these groups in other ways (e.g., funding habitat restoration, enhancing accessibility).

- When fully protecting zones within NMCAs in the Great Lakes, select areas that reduce the overall impact on anglers, hunters, and trappers (e.g., shipwrecks, petroglyphs, current sanctuaries, SAR).
- Explore opportunities for standalone regulations and policies for the Great Lakes.
- Collaborate with the MNR and leverage regulatory tools that are currently available to the Government of Ontario as opposed to duplication.

We look forward to future consultation and engagement on NMCAs. Thank you for your consideration of our comments.

Yours in Conservation,



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AW/jb

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#### References

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