

# ONTARIO FEDERATION OF ANGLERS & HUNTERS

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*Ontario Conservation Centre*

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Subject: ERO# 019-7360—Regulating ten species and four genera as invasive species under Ontario's Invasive Species Act, 2015.

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, including 725 member clubs. Invasive species harm biodiversity, including native species and their habitats, hinder recreational activities, and cause major economic costs each year to Ontario, totaling approximately \$3.6 billion/annually. The OFAH is pleased to see the Ministry of Natural Resources and Forestry (MNRF) is seeking to regulate an additional ten species, including four genera under the Invasive Species Act (ISA), 2015. We have reviewed the proposal "Regulating ten species and four genera as invasive species under Ontario's Invasive Species Act, 2015" and offer the following comments for consideration.

The OFAH agrees with the addition of species and genera under the ISA, but we feel that expanding the list of prohibited and restricted species in the province only goes so far with respect to preventing the arrival and potential establishment of invasive species. While the OFAH supports the intent of the ISA, we recognize that with each addition or amendment, including adding new species, the pressures on enforcement staffing and resourcing becomes greater, and the capacity to respond to ISA-related infractions is diminished. This is supported by the 2022 report by the Office of the Auditor General of Ontario (OAGO), where they "found that provincial conservation officers are not sufficiently trained to enforce the Act" (Pg. 5). It is, therefore, OFAH's recommendation that the MNRF hire and engage with partners to train an invasive species task force whose sole role is focused on the delivery and enforcement of the ISA. This would provide the government with trained staff who are able to address illegal sales, transportation, stocking, etc., of invasive species. We recognize the current level of investment in enforcement is falling short, and that the province requires enhancements to resource capacity to ensure the successful implementation and enforcement of the ever-expanding ISA.

Through the Invading Species Awareness Program (ISAP), the OFAH, in partnership with the MNRF, has worked on education and outreach of known pathways for invasive species for over 30 years. One of these known vectors of spread is the intentional release of pets and aquarium plants by aquarists, which were sold to them by retailers either in-person or online. Through a simple Google search, some of the proposed species (e.g., Eastern Mosquitofish, Western Mosquitofish, Red Shiners, watermoss, and crayfishes) can be found for sale, and in some circumstances, are coming from locations in Canada. This is not uncommon in the invasive species world and something that we collectively work towards addressing through campaigns and initiatives, such as "Don't Let It Loose." Considering the proposed prohibitions, we pose the following questions:

- Recognizing the limitations of education and outreach to change illegal behaviours, what targeted approaches are the Ministry considering to address the ongoing issue of online trading of prohibited invasive species?
- What strategies are the MNRF considering to address compliance at the retailer level, including the illegal sale of mislabeled invasive crayfishes? (e.g., *Procambarus clarkii*, *P. alleni*, etc.)

To ensure no prohibited species are knowingly or unknowingly being sold to the public, the OFAH recommends the MNRF leverage relevant powers and authorities in the ISA to conduct routine inspections of pet retailers, garden centres, baitfish retailers, and fish markets in Ontario. These steps would be in accordance with recommendations made in the 2022 report by the OAGO, wherein they identify that “current invasive species-related inspections do not target several significant, high-risk pathways” (pg. 5). These inspections would be the responsibility of the invasive species task force recommended above.

The ISAP has been working over the past two years to identify and monitor a new population of White River crayfish (*P. acutus*) in Ontario with assistance from Dr. Premek Hamr; a species that would become prohibited under this proposal. White River crayfish have been present on Pelee Island in Lake Erie since approximately 2015 (Dr. Thomas Hossie, Trent University) and, in 2022, photos emerged of suspected White River crayfish in the Port Severn region of Ontario. This represents an approximate 450-kilometre range expansion, ruling out any likelihood of a natural expansion for the species. In 2023, the presence, establishment, and expanding distribution of White River crayfish in-land was confirmed by the ISAP and Dr. Hamr (i.e., females carrying viable eggs, specimens in age ranges from 1 to 3 years). It is suspected these crayfish may already be present and established in Georgian Bay, Lake Huron. After an initial investigation and in speaking with park staff from Six Mile Lake Provincial Park, we conclude that the most likely pathway for this population was through the bait bucket of a visiting American (where they have a disjunct native range). Now that this species is established in a wide geographic region near Port Severn, the OFAH would like to know what the MNRF’s position is on using the species as bait. Would anglers be permitted to use *P. acutus* as bait as outlined in the *Ontario Fishery Regulations* (2007), or would this be in contravention of the ISA? According to the ISA, we are under the impression this would be in contravention of the Act; as such, we question the public’s ability to differentiate between *P. acutus* and native species of crayfishes, such as *Faxonius virilis* and *F. propinquus*. Additionally, we would take this opportunity to echo authors, such as Hossie & Hamr (2022), who call for additional work to be done to protect our already imperiled native species of crayfishes from further pressures.

It has been noted that the White River crayfish are cultured and used for human consumption and could very likely be included in shipments of frozen crayfish to Ontario. The OFAH recommends White River crayfish be listed under the ‘proposed exceptions’ for import if they are “dead and prepared for human consumption (e.g., cooked)” as importing dead and prepared *P. acutus* is an insignificant risk to the province. However, since *P. acutus* has a seemingly large established population in the Port Severn region of Ontario, the MNRF should prepare for members of the public to travel to that area in hopes of capturing and consuming these crayfishes. As such, the MNRF should also expect an increase in the number of individuals who may want to illegally transport live specimens overland for the purposes of consumption and intentionally introducing and establishing new populations elsewhere in the province.

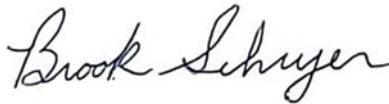
Regarding exceptions under this proposal, the OFAH is concerned with the “transition period for possession to allow for awareness among individuals and businesses who may be in possession of these species.” Firstly, has the MNRF conducted a comprehensive assessment to determine who the individuals or entities may be that are in possession of Red Shiner, or species from the Genera *Salvinia*, *Procambarus*, and *Pacifasticus*? Additionally, what targeted notification to people and entities and complementary communications strategies will be released before, during, and/or after this regulation takes effect? Will these strategies include information on how to properly dispose of these species to avoid unwanted introductions, such as what was unfortunately experienced in Burlington with marbled crayfish? This concern comes from our experience engaging with groups after the ISA received royal assent in 2015 as well as following each update to the ISA since. In some circumstances, members of the public were shocked to learn from us that species (e.g., water soldier, European water chestnut, fanwort, etc.) were now listed under the ISA; in some of these circumstances, the individuals had the species in question in their possession or they were trying to sell it. Finally, how long is this transition period? In 2015, similar statements were made concerning ‘transition periods’ and ‘education first,’ but, from our perspective, few advancements beyond this rhetoric have been made in the eight years that followed. The OFAH and the ISAP have informed the MNRF of multiple ISA infractions and, although we acknowledge that we may not be privy to this information, we have not heard of any formal charges being laid under the ISA to date.

In general, the OFAH supports the addition of the list of restricted species, with a few exceptions. The OFAH and the ISAP are concerned with the addition of Eurasian watermilfoil (EWM; *Myriophyllum spicatum*) as a restricted species under the ISA. While we are aware of the negative social and ecological impacts of EWM since its introduction to Lake Erie in the 1960s, we are concerned that adding this abundant and widely distributed species to the restricted list may cause significant capacity issues across various organizations and with conservation partners. There are dozens of lake and cottage associations, annually, that approach the Federation of Ontario's Cottagers Association (FOCA) as well as the ISAP about wanting to eradicate EWM from their waterbodies. This is not a realistic goal, and these conversations are time-consuming, with very few potential positive outcomes. As such, our reservations are rooted in unrealistic expectations from the public surrounding EWM management, control, and eradication. We recommend maintaining EWM as a restricted species under this proposal, while proceeding with a communications strategy to temper the public's expectations surrounding the control and eradication of EWM from their waters.

While the OFAH agrees in principle with the proposed species-specific rules, we would like clarification on the meaning of "propagate." For example, we understand that culturing, giving away, etc., would fall under the word 'propagation,' but how would the MNRF address the ongoing spread of a plant in someone's backyard? Or a member of the public, intentionally or unintentionally, allowing the same plant to escape into habitats beyond their private property? These are some of the examples that ISAP staff have received over the Invading Species Hotline, and, without a clear definition, we are at times unable to provide a clear and satisfactory answer to the public. Thus, we recommend the MNRF clearly define "propagation" and "propagate" under the ISA, which would assist the ISAP, partners, as well as conservation officers in day-to-day engagement with Ontario's public.

The OFAH and the ISAP continue to support the MNRF's goal of protecting Ontario from new and existing invasive species. However, as identified, there is a clear need to enhance staffing and resourcing and seek out more legislative tools/options to support a relatively new and evolving ISA. As such, in the spirit of working together, we encourage the MNRF to engage with long-standing partners to create an Invasive Species Working Group with the goals of acquiring ongoing feedback on the ISA and draft regulation changes, prior to their posting to the Environmental Registry of Ontario, to work collectively to ensure the Act is as realistic, transparent, and effective as possible. We look forward to continuing to work with the MNRF on invasive species through our partnership program, the ISAP.

Yours in Conservation,



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BS/jb

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