

November 13, 2019

Public Input Coordinator – Fisheries Section  
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**Re: Invasive Species Centre Comments on Environmental Registry of Ontario #019-0518, *Ontario's Sustainable Bait Management Strategy***

To Whom It May Concern,

The Invasive Species Centre (ISC) is a not-for-profit organization established by the Ontario and Canadian Governments to coordinate projects and connect stakeholders, knowledge and technology to prevent and reduce the spread of invasive species that harm Canada's environment, economy and society. We are pleased to have the opportunity to provide feedback on ERO #019-0518, a policy proposal regarding Ontario's Sustainable Bait Strategy. The ISC sees improved regulation of live bait as an important step to addressing key pathways for invasive species spread throughout the province. We are glad to remain engaged on the policy consultations related to this matter, following our previous comments related to ERO #012-9791 in 2017.

**ISC Perspective on Ontario's Sustainable Bait Management Strategy**

Generally, the ISC views stronger regulations associated with live bait as a welcomed measure to mitigate the threats posed by aquatic invasive species (AIS) spread through the live bait pathway. Although we welcome attempts to address these gaps, the ISC does have concern on how some of the proposed policy changes will be enforced among Ontario's angling community to drive meaningful change and positive AIS results.

Without increased investment in enforcement, and enhanced education and awareness efforts through partner organizations, we are concerned that increased regulatory approaches will not deliver effective behavioral change. As the proposed Sustainable Bait Strategy points out, some current bait disposal behaviours displayed by Ontario's anglers are unacceptable and contribute to AIS spread. The ISC views effective enforcement, education and outreach efforts as critical elements to successful delivery of these policy changes. Furthermore, Ontario currently has several regulatory tools which have been ineffective in driving behavioral change in anglers bait habits. Implementing new, complex regulations with limited enforcement is unlikely to deliver positive change and reduce AIS spread. With that said, we also want to work with MNRF to ensure the best decisions are made under the policy direction that will be pursued. To that end we have provided several specific concerns and recommendations below for your consideration.

While the role of Ontario's Sustainable Bait Strategy is to provide a conceptual roadmap to increased regulation of the live bait pathway, the ultimate value the corresponding policy changes deliver will rely on the creation of effective and enforceable regulations. The ISC recognizes the efforts by the Ontario Ministry of Natural Resources and Forestry (MNRF) to engage with the baitfish industry (harvesters, designated wholesalers and dealers) to ensure implementing policy changes reflects all key parties effected by these changes. We also view anglers as an important, secondary audience that must buy-in to proposed changes to effect meaningful results on the landscape.

### **Contrasting with Neighbouring Jurisdictions**

The proposed policy is a step towards live bait approaches used in neighboring jurisdictions to mitigate AIS spread. For instance, for more than 25 years, some regions in Quebec have enforced a live bait ban. As of 2017, all regions of the province have banned the use of live baitfish. Under these same regulations, only dead baitfish are allowed in parts of Quebec during winter months. Although these regulations are considerably more stringent than the proposed actions under Ontario's Sustainable Bait Strategy, there are several lessons Ontario should consider before implementing the proposed strategy. The regulatory changes in Quebec included government working closely with the baitfish industry to transition towards a new model. Quebec was also flexible in applying winter exceptions to regions whose local conditions and stakeholders required greater flexibility. Manitoba also utilize a partial live bait ban to address this AIS pathway. These regulations include commercially purchased live bait to be accompanied by a receipt. While personal use live baitfish harvest is allowed under Manitoba's regulations, the harvester must kill the baitfish before leaving the site.

### **Permitted Baitfish Species (Section 2.1)**

- The proposed strategy lists 34 species that are available for use as baitfish. It avoids including native species such as sculpins and darters which were identified in a previous ISC ERO response as being possible invasive species lookalikes that may cause unnecessary misidentification issues. ***The ISC recommends that this species list remain open for regular review as new invasive lookalikes require.***

### **Movement of Bait (Section 3)**

- The proposed strategy notes that it is illegal to dump bait bucket contents within 30 metres of a watercourse, despite this being a relatively common occurrence. The disconnect between common practices in bait disposal and existing regulations is concerning. Although changing these behaviors is not specifically within the scope of the proposed strategy, doing so is critically important for this strategy to achieve its intended goals. ***The ISC strongly encourages MNRF to use the implementation of the Sustainable Bait Management Strategy as an opportunity to demonstrate meaningful improvements in angler behaviours related to live bait disposal, including taxa not covered under this strategy such as invasive earthworms.***
- Creation of Bait Management Zones (BMZs) will provide implementation challenges but is a conceptual framework that has proven effective in slowing the movement of bait, and associated invasive species spread, in other jurisdictions. Due to a variety of factors, some anglers are underinformed on important elements of the existing regulations including the existence of Fisheries Management Zones (FMZs) and other vital elements of our angling regulatory framework. Developing additional regulatory zones such as BMZs may create some additional awareness challenges. The ISC believes that creating additional BMZs beyond the 4 outlined in this policy may be advantageous in curbing the spread of AIS. Crafting thoughtful regulations and effective outreach

strategies will be an important step in making this imperfect, but necessary approach work in Ontario.

- As MNRF begins to develop BMZ regulations we ask you to consider the following scenario and the enforcement challenges it may pose:
  - An angler from Northeastern BMZ travels to Central BMZ where she purchases bait to use on a fishing trip. She is required to maintain documentation during this trip. If she returned to Northeastern BMZ upon the conclusion of the trip with the bait, although illegal, she would no longer be required to show documentation being in her home BMZ. ***This potential situation, and other similar scenarios, will require strong public participation and a meaningful understanding of the rationale behind the regulations. To achieve this the ISC strongly advises MNRF to deliver thoughtful and sustained communications with end-users to educate them on the rationale and how to implement the BMZ rules with a view to making desirable behaviours on bait movement the social norm with resident and non-resident anglers.***

### **Commercial Receipts and Documentation (Section 3.3)**

- When using live bait outside an angler's home BMZ, he or she will be required to maintain documentation showing that the bait originates in the BMZ they are visiting. Achieving behavior change consistent with this new requirement may prove to be challenging. Thoughtful communications with anglers and retailers will be paramount to ensuring anglers comply with the changes. These communications must ensure that retailers and anglers are aware of the rationale for the changed legislation as its implementation is reliant on their active participation. ***The ISC advises MNRF explore opportunities to work with live bait retailers to ensure anglers are aware of their responsibilities related to live bait documentation, including requesting retailers include a reminder on live bait receipts. Furthermore, the ISC advises MNRF to consider implementing voluntary online tools or training for anglers to improve their AIS knowledge.***
- The proposed policy is unclear on some details regarding an angler wishing to collect their own bait. Although it does appear clear that anglers will be permitted to collect and use their own live bait within their BMZ, there is a lack of clarity on the permissibility and processes related to an angler wishing to collect and use bait outside their home BMZ. If the intended policy direction is to effectively ban collecting one's own bait outside their home BMZ, the ISC believes this may be unduly restrictive to anglers living near BMZ borders. As an example, many anglers who reside in the Greater Toronto Area (Southern BMZ) travel to the Muskoka's or Kawartha's (Central BMZ) would be unable to collect their own bait under this interpretation of the proposed policy. ***The ISC strongly recommends considering this and other self-collection scenarios when designing regulations to meet these policy objectives.***
  - On a related concern, the proposed policy changes would have impacts on those wishing to collect and use their own bait. ***The ISC believes that implementing these changes provides an important opportunity to strengthen communications with those engaging in this practice and MNRF should take advantage of the communications opportunities associated with this (e.g. video or social media engagement around regulatory changes and best practices).***
- ***The ISC advises MNRF to consider using scheduled or unscheduled checks with live bait retailers to ensure ongoing compliance and awareness of the important role they play in mitigating risks associated with this pathway.***

#### Use of Bait in Native Brook Trout Lakes (Section 4)

- Under the proposed policy live bait will be banned from lakes where MNRF has identified native (e.g. non-stocked) brook trout lakes. This will be a notable action in protecting an important fish to Ontario's fisheries. With this in mind, it is important to consider the following:
  - A live bait ban on native brook trout lakes would require MNRF to document and publicise all lakes containing native brook trout. Publicizing a list of native brook trout may lead to increases in angling pressure on sensitive fisheries, which may in turn result in undesired consequences to native brook trout. ***The ISC recommends MNRF reevaluate this proposed means of regulating live bait use in native brook trout lakes to avoid increased angling pressure.***
  - Under the proposed policy, it is unclear if live bait collected for personal use, within the same recognized brook trout waterbody, would continue to be allowed. ***The ISC recommends MNRF clarify if the proposed ban of live bait in brook trout lakes applies only to commercially harvested bait.***
  - A live bait ban on MNRF-identified brook trout lakes has the potential to be a significant concern to Ontario's fish camp operators, many of which use live bait on brook trout lakes. ***The ISC recommends MNRF engages meaningfully with these stakeholders and considers how the proposed changes will impact their operations.***

#### Commercial Bait Operations (Section 5)

- The proposed policy underscores the important role that commercial bait operations, including harvesters, designated wholesalers and dealers, play in addressing this AIS pathway. Ensuring these important stakeholders are capable in identification of native and invasive baitfish species is a critical line of defence in mitigating the risk associated with this invasive species pathway. ***The ISC strongly encourages MNRF to pursue standardized training for commercial bait harvesters and dealers, as proposed in this policy. It is also strongly recommended that MNRF includes best practices for AIS removal/decontamination within this training.***

In summary, the Invasive Species Centre welcomes MNRF's intent to address the role of live bait use in mitigating the spread of aquatic invasive species. Our largest concerns with Ontario's Sustainable Bait Management Strategy revolve around limited investments in enforcement, education and outreach which may prevent this policy from delivering behavioural change in Ontario's anglers. The ISC has partnered with MNRF since 2011 to deliver a wide range of projects that have enhanced our collective actions to mitigate the threats posed by invasive species. In recent years we have delivered AIS identification training to enforcement staff, reviewed policy gaps in Ontario and identified approaches likely to address them and delivered targeted social media outreach campaigns to strengthen AIS identification skills with key stakeholder groups. The ISC is well positioned to work with MNRF and other partners to ensure key messaging is delivered effectively to trigger improved behaviour change to achieve stronger AIS outcomes.

The ISC appreciates the opportunity to contribute to the direction of this policy and welcomes all efforts in the province of Ontario to curb the threats posed by invasive species. We look forward to continued dialogue on this topic and to helping to deliver positive results throughout Ontario.

Sincerely,

The Invasive Species Centre  
[www.invasivespeciescentre.ca](http://www.invasivespeciescentre.ca)