

ONTARIO FEDERATION OF ANGLERS & HUNTERS

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Ontario Conservation Centre

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Subject: Lake of the Woods Draft Recreational Walleye Plan (ERO number: 019-6067)

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 appreciate the opportunity to provide comments on the Ministry of Natural Resources and Forestry's (MNR) draft recreational Walleye plan for the Ontario Waters of Lake of the Woods (LOTW) Fisheries Management Plan (FMP). The OFAH recognizes that changes to the current Walleye regulations are warranted; however, we are uncertain whether the preferred regulation option will be effective in its delivery.

Management Options for Consultation

The OFAH offers the following comments on each option presented in this draft plan.

Status Quo

The OFAH questions the Ministry's decision not to model status quo in full, seeing as the current one-over 46 cm rule was not factored into the simulation exercise. However, based on similarities between current regulations and the 46 cm maximum size limit, which was rejected under all catch limits, it can be assumed that status quo would have failed. This, in conjunction with the observable failures of the current system to effectively conserve Walleye in over two decades, is reason to disqualify the status quo from consideration.

Alternate Option

- **Season:** January 1 to April 14 and third Saturday in May to December 31 (unchanged).
- **Limits (All anglers):**
 - **Daily Catch-and-Retain Limit**
 - Sport 2; must between 35 cm and 43 cm or greater than 70 cm and not more than 1 greater than 70 cm
 - Conservation 1; must between 35 cm and 43 cm
 - **Possession limit**
 - Sport 4; must between 35 cm and 43 cm or greater than 70 cm and not more than 1 greater than 70 cm
 - Conservation 2; must between 35 cm and 43 cm

The proposed alternate harvestable slot of 35 to 43 cm was not included in the simulation exercise either, but is expected to have similar outputs to the maximum size limit of 43 cm. This scenario was rejected under the catch limits of 4(S) and 2(C) and 2(S) and 2(C) but passed with a catch limit of 2(S) and 1(C). A similar harvestable slot of 35 to 45 cm was also modelled but failed the harvest reduction threshold under all catch limits.

We question the significance of a 2 cm difference between these models, as it seems unlikely that biological outcomes for such a slight variation would be detectable, never mind significant. Overall, we doubt that this alternate option would be sufficient to conserve Walleye compared to other regulatory options.

MNRF’s Preferred Regulation

- **Season:** January 1 to April 14 and third Saturday in May to December 31 (unchanged).
- **Limits (All anglers):**
 - **Daily Catch-and-Retain Limit**
 - Sport 2; must be less than 43 cm or greater than 70 cm and not more than 1 greater than 70 cm
 - Conservation 1; must be less than 43 cm
 - **Possession limit**
 - Sport 4; must be less than 43 cm or greater than 70 cm and not more than 1 greater than 70 cm
 - Conservation 2; must be less than 43 cm

The OFAH is unable to provide full support for the preferred option due to a lack of supporting evidence. Although the MNRF asserts that the preferred option would balance the ecological and socio-economic objectives detailed in Section 2.2, there are several unknowns at play. For one thing, one-over regulations were not considered in the simulation exercise despite their proposed inclusion in the preferred option and despite the fact that the simulation exercise allows for slot size-specific catch limits (e.g., only one walleye > 46 cm per angler per trip). This could be a major misstep in understanding how the LOTW Walleye population would respond to this scenario.

The majority of recreational anglers on LOTW are American non-residents who have had a legal requirement to comply with the long-standing reduced daily limit of 2(S) and 2(C) (only one greater than 46 cm) and a differential possession limit of 4(S) and 2(C) (only one greater than 46 cm). Seeing as the universal bag limits being proposed are essentially the same as the above non-resident restrictions, these regulatory changes would have little impact on harvest by the vast majority of anglers. We are unsure that enacting restrictions that only apply to a small percentage of resident anglers will reach the desired forty percent reduction in Walleye harvest. Moreover, the performance of the preferred regulation is further obscured because the differential possession limit was never modelled under the reduced catch limit. Anglers may, for instance, redistribute their activities to another day to obtain their desired quantity of fish.

The vast majority of size limits modelled by the MNRF failed to reduce the recreational harvest by at least forty percent under the catch limits of 4(S) and 2(C) and 2(S) and 2(C). For this reason and considering the uncertainties noted above, it may be necessary to move towards a standalone, reduced catch and possession limit of 2(S) and 1(C) as well as implementing a maximum size limit of 43 cm or other similar performing size limit.

“One-over” Modifier

Recommendation: *Include a “one fish greater than 70 cm” modifier to proposed size limits. The Advisory Council has specifically requested that it be noted in the plan that they support this recommendation only until MNRF completes a review of Section 12 of the Ontario Fishery Regulations (OFR).*

The OFAH is surprised that the preferred option would retain a one-over rule, considering this approach’s inconsistent track record across many Ontario Fisheries Management Zones (FMZs) and other Provincially Significant Inland Fisheries. Modelling results suggest that current one-over regulations in FMZ 15, for example, do not adequately protect Walleye. Similar mortality and biomass concerns have been identified in FMZ 10, where the Ministry is proposing to remove the one-over rule, and in FMZ 14. Simulations using comparable one-over rules for Lake Nipissing have also showed poor outputs for the Walleye fishery.

Although part of the risk associated with a one-over rule comes from anglers who harvest large, mature Walleye, there are also issues associated with the “culling rule” (Section 23 of the OFR) and competitive fishing events, wherein anglers fishing from a boat may catch, hold, and selectively live-release more Walleye (and other sportfish) than the daily limit. In these scenarios, some of the largest, most biologically important fish are held for extended periods, transported long distances, and eventually weighed and released.

With well over 250 boats from only three large-scale events that target Walleye, not including the many other smaller scale events that go undocumented each year, these stressors in particular may have serious consequences for an already unstable Walleye population. Such concerns could be partly mitigated if the MNRNF took a more active role in overseeing fishing tournaments by, for example, gathering an accurate count of these events, conducting targeted creel surveys, and partnering with academic institutions to carry out fisheries research projects on the LOTW.

Despite these widespread concerns, neither current nor proposed one-over rules were modelled in the Ministry’s simulation exercise as part of the Draft Recreational Walleye Plan. As such, we feel there is too much risk and insufficient supporting evidence associated with the continued implementation of these regulations. While setting the one-over rule higher than the status quo (proposed 70 cm) will likely reduce some degree of risk for adult Walleye in LOTW, we feel strongly that maintaining this rule in any capacity is misguided.

We also feel that the latter part of this recommendation, with reference to Section 12 of the OFR, also requires further elaboration. According to the FMP, if the review of Section 12 renders the one-over modifier redundant, such regulations will be removed; however, this is not explicitly mentioned in the recommendation itself. If the Section 12 review does not occur due to insufficient public support or some other unforeseen barrier, or if the resulting amendments are inadequate what will become of the one-over modifier? Considering the Advisory Council is only conditionally supportive of retaining the one-over modifier, a significant amount of faith is being put towards the outcome of the consultation process without considering all the alternatives.

The recommendation should also be rewritten as a specific action item for the Ministry to carry out instead of the emphasis being on the request of the Advisory Council.

Non-regulatory Recommendations

Recommendation: *MNRNF to develop a strategy to better educate anglers about Ontario’s catch-and-retain regulations.*

The OFAH supports the proposal to develop a strategy to better educate anglers about Ontario’s catch-and-retain regulations (e.g., difference between catch and possession limits). We do, however, feel this to be more of an ethical dilemma than it is a question of education. Anglers who engage in “double-dipping” (i.e., having an overlimit of fish) are most likely aware of the long-standing rules for catch and possession limits and, as such, there may be no standalone solution to the issue. To help with non-compliance, we encourage the Ministry to move forward with their proposal to increase set fine amounts and create new ticketable offences, continue investing in the number of conservation officers on the landscape, and explore innovative approaches for educating anglers about fishing rules through online tools like Ontario’s fish and wildlife licensing service.

Closing remarks

Although well-intentioned, the proposed preferred option attempts to satisfy the appearance of doing something with the least amount of impact but provides little in the way of a conclusive meaningful effect in protecting the LOTW Walleye fishery. In this case, the ecological implications related to the one-over modifier and reduced catch limits, combined with a differential possession limit, are largely unknown. Moreover, regulatory add-ons, differences between sportfishing and conservation fishing licenses, and other regulatory exceptions and rules will likely confuse many anglers. Regulatory differences in other jurisdictions that overlap with LOTW, including Manitoba and Minnesota, will only add to the complexity.

A comprehensive management plan for Walleye should also include strategies for mitigating environmental stressors as well as considering other mortality factors (e.g., commercial fishing). The government's proposals to reduce barriers and red tape for developers and weakening long-standing environmental laws in Ontario could threaten the conservation of our fisheries, yet recreational anglers are on the chopping block.

There are far too many unknowns and uncertainties with the proposed 'half in, half out' approach to the preferred regulation. A more restrictive option may not be widely accepted but will help ensure the sustainability and ongoing productivity of the Walleye fishery, in addition to enhancing the socio-economic status of the region in the long-term. However, we recognize this may require further consultation and engagement with the Advisory Council, the broader public, and stakeholders. Thank you for your time and consideration of our comments.

Yours in Conservation,



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AW/jb

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