

Interjurisdictional movement of baitfish

A presentation to: Great Lakes Panel on Aquatic Nuisance Species
Organisms in Trade Virtual Information Session

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Outline

- Background
 - Regulatory context for engaging in commercial bait activities in Ontario
 - Bait movement restrictions
- Key elements of this case (i.e., what happened)
- Considerations and lessons learned

Regulatory Context for Engaging in Commercial Bait Operations in Ontario

- A commercial bait licence is required for a number of activities, including:
 - Harvesting, buying or selling leeches or baitfish for commercial purposes
 - Possessing more than 120 leeches or baitfish
- Baitfish means 48 species of fish that are considered native to Ontario
- Leech means a member of a species of the Class Hirudinea
- Commercial bait licences are issued to both residents and non-residents engaging in bait business in Ontario

Fish and Wildlife Conservation Act O. Reg. 664/98 Fish Licensing

31.3 (1) Except under the authority of a commercial bait licence that authorizes the holder to take, buy or sell leeches or bait-fish, a person shall not,
(a) take bait-fish for commercial purposes; or
(b) buy or sell leeches or bait-fish for commercial purposes.

(1.1) Except under the authority of a commercial bait licence that authorizes the holder to take, buy or sell leeches, a person shall not take in one day or possess at any time more than 120 leeches.

Ontario Fishery Regulations, 2007

28.1 No person, other than the holder of a commercial bait licence or any other licence that authorizes the culture of baitfish, shall catch and retain in any one day, or possess, more than 120 baitfish.

Ontario Commercial Bait Licence Permis d'appât commercial

PAGE 1 OF/DE 2

Under the Fish and Wildlife Conservation Act and the regulations thereunder, and subject to the limitations thereof and the limitations of the Fisheries Act and the Ontario Fishery Regulations, this licence is granted to:

Conformément à la Loi sur la protection du poisson et de la faune et aux règlements y afférents, et sous réserve de ses restrictions et des restrictions de la Loi sur les pêches et des Règlements de la pêche de l'Ontario, ce permis est délivré à :

Licence No. N°de permis 204638
Issuing District District émetteur Peterborough
Issuing Area Zone émettrice Peterborough

Name(s) of Licensee(s) Nom du(des) titulaire(s) de permis	First Name / Prénom	Last Name / Nom de famille	First Name / Prénom	Last Name / Nom de famille
	John	Doe		
Name of Business/Organization/Affiliation (if applicable) / Nom de l'entreprise/de l'organisme/de l'affiliation (le cas échéant)				
Undebaitable Baits				
Mailing address of Licensee Adresse postale du titulaire de permis	Street Name & No./PO Box/RR#/Gen. Del. / N°, rue/C.P./R.R./poste restante			
	PO Box 123/PO Box 456 GD			
	City/Town/Municipality / Ville/village/municipalité	Province/State Province/Etat	Postal Code/Zip Code Code postal/Zip	
Peterborough	ON	K9J 8L5		
Phone numbers N°de téléphone	Primary telephone / principal (705) 755 1904	Secondary telephone / secondaire (705) 755 1957	Fax / Télécopieur ()	

This licence is valid for: / Ce permis est valide pour :

Dealing
Vente

Commercial Bait Dealing as a
Vente commerciale d'appâts

☒ Regular Dealer
Pourvoyeur régulier

☐ Tourist Dealer
Pourvoyeur touristique

to deal in Bait at / pour faire le commerce des appâts à (Location of Business / Emplacement de l'entreprise)

300 Water St, Peterborough ON

The conditions of this licence are attached as Appendix A and B.
Les conditions du permis sont précisées aux annexes A et B.

Licence Dates Dates du permis	Effective Date / Date d'entrée en vigueur Y/A Y/A Y/A Y/A M/M M/M D/D D/D 2 0 1 2 0 1 0 1	Expiry Date / Date d'expiration Y/A Y/A Y/A Y/A M/M M/M D/D D/D 2 0 1 2 1 2 3 1	Licence Fee Droits du permis \$148.60	Receipt # / N° de reçu	Issuer Account No. N° de compte du délivreur de permis 30000
Issued by (please print) Délivré par (veuillez écrire en lettres d'imprimerie)	Signature of issuer Signature du délivreur		Date of Issue / Date de délivrance Y/A Y/A Y/A Y/A M/M M/M D/D D/D 2 0 1 2 0 1 0 1		
As the licensee, I have read and understand the conditions of this licence as shown on this page and on Appendix A and B. En tant que titulaire du permis, j'ai lu et je comprends les conditions du permis indiquées sur cette page et dans les annexes A et B.		Signature of Licensee / Signature du titulaire de permis		Date Y/A Y/A Y/A Y/A M/M M/M D/D D/D	

Personal information contained on this form is collected under the authority of the Fish and Wildlife Conservation Act, 1997 and will be used for the purpose of licensing, identification, enforcement, customer service surveys and natural resource management programs of MNR and its partners. Please direct further enquiries to the District Manager of the MNR issuing district.

Les renseignements personnels dans ce formulaire sont recueillis conformément à la Loi sur la protection du poisson et de la faune, 1997, et ils seront utilisés aux fins de délivrance de permis, d'identification, d'application des règlements, de sondage sur les services à la clientèle et de programmes de gestion des ressources naturelles du MRN et de ses partenaires. Veuillez communiquer avec le chef du district du MRN qui délivre le permis si vous avez des questions.

FW0034 (11/2003)

Commercial Bait Licence Conditions

- Used for the proper management and control of fisheries, including the bait resource, and the conservation and protection of fish. They may:
 - Restrict the movement of bait
 - Require operators to inspect for, and remove, non-target species in the bait they harvest, acquire and sell
 - Establish preventive measures operators may have to have in place regarding the potential spread of non-target or invasive organisms
 - Identify who the operator may sell bait to
 - Identify logbooks issued to the operator, and the type of information that must be recorded in the logbook



Bait Harvest Daily Log Registre quotidien de la récolte d'appâts

for / pour

727604

Commercial Bait Licence No. / N° de permis d'appât commercial

John Doe

Issued to / Délivré à

For the period / Pour la période allant
from / du

Jan 1, 2010

to / au



Bait Dealers Daily Log Registre quotidien des commerçants d'appâts

for / pour

728905

Commercial Bait Licence No. / N° de permis d'appât commercial

Jane Smith

Issued to / Délivré à

For the period / Pour la période allant
from / du

Jan 1, 2010

to / au

Harvester's

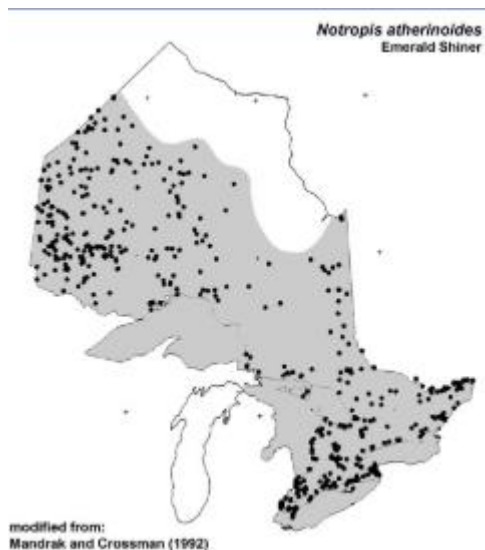
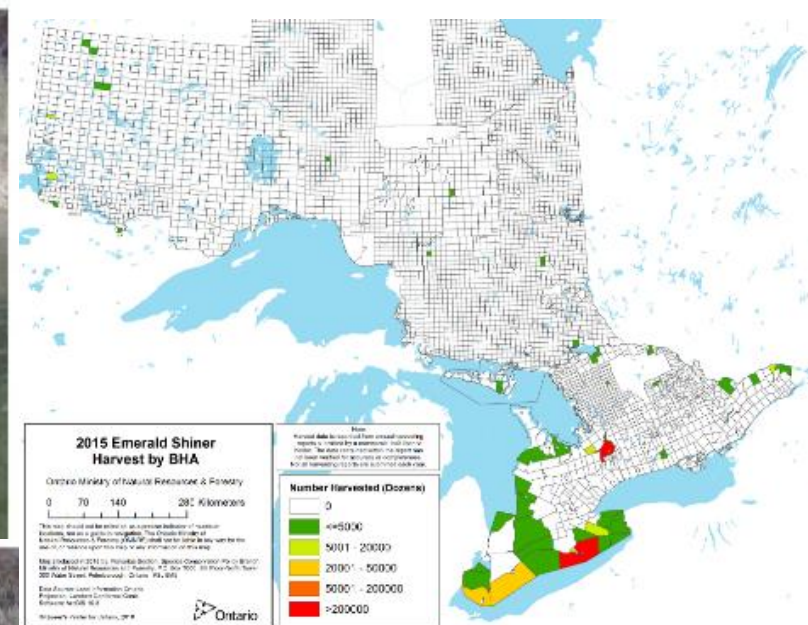
Dealer's

What needs to be recorded:

- **date, amount** of bait-fish, emerald shiners, leeches or herring and **unit of measure**
- **type and amount, licence number** of bait provider, **name** of person **delivering/receiving** bait

General log book rules:

- date of entries must be sequential; pages shall not be removed; entries in ink
- once page is full, licensee/designate (harvester) or licensee/authorized person (dealer) signs
- Holder must retain logbook for 5 yr after expiry of licence that was valid at time it was kept



What is VHS (Viral hemorrhagic septicemia)?

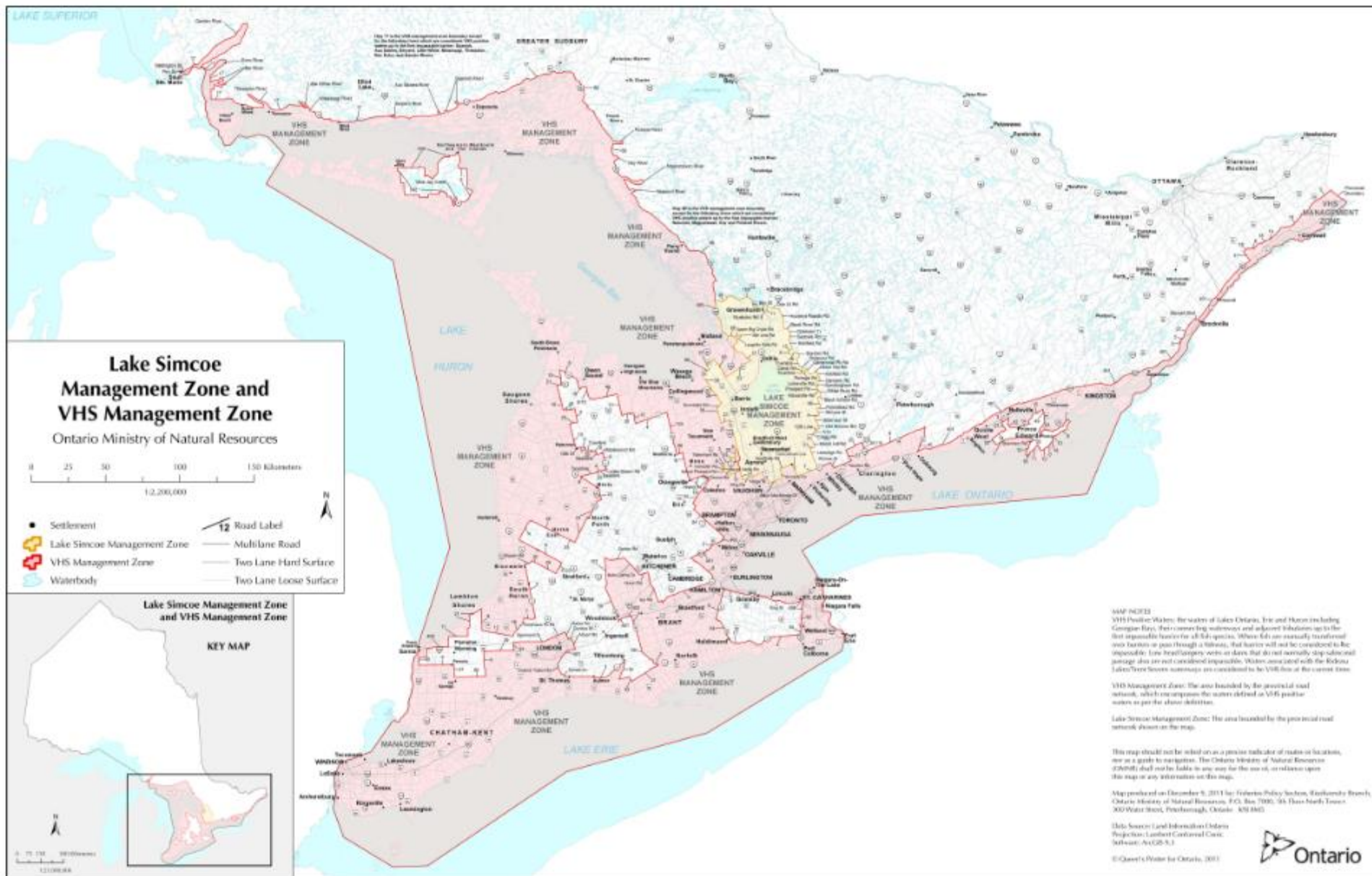
- Viral hemorrhagic septicemia (VHS) is an infectious fish disease. It was first detected in Lake Ontario in 2005.
- Fresh and saltwater fish can catch VHS. The Great Lakes strain of the virus affects both game fish and baitfish species.
- Infected fish may show the following signs:
 - pale gills and organs, bloated abdomen, bulging eyes, hemorrhages (bleeding) on body and organs, darker body colour
 - Some fish show no signs of infection.
- May be spread in water, and by contact with infected fish and their body fluids. The virus can travel from one waterbody to another on anything it has contacted, including:
 - fish
 - water
 - boats
 - equipment

Areas of Viral hemorrhagic septicemia (VHS) Concern

VHS Positive Waters: the waters of Lakes Ontario, Erie and Huron (including Georgian Bay), their connecting waterways and adjacent tributaries up to the first impassable barrier for all fish species.

VHS Management Zone: The area bounded by the provincial road network shown on the attached map [shown on the next slide] which encompasses the waters defined as VHS Positive Waters as per the above definition.

Lake Simcoe Management Zone: The area bounded by the provincial road network shown on the attached map [shown on the next slide].



Bait Movement Licence Conditions

VHS Management Zone:

*A person operating under this licence **shall not transport, or cause to be transported, live baitfish out of the VHS Management Zone.***

Lake Simcoe Management Zone:

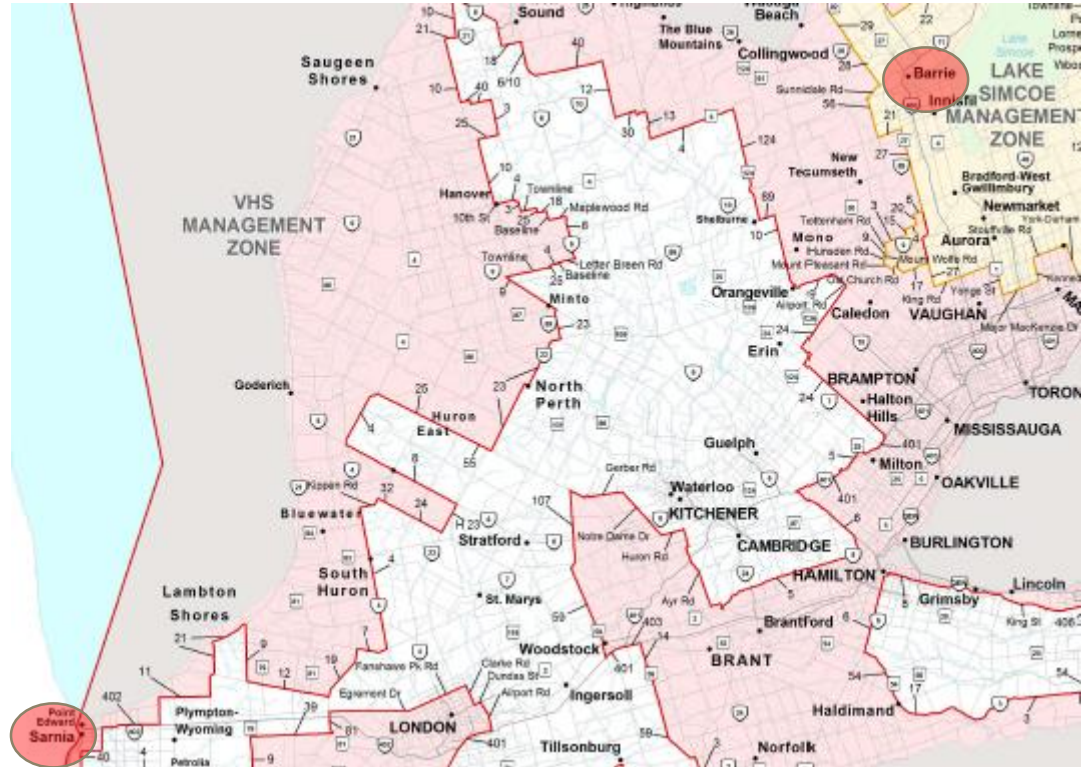
*A person operating under this licence **shall not move live or dead baitfish out of or into the Lake Simcoe Management Zone,** in order to ensure the protection of fish and prevention of the spread of fish or other aquatic organisms that may be harmful to fish.*

In addition, the following condition appears on licences with Bait Harvest Areas within the Lake Simcoe Management Zone:

To ensure the protection of fish and prevent the spread of fish or other aquatic organisms that may be harmful to fish no person operating under this licence shall move live or dead baitfish into or out of the Lake Simcoe Management Zone except,
(a) to move baitfish directly into the VHS Management Zone

What Happened

- The Agreed Statement of Facts establishes that on three separate occasions, Emerald Shiners were purchased, taken and possessed by the defendants at the water's edge of Lake Simcoe in Barrie, Ontario and transported by truck from there to Michigan through Sarnia, for commercial purposes, successfully passing through the border on the first two occasions.
- On the third occasion, the load was inspected and detained by the Canadian Border Services Agency at the border in Sarnia.



- The defendants are bait operators from a midwestern state.



What Happened (continued)

- There was no evidence that either defendant was the holder of a valid Ontario commercial bait licence at any material time.
- The defendants were charged with 3 counts unlawfully purchasing baitfish for commercial purposes, one count for each of the three separate occasions in November 2018, contrary to paragraph 31.3(1)(b) of O. Reg. 664/98 made under the *Fish and Wildlife Conservation Act, 1997*

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(b) buy or sell leeches or bait-fish for commercial purposes.

Considerations and Lessons Learned

- Licence conditions that restrict movement of bait in Ontario apply to holders of licences!
- Importance of good working relationships with enforcement staff in other jurisdictions was tested and confirmed
- This case highlighted the complexity of rules across jurisdictions regarding the transport of bait
- Bait has commercial value and there is a need for clarity regarding risks when unlawful loads are seized
- Costs:
 - for defendants due to loss of goods
 - for enforcing agency re staff time and disposal
 - potential cost to ecosystems across jurisdictions by spread of pathogens, non-target species

Questions?

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