

**Regulatory Guidelines for Bait and
Gear Restrictions**

DRAFT #3

**Fisheries Section
Fish and Wildlife Branch
Ontario Ministry of Natural Resources**

August 2005

Regulatory Guidelines for Bait and Gear Regulations

This report provides recommendations for bait and gear restrictions in order to consolidate existing regulations and to make new regulations easier to understand and simpler to enforce. The goal of this document is to simplify the regulations by standardizing the number of different bait and gear exceptions as well as rationalize why a bait or gear exception is necessary.

Introduction

Angling is defined in the Ontario Fishery Regulations as “fishing with a line to which one or more hooks are attached and that is held in the hand or is attached to a rod that is held in the hand or closely attended.” No more than four hooks may be attached to the end of a line while angling. An angler is restricted to the use of only one line while fishing during the open water season. Two lines are allowed while fishing from a boat on the open waters of the Great Lakes (Note: There are exceptions in some designated areas). The provincial standard allows the use of two closely attended lines while ice fishing.

It is illegal to take fish by means of a spring gaff, snagger, spear gun, or snare but there are other non-angling means to take fish (MNR 2005). For example, spears are a legitimate means of taking some species of fish at specified times of the day or year at designated locations. Holders of a sport fishing licence may also use a bow (see Glossary for definition) to harvest carp and white suckers in certain areas (expected January 1, 2007).

In terms of bait, the use of live baitfish or other organic baits are allowed. Baitfish are defined as “members of the minnow family (except carp, goldfish, cutlip minnow, redbreast dace, and gravel chub), mudminnows, suckers, sticklebacks, darters (except eastern sand darter), trout-perch, sculpins, lake herring and crayfish.” Species not included in this definition are illegal for use as bait. Other legal organic baits currently include earthworms, fish parts, frogs, roe, and leeches. It is illegal to have in your possession more than 120 leeches or baitfish if caught under the authority of a sport fishing licence. Anglers are restricted to 12 northern leopard frogs (*Rana pipiens*) and one of any other frog species that is not a protected amphibian. The use of crayfish and frogs as bait is currently under provincial review. Salamanders are not allowed to be used for bait. There are no restrictions on the use of earthworms or insects as live bait.

There are presently 392 waters having bait and gear exceptions in the Ontario Fishery Regulations (Table 1). Some of the more common gear restrictions are the designation of waters where only artificial lures or artificial flies may be used. There are also many instances where only one line is permitted for ice fishing. The use of barbless hooks is another common gear restriction.

There are many waters where the use or possession of live fish as bait is prohibited. In other waters the use of live fish, dead fish or fish parts is prohibited. There are numerous examples where the intent is to ban the use of live baitfish but the wording in the regulations is inconsistent.

Rationale for Gear and Bait Restrictions

Any restriction on the use of different bait or gear types must be thoroughly rationalized. Basically, there are four reasons to consider either bait and/or gear restrictions:

1. Prevent the unintentional introduction or spread of exotic and non-native species – Restrictions on the use of live bait are usually intended to prevent the introduction of undesirable species into new waters. Some common examples in Ontario have been the introduction of yellow perch into brook trout lakes and the introduction of rock bass into lake trout lakes. More recently, there has been more concern about introductions of invasive exotic or non-native species and fellow travelers from bait buckets.

2. Facilitate effective catch-and-release – More anglers are practicing catch-and-release on a voluntary basis and many regulations require that anglers release some of their catch (e.g., size limit regulations). There is some evidence that fish caught using live or organic baits are more likely to be deep hooked than those caught on artificial lures (Casselman 2005). Similarly, the use of barbless hooks has been shown to reduce the stress of unhooking an angled fish (Cooke et al. 2001).

3. Create a specialty fishery – Gear restrictions are most commonly used to provide unique fisheries on some waters or portions thereof. Examples include a specified portion of a stream which is designated for “fly fishing only” or a waterbody which is restricted to the use of “artificial lures only”. These types of regulations must be carefully evaluated in terms of demand for these types of opportunities as they restrict other types of angling opportunities.

4. Reducing Harvest – Bait and gear restrictions make angling more challenging thereby reducing the harvest while maintaining or improving fishing opportunities.

Recommendations for Gear and Bait Restrictions

The following recommendations are offered for gear and bait restrictions which are exceptions to the provincial standard in the province of Ontario:

(1) There should be no restrictions on the use of earthworms except in waters designated for fly-fishing, for artificial lures-only, or where organic bait is prohibited.

(2) The use of frogs as bait should be reviewed on a provincial basis.

(3) The use of live or dead baitfish throughout Ontario is restricted to legally defined baitfish (Table 2).

(4) Exceptions for the use of fish as bait should be standardized to one of the following:

“Live fish should not be used as bait or possessed for use as bait”

“The use or possession of fish (including fish parts), whether alive or dead, as bait is prohibited.” (Note: This would include crayfish by definition)

“The use or possession of live or dead fish, exceeding 13 centimeters (5.1 inches) in length, as bait is prohibited.

(5) The provincial standard regarding the number of lines which may be used by an angler is one (1) during the open water season and two (2) during the ice fishery. Exceptions for the number of fishing lines should be standardized to one of the following:

“Only one line may be used when angling through the ice”

“ Two lines may be used while angling in open water from a boat”

“Two lines may be used while trolling from a boat in open water”

Note: Current exceptions to the 2 line regulation on designated portions of the Great Lakes will be retained.

(6) As a provincial standard, the maximum number of hooks attached to the end of a fishing line should be four (4) regardless of whether they are single, double, or treble hooks. Exceptions for terminal tackle should be standardized to one of the following:

“Only artificial lures with single pointed barbless hooks (no organic bait) may be used while angling”

“ Only single pointed barbless hooks may be used while angling”

“Only artificial flies may be used while angling”

(7) Amend the Ontario Fisheries Regulations to modify the definition of an artificial fly to include wet flies, dry flies, and streamer flies.

(8) The use and regulation of roe as bait should be reviewed.

(9) Waters designated for angling with “artificial lures only” should be reviewed to ensure that regulations are achieving management objectives.

Existing bait and gear exceptions should be reviewed in terms of meeting the objectives of the ecological framework and for reducing the number of exception regulations.

References

Casselman, S. J. 2005. Catch and release angling: A review with guidelines for proper fish handling practices. Fisheries Section, Fish and Wildlife Branch. Ontario Ministry of Natural Resources. Peterborough, Ontario. 24 p.

Cooke, S. J., D. P. Philipp, K. M. Dunmall, and J. F. Schreer. 2001. The influence of terminal tackle on injury, handling time and cardiac disturbance of rock bass. *North American Journal of Fisheries Management* 21 : 333-342.

Ontario Ministry of Natural Resources. 2005. Regulatory guidelines for non-angling methods of capturing fish in Ontario. Fisheries Section, Fish and Wildlife Branch. Peterborough, Ontario. 11 p.