



Regulatory Guidelines for Bait and Gear Restrictions

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

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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 is generally 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 include 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, and thereby less likely to survive on release, 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 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 shall 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”

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 one barbless hook (no organic bait) may be used while angling”

“ Only one barbless hook (single, double or treble) may be used while angling”

“Only artificial lures (no organic bait) 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. Bait and gear restrictions in different fisheries management zones may vary based on fisheries management objectives.

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.

Kerr, S. J. 2005. Literature review of salmonid hooking mortality based on gear type. Fish and Wildlife Branch. Ontario Ministry of Natural Resources. Peterborough, Ontario. 4 p.

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.

Table 1. A summary of current (2005) bait and gear restrictions in the Ontario Fishery Regulations with recommendations for standardization.

Current Gear or Bait Restriction	# Occurrences	Recommended Restriction
(a) Gear		
A person who is angling from a boat may use two (2) lines in the open waters.	1	Two lines may be used while angling in open water from a boat.
A person who is angling from a boat may use two (2) lines while trolling.	2	Two lines may be used while angling in open water from a boat.
A person who is angling from a boat may use two (2) lines in the waters of Lake Erie except Rondeau Bay and the Inner Bay of Long Point Bay.	2	Two lines may be used while angling in open water from a boat.
No person shall engage in angling through the ice with more than five lines at any time	1	Rescind this exception.
No person shall engage in angling with a line to which any hook other than a barbless hook is attached; or for lake trout with a line to which more than one barbless hook is attached between Jan. 1 to Dec. 31	3	Only single barbless hooks may be used while angling.
No person shall possess for the purpose of fishing any hook other than a single-pointed barbless hook or engage in angling with a line to which more than one single-pointed barbless hook is attached.	1	Only single barbless hooks may be used while angling.
Only a single-pointed barbless hook may be used.	1	Only single barbless hooks may be used while angling.
Only artificial flies can be used as bait.	2	Only artificial flies may be used while angling.
Only artificial lures can be used as bait.	30	Only artificial lures with one barbless hook (no organic bait) may be used while angling.
Only artificial lures when angling through the ice.	1	Only artificial lures with one barbless hook (no organic bait) may be used while angling.
Only one barbless hook can be used between Jan 1 to Dec 31.	8	Only single barbless hooks may be used while angling.
Only one barbless hook can be used between Jan. 1 and Dec 31.	16	Only single barbless hooks may be used while angling.
Only one barbless hook can be used between Jan. 1 to the Friday preceding the third Saturday in May.	21	Only single barbless hooks may be used while angling
Only one line may be used when angling through the ice.	92	No person, while angling through the ice, shall use more than one line.

Current Gear or Bait Restriction	# Occurrences	Recommended Restriction
(b) Bait		
Artificial lures must be used. No bait allowed.	1	Only artificial lures (no organic bait) may be used while angling.
Live fish may not be used as bait or possessed for use as bait.	175	The use or possession of fish (including fish parts), whether alive or dead, as bait is prohibited.
No person may use or possess any live fish as bait.	1	The use or possession of fish (including fish parts), whether alive or dead, as bait is prohibited.
No live organic bait allowed	1	Only artificial lures (no organic bait) may be used while angling.
No person shall possess or use for bait any live fish except for Lake Herring, Crayfish, Darter, Minnow, Mudminnow, Sculpin, Stickleback, Sucker, Trout-perch.	3	The use or possession of fish (including fish parts), whether alive or dead, as bait is prohibited.
No person shall use as bait or possess for use as bait any member of the genus Coregonus, including lake herring (cisco), any member of the genus Catostomus (suckers) or any member of the family Osmeridae (smelts)	1	The use or possession of large bodied bait, including lake herring, smelt, suckers, lake whitefish and alewife, is prohibited.
No person shall use or possess live bait-fish or dead lake herring.	1	The use or possession of fish (including fish parts), whether alive or dead, as bait is prohibited.
No person shall use smelt as bait, or possess smelt for use as bait.	6	The use or possession of fish (including fish parts), whether alive or dead, as bait is prohibited.
No use of dead alewife or dead gizzard shad as bait.	3	The use or possession of large bodied bait, including lake herring, smelt, suckers, lake whitefish and alewife, is prohibited.
No use of fish or fish parts as bait from January 1 to the Friday preceding the third Saturday in May.	1	The use or possession of fish (including fish parts), whether alive or dead, as bait is prohibited.
The use of dead lake herring as bait is not permitted	3	The use or possession of large bodied bait, including lake herring, smelt, suckers, lake whitefish and alewife, is prohibited.
You may not use dead fish or fish parts for bait.	3	The use or possession of fish (including fish parts), whether alive or dead, as bait is prohibited.
You may not use fish or fish parts for bait from January 1 - Friday before 3rd Saturday in May.	18	The use or possession of fish (including fish parts), whether alive or dead, as bait is prohibited.
No person may use as bait or possess for use as bait any sucker, smelt or whitefish, including lake herring (cisco).	1	The use or possession of large bodied bait, including lake herring, smelt, suckers, lake whitefish and alewife, is prohibited.

Table 2. Proposed list of fish species which may be legally defined as bait in Ontario.

Common Name	Scientific Name
Lake herring	<i>Coregonus artedii</i>
Darters	
Rainbow darter	<i>Etheostoma caeruleum</i>
Iowa darter	<i>Etheostoma exile</i>
Fantail darter	<i>Etheostoma flabellare</i>
Least darter	<i>Etheostoma microperca</i>
Johnny darter	<i>Etheostoma nigrum</i>
Blackside darter	<i>Percina maculata</i>
River darter	<i>Percina shumardi</i>
Tessellated darter	<i>Etheostoma olmstedi</i>
Minnnows	
Northern redbelly dace	<i>Phoxinus eos</i>
Finescale dace	<i>Phoxinus neogaeus</i>
Lake chub	<i>Couesius plumbeus</i>
Brassy minnow	<i>Hybognathus hankinsoni</i>
Eastern silvery minnow	<i>Hybognathus regius</i>
Hornyhead chub	<i>Nocomis biguttatus</i>
River chub	<i>Nocomis micropogon</i>
Golden shiner	<i>Notemigonus crysoleucas</i>
Emerald shiner	<i>Notropis atherinoides</i>
Common shiner	<i>Luxilus cornutus</i>
Blackshin shiner	<i>Notropis heterodon</i>
Blacknose shiner	<i>Notropis heterolepis</i>
Spottail shiner	<i>Notropis hudsonius</i>
Rosyface shiner	<i>Notropis rubellus</i>
Spotfin shiner	<i>Cyprinella spiloptera</i>
Sand shiner	<i>Notropis stramineus</i>
Redfin shiner	<i>Lythrurus umbratilis</i>
Mimic shiner	<i>Notropis volucellus</i>
Bluntnose minnow	<i>Pimephales notatus</i>
Fathead minnow	<i>Pimephales promelas</i>
Eastern blacknose dace	<i>Rhinichthys atratulus</i>
Longnose dace	<i>Rhinichthys cataractae</i>
Creek chub	<i>Semotilus atromaculatus</i>
Fallfish	<i>Semotilus corporalis</i>
Pearl dace	<i>Margariscus margarita</i>
Central stoneroller	<i>Campostoma anomalum</i>
Striped shiner	<i>Luxilus chrysocephalus</i>
Ghost shiner	<i>Notropis buchmanani</i>
Central mudminnow	<i>Umbra limi</i>
Sculpins	
Mottled sculpin	<i>Cottus bairdii</i>
Slimy sculpin	<i>Cottus cognatus</i>
Sticklebacks	
Brook stickleback	<i>Culaea inconstans</i>
Threespine stickleback	<i>Gasterosteus aculeatus</i>
Ninespine stickleback	<i>Pungitius pungitius</i>
Fourspine stickleback	<i>Apeltes quadracus</i>
Logperch	<i>Percina caprodes</i>
Suckers	
White sucker	<i>Catostomus commersoni</i>
Trout-Perch	<i>Percopsis omiscomaycus</i>

Glossary

Angling – 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.

Artificial fly – A hook dressed with silk, tinsel, wool, fur, feathers or other similar material. This includes wet flies, dry flies and streamer flies but does not include jigs.

Artificial lure – A device, comprised of wood, plastic, metal, feathers or any other inert material but no organic component, designed to catch fish.

Baitfish – Small fish often eaten by predators which include members of the minnow family (except carp, goldfish, cutlip minnow, redbreast dace, lake chubsucker and gravel chub), mudminnows, white sucker, sticklebacks, darters (except eastern sand darter), trout perch, sculpins, lake herring and crayfish (see Table 2).

Barbless Hook – A hook that was manufactured without a barb or has had its barb either completely removed or compressed so that it is completely in contact with the shaft of the hook.

Bow – Includes all types of archery equipment such as a longbow/compound bow and arrow as well as a crossbow and bolt.

Chumming – The act of adding feeding stimulants in the water in the area being angled with the goal of attracting fish. Attractants can include groundbaits, boilies, dead fish or fish parts, roe, pet food or plant seeds. Chum materials are considered organic bait.

Fellow Travelers – Organisms, such as zebra mussel veligers or spiny water fleas, which may be transferred in baitfish holding water.

Hook – Any curved or bent device attached to a line for the purpose of taking fish and consisting of not more than one eye and one shank. A hook may have single, double or triple pointed barbs.

Organic bait – Natural bait comprised of live or dead organisms (animals or plants), derivatives, or parts thereof. This can include minnows, leeches, frogs, insects, worms, fish eggs, cut bait, corn, macaroni, pet food, cheese or similar substances. Fly materials, such as deer hair, or rubber baits impregnated with artificial scents are not considered organic bait.

Snagger – An instrument that is (a) made of a rigid or semi-rigid material with one or more hooks attached in such a manner that each is immovable and inflexible and (b) designed for the purpose of hooking or piercing a fish in any part of the body other than the mouth.

Spear gun – Includes any device, other than a crossbow or long bow, that is capable of propelling a spear.

Spring gaff – A spring-operated device for impaling a fish. This includes spring loaded hooking devices.