



Regulatory Guidelines for Non-Angling Methods of Capturing Fish in Ontario

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This report recommends changes to the regulations regarding non-angling methods of capturing fish in Ontario to modernize the regulations and make them simpler, easier to understand and enforce.

The recommendations are intended to streamline areas, species and seasons for using these methods of fishing and to expand fishing opportunities where appropriate. Changes to the use of some gear and species are recommended.

Introduction

Anglers with a resident fishing licence may fish using angling gear, one dip-net, one seine, bow and arrow or spear, subject to various restrictions as to species, seasons, location and gear sizes. Licence holders may also obtain a permit for dip-netting pink salmon, whitefish and herring in specified areas of the province.¹

Non-resident anglers may fish with a single dip-net or seine net for smelt and a bow and arrow for carp, suckers and coarse fish, also subject to certain conditions. Coarse fish include: gar family, bowfin, catfish family, burbot, eel and freshwater drum or sheepshead.

All fishing by means other than angling must be done after sunrise and before sunset, unless specifically stated otherwise.

The use of these types of gear has traditionally been restricted to the spring and early summer. At these times, coarse fish and the other listed species are spawning in shallow water, making them vulnerable to gear where the visible sighting of the fish is important (e.g., bow and arrow) for success. While the use of some types of gear, such as spears, has been restricted for several years, the spread of smelt and carp across Ontario has led to more anglers using dip-nets, seines and bow and arrows over larger areas. As these fish spread to new waters, regulations setting seasons and locations proliferated without rationalizing the need for the new regulations and there was little consistency between areas.

Appendix 1 lists the regulations as they appear in the 2004 Recreational Fishing Regulations Summary. The seasons for the different species are variable and the locations where these activities are allowed vary from division wide

¹ A review of the use of dip-nets for lake whitefish and herring is being done in conjunction with the lake whitefish toolkit.

application to parts of individual lakes or rivers. The location regulations are further complicated by many exceptions making it very difficult for anglers and MNR staff to interpret the regulations.

Fish Species:

Some of the species listed are underutilized in some areas (smelt, carp, white sucker) and non-angling methods make it easier for anglers to capture these species. Since the method of capture for some gear (bow and arrow and spear) requires visible sighting of the fish, the likelihood of non-target species being taken is minimal. Since the other non-angling methods (dip-nets and seines) capture fish live, non-target species can be easily released.

Conversely, several species currently included in the definition of coarse fish are not abundant (e.g., gars) and some are considered vulnerable threatened or endangered (e.g., black redhorse, greater redhorse and the river redhorse) and may be soon protected under federal Species at Risk legislation. In April 2004, the Ministry announced that it is closing both the sport and commercial fisheries for eels in Ontario due to a serious conservation threat. These species should be removed from the list of species for non-angling methods of capturing fish.

Species Recommendation:

Commencing, January 1, 2007, non-angling methods of fishing will be restricted to smelt, carp and white sucker.

Seasons:

Open seasons by species and gear type are listed in Table 1. Due to the complex nature of the location descriptions, they are not listed in the table, but can be referred to in Appendix 1.

Table 1. Open seasons for coarse fish and other species using non-angling methods of capturing fish (OMNR 2004a).

Species	Method of capture	Open season*
Northern pike	Bow and arrow/dip-net/spear	March and April
	Bow and arrow/dip-net/spear	January, February, March and April
Smelt	Dip-net/seine	March, April and May (day or night)
Carp, sucker and coarse fish	Dip-net	March, April and May
	Bow and arrow	May 1 – July 15

Species	Method of capture	Open season*
	Spear	April and May
	Spear	March and April
Carp and sucker	Bow and arrow	May, June and July
Sucker and coarse fish	Bow and arrow	March and April
Sucker	Bow and arrow	April and May
Carp	Bow and arrow	May 1 – June 15
	Bow and arrow	May, June and July
	Bow and arrow	March 1 – June 15
	Bow and arrow	May 1 – August 15
	Bow and arrow	May 10 (Saturday after 2 nd Friday) to July 31
	Bow and arrow	June and July

* There are numerous exceptions within Divisions so Division wide regulations are difficult to present in the above table format. See Appendix 1 for location details.

Table 1 lists a variety of combinations of species, gear types and seasons. Combined with the list of waters where these methods of fishing can take place (Appendix 1), it is very difficult to rationalize and interpret the current regulations. To streamline the fishing regulations, making them easier for anglers to understand and expand opportunities for these species, new seasons are recommended for all waters of Ontario (Table 2).

All non-angling methods of taking fish will apply to resident and non-resident anglers under the authority of a valid fishing licence.

Note that Ontario is adopting new Fisheries Management Zones (FMZs) to replace the existing Fishing Divisions. Since these are scheduled to come into effect on January 1, 2007, the recommendations contained in this report will reflect the new FMZ's.

Table 2. Recommended species, gear types, FMZs and seasons for non-angling methods of fishing.

Species and Gear Type	FMZ	Season	Exceptions
Smelt Dip-net and seine (day or night)	All FMZs with smelt (4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20)	March 1 – May 31	Algonquin Park
	All FMZs without smelt (1,2,3)	No open season.	
	FMZ 17	Second Saturday in May – May 31	
	FMZ 15	No open season	
Carp Bow and arrow (includes all long-bows and cross-bows), spear and dip-net (during daylight hours only).	All FMZs with carp (5, 6, 9, 10, 12, 13, 14, 15, 16, 18, 19, 20)	May 1 – July 31	Algonquin Park
	All FMZs without carp (1,2,3,4,7,8,11)	No open season	
	FMZ 17	Second Saturday in May – July 31	
	FMZ 15	No open season	
White sucker Bow and arrow (includes all long-bows and cross-bows), spear and dip-net (during daylight hours only)	All FMZs with white suckers(all except FMZ 17)	March 1 – May 31	Algonquin Park
	FMZ 17	Second Saturday in May – May 31	
	FMZ 15	No open season	

The above recommendations provide standard seasons over large areas. This will expand opportunities for these fish in many areas, and create additional opportunities in areas that have been closed to non-angling methods previously. Where exceptions to the above can be rationalized, they can be listed in the fishing regulations summary.

Northern Pike

Northern Pike are a valuable game fish in Ontario. In terms of numbers caught, they were ranked fourth in the province and were the second most preferred species by resident and non-resident anglers in 2000 (OMNR 2003b). The use of non-angling methods of taking northern pike is still allowed in some waters in southwestern Ontario. Spearing normally occurs in shallow flooded areas where northern pike are vulnerable during spawning. In most other areas of the province, northern pike are protected during the spawning period. MNR has received input from the public in the local area that this practice should be prohibited.

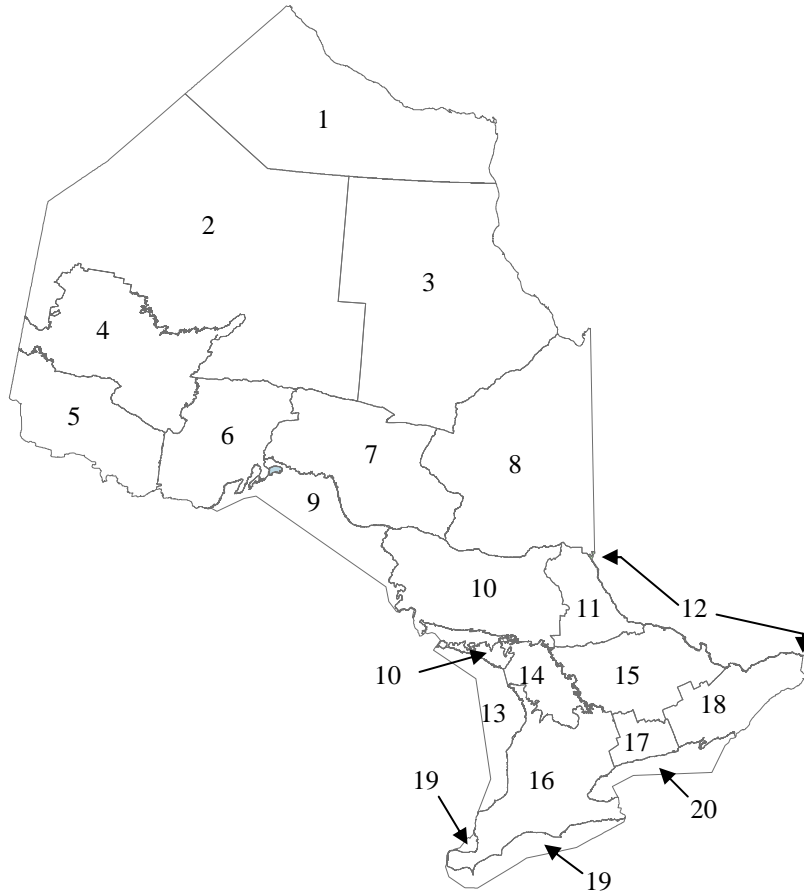
Recommendation for northern pike:

Based on the importance of northern pike to the public as a game fish, the use of all non-angling methods for taking northern pike will be prohibited on January 1, 2007.

Literature cited

- Ontario Ministry of Natural Resources. 2003a. 2003 Recreational Fishing Regulations Summary. Queen's Printer for Ontario. 96 p.
- Ontario Ministry of Natural Resources. 2003b. 2000 Survey of Recreational Fishing in Ontario: A Descriptive Analysis. Queen's Printer for Ontario. 238 p.

Appendix I New Fisheries Management Zones for Ontario's Sport Fisheries



Appendix 1: Non-Angling Methods of Capturing Fish

Anyone with a valid Resident Fishing Licence may fish using angling gear, one dip-net, one seine, bow and arrow or spear. Opportunities and restrictions on non-angling activities are outlined in the following tables. Licence holders may also obtain, without charge from MNR offices, the permit required to dip-net for pink salmon, whitefish and herring in specified areas of the province.

Persons with a valid Non-Resident Fishing Licence may fish with a single dip-net or seine net for smelt, and a bow and arrow for carp, sucker and coarse fish under the conditions outlined below.

Coarse fish includes: gar family, bowfin, catfish family, burbot, eel, freshwater drum or sheepshead.

Before fishing, check the Map Specific Regulations for the area and waterbody you will be fishing in for any exceptions or additional restrictions.

Unless the regulations specifically state otherwise, all fishing by means other than angling must be done after sunrise and before sunset (during daylight hours).

Species	Method of Capture	Open Season	Waters
Northern Pike	- bow and arrow - dip-net - spear	March & April	Waters of Div. 1, Div. 2 excluding the waters of Lake Erie fronting Norfolk and Haldimand Counties, and Div. 3 excluding waters in the County of Essex and the waters in Note 1 (see page 12) and excluding those parts of the Thames, Sydenham & Ausable Rivers in Div. 3.
	- bow and arrow - dip-net - spear	January, February, March & April	Waters in the County of Essex (Div. 3).

Species	Method of Capture	Open Season	Waters
Smelt	- dip-net - seine	March, April & May (day or night)	All waters except the following: Divisions 4, 6, 13, 22, 22A, 24, 30, and 31; those parts of the Thames, Sydenham & Ausable Rivers in Div. 3; the waters in Note 1 (see page 12) (Div. 3); those parts of the Thames and Ausable Rivers in Div. 4; waters in that part of the Regional Municipality of Durham in Div. 6; and all the streams and rivers in the Counties of Bruce and Grey (excluding waters in Div. 4 listed under “Additional Fishing Opportunities (page 18) for Rainbow and Brown trout”); the Trent River and the part of Peterborough County in Division 7; the water of the Rideau River between Hog’s Back Dam and the Ottawa River in the City of Ottawa (formerly the Regional Municipality of Ottawa-Carleton).
Carp, Sucker & Coarse Fish	- dip-net	March, April & May	All waters except Divisions 6, 13, and waters in Notes 1 & 2 (see page 12) of Divisions 3, 4 and 9.
Carp, Sucker & Coarse Fish <i>cont.</i>	- bow and arrow	May 1 – July 15	Walkhouse Bay of Lake Huron (Robinson Twp.) and waters in Division 17.
	- spear	April & May	All waters except the following: the waters of Lake Erie fronting Norfolk and Haldimand Counties (Div. 2), the waters of Lake Huron fronting the Counties of Lambton, Bruce and Huron (Div. 35), Divisions 3, 5, 6 and 13, waters in the Counties of Bruce, Dufferin, Grey & Simcoe (Div. 4), waters in the City of Toronto, in the Regional Municipalities of Peel and York, waters in Morrison Twp. (Div. 15), the Rideau River between Hog’s Back Dam and the Ottawa River (Div. 9) and the waters of Georgian Bay fronting the Counties of Bruce & Grey (Div. 16).
	- spear	March & April	Div. 3 except waters in Note 1 (see page 12) and excluding those parts of the Thames, Sydenham and Ausable Rivers in Div. 3.
Carp & Sucker	- bow and arrow	May, June & July	Waters in Division 8; the St. Lawrence River, including Lake St. Francis (Divs. 11 and 12A); and the Ottawa River downstream from the Chaudière bridge fronting the City of Ottawa (formerly the Regional Municipality of Ottawa-Carleton) and the United Counties of Prescott & Russell (Div. 12).

Species	Method of Capture	Open Season	Waters
Sucker & Coarse fish	- bow and arrow	March & April	Waters of Div. 1, Div. 2 excluding the waters of Lake Erie fronting the Norfolk and Haldimand Counties, Div. 3 excluding the waters in Note 1 (see page 12) and, the waters of that part of Div. 4 in the Counties of Brant, Oxford, Perth, and Wellington and the Regional Municipalities of Halton, Hamilton-Wentworth, and Waterloo and Div. 35, excluding Walkhouse Bay of Lake Huron (Robinson Twp.).
Sucker	- bow and arrow	April & May	Division 19.
Carp	- bow and arrow	May 1 – June 15	Divisions 1 and 2 except the following: the waters of Lake Erie fronting Norfolk and Haldimand Counties; the waters of Lake Ontario (Div. 8) fronting Haldimand and Hamilton Townships and the Municipality of Clarington, the City of Oshawa and the Town of Whitby and the waters of Walkhouse Bay of Lake Huron in Robinson Twp. (Div. 35). The County of Simcoe and the Holland River in the Regional Municipality of York (Div. 4); Division 5 except the Beaver River (also known as Beaverton River) and tributaries (Brock Twp.).
Carp <i>cont</i>	- bow and arrow	May, June and July	Waters of Lake Ontario (Div. 8) fronting Haldimand and Hamilton Townships and the Municipality of Clarington, the City of Oshawa and the Town of Whitby.
	- bow and arrow	March 1 – June 15	Water in the Counties of Brant, Oxford, Perth & Wellington and in the Regional Municipalities of Halton, Hamilton-Wentworth & Waterloo (Div. 4); Div. 3 except for waters in Note 1 (see page 12).
	- bow and arrow	May 1 – August 15	Waters in the County of Huron (Div. 4).
	- bow and arrow	May 10 (Sat. after 2nd Fri.) to July 31	Division 6.

Species	Method of Capture	Open Season	Waters
	- bow and arrow	June & July	Rideau River between the dam at Burritts Rapids and Lock 17 and the dam in the West Branch Rideau River at Long Island and Lock 16, including Kemptville Creek to County Road 43; waters in the Counties of Stormont, Dundas, Glengarry, Prescott and Russell (Div. 9).
Pink Salmon, Whitefish & Herring	- dip-net	contact local MNR Office for details	All divisions.

Restrictions on Equipment *(page numbers refer to pages in the fishing summary, not this report)
(see page 8 for bait specific restrictions)

DIP-NETS may be no more than 183 cm, (6 ft.) on each side if square, or 183 cm (6ft.) across if circular.

SEINES may be no more than 10 m (32.8 ft.) long and 2 m (6.5 ft.) wide.

SPEAR – Fishing with a spear, or having a spear within 30 m (100 ft.) of the edge of a body of water, is illegal except in the circumstances noted above.

Note 1: The following waters are exceptions as noted in the table:

- waters in the Township of Delhi or the former Townships of Charlotteville and Windham;
- waters in the Township of Norfolk or the former Townships of Middleton, Houghton, North Walsingham & north of Concession 3 in the former township of South Walsingham (Div. 3);
- Young’s Creek in the City of Nanticoke or the former Township of Woodhouse in Norfolk and Haldimand Counties (Div. 3);
- Grand River and tributaries downstream of Onadaga and Tuscarora Twps. (Div. 3);
- Grand River and tributaries downstream of the Onadaga and Tuscarora Twps. line to Lake Erie.

Note 2: The following waters are exceptions as noted in the table:

- the part of Division 6 within the Regional Municipality of Durham and all the streams and rivers in the Counties of Bruce and Grey (excluding waters in Division 4 listed under “Additional Fishing Opportunities” on page 18 and 19);
- the Rideau River between Hog’s Back Dam and the Ottawa River;
- the Thames, Sydenham and Ausable rivers.