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## *New Regulations to Address the Threat of Aquatic Invasive Species*

### **NOVA SCOTIA Fisheries and Aquaculture**

## **Live Fish Possession Regulations**

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### **Background**

The Government of Nova Scotia has implemented new regulations to address the illegal introduction (live possession and transport) of fish species into provincial waters. These new regulations developed under the Fisheries and Coastal Resources Act prohibit the unlawful possession of live fish and will help to address a long standing and serious threat to native species in Nova Scotia.

### **Key Facts**

- The situation in the Maritime Provinces is serious and the extent of the problem is well documented. Native fish species have been negatively impacted, particularly speckled trout our Provincial sport fish, and there are implications for two endangered species (Atlantic Whitefish and Inner Bay of Fundy Atlantic Salmon).
- The two most serious threats, smallmouth bass and chain pickerel, are now widespread throughout Nova Scotia as a result of illegal introductions.
- Unauthorized introductions of other aquatic invasive species, or continued spread of already established species, pose a significant risk to native fish communities.
- Illegal introductions continue despite extensive education and outreach programs focused on the negative impacts.

Existing regulations are not achieving their intended objectives. The Federal Fishery (General) Regulations prohibit the release of live fish into any fish habitat. These regulations are designed to conserve and protect fish populations by ensuring that releases or transfers of live fish are in keeping with proper fisheries management and control objectives, to protect fish from diseases, disease agents and from adverse genetic affects. However, since the inception of these regulations there has not been a single conviction for the illegal release of live fish into fish habitat. Additionally there have not been charges under the Nova Scotia Wildlife Act. This is the case despite widespread illegal releases of non-native fish species. Although the regulations prevent the release of live fish into fish habitat without a licence, enforcement is difficult. Illegal releases are clandestine in nature and unless the activity is observed, or someone comes forward and is willing to testify, (which has not been the case to date) it is virtually impossible to lay charges. Unauthorized possession of live fish (eg. chain pickerel, smallmouth bass or other species) provides an opportunity for harmful species to get into an introduction pathway and poses a very real and serious threat.

- The chances of apprehending an individual under the new prohibition on the possession of live fish is greater than observing the person carry out an actual release that only takes seconds.
- Amendments to the Fisheries and Coastal Resources Act and regulations that prohibit the possession of live fish have been lobbied for, and well received by, the angling community.
- There have been extensive consultations and a call from Endangered Species Recovery Teams, anglers and other stakeholders for action.
- Conservation officers consider regulations under this authority an important tool that can have a legitimate impact on illegal introductions in Nova Scotia.
- There are negligible negative impacts to developing regulations that address this illegal activity.
- Only those individuals carrying out an already illegal activity will be impacted.
- Legitimate practices will not be impacted.

### **Frequently Asked Questions**

**Q. What are the specific amendments to the Fisheries and Coastal Resources Act?**

A. Amendments were made under Section 81 of the Fisheries and Coastal Resources Act which granted the Minister authority to develop regulations respecting the possession of live fish.

**Q. What do the regulations look like and are there exemptions?**

A. Regulations include a general prohibition on the possession of live fish. There are several exceptions to ensure that legitimate practices are not impacted (ex: live release tournaments, stocking, use of some species as live bait, transport from pet stores to residences, educational programs, etc.). A copy of the regulations and list of exemptions can be viewed at [www.gov.ns.ca/fish/sportfishing/ais](http://www.gov.ns.ca/fish/sportfishing/ais)

**Q. What is the intention of the regulations?**

A. The intent of the regulations is to protect native fish species in Nova Scotia by providing a legislative, enforceable tool which prohibits the unlawful introduction of fish into fish habitat where previous regulations have been ineffective.

**Q. What is an aquatic invasive species?**

A: Fish, animal and plant species that have been introduced into a new aquatic ecosystem and are having harmful consequences for the natural resources in the ecosystem and/or the human use of the resource. (i.e harm to the economy, environment, human health, recreation or public welfare). This includes all

organisms (finfish, mollusks, crustaceans, echinoderms and other invertebrates and their life stages) defined as "Fish" in the Federal Fisheries Act, as well as marine and freshwater plants.

Freshwater examples: smallmouth bass, chain pickerel, goldfish, koi, crayfish and yellow floating heart (plant).

Marine examples: various tunicate species, green crab and oyster thief (plant).

**Q. What is the extent of the problem in Nova Scotia?**

A. Nova Scotia has a long history of introductions of fish species, however, despite stewardship, education and awareness efforts the problem continues. Smallmouth bass and / or chain pickerel have been documented in at least 50% of the 46 major watersheds in the province. Both species have had extensive negative impacts on native species.

**Q. How and why are aquatic invasive species being spread?**

A. Seven pathways have been identified, nationally, as primary sources for the introduction and spread of aquatic invasive species: shipping, recreational and commercial boating, the use of live bait, the aquarium/water garden trade, live food fish, unauthorized introductions and transfers, and canals and water diversions. Freshwater introductions in Nova Scotia fall into four of these categories: (1) unauthorized introductions and transfers, (2) the use of live bait, (3) the aquarium/water garden trade and (4) water diversions.

**Q. What are some of the strategies available to deal with aquatic invasive species?**

A. The *Canadian Action Plan to Address the Threat of Aquatic Invasive Species* <http://www.dfo-mpo.gc.ca/science/enviro/ais-eae/index-eng.htm> is a plan agreed to by the Canadian Council of Fisheries and Aquaculture Ministers (Aquatic Invasive Species Task Group) and which Nova Scotia played a key role in developing. The plan identifies four categories of actions that are thought to most effectively address this issue. They include: (1) legislation, regulation and compliance, (2) risk assessment, early detection and rapid response, (3) engaging people in stewardship, outreach and education and, (4) scientific monitoring, research and risk analysis.

**Q. Why is this enacting legislation so important?**

A. Regulations that limit the possession of live fish in freshwater will allow potential introductions to be stopped before they occur. Once a new species is introduced and becomes established it is extremely difficult to control or remove.

**Q. Will these affect the way I fish for other species (i.e. trout or perch angling)?**

A. The prohibition on the possession of live fish applies to all species unless specified in the exemptions listed in the regulations. Practices such as keeping "live" fish on stringers, in coolers, buckets or live wells are now prohibited. Anglers are now required to release fish they do not intend to keep as quickly as possible with the least amount of harm. If you intend to retain a fish it must be killed immediately and

not stored live.

**Q. Can I still take photo before I release the fish (i.e. fish registry)?**

A. Yes. You may still take photos of your catch; however you are expected to release the fish following the photo opportunity as quickly as possible with the least amount of harm.

**Q. Can I revive an exhausted fish before releasing it?**

A. Yes. You may attempt to revive an exhausted fish prior to releasing it.

**Q. Can I still angle with live bait?**

A. Yes. You may still possess live bait for the purposes of angling provided you follow the current regulations pertaining to the use of bait. Please note: It is illegal to use certain species as bait or to possess them for bait (whether alive or dead). These include smallmouth bass, chain pickerel, brown bullhead, white perch, yellow perch, goldfish or any fish not taken from provincial waters.

**Q. What is the difference between illegal introductions and government stocking?**

A. Our government stocking programs continue to be one of our most visible and popular activities and support important recreational fisheries throughout Nova Scotia. We stock both trout and Atlantic salmon in selected lakes, rivers and streams across the Province under authorization from Federal Fisheries and Oceans, and following consultations with anglers and other stakeholders. All stocking activities are sanctioned by an Introductions and Transfers Committee which ensures that our programs benefit the resource, anglers and the Province. We are extremely proud of the contribution our hatchery programs make to the sport fishery of Nova Scotia. Illegal introductions threaten native fish communities and negatively impact trout populations that our stocking programs work to improve. These activities differ drastically from government stocking in that they are unauthorized, harmful activities, generally using aquatic invasive species such as smallmouth bass and chain pickerel and can have devastating and permanent effects on our natural ecosystems. The regulations on the possession of live fish will help us address this serious problem.