

Fisheries Branch Program Directive	Program: Bait Fishing Strategy Type: Mgmt./Admin. (Management, Administrative)
Subject: Bait Fishing Revision Date: 2007 / 06 / 25	Date Approved: June 27, 2007  <hr/> Director, Fisheries Branch

INTRODUCTION

The following is a summary of commercial bait licensing administrative procedures in Manitoba. Clarification on regulations for collecting, selling, and using live bait fish and leeches, and information concerning other natural bait is also included.

Bait Fish

1. Bait fish include the following species of fish:
 - ciscoes (tullibee)
 - minnows, excluding carp and goldfish, and including:
 - chub
 - shiners
 - dace
 - mudminnows
 - sculpins
 - sticklebacks
 - suckers
 - trout-perches

2. Licensed commercial bait fish fishermen may collect, buy and sell, and live bait dealers may buy and sell only the above species. Frozen bait fish fishermen generally collect shiners, including emerald and spottail shiners. Live bait fish fishermen often use finescale dace, northern redbelly dace (often referred to as chubs or rainbow chubs), fathead minnows and sometimes golden shiners. Note: Anglers may also use yellow perch, goldeye or mooneye that have been caught by angling as bait; however, these species may not be harvested under a Commercial Bait Fish Fishing Licence.

Bait Blocks

The province is divided into bait blocks which consist of an area of 15 minutes longitude by 10 minutes latitude (approximately 120 square miles). These blocks are numbered and are licensed to the commercial bait fish fisherman or leech harvester for a period of one year (April 1 to March 31). Bait fish access rights and leech access rights are allocated separately, therefore each block encompasses a bait fish block and a leech block with the same number; the bait fish fisherman and the leech harvester on a specific block are not necessarily the same person.

Commercial Bait Fish Fisherman

A commercial bait fish fisherman is a person who is licensed to collect bait fish for the purpose of sale. A Commercial Bait Fish Fishing Licence costs \$52.50 for the first bait fish block and \$50.00 for each additional block. The licence is valid for one fiscal year (April 1 to March 31).

Commercial Leech Harvester

A commercial leech harvester is a person who is licensed to collect leeches for the purpose of sale. A Commercial Leech Harvesting Licence costs \$22.50 for the first leech block and \$20.00 for each additional block. The licence is valid for one fiscal year (April 1 to March 31).

ALLOCATION OF BAIT BLOCKS

1. Only one commercial bait fish fisherman or leech harvester is allowed to capture fish or leeches in each block, with the following exceptions:
 - Some blocks have sufficient resources to allow for the licensing of more than one bait fish fisherman or leech harvester (joint blocks).
 - A licensed bait fish fisherman or leech harvester may hire helpers to fish his/her blocks. Helpers may, but do not have to be licensed as well. In either case, hired helpers must be identified on the block holder's licence. Block holders hiring help other than at licence renewal time in March must notify the Regional Fisheries Manager who will amend the block holder's licence with the names of the hired helpers.
 - Those waters on a block that are privately owned or accessible only via private land may be licensed to a bait fish fisherman or leech harvester other than the block holder. Any fishing on private waters must be approved by the landowner.
 - Individual anglers may collect leeches for their own use and up to 4 litres of bait fish, of which no more than 180 may be live bait fish. Any live bait fish or leeches that anglers collect can only be used on the waters from which they were collected.
2. In order to retain a bait fish or leech block on a continuous basis, block holders must re-apply for their currently held blocks prior to April 1st each year. **Performance standards are now being applied province-wide.** Blocks may not be reissued to bait fish fishermen or leech harvesters who have not achieved reasonable production levels.
3. Province-wide performance standards are as follows:
 - Average production per block:
 - 45 litres of live bait fish
 - 4.5 kgs of frozen bait fish
 - 4.5 kgs of leeches
 - Bait fishermen having blocks in more than one region will have to meet standards in each region.

4. **NEW for 2007:** The “Unallocated (Open Block) licence authorization has been discontinued. Licensed bait fishermen can no longer fish unallocated blocks, but must buy access rights to all blocks where they intend to fish. However, applicants now can buy access rights to specific blocks year round.
5. **Available blocks will be issued on a first come – first served basis.** Additional blocks will not be allocated to existing fishermen or harvesters who have not met performance standards.

ALLOCATION RESTRICTIONS

1. **Closure of Northern Bait Blocks Infested with Rainbow Smelt**

Due to concerns with potential spread of rainbow smelt, some unallocated northern bait blocks are no longer available for bait harvest. Fishermen seeking new allocations in Northern Manitoba will be advised by the Regional Fisheries Manager as to specific blocks that cannot be allocated.

2. **No New Live Bait Allocations**

The Province has concerns about the potential impacts of invasive aquatic species in Manitoba waters, and all possible sources of transfers ranging from bait bucket transfers to high profile developments like Devil's Lake and the Garrison Diversion are being considered. Consequently, the Department has implemented a “no expansion” policy and is not approving any new live bait allocations (**including private waters**) to either existing bait harvesters or new applicants. However, existing live bait harvesters will still be able to transfer their allocation to an eligible newcomer or to another existing bait harvester. **Note: Live bait licence allocations not renewed by March 31st will be considered retired and no longer available for harvest.**

3. **Species at Risk Act**

Implementation of the federal Species at Risk Act (SARA) on June 1st, 2004, has implications for bait fishermen fishing or wanting to fish in waters where there are threatened or endangered fish species. Under SARA, it is illegal to possess a species listed under the act as endangered or threatened. **Fishermen fishing in such areas may require a permit from the federal Department of Fisheries and Oceans. Applications for new allocations for bait fish (frozen or live use) in waters where there are species of concern will also require review by DFO.**

Fisheries Branch is currently seeking clarification from DFO as to the requirements for bait fishermen affected by SARA. Currently, the carmine shiner is the only bait species designated as threatened. The carmine shiner has been found in the Eastern Region in the Whitemouth River watershed (including the Birch River), the Winnipeg River and Bird River. To determine whether a federal permit is required, fishermen with bait allocations in these areas should contact:

Raymond Ratynski
Species at Risk Coordinator
Fisheries and Oceans Canada
501 University Crescent
Winnipeg MB R3T 2N6
Phone: (204) 983-4438

For more information, see the SARA website at: <http://www.sararegistry.gc.ca>

BAIT COLLECTION

1. A bait fish fisherman or leech harvester may fish on his/her blocks in waters that are accessible from crown land. Waters that are accessible largely or entirely from private land are licensed separately from the block system. (See Private Waters section.)
2. Bait fish for the frozen bait market may be collected by a commercial bait fish fisherman from any crown waters on his/her blocks, except for blocks in provincial parks. Regional Parks staff must approve any bait fish fishing activities in provincial parks.
3. **Bait fishermen fishing in waters where there are threatened or endangered fish species may require a SARA permit from the federal Department of Fisheries and Oceans (see above).**
4. Bait fish for the purpose of live sales and leeches may only be captured from specific waters (including private waters) listed on a Commercial Bait Fish Fishing Licence or Commercial Leech Harvesting Licence. **All waters for live bait fish and/or leech harvest (including private waters) must receive prior approval from the Regional Fisheries Manager.** In general, MB Water Stewardship does not allow live bait fish or leech harvest in any locations where there are undesirable species, such as major rivers and lakes, and waters having carp. Winterkill lakes and upstream stretches of creeks and streams are usually the best in terms of appropriate bait fish species. Lakes with healthy game fish stocks generally are not good for fishing for live bait fish or leeches.
5. Live bait fish harvest is currently allowed in Nopiming Provincial Park, and to a limited extent in the Whiteshell. **Regional Parks staff must approve any bait fishing and leech harvesting activities in provincial parks.**
6. No live bait fish collection, or use by anglers, is allowed in the Northeast, Northwest and North Central Divisions. Live bait fish use has also been prohibited in Atikaki and South Atikaki Provincial Parks in 2005. However, a few bait fish blocks still exist which straddle the boundary between the Southern and Northeast Divisions, and commercial live bait fish harvest is allowed in these blocks. Leeches currently may be used as bait throughout the province and, with the exception of some park restrictions, leech harvest has generally been allowed province-wide.
7. While purchased frozen smelt may be used by anglers as bait, **it is illegal for commercial bait fish fishermen to harvest rainbow smelt for bait.**

8. **A condition of licence is that each bait fish fisherman and leech harvester must submit, for the previous year, completed production forms** supplied by Manitoba Water Stewardship (see attached) by the licence expiry date (March 31st). **Licences will not be renewed until production forms are submitted.** Harvesters who do not intend to renew their licences must submit production records by the expiry date listed on their current licence. Production by helpers fishing on behalf of the licensee must be recorded on the licensee's form, regardless of whether the helper is another bait fisherman or not.

IMPORTATION

1. No one may import live bait fish or leeches into the province.

PRIVATE WATERS

1. Those waters on a block that are privately owned or crown waters accessible only via private land may be licensed to a bait fish fisherman or leech harvester other than the block holder.
2. A bait fish fisherman fishing private waters only will be issued a **“Private Waters” licence** at a fee of \$52.50. A leech harvester fishing private waters only will be issued a **“Private Waters” licence** at a fee of \$22.50.
3. Licensees must obtain approval from the landowner to harvest bait fish or leeches from private waters, regardless of intended use (live or dead bait fish sales). Depending on the sensitivity of the waters being harvested, the Regional Fisheries Manager may require proof of the landowner's permission in writing.
4. Private waters being harvested for live bait fish or leech sales must be approved by the Regional Fisheries Manager and identified on the licence.

BAIT FISH AQUACULTURE

1. Live bait fish may only be stocked and harvested in waters (including private waters) approved by the Regional Fisheries Manager and identified on the licence. Approval by the Regional Fisheries Manager is required regardless of intended use (live or dead bait fish sales).
2. The licensee must obtain approval from the landowner to conduct an aquaculture operation (stocking, feeding, treating of bait fish) and harvest bait fish in private waters, regardless of the intended use (live or dead bait fish sales). As stated above, Regional Fisheries Managers may request this approval in writing, at their discretion.
3. Bait fish aquaculturists should be aware that a "fish hatchery" is considered a Class 1 development under the provincial Environment Act. They should check with the Regional Fisheries Manager to determine whether any conditions under the act apply to their operation.

4. Treatment of fish may be subject to various federal regulations which are highly restrictive of drug applications. Bait fish farmers intending to treat their fish should contact Laureen Janusz at MB Water Stewardship (phone: 204-945-7789) for regulatory information.
5. The "Guide to Intensive Aquaculture in Manitoba", available from Fisheries Branch, has more information on aquaculture in general, including legal requirements, environmental concerns, relevant agency contacts, and general good business practices for increasing success of an aquaculture operation.

REQUIREMENTS OF COMMERCIAL BAIT FISH FISHING LICENCEES OR COMMERCIAL LEECH HARVESTING LICENCEES

1. In the case of frozen bait fish, the fisherman must display on the package in which the product is marketed, in a conspicuous and permanent manner, the following information:
 - name and address of company or individual who captured or processed the product;
 - minimum weight of the package;
 - identification of any additives or preservatives which have been used in production of the product. Abbreviations are not allowed for this information;
 - notwithstanding the above, a fisherman can sell bulk bait fish to another person or company to process and sell.
2. Live bait fish sales are restricted to those areas within the province where live bait fish may be legally used for angling. The fisherman must issue to each purchaser of live bait fish (including live bait dealers) a receipt. In the case of anglers, this receipt must be in the form of a **three-day Live Bait Fish Transfer and Use Receipt**, indicating the number of bait fish sold and the date of issue.
3. Live Bait Fish Transfer and Use Receipts are printed annually in a different colour each year. MB Water Stewardship will provide fishermen with a supply of receipts when they renew their licence, sufficient to meet their needs based on production reported for the previous year. **Live bait dealers should get these receipts only from the fishermen supplying them.** Fishermen should ensure that each time they deliver live bait fish, they give the live bait dealer only enough receipts to cover that specific delivery. Likewise, fishermen who are buying live bait fish from other fishermen should get enough receipts from their source to cover what they purchased for resale to anglers.
4. There are currently no restrictions on where leeches may be sold within the province. Leech harvesters must issue live bait dealers a receipt as proof that the dealer's supply was purchased from a licensed leech harvester. Three-day permits are not required at this time for leech sales directly to anglers.
5. All equipment which is used in the capture of bait fish or leeches must display the registration number or licence number of the licensed bait fish fisherman or leech harvester. (Because licence numbers change every year, fishermen and harvesters are issued a registration number for convenience in marking their equipment.)

3. **Licences are issued to individuals, not businesses or partnerships.** Because allocation disputes have arisen when partnerships dissolve, MB Water Stewardship prefers not to licence partnerships. Partners (or businesses) should decide whose name will be on the licence as the primary contact and make their own legal arrangements as to allocation of block access rights should the partnership or business dissolve. The business name may be included on the licence for information purposes. (Some licensees like to have the business name included on the licence for tax purposes.)
9. To summarize, specific conditions listed on the Commercial Bait Fishing Licence are as follows:
- blocks allocated to the licensee;
 - type of bait the licensee is authorized to harvest, transport and sell (dead bait fish, live bait fish, leeches);
 - waters on which the licensee is approved to stock and/or harvest live bait fish or leeches (including private waters);
 - names of persons fishing on behalf of the licensee, and notice that the licensee is responsible for ensuring that a) such helpers fish in accordance with terms and conditions of the licence and the Fisheries Act and Regulations, and b) have a copy of the licence in their possession while fishing;
 - requirement for the licensee to provide all customers with a properly dated Live Bait Fish Transfer and Use Receipt;
 - notice that any pens, enclosures or containers used by the licensee to hold or transport live bait are subject to approval by an Officer, and that the licensee may at any time be asked by an Officer to demonstrate his/her ability to identify bait fish;
 - requirement for the licensee to keep and submit production records, in a form provided, to MB Water Stewardship by the expiry date of the licence; and
 - additional conditions which may apply (e.g. performance standards, gear restrictions, season dates, etc. See below.).
10. Under The Fisheries Act (Chapter F90), the Minister, as a term or condition of any licence, may limit or specify:
- the species and quantity of fish permitted to be taken;
 - the period during which fishing is permitted;
 - the Manitoba waters in which fishing is permitted;
 - the type and quantity of fishing gear and equipment that are permitted to be possessed or used and the manner in which they are permitted to be used;
 - the person or persons who may conduct fishing operations under the licence;
 - the measures to be taken respecting the release into waters of fish or the disposal of fish, to avoid harming existing fish stocks;
 - the information to be provided to the Director or an officer with respect to any fish caught, and the manner in which it is to be reported;
 - the consequences of contravening or failing to comply with any term or condition of the licence; and
 - any other terms or conditions that the minister considers appropriate.

SALE OF BLOCKS AND/OR BUSINESS

1. Commercial bait fish fishermen and leech harvesters may sell their right of access to their blocks or their entire business to another licensee or to someone wishing to enter the industry. **Licensees intending to sell these rights must get approval from the Department by notifying in writing the appropriate regional bait fishing contact or Fisheries Branch head office to ensure there are no concerns with the transfer of access rights.**
2. Licensees buying and selling blocks to each other will require an amendment to both the buyer's and seller's licence, issued by the Regional Fisheries Manager. There will be no fee involved for the remainder of that fiscal year.
3. A licensee selling his/her business will be required to turn in his/her licence.
4. **NEW for 2007: As there is no longer an "Unallocated Block" licence, new entrants buying blocks or a business must buy a licence listing all blocks purchased and must pay the appropriate licence fee.**
5. Because all bait fish fishermen or leech harvesters on a joint block pay the same fee, a joint block owner has the same rights as the sole owner of a block and can sell his/her access rights to a jointly-owned block. However, joint blocks are not considered economically efficient and MB Water Stewardship would like to rationalize ownership of these blocks. For this reason, Regional Fisheries Managers will request that joint block owners wishing to sell their share offer first right of refusal to the other owner(s) of the block.

COMMERCIAL LIVE BAIT DEALER

A Commercial Live Bait Dealer is a person who runs a bait or tackle shop, tourist resort, or similar business and is licensed to sell leeches and live bait fish in those areas in Manitoba where live bait fish and/or leeches may be legally used for angling. [For example, in Northern Manitoba where live bait fish use is prohibited, this licence would authorize sale of leeches only.] This licence, which does not include the right to harvest bait fish or leeches, costs \$12.50 and is valid for one year (April 1 to March 31). Holders of a Commercial Bait Fish Fishing Licence may also sell live bait fish, and holders of a Commercial Leech Harvesting Licence may also sell leeches, and do not need to obtain a Commercial Live Bait Dealer Licence to do so.

REQUIREMENTS OF COMMERCIAL LIVE BAIT DEALER LICENCEES

1. A Commercial Live Bait Dealer Licence does not allow for the collecting of bait fish or leeches. **Dealers must purchase live bait fish from a licensed commercial bait fish fisherman authorized to harvest live bait fish and leeches from a licensed commercial leech harvester, and must have a receipt as proof of purchase. A dealer cannot sell live minnows or leeches to another dealer unless the seller is listed as a helper on the licence of the bait fisherman for whom he/she is distributing.**

Bait Fishing Program Directive

2. Dealer licences are intended for businesses, not for resale of minnows or leeches out of someone's home.
3. **Live Bait Dealer Licences are issued to individuals, not businesses.** The business name may be included for information purposes.
4. The dealer must issue to each purchaser of live bait fish a three-day Live Bait Fish Transfer and Use Receipt indicating the number of dozen bait fish sold and the date of issue. **Dealers must obtain a supply of these permits from the commercial fisherman who sells them their bait fish. Three-day permits are not required for leech sales at this time.**
5. **As a condition of licence, dealers are required to report the amount of live bait fish and leeches sold in the past year, as well as their suppliers, to Fisheries Branch by the licence expiry date (March 31st). (See attached form.) Dealers must submit a record of amount sold, regardless of whether or not you renew your licence.**

OTHER NATURAL BAIT

1. Crayfish and Earthworms (Night Crawlers)
 - **Due to concerns about potential transfer of the rusty crayfish, an undesirable aquatic organism with significant negative implications for Manitoba's native crayfish species, possession of crayfish is prohibited.**
 - **Earthworms do not fall under Fisheries jurisdiction** but they may be used as bait. A licence is not required to harvest earthworms. Earthworms may be imported as long as they are in some sterile medium such as paper mulch. They must not be imported in soil. Importation of earthworms falls under federal jurisdiction (Plant Health Protection Act and Regulations).
2. Frogs and Salamanders (Water Dogs)
 - Salamanders and frogs may be used as bait but may not be imported into Manitoba. These species may only be collected during certain seasons as specified under The Wildlife Act.
 - **Commercial collection and sale of frogs and salamanders falls under the jurisdiction of the Wildlife Branch and is not approved for bait purposes.**

COMMERCIAL BAIT FISH FORM

BAIT FISHERMAN _____

2007 SEASON

Number of persons employed (excluding licensee) _____

Total days they worked _____

Wholesale price _____ per _____ Retail price _____ per _____

Businesses you sold to (use back of page if necessary):

1. _____ 3. _____

2. _____ 4. _____

Total production for last season (Jan. 1st to Dec. 31st) _____ cartons _____ dozens

Inventory on hand as of December 31st _____ cartons _____ dozens

Percent of total production captured each month: Jan _____%, Feb _____%, Mar _____%,

April _____%, May _____%, June _____%, July _____%, August _____%, September _____%,

October _____%, November _____%, December _____%.

Percent of total production captured from each block fished:

Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%,

Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%,

Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%,

Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%,

2008 SEASON

Blocks that I held in 2007 and wish to retain in 2008 are:
(Do not include cheque or request for any new blocks)

Please enclose cheque or money order, payable to Minister of Finance, at the rate of \$52.50 for the first block, plus \$50.00 for each additional block.

Please provide the names of any helpers who will be fishing on your behalf, as they must be listed on your licence: (Use back of page if necessary.)

LEECH PRODUCTION FORM

LEECH HARVESTER _____

2007 SEASON

Number of persons employed (excluding permittee) _____

Wholesale price _____ per _____ Retail price _____ per _____

Businesses you sold to (use back of page if necessary):

1. _____ 3. _____

2. _____ 4. _____

Total production for 2007 _____ dozens _____ pounds

Total amount sold in 2007 _____ dozens _____ pounds

Which months of the year did you harvest leeches and what percentage of your total production did you harvest each month?

April _____% May _____% June _____% July _____% August _____%

September _____% October _____% November _____% Other (please specify month) _____%

Percent of total production captured from each block harvested for leeches:

Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%,

Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%,

Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%,

Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%, Block No. _____ : _____%,

2008 SEASON

Blocks that I held in 2007 and wish to retain in 2008 are:
(Do not include cheque or request for any new blocks)

Please enclose cheque or money order, payable to Minister of Finance, at the rate of \$22.50 for the first block, plus \$20.00 for each additional block.

Please provide the names of any helpers who will be fishing on your behalf, as they must be listed on your licence: (Use back of page if necessary.)

COMMERCIAL LIVE BAIT DEALER FORM

NAME OF LIVE BAIT DEALER _____

2007 SEASON

No. of live bait fish sold _____ dozen

No. of leeches sold _____ dozen

Name of bait fish supplier(s):

Name of leech supplier(s):

