



Subject Issuance of a Licence to Stock Fish in Ontario Waters		Policy FisPp.9.3.1	
Compiled by – Ministry Natural Resources	Division Policy	Date Issued August 2004	
Branch Biodiversity	Section Fisheries Policy		
Replaces Directive Title Same	Number FI 2.06.04	Dated August 1995	Page 1 of 5

1.0 DEFINITIONS

In this policy / procedure,

- “Act” means the *Fish and Wildlife Conservation Act* (FWCA)
- “artificial waters” are described in clause 3(2)(b) of the Ontario Fishery Regulations made under the *Fisheries Act* and may be referred to as *artificial ponds* in this policy. The water body (e.g. pond) must be artificial and meet the following additional criteria: It cannot be on a regional flood plain. It must be wholly within the boundaries of privately-owned land. It can contain water from surface run-off, natural springs, ground water or water pumped from a stream or lake; however, it cannot have a connection or outflow to natural waters. Use is restricted to non-commercial purposes and fish deposited into the water body must be obtained from either an aquaculture facility licensed under the provincial *Act* or a commercial fishing operation licensed under the provincial *Act*.
- “fish” is defined in the *Act* as having the same meaning as in the *Fisheries Act* and therefore includes:
 - a) parts of fish
 - b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and
 - c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals
- “privately owned” identifies land which is controlled by a single owner or a group of owners working together
- “regional flood plain” according to the Provincial Policy Statement (issued under authority of the *Planning Act*, Order in Council No. 764-96) means the area, usually lowlands adjoining a watercourse, which has been or may be subject to flooding hazards

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2.0 RATIONALE

A licence issued by the Ontario Ministry of Natural Resources (OMNR) is required to stock *fish* in all natural waters of Ontario, regardless of the source of the *fish*. This is necessary to ensure that adverse ecological impacts are avoided.

This policy/procedure identifies the requirements for stocking of a species or specific genetic stock of a species and the procedure to issue a Licence to Stock Fish in Ontario Waters.

3.0 PROGRAM DIRECTION

The Ontario Fishery Regulations (OFRs), under the *Fisheries Act* of Canada, set out a requirement to have a licence to deposit or attempt to deposit live fish taken from one body of water into another body of water unless otherwise provided for in the *Fish and Wildlife Conservation Act* (FWCA). Reference in the Ontario Fishery Regulations to a licence refers to a licence issued under the FWCA or any document or thing deemed to be a licence by the regulations under the provincial *Act*.

The licence to stock fish is issued under Section 25 of the Fish Licensing Regulation, made under the *Fish and Wildlife Conservation Act* and is required for all public water stocking activities including those carried out by OMNR staff and OMNR partners. A Licence to Stock Fish also conveys authority to transport live fish in accordance with the licence and Fish Licensing Regulations.

OMNR *fish* stocking policies (Directive FI 2.02.01 (1982) - Stocking in Ontario Waters) and guidelines (Guidelines for Stocking Fish in Inland Waters of Ontario (2002)), including *fish* health, ecological and genetics considerations, are the primary criteria in the approval of any stocking in Ontario waters.

The licence shall be valid for three years but conditions limiting stocking to specific period can be placed on the licence. There is no fee for the licence.

3.1 *Environmental Assessment Act* considerations

A proposal to issue a stocking licence, including licenses for partner and private sector stocking must be screened and evaluated in accordance with the direction set out the “Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects”. For private sector stocking activities MNR should request the proponent to fulfill the requirements of the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects and report to the Ministry, in order to facilitate MNR meeting its Class EA requirements. For further information and details staff should refer to the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects, and consult their lead EA contact.

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4.0 ISSUANCE PROCEDURE

For stocking or transporting *fish* to a District, the approval of the resource specialist is required. For stocking in the Great Lakes and tributaries, consultation according to the Strategic Great Lakes Fisheries Management Plan and approval of the Lake Manager may also be required.

For waters exempted from the OFRs, a stocking licence is not required in order to deposit *fish* (see definition of “artificial waters” and FisPp.9.4.1 - Artificial Waters (ponds) and Application of Ontario Fishery Regulations).

District Office - Resource Specialist:

1. Obtains an application for a Licence to Stock Fish (FW1016) from the Fish and Wildlife Documentation Site. Licences (Form FW0014) will be issued through the Electronic Licence Information System (ELIS).
2. Provides or sends application forms to current licence holders and new applicants on request.
3. Ensures that the applicants have correctly completed the application for a Licence to Stock Fish in Ontario Waters. Note that for private sector stocking, the person buying the *fish* to stock Ontario waters may submit the application for a *fish* stocking licence or the supplier may apply on behalf of the purchaser as a service.
4. Where the applicant is a corporation, includes a list of names and addresses of the corporation’s officers.
5. Before issuing the licence(s):
 - a) Checks the stocking history of the waterbody for which the application has been made.

Note: If the stocking is in the Great Lakes or tributaries leading directly to the Great Lakes refers the application to the Lake Manager of the lake in question. If the species has not been stocked previously in the lake, consultation will be required under the Strategic Great Lakes Fisheries Management Plan of the Great Lakes Fishery Commission.

- b) Determines whether the species requested is present and if so, if the stock is appropriate and conforms to the guidelines regarding species eligibility (Guidelines for Stocking Fish in Inland Waters of Ontario (2002), Directive FI 2.02.01 (1982) Stocking in Ontario Waters).

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6. a) If the species for which the application has been made is not present in the water body in question, advises the applicant (including MNR staff and MNR partners) of MNR's requirement to carry out an environmental assessment.

This means the MNR must meet the requirements contained in the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects.

For private sector stocking activities MNR should request the proponent to fulfill the requirements of the Class EA for Stocking Fish and report to the Ministry, in order to facilitate MNR meeting its Class EA requirements. For further information and details staff should consult their office EA contact.

b) If the applicant is not prepared to consider the requirements outlined above regarding the species requested, advises the applicant of the refusal to issue the licence, providing the justification for the refusal and advising the applicant of their right to a hearing in accordance with FWPP.2.2.1 - Cancellation or refusal of a fish and wildlife licence and notification requirements.

7. For approved applications, completes all fields on the licence and ensures that appropriate licence conditions are identified on the face of the licence or are attached to it.

7.1 Signs each copy of licence;

7.2 Has applicant sign each copy of the licence;

7.3 Gives one copy of licence to applicant;

7.4 Advises the applicant of the requirement to complete the *fish* stocking record, for all events into public waters (Form 431) There is no requirement to complete form 431 for stocking into private waters; and

7.5 Files copy in District and enters the data into the appropriate Ministry information database.

8. Periodically verifies that stocking records have been submitted.

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5.0 REFERENCES

5.1 Legislative References

- *Fisheries Act*
- Ontario Fishery Regulations
 - Subsection 4(c) - stocking licence requirement
- *Fish and Wildlife Conservation Act*
 - Subsection 36(5) - abandonment or spoilage of flesh
 - Subsection 57(1) - transport of containers
 - Section 60 - issuance of licences
 - Section 62 - licence conditions
- Fish Licensing Regulation
 - Section 25 - issuance of licence to stock fish
 - Section 26 - submission of information on fish stocked as a condition of licence
 - Section 27 - disease
 - Section 29 - transportation requirements
 - Subsection 30(2) - exemption from spoilage of fish restrictions
- *Environmental Assessment Act*
 - Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects

5.2 Directive Cross References

- Policy and procedures
 - FisPp.9.2.1 - Issuance of Aquaculture Licence, Renewals, Transfers, Amendments, Refusals and Cancellations
 - FisPo.9.2.4 - Licensing of Fee for Fishing Operations
 - FisPp.9.2.5 - Risk Analysis and Facility Security
 - FisPp.9.5.2 - Collection of Fish or Gametes / Issuance of Licence to Collect Fish for Aquaculture
 - Guidelines for Stocking Fish in Inland Waters of Ontario (2002)
 - Directive FI 2.02.01 (1982) - Stocking in Ontario Waters
 - Directive FI 2.05.01 (1992) - Class Environmental Assessment for Fish Stocking in New Waters under the *Environmental Assessment Act* and its supplement, Procedure for the Evaluation of Proposals to Stock Fish Beyond their Current Range in Ontario Waters