

An Operational Policy Framework

Fisheries and Oceans Canada 2001

A New Future

Fisheries and Oceans Canada places
the focus on three themes—

- Partnership
 - Citizen Engagement
 - Community Stewardship
- and creates five guiding
principles in a new approach
to recreational fisheries.



●●● INTRODUCTION

A new focus, emphasizing partnership, citizen-engagement and community stewardship is shaping Fisheries and Oceans' Recreational Fisheries Policy for Canada. These themes are a reflection of the important place that recreational fishing occupies in the country's economic and social fabric.

Recreational fishing makes a valuable contribution to both the quality of life and the economic development of our communities. The *1995 Survey of Recreational Fishing in Canada* shows recreational fishing in Canada to be a \$4.9 billion socio-economic activity per year. This presents an opportunity to directly engage citizens in fisheries resource management and, on a broader scale, to promote public awareness about conservation and the sustainable use of valuable fishery resources.

Over the last decade, Fisheries and Oceans has re-focused its priorities, streamlined its activities, and established new collaborative arrangements with other levels of government, the private sector, and stakeholders. The new *Canada Oceans Act*, legislated land claim settlements and recognition by the courts of Aboriginal rights and treaty rights regarding fishing activities have lent significant guidance to Fisheries and Oceans in the development of a new operational policy framework for recreational fisheries.

The framework was developed to provide a clear statement of Department of Fisheries and Oceans' roles and responsibilities in recreational fisheries, and to provide strategic guiding principles to govern how the Department will exercise its roles and responsibilities. In particular, the framework provides a clear point of departure for the Department of Fisheries and Oceans to undertake cooperative initiatives with other stakeholders.

The framework is built on the legislative mandate of Fisheries and Oceans, a description of which is provided in this document. Summaries of the provincial and territorial responsibilities for the management of recreational species and the roles and responsibilities of Fisheries and Oceans are also included, as is an outline of the Department's contribution through management programs and activities.

●●● THE LEGISLATIVE MANDATE

Federal Legislative Mandate

The federal government is given exclusive legislative authority for "Seacoast and Inland Fisheries", including protection for fish habitat under Subsection 91(12) of the *Constitution Act, 1867*. Fisheries and Oceans' mandate, its powers and its responsibilities are further set out in the *Department of Fisheries and Oceans Act*, the *Canada Oceans Act* and the *Fisheries Act* and Regulations.

Provincial Jurisdiction

Under Section 92 of the *Constitutional Act, 1867*, provinces have exclusive jurisdiction over matters dealing with "property and civil rights" and the "management of public lands" and generally all matters of a merely local or private nature in the Province.

●●● ROLES AND RESPONSIBILITIES

Provinces and Territories

A complex mix of federal, provincial and territorial legislative and management responsibilities for recreational fisheries has evolved over time. These responsibilities are based on judicial interpretations, as well as specific federal/provincial/territorial agreements and Memoranda of Understanding. With respect to freshwater species, provinces and territories are generally responsible for: management of freshwater species (where delegated), licensing, enforcement, industry promotion and marketing. A summary of provincial and territorial responsibilities for the management of recreational species is presented in Table 1.

The different approaches to recreational fisheries management across Canada reflect the diversity of regional needs. Where provinces express an interest, and where appropriate, the federal government will continue to pursue delegation agreements for the management and enforcement of freshwater fisheries. These agreements will respect the federal government's obligations and responsibilities with regard to fish habitat management.

Table 1—Provincial/Territorial Responsibilities for the Management of Recreational Species

Province/Territory	Management Responsibilities
Newfoundland	Federal government manages marine and freshwater fisheries. Province of Newfoundland is responsible for licensing of freshwater fisheries.
Northwest Territories, Nunavut	In Nunavut and the NWT, co-management boards have responsibility for fishery allocations in their respective areas and advise DFO on conservation, fishery management and science activities. Nunavut and NWT administer sportfish licensing under an Order-in-Council.
New Brunswick, Nova Scotia, Prince Edward Island	Federal government manages anadromous, catadromous and other marine species. Provinces manage and license freshwater species. Provinces also license anadromous species fished in inland waters.
Quebec	Province manages and licenses freshwater, anadromous and catadromous species. Federal government manages other marine species.
Ontario, Manitoba, Alberta	Federal government manages marine species in Ontario and Manitoba. Provinces manage and license freshwater species.
Saskatchewan	In 1995 the province enacted the Saskatchewan Fisheries Act and Regulations under which the province makes all day-to-day legislative fishery amendments, except for Aboriginal fishing and fish habitat protection which are covered by federal legislation.
British Columbia	Federal government manages salmon in marine and freshwater, and licenses in tidal waters. The Federal government also manages and licenses non-salmon fisheries in tidal waters. The Province manages and licenses freshwater species and licenses inland salmon sportfishing.
Yukon	Territory manages freshwater fisheries. Federal government manages marine fisheries.

- Note:**
- Because the federal government has legislative authority for inland fisheries, provinces and territories, except Saskatchewan, forward all recommendations for amendments to regulations under the *Fisheries Act* (e.g., quotas, seasons, close times, gear, etc.) to Fisheries and Oceans to obtain Governor-in-Council approval.
 - Where provinces issue licences, they retain the fees collected.

●●● ROLES AND RESPONSIBILITIES, CONTINUED...

Federal

Although responsibility for managing freshwater fisheries is held by some provinces and territories through administrative agreements, the federal government remains accountable for the management of fisheries, including:

- responsibility for managing marine recreational fisheries on all coasts (*this involves this involves policy and legislative framework development, Licensing, stock assessment, enforcement and monitoring*); and
- responsibility for the management of fish habitat in Canada’s fresh and marine waters.

See Table 2 for a summary of the Fisheries and Oceans management programs and activities supporting recreational fishing.

Other Federal Departments and Agencies

Other federal government departments and agencies, particularly those responsible for tourism and regional economic development programs, also have an impact on recreational fishing. Industry Canada, the Canadian Tourism Commission, Western Economic Diversification, the Atlantic Canada Opportunities Agency and the Agency for Canada Economic Development for Quebec Regions all play a role in the well-being of Canada’s recreational fisheries.

Table 2– Contribution by Fisheries and Oceans Canada to Recreational Fishing in Canada

DEPUTY MINISTER					
Oceans	Science	Fisheries Management	Canadian Coast Guard	Policy	Corporate Services
<ul style="list-style-type: none"> • Habitat Conservation & Protection • Oceans Management • Marine Environmental Quality • Integrated Management 	<ul style="list-style-type: none"> • Stock Assessments • Research • Habitat Science 	<ul style="list-style-type: none"> • IFMPs • Enforcement • Access & Licensing • Regional Coordination & Implementation • CCFAM Support • National Conference • National Awards Program 	<ul style="list-style-type: none"> • Boating Safety • Aids To Navigation • Search & Rescue • Marine Environmental Prevention • Preparedness 	<ul style="list-style-type: none"> • Regulatory Updates • Statistics • Recreational Fisheries Survey • Voluntary Sector Liaison 	<ul style="list-style-type: none"> • Small Craft Harbours

Guiding Principles for Recreational Fisheries

Five principles will guide Fisheries and Oceans in its task to develop and implement recreational fisheries policies, programs and initiatives.

1

Recreational fishing is a socially and economically valuable and legitimate use of fishery resources.

Over five million anglers enjoy recreational fishing in Canada—in many ways, in all seasons and in all areas of the country. Sport fishing gives Canadians access to their land and its rich natural environment. It is also important for the \$4.9 billion economic activity it generates each year in our communities, whether through tourism, recreational industries or other activities. In this context, Fisheries and Oceans must ensure fishing opportunities are provided to all fishermen—commercial, Aboriginal and sport. The Department's resource management policies must consider access for recreational purposes.

2

Fisheries and Oceans is responsible for providing sustainable recreational harvesting opportunities as part of integrated management plans consistent with its policies.

Conservation is the first priority. Fisheries and Oceans must actively deliver on its conservation mandate and must collaborate with its provincial and territorial counterparts to promote fisheries conservation in freshwater fisheries. The effective implementation of conservation requires adopting a precautionary approach and ecosystem-based management. It also involves promoting a shared conservation ethic in conjunction with all stakeholders to provide for sustainable harvesting opportunities and where required, protect, restore and enhance fisheries resources and fish habitat. Securing vibrant and robust fisheries resources is the cornerstone for sustaining recreational fisheries and increasing the growth of this sport and its associated economic activity.

At the same time, the Department's policy framework for recreational fishing in Canada will be consistent with its constitutional and fiduciary responsibilities to Aboriginal peoples, in both future agreements reached between Aboriginal groups and the federal government, and existing treaty obligations or Aboriginal rights. Access to recreational fisheries will be managed through Integrated Fisheries Management Plans based on species-specific and area-specific policies established by the Department; for example, *New Directions for Pacific Salmon* and the *Atlantic Fishery Policy Review*. Further consideration will be given to increased or priority access for recreational use under the concept of "best use" of the resource, after obligations to First Nations are met.

PARTNERSHIP • ENGAGEMENT • STEWARDSHIP

Guiding Principles for Recreational Fisheries

3

Recreational harvesters have responsibility for shared stewardship for resource conservation and enhancement.

Governments and resource users must share responsibility for conservation and for ensuring that fisheries resources are managed so that they benefit all Canadians. The rights of future generations to similar or improved benefit are also a responsibility of both government and resource users. To achieve these aims, recreational harvesters and the sport fishing industry, which benefit directly from a healthy resource, will be encouraged to partner with government and to participate in the decision-making process to manage and protect the resource and its habitat. Contributions to the cost associated with ensuring such benefits are also necessary. These may take the form of access fees.

The opportunity also exists for the public to share responsibility for the conservation, restoration and enhancement of the resource and its habitat through community-based volunteer organizations involved in various stewardship initiatives. These are organized at the national, provincial and local community levels.

4

Mechanisms for federal/provincial cooperation in areas of shared jurisdiction will be established and strengthened.

To successfully manage Canada's fisheries requires effective collaboration among governments and with First Nations. Federal, provincial and territorial governments each have responsibilities for different aspects of the conservation and management of fisheries resources. In recognition of this, Fisheries and Oceans makes the commitment to collaborate and to integrate respective efforts. One example of how this can be done is through the Canadian Council of Fisheries and Aquaculture Ministers working group on recreational fisheries and through federal and provincial memoranda of understanding.

5

Fisheries and Oceans has a leadership role to coordinate policies/programs with the federal government which relate to recreational fishing.

In its task to coordinate recreational fishing policies and/or programs, Fisheries and Oceans will ensure that federal departments and agencies whose policies have an impact on the recreational fishing sector are aware of the sector's needs. The Department will also ensure that federal programs are accessible to the recreational fishing sector.

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