



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada



# Policy on Managing Bycatch

**Sustainable Fisheries Framework**

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# Policy on Managing Bycatch

## 1. Introduction

In general, fishing methods and gears select imperfectly for fish and invertebrates. In many fisheries it is not possible to direct for one species without incidentally capturing others – including fish and invertebrates, marine mammals, migratory birds and sea turtles – and/or to avoid entirely the capture of juveniles or other undesired individuals of the target species. In some instances this incidental catch, or *bycatch*, may be retained by the fishery. Often it is returned to the water, where rates of survival vary.

In 1995, the *Code of Conduct for Responsible Fisheries* (FAO 1995) of the Food and Agriculture Organization (FAO) of the United Nations was adopted by 80 countries, including Canada. The Code provides principles and standards for the sustainable use of aquatic ecosystems. Among other provisions, the Code calls on States to adopt measures to minimize catch of non-target species, waste, and discards that include, “to the extent practicable, the development and use of selective, environmentally safe and cost effective fishing gear and techniques”.

Despite the Code, there is growing concern internationally that levels of bycatch mortality from fishing threaten the long-term sustainability of many fisheries, the maintenance of biodiversity, and even food security in some areas. This has prompted the General Assembly of the United Nations and the FAO to reaffirm on several occasions the need for incidental mortality in fisheries to be responsibly managed. It has also led to the development of FAO *International Guidelines for Bycatch Management and Reduction of Discards* (FAO 2010), which were adopted in February 2011. The voluntary international guidelines provide assistance to States in implementing the Code and an ecosystem approach to fisheries through effective management of bycatch.

At the same time, increasing demand from markets for evidence that seafood comes from sustainable fisheries is bringing more attention to the management of bycatch in major fisheries.

In Canada, management of bycatch in fisheries has been an important component of many fisheries management plans for a long time. Fishing gears and harvesting practices have evolved to improve the selectivity of fishing, and efforts have been made to maximize the potential for survival of catch that is returned to the water.

Nevertheless, some amount of incidental fishing mortality remains. For this reason, bycatch in Canadian waters needs to be systematically addressed in all fisheries management plans.

This policy is part of Fisheries and Oceans Canada's (DFO) Sustainable Fisheries Framework (SFF)<sup>1</sup>. The SFF is comprised of policies and tools designed to help ensure that Canada's fisheries are environmentally sustainable, while supporting economic prosperity. The SFF also establishes the policy basis for implementing an ecosystem approach to fisheries management. An understanding of the cumulative effects of fisheries bycatch and the effective management of those effects are fundamental components of an ecosystem approach to management.

## 2. Scope

The scope of this policy is national and it applies to all commercial, recreational, and Aboriginal fisheries licensed and/or managed by DFO under the *Fisheries Act*. This includes aquaculture where the federal government has regulatory responsibilities for such activities under the *Fisheries Act*. It also applies to fisheries licensed and/or managed by DFO operating outside of Canada's Exclusive Economic Zone.

As a general rule, this policy applies to retained and non-retained bycatch. In other words, it applies to any retained species or specimens that the harvester was not licensed to direct for but is required or permitted to retain, and all non-retained catch, including catch released from gear and entanglements, whether alive, injured or dead, and whether of the target species or the non-target species.

The accompanying document, *Guidance on Implementation of the Policy on Managing Bycatch*, contains a more detailed discussion on the different categories of catch.

This policy does not apply to any catch that harvesters are licensed to direct for and that is retained. This includes any species that harvesters are licensed to direct for on a given trip regardless of whether or not they did so. The management of the retained, targeted catch is guided by *A Fishery Decision-Making Framework Incorporating the Precautionary Approach* (Precautionary Approach Framework Policy, DFO 2009a), another policy under the SFF. This policy also does not apply to any catch that licence holders are authorized to direct for in catch-and-release fisheries.

Also not covered by this policy is bycatch of corals, sponges, marine plants and other benthic organisms. These are considered to be better protected under habitat-related policies, which, in Canada, is the *Policy for Managing the Impacts of Fishing on Sensitive Benthic Areas* (DFO 2009b).

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<sup>1</sup> While the SFF provides the basis for wild fisheries management, aquaculture activities in DFO Pacific Region are guided by the Sustainable Aquaculture Fisheries Framework (SAFF).

Finally, this policy does not generally apply to incidental fishing mortality that results from pre-catch losses<sup>2</sup> (e.g., fish that break free or fall out of a net before the net is hauled and that subsequently die from their injuries) or ghost-fishing (lost or abandoned fishing gear that continues to catch fish).

Canada is a party to regional and international bodies that may already have adopted bycatch management provisions. Decisions flowing from the application of this policy will respect Canada's international rights and obligations related to these.

Decisions flowing from the application of this policy will be subject to fisheries legislation in general and take into account relevant land claims agreements, the duty to consult where decisions may adversely affect established or potential Aboriginal or treaty rights, the constitutional protection provided to Aboriginal and treaty rights by section 35 of the Constitution Act, 1982, other departmental policies and other relevant considerations.

### **3. Policy Objectives**

This policy has two objectives:

1. to ensure that Canadian fisheries are managed in a manner that supports the sustainable harvesting of aquatic species and that minimizes the risk of fisheries causing serious or irreversible harm to bycatch species; and
2. to account for total catch, including retained and non-retained bycatch.

For the purpose of this policy, sustainable harvesting can be understood to mean that the cumulative fishing mortality from all fishing activities does not exceed sustainable levels, whether the fishery is a retention fishery or a catch-and-release fishery.

Accounting can be understood to mean factoring the fishing mortality of retained and non-retained bycatch species into the evaluations or assessments of the impact of fisheries on those species, which are then used to inform fishery management planning and decisions.

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<sup>2</sup> In the case of some regionally specific fishing activities, including marine mammal subsistence harvests, pre-catch losses due to struck/loss and wounded/escaped animals are recognized within the scope of this policy.

#### **4. Implementation of the Policy**

This policy will be implemented over time, according to national and regional priorities and resource availability. It will be implemented through Integrated Management Plans. Priorities will be informed by assessments of the risk that bycatch in the various fisheries presents to conservation of aquatic resources, as well as other considerations.

It is anticipated that the policy objectives will be achieved largely through the incorporation or enhancement of ecosystem considerations in fisheries management and annual science work planning.

This policy recognizes that other management plans may exist, or be developed, to address threats facing particular species caught incidentally. For species listed under the *Species at Risk Act* (SARA), notable examples are recovery strategies, action plans, and SARA management plans for species of concern. Other examples are specific action plans for certain species or species groups, such as Canada's National Plans of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (DFO 2007c), and for the Conservation and Management of Sharks (DFO 2007d).

There may also be operational procedures that address bycatch, such as the Procedures for Monitoring and Control of Small Fish Catches and Incidental Catches in Atlantic Groundfish Fisheries (DFO 2008).

Where the Department has already developed strategies or procedures for managing the impacts of fisheries on bycatch species, these should be documented in fisheries management plans.

The accompanying document, *Guidance on Implementation of the Policy on Managing Bycatch*, provides specific guidance to resource managers and aquaculture management coordinators tasked with implementing the policy. The guidance document includes a list of strategies for achieving the policy objectives, as well as direction on the application of Integrated Management Plans to bycatch species, and the analytical steps that may be followed to bring the management of a fishery into alignment with the objectives of this policy.

## **Annex 1 -References**

DFO. 2009a. A fishery decision-making framework incorporating the Precautionary Approach (<http://www.dfo-mpo.gc.ca/fm-gp/peches-fisheries/fish-ren-peche/sff-cpd/precaution-eng.htm>).

DFO. 2009b. Policy for Managing the Impact of Fishing on Sensitive Benthic Areas (<http://www.dfo-mpo.gc.ca/fm-gp/peches-fisheries/fish-ren-peche/sff-cpd/benthi-back-fiche-eng.htm>).

DFO. 2007c. National Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries.

DFO. 2007d. National Plan of Action for the Conservation and Management of Sharks. 27p.

DFO. 2008. Procedures for Monitoring and Control of Small Fish Catches and Incidental Catches in Atlantic Groundfish Fisheries (<http://www.glf.dfo-mpo.gc.ca/e0008350>)

FAO. 1995. Code of Conduct for Responsible Fisheries. Rome, 41 p.

FAO. 2010. Report of the Technical Consultation to Develop International Guidelines on Bycatch Management and Reduction of Discards. Rome, 6–10 December 2010. Rome, *FAO Fisheries and Aquaculture Report*. 957:32p.