

NTA # 10

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Canada

Canada

NEW EMERGING FISHERIES POLICY

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INTRODUCTION

Unfished or underutilized marine species exist off Canada's coasts. Shifts in world markets, declines in harvests of traditional species, maturing of existing markets and changing harvesting and processing technologies increase the likelihood that some of these resources could be successfully harvested in a sustainable manner. The number of requests received annually for scientific/ exploratory licences for new fisheries demonstrate that there is an increasing interest in accessing these fisheries.

In light of this, the Emerging Fisheries Policy was developed in 1996 to clearly lay out the requirements that must be met and the procedures to follow before a new fishery can be initiated. A cornerstone of the new policy is provision for the establishment of a scientific base with which stock responses to new fishing pressures can be assessed. This new policy replaced DFO's "Policy on Underutilized Species" which was no longer adequate in the current environment. Not only does the Emerging Fisheries Policy provide applicants with a transparent process to follow, it also gives DFO managers a procedure that can be applied fairly and consistently. This policy is also precautionary in its approach to the development of new fisheries. The objective is to diversify fisheries and increase economic returns while ensuring conservation of the stocks and realizing the sustainable use of fisheries resources.

This policy applies to all new fisheries undertaken in marine or fresh water areas where the Department of Fisheries and Oceans' manages the fishery. Aboriginal people have the constitutional right to fish for food, social and ceremonial purposes. This right is second only to conservation.

In undertaking new fisheries, DFO will work with appropriate Boards or other bodies established under Land Claims Agreements. Where DFO is responsible for implementing obligations under Land Claims Agreements, this policy

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will be implemented in a manner consistent with those obligations. In the event this policy is inconsistent with obligations under Land Claims Agreements, the provisions of the Land Claims Agreements will prevail to the extent of the inconsistency.

Since DFO has a policy of promoting increased Aboriginal participation in the management of fisheries, especially through co-management agreements, as well as providing economic development opportunities in existing and new fisheries, applications by Aboriginal communities will be given special consideration.

Management of new fisheries requires an integrated approach that would blend science and business principles and effective involvement of government, industry and other parties to ensure fisheries are ecologically and economically sustainable. It requires decisions on roles and responsibilities with regard to management, enforcement and scientific components within each exploratory harvest plan.

DFO continues to foster and develop emerging fisheries in co-operation with Provinces and Territories. Provinces and Territories have an economic development mandate and, as such, have interest in the development of new fisheries that offer alternatives for the preservation and development of coastal regions and communities. In this role, Provinces and Territories may provide assistance, financial and otherwise, to corporate and individual proponents throughout the development process. In addition, the licensing and inspection (other than for export) of fish processing facilities, including those involved with emerging fisheries initiatives, are Provincial/Territorial responsibilities.

This document is available to industry so they are aware of the Department's policy on new fisheries, the process by which they can apply for licences for new fisheries, and the obligations of all Parties.

VISION:

"Healthy and abundant fishery resources supporting sustainable uses."

In achieving this the new fisheries policy will be guided by the following:

- New fisheries must provide for a reasonable scientific basis for their management. The process by which new fisheries will be managed must include the requirement for stock assessment information in the early stages. Proponents will bear responsibility to maximize collection of scientific information from catches and for co-operative work with DFO scientists who will be responsible for analyzing the data/information obtained.
- New fisheries should contribute positively to the economical viability of a fishery enterprise on an ongoing basis.
- Under the proposed policy all requests from applicants must include proposals that outline research, management and conservation approaches as well as cost of these approaches.

GUIDING PRINCIPLES:

Conservation will not be compromised - a precautionary approach will guide decision making. Information on the abundance, distribution, and productivity of the target species is identified as the key scientific requirement for development of precautionary management strategies.

The potential impact or interaction of any new fishery or gear on associated or dependent species, fishing or gear type and on habitat will be assessed.

Based on biological and environmental information, including input from industry, provinces/territories and the public, DFO will establish conservation standards, set conditions for harvest, and monitor their application.

Users are accountable for compliance with conservation standards for meeting harvesting conditions.

In allocating DFO's personnel and financial resources, priority will be given to the research, management and enforcement of established fisheries. Proponents should expect to *ensure the necessary funding to cover cost increases* and for the associated with the development of the fishery. Where programs exist, DFO will identify sources of funding.

DFO Science is responsible for the analysis of data generated and provision of advice.

DFO will uphold Canada's sovereignty concerning the fishery resource.

Users, through partnership arrangements, will participate more in the management of the fishery.

Aboriginal peoples will be provided access to the resource consistent with the law and government's fiduciary responsibilities.

OPERATIONAL GUIDELINES

As a **general rule**, new fisheries involve three stages:

i) **STAGE I:** The preliminary feasibility stage. (Scientific Licences) The objective of this stage is to determine if harvestable quantities of the species/stock known to be present in a particular fishing area exist, if the species/stock can be captured by a particular gear type, identify multi-species and habitat impacts, if markets exist and, the best approach for proceeding further, e.g. to Stage II.

ii) **STAGE II:** The commercial and stock assessment stage. (Exploratory Licences) The objective of this stage is to determine whether a species/stock can sustain a commercially viable operation and to collect biological data in order to build a preliminary database on stock abundance and distribution.

iii) **STAGE III:** The commercial fishery stage. (Commercial Licences) This stage is reached once it has been determined that a species/stock can sustain (commercially and biologically) commercial fishing operation. A formal Integrated Fisheries Management Plan is introduced.

The above stages are often not as distinct as illustrated. In many cases it may be advantageous to combine stages I & II. In fact, it may be difficult from a practical perspective in some instances to separate them.

PROCEDURES

1 - THE APPLICATION PROCESS:

Principle: The process decided upon for a given species or stock be publicly released and adhered to.

A) FOR NEW FISHERIES AT STAGE I - THE PRELIMINARY ASSESSMENT STAGE: (Feasibility)

Applicants will submit proposals/applications that:

1. identify the target species/stock, fishing area and fishing method for which a licence is requested;
2. summarise current knowledge about the target species, and provide an indication of how other species and/or the environment might be affected by the proposed activity;
3. provide a detailed plan outlining proposed fishing activities, e.g. applicable inspection requirements (CFIA), harvest level by management area, harvesting method to be used, vessels to participate, start-up time, duration of harvesting activity, interactions with other fishing activities, etc.;

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4. provide information of product use, e.g. product forms, on-board product forms, onshore production if any, likely market distribution, etc.;
5. provide proof of public notification/consultations which allows for industry/public review and input;
6. successful applicants must, in consultation with DFO, prepare a catch and effort record system. This information will be available to the public;
7. identify sources of funding.

NOTA: 1. Applications to access new fisheries (e.g., new species - Atlantic monkfish) for which existing licences have been issued (groundfish licence) and for which no new licences are being issued because they are fully subscribed or where overcapacity will not be considered.

NOTA: 2. All new fisheries for which Stage I activity has been completed and for which applications/proposals are being sought for additional licences for Stage II activities should be communicated publicly by DFO in a regional press release. The names of appropriate DFO contacts should be provided.

B) FOR NEW FISHERIES AT STAGE II - THE COMMERCIAL AND STOCK ASSESSMENT STAGE: (Exploratory)

8. an exploratory harvesting strategy for the new fishery, including number of licensees, access criteria, including, where applicable, regional/provincial distribution, catch monitoring and reporting strategy, by-catch limits, seasons, etc., will be developed by DFO or a Committee (whether DFO or a Committee the process should be consistent within a Region); and
9. in consultation with DFO Science, prepare a protocol to be used for the stock assessment component of the new fishery broken down as follows: data collection, data analysis, data recording and report preparation.

The following additional information will be required for applications involving new fisheries at the commercial and stock assessment stage (Stage II):

10. the proposed processing and marketing strategies, including product forms, plants to be used and market destinations.

Participation criteria should be set, a call for applications issued, applications reviewed and successful applicants licensed after a selection process (e.g., public draw). In order for this to be effective, all relevant information collected in the technical evaluation or exploratory stage will be made available.

2 - THE APPLICATION REVIEW PROCESS:

Upon the receipt of applications for new fisheries, the Department is responsible for initiating a review of all applications for new fisheries as follows:

1. all applications/proposals will be reviewed to determine that they meet all the requirements set out in the call for applications;
2. subject to time constraints, incomplete or insufficiently detailed applications/proposals will either be returned with a request for further information or screened out;
3. once the review of all applications for a new fishery is complete, if the number of qualified applicants exceeds the number of licences, a selection process will take place; and
4. the names of successful applicants will be publicly released.

NOTA: 3. Regions are expected to use a Review Committee, made up of governments (federal, provincial, territorial), industry and public members, for the review of the design phase of exploratory harvest plans, in developing application criteria and reviewing and evaluating the results of Stage I & II work. (Also see B-8 above)

NOTA: 4. Applicants should allow a minimum of two months prior to the planned start of fishing activities for the review of applications.

NOTA: 5. Proposals which may be of interest to fishermen from more than one region or DFO Management Area

or for a species shared jointly by fishermen from more than one region (or DFO Management Area) must be reviewed inter-regionally. The region (Area) receiving the application is responsible for ensuring this review.

3 - LICENSING PROCESS:

Once a decision on licensees for a new fishery is made, the Department will initiate new fisheries as follows:

1. licence conditions for the new fishery are established, including, fishing areas, season, gear restrictions, licensing period, gear-up deadline, by-catch limits, etc.;
2. the responsibilities of the licensee with regard to scientific, enforcement and/or management responsibilities and associated costs, as outlined in the exploratory harvesting plan, are included in a Memorandum of Agreement (MOA) or where appropriate as conditions of licence;
3. successful applicants are notified of their selection and advised that issuance of licences is subject to receipt of a signed MOA by the Department; and,
4. once signed MOAs are received by the Department, licences are issued to participants as follows: scientific or experimental licences for Stage I new fisheries and exploratory licences for Stage II new fisheries.
5. participation requirements will be introduced as a condition of exploratory licence issuance.
6. DFO will be responsible for analysis of information received from Stage 1 and 2 in a timely fashion so as to provide information base for assessing progression to further stages.
7. Scientific licence holders (Stage I) will be given priority for exploratory licences (Stage II).
8. Exploratory licence holders (Stage II) will be given priority for regular licences (Stage III).
9. Scientific/experimental or exploratory licences are not reissuable between individuals.
10. The names of successful applicants are released.

DEFINITIONS:

NEW FISHERIES:

Fisheries involving new species and/or stocks that are not utilized or not fully utilized, and not currently covered by a management plan.

SCIENTIFIC/EXPERIMENTAL LICENCE:

Licence issued under Section 4 of the Fisheries Act or Section 52 of the Fishery General Regulations, the purpose of which is to determine the distribution and abundance of a fish resource as well as to determine if harvestable quantities exist, and if it can be caught.

EXPLORATORY LICENCE:

Licence issued under Section 7 of the Fisheries Act, for a stock we have some idea of the distribution and abundance, the purpose of which is to determine if the stock can sustain a commercially viable operation and to collect additional biological data.

COMMERCIAL LICENCE:

Licence issued under Section 7 of the Fisheries Act, the purpose of which is to allow the holder to generate an annual sustainable revenue.

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