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# **PREPARING AN INTEGRATED FISHERIES MANAGEMENT PLAN (IFMP)**



## **GUIDANCE DOCUMENT**

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May 4 version - KD



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# Integrated Fisheries Management Plan (IFMP)

## Guidance Document

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## 1 INTRODUCTION

### 1.1 Purpose

The purpose of this document is to provide guidance to departmental staff in the development of Integrated Fisheries Management Plans (IFMP). While the IFMP template (Appendix A) provides the basic information regarding the content of the IFMP, this guidance document aims to further clarify both the content and application of the template, as well as to recommend a general process to develop an IFMP.

It is essential that all staff is aware that IFMPs are not legally binding instruments, and cannot form the basis of a legal challenge. The IFMP can be modified at any time. Its development does not fetter the Minister's discretionary powers set out in the *Fisheries Act*. The Minister can, for reasons of conservation or for any other valid reasons, modify any provision of the IFMP in accordance with the powers granted pursuant to the *Fisheries Act*. This must be clearly outlined at the beginning of each IFMP, and emphasized to those stakeholders who are participating in the development of the document.

### 1.2 What is an IFMP?

The IFMP is both a process and a document. Its primary goal is to provide a planning framework for the conservation and sustainable use of fisheries resources and the process by which a given fishery will be managed for a period of time.

As a process, it integrates the expertise and activities of DFO sectors (i.e. Science, Conservation and Protection, Aboriginal Policy and Governance, Oceans and Habitat, Policy and Economics, Aquaculture) in fisheries management planning under the leadership of Resource Management. It also allows for enhanced input from resource users and other stakeholders<sup>1</sup> into decision-making processes regarding management and conservation measures affecting a fishery (usually via an advisory committee). In areas subject to land claims agreements, it is important to take into account the provisions of the different agreements. In particular, these agreements generally provide for fish harvesting rights and most agreements establish structures with functions related to the management of the fishery and may also set out processes to be followed. Some agreements provide a role for wildlife management boards or other structures in the development of an IFMP. IFMPs should be developed in a manner consistent with those agreements and take into account fish harvesting rights under those agreements.

It is also important that considerations related to Food, Social and Ceremonial harvesting are taken into account.<sup>2</sup>

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<sup>1</sup> In most fisheries managed by DFO, there is an advisory committee comprised of representatives from the various sectors of the fishery. The role of this group is to provide input on management strategies proposed by DFO and to serve as a consultative body for fishers. Under the IFMP process, transparency and openness are paramount. Therefore, the committee structure may need to be redefined to ensure that the committee adequately represents the various interests in the fishery. Provisions to consult with other concerned stakeholders (i.e. provinces, non-profit organizations) may also have to be made.

Where DFO contemplates conduct that might adversely impact established or potential section 35 rights, DFO must follow the Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult, February 2008. Legal Services Unit should be involved to determine whether the government has a legal duty to consult, when it may be engaged and the scope or extent of that obligation. In addition, legal counsel may also be consulted in those situations where

Consultations related to the IFMP should include appropriate consultations with Aboriginal groups.

As a document, IFMPs are an important reporting tool and valuable source of information on a given fishery for fisheries managers, other DFO sectors (i.e. those having input into the fisheries management process), legislated co-management partners, fishery participants, other stakeholders and the general public. They provide a clear and concise summary of the characteristics of fishery, scientific aspects, management objectives for the fishery, management measures used to achieve those objectives and criteria by which attainment of objectives will be measured. The provisions of the plan will determine how the fishery will be managed and, where applicable, what will appear in licence conditions.

### **1.3 History**

IFMPs were first introduced to DFO in the mid-1990s, with the concept and general content confirmed in July 1995 through a memorandum from the ADM of Fisheries Management. IFMPs were seen as a means to improve program delivery, ensure greater integration of functional and technical expertise within DFO, increase linkages within DFO, and identify performance outputs for individual fisheries management plans. The expectation was to have fully integrated IFMPs completed for all major Canadian fisheries by 1996/1997. Unfortunately, during the following decade, the full integration of Canadian fisheries into the IFMP framework was incomplete, with many major and minor fisheries either having outdated plans or none at all. For those IFMPs that had been developed, the content was highly variable between plans.

In recent years there has been growing pressure to renew IFMPs and ensure their application in all major fisheries, largely as a result of marketplace demands for demonstrated sustainable fishing practices and the need for a departmental vehicle for implementing sustainable fisheries policies. Through an IFMP renewal process initiated in 2007/08, departmental representatives from all regions and relevant sectors (i.e. Resource Management, Conservation and Protection, Science, Oceans and Habitat Management, Policy and Economics) modified the existing IFMP template based on lessons learned since the mid-1990's and emerging issues.

### **1.4 Relationship to Departmental Activities**

There are three overarching factors that IFMPs must address:

- The requirement to incorporate the Resource Management Sustainable Development Framework, in particular the precautionary approach and ecosystem factors and impacts in fisheries decision-making;
- The demands of Canadians seeking more stability, fairness and transparency from fisheries management systems; and
- The need to put in place a rules-based approach to decision-making which is more transparent, rigorous and systematic.

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it has already been determined for policy, relationship or other reasons that DFO needs to consult with Aboriginal groups. This would enable an assessment to be done to ensure that a legal duty is not implied where it does not exist.

The established IFMP process may be enough to satisfy the requirement to consult in many situations. In those situations, the process ought to be designed to make the most efficient use of existing and proposed processes and resources while maximizing the contribution of all participants. DFO must keep records of all communications and ensure that all meetings and correspondence are on the record to enable the Crown to rely on such information, if necessary, in Court. Good record keeping also helps to ensure an orderly, economically viable, socially/culturally beneficial and sustainable fishery.

More specifically, DFO is implementing and developing a number of tools and policies to address those factors outlined above. These include:

- A fishery decision-making framework for establishing harvest strategies which incorporate the precautionary approach;
- A policy to manage the impacts of fishing on sensitive benthic areas;
- A policy to help guide decisions regarding fisheries for forage species; and
- A Fisheries Checklist to help DFO self-assess progress towards sustainability, identify gaps in knowledge and practices, and to report externally on performance and progress towards sustainable management of fisheries.

IFMPs provide a comprehensive planning, implementation and reporting tool to further this agenda. The range of objectives and management measures as outlined in IFMPs will be developed in consideration of policies regarding benthic habitat, forage species, by-catch, discards, etc. IFMPs will incorporate limit reference points developed within the framework of the precautionary approach, as well as associated decision rules. They will also utilize the Fisheries Checklist as part of the annual performance review.

Along with being instrumental in the implementation of the Sustainable Development Framework, IFMP renewal supports the Atlantic Fisheries Policy Review by outlining shared stewardship objectives and arrangements to increase stakeholder involvement in fisheries management processes, including shared decision-making.

## **2 IFMP PROCESS GUIDANCE**

It is understood that no single IFMP development process can meet the needs of all fisheries. The nature of specific fisheries, existing stakeholder advisory processes, land-claims agreements, and regional and departmental priorities will affect the manner in which an IFMP is developed. However, despite the range of factors that surround any particular fishery, there is a strong case for a standardized approach to IFMP development both from the perspective of an IFMP being a process and a document. As a process, the IFMP ensures that both DFO sectors and stakeholders are integrated in a consistent manner. As a document, the IFMP provides a window to the world (i.e. stakeholders, Aboriginal groups, NGOs, governments and international multi-lateral institutions) outlining DFO's management practices, including our application of sustainable fisheries practices.

### **2.1 Process**

In order to provide a generic IFMP development process, which provides for both a core of key activities, and which can be modified to suit the needs of each fishery, the following is proposed:

- The IFMP development process is triggered by the post-season review of a fishery. Immediately upon completion of the post-season review, the Chair (the species advisor in Resource Management) will invite relevant sectors to designate a representative to an IFMP Development Committee (DC).
- The DC will discuss the results of the post-season review; assign sectoral tasks required for the development of the IFMP, and put forward a timeline for the collection and consolidation of information. The Chair will track progress and will consolidate the information into a draft document.

- The director, Resource Management, will invite DC member sectors' directors to meet and discuss the draft IFMP. The draft which will be circulated in advance of the meeting will be presented by the Chair. Feedback will be incorporated in a revised draft IFMP including internal agreement in principle on main elements, issues and objectives.
- Consultations with external stakeholders will follow the revised version (referenced above). Existing advisory processes will be used, and additional forums may be developed where necessary. Where DFO has determined that there is a legal duty to consult with Aboriginal groups, Resource Management staff must ensure that the existing process for consultations, or any new process designed for this purpose, meets the requirements outlined in the Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult, February 2008.
- The Chair will present the draft IFMP. Participants will be encouraged to discuss the content of the document, provide additional information and suggest needed changes. The draft document should be circulated to participants as widely as possible, in advance of the meeting. A structured agenda and appropriate facilitation techniques will be used to guide the meeting, and a record of the discussions and decisions will be kept. Feedback will be incorporated in a revised draft IFMP in cooperation with participants.
- The director, Resource Management will invite DC member sectors' directors to meet and discuss the post-consultation draft IFMP. The draft which will be circulated in advance of the meeting will be presented by the Chair. Feedback will be incorporated in a revised draft IFMP, and the document will become the final draft.
- The final draft, and associated briefing note, will be delivered to the appropriate management level (see Section 4.0) for approval. To allow time for review of the IFMP, and for the preparation of licence conditions prior to the start of fishing activities, the IFMP should be submitted for approval as far in advance of the opening of the fishery as possible.
- The final IFMP will be released to the public on the DFO national and regional websites and if possible should be released a minimum of one month prior to the opening of the fishery.

For multi-year IFMPs, details regarding stock status (IFMP Section 2), management measures (IFMP Section 7) and compliance plans (IFMP Section 9) need to be reviewed and/or updated annually using the same process as outlined above. Changes will generally be incorporated into the appendices rather than to the main text of the IFMP, and posted on the DFO national and regional websites. Further information is presented in section 3.2.

Aspects of the IFMP development process may be tailored to suit the specifics of each fishery. As IFMPs are joint DFO-stakeholder documents, major external stakeholders should always be engaged in developing the IFMP. Such engagement further promotes the shared-stewardship approach to fisheries management. In areas subject to land claims agreements, IFMPs should be developed in a manner consistent with those agreements and take into account fish harvesting rights under those agreements.

Through a Memorandum of Understanding with Transport Canada, DFO will invite Transport Canada and Canadian Coast Guard representatives to participate in all regional fisheries management plan development process, including participation at regional fisheries advisory committee meetings. Section 3.2.12 provides further details.

### 3 IFMP DOCUMENT GUIDANCE

### 3.1 Background

IFMPs serve two key functions:

- Identification of the issues, objectives and management measures designed to ensure an orderly, economically viable, socially/culturally beneficial and sustainable fishery;
- Communication of basic information on a fishery and its management within DFO and to outside parties.

Once the IFMP has been finalized, it should constitute an explanation and document of record of how the fishery is managed for readers both within and outside DFO.

### 3.2 IFMP Template

A template to guide the development of IFMPs is provided in Appendix A of this document. It is anticipated that IFMPs will be developed in a manner which is consistent in both format and content with the template provided. However, it is also acknowledged that specific circumstances (e.g. plans developed in accordance with co-management processes under land claims agreements) may necessitate the use of a modified template to be developed cooperatively with the relative jurisdictions. Such modification, however, should remain as consistent as possible to the principles and guidelines set out in this document.

#### 3.2.1 *Foreword*

A nationally consistent *Foreword* has been provided in Appendix B of this guidance document. Its purpose is to introduce the IFMP in the context of fisheries management processes in Canadian waters. The foreword page may also include a sign-off portion to indicate who has approved the IFMP. This may be particularly relevant when IFMPs are signed off by multiple stakeholders (e.g. co-management boards established under land claims agreements).

#### 3.2.2 *Overview of the Fishery (IFMP Section 1)*

The purpose of this section is to provide a general overview of the fishery and provide context for the IFMP details that follow. Providing a brief history of the fishery will assist the reader in understanding the fishery, how it developed over time, and the basis of its management regime. The *Overview of the Fishery* should also contain general information on the fishery: the stock(s), who is involved, where it takes place and how it is conducted. Specific information on openings/closures for specific management units should be avoided, as these are outlined in IFMP Section 7.

Discussions of governance should include an overview of relevant co-management arrangements required under existing land claims agreements. Legal Services Unit should be asked to review the overview. Other co-management and shared stewardship arrangements will be discussed in IFMP Section 8.

Information regarding decision-making and approval processes for the IFMP and associated management actions should be general in nature, and indicate who is ultimately responsible for final decisions. Relevant provisions of land claims agreements should be outlined.

#### 3.2.3 *Stock Assessment, Science and Traditional Knowledge (IFMP Section 2)*

The purpose of this section is to provide the reader with an overview of the general biological characteristics of those species targeted by the fishery, their role in the ecosystem and the population status.

The Department has acknowledged the need to incorporate both Aboriginal Traditional Knowledge (ATK) and Traditional Ecological Knowledge (TEK) into the management of aquatic species. Where available, an overview of ATK and TEK on the species biology and population status should be included. Potential sources included science advisory reports (SARS), information collected for SARA purposes (i.e. COSEWIC status reports), community-based inventories and conservation plans, and information collected from fisheries advisory committees.

IFMPs should include a summary of the stock assessment process, including the types of data examined (i.e. research vessel surveys, sentinel fisheries, aerial surveys, etc.) and frequency of assessments, as well as a summary of the most recent stock assessment(s). Such information should be brief in nature, with references (including web addresses) provided to the CSAS documents (i.e. science advisory report, research document) for those readers wanting further detailed information. For single-year plans, information on stock status should be provided directly within the main text of the IFMP. For multi-year plans, this information should be provided as an appendix to the IFMP and updated with each new stock assessment.

Where available, stock prospects for the duration of the plan (and beyond where available) should be provided. Such information on projected trends will be vital in developing IFMP objectives and management measures that ensure the stock(s) are managed in a sustainable manner. Such information will also be required for assessing future economic trends and fishery viability discussed in Section 3 of the IFMP.

Where established, a brief summary of reference points (i.e. limit reference point and upper stock reference point) and population levels corresponding to stock status zones (i.e. healthy, cautious and critical) established under the auspices of the precautionary approach should be provided. Such information is best presented as a table or graph setting out the zones, reference points delineating the zones and the current status of the stock. References (including web addresses) to supporting documentation (i.e. Science Advisory Reports (SAR) and Research Documents) should be provided for those readers wanting further detailed information. Harvest decision rules associated with the reference points and stock status zones should not be discussed here, as these are addressed in IFMP Section 7.

A summary of research projects may include DFO activities, as well those conducted by other federal departments, provincial/territorial governments, academia, the fishing industry and other organizations. However, if this summary includes research being conducted outside of DFO, care must be taken to ensure the summary is accurate and the researcher(s) are in agreement with having this information presented in a public document. The lead for this section should remember that the purpose of this information is to provide a brief summary of “key” research. An exhaustive list of all potentially related activities is not required. Where critical information gaps exist, a summary of key future research needs is also beneficial. The summary of research activities should consider the target species, by-catch species, habitat and other ecosystem considerations related to the fishery.

### **3.2.4 Social, Cultural, and Economic Importance of the Fishery (IFMP Section 3)**

The purpose of the economic content in the IFMP is to describe and assess:

- the social, cultural, and economic scale and significance of the fishery;
- the general profitability of the fishery and the economic health of its markets; and
- where applicable, the specific socio-economic impacts of proposed (or incidental) changes in the fishery.

To the extent that these socio-economic aspects of the fishery carry important implications for stock conservation and sustainable use, they are also important for fully informing decision makers, managers, industry and the general public.

A separate framework<sup>3</sup> has been developed by the Policy and Economics Branch to standardize the socio-economic analysis associated with IFMPs and harvest decisions. The socio-economic framework guides production of a specific report corresponding to a stand-alone paper on the economics of the fishery, which can undergo appropriate review procedures, and from which highlights can be taken for the IFMP.

The extent of the analysis will depend upon the specific fishery in question. An economic analyst will be responsible for providing a summary of the prominent economic information that is recommended for inclusion within the IFMP itself. Any additional analysis undertaken by Policy-Economics staff can be referenced by citation of the separate analytical document that will also be provided to the responsible Fisheries staff officer.

For some fisheries, there will be a paucity of economic information, and the production of a full analytical document may not be practical. The socio-economic framework allows for flexibility in the scope of the analysis that will be carried out, in order to accommodate a wide variety of situations. For example, in the case of FSC fisheries, recognition of the cultural/traditional importance of the fishery to Aboriginal peoples should be documented, incorporating traditional knowledge where available.

### **3.2.5 Management Issues (IFMP Section 4)**

The purpose of this section is to provide the reader with an overview of key management issues and problems facing the fishery. These include issues typically associated with fisheries implementation, such as conflicts between resource users (i.e. various commercial sectors, recreational, aquaculture and Aboriginal), by-catch problems, discarding and catch monitoring. However, issues beyond the target species and the fisher harvesters themselves should also be considered. These include issues related to depleted species (i.e. COSEWIC, SARA and moratorium species), ecologically significant areas, gear impacts on aquatic habitats, any management measures to control aquatic invasive species, gear losses and international considerations.

Information outlined in *Management Issues* provides a foundation for the development of the remainder of the IFMP. Objectives (IFMP Section 5), access and allocations (IFMP Section 6), management measures (IFMP Section 7), shared stewardship arrangements (IFMP Section 8) and compliance plans (IFMP Section 9) should always be developed in consideration of those management issues outlined in the IFMP.

The identification of key management issues will require the involvement of all relevant sectors within DFO, as well as co-management structures (e.g. co-management boards) and resource users where possible, to ensure all aspects of the fishery and its impacts are considered. Additional sources of information that may prove useful in the identification of management issues include science advisory reports/stock assessments, SARA Recovery Strategies/Action Plans/Management Plans and Oceans documents (i.e. Ecosystem Overview and Assessment Reports).

### **3.2.6 Objectives (IFMP Section 5)**

IFMP objectives should be **SMART** (Specific, Measurable, Attainable, Relevant and Timely) and developed to address (and potentially resolve) those management issues outlined in IFMP Section 4, as well as the stock scenarios outlined in IFMP Section 2 (where applicable).

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<sup>3</sup> A Framework for Socio-Economic Analysis to Inform Integrated Fisheries Management Plans and Fish Harvest Decisions. Policy Sector, Fisheries and Oceans Canada, DRAFT, Feb. 2008.

Long-term objectives (i.e. those not limited to the duration of the plan) should be developed as a first step. As indicated in the template, long-term objectives may address issues related to stock conservation, ecosystems, stewardship, socio-economics, compliance and other relevant considerations. Each long-term objective should be supported by one or more short-term objective(s), which are specific for the duration of the plan. It is these short-term objectives that drive the development of the IFMP management measures (IFMP Section 7), shared stewardship arrangements (IFMP Section 8) and compliance plan (IFMP Section 9).

In developing IFMP objectives, consideration should be given to existing DFO processes which may have already developed objectives specific to the fishery, species and habitats addressed in the plan. These would include objectives outlined in SARA Recovery Strategies/Action Plans/Management Plans and Marine Protected Area (MPA) Management Plans, as well as Conservation Objectives for LOMAs developed under the auspices of Canada's Oceans Action Plan. Where appropriate, such objectives should be incorporated into the IFMP.

### **3.2.7 Access and Allocation (IFMP Section 6)**

As noted by the Atlantic Fisheries Policy Review (AFPR), uncertainty in access and allocations creates instability that undermines the integrity of fisheries management and jeopardizes efforts to achieve sustainable use and a conservation ethic among user groups. The inclusion of access and allocation information within an IFMP (particularly multi-year documents) promotes a sense of stability and transparency. Such information is best provided in a table format, where possible. Access and allocations should consider all potential user groups (i.e. recreation, aquaculture, Aboriginal, etc.), not just commercial fisheries. Where appropriate (i.e., relatively stable resource), long-term sharing arrangements should also be presented within the IFMP. Temporary allocations should also be discussed where relevant.

It is essential that every IFMP includes a statement noting that the Minister can, for reasons of conservation or for any other valid reasons, modify access, allocations and sharing arrangements as outlined in the IFMP in accordance with the powers granted pursuant to the *Fisheries Act*. In circumstances where changes to access, allocations and sharing arrangements are required during the life of the IFMP (i.e., new legal obligations, revised conservation objectives), the updated information should be presented in the appendices.

### **3.2.8 Management Measures for the Duration of the Plan (IFMP Section 7)**

*Management Measures for the Duration of the Plan* outlines the controls or "rules" adopted for the fishery for the period of the plan, including the stock conservation and ecosystem management measures. These would include such measures as TAC, seasons, gear restrictions, monitoring tools, conservation harvesting techniques, selective fishing requirements, financial arrangements with industry and habitat protection. Management measures should be developed in the context of addressing the IFMP's short-term objectives (as outlined in IFMP Section 5).

In order to implement the risk-based management decision making framework using the precautionary approach in a fishery, harvest decision rules are a critical component of an IFMP. These rules should be precise and provide details on the harvest rates and other management procedures required in each of the stock status zones (i.e. critical, cautious and healthy) or steps within a zone, as described in IFMP Section 2. While informal harvest rules (e.g. those developed outside the precautionary approach) are encouraged within the IFMP, caution is required to ensure that these are not presented as harvest decision rules compliant with the fishery decision-making framework incorporating the precautionary approach adopted by DFO.

**Comment:** Unclear wording

Under SARA, species listed as either threatened or endangered are subject to prohibitions, which apply to harm to the species itself, as well as to its residence and/or critical habitat (if applicable). These prohibitions may also be extended to species listed as extirpated if re-introduction is deemed feasible. IFMPs should include a list of all SARA listed species impacted by the fishery, as well as control measures required to address these prohibitions. If harm to SARA listed species is authorized through SARA permits or Recovery Strategies, these should be also discussed, along with any associated mitigation requirements (i.e. live release, reporting requirements). While prohibitions do not apply to species listed as special concern, any such species impacted by the fishery should also be described, along with any associated mitigation requirements. Existing SARA Recovery Strategies, Action Plans and Management Plans should be referenced. In the absence of such plans, consideration should be given to allowable harm limits documented through the Recovery Potential Assessment (RPA) process.

For single-year plans, management measures should be presented in the main text of the IFMP. For multi-year plans, this information should be provided in the appendices and updated annually.

### **3.2.9 Shared Stewardship Arrangements (IFMP Section 8)**

Stewardship refers to the care, supervision or management of something, especially the careful and responsible management of something entrusted to one's care (as defined by AFPR). In the context of fisheries management, stewardship is often referenced in regards to "shared stewardship", whereby participants will be effectively involved in fisheries management decision-making processes at appropriate levels, will contribute specialized knowledge and experience, and share in accountability for outcomes.

The IFMP should include a discussion of any co-management and other initiatives (i.e. Integrated Management activities through the Oceans Program) that support shared-decision making and foster a sense of shared stewardship amongst stakeholders. Such initiatives should aim to meet those shared stewardship objectives specified in IFMP Section 5. If Joint Project Agreements (JPAs) are involved in shared stewardship initiatives, these must not be mentioned in any substantive way that makes the IFMP subject to it. JPAs are discussed further in this guidance document (6.0 Legal Context).

It should be noted that shared stewardship does not include co-management arrangements established under land claims agreements. These arrangements are outlined in IFMP Section 1.

### **3.2.10 Compliance Plan (IFMP Section 9)**

The purpose of this section is to provide the reader with a general overview of the compliance program and a summary of issues and strategies designed to help secure good levels of compliance with legislation, regulations and management measures. The Compliance Management Plan will be composed of the sections described below.

#### *Conservation and Protection Program Description*

The following nationally consistent description of the C&P program should be included with each IFMP.

The Conservation and Protection program promotes and maintains compliance with legislation, regulations and management measures implemented to achieve the conservation and sustainable use of Canada's aquatic resources, and the protection of species at risk, fish habitat and oceans.

The program is delivered through a balanced regulatory management and enforcement approach including:

- promotion of compliance through education and shared stewardship;

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|---|
| <ul style="list-style-type: none"><li>• monitoring, control and surveillance activities; and,</li><li>• management of major cases /special investigations in relation to complex compliance issues.</li></ul> |
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All Compliance Management Plans should be consistent with the National Compliance Framework and the DFO Compliance Model. More information can be found on both of these documents at the following intranet site:

[http://intra.dfo-mpo.gc.ca/hq/fishmgmt/Directorates/CP/CRM/index\\_e.htm](http://intra.dfo-mpo.gc.ca/hq/fishmgmt/Directorates/CP/CRM/index_e.htm)

A link to this site should also be provided in the IFMP document for the readers who may be interested in more information on compliance management within DFO.

#### *Regional Compliance Program Delivery*

This section should provide a general description of compliance activities carried out by C&P for this fishery. Include the activities conducted by third parties like the at-sea observers and dockside monitors. Describe the use of technology to help with the monitoring, control and surveillance (MCS) activities (e.g. VMS, air surveillance, video monitoring, etc.).

A statement should also be included to let the reader know that the Conservation and Protection Program is responsible for compliance and enforcement work related to all the regional fisheries, as well as habitat, CSSP, and other activities. Consequently, the allocation of time towards any given fishery will be based to a large extent on an assessment of risk to the resource. The main message here is that C&P cannot do everything and much focus on priorities.

#### *Consultation*

The purpose of this section is to provide a general description of the processes in place to ensure integration of compliance issues into the internal IFMP structure and to provide enhanced communication and cooperation between the Conservation and Protection Program and the fishing industry, aboriginal organizations and other government organizations. Examples of specific consultations that are occurring with the industry on matters relating to compliance and enforcement are the Enforcement Advisory Committees and Round Tables. It is important not to duplicate any of the information related to consultations that is already provided in the other sections of the IFMP.

#### *Compliance Performance*

The Conservation and Protection Program shares the overall objective of sustainable fisheries with the other DFO programs but also has its own compliance related targets and performance indicators that it measures to determine its success. Its major sources of information to measure performance are the Fisheries Enforcement Activity Tracking System (FEATS) and the Departmental Violation System (DVS).

Outputs and results for this specific fishery from the previous year should be included in this section. This is also the appropriate place to include any trend data that might be available. For example, if compliance rates for certain management measures, deemed important for the sustainability of the resource, have improved over the years, it would be good to document. Trends in amount of compliance effort dedicated to this fishery might also be an important to include as an indicator of its priority status and commitment of appropriate resources. The main purpose of including the trend data is to show improvements in the goal of securing target compliance levels or to demonstrate that important compliance related problems still exist and may need additional attention.

#### *Current Compliance Issues*

This section should provide the reader with a basic understanding of what the current compliance related problems are. The issues that are identified should be those that represent the most significant risk to the resource. An operational risk assessment process is currently being developed for C&P and will be help identify the important compliance risks. It will be made available once it is mature enough for implementation.

It is important to make the link between the compliance issues and the broader goals of the IFMP. For example, if it is determined that there may be inaccurate records of the weight of fish landed, then the source of this problem should be clearly identified and defined so that an appropriate compliance strategy to fix the problem can be developed.

#### *Compliance Strategy*

Finally, activities planned to deal with the compliance issues identified above should be briefly described here. Discretion should be used to determine if there are elements of the compliance strategy that should not be shared with the reader (e.g. covert enforcement operations). It would be good to include the involvement of others in the overall compliance strategy (e.g the engagement of third-parties in monitoring activities or the use of restorative justice as an alternative to prosecution).

#### **3.2.11 Performance Review (IFMP Section 10)**

This section should outline measurable indicators to determine whether or not those objectives outlined in IFMP Section 5 are being achieved and those management issues outlined in IFMP Section 4 are being addressed. These indicators may include those specifically developed for the IFMP, as well as existing evaluation processes such as the Fisheries Checklist. Potential performance indicators include:

- Was the IFMP developed through a consultative process which includes all relevant stakeholders for that fishery?
- Were objectives for ecosystem factors met, partially met or not met?
- Were objectives for the target stock met, partially met or not met?

A summary of the post-season performance review process is also encouraged. See section 5.0 of this document for further information on the annual review process.

It is beneficial to include the results of the previous year's annual review as an appendix to the IFMP. For multi-year IFMPs, this information should be updated annually. In instances where a post-season review results in a detailed report, a summary of that report is suitable for inclusion into the IFMP.

#### **3.2.12 Glossary and Appendices**

A glossary should be included at the end of each IFMP to assist those stakeholders who may not be familiar with the terminology frequently used within DFO and fisheries management environment. A glossary of sample terms is presented in Appendix C of this guidance document to assist those responsible for developing IFMPs.

The IFMP appendices serve several functions. For multi-year plans, annual updates of stock assessments, management measures and compliance plans will be presented here rather than in the main text of the IFMP. Results of the previous year's post season review (including landings, values, etc) should also be presented in the appendices, as well as any required updates of access, allocations and sharing arrangements. Other miscellaneous documents associated with the IFMP, including press releases, terms of references (TOR) for associated advisory groups and sign-off page, may also be presented in the appendices.

IFMPs should always include Department contact information for those departmental staff and stakeholders requiring additional information. Contact information is best presented as an appendix.

Through a Memorandum of Understanding with Transport Canada, DFO has committed to invite Transport Canada and Canadian Coast Guard representatives to participate in the regional fisheries management plan development processes, including participation at regional fisheries advisory committee meetings. DFO has also committed to ensuring that safety considerations are outlined in every fisheries management plan. As such, all measures outlined in an IFMP must be developed in full consideration of safety-at-sea issues. Detailed safety-at-sea considerations and measures may also be presented as an appendix. For reference, a sample of safety-at-sea text, as developed by Pacific Region, is provided in Appendix D of this guidance document.

### **3.3 Role of the “Lead” Sector**

For each section of the IFMP template, a DFO “lead” sector has been identified. It is anticipated that the lead sector will be responsible for gathering and consolidating information for the section in question, and ultimately write the associated text. However, it is understood that the lead sector may not hold all relevant information and will be required to consult with other sectors, jurisdictions and stakeholders for completion of the text. This will further promote the integrated nature of the IFMP process. Ultimately, Resource Management is responsible for initiating and coordinating the overall IFMP development process.

In areas subject to land claims agreements, DFO and the co-management board(s) or other structures will collaborate and establish leads for various sections of the IFMP, on a fishery-by-fishery basis.

### **3.4 Duration of the Plan**

IFMPs can be either single-year or multi-year documents, and as such the IFMP template (Appendix A) has been developed to accommodate both approaches. The development of multi-year documents is encouraged, as they reduce the annual workload for departmental staff, reduce the problem of plans being released late (after the initial year) and can provide operational stability for both DFO and fish harvesters. Multi-year plans are recommended by the AFPR as a means of moving towards long-term sharing arrangements.

Single year documents will contain the most recent information regarding stock assessment, management measures and compliance plan directly within the main body of the document. For multi-year documents, such information will be presented within the IFMP appendices, which will be updated on an annual basis.

## **4 APPROVALS PROCESS**

The approval of an IFMP should be delegated down to the lowest possible management level, particularly for non-controversial fisheries and/or where there is consensus between all stakeholders. However, IFMPs should be approved by a manager who is at a level above the person leading the development of an IFMP. As a default, FAM Regional Director (or in some cases RDG) approval should be considered the minimal requirement. The rationale for this would be to limit the Minister’s involvement to controversial situations or to issues which have policy implications. However, the Minister would still remain accountable to Parliament for all IFMPs. Delegating approval authority to lower levels would bring decisions closer to stakeholders, and support the Department’s goal of increasing stakeholder participation in the decision-making process in the spirit of shared stewardship and co-management.

Even when a plan is approved by an RDG, it should always be sent to National Headquarters for information before being released publicly (including posting on the internet).

Ministerial approval of an IFMP is required under the following circumstances:

- Changes to access, allocation and sharing arrangement without stakeholder consensus;
- Major TAC decrease/increase;
- TAC higher than the level recommended by Science;
- Issuance of additional licences;
- International implications (i.e., fishing outside 200-mile); and
- Introduction of major and/or controversial policy or management measures.

For those IFMPs involving multiple regions (i.e. an Atlantic-wide stock), yet not falling into the category of those plans requiring Ministerial approval, ADM-Fisheries and Aquaculture Management approval would be a suitable course of action. Where IFMPs are developed in association with co-management boards or other structures established under land claims agreements and the agreement provides for an approval process, plans must be approved in accordance with the agreements where the agreements contain applicable processes.

The goal with all IFMPs will be to approve and release the plan at least one month before the start of the fishery.

## 5 ANNUAL REVIEW

An annual performance review (or post-season review) of the effectiveness of the IFMP is a crucial part of the IFMP process. Such a review helps to determine the effectiveness of the year's management measures and identify areas for improvement. It is also part of the Auditor-General's government-wide requirements to establish performance measures for the effectiveness of programs.

There are four main elements that should be considered in the IFMP review:

- assessment of the IFMP development process;
- assessment of the plan itself;
- assessment of the effectiveness of the measures implemented (outputs and outcomes); and
- recommendations and suggestions for improvement.

Performance reviews also provide an opportunity to examine harvest decision rules, and test whether they have been working and are compliant with the precautionary approach. However, reviews of harvest decision rule may not be required on an annual basis.

Ideally, the review process should involve all members of the associated advisory committee and relevant DFO sectors (i.e., Science, Resource Management, Conservation and Protection, Aboriginal Policy and Governance, Oceans and Habitat, Policy and Economics, Aquaculture, etc). As well, the review should be completed in a timely fashion so that suggestions for improvement can be adopted for the upcoming season (i.e. complete review immediately after the close of the season).

## 6 LEGAL CONTEXT

**IFMPs are not legally binding instruments; this must be clearly stated at the beginning of every IFMP (see Appendix B).** An IFMP may be altered at any time by the Minister for conservation or any other reason under the discretionary powers conferred to him or her by the *Fisheries Act*. This discretionary power applies whether the IFMP is single-year or multi-year in scope. To avoid any confusion, care must

be taken to ensure that the IFMP wording does not resemble that of a binding agreement; the IFMP should describe the fishery rather than set out what could be considered a series of obligations. For example, it would be appropriate to state in the IFMP that “lobster traps are equipped with x to prevent the capture of undersized lobster”. The licence conditions linked to the IFMP could be more prescriptive. For example, a condition of licence could be: “lobster traps *shall* be equipped with x, etc.”

At the operational level, activities described in the plan are not optional and should form part of the annual work plan of DFO managers. For licence holders, activities in the plan will be reflected in licence conditions. With this in mind, care should be taken to ensure that the measures included in the IFMP are realistic and achievable.

Legally binding agreements between DFO and fishers (or other stakeholders), otherwise called JPAs, may be developed under the co-management approach or as a result of other negotiations. In an IFMP document, a JPA must not be mentioned in any substantive way that makes the IFMP subject to it. It is important to keep the IFMP independent of the JPA so that the IFMP remains valid and does not adversely affect Ministerial discretion with respect to the management of the resource should the JPA fail.

## **7 COMMUNICATIONS**

IFMPs are ultimately public documents. Their purpose is not only to outline the specific objectives and management measures of a fishery, but also to communicate the basic information on a fishery and its management both within DFO and to outside parties. As such, the language of IFMPs must be easily understandable by a range of readers since the intended audience is broad (i.e. DFO personnel, fish harvesters and the general public). A glossary of fisheries management terms used in the IFMP should also be included, as this will be beneficial in making the document understandable to a wider audience.

Communications officers should be engaged early in the IFMP process to ensure that there is time to prepare a communications plan for the IFMP announcement and implementation, when needed.

Upon completion, IFMPs should be posted on either the DFO regional or headquarters internet sites one month before the opening of the fishery. For many fisheries, distribution of hardcopies of IFMPs to DFO staff, other jurisdictions, stakeholders and the general public will not be required, as the document will be available on the internet.

## **8 SCHEDULING**

An IFMP implementation schedule has been developed for all major fisheries in Canadian waters, and has been outlined in Appendix E of this guidance document. It is anticipated that IFMPs, developed under the auspices of the format presented in this guidance document, will be developed for all major Canadian fisheries by the end of the 2010/11 fiscal year.