



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

DEPARTMENTAL POLICIES & GUIDELINES  
DEVELOPED IN RESPONSE TO THE *LAROCQUE* AND APPFA  
FEDERAL COURT DECISIONS

National Committee on Collaborative Arrangements

2008



Canada

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**DFO Interim Policy Guidance on the continuation of  
Collaborative Arrangements that previously relied on the use of fish**

**Background/ Context:**

“Shared stewardship” is a longstanding DFO commitment and goal. “Shared stewardship” implies the active engagement of fishers and their organizations in fisheries planning; in the management of harvest operations; in program and service design and delivery; and in sharing to an appropriate degree the costs of those programs and services.

As a result of the *Larocque* and *APPFA 2005* Federal Court of Canada decisions, the Department of Fisheries and Oceans (DFO) can no longer use fish to finance activities related to science and fisheries management, whether these are DFO or industry activities.

This document provides guidance to DFO managers and their staff and establishes a basis for discussions with fishers concerning those arrangements.

**DFO Objectives:**

The Department’s primary objectives in issuing this policy are:

- To assure that DFO’s program resources continue to be allocated in a way that supports its highest priorities for the fishery: the conservation and protection of fish; and the effective management of fisheries
- To assure operational consistency by DFO within the existing legislative framework established by the *Fisheries Act*, the *Department of Fisheries and Oceans Act*, the *Financial Administration Act*, the *User Fees Act* and other applicable federal statutes, regulations and Court decisions.
- To continue to support “shared stewardship” and maintain productive relations with fishers and their organizations
- To strike a fair balance between public financing of fisheries management and private responsibility for defraying program and service costs where programs and services can reasonably be construed as providing an identifiable private or personal benefit to fishers

**General policy principles respecting fisheries management and science programs:**

1. Within the Appropriations approved by Parliament, DFO will assign its highest priority to the provision of programs essential to the conservation and protection of fish and the effective management of fisheries under federal administration, in the public interest.

2. DFO will provide or support the provision of programs and services *incremental to* those essential for the conservation and protection of fish and the effective management of fisheries in the public interest, **only** where:

- The provision of the program or service is consistent with the mandate and legal authorities of DFO
- The provision of the program or service or the financial support does not impair DFO’s ability to meet its conservation and management responsibilities
- There is a clear policy rationale for public provision or support of the program or service – for example: increasing the fishery’s contribution to the regional economy; improving the international competitiveness of a fishery
- The program or service can be made available on an equitable basis, among regions and across fisheries

3. Normally, those who benefit from “incremental” programs and services will be required to contribute to their costs or otherwise support their delivery.

4. The requirement to make a financial or other contribution will be commensurate with the scale of the benefit and will be consistent with the *Financial Administration Act* and regulations, Treasury Board policies, and:

- the ability of the beneficiaries to pay or contribute over the life of the agreement; and
- any advice received on the consistency of such a requirement with existing Aboriginal and treaty rights.

5. DFO will, more generally, seek to develop collaborative arrangements and joint-delivery mechanisms with the fishers who derive the primary benefits from its programs and services, in order to reduce the direct costs to government and to maximize program effectiveness and responsiveness.

Implementation of this Policy/ Application to Collaborative Arrangements:

1. Where DFO and fishers or their representative organizations have entered into valid legal arrangements for the assumption or sharing of program responsibilities or for service delivery by the organization or its members, these arrangements will remain in place.

2. Where DFO and fishers or their representative organizations have entered into collaborative arrangements that were to be funded by an allocation of fish or other means rendered infeasible by the *Larocque* and *AFFPA 2005* decisions, DFO will seek to establish alternative arrangements that are consistent with the law, applicable Treasury Board policies and the General Principles above.

These may include – but are not limited to – arrangements respecting:

- Test fisheries
- Sentinel fisheries
- Resource surveys
- Exploratory and emerging fisheries

More detailed guidelines on each of these four types of project or undertaking are attached as Annexes to this document.

3. Legal advice will be required in assessing the degree of legal risk entailed by any alternative approach.

4. The Department may, subject to that legal advice, employ any of the following instruments or conclude the following forms of arrangement:

- Joint Project Agreements
- Issuance of a S. 52 licence with an allowance of fish no greater than what is required for the experimental/scientific/educational or public display purpose; plus a separate agreement or contract to cover the costs of performing the activity
- Issuance of a commercial licence with an appropriate allocation that is not granted for financing purposes; plus a separate agreement or contract to cover the costs related to any collaborative arrangement
- Other arrangements that respect the spirit and letter of the court decisions

Issuance of a licence or the signing of an agreement will take place only after review and approval of a proposal by the Larocque Action Plan National Committee.

5. DFO may consider, on an interim basis, providing the program or service directly, at its own cost, or contributing to the cost of its provision external to government, where:

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- The cost of providing or supporting the program or service does not impair DFO's ability to meet essential conservation and management responsibilities
- In light of the departmental mandate and priorities, DFO determines it is in the public interest to maintain the program or service
- No zero-cost, legally sound alternative approach exists *and*
- The beneficiaries of the program or service lack or are reasonably likely in future to lack the capacity or the resources to undertake its financing and delivery

A decision to provide or fund the program or service will be taken only after review and approval of a proposal by the Larocque Action Plan National Committee.

6. In determining whether it is in the public interest to provide or support the program or service, DFO managers are required (in addition to assuring consistency with any relevant to Treasury Board policies) to assess and document the following:

a) Duration and performance:

There is a greater case for continuance where previous arrangements are of long duration (5 years or more); the administration of the arrangements have been smooth; and the fishers themselves have a good record of compliance with both harvesting rules and administrative requirements in the fishery.

b) Indirect benefits to DFO

Programs and services that provide private benefit and that are not strictly required to meet conservation requirements may yet provide benefits to DFO and advance DFO's mission: e.g. increasing scientific understanding of a given species; facilitating DFO enforcement or increasing its effectiveness.

c) Scale of the economic benefit to Canada

Measures that confer economic benefits on individuals and enterprises necessarily benefit the Canadian economy as well: This is a relevant aspect of the public interest, notwithstanding DFO's resolve that beneficiaries themselves should contribute financially or otherwise.

d) Employment impacts and other benefits to local economies

The *distribution* of the benefits is also relevant, in determining the public interest: e.g. where an increased TAC provides additional employment to onshore plant-workers in communities with few alternative employment prospects.

Separate, but complementary, documents lay out in detail the Regional or Resource Management process which will feed into the National Committee on Collaborative Arrangements. These include:

- The Decision-Making Process for Approval of Arrangements Previously Funded by "Use of Fish".
- The Approval Questionnaire for Arrangements Previously Funded by "Use of Fish".

## **A new approach to the Groundfish Sentinel Program**

### **1. Context:**

The Groundfish Sentinel Program is a series of research activities where government funds and proceeds from sentinel catches have been used to engage commercial groundfish fishers over sections of the Atlantic Coast in structured fishing for scientific purposes. The Program was initiated in 1994 after the flow of data and information about declining groundfish stocks was lost as a result of the closure of numerous commercial groundfish fisheries in the early 1990s. The objectives of the Groundfish Sentinel Program are to enhance scientific information and monitor trends in the biomass of depressed stocks and those under moratorium, and to involve fishers directly in the scientific assessment process, and thus foster greater cooperation and understanding between the Department and the fishing industry. This program is one where the principles of cooperation and shared stewardship with respect to stock assessment have been inherently in place, and will now be more prominent under the proposed new approach. Parameters that control sentinel activities are set by DFO Science, in consultation with the groundfish industry.

Groundfish Sentinel Program projects all generate fish sales revenue which accrues to the fishers. In most cases in the past, the industry has, to date, used some or all of this revenue to contribute to the sentinel activity.

Recent Federal Court of Canada decisions have made clear that the Minister does not have the legal authority to use fish to finance directly or indirectly DFO activities.

The Groundfish Sentinel Program (GSP) projects across the Atlantic have been evaluated to determine whether they were affected by the recent Federal Court decisions. While some GSP arrangements have been assessed as bearing no use of fish aspect, numerous GSP arrangements appeared to contain a use of fish aspect. In view of ensuring that all the GSP arrangements comply with the existing legislative framework, DFO Science developed the following new approach for delivering the GSP.

### **2. The new approach**

The new approach continues to be a collaborative approach, whereby the industry participates in the financing of the GSP activities, but no longer contains a use of fish element. Under this approach, DFO seeks an industry's contribution to GSP projects in compliance with the existing legislative framework.

### **3. Implementing the new approach**

Communication with the industry is a key factor for successfully implementing the new approach. DFO will develop a communication plan for efficiently communicating the new approach to the industry.

As a first step, DFO evaluates whether existing projects should continue or not, in consideration of the policy framework developed to provide interim guidance in responding to the recent Federal Court of Canada decisions. At this time, it has been determined that there is support for continuing sentinel activities in all Regions.

Where it has been determined that a particular project should continue, DFO enters into negotiations with the industry in view of reaching an agreement for the delivery of the project and the sharing of the costs associated with the project. The following sections provide guidelines to assist DFO officials for ensuring that arrangements with the industry comply with the existing legislative framework.

#### **3.1 General approach:**

Recent rulings do not impact the authority of DFO to enter into sentinel arrangements in collaboration with the industry, which may include a contribution (financial or other) from the industry. **However, DFO may**

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**not grant an allocation to a fisher or organization for the purposes of helping that fisher or organization to generate the funds required to meet its financial obligations to the sentinel arrangements in question.**

There are five elements in all sentinel programs:

1. Catches in sentinel activities are the result of a prescribed effort set by DFO Science; ie: no specific catch amounts are targeted.
  - a) Where the fishery in question has an established TAC, allocations for the GSP programs are set aside within that TAC through the Integrated Fisheries Management Plans, to prevent TAC overruns. This allocation is not granted to cover the costs (portion or in full) of the fishing activities.
  - b) Where there is no TAC established, there can be no allocation set aside and sentinel catch are simply recorded,
2. There is a demonstrable scientific justification to the prescribed effort, which does not in any way reflect the issue of the funding of the GSP program.
3. Species that can be returned to the water with significant survival should be. However, because of the gears used and the species at issue, many sentinel catches cannot be returned to the water with any meaningful prospect of survival. Exceptions will be identified by conditions of licence.
4. Catches resulting from duly authorized fishing activities undertaken by the industry, and not required to be returned to the water by condition of licence, can be retained and sold by the fisher without further conditions, pursuant to S.35(2) (FGR).
5. In making decisions on any particular negotiated arrangements with the industry, DFO may not consider using fish to finance directly or indirectly all or portion of a particular project.

### **3.2 Checklist:**

Sentinel arrangements for each of the GSP administrative program areas have been reviewed. The following "checklist" has been developed for ensuring that GSP programs and GSP arrangements with the industry comply with the existing legislative framework.

- a) In determining the GSP allocation, no consideration is given on how the industry would use the revenue from the sale of fish caught (if any) as a result of the fishing activities conducted in the context of the GSP program.
- b) No "surplus discretionary fishing" is authorized. This would preclude (as part of the GSP) any fishing activities which have no scientific purpose.
- c) Solicitations for bids, services contracts and other contracts entered into by DFO, licences, and conditions of licence contain no reference to how the revenue from the sale of fish caught (if any) as a result of the fishing activities conducted in the context of the GSP has to be used.
- d) Anticipated revenue from the sale of fish caught (if any) as a result of the fishing activities conducted in the context of the GSP are not deducted by DFO from the amount to be paid by the Department to a service provider.
- e) For the portion of the agreed work to be covered by the department, DFO must pay a monetary amount which reflects the value of the services rendered by the licence holder. DFO may not use fish instead of money to pay for the services.

**POLICY APPROACH FOR AN INTERIM ADJUSTMENT STRATEGY**  
**FOR LAROCQUE IMPACTED FISHERIES SCIENCE**  
**RESOURCE SURVEY ACTIVITIES**

Science Sector received funds in Federal Budget 2007 in order to be in a position to replace funding previously derived from resource sources in high priority collaborative fisheries science projects conducted with the fishing industry. Many of these science activities affected by the judgment in *Larocque* fall into the category of 'Resource Surveys'. Generally, these activities are time sensitive and must be completed within certain seasonal time frames in order to preserve the integrity and comparability of data across years; or are activities linked to an established fishing pattern which comes early in the season.

In the longer term adjustment to the rulings in *Larocque* and *APPFA*, Science Sector would like to consider the approach of an expanded collaborative program in fisheries science with the fishing industry, however, this will take more time than is currently available, including time to consult and co-design this program with our prospective industry partners.

For these reasons, Science Sector has developed an interim approach to minimize disruption in the current year while gaining time to establish this adjustment programming on a solid footing for the longer term.

The Sector proposes to proceed with funding high-priority fisheries science projects in the current year on an interim basis and as a transitory step to a more considered approach in 2008-09. This transition program would however, be based on a number of key design principles and approaches, many of which would be carried over into the ongoing program. These would include;

- continuing to promote collaborative arrangements with the fishing industry in the domain of fisheries science, based on a joint Stewardship approach and implemented through Joint Project Agreements;
- distributing available funds across affected projects in a manner that would best respond to pressures for essential information needs; and,
- distributing available funds on an equitable basis, among regions and across fisheries; then,
- inviting the industry to support further activities of which they may wish to have benefit by bringing their financing capacity to the collaboration;
- ensuring that industry contribute to fisheries science projects in a manner within Ministerial authority (ie: in cash or in-kind),
- encourage industry partners replace a substantial portion of the financing previously derived from resource; considering that previously used resource will now form part of regular commercial allocations;
- recognizing that eligible fisheries science activities would include <sup>1)</sup>conservation science activities, <sup>2)</sup>fisheries science activities to take benefit of economic opportunities, and <sup>3)</sup>fisheries science activities to address short-term economic issues as determined on a case x case basis;
- supporting only fisheries science activities that meet science objectives;
- equipping and holding accountable Regions for operational priority-setting and allocation of funds to individual projects within their financial envelope;



- requiring Regions to develop and use an agreement tracking function to aid in responding to any potentially contentious issues and to demonstrate accountability through implementation of the Performance and Risk Management Framework;
- demonstrating flexibility as needed on a case x case basis, in accordance with the departmental 'Interim Guidance on the continuation of programs that previously relied on the use of fish'.

Funding commitments under this approach will be strictly for the current year only, and made in consideration of the need to minimize disruption while developing longer term plans.

Science Sector has assessed the list of fisheries science activities affected by Larocque in order to establish a division of available funds across Regions reflective of the respective impact of these decisions, and in consideration of the principles above.

**Guidelines regarding the retention and release of fish caught in accordance with a licence issued under Section 52 of the Fishery (General) Regulations (FGR)**

**Issue:**

The use of fish decisions by the Federal Court of Canada made clear that the Minister cannot use fishery resources for financing purposes. The court did not restrict the ability of the Minister to issue licenses under section 52 of the *Fishery (General) Regulations* [FGR] nor the broad discretion he has to do so for scientific, experimental, public display, and/or educational purposes. For any valid purpose, the amount of the allocation attached to a section 52 FGR licence should only be what is required for that purpose. The allocation of fish must not be granted to cover in part or fully the costs related to conduct the activity.

The question of under what conditions a licence holder can retain and sell catches resulting from activities authorized under Section 52 (FGR) has been raised. As stated above, the allocation granted to the licence holder must be limited to that amount required for authorized purposes; and no additional amount is to be granted to cover in whole or in part the costs associated to conduct the activity.

Subsection 35(2) of the FGR allows the licence holder to sell the fish caught and retained in accordance with the provisions of a licence issued pursuant to section 52 of the FGR.

The following guidelines are to promote consistency regarding the retention and release of fish caught under the authority of a licence issued under S.52 of the FGR. One of the objectives is to minimize mortality and would include releasing catches alive where possible. However, the expectation of survival varies widely in relation to the species involved and the circumstances of capture.

There are also existing DFO provisions set out in regulations concerning the release of certain catches in the commercial fishery that must also be considered in the context of fishing activities conducted under the authority of a licence issued pursuant to section 52 of the FGR.

**Guidelines:**

Subject to applicable legislative and regulatory provisions and to the conditions set out in a licence issued under S.52 of the FGR, licence holders are authorized to retain and sell catches from authorized activities.

Fish caught under a licence issued under section 52 of the FGR must be returned to the water where any of the following apply:

1. Where those catches would be required to be returned to the water pursuant to regulations or conditions of licence in the commercial fishery in the same area; or
2. Where there is a reasonable expectation of survival, or the expectation of survival is not known.

**For clarification:**

A reasonable expectation of survival means a greater than 50% chance of survival has been scientifically documented or can be reasonably extrapolated from such documentation. Similarly, the expectation of survival is not known when it has not been scientifically documented or cannot be reasonably extrapolated from such documentation.

The circumstances of capture and handling, including for example, gear used, depth of water, length of necessary exposure on deck, etc) are relevant to assessing the expectation of survival.

The determination of expectation of survival should be made by Fisheries and Aquaculture Management (FAM), with input as necessary from Science, on a project/activity basis at the time the decision is made to issue a licence pursuant to S.52 of the FGR.

## Pacific Test Fishing Programs

### **1. Test Fishing Program Background and Objectives**

Test fishing programs exist in one form or another for most Pacific fisheries. Data on fish abundance, distribution, health and quality is collected through the catch of fish by fishermen under the authority of section 52 licenses. The data collected by fishermen is used by the department to make management decisions to ensure conservation objectives are met and where possible, to provide access opportunities for aboriginal, commercial and recreational resource users.

Samples collected may also be subject to detailed individual analysis on board vessels or back at DFO research facilities. This analysis can include DNA collections being taken or fish being dissected to investigate disease, diet, age, etc. Test fisheries are often performed on an annual basis and can support associated data series exceeding 50 years in length. It is important to note that maintaining consistency in terms of the how and where tests are performed is important to maintain the comparability of data over time.

Many of the test fishing data collection programs delivered in Pacific are pursuant to obligations Canada has under international treaties, e.g. the Pacific Salmon Treaty and the International Pacific Halibut Treaty.

### **2. Test Fishing Programs and the *Larocque* and *APPFA* Decisions**

Until the *Larocque* decision of June 23, 2006 test fishing programs for all Pacific species were governed by Pacific region's Conservation Related Scientific Assessment policy guidelines. The CRSA guidelines provided detailed instructions to fishery managers on how to establish, advertise, and administer test fishing programs. Interested fishers were required to submit proposals which were assessed by resource managers against pre-set criteria. The best combination of equipment, experience and stewardship determined the selection of the test vessel. Post-*Larocque* the guidelines were retired as some of their key elements were inconsistent with the *Larocque* and *APPFA* decisions.

Prior to *Larocque*, compensation provided to fishers for their data collection services took the form of the proceeds of the unavoidable fish kills in the test, less any samples that had to be retained for detailed scientific analysis. Where the unavoidable test fish kills did not yield sufficient proceeds to cover test fisher costs, in some instances the department, at its discretion, allowed fishers to catch additional fish for payment purposes. Post – *Larocque* these “top up” payment fishing activities are no longer possible.

### **3. Test Fishing Program Costs**

In Pacific region the delivery value of test fishing programs funded through the resource region is in the millions of dollars. The region does not have the financial flexibility to assume the delivery costs for all or most test fishing programs, suggesting that other options will need to be explored.

### **4. Post-Larocque/APPFA: Test Fishing Alternatives**

Alternatives to using fish to pay for the collection of scientific data do exist. These can be simply classified as follows:

1. DFO pays all costs of data collections with appropriations
2. Industry pays for data collection costs, or collects data during normal commercial fishing opportunities

3. DFO and Industry partner to cooperatively collect data necessary to achieve conservation and sustainable user access. The resource and in-kind contributions of the parties are documented in a stewardship agreement.

## **5. Analysis and Recommendation:**

The alternatives presented above must be considered fully. DFO paying for all data collection costs will not support the broader goal of encouraging industry to become a full, accountable partner in cooperative fishery stewardship with the department.

Relying on fishers themselves to either collect data directly during commercial fishing opportunities, or to fund its collection by paying contracted service providers is a longer term option requiring fishers to first organize sufficiently to take this responsibility on.

DFO entering into cost shared stewardship agreements with associations or other legal entities provides a mechanism for fishers to jointly participate in, and be accountable for, the stewardship of fisheries resources with the department. The success of this approach is enhanced where there is both the willingness and capacity within fleets to work cooperatively with DFO to establish stewardship arrangements. There are some fisheries where a stewardship based approach holds significant promise even in the near term, i.e. salmon test fishing programs undertaken in cooperation with the Pacific Salmon Commission.

It is recommended that in Pacific region the practical application of the stewardship agreement concept be aggressively pursued, especially to support data collection and assessment programs associated with the 2007 Pacific salmon fishery.

**National Committee on Collaborative Arrangements: Guidelines for review of licenses issued pursuant to Section 52 of the *Fishery (General) Regulations***

Section 52 of the *Fishery (General) Regulations (FGR)* provides the authority for the issuance of licenses when fishing for experimental, scientific, educational and public display purposes in circumstances where the fishing activities would be in keeping with the proper management and control of fisheries. Section 52 states:

“52. Notwithstanding any provision of any of the Regulations listed in subsection 3(4), the Minister may issue a license if fishing for experimental, scientific, educational or public display purposes would be in keeping with the proper management and control; of fisheries.”

The *Fisheries Act* defines in section 2:

“fish” 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;

“fishing” means fishing for, catching or attempting to catch fish by any method;”

The Department issues thousands of licences under Section 52 of the *FGR* each year for the purposes outlined above. In the past, some licences issued pursuant to Section 52 of the *FGR* included a “use of fish” component which has been held by the Federal Court of Canada to be outside the Minister’s authority.

The National Use of Fish Committee has the responsibility to ensure that all licensed activities under the *Fisheries Act*, including those authorized pursuant to section 52 of the *FGR*, comply with the Federal Court decisions regarding “use of fish” and that they are within the Minister’s authority. However, the volume of Section 52 licenses issued pursuant to section 52 of the *FGR* annually precludes a complete review of the thousands of individual cases. Moreover, the Committee has been advised by Fisheries and Aquaculture Management (FAM) and the regions that the majority of cases have no ‘use of fish’ component.

The purpose of these Guidelines is to:

- ensure that situations where licences are issued under the authority of section 52 of the *FGR* are identified, addressed and vetted through the Larocque approval process for 2007-08; while,
- not unduly disrupting the issuance of Section 52 licenses of the *FGR* by Regional offices.

This document is to assist those who are responsible to issue licences as per section 52 of the *FGR*. If in doubt, the National Committee on Collaborative Arrangements will assist the regions, FAM and Science sectors as the case may be, in making the decision whether the proposed approach should be the subject of a review by the Committee or not.

This approach recognizes the responsibility of Regional licensing authorities to ensure that licences issued pursuant to section 52 of the *FGR* do not have a ‘use of fish’ component and that they are issued with license conditions that comply with the legislative framework.

The Regions, FAM and Science Sectors will be accountable for ensuring that past practices where the use of licences issued under section 52 of the *FGR* had a ‘use of fish’ component are no longer used.

DFO Regions, FAM and Science sectors should use the guidance below to determine when a proposed approach to authorise a fishing activity, which entails the use of a licence issued under section 52 of the *FGR*, should be reviewed by the National Committee on Collaborative Arrangements.

Guidelines:

A Section 52 licence application must be submitted to the Committee in the following case:

1. Where a licence under Section 52 of the *FGR* is issued in association with activities which appear on the master list of potentially impacted projects (the list of the initial 170 projects), these must be submitted for review and approval, solely by virtue of their being on this list or they must formally be withdrawn from the list;

A Section 52 licence application does not have to be reviewed by the Committee if it meets all the following conditions:

2. Any or all catches authorized under a license issued under section 52 of the *FGR* must be only those amounts required for the purpose of the license ( that is, only the amounts required for the experimental, scientific, educational or public display purposes); and specifically not be given to cover in whole or in part the costs of conducting the activity in question;
3. The DFO "*Guidelines regarding the retention and release of fish caught in accordance with a license issued under Section 52 of the Fishery (General) Regulations (FGR)*" must in all cases be complied with notwithstanding the specific purpose of the license;
4. The quantity and/or value of fish that could be retained and legally sold by the licence holder is, in the judgment of the Regional licensing authority, FAM or Science sector, ***insufficient to be interpreted as meaningful financial benefit to that licence holder.***

For clarity;

- a. If retention of the fish caught is prohibited by condition of license; there is no need for review;
- b. Catches that are retained for subsequent scientific analysis, testing or experimentation should not normally trigger the need for review;
- c. Catches retained that cannot for other reasons be legally sold, such as those from contaminated areas, and/or under circumstances where regulated handling and facilities standards cannot be met; there is no need for review.

Section 52 licence applications that do not meet all of the above conditions 2 to 4 have to be reviewed.

Process:

Regions, FAM or Science sectors as the case may be, will be responsible for screening all requests for licences issued under section 52 of the *FGR* and for ensuring that the proposed approach complies with the Federal Court decisions regarding use of fish. The proposed activity must not have a use of fish component.

Where the Regional licensing authority judges that an application should be reviewed, the standard LAP questionnaire and any other related documentation must be submitted to DFO-Legal Services to obtain a legal assessment. This assessment, with the questionnaire and any other related documentation must then be re-submitted to the National Committee on Collaborative Arrangement for approval.