



Province of Alberta

FISHERIES (ALBERTA) ACT

GENERAL FISHERIES (ALBERTA) REGULATION

Alberta Regulation 203/1997

With amendments up to and including Alberta Regulation 150/2015

Office Consolidation

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(Consolidated up to 150/2015)

ALBERTA REGULATION 203/97

Fisheries (Alberta) Act

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Definitions

1(1) In this Regulation,

- (a) “angling” means fishing with hook and line gear;
- (b) “box” means a container of a size and type approved by the Corporation;
- (c) “comminuted”, in relation to fish, means fish flesh that has been ground to a fine uniform consistency;
- (d) “decomposed”, with respect to fish, means having a rancid or abnormal, offensive or objectionable odour or flavour or a textural defect associated with spoilage;
- (e) “Director” means an employee under the administration of the Minister designated as the Director of Fisheries Management;
- (f) “dressed fish” means fish from which the gills and viscera have been removed and the blood along the backbone has

been spooned but not scraped out and which has been rinsed clean on the outside and inside;

- (g) “fish culture premises” means a location where cultured fish are kept alive for the purpose of propagation or rearing or both and, where preceded by “class” followed by “A”, “B” or “C” followed by “commercial”, means such a location that is held by the holder of, and where the licence states that that business may be conducted under, a commercial class A, B or C fish culture licence respectively;
- (h) “fish establishment” means a place of business where fish are received for handling, packing, dressing, processing or storage and includes the buildings, grounds, equipment and employees at that place of business;
- (i) repealed AR 165/2006 s2;
- (j) “mesh size” means, in respect of a net, the distance between the diagonally opposite angles of a single mesh measured
 - (i) after the net has been immersed in water for at least 30 minutes, and
 - (ii) with the mesh extended without straining the twine;
- (k) “Ministerial Regulation” means the *Fisheries (Ministerial) Regulation* under the *Fisheries (Alberta) Act*;
- (l) “public water” means all water vested in the Crown in right of Alberta;
- (m) “resident of Alberta” means
 - (i) a person who makes his home in Alberta and is ordinarily present in Alberta,
 - (ii) a partnership, if at least one of the partners makes his home in Alberta and is ordinarily present in Alberta, or
 - (iii) a corporation that is lawfully carrying on business in Alberta;
- (n) “resident of Canada” means a person who
 - (i) is a Canadian citizen or is a permanent resident as defined in the *Immigration and Refugee Protection Act* (Canada), or

- (ii) has resided in Canada for the 12-month period immediately preceding the date of the person's application for a licence or the date the person begins to fish;
- (n.1) "retain" means, in relation to a fish, continue to have possession of the fish in circumstances where the person who took the fish has failed or declined to return it immediately to the waters from which it was taken;
- (o) "round fish" means whole fish from which no part or portion, including the gills or viscera, has been removed;
- (p) repealed AR 165/2006 s2;
- (q) repealed AR 74/98 s2;
- (r) "unwholesome fish" means fish destined for human consumption that, in the opinion of an executive officer or inspector under the *Public Health Act* or an inspector of the Corporation, is unfit for human consumption.

(2) Definitions and other general interpretation provisions, if any, in the Ministerial Regulation apply with respect to the interpretation of this Regulation.

AR 203/97 s1;74/98;165/2006;288/2009;65/2014

Part 1 Licences

Licence categories

2 The following are the categories of licences:

- (a) sportfishing licences:
 - (i) sportfishing licence:
 - (A) for a resident of Canada;
 - (B) with a term that expires on March 31 following the date of its issue for a non-resident of Canada;
 - (C) with a term of 5 days for a non-resident of Canada;
 - (D) with a term of one day for a non-resident of Canada;
 - (ii) special sportfishing licence;

- (iii) special fish harvest licence;
- (b) repealed AR 74/98 s2;
- (c) sturgeon fishing licence;
- (d) commercial fishing licences:
 - (i) commercial fishing licence;
 - (ii) commercial fishing lake licence;
 - (iii) Metis commercial fishing licence;
 - (iv) commercial bait fishing licence;
 - (v) repealed AR 214/2002 s2;
- (e) fish culture licences:
 - (i) recreational fish culture licence;
 - (ii) class A commercial fish culture licence;
 - (iii) class B commercial fish culture licence;
 - (iii.1) class C commercial fish culture licence;
 - (iv) fish import licence;
- (f) fish establishment licences:
 - (i) class A fish establishment licence;
 - (ii) class B fish establishment licence;
- (g) fish research licence;
- (h) fish stocking licence;
- (i) salvage fishing licence;
- (j) domestic fishing licences:
 - (i) Metis domestic fishing licence;
 - (ii) domestic fishing licence;
- (k) competitive fishing event licence.
AR 203/97 s2;74/98;214/2002;147/2006;165/2006;65/2014

Terms and conditions

3(1) The Minister may include terms and conditions in a licence that authorizes fishing generally or specifically on the following matters:

- (a) the species or kind of fish and the quantities, sizes or weights of fish that are permitted to be taken;
- (b) when, where and how fishing is permitted to be carried out;
- (c) who may conduct activities pursuant to the licence;
- (d) the type and quantity of fishing gear and equipment, including mesh size, that may be used and how they may be used;
- (e) how fish caught and retained for educational or scientific purposes are to be held, displayed and disposed of;
- (f) how caught and retained fish are to be marked and transported;
- (g) how scientific and catch data are to be reported;
- (h) whether the fish may be bought or sold and how;
- (i) how a licensee may be required to report proposed activities;
- (j) the term of the licence if it is not the term set out in section 14(1) of the Act or section 2(a) of this Regulation.

(2) The Minister may include terms and conditions in a fish culture licence on the following:

- (a) the species or kinds of fish, including matters relating to their size, life stage, genetic make-up and strain, that may be kept under the authority of the licence;
- (b) the size or shape of the container or volume of the water in which the fish may be kept;
- (c) the lining or construction of a reservoir in which the fish may be kept, including the maintenance and repair of any works or undertakings;
- (d) the method of screening or constructing and maintaining the outflow from a reservoir in which the fish are kept;
- (e) the treatment and disposal of water or fish from any facility;

- (f) the care, feeding or prophylactic treatment of fish and the care and prophylactic treatment of water and equipment, including water and equipment used in transporting fish, under a licence;
- (g) the testing for and control of any parasite, disease or infestation;
- (h) the reporting of information or submission of records;
- (i) the term of the licence if it is not the term set out in section 14(1) of the Act;
- (j) the original water bodies and facilities outside Alberta from which fish may be removed and then imported;
- (k) the manner in which fish are handled before they are loaded for transportation, transported and handled after transportation, and the treatment or disposal of water that has been used for the transportation;
- (l) the operation of fish culture premises.

(3) The Minister may include terms and conditions in a fish establishment licence on the following:

- (a) the care, construction or maintenance of a fish establishment and equipment used in relation to it;
- (b) the buying, selling, handling, packing, dressing, processing, storage or transportation of fish or products of fish;
- (c) the reporting of information and submission of records;
- (d) the term of the licence if it is not the term set out in section 14(1) of the Act.

(4) The Minister may include terms and conditions in a fish stocking licence with respect to the following:

- (a) the possession of cultured fish, including the source of the fish, and transport to the location where they may be stocked;
- (b) where and when cultured fish may be stocked;
- (c) the person or persons authorized to transport and stock the cultured fish;
- (d) the number of cultured fish of a species to be stocked at any location;

- (e) the reporting of cultured fish stocking activities and the submission of records.
- (f) the species or kinds of fish, including matters relating to their size, life stage, genetic make-up and strain, that may be stocked;
- (g) the manner in which fish are handled before they are loaded for transportation, transported and handled after transportation, and the treatment or disposal of water that has been used for the transportation.

(5) The Minister may include terms and conditions in a competitive fishing event licence on the following matters in relation to what is authorized or required, as the case may be, under the licence:

- (a) who may conduct the authorized activities;
- (b) the species of fish and the quantities and, if applicable, sizes of fish that may be taken by competitive fishing event participants;
- (c) when, where and how fishing may or may not be carried out by competitive fishing event participants;
- (d) the type and quantity of fishing gear and equipment and the types of bait that may or may not be used and how they may or may not be used;
- (e) practices relating to fish handling, injured, stressed and dead fish and inclement weather conditions;
- (f) the handling and possession of live fish;
- (g) where and how live fish must be released;
- (h) the type, quantity and location of fish handling facilities;
- (i) the size, shape and construction of any container, and the volume, flow and quality of water, in which live fish must be kept, during the holding, transportation and handling of fish;
- (j) the collection and reporting of information about
 - (i) fish mortality,
 - (ii) fish taken,
 - (iii) competitive fishing matters, and

- (iv) the event itself;
- (k) the term of the licence;
- (l) methods by which event organizers may be identified and contacted;
- (m) the recording of individuals as competitive fishing event participants and the issuing to them of instruments, and the completion of acknowledgments, referred to in section 5(6);
- (n) fishing by persons referred to in section 19.3(1).

AR 203/97 s3;214/2002;165/2006;67/2008;65/2014

Licence transfer

4(1) The Minister may, on the surrender of a licence by a licensee, approve the transfer of the licence to another person.

(2) The Minister may, in a licence that is to be transferred,

- (a) delete or alter any terms or conditions of the licence,
- (b) include additional terms and conditions in the licence, and
- (c) alter the term of the licence if the term is not or is not to be the term set out in section 14(1) of the Act.

Activities under another's licence

5(1) In this section, "instrument" means an instrument referred to in section 18(1)(b) of the Act.

(1.1) Subject to subsection (6), an instrument must be in writing, authorized by the Director and state who is authorized to conduct activities pursuant to the licence.

(2) An instrument may only be authorized by the Director with respect to a special sportfishing licence, a commercial fishing licence or a fish research licence.

(2.1) Repealed AR 67/2008 s3.

(3) The Director may authorize only one instrument to have effect at any one time under any one commercial fishing licence.

(4) Notwithstanding anything in this section or in the instrument, an instrument issued in respect of a commercial fishing licence has no force while the licence holder is conducting activities pursuant to the licence in respect of which the instrument is issued.

(5) The holder of an instrument issued in respect of a commercial fishing licence shall, while conducting activities purporting to be authorized as a result of holding the instrument, carry that licence and ensure that the instrument is attached to the licence.

(6) Where the licence in question is a competitive fishing event licence, the instrument is any document issued by the licence holder that

- (a) indicates that the individual in question has been recorded for the purposes of section 2(1)(a.3) of the Ministerial Regulation, and
- (b) includes an acknowledgement, in the form required by the Director and signed by that individual, that that individual has been given a copy of and will comply with all the terms and conditions of the competitive fishing event licence that apply to the individual.

AR 203/97 s5;204/2005;165/2006;67/2008

Lost licences

6 If a sportfishing licence is lost or destroyed, the licensee may apply to the Minister for a replacement licence.

Fishing location

7(1) Subject to this Regulation, licences that authorize fishing, research or stocking do not apply in a National Park of Canada.

(2) A licence that authorizes fishing is not required for fishing

- (a) in contained waters, and
- (b) in water in which fish are lawfully held live under the authority of a licence for that location.

Bait fish and crayfish

8(1) A person shall not be in possession of live bait fish or crayfish

- (a) unless they are possessed as specifically authorized under the authority of a research licence, or
- (b) if imported, unless they are held in contained waters as pets or for sale as pets.

(2) A person is not in possession of fish for the purposes of subsection (1) if, in the course of fishing, it is immediately returned

to the waters from which it is taken and is released in a manner that causes it the least harm.

(3) A person does not require a licence to fish for crayfish by means other than with a hook and line provided that such fishing is not prohibited by any other law.

(4) Subsection (3) does not apply to fishing in the Beaver River or its tributaries.

AR 203/97 s8;204/2005

Buying, selling authorized

9(1) A licence that authorizes fishing authorizes the holder to sell fish taken under the licence if regulations state that the licence is issued for a commercial purpose.

(2) A licence other than a fish culture licence authorizes the holder to sell fish taken under the licence or held live under the licence if

- (a) regulations state that the sale is allowed, or
- (b) a term or condition, issued in accordance with this Act, specifically authorizes the sale of dead fish caught pursuant to the licence.

(3) An establishment licence authorizes the buying or selling of fish in accordance with section 44.

(4) A person shall not knowingly buy, sell or attempt to buy or sell fish

- (a) that have not been caught pursuant to a licence that authorizes the buying or selling, as the case may be, of the fish, or
- (b) that are represented or held out by any person as having been taken, or as being sold or disposed of, in contravention of any provision referred to in section 34(6) of the Act or the *Fisheries Act* (Canada).

AR 203/97 s9;204/2005

Sportfishing licence

9.1 A person may obtain a sportfishing licence, other than a special sportfishing licence if, and only if, that person is the holder of a valid wildlife identification number card within the meaning of the *Wildlife Regulation* (AR 143/97) issued by or on behalf of a person referred to in section 3(2) of the Ministerial Regulation.

AR 74/98 s3

Sportfishing

Licence not required

10(1) The following persons do not require a sportfishing licence when they engage in sportfishing:

- (a) a person who is under 16 years of age;
- (b) a person who is a resident of Canada, who is 65 years of age or older and whose primary residence is in Alberta;
- (c) a person who is a member of a group that is named in a special sportfishing licence that authorizes that fishing;
- (d) a person who is authorized under the *Fisheries Act* (Canada) to engage in sportfishing in Alberta without having been issued a sportfishing licence;
- (e) a person while engaging in sportfishing on the following days:
 - (i) if July 1 falls on a Saturday, July 8 or 9, or both;
 - (ii) if July 1 falls on a Sunday, July 7 or 8, or both;
 - (iii) if July 1 falls on any day other than a Saturday or Sunday, the 2nd Saturday or Sunday, or both, of July;
- (f) a person while engaging in sportfishing on Alberta Family Day or on the Saturday or Sunday immediately preceding Alberta Family Day.

(2) A person who is sportfishing in Cold Lake or Primrose Lake and holds a valid angling licence issued pursuant to the *Fisheries Act (Saskatchewan), 1994* does not require a sportfishing licence while sportfishing.

(3) For the purposes only of construing the definition of “sportfishing” in subsection 1(1) of the *Alberta Fishery Regulations, 1998* (Canada) (SOR/98-246), the concept of fishing under the authority of “any licence issued under the provincial Act other than a Sportfishing Licence” is to be deemed to refer to lawful fishing specifically under the authority of any licence (issued under the Act) other than

- (a) a licence designated as a sportfishing licence in section 2(a), or
- (b) a sturgeon fishing licence.

AR 203/97 s10;94/2001;12/2002;67/2008

Sportfishing

11 A person who holds a sportfishing licence and a person described in section 10(1) or (2) may engage in sportfishing for non-commercial purposes.

12 Repealed AR 74/98 s4.

Sturgeon fishing

13 A sturgeon fishing licence authorizes the licensee to retain sturgeon, for non-commercial purposes, taken by means of angling.

Sportfishing, special

14 The Minister, on considering the advice of the Director, may issue a special sportfishing licence authorizing an organized group to engage in sportfishing.

Special fish harvest licence

14.1(1) The Minister may issue a special fish harvest licence authorizing its holder, subject to this section and all other applicable laws and in accordance with the conditions of the licence, to retain fish that were taken

- (a) by means of lawful sportfishing,
- (b) from bodies of water specified by the Minister in the licence, and
- (c) during the periods specified in the licence,

being fish that are of the species and within the maximum number and, if applicable, the maximum or minimum or the maximum and minimum sizes so specified.

(2) The Minister may limit in any manner the distribution of special fish harvest licences to be issued.

(3) A special fish harvest licence may be issued only to an individual who is a resident of Alberta who

- (a) holds a sportfishing licence or is another person described in section 10(1)(a), (b), (c) or (d), and
- (b) whether or not section 9.1 applies to that individual, is the holder of a valid wildlife identification number card referred to in section 9.1.

- (4)** The Minister shall issue one or more tags with a special fish harvest licence.
- (5)** Each tag issued with a special fish harvest licence
- (a) is valid only for tagging one fish, and one fish only, of the species, and conforming to the maximum or minimum size, or both, specified in the licence, being a fish that was taken during the period and from the body of water specified in the licence, and
 - (b) constitutes part of the licence until it is attached to a fish.
- (6)** Subject to this section, a person shall not retain or after retention be in possession of a fish for whose retention a special fish harvest licence is required unless, and may retain or so possess it if,
- (a) the person taking it was sportfishing lawfully,
 - (b) that person held a valid special fish harvest licence along with a tag issued under subsection (5) appropriate for that fish, and
 - (c) that tag has been attached by that person in the manner referred to in subsection (8) and, subject to subsection (9), remains attached to the fish.
- (7)** Subsection (6) does not prohibit the possession by a person who received the fish as a gift if the fish was lawfully taken and tagged pursuant to this section.
- (8)** A person who retains a fish under this section shall, immediately after taking it, tag it by attaching an appropriate tag issued with the licence through the gill cavity and mouth of the fish and securely locking the tag in accordance with the instructions printed on the tag.
- (9)** A person shall not remove a tag from a fish that is or that purports to be tagged in accordance with this section, or be in possession of such a fish that does not have such a tag attached, unless the fish
- (a) is being prepared for preservation, or has been preserved, by taxidermy, or
 - (b) is being or has been prepared for consumption.

Sturgeon fishing licence

15(1) Only a sportfishing licensee or a person described in section 10 is eligible to apply for a sturgeon fishing licence.

(2) One or more tags may be issued with a sturgeon fishing licence and they

- (a) are valid only during the period during which the sturgeon fishing licence may be used, and
- (b) are considered to be part of the licence until they are used.

(3) No person shall

- (a) apply for or hold more than one sturgeon fishing licence during the period from April 1 to March 31, or
- (b) retain a sturgeon that the person has caught without being the holder of a sturgeon fishing licence.

(4) Repealed AR 165/2006 s6.

AR 203/97 s15;165/2006

Retaining sturgeon

16(1) No person shall retain a sturgeon that the person has caught unless

- (a) the sturgeon is caught while the person holds a sturgeon fishing licence and the licensee is lawfully angling,
- (b) the sturgeon is more than 130 centimetres in length, and
- (c) a tag, issued with the licence, is attached to the sturgeon in accordance with subsection (2).

(2) A person who retains a sturgeon must immediately tag it by placing a tag issued with the licence through the gill cavity and mouth of the sturgeon and securely locking the tag.

(3) No person shall remove a sturgeon tag affixed to a sturgeon unless the sturgeon

- (a) is being prepared for preservation by taxidermy, or
- (b) is being prepared for consumption.

17, 18 Repealed AR 74/98 s4.

Game fish

19(1) Subject to this section, no person shall have in his possession other than at his permanent residence any game fish that is skinned, cut or packed so that

- (a) the species of fish cannot be readily identified,
- (b) the number of fish cannot be readily determined, and
- (c) in the case of fish to which minimum or maximum length limits apply, the length of the fish cannot be readily determined.

(2) For the purposes of subsection (1), 2 pieces of fish flesh must be counted as one fish.

(3) Subsection (1) does not apply to

- (a) the skin, fins or eyes removed from game fish which may lawfully be used as bait,
- (b) fish that are not being transported that are being prepared for immediate consumption, and
- (c) the possession of game fish that have been lawfully
 - (i) acquired from a jurisdiction outside of Alberta or from a National Park of Canada,
 - (ii) caught and retained under the authority of a licence other than a sportfishing licence or sturgeon fishing licence, or
 - (iii) removed directly from waters where they were kept under the authority of a fish culture licence.

AR 203/97 s19;74/98;204/2005

Competitive Fishing**Qualifications for licence**

19.1 An applicant for a competitive fishing event licence must be

- (a) an adult individual who is a resident of Alberta, or
- (b) a body incorporated, registered or continued under the *Business Corporations Act* or a body incorporated under the *Societies Act*.

AR 165/2006 s7

Notice

19.2 The holder of a competitive fishing event licence shall give notice to each competitive fishing event participant, before or at the time when that participant is recorded as such, of the terms and conditions of the licence that apply to that participant by providing that participant with a copy of those terms and conditions.

AR 165/2006 s7;67/2008

Representatives of licence holder

19.25 Notwithstanding anything in this Regulation, the holder of a competitive fishing event licence may designate any assistant referred to in section 18(2) of the Act to carry out any of its clerical duties under the Act and the regulations, including the issuing of instruments referred to in section 5(6) and the giving of notices under section 19.2.

AR 67/2008 s6

Active participation and holding out

19.3(1) In addition to section 11.1(3) of the Act, an individual, whether or not a competitive fishing event participant, who

- (a) actively takes part or purports or appears to take part in competitive fishing, or
- (b) holds himself or herself out as a competitive fishing event participant or as a person recorded for the purposes of section 2(1)(a.3) of the Ministerial Regulation,

is subject to the terms and conditions of the competitive fishing event licence.

(2) An individual referred to in subsection (1) who does not comply with a term or condition of the competitive fishing event licence referred to in subsection (1) is guilty of an offence.

(3) An individual referred to in subsection (1) who is a competitive fishing event participant is entitled to the defence set out in section 34(3.2) of the Act.

AR 165/2006 s7

Exemptions

19.4(1) A competitive fishing event participant, to the extent that that individual is fishing in accordance with all the terms and conditions of the competitive fishing event licence and is otherwise lawfully engaged in fishing, is exempt

- (a) if applicable (and except to the extent required by those terms and conditions), from section 10(1) of the Act, and

- (b) from the federal sportfishing rules notwithstanding those rules.

(2) In subsection (1)(b), “federal sportfishing rules” means, with reference to the *Alberta Fishery Regulations, 1998* (Canada) (SOR/98-246), Part 3 and the related Schedules, and the interpretation provisions elsewhere of the terms supporting the construction of those provisions.

(3) To any extent that the terms or conditions of a competitive fishing event licence are inconsistent with the terms or conditions of any other licence that a competitive fishing event participant may hold, the former prevails against the latter in a competitive fishing event.

AR 67/2008 s7

Commercial Fishing

Applying for commercial fishing licences

20(1) An applicant for a commercial fishing licence, commercial fishing lake licence, Metis commercial fishing licence or a commercial bait fishing licence must be a resident of Alberta.

(2) One of the grounds on which the Minister may reject an application is if an applicant for a licence referred to in subsection (1) does not provide the relevant information requested by the Minister, including but not restricted to the applicant’s status and the intended use of the licence.

(3) An applicant for a commercial fishing lake licence must hold a commercial fishing licence that is valid for the area of Alberta where the lake is located.

(4) A commercial fishing licence or a Metis commercial fishing licence do not authorize fishing except in a lake specified in a commercial fishing lake licence issued pursuant to that commercial fishing licence or Metis commercial fishing licence.

(5) In order for a Metis commercial licence to be issued

- (a) the application must be approved by the Minister,
- (b) the applicant must be a Metis settlement member, as defined in the *Metis Settlements Act*, and
- (c) the settlement council of the settlement where the applicant resides must, pursuant to section 133(1) of the *Metis Settlements Act*, request that the licence be issued.

Metis/commercial fishing licences

21(1) A commercial fishing lake licence authorizes the licensee to engage in fishing for commercial purposes in the body of water specified in the licence.

(2) The only body of water that may be specified in a commercial fishing lake licence that is issued to a person who holds a Metis commercial fishing licence but does not hold a commercial fishing licence is a body of water that is in or adjacent to a Metis settlement.

Bait fishing licence

22 A commercial bait fishing licence authorizes the licensee to engage in fishing for bait fish for commercial purposes in the body of water specified in the licence.

23 Repealed AR 214/2002 s4.

Salvage Fishing**Salvage fishing licence**

24(1) If a fishery officer is of the opinion that fish are about to die, the Minister may issue a salvage fishing licence to a resident of Canada for the purpose of salvaging those fish for non-commercial purposes.

(2) No person shall apply for or hold more than one salvage fishing licence during the time period of April 1 to March 31.

(3) A salvage fishing licence authorizes the holder to salvage the fish in the body of water and in the manner specified in the licence.

Domestic Fishing**Domestic fishing licence**

25(1) A domestic fishing licence may be issued if the Minister is satisfied that the applicant is a resident of Alberta who is in dire need of fish for the purpose of providing food for

- (a) the applicant and members of the applicant's family living with the applicant, and
- (b) animals owned by the applicant or members of the applicant's family living with the applicant.

(2) No person shall possess fish taken under the authority of a domestic fishing licence for purposes other than those described in subsection (1).

(3) No person shall possess fish taken under the authority of a licence issued under the *Fisheries Act* (Canada) that authorizes the licence holder to catch fish solely for the purpose of providing food for the licence holder's personal use or for the use of their immediate family, except for that purpose.

AR 203/97 s25;214/2002

Fish Stocking

Fish stocking licence

26(1) A fish stocking licence may be issued by the Minister that authorizes

- (a) the possession and transport of live cultured fish of a species specifically listed under category 1 of section 1 of Schedule 2 of the Ministerial Regulation, and
- (b) the placing of live cultured fish of a species mentioned in clause (a) into the bodies of water specified in the licence.

(2) A body of water specified in a fish stocking licence may not include

- (a) contained waters,
- (b) water that forms part of a premises that is the subject of a fish culture licence, or
- (c) water that is not accessible to the public.

(3) The Minister may refuse the issuance of a fish stocking licence for any reason that relates to environmental concerns or proposed activities involving the fish.

AR 203/97 s26;214/2002;65/2014

Fish Culture

Keeping of cultured fish

26.1 Subject to any exceptions provided by the Act or this Regulation, a person may place or keep live cultured fish in, or allow such fish to enter, water, but only under the authority of a licence and in accordance with the terms and conditions of that licence and that legislation.

AR 65/2014 s7

Licences

27(1) Subject to section 28, a recreational fish culture licensee may acquire, propagate, rear and keep those cultured fish and their live eggs specifically listed under Category 1 of section 1 of Schedule 2 of the Ministerial Regulation that are specified in the licence, in the bodies of water and in accordance with the terms and conditions of the licence.

(2) Subject to section 28 and the *Public Health Act*, a class A commercial fish culture licensee may

- (a) acquire, propagate, rear and keep those cultured fish and their live eggs specifically listed under Category 1 of section 1 of Schedule 2 of the Ministerial Regulation that are specified in the licence, in the bodies of water and in accordance with the terms and conditions of the licence,
- (b) sell dead cultured fish referred to in clause (a), and
- (c) subject to section 31, sell the live cultured fish and eggs referred to in clause (a) to the holder of a class A, class B or class C commercial fish culture licence, to the holder of a recreational fish culture licence or to a premises that holds a food handling permit under the *Food Regulation* (AR 31/2006).

(3) Subject to section 28 and the *Public Health Act*, a class B commercial fish culture licensee may

- (a) acquire, propagate, rear and keep those cultured fish and their live eggs listed in sections 1 and 2.1 of Schedule 2 of the Ministerial Regulation that are specified in the licence, in the contained waters, during the times and in accordance with the terms and conditions of the licence,
- (b) sell dead cultured fish described in clause (a), and
- (c) sell live cultured fish and live fish eggs of cultured fish described in clause (a) to the holder of a class B commercial fish culture licence or to a premises that holds a food handling permit under the *Food Regulation* (AR 31/2006).

(4) Subject to section 28 and the *Public Health Act*, a class C commercial fish culture licensee may

- (a) acquire, propagate, rear and keep those cultured fish and their live eggs specifically listed under Category 1 of section 1 of Schedule 2 of the Ministerial Regulation that are specified in the licence, in the bodies of water and in

accordance with the terms and conditions of the licence,
and

- (b) sell dead cultured fish described in clause (a).

AR 203/97 s27;214/2002;204/2005;65/2014

Cultured fish prohibited

28 The Minister may refuse the keeping of any kind of cultured fish under the authority of a fish culture licence.

Fish Health Management Plans

28.1(1) In this section, “plan” means a Fish Health Management Plan respecting the operation of a class A or class B commercial fish culture premises that is submitted by an applicant for a class A or class B commercial fish culture licence.

(2) A plan must be submitted in the manner and form required by the Minister.

(3) A class A or class B commercial fish culture licence may be issued for a term that expires on March 31 following

- (a) the fourth anniversary of the effective date of its issue if a plan in relation to that licence has been approved by the Director for that specific upcoming term, or
- (b) otherwise, the effective date of its issue.

(4) The Director may modify a plan before or after the issuing of a licence.

(5) Where a plan has been approved, the class A or class B commercial fish culture licence holder shall operate the premises in accordance with, and follow the conditions of, the approved plan.

AR 65/2014 s9

Applying for a licence

29(1) One of the grounds for which the Minister may reject an application is if an applicant for a fish culture licence does not provide the relevant information requested by the Minister, including but not limited to the applicant’s status and the intended use of the licence.

(2) An applicant who wishes to keep, under a fish culture licence, a species of freshwater-dwelling fish that is not referred to in section 1 of Schedule 2 of the Ministerial Regulation must satisfy the Director that the kind of fish, the manner of propagating, rearing and keeping the fish and the place where the fish are to be

kept does not endanger the health of any other fish, animal or person and is not an ecological threat or genetic danger to other wild or cultured fish.

(2.1) An applicant who wishes to keep, under a class B commercial fish culture licence or a fish research licence, a species of saltwater-dwelling fish that is referred to in section 2.1 of Schedule 2 of the Ministerial Regulation must have the authorization to do so of the Director or a person designated by the Director.

(2.2) In order to receive the authorization referred to in subsection (2.1), the applicant must satisfy the Director or designated person that the kind of fish, the manner of propagating, rearing and keeping the fish and the place where the fish are to be kept, do not endanger the health of any other fish or other animal or person and are not an ecological threat or genetic danger to other wild or cultured fish.

(3) A fish culture licence may be approved only to authorize the keeping of live cultured fish of a species listed in section 1 or 2.1 of Schedule 2 of the Ministerial Regulation.

(4) The Director may waive the requirement of subsection (2) or (2.2) if the Director is of the opinion that satisfactory information has already been provided in relation to that species of fish and the fish is defined as a cultured fish in Schedule 2 of the Ministerial Regulation.

AR 203/97 s29;65/2014

Prohibited live fish

30 In accordance with section 8 of the Act, no person shall possess live freshwater-dwelling fish that are cultured fish for direct or indirect sale for human consumption or sell such fish unless

- (a) the person holds a commercial fish culture licence that authorizes it, or
- (b) the person does not hold such a licence but receives the fish from the premises of the holder of a licensed class A or class B commercial fish culture licence and
 - (i) the fish are held in not more than 5 contained waters in a premises identified in a food handling permit under the *Food Regulation* (AR 31/2006), and
 - (ii) not more than 100 fish are kept in each such contained water.

AR 203/97 s30;214/2002;204/2005;65/2014

Selling Class A fish

31(1) No person shall dispose of or sell, in Alberta, live fish from a class A commercial fish culture premises, except to

- (a) a recreational fish culture licensee,
- (b) a commercial fish culture licensee,
- (c) a research licensee,
- (d) a fish stocking licensee,
- (e) a person authorized to receive fish under section 30(b), or
- (f) a person who is authorized to possess the fish in another jurisdiction and who is obtaining the fish for immediate removal from Alberta.

(2) No person other than the licence holder of, or an individual who is gainfully employed to work in, class A or class B commercial fish culture premises shall fish by angling in those fish culture premises.

AR 203/97 s31;214/2002;65/2014

Sale of class C fish

31.1 No person shall sell or otherwise dispose of or possess live fish that were taken from a class C commercial fish culture premises.

AR 65/2014 s13

Restricted waters

32 A class A or class C commercial fish culture licence or a recreational fish culture licence may not be issued for restricted waters unless that issuance has been approved by the Director or a person designated by the Director.

AR 203/97 s32;61/2007;65/2014

Prescribed, contained waters

33(1) A fish culture licence may not be issued unless the fish to be kept, reared or grown pursuant to the licence will be held in prescribed waters or contained waters.

(2) A fish culture licence may not be issued

- (a) for an area of water exceeding 640 contiguous acres, or
- (b) if, in the opinion of the Director, the licence would interfere with any other use of the water.

Class B conditions

34(1) A class B commercial fish culture licensee shall not allow water used in the fish culture premises to be discharged where the water would either directly or indirectly enter a body of water where fish may be present unless

- (a) the body of water is within his licensed premises, or
- (b) the water that is discharged is treated to the satisfaction of the Director.

(2) A class B commercial fish culture licensee must display a copy of the class B commercial fish culture licence in an obvious location at the fish culture premises.

Ineligible applicants

35 A person must be a resident of Alberta to apply for or hold a recreational fish culture licence or a commercial fish culture licence.

Importation

36 A person shall not import live fish or live fish eggs of a species specifically listed under Category 1 or Category 2 of section 1 or in section 2.1 of Schedule 2 to the Ministerial Regulation unless that person has a fish import licence that authorizes that importation and unless those fish or eggs, as the case may be, are destined to

- (a) a facility whose owner holds that licence and where that licence authorizes their keeping, or
- (b) another location where they may be legally possessed.

AR 203/97 s36;65/2014

Sale of live cultured fish

37 No fish culture licensee shall acquire any live cultured fish or live eggs of a cultured fish unless they are obtained from

- (a) a commercial fish culture licensee who is authorized to dispose of the fish or fish eggs in that manner,
- (b) a fish culture facility outside of Alberta that is approved by the Director,
- (c) a Government fish culture facility with the approval of the Director, or
- (d) a fish research licensee if

- (i) the fish research licence under which the fish were held authorizes the transfer of the fish, and
- (ii) the acquisition does not involve a purchase, sale or consideration.

Chemicals

38 No person shall use a chemical to capture or kill cultured fish unless use of the chemical is expressly authorized under the *Fish Toxicant Regulations* under the *Fisheries Act* (Canada).

Fish stock from public water

39 No person shall take, use or attempt to use live fish or fish eggs taken from public water for stocking a fish culture premises.

Diseased and escaped fish

40 The holder of a fish culture licence, the person in charge of live fish at a licensed fish culture premises, the holder of a fish research licence who possesses live fish or the holder of a food handling permit under the *Food Regulation* (AR 31/2006) in charge of a food establishment where live cultured fish are possessed must, immediately on discovery of diseased fish at the premises or in that person's possession, or immediately on discovery of an escape of fish, report that fact to the Director.

AR 203/97 s40;214/2002;204/2005;65/2014

Fish Research

Research licence

41(1) A fish research licence authorizes the licensee

- (a) to fish,
- (b) to possess live fish, if the licence specifically authorizes it, in accordance with the conditions stated in the licence, and
- (c) to carry out any other activities stated in the licence, other than selling fish that have been held live.

(2) A fish research licence may be issued for research or educational purposes to a person who submits a plan that has been approved by the Director or a person designated by the Director.

AR 203/97 s41;65/2014

Restricted possession

42 No person may possess live fish of the following species unless the person holds a fish research licence that specifically authorizes it:

Common Name	Scientific Name
1 Lamprey	<i>Lampetra sp. and Ichthyomyzon sp.</i>
2 Zebra mussel	<i>Dreissena polymorpha</i>

Fish Establishment**Licence required**

43(1) No person shall operate a fish establishment unless the person holds a fish establishment licence.

(2) Notwithstanding subsection (1), a person is not required to hold a fish establishment licence if the person operates a fish establishment

- (a) that is not involved in the storage or processing of fish for, or sale of fish to, a retail outlet and for which there is a food handling permit under the *Food Regulation* (AR 31/2006), or
- (b) for which there is a licence issued under the *Meat Inspection Act*.

AR 203/97 s43;204/2005;65/2014

Classes A and B licences

44(1) There are class A and class B fish establishment licences.

(2) A class A fish establishment licence authorizes the Corporation by its appointed agent to engage in the Corporation's business of buying, selling, exporting and importing fish.

(3) A class B fish establishment licence authorizes a resident of Alberta or an individual who makes his or her home and is ordinarily present in Canada to engage in any of the following activities if so stated on the licence:

- (a) the business of buying, selling or processing fish purchased from the Corporation;
- (b) the business of processing fish for the Corporation;

- (c) the business of buying, selling, processing or handling fish or fish products under the authority of an exemption from the Corporation.

AR 203/97 s44;52/2009

Licence application

45 A licence may be issued by the Minister in respect of a fish establishment if the establishment meets requirements of this Regulation, the *Public Health Act* and regulations under it.

Sanitary standards

46 It is a condition of a fish establishment licence that the sanitary conditions of the fish establishment meet the requirements of this Regulation, the *Public Health Act* and the regulations under it.

Packing fish

47(1) In a fish establishment, every container in which fish intended for human consumption is packed for shipping must be clearly marked on both ends

- (a) with the licence number of the fish establishment,
- (b) with the lake of origin of the fish,
- (c) with the common name of the fish,
- (d) with the net weight of the fish in the container,
- (e) with the day, the month and the year the fish are packed,
- (f) with the name and address of the person by whom or for whom the fish is produced or packed or by whom it is distributed,
- (g) with the words “dressed”, “round”, “fillets” or “headless dressed”, and
- (h) in the case of whitefish, in accordance with the *Fish Inspection Regulations* under the *Fish Inspection Act* (Canada).

(2) No person shall mark a container described in subsection (1) in a manner that the person knows is false, misleading or deceptive.

Part 2

Fish Handling and Quality

Dressing fish

48 A person who dresses fish that are intended for sale for human consumption to or from a fish establishment may only do so in

- (a) a fish establishment licensed under this Regulation,
- (b) a fish establishment described in section 43(2), or
- (c) a building or at a place that has been approved in writing by a fishery officer.

Sanitary standards

49(1) An owner or operator of equipment in contact with fish intended for human consumption that are to be transported to or from a fish establishment must ensure that the equipment is clean and sanitary.

(2) An owner or operator of a fish establishment must cause all fish received, that are not to be otherwise processed or dressed and packed immediately, to be iced in clean, sanitary boxes and placed in efficient cold storage immediately after being received.

Healthy fish

50 An owner or operator of a fish establishment must immediately remove any decomposed or unwholesome fish from the fish establishment.

Importing fish

51 No person shall bring into Alberta any fish intended for human consumption that were caught by a commercial fisher, as defined in section 1(1)(b)(ii) of the Act, unless

- (a) they are in a container that is labelled in accordance with section 47, and
- (b) there is a record with respect to the fish described in section 29 of the Act.

AR 203/97 s51;251/2001

Substandard fish

52(1) No person shall process, transport or conduct any transaction with respect to fish intended for human consumption that is decomposed or unwholesome or that otherwise fails to meet the requirements of this Regulation.

(2) A person who transports fish, other than fish offal, for disposal as waste or for sale for other than human consumption must transport it in containers that are labelled as containing fish unfit for human consumption.

Sale of fish prohibited

53(1) No person shall market for human consumption fish taken from a lake set out in an item of Schedule 1 of a species listed in Column 2 or 3 of Schedule 1 for that item.

(2) Subsection (1) does not apply

- (a) to fish sold to the Corporation, or
- (b) to fish listed in Column 2 of Schedule 1 that are infested with *Triclenophorus crassus* and have been processed to remove the cysts or have been comminuted.

Ice fishing

54 A commercial fisher must, when fishing through the ice, pack and transport the fish in sanitary boxes.

AR 203/97 s54;251/2001

Surplus of fish

55(1) If a fishery officer is of the opinion that some of the fish being taken from a body of water under the authority of commercial fishing licences are unlikely to be sold or placed in effective cold storage, the fishery officer may direct those who are fishing under the licences to remove all the nets and set lines from the water and direct that further commercial fishing be discontinued until the fish already taken have been sold or placed in cold storage.

(2) No person shall fail to comply with a direction from a fishery officer under subsection (1).

Fish in boat

56 A commercial fisher must

- (a) fish from a boat that is constructed and equipped so as to ensure that fish carried in it are kept out of the bilge,
- (b) carry adequate crushed ice in the boat and when he catches fish, immediately pack and ice the fish in sanitary boxes in his boat,
- (c) use a suitable covering for the fish in his boat,

- (d) ensure that the fish holds, pen boards and shelf boards or any other container or location where fish are held within his boat are
 - (i) smooth and constructed so as to facilitate proper cleaning,
 - (ii) non-porous,
 - (iii) thoroughly cleaned, along with the deck, with clean water as soon as the boat has discharged its fish, and
 - (iv) treated with a disinfecting agent after a cleaning with water each day,

and

- (e) ensure that the fish are adequately packed and covered in crushed ice in sanitary boxes when they are removed from the boat and are transported from the lakeshore.

AR 203/97 s56;251/2001

Game fish

57(1) No person who is in possession of a game fish shall allow its edible flesh to be wasted, destroyed, spoiled or abandoned.

(2) This section does not apply to

- (a) burbot,
- (b) fish caught or held under the authority of a research licence unless specified otherwise in conditions attached to the licence,
- (c) the disposal of fish at the direction of a fishery officer,
- (d) fish that undergo taxidermy, and
- (e) fish kept under a fish culture licence.

Gill nets

58(1) No person shall set a gill net unless the person removes any fish from the net

- (a) at least once each day after the day it is set if the net is set in water that is not covered with ice,
- (b) at least once every 48 hours after it is set if the net is set in ice-covered water, or

- (c) within the period or periods, if any, specified in the licence or in any attachment to the licence.

(1.1) Subsection (1) does not apply to a person who is lawfully catching cultured fish.

(2) Notwithstanding subsection (1), a fishery officer may direct a person who sets a gill net to

- (a) remove any fish from the net at any time, and
- (b) remove any net or set line from any water.

(3) No person shall fail to comply with a direction of a fishery officer under subsection (2).

AR 203/97 s58;214/2002

Illegal fish

59(1) A person shall not, in Alberta, knowingly handle, market, process, store, transport, preserve, dispose of or sell fish taken, sold or disposed of contrary to this Act or the *Fisheries Act* (Canada).

(2) The fish referred to in subsection (1) include fish represented or held out by a person as having been taken, or as being sold or disposed of contrary to this Act or the *Fisheries Act* (Canada).

Transportation of fish

60(1) No person shall transport or cause to be transported any game fish or cultured fish in a vehicle, aircraft or boat unless

- (a) the person is carrying a bill of lading signed by the licensee who caught the fish or an invoice issued by a commercial fish culture licensee who sold the fish,
- (b) the person has caught or kept the fish pursuant to a licence,
- (b.1) the fish are live cultured fish that are the subject of a fish import licence or a fish stocking licence and are being transported to the destination indicated in that licence and the transporter is carrying a copy of that licence, or
- (c) the bill of lading or invoice described in clause (a) is attached to the outside of the container in which the fish are transported.

(2) Subsection (1) does not apply

- (a) to fish that have been sold by a restaurant or a retail outlet, other than a licensed fish culture facility;

- (b) to a person who is carrying a statement described in section 29 of the Act that includes the date that the fish were caught or sold;
 - (c) to a taxidermized fish.
- (3) The bill of lading or invoice described in subsection (1) must set out
- (a) the type and number of the licence under which the fish were caught or kept,
 - (b) the quantity and species of the fish,
 - (c) the points of origin and destination of the fish, and
 - (d) the date on which the fish is to be transported.
- (4) A person who transports game fish or cultured fish must, when requested by a fishery officer, produce to the fishery officer the licence pursuant to which the fish were caught or kept or the invoice or bill of lading required under this section.

AR 203/97 s60;65/2014

Part 3 Repeals, Expiry and Coming into Force

Repeals

61 The *Fish Marketing Regulation* (AR 68/91) and the *Game Fish Farm Regulation* (AR 69/91) are repealed.

Expiry

62 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on October 31, 2016.

AR 203/97 s62;214/2002;182/2012;170/2014;
150/2015

Coming into force

63 This Regulation comes into force on the coming into force of the *Fisheries (Alberta) Act*.

Schedule 1

Item	Column 1	Column 2	Column 3
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No.	<u>Lakes</u>	<u>Species</u>	<u>Species</u>
1	AMISK (68-18-W4)		Northern Pike
2	ATHABASCA (117-I-W4)	Lake Whitefish	
3	BISTCHO (124-6-W6)	Lake Whitefish	
4	CALLING (72-22-W4)	Lake Whitefish	
5	EDWARDS (75-9-W4)		Northern Pike
6	ELINOR (64-11-W4)		Northern Pike
7	ETHEL (64-3-W4)		Northern Pike
8	FROG (57-3-W4)	Lake Whitefish	
9	GLOVER (75-9-W4)		Northern Pike
10	GOODFISH (89-5-W5)	Lake Whitefish	
11	HAIG (91-14-W5)	Lake Whitefish	
12	HELENA (66-11-W4)	Lake Whitefish	Walleye
13	HILDA (63-3-W4)	Lake Whitefish Tullibee	Walleye
14	IRONWOOD (65-11-W4)		Northern Pike Walleye
15	KEHEWIN (59-7-W4)	Lake Whitefish	
16	LAC LA BICHE (68-15-W4)	Tullibee	

17	LESSER SLAVE (74-11-W4)	Lake Whitefish	
18	LONG (90-2-W5)	Lake Whitefish	
19	MOOSE (61-7-W4)		Northern Pike Walleye
20	MUSKWA (68-18-W5)		Northern Pike Walleye
21	NIPISI (78-7-W5)	Tullibee	
22	NORTH BUCK (66-17-W4)	Tullibee	
23	NORTH WABASCA (82-4-W5)	Lake Whitefish	
24	RATTLESNAKE (12-8-W5)		Northern Pike Walleye
25	ROCK ISLAND (75-22-W4)	Tullibee	
26	ROLLING HILLS (16-14-W4)		Northern Pike
27	SANDY (79-22-W4)	Lake Whitefish	
28	SAWN (92-12-W5)	Lake Whitefish	
29	SKELETON (65-18-W4)	Lake Whitefish	
30	SOUTH WABASCA (80-24-W4)	Tullibee	
31	ST. MARYS (4-24-W4)		Walleye
32	VANDERSTEENE (88-3-W5)	Lake Whitefish	

33 WEST TWIN Lake Whitefish
(90-4-W5)

AR 203/97 Sched.1;214/2002

Schedule 2 Repealed AR 74/98 s6.



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