



Province of Alberta

FISHERIES (ALBERTA) ACT

FISHERIES (MINISTERIAL) REGULATION

Alberta Regulation 220/1997

With amendments up to and including Alberta Regulation 157/2015

Office Consolidation

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(Consolidated up to 157/2015)

ALBERTA REGULATION 220/97

Fisheries (Alberta) Act

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Schedules

Definitions

1(1) In this Regulation,

- (a) “Director” means an employee under the administration of the Minister designated as the Director of Fisheries Management;
- (b) “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;
- (c) “fish handling facilities” means, in relation to a competitive fishing event, the places other than in a boat where fish retained for the purposes of the event are or will be temporarily held or handled and any gloves, nets, chutes, surfaces or equipment used in handling or conveying the fish.

(2) Definitions and other general interpretation provisions, if any, in the *General Fisheries (Alberta) Regulation* (AR 203/97) apply with respect to the interpretation of this Regulation.

AR 220/97 s1;185/2006

Act definitions

2(1) For the purposes of the Act,

- (a) “bait fish” means the species of fish set out in Schedule 3;
- (a.1) “competitive fishing” means the fishing activities involved in a competitive fishing event;
- (a.2) “competitive fishing event” means an organized fishing with hook and line gear competition that
 - (i) is scheduled to run for a day or a portion of a day or 2 or more consecutive days at one single specified body of water, and
 - (ii) has 26 or more competitive fishing event participants competing for prizes to be awarded on the basis of the species, size, weight or number, or any 2 or more of those criteria, of fish taken;
- (a.3) “competitive fishing event participant” means an individual who is lawfully entitled to fish under the applicable conditions and who is lawfully recorded as a participant in a competition referred to in clause (a.2) by the holder of the relevant competitive fishing event licence;
- (b) “contained waters” means water held
 - (i) in a man-made aquarium or other impervious container which is normally housed within a building, or
 - (ii) in a man-made reservoir that
 - (A) effectively isolates the water in it from direct flow into other water sources,
 - (B) is completely lined with an impervious material, and
 - (C) is no larger than 600 square feet in surface area unless, in the case of contained waters forming part of a commercial fish culture facility, a larger area is approved by the Director;
- (c) “cultured fish” means the kinds of fish set out in Schedule 2;

- (c.1) “game fish” means fish of a species set out in Part 1 of Schedule 1 to the *Alberta Fishery Regulations, 1998* under the *Fisheries Act* (Canada);
- (d) “prescribed waters” means water bodies or contained waters
 - (i) that have as their source of water a municipal water supply, a well, surface runoff or a source approved in writing by the Director or an official on behalf of an irrigation district, and
 - (ii) that are completely surrounded by privately owned land, privately owned leased land, land within a Metis settlement or other land that is not public land under the *Public Lands Act* that is under the administration of a Minister responsible for that Act;
- (e) repealed AR 70/2007 s2;
- (f) “restricted waters” means those waters on or occurring within that portion of Alberta described as the Restricted Area Waters that is on file in the records of the Government of Alberta, Department of Environment and Sustainable Resource Development in Edmonton, Alberta.

(2) For the purposes of the Act, the following are excluded from the definition of fish:

- (a) *Gammarus sp.*;
- (b) all marine mammals;
- (c) fish lawfully caught pursuant to a commercial fishing licence if the fish have undergone taxidermy.

AR 220/97 s2;206/2001;185/2006;70/2007;170/2012;68/2014

Fees

3(1) The fee for a licence is the amount set out in Schedule 1.

(2) Where a person enters into an agreement with the Minister to sell licences or other things, that person may charge their purchasers, in addition to any licence or other kind of fee that is otherwise legally payable, fees not exceeding those set out in that agreement.

AR 220/97 s3;77/98

Invoice

4(1) The holder of a commercial fish culture licence shall issue an invoice for fish being removed from the waters specified in the

licence and supply a copy of the invoice to the person removing the fish, even if the person who removes the fish has not purchased the fish.

(2) A copy of the invoice completed under subsection (1) shall be retained by the holder of the commercial fish culture licence for a period of 12 months following the expiry of the licence.

(3) The holder of a commercial fish culture licence shall, after March 1 and before March 31 in each year, complete and submit an annual report to the Director on a form supplied by the Director.

Fish establishment records

5(1) An owner or operator of a fish establishment shall immediately on purchasing fish from a commercial fisher record the following:

- (a) the date of the purchase;
- (b) the name and licence number of the commercial fisher;
- (c) the lake of origin of the fish;
- (d) the weight of each species of fish purchased;
- (e) the grades of fish, where applicable.

(2) The operator of a fish establishment shall forward a copy of the record under subsection (1) to the Director before the 10th day of the month following the month in which the record was made.

AR 220/97 s5;251/2001;224/2002

Officer, guardian ID

6(1) The identification for a fishery officer or fishery guardian appointed by the Minister under sections 19(1) and 20(1) of the Act is an identification card provided by the Minister that identifies that individual as such.

(2) The identification for a fishery officer described in section 19(2) of the Act is the badge or identification card provided by the employer of the fishery officer that identifies the employee as holding a position described in section 19(2) of the Act.

AR 220/97 s6;25/2000

Expiry

7 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 220/97 s7;186/2012;185/2014;157/2015

Coming into force

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

Schedule 1

NOTE: The fees prescribed in this Schedule are only those payable to the Government of Alberta. They are exclusive of (a) any applicable taxes, and (b) further amounts, if any, charged under section 3(2) of this Regulation or Schedule 2 to the *Wildlife Regulation* (AR 143/97).

Licence Fees

Item No.	Column 1 Licence	Column 2 Fee
1	Sportfishing Licences	
	(a) resident of Canada	\$1.50
	(b) non-resident of Canada (annual)	9.50
	(c) non-resident of Canada (5 days)	5.85
	(c.1) non-resident of Canada (1 day)	2.85
	(d) special sportfishing	FREE
	(e) special fish harvest licence	2.50
	(f) replacement licence	2.00
1.1	Sturgeon fishing licence	\$1.50
2	Commercial fishing licences	
	(a) commercial fishing licence	\$500

	(b) commercial fishing lake licence	\$1 for each gill net authorized by the licence
	(c) Metis commercial fishing licence	25
	(d) commercial bait fishing licence	25
	(e) repealed AR 224/2002 s4	
3	Fish culture licences	
	(a) recreational fish culture licence	
	(i) issued for a term expiring on the following March 31	\$10
	(ii) issued for a term expiring on March 31 in the 5th year following the year of its issue	50
	(b) class A commercial fish culture licence	100
	(c) class B commercial fish culture licence	100
	(c.1) class C commercial fish culture licence	100
	(d) fish import licence	0
4	Fish establishment licences	
	(a) Class A establishment licence	\$100
	(b) Class B establishment licence	10
5	Fish research licence	\$0
6	Fish stocking licence	\$0
7	Salvage fishing licence	
	(a) issued to a person less than 65 years of age	\$5
	(b) issued to a person 65 years of age or older	0
8	Domestic fishing licences	
	(a) domestic fishing licence	\$0

(b)	Metis domestic fishing licence	0
9	Competitive fishing event licence	\$25
	AR 220/97 Sched.1;77/98;136/2000;224/2002;155/2006;185/2006; 233/2007;69/2008;68/2014	

Schedule 2

Cultured Fish

1 For the purposes of the Act, the following 2 categories of fish, including freshwater-dwelling invertebrates, and fish that are included within sections 2, 2.1 and 3, are defined as cultured fish:

Category 1

Common Name	Scientific Name
(a) Brook trout	<i>Salvelinus fontinalis</i>
(b) Brown trout	<i>Salmo trutta</i>
(c) Rainbow trout	<i>Oncorhynchus mykiss</i>
(d) Grass carp (triploid fish only)	<i>Ctenopharyngodon idella</i>

Category 2

Common Name	Scientific Name
(a) Arctic char	<i>Salvelinus alpinus</i>
(b) Coho salmon	<i>Oncorhynchus kisutch</i>
(c) Freshwater prawn	<i>Macrobrachium sp.</i>
(d) Goldfish	<i>Carassius auratus</i>
(e) Koi	<i>Cyprinus carpio</i>
(f) Tilapia	<i>Genus Tilapia</i>
(g) Bigmouth buffalo fish	<i>Ictiobus cyprinellus</i>
(h) American eel	<i>Anguilla rostrata</i>
(i) Apple snail	<i>Pomacea paludosa</i>
(j) Barramundi	<i>Lates calcarifer</i>

2 For the purposes of the Act, all freshwater-dwelling fish in addition to those included in section 1 are cultured fish if the fish are held alive and are to be offered for sale for human consumption.

2.1 For the purposes of the Act, Category 2 fish include the following saltwater-dwelling fish, unless they are kept as pets or for sale as pets or kept in contained waters at premises whose owner holds a permit under the *Food Regulation* (AR 31/2006):

(None prescribed so far)

3(1) Koi and goldfish are cultured fish only if they are possessed at a location that is not within a person's principal residence and the fish are being kept for the purpose of selling wholesale.

(2) Tilapia are cultured fish only if they are held for the purpose of wholesale or retail sale as human food.

(3) Repealed AR 224/2002 s5.

AR 220/97 Sched.2;115/99;226/99;224/2002;70/2007;68/2014

Schedule 3

Bait Fish

	Common Name	Scientific Name
1	Iowa darter	<i>Etheostoma exile</i>
2	Minnows, except carp, goldfish and the Western Silvery Minnow	<i>Family Cyprinidae</i>
3	Sticklebacks	<i>Family Gasterosteidae</i>
4	Suckers	<i>Family Catostomidae</i>
5	Trout perch	<i>Percopsis omiscomayus</i>

Schedule 4 Repealed AR 25/2000 s3.



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