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PART II/PARTIE II

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REVISED REGULATIONS OF SASKATCHEWAN

SASKATCHEWAN REGULATIONS 24/2017

The Fisheries Act (Saskatchewan), 1994

Section 37

Order in Council 98/2017, dated March 8, 2017

(Filed March 22, 2017)

Title

1 These regulations may be cited as *The Fisheries Amendment Regulations, 2017*.

RRS c F-16.1 Reg 1 amended

2 *The Fisheries Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 **Section 2 is amended:**

(a) **by adding the following clauses after clause (b):**

“(b.1) **‘angling endorsement licence’** means an angling endorsement licence issued pursuant to section 11;

“(b.2) **‘aquaponics’** means the aquaculture of fish for the purpose of supplying waste or nutrients to hydroponically grown plants”;

(b) **by repealing clause (e) and substituting the following:**

“(e) **‘commercial aquaculture’** means aquaculture for commercial purposes and includes fee-for-fishing operations authorized pursuant to section 51 and aquaponics”;

(c) **by adding the following clause after clause (p):**

“(p.01) **‘immediate family’** means an individual’s father, mother, grandfather, grandmother, brother, sister, child, spouse or common-law spouse”;

(d) **by repealing clause (p.2);**

(e) **by repealing subclause (u)(ii);**

(f) **by repealing clause (bb) and substituting the following:**

“(bb) **‘sustenance fishing’** means fishing solely for the personal use of:

(i) the person fishing; or

(ii) a member of the immediate family of the person fishing”;

(g) by adding the following clause after clause (cc):

“(cc.1) **‘unharméd’**, for the purpose of a competitive fishing event, means any fish that:

- (i) is not showing signs of stress that include any of the following:
 - (A) hemorrhaging on the sides or fins;
 - (B) being unable to swim to the bottom and maintain its level in the water;
 - (C) experiencing a loss of equilibrium;
 - (D) swimming at the surface and gulping for air; or
- (ii) has not had its swim bladder deflated with a needle or sharp object to release excess air”.

Section 11 amended

4(1) The following subsections are added after subsection 11(1):

“(1.01) Subject to subsections (1.02) and (1.1), no person shall angle on any body of water requiring an angling endorsement licence unless that person holds:

- (a) an angling endorsement licence and the harvest ledger associated with that licence; and
- (b) if the person is 16 years of age or older, the angling licence mentioned in subsection (1).

“(1.02) The minister may require that an angling endorsement licence be obtained for a body of water if the minister is satisfied, on reasonable grounds, that an angling endorsement licence is required for that body of water to conserve, develop, maintain, enhance, manage or utilize fish resources on that body of water”.

(2) Subsection 11(1.1) is amended by striking out “Subsection (1) does” and substituting “Subsections (1) and (1.01) do”.

(3) Subsection 11(1.2) is amended by adding “or angling endorsement licence” after “licence”.

(4) Subsection 11(2) is repealed.

(5) Clause 11(4)(b) is amended:

- (a) in the portion preceding subclause (i) by striking out “a Lac La Ronge” and substituting “an”; and
- (b) in subclause (ii) by striking out “Lac La Ronge”.

(6) Subsection 11(5) is amended by adding “or angling endorsement licence” after “licence”.

Section 11.2 amended**5 Subsection 11.2(2) is amended:**

- (a) by repealing clause (d); and
- (b) by repealing clause (e).

New sections 11.3 to 11.6**6 The following sections are added after section 11.2:****“Minimum requirement for competitive fishing event - tournament**

11.3 Every organizer of a tournament for walleye, sauger, saugeye or largemouth bass shall ensure that a minimum of 90% of the fish weighed in are alive and released unharmed to the water from which they were taken.

“Retention of fish during competitive fishing event

11.4 Only fish species identified on a competitive fishing event authorization as being eligible for the event may be retained by persons competing in the event during the event.

“Minister may refuse to allow competitive fishing event

11.5 The minister may refuse to allow a competitive fishing event if:

- (a) in the minister’s opinion, the person who is applying to hold the competitive fishing event does not meet the eligibility requirements or has not complied with these regulations;
- (b) the person who is applying to hold the competitive fishing event has been convicted of a contravention of section 11.1, 11.2, 11.3 or 11.4; or
- (c) the minister is of the opinion that:
 - (i) a conservation issue exists; or
 - (ii) it is in the public interest not to allow the event.

“Terms and conditions for competitive fishing event

11.6 The minister may specify any terms or conditions for a competitive fishing event that the minister considers appropriate”.

Section 12 amended**7 Section 12 is amended by striking out “a Lac La Ronge”.****Section 13 amended**

8(1) Subsection 13(1) is amended by adding “or conduct a competitive fishing event” after “angle”.

(2) The following subsection is added after subsection 13(4):

“(5) No person shall angle with any gear:

- (a) that has been designated as restricted by the minister pursuant to section 14; or
- (b) with respect to which the designated restriction has been varied by the director pursuant to section 14”.

New section 16**9 Section 16 is repealed and the following substituted:****“Fish species restriction**

16(1) No person who catches and retains a fish from a body of water pursuant to subsection 11(2) shall:

- (a) fail to immediately:
 - (i) cut out and remove a notch from the edge of his or her harvest ledger; or
 - (ii) record the appropriate information respecting that catch on his or her harvest ledger; or
- (b) give the fish to another person.

(2) No person shall apply for more than 1 angling endorsement licence or associate more than 1 harvest ledger with an angling endorsement licence in any year for any body of water”.

Section 19 amended**10 Subsection 19(1) is repealed and the following substituted:**

“(1) Subject to subsections (1.1) and (2), no person shall possess for use as bait, or use as bait, any fish unless the fish:

- (a) is dead;
- (b) has been commercially harvested;
- (c) is preserved by freezing, freeze drying, salting or pickling; and
- (d) is not a species designated by the minister pursuant to clause 14(1)(a).

“(1.1) A person may possess for use as bait, or use as bait, only the skin, fins, belly, eyes, internal organs or eggs from dead fish that have been taken and retained by angling in accordance with these regulations”.

Heading, Part V amended

11 The heading preceding section 35 is amended by striking out “Subsistence fishing” and substituting “Sustenance Fishing”.

New section 35**12 Section 35 is repealed and the following substituted:****“Sustenance fishing licence**

35(1) No person shall engage in sustenance fishing in Saskatchewan waters unless that person is the holder of a licence issued by the minister for that purpose.

(2) No person to whom a sustenance fishing licence has been issued shall fail to carry the licence while fishing or while possessing fish taken pursuant to that licence”.

New sections 37 and 38**13 Sections 37 and 38 are repealed and the following substituted:****“Prohibitions re sustenance fishing**

37(1) No person engaged in sustenance fishing shall:

- (a) fish in a location or at a time other than the location or time specified on that person’s licence;
- (b) fish for or possess any species other than those species specified in that person’s licence;
- (c) take any fish in excess of the amount specified in that person’s licence;
- (d) take any fish from locations other than those specified in that person’s licence;
- (e) fish by means of any fishing gear or equipment other than that specified in that person’s licence; or
- (f) allow any other person to use his or her licence.

(2) No person who is licensed for both sustenance fishing and commercial fishing shall engage in sustenance fishing and commercial fishing at the same time.

“Fish taken by sustenance fishing

38(1) No person shall market any fish taken pursuant to a sustenance fishing licence.

(2) No person engaged in sustenance fishing shall provide any fish caught while engaged in sustenance fishing to any person other than a member of his or her immediate family.

(3) No person shall store or possess fish taken pursuant to a sustenance fishing licence or pursuant to subsection 4(2) or (3) of the *Saskatchewan Fishery Regulations, 1995* (Canada), (SOR/95-233) at any place other than:

- (a) the residence of the licensee or the person who has taken the fish pursuant to subsection 4(2) or (3) of the *Saskatchewan Fishery Regulations, 1995* (Canada), (SOR/95-233);
- (b) the residence of the licensee’s immediate family or of the immediate family of the person who has taken the fish pursuant to subsection 4(2) or (3) of the *Saskatchewan Fishery Regulations, 1995* (Canada), (SOR/95-233); or
- (c) a place authorized by an officer”.

New section 45**14 Section 45 is repealed and the following substituted:****“Prohibitions re live fish**

45(1) For the purposes of this section, ‘**contained waters**’ means a tank, raceway, container, dugout, artificial pond, natural pond, lake or body of water that does not flow directly or indirectly into another body of water or a watercourse.

(2) Subject to subsection (3), no person shall obtain, transport, raise or possess any live fish of any species without an aquaculture licence.

(3) Subject to the Act, these regulations and any other regulations made pursuant to the Act, any person other than a commercial aquaculturist, without an aquaculture licence, may obtain, transport, raise or possess, within Saskatchewan, live fish of any species set out in Table 4 obtained from a commercial aquaculturist if that person holds those fish in contained waters that are under the control of that person”.

Section 49 amended

15 Clause 49(b) is amended by striking out “the *Fish Health Protection Regulations*, C.R.C., c.812, or”.

Section 52 amended

16(1) Subsection 52(1) is amended by striking out “for aquaculture purposes”.

(2) Subsection 52(2) is amended in the portion preceding clause (a) by striking out “for aquaculture purposes”.

New section 55

17 Section 55 is repealed and the following substituted:

“Disease

55 No holder of an aquaculture licence and no person authorized to keep fish pursuant to subsection 45(3) shall fail to report to an officer that disease has appeared in the fish at the site where the aquaculture operation is authorized immediately on becoming aware of the disease in the fish”.

New section 56

18 Section 56 is repealed and the following substituted:

“Powers of the minister

56 The minister, on becoming aware that there is a disease in the fish at a site operated by the holder of an aquaculture licence, or at a site operated pursuant to subsection 45(3), may order any or all of the following:

- (a) a prophylactic treatment of fish or fish eggs to control or eradicate the disease;
- (b) the disinfection of all fish-handling equipment, containers, and transportation tanks to prevent transmission of the disease;
- (c) the destruction of fish or fish eggs held at the site;
- (d) the observation of quarantine conditions at the site;
- (e) the closure of the site for aquaculture purposes”.

Section 62 amended**19 Subsection 62(2) is amended:**

(a) by striking out the portion preceding clause (a) and substituting the following:

“A commercial fisherman or commercial fisherman’s helper, subject to the provisions of the Act, these regulations and any terms and conditions of the commercial fisherman’s commercial fishing licence, may:”; **and**

(b) in clause (a) by striking out “his or her own” and substituting “the commercial fisherman’s”.

Section 64 amended

20(1) Subsection 64(2) is amended by striking out “Table 6” and substituting “The Food Safety Regulations”.

(2) Subsection 64(3) is repealed and the following substituted:

“(3) Subsection (2) does not apply to the holder of a certificate of registration issued pursuant to the *Fish Inspection Regulations*, (Canada) CRC, c 802”.

Section 67 amended

21 Subclause 67(a)(i) is amended by striking out “packager” and substituting “processor”.

Section 68 amended

22(1) Clause 68(1)(b) is amended:

(a) by repealing subclause (ii) and substituting the following:

“(ii) in the case of a commercial fisherman or commercial fisherman’s helper, the name of the body of water from which the fish was taken”;

(b) in subclause (iv) by striking out “and the sale price”;

(c) by adding “and” after subclause (iv);

(d) by striking out “and” after subclause (v); and

(e) by repealing subclause (vi).

(2) Subsection 68(3) is repealed.

New section 85

23 Section 85 is repealed and the following substituted:

“Salvage fishing

85 Notwithstanding any other provision in these regulations, if the minister or director determines that all fish of a species or a population in a body of water or portion of a body of water are likely to die, the minister may authorize the taking of those fish on any terms and conditions that the minister or director considers appropriate”.

Section 86 amended

24(1) Subsection 86(1) is amended by striking out “secure” and substituting “obtain and possess”.

(2) Subsection 86(2) is amended by striking out “Lac La Ronge”.

Section 87 amended

25 Subsection 87(1) is amended by striking out “Lac La Ronge”.

New sections 88.4 and 88.5

26 The following sections are added after section 88.3:

“Watercraft inspection stations

88.4 The minister may establish watercraft inspection stations for the purpose of inspecting vehicles, trailers, boats or things for the presence of any species listed in Table 10 of the Appendix.

“Submitting to inspection

88.5 An individual operating a vehicle carrying or trailering a boat that is approaching a watercraft inspection station shall stop the vehicle and submit to an inspection by an officer”.

Section 90 amended

27 Clause 90(1)(o) is repealed and the following substituted:

“(o) use a buoy, stake or other identification mentioned in clause (n) unless that buoy, stake or other identification is clearly and permanently marked with:

(i) the number of the licence pursuant to which the use of the trap net, gill net, set line or set of nets is authorized; or

(ii) the name, address or other information that identifies the owner or user of the trap net, gill net, set line or set of nets if the owner or user of the trap net, gill net, set line or set of nets is an Indian or Métis who is fishing for food pursuant to an Aboriginal or treaty right”.

Section 91.2 amended

28(1) Subsection 91.2(1) is amended by striking out “may” and substituting “shall”.

(2) Subsection 91.2(2) is repealed and the following substituted:

“(2) A non-Indian or a non-Métis may assist, aid or fish with:

(a) an Indian or a Métis who is a member of the immediate family of the non-Indian or non-Métis; or

(b) an Indian or a Métis who, when angling, does not exceed the maximum number, weight or size of any species of fish that may be taken or possessed by angling from the body of water being fished, pursuant to these regulations”.

Section 92.2 amended

29 Section 92.2 is amended by striking out “Lac La Ronge”.

Appendix amended

30(1) The Appendix is amended in the manner set forth in this section.

(2) Table 1 is repealed and the following substituted:

“TABLE 1
[Sections 6 and 7]

Type of licence	Licence Fee (\$)	Southern and Central Zones Expiry Dates	Northern Zone Expiry Dates
1 Angling Licence			
(a) Resident 16 to 64 years of age	35.24	*	*
(b) Resident Canadian	71.43	*	*
(c) Non-resident	95.24	*	*
(d) Resident for Southern Zone and Central Zone only (three-day)	18.10	*	N/A
(e) Resident Canadian for Southern Zone and Central Zone only (three-day)	38.10	*	N/A
(f) Non-resident for Southern Zone and Central Zone only (three-day)	47.62	*	N/A
(g) Resident for Southern Zone and Central Zone only (one-day)	12.38	*	N/A
(h) Resident Canadian for Southern Zone and Central Zone only (one-day)	19.05	*	N/A
(i) Non-resident for Southern Zone and Central Zone only (one-day)	23.81	*	N/A
(j) Complimentary	No Fee	March 31	March 31
(k) Replacement	No Fee	*	*
2 Special Angling Licences			
Angling Endorsement Licence	No Fee	*	*
3 Aquaculture Licence	15.00	*	*
4 Net Fishing Licence			
(a) Commercial fishing			
(i) for each 1000 m or portion of gill net	10.00	April 15	April 15
(ii) for a trap or pound net	20.00	April 15	April 15
(b) Sustenance fishing	No Fee	April 15	April 15
(c) Bait fishing	20.00	March 31	March 31
(d) Dip net fishing	5.00	*	*
5 Fish Processing Licence	25.00	April 15	April 15
6 Other Licences			
(a) Scientific collection	No Fee	*	*
(b) Live fish import or Transport	No Fee	*	*
(c) Fish pedlar	25.00	April 15	April 15
(d) Competitive Fishing Licence	No fee	*	*

* As specified on the licence

”.

(3) Table 10 is amended:

(a) in the “Common Name” column by striking out “Facet snail” and substituting “Faucet snail”; and

(b) in the “Species Name” column by striking out “*Hypophthalmichthys molitrix*” and substituting “*Hypophthalmichthys molitrix*”.

(4) Table 11 is amended:

(a) by repealing item 2 and substituting the following:

“2 Tournaments may be conducted only for walleye, sauger, saugeye, largemouth bass, northern pike, yellow perch, burbot, lake whitefish, cisco or rough fish”;

(b) by repealing item 5 and substituting the following:

“5 Tournaments are not to be conducted for walleye, sauger, saugeye and largemouth bass from July 1 to August 31 inclusive unless the tournament rules require:

(a) the immediate measurement of fish length or weight at the point of capture without transporting the fish to an onshore or central weigh site; and

(b) that the fish are immediately released unharmed at the point of capture after being measured”; and

(c) by repealing item 8.

(5) Table 13 is amended by adding the following clause to item 2 after “(r) Missouri”:

“(r.1) Montana”.

Coming into force

31(1) Subject to subsection (2), these regulations come into force on April 1, 2017.

(2) If these regulations are filed with the Registrar of Regulations after April 1, 2017, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

