

Manitoba 2009/10

Commercial Fishing Guide



Commercial fishing in Manitoba is governed under regulations made under the Provincial Fisheries Act and the Fisheries Act of Canada. This guide provides a brief summary of some of the most commonly applied regulations. **The actual regulations in force, not necessarily those in this guide, shall apply.**

Marking Gear

- A gill net or string of gill nets must be marked at each end with a pole extending at least 1 metre (3') above the water or ice, with a flag measuring at least 20 by 20 cm (8" x 8").
- Each pole or flag must be clearly marked with the person's Licence Number or Fisher's Number. The number must be visible without raising the net from the water or ice (i.e. on the pole).
- Gear must only be marked with the person's Licence or Fisher's Number. No other markings, including Treaty Numbers or other fishermen's numbers are allowed.

Restricted Areas

- Commercial fishers may not fish within 1.5 kms of the location where a stream or a river enters a lake. If unsure, fishers should contact their District Resource Officer.
- Commercial Fishing Licences are normally issued only on lakes, not rivers. In the small number of cases where they are issued for a river, nets may not block more than 2/3 of the river channel.

Decayed Fish

- Fish (except rough fish) must not be handled, transported or disposed of in a way that results in it being spoiled or wasted. It is illegal to leave decaying fish (even rough fish) in a net.

Removal of Gear

- Fishing gear (buoys, poles) may not be left in place when not being actively fished.

Licences

- All commercial fishers must have a valid licence before fishing.
- A Commercial Fishing Licence must be signed by the fisher to be considered valid.
- Fishers must comply with all Terms (or Conditions) of the licence or attached to it (i.e. amount of gill net).
- There are 3 types of Commercial Fishing Licence: CF, CO, EXP:
 - CF or Commercial Fisher is the most common. CF licence holders must be present at all times that fishing is occurring. They can hire helpers to accompany them, but may not hire someone to fish on their behalf.
 - CO or Commercial Operator is much less common. A CO licence holder can hire a specified number of Hired Men who are authorized to fish on their own. A Hired Man Form must be completed for each Hired Man. The CO licence holder must be personally involved in the fishery on a daily basis, but does not need to be present when fishing is occurring. As the Licence holder, a Commercial Operator is legally responsible for the actions of his Hired Men.

Manitoba 2009/10

Commercial Fishing Guide



- EXP or Experimental is issued on new fisheries, or when short term changes have been made.

Licence Cancellation or Suspension

- Licences can be suspended or cancelled on the Minister's authority following conviction under Fisheries legislation or for violating conditions of a licence.

Mesh size and length

- The minimum allowable mesh size is listed on the licence. It is measured by stretching a mesh and measuring the distance between two opposite knots in millimetres. Mesh size is normally only a minimum, larger meshes are allowed.
- The fisher is responsible for checking mesh size. Even if nets were ordered at a specific mesh size, the fisher is responsible for ensuring that they are in fact the legal mesh.

Seasons

- Season opening and closing dates are listed on the licence.
- Unless specified differently, as a condition of licence, a season opens at 12:01 AM of the opening day. Nets may not be set before this time.
- Winter fishing must occur through a hole in the ice. Fishing in areas of open water is not allowed, even if the winter season has started.

Quotas

- All quotas are converted to round weight kilograms. Marketed weights must be converted to round weights using the conversion factors included at the end of this Guide.
- The species included in the quota are listed on the licence. Any other

allowable species (normally anything but lake sturgeon) can be caught without limit and does not count against the quota.

- The Department is responsible for advising fishers on lakes with open area quota when the quota is taken and that the fishery is being closed. Typically fishers are advised by notices posted at landing areas or packing sheds.
- The individual fisher is responsible for ensuring that they do not exceed the quota for lakes with individual quotas, including lake quotas with only one fisher. This includes responsibility for converting catches to round weight.
- Uncaught quota can not be carried over to the next fishing year. However, quota remaining after the open water season may be carried over into the following winter season, subject to individual lake management plans.

Selling Fish

- All fish caught commercially must be sold to FFMC, with the following exceptions:
 - Fishers may sell their fish directly to a final consumer (not a store or restaurant).
 - Fishers may appoint someone else (fisher's family member) to sell fish on their behalf through a Director's Authorization, issued by the Director of Fisheries Branch.
 - Fishers may sell their fish under the authority of a Special Dealers Permit, issued by FFMC.
- Any person selling fish door to door, or from a mobile location must obtain a Hawker's Permit from the

Manitoba 2009/10

Commercial Fishing Guide



Department of Health. Hawker's Permits are available from Health Inspectors.

Reporting Production

- The production of all fish caught commercially must be reported. Any fish sold through an agent of the FFMC will be reported on the DCR. Fishers are responsible for ensuring that production is reported for the correct lake (check the DCR).
- Fish must be reported under the name of the Licence holder. Although arrangements can be made with an agency to have Helpers or Hired Men paid for fish they deliver, the production must still be reported under the name of a Commercial Fishing Licence holder.
- Fishers selling directly to final consumers or using Special Dealers Licences are responsible for reporting their own production using Commercial Fisherman's Trade Records. Copies of Trade Records must be submitted within one week of the end of each month to the address specified on the Commercial Fishing Licence.
- Commercial Fisherman's Trade Records can be obtained from the local District Office of Manitoba Conservation.
- Every fisher who holds unsold or undeclared fish at the end of the season authorized by the person's commercial fishing licence shall submit within one month of the end of that season to the address specified on the Commercial Fishing Licence a season-end declaration.

Load Slips

- All fish being transported off the lake it was caught on must be accounted for on a Load Slip unless it is otherwise exempt.
- Fish being transported by a licenced Commercial Fisher directly from the landing point to the receiving point indicated on their Commercial Fishing Licence is exempt from requiring a Load Slip.
- A licenced Hired Man working for a Commercial Operator requires a Load Slip for all fish being transported, but is authorized to sign the Load Slip (the Commercial Operator does not need to sign it).
- Anyone else transporting fish requires a Load Slip that must be signed by the licenced Commercial Fisher.
- A copy of the completed Load Slip must be left with the person to whom the fish was delivered.
- Copies of completed Load Slips must be submitted within one week of the end of each month to the local District Office of Manitoba Conservation.
- Load Slips can be obtained from the local District Office of Manitoba Conservation.

Quota Transfers

- Fishers do not own quota or licences. The ability to transfer a quota or licence from one fisher to another varies across the province. On fisheries with Quota Entitlements (QE), fishers are considered to own access rights for a period of five years into the future as is indicated on the QE form. The Province is the final authority on whether or not

Manitoba 2009/10 Commercial Fishing Guide



a transfer is approved. Contact your Regional Fisheries Manager for further details on the process for your fishery.

Special Circumstances

- A fisher must actively participate in all fishing authorized by their licence, however, in the event of illness or other special circumstances, a fisher can contact the local District Office of Manitoba Conservation and receive permission for someone else to fish their licence temporarily. The District Office must be contacted prior to authorizing someone else to lift the nets (if the office is not open, leave a message).
- In the event that a fisher is unable to fish for a longer period of time, a temporary transfer of the Licence may be made for a period not exceeding two years.

This is only intended to accommodate illness or disability. If the fisher is still unable to return to fishing after two years, the quota or licence must be transferred.

- In the event that nets freeze in, fishers should contact the local District Office of Manitoba Conservation and advise them that the nets are frozen in. Fishers are responsible for taking all steps possible to recover the nets.
- In the event of mechanical breakdown, fishers should contact the local District office of Manitoba Conservation and advise them that they have a problem. Fishers are responsible for making alternative arrangements to lift their nets and ensure that fish are not wasted.

Copies of applicable Fisheries Legislation and Regulations can be found at: <http://www.manitobafisheries.com> under the Legislation/Regulation sidebar.

Conversion Factors to Determine Round Weight

Quotas are set in round weight. It is the responsibility of the fisher to convert marketed weight to round weight by multiplying marketed weight by the appropriate conversion factor.

Species	Dressed	Headless	Fillets
Walleye	1.1	1.4	2.4
Sauger	1.1	1.4	2.4
Pike	1.2	1.5	2.5
Trout	1.2	1.5	
Whitefish	1.1	1.2	2.2