

**SUBMISSION TO THE  
NUNAVUT WILDLIFE MANAGEMENT BOARD  
AND NUNAVIK MARINE REGION WILDLIFE BOARD**

**FOR**

**Information:**

**Recommendation:**

**Decision: X**

**Issue: Request for Boards view on their authority to approve plans to designate a stock as a ‘major fish stock’ under the Fish Stocks provisions.**

**Background**

The inclusion of the Fish Stocks provisions (FSP) was one of the amendments made to the *Fisheries Act* (ss. 6.1-6.3) in 2019. The FSP are intended to help ensure Canada’s major fish stocks are managed sustainably and only apply to major fish stocks identified in Schedule IX of the *Fishery (General) Regulations* (FGR) (s. 6.3). The full text of the FSP can be found in Appendix 1 of this note.

At present, the FSP apply to 30 fish stocks across Canada. These stocks were added to the list of major fish stocks in Schedule IX of the FGR on April 4, 2022. To date, no stocks located in Nunavut or Nunavik have been identified as major fish stocks in Schedule IX. A definition of ‘major fish stock’ is not included in the *Fisheries Act* or FGR. Thus far, DFO has identified major fish stocks using similar criteria as those used to identify a stock as part of DFO’s annual [\*Sustainability Survey for Fisheries\*](#). Criteria include stocks that are part of an economically or culturally important fishery, amongst others. The rate at which additional stocks will be added to the list of major fish stocks will be influenced by whether the stock has a Limit Reference Point, the completeness of its precautionary approach (PA) framework, and other economic, cultural and/or ecological considerations, as well as capacity to develop fisheries management measures and rebuilding plans concurrently.

If a stock located in the Nunavut Settlement Area (NSA) or Nunavik Marine Region (NMR) is identified as a major fish stock through its addition to Schedule IX of the FGR, the FSP would apply to that stock. All ongoing wildlife management of the identified stock would continue to operate within the Board-Minister decision-making process outlined in the relevant land claim agreement(s), the *Nunavut Agreement* and *Nunavik Inuit Land Claims Agreement*, that are paramount to the *Fisheries Act* in cases of conflict or inconsistency.

Through this submission, DFO is looking to confirm the process to identify major fish stocks that are located wholly or partially in the NSA and/or NMR in a manner that respects the roles and authorities of the Nunavut Wildlife Management Board (NWMB) and Nunavik Marine Region Wildlife Board (NMRWB) (the Boards). DFO has had preliminary discussions on this topic with

staff from the Boards and from these discussions it was determined that requesting views from the Boards through a joint process would add clarity. Specifically, DFO is requesting the Boards' view of whether their respective land claims agreements afford them decision-making authority to approve plans to designate co-managed stocks as major fish stocks through an amendment of Schedule IX of the FGR.

### **Summary of the Request**

As referenced in sections 6.1-6.3 of the *Fisheries Act*, and as per Schedule IX of the FGR, DFO is seeking the views of the NWMB and NMRWB on their authorities to approve plans to designate a stock as a 'major fish stock'.

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**Date:** May 16, 2024

## **Appendix 1**

[Text from the Fish Stocks provisions, ss. 6.1-6.3 of the *Fisheries Act*]

### **Fish Stocks**

#### **Measures to maintain fish stocks**

**6.1 (1)** In the management of fisheries, the Minister shall implement measures to maintain major fish stocks at or above the level necessary to promote the sustainability of the stock, taking into account the biology of the fish and the environmental conditions affecting the stock.

#### **Limit Reference Point**

**(2)** If the Minister is of the opinion that it is not feasible or appropriate, for cultural reasons or because of adverse socio-economic impacts, to implement the measures referred to in subsection (1), the Minister shall set a limit reference point and implement the measures to maintain the fish stock above that point, taking into account the biology of the fish and the environmental conditions affecting the stock.

#### **Publication of decision**

**(3)** If the Minister sets a limit reference point in accordance with subsection (2), he or she shall publish the decision to do so, within a reasonable time and with reasons, on the Internet site of the Department of Fisheries and Oceans.

#### **Plan to rebuild**

**6.2 (1)** If a major fish stock has declined to or below its limit reference point, the Minister shall develop a plan to rebuild the stock above that point in the affected area, taking into account the biology of the fish and the environmental conditions affecting the stock, and implement it within the period provided for in the plan.

#### **Amendment**

**(2)** If the Minister is of the opinion that such a plan could result in adverse socio-economic or cultural impacts, the Minister may amend the plan or the implementation period in order to mitigate those impacts while minimizing further decline of the fish stock.

#### **Endangered or threatened species**

**(3)** Subsection (1) does not apply if the affected fish stock is an endangered species or a threatened species under the *Species at Risk Act* or if the implementation of international management measures by Canada does not permit it.

#### **Publication of decision**

**(4)** If the Minister amends a plan in accordance with subsection (2) or decides not to make one in accordance with subsection (3), he or she shall publish the decision to do so, within a reasonable time and with reasons, on the Internet site of the Department of Fisheries and Oceans.

**Restoration measures**

(5) In the management of fisheries, if the Minister is of the opinion that the loss or degradation of the stock's fish habitat has contributed to the stock's decline, he or she shall take into account whether there are measures in place aimed at restoring that fish habitat.

**Regulations**

6.3 The major fish stocks referred to in sections 6.1 and 6.2 are to be prescribed by regulations.