

**SUBMISSION TO THE  
NUNAVUT WILDLIFE MANAGEMENT BOARD**

**FOR**

**Information: X**

**Decision:**

**Recommendation:**

**Issue: Update on the Co-Development of the Nunavut Fishery Regulations**

**Background:**

Fisheries in the Nunavut Settlement Area (NSA) are currently managed under existing regulations that do not reflect nor implement Inuit rights and the unique fisheries management regimes as required in the *Nunavut Agreement (NA)*. New regulations are required to provide consistency with harvesting rights and wildlife management systems established under the *NA*, to provide an opportunity to advance Canada's reconciliation efforts with Indigenous communities, support the Inuit Nunangat Policy to advance Inuit self-determination, and create a modern fisheries management regime to ensure the sustainability of fisheries in the NSA.

Fisheries and Oceans Canada (DFO) was asked to provide an update on the status on the proposed Nunavut Fishery Regulations (NFR). This information note is intended to provide a brief update on the co-development of the NFR, as well as additional information on some key elements of the proposed regulations.

**History**

On July 9<sup>th</sup>, 2018, DFO, Nunavut Tunngavik Incorporated (NTI), the Nunavut Wildlife Management Board (NWMB), and the Government of Nunavut (GN) released a joint statement recommitting to co-developing new fisheries regulations for the NSA. Since the joint statement release, Makivik Corporation (Makivvik) joined the discussions as there are areas of equal use and occupancy. A working group was formed to co-develop the policy positions that will inform the development of the new regulations. The working group is comprised of DFO, Justice Canada, NTI, NWMB, the GN, Makivvik, and as of 2023, the Nunavut Marine Region Wildlife Board (NMRWB).

**New Mechanism to Implement Board-Minister Decisions**

Under Article 5 of the *NA*, the Minister has an obligation to implement the final decisions that arise from the Board/Minister process. In the NSA, subject to a few exceptions, Inuit do not require licences for harvesting activities. As a result, relying on licences and corresponding conditions will not work to implement Board/Minister decisions in many circumstances, and there is currently no other legal pathway to implement decisions that require regulation of harvesters. The Northern Agreements Decision Implementation Order (NADIO) has been proposed as a solution to this issue and will function as a legal tool to allow the Department to implement Board/Minister decisions. The NADIO will ensure the Minister can discharge her obligations under the *Fisheries Act* and the *NA*.

The NADIO is proposed to apply within the NFR area of application (see Figure 1) that falls within the NSA, and will cover a variety of fisheries management matters as outlined in the *NA*:

- Quantitative harvest limits such as Total Allowable Harvest (TAH);
- Non-quota limitations which mean a limitation of any kind, except for a TAH, and may include limitation on season of harvest, sex of wildlife, size of wildlife, age of wildlife, or method of harvest; and,
- Monitoring and reporting requirements.

The NFR will specify that all persons to whom an order is applicable must comply, making the NADIO enforceable by fishery officers under the *Fisheries Act*. In the area of application, the NADIO would be issued only after a final decision from the Board/Minister process is made, or to implement interim decisions to address ‘urgent and unusual’ circumstances.

The NADIO will remain in place in accordance with its own terms (i.e., as defined in the final decision or until changed by the Board/Minister process); there is no pre-set maximum time limit on the duration of the NADIO. If amendments to the NADIO are required, it will need to be made through the Board/Minister decision-making process.

Note that there are no proposed changes to the Board/Minister decision-making process as outlined in Article 5 of the *NA* as part of the NFR discussions. Fisheries in the NSA will continue to be co-managed by the NWMB and DFO.

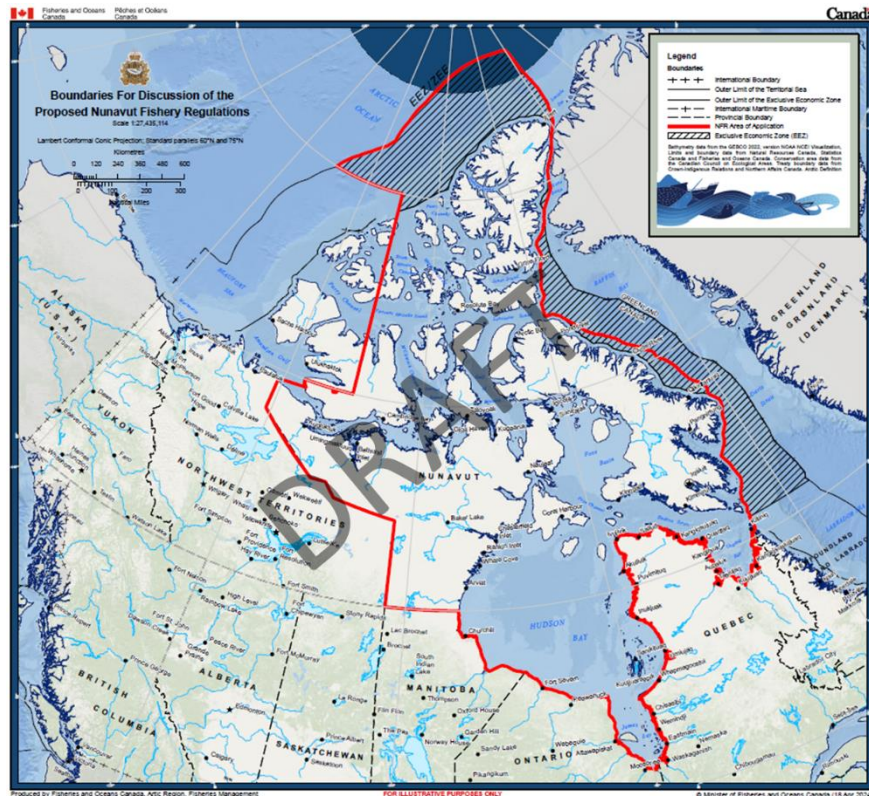


Figure 1: A map showing the proposed overall geographic area of application of the Nunavut Fishery Regulations (red line).

## **Communal Fish Plans**

Communal Fish Plans (CFP) are being proposed as a new fisheries management tool. CFP would be developed by Inuit Wildlife Management Organizations (IWMOs) to manage Inuit harvesting of fish, including marine mammals, and may include harvest limits. CFP would apply to fisheries within the NSA and would be mandatory for stocks or populations that Inuit harvest for “bulk sales”, such as sales to fish plants, work camps or restaurants (and excluding sales directly to individual consumers). CFP would otherwise be an optional tool to support local management of fisheries and Inuit self-determination.

Enforcement of the CFP would be the responsibility of the IWMOs. However, IWMOs may request that DFO make elements of a CFP enforceable under the *Fisheries Act*. DFO would have discretion on whether to agree to these requests.

### **Next Steps:**

The co-management partners are currently in the process of co-developing a Policy Intentions Paper (PIP), which will describe the policy and management objectives of the proposed regulations. The goal is to draft the PIP by December 2024. Following this, the intent is to distribute the PIP externally to inform consultations with rightsholders, stakeholders, and other levels of government in early 2025, including the NWMB. Letters describing the proposed area of application, and DFO’s intent to share the draft PIP, have been sent to communities and organizations representing rightsholders in Nunavut.