



Document for Consultation:
Proposed Elements of a Regulation to List Major
Fish Stocks and to Describe Requirements for Fish
Stock Rebuilding Plans



Background: Bill C-68 and Proposed Regulations

- Amendments to the *Fisheries Act* (Bill C-68) were passed by the House of Commons on June 2018 and are currently under review by the Senate.
- These amendments include new Fish Stock provisions and requirements to:
 - maintain major fish stocks at levels necessary to promote sustainability (section 6.1);
 - develop and implement rebuilding plans for stocks that have declined to their critical zone (section 6.2); and
 - prescribe the list of major stocks to which sections 6.1 and 6.2 apply (section 6.3).
- The amendments also include new authorities to develop regulations respecting rebuilding (subsection 43(1)b.1).



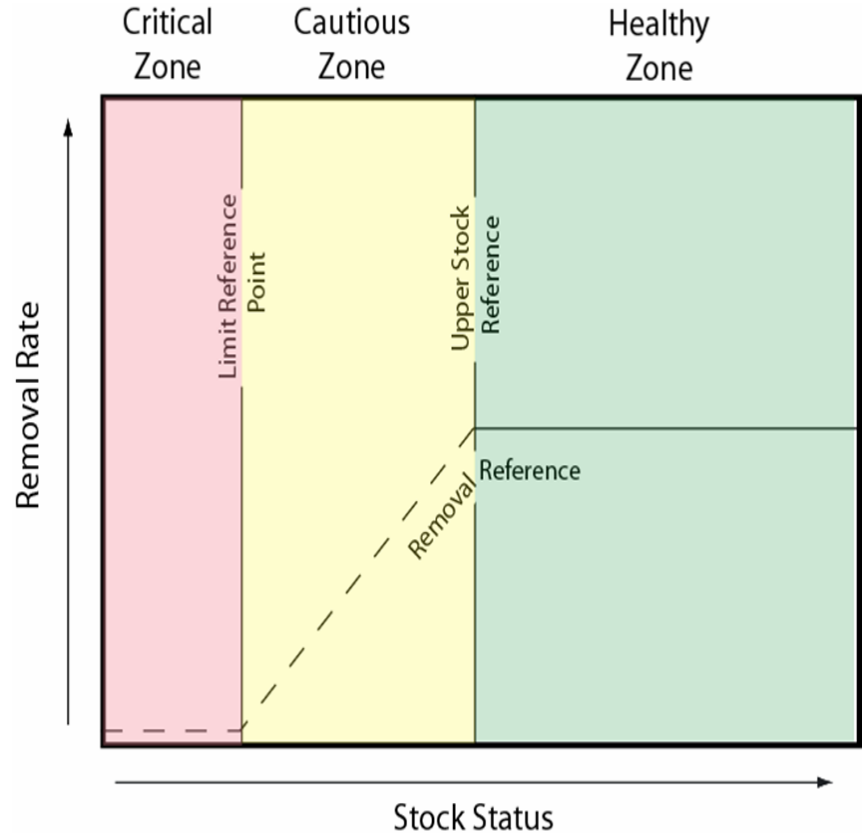
Context: Current Fishery Management Framework

- DFO manages fisheries through the Integrated Fisheries Management Planning process, guided by the Sustainable Fisheries Framework (SFF) Policies. One of the SFF policies, the 2009 Precautionary Approach (PA) Policy sets out how to set harvest levels, using pre-agreed rules to account for uncertainty and risks.
- To apply the PA Policy to a stock, DFO identifies reference points and harvest control rules for the stock. These components are referred to as the PA framework for a stock. The PA Policy components are illustrated on the next slide.
- The broad goals of the PA Policy are (1) to manage harvests on a stock to maintain the stock's abundance at healthy levels and avoid overfishing; (2) if a stock declines, to apply pre-agreed rules to reduce fishing mortality in order to grow the stock and to prevent the stock from declining to its limit reference point (LRP); and (3) if a stock declines below its LRP into the critical zone, implement a rebuilding plan with the aim to grow the stock above its LRP, out of the critical zone.
- In 2017, DFO initiated and posted on its website an annual work plan to complete rebuilding plans for depleted stocks and to develop PA components for stocks, which do not have them. This work plan will be updated each year with new priorities.
- The proposed Fish Stocks provisions in Bill C-68 and the proposed regulation (which is the subject of this document) will strengthen the current management framework for fisheries by establishing binding requirements to maintain stocks and to develop and implement rebuilding plans for depleted stocks. To meet the proposed Fish Stocks provisions, DFO will apply the PA policy to each fish stock that is listed by regulation and subject to the provisions.



Context: Precautionary Approach (PA) Framework

- Canada committed to the PA as it applies to fisheries in the United Nations Agreement on Straddling and Highly Migratory Fish Stocks which came into effect in 2001).
 - *Signatories shall apply the PA by determining stock-specific reference points...and the action to be taken if the reference points are exceeded.*
- The PA is a method of risk management and defines how to apply the PA to set the total allowable catch for a fishery.
- PA components: Three stock status zones and three reference points, along with harvest control rules for each zone.





Goal of the Regulatory Proposal

- The goal of the regulatory proposal is to amend the *Fishery (General) Regulations* to i) prescribe major stocks that will be subject to the Fish Stocks provisions in sections 6.1 and 6.2 of Bill C-68 once it becomes law; and (ii) set out the requirements for stock rebuilding plans that are triggered under section 6.2(1) in Bill C-68.
- The following describes the two parts of the regulatory proposal:
 - A. Prescribing a list of major stocks**
 - The Fish Stocks provisions in Bill C-68 (s.6.1 to s.6.2) will only apply to major fish stocks prescribed by regulation. Section 6.1 requires that the Minister maintain stocks at levels necessary to promote sustainability and section 6.2 requires that the Minister develop and implement rebuilding plans for depleted stocks. This proposed regulation will include the first batch of major stocks (i.e., Batch 1) that will be subject to the proposed Fish Stocks provisions.
 - B. The requirements for rebuilding plans for stocks at or below their Limit Reference Point**
 - This part of the proposed regulation will contain:
 - The proposed required contents of a rebuilding plan drawn from the 2013 Guidance for Developing Rebuilding Plans Under the Precautionary Approach ([2013 Rebuilding Guidelines](#))
 - The timeline to put a plan in place once the requirement for a rebuilding plan is triggered under 6.2(1) and exemptions to extend the timeline to put a plan in place.



Background on Part A of the Regulatory proposal

The Proposed List of Major Stocks for Batch 1

- The 25 stocks for Batch 1 were selected from the list of 179 major stocks that DFO surveyed in its 2018 *Sustainability Survey for Fisheries*, with the exception of two Pacific salmon stocks which are not currently part of the survey.
- The DFO survey includes stocks from all DFO regions. The stocks include marine fish, salmon and marine mammals (<http://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/survey-sondage/index-en.html>).
- These 25 fish stocks are comprised of stocks whose current stock status is in the PA healthy zone and stocks for which DFO has committed to develop and implement rebuilding plans. Thus some of the stocks will be subject to the s.6.1 and others to the s.6.2 provisions.
- This mix and number of stocks provides a manageable group of stocks with which to operationalize the proposed Fish Stocks provisions for the first time. With the experience gained by implementing the Fish Stocks provisions for these stocks, larger numbers of stocks will be considered for future batches.
- Over time, all the major stocks will be added by regulation in batches and thus become subject to the proposed Fish Stocks provisions in Bill C-68.



Regulatory proposal Part A: Proposed List of Major Stocks for Batch 1

STOCK

DFO REGION WITH MANAGEMENT LEAD

Bocaccio Rockfish	Pacific
Chinook Salmon - WCVI	Pacific
Herring - Haida Gwaii	Pacific
Yelloweye Rockfish - Inside Population	Pacific
Yelloweye Rockfish - Outside Population	Pacific
Okanagan Chinook	Pacific
Pacific Hake	Pacific
Sable Fish	Pacific
Southern Inside Coho	Pacific
Mackerel - Atlantic (NAFO 3-4)	National Capital Region
Northern Shrimp - SFA 6	National Capital Region
Cod - 4RS3Pn	Québec
Gulf Shrimp	Québec
Lobster - Areas 19-20-21 (Gaspé)	Québec
Herring - 4T (Spring Spawner)	Gulf
Snow Crab - CFA 12 (12, 18, 25, 26), 12E, 12F, 19	Gulf
White Hake - 4T	Gulf
Atlantic Halibut - 3NOPs4VWX+5	Maritimes
Redfish - Unit 3	Maritimes
Sea Scallop - Inshore SFA 28 (Bay of Fundy)	Maritimes
Silver Hake - 4VWX	Maritimes
Snow Crab - Scotian Shelf (ENS-N)	Maritimes
Snow Crab - Scotian Shelf (ENS-S)	Maritimes
Cod - Northern (2J3KL)	Newfoundland and Labrador
Cod - Atlantic (3Ps)	Newfoundland and Labrador



Regulatory proposal - Part B: Proposed Contents of Rebuilding Plans

A rebuilding plan required under 6.2(1) shall contain:

- A description of the stock status, stock trends, and reasons for the stock's decline.
- Measurable objectives aimed at rebuilding the stock with timelines for achieving the objectives.
 - The objectives should identify the desired rebuilt state or target, for example, a stock status that is above the stock's limit reference point with a given probability.
- Management measures aimed at achieving the objectives.
- A method to track progress to achieve the rebuilding plan's objectives.
- An approach to review the objectives and adjust them if the objectives are not being achieved.



Regulatory proposal - Part B: Proposed Timelines to Develop Rebuilding Plans

- A rebuilding plan for a prescribed stock must be put in place within 24 months after the Minister has triggered section 6.2(1). Section 6.2(1) is triggered when the Minister determines that the listed stock has declined to or below its limit reference point. ([PA Policy](#))
- The 24 month timeline may be extended to 36 months for the following reasons: to collect and provide scientific information necessary to develop a rebuilding plan, to provide additional time to seek feedback on the rebuilding plan from Indigenous peoples and to discuss with another jurisdiction(s) the management measures for a shared stock.



Next steps

- Please send your feedback on the regulatory proposal to:
[\[DFO.Rebuilding-Retablissement.MPO@dfo-mpo.gc.ca\]](mailto:DFO.Rebuilding-Retablissement.MPO@dfo-mpo.gc.ca)
- The deadline for sending us your feedback is February 15th, 2019.
- DFO anticipates possible publication of the proposed regulations in *Canada Gazette*, Part I before summer 2019.
 - Note that the authorities for these regulations are found in Bill C-68 and therefore these regulations will not proceed to publication in *Canada Gazette* Part 1 until the coming into force of the provisions in Bill C-68.