

# Submission to the Nunavut Wildlife Management Board

March 26, 2024

## FOR

### Information :

Decision: X

**Issue:** To seek approval from the Nunavut Wildlife Management Board (NWMB) for the establishment of a second Marine Protected Area by Ministerial Order under the *Oceans Act* in Tuvaijuittuq.

### Background:

#### ***(a) How the issue relates to the NWMB mandate;***

The establishment of a conservation area is directly related to the protection of wildlife and wildlife habitat under the Nunavut Agreement, and is located both within the Nunavut Settlement Area and Zone I marine area.

#### ***(b) Why the issue is being presented;***

Fisheries and Oceans Canada (DFO) is seeking NWMB approval for the establishment of a marine conservation area in Tuvaijuittuq through the designation of a second Marine Protected Area by Ministerial Order (or "Order) under the *Oceans Act*, s35.1(2). This issue is pursuant to articles 5.2.34(a), 9.3.2, 15.2.1, and 15.3.4 of the Nunavut Agreement:

- Section 5.2.34(a): *"approve the establishment, disestablishment, and changes to boundaries of Conservation Areas, related to management and protection of wildlife and wildlife habitat."*
- Section 9.3.2: *"The establishment, disestablishment or changing of the boundaries of Conservation Areas related to management and protection of wildlife habitat shall be subject to the approval of the NWMB pursuant to Sub-section 5.2.34(a). Conservation Areas shall be co-managed by Government and the DIO as provided in Section 9.3.7."*
- Section 15.2.1: *"If a Park or Conservation Area is established and that Park or Conservation Area partially extends beyond the marine areas, Article 8 or 9, as the case requires, shall apply to that entire Park or Conservation Area."*
- Section 15.3.4: *"Government shall seek the advice of the NWMB with respect to any wildlife management decisions in Zones I and II which would affect the substance and value of Inuit harvesting rights and opportunities within the marine areas of the Nunavut Settlement Area. The NWMB shall provide relevant information to Government that would assist in wildlife management beyond the marine areas of the Nunavut Settlement Area."*

On June 20, 2019, the NWMB passed the following resolution in relation to the current Order in Tuvaijuittuq:

*"RESOLVED that the NWMB approves, pursuant to Sections 5.2.34(a), 9.3.2, 15.2.1, and 15.3.4 of the Nunavut Agreement and considering the undertaking provided by Fisheries and Oceans Canada to bring any change following Canada Gazette 1 publication back to the NWMB for*

*consideration, the plan to establish the Tuvaijuittuq Marine Protected Area through designation by Ministerial Order, under the Oceans Act.”.*

***(c) The key facts and circumstances relating to the issue; and***

Tuvaijuittuq (“the place where the ice never melts”) is a marine area located northwest of Ellesmere Island. The area contains the oldest and thickest multi-year sea ice in the Canadian Arctic, and is projected to become a critical refuge for ice-associated species as sea ice continues to decline across the Arctic due to climate change. The area was established as an MPA by Ministerial Order under the *Oceans Act* in 2019 to provide the Government of Canada (represented by DFO and Parks Canada [PC]), the Qikiqtani Inuit Association (QIA) and the Government of Nunavut (GN) time to complete an assessment of the feasibility and desirability of long-term protection.

In January 2023, QIA formally requested that DFO repeal the current Order in Tuvaijuittuq and replace it with a second Order to help recover the time lost due to unforeseen pandemic challenges and to allow additional time to collaboratively explore an Inuit-led Protected and Conserved Area (IPCA) for the area. In March 2023, the Minister of Fisheries, Oceans and the Canadian Coast Guard agreed to QIA’s request and approved a process seeking to repeal and replace the Order. The intent of the proposed second Order is to continue marine protection in this ecologically important and vulnerable area while partners work toward an IPCA.

The proposed second Order would freeze the footprint of ongoing activities in Tuvaijuittuq for up to an additional five years, meaning any activity that has occurred in Tuvaijuittuq over the twelve months prior to designation (or that has been authorized to occur), with a baseline of the existing Order, would be allowed to continue, while new activities would be prohibited, with some exceptions (s4[2] of the current Order<sup>1</sup>). The period of July 30, 2018 to July 30, 2019 must be used as a baseline given that an Order has been in place since July 30, 2019, and will remain in place until the new Order comes into force. The proposed second Order would not apply with respect to the wildlife harvesting rights of Inuit in the Nunavut Settlement Area, as provided for in the Nunavut Agreement, meaning that the new regulations would not affect the wildlife harvesting rights of Inuit within the Nunavut Settlement Area.

The proposed Order would be covered under the Tallurutiup Imanga National Marine Conservation Area Inuit Impact and Benefit Agreement (IIBA), signed in 2019 by Canada and the QIA.

The proposed Order is intended to replace the current Order in Tuvaijuittuq, which extends to July 30, 2024.

***(d) The estimated time required to orally present the issue (excluding questions/discussion).***

DFO and QIA will deliver a 20 - 25-minute PowerPoint presentation (enclosed) that provides an overview of the proposal to establish a second Order in Tuvaijuittuq.

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<sup>1</sup> <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-282/page-1.html>

## **Consultation:**

### ***(a) The means of consultation;***

In November and December 2022, the Tuvaijuittuq Working Group, represented by Canada (DFO and Parks Canada), QIA and GN, consulted with the communities of Arctic Bay, Clyde River, Grise Fiord, Pond Inlet and Resolute Bay on the feasibility assessment process, and to share and seek feedback on the results of various studies completed for Tuvaijuittuq, including biophysical, socio-economic and petroleum potential assessments.

In April 2023, the Tuvaijuittuq Working Group returned to these five communities to seek input on a proposal for a second Order in Tuvaijuittuq, including the conservation objective, boundaries and proposed regulations. Additional virtual follow-up meetings with select community groups were held to ensure quorum and comfort with the proposal. In follow-up meetings, members indicated that no further follow-up meetings were necessary. In the case of Resolute Bay, and Pond Inlet, both HTA and hamlet councils were comfortable proceeding without remaining Board members and gave the Working Group permission to seek letters of support following additional Board discussions. Follow-up letters were sent to community groups to provide additional clarity on questions raised during the consultation process and to offer additional meetings if needed to discuss the proposed regulation. “What We Heard” reports were also circulated to each community HTA and hamlet council summarizing the feedback received during these consultations and inviting their comment.

In July 2023, a joint project description and letters were sent to industry and other stakeholders inviting them to comment on the proposal for a second Order in Tuvaijuittuq, and offering to meet with each organization. Stakeholder groups included territorial stakeholders, environmental non-government organizations, fishing industry, shipping industry, cruise ship industry, oil and gas and mining industries, tour operators, and academia.

In response to DFO’s submission of its proposal to the Nunavut Planning Commission (NPC) for conformity determination in September 2023, the NPC issued a similar decision as that for the existing Order; pursuant to the *Nunavut Planning and Project Assessment Act* the NPC determined that the proposed Order was not subject to the land use plan conformity process and therefore did not require a conformity determination.

DFO engaged the Qikiqtaaluk Wildlife Board (QWB) on the proposal in July 2023, and again in September 2023 to provide copies of the community support letters received and notify the Board that DFO would be seeking their endorsement. On November 22, 2023, DFO presented updates on the proposal to the QWB, and sought clarity from the Board on how they would like to be involved and informed on next steps for this site. No comments were received from the Board. DFO will continue to engage the QWB on this site.

DFO provided an update to the NWMB at its November 29, 2023 quarterly meeting to notify that a submission and presentation would be made for their approval in spring 2024.

In December 2023, the proposed new regulations were posted in Canada Gazette, Part I for the 30-day public comment period. DFO sent notifications to partners, community HTAs and hamlet councils, and stakeholders in advance of pre-publication. One comment was received through this process which was supportive of protection.

***(b) A list of the organizations consulted and an estimate of the number of individuals consulted, including members of the public; and***

**Table 1.** List of community organizations consulted in November and December 2022, April 2023, and subsequent virtual follow-up meetings by community group, type of consultation and estimated number of individuals. Individuals represent adult participants.

<b>Community Group</b>	<b>Type of Consultation</b>	<b>Date of Consultation</b>	<b>Estimated Number of Individuals</b>
Resolute Bay Hunters and Trappers Association; Resolute Bay Hamlet Council	In-person	15-Nov-2022	6
Resolute Bay community	In-person	15-Nov-2022	13
Iviq Hunters and Trappers Association; Grise Fiord Hamlet Council	In-person	16-Nov-2022	10
Grise Fiord community	In-person	16-Nov-2022	19
Arctic Bay community	In-person	29-Nov-2022	32
Mittimatalik Hunters and Trappers Association; Pond Inlet Hamlet Council	In-person	30-Nov-2022	22
Pond Inlet community	In-person	30-Nov-2022	53
Nangmoutaq Hunters and Trappers Association; Clyde River Hamlet Council	In-person	6-Dec-2022	13
Clyde River community	In-person	6-Dec-2022	25
Ikajutit Hunters and Trappers Association; Arctic Bay Hamlet Council	In-person	3-Apr-2023	13
Arctic Bay community	In-person	3-Apr-2023	18
Mittimatalik Hunters and Trappers Association; Pond Inlet Hamlet Council	In-person	4-Apr-2023	12
Pond Inlet community	In-person	4-Apr-2023	15
Nangmoutaq Hunters and Trappers Association; Clyde River Hamlet Council	In-person	5-Apr-2034	9
Nangmoutaq Hunters and Trappers Association	Virtual follow-up	18-May-2023	4
Clyde River community	In-person	5-Apr-2023	16
Resolute Bay Hunters and Trappers Association; Resolute Bay Hamlet Council	In-person	17-Apr-2023	7
Resolute Bay community	In-person	17-Apr-2023	7
Iviq Hunters and Trappers Association; Grise Fiord Hamlet Council	In-person	18-Apr-2023	3
Iviq Hunters and Trappers Association; Grise Fiord Hamlet Council	Virtual follow-up	5-Jun-2023	7
Grise Fiord community	In-person	18-Apr-2023	14

Stakeholders in Nunavut were engaged via email and letter through the Nunavut Marine Conservation Target Steering Committee (represented by Environment and Climate Change Canada [ECCC], PC, Crown-Indigenous Relations and Northern Affairs Canada [CIRNAC], Transport Canada, DFO, the Government of Nunavut Department of Environment, and Nunavut Tunngavik Inc.), Nunavut Water

Board, and QWB. Stakeholders in the Inuvialuit Settlement Region (ISR) were engaged on the proposal through the Beaufort Sea Partnership Regional Co-ordination Committee, which is comprised of the Inuvialuit Regional Corporation, the Inuvialuit Game Council, the Fisheries Joint Management Committee, PCA, CIRNAC, the Government of the Northwest Territories, the Yukon Government, ECCC, Natural Resources Canada and Transport Canada.

Industry and non-government organizations included the Canadian Marine Advisory Council, Nunavut Eastern Arctic Shipping Inc., Shipping Federation of Canada, Woodward Group of Companies, Nunavut Fisheries Association, Eastern Arctic Groundfish Stakeholder Advisory Committee, Northern Shrimp Advisory Committee, Oceans North, World Wildlife Fund-Canada (WWF-Canada), Canadian Wildlife Federation, Ecology Action Centre, Association of Arctic Expedition Cruise Operators, Northwest Territories and Nunavut Chamber of Mines, Canadian Association of Petroleum Producers, Black Feather, Travel Nunavut, Atii (Let's go) Tourism, Arctic Kingdom, ArcticNet, Ice, Climate and Environment Laboratory, Nunavut Research Institute, Arctic Security Consultants, Canadian High Arctic Research Station, Polar Continental Shelf Program, Inuit Tapiriit Kanatami, and Inuit Circumpolar Council.

***(c) A summary of the results, including any responses or accommodations to issues, concerns, etc. raised during the consultations.***

Community interest in protecting Tuvaijuittuq is based largely on the area's ecological importance and significance to Inuit (past, present and future). Communities are interested in learning more about Tuvaijuittuq as research in the area continues, primarily its animals and habitats, climate change impacts, future economic opportunities (particularly those that are sustainable and do not harm the environment), and the types of research done in the area. Communities were in favour of the second Ministerial Order MPA, and indicated the importance of Inuit Qaujimagatuqangit, community input and decision-making in future decisions associated with long-term protection. See the enclosed "Consultation and Engagement Summary" and "What We Heard" documents for additional details.

Key take-aways from individual community consultations include:

- **Arctic Bay:** There is interest in protecting Tuvaijuittuq both in the short- and long-term given the area's importance, concerns about climate change and shipping impacts, and to protect Tuvaijuittuq from the interests of other countries to the extent possible; there is interest in future economic opportunities for future generations.
- **Clyde River:** Tuvaijuittuq is historically important to Inuit and is ecologically important; community involvement in decision-making is important; there is concern about climate change and ice-breaking impacts to the area; there is interest in economic opportunities.
- **Grise Fiord:** Tuvaijuittuq is historically important to Inuit as a traditional travel route to and from Greenland and as a hunting ground; it is important that Inuit Qaujimagatuqangit forms the basis of knowledge for this area and that Inuit are involved with decision-making processes; there is interest in learning more about long-term plans for the area; care is needed when considering economic development in Tuvaijuittuq to avoid harming the environment.
- **Pond Inlet:** Community involvement in decision-making for Tuvaijuittuq is important; there is concern about climate change impacts and ability to enforce regulations; there is interest in building Inuit employment for monitoring activities within the protected area; assessments conducted for the area should be updated as climate change continues to impact the area.

- **Resolute Bay:** The connection between Tuvaijuittuq and other protected areas is important, as is finding better ways to approach co-management and community involvement; there are concerns about continued contamination in this, and other High Arctic areas from pollution and spills as similar impacts are still being observed 10 to 20 years later; there is concern about increased tourism in Tuvaijuittuq and the interest of other countries in its resources.

Following in-person consultations and virtual follow-up meetings with the communities of Arctic Bay, Clyde River, Grise Fiord, Pond Inlet and Resolute Bay, letters in support of the proposal were received from the HTAs and hamlet councils of all five communities.

Of the external stakeholders engaged in June 2023, only WWF-Canada responded, and was fully supportive of the proposal.

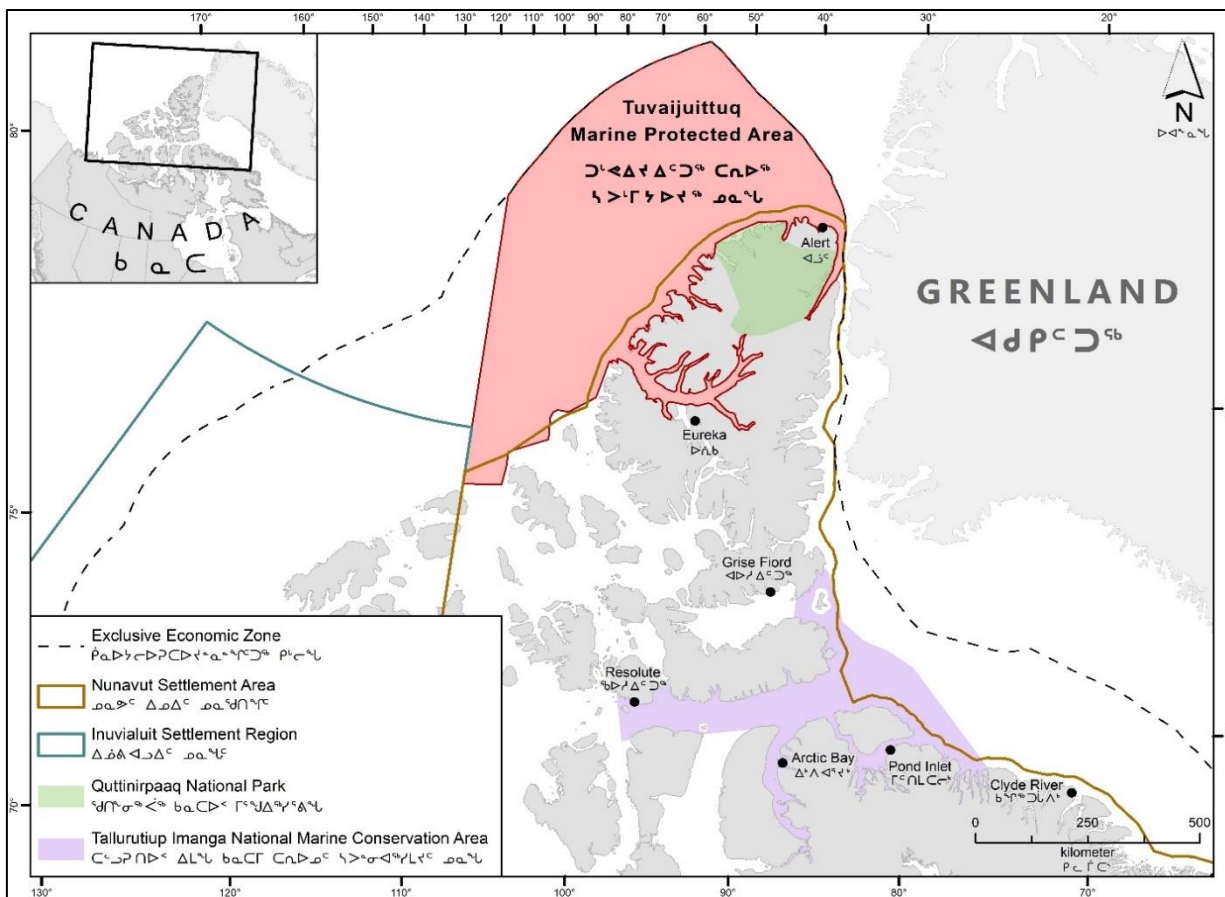
On December 14, 2023, DFO sent notifications to partners, community HTAs and hamlet councils, as well as stakeholders in advance of pre-publication of the proposed new regulation in Canada Gazette, Part I on December 23, 2023. This 30-day public comment period was closed on January 22, 2024. One comment was received which was supportive of protection.

**Recommendation:**

DFO is recommending that NWMB approves the establishment of a second Marine Protected Area by Ministerial Order under the *Oceans Act* in Tuvaijuittuq. A decision is requested by May 1, 2024.

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**Date:** March 26, 2023



Map of the Tuvaijuittuq Marine Protected Area by Ministerial Order.