

Request for Nunavut Wildlife Management Board Approval of a Ministerial Order Marine Protected Area in Qikiqtait

Project Description

1. Request for Approval

Fisheries and Oceans Canada (DFO) Marine Planning and Conservation Program, is seeking approval from the Nunavut Wildlife Management Board (NWMB) to establish a marine conservation area in Qikiqtait through designation of a Marine Protected Area (MPA) by Ministerial Order (or “Order”) under the *Oceans Act*, s35.1(2), consistent with the Nunavut Agreement s9.3.2 (establishment of conservation areas).

2. Collaboration and Proposal for a Ministerial Order MPA under the *Oceans Act*

Qikiqtait has been put forward by the community of Sanikiluaq and the Qikiqtani Inuit Association (QIA) as an important area to protect due to its importance to Inuit in providing key habitat for ecologically and culturally significant species. With the support of the community of Sanikiluaq and the Government of Nunavut, DFO and QIA are pursuing the establishment of a Ministerial Order MPA under the *Oceans Act* in Qikiqtait to limit the impact of additional unforeseen stressors on the area while partners explore options for long-term protection.

This proposal for a Ministerial Order MPA in Qikiqtait requires the negotiation of an Inuit Impact and Benefit Agreement (IIBA) under the *Nunavut Agreement*. An IIBA between the Government of Canada and QIA is currently being negotiated and will be completed prior to establishment.

The Qikiqtait Study Area (Qikiqtait) is a marine area located within the Belcher Islands Ecologically and Biologically Significant Area (DFO 2011) in southeast Hudson Bay. In addition to supporting community interests for protection, the proposed MPA would contribute to Canada’s goal of conserving 25 per cent of its oceans by 2025, and mandate to increase Indigenous collaboration on marine conservation.

Establishment of an MPA in Qikiqtait would advance reconciliation with Inuit through self-determination, Inuit leadership and collaboration in marine conservation stewardship.

Objectives identified for the proposed Qikiqtait MPA are:

- a) To support the conservation, protection, and understanding of the marine environment around the Belcher Islands, including the wildlife and other species, that is of immense value to Inuit and Inuit culture; and
- b) To support Inuit leadership in the conservation of Qikiqtait to ensure the continuity of Inuit culture, values, and practices, including accumulating and passing down Inuit knowledge as well as Inuit stewardship and governance.

Protection under a Ministerial Order MPA would freeze the footprint of activities in the area, for a period of up to five years. This would mean that activities that have lawfully occurred in the area over the 12 months prior to designation (or that were authorized by a federal or territorial permit, licence, or some other form of express authorization to occur but have not yet taken place) would be allowed to continue for the duration of the Order. For the duration of the Ministerial Order, no new human activities, other than Inuit activities provided for in the *Nunavut Agreement* and the *Nunavik Agreement*, and marine scientific research, and activities carried out for purposes of public safety, national defence, national

security or law enforcement, or in response to emergency situations provided for under subsection 35.1(3) of the *Oceans Act*, would be allowed to occur in the area following this proposed designation.

The proposed Qikiqtait Ministerial Order MPA would prohibit all human activities that disturb, damage, destroy or remove from that MPA any unique geological or archeological features or any living marine organism or any part of its habitat or is likely to do so within the designated boundaries, except the following activities:

Classes of Ongoing Activities

For the purposes of paragraph 35.1(2)(a) of the *Oceans Act*, the following classes of activities are ongoing activities in the MPA:

- Hunting and trapping (including sport hunting)
- Fishing (including sport fishing)
- Harvesting of marine plants
- Constructing, dismantling, maintaining and repairing, and using of temporary structures on sea ice
- Marine navigation
- National defence activities carried out by the Department of National Defence
- Canadian Coast Guard activities carried out by the Canadian Coast Guard
- Tourism activities
- Recreational activities
- Educational activities
- Travel over sea ice using motorized vehicles and non-motorized methods
- Inuit Qaujjimajatuqangit and community-based research activities (including stewardship activities)
- Scientific research activities
- Filming and media content development

DFO has consulted with the community of Sanikiluaq, QIA, the Government of Nunavut, stakeholders and other federal departments to identify existing and authorized (i.e., ongoing) activities in the proposed Qikiqtait MPA.

Activities under the *Nunavut Agreement* and the *Nunavik Agreement*

The proposed Order would not apply with respect to rights of Inuit in the Nunavut Settlement Area, as provided for under the *Nunavut Agreement* and the *Nunavik Agreement*.

Public Safety

Any activity carried out on behalf of His Majesty for the purpose of public safety, national defence, national security, or law enforcement or carried out in response to an emergency (including environmental emergencies) would be allowed by the way of the statutory exception provided under subsection 35.1(3) of the *Oceans Act*, such as emergency search and rescue, response to shipping or aircraft accidents, national security requirements.

b. Ecological Importance

The proposed Qikiqtait MPA represents a portion of the Canadian Arctic that contains critical year-round and seasonally important habitat for a variety of aquatic species. Encompassing the Belcher Islands Archipelago, Qikiqtait is a unique, important environment and is comprised of valuable ecosystem components that includes: 1) Strong upwelling and a recurrent biologically important polynya system in the winter; 2) Large river plumes and estuaries; 3) A productive benthic invertebrate community; 4) Large aggregations of Common Eider (*Somateria mollissima sedentaria*); 5) Migratory Arctic Char (*Salvelinus alpinus*) and subsistence foods; 6) Resident marine mammals such as Atlantic Walrus (*Odobenus rosmarus rosmarus*), Bearded Seal (*Erignathus barbatus*), Beluga (*Delphinapterus leucas*), Polar Bear (*Ursus maritimus*), and Ringed Seal (*Pusa hispida*), and finally; 7) Feeding and calving areas for a proportion of these marine mammal species.

Some of the coldest summer sea-surface temperatures in coastal Hudson Bay, south of Southampton Island, are located in the Belcher Islands region. These cold summer sea temperatures suggest strong vertical mixing that in turn are highly productive with increasing nutrient availability in the summer months, resulting in improved primary productivity within the marine system.

There have been at least eight polynyas identified in the proposed Qikiqtait MPA (Yurkowski et al. 2023). The polynyas around the Belcher Islands are highly productive and support a wide range of marine life such as providing key habitats for Polar Bears, and overwintering and feeding zones for Beluga and Atlantic Walrus (Yurkowski, et al. 2023). The community of Sanikiluaq utilizes these polynyas to hunt seabirds and seals during the winter months, which further enhances food security in the community.

Draining towards the proposed Qikiqtait MPA is the Great Whale River, Boutin River, Nastapoka and La Grande River from the coast of Quebec and James Bay. Extensive plumes form at the mouth of the Great Whale River and La Grande River that extend far offshore, allowing nutrient-rich inputs to fuel primary productivity in the marine environment (Yurkowski et al. 2023).

The seafloor of the proposed Qikiqtait MPA harbors a diverse benthic community that is heavily influenced by river runoff and seasonal ice cover. The polynya to the west and on the northern end of the Belcher Islands (near Inukjuak) have among the highest biomass values and taxonomic richness in the Hudson Bay Complex (Pierrejean et al. 2020). There is strong interest from community members in Sanikiluaq for a fisheries economy in the proposed Qikiqtait MPA, particularly for Icelandic Scallop (*Chlamys islandica*) and Sea Cucumber (*Cucumaria frondosa*).

The Hudson Bay subspecies of Common Eiders, estimated at ~255,000 birds (Sea Duck Joint Venture 2018), are known to almost exclusively breed, forage and overwinter within the proposed Qikiqtait MPA, making them unique to the area. Within the community of Sanikiluaq, a large, sustainably managed fall harvest of Common Eiders provides community members with eider down, further reinforcing the importance of this seabird species.

Arctic Char provides local food security for Sanikiluaq and is an important prey species for resident Belugas (Yurkowski et al. 2023). Char are captured year round from both marine and freshwater habitats. Migrating Arctic Char are noted to be an important prey species for resident Beluga populations.

In the proposed Qikiqtait MPA, six marine mammal species reside year-round, with some being restricted to polynyas during the winter months: Atlantic Walrus, Polar Bear, Bearded Seal, Beluga, Harbor Seal and Ringed Seal (Yurkowski et al. 2023). Polynyas in the area allow these resident marine mammals to forgo energetically costly seasonal migrations. In addition, the following species are known to frequent the area on a seasonal basis: Killer Whale (*Orcinus orca*), Bowhead Whale (*Balaena mysticetus*), Harp Seal (*Pagophilus groenlandicus*) and Narwhal (*Monodon monoceros*).

Arctic temperatures are rising faster than the global average, with significant negative effects to sea ice. The Arctic marine environment surrounding the Belcher Islands is changing, where the open water season is greatly increasing in duration. The species found in Qikiqtait play a critical role in maintaining ecosystem health; however, data related to sea-ice composition and associated biota in this region are limited.

c. Socio-economic Considerations

A socio-economic analysis completed by DFO's Policy and Economic Sector in 2024 indicated that activities occurring in the Qikiqtait area included annual sealift operations, icebreaking activities, marine research vessel activity, subsistence and traditional wildlife harvesting, recreational activities, and tourism. Additional activities were informed through community consultations, as well as industry and stakeholder engagement, and included harvesting of Eider Duck down for commercial purposes, marine plants harvested to make baskets for sale, and media and filming activities. There is currently no oil and gas development in the area, nor marine mining operations. DFO's analysis, consultation with other Federal departments, community consultations, and industry and stakeholder engagement informed the list of ongoing activities presented above.

The majority of economic activity in this region is conducted in the community Sanikiluaq. Forecasted economic growth within the proposed Qikiqtait MPA is related to natural resource management and eco/cultural tourism. Due to the preservation of natural ecosystems that are associated with a protected area, an increase in eco/cultural tourism is possible.

Currently, shipping and navigation activities around the Belcher Islands for the purposes of community re-supply, bulk transport, subsistence fishing, passenger vessels/tourism, research, and government operations (e.g., ice breaking for safety and security) is expected to increase as climate change continues to lengthen the open-water season. The proposed Qikiqtait MPA will ensure that additional activities which may exacerbate these impacts are prohibited while partners advance longer-term management options for the area.

It is important to note that Sanikiluaq community members are in the early phases of exploring a small scale multi-species commercial fishery, targeting scallops and sea cucumbers. Additional consultation and research is required to determine the sustainability of these potential commercial fisheries. The proposed Ministerial Order MPA allows for fishing to continue as a class of ongoing activities and therefor would not impact this work.

4. Consultation and Engagement

Below is a short summary of the consultations and engagements that have occurred. A more detailed description of the consultations and engagements undertaken is provided in a separate “Consultation and Engagement Summary” document and in the “What We Heard” Report, both included in this submission.

a. Partnerships

Since 2019, the Government of Canada and QIA have been working together to identify options for the conservation and protection of Qikiqtait and other sites within the Qikiqtani Region of Nunavut. In 2021 a Qikiqtait and Sarvarjuaq Working Group (the Working Group) was created to advance the conservation and protection of the proposed Qikiqtait and Sarvarjuaq MPAs. The Working Group includes representatives from the Government of Canada, QIA and the Government of Nunavut.

a. Consultation and Engagement

In 2019, the community-led Sanikiluaq Qikiqtait Steering Committee (SQSC) was formed to advance Inuit environmental stewardship in and around Sanikiluaq. The SQSC is the primary point of contact for DFO on conservation matters and includes representatives of the Sanikiluaq Hunters and Trappers Association (HTA), the Arctic Eider Society, QIA, and the Hamlet of Sanikiluaq. Meetings between the SQSC, QIA and the Government of Canada (represented by DFO and ECCC) began in July 2020 to support resource inventory activities.

Representatives of the Government of Canada (DFO and ECCC), QIA and the Government of Nunavut conducted the first round of community consultations between November 7-8, 2023, in Sanikiluaq. Meetings were held with the Hamlet, HTA, SQSC and the broader community to share information on the area, seek feedback on a proposed approach to protection, and to address community questions and/or concerns. Topics discussed included the ongoing conservation work and priorities being advanced by the community of Sanikiluaq in this area, the connections with Cree and Nunavik communities and the greater Hudson Bay ecosystem, and the role of Sanikiluaq in connecting communities and ecosystem components across the Hudson Bay region. The proposed Qikiqtait MPA conservation boundary, protected rights secured under the *Nunavut Agreement* (including traditional harvesting rights), IIBA negotiation status, Sanikiluaq community interest in commercial fisheries for benthic species, and MPA priorities for Qikiqtait were discussed. There was also meaningful discussion around conservation and other objectives for the proposed Qikiqtait MPA, and the community’s vision for protecting the area for future generations. Confirmation was received from the HTA Board Chair that the draft objectives proposed for the Qikiqtait MPA reflected the community’s vision. The HTA Board Chair indicated that there was strong community support for the proposal.

Between April 15-18, 2024, DFO, ECCC, QIA and Government of Nunavut conducted a second round of community consultations in Sanikiluaq to seek feedback on DFO’s proposed regulatory intent for an MPA by Ministerial Order under the *Oceans Act* in Qikiqtait. The SQSC, HTA, and the community of Sanikiluaq were consulted. While the proposal was well-received, the community and QIA indicated the need for further discussions on the possibility of a commercial fishery in Qikiqtait and an approach for marine and terrestrial conservation over the long term. The SQSC and community of Sanikiluaq also identified the importance of incorporating Inuit Qaujimagatuqangit in DFO’s process to establish and manage MPAs under the *Oceans Act*. DFO is continuing to engage QIA and the SQSC on these issues.

In September 2024, the Working Group distributed a “What We Heard” report to the community of Sanikiluaq which summarized the feedback provided by community members during consultations. Letters in support of the proposed regulation were received from the three member organizations of the SQSC; the Sanikiluaq Hamlet Council, the Sanikiluaq HTA and the Arctic Eider Society. The Government of Nunavut has also provided a letter of support.

Other Stakeholders

DFO engaged with industry and key stakeholders on the proposed Qikiqtait MPA by Ministerial Order in two phases. Stakeholder groups engaged in this process included, but were not limited to: the Nunavut Water Board, Nunavut Wildlife Management Board, Qikiqtaaluk Wildlife Board, Nunavut Tunngavik Inc., Inuit Circumpolar Council, Inuit Tapiriit Kanatami, environmental non-governmental organizations (ENGOs), commercial fishing industry, shipping industry, media industry, cruise ship industry, oil and gas and mining industries, tour operators, fiber optic industry, and academia. In July 2024, a letter was sent from all parties of the Working Group seeking input on any ongoing activities currently being conducted or planned within the Qikiqtait Study Area. Following this first round of engagement, in October 2024, DFO engaged these same stakeholders on its proposed regulatory intent for a Ministerial Order MPA in Qikiqtait, seeking their input.

DFO also engaged all implicated federal departments, including (but not limited to) ECCC, Transport Canada, Crown-Indigenous and Northern Affairs Canada, Parks Canada, Natural Resources Canada, Canadian Coast Guard, Global Affairs Canada, and Department of National Defense.

5. Establishment Timeline and Next Steps

If the NWMB approves DFO’s proposal to establish a Ministerial Order in Qikiqtait, DFO will proceed to publication of the Order in Canada Gazette, Part II, which designates the new MPA. Canada and its partners will continue to work toward long-term options for Qikiqtait, which includes the consideration of an Inuit Protected and Conserved Area.

References Cited

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