

Submission to the Nunavut Wildlife Management Board

February 26, 2025

FOR

Information :

Decision: X

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

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 with the Nunavut Settlement 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 Qikiqtait through the designation of a Marine Protected Area (MPA) 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."*

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

Qikiqtait comprises the waters surrounding the Belcher Islands of southeastern Hudson Bay. The entire boundary of the proposed Qikiqtait MPA falls within the Nunavut Settlement Area. The proposed boundaries of Qikiqtait are adjacent to the community of Sanikiluaq.

Qikiqtait is a unique and important environment largely because it comprises valuable ecosystem components that includes: 1) Strong upwelling and a recurrent biologically important polynya system

in the winter. 2) Large river plume and estuaries providing nutrient-rich water to the Qikiqtait region; 3) A productive benthic invertebrate community; 4) Large aggregations of common eider (*Somateria mollissima sedentaria*); 5) Migratory Arctic char (*Salvelinus alpinus*) and subsistence foods such as scallops, sea urchin and sea cucumber; 6) Resident marine mammals such as Atlantic walrus (*Odobenus rosmarus rosmarus*), bearded seal (*Erignathus barbatus*), beluga whale (*Delphinapterus leucas*), polar bear (*Ursus maritimus*), and ringed seal (*Pusa hispida*); as well as 7) Feeding and calving areas for a proportion of these marine mammal species. Qikiqtait is a hotspot for marine biodiversity. The polynya system's open water provides a critical habitat for a diverse range of marine animals. The availability of open water in an otherwise icy environment allows for increased primary productivity.

The initial boundaries of the proposed Qikiqtait MPA were based on an evaluation conducted by Fisheries and Oceans Canada in 2011 to identify Ecologically and Biologically Significant Areas throughout Canada's Arctic. The boundaries were further refined in collaboration with the community of Sanikiluaq and the Qikiqtani Inuit Association (QIA).

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.

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.

The proposed Order would be covered under the Qikiqtait and Sarvarjuaq Inuit Impact and Benefit Agreement (IIBA), currently being negotiated by the Government of Canada and QIA.

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

DFO and QIA will deliver a 30-minute PowerPoint presentation (included with this submission) that provides an overview of the proposal to establish a Ministerial Order in Qikiqtait.

Consultation:

(a) The means of consultation;

In November 2023 and April 2024, the Qikiqtait and Sarvarjuaq Working Group (the Working Group), represented by DFO, Environment and Climate Change Canada, QIA and the Government of Nunavut, consulted with the Sanikiluaq Qikiqtait Steering Committee (represented by the Sanikiluaq Hunters and Trappers Association, the Sanikiluaq Hamlet, and the Arctic Eider Society), and the public of Sanikiluaq.

In November 2023, Working Group members met with the 18 residents of Sanikiluaq from the Hamlet,

Hunters and Trappers Association and the Sanikiluaq Qikiqtait Steering Committee to conduct a two day-long meeting featuring presentations on the proposed MPA by Ministerial Order, Fisheries Management, Qikiqtait Terrestrial Protection and the Qikiqtani Regional Conservation Model. Working Group members also met with the Sanikiluaq general public on the proposed MPA by Ministerial Order under the *Oceans Act*. This first round of consultations focused on introducing the proposed Qikiqtait MPA, as well as discussing short and long-term protection goals and their associated timelines. A major focal point of the presentation was introducing the MPA's draft Conservation Objectives for discussion and distributing community surveys. The Sanikiluaq Qikiqtait Steering Committee provided updates on community priorities and community-led initiatives. QIA's vision for long-term protection for Qikiqtait and how this relates to the community's priorities was also discussed.

Similarly, in April 2024, the Working Group (represented by Fisheries and Oceans Canada, Environment and Climate Change Canada and the Qikiqtani Inuit Association) held a two and a half days meeting with the Sanikiluaq Qikiqtait Steering Committee. There was also an evening meeting with the public of Sanikiluaq with similar presentations. During this round of consultations, details of the regulatory intent for the proposed Marine Protected Area by Ministerial Order were explained. This included an overview of economic activities or potential activities for the area and what activities have been documented as occurring within the proposed Qikiqtait MPA. The boundaries for the proposed MPA were also reviewed in detail.

Following the consultations, in September 2024, a "What We Heard" Report was circulated to the Arctic Eider Society, the Hunters and Trappers Association, and the Hamlet Council summarizing the feedback received during these consultations. Edits to the report were provided by the Hunters and Trappers Association and the Arctic Eider Society. These edits were incorporated and a final version of the "What We Heard Report" is included with this submission.

In July 2024 letters were sent to industry and other stakeholders introducing Qikiqtait and proposing marine protection in the region using a Ministerial Order MPA. DFO requested information about ongoing activities in the region and invited stakeholders to comment on the proposal for a Ministerial Order MPA in Qikiqtait. Stakeholder groups included territorial stakeholders, environmental non-government organizations (ENGOS), fishing industry, shipping industry, cruise ship industry, oil and gas and mining industries, tour operators, and academia. In October 2024 a second round of letters were sent to stakeholders and industry to share proposed regulations for the Qikiqtait Study Area and to seek any comments or feedback.

DFO provided an update to the NWMB at its October 31, 2024 quarterly meeting to notify that a submission and presentation would be made for their approval in February 2025.

DFO submitted a proposal to the Nunavut Planning Commission (NPC) for conformity determination on November 6 2024, on November 13 NPC accepted the proposal for review. On November 15, 2024 NPC referred the proposal to the Nunavut Impact Review Board (NIRB) for further screening and public comment period.

DFO presented to the Qikiqtaaluk Wildlife Board (QWB) on the proposal on November 27, 2024 providing information on the community support letters received and notifying the Board that DFO would be seeking their endorsement. DFO will continue to engage the QWB on this site.

(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 2023 and April 2024 and estimated number of individuals. All meetings were in person and individuals represent adult participants. The Sanikiluaq Qikiqtait Steering Committee has representation from the Hunters and Trappers, the Hamlet, the Mayor, Arctic Eider Society and other community members.

Community Group	Date of Consultation	Estimated Number of Individuals
Sanikiluaq Qikiqtait Steering Committee	November 2023	18
	April 2024	18
Sanikiluaq Public	November 2023	96
	April 2024	54

Stakeholders in Nunavut were engaged through letters distributed by emails. Stakeholders were identified with assistance from the Government of Nunavut and the Qikiqtani Inuit Association. The stakeholders engaged in this process included the following: Nunavut Tunngavik Incorporated, Nunavut Wildlife Management Board (NWMB), Nunavut Water Board, Qikiqtaaluk Wildlife Board, WWF-Canada, Oceans North, Ecology Action Centre, Arctic Eider Society, Canadian Wildlife Federation, Nunavut Fisheries Association, relevant stakeholders within the Eastern Arctic Groundfish Stakeholder Advisory Committee, Northern Shrimp Advisory Committee, Prairies and Northern Region-Canadian Marine Advisory Council, Nunavut Eastern Arctic Shipping Inc., Shipping Federation of Canada, Woodward Group of Companies, Association of Arctic Expedition Cruise Operators, Northwest Territories and Nunavut Chamber of Mines, Canadian Association of Petroleum Producers, Travel Nunavut, Keewaytinook Okimakanak, ArcticNet, Nunavut Research Institute, Amundsen Science, RV William Kennedy, Memorial University, Hudson Bay Consortium, Arctic Security Consultants, Inuit Circumpolar Council (ICC), Inuit Tapiriit Kanatami (ITK), Mushkegowuk Council, Cree Nation Government, Grand Council of the Cree, Eeyou Marine Region Wildlife Board, Eeyou Marine Region Impact Review Board, Eeyou Marine Region Planning Commission, Makkivik Corporation, Kativik Regional Government, Regional Nunavimmi Uumajulirijiit Katutjiqatigiinninga, Nunavik Marine Region Wildlife Board, Nunavik Marine Region Impact Review Board, and Nunavik Marine Region Planning Commission.

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

Community interest in protecting Qikiqtait is based largely on the area’s ecological importance and significance to Inuit (past, present and future). The Sanikiluaq Hunters and Trappers and the Hamlet Council were in favour of the Ministerial Order MPA, and indicated the importance of Inuit Qaujimaqatigiangit, community input and decision-making in future decisions associated with long-term protection. There was an emphasis from the community of Sanikiluaq to remain at the forefront of conservation management and prioritize local leadership. See the enclosed “Consultation and Engagement Summary” and “What We Heard” documents for additional details.

Key take-aways from community consultations include:

- **Sanikiluaq Qikiqtait Steering Committee:** There has been a long history of environmental conservation work led by the community of Sanikiluaq and there is a desire to remain active and included in management decisions regarding marine protection in Qikiqtait. There is a strong desire for marine protection with the ability to explore inshore fisheries development.
- **The public of Sanikiluaq:** Meeting participants communicated support to protect Qikiqtait, they voiced their desire for employment opportunities arising from the development of the proposed Qikiqtait MPA. They also wanted to have updates about the progress with accessible language.
- **Letters of Support Received:** Following in-person consultations, letters in support of the proposal were received from the Sanikiluaq Hunter and Trappers Association, the Arctic Eider Society and the Sanikiluaq Hamlet Council. The Government of Nunavut also provided a letter in support of the proposed Qikiqtait Ministerial Order MPA.

At the request of the Government of Nunavut, Fisheries and Oceans Canada sought information from Kuhkenah (KNET), a company interested in surveying areas within the proposed Qikiqtait boundaries toward the possibility of laying fiber optic cable. KNET informed Fisheries and Oceans Canada that at present, their plans did not include Sanikiluaq in the fiber optic connectivity. After discussions with Fisheries and Oceans Canada, KNET advised that their planned activities would not fall within the proposed Qikiqtait boundaries.

Makkivik's Department of Environment, Wildlife and Research reached out to Fisheries and Oceans Canada requesting additional information about the proposed Qikiqtait MPA. In September 2024 Fisheries and Oceans Canada conducted a presentation including information about the regulatory intent. In addition, DFO provided more detailed information about the proposed Ministerial Order MPA as well as what activities would be allowed. There was no follow-up information requested.

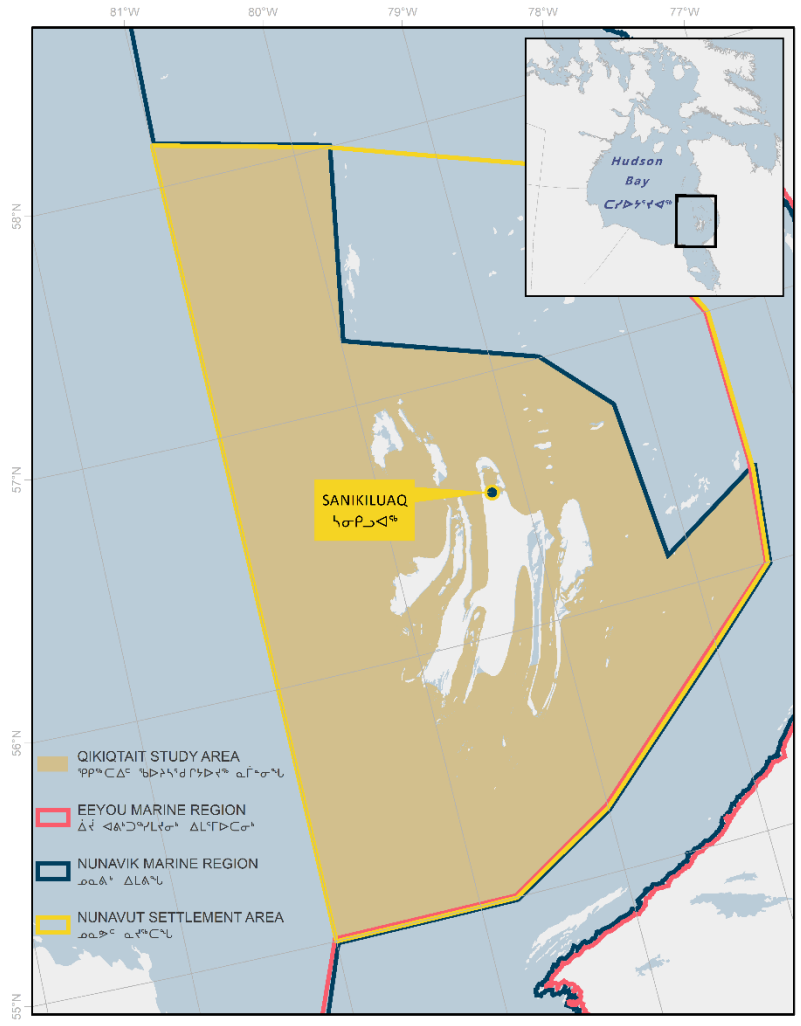
DFO sent notifications to partners, the Sanikiluaq Hunters and Trappers Association and the Sanikiluaq Hamlet Council, as well as stakeholders in advance of pre-publication of the proposed new regulation in Canada Gazette, Part I. This 30-day public comment period will open during December and close mid-January.

Recommendation:

DFO is recommending that NWMB approves the establishment of a Marine Protected Area by Ministerial Order under the *Oceans Act* in Qikiqtait. A decision is requested by April 1, 2025.

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Date: February 26, 2025.



Map of the Qikiqtaaluk Marine Protected Area by Ministerial Order.