

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 (MPA) by Ministerial Order under the *Oceans Act* in Sarvarjuaq.

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 a portion of the conservation area is located within 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 Sarvarjuaq through the designation of a 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."*

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

Sarvarjuaq (the Canadian portion of the North Water Polynya) is a marine area located in northern Baffin Bay, between Canada's Arctic Archipelago and Greenland. A portion of the proposed Sarvarjuaq MPA is located within the Nunavut Settlement Area. Other areas of the proposed MPA fall outside of the Nunavut Settlement Area.

Sea ice originating from the north, in the Lincoln Sea, is pushed south through the narrow channels of Nares Strait by strong winds and currents. This sea ice gets forced into the narrowest choke points of the strait, most often just south of Kane Basin in Smith Sound, creating an ice bridge. The passage of sea ice is then blocked by the ice bridge(s) creating the North Water Polynya, an area of open water (or very thin ice) in northern Baffin Bay. The polynya supports a rich diversity of marine life, including phytoplankton,

zooplankton, fish, seabirds, and marine mammals. Its open waters and high productivity provide abundant food resources, making it an important feeding ground for various species.

The initial boundaries of the proposed Sarvarjuaq 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 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*, exempted foreign activities, marine scientific research, and activities carried out for purposes of public safety, national defence, national security or law, 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 adjacent communities, the Qikiqtani Inuit Association (QIA), the Government of Nunavut, stakeholders and other federal departments to identify existing and authorized (i.e., ongoing) activities in the proposed Sarvarjuaq 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 (enclosed) that provides an overview of the proposal to establish a Ministerial Order in Sarvarjuaq.

Consultation:

(a) The means of consultation;

In October 2023, January 2024, May 2024 and June 2024 the Qikiqtait and Sarvarjuaq Working Group, represented by DFO, and QIA with the communities of Arctic Bay, Clyde River, Grise Fiord, Pond Inlet, Qikiqtarjuaq and Resolute Bay. The Government of Nunavut participated in the consultations as observers. Afternoon meetings were held with the Hunters and Trappers Associations and Hamlet Councils, and evening meetings were open for the public.

During the first round of community visits in October 2023 and January 2024, the consultations focused on introducing the proposed Sarvarjuaq 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.

In May and June 2024 the in-depth details regarding the regulations of marine protected areas by Ministerial Order were explained. There was also an overview of economic activities or potential activities for the area and what activities we have documented as occurring within the proposed Sarvarjuaq MPA. This information was presented to the Hamlet Council, Hunter and Trapper Association and the public of all consulted communities.

Similarly, in May and June 2024 the Working Group visited the six adjacent communities for a second round of consultations. 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 the economic activities or potential activities for the area and what activities have been documented as

occurring within the proposed Sarvarjuaq 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 each of the six Hunters and Trappers Associations, and Hamlet Councils summarizing the feedback received during these consultations.

In July 2024 letters were sent to industry and other stakeholders introducing Sarvarjuaq 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 Sarvarjuaq. 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 Sarvarjuaq 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 in October 2023 and January 2024, May 2024 and June 2024, and estimated number of individuals. All meetings were in person and individuals represent adult participants.

Date	Community Group	Estimated Number of Individuals
First Round of Consultations (October 2023 and January 2024)		
Oct 24, 2023.	Mittimatalik Hunters and Trappers Association Pond Inlet Hamlet Council	7
Oct 24, 2023.	Pond Inlet community	39
Oct 25, 2023.	Nangmoutaq Hunters and Trappers Association Clyde River Hamlet Council	7
Oct 25, 2023.	Clyde River community	56
Oct 26, 2023.	Qikiqtarjuaq Hunters and Trappers Association Qikiqtarjuaq Hamlet Council	11
Oct 26, 2023.	Qikiqtarjuaq Community	Cancelled due to weather
Jan 15, 2024.	Resolute Bay Hunters and Trappers Association Resolute Bay Hamlet Council	14
Jan 15, 2024.	Resolute Bay community	9
Jan 17, 2024.	Ikajutit Hunters and Trappers Association Arctic Bay Hamlet Council	14
Jan 17, 2024.	Arctic Bay community	41
Jan 18, 2024.	Iviq Hunters and Trappers Association Grise Fiord Hamlet Council	5
Jan 18, 2024.	Grise Fiord community	12
Second Round of Consultations (May 2024 and June 2024)		
May 13, 2023.	Mittimatalik Hunters and Trappers Association	12

	Pond Inlet Hamlet Council	
May 13, 2023.	Pond Inlet community	14
May 15, 2023.	Nangmatauq Hunters and Trappers Association Clyde River Hamlet Council	8
May 15, 2023.	Clyde River community	11
May 16, 2023.	Qikiqtarjuaq Hunters and Trappers Association Qikiqtarjuaq Hamlet Council	13
May 16, 2023.	Qikiqtarjuaq Community	33
June 4, 2024.	Ikajutit Hunters and Trappers Association Arctic Bay Hamlet Council	10
June 4, 2024.	Arctic Bay community	11
June 5, 2024.	Resolute Bay Hunters and Trappers Association Resolute Bay Hamlet Council	9
June 5, 2024.	Resolute Bay community	3
June 6, 2024.	Iviq Hunters and Trappers Association Grise Fiord Hamlet Council	8
June 6, 2024.	Grise Fiord community	8

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: 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 Qikiqtaaluk Wildlife Board. 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, relevant stakeholders within the Eastern Arctic Groundfish Stakeholder Advisory Committee, Northern Shrimp Advisory Committee, Oceans North Canada and Greenland, 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, Inuit Circumpolar Council Canada, Greenlandic Institute of Natural Resources, Fishers and Hunters Association in Greenland and Greenland and the Government of Greenland.

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

Community interest in protecting Sarvarjuaq is based largely on the area's ecological importance and significance to Inuit (past, present and future). Communities are interested in learning more about the research that is occurring in Sarvarjuaq and the surrounding area, primarily its animals and habitats, climate change impacts, future economic. Communities were in favour of the Ministerial Order MPA, and indicated the importance of Inuit Qaujimagatuqangit, community input and decision-making in future decisions associated with long-term protection. Across all communities, there was an interest in working together with Greenlandic communities to discuss common concerns and learn about other communities priorities. 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:** Comments highlighted that narwhal and bowhead whales travel to the proposed Sarvarjuaq MPA when the ice has formed elsewhere. There was concerns that if protection did not

occur that mining in the area may be allowed in the future. Concerns were also raised about the level of vessel traffic in the area.

- **Clyde River:** Meeting participants communicated support to protect Sarvarjuaq. They voiced their desire for employment opportunities arising from the development of the proposed Sarvarjuaq MPA.
- **Grise Fiord:** The community was interested to hear information about the collaborative activities between governments and researchers from Canada and Greenland. Community members expressed worry for the risk of industrial accidents in the Sarvarjuaq area and the desire to benefit from economic activities occurring in the area.
- **Pond Inlet:** Pond Inlet community members were generally supportive for protecting of Sarvarjuaq by a Ministerial Order MPA. They were concerned that the summer habitat to local populations of narwhal and beluga was disturbed due to industrial activity and highlighted the importance of protecting their overwintering habitat in the Sarvarjuaq area.
- **Qikiqtarjuaq:** Qikiqtarjuaq community members detailed how the wildlife in the Sarvarjuaq area travel by ice and breed in that area, therefore the ecosystem activities that take place in Sarvarjuaq impact their community. There was concern voiced about vessel traffic and the potential for oil spills in the Sarvarjuaq area and surrounding areas.
- **Resolute Bay:** Resolute Bay community members pointed out additional areas outside of the proposed boundaries they desire to be protected in the future. Discussions included questions about some of the threats to Sarvarjuaq including how climate change is affecting the area. Participants also talked about the familial connections between Canada and Greenland in communities adjacent to the area and their use of the area for harvesting. There were concerns about increased ice melt in the area and how vessel traffic may negatively impact this area.

Following in-person consultations with the communities of Arctic Bay, Qikiqtarjuaq, 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 six communities. The Government of Nunavut also provides a letter in support of a Ministerial Order MPA in Sarvarjuaq.

Baffin Fisheries Coalition requested a meeting with DFO to gather further information about the Ministerial Order MPA regulations and the potential impact on the Nunavut commercial fisheries. Once DFO clarified that all ongoing commercial fisheries active in Sarvarjuaq would be allowed to continue for up to 5 years, Baffin Fisheries Coalition had no further concerns.

DFO sent notifications to partners, the six Hunters and Trappers Associations and the six Hamlet Councils, 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 opened during December and closed in January.

Recommendation:

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

Prepared by:

Lauren Candlish, Arctic Region – Fisheries and Oceans Canada, Marine Planning and Conservation Program

Date:

February 26, 2025.

