



**SCREENING DECISION REPORT
NIRB FILE No.: 24VN053**

NPC File No.: 150573

February 6, 2025

Following the Nunavut Impact Review Board’s (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of Fisheries and Oceans Canada’s (DFO or the Proponent) “Qikiqtait Marine Protected Area by Ministerial Order” initiative is not required pursuant to Article 12, Section 12.4.4(a) of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and s. 92(1)(a) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*).

Subject to the Proponent’s compliance with the terms and conditions set out below, issued in accordance with s. 92(2)(a) of *NuPPAA*, the NIRB is of the view that the initiative is not likely to cause significant public concerns, and it is unlikely to result in significant adverse environmental and social impacts. The NIRB therefore recommends that the responsible Minister accepts this Screening Decision Report.

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The primary objectives of the NIRB are set out in Article 12, section 12.2.5 of the *Nunavut Agreement* and are confirmed by section 23 of the *NuPPAA*:

In carrying out its functions, the primary objectives of NIRB shall be at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area. NIRB shall take into account the well-being of the residents of Canada outside the Nunavut Settlement Area.

The Board conducted the screening of the project proposal as “*an initiative whose purpose is to establish or abolish a park or a conservation area, in whole or in part inside the designated area*” under the provisions of ss. 174-183 of the *NuPPAA*. As set out in s. 2(1) of the *NuPPAA*, “conservation areas” include ...*(e) a marine protected area designated under paragraph 35(3)(a) of the Oceans Act*. While the Qikiqtait Marine Protected Area (MPA) is a designation under s. 35.1(2) of the *Oceans Act*, this step is a preliminary step in the possible establishment of a marine protected area under s. 35(3)(a) and has therefore been assessed by the NIRB as a Ministerial “initiative” subject to the Board’s screening.

As set out in s. 182 of the *NuPPAA*, when the Board is screening such an initiative, the Board is directed to apply the general screening requirements established under the *NuPPAA* but is entitled under s. 182(f) to conduct the screening “*in the manner that it considers appropriate to the nature of the initiative.*” In addition, when the Board is conducting its screening of the initiative, as noted in s. 183 of the *NuPPAA*, the Board “*may consider, and rely on, any information collected, or study or analysis carried out, in respect of the initiative by any department or agency so as to ensure efficiency and avoid duplication*”.

In general, the purpose of the Board’s screening of projects/initiatives is provided for under Article 12, Section 12.4.1 of the *Nunavut Agreement* and s. 88 of the *NuPPAA* which states:

NuPPAA, s. 88: The purpose of screening a project is to determine whether the project has the potential to result in significant ecosystemic or socio-economic impacts and, accordingly, whether it requires a review by the Board...

To determine whether a review of a project/initiative is required, the NIRB is guided by the considerations as set out under Article 12, Section 12.4.2(a) and (b) of the *Nunavut Agreement* and s. 89(1) of *NuPPAA* which states:

NuPPAA, s. 89(1): The Board must be guided by the following considerations when it is called on to determine, on the completion of a screening, whether a review of the project is required:

- (a) a review is required if, in the Board’s opinion,
 - i. the project may have significant adverse ecosystemic or socio-economic impacts or significant adverse impacts on wildlife habitat or Inuit harvest activities,
 - ii. the project will cause significant public concern, or

- iii. the project involves technological innovations, the effects of which are unknown; and
- (b) a review is not required if, in the Board’s opinion,
 - i. the project is unlikely to cause significant public concern, and
 - ii. its adverse ecosystemic and socioeconomic impacts are unlikely to be significant, or are highly predictable and can be adequately mitigated by known technologies.

It is noted that under Article 12, Section 12.4.2(c) and s. 89(2) of the *NuPPAA* provides that the considerations set out in s.89(1)(a) prevail over the considerations set out in s. 89(1)(b) of the *NuPPAA*.

As set out under Article 12, Section 12.4.4 of the *Nunavut Agreement* and s. 92(1) of the *NuPPAA*, upon conclusion of the screening process, the Board must provide its written report to the Minister. The contents of the NIRB’s report are specified under *NuPPAA*:

NuPPAA, s. 92(1): The Board must submit a written report to the responsible Minister containing a description of the project that specifies its scope and indicating that:

- (a) a review of the project is not required;
- (b) a review of the project is required; or
- (c) the project should be modified or abandoned.

Where the NIRB determines that a project/initiative may be carried out/implemented without a review, the NIRB has the discretion to recommend specific terms and conditions to be attached to any approval of the project proposal pursuant to paragraph 92(2)(a) of *NuPPAA* as follows:

NuPPAA, s. 92(2) In its report, the Board may also

- (a) recommend specific terms and conditions to apply in respect of a project that it determines may be carried out without a review.

PROJECT REFERRAL

On November 15, 2024, the NIRB received a referral to screen Fisheries and Oceans Canada’s (the Proponent) “Qikiqtait Marine Protected Area by Ministerial Order” initiative (project proposal or initiative) from the Nunavut Planning Commission (Commission), which noted that the Project Proposal is outside the area of an applicable regional land use plan.

On December 12, 2024, the NIRB received the complete application and commenced screening the initiative under file number **24VN053**.¹

¹ Pursuant to Article 12, Sections 12.4.1 and 12.4.4 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and, subject to paragraph 182(f), section 86 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c.14, s. 2 (*NuPPAA*), the Board determines the scope of the project.

1. Screening Process Timelines

The following key stages were completed for the screening process:

Date	Stage
November 15, 2024	Receipt of Project Proposal and referral from the Commission pursuant to s.181 of the <i>NuPPAA</i> .
November 18, 2024	Request to complete online application for the Public Registry and provide information pursuant to ss. 144(1) of the <i>NuPPAA</i>
December 12, 2024	Receipt of online application from the Proponent
December 12, 2024	Scoping pursuant to ss. 86(1) of the <i>NuPPAA</i>
January 6, 2025	Public engagement and comment request
January 27, 2025	Receipt of public comments
January 30, 2025	The Proponent was provided with an opportunity to address comments/concerns raised by the public
February 3, 2025	The Proponent responded to comments/concerns raised by public
January 24, 2025	Ministerial extension requested from the Minister of Fisheries, Oceans and the Canadian Coast Guard
February 6, 2025	Issuance of Screening Decision Report

2. Project Scope

All documents received and pertaining to this project proposal can be accessed from the NIRB's online public registry at www.nirb.ca/project/126015.

The proposed Qikiqtait Marine Protected Area (Qikiqtait MPA) is a marine area designated as a marine protected area under a Ministerial Order² and is located within the Belcher Islands Ecologically and Biologically Significant Area³ in southeast Hudson Bay, within the Nunavut Settlement Area. The proposed marine area is approximately 42,789 square kilometres (16,521 square miles), surrounding the Belcher Islands, on which the community of Sanikiluaq is located (see Figure 1).

² The proposed marine protected area has been designated by Minister's Order under subsection 35.1(2) of the *Oceans Act*, S.C. 1996, c. 31:

- to establish a *conservation area* for reasons of ecological significance under subsection 9.1.1(n) and section 9.6.2 of the *Nunavut Agreement*; and,
- to establish a *conservation area* by a ministerial initiative pursuant to s. 2 and 173 of the *NuPPAA*.

³ DFO. 2011. Identification of Ecologically and Biologically Significant Areas (EBSAs) in the Canadian Arctic. Sci. Advis. Rep.:2011/055. Available from DFO's submission, Project Description, on the NIRB's Public Registry (Doc ID No. 352370).

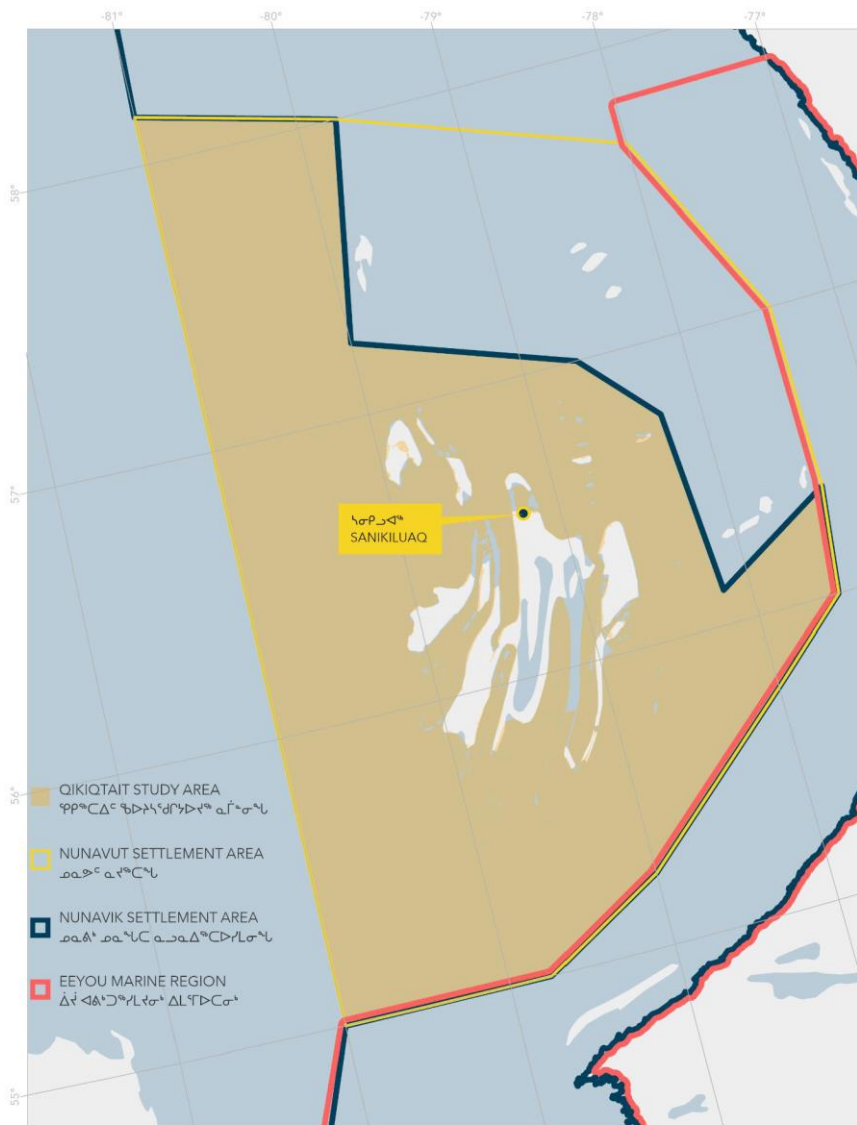


Figure 1 map of the proposed Qikiqtaaluk Marine Protected Area

The stated objective of the designation of the Qikiqtaaluk MPA is to limit the use of the Qikiqtaaluk MPA for the next five (5) years to allow for the development of long-term protection measures for the marine environment, reflecting Inuit leadership and applicable agreements. As such, the proposed Order would generally prohibit carrying out any works or undertaking activities in the Qikiqtaaluk MPA for up to five (5) years, starting July 2025, with some exceptions including:

- Inuit activities provided for under any Agreement or Act;
- lawful activities that have occurred or were authorized to occur in the 12 months before the order comes into force, or as identified in the classes of allowed activities in the Minister’s Order;⁴

⁴ Per subsection 35.1(2)(a) of the *Oceans Act*, the Minister’s Order includes a proposed list of classes of *ongoing activities* in DFO’s submission, [Project Description, on the NIRB’s online public registry](#) (Doc ID No. 352370).

- Research activities consistent with the conservation objectives of the Qikiqtait MPA; and,
- Activities carried out for purposes of public safety, national defence, national security, law enforcement, or in emergency situations.

3. Inclusion or Exclusion to Scoping List

The marine environment would include the seabed, the subsoil, and water column, but does not include islands, freshwater bodies, or areas of joint land use.

The proposed project would not make Fisheries and Oceans Canada a sole regulator of activities in the Qikiqtait MPA but would prescribe general limitations on allowable uses of the area and exceptions (as set out in the exception list provided above) which would be implemented by other regulatory agencies responsible for regulating specific activities in the area, including but not limited to: Crown-Indigenous Relations and Northern Affairs Canada, Transport Canada, Environment and Climate Change Canada, Nunavut Research Institute, Government of Nunavut, and other regulators.

4. Public Comments and Concerns

Translated Notices regarding the NIRB's screening of this project proposal were distributed on January 6, 2025, to community organizations in Sanikiluaq, as well as to relevant federal and territorial government agencies, Inuit organizations including the Makivik Corporation, and other parties. The NIRB requested that interested parties review the proposal and provide the Board with any comments or concerns by January 27, 2025, regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic or socio-economic effects; and if so, why;
- Whether the project proposal is likely to cause significant adverse impacts on wildlife habitat or Inuit harvest activities; and if so, why;
- Whether the project proposal is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (and providing any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before January 28, 2025, the NIRB received comments from the following interested parties:

- **Government of Nunavut (GN)**
- **Crown-Indigenous Relations and Northern Affairs (CIRNAC)**
- **Transport Canada (TC)**

a. Summary of Comments and Concerns Received during the Public comment period for this file

The following provides a summary of the comments and concerns received by the NIRB in relation to the Qikiqtait MPA:

Crown-Indigenous Relations and Northern Affairs

CIRNAC confirmed in its comment submission to the Board that: “*Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) has reviewed the project proposal and has no comments to offer at this time pertaining to the NIRB’s request.*”⁵

Government of Nunavut

The Government of Nunavut provided a comment in relation to the project proposal as follows:

The Government of Nunavut (GN) is concerned about the proposed boundary of the area described in the Department of Fisheries and Oceans’ (DFO or the Proponent) Project, “Qikiqtait Marine Protected Area by Ministerial Order” (NIRB File No.24VN053, Application No. 126015). Specifically, the GN notes a lack of clarity regarding this boundary.

In particular, the GN provided details regarding a discrepancy in how the definition of “Small Enclosed Bays” under the *Nunavut Lands and Resources Devolution Agreement*, (January 18, 2024) is being interpreted and applied in the Qikiqtait MPA, further details of which are supplied in the GN’s comment submission.⁶ The GN indicated that:

The lack of clarity with the boundary affects the GN’s ability to properly assess the potential environmental and socioeconomic impacts from the proposed project, and resolving this issue promptly is critical for effective project review.

As a result of this noted concern, the GN recommended that the Proponent engage with the GN’s Devolution Secretariat and other relevant Government of Canada Departments to achieve consensus on the application/interpretation of the definition. GN also urged that the Minister develop joint language to address the GN’s concerns prior to issuing MPA Ministerial Orders.

The Board notes that GN indicated these comments were also provided to the Minister at the time the Ministerial Order was published in the Canada Gazette.

Transport Canada

The Board notes that TC provided comments to DFO during the drafting of the Ministerial Order Designating the Qikiqtait Marine Protected area focusing on the identification of marine navigation as an “ongoing activity” in the marine protected area. A review of the Ministerial Order showed that marine navigation was listed as an ongoing activity.

5. Comments and Concerns with respect to Inuit Qaujimaningit, Indigenous and Community Knowledge

The Proponent along with the Qikiqtani Inuit Association collected and incorporated Inuit Qaujimaningit, as well as Indigenous and community knowledge throughout development of the

⁵ Correspondence of R. Bingley, Manager, Impact Assessment, CIRNAC to L. Cai, Impact Assessment Officer, NIRB, January 27, 2025 (NIRB Doc ID: 352744).

⁶ Correspondence of J. Buller, Interim Avatiliriniq Coordinator, GN to L. Cai, Impact Assessment Officer, NIRB, January 27, 2025 (NIRB Doc ID: 352830).

Marine Protected Area. Fisheries and Oceans Canada’s Community Consultation and Engagement Summary along with the Socio-economic Report described the Inuit Qaujimaningit collected and how it was applied.

In addition, Inuit Qaujimaningit as well as Indigenous and community knowledge is incorporated into the Board recommendations below based on information collected from prior and similar projects, the Proponent, data collected, and other available sources.

6. Proponent’s Response to Public Comments and Concerns

On January 30, 2025, due to the concerns and questions identified in the comments received from parties, the NIRB provided an opportunity for the Proponent to respond to the concerns raised during the commenting period. The following is a summary of the Proponent’s response to concerns as received on February 3, 2025:

- Through the Sarvarjuaq and Qikiqtait Working Group and with the support of licenced Canada Land Surveyors (CLS) from Natural Resources Canada (NRCan) DFO is working collaboratively to address the definition of “Small Enclosed Bays” in the Devolution Agreement and noted that the maps provided were for illustrative purposes only and did not define the boundaries. All maps of MPA boundary could still be adjusted and the Ministerial Order amended to reflect the final calculations of the Small Enclosed Bays after the MPAs are designed. As part of next steps DFO has requested that a licenced CLS appointed by GN work with NRCan’s CLS to provide expert advice on small and enclosed bays.
- DFO agrees to continue working the GN, QIA, and NRCan for a consensus on the application of the Small Enclosed Bays definition.
- DFO will continue to collaborate with GN to develop joint language within the Regulatory Impact Analysis Statement that addresses GN’s concerns. This Analysis Statement would be published alongside the Ministerial Order Regulations in *Canada Gazette*, Part II.

7. Time of Report Extension

As a result of the time required to ensure adequate translations of the NIRB correspondence related to the file, the opportunity given to the Proponent to reply to comments provided during the NIRB’s screening, and the NIRB’s scheduled commitments during the screening, the NIRB was unable to provide its screening decision report to the responsible Minister within 45 days.⁷ Therefore, on January 24, 2025 the NIRB wrote to the Minister of Fisheries, Oceans and the Canadian Coast Guard, Government of Canada, seeking an extension to the 45-day timeline for the provision of the Board’s Report.

ASSESSMENT OF THE PROJECT PROPOSAL IN ACCORDANCE WITH PART 3 OF *NUPPAA*

The Board’s assessment of this project proposal is guided by Article 12 of the *Nunavut Agreement*, which applies to topics of interest in Articles 9 and 15 of the *Nunavut Agreement*.

⁷ Per Article 12, Section 12.4.5 of the *Nunavut Agreement* and subsection 92(3) of the *NuPPAA*

As part of its application to the NIRB, Fisheries and Oceans Canada submitted:

- *What We Heard Report: Sanikiluaq Community Consultation (2023)* in English and Inuktitut
- *Regulatory Intent for the Proposed Qikiqtait Marine Protected Area by Ministerial Order* in English and Inuktitut
- *Socio-Economic Overview Report of the Proposed Qikiqtait Marine Protected Area*
- *Geological Survey of Canada's Qikiqtait Proposed Protected Area Hydrocarbon Assessment (2022)*

As required under s. 183 of NuPPAA the NIRB reviewed the information in respect of the Initiative/Project and considered this during the assessment of impact significance and the analysis of factors set out under s. 90 of the NuPPAA. The Board took particular care to take into account Inuit Qaujimaningit, as well as traditional and community knowledge in carrying out its assessment and determination of the significance of impacts.

The following is a summary of the Board's assessment of the factors that are relevant to the determination of significant impacts with respect of this Project proposal:

1. *The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.*

The proposed Qikiqtait Marine Protected Area (Qikiqtait MPA) is a marine area established under a Ministerial Order and is located within the Belcher Islands Ecologically and Biologically Significant Area⁸ (EBSA) in southeast Hudson Bay, within the Nunavut Settlement Area. The proposed marine area is approximately 42,789 square kilometres (16,521 square miles), surrounding the Belcher Islands, on which the community of Sanikiluaq is located.

The Belcher Islands EBSA was established in 2011 as the area has among the highest values for biomass, density and/or taxonomic richness in all the Hudson Bay Complex. Fisheries and Oceans along with the Qikiqtani Inuit Association have proposed the establishment of the Qikiqtait MPA as an interim marine protection measure as a first step towards establishing long-term protection in the area.

A proposed Marine Protected Area would include the seabed, the subsoil and water column, but does not include islands, freshwater bodies, or areas of joint land use.

2. *The ecosystemic sensitivity of that area.*

The boundaries of the proposed Qikiqtait MPA reflects collaboration between DFO and the community of Sanikiluaq and the Qikiqtani Inuit Association (QIA) and were chosen based on ecological significance within the Hudson Bay Complex through several joint meetings and

⁸ DFO. 2011. Identification of Ecologically and Biologically Significant Areas (EBSAs) in the Canadian Arctic. Sci. Advis. Rep.:2011/055. Available from DFO's submission, *Project Description*, on the NIRB's Public Registry (Doc ID No. 352370) www.nirb.ca/project/126015.

the Sarvarjuaq and Qikiqtait Working Group (established in 2021) and the Sanikiluaq Qikiqtait Steering Committee (established in 2018). The proposed MPA is part of the Belcher Islands Ecologically and Biologically Significant Area (EBSA) designated by Fisheries and Oceans Canada in 2011. The Government of Nunavut requested clarification on “Small Enclosed Bays” and Fisheries and Oceans Canada stated that they would continue to work with the GN regarding Devolution and is taking steps to develop a consensus which would be incorporated into the Ministerial Order and the Regulatory Impact Analysis Statement.

The Qikiqtait MPA has unique and valuable ecological processes in the southeast of Hudson Bay, which was identified for protection based on a number of ecologically significant features including:

- strong upwelling and a recurrent polynya system in the winter;
- nutrients brought in from large river plumes and nearby estuaries along the coast of Quebec and James Bay;
- a productive benthic invertebrate community;
- large aggregations of common eider (*Somateria mollissima sedentaria*)
- migratory Arctic char (*Salvelinus alpinus*); and
- marine mammals such as Atlantic walrus (*Odobenus rosmarus rosmarus*), bearded seal (*Ergnathus barbatus*), beluga (*Delphinapterus leucas*), polar bear (*Ursus maritimus*), and ringed seal (*Pusa hispida*), as well as feeding and calving areas for these marine mammals.

The proposal also reflects Canada’s international commitment of conserving 25 percent of its oceans by 2025. The nature of this proposal is to conserve, protect and understand the marine environment around the Belcher Island, including wildlife and other species, by limiting new human activities in the proposed area to a degree that protects the sensitive ecological processes and builds resilience of the ecosystem in times of climate change.

3. *The historical, cultural, and archaeological significance of that area.*

The community of Sanikiluaq has historic occupancy and use of the area surrounding Belcher Island Located just north of Sanikiluaq, Kingngaaluk Territorial Park, which includes the north tip of the Flaherty Island, the entirety of the Renouf Island and Wiegand Island, has archaeological sites that are important to the community of Sanikiluaq.

The community of Sanikiluaq shares a strong connection to the land and traditional culture. Community members are active land users and follow traditional ways of life and passing on of Inuit Qaujimaningit. The area also assists with the preservation of the aesthetics of the area:

- harvesting subsistence foods such as scallops and sea urchins through pull nets;
- stone carving;
- harvesting sea grasses to make baskets; and
- media and filming activities.

Under the proposed Ministerial Order, it is prohibited to have impacts from all human activities that disturb, damage, destroy, or remove from that MPA any unique geological or archaeological features or is likely to do so, except classes on ongoing activities.

4. *The size of the human and the animal populations likely to be affected by the impacts.*

The proposed Qikiqtait MPA surrounds the Belcher Islands Archipelago and supports a wide range of marine life, including seabirds and marine plants:

- large aggregations of common eider;
- migratory Arctic char, cod, lumpfish;
- important benthos such as sea cucumbers, urchin, scallops;
- year-round resident marine mammals such as Atlantic walrus, bearded seal, beluga, polar bears, harbor seal, and ringed seal;
- feeding and calving areas for a portion of the resident marine mammal species; and
- seasonal marine mammals that frequent the area include killer whale (*Orcinus orca*), bowhead whale, harp seal and narwhal.

Many of these wildlife and migratory bird species and their habitat are afforded statutory protection under the Species at Risk Act (see Appendix A) and other laws and regulations. Under the proposed Ministerial Order, impacts from all human activities that disturb, damage, destroy, or remove from that MPA any living marine organism or any part of its habitat or is likely to do so within the proposed boundaries except classes of ongoing activities.

A 5-year freeze of activities would allow the following classes of ongoing activities in the proposed Qikiqtait MPA:

- Hunting and trapping activities (including sport fishing);
- Fishing activities (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 Qaujimajatuqangit and community-based research activities (including stewardship activities);
- Scientific research activities; and
- Filming activities and media content development.

The Qikiqtait area is important to local food security and cultural practices for the community of Sanikiluaq:

- organized fall harvest of common eider;
- harvest of marine plants and benthos, such as sea cucumber, scallops, and sea urchin;
- year-round fishing for Arctic char, which is also an important prey for resident beluga; and
- hunting of marine mammals including walrus and beluga.

The proposed Ministerial Order does not apply to any Inuit activities provided for under any land claim agreement or applicable law, and any agreement the Government of Canada and the Qikiqtani Inuit Association enters upon the establishment of this MPA.

Due to the preservation of natural environments, the studies carried out by Fisheries and Oceans Canada forecast an increase in eco/cultural tourism in the Qikiqtait area. This proposal was developed in collaboration with Inuit and northern partners and what Sanikiluaq has advocated for since 1997 and the conservation priorities of the Government of Canada and QIA in their 2022 Prospectus.

5. *The nature, magnitude, and complexity of the impacts; the probability of the impacts occurring; the frequency and duration of the impacts; and the reversibility or irreversibility of the impacts.*

Establishment of a Ministerial Order Marine Protected Area (MPA) under the *Oceans Act* is proposed for Qikiqtait as an interim protection measure and a first step to establish long-term marine protection in Qikiqtait. While interim protection is in place, the Government of Canada would explore the options for a long-term conservation measures in the area with the Qikiqtani Inuit Association (QIA) and the Government of Nunavut, through analysis and further consultation. There are consideration of long-term conservation measures through an Inuit Protected and Conserved Area (IPCA).

Therefore, the Ministerial Order MPA will allow the Minister of Fisheries, Oceans and the Canadian Coast Guard to freeze the footprint of ongoing activities in the area for up to five years. This will mean that no new activities will be allowed in the area following designation. Any activities that have occurred, or were authorized to occur, in the proposed Qikiqtait MPA during the 12 months prior to designation would be considered ongoing activities and would be allowed to continue in the proposed MPA.

The following objectives have been proposed for Qikiqtait. The second statement reflects DFO's commitments to the United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan and the recommendations from the Qikiqtani Truth Commission.

- (1) 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.

- (2) 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.

In 2018 the Sanikiluaq Qikiqtait Steering Committee was formed to advance the protection of the proposed Qikiqtait MPA and in 2021 the Sarvarjuaq and Qikiqtait Working Group was established to advance conservation measures in the Qikiqtait study region. In 2023 and 2024 Sanikiluaq was consulted to assist with understanding the community needs and to inform the community about the Ministerial Order for Qikiqtait MPA.

6. *The cumulative impacts that could result from the impacts of the project combined with those of any other project that has been carried out, is being carried out, or is likely to be carried out.*

This proposal to freeze the footprint of human activities in the Qikiqtait for the next five (5) years is essentially a short-term preservation of the marine area for an intact ecosystem. As the open water season continues to lengthen, new human activities would otherwise see an increase in this region in the absence of the proposed regulatory regime. The proposal is consistent with the exercise of the precautionary principles in resource co-management decision making, and gives ways to the following:

- understanding sea-ice dynamics and the interplay of rapid climate change;
- protecting keystone species who play a critical role in maintaining ecosystem health; and
- reflecting Inuit stewardship in the management and conservation of the Arctic marine environment, inclusive of Inuit rights and fair opportunities for development.

Commercial fisheries as a class of activities on the exception list underscore the balance between conservation and economic development. The proposal identified that community members of Sanikiluaq are in the early phase of exploring a small-scale commercial fishery targeting scallops and sea cucumbers within the proposed Qikiqtait MPA. Any future projects, including the potential commercial fisheries industry being contemplated by the community of Sanikiluaq, would continue to be subject to the existing regulatory framework established under Part 3 of *NuPPAA* and Article 12 of the *Nunavut Agreement*.

7. *Any other factor that the Board considers relevant to the assessment of the significance of impacts.*

The process of establishing the Qikiqtait MPA requires the conclusion of an agreement between the Government of Canada and the Qikiqtani Inuit Association for the co-management of the area. Any such agreement shall include:

- the creation of a structure(s) to promote coordinated management of wildlife and harvesting in the Qikiqtait MPA, with the Nunavut Wildlife Management Board retaining the role of decision-making within the marine areas of the Nunavut Settlement Area; and

- if relating to the management and protection of wildlife and wildlife habitat, the approval from the Nunavut Wildlife Management Board.⁹

The Proponent has stated in its proposal that this agreement is currently under negotiation and would be completed prior to the establishment of the Qikiqtait MPA. DFO has provided records of collaboration by creating the Sarvarjuaq and Qikiqtait Working Group, which is comprised of representatives from the Government of Canada, the QIA, and the Government of Nunavut.

If this project proposal receives an affirmative ministerial decision, the Qikiqtait Marine Protected Area would be afforded protection under subsection 35.1(2) of the *Oceans Act*. Enforcement and implementation of the Minister's Order outlined the Project Scope of this report. However, Articles 11 and 12 of the *Nunavut Agreement* and sections 73–162 of the *NuPPAA* will continue to apply to future project proposals¹⁰ to be carried out in the established Qikiqtait Marine Protected Area.

That is, the existing regulatory framework — including conformity requirements with land use plans, assessment process conducted by the NIRB, and the roles of Responsible Authorities — would remain largely unchanged and would integrate the regulatory regime proposed by the Proponent.¹¹

⁹ Pursuant to Section 9.3.2 and 15.1.1 of the *Nunavut Agreement*.

¹⁰ Including amendments to authorized projects under the *NuPPAA*. This is consistent with the *Nunavut Agreement*.

¹¹ Pursuant to subsection 70(3) of the *NuPPAA*. In the Nunavut Settlement Area, sections 163–172 of the *NuPPAA* do not apply to a *conservation area* that is not established under an Act of Parliament administered by Parks Canada.

In considering the factors as set out above in the screening of the project proposal, the NIRB has identified the issues below and respectfully provides the following views regarding whether or not the proposed project has the potential to result in significant impacts. In addition, the NIRB has proposed terms and conditions that would mitigate the potential adverse impacts identified.

Administrative Conditions:

To encourage compliance with applicable regulatory requirements and assist the Board and responsible authorities with compliance and effects monitoring for project activities, the following project-specific terms and conditions have been recommended: 1-4.

Ecosystem, wildlife habitat and Inuit harvesting activities:

Issue 1: Potential impacts from increased vessel traffic on marine wildlife and marine wildlife habitat

Board Views: Commercial tourism and research vessels are on the exception list in the Minister’s Order as they are part of the activities that were documented as already occurring in the Qikiqtait area. Due to the nature of this project proposal—preservation of the natural environment—it is possible that cruise ships traffic would see an increase. As part of the objectives of the establishment of the Qikiqtait MPA to understand the marine environment, there would be an increase in marine research activities in the region, including scientific research and community-based research and Inuit stewardship activities. This may impact marine wildlife and their migration routes and other critical habitat necessary for survival, as well as impact Inuit traditional and use such as harvesting marine plants, hunting, fishing, and trapping.

Board Recommendations: Existing legislative frameworks would continue to apply and provide protections to valued ecological components in the Qikiqtait MPA. The Minister may modify the list of allowed activities—including to suspend or terminate the carrying out of authorized activities—that are within the Minister’s portfolio in consultation with the Qikiqtani Inuit Association and Sanikiluaq.

The Proponent should ensure there is no willful damage to wildlife and wildlife habitat from management decisions related to the implementation of the Initiative, including research proposals for fulfilling the conservation objectives of this Initiative. The Board is recommending Term and Condition 6 to ensure that wildlife both terrestrial and marine are protected as well as recommending that DFO advise the Board about engagements with Inuit organizations and communities regarding the identification, management and monitoring of “ongoing” activities.

Socio-economic effects on northerners:

Issue 2: Potential positive impacts on the preservation of cultural and archaeological resources

Board Views: The establishment of the Qikiqtaaluk MPA would mean the protection of the marine mammals and preservation of the landscape, which would help sustain the passing down of generational knowledge and Inuit traditional ways of life as the Inuit ways of life are intertwined with the natural marine environment. The community of Sanikiluaq has always practiced subsistence harvesting, including harvesting beluga, narwhal and walrus. The proposed regulatory regime associated with the proposed MPA may result in a positive impact on the continuity of these cultural practices important to Inuit ways of life, as well as other social and health benefits such as increased community cohesion and quality food intake.

There are identified archaeological sites on land and traditional travel routes used by the community marking early human settlements in the region. There are known sites identified in the proposed area which confirm that the Dorset and Thule cultures both lived on the Belcher Islands. To preserve the marine environment of this region in the near term would allow time for further archaeology research in the proposed area.

Board Recommendations: The Board recommends Term and Condition 5 that the Proponent solicit Inuit Qaujimaningit and Indigenous and community knowledge in any future planning and boundary determination in respect of determining the levels of protection for the marine environment in throughout the area, with due regards to existing and potential archaeological sites and sites that are important for cultural use of the area.

Issue 3: Potential positive impacts on Community Economic Effects

Board Views: Based on the geological resource inventory commissioned by National Resources Canada, the Belcher Basin does not represent feasible oil and gas reserves for exploration and development. The same study also indicated the presence of mineral deposits offshore: limestone, lead, zinc, nickel, copper, lithium, chromite, barite, and micro-diamonds, some of which are critical minerals listed on the Canadian Critical Mineral Strategy. However, offshore mineral resource extraction in Canada, especially in the Arctic waters, is currently not viable or incentivising for major investments due to the lack of a regulatory framework.

The regional economy currently is strongly tied to natural resource management of renewable resources and eco-cultural tourism. Due to the conservation outcome of this project proposal, it is possible that employment and local economy would see a positive impact due to an increase in commercial tourism and outfitting business.

Board Recommendations: In the process of developing this project proposal, the Proponent created a community-led Sanikiluaq Qikiqtaaluk Steering Committee, to solicit input from the broader community to share information on the area, seek feedback on the proposed approach to protection and the boundary of the area for protection, and address community questions and concerns. Parties that may have an interest in the Qikiqtaaluk MPA have provided support letter as identified in the Proponent's proposal, including:

- Sanikiluaq Hunters & Trappers Association
- Hamlet of Sanikiluaq

- Government of Nunavut
- Arctic Eider Society.

Additionally, the community of Sanikiluaq and the Sanikiluaq HTA have expressed their desires for future involvement in all aspects of the management of the Qikiqtait MPA. The Board recommends Terms and Conditions 7 and 8 so that the Proponent continue the consultative approach for addressing public concern in the carrying out of its programming associated with this project proposal. The Board is also requesting that information be provided related to monitoring of cruise ship tourism and community engagement regarding “ongoing” activities be provided to the NIRB and copies of any Management Plans be submitted as information.

Significant public concern:

Issue 4: No significant public concern was expressed during the public commenting period for this file.

Board Views: It is noted that there is potential for public concern developing due to the MPA including Sanikiluaq and the initiatives of the Qikiqtani Inuit Association and the Government of Canada. Follow-up consultation and involvement of local community members is expected to mitigate any potential for public concern resulting from the Initiative.

Recommended Mitigation Measures: Term and condition 7 is recommended by the NIRB to ensure that the affected communities and organizations are informed about the Initiative and any subsequent management decisions related to the National Marine Conservation Area and to provide the Proponent with an opportunity to proactively address or mitigate any concerns that may arise from the Initiative.

Technological innovations for which the effects are unknown:

No specific issues have been identified associated with this project proposal.

In considering the above factors and subject to the Proponent’s compliance with the terms and conditions necessary to mitigate against the potential adverse environmental and social effects, the Board is of the view that the proposed project is unlikely to cause significant public concern and its adverse ecosystemic and socioeconomic impacts are unlikely to be significant or are highly predictable and can be adequately mitigated by known technologies.

RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS

The Minister of Fisheries, Oceans and the Canadian Coast Guard is the responsible Minister and has, by Ministerial Order under s. 35.1(2) of the *Oceans Act*, S.C. 1996, c. 31 (*Oceans Act*) designated the Qikiqtait Marine Protected Area, a *marine protected area* within the Nunavut Settlement Area. Within 5 years of the Ministerial Order, the Minister is required under s. 35.3 of the *Oceans Act* to recommend to the Governor in Council a regulation to designate a marine

protected area covering at least part of the area of the sea in the order designating the Qikiqtait Marine Protected Area or repealing the order designating the Qikiqtait Marine Protected Area.

However, the Board recognizes that the initiative would not make Fisheries and Oceans Canada a sole regulator of activities in the Qikiqtait MPA but would prescribe general limitations on allowable uses of the area and exceptions, and the responsibility for implementing these restrictions would largely remain with other regulatory agencies responsible for regulating specific activities in the area, including but not limited to, Crown-Indigenous Relations and Northern Affairs Canada, Transport Canada, Environment and Climate Change Canada, Nunavut Research Institute, Government of Nunavut and other regulators. Consequently, for terms and conditions that direct the Proponent to supply information regarding activities within the Qikiqtait MPA and any measures taken to manage, mitigate and monitor the potential impacts associated with the initiative, the Board recognizes that the Proponent may not be responsible for generating this information and may only be acting to collect and convey the relevant information generated by other regulators or interested parties.

Reflecting the unique nature of the “Qikiqtait Marine Protected Area by Ministerial Order” initiative, the Board is recommending the following specific terms and conditions to apply in respect of the initiative:

General

1. Fisheries and Oceans Canada (the Proponent) shall maintain a copy of the Project Terms and Conditions and shall provide a copy to any of the Proponent’s personnel tasked with relevant responsibilities in relation to the Qikiqtait MPA.
2. The Proponent shall forward copies to the Nunavut Impact Review Board (NIRB) of publicly available documents relating to the advancement, consultations, administration, monitoring and reporting in relation to the Qikiqtait MPA as provided by the Government of Canada, the Government of Nunavut, other regulators or interested parties.
3. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (Application to Determine Conformity, November 15, 2024), and the NIRB (Online Application Form, December 12, 2024).
4. The Proponent shall implement the project proposal in accordance with all applicable laws and regulations, and any programs, directives, policies and guidelines consistent with departmental mandates.

Archaeological, Geological and Paleontological Resources

5. As indicated in the Project Description submitted to the Board, the Proponent shall prohibit all human activities that disturb, damage, destroy or remove from the Qikiqtait MPA any unique geological, or archaeological features except for “ongoing activities” as identified in the Project Description and in accordance with applicable laws and regulations.

Wildlife – General

6. The Proponent shall ensure that there is no willful damage to wildlife and wildlife habitat from management decisions resulting from the implementation of the project proposal.

Other

7. The Proponent should consult with local residents regarding the project proposal and solicit available Inuit Qaujimagatuqangit and information to inform management decisions and recommendations in relation to the Qikiqtait MPA.
8. The Proponent shall ensure that the designation of the Qikiqtait MPA does not result in interference with Inuit wildlife harvesting or traditional land use activities.

REGULATORY REQUIREMENTS

The Proponent is also advised that the following legislation may apply to the project proposal:

1. The *Fisheries Act* (<http://laws-lois.justice.gc.ca/eng/acts/F-14/index.html>).
2. The *Migratory Birds Convention Act* (<http://laws-lois.justice.gc.ca/eng/acts/M-7.01/>), the *Migratory Birds Regulations* (https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1035/index.html) and the *Migratory Bird Sanctuary Regulations* (https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1036/index.html).
3. The *Species at Risk Act* (<https://laws-lois.justice.gc.ca/eng/acts/s-15.3/>). Attached in **Appendix A** is a list of Species at Risk in Nunavut.
4. The *Wildlife Act (Nunavut)* and its corresponding regulations (<http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html>) contains provisions to protect and conserve wildlife and wildlife habitat, including specific protection measures for wildlife habitat and species at risk.
5. The *Canada Shipping Act, 2001* (<http://laws-lois.justice.gc.ca/eng/acts/C-10.15/>).
6. The *Arctic Waters Pollution Prevention Act* (<http://laws-lois.justice.gc.ca/eng/acts/A-12/>) and the *Arctic Shipping Safety and Pollution Prevention Regulations* (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2017-286/index.html>).

MONITORING AND REPORTING REQUIREMENTS

In addition, the Board is recommending the following:

1. It is recommended that Fisheries and Oceans Canada advise the Board on any measures adopted within the Qikiqtait MPA to reduce, manage or monitor the potential impacts of cruise ship tourism and expeditions in the Qikiqtait MPA.
2. It is requested that Fisheries and Oceans Canada submit a copy of any Management Plans developed for the Qikiqtait MPA to the NIRB as an information item.

3. The Board requests that within five (5) years of the Ministerial Order, Fisheries and Oceans Canada advise the Board of the Minister's recommendation under s. 35.3 of the *Oceans Act* (i.e., designation order or repeal of the Ministerial Order).
4. Fisheries and Oceans Canada shall advise the Board about the Proponent's engagements with Inuit organizations and communities to identify, manage, and monitor the potential impacts of activities categorized as "ongoing" (and therefore not subject to the limitations in the Qikiqtait MPA) and to advise the Board if the Proponent has modified the proposed list of classes of *ongoing activities*.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board is recommending the following:

1. Responsible authorities or the Proponent shall notify the Nunavut Planning Commission and/or Parks Canada as appropriate, and the NIRB of any changes in implementation plans, operating plans or conditions, including phase advancement, associated with this project proposal prior to any such change.

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the Fisheries and Oceans Canada's "Qikiqtait Marine Protected Area by Ministerial Order" initiative. The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated February 6, 2025 at Baker Lake, NU.



Kaviq Kaluraq, Chairperson

Attachments: Appendix A: Species at Risk in Nunavut

Appendix A: Species at Risk in Nunavut

Due to the requirements of Section 79(2) of the *Species at Risk Act*, S.C. 2002, c. 29 (*SARA*) and the potential for project-specific adverse effects on listed wildlife species and its critical habitat, measures should be taken as appropriate to avoid or lessen those effects, and the effects need to be monitored. Project effects could include species disturbance, attraction to operations and destruction of habitat. This section applies to all species listed on Schedule 1 of *SARA*, as listed in the table below, or have been assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), which may be encountered in the project area. This list may not include all species identified as at risk by the Territorial Government. The following points provide clarification on the applicability of the species outlined in the table.

- Schedule 1 is the official legal list of Species at Risk for *SARA*. *SARA* applies to all species on Schedule 1. The term “listed” species refers to species on Schedule 1.
- Schedule 2 and 3 of *SARA* identify species that were designated at risk by the COSEWIC prior to October 1999 and must be reassessed using revised criteria before they can be considered for addition to Schedule 1.
- Some species identified at risk by COSEWIC are “pending” addition to Schedule 1 of *SARA*. These species are under consideration for addition to Schedule 1, subject to further consultation or assessment.

If species at risk are encountered or affected, the primary mitigation measure should be avoidance. The Proponent should avoid contact with or disturbance to each species, its habitat and/or its residence. All direct, indirect, and cumulative effects should be considered. Refer to species status reports and other information on the species at risk Registry at <http://www.sararegistry.gc.ca> for information on specific species.

Monitoring should be undertaken by the Proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required. As a minimum, this monitoring should include recording the locations and dates of any observations of species at risk, behaviour or actions taken by the animals when project activities were encountered, and any actions taken by the proponent to avoid contact or disturbance to the species, its habitat, and/or its residence. This information should be submitted to the appropriate regulators and organizations with management responsibility for that species, as requested.

For species primarily managed by the Territorial Government, the Territorial Government should be consulted to identify other appropriate mitigation and/or monitoring measures to minimize effects to these species from the project.

Mitigation and monitoring measures must be undertaken in a way that is consistent with applicable recovery strategies and action/management plans.

Schedules of *SARA* are amended on a regular basis so it is important to check the *SARA* registry (www.sararegistry.gc.ca) to get the current status of a species.

Updated: September 2019

Terrestrial Species at Risk¹²	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility¹³
Migratory Birds			
Buff-breasted Sandpiper	Special Concern	Schedule 1	Environment and Climate Change Canada (ECCC)
Common Nighthawk	Threatened	Schedule 1	ECCC
Eskimo Curlew	Endangered	Schedule 1	ECCC
Harlequin Duck	Special Concern	Schedule 1	ECCC
Harris's Sparrow	Special Concern	Schedule 1	ECCC
Horned Grebe	Special Concern	Schedule 1	ECCC
Ivory Gull	Endangered	Schedule 1	ECCC
Olive-sided Flycatcher	Threatened	Schedule 1	ECCC
Peregrine Falcon	Special Concern	Schedule 1	ECCC
Red Knot Islandica Subspecies	Special Concern	Schedule 1	ECCC
Red-necked Phalarope	Special Concern	Schedule 1	ECCC
Ross's Gull	Threatened	Schedule 1	ECCC
Rusty Blackbird	Special Concern	Schedule 1	ECCC
Short-eared Owl	Special Concern	Schedule 1	ECCC
Vegetation			
Porsild's Bryum	Threatened	Schedule 1	Government of Nunavut (GN)
Arthropods			
Transverse Lady Beetle	Special Concern	No Schedule	GN
Terrestrial Wildlife			
Caribou (Dolphin and Union Population)	Endangered	Schedule 1	GN
Caribou (Barren-ground Population)	Threatened	No Schedule	GN
Caribou (Torngat Mountains Population)	Endangered	No Schedule	GN
Grizzly Bear (Western Population)	Special Concern	Schedule 1	ECCC
Peary Caribou	Endangered	Schedule 1	GN
Polar Bear	Special Concern	Schedule 1	ECCC
Wolverine	Special Concern	Schedule 1	GN
Marine Wildlife			
Atlantic Walrus (High Arctic Population)	Special Concern	No Schedule	Fisheries and Oceans Canada (DFO)
Atlantic Walrus (Central/Low Arctic Population)	Special Concern	No Schedule	DFO
Beluga Whale (Cumberland Sound Population)	Threatened	Schedule 1	DFO
Beluga Whale (Eastern Hudson Bay Population)	Endangered	No Schedule	DFO

¹² The Department of Fisheries and Oceans has responsibility for aquatic species.

¹³ Environment and Climate Change Canada (ECCC) has a national role to play in the conservation and recovery of Species at Risk in Canada, as well as responsibility for management of birds described in the Migratory Birds Convention Act (MBCA). Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of the Territorial Government. Populations that exist in National Parks are also managed under the authority of the Parks Canada Agency.

Terrestrial Species at Risk¹²	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility¹³
Beluga Whale (Eastern High Arctic-Baffin Bay Population)	Special Concern	No Schedule	DFO
Beluga Whale (Western Hudson Bay Population)	Special Concern	No Schedule	DFO
Fish			
Atlantic Cod (Arctic Lakes Population)	Special Concern	No Schedule	DFO
Fourhorn Sculpin (Freshwater Form)	Data Deficient	Schedule 3	DFO
Lumpfish	Threatened	No Schedule	DFO
Thorny Skate	Special Concern	No Schedule	DFO