

Regulatory Intent for the Proposed Sarvarjuaq Marine Protected Area by Ministerial Order

I. Background and Significance

Sarvarjuaq is the Qikiqtani Inuit name for the Canadian side of the North Water Polynya. It is an ecologically significant area located in Northern Baffin Bay between Greenland and Canada. In 2011, Sarvarjuaq was designated as an Ecologically and Biologically Significant Area (EBSA) by Fisheries and Oceans Canada (DFO) (DFO 2011, 2015). In 2013, the Inuit Circumpolar Council Greenland and Oceans North hosted a cooperative workshop called 'Pikialasorsuaq: Bridging the Bay', with participation from Canadian and Greenlandic communities, as well as researchers from both countries. From this workshop, the Pikialasorsuaq Commission was established to provide an informed Inuit vision for the future of the North Water Polynya. Their 2017 final report 'The Future of the Pikialasorsuaq', the Commission recommended Inuit led-conservation and management aimed at ensuring the long-term health of this important ecosystem.

The North Water Polynya has also been evaluated through other international processes led by Greenland and Denmark, emphasizing its unique cultural and ecological value. For instance, the polynya achieved the highest score and highest priority on the basis of the International Maritime Organization's (IMO) criteria for identifying 'Particularly Sensitive Sea Areas' (PSSA) in a national assessment of important and vulnerable marine areas in Greenland (Christensen et al. 2012, 2017). In another strategic effort to enhance area-based protection of Greenlandic biodiversity, an overview of areas of ecological and biological significance in West and South-East Greenland was prepared and published in 2016 by using the EBSA and other international criteria, to identify important areas in Greenland. The report identified 23 areas, including three within the North Water (Christensen et al. 2016).

Ecological Significance

The area is ecologically significant due to several factors:

- **Biodiversity:** 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.
- **Primary Production:** The polynya experiences seasonal ice melt, creating open water areas that promote high rates of primary production. Phytoplankton blooms occur in these nutrient-rich waters, which form the base of the marine food chain and support the growth of other organisms.
- **Migration and Breeding Grounds:** Many species of birds, such as thick-billed murrelets, dovekies, and fulmars, rely on the North Water Polynya as a crucial stopover site during their migration. Additionally, several marine mammals, including bowhead whales, narwhals, and seals, utilize the polynya as a breeding and calving ground.
- **Climate Regulation:** The North Water Polynya influences the exchange of heat, gases, and freshwater between the ocean and atmosphere, thereby playing a role in local and regional climate dynamics. It helps regulate the formation of sea ice and influences ocean circulation patterns.
- **Traditional Knowledge:** The North Water Polynya holds significant cultural and ecological value for Inuit communities. They have traditional knowledge and sustainable practices associated

with the polynya, which contributes to the conservation and preservation of its ecological significance.

Overall, the North Water Polynya serves as a unique and vital ecosystem, supporting diverse marine life, playing a role in regional climate dynamics, and providing cultural importance to Inuit communities.

Proposed Approach

Establishment of a Ministerial Order Marine Protected Area (MPA) under the *Oceans Act* has been proposed as an interim protection measure in Sarvarjuaq as a first step toward establishing long-term marine protection. While interim protection is in place, the Government of Canada will explore the options for a long-term conservation measures in the area with the Qikiqtani Inuit Association (QIA) and the Government of Nunavut. The consideration of long-term conservation measures will include an Inuit Protected and Conserved Area (IPCA).

The Ministerial Order MPA will allow the Minister of Fisheries, Oceans and the Canadian Coast Guard to freeze the footprint of human 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 Sarvarjuaq MPA during the 12 months prior to designation are considered ongoing activities and will be allowed to continue in the proposed MPA.

II. Proposed Objectives for Sarvarjuaq

Conservation objectives are broad statements that describe what species or features in the protected area should be conserved. For an MPA under the *Oceans Act* conservation objectives need to refer to protecting or conserving marine species, unique habitats, high biodiversity, and/or the ecosystem. These objectives guide the interim nature of this work and long-term objectives will be developed, in the future.

The following objectives have been proposed for Sarvarjuaq. The second statement reflects DFO's commitment 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 Sarvarjuaq (the North Water Polynya) and its unique biologically productive ecosystem that is of immense value to Inuit and Inuit culture.
- (2) To support Inuit leadership in the conservation of Sarvarjuaq to ensure the continuity of Inuit culture, values, and practices, including accumulating and passing down Inuit knowledge, as well as Inuit stewardship and governance.

III. Map and Boundaries

The proposed boundaries for Sarvarjuaq were put forward by QIA. These boundaries are shown in Figure 1. If established, Sarvarjuaq will be located inside and outside of the Nunavut Settlement Area, but within Canada's Exclusive Economic Zone. The boundaries exclude Small Enclosed Bays as described in Chapter 1, Definitions and Interpretation of the Nunavut Lands and Resources Devolution Agreement signed January 18, 2024 between the Government of Canada and the Government of Nunavut and Nunavut Tunngavik Incorporated.



Figure 1. A map showing the boundaries of the proposed Sarvarjuaq MPA.

IV. Prohibitions and Allowed Activities

It is prohibited in the MPA to carry out any activity that disturbs, damages, destroys or removes from the MPA any unique geological or archeological features or any living marine organism or any part of its habitat, or is likely to do so.

However some activities would be allowed to occur. Activities listed below would be able to occur if Sarvarjuaq were to become an MPA by Ministerial Order:

- All rights provided for under the *Nunavut Agreement* are respected within the boundary of the Nunavut Settlement Area
- All ongoing activities (see list below) taking place one year prior to designation or activities that have otherwise been authorized to occur by applicable federal laws or by laws of a province/territory
- Research activities consistent with the conservation objectives of the MPA
- Safety, security and emergency activities
- Laying, maintenance and repair of cables and pipelines by a foreign state

Under the *Oceans Act*, DFO would implement an MPA by Ministerial Order by prohibiting any other activities from occurring during the period of the Order, up to five years.

V. List of Ongoing Activities

Ongoing activities can continue to occur if Sarvarjuaq becomes an MPA by Ministerial Order under the *Oceans Act*. The definition of an ongoing activity is any activity that has taken place one year prior to designation, or activities that have otherwise been authorized to occur by applicable federal laws or by laws of a province/territory.

Activities occurring within the proposed Sarvarjuaq MPA boundaries have been categorized into classes of ongoing activities which will be allowed in the MPA:

- Hunting and trapping activities
- Fishing activities
- Harvesting of marine plants
- Marine navigation activities
- 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
- Traditional Knowledge and cultural research activities
- Scientific research activities
- Filming activities
- Activities provided for and carried out in a manner not inconsistent with the Nunavut Agreement

Please let us know if you are aware of another ongoing activity that is not captured in the list above.

References

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