

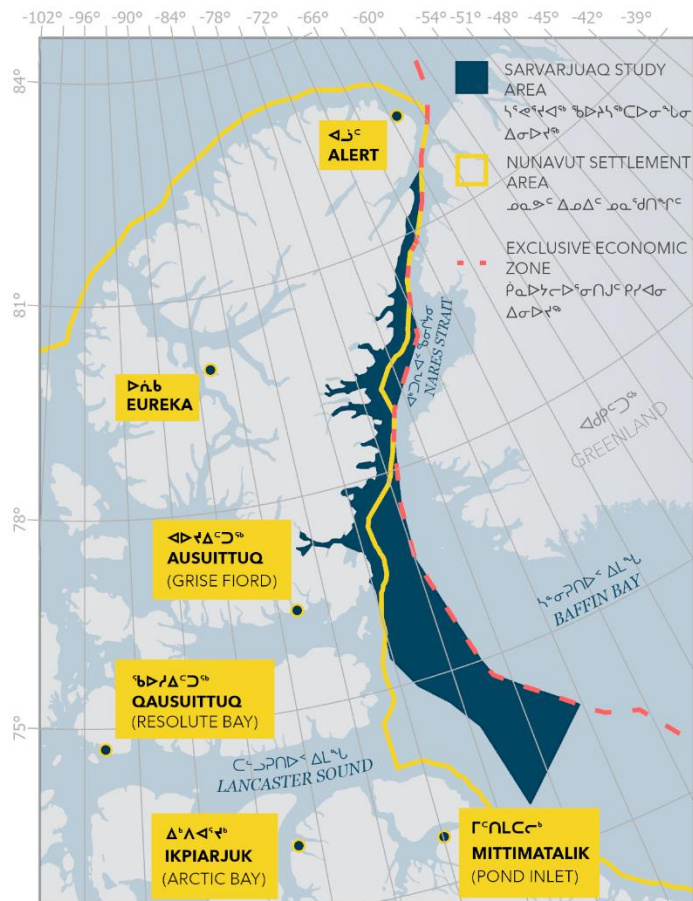
June 13, 2024.

Re: Sarvarjuaq Study Area

Dear Colleagues,

We are writing to share with you a proposed approach for the interim protection and conservation of the Sarvarjuaq Study Area. As we design the interim protection and conservation measure, we need information from stakeholders on current and ongoing activities within the Sarvarjuaq Study Area. The boundary of the area may be adjusted to reflect any previous and new agreements, feedback and perspectives received from partners and stakeholders.

Sarvarjuaq has been identified in the Qikiqtani Inuit Association's (QIA) 2022 Prospectus on the regional conservation approach to contribute towards a network of protected areas across the Qikiqtani Region. QIA, the Government of Canada, and the Government of Nunavut are working together to explore marine conservation for Sarvarjuaq, focusing on Inuit-led conservation and stewardship.



Fisheries and Oceans Canada (DFO), along with the QIA and the Government of Nunavut, are assessing the use of an interim protection measure for Sarvarjuaq. The intention is that, if deemed desirable and feasible, a proposed Marine Protected Area (MPA) would be designated via a Ministerial Order under the *Oceans Act*. The Ministerial Order would have the effect of “freezing the footprint” of human activities within the area for up to five years, meaning any activity that has occurred in Sarvarjuaq over the twelve months prior to the day of designation (or that has been authorized to occur) would be allowed to continue. However, this does not apply to rights-based activities under the *Nunavut Agreement* within the Nunavut Settlement Area. All rights secured through the *Nunavut Agreement* are respected within the boundary of the Nunavut Settlement Area. Traditional harvesting within the Nunavut Settlement Area is a protected right under the *Nunavut Agreement*. In addition, scientific research, safety, security, and emergency activities, as well as certain activities carried out by a foreign national, entity, ship, or state, would be allowed in the MPA. During the 5-year timeframe of a Ministerial Order MPA, there will be a general prohibition of any new activity that disturbs, damages, destroys, or removes any unique geological or archeological feature any living marine organism, or any part of its habitat, within the boundaries of Sarvarjuaq. Knowing what activities are currently happening inside the Sarvarjuaq Study Area is very important. This awareness helps ensure all activities that are happening can continue to be allowed if Sarvarjuaq becomes a Marine Protected Area designated by Ministerial Order. As a result, it's necessary for us to know what local communities and stakeholders use the area for. This approach will ensure that this unique and vulnerable area is protected while Canada works with its partners and consults with communities and stakeholders to further pursue long-term protection of the area through an Inuit Protected and Conserved Area. This approach also supports the Minister of Fisheries, Oceans and the Canadian Coast Guard's mandate

commitment to work collaboratively with the Minister of Environment and Climate Change Canada to conserve 25 per cent of our lands and waters by 2025, and 30 per cent of each by 2030, while also supporting reconciliation, Indigenous-led conservation, and climate objectives.

A Marine Protected Area by Ministerial Order also aligns with Canada's Inuit Nunangat Policy, which was jointly developed with Inuit to ensure that all new federal policies, programs, services, and initiatives that apply in Inuit Nunangat and/or benefit Inuit are designed to support Inuit self-determination, prosperity and wellbeing (individual and community) throughout Inuit Nunangat with the goal of socio-economic and cultural equity between Inuit and other Canadians.

The establishment of a new MPA by Ministerial Order would provide time (up to five years) to complete a feasibility assessment for Sarvarjuaq and further explore the option of an Inuit Protected and Conserved Area. As part of the Government of Canada's commitment to protecting this important area, Fisheries and Oceans Canada continues to lead an ongoing research expedition to develop a knowledge base of the connected sea ice-ocean system of this region and further understand this important ecosystem. The program will continue to collect information to support informed decision-making around long-term protection in Sarvarjuaq.

The Government of Canada is collaborating with QIA and GN on the potential designation of a Ministerial Order MPA in 2025 to contribute to the Marine Conservation Targets. We are asking that anyone who goes to the Sarvarjuaq Study Area please provide a list of any current or anticipated activities. Examples of such activities may include outfitting or tourism, photography, visiting the area by hiking, pleasure crafts, cruise ships, or snowmobiles, recreational or commercial fishing, commercial hunting, commercial harvesting of aquatic species, or any other activity. Providing a list of activities will ensure that these activities will be able to continue during the five-year period of the Ministerial Order MPA.

We invite you to provide a list (see attached Excel form) of your current and anticipated activities within the boundaries of Sarvarjuaq. We also ask that you please distribute this request to any affiliated organizations or individuals who may have current or anticipated activities in the area.

Please let us know if you are interested in additional information about Sarvarjuaq, we would also be happy to meet with you to provide an opportunity for further discussion. If you have any questions regarding this initiative or the contents of this letter, please feel free to contact the Arctic Marine Planning and Conservation team via email at DFO.ArcticMPC-ArctiquePCM.MPO@dfo-mpo.gc.ca.

Sincerely,

Naomie Pudluk

Richard Paton

C. Thomas Hoggarth
Executive Director, Marine Conservation
Arctic Region
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Richard Paton
Assistant Executive Director
Marine & Wildlife Conservation
Qikiqtani Inuit Association

Naomie Pudluk
Assistant Deputy Minister
Department of Environment
Government of Nunavut

Annex A. Description of Sarvarjuaq and Activity Scan

In 2011, the Canadian part of the North Water was designated as an Ecologically and Biologically Significant Area (EBSA) by Fisheries and Oceans Canada (DFO) (DFO 2011, 2015). In 2013 a cooperative workshop ‘Pikialasorsuaq: Bridging the Bay’, hosted by Inuit Circumpolar Council Greenland and Oceans North, focused on living and non-living resources of the area and conservation. Participants included Canadian and Greenlandic communities along with researchers from both countries. Resulting from the workshop, the Pikialasorsuaq Commission, supported by the Inuit Circumpolar Council of Canada and Greenland, was established to provide an informed Inuit vision for the future of this region. The 2017 final report ‘The Future of the Pikialasorsuaq’ recommended Inuit led-conservation and management to ensure the long-term health of this important ecosystem.

This region has also been evaluated through other international processes led by Greenland and Denmark, emphasizing its unique cultural and ecological value. For instance, the North Water 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).

Significance of Sarvarjuaq

Sarvarjuaq is the Canadian side of the North Water Polynya. It is an ecologically significant area located in Northern Baffin Bay between Greenland and Canada. 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 Conservation Objectives for Sarvarjuaq

Conservation Objectives are very broad statements that describe what species or features in the protected area should be conserved. For a Marine Protected Area 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.

For Sarvarjuaq we are proposing the following objectives. The second statement reflects our 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 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.

Activities Scan

Initial engagement of communities closest to Sarvarjuaq began in fall 2023, through consultations and through reviewing published activities we have the following knowledge of activities. All activities currently underway will be reflected in the development of the Regulatory Intent, which will enable these activities to occur following the designation of Sarvarjuaq as an MPA by Ministerial Order.

Subsistence & Traditional Use

All rights secured through the *Nunavut Agreement* are respected within the boundary of the Nunavut Settlement Area. Traditional harvesting within the Nunavut Settlement Area is a protected right under the *Nunavut Agreement*.

It has been documented that Grise Fiord hunters travel within the proposed area for hunting marine mammals and birds (Brown & Fast, 2012).

Scientific Research

The CCGS Amundsen (a research icebreaker) and Amundsen Science, (which coordinates research for Universities, DFO and other entities on board the CCGS Amundsen) conducts annual research cruises in the proposed area. This work is ongoing for the foreseeable future.

Tourism and Recreational Activities

Cruise Tourism - It has been documented by communities that cruise ships and pleasure crafts can be observed off shore. However it is unknown if these activities are occurring within the boundaries of the Sarvarjuaq Study Area.

Ponant Cruises is currently offering a cruise itinerary from August to September 2024 that travels through the proposed Sarvarjuaq area with a tentative stop in Siorapaluk, Greenland that then crosses Baffin Bay to Pond Inlet. Depending on the actual cruise track it may enter the boundaries of the Sarvarjuaq Study Area.

Outfitting – unknown if occurring within the Sarvarjuaq Study Area

Wildlife viewing - unknown if occurring within the Sarvarjuaq Study Area

Other types of recreational use – unknown if occurring within the Sarvarjuaq Study Area

Shipping Activities

The majority of vessel traffic is nearshore, with community re-supply visiting Grise Fiord, and Pond Inlet regularly. There is documentation from 2019 of vessels traveling within the boundaries of the Sarvarjuaq Study Area.

Other Commercial Activities

Commercial Fishing - unknown if occurring within the Sarvarjuaq Study Area

Commercial Harvesting of Aquatic Species - unknown if occurring within the Sarvarjuaq Study Area

Oil, Gas, and Mineral Activities - unknown if occurring within the Sarvarjuaq Study Area

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Brown, L., and Fast, H. 2012. An overview of important ecological and biological marine features in Nunavut based on local knowledge. Can. Manuscr. Rep. Fish. Aquat. Sci. 2976: vi + 54 p.

Christensen, T., Falk, K., Boye, T., Ugarte, F., Boertmann, D., and Mosbech, A. 2012. Identifikation af sårbare marine områder i den grønlandske/danske del af Arktis. Aarhus University, DCE – Danish Center for Environment and Energy. 72 p.

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DFO. 2015a. Ecologically and Biologically Significant Areas in Canada's Eastern Arctic Biogeographic Region, 2015. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2015/049. (Errata: January 2018)

ICCC (Inuit Circumpolar Council Canada). 2017. People of the Ice Bridge: The Future of the Pikialasorsuaq. Report of the Pikialasorsuaq Commission. Inuit Circumpolar Council Canada. Ottawa, ON. xvi + 103 p

SARVARJUAQ STUDY AREA
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Mittermevik (Pond Inlet)
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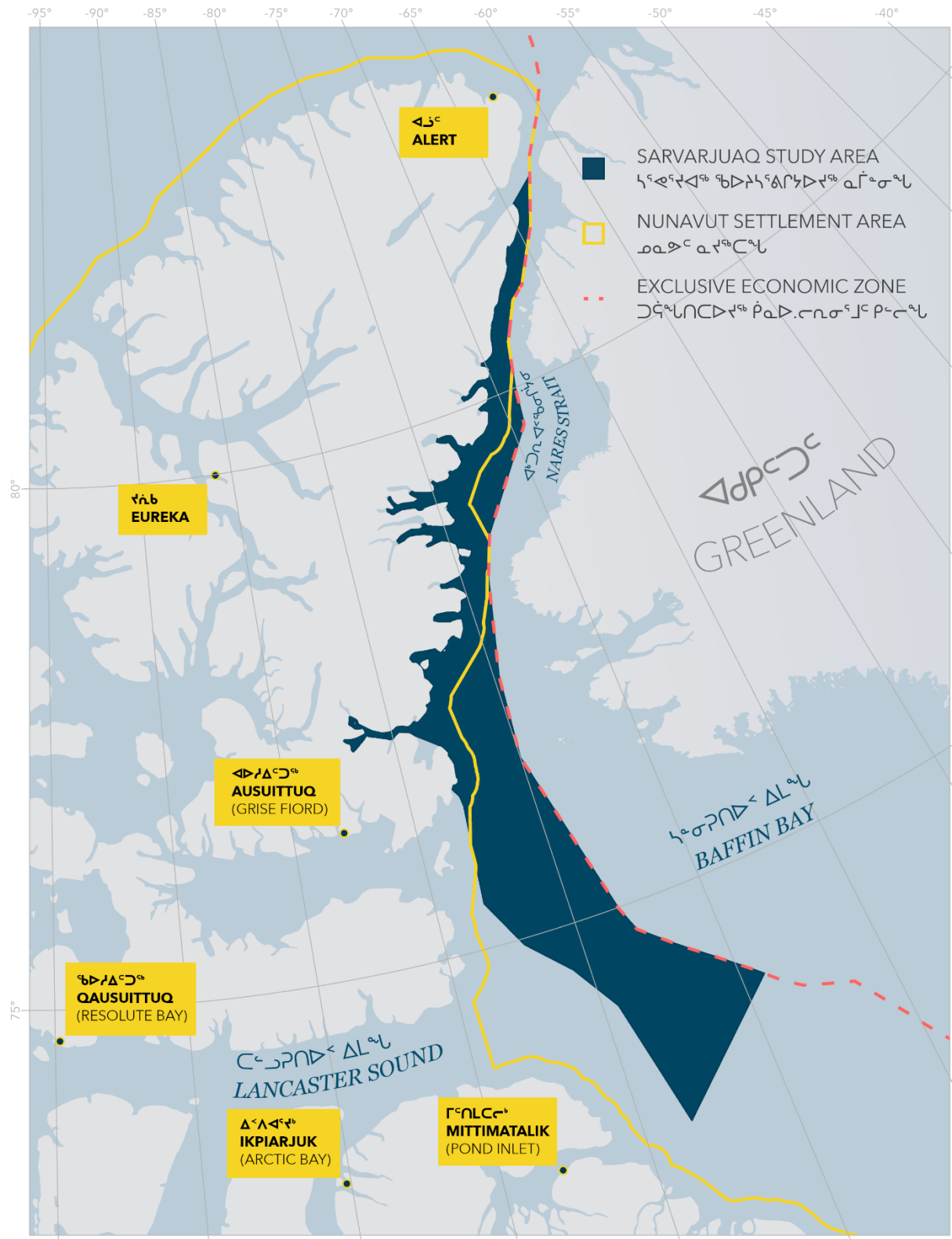
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ΔΛΓΓΔርርሲኦዕድ፣ ከቢር. 2015a. Ecologically and Biologically Significant Areas in Canada's Eastern Arctic Biogeographic Region, 2015 [ᐱᑦᓂᓄᓇᓂ ᐱᒻᒪ ህገጋዊ ለᒻᒪሲኦዕᓄᓇ ዲፎፖሲቶር ከቢር ከዳዊᓄᓇ ምዘጠና ህገጋዊ መዲያ ᐱᑦᓂᓄᓇᓂ, 2015]. DFO Canadian Science Advisory Secretariat Science Advisory Report [ΔΛΓΓΔርርሲኦዕድ ከቢር ፍክልካፍጤጤ ምዘጠና ህገጋዊ ᐱᑦᓂᓄᓇᓂ ፍክልካፍጤጤ ህገጋዊ ሰጥፏ፡፡ 2015/049. (ᐱፍፆፆᐱፍጤጤ ህገጋዊ፡፡ ሃገገገ 2018)

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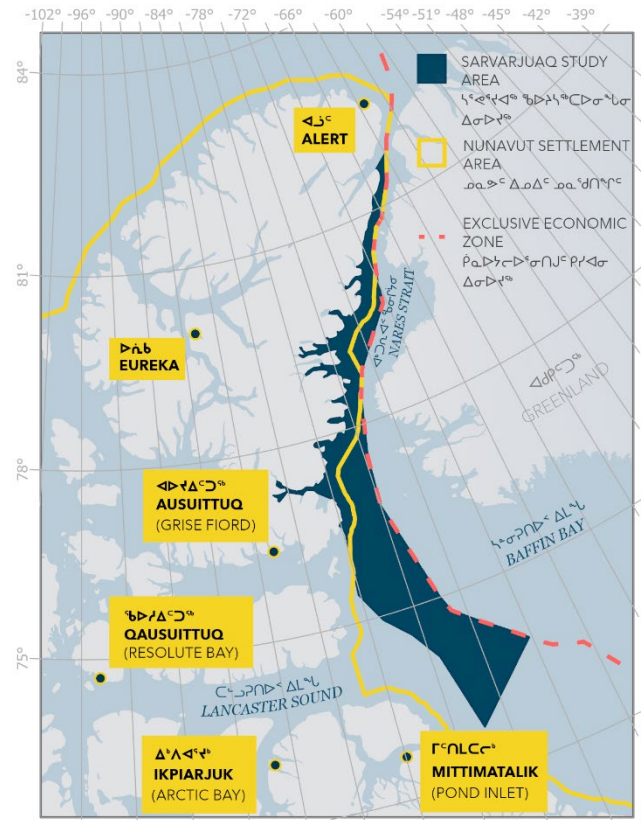
2024/09/23

Re: Sarvarjuaq Study Area

Dear Colleagues,

We are writing to share with you proposed regulations for the interim protection and conservation of the Sarvarjuaq Study Area. We asked for information from industry and stakeholders on current and ongoing activities within the Sarvarjuaq Study Area through the distribution of a previous letter. The classes of ongoing activities (see annex) was derived from information provided by the Government of Nunavut, the Qikiqtani Inuit Association and stakeholder feedback. Classes of ongoing activities were also identified through community consultations and surveys.

Establishment of a Ministerial Order Marine Protected Area (MPA) under the *Oceans Act* has been proposed for Sarvarjuaq as an interim protection measure and a first step to establish long-term marine protection in Sarvarjuaq. The intention is that an MPA would be designated via a Ministerial Order under the *Oceans Act* in June 2025. The Ministerial Order would have the effect of “freezing the footprint” of human activities within the area for up to five years.



This means any activity that has occurred in Sarvarjuaq over the twelve months prior to the day of designation (or that has been authorized to occur) would be allowed to continue. However, this does not apply to rights-based activities under the *Nunavut Agreement* within the Nunavut Settlement Area. All rights secured through the *Nunavut Agreement* are respected within the boundary of the Nunavut Settlement Area. A portion of the proposed Sarvarjuaq area falls within the Nunavut Settlement Area. Traditional harvesting within the Nunavut Settlement Area is a protected right under the *Nunavut Agreement*. In addition, scientific research, safety, security, and emergency activities, as well as certain activities carried out by a foreign national, entity, ship, or state, would be allowed in the MPA. During the five-year timeframe of a Ministerial Order MPA, there will be a general prohibition of any new activity that disturbs, damages, destroys, or removes any unique geological or archeological feature any living marine organism, or any part of its habitat, within the boundaries of Sarvarjuaq. This approach will ensure that this unique and vulnerable area is protected while Canada works with its partners and consults with communities and stakeholders to further pursue long-term protection of the area through an Inuit Protected and Conserved Area. This approach also supports the Minister of Fisheries, Oceans and the Canadian Coast Guard's mandate commitment to work collaboratively with the Minister of Environment and Climate Change Canada to conserve 25 per cent of our lands and waters by 2025, and 30 per cent of

each by 2030, while also supporting reconciliation, Indigenous-led conservation, and climate objectives. A Marine Protected Area by Ministerial Order also aligns with Canada's Inuit Nunangat Policy, which was jointly developed with Inuit to ensure that all new federal policies, programs, services, and initiatives that apply in Inuit Nunangat and/or benefit Inuit are designed to support Inuit self-determination, prosperity and wellbeing (individual and community) throughout Inuit Nunangat with the goal of socio-economic and cultural equity between Inuit and other Canadians.

The establishment of a new MPA by Ministerial Order would provide time (up to five years) to complete a feasibility assessment for Sarvarjuaq and further explore the option of an Inuit Protected and Conserved Area. As part of the Government of Canada's commitment to protecting this important area, Fisheries and Oceans Canada continues to lead an ongoing research expedition to develop a knowledge base of the connected sea ice-ocean system of this region and further understand this important ecosystem. The program will continue to collect information to support informed decision-making around long-term protection in Sarvarjuaq.

The Government of Canada is collaborating with QIA and the Government of Nunavut on the potential designation of a Ministerial Order MPA in 2025 to contribute to the Marine Conservation Targets. Attached in the Annex is the Regulatory Intent, please let us know if you are aware of another ongoing activity that is not captured in the ongoing activity list. We also ask that you please distribute this request to any affiliated organizations or individuals who may have current or anticipated activities in the area.

Please let us know if you are interested in additional information about Sarvarjuaq, we would also be happy to meet with you to provide an opportunity for further discussion. If you have any questions or feedback regarding this initiative or the contents of the Regulatory Intent, please feel free to contact the Arctic Marine Planning and Conservation team via email at DFO.ArcticMPC-ArctiquePCM.MPO@dfo-mpo.gc.ca.

Sincerely,

Richard Paton

Naomis Pudluk

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Government of Nunavut

Annex A. 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 murres, 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.

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