

January 27, 2025

Leila Cai
Impact Assessment Officer
Nunavut Impact Review Board
P.O Box 1360
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Sent VIA Email: info@nirb.ca

Re: Notice of Screening for Fisheries and Oceans Canada's "Sarvarjuaq Marine Protected Area by Ministerial Order" Project Proposal

Hello Leila,

The Government of Nunavut (GN) would like to thank the Nunavut Impact Review Board (NIRB) for the opportunity to provide comments regarding Fisheries and Oceans Canada's (DFO) "Sarvarjuaq Marine Protected Area by Ministerial Order" project proposal, NIRB File # 24VN054.

The GN has reviewed the proposed project and related documents and has 2 comments to share with the Board at this time, attached to this letter.

The GN appreciates participating in the screening of this project through the NIRB process. Should there be any concerns or need for follow-up, please feel free to contact me at jbuller@gov.nu.ca.

Thank you,


Justin Buller

Justin Buller
Interim Avatiliriniq Coordinator
Government of Nunavut

GN-01: BOUNDARIES FOR PROPOSED PROTECTED AREA	
Department	Environment
Organization	Government of Nunavut (GN)
Subject/Topic	Project Boundaries / Exclusion of Small Enclosed Bays
References	- Letters of Support for the Proposed Sarvarjuaq Marine Protected Area. NIRB File No. 24VN054, NIRB Project No. 126016. (2024a) - Nunavut Lands and Resources Devolution Agreement. (2024b). Retrieved from: https://www.rcaanc-cirnac.gc.ca/eng/1702495657169/1702495761711. - Project Description: Proposed Ministerial Order Marine Protected Area in Sarvarjuaq. NIRB File No. 24VN054, NIRB Project No. 126016. (2024c) - Order Designating the Sarvarjuaq Marine Protected Area. (2024d) Canada Gazette, Part I, 158(51). https://www.gazette.gc.ca/rp-pr/p1/2024/2024-12-21/html/reg10-eng.html
CONCERNS	
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, "Sarvarjuaq Marine Protected Area by Ministerial Order" (NIRB File No. 24VN054, Application No. 126016). Specifically, the GN notes a lack of clarity regarding this boundary. In particular, the GN notes a discrepancy in how the definition of Small Enclosed Bays under the <i>Nunavut Lands and Resources Devolution Agreement</i> is being interpreted and applied for the Sarvarjuaq Marine Protected Area (MPA) relative to other areas in Nunavut (2024b). There is a concern that the criteria used to identify Small Enclosed Bays are being applied by the proponent in a manner that is inconsistent with other	

federal departments and other interpretations that could be reasonably advanced based on international law. The GN recognizes that while the Proponent's legal descriptions aim to exclude Small Enclosed Bays (including the water column) from the proposed MPA, the ambiguity in the application of the definition makes it unclear what areas are within the boundaries of the MPA.

The Proponent's project description states that "the boundaries were refined in collaboration [*sic*] QIA" (p.3, 2024c). As the geographic scope of the project affects areas that are to be devolved to the GN, it is critical that the Proponent engage with the GN on the boundary for the proposed project.

As stated in the GN's conditional support letter included in the Proponent's application, the GN had requested a formal boundary confirmation by the Qikiqtaaluk and Sarvarjuaq Working Group that is led by the Proponent (p. 2, 2024a). Due to the enduring uncertainty about Small Enclosed Bays, the Proponent has not yet fulfilled this request to the satisfaction of the GN.

The GN requires further discussions with the Proponent to agree on the identification and exclusion of Small Enclosed Bays from the Sarvarjuaq MPA boundary, as proposed.

Furthermore, the GN is seeking a commitment from the Proponent to acknowledge that, until the Small Enclosed Bays issue is resolved, the boundary has not been finalized and can be amended.

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.

REQUESTS / RECOMMENDATIONS

The GN requests that the Proponent:

- Engage with the GN's Devolution Secretariat to clarify and achieve consensus on the application/interpretation of the Small Enclosed Bays definition for the purpose of clarifying the MPA boundaries and broader devolution efforts. The GN notes that it may be beneficial to include other GC departments, such as Natural Resources Canada, Crown-Indigenous Relations and Northern Affairs Canada, and other implicated federal departments, in these discussions.

- Collaborate with GN to develop joint language to address the GN's concerns about Small Enclosed Bays prior to issuing any MPA Ministerial Orders.
- Update their Regulatory Impact Statement to acknowledge the concerns raised with respect to the boundaries, and the ongoing efforts to clarify and interpret the Small Enclosed Bays definition for MPA mapping.

ADDITIONAL COMMENTS

For the NIRB's awareness, the GN also submitted comments on this matter to the Canada Gazette (2024d).

GN-02: PETROLEUM RESOURCES	
Department	Economic Development and Transportation
Organization	Government of Nunavut (GN)
Subject/Topic	Description of Petroleum Resources
References	• <i>Scientific Commentary on the Hydrocarbon Potential of the proposed Sarvarjuaq Marine Protected Area Nunavut</i> - 241212-24VN054-Project Description-IMRE.pdf • Proponents' Project Application, pg. 12. 241212-24VN054-Project Description-IMRE.pdf • Dewing, K.E., Lister, C.J., Kung, L.E., Atkinson, E.A., and King, H.M., 2022. Hydrocarbon-potential map of the Canadian Arctic Archipelago and northern offshore areas; Geological Survey of Canada, Open File 8884, 5 p. https://doi.org/10.4095/329968.
CONCERNS	
The Government of Nunavut (GN) is concerned that the project application does not fully communicate what is known about the petroleum potential within the proposed boundaries of the proposed Sarvarjuaq Marine Protected Area (MPA). The Proponent should ensure that information provided to Nunavummiut to inform any potential comment submission is accurate and provided in proper context. The project application noted the findings of the petroleum resource assessment but did not highlight the recent <i>Scientific Commentary on the Hydrocarbon Potential of the proposed Sarvarjuaq Marine Protected Area Nunavut</i> (2024), although it was included in the submission package. Similar work done by the Geological Survey of Canada (see Dewing, et al. 2022) shows high and medium potential in a substantial part of the proposed MPA, but this work was not referenced in either the project proposal or	

Scientific Commentary. The overall findings of both reports being that the Sarvarjuaq AOI “may contain significant hydrocarbon resources”. (*Scientific Commentary*, pg. 2)

REQUESTS / RECOMMENDATIONS

The GN requests that the context related to the Baffin Fan portion of the area, and a description of both the qualitative and quantitative petroleum potential be communicated directly within the Project Application.

ADDITIONAL COMMENTS