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Building Nunavut Together
Nunavuliuqatigiingniq
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Nunavut

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Tuglia Ministam, Avatiliqiyikkut
Deputy Minister of Environment
Sous-ministre de l'Environnement

Annette Gibbons
Deputy Minister
Department of Fisheries and Oceans
Government of Canada
February 26, 2025

Dear Ms. Annette Gibbons (**annette.gibbons@dfo-mpo.gc.ca**),

As was communicated by letter on September 17, 2024, the Government of Nunavut (GN) conditionally supported the establishment of Marine Protected Areas (MPAs) by Ministerial Order in Qikiqtait and Sarvarjuaq. We believe the following condition of our support has not yet been satisfied: "formal confirmation from the relevant Working Groups that the boundaries of both Qikiqtait and Sarvarjuaq accurately reflect this exclusion [of Small Enclosed Bays] as per the Devolution Agreement". We write to propose solutions to allow for continued GN support of the proposed Ministerial Order MPAs.

Since the September 17th letter was delivered, sub-working group meetings have been held to discuss the application of the Small Enclosed Bays (SEBs) definition under the *Devolution Agreement*. Although the sub-working group has facilitated useful and constructive discussions, the previously stated condition for support has not yet been met. We do not yet have an agreed-upon understanding of how the definition should be interpreted and applied for mapping the MPAs.

We believe further conversations are necessary to inform the application of the definition by our respective Canada Lands Surveyors for MPA mapping and the delineation of SEBs elsewhere in Nunavut. However, we recognize that agreement on guiding principles or criteria for a consistent application will not be possible within the timelines being pursued by Fisheries and Oceans Canada (DFO) for advancing the Ministerial Orders.

Given that the GN is generally supportive of establishing the MPAs subject to its concerns about the inclusion of certain areas we believe to be SEBs, we are keen to develop solutions.

To resolve the concern related to the unfulfilled condition of GN support, the GN proposes that:

1. DFO provides its formal confirmation that the exclusions of SEBs from the MPAs as described in the legal descriptions for the Qikiqtait and Sarvarjuaq MPA Orders shall be interpreted as excluding the entirety of SEBs, including the sea ice, water column, seabed, and subsurface;

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2. The Regulatory Impact Analysis Statements included in Canada Gazette, Part II, which would accompany any final MPA Ministerial Orders, be made to include language describing:
    - The without prejudice nature of the mapped boundary lines vis-à-vis any position the GN may adopt respecting the interpretation/application of the SEBs definition and any permanent MPA proposals that may follow from the Ministerial Order MPAs; and
    - That the Ministerial Order MPA boundary lines will be changed if necessary to more accurately reflect the legal description based on any agreed-upon approaches for delineating SEBs that may be decided on in the future;
3. DFO and other implicated Government of Canada (GoC) departments commit to participating in a process with the GN to co-develop guiding principles or criteria on how to interpret/apply the definition of SEBs;
4. DFO commits to revise the MPA legal descriptions and/or the sketches or plans of survey for the MPA boundaries if and when necessary to more accurately delineate SEBs for exclusion based on the application of any agreed-upon guiding principles or criteria;
5. If agreement cannot be reached on whether certain areas qualify for exclusion as SEBs, such disputed areas will not be considered for inclusion in any permanent MPA (established by regulation), unless the GN agrees otherwise;
    - The GN would consider supporting the inclusion of certain SEBs and any disputed areas in the MPAs as a matter of policy, on a case-by-case basis;
6. The GN would develop a process for considering the inclusion of SEBs in any currently-proposed or future MPAs.

To confirm our continued support, we request that the Government of Canada acknowledge and formally agree to the proposed solutions outlined above. Once this confirmation is received, the GN will be in a position to provide its support for the establishment of the Qikiqtait and Sarvarjuaq MPAs. We look forward to your response.

Furthermore, we appreciate that drafting efforts are already underway for appropriate Regulatory Impact Analysis Statement language. We will provide comments on the draft language at the working level.

The GN would also reiterate to the GoC the intent to have Memoranda of Understanding (MOUs) guide our involvement in the consideration and establishment of protected areas moving forward, as described in our letter dated October 2024. The GN would seek to finalize an MOU with DFO to formalize a process to cooperatively consider permanent MPAs or other protected areas for the Qikiqtait and Sarvarjuaq areas.

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Deputy Minister of Environment
Sous-ministre de l'Environnement

We welcome the continued communication from DFO through the Qikiqtait and Sarvarjuaq Working Group and sub-working groups. The GN remains committed to finding mutually acceptable solutions.

Sincerely,

Deputy Minister, Environment

Pauloosie Suvega

CC :

Richard Paton, Qikiqtani Inuit Association, rpaton@qia.ca
Anna Fowler, - GN Deputy Minister, Executive and Intergovernmental Affairs
Kristie Cronin – GN Deputy Minister, Economic Development and Transportation, kcronin@gov.nu.ca
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