

Tuvaijuittuq Feasibility Assessment Community Information Packet

What is the Purpose of a Community Information Packet?

An assessment is currently being conducted by Fisheries and Oceans Canada, Parks Canada Agency, the Qikiqtani Inuit Association and the Government of Nunavut to determine the feasibility and desirability of long-term protection in Tuvaijuittuq, located off the northwest coast of Ellesmere Island, NU.

Due to the COVID-19 pandemic, in-person community consultations focusing on the Tuvaijuittuq Feasibility Assessment have not yet been possible, but the Working Group felt it was important to reach out to share our progress and ask about community preferences on engagement and consultation moving forward. Our goal is to work with communities to identify options for consultation moving forward to ensure that the right information is being received and in a way that works best for communities.

As part of this goal, the Working Group has developed a summary of information about the Tuvaijuittuq Feasibility Assessment, including its purpose, the process involved in conducting the assessment, and expected outcomes. We hope that this information packet is useful to you until we are able to meet in person. Until then, please reach out to us any time with your questions and comments. We are committed to hearing community views on Tuvaijuittuq as your guidance will be an important part of the feasibility assessment process.

History of Tuvaijuittuq Marine Protected Area and Interim Protection

Tuvaijuittuq is an area of the Canadian High Arctic located off the northwest coast of Ellesmere Island, Nunavut, in the Arctic Ocean (Figure 1). The area, which forms part of the Last Ice Area, is considered to be ecologically important due to the presence of old, thick, multi-year pack ice, diverse subsurface environments, and coastal ice which provides important habitat for ice-adapted and other High Arctic species. Tuvaijuittuq's importance to the High Arctic ecosystem is expected to become more critical as the Arctic continues to lose sea ice at a rapid pace due to climate change.

In 2010, Canada committed to conserving 10% of coastal and marine areas by 2020 through marine conservation targets established under the United Nations *Convention on Biological Diversity* known as the Aichi Target 11¹. This commitment involved focusing on areas with particular biological and ecological importance. In 2015, Canada's 2020 Biodiversity Goals and Targets were developed collaboratively by federal, provincial, and territorial governments, Indigenous organizations and governments, with input from a diversity of stakeholder groups. From this, a number of biologically and ecologically significant areas were identified for potential protection. Tuvaijuittuq was selected as an area in need of protection due to its importance as a critical refuge for ice-associated communities as sea ice loss continues throughout the Arctic due to climate change. The area overlaps with three ecologically and biologically significant areas that were identified by Department of Fisheries and Oceans (DFO) in 2011 and was selected by Parks Canada Agency (PCA) as a candidate site in the National Marine Conservation Areas (NMCAs) System Plan. The importance of this area has been acknowledged by academia and environmental non-governmental organizations who have been calling for its protection for several years due to the area's increasing significance in a changing climate.

¹ <https://www.cbd.int/aichi-targets/target/11>



Between 2017 and 2019, DFO and the PCA engaged with key Inuit partners and territorial governments, as well as other federal departments and agencies, non-governmental organizations, and organizations representing industry, toward establishing marine protection in Tuvaijuittuq. In 2019, several key milestones were reached that allowed for interim protection to be considered for the area:

1. Bill-C-55 received Royal Assent, which allowed for an amendment of the *Oceans Act* and the establishment of interim protection in marine areas by Ministerial Order; Ministerial Order provides the Minister with the ability to designate a marine protected area for a period of up to five years while further consultations and assessments are conducted to determine whether a permanent protection measure is recommended. As a result, the time required to designate a Ministerial Order marine protected area is generally shorter. A Ministerial Order must be consistent with the relevant land claims agreements.
2. A Memorandum of Understanding (MoU) was reached between the Government of Canada, the Government of Nunavut and the Qikiqtani Inuit Association, establishing a formal working relationship to evaluate the feasibility and desirability of establishing protection measures in Tuvaijuittuq;
3. An Inuit Impact and Benefit Agreement (IIBA) was signed by the Government of Canada and the Qikiqtani Inuit Association for the Tallurutiup Imanga National Marine Conservation Area, which also covered the IIBA requirements for any protected areas established within Tuvaijuittuq during the duration of the IIBA; and
4. In June 2019, the communities of Arctic Bay, Resolute, Grise Fiord, Clyde River and Pond Inlet expressed support for the interim protection of Tuvaijuittuq with the expectation that a formal feasibility assessment would take place, including engagement with the communities regarding desirability of establishing protection measures, boundaries, and the type of protection measures that could be established in the region.

In August 2019, Tuvaijuittuq became the first Marine Protected Area to be designated by Ministerial Order under the *Oceans Act* for interim protection. A broad conservation objective was developed for the MPA based on current knowledge of the area:

“To contribute to the conservation, protection and understanding of the natural diversity, productivity and dynamism of the High Arctic sea ice ecosystem.”

This conservation objective recognizes the area’s importance to High Arctic ecosystems, while also indicating the need to understand it better.

Designation by Ministerial Order protects the Tuvaijuittuq area for a period of five years while partners work together to complete an assessment that will determine the feasibility and desirability of long-term protection in the area. During this five-year period, activities already occurring in the MPA, such as scientific research and national defence activities, are allowed to continue and no new activities are allowed with some exceptions. Exceptions include international commitments guaranteed to foreign states such as marine navigation and the laying, maintenance and repair of cables. The Tuvaijuittuq MPA respects the rights of the Inuit in the Nunavut Settlement Area and is consistent with the Nunavut Agreement.



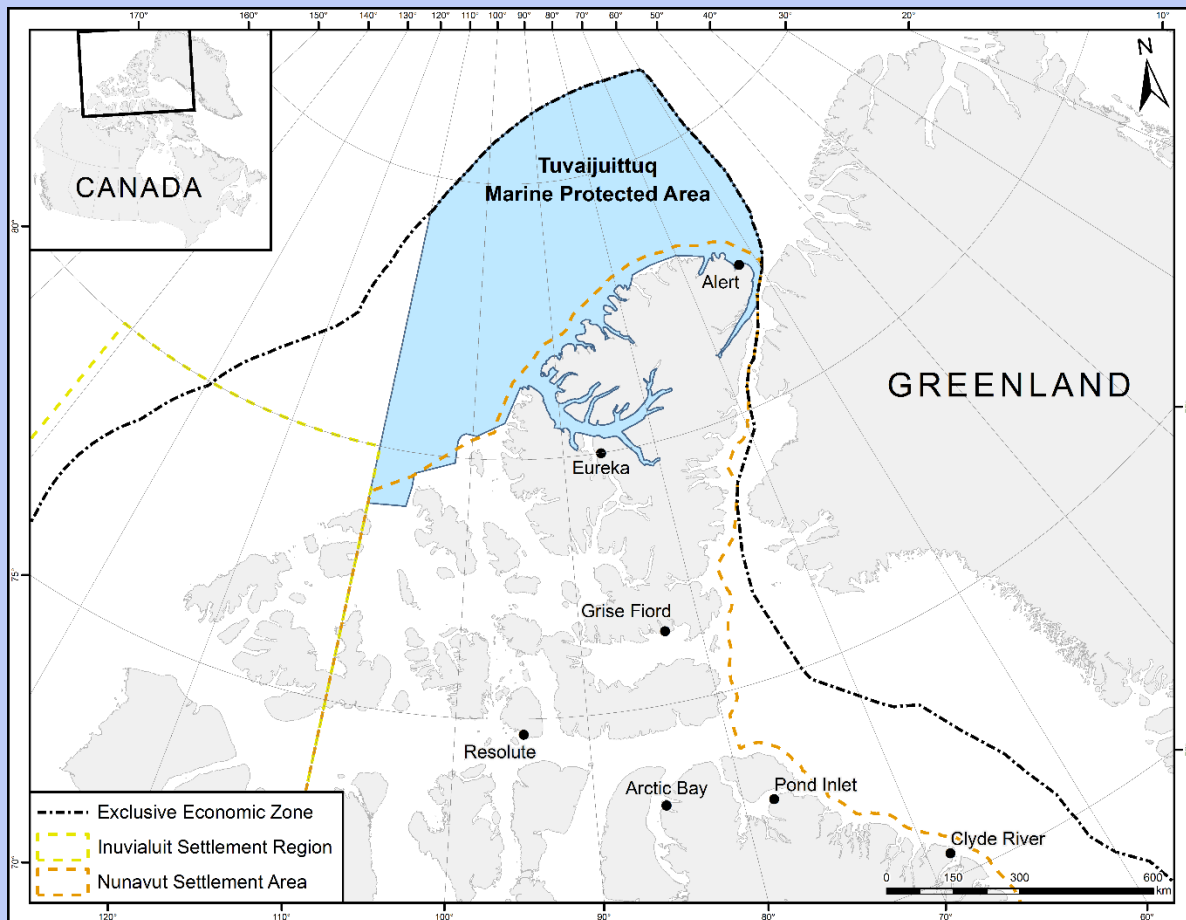


Figure 1. Map of Tuvaijuittuq MPA by Ministerial Order.

Co-management of Tuvaijuittuq

A joint Inuit and Canada co-management board (the Aulattiqatigiit Board) was established under the Tallurutiup Imanga IIBA and is responsible for managing both the Tallurutiup Imanga NMCA and any MPA established within Tuvaijuittuq for the duration of the IIBA. This means that the Aulattiqatigiit Board is responsible for managing the current interim MPA in Tuvaijuittuq and any long-term protection measure that may be established while the IIBA is in place.

The Aulattiqatigiit Board is responsible for the following:

- a) the review of a management plan;
- b) consideration of procedures in advance for dealing with possible emergencies concerning public safety and security and threats to the natural resources and ecological features;
- c) development of recommendations with respect to the continuity of Inuit uses of the area, protection of sites of special and spiritual-cultural significance to Inuit, and renewable resource harvesting including wildlife harvesting;
- d) development of recommendations to the Nunavut Wildlife Management Board, other Institutions of Public Government and other agencies, as it deems appropriate, on matters related to the Marine Protected Area; and



- e) development of recommendations to the Parties regarding agreements of the Parties with Institutions of Public Government on all matters related to the management of the Marine Protected Area.

Tuvaijuittuq Feasibility Assessment

In the MoU between the Government of Canada, the Government of Nunavut and the Qikiqtani Inuit Association, the parties agreed to assess the feasibility and desirability of establishing marine protected areas in the High Arctic Basin, of which Tuvaijuittuq is a part. The MoU sets out several guidelines for the Tuvaijuittuq Feasibility Assessment, including the following:

- This work will consider the social, environmental, administrative, and economic benefits and impacts of establishing marine protected areas in this region;
- A steering committee (now called the Tuvaijuittuq Steering Committee) with representatives from each of Canada, the GN and QIA be established to guide the assessment and make recommendations on a consensus basis;
- The feasibility assessment will provide regular and meaningful opportunities for involvement by communities that are in closest proximity to the area and by other interested parties;
- Canada will pay for studies that the Steering Committee determines are required to assess the feasibility and desirability and sustainability of establishing marine protection in the High Arctic Basin. This includes traditional knowledge studies, a thorough review of existing energy and mineral data and previous Arctic resource assessments, a high-level economic assessments, and ecological and socio-economic studies including wildlife and economic development;
- Upon completion of the feasibility assessment, the Steering Committee will submit a report to the Minister of Environment and Climate Change and Minister of Fisheries, Oceans and the Canadian Coast Guard for the Government of Canada, the Minister of Environment and the Minister of Economic Development and Transportation for the GN, and the President of QIA, recommending whether the establishment of marine protected area(s) in the High Arctic Basin is feasible and desirable. If deemed feasible and desirable, the recommendations will address the type of protective tool, boundaries, objectives and conditions for establishment, management and operations.
- The assessment will give full consideration to the Nunavut Agreement, the *Nunavut Act*, and the requirements of the *Oceans Act* and the *Canada National Marine Conservation Areas Act* in the process of assessing areas in the High Arctic Basin for protected status;
- The types of conservation areas being considered include a marine protected area under the *Oceans Act* and a national marine conservation area under the *Canada National Marine Conservation Areas Act*; and
- During community consultations, information will be provided to, and feedback will be sought from, the five communities associated with Tallurutiup Imanga concerning the High Arctic Basin and surrounding areas, including the ecological and socio-economic values of the area, and the results of economic development and energy and mineral resource assessments. Community consultations will assess community interests and priorities for the region.



In February 2020, the Steering Committee appointed a working group with membership from all parties to conduct the feasibility assessment. The working group will consider a number of information sources within this assessment, including community preferences, Inuit Qaujimagatuqangit (IQ), science advice, energy and mineral resource assessments, and other relevant information to determine the best long-term option for Tuvaijuittuq. The assessment will also include an evaluation of the potential benefits and impacts associated with the available long-term options for Tuvaijuittuq. This portion of the assessment will consider issues associated with protection in Tuvaijuittuq such as boundary, conditions for establishment, and approaches to management and operations under the current IIBA. It will also consider the expected outcomes of establishing no protection in the area. The evaluation is intended to provide an overview of each proposed long-term option and will address questions from all party perspectives, such as:

- What are the ecological benefits and impacts of each option?
- What is the potential for community partnerships, employment opportunities and other benefits to communities with each option?
- Would protecting Tuvaijuittuq support an appropriate balance between conservation and economic opportunity, in line with Inuit needs and perspectives?
- What are the economic benefits and impacts to each option?
- Is there potential for future economic benefits to be created as a result of protecting Tuvaijuittuq?
- If protection is recommended:
 - How would each protection option support the area's conservation priorities and community views on long-term protection?
 - How would each option support communities' economic development priorities?
 - What is the expected nature and level of community, partner and stakeholder participation in the establishment and management stages? How would this be determined?
 - What might co-management and decision-making over the region look like?
 - Are there mechanisms for the review and revision of conservation priorities and design of the protection measure(s) being established?

Stages of the Feasibility Assessment

The Working Group identified six key stages in the feasibility assessment process, illustrated in Figure 2 below. The process began with information gathering to determine what types of information were needed to conduct the assessment, what types of information already existed and what was not available, how and when to pursue new information, how to identify and incorporate the perspectives of all partners, how best to engage communities and ensure their feedback continues to drive the process. This information gathering stage will continue throughout the feasibility assessment process to ensure that the Working Group considers all relevant and available information.



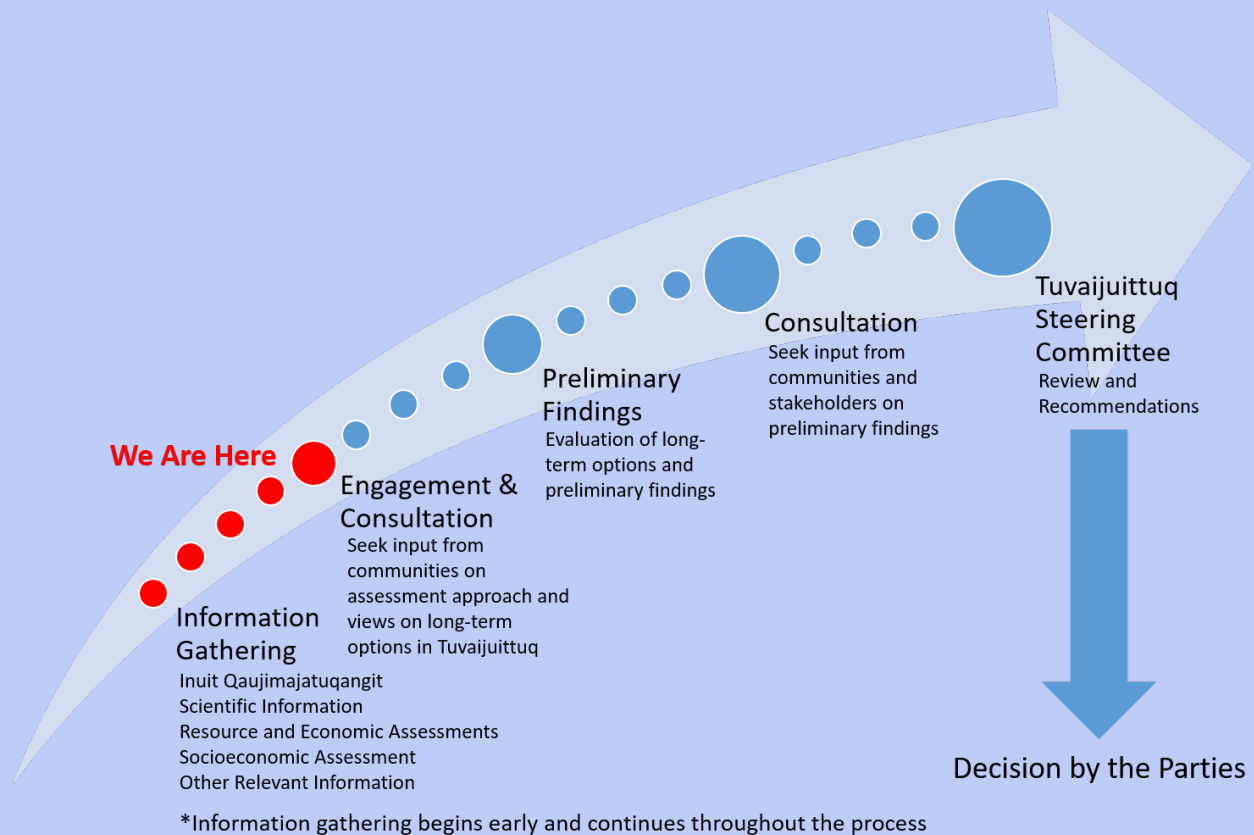


Figure 2. Key steps of the Tuvaijuittuq Feasibility Assessment process.

The next step in the process is community consultation. Community feedback will be sought throughout the process to hear community views on long-term protection in Tuvaijuittuq, to ensure the feasibility assessment is capturing all relevant information, and to seek community views on the assessment’s findings and proposed recommendations. Other important types of feedback include community views on issues such as boundary, co-management, and the nature and extent of community involvement moving forward if protection is recommended for the area. While the infographic above identifies two key opportunities for consultation, the Working Group recognizes the need to seek community input throughout the process.

Community and stakeholder input on the assessment’s findings will be an important consideration in the Steering Committee’s final recommendation. The Working Group is committed to engaging with communities on the preliminary findings of the feasibility assessment to seek feedback prior to finalizing and submitting the report to the Tuvaijuittuq Steering Committee. If protection is recommended for Tuvaijuittuq, this will allow sufficient time to establish marine protection within the five-year timeframe of the Ministerial Order to avoid a gap in protection. The Tuvaijuittuq Working Group recognizes that there have been delays in the process due to challenges associated with COVID-19.

Once community and stakeholder perspectives are incorporated into the assessment and the Working Group finalizes their report, the next stage is to submit the report to the Tuvaijuittuq Steering Committee for their review and recommendations on long-term protection. The feasibility assessment report will include recommendations on boundary, conditions for establishment, co-management and

operations, and approach to future economic opportunities such as sustainable fisheries, if such activities become feasible in the future. Working Group recommendations outlined in the feasibility assessment will respect the conditions set out in the current Tallurutiup Imanga IIBA for Tuvaijuittuq, recognizing that these conditions may change in light of future negotiations between the Government of Canada and the Qikiqtani Inuit Association.

Overview of the long-term Federal Marine Protection Tools Being Considered for Tuvaijuittuq

Canada uses different federal marine protection tools (referred to as conservation areas or protected areas), such as *Oceans Act* Marine Protected Areas (MPAs) and National Marine Conservation Areas (NMCAs) to help protect marine areas in the Nunavut Settlement Area and throughout Canada. The decision about which tool to use depends on many factors, including the area being protected, its marine life, physical features, conservation goals and the mandates of departments and organizations.

The Government of Canada works closely with its partners and stakeholders to decide which tool is appropriate and when. Different government agencies work together to support the creation and management of federal marine protected areas as necessary.

Subject to protected treaty rights, human activities, including commercial activities, that are not compatible with the area's conservation or management priorities can be restricted or prohibited, in consultation with communities. In addition, the Government of Canada adopted a new approach to marine conservation in 2019, which includes a set of protection standards to better conserve sensitive and important parts of our oceans. These include prohibitions in Canada's new MPAs on the following industrial activities: oil and gas activities, mining, dumping and bottom trawling. For more information on these standards, please see: www.dfo-mpo.gc.ca/oceans/mpa-zpm/standards-normes-eng.html.

Under the Nunavut Agreement, establishing a conservation area in the Nunavut Settlement Area requires an Inuit Impact and Benefit Agreement (IIBA) if impacts to Inuit are identified. Benefits provided through IIBAs can include Inuit stewardship programs, job creation, and Inuit-led research, training, monitoring, and capacity-building. An IIBA will help define how Inuit and the Government of Canada work together to manage the marine area. For example, the Tallurutiup Imanga IIBA invested \$54.8 Million in an Inuit Stewards program investments to support meaningful job creation in the five communities for Nauttiqsuqtiit, establishment of the collaborative governance model consisting of both Imaq and the Aulattiqatigiit Board, exploration of new fishing opportunities within or adjacent to Tallurutiup Imanga and support for partner involvement and research toward the interim protection of Tuvaijuittuq and associated feasibility assessment. Funding provided through the IIBA also supports Inuit led research, training, monitoring, scholarships and capacity building, as well as Hunters and Trappers Organizations' capacity development and participation in governance and management for the five adjacent communities. As stated above, the Aulattiqatigiit Board is responsible for managing any conservation area established in Tuvaijuittuq while the IIBA is in place.

The Nunavut Agreement has strong protection for Inuit harvesting and the right to sell the harvest. Under the agreement, Inuit fishing and hunting can continue within a park or conservation area, unless there is an important reason to limit it for conservation, public health or safety, or other treaty-based reasons. Establishment of a conservation area, and any limits on Inuit harvesting would need to be reviewed by the Nunavut Wildlife Management Board, and can only be implemented in accordance with the Nunavut Agreement.



Oceans Act Marine Protected Areas (MPA)

Oceans Act MPAs are created and managed by Fisheries and Oceans Canada (DFO). The purpose of an *Oceans Act* MPA is to conserve and protect one or more of the following: important fishery resources and their habitats, endangered or threatened marine species, unique habitats, marine areas of high biodiversity (variety of species) or biological productivity (production of animals, plants, or life-based materials), marine areas for the purpose of maintaining ecological integrity (ecosystems in their natural state), and any other marine resource or habitat identified as needing protection. *Oceans Act* MPAs conserve and protect areas of the sea under Canada's authority.

Zoning is not required within an *Oceans Act* MPA. While management zones are not required for *Oceans Act* MPAs, they can be created in collaboration with Inuit and other partners to identify management needs on a smaller scale. Zoning in MPAs can restrict or allow certain activities in these smaller areas as long as the conservation objectives are met. A Nunavut Agreement-based land use plan applies within an *Oceans Act* MPA.

Management Plans for MPAs are initiated in partnership with Inuit to provide information on the regulations, conservation objectives and other key elements that support overall management of the area. These are typically developed through co-management advisory committees in consultation with communities and relevant federal, provincial and territorial governments.

DFO recognizes Inuit as rights holders and stewards and works in partnership with Inuit organizations and communities to establish and manage *Oceans Act* MPAs.

For more information, visit www.dfo-mpo.gc.ca.

National Marine Conservation Areas (NMCA)

NMCAs are created and managed by Parks Canada Agency (PCA) under the Canada National Marine Conservation Areas Act. The purpose of an NMCA is to protect and conserve representative marine areas in each of Canada's oceans and Great Lakes for the benefit, education, and enjoyment of the people of Canada and the world. NMCAs include the seabed and water column above it, and may include wetlands, estuaries, islands and coastal lands in any areas within Canada's jurisdiction. NMCAs require a zoning plan. Parks Canada uses zoning and other management tools to protect special features, sensitive ecosystem elements and representative characteristics of an NMCA. Zoning is a requirement of all NMCA management plans and can be used to achieve NMCA objectives. Each NMCA must have at least one zone that strictly protects special features or sensitive ecosystem elements and one zone that fosters and encourages ecologically sustainable use. An NMCA is created to be consistent with the provisions of the Nunavut Land Use Plan, and once an NMCA is designated, the Nunavut Land Use Plan would no longer apply.

Parks Canada prepares management plans for NMCAs in collaboration with Inuit and relevant federal, provincial and territorial governments and coastal communities. This work is further developed with a local management advisory committee, and by consulting with local communities. These plans recognize the important and ongoing roles and responsibilities of Inuit as stewards of heritage places.

Parks Canada recognizes Inuit as rights holders and stewards and works in partnership with Inuit organizations and communities to establish and manage NMCAs.

For more information, visit www.parkscanada.gc.ca.

