Feasibility Assessment for Torngat Area of Interest as a proposed Inuit Protected Area under the *Canada National Marine Conservation Areas Act*

Report by Steering Committee

For submission to the President of the Nunatsiavut Government and the Minister of Environment and Climate Change Canada

March 05, 2024

NUNATSIAVUT
kavamanga Government

Parks Canada Parcs Canada

Photo credit: Marie Fernandes

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Cover photo: Saglek Fiord, a part of the Inuit homeland and the Torngat Area of Interest. Photo credit: Rodd Laing.

STEERING COMMITTEE LETTER TO PRESIDENT LAMPE AND MINISTER GUILBEAULT

March 15, 2024

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Conclusion of the Feasibility Assessment Process for the Proposed Inuit Protected Area/National Marine Conservation Area in Northern Labrador

Dear President Lampe and Minister Guilbeault,

Parks Canada and the Nunatsiavut Government have been working collaboratively together since 2019 to assess the feasibility of establishing an Inuit Protected Area (IPA)/national marine conservation area (NMCA) in northern Labrador. A steering committee comprised of representatives from both parties sought Inuit views, gathered existing scientific information, and engaged rightsholders and stakeholders to ensure that diverse voices and interests were incorporated to help determine whether a new IPA/NMCA in the region was feasible.

As members of the Steering Committee, we are pleased to confirm that an IPA/NMCA is indeed feasible in the waters adjacent to Torngat Mountains National Park, as identified in the Feasibility Assessment Report. Pending final negotiations, the area would be approximately 16,791 square kilometres. In addition to the proposed boundary, we are pleased to confirm that the Steering Committee has reached consensus on the terms and conditions under which the IPA/NMCA will be feasible.

We therefore recommend proceeding immediately with negotiations for the establishment of an IPA/NMCA in the waters adjacent to Torngat Mountains National Park. Please note that further discussions on the boundary needs to occur with the Province of Newfoundland and Labrador and we are in the process of scheduling technical meetings to advance those discussions.

We also recommend that efforts to engage Fisheries and Oceans Canada and Makivvik Corporation continue to address fisheries concerns for an 'Area Under Discussion' identified within the recommended boundary. This recommendation is based on the understanding and commitment that the creation of the IPA/NMCA will not infringe upon Inherent and Treaty rights of Labrador Inuit and Nunavik Inuit protected under Section 35 of the Canadian Constitution, including harvesting and hunting rights.

Yours truly,

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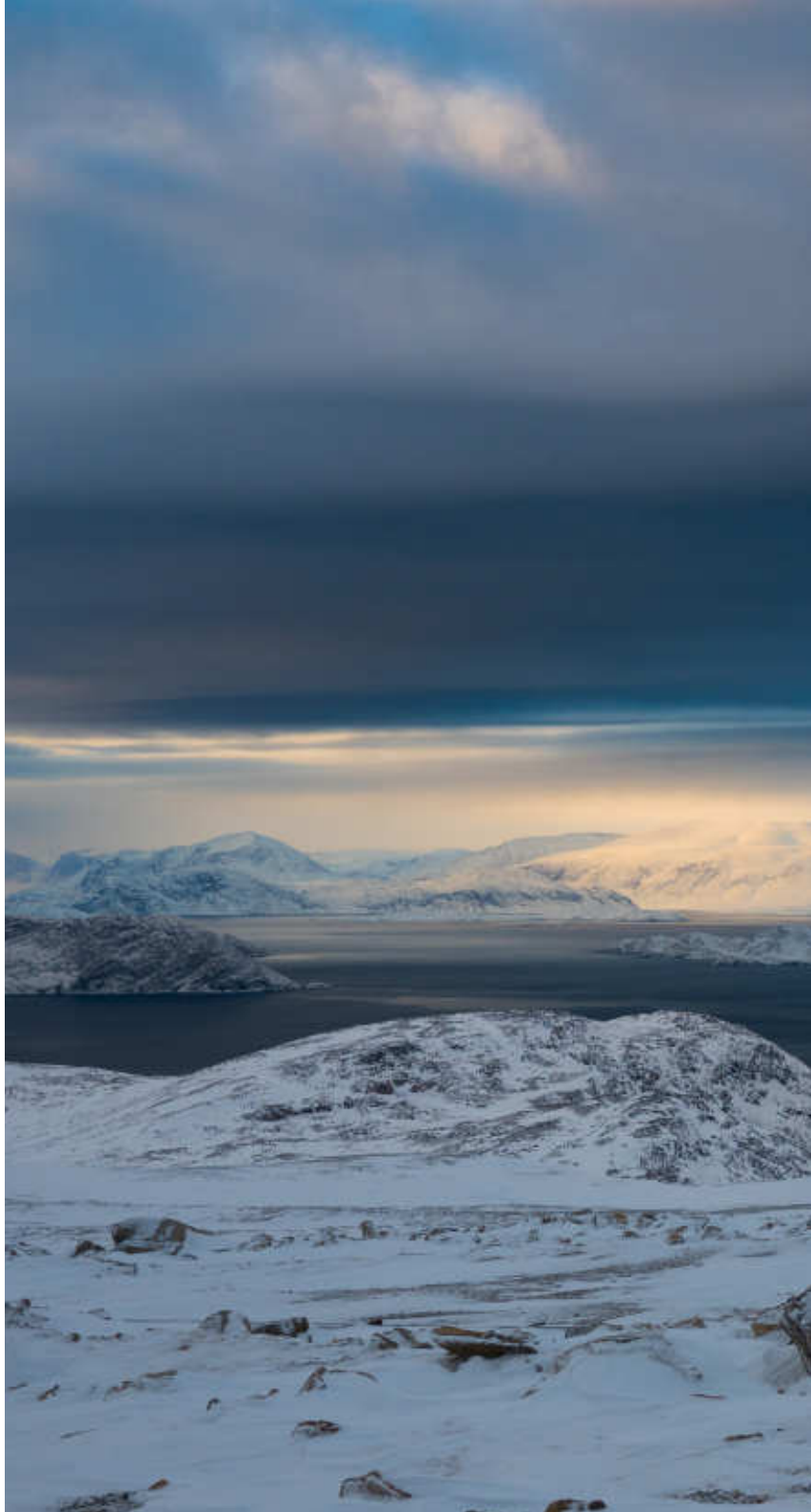
LIST OF ACRONYMS

C-NLOPB	Canada-Newfoundland and Labrador Offshore Petroleum Board
CMB	Cooperative Management Board
CNMCA Act	Canada National Marine Conservation Areas Act
DFO	Fisheries and Oceans Canada
EBSA	Ecologically and Biologically Significant Area
IPA	Inuit Protected Area
LIL	Labrador Inuit Lands
LILCA	Labrador Inuit Land Claims Agreement
LISA	Labrador Inuit Settlement Area
MOU	Memorandum of Understanding
NAFO	North Atlantic Fisheries Organization
NMCA	National Marine Conservation Area
NRCan	Natural Resources Canada
RMA	Representative Marine Area
SARA	Species at Risk Act
Torngat-AOI	Torngat Area of Interest
TMNP	Torngat Mountains National Park
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNDRIP Act	United Nations Declaration on the Rights of Indigenous Peoples Act



EXECUTIVE SUMMARY

In 2019, as a first step of the Imappivut Marine Plan Initiative, the Nunatsiavut Government approached Parks Canada with the proposal to create an Indigenous Protected Area under the *Canada National Marine Conservation Areas Act*. The Nunatsiavut Government and Parks Canada worked together to complete an assessment to determine the feasibility of establishing an Inuit Protected Area/national marine conservation area adjacent to Torngat Mountains National Park under the *Canada National Marine Conservation Areas Act*, and if feasible under what conditions.

Located in the Labrador Shelf Marine Region, the Torngat Area of Interest is a vast Inuit homeland, and its coastal and marine areas are the source of Inuit cultural, social, spiritual, ecological, and economic well-being. The area includes the northern part of 'the Zone' as defined in the Labrador Inuit Land Claim Agreement and extends into the enhanced co-management area as identified by the Nunatsiavut Government-led Imappivut Marine Plan Initiative. The area supports a diversity of wildlife, including marine mammals, fish and important concentrations of seabirds and waterfowl. The 16,791 km^2 study area has potential to contribute 0.29% towards Canada's Marine Conservation Targets.

During the feasibility assessment process, the Nunatsiavut Government and Parks Canada created a Steering Committee to engage with federal and provincial departments, rightsholders, stakeholders and affected local communities in Labrador and Nunavik. The Steering Committee gathered information on ecological and socio-economic values including Inuit use, fisheries, marine transportation, tourism, and potential hydrocarbon resources. Inuit Knowledge shows that Inuit are a part of the marine ecosystem. Archaeological and present-day use shows the integration of Inuit with the environment. Science information shows that the Torngat Area of Interest is of ecological and biological importance, with sea ice, marine mammals, corals and sponges, and marine birds influencing the high biological productivity of the area.

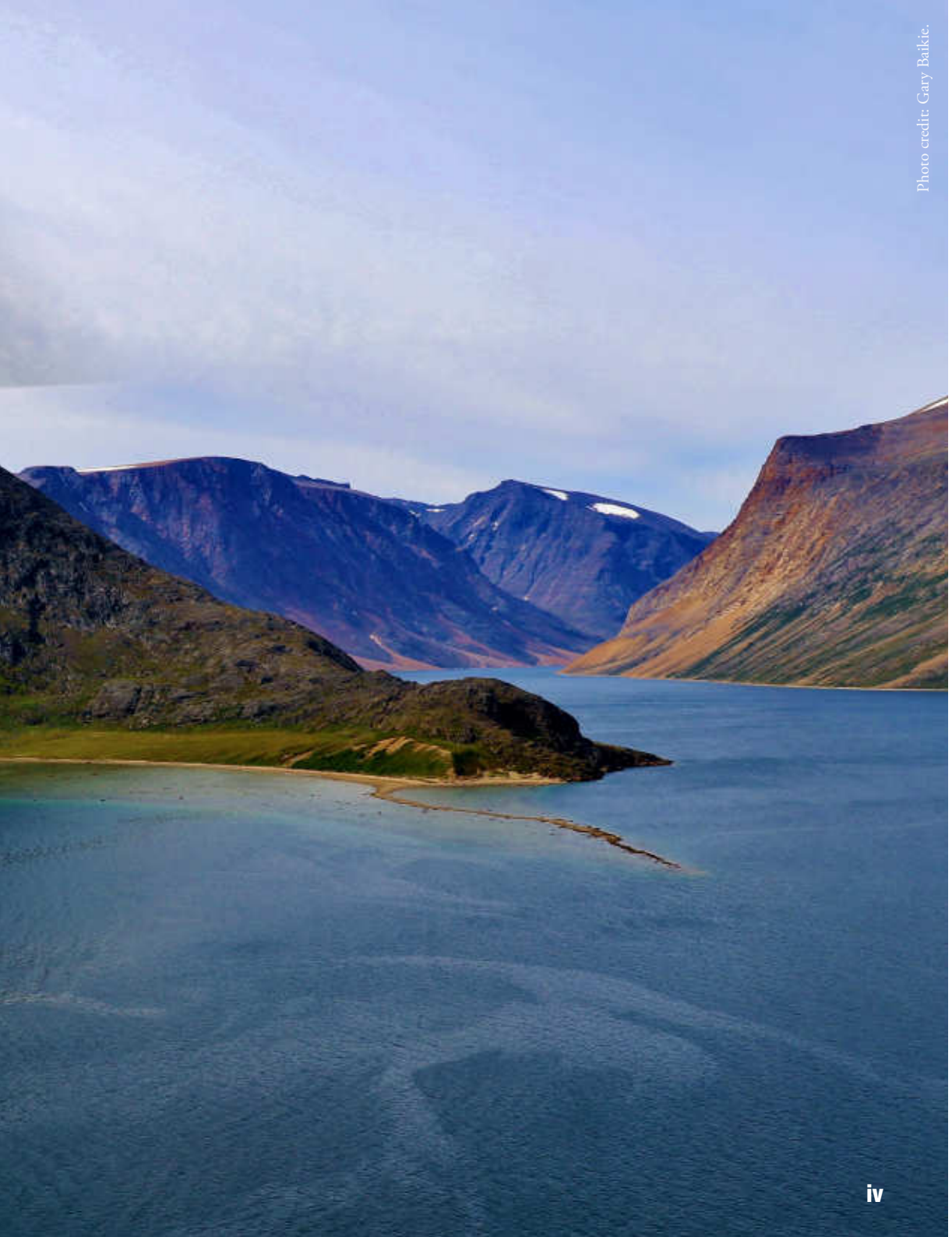


Photo credit: Gary Baikie.

Based on Inuit Knowledge, community feedback, and scientific study and review, the Steering Committee determined that protecting the Torngat Area of Interest as an Inuit Protected Area/national marine conservation area under the *Canada National Marine Conservation Areas Act* is feasible and desirable. This area is a deeply significant part of the Inuit homeland, as well as of Canada as a whole. The Steering Committee recommends that the parties advance to the next step of the establishment process and negotiate a legally binding establishment agreement and other necessary agreements. Recommendation is also made to consider a place name that reflects Inuit cultural values.

The Steering Committee recommends a 16,791 km^2 boundary that closely aligns with the Northern Labrador ecologically and biologically significant area identified by Fisheries and Oceans Canada. Agreement on the recommended boundary requires further consultations with the Makivvik Corporation, the Province of Newfoundland and Labrador, and Fisheries and Oceans Canada. In particular, a 979 km^2 area at the northern tip of the boundary, which is of economic importance to fishing interests, has been flagged as an 'area under discussion'. Agreement on this area will be addressed during the negotiations phase of the establishment process.

Photo credit: Rodd Laing

INTRODUCTION

Located in the Labrador Shelf Marine Region, adjacent to Tongait KakKasuangita SilakKijapvinga (Torngat Mountains National Park), the Torngat Area of Interest (Torngat-AOI), encompasses a profound human and biological history. Since time immemorial, Inuit have occupied and used the lands, waters, and sea ice of and beyond the Torngat-AOI, a vast Inuit homeland and travel route. The area includes a transition between Arctic and Atlantic habitats ranging from highly scenic fjords to long beaches and mudflats. The area supports a diversity of wildlife, including marine mammal and fish species and important concentrations of breeding and migrating seabirds and waterfowl.

In 2017, the Government of Canada and the Nunatsiavut Government signed a Statement of Intent concerning a Labrador Inuit and Government of Canada partnership to advance the Nunatsiavut Government's Imappivut (Our Waters) Marine Plan Initiative for oceans management in the Labrador Sea to support the collaborative and effective management of marine areas while providing benefits to Labrador Inuit and ensuring their rights under the *Labrador Inuit Land Claims Agreement* (LILCA) are protected.

The Nunatsiavut Government approached Parks Canada with the suggestion to create an Indigenous protected area under the *Canada National Marine Conservation Areas Act* (CNMCA Act). In 2019, the Government of Canada and the Nunatsiavut Government announced the launch of a feasibility assessment to consider the establishment of an Indigenous protected area under the CNMCA Act and, in 2022, signed a Memorandum of Understanding (MOU) to begin the formal process to assess whether the establishment of an *Inuit* protected area (IPA) in this case, within the Torngat-AOI study area is feasible and, if so, under what terms and conditions. The MOU established direction to form a Steering Committee to guide the feasibility assessment and make the final recommendation(s) of feasibility.

In line with section 22 of the MOU, the Steering Committee is providing this feasibility assessment report and the recommendations on feasibility to both the President of the Nunatsiavut Government and the federal Minister of Environment and Climate Change Canada and Minister responsible for Parks Canada. This assessment is not legally binding and is not intended to define, create, recognize, deny, or amend any of the rights of the Parties including Aboriginal

title or rights, or treaty rights, within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.

The initial boundary (14,906 km^2) encompassed 'the Zone' of the LILCA and extended further offshore within the enhanced co-management area as identified by the Imappivut Marine Plan Initiative. The boundary abuts the Torngat Mountains National Park seaward boundary at the low water mark. Three bodies of knowledge influenced the initial size and configuration of the Torngat-AOI study area boundary (see Appendix 1), in the 2022 Feasibility Assessment MOU: ecosystem-based principles supported by the Nunatsiavut Government-led Imappivut Marine Planning Initiative, and Parks Canada and Fisheries and Oceans Canada (DFO) assessments of the Labrador Shelf Marine Region. When completing analyses to inform site selection for the NMCA System Plan, Parks Canada identified an area that was closely aligned with the Torngat-AOI as the best candidate site to represent the biology, geology, oceanography, and marine and coastal habitats, and encompass cultural and historical features within the Labrador Shelf Marine Region. In 2013, DFO published a Science Advisory Report that identified the Northern Labrador Ecologically and Biologically Significant Area (EBSA) which closely corresponds to the Torngat-AOI boundary.

As the feasibility assessment advanced, the Steering Committee applied existing information with an emphasis on historical Inuit Knowledge documentation such as the book, *Our Footprints Are Everywhere*.[1] The Steering Committee also acquired the best available knowledge on the study area including feedback received from the engagement sessions on the historical and present Inuit use of the area and from industry. This feasibility assessment report incorporates the findings of that additional body of knowledge which supported the recommended boundary.

1 Brice-Bennett C., Cooke A. & Davis N. (1977). *Our footprints are everywhere : Inuit land use and occupancy in Labrador.* Canada: Labrador Inuit Association.

IMAPPIVUT — THE NUNATSIAVUT MARINE PLAN

Photo credit: Marie Fernandes

The relationship between the marine environment and Inuit sustains and nourishes each, to the benefit of both. The Inuit homeland encompasses not only the land base, but also fresh and marine waters and sea ice. Coastal and marine areas are the source of Inuit cultural, social, spiritual, ecological, and economic well-being.[2] Therefore, in 2017, the Nunatsiavut Government developed and promoted its *Imappivut (Our Oceans) Marine Planning Initiative* for the purpose of protecting and managing Labrador Inuit interests in the coastal and marine areas of Labrador. The Torngat-AOI is the first step towards a protected area in the marine plan.

Imappivut is based on a comprehensive knowledge study that began in 2017. Community visits were conducted in each of the five Inuit communities and Lake Melville region to identify and document the types of species, activities, and places that are important to Labrador Inuit. These interviews recorded how Labrador Inuit use and value the marine environment, and mapped 2,295 areas of significance for livelihoods, domestic harvesting, travel, and cultural value along the Nunatsiavut coastline.

Knowledge holders, elders, and harvesters identified important connections between Labrador Inuit and seven marine species as being culturally, socially, or economically significant for their wellbeing, and whose management is therefore a priority. Additionally, the importance of ice was woven through every interview in the Imappivut Knowledge Study. For Inuit, ice is critical infrastructure: it is a habitat, a travel route, a hunting blind, a bridge to islands, a fishing ground. For some, it is almost like ice is a part of them. The ice means access, self-sufficiency, and connection to people and the marine environment. Four themes emerged through these interviews:

Piulimatsigasuannik (Conservation)

Conservation refers to the desire to keep healthy animal populations and to conserve traditional hunting practices in the marine environment. Harvesting practices are seen as conservation, especially because harvesting enables new generations to learn to care for the land.

Ikupiakippâ (Sharing)

Sharing represents the importance of contributing positively to one's community and the land and waters of Nunatsiavut. Many participants describe going off on the land as an opportunity to gather new information, to teach the next generation, and to bring home food and knowledge that helps sustain their community. The relationship between the land and Labrador Inuit is active and purposeful.

Atugunnanet (Access)

Access is what allows Labrador Inuit to practice their traditions, pass on their knowledge, and engage in a relationship with the land. Inuit do not merely *act on* the land; they *interact with* the land. To journey out onto the land is to have a conversation with it, to learn and grow from it.

Kanuittailinnik (Wellbeing)

The final theme was expressed repeatedly by many of the participants; the role of the marine environment in supporting mental, physical, and spiritual wellbeing. The water and ice are the homeland of Labrador Inuit; it is a source of strength and joy.

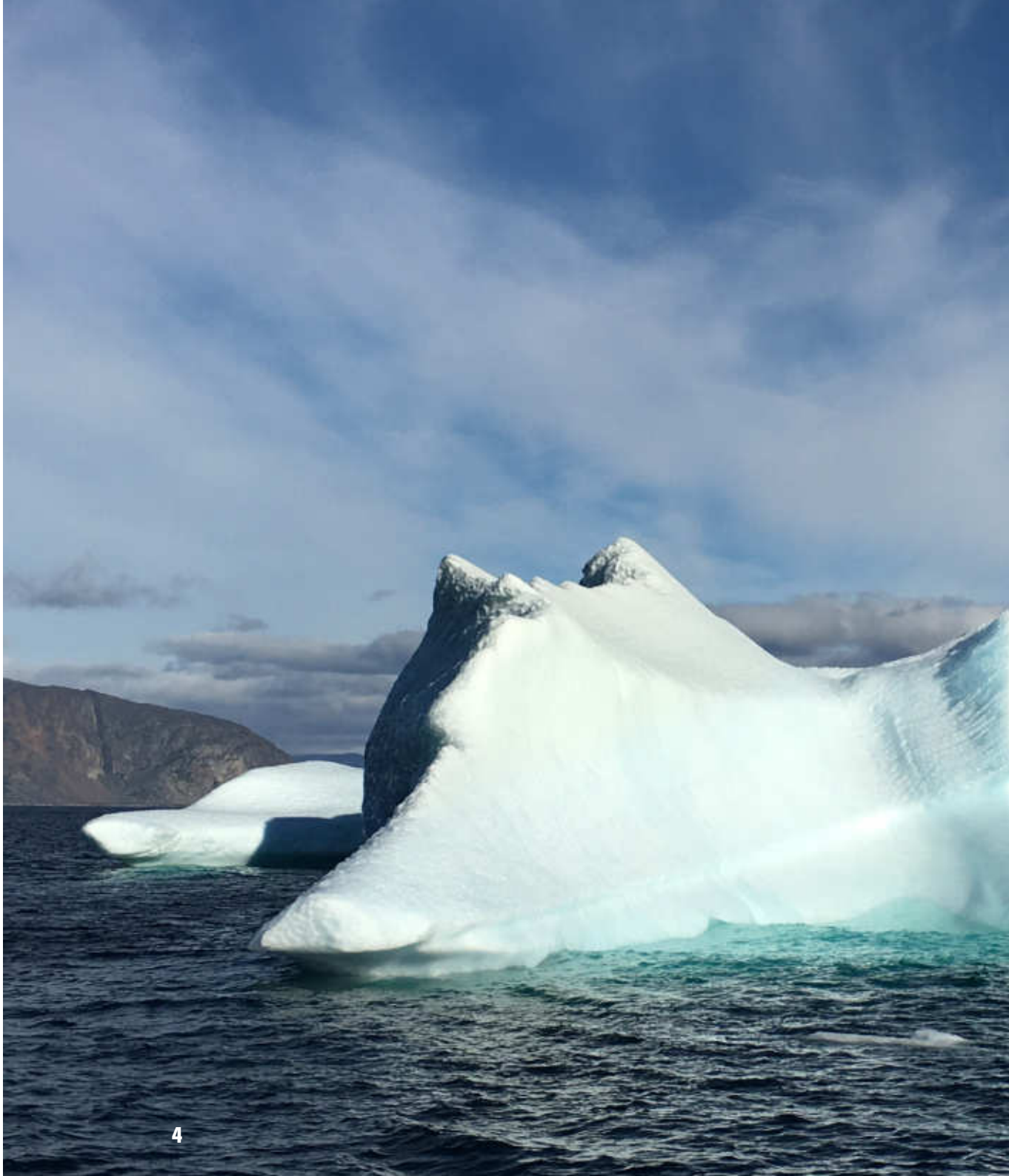
2 Inuit Tapiriit Kanatami, (2023). Inuit The Oceans That We Share – Inuit Nunangat Marine Policy Priorities and Recommendations. Retrieved from: https://www.itk.ca/wp-content/uploads/2023/03/20230322-Marine-Policy-Paper-FINAL-SIGNED.pdf

PARKS CANADA'S COMMITMENT TO NATURE AND CULTURE

The Government of Canada is committed to achieving reconciliation with Indigenous peoples through a renewed, nation-to-nation, and government-to-government relationship based on recognition of rights, respect, co-operation, and partnership as the foundation for transformative change. It is also committed to protecting biodiversity and conserving 30 percent of land and water by 2030, thereby contributing to global conservation targets and helping to establish a worldwide network of marine protected areas. In 2021 the Government of Canada directed Parks Canada to contribute to this target by establishing 10 new national marine conservation areas (NMCAs) in the next five years, working with Indigenous communities on co-management agreements for these NMCAs.

Parks Canada is working toward the long-term goal of establishing at least one NMCA in each of the 29 marine regions of Parks Canada's Marine System Plan.[3] NMCAs are selected to represent the biology, geology, oceanography, and marine and coastal habitats of their marine region, as well as cultural and historical features. This Torngat-AOI proposal contributes to representing the Labrador Shelf Marine Region in Parks Canada's NMCA System Plan.

3 Parks Canada, Department of Canadian Heritage (1995). Sea to Sea to Sea: Canada's National Conservation Area Systems Plan. Retrieved from: http://parkscanadahistory.com/publications/sea-to-sea-to-sea.pdf



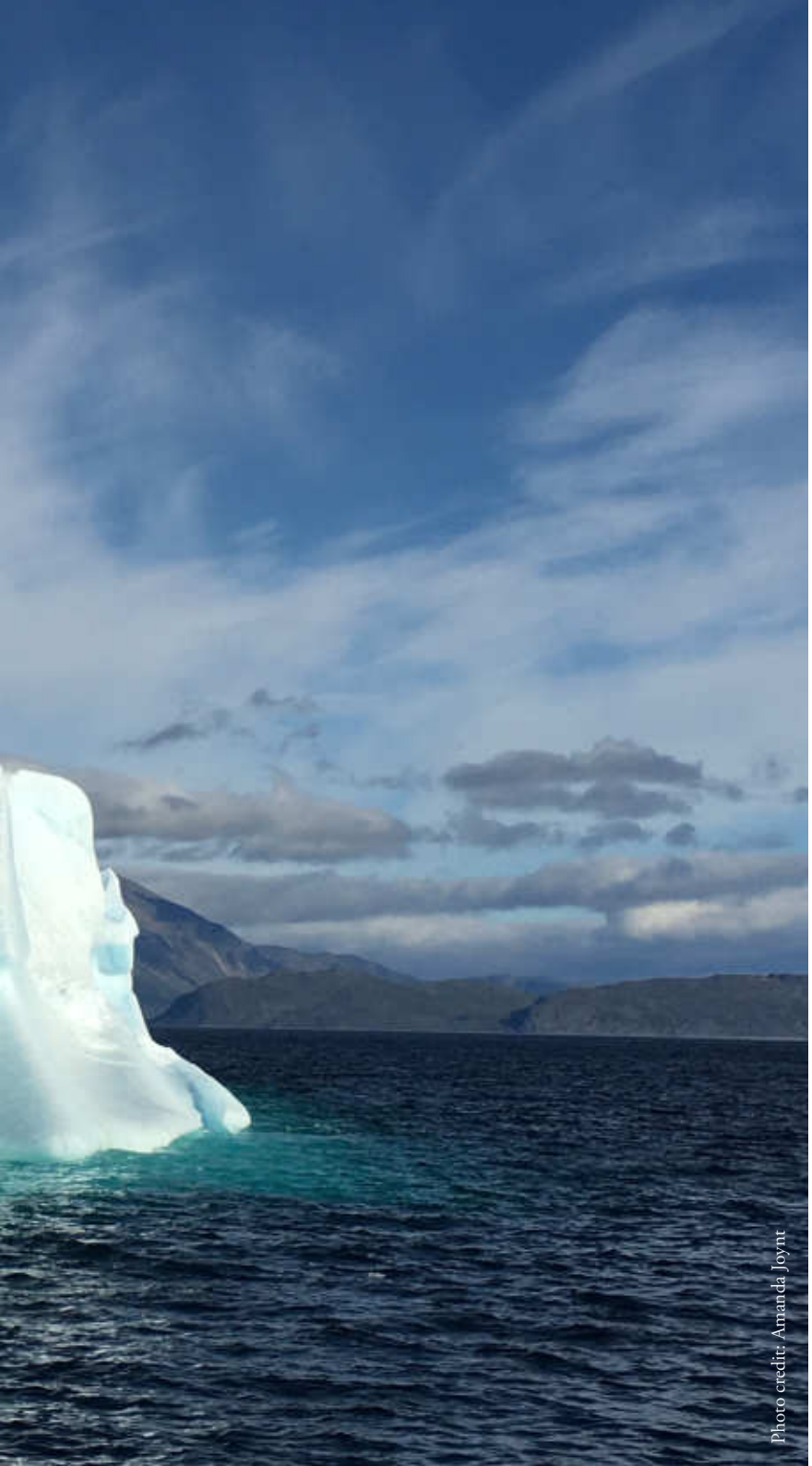


Photo credit: Amanda Joynt

TORNGAT-AOI: A GLOBALLY SIGNIFICANT AREA

Coastal and marine areas are a significant source of Inuit cultural, social, spiritual, ecological, and economic well-being. The Inuit way of knowing does not artificially divide human beings and the natural world – the sea ice, ocean, freshwater, or land – from each other. The feasibility assessment is guided by Inuit Knowledge and science that continues to be documented in the Nunatsiavut region. The importance of connectivity is central to the information gathering activities that summarise the Inuit and scientific knowledge of the study area.

Four values, derived from the Imappivut knowledge study, provide the frame through which the scientific data is integrated into each topic of the study, offering an opportunity for the Nunatsiavut and federal governments to consider the potential IPA/NMCA based on values that are important to Labrador Inuit culture (Figure 1). Data from previous Imappivut research as well as interviews with individuals identified as historic or current users of the Torngat-AOI are referenced to emphasize the intractable connections between Inuit and the environment.

ABUNDANCE The coastal and marine environment of Nunatsiavut is the "land of plenty". Management must consider biomass and diversity to reflect the reciprocal care between humans and the environment.	**CONNECTIVITY** There are no hard boundaries between marine and terrestrial environments, or between human and ecological systems. Management must consider the holistic connectivity of the marine and coastal environments.
KNOWLEDGE Labrador Inuit hold a wealth of information about the environments that goes back generations. Management must consider everything that is known about a topic, and address gaps through communal support and learning.	**RESILIENCE** The coastal and marine environments are constantly in flux, and Labrador Inuit have learned and adapted many times. Management must consider how to support this resilience by anticipating and adapting for the future.

Figure 1: A Model for Using Inuit Values to Guide Policy[3]

The Nunatsiavut Government led a multi-party team of Nunatsiavut Government, Government of Canada, and Makivvik Corporation representatives and academics in the synthesis of the past and present, best- available scientific research for the study area. Topics included Inuit use, archaeology, climate change, physical oceanography, sea ice, marine birds, marine fishes, marine mammals, macrophytes (aquatic plants), anadromous fishes, corals and sponges, benthic communities, ecologically and biologically significant areas, estuarine and coastal features, and protected and conserved areas.

4 Labrador Inuit Imappivut Participants, Cadman, R., Denniston, M., & Laing, R. (2023). *Imappivut Knowledge Study Report on Phase 1 (2017-2022)*. Nunatsiavut Government. Under review.

Inuit Use and Archaeology

Inuit have a complex and rich relationship with the coastal and marine environment that has evolved over thousands of years. Connecting with the lands, waters and ice of northern Labrador has enabled Inuit to maintain and nurture their culture. Harvesting and traveling are opportunities for intergenerational learning. Parents and elders pass on knowledge and skills to the next generation, and every person out on the water or the ice uses that time to share and to learn, observe changes, and make predictions. It is this learning and knowledge sharing on the land that keeps Inuit safe, fosters a connection to the land, and affirms a responsibility to their community and their homelands. In this way, the lands and waters of northern Labrador sustain Inuit as a people. The Torngat-AOI, which is home to so many of the species and places of significance, is important for the past, present and the future of Inuit.

Although most archaeological sites in the Torngat area are on land, nearly all relate to the marine environment. Marine mammals, especially seals, provided food, clothing, and tools. Sea birds and fish populations guided the establishment of summer sites, and more sheltered winter sites were established to access Aivik (walrus), Apvik (bowhead) and Kilalugait (beluga) whales, Puijet (seals), iKaluk (char), and Timmiat (sea birds). The importance of the Torngat-AOI to Inuit culture, food systems and food security is apparent throughout history to the present day.

Climate Change, Sea Ice, Physical Oceanography, Estuarine and Coastal Features

The impacts of climate change on the Torngat-AOI are varied; present impacts such as melting sea ice and increasing ocean temperatures are emerging, and future impacts are predicted. The main effects of climate change that impact archaeological sites are erosion due to rising sea levels and increased storminess, and permafrost thaw and slumping, which increase erosion potential and cause the degradation of sites.

As part of the Labrador Sea, the Torngat-AOI is directly adjacent to where atmospheric oxygen is transferred to the deepest parts of the Atlantic Ocean, eventually reaching the Pacific and Indian Oceans. Lighter, fresh water from the Beaufort Gyre and melting glaciers will likely reduce deep water mixing over time. Climate change impacts such as this have implications not only for Inuit society, but globally; the changes experienced in the Inuit homeland are a barometer for the rest of the world. These potential impacts will affect marine animals and plants and most importantly, sea ice – a critical part of Inuit life.

Sea ice is an integral component of the Arctic coastal environment and is central to the relationship between Inuit, environment, and health. Sea ice within the Torngat-AOI is dynamic and its extent, thickness and distribution varies between seasons and years. It also varies in type and form, which are determined by different physical and environmental conditions that cause it to form as land-fast ice for approximately eight months of the year and mobile pack ice that can contain both first year and denser multi-year sea ice. Additionally, more than 400 icebergs transit through or near the

Torngat-AOI every year, a result of glaciers calving in Nunavut and Greenland. Within the sea ice there are areas of open water, called leads or polynyas, which are kept open by currents, tides and winds and are critical to the sea ice and ocean ecosystem.

Sea ice is critical infrastructure and is a central part of Inuit culture, community, and livelihood. Ice is an extension of the land, imperative for Inuit for travel and access to historical and culturally important areas, including cabins, seasonal camps, and trap lines, as well as a platform to access the ocean and its resources. The sea ice connects Inuit, allowing for travel between communities and the Torngat Mountains, including access to harvesting areas at different times of the year. Sea ice in the Torngat-AOI is essential habitat for many species such as nanuk (polar bears) and Puijet (seals), as well as communities of bacteria and algae, providing food and nutrients to the ocean ecosystem below.

The coastal features in Labrador have been shaped by glacial and coastal processes such as storm-waves and seasonal land fast ice that cause scour and reposition sediment. Each of these features provides a network of ecologically important and diverse habitats for plants and animals, which in turn provide economic, cultural and food security benefits to nearby communities.

The marine fjords along the northern Labrador coast of Arctic Canada are influenced by freshwater, nutrients, and sediment inputs from ice fields and rivers. These ecosystems, further shaped by both Atlantic and Arctic water masses, are important habitats for fishes, marine mammals, seabirds, and marine invertebrates and are vital to the Inuit who have long depended on these areas for sustenance. Despite their ecological and socio-cultural importance, these marine ecosystems remain largely understudied. Understanding the composition and environmental influences within this fjord ecosystem not only contributes towards the protection of this ecological and culturally important region but serves as a baseline in a rapidly changing climatic region.

Fishes, Marine Mammals, and Marine Birds

The Torngat-AOI includes several fish species of significant ecological, cultural, and economic importance and are a key element of food security to Inuit on the Labrador coast. Marine fishes funnel energy in benthic and pelagic food webs to higher trophic levels including seabirds and marine mammals and some are important to commercial fisheries. Most notable of the anadromous fish are iKaluk (Arctic char) and kavislik (Atlantic salmon), identified as two of seven cultural keystone species for their cultural, social, and ecological significance. While iKaluk (char) have always been a staple food for Labrador Inuit, it is also an important species for intergenerational knowledge sharing. Many Imappivut participants share stories of taking their children and grandchildren out ice fishing for char in the spring to instil a strong value of this harvesting practice. Time spent fishing on the ice is also essential for teaching safety information, skills, and knowledge.

Seventeen species of cetaceans and seven species of pinnipeds have been identified in or near the Torngat-AOI, based on Inuit observation and knowledge as well as underwater sound monitoring. During the Imappivut Knowledge Study, the seal hunt was often among the first activities mentioned by a participant, which was indicative of the primary role Puijet (seals) and the seal hunt play in Labrador Inuit culture. Though less

prominent in everyday life, several cetacean species also play a role in Labrador Inuit connections to the marine environment. The Imappivut interviews include mentions of pamiuligak (Minke whale), Kilalugait (beluga), nesâtuk (porpoise) and âlluasiak (dolphin).

From the coastline to the offshore boundary, the Torngat-AOI includes important habitat for a large array of marine birds. These areas support breeding, moulting, staging, and wintering birds from diverse taxonomical groups including at least 50 regularly occurring species of Timmiat (seabirds), shorebirds, loons, and waterfowl. Pitsiulâk (black guillemot), nillik (goose), mitilluk (black duck), and suglutuk, pitsiulâkpak, and ingiullitsiutik (scoters) are important harvested species for both meat and eggs. Areas within and adjacent to the Torngat-AOI have been designated as Important Bird Areas or Sea Duck Key Sites.

Corals, Sponges and Benthic Communities

Corals and sponges are habitat-forming sessile benthic organisms that provide protection, forage areas, nurseries, and a source of food for other animals, and are associated with elevated biodiversity. They are also known as sensitive benthic species and indicators of Vulnerable Marine Ecosystems, due to their fragile structures and often slow growth rates, and high longevity.

Large gorgonians and soft corals are the only types of coral that have been identified from trawl surveys in the Torngat-AOI and are concentrated around the outer boundaries of the area. Soft corals have been documented throughout the whole latitudinal range of the AOI, while large gorgonians appear to be more concentrated on the northern portion.[5]

Corals and sponges are not yet well understood by Inuit, because they exist in deep waters far offshore, separated from the everyday life of the people of Nunatsiavut and Makivvik. In recent decades, however, as Inuit have begun to participate in offshore fisheries, these organisms have become of greater interest to many people in the communities. Though there is little historically documented data about these deep-water organisms, Inuit know that they play an important role in the overall health of marine ecosystems and therefore play an important, if unseen, role in their own health and wellbeing.

Many species of benthic invertebrates are harvested by Labrador Inuit and contribute to a country food diet. Ammomajuk (softshell clam), uviluk (mussels), and matsojak (scallop) are regularly harvested by Inuit, and many other species including siutiguk (whelks), snails, itik (sea urchin), and ammangituatsuk (sea cucumber) feature in Labrador Inuit diets. Beyond this immediate connection between Labrador Inuit and benthic communities, benthic ecosystems also play an outsized role in cultivating marine biodiversity, and are used by many species as nurseries, protection, and spawning sites.[6] Labrador Inuit understand these ecosystems to be essential for sustaining the health of cultural keystone species like iKaluk (Arctic char) and natsik (Ringed seal). Benthic species also provide important foraging grounds for many seabirds important to Labrador Inuit, including mitik (Eider duck), paik (Common merganser), pitsiulâk (Black guillemot), pitsiulâkpak (White-winged scoter), suglutuk (Surf scoter), and ingiullitsiutik (Black scoter).

5 Wareham, V., Ollerhead, L.M. N., & Gilkinson, K. (2010). Spatial Amalysis of Coral and Sponge Densities with Associated Fishing Effort in Proximity to Hatton Basin. *DFO Can. Sci. Advis. Sec. Res. Doc.* 2010/058: vi +34 p.

6 Labrador Inuit Imappivut Participants, Cadman, R., Denniston, M., & Laing, R. (2023). *Imappivut Knowledge Study Report on Phase 1 (2017-2022).* Nunatsiavut Government. Under review.

Photo credit: Rodd Laing

Macrophytes (Aquatic Plants)

Aquatic macrophytes, including both seaweeds/macroalgae and seagrasses, are widespread in intertidal and sub-tidal zones where they create habitat and form structurally complex underwater seascapes often referred to as marine meadows, beds, or forests. Macrophytes create unique habitats that are critical as both nursery habitats and feeding grounds for many ecologically and economically important species. They provide numerous ecosystem services, including nutrient cycling and carbon capture and sequestration.

In northern Labrador, where there is hard substrate, the intertidal zone is dominated by rockweeds. In the subtidal zone on rocky areas, kelp can form extensive forests, often with red algae and other brown algae in the understory. These marine forests extend deeper where conditions are favourable and can cover large areas in high-latitude regions like coastal Labrador. Several sites sampled in the Torngat-AOI had high kelp biomass and few to no urchins, indicating that this area may present a different dynamic as compared to the more southern sites in Labrador.

The uses of macrophytes by Inuit highlight the connection between marine and terrestrial environments, and the importance of macrophytes in Inuit life.[7] The Imappivut interviews revealed that caribou come to the edge of the water in the summer to feed on the kellup (kelp, seaweed) that washes up on shore. This is an indication of the importance of macrophytes in the diets of terrestrial animals. Other interviews with Labrador Inuit explain how seaweeds are used to help keep fish cool in the bucket after they are caught, and how kelp and fishwater are used to fertilize wild rhubarb and berry patches.

7 Oberndorfer, E., Winters, N., Gear, C., Ljubicic, G., & Lundholm, J. (2017) Plants in a 'sea of relationships". Networks of plants and fishing in Makkovik, Nunatsiavut (Labrador, Canada). *Journal of Ethnobiology*, 37(3), 458-477.

Ecologically and Biologically Significant Areas, Marine Refuges and Protected Areas

In 2013, DFO completed a Science Advisory Report that identified the Northern Labrador EBSA. The Northern Labrador EBSA overlaps the Torngat-AOI almost completely; the northern and southern boundaries of the EBSA match closely (see Appendix 2). This EBSA is an important migratory area for the Kilalugak (Eastern Hudson Bay Beluga), but also serves as important habitat for *Species at Risk Act* (SARA) listed waterfowl as well as high densities of other seabirds. The area is increasingly important summer and early fall polar bear habitat that provides both nearshore feeding opportunities as well as a migration corridor. The coastal area of the EBSA was also noted for significant summer feeding and haul out activity of natsik (ringed seals) that are the main prey of nanuk (polar bears). The area is also an important rearing and feeding area for iKaluk (Arctic char).

The Central and Arctic region of DFO identified three Arctic EBSAs in the area: the Hatton Basin-Labrador Sea-Davis Strait EBSA which overlaps with the northern boundary of the Torngat-AOI, and the Eastern Hudson Strait EBSA and the Ungava Bay EBSA which are adjacent to the area. Two marine refuges (Hatton Basin Conservation Area and Hopedale Saddle Closure) are in proximity to the study area. Both are closed to bottom contact fishing activity under the *Fisheries Act* and contribute to the Government of Canada's Marine Conservation Targets as "other effective area-based conservation measures."

The Torngat-AOI sits adjacent to the Torngat Mountains National Park and to the Mid-Labrador Coast Marine Protected Area of Interest that extends from its southern boundary to Lake Melville. More distant is Akami-Uapishkᵘ-KakKasuak (Mealy Mountains National Park Reserve). The summation of the protected areas, marine refuges, and EBSAs are visualized in Appendix 2 and show the importance of the connectivity between closures and protected areas in the Labrador Sea and Baffin Bay. If established, the IPA/NMCA would ensure the protection of this unique environment from the seabed to the mountain tops.

NATIONAL MARINE CONSERVATION AREAS

Parks Canada is the federal authority responsible for NMCAs, a type of marine protected area that protects and conserves representative marine areas for the benefit, education, and enjoyment of all. The establishment of a NMCA as an IPA would enable the Government of Canada and Inuit to work in partnership to protect the natural and cultural values of the Labrador Shelf Marine Region and the northern portion of the marine waters covered by the LILCA and the *Nunavik Inuit Land Claims Agreement*.

The Torngat-AOI was identified as the candidate site to represent the biology, geology, oceanography, and marine and coastal habitats, as well as encompass cultural and historical features within the Labrador Shelf Marine Region, which is a transition zone from Atlantic to Arctic ecosystems. The selection of the Labrador Shelf Representative Marine Area (RMA) was based on a combination of desktop study, field reconnaissance and professional expertise of Parks Canada staff who assessed the RMA to meet representativity criteria (physical, ecological, and cultural characteristics) for the Labrador Shelf Marine Region. The result of this work shows the Torngat Mountains RMA boundary closely correlating with the Torngat-AOI study area boundary (Appendix 1).

NMCAs are managed and used in a sustainable manner that meets the needs of present and future generations without compromising the structure and function of their ecosystems. NMCAs include the seabed, its subsoil and overlying water column, and may encompass wetlands, estuaries, islands, and other coastal lands.

NMCA management is shaped through collaboration and engagement that brings together a diversity of knowledge, perspectives, and active participation. In collaboration with Indigenous governments, federal departments, provinces, and territories, NMCAs are managed for the benefit of all to:

- recognize and support Indigenous stewardship and leadership in conservation
- contribute to the long-term economic, social, and cultural wellbeing of Indigenous peoples and coastal communities
- protect and conserve marine ecosystems, biodiversity, and sustainability
- connect people to places in Canada, and create enjoyable experiences for visitors
- promote awareness and understanding among Canadians

NMCA establishment and management also supports Canada's commitment to advancing reconciliation and the implementation of rights, treaty obligations, and related commitments in a manner that reflects the spirit and intent of the *United Nations Declaration on the Rights of Indigenous Peoples Act* (*UNDRIP Act*). Inherent and Treaty rights to harvesting, hunting, fishing, and trapping will be protected in all aspects of the NMCA.

The CNMCA Act prohibits oil, gas, mineral and aggregate exploration and exploitation and places strict limits on ocean disposal. The federal MPA Protection Standard also applies to NMCAs and provides additional restrictions regarding dumping and bottom trawling in accordance with scope of application in new federal marine protected areas.

While federal departments such as Fisheries and Oceans Canada (DFO), the Canadian Coast Guard and Transport Canada retain their responsibilities inside the boundaries of a NMCA, efforts are made to ensure all authorities and stakeholders operate within the vision of the NMCA.

Photo credit: Amanda Joynt

THE TORNGAT-AOI AS AN INUIT PROTECTED AREA

In 2018, the Indigenous Circle of Experts produced the report, *We Rise Together,* to provide advice and recommendations on how to achieve Canada Target 1 and the important potential contribution of Indigenous People through Indigenous Protected and Conserved Areas. They concluded that, to be considered an Indigenous Protected and Conserved Area, the establishment process must be Indigenous-led, represent a long-term commitment to conservation, and elevate Indigenous rights and responsibilities. The report also noted that land and water are inextricable from Indigenous cultures; they cannot be separated from Indigenous ways of life, identities, values, spiritual practices, or knowledge systems.

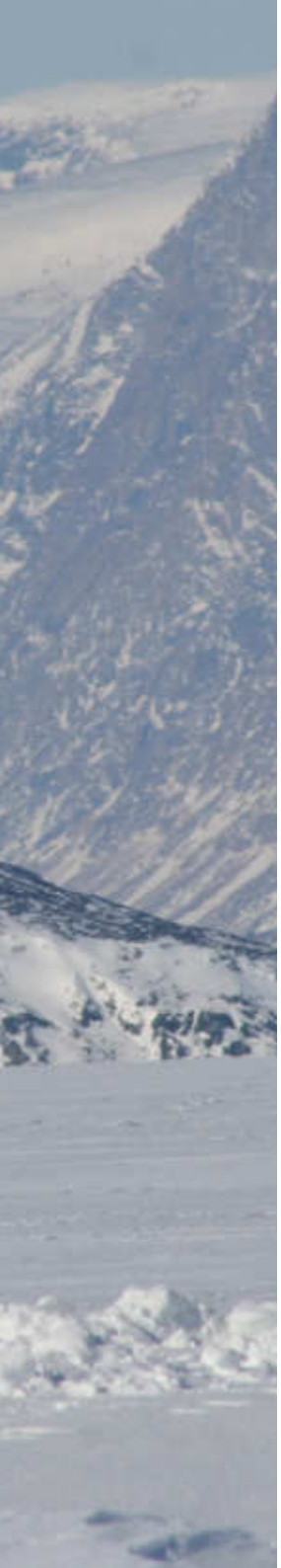
The *National Inuit Climate Change Strategy* states "Inuit rights to self-determination in our coastal and marine areas are not only defined in our constitutionally protected land claim areas, but Inuit rights to the conservation, protection, and productive use of our marine areas are also affirmed in the UNDRIP as inherent human rights. These rights mean that our interdependence on our marine environment must be recognized and protected through sound marine decision-making built on partnerships rooted in reconciliation principles."[8] As such, the proposed IPA under the CNMCA Act provides an opportunity to contribute to the Government of Canada's commitments to reconciliation and conservation.

The four Inuit Land Claim Organizations in Inuit Nunangat together have initiated discussions with the Government of Canada, requesting a process through which to federally legislate marine Inuit Protected Areas. These discussions are in the early stages. The release of *The Oceans That We Share - Inuit Nunangat Marine Policy Priorities and Recommendations* (2023) provide recommendations to explore new federal protected areas frameworks that encompass Inuit rights, values, and conservation leadership. While Indigenous Protected Areas can be established through a range of supportive partnerships, there is currently no stand-alone federal legislation to support their creation. Parks Canada has committed to explore policy options (policy, regulations, legislation) that can enable the establishment of these sites and reach the goals of an IPA.

There are opportunities to designate an IPA through Nunatsiavut Government legislation. The LILCA allows for the creation of marine protected areas, which would be designated and governed through Inuit knowledge, laws, and traditions. A dual designation would require acknowledgement of each government's legislation, as well as the Nunatsiavut Government amending or reviewing other companion legislation, such as the *Nunatsiavut Environmental Protection Act.*

8 Inuit Tapiriit Kanatami (2019). National Inuit Climate Change Strategy. Retrieved from: https://www.itk.ca/wp-content/uploads/2019/07/ITK_Climate-Change-Strategy_English.pdf

Photo credit: Rodd Laing



ENGAGEMENT AND CONSULTATION

Following the signing of the MOU which launched the feasibility assessment in 2022, a Steering Committee was established, comprised of two representatives from the federal government, represented by Parks Canada, and two from the Nunatsiavut Government, as well as two Secretariat members and observers representing each party to support the day-to-day work of the Steering Committee. The mandate of the Steering Committee is to guide the feasibility assessment process and to provide recommendations to their respective parties.

The Steering Committee commissioned working groups to synthesise the region's environmental knowledge, socio-economic profile, and resource assessments. A governance working group was formed to study the Indigenous (Inuit) Protected Area concept and various governance scenarios and frameworks. The Nunatsiavut Government enlisted the support of DFO, environmental groups, other federal scientists and academic advisors in the research and knowledge study component of the feasibility assessment process during a three-day knowledge workshop in 2022. This initiated the gathering of existing data and assessment of scientific and socioeconomic knowledge gaps and directed specific scientific research programs.

Family interviews for the Nunatsiavut Government-led Imappivut Marine Planning Initiative and this feasibility assessment continue to support knowledge gathering of the region. Two community engagement sessions were led by the Nunatsiavut Government. Parks Canada staff participated in community and key stakeholder engagement sessions to promote transparency and support for the process.

As the formal consultative body for the Labrador Inuit, the Nunatsiavut Government undertook the community engagements to gather feedback on the perceptions, concerns, and interests within the Torngat-AOI study area from Inuit. This feedback informed the consultations between the Nunatsiavut Government and Parks Canada.

Between the fall of 2022 and the fall of 2023, the Nunatsiavut Government and Parks Canada engaged with local communities, the Makivvik Corporation as rights holders, Indigenous groups such as the Innu Nation, and key stakeholders (fisheries organizations, industry and other key provincial and federal departments) to discuss the Torngat-AOI feasibility assessment and the potential to establish a protected marine area off of the coast of Torngat Mountains National Park as an IPA under the CNMCA Act.

Engagement Objectives

The objectives of the engagement sessions were to inform and obtain feedback from rightsholders and stakeholders on:

- the Torngat-AOI study area, its goals and objectives and provide information on the feasibility assessment process to consider the establishment of an IPA under the CNMCA Act;
- the IPA concept, national marine conservation areas and their benefits;
- fishing activity within the Torngat-AOI study area;
- key concerns/suggestions for the project; and
- respond to key questions for rights holders and stakeholders.

The Nunatsiavut Government led the initial engagement phase in September 2022 in Nain, Hopedale, Postville, Rigolet, Happy Valley Goose Bay, North West River and with Nunavik Inuit in Kangiqsualujjuaq (Quebec) to introduce the project and gather initial project feedback. Community engagement in Makkovik was postponed due to weather and took place in January 2023.


Photo credit: Amanda Joynt

In March 2023, a second engagement phase was launched to introduce key stakeholders to the project and collect feedback. The Torngat-AOI Steering Committee forwarded project information, requested responses to four key questions and provided options of engagement.

Meetings were held with key stakeholders between May and September 2023 with the option to hold a follow-up discussion with Steering Committee, if required. The Steering Committee presented information on the project and gave an opportunity for questions and comments. A deadline of September 30, 2023, was requested for written responses to four questions posed during the meetings. Some stakeholders provided written documentation on their organization's activities which could inform the project, while some requested additional information.

A second community engagement tour was held in January 2024 in the same affected Nunatsiavut communities in Labrador. These engagements sought to confirm what was heard in 2022 and seek further feedback on a revised 16,791 km^2 boundary. This round demonstrated positive support for the project, including the recommended boundary. A second Nunavik Inuit community engagement will be held in May 2024 as determined by Makivvik Corporation.

Labrador and Nunavik Inuit Communities

Labrador and Nunavik communities provided strong support for the IPA concept and protection of the area. Emerging themes and questions included:

- Inuit who hold common interests and rights in the region need to have these rights upheld, protected, and promoted by the project (e.g., harvesting);
- the Torngat-AOI was an important part of Inuit livelihoods and supported personal wellness; and
- the importance of opportunities for younger Inuit to understand how to protect the lands and waters.

Primary questions focused on the methodology to identify the study area boundary, the potential for expansion of the IPA, how this project links with the Imappivut initiative, and interest in the status of the Mid-Labrador Coast Area of Interest for an *Oceans Act* Marine Protected Area, south of the study area.

Nunatsiavut communities felt that the Nunatsiavut Government needed to maintain control over the area to ensure benefits and allocations of adjacent commercial fisheries resources are appropriate and to address previous resource allocation inequalities. Concerns were raised about access to the area, and how to gain the benefits of being on the land now that it is more difficult to reach, and a focus on the area needing to be for all Nunatsiavut communities.

Nunavik communities expressed concern for commercial fishing opportunities, the current shrimp fishing areas, harvesting rights, and emphasised the need to interview local fishers and families, including past members of the community of Killiniq, for the feasibility assessment. Concerns about enforcement capacity, especially for poaching, were also raised.

Makivvik Corporation

The Nunatsiavut Government and the Government of Canada is required to consult with Makivvik Corporation as per the *Nunavik Inuit/Labrador Inuit Overlap Agreement* and has been designated in this process as a "privileged partner."

Makivvik Corporation has expressed support for Inuit-led conservation initiatives and highlighted the importance of Nunavik Inuit rights and interests being upheld, protected, and promoted by this process. This includes commercial fishing and aquatic plant gathering rights and opportunities as per Article 30 of the *Nunavik Inuit Land Claim Agreement*. Makivvik stressed the importance of meaningful engagement, and their desire for formal involvement in the feasibility assessment and the governance and management

structure of the proposed IPA. They requested additional information to achieve greater understanding of the Steering Committee's decision-making process.

Makivvik is committed to the success of the Torngat-AOI initiative and communication remains open and constructive. During the 2019 announcement to launch the feasibility assessment for an Indigenous Protected Area, the Government of Canada and the Nunatsiavut Government committed to collaborating with Makivvik Corporation and to conduct the feasibility assessment.

The Nunatsiavut Government originally met with Makivvik leadership in June 2019, to begin initial discussions on the Torngat-AOI. At the time, Makivvik indicated that they had other community priorities and chose to not engage.

To ensure obligations were met by both parties, the Nunatsiavut Government and Parks Canada reengaged with Makivvik via further meetings and communications:

Table 1: Steering Committee Engagement with Makivvik Corporation

Date	Engagement Type	Key Topics
June 9, 2021	Letter to Makivvik	Introduction to the Torngat-AOI process; request how Makivvik would like to be engaged
Sept. 22, 2021	Meeting	Feasibility Assessment process; Makivvik engagement and consultation Agreement to review Overlap Agreement and share results
February 2022	Feasibility Assessment MOU Signing	Makivvik leadership and technical staff invited
March 22, 2022	Letter to Nunatsiavut Government and Minister Guilbeault	Concerns regarding MOU language; reiteration of Nunavik Inuit rights in the Torngat-AOI
March 30, 2022	Letter to Makivvik	Acknowledgement of Nunavik Inuit rights; commitment to continued engagement with Makivvik
April 1, 2022	Meeting	Technical briefing
Sept. 5, 2023	Virtual Engagement	Presentation of Torngat-AOI Feasibility Assessment
Sept. 18, 2023	Letter to Makivvik	Request for Makivvik assistance in coordinating community interviews
Sept. 21, 2022	Meeting	Kangiqsualujjuaq engagement session
Sept 28, 2023	Letter to Steering Committee	Makivvik submission on the Torngat-AOI (initial boundary)
October 2023	Kangiqsualujjuaq community interviews	Community members interviews re importance of the Torngat-AOI
Dec. 8, 2023	Parks Canada letter to Makivvik	Request for a bi-lateral meeting

Photo credit: Marie Fernandes

On December 20, 2023, Makivvik wrote to President Lampe and Minister Guilbeault outlining concerns related to consultation and involvement with the Torngat-AOI. The Nunatsiavut Government responded on January 12, 2024, committing to deeper engagement with Makivvik. A response was sent by the Minister of Environment on January 23, 2024, acknowledging the concerns, and committing to further discussion as directed by Makivvik. Further meetings occurred on February 5 and 12, 2024, and a letter from the Nunatsiavut Government was sent to Makivvik the same week providing further information and maps on fisheries in the area.

Innu Nation

The Nunatsiavut Government and the Innu Nation signed an Overlap Agreement in 2005, and land claim negotiations are still underway between the Government of Canada and the Innu Nation. As the AOI is not part of the Innu Nation land claim area under negotiation, their interest relates to impacts to commercial fishing interests. The Innu Nation raised questions about how co-management structures would function outside of the Zone of the LILCA, as well as concerns about impacts to commercial fishing. They also requested the rationale for the boundary decision and expressed concern over the area of the proposed IPA which extends beyond the Labrador Inuit Settlement Area (LISA) and how it could impact future commercial fishing areas for Labrador Innu.

Province of Newfoundland and Labrador

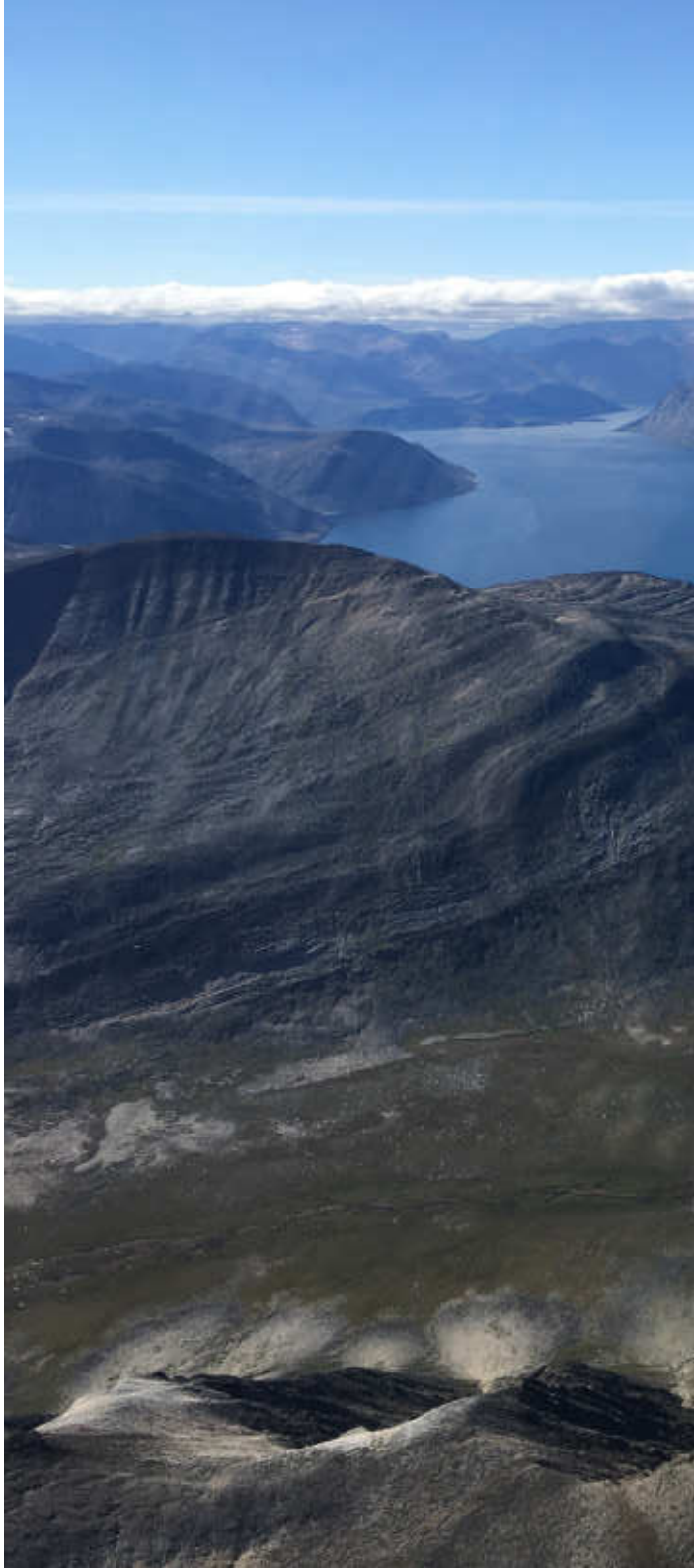
The Government of Newfoundland and Labrador responded to the initial engagement positively, with interest in the process as it would be helpful for other NMCA processes in offshore Newfoundland and Labrador. Questions related to topics of co-governance arrangements, the environmental information gathered so far, the potential boundary decision, and how the oil and gas sector had been engaged.

Communications with the Government of Newfoundland and Labrador remain positive towards marine protection. Further discussions will continue regarding seabed jurisdiction and the integration of provincial (environmental, social, and economic) information into the Torngat-AOI process. A technical briefing is planned in March 2024 between the Steering Committee and the Province.

Commercial Fishing Industry

The Steering Committee held several meetings and exchanges with key commercial fishing industry organizations throughout the feasibility assessment process. The most common concern was the potential impact of the protected area on the commercial fishing industry (see Appendix 4). A particular concern was the inclusion of the offshore area beyond the Zone of the LILCA and how the IPA/NMCA would impact the shrimp fishing industry given the bottom trawling restrictions under the *Federal Marine Protected Areas Protection Standard*.

Industry representatives requested that historical data on fisheries and shipping routes be included to help establish boundaries and zones. Some industry stakeholders felt that as there are already marine conservation measures nearby, an additional marine protected area would reduce fisheries flexibility to deal with the potential movement of shrimp driven



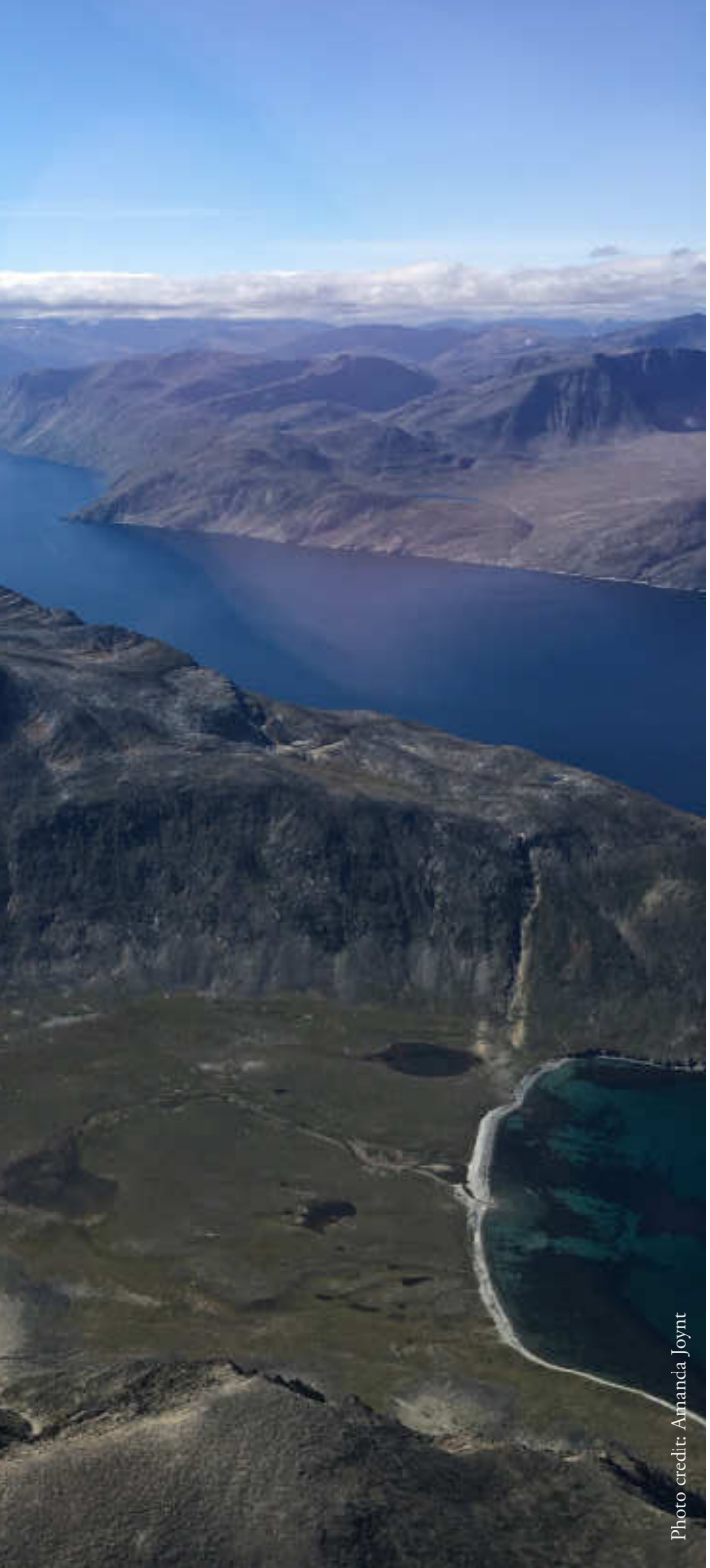


Photo credit: Amanda Joynt

by climate change. There was concern that excluding specific fishing activities would prevent meaningful employment for Inuit.

Communication with the fishing industry has been open and ongoing. The fishing industry has appreciated the opportunities to discuss the proposed boundary and the Steering Committee, along with DFO, have supported discussions through data exchanges related to fishing catch and effort at the request of the fishing industry to justify the boundary recommendation. These discussions will continue in the next phase of the establishment process.

Federal Government

The Steering Committee engaged relevant federal agencies and departments with responsibilities in marine management including Transport Canada, DFO and the Canadian Coast Guard, Environment and Climate Change Canada, Natural Resources Canada (NRCan), the Department of National Defence, and the Atlantic Canada Opportunities Agency. The contributions of DFO and Transport Canada are particularly relevant given that these ministries retain their authorities within NMCAs and manage within the context of the CNMCA Act.

Environment and Climate Change Canada and DFO-Newfoundland and Labrador Region made a significant contribution to the feasibility assessment by helping to collate existing scientific knowledge on the Torngat-AOI. Further, DFO-Newfoundland and Labrador Region provided comprehensive scientific and economic analyses and advice, on which the Steering Committee relied to revise the initial study area boundary.

Federal and provincial departments more broadly, were interested in the jurisdiction of the islands and seabed within the proposed IPA, particularly the area beyond the Zone of the LILCA. There were requests for the ecological justification for the expansion of the study area boundary. While all feedback indicated a desire to work together to establish an IPA/NMCA, some further work, as indicated in this feasibility assessment, will be required to establish the site.

Environmental Non-Government Organizations

The project received strong support from environmental non-governmental organisations. Recommendations from this group included further transparency around commercial fishing data to ensure informed management, ensuring interim protection during the establishment phase, and collaboration across all governments and their respective departments.

Photo credit: Marie Fernandes

SOCIO-ECONOMIC CONSIDERATIONS

Cultural importance

For Labrador and Nunavik Inuit, caring for the marine environment and accessing the ocean is part of their cultural identity. The Torngat-AOI is not just a potential protected area, it is a place that has, and continues to shape Inuit culture and well-being. Inuit Knowledge holders, elders, and harvesters identified important connections between Labrador Inuit and seven marine species as being culturally, socially, or economically significant for their wellbeing, and whose management is therefore a priority.

The land and waters are not passive spaces where harvesting activities occur, for Inuit, the space is animated. People do not just *act on* the land and waters they *interact with* the land and waters. To journey out onto the land and waters is to have a conversation with it, to learn and grow from it.

Continued access to land and water for harvesting is important. Access allows Inuit to practice their traditions, pass on their knowledge, and engage in a relationship with the land. For Inuit it is important to get out into the marine environment for mental, physical, and spiritual wellbeing.

Tourism

In Newfoundland and Labrador, tourism is the second largest employment sector, and the province expects further growth in the next decades. The growth of this industry relies upon healthy oceans and waterways that maintain their intrinsic value.

Tourism in the Nunatsiavut area is characterized through cultural experiences and outings on the land and waters. Interviews in Nunavik recorded some economic opportunities in the tourism industry; some participants spoke about leading tours for people interested in diverse experiences, including fishing, heli-skiing, and photography. Currently there are two Inuit businesses based mainly in Nain who are Transport Canada approved to carry passengers on board their vessels.

Consistent with the 2019 report, *Economic Growth Strategy for Newfoundland and Labrador*, tourism in Nunatsiavut can benefit from highlighting the Torngat-AOI's role as a "high-potential destination," and through improved tourism infrastructure to

reduce capacity constraints. Establishment of the proposed IPA/NMCA under the CNMCA Act is uniquely positioned to create new employment and economic opportunities for Inuit and Inuit businesses during site operations. Integrating visitor service offers and adding science and research capacity to the Nunatsiavut Government-owned Torngat Mountains Base Camp and Research Station and to Torngat Mountains National Park will attract a diverse set of tourism industry clients and academic partners and will contribute to economic growth for the Province of Newfoundland and Labrador overall. For visitors, it provides a unique opportunity to experience a multifaceted service that offers the integration of science, Inuit culture and nature.

Fisheries

The Torngat-AOI is situated within Northwest Atlantic Fisheries Organization (NAFO) Division 2G. Most of the fishing activity in this Division takes place offshore, outside of the Torngat-AOI boundary. Catch within the Torngat-AOI represented approximately one per cent of total catch and total landed value within NAFO Division 2G. Total Catch in 2G averaged over 15,680 tonnes with a landed value of approximately $66 million annually.

Shrimp was identified as the only active georeferenced commercial fishery taking place within the boundary between 2012 to 2020 with an annual average of 128 tonnes of shrimp with a landed value of approximately $614,000 attributable inside the Torngat-AOI. In total, the Torngat-AOI accounted for over 1,150 tonnes of shrimp with a total landed value of over $5.5 million between 2012 and 2020. Appendix 4 shows a map of the recommended Torngat-AOI boundary and georeferenced commercial shrimp catch.

Of the ten enterprises operating eleven unique vessels inside the study area, shrimp trawls were the only gear type in use. Among enterprises active in the Torngat-AOI between 2012 and 2020, catch in the study area accounted for, on average, 0.6% of their total annual fishing revenue (all species harvested both inside and outside the boundary). Enterprises active in the shrimp fishery caught about 0.8% of their total shrimp landed value inside the AOI annually.

Enterprises had a low dependence on shrimp caught inside the Torngat-AOI. Of the enterprises active in the Torngat-AOI, almost all relied on the area for less than 10 per cent of their total annual shrimp fishing revenue. Though a relatively small percentage, the fishing industry considers this to be a significant contribution to their viability and profitability.

Indigenous groups were active in the commercial shrimp fishery within the Torngat-AOI over the 2012 to 2020 period. Combined, Indigenous enterprises and joint ventures averaged about 38 tonnes of catch inside the Torngat-AOI annually with a landed value of about $184,000. Indigenous enterprises landed catch within the Torngat-AOI in five years over the nine-year period examined.

The Imappivut Knowledge interviews revealed several economic activities that occur in or near the Torngat-AOI. Many spoke of the historical iKaluk (Arctic char), kavisilik (Atlantic salmon) and ogak (cod) fisheries in the region that were active until the early 1990s and included handline, trap, and net fisheries. While these commercial fisheries are no longer generating

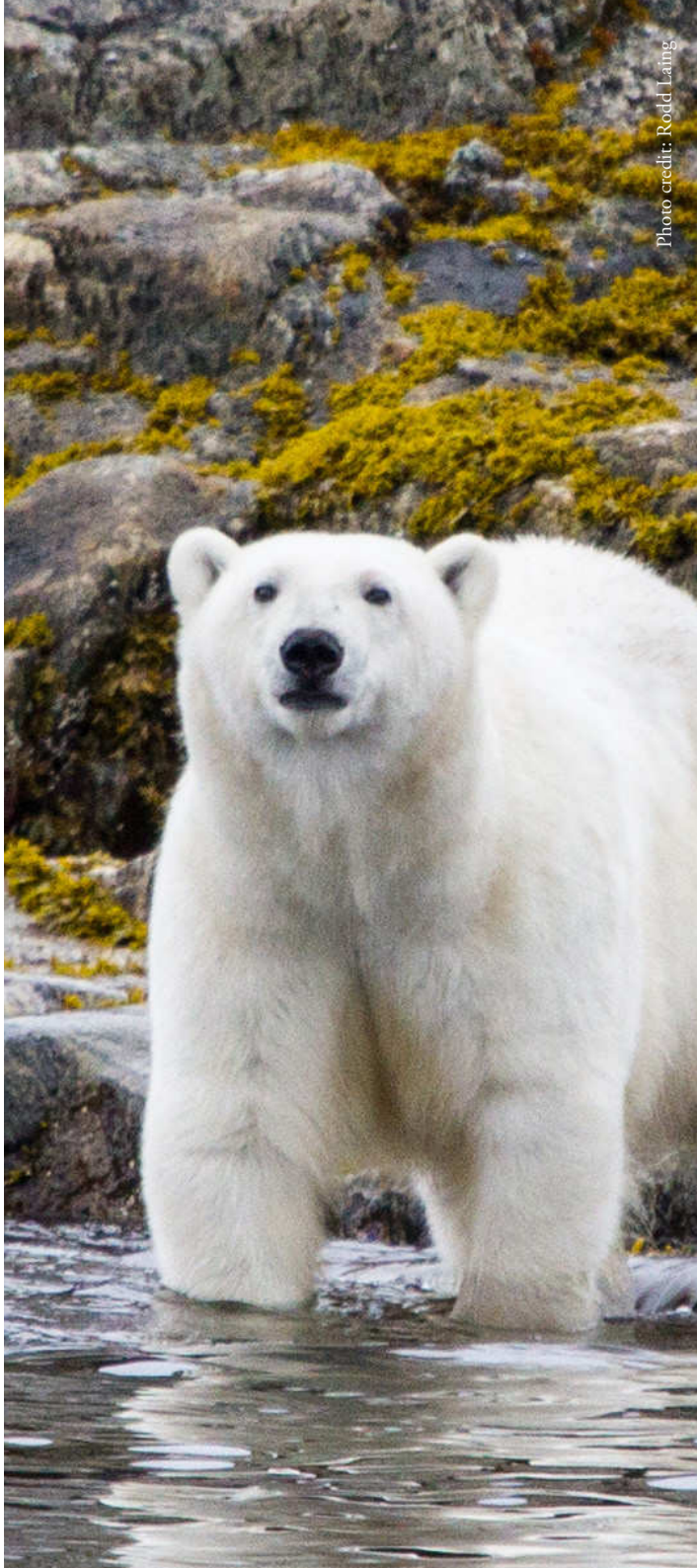


Photo credit: Rodd Laing

income, several interviewees found employment that still allows them to travel to the region as tour guides, boat captains, bear guards, or rangers. Interviewees referenced the past seal fishery and how it is now difficult to sell seal pelts.

The Nunatsiavut Government holds one Food, Social and Ceremonial fishing license for Atlantic salmon, trout, and Arctic char within the LISA. This includes all coastal waters along the Torngat Mountains National Park.

Marine Transportation and Commercial Shipping

There is minimal shipping directly to areas within the Torngat-AOI, however, there is significant transit activity north to Nunavut and west into Hudson Straight through the northern portion of the Torngat-AOI. Shipping transits are expected to increase with the opening of the Northwest Passage due to decreasing Arctic Sea ice. During storms, the Torngat-AOI fjords offer refuge and safe anchorage.

Future management of shipping near and within the Torngat-AOI – especially related to Transport Canada policies and associated regulations and the direct and indirect impacts on Inuit – needs to be considered in the Inuit context and within the context of UNDRIP. Research partnerships with academic institutions are in place to examine shipping in the area as part of the Imappivut Initiative, and marine planning will be a part of the broader management planning for the IPA/MNCA. Implications of the administrative shift of Nunatsiavut from DFO-Newfoundland and Labrador to the DFO-Arctic Region, to reflect appropriate boundaries for Inuit Nunangat, also needs further consideration.

Mining

The marine portion of the Iron Strand area adjacent to Torngat Mountains National Park contains two provincial mineral licences owned by Freeport Resources. The footprint of these licenses is excluded from the study area boundary. The larger licence area contains 107 staked claims and is 42.82% LISA and 57.18% Labrador Inuit Lands (LIL). The smaller licence area contains one staked claim and is 77.56% LISA and 22.44% LIL. These licenses were issued by the province of Newfoundland and Labrador prior to the signing of the LILCA, and the LILCA outlines the land-based and marine water lots adjacent to this claim area. If these mineral licences were given up by Freeport Resources, two processes could take place: 1) the licences are published in the Newfoundland and Labrador Gazette for immediate staking by another individual or company; and 2) the province of Newfoundland and Labrador determines that the license area is a known resource, thereby resulting in it being determined 'Exempt Mineral Lands'. The result of this second option creates a process that directly involves the Nunatsiavut Government in the future decisions of this area.

The CNMCA Act prohibits mining within an NMCA, therefore the marine area covered by the mineral licenses cannot be included in the IPA/NMCA boundary. Should the mineral licenses be released in the future and not staked by other companies, the Steering Committee recommends that they be incorporated within the boundary in the future.

Hydrocarbon Resources

NRCan conducted a qualitative petroleum resource assessment study for the Labrador continental margin and published the results in 2020. In 2021, the Nunatsiavut Government, in partnership with the Canada-Newfoundland Offshore Petroleum Board (C-NLOPB), completed an update to the Labrador Shelf Strategic Environmental Assessment which included the use of Inuit Knowledge. In 2023, NRCan assessed the portion of the Labrador continental shelf, coastal inlets and fjords not previously studied. At present there are no Exploration Licences, Significant Discovery Licences, Production Licences or Active Calls for Bids within the Torngat-AOI. The C-NLOPB was included in the stakeholder engagement and expressed no concerns with. the project but opted to receive information as the Torngat-AOI feasibility assessment progressed. The Torngat-AOI is interpreted to be an area with very low petroleum potential and a high-risk area for exploration. The petroleum potential within the Torngat-AOI is not considered to be a barrier to achieving feasibility.

GOVERNANCE OF THE PROPOSED IPA/NMCA

Successful governance and management of any protected area is founded on cooperation and collaboration. There is a desire from both the Nunatsiavut Government and Parks Canada to develop an Inuit-led governance framework for the proposed NMCA that is based on the willingness to work together in the spirit of cooperation, transparency, and ongoing dialogue. The establishment of an IPA/NMCA would not fetter or limit the existing authorities, rights, or jurisdictions of any party.

The Prime Minister committed to the co-management of new protected areas and establishing nation-to-nation relationships based on the recognition of rights and respectful partnership. NMCA establishment and management support Canada's commitment to advancing reconciliation and the implementation of rights, treaty obligations, related commitments outlined in the *United Nations Declaration Act* Action Plan, and in a manner that reflects the spirit and intent of UNDRIP.

The Steering Committee reviewed international and national models of Government/ Indigenous relations and decision-making powers concerning protected areas. These models range from relationship-building to cooperative management and consensus management. Based on community feedback and Steering Committee discussions, a governance model with the following components is envisioned and will be further discussed during negotiations for the establishment of the IPA/ NMCA.

1. Establishing a consensus-based governance structure where the President of Nunatsiavut, the President of Makivvik Corporation* and the responsible federal minister(s) are the ultimate joint decision makers within their respective areas of authority, for the management and planning of the IPA/NMCA and federal policy changes that may affect the IPA/NMCA.

2. Establishing a consensus based Torngat IPA/ NMCA Management Board representatives from the federal government, the Nunatsiavut Government and Makivvik Corporation.* The Board would examine all steps, decisions, initiatives, and undertakings relating to the planning, operation, and management of the IPA/ NMCA.

3. Establishing a Joint Operations Committee with an equal number of representatives from the Nunatsiavut Government, Makivvik Corporation* and Parks Canada to support the Torngat IPA/ NMCA Management Board.

*The full participation and role of Makivvik Corporation will be formalized in the negotiation of the establishment phase, respecting the Nunavik Inuit/ Labrador Inuit overlap agreement.

Photo credit: Gary Baikie

Dispute resolution process

A dispute resolution process will be established at the outset of site governance, in the event of IPA/NMCA Management Board membership disagreement.

Principles of consensus recommendations, respect, recognition of rights, partnership and open discussions will underpin the approach. In the event of a clear and final disagreement of the Torngat IPA/NMCA Management Board on a matter, the matter shall be referred to senior Executives and/or to the President of Nunatsiavut, the President of Makivvik Corporation (will be confirmed by Makivvik), and the Minister responsible for the subject matter, to reach consensus following reasonable engagement and discussion.

Potential future options

Parks Canada's spectrum of governance options involving Indigenous Groups continues to evolve. Potential future options, enabling higher degrees of Inuit authorities and responsibilities, will continue to be explored. Parks Canada is also committed to bringing its operational policy, regulatory, and legislative framework in line with UNDRIP and the United Nations Declaration, as articulated in the Action Plan to implement the *United Nations Declaration on the Rights of Indigenous Peoples Act.*

The Nunatsiavut Government has the authority to designate protected areas under LILCA and may designate the Torngat-AOI as an IPA. The LILCA specifically identifies the required process and steps for the relevant government and associated Minister, when appropriate.

The Co-Management of Torngat Mountains National Park in Comparison to the Proposed Governance Structure

The Torngat Mountains National Park (TMNP) is cooperatively managed with Inuit partners, and the Cooperative Management Board (CMB) members and the Parks Canada positions are staffed entirely by beneficiaries of the Nunavik Inuit Land Claims Agreement and the Labrador Inuit Land Claims Agreement, thus facilitating Inuit stewardship and use of those lands, and promoting the transmission of Inuit knowledge and practices in ways that provide significant meaning for Inuit beneficiaries. The TMNP CMB provides advice to the Torngat Wildlife and Plant Co-Management Board, the Torngat Joint Fisheries Board, the Nunatsiavut Government, and to other agencies on all matters related to the management of TMNP.

The IPA/NMCA Co-Management Board composition will likely include more federal departments than the TMNP Co-management Board because the proposed decision-making authorities will include DFO and Transport Canada.

Photo credit: Marie Fernandes

RECOMMENDED BOUNDARY

The recommended boundary for the Torngat-AOI, which has been approved by the Nunatsiavut Executive Council, is shown in Appendix 3.

Community input and research collected to support the Nunatsiavut Government's Imappivut Marine Plan was incorporated within the feasibility assessment process. This input and research identified a need to understand the ecological processes that influence the high biological productivity of the Labrador Shelf, especially with respect to Inuit use. Furthermore, three separate research processes which supported the feasibility assessment – from the Nunatsiavut Government, Parks Canada and DFO – collectively demonstrated the ecological and biological importance of the Labrador Shelf extending beyond the proposed boundary. Ecosystem components such as ice, marine mammals, corals and sponges and marine birds, that influence the high biological productivity of the area, were considered especially important for protection, and thereby influenced the boundary delineation process.

Fishing activity within the Torngat-AOI was also a key boundary consideration. In collaboration with DFO, recent 10-year fishing activity/data was analyzed, as well as stock distributions and abundance, which may fluctuate with changing environmental conditions. Some groundfish stocks were under moratoria over the last ten years and required the analysis of historical data to capture a comprehensive picture of fishing activity.

In late October 2023 the Steering Committee updated the boundary (16,791 km^2) and in early December, recirculated it to key stakeholders and communities for feedback. The boundary was updated based on knowledge and data gathered during the feasibility assessment, including community and stakeholder feedback and the need to balance nature conservation with human use. A portion of the offshore boundary was extended further east to incorporate an area of ecological importance to better protect ice, marine mammals, corals and sponges and marine birds.

The northern tip of the Torngat-AOI, outside of the LISA marine zone, was identified as having high economic importance for shrimp fish harvesters. A portion of this area of economic importance to Nunatsiavut fisheries interests was removed, but much of the economically important area remained within the boundary. At the time, the Steering Committee considered that most enterprises had a low dependence on shrimp caught inside the study area. Supplementary work by the Steering Committee will be required to adequately address these concerns and finalize the boundary. The Steering Committee also saw the protection of the Torngat-AOI, and by default, the Labrador Shelf ecosystem, as a way to bolster fisheries productivity in surrounding waters.

To advance protection and ensure that the Nunatsiavut Government's vision for the area is fully achieved, a phased approach to site establishment may need to be considered.

STEERING COMMITTEE RECOMMENDATIONS, TERMS, AND CONDITIONS

The Steering Committee recommends to the President of the Nunatsiavut Government and the Minister of Environment and Climate Change Canada, on behalf of the Government of Canada, to endorse the findings of the feasibility assessment and commit to negotiating in good faith the establishment of the Torngat-AOI as an IPA under the *Canada National Marine Conservation Areas Act*.

In keeping with Action 95 of the *United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan*, federal policy, regulatory and legislative options should be advanced to support the establishment of an IPA under federal legislation.

While Parks Canada can enter cooperative management arrangements that enable shared decision-making structures that may meet the vision and objectives of the partnering Indigenous governments, it does not have the ability to create an IPA under the CNMCA Act. Legislative amendments may be required to fully realize the goals of an IPA as presented in this report. A dual designation of the Torngat-AOI as an IPA and NMCA may be necessary until Parks Canada can designate the site as an IPA under the CNMCA Act. Considering the time required for this to occur, the Steering Committee makes the following recommendations on how best to proceed in the interim:

- The Government of Canada and the Nunatsiavut Government endorse the proposed IPA/NMCA.
- Makivvik will be invited to participate in all aspects of the next stage of the establishment process, as requested by their leadership.
- Agreement on the 'Area Under Discussion' of the map in Appendix 3 must be reached between the Nunatsiavut Government, Makivvik Corporation, and DFO by the date of designation, otherwise this area will be excluded from the IPA/NMCA under the CNMCA Act at that time, however, it could be added at a future date. Consideration and engagement will take place with any other Indigenous rights holders that have access rights to the area.
- Secure DFO's provisional support for the recommended boundary, by ensuring:
  - All consultation with the relevant Indigenous Wildlife Management Boards in relation to the establishment of the proposed NMCA be completed to DFO's satisfaction. DFO will not support finalization of the Torngat NMCA AOI boundaries until these necessary consultations have been completed as per existing land claim agreements.
  - Once DFO is satisfied that all legal obligations under the land claim agreement are fulfilled, the proposed AOI boundary (including the "Area of Discussion") will be presented at the Northern Shrimp Advisory Committee (NSAC) table for discussion respecting the potential impact of this proposal on shrimp fishing activities.
  - DFO's conditional support is specific to the map in Appendix 3.
- The Government of Canada, Makivvik Corporation, and the Nunatsiavut Government direct their respective negotiation teams to launch negotiation in a timely manner and provide a mandate for negotiating a legally binding IPA/NMCA establishment agreement and associated Impacts and Benefits Agreement.
- The Government of Canada to ensure that federal funding is sufficient to support the establishment, administration, and management of the IPA/NMCA. This includes required upgrades to infrastructure and operational planning required to increase the capacity of the Nunatsiavut Government to manage the Torngat Mountains Base Camp and Research Station, and that the Torngat Mountains Base Camp and Research Station be the main visitor hub for the National Park and the IPA/NMCA.
- The Steering Committee remain in place to coordinate discussions between the parties during the negotiations of the IPA/NMCA establishment agreement and during subsequent stages of the IPA/NMCA establishment process.
- Obtain support and commitment from the Government of Newfoundland and Labrador to transfer the seabed and subsurface (insofar as the province has any interest in the subsurface) to the Government of Canada in accordance with the provisions required under the CNMCA Act, and any other actions required to meet legislative requirements for prohibition of exploration and

development of petroleum resource exploration and development within an NMCA.

- Consider the application of any amendments to the Canada–Newfoundland and Labrador Atlantic Accord Implementation Act when and if applicable.
- Consider incorporating the marine areas covered by the mineral licenses and Nunatsiavut Government water lots that are currently excluded from the Torngat-AOI boundary within the IPA, should mineral licences be released in future.
- Ensure that the land claim obligations under the Nunavik Inuit/Labrador Inuit Overlap Agreement are respected, and that Makivvik Corporation is a member of the future governance structure.
- The Steering Committee formally complete all supporting reports to provide additional details related to the feasibility assessment recommendations.
- Endorse a consultation tour to report back to Inuit communities (Nunatsiavut communities, Upper Lake Melville and Kangiqsualujjuaq) with a What We Heard Report following approval of the Feasibility Assessment Report.
- Consider the importance of place names to Inuit culture, including the future name of the IPA/NMCA, ensuring the selection process reflects Inuit cultural values. Ensure Inuit place names and language will be prioritised in the establishment and management of the IPA/NMCA.
- Parks Canada to lead a whole-of-government approach to resolve outstanding transportation concerns of the Nunatsiavut Government that may impact viable industry and access to the Torngat Mountains Basecamp and Research Station during the negotiation of the IPA/NMCA.
- Ensure the NMCA establishment process creates opportunities for Labrador and Nunavik Inuit Knowledge Holders, Elders, land users, youth, and harvesters to share their values and knowledge.
- Ensure that NMCA objectives consider the following:
    - Contribute to food security, the spiritual, mental, and physical well-being of Inuit including local economic benefits and the ongoing support of Inuit traditional cultural activities, including harvesting, as is the intent of the CNMCA Act.
    - Protect, within Park Canada's NMCA program, the significant seascape of the Torngat-AOI, to represent the Labrador Shelf Marine Region of the Parks Canada NMCA System Plan.
    - Protect important species including polar bears, seals, fishes, and seabird habitat (nursery and calving areas, spawning areas, feeding areas) and key migratory routes through the region.
    - Develop and implement interim protection measures until such time that the site comes under legislation and a full management plan can be developed.

The above recommendations should be actioned in the context of the following:

- Recognize Inuit spiritual connection and responsibilities to the Torngat-AOI lands, waters, and ice that have existed since time immemorial.
- Inherent and existing Inuit rights protected under section 35 of the Canadian Constitution, and traditional harvesting rights protected under the Labrador Inuit and Nunavik Inuit Land Claims Agreements will continue to be respected, recognized, and affirmed within the proposed NMCA.
- Ensure that the governance structure respects Inuit as primary stewards in their marine and coastal territory.
- Transparency, trust, and collaboration will be maintained between the Nunatsiavut Government and Canada, with the goal of reconciling interests and making effective and durable decisions throughout the NMCA establishment process.

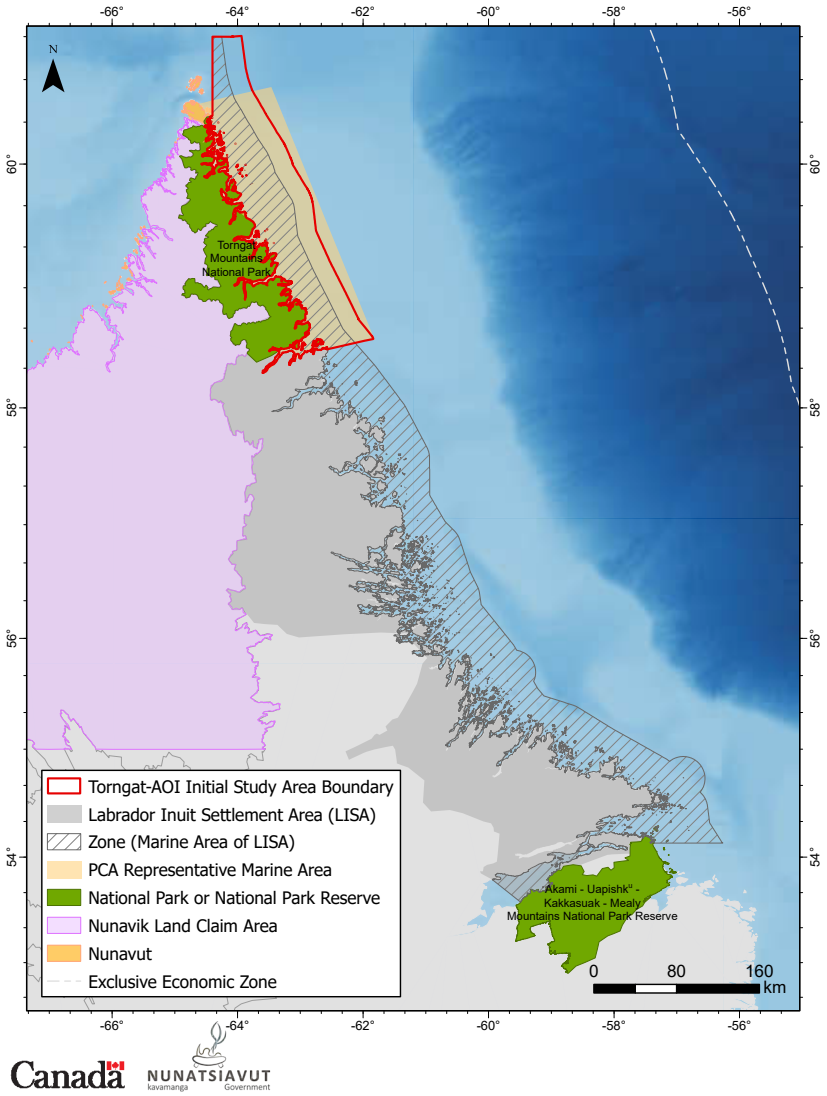
Photo credit: Amanda Joynt

CONCLUSION

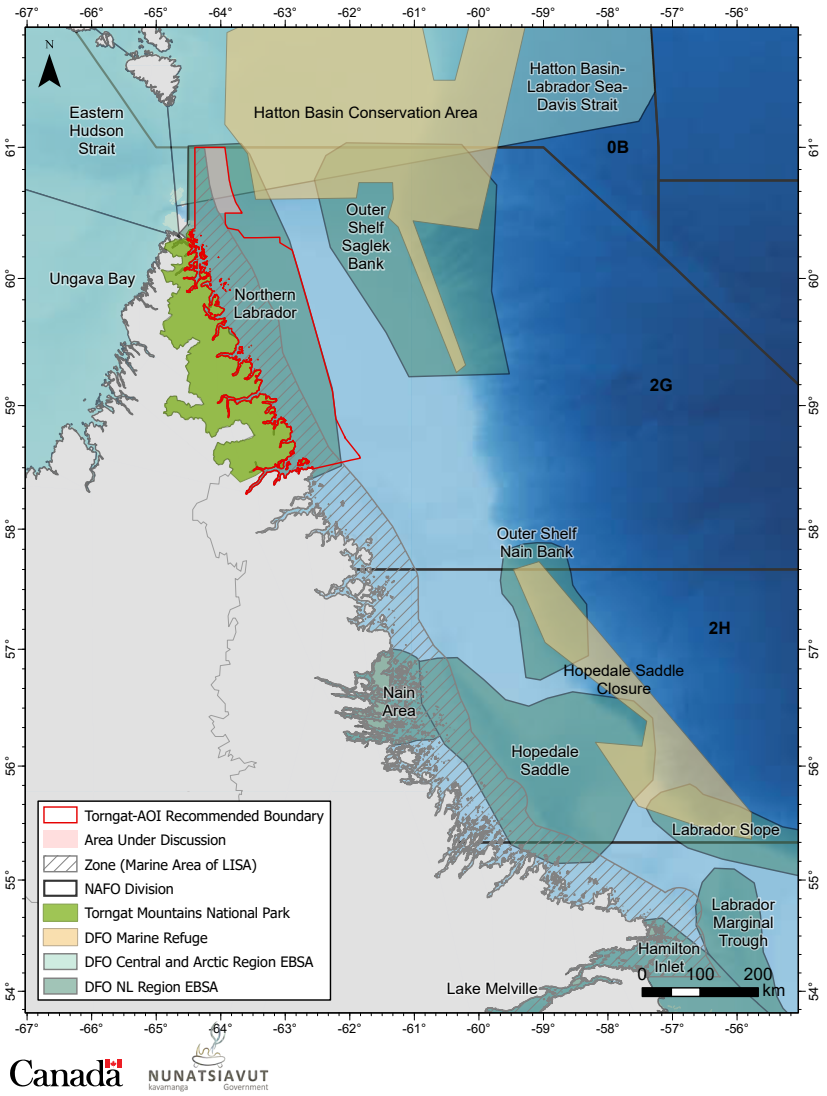
Based on Inuit Knowledge, community feedback, and scientific study and review, the Steering Committee determined that protecting the Torngat Area of Interest as an Inuit Protected Area/national marine conservation area under the CNMCA Act is feasible and desirable. This area is a deeply significant part of the Inuit homeland, as well as of Canada as a whole.

This Feasibility Assessment Report is a milestone towards protecting the Torngat-AOI. This is the first time that a marine area in Canada is being studied from the outset for the potential to be an Inuit Protected Area under the CNMCA Act. This Inuit-led conservation initiative adds a new dimension to Canada's relationship with Inuit and supports the commitment to reconciliation made by the Government of Canada with Indigenous peoples. The protection of the Torngat-AOI safeguards these precious coastal and marine areas for the benefit of present and future generations, and is important to Inuit cultural, social, spiritual, ecological, and economic well-being.

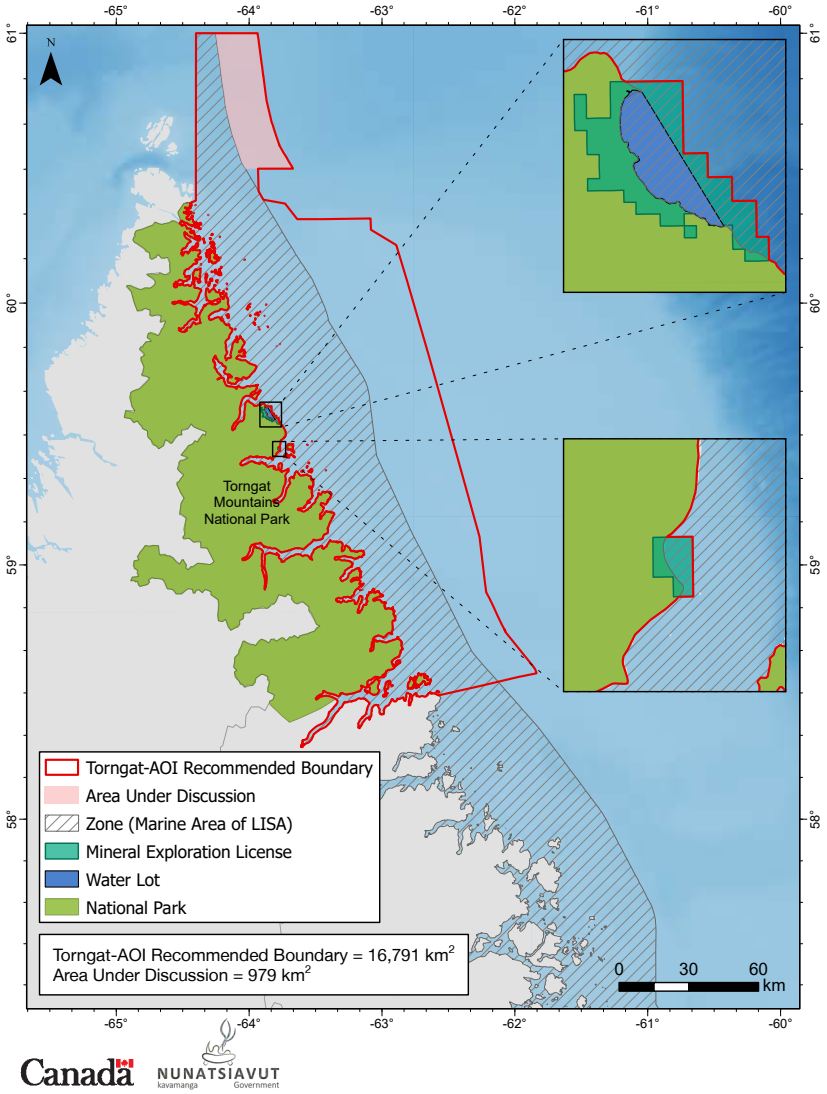
APPENDIX 1: INITIAL TORNGAT-AOI STUDY AREA BOUNDARY



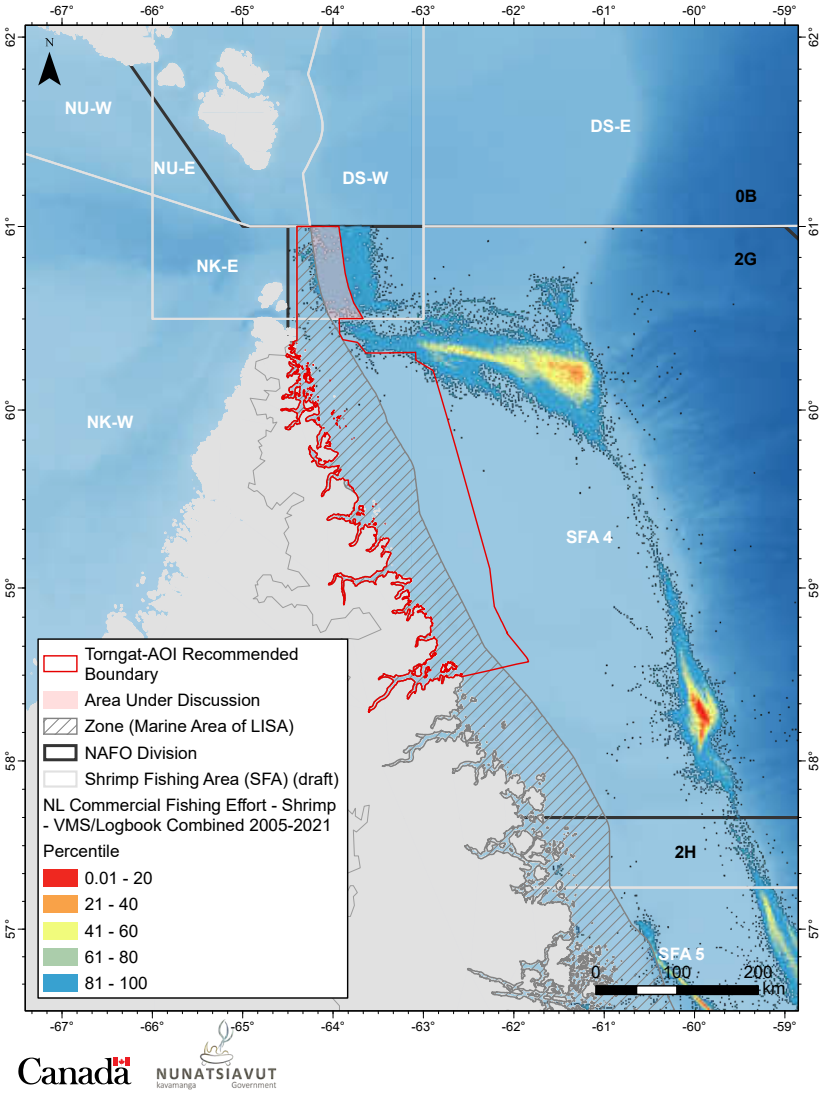
APPENDIX 2: ECOLOGICALLY AND BIOLOGICALLY SIGNIFICANT AREAS, MARINE REFUGES AND PROTECTED AREAS IN REFERENCE TO THE TORNGAT-AOI RECOMMENDED BOUNDARY



APPENDIX 3: TORNGAT-AOI RECOMMENDED BOUNDARY



APPENDIX 4: TORNGAT-AOI RECOMMENDED BOUNDARY AND GEOREFERENCED COMMERCIAL FISHING CATCH (SHRIMP ONLY)



NUNATSIAVUT
kavamanga Government

Parks Canada Parcs Canada

Photo credit: Rodd Laing