

**Marine Protected Area Standards:
Balancing Conservation with Socio-Economic Considerations**

**Submission to the National Advisory Panel on
Marine Protected Area Standards**



July 2018

Summary

The recommendations below that the Fisheries Council of Canada (FCC) is making recognize and build on existing elements of the processes for establishing individual MPAs and a broader Network.

The primary concern of the fisheries sector is how Canada balances the desire to conserve and protect our ocean ecosystem while still generating much needed economic benefits from our fish resources. For example, the federal government has pointed to the agri-food sector (including fish/seafood) as an economic engine for Canada and set an ambitious export target of \$75 billion by 2025. Achieving this growth likely conflicts with marine conservation efforts. This conflict will be a more difficult struggle going forward. It will require more collaborative effort by all parties – governments, industry and other stakeholders.

We must also remember that Canada is helping to feed the growing global population with a healthy and sustainable source of protein. In fact, Canada (and many other nations) do not eat the recommended amounts of fish and seafood. We are missing out on the nutritional and health benefits of eating fish and seafood.

The commercial fisheries sector is a partner on marine conservation. Fishermen have practical, on-the-water knowledge that is essential to good outcomes. Sector participants also have intricate understanding of the socio-economic implications of proposed marine conservation measures. This can augment the modelling that is sometimes based on very limited data.

The Standing Committee on Fisheries and Oceans has recently issued a report related to this topic, [*Healthy Oceans, Vibrant Coastal Communities: Strengthening the Oceans Act Marine Protected Areas' Establishment Process*](#). The Standing Committee clearly believes Fisheries and Oceans Canada can improve its whole approach to establishing MPAs as part of its marine conservation efforts. FCC encourages the Panel to review this report and consider its findings and recommendations.

Recommendations

1. Use science-based decision making which recognizes the role of the fisheries sector in sustainable fisheries management and contributing to a healthy ocean ecosystem.
 - a. Canada is a global leader in the adoption of third-party certification of sustainable fisheries management. The Marine Stewardship Council (MSC blue eco label) is the leading standard. Two-thirds of Canadian wild capture production is certified to the MSC standard, which represents almost all major stocks and is over 80 percent of the value of Canada's fishery. This is in the context of only about 10% of the world's fisheries being certified.
2. Incorporate the socio-economic considerations which recognize the economic importance of the fisheries sector and other users.

- a. The Canadian seafood industry creates 80,000 direct jobs, mainly in coastal and rural communities, and accounts for \$7 billion in exports. The industry has a significant presence in Atlantic Canada and Quebec, followed by BC, and Nunavut, with some freshwater fishing concentrated in Manitoba and the Great Lakes.
3. Take a flexible approach in selecting the right conservation tool for the situation – regardless of it being under the Oceans Act, Fisheries Act, or other authority. This flexible approach is needed in order to meet the range of conservation and protection objectives while allowing for sustainable uses.
 - a. While MPAs may have a role for protecting unique features, high concentrations of sedentary corals/sponges, and representative marine biodiversity areas, there is scientific evidence that MPAs are a relatively blunt instrument that should not be considered for the conservation/management of commercial species in jurisdictions, like Canada, where more effective modern fisheries management techniques are employed.
4. Consider the Standing Committee’s MPA study report. In short, the Committee believes DFO needs to improve its transparency, consultation and consideration of socio-economic impacts. Many of the Standing Committee’s 24 recommendations could be incorporated into the Panel’s recommendations on MPA standards.

The Fisheries Council And Its Members

Since the Fisheries Council of Canada was established in 1915, Council has been the national voice for Canada's commercial fisheries. Our members include small, medium and larger-sized companies along with Indigenous enterprises that harvest fish in Canada's three oceans and inland waters. Member companies are also processors who process the majority of Canada's fish and seafood production. FCC members take pride in being key employers in their communities, providing jobs and creating an economic base for other local businesses.

The National Advisory Panel has already heard or is hearing from some FCC members:

- BC Seafood Alliance – April 8
- members of the Nunavut Fisheries Association – June 9
- Groundfish Enterprise Allocation Council / Canadian Association of Prawn Producers – July 6

Our perspectives are aligned and collectively will provide useful advice for the Panel's consideration.

Science-Based Decision Making Which Recognizes The Role Of Sustainable Fisheries Management

Canadian fisheries management has evolved and improved and many changes have been made to the way in which fisheries are conducted. This is important for two reasons. Effective management outside of MPA boundaries is critical to the success of strategies applied inside MPAs; and, the improvements have also served to reduce or mitigate some of the impacts of fishing that MPAs are intended to address.

Some management changes came out of adversity. Catch limits are now set more conservatively than previously and moratoria have been placed on some troubled stocks. There are more stringent rules to limit by-catch. The level and effectiveness of monitoring and control has improved through use of at-sea observers, satellite-based vessel monitoring systems, and dockside monitoring programs. Increased reporting requirements including hails from sea, more comprehensive requirements for log books and other forms of record keeping provide a more accurate picture of catches, landings, and fishing mortality. Higher penalties are imposed for fishery offences.

Some improvements are technologically based. Global positioning systems (GPS) and seabed mapping have made for more accurate targeting of fishing effort. This has reduced bottom contact, increased efficiency and reduced fishing costs. There have been improvements in gear to reduce by-catch and bottom impacts (mesh size and shape, and hook size and shape, lighter gear, separator trawls, grates and grills that permit the escape of by-catch and undersize fish, etc.). Fishing capacity has been reduced dramatically (many by more than 50%), particularly where Enterprise Allocation (EA)/Individual Transferable Quota (ITQ) programs are in use.

Beyond that, Canada is a global leader in the adoption of third-party certification of sustainable fisheries management. There are a number of programs and organizations that certify fisheries for sustainability and traceability. The Marine Stewardship Council (MSC blue eco label) is key among them. Two-thirds of Canadian wild capture production is certified to the MSC standard, which represents almost all major stocks and is over 80 percent of the value of Canada's fishery. This is in the context of only about 10% of the world's fisheries being certified.

Incorporating The Socio-Economic Considerations, Including The Economic Importance Of The Fisheries Sector

The Canadian seafood industry creates 80,000 direct jobs, mainly in coastal and rural communities, and accounts for \$7 billion in exports. The industry has a significant presence in Atlantic Canada and Quebec, followed by BC, and Nunavut, with some freshwater fishing concentrated in Manitoba and the Great Lakes.

In June 2017, the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) issued a Report on Canada's Network of Marine Protected Areas. It quoted the Organization for Economic Cooperation and Development (OECD), "the ocean is the new economic frontier. It holds the promise of immense resource wealth and great potential for boosting economic growth, employment and innovation. And it is increasingly recognized as indispensable for addressing many of the global challenges facing the planet in the decades to come, from world food security and climate change to provision of energy, natural resources and improved medical care."¹ The report also rightly pointed out that with great potential comes great responsibility – to ensure we act sustainably.

Global population is growing, as is the demand for protein. Fish and seafood are highly sustainable sources of protein. Canada can leverage its fish resources to generate economic benefits for Canadians while helping to feed the world. The federal government points to the agri-food sector as a significant growth engine for Canada, setting a \$75 billion export target for 2025. The fisheries sector sees itself as being an important component of that economic engine.

It is critical that the economic and social costs and benefits for people living in and around the MPA, or those dependent on the goods and services derived from the area, are identified and integrated at the commencement of the process to identify "significant areas", as well as during the process to select and design MPAs.

Taking A Flexible Approach In Selecting The Right Conservation Tool For The Situation

Multiple federal departments and agencies have marine protected area legislation and mandates - DFO, ECCC, and Parks Canada. They collectively have a suite of

¹ OECD (2016), the Ocean Economy in 2030, OECD Publishing, Paris. Page 13.
<http://dx.doi.org/10.1787/9789264251724-en>

management measures that can contribute to a national protected area strategy. These include formally designated marine protected areas under Parks, EC, and Oceans Act legislation, protection achieved through Fishery Act closures, SARA and through voluntary fishery closures and areas protected by provinces, territories, Aboriginal Peoples and other private groups.

In 2011 the CCFAM released a National Framework for Canada's Network of Marine Protected Areas. The Framework identifies a multi-step inclusive approach used to identify MPAs beginning with the identification of Areas of Interest (AOIs) and ending with the designation and management of some of the AOIs as MPAs. The process for assessing an AOI to determine if it should be designated as an MPA, be considered for other forms of protection, or be dropped from further consideration is also described.

The Framework describes how an MPA network will be identified over time. Individual departments establish protected areas in accordance with their mandates and policies. Collective planning efforts aim to identify ecologically significant areas that are further evaluated to determine which regulatory or non-regulatory tool, if any, is needed to ensure the conservation and protection of the area. Not all of the significant areas will become Areas of Interest, and not all AOIs will become marine protected areas.

The Framework notes that management plans for individual MPAs are developed with the involvement of local resource users and interested and affected parties. MPAs differ from one to another; some may contain strict no-take zones while others may contain sustainably managed zones. **This flexible approach is needed in order to meet the range of conservation and protection requirements of MPAs while allowing for sustainable uses.**

MPAs have definitive boundaries set in regulations and are most likely to be static realities over the very long-term. There are good ecological reasons to consider using more dynamic measures. Many factors can change, including changes in purposes, environmental conditions, climate, and biodiversity and that periodic reviews will determine whether an existing MPA might be discontinued, enlarged, relocated, or redesigned to serve its intended purposes. Temporary closures that apply only when the conservation issue is present can provide cost-effective options for protection. They can be adjusted geographically and seasonally to provide protection where and when it is needed. Fisheries management uses a variety of such closures that can contribute to network objectives. Timeframes for closures can range from seasonal to decadal. Spatial seasonal closures can be applied to protect spawning fish and migrating marine mammals. Small and large-scale closures have been instituted as single-species refuges from fishing to promote rebuilding of depleted stocks. Rotational closures for some other species allow a fraction of a managed fishing ground to be opened keeping the remainder closed for stocks to replenish or for young animals to grow and also allow habitat and biological communities to recover from the effects of fishing – with such practical conservation actions taken in the context of sustainable use, not in the context of creating preserves.

Before fisheries closures are considered, effort should be made to identify alternative

gear configurations that would address impact concerns. This can be an effective management measure for addressing the conservation objective(s) while still providing economic benefits to Canadians. This approach can also lead to innovations as collaborative thinking occurs. Thought should also be given to any regulatory barriers to innovations, particularly relating to gear equipment and configurations.

Marine conservation should be situation-specific and based on sound scientific analysis that such incremental action is required to achieve the specific conservation objectives that are under consideration.

However, not all of the conservation measure options count towards Canada's protection target. Caution may be needed to not unduly jeopardize socio-economic benefits when selecting which conservation measure to adopt for a given area of interest, particularly, in order to meet a numeric target. FCC supports Canada's efforts in international discussions to instill more flexibility in what measures are recognized as marine conservation. **FCC recommends using the best conservation measure regardless of how it may, or may not, count towards Canada's international commitments.**

The Oceans Act allows for zones that define levels of protection to be established within MPAs. A management plan for an MPA will include zoning provisions that specify which activities will be permitted or prohibited within each zone, establish boundaries for specific activities and permitted uses, and prescribe rules of use and restrictions on various activities. The number and type of zoning categories will vary to meet the purposes for which the MPA is established. Zones may include strict 'no take' or 'no activity' areas, where access is severely limited; areas where controlled use, limited resource harvesting, or other human activities are allowed under specified conditions; and temporal zoning categories designed to vary provisions depending on seasons or other time periods, such as spawning. Identifying protective measures that conserve a healthy eco-system while allowing sustainable use, should be a priority within MPAs.

Where MPAs encroach on areas used for fishing, zoning should allow fishing uses that do not directly impact on the purposes for which the MPA is established.

Findings And Conclusion By The Standing Committee On Fisheries And Oceans

The Standing Committee on Fisheries and Oceans has recently issued a report related to this topic, [*Healthy Oceans, Vibrant Coastal Communities: Strengthening the Oceans Act Marine Protected Areas' Establishment Process*](#). One of the important findings by the Standing Committee is that...

DFO has difficulty clearly communicating changes to boundaries and other modifications made to a MPA throughout its establishment process. Trade-offs and alternative options considered during the decision-making process were also not made transparent by DFO. In the Committee's view, ensuring a transparent and easy to follow MPA process is key to maintaining social

support for that MPA.²

The conclusion of the report is as follows:

In the Committee's view, marine biodiversity conservation is both an environmental and socio-economic priority. Effective MPAs are essential and precautionary tools in Canada's overall ocean management strategy... The Committee is encouraged by the progress made to date by Canada in achieving its marine conservation targets. However, the Committee believes that the process being used by DFO to identify and establish Oceans Act MPAs can be enhanced to ensure that MPAs are effective and achieve their intended benefits.

The Committee notes that access to living marine resources is important for the sustainability of Indigenous and coastal communities. In the Committee's opinion, such access should be transparently considered by DFO as a central element in its decision-making processes relative to MPAs. Unfortunately, to what extent MPAs affect the socio-economics of coastal communities that rely on the oceans for their livelihoods was a question that was not clearly answered during the course of this study. Testimony submitted to the Committee, however, showed that failing to incorporate social, economic and cultural considerations into the MPA establishment process can lead to significant conflict, loss of trust, resistance, and in some cases, the creation of MPAs that may not be as effective as they could be. Therefore, including Indigenous and coastal communities in decision-making processes that impact their access to adjacent marine spaces is imperative.

Furthermore, the Committee believes that, in addition to sound scientific information, ocean management decision-making must include more community and Indigenous knowledge and values. The Committee is convinced that when local communities are included in the planning and management of the marine environment, they are more likely to support sustainable management practices and contribute to the success of conservation objectives. Such inclusion will also help foster ownership of and cultural connections to these areas, and encourage local monitoring and stewardship, which in turn will help the MPAs achieve their conservation objectives.³

Consider the Standing Committee Report. Many of its 24 recommendations could be incorporated into the Panel's recommendations on MPA standards.

² House of Commons, Standing Committee on Fisheries and Oceans, [Healthy Oceans, Vibrant Coastal Communities: Strengthening the Oceans Act Marine Protected Areas' Establishment Process](#), June 2018, p. 41.

³ Ibid, pp 60-61.

Responses To The Specific Questions From The Panel

1. As FCC stated above, the effectiveness of MPAs depends on the protection objectives. MPAs may be effective in unique coral reef systems. They are effective at restricting benthic disturbance or damage. MPAs are not effective in rebuilding depleted fish stocks in open-shelf marine systems.

The increased economic opportunities are questionable in open-shelf systems because the MPA precludes most economic activity therein. Shifting fishing efforts to around the perimeter of a MPA or elsewhere is not always possible, because the commercial species may not extend beyond the MPA boundary or not in sufficient numbers to make harvesting economically viable.

It is not clear that Canada has the resources to adequately monitor and manage the effectiveness of MPAs (and other marine refuges) it is establishing. The current focus on meeting its 2020 commitment to protect 10% of its oceans is likely to consume its bandwidth, leaving no capacity to monitor and manage the effectiveness of the individual MPAs (or other measures) and the broader network. Given the real threats to our oceans – climate change, ocean acidification, habitat degradation and pollution – we need to ensure that we can actively manage and adapt to ensure our marine conservation efforts will be successful. This is especially important to earn and maintain the support of Canadians directly impacted by prohibitions on economic activity within the marine conservation initiatives.

2. FCC has a number of Indigenous member companies and they were consulted and participate in our deliberations.
3. The IUCN Guidelines provide a context for evaluation of MPAs, but we should rely on a made-in-Canada approach to help align conservation objectives with management outcomes. For instance, since Canada already has a well-established sustainable fisheries management regime, augmented by extensive third-party certification, adopting Other Effective Area-Based Conservation Measures (OEABCMs) and utilizing fisheries management measures are likely more appropriate than the more static MPAs under the Oceans Act.
4. As stated above, FCC advocates a more targeted approach to better balance the trade-off between marine conservation and the socio-economic benefits from the fisheries sector or other ocean economic activities. FCC supports Canada's efforts to gain more recognition of OEABCMs within the international monitoring of achievements towards the Sustainable Development Goals.
5. Like any guidelines, they are most helpful the first few times used. Then learning from failures and successes can advance processes beyond the initial guidelines. Canada is in that position and should be striving to learn from each marine conservation initiative already undertaken.

About The Fisheries Council Of Canada

Since the Fisheries Council of Canada was established in 1915, the Council has been the national voice for Canada's commercial fisheries. Our members include small, medium and larger-sized companies along with Indigenous enterprises that harvest fish in Canada's three oceans and inland waters. Member companies are also processors who process the majority of Canada's fish and seafood production. FCC members take pride in being key employers in their communities, providing jobs and creating an economic base for other local businesses.

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