

Conservation Council of New Brunswick
3 Princes of Wales St.
St. Andrews, NB, E5B 3W9
506-529-8838
matt.abbott@conservationcouncil.ca

July 31, 2018

Panel Secretariat
National Advisory Panel on Marine Protected Area Standards

Re: Protection standards in Canada's marine protected areas

The Conservation Council of New Brunswick (CCNB) is a non-profit organization that creates awareness and advances solutions to environmental problems in New Brunswick. CCNB has a long history working on marine conservation issues, including engagement in past marine protected area (MPA) designation, as well as ongoing MPA processes and outreach with various stakeholders.

Protection and process standards should be adopted in Canadian MPA policy to improve the effectiveness and fairness of protections for our marine environment. Effective protection of our oceans and coastal communities is critical as we continue to experience ecosystem shifts and impacts from human activities and climate change.¹ Canada is currently counting the area covered by a broad set of conservation mechanisms towards attaining our conservation targets,² however this comes with the added challenge of ensuring that each of these mechanisms provides adequate protection and generates desired conservation outcomes.

The purpose of this submission is to (1) outline rationale for adopting protection standards, and (2) provide recommendations for doing so.

(1) Rationale for protection standards

1. Effective environmental protection

The primary goal of Canada's MPA network is "to provide long-term protection of marine biodiversity, ecosystem function and special natural features."³ Regardless of the specific conservation objectives of individual MPAs, industrial activities threaten this overarching goal and, as such, should not be permitted within any MPA. Adverse environmental impacts have been demonstrated from industrial activities, including oil

¹ DFO 2012

² Office of the Prime Minister of Canada 2015

³ DFO 2011

and gas exploration,⁴ seabed mining,⁵ high impact industrial fisheries,⁶ open net pen aquaculture,⁷ and renewable energy.⁸ Prohibiting these activities is consistent with IUCN Motion 26 which calls on governments to prohibit environmentally damaging industrial activities and infrastructure development in all IUCN protected area categories.⁹

2. Fairness across stakeholder groups

Industrial activities have been prohibited and allowed inconsistently across Canadian MPAs to-date.¹⁰ Coastal stakeholders have expressed that prohibiting certain industries while allowing others within MPAs is unfair and negatively impacts conservation outcomes.¹¹ Establishing protection standards would enhance the fairness of MPAs, and therefore increase the likelihood of stakeholder buy-in¹² as well as Canada's ability to meet the Aichi Target 11 requirement for "effectively and equitably managed" protected areas.¹³

3. Reduced uncertainty

Uncertainty and apprehension can reduce support for MPAs,¹⁴ and persist even in cases where stakeholder activities are not ultimately impacted in significant ways.¹⁵ Currently, uncertainty surrounding what will (not) be allowed within MPAs is contributing to apprehension about MPAs in various communities. Confusion is heightened by the wide range of Canadian conservation mechanisms (i.e. Oceans Act, National Marine Conservation Areas, Fisheries Act closures), variable terminology (e.g. 'marine protected area', 'marine refuge', etc.), and inconsistent prohibitions on human activities.¹⁶ Consistent protection standards would clarify what it means to implement an MPA and consequently reduce uncertainty.

4. Public trust

Creating protection standards would improve public perception of MPAs. A recent survey found that 93% of Canadians agree that protected areas are necessary,¹⁷ but allowing damaging industries to continue operating within MPAs damages public perception and trust. Strong public reaction from Canadians and scientists to the proposed Laurentian

⁴ CBC 2018

⁵ Sharma 2015

⁶ Fuller et al. 2008

⁷ Office of the Auditor General of Canada 2018

⁸ Frid et al. 2012

⁹ IUCN 2016

¹⁰ CPAWS 2015

¹¹ Brueckner-Irwin 2018

¹² Halpern et al. 2013

¹³ Convention on Biological Diversity 2010

¹⁴ Brueckner-Irwin 2018

¹⁵ McNeill et al. 2018.

¹⁶ Standing Committee on Fisheries and Oceans 2018

¹⁷ CPAWS and UNBC 2018

Channel Regulations¹⁸ demonstrates that Canadians expect meaningful protection within MPAs.

5. Streamlined designation processes

MPA designation is lengthy for a variety of reasons. This can frustrate stakeholders¹⁹ and impact the perceived level of legitimacy of an MPA.²⁰ Implementing consistent protection standards has the potential to streamline designation processes by clearly establishing rules for certain activities within MPAs. However, protection standards must not substitute for stakeholder participation and consultation in planning processes.

6. Research and monitoring

MPAs that prohibit damaging industrial activities are useful as reference sites for scientific research. Reference sites would improve our understanding of the outcomes of MPAs and conservation interventions. Enhanced monitoring using the best available evidence would improve our ability to undertake adaptive management (a guiding principle of MPA implementation²¹). Consistent protection standards would also make monitoring more comparable across MPA sites and facilitate monitoring on a network level.

7. Processes for meaningful community involvement

Standards for community-based MPA processes (e.g. siting, planning, management) would clarify the roles of different stakeholders and provide clearer methods for community engagement. This would improve the capacity of communities to take ownership in meaningful community-based conservation, and likely lead to improved buy-in²² and better engagement with local social and ecological contexts that must be taken into account.

(2) Recommendations for developing protection standards

1. Align with IUCN guidelines

Biodiversity loss is a global issue which crosses national jurisdictions, and MPAs must be coordinated to address this issue at the appropriate scale. Canadian MPA standards should align with IUCN Protected Area Management Categories²³ to facilitate comparison and monitoring on a global level, clearly indicate the level of protection afforded by our MPAs, and ensure that our MPAs are attaining globally-accepted standards. Canadian standards should clearly delineate which activities are compatible within each category, and which categories may be counted towards coverage targets.

¹⁸ National Post 2017

¹⁹ Brueckner-Irwin 2018

²⁰ Dehens and Fanning 2018

²¹ DFO 2005

²² Agardy et al. 2011

²³ Day et al. 2012

2. Address each MPA mechanism and associated jurisdictional issues

Protection standards should apply to all conservation mechanisms that count towards marine conservation targets, and should address existing jurisdictional challenges. This is especially true for Other Effective Area-Based Conservation Measures (OECMs), given recent events demonstrating that oil and gas bidding may continue within OECMs.²⁴ Loopholes for effective, consistent protections must be addressed. For example, the Atlantic Accord Acts supersede amendments in Bill C-55 that would otherwise allow the Minister of Fisheries and Oceans to cancel oil and gas interests within MPAs.

3. Consider broader socioeconomic and ecological effects

Just as individual MPAs have socioeconomic and ecological effects, creating standards will prohibit certain activities and have resulting implications for traditional resource users and other stakeholders. Further, prohibiting certain activities within MPAs can influence the distribution of those activities outside of an MPA,²⁵ which may in turn influence overall conservation and sustainability outcomes. Aichi Target 11 requires that MPAs are “integrated into the wider...seascape.”²⁶ Therefore when creating protection standards, these effects should be considered.

4. Develop policy for community-based processes

To-date, accessible pathways for community engagement in MPA processes and proposals have not been specified. There is an opportunity to develop policy guidance to establish standards for community engagement. Such guidance would align well with Oceans Act legislation which enables integrated management with coastal communities and other stakeholders.

5. Support processes for Indigenous engagement and the creation of Indigenous Protected and Conserved Areas

Indigenous principles and processes for Nation-to-Nation engagement in the development of Indigenous Protected and Conserved Areas should be supported using recommendations from the Indigenous Circle of Experts’ Report.²⁷

6. Develop enforcement standards

MPAs can only be as effective as compliance and enforcement allow.²⁸ In order for protection standards to be effective, sufficient long-term resources and personnel must be provided for enforcement. The Standing Committee on Fisheries and Oceans recently reaffirmed the importance of MPA enforcement in their recommendations for

²⁴ CBC 2018; Canada-Newfoundland Offshore Petroleum Board 2018

²⁵ Abbott and Haynie 2012

²⁶ CBD 2010

²⁷ Indigenous Circle of Experts 2018

²⁸ Edgar et al. 2014

stronger compliance monitoring, incorporating the cost of enforcement into new Areas of Interest, and providing a funding plan for personnel and resources for enforcement.²⁹

In conclusion, CCNB applauds the significant efforts and investments being made towards healthier oceans and protecting biodiversity in Canada. However we are concerned that these investments will result in poor outcomes so long as damaging industrial activities are allowed within MPAs and without explicit process standards. Adopting MPA standards would improve the effectiveness of MPAs, and ensure that public resources directed at these efforts are being used responsibly for meaningful conservation outcomes.

We appreciate the opportunity to submit written comments to the Advisory Panel.

Sincerely,



Matthew Abbott
Marine Program Coordinator
Conservation Council of New Brunswick

References

- Abbott, J. K., and A. C. Haynie. 2012. What are we protecting? Fisher behavior and the unintended consequences of spatial closures as a fishery management tool. *Ecological Applications* 22(3):762-777. <http://dx.doi.org/10.1890/11-1319.1>
- Agardy, T., G. G. di Sciara, and P. Christie. 2011. Mind the gap: addressing the shortcomings of marine protected areas through large scale marine spatial planning. *Marine Policy* 35(2):226–232. <http://dx.doi.org/10.1016/j.marpol.2010.10.006>
- Brueckner-Irwin, I. 2018. *Implications of marine protected areas on social-ecological wellbeing in the Bay of Fundy, Canada*. Thesis. University of Waterloo, Waterloo, Ontario, Canada. [online] URL: <http://hdl.handle.net/10012/12005>
- Canada-Newfoundland Offshore Petroleum Board. 2018 Jul 3. *Scheduled land tenure announcement: Eastern Newfoundland region sector identified*. [online] URL: <http://www.cnlopb.ca/news/nr20180703.php>
- CBC. 2018 May 1. 'Perfectly reasonable' to drill for oil in area closed to fishery, Liberal MP says. [online] URL: <http://www.cbc.ca/news/canada/newfoundland-labrador/nick-whalen-protected-areas-1.4641252>
- Convention on Biological Diversity. 2010. *COP 10 decision X/2: strategic plan for biodiversity 2011-2020*. United Nations Environment Programme, Nagoya, Japan.
- CPAWS. 2015. *Dare to be deep: are Canada's marine protected areas really 'protected'?* [online] URL: <http://cpaws.org/publications>

²⁹ Standing Committee on Fisheries and Oceans 2018

CPAWS, and UNBC. 2018. *Canadian space for nature survey*. [online] URL: http://cpaws.org/uploads/SpaceForNature_SurveyReport_ENG_FINAL.pdf

Day, J., N. Dudley, M. Hockings, G. Holmes, D. Laffoley, S. Stolton, and S. Wells. 2012. *Guidelines for applying the IUCN protected area management categories to marine protected areas*. IUCN, Gland, Switzerland. [online] URL: https://cmsdata.iucn.org/downloads/uicn_categoriesamp_eng.pdf

Dehens, L. A., and L. M. Fanning. 2018. What counts in making marine protected areas (MPAs) count? The role of legitimacy in MPA success in Canada. *Ecological Indicators* 86:45-57. <http://dx.doi.org/10.1016/j.ecolind.2017.12.026>

DFO. 2005. *Canada's federal marine protected areas strategy*. Communications Branch, DFO, Ottawa, Ontario, Canada. [online] URL: <http://waves-vagues.dfo-mpo.gc.ca/Library/315822e.pdf>

DFO. 2011. *National framework for Canada's network of marine protected areas*. DFO, Ottawa, Ontario, Canada.

DFO. 2012. *Canada's state of the oceans report*. DFO Centre of Expertise on the State of the Oceans, Ottawa.

Edgar, G. J., R. D. Stuart-Smith, T. J. Willis, S. Kininmonth, S. C. Baker, S. Banks, ..., and R. J. Thompson. 2014. Global conservation outcomes depend on marine protected areas with five key features. *Nature* 5016:216-220. <http://dx.doi.org/10.1038/nature13022>

Frid, C., E. Andonegi, J. Depestele, A. Judd, D. Rihan, S.I. Rogers, and E. Kenchington. 2012. The environmental interactions of tidal and wave energy generation devices. *Environmental Impact Assessment Review* 32:133-139. <http://dx.doi.org/10.1016/j.eiar.2011.06.002>

Fuller, S.D., C. Picco, J. Ford, C-F. Tsao, L.E. Morgan, D. Hangaard, and R. Chuenpagdee. 2008. *How we fish matters: addressing the ecological impacts of Canadian fishing gear*. Living Oceans Society, Ecology Action Centre, and Marine Conservation Biology Institute. [online] URL: https://mcbi.marine-conservation.org/publications/pub_pdfs/HowWeFish.pdf

Government of Canada. 2017. Laurentian Channel Marine Protected Area regulations. *Canada Gazette Part 1* 151(25).

Halpern, B. S., C. J. Klein, C. J. Brown, M. Beger, H. S. Grantham, S. Mangubhai, M. Ruckelshaus, V. J. Tulloch, M. Watts, C. White, and H. P. Possingham. 2013. Achieving the triple bottom line in the face of inherent trade-offs among social equity, economic return, and conservation. *PNAS* 110(15):6229-6234. <http://dx.doi.org/10.1073/pnas.1217689110>

Indigenous Circle of Experts. 2018. *We rise together: achieving Pathway to Canada Target 1 through the creation of Indigenous Protected and Conserved Areas in the spirit and practice of reconciliation*. [online] URL: https://static1.squarespace.com/static/.../PA234-ICE_Report_2018_Mar_22_web.pdf

IUCN. 2016. *Protected areas and other areas important for biodiversity in relation to environmentally damaging industrial activities and infrastructure development*. Motion 26. [online] URL: <https://portals.iucn.org/congress/motion/026>

McNeill, A., J. Clifton, and E. S. Harvey. 2018. Attitudes to a marine protected area are associated with perceived social impacts. *Marine Policy* 94:106-118. <http://dx.doi.org/10.1016/j.marpol.2018.04.020>

National Post. 2017 Jun 14. *Marine scientists alarmed by 'double standard' and lack of transparency in ocean protection*. [online] URL: <https://nationalpost.com/news/politics/marine-scientists-alarmed-by-double-standard-and-lack-of-transparency-in-ocean-protection>

Office of the Auditor General of Canada. 2018. *Salmon farming*. Reports of the Commissioner of the Environment and Sustainable Development to the Parliament of Canada. Report 1. [online] URL: http://publications.gc.ca/collections/collection_2018/bvg-oag/FA1-26-2018-1-1-eng.pdf

Office of the Prime Minister of Canada. 2015. *Minister of Fisheries, Oceans and the Canadian Coast Guard mandate letter*.

Sharma, R. 2015. Environmental issues of deep-sea mining. *Procedia Earth and Planetary Science* 11:204-211. <http://dx.doi.org/10.1016/j.proeps.2015.06.026>

Standing Committee on Fisheries and Oceans. 2018. *Healthy oceans, vibrant coastal communities: strengthening the Oceans Act marine protected areas' establishment process*. 42nd Parliament, 1st session, Report 14.