

SeaBlue Canada

July 10th, 2019



Parks Canada National Office

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RE: Parks Canada's request for feedback on Protecting Canada's Marine Heritage: Proposed policy and regulations for Canada's National Marine Conservation Areas

SeaBlue Canada is a coalition of six organizations with a combined 231 years of experience protecting Canada's land and water. We are: Canadian Parks and Wilderness Society, David Suzuki Foundation, Ecology Action Centre, Oceans North, West Coast Environmental Law, and WWF-Canada.

Our organizations welcome the opportunity to provide feedback on Parks Canada's revision of National Marine Conservation Areas (NMCA) policy and regulations. Over the past three years, SeaBlue Canada has worked to advance marine protection for the three ocean basins surrounding our coastline. Specifically, our goals are 1) to encourage Canada to meet its commitment to protect 10 per cent of coastal and marine areas by 2020, 2) to ensure that these areas are protected to high standards, 3) to build public support for marine protected areas (MPAs) and, 4) to improve the participatory processes by which MPAs are established. We believe that the proposed policy and regulations outlined in Parks Canada's 'background document' and 'discussion paper' bring Canada closer to each of those goals.

We recognize and applaud the many positive aspects of the proposed NMCA policy including:

- The incorporation of principles of ecosystem management, and the precautionary principle;
- The use of science, Indigenous knowledge systems, and local knowledge;
- Acceptance of the science supporting better biodiversity conservation outcomes for fully protected areas;
- Policies regarding collaborative management with local rights holders and stakeholders; and,
- Support for the social, cultural and economic well-being of Indigenous peoples and coastal communities adjacent to NMCAs.

We note that the current document does not reflect the reality that ice is present in large areas of Canada's oceans, and strongly suggest that Parks Canada work to include ice-based activities throughout the policy document with a particular focus on zoning, ecological sustainability and ice-related tourism activities. We have not provided specific recommendations on this omission as it needs to be addressed comprehensively throughout the document and with specific reference to NMCAs in Inuit Nunangat.

We also have several recommendations where we feel the proposed policy direction can be improved, in order to enhance the policy objectives, zoning framework, overall protections for biodiversity, effective management and monitoring as well as support from adjacent communities.

- 1. Defining and Measuring Ecological Sustainability:** “Ecological sustainability” and “ecologically sustainable use” should be further defined using measurable and scientifically accepted reference points that will lead to long-term conservation of biodiversity.
 - a. A framework should be developed to identify ecological indices and thresholds that would allow decision-makers to assess the sustainability of a given activity. We recommend that Parks Canada engage members of the scientific community with expertise in this area to establish these indices and thresholds.
 - b. In the development of the above-mentioned framework, the precautionary principle and ecosystem-based management principles should be applied.
- 2. Modification of Proposed Zoning Framework:** The proposed zoning framework should be modified to provide stronger protection for NMCAs, including:
 - a. A commitment to follow [IUCN guidance](#) on vertical zoning;
 - b. A commitment to include significant fully protected areas of each NMCA in Zones 1 & 2 in order to provide stronger protection for biodiversity, as recommended by IUCN MPA guidance;
 - c. Zoning that considers the need to ensure tourism activities occur away from the most vulnerable populations or ecosystems, and to reduce conflicts between competing uses.
- 3. Inclusion of Indigenous Jurisdiction and Rights:** We recommend the inclusion of recognition of inherent Indigenous jurisdiction over Indigenous marine territories and the role of Indigenous nations as decision-makers in nation-to-nation governance arrangements.
- 4. Regulatory Prohibition of Industrial Activities:** The new regulatory framework should recognize explicitly that oil and gas exploration and drilling, mining, dumping and bottom trawling are prohibited from NMCAs to align with minimum standards as per the government response to the National Panel on Marine Protected Areas Standards. Additionally, other activities such as renewable energy development and industrial-scale aquaculture should be prohibited. All allowed activities should be compatible with and support the biodiversity conservation goals and objectives of a given NMCA.
- 5. Appropriate Regulation of Shipping Activities:** The new regulatory framework should address and mitigate the impacts of commercial shipping including the adoption of a clear framework for collaborating with Transport Canada and developing regulatory measures, including compulsory routing and areas to be avoided, speed restrictions, no-discharge zones, and anchorage restrictions.
- 6. Incorporation of Climate Change:** Parks Canada should improve incorporation of peer-reviewed literature findings linking climate change and MPA management into NMCA policy objectives. Climate change studies by other departments (Transport Canada, Fisheries and Oceans Canada, Environment and Climate Change Canada) should also be considered.
- 7. Managing the Impacts of Tourism:** As tourism activities are specific to each NMCA, Parks Canada should:
 - a. Collaborate with rightsholders, stakeholders and tourism operators, in planning, management, monitoring and delivery to ensure that tourism activities have no negative impact on biodiversity objectives and that economic benefits of tourism activities should be delivered to adjacent communities;
 - b. Make management decisions based on science (including Indigenous and traditional local knowledge);

- c. Work with other relevant government departments and agencies (i.e. Transport Canada) to ensure that any visitors, particularly those arriving by water to an NMCA have the tools available to understand any prohibitions, or ecological and cultural objectives of the NMCA, and;
- d. Link permitted tourism activities with educational programming and information to help improve the public's knowledge about marine protection, and particularly the rules in place to protect important species and habitats in the area.

We believe that the above recommendations would strengthen the NMCA policy and place biodiversity first, which is in keeping with the subsections 4(1) and 4(3) of the *Canada National Marine Conservation Areas Act*. Within the context of the current environmental crisis, these policy recommendations are important to protect the wildlife and habitats that make up Canada's biodiversity. We know that our oceans are under increasing pressure from a growing demand for seafood, pressures to grow the Blue Economy through extractive and non-extractive industries, and pervasive impacts such as plastic pollution, coastal runoff and climate change.

At the same time, Canada has made commitments under the [Convention on Biological Diversity](#) (CBD), in particular [Aichi Biodiversity Target 11](#), as well as the UN Sustainable Development Goals, in particular [Goal 14, Life Under Water](#). Nature and the systems that support human society are [deteriorating worldwide](#) and as co-chair (along with Uganda) of the CBD process for development of post-2020 biodiversity conservation targets, Canada has an outsized role in taking leadership. A strong set of NMCA policies and regulations will help Canada achieve near term goals and set the stage for urgently needed next steps in global biodiversity protection.

Sincerely,

The SeaBlue Canada Steering Committee

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