

# ESTABLISHING EFFECTIVE MARINE PROTECTED AREAS

## PROPOSED AMENDMENTS TO BILL C-55

### OPPORTUNITY

Canada has a once-in-a-generation opportunity to strengthen Canada's *Oceans Act*. An enhanced robust *Oceans Act* would offer lasting protection for ocean species and the habitats on which they depend. Canadians expect worldleading ocean protection standards for our MPAs, which will ensure that we leave a legacy of healthy, resilient oceanecosystems for future generations.

The Government of Canada has set clear marine conservation targets for 2017 and 2020, and has announced a five-point plan to meet international commitments to conserve at least 10 per cent of our oceans by 2020. While conservation groups are encouraged by the plan, we believe that now is the time to ensure that the protected areas established in Canada actually protect ocean ecosystems, species and marine biodiversity.

In June 2017, the government tabled Bill C-55, proposing changes to Canada's *Oceans Act*. The bill would authorize the government to create interim protection areas, freeze the footprint of existing activities in those areas during the consultation and designation process, apply the precautionary principle, and strengthen enforcement provisions. In addition, amendments are proposed to allow for the cancellation or suspension of oil and gas interests in MPAs.

However, Bill C-55 does not go far enough in providing effective protection for Canada's *Oceans Act* MPAs. Reaching the marine protection targets will be meaningless unless the full suite of MPAs used to meet the target actually provide effective protection for biodiversity. We need quantity and quality in our MPAs. Setting the bar too low compromises the quality of marine protection and will not effectively serve either ecosystems or communities.

### REQUESTED AMENDMENTS TO BILL C-55

There is an urgent need to make essential amendments to Bill C-55 that include minimum protection standards in all MPAs, that allows for Indigenous governance or co-governance, and that speeds up protection of marine areas through MPA network planning and broad designations.

#### 1. MINIMUM STANDARDS

Although these amendments hold promise for improving the speed of the MPA process, the *Oceans Act* must include minimum protection standards in all MPAs that allow for Indigenous governance or co-governance, respect Indigenous rights, and speed up conservation of marine areas. In our view these minimum protection standards must include the following in order to provide adequate protection to all elements of biodiversity in ocean ecosystems in MPAs:

- **Prohibitions on:**
  - **Oil and gas and mineral exploration and development**
  - **Wind farms and tidal power development**
  - **Open net-pen aquaculture**
  - **Bottom trawling**
- **A requirement for significant no-take zones that are closed to all extractive activities**

Canadians across the country have made their views clear on this issue: MPAs are intended to conserve and protect special places in the ocean – and this protection must be real and lasting.

Polling by WWF Canada shows that **80% of Canadians believe MPAs should not allow oil and gas activities** and that **87% believe MPAs should not allow bottom trawling**. The public outcry over a proposal to allow oil and gas in the proposed Laurentian Channel MPA shows the depth of public support for oil-free MPAs.

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Scientists agree that oil and gas and mineral extraction activities are incompatible with the conservation objectives of MPAs. Scientific evidence clearly demonstrates that bottom trawling has significant damaging impacts to seafloor ecosystems, and that 'no-take' fishing areas are a key component of effective MPAs.

The world's largest conservation organization, the International Union for Conservation of Nature, recommends that some activities, including "large-scale extractive activities like mining and industrial fisheries" be strictly prohibited in all MPAs.

Other protected areas legislation in Canada offer important precedents that could be used to improve the *Oceans Act*:

- The *Canada National Marine Conservation Areas (NMCA) Act* prohibits the exploitation of hydrocarbons, minerals, aggregates or any other inorganic matter within a marine conservation area and requires that the structure and function of the water column and seafloor of NMCA's must not be compromised
- The *Canada National Parks Act* sets a high bar of maintaining ecological integrity in all national parks – a requirement we recommend adding to the *Oceans Act* and other federal protected area laws – as the unanimous report from the Parliamentary Committee on Environment and Sustainable Development recommended

As strong biodiversity conservation outcomes are the purpose of protected areas, it is imperative that Canada's legislation provides consistency across the tools used to establish these protected areas. Accordingly, we recommend that Bill C-55 be amended to include strong minimum protection standards for all MPAs created under the *Oceans Act*, and consistent standards for all MPAs created under federal legislation.

We also recommend the following amendments to increase the efficiency and effectiveness of the processes used to establish and manage MPAs.

## 2. PROVIDE APPROPRIATE RECOGNITION OF INDIGENOUS GOVERNED AREAS AND PROVIDE STRONGER SUPPORT FOR CO-GOVERNANCE

The *Oceans Act* should reflect the federal government's commitments to implementing the United Nations Declaration on the Rights of Indigenous People and working in true government-to-government relationships with Canada's Indigenous Peoples, consistent with the Canadian constitution. Specific legislative amendments could include explicit recognition of Indigenous governance rights and co-governance models, appropriate recognition of Indigenous Protected and Conserved Areas, and options for the delegation of monitoring and enforcement authority to Indigenous guardians. The *Oceans Act* currently allows the Minister to establish regional ocean co-management bodies; more detailed provisions in the *Oceans Act* will be required to establish the purpose, process, duties, and scope of authority of these bodies.

## 3. DESIGNATE MPA NETWORKS AND BROAD AREAS

Canada's *Oceans Act* sets the ground rules for MPA network planning and marine spatial planning. To support these efforts we recommend amending the *Oceans Act* to allow for marine protected area designation over a broad area, or a suite of sites that comprise an MPA network, for enhanced protection following the completion of comprehensive ecosystem-based management plans. England and Scotland demonstrated how this regional approach can lead to rapid designations of multiple sites in a short time frame.

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