

**Briefing on Oceans Act Marine Protected Areas
To the Standing Committee on Fisheries and Oceans
Pacific Wild
Jan. 18, 2018**

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Re: Study of the Oceans Act MPAs

Dear Members of the House of Commons Standing Committee on Fisheries and Oceans,

Pacific Wild is a non-profit society based on the central coast of B.C., committed to defending wildlife and their habitat on Canada's Pacific coast. We support innovative research, public education and community outreach to achieve the goal of lasting environmental protection in the lands and waters of the Great Bear Rainforest. We work with a diverse array of individuals, groups and First Nations to mobilize a concerned global citizenry to achieve large-scale wildlife protection. Pacific Wild represents the conservation sector for BC's Central Coast stakeholder advisory committee in the Northern Shelf Bioregion (NSB) MPA Network planning process. We also operate an underwater acoustic program to monitor ambient underwater noise and marine mammal activity in Heiltsuk Nation territory.

We anticipate and support the designation of a network MPAs in our region within a few short years. The positive impacts of this network will depend largely on the legal mandate contained in Oceans Act legislation, as well as policies around fisheries allocations. The NSB MPA network offers the opportunity to reduce the cumulative effects of industrial, commercial, and recreational human activities in the region, protect a large number and variety of species and habitats through representation and replication in the network design, and reserve First Nations' cultural areas for their own use. One of the most serious concerns we have at present is the threat of a spill from Alaska-bound fuel shipments that are not covered by the North Coast Oil Tanker Ban, and currently traverse Hecate Strait and sections of the Inside Passage on a near-weekly basis. Marine Protected Areas cannot truly offer protection for species, habitats, and cultural areas if they are at risk of a major spill from these shipments. We have seen twice in the past two years that the operation of Articulated Tank Barges in these waters poses a direct and severe threat to sensitive areas.

The following are some of the elements we would like to see represented in the Oceans Act to enable the designation of MPAs that effectively protect biodiversity for the long-term, while improving the health of First Nations and other local communities in proximity to MPAs.

1. Co-governance: First Nations have indigenous legal traditions governing use of marine resources that developed over thousands of years of practice and knowledge gathering, and still hold the most intimate knowledge of their territories and the resources within them. They are also the majority population throughout most of the NSB region, and have the largest stake in ensuring that marine resources are restored to a healthier state in the long-term. While it is simply untenable that First Nations have had so little say in fisheries allocations while so many species have declined under DFO management, and an MPA network will not change that, co-governance of MPAs can provide the opportunity at last for First Nations to identify, protect, and manage areas of prime ecological, commercial,

and cultural importance within their own territories towards improved recovery of critical species. The protection of the waters around important cultural sites such as old village sites, beyond the postage stamp reserves that were allotted to them on land, is another important aspect of this process, and should not be limited to a maximum percentage area assigned by the Federal Government.

Another critical aspect of co-governance on the BC Central Coast relates to MPA monitoring and compliance. The Coastal Guardian Watchmen programs are highly active in monitoring human activity on the water as well as biological health of many species and ecosystems. They are the first responders to whale entanglements, fuel spills, and many other incidents while also carrying out regular monitoring and enforcing indigenous-led closures. This program will need more substantial support in order to deliver effective education, monitoring, compliance, and enforcement in MPAs. Our local DFO enforcement staff generally serve a two-year term and then move on to a preferred posting in a less remote area, so their knowledge of local ecology, culture, and conservation issues is very limited by comparison.

2. Transparent stakeholder engagement and participation: MPA planning and management should engage a wide range of stakeholders, and use an iterative, and transparent means of sharing information and feedback from all stakeholders at all stages. Individual sectors should not have private access to decision-makers outside of this process.

3. MPA design: We echo Dr. Natalie Ban's submission to the committee (published June 5, 2017) concerning the importance of creating large (>100km²), connected, fully protected for the long-term, and well-enforced MPAs for protecting and restoring biodiversity. If we are going to go to all the trouble of planning, creating and monitoring MPAs, they should be designed to meet or exceed their primary objective - to protect biodiversity - using the best available science, data, and public education tools. No-take areas (other than FSC harvests) and no-go areas for shipping should be considered necessary trade-offs to meet this critical goal.

4. Minimum standards: The designation of each MPA should be founded on internationally recognized minimum standards for effective biodiversity protection. Adoption of these minimum standards will also reduce the time required to create new MPAs by limiting negotiations around potentially damaging activities.

We echo West Coast Environmental Law's submissionⁱ to the committee on this point. Minimum protection standards should include (at a minimum):

- Prohibition of oil and gas and mineral activities, harmful commercial fishing practices, large fuel shipments (over 2,500 metric tonnes), wind farms and tidal power development within MPAs;

- No-take areas covering 75% of every MPA, including recreational and commercial fishing, but not indigenous FSC activities unless that decision is made by the affected First Nation(s);

-The maintenance and restoration of ecological integrity should be the first priority in the designation and management of Oceans Act MPAs;

-International Union for the Conservation of Nature standards for protected areas should be employed.

We also support the inclusion of the following elements related to MPAs in Bill C-55:

-Lack of scientific certainty around the risks posed by human activity can't be used to delay or deter the designation of an MPA.

-Interim MPAs could be designated to protect areas from new and harmful human activity, and potentially some existing fisheries until the area is established under the Oceans Act.

-A five-year deadline from the initial Ministerial order to full designation of an MPA.

-Enabling the Minister to designate enforcement officers empowered to enforce MPA regulations and restrictions, laying out consequences (including heavy fines) for damage to organisms protected by the MPA.

-Giving the Governor in Council the authority to prohibit oil and gas activity in MPAs, including cancelling prior interests.

Thank you very much for considering this letter in your review and for your public service for Canada's oceans.

Sincerely,



Ian McAllister
Executive Director Pacific Wild

Summary:

Pacific Wild, a non-profit society based on the central coast of B.C., committed to defending wildlife and their habitat on Canada's Pacific coast, submits the following recommendations for Oceans Act Marine Protected Areas (MPAs). MPAs should engage with First Nations on a nation-to-nation level to create co-governance structures for planning and managing MPAs. MPAs should also be designed to meet or exceed their primary objective - to protect biodiversity - using the best available science, data, and public education tools. No-take areas (other than FSC harvests) and no-go areas for shipping should be considered necessary trade-offs to meet this critical goal. Open and transparent stakeholder engagement processes are a critical component of MPA planning and management, also serving as a means to educate and engage a wide range of ocean users. Internationally accepted minimum standards for all MPAs should be enshrined in the Oceans Act to minimize potential impacts and conflicts during the planning process.

ⁱ West Coast Environmental Law Association. Submission to the Standing Committee on Fisheries and Oceans Regarding [Bill C-55](#), An Act to amend the *Oceans Act* and the *Canada Petroleum Resources Act*. November 2017.