

Minister of  
Fisheries and Oceans



Ministre des  
Pêches et des Océans

Ottawa, Canada K1A 0E6

OCT 05 2018

Mr. Ken McDonald  
Chair  
Standing Committee on Fisheries and Oceans  
House of Commons  
Ottawa ON K1A 0A6

Dear Mr. McDonald:

On behalf of the Government of Canada, I would like to thank the Standing Committee on Fisheries and Oceans (the Committee) for its study and subsequent report entitled *Healthy Oceans, Vibrant Coastal Communities: Strengthening the Oceans Act Marine Protected Areas' Establishment Process*, tabled in the House of Commons on June 11, 2018.

I am pleased to receive the Committee's recommendations concerning the process for establishing *Oceans Act* Marine Protected Areas (MPAs). The resulting recommendations are a valuable contribution to the *Oceans Act* MPA establishment process that will benefit Canada environmentally, economically, socially, and culturally. These recommendations also support the Government's current efforts to improve relationships with Indigenous peoples and manage our ocean space in a more transparent and collaborative manner. I am particularly heartened by the attention the Committee paid to the areas of consultation, engagement and collaborative decision making, as this is a very important aspect of our marine conservation work. I see that the Report's recommendations support the work we are doing to be more inclusive in our outreach and ensure better outcomes for Canada's MPAs.

As we move forward to meeting the Government's international commitment to protect 10 percent of Canada's marine and coastal territory by 2020, I would welcome the opportunity to appear before the Committee, along with officials from my Department, to present reports on our progress and demonstrate how the Report's recommendations are being actioned.

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Once again, on behalf of the Government, I would like to thank the Committee members for their interest in this subject, their comprehensive study, and their diligence in preparing this report. We all share the Committee's commitment to advancing marine conservation initiatives for the benefit of all Canadians today and tomorrow.

Yours sincerely,

A handwritten signature in blue ink that reads "Jonathan Wilkinson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jonathan Wilkinson, P.C., M.P.  
Minister of Fisheries, Oceans and the Canadian Coast Guard

Enclosure

## **GOVERNMENT RESPONSE**

### **GOVERNMENT RESPONSE TO THE FOURTEENTH REPORT OF THE STANDING COMMITTEE ON FISHERIES AND OCEANS: *HEALTHY OCEANS, VIBRANT COASTAL COMMUNITIES: STRENGTHENING THE OCEANS ACT MARINE PROTECTED AREAS' ESTABLISHMENT PROCESS***

#### **INTRODUCTION**

The Government of Canada thanks the House of Commons Standing Committee on Fisheries and Oceans (the Committee) for its comprehensive study on the criteria and process used by Fisheries and Oceans Canada to identify and establish *Oceans Act* marine protected areas (MPAs) and its subsequent report, *Healthy Oceans, Vibrant Coastal Communities: Strengthening the Oceans Act Marine Protected Areas Establishment Process*. The report reflects the important views and recommendations on a wide range of issues relating to MPA establishment from partners and stakeholders across Canada. The recommendations provided in the report have already begun to influence and guide the day-to-day operations of MPA establishment.

Coinciding with the study, the Committee undertook complementary work through its review of the proposed amendments outlined in Bill C-55, *An Act to Amend the Oceans Act and the Canada Petroleum Resources Act*. Bill C-55 proposes to amend the *Oceans Act* to, among others, include the option of establishing MPAs providing interim protection using a proposed, new Ministerial Order authority. The Committee's discussions on Bill C-55 provided important contributions to marine conservation in Canada.

The input from Canadians included in this report and reflected in the Government Response will continue to inform Fisheries and Oceans Canada's efforts to protect marine and coastal areas. Because of the importance of Other Effective Area-Based Conservation Measures (also referred to as Marine Refuges) to Canada's ability to meet its marine conservation targets, the Committee paid particular attention to the development of the criteria for and establishment of Marine Refuges and to their consultations with fish harvesters' groups. The Committee also acknowledged in its report the many maritime economic sectors, such as aquaculture, commercial tourism, environmental organizations, and others, that have made important and ongoing contributions to MPA network development and MPA establishment and management.

As part of the Government of Canada's commitment to renewing its relationship with Indigenous peoples based on the recognition of rights, mutual respect, cooperation, and partnership, the

Department will continue working with Indigenous governments and groups to collaboratively establish and manage *Oceans Act* MPAs and to provide opportunities for the inclusion of Indigenous knowledge and cultural considerations into the MPA establishment process.

The recommendations put forward by the Committee regarding the process for identifying and establishing *Oceans Act* MPAs are well aligned with the current practices of Fisheries and Oceans Canada and support the further improvements that are currently being proposed under Bill C-55. As a result, the Government of Canada supports the recommendations contained in the Report.

Internationally, MPAs are recognized as important tools for mitigating impacts from climate change and improving risk resiliency. By protecting species at risk and vulnerable ecosystems, MPAs support the restoration of healthy, resilient ecosystems that absorb and store carbon, and enable species and ecosystems to adapt to changing conditions. International bodies such as the United Nations Convention on Biological Diversity and the Framework Convention on Climate Change highlight the role MPAs can play in adapting to changing ocean conditions and mitigating the impacts of climate change. The “Because the Ocean” declaration, signed by Canada and 10 other nations, emphasized the need to protect oceans in order to regulate climate and systems, as oceans absorb 90 percent of the excess heat and 25 percent of the carbon produced by humans.

Many partners and stakeholders, including federal departments, provincial and territorial governments, Indigenous governments and groups, industry groups, environmental organizations and the public, share a common interest in the conservation and protection of Canada’s marine and coastal areas. The sustainability of Canada’s oceans will continue to support industries and communities that rely upon them. Protection of marine and coastal areas can be achieved when partners and stakeholders work together throughout the process – from identifying areas for protection through to managing (including monitoring) established protected areas. The Government of Canada is committed to furthering relationships with all partners and stakeholders to create more effective *Oceans Act* MPAs in the long-term.

## **RESPONSES TO COMMITTEE RECOMMENDATIONS**

The Government supports all recommendations, and is pleased to provide responses that have been grouped and organized to highlight six themes that are emphasized in the report:

1. Engagement, consultation, and collaborative decision making;
2. Environmental, socio-economic, and cultural impacts of *Oceans Act* MPAs;

3. The importance of science and Indigenous and local knowledge;
4. *Oceans Act* MPAs in the context of other marine conservation tools;
5. *Oceans Act* MPA management and effectiveness; and
6. Transparency and communications.

The responses endeavor to demonstrate throughout all six themes how the Committee's recommendations are being and will be put into practice both in the way the Department establishes MPAs under the *Oceans Act* and in its accountability to Canadians.

**Theme 1: Engagement, consultation, and collaborative decision making (addressing recommendations 9-14)**

The Government of Canada agrees with the Committee's emphasis on the importance of engagement, consultation and collaborative decision making in the *Oceans Act* MPA establishment process, and these recommendations will inform ongoing work. These processes are essential to the effectiveness of these MPAs in Canadian waters and to the level of support marine conservation receives from partners, stakeholders, and the Canadian public. The following outlines some of the many activities undertaken by Fisheries and Oceans Canada that respond to this suite of recommendations.

Fisheries and Oceans Canada places a strong emphasis on engagement and consultation throughout the *Oceans Act* MPA establishment process. Decisions on conservation objectives, boundaries, and allowed and prohibited activities are always informed by extensive engagement and consultation throughout all *Oceans Act* MPA establishment processes. Local stakeholders, governments, and organizations that have jurisdiction over, interest in, or may be impacted by an *Oceans Act* MPA, are engaged and consulted by Fisheries and Oceans Canada throughout the MPA establishment process.

Stakeholder advisory committees are a key example of engagement, consultation and collaborative decision making. These committees are put in place at the regional level once an Area of Interest has been identified. Advisory committees are composed of representatives from federal, provincial, territorial governments; Indigenous governments and groups; industry; academia; environmental non-governmental organizations; and other interested parties. If too many of any particular group (for example, fish harvesters) express an interest, a representative of the relevant industry association (for example, the Groundfish Enterprise Allocation Council) becomes the advisory committee member. Sub-committees may also be struck to enable particular groups of stakeholders to discuss issues, questions and concerns that are specifically relevant to them in relation to the proposed MPA. The process for MPA establishment ensures that the views of all parties affected by or interested in a proposed *Oceans*

Act MPA are taken into consideration and that they are appropriately represented on these stakeholder advisory committees.

These advisory committees remain active throughout the MPA establishment process to ensure that engagement and consultation begins early and is ongoing. Committees review the available ecological and human-use data and information, contribute to the development of conservation objectives, provide input on *Oceans Act* MPA boundary (and zoning, if required), and offer advice on activities proposed to be allowed and those proposed to be prohibited in the MPA. These committees are often supplemented by bilateral meetings, community tours (Arctic), open houses, letters, and email updates as required.

Local and Indigenous knowledge holders are specifically sought out at various points along the MPA establishment process and encouraged to contribute information concerning the proposed area. Fisheries and Oceans Canada recognizes that Indigenous and local knowledge, together with science and research, are critical elements that inform identification of conservation objectives and proposed management approaches for MPAs and other conservation measures.

The Government of Canada acknowledges that it is always important to work toward consensus, wherever possible, and commits to further study and consideration of how the Committee's recommendations could be implemented in *Oceans Act* MPA establishment. Conflict resolution and mediation occur regularly through ongoing engagement and consultation with partners and stakeholders during which their concerns, opinions, and information are shared and discussed. Through the *Canada Gazette* process, feedback is considered and accommodated, unless doing so would contravene the conservation objectives established for the MPA. Based on public feedback received through the *Canada Gazette* process, MPA boundaries can and have been changed, prohibited/allowed activities can and have been adjusted, and other stakeholder input accommodated.

Establishing the stakeholder advisory committees early has helped to ensure that partners and stakeholders are involved in discussions on an MPA's conservation objectives, boundaries, and allowed and prohibited activities. For example, the committee established for the Hecate Strait/Queen Charlotte Sound Glass Sponge Reefs MPA included within its terms of reference direction to seek consensus on establishing the MPA's conservation objectives.

The federal bodies with mandates to establish MPAs (Fisheries and Oceans Canada, Environment and Climate Change Canada, and the Parks Canada Agency) are committed to identifying and adopting best practices for consultation and engagement in their MPA activities. The Federal Marine Protected Area Strategy (<http://www.dfo-mpo.gc.ca/oceans/publications/fedmpa-zpmfed/page01-eng.html>) outlines how these departments and agencies will continue to work together to establish a comprehensive

national network of marine protected areas that will conserve and protect Canada's natural and cultural marine resources.

There are structures in place through which best practices and approaches are shared, while respecting legislative mandates. MPA practitioners at Fisheries and Oceans Canada, Environment and Climate Change Canada, the Parks Canada Agency, and Natural Resources Canada meet at an annual workshop, specifically to "gather, share and exchange information, best practices, and experiences on the delivery of marine conservation, and provide input into the development of national policies, frameworks, communication products, and other operational tools" (MPA Practitioners Working Group Terms of Reference). There is also a federal Director-General MPA committee that meets quarterly to discuss policy approaches and other matters pertaining to MPA establishment. All federal departments active in marine conservation also participate on the Canadian Council of Fisheries and Aquaculture Ministers' Oceans Task Group. Each Department is constantly working to improve consultation practices in order to achieve Canada's marine conservation targets in a manner that is consistent and transparent for Indigenous organizations, partners, stakeholders, and Canadians in general.

The Government commits to continue to seek out and consider best practices from other jurisdictions where MPA establishment and MPA network development are advancing.

**Theme 2: Environmental, socio-economic, and cultural impacts of *Oceans Act* MPAs (addressing recommendations 1, 2, 3 and 19)**

The assessment of environmental, socio-economic and cultural impacts is an extremely important element of MPA establishment. The Government agrees with the Committee, and these recommendations will inform its work regarding the impacts of *Oceans Act* MPAs. The following explains how impacts are currently identified and outlines some of the practices and activities undertaken to ensure a balance between conservation and sustainable use.

In the process for establishing *Oceans Act* MPAs, Fisheries and Oceans Canada conducts several evaluations of social and economic values and responsibilities. There are five steps in the *Oceans Act* MPA establishment process, and engagement with partners, stakeholders, and interested or affected parties occurs at every step:

Step 1: Establishment of Area of Interest

Step 2: Ecological, Social, Cultural and Economic Overview

Step 3: Development of the Regulatory approach

Step 4: Regulatory process to designate the MPA

Step 5: MPA management

The collection and analysis of socio-economic data and cultural information are important elements of steps 2, 3 and 4 in the *Oceans Act* MPA establishment process. Step 2 includes an overview report that describes ecological, social, cultural and economic information. Interested and affected parties may contribute information based on their expertise in their field, or the local or Indigenous knowledge they hold. Economic data is sourced from various economic sectors important to the national economy, including fish and seafood harvesting and processing, energy and mineral resources, transportation, tourism, and recreation. Step 3 includes the proposed MPA regulatory approach which is developed based on the best available science, including Indigenous and local knowledge, an understanding of human uses, a risk analysis of the impacts of those human uses on the conservation objectives of the site, and consultations with provinces, territories. Step 4 is the regulatory process which includes publication of the Regulatory Impact Analysis Statement where socio-economic and cultural considerations are detailed and made available to Canadians for comment.

Once specific management measures have been identified, a cost-benefit analysis of the proposed *Oceans Act* MPA regulations is developed. This analysis is carried out in accordance with federal government requirements outlined in the Cabinet Directive on Regulatory Management, and evaluates the incremental impacts (costs and benefits) of the regulatory requirements and the quantitative or a qualitative assessment of net benefits over a period of time on a variety of interested parties. Impacts on future economic opportunities are also identified and reflected in the analysis. When information is available in a timely manner, MPA management costs (including compliance promotion, enforcement and monitoring costs) are estimated for each MPA based on the location and management context. Otherwise, these costs are estimated in the management plans developed for each MPA. The results of the analysis are qualitatively and quantitatively described in an impact assessment that becomes part of the public consultation materials during the *Canada Gazette, Part 1* process.

The overarching goal of every MPA is maximizing the ecological benefits of the area while minimizing socio-economic and cultural impacts to the greatest extent possible, without jeopardizing the achievement of conservation objectives that are developed on a case-by-case basis using the ecological information available for the area. The suite of prohibited and allowed activities that ensure the area is protected are developed for each individual MPA, according to the MPA's conservation objectives and a risk assessment of all activities that may pose a risk to meeting those objectives. The activities allowed to occur are only those that do not compromise the achievement of the MPA's conservation objectives.



Fisheries and Oceans Canada acknowledges that establishing *Oceans Act* MPAs will be more difficult in some areas than others, particularly in relation to commercial fisheries. Fisheries and Oceans Canada works with fisheries stakeholders to find the best possible way to make sure that the workers whose livelihoods depend on our marine resources will be able to contribute to Canada's economy. Most of the time, access to fishery resources may be provided in areas adjacent to MPAs which helps to mitigate the impacts of prohibitions set under a given *Oceans Act* MPA regulation. Fisheries and Oceans Canada considers socio-economic data and information, including current and historical fishing data, when mapping areas requiring future protection.

*Oceans Act* MPAs are used alongside of and support sustainable fisheries management practices. Under Fisheries and Oceans Canada's fisheries policies and frameworks, the management of fisheries overlaps with protections of areas sensitive to fishing activities. For example, Fisheries and Oceans Canada's Policy for Managing the Impact of Fishing on Sensitive Benthic Areas (<http://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/benthi-back-fiche-eng.htm>) provides protections for sensitive benthic areas that have a high degree of risk of harm from ongoing fishing activities. In these areas, fisheries management measures can be used, including restrictions on fishing in certain waters, or an *Oceans Act* MPA or a Marine Refuge (such as a fisheries area closure established under the *Fisheries Act*) can be established depending on the conservation needs of the area. By the end of 2017, 51 Marine Refuges meeting the criteria for Other Effective Area-Based Conservation Measures were in place in Canadian waters offering long-term marine biodiversity protection to an area representing approximately 4.78 percent of Canada's ocean territory. The ability to establish these areas through the science-based criteria developed by Fisheries and Oceans Canada and the collaborative efforts of the fishing sector in this initiative has resulted in important contributions to the long-term conservation of marine biodiversity.

*Oceans Act* MPAs and fisheries management measures support one another as both are important elements of a MPA network planning approach. For example, an *Oceans Act* MPA will be more effective in protecting biodiversity if resources are fished in a responsible manner as they move from one conserved area to another to complete their life cycles. Likewise, sustainable fisheries management objectives are supported by the habitat and productivity protections afforded by the biodiversity objectives of *Oceans Act* MPAs.

The Oceans Task Group under the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) took up the theme of how socio-economic impacts and cultural considerations are integrated into MPA network development and MPA establishment in its 2018 report to Ministers. More detailed information on these processes is provided in this report, which will be publicly available on Fisheries and Oceans Canada's website following the 2018 CCFAM meeting. When Ministers have accepted the report, it will be available on the Fisheries and Oceans website (<http://www.dfo-mpo.gc.ca/oceans/collaboration/international-eng.html>).

On October 5, 2017, Canada announced its intention to launch a National Advisory Panel on Marine Protected Area Protection Standards at the Our Oceans Conference in Malta. Since March 2018, the National Advisory Panel on MPA Standards has undertaken a review of Canada's federal regime for MPAs and will make recommendations to the Minister of Fisheries, Oceans and the Canadian Coast Guard on a system of MPA classification and associated protection standards. The Panel's final report is expected to be delivered to the Minister of Fisheries, Oceans and the Canadian Coast Guard in September 2018. Once the final report has been accepted, it will be made publicly available on the Fisheries and Oceans Canada website (<http://www.dfo-mpo.gc.ca/oceans/conservation/advisorypanel-comiteconseil-eng.html>) where information about Panel members, meetings held, and terms of reference are currently available.

**Theme 3: The importance of science and Indigenous and local knowledge (addressing recommendations 15, 17 and 18)**

The Government is committed to advancing relationships with Indigenous peoples, including through the full integration of Indigenous knowledge into the *Oceans Act* MPA establishment process. The Department takes its commitment to building a new nation-to-nation relationship with Canada's Indigenous peoples seriously and has developed a number of protocols and procedures to ensure that all forms of knowledge (including information held by local residents) are recognized and incorporated into decision making. Several examples are included here.

Local and Indigenous knowledge is sought early on in the *Oceans Act* MPA establishment process. An overview report that incorporates ecological, social, cultural and economic information is developed to inform the development of conservation objectives and regulatory approaches. Interested and affected parties may contribute information based on their expertise in their field, or the local or Indigenous knowledge they hold. Reports on Indigenous use of the proposed MPA that contain Indigenous knowledge and socio-cultural information are also considered as part of the MPA establishment process.

Indigenous and cultural-use information is critical to developing the analysis that informs *Oceans Act* MPA establishment. In some circumstances, conservation objectives may be informed by, or based solely on Indigenous knowledge. For example, the Anguniaqvia niqiqyuam MPA (ANMPA) in the Arctic is the first *Oceans Act* MPA to have a conservation objective based solely on Indigenous knowledge.

In Newfoundland and Labrador, the Eastport Peninsula Lobster Protection Committee developed an agreement with Fisheries and Oceans Canada to establish an MPA specifically to protect habitat in the Eastport area. One benefit of this initiative has been the ability of fish harvesters, governments,

community youth, academics, and scientists to work together and share information and knowledge for the better management of the lobster fishery.

Canada's ability to conserve and protect marine ecosystems depends on bringing together all sources of scientific, traditional, and local knowledge to inform MPA conservation objectives. In some circumstances, however, initial scientific understanding and consultation can identify risks posed by activities but cannot fully quantify the extent of the risk without further study. Based on initial science and consultation, the precautionary approach can be adopted in these circumstances to avoid further harm. To ensure that clear risks are addressed while scientific assessment and consultation continue, proposed amendments to the *Oceans Act* have been introduced through Bill C-55 to ensure that a lack of certainty would not be a reason to refrain from exercising powers to conserve and protect marine ecosystems. These proposed changes would not sacrifice sound science or the public's opportunity to provide input into the *Oceans Act* establishment process.

**Theme 4: *Oceans Act* MPAs in the context of other marine conservation tools (addressing recommendations 6, 20, 21 and 24)**

The Government agrees with the Committee, and these recommendations will inform its work to ensure that conserved areas are well connected and space is identified for other marine industries. Some of the actions currently being taken by Fisheries and Oceans Canada, together with federal MPA partners, provinces and territories, Indigenous governments and groups, stakeholders, and other interested parties are indicated in this section.

At present, MPA networks are being established in five priority marine bioregions: Newfoundland and Labrador Shelves, Scotian Shelf, Estuary and Gulf of St. Lawrence, Western Arctic, and Pacific Northern Shelf. There are three goals for Canada's national network of marine protected areas, the first and most important of which is to provide long-term protection of marine biodiversity, ecosystem function, and special natural features.

MPA networks take a broad view of interdependent components within an ecosystem so that the contributions of individual MPAs can be enhanced. This translates into ecological benefits for the MPAs and economic, social, and cultural benefits for all Canadians. Each site identified for protection within a network is individually planned and managed, including any allowed or prohibited activities within conservation areas.

MPA networks can include a variety of possible conservation measures, including any or all of the following:

- *Oceans Act* MPAs (established by Fisheries and Oceans Canada),
- National Marine Conservation Areas and marine portions of National Parks (established by the Parks Canada Agency),
- marine National Wildlife Areas, and marine portions of Migratory Bird Sanctuaries (established by Environment and Climate Change Canada),
- Provincial or territorial protected areas;
- Other Effective Area-Based Conservation Measures, including Marine Refuges and other areas that meet science-based criteria set out in Fisheries and Oceans Canada's *Operational Guidance Identifying 'Other Effective Area-Based Conservation Measures' in Canada's Marine Environment*;
- Indigenous Protected Areas (i.e., tribal parks or Tribal Protected Areas; and Indigenous and Community Conserved Areas).

In bioregions where MPA networks are being developed, Areas of Interest will be identified for the establishment of new *Oceans Act* MPAs in a way that considers fisheries management measures already in effect in the bioregion, and strengthens the complementarity of existing and proposed conservation measures. The network approach will ensure that conservation tools are designed to work together in order to fulfill ecological objectives more effectively and comprehensively than a group of individual sites could do alone.

The *Oceans Act* MPA establishment process is a comprehensive, science-based process that puts great emphasis on collecting ecological and economic data, as well as social and cultural information to inform the risk assessment of human activities on the conservation objectives. The risk assessment informs the design (conservation measures, boundaries, and allowed/prohibited activities) of the MPA. Engagement and consultation with interested parties occurs throughout the MPA establishment process. Fisheries and Oceans Canada has developed designation timelines for *Oceans Act* MPAs that recognize the time required for extensive periods of information gathering, scientific assessments, consultations with a broad spectrum of governments, Indigenous governments and groups, stakeholders, and other interested parties, and a complex but necessary regulatory process.

Amendments proposed to the *Oceans Act* in Bill C-55, would allow an interim protection MPA to be put in place in a shorter time frame, following initial science and consultations over the course of 12 to 18 months. Once established, an interim protection MPA may offer interim protections for up to five years to allow for ongoing science and consultation to take place until a final MPA designation under the *Oceans Act* can be completed.

Fisheries and Oceans Canada recognizes the different MPA establishment processes used by the three Departments according to their legislative and policy requirements, and structures are in place through which best practices and approaches are shared. Broadly speaking, the best practice for successful MPA establishment, regardless of the governing legislation, is inclusion and engagement, and these are practices in place for *Oceans Act* MPA establishment in all marine regions.

**Theme 5: *Oceans Act* MPA management and effectiveness** (addressing recommendations 5, 16, 22 and 23)

The Government appreciates the Committee's comments on the themes of proper MPA management, and commits to further consideration of the Committee's recommendations as part of an ongoing effort to improve *Oceans Act* MPA effectiveness. The Government agrees that the ability to measure performance, adapt where necessary, and ensure regulatory compliance are at the heart of MPA effectiveness. The following reflects how these issues are being addressed by Fisheries and Oceans Canada.

Fisheries and Oceans Canada has established national guidelines for the development of specific, measurable, achievable, realistic and time-bound conservation objectives for MPAs. The objectives are laid out within the MPA's management plan and are the basis for developing indicators for monitoring and evaluating an MPA's effectiveness. To measure achievement of conservation objectives, monitoring indicators, protocols and strategies are identified through a science peer-review process. Analysis of ongoing monitoring results shows progress toward achievement of objectives (an example of indicator monitoring for the Gilbert Bay MPA can be found here <http://waves-vagues.dfo-mpo.gc.ca/Library/40617713.pdf> and there are other examples on the Research and Publications sections of individual MPA web pages). This information contributes to the evaluation of the effectiveness of the MPA and adaptive management as required.

Within MPA network development, conservation objectives (including biodiversity targets) are set at the bioregional MPA network level to account for ecosystem dynamics and connectivity factors between protected sites in order to provide long-term protection of marine biodiversity, ecosystem function and special natural features.

Fisheries and Oceans Canada takes a life-cycle approach to *Oceans Act* MPA management which includes monitoring, analysis of monitoring results, and evaluation against achievement of the conservation objectives of the MPA. The evaluation may indicate that the MPA measures are resolving the issue at hand as planned, or may point to the need for adaptive management. If adaptive management is required in order to adjust the extent of the MPA boundary, the MPA Regulations would be amended to better design the MPA to achieve the conservation objectives more effectively. For example, changes in eco-tourism in the Gully MPA triggered a need for adaptive management, not only to ensure that the natural biological life functions protected by the MPA were not altered by ecotourism, but also to allow the MPA to be visited, both for the economic benefit of tour operators and the opportunities for public engagement and education. Allowing more ecotourism in the Gully has led to the development of a new generation of citizen scientists.

Adaptive management is a cornerstone of *Oceans Act* MPA management. An adaptive approach includes data gathering and monitoring. In some MPAs, monitoring data is gathered by local communities or Indigenous groups. The *Oceans Act* enables the Minister of Fisheries, Oceans and the Canadian Coast Guard to designate persons, including Indigenous persons, or classes of persons, including Indigenous organizations, as enforcement officers that may enforce *Oceans Act* MPA regulations.

*Oceans Act* MPA Regulations also follow a lifecycle approach to regulatory management as per the Cabinet Directive on Regulatory Management, and regular, ongoing performance measurement and evaluation of *Oceans Act* MPA Regulations are thus important aspects of MPA management.

Processes for monitoring are normally set out in each MPA's management or monitoring plan.

Monitoring and evaluation play an important role in the life cycle of MPA management by providing information on the progress made in achieving an MPA's conservation objectives and determining the need for adaptive management to better achieve the conservation objectives. An adaptive approach to MPA management enables adjustment of activities as required in order to continue to meet the conservation objectives of the MPAs or to achieve those objectives more effectively. Using an adaptive approach to MPA management allows new economic opportunities to be pursued, as long as they do not contravene the objectives.

Fisheries and Oceans Canada recognizes the importance of having sustained long-term funding to ensure the success of *Oceans Act* MPAs. The Department, through the Conservation and Protection Directorate, promotes and maintains compliance with all relevant legislation, regulations, and

management measures, implemented to achieve the conservation and sustainable use of Canada's aquatic resources, and the protection of species at risk, fish habitat and oceans. Effective MPA enforcement is achieved through the use of sound intelligence and risk-based operational planning that enable the appropriate allocation of personnel and resources to effectively maintain compliance with specific MPA management measures.

MPA monitoring and enforcement costs are dependent upon location and management context. Significant costs may be incurred by aerial surveillance or mid-shore patrol vessels on water patrols of remote areas. Partnerships with other agencies may also help to manage costs for issues such as vessel speed limits and contamination. Ensuring that MPAs may be monitored or enforced by these partners may also assist in managing costs.

#### **Theme 6: Improving transparency and communication (addressing recommendations 4, 7 and 8)**

The Government agrees with the Committee, and these recommendations will inform its work on improving transparency and communication as these are essential values for all of the government's work. Fisheries and Oceans Canada commits to working with local communities, partners and stakeholders to ensure that the *Oceans Act* MPA establishment process is well understood and those decisions are made in as collaborative a way as possible. Several of the actions currently being undertaken to improve transparency and communication are outlined here.

Fisheries and Oceans Canada clarifies the purpose and conservation objectives of an *Oceans Act* MPA, as well as the allowed and prohibited activities of an MPA through engagement, consultation and cooperation with stakeholders, including open houses and meetings in local communities (for example, in the engagement process around the Eastern Shore Islands Area of Interest) and via official departmental communications (e.g., website, news release, etc). In addition, the regulatory process itself, including publication of the regulation and accompanying Regulatory Impact Analysis Statement through the *Canada Gazette* process, offers public transparency and an opportunity for local communities to comment on the proposed regulatory approach, including allowed and prohibited activities.

The process for establishing *Oceans Act* MPAs is set out on the Department's website (<http://www.dfo-mpo.gc.ca/oceans/mpa-zpm/process-processus-eng.html>) where each Area of Interest and each established *Oceans Act* MPA has a dedicated webpage. An Area of Interest web page includes basic information about the area, as well as informational material and links to research documents that provide additional details. The webpage for the Eastern Shore Islands Area of Interest at <http://www.dfo-mpo.gc.ca/oceans/aoi-si/easternshore-ilescoteest-eng.html> provides an example. Web

pages for Areas of Interest are updated continuously with new data and information to keep stakeholders and interested parties informed of progress.

Information regarding *Oceans Act* MPAs is updated regularly on Fisheries and Oceans Canada's public website (<http://www.dfo-mpo.gc.ca/oceans/mpa-zpm-aoi-si-eng.html>). An MPA's webpage includes an overview of the MPAs purpose, conservation goals and the scientific, economic, social, and cultural information that is used in decision making leading to its designation and management. In addition, under the "research and publications" section, links to the regulatory impact analysis statement, regulations, and other documents can be found, including any peer-reviewed science advice provided by the Canadian Science Advisory Secretariat. The Basin Head MPA webpage at <http://www.dfo-mpo.gc.ca/oceans/mpa-zpm/basin-head/index-eng.html> provides a good example.

Web pages are also maintained for Marine Refuges at <http://www.dfo-mpo.gc.ca/oceans/oeabcm-amcepz/refuges/index-eng.html>.

Canada's progress toward meeting the 2020 target of 10 percent protection of marine and coastal areas is documented at <http://www.dfo-mpo.gc.ca/oceans/conservation/achievement-reussite-eng.html>. In this way, Canadians are kept up to date on new MPAs much more frequently than once a year.

Fisheries and Oceans Canada acknowledges the importance of establishing timelines for *Oceans Act* MPA establishment to give stakeholders and interested parties an understanding of when important decisions in a complex process will be undertaken. In recognition of the need to accelerate protections for vulnerable areas and improve transparency, Fisheries and Oceans Canada has proposed an amendment in Bill C-55 which would require that regulations completing the MPA establishment process be made within five years of the making of the interim protection Ministerial Order. The effect of this amendment is to place a time limit on MPA designation.

As a general principle, the Government of Canada agrees that reporting to Canadians on *Oceans Act* establishment and management (including monitoring) is important for accountability and transparency. Reporting on oceans programs, including marine conservation, is included in Fisheries and Oceans Canada's reporting to Parliament, including the Departmental Results Report. Fisheries and Oceans Canada's Forward Regulatory Plan (2018-2020) is also available (<http://www.dfo-mpo.gc.ca/acts-lois/initiatives-eng.htm>) for those who wish to keep track of plans for MPA establishment following Area of Interest announcements. Fisheries and Oceans Canada also maintains a general web page documenting progress toward achieving the marine conservation targets at <http://www.dfo-mpo.gc.ca/oceans/conservation/index-eng.html>.



## CONCLUSION

The Government would again like to thank the Committee for its important report, and to thank those Canadians who participated in the Committee's study and voiced their support for MPAs and marine conservation in general. Canada's efforts to increase protections of Canada's marine and coastal areas will continue to be based on the inclusion of governments, Indigenous peoples, stakeholders, and the public. Fisheries and Oceans Canada will continue to work with other departments and agencies to protect Canada's marine and coastal areas.

The recommendations included in the Committee's report have provided important guidance for the improvement of the *Oceans Act* MPA establishment process, particularly in the areas of engagement, MPA impacts, inclusion of Indigenous and local knowledge, MPA effectiveness, and transparency. The Government agrees with the Committee, and the report's recommendations will inform ongoing work in these areas.

The structures in place for collaborative work with federal MPA partners, provinces and territories, Indigenous governments and groups, industry stakeholders, communities, and other interested parties will be extremely important as the Government moves to protect 10 percent of our marine and coastal territory by 2020 for the long-term protection of our ocean resources for future generations.