

National Marine Conservation Areas

Parks Canada has proposals and plans for a number of National Marine Conservation Areas (NMCA's) in Canada. At present, there are active initiatives underway to create NMCA's in the following areas:

- Lake Superior, Ontario
- Gwaii Haanas, British Columbia
- Southern Strait of Georgia, British Columbia

The Canadian Chamber understands that, in addition to these active plans, Parks Canada National Marine Conservation System states that "Canada's oceans and Great Lakes have been divided into 29 marine regions, each of which warrants representation in the system of national marine conservation areas. Efforts to create new marine conservation areas are concentrated on those marine regions that are unrepresented."

It is clear from this statement that further NMCA's will be developed in regions across Canada.

Within five years of establishing an NMCA, a management plan must be developed and tabled in Parliament. Management Advisory Committees must be formed in each NMCA to advise the Heritage Minister on the development and implementation of management plans for the area. Management plans will include provision for ecosystem protection, zoning, and public awareness and will be based on principles of "ecosystem management" and the "precautionary principle". There is no definition of either of these principles.

There is a prohibition against exploration or exploitation of hydrocarbons, minerals, aggregates or any other inorganic matter within an NMCA.

The legislation provides for the ability to regulate the following:

- Zones (including no-take zones) within the NMCA
- Protection of ecosystems or elements of ecosystems
- Protection of cultural, historical and archaeological resources
- Management and control of renewable resource harvesting activities
- Restricting or prohibiting activities or use of facilities
- Issuing, revoking or suspending permits or other authorizing instruments consistent with the management plan
- Setting fees or other charges for use of resources, facilities or services
- Safety of the public
- Takeoff, landing and taxiing of aircraft to prevent danger or disturbances to wildlife and wildlife habitat
- Scientific research activities

- Waste disposal
- Anything that can be regulated under the National Parks Act.

Regulations with respect to fisheries management and conservation or that restrict or prohibit fishing or aquaculture, marine navigation or activities related to marine safety need to have the recommendation of the Minister of Fisheries and Oceans. Regulations affecting air navigation need to be agreed to by the Minister of Transport.

The legislation allows fishing to be managed by DFO, however all fishing plans that involve activities within an NMCA must be approved by Parks Canada in addition to the DFO.

All sub-tidal land associated with any NMCA is transferred to the Government of Canada. This has already been done in the case of the South Moresby Gwaii Haanas proposed area.

Establishment of an NMCA has significant implications for provincial jurisdiction and regulatory activities, such as aquaculture tenuring, waste discharge licensing, and harvesting permits for marine plants and wild oysters, however there is no requirement for the approval of the Provincial government regarding prohibitions of activities such as aquaculture within an NMCA. While it is likely that the administration of water lots and leases will stay with the provincial government, there would be an additional approval required from Parks Canada for any water lot, water lease, or aquaculture tenure within any NMCA.

Some examples of redundant management and regulations contemplated for NMCA's include:

- Establishing no-take zones for all marine species and all users (this is in addition to Marine Protected Areas designations available under the Oceans Act.)
- Helping killer whales by increasing food supply, minimizing sources of noise and physical disturbance, and refuges where whales could be left alone (this is in addition to whale watching regulations being developed by DFO and protection for killer whales and their habitats under the Species at Risk Act).
- Managing recreation and tourism in NMCA's through permits and licences (this is in addition to the current licensing and regulatory requirements of Transport Canada and the provincial government).
- Controlling emissions from all vessels, including sewage, ballast and bilge water and gray water (this is in addition to the currently available pollution prevention regulations under the Canada Shipping Act).
- Consulting on and approving fisheries management plans for Aboriginal, recreational and commercial fisheries within NMCA's (this is in addition to the current fisheries management consultation and planning by DFO).

There is a great deal of confusion about the various responsibilities of various agencies and their planning processes and regulatory authorities for the marine environment. There is an enormous amount of overlap and duplication of effort in this area with a corresponding waste of tax payers dollars.

Under the Oceans Act, DFO has announced a number of pilot MPA sites and public consultation on each one of these areas. DFO also has public information out about Integrated Coastal Zone Management. Theoretically, the Oceans Act sets the framework for an all inclusive ecosystem approach to the management of Canada's oceans and oceans resources and DFO is starting the process of consulting on an Integrated Oceans Strategy.

Environment Canada administers the Species At Risk Act that has the authority to manage and set aside "residences" of threatened or endangered species. This legislation, which is largely thought out for and written around terrestrial species, applies to species in the marine environment. Recovery plans could very well include management measures and zoning similar to MPA's and NMCA's. This is being done despite the fact that the Department of Fisheries and Oceans has the authority and the expertise to manage marine species at risk.

The provincial Land Use Co-ordination Office is running a land use management planning process which has had a marine component tacked onto it which will affect marine resource planning. In addition, the provincial government has a network of marine parks, marine heritage sites, and marine ecological reserves.

Businesses and public stakeholders are confused and do not have the time or money to participate in all of the consultation processes on all of the initiatives.

The federal government needs to put one federal agency in charge of the stewardship and sustainable management of the marine environment in Canada - that agency should be the Department of Fisheries and Oceans as is contemplated in the Oceans Act. Transport Canada should continue to be responsible for management and regulation of vessels and aircraft. Using words like cooperation and coordination is not good enough because despite these good words, our experience is that each agency continues to set its own agenda, process, priorities, and activities.

Recommendations

That the federal government:

1. Recognize that there are existing government agencies and regulations covering most of the objectives outlined for NMCA's and allow those existing agencies to do their jobs within an NMCA without approval or duplication by Parks Canada. Parks Canada should have input into these agencies and regulations in an NMCA, but not duplicate activities or be able to delay timeliness of decisions respecting activities within an NMCA.
2. Reduce government administrative costs and improve efficiencies by putting one federal agency in charge of the stewardship and sustainable management of the marine environment in Canada - that agency should be the Department of Fisheries and Oceans as is contemplated in the Oceans Act