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Brief

Standing Committee on Environment and Sustainable Development

House of Commons, Canada

25 October 2016

World Wildlife Fund - Canada
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On behalf of WWF-Canada, we are pleased to provide a brief concerning Marine Protected Areas to the Chair and members of the Committee.

WWF-Canada is a science-based, solutions-oriented, collaborative organization working to secure a future in which ecosystems are healthy and species thrive. Our programs focus on the areas of fresh water, oceans and the Arctic.

WWF-Canada's interest in the Arctic stems from having the opportunity to "get it right" in an environment that is less developed, where people still engage in a sustainable and symbiotic relationship with animals and the land. It is important that our conservation efforts help safeguard these relationships and that, where possible, conservation efforts support social and economic development for northern communities.

Our submission covers a number of topics relating to marine protection that we believe are relevant to a sustainable Arctic, with healthy communities living in a healthy environment. We thank you for the opportunity to provide our thoughts on these topics.

Marine Protected Areas

Background

One of the goals of WWF-Canada's oceans work is to support and even surpass Canada's commitment to protect five per cent of Canada's marine areas by 2017, and 10 per cent by 2020. We advocate for MPAs in all three oceans.

The health of Canada's marine coastal ecosystems continues to decline due to an ever-increasing range of threats. Protecting and conserving biodiversity in the Arctic marine environment is an important priority due to the role of Arctic waters in moderating the global climate, contributing to overall marine biodiversity, as well as providing food security, income and cultural identity for Arctic peoples and communities. Preserving the heritage of the Canadian Arctic is not only vital for the wellbeing of communities but also a singular Canadian responsibility to the planet.

Just 1.1 per cent of Canada's marine territory (62,452 km²) is currently protected. Three federal departments have 12 proposed areas for protection: Fisheries and Oceans Canada has eight Areas of Interest (AOIs), Parks Canada has three proposed national marine conservation areas (NMCAs), and Environment Canada has one proposed marine national wildlife area (mNWA). If all proposed areas were

designated (an additional 107,115 km²), Canada would reach approximately three per cent protection. Therefore, it is vital that current work, such as the establishment of the NMCA for Lancaster Sound, is finalized and new areas are identified, studied, and moved through the designation process. Time and resources will be significant challenges.

Canada's Commitment to Marine Protected Areas (MPAs)

In the U.S.-Canada Joint Statement on Climate, Energy, and Arctic Leadership, both leaders pledged to create a pan-Arctic marine protection area network, including at least 10 per cent of Arctic waters, and committed to "substantially surpass these national goals in the coming years." WWF-Canada is pleased that the Government of Canada has committed to these goals. However, 10 per cent is only a waypoint toward effective ocean protection and governance. The 2014 World Parks Congress and the 2016 World Conservation Congress called for a target of 30 per cent protection. In a rapidly changing Arctic environment, such a target may not even be enough to ensure a resilient Arctic marine ecosystem.

Recommendation

The Government of Canada should fix a minimum goal of 30 per cent marine protection in the Canadian Arctic by 2030.

Identification of sites for protection

WWF-Canada is pleased with the community-driven MPA site identification process to which the Government of Canada has committed. The Arctic has several ecologically and biologically significant areas (EBSAs) that have been broadly identified, mapped and described, and we recommend these should be the starting point for consultations with northern communities concerning the identification of new MPAs in areas which are significant for their wellbeing.

Recommendation

The Government of Canada should use Ecologically and Biologically Significant Areas as the basis for community consultations for MPA site identification.

However, because almost all Arctic communities are coastal and depend on the bounty of the ocean for their wellbeing, EBSAs that are not immediately adjacent to communities, or that are outside of land claim areas, must also be captured. Therefore, these EBSAs can help the Government of Canada's marine conservation plan to establish new MPAs in offshore areas that are remote from communities. Lastly, EBSAs will help in identifying areas under pressure from human activities.

Recommendation

The Government of Canada, in addition to community-driven identification of MPA sites, should also consider Ecologically and Biologically Significant Areas that are not adjacent to communities or outside of land claim areas for MPAs.

The Government of Canada is proposing the creation of Large Pristine Area MPAs as a means to ensure resiliency. The Arctic is a prime region for Large Pristine Area MPAs. Since sea ice and the ice edge is critical habitat, WWF-Canada suggests that Fisheries and Oceans Canada propose marine protection of a significant portion of the Last Ice Area – the area within and to the north of the Arctic Archipelago where summer sea ice is projected to remain the longest. This resilient sea ice area is projected to be particularly important to ice-dependent and ice-associated life including narwhals, polar bears, and walrus. These species are part of the ecological, cultural and economic life of the region. This area is important not just regionally and nationally, but also globally as a refugia for ice-associated life, a function highlighted in the Arctic Council’s Arctic Biodiversity Assessment.¹

Recommendation

The Government of Canada should consider a significant portion of the Last Ice Area for a Large Pristine Area MPA.

Pikialasorsuaq is a Greenlandic word describing upwelling. It is used to describe the North Water Polynya in Baffin Bay and is shared by Nunavut and Greenland. This region of Baffin Bay is one of the most biologically productive in the Arctic and is vital to the productivity in Lancaster Sound, Baffin Bay, Melville Bay and farther south into Davis Strait. Currently, the Inuit Circumpolar Council-led *Pikialasorsuaq* Commission is considering the future of this area, and is expected to report findings by the end of this calendar year.

Recommendation

*The Government of Canada should consider the *Pikialasorsuaq* for a Large Pristine Area MPA.*

Impact and Benefit Agreements/Community Benefits

For conservation to succeed in the long term in a region where poverty is endemic, it must provide community benefits. The four Inuit land claims agreements vary considerably, including around requirements to negotiate Impact Benefit Agreements for the creation of MPAs. The creation of MPAs is an opportunity to secure much-needed community, economic and financial benefits. A moral case can be made for negotiating these agreements to the highest standard for all four regions.

¹ “To maximize the resilience of Arctic ecosystems, effective protection of large representative tracts of habitat, including hotspots for unique Arctic biodiversity and northern ‘refugia’ areas, is of paramount importance. This includes Arctic islands together with mountainous areas and multi-year sea-ice refuges, where unique marine Arctic biodiversity has the best chance of surviving climate change.”

<http://www.arcticbiodiversity.is/index.php/the-report/synthesis/suggested-conservation-and-research-priorities>

Recommendation

The Government of Canada should create an equitable and transparent financing formula, as well as high minimum standards for community management, for Impact Benefit Agreements across all four Inuit land claim regions. It is critical that negotiations on these agreements start immediately in parallel to the identification process.

Minimum Standards

The current process to create marine protected areas is convoluted and needs to be modernized to reflect 21st century standards and realities. It's not enough to reach protection targets – we need to ensure that protection is meaningful. For instance, MPAs should exclude all oil and gas development (including seismic exploration), as well as subsea mining. If Canada's marine protected areas don't have high standards, it's doubtful we will succeed in protecting biodiversity and helping to sustain the fisheries that Canadians depend on, now and into the future. Minimum standards are key to developing co-operative management frameworks with Indigenous communities. Setting standards before sites are selected can provide certainty to stakeholders, including Indigenous communities, and speed up the consultation process. The International Union for the Conservation of Nature categories can help provide a common and credible standard for MPAs. To ensure that our MPAs have high standards, they also need management plans and be properly funded to allow for active management, monitoring and enforcement.

Recommendation

The Government of Canada should develop minimum standards for MPAs based on the International Union for Conservation of Nature categories.

Mineral and Energy Resource Assessments

A major impediment to the timely creation of MPAs is the application of the Mineral and Energy Resource Assessment (MERA) policy, which was created in 1995. This policy asks government to assess mineral and energy potential ahead of a marine protection proposal. WWF-Canada submits that this discretionary policy be updated to better reflect current priorities and ensure its application does not unduly delay Canada achieving its marine protection objectives. In the interest of accelerating the creation of MPAs, the Government of Canada should free up areas under license and help retire those leases. We suggest that when parties agree, a MERA need not be undertaken and the government should consider conditions under which MERA might not be warranted. In the 2014 *Evaluation of Parks Canada's National Park Establishment and Expansion Sub-Program* report,² WWF-Canada also expressed the desire to reevaluate this policy. This report stated that “[s]ome stakeholders and agency staff indicated that the Terms of Reference of the MERA, dating from 1995, would benefit from a review to reflect the full environmental, cultural and economic value of national parks and with new approaches to bring more collaboration, transparency and accountability.”

² <http://www.pc.gc.ca/docs/pc/rpts/rve-par/88/Evaluation-of-NP-Establishment-Final-June-EN.pdf>

Recommendation

The Government of Canada should update the Mineral and Energy Resource Assessment Policy.

Oil and Gas

Marine protected areas should exclude all oil and gas development, including seismic activity. Officials from Fisheries and Oceans Canada have stated that they may not entertain MPAs where there may be existing oil and gas rights. WWF-Canada wants to challenge that approach, particularly where those rights were granted in Ecologically and Biologically Significant Areas. The 30-year-old Canada Petroleum Resources Act gave petroleum priority over all other uses. Economic values and social priorities such as fishing, tourism, food security, conservation values, and community and cultural values were not given due consideration. Exploration rights were awarded without environmental assessment. Canada deserves an Arctic oil and gas management regime that places other economic values and social priorities on an equal footing with petroleum. In Norway, by contrast, the first step in deciding if an area can be opened for petroleum bids is a regional environmental assessment. This assessment enables informed decisions, and places other uses on a more equal footing with petroleum development. Not long ago, Norway wisely decided to exclude petroleum bids in the offshore near the Lofoten Archipelago in order to protect critical spawning grounds of the largest northeast Arctic cod, haddock and spring-spawning herring stocks. Such a decision would not be possible under our current oil and gas regime.

Furthermore, exploration rights for limited terms provide a reasonable form of tenure for petroleum prospecting. Licences that grant indefinite rights – as is currently the practice with significant discovery licences under the CPRA – are completely unreasonable. These rights can interfere with alternate uses indefinitely – even if they are never exercised.

Recommendation

The Government of Canada should not exclude consideration of MPAs in areas where oil and gas rights may have been previously awarded.

Shipping – Low Impact Corridors

The impacts from shipping can be severe and the risks real to both marine habitat and food security in the North. In Canada, the Coast Guard, Hydrographic Service and Transport Canada have begun to research and take stock of shipping in the Arctic. Coined the Corridors Initiative (CI), it was originally meant to focus limited resources on the most-trafficked areas, with emphases on search and rescue, surveying efforts, hydrographic charting, and aids to navigation into specific marine transportation corridors. As the agencies engaged more broadly on the initiative, it became clear that there was an interest from stakeholders for the CI to take a broader scope and include measures to enhance protection for environmentally and culturally sensitive areas such as designating places of refuge, routing away from significant marine areas, and building awareness of culturally important hunting areas for Inuit. The CI could provide framework for allowing marine protection and shipping activities to work together.

To reach the goal of full implementation of the CI framework, cross-departmental co-ordination is essential. As the regulator for marine transportation in Canada, Transport Canada (with co-lead support from the Coast Guard and the Hydrographic Service) should take lead responsibility for the strategy and accountability for ensuring all-agency support for the initiative. Regional Inuit associations should be co-leads with Transport Canada, the Coast Guard and Hydrographic Services to ensure land claims, Indigenous knowledge and Impact Benefit Agreements are respected and integrated into the governance framework.

Recommendation

The Government of Canada should develop a low-impact shipping corridor framework.

Indigenous Marine Protected Areas³

WWF-Canada is pleased that there will soon be an opportunity to modernize the Oceans Act. In so doing, the Government of Canada should consider including a new approach to marine protection – Indigenous marine protected areas. When a clear expression of desire to protect a marine area is demonstrated by an Indigenous community, a rapid process to deploy that protection should ensue, driven by the community itself, and assisted by the Government of Canada. Indigenous conservation management, allowing for continued harvesting and community uses, would be paramount. Monitoring, research and enforcement would provide Inuit employment. The Pikiyasorsuaq could be a prime candidate for an IMPA.

A similar concept of jointly managed national parks evolved in Australia in the early 1990s.⁴ Here, Aboriginal people can choose the level of government involvement, the level of visitor access (if any) and the extent of development to meet their needs. In return for government planning and management assistance, Aboriginal owners of protected areas are required to develop a plan of management and to make a commitment to manage their land with the goal of conserving its biodiversity values.

Recommendation

The Government of Canada, in renewing its relationship with Indigenous Peoples, should include Indigenous marine protected areas as a new category of MPA.

³ On the topic of Indigenous Protected Areas, WWF also provided a “Joint Submission to Minister’s Special Representative for Arctic Leadership.

Indigenous and Northern Affairs Canada,” dated October 16, 2016

⁴ Bauman, T. and Smyth, D. 2007. Indigenous Partnerships in Protected Area Management in Australia: Tree case studies. Australian Institute of Aboriginal and Torres Strait Islander Studies.

http://aiatsis.gov.au/sites/default/files/products/monograph_research_outputs/indigenous-partnerships-in-protected-area-management.pdf