

# FEDERAL POLICY AND LEGISLATION

Coastal ecosystems, such as salt marshes and seagrass beds, can sequester carbon from the atmosphere, supporting the fight against climate change — if disrupted, the carbon stored in these ecosystems can be released.

Blue carbon, however, is a relatively new term that has only gained recognition and use over the last few years. As a result, we do not have explicit inclusion of coastal blue carbon in current Canadian policies, frameworks and legislation to support the protection of these valuable ecosystems.

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**Inter-departmental and inter-governmental collaboration is needed to improve policies and facilitate the protection and management of coastal ecosystems.**

## BLUE CARBON AND FEDERAL POLICY

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Blue carbon ecosystems, if considered at all, are generally only indirectly referenced within federal policy in Canada. In most cases, it is a requirement of legislation and policy to mention specific terms (e.g., blue carbon), for them to be fulsomely considered in decision-making processes. Accordingly, relevant policies and legislative tools should be updated to explicitly incorporate blue carbon. These changes would support the recognition of blue carbon as a potential Natural Climate Solution (NCS) and reinforce the need to safeguard and manage coastal ecosystems. Compounding this policy gap is the fact that different federal government departments are responsible for managing coastal ecosystems. Inter-departmental and inter-governmental collaboration is needed to improve policies and facilitate the protection and management of coastal ecosystems.

## SPATIAL PROTECTION TOOLS

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Several regulatory tools are available to designate different types of protected and conserved areas in marine and coastal regions that contain blue carbon ecosystems. However, a lack of conservation value prioritization and overlapping jurisdictions (i.e., competing priorities between departments and governments) are possible barriers to effective protection. In addition, carbon sequestration and ecological connectivity may not be considerations during protected area establishment and management. Ideally, protected and conserved areas can be used to protect blue carbon ecosystems against specific threats and stressors and can also be deployed together as interconnected spaces to protect important habitats.

## INDIGENOUS PROTECTED AND CONSERVED AREAS

The establishment of marine protected and conserved areas requires a rapid and transformational shift to collaborative decision-making and co-governance structures that elevate Indigenous rights, knowledge and priorities. Indigenous Protected and Conserved Areas (IPCAs) have emerged as a means for Indigenous Peoples to advance their priorities in their territories, in both terrestrial and marine ecosystems. IPCAs are “lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems” (ICE 2018)<sup>1</sup>. They offer the potential to advance reconciliation, while simultaneously addressing environmental crises.

## RECOMMENDATIONS

- ✓ Federal agencies need to review and update relevant policies, regulations and legislation to explicitly include and prioritize blue carbon. This needs to be done in consultation and collaboration with Indigenous Nations and communities, while ensuring that the principles of the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission Calls to Action are upheld.
- ✓ Fulfill the Indigenous Circle of Experts’ (2018) recommendations and support Indigenous-led marine and coastal conservation initiatives, including Indigenous-led marine IPCAs and coastal Indigenous Guardians programs in ways that advance their priorities.
- ✓ Work effectively across jurisdictional divides (i.e., federal, provincial, territorial, local and Indigenous governments) to advance climate and conservation related initiatives (including blue carbon NCS) that span marine and terrestrial ecosystems.

Examples of regulatory tools and associated site types contributing to Canada’s marine protected and conserved areas targets. Data retrieved from Fisheries and Oceans Canada (2023).

Act   Type	Count	Area (km <sup>2</sup> )	Coverage (% Protected)*
Fisheries Act   Marine Refuge	35	327,341	5.62
Migratory Birds Convention Act   Migratory Bird Sanctuary	49	13,992	0.21
Canada National Marine Conservation Areas Act   National Marine Conservation Area	3	112,746	1.98
Canada National Parks Act   National Park	13	9,232	0.14
Canada Wildlife Act   National Wildlife Area	12	17,214	0.3
Oceans Act   Marine Protected Area	14	351,516	6.11

1. Indigenous Circle of Experts (ICE). (2018). *We Rise Together: Achieving Pathway to Canada. Target 1 through the Creation of Indigenous Protected and Conserved Areas in the Spirit and Practice of Reconciliation*. Indigenous Circle of Experts. Canada. Retrieved online from: <https://www.conservation2020canada.ca/resources>

\*Coverage represents the percentage of Canada’s marine and coastal areas.