

# MPA NEWS

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## MPA Perspective: With Three Federal Authorities Protecting Marine Areas, Canada Takes an Integrated Approach to MPA Establishment

**Editor's note:** Within Canada, three federal authorities each have a mandate to designate and manage marine protected areas: Fisheries and Oceans Canada, the Parks Canada Agency, and Environment Canada. The following essay, written collaboratively for *MPA News* by MPA experts in the above authorities, outlines how they are working together to integrate their MPA planning to achieve efficiencies and maximize conservation benefits.

### By the Federal Marine Protected Areas Strategy Working Group

The three Canadian federal authorities with jurisdiction to protect important marine sites - Fisheries and Oceans Canada, the Parks Canada Agency, and Environment Canada - are each mandated to establish different types of protected areas:

1. Fisheries and Oceans Canada designates Marine Protected Areas under the *Oceans Act*,
2. Parks Canada Agency designates National Marine Conservation Areas under the *Canada National Marine Conservation Areas Act*, and
3. Environment Canada designates Marine Wildlife Areas and National Wildlife Areas under the *Canada Wildlife Act*.

Each of these federal authorities takes related but different criteria into consideration in identifying its marine protected areas (these are described below). To advance a cohesive, complementary network of marine protected areas and maximize program efficiencies, the three authorities developed a cooperative approach that is outlined in Canada's 2005 Federal Marine Protected Areas Strategy (available at [www.dfo-mpo.gc.ca/oceans-habitat/oceans/mpa-zpm/ledmpa-zpmfed/index\\_e.asp](http://www.dfo-mpo.gc.ca/oceans-habitat/oceans/mpa-zpm/ledmpa-zpmfed/index_e.asp)).

Internal guidelines are currently being finalized to assist the federal authorities in gathering and sharing the best available natural and social science information, including key marine areas that have been identified by each federal authority according to its mandate. Protocols are being completed to help determine whether protected area status is needed and which federal marine protected area tool is best suited to the protection needs of a given candidate site. The placement of future federal marine protected areas will be guided by a gap analysis of where new sites will best contribute to a set of agreed-upon conservation imperatives.

Although this essay focuses on Canada's federal protected areas, there are also other management, policy, or regulatory instruments that may contribute to marine conservation outcomes, such as *Species at Risk Act* areas of critical habitat, fisheries closures, variation orders, voluntary closures, national parks with marine components under the *Canada National Parks Act*, and migratory bird sanctuaries under the *Migratory Birds Convention Act*. These areas, together with federal, provincial and territorial protected areas, all have potential to contribute to Canada's national network of marine protected areas, which will take shape over the next few years.

Protection of representative marine areas and providing opportunities for Canadians to experience and learn from them is the explicit legislative mandate of Parks Canada. Fisheries and Oceans Canada's and Environment Canada's MPA policies are not directly focused on the protection of representative areas. However, protecting ecologically significant ecosystem components in an MPA indirectly helps protect representative portions of Canada's marine ecosystems and associated biodiversity. In fulfilling their complementary mandates, Canadian federal MPA authorities contribute to the national network of marine protected areas by keeping broad network objectives in mind while implementing their specific components.

### Fisheries and Oceans Canada criteria for Marine Protected Areas

The Government of Canada under the *Oceans Act* has adopted an ecosystem-based approach to integrated oceans management (IOM), a component of which involves the establishment of *Oceans Act* Marine Protected Areas (OAMPAs). (The *Oceans Act* legislation is available at <http://laws.justice.gc.ca/en/showtdm/cs/O-2.4>). The Act sets out possible reasons for designating these OAMPAs, namely to protect and conserve important fish and marine mammal habitats, endangered marine species and their habitats, unique habitats, and areas of high biological productivity or biodiversity.

Incorporating OAMPAs into broader IOM-planning initiatives ensures that OAMPA conservation measures are consistent with management of the surrounding area. This approach helps to maintain the integrity of the OAMPA. Fisheries and Oceans Canada's candidate OAMPA sites are typically located within one of the five Large Ocean Management Areas (LOMAs) delineated as a basis for ecosystem-based management. Ecological components within a LOMA, such as identified Ecologically Significant Areas, Ecologically Significant Species, and Ecologically Significant Community Properties will inform selection of the candidate sites, as will the proximity to Environment Canada and Parks Canada Agency areas of interest. Candidate sites are then prioritized according to their ecological importance and the level of threat from human activities or influences. Feasibility/practicality considerations are also taken into account.

One or more conservation objectives are identified for each site relating to the reasons for its candidacy, to anchor development of the designation regulation. Prohibitions within each OAMPA depend on the area's conservation objectives. A general prohibition (with associated specific prohibitions, in some cases) specifies environmental impacts that must be avoided. Sustainable economic opportunities compatible with these conservation objectives are permitted within the OAMPA, or within specific zones.

### Parks Canada Agency criteria

The *Canada National Marine Conservation Areas Act* (available at <http://laws.justice.gc.ca/en/showtdm/cs/C-7.3>) mandates that national marine conservation areas (NMCAs) are established for the purpose of protecting and conserving representative marine areas for the benefit, education and enjoyment of the people of Canada and the world. Akin to its long practice in expanding the country's system of national parks on land, Parks Canada Agency has divided Canada's ocean and Great Lakes waters into 29 marine regions. Each region is distinct from its neighboring marine regions on the basis of significant differences in oceanographic and biological characteristics. At least one representative NMCA will be established within each marine region.

Accordingly, the manner of determining where NMCAs should be established begins with a process of identifying a list of candidate sites within a marine region that are representative of the natural (biotic and abiotic) and marine cultural diversity of the region in question. Criteria such as uniqueness, rarity, and species-at-risk status are considered in this analysis. However, they are secondary, mindful in part that the complementary marine protected areas programs of Fisheries and Oceans Canada and Environment Canada are more tailored to respond to those area-selection criteria.

Following the identification of such potential NMCA sites within a marine region, a site-selection process follows. Criteria such as the status of current and potential human activities within the candidate sites, and their proximity to other existing or proposed marine or coastal protected areas (with both ecological network and administrative considerations in mind) are among those used. The legislation precludes exploration for and development of non-renewable resources in NMCAs, so the nature and extent of legal third-party rights must be determined. Other criteria of high importance in identifying potential sites for NMCA establishment under the *Canada National Marine Conservation Areas Act* include their potential to provide opportunities for visitor enjoyment and education, and to help foster sustainable coastal communities. Generally speaking, candidate sites that have scored highest in the area-identification stage have emerged at or near the top of this subsequent site-selection step. It is those sites that then advance to the step of assessing the feasibility of NMCA establishment.

### Environment Canada criteria

The *Canada Wildlife Act* provides for the establishment and management of National and Marine Wildlife Areas, to ensure the conservation and protection of key breeding, feeding, migration and overwintering sites for birds, species at risk, and other wildlife of national importance. As well, coastal Migratory Bird Sanctuaries established under the *Migratory Birds Convention Act* will also contribute to the national network of marine protected areas.

The first step is to identify key marine areas for migratory birds and species at risk that support appreciable populations (greater than or equal to 1% of the species' Canadian population) or important

species assemblages, for any portion of the year. Rare or unusual wildlife habitat may also be considered as key sites. These include areas identified as critical habitat for a migratory bird or other species listed under the federal *Species at Risk Act*; areas having special value for maintaining the genetic and ecological diversity of a region; and/or areas possessing high research potential for restoration or enhancement.

Sites may be proposed by Environment Canada employees, conservation partners, Aboriginal people, provincial and territorial governments, non-government organizations, and the public. The proposed sites must meet one or more of the above-mentioned criteria.

Preferred candidate protected areas are then selected from key marine sites based on the sites' biological and ecological importance and feasibility considerations:

- Are the characteristics of that key site particularly valuable in meeting one of the criteria listed above?
- Does the site contribute to the protection of landscape/seascape features, plants and animals in ecoregions underrepresented by existing protected areas?
- Does it complement or enhance other sites?
- What, if any, are the uses, threats, local/regional support, potential to cooperatively manage the area, implications of land claims and treaties, etc., associated with the site?

## Current status

Fisheries and Oceans Canada currently has seven *Oceans Act* MPAs designated and another four proposed areas are in the designation process. The designated sites are described at [www.dfo-mpo.gc.ca/oceans/marineareas-zonesmarines/mpa-zpm/index-eng.htm](http://www.dfo-mpo.gc.ca/oceans/marineareas-zonesmarines/mpa-zpm/index-eng.htm).

Parks Canada Agency has designated three NMCAs so far and has another four proposed areas in progress. Information on the designated NMCAs is available at [www.pc.gc.ca/progs/amnc-nmca/index\\_e.asp](http://www.pc.gc.ca/progs/amnc-nmca/index_e.asp).

Environment Canada currently has 64 protected areas with a significant marine component (encompassing 1.6 million hectares). Three new National Wildlife Areas protecting marine species are currently being designated in Nunavut covering approximately 450,000 ha on the east coast of Baffin Island. Designation is also underway for Environment Canada's first Marine Wildlife Area in the Scott Islands region off the north coast of Vancouver Island. Information on Environment Canada's protected areas is at [www.cws-scf.ec.gc.ca/habitat/default.asp?lang=En&n=7F335AFF-1](http://www.cws-scf.ec.gc.ca/habitat/default.asp?lang=En&n=7F335AFF-1).

### For more information:

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