

# National Framework for Establishing and Managing Marine Protected Areas

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## Purpose

The *National Framework for Establishing and Managing Marine Protected Areas* presents the general approach that the Fisheries and Oceans Canada (DFO) will take to establish and manage MPAs across Canada. The program will be implemented at the DFO Regional level. Regions, therefore, may develop specific guides for implementing the National Framework to suit local marine conservation and protection needs. Regional guides will be consistent with the National Framework and may provide additional details on aspects of the process.

## Efforts to Date

In February 1997, DFO released a Discussion Paper entitled "An Approach to the Establishment and Management of Marine Protected Areas under the *Oceans Act*". Over the public review period, DFO hosted 18 Information Sessions at which the *Oceans Act* and the MPA Discussion Paper were presented for discussion. Over 400 Canadians participated in these discussions. The feedback indicated that DFO was indeed "on the right track". Elaboration of the proposed approach was needed for further public review.

## Marine Protected Areas under the *Oceans Act*

The *Oceans Act* defines a marine protected area as an area of the sea that forms part of the internal waters of Canada, the territorial sea of Canada (12 nautical miles) or the exclusive economic zone of Canada (to 200 mile nautical miles); and that has been designated for special protection under the *Oceans Act* for one or more reasons. Table 1 describes the reasons for which MPAs can be established under the *Oceans Act*. The designation of MPAs will complement existing conservation and protection measures under the *Fisheries Act*.

### Table 1. Reasons for Establishing MPAs under the *Oceans Act*

Section 35 (1) of the *Oceans Act* defines an MPA as:

"an area of the sea...(that) has been designated ... for special protection for one or more of the following reasons:

1. the conservation and protection of commercial and non-commercial fishery resources, including marine mammals, and their habitats;
2. the conservation and protection of endangered or threatened marine species, and their habitats;
3. the conservation and protection of unique habitats;

4. the conservation and protection of marine areas of high biodiversity or biological productivity; and
5. the conservation and protection of any other marine resource or habitat as is necessary to fulfill the mandate of the Minister (of Fisheries and Oceans)."

## **Approach to DFO's Marine Protected Areas Program**

### **Need for Effective Partnering**

The MPA program will seek the support of other federal ministers, boards and agencies, provincial and territorial governments, and affected Aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements. Cooperation will be encouraged in all steps of the framework.

The concept of partnering is vital to the MPA Program its success depends on how well various interests are able to work together. Key program areas dependent on partnering include the gathering of information, the development of public awareness of environmental issues, the conducting of research, and the enforcement of regulations.

The number of interested parties, like the diversity of interests and uses, will vary with sites, regional needs and attitudes, and resources. The degree of involvement and responsibility of interested parties depends on the purpose of the MPA and its geographical location. Partnering arrangements in the MPA program will often involve many groups and interests as discussed below.

### **Coastal Communities and Non-Government Conservation Organizations**

The MPA program provides an opportunity for communities, as well as local, regional and national conservation groups, to be involved in conservation activities in the marine environment. In coastal MPA management, local organizations and communities will have the opportunity to play a prominent role, ranging from nomination and co-management of sites to consultation activities and public awareness programs. Organizations nominating an MPA could become a 'sponsor' for the site. A sponsor is an organization prepared to make a long-term partnering arrangement for managing the MPA.

### **Fishing and Aquaculture Interests**

Fishing and aquaculture interests have an important investment in MPAs. It is essential to involved parties that fishing groups, including commercial and Aboriginal fish harvesters, recreational fishers, businesses, processing companies, and the fishing-dependent communities, play an active role in the MPA process.

Fish harvesters have always been strong proponents of conserving the marine resources upon which they depend. They have much knowledge to add to the scientific information that shapes the management approach. Experience suggests that MPAs need strong support from fishing interests, particularly if the MPAs will remove territory from fishing areas or restrict fishing. Support for MPAs grows when harvesters see the results of a successful MPA, or when they become involved in the many stages of the MPA establishment process. The development of the Canadian Code of Conduct for Responsible Fishing Operations in Atlantic Canada complements the MPA process and encourages cooperative approaches to management of the fisheries resources.

Aquaculture is a fast-growing industry in Canada with an interest in the conservation of marine resources. Like the fishing industry, aquaculture will be closely involved in the consideration of individual MPA sites.

### **Aboriginal Communities and Organizations**

Many Aboriginal communities and organizations have a strong interest in conserving marine resources for cultural, subsistence and economic reasons. Affected Aboriginal communities and organizations will be provided with an opportunity to participate in the establishment and management of MPAs. Working together will facilitate the sharing of scientific and traditional knowledge. Special consideration will be given to traditional Aboriginal activities in marine areas in the planning and establishment of MPAs. Partnering arrangements will be encouraged to integrate Aboriginal interests into the MPA Program.

MPAs will be identified, designated and managed in manner consistent with Aboriginal land claims agreements.

### **Ocean Industries**

The implementation of *Oceans Act* MPAs may restrict human activities in designated areas. Some current users of potential sites may have to be displaced in order to establish MPAs. As a result, many ocean industries, including oil and gas companies, marine mining interests, tourism, shoreline developers, shipping agencies, and other users, will have a direct interest in the development of an MPA program.

The MPA process will include consultations with affected users to ensure that their interests are taken into consideration during MPA planning and establishment. Many of these industries and users may wish to assume a long-term collaborative role in managing an MPA, assisting in activities such as enforcement and monitoring.

### **Provincial and Municipal Governments**

In Canada, coastal provinces have varying degrees of jurisdiction over the seabed in inshore waters. Moreover, the provinces and municipalities are responsible for managing most of the land-based activities that affect the marine environment and

potential MPAs: run-off (pollution), tourism, and shoreline development. Provincial legislation may be required or may be more effective in accomplishing the goals.

## **Federal Departments**

With passage of the *Oceans Act*, DFO joined two other federal departments, Canadian Heritage and Environment Canada, in having direct responsibility for the identification, designation and management of protected areas in the marine environment. The documents MPA Program Policy Statement and Working Together for Marine Protected Areas: A National Approach provide more details on how DFO will work together with these departments. Other federal agencies such as the Department of Transport, Natural Resources Canada, and the Department of National Defence will be consulted for assistance in addressing specific issues and in considering particular sites.

## **International**

Cooperative agreements and joint planning exercises between Canada and its neighbours will be necessary in order to meet common conservation objectives. Highly migratory species such as whales have critical habitats located thousands of kilometres from Canadian waters and may require a network of protected areas throughout their range. Some potential marine protected area sites are shared with, or are in close proximity to, the United States. A similar situation exists in the Arctic, where Canada and Greenland have a common marine environment that requires protection. Canada and France (Saint Pierre and Miquelon) also share valuable resources on the east coast.

## **Information Sources**

A major constraint in planning for MPAs is the limited understanding of the dynamics of our marine ecosystems. Where knowledge is limited, management decisions will be made on a precautionary basis. The MPA program will address information deficits by:

- pursuing sustainable development, integrated coastal zone management, and the precautionary approach
- using MPAs as a learning opportunity by applying the adaptive management principle
- establishing a monitoring component as part of some MPAs
- using MPAs as natural laboratories to conduct environmental research.

Information required to ensure sound management of MPAs will continue to be gathered. As part of its science mandate, DFO will continue to collect data for understanding oceans and their living resources, including hydrographic, oceanographic, fisheries, and other marine data. Provincial agencies are developing a number of coastal databases that will be useful for decision-making. Federal and provincial agencies are also cooperating in the assembly of coastal zone information management systems. Community and conservation groups may also have information that an MPA program can use in decision-making.

Monitoring programs will be established to determine whether the goals of individual MPAs have been effectively realized. Environmental parameters will be monitored to detect natural and artificial changes in environmental systems. These data are essential for demonstrating management success. If success is demonstrated, compliance with regulations and public support for additional MPAs would be expected to increase.

## **Ecosystem Overviews**

Ecosystem overviews are studies used to characterize ecosystem types. They will enable MPAs to be developed in a systematic manner, assist in the evaluation and selection of MPAs, and contribute to initiatives such as integrated coastal zone management. They will normally consider large marine areas, coinciding with ecosystem domains rather than administrative regions of DFO or other agencies. As much as possible, they will include known marine ecosystems or biogeographic territories, such as the Bay of Fundy/Gulf of Maine, Strait of Georgia, Lancaster Sound, Hudson Bay and James Bay, or the marine portion of the St. Lawrence estuary.

Such overviews may include information on existing and proposed protected areas, existing and planned uses (fishing activities, resource extraction, recreation), environmental conditions, or ecological characteristics such as key species distribution and critical habitats. It may consider scientific and traditional knowledge. An ecosystem overview will provide important information for managing human activities affecting sensitive ecosystems, habitats, and species.

These overviews will consider existing and proposed MPAs from an ecosystems perspective. This includes consideration of how MPAs interact and support one another and contribute to a system of protection for sensitive resources and habitats. They will consider what additional measures and regulations may be required for protecting marine environmental resources in marine areas outside MPAs. Together with other responsible agencies, DFO may also use the ecosystem overviews to identify protection and conservation policies and actions for adjacent areas, such as habitat protection and enhancement, pollution control, land use controls, and coastal terrestrial park establishment.

The procedure for conducting ecosystem overviews will vary depending on the circumstances in each study area. These overviews may be updated from time to time as new and more detailed information becomes available.

## **Public Awareness and Education**

Public awareness and education of DFO's Marine Protected Areas program is of the utmost importance. Successful partnering requires that interested parties are well-informed and knowledgeable. Also, the aims of the program must be clearly defined and understood.

The public awareness and education component of the program will require the development of a variety of materials for different audiences including schools, resource

users, DFO and other government agencies, communities, and non-government agencies. A wide range of educational tools can be used, e.g., public meetings, brochures, booklets, and educational videos.

Effective education and stakeholder support can reduce enforcement requirements by:

- encouraging participation by interested parties
- creating an understanding that leads to better compliance
- providing a forum, through the partnering arrangements, for addressing concerns

## **Learning-by-doing**

The intention is for the evolving MPA framework to be adaptable and to be phased in, thus providing practical experience in establishing and managing MPAs. The framework design will be constantly examined to consider ways of streamlining and adapting it to meet the needs of regions and stakeholders. The use of pilot MPA projects, as described below, will enhance learning and adaptation.

A number of pilot MPA projects will be identified early in the program to facilitate the evolution of the framework for establishing and managing MPAs. Much can be learned from consideration of such pilot sites. Pilot MPA projects will be used to test various aspects of the MPA Framework. For example, partnering and co-management opportunities and mechanisms can be explored; guidelines for evaluating proposed MPAs may be tested; coordination among other agencies or governments could be examined. Learning from these areas of interest will be an integral part of the development of DFO's MPA Program.

## **Framework to Establish and Manage MPAs**

This section describes the framework for the establishment of individual MPAs. In the framework, an *areas of interest (AOI)* is a marine area proposed for MPA designation under the *Oceans Act*. Once an AOI has been recommended for establishment, it will be referred to as *an MPA candidate site*.

### ***Framework to establish and manage individual MPAs (see Figure 1)***

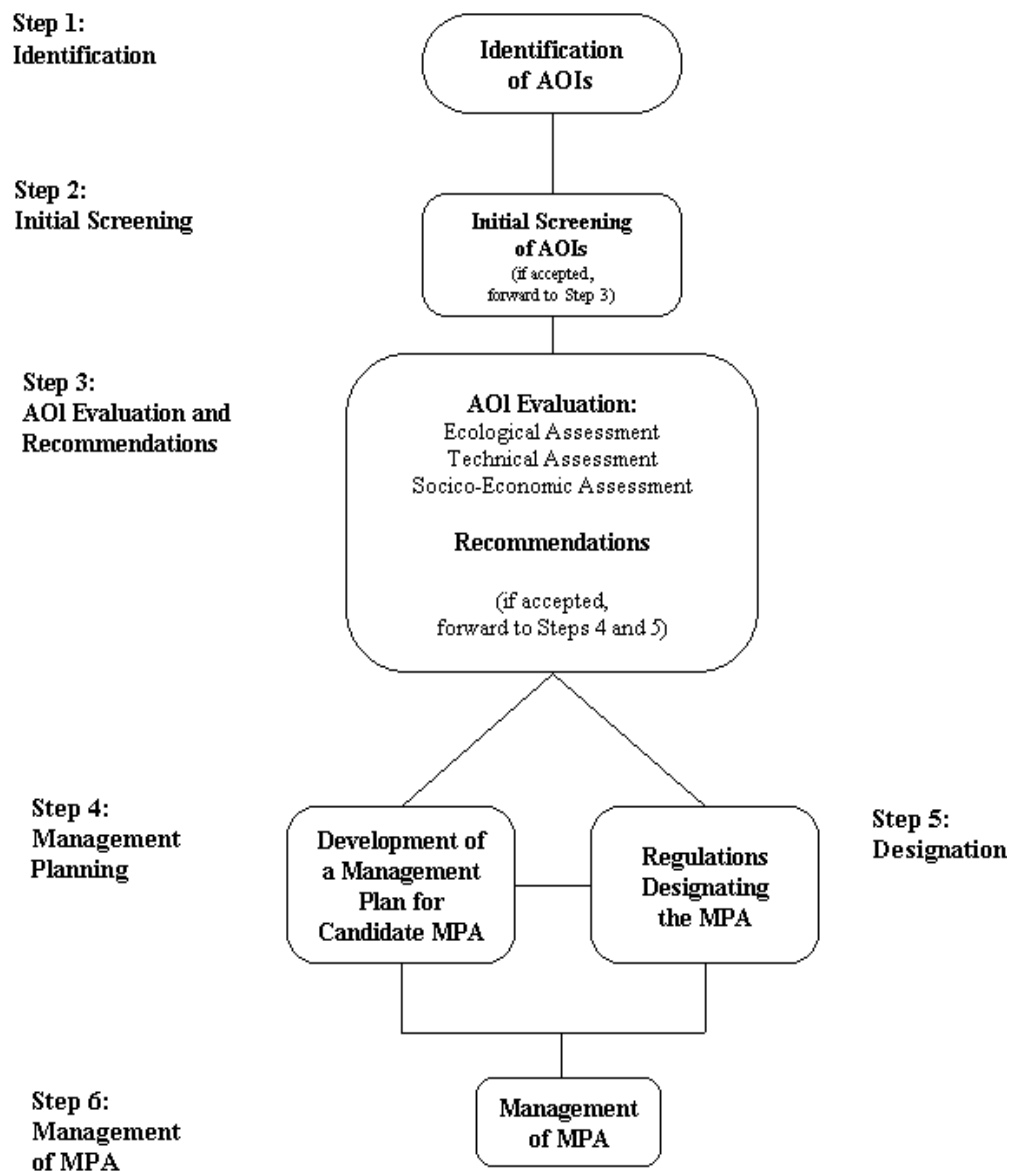
- Step 1: Identification of Areas of Interest (AOIs)
- Step 2: Initial Screening of AOIs
- Step 3: AOI Evaluation and Recommendation
- Step 4: Development of a Management Plan for Candidate MPA Site
- Step 5: Designation of MPA
- Step 6: Management of MPA

In some cases, steps may be taken concurrently or out of sequence.

The Minister of Fisheries and Oceans is responsible for recommending whether the Governor in Council should designate an MPA. To arrive at this recommendation, the Minister will make use of the framework, consulting as necessary with the public and other government agencies.

This National Framework allows for regional flexibility in establishing and managing MPAs. To reflect these differences, DFO Regions may develop specific guides to suit local marine conservation and protection needs. Regional guides must be consistent with the National Framework and may contain additional information on the steps and matters such as public input and consultations

**Figure 1: Framework for Establishing and Managing MPAs under the Oceans Act**





## **Step 1: Identification of Areas of Interest (AOIs)**

The first step in establishing a system of MPAs is to identify potential sites.

### ***Identification***

Opportunities will exist for DFO, other government agencies, community groups, coastal communities and Aboriginal organizations, the fishing sector, environmental organizations, academic institutions, other stakeholders and the general public to participate in identifying AOIs within various initiatives. These initiatives may include:

- ecosystem overviews
- integrated coastal zone management processes
- fisheries management planning
- individual stakeholder proposals
- other approaches

The MPA program will accept nominations of areas for consideration as MPAs. This route provides an opportunity for interested groups to work with DFO in identifying possible MPA sites. Groups wanting to propose an areas of interest should contact DFO as soon as possible.

Over the longer term, there is a need for a systematic approach to identifying a network of MPAs that reflects all the purposes identified in the *Oceans Act*. This may be achieved through ecosystem overviews (see p. 7). The overviews will assist in the selection and evaluation of MPAs, particularly those areas recommended by the public.

## **Step 2. Initial Screening of AOIs**

### ***Purpose***

The initial screening step involves an assessment of an AOI to determine if it should be evaluated in more detail. Suggested AOIs will be screened to ensure that the purposes stated for the proposed areas of interest conform to the reasons stated for MPAs under the *Oceans Act* (see Table 1).

### ***Information required***

At this stage, detailed information is not necessary. Some types of information that may be needed include:

- the location of the proposed AOI
- an outline of the purposes and rationale for establishing an MPA in this location and how these relate to purposes 35 of the *Oceans Act*
- a brief biophysical description and socio-economic profile of the AOI and surrounding areas
- the types of management measures and regulations that might apply to the area

- the suggested involvement of stakeholders or sponsors in the future management of the area
- contact person, group or agency leading or facilitating the MPA process
- additional information, if required

### ***AOI List***

Proposed areas of interest that may qualify for MPA status (see Table 1, Reasons for Establishing MPAs under the *Oceans Act*) will be placed on a AOI List. The AOI List will be made available to the public.

Areas that are on the AOI list will be monitored to ensure that the ecological integrity of an area remains intact while awaiting a final recommendation concerning MPA status. Where it is believed that the ecological integrity of an AOI is being threatened by activities, interim protection measures may be implemented.

### ***Interim Protection***

#### ***Purpose***

The identification of a site as an AOI does not provide immediate protection to an area. If an important site appears to be threatened at any step during the evaluation of an AOI, the Government of Canada or other levels of government may impose interim measures to conserve and protect potentially affected resources and habitats.

#### ***Interim protection measures***

Governments have various measures for protecting marine resources and habitats on an interim or longer-term basis. Some examples include:

- broad notification of stakeholders to discourage uses which conflict with the purpose of the AOI
- partnering arrangements with industry and other stakeholders to protect area
- requests to other government agencies to defer establishment of tenures such as leases, licenses, or other rights to occupy the site
- application of *Fisheries Act* regulations and fisheries closures
- implementation of *Canada Shipping Act* regulations such as anchoring, navigation, and pollution restrictions
- establishment of controls by other government agencies, such as implementation of wildlife protection measures, moratoriums on new tenures or renewals, restrictions on resource uses in or around the area, protection from influences of land-based activities, and prohibitions of waste disposal and dumping

## **Step 3: AOI Evaluation and Recommendation**

### ***Purposes***

To identify and assess the ecological, technical, and socio-economic merits of an AOI, to engage the public in a process of assessing the AOI, and to recommend whether the AOI should be established as an MPA.

### ***Evaluation activities***

This step consists of two activities:

1. Evaluation of the AOI
2. Recommendation

### ***Proposal***

In order to consider an AOI for MPA status, a more detailed proposal will be required. Preparation of a proposal may involve a planning process that brings together affected agencies and interests. An example of information that may be required is provided in Appendix 1. This information will normally be more detailed than that required for screening.

Interested parties should contact regional DFO offices for further information on procedures for proposals and evaluation.

### ***A. Evaluation of AOIs***

#### ***Purpose***

To assess the merits of AOI from ecological, technical, and socio-economic perspectives.

#### ***The evaluation***

AOIs will be evaluated through a series of assessments to determine their suitability as MPA candidates. Using scientific, traditional, and local knowledge and information the evaluation will weigh the merits of an AOI. A discussion paper, *A Guide to Developing Marine Protected Areas*, presents the kinds of questions that may be considered in the assessments.

Interested parties should have an opportunity to participate in the evaluation process.

The evaluation will be followed by a brief summary of information relevant to the assessment, including a rationale for accepting or rejecting an AOI as an MPA candidate. The format and content of evaluation documents will be developed through pilot MPA reviews.

### **Assessment activities**

The AOI evaluation will consist of the following assessments:

1. Ecological Assessment
2. Technical Assessment
3. Socio-economic Assessment

These assessments may be conducted concurrently or sequentially.

#### **1. Ecological assessment**

The ecological assessment addresses the following questions:

- Does the proposed MPA comply with the reasons for MPAs stated in the *Oceans Act*?
- What are the ecological merits of the proposal?
- How significant are these?

In addition to ecological knowledge, the assessment should include a list of human activities which may need to be controlled, any restoration needs for the area, and the potential for recovery of natural ecosystem functions, if applicable.

Where an ecological assessment indicates that an AOI is not suitable as an MPA under the *Oceans Act* or other relevant legislation, the AOI will not undergo any further assessments.

#### **2. Technical assessment**

The technical assessment addresses the following questions:

- Is the proposal feasible from a management and technical perspective?
- What adjustments can be made to improve feasibility and practicality?
- What should the boundaries of the AOI be?
- Is there public and stakeholder support?

The technical assessment determines:

- The prior recognition of the conservation value of the site, such as international recognition of a site's importance
- The contribution of the site to integrated coastal zone management purposes
- The availability of the site for designation
- The appropriateness of proposed area boundaries and management regulations for meeting the proposed management objectives
- The capacity of management resources for planning and management
- The public and stakeholder support for the proposal
- The nature of cooperative partnering or co-management arrangements that might support management of an MPA
- Possible conflicts with adjacent uses, and measures to lessen these
- The demonstration value of the site for conservation purposes

The technical assessment also refines the proposal to improve its acceptability, to minimize technical problems, and to ensure the design for the proposed MPA is appropriate. It will also develop partnering, co-management, or co-designation with other agencies to meet site objectives.

Finally, the evaluation considers whether other measures or regulations might be more appropriate for conserving and protecting resources (e.g., fisheries closures or harvest regulations).

### **3. Socio-economic assessment**

A socio-economic assessment answers the following questions:

- How would the establishment of an MPA affect human activities in and around the proposed MPA?
- How can socio-economic benefits of the MPA be enhanced or the costs reduced?

The socio-economic assessment determines how the establishment of an MPA may affect:

- fishing uses
- community uses (local recreation, anchoring, food gathering)
- Aboriginal interests (claims, commercial uses, food fishery, cultural or traditional activities)
- economic and transportation uses (oil and gas, minerals, sand and gravel, aquaculture, resort uses, shipping, docks, defence and maritime security interests, aircraft facilities)
- cultural, recreation, and tourism values and uses (seascapes or landscapes, wildlife viewing, shipwrecks, educational opportunities, recreational seashores or water areas)

A socio-economic assessment may be conducted concurrently with the technical assessment.

### **Priorities**

The precautionary approach states that errors should be made on the side of caution in making decisions about sensitive marine resources and habitats. This suggests that an AOI's ecological values may be more important than technical and socio-economic considerations. In such areas, the overriding concern may be to provide special protection for these values.

## **B. Recommendations**

### **Recommendation**

After completing the assessments, DFO will review the information and make a recommendation that a site either be designated as an MPA candidate (which requires the development of a management plan) or that it be considered for other forms of protection.

### ***Public involvement***

Interested parties will be given a reasonable opportunity to participate in the assessment of an AOI. They will be notified of recommendations concerning the AOI and encouraged to comment on them.

### ***Recommendation options***

Based on the evaluation process and public input, recommendations may be made to:

- drop the AOI from further consideration
- consider tools other than MPA status for protecting or conserving the area's sensitive resources and habitats
- refer the AOI to another agency expressing an interest in considering the site under their legislation
- defer further consideration of the AOI until more information is available
- move forward with the development of an MPA management plan

### ***Interim Protection***

Where an AOI is recommended as an MPA candidate site, interim protection may be put into effect, as discussed earlier, to protect and conserve the site's resources and habitats until an MPA is established.

## **Step 4: Development of a Management Plan for a Candidate MPA Site**

### ***Purpose of MPA Management Plans***

The management plan for an MPA will state the reasons for the MPA, its goals and objectives, how the goals and objectives are to be reached, and how the success of the MPA will be measured. A management plan will be prepared for each MPA, based on proposals and assessment reports, and on comments of stakeholders, the public, and government agencies. The planning process will address the issues and concerns of interested parties within the context of the stated purpose and objectives for the MPA.

### ***Development of an MPA Management Plan***

The formal process of developing a management plan for a candidate MPA begins after the AOI evaluation has been completed. The timing for the process will depend on capacities and schedules of participants. Effective planning will depend on realistic schedules, focusing on a few sites at a time, and the cooperation of interested groups and individuals.

Management planning will proceed by working with other federal agencies, provincial agencies, local governments, Aboriginal communities and organizations, non-government stakeholders, and the public.

Some of the purposes and objectives for the MPA will have been defined before formal management planning begins. Suggestions for management may come from ecosystem

overviews and AOI proposals; information gathered in the ecological, technical, and socio-economic assessments; and from public input.

### ***Plan content***

The management plan will provide details on how the MPA will be managed. It will provide a number of parameters for management such as the location and boundaries of the MPA, zoning, prohibited activities, and other relevant regulations.

The MPA management plan may also provide additional policies, strategies, or other management tools for achieving the purposes stated for the MPA.

Establishing an MPA may require implementing a variety of initiatives to manage the area, including resource studies (inventories, research and monitoring), public awareness and education, surveillance, enforcement and resource use management. These should be included in the MPA management plan.

Appendix 2 provides a checklist of some of the elements that an MPA management plan might address. These elements may vary depending on the purpose of the MPA, its location, partnering arrangements, and other factors.

### ***Partnering arrangement***

Where the MPA is to be co-managed with another organization, the MPA management plan will state these proposed arrangements and detail the commitments, responsibilities and roles of the organizations.

### ***Funding***

The plan should identify the sources of funding and a projected management budget to support program activities.

### ***Background information and resource analyses***

The MPA management plan should contain a summary of resource information relevant to the plan objectives. The AOI proposal and assessment reports will contain much of the necessary information. Additional information may be obtained for detailed area planning.

### ***Zoning***

The *Oceans Act* allows for zones defining levels of protection to be established within MPAs. The MPA management plan will include all zoning provisions that:

- specify which activities will be permitted or prohibited within each zone
- establish boundaries for specific activities and permitted uses
- prescribe rules of use and restrictions on various activities

The number and type of zoning categories will vary to meet the purposes for which an MPA is established. Zones may include strict 'no take' or 'no activity' areas, where access is severely limited; areas where controlled use, limited resource harvesting, or other human activities are allowed under specified conditions; and temporal zoning categories designed to vary provisions depending on seasons or other time periods, such as spawning.

### ***Buffer zones***

Buffer zones are areas defined around the MPA to protect it from unnecessary encroachment of human activities that may damage important species or habitats of the MPA's ecosystem. Uses within buffer zones are managed in a manner that conserves and protects the marine resources and habitats within the MPA.

### ***Prohibited classes of activities***

The *Oceans Act* enables the government to establish regulations prohibiting classes of activities within an MPA. This power permits the blanket exclusion of activities that would conflict with the purposes of the MPA.

### ***Protection standards***

It is anticipated that each MPA management plan will be unique. The types of activities that are allowed, or not allowed, within an MPA are specific to each MPA. No underlying protection standards are specified.

### **Existing activities within the MPA**

Where existing and proposed activities within or near an MPA may conflict with the conservation objectives of the MPA, the plan may provide for a phasing out of these activities. In many cases, however, users may have rights or tenures permitting them to use resources of the area. For example, an aquaculturalist or resort operator may have a provincial lease to operate a business within the proposed MPA. In such cases, agreements will be sought with the operator and responsible authority for protection of the area's resources.

Resource agencies, including DFO, other federal departments and agencies, and provincial governments have many powers for regulating the use of resources. MPA management plans can provide latitude for applying tools according to local conditions, in cooperation with resource users.

### ***Development of Regulations for Designation***

The management process may provide important information for determining what should be included in the regulations designating an MPA. The designation regulations confirm provisions that will be contained in the final MPA management plan, including objectives, boundaries, zoning, and other regulatory requirements.



MPA management plans may contain operational details, such as awareness programs, that will not be included in designation regulations.

MPA management plans may be updated from time to time. This may not necessarily require introducing new regulations, or amending existing ones.

### ***Results of MPA management planning***

Once the MPA management plan has been developed, the Minister can recommend that the MPA be designated through regulation under the *Oceans Act*.

## **Step 5: Designation of MPA**

### ***Purpose***

The *Oceans Act* allows for the designation of MPAs through regulations created under Section 35 (see Table 2). The designation step may proceed concurrently with the MPA management planning step.

### ***Implementation***

Implementation of designation regulations and MPA management plans may require completion of partnering or co-management agreements, signing of Memoranda of Understanding between DFO and partnering governments and organizations, allocation of financial and staff resources, and other commitments.

### ***Enforcement***

The *Oceans Act* also provides for enforcement and fines for violations of regulations concerning MPAs.

### **Table 2. Designation Regulations: Section 35 (3):**

"The Governor in Council, on recommendation of the Minister, may make regulations

- a. designating marine protected areas; and
- b. prescribing measures that may include but not be limited to
  - i. the zoning of marine protected areas;
  - ii. the prohibition of classes of activities within marine protected areas, and
  - iii. any other matter consistent with the purpose of the designation."

## **Step 6: Management of MPA**

### ***Area management***

MPAs will be managed using existing information, on-going research, and traditional ecological information from a variety of stakeholders. Activities necessary for

accomplishing the objectives of the MPA may include site planning, research, monitoring, surveillance, enforcement, visitor management, and stewardship initiatives.

### ***Role of MPA management plan***

MPAs will be managed on a site-by-site basis. This means that each MPA will have its own management plan, reflecting the special character of the site and the purposes for which it was established. MPAs will be managed in close cooperation with other agencies and interested parties.

Guidance for management will be provided by the regulations designating the MPA, the MPA management plan, and other conservation policies and regulations.

### ***Research and monitoring***

Many environmental processes within marine ecosystems are poorly understood. Scientific research and monitoring may be conducted within MPAs, where appropriate, to understand marine ecosystems better and to provide valuable data on environmental changes.

### ***Public awareness***

Compliance with MPA regulations and management plans depends on the awareness and cooperation of the public. Interpretation and education programs may be necessary to explain the purposes of MPAs, and to provide information on appropriate activities within an area.

### ***Review and evaluation***

Each MPA will be evaluated periodically, with input from the public, to determine whether it is fulfilling its purposes. If not, changes may be recommended to MPA regulations or management plans.

Review and evaluation can include reconsideration of the status of the MPA. MPAs are not necessarily established in perpetuity. Many factors can change, including changes in purposes, environmental conditions, climate, and biodiversity. Periodic reviews will determine whether an existing MPA might be discontinued, enlarged, relocated, or redesigned to serve the intended purposes.

## **Interim MPAs for Emergency Situations**

### ***Purpose***

Under Section 36 of the *Oceans Act*, the Governor in Council, on the recommendation of the Minister may designate an MPA by order on an emergency basis, for short-term

protection. This power may be used where the Minister is of the opinion that a marine resource or habitat is, or is likely to be, at risk.

This tool supplements others that could be used in emergency situations, such as fisheries closures and environmental orders.

## ***Limits***

An interim MPA order will remain in effect for a maximum of 90 days.

Interim MPA orders must be consistent with land claims agreements that have been ratified or approved by an Act of Parliament.

## **Appendix 1: Checklist for AOI Information**

The description of an AOI may include the following:

1. The proposing organization or agency and its contact information.
2. A statement of significance which indicates:
  - 2.1 why the proposed area merits MPA status
  - 2.2 how the proposed area meets the purposes defined for MPAs under the *Oceans Act*
  - 2.3 how the proposed area meets the purposes of other marine protected area legislation, if applicable
3. Suggested location, boundaries and current status of the area
  - 3.1 analysis of federal, provincial, international, and Aboriginal jurisdictions
4. Environmental and ecological information such as:
  - 4.1 significant species present, their status and ecological requirements
  - 4.2 important ecosystem and habitat characteristics, including environmental status and known stressors and threats
  - 4.3 special features (e.g., upwellings, rivers and estuaries, land-based runoff, and nutrient areas)
  - 4.4 important abiotic processes (e.g., physical, chemical, climatic, and geological processes)
5. Social and economic characteristics within and near the area, such as:
  - 5.1 present and historic uses

- 5.2 human activities with actual or potential impacts on the area such as oil and gas activities, shipping, aquaculture, tourism, recreation, and food gathering
  - 5.3 past and present commercial, recreational, and Aboriginal fishing activities and opportunities
  - 5.4 presence of any Aboriginal land claims
  - 5.5 potential socio-economic impacts
6. Alternatives to MPA protection, such as:
- 6.1 Protection mechanisms already in place within AOI
  - 6.2 Other types of designation, e.g., park, conservation area, ecological reserve, wildlife management area
  - 6.3 Other types of regulation or conservation measure, e.g., fisheries closure
7. A list of groups and individuals interested in the development of the MPA, including proposed partnering arrangements
8. Proposed management strategies and regulations inside the MPA and associated rationale for each, such as:
- 8.1 suggested management objectives, zoning, and other controls
  - 8.2 suggestions or arrangements for research and monitoring, surveillance and enforcement
  - 8.3 suggestions for marking, signage and public awareness

## **Appendix 2. Checklist for MPA management plan content**

The following checklist identifies possible elements of MPA management plans.

1. purpose and scope of the plan
2. background and history of the site
3. location and boundaries of area and surroundings
4. descriptive information, such as
  - i. physical, biological, social, and cultural resources
  - ii. existing activities and uses in or near the MPA
  - iii. existing and potential threats to the MPA and how these might affect the MPA and its management
  - iv. existing legal and management framework
5. management goals and objectives
6. interpretation of regulations (e.g., details on zoning and activity prohibitions)
7. core and special use zones management

8. buffer areas and management of surrounding areas
9. resource studies plans (inventory, research, monitoring)
10. awareness, interpretation, and education
11. markers, signs, buoys, and charting
12. surveillance and enforcement
13. resource enhancement or restoration proposals
14. resource harvesting and use management
15. visitor management
16. continuing traditional Aboriginal or community uses
17. participation, including advisory committees
18. partnering agreements
19. administration (staffing, training, facilities and equipment, budget)
20. evaluation cycles and procedures for assessing MPA effectiveness and benefits
21. planning cycles and update procedures