

***Operational Guidance for
Identifying 'Other Effective
Area-Based Conservation
Measures' in Canada's
Marine Environment***



Purpose

The following operational guidance is intended to provide a consistent and science-based approach to identifying and reporting on marine Other Effective Area-Based Conservation Measures (OEABCMs) that contribute to Canada's international and domestic marine conservation targets.

Meeting Canada's international commitments

In 2010, at the 10th meeting of the Conference of the Parties to the United Nations Convention on Biological Diversity (CBD) in Aichi, Japan, Canada agreed to meet 20 global biodiversity targets by 2020.¹ Aichi Target 11 states:

By 2020, at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas, especially areas of particular importance to biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascape.²

This global commitment was reconfirmed in 2015 by the United Nations General Assembly's 2030 Agenda for Sustainable Development under Goal 14³ to, "conserve and sustainably use the oceans, seas and marine resources for sustainable development".

Goal 14.5 specifically reflects the Aichi Target 11 and states: *By 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information.*

Furthermore, in the 2016 Joint Statement on Climate, Energy, and Arctic Leadership, the Prime Minister and President Obama reaffirmed meeting the global target of 10 percent marine protection by 2020. The leaders also committed to surpassing this target in years beyond 2020. The Government of Canada will continue to respond to conservation needs beyond the 2020 target by developing Marine Protected Area (MPA) networks in Canada's marine bioregions, where percent coverage will be based on network objectives within the bioregions.

¹ These 20 targets are part of the Strategic Plan for Biodiversity 2011-2020. Aichi Target 11 falls under Strategic Goal C of the Strategic Plan, which is to "improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity". The full text of the Strategic Plan is available in Decision X/2 of the 10th Conference of the Parties (<https://www.cbd.int/decision/cop/?id=12268>).

² <https://www.cbd.int/sp/targets/rationale/target-11/>

³ <https://sustainabledevelopment.un.org/sdg14>

Canada's Domestic Commitment

In 2015, federal, provincial, and territorial governments (with input from Indigenous groups and stakeholders) developed the *2020 Biodiversity Goals and Targets for Canada*. The goals and targets reflect the Aichi Targets:

Canada's Target 1 is: By 2020, at least 17 percent of terrestrial and inland waters, and 10 percent of coastal and marine areas, are conserved through networks of protected areas and other effective area-based conservation measures⁴.

Also in 2015, the mandate letters for the Minister of Fisheries, Oceans and the Canadian Coast Guard and the Minister of Environment and Climate Change Canada further strengthened the commitment to meet the 2020 target by adding an interim target of increasing marine and coastal protection to 5 percent by 2017:

"...increase the proportion of Canada's marine and coastal areas that are protected – to five percent by 2017, and ten percent by 2020 – supported by new investments in community consultation and science⁵."

The Federal Budget in 2016 allocated \$81.3 million over 5 years to Fisheries and Oceans Canada and Natural Resources Canada to support marine conservation activities. The Budget also allocated \$42.4 million to the Parks Canada Agency and Natural Resources Canada to continue to develop National Parks and National Marine Conservation Areas.

The Government of Canada's approach to meeting its marine conservation targets

In June 2016, Canada announced a five-point plan to reach its national and international marine conservation targets:

1. Finish What Was Started - Advance the work already underway in areas progressing towards establishment including the proposed Lancaster Sound National Marine Conservation Area, the proposed Scott Islands Protected Marine Area, and five proposed *Oceans Act* Marine Protected Areas (MPAs): Hecate Strait and Queen Charlotte Sound Glass Sponge Reefs; Anguniaqvia niqiqyuam; Laurentian Channel; St. Anns Bank; and Banc des Américains;
2. Protect Pristine Areas - Establish new, large *Oceans Act* MPAs in pristine offshore areas;

⁴ <http://www.biodivcanada.ca/default.asp?lang=En&n=9B5793F6-1>

⁵ <http://pm.gc.ca/eng/minister-fisheries-oceans-and-canadian-coast-guard-mandate-letter>

3. Protect Areas Under Pressure – Establish additional *Oceans Act* MPAs in areas under pressure from human activities, for example, where we are already advancing MPA network development;
4. **Advance Other Effective Area-based Conservation Measures – Identify existing and establish new “other effective area-based conservation measures”, such as fisheries closures, particularly to protect sensitive sponge and coral concentrations; and**
5. Establish MPAs Faster – Examine how the *Oceans Act* can be updated to facilitate the designation process for MPAs, without sacrificing science or the public’s opportunity to provide input.

Foundation for the operational guidance

Fisheries and Oceans Canada’s operational guidance on OEABCMs has been, and will continue to be, informed by international and domestic discussions taking place through the International Union for Conservation of Nature (IUCN) Task Group on OEABCMs⁶, the CBD’s Subsidiary Body on Scientific, Technical and Technological Advice, and the Canadian Council of Ecological Areas⁷ to define the term.

The current operational guidance has also been informed by a Canadian Science Advisory Secretariat (CSAS) Science Advisory Report⁸ that summarizes a suite of characteristics and factors that can be used to determine whether an area-based management measure⁹ is likely to provide biodiversity conservation benefits.

According to the CSAS Science Advice, when determining whether an area is likely to provide biodiversity conservation benefits, consideration should first be given to whether the area has clearly defined boundaries and will be in place for the long-term. Other considerations include:

- an area’s management objective, size, and level of protection;
- how the waters surrounding an area are managed;
- the degree to which important and diverse habitats are protected within an area; and,
- the degree to which areas are “connected” to one another (e.g., protecting a species’ feeding habitat in one area, and protecting that same species’ breeding

⁶ <https://www.iucn.org/theme/protected-areas/wcpa/what-we-do/other-effective-area-based-conservation-measures-oecms>

⁷ <http://www.ccea.org/aichi-target-11-guidance/>

⁸ DFO (2016). *Guidance on Identifying “Other Effective Area-Based Conservation Measures” in Canadian Coastal and Marine Waters*. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep.2016/002. Retrieved from: http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2016/2016_002-eng.html.

⁹ “Area-based management measure” is a general term for any spatially defined management measure implemented to achieve one or more objectives. Not all area-based management measures are MPAs or OEABCMs, but all MPAs and OEABCMs are necessarily area-based management measures.

habitat in a different area).

In addition, the likelihood that an area will provide biodiversity conservation benefits further increases as the number of species or habitats receiving direct or indirect benefits increases.

Marine OEABCMs are also a topic of discussion within the Canadian Council of Fisheries and Aquaculture Ministers' Oceans Task Group, and will be the subject of the 2017 report to Ministers on Canada's Network of Marine Protected Areas.

Operational Guidance for Identifying Marine OEABCMs

Currently, approximately 1 percent of Canada's marine and coastal environment has been recognized as protected in MPAs. This operational guidance has been developed to determine how much additional area is conserved through OEABCMs.

The operational guidance for identifying marine OEABCMs includes five broad criteria, and recommends that each measure must meet **all** five criteria to be identified as a marine OEABCM.

1. *Clearly defined geographic location*

The measure must be in a spatially-defined area. This criterion reflects IUCN definitions related to a clearly defined geographic location.^{10,11}

2. *Conservation or stock management objectives*

The measure must have a conservation or stock management objective AND the objective must directly reference at least one species of regional importance or habitat that is important to biodiversity conservation.

Conservation and stock management objectives both have a biological or ecological basis. Directly referencing an important habitat or species in the objective ensures that management decisions are closely linked to that ecological component.

Habitats that are important to biodiversity conservation may¹²:

¹⁰ Dudley, N. (ed.). (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. Retrieved from https://cmsdata.iucn.org/downloads/guidelines_for_applying_protected_area_management_categories.pdf. See page 8.

¹¹ Critical Habitat identified under the *Species At Risk Act* meets this criterion when the location of at least one critical habitat feature remains fixed in time and space. These are areas where the identified boundaries correspond exactly with specific locations of critical habitat features (e.g., offshore gullies and canyons, reefs or areas of upwelling).

¹² These ecological characteristics are taken from the Ecologically and Biologically Significant Area (EBSA) criteria found in: CBD. (2008). *Report of the Expert Workshop on Ecological Criteria and Biogeographic Classification*

- be unique and/or rare;
- have special importance for the life-cycle of a species;
- have importance for threatened, endangered or declining species and/or habitat;
- be vulnerable, fragile or slow to recover;
- have comparatively higher biological productivity;
- have comparatively higher biological diversity; or
- be pristine.

Regionally important species include¹³:

- ecologically significant species¹⁴;
- depleted or rare species¹⁵;
- species that are targeted in commercial, recreational, or Aboriginal fisheries; or
- species that are listed in Integrated Oceans Management objectives or MPA network objectives.

3. *Presence of ecological components of interest*

Ecological components of interest are the species and habitat(s) that are conserved in a measure.

In order for a measure to meet this criterion, the measure must contain at least two ecological components of interest: a habitat that is important to biodiversity conservation AND a species of regional importance that uses the habitat.¹⁶

This requirement is already met in cases where the conservation or stock management objective refers to a habitat that is important to biodiversity conservation AND a species of regional importance that uses the habitat. Where this is not the case, it will be necessary to identify one additional ecological component of interest. The following examples help to illustrate this point:

Example 1 - The ecological component of interest identified in the measure's objective is a habitat that is important to biodiversity

Systems for Marine Areas in Need of Protection. Retrieved from <http://www.gobi.org/Library/meetings-and-conferences/cbd-expert-workshop-azores-2007>. See Annex II.

¹³ In certain cases, it may be appropriate to target a specific portion of a species' life-cycle as the *species of regional importance*. This will be assessed on a case-by-case basis.

¹⁴ Term is defined here: DFO (2007). *Guidance Document on Identifying Conservation Priorities and Phrasing Conservation Objectives for Large Ocean Management Areas*. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2007/010. Retrieved from: http://www.dfo-mpo.gc.ca/csas/Csas/status/2007/SAR-AS2007_010_E.pdf

¹⁵ DFO (2007) *As above*

¹⁶ Subject to data availability, consideration should be given to the size of the area-based management measure, the distribution of the important habitat and species within the measure, and whether the measure is large enough to provide biodiversity conservation benefits for that habitat and species.

conservation: There must be a species of regional importance that uses the important habitat in the area covered by the measure. The species must be identified as an additional ecological component of interest for the purposes of assessing the measure against the criteria.

Example 2 - The ecological component of interest identified in the measure's objective is a species of regional importance: There must be a habitat that is important to biodiversity conservation (and that is used by the important species) in the area covered by the measure. The habitat must be identified as an additional ecological component of interest for the purposes of assessing the measure against the criteria.

4. Long-term duration of implementation

The measure must either:

- be entrenched via legislation or regulation; or,
- not entrenched via legislation or regulation **but** there must be clear evidence that the management measure is intended for the long-term (minimum 25 years)¹⁷.

Measures identified as OEABCMs will be managed using a long-term adaptive management approach and are expected to be in place year-round for a minimum of 25 years to support long-term biodiversity conservation benefits.¹⁸ This criterion should not be considered an expiry date for OEABCMs. The underlying aim is for all reported OEABCMs to be in place indefinitely and ideally in perpetuity.

As licence conditions or variation provisions under the *Fisheries Act* have provisions that can simplify removal of a management measure, all fishery closures established via those means are not considered to be entrenched via legislation or regulation, and therefore require clear evidence that they are intended for the long-term. This evidence is in the form of a clearly stated long-term management objective in an official publication from the responsible authority¹⁹.

¹⁷ For voluntary area-based management measures, where activities are technically allowed from a legal standpoint but are self-regulated by the industry, there must be evidence of compliance for the measure to be considered.

¹⁸ The 25 year minimum is consistent with existing IUCN guidance for areas that fall outside of typical protected area legislation or regulations. Specifically, for Private Protected Areas (PPAs) the IUCN has advised: "PPAs should demonstrate an intent to conservation 'in perpetuity', or at least 'long-term' (a period of at least 25 years)." (from Sue Stolton, Kent H. Redford and Nigel Dudley. (2014). *The Futures of Privately Protected Areas*. Gland, Switzerland: IUCN. See page 10. Retrieved from <https://portals.iucn.org/library/sites/library/files/documents/PATRS-001.pdf>). Stolton et al. make it clear that in addition to demonstrating intent to conserve for at least 25 years, efforts should be made to ensure that conservation continues beyond that.

¹⁹ Such as an Integrated Fisheries Management Plan, or the Nunavut Land Use Plan.

5. *The ecological components of interest are effectively conserved*

No human activities that are incompatible with conservation of the ecological components of interest (the species and habitat(s) identified through criterion #2 and #3) may occur or be foreseeable within the defined geographic location.

Foreseeable activities generally include activities for which a business plan is in place and there is evidence that the proponent is going to conduct the activity (for example applications for leases or permits)²⁰.

Existing risk-based tools²¹ can be used as appropriate, in conjunction with expert opinion, to assess whether existing or foreseeable activities and their impacts are incompatible with the conservation of the ecological components of interest.

Ecological monitoring, surveillance, and enforcement are important elements of adaptive management that support effective conservation. Where these management elements are not already in place for an OEABCM, the intention is to introduce these management elements over time.

Management and Reporting

Once an OEABCM is identified, future management of that OEABCM will have to adhere to these criteria, or the OEABCM status will be revoked in future reporting.

Each OEABCM will be evaluated regularly to ensure it continues to conform with these criteria. Measures will lose their OEABCM status if a new activity in the area is incompatible with biodiversity conservation and where the impacts of this new activity are not mitigated.

Ecological monitoring programs and surveillance and enforcement activities will be undertaken to support management decisions within OEABCMs, as resources allow.

As part of its report on meeting the 2017 marine conservation target, Fisheries and Oceans Canada will include the contribution of OEABCMs and the biodiversity conservation benefits they provide, according to these criteria. In addition, future fishery closures or OEABCMs will be established. The location, management approaches, and size of these future measures will be developed in consultation with provinces, territories, Indigenous groups, stakeholders, and other parties.

²⁰ This is consistent with the *Framework for Integrating Socio-Economic Analysis in the Marine Protected Areas Designation Process* (2015).

²¹ E.g., Government of Canada. (2013). *Ecological Risk Assessment Framework (ERAF) for Coldwater Corals and Sponge Dominated Communities*. Fisheries and Oceans Canada. Retrieved from <http://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/risk-ecolo-risque-eng.htm>; and DFO's Oceans program draft Integrated Oceans Management Risk guidance (under development).