

TOP TEN RECOMMENDATIONS FOR AN AMENDED *OCEANS ACT*

In June 2017, the federal government tabled Bill C-55, proposing changes to Canada's *Oceans Act*. Unfortunately, Bill C-55 does not go far enough in providing effective protection for marine protected areas (MPAs) under the Act. We have 10 key recommendations for establishing minimum protection standards for MPAs, enhancing public accountability, and recognizing Indigenous co-governance and enforcement.

1. PRIORITIZE ECOLOGICAL INTEGRITY

Require the maintenance or restoration of ecological integrity as the first priority for MPA management.

3. REQUIRE NO-TAKE ZONES

A minimum of 75% of every *Oceans Act* MPA should be closed to all commercial and recreational fishing and harvesting activities.

5. REQUIRE ANNUAL PUBLIC REPORT TO PARLIAMENT

Increase oversight and accountability by requiring Fisheries and Oceans Canada to submit an annual report to Parliament on MPA designation and management.

7. AFFIRM INDIGENOUS JURISDICTION

Include recognition and affirmation of inherent Indigenous jurisdiction over Indigenous marine territories.

9. PROVIDE LEGAL DIRECTION FOR CO-GOVERNANCE

Provide requirements related to oceans co-governance developed between the Crown and Indigenous nations consistent with their own legal traditions.

2. OUTRIGHT PROHIBITION ON HARMFUL ACTIVITIES

Include prohibitions on oil, gas and mineral exploration and development, other forms of energy development such as wind farms and tidal power projects, open net-pen aquaculture and bottom trawling.

4. MANDATE ECOSYSTEM-BASED MANAGEMENT

Include a provision that requires ecosystem-based management throughout Canada's ocean to ensure MPAs are set within a well managed ocean.

6. INCLUDE PRINCIPLE OF RECONCILIATION

Affirm the recognition of Indigenous rights and strengthen Indigenous involvement in marine protection.

8. RECOGNIZE INDIGENOUS PROTECTED AND CONSERVED AREAS

Canada can take a lead role by designing a new legislative provision for IPCA designations in marine waters.

10. RECOGNIZE THE AUTHORITY OF INDIGENOUS GUARDIANS

Specify that Indigenous Guardians may be designated as enforcement officers for the purposes of the *Oceans Act* and regulations.

Read our full detailed brief at bit.ly/BetterMPAs

MINIMUM PROTECTION STANDARDS FOR CANADA'S MPAs

Canada's legal regime for marine protection is inconsistent and the *Oceans Act* lacks express prohibitions on several damaging industrial activities. The majority of Canada's marine protected areas allow extractive uses within their boundaries.

OIL & GAS

There is no universal protection from oil and gas exploitation in *Oceans Act* MPAs. Seismic testing, exploratory drilling, oil and gas production, and pipelines are all allowed activities within the Tarium Niryutait MPA (Northwest Territories) and in the proposed Laurentian Channel MPA (Newfoundland and Labrador). The lack of outright prohibitions leaves open the possibility of oil and gas exploitation in other MPAs.

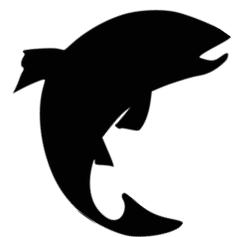


BOTTOM TRAWLING

Bottom trawling is not expressly prohibited within the majority of *Oceans Act* MPAs and is permitted to occur within many MPAs. Bottom trawling equipment, which refers to many types of fishing gear that are towed along the seafloor to catch fish, crustaceans and shellfish, are particularly threatening to seabed habitats. Prohibiting bottom trawling would safeguard *Oceans Act* MPAs from damaging industrial fishing activities. This type of ban is found in MPAs internationally, including MPAs in Scotland, Australia, and New Zealand.

OPEN NET-PEN AQUACULTURE

No *Oceans Act* MPAs expressly allow or prohibit open net-pen aquaculture. The extent to which aquaculture is permissible in *Oceans Act* MPAs depends on whether it falls within the definition of "commercial fishing". An outright prohibition on open net-pen aquaculture would protect *Oceans Act* MPAs from the damage and destruction caused by disease, parasite transfer, and other risks associated with fish farms.



SEABED MINING

There are currently no mining leases in Canada's offshore area; however, as the technology for this type of extraction develops, the environmental effects of seabed mining will pose a threat to Canada's MPAs. The majority of *Oceans Act* MPAs only protect seabed habitats to depths from 2m to 20m and do not expressly prohibit the damage or removal of the seabed within the MPA.

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