



# Workshop: Federal oceans agenda and marine protected areas

## What can OceanCanada contribute?



# A small piece of the big OceanCanada picture...



# Policy priorities: Ministerial mandates

(Thanks Bettina Saier!)

- **Increase MPAs**
- Restore science funding
- Plan for climate change
- Co-management
- Cohen commission on salmon
- Fisheries & Navigable waters protection acts
- Climate change in the Arctic
- Endangered species
- Economic development and jobs for indigenous people



# Background

## **Federal government mandate letters, DFO:**

“Work with the Minister of Environment and Climate Change to 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 science.”

A photograph of a whale breaching the surface of the water. The whale's dark body and white tail are visible as it comes out of the water. In the background, there are misty, forested mountains. The water is slightly choppy.

# Background

## Aichi Target 11:

“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 for 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.”



# Background

- DFO and others actively working on MPA network design
- Has become a priority for the Trudeau government
- MPA design guidelines actively being established

## Opportunity:

- Provide input into MPA network planning processes in Canada
- Ensure best science and information is used to guide processes
- Identify knowledge gaps and research needs



# Workshop Plan

Discuss two themes in small groups :

1. Discuss considerations (socio-economic, biophysical, governance) that should not be ignored in MPA network design
2. Identify knowledge gaps and research needs



# Workshop Plan

Each group needs to pick a **facilitator** and a **note-taker**

20 minutes in small groups to discuss each question (40 minutes total)

10 minutes for reporting key research gaps

## Outputs:

- We will compile and share the notes on considerations so that people can communicate them with MPA processes in their regions.
  - If possible, we will post the considerations tomorrow for feedback
- We will compile research and share gaps to see if any are of interest to researchers of OceanCanada
- We will compile the ideas into a policy brief.

# Policy brief



## Action for Species at Risk in Canada

**Canada's Species at Risk Act (SARA 2002):** The objective of SARA is "to prevent wildlife species from being extirpated or becoming extinct, to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity and to manage species of special concern to prevent them from becoming endangered or threatened" (s.6).

### Saving Canadian species at risk requires the full implementation of SARA.

To receive protection under SARA, species at risk pass through a multi-stage process. At each stage, **unlawful delays are common, and key targets have not been achieved.**

- 1) COSEWIC<sup>a</sup> evaluates whether a species is "at risk" and has identified 316 endangered species, 167 threatened species, and 205 species of special concern.  
**Issues:** In recent years, COSEWIC recommendations for the best qualified panelists have been rejected, leading to substantial delays in COSEWIC appointments and hampering COSEWIC's activities.
- 2) After COSEWIC assessments are sent to the Minister of Environment, the Minister has 90 days to acknowledge receipt. The Governor in Council (GIC) has 9 months to decide whether to list the species. If the GIC has not reached a decision within 9 months, the species "must be" automatically listed (s. 27.3).  
**Issues:** Although the intent of the law was for the Minister to transmit files immediately to the GIC<sup>b</sup>, recent Ministers have read SARA to allow them to delay delivery. As a consequence, since January 2011, none of the newly assessed<sup>c</sup> species at risk submitted by COSEWIC to the Minister have been listed<sup>d</sup>.



**In total, 111 species found to be at risk of extinction by COSEWIC await listing<sup>e</sup>. Some species have waited since 2005.**

Biases in listing are also common; only five of 39 marine fish species assessed as threatened or endangered by COSEWIC have been listed under SARA.<sup>f</sup>

- 3) A Recovery Strategy must be prepared within one year for listed endangered species and two years for threatened species, addressing the threat to the survival of the species.

**Issues:** Recovery Strategies are overdue for nearly 150 species. Proposed Recovery Strategies have been prepared for 40 species but not finalized within the 90-day legal requirement (s.43), remaining on hold for an average of 470 days<sup>g</sup>. Of the Recovery Strategies in place, half<sup>h</sup> fail to describe the critical habitat "necessary for the survival or recovery of listed wildlife" (s.2), despite SARA's requirement that critical habitat **must** be identified to the full extent possible.<sup>i</sup>

**Bobolink:**  
Waiting since 2010 for a Recovery Strategy

- 4) A "Critical Habitat Order" should follow within 180 days for species with critical habitat identified in a Recovery Strategy if the Minister identifies that protection is needed on federal lands and waters.

**Issue:** Only one Critical Habitat Order has been issued<sup>j</sup>, and others are routinely delayed. DFO lists 15 species awaiting an Order, many for years<sup>k</sup>.

- 5) Detailed protection plans and measures to be taken are outlined in an Action Plan, following extensive consultation and socio-economic evaluations.

**Issue:** Action Plans have no fixed timeline. The target deadline is specified in the Recovery Strategy, but these targets have come and gone for over 100 species.



North Atlantic Right Whale:  
Waiting since 2010 for a Critical Habitat Order

### Only 13 of Canada's 353 listed threatened and endangered species have Action Plans.

- 6) SARA applies to federal lands and waters, seeking cooperation with provincial and territorial jurisdictions and with aboriginal communities and Wildlife Management Boards.

**Issue:** Protection measures are poorly coordinated<sup>l</sup>. Several provinces and territories (BC, Alberta, Nunavut, PEI, Saskatchewan, Yukon) lack dedicated laws for most species at risk.

Of 369 species assessed more than once by COSEWIC, 86% have deteriorated in status or have failed to improve.<sup>m</sup>

### Canada's species at risk have been neglected and are worse off now than ever before.

#### *Resolutions:*

- Make COSEWIC appointments in an open, timely, and non-partisan manner.
- Follow the legally mandated timelines according to SARA.
- Abide by the intent of Parliament<sup>n</sup> for the Minister to transmit assessments from COSEWIC to Cabinet upon receipt, initiating the 9 month timeline for a listing decision.
- Issue all outstanding Critical Habitat Orders.
- Work with provinces and territories to coordinate species at risk protection, invoking the "safety net" provisions (s. 34, 35, & 61) if necessary to provide sufficient protection<sup>o</sup>.

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<sup>a</sup> In Canada, species at risk are assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC).

<sup>b</sup> As found by Parliament Standing Joint Committee on Scrutiny of Regulations (2008) <http://www.parl.gc.ca/HousePublications/Publication.aspx?Dodd=3502486&Language=E&Mode=1&Parl=39&Ses=2>

<sup>c</sup> Excludes re-assessments of species that were automatically listed species<sup>d</sup>.

<sup>d</sup> Excludes three species of bats, whose original assessment was requested by Nova Scotia. COSEWIC reported all three to be endangered to the Minister of Environment in February 2012, and it took nearly three years for listing to occur. <http://www.registered-sararegistry.gc.ca/default.asp?Lang=En&id=250F0E9F-1>

<sup>e</sup> Bailey et al. (2015) Marine Policy <http://www.sciencedirect.com/science/article/pii/S0308597X15002869>

<sup>f</sup> The 90 day finalization period was confirmed by the court in Western Canada Wilderness Committee v. Canada (Fisheries and Oceans) 2014 FC 148 (<http://decisions.tcc-cfc.ca/decisions/en/66803/1/document.do>)

<sup>g</sup> [http://www.pac-bvg.gc.ca/internet/docs/parl\\_cesd\\_201311\\_06\\_e.pdf](http://www.pac-bvg.gc.ca/internet/docs/parl_cesd_201311_06_e.pdf)

<sup>h</sup> Identification of critical habitat has improved, following the decision in Environmental Defence Canada v. Canada (Minister of Fisheries and Oceans) 2009 FC 378, [2009] (<http://decisions.tcc-cfc.ca/decisions/en/57043/1/document.do>), but many earlier Strategies lack this key information.

<sup>i</sup> [http://www.registered-sararegistry.gc.ca/search/advSearchResults\\_e.cfm?type=doc&lhrg=e&advKeywords=&docid=44](http://www.registered-sararegistry.gc.ca/search/advSearchResults_e.cfm?type=doc&lhrg=e&advKeywords=&docid=44)

<sup>j</sup> <http://www.rifc-mpo.gc.ca/acts-blrs-rules-regulations/rule-reglement03-eng.htm>

<sup>k</sup> Wójcicki et al. (2011), SARA's Safety Net Provisions and the Effectiveness of Species at Risk Protection on Non-Federal Lands, *Journal of Environmental Law and Practice*, 22(3), 203.

<sup>l</sup> Favaro et al. (2014) PLoS One <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0113118>



# Theme 1

**Discuss considerations (socio-economic, biophysical, governance) that should not be ignored in MPA network design**

Be specific – considerations should provide information on **what** and **how**

5 minutes to write your own ideas

15 minutes to discuss, debate and refine in the small group



# Theme 2

## Identify knowledge gaps and research needs to meet Aichi target 11

“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 for 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.”

5 minutes to write your own ideas

15 minutes to discuss, debate and refine in the small group

10 minutes (or remaining time) to share best ideas with the whole group