

The background of the cover is a photograph of a rocky coastline. In the foreground, there are large, dark, jagged rocks covered in brown and green seaweed. The water is a deep blue, and in the middle ground, there are many pieces of driftwood and seaweed floating in the shallow water. The sky is not visible, but the overall scene is bright and clear.

Final Report

of the

National Advisory Panel on Marine Protected Area Standards

Submitted to the Minister of Fisheries,
Oceans and the Canadian Coast Guard

September 26, 2018

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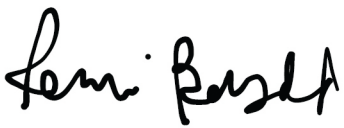
Dear Minister Wilkinson:

Please find attached the final report of the National Advisory Panel on Marine Protected Area Standards.

It has been an honour to work with fellow Panelists and hear from intervenors across the country including Indigenous peoples, those in industry, environmental groups, academics, and government. Over the course of the last five months we have learned a lot and we hope our recommendations will support your work to revive our oceans' health.

On behalf our colleagues on the Panel, we thank you and your predecessor, the Honourable Dominic Leblanc, for the opportunity to serve.

Sincerely,



Rémi Bujold
Co-Chair



Mary Simon
Co-Chair

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Summary of Recommendations

Collaborative Planning and Design

P 1. That the government be transparent with local communities, Indigenous peoples, and stakeholders from the beginning and throughout the marine protected area establishment process, and in ongoing management of marine protected areas.

P 2. That governance structures be tailored to regional and local authorities, and to existing arrangements such as treaties, settlement agreements, and reconciliation protocols.

P 3. That the government commit to open and transparent reporting on the success of marine protected areas, conduct proper assessment of existing marine protected areas, and engage Canadians in these activities.

P 4. That government departments work together to reduce complexity in their approach to developing networks of marine protected areas and other effective area-based conservation measures.

P 5. That the government develop a central, open database or online platform for Canadians to easily access information including spatial information, conservation objectives, categorization, governance structures, scientific monitoring, and permitted activities for all marine protected areas.

Crown-Indigenous Relations

CIR 1. That Indigenous knowledge be meaningfully integrated in all aspects of planning, design, management, and decision-making around marine protected areas, Indigenous Protected Areas, and other effective area-based conservation measures.

CIR 2. That the government recognize the importance of Indigenous peoples' roles as full partners in all aspects of design, management, and decision-making around marine protected areas, Indigenous Protected Areas, and other effective area-based conservation measures.

CIR 3. That the government identify long-term, permanent, and stable funding for marine protected areas, Indigenous Protected Areas, and other effective area-based conservation measures, including through innovative financing mechanisms to support education and capacity for management through ongoing Indigenous coastal and marine stewardship and guardian programs.

CIR 4. That the government create or amend legislation and regulations to recognize, accommodate, and support implementation of Indigenous Protected Areas.

CIR 5. That Indigenous Protected Areas be considered to count toward Canada's conservation targets if they meet the standards of a marine protected area or other effective area-based conservation measure.

Protection Standards

PS 1. That the government adopt International Union for the Conservation of Nature standards and guidelines for all marine protected areas, therefore prohibiting industrial activities such as oil and gas exploration and exploitation, mining, dumping, and bottom trawling.

PS 2. When industrial activities are allowed to occur in areas counted as other effective area-based conservation measures, the Minister of Fisheries, Oceans and the Canadian Coast Guard must be satisfied through effective legislation or regulation that risks to intended biodiversity outcomes are avoided or mitigated.

Marine Spatial Planning

MSP 1. That the federal government consult with Canadians on potential approaches to marine spatial planning in each of Canada's ocean regions.

The time will soon be there when my grandchild will long for the cry of a loon, the flash of a salmon, the whisper of spruce needles, or the screech of an eagle. But he will not make friends with any of these creatures and when his heart aches with longing, he will curse me. Have I done all to keep the air fresh? Have I cared enough about the water? Have I left the eagle to soar in freedom? Have I done everything I could to earn my grandchild's fondness?

Chief Dan George,
Tsleil-Waututh Nation

Introduction

On June 8, 2016, the Minister of Fisheries, Oceans and the Canadian Coast Guard announced the Government of Canada's commitment to reach its domestic and international marine conservation targets of protecting 5 percent of Canada's marine and coastal areas by 2017 and 10 percent by 2020.¹ Aichi Target 11 is so important, that the government refers to this goal as Canada Target 1. Prior to 2016, Canada had protected less than 1% of its marine estate, from the initial establishment of the Saguenay-St. Lawrence Marine Park in 1998 to the establishment of Tarium Niryutait Marine Protected Area in 2010. The public commitment to meeting these targets means that the government has achieved over 7% of its target for marine protection across Canada in a relatively short period of time. Marine refuges have comprised 4.7% of the target.²

Federal marine protected areas (MPAs) in Canada can be created by 4 different pieces of legislation: Canada's *Oceans Act*, the *National Marine Conservation Area Act*, the *Canada Wildlife Act* and the *Migratory Bird Convention Act*. Up to now, MPAs have been created on an individual basis; in most of these individual cases, allowable activities have been specifically tailored to conservation objectives for each site. While this approach was useful for the relatively minor footprint of MPAs up to 2015, as protected area coverage increases, the potential for inconsistency between sites has also increased, leading to public confusion and calls for consistent protection standards in the marine context.

At the same time, the government has committed to an ambitious and necessary Reconciliation agenda. Indigenous peoples have long been stewards of ocean spaces from coast to coast to coast. In many cases, they

¹ In 2010, Canada committed to marine conservation targets established under the United Nations Convention on Biological Diversity, known as Aichi Target 11. This commits Canada to conserving 10 percent of coastal and marine areas through effectively managed networks of protected areas and other effective area-based conservation measures by 2020. These objectives were confirmed in 2015 by the United Nations General Assembly's 2030 Agenda for Sustainable Development under Goal 14.

² Marine refuges are fisheries closures designed to protect fish, mammals and habitat.

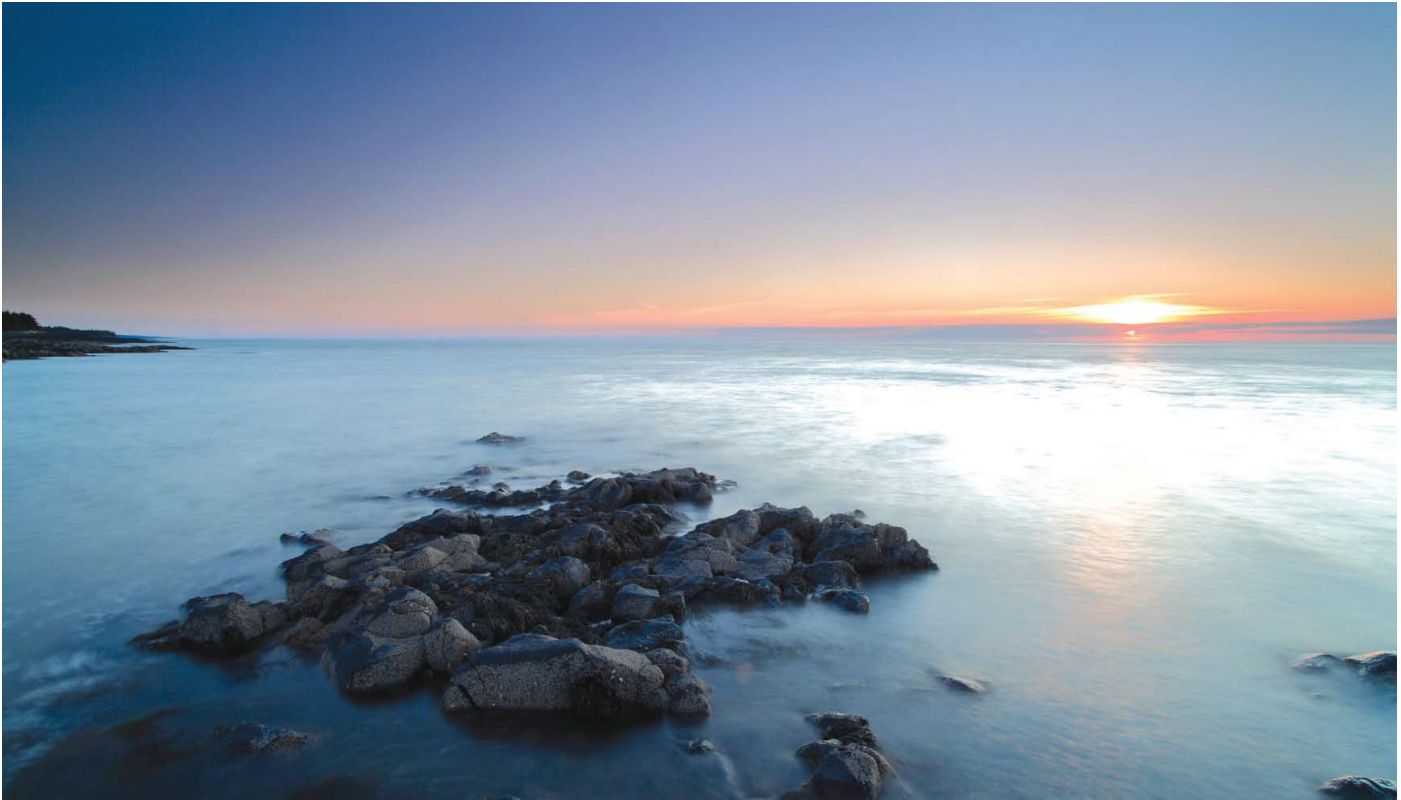


Photo: Scott Leslie

are the primary inhabitants of coastal areas, and derive economic benefits from their use.

The National Advisory Panel on MPA Standards was created in this context. Our Terms of Reference asked us “to gather perspectives and offer recommendations to the Minister on categories and associated protection standards for federal MPAs... using International Union for the Conservation of Nature (IUCN) guidance as a baseline.” We were to “provide practical and innovative recommendations,” and “consider indigenous approaches and worldviews.” We examined “relevant recommendations of the Indigenous Circle of Experts and its recommendations on the concept of Indigenous Protected and Conserved Areas”, which we refer to as Indigenous Protected Areas. You can find our full Terms of Reference in Appendix 2 of this report.

From March to September 2018, we have listened intently, hearing from experts and interested parties from all over Canada, studying what has worked best internationally, and deliberating on the best way forward for Canada.

MPAs are designed primarily for nature conservation. The globally accepted IUCN definition states that: “A protected area is a clearly defined geographical space, recognized, dedicated, and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.”³

³ Guidelines for applying the IUCN Protected Area Management categories to marine protected areas.
https://cmsdata.iucn.org/downloads/iucn_categoriesamp_eng.pdf

Principles

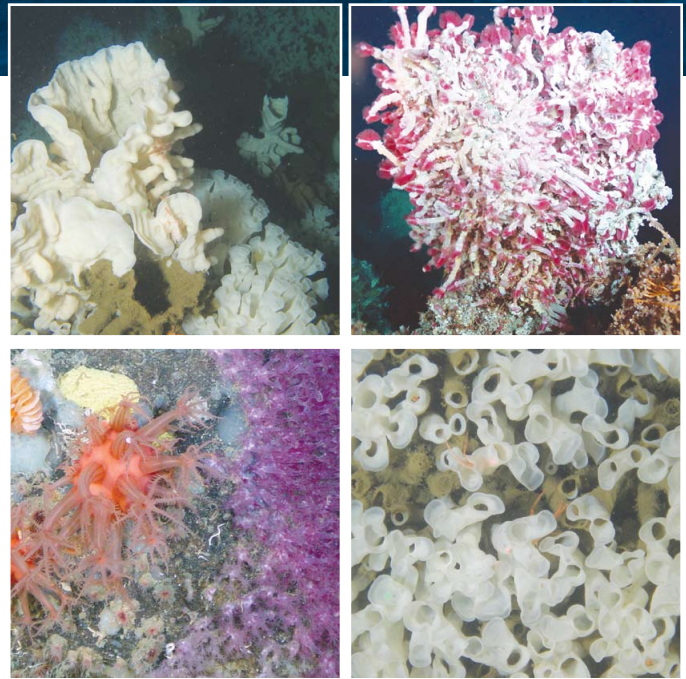
The Panel agreed that the following principles would guide our recommendations:

Effectiveness of conservation and biodiversity protection: The protection of biodiversity, ecosystem services, and associated cultural and community values is the primary purpose of MPAs. The extent to which MPAs can be designed to meet this overarching purpose, along with their specific conservation objectives, is at the heart of the Panel’s recommendations.

Respect for Indigenous rights: Indigenous peoples are rights holders in conservation planning and management, and their authorities and expertise are essential to marine conservation. All MPA designations must respect constitutionally-protected Indigenous and treaty rights. The Panel looked for opportunities to strengthen partnerships between the Crown and Indigenous peoples, and to ensure that Indigenous knowledge is fully embedded alongside other sciences in the planning and design, governance, and management of MPAs and Indigenous Protected Areas.

Delivering social and economic benefits: Well-managed MPAs and Indigenous Protected Areas can deliver important economic benefits both directly through conservation-oriented employment, community economic development, and capacity-building; and indirectly, by enhancing the overall productivity of marine ecosystems that support socially and commercially valuable resources. Good planning processes engage all interests around clear objectives, resolve conflicts among competing resource uses, and deliver certainty for businesses and investors. The Panel’s recommendations recognize that MPAs and economic and social interests are not necessarily in opposition.

Clarity and transparency: Objectives, rules, management processes, monitoring, and governing structures should be clear and well-communicated. MPA processes should be accessible to all Canadians including stakeholders and rights holders. The Panel suggests opportunities to strengthen engagement and build confidence in MPA planning and management processes.



Photos: Fisheries and Oceans Canada

Flexibility to reflect diverse circumstances: Canada has the longest coastline of any country in the world, and its three oceans encompass very diverse marine and coastal ecosystems. Canada’s MPAs to date have been characterized by experimentation and regional diversity; a ‘one-size-fits-all’ approach is not possible. Each MPA or Indigenous Protected Area will be rooted in the needs of a particular region and community and its design will reflect the knowledge, needs, and aspirations of coastal communities and Indigenous peoples. The Panel’s alignment with the IUCN framework remains responsive to Canada’s distinct bioregions and cultures.

Quality matters: Delivering meaningful biodiversity protection is more important than hitting numeric targets. It is expensive to establish and manage MPAs properly; therefore resources must be targeted to areas of high ecological value. Furthermore, quality planning and management processes that enable real collaboration between the Crown and Indigenous peoples, and that provide for meaningful engagement of stakeholders, cannot be rushed. The Panel’s aim has been to ensure that up-front investments in good MPA planning and design are ultimately repaid in more effective and durable outcomes.

Panel's Process

Canada's oceans are central to the livelihood of coastal people and long-term ocean health has important implications for the future of the planet. In support of our mandate, we were invited to gather perspectives on marine conservation across Canada. In every community we visited, we made an effort to hear from the people affected by the federal government's decisions on marine conservation. Over the course of 6 months, we travelled to Vancouver, Moncton, St. John's, Inuvik, Iqaluit and Mont-Joli to hear directly from intervenors and see the coastal places that are so important to them. We also held meetings in Ottawa where we learned from international and domestic experts in marine conservation and welcomed presentations from still more intervenors. We invited written submissions from the Canadian public and received a wide range of thoughtful responses, including videos and even poetry. In total, we heard from about 125 individuals, groups, or governments who spoke to us in person or sent in written submissions. On August 15, 2018, we provided the Minister with an Interim Report summarizing what we had heard and presenting the key themes and principles that now guide our recommendations.

In deliberating as a Panel, we worked to be as neutral as possible and we sought consensus. For us, neutrality meant that we should design standards to allow the best operation, management, and reporting for an MPA without regard to how that standard might affect economic, political, or social behaviour.⁴ We defined consensus as an agreement that all Panel members could live with. Panelists might not support every aspect, but on balance, decisions we made based on consensus satisfied the major concerns of everyone to the extent that all members could support them.



Photos: Gilbert Tardif

⁴ Adapted from First Nations Financial Management Board Standard Setting Guidelines, First Nations Financial Management Board, December 2015.

What We Heard

The Panel learned much from Indigenous peoples and many individuals and organizations working in academia, aquaculture, commercial and recreational fishing, environmental conservation, extractive industries, and the shipping industry. It is clear that people who work and live in coastal communities care deeply about those communities, care about ocean health, and hold generations of knowledge about the ocean. While the Panel heard many different perspectives in its meetings across the country, a number of consistent themes emerged:

Deep concern about the state of the world’s oceans, and Canada’s three oceans in particular.

The productivity and biodiversity of marine life, from corals to fish to whales, is in decline around the world. Scientific predictions for the future of ocean ecosystems are sobering. The Panel heard that Canada’s oceans are precious and that their resources should be passed down to future generations.

Deep concern for the well-being of ocean-dependent communities and for the many Canadians who have an economic interest in the ocean.

The process for establishment of MPAs can create uncertainty and pose a barrier to realizing the economic potential of marine industries such as oil and gas and fisheries. In the Atlantic provinces, the Premiers of both Nova Scotia and Newfoundland and Labrador made this case forcefully.

Concerns that MPAs and other effective area-based conservation measures (OECMs)⁵ in Canada are not as effective as they could be in delivering their intended conservation goals.

Many intervenors pointed to the need for stronger and more consistent standards for both MPAs and OECMs, along with better investment in management, stewardship, and monitoring. Many intervenors also expressed concern that Canada’s focus

on reaching time-bound numeric targets may lead to “paper parks” that lack strong conservation standards, and that risks diverting resources from the establishment of meaningful MPAs and OECMs.

Awareness of the limitations of MPAs as ocean management tools.

Several intervenors pointed out that while area-based protection measures such as MPAs are important, they are not proven to be effective tools for certain purposes such as pollution prevention or the conservation of migratory species. Some also noted that climate change and ocean acidification are altering marine habitats in unpredictable ways, requiring a wider range of management tools and the ability to adapt to these changes.

Lack of clarity regarding the relationship between federal departments and agencies and offshore petroleum boards.

At present, there is potential for conflict between the offshore petroleum boards and federal departments with regard to oil and gas development in areas set aside as MPAs and OECMs. This can lead to concerns about fairness and equitable treatment across different economic sectors. The Panel was told, for example, of instances in which the commercial fishery agreed to closures in order to protect key habitat in marine refuges, only to see the area opened up to potential oil and gas activity.

Broad agreement on the value of applying the IUCN categories to Canada.

Intervenors that referenced the IUCN saw strong value in the certainty, consistency, and international collaboration enabled by the IUCN guidelines. Some cautioned against using these categories as a “one size fits all” approach that ignores the distinct rights, circumstances, and aspirations of Indigenous peoples, as well as the realities of Canada’s varied ecosystems and communities.

⁵ An other effective area-based conservation measure is “A geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity with associated ecosystem functions and services and, where applicable, cultural, spiritual, socioeconomic and other locally relevant values.” Convention on Biological Diversity’s Subsidiary Body on Scientific, Technical and Technological Advice 6 July 2018. Recommendation on Protected Areas and Other Effective Area-Based Conservation Measures to the Conference of the Parties. CBD/SBSTTA/22/L.2



Photo: John Konovsky

The need to recognize Indigenous territories, title, and rights. In many parts of Canada, treaties, settlement agreements, and co-management agreements set out particular processes and governance structures that will guide the establishment of MPAs. One of the most consistent comments that we heard is that regardless of the existence of formal agreements or arrangements, Indigenous peoples must be meaningfully involved in all aspects of planning and design, management, and governance of MPAs.

The importance of Indigenous knowledge in conservation. Indigenous knowledge offers insights and perspectives that are not captured by other forms of science. “Two-eyed seeing”⁶ or the concept of “ethical space”⁷ both offer a way to unite these ways of knowing. Complementary perspectives will strengthen the planning and design, management, and governance of MPAs.

Strong support for Indigenous Protected Areas. Many of those we heard from advocated that Canada take steps to better recognize and support Indigenous Protected Areas. At the same time, they consistently stressed that the purposes and design of Indigenous Protected Areas must reflect the specific circumstances of Indigenous peoples and their varied relationships with the Crown.

We also received written submissions from a number of Indigenous groups, stakeholders, governments and others who offered their advice on MPAs. Written submissions were consistent with the themes we describe above, often expanding on the concepts in more detail. A new theme that emerged strongly from written submissions was **the need for community level support for MPAs from the ground up**. Written submissions also provided clear calls for a **framework for broader ocean management that integrates all interests**.

⁶ Two-eyed seeing is “to see from one eye with the best in our Indigenous ways of knowing and with the other eye with Western (mainstream) ways of knowing.” Albert Marshall and Cheryl Bartlett “Two-Eyed Seeing for Environmental Sustainability.” September 2010.

⁷ “The focus of ethical space is on creating a place for knowledge systems to interact with mutual respect, kindness, generosity and other basic values and principles. All knowledge systems are equal; no single system has more weight or legitimacy than another.” *We Rise Together: Achieving Pathway to Canada Target 1 Through the Creation of Indigenous Protected and Conserved Areas in the Spirit and Practice of Reconciliation*. Indigenous Circle of Experts

Effectiveness of Marine Protected Areas

The IUCN sets out four broad standards as a foundation for evaluating key elements of effective MPAs:

- **Good governance** to recognize and promote the rights of Indigenous people and local communities, ensure clear accountability and decision-making arrangements, support meaningful stakeholder engagement, and maintain transparency and effective communication;
- **Sound planning and design** to ensure MPAs are established at the right scale, in the right places, for the right reasons, and with clear management plans including provisions for adaptation over time;
- **Effective management** to deliver well-constructed and defined conservation objectives while enabling compatible activities and uses. This includes restrictions on potentially damaging activities as defined by the rigorous application of science, Indigenous knowledge, and local knowledge. Building capacity for robust management, monitoring, and reporting is also important;
- **Conservation outcomes** that demonstrate successful long-term conservation of natural values along with associated ecosystem services and cultural values. These outcomes will be determined, in part, by the strength of protections.

The Panel agrees that these are important standards, and notes that they do not adequately capture the unique nature of the relationship between the Crown and Indigenous peoples in Canada. To these four international standards, the Panel added a fifth:

- **Crown-Indigenous relationships and Reconciliation** to acknowledge the rights, title, and authorities of Indigenous peoples in the context of ocean protection and management. This includes ensuring legal recognition for Indigenous Protected Areas and supporting long-term Indigenous capacity for governance and stewardship.

These standards are fundamental to effective MPAs in Canada and formed the basis for our recommendations.



Photo: Parks Canada - Micheline Manseau

Recommendations

In the Canadian context, we have found that there is a strong interest in doing the best possible job of protecting ecological values in areas that are not always, at present, fully protected. We have also found that there is a need for flexibility in Canada's approach to marine conservation, and that a true framework for ocean management in Canada should include a spectrum of options, including highly protected areas, other spatial management tools, and Indigenous Protected Areas.

The recommendations that follow are grouped into four sections, outlining some of the steps we need to take to have a holistic, consistent, and inclusive framework for ocean management in Canada.

1. Collaborative Planning and Design

We have heard great support from experts and intervenors alike for MPAs and conservation goals. Few questioned their importance to our oceans' health. Because the ocean is central to many Canadians' livelihoods and ways of life, government decisions affect them significantly.

Some coastal communities felt that their way of life had been affected by government decisions around conservation and that their input was often too little, too late. Others told us that their participation was frequent but not meaningful or that they did not have the capacity to engage as equal partners. In some cases, Indigenous peoples were excluded from government decision-making or included without having any real influence.

Real collaboration cannot be rushed. The timing of consultation was an important concern that we heard throughout our process. Stakeholders told us that they were made aware of areas of interest late in the planning process and felt that their influence over the development and establishment of MPAs was marginal. They also told us they were not clear to whom they should communicate their concerns.

We heard strong calls from some stakeholders for the need to consider socioeconomic interests as MPAs are developed. We believe that this is an important point. Many Canadians' livelihoods depend on their access to marine resources. There can be economic impacts of conservation measures on local communities. These costs are often borne at the local level while the benefits accrue to all Canadians. At the same time, there is a place for strong, consistent protections in the marine environment, and a real need for unique areas of high biodiversity and productivity to be conserved for the benefit of future generations. This does not mean that our entire ocean estate needs to be protected – it simply means that we must set aside spaces that are distinct from MPAs for industrial activities to continue.

Proper MPA design and network planning is more important than hitting numeric targets. MPAs that work together as part of a network are more successful in reaching conservation outcomes, accounting for connectivity between sites and enabling a full conservation picture to be seen. Network planning also provides flexibility for creative placement of no-take zones and enables MPAs to be placed in biodiversity hot spots, thus providing the best 'bang for the buck.'

The main lesson we have taken from these perspectives is that process matters. Community support for conservation measures is an important predictor of their success and effectiveness. Following a robust process of MPA establishment and management can help to foster community support for these initiatives.

We are aware that the House of Commons Standing Committee on Fisheries and Oceans recently studied the Oceans Act MPA establishment process and has developed a comprehensive suite of recommendations related to improving and enhancing this process. Our recommendations echo some of theirs and we have benefitted greatly from their work.

Based on the insights and advice we received, we recommend the following:

P 1. That the government be transparent with local communities, Indigenous peoples, and stakeholders from the beginning and throughout the marine protected area establishment process, and in ongoing management of marine protected areas.

P 2. That governance structures be tailored to regional and local authorities, and to existing arrangements such as treaties, settlement agreements, and reconciliation protocols.

P 3. That the government commit to open and transparent reporting on the success of marine protected areas, conduct proper assessment of existing marine protected areas, and engage Canadians in these activities.

P 4. That government departments work together to reduce complexity in their approach to developing networks of marine protected areas and other effective area-based conservation measures.

P 5. That the government develop a central, open database or online platform for Canadians to easily access information including spatial information, conservation objectives, categorization, governance structures, scientific monitoring, and permitted activities for all marine protected areas.

2. Crown-Indigenous Relations

Indigenous People play a central role in marine conservation as rights holders, not stakeholders. This is rooted in section 35 of the *Constitution Act*, The United Nations Declaration on the Rights of Indigenous Peoples, and the Truth and Reconciliation Commission's *Calls to Action*. More recent reports, including *We Rise Together* and *A New Shared Arctic Leadership Model* have reinforced the essential role of Indigenous peoples in managing and protecting biodiversity and its associated cultural, economic, and community values. Meaningful acknowledgment of the rights, knowledge, and authorities of Indigenous peoples will strengthen ocean management on all three coasts, to the benefit of all Canadians.

Indigenous communities possess a unique knowledge of and relationship to their environment. The Panel heard from a number of Indigenous representatives who shared some of these insights. Many intervenors stressed that Indigenous knowledge should be central to conservation efforts, noting that this knowledge has not always been incorporated meaningfully into governance, planning, and management decisions. At the same time, Indigenous knowledge is not a box to be checked. It needs to be incorporated respectfully and not co-opted or used unilaterally by non-Indigenous people. To address this inconsistency, we recommend:

CIR 1. That Indigenous knowledge be meaningfully integrated in all aspects of planning, design, management, and decision-making around marine protected areas, Indigenous Protected Areas, and other effective area-based conservation measures.

CIR 2. That the government recognize the importance of Indigenous peoples' roles as full partners in all aspects of design, management, and decision-making around marine protected areas, Indigenous Protected Areas, and other effective area-based conservation measures.

The diversity of arrangements that exist between the Crown and Indigenous peoples in Canada was an important lesson from this process. We heard in depth about the unique relationships that First Nations, Inuit, and Métis peoples have to the Crown. These relationships are structured by differences in histories, capacity, objectives and goals. In some cases, MPAs have been strictly government-driven, with Indigenous communities involved but without a leadership role. We heard about successful co-management approaches, initiated by the government or by Indigenous peoples, which depend on the willingness of both groups to come to the table in partnership to achieve a common MPA goal. At the other end of the spectrum is the emerging model of Indigenous Protected Areas, which are inspired and led by Indigenous peoples. The main implication of this diversity for marine conservation is that a "one-size-fits-all" approach to Crown-Indigenous relationships will not work. Conservation initiatives need to account for this diversity.

We were struck by the flexible and progressive nature of a number of Canada's co-managed MPAs and believe that the co-management model has continued relevance and value. This co-operative approach to area-based conservation is a welcome example of reconciliation between the Crown and Indigenous peoples. Co-managed MPAs have developed into an important mechanism for marine protection for both the federal government and Indigenous peoples, and Canada should continue to build on these successes.

Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site is often cited as an example of a successfully co-managed MPA. First designated as a Haida Heritage Site in 1985, and subsequently as a National Marine Conservation Area Reserve in 2010, the area is governed by the Archipelago Management Board, which has equal representation of federal and Haida leaders. The 2010 Gwaii Haanas Marine Agreement was signed concurrently with the federal designation of the area, formalizing cooperative management of the marine area. The site has created jobs for many Haida people through the Guardian Watchmen program, and has enhanced technical capacity for management and monitoring of the site. Haida principles are incorporated into the site's management and are central to the management direction of the area. For example, the management direction for the site commits to continuing a living Haida culture through traditional use, commercial activities, and cultural programs.

Two *Oceans Act* MPAs in the Western Arctic are co-managed pursuant to the terms of the Inuvialuit Final Agreement. Anguniaqvia niqiqyuam MPA and Tarium Niryutait MPA were identified as important areas by the Fisheries Joint Management Committee, and the federal government worked closely with the Inuvialuit to designate the sites as *Oceans Act* MPAs in 2010 and 2013. Fisheries and Oceans Canada works closely with the Fisheries Joint Management Committee and the communities of Paulatuk and Aklavik to co-manage the areas and to jointly provide guidance on management,

monitoring and research decisions for the two MPAs.

The Indigenous Circle of Experts notes that one of the four governance types in the IUCN's suite of recognized protected areas is governance by Indigenous peoples and/or local communities and highlights the fact that these types of areas could effectively contribute to Canada Target 1. It goes on to define the concept of Indigenous Protected and Conserved Areas:

“Indigenous Protected and Conserved Areas are lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems. Culture and language are the heart and soul of an Indigenous Protected and Conserved Area.”⁸

A New Shared Arctic Leadership Model (authored by our co-chair Mary Simon) further describes the basic principles of the Indigenous Protected Area concept:

“Indigenous Protected Areas are based on the idea of a protected area explicitly designed to accommodate and support an Indigenous vision of a working landscape. This kind of designation has the potential to usher in a broader, more meaningful set of northern benefits and bring definition to the idea of a conservation economy.”⁹

This Panel believes that Indigenous Protected Areas will play an important role in advancing Canada's marine conservation objectives, and that more must be done to build a strong framework for Indigenous Protected Areas in Canada.

“Convergence between Indigenous peoples and conservation, through a rights-based, custodian driven approach, would decolonize conservation and make a significant contribution towards Reconciliation.”¹⁰

⁸ Indigenous Circle of Experts, *We Rise Together: Achieving Pathway to Canada Target 1 through the creation of Indigenous Protected and Conserved Areas in the spirit and practice of reconciliation*. March 2018. p.35 (IPAs are also referred to as Indigenous Protected Areas (IPAs) which is the language that we use in this report.)

⁹ Mary Simon, Minister's Special Representative (2017). *A New Shared Arctic Leadership Model*.

¹⁰ Ibid

Photo: Bruce Reid



Indigenous peoples' authorities over terrestrial and marine environments have not always been respected. The recommendations that follow will help the government to strongly endorse the innovative concept of Indigenous Protected Areas. We adopt the three key elements of an Indigenous Protected Area as identified by the Indigenous Circle of Experts for the marine context: (1) they are Indigenous led; (2) they represent a long-term commitment to reconciliation; and (3) they elevate Indigenous rights and responsibilities.

Indigenous Protected Areas can also deliver social and economic benefits to Indigenous peoples. As Mary Simon notes, "Indigenous Protected Areas have the potential to serve as a platform for developing culturally-appropriate programs and hiring of Indigenous peoples in a wide range of service delivery." They can also contribute to "healing and reconciliation."

At their core, Indigenous Protected Areas are:

- self-identified or self-determined by the local governing body;
- based on stewardship obligations;
- informed by traditional knowledge, Indigenous science, and "western" science;
- rooted in spirituality, language, and culture; and
- able to maintain Indigenous peoples' connectivity to their lands and waters through active use, stewardship and/or restoration programs.

We heard from many Indigenous intervenors that there is a strong need in their communities for healthy, educated Indigenous professionals who are well-equipped to develop and manage protected areas. Simply providing capacity is not enough to address this need. Stewardship and guardian programs that are linked to education and training opportunities can improve human well-being in remote coastal communities. The added benefit is that these can be tailored to specific community needs.

Investments in monitoring and stewardship initiatives can support conservation outcomes while also providing long-term employment and building capacity in Indigenous communities. Innovative financing arrangements and public-private partnerships offer new models to support long-term investments. We heard about a unique example of this type of arrangement from the Coast Opportunity Funds in British Columbia who are leveraging government, philanthropic, and conventional financing to support biodiversity protection, job creation, and the development of a vibrant conservation-based economy.¹¹ Based on this, we recommend:

CIR 3. That the government identify long-term, permanent, and stable funding for marine protected areas, Indigenous Protected Areas, and other effective area-based conservation measures including through innovative financing mechanisms to support education and capacity for management through ongoing Indigenous coastal and marine stewardship and guardian programs.

Indigenous Protected Areas are Indigenous-led initiatives founded on Indigenous laws and governance. They do not depend on government recognition for their existence. That said, by appropriately recognizing Indigenous Protected Areas, Canada has a unique opportunity to uphold and support Indigenous peoples in a transformative way. None of Canada's MPA legislation explicitly limits the opportunity for Canada to establish Indigenous Protected Areas with Indigenous peoples.

We have heard that recognizing this authority in law is one method by which to protect Indigenous rights. Canada has four pieces of MPA legislation that could

¹¹ <https://coastfunds.ca/>

enable this recognition if amended: the *Oceans Act*, the *National Marine Conservation Act*, the *Canada Wildlife Act*, and the *Migratory Bird Convention Act*. At the same time, we take to heart the message that it is not the Panel's – nor indeed the Crown's – business to dictate the design or content of Indigenous Protected Areas. The Panel recognizes that the conservation values that flow from Indigenous Protected Areas benefit all Canadians. This shared benefit brings a shared responsibility. Our recommendations aim to ensure that Indigenous peoples can count on Canada's support for the successful and effective implementation of Indigenous Protected Areas, including for ongoing management, monitoring, and enforcement, while protecting their inherent right to self-determination.

We note the Indigenous Circle of Experts position that any marine-focused process should emulate and learn from their extensive work across Canada, while also recognizing that the Indigenous Circle of Experts was focused on terrestrial protected areas. We note further their Recommendation that examination of Indigenous Protected and Conserved Areas in the marine context should be Indigenous-led. We acknowledge that, while we heard extensive testimony on the subject of Indigenous Protected Areas from intervenors, our thinking on the matter should not be taken as a substitute for Indigenous-led process and the Crown's duty to consult.

Based on the preceding, we recommend:

CIR 4. That the government create or amend legislation and regulations to recognize, accommodate, and support implementation of Indigenous Protected Areas.

CIR 5. That Indigenous Protected Areas be considered to count toward Canada's conservation targets if they meet the standards of a marine protected area or other effective area-based conservation measure.

3. Protection Standards

There is a range of regulatory tools and authorities for oceans management in Canada. It is therefore important to have a consistent floor of protection standards as well as a way of tracking and reporting conservation outcomes in relation to national and international targets.

Canada Target 1 is expressed in percentage terms but these numbers are simply surrogates for the biodiversity values; these values should be the real objectives of a system of MPAs. An MPA system of 10 percent of the total coastline and ocean area of a country, if located in areas of low biodiversity value, may actually protect a much smaller amount of the biodiversity of the total area, perhaps two or three percent. When it comes to the biodiversity values that an MPA is expected to protect, quality matters.

Many intervenors discussed the relationship between conservation and industrial activities. This issue was central to the Panel's mandate and has wide-ranging implications for the future of Canada's ocean resources. Marine conservation has recently become a pressing policy issue, as demonstrated most clearly in the government's 2015 commitment to reaching Canada Target 1. As the government works to meet this target and increases marine protection in our oceans, there is an increased potential for protected areas to overlap with areas that have economic potential, whether for resource extraction, renewable energy potential, aquaculture, or marine shipping. Clear guidelines about the activities allowed and prohibited in protected areas can help to curtail the conflicts we see emerging from these overlaps.

The IUCN provides guidelines for addressing the differences among protected areas. Their suite of categories outlines the activities that are allowed in each type of protected area. The categories range in stringency from a category Ia "Strict nature reserve" to a category VI, a "Protected area with sustainable use of natural resources". Intervenors told us about the importance of clear rules about allowable activities for their planning purposes and the importance of their consistent application for fairness across all ocean users.

IUCN Categories and Standards

Ia Strict Nature Reserve: Category **Ia** are strictly protected areas set aside to protect biodiversity and also possibly geological/geomorphical features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of the conservation values.

Ib Wilderness Area: Category **Ib** protected areas are usually large unmodified or slightly modified areas, retaining their natural character and influence without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition.

II National Park: Category **II** protected areas are large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible, spiritual, scientific, educational, recreational, and visitor opportunities.

III Natural Monument or Feature: Category **III** protected areas are set aside to protect a specific natural monument, which can be a landform, sea mount, submarine cavern, geological feature such as a cave or even a living feature such as an ancient grove. They are generally quite small protected areas and often have high visitor value.

IV Habitat/Species Management Area: Category **IV** protected areas aim to protect particular species or habitats and management reflects this priority. Many Category **IV** protected areas will need regular, active interventions to address the requirements of particular species or to maintain habitats, but this is not a requirement of the category.

V Protected Landscape/ Seascape: A protected area where the interaction of people and nature over time has produced an area of distinct character with significant, ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.

VI Protected area with sustainable use of natural resources: Category **VI** protected areas conserve ecosystems and habitats together with associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area.

Source: IUCN, "Protected Area Categories System", <https://www.iucn.org/theme/protected-areas/about/protected-area-categories>

There are three major advantages to following the IUCN management categories and guidelines as a base for a Canadian system. First, the management categories have been in use for some time, have a long history of interpretation, and are now a widely used system of classification. Second, their use in the international field provides consistency and the opportunity for meaningful comparisons between the marine biodiversity

initiatives of Canada and other countries. Finally, the consistency offered by the IUCN categories also allows stakeholders and rights holders to engage more easily with government in an effective consultation process. The Panel therefore paid close attention to the IUCN management categories, and the Guidelines for their interpretation.

The IUCN guidance is clear that the purpose of MPAs is to protect biodiversity, along with associated cultural values and ecosystem services. Industrial activity that can damage that biodiversity is not compatible with the purpose of MPAs. The IUCN resolutions on industrial activity are captured in its current guidance documents which explicitly identify mining, industrial fishing, and oil and gas extraction as activities that are incompatible with MPAs.¹²

Other types of protection can also make important contributions to conservation and biodiversity protection. Where these other management designations meet the criteria of OECMs, they can be counted alongside MPAs in Canada's progress towards Target 1. Canada has established criteria for determining when management measures qualify as OECMs. The International Convention on Biological Diversity is also developing new guidelines on the subject, expected in November of 2018.

We believe that Canada's approach to marine conservation should include highly protected MPAs that have a consistent national standard of protection, complemented by other management tools that can offer flexible approaches to combining effective biodiversity protection with economic development.

Therefore, we recommend:

PS 1. That the government adopt International Union for the Conservation of Nature standards and guidelines for all marine protected areas, therefore prohibiting industrial activities, such as oil and gas exploration and exploitation, mining, dumping, and bottom trawling.

PS 2. When industrial activities are allowed to occur in areas counted as other effective area-based conservation measures, the Minister of Fisheries, Oceans and the Canadian Coast Guard must be satisfied through effective legislation or regulation that risks to intended biodiversity outcomes are avoided or mitigated.

4. Marine Spatial Planning

The Panel's Terms of Reference did not include consideration of ocean management processes and structures beyond MPAs, OECMs, and Indigenous Protected Areas. Nevertheless, some presenters mentioned possible benefits from a wider approach in which MPAs, OECMs and Indigenous Protected Areas would be considered in conjunction with the wider issue of ocean planning beyond the protected area boundaries. By reason of its terms of reference and consequently limited hearing process, the Panel does not offer any specific recommendation in this regard.

Marine spatial planning is defined as "a process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic and social objectives that have been specified through a political process."¹³ In some of Canada's ocean areas, marine spatial planning could complement integrated management planning or other management approaches. On the other hand, there may be situations where knowledge gaps or institutional limitations make the marine spatial planning approach inappropriate.

Given that uncertainty, we recommend:

MSP1. That the federal government consult with Canadians on potential approaches to marine spatial planning in each of Canada's ocean regions.

¹² IUCN WCPA, 2018. Applying IUCN's Global Conservation Standards to Marine Protected Areas (MPA). Delivering effective conservation action through MPAs, to secure ocean health & sustainable development. Version 1.0. Gland, Switzerland.

¹³ Marine Spatial Planning Programme, "Why Marine Spatial Planning Matters", UNESCO. <http://msp.ioc-unesco.org>

Conclusion

We are grateful to the many intervenors and experts who took the time to make submissions to us over the past seven months. It is clear that people who live and work on Canada's three coasts are committed to the long-term health of our oceans, and our recommendations reflect that fundamental principle. We believe that Canada's oceans are a precious resource that can be best maintained if we are mindful of protecting the rich biodiversity in them. Our work has made it abundantly clear that they are worth preserving and the government of Canada has the willingness and ability to do so.

Our recommendations on good process, Crown-Indigenous relations and reconciliation, protection standards, and marine spatial planning have come from our own deliberations as a Panel as well as hearing from those who are passionate about conserving the health of Canada's oceans. We have heard widely and listened closely. We now look to the federal government to implement these recommendations in a bold and meaningful way.



Appendix 1: List of intervenors and written submissions

Name	Organization	Location	Date
Pédrot, Claire	Agence Mamu Innu Kaikusseht (AMIK)	online	online
Arey, Dennis	Aklavik Hunters and Trappers Committee	Inuvik, NT	June 2018
Gaudet, Twila	Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC) and the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) - Joint	online	online
Jones, Christopher L.	Association of Eastern Shore Communities Protecting Environment and Historic Access	online	online
Paul, Ken	Atlantic Policy Congress of First Nations Chiefs Secretariat	Ottawa, ON	July 2018
Sutton, Stephen	Atlantic Salmon Federation (ASF)	online	online
Lewis-Manning, Robert	BC Chamber of Shipping	Vancouver, BC	April 2018
Burridge, Christina	BC Seafood Alliance	Vancouver, BC	April 2018
Winterburn, Darlene	BC Shellfish Growers Association	Vancouver, BC	April 2018
Watson-Smith, Wendy	Board of the Association for the Preservation of the Eastern Shore/Nova Scotia	online	online
Edwards, Dan	British Columbia Area A Crab Association	online	online
Mclsaac, Jim	British Columbia Commercial Fishing Caucus (CFC)	online	online
Tessier, Scott Burley, Dave	Canada – Newfoundland Offshore Petroleum Board (C-NLOPB)	St-John's, NL	May 2018
Kennedy, Tim	Canadian Aquaculture Industry Alliance (CAIA)	online	online
Barnes, Paul	Canadian Association of Petroleum Producers (CAPP)	St-John's, NL	May 2018
Barnes, Paul	Canadian Association of Petroleum Producers (CAPP)	online	online
Lemieux, Chris Perron, Jacques	Canadian Council on Ecological Areas	Ottawa, ON	July 2018
Turris, Bruce	Canadian Groundfish Research and Conservation Society	Vancouver, BC	April 2018
Barron, Alexandra	Canadian Parks and Wilderness Society (CPAWS)	Vancouver, BC	April 2018
Jessen, Sabine	Canadian Parks and Wilderness Society (CPAWS)	Ottawa, ON	July 2018
Jessen, Sabine Jameson, Ross Clowater, Roberta Borland, Megan	Canadian Parks and Wilderness Society (CPAWS)	online	online
Clowater, Roberta	Canadian Parks and Wilderness Society (CPAWS) - New Brunswick	Moncton, NB	May 2018
Guy, Brodie	Coast Funds	online	online
Lafontaine, Bernard	Conseil des Innu de Ekuanitshit	Mont-Joli, QC	July 2018
Piétacho, Jean-Charles	Conseil des Innu de Ekuanitshit	online	online
Abbott, Matthew	Conservation Council of New Brunswick (CCNB)	online	online
Rigg, Catherine	Council of the Haida Nation	Vancouver, BC	April 2018
Metaxas, Anna	Dalhousie University	Ottawa, ON	July 2018
Worm, Boris	Dalhousie University, Department of Biology	Moncton, NB	May 2018

Name	Organization	Location	Date
Wareham, Bill Wright, Kim	David Suzuki Foundation	Vancouver, BC	April 2018
Wright, Kim Sander Wallace, Scott	David Suzuki Foundation	Ottawa, ON	July 2018
Connors, Peter	Eastern Shore Fisherman's Protective Association (ESFPA)	Moncton, NB	May 2018
Connors, Peter	Eastern Shore Fisherman's Protective Association (ESFPA)	online	online
Ryder-Burbidge, Simon	Ecology Action Centre	online	online
Jensen, Olaf	Environment and Climate Change Canada	Ottawa, ON	March 2018
Landry, Martine	Environment and Climate Change Canada	Ottawa, ON	July 2018
Parnell, Ian	Environment and Climate Change Canada	Vancouver, BC	April 2018
Allard, Karel Donaldson, Garry	Environment and Climate Change Canada -Canadian Wildlife Service	Moncton, NB	May 2018
Pirie, Lisa	Environment and Climate Change Canada -Canadian Wildlife Service	Iqaluit, NU	June 2018
Lanteigne, Jean	Fédération régionale acadienne des pêcheurs professionnels (FRAPP)	Moncton, NB	May 2018
Sullivan, Keith	Fish, Food & Allied Workers (FFAW) Unifor	online	online
Chute, Christie	Fisheries and Oceans Canada	Ottawa, ON	March 2018
Ladell, Kate	Fisheries and Oceans Canada	Ottawa, ON	March 2018
MacDonald, Jeff	Fisheries and Oceans Canada	Ottawa, ON	July 2018
Morel, Philippe	Fisheries and Oceans Canada	Ottawa, ON	March 2018
Schram, Catherine	Fisheries and Oceans Canada	Ottawa, ON	July 2018
Ibey, Hilary Hammond, Blair Dyck, Paul	Fisheries and Oceans Canada Environment and Climate Change Canada Parks Canada Agency	Vancouver, BC	April 2018
Hébert, Alain	Fisheries and Oceans Canada, Gulf Region	Moncton, NB	May 2018
Westhead, Maxine	Fisheries and Oceans Canada, Maritimes Region	Moncton, NB	May 2018
Bieger, Tilman	Fisheries and Oceans Canada, Newfoundland and Labrador Region	St-John's, NL	May 2018
Payne, Brigid	Fisheries and Oceans Canada, Pacific Region	Vancouver, BC	April 2018
Lagacé, Anne Bouchard, Nicole	Fisheries and Oceans Canada, Quebec region	Mont-Joli, QC	July 2018
Ming, Debbie	Fisheries and Oceans, Central and Arctic Region	Inuvik, NT	May 2018
Ming, Debbie	Fisheries and Oceans, Central and Arctic Region	Iqaluit, NU	June 2018
Lansbergen, Paul	Fisheries Council of Canada	Ottawa, ON	July 2018
Decker David Carruthers, Erin Rumbolt, Alton	Food, Fish and Allied Workers Union (FFAW-UNIFOR)	St-John's, NL	May 2018
Recchia, Maria	Fundy North Fishermen's Association; Fundy Weir Fishermen's Association	Moncton, NB	May 2018
Watkinson, Bruce	Gitxaala First Nation	Vancouver, BC	April 2018
Short, Charlie	Government of British Columbia, Ministry of Forests, Lands, Natural Resource Operations and Rural Development	Vancouver, BC	April 2018

Name	Organization	Location	Date
Bouchard, H�el�ene	Government of New Brunswick, Department of Intergovernmental Affairs	online	online
LaBelle, Joseph	Government of New Brunswick, Strategic Planning and Intergovernmental Affairs, Energy And Resources Development	Moncton, NB	May 2018
Brewer-Dalton, Kathy	Government of New Brunswick, Fisheries and Aquaculture - Agriculture, Aquaculture and Fisheries.		
Snowshoe, Norman	Government of Northwest Territories, Environmental and Natural Resources	Inuvik, NT	May 2018
Diamond, Perry	Government of Yukon, Department of Energy, Mines and Resources Yukon Government	Inuvik, NT	May 2018
Chapman, Bruce	Groundfish Enterprise Allocation Council	Ottawa, ON	July 2018
LeBlanc, Leonard	Gulf of Nova Scotia Fishermen's Coalition /		
Gulf of Nova Scotia Fleet Planning Board	Moncton, NB	May 2018	
Enns, Eli	Indigenous Circle of Experts	Vancouver, BC	April 2018
Carr, Mark	Institute of Marine Sciences, UC Santa Cruz	Vancouver, BC	April 2018
Woodley, Stephen	International Union for the Conservation of Nature (IUCN)	Ottawa, ON	July 2018
Woodley, Stephen	International Union for the Conservation of Nature (IUCN)	Ottawa, ON	March 2018
Eegeesiak, Okalik	Inuit Circumpolar Council	Iqaluit, NU	June 2018
Lennie, Hans	Inuvialuit Game Council (IGC)	Inuvik, NT	June 2018
Smith, Duane Ningaqsig Ruben, Lawrence	Inuvialuit Game Council (IGC) and Inuvialuit Regional Corporation (IRC)	online	online
Simpson, Bob Parrott, Jenn	Inuvialuit Regional Corporation (IRC)	Inuvik, NT	June 2018
Inglangasuk, Gerald	Inuvialuit Settlement Region (ISR), Fisheries Joint Management Committee	Inuvik, NT	June 2018
Ashevak, Joe	Kitikmeot Regional Wildlife Board	Iqaluit, NU	June 2018
Dragon, Frank	Maa-nulth First Nations	Vancouver, BC	April 2018
Buen, Almira	Makivik Corporation	online	online
McNeely, Joshua	Maritime Aboriginal Peoples Council	Moncton, NB	May 2018
Mallet, Martin	Maritime Fishermen's Union (MFU)	Moncton, NB	May 2018
Nicholas, Hubert	Membertou First Nation	Moncton, NB	May 2018
Devillers, Rodolphe	Memorial University of Newfoundland (MUN)	online	online
Devillers, Rodolphe	Memorial University of Newfoundland (MUN), Department of Geography	St-John's, NL	May 2018
Snelgrove, Paul	Memorial University of Newfoundland (MUN), Department of Ocean Sciences	St-John's, NL	May 2018
Montevecchi, William .A.	Memorial University of Newfoundland (MUN), University Research Professor	St-John's, NL	May 2018
Ward, Devin	Mi'gmawe'l Tpu'taqnn Incorporated (MTI)	Moncton, NB	May 2018
St-George, Mario	Mi'gmawei Mawiomi Secretariat	Mont-Joli, QC	July 2018
Keating, Jim	Nalcor Energy	St-John's, NL	May 2018
Smith, Dallas W.	Nanwakolas Council	Vancouver, BC	April 2018

Name	Organization	Location	Date
Gardiner, Timothy Newman, Candace	Natural Resources Canada	Ottawa, ON	July 2018
Bamford, Tim	New Zealand Government, Department of Conservation	Ottawa, ON	March 2018
Johnson, Charlene	Newfoundland and Labrador Oil and Gas Industries Association (NOIA)	St-John's, NL	May 2018
Johnson, Charlene	Newfoundland and Labrador Oil and Gas Industries Association (NOIA)	online	online
Laing, Rodd	Nunatsiavut Government	St-John's, NL	May 2018
Oliver, Stan Coombs, Robert	NunatuKavut Community Council	St-John's, NL	May 2018
Ward, Jerry	Nunavut Fisheries Association (NFA)	Iqaluit, NU	June 2018
Kotierk, Aluki	Nunavut Tunngavik Incorporated	Iqaluit, NU	June 2018
Hoffman, Jordan	Nunavut Wildlife Management Board	Iqaluit, NU	June 2018
Angel, Eric	Nuu Chah Nulth Tribal Council	Vancouver, BC	April 2018
D'Entremont, Alain	O'Neil Fisheries Limited / Scotia Harvest Inc.	Moncton, NB	May 2018
Laughren, Josh	Oceana Canada	online	online
Fuller, Susanna D.	Oceans North Canada	Moncton, NB	May 2018
Fuller, Susanna D.	Oceans North Canada	online	online
McNamee, Kevin	Parks Canada Agency	Ottawa, ON	March 2018
Thorpe, Hilary	Parks Canada Agency, Gwaii Haanas National Marine Conservation Area and Haida Heritage Site	Vancouver, BC	April 2018
Jonart, Laurent	Parks Canada Agency, Tallurutiup Imanga National Marine Conservation Area	Iqaluit, NU	June 2018
Illasiak, Jody	Paulatuk Hunters and Trappers Committee	Inuvik, NT	May 2018
MacPherson, Ian	Prince Edward Island Fishermen's Association (PEIFA)	Moncton, NB	May 2018
Ball, Dwight (Premier)	Province of Newfoundland and Labrador	St-John's, NL	May 2018
Ball, Dwight (Premier)	Province of Newfoundland and Labrador	online	online
Coadie, Siobhan (Minister)	Province of Newfoundland and Labrador, Department of Fisheries and Land Resources	St-John's, NL	May 2018
Byrne, Gerry (Minister)	Province of Newfoundland and Labrador, Department of Natural Resources	St-John's, NL	May 2018
McNeil, Stephen (Premier)	Province of Nova Scotia	Moncton, NB	May 2018
Henderson, Robert (Minister)	Province of Prince Edward Island (PEI) Department of Agriculture and Fisheries	online	online
Côté, Jean	Regroupement des pêcheurs professionnels du sud de la Gaspésie	online	online
Greenland-Smith, Simon	SeaBlue Canada	online	online
Cox, Sean	Simon Fraser University, School of Resource and Environmental Management	Vancouver, BC	April 2018
Allaby, Eric	Southwest Fundy Progressive Protection Council	online	online
Kelly, Mike	Sport Fishing Advisory Board, Tides and Tales Sport Fishing / Codfather Charters	Vancouver, BC	April 2018
Couture, John	Unama'ki Institute of Natural Resources	Moncton, NB	May 2018

Name	Organization	Location	Date
Pelletier, Émilien	Université du Québec à Rimouski	Mont-Joli, QC	July 2018
Sumaila, Rashid	University of British Columbia, Institute for the Oceans and Fisheries, Fisheries Economic Research Unit	Vancouver, BC	April 2018
Ban, Natalie	University of Victoria, School of Environmental Studies	Vancouver, BC	April 2018
Lloyd-Smith, Georgia	West Coast Environmental Law	Vancouver, BC	April 2018
Nowlan, Linda	West Coast Environmental Law	Ottawa, ON	July 2018
Curry, Colin	Wolastoqey Nation in New Brunswick	Moncton, NB	May 2018
Crowley, Paul	World Wildlife Fund (WWF)	Ottawa, ON	July 2018
Brueckner-Irwin, Irene		online	online
Finlay-de Monchy, Marike		online	online
Porta, Louie		Moncton, NB	May 2018
Reddin, Tony Copleston, Marion		online	online
Traversy, Karen		online	online

Appendix 2: Terms of Reference for the National Advisory Panel on MPA Standards

The National Advisory Panel on Marine Protected Area Standards will offer guidance to the Minister of Fisheries, Oceans and the Canadian Coast Guard on the development of protection standards for federal marine protected areas (MPAs) using the guidelines outlined by the International Union on the Conservation Nature (IUCN) on protected area categories as a baseline.

Within Canada, some parties have called for ‘minimum protection standards’ to improve consistency in MPA establishment and ensure that the marine environment is being afforded appropriate levels of protection. Examples offered include the designation of no-take and buffer zones, in which large-scale habitat disturbances by type of industrial activity or by type of technology are uniformly prohibited. While these views are to be considered, the Panel is to weigh this stance against other approaches that are based on the best available science, and traditional and local knowledge.

In reflection of the Government of Canada’s Reconciliation Agenda and the movement toward improved joint decision-making, the Panel will include Indigenous representation. In addition, the Panel may consider relevant recommendations of the Indigenous Circle of Experts (ICE) and its recommendations on the concept of Indigenous Protected and Conserved Areas (IPCAs) in terrestrial and inland waters.

Mandate

The mandate of the Panel is to gather perspectives and offer recommendations to the Minister of Fisheries, Oceans and the Canadian Coast Guard on categories and associated protection standards for federal MPAs (i.e. Oceans Act MPAs, National Wildlife Areas, marine Migratory Bird Sanctuaries and National Marine Conservation Areas), using IUCN guidance as a baseline.

Scope

The Panel will:

- Provide practical and innovative recommendations and advice that reflect a broad spectrum of perspectives and that are based on the best available science, the ecosystem approach, a precautionary approach, and Indigenous knowledge;
- Consider Indigenous approaches and governance with respect to marine conservation, including the evolving concept of IPCAs;
- Consider how MPA categories and associated standards can be established and defined to meet the needs of the existing spectrum of federal MPA programs (i.e. Oceans Act MPAs, National Wildlife Areas, marine Migratory Bird Sanctuaries and National Marine Conservation Areas);
- Consider the impact of such a system on the achievement of Canada’s Marine Conservation Target of 10% marine and coastal protection by 2020 and beyond;
- Seek advice from other experts and stakeholders outside of the Panel;
- Produce interim and final reports with recommendations on MPA protection standards.

Methodology

1. In pursuing its mandate, the Panel is expected to consider and provide recommendations on management and/or regulatory standards that would be expected for MPAs, including specific permitted and prohibited activities.
2. In providing recommendations on the above, the Panel will review:
 - Current federal context for MPA establishment;
 - Indigenous approaches and governance with respect to marine conservation, including the evolving concept of IPCAs;

- The significance of regional differences including marine activities, biological diversity and protection needs, as well as involved and interested parties;
 - Agreements, accords and legislation to ensure proposed categories and associated standards can be applied to existing programs.
3. The Panel will not undertake research, but will instead rely on:
 - existing documentation provided by the Department and external experts;
 - oral discussions and written submissions from experts and stakeholders;
 - specific expertise of individual Panel members; and,
 - input and perspectives of specialists, as deemed appropriate by the Panel.
 4. The Panel will consult other interests as required to ensure a full and inclusive understanding of the issues, to validate points, or to offer opposing perspectives.
 5. The Panel will have access, as required and subject to Access to Information and Privacy Acts, to DFO documentation and to federal government personnel when seeking information.
 6. The Panel may request that the federal government provide information / presentations on potential approaches as a starting point for discussions.

Considerations

1. The need to obtain the most relevant information available to validate the issues and concerns raised by all parties.
2. The need to ensure that all information upon which decisions are based is factual and defensible.
3. The need to provide a strong rationale to support each of the recommendations and decisions of the Panel.

Members

The Panel will consist of up to 7 individuals and will include Indigenous representation. Members will be broadly representative of Canadians.

The Minister will select two Co-Chairs to guide the Panel's work. One of the Co-Chairs will be an Indigenous person.

Engagement

The Panel may seek advice from provinces and territories, Indigenous peoples, other experts and stakeholders, and the Canadian public.

Commitments and Timelines

Panel members must be available to travel to and attend approximately a minimum of five in-person meetings, with at least one meeting in each region of Canada with an ocean interest. Each meeting will include a half-day dedicated to Indigenous approaches and governance. These meetings are currently anticipated to take place monthly. The Panel may choose to schedule additional meetings, if required.

- Panel members may choose to have teleconference calls between in-person meetings, and will participate in electronic communication on a regular basis throughout the duration of the Panel's work.
- The Panel will make an interim presentation to the Minister by mid-August, 2018.
- The Panel will provide its recommendations in a final report to the Minister of Fisheries, Oceans and the Canadian Coast Guard by mid-September, 2018.

Deliverables

1. The Panel will make an interim presentation to the Minister of Fisheries, Oceans and the Canadian Coast Guard that will include preliminary recommendations for discussion by mid-August, 2018.
2. The Panel will prepare and submit a written final report, in French and English, to the Minister of Fisheries, Oceans and the Canadian Coast Guard. The final report will reflect the Panel's recommendations regarding a suite of MPA protection standards. The final report is to be provided to the Assistant Deputy Minister, Aquatic Ecosystems, Fisheries and Oceans Canada, by mid-September, 2018.

Appendix 3: Panel Members

David Anderson

David Anderson is a former British Columbian and Canadian cabinet minister. He received a law degree from the University of British Columbia. At UBC he won silver medals in rowing at the Rome Olympics and the Chicago Pan-American Games. Mr. Anderson did two years of post-graduate studies at the Institute of Oriental Studies at the University of Hong Kong, and served six years with the Department of External Affairs before entering politics. He was a Member of the BC Legislative Assembly from 1968 until 1975, serving as leader of the provincial Liberal Party from 1972-1975.

From 1979-1993, he worked as an environmental consultant and adjunct professor at the University of Victoria's School of Public Administration. He served as an advisor to the Premier of British Columbia on tanker traffic and oil spills (1989) and as the sole commissioner of the British Columbia Commission of Inquiry into Fraser Valley Petroleum Exploration (1990). In the 1993 federal general election Anderson was elected MP for Victoria and retained this position for three subsequent elections, ending when he retired from politics in January 2006. During this period, he served in the cabinet of Prime Minister Jean Chrétien as Minister of National Revenue (1993-95), Minister of Transport (1995-97), Minister of Fisheries and Oceans (1997-99), and Minister of the Environment (1999-2004). From January 2007 to June 2009 he was director of the Guelph Institute for the Environment.

Anderson has received a number of environmental awards, including the Legislative Stewardship Award from Wildlife Habitat Canada (2006), the John Fraser Award for Environmental Achievement from the Sierra Club of Canada (2005), the Dr. Andrew Thompson Award from West Coast Environmental Law for his lifetime contributions to the environment and sustainability in British Columbia (2004), the President's Conservation Award from the American Fisheries Society for his work on climate change (2003) and the 50th anniversary International Conservation Award (1997) from the Atlantic Salmon Federation.

Mr. Anderson has received a Doctorate of Laws (*honoris causa*) from the University of Victoria (2007), and a Doctorate of Science (*honoris causa*) from Wilfred Laurier University (2009). In November of 2010 Mr. Anderson was invested as an Officer in the Order of Canada. He lives in Victoria, British Columbia, with his wife Sandra.

Rémi Bujold (co-chair)

Born in Saint-Jules de Cascapédia, Me Rémi Bujold has gained, over the years, extensive experience of government machinery both at the federal and provincial political levels. A graduate in law from Laval University, he was successively, from 1972 to 1975, Chief of Staff of Ms. Lise Bacon, Minister of State for Social Affairs, and Assistant Private Secretary of Mr. William Tetley, Minister of Financial Institutions.

In 1975, Mr. Bujold left Quebec City for Ottawa on his appointment as Special Assistant to the Prime Minister of Canada, the Right Honourable Pierre E. Trudeau, assuming responsibility for the Quebec and New-Brunswick regions. In 1979, he was elected for the first time as member for the federal riding of Bonaventure – Îles-de-la-Madeleine. Re-elected in 1980, he was appointed Parliamentary Secretary to the Minister of Employment and Immigration of Canada. Three years later, he was elected Chairman of the National Liberal Caucus. Finally, in June 1984, he became Minister of State for Regional Development.

In 1985, he held the position of Chief of Staff of Mr. Robert Bourassa, first as the Leader of the Opposition and then as the Prime Minister of Quebec. Given his experience, he was tasked with the administrative transition and restructuring of the new government. One year later, the Prime Minister appointed Mr. Bujold Associate Secretary General, Executive Council Department, assigning him the responsibility for the implementation of Phase II of the James Bay hydro-electric development project.

In 1991, Mr. Bujold founded Consilium, one of the first government relations firms to operate in Quebec City. In 1994, upon the merger of Consilium and Government Policy Consultants, GPC became the most important

Canadian consulting firm in public policy, strategic communications and government relations. Mr. Bujold is presently general counsel and Chairman of the Board of Ryan affaires publiques.

Rémi Bujold is a member of the Barreau du Québec, Chairman of the Atlantic Salmon Conservation Foundation. He is Chairman of the Grand Cascapedia River Museum and Chairman of the Foundation Camp Odyssée. From 1996 to 1999, he was also the Chairman of the Board of the Cégep François-Xavier Garneau, past Chairman of the Council for Canadian Unity, past Chairman of the Board of Directors of the Canadian Foundation on Anti-Personnel Mines, and Member of the Order of Canada.

Mr. Bujold has also been a member on several boards of directors, including the boards of the Fondation du Théâtre du Trident from 1986 to 1997, of which he was Chairman from 1991 to 1997, the Fondation du Centre Robert-Giffard from 1989 to 1993, the Fondation de Lauberivière from 1987 to 1990, the Fondation de la Maison Michel Sarrazin from 1991 to 1994, the Théâtre la Mollusque, in Carleton, that he chaired from 1985 to 1990, and Operation Red Nose, in 1988 and 1989.

Darcy Dobell

Darcy's longstanding interest in community and ecosystem health has fuelled a professional career that encompasses public service, non-profit leadership, and consulting. She has worked with federal, provincial, and local governments, Indigenous groups, NGOs, community associations, academic institutions, and businesses, bringing expertise in strategic planning, negotiations, communications, and facilitation to help multi-party ventures define and achieve shared sustainability goals.

In recent years, much of Darcy's work has been directed at advancing collaborative marine planning and ocean ecosystem management on Canada's west coast. Darcy currently manages the Wabe Consulting, and also serves on the Boards of Directors of Coast Opportunity Funds and of Ocean Networks Canada. Her academic background combines science and literature, and she has

put both into practice as author and editor of a number of science textbooks and other publications. Darcy lives in Vancouver with her family.

Thomas J. Hayes ICD.D

Mr. Hayes brings over 45 years of managerial and senior executive experience to the private, public and volunteer sectors. He is currently the Managing Director of Pelorus Venture Capital Ltd., a regional venture capital fund focused on Atlantic Canada.

As President & CEO of Atlantic Fish Specialties Ltd., from 1987 to 1997, Mr. Hayes led that organization through a major restructuring resulting in the company being recognized as a top small business in Canada and winning the prestigious Canada Award for Business Excellence. He was recognized as a winner in the Atlantic Canada Entrepreneur of the Year Awards. Mr. Hayes also served as Chief of Staff in the Office of Premier for Nova Scotia.

An active community volunteer, Mr. Hayes is the current Vice Chair of the Halifax Port Authority and a member of the Board of the Lunenburg Academy Foundation. He has served as Chair of the Atlantic Provinces Economic Council (APEC), a Director of the Canadian Venture Capital and Private Equity Association, a Governor of St. Francis Xavier University, Chair of the 2017 World Sonar Championships and Vice-Chair for Tall Ships 2000. He is also a past member of the NS Provincial Council, the Boy Scouts of Canada, the Board of Junior Achievement of PEI and a member of Big Brothers of Moncton, NB.

Earlier in his career he worked with National Sea Products Ltd and the federal government (DREE and DFO).

Marc Léger

Marc's expertise relates to the machinery and process of government. His career in the New Brunswick public service extended over 26 years. He served as Clerk of the Executive Council and Secretary to Cabinet from 2013 to 2015. Prior to that he served as Deputy Minister in the Departments of Health; Post Secondary Education, Training and Labour; and Public Safety.

Marc works as a consultant in public policy for a variety of government and non-government organizations. He resides in Fredericton, New Brunswick.

In May 2015, Marc was one of three commissioners appointed to the New Brunswick Commission on Hydraulic Fracturing. In May of this year, he was appointed to a three-year term on the New Brunswick Police Commission.

An active member of the Institute of Public Administration of Canada (IPAC), Marc is currently on the board of the Fredericton chapter and serves on the National Board. He is chair of the NB Lieutenant Governor's Award for Excellence in Public Administration and the NB Donald G. Dennison Award for Public Administration created in 2016 for public servants both under the patronage of the Lieutenant Governor.

Mary Simon (co-chair)

Mary Simon, OC, QC, comes from Kuujjuaq, Nunavik and was born in Kangiqsualujjuaq, Nunavik (Arctic Quebec).

She is the past president of the Inuit Tapiriit Kanatami, the National Inuit Organization. (2006-2012) She has just completed her term as Chairperson of the National Committee on Inuit Education with a mandate to implement a comprehensive national strategy, aimed at improving Inuit educational standards and achievements (2012-2014).

She has advanced critical social, economic and human rights issues for Canadian Inuit regionally, nationally and internationally. Over four decades she has held senior leadership positions including, President of Makivik Corporation (the Land Claims Organization for Inuit of Nunavik), President of the Inuit Circumpolar Council, Canadian Ambassador For Circumpolar Affairs as well as to the Kingdom of Denmark. She is the Founding Chair of the Arctic Children and Youth Foundation.

Ms. Simon led Canada's negotiations during the creation of the eight Nation, Arctic Council in the mid 1990's. The Arctic Council includes the Indigenous peoples of the Circumpolar Region as Permanent Participants.

She is an Officer of the Order of Canada, Recipient of the National Order of Quebec, the Gold Order of Greenland, The National Aboriginal Achievement Award, the Gold Order of the Canadian Geographic Society, The Symons

Medal, the Governor General's Northern Award. She has been inducted into the International Women's Hall of Fame. She is a Fellow of the Arctic Institute of North America and of the Royal Canadian Geographic Society.

Mary Simon has also received many other distinctions including eleven honorary doctorates of Laws from Canadian Universities (McGill, Guelph, Trent, University of Alberta, Memorial, Carleton, Queens, Loyalist College, Mount Saint Vincent, Western and University of Calgary.) She also served as Chancellor of Trent University.

In 2013 Ms. Simon received recognition as a nation builder from the Famous Five. She was recently honoured by the Public Policy Forum for her contributions to public life, public policy and governance in Canada. She is also an Honorary Witness for the Truth and Reconciliation Commission. She is a recent recipient of the CCAB/SODEXO Award for "Excellence in Aboriginal Relations".

Chief Maureen Thomas

Chief Maureen Thomas is the elected chief of the Tsleil-Waututh Nation (TWN). Chief Thomas' ancestral name is Si'lhe-MaelWut and she has served as both a Councillor and Chief since 2003. She is also Manager, Records and Information Management, at the First Nations Financial Management Board (FNFMB).

Chief Thomas has worked with numerous First Nations communities and organizations throughout her career, where she has gained a wealth of knowledge to integrate into her leadership at the Tsleil-Waututh Nation. Some projects she has initiated on Council include TWN attaining FNFMB certification; taking legal action to prevent the twinning of Kinder Morgan's pipeline expansion to protect sacred waters and land in our territory; developing the TWN Land Code; as well as playing an integral role in our participation with the Four Host First Nations during the 2010 Olympics.

Chief Thomas aims to combine the business practices of today with the cultural teachings of our people to advance Tsleil-Waututh in modern society and leave a legacy for generations to come. Her goals for the future are to create more opportunities for our youth to be successful, listen to our elders as the knowledge keepers of our history, and generate economic wealth for future TWN generations.

Appendix 4: Glossary and Acronyms

DFO	Fisheries and Oceans Canada
ECCC	Environment and Climate Change Canada
IPA	Indigenous Protected Area Lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems.
IUCN	International Union for the Conservation of Nature
MPA	Marine Protected Area A clearly defined geographical space, recognized, dedicated, and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.
OECM	Other Effective Area-Based Conservation Measure A geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity with associated ecosystem functions and services and, where applicable, cultural, spiritual, socioeconomic and other locally relevant values.
PC	Parks Canada