



Presentation to the National Advisory Panel on MPA Standards

By

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Good afternoon Members of the Panel,

My name is Leonard LeBlanc; I reside in Cheticamp, Nova Scotia. I am grateful for the opportunity to appear before you today to discuss Canada's Marine Protected Areas policy and how it might be altered by the introduction of international standards possibly along the lines of those of the International Union for the Conservation of Nature (IUCN).

I am here today in my capacity as president of the Gulf Nova Scotia Fishermen's Coalition and as secretary treasurer of the Gulf Nova Scotia Fleet Planning Board. The Coalition represents the majority of inshore harvesters based in communities along the northern portion on the western side of the coast of Cape Breton Island (26B North lobster fishing area) while the Gulf Nova Scotia Fleet Planning Board is the policy and advocacy voice on a diverse range of issues that impact all inshore harvesters from the NB-NS border to the tip of Cape Breton Island representing over 500 harvesters. The Gulf Nova Scotia Fleet Planning Board is an umbrella group of Provincially recognized harvesters association which includes the following: Cumberland North Fishermen's Association, MFU Local 4, Gulf Bonafied Fishermen's, Organisation, Inverness South Fishermen's Association, Gulf Nova Scotia Fishermen's Coalition and North of Smokey Fishermen's Association.

Our inshore harvesters own and operate their own fishing enterprises, many of whom hold a combination of multi-species licences for snow crab, lobster, herring, rock crab, and bluefin tuna to name but a few. For the most part, our fishing periods can be as long as 10 weeks to as few as a week depending on the species and the management plan in effect. I myself was an inshore harvester for 33 years, and a harvester representative for 32 years. I retired from fishing in 2015 and now devote my time to advocating for inshore harvesters on a variety of issues including resource management, fisheries science, environmental stewardship, marine safety and transportation, oil and gas development, and community engagement.

I would like to begin my formal presentation by talking about today's commercial fishery and its many challenges, which I hope will provide a useful setting for your panel deliberations.

During my 32 years and counting of participation in the fishing industry, first in a boat as a helper learning the business, then as an independent owner/operator, and now more and more in meeting rooms, I can attest to the many dramatic changes that have taken place over the past two decades both in how we catch seafood for the domestic

and foreign markets, and, more importantly, in how government and the industry now manage the fisheries and marine environment. It wasn't that long ago that the words 'climate change' and 'biodiversity' were not widely spoken or even understood, or when harvesters were challenged to grasp complicated models developed by scientists for assessing the status of fish stocks and as a backdrop for establishing more and more regulations.

Today, the collective 'we' approach the harvesting of fish and seafood and the protection of the ocean environment in a holistic and highly inter-connected fashion. Whether it has to do with the development of new policies, improving the regulatory framework, incorporating Indigenous traditional knowledge, promoting our fishery products in the global market place, or as is the case today considering whether to 'internationalize' certain aspects of our Marine Protected Areas policy, there is little doubt that today's inshore harvesters are operating in a much more stressful and demanding business environment.

Shifting demographics and economics further complicates this environment. Our coastal rural communities that were settled and prospered around various natural resource industries including the fishery are struggling to survive with shrinking populations and out migration of our youth who are encouraged to continue their formal education at the college or university level so that they are work ready to contribute to the country's economy of the future. Saddled with huge debts and the irresistible lure of the city, they don't set their career sites on the fishery with its seasonal nature and harsh working environment as a means of repaying their loans, raising a family, and building a future.

For those who do enter the fishery, the high cost of acquiring licences and a vessel, and the ongoing cost, operating and repairing their vessel are a source of constant pressure. Can I cover my bills, feed my family, and provide a better future for the kids? Or will I have to take a second job, perhaps in another province, just to make ends meet? And what if I'm injured on the job? These are the realities of what it is to be an inshore harvester today.

Of late, there are additional direct costs that harvesters now have to bear in full in order to comply with changing legislation and/or departmental decisions. These include at-sea fisheries observers, electronic logbooks, vessel management systems, dockside monitoring of catches, and vessel and personnel safety-related changes. Finally, there are the costs associated with lost opportunities that harvesters may experience when

their traditional fishing patterns are impacted by closed areas and times, and by the creation of Marine Protected Areas. The impacts vary depending on how the MPAs are designed. Some prohibit fishing; others allow only the more selective methods of capture. But rest assured that closed areas and times whether they are part of an MPA or not almost always affect a harvester's bottom line.

This past March, a new seasonal closed area and time between NB and PEI was introduced in order to better protect the North Atlantic Right Whale population. Harvesters understand the urgency of protecting this endangered and iconic species. What is not yet known but worrisome nonetheless is how the closure will impact the harvesting of species like snow crab and lobster – our highest valued species in the southern Gulf of St. Lawrence. Clearly, traditional fishing patterns will be impacted and not necessarily in a positive way when traps are placed in more highly concentrated areas including along the periphery of the closed area. Will this give rise to conflicts between harvesters? We've seen these occur in the past.

I would like to remind you of the significant strides that harvesters have embraced and supported in implementing more responsible fishing practices that are guided by DFO's Fisheries Sustainability Framework and associated policies for managing bycatches and discards, and protecting sensitive marine benthic habitats.

The outcomes from fishing more responsibly are evaluated against the Marine Stewardship Council's globally recognized standard of sustainability. The standard is particularly attentive to the impacts that fishing may have on the marine ecosystem including interactions between dependent species and sensitive marine benthic habitats. When a fishery is determined to likely pose a significant risk to an ecosystem, a mandatory Action Plan is required in which new measures must be implemented and proven to mitigate the risk. The snow crab and lobster fisheries throughout the southern Gulf of St. Lawrence are both MSC-certified meaning that they are undertaken with appropriate mitigation of risks to endangered species and sensitive marine benthic habitats. As you know, lobster, snow crab and ground fish longline are fished using gear that is placed on the ocean's floor, which has a minimum footprint on the bottom sea floor as compared to mobile dragging.

The certification of these fisheries is a direct consequence of not having a negative impact on sensitive marine ecosystems, including bottom-dwelling structures and other marine species.

Please take this into account in your deliberations on any additional guidelines you feel are needed in regards to how MPAs are categorized and managed moving forward.

Now I would like to turn to the matter of today's discussions. The Panel has been mandated to consult with a variety of stakeholders and interested parties across the country on whether to include additional IUNC parameters and guidelines that inform Canada's current Marine Protected Areas framework. I hope your focus will not be restricted to only the fishing industry. Other candidates including oil and gas exploration and extraction, land use, and industrial developments are potential activities that could be impacted by an MPA.

May I bring your focus on the controversial modernisation of Northern Pulp, which includes a pipeline ending into the Northumberland Strait dumping it's effluent into a recognised refused area. This area better known as a scallop buffer zone.

I have examined the IUNC's 2008 guidelines for applying protected area management categories as well as the 2012 supplementary guidelines that are intended to "increase the accuracy and consistency of assignment and reporting of the IUCN categories when applied to marine and coastal protected areas."

As an initial observation, I was perplexed when I read that the supplementary guidelines were field-tested in the Maldives and Korea - whose fisheries and related management policies, regulations and legal mechanisms are likely very different from our own. Could the same be said in relation to how a region's marine ecological programs are designed and implemented? Moreover, it seems that DFO did not participate in the development of the 2012 guidelines based on the contributors listed in the report. These events are not necessarily missed opportunities but it leads me to believe that the Panel's recommendations will be doubly important in strengthening Canada's MPA framework where it can be demonstrated based on best available scientific evidence that certain components have obvious shortcomings. I am not suggesting that Canada should undertake a comprehensive overhaul of its framework just to be more fully aligned with the IUCN's guidelines.

A made-in Canada framework that represents and responds to our national MPA aspirations would best serve us.

I think it is worth mentioning here that when DFO documents refer to MPAs, they refer specifically to the DFO program under the Oceans Act. The more generic name 'marine

protected area' refers to protected areas in the marine environment created by any agency.

That said, I offer the following comments in point form in regards to some aspects of the 2012 supplementary guidelines.

- With respect to the definition of a protected area, there do not appear to be any significant variances between Canada's characterization and the one adopted by the IUCN.
- The description of the IUCN's protected area categories are informed by clearly stated primary objectives that are linked to specific nature conservation needs. The categories that encompass and define marine protected areas appear to be similar to our own. However, I cannot speak to those categories that apply to marine parks, sanctuaries and refuges.
- The IUCN's categorization scheme is defined and driven by the nature of the MPA's management objectives and not in relation to activities occurring within the area. This makes sense and so I would recommend that similar wording be used in defining DFO's MPA framework.
- In the Maritime Provinces, I am inclined to think that the majority of our MPAs that involve the commercial and Indigenous fisheries are defined by IUCN categories Ia and IV (e.g. St. Anns Bank, the Gully). Outside of the fishery, there are a few MPAs that are likely category V and VI because of their combined coastal and land-based geographical features (e.g. Musquash Marshes in southern NB).
- Section 2.3 of the supplementary guidelines (p. 15) outlines when a marine area that may achieve conservation outcomes is not an MPA. Several examples (p.16) are given of management areas that are not MPAs under the IUCN regime. The example which caught my attention reads as follows : "Community areas managed primarily for sustainable extraction of marine products, e.g. coral, fish, shells." In Canada, sustainable fishing practices are a longstanding objective of fishery managers, policy and decision makers, environmentalist and harvesters. Acceptance of the Marine Stewardship Council's sustainability regime I mentioned previously is growing amongst harvester organizations in the Maritime Provinces and new fisheries are being certified as sustainable every year. My interpretation of the example leads me to conclude that if an area where

fishing practices are deemed to be sustainable, where conservation needs are being met, where interactions with the marine ecosystem are determined not to pose risks, and where appropriate policies and regulations are in place, there would be no purpose for incorporating fisheries activities as part of an MPA. **(Snow crab fishing area 19)**

- Section 2.3.1 indicates that temporary or permanent fishing closures that are established primarily to help build up and maintain reserve stocks for fishing in the future, and have no wider conservation aims or achievements are not considered to be MPAs provided there are no concerns over the health and diversity of the ecosystem. I agree with this exclusion and recommend that it be part of Canada's MPA guidelines.

Ladies and Gentlemen, I would now like to turn to the Panel's Questions and offer some comments for your consideration.

Q1. Experience around the world indicates that well-managed marine protected areas can help safeguard ecosystems and wildlife, rebuild fish stocks, and generate increased economic opportunities. What practical recommendations do you have for creating standards for marine protected area.

A1. The value of well-managed marine protected areas is already captured in a variety of government, academic and NGO publications and promotional material. DFO has produced a world-class stable of policy frameworks that directly address and promotes responsible fishing practices, and the protection of marine ecosystems and habitats. Proposed amendments to the Fisheries Act now under consideration will enshrine many of the frameworks' key principles and methods into law where they will be enforceable.

The Oceans Act obligates DFO to develop rebuilding plans when stocks are located in the "Critical Zone". The 2016 report by the Commissioner for the Environment and Sustainable Development was critical of DFO's slow pace in developing certain plans. As a result, DFO has committed to completing the plans within the next 2 years.

Consequently, I don't believe that undertakings like developing stock rebuilding plans, adopting more responsible fishing practices that minimize by catches and discards, protecting endangered or threatened species, protecting sensitive marine benthic habitats that are impacted by fishing, improving the selectivity of fishing gear and other initiatives require that they be incorporated in future MPAs of the Maritime Provinces.

The MSC's Global Sustainability Standard consists of some 30 indicators that are evaluated by qualified assessment bodies in determining if a commercial fishery is well managed and sustainable. Annual audits are carried out to ensure the continued performance of the fishery and/or to ensure that corrective measures are implemented within the certification period (5 years maximum).

I am not implying that new MPAs should not be established. What I am suggesting is that creating new MPAs in the marine areas of the Maritime Provinces should not repose on the need to meet fisheries and ecosystem management objectives that are already defined in statutes, regulations, and policy and implemented through Integrated Fisheries Management Plans.

a. On what do you base these suggestions? Best available science, indigenous knowledge, ecosystem approach or something else?

I have indicated that defining the categories and key management objectives that characterize the various types of MPAs across the country could strengthen DFO's MPA Framework. The IUCN's categories may offer a good starting point for this work, however they lack in acknowledgment for the progressive management tools and low impact nature of our fixed gear fisheries.

Q2. What role do indigenous approaches play in shaping your suggestions? What kinds of guidelines will help Canada to honour its commitments to reconciliation and new relationships with Indigenous peoples?

The Supreme Court has clarified the nature and scope of rights attributed to Canada's Indigenous Peoples in a set of landmark decisions. Further rulings can be expected in the future. It has been said that the Indigenous Peoples were conservationists/environmentalists long before new immigrants arrived to settle the land. Their unique perspectives and connections to the Earth are important; their contributions must be encouraged including in a setting they themselves see as representative of their culture and rights. Government should recognize the harvesters association such as ours whom have involved Indigenous participation.

Q3. The IUCN has developed an existing structure to categorize marine protected areas. What do you see as the strengths and weaknesses of the IUCN Guidelines?

Based on the references cited in the 2012 guidelines report, the Canadian Government's contribution appears to have been limited to Environment Canada (on behalf of the Canadian Wildlife Service). The perspectives of DFO do not seem to have been provided - hence a likely weakness of the guidelines. The matrices represented by Tables 5 and 6 are potential tools that could eliminate long-term traditional commercial

fisheries that have existed for generations without detrimental impact on the environment.

Q4. Overall, do the Guidelines developed by the IUCN work well in the Canadian context?

I wish to reiterate my view that Canadian MPAs should not be established if the objectives are to regulate the commercial fishery in order to fish more selectively, rebuild stocks, protect vital ecosystems and habitats etc. These worthwhile objectives can be easily achieved through DFO's extensive suite of statutes, regulation, order powers, and policies. Independent oversight as a check on whether the objectives are being met is provided by a number of entities, including a parliamentary committee, the Audit General, the Commissioner of the Environment and Sustainable Development, various regional, national NGOs and academic institutions.

Q5. Are there specific circumstances unique to Canada that pose challenges for the use of the IUCN guidelines? What might these be? How should these circumstances be addressed?

There could be in areas of overlapping federal and provincial jurisdiction (e.g. some inland waters) or shared international jurisdiction (e.g. the Great Lakes). There might also be challenges in finding appropriate ways to directly involve Indigenous Peoples across the marine protected areas spectrum while recognizing and respecting their desire to be "self-governing".

Members of the Panel, this concludes my presentation. Thank you for allowing me the opportunity to appear before you today. If you have any follow-up questions, I will endeavour to try and provide responses.