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Canada's oceans
A natural resource, a national treasure

Race Rocks (XwaYeN) Public Advisory Board Meeting #5



RACE ROCKS
Marine Protected Area

November 23rd, 2010

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Presentation Outline

Canada's oceans
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- Bowie Conservation Objective Statement
- Example Regulation of Bowie MPA
- Race Rocks Worksheet: to develop input into the Regulatory Impact and Analysis Statement (RIAS) for the drafting of regulations

Bowie Conservation Objective

Regulatory Impact Analysis Statement (RIAS):

The Bowie Seamount MPA conservation objective is to conserve and protect the unique biodiversity and biological productivity of the area's marine ecosystem, which includes the Bowie, Hodgkins and Davidson seamounts and the surrounding waters, seabed and subsoil.

RIAS articulates the GoC intent for the MPA (basis of management)

Canada Gazette – Bowie Seamount Marine Protected Area Regulations - Microsoft Internet Explorer provided by Fisheries & Oceans

Address: <http://www.gazette.gc.ca/rp-pr/p1/2008/2008-03-22/html/reg2-eng.html>

Requirements	commercial fishery resources, including marine mammals and their habitats;
Deadline Schedule	
Insertion Rates	(b) the conservation and protection of endangered or threatened marine species and their habitats;
Request for Insertion Forms	(c) the conservation and protection of unique habitats;
Publication of Extra Editions (Part I and Part II)	(d) the conservation and protection of marine areas of high biodiversity or biological productivity; and
Subscription Information	(e) the conservation and protection of any other marine resource or habitat as is necessary to fulfill the mandate of the Minister.
Resources	
News and Announcements	The Bowie Seamount MPA is located 180 km west of Haida Gwaii (Queen Charlotte Islands) on Canada's Pacific coast and is adjacent to Canada's Exclusive Economic Zone. It comprises the Bowie, Hodgkins and Davidson seamounts of the Kodiak-Bowie seamount chain and has a total area of approximately 6 131 km ² .
FAQ	In 1998, the Minister of Fisheries and Oceans selected Bowie Seamount as an Area of Interest (AOI) under the MPA program. The site meets the criteria set out above in paragraphs 35(a), (b), (c), (d) and (e) of the Act. The Bowie Seamount ecosystem meets these criteria in that it is an area of high biological productivity, there is a unique juxtaposition of oceanic and near-shore species living in the same ecosystem, and a number of species listed under the federal Species at Risk Act (SARA) have been observed at the Bowie Seamount, including
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- the Ancient Murrelet (*Synthliboramphus antiquus*) which has been listed under SARA as a species of "special concern";
- the Steller Sea Lion (*Eumetopias jubatus*) which has been listed under SARA as a species of "special concern";
- the Killer Whale (*Orcinus orca*), whose Northeast Pacific offshore populations have been listed under SARA as a species of "special concern"; and
- the Bocaccio rockfish (*Sebastes paucispinis*), which has been designated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) as "threatened."

The Bowie Seamount MPA conservation objective is to conserve and protect the unique biodiversity and biological productivity of the area's marine ecosystem, which includes the Bowie, Hodgkins and Davidson seamounts and the surrounding waters, seabed and subsoil.

Under the Oceans Act, the Minister is directed to lead and coordinate the establishment of a national system of marine protected areas on behalf of the Government of Canada. *Canada's Federal Marine Protected Areas Strategy* sets the foundation for building the national system collaboratively with our partners, enhancing our collective ability to manage and monitor marine protected areas and increasing the awareness and understanding of Canadians in marine conservation issues. The designation of the Bowie Seamount MPA will be a key

<http://www.gazette.gc.ca/rp-pr/p1/2008/2008-03-22/html/reg2-eng.html>

Conservation Objective Compatible/Non-Compatible Activities

Example regulations (Bowie)

- Bowie Seamount Marine Protected Area Regulations
 - INTERPRETATION
 - DESIGNATION
 - PROHIBITED ACTIVITIES
 - EXCEPTIONS
 - ACTIVITY PLAN
 - REPORTING OF ACCIDENTS



CANADA

CONSOLIDATION

CODIFICATION

Bowie Seamount Marine
Protected Area
Regulations

Règlement sur la zone de
protection marine du
mont sous-marin Bowie

SOR/2008-124

DORS/2008-124

Interpretation and Designation

BOWIE SEAMOUNT MARINE PROTECTED AREA REGULATIONS

INTERPRETATION

1. (1) In these Regulations, “Area” means the Bowie Seamount Marine Protected Area designated under section 2.

(2) In these Regulations, all geographical coordinates (latitude and longitude) are expressed in the North America Datum 1983 (NAD 83) geodetic reference system.

(3) In the schedule, the lines connecting the points are rhumb lines.

DESIGNATION

2. The area of the Pacific Ocean — consisting of the seabed, the subsoil and the water column above the seabed — that is bounded by a series of rhumb lines drawn from a point 53°03'07.6" N, 135°50'25.9" W, to a point 53°16'20.9" N, 134°59'55.4" W, then to a point 53°39'49.2" N, 135°17'04.9" W, then to a point 53°39'18.0" N, 135°53'46.5" W, then to a point 53°52'16.7" N, 136°30'23.1" W, then to a point 53°49'19.6" N, 136°47'33.1" W, then to a point 53°40'02.5" N, 136°57'03.5" W, then to a point 53°13'59.2" N, 136°10'00.0" W, then back to the point of commencement (which points are shown as points 1 to 8, respectively, of the schedule) is designated as the Bowie Seamount Marine Protected Area.

RÈGLEMENT SUR LA ZONE DE PROTECTION MARINE DU MONT SOUS-MARIN BOWIE

DÉFINITIONS

1. (1) Dans le présent règlement, « zone de protection marine » désigne la zone de protection marine du mont sous-marin Bowie désignée en vertu de la section 2.

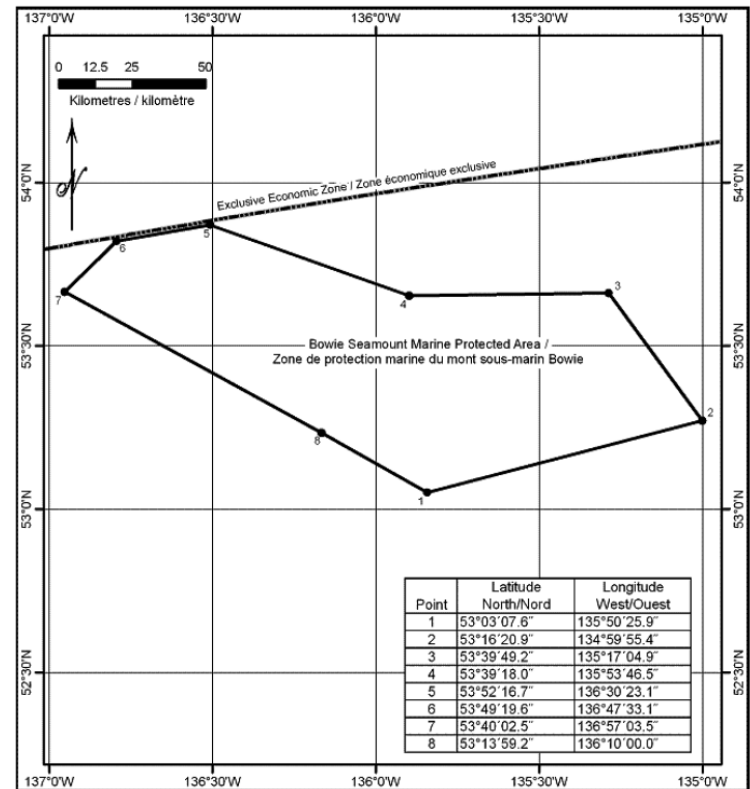
(2) Dans le présent règlement, toutes les coordonnées géographiques — latitude et longitude — sont exprimées en fonction du Système de référence géodésique du Nord 1983 (NAD 83).

(3) Dans l'annexe, les lignes reliant les points sont des loxodromes.

DÉSIGNATION

2. Est désignée comme zone de protection marine du mont sous-marin Bowie l'étendue d'eau qui lui est surjacent, le fond marin et le sous-sol qui se compose de l'ensemble des loxodromes partant du point 1, passant par les points 2, 3, 4, 5, 6, 7, 8, puis revenant au point 1, — les points 1 à 8, respectivement, de l'annexe, puis revenant au point 1.

SCHEDULE/ANNEXE
(Subsection 1(3) and section 2)
BOWIE SEAMOUNT MARINE PROTECTED AREA / ZONE DE PROTECTION MARINE DU MONT SOUS-MARIN BOWIE



Prohibitions

PROHIBITED ACTIVITIES

3. In the Area, no person shall

(a) disturb, damage or destroy, or remove from the Area, any living marine organism or any part of its habitat;

(b) disturb, damage or destroy or remove from the Area, any part of the seabed; or

(c) carry out any activity — including depositing, discharging or dumping any substance, or causing any substance to be deposited, discharged or dumped — that is likely to result in the disturbance, damage, destruction or removal of a living marine organism or any part of its habitat.

ACTIVITÉS INTERDITES

3. Il est interdit :

a) de perturber, d'endommager, de détruire ou d'enlever, dans la zone, tout organisme marin vivant ou toute partie de son habitat;

b) de perturber, d'endommager, de détruire ou d'enlever, dans la zone, toute partie du fond marin;

c) de mener toute activité — notamment déposer, déverser ou rejeter une substance ou faire déposer, déverser ou rejeter une substance — susceptible de perturber, d'endommager, de détruire ou d'enlever un organisme marin ou toute partie de son habitat.

Exceptions

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EXCEPTIONS

4. Despite section 3, the following activities may be carried out in the Area:

- (a) commercial fishing that is carried out in accordance with the *Fisheries Act* and its regulations;
- (b) recreational fishing that is carried out in accordance with the *Fisheries Act* and its regulations;
- (c) fishing that is carried out in accordance with the *Aboriginal Communal Fishing Licences Regulations*;
- (d) vessel travel carried out in accordance with the *Canada Shipping Act, 2001* and its regulations;
- (e) foreign vessel travel carried out in accordance with the *Canada Shipping Act, 2001* and its regulations and foreign ship travel carried out in accordance with the *Coasting Trade Act* and its regulations;
- (f) any movement or other activity of a ship, submarine or aircraft if the movement or other activity is carried out for the purpose of public safety, law enforcement or national security or for the exercise of Canadian sovereignty and
 - (i) the ship, submarine or aircraft is owned or operated by or on behalf of Her Majesty in right of Canada or by a foreign military force acting in cooperation with, or under the command or control of, the Canadian Forces; or
 - (ii) the movement or other activity is carried out for the purpose of an emergency response under the direction, command or control of the Canadian Coast Guard;
- (g) marine scientific research activities that are carried out or sponsored by a foreign government and in respect of which that government has received the consent of the Minister of Foreign Affairs under paragraph 3(2)(c) of the *Coasting Trade Act*, if the activities are carried out in a manner that complies with the terms and conditions of the consent; and
- (h) an activity approved under section 6.

EXCEPTIONS

4. Malgré l'article 3, il est permis d'exercer les activités suivantes :

- a) la pêche commerciale pratiquée conformément à la *Loi sur les pêches* et à ses règlements;
- b) la pêche sportive pratiquée conformément à la *Loi sur les pêches* et à ses règlements;
- c) la pêche pratiquée conformément au *Règlement sur les permis de pêche communautaires des Autochtones*;
- d) le déplacement des bâtiments conformément à la *Loi de 2001 sur la marine marchande du Canada* et à ses règlements;
- e) le déplacement des bâtiments étrangers conformément à la *Loi de 2001 sur la marine marchande du Canada* et à la *Loi sur le cabotage*, ainsi qu'à leurs règlements;
- f) les mouvements et autres activités effectués par les navires, sous-marins ou aéronefs ci-après dans le but d'assurer la sécurité publique, l'exécution de la loi, la sécurité nationale ou l'exercice de la souveraineté canadienne :
 - (i) ceux qui appartiennent à Sa Majesté du chef du Canada, ou sont exploités par elle ou en son nom ou par des forces militaires étrangères en collaboration avec les Forces canadiennes ou sous leur commandement ou contrôle,
 - (ii) ceux qui participent à des interventions d'urgence sous la direction, le commandement ou le contrôle de la Garde côtière canadienne;
- g) les activités menées dans le cadre de recherches océanographiques conduites ou commanditées par un gouvernement étranger, si celui-ci a obtenu l'autorisation du ministre des Affaires étrangères aux termes de l'alinéa 3(2)c) de la *Loi sur le cabotage* et si les activités sont menées conformément aux conditions de l'autorisation;
- h) toute activité approuvée par le ministre en vertu de l'article 6.

Activity Plans

ACTIVITY PLAN

5. Every person who proposes to carry out a scientific research, monitoring, educational or commercial marine tourism activity in the Area shall submit to the Minister for approval, not less than 60 days before the day on which the activity is proposed to begin, a plan that contains

(c) an assessment of the environmental effects that are likely to occur within the Area as a result of the proposed activity; and

ACTIVITY PLAN

5. Every person who proposes to carry out a scientific research, monitoring, educational or commercial marine tourism activity in the Area shall submit to the Minister for approval, not less than 60 days before the day on which the activity is proposed to begin, a plan that contains

PLAN D'ACTIVITÉ

5. Quiconque prévoit mener une activité de recherche scientifique, de surveillance, éducative ou de tourisme maritime commercial dans la zone soumet à l'approbation du ministre, au moins soixante jours avant le début de l'activité, un plan comportant les renseignements et les documents suivants :

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(a) the name, address and telephone number and, if applicable, the facsimile number and electronic mail address of a person who can be contacted in respect of the plan;

(b) a detailed description of the proposed activity that sets out

(i) its purpose,

(ii) the period or periods during which it is to be carried out,

(iii) its location on a map;

(iv) the types of data that are to be collected, if any, and the sampling protocols or other techniques to be used to collect the data,

(v) the types of equipment, if any, that are to be used during the proposed activity, including those for gathering data and, if any of the equipment is to be anchored or moored in the Area, the methods by which the anchoring or mooring is to be conducted,

(vi) the type and identity of every ship that is to be used to carry out the proposed activity, and

(vii) every substance, if any, that is to be deposited, discharged or dumped within the Area during the proposed activity;

(c) an assessment of the environmental effects that are likely to occur within the Area as a result of the proposed activity; and

(d) a list of every licence, permit, authorization or consent obtained or applied for in respect of the proposed activity.

a) les nom, adresse et numéro de téléphone de la personne-ressource ainsi que, le cas échéant, ses numéro de télécopieur et adresse électronique;

b) la description détaillée de l'activité proposée précisant :

(i) l'objet de l'activité,

(ii) la ou les périodes prévues de l'activité,

(iii) une carte indiquant le lieu de l'activité,

(iv) les données à recueillir et, le cas échéant, les protocoles d'échantillonnage ou autres techniques qui seront utilisés pour les recueillir,

(v) le cas échéant, le type de matériel qui sera utilisé pour l'activité, notamment pour recueillir les données et, dans le cas où le matériel sera ancré ou amarré, la méthode d'ancrage ou d'amarrage,

(vi) le type et l'identité de tout navire qui sera utilisé pour l'activité,

(vii) le cas échéant, les substances qui seront déposées, déversées ou rejetées dans la zone;

c) une évaluation des effets environnementaux que l'activité est susceptible d'entraîner dans la zone;

d) une liste des permis, licences, autorisations ou consentements obtenus ou demandés relativement à l'activité.

Approvals

6. (1) Subject to subsection (2), the Minister shall, within 30 days after the day on which a plan that is submitted in accordance with section 5 is received, approve the plan if

6. (1) Subject to subsection (2), the Minister shall, within 30 days after the day on which a plan that is submitted in accordance with section 5 is received, approve the plan if

(a) in the case of scientific research and monitoring, the activity is for the purpose of

- (i) understanding the ecology of the Area,
- (ii) contributing to the management of the Area, or
- (iii) monitoring the effectiveness of the conservation measures being implemented within the Area; or

(b) in the case of educational activities or commercial marine tourism activities, the activity is for the purpose of increasing public awareness of the Area.

6. (1) Sous le plan prouve le plan les trente jours

a) dans le c ou de surveil

(i) pour c

(ii) à des

(iii) à des

res de cor zone;

b) dans le c

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(2) The Minister shall not approve a plan if

(a) the activity is likely to damage or destroy the habitat of a living organism within the Area; or

(b) the cumulative environmental effects of the proposed activity, in combination with any other past and current activities carried out within the Area, are likely to damage or destroy the habitat of living marine organisms in the Area.

(2) Le minis

a) l'activité truire l'habit zone;

b) les effets té proposée, tés terminée bles d'endor organisme n

Reporting of Accidents

REPORTING OF ACCIDENTS

7. Every person involved in an accident that is likely to result in any disturbance, damage, destruction or removal prohibited under section 3 shall, within two hours after its occurrence, report the accident to the Canadian Coast Guard.

COMING INTO FORCE

8. These Regulations come into force on the day on which they are registered.

AVIS D'ACCIDENT

7. Toute personne en cause dans un accident susceptible d'entraîner une perturbation, un endommagement, une destruction ou un enlèvement interdits par l'article 3 en avise la Garde côtière canadienne dans les deux heures.

ENTRÉE EN VIGUEUR

8. Le présent règlement entre en vigueur à la date de son enregistrement.

Race Rocks Worksheet

- Intended to Inform the development of Regulatory Impact Analysis Statement (RIAS) and regulations.

Prohibitions

**Exceptions
Accident Reporting
Activity Plans
Approvals**

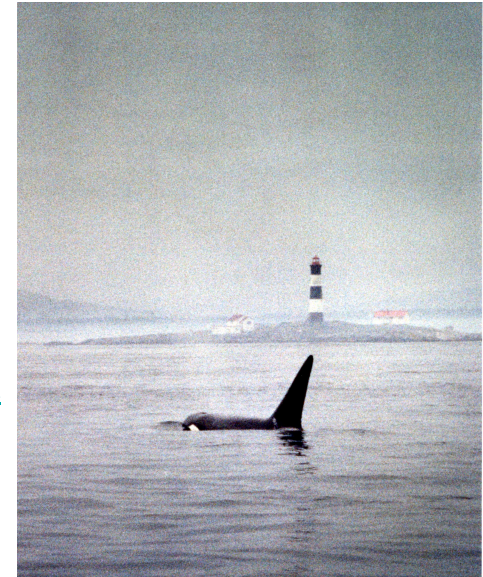
The diagram shows three red arrows pointing from the 'Impact(s)' column to the word 'Prohibitions'. Three green arrows point from the 'Explanation / Caveats' column to the words 'Exceptions', 'Accident Reporting', and 'Approvals'. A black bracket is positioned under the 'Compatible/Non-compatible' column.

2 nd Order Conservation Objectives	Activity	Compatible/Non-compatible	Impact(s)	Explanation / Caveats	Source(s)
Conserve and protect the breeding colonies supported by the Race Rocks islets by minimizing human disturbance.	Ecotourism, including marine wildlife viewing	Compatible	+ Increased awareness - potential mammal/bird disturbance - habitat disturbance/damage	Compatibility subject to adherence to approved guidelines. More likely, in regulations this guideline requirement will be accomplished through submission, approval and reporting of activity plans consistent with other MPAs.	1, 2, 3
Build an understanding of the ecosystem.	Scientific Research	Compatible	+ contributes to the “protection and understanding” of the Area - research can have negative ecosystem impacts if not conducted responsibly	For consistency with other MPAs, would pursue requirements for activity plan submission, approval and reporting building on the lessons learned from experience to date on MPA management in DFO.	1, 2, 3, 4, 5

For more information

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